**Report to** Planning Applications Committee

Date 17 January 2013

**Report of** Head of Planning Services

Subject 12/01715/F Branford Arms 3 Branford Road Norwich NR3

4QD

#### **SUMMARY**

Description:	Conversion of existing premises (formerly a public house) to 4	
	No. flats. Erection of 3 No. flater	ts in garden area.
Reason for	Objection	
consideration at		
Committee:		
Recommendation:	Approve subject to completion of a S106 agreement	
Ward:	Sewell	
Contact Officer:	Mr Lee Cook	Senior Planner 01603 212536
Valid Date:	4th September 2012	
Applicant:	Adar Developments Limited	
Agent:	Snell Associates	

#### INTRODUCTION

#### The Site

#### **Location and Context**

1. The premises are a large two-storey public house at the corner of Branford Road and Spencer Street. The premises are partly cut into the sloping ground which changes levels down to Sprowston Road which is located to the west. The property at the moment has an open forecourt and reasonable size rear/side garden area which is partly covered by ancillary storage buildings. The surrounding area is predominantly residential in use and character.

#### **Topography**

2. Although ground levels are relatively flat within the site the surrounding area slopes down from Silver Road towards Sprowston Road.

Item

#### **Planning History**

The public house use has been in operation on this site for a long period of time. Preapplication discussions have taken place about development of the site. Given the distinct and attractive character of the buildings on the site these have been sought to be retained and converted as part of any new development. Application 11/00487/F for the same conversion of existing premises (formerly a public house) to 4 No. flats and erection of 3 No. flats in garden area was refused on 24/11/2011 due to a lack of provision for affordable housing.

#### **Equality and Diversity Issues**

There are no significant equality or diversity issues.

#### The Proposal

3. The application is for the conversion of the existing premises (formerly a public house) to 4 No. flats and the erection of 3 No. flats in the former PH garden area. The scheme provides central shared amenity space and bin/cycle stores. To maximise site density a car free scheme is proposed with offset parking being suggested by way of removal of adjacent double yellow lines to the highway which would increase parking spaces available within the area. Pre-application discussion has taken place in relation to development on this site.

#### **Representations Received**

4. 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.

Issues Raised	Response
The scheme is an over-development of	Para 8
the site	
Concern that pub, cultural and social heritage is being lost. This is a large and roomy pub with function room which if properly run could be a viable business and could be retained and re-used as a pub.	Para 10
Concern that the pub building will be demolished.	Paras 3 and 11
The pub provides local employment which is supported by policy EMP3 and any redevelopment should provide for new employment uses	Para 12
The surrounding roads are busy and it is difficult to park. With the development parking problems will increase.	Paras 20 and 21
Asks that a copy of the representation letter is given to each Committee Member.	Full copy of representations are available to view via Public Access website

#### **Consultation Responses**

- 5. Local highway authority: No objection in principle to this and the layout is mostly fine in transport terms but comments raised on matters of parking, servicing and permit parking etc, see assessment below.
- 6. Strategic Housing: No objection in principle but comments raised on matters of provision of S106, viability etc, see assessment below
- 7. Environmental protection: No objection in principle but comments raised on matters of noise, contamination etc, see assessment below.

#### 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 10 Meeting the challenge of climate change, flooding and coastal

change

Statement 12 Conserving and enhancing the historic environment

## Relevant policies of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2011

Policy 1 Addressing climate change Policy 2 Promoting good design

Policy 3 Energy and Water (water efficiency).

Policy 4 Housing delivery: affordable housing requirement

Policy 5 The economy

Policy 6 Access and Transportation

Policy 12 NPA outside city centre – small housing sites identified, increased

densities, protection of character and townscape.

Policy 20 Implementation

### Relevant saved policies of the adopted City of Norwich Replacement Local Plan 2004

EP22 Residential amenity.

EMP3 Protection of small business units and land reserved for their

development HBE12 Design

SHO21 Historic and Community Pubs HOU13 Housing development on othe

HOU13 Housing development on other sites
HOU15 Conversion of vacant buildings to housing

HOU18 Construction of new flats and bedsits NE9 Landscaping of new development;

TRA5 Approach to design for vehicle movement and special needs

TRA6 Car Parking
TRA7 Cycle Parking
TRA8 Servicing

TVA8 Heritage Interpretation

#### **Other Material Considerations**

Written Ministerial Statement: 23 March 2011: Planning for Growth

The Localism Act 2011 – s143 Local Finance Considerations

Interim Statement on the off-site provision of affordable housing December 2011

#### **Principle of Development**

#### **Policy Considerations**

8. The scheme achieves a residential density of 79 dwellings to the hectare which is in keeping with the surrounding area and similar development proposals, provides for the conversion and retention of the existing building together with complementary development in accordance with City of Norwich Replacement Local Plan saved policies HOU13, HOU15 and HOU18. Each of the properties has access to shared garden areas. Internally the properties are of a reasonable size for each dwelling. The layout also limits impacts on residential amenity for neighbouring properties. The development also therefore accords with the objectives to increase residential densities in both the local plan and the Joint Core Strategy, whilst providing a good standard of amenity and outlook for residents.

#### **Other Material Considerations**

- 9. The Branford Stores does not appear on the list of protected public houses in the adopted local plan and is not a listed building. The building is included within the expanded local list prepared by the Norwich Society, which affords it additional protection as a locally identified heritage asset.
- 10. Local plan saved policy SHO21 seeks to resist the loss of other community pubs which are not explicitly protected where they would be the last pub serving a substantial residential population (3,000 or more). The pub is located in a densely built up residential area north of the city centre which is generally well served with local pubs within easy walking distance. Whilst the loss of a pub licensed since 1895 is regrettable, given local availability of other venues the proposal could not be resisted on the basis of its being contrary to the historic pubs policy.
- 11. The conversion proposal retains much of the architectural character of the original building. As previously advised at pre-application stage, it would be desirable to include some form of heritage interpretation to commemorate the pub in accordance with local plan saved policy TVA8. The Branford Stores sign over the corner entrance is a restored original Steward and Patteson pub sign and generally it would be appropriate either to preserve it within the development or provide for appropriate recording and salvage for display elsewhere.
- 12. The application proposal is for housing development within a predominantly residential area. Given that the loss of the pub can not be resisted by policy, housing development would be the most suitable alternative use given the characteristics of the area, desirability of retaining and converting the building (which is unlikely to be suitable for a number of other uses) and potential for more noise or disturbance if introducing alternative employment uses.

# Housing Proposals Affordable Housing

13. The proposal could contribute to meeting the Norwich area strategic housing targets set out in the Joint Core Strategy (JCS) policy 4 and help augment the supply of smaller housing sites sought in JCS policy 12. The JCS policy target is for 20% affordable housing on schemes of 5-9 dwellings. The scheme proposed for 7 dwellings should provide one affordable unit to meet the affordable housing requirements of JCS policy 4. This policy ties in the with objectives at national and regional level to achieve viable development which achieves a mix of housing

including affordable housing which meets market needs and helps to create mixed communities.

- 14. The policy allows for the proportion of affordable housing sought to be reduced and the balance of tenures amended where it can be demonstrated that site characteristics, including infrastructure provision, together with the requirement for affordable housing would render the site unviable in prevailing market conditions, taking account of the availability of public subsidy to support affordable housing.
- 15. Assessment has been made on the suitability of a registered provider taking on one of the proposed units. The applicant was provided with a list of locally active housing associations and advised to contact each to ascertain their appetite for managing one of the proposed dwellings on this site. Under such circumstances the affordable dwelling should be sold to and managed by a housing association in perpetuity and be let via the sub-regional choice based lettings scheme.
- 16. It was considered that it might be easier for one of the 3 bed dwellings to be delivered as affordable housing, as this could reduce the need for a complex service charge arrangement which will be needed. No expressions of interest have been made and following further discussion about other approaches the applicant could take to help respond to the JCS policy and provision of an affordable unit offsite as an alternative a possible commuted sum figure has been provided to the applicant in line with the Council's Interim Statement on the off-site provision of affordable housing December 2011 to enable provision of affordable housing other than on site.

#### Design

#### **Layout and Form**

- 17. The conversion retains much of the architectural character of the original building. The existing and new building wrap around a central shared garden area which each of the properties has access to. The layout also limits impacts on residential amenity for neighbouring properties by avoiding direct overlooking or overshadowing from the infill development.
- 18. The new build properties are two storeys in height and of a fairly simple design. This design is considered to be acceptable in principle. Choice of materials will be important in ensuring that the buildings do not stand out excessively within the townscape. Specific details of materials could be required via condition.
- 19. The site is within an established residential area within easy reach of local shopping facilities and is on a high frequency bus route. The location is appropriate for housing development in terms of promoting sustainable accessibility and reducing the need to travel.

#### Transport and Access

#### Car Parking, Cycling Parking and Servicing

20. Car parking is provided for by the proposed removal of double yellow lines around the site thereby increasing the amount of on-street parking available within the area. Combined refuse storage area/bin collection point has been provided close to the adjacent highway which means that refuse vehicles do not need to enter the site. Each property has access to secure cycle parking. The layout is deliberately planned to exclude cars from within the site to maximise site amenity space and

density.

21. In discussion, the option of the developer providing funding for a traffic regulation order to extend the residents permit parking area on street has been agreed. The transportation officer is agreeable to this approach and has raised no concerns on highway safety grounds arising from an increase in vehicles parked on the highway and closer to the adjacent road junction. Parking on the highway can not be considered to be in line with saved local plan policy TRA5; however, the nature of the accommodation proposed together with other design benefits are seen to outweigh any loss of accessibility in this particular instance.

#### **Environmental Issues**

#### Site Contamination, Noise and Disturbance and Construction Works

22. There are no known pollution control concerns regarding this site or proposal. Contamination issues if subsequently found and suitability of imported soil could be dealt with by way of condition and also use of informatives re working times and for nuisance prevention from noise, dust and smoke during construction.

#### **Water Conservation**

23. The size of the development is below the threshold for an energy efficiency statement and no specific details on energy efficiency have been provided within the design. Policy 3 of the JCS also has a requirement for all housing developments to achieve code level 4 for water to maximise water efficiency. The developer appears prepared to investigate and meet this requirement which could be covered by imposition of condition.

#### **Trees and Landscaping**

#### **Replacement Planting**

24. All previous tree planting has been removed from the site. Given the layout of the scheme there are potential planting areas to the front of buildings as well as within amenity spaces which could accommodate planting to soften the impact of any new buildings and provide biodiversity enhancements for this site. The planting would improve the street scene and add value to landscape diversity within the area and conditions are suggested to ensure suitable provision is made within the development.

#### **Local Finance Considerations**

25. The proposal would, if approved, result in additional Council Tax revenue and new homes bonus for the Council and under section 143 of the Localism Act the council is required to consider the impact of new development proposals on local finance. However, it is also important to take into account other material considerations in assessing the merits of proposals, which in this case include the location of residential development, impact on residential amenities, design, safety and security, transport and environmental considerations, amongst other things.

#### **Planning Obligations**

#### **Affordable Housing**

26. As the proposal is for a development of more than 5 dwellings an affordable housing commitment is required as one unit on site or if using the Council's Interim Statement on the off-site provision of affordable housing a commuted sum towards

#### **Development Viability and Deliverability or Affordable Housing**

- 27. As detailed at paragraph 16 above there is also an issue with the deliverability of affordable housing on this site in terms of attracting a registered provider of affordable housing (RP's) to take on the affordable units.
- 28. This situation was acknowledged to an extent within the Council's Interim Statement on the off-site provision of affordable housing agreed by Cabinet on 14th December 2011. The resolution by Cabinet to endorse an interim statement on affordable housing can be given weight in the determination of planning applications. The statement sets out circumstances where the provision of a contribution to allow affordable housing to be provided offsite may be acceptable. In this instance criteria would be for a relatively small site proposed for flatted developments (typically developments of 15 or fewer units on sites of 0.2ha or less) where RP's are reluctant to take on the management of a small number of affordable units.
- 29. Under the interim statement the total off site commuted sum towards affordable housing for a site of this size and location would be £168,940.06. Such a commuted sum would be spent to provide affordable housing within the vicinity. Given the difficulty in attracting interest from a Registered Provider to manage a single unit on site within the form of development proposed in this instance the view is that the off-site contribution is an acceptable alternative to affordable housing provision.
- 30. The applicant has put forward a case that the planning obligation which would normally be sought would render the development unviable and has subsequently submitted viability assessments to substantiate this view. The viability of the scheme has not been independently and externally verified by the District Valuer Service due to additional costs that the applicant would incur. This route was agreed following lengthy discussions with the Head of Planning Service and given the very specific difficulties the applicant was experiencing. The figures have however been reviewed by Strategic Housing Officers and the suitability of the construction costs to be included within the assessment reviewed with the agent.
- 31. The agent has shown in their viability assessment that even with the highest sales valuation and factoring in the contribution offer discussed below a developer profit of only 4% is achieved, below the accepted norm of 15-20%. The developer has made an offer of £20,000 towards affordable housing provision which would equate to the level of grant that a registered provider could be expected to receive for affordable housing or the cost of a plot of land within Norwich to provide an affordable dwelling and agreed to the use of a claw-back agreement within the Section 106 agreement that would allow an affordable housing contribution top-up payment capped at £168,940.06 (less £20,000 paid) that would be paid if a profit in excess of 20% was made on the completed scheme.
- 32. This type of provision within the S106 agreement for an overage clause which seeks to claw back lost planning obligations where reality when the development is delivered is better than predicted in the viability assessments has been used with other development within the Norwich area and is a reasonable compromise to assist with bringing development forward. This would operate so to claw back 50%

- of any profit in excess of 20% of the gross development value up to a cap set via the total commuted sum.
- 33. The above needs to be weighed against the need to provide affordable housing a key piece of infrastructure for which there is significant demand and the desire to provide balanced communities as required by JCS policy 4. Within the scheme proposed there are no other reasons for recommending the refusal of consent, or indeed that there are any particularly finely balanced matters other than the issue of affordable housing. In addition the following considerations are relevant: a. The general need for market housing as identified by JCS policy 4; b. The emphasis on the promotion of economic activity and bringing forward housing provision within the National Planning Policy Framework; and c. The local financial considerations outlined above.
- 34. On balance and given the wording of JCS policy 4 which allows for lesser provision of affordable housing where the scheme is found to be unviable, the viability evidence submitted and the above material considerations, it is considered that the proposals are acceptable subject to the provision of affordable housing as per paragraph 31 and 32 above and the conditions detailed within the recommendation below.

#### **Conclusions**

- 35. The proposed scheme responds to the constraints and topography of the site, retains the former public house building and would lead to an attractive development in accordance with local and national policy. Subject to conditions it is envisaged that the proposed development will achieve an appropriate standard of design and amenity and would be well integrated with the surrounding area.
- 36. The development of 7 dwellings, considered against the Joint Core Strategy (JCS) Policy 4, would be required to provide 20% affordable housing or 1 no. affordable unit in total, which would contribute to the promotion of affordable housing in Norwich. The scheme represents a good use of land and maximises site density and improves some of the service facilities and access within the area. Given the lack of potential for on site provision of affordable housing, advantages of redevelopment within this area and that the applicant is willing to provide for affordable housing at a level which seeks to concur with the JCS policy 4 on balance it is considered appropriate to further investigate S106 issues to enable the approach suggested for off site provision to be met whilst ensuring scheme viability and deliverability within the current economic setting.

#### RECOMMENDATIONS

To approve Application No 12/01715/F Branford Arms 3 Branford Road Norwich NR3 4QD and grant planning permission, subject to:

- (1) the completion of a satisfactory S106 agreement by 28<sup>th</sup> March 2012 to include the provision of contributions to off site affordable housing provision and subject to the following conditions:
- 1. Standard time limit;
- 2. Development to be carried out in full accordance with the approved plans;
- 3. Details of facing and roofing materials; external joinery; lighting; heritage interpretation;

- 4. Bin stores and cycle stores to be provided prior to first occupation;
- 5. Details of TRO provision for highway works;
- 6. Details hard and soft landscaping and maintenance of landscaping;
- 7. Prevention of work if unknown contamination found;
- 8. Control of imported materials;
- 9. Water efficiency to Code 4

Reasons for approval: The decision has been made with particular regard to the National Planning Policy Framework; policies 1, 2, 3, 4, 5, 6, 12 and 20 of the Joint Core Strategy (March 2011); and saved policies EP22, EMP3, HBE12, SHO21, HOU13, HOU15, HOU18, NE9, TRA5, TRA6, TRA7, TRA8, TRA10 and TVA8 of the City of Norwich Local Plan (Adopted Version 2004) and to all material planning considerations. The proposed scheme responds to the constraints and topography of the site, retains the former public house building and would lead to an attractive development in accordance with local and national policy. The scheme provides adequate parking and servicing arrangements and safe access into the site for future residents. Subject to conditions it is envisaged that the proposed development will achieve an appropriate standard of design and amenity and would be well integrated with the surrounding area.

One of the main considerations in this case has been the viability of the proposals and ability of the scheme to provide for affordable housing. The development of 7 dwellings, considered against the Joint Core Strategy (JCS) Policy 4, would be required to provide 20% affordable housing or 1 no. affordable unit in total, which would contribute to the promotion of affordable housing in Norwich. The scheme represents a good use of land and maximises site density and improves some of the service facilities and access within the area. Given the lack of potential for on site provision of affordable housing, advantages of redevelopment within this area and that the applicant is willing to provide for affordable housing at a level which seeks to provide for off-site provision and to concur with the JCS policy 4 on balance the proposals are acceptable in this case subject to the provisions secured via \$106 agreement and the conditions imposed whilst ensuring scheme viability and deliverability within the current economic setting.

#### 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, following negotiations with the applicant and subsequent amendments at the application and pre-application stage the application has been approved subject to S106 agreement, appropriate conditions and for the reasons outlined above.

#### Informatives:

Considerate construction and timing to prevent nuisance; Site clearance to have due regard to minimising the impact on wildlife Works to public highway

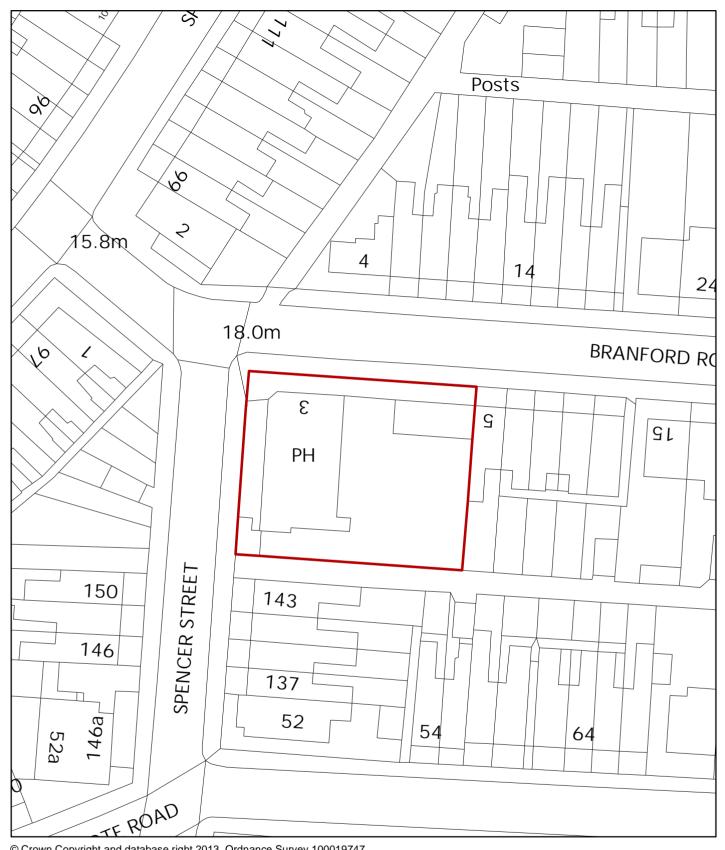
(2) where a satisfactory S106 agreement is not completed prior to 29<sup>th</sup> March 2012 that delegated authority be given to the Head of Planning Services to refuse planning permission for Application No 2/01715/F Branford Arms 3 Branford Road Norwich NR3 4QD for the following reason:

Policy 4 of the Adopted Joint Core Strategy for Broadland, Norwich and South Norfolk (March 2011) seeks the target provision of 20% affordable housing on sites of 5 dwellings or more in line with the most up to date housing market assessment. No increase in affordable housing provision has been forthcoming on this site and therefore in the absence of a legal agreement relating to the provision of affordable housing the proposal is considered to be contrary to policy 4 of the Adopted Joint Core Strategy for Broadland, Norwich and South Norfolk (March 2011) and would undermine the objectives of the JCS and NPPF to deliver housing need in affordable housing in sustainable locations.

#### 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. The proposal in question is not considered to be acceptable for the reasons outlined above. The local planning authority has advised the applicant of alternatives and measures under which the development may be acceptable.

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Planning Application No 12/01715/F

Site Address Branford Arms 3 Branford Road

Scale 1:500



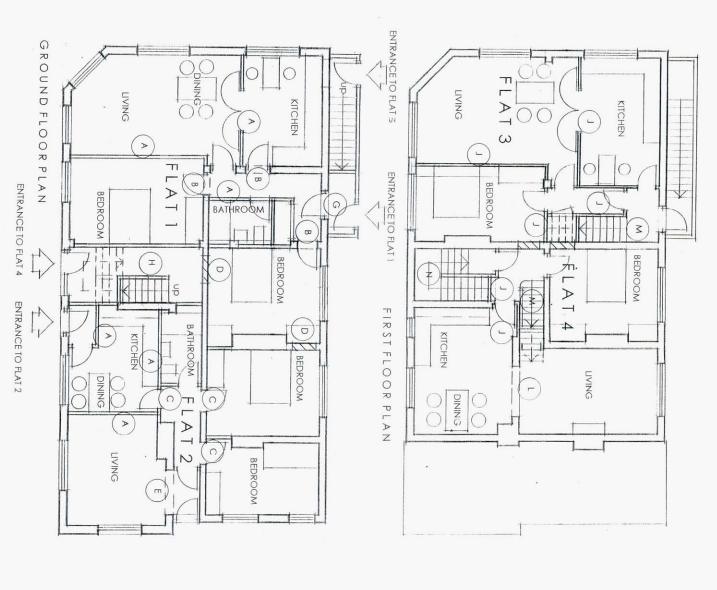


PROPOSED 7 FLATS AT 3 BRANFORD ROAD, NORWICH, NR3 4QD [FORMER PUBLIC HOUSE CONVERTED TO 4 FLATS AND 3 NEW FLATS IN THE EXISTING SIDE GARDEN] CLIENT – ADAR DEVELOPMENTS LTD. FIRST FLOOR PLAN OF 3 NEW FLATS [FOR PLAN OF CONVERSION SEE DRAWING NUMBER 1094 / 02A]

SCALE 1: 100 JULY 2010 DRAWING NUMBER 1094 / 07 / R.1

THE STUDIO THE STREET SHOTESHAM NORFOLK NRIS TAP 1/F01508 53854 mobile 07710 572772 email-ps@petermell.plus.com

FIRST FLOOR PLAN



# 094 / 02 / R2

Schedule of proposed afterations to convert existing premises to 4 nos, flats [ see also schedule on drawing number 1094 / 16 [ clearance / removals etc. ].

All walls and other structure to be removed / adapted are to be the subject of a Structural Engineer's report recommendations, details and calculations.

# Ground floor.

- Form new door opening, door and frame etc. Re-use existing door opening etc. If possible or reform as shown. New dividing partition walls [ and door openings etc. as shown ]. Construction to be in studwork or
- Remove door and frame etc. and block up existing opening.
- Block up existing opening.
- Part block up existing opening and form new door opening, door and frame etc. Existing staircase to be retained and refurbished subject to further inspection and any requirements
- under the Building Regulations.

# First floor.

- As for 'A' ground floor.
  As for 'B' ground floor.
  As for 'E' ground floor.

- Form new staircase and enclosure ( to second floor conversion of roof space ), as for 'H' ground floor.

# General.

- Where new and existing walls and new and existing floors are to be separating structures [between flats and staircase areas etc.] these are to be to suitable fire resistance [half hour and sound insulation etc. to comply with the Building Regulations, Similarly, all doors opening on to staircases or lobbies to staircases are to be half hour, self-closing etc.
- serve and any afterations found to be necessary to be first agreed with the Planners and Building Control. All windows to be checked for adequate insulation, light and ventilation to the new areas they are to
- Most rooms are generous in size and all comply with NCC's SPD for flats.

# Revision R2

Second floor and roof plans omitted [ now drawing number 1094 / 03 / R1.]

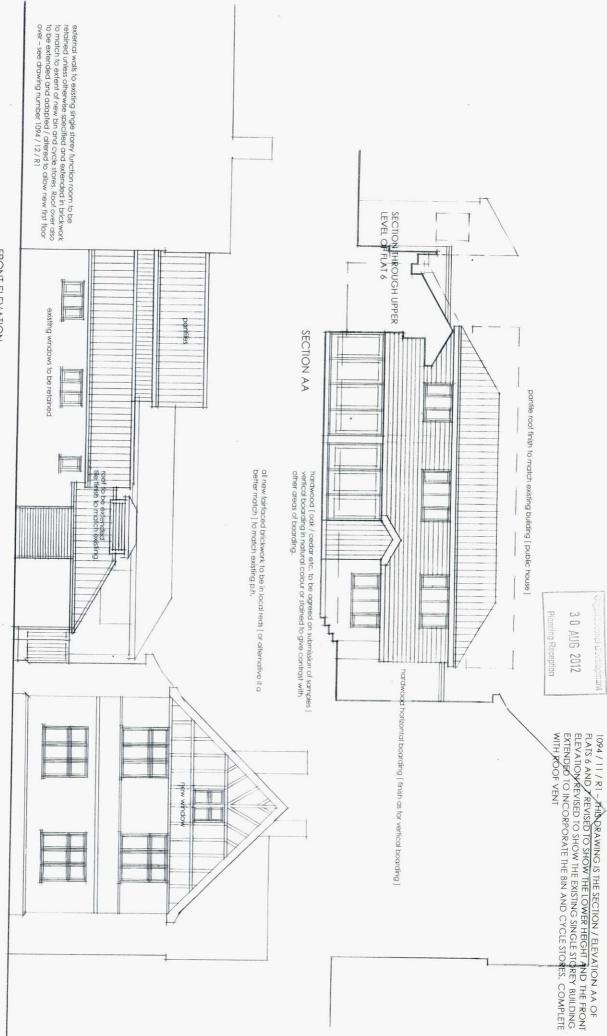
flat 3 have been interchanged. The room designation in flat 2 can be changed it absolutely necessary [ bedroom / living room ] but the living room is best placed where it is [ with access to a terrace ] and is single storey in any case. Final positions of all rooms [ some are interchangeable ] is to be determined when detailed plumbing and drainage layouts etc. have been agreed. In accordance with the Planners recommendations, the location of similar use rooms above one and other has been carefully considered given certain existing constraints. The bedroom and kitchen in



DRAWING NUMBER 1094 / 02 / R2 CLIENT – ADAR DEVELOPMENTS LTD PLANS AS PROPOSED – SCALE 1:100 – APRIL 2010 BRANFORD ROAD / SPENCER ROAD, NORWICH NR3 4QD 4 NOS. SELF CONTAINED FLATS BRANFORD STORES P.H. [ CEASED TO TRADE ] TO FORM PROPOSED ALTERATIONS TO EXISTING PREMISES AT

# SNELL ASSO C = XTES

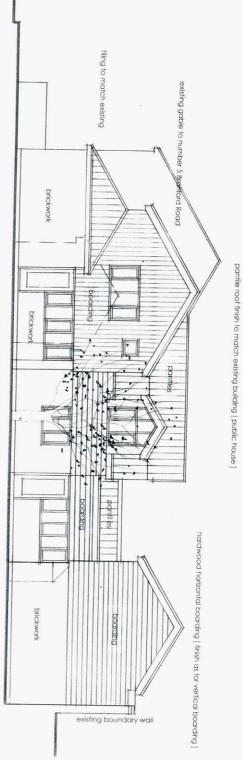
tel 01508 558554 mob 07710 572772 email – ps@petersnell,plus.com THE STUDIO THE STREET SHOTESHAM NORFOLK NR15 1AP



FRONT ELEVATION

PROPOSED 7 FLATS AT 3 BRANFORD ROAD, NORWICH, NR3 4QD [FORMER PUBLIC HOUSE CONVERTED TO 4 FLATS AND 3 NEW FLATS IN THE EXISTING SIDE GARDEN ] CLIENT – ADAR DEVELOPMENTS LTD. PROPOSED ELEVATIONS – BRANFORD ROAD AND FLATS 6 AND 7 SCALE 1: 100 JULY 2010 DRAWING NUMBER 1094 / 11 / 🖭

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PROPOSED SECTION/ELEVATION EE [flats 5, 6 and 7]

all new fairfaced brickwork to be in local reds [ or alternative if a better match ] to match existing p.h.

PROPOSED 7 FLATS AT 3 BRANFORD ROAD, NORWICH, NR3 4QD [FORMER PUBLIC HOUSE CONVERTED TO 4 FLATS AND 3 NEW FLATS IN THE EXISTING SIDE GARDEN ] CLIENT – ADAR DEVELOPMENTS LTD. PROPOSED ELEVATIONS – FLATS 5, 6 AND 7 SCALE 1: 100 JULY 2010 DRAWING NUMBER 1094 / 13 / 尽1

3 0 AUG 2012
Planning Recoption

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