

**Planning Applications Committee**  
**11th June 2009**  
**Section B**

<b>Agenda Number:</b>	B2
<b>Section/Area:</b>	Inner
<b>Ward:</b>	Mancroft
<b>Officer:</b>	Mark Brown
<b>Valid Date:</b>	10th April 2009
<b>Application Number:</b>	09/00284/O
<b>Site Address:</b>	271 Heigham Street Norwich NR2 4LT
<b>Proposal:</b>	Outline application for residential development consisting of 7 no. 2 bedroom flats and 4 no. 3 bedroom town houses.
<b>Applicant:</b>	Burney Estates Ltd
<b>Agent:</b>	Dovetail Architects

## **THE SITE**

The site is located to the south of Heigham Street and adjacent to St Bartholomew's Church the remains of which are a scheduled ancient monument. The site is bordered to the east and south by the rears of properties fronting onto Heigham Street, Nelson Street and St Bartholomew's Close.

The site is currently occupied by a retail warehouse with car parking to the front and access onto Heigham Street. The site is located within the Area of Main Archeological Interest but outside any Conservation Area.

## **PLANNING HISTORY**

**05/00884/F** - Redevelopment of the site to provide 7 no. two bedroom flats and 4 no. three bedroom townhouses with associated access and parking. Application withdrawn 16 November 2005.

**06/00417/F** - Redevelopment of site to provide 7 no. two bedroom flats and 4 no. three bedroom townhouses with associated access and parking. Application disposed of 04 December 2008.

**08/01176/O** - Outline application for residential development consisting of 7 No. two bedroom flats and 4 No. three bedroom townhouses. Application withdrawn 20 March 2009.

## **THE PROPOSAL**

The proposal is for 7no. 2-bedroom flats in a single 2½ storey block fronting onto Heigham Street and turning the corner of an access located at the northwest corner of the site. This access leads to a parking area behind the flats and to 4no. 2½ storey 3 bedroom town houses which face towards St Bartholomew's Church and have rear gardens running back to the rear boundaries of the Nelson Street properties. 15 parking spaces are provided 1 space for each flat and two for each of the townhouses, one within an integral garage.

The application has been submitted in outline form with matters of landscaping reserved.

## **CONSULTATIONS**

Advertised on site, in the press and adjacent neighbours notified.

One letter of objection from a nearby business located on Heigham Street raising concerns over parking problems in the area, the lack of parking within the proposed development and the impact of more traffic.

Four letters of objection received from nearby residents on Heigham Street and Bartholomew's Close raising the following concerns:

- The development is extremely high density and is out of keeping with the nearby terraces;
- The height of the buildings would dwarf neighbouring properties;
- Overshadowing to Nelson Street properties;
- Parking provision is inadequate putting further pressure on street parking;
- Overlooking of neighbouring properties causing loss of privacy;
- The change of use would cause noise and disturbance to nearby residents;
- Highway safety as a result of the access close to a turn in the road and increased levels of traffic;
- Impact on the trees at the boundaries of the site;
- Impact on the retaining wall along the boundary of the site and St Bartholomew's Close properties and concerns over potential subsidence.

One of the letters included a petition of 11 signatures.

**Norfolk Landscape Archaeology:** No objection subject to conditions requiring archaeological investigation, evaluation and mitigation.

**English Heritage:** The application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.

## **PLANNING CONSIDERATIONS**

Relevant National Planning Policy

PPS1 – Delivering Sustainable Development

Supplement to PPS1 – Planning and Climate Change

PPS3 – Housing

PPG13 – Transport

PPG16 – Archaeology and Planning

Relevant East of England Plan Policies:

WM6 – Waste Management in Development

ENV7 – Quality in the Built Environment

ENG1 – Carbon Dioxide Emissions and Energy Performance

Relevant Local Plan Policies:

NE9 – Comprehensive Landscaping Scheme

HBE3 – Area of main archaeological interest

HBE12 – High Quality Design

HBE19 – Design for Safety and Security

EP16 – Water conservation

EP18 – Energy Efficiency

EP22 – Amenity

HOU6 – Community Needs and Facilities

HOU13 – New Housing

SR7 – Children's Equipped Playspace

TRA5 – Design for Vehicle Movement

TRA6 – Parking Standards

TRA7 – Cycle Standards

TRA8 – Servicing

Supplementary Planning Documents (SPD)

Open Space and Play SPD (adopted June 2006)

Transport Contributions SPD (draft for consultation January 2006)

Energy Efficiency and Renewable Energy SPD (adopted December 2006)

### **Principle**

The proposal is in line with government policy in PPS1, the overarching policy statement which aims to ensure that planning promotes sustainable development and PPS3 which promotes the sustainable location of new housing. It complies with national policy in that it is for housing development on a brownfield site in an urban area with good access to local services and facilities.

The site is unallocated and therefore the principle is assessed against policy

HOU13. This allows for residential redevelopment on brownfield sites subject to a number of criteria covering access and accessibility, amenity, density, character and range of housing types, these are discussed further below.

In terms of density some concern has been expressed by local residents over the density of the proposals. At 85 dwellings per hectare the density is not considered to be unacceptable as a matter of principle and is fairly consistent with the densities of other approved developments in the area.

### Layout and Design

The layout of the proposals are now considered to be appropriate given the various constraints of the site. Access along the western boundary is considered appropriate to avoid foundations close to the extensive tree belt along the boundary to St Bartholomew's Church. The location of flats to turn the corner of the access and the townhouses facing towards the green space surrounding the Church is considered appropriate.

In terms of policy TRA5, the centre of the site is dominated by access and parking areas and the parking and manoeuvring areas for the townhouses are adequate but not ideal. However, on balance it is not considered that this alone would warrant refusal of the application.

The flats on the corner are 2 storeys in height rising to 2½ storeys to the west with the eaves and ridge line of the 2 storey elements being slightly lower than existing properties on Heigham Street and the height of the 2½ storey elements being slightly higher. This is considered to be an appropriate scale along the Heigham Street frontage.

The townhouses are 2½ storeys with ridge lines of similar height to properties on Heigham Street and lower than those properties on St Bartholomew's Close. Due to the more contemporary design approach the eave's lines are higher than those properties on Heigham Street.

In general the scale, form and massing is considered to be appropriate. The more detailed design and architectural detailing is considered to be lacking. However, subject to conditions requiring details of materials it is considered that on balance the design is acceptable.

### Residential Amenity

A number of residents have raised concern over the proposals and loss of amenity as a result of noise, overlooking and overshadowing. In terms of noise it is not considered that the use as residential could be considered as incompatible to the existing residential area. There would certainly be more activity in the evenings than the existing use, however this is not considered to be a reason to refuse the application. The main issues in this case are considered to be overlooking and overshadowing.

Dealing with overlooking first, there are a number of west facing windows in the proposals which would look towards the gardens of properties on Heigham Street, Nelson Street and St Bartholomew's Close. These are a bedroom window in the first floor of the flatted block, windows of eight bedrooms in the first and second floors of the townhouses and a landing window in the second floor of the townhouses. Window to window overlooking would not be significant as direct distances to properties on Nelson Street are between 50-55m and other closer windows within properties along Heigham Street and St Bartholomew's Close are at an acute angle. However, the windows of the proposed properties will certainly result in a degree of overlooking to rear gardens. The main consideration is if in planning terms this will result in a significant detrimental impact on the amenities of adjacent residents.

Currently some screening is provided in the form of landscaping along the western boundary of the site and at reserved matters stage it would be important to ensure that further screening is provided along this boundary. The properties on St Bartholomew's Close are perhaps less affected by the first floor windows of the townhouses due to these properties sitting 2m higher than the application site behind a retaining wall.

The windows of the proposed properties are bedroom windows and not primary living spaces. It is considered appropriate to condition obscure glazing to the landing window. On balance it is not considered that the overlooking would be significantly detrimental to refuse the application.

With reference to overshadowing, the townhouses would be positioned further to the west than the existing building on the site, although they would be higher by 2.2m to the eaves and 4m to the ridge. It is not considered that there would be any impact on light entering windows of nearby properties, however, there is likely to be some loss of evening sun to the rear gardens of properties on Nelson Street as a result of the townhouses, however it is not considered that this would be significantly detrimental to warrant refusal of the application.

#### Access, Parking and Servicing

Fifteen parking spaces are provided, 1 space for each flat and two for each of the townhouses, one within an integral garage. This is the maximum number of parking spaces allowed for under policy TRA6 and any further provision would be contrary to this policy. A condition restricting the conversion of the garage for use other than the parking of cars is considered appropriate in this instance.

An area for cycle parking has been indicated on the plans, however limited details have been provided at this stage. It is considered that any consent be subject to a condition for further details of covered and secure cycle parking.

The access to the site is in roughly the same location and has been designed to achieve the necessary visibility splay of 2.4m x 40m. It is considered that

the use of the site for residential is likely to generate less vehicle movements from the site than the existing approved use.

### Trees

A number of mature trees line the western boundary with St Bartholomew's Church. There are also some trees along the south east boundary with properties along Nelson Street. These trees are important to the area and residents have raised concern over any impact during the course of the development. The proposed new buildings are set well back from these trees and are far further back than the existing building on the site. It is not considered that there are any arboricultural issues with the proposed new buildings. However, in order to ensure there is no damage during the course of construction due to the wider work area, it is recommended that any consent be subject to a condition requiring a scheme of measures to protect the trees during the course of construction work.

### Retaining Wall

Properties along St Bartholomew's Close sit 2 metres higher than the application site behind a retaining wall which runs along the southern boundary of the site. A resident of St Bartholomew's Close has raised concern over the effect of the development on this wall and the potential for subsidence.

The concerns raised relate to the safe carrying out and construction of the development should it gain approval. It is the function of building regulations to determine if buildings can be constructed and used safely and the developer's responsibility and subsequent liability for the safe development of the site. As such this is not considered to be material to the consideration of the planning application on this site.

### Environmental Considerations

The site is located within a sustainable location with good links to local facilities, employment areas and the City Centre. The energy efficiency statement submitted with the application details measures for improved insulation over and above building regulations in order to achieve a Code for Sustainable Homes level 3. The statement also identifies the need to provide 10% of the sites energy from decentralised and renewable or low carbon sources and identifies that this would be achieved via the provision of integrated solar PV tiles, 70m<sup>2</sup> positioned on the rear south and east facing roof slopes of the flats and the 10m<sup>2</sup> positioned on each of the four rear south facing slopes of the townhouses. This would provide for upto 11% of the sites energy. Full details of the provision should be a condition of any consent.

## Planning Obligations

In relation to planning obligations the proposals would trigger the following requirements which would need to be secured via a S106 agreement or undertaking:

- Child Play Space:
  - Contribution for 85 child bed spaces £16,560 as required by saved policy SR7.
- Transport Contribution:
  - Contribution for 58 units £3,103.65 as required by saved policy TRA11.

## Conclusion

The site is a brownfield site in a central location the redevelopment of which is considered to be acceptable in principle and in line with the Development Plan and Central Government Guidance. On balance it is considered that there would not be a significant detrimental impact on the amenities of nearby residents and subject to the S106 requirements listed above and the conditions listed below the proposals are considered to be acceptable and the recommendation is therefore to approve.

## RECOMMENDATION

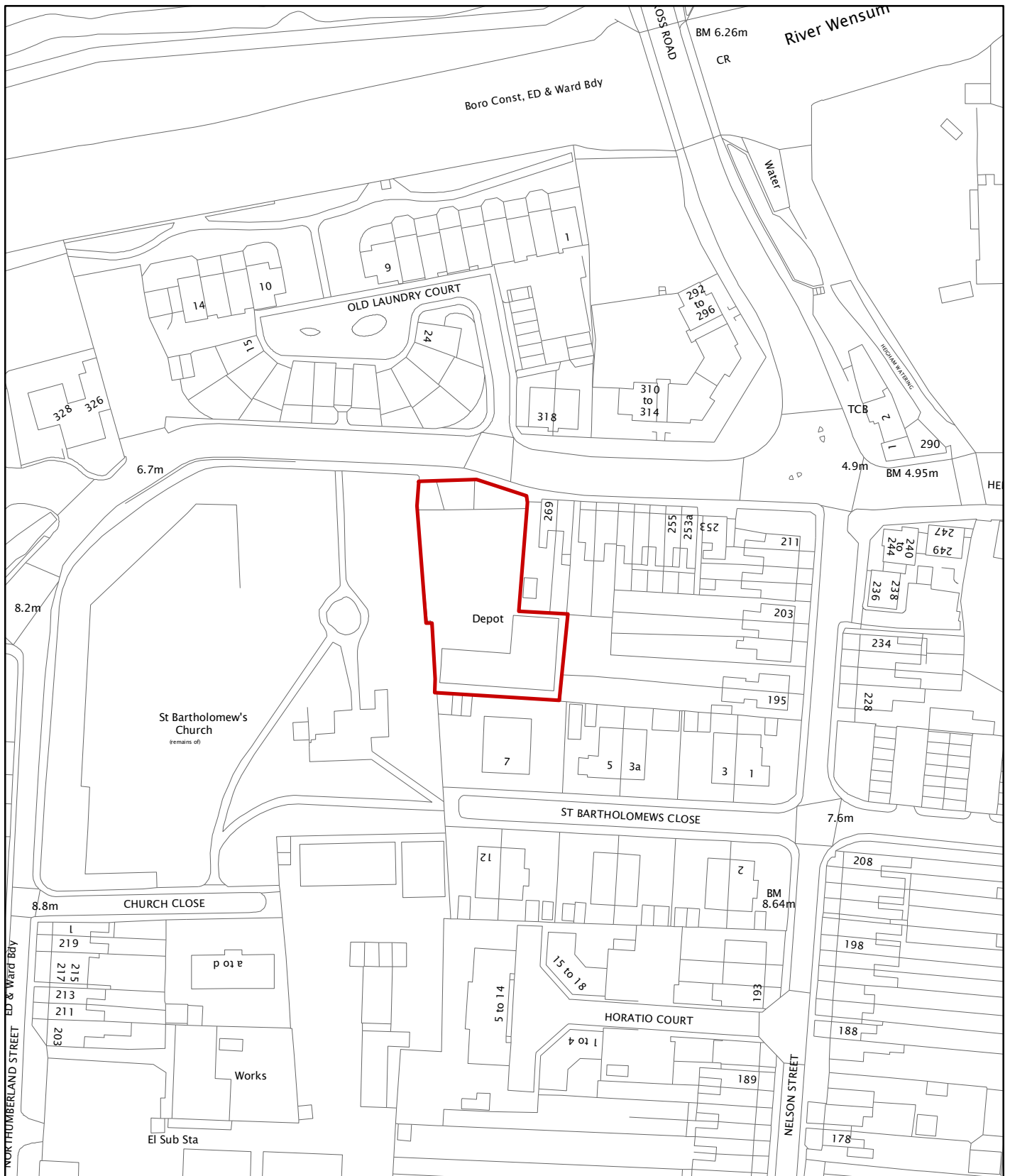
- (1) Approve planning permission subject to the completion of a satisfactory Section 106 Agreement to include provision of child play space and transportation contributions and subject to the following conditions:
- Standard reserved matters time limit;
  - Reserved matters to relate to landscaping;
  - Garages to be used for parking and not to be converted;
  - Submission of the following details:
    - i. Samples of bricks and tiles;
    - ii. Colour and finish of renders;
    - iii. Colour and finish of timber cladding;
    - iv. Colour and finish of timber doors and windows;
    - v. Material and colour of front door frames;
    - vi. Material colour and finish of the balcony;
  - Details of the balcony privacy screen to be provided prior to first occupation;
  - Obscure glazing to the second floor landing window of the townhouses;
  - Bin stores to be provided prior to first occupation and not to be used for any other purpose;
  - Details of covered and secure cycle parking to be provided prior to first occupation;
  - Submission of a scheme for the protection of the trees along the boundaries during the course of the development;
  - Archaeological investigation, evaluation and mitigation;

- Full details for the provision of 10% of the sites energy from renewable or low carbon sources;
  - Further land contamination details in the form of a preliminary risk assessment and site investigation scheme;
- (2) If a satisfactory Section 106 Agreement is not completed prior to 10 July 2009 that delegated authority be given to the Head of Planning and Regeneration Services to refuse planning permission for the following reason:
- In the absence of a legal agreement or undertaking relating to the provision of children's play provision and transportation contributions the proposal is contrary to saved policies SR7, TRA11 and HOU6 of the adopted City of Norwich Replacement Local Plan.

**Reason for Recommendation (1):**

The recommendation has been made with regard to the provisions of the development plan, so far as material to the application including policies ENV7, ENG1 and WM6 of the adopted East of England Plan, saved policies NE9, HBE3, HBE12, HBE19, EP16, EP18, EP22, HOU6, HOU13, SR7, TRA5, TRA6, TRA7 and TRA8 of the adopted City of Norwich Replacement Local Plan, PPS1, Supplement to PPS1, PPS3, PPG13, PPG16 and other material planning considerations. The proposal is for the redevelopment of a brownfield site with residential development in a central sustainable location. The proposal is considered to be acceptable in principle and in line with the Development Plan and Central Government Guidance. On balance it is considered that there would not be a significant detrimental impact on the amenities of nearby residents and subject to the S106 requirements and appropriate conditions the proposals are considered to be acceptable.





© Crown copyright. All rights reserved. Licence No. 100019747 2009

Planning Application No- 09/00284/O  
 Site Address - 271 Heigham Street, Norwich  
 Scale - 1:1,250



**NORWICH**  
 City Council

DIRECTORATE OF REGENERATION  
 AND DEVELOPMENT

