

## Planning Applications Committee

12 March 2009

<b>Agenda Number:</b>	<b>B7</b>
<b>Section/Area:</b>	OUTER
<b>Ward:</b>	THORPE HAMLET
<b>Officer:</b>	Lee Cook
<b>Valid Date:</b>	21 June 2008
<b>Application Number:</b>	08/00673/O
<b>Site Address :</b>	212 - 216 Thorpe Road, Norwich. NR1 1TJ
<b>Proposal:</b>	Outline application to construct 21 No. apartments with associated car parking and amenity areas (revised application).
<b>Applicant:</b>	<b>Smithfield Promotions Ltd</b>
<b>Agent:</b>	<b>Anglia Design Associates</b>

### Background

Members will recall that this application was taken to Committee on 23 October 2008 when it was resolved to approve the development subject to the imposition of a number of planning conditions and the successful completion of a Section 106 Agreement. A copy of the original report is attached to the report as an appendix.

Since this previous Planning Applications Committee, negotiations have been undertaken with the applicant to secure this contribution. The applicant has changed solicitor during the course of completing the S106 agreement and although now at an advanced stage the agreement remains unsigned. The applicant has recently reassessed the site and viability of the proposed scheme and was considering submitting an amended proposal. The agent has been advised of concerns on a revised scheme and reminded on the urgency in signing the agreement for the existing application. As the contribution is considered a significant aspect of the proposal, as it would assist in providing child play space facilities in this sector and will help in addressing the increased peak time traffic movements, it is recommended that the application be refused.

Despite best endeavours, unfortunately to date the Legal Agreement remains outstanding and as there is a commitment to clearing the backlog of older applications before April, it is necessary to bring the planning application back to committee seeking a resolution for delegated powers to refuse planning permission should the Agreement remain unsigned up till 27 March 2009.

### **Recommendation**

If a section 106 agreement or satisfactorily worded undertaking is not completed prior to 27 March 2009 that delegated authority be given to the Head of Planning and Regeneration Services to refuse planning permission for the following reason:

1. In the absence of a legal agreement or satisfactory undertaking relating to the provision of children's play provision contributions to assist in providing child play space facilities in this sector of the City and the provision of transportation contributions to offset the increase in peak time traffic movements and to provide sustainable transport improvements the proposal is contrary to saved policy the proposal is contrary to saved policies HOU6, SR7 and TRA11 of the City of Norwich Replacement Local Plan Adopted version 2004.

### **References**

Planning Applications Committee Report and Minutes 23 October 2008.

## APPENDED REPORT

Planning Applications Committee

23 October 2008

<b>Agenda Number:</b>	<b>B2</b>
<b>Section/Area:</b>	OUTER
<b>Ward:</b>	THORPE HAMLET
<b>Officer:</b>	Lee Cook
<b>Valid Date:</b>	21 June 2008
<b>Application Number:</b>	a) 08/00672/C; and b) 08/00673/O
<b>Site Address :</b>	212 - 216 Thorpe Road, Norwich. NR1 1TJ
<b>Proposal:</b>	a) Demolition of existing hotel; and b) Outline planning application to construct 21 no. apartments with associated car parking and amenity areas (revised application).
<b>Applicant:</b>	<b>Smithfield Promotions Ltd</b>
<b>Agent:</b>	<b>Anglia Design Associates</b>

### THE SITE

These applications relate to the site of the Cumberland Hotel fronting Thorpe Road. The site is approximately 0.2ha in area and all access is direct from Thorpe Road. The main hotel facilities are contained within 212/214 Thorpe Road, which was originally a pair of Victorian semi-detached houses and 216, which was originally a Victorian detached villa. The rear part of the site has been excavated and retaining walls constructed to support the valley slope to the north, east and west thereby creating a level site.

### PLANNING HISTORY

The site is within Thorpe Ridge Conservation Area and both of the main hotel buildings are included in the Local List of Buildings of Townscape Merit. The hotel use started in the 1960s and various extensions to these main buildings have been implemented since then, including a conference room at the rear of 216.

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Applications **06/00048/C** and **06/00049/F** to demolish 212/216 and redevelop part of the site for 24 flats and ground floor commercial space were submitted in January 2006 but were withdrawn prior to formal consideration by the Planning Applications Committee.

Applications **06/01166/C** and **06/01291/O** to demolish 212/216 and construct 24 apartments with associated car parking and amenity areas were refused in February 2007. Applications **07/00443/C** and **07/00442/O** to demolish 212/216 and construct 21 apartments with associated car parking and amenity areas were refused in July 2007. The reasons for refusal included the loss of the locally listed buildings, the over-dominant impact of the proposed design on the street scene and the character of the conservation area and the lack of amenity for the flats. An appeal against application **06/01291/O** was dismissed in January 2008. Although the Inspector accepted the loss of the existing buildings and elevation treatment of the replacement building he maintained concerns on amenity, density of development and excessive building coverage.

In May of this year, Planning Applications Committee resolved to refuse revised proposals **08/00119/O** and **08/00118/C** that sought to overcome the concerns raised by the Inspector, by repositioning the rear block and reconfiguring the car parking and landscaping. However, despite these revisions, the scheme was considered to be an overdevelopment of the site which failed to provide acceptable landscaping or open amenity space and which had inadequate access, cycle parking, refuse storage and servicing details. The application was therefore refused on these grounds as failing to preserve or enhance the character or appearance of the Conservation Area.

The current planning application proposes further revisions to the scheme which reduce the size of the building, omit the rear block, reconfigure the car parking, including the provision of all parking to the rear of the building, whereas the previous scheme included some parking to the front. The current scheme also increases the amount of cycle parking and repositions the proposed refuse store.

Although the previous applications were refused, Planning Applications Committee has accepted that the hotel is not viable because of changed trading conditions, notably the development of additional budget hotels within the City centre and further out.

### THE PROPOSAL

The application for Conservation Area Consent seeks consent for demolition of all buildings on the site.

The planning application seeks outline permission for the erection of 21 apartments. Although nominally in outline the application seeks approval to the scale, layout, appearance and access as part of this application leaving the landscaping as a Reserved Matter for later determination. The proposals include

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six one-bed flats, fourteen two-bed flats and one three-bed flat. The scheme also includes 21 parking spaces, 21 covered cycle parking spaces and refuse/recycling facilities. The design is contemporary in style and comprises a four storey building which fronts Thorpe Road for almost the entire frontage.

### CONSULTATIONS

Advertised in the press, on site and neighbours notified.

#### Responses:

**Two letters** of objection/concern that can be summarised as follows:

- Hotel building forms an important historical and attractive part of the area, adding considerably to the character of this part of Thorpe Road
- One of few remaining examples of large Victorian villas which were found along this section of Thorpe Road and as such it should be retained
- Building is on local list of buildings of architectural or historic interest and is in the Thorpe Ridge Conservation Area
- Application does not meet terms of policy TVA7 as it does not demonstrate an overriding gain in terms of conservation, urban regeneration or environmental improvement
- Conflicts with policy HBE8 as it proposes the demolition of a building which does make a great contribution to the area's character and appearance and the proposed replacement would be out of keeping with and unsympathetic to the form and character of the Conservation Area due to its design and size
- Inadequate parking on site for the number of units proposed

**Norfolk Landscape Archaeology** - request that any planning permission granted be subject to a condition for a programme of archaeological work, in accordance with Planning Policy Guidance 16.

### PLANNING CONSIDERATIONS

#### Relevant National Policy Guidance:

PPS3	Housing
PPG15	Planning and the Historic Environment
PPG16	Archaeology and Planning

#### East of England Plan:

NR1	Norwich key centre for development and change <ul style="list-style-type: none"><li>- Housing provision – 33,000 net additional dwellings 2001-2021 in Norwich area</li><li>- Promotion of Norwich as visitor destination</li></ul>
ENV6	Historic Environment
ENV7	Quality in the Built Environment
ENG1	Carbon Dioxide Emissions and Energy Performance

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### Relevant Local Plan Policies:

EP22	Residential amenity
HBE4	Locations of Archaeological Interest
HBE8	Development in Conservation Areas
HBE12	High quality of design
HBE19	Design for safety and security including minimising crime
HOU6	Requirements on housing developments
HOU13	Housing on other sites (unallocated)
HOU18	Construction of multi-occupied dwellings
SR7	Children's play space
TRA5	Approach to design for vehicle movement and special needs
TRA6	Parking standards
TRA7	Cycle parking standards
TRA8	Servicing Provision
TRA11	Contributions for transport improvements
TVA7	Resistance of loss of hotels

### Other relevant guidance:

SPD	Development and Trees
SPD	Open Space and Play
SPD	Transport Contributions
SPD	Energy Efficiency and Renewable Energy

### Hotel Use

The Cumberland Hotel is one of the Hotels identified in Appendix 12 of the Replacement Local Plan to which policy TVA7 will apply in the event of a proposal for redevelopment or change of use. TVA7 seeks to safeguard an adequate supply of hotel accommodation by resisting the loss or change of use of major hotels (more than 25 bedrooms) unless there is an overriding gain in terms of conservation or urban regeneration which cannot be achieved by retaining the existing use. When the previous applications were submitted the applicant included information relating to the occupancy rates and financial downturn in trading at the hotel in recent years. It was clear from the submitted information and assessments by the applicants and others that the recent development of larger budget hotels operated by national companies has dramatically affected this type of traditional hotel. The facilities provided at these modern hotels are more in line with customer expectation and when combined with the advantages of national advertising it makes it very difficult for a hotel like The Cumberland to compete. With this background an exception to policy TVA7 could be justified as it would not be appropriate to seek to retain a hotel that is demonstrably unviable. However, any alternative proposals need to demonstrate the planning benefits required by the policy. Members endorsed this approach when the previous applications were considered and it is not necessary to consider this aspect in detail again.

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### **Proposed Demolition**

The hotel use appears to have ceased in February of this year and, as previously reported, the appropriate use of the site in this area would be for residential purposes. The existing buildings 212/214 and 216 Thorpe Road are within Thorpe Ridge Conservation Area and are included in the Local List of Buildings of Conservation Merit. Officers have previously sought to persuade the applicant and his advisers to convert and refurbish these buildings for residential use. The revised application includes an architectural assessment of the historic value of the buildings and their contribution to the Conservation Area. However, the Inspector at appeal did not consider the existing buildings, given their extensive alteration, to be worthy of retention on the site and their conversion prohibitive in financial terms.

Any replacement buildings should preserve or enhance the character or appearance of Conservation Area. Such a scheme should incorporate a well-designed new building and appropriately laid out site. Given that there is now considered to be an acceptable scheme for the redevelopment of the site, the demolition of the existing buildings is appropriate subject to the imposition of a condition linking the demolition to the redevelopment of the site.

### **Proposed Redevelopment**

On this site of approximately 0.2 hectares the proposed development for 21 units represents a density of 105 units per hectare. The proposed building is 4 storeys high and provides 21 flats ranging from one-bed to three-bed. The larger flats are achieved by accommodating the kitchen/dining/sitting areas in the third floor/roof space beneath the metal curved roof. There is also a full width balcony to each flat at this level. With regard to the scale and massing, the treatment of the front elevation attempts to reflect the rhythm created by the City Heights and the terraced villas.

Much of this part of the Thorpe Ridge was developed in the nineteenth century with detached and semi-detached villas in generous grounds. The space between the buildings allows glimpses through from south to north of the wooded valley slopes and north to south towards Thorpe Road and the river valley. As stated in the Council's conservation area appraisal "hedgerows, trees and garden frontages make an important contribution to the streetscape of several roads". Historically, due to the embanked nature of the properties along Thorpe Road, there is no parking but landscaping at the front of properties. More recent development of flats at the adjacent Worster Court and City Heights retain this characteristic of the conservation area. The heavily planted slope of the river valley is another characteristic of this area running along Thorpe Road and into Thorpe St. Andrews.

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The inspector dismissed the recent appeal for 24 units and made comment about the excessive building coverage, over-development and poor amenity areas and living environment. That scheme showed solely a landscape area to the front and all parking to the rear. The most recent previous proposals involved moving the rear range to a more central location. Although this created a slightly larger amenity area than before, it was considered to be not particularly desirable since it would have still been enclosed and overshadowed by blocks to the south and east and the trees/embankment to the west. The car parking was provided at one space per flat and split between the front and rear of the site.

The latest scheme responds to the issues raised by the Inspector and those raised by members arising from the most recent refusal on the site, by removing the rear range, redesigning the rear car parking area and removing parking from the front of the building in favour of enhanced landscaping. The design and layout improvements are welcomed and the contemporary design solution proposed is considered acceptable. The layout of the building within the site is also considered to be acceptable and its siting is not considered out of keeping with others within the area.

The scale and nature of the development is such that contributions towards child play space and transportation infrastructure would be required as set out in saved policy HOU6 and the relevant supplementary planning documents.

### **Energy Efficiency**

Information has been provided by the applicants to demonstrate that the development will meet the requirements of ENG1. It is proposed to use 21 individual ground source heat pumps to provide heat and hot water to each apartment with the use of a communal bore hole to be excavated in the rear car park area. This provides heat via a renewable energy source which involves no local greenhouse emissions. The use of this method of renewable energy will also enable this policy requirement to be met with no consequent alteration to the design of the proposal.

### **Conclusion**

The information submitted with a previous application demonstrated that trading as a hotel from these premises would be unviable. The Inspector for the previous appeal did not consider the existing buildings, given their extensive alteration, to be worthy of retention on the site and their conversion prohibitive in financial terms. The design and layout of the proposal, following the revisions made to earlier proposals, are now considered acceptable and the development is considered to meet the energy efficiency requirements of East of England Plan policy ENG1.



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### RECOMMENDATIONS

#### 08/00673/O:

**GRANT PLANNING PERMISSION** subject to the completion of a s106 agreement for transport and child play space contributions and to conditions relating to the following:

1. Standard outline time limit
2. Submission of Reserved Matters – landscaping
3. Retention and maintenance of landscaping as approved
4. Tree protection including compliance with the submitted AIA
5. Submission of materials, window joinery, railing, servicing and drainage runs and lighting details
6. Archaeological evaluation
7. Parking and cycle parking and recycling/ refuse storage details to be provided and implemented as approved
8. Energy efficiency requirements – 10% to be achieved from renewable sources in accordance with the details provided as part of the application

#### Reasons for Approval:

1. The information submitted demonstrated that trading as a hotel from these premises would be unviable. The Inspector for the previous appeal did not consider the existing buildings, given their extensive alteration, to be worthy of retention on the site and their conversion prohibitive in financial terms. The design and layout of the proposal, following the revisions made to earlier proposals, are now considered acceptable and would not be detrimental to the character and appearance of this part of the Thorpe Ridge Conservation Area. The development is also considered to meet the energy efficiency requirements of East of England Plan policy ENG1.
2. For the above reasons, the development is considered acceptable and to meet the requirements of PPS3, PPG15, PPG16, East of England Plan policies NR1, ENV6, ENV7 and ENG1 and Norwich City Council Replacement Local Plan 2004 saved policies EP22, HBE4, HBE8, HBE12, HBE19, HOU6, HOU13, HOU18, SR7, TRA5, TRA6, TRA7, TRA8, TRA11, and TVA7 and all material considerations.

#### 08/00672/C:

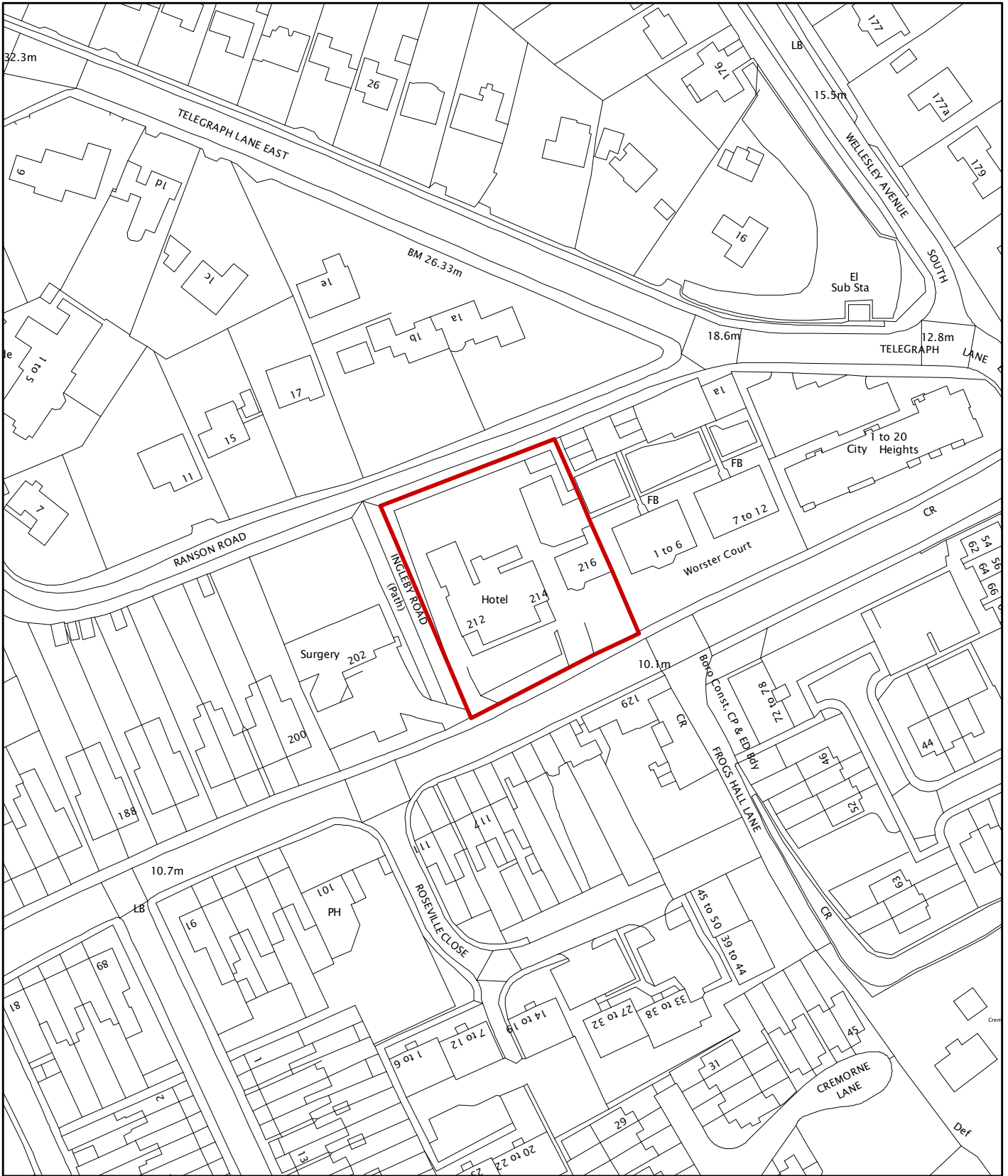
**GRANT CONSERVATION AREA CONSENT** subject to the following **conditions**:

1. Standard three year time limit
2. No demolition of the buildings on the site without a contract being in place for the redevelopment of the site in accordance with an approved scheme
3. Tree protection including compliance with the submitted AIA

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### **Reasons for Approval:**

1. The information submitted with a previous application demonstrated that trading as a hotel from these premises would be unviable. The Inspector for the previous appeal did not consider the existing buildings, given their extensive alteration, to be worthy of retention on the site and their conversion prohibitive in financial terms. The design and layout of the proposal, following the revisions made to earlier proposals, are now considered acceptable and would not be detrimental to the character and appearance of this part of Thorpe Ridge Conservation Area. Subject to the imposition of a condition to ensure that demolition of the existing building does not take place until a contract is in place for an approved scheme for the development of the site, the demolition of the existing building is considered acceptable.
2. For the above reasons, the proposal is considered to meet the requirements of PPG15, East of England Plan policies ENV6 and ENV7 and Norwich City Council Replacement Local Plan 2004 saved policies HBE4, HBE8, HBE12, and TVA7 and all material considerations.



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Planning Application No - 08/00672/C and 08/00673/0  
 Site Address - 212-216 Thorpe Road  
 Scale - 1:1250



**NORWICH**  
 City Council

DIRECTORATE OF REGENERATION  
 AND DEVELOPMENT

