

Report to Planning applications committee
Date 5 December 2013
Report of Head of planning services
Subject 13/01732/F 57 Ipswich Road Norwich NR4 6LA

Item
5(4)

SUMMARY

Description:	Replacement of roof and creation of 1 No. new dwelling at second floor within the roof space.
Reason for consideration at Committee:	Objection
Recommendation:	Approve
Ward:	Lakenham
Contact Officer:	Mr John Dougan Planner 01603 212504
Valid Date:	24 October 2013
Applicant:	Lant Management Limited
Agent:	Robin Gibbs Architecture

INTRODUCTION

The Site

Location and Context

1. The site is located on Ipswich Road in the ward of Lakenham to the south of the city. The site is at the junction of Ipswich Road and Tuckswood Lane, and is also located to the south of the junction of Ipswich Road with Lakenham Road and Daniels Road that forms part of the Outer Ring Road in Norwich.
2. The area is characterised predominantly by residential development, but there are commercial uses along Ipswich Road including a public house and petrol station to the south of the site. There are residential properties immediately to the north and east of the application site. The site is bordered by Ipswich Road to the west and Tuckswood Lane to the south.
3. The existing building on site is a two-storey detached building that is rendered a cream colour, with slate roof tiles and Upvc windows. There is a single storey extension to the building to the south east and a conservatory on the east elevation. There remainder of the site is landscaped or used for parking, with a more private amenity area to the rear of the property.
4. The existing residential flat within the building is at first floor on the north side of the building. The remainder of the first and ground floor are used in conjunction with the massage and day spa use.
5. The site is not within a conservation area nor is the building locally listed. There are a number of mature trees within the curtilage of the building.
6. At the time of the case officer's site visit, it was evident that the there were construction activities possibly related to the implementation of recent approval

13/00625/VC for the change of use from therapeutic massage centre (Class D1) and single flat (Class C3) to five residential flats (Class C3) with associated external alterations. The applicant has been made aware that a separate application would be required to discharge all appropriate conditions before implementing this permission.

7. Representations have also raised alleged enforcement issues relating to the former consent 13/00625/VC. These are subject to separate investigation by the planning enforcement team.

Planning History

13/00625/VC - Variation of Condition 2: Approved forms, plans and drawings of previous permission 12/00666/F 'Change of use from therapeutic massage centre (Class D1) and single flat (Class C3) to five residential flats (Class C3) with associated external alterations.' (Revised plans). (APPR - 31/05/2013)

12/00666/F - Change of use from therapeutic massage centre (Class D1) and single flat (Class C3) to five residential flats (Class C3) with associated external alterations. (APPR - 01/06/2012)

08/00226/F - Erection of a 1.5m high fence at boundary of Ipswich Road and Tuckwood Lane to replace existing wall. Refused 10 June 2008.

07/00585/F - Erection of a single-storey extension and conversion of garage to treatment room. Approved 31 July 2007.

07/00222/F - Construction of two single-storey extensions and associated alterations to therapeutic massage centre on ground floor of building. Refused 13 April 2007.

07/00221/F - Change of Use of part of first floor from residential to therapeutic massage centre. Construction of two single-storey extensions and associated alterations. Refused 13 April 2007.

06/00617/U - Change of use from dwelling and single practitioner dental surgery to part residential and part therapeutic massage centre. Approved 29 August 2006.

06/00093/U - Change of use from dwelling and single practitioner dental surgery to three dental consulting rooms on ground floor and flat above. Approved 30 March 2006.

Equality and Diversity Issues

There are no significant equality or diversity issues. However it should be noted that the proposal is for a second floor flat. The development would be subject to building regulations compliance. No lift access is provided, however in the context of the conversion such provision would not be considered reasonable.

The Proposal

8. To increase the height of the roof from 1.9 metres to 3.3 metres using pan-tiles to match the existing including an increase in height of the existing chimney.

9. The new roof space will accommodate an additional 2 bedroom flat. It will include a balcony area with a 1.8 metre high obscured glazed screen to protect the privacy of both the occupants and the adjoining properties.
10. The flat will have access to the 10 car parking spaces approved under permission 13/00625/VC. It is noted that the applicant has removed the 5 cycle stands approved under the previous permission.
11. The flat would have access to a private amenity space on the balcony area.

Representations Received

12. Adjacent and neighbouring properties have been notified in writing. 3 letters of representation have been received citing the issues as summarised in the table below.
- 13.

Issues Raised	Response
An additional flat is excessive	See paragraphs 15-20
Increasing the number of flats will bring more footfall and noise	See paragraphs 15-20 and 30-33
Overlooking from the balcony to my rear garden and property, resulting in loss of privacy	See paragraphs 22-27
The proposed screen will not be effective as it will be removed or broken.	See paragraph 27
Increased traffic and congestion	See paragraphs 39-43
Impact on parking availability	See paragraphs 39-43
You will be aware that there is an application for a flat to be built in the roof space of my premises. The proposal will overlook that area making it less attractive to tenants.	See paragraphs 22-27

Consultation Responses

14. Transportation – no objection on transportation grounds. This property is not located within a controlled parking zone. Parking provision on site is adequate for the existing and proposed uses, on street parking is permissible. However there does not appear to be any provision for cycle parking for existing or proposed residential use. As there are 6 residential units it is advisable that a minimum of 3 stands for use by 6 bikes are provided. Refuse collection uses extant provision. The capacity of the bins should be reviewed and improved if required; the applicant should assess this and make adequate provision accordingly.

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 11 – Conserving and enhancing the natural 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

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

EP16 – Water resource conservation

EP17 – Water quality, treatment of runoff from car parks

EP22 – Protection of residential amenity

HOU13 – Criteria for other housing sites

HOU18 – Criteria for conversion of multi-occupied dwellings

TRA6 – Parking standards

TRA7 – Cycle parking provision

TRA8 – Provision in development for servicing

Other Material Considerations

Written Ministerial Statement: Planning for Growth March 2011

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).

DM2 - Ensuring satisfactory living and working conditions

DM3 – Delivering high quality design

DM7 – Trees and development

DM12 – Ensuring well planned housing development

DM24 – Managing the impacts of hot food takeaways

DM30 – Access and highway safety

DM31 – Car parking and servicing

Procedural Matters Relating to the Development Plan and the NPPF

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. The 2011 JCS policies are considered compliant, but some of the 2004 RLP policies are considered to be only partially compliant with the NPPF, and as such those particular policies are given lesser weight in the assessment of this application. 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.

The NPPF states that where a 5 year land supply cannot be demonstrated, applications for housing should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up-to-date. In the light of the recent appeal decision on part of the former Lakenham Cricket Club it has been established that the Norwich Policy Area (NPA) is the relevant area over which the housing land supply should be judged. Since the NPA does not currently have a 5 year land supply, Local Plan policies for housing supply are not up-to-date. As a result the NPPF requires planning permission to be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the NPPF indicate development should be restricted".

The lack of an adequate housing land supply is potentially a significant material consideration in the determination of the proposals for housing. This is likely to considerably reduce the level of weight that can be attributed to existing and emerging Local Plan policies which restrict housing land supply, unless these are clearly in accordance with specific restrictive policies in the NPPF. In this case there are no such policies that restrict housing land supply.

Principle of Development

Policy Considerations

15. The principle of the five flats on the ground and first floors including parking for 10 cars, 5 cycles and amenity area has already been established in planning permission 13/00625/VC subject to the discharge of various conditions including approval of materials, adherence to level 4 code for sustainable homes, car parking, vehicle turning, cycle storage, servicing, landscaping and removal of the storage building.
16. The area is predominantly residential in character, although as noted above there are some commercial uses in the area.
17. The proposed housing would be on previously developed land in an existing residential area that has fairly good public transport connections to the city centre and local shops.
18. Policy HOU18 of the local plan requires consideration to be given to the character of the area and the residential density resulting from the flats. There are a number of other houses either detached or semi-detached set in fairly spacious plots. Therefore the intensification of residential units on this plot is not considered to lead to an adverse impact on the character of the area or the amenities of other adjacent residents.
19. Consideration also needs to be given to emerging policy DM12 which states that development proposals will be expected to maximise opportunities for the conversion and re-use of existing residential and commercial premises.
20. The principle of further housing on this site is therefore considered to be acceptable, provided the following considerations are met as outlined below.

Impact on Living Conditions

21. The key receptors are the occupants of the proposed flat and the residents of the 2 residential units in the adjoining properties to the east (1 Tuckswood Lane) and to the north (55 Ipswich Road).

Overlooking and loss of privacy

22. The occupants will have access to a small private external amenity area in the form of a balcony accessed from their living room kitchen area. It is acknowledged that it commands an elevated and prominent position. Although, the privacy of the users of the balcony will be protected by a 1.8 metre high obscured glazed screen.
23. The key issue is whether or not the proposed balcony area and roof lights will result in any loss of amenity of the adjoining properties.
24. The roof light serving bedroom 2 will not result in any significant loss of privacy of no.55's rear amenity area. This is due to the roof light being relatively small and being some 11 metres from the boundary with no.55.
25. There are no windows or roof lights proposed on the east elevation of the roof except for the balcony which is in very close proximity to the boundary with no.1 Tuckswood and their rear amenity area. It is also noted that planning consent has been recently given for extensions to that property (13/01528/F). High level windows were used on the first floor of the west elevation to protect the amenity of no.57 Ipswich Road.
26. Given the elevation of the balcony, there would have been much potential for overlooking to the east and north resulting in loss of privacy of the amenity areas of those properties and possibly the new high level window serving bedroom 3 of 1 Tuckswood Lane.
27. Any overlooking or loss of privacy has been addressed by the use of a 1.8 metre high screen in obscure glazing. However, given the sensitive location of the balcony, it is recommended that a condition be added to any approval requesting details of the specification of the screening, ensuring that it delivers the required privacy. It is also recommended that a further condition state that the flat cannot be occupied until the screen has been erected in accordance with the approved details and properly maintained.

Overshadowing and outlook

28. The increase in height of the roof by 1.4 metres will add to the overall massing of the roof. It is therefore important to assess if this massing would lead to any significant loss of outlook or overshadowing of the adjoining properties.
29. No.55 will not be overshadowed or have any significant loss of outlook due to the large distance between the building and the boundary fence. Whilst the extended roof is in close proximity to the boundary with the no.1, it is also considered that no significant adverse impact will result. This is due to the roof being proportionate to the building and the hipped roof design and balcony having the effect of breaking up the massing when viewed from the east. The orientation of the building also means that very little additional overshadowing will be cast onto no.1.

Noise

30. The previously approved application (13/00625/VC) for the 4 additional flats assessed the impacts on surrounding properties.
31. Other forms of disturbance to these neighbouring properties could originate from noise from residents parking cars and using amenity space. The previous use must be considered however. The former therapeutic massage centre involved a certain number of cars accessing the site each day as people visit for appointments. Also the rear amenity space is set out for use by visitors to the centre which would result in a certain amount of noise. Therefore it is not considered there would be a loss of amenity through noise in disturbance when compared with the former use.
32. It is acknowledged that the balcony area is a new location with the potential for the occupants and their visitors to congregate there during the day and the evening. This would be in relatively close proximity to the first floor (bedroom 3) in the recently approved flat at 1 Tuckswood Lane (13/01528/F) possibly causing some disturbance.
33. Whilst there is potential for some noise impact, the intensity is not considered to be significant due to the fact that the bedroom window is offset to the left of the balcony and being some 7 metres away. It should also be noted that the privacy screen will deliver a degree of noise attenuation. It is anticipated that the balcony area will not result in significant levels of noise disturbance to the adjoining property.

Amenity space

34. The amenity of future residents needs to take account of private outdoor amenity space, space to store cycles, park cars and store refuse. Provision has been made for all of these, although final details need to be agreed to ensure these are all to an acceptable level, location and standard. Notwithstanding the details submitted on the plans with the application a condition is therefore recommended to agree these. The bin storage will need to be located closer to the highway, but an existing gravelled area can be used adjacent to the main entrance in any case.
35. A small amount of private amenity space is provided on the balcony area. Given the smaller size of the flats the demand for outdoor amenity space is likely to be less, such provision is deemed acceptable. A condition is recommended however to require landscaping of the outside areas to ensure amenity space is appropriately provided and materials used for this are to an appropriate standard to create a suitable outdoor amenity area.

Design

36. The key issues are whether or not the proposal respects the appearance of the building, is sympathetic to the visual amenities of the street scene and the site/flat is of an appropriate layout.
37. A 1.4 metre increase in height of the roof is considered to be a scale proportionate to the two-storey profile of the original building. Whilst the 1.8 metre high screen is slightly at odds with the roofscape and partially visible from Tuckswood Lane, the impact on the appearance of the building is not considered significant.

38. The building commands a corner plot location but the prominence of the existing building in the streetscape of both Ipswich Road and Tuckswood Lane is varied due to sections of dense hedging and trees to the boundary. The increase in height of the roof and balcony will be visible, but its impact mitigated by the sections of existing landscaping around the property. It is also not considered to be at odds with nearby properties, due to the varied styles and heights of dwellings and other buildings evident in the area.

Highways, access and servicing

39. The addition of another flat will not have a significant adverse impact on highway safety or result in lack of parking around the site. It is important to note that parking standards are maximum standards i.e. a maximum of 1 space devoted to each 1-2 bed unit. Having 10 spaces coupled with it having fairly good public transport connections to the city centre and local shops means that residents and visitors have other alternatives to the car.
40. It should also be noted that the local highway authority has confirmed that the property is not located within a controlled parking zone and that on street parking is also allowed. They have also confirmed that parking provision on site is adequate for the existing and proposed uses.
41. The proposed site plan have omitted 5 no. covered secure cycle parking shown on the approved site plan for the additional 4 flats (13/00625/VC). Cycle parking is important as it will encourage more sustainable modes of transport by both the residents and visitors.
42. Refuse collection uses extant provision. The capacity of the bins should be reviewed and improved if required; the applicant should assess this and make adequate provision accordingly.
43. All of the above matters are acceptable in principle subject to details being secured by condition.

Water conservation

44. All new residential development is required to meet Code for Sustainable Homes Level 4 for water efficiency. A condition is therefore recommended to meet this requirement.
45. The surfacing for parking areas should be porous to reduce surface water runoff from the site. A condition is therefore recommended to this effect.

Trees and Landscaping

46. The original approval for the additional 4 flats concluded that there are a number of mature trees and hedges on site that form important landscape features and provide natural screening. There would not be any development adjacent to any of these trees however and the proposed development does not require the removal of any vegetation. The proposed bin store is adjacent to a mature tree on Tuckswood Lane. There is an existing hard standing adjacent to this tree however and so no further hard surfacing would be required for bin storage.

Affordable housing

47. The proposal would result in one additional unit resulting in a total of 6 units within the site, 4 of which having being originally approved under permission 12/00666/F.
48. Normally a proportion of affordable housing would be sought on sites for 5-9 dwellings so it is important to determine if piecemeal development has occurred in an attempt to not having to devote a proportion of the site to affordable housing or a commuted sum.
49. The addition of one more flat to the above conversion would lead to a total increase of 5 flats on the site which would have made the scheme liable for affordable housing were this submitted as one application. However, as the fifth flat is being put forward at a later date under a later application an opinion needs to be formed as to whether the site should be treated as a whole and the earlier application (12/00666/F) be taken into account for affordable housing provision.
50. Looking through similar cases that have been determined at appeal, planning inspectors have ruled on the basis of the benefits resulting from a site being treated as a whole. If the benefits were significant then a site should be treated as a whole. In this instance the development would yield one affordable dwelling, although given the nature of the site it is unlikely that a Registered Provider for affordable housing would want to take on the management of one flat in an existing converted building.
51. However, affordable housing should only be sought on piecemeal development if it was considered that affordable housing was deliberately being avoided. In this instance as the building project progressed and the building refurbished it became evident that an additional flat would be possible in the roof space.
52. In this instance, given the scale and nature of the project, and small extent of benefit arising from applying affordable housing to the whole site, it is not considered reasonable or productive to require affordable housing or a contribution as a result of this application. Indeed doing so would likely render the additional unit unviable and reduce the availability of market housing for which there is a significant need.

Local finance considerations

53. 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. This must be balanced however with the other key consideration of residential amenity as outlined above.
54. The proposal will be liable for Community Infrastructure Levy payments.

Conclusions

55. The principle of adding an additional flat to those approved in previous permission 13/00625/VC is acceptable in the context of the previous use of the site and its capacity to accommodate the additional traffic and parking. It is considered to be a logical opportunity to maximise the use of the land without having a significant

impact on the character of the area.

56. It has been concluded that affordable housing contributions are not necessary on this occasion.
57. In the context of the former use of the site and the capacity of the site, the addition of another flat will not have a significant impact on the amenities of nearby properties. Any overlooking from the balcony to sensitive areas in the adjoining is solved by the installation of the 1.8 metre high obscure glazed screen. Exact details of specification of the secure glazing can be secured by condition. No significant additional noise disturbance is expected. The proposal also provides sufficient levels of amenity for the new occupants.
58. The scale, design and layout of the proposal are considered to be sympathetic to the appearance of the original building and the visual amenities of the street scene.
59. The internal and external layout is also considered to be adequate for the purposes of providing an appropriate living space for the new residents.
60. The development is of a scale and layout which provides appropriate access and parking which will not have an adverse impact on highway safety or parking in the nearby area. Further details relating to parking layout, cycle storage, circulation areas and servicing areas can be secured by condition.
61. Further details on landscaping, surfacing materials, lighting, water conservation measures can also be secured by condition.

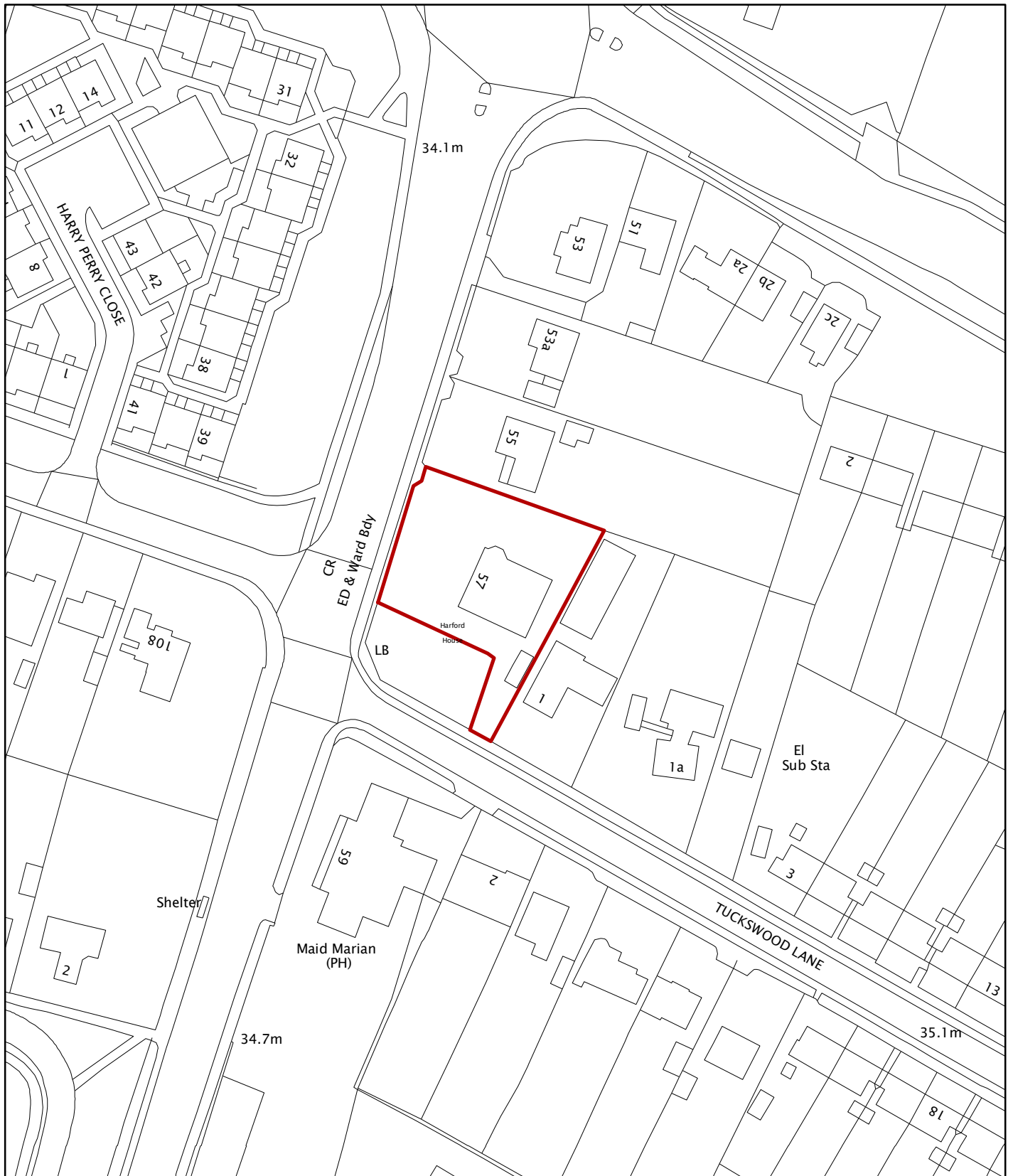
RECOMMENDATION

To approve application no. 13/01732/F 57 Ipswich Road and grant planning permission, subject to the following conditions:-

1. Standard time limit.
2. In accordance with the approved plans.
3. Details relating to the specification of the balcony.
4. Details of water conservation measures.
5. Details of the following on site provisions.
 - a) car and motorcycle parking layout;
 - b) vehicle turning areas;
 - c) covered and secure bicycle storage and parking for residents and visitors to the dwelling; and
 - d) servicing, including waste and recycling bin storage and collection facilities.
 - e) details of materials of paved areas, including manufacturer, product type and colour;
 - e) details of new external lighting;
 - f) details of rotary drying areas.

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 and has approved the application subject to appropriate conditions.



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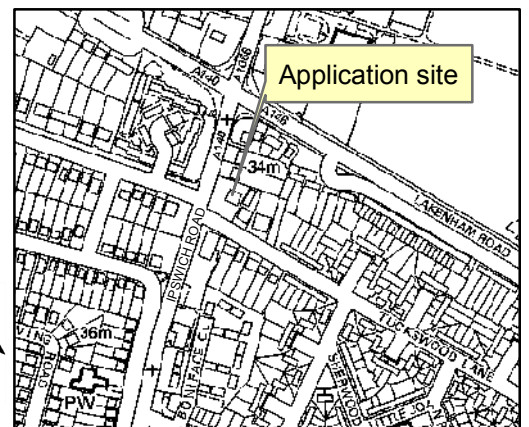
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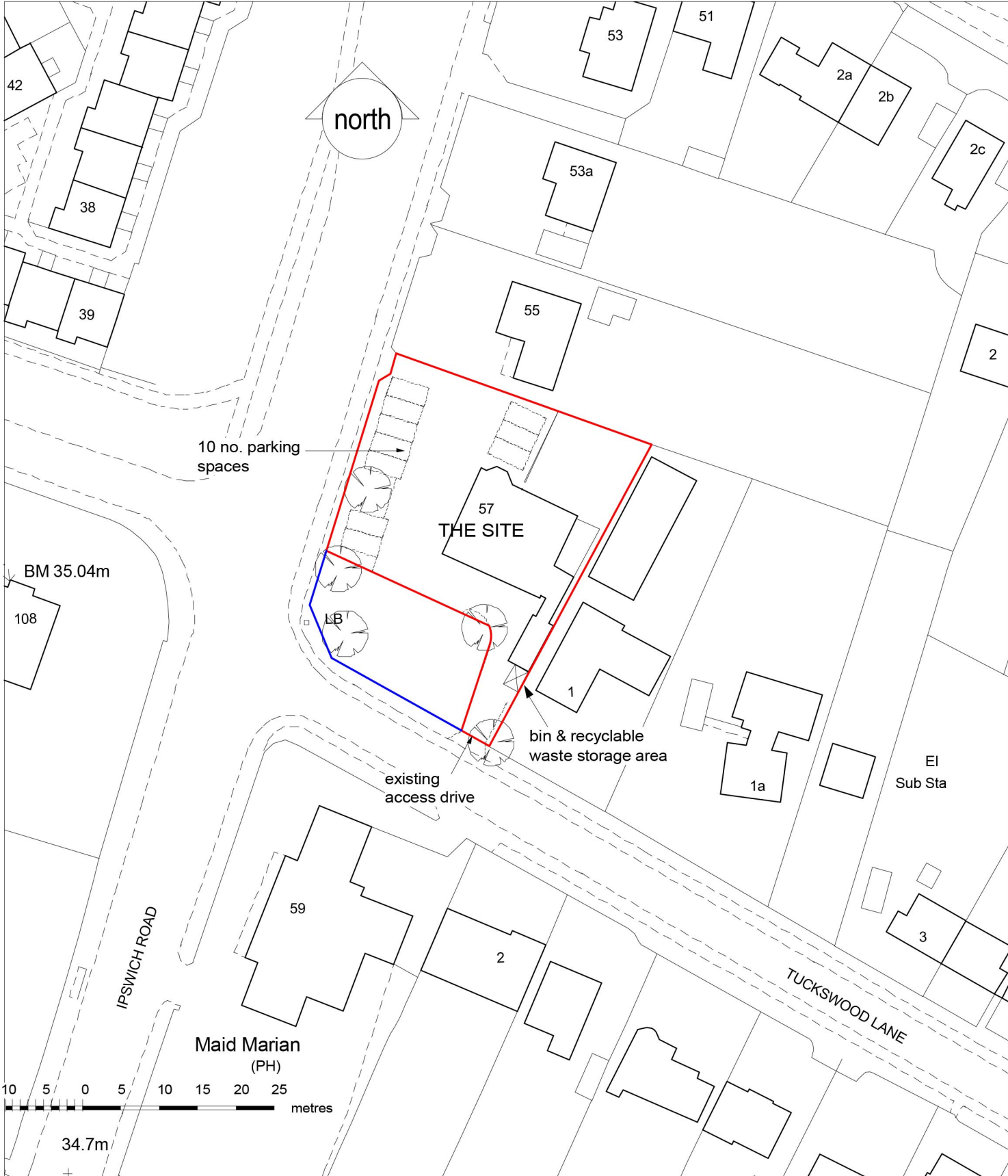
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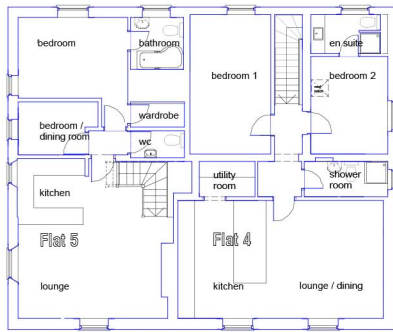
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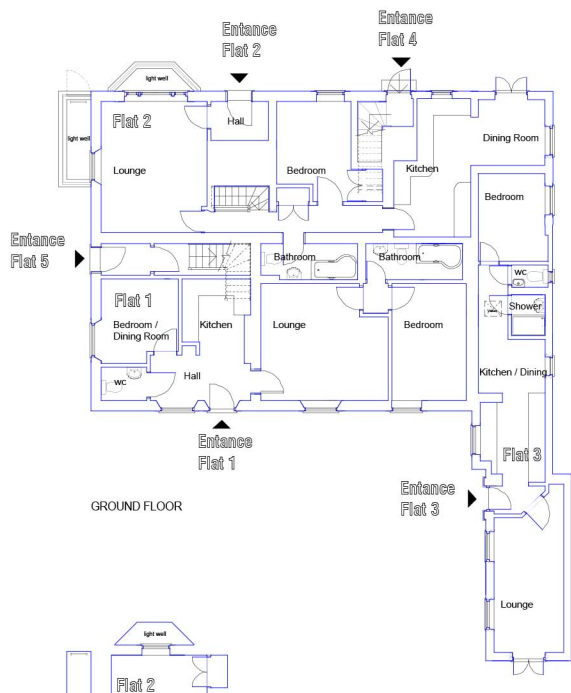


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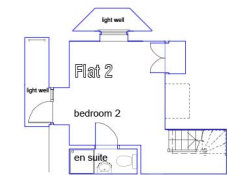
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date Mar. 2012				



FIRST FLOOR



GROUND FLOOR



BASEMENT
[Flat 2]



NORTH ELEVATION



SOUTH ELEVATION



EAST ELEVATION



WEST ELEVATION



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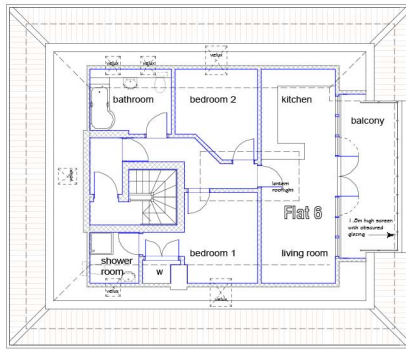
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TUCKSWOOD LANE, NORWICH

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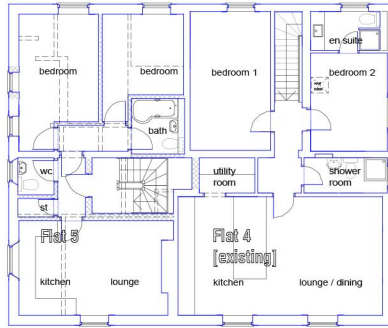
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Oct. 2013				

no.	date	revision

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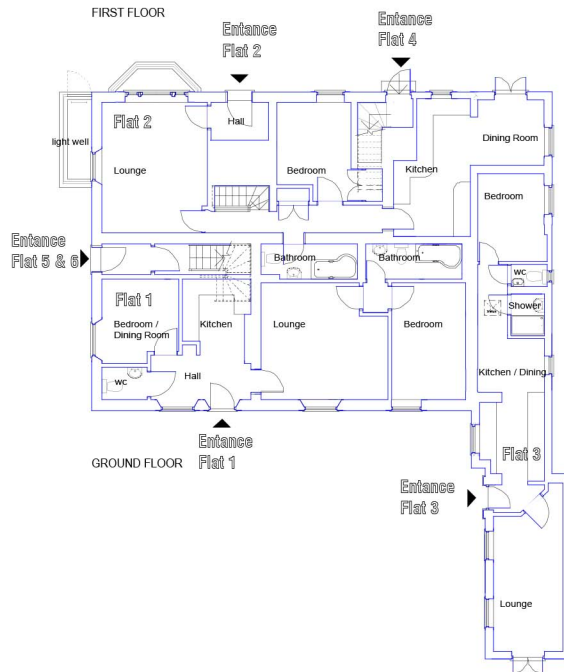
SECOND FLOOR



FIRST FLOOR



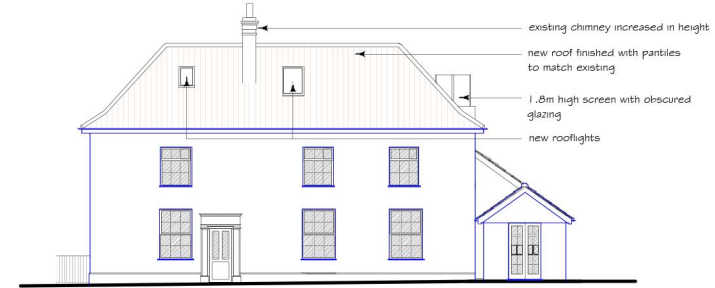
BASEMENT
[Flat 2]



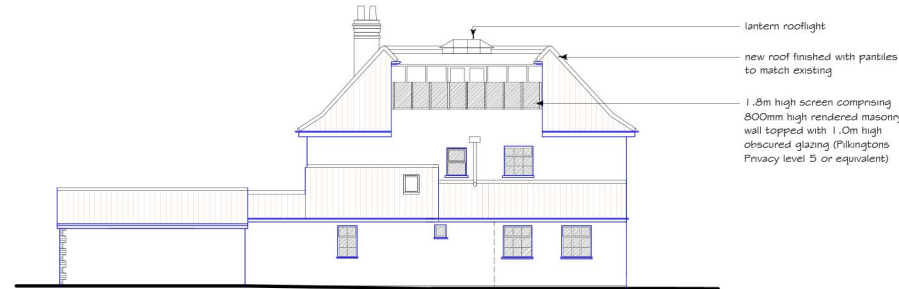
GROUND FLOOR



NORTH ELEVATION



SOUTH ELEVATION



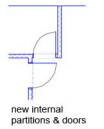
EAST ELEVATION



WEST ELEVATION

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KEY



A	1/0/1/1/3	Balcony screen amended
no.	date	revision

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client	LANT MANAGEMENT LTD.		
job	HARFORD HOUSE TUCKSWOOD LANE, NORWICH		
title	AS PROPOSED LOFT APARTMENT		

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