Report to	Planning applications committee	**Item**
	4 December 2014	
Report of	Head of Planning Services	4B
Subject	Application ref: 14/01527/F 3 Albemarle Road	
Reason for referral	Objection	

Site address	3 Albemarle Road Norwich NR2 2DF
Ward:	Town Close
Case officer	Lara Emerson - laraemerson@norwich.gov.uk

Development proposal		
Demolition of existing garage and division of plot to create new dwelling.		
Representations		
Object	Comment	Support
3	0	1

Main matters for consideration	**Key issues**
1. Principle	Dwelling in existing garden
2. Design	Use of a modern design and materials, density
3. Heritage	Impact on conservation area and heritage assets
4. Trees	Loss of trees to facilitate development, protection of trees to be retained
5. Amenity	Overlooking, overshadowing, provision of external amenity space
6. Car parking provision	Number of spaces provided exceeds the council's maximum parking standards
Expiry date	11 December 2014
Recommendation	**Approve with conditions**

The site and surroundings

1. The site is located on Albemarle Road to the south-west of the city centre. The area is predominantly residential in character although there are two schools in the immediate vicinity.

Constraints

2. 3 Albemarle Road is a large detached residential dwelling which is locally listed and sits within the Newmarket Road Conservation Area.

3. There are several mature trees on and around the site.

Relevant planning history

4.

Ref	Proposal	Decision	Date
12/00553/TCA	Removal of Silver Birch tree close to brick garage.	No TPO Served	24/04/2012
14/00634/TCA	Removal of a badly misshapen Leylandi that is right up against brick boundary wall; removal of a couple of self seeded Holly again misshapen and blocking access and removal of a self seeded Elderberry that is undermining the boundary wall.	No TPO Served	23/05/2014

The proposal

Summary information

Proposal	**Key facts**
Scale	
Total no. of dwellings	**1**
Total floorspace	**209m^2**
No. of storeys	**1 and 2**
Max. dimensions	**17m x 13m**
Appearance	
Materials	- **Off-white lime render to the ground floor** - **Vertical Larch boarding to the first floor** - **Green sedum roof**

	- **Aluminium windows** - **Timber doors**
Energy and resource efficiency measures	- **Green roof reduces the rate of rainwater runoff** - **Details of water efficiency measures to be requested by condition**
Transport matters	
Vehicular access	**Vehicular access from Albemarle Road – shared with existing dwelling**
No of car parking spaces	**3**
No of cycle parking spaces	**To be requested by condition of any approval**
Servicing arrangements	**To be requested by condition of any approval**

Representations

5. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 1 letter of support has been received. 3 letters of objection 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
Loss of trees	Paragraphs 26 & 27
Loss of sunlight to 5 Mount Pleasant	Paragraph 29
Loss of privacy to 5 & 7 Mount Pleasant	Paragraph 30
Harmful to the character and appearance of the area	Paragraphs 18, 20, 21 & 24
Detrimental to the conservation area	Paragraph 24

Consultation responses

6. 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.

Highways (local)

7. No issues with the proposal.

Tree protection officer

8. No response.

Assessment of planning considerations

Relevant development plan policies

9. **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 fringe parishes
    - JCS20 Implementation

10. **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
    - DM7 Trees and development
    - DM9 Safeguarding Norwich's heritage
    - DM12 Ensuring well-planned housing development
    - 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

11. **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
    - NPPF11 Conserving and enhancing the natural environment
    - NPPF12 Conserving and enhancing the historic environment

Case Assessment

12. 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

13. Key policies and NPPF paragraphs – DM12, NPPF paragraphs 49 and 14.

14. 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.

15. In 2010 the government made amendments to PPS3 (now revoked) to exclude residential gardens from the definition of previously developed land. Paragraph 53 of the NPPF states that local authorities should consider the case for setting out policies to resist inappropriate development in residential gardens, for example where development would cause harm to the local area. The council considered this matter as part of the development of policies in the local plan and concluded that the criteria based policies in DM3 and DM12 are satisfactory to determine applications for dwellings in gardens. Therefore there are no specific policies restricting new dwellings in the gardens of existing properties.

16. The principle of residential development is acceptable on this site under policy DM12 subject to the criteria in the second part of DM12 and subject to the other policy and material considerations detailed in the table below given that:

    - The site is not designated for other purposes;
    - The site is not in a hazardous installation notification zone;
    - The site is not in the late night activity zone;
    - It does not involve the conversion of high quality office space; and
    - It is not in the primary or secondary retail area or in a district or local centre.

Main issue 2: Design

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

18. The subdivision of the site is logical and results in two properties with ample separation and amenity space, consistent with the characteristics of the area.

19. The proposed dwelling is of a minimalist, modern, design with rendered and timber-boarded walls, aluminium framed windows and a green roof. The irregular footprint and the mixture of single and double storeys help to break up the mass and prevent the dwelling looking ‘boxy’. Material samples will be requested by condition.

20. The dwelling will not be easily visible from any public spaces and will be screened from nearby properties by trees.

21. The design is considered acceptable in the historic setting, especially since there are a number of other examples of similarly modern design in the immediate vicinity

(i.e. a new building at Norwich High School for Girls and a new dwelling at 20A Albemarle Road). These buildings appear to sit comfortably within their setting.

Main issue 3: Heritage

22. Key policies and NPPF paragraphs – DM9, NPPF paragraphs 128-141.

23. 3 Albemarle Road is locally listed as are a number of other nearby properties. The site sits within the Newmarket Road Conservation Area.

24. The contrasting modern style of the proposed dwelling is not considered to detract from the setting of the heritage assets and furthermore the new dwelling will not be easily viewed from surrounding public spaces and therefore it is not considered that there will be any harm to the conservation area.

Main issue 4: Trees

25. Key policies and NPPF paragraphs – DM7, NPPF paragraphs 109 and 118.

26. The removal of a number of trees to facilitate development was considered by the council's Tree Officer earlier this year. No Tree Protection Orders were served. Their loss is considered acceptable given that many other trees will be retained on site.

27. The site is valued for its trees and vegetation, and those trees which are to be retained must be protected by barriers during construction as demonstrated on the Tree Protection Plan (TPP). Compliance with the TPP will be conditioned.

Main issue 5: Amenity

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

29. The proposed dwelling is at a distance of at least 11m from any neighbouring property (the nearest being 3a Albemarle Road), stands at a modest maximum height of 6m and the site is well screened by trees. Neighbours have expressed concerns about loss of light to 5 & 7 Mount Pleasant. However, these properties are 29m from the dwelling and the gardens are separated by a 4m track. Therefore there is unlikely to be any loss of light or outlook to neighbouring properties

30. First floor windows face towards the north-east and south-west but the angles, distances and trees prevent any direct overlooking of neighbouring internal or external spaces. 3 Albemarle Road has 10 windows facing towards the site of the proposed dwelling. However, the proposed dwelling has been considerately designed with no windows facing in this direction so that there is little threat to the privacy of either dwelling.

31. 3 Albemarle Road has a large private garden to the front of the property. The new dwelling would have a garden to the side. Sufficient external amenity space is provided for both properties.

Main issue 6: Car parking provision

32. Although the indicative parking provision (3 spaces) exceeds the council's maximum parking standards set out in DM31, this is not easily avoided given the size of the plot.

The number of parking spaces is not considered in this case to warrant refusal of the application.

Compliance with other relevant development plan policies

33. 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.

Requirement	Relevant policy	Compliance
Cycle storage	DM31	**Yes subject to condition**
Refuse Storage/servicing	DM31	**Yes subject to condition**
Water efficiency	JCS 1 & 3	**Yes subject to condition**
Sustainable urban drainage	DM3/5	**Yes subject to condition**

Equalities and diversity issues

34. There are no significant equality or diversity issues.

Local finance considerations

35. 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.

36. This development would generate the payment of Community Infrastructure Levy to a sum of £12,855.13 (unless self-build exemptions apply) and New Homes Bonus grant. In this case the financial considerations are relatively limited and therefore limited weight should be given to them.

Conclusion

37. The erection of a family-sized dwelling in this established residential neighbourhood is welcomed. The proposed development is acceptable in terms of its design and its impact on heritage assets, trees and residential amenity.

38. 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

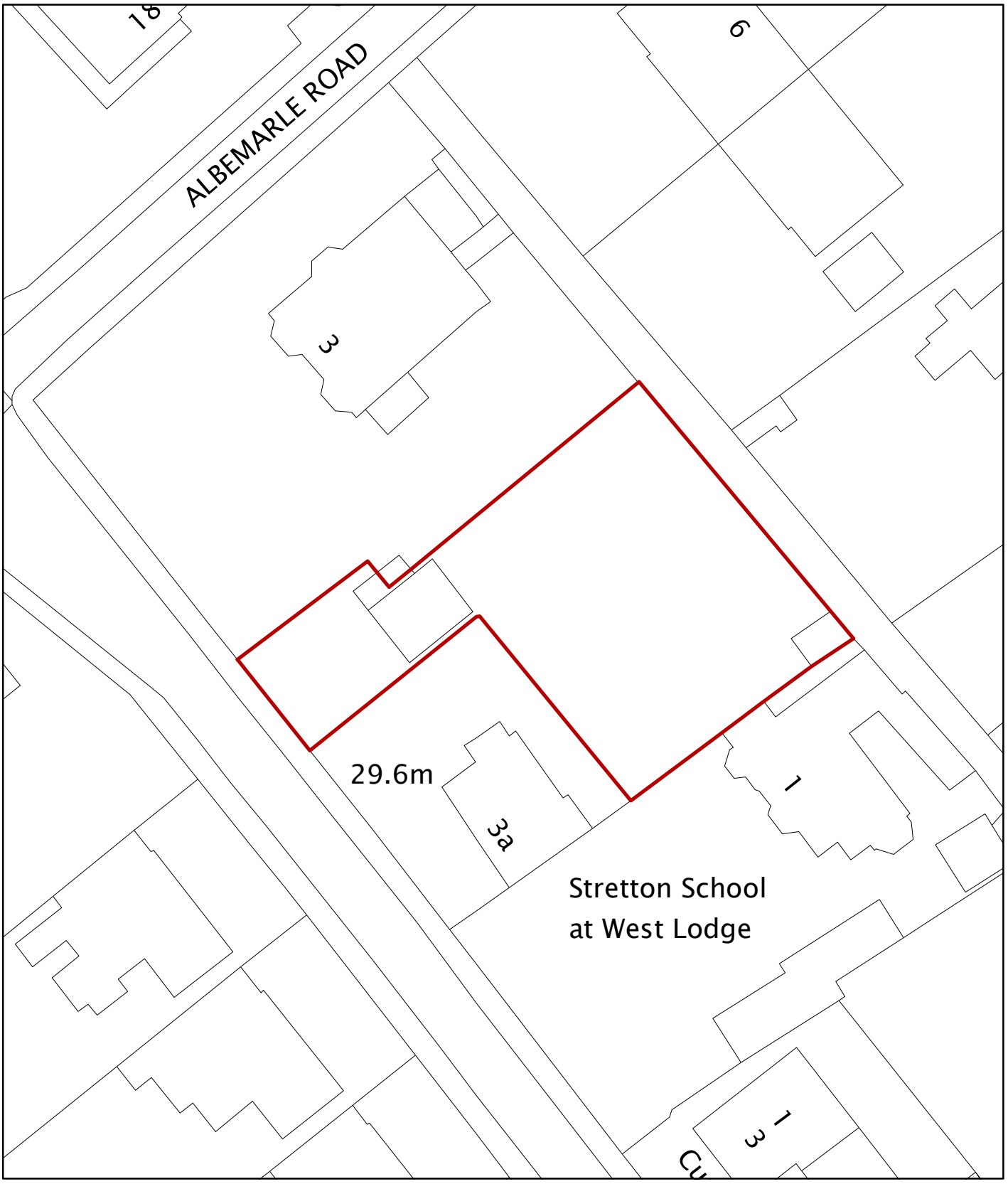
To approve application no. 14/01527/F 3 Albemarle Road and grant planning permission subject to the following conditions:

1. Standard time limit

2. In accordance with plans
3. Compliance with TPP
4. Material samples required pre-commencement
5. Details of water efficiency pre-commencement
6. Cycle storage to be agreed and installed pre-occupation
7. Refuse storage to be agreed and installed pre-occupation
8. Green roof provision and retention to reduce runoff

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

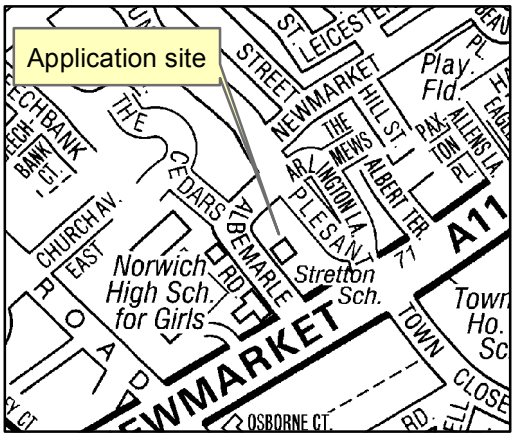


© Crown Copyright and database right 2014. Ordnance Survey 100019747.

Planning Application No 14/01527/F

Site Address 3 Albemarle Road

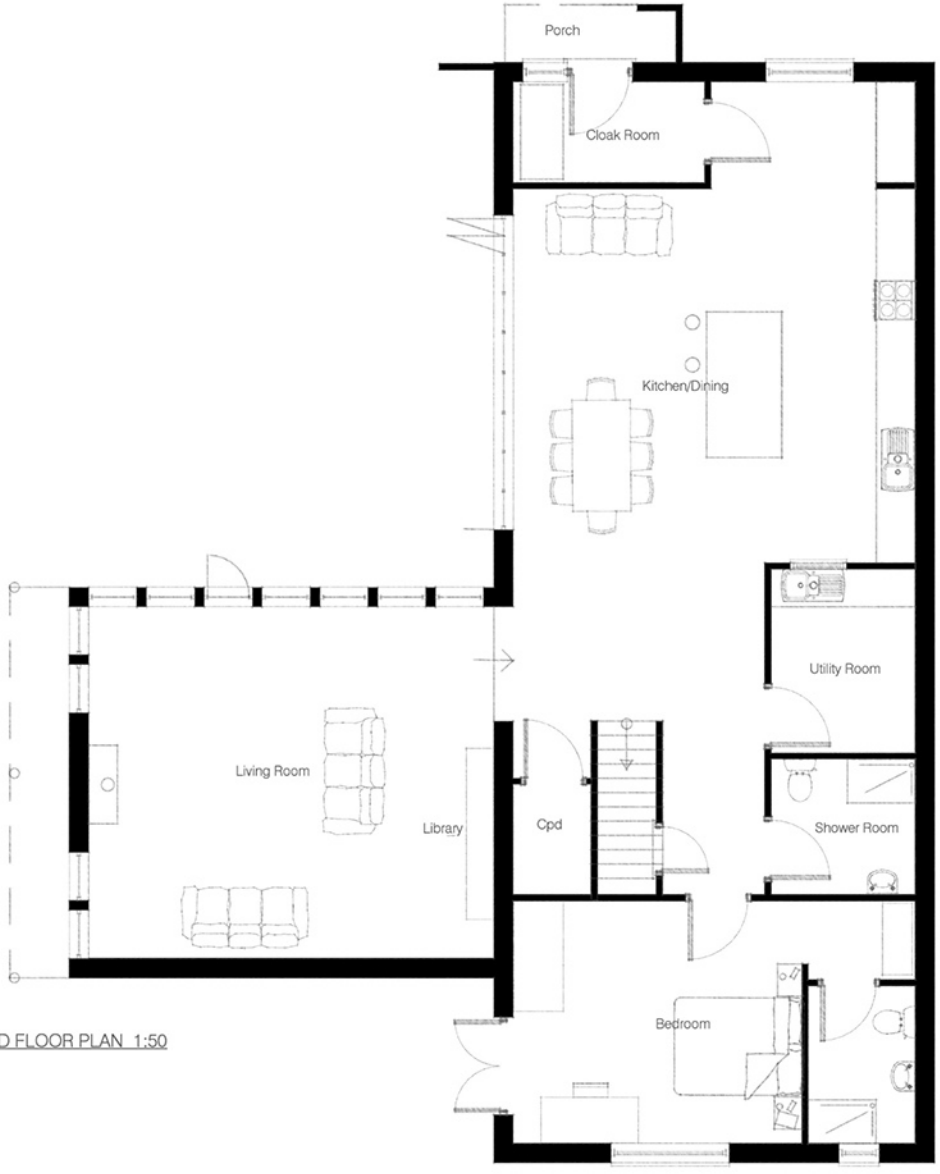
Scale 1:500



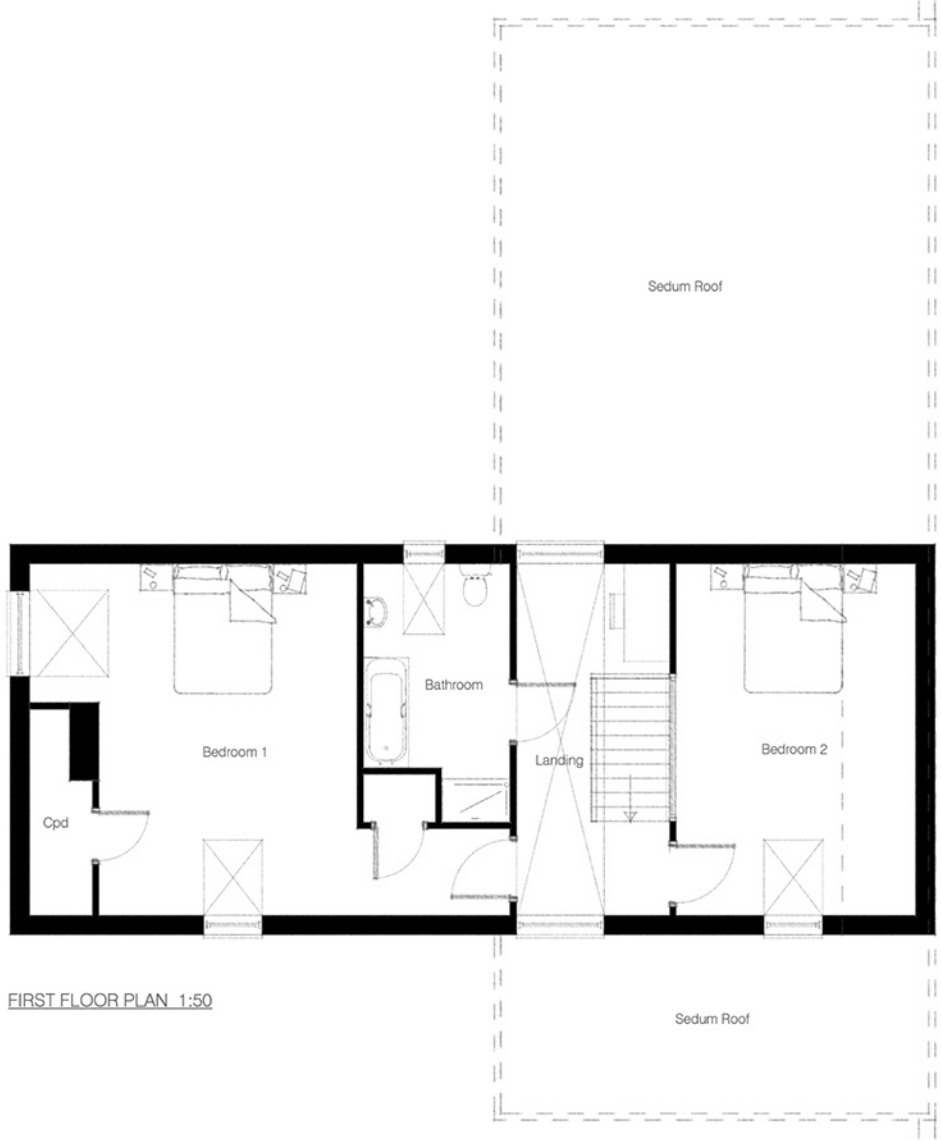
NORWICH City Council

PLANNING SERVICES

PROPOSED SITE PLAN 1:100



GROUND FLOOR PLAN 1:50



FIRST FLOOR PLAN 1:50