

**Report to**

Planning applications committee

Item

4 December 2014

**Report of**

Head of planning services

**Subject**

Application ref: 14/00957/F Site between 95 and 111 Adelaide Street Norwich

**Reason for referral**

Objection

**4E**

<b>Site address</b>	Site between 95 and 111 Adelaide Street Norwich
<b>Ward:</b>	Mancroft
<b>Case officer</b>	Mrs Joy Brown 01603 212543 <a href="mailto:joybrown@norwich.gov.uk">joybrown@norwich.gov.uk</a>

<b>Development proposal</b>		
Erection of 3 No. flats.		
<b>Representations to original proposal</b>		
Object	Comment	Support
4 (two from same address)	0	0
<b>Representations to amended proposal</b>		
1	0	0

<b>Main matters for consideration</b>	<b>Key issues</b>
<b>Main issue 1: Principle of development</b>	Housing supply
<b>Main issue 2: Design</b>	Impact on streetscene, setting, mass, height
<b>Main issue 3: Heritage</b>	Impact upon neighbouring locally listed Bread and Cheese Public House
<b>Main issue 4: Amenity</b>	Impact upon neighbouring residents and provision of satisfactory living conditions for future residents
<b>Main issue 5: Transport</b>	Development with no off street car parking
<b>Expiry date</b>	29 <sup>th</sup> October 2014 Agreed extension of time until 12 <sup>th</sup> December 2014
<b>Recommendation</b>	Approve

## The site and surroundings

1. The site is situated on the western side of Adelaide Street near the junction with Nile Street. It is a vacant plot to the north of 91-95 Adelaide Street (which is a relatively modern terrace) and to the south of the Bread and Cheese public house (111 Adelaide Street) which is a locally listed building (non-designated heritage asset).
2. The surrounding area is mainly residential with it being characterised by two storey 19<sup>th</sup> century terraces. There are also some flats and bungalows in close proximity to the site.

## Constraints

3. The site is not within a conservation area but the site is adjacent to a locally listed building.
4. The site is relatively flat and is currently covered in fairly dense vegetation.

## Relevant planning history

Ref	Proposal	Decision	Date
03/00230/F	Erection of dwelling	Approved	07/11/2003
04/00200/D	Condition 5: details of glazing for previous planning permission 03/00230/F	Approved	08/04/2004

Application 03/00230/F was granted subject to a condition that development shall commence within five years of the permission. The site is currently overgrown and from the officer's site visit there was little evidence that works had commenced. However the applicant has submitted an email from CNC building control which sets out that a commencement inspection took place on 22<sup>nd</sup> November 2006 and a further visit was undertaken on 30<sup>th</sup> March 2007 where the drains were checked. On this basis it would appear that development was commenced within the required time period and therefore application 03/00230/F for the erection of a dwelling can continue to be implemented.

## The proposal

5. The application seeks full planning permission for the erection of three flats (2 no. two bedroom and 1 no. one bedroom). The proposed building will be three storey with one flat accommodating each floor.
6. The proposed flats are of a contemporary design with the proposed building being mainly rendered with a flat roof. The building will be attached to the neighbouring public house and will be separated from the neighbouring terrace block by a pathway which provides access to the rear of 95 Adelaide Street.

7. The proposal has been amended during the process of assessing the application to take into consideration some of the concerns raised by the planning officer and conservation and design officer. Previously it was proposed that the building would be forward of the existing build line. This has now been revised so the proposed building will be no further forward than the neighbouring terrace. Furthermore it is now proposed to set the second floor back by 0.5m. Other amendments include reducing the number of bedrooms on the second floor from two to one, simplifying the palette of materials, replacing side windows in the rear projection element with high level windows, providing a screen to the roof top terrace, changes to the landscaping and introducing a gate to the side pathway.

### Summary information

Proposal	Key facts
<b>Scale</b>	
Total no. of dwellings	<b>3</b>
No. of affordable dwellings	<b>0</b>
Total floorspace	<b>168 sqm (GIA)</b>
No. of storeys	<b>3</b>
Max. dimensions	<b>Height – 8.4m (excluding solar panels), Width – 6.1m, Depth – 13.6m</b>
<b>Appearance</b>	
Materials	<b>Cream render with red brick details and sarnafil dark grey roof</b>
Energy and resource efficiency measures	<b>Solar panels will be installed on the flat roof</b>
<b>Transport matters</b>	
No of car parking spaces	<b>0</b>
No of cycle parking spaces	<b>6</b>
Servicing arrangements	<b>Sufficient space is provided for 6 x 240 litre bins</b>

### Representations

8. Adjacent and neighbouring properties were notified in writing of the application as submitted. Three letters of representation were received (although two letters were from the same address) citing the issues as summarised in the table below. A fourth

letter of representation was also received from the Norwich Society. All representations are available to view in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Issues raised	Response
The proposed building is of a totally different style to the existing properties. It is three storeys whereas most buildings are two storeys. It is also set forward of the front building line. The site is of similar size to the adjacent houses so it would be more appropriate to have a similar type of house in this established residential area.	See main issues 2
The contemporary design while acceptable in itself, is out of keeping in this small scale terraced context and creates problems of overlooking for neighbours. The three storeys make the proposal well above the height of the adjoining properties.	See main issue 2 and 4
The south wall will create a narrow, dark and potentially dangerous alleyway. A gate on the front would help reduce potential for anti-social behaviour.	A gate has been added to the proposal.
The proposal will result in overlooking to the gardens of the neighbouring terrace, 2 Arderon Court and properties to the rear of Waddington Street as there are windows within the side elevation and there is a roof terrace and balcony. This could also result in increased levels of noise.	See main issue 4

9. A further consultation took place on the amended proposal. One letter of representation has been received. This letter states that their objection to the application as submitted still stands and that by moving the building back it will be very intrusive and block out natural light to the garden and property of the adjacent dwelling. Furthermore the neighbour feels that no consideration has been taken regarding the large tree which is in close proximity to the plot. Carrying out building works could have safety concerns as roots will be disturbed.

## Consultation responses

10. 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**

11. No objection to the principle of a contemporary design approach but the initial design did not adequately take account of its context.

## **Environmental protection**

12. No comment

## **Highways (local)**

13. No objection. The location will encourage residents walk and cycle. The site is outside of the controlled parking zone but car ownership levels tend to be lower than average in this inner urban location. The provision of cycle and bin storage is adequate.

## **Natural areas officer**

14. The period when site clearance should not take place (except in the presence of a qualified ecologist) should be extended to the end of August.

## **Tree protection officer**

15. No comment

# **Assessment of planning considerations**

## **Relevant development plan policies**

### **16. 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 Remainder of Norwich area
- JCS20 Implementation

### **17. 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
- DM9 Safeguarding Norwich's heritage
- DM12 Ensuring well-planned housing development
- DM13 Communal development and multiple occupation
- DM28 Encouraging sustainable travel
- DM31 Car parking and servicing
- DM32 Encouraging car free and low car housing
- DM33 Planning obligations and development viability

## **Other material considerations**

### **18. Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**

- NPPF0 Achieving sustainable development
- NPPF4 Promoting sustainable transport
- NPPF6 Delivering a wide choice of high quality homes
- NPPF7 Requiring good design
- NPPF10 Meeting the challenge of climate change, flooding and coastal change
- NPPF11 Conserving and enhancing the natural environment
- NPPF12 Conserving and enhancing the historic environment

## **Case Assessment**

19. 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 policies 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**

20. Key policies and NPPF paragraphs – DM12, DM13, NPPF paragraphs 49 and 14.

21. The NPPF states that where a 5 year land supply cannot be demonstrated, applications for housing should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up-to-date. The Norwich Policy Area does not currently have a 5 year land supply and therefore Local Plan policies for housing supply cannot be considered up-to-date. As a result the NPPF requires planning permission to be granted for sustainable development unless:

- a) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or
- b) Specific policies in the NPPF indicate development should be restricted.

22. The principle of three flats on this vacant site is therefore acceptable and will help meet the housing needs within Norwich. As such the main issues in assessing any future application on the site are design and the impact upon the neighbouring locally listed building, the impact upon living conditions of future and existing residents, trees and ecology. These are addressed below.

### **Main issue 2: Design**

23. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 9, 17, 56 and 60-66.

24. The proposed development is on a vacant site within a predominately residential area which is characterised by two storey 19<sup>th</sup> century terraces. The terrace directly to the

south of the site however is much more recent than this and the public house to the north dates from the mid 19<sup>th</sup> century.

25. Consent has previously been granted on the site for a contemporary dwellinghouse and although this does form some kind of precedent, it must be noted that this was permitted over 10 years ago and since this time the City of Norwich Replacement Local Plan was adopted in 2004 and the Development Management Policies Local Plan was adopted in 2014. Furthermore the adjacent public house has since been identified as a locally listed building and therefore careful consideration does need to be given to whether the proposed flats are appropriate in this setting taking into consideration the stronger design policies which are now in place.
26. Notwithstanding the above, it is considered that a contemporary building is appropriate within the setting and it is of my opinion, that this is better than trying to create a pastiche development particularly given that the terraces to the south are of no particular architectural merit. The main issue however is creating a contemporary dwelling that takes account of its setting and does not have a detrimental impact upon the significance of the neighbouring heritage asset.
27. The application as submitted failed to do this and the design was considered to be over-bearing to its neighbours due to its mass, particularly with the proposed building being forward of the main building line, and due to the prominence of the second floor.
28. Following discussions and negotiations with the applicant the proposed has been revised so the building is set back behind the build line of the neighbouring terrace which also allows for a front garden wall which makes the building appear more recessive and visually enables the continuation of other walls and therefore this horizontal element along the street. The second floor has also been set back behind a parapet which helps reduce the massing of the front and north facing elevations and improves the relationship between the proposed building and the pitched roofs of the other building on the street.
29. Therefore it is considered that the revision addresses the concerns previously raised and that subject to conditions relating to materials, fenestration and landscaping the proposed development although very different from the surrounding buildings, does now adequately take account of its setting.

### **Main issue 3: Heritage**

30. Key policies and NPPF paragraphs – DM9, NPPF paragraphs 128-141.
31. The site is situated adjacent to the Bread and Cheese Public House which is locally listed and an early example of a corner public house, which is still in use after 150 years. Therefore it is important that the application is assessed in terms of its impact upon the significance of this non-designated heritage asset, in line with paragraph 135 of the NPPF.
32. The application as submitted was considered to dwarf the public house due to its size, mass and positioning and therefore would have caused some harm to the setting of the building and therefore its significance. The proposed amendments, including pushing the front elevation back in line with the neighbouring terrace and setting the second floor back even further behind a parapet, have helped reduce the

harm to the neighbouring building. It is considered that the harm has been reduced enough, that a refusal could no longer be justified.

#### **Main issue 4: Amenity**

33. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.

##### *Impact on living conditions of neighbouring residents*

34. With regards to the impact upon neighbouring residents, the main issues for consideration are the impact upon neighbouring properties to the south (91-95 Adelaide Street), properties the rear (74-76 Waddington Street) and number 2 Arderon Court. It is not considered that the proposal will have an impact upon the owner or patrons of the public house.
35. With regards to the properties to the south, it is considered that the proposal may result in some loss of light and overshadowing to 95 Adelaide Street; however due to the orientation and the gap provided by the pathways between the plots any loss of light and overshadowing will not be of significant harm and therefore would not be at an unacceptable level. Concern was raised with the applicant that due to there being windows within the side elevation of the projection and due to there being a roof terrace, the potential for overlooking to the terrace to the south was at an unacceptable level. The proposal has since been amended so any windows within the side elevation at first floor level and above are either high level or obscured. Furthermore a screen has now been provided on the roof terrace which will prevent overlooking. Details of this screen should be conditioned to ensure that it is of appropriate height and material.
36. With regards to the impact upon the properties on Waddington Street due to the distances involved the proposal is not likely to result in any loss of light or overshadowing. It is however acknowledge that there will be a minimal increase in overlooking; however due to screening provided by the large conifer tree, the level of overlooking is no worse than can be expected in a tight urban context such as this.
37. Finally consideration needs to be given to the impact upon the living conditions of residents of 2 Arderon Court as their garden extends to the southern boundary of the Bread and Cheese public house. The proposed flats are not likely to impact upon the internal living space of this bungalow however it is acknowledged that the proposal could result in some overshadowing in the morning to the lower end of their garden and increase overlooking to this section of the garden too. However bearing in mind existing levels of overlooking, it is not considered than any increase in overlooking will be significant enough to justify a refusal.

##### *Living conditions for future residents*

38. It is considered that the proposed flats will just about provide sufficient internal space for future residents and that the proposed openings providing satisfactory light into all of the properties. The two lower flats are two bedroom with the top floor flat being one bedroom. The space standards set out within the supplementary text to policy DM 2 of the emerging local plan gives an indicative minimum gross internal area of 50 sq.m for a one bedroom, two person dwelling and 61 sq.m for a two bedroom, three person dwelling. The proposed flats are 50 sq.m, 51 sq.m and 47 sq.m which are slightly below the minimum standards. The suggestion was made to the applicant that it may



be better to reduce the number of flats on site to allow for better internal space; however they wish to proceed with the number of flats proposed. Although the flats are slight tight, the open plan layout does seem to work relatively well and therefore it would be difficult to refuse an application on there being a lack of space in this instance.

39. With regards to external amenity space, this is by no means ideal as one of the flats has no external space (other than a Juliet balcony). The ground floor flat will have a very small garden and the upper floor will have a small roof terrace. Neither of these spaces will be overly private however given that it is unlikely that the flats will be occupied by families and as the site is within walking distance of a number of public open spaces such as the Wensum Park West, in this instance, it is not considered that there are sufficient grounds to refuse an application on the lack of external amenity space.

40. The site is situated adjacent to the Bread and Cheese public house. As part of the application a noise impact assessment was submitted. Norwich City Council's Environmental Protection Officer is satisfied with the information submitted and therefore it is not considered that noise from the adjacent property is likely to cause an unsatisfactory living condition to future residents of the site.

### **Main issue 5: Transport**

41. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF paragraphs 17 and 39.

42. The development will be car free and although the site is not situated within a controlled parking zone, the local highway officer has no objection to the proposal as car ownership levels tend to be lower than average in this inner urban location. This is likely to be a result of the site being situated in a sustainable location with easy access to buses and due to the site being situated in cycling and walking distance of the city centre and local shops and services on Dereham Road.

43. It is proposed to have sufficient cycle storage space for six cycles (two per flat) which although not covered should be relatively secure subject to a condition requiring further details of the tethers.

### **Compliance with other relevant development plan policies**

44. A number of development plan policies include key targets for matters such as parking provision and energy efficiency. The table below indicates the outcome of the officer assessment in relation to these matters.

<b>Requirement</b>	<b>Relevant policy</b>	<b>Compliance</b>
Cycle storage	DM31	<b>Yes subject to condition</b>
Car parking provision	DM31	<b>No car parking is provided and the site is not situated within a permit area. No objection from local highway officer due to sustainable location.</b>
Refuse	DM31	<b>Yes subject to condition</b>

Storage/servicing		
Energy efficiency	JCS 1 & 3 DM3	<b>Yes the proposal exceeds local requirements</b>
Water efficiency	JCS 1 & 3	<b>Yes subject to condition</b>
Sustainable urban drainage	DM3/5	<b>Yes subject to condition</b>

### **Other matters**

45. The following matters have been assessed and considered satisfactory and in accordance with relevant development plan policies, subject to appropriate conditions and mitigation:

- Trees - There is one large conifer tree in close proximity to the site. The tree officer has confirmed that he has no objection to the proposal.
- Landscaping - Due to the size of the site there is little scope for landscaping; however a condition should be attached to any future permission requiring details of the front and rear curtilage to ensure that the proposal is of good design and the space is suitable for the enjoyment of residents.
- Biodiversity – There is no evidence of any protected/important plant or animal species on the site or habitats of potential value to support such species. A condition should be attached relating to site clearance during bird nesting season.
- Energy and water - As the proposal is for three flats there is no requirement for the development to include a source of renewable energy. The proposal does however include solar panels on the roof which is supported. No water efficiency calculations have been provided as part of the application. A condition should be attached to any permission to ensure that the proposal satisfies the requirements of Joint Core Strategy policy 3.

### **Equalities and diversity issues**

46. There are no significant equality or diversity issues.

### **S106 Obligations**

47. The proposal is for less than five dwellings and as such affordable housing is not required.

### **Local finance considerations**

48. Under Section 143 of the Localism Act the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. The benefits from the finance contributions for the council however must be weighed against the above planning issues.

49. This development would generate the payment of Community Infrastructure Levy to a sum of £12,600 (index linked) (unless any relief for self-build is successful) and New Homes Bonus grant. In this case the financial considerations are relatively limited and therefore limited weight should be given to them.

## **Conclusion**

50. The proposed flats are contemporary in nature and due to their size and form, create a relatively intensive use of the site in an area which is characterised by two storey dwellinghouses. However the applicant has revised the proposed to mean that although the flats are very different to other buildings within the area, it does adequately take account of its setting and will not cause significant harm to the significance of the neighbouring locally listed Bread and Cheese Public House.
51. The flats are relatively small with little external amenity space however on balance they are considered to provide a satisfactory living condition for future residents of the site. Furthermore although the proposal will have an impact upon neighbouring residents, it is not considered that the impact is of such significant harm to justify a refusal.
52. Furthermore although the previous application on the site was granted over 10 years ago, the development did commence and therefore lawfully can be completed. There are a number of differences between the previous consent and this application, however in terms of the design and impact upon the streetscene this current application is considered to fit in slightly better. Other aspects of it on the other hand, including the impact upon neighbouring residents and the intensification of the development are slightly worse.
53. Overall therefore it should be noted that this is a relatively finely balanced judgement and members are asked to particularly consider the photographs and plans presented at Committee to make a properly informed consideration of the merits of the objectors concerns. The absence of a 5 year housing land supply is also of importance as it is felt that it cannot be demonstrated that adverse impacts of the proposal would significantly and demonstrably outweigh the benefits of an additional three flats.
54. On balance, the development is in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that on balance, there are no material considerations that indicate it should be determined otherwise.

## **Recommendation**

For the reasons outline above the recommendation is to approve the application subject to the conditions listed below:

1. Standard time limit (3 years)
2. In accordance with plans
3. Details of external facing and roofing materials
4. Details of windows and doors, canopy above front door, parapet
5. Details of bin stores, cycle stores, all external amenity areas, boundary treatments, gate to passageway. Provision prior to occupation and to be retained in perpetuity

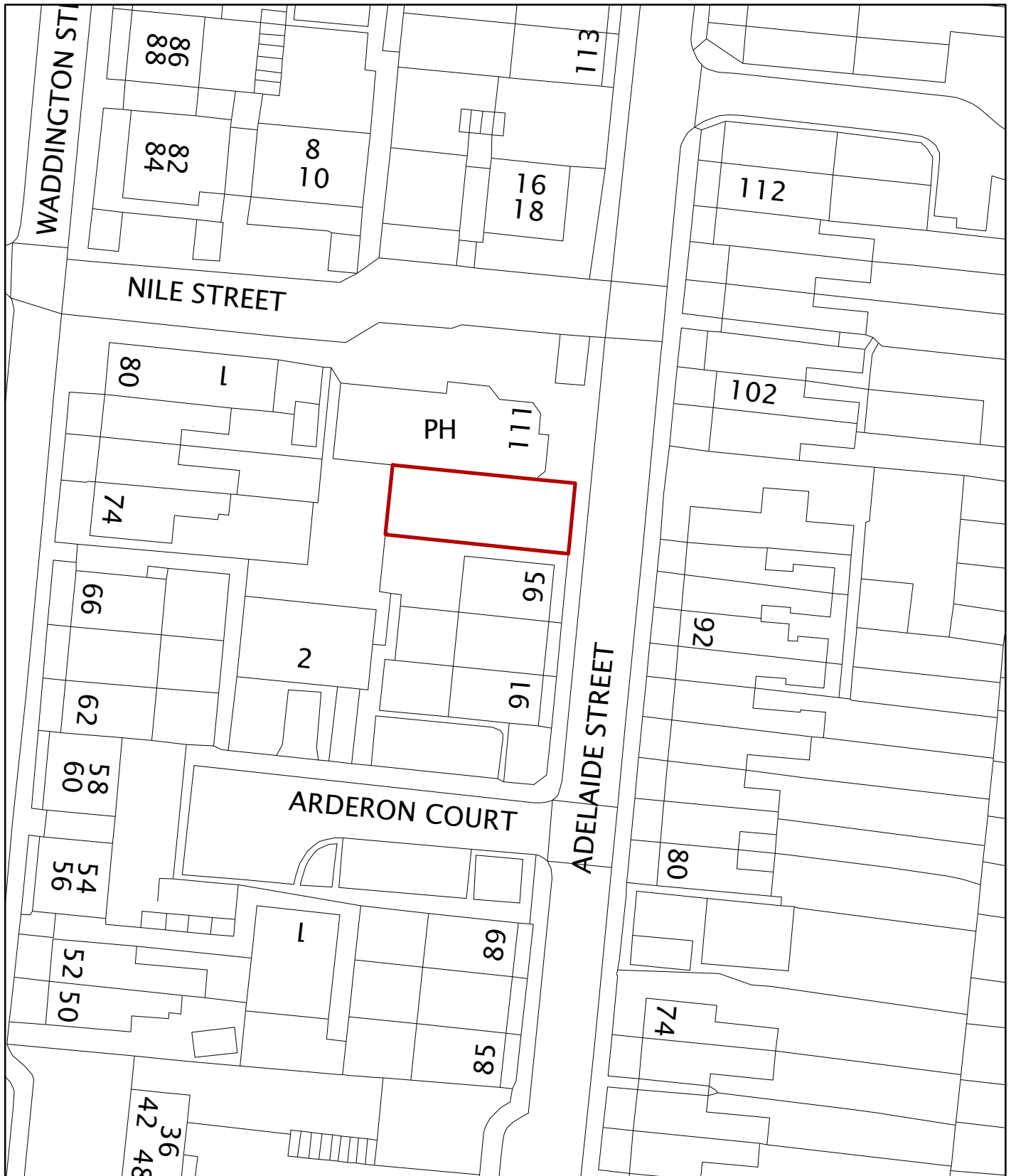
1. Details of screen to roof terrace. Provision prior to occupation and to be retained in perpetuity
2. Details of solar panels and mesh screen
3. No site clearance during nesting season( March to August inclusive) unless agreed
4. Windows in side elevation to be obscured glazed
5. Water conservation and drainage

#### Informatives

1. Community infrastructure levy
2. Refuse and recycling bins
3. Street naming and numbering

#### **Article 31(1)(cc)**

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 the application has been approved subject to appropriate conditions and for the reasons outlined in the officer report.



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Planning Application No 14/00957/F

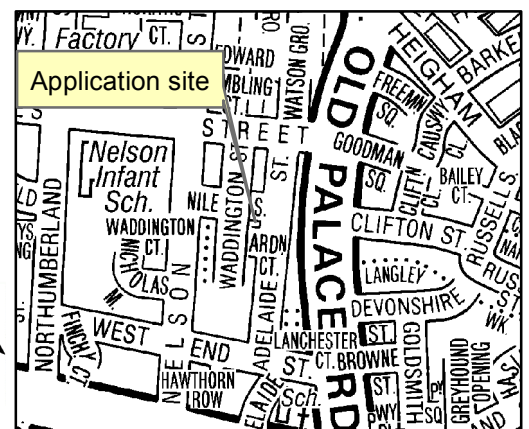
Site Address Site between 95 and 111  
Adelaide Street

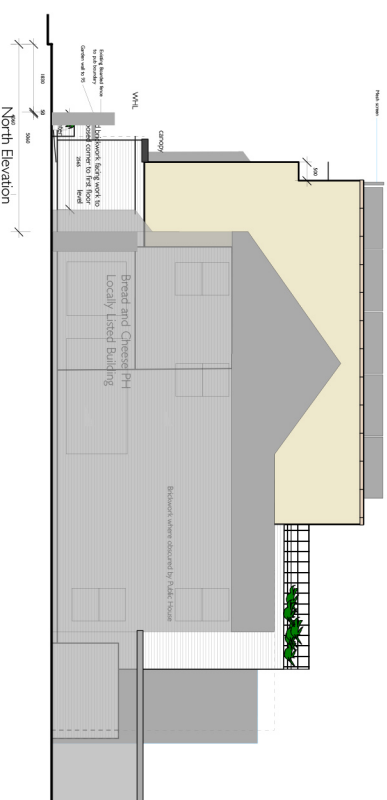
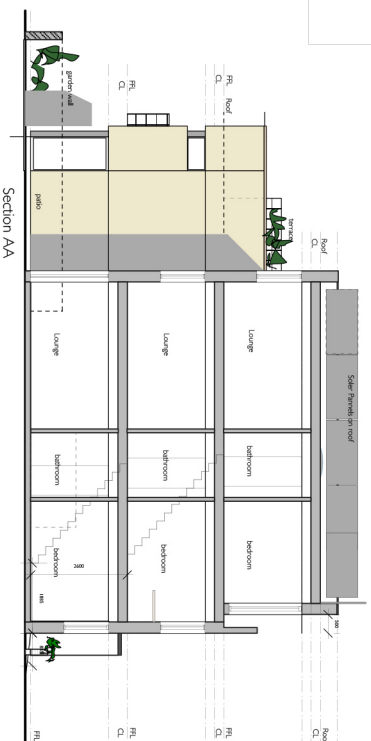
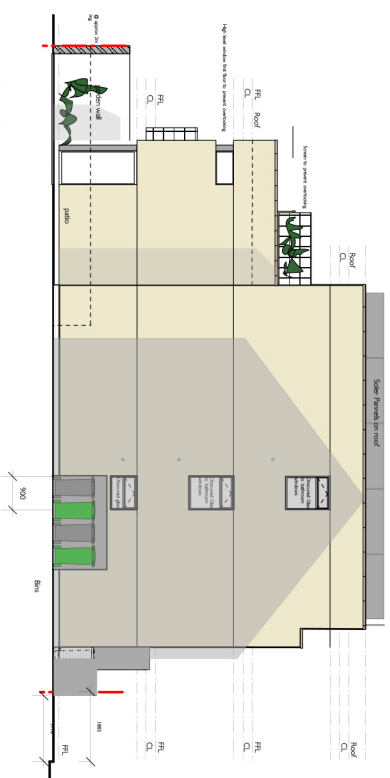
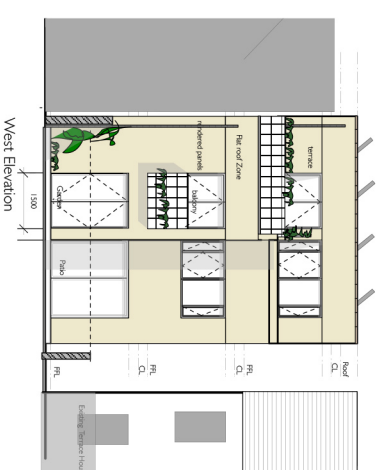
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**NORWICH**  
City Council

PLANNING SERVICES





**The Cottage**  
Rocklands Road  
Shropham  
Norfolk

Chartered Practice  
NR17 ID:

Pub Authors	Deviation Tri
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for 1 week.

0629 Proposed Elevations

DMS No: \_\_\_\_\_

0303

Revision:	Client:
00-00	

D MG Property Developments

Scale @ A/E

Address

1:50.1:100

Scale @ A4: \_\_\_\_\_ Site Adjacent to \_\_\_\_\_

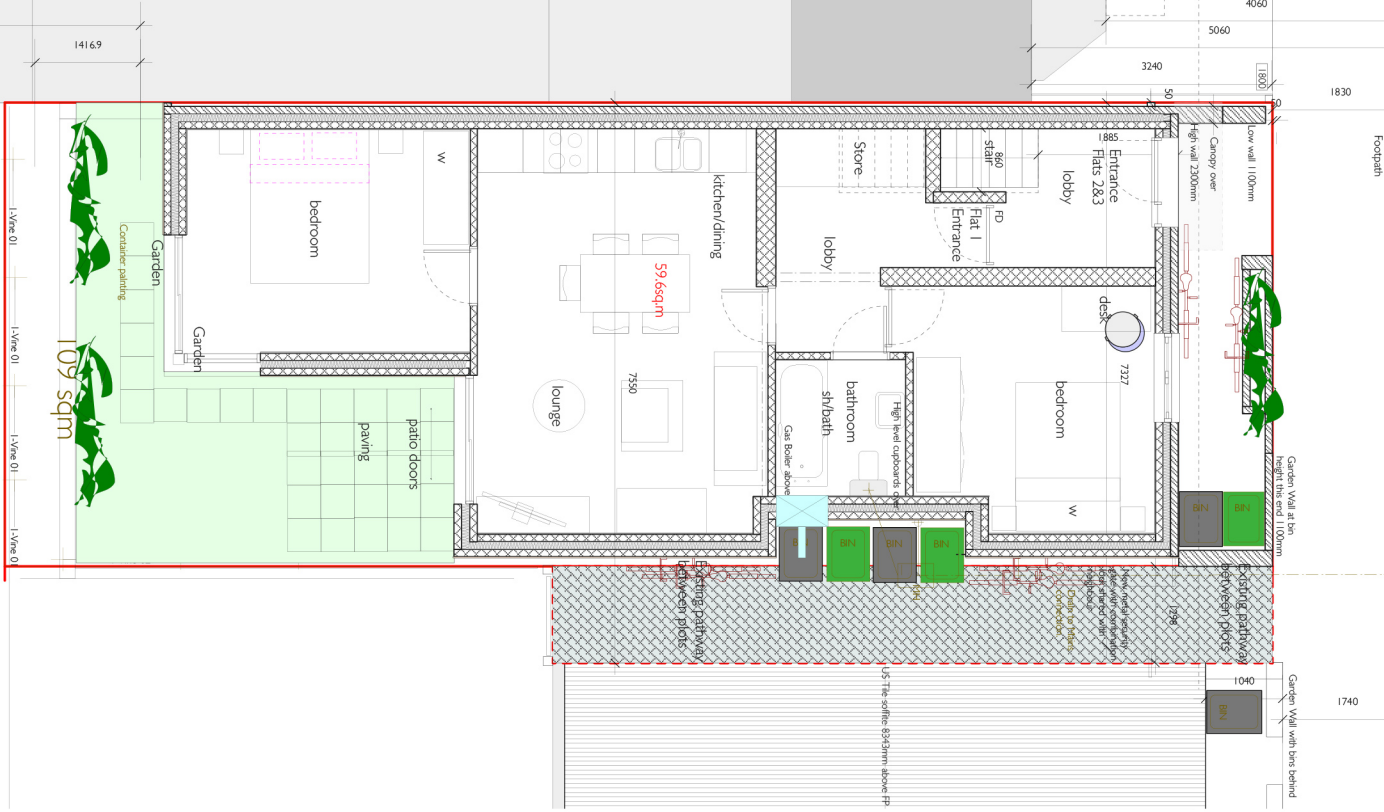
95 & 111 Adelaide Street

1:100,1:200

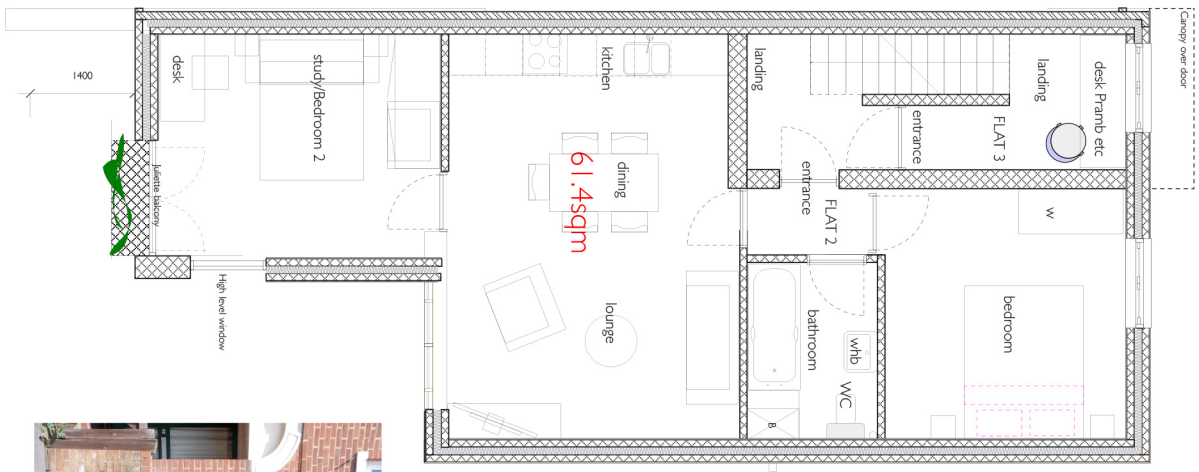
Normicr  
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INZ-171

14.06.18



Ground Floor Plan



First Floor Plan



SITE PLAN  
Scale 1:200



View of site from Adelaide Street



communitiesustainabilityarchitecture  
design studio

1-0193 4893 410  
e: info@designstudio.co.uk  
w: www.designstudio.co.uk  
1100 & 1100 Nile Street  
Chalfont St Giles, Bucks HP8 7DU

The Chalfonts  
Residents' Board  
1100 & 1100 Nile Street  
Chalfont St Giles, Bucks HP8 7DU

Client: MC Property Developments  
Scale: A2  
1:50 & 1:500  
Site Adjacent to Nile Street  
1:100 & 1:1000  
Date Created: 11/06/2014

Drawing Title: Proposed Plans  
Drawing No: 06/29  
Revision: 03\_02  
Revision: 03\_02