

Report to Planning applications committee

Item

8 April 2021

Report of Area development manager

Subject Application no 20/01621/O – 12 Kimberley Street,
Norwich, NR2 2RJ

4(a)

**Reason
for referral** Objections

Ward	Town Close
Case officer	Lara Emerson laraemerson@norwich.gov.uk
Applicant	Mr E Gooch

Development proposal		
Outline planning permission with all matters reserved for 6 no. houses and 5 no. flats. Retention of house at 12 Kimberley Street.		
Representations		
Object	Comment	Support
2	0	0

Main issues	Key considerations
1. Principle of development	Loss of business use; principle of residential development.
2. Affordable housing	Provision of on-site affordable dwellings.
Expiry date	30 April 2021 (extended from 24 March 2021)
Recommendation	Approve subject to the satisfactory completion of a legal agreement



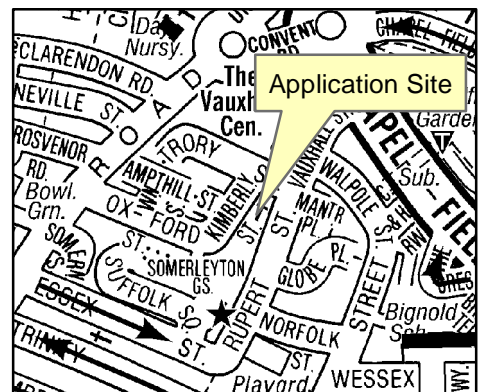
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Planning Application No 20/01621/O
Site Address 12 Kimberley Street

Scale 1:500



NORWICH
City Council
PLANNING SERVICES



The site, surroundings & constraints

1. The site is located between Kimberley Street and Vauxhall Street. Vauxhall Street is predominantly made up of 3-4 storey blocks of local authority flats, with a small parade of shops and a park. The area is visually dominated by the 16-storey Winchester Tower located at the end of Kimberley Street. Kimberley Street itself is a mixture of 2 storey Victorian terraces, a single storey church, blocks of garages and more local authority flats. The west side of Kimberley Street forms the edge of the Heigham Grove Conservation Area, and the Victorian terraces are locally listed and protected by Article 4 Directions which restrict permitted development rights.
2. The site itself is occupied by various buildings, car parking and materials storage areas forming a builders' yard along with a double-fronted Victorian red brick house (no. 12 Kimberley Street). The site can be accessed from both Kimberley Street and Vauxhall Street.

Relevant planning history

3. The records held by the city council show the following planning history for the site.

Ref	Proposal	Decision	Date
08/00183/O	4 no. 2 storey houses, 4 no. 2.5 storey houses and block of 3 detached garages.	Approved	02/05/2008
20/00743/O	Outline planning permission with all matters reserved for 9 no. houses and 3 no. flats.	Withdrawn	20/10/2020

The proposal

4. The proposal is for outline consent with all matters reserved for the retention of the house, demolition of the builders' yard buildings and erection of 6 houses and 5 flats. An indicative site plan has been submitted which shows the houses forming a terrace fronting Kimberley Street and the flats sitting within 2 blocks in the north-east of the site. As all matters are reserved, the site plan is just illustrative, but demonstrates how the proposed development could be arranged on the site.
5. The application which was withdrawn last year (20/00743/O) involved the demolition of all the buildings on the site (including the house) and a different mixture of dwellings – 9 houses and 3 flats. Officers expressed concern about the loss of the Victorian house, which offers a positive contribution to the street scene and the adjacent conservation area. After the application was withdrawn, the applicant prepared a structural survey which attempted to justify the demolition of the building based on its condition. However, the survey was not convincing and officers have therefore negotiated retention of the house, and subsequent change to the mix of dwellings proposed.

Representations

6. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 2 letters of representation were submitted on first receipt of the application, citing the issues as summarised in the table below. Neighbours were reconsulted on receipt of revised plans showing retention of the house at no.

12, a reduction in dwelling numbers and relocation of car parking on the indicative site plan, but neither objection was withdrawn.

Issues raised	Response
No.12 Kimberley St is an attractive Victorian terrace house on the edge of the Heigham Grove Conservation Area which is the only building of significance on this side of the street.	The proposals have been amended to include retention of no.12 Kimberley Street.
Parking at the front of the houses on Kimberley Street would cause issues with reversing onto the street, cluttering the street scene and cars obstructing the pavement. The attractiveness and safety of the development would be enhanced by parking to the rear of the site.	The layout of the site is not under consideration within this application but to avoid confusion, officers have requested that the parking be moved to the rear of the site on the indicative site plan.
Further clarification is required regarding amount and type of cycle storage provided.	This would need to be agreed within subsequent applications.
Further clarification is required regarding electric vehicle charging points.	This would need to be agreed within subsequent applications.
Designs for the development should take lessons from the Goldsmiths Street development in terms of landscaping, secure play areas and communal seating/social areas for residents.	This would need to be agreed within subsequent applications.
Lack of garden space	The proposed density is 86 dwellings per hectare which is comparable to the 84 dwellings per hectare in the surrounding streets. As such, internal and external space is likely to be appropriate for the area.
The idea of lights to the front for safety triggered by movement leads to endless on/off lighting triggered by passers-by and livestock such as cats.	Residents could put up external lights at any time.
Has consideration been given to pressure on both medical and educational facilities?	The amount of development proposed is small in scale and it is anticipated that facilities in the vicinity would be able to cope with the extra demand.
I would welcome reassurance that there are no plans at present to remove the garages on the adjacent site.	The proposed development is constrained to the site itself and does not impact upon the facilities on adjacent sites.

Consultation responses

7. Consultation responses are summarised below the full responses are available to view at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Design and conservation

8. Comments have not been received on the latest application, but the comments from 20/00743/O are relevant.
9. The proposal is for a number of new flats and houses, the demolition of a red brick Victorian house (no. 12) and a builders' yard. The whole lies immediately to the south of the Heigham Grove Conservation Area, opposite two terraces houses covered by Article 4 Directions and adjacent to Elim Church.
10. The earlier outline application 08/00183/O was made under earlier national and local planning policies, a number of changes, which mean that this application needs to be reconsidered in detail. This application retained No.12 and was solely accessed from Kimberley Street.
11. The application does not include a heritage statement in relation to the impact of the proposals on the setting of the conservation area as set out in para. 189 of the NPPF, it also fails to consider policy DM9, the Heritage Interpretation SPD, and the Heigham Grove Conservation Area Appraisal.
12. No. 12 formed part of a terrace (Denmark Place) which is shown on the 1880 town map, with front and back gardens. No. 12 had rear access with buildings in the rear. Behind this was Wellington Terrace and a timber yard, part within the site. The loss of No.12 should also be considered in the heritage statement, as a non-designated heritage asset, its loss will affect the significance of the setting of the conservation area (designated heritage asset).
13. Other buildings within the site are not considered to be of architectural merit.
14. The outline application proposes to introduce parking in front of each dwelling and to the rear of the site. This reduces a sense of enclosure to Kimberley Street and increase the dominance of the car across the site and within and adjacent to the conservation area, which should be avoided.
15. The overall impact of the outline proposal is considered to have a negative impact on the significance of the setting of the conservation area, based on layout and demolition alone. The proposal does not comply with para. 189, 193, 194, of the NPPF nor is the scheme capable of balancing the negative impact it caused as required under para 196. I therefore object to the proposal as it currently stands.
16. The site is capable of redevelopment, but this requires full consideration of the impact of the proposals on the heritage assets prior to development of proposals, and the retention and reuse of No. 12. It would be preferable for any future outline application to include at least means of access and design.

Environmental protection

17. The proposed development is for 12 dwellings on an existing builders' yard. Given the number of proposed dwellings, with car parking facilities, and the former use I request that additional information in the form of a contaminated land desk study and an air quality screening assessment.

18. Following a review of the information provided within the environmental report I have the following comments. The proposed development is a major application and as such should be accompanied by a desk study which has been compiled by a competent and experienced consultant. I would also like to point out that the history of the site includes being used as a timber yard. Timber treatment is synonymous with timber yards and as such could have caused significant contamination to be present. This and many other things have not been assessed in the report and as such I do not consider the report to be sufficient quality to be classed as a desk study.

Highways

19. In principle we have no objection to residential use on the site.
20. The applicant has chosen to submit an indicative site layout plan showing vehicular access to a rear parking court via a non-adopted cul-de-sac to Vauxhall Street and parking spaces to the front of a row of dwellings onto Kimberley Street. Given the narrow nature of Kimberley Street and the presence of on street parking on the opposite side of the road, it may make vehicular access tight and difficult, but this could be clarified with a vehicle tracking analysis. The additional consequence of frontage parking would be the alteration of the character of the street which is a more a matter for the planning authority to consider if parking should be provided solely to the rear to improve the appearance of the development. Parking to the front of the dwellings would also require the reconstruction of the entire length of the footway adjacent to the site to facilitate dropped kerbs, this would add significant additional cost for the developer. Should parking be relocated to the rear, only the extant vehicle access to Kimberley Street be required to be closed and that short section of footway reconstructed to full kerb height.
21. As a point of detail, it would be useful to consider the pedestrian walking route from the rear of the site towards Vauxhall Street, whether there is scope for a dedicated walking route and provision of dropped kerbs on the extant footway. It is believed that this cul-de-sac is Norwich City Council housing owned land and is not adopted highway.

Housing Development Team

22. The Housing Development team welcome the proposed delivery of 12 residential units in Norwich which includes 4 units of affordable housing. The 4 x 2 bedroom houses which are proposed for affordable housing should be delivered in a tenure neutral design. We would request that the affordable housing is secured under S106 agreement. We are pleased that all units appear to meet the Nationally Described Space Standards. It is noted that the proposal includes 3 x 2 bedroom flats however there is a higher demand for 1 bedroom flats we would prefer to see some units of this type.

Assessment of planning considerations

Relevant development plan policies

23. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
- JCS1 Addressing climate change and protecting environmental assets

- JCS2 Promoting good design
- JCS3 Energy and water
- JCS4 Housing delivery
- JCS5 The economy
- JCS6 Access and transportation
- JCS9 Strategy for growth in the Norwich policy area
- JCS20 Implementation

24. Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)

- DM1 Achieving and delivering sustainable development
- DM2 Ensuring satisfactory living and working conditions
- DM3 Delivering high quality design
- DM9 Safeguarding Norwich's heritage
- DM11 Protecting against environmental hazards
- DM12 Ensuring well-planned housing development
- DM16 Supporting the needs of business
- DM17 Supporting small business
- DM28 Encouraging sustainable travel
- DM30 Access and highway safety
- DM31 Car parking and servicing
- DM32 Encouraging car free and low car housing
- DM33 Planning obligations and development viability

Other material considerations

25. Supplementary Planning Documents (SPD)

- Affordable housing SPD adopted March 2015

Case Assessment

26. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant development plan policies are detailed above. Material considerations include policies in the National Planning Policy Framework (NPPF), the Council's standing duties, other policy documents and guidance detailed above and any other matters referred to specifically in the assessment below. The following paragraphs provide an assessment of the main planning issues in this case against relevant policies and material considerations.

Main issue 1: Principle of development

27. Key policies and NPPF paragraphs – JCS4, DM12, DM17, NPPF paragraphs 11 and 59.
28. Since this is an application for outline planning permission with all matters reserved, it is only the principle of development under consideration. In this case the proposal involves the loss of a builders' yard and the redevelopment of the site for 11 residential dwellings.
29. Local policy DM17 seeks to protect sites which provide facilities for small or medium sized businesses, as this site does. However, since the area is

predominantly residential, the builders yard has the potential to cause disturbance to its numerous residential neighbours and it is therefore considered that the proposed use of the site is more appropriate. The site is limited in size and it is understood that the existing business intends to move to a larger site.

30. On balance, given the constrained characteristics of the site and location within what is predominantly a residential area, somewhat isolated from similar uses, it is accepted that the premises is no longer viable or practicable to retain for business purposes, which fulfils criteria (a) of policy DM17. It is also considered that in this instance, redeveloping the site with a use more in keeping with the surrounding area, and providing new housing to meet local needs are benefits which outweigh the loss of the site for business purposes.
31. The site is well located for residential development and the principle of residential development is acceptable on this site under policy DM12 given that:
 - The site is not designated for other purposes;
 - The site is not in a hazardous installation notification zone;
 - The site is not in the late-night activity zone;
 - It does not involve the conversion of high-quality office space; and
 - It is not in the primary or secondary retail area or in a district or local centre.
32. The proposed number of dwellings would lead to a density of 86 dwellings per hectare which is equivalent to the prevailing density in the area (approx. 84 dwellings per hectare). The application states that 6 houses and 5 flats are proposed, and this is considered to provide an appropriate mix, although sizes of units would need to be assessed further within a future reserved matters application, as pointed out by the Housing Development Team.
33. The principle of development is therefore considered acceptable.

Main issue 2: Affordable housing

34. Key policies and NPPF paragraphs – JCS4, DM33, NPPF paragraphs 57, 63 and 64.
35. The applicant has committed to provide 4 on-site affordable dwellings, which complies with local policies. The applicant has agreed to enter into a Section 106 agreement.

Other matters

36. Since the application is for outline consent with all matters reserved, it is only the principle of development under consideration. The following matters will be

assessed fully within a future Reserved Matters application, but a quick summary of each issue is included below.

Issue	Relevant policies	Assessment
Design & Heritage	JCS2, DM3, DM9, NPPF paragraphs 124-132 & 184-202, Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990	Officers have negotiated retention of the house at no. 12 Kimberley Street which is considered to be a non-designated heritage asset which contributes positively to the street scene and the adjacent conservation area. Whilst full details would be agreed within a subsequent application, the indicative site plan demonstrates that the proposed mix of dwellings can be accommodated without causing harm to the character and appearance of the area.
Contamination	DM11, NPPF paragraphs 178-179	Historic uses on the site including the current builders yard have the potential to have contaminated the land. Without the benefit of a desk-based assessment, it is not clear what remediation is necessary, but since the application is outline and known to be contaminated, it is considered appropriate to condition further survey work and an appropriate remediation strategy.
Transport	JCS6, DM28, DM30, DM31, NPPF paragraphs 8, 102-111	The site is located in a highly sustainable location close to local shops, public transport routes and the city centre. The site sits within a Controlled Parking Zone, and new dwellings are not eligible for on-street parking permits. The site is accessible from Vauxhall Street and car parking, cycle parking and refuse storage can all be accommodated. Exact details will be agreed within a future application. To avoid confusion the indicative site plan has been amended at the request of officers to show no car parking at the front of the dwellings on Kimberley Street, which would not be supported.
Amenity	DM2, DM11, NPPF paragraphs 8 and 127	There is adequate space on the site to provide reasonable levels of internal and external space for future residents and the proposed development can be accommodated without causing significant harm to the amenities of surrounding residents.
Renewable energy	DM1, JCS3, NPPF paragraphs 8, 148, 151-154	To be agreed via condition.

Issue	Relevant policies	Assessment
Water efficiency	DM1, JCS3, NPPF paragraphs 8, 148, 151-154.	To be agreed via condition.
Biodiversity	JCS1, DM6, NPPF paragraph 8, 170, 175-177	The buildings to be demolished are in constant use and not suited to wildlife habitat. There is no landscaping on site. Biodiversity enhancements to be agreed within a subsequent reserved matters application as appropriate.
Landscaping	JCS2, DM3, DM8, NPPF paragraphs 8, 91, 96-101, 127	To be agreed within a subsequent reserved matters application/condition.
Flooding & sustainable urban drainage	JCS1, DM3, DM5, NPPF paragraphs 155-165	To be agreed via condition.

Equalities and diversity issues

37. There are no equality or diversity issues.

Local finance considerations

38. Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are defined as a government grant or the Community Infrastructure Levy. Whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision on the potential for the development to raise money for a local authority. In this case local finance considerations are not considered to be material to the case.

Conclusion

39. The development is in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.

Recommendation

To approve application 20/01621/O and grant outline planning permission subject to the satisfactory completion of a legal agreement and subject to the following conditions:

1. Reserved matters application to be submitted within 3 years;
2. In accordance with plans;
3. Contamination - site investigation scheme, site investigation results and detailed risk assessment and verification report;
4. Unexpected contamination;

5. Water efficiency;
6. Energy efficiency;
7. Surface water drainage scheme;
8. No infiltration of surface water drainage into ground without consent from LPA;
9. Restriction on piling and penetrative foundation methods.

