Report to Planning applications committee Item

14 February 2019

Report of Head of planning services

Subject Application no 16/01889/O - Land West of Eastgate

House, 122 Thorpe Road, Norwich

Reason Application was previously reported to planning

for referral committee due to local objections.

4(c)

Ward:	Thorpe Hamlet
Case officer	Robert Webb - robertwebb@norwich.gov.uk

Development proposal			
Outline application for the erection of 20 no. apartments including associated			
parking and amenity space.			
Representations			
Object	Comment	Support	
4	1	0	

Recommendation	Approve unless a legal agreement is not
	completed within three months of the date
	of this meeting.

Background and main issue

- 1. The application was reported to planning committee on 8 November 2018 with a recommendation to approve planning permission and the committee resolved to grant permission, subject to the completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure the delivery of affordable housing. A copy of the officer's report for the November meeting and an extract from the minutes are appended to this report.
- 2. Unfortunately, since the committee resolved to grant planning permission, the applicant has shown no willingness to enter into such an agreement and despite repeated contact no progress has been made in terms of drafting the legal document necessary.
- 3. The failure to provide a mechanism to ensure the delivery of a policy compliant level of affordable housing on the site is contrary to the provisions of policy DM33 of the Norwich Development Management Policies Plan, policy 4 of the Joint Core Strategy for Broadland, Norwich and South Norfolk and guidance within paragraphs 62 and 64 of the National Planning Policy Framework. The benefits of the proposal would not outweigh the clear conflict with policy.

Recommendation

To:

- (1) approve application no. 16/01889/O Land West of Eastgate House, 122 Thorpe Road, Norwich and grant planning permission subject to the completion of a satisfactory legal agreement to include provision of affordable housing and subject to the following conditions:
 - 1. Standard time limit for submission of reserved matters
 - 2. In accordance with plans
 - 3. Energy efficiency
 - 4. Water efficiency
 - 5. Surface water drainage scheme
 - 6. Unexpected contamination
 - 7. Details of bin and cycle storage
 - 8. Imported topsoil and subsoil
 - 9. Slab levels
 - 10. Construction method statement.
 - 11. Provision of additional fire hydrants.

Or

(2) where the legal agreement is not completed within three months of the date of this meeting to refuse application no. 16/01889/O - Land West of Eastgate House 122 Thorpe Road Norwich for the following reason:

The proposal fails to provide a mechanism to secure the delivery of affordable housing and is therefore contrary to the provisions of policy DM33 of the Norwich Development Management Policies Plan (2014), policy 4 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (2011, amendments adopted 2014) and guidance within paragraphs 62 and 64 of the National Planning Policy Framework (2018). The benefits of the proposal would not outweigh the clear conflict with policy.

Planning applications committee Report to: Item

8 November 2018

Report of: Head of planning services

Application no 16/01889/O - Land West of Eastgate House, 122 Thorpe Road, Norwich Subject:

Reason

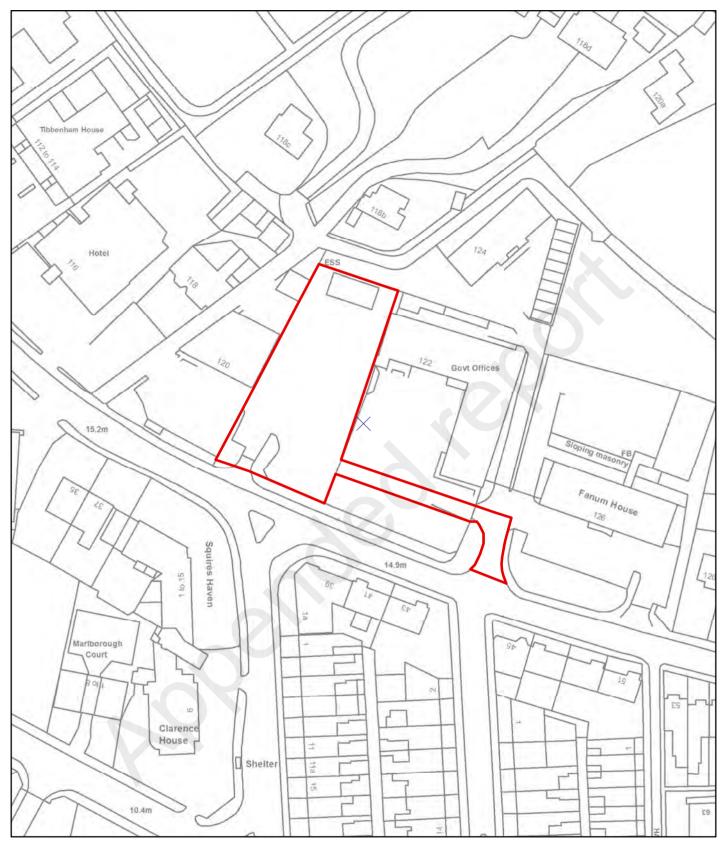
Objection

for referral:

Ward:	Thorpe Hamlet	
Case officer	Robert Webb – robertwebb@norwich.gov.uk	

Development proposal		
Outline application for the erection of 20 no. apartments including associated parking		
and amenity space.		
Representations		
Object	Comment	Support
4	1	0

Main issues	Key considerations
1	Principle of development
2	Design
3	Heritage
4	Trees
5	Transport and servicing
6	Amenity
7	Energy and water
8	Flood risk
9	Biodiversity
10	Contamination
11	Affordable housing viability
Expiry date	Extension of time – 15 November 2018
Recommendation	Approval



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Planning Application No 16/01889/O

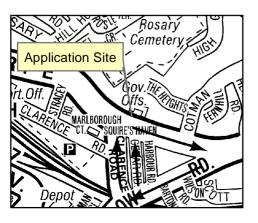
Land West of Eastgate House

Site Address 122 Thorpe Road

Scale 1:1,000







The site and surroundings

- 1. The site is a surface level car park off Thorpe Road, to the east of the city centre. It is currently used by staff as additional parking for the staff of Alan Boswell Insurance Group. It is located in between Eastgate House, a former office block and coroner's court, much of which has been converted to residential flats and Graphic House, another former office block which has been converted to student accommodation.
- 2. There is a garage block within the rear of the site. The land rises up from Thorpe Road towards the rear of the site. There are a number of residential dwellings to the north, situated within the Thorpe Ridge conservation area, the boundary of which is adjacent to the northern boundary of the site itself. The southern (front) boundary of the site has a vehicular access onto Thorpe Road and is located close to the junction with Clarence Road.

Constraints

3. There are a number of trees on the southern and western boundaries. The trees on the southern boundary are part of a group Tree Preservation Order.

Relevant planning history

4.

Ref	Proposal	Decision	Date
4/1990/0115	Erection of four lock-up garages at rear of site.	APPR	05/03/1990
09/01076/CF3	Change of use of part of the ground floor of 122A from offices (Class B1) to a Coroners Court Room (Class sui generis).	APPR	18/11/2009
13/01665/PDD	Change of use of Eastgate House from offices (Class B1a) to provide 38 flats (Class C3).	CEGPD	15/11/2013
14/00967/F	Construction of stairwell and lift shaft to provide access to Eastgate House.	APPR	01/09/2014
14/01175/F	Alterations to the exterior of Eastgate House including erection of a new canopied entrance, installation of replacement windows, erection of juliette balconies with re-cladding and rendering.	APPR	03/10/2014

Ref	Proposal	Decision	Date
15/01129/PDD	Change of use from offices (Class B1) to residential (Class C3) to provide 47 residential units.	AEGPD	08/10/2015
17/00430/F	Alterations to the exterior of Eastgate House including erection of a new patio areas, installation of replacement windows, erection of juliette balconies with re-cladding and rendering.	APPR	24/04/2017
17/00649/NCD	Change of use from offices (Class B1) to residential (Class C3) to provide 47 residential units.	APPR	09/06/2017
17/00980/F	Erection of fourth and fifth floor extension to Eastgate House to create 7 No. new flats.	APPR	18/09/2017
18/00275/F	Change of use of part ground floor (former Coroner's Court) to residential (Class C3) to provide 5 flats.	APPR	06/07/2018
18/00923/NMA	Amendment to planning permission 17/00980/F - change layout of fourth and fifth floor flats to create 1 No. extra flat.	APPR	13/08/2018

The proposal

- 5. The proposal is the erection of a new building and associated parking to accommodate 20 flats (3 x 1 bed and 17 x 2 bed). The building would be flat roofed and formed of a 5 storey section towards the front of the site dropping to a 3 storey section at the rear. 6 parking spaces would be provided at the front of the site, together with pedestrian access and landscaping. The majority of the flats would have either a private balcony or courtyard area, with the remainder having Juliette balconies.
- 6. The application is in outline, with matters of landscaping and appearance reserved. This means that the layout, scale and access are to be considered at outline stage.

Summary information

Proposal	Key facts
Scale	
Total no. of dwellings	20
No. of affordable dwellings	6 + contribution towards off-site provision of 1 unit
No. of storeys	Part 5 storey, part 3 storey, maximum height approximately 15 metres
Density	111 dwellings per hectare
Transport matters	
Vehicular access	From Thorpe Road
No of car parking spaces	6
No of cycle parking spaces	To be controlled by condition
Servicing arrangements	Waste collection and deliveries via access driveway

Representations

7. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 5 letters of representation have been received citing the issues as summarised in the table below. All representations are available to view in full at http://planning.norwich.gov.uk/online-applications/ by entering the application number.

Issues raised	Response
Concern that the proposal will harm the open aspect currently enjoyed by properties to the north.	See main issue 6
Concern about overlooking and overshadowing of properties to the rear including from north facing balconies	See main issue 6
Increased noise and activity	See main issue 6
Loss of views over the city and the skyline	See main issue 6

Issues raised	Response
Concern about overdevelopment of the site when added to the adjacent developments at Eastgate and Graphic House.	See main issue 2
Concern regarding lack of parking and increased parking and traffic flow on Thorpe Road.	See main issue 5
Concern that proposal would harm the character of the neighbourhood and adjacent conservation area being out of scale with existing properties.	See main issues 2 and 3
Impact on wildlife, peaceful feel and general ambience of the neighbourhood.	See main issues 6 and 9
Minimal soft landscaping proposed	See main issue 2
The Clarence Road, Thorpe Road and Carrow Road one way gyratory system should all be returned to two-way traffic. This would significantly reduce traffic movements and noise, pollution and inconvenience for new and existing properties.	See main issue 5

Consultation responses

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

Design and conservation

9. This is not an application that I intend to provide conservation and design officer comments on because it does not appear on the basis of the application description to require our specialist conservation and design expertise. This should not be interpreted as a judgement about the acceptability or otherwise of the proposal.

Environmental protection

10. I have reviewed this application and have no comments.

Highways (local)

11. No objection on highways/transport grounds.

Lead local flood authority

12. Officers have screened this application and it falls below our current threshold for providing detailed comment. This is because the proposal is for less than 250

dwellings or 5 ha in size and is not within a surface water flow path as defined by Environment Agency mapping.

Norfolk police (architectural liaison)

- 13. At this outline application stage I do not have the level of detail I require to make specific comments in relation to 'designing out crime', but this is an excellent opportunity to incorporate the national crime prevention initiative Secured by Design, based upon the principles of "designing out crime" and incorporate the latest security standards to address emerging criminal methods of attack.
- 14. I recommend that the development should seek to achieve full Secured by Design Certification. It can help create safer, more secure and sustainable environments where crime is reduced and the fear of crime is not enhanced for the ensuing residents.

Tree protection officer

15. I have visited the site, reviewed the Arboricultural Impact Assessment, and largely concur with its findings. All trees on the western boundary (with the exception of T3 and T4) are considered low quality specimens and I have no objections to their removal. The removal of T5 on the southern boundary is also considered appropriate. I would suggest, however, that there is scope to plant more than one tree (as detailed in the AIA) in the space adjacent to T6, to mitigate this loss. As long as the recommendations set out in the AIA are fully implemented, I would have no objections, from an arboricultural perspective, to the proposal.

Norwich Society

16. Our original comments were 'This seems a well-scaled design in relation to the adjacent buildings although we have some concerns about the lack of parking.' The revisions reduce the mass of the proposals and have an increased parking provision therefore we have no objections to the application.

Assessment of planning considerations

Relevant development plan policies

- 17. Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)
 - JCS1 Addressing climate change and protecting environmental assets
 - JCS2 Promoting good design
 - JCS3 Energy and water
 - JCS4 Housing delivery
 - JCS6 Access and transportation
 - JCS9 Strategy for growth in the Norwich policy area
 - JCS12 The remainder of the Norwich urban area including the fringe parishes
 - JCS20 Implementation

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

- DM1 Achieving and delivering sustainable development
- DM2 Ensuring satisfactory living and working conditions
- DM3 Delivering high quality design
- DM4 Providing for renewable and low carbon energy
- DM5 Planning effectively for flood resilience
- DM6 Protecting and enhancing the natural environment
- DM7 Trees and development
- DM9 Safeguarding Norwich's heritage
- DM11 Protecting against environmental hazards
- DM12 Ensuring well-planned housing development
- DM13 Communal development and multiple occupation
- DM28 Encouraging sustainable travel
- DM30 Access and highway safety
- DM31 Car parking and servicing
- DM32 Encouraging car free and low car housing
- DM33 Planning obligations and development viability

Other material considerations

19. Relevant sections of the National Planning Policy Framework March 2012 (NPPF):

- Section 2: Achieving sustainable development
- Section 5: Delivering a sufficient supply of homes
- Section 8: Promoting healthy and safe communities
- Section 9: Promoting sustainable transport
- Section 11: Making effective use of land
- Section 12: Achieving well-designed places
- Section 14: Meeting the challenge of climate change, flooding and coastal change
- Section 15: Conserving and enhancing the natural environment
- Section 16: Conserving and enhancing the historic environment

20. Supplementary Planning Documents (SPD)

Affordable housing SPD adopted 2015

Case Assessment

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

Main issue 1: Principle of development

- 22. Key policies and NPPF sections DM12, DM13, JCS4, JCS12, NPPF sections 2 and 5.
- 23. The site comprises a surface car park and constitutes previously developed land within the urban area of Norwich. None of the exception criteria of Policy DM12 apply here and new residential development at the site is therefore acceptable in principle, subject to other material planning considerations and policies discussed below.
- 24. Paragraph 59 of the NPPF identifies the importance of a sufficient amount and variety of land coming forward where it is needed to significantly boost the supply of housing and DM12 support new housing which will help to meet housing needs in the city. The site is located within an established residential area, with regular bus services located nearby, and is within walking distance to the city centre.

Main issue 2: Design

- 25. Key policies and NPPF sections JCS2, DM3, NPPF sections 8, 11, 12.
- 26. The design has been revised in response to feedback from officers with the scale and number of flats being reduced, with further changes made to the layout of the site and the position of internal rooms. The height of the tallest part of the building would be similar to the height of the adjacent building to the east, Eastgate House, although the building would step down in height to only be three storey towards the rear. It would be taller than Graphic House to the west, although a planning application is currently being considered for the addition of a further storey to this building which would make it broadly similar in height to the proposed new residential block which is the subject of this report.
- 27. The design is a contemporary form which responds to the former office blocks either side. The scale is acceptable given the form of the existing buildings. High quality materials would be sought at reserved matters stage. The varying heights and recessed fifth storey adds some variation and interest to the appearance of the proposal. The proposal is acceptable in terms of its form, scale and siting, given the context of the sizeable buildings either side.
- 28. There is sufficient space at the areas around the proposed building to provide good quality communal space and to enhance the green frontage, and the pedestrian access provides a legible entrance way to the development from Thorpe Road. Sufficient space is available for bin and bike storage, the details of which would be controlled by condition.

Main issue 3: Heritage

- 29. Key policies and NPPF sections DM9, NPPF section 16.
- 30. Whilst the site itself carries no heritage designation it is adjacent to the Thorpe Ridge conservation area, which covers a large area of land to the north. The site forms part of the setting of this heritage asset, and it is important to consider the impact of the proposal on this setting. Currently the view of a gravel car park, or when occupied, a large number of parked cars does not provide a particularly beneficial setting to the conservation area. However, the open characteristics of the

site does allow for views of the wooded ridge beyond the site. Such views are glimpsed views, because there are a number of trees on the site frontage itself, which would be retained as part of the proposal. Notwithstanding this, it is recognised that the introduction of a significant building would lead to the loss of a significant proportion of the current view of the trees within the conservation area.

- 31. This harm is considered to be 'less than substantial' using the terminology described in the NPPF. The proposal must also be considered in the context of the sizeable Eastgate House which adjoins the site, and to a lesser degree Graphic House on the opposite side. In this context the proposal is considered a logical infill, the siting of which follows an established pattern of buildings fronting Thorpe Road. It is considered this harm can be mitigated by ensuring a high quality landscaping scheme including new trees and the use of high quality materials, and it is noted that the new build would not fill the entire width of the site.
- 32. The development would deliver significant public benefits in terms of providing 20 new homes in a sustainable location, and would make for a more efficient use of the land than the current use. The public benefits would outweigh the less than substantial harm, in terms of the test required under paragraph 196 of the NPPF.

Main issue 4: Trees

- 33. Key policies and NPPF sections DM7, NPPF section 15.
- 34. A number of trees on the western boundary of the site would be removed to facilitate development. The majority of these are Leyland Cypress whose loss is not objected to given they are a non-native species. Just one category B2 tree would be removed, a False Acacia. Replacement planting should be sought as part of the detailed landscaping scheme. No objection is raised by the council's arboricultural officer and the proposal is considered acceptable in terms of impact on trees.

Main issue 5: Transport and servicing

- 35. Key policies and NPPF sections JCS6, DM28, DM30, DM31, DM32, NPPF section 9.
- 36. The site is located within walking distance of the railway station, bus routes and city centre shops and services. It is also within a controlled parking zone, where under policy DM32 low car or car-free development is permitted. To this end only 6 parking spaces are proposed which is acceptable in this location, however there is space to provide policy compliant levels of cycle parking which would be controlled by condition. Concern has been raised about increased congestion on Thorpe Road, however parking is restricted by continuous double yellow lines in the vicinity of the site so it is not anticipated that a problem would arise. New properties would not eligible for a parking permit.
- 37. It is stated within the application that staff using the existing car park would utilise the public car park on Lower Clarence Road.
- 38. Following discussions during the application process a through route has been designed which would allow refuse lorries to enter the site and exit via the access for Eastgate House, to ensure that waste could be collected without impeding traffic flows on Thorpe Road.

39. A comment was received suggesting replacing the Thorpe/Carrow/Clarence Road gyratory with a two way traffic system, due to the opinion that this would reduce traffic flows and be more convenient. However this application is not considered to be the correct avenue to seek such a comprehensive change, and in any event the proposal is unlikely to have a significant impact on traffic flows due to the low level of parking proposed.

Main issue 6: Amenity

40. Key policies and NPPF sections – DM2, DM11, NPPF section 12.

Amenity for surrounding occupiers

- 41. Concern has been raised regarding the potential for overshadowing, loss of privacy, noise and loss of view. In terms of overshadowing, whilst some would occur, the separation distances between buildings are such that the proposal would not cause material harm. With regard to privacy, the plans have been revised to remove north facing balconies, and the windows have been positioned to avoid a material loss of privacy. Whilst views of the houses to the north would be possible, the front of the nearest bungalow is at least 21 metres away which is acceptable in terms of separation distance. In addition such views would be from smaller windows, not large French windows which would face to the side and front of the building.
- 42. In terms of noise and activity, the proposal is for a residential use in an area occupied by other residential development so it is considered to be a compatible use. The main noise generating issue is likely to be the movement of vehicles yet the level of parking is low and the level of movements are likely to be similarly low.
- 43. With regard to concerns about loss of views and open aspect, in accordance with planning law this is not a material planning matter in the consideration of an application. The proposal would not be unduly overbearing on properties surrounding the site.

Amenity for future occupiers

44. The proposal meets the minimum space standards for internal rooms for all dwellings. In addition revisions have been made to improve levels of natural light, outlook and maximise the provision of private amenity space where possible. The communal areas and access arrangements are well planned. The proposal is considered to comply with the requirements of policy DM2 with regards to occupier amenity.

Main issue 7: Energy and water

- 45. Key policies and NPPF sections JCS3, DM1, NPPF section 14.
- 46. The proposal is required to generate 10% of its energy requirements from renewable or low-carbon sources, maximise sustainable construction and energy efficiency together with exceeding building regulations in relation to water efficiency.
- 47. A statement has been submitted which indicates a number of measures would be employed in terms of energy efficiency and consideration would be given the best method of energy generation, with solar panels or air source heat pumps identified

as possible sources. The details and implementation of this would be controlled by condition and considered further at reserved matters stage.

Main issue 8: Flood risk

- 48. Key policies and NPPF section- JCS1, DM5, NPPF section 14.
- 49. The site is within flood zone 1, the zone of lowest risk and is not particularly vulnerable to surface water flooding. The supporting drainage report states that the site is unlikely to be suitable for the provision of soakaways, therefore surface water run-off from the proposed development will be managed by an attenuation tank with discharge to mains sewer, and the private access road and parking spaces would be constructed using permeable paving.

Main issue 9: Biodiversity

- 50. Key policies and NPPF sections JCS1, DM6, NPPF section 15.
- 51. An ecology survey has found that the site does not support any habitats of ecological importance. Recommendations have been made in terms of ensuring the removal of trees takes place outside of the bird nesting season but no other actions are considered necessary. The landscaping scheme to be agreed at reserved matters stage will provide an opportunity to seek ecological enhancements to the site.

Main issue 10: Contamination

- 52. Key policies and NPPF sections DM11, NPPF section 15.
- 53. The site is not known to have had any previously contaminating uses; however a precautionary condition is recommended to ensure that if any contamination is discovered, it is dealt with appropriately.

Main issue 11: Affordable housing viability

- 54. Key policies and NPPF sections JCS4, DM33, NPPF section 4.
- 55. On a total of 20 flats, a policy compliant scheme should deliver 33% of them as affordable which equates to 7 affordable units. The applicant has stated a preference for providing 6 on-site affordable units which would take the form of the flats in the three storey block at the rear of the site. The logic behind this is that given the design of the proposal, it would easier for a registered provider to manage the single block of 6 properties as a whole, rather than individual flats dispersed around the building. A financial contribution would be secured to provide a further unit off-site, with the sum calculated to be £75,243.93, ensuring that the development contributes the full policy compliant level of affordable housing. This provision would be secured via a section 106 legal agreement.

Equalities and diversity issues

56. There are no significant equality or diversity issues.

S106 Obligations

57. A section 106 agreement for the provision of affordable housing is required.

Local finance considerations

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

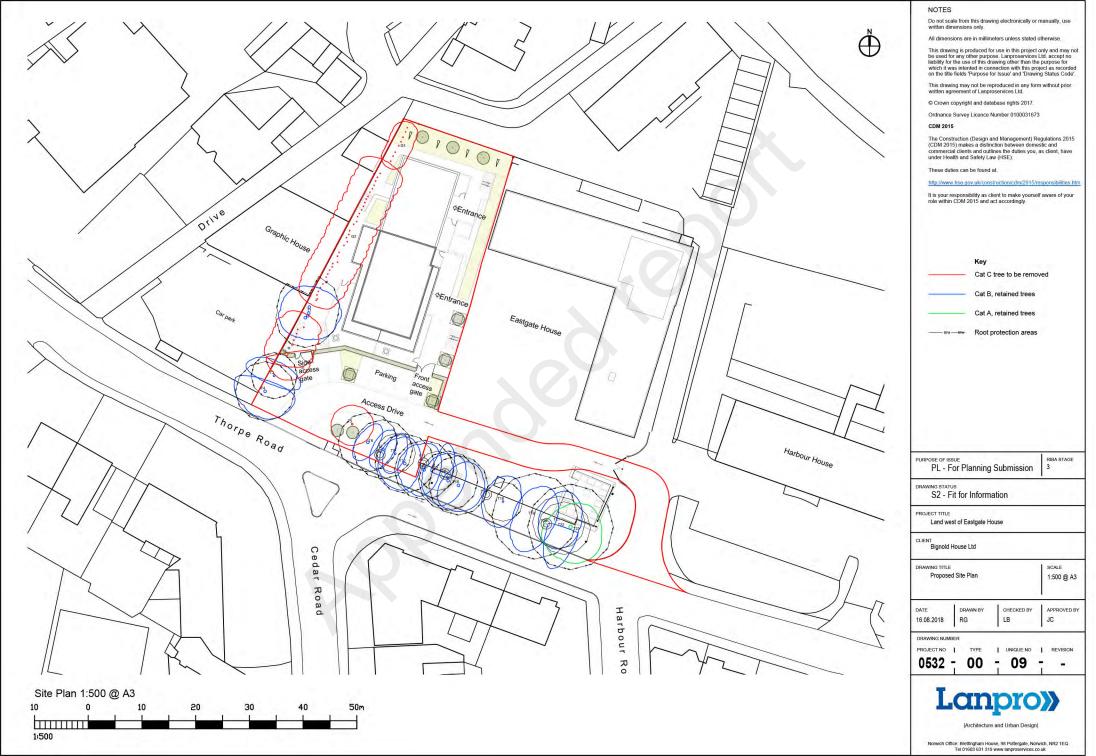
Conclusion

- 61. The proposal is well designed and would make a more efficient use of the land, delivering 20 new dwellings within a sustainable location and providing a policy compliant level of affordable housing. No material harm would be caused to surrounding occupiers and whilst there would be some less than substantial harm to the setting of the conservation area to the north, this would be outweighed by the public benefits of the scheme.
- 62. The development is in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.

Recommendation

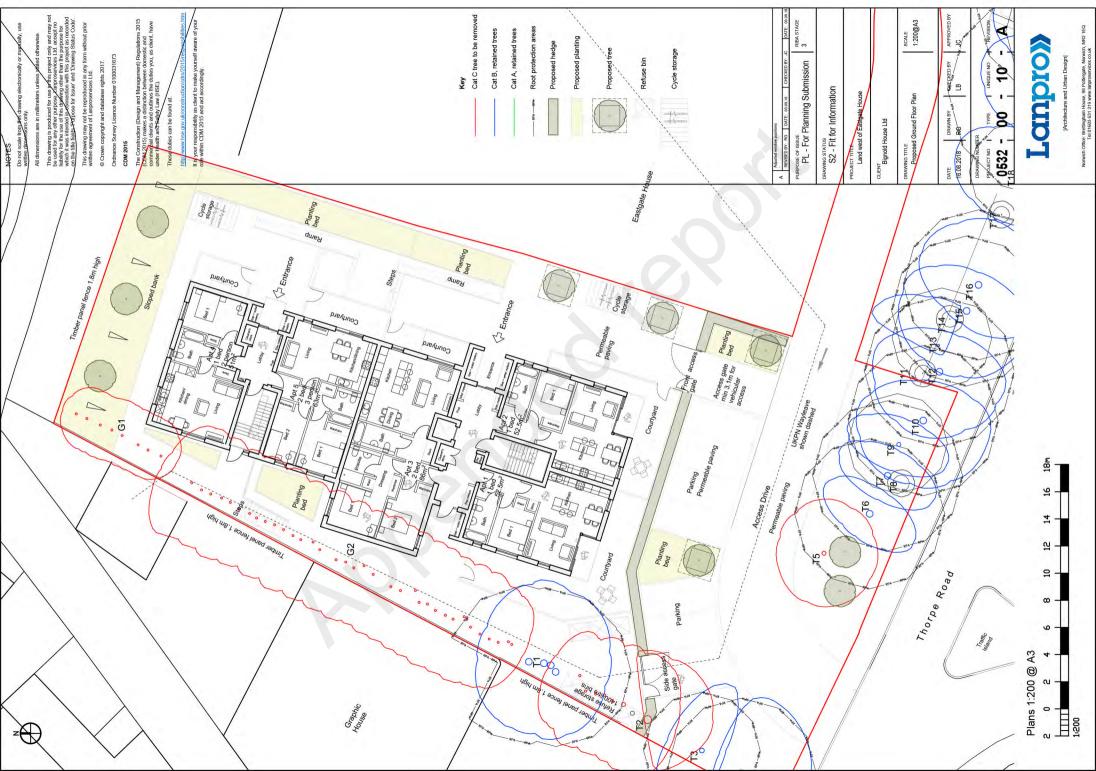
To approve application no. 16/01889/O - Land West of Eastgate House, 122 Thorpe Road, Norwich and grant planning permission subject to the completion of a satisfactory legal agreement to include provision of affordable housing and subject to the following conditions:

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Proposed Third floor plan, Apts 16-18



P

2 bed

NOTES

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These duties can be found at

http://www.hse.gov.uk/construction/cdm/2015/responsibilities.htm

It is your responsibility as client to make yourself aware of your role within CDM 2015 and act accordingly.

Adjusted window positions

PL - For Planning Submission Rule 18.09.18 CHECKED BY: JC DATE: 03.09.18 CHECKED BY: JC DATE: 03

DRAWING STATUS

S2 - Fit for Information

PROJECT TITLE

Land west of Eastgate House

CLIENT

Bignold House Ltd

DRAWING TITLE

Proposed Upper Floor Plans

1:200 @ A3

JC

APPROVED BY

DATE DRAWN BY CHECKED II 16.08.2018 RG LB

DRAWING NUMBER

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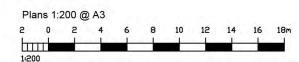
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Second Floor Plan (Repeated) Apts 11 - 15

Proposed First floor plan, Apts 6-10



Minutes

Planning applications committee

10:00 to 15:25 8 November 2018

Present: Councillors Driver (chair), Maxwell (vice chair), Bradford (to end of

item 9, below), Button, Malik, Peek, Raby, Ryan, Sands (M), Stutely,

Trevor (to end of item 9, below) and Wright

Apologies: Councillors Henderson

Extract from the minutes

7. Application no 16/01889/O - Land West of Eastgate House, 122 Thorpe Road, Norwich

The senior planner presented the report with the aid of plans and slides. He referred to the supplementary report of updates reports circulated at the meeting and summarised comments from the Norfolk Fire and Rescue Service which raised no objections but stipulated that all parts of the building must be accessible for a fire appliance and additional fire hydrants to be provided.

The chair moved and the vice chair seconded the recommendations as set out in the report and amended in the supplementary report of updates to reports.

Members welcomed that this site was fully compliant with policy and would provide 33 per cent affordable housing, comprising six units on site and a commuted sum for provision of a unit elsewhere. The area development manager (outer) assured members that there was a reasonable amount of time before the commuted sum needed to be used.

RESOLVED. unanimously, to approve application no. 16/01889/O - Land West of Eastgate House, 122 Thorpe Road, Norwich and grant planning permission subject to the completion of a satisfactory legal agreement to include provision of affordable housing and subject to the following conditions:

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