

**Report to** Planning applications committee  
**Date** 8 May 2014  
**Report of** Head of planning services  
**Subject** Applications nos 14/00224/MA 19 Leopold Road Norwich  
NR4 7AD

**Item**  
**4(3)**

## SUMMARY

<b>Description:</b>	Material amendment of permission 12/00106/F for variation of condition 2 to allow the enlargement of the ground floor footprint to the front of the detached dwelling known as plot No.1 (revised proposal).
<b>Reason for consideration at Committee:</b>	Objection
<b>Recommendation:</b>	Approve
<b>Ward:</b>	Eaton
<b>Contact Officer:</b>	Mr Lee Cook Senior Planner 01603 212536
<b>Valid Date:</b>	15th February 2014
<b>Applicant:</b>	Mr Ben Kemp
<b>Agent:</b>	David Futter Associates Ltd

## INTRODUCTION

### The Site

#### Location and Context

1. The site is located on the north-eastern corner at the junction of Leopold Road and Melrose Road. The site was used as a motor garage believed since the 1940's, recently by Roys Motor Company. The site is currently used for the sale of second-hand cars. The garage buildings previously on site were demolished some time ago. With the exception of a portacabin unit in the northernmost corner, the site features no other noteworthy development other than a concrete hard surface. The site is set within a predominantly residential area. Leopold Road and Melrose Road are characterised by a mix of Victorian terraced and later semi-detached housing. The Beehive public house is located directly opposite the site on Leopold Road.

#### Constraints

2. The Environment Agency have previously identified that the site is situated within Groundwater Source Protection Zone 2.

#### Planning History

3.  
**06/00090/F** - Proposed residential development consisting of 5 no. three-bedroom townhouses and 2 no. two-bedroom apartments. This scheme proposed a built form along Leopold Road and a corner building adjacent to the road junction which was forward of the building lines in the area. Concerns raised were that the building was

over-dominant, led to overlooking and overshadowed adjacent spaces. The application was withdrawn on 20/03/2006.

**06/00414/F** - Redevelopment of site for 6 flats with associated parking (revised drawings and revised description) was approved by committee on 20/07/2006. This scheme proposed an L shaped footprint on the south-east side of the site, being constructed within adjacent building lines. The building did not run the full length back along Leopold Road.

**06/01063/F** - Proposed residential development consisting of 8 no. 2 bedroom apartments. This scheme was similar to the first 2006 application but with the corner building pulled back from the roadway and depth of buildings along Leopold Road being reduced. The application was refused on 22/12/2006. Reasons included issues of over-intense development; amenity issues from disturbance and enclosure; and over-dominance of the building. Forecourt parking was also considered to be visually intrusive.

**07/01159/F** - Erection of a small local centre comprising 5 no convenience units within use classes A1, A2, A3, D1, D2 and B1 and 5 no. flatted dwelling units with associated parking. The application was refused on 11/12/2007 and the subsequent appeal dismissed. The scheme effectively filled the site. Parking was accessed from Melrose Road with balcony area above. Reasons included impact of retail use; design of the building which was considered to be bulky and over-dominant in the street scene; overlooking (which was not a significant issue at appeal); and impacts of servicing and customer parking.

**08/00325/F** - Erection of small local centre comprising five convenience units within use classes A1, A2, A3, D1, D2 and B1 and five flatted dwelling units with associated car parking. The application was refused on 29/05/2008 and the subsequent appeal dismissed. Again the scheme effectively filled the site, parking accessed from Melrose Road with balcony area above. Reasons included design of the buildings scale and form which was considered to be detrimental to character and townscape; noise and loss of privacy from the elevated amenity space; impacts (including overlooking) from maintenance of the raised landscape bed; and impacts of parking on the highway.

**11/00108/F** - Development of 5 No. 3 bedroom town houses, 1 No. 1 bedroom flat and 1 No. 2 bedroom flat. The scheme proposed 4 houses along Leopold Road, a corner block of flats and a further house facing onto Melrose Road. The application was refused on 21/04/2011. In some respects this was a similar footprint to earlier 2006 applications with a continuous built form running along Leopold Road. Reasons for refusal included overdevelopment; inadequate amenity space; impacts on existing and future residents (noise disturbance and overlooking (particularly from unit 4)); no provision for affordable housing; and no play space contribution being offered.

**11/01245/F** - Erection of 4 No. terraced houses together with garaging and ancillary works. The application was refused on 14/09/2011. The 4 houses faced Melrose Road and virtually filled the width of the site. 4 Garages and forecourt were provided onto Leopold Road at the rear. Reasons for refusal included concerns on impact on the street-scene and character of the area; development forward of the building line; and that garaging and forecourt would dominate the street-scene and would not address the Leopold Road frontage.

**12/00106/F** - Erection of 3 No. terraced houses fronting Melrose Road and 1 No. detached dwelling fronting Leopold Road (revised proposal) was approved by committee on 20/06/2012. Alterations to the highway were also proposed in relation to existing dropped kerbs which provide access to the commercial use to allow additional parking on the highway.

## Equality and Diversity Issues

There are no significant equality or diversity issues.

## The Proposal

4. The application is for a material amendment of permission 12/00106/F by variation of condition 2 to allow changes to the footprint of the detached dwelling known as plot No.1. This initially was to allow the enlargement of the ground floor footprint to the front and rear of the dwelling.
5. Following initial consultation and subsequent discussion with the architect a revised proposal has been submitted for consideration. This removes the previously requested rear addition to the single dwelling making it smaller and returning the rear garden space to that previously approved

## Representations Received

6. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 5 letters of representation were initially received citing the issues as summarised in the table below. Following revision of the scheme and reconsultation 1 letter of representation has been received which repeats some of the issues below.

Issues Raised	Response
Footprint of the building protrudes too far forward and therefore is out of line with the terrace houses on Leopold Road.	Para 15
Footprint is too far back giving minimal garden space. Will be disruptive for neighbours - more noise. Extending property will encourage overlooking and loss of privacy	Paras 13 and 14
Object if the proposed dwelling is bigger than the semi-detached houses in the local area	Para 12
Poor design – out of character with area	Paras 15 and 16
Parking will be a problem - with an extra 2 cars per property	Para 17
If enlarged the builder could divide the plot 1 into 2 houses. Allowing this change could lead to further amendments being requested.	Subdivision of unit 1 following the implementation of the permission would require a further planning application and impacts on the area would be considered as part of that application submission.
Concern over fixing of gates etc. to adjoining property	This would be a party wall issue for resolution between the relevant land owners
Request this is allowed to go ahead as the pub is open very late and the car yard starts early.	Noted and paras 9, 25 and 26
Would much prefer to see houses than a car yard and this is in planning terms a much more suitable use for this site than its current use.	Noted and Paras 9, 25 and 26

## Consultation Responses

7. Historic environment Service: No archaeological implications.
8. Pollution Control officer: The proposed amendment will not have any impact on previous recommendations for this development. Therefore, nothing further to add. Suggest conditions for a site investigation for contamination, condition to prevent light nuisance along with informatives for the demolition and construction phases.

## 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 12	Conserving and enhancing the historic 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 5	The economy
Policy 6	Access and transportation
Policy 9	Strategy for growth in the Norwich Policy Area
Policy 12	Urban renewal

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

EP1:	Contaminated Land
EP18:	High standard of energy efficiency for new development
EP20:	Sustainable use of materials
EP22:	High standard of amenity for residential occupiers
EMP3:	Protection of small business units and land reserved for their development
HBE3:	Archaeology
HBE12:	Design
HOU13:	Proposals for new housing development on other sites
NE9:	Comprehensive landscaping scheme and tree planting
TRA5:	Approach to design for vehicle movement and special needs
TRA6:	Parking standards – maxima
TRA7:	Cycle parking standards
TRA8:	servicing standards
TRA10:	Contribution by developers for off-site works to access the site

#### Emerging policies of the forthcoming new Local Plan (submission document for examination, April 2013):

#### Development Management Policies Development Plan Document – Pre-submission policies (April 2013).

DM1	Achieving and delivering sustainable development
* DM2	Ensuring satisfactory living and working conditions

* DM3	Delivering high quality design
DM4	Providing for renewable and low carbon energy
DM9	Safeguarding Norwich's heritage
DM11	Protecting against environmental hazards
DM12	Ensuring well-planned housing development
* DM30	Access and highway safety
DM31	Car parking and servicing

\* These policies are currently subject to objections or issues being raised at pre-submission stage and so only minimal weight has been applied in its content. However, the main objectives of ensuring appropriate design, protecting amenity and ensuring safe passage around and within new development and prioritising pedestrian and cycle passage remains in place through Local Plan policies HBE12, EP22, TRA5 and TRA8.

### **Other Material Considerations**

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

## **Principle of Development**

### **Policy Considerations**

9. The proposals will provide 4 dwellings within a currently underused brown field site. The re-use of land is encouraged under policy. The principle of residential redevelopment of the site is acceptable and established under applications 06/00414/F and 12/00106/F.

### **Procedural Matters Relating to the Development Plan and the NPPF**

10. The Joint Core Strategy and Replacement Local Plan (RLP) have been adopted since the introduction of the Planning and Compulsory Purchase Act in 2004. With regard to paragraphs 211 and 215-216 of the National Planning Policy Framework (NPPF), both sets of policies have been subjected to a test of compliance with the NPPF. Both the 2011 JCS policies and the majority of the 2004 RLP policies above are considered to be compliant with the NPPF. The Council has also reached submission stage of the emerging new Local Plan policies, and considers most of these to be wholly consistent with the NPPF. Where discrepancies or inconsistent policies relate to this application they are identified and discussed within the report; varying degrees of weight are apportioned as appropriate.

## **Impact on Living Conditions**

### **Loss of Privacy, Noise and Disturbance**

11. With the last application the size of the building on plot 1 was reduced in width and depth following negotiations with the agent about concerns over the size of this building in the corner of the site and provision of a suitable garden size for a family house and the potential impacts on residential amenity, building design and the setting of the area.
12. This reduction in the footprint of the building helped both reduce the potential impact of a larger dwelling on the area and to improve the living environment for existing residents who are adjacent to the site and for future residents of the new dwellings themselves by providing for larger garden spaces and greater distances of buildings from plot boundaries. The resulting layout is characteristic of building sizes and layout within the area.
13. Plot 1 is still a 3 bed family house which would likely be used as such. The rear garden and windows of the new dwelling would be in close proximity to

neighbouring residential gardens and some habitable rooms within No.21 Leopold Road. The approved scheme gives a reasonable garden size and distance of new building from neighbouring properties and as such balances the competing desire for redevelopment and need for the protection of residential amenities.

14. Following discussion the scheme has removed the proposed rear addition and the rear garden size has reverted to that previously approved. The proposed extension of the front of the building again reduces garden space but given that this is at the front of the building the amenity impacts are likely to be reduced. The space available on balance is acceptable.

## **Design**

### **Layout and Form**

15. A form of porch to the front of the building has been accepted, and accommodated for within the approved scheme. A front extension is now shown across the whole of the plot 1 dwelling frontage and as such changes the design of the approved building. However, the position of the building at first floor matches the building line of the adjacent terrace and the extension at ground floor is shown to match the line of the full width front extension on the existing adjoining plot at No. 21. Given that the building lines are maintained the building should not impinge on the street scene or the visual amenity of the area.
16. The position of openings within the front elevation are balanced, and in proportion and design still form part of the comprehensive style of the overall development. As such the change would not result in a poor quality of design and would maintain the built form within this area which is characterised by terraced housing set back from the footpaths.

## **Transport and Access**

### **Car Parking, Servicing and Cycling Parking**

17. The layout and form of parking which is to serve both the existing and proposed residential dwellings without causing highway safety or parking issues is not affected by the proposed changes. The approved scheme provides new parking areas along the south east and south west sides of the site by removing the dropped kerb serving the commercial use and creating 5 potential parking spaces which can be used throughout the day. The spaces remain clear of the road junction and provide on-street parking which is the norm for the area. This helps maximise site potential and helps create a workable development whilst also increasing off-site parking space for future residents. Other on street parking can still take place within the area without detriment to safety or access.
18. Each property is still designed with sufficient storage space to accommodate the bin requirements for the site, with a communal bin store space provided to stand bins on collection days. The facilities are capable of access from the adopted highway and as such make an adequate provision for servicing. Adequate cycle storage is also capable of being provided with the scheme. Each house has a rear garden gate leading to a path within the development to improve access to external storage spaces. These aspects of the development enhance the design and operation of the scheme and long term amenity value for the residents.

## **Environmental Issues**

### **Site Contamination and Remediation**

19. A desk based assessment has been submitted with the previous application which identifies potential pollutants at the site. Given the sensitive residential end use it is considered necessary to condition a site investigation and a scheme of remediation

and mitigation to be carried out as appropriate. It is also suggested to take up the advice of the Environment Agency in relation to protection of the local aquifer and add conditions in relation to management of contamination.

### **Archaeology**

20. Given the Historic Environment Service's earlier revised comment that restoration works have previously taken place on the site, the activity of which is considered likely to have disturbed the ground and removed any heritage assets at the site no further archaeology conditions are suggested.

### **Sustainable Construction and Water Conservation**

21. The size of the development is below the threshold for an energy efficiency statement; however the design and access statement submitted with the previous application details that the applicants are committed to a number of sustainable construction methods. The agent has indicated that the scheme can be designed to incorporate facilities to limit internal water consumption. It would therefore be reasonable to impose a condition requiring the development to meet appropriate levels of water usage as promoted by JCS policy 3.

### **Lighting**

22. On site lighting to external spaces and individual lights to the proposed dwellings could potentially cause amenity and design issues for the area and it is suggested that conditions are imposed requiring details to be agreed for the final scheme to ensure appropriate location and levels of illumination.

## **Trees and Landscaping**

### **Replacement Planting**

23. Although the front garden of plot 1 is slightly reduced the revised scheme does not affect the potential for additional landscaping to enhance the setting of the development and amenity of the area. The site layout is designed to run round the corner as with similar end house gardens within the area. An indication is given for hedging to be provided around parts of the site which should enhance the use of the garden areas. The proposed planting would improve the street scene and add value to landscape diversity within the area. Conditions are therefore suggested again requiring new landscaping to be provided in accordance with a scheme to be agreed to ensure that these enhancements are delivered.

## **Local Finance Considerations**

24. The additional floor space created would attract a liability of payment towards Community Infrastructure Levy. The proposal could, if approved, result in additional Council Tax revenue for the Council and new homes bonus and under section 143 of the Localism Act the council is required to consider the impact of new development proposals on local finance. However, it is also important to take into account other material considerations in assessing the merits of proposals, which in this case include the location of residential development, impact on residential amenities, design, transport and environmental considerations, amongst other things.

## **Conclusions**

25. It has previously been agreed that the commercial site is not currently providing an effective use of land and with regard to the relevant planning policy surrounding the loss of the commercial site and redevelopment for housing, the proposals for residential redevelopment are acceptable in principle. The development of 4 dwellings would also contribute to the provision of housing in Norwich.
26. The proposed minor amendment still provides for an appropriate arrangement of 4

houses with associated parking and servicing. The plot 1 dwelling responds to the constraints and topography of the site and is designed to limit potential amenity impacts to adjacent properties. The proposed changes to the dwelling maintain the street-scene and the character of adjacent housing, achieving a good standard of design which would be well integrated with the surrounding area and provide an interesting development within this part of the City in accordance with local and national policy..

## **RECOMMENDATIONS**

To approve Application No 14/00224/MA 19 Leopold Road Norwich NR4 7AD and grant planning permission, subject to the following conditions:-

1. Commencement of development by 20th June 2015;
2. Development to be in accord with drawings and details;
3. Details of facing and roofing materials; boundary treatment, walls and fences; external lighting; joinery and glazing to rear of unit 1;
4. Details of cycle storage, bin stores;
5. Details of off-site highways works;
6. Details of Landscaping, planting and site treatment works;
7. Water efficiency measures;
8. Site contamination investigation and assessment to be carried out and if contamination is found a scheme of remediation and mitigation to be agreed and carried out. Should during development, contamination not previously identified be found development is to cease pending details to deal with contamination;
9. Details of contamination verification report; and
10. Monitoring and maintenance of contamination and implementation of any contingency action required.

Article 31(1) (cc) statement:

The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations, following negotiations with the applicant and subsequent amendments at the application stage the application has been approved subject to appropriate conditions and for the reasons outlined within the committee report for the application.

### **Informatives**

Considerate construction and timing to prevent nuisance;

Protection suggested in relation to gas ingress;

Materials removed from site should be classified and disposed of at suitable licensed facilities.



