Report to Planning Applications Committee

11 January 2018

Head of planning services Report of

Application 17/01762/F - Freed Man PH, 112 St Subject

Mildreds Road, Norwich, NR5 8RS

Reason

for referral

Objections

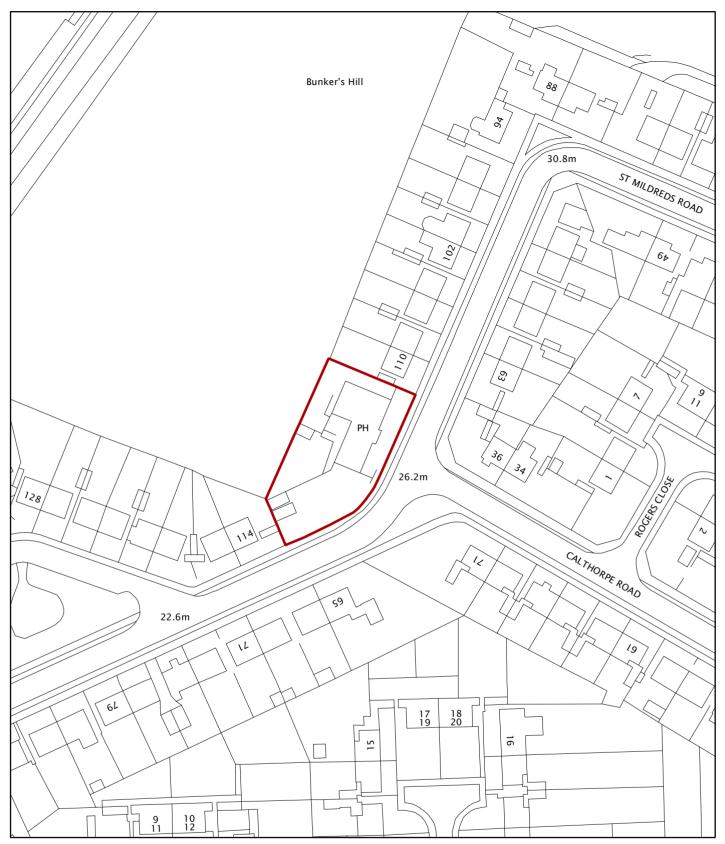
4(a)

Item

Ward:	Bowthorpe
Case officer	Lara Emerson - laraemerson@norwich.gov.uk

Development proposal						
Change of use and extensions to provide 34 No. bedroom student accommodation						
block (Class C2).						
Representations						
Object	Comment	Support				
5	0	0				

Main issues Key considerations	
1. Principle of	Loss of public house, creation of student accommodation.
development	
2. Amenity	Amenity of neighbours, amenity of future occupants.
3. Trees,	Protection of trees, loss of trees. Landscaping of the wider
landscaping &	area, landscaping of the site. Biodiversity Protection &
biodiversity	enhancement.
4. Design	Design of extensions.
5. Transport	Lack of on-site car parking. Provision of cycle parking & refuse
	storage. Refuse collection arrangements.
Expiry date	Extended to 17 January 2018 (originally 5 January 2018)
Recommendation Approve	



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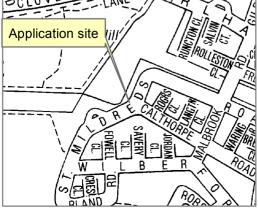
Planning Application No Site Address 17/01762/F Freed Man

Freed Man PH
St Mildreds Road

Scale 1:1,000







The site, surroundings & constraints

- 1. The site is located approximately 4.5 miles to the west of the city centre within the Bowthorpe Ward.
- 2. The building on the site was constructed in the 1950s and has most recently operated as the Freed Man Public House. The pub is understood to have been closed for over 2 years at the time of writing this report. The building is constructed in red brick in stretcher bond and features areas of decorative brick detailing. The topography of the site is such that levels step up from south to north and the cellar entrance to the pub is accessed from the south elevation of the building. To the south of the building is an area of hardstanding formerly used as the pub car park.
- 3. The site features prominently amongst the surrounding residential properties which are of mixed character appearing to be a mixture of pre-fabricated and brick built dwellings making up the 1950s housing estate. The existing building is a landmark feature, especially as it forms the culminating view at the end of Calthorpe Road.
- 4. Immediately to the rear of the site is woodland known as Bunkers Hill which is designated as a County Wildlife Site (CWS). There are a number of trees along the boundary in the adjacent CWS. Which have recently been pruned back.
- 5. The pub was listed as an Asset of Community Value (ACV) on 3 November 2017.

Relevant planning history

- 6. Application 16/01932/F was refused under delegated powers in August 2017 for the following reasons:
 - (a) Given the proximity of the proposed development to the woodland at the rear of the site, rear facing habitable rooms would benefit from very poor levels of outlook and daylighting. Consequently, living conditions for future occupants would be unacceptable and contrary to Policy 2 of the Joint Core Strategy for Broadland, Norwich and South Norfolk 2011 (amended 2014), Policies DM2, DM12 and DM13 of the Development Management Policies Local Plan 2014 and paragraphs 9, 17 and section 7 of the NPPF.
 - (b) Given the close proximity of the proposed development to the trees, the council considers that the nuisance posed by the trees is likely to be significant and that associated maintenance works are likely to be frequent. The regular maintenance works in themselves would result in some level of harm to the trees, but they would also be likely to create future pressure to remove the trees in order to avoid conflict with the proposed student accommodation. The ongoing works to the trees and future pressure for removal would result in arboricultural harm at the detriment to the value of the County Wildlife Site, contrary to policies DM6 and DM7 of the Local Plan.

Ref	Proposal	Decision	Date
16/01932/F	Change of use from Public House (Class A4) and extensions to provide a new 35 bedroom student accommodation block (Class C2).	Refused	25/08/2017
17/00002/ACV	Nomination as an asset of community value.	Listed	03/11/2017

The proposal

- 7. Conversion of the existing public house building and construction of 2 and 3 storey extensions to the side and rear to provide a 34-bed managed student accommodation block, with associated bike storage, bin storage and landscaped outside amenity areas.
- 8. This is an amended version of a previous scheme which was refused in August 2017 (see paragraph 6 above).

Representations

9. Advertised on site. Adjacent and neighbouring properties have been notified in writing. 5 letters of representation have been received (including one from the Norwich & Norfolk CAMRA branch and one from the Norwich Society) 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	
Over-development of site	See main issue 4 relating to design.	
Pressure on on-street car parking	See main issue 5 relating to transport.	
Loss of privacy	See main issue 2 relating to amenity.	
Loss of woodland view from house	The loss of a view is not a material planning consideration.	
Anti-social behaviour and late night noise	See main issue 2 relating to amenity.	
Flat roof is out of character in the area	See main issue 4 relating to design.	
Extensions would harm the open wooded character of this area	See main issue 4 relating to design.	
Reduction in value of surrounding properties	Reduction in property values is not a material planning consideration.	
Loss of the last pub in the area	See main issue 1 relating to the principle of development.	

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.

Environmental protection

11. Since the plant room is adjacent to an existing residential use, recommend imposing a condition requiring plant to be appropriately noise insulated.

Highways (local)

- 12. No objection to student accommodation in this sustainable location close to the LIFA
- 13. The lack of on-site parking may be considered problematic by local residents, but this approach to development does enable best use of the site for accommodation. Given that there is considerable amounts of unrestricted on-street parking available in the neighbourhood, it is not considered unreasonable to allow parking associated with this development to use it.
- 14. Suggest 2 spaces are provide for visitor cycle storage close to the entrance (*these are provided on the plans*), suggest amendments to dropped kerbs.
- 15. Need further detail on cycle storage, need a travel plan, amend dropped kerb. Should request street trees with this development.

Landscape

16. There is limited space on the site for landscaping and as such this proposal negates any opportunity for meaningful enhancement of the biodiversity of the CWS. Important views of the woodland would be blocked by this development. Concern for the ongoing maintenance and retention of the trees overhanging the site from the neighbouring CWS. Consideration should be given to the trees at the rear of the site shading rear windows and amenity spaces. Should request 2 no. street trees with this development.

Norfolk police (architectural liaison)

- 17. This area experiences above average crime levels when compared to the overall statistics for Norfolk. It is therefore welcomed that the developer has proposed a number of security features be built into the development.
- 18. Concern that the increased pressure on on-street parking will lead to neighbourhood disputes.
- 19. Cycle stores should be secured using a number of recommended methods. Various other detailed recommendations regarding security measures which should be incorporated into the construction of the development. There should be external lighting to deter and reveal potential offenders.

Natural areas officer

20. The development involves the re-roofing of the existing building which could provide a habitat for bats. The roof should be checked for bats by a qualified ecologist prior to construction commencing. If bats are found, work should stop and Natural England should be contacted to agree an appropriate way forward. The landscaping proposals should include species beneficial to wildlife. I support the recommendations of the report that new bat roosting and bird nesting resources will

be introduced to the site. I also support the recommendations of the report for external lighting.

Private sector housing

21. The property must be laid out and managed in accordance with the HMO regulations as it will require a licence.

Tree protection officer

- 22. The applicant has satisfied concerns with the previous application regarding daylight provision.
- 23. The proposed tree works on the attached Tree works plan OAS/16-174-TS02 are appropriate and would not pose a risk to damaging the trees in the woodland.

Anglian Water

- 24. Recommend a condition to require a surface water drainage scheme to be submitted prior to the commencement of works.
- 25. Recommended informative:

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

Citywide Services

26. There should be 4 no. 1100l refuse bins, 2 no. 1100l recycling bins and 1 or 2 glass bins.

Assessment of planning considerations

Relevant development plan policies

- 27. 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
 - JCS7 Supporting communities
 - JCS9 Strategy for growth in the Norwich policy area

28. 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
- DM6 Protecting and enhancing the natural environment
- DM7 Trees and development
- DM12 Ensuring well planned housing development
- DM13 Communal development and multiple occupation
- DM22 Planning for and safeguarding community facilities
- DM28 Encouraging sustainable travel
- DM30 Access and highway safety
- DM31 Car parking and servicing
- DM32 Encouraging car free and low car housing

Other material considerations

29. 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
- NPPF8 Promoting healthy communities
- NPPF10 Meeting the challenge of climate change, flooding and coastal change
- NPPF11 Conserving and enhancing the natural environment

30. Supplementary Planning Documents (SPD)

Trees, development and landscape SPD adopted June 2016

Case Assessment

31. 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

- 32. Key policies and NPPF paragraphs DM12, DM13, DM22, NPPF paragraph 14.
- 33. Policy DM13 sets out the assessment criteria for proposals involving the development of residential institutions and student accommodation. Part of the policy sets out criteria that need to be satisfied specifically in relation to residential institutions and student accommodation in addition to the need to satisfy the overall objectives for sustainable development set out in DM1 and criteria for residential development set out in DM12. The requirements of DM13 are that (a) the site must not be designated or allocated for an alternative non-residential use; (b) if allocated for housing, it can be demonstrated that the proposal would not compromise the delivery of a 5 year housing supply for the city; (c) the location provides convenient

- and direct access to local facilities and bus routes; (d) the provision of shared amenity space is satisfactory: and (e) applicants can demonstrate provision of satisfactory servicing and warden/ staff accommodation.
- 34. In relation to parts (a) and (b), the site is not allocated for an alternative non-residential use nor is it allocated for housing. With regard to part (c) the site is within walking distance of the Earlham West Local Retail Centre as well as frequent bus services to the city centre and wider area. The University of East Anglia (UEA) would also be easily accessible on foot or by bicycle. With regards to part (d) the scheme is considered to provide satisfactory shared amenity space, both internally and externally. With regards to part (e) the application includes a Management Statement which, once implemented, would provide adequate means of ensuring the site was properly managed and occupants properly supervised. The proposal also provides a reception area to accommodate an Officer Manager to be present one day per week.
- 35. With reference to DM12, parts (a), (b) and (c) are most relevant to the proposal. The proposal is considered broadly in line with the sustainability criterion set out under DM1 with respect to part (a). The impacts of the proposal upon the amenities and character of the wider area are discussed in more detail under Main Issues 2 and 3. With respect of part (c), the proposal would introduce student accommodation to the locality. This would be consistent with the council's objective of promoting different accommodation types to slow the conversion of existing housing for conversion to HMO's, which are often then used for student accommodation.
- 36. The proposals would result in the loss of an existing public house. The Freed Man is identified as having special community significance and is listed as a community public house under policy DM22 of the Local Plan. As such the pub is afforded a degree of protection and DM22 states that the loss of a community use will only be permitted where (b) all reasonable efforts have been made to preserve the facility but it has been demonstrated that that it would not be economically viable, feasible or practicable to retain the building or site for its existing use; and (c) evidence as provided to confirm that the property or site has been marketed for a meaningful period and that there is no realistic interest in its retention for the current use or for an alternative community use. The application states several reasons why preserving the facility was not considered viable with respect of part (b). Amongst these include the substantial renovation costs that would be associated with bringing the public house into an adequate condition as well as dwindling passing trade and changes to the pub market.
- 37. With respect of part (c). The Freed Man was offered for sale from February 2016 leading up to the submission of the first application, but only three offers were received and these were not from public house operators. Prior to this, the public house had been offered for lease for a period of 32 months, but again without any success. Prior to its closure, the pub had been leased on a temporary basis with an initial rent free agreement before a reduced rent kicked in. It is stated that the previous tenants absconded once the reduced rent kicked in, which led to the pub being repossessed in June 2015.
- 38. The premises have recently been listed as an Asset of Community Value (ACV) by the council. Local planning authorities have discretion over whether to consider ACV listing a material planning consideration. Given the justification set out by the

- applicant discussed above, the loss of the public house is considered to be acceptable in this instance.
- 39. It is important to note that the previous application was refused on grounds which did not relate to the principle of development. In light of the above it is therefore considered that adequate evidence has been set out in the application to justify the loss of the public house against DM22.

Main issue 2: Amenity

40. Key policies and NPPF paragraphs – DM2, DM11, DM12, DM13, NPPF paragraphs 9 and 17.

Amenity for future occupiers

- 41. The previous application was refused partly due to the outlook and light levels afforded to rear facing rooms as a result of the close proximity to the woodland behind.
- 42. To address the outlook issue, the applicant has rearranged the layout of the ground floor so that the part of the building in closest proximity to the rear site boundary is now a communal kitchen/dining room (instead of a bedroom) in which outlook is less important.
- 43. To address the light issue, the applicant commissioned the Building Research Establishment (BRE) to undertake a sunlight/daylight study which concluded that a number of measures should be taken to increase the light afforded to bedrooms. The layout has been changed so that the room experiencing the lowest levels of light is now a communal room rather than a bedroom. Windows to most rear facing rooms have been enlarged to allow greater levels of light. All rooms now experience adequate sunlight/daylight levels as outlined in the submitted study.
- 44. While the floor space has remained the same, the number of bedrooms has been reduced from 35 to 34 and the additional space has been used for improved kitchen/dining facilities.
- 45. Students are highly vulnerable to crime such as burglaries. The proposal includes a Management Statement which sets out measures for ensuring the site is well serviced. An external lighting scheme is to be submitted in order to further protect the residents from crime.
- 46. The amenity conditions available for future occupants are considered to be acceptable.

Amenity for neighbouring occupiers

47. The proposal would introduce extensions adjacent to neighbouring properties located to the south-west and north of the site. The application includes a 'Sun Study' to model the impacts of overshadowing upon neighbouring properties. The study illustrates that the proposed development will result in a small amount of overshadowing to the rear garden of number 114 St Mildred's Road during morning hours for three of the modelled months (March, June and December). However, the level of overshadowing is minor and does not appear to occur after 12pm. Furthermore, the study is based upon an earlier iteration of the scheme where

three-storey development was proposed adjacent to the boundary. The current scheme now proposes two-storey development in this location which would reduce the associated overshadowing impact from that modelled.

- 48. The proposal involves a first floor extension adjacent to the boundary with the neighbouring property to the north (number 110 St Mildred's Road). The sun study shows overshadowing to the rear garden of number 110 during the months of March, September and December. However, the degree of overshadowing is again not shown to be significant and a large proportion of the overshadowing is likely to already be caused by the existing building.
- 49. The first floor extension adjacent to the boundary with 110 St Mildred's has also been considered in terms of its potential for overbearing when experienced from the neighbouring garden. Whilst there will be some impact, the drop in land levels on the site and the set back from the boundary is considered to be sufficient to avoid an unacceptable degree of overbearing. Any overlooking from the proposed window on the north elevation of the extension will be easily mitigated with the installation of obscure glazing. The proposals would not otherwise create any significant opportunities for overlooking/loss of privacy to residential properties in the surrounding area.
- 50. The Management Statement submitted with the application also sets out a number of measures designed to minimise anti-social behaviour and disturbances that may result from the activity of the occupants. Whilst the proposals would accommodate 34 occupants, the management details are considered adequate to protect the amenities of the surrounding area. The bins would be satisfactorily located to avoid any significant smell spillage to neighbouring properties and the kitchen spaces are adequately spaced across the development to avoid any over-intensification of cooking activity that might otherwise significantly affect adjacent neighbouring properties.
- 51. The plant room is located adjacent to a residential property. It is therefore proposed to impose a condition requiring appropriate sound insulation.

Main issue 3: Trees, landscaping & biodiversity

- 52. Key policies and NPPF paragraphs DM3, DM6, DM7 and DM8 NPPF paragraphs 9, 17, 56, 109 and 118.
- 53. The application includes an Arboricultural Implications Assessment (AIA) and Tree Protection Plan (TPP), which identify the presence of trees on the adjacent CWS and the associated maintenance that would be required. Only one tree (T1) is set out for removal and this is assessed to be of low quality. The AIA recognises that the adjacent woodland overhangs the site and proposes to prune back overhanging branches to the boundary. The AIA states that tree works would then be required on a moderate cycle to reduce overhanging branches on the western boundary.
- 54. One of the reasons for refusal for the previous scheme related to pressure on the pruning/removal of the trees in the adjacent woodland. A detailed Tree Management Plan has been requested and received to support the proposal. The council's tree officer is content that if the trees are managed in accordance with this document, there long term protection will be secured.

- 55. The previous refusal also referred to the trees causing a lack of daylight to the rear rooms. The submitted sunlight/daylight study identified that the windows to these rooms should be enlarged and the layout has also been changed to put a communal room in one of the darker corners of the site. As a result, the rooms now receive satisfactory levels of light which will further relieve pressure on the pruning/removal of trees.
- 56. In terms of landscaping, there are limited strips of landscaping to the side, rear and front of the site. There are also external decked areas which residents could use as outside amenity space. A landscaping plan is requested to ensure that these strips are planted with foliage which is appropriate and has some biodiversity enhancement.
- 57. The application is supported by a ecology survey which identified no presence of bats on the site. However, the survey was not undertaken at the optimal time and a further survey is required to take place prior to the commencement of works. Bird and bat boxes are required to be erected around the site as recommended by the survey. The site will require external lighting for the safe operation of the student accommodation. Full details of this will be requested by condition that it fulfils its security purpose without causing undue disturbance to wildlife in and around the site.

Main issue 4: Design

- 58. Key policies and NPPF paragraphs JCS2, DM3, NPPF paragraphs 9, 17, 56 and 60-66.
- 59. The current scheme reflects several revisions made during the previous application to address concerns with the design of the scheme and the relationship of the extensions to the existing public house building and character of the surrounding area. The Freed Man is regarded to be a landmark building, terminating views along Calthorpe Road. The building is not locally or statutorily listed, but does benefit from heritage value and contributes positively to the character of the surrounding area. The proposed retention of the building is therefore welcomed and the replacement of windows to match existing would ensure that the character of the building when experienced from the front of the site is largely preserved. There would be some level of harm to the character of the existing building through the creation of the lower ground floor level, which would disrupt the symmetry in the principle elevation, but on balance the proposed alterations to the pub building are considered to be acceptable.
- 60. The proposed extensions consist of both two-storey and three-storey development. Two-storey development is proposed adjacent to number 114 St Mildred's Road to the south-west of the site, before stepping up to three-storey further north. The transition from two-storey to three-storey would respect the scale of neighbouring development to the south-west and enable the proposed extensions to relate more sensitively with the existing built environment.
- The proposed infill extensions at the rear of the pub building are two-storey on the upper ground floor level of the site. The extensions on the south-western portion of the site are connected to the pub building by a set-back and glazed frontage, which would allow the main pub building to read separately from the extensions when viewed from the surrounding area. The extensions are contemporary in

appearance, which again allow them to be read separately from the main pub building, but the predominant use of a 'red-multi'- brick would enable the development to tie adequately into the character of the locality. All materials are to be agreed.

- 62. Elevation drawings indicate that the proposals will block views from the south that are currently afforded through the car park to the woodland at the rear so that the trees will only be partially visible following development. The application site does not benefit from Open Space designation in the Local Plan and the area in question is brownfield land. Given the brownfield status of the site, the fact that the site is not designated as Open Space and that loss of a view is not a material planning consideration, the proposals are considered acceptable with respect to their impact upon the sense of openness and views of the woodland.
- 63. It is important to note that the previous application was refused on grounds which did not relate to design. With respect to the proposal's impact upon the character of the existing pub and surrounding area, the scale, form and appearance of the development is considered to be acceptable.

Main issue 5: Transport

- 64. Key policies and NPPF paragraphs JCS6, DM28, DM30, DM31, NPPF paragraphs 17 and 39.
- 65. The development includes the provision of cycle storage areas and refuse storage areas. These are considered sufficient in size and full details will be requested by condition to ensure they are appropriately designed to be attractive and secure.
- 66. The application site is located within walking distance of the UEA campus and nearby to frequent bus services serving both the University and city centre. On-site car parking is not being proposed and parking in the surrounding area is unrestricted. Several objections have been received citing concern with increased levels of traffic and pressure upon on-street parking spaces that may result from the proposed development. Whilst it is acknowledged that some of the students are likely to own cars which will increase levels of traffic and on-street car parking, car ownership amongst student populations is typically lower than that associated with regular households and given the proximity to the UEA, local retail centre and bus services, the need for a car would be greatly reduced. Furthermore, the scheme would provide sufficient cycle parking to provide each occupant with a secure cycle parking space. A travel plan is required by condition which would be expected to discourage car ownership and encourage sustainable modes of travel to and from the site.
- 67. Some works are required to the highway to provide a refuse collection point at the north end of the site. Further details are requested by condition.
- 68. It is important to note that the previous application was refused on grounds which did not relate to transport. The transport implications of the proposal are considered to be acceptable and the location of the site highly sustainable and appropriate for student accommodation.

Other issues

69. A surface water drainage scheme is to be requested to ensure that the development does not exacerbate the city's flooding issues. The development is to be built to accord with JCS1's water efficiency requirements.

Equalities and diversity issues

70. There are no significant equality or diversity issues.

Local finance considerations

71. 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. 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. In this case local finance considerations are not considered to be material to the case.

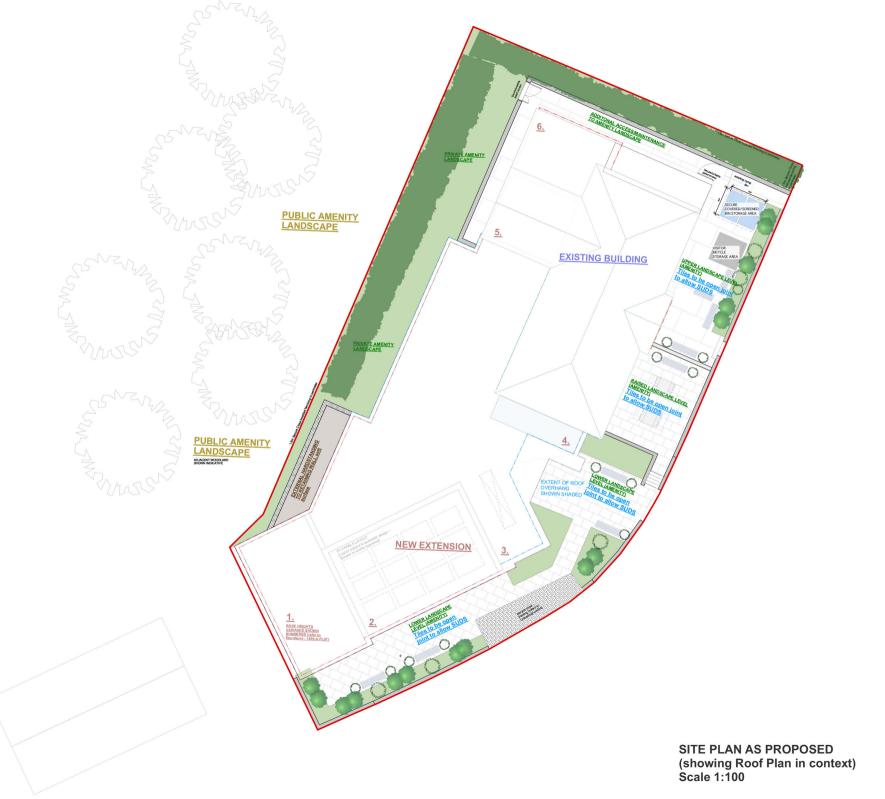
Conclusion

- 72. The council has recently refused a scheme on the site, and the applicant has addressed the issues contained within the reasons for refusal. The council's previous decision is a material consideration in this case and must be considered as part of the assessment of this application.
- 73. 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. 17/01762/F - 112 St Mildreds Road, Norwich, NR5 8RS and grant planning permission subject to the following conditions:

- 1. Standard time limit:
- 2. In accordance with plans;
- 3. Materials to be agreed;
- 4. Landscaping including bird & bat boxes;
- 5. Details of cycle storage & refuse storage;
- 6. Submission of travel plan;
- 7. Detailed design for dropped kerbs in the highway;
- 8. 2 street trees;
- 9. Surface water drainage scheme:
- 10. External lighting scheme;
- 11. Further bat survey prior to works commencing;
- 12. Sound insulation of plant and machinery;
- 13. Side facing windows to be obscure glazed;
- 14. Water efficiency.







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Client

The Freed Man Project LLP

Project Details

The Freed Man PH -Conversion

Project Address The Freed Man PH, 112 St Mildreds Road, Norwich NR5 8RS

Drawing Title

6''- Bi-----

Site Plan	as Proposed	i
Job No. 1405	Drawing Number 140	5-A-PL01
Date 11-04-17	Scale 1:100 @ A1	Revision K
Drawn	Checked	CSO Date

