

Report for Resolution

Report to Planning Applications Committee
Date 3 March 2011
Report of Head of Planning Services
Subject 10/02193/F Land at the corner of Stafford Street and Belvoir Street, Norwich

Item
5(4)

SUMMARY

Description:	Redevelopment of site for 5 No. houses.	
Reason for consideration at Committee:	Objection	
Recommendation:	Approve subject to conditions	
Ward:	Nelson	
Contact Officer:	Mark Brown	Senior Planning Officer 01603 212505
Date of receipt:	16th December 2010	
Applicant:	Orwell Housing Association	
Agent:	Barefoot & Gilles	

INTRODUCTION

The Site

Location and Content

1. The site is located at the corner of Belvoir Street and Stafford Street with access from Belvoir Street. The site comprises a car park of 29 spaces for N zone resident permit holders. Controlled parking zone N covers areas to the west of Heigham Road (between Dereham Road and Earlham Road) as far as and including properties on Alexandra Road
2. Two storey dwellings are located opposite the site and to its rear. The site is surrounded by a large number of trees. The west and southwest corner of the site is marked by a group of Swedish whitebeam trees with two alders, whilst to the northwest corner of the site are a group of three silver birches. The rear eastern boundary is marked by a variety of Swedish whitebeam, sycamore, silver birch, lime and alder trees. There is a group of fairly significant alders to the southeast corner of the site, below which is some Laurel hedging.
3. This northern section of Belvoir Street is a cul-de-sac with access to a group of garages and pedestrian access to a games area, green space and the Belvedere Centre to the north. The site is outside but adjacent to the Heigham Grove Conservation Area.

Planning History

4. The site along with areas of Belvoir Street to the north were cleared in the 1970's (formerly housing), the area was subsequently laid out as a car park and at the same time the open space to the north was provided. Permission for these works was granted in 1976 under application reference 4/76/2057/SU.

Equality and Diversity Issues

5. There are considered to be some equality or diversity issues which are discussed further at paragraph 29 below.

The Proposal

6. The proposal is for the redevelopment of the site to provide five dwellings, consisting of two three-bedroom dwellings and three two-bedroom dwellings arranged in a two storey terrace facing west to Belvoir Street. Each property is proposed with a private rear garden with access for cycle parking in sheds and bin storage. An area is proposed to the north of the site providing parking for seven cars, five for residents of the proposed properties and two for the zone N controlled parking zone. These are accessed via the existing access off Belvoir Street.

Representations Received

7. Adjacent and neighbouring properties have been notified in writing. It should be noted that for the purposes of section 5A of the Listed Building and Conservation Area Regulations 1990, as amended, it is not considered that the proposals would affect the character or appearance of a conservation area. 33 letters of representation have been received citing the issues as summarised in the table below.

Issues Raised	Response
Loss of parking.	See paragraphs 18-20.
The proposal will cause parking congestion in the area.	See paragraph 28.
Will result in residents having to park further from their properties which is a problem for disabled residents and can be a safety concern late in the evening.	See paragraph 29.
Would increase inconsiderate parking including parking on pavements, which presents a safety issue to pedestrians.	See paragraph 28.
Loss of parking could have a negative affect on local businesses.	See paragraph 30.
Pavements could be blocked during construction works.	There may be some temporary disruption during construction, which is clearly an inevitable part of any development. An informative note can be placed on any consent to promote considerate construction.
The car park is used for dropping children off at St John's Infant School.	See paragraph 32.
The cumulative impact of the proposals along with the redevelopment of 13-21 Stafford Street which does not have parking.	See paragraph 31.
Concern that having acquired the site in the 1970's and subsequently provided	See paragraph 33.

parking on the site, the Council can now decide to sell the site for housing development.	
Concerns over security to adjacent properties due to the location of the pathways to rear gardens.	See paragraph 26.
Overlooking to properties on Heigham Road.	See paragraph 42.
Devaluation of property.	This is not a material planning consideration.

8. One letter from a neighbouring resident neither objecting nor supporting the proposals but raising queries about the implications for drainage of their property which runs across the site and on the maintenance of the green space between the site and the gable wall of number 2 Stafford Street. The drainage does run across the site and will need to be diverted; this will be a party matter between the owners of the two sites. In relation to green space between the site and the gable wall of number 2 Stafford Street, following further investigation this is confirmed to be in the same ownership as the site and therefore a Grampian condition can be imposed to provide for the landscaping and ongoing future maintenance of this area. The piece of land is also discussed further at paragraph 26.
9. One letter in support commenting that the car park is often only a third full, that there are lots of alternative ways to travel and that more houses would help support local businesses.
10. In addition two petitions with a total of 101 separate signatures have been received objecting to the sale of Belvoir Street car park, noting that the car park is a valuable community resource and the signatories do not want to lose it.
11. Pre-application consultation has been undertaken by the applicants who have advised that, at the time of submitting the application ten responses had been received. Two responses were in support of the proposals, one made no objection and seven objected to the proposals for the following reasons:
 - The proposals would result in the loss of parking and more congestion on surrounding streets;
 - Overlooking to properties on Heigham Road;
 - Security concerns to the rear of properties on Heigham Road;
 - Devaluation;
 - Appearance of the dwellings is out of character with the surrounding area;
 - Loss of amenity;
 - The car park is used for dropping off Children at the nearby school;
 - Loss of trees.

Consultation Responses

12. **Norwich Society** – Parking areas such as those in Wymer Street, Stafford Street/Belvoir Street and Exeter Street/Orchard Street should not be used for building; they provide much valued car parking in tight inner-city areas. Development would mean current residents would have to park in nearby narrow roads causing congestion problems.
13. **Environmental Health** – The residential end use is a sensitive one, and there is a possibility of contamination due to the current or previous uses. I have therefore recommended conditions for a site investigation to determine this. I have also suggested conditions for light nuisance, along with informatives for the demolition and construction phases.
14. **Natural Areas Officer** – The tree and shrubs constitute the only features of any significant biodiversity value at this site, and the proposed retention of most of them is to be welcomed, especially as the trees form a visual and ecological link to those around the community centre and multi-use games area to the north of the site. The tree protection officer may well comment in more detail on the tree issues, but as a general principle the use of berry and/or nectar producing species for any new planting is to be welcomed.
The proposed mitigation and enhancement measures should be adopted so far as is possible, and to ensure added connectivity for small animals between the gardens of the new homes and the surrounding area, 5in/12.7cm square, ground level gaps should be provided in any new close-boarded timber fencing.
15. **Design and Conservation** – I consider the revisions to be more appropriate with regard to the surrounding context. It is unfortunate that the windows to the kitchens are smaller in height, however this is acceptable considering the constraints created by kitchen units/worktops. Suggest rigorous conditions for materials and windows/doors etc as these can poorly let down a scheme. Ideally bricks would be a red brick blend like Waveney Red.
16. **Tree Protection Officer** – The arboricultural implications assessment (AIA) has not picked up on the new 1.8m wall or the timber knee rail; there are likely to be issues with the installation so a specific [supplementary] arboricultural method statement (AMS) should be required. It may be that the wall will need to be built using mini-piles. Any foundations for footings for the wall and knee rail will need to be lined with an appropriate membrane to stop phytotoxic leachates entering the root-soil profile. All demolition and construction within root protection areas (RPAs) will need to be under arboricultural supervision and an auditable system of arboricultural site monitoring should be required. As at 8.2 of the AIA there should be a condition on any permission that ensures that any service runs [including drainage] that cross the RPA must employ a trenchless technique to the approval of the Council, as opposed to the contradictory suggestion at 8.1 of the AIA that a 'broken trench' approach could be adopted.
17. **Transport** – The redevelopment of central sites such as this for new housing is supported in transport policy terms, providing new homes in a sustainable location, minimising the need for new residents to travel, or indeed to own a car.

The site has been used for many years as a car park, but it is not part of the public highway. Government policy is clear that issues relating to the provision of off-street parking and potential increasing pressure on on-street parking can only be considered where there are demonstrable safety issues that cannot be resolved by the introduction of on-street parking controls. This particular area is already fully covered by on-street parking controls that should deal with any highway safety issues. In any case, the occupiers of the new housing will not be eligible for parking Permits for the existing on-street scheme.

I am, however, not convinced by the need to provide a lay-by for what is existing on-street permit parking. I see no advantage in this from an access perspective, given the limited amount of premises that this cul-de-sac serves, and it will effectively reduce the current on-street parking provision. It will potentially impact on the trees on the site, and will require the developers to enter into a S38/278 agreement with us to adopt and maintain it. I suggest it is removed from the proposal.

Turning to the development itself, the access remains in the current location and is adequate for purpose. I'm not sure how the 'public' parking spaces are proposed to operate. They will need to be managed if they are not just to be subsumed into general parking provision, or used by commuters. Car parking for the proposed dwellings is acceptable.

Cycle and bin storage is generally acceptable, although unit 1 does not seem to have a garden shed.

This site is immediately adjacent to the Car Club. Would Orbit offer membership of the car club to their prospective tenants?

No objection, subject to the removal of the lay-by. [The scheme has subsequently been revised to address this matter].

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

Relevant National Planning Policies

PPS1 – Delivering Sustainable Development

PPS3 – Housing

PPS9 – Biodiversity

PPG13 – Transport

Relevant Strategic Regional Planning Policies

Policies of the adopted East of England Plan Regional Spatial Strategy (May, 2008)

ENV6 – The Historic Environment

ENV7 – Quality in the Built Environment

T8 – Local Roads

T14 – Parking

WM6 – Waste Management in Development

Relevant Local Plan Policies

Saved policies of the adopted City of Norwich Replacement Local Plan (November, 2004)

NE9 – Comprehensive Landscaping Scheme
HBE8 – Conservation Areas
HBE12 – High Quality of Design
HBE19 – Design for Safety and Security
EP1 – Contaminated Land
EP18 – High Standard of Energy Efficiency
EP20 – Sustainable use of materials
EP22 – High Standard of Amenity
HOU13 – Proposals for New Housing Development
SR3 – Publically Accessible Recreational Open Space
TRA3 – Modal Shift Measures in Support of NATS
TRA5 – Approach to Design for Vehicle Movement and Special Needs
TRA6 – Parking Standards – Maxima
TRA7 – Cycle Parking Standards
TRA8 – Servicing Provision

Supplementary Planning Documents and Guidance

Trees and Development SPD – September 2007

Principle Policy Considerations

18. The principle policy considerations are and harm from the loss of the zone N controlled permit parking and an assessment against saved local plan policy HOU13 for the provision of new housing. National policy in PPG13 has recently changed to remove the requirement for councils to limit the number of parking spaces allowed in new residential developments and placing the onus on councils and communities to adopt policies appropriate for their area. Currently saved and adopted local plan policies remain in place which set out maximum parking standards for the City. There are no planning policies which seek the retention of parking provision. However, it is appropriate on a case by case basis to consider whether.
19. The Council decision to dispose of the car park to a registered provider of affordable housing has been taken by the Executive on 28 July 2010 and therefore the disposal and loss of the car park are not matters directly for consideration by the planning committee. The relevant planning considerations are whether the loss of parking provision would have material or detrimental effects on the locality and the acceptability of housing development on the site.
20. The proposals would increase pressure for on-street parking, however it is considered that this can only be a material consideration where there are demonstrable safety issues that cannot be resolved by the introduction or enforcement of on-street parking controls. This particular area is already fully covered by on-street parking controls that should deal with any highway safety issues consistent with paragraph 50 of PPG13. The access to the site is also unaltered and it is not considered that the proposals would result in any increase in traffic movements at the access.
21. In terms of policy HOU13, the site is a brownfield site located to the west of Norwich within easy walking distance of the Dereham Road local centre. The site is in a sustainable location for new housing with good pedestrian, cycle and public transport links to the City Centre. The proposals are at a density of 51 dwellings per hectare

which is considered acceptable and consistent with the surrounding residential area. The proposals are therefore considered to be acceptable in principle subject to assessment against the criteria in policy HOU13, other development plan policies and material considerations.

Layout and Design

22. The proposed layout arranges a terrace of dwellings facing towards Belvoir Street with private gardens to the rear and parking to the north of the site. The main constraints of the site are trees along its boundaries. In order to redevelop the site it is proposed to remove the category C trees to the southwest of the site (consisting of two Alders, a group of Swedish whitebeam and some Laurel hedging). Higher quality category B trees to the north, east and southeast of the site are proposed to be retained.
23. Given the constraints of the trees the layout proposed is considered to be the most effective way to efficiently redevelop the site. Subject to specific landscaping details and boundary treatments the proposals will allow for a clear definition of public and private space with active frontages facing both Belvoir and Stafford Street.
24. The surrounding area is predominately of Victorian terraces. The original proposals were neither contemporary nor a well considered pastiche. Following comments from the conservation officer there have been minor amendments to the proposals to more closely emulate the typical Norwich Victorian vernacular terrace via amendments to window proportions, lintels and sills. The design of the proposals in their amended form is considered to be acceptable subject to specific details of materials which should be conditioned. The site is adjacent to the Heigham Grove Conservation Area which is located to the rear of the site, it is not considered that the proposals would affect the character or appearance of the Conservation Area.
25. Specific details of boundary treatments including hard and soft landscaping would be critical to the success of the proposals. The current proposals in terms of the landscaping indicated are considered to be acceptable in principle; however more specific details in relation to species, materials and ongoing maintenance should form a condition of any consent.
26. A resident has raised concern over security to the rear of a property in Heigham Road due to the location of proposed rear access paths proposed on the site. The rear boundary to the properties at Heigham Road would be unaltered by the proposals, however the boundary currently benefits from greater levels of overlooking than it would do under the current proposals. No access gate is shown to the pathways. Whilst rear paths are considered to be necessary to allow access to the rear gardens of the proposed properties for bin and cycle storage it is considered that the security of the rear pathways can be improved by conditioning a requirement for lockable gates to the entrances to the rear access paths. This will involve a boundary on the land between the site and the gable end of number 2 Stafford Street. The area was originally identified as outside the site boundary, however ownership has since been clarified and the land is within the same ownership as the application site. Therefore a Grampian condition can ensure the provision of such a boundary and the landscaping of the area behind.
27. The size of the development is below the threshold for an energy efficiency statement, however the design and access statement submitted with the application details that the applicants are committed to achieving code for sustainable homes

level 4. Part of the proposals to achieve this include solar thermal panels on the west elevation, specific details of which should be conditioned to ensure their projection from the roof slope is limited.

Access, Parking and Servicing

28. As detailed above, the proposals would increase pressure for on-street parking; however it is considered that this can only be a material consideration where there are demonstrable safety issues that cannot be resolved by the introduction or enforcement of on-street parking controls. This particular area is already fully covered by on-street parking controls that should deal with any highway safety issues or issues of inconsiderate parking.
29. Local residents have raised concern over the potential implications of parking further from their properties, in particular raising safety concerns when parking late at night and the implications this could have for disabled drivers. Both of these concerns are considered to be material considerations which would need to be weighed against the benefits of redeveloping the site for housing and general planning objectives for the efficient use of land in sustainable locations such as this. Whilst the concerns are considered to be material, it is not considered possible to objectively measure these impacts and on balance it is not considered that refusal on these grounds could be justified.
30. Businesses are also eligible for parking permits in the controlled parking zone for operational use only, active loading and unloading is permitted without a permit. Zone N is predominately residential with very few businesses remaining. There is a hairdressers adjacent to the site, businesses at the corner of Stafford Street and Gladstone Road have closed and the site is currently being redeveloped for housing. The south side of Stafford Street is served by short stay parking which would provide for customers of businesses (1 hour to the east of Belvoir Street and 2 hours to the west). During the day there is a reasonable availability of on-street parking in the area, the main pressure for on-street parking being in the evening and at weekends. As such it is not considered that the proposals would have a significant impact on the operation of businesses in the area.
31. Concern has been raised over the cumulative impact of the proposals for on-street parking with the scheme currently being built out at 13-21 Stafford Street. The new properties at 13-21 Stafford Street are car free and not eligible for parking permits. The comments at paragraph 28 above also apply.
32. It is understood that the car park is used for dropping off children to the nearby St John's Infant School. Given the parking restrictions in place on the car park this should not happen, however the alternatives would be the limited waiting short stay parking on the south side of Stafford Street or West Pottergate.
33. Some residents have raised concerns that having acquired the site in the 1970's and subsequently provided parking on the site, the Council can now decide to sell the site for housing redevelopment. Whilst the history of the site's acquisition is not material to any decision on a planning application, advice has been sought from Asset and City Management who have advised that there are no covenants on the land which would prevent the redevelopment of the site. They have also advised that there is no evidence to suggest that the land was acquired specifically for car parking but was more likely acquired as a result of the comprehensive clearance of sub-standard housing under the Housing Act 1957. Under the Local Government Act 1972 a Local

Authority may appropriate land in their ownership to any other statutory purpose or dispose of it. The only restrictions on these powers apply to commons or allotments. An authority may be required to offer land back to the original owner if it is being sold, under the Crichel Down Rules but those cease to apply after 25 years.

34. In terms of on-site parking, provision is made for one car parking space per dwelling plus two additional 'public' spaces. This is consistent with the maximum parking standards set out within saved local plan policy TRA6. It is not completely clear how the 'public' parking spaces are proposed to operate and be managed and as such it is considered that a scheme should be conditioned for submission and agreement.
35. A lay-by was previously proposed within the site on the east side of Belvoir Street. Following receipt of comments from transport the lay-by has been removed as it did not result in any additional parking provision. One objector has raised concern over the loss of the lay-by advising that whilst it did not provide additional parking it may have prevented inconsiderate parking on pavements. Given that the lay-by would not have provided any replacement parking provision (and there is no requirement for replacement parking under planning policy) it is not considered appropriate for the lay-by to be provided.
36. Areas for bin storage and sheds for cycle parking are provided within the rear gardens of the houses with access to the rear consistent with the requirements of policies TRA7, TRA8 and WM6.

Trees

37. The proposals provide for the retention of trees to the north, east and southeast of the site. It is proposed to remove and replace the category C trees to the west and southwest corner of the site, this is considered acceptable in principle subject to specific details for replacement planting.
38. For the protection of those trees to be retained it will be necessary to condition compliance with the submitted AIA and AMS. In addition a further AMS should be required for the boundary treatments in the southeast corner of the site within RPAs. Trenchless provision of services within RPAs should also be conditioned.

Ecology

39. An ecological appraisal has been submitted with the application; this does not identify the specific presence of any protected species, although suggests a further bat foraging survey takes place. Subject to this and a number of mitigation and enhancement measures the proposals are considered to have a neutral impact. The majority of these measures relate to the re-landscaping of the site, such as use of native nectar and berry bearing species and site lighting directed away from boundaries these can be covered by landscaping conditions. It is also suggested that informative notes are used to provide further advice on site clearance.
40. The site is adjacent to urban green space to the north, for the purposes of policy SR3 this would be unaffected by the proposals, however the ecological appraisal recommends enhancements to link the site to the open space by landscaping which can be covered by landscaping conditions.

Amenity

41. Given the orientation of the dwellings, the topography of the site (with Heigham Road properties sitting higher than the proposed dwellings) and the landscaping along the east boundary it is considered that overshadowing to adjacent properties would be limited and not result in a significant detrimental impact on neighbour amenity.
42. In terms of overlooking, properties located opposite the site on Belvoir Street and Stafford Street are between 14 – 21m from the proposed dwellings, this is not uncommon and considered appropriate for an urban location. To the rear are properties on Heigham Road, these properties have relatively shallow rear gardens, although the boundary is fairly heavily planted and offers a degree of screening, the topography of the site also helps to reduce any overlooking. Whilst there may be some overlooking to the rear this is to be expected in an urban location and is certainly not to an extent which could warrant refusal of an application.
43. In terms of the amenity of future residents of the properties themselves, the dwellings are of a good size with sufficient private external amenity space and are considered to be consistent with saved policy EP22 of the Local Plan.

Contamination

44. A desk based assessment has been submitted with the 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.

Conclusions

45. The site is a brownfield site located to the west of Norwich within easy walking distance of the Dereham Road local centre. The site is in a sustainable location for new housing with good pedestrian, cycle and public transport links to the City Centre. The proposals would increase pressure for on-street parking, however it is considered that this can only be a material consideration where there are demonstrable safety issues that cannot be resolved by the introduction or enforcement of on-street parking controls. This particular area is already fully covered by on-street parking controls that should deal with any highway safety issues. Given the constraints of the trees the layout and design are considered to be the most effective way to efficiently redevelop the site and it is not considered that the layout would lead to any significant detrimental affects to the amenities of nearby residents. Subject to the conditions listed within the recommendation below the proposals are considered to be acceptable and in line with development plan policy.

RECOMMENDATIONS

To approve Application No (10/02193/F Land at the corner of Stafford Street and Belvoir Street, Norwich) and grant planning permission, subject to the following conditions:-

1. Standard time limit;
2. Development in accordance with the submitted plans;
3. Tree protection conditions to ensure:
 - compliance with the arboricultural implications assessment and method statement for construction;
 - a further arboricultural method statement for the provision of boundary treatments to the southeast of the site within root protection areas;
 - trenchless provision of services within root protection areas;
 - a pre-demolition site meeting between the developer's appointed consulting

- arborist, demolition site agent, and the Council's tree protection officer takes place;
- all demolition and construction works carried out within any root protection area are carried out under arboricultural supervision;
 - an auditable system of arboricultural site monitoring is implemented to the approval of the Council's tree protection officer.
4. Provision of the sheds, parking areas and refuse storage areas prior to first occupation;
 5. Submission of a bat foraging survey and if bats are using the site for foraging submission of mitigation and enhancement measures;
 6. Submission of a landscaping scheme including:
 - hard and soft landscaping details including site frontages and communal areas including details of all boundary treatments;
 - details for the piece of land between the site and the gable wall of number 2 Stafford Street, to include a boundary with a secure gate along the southern boundary as far as the gable wall;
 - details of site lighting;
 - close boarded fencing to have 13cm gaps at ground level;
 - details of the future management and maintenance of the landscaped areas;
 - provision of landscaping prior to first occupation.
 8. Details of bricks, tiles, solar panels, window lintels and sills to be used in the development;
 9. 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;
 10. Details for the provision of the on-site public parking bays, including details of operation and signage.

The following informative notes should be appended to any consent:

1. Residents of the new dwellings will not be eligible for parking permits;
2. Considerate construction and timing to prevent nuisance;
3. Materials removed from site should be classified and disposed of at suitable licensed facilities;
4. Site clearance to have due regard to minimising the impact on wildlife.

(Reasons for approval: The decision has been made with particular regard to PPS1, PPS3, PPS9, PPG13, policies ENV6, ENV7, T8, T14 and WM6 of the adopted East of England Plan and saved policies NE9, HBE8, HBE12, HBE19, EP1, EP18, EP20, EP22, HOU13, SR3, TRA3, TRA5, TRA6, TRA7 and TRA8 of the adopted City of Norwich Replacement Local Plan.

The site is a brownfield site located to the west of Norwich within easy walking distance of the Dereham Road local centre. The site is in a sustainable location for new housing with good pedestrian, cycle and public transport links to the City Centre. The proposals would increase pressure for on-street parking, however it is considered that this can only be a material consideration where there are demonstrable safety issues that cannot be resolved by the introduction or enforcement of on-street parking controls. This particular area is already fully covered by on-street parking controls that should deal with any highway safety issues. Given the constraints of the trees the layout and design are considered to be the most effective way to efficiently redevelop the site and it is not considered that the layout would lead to any significant detrimental affects to the amenities of nearby residents. Subject to the conditions imposed the proposals are considered to be acceptable and in line with development plan policy.)



© Crown Copyright 2011 All rights reserved. Licence No. 100019747

Planning Application No 10/02193/F
 Site Address Land at the corner of Stafford Street and Belvoir Street
 Scale 1:1,000



NORWICH
 City Council

PLANNING SERVICES







STAFFORD STREET ELEVATION



BELVOIR STREET ELEVATION