

## Report for Resolution

**Report to** Planning Applications Committee  
10 September 2009

**Report of** Head of Planning and Regeneration Services

**Subject** 08/00491/F Garden Land Rear Of 148 -162 Nelson Street  
Norwich

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Item  
**5(2)**

### SUMMARY

**Description:** Erection of 4 No. two-bed flats and 2 No. one-bed flats together with associated access, servicing and parking (revised scheme).

**Reason for consideration at Committee:** Objection

**Recommendation:** Approved subject to conditions

**Ward:** Mancroft

**Contact Officer:** Anne Napier Planning Development Team Leader

**Date of receipt:**

**Applicant:** Mr. Jason Thompson

**Agent:** David Futter Associates Limited

### INTRODUCTION

#### The Site

##### Location and Context

1. The application site is located to the east of Nelson Street and currently forms land to the rear of properties 148-162 Nelson Street, which are also within the ownership of the applicant. The site would be accessed via the existing development at Edward Gambling Court to the south.
2. To the east of the application site are preserved trees and a footpath that serves the existing three storey flats on Dolphin Grove. The properties in Edward Gambling Court to the south are single storey and to the north of the site are the gardens of dwellings fronting Nelson Street. To the west of the application site are dwellings within the ownership of the applicant which are traditional in their appearance and form and are similar to other two-storey terraced properties in the area. It is understood that the applicant uses these properties to provide accommodation for people who are homeless.
3. The site currently provides parking and informal amenity space for the residents of the existing properties and the boundaries to the site are a combination of fences and walls with some planting.

## Planning History

4. There is no relevant planning history relating to the application site.
5. With regard to the adjoining land to the west, a certificate of lawful use in respect of some of the properties concerned (152, 154, 156 and 160) was granted in 2002 for the use of properties as bed and breakfast accommodation.

## Constraints

6. The site is within an Area of Main Archaeological Interest as defined on the proposals map of the City of Norwich Replacement Local Plan 2004. The trees to the east of the site are covered by a Tree Preservation Order.

## The Proposal

7. The scheme was originally submitted in May 2008. Following concerns raised about certain aspects of the proposals, the scheme has been the subject of extensive negotiations and discussions.
8. The current scheme under consideration was received in June of this year and proposes the erection of 6 flats in two groups of three, with two number two-bedroom and one number one-bedroom flat in each group. Bike stores, a communal bin store adjacent to the access to the site and parking for 7 cars is proposed. Each flat would be accessed separately, with all dwellings having access to shared amenity space and the two first floor flats would have a private balcony area. Indicative landscaping and seating within the amenity space is also shown.
9. It is proposed that the flats would be constructed from red brick and timber boarding with red pantiles. The existing hedge to the northern boundary would be retained with a brick wall to the west of the site. As part of the proposals, an existing access through the adjoining 'blue' land to the west for the adjoining property to the north would be maintained. The access would be formed by the removal of the existing wall to the south. It is proposed to replace this existing block wall with a red brick wall to match.

## Representations Received

The scheme as originally submitted was advertised on site and in the press in June 2008. Adjacent and neighbouring properties have been notified in writing in respect of the original and amended proposals. 5 letters of representation have been received citing the issues as summarised in the table below.

10.

Issues Raised	Response
Loss of parking currently available on site	See paragraphs 23 & 25
Increased vehicular use of Edward Gambling Court with adverse impact on neighbours	See paragraphs 15, 18, 24 & 25
Anti-social behaviour associated with existing use will be made worse	See paragraph 19

Emergency vehicle access inadequate	See paragraphs 15 & 25 and note that this matter is also a matter for approval under the Building Regulations.
Retention of access to number 164 Nelson Street	See paragraph 9.
Impact of scheme on dwelling to north in relation to height, proximity and size of proposal and potential loss of light, privacy and views and overlooking	See paragraph 20, 21 & 24

## Consultation Responses

11. Norfolk Landscape Archaeology – no objections
12. Strategic Housing – the accommodation proposed would not be considered in housing terms as affordable housing due to the private ownership of the units concerned.
13. Tree Officer – All implications relate to trees on adjacent land which are under Council ownership and also TPO'd. The Arboricultural Impact Assessment identifies the implications and covers all tree protection issues. Any permission should condition compliance with the AIA to ensure adequate and appropriate tree protection measures are implemented.
14. Transportation – the proposal conforms to and exceeds the minimum requirements for parking, with more than double the minimum amount of cycle parking required. Concern expressed initially about lack of demarcated footway on the access from Edward Gambling Court. Identified that new waiting restrictions (double yellow lines) required to prevent obstruction of the access. Indicated that developer may wish to consider the use of droppable bollards to prevent unauthorised parking in private spaces. New access crossover should meet County Council specification with attention paid to level change. Initial comments expressed preference for communal rather than individual bin store provision.

## ASSESSMENT OF PLANNING CONSIDERATIONS

### Relevant Planning Policies

#### Relevant National Planning Policies

PPS1 – Delivering Sustainable Development

PPS3 – Housing

PPG16 – Archaeology & Planning

#### Relevant Strategic Regional Planning Policies

ENV7 – Quality in the Built Environment

WM6 – Waste Management

#### Relevant Local Plan Policies

HOU13 – Criteria for housing sites

HOU18 – Criteria for multi-occupied dwellings & flats

NE3 – Protection of trees with TPO's

HBE3 – Areas of Main Archaeological Interest

HBE12 – Urban Design Strategy

EP22 – Protection of residential amenity

### **Supplementary Planning Documents and Guidance**

Trees and development

Conversion and development of houses in multiple occupation

## **Principle of Development**

### **Policy Considerations**

15. The site is located within a predominantly residential area and the principle of a residential use in this location is considered acceptable. The site is currently used as informal amenity space and to provide parking for the occupiers of the existing properties to the west of the site. The loss of this relatively low intensity use to a residential use would represent a more efficient use of the land and is considered acceptable in policy terms.

### **Housing Numbers and Density**

16. The development proposed is for 6 dwellings on a site of 918sq.m. in area. This equates to a density of 54 dwellings per hectare. The development proposes a mix of dwelling sizes, with four two bedroom flats and two one bedroom flats, and this is considered an appropriate mix of units for the site.

## **Impact on Living Conditions**

### **Noise and Disturbance**

17. Concerns have been raised about the potential increase in noise and disturbance that would result from the proposals. The area surrounding the site is densely populated, with the local area characterised by a mix of older terraced dwellings and more recent local authority flats and bungalows. The addition of six new properties in this urban location within a predominantly residential part of the city is not considered likely to result in a sustainable objection in terms of an increase in noise and disturbance.
18. Objections have also been raised to the proposal due to problems currently experienced by local residents from the tenants of the existing properties adjoining the application site. However, anti-social behaviour is a matter which would normally be considered to fall outside the control of the local planning authority and would be a matter for control by other authorities.

## **Overlooking, loss of privacy and loss of light**

19. The revisions to the originally submitted scheme have reduced the scale of the development from 7 units to 6 with a resulting reduction in the size of the building proposed to be located to the north of the site. The siting of this block has also been amended so that the building is further from the boundary than originally proposed.
20. The window openings within the two first floor flats have been positioned to avoid issues of overlooking to neighbouring properties. In particular, no windows are proposed to the first floor of the northern elevation of the northern block. As a result of these amendments the current scheme is considered unlikely to have a material impact on the living conditions of the residents adjoining the site and as such is considered acceptable.

## **Loss of amenity space for existing residents**

21. There is little evidence on site that the land is currently used predominantly as garden space by the existing residents. The area does provide some amenity space but is not laid out to facilitate this and is largely unmaintained and provides space for the parking of cars.
22. The existing residents to the west of the site would retain some amenity space, although much reduced in size. This remaining area would also provide for an area of parking to the north of the site and an access through the site to the north. It is suggested that the detail of the layout of this area could be conditioned as part of the current scheme as the land falls within the ownership of the applicant. Consequently, the loss of the current use of the site is considered acceptable.

## **Design**

23. The layout of the scheme, the scale and height of the proposals and the choice of materials reflect the need to integrate the scheme with the surrounding mix of development. The use of both two-storey and single storey elements is considered appropriate and the layout would minimise any adverse impact on adjoining amenities whilst allowing for the adequate servicing of the site. Sufficient amenity space would be provided within the site to meet the needs of future occupiers and this would be provided by a mix of both hard surfaced and soft landscaping. The provision of these elements can be ensured through the imposition of appropriate conditions. On this basis the design of the proposals is considered acceptable.

## **Transport and Access**

### **Vehicular access, servicing, car and cycle parking**

24. No objections in principle have been raised by the Transportation section and, subject to the imposition of conditions as requested, the proposal is considered acceptable.

## **Environmental Issues**

### **Archaeology**

25. No objections have been received in respect of the archaeological implications of the proposal.

### **Energy Efficiency and Renewable Energy**

26. Although not a requirement of the planning process for schemes of this size to detail the energy efficiency measures proposed, the application includes an energy statement. This indicates that the development will include water recycling, the use of low energy light fittings, dual flush sanitary systems, high efficiency boilers, timber cladding from sustainable sources, above minimum standards insulation and energy efficient windows.

## **Trees and Landscaping**

### **Preserved Trees**

27. The development is not considered likely to result in any adverse impact on the adjoining preserved trees provided the measures proposed in the submitted AIA are followed. It is suggested that this be conditioned as recommended by the Tree Officer.

## **Conclusions**

28. The proposal is considered acceptable in principle and would result in the more efficient use of a currently underused piece of land. The details of the scheme indicate that, subject to conditions, the impact of the proposals on the living conditions of neighbouring residents and on the character and the visual amenities of the area would not be detrimental and that adequate access and servicing arrangements and amenity space would be provided. The density and mix of units proposed is considered appropriate for this site and the design of the scheme is considered to be in keeping with the local area. The proposal is unlikely to have an adverse impact on the preserved trees adjoining the site and the energy efficiency measures proposed are welcome. The development is therefore considered to meet the policy requirements and all other material considerations.

## **RECOMMENDATIONS**

To approve Application No 08/00491/F Land to rear 148-162 Nelson Street, Norwich and grant planning permission, subject to the following conditions:-

1. Standard time limit (3 years)
2. In accordance with submitted plans and details
3. Compliance with AIA
4. Hard and soft landscaping details to be submitted and implemented, with maintenance and replacement planting
5. Materials to be agreed
6. No windows to be inserted to the first floors of the properties other than as shown on the approved details
7. Amenity space, car and cycle parking and bin storage areas to be provided prior

to first use of the flats

8. No development to take place until the developer has submitted a scheme detailing the provision of the remaining amenity space for the existing units adjoining the site and has implemented this scheme and provided the parking and access as shown on the approved plan
9. Access to be constructed and completed prior to first use of the flats
10. No development to take place until the developer has secured the provision of a waiting restriction to prevent obstruction of the access to the site

Informatives:

1. Access crossover to be constructed to County Council standard
2. Developer to be advised to consider the use of droppable bollards within the details of car parking provision on site

Reasons for approval:

The proposal is considered acceptable in principle and would result in the more efficient use of a currently underused piece of land. The details of the scheme indicate that, subject to conditions, the impact of the proposals on the living conditions of neighbouring residents and on the character and the visual amenities of the area would not be detrimental and that adequate access and servicing arrangements and amenity space would be provided. The density and mix of units proposed is considered appropriate for this site and the design of the scheme is considered to be in keeping with the local area. The proposal is unlikely to have an adverse impact on the preserved trees adjoining the site and the energy efficiency measures proposed are welcome. The development is therefore considered to meet the requirements of policies ENV7 & WM6 of the East of England Plan and saved policies HOU13, HOU18, NE3, HBE3, HBE12 and EP22 of the City of Norwich Replacement Local Plan 2004 and all other material considerations.



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Planning Application No - 08/00491/F

Site Address - Garden land rear of 148-162, Nelson Street, Norwich

Scale - 1:1000



**NORWICH**  
City Council

DIRECTORATE OF REGENERATION  
AND DEVELOPMENT

