

## Report for Resolution

**Report to** Planning Applications Committee  
**Date** 18 October 2012  
**Report of** Head of Planning Services  
**Subject** 12/01116/F 74 - 80 Thorpe Road Norwich NR1 1BA

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Item  
**5(4)**

### SUMMARY

<b>Description:</b>	Conversion from offices (Class B1) to 3 No. four bed townhouses and 1 No. three bed townhouse.	
<b>Reason for consideration at Committee:</b>	Objections	
<b>Recommendation:</b>	Approve	
<b>Ward:</b>	Thorpe Hamlet	
<b>Contact Officer:</b>	Mr Kian Saedi	Planner 01603 212524
<b>Valid Date:</b>	6th July 2012	
<b>Applicant:</b>	Mr Murray Kenneth	
<b>Agent:</b>	Mr Murray Kenneth	

### INTRODUCTION

#### The Site

##### Location and Context

1. 74-80 Thorpe Road is a row of four Victorian terraced properties that have been converted to offices as a result of the planning permission granted in 1985.
2. The site is located on the north side of Thorpe Road with offices to the west and the Coach and Horses Public House neighbouring the site to the east. The Royal Mail sorting office is based opposite the site to the south.

## Constraints

3. None

## Planning History

**4851253/CU** – Change of use from residential to office at 74 Thorpe Road

**4/1990/0322** - Erection of two-storey extensions at rear and creation of nine parking spaces at front of building. (APCON - 18/06/1990)

**4/1990/0851** - Condition 2 : Details of external facing materials; Condition 3(a): Details of boundary walls and fences; Condition 3(b): Details of landscaping, planting and site treatment works; Condition 4 :Details of windows on rear extensions; Condition 5 : Details of car parking layout; Condition 6 : Details of railings to be used; for previous permission 4900322/F "Erection of two storey extensions at rear and creation of nine parking spaces at front of building". (APPR - 10/01/1991)

**12/01116/F** - Conversion from offices (Class B1) to 3 No. four bed townhouses and 1 No. three bed townhouse. (PCO - )

## Equality and Diversity Issues

There are no significant equality or diversity issues.

## The Proposal

4. The proposal is to convert offices (Class B1) to 3 No. four bed townhouses and 1 No. three bed townhouse.

## Representations Received

5. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. Five letters of representation have been received, one in support of the application, two objecting to the proposal and two raising concern to the proposal, but not directly opposing it. The reasons for the representations are summarised in the table below.

Issues Raised	Response
Support: <ul style="list-style-type: none"><li>- We are very pleased to note these offices being converted back into dwellings.</li></ul>	
Objection: <ul style="list-style-type: none"><li>- Concern regarding overlooking from rear elevations of the properties and the resultant loss of privacy and decrease in value of house.</li><li>- Currently the parking spaces at the</li></ul>	See paragraph 18  See paragraphs 26-27

<p>application site are used by residents of the flats on Thorpe Road and by customers of the Coach and Horses. Permitting the proposed development will result in many unauthorised vehicles being forced onto surrounding roads, in particular Ethel Road. The proposal will only make the parking situation worse, in an already over-subscribed area</p>	
<p>Concern (neither objecting or supporting the proposal)</p> <ul style="list-style-type: none"> <li>- Concern over noise and disturbance if the properties are to be rented for students in multiple occupancy.</li> <li>- The proposed residential use will increase the chance of noise complaints being made should prospective residents consider the noise levels from the Pub to be unacceptable.</li> <li>- In the unfortunate event that noise disturbance continues to be an issue, the Pub asserts that any complaint made against the Pub will be unsuccessful in law (Coventry t/a RDC Promotions v Lawrence [2012]) cited, given that the noise created by the Pub is one of the established characteristics of the locality.</li> <li>- Any objection to the change of use would be withdrawn if, and only if, the recommendations contained in the noise assessment designed to counteract noise disturbance, are very strongly conditioned to ensure implementation.</li> <li>- Despite assertions made in the noise report, there is space to erect a side fence between 80 Thorpe Road and the neighbouring Pub.</li> <li>- The noise report states that determining the required mitigation measures against plant noise may be beyond the scope of this assessment and also the recommendation that plant noise should be controlled at source. The owners of the pub are happy to assist in reducing levels from the plant providing all costs are met and there is no detrimental impact on the Pub business.</li> </ul>	<p>See paragraph 17</p> <p>See paragraph 16</p> <p>See paragraph 16</p> <p>See paragraphs 13-16</p> <p>See paragraph 29</p> <p>See paragraphs 14 &amp; 16</p>

## **Consultation Responses**

6. Environmental Health – Noise attenuation issues have been raised but no objections to the scheme subject to the additional assessment and the imposition of conditions.
7. Landscape – No objection subject to conditions.
8. Private Sector Housing – No objections to the proposal. The prescriptive standards for room size as set out in the Housing Act 1985 are satisfied.
9. Transport – No objection subject to conditions.

## **ASSESSMENT OF PLANNING CONSIDERATIONS**

### **Relevant Planning Policies**

#### **Policy Considerations**

##### **National Planning Policy Framework (NPPF):**

- Section 4 – Promoting sustainable transport
- Section 6 – Delivering a wide choice of high quality homes
- Section 7 – Requiring good design
- Section 11 – Conserving and enhancing the natural environment

##### **Adopted East of England Plan (May 2008):**

- ENV7 - Quality in the Built Environment
- WAT1 – Water Efficiency

##### **Policies of the Joint Core Strategy for Broadland, Norwich and South Norfolk (March 2011)**

- Policy 2 – Promoting good design
- Policy 3 – Energy and water
- Policy 4 – Housing delivery
- Policy 6 – Access and transportation
- Policy 11 – Norwich City Centre
- Policy 20 - Implementation

##### **Saved Policies of the Adopted City of Norwich Replacement Local Plan (November 2004):**

- NE8 - Management of features of wildlife importance and biodiversity
- NE9 - Comprehensive landscaping scheme and tree planting
- HBE12 - High quality of design in new developments
- EP10 – Noise protection between different uses
- EP22 - High standard of amenity for residential occupiers
- EMP3 – Protection of small business units and land reserved for their development
- HOU15 - Conversion of vacant or underused parts of buildings
- SR7 – Provision of children's equipped play space to serve development
- TRA6 - Parking standards - maxima
- TRA7 - Cycle parking standards

**Supplementary Planning Guidance, Supplementary Planning Documents and Other Material Considerations:**

Open Space and Play Provision (Adopted June 2006)

<b>Other Material Considerations</b>
Written Ministerial Statement on Growth (March 2011)
Local Finance Considerations

**Principle of Development**

10. The NPPF states that local planning authorities should identify and bring back into residential use empty buildings in line with local housing and empty homes strategies. Local authorities are also advised to approve planning applications for change to residential use and any associated development from commercial buildings (especially in the B use classes) where there is an identified need for housing in that area, provided there are not strong economic reasons why such development would not be appropriate. The proposal involves the conversion of vacant office premises for residential use from commercial (B1 Class) and Policy 4 of the JCS identifies the need for additional housing in the Norwich Policy Area. The economic justification for the proposal is discussed in the following paragraph.
11. Saved policy EMP3 of the Local Plan requires that proposals resulting in the loss of existing small business units will only be permitted where the applicant can demonstrate that there is no evidence of a demand for small business units in the area which would justify the retention of the land/premises for that purpose. The applicant has provided justification for the loss of the office space with the assistance of a property consultancy firm. The marketing initiative for the offices has been outlined and states that there has been very little interest expressed in the offices. The premises is not regarded to offer modern, flexible and open plan office space, design features that are sought after in modern business premises. The building is regarded as being inefficient, tightly constrained by the internal layout and does not benefit from a lift, which would otherwise provide access for disabled users of the site. Figures are also provided demonstrating a high over supply of vacant office space in the Norwich area and that the current take-up rate of vacant office space in the City translates to a situation where over five years worth of office space would remain. It is therefore considered that the proposed conversion of the premises to residential use will accord with saved policy EMP3 of the Local Plan.
12. Saved policy HOU15 of the Local Plan sets out a series of conditions for when the conversion of vacant buildings for residential use should be considered acceptable, which the proposal is regarded as satisfying:
  - i) The site is not located within a prime employment area
  - ii) An adequate supply of office space will be retained following the residential conversion
  - iii) Amenity requirements are discussed later in the report
  - iv) The site is close to several bus stops, the train station, shops/services and is only a 10 minute walk from the City Centre
  - v) Satisfactory defensible open space is provided
  - vi) Sound proofing is discussed later in the report, but subject to the imposition of conditions it is considered that adequate noise insulation can be provided at the site to make the properties suitable for residential occupation.

## **Impact on Living Conditions**

### **Noise and Disturbance**

13. Three main sources of noise are identified as posing a threat to the living conditions of prospective residents at the site, namely, traffic along Thorpe Road, plant noise associated with the micro-brewery at the Coach and Horses Pub and entertainment noise from the Pub. Accordingly, the applicant has submitted two noise impact assessments, which identify potentially problematic sources of noise disturbance and highlight the mitigatory works necessary to bring the vacant office buildings into suitable residential use.
14. No 80 Thorpe Road neighbours the Pub and an assessment of the necessary standard of sound insulation between these two properties has therefore been required. Wall structure insulation and window glazing is proposed and can be seen to almost provide adequate sound attenuation under the worst case scenario of 'very loud music' being played at the pub (AJA report received 17<sup>th</sup> May 2012). Results indicate that under such circumstances, the first floor rear bedroom of number 80 will still be at risk from noise emanating from the pub. Planning permission will be conditioned to ensure that further measures as identified in paragraph 5.3.2 of Adrian James Acoustics Limited Noise Assessment Technical Report [ref 10691/1 received 17<sup>th</sup> May 2012], will be installed in order to bring the back bedroom of number 80 within the required standard. These additional measures of sound insulation include the installation of secondary glazing and independent sound insulating plasterboard wall lining (GypLyner Universal System).
15. A subsequent noise report has been submitted (received 5<sup>th</sup> October 2012), which indicates that the proposed installation of double glazing windows with masonry façade constructions will satisfy the Council's internal noise criterion, with trickle ventilators providing suitable background ventilation when windows are closed. It is the opinion of the Council's Environmental Health officer that acoustically attenuated rapid ventilation is also necessary throughout, since all windows to the front and rear of the building are not able to be opened without having an impact on internal noise levels. Such measures will be conditioned upon any planning prospective permission.
16. Number 80 Thorpe Road is identified as being particularly exposed to background noise arising from established nearby uses. Norwich City Council will therefore seek to ensure that measures to control noise disturbance are included within the planning permission for the proposed development, with the onus being on the applicant to both demonstrate and implement the appropriate means of sound attenuation, rather than any additional restrictions being imposed upon the surrounding uses themselves. In other words, the granting of planning permission would not impose any additional responsibility to provide noise attenuation upon the proprietors of the neighbouring pub. Following assessment of the noise impact reports and subject to conditions, it is the position of the Council that adequate noise insulation can be provided to bring the properties up to a standard suitable for residential occupation.
17. One letter of representation has raised concern over potential noise and disturbance that may result if the properties are to be rented for students in multiple occupancy. The current proposal seeks conversion to residential (C3) and

permitted development rights would allow for conversion to Class C4 (occupation by up to six unrelated inhabitants). Inferences on the behaviour of future residents cannot form a material planning consideration in the assessment of this application, but should such disturbances transpire the matter could be investigated as part of an environmental health case and action taken if considered appropriate.

### **Overlooking and Loss of Privacy.**

18. No external alterations are proposed for the development that could increase the level of overlooking onto adjacent properties. What does need to be considered however is whether the conversion of the offices for residential use will result in an unacceptable level of overlooking to adjacent properties. The orientation of the site is such that the rear elevations of 74-80 Thorpe Road face the rear of several terraced properties located along Rosary Road, most notably numbers 90-100 (evens). Although not a mandatory standard, the Building Research Establishment (BRE) sets out a recommended minimum separation distance between opposing facing windows of habitable rooms, of 21 metres. In the scenario least adherent to this standard (The facing windows of 76 Thorpe Road to 96 and 98 Rosary Road), this distance is measured to be approximately 18 metres. Although slightly below the recommended minimum standard, the site does benefit from high level fence screening along the rear boundary and the degree of overlooking is not considered to be so significant to merit refusal of the application. The photographs to be shown in the committee presentation illustrate the extent of overlooking from the perspective of 1<sup>st</sup> floor rear bedrooms of 74-80 Thorpe Road.
19. In addition, the proposal involves reverting the properties back to their original residential use, and the principle of whether the properties are fit for residential occupation has to some degree, already been established.

### **Overshadowing**

20. No external alterations are proposed that could result in increased overshadowing to adjacent properties.

### **Amenity Space**

21. All properties benefit from front and rear gardens with suitable bicycle and refuse storage provided on the Thorpe Road frontage.
22. All properties feature master bedrooms well above the 10.22 squared metre recommended floor space standard as prescribed by the Housing Act 1985. The smallest bedroom out of all the properties is the first floor front bedroom at number 80. This bedroom has a floor space of 6.82 squared metres, which satisfies the prescribed space standard for both a single child (age 1-10 years old) and also the standards recommended for a single adult. It is therefore considered that all room sizes are of sufficient size to ensure a satisfactory standard of living.

### **Design**

23. Very few external alterations are proposed, with the exception of the bin/cycle store, which will be constructed of brickwork to match each respective dwelling. Numbers 76-80 will be separated on the front elevation by 1.8m high close boarded fencing, which will also be erected along the boundary between number 80 and the neighbouring pub. Ivy screening has been recommended by the Council's Landscape Officer as an alternative boundary treatment between number 80 and

the pub in order to provide a 'residential' feel to the frontage.

24. Timber framed sash windows are currently installed, which are regarded as contributing positively to the character to the properties. The applicant proposes to install uPVC windows that replicate the style of existing windows at the site and this is considered to be acceptable in this location outside of a Conservation Area.

## **Transport and Access**

### **Transport and Servicing Assessment**

25. Both the cycle and bin stores are considered to be of adequate size and the mixture of brickwork to the front elevation and stained oak shiplap boarding to the sides and rear is considered to be acceptable. The cycle store will be both covered and secure.
26. The applicant proposes to reduce the number of available parking spaces at the site and the Council's Transport Officer has stated their satisfaction with the arrangements for both parking and site access.
27. The properties will not be eligible for on-street parking permits. One letter of objection raises concern that parking spaces are currently used by residents of surrounding properties and also by patrons of the neighbouring Pub, and that the transfer of right over use of the parking spaces will simply transfer parking issues to areas where parking spaces are already oversubscribed. The existing parking spaces are privately associated with users of the office premises and are not lawfully available for members of the public or patrons of the pub. The proposal will therefore not result in any reduction in the number of lawful, public parking spaces and the matter does not form a material planning matter in the assessment of this application.

## **Environmental Issues**

### **Water Conservation**

28. Policy 3 of the JCS requires that all residential development achieve Code for Sustainable Homes level 4 for water on adoption. Any planning permission will be conditioned to ensure that an assessment is performed by a qualified code assessor and results submitted to the Council for approval prior to first occupation of the dwellings.

## **Trees and Landscaping**

### **Landscaping**

29. Several landscaping recommendations have been made by the Council's Landscape Officer, which will be conditioned as part of any planning permission. The recommendations largely relate to boundary treatment at the site, the front garden areas of 74-80 Thorpe Road and the planting of two trees on the Thorpe Road frontage and one on the east boundary. It is considered that the eastern boundary of the site with the neighbouring pub can be secured with Ivy screens in order to re-establish a residential feel to frontages.

## **Planning Obligations**

### **Open Space and Play Equipment**

30. The proposal will result in the creation of 11 child bed spaces and consequently triggers the need for a Section 106 for open space and play equipment provision off site. A draft agreement has been drawn up along with a solicitor's declaration that



the terms of the agreement are acceptable.

## **Equality and Diversity Issues**

29. There are significant equality or diversity issues.

## **Conclusions**

30. The proposal re-establishes residential use of vacant office space, the loss of which has been justified by the applicant. The site is ideally located in terms of providing excellent access to public transport and nearby services and secure and covered cycle parking is provided for each residential unit in addition to suitably located refuse storage. The site is located adjacent to Thorpe Road and The Coach and Horses Public House, both of which are regarded as sources of noise with the potential to disrupt residential amenity. The applicant has submitted two noise impact assessments and set out a series of mitigatory measures to attenuate against any noise disturbance. The reports have been assessed by the Council's Environmental Protection Officer and with regards to potential noise disturbance, the residential conversion is considered acceptable provided suitable acoustic insulation is implemented and subject to conditions. No external alterations are proposed that would exacerbate overshadowing or overlooking to adjacent properties. The extent of overlooking from 1<sup>st</sup> floor bedrooms onto the rear plots of houses along Rosary Road is not considered significant enough to merit refusal of the application. The proposal will result in a decrease in the number of parking spaces currently available at the site and the Council's Transport Officer has expressed satisfaction with the car/cycle parking arrangements as well as access to the site. Subject to conditions the Landscaping details for the site are considered to be acceptable.

Subject to conditions therefore, the proposal is considered acceptable and to accord with the objectives of Sections 4, 6, 7, 11 and 20 of the National Planning Policy Framework (March 2012), Policies ENV7 and WAT1 of the East of England Plan (2008), Policies 2, 3, 4, 6 and 11 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (2011), saved policies NE8, NE9, HBE12, EP10, EP22, EMP3, HOU15, SR7, TRA6, TRA7 and TRA8 of the City of Norwich Replacement Local Plan (2004) and all other material considerations.

## **RECOMMENDATIONS**

Recommended to approve application 12/01116/F/F 74-80 Thorpe Road and grant planning permission subject to the conditions as outlined below:

- 1) Standard time limit
- 2) In accordance with plans
- 3) Section 106 Agreement
- 4) No occupation of dwellings until habitable rooms provided with trickle ventilators
- 5) A) No use or occupation of dwellings until sound insulation measures have been installed in accordance with par.5.3.2 of AJA noise

assessment (17<sup>th</sup> May)

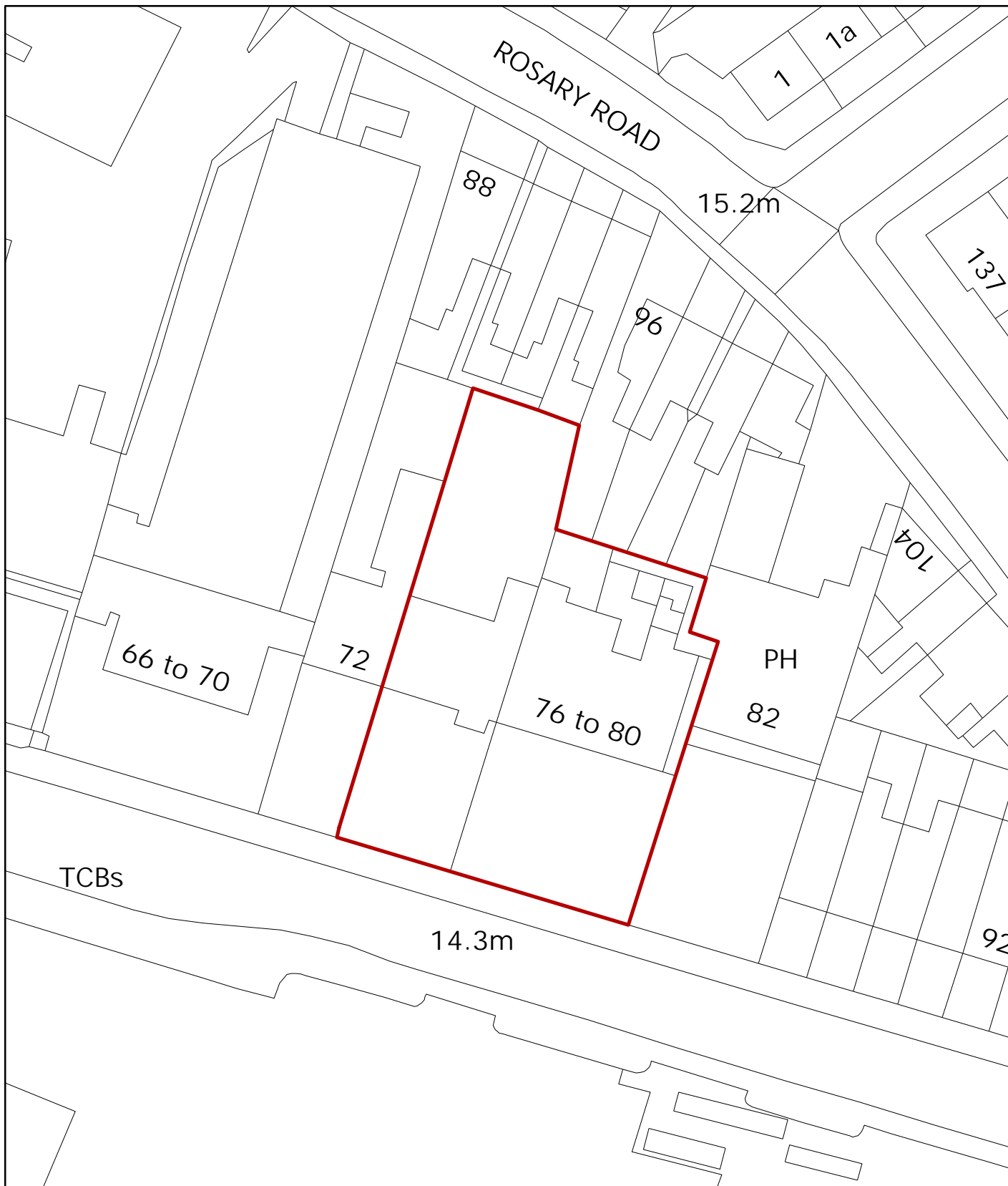
B) Further measures as identified in par. 5.3.2 of AJA noise assessment (17<sup>th</sup> May) to be installed in accordance with a scheme to first be submitted to and approved by the LPA

- 6) No use of premises as dwelling houses shall take place until a mechanical ventilation system has been installed in full accordance with a scheme to first be submitted to and approved by the LPA.
- 7) Water efficiency
- 8) Landscaping scheme
- 9) Removal of permitted development rights

## **Reasons for Approval:**

The proposal re-establishes residential use of vacant office space, the loss of which has been justified by the applicant. The site is ideally located in terms of providing excellent access to public transport and nearby services and secure and covered cycle parking is provided for each residential unit in addition to suitably located refuse storage. The site is located adjacent to Thorpe Road and The Coach and Horses Public House, both of which are regarded as sources of noise with the potential to disrupt residential amenity. The applicant has submitted two noise impact assessments and set out a series of mitigatory measures to attenuate against any noise disturbance. The reports have been assessed by the Council's Environmental Protection Officer and with regards to potential noise disturbance, the residential conversion is considered acceptable provided suitable acoustic insulation is implemented and subject to conditions. No external alterations are proposed that would exacerbate overshadowing or overlooking to adjacent properties. The extent of overlooking from 1<sup>st</sup> floor bedrooms onto the rear plots of houses along Rosary Road is not considered significant enough to merit refusal of the application. The proposal will result in a decrease in the number of parking spaces currently available at the site and the Council's Transport Officer has expressed satisfaction with the car/cycle parking arrangements as well as access to the site. Subject to conditions the Landscaping details for the site are considered to be acceptable.

Subject to conditions therefore, the proposal is considered acceptable and to accord with the objectives of Sections 4, 6, 7, 11 and 20 of the National Planning Policy Framework (March 2012), Policies ENV7 and WAT1 of the East of England Plan (2008), Policies 2, 3, 4, 6 and 11 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (2011), saved policies NE8, NE9, HBE12, EP10, EP22, EMP3, HOU15, SR7, TRA6, TRA7 and TRA8 of the City of Norwich Replacement Local Plan (2004) and all other material considerations.



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Planning Application No 12/01116/F

Site Address 74-80 Thorpe Road

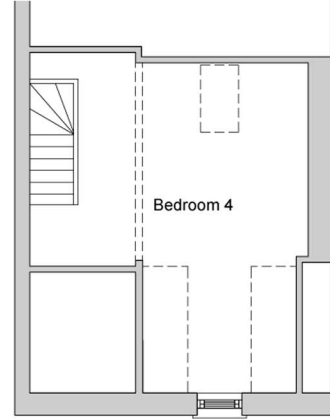
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**NORWICH**  
City Council

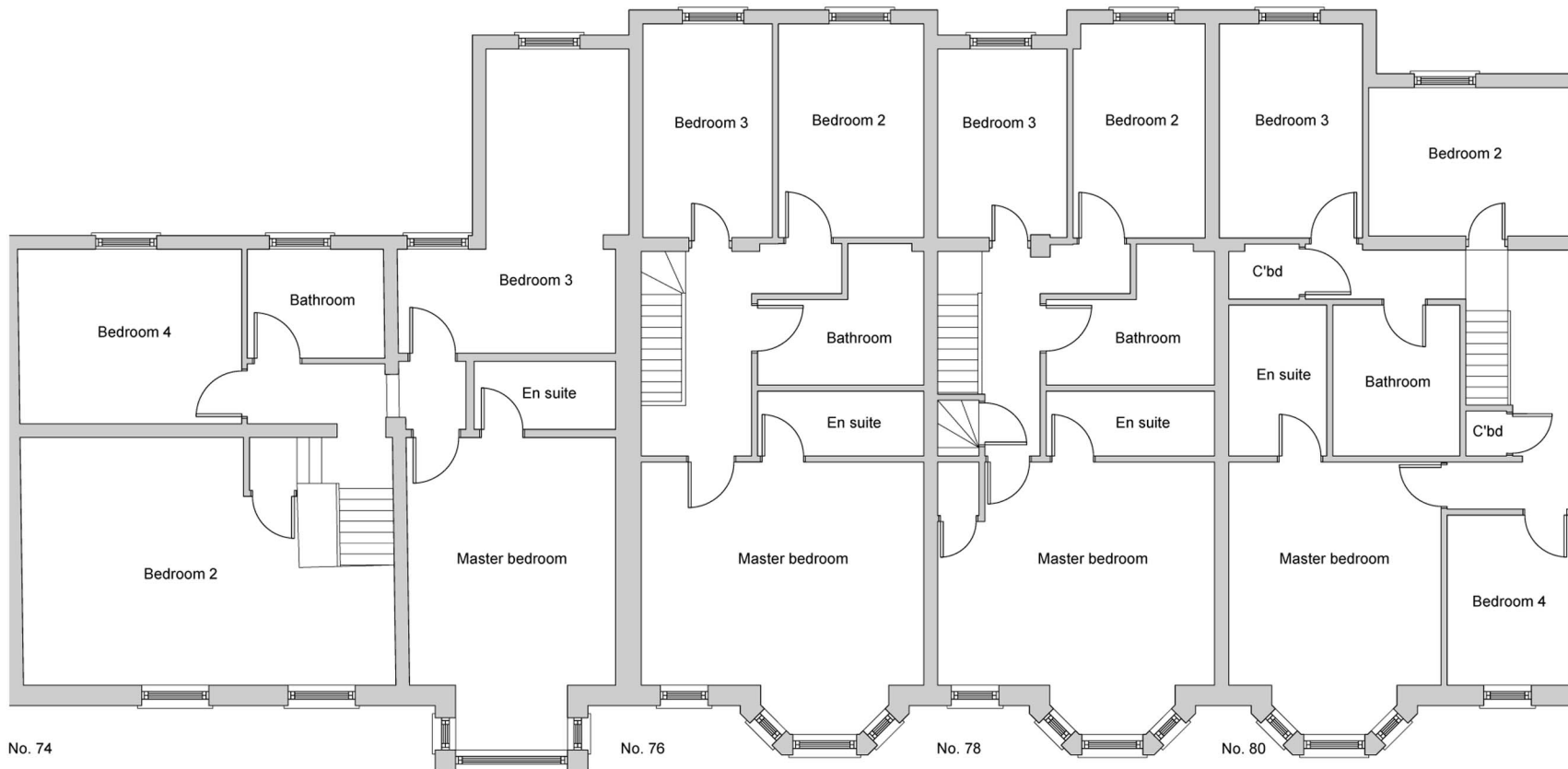
PLANNING SERVICES





No. 78

Second Floor Plan



No. 74

No. 76

No. 78

No. 80

First Floor Plan

Rev B 6 March 2012  
Layout to No.80 revised  
Rev A Oct 2011  
Annotation correction

**AbiGan Technology Limited**  
Masefield  
Common Platt  
Swindon  
SN5 5JZ

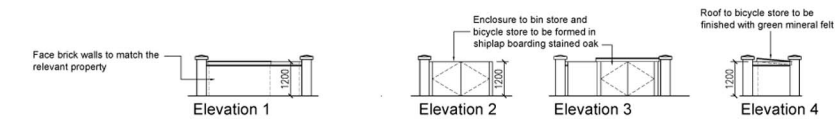
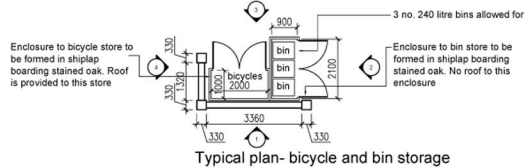
Tel: 01793 770329  
Email: [abigantech@btinternet.com](mailto:abigantech@btinternet.com)

Project  
74-80 Thorpe Road  
Norwich

Drawing Title  
Proposed First & Second Floor  
Plans

Scale 1:50  
Date Oct 2011  
Drawn By Bob

Drawing Number  
03B



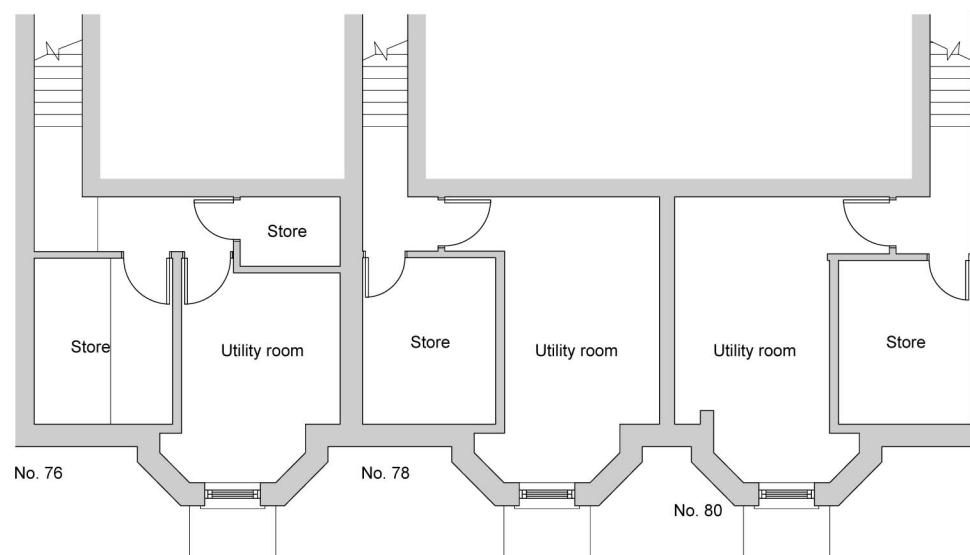
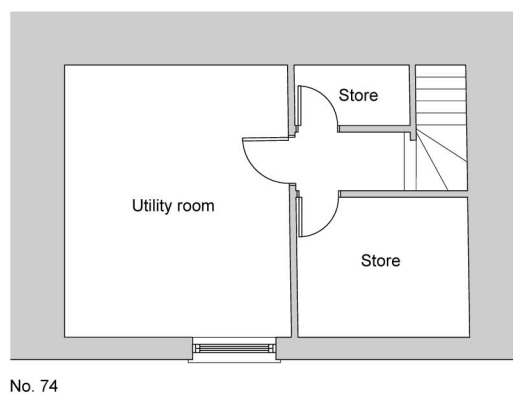
<b>AbiGan Technology Limited</b> Masefield Common Platt Swinson SN5 5JZ  Tel: 01793 770329 Email: abigantechology@btinternet.com	
Project	74-80 Thorpe Road Norwich
Drawing Title	Proposed Building Elevations. Bin Store Plan & Elevations
Scale	1:100
Date	March 2012
Drawn By	Bob
Drawing Number	04



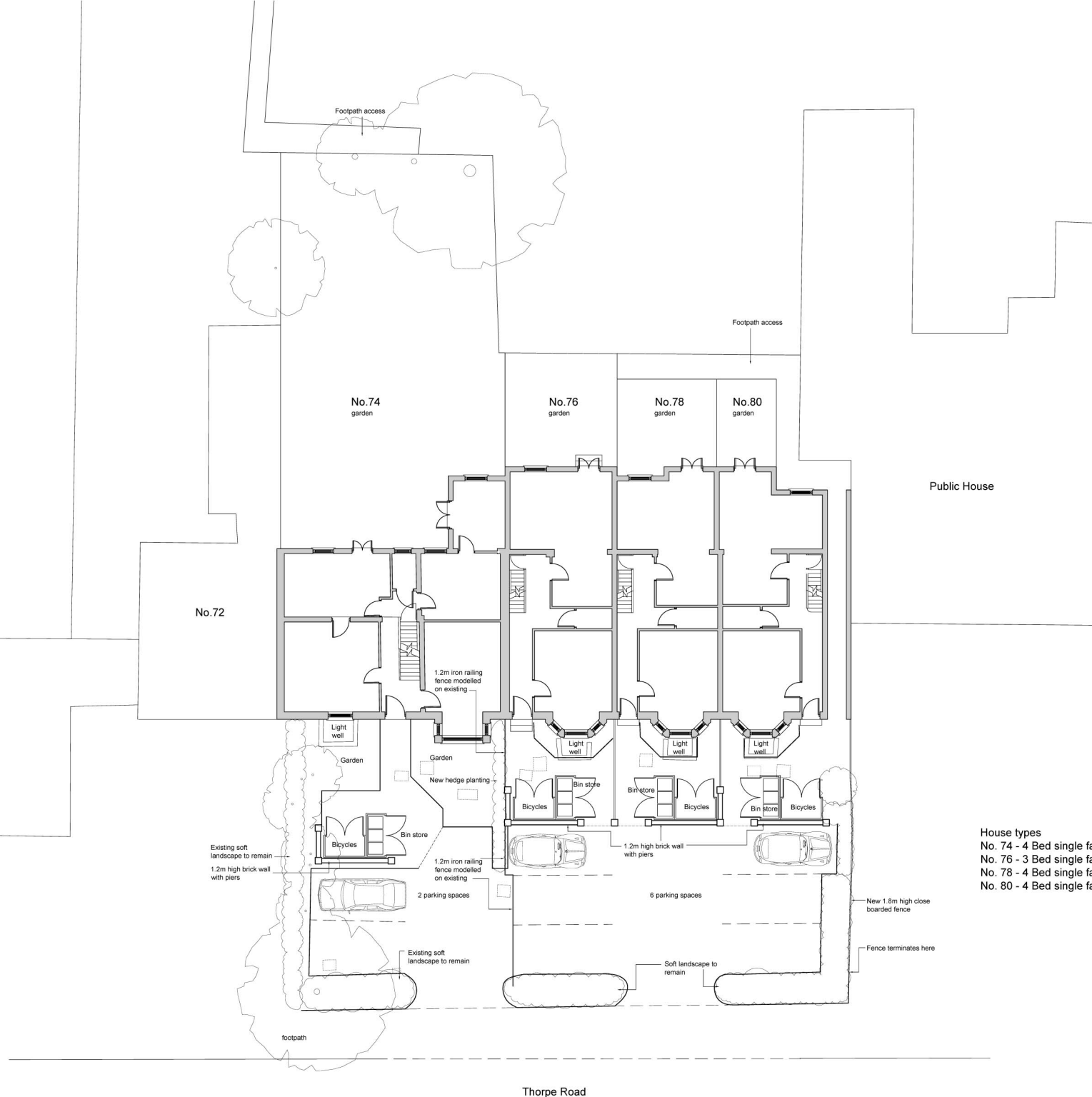
Ground Floor Plan

Rev A 6 March 2012  
Layout to No. 80 revised

<p><b>AbiGan Technology Limited</b> Masefield Common Platt Swindon SN5 5JZ</p> <p>Tel: 01793 770329 Email: abigantech@btinternet.com</p>	
Project	74-80 Thorpe Road Norwich
Drawing Title	Proposed Ground Floor & Cellar Plans
Scale	1:50
Date	Oct 2011
Drawn By	Bob
Drawing Number	02A



Cellar Plan



House types  
 No. 74 - 4 Bed single family townhouse  
 No. 76 - 3 Bed single family townhouse  
 No. 78 - 4 Bed single family townhouse  
 No. 80 - 4 Bed single family townhouse

Rev A 6 March 2012  
 No.80 building layout revised.  
 Site layout redrawn

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Project  
 74-80 Thorpe Road  
 Norwich

Drawing Title  
 Proposed Site Plan

Scale 1:100  
 Date Oct 2011  
 Drawn By Bob

Drawing Number  
 01A