#### F/YR18/1104/F

Applicant: Mr S Green Agent: Mr Ted Brand

**Brand Associates** 

Land East Of 13 Norfolk Street Facing, Orange Grove, Wisbech, Cambridgeshire

Erection of a 3-storey block of flats comprising 2 x 2-bed and 1 x 1-bed

Reason for Committee: Officer recommendation is at variance to that of the Town Council

#### 1 EXECUTIVE SUMMARY

- 1.1 The proposal is to erect a three storey building with a two bedroom flat on each of the lower two floors and a one bedroom flat on the uppermost floor. The application follows on from an earlier delegated refusal and seeks to address the issues raised regard heritage impacts and residential amenity concerns.
- 1.2 Having evaluated the scheme as submitted, and following on from amendments secured through negotiation officers are now satisfied that the scheme may be favourably recommended.
- 1.3 This scheme will bring forward an underused town centre site, currently fenced off, and provide 3 additional residential units within a sustainable location. Due consideration has been given to crime and safety, residential amenity and parking and it is concluded that an on-balance approval may be forthcoming in the absence of any significant harm arising from this proposal.

#### 2 SITE DESCRIPTION

- 2.1 The site lies to the west of Orange Grove and comprises a small area of land measuring some 9 m wide and 10 m deep to the rear of the Five Bells Public House which is Grade II listed and located within Wisbech Conservation area.
- 2.2 The land has been fenced off to all sides with 1.8 metre high close boarded fencing.
- 2.3 The site is within Wisbech Conservation Area and within the curtilage of 13 Norfolk Street, a Grade II listed public house.
- 2.4 Orange Grove is characterised by a mix of commercial and residential properties of varying heights and scales.

#### 3 PROPOSAL

3.1 The proposal is to erect a three storey building with a two bedroom flat on the lower two floors and a one bedroom flat on the uppermost floor. The proposed design is an improvement in scale and detailing to that previously submitted, both

in respect of the earlier refusal and the original scheme detail provided in respect of the current submission.

3.2 A small amenity space area is provided for residents together with bin and cycle storage and a managed entrance system.

Full plans and associated documents for this application can be found at:

https://www.fenland.gov.uk/publicaccess/simpleSearchResults.do?action=firstPage

## 4 SITE PLANNING HISTORY

F/YR17/1219/F	Erection of a 3-storey block of flats comprising of 3 x 2-bed with balconies	Refused 13/02/2018
F/YR15/0342/LB	Internal alterations to Listed Building to form corridor for first-floor residential level (C4)	Granted 25/11/2015
F/YR15/0522/F	Change of use from A4 to mixed use (A4 Ground floor and C4 first floor)	Granted 25/11/2015

#### 5 CONSULTATIONS

- 5.1 **Town Council**: Object to the proposal, on the basis that
  - Approval of the proposal would constitute overdevelopment of the site
  - Erection of the proposed block of flats would result in overlooking and a loss of light to nearby properties, which would be detrimental to residential amenity
  - No provision is made for the on-site parking of vehicles
- 5.2 Senior Archaeologist (CCC): Our records indicate that the site lies in an area of high archaeological potential, situated 200m to the southeast of the medieval settlement core and site of Wisbech Castle (Cambridgeshire Historic Environment Record Number 01926) and close to the medieval church of St Peter and St Paul (CHER ref CB14828). Orange Grove is on the west side of Churchill Road, which was built over the former Wisbech Canal (ordered by Act of Parliament 1794). First edition OS maps published in the late 19th century indicate that terraces and streets of tenements lined the bank of the canal. Orange Grove was situated to the north of the Coronation Bridge (spanning between Norwich Street and Norwich Road). The canal was abandoned by 1926 and infilled in the 1970s, and the late 18th/19th century houses at Orange Grove were demolished sometime in the later 20th century.

We have commented on this site previously. We would recommend that the same archaeological standard condition is placed on the development as was recommended for prior (refused) application F/YR17/1219/F within the same bounds, that is: We do not object to development proceeding in this location but consider that the site should be subject to a programme of archaeological investigation secured through the inclusion of a negative condition, such as the example condition approved by DCLG.

5.3 **FDC Scientific Officer (Land Contamination)**: The Environmental Health Team note and accept the submitted information and have 'No Objections' to the

proposed development in principle as it is unlikely to have a detrimental effect on local air quality or the noise climate. As the proposed application site falls within an area made up of part commercial and other established activity and, is adjacent a primary transport route, the applicant should consider appropriate ventilation and window design that offers a suitably high sound reduction index so that a suitable internal noise level can be achieved inside the property.

- 5.4 Cambridgeshire Police (Designing Out Crime Officer): Originally commented that 'this area demands a high volume of response from Police and partner agencies which they believe must also impact on the health and wellbeing of local residents. Since October 2018 there have been 13 violent incidents and 18 rowdy nuisance reports – from their discussions with local residents many incidents do not get reported and having reviewed the current site plan for this development I also consider that the rear stairwell could also be a concern and an area which may attract anti-social behaviour as not overlooked. Having read the Design statement I am concerned there is no mention of security for the development. With the current design and layout we cannot support this proposal.' Following submission of a revised scheme which showed postal arrangements and access control have confirmed: Following submission of a revised scheme which showed post arrangements and access control the DoC Officer has confirmed that they are 'pleased to note the improvements in the security at this development'
- 5.5 Cambridgeshire County Council Highways Authority: A previous application was submitted and later refused under application number F/YR17/1219/F for the erection of a 3 storey block of flats comprising of three 2 bedroom units. The application comes forward with zero parking. I recommend that FDC obtain a parking survey so that the impact of this zero parking development is understood and any implications the proposal may have on residential amenity and kerbside parking/public parking within the area. I have no highways objections.
- 5.6 **Conservation Officer (FDC)**: Originally recommended refusal in respect of the earlier scheme design on the grounds that:
- The Heritage Statement fails to identify the Grade II listed building and does not provide sufficient information to understand the impact of the proposal on the setting of the listed building, and
- The proposal, while of improved design to the previously submitted scheme, still retains the external spiral staircase, and overbearing scale and proximity to the Grade II listed building, which will affect its setting and was the grounds for the previous refusal.

Following the submission of the revised scheme proposal consider that the previous objections have been overcome and a favourable recommendation made from a conservation perspective.

- 5.7 **Local Residents/Interested Parties**: One letter of objection has been received which may be summarised as follows:
  - Object for the same reasons as previous application
  - Site was previously car park to the Five Bells Pub, where will the pub customers and flat occupants park
  - Orange Grove are both narrow and there are issues for the Fire and Emergency vehicles accessing the area

- Concern re more bins and rubbish attracting vermin and another narrow passage within which anti-social behaviour may occur; some passageways have been blocked up to combat this
- Where will dray deliveries take place to serve the pub; Norfolk Street is a
  one-way road with restricted parking. Deliveries are currently made via the
  pub car park which is the proposed development site.
- In 2007 Norfolk Street had a severe fire destroying two premises and damaging several others more development; more cars may block the road leading to a possible loss of life.
- Also object on the grounds of flooding, noise and smell

#### 6 STATUTORY DUTY

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014).
  - 6.2 Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas)
    Act 1990 require Local Planning Authorities when considering development to
    pay special attention to preserving a listed building or its setting and to the
    desirability of preserving or enhancing the character or appearance of a
    conservation area.

## 7 POLICY FRAMEWORK

# 7.1 National Planning Policy Framework (NPPF)

- Para. 2 Applications should be determined in accordance with the development plan, unless material considerations indicate otherwise
- Para. 10 Presumption in favour of sustainable development
- Para. 12 Presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making
- Para. 47 All applications for development shall be determined in accordance with the development plan, unless material considerations indicate otherwise

## 7.2 National Planning Practice Guidance (NPPG)

## 7.3 Fenland Local Plan 2014

- LP1 A Presumption in Favour of Residential Development
- LP2 Facilitating health and wellbeing of Fenland Residents
- LP3 Spatial Strategy, the Settlement Hierarchy and the Countryside
- LP14 Responding to climate change and managing the risk of flooding in Fenland
- LP16 Delivering and Protecting High Quality Environments across the District
- LP17 Community Safety
- LP18 The Historic Environment

#### 8 KEY ISSUES

- Principle of Development
- Character of Area and Heritage Considerations
- Residential amenity
- Parking and servicing

- Crime and safety
- Other matters

#### 9 BACKGROUND

- 9.1 The land was formerly the rear access and service area for the pub. A grant of planning permission in 2015 saw a mixed-use established at the site; this comprised a 3 bedroom house of multiple occupation at first floor with shared facilities accessed from the rear of the site via a private entrance with the public house use retaining access solely from the Norfolk Street frontage. The premises feature a flat roof around which there is a balcony; this area is evidently used as amenity space in association with the HMO with access available from the communal hallway serving the first floor; however such usage was not formally identified on the related planning approval.
- 9.2 The assessment of the earlier HMO scheme was silent with regard to usage of the rear yard area. Whilst the design and access statement submitted with that application noted that 'The current premises defined as a large commercial and mix-use unit does not have any landscaping and benefit from a large rear drive-parking area which will be used as means of parking for the residents if required by council highway policy' the application form made no mention of parking spaces and the site layout plan did not clarify or restrict the use of this area.
- 9.3 As such there can be no control over the retention of this land in association with the HMO and pub activities. Albeit the erection of a 1.8 metre close boarded fence to the eastern boundary requires planning permission as it is over 1 metre in height adjacent to a public highway, it is contended that this fence was erected between May 2017 and January 2018 (based on Google streetview and LPA photographs)
- 9.4 The following table demonstrates the key scale, form and layout differences between the earlier refusal and the scheme currently under consideration whilst also making reference to the originally submitted scheme which has been amended following discussion.

	Refused scheme F/YR17/1219/F	Originally submitted scheme F/YR18/1104/F	Revised scheme F/YR18/1104/F
Footprint	8 metres wide x 6.2 metres deep	8.4 metres wide x 7 metres deep plus external staircase	8.2 metres wide x 8 metres deep
Ridge Height	9.6 metres	9.7 metres and 8.2 metres	7.7 m
Eaves Height	7.3 metres	6.5 metres	5.6 m
Amenity space	No communal space other than bin storage and access, the ground floor flat will have space under the upper floor balconies that provide outside seating areas.	No communal space other than bin storage and access	Small amenity space together with bin storage and access
Access	All flats accessed from the front of the	All flats accessed from the rear of the	Ground floor flat accessed from front,

	site; with the upper floors accessed via a spiral staircase featuring balconies.	site; with the upper floors accessed via a spiral staircase; each upper flat to have a small balcony area.	remaining two flats accessed from rear; via side gate. No balcony details.
Distance from public house/HMO boundary	1.4 m	1.7 metres at closest point (main block); spiral stairs on common boundary	1m at the closest point; no longer features exposed staircase

#### 10 ASSESSMENT

## **Principle of Development**

- 10.1 As the site lies within a primary market town the principle of additional housing is encouraged as outlined in the settlement hierarchy for the District (Policy LP3). Policy LP2 requires a range of homes to be provided in accessible locations whilst also highlighting the need to the equality and diversity requirements of residents and creating a built and social environment in which communities can flourish.
- 10.2 Policies LP2 and LP16 also promote high levels of residential amenities. Given that the site is within the conservation area and adjacent to a listed building it is also necessary to give full consideration to any heritage impacts of the proposals in accordance with Policy LP18.
- 10.3 Issues of flood risk, parking, servicing and community safety also require consideration in accordance with Policies LP14, LP15, LP16 and LP17

## **Character of Area and Heritage Considerations**

- 10.4 The proposal is of improved design to the previously submitted scheme and is reduced in scale. The proximity to the Grade II listed building is unchanged and as such the proposal will affect the current setting of rear plots, opening out on to Orange Grove which previously overlooked Wisbech Canal. This setting has however been changed over time by rear extensions and garages, and the presence of three storey flats in the vicinity.
- 10.5 The immediate setting of the listed pub has been eroded by the erection, without planning permission, of a close boarded fence, which visually closes off views to the pub and detracts from the views to the rear of historic buildings on Norfolk Street. The proposed flats will destroy that setting altogether. The appearance of the rear of buildings on Norfolk Street is generally poor in townscape terms, but reflects the character of back land development to those sites fronting Norfolk Street.
- 10.6 However, it is acknowledged that historically, the frontage to Orange Grove and the Canal (now Churchill Road) was built up to the road frontage as evidenced by the 1887 OS map, most likely with storage or industrial buildings relating to those on Norfolk Street. Many relatively new buildings have since been approved and built such as the development granted under F/YR08/0108/F and this may be considered an improvement in the street scene, albeit it could be argued that it is out of scale with the general character of the road. However, the current revised

- proposal is of a better scale, and while it still impacts on the existing setting of listed pub to the rear, it does replicate the former built pattern and will improve the character and appearance of the conservation area.
- 10.6 Furthermore, the use of good design details such as sliding sash windows, and cast stone cills along with traditional materials of brick and slate, in a building of an appropriate scale, will set a positive example for any future development in the area. Based on the above evaluation of the heritage impacts it is considered that earlier objections on heritage grounds have been overcome and that the proposal now achieves compliance with Policy LP18; furthermore the character and design have therefore been overcome.
- 10.7 In accordance with the recommendation of the CCC Archaeology team a scheme of investigation will be secured via condition.

## **Residential amenity**

- 10.8 The earlier scheme proposal was refused on the basis of its impact on existing residential amenities by virtue of its dominance, oppression, noise and loss of light. It was further considered that the intended residents of the proposed flats would not benefit from suitable amenity areas or parking and that these cumulative impacts rendered the scheme unacceptable on amenity grounds.
- 10.9 As can be seen from the summary table included at 9.4 the current scheme has substantially reduced the scale of the proposed accommodation with the ridge height falling from 9.7 metres/8.2 metres to 7.7 metres. Whilst the revised design results in the building now being closer to the rear of the Pub/HMO the impact of this extra incursion (400mm) is marginal when measured against the benefits derived from the revised design.
- 10.10 It is further noted the scheme originally presented in response to the earlier refusal detailed a spiral staircase to the rear of the building abutting the common boundary with balconies at the first and second floor. This raised concern regarding proximity and noise/disturbance. The access staircase now proposed, enclosed as it is within the building represents a better design solution in terms of noise/disturbance and residential amenity.
- 10.11 It is also acknowledged that it will be necessary for the occupants of the residences to walk past the ground floor bedroom 1 window of the lower flat on entering and leaving the premises and the HMO; whilst this is not an ideal situation it is reflective of a town centre environment where there is often a trade off between location and amenity levels. Similarly there is a window in the first floor flank wall of both the existing flat to the north and the proposed first floor flat however these are on an oblique alignment. Neither of these scenarios either individually or collective are considered to represent significant harm when weighed against the benefits of bringing forward additional housing within the town centre.
- 10.12 The submitted drawings also show a bin/cycle storage area together with a small area of amenity space which features incidental landscaping. Although detailed specifications and maintenance arrangements for these communal amenity areas do not form part of the submission. Soft landscaping is not a prevalent feature of the Orange Grove frontage and it is questionable as to the likely management regime achievable within an area with multiple-users. Accordingly it is considered that a landscaping strategy that focuses on high-quality hard landscaping to both

- the public and the private areas should be secured rather than a 'soft' landscaping scheme.
- 10.13The comments of the Environmental Protection team in respect of sound reduction and internal noise levels are noted, however mindful of other consents for residential development in the immediate location which have been approved unencumbered by such requirements and given it is not considered appropriate or reasonable to condition such attenuation.
- 10.14 The revised scheme substantially overcomes earlier concerns with regard to the residential amenity of the adjoining occupiers of the HMO and the proposed occupiers of the new residential units. Whilst the proximity of the building to the informal amenity area provided by the balcony at the adjacent HMO will have a degree of dominance it would not be so significant to render the scheme unacceptable.

## Parking and servicing

- 10.15 Whilst the scheme proposal does not make provision for on-site parking it is noted that it does incorporate a communal store at ground floor under the stairs which is potentially available for cycle storage. Furthermore the site is located in an accessible location within close proximity to town centre car parking.
- 10.16 Appendix A generates a requirement for 4.25 parking spaces to serve this development; however it includes a caveat that allows for a nil parking provision in Market Towns in special circumstances> It is accepted the redevelopment of this site and the bringing forward of residential units in one of the districts main settlements is such a scenario where a nil parking provision may be accepted.
- 10.17 Whilst the revised scheme has not directly addressed the issue of car parking on site it is acknowledged that provision has been made for cycle parking within the building. Given that this is a town centre site with good transport links and easy access to goods and services, and mindful of the exemption allowed for under Appendix A it is considered that a refusal could not be substantiated on these grounds.

## Crime and safety

- 10.18 Concern was raised regarding the original scheme by the Designing out Crime (DoC) team as it was felt that the scheme had not adequately considered safety and security, with free and unrestricted access available to the rear of the flats, where all the entrances were situated, and indeed to the existing house in multiple occupancy (HMO) to the rear of the site. As such the scheme whilst addressing its own requirements in terms of security will also represent a benefit in terms of the existing situation in so far as it relates to access to the HMO.
- 10.19 Following submission of a revised scheme which showed post arrangements and access control the DoC Officer has confirmed that they are 'pleased to note the improvements in the security at this development' they have also made further recommendations regarding the placing of external mailboxes which have been incorporated into the revised design.

10.20 It is considered that the amended scheme satisfactorily addresses the aims of Policies LP2 and LP17 and gives due consideration to crime and anti-social behaviour.

#### Other matters

- 10.21 Concerns raised by a local business owner are noted however the proposal does not encroach onto the Orange Grove highway and as such it is not considered that development of this site will have an impact on accessibility by the emergency services.
- 10.22 Proposals have been put in place for the management of waste and no issues have been raised with regarding anti-social behaviour following design improvements relating to controlled access. Object for the same reasons as previous application. The servicing of the public house is a civil matter between owners as the land has been subdivided from the host property.
- 10.23 The site is within a flood zone 1 location and surface water disposal will be considered as part of Building Regulations.
- 10.24 From 1 October 2018 section 100ZA(5) of the Town and Country Planning Act 1990 provides that planning permission for the development of land may not be granted subject to a pre-commencement condition without the written agreement of the applicant to the terms of the condition (except in the circumstances set out in the Town and Country Planning (Pre-commencement Conditions) Regulations 2018).
- 10.25 The agent has confirmed that their client is happy to agree to the precommencement condition relating to archaeological investigation, and therefore the requirements of section 100ZA (5) have been met.

## 11 CONCLUSIONS

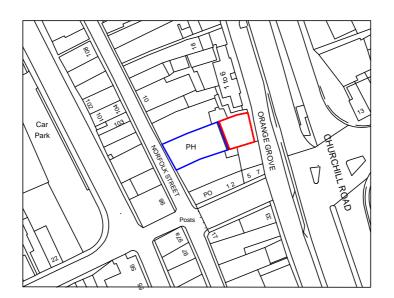
- 11.1 It is considered that the scheme amendments adequately address the earlier cumulative concerns expressed to a degree where a refusal could not be substantiated on either heritage or residential amenity grounds.
- 11.2 This scheme will bring forward a vacant town centre site and provide 3 additional residential units within a sustainable location. Due consideration has been given to crime and safety, residential amenity and parking and it is concluded that an on-balance approval may be forthcoming in the absence of any significant harm arising from this proposal.

## 12 RECOMMENDATION: Grant

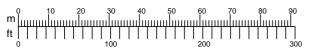
1	The development permitted shall be begun before the expiration of 3 years from the date of this permission.				
	Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.				
2	Notwithstanding the approved plans and prior to the commencement of any development above slab level, samples of all materials to be used in the construction of external surfaces of the flats, shall be required to be submitted to and approved in writing by the LPA. Furthermore, a sample panel of 1m x 1m brick and mortar is required to be erected on				

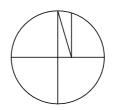
	site and approved in writing by the LPA. The development to be carried out in accordance with the approved details.
	Reason: In the interests of the visual amenity and heritage interests of the area and to ensure compliance with Policies LP16 and LP18 of the Fenland Local Plan (2014)
3	Notwithstanding the approved plans, prior to the commencement of any development above slab level, precise details of all new joinery, including windows, doors and porch will be required to be submitted to and approved in writing by the LPA (clarified through 1:20 drawings and 1:5 typical sections). The development to be carried out in accordance with the approved details.
	Reason: In the interests of the visual amenity and heritage interests of the area and to ensure compliance with Policies LP16 and LP18 of the Fenland Local Plan (2014)
4	Notwithstanding the approved plans, prior to the commencement of the development any development above slab level, precise details of the proposed rainwater goods or soil pipes shall be required to be submitted to and approved in writing by the LPA. The development to be carried out in accordance with the approved details.
	Reason: In the interests of the visual amenity and heritage interests of the area and to ensure compliance with Policies LP16 and LP18 of the Fenland Local Plan (2014)
5	The Access control arrangements, comprising an audio/visual intercom system, and associated security measures as detailed on drawing number GRE.16: 2.1 E shall be implemented in full prior to the occupation of any part of the development hereby approved; the system shall be thereafter maintained and retained in perpetuity in a fully operational state.
	Reason: In the interests of the residential amenity of the occupants and to address crime and safety in accordance with Policies LP16 and LP17 of the Fenland Local Plan (2014)
6	No development or preliminary groundworks of any kind shall take place until the applicant has secured the implementation of a programme and timetable of archaeological work and recording in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The approved programme shall then be implemented in accordance with the approved timetable prior to any other works taking place on site.
	Reason - To secure the provision of the investigation and recording of archaeological remains threatened by the development and the reporting and dissemination of the results in accordance with Policy LP18 of the Fenland Local Plan.
7	Notwithstanding the submitted details and prior to occupation of any part of the development hereby approved full details of all landscape works shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, these works shall be carried out as

	approved. The landscaping details to be submitted shall include:-
	a) hard surfacing, other hard landscape features and materials
	b) management and maintenance details
	Reason - The hard landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policy LP16 of the Fenland Local Plan, 2014.
8	The development hereby permitted shall be carried out in accordance with the following approved plans and documents



Scale 1:1250 - A4





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STEVEN GREEN PROPERTY INVESTMENTS

3x Proposed 2 - Bed Flats 13 Norfolk Street Wisbech PE13 2LD

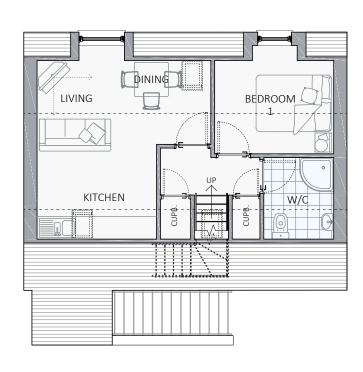
LOCATION PLAN

: AHS : JUN. 2017 1:100 GRE.16 : L





EXISTING WINDOW IN ADJACENT BUILDING



PROPOSED GROUND FLOOR PLAN

PROPOSED 1st FLOOR PLAN

# PROPOSED 2nd FLOOR PLAN

## REVISIONS

A - 14.01.19 - Minor Amendments B - 16.01.19 - 2nd Floor Window

Amendments C - 28.01.19 - Design alterations

D - 27.02.19 - Design alterations

E - 06.03.19 - Letter boxes added F - 09.04.19 - Alterations to bin

F - 09.04.19 - Alterations to store

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PROPOSED 3no. 2-BED FLATS LAND EAST 13 NORFOLK STREET WISBECH PE13 2DL

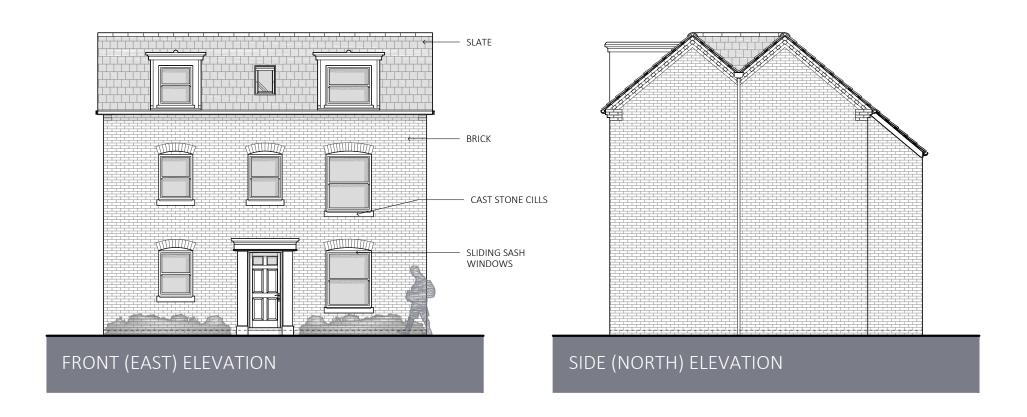
STEVEN GREEN PROPERTY
INVESTMENTS

GRE.16: 2.1 : F

PROPOSED PLANS

1:100 : AHS : JUN 2018

1:100 2m 0 2m 4m 6m 8m







## REVISIONS

A - 14.01.19 - Minor Amendments

B - 28.01.19 - Design alterations

C - 27.02.19 - Design alterations

D - 06.03.19 - Letter boxes added E - 09.04.19 - Alterations to bin

PROPOSE LAND EAST

Drand
associates architects
2A Dartford Road March PE15 8AB tel [01354] 653 818 fax [01354] 651 951 mail@brand-associates.net GRE.16:

PROPOSED 3no. 2-BED FLATS LAND EAST 13 NORFOLK STREET WISBECH PE13 2DL

STEVEN GREEN PROPERTY INVESTMENTS

PROPOSED ELEVATIONS

1:100 : AHS : JUN 2018

GRE.16: 2.2 : E

1:100						
2m	0	2m	4m	6m	8m	10m