Report to Planning Applications Committee

9 December 2021

Report of Head of Planning and Regulatory Services

Application no 21/00804/O - Clarence House, 6 Clarence Subject

Road, Norwich, NR1 1HH

Reason

for referral

Objection

Ward	Thorpe Hamlet
Case officer	Robert Webb <u>robertwebb@norwich.gov.uk</u>
Applicant	Reid and Jones, TM Trustees Ltd.

Development proposal				
Outline application for erection of up to 8 residential units.				
Representations				
Object	Comment	Support		
3	0	0		

Main issues	Key considerations
Principle of development	Principle of new residential development in
	this location and alongside clinic use
2. Consideration of amount of	Whether the site can comfortably
development	accommodate the amount of development
	proposed and a satisfactory design and
	layout is achievable
3. Heritage	Impact on the nearby locally listed building
4. Amenity impacts	Impacts on nearby occupiers in terms of
	overshadowing, privacy, noise, outlook
5. Transport considerations	Whether satisfactory car and cycle parking
	can be achieved, impact on highway safety
6. Flood risk	Ensuring proposal does not increase flood
	risk to site or surroundings
7. Trees	Consideration of impact on trees including
	those that are subject to a Tree
	Preservation Order
8. Biodiversity	Assessing any impact on protected species
	and consideration of enhancements
Expiry date	29 July 2021
Recommendation	Approval



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Planning Application No

21/00804/O

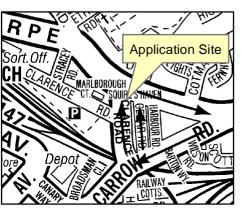
Site Address

Clarence House, 6 Clarence Road

Scale 1:500







The site and surroundings

- 1. The site is located to the east of the city centre and comprises Clarence House, a Georgian building, and its grounds, which are primarily covered in hardstanding. To the north is Squire's Haven, another period building which has been converted into flats. To the east is Clarence Road and a number of Victorian buildings which are in residential use on the opposite side of the road. To the south is Lower Clarence Road, with the locally listed Tudor House which is in residential use. A row of trees which are subject to a Tree Preservation Order are on the southern boundary. To the west is Marlborough Court, a modern block of flats and its associated parking and amenity areas. Clarence Road slopes downwards from north to south.
- 2. Clarence House is currently vacant and when last in use it was occupied by a private chiropractic clinic.

Constraints

3. Group Tree Preservation Order on southern boundary.

Relevant planning history

4. The records held by the city council show the following planning history for the site.

Ref	Proposal	Decision	Date
4/2003/0285	Display of internally illuminated neon lettering with intermittent flashing arrows on gable wall of building.	Refused	30/04/2003
05/00351/U	Change of use of part of ground floor from offices to chiropractic centre.	Approved	06/07/2005
05/00783/D	Condition 3: details of bicycle stand for previous planning permission 05/00351/F - Change of use of part of ground floor from offices to chiropractic centre.	Approved	29/09/2005
21/00804/O	Outline application for erection of up to 8 residential units.	Pending consideration	

The proposal

5. Outline planning permission is sought for a maximum of 8 residential dwellings. All matters are reserved, which means the main thing to consider is the principle of development and whether an acceptable form of layout, scale, appearance, landscaping and access could be achieved at reserved matters stage. When originally submitted, the application was for up to 21 new residential units, however

this has been reduced to 8 following discussions and negotiations between the case officer and applicant.

Representations

- 6. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 3 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.
- 7. There were 3 objections to the plans as originally submitted:

Issues raised	Response	
Unacceptably high density and	See main issue 2	
overdevelopment of the site		
Loss of natural light and overshadowing	See main issue 4	
Overlooking and loss of privacy	See main issue 4	
Damage to walls of Squires Haven where the unit of the former Wellness Clinic adjoins flats 1 and 2	See paragraph 44	
Damage to the stone wall that the unit of the former Wellness Clinic adjoins to.	See paragraph 44	
Loss of sunlight to property on opposite side of Clarence Road	See main issue 4	
Increased competition for on-street parking	See main issue 4	
Noise disturbances caused by proposed roof terrace adjacent to Squires Haven	See main issue 4	

8. There were no responses to the consultation on the amended plans.

Consultation responses

9. 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.

Anglian Water

- 10. The foul drainage from this development is in the catchment of Whittlingham Trowse Water Recycling Centre that will have available capacity for these flows. The preferred method of surface water disposal would be to a sustainable urban drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.
- 11. Anglian Water has reviewed the submitted documents (Flood Risk Assessment) and can confirm that these are acceptable to us. We require these documents to be listed as approved plans/documents if permission is granted. Note to applicant Surface Water Hierarchy evidence will need to be submitted at 106 application stage.

Environmental protection

12. The proposed development is a major application for over 10 dwellings. Therefore, the application should have been accompanied by a contaminated land Desk Study and an Air Quality Screening Assessment. Additionally, as the site is adjacent to a busy road and there is the potential for the proposed occupants to be impacted by noise, I would request a Noise Impact Assessment. Therefore, until the information described above has been provided, I object to the application.

Highways

13. Thank you for consulting the highway authority, I understand that this is an outline application with all matters reserved. In principle I would not wish to object to the principle of residential use as this site is within an established area and has adequate means of access for vehicles and pedestrians. Detailed comments on site design also provided.

Norfolk Historic Environment Service

14. Desk based assessment submitted. No comments to make.

Strategic Housing

15. (Comments on original submitted plans) Norwich has a high need for affordable housing, in particular one-bedroom accommodation. We therefore welcome the proposal that 15 of the proposed 21 units will be one-bedroom. The proposed number of dwellings will trigger the threshold for the provision of affordable housing, currently 33% on sites capable of accommodating 10 or more dwellings and/or 0.5 ha. In this instance, 7 units of affordable housing would be required, secured under a s.106 agreement, with tenure agreed to meet housing need. It is noted, however, that there may be the potential for Vacant Building Credit to be applied, subject to the planning test being met.

While it is welcome that all units will meet Nationally Described Space Standards, not all one-bedroom properties are 2 person, which would be preferable.

In terms of the private amenity space on the ground floor, the allocation of space to units does not appear evenly distributed. For example, Unit 1 is a 1 bed, 1 person dwelling but has both a courtyard and garden, a total of 44sqm which is greater than the unit itself. By contrast, Unit 6 which is also 1 bed, 1 person, has 6sqm of private amenity space.

All units should be of tenure neutral design and the affordable housing integrated into the scheme. We would recommend that the applicant contacts the Housing Development team at their earliest opportunity to discuss the affordable housing in more detail.

Tree protection officer

16. No objection.

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
- JCS4 Housing delivery
- JCS6 Access and transportation
- JCS9 Strategy for growth in the Norwich policy area
- JCS11 Norwich city centre

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
- DM5 Planning effectively for flood resilience
- DM6 Protecting and enhancing the natural environment
- DM7 Trees and development
- DM9 Safeguarding Norwich's heritage
- DM12 Ensuring well-planned housing development
- DM13 Communal development and multiple occupation
- DM28 Encouraging sustainable travel
- DM29 Managing car parking demand in the city centre
- DM30 Access and highway safety
- DM31 Car parking and servicing
- DM32 Encouraging car free and low car housing

Other material considerations

19. Relevant sections of the National Planning Policy Framework July 2021 (NPPF):

- NPPF2 Achieving sustainable development
- NPPF4 Decision-making
- NPPF5 Delivering a sufficient supply of homes
- NPPF9 Promoting sustainable transport
- NPPF11 Making effective use of land
- NPPF12 Achieving well-designed places
- NPPF14 Meeting the challenge of climate change, flooding and coastal change
- NPPF15 Conserving and enhancing the natural environment
- NPPF16 Conserving and enhancing the historic environment

Case Assessment

20. 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

- 21. Key policies and NPPF paragraphs JCS4, DM12, DM13, NPPF paragraphs 11 and 59.
- 22. The application site is within the urban area of Norwich where new housing development is acceptable in principle. The use of Clarence House as a clinic would fall within class E of the Planning Use Classes Order. Whilst changes to other commercial uses are allowed without planning permission, these are uses which by definition are compatible with residential uses so the principle of both commercial and residential uses on this site is acceptable.

Main issue 2: Consideration of the amount of development

- 23. Key policies and NPPF paragraphs JCS2, DM3, NPPF paragraphs 124-132.
- 24. Although matters such as layout, scale and appearance are reserved matters, it is important to consider whether the site can accommodate the amount of development which is proposed. The original application involved the demolition of Clarence House and was for a maximum of 21 dwellings, however indicative plans indicated that this was an overdevelopment of the site, with the scale and layout shown being unacceptable. Discussions and negotiations with the applicant have since taken place which has resulted in the reduced quantum of development now proposed, and the retention of Clarence House in commercial use.
- 25. Indicative plans have been submitted which show the proposed units within two new buildings either side of Clarence House. One is an extension to the south and another an 'infill' building between Clarence House and Squires Haven. The plans indicate the residential development could be car-free, with adequate space for bin and cycle storage.
- 26. The indicative elevations show an acceptable design and appearance could be achieved, which reflects the existing character of period buildings on Clarence Road, and the general reduction in building height which follows the downward slope of the road. Although the infilling would have an impact on the street scene and change the character of the application site, it would not be out of character for the street and surrounding areas, where buildings commonly adjoin others.

Main issue 3: Heritage

- 27. Key policies and NPPF paragraphs JCS2, DM9, NPPF paragraphs 184-202.
- 28. The site is not within a conservation area and there are no designated heritage assets on the site, although Clarence House is a Georgian building of some architectural merit and is a positive feature in the street scene. The building to the south known as Tudor Hall is locally listed, however it is considered that an acceptable design could be achieved without materially harming the setting of this building, which is separated from the application site by Lower Clarence Road.

Main issue 4: Amenity

- 29. Key policies and NPPF paragraphs DM2, DM11, NPPF paragraphs 8 and 127.
- 30. The original application for up to 21 units resulted in some objections on the grounds of overshadowing, scale of development, loss of privacy and parking concerns. The reduction in the number of units and subsequent analysis of the indicative plans shows that a suitable development could be achieved without causing material harm to neighbouring amenity. Although it is noted that some loss of daylight and sunlight would occur to the neighbouring Marlborough Court in particular, this is within acceptable limits, judging by the indicative plans provided.
- 31. The impact on properties on the opposite side of Clarence Road would also be acceptable. Concerns relating to noise from roof terraces adjacent to Squires Haven relate to an earlier iteration of the plans and these were not included within the amended/reduced proposal. The detail of the scheme is reserved and can be considered further regarding amenity when an application for determination of reserved matters is received.
- 32. The new flats would be car-free, and under Council policy the residents would not be entitled to parking permits, as surrounding roads are within a controlled parking zone, which mitigates concerns regarding parking congestion.
- 33. The site is next to a busy road and therefore a higher standard of sound insulation than normal is likely to be required, including the use of mechanical ventilation for front facing rooms. Such matters could be controlled by condition. The plans show that each of the 8 units could meet national minimum space standards, and four of the units would benefit from a small amount of private amenity space. The other four units would be reliant on the relatively small communal amenity areas which is a slight weakness of the proposal, however this is not considered unacceptable for a city centre location such as this. Again, the final details of the flats are reserved for determination at a later stage, but the information submitted demonstrates that an acceptable scheme could be achieved on the site.
- 34. It is noted that the Environmental Protection Officer has requested a contaminated land assessment, air quality assessment and noise assessment. This is partly on the basis that, when originally submitted, the application was for major development but following amendment this is no longer the case as the application is now for less than 10 units. Standard conditions in relation to contamination are recommended together with conditions dealing with mitigation of traffic noise. An air quality assessment is not required under the council's validation requirements and the site is not within an Air Quality Management Area (AQMA). As a result, air quality has not been considered as part of the outline application, but it is proposed to attach a condition requiring that any reserved matters application should be accompanied by an air quality assessment along with details of any mitigation required because the mitigation may affect the detailed design of the units.

Main issue 5: Transport

35. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF paragraphs 8, 102-111.

36. The site is located on the edge of the city centre within close proximity to bus and rail services. The site is suitable for car-free residential development in accordance with Council policy. An indicative site plan has been submitted which demonstrates a satisfactory level of bin and cycle storage could be provided. Three parking spaces would be retained for the use of the clinic/commercial building. No objection is raised by the Transport Officer.

Main issue 6: Flood risk

- 37. Key policies and NPPF paragraphs JCS1, DM5, NPPF paragraphs 155-165.
- 38. The site is located within Flood Zone 1 and is therefore at a low risk of flooding from water courses. The Flood Risk Assessment follows the surface water hierarchy and concludes that the surface water drainage would be managed via an attenuation tank with discharge to a combined public sewer. Anglian Water raise no objections to this.

Main issue 7: Trees

- 39. Key policies and NPPF paragraphs JCS1, DM7, NPPF paragraphs 170 and 175.
- 40. An arboricultural report was submitted with the application which considers the health of the trees which are subject to the Tree Preservation Order. It is proposed to remove three of these, two due to conflict with the boundary wall and the other due to its poor health. The remaining trees would be retained and protected during the development process. All trees scheduled for removal would be replaced with more suitable replacements to mitigate their loss. The Council's Arboricultural Officer has reviewed this document and is satisfied with the proposals.

Main issue 8: Biodiversity

- 41. Key policies and NPPF paragraphs JCS1, DM6, NPPF paragraph 8, 170, 175-177.
- 42. An Ecological report submitted with the application concludes that the site is generally of relatively low ecological value and unlikely to be used by protected species. Several ecological enhancements are recommended which will be secured by condition.

Other matters

- 43. One respondent raised concerns about the potential damage to Squires Haven and to a stone wall from the proposed development. It should be noted that neither Squires Haven nor the stone wall are designated heritage assets and therefore do not in themselves benefit from special protection in the planning process. It is considered there is no reason why the developer could not build a scheme which avoided damage to these structures. A party wall agreement may be required and should any damage occur, this could be raised as a civil matter.
- 44. The original application was for up to 21 dwellings and therefore comments were sought from the Housing Officer regarding the provision of affordable housing. The application has subsequently been amended and is now for up to 8 dwellings. This means that the proposal does not meet the threshold of 10 units at or above which affordable housing would be required by the National Planning Policy Framework (NPPF). Consequently, affordable housing cannot be required as part of this

development and the comments from the Strategic Housing Officer reported above are no longer relevant.

Equalities and diversity issues

45. There are no equality or diversity issues.

S106 Obligations

46. There are no Section 106 obligations.

Local finance considerations

47. 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.

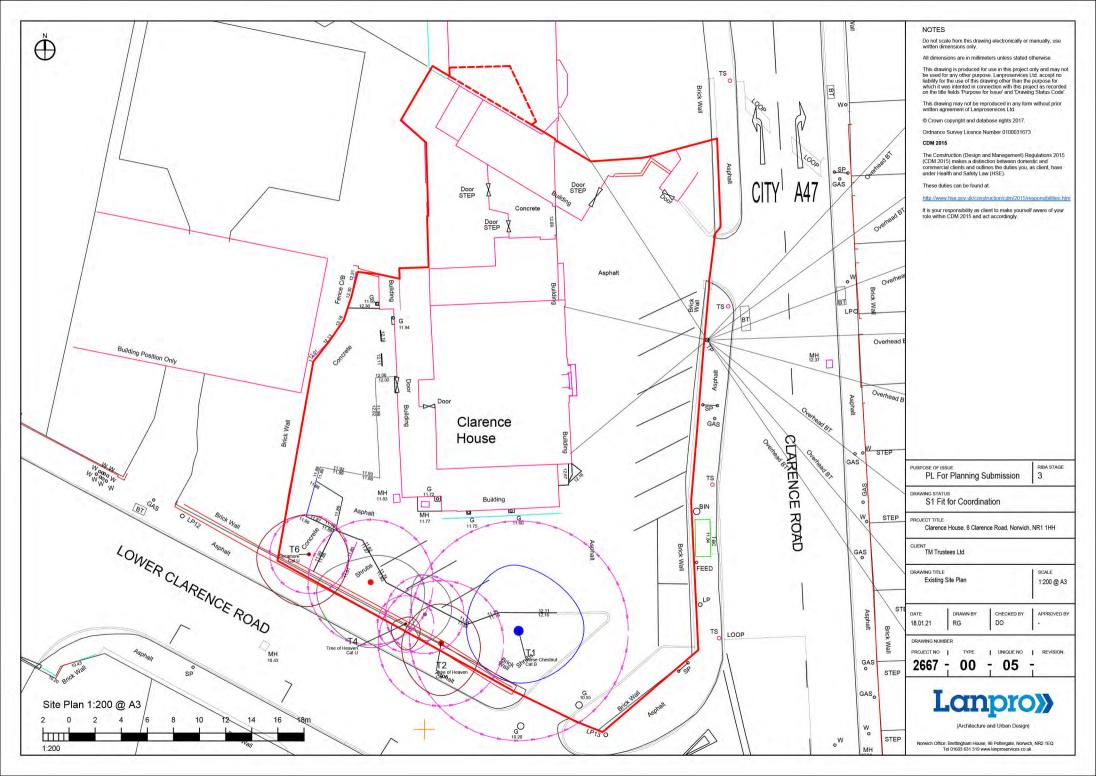
Conclusion

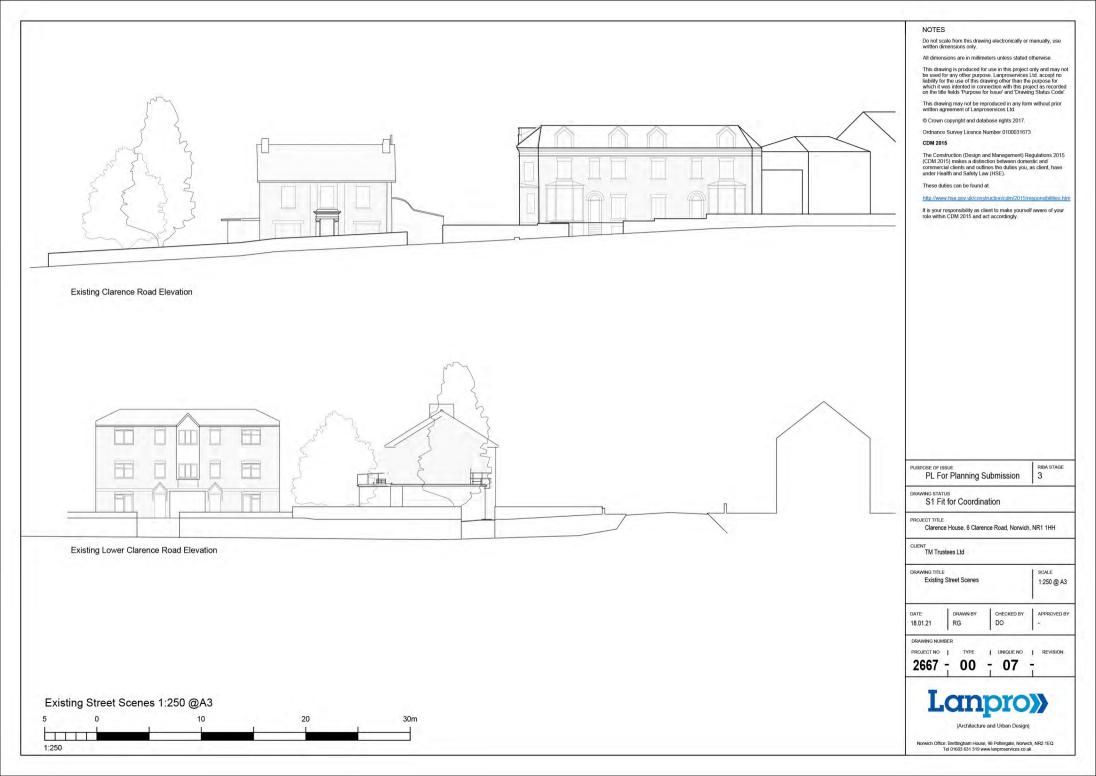
48. The proposal would retain an existing commercial premises and provide outline approval for up to 8 new residential units, within a sustainable location. Indicative drawings provided demonstrate how the reserved matters could deliver an acceptable siting, scale and massing, and how it would be possible to provide a good standard of residential amenity for proposed occupiers whilst safeguarding amenity for surrounding occupiers, with sufficient space for vehicle and cycle parking and landscaped amenity space. 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.

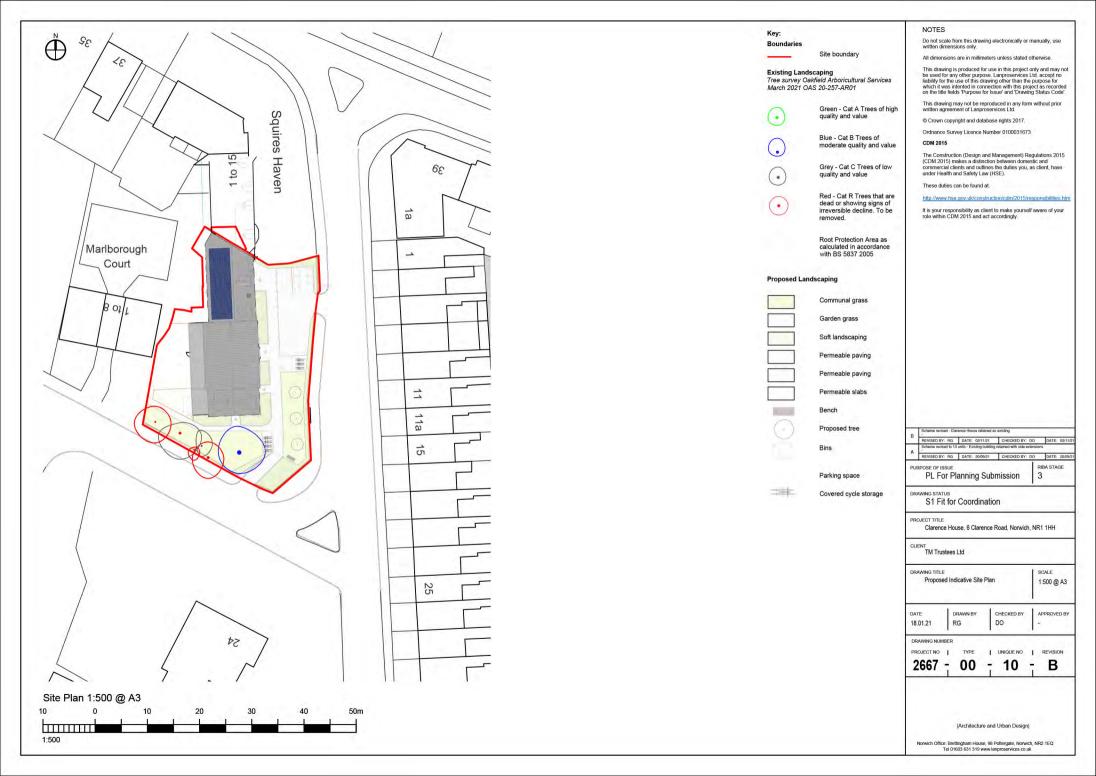
Recommendation

To approve application no 21/00821/F - Clarence House 6 Clarence Road, Norwich, NR1 1HH and grant planning permission subject to the following conditions:

- 1. Standard time limit for reserved matters;
- 2. In accordance with plans;
- 3. Water efficiency
- 4. Details of replacement tree planting
- 5. Protection of individual dwellings daytime and nightime
- 6. Protection of dwellings fronting a road
- 7. Provision of cycle parking/bin storage
- 8. Ecology mitigation and enhancement measures
- 9. Submission of air quality assessment with reserved matters.

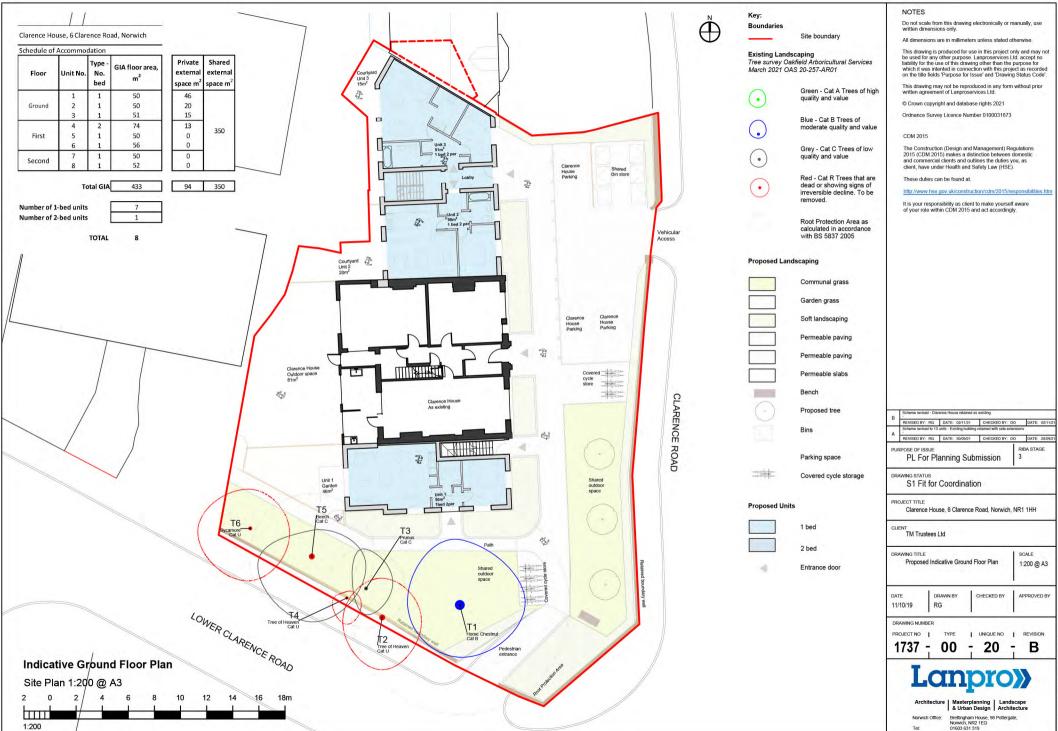








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ASPN ZWF Paperce Footbit BMPL RBA STAGE 0-300 CAU Charage IACOE.

4:59 PM ZWF Proposed Election - Swood Floor Pan s2

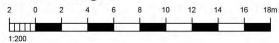




woo Noatu BMM RBASCAGE 0.800 C/D CrawegullCOSE, FLES 2007 Proposed Extension - Sedion and Elevation

Indicative South Elevation

Elevations 1:200 @ A3



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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.

Clarence House retained as exist

REVISED BY: RG DATE: 02/11/21 CHECKED BY: DO DATE:

RIBA STAGE

S1 Fit for Coordination

Clarence House, 6 Clarence Road, Norwich, NR1 1HH

Proposed Indicative South Elevation

1:200 @ A3

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PROJECT NO | TYPE | UNIQUE NO | REVISION

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