



PLANNING APPLICATIONS COMMITTEE

Date: **Thursday 8 May 2014**

Time: **9.30am** (Site visit to Gladstone House, Upper St Giles at 9am)

Venue: **Mancroft room, City Hall**

COMMITTEE MEMBERS:

Councillors:

Bradford (chair)
Gayton (vice chair)
Ackroyd
Blunt
Brociek-Coulton
Button
Grahame
Jackson
Little
Neale
Sands (S)
Storie

FOR FURTHER INFORMATION PLEASE CONTACT -

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Democratic services
City Hall
Norwich
NR2 1NH

AGENDA

Page No.

9.00 am Site visit - Application no 13/01296/F Gladstone House, 28St Giles Street, Norwich, NR2 1TQ

Members who wish to attend the site visit are requested to meet at **9.00am** at the rear of Gladstone House, Upper St Giles. Ward councillors and interested members of the public are also welcome to attend and observe the meeting.

(The committee will then return to City Hall in time for the commencement of the formal committee meeting at 9.30 am in the Mancroft room.)

1. Apologies

2. Declarations of interest

(Please note that it is the responsibility of individual members to declare an interest prior to an item if the members arrive late for the meeting).

3. Minutes **5**

To agree the accuracy of the minutes of the meeting held on 3 April 2014.

4. Planning applications **21**
(Report of the head of planning services)

Purpose - To determine the current planning applications as summarised on pages **17 - 18** of this agenda.

Please note that members of the public, who have responded to the planning consultations, and applicants and agents wishing to speak at the meeting for item 4 above are required to notify the committee officer by 10am on the day before the meeting.

Further information on planning applications can be obtained from the council's website:- <http://planning.norwich.gov.uk/online-applications/>

Please note:

- The formal business of the committee will commence at 9.30am.
- The committee may have a comfort break after two hours of the meeting commencing.
- Please note that refreshments will not be provided. Water is available.
- The committee will adjourn for lunch at a convenient point between 1pm and 2pm if there is any remaining business.

29 April 2014



If you would like this agenda in large print, audio, Braille, alternative format or in a different language, please call Jackie Rodger, senior committee officer on 01603 212033 or email jackierodger@norwich.gov.uk

Access



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PLANNING APPLICATIONS COMMITTEE

10.30am to 3.45pm

3 April 2014

Present: Councillors Bradford (chair), Gayton (vice chair), Ackroyd, Blunt, Brociek-Coulton, Button, Grahame, Jackson, Little, Neale, Sands (S) and Storie

1. DECLARATION OF INTERESTS

Councillor Blunt declared an other interest in item 8 (below), Application nos 13/01536/F and 13/01537/L, 9 Elm Hill (Britons Arms) and churchyard of St Peter Hungate, Norwich, as the council's representative on the Norwich Preservation Trust.

Councillor Brociek-Coulton declared an other interest in item 10 (below) Application no 13/01540/VC land and buildings to the north east of King Street, Norwich as the council's appointed member of the Broads Authority.

2. MINUTE

RESOLVED to approve the minutes of the meeting held on 6 March 2014.

3. APPLICATION NOS 13/01296/F AND 13/01297/L GLADSTONE HOUSE, 28 ST GILES STREET, NORWICH, NR2 1TQ

The head of planning services referred to the minutes of the last meeting and said that it had come to his attention that the applicant had not complied with the legal requirement to notify all landowners within the redline of the site plan because of an issue with the ordnance survey map which incorrectly showed 1 to 5 Old Barley Market backing on to Gladstone House instead of the former fire station site. The committee had no choice but to defer consideration of the applications so that the proper notice could be served on the landowners.

RESOLVED to defer consideration of application no 13/01296/F Gladstone House, 28 St Giles Street, Norwich, NR2 1TQ to the next committee meeting (8 May 2014).

4. APPLICATION NO 13/01686/F & 13/01687/L 24 CATTLE MARKET STREET, NORWICH, NR1 3DY

The planner (development) presented the report with the aid of plans and slides. She referred to the supplementary report of updates to reports, which had been circulated at the meeting, which contained a summary of an additional letter of representation that added further weight to objections already received. The applicant had provided further visuals which showed the proposal in context with the surroundings and these were included in the presentation and copies were circulated at the meeting.

One of the owner occupiers of the business premises adjacent to the proposed development addressed the committee outlining their objections to the scheme, which included the following concerns: that the scheme could compromise the ability to expand their premises in the future; lack of clarity about the visual impact the scheme would have; overlooking of the adjacent premises and that planting would not be sufficient to provide adequate screening and would need to be maintained; and, that the location of the fire escape shown on the plans would require access from their car park and there was no right of way.

The planner, together with the planning development manager, responded to the issues raised by the speaker. Members were advised that there was a condition relating to the landscaping and maintenance of planting and this would include a clause that if any planting was removed or died within five years of planting, it should be replaced. The proposed development would not increase the footprint of the building. At the chair's discretion, the applicant explained that the most recent plans showed the location of the fire escape with egress to the lane and not through the car park of the neighbouring business. The planning development manager suggested that the conditions would ensure that the location of the fire escape was in accordance with the submitted plans and that an informative would ensure that it was not on the south elevation.

Discussion ensued in which the planner and the planning development manager referred to the report and answered members' questions. Members sought clarification on the access arrangements for residents and were advised that there were three points of access: through the revolving front door, the side of the building adjacent to the bin-store and from the car park. As a listed building the different levels of the building meant that steps were needed between the revolving door and the lift. The building was accessible for disabled people and the delivery of furniture and other large items from the side. Members also expressed concern that different window treatments for the flat would be detrimental to the façade of the iconic building and that this should be conditioned.

A member expressed concern that the ground floor plan had not been included with the committee papers and that the layout was difficult to see on the screens. Another member noted that the industrial heritage of the building would be recorded. Members were advised that the applicants would be required to submit a full noise assessment as a condition of planning permission to ensure that the glazing was satisfactory for residential accommodation adjacent to a public house.

RESOLVED, with 10 members voting in favour (Councillors Bradford, Gayton, Ackroyd, Blunt, Brociek-Coulton, Button, Grahame, Neale, Storie and Little) and 2 members abstaining (Councillors Jackson and Sands) to approve:-

- (1) application no No 13/01686/F – Crystal House, 24 Cattle Market Street and grant planning permission, subject to:
 - (i) the completion of a satisfactory S106 agreement to include the provision of contributions to affordable housing; and,
 - (ii) the following conditions:
 1. Standard time limit
 2. In accordance with plans
 3. No development shall take place until details (including manufacturer, product, colour finish and samples where required) of the materials to be used in the construction of the external surfaces have been submitted to and approved in writing. The development shall be carried out in accordance with the materials as approved.
 4. No development shall take place until the following details have been submitted to and approved in writing:
 - (a) external doors and windows;
 - (b) rainwater goods;
 - (c) balconies;
 - (d) Juliet balconies;
 - (e) roof terraces;
 - (f) roof and eaves;
 - (g) coping;
 - (h) the design and placement of the roller shutter to the car park;
 - (i) window covering to the glazed screen and/or front façade of flat 8;and, the development shall be carried out in accordance with the details as agreed and thereafter on completion retained as such.
 5. No occupation until details have been submitted of all external lighting
 6. No development shall take place until details on how the new build will be attached to the building know as Crystal House have been submitted and agreed in writing. The development shall be carried out in accordance with the approved details.
 7. The two central panels for the windows to the balcony serving flat 5 (level 3) as shown on plan CH/12/41R4 shall be obscure glazed to a specification of not less than the equivalent of classification 5 of Pilkington Glass and shall be retained as such.
 8. The development shall be designed and built to achieve a water consumption rate of no more than 105 litres per person per day, equivalent to Level 4 of the Code for Sustainable Homes for water usage. No occupation until confirmation from code assessor and measures to be permanently retained.
 9. No development shall take place until a detailed landscaping scheme has been submitted to and agreed in writing. The landscaping scheme shall include the following information:
 - (a) planting on the terraces;
 - (b) materials for the surface of the balconies/roof terraces;
 - (c) surfacing of the lane;and to be carried out in accordance with approved details and retained thereafter.

10. No development shall take place until details of the following on site provisions have been submitted to and agreed in writing by the local planning authority:
 - (a) car parking;
 - (b) bicycle storage residents and staff; and
 - (c) servicing, including waste and recycling bin storage and collection facilities.

(No occupation of the development shall take place until these have been provided and they shall be retained as such thereafter.)
11. No demolition to take place until recording of the workshop building has taken place and a photographic record has been placed on the Norfolk Historic Environment Record.
12. No demolition or development shall take place until an archaeological Written Scheme of Investigation has been submitted to and approved in writing by the local planning authority.
13. No demolition or development shall take place unless in accordance with the archaeological Written Scheme of Investigation
14. No occupation until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation
15. No demolition shall take place until a detailed schedule of the methods of works to the retained east wall has been submitted to and agreed in writing. The works shall be carried out in accordance with the approved details
16. No development shall take place until a full noise impact assessment has been submitted to and agreed in writing. The noise assessment should identify the noise exposure, noise exposure category and where the noise exposure is high, identify mitigation measures to achieve acceptable levels of noise exposure. The proposed mitigation measures should include full details of the design of the inner glazed area. The assessment should cover early morning rush hour periods and late night prime time use.
17. The building envelope of flat 8 shall be constructed so as to provide sound attenuation against external noise and ensure internal sound levels no greater than:
 - (a) 35dB LAeq(16 hour) in the main living rooms of the dwelling(s) (for daytime and evening use); and,
 - (b) 30dB LAeq(8 hour)/45dB L_{Amax}(fast) in the bedrooms of the dwelling(s) (for nighttime use) in line with World Health Organisation guidance, with windows shut and other means of ventilation provided.
18. No plant or machinery or extract ventilation or fume extraction system shall be installed or erected on the site unless in accordance with a detailed scheme that has been submitted to and approved in writing by the local planning authority.
19. The retail premises which form the subject of this permission shall not be open to the public, trading, or have members of the public, as customers or guests, on the premises between the hours of 22:00 and 07:00 on any day.
20. No trade deliveries or collections shall take place before 07:00 hours and after 19:00 hours Monday to Saturday. There shall be no trade deliveries or collections on Sundays or Bank or Public Holidays.
21. No development shall take place until precise details of the slab levels of the new building hereby approved have been submitted to and agreed in writing. Such details shall also provide comparative levels with Crystal House and details of the levels of any ground levels proposed. To be carried out in accordance with the approved details.

Informatives:

1. Considerate construction and timing to prevent nuisance.
2. Bins to be purchased by the applicant prior to occupation.
3. Street naming and numbering enquiries.
4. If any bats are discovered, all works should cease and advice be sought from Natural England before re-commencing.
5. This permission does not allow for a fire escape on the south elevation.

Article 31(1)(cc) Statement

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.

- (2) Application no 13/01687/L – Crystal House, 24 Cattle Market Street and grant listed building consent, subject to the following conditions:

1. Standard time limit.
2. In accordance with plans.
3. No works shall take place until an inventory of historic fixtures and fittings has been undertaken and a detailed scheme outlined the proposed measures of protection and repair has been submitted to and approved in writing.
4. No works shall take place until the following details have submitted to and agreed in writing with the local planning authority:
 - (a) main entrance doors;
 - (b) internal joinery including revolving doors to flats, doors to retail unit 1 and 2 and glazed screen at first floor level;
 - (c) junction between the glass elevation and the new partition;
 - (d) secondary glazing to the existing side windows;
 - (e) schedule of internal finishes to walls and ceilings;
 - (f) schedule of construction and internal finishes to the floors including an indication of where the pit is to be retained;
 - (g) steel and glass circular staircase;The development shall be carried out in accordance with the details as approved.
5. No works to repoint the external brickwork or stonework shall take place until:
 - (a) details of the extent of repointing have been submitted to and approved in writing; and,
 - (b) a sample panel to show the proposed mortar composition and colour and the method of pointing has been prepared on site, inspected and approved in writing.All such works shall be carried out in accordance with the details as agreed.
6. No ventilation system shall be installed within the building known as Crystal House, unless in accordance with a detailed scheme that has been submitted to and approved in writing by the local planning authority
7. No sprinkler system shall be installed within the building know as Crystal House, unless in accordance with a detailed scheme that has been submitted to and approved in writing by the local planning authority.

8. Any damage caused to the building by the works hereby approved shall be made good in accordance with a scheme first submitted to and agreed in writing.
9. The 'conservatory' within flat 8 shall not be used for the storage of any goods other than for the provision of items of furniture for the use by the residents of flat 8.

Article 31(1)(cc) Statement

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.)

5. APPLICATION NO 13/02098/F 11 MOUNT PLEASANT, NORWICH, NR2 2DH

The planner (development) presented the report with the aid of plans and slides and referred to the supplementary report of updates to reports, which was circulated at the meeting. One of the letters of objection had been withdrawn following revisions to the original proposals.

During discussion the planner referred to the report and answered members' questions on the proposed gable end and the boundary treatments. She explained that as the proposal site was in a conservation area, the trees on the site were protected. The council's tree protection officer had advised that the trees were retained.

RESOLVED with 11 members voting in favour (Councillors Bradford, Gayton, Ackroyd, Blunt, Brociek-Coulton, Button, Grahame, Jackson, Sands, Storie and Little) and 1 member voting against (Councillor Neale) to approve Application no 13/02098/F, 11 Mount Pleasant and grant planning permission, subject to the following conditions:-

1. Standard time limit;
2. In accordance with plans;
3. Details of render, roof, windows and doors, in accordance with the plans submitted;
4. Details of the fence and hardstanding;
5. In accordance with AIA/AMS;
6. Further details of specialist foundations in RPA.

Informatives:

1. Community infrastructure levy.
2. Works to trees.

Article 31(1)(cc) Statement

The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations, following negotiations with the applicant and subsequent amendments the application has been approved subject to appropriate conditions and for the reasons outlined in the officer report.

6. APPLICATION NO 14/00187/NF3 GARAGES REAR OF 28 TO 30 TRORY STREET NORWICH

The planner (development) presented the report with the aid of plans and slides.

The owner of the adjacent locally listed property (32 Trory Street) addressed the committee and outlined his objections to the scheme and said that he wanted to enter a dialogue with the applicant (housing services) to work on a proposal which was more aesthetic and sympathetic to the conservation area and his garden/orchard. He also expressed concern about the security of his property and that the height of the proposed wall would not be sufficient to deter intruders.

During discussion the planner, together with the planning team leader (development), referred to the report and answered members' questions. Discussion ensued on the height of the wall and that part of the wall was already 1.4m and the proposal was for a consistent height across the length of the wall and that buttresses would be added to the wall. The demolition of the garages was considered to enhance the amenity of the area and it was noted that the brick work was in keeping with buildings to the east of the site. The committee was advised that under permitted development rights the owner of the adjacent property could erect a fence up to 2m in height or screen the wall with planting. The committee concurred that the applicant should be advised to discuss the proposal with the owner of the neighbouring property before implementation and it was agreed that an informative should be added to the permission.

RESOLVED with 11 members voting in favour (Councillors Bradford, Gayton, Ackroyd, Blunt, Brociek-Coulton, Button, Grahame, Jackson, Sands, Storie and Little) and 1 member voting against (Councillor Neale) to approve Application no 14/00187/NF3, Garages rear of 28-30 Trory Street and grant planning permission, subject to the following conditions:-

1. Standard time limit.
2. In accordance with plans.
3. In accordance with the AIA.
4. No works until a pre-commencement site meeting take place with regards trees.
5. Arboricultural supervision during demolition and build phases.
6. Tree protective barriers as per drawing TROR1.
7. Working practices to accord with section 5.0 of AIA.

Informative:

The applicant should discuss the proposals with the owner of 32 Trory Street before implementation.

Article 31(1)(cc) Statement

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

7. APPLICATION NO 14/00164/F LAND ADJACENT TO AND WEST OF VULCAN HOUSE VULCAN ROAD NORTH NORWICH

The planner (development) presented the report with the aid of plans and slides. In reply to a member's question, she said that the tree protection officer had considered that the loss of one of the trees from the row of poplars was not significant.

RESOLVED, unanimously, to approve application no 14/00164/F subject to the following conditions:

1. Time limit.
2. According to plans.
3. In accordance with AIA.
4. Limited hours of use (8am-6pm Monday to Friday, 8am-1pm Saturday)
5. No trade deliveries or collections between 7pm-7am Monday to Saturday. or at any time on Sundays or bank holidays.
6. Not for use by the public.
7. No machinery or power tools to be used outside the building.
8. No extract ventilation to be installed.
9. All doors to be kept closed except for access and egress.

(The committee adjourned for lunch at 12.35pm and reconvened at 2pm, with all members present, as listed above.)

8. APPLICATION NOS 13/01536/F AND 13/01537/L 9 ELM HILL (BRITONS ARMS) AND CHURCHYARD OF ST PETER HUNGATE, NORWICH

(Councillor Blunt had declared an interest in this item.)

The planner (development) presented the report with the aid of plans and slides.

Two members of the public addressed the committee and outlined their concerns about the scheme which included access to the churchyard; impact on the amenity of the churchyard and the integrity of the garden; and that works had begun on the earthworks without a licence from the Ministry of Justice; concerns about emergency access and the route of the path through the churchyard.

The agent addressed the committee and explained the reasons for the proposed changes to the churchyard for emergency access from the Britons Arms and level access to the west of the churchyard and the Museum of Medieval Church Art. She also referred to the historic precedence for levelling the churchyard and the position of the gate in Princes Street. The disturbance to the earthworks had occurred during

restoration works to the Britons Arms, funded by a grant from English Heritage. Work had stopped immediately human remains had been uncovered and a licence had been obtained from the Ministry of Justice to lift the remains from 15 April 2014.

Discussion ensued in which the planner, together with the conservation and design officer, referred to the report and responded to the issues raised by the speakers and members. Members were advised that the landscaping condition would ensure that the churchyard would retain its character. Informal negotiations with the applicant indicated that minimal amounts of hard landscaping would be proposed. English Heritage had not objected to the proposals. Members were advised that the emergency exit from the Britons Arms on to Princes Street was considered more acceptable than egress on to Elm Hill.

RESOLVED with 10 members voting in favour (Councillors Gayton, Ackroyd, Blunt, Button, Jackson, Neale, Sands, Storie, Little and Grahame) and 2 members voting against (Councillors Brociek-Coulton and Bradford) to approve:-

- (1) application no 13/01536/F and grant planning permission subject to the following conditions:-
 1. Standard time limit.
 2. In accordance with plans.
 3. No works shall take place on the site in pursuance of this permission until the following details have submitted to and agreed in writing with the local planning authority:
 - (a) details of all external joinery to include depth of reveal, details of heads, sills and lintels, elevations at a scale of not less than 1:20 and horizontal/vertical frame sections (including sections through glazing bars) at not less than 1:2;
 - (b) details of proposed rooflights, which should be flush fitting 'conservation' type rooflights;
 - (c) details of external flues, background and mechanical ventilation, soil/vent pipes and their exits to the open air;
 - (d) large scale details of proposed eaves and verges at a scale not less than 1:20;
 - (e) details of external decoration to render, joinery and metalwork;
 - (f) details and samples of external materials (e.g. bricks/tiles) including manufacturer, product name and colour;
 - (g) details of brick bond and mortar;
 - (h) details of rainwater goods (which shall be cast iron or aluminium)
 4. No use of the outdoor seating area between the hours of 19:00 and 09:00 on any day.
 5. No development shall take place in pursuance of this permission until a detailed landscaping scheme has been submitted to and agreed in writing with the Local Planning Authority to include soft and hard landscaping details and scheme for the relocation of headstones.
 6. No demolition or development shall take place unless in accordance with the archaeological Written Scheme of Investigation.
 7. No occupation until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation

8. No demolition shall take place until a detailed schedule of the methods of works to the retained east wall has been submitted to an agreed in writing. The works shall be carried out in accordance with the approved details.
- (2) application no 13/01537/L and grant listed building consent subject to the following conditions:-
 1. Standard time limit
 2. In accordance with plans
 3. No works shall take place on the site in pursuance of this permission until the following details have submitted to and agreed in writing with the local planning authority:
 - (a) details of all internal joinery at a scale of not less than 1:20 and horizontal/frame sections at not less than 1:2;
 - (b) details of proposed internal service routes;
 - (c) schedule of internal finishes to walls, ceilings and floors;
 4. The development shall be carried out in accordance with the detail as approved.

Article 31(1)(cc) Statement

The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations, following negotiations with the applicant and subsequent amendments the application has been approved subject to appropriate conditions and for the reasons outlined in the officer report.

9. APPLICATION NO 14/00028/VC MCDONALDS, 162 BARRETT ROAD, NORWICH, NR1 2RT

The planner (development) presented the report with the aid of plans and slides. He explained that there was a correction to the location plan, which had not been updated on the plan included with the committee papers. The committee had deferred consideration of the application at the last meeting in order to receive information from the police about anti-social behaviour on the site. The police had not raised any significant concerns about anti-social behaviour, although an additional condition for the site to be monitored by CCTV had been recommended. The planner referred to the supplementary report of updates to reports and said that the roof top replacement plant work that had been a requirement of the noise impact assessment had been carried out and completed.

The applicant (the franchisee) addressed the committee, at the chair's discretion, and outlined the benefits of increasing the opening hours to a 24 hour operation, which included the recruitment of an additional 15 members of staff. He confirmed that the business would comply with the management plan which related to litter; disturbance and noise management; and, CCTV. There had been 800 signatures in support of increasing the opening hours (NB this petition had not submitted to the council to support the application). There had only been one complaint about noise in 2007. The police and environmental health services had not objected to the proposal.

Discussion ensued in which members considered the concerns that had been raised from local residents about anti-social behaviour and noise disturbance from patrons using the car park late at night. Members considered that in order to minimise disturbance to residents, deliveries to the premises should only be permitted between the hours 7.00 am to 7.00 pm. The planner, together with the planning team leader (development) referred to the report and answered members' questions. A member suggested that permission could be granted on a temporary basis but members were advised that this could not be justified as it was unreasonable to expect the applicant to invest in CCTV cameras for the assessment period. Members were advised that the application was for a variation in opening hours and that in 1995 it was not company policy to open all night.

RESOLVED with 8 members voting in favour (Councillors Bradford, Gayton, Blunt, Brociek-Coulton, Button, Jackson, Storie and Little) and 4 members voting against (Councillors Ackroyd, Grahame, Neale and Sands) to approve application no.14/00028/VC at McDonalds, 162 Barrett Road and grant planning permission, subject to the following conditions:-

1. Standard time limit
2. In accordance with the approved plans
3. Replacement of roof top plant in accordance with the Noise Impact Assessment;
4. Compliance with the management plan in terms of litter collection, noise and disturbance management and CCTV operation.
5. Prior to commencement, details of CCTV coverage to be submitted for approval.
6. Deliveries to the site permitted only between the hours of 07.00 to 19.00.

Article 31(1)(cc) Statement

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 during the previously withdrawn application (13/01024/VC) including provision of appropriate supporting information (noise impact assessment and site management plan), the application has been approved subject to appropriate conditions and for the reasons outlined above

10. APPLICATION NO 13/01540/VC LAND AND BUILDINGS ON THE NORTH EAST OF KING STREET, NORWICH

(Councillor Brociek-Coulton had declared an interest in this item.)

The planner (development) presented the report with the aid of plans and slides.

A representative of residents of Cannon Wharf and Spooners Wharf addressed the committee with the residents' concerns about the unsuitability of the proposed mooring location. These included concerns about fires on boats jeopardising their properties and an increased risk of burglaries to properties above the mooring site. She suggested that the best solution was the moorings that had already been agreed and asked the committee to undertake a site visit.

Discussion ensued in which the planner, together with the planning development manager and the planning team leader, referred to the report and answered member's questions. Members considered that in order to make a decision on this application, it would be necessary to take into consideration legal advice on enforcement to secure the provision of the moorings at the location set out in the condition 9 of the original planning permission.

Councillor Gayton moved, seconded by Councillor Ackroyd, that the committee deferred consideration of this application to the next meeting in order to receive further information on the legal position of enforcing the provision of the moorings at the original location.

RESOLVED with 7 members voting in favour (Councillors Gayton, Ackroyd, Blunt, Brociek-Coulton, Button, Grahame and Sands) and 5 members voting against (Councillors Bradford, Jackson, Neale, Storie and Little) to defer consideration on application no 13/01540/VC Land and buildings on the north east of King Street, Norwich, for legal advice on enforcing the provision of moorings as set out in condition 9 of the current planning permission.

CHAIR

Applications for submission to planning applications committee

8 May 2014

ITEM

4

Item No.	Case Number	Page	Location	Case Officer	Proposal	Reason for consideration at Committee	Recommendation
4(1)	13/01296/F 13/01297/L	21	Gladstone House, St Giles St.	Kian Saedi	Change of use to Writers Centre, alterations, demolitions and extensions	Objections	Approve subject to conditions
4(2)	13/01928/F	75	Former Goff petroleum, Aylsham Rd	Rob Parkinson	Morrisons foodstore	Previously considered by Committee	Approve subject to conditions and S106
4(3)	14/00224/MA	87	19 Leopold Road	Lee Cook	Material amendment of permission 12/00106/F for variation of condition 2 to allow the enlargement of the ground floor footprint to the front of the detached dwelling known as plot No.1 (revised proposal).	Objections	Approve subject to conditions
4(4)	14/00324/F 14/00332/L	97	Rear of 39 Unthank Road	Tracy Armitage	Proposed dwelling	Objections received	Approve subject to conditions
4(5)	14/00477/F	119	9 Ella Road	James Bonner	Erection of 1 No. two bed dwelling.	Objections	Approve subject to conditions
4(6)	13/01873/F	129	1 And 2 Holmwood Rise	James Bonner	Extensions and balcony, and external balconies to existing flats	Objections	Approve subject to conditions

Item No.	Case Number	Page	Location	Case Officer	Proposal	Reason for consideration at Committee	Recommendation
4(7)	14/00030/F	137	Fieldgate, Town Close Rd	Joy Brown	External alterations including raising main ridge of bungalow to form first floor with dormer and roof windows; removal of conservatory and widen rear of west end; erection of detached double garage.	Objections	Approve subject to conditions
4(8)	13/01540/VC	151	Read Mills Dev. King Street	Kian Saedi	Variation of Condition 9 of planning permission 04/00274/F relating to the provision of moorings.	Objections	Approve subject to conditions

STANDING DUTIES

In assessing the merits of the proposals and reaching the recommendation made for each application, due regard has been given to the following duties and in determining the applications the members of the committee will also have due regard to these duties.

Equality Act 2010

It is unlawful to discriminate against, harass or victimise a person when providing a service or when exercising a public function. Prohibited conduct includes direct discrimination, indirect discrimination, harassment and victimisation and discrimination arising from a disability (treating a person unfavourably as a result of their disability, not because of the disability itself).

Direct discrimination occurs where the reason for a person being treated less favourably than another is because of a protected characteristic.

The act notes the protected characteristics of: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The introduction of the general equality duties under this Act in April 2011 requires that the council must in the exercise of its functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by this Act.
- Advance equality of opportunity between people who share a relevant protected characteristic and those who do not.
- Foster good relations between people who share a relevant protected characteristic and those who do not.

The relevant protected characteristics are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

The council must in the exercise of its functions have due regard to the need to eliminate unlawful discrimination against someone due to their marriage or civil partnership status but the other aims of advancing equality and fostering good relations do not apply.

Crime and Disorder Act, 1998 (S17)

- (1) Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its

various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

- (2) This section applies to a local authority, a joint authority, a police authority, a National Park authority and the Broads Authority.

Natural Environment & Rural Communities Act 2006 (S40)

- (1) Every public authority must, on exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.

Planning Act 2008 (S183)

- (1) Every Planning Authority should have regard to the desirability of achieving good design

Human Rights Act 1998 – this incorporates the rights of the European Convention on Human Rights into UK Law

Article 8 – Right to Respect for Private and Family Life

- (1) Everyone has the right to respect for his private and family life, his home and his correspondence.
- (2) There shall be no interference by a public authority with the exercise of his right except such as in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the rights and freedoms of others.
- (3) A local authority is prohibited from acting in a way which is incompatible with any of the human rights described by the European Convention on Human Rights unless legislation makes this unavoidable.
- (4) Article 8 is a qualified right and where interference of the right can be justified there will be no breach of Article 8.

Report to Date	Planning applications committee 8 May 2014
Report of Subject	Head of planning services Application nos 13/01296/F and 13/01297/L Gladstone House 28 St Giles Street Norwich NR2 1TQ

Item
4(1)

SUMMARY

Description:	<p>13/01296/F - Conversion to the National Centre for Writing (Class Sui Generis) including minor changes to main house, substantial rebuilding of the annexe and a new garden extension.</p> <p>13/01297/L - Demolition and substantial rebuilding of the rear annexe and boundary walls including minor alterations to the main house to facilitate conversion to the National Centre for Writing.</p>
Reason for consideration at Committee:	<p>Objection.</p> <p>Note: These proposals were previously scheduled for 3 April Committee. The application was made invalid when it emerged that the applicant had not complied with the legal requirement to serve notice upon all landowners within the red line of the site location plan. Following requisite notice being served and revised application forms submitted, the application was made valid again on 09 April. The application was then re-advertised in the press and on site with notification letters sent to neighbours.</p>
Recommendation:	Approve both applications subject to conditions and the Secretary of State deciding not to issue a call in direction within three weeks of the committee resolution of both applications (13/01296/F and 13/01297/L).
Ward:	Mancroft
Contact Officer:	Mr Kian Saedi Planner 01603 212524
Valid Date:	27 September 2013
Applicant:	Mr Chris Gribble
Agent:	Mr Robert Sakula

INTRODUCTION

The Site

Location and Context

1. The site is located on the south side of St Giles Street adjacent to the St Giles entrance to the Police Station car park and in front of houses of Old Barley Market located at the rear. City Hall is located further beyond the Police Station car park to the east.
2. Gladstone House is a Grade II listed Georgian property understood to have been built in 1785-90. The house was occupied by a series of notable Norwich figures

until its use as a Liberal Club between 1890-1967, from which came its current name after William Ewart Gladstone, who was British Prime Minister in 1890. Norwich City Council is the current freeholders of the building and has rented the property out as offices since 1968 leading to the present day. During this time two major refurbishments have taken place, both of which have involved structural alterations although the plan form and architectural detailing the property is still of some status and refinement, highly characteristic of the period in which it originated.

3. Gladstone House previously formed part of row of Georgian townhouses running to the east, which were demolished in the 1930s to make way for City Hall. The rear garden of Gladstone House was previously much larger and stretched to Bethel Street, but much of it has now been lost to development including the Fire Station in the 1930s and more recently the housing development at Old Barley Market.
4. The site is located within the City Centre Conservation Area and within the Cultural and Civic Centre of the City Centre. The site is also located within an Area of Main Archaeological Interest.

Planning History

4/1989/0519 - Internal alterations to provide new disabled toilet and stair and internal repairs. (APCON - 12/07/1989)

Equality and Diversity Issues

The proposal incorporates an emphasis on providing inclusive access. Level access is provided from the rear and a platform lift is proposed to provide access across all floors and to the writers in residence apartments. WCs for disabled users will be provided in all levels of the main building.

The Proposal

5. The proposal is for the conversion of Gladstone House to the National Centre for Writing (NCW) (Class Sui Generis), including minor changes to main house, new garden extension, demolition and substantial rebuilding of the rear annexe and boundary walls. The NCW will provide teaching and conference spaces, offices, storage, a café, private basement bar, ancillary shop, garden auditorium events space, platform lift to all levels, two writers in residence apartments and new WCs.

The applicant states that Gladstone House will be a new base for a new organisation to lead the UK's literature sector, with links to other organisations internationally and to enhance Norwich's status as England's first UNESCO City of Literature.

Representations Received

6. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. All letters of representation that have been submitted since the application was first made valid on 27 September 2013 have been considered in the assessment of the proposals.

7. As of 28 April 2014, 136 letters of representation have been received citing the issues as summarised in the tables below.

89 letters of objection from 65 persons raising the following points:

Issues Raised	Response
Harm to the listed building	Par. 47-68 & 84-92
Loss of the rear garden at the detriment of the character of the listed building	Par. 67-68 & 84-92
Overdevelopment	Par. 72
Harmful to the setting of the listed building	Par. 49 & 73-88
Internal alterations are harmful to the listed building	Par. 56-72, 66 & 84-92
Poor design of the auditorium/overbearing	Par. 42, 69-72 & 81-83
Disturbance from plant/machinery	Par. 28
Lack of clarity regarding opening hours and nature of events taking place on site	Par. 27, 30-32 & 38
Noise disturbance	Par. 25-39 & 70
Light pollution	Par. 112
Overlooking	Par. 40-41
Inadequate consultation	Par. 120
Noise and smell from toilets	Par. 33
Smoking and associated disturbance to neighbouring properties	Par. 118
Party wall with properties at the rear, encroachment into the gardens of neighbouring properties and loss of light from the height of the wall	Par. 121
Poor access	Par. 93-94 & 96-100
Refuse storage/removal may be problematic	Par. 104
Proposal will increase traffic levels and result in congestion	Par. 93 & 95-100
Inadequate parking in the area	Par. 93 & 103
Norwich has many other venues that could be utilised	Par. 68
Concerns regarding the financing of the project	Par. 123
Loss of offices	Par. 22-24
Poor security	Par. 112
Loss of trees	Par. 113-114
Potential loss of value to neighbouring properties	Par. 122
Inadequate provision loading/unloading/delivery facilities	Par. 102

Several letters have also raised matters that are not material planning matters, including the credibility of the applicant, funding of the project, the Council's role in the proposal for the National Writers Centre and the partnerships involved in the project.

Additional comments are summarised and addressed below:

No justification for the selection of this particular site – It is not necessary for the applicant to undertake a sequential test for the choice of site location. Instead, a clear and convincing justification must be provided for the harm. The applicant has set out justification for why the facilities have been concentrated at the site within the Addendum to Design and Access Statement document, received 04 February 2014.

Management plan marked as draft – The applicant has provided confirmation that they are happy for the draft to be taken forward as the final management plan.

Applicant's assertions that the building is neglected are incorrect and irrelevant – Noted.

Controlling numbers on site - The applicant has stated that they will limit the simultaneous use of event spaces in the NCW after 8pm and this will assist in keeping numbers down. It will be the responsibility of the NCW to restrict numbers on site to no more than 140

Fire safety during events - Fire safety is covered in Part B of Building Regulations. Norfolk Fire and Rescue have raised no objections to the proposal.

Problems with the Council's website preventing people from submitting representation or viewing key documents - In order to avoid any possible prejudice to members of the public wishing to submit representations on the additional information submitted with the application the period for consultation was extended. Electronic copies of plans have been sent to those people that have experienced problems with accessing plans and have then requested them to be sent. Additional time has been allowed for public comments.

Facilities proposed by the Writers' Centre already exist within a short distance from the site - The applicant has set out justification for why the facilities have been concentrated at the site within the Addendum to Design and Access Statement document, received 04 February 2014.

Why has the Writers' Centre been offered a free lease? - Not a material planning consideration.

Disagreement between English Heritage and applicant on level of harm being caused to the historic fabric of the building and effect of the proposal on the character and setting of the listed building and conservation area - The applicant has set out a response to English Heritage comments. Whilst the response does disagree with certain points raised by English Heritage, the applicant has set out their justification for the elements of the proposal identified by English Heritage as causing harm to the listed building. Both the comments of English Heritage and the applicant have been considered in the assessment of the application and the impact of the proposal upon the setting of the listed building and character/appearance of the conservation area are discussed in the committee report.

The proposal will go against English Heritage advice and cause substantial harm to the listed building - English Heritage have confirmed that they do not consider the harm to Gladstone House in the current application to amount to “substantial” in terms of the NPPF.

Inadequate management plan - The management plan has been assessed and is considered to be acceptable.

Displacement of current occupiers of the offices which are a successful business - See par. 22-24.

The Heritage Consultant employed by the applicant could be anyone - The heritage report is satisfactory and has been assessed by officers and English Heritage.

Applicant's justification for why the garden space and writers' in residence apartments are necessary is questioned - The justification is considered to be acceptable.

Concern over pedestrian and vehicular traffic disruption during construction - It will be necessary for the applicant to submit a Construction Method Statement for approval by the local planning authority prior to development beginning. See condition 26 (full app).

Concern raised regarding number and content of conditions added to both applications - All conditions are considered to pass the tests of Circular 11/95 and for ensuring acceptable development.

Comments of English Heritage, The Georgian Group and the Council's Conservation Officer have been ignored - All consultee comments have been considered in the assessment of the application.

Disputed public benefits of the proposal - The benefits of the proposal are discussed at various points in the report.

Comments about a vested interest of the City Council as it owns the building and supports the Writers' Centre meaning that the planning process has been biased and requesting that the Secretary of State calls in the application for determination – See par.125.

The application should have been submitted in 2 parts (separate application for auditorium) - Application is valid and needs to be determined in submitted form. Artificial separation of the overall proposed scheme would result in significant difficulties in drafting any conditions.

The enforceability of the Management Plan is questioned - The condition requiring compliance with the Management Plan is enforceable and meets the statutory tests.

A wall mounted ashtray to the St Giles Street frontage is mentioned in the Management Plan -
This would need a separate Listed Building Consent (unlikely to be acceptable).

The need for splitting the rear door in two is questioned - The proportions and design

of the door suggest that it was originally split in two. It is needed in order to avoid obstruction internally.

The green sedum roof is inappropriate in the area - The green roof is desirable for a biodiversity and water run-off perspective. It is also beneficial visually.

The Applicant states that Gladstone House will be a new base for a new organisation". Documentary evidence from the Applicant demonstrates otherwise - Whether the organisation is "new" or if Gladstone House will be its "base" is not material to the planning application.

The Council's role in promoting the project which is the subject of the planning application is material, as it determines whether or not the Council's Planning Committee may or may not determine the application – Although the building which is the subject of the applications is owned by the City Council and is grade II listed, the applications being considered have been submitted by the Writers' Centre Norwich, not the City Council. Legal advice has been sought on this matter and the advice received indicates that the City Council is not the applicant and that there is no agency arrangement in place. The City Council as local planning authority can therefore lawfully determine both applications. However, the Secretary of State has approached the City Council and has asked to be given some time to consider whether or not to call in the applications should the Council resolve to move for approval. In the light of this the Council has agreed to give the Secretary of State three weeks following the committee resolution of both applications to decide whether or not to call in the applications.

There is no evidence for the assertion made that the NCW establishes a partnership between Writers' Centre Norwich and the University of East Anglia (UEA). The University has confirmed that there is no agreement in place to this end - The precise legal or partnership arrangement with other bodies is of no significance for the purposes of this planning application.

The report refers to Leylandii trees but which have been identified in a published consultation response by the Council own experts as cypress trees - The Council's Tree Protection Officer is satisfied with the removal of the trees on site provided that a replacement tree is provided off-site within 12 months of the implementation of the development. The report has been amended to indicate the correct species of tree (Cypress).

A boundary wall only exists for a small part of the boundary. The various deed plans show that this boundary is not a party wall or party fence - Noted. No further comments.

Concern has been raised regarding the loss of the trees on site as a potential feeding site for bats – See par.116.

A 35 page submission from a local resident complementing the other objections and 17 page submission from the company currently occupying the offices at Gladstone House raise the following points. Comments on each point are alongside:

- a. Need for all the facilities at one venue not justified, each component should be looked at on its individual merits – The applicant has set out justification for

why the facilities have been concentrated at the site within the Addendum to Design and Access Statement document, received 04 February 2014.

- b. Comments on the applicant's legal status and partnerships – Not a planning matter.
- c. The applicant's pre-application consultation was flawed and biased - No comment. Not investigated - the Council's own consultations allow adequate opportunities for public comment and the Council has satisfied statutory requirements for full and proper consultation.
- d. The description wording is misleading – Considered satisfactory and the plans are clear.
- e. No mention of external lighting or CCTV – See par. 101 & 112.
- f. More than 50 per cent of the site is in use as offices (applicant's documents are in error) – No comment as not a significant planning issue.
- g. Some trees /shrubs in neighbouring gardens would be affected – see par.113-114.
- h. Trade effluent question on form is incorrect – Not significant. Trade effluence not identified as a concern.
- i. Queries the number of jobs on the form and which is false and misleading – This is not a significant issue.
- j. Front door is not suitable as a fire exit - Building Regulations matter.
- k. Potential light pollution from skylight above lift shaft – Not a significant issue.
- l. Key decorative elements in rooms should be restored – Cannot be required.
- m. Lack of details of re-wiring, changes to door swings – The information provided by the applicant is acceptable and further detail is conditioned.
- n. Impossible to assess how the writer's spaces will be used – The information provided by the applicant is acceptable
- o. Concern about basement speakeasy use – The use of the basement bar will be subject to conditions controlling amplified sound equipment and also hours of operation. The conditions are considered sufficient for avoiding any disturbance to neighbouring properties. The applicant has set out in the Management Plan that the basement bar will only be open to people associated with the writers centre and not the public. Compliance with the Management Plan shall be conditioned.
- p Lack of technical details of PV panels – see par. 109.
- q Lack of details of signage - Not needed at this stage.
- r. Changes to south elevation are harmful to listed building – see par. 63-65, 67-68 & 84-92.
- s. Lack of details of floodlighting – Lighting scheme is conditioned.
- t. Shop will attract additional visitors and aggravate potential nuisances – Not considered a significant issue, see par.31.
- u. High occupancy of all rooms will have adverse implications – See par.33.
- v. The writers in residence studios should be treated as normal dwellings – The units are not considered to be appropriate for general usage and need to be conditioned appropriately (condition 25 of full app).
- w. Access to studios is only via spiral staircase, potential nuisance and overlooking, could be used as a smoking area – See par.41 and condition 15 of full app.
- x. Studios could revert to other uses in the future – This would need planning permission
- y. Additional windows will overlook properties – See par. 40-41
- z. Ivy is inappropriate – Landscaping condition will ensure suitable planting

species.

aa. The auditorium is on land that the applicant state is in poor condition – Not a significant consideration.

bb. View from seating area is only of part of south elevation. See par. 81-83.

cc. Potential noise pollution from undercroft, PA and heat vents, but no details of heating facilities- See par. 27-28 re noise and conditions 5-8 of full app.

Heating details not necessary at this stage.

dd. Although auditorium can be blacked out it is not a guarantee that this will happen and could cause light pollution – Not a significant matter

ee. As access to auditorium could be independent it should be classed as D” use- the proposal is a sui generis mixed use - Categorisation of different elements of the building would be inappropriate as it will operate as one entity.

ff. Lack of detail of green roof, if a sprinkler is used it could harm neighbours in windy weather, could create damp – Technical details are a matter for Building Regulations. Height of roof is referred to in par. 72.

gg. Noise from garden – see par. 25-39.

hh. Condition required for no smoking in courtyard – The applicant has stated no smoking in the courtyard area within the Management Plan. Compliance with the Management Plan is conditioned.

ii. 2m wall to east will block view of Gladstone House if a piazza were to be created on existing police car park – Noted. There are no plans in place for the redevelopment of the area to the rear of City Hall so whether any proposals to provide public open space in this area will come forward remains uncertain. The views afforded of the rear of Gladstone House from any area of public open space would be highly dependent on the depth of any building fronting St Giles Street and the levels and layout of any area of open space. This may also be partly obscured by Old Barley Market. As such it is considered that minimal weight should be ascribed to this issue.

jj. Noise and smells from sanitary block – Not considered a significant matter. Will have to meet Building Regulations standards

kk Lack of WC provision – Building Regulations matter.

ll. Location of waste store and times of collection – Waste store is indicated on plans and the Management Plan and associated plan ref.101 /* [received 28 January 2014] indicates collection details. Delivery and collection hours are restricted by condition.

mm. Concern about use of proposed rear passage and security risk – The rear passage is for emergency exit and access to the auditorium undercroft only.

nn. New wall on boundary – Legal and ownership issues – Private matter, not planning consideration.

oo. New wall on boundary will restrict light and if lit will cause light pollution – Lighting scheme will be conditioned and the rear boundary wall with The Old Barley Market is not at a height much greater than the existing rear boundary treatment.

pp. Concern about drainage –Building Regulations matter.

qq. Loss of garden and impact on birds – see par. 115-116.

rr. Smokers could congregate on alley way and impede access – Noted

ss. No details of security camera- See par. 112.

tt. Precise uses of the building are not clear – The information provided is satisfactory.

uu. Noise issues from the building – see par. 25-39.

vv. Lack of independence of the applicant’s heritage report, it includes

tendentious philosophical questions and is superficial - The report is satisfactory and has been assessed by officers and English Heritage.

ww. Many detailed points about the Travel Plan, its inaccuracies and errors – The report is satisfactory and the issues have been assessed and approved by transport officers. Compliance with the Travel Plan is conditioned.

xx. Doubts about how the Travel Plan will be communicated to users and will be lip service only – The proposals are satisfactory and compliance with the Travel Plan will be conditioned.

yy. Disabled persons access is only paid lip service, there is no dedicated parking, need for dropped kerbs, access path is narrow and difficult to use, conflicts of movement in rear garden, poor links to disabled toilets, no dedicated wheelchair spaces in auditorium, inadequate facilities for staff, and visiting artists and inadequate evacuation information. The facilities provided are adequate. Emergency evacuation and WC provision are matters for Building Regs/Fire Officer, although it should be noted that the applicant has provided toilets at every level. Dedicated auditorium wheelchair spaces are indicated on the plans.

zz. 13 pages of notes highlighting policies in the NPPF, JCS and Local Plan are included. The significant and relevant policies and emerging policies are referred to in the report and the analysis of the issues is throughout the report.

aaa. Views must be taken into account from the side alley – see par. 77, 80 & 82-83.

bbb. External alterations and auditorium will obscure the view onto the rear elevation of Gladstone House and harm the listed building – see par. 77-83.

ccc. Inadequate access to the site – see par. 96-100.

ddd. Alternative locations are available that wouldn't damage the heritage of the city – see par. 68.

47 letters of support have been received from 47 persons raising the following points:

Issues Raised
Promotion of cultural diversity
Educational benefits
Enhance Norwich's literary status and reputation,
The NCW will benefit tourism
Very accessible location
Enhance the vibrancy and reputation of the city
Benefits to the local community of all ages
It will create new employment and attract local and national talent to the city
Benefit to Norwich's creative/arts economy
It will support creative writing, especially amongst the young, and it will encourage creative writers to stay in Norwich when they reach adulthood
Help improve literacy levels amongst the young
Benefit to the longer term conservation of the building
Build on Norwich's status as a UNESCO City of Literature
Bring a fine historic building into public use
Enhance the built environment of the city
Opportunity to engage with young people across the country
Greater number of people will be able to enjoy the heritage asset
The proposals will help bring the best international writers and translators to the city

A number of writers have reflected on how the Writers' Centre Norwich have assisted them in their literary advancements and how the NCW will help enable similar levels of support to be extended to many more people.
Norwich currently lacks sufficient number of venues for literary events.
Boost to the vitality of the city.
Literary facilities are currently centralised in London.
International and national funding will be brought to the centre of the city.
The funding for the project will enable the restoration of Gladstone House and its future.
The NCW will develop long-term literacy programmes for children and young people.
Writers' Centre Norwich was founded by the UEA in partnership with ACE, Norwich City Council and Norfolk County Council and is a local initiative, not a national conspiracy – Not a material consideration.
The proposal will upgrade facilities and provide access to the building for visitors and disabled staff.
The design of the auditorium has been designed to frame the Georgian façade.
The NCW will form an integral part of a major cultural quarter.
Disabled access and facilities will be provided across all levels of the building.
The auditorium is necessary for the NCW to achieve a full programme of readings and spoken word events and has been designed to minimise impact upon neighbouring properties and only partially obscures the rear Georgian façade of the main building.

Consultation Responses

8. English Heritage:

First response:

Considered that while the proposed change of use for Gladstone House is not in principle objectionable the current application contains proposals that are harmful to the significance of the building in terms of paragraphs 132 and 134 of the NPPF, which would not accord with paragraph 137 and therefore would not achieve the NPPF's overarching objective of delivering sustainable development. The application itself fails to satisfy paragraph 128 in terms of the information provided. It may be that some of these proposals could be achieved in less harmful ways and that additional information, if made available, would satisfy some concerns about further possible harm. It is recommended that the application be withdrawn pending detailed discussions.

Accepted that the proposed writers centre might deliver a public benefit in terms of paragraph 134 of the NPPF and this should be weighed against the harm. However, the lack of clear and convincing justification for some of the proposals, the lack of information concerning others and harm to the listed building from the proposed alterations means we would recommend the application is refused.

Second response:

On balance it is not considered that the harm to Gladstone House entailed by the current application to be “substantial harm” in terms of the NPPF. However, the harmful elements do affect core aspects of Gladstone House’s significance.

One should be proportionate to the heritage asset’s significance and the degree of harm proposed when seeking justification. Preserving the significance of heritage assets is an element of sustainable development (one at its core) and that ‘great weight’ should be given to conservation of that significance when LPAs determine applications. The Council should be convinced that the harm has been minimised and that the proposed use is the best one for securing the future of the building. There are harmful elements of the scheme that might be amended or removed to reduce the harmful impact. There is also justification sought for these changes which would show that they are required to deliver the public benefit. These issues should be addressed before the application is determined.

9. The Georgian Group: Proposed alterations to the rear elevation will harm the character and symmetry of the elevation, the removal of the service staircase would be damaging to the listed building’s significance, the auditorium would have a negative impact upon the setting of the listed building and impact upon the house’s significance. The proposed alterations would, in their totality, cause an unacceptable level of damage to the historic fabric and significance of the listed building. If the application is not amended then planning permission should be refused.

10. Norwich Society:

First response:

We are in favour of this careful refurbishment of Gladstone House to its new use, including the remodelling of the annexe. However, we have reservations about the siting and visual impact of the auditorium. Controlling noise and light emitted from it and the courtyard will be difficult and require very careful detailing and control to mitigate nuisance to neighbours. Issue of public access on the east boundary needs immediate resolution to ensure effective and safe access. Recommended that both applications be deferred until solutions to the issues have been explored.

Second response:

The management plan goes some way to addressing some of the earlier concerns.

It is accepted that internal layout and details have to be modified to achieve the new use of the building but the objections of English Heritage and The Georgian Society are noted and if permission is granted it will be vital for a clear set of controlling conditions to be put in place and monitored to ensure the interventions are carried out in the proper manner.

No further comments on intended work to the rear annexe where addition of third floor makes better and more flexible use of this element of the building.

Pleased to see a greater use of the front door to St Giles Street but would prefer

to see the door's use fully reinstated. However, it is appreciated that this would mean that those requiring special access would have to use the door on the garden side of the House.

The proposals for the removal of waste/refuse draw activities away from adjacent housing.

It is imperative that the controls detailed in the proposed management plan are rigidly managed and monitored at all times.

Very concerned about the narrow access on the east boundary of the site, which prevents sufficient access during busy times.

Whilst the project itself and conversion of the house is strongly supported by the Norwich Society, it is felt that there is enough space for performance provided in the connecting ground floor rooms and also in many available under-used venues close-by.

It is recommended that the application be deferred and re-designed.

11. Historic Environment Services: No objections to the scheme subject to the imposition of conditions requiring compliance with a written scheme of investigation and potentially reporting and archiving of results if archaeological remains are uncovered. It is also suggested that photographic survey be conditioned to add to the Historic Environment Record (HER).
12. Norfolk Constabulary: Whilst the proposal will enhance security of the site in some areas, several recommendations are made that could further enhance security.
13. Norfolk Fire and Rescue Service: No objections provided that the proposal meets necessary Building Regulations requirements. It is considered that the proposal can achieve the proposed numbers as the passageway is no worse than an internal corridor but without the possibility of becoming smoke logged. The plans show more than one exit route onto the passageway and evacuees will always have a choice of which way to go. A passing place is however a good idea.
14. Design Review Panel (Comments in response to pre-application scheme):

The panel commended the scheme and felt the Writers' Centre was an ideal use for such a building in this location. The combination of public access and the lack of need for on-site parking make it the perfect choice. The intention to restore the main house largely to its original floor plan was applauded.

Whilst recognising the planning authorities concerns about the reduction in the size of the garden, the Panel felt that less credence should be given to the historic context and positioning of the main building within a large garden. Over the years much has changed in the city scape and the density around the site and what was originally intended shouldn't be held against the building now in a different era of urban density.

The Panel welcomed the retention of existing windows and doorways and the intention to open windows into doors using materials in keeping with existing designs.

The Panel expressed concerns about the access to the site. The walkway alongside the garden is very narrow and may present a problem especially after an event with potentially 100+ people leaving the site at the same time. The City Council was urged to continue their support of the scheme and look at ways of improving access if at all possible.

Other areas the Panel felt they would like to be given further consideration were the impact of the additional annexe storey on the surrounding buildings and the accessibility within and between the various buildings for wheelchair users. The fire safety issue of lifts opening directly into the living space of the two flats was also questioned and the promoters were encouraged to investigate this. The Panel commented on the angle of the auditorium roof and asked that any potential to reduce the angle should be looked at in order to allow views of Gladstone House from the housing behind to be retained if possible. Any scope for alternative roofing materials, which might soften the visual impact should also be explored.

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

National Planning Policy Framework:

- Section 1 – Building a strong, competitive economy
- Section 4 – Promoting sustainable transport
- Section 7 – Requiring good design
- Section 10 – Meeting the challenge of climate change, flooding and coastal change
- Section 11 – Conserving and enhancing the natural environment
- Section 12 - Conserving and enhancing the historic environment

Relevant policies of the adopted Joint Core Strategy (JCS) for Broadland, Norwich and South Norfolk 2014

- Policy 1 – Addressing climate change and protecting environmental assets
- Policy 2 – Promoting good design
- Policy 3 – Energy and water
- Policy 5 – The economy
- Policy 6 – Access and transportation
- Policy 8 – Culture, leisure and entertainment
- Policy 11 – Norwich City Centre
- Policy 20 - Implementation

Relevant saved policies of the adopted City of Norwich Replacement Local Plan 2004

- NE9 - Comprehensive landscaping scheme and tree planting
- HBE3 – Archaeology assessment in Area of Main Archaeological Interest
- HBE8 - Development in Conservation Areas
- HBE9 – Development affecting Listed Buildings
- HBE12 - High quality of design in new developments
- EP16 - Water conservation and sustainable drainage systems

EP18 - High standard of energy efficiency in new developments
 EP22 - High standard of amenity for residential occupiers
 TVA1 – Proposals for new visitor attractions - access
 TVA4 – Proposals for visitor attractions with priority areas and sequential approach
 EMP3 – Protection of small business units and land reserved for their development
 TRA3 – Modal shift measures in support of NATS
 TRA5 - Approach to design for vehicle movement and special needs
 TRA6 - Parking standards - maxima
 TRA7 - Cycle parking standards
 TRA8 - Servicing provision
 TRA12 – Travel Plans for employers and organisations in the city

Supplementary Planning Documents and Guidance

City Centre Conservation Area Appraisal (September 2007)

National Planning Policy Guidance (NPPG) (March 2014)

Other Material Considerations

Emerging DM Policies (submitted for examination):

The Joint Core Strategy and Replacement Local Plan (RLP) have been adopted since the introduction of the Planning and Compulsory Purchase Act in 2004. With regard to paragraphs 211 and 215-216 of the National Planning Policy Framework (NPPF), both sets of policies have been subjected to a test of compliance with the NPPF. Both the 2011 JCS policies and the 2004 RLP policies above are considered to be compliant with the NPPF. The Council has now submitted the emerging Local Plan policies for examination and considers most of these to be wholly consistent with the NPPF. Weight must be given to the emerging Local Plan and relevant policies are listed below for context although none change the thrust of the current Local Plan policies discussed in the main body of this report:

DM1 Achieving and delivering sustainable development

DM2* Ensuring satisfactory living and working conditions

DM3* Delivering high quality design

DM9 Safeguarding Norwich's heritage

DM17 Supporting small business

DM28* Encouraging sustainable travel

DM30* Access and highway safety

DM31* Car parking and servicing

* These policies are currently subject to objections or issues being raised at pre-submission stage and so only minimal weight can be applied in particular instances. However, the main thrust of ensuring adequate design and amenity is held in place through the relevant Local Plan policies listed above.

Principle of Development

Statutory duties relating to Listed Buildings, Setting of Listed Buildings and Conservation Areas:

15. S66(1) Listed Buildings Act 1990 provides: "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall

have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”.

16. The Court of Appeal in *Barnwell Manor Wind Energy Ltd v East Northamptonshire DC* [2014] has held that this means that considerable importance and weight must be given to the desirability of preserving the setting of listed buildings when carrying out the balancing exercise. Furthermore, less than substantial harm having been identified does not amount to a less than substantial objection to the grant of planning permission.
17. S72 Listed Buildings Act 1990 provides: “In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of [the Planning Acts] special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”. It should be noted that The *Barnwell Manor* case principles (see above) are of similar application in the context of s72 duties, also, - i.e considerable importance and weight is to be given.

Policy Considerations

18. In its primary spatial planning objectives the Joint Core Strategy seeks to promote culture as an aid to developing the economy, stimulating further regeneration and increasing sustainable tourism. Norwich is identified as the ‘cultural capital’ of East Anglia and this role is sought to be enhanced by the proposed development.
19. Joint Core Strategy policy 5 seeks expansion of, and access to, further and higher education provision and policy 8 promotes development for new or improved facilities that support the arts as well as development that provides for local cultural and leisure activities. The proposed conversion would go some way in realising these objectives.
20. The NCW establishes a partnership between Writers' Centre Norwich and the University of East Anglia (UEA). The proposed educational/leisure offer of the NCW and partnership with the University are considered likely to chime positively with the aforementioned policy objectives of the Joint Core Strategy.
21. The City of Norwich Replacement Local Plan 2004 encourages the development of additional visitor attractions provided that regard is had for traffic and environmental considerations. Gladstone House is located within the Civic Centre of the City, which is identified as an appropriate location for new visitor attractions under saved policy TVA4 of the Local Plan.
22. Policy 5 of the Joint Core Strategy, saved policy EMP3 of the Local Plan and policy DM17 of the emerging Development Management Plan seek to retain a suitable supply of smaller employment sites across the City and saved policy EMP3 specifies that development proposals involving the loss of office space will only be permitted where the developer can demonstrate that there is no evidence of a demand for small office units in the Norwich area which would justify the retention of the land/premises for that purpose.
23. The ‘report on potential and demand for office use’ prepared by Roche indicates that Gladstone House is not recognised as ideally suited for office use due to its

arrangement, specification and lack of parking. The 'Roche' report identifies that an extensive supply of vacant office space exists in the vicinity of the application site, offering a wide choice for potential occupiers across a range of sizes and locations. The existing offices at Gladstone House are not fully occupied and the proposed use will generate employment at the site, whilst having a minimal impact upon the supply of office space in the surrounding area. For the associated public benefits of the proposal, the site is considered optimal in terms of offering a sustainable and accessible location.

24. The loss of the office space is therefore considered justified in accordance with policy 5 of the JCS, EMP3 of the adopted Local Plan and policy DM17 of the emerging Development Management Plan, which can be ascribed significant weight in the absence of objections at pre-submission stage.

Impact on Living Conditions

Noise and Disturbance

25. Immediately to the south of the site are houses within the Old Barley Market. The rear gardens of a row of terraces within the Old Barley Market border the application site and at their closest, have rear faces located approximately 4.2 metres from the rear face of the proposed garden auditorium. Given the sensitivity of nearby uses therefore, it is essential that the potential for noise spillage from the Writers' Centre is adequately mitigated against.
26. Whilst noise disturbance from the site as whole has been considered, the most likely sources of noise that could affect the surrounding environment have been identified as the garden auditorium, the courtyard space, the café and the basement bar. These areas are located adjacent to the Old Barley Market and have greater potential for activities that may result in noise disturbance.
27. The garden auditorium will be able to hold up to a hundred people and will provide a main events space for the NCW. The auditorium will feature an acoustically tuned ceiling and incorporate a PA system and ventilation system located in the undercroft. Condition 4 (full app) is proposed to require detail of any sound amplification to be submitted to the local planning authority prior to installation allow the sound level to be set appropriately. This will consequently limit the nature of activities that will be able to take place within the auditorium. Condition 11 (full app) requires that sound insulation measures are installed sufficient to ensure that noise breakout from the auditorium satisfies the standards identified in the acoustic report and to avoid noise disturbance to neighbouring properties. In addition, the Management Plan states that after 21:00 hours, the side passageway shall be for disabled egress only with the exit point otherwise provided from the front entrance door facing St Giles Street. This will help reduce disturbance to neighbouring properties following evening events.
28. Conditions 5-8 (full app) are proposed to ensure no use of any ventilation and plant and machinery to be used until detail has been submitted to the local planning authority for approval. This will enable the specification, location of flues, sound enclosing insulation and anti-vibration mountings to be controlled by the Council's Environmental Protection Officers to ensure that there are no implications for the amenity of neighbouring properties.

29. The public entrance point to the site is to be provided from the side passageway running along the east boundary of the site and the courtyard will be the first area that people enter. The courtyard area will also provide seating and tables and is likely to serve as an area where people congregate before and after events in the auditorium. The potential for noise disturbance from people talking is most apparent from this area of the site. The noise report submitted with the application identified that the auditorium building will by its very physical presence provide a screen that will help reduce lower the levels of noise and intelligibility of voices to the nearby houses located to the south. Even so, the opportunity for noise disturbance from activities in the courtyard is still likely to be significant and it will therefore be necessary to control the activities taking place on site.
30. Opening hours will be restricted so that the NCW shall not be open to the public, trading, nor have members of the public, as guests on the premises after 22:30 hours and before 07:00 hours on any day. The applicant has also set out a management plan that involves removing seating from the courtyard area by 22:00 hours and an hour before the commencement of an event in the auditorium. This is likely to discourage people from lingering in the courtyard area. Indoor areas will always be open for people to wait in prior to an event in the auditorium, doors and windows to the courtyard will be closed during events and there will be no amplified music or performances allowed in the courtyard area. It is considered that with appropriate use of conditions the potential for noise disturbance emanating from the courtyard area can be satisfactorily limited.
31. The café is to be located at the south-west ground floor room of Gladstone house and on the ground floor of the annexe, which will be re-opened to connect to the main building. The café will also incorporate a small shop/reception and this can accurately be regarded as the most publically accessible aspect of the scheme. Compliance with opening hour restrictions and controls on amplified sound equipment will ensure no noise disturbance to adjacent dwellings.
32. In discussions with the applicant it has been become apparent that the intention is for the basement bar to remain a private area restricted to members or people affiliated with the Writers' Centre. In any case, noise egress from the basement area has not been identified as an issue of concern within the noise impact assessment. Natural ventilation is provided through ground floor windows and as with the areas forming the application, opening hours would be restricted to no later than 22:30 hours and no audio equipment shall be used without details first being authorised by the local planning authority.
33. As part of the management plan the applicant also proposes to restrict numbers on the site to no more than 140 at any one time. Limiting numbers on site will further reduce the potential for noise disturbance to the surrounding environment. Potential for noise and odour nuisance from the sanitary block is not considered a significant matter and will also have to meet Building Regulations standards.
34. The management plan also includes a series of servicing measures that will be employed in order to prevent disturbance to residents at the Old Barley Market. Bins will have rubber wheels, will be removed for collection via the garden and not via the emergency exit behind the garden auditorium and no bottle recycling will take place between 18:00-09:00 hours on any day. Delivery and collection hours will also be restricted by condition.

35. The writers in residence will have a swipe card to enter the main building and will not therefore need to use the fire escapes to enter and exit the apartments unless in case of emergency. Writers in residence who use wheelchairs would access the main building through the courtyard. In avoiding use of the fire escape, the noise disturbance to the neighbouring properties at the rear will be minimised. The ancillary shop will be subject to the same opening hour restrictions as the premises as a whole.
36. It is proposed that a condition be imposed upon any planning permission to require full compliance with the management plan in order to enable numbers to be controlled on site as well as minimising noise disturbance to neighbouring properties.
37. In order to protect the residential amenity of neighbours in the vicinity of the site it is suggested that an informative be added to restrict building works to between 08:00-18:00 Mondays to Fridays and 09:00 to 13:00 Saturdays with no works on Sundays or public holidays.
38. The proposal includes several elements and the Sui Generis use class is considered appropriate as the NCW will operate as a single entity. The aforementioned matters to be conditioned will adequately limit the activities that can take place on site in the interests of protecting the general amenities of the surrounding area.
39. The acoustic report refers to various internal areas of the main building with regard to the potential need for additional means of acoustic attenuation. Any such installations may carry implications for the listed building if the historic fabric of the building would be affected. There is no inevitability that additional internal acoustics will be needed to facilitate the conversion of Gladstone House to the NCW and as such it is not considered that significant weight needs to be given to the impact upon the listed building at this stage. Should any methods of acoustic attenuation need to be installed in the future that may affect the fabric of the listed building, they would need to be subject to a separate listed building application. This would then be assessed accordingly.

Overlooking

40. The proposal includes two writers' in residence apartments to be located at the existing first, and extended second floor of the annexe. The separating distance between the rear faces of the annexe and nearest dwelling at the Old Barley Market is approximately 18 metres. Each apartment features a narrow, horizontal rear facing window, but both are to be obscure-glazed to remove any potential for overlooking. Windows on the west facing elevation of the annexe will only afford oblique views onto the Old Barley Market and views from the first floor apartment would in any case largely be obscured by the auditorium.
41. The external spiral staircase leading from the rear of both apartments is for fire escape only and at all other times access and egress is provided through the main building. It is proposed that a condition be imposed to ensure use of the spiral staircase is for fire exit only and that the associated landings at each level shall not be used for recreational purposes.

Overshadowing and overbearing effects

42. Such is the orientation of the site and scale of existing development that the erection of the auditorium will have negligible impact upon overshadowing to the rear gardens of Old Barley Market. The roof of the auditorium has been designed to start at a lower pitch closer to the boundary with the Old Barley Market. Overshadowing from the auditorium will not increase beyond that already caused by the existing boundary wall and Gladstone House itself.

Design, Conservation and Impact on Listed Building

Historical context and listed status of Gladstone House:

43. Some of the history of Gladstone House is referred to in paragraphs 2-3. It is Grade II Listed. From 1967 up until now, the premises has been used as offices, which has brought several changes to the building.
44. The property originally formed part of a terraced row of Georgian townhouses but the properties to the east were demolished to make way for the City Hall complex and this led to windows being inserted into the east elevation of the building. Most significantly, the majority of the rear garden of Gladstone House has been lost to the development of the fire station and houses at Old Barley Market. Over two thirds of its length and a greater proportion of area (the garden was wider further away from the house) have been lost in total.
45. The house itself has also been subject to a series of alterations over the years. Most notably, the lower part of the original secondary staircase has previously been removed until its modern replacement in 1990, various room openings have been changed with several partitions added at second floor level, ground and first floor principle rooms have been opened up before being reinstated again in 1990 and a number of original fittings and fixtures have been lost. Despite this, Gladstone House remains impressive and a house still of considerable status, retaining much of its plan form and architectural detailing.
46. The listed building description is very brief but makes reference to some of the architectural detailing in the elevation. The sash windows, cornices, fanlight, rubbed brick arches and central door detailing are mentioned as is the “fine main staircase”. It is considered that the remaining features of most significance include the front and rear elevations of the building, the largely retained plan layout of internal rooms and the main central staircase.
47. The proposal involves several elements that will undoubtedly affect the fabric of the listed building and its setting. The NPPF is clear that in assessing the impact of development upon the significance of a designated heritage asset, “great weight” should be given to the asset’s conservation and that greater weight should be given to assets of greater importance. It also sets out that any harm or loss to a heritage asset should require a clear and convincing justification.
48. The NPPF also differentiates between “less than substantial harm” and “substantial harm to or loss of” designated heritage assets and the acceptability of a development proposal is assessed under different parameters in relation to the level of harm caused to the heritage asset. The NPPG is clear that it is the degree of harm to the asset’s significance rather than the scale of the

development that is to be assessed and the harm may arise from works to the asset or from development within its setting. Substantial harm is however considered to be a high test and in considering whether works to a listed building would constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. The level of harm and assessment of this harm is discussed later in this report.

49. The annexe extension and works proposed in the rear garden of Gladstone House will also have an impact upon the setting of the listed building. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard should be made to the desirability of preserving the building or its setting or any features of special or architectural interest that it possesses. The NPPF defines the setting of the building as:

“The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.”

This is echoed in the NPPF which requires that local planning authorities should assess the significance of a heritage asset that may be affected by a proposal including by development that affects the setting of a heritage asset. The impact of the proposal upon the setting of the listed building is again discussed later in this report and considerable weight and importance is given to the desirability of preserving the heritage asset and its setting.

50. Saved policy HBE9 of the adopted Local Plan requires that alterations to a listed building be considered in relation to the special architectural/historical interest of the building, the significance of the alteration to the viability of the use of the building and the design of the extension/alteration and its sensitivity to the character of the building.

Impact of the proposal on the listed building itself:

51. To facilitate the conversion of Gladstone House a number of alterations to the fabric are proposed that will have varying degrees of impact upon the character, appearance and significance of the listed heritage asset.

Providing the main entrance from the South and splitting the south external doorway in two with both leaves opening inwards:

52. It is proposed to have the main entrance from the South rather than from the front entrance from St Giles Street although the front entrance will be available for use by members of staff and for the principal egress after evening events. This is regrettable insofar as the main staircase will not be enjoyed upon entering the site and also carries the potential for increased pedestrian traffic along what is a narrow side passageway (discussed in more detail in access section of report).
53. The applicant has made clear an inclusive design has been a key priority for the scheme. Level access is enabled at the South entrance to the site and similar provision would not be possible from St Giles Street such is the stepped level of Gladstone House and limited width of the pavement. The opportunity for having a

dual entrance to the site available to the public from both rear and front was discussed with the applicant, but was discounted on grounds that in doing so would effectively relegate disabled users to access the site from the rear, thus disaggregating them from other users.

54. It is understood that staff occupying the existing offices prefer to utilise the rear entrance rather than the St Giles entrance and this access arrangement will largely remain the same, albeit with a greater number of people likely to be visiting the site. Having the principal access from the rear is not therefore considered harmful to the listed building.
55. The existing rear door will be retained but will be split in two and reconfigured to open inwards. This is a response to pre-application advice to not have an outward opening door which would be more susceptible to weather exposure and deterioration. Details of the door will be conditioned to ensure the appearance and finishing is of an acceptable standard.

Insertion of a platform lift in place of the secondary stairwell and installation of disabled toilets adjacent to the lift at each level:

56. The secondary staircase is not entirely original with the ground to first floor having been removed in 1890 to make way for a bar associated with Gladstone Club and which was only reinstated during the considerable programme of works undertaken for the offices in 1990, which also involved the installation of a disabled toilet at ground floor level. However, the removal of some of the staircase will harm original fabric of the listed building and remove an illustration of the social history and status of the building. The Heritage Impact Assessment (HIA) states that the staircase is not a good design example, but recognises a level of harm to the building that should require justification.
57. The platform lift and disabled toilets will make disabled provision and access possible across all floors. The applicant asserts that the lift is necessary to keep with the principles of inclusive access and that the funders and users of the NCW would not accept the absence of a lift.
58. It is accepted that the lift will disrupt the original fabric of the building and that the disabled WC will intrude into one of the principal rooms on each floor. However, the rooms that the toilets will intrude into do not appear to retain their original proportions and layout. This is apparent in both the north-west ground floor and first floor rooms.
59. English Heritage point towards the fact that the proposed WC will encroach into the ground floor north western room and bring a wall closer to the chimney breast, but this room does not retain its original proportions following the removal of the bar and replacement with secondary staircase in 1990, when a wall was built across the room. The change in original room proportions are also apparent in the corresponding first floor room, which is understood to have previously been converted to toilets in 1990 before reverting back to a single room in the late 1990s. It is therefore considered that the rooms affected by the installation of the platform lift and toilets are the least significant of the principal rooms at first and second floor level respectively and that the installation of the lift is justified in terms of balancing the aforementioned disruption to the listed building with the

public benefit of providing inclusive access throughout the building.

Openings are proposed in the spine wall between the east rooms in the ground and first floors, widening of the opening at basement level and potentially raising the height of the basement door if the levelling of the floor means that headroom must be recovered:

60. The HIA indicates that both the ground and first floor eastern rooms have previously had openings formed between them before being closed up in 1990. The re-opening of these principal rooms will therefore affect what is essentially modern fabric and this element of the proposal is not therefore considered objectionable or harmful to the original fabric of the building. Tri-fold doors are proposed to be installed between the openings and details would be conditioned accordingly.

61. The basement area is of far lesser significance to the upper floors of Gladstone House and the proposed alterations are minimal. The floor appears to have already undergone some modification in places and its levelling will have no discernible impact upon the character or significance of the listed building. The opening between the eastern basement rooms already exists, but will be widened as part of the proposals. The height of basement doors will only need to be increased if the levelling of the floor means that headroom needs to be recovered. It is suggested that a condition be added to require the making good of any works and details of the doors will be required in the event that the height needs to be increased.

The annex will be made accessible from the ground floor south-west room:

62. The small room which currently serves as a cupboard is proposed to be opened up to provide direct communication with the annex, which was previously opened up by the Gladstone Club to connect with the annex before being closed again by the City in 1968 when they acquired the house. The alteration will not therefore result in harm to the original fabric of the listed building and will allow the café to occupy the ground floor of part of both the main building and annex.

The two sash windows to the south-west ground floor room are to be modified to provide doorways to the courtyard:

63. The proposal involves the modification of two original sash windows to provide doorways to the courtyard. The modification will involve removing masonry from the below the windows and installing inward opening timber half-doors below. The removal of the masonry would result in loss to historic fabric and the timber gates would not replicate the existing masonry plinth. When closed however and in terms of appearance in the elevation, both windows will remain unaltered apart from the cills which will be lost. The cills are understood to be replacements of 1990.

64. This element of the proposal will change the appearance of the rear elevation of Gladstone House and will result in harm to the character of the listed building through the loss of original fabric. However, the degree of harm is considered to be reduced by the careful design of the new doors, further detail of which will be conditioned, and the changes that have already taken place to other ground floor windows, which mean that the rear elevation of Gladstone House is already

asymmetrical with the cill height of the eastern rear ground floor windows already lower than the two sash windows to be altered.

65. The applicant has argued that the door openings are essential for the safe and free movement of people during peak times at the site and that this represents both a public benefit and a key component to the viability of the use that justifies the harm.

Annex alterations and relocation of the tripartite sash window:

66. The red brick annex is much later in construction (19th Century) than the main building. The inside of the annex has undergone a series of alterations and exhibits a modern form internally, which is of little historical merit. The internal alterations will not therefore harm the annex building. The tripartite window is understood to date from the 1950s and will be relocated to the first floor. The annex is not mentioned within the listed description for Gladstone House and the window relocation is not considered to harm the significance of the heritage asset.

Loss of the remnant garden space:

67. The impact of the proposed auditorium is discussed later in the report but the loss of the remnant garden will also have an impact upon the character of the listed building. The large majority of the original garden has now been lost to development but the remaining space nevertheless reads as a garden, albeit a small one. The proposed development will result in further loss to the garden and will leave only a small courtyard area, which is likely to be much more urban in form, especially when considering the increased enclosure from the additional storey to the annex. The existing character of Gladstone House will consequently be changed and the loss of the garden can therefore be considered harmful to the listed building. This view is shared by English Heritage.
68. The applicant has set out justification for why the auditorium is needed on site, and thus, why the loss of the remnant garden will be necessary in the Addendum to the Design and Access Statement [received 04 February 2014]. This essentially serves to explain that concentrating facilities on site is likely to be necessary for the viability and successful operation of the NCW.

The design of the auditorium and annex extension:

69. The second floor annex extension will feature a mansard roof, lead clad roof, facing pantiles and matching brickwork on the chimney stack. Although, as already mentioned, the extension will further enclose the courtyard area, the height of the annex will only increase by 1.4 metres and the extent of the enclosure will not therefore be so severe to be regarded as overbearing. Further detail of materials will be conditioned but those indicated on the plans are considered acceptable in principle and will not harm the character of the listed building.
70. The auditorium has been purposefully designed to open up views onto the rear face of Gladstone House as well as concentrating the height of the building away from the houses at the rear in order to minimise residential amenity implications. The auditorium will feature raked seating and will hold approximately 100 people.

The garden building is adjoined to a lobby area that connects with the café servery where access is then provided to the emergency fire staircase associated with the writer in residence's flats and toilet/refuse storage area in the south west corner of the site.

71. The auditorium features timber slatted panels at the rear and a green roof with lead edgings. A detailed landscaping scheme will be conditioned and will include detail of the green roof to ensure suitable species and maintenance for its survival. The sides and front of the auditorium will be glazed to allow views onto the rear face of Gladstone House as well as the landscaped areas and lobbies to the side of the building.
72. The auditorium is significant in size, reaching approximately 5.5m at the apex of the roof and the glazed frontage only 6.5m from the rear elevation of Gladstone House. This will undoubtedly change the character of Gladstone House by placing a contemporary piece of architecture so close to the listed building. The impact upon the proposed development upon the setting of the listed building is discussed later in this report but the design of the auditorium itself is considered to be of a high standard and will add interest to the site. In being designed around providing views onto the attractive rear façade of Gladstone House and minimising impact upon neighbouring properties, it is considered that on balance, the auditorium is respectful to its setting. Following pre-application advice, the height of the auditorium has been reduced. The scale, massing and form of the building responds positively to what is a highly constrained and sensitive site and is not considered an overdevelopment of the site. Therefore, whilst the loss of the remnant garden is considered harmful to the character of the listed building, the design of the annex extension and auditorium is considered acceptable and in accordance with saved policies HBE9 and HBE12 of the adopted Local Plan. The impact of the auditorium upon the setting of the listed building is discussed in the following section of the report.

Impact of the proposal on the setting of the Listed Building and character of the Conservation Area:

73. In addition to having special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (s66); special attention must also be paid to the desirability of preserving or enhancing the character or appearance of the City Centre Conservation Area (s72).

Setting when viewed from St Giles Street:

74. The building can be appreciated from St Giles Street and contributes to views of both the City Hall Clock Tower and St Giles Church, both of which are identified in the City Centre Conservation Area Appraisal. The proposals do not affect these aspects of the setting and the impact the front elevation has upon the character of the conservation area.
75. The rear elevation of Gladstone House is not visible from St Giles Street and although the garden is visible from glimpsed views, it does not make any positive contribution to the setting of the listed building, the character of the conservation area or the character of the St Giles street scene.

76. The proposed auditorium will be visible from St Giles Street when looking towards St Giles Church from between City Hall and Gladstone House. From this position the auditorium will read as a glazed, lightweight structure, subservient to Gladstone House. It is considered that given its architectural interest, when viewed from St Giles Street the auditorium may enhance the character of the conservation area and improve views from what is currently a rather bland east elevation of Gladstone House. The glazed frontage of the auditorium will also reflect views of the rear elevation of Gladstone House so may actually enhance the setting of the listed building by improving the capacity to experience the rear elevation from new positions.

Setting when viewed from the side and rear of Gladstone House:

77. Although substantially diminished in its original size, the rear garden permits the ability to see the full rear elevation of Gladstone House as it was originally intended to be viewed. The rear elevation can also be viewed from the rear of some of the properties in the Old Barley Market, parts of the side passageway linking Bethel Street to St Giles Street and from windows in the rear of the Police Station and City Hall.

78. Standing from the boundary wall with the Old Barley Market, the depth of the garden measures approximately 15m currently, although some of this space is taken up by vegetation at the rear of the garden. The auditorium will leave an open space approximately 6.5m in depth of what will essentially become an urban courtyard rather than a garden. There is no recognition of the importance of this view either in the City Centre Conservation Area Appraisal or in the listing description of the building, but consultee responses suggest three main reasons why the rear garden is important to the setting of Gladstone House, which can be summarised as follows:

- Firstly, the rear garden allows the rear elevation of Gladstone House to be viewed and appreciated;
- Secondly, the garden was intended to be viewed by occupants from principle upper floor windows;
- Thirdly, the garden acts as an important remnant of what was once a particularly important aspect of the original property.

79. The ability to view and appreciate the rear elevation is considered the most salient with regards to why the rear garden is important to the setting of the listed building. Views out of the principal upper floor windows are not considered important to the setting of the listed building and this is made more apparent by the fact that it is no longer possible to gain an impression of the former scale of the garden given its considerable loss over the years to development.

80. Views from the remaining courtyard onto the rear elevation will be restricted by virtue of being so close to the building. Private views from the Old Barley Market will also be restricted to part of the first floor and above. From the side passageway it will be necessary to advance beyond the garden building to gain a view of the rear elevation and even then the view will be from a more oblique angle than at present where the opening in the side boundary wall is greater than will be the case following the proposed development. It is clear that the proposed development will alter the way in which the rear elevation of Gladstone House is experienced and enjoyed, but it is not considered that the loss of the garden will remove the ability to view the full rear elevation from ground floor level as

suggested by English Heritage.

81. It is clear that the garden auditorium has been designed to exploit views of the rear elevation of Gladstone House through the angle of the roof, glazed frontage and seating layout. The first row of seats is approximately 9.5m from the rear elevation of the main building and from this position a full view of the rear elevation from ground floor level to parapet will be possible. The proposed section drawing (ref.121) indicates that a full view of the rear elevation to eaves level will be possible from the front two rows of seats, a view of the majority of the second floor would be possible from the third row with views of the rear elevation becoming more obscured until the back row (sixth) where views are afforded onto the first floor rear elevation and below.
82. The auditorium has been designed to draw particular attention to a feature of the building, the setting of which has been compromised by historic developments and is somewhat underappreciated at present. Certain views of the rear elevation will be restricted and so there will be a degree of harm to the setting of the listed building from the rear, but the ability to experience the rear elevation of Gladstone House will still be possible from within the auditorium building, although to varying degrees depending on seating/standing position. On balance therefore, it is considered that the harm to the setting of the listed building when viewed from the rear is marginal.
83. Although the contribution that setting makes to the significance of an asset does not depend on there being public rights or ability to access that setting, the proposal will have the effect of improving public access to the rear of the site. The applicant has confirmed that they intend to host heritage open days at the NCW when the auditorium will be open for members of the public to access outside times when events are being held [see email from Mr Chris Gribble dated 01 January 2014]. It is proposed to add a condition requiring a more detailed scheme for how the NCW will enable public access to the auditorium outside of events taking place. This is regarded as a material consideration of the proposal and one that can also be a public benefit in terms of widening the opportunity to experience the heritage asset.

Consideration of the level of harm to the significance of the heritage asset:

84. In considering both the harm of the proposal upon the listed building itself and the impact of the proposal upon the setting of the listed building, it is necessary to evaluate the level of harm to the heritage asset in order to make an assessment against the tests of the NPPF.
85. As already discussed in the report, it is considered that the proposal will result in some degree of harm to the listed building, namely a) the setting of the listed building when viewed from the rear; b) the change to the character of the rear of the property through the loss the area of the remnant garden; c) the internal alterations proposed for the building and d) the external alterations to the rear elevation of the building.
86. It is not considered that any of these elements individually or cumulatively amount to “substantial harm or total loss” to the designated heritage asset, which is clearly distinguished from “less than substantial harm” in the NPPF. With regard to a) the setting of the listed building when viewed from the rear is not

mentioned in the City Centre Conservation Area Appraisal and the rear setting has already been considerably adversely affected by previous development. The proposal will also retain the ability to experience the rear elevation and may even be considered to enhance the opportunity to do so through the careful design of the auditorium and public access to the site; b) the rear garden does not add a great deal to the historic significance of the site and is not mentioned in the listing description of Gladstone House and the proposals will re-establish a greater use of the rear of the site in association with the main building; c) the internal alterations do not have a significant impact upon any element of the building that are included within the listing description and harm to the proportion of rooms is limited to those principal rooms of lesser importance and d) the harm from the external alterations to the rear elevation are reduced by the careful design of the new doors, details of which will be conditioned, and the changes that have already taken place to other ground floor windows. The rear two sash windows themselves will also be retained with only the cills, which are understood to be 1990 replacements, and masonry below being lost.

87. It is therefore considered that the proposed works would amount to “less than substantial harm” to the designated heritage asset, and this view is shared by English Heritage.
88. It should be noted though that just because it is concluded that the degree of harm can be described as “less than substantial” does not mean that this degree of harm amounts to a less than substantial objection to the grant of planning permission. Both the NPPF and recent court decision ruling (BARNWELL MANOR WIND ENERGY LTD v (1) EAST NORTHAMPTONSHIRE DISTRICT COUNCIL (2) ENGLISH HERITAGE (3) NATIONAL TRUST (4) SECRETARY OF STATE FOR COMMUNITIES & LOCAL GOVERNMENT (2014) have been clear on this point. Paragraph 132 of the NPPF requires, as heritage assets are irreplaceable, any harm or loss to require “clear and convincing justification”. Considerable importance and weight should be attached to the desirability of preserving the character and setting of the listed building when carrying out the balancing exercise.
89. The proposed writers’ centre will benefit the public in terms of establishing a prestigious cultural/educational use with associated public facilities including the café. The proposal will also open up public access to a historically significant site and building that is currently in private use as well as providing access and facilities for disabled persons throughout the building.
90. Par.134 of the NPPF requires that where “less than substantial harm” is proposed, this should be weighed against the public benefits of the proposal including securing the optimal viable use of the heritage asset. Putting heritage assets into viable uses is likely to lead to the investment in their maintenance necessary for their long term conservation. The NPPG states that where there are a range of viable uses for a heritage asset then the optimum use is the one likely to cause the least harm to the significance of the asset, not just through initial changes but also through subsequent wear and tear and likely future changes. The NPPG also states that harmful development may be justified in the interests of realising the optimum viable use of the asset, notwithstanding the loss of significance caused provided the harm is minimised.
91. In consideration of the “less than substantial” harm being made to the heritage

asset and justification for the alterations in terms of their role in delivering the public benefits of the proposal, it is considered that the conversion to the NCW will represent an optimal viable use. The proposal utilises all areas of the building and will restore original room layouts and features. The proposal will also involve refurbishing the inside of the annex, which is currently in some state of neglect. Many areas of the site that are currently underused will be brought back into use and this will benefit the longer term conservation of the building as a whole. It is difficult to envisage such a high level of investment would be supported for many other uses in the current market that would be acceptable in planning terms. The Roche 'report on potential and demand for office use' would further support this position insofar that it identifies that Gladstone House is not ideal for office use because of its specification, arrangement and lack of parking. The proposal would also facilitate public access to the listed building and make greater use of what is currently underused garden space. This would accord with par.137 of the NPPF in terms of taking advantage of opportunities to better reveal or enhance the significance of heritage assets.

92. On balance it is considered that notwithstanding the considerable importance attached to preserving the listed building and its setting that sufficient justification has been provided in this instance bearing in mind the overall scale of harm to the listed building, its significance, the carefully considered design proposed and the public benefits associated with the use.

Transport and Access

Transport, Access and Servicing Assessment

93. In principle the proposal is for the NCW is acceptable in this city centre location. The site has no car parking and this encourages the use of existing parking provision in the surrounding area as well as sustainable transport modes. It is easily accessible by public transport, being located a brief walk from many bus stops serving the wider area and is also located in walking/cycling distance from the main train station. The site is well served by public car parking facilities with St Giles car park located directly opposite the site and St Andrews car park nearby.
94. St Giles Street currently features a dropped kerb adjacent to the vehicular entrance to the Police Station.
95. The Transport Statement submitted with the application summarises that the demands arising from the proposed development will not have a significantly adverse impact upon the surrounding transport network and that the proposal fully supports the Government's adopted policy objective to promote travel by sustainable forms of transport.
96. The development does propose primary access from the rear of the building which will be provided from the narrow side passageway connecting Bethel Street with St Giles Street, which is land owned by Norwich City Council. The side passageway will serve as primary access to the multi-functional property although staff will have access to the front entrance. This arrangement is much the same as existing and is understood that staff currently occupying the offices at Gladstone House enter the site from the rear rather than from the St Giles Street front entrance.

97. Whilst the management plan seeks to restrict numbers on site to no more than 140 at any one time, the number of people using the site will potentially be far greater than at present, especially during event times. It is therefore likely that congestion along the side passageway will be more of an issue than at present. The passageway is 78cm in width at its narrowest point and generally 95cm for most of its length. The side passageway therefore offers a 'single file route'. It's not possible to widen the route.
98. However, whilst the arrangements are less than ideal, it is difficult to envisage how the access arrangements of the passageway could be improved. Beyond the passageway to the east is a drop down where the ramped vehicular access to the Police station is located. It would not therefore be possible to widen the passageway at this point. The option of modifying and setting back the boundary wall has also been explored which could provide a 'passing point' for pedestrians. However, such work would have a detrimental impact upon the character of the listed building and would further reduce the remaining garden space at the site. It would also not fully solve the issue of congestion.
99. The width of the side passageway would not satisfy the DfT Inclusive Mobility standard of one metre, but wheelchair access is possible to the site as tested by the applicant and as experienced during the site visit undertaken during the assessment of the application. The proposal significantly improves disabled access within the building and the widening of the side entrance will improve wheelchair access from the side passageway to a minor degree.
100. Assessment of public safety risk would be a matter considered under Building Regulations. Norfolk Fire and Rescue Service have raised no objections to the proposal.
101. Any lighting of the passageway would fall under the lighting scheme which is required by condition.
102. Gladstone House is serviced via St Giles Street, a one way street with on-street loading and pay and display car parking bays. The NCW would be subject to the existing peak hour loading ban adjacent to Gladstone House. The applicant will be advised by way of an informative that the vehicle access to the Police lower ground car park shall not be used for purposes of loading.
103. Existing cycle parking facilities in the surrounding area are already nearing full capacity during weekday daytimes although there is under use in the evening. The Council's Highways Officer has assessed the application for the level of cycle provision required for the conversion. Such is the limited amount of space at the rear of the building that it has not been possible to provide on-site cycle parking provision for staff and visitors. On the basis of the proposed use and anticipated maximum users on site, it is suggested that a minimum of 10 cycle stands be provided off-site. Cycle provision will be secured by way of a Grampian Condition requiring that there be no occupation of the proposed NCW until 10 new cycle stands have been provided off-site in the near vicinity.
104. Refuse storage has been proposed at the rear of the site and the Management Plan indicates that collection will be arranged by a private contractor who will have access to the site before being returned to their positions

after they have been emptied. Although wheeling the bins along the side passageway is not ideal, there is no other viable solution. Returning the wheelie bins to the rear courtyard area will prevent the possibility of obstruction on St Giles Street and will also prevent obstruction of the Police car park entrance.

105. The Council's Highways Officer has confirmed their satisfaction with the Travel Plan and it is suggested that a condition be added to require compliance with the Travel Information Plan in the interests of publicising and promoting sustainable travel to and from the site.

106. Subject to conditions therefore, it is considered that the transport and highways implications of the proposal are acceptable with regard to saved policies TRA3, TRA5, TRA6, TRA7, TRA8 and TRA12 of the adopted Local Plan.

Environmental Issues

Archaeology

107. The site is located within an area of Main Archaeological Interest and the proposed works will involve elements of ground disturbance, especially with regard to the erection of the garden auditorium. The Council's archaeology advisor has raised no objections to the scheme subject to the imposition of conditions requiring compliance with a written scheme of investigation and potentially reporting and archiving of results if archaeological remains are uncovered. It is also suggested that photographic survey be conditioned to add to the Historic Environment Record (HER).

Energy Efficiency and Renewable Energy

108. Policy 3 of the JCS requires that development proposals involving over 1000 sq.meters of non-residential floorspace include sources of renewable energy or low carbon energy, providing at least 10% of the scheme's expected energy requirements. The opportunity for providing such sources of on-site renewable energy are heavily constrained by the significance of the heritage asset and desire to avoid harm to the listed building. The applicant has set out a series of measures in the Design and Access Statement that are intended to improve the energy efficiency of the building, including low energy lighting, improved insulation and water saving sanitary fittings and appliances.

109. It is proposed to install photovoltaic panels to the south facing slope of the north-most dual pitched roof on the main building, where they will be almost entirely obscured from view by the roof in front and behind and where the maximum amount of solar radiation will be captured. It is proposed that a condition be added to any permission requiring a scheme for the PV panels to be submitted to the local planning authority for approval to ensure that the panels are acceptable in design, location and specification. It is highly unlikely that the PV panels will satisfy the 10% requirement, but it is considered that the applicant has taken every available measure to provide renewable energy on site.

Sustainable Construction

110. The applicant has indicated that construction materials will be locally and sustainably sourced.

Water Conservation

111. The applicant has indicated that water saving sanitary appliances and taps

will be fitted in order to promote water efficiency. Green water recycling will be incorporated in the form of water butts for garden use.

Lighting and CCTV

112. The applicant has indicated the intention to install external lighting at the site although further detail is not provided. Planning consent would be conditioned to require a detailed lighting scheme to be submitted to the local planning authority for approval. It is also apparent that during the consultation undertaken by the applicant, the issue of CCTV was raised by an interested party. The applicant has responded that CCTV will form part of a later design stage. Norfolk Constabulary have not highlighted any need for the NCW to provide CCTV and state that the proposal will improve security at the site by creating a more secure boundary and providing natural surveillance through the writer in residence's apartments. It is not therefore deemed necessary to impose a condition requiring CCTV installation but any such installation would require a separate planning application to be submitted at a future date, which would be assessed on design grounds.

Trees and Landscaping

Loss of Trees or Impact on Trees

113. The proposal involves the removal of two Cypress trees in the rear garden to make way for the auditorium. Following discussions with the Council's Tree Protection Officer it has been determined that the loss of the trees can be mitigated for by the replanting of a street tree in the surrounding area. A condition will be added to require a scheme to be agreed and replacement tree to be replanted within 12 months of the implementation of the proposal.
114. There are not considered to be any trees or hedges in the rear gardens of the adjacent properties that will either influence the development or form an important part of the local landscape.

Landscaping

115. Whilst the loss of the garden and green space is regrettable, the quality of the existing garden and planting is low and the area is underused. Plans show that the site will be planted in areas to side and front of the auditorium as well as the auditorium being fitted with a green sedum roof. It is suggested that a condition be imposed upon planning consent requiring a detailed landscaping scheme for both soft and hard landscaping to be submitted to the local planning authority for approval. The scheme would also include detail on the green roof in order to ensure appropriate species and maintenance for its survival.

Ecology

116. There is a small possibility that bats may be roosting in the roof of the annex to be demolished. If bats were discovered during works then the applicant would be required by cease works and seek advice from Natural England before any further works could commence. In order to avoid disturbance to birds that may be roosting in the trees on site, any felling should be undertaken between October and early March. An informative will be added to remind the applicant of the need to address both of these matters. The Council's Natural Areas Officer has raised no concern regarding the loss of the trees on site.

Local Finance Considerations

117. The new build floorspace created in this proposal is liable for the Community Infrastructure Levy (CIL) by virtue of the floorspace of the new build elements of the scheme exceeding 100 sq. metres. However, the Sui Generis use of the auditorium is more akin to a D1 use for which the CIL charge is set at £0. The floorspace of the annex extension would not exceed 100 sq. metres. Therefore the proposal will not be required to contribute a CIL charge.

Other

118. Under the management plan smoking will not be permitted within the site or on the narrow side passageway. Smoking would therefore have to take place in the surrounding area. This is not ideal and in very extreme cases where considerable numbers of people desired to smoke at the same time, could lead to obstruction on St Giles Street. However, such a scenario is not considered likely to occur with any frequency that could establish a significant issue of concern. Preventing smokers from using the site would also be beneficial in terms of minimising an additional source of disturbance to neighbouring properties.
119. The applicant has indicated that the writers in residence apartments are only to be used by writers visiting the NCW. It is suggested that a condition be imposed preventing the apartments from being sold or leased as separate units of living accommodation and limiting the occupancy to persons linked to the operation of the NCW. This is because the apartments have not been assessed by the normal standards expected for a dwelling house. For example, the apartments provide no external amenity space.
120. Several objectors have questioned the extent to which the applicant has consulted with the public contrary to that declared by the applicant. This has not been investigated but it is considered that the Council's own consultation process has allowed for adequate opportunities for public comment, consistent with the Council's Statement of Community Involvement.
121. It is proposed to replace the existing rear boundary wall/fence with a brick wall approximately 2.2 metres in height. The Party Wall Act may be relevant here but is separate to planning permission and does not form a material consideration in the assessment of this application.
122. An objector has raised the possibility of the proposal having a negative impact upon the value of properties located to the rear of the site. This is not a material planning consideration.
123. The financing of the project is not a material planning consideration.
124. Norfolk Fire and Rescue Service have been consulted and have raised no objections to the scheme provided that the proposal meets the necessary requirements of the current Building Regulations. The scheme would be required to satisfy Building Regulations requirements in order to permit implementation, but in terms of fire safety Norfolk Fire and Rescue Service are of the opinion that the building can be made to work. Comments at pre-application stage stated that the basement should not be open into the ground floor without any separation.

The applicant proposes to install double doors at basement level which, taken together with the other doors installed at the basement rooms leading off the basement stair hall/lobby, would provide separation from the basement to the ground floor.

Conclusions

125. In arriving at the recommendation for approval of the application for conversion of Gladstone House to a National Writers' Centre, a finely balanced assessment of the particulars of the application has been undertaken. The principle of the conversion is considered to be acceptable with notable benefits in terms of strengthening the cultural status of Norwich and promoting development that supports the arts and educational provision. A wide and high quality provision of vacant office space has been demonstrated to exist in the surrounding area to justify the loss of the office space in this particular location.

Whilst the proposal carries implications for the amenity of surrounding properties, the design of the scheme and imposition of conditions are considered to adequately mitigate against any significant impacts of noise and disturbance

Considerable weight and importance has been given to the desirability of preserving the heritage asset and its setting. The proposal will result in a certain degree of harm to the listed building and will also affect the setting of the designated heritage asset. This harm is considered to amount to "less than substantial harm", which is a view shared by English Heritage. However, even this level of harm should not be regarded lightly – clear and convincing justification is required and considerable weight should be attached in the balancing exercise to the desirability of preserving the heritage asset and its setting. In this instance it is considered that the applicant has set out sufficient justification for the proposed alterations and although the setting of the listed building from the rear will be compromised, the ability to experience the rear elevation of Gladstone House will not be lost, with views of the entire elevation still possible from certain positions within the auditorium. In opening up public access to the rear garden, the opportunity to experience the heritage asset is likely to be enhanced.

The application will benefit the public in terms of opening access to the listed building, improving access within the listed building and providing a prestigious cultural/educational facility in a highly accessible location within the City Centre. The proposal will also utilise all areas of Gladstone House as well as bringing life to what is a much underused garden space at present. In the current economic climate it is difficult to envisage a similar level of investment being proposed for many other planning uses in this location that might be considered acceptable. With the "less than substantial harm" to the listed building considered to be adequately justified by the applicant and the investment and use of the heritage asset that is being proposed, the conversion of Gladstone House to the NCW is considered to constitute an optimal viable use and is likely to secure the long-term use of the building. It is considered that sufficient justification has been provided for the "less than substantial" harm to the listed building and that this harm is necessary in realising the optimum viable use.

Access to the site is not ideal but is considered workable. The scheme is car free and located in a highly accessible location in the City Centre. The proposal is

commendable in promoting inclusive access throughout the site.

Although the building which is the subject of the applications is owned by the City Council and is grade II listed, the applications being considered have been submitted by the Writers' Centre Norwich rather than the City Council. The Secretary of State is currently considering whether to issue a call in direction related to the listed building application. Should members resolve to approve the proposals then the City Council as local planning authority should withhold issuing listed building consent until the Secretary of State has indicated whether or not to 'call in' the application

The recommendation of approval has had due regard to Sections 1, 4, 7, 10, 11 and 12 of the National Planning Policy Framework (March 2012), Policies 1, 2, 3, 5, 6, 8, 11 and 20 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (2014), saved policies NE9, HBE3, HBE8, HBE9, HBE12, EP16, EP18, EP22, TVA1, TVA4, EMP3, TRA3, TRA5, TRA6, TRA7, TRA8 and TRA12 of the City of Norwich Replacement Local Plan (2004), relevant policies of the Development Management Policies Development Plan Document – Pre submission (April 2013) and all other material considerations.

RECOMMENDATIONS

a) Subject to receiving confirmation from the Secretary of State on whether he wishes to call in the application, or, if no confirmation has been received within three weeks of the committee resolution of the application, to approve application no 13/01296/F and grant planning permission subject to the following conditions:-

- 1) Standard time limit
- 2) Development to be in accordance with plans
- 3) No works shall take place on the site in pursuance of this permission until the following details have submitted to and agreed in writing with the local planning authority:
 - (a) details of all external joinery [to include the proposed main and service gates to the garden east wall, the proposed inward opening doors and split cill below 2 No. ground floor rear elevation windows of 28 St Giles Street, and all new external doors] to include depth of reveal, details of heads, sills and lintels, elevations at a scale of not less than 1:20 and horizontal/vertical frame sections (including sections through glazing bars) at not less than 1:2;
 - (b) details of proposed roof lights: round roof lights over proposed outdoor toilets (6 No.); and roof lights over lift shafts (2 No.) which should be flush fitting 'conservation' type roof lights;
 - (c) details of external flues, background and mechanical ventilation, soil/vent pipes and their exits to the open air;
 - (d) large scale details of proposed eaves and verges at a scale not less than 1:20;
 - (e) details of external decoration to render, joinery and metalwork;
 - (f) details and samples of external roofing materials (to inc. lead) including manufacturer, product name and colour;
 - (g) details and samples / sample panels of; brick, bond, pointing style, mortar mix and coping detail for: proposed garden south and east walls; new brickwork to south and west elevations of 'Annexe' building; new elements of brickwork to east wall of 'Annexe' building (inc. rubbing brick flat arch lintels over new 1st floor windows); and brickwork to proposed auditorium building and outdoor toilets & bin store buildings.
 - (h) details of rainwater goods (see informative for further detail)
 - (i) full details of the proposed external spiral staircase to 26 St Giles Street
 - (j) details of proposed Photovoltaic Panels – (to include sections (to show slim profile and flush fitting), roof attachment details, trade literature / images and structural calculations (to show that the historic roof (including any historic timber structural members) is capable of withstanding the proposed load).
 - (k) details of the proposed new garden walls (to east and south boundaries).
- 4) No installation of any amplified sound equipment shall take place within the application premises unless details of the maximum noise levels, expressed in dB LAeq (5 minute) and measured at a point 2 metres from any loudspeaker forming part of the amplification system, have first been submitted to and approved in writing by the Local Planning Authority. Thereafter the maximum noise levels from any amplified sound equipment within the premises shall not exceed those approved at any time.

- 5) No extract ventilation system shall be installed or erected on the site unless in accordance with a detailed scheme that has been submitted to and approved in writing by the local planning authority. The detailed scheme shall include the position of ventilation flue outlet points and the type of filtration to be installed and used in the premises in pursuance of this permission, together with a schedule of maintenance. No use of the premises as hereby permitted shall take place unless the approved scheme has been installed and is operational and thereafter it shall be retained in full accordance with the approved details and the maintenance of the extract ventilation system shall be carried out in accordance with the scheme as agreed.
- 6) No development shall take place until a scheme specifying the maintenance schedule for the approved extract ventilation or fume extraction system specified in document/ drawing ref. [] has been submitted to and agreed in writing with the Local Planning Authority. Following installation, the maintenance of the system shall be carried out in accordance with the scheme as agreed.
- 7) The installation of any plant or machinery on the premises shall be in accordance with a scheme approved by the Council as Local Planning Authority for the reduction, where necessary, of the level of noise and vibration emanating from the premises.
- 8) No use of any plant or machinery shall take place on the premises unless it has been adequately enclosed with sound insulating material, and also mounted in such a way which will minimise transmission of structure borne sound, in accordance with a scheme to be first approved in writing by the local planning authority.
- 9) No loudspeaker, amplifier, relay or other audio equipment shall be installed or used outside the building.
- 10) No use of the premises as the National Centre for Writing unless in full compliance with the approved Management Plan
- 11) No use of the premises as the National Centre for Writing shall take place until sound insulation measures have been installed in accordance with a scheme to be submitted to and agreed in writing by the local planning authority and shall be retained as such thereafter. The scheme shall satisfy the standards set out in par.5.1 of Section 5 of the Acoustic Assessment report ref.10872/1 [received 08 August 2013]
- 12) No use of the premises as the National Centre for Writing until a scheme for how the NCW will enable public access to the auditorium outside of events has been submitted to and approved in writing by the local planning authority. The auditorium shall thereafter be open to the public in accordance with the approved scheme.
- 13) The premises which form the subject of this permission shall not be open to the public, trading, nor have members of the public, as customers or guests on the premises with the exception of overnight guests staying in the two writers in residence apartments, after 22:30 hours and before 07:00 hours on any day.
- 14) No trade deliveries or collections including trade waste shall take place between the hours of 19:00hrs and 07:00hrs Monday to Saturday. There shall be no trade deliveries or collections on Sundays or Bank or Public Holidays.
- 15) The spiral staircase shall only be used for purposes of emergency exit from the writers in residence apartments and the respective doors leading from the apartments to the staircase landing shall be designed to a standard to be submitted to and approved in writing by the local planning authority prior to installation.

- 16) No use of the development hereby approved shall take place until details have been submitted to and agreed in writing by the local planning authority of all external lighting for the site, including any security or other intermittent lighting. Such details shall include specifications for the lighting proposed, its location and position within the site, height and levels of illumination proposed. The details shall also specify that any external lighting includes cowling, or other similar device, to ensure that the lighting only illuminates the site directly. The development shall be carried out in accordance with the details as agreed and retained as such thereafter.
- 17) No development shall take place in pursuance of this permission until a detailed landscaping scheme has been submitted to and agreed in writing with the Local Planning Authority (to include both soft and hard landscaping detail)
- 18) Scheme to be agreed and replacement tree to be replanted off-site within 12 months of the implementation of the proposal.
- 19) No development until 10 cycle stands have been provided off-site in accordance with a scheme to be agreed with the local planning authority
- 20) The Travel Information Plan shall be made available in accordance with the Plan as agreed and, once made available, shall be maintained thereafter in accordance with the agreed details.
- 21) Archaeology: No development until a written scheme of investigation has been submitted to and agreed in writing by the local planning authority.
- 22) Archaeology: Demolition/development in accordance with the written scheme of investigation
- 23) Archaeology: No occupation until site investigation and post investigation assessment completed
- 24) No development shall take place in pursuance of this permission until exact details for the provision of the renewable energy measures [photovoltaic panels] have been submitted to and agreed in writing by the local planning authority. No occupation of the development shall take place unless the renewable energy measures have been provided in full accordance with the agreed details and thereafter managed and retained.
- 25) The writers in residence apartments shall not be sold or leased as separate dwelling units
- 26) (a) No development shall take place, including any works of demolition, in pursuance of this permission until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority.
 (b) The approved Statement shall be adhered to throughout the construction period.
 (c) The Statement shall provide for:
 - (i) the parking of vehicles of site operatives and visitors;
 - (ii) loading and unloading of plant and materials;
 - (iii) storage of plant and materials used in constructing the development;
 - (iv) the erection and maintenance of security hoarding, including decorative displays and facilities for public viewing, where appropriate;
 - (v) wheel washing facilities;
 - (vi) measures to control the emission of dust and dirt during construction; and
 - (vii) a scheme for recycling/disposing of waste resulting from demolition and construction.

Informatives:

- 1) Vehicle access to Police lower ground car park shall not be used for purposes of loading/unloading
- 2) Loading restrictions adjacent to Gladstone House

- 3) Bins to be purchased by the applicant prior to occupation
- 4) No eligibility for on-street parking permits
- 5) Cycle stands and paving scheme – all costs to be met by applicant
- 6) Street naming and numbering enquiries
- 7) If any bats are discovered, all works should cease and advice be sought from Natural England before re-commencing
- 8) Restricted building working hours
- 9) Any signage must be the subject of an additional application for advertisement consent

Article 31(1)(cc) Statement

The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations, following negotiations with the applicant and subsequent amendments the application has been approved subject to appropriate conditions and for the reasons outlined in the officer report.

b) Subject to receiving confirmation from the Secretary of State on whether he wishes to call in the application, or, if no confirmation has been received within three weeks of the committee resolution of the application, to approve application no 13/01297/L and grant listed building consent subject to the following conditions:-

- 1) Standard time limit
- 2) Development to be in accordance with plans
- 3) No works shall take place on the site in pursuance of this permission until the following details have submitted to and agreed in writing with the local planning authority:
 - (a) details of all internal joinery [to include proposed bi-fold doors for spine walls, and proposed double doors adjacent to basement staircase], at a scale of not less than 1:20 and horizontal/frame sections at not less than 1:2;
 - (b) details of proposed levelling of basement floor (to produce level access);
 - (c) details of proposed internal service routes and re-wiring;
 - (d) schedule of internal finishes to walls, ceilings and floors;
 - (e) details of proposed alterations to hinging / opening direction of historic doors
 - (f) details of proposed alterations to 1790s splayed plinth course limestone capstones to the plinth of the rear elevation
 - (g) details of any secondary glazing proposed for the sash windows of 28 St Giles Street elevations at a scale of not less than 1:20 and horizontal/vertical frame sections (including sections through glazing bars) at not less than 1:2;

The development shall be carried out in accordance with the detail as approved.

- 4) The developer shall afford reasonable access to a historic building consultant to allow for a full photographic survey [to include: the 1790 service staircase (all floors of the staircase, associated service corridors with timber panelled walls and historic roof light above); full rear elevation as viewed from end of garden; and detail of 1790s rear ground floor sash windows and limestone plinth detail below - to be converted to sashes with gates below] on site to be carried out before and during the course of works hereby approved. No works

shall take place until details of the consultant, the type and manner of access to be provided, the level of survey proposed and the submission and presentation of the survey results have been agreed in writing with the local planning authority and the works shall be carried out in accordance with those details as approved.

- 5) The demolition of: (a) the 1790 brick work and 1790s splayed plinth course limestone capstones to the plinth of the rear elevation below the rear ground floor sash windows of 28 St Giles Street; (b) the removal of the tripartite sash window from the ground floor east elevation of 26 St Giles Street; (c) the demolition of portions of the spine walls of the basement, ground floor and first floor of 28 St Giles Street; (d) the demolition of part of the basement hallway wall 28 St Giles Street (e) the demolition of the 1790s service stairwell (f) The demolition of any elements of the south and west elevations of 26 St Giles Street, shall be carried out by hand [*by hand-held tools*] only and the works shall provide for the retention and storage for re-use of [*bricks for any 'making-good' the rear elevation brickwork of 28 St Giles Street and east elevation of 26 St Giles Street and the re-use of the tripartite sash window at first floor on east elevation of 26 St Giles Street*].
- 6) The demolition hereby permitted shall not take place until a contract for carrying out the works of redevelopment on the site has been made and planning permission granted for the redevelopment for which the contract provides. Evidence of this contract shall be provided to and approved in writing by the local planning authority prior to any demolition being undertaken
- 7) Any damage caused to the listed buildings (28 & 26 St Giles Street) by the works hereby approved shall be made good in accordance with a scheme first submitted to and agreed in writing by the local planning authority and the making good in accordance with the scheme as agreed shall take place within three months of the approval of the scheme.
- 8) No works shall take place on the site in pursuance of this consent until a detailed scheme of work outlining the proposed measures of protection for the following features, which shall enable them to remain undisturbed in their existing position and fully protected during the course of the work on the site, has been submitted to and approved in writing by the local planning authority:
 - (a) The 1790 mahogany staircase (ground, first and second floor) and panelled mahogany dado (up to first floor)
 - (b) The 1790 service flight of the main staircase (ground floor to basement)
 - (c) 1790s Timber ceiling joists in basement
 - (d) 1790s splayed plinth course limestone capstones to the plinth of the rear elevation
 - (e) Sash windows and timber shutters,
 - (f) Internal doors, door cases and fan lights
 - (g) External door cases (2 No.)
 - (h) External stone steps to the front porch of 28 St Giles Street
 - (i) Internal stone steps and stone flags within the front vestibule
 - (j) Fireplaces
 - (K) Timber panelling, dados, skirting, ceiling roses and cornices
 - (l) Any historic floorboards and or parquet flooring
 - (m) historic floor finishes such as pammments, quarry tiles and floor bricks

The development shall be carried out in accordance with the details as approved.

- 9) No works shall take place on site until a structural engineer's report, setting

out the nature of and suggested remedial work to (a)*Install photovoltaic panels on the historic roof structure* (b)*Remove the historic cast iron structural support pillar adjacent to the foot of the basement stairwell* (c)*Remove the 1790s service stairwell and install a platform lift* and (d)*Remove the 1790s masonry from below two of the 1790s ground floor rear sash windows* (e)*Remove portions of the spine walls at basement, ground floor and first floor* (f)*remove part of the basement hallway wall to 28 St Giles Street* (g)*Remove / re-build the south and west walls of the 26 St Giles Street, whilst providing structural support for the historic east elevation of the same building* (h)*Remove the large tripartite sash window from the ground floor of the east elevation of 26 St Giles Street and install it in the first floor of the same elevation*, is submitted to and agreed in writing by the local planning authority. All works shall be carried out in accordance with the report as agreed.

- 10) No works to treat or prevent damp, rot or timber infestations shall be undertaken until a specification has been submitted to and agreed in writing with the local planning authority. All works on site shall be carried out in accordance with the specification as agreed.
- 11) No works to remove paint (or staircase surface finishes) internally or clean the building externally shall take place until:
 - (a) a specification outlining the proposed methodology has been submitted to and agreed in writing by the local planning authority; and
 - (b) a sample area showing the proposed paint removal or level of clean has been agreed in writing with the local planning authority.
 All such works on site shall be in accordance with the details as agreed.
- 12) No works to repoint the external brickwork or stonework shall take place until:
 - (a) details of the extent of repointing have been submitted to and approved in writing by the local planning authority; and
 - (b) a sample panel of not less than 1 metre square to show the proposed mortar composition and colour and the method of pointing has been prepared on site, inspected and approved in writing by the local planning authority.
 All such works shall be carried out in accordance with the details as agreed.
- 13) (a) No works shall take place on site until details of any proposed methods of fire protection, sound proofing and insulation for the walls, floors, ceilings and doors, including 1:5 sections through walls and ceilings, 1:20 elevations of doors and 1:2 scale moulding sections have been submitted to and agreed in writing by the local planning authority.
 - (b) All existing original doors shall be retained and where they are required to be upgraded, no such upgrading shall take place until a schedule and specification of works has been submitted to and agreed in writing by the local planning authority.
 - (c) Self-closing mechanisms, if required, shall be of the concealed mortice type.
 - (d) All works of fire protection, sound proofing and insulation shall be carried out in accordance with the details as agreed.

Informatives:

- 1) Double opening 'doors' below ground floor sash windows on rear elevation of No.28 to be inward opening (as annotated on 'Proposed South Elevation' plan and in the Design & Access Statement), not outward opening as shown on 'Proposed Ground Floor' plan).
- 2) Baby Changing Facilities (a wall-mounted hinged table and nappy bin) should be provided within a ground floor disabled toilet, as a minimum.

- 3) Any signage (internal or external) would need to be applied for in a separate Listed Building consent and/or Advert consent.
- 4) Any secondary glazing would need to be applied for in a separate Listed Building consent
- 5) Historic floor, ceiling and wall finishes on all four floors of 28 St Giles Street should be retained as existing.
- 6) All new brickwork to 26 St Giles Street to match the brickwork of 28 St Giles Street.
- 7) Rainwater goods shall be cast iron for 26 & 28 St Giles Street, and cast iron or cast aluminium for the new auditorium building.
- 8) Fireproofing – Any fireproofing measures would need to be applied for in a separate Listed Building Consent application. The applicant is advised that there may be limitations to what alterations can be made to the listed building in order to achieve this, for instance all historic doors will need to be retained (including the less architecturally ‘sophisticated’, but equally historically interesting and important 1790s two panelled ‘service’ doors on the second floor and any historic doors to the basement).
- 9) Acoustics - The Acoustics Assessment (17.07.2013) submitted by the applicant mentions a number of potential physical interventions for acoustic attenuation measures for 28 St Giles Street. Any such measures will require a separate Listed Building Consent, as they have not been included in the current application. Any such LBC should include a full Acoustics Survey of the listed house, so that the need for such interventions can be demonstrated. The applicant should be advised that some of the physical alterations mentioned in the acoustics assessment, already submitted, may not be appropriate for this Listed Building. The advice below (provided by the Conservation & Design Officer on 6.11.13), identifies specific areas of the acoustics assessment that need further investigation in a Full Acoustics Survey and that may not be permissible within 28 St Giles Street, in any future LBC application:

‘Sound Insulation’ requirements identified by the applicant in the acoustics assessment, for which detailed plans and a Full Acoustics Survey would be required, before they could be assessed:

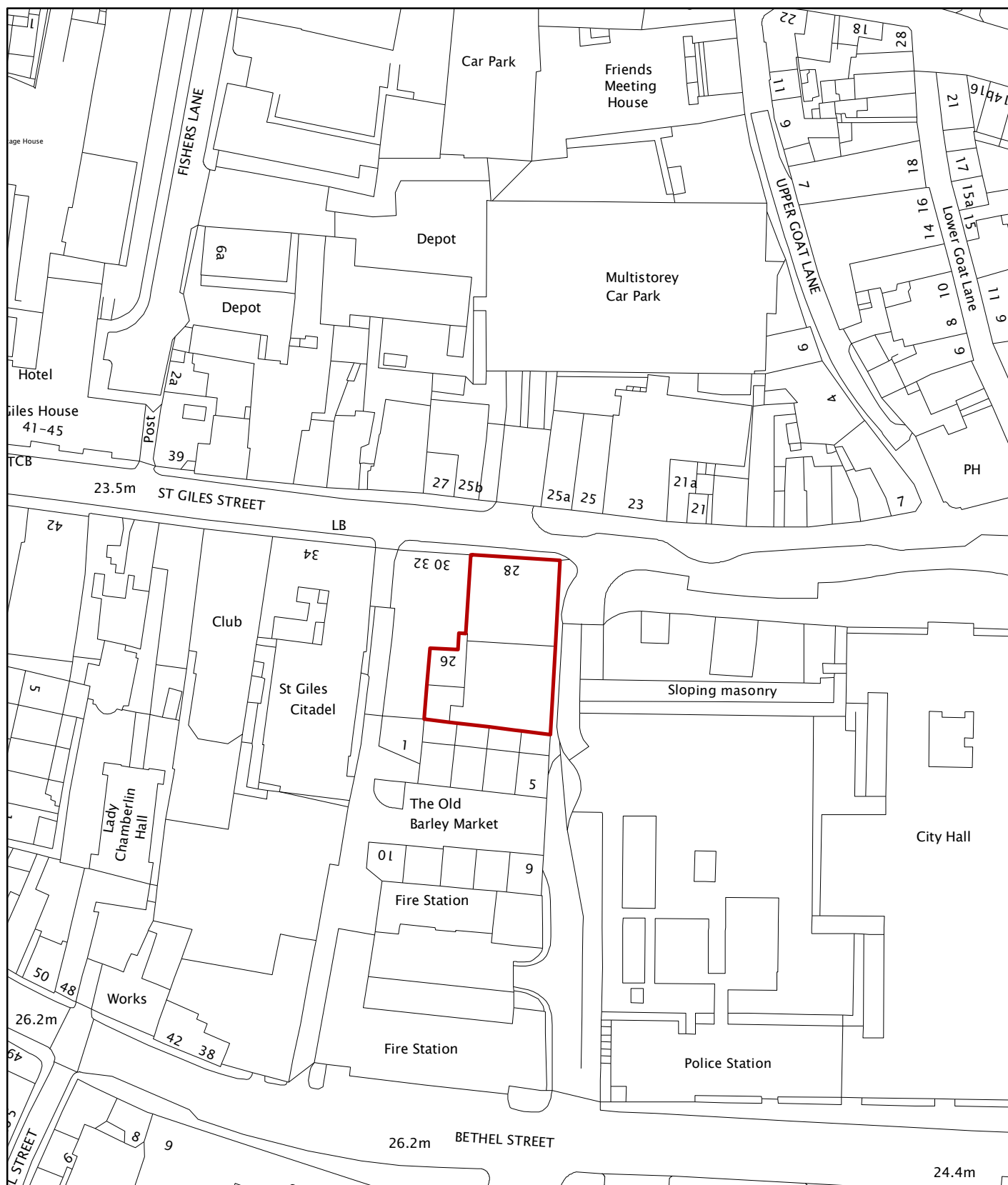
- Non-opening front windows with secondary glazing and mechanical ventilation or acoustically attenuated ventilators – *Limitations – secondary glazing may be possible, but mechanical ventilation may be too damaging to fabric.*
- Floor/ceiling sound insulation – *Limitations - some of the rooms are thought to have parquet flooring, most ceilings have ceiling roses and cornices.*
- Basement wall insulation - *Limitations - vaulted brickwork walls/ceilings, wall mouldings and historic door cases.*
- New solid wooden close-fit doors and seals to seminar rooms, offices and writers spaces – *Limitations – All historic doors must be retained, there may or may not be limited scope for adaptations to upgrade.*

‘Acoustic Absorption’ requirements identified by the applicant in the acoustics assessment, for which detailed plans and a Full Acoustics Survey would be required, before they could be assessed:

- Wall panels, suspended absorbers (from ceilings), sound curtains/drapes

on walls – *Limitations – potential damage to interiors and detrimental effect on historic and architectural character of the listed building (especially for suspended absorbers from ceiling).*

- The annexe part of the proposed café is identified as needing ‘significant areas of acoustically absorbent finishes to control reverberant noise levels’
– *There are few constraints in the annexe, but there are limitations to providing the same level of acoustic absorption in the café room within 28 St Giles Street with sash/doors open all the time.*



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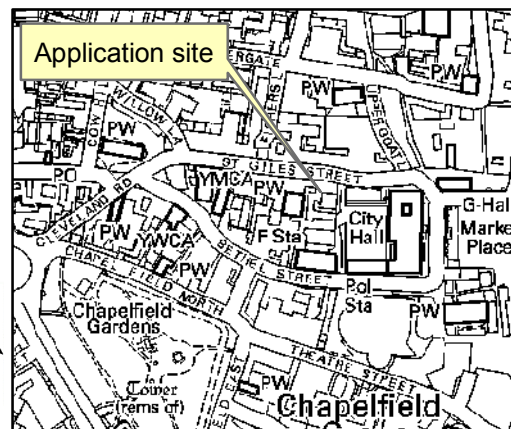
Planning Application No 13/01296/F & 13/01297/L
 Site Address Gladstone House, St Giles Street

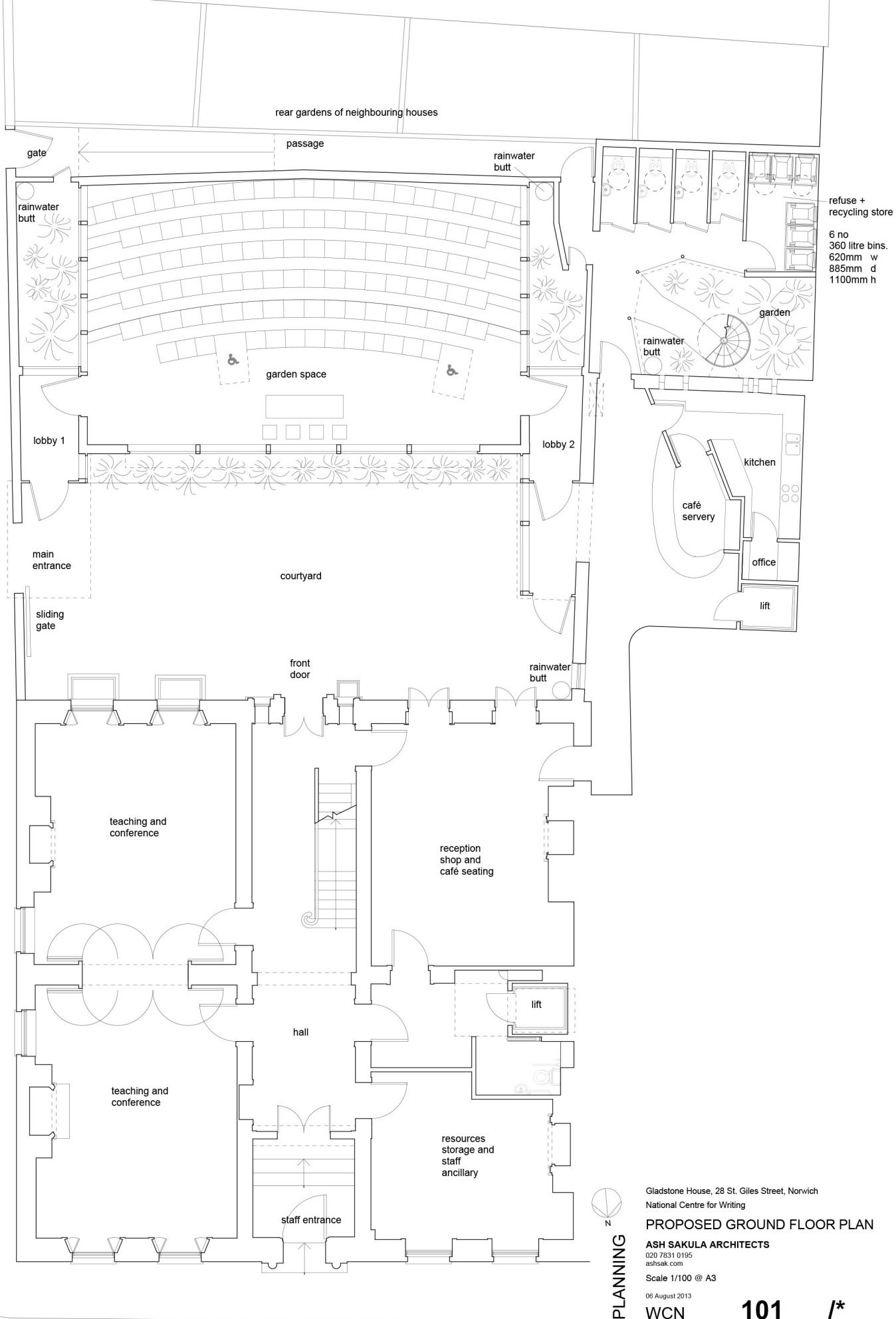
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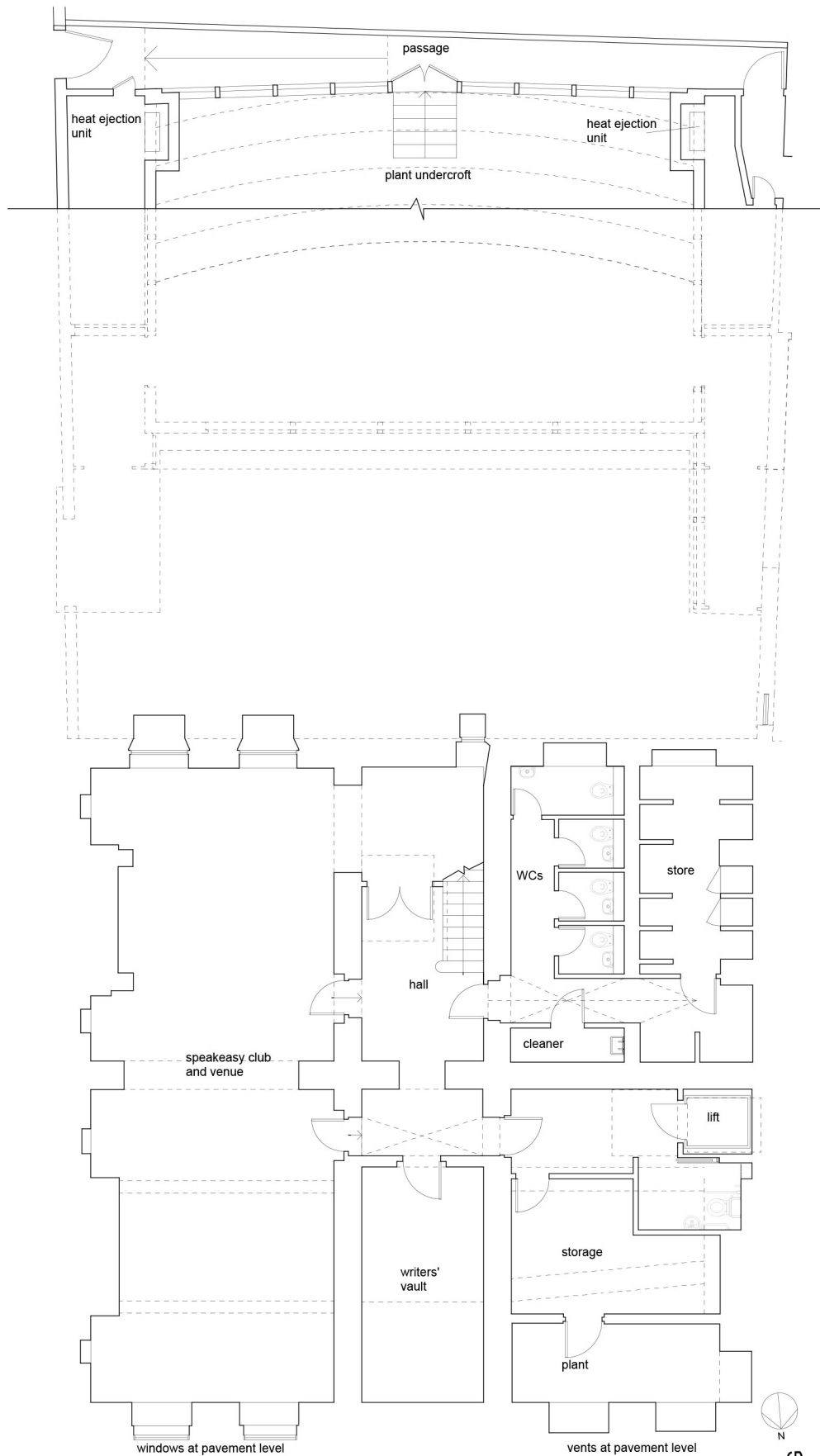


NORWICH
City Council

PLANNING SERVICES







Gladstone House, 28 St. Giles Street, Norwich
National Centre for Writing

PROPOSED BASEMENT FLOOR

ASH SAKULA ARCHITECTS

020 7831 0195
ashsak.com

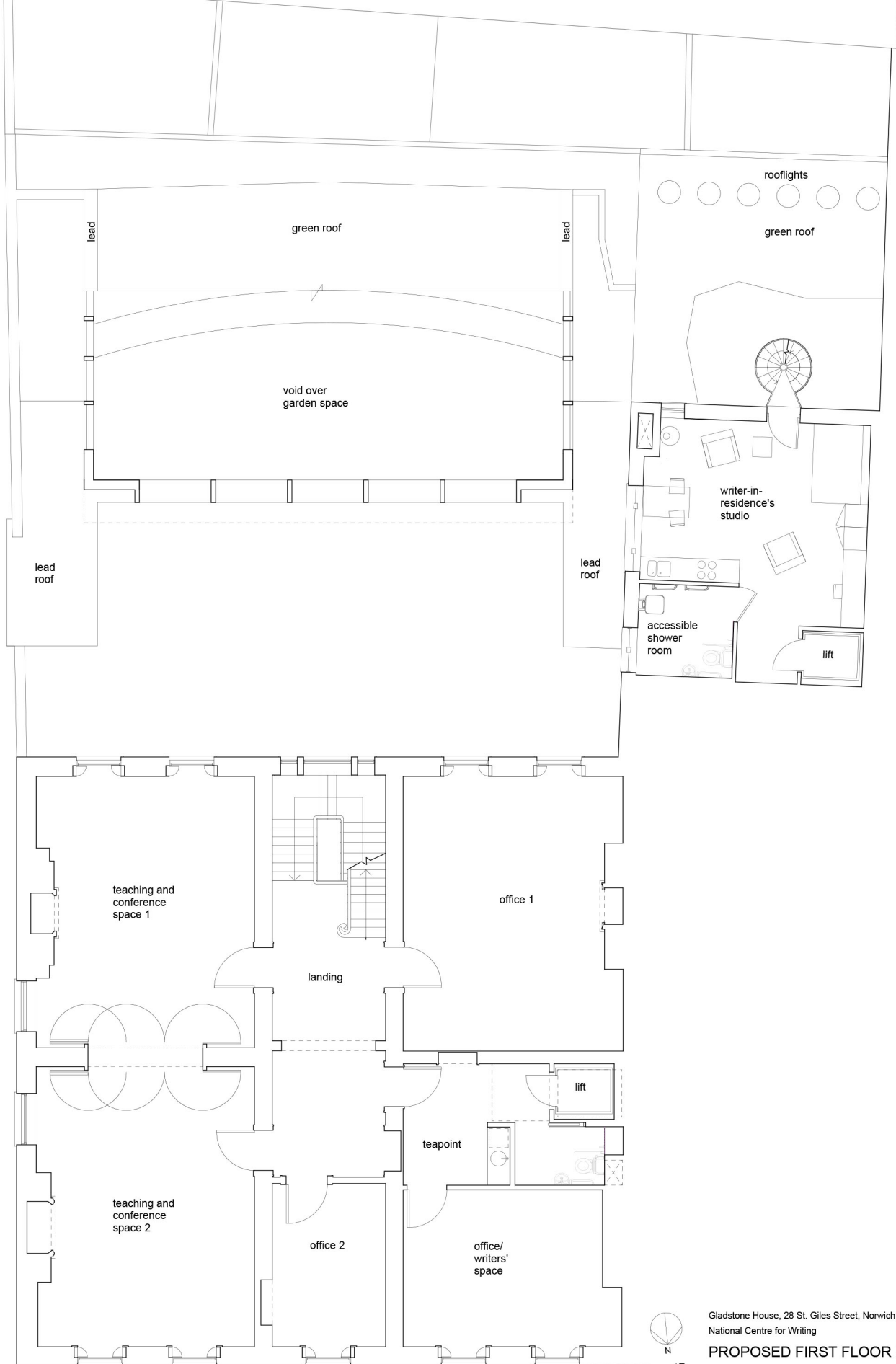
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06 August 2013

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PROPOSED FIRST FLOOR PLAN

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ashsak.com

Scale 1/100 @ A3

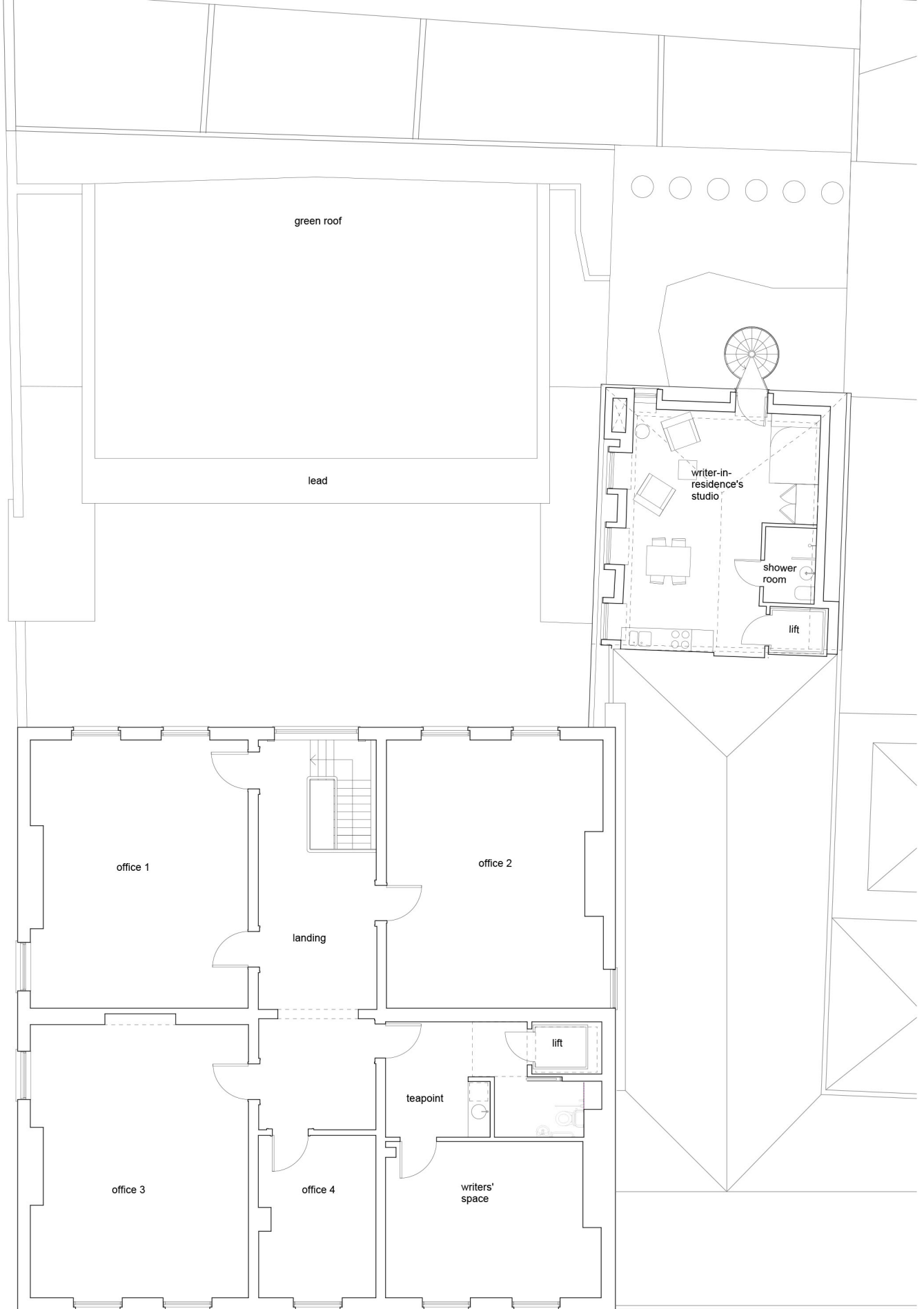
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PROPOSED SECOND FLOOR PLAN

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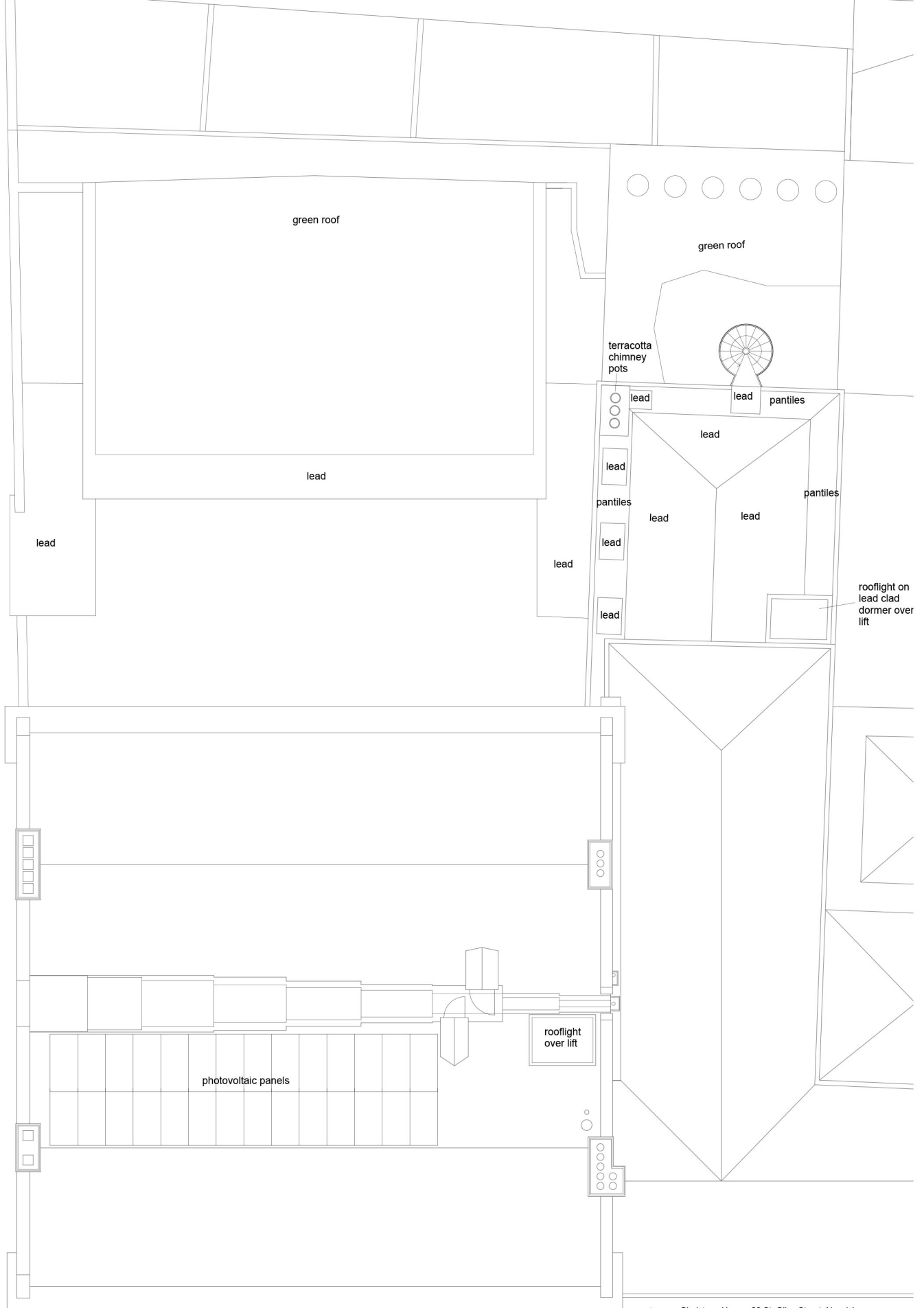
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PROPOSED ROOF PLAN

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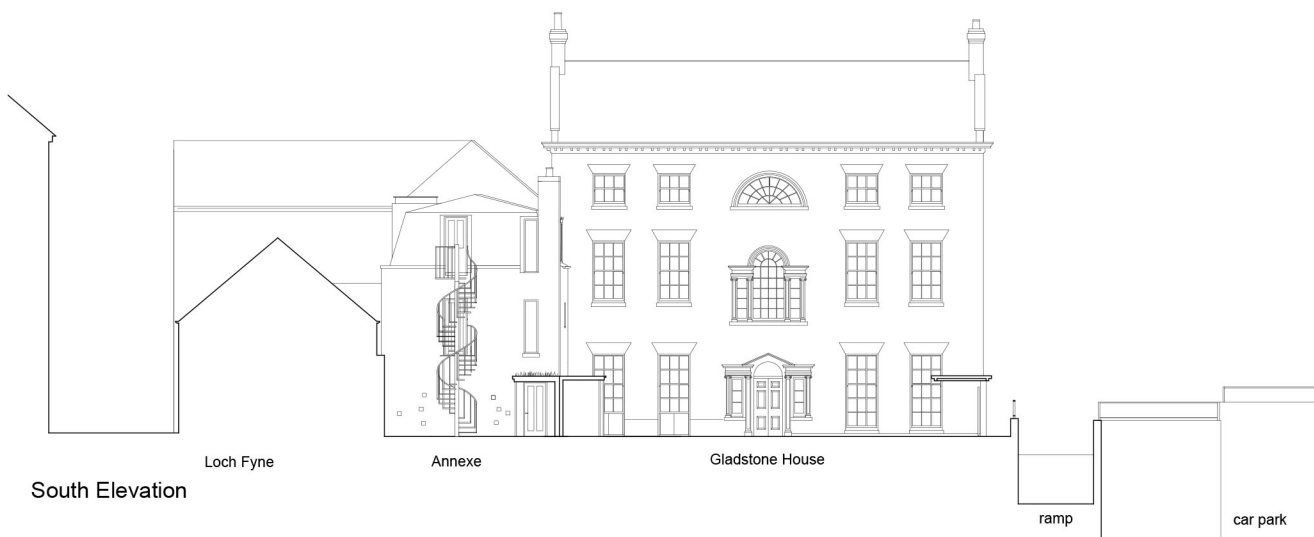


North Elevation

ramps to car park

Gladstone House
28 St. Giles Street

Loch Fyne Restaurant
30-32 St. Giles Street



South Elevation

Loch Fyne

Annexe

Gladstone House

ramp

car park



East Elevation

neighbouring
houses

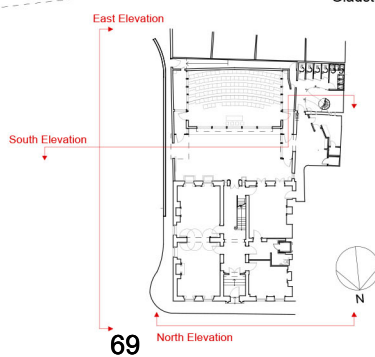
service entrance

main
entrance

Gladstone House

St. Giles Street

line of ramp to car park



South Elevation

East Elevation

69

North Elevation

Gladstone House, 28 St. Giles Street, Norwich
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PROPOSED CONTEXT ELEVATIONS

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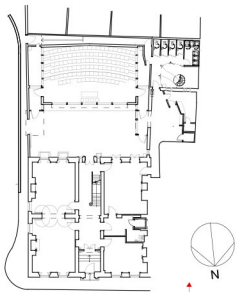
Note
No changes proposed to North Elevation.



Gladstone House
28 St. Giles Street

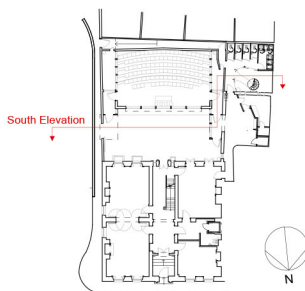
Loch Fyne Restaurant
30-32 St. Giles Street

ramps to car park



KEY

- 1 Matching brickwork
- 2 Pantiles
- 3 Lead
- 4 Obscured glass fixed light, precast concrete sill
- 5 Obscured glass fixed light in lead clad dormer
- 6 Painted timber batten FR door
- 7 Painted timber half glazed door in lead clad dormer, obscured glass
- 8 Lead clad dormer housing lift, rooflight over
- 9 FR glass brick fixed lights
- 10 Timber fully glazed door
- 11 Green roof supported on painted steel tubular supports
- 12 Glazed lobby, glazed door, lead roof
- 13 Lead roofed entrance, oak sliding gate
- 14 Inward-opening painted timber half doors below retained existing sash window
- 15 Existing single leaf door restored to inward opening double leaf
- 16 Sage green painted metal helix stair



Gladstone House, 28 St. Giles Street, Norwich
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PROPOSED SOUTH ELEVATION

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06 August 2013

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PLANNING

KEY

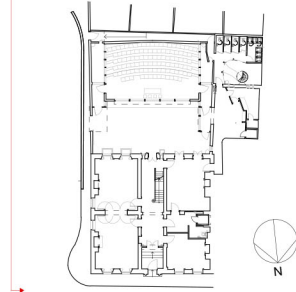
- 1 Matching red brick wall, brick coping
- 2 Naturally finished oak sliding gate
- 3 Lead roofed porch
- 4 Naturally finished oak gate
- 5 Existing brick wall remains unaltered
- 6 Green roof with lead edgings

Note
Side elevation of Gladstone House unaltered.



Gladstone House

East Elevation



Gladstone House, 28 St. Giles Street, Norwich
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PROPOSED EAST ELEVATION

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Scale 1/100 @ A3

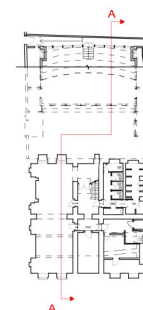
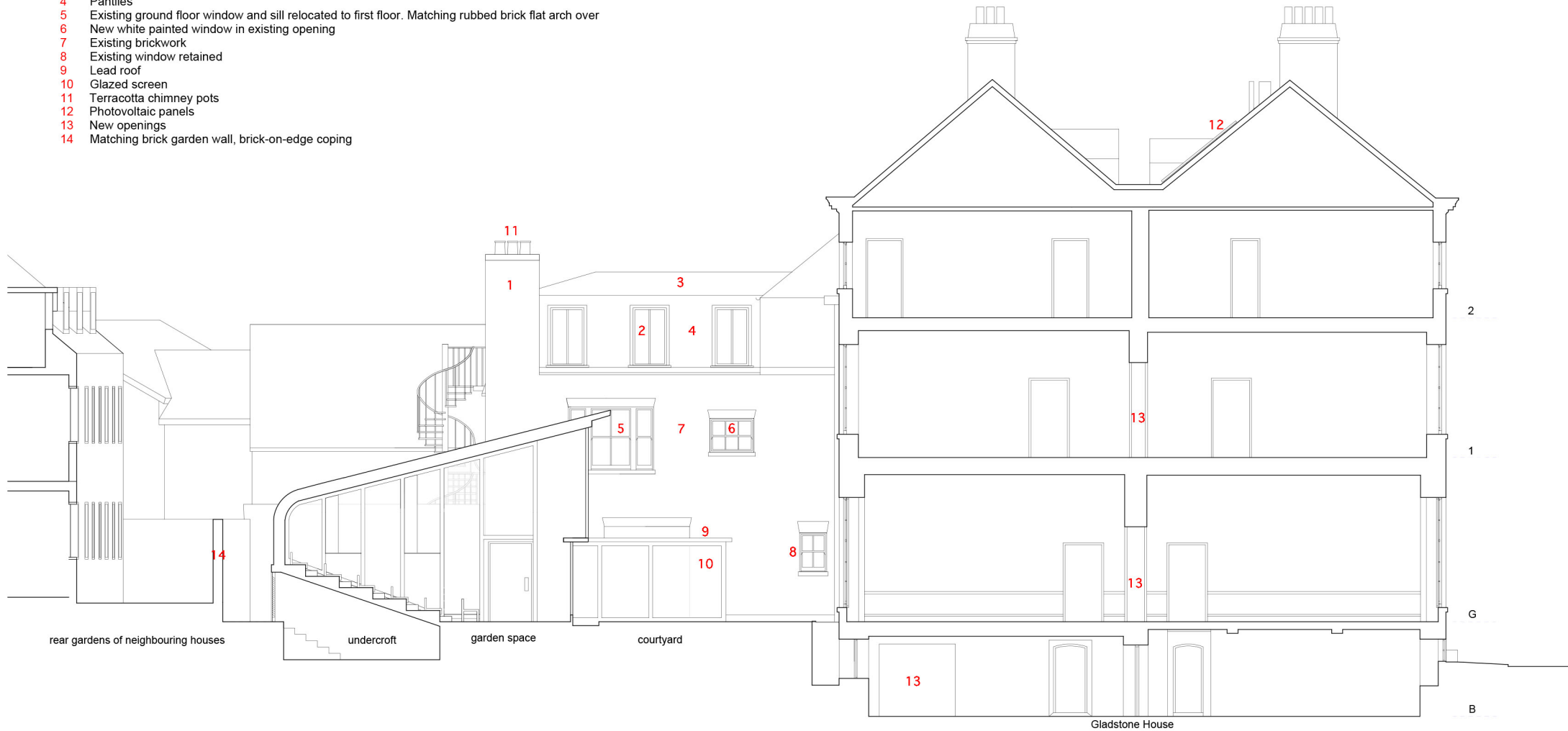
06 August 2013

WCN

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KEY

- 1 Matching brickwork
- 2 Double glazed white painted casement window in lead-clad dormer
- 3 Lead
- 4 Pantiles
- 5 Existing ground floor window and sill relocated to first floor. Matching rubbed brick flat arch over
- 6 New white painted window in existing opening
- 7 Existing brickwork
- 8 Existing window retained
- 9 Lead roof
- 10 Glazed screen
- 11 Terracotta chimney pots
- 12 Photovoltaic panels
- 13 New openings
- 14 Matching brick garden wall, brick-on-edge coping



Gladstone House, 28 St. Giles Street, Norwich
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PROPOSED SECTION AA

ASH SAKULA ARCHITECTS
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06 August 2013

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Report to Planning applications committee
Date 8 May 2014
Report of Head of planning services
Subject Application nos 13/01928/F Land and Buildings rear of And including 293 - 293A Aylsham Road Norwich

Item
4(2)

SUMMARY

Description:	Demolition of existing buildings and redevelopment of site to construct a new foodstore with associated landscaping and car parking. Reconfiguration of site access and highway works to accommodate. Technical update relating to changes in requirements for contamination, drainage, access designs, travel plan bond planning obligation, and conditions.
Reason for consideration at Committee:	Changes to committee's current resolution of 06 February 2014.
Recommendation:	Approve
Ward:	Catton Grove
Contact Officer:	Rob Parkinson Senior Planning Officer 01603 212765
Valid Date:	26th November 2013
Applicant:	Mr Michael Goff, Goff Petroleum.
Agent:	Mr Mark Camidge, Chaplin Farrant.

INTRODUCTION

The Site

1. The site is the former car showroom and heating oil storage and distribution depot located on the east side of Aylsham Road (A140) and is surrounded by residential, commercial, retail and entertainment uses. The site has been used for storage and distribution of heating oil since the 1960s. The rear part of the site accommodates fuel storage tanks, parking for a fleet of delivery vehicles and administrative and support facilities, whilst the frontage to Aylsham Road currently stands empty. In recent years the area to the south of the showroom has been used for car and van sales / hire.

Relevant Planning History

08/00823/O - Proposed mixed use development comprising 88 No. residences and 8,000 sq.ft. A2/B1 office space. (APPROVED - 31/03/2009)

11/00877/RM - Reserved matters of appearance, landscaping, layout and scale for previous planning permission 08/00823/O 'Proposed mixed use development comprising 88 No. residences and 8,000 sq. ft. A2/B1 office space.' Revised details. (APPROVED - 05/04/2012)

12/00441/D - Details of condition 11 – remediation method strategy for site contamination, of previous planning permission 08/00823/O 'Proposed mixed use development comprising 88 No. residences and 8,000 sq.ft. A2/B1 office space'. (APPROVED - 21/09/2012)

Note – this was 'part-approval' only of the former Condition 11, as the site contamination works still needed to be carried out, and a remediation works verification/validation plan and monitoring programme remain outstanding.

13/01928/F – The current proposals were considered by planning committee on 06 February 2014. Committee considered the application should be approved subject to completion of the necessary Section 106 Agreement and resolution of certain conditions and planning obligations. The two planning committee reports (both the original and the 'supplementary report part 1') are available alongside the minutes of the meeting of 6th February 2014, at: <http://www.norwich.gov.uk/CommitteeMeetings/Planning%20applications/default.aspx?InstanceID=168>

The Proposal

2. To demolish all the buildings on the site south of the Smith and Pinching offices, and redevelop with a 1 to 2-storey supermarket built towards the site frontage with 200 car parking spaces behind and to the south of the store. A customer access drive is proposed along the south boundary and delivery / servicing access to the north. The layout of the development is shown in a plan attached to this report.
3. This committee approved the proposals on 06 Feb, 2014 , subject to certain matters being agreed by delegated powers. The Committee is now requested to consider only certain technical matters that have arisen during discussions over matters of detail.
4. The original proposals have not changed and no public consultations have been necessary. The issues presented are technical and linked to planning conditions for:
 - Contamination remediation strategy;
 - Surface water drainage strategy;
 - Southern / customer access drive designs;
 - Landscaping, tree protection and street trees requirements;
 - Travel Plan Bond within planning obligations.

Representations Received

5. No additional public representations have been received since planning committee considered the proposal on 06 February 2014.

Consultation Responses

6. **County Council as Highways Authority** – Agree the revised southern access plan; confirmed the requirement and validity of including a Travel Plan Bond to the

value of £75,000 as a planning obligation in the Section 106 Agreement.

7. **Local Transport Planner** – Agree the revised southern access plan.
8. **Environment Agency** – Reiterate the advice of their original consultation response (20.12.13) that a surface water drainage scheme needs to be confirmed based on further assessment of the site's ground conditions and infiltration rates. The preferred solution should be via sustainable drainage using attenuation and infiltration, but any proposed non-infiltration scheme should be able to demonstrate a reduced run-off rate into the Anglian Water sewer network. The Flood Risk Assessment has demonstrated that either scheme should be able to work, but the finer details of the drainage system and appropriate management of the SUDs system should still be confirmed by condition.

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

The following adopted policies relate to the updated technical matters only, as the full range of relevant policies were discussed at the original planning committee.

National Planning Policy Framework (NPPF) (March 2012):

Paragraph 14 – Presumption in favour of sustainable development

Paragraphs 203-206 – Planning conditions and obligations

Section 4 – Promoting sustainable transport

Section 7 – Requiring good design

Section 10 – Meeting the challenge of climate change, flooding and coastal change

Section 11 – Conserving and enhancing the natural environment

Saved Policies of the Adopted Norfolk Structure Plan (October 1999):

T.2 - Transport - New Development

Policies of the Joint Core Strategy for Broadland, Norwich and South Norfolk (Adopted January 2014*) (*previous interim adoption March 2011)

Policy 1 – Addressing climate change and protecting environmental assets

Policy 2 – Promoting good design

Policy 6 – Access and transportation

Policy 7 – Supporting communities and protecting quality of life

Policy 20 – Implementation

Relevant saved policies of the adopted City of Norwich Replacement Local Plan (2004):

NE4 – Street trees to be provided by developers

NE9 - Comprehensive landscaping scheme and tree planting

HOU6 - Contribution to community needs and facilities by housing developers

EP1 - Contaminated land

EP16 - Water conservation and sustainable drainage systems

EP17 –Protection of watercourses from pollution from stored material, roads & car park

EP22 - High standard of amenity for residential occupiers

TRA3 – Modal shift measures in support of NATS

TRA5 - Approach to design for vehicle movement and special needs

TRA10 – Contribution by developers for works required for access to the site

TRA12 – Travel Plans for employers and organisations in the city

TRA14 - Enhancement of the pedestrian environment and safe pedestrian routes

Supplementary Planning Documents and Guidance

Trees and Development (Adopted September 2007)

Other Material Considerations

The Localism Act 2011 – s143 Local Finance Considerations

Contamination and remediation requirements

9. The original committee reports described in detail the nature of contamination on site, the expectations of the Environment Agency for its remediation, and the works undertaken to date by the applicant over the last 18 months or so.
10. There are two types of contamination at the site: subsurface contaminants within the near-surface soils, and 'floating product' pollutants. The former exists from previous uses at the site and was closely associated with oil storage and underground storage tanks, for example. The latter was present in a state that can be crudely described as 'floating' above the groundwater and which moves up/down with rising/falling groundwater levels (known as the 'smear zone'). As a result, the pollutants fell into contact with the groundwater and have been partly dissolved. There remains a risk that some of the smear zone pollutants could enter the groundwater in its dissolved phase, and there has been some debate about where the dissolved phase extends to and the migration patterns of the groundwater, but a partially-agreed remediation strategy is at least underway.
11. The contamination within the near surface soil is not thought to have migrated or permeated to depth, but there is potential for the new development to create such linkages or routes through the subsurface to the groundwater. The remediation method statement prepared and agreed for the previous permission at the site (approved under application 12/00441/D) is considered appropriate to treat the near-surface contamination, and it is proposed to use conditions to require this work to be undertaken as a part of this development. This intention was clear within the previous report but the conditions within the committee's resolution were left to delegated powers to resolve. For the avoidance of doubt, Committee is recommended to endorse the use of new planning Condition 4.
12. The applicant has acknowledged the approved remediation strategy to be applicable and transferrable from the previous consent to this new supermarket permission, and the process should not detract from the value of the works undertaken to date. However, there still needs to be an agreement for validation / verification of the remediation, and monitoring its success, which remains outstanding. This is carried forward through proposed new Condition 15. Condition 16 will require the subsoil remediation strategy to be completed and a verification report to be provided and approved. Condition 17 will require a long-term programme of monitoring the sub-soil contamination.
13. In the previous committee reports most of the emphasis on the conditions concerning contamination was placed on the unresolved and ongoing requirements to agree a contamination remediation scheme for the floating product, groundwater and 'smear zone' pollutants. Whilst treatment works are ongoing, the final parts of this remediation programme are still not quite resolved, and again the details of a scheme required for verifying / validating the remediation of groundwater floating product, and associated monitoring programme, remaining unresolved. This

intention was also clear within the previous report but the conditions within the committee's resolution were left to delegated powers to resolve. For the avoidance of doubt, the proposed new conditions 18 (groundwater remediation strategy), 19 (groundwater remediation verification report), and 20 (groundwater contamination monitoring programme) all refer. Condition 21 is a precautionary condition for remediating any unknown contamination.

Surface water drainage strategy

14. The original committee report described how the scheme needed to confirm its proposed drainage strategy, based on the results of infiltration testing and eventual treatment of contamination on site. The preferred option which is agreed by the applicant is for the surface water to drain to a large soakaway and infiltrate into groundwater if the soil conditions and infiltration rates allow.
15. The report stated that it is necessary to resolve the drainage strategy and associated management and maintenance regimes by planning condition, prior to the commencement of development, but the committee's resolution did not actually include this condition. Committee is therefore recommended to endorse the use of new planning Condition 22.

Access road design

16. The initial proposals included an access into the site at the southern boundary which the highways authority and transport planner considered to be acceptable from a vehicle safety perspective but which was not ideal in terms of providing improved connections with the surrounding area, providing optimum pedestrian safety and promoting convenient pedestrian access into the site. Planning committee subsequently resolved that this southern access drive required revising through planning conditions to address the shortcomings.
17. A revised design for this southern access has now been submitted, showing a raised table which extends only to the back of the rebuilt footpath, with a pedestrian refuge between the access and egress points. This slows vehicle speeds when leaving the site to provide safety for pedestrians and maintains visibility of pedestrians, and improves the sense of priority for footpath users because only the raised footpath extends across the access. No other highways changes have been made from those originally 'approved'.
18. Both highway authority and transport planner approve of the revisions and agree that they meet the expectations of planning committee. See new planning Condition 30.

Car Park Landscaping, tree protection and street trees requirements

19. The car park perimeter will continue to receive additional landscaping over what was shown previously, and there will be some small 'pockets' of trees dotted around the large parking areas. However, the trees that are proposed to be retained do need some protection measures to be in place during development. It is important for this and a specification of the tree pit growing medium for the two street trees in the adopted highway to be confirmed within the overall landscaping condition requirements. New planning conditions 3 and 23 refer.
20. The emphasis of the former landscape requirements will remain: It is still not acceptable to continue with only the minimal planting proposed to date, because this neither adequately screens the development from neighbouring residents, nor

provides a soft enough edge to the site, nor replaces the tree biomass lost, nor enhances the ecological corridor required for development of this site. Planning conditions will rectify this shortcoming.

Travel Plan and Performance Bond

21. A Travel Plan is included within the application and will be required to be implemented by planning condition. The County Council will monitor the travel plan use but advised that a performance Bond would be expected from the applicant to the value of £75,000, to allow the County Council to secure the Travel Plan's 5-years' worth of sustainable travel commitments if not fulfilled by the foodstore operator.
22. Planning committee's previous resolution to approve the proposals was subject to clarification between the Head of Planning and Highways Authority regarding which mechanism would be used to secure the Travel Plan Bond. Since then it has been confirmed the Bond will be secured through the Section 106 Agreement.

Refuse and servicing management plan

23. The previously-approved use of a condition to agree a refuse and servicing management plan is no longer considered necessary because the requirements to be a 'good neighbour' in this respect are already addressed by proposed Conditions 10, 11, 12 and 13. Consequently former condition 36 in the minutes of the last committee is removed.

Local Finance Considerations

24. There are no changes to local finance considerations as a result of these amendments.

Planning Obligations

25. The Section 106 Agreement will now contain both street tree contributions and the travel plan performance bond to ensure fulfilment of the travel plan in the event the applicant does not meet their stated targets.

Equality and Diversity Issues

Age and Disability

26. The southern access revisions will ensure the proposals improve access to the store for pedestrians with mobility restrictions or infirmity, particularly so when promoting links to existing local facilities.

Conclusion

27. The technical changes clarify expectations for the applicant and confirm previously-delegated requirements. The contamination works required at the site are possibly more exacting than the applicant would like them to be, but are necessary, proportionate and relevant to the development and are required to prevent linkages developing between contaminants and groundwater contamination. The southern access has been much improved now, and as a result will promote vitality and vitality of the district centre, and convenient access and improved safety for pedestrians. The travel plan performance bond will secure sustainable transport measures in the development's operation, whilst landscaping and tree protection requirements, and drainage expectations, are clarified. As such the proposals further enhance the scheme and bolster the committee's original resolution to

approve the development proposals, and should be approved subject to the revised recommendation below.

RECOMMENDATIONS

To approve Application No. 13/01928/F: Land and buildings rear of and including 193-193A Aylsham Road, Norwich, and grant planning permission, subject to:

(1) the completion of a satisfactory S106 agreement by 23 May 2014, to include the provision of contributions to street tree provision and maintenance, and a Travel Plan performance bond to the value of £75,000, and subject to the following conditions:

Implementation and construction requirements

1. Development to commence within 3 years;
2. Development to be in accordance with the approved plans and documents;
3. Tree protection measures during development;
4. Construction works on the foodstore shall not commence until the site has been subjected to the contamination remediation methods strategy for sub-soil and near-surface contamination within the method statement approved through application 12/00441/D, to the written approval of the Local Planning Authority in consultation with the Environment Agency, unless otherwise first agreed in writing by the LPA.

Operational requirements of the supermarket / foodstore

5. The development shall provide a maximum of 2,117sq.m. net retail floorspace, of which no more than 423sq.m. / 20% floorspace shall be used for comparison goods sales, whichever is the greater;
6. There shall be no future subdivision of the retail store into smaller units;
7. There shall be no mezzanine floorspace added to the store, even through the usual permitted development allowance of 200sq.m;
8. There shall be no use of the comparison goods floorspace separately from that of the main retailer or as a separate unit / via a separate entrance;
9. Opening hours restriction of 0700 – 2300 hours Monday – Friday, and 0900 – 1800 Saturday, and 1000 – 1700 Sundays and Public Holidays, and outside of those times there should be no trolley manoeuvring or other servicing in the general car park;
10. No servicing and reversing alarms to be used on delivery and servicing vehicles, and details of reverse warning system to be agreed by the LPA prior to first use;
11. All engines to be switched off in delivery / servicing vehicles and auxiliary motors (e.g. on fridges) when vehicles are stationary;
12. Loading and servicing to only take place in the designated delivery yard accessed from the northern access route only, and all deliveries and loading to take place directly into the delivery bay collection area, unless otherwise agreed in writing by the LPA;
13. No deliveries to the store (with the exception of daily newspapers), nor refuse disposal from the store to take place outside the hours of 0700-2000 Monday – Saturday, and 1000-1700 hours on Sundays / Bank Holidays.
14. Upon first use of the store, the Travel Plan to be implemented and carried forward.

Details to be agreed prior to commencement of development

15. Contamination of subsoil -
 - (a) Details of a proposed verification plan for the remediation method statement for sub-soil / near-surface contaminants approved in application 12/00441/D needs to be agreed, to confirm the details of the data that will be collected in order to demonstrate that the works set out in the 12/00441/D remediation strategy are complete. (b) Details need to be agreed for a proposed scheme for providing monitoring of the remediation strategy, maintenance of the remediation, and a contingency plan.
16. Contamination of subsoil – contamination works to be completed and a verification report based on Condition 15(a) shall be submitted to and approved in writing by the LPA in consultation with the Environment Agency. Details to include results of sampling and monitoring agreed by Condition 15(a) pursuant to the remediation method statement required by Condition 4.
17. Contamination of subsoil – (a) the long-term monitoring system agreed under Condition 15(b) shall be commenced and thereafter monitoring reports shall be supplied; (b) on completion of monitoring, a final report shall be submitted and approved.
18. Contamination of groundwater / floating product / dissolved phase – A remediation strategy to be agreed, to include (a) a preliminary risk assessment, (b) a site contamination investigation scheme, (c) a remediation method statement, and (d) a verification plan to include remediation monitoring, maintenance and arrangements for contingency action arising despite the use of the remediation strategy agreed by 18(c);
19. Contamination of groundwater / floating product / dissolved phase – contamination works to be completed and a verification report submitted to and approved in writing by the LPA in consultation with the Environment Agency. Details to include results of sampling and monitoring agreed by Condition 18(d);
20. Contamination of groundwater / floating product / dissolved phase – (a) a long-term monitoring system shall be agreed; (b) monitoring reports shall thereafter be supplied; (c) on completion of monitoring, a final report shall be submitted and approved.
21. General contamination – A precaution measure used to agree a scheme for remediation of in the event of discovering any unknown contamination;
22. Surface water drainage scheme to be agreed and provided;
23. Landscape plan, boundary treatments, tree planting and irrigation details to be agreed and provided, and landscape management details to be agreed;
24. Biodiversity enhancement measures to be agreed and provided;
25. Details of materials of the supermarket to be agreed;
26. Details of the materials of the substation and sprinkler tanks to be agreed;

Details to be agreed and provided prior to first use / occupation

27. Details of solar panels to be agreed and provided thereafter;
28. A scheme for fire hydrants to be agreed and provided thereafter;
29. Submit and agree a revision to on-street parking controls (including more double-yellow lining to prevent on-street parking causing congestion) and relocation of the existing bus stop, and provide thereafter;
30. Highways and access works to be designed in detail, to be based on the designs shown on approved plan 12/239/TR/004 Revision H, dated 24.04.2014 and received 01.04.2014): (a) enhanced safety of the existing pedestrian refuge crossing south of the site; (b) providing the southern access into the site featuring both a pedestrian refuge and a 'raised table' crossing; and (c) the raised reinstatement of the footpath and a shared-surface access drive from

- Aylsham Road into the north of the site for servicing and delivery vehicles;
31. (a) An access scheme to be designed for serving allocated housing site R23 to the north; (b) such land to be reserved for that future access thereafter.
 32. CCTV positions, detail, appearance and their field of view;
 33. External lighting scheme, including being wildlife-friendly and compatible with neighbouring residential amenity;
 34. (a) Employee cycle store and security lighting, and (b) Visitor / shopper cycle racks;
 35. Car parking management plan to include a minimum 3 hours free car parking for the public irrespective of shoppers' patronage;
 36. There shall be no installation of any plant or machinery, flues or fume extraction or ventilation equipment until the type and location and noise characteristics are agreed;

Informative Notes

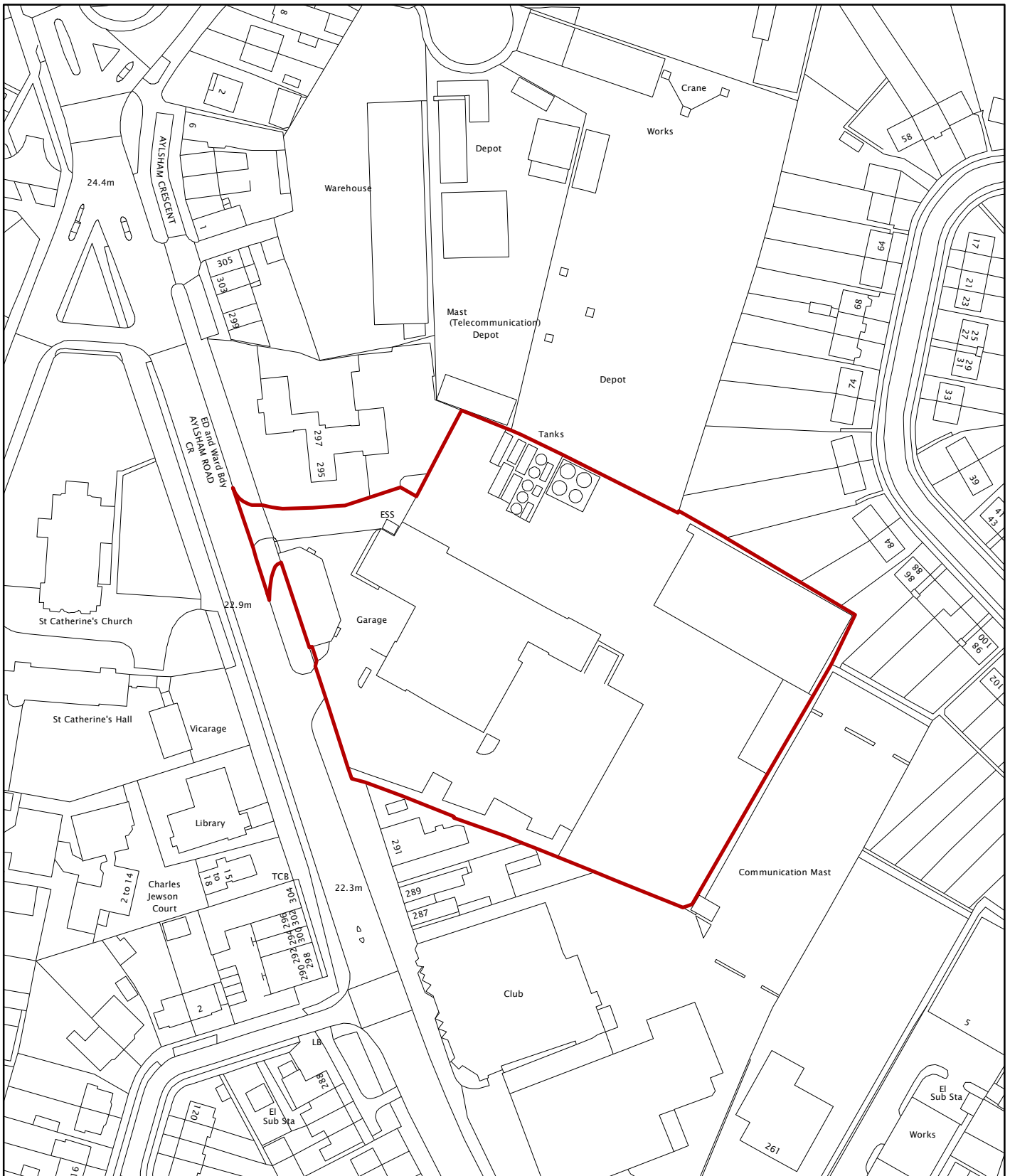
1. Planning obligation and Section 106 Agreement advice;
2. CIL advice;
3. Tree protection measures advice;
4. Sustainable urban drainage system advice from the Environment Agency;
5. Design advice from Norfolk Constabulary;
6. Construction good practice advice.

Article 31(1)(cc) Statement

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, including extensive discussions, negotiations and amendments at the pre-application stage, the application has been approved subject to appropriate conditions, fulfilment of the Section 106 legal agreement, and for the reasons outlined in the planning applications committee report.

(2) if a satisfactory S106 agreement is not completed prior to 23 May 2014, that authority be given to the Head of Planning Services to refuse planning permission for Application No. 13/01928/F: Land and buildings rear of and including 193-193A Aylsham Road, Norwich, for the following reason:

In the absence of a legal agreement or undertaking relating to the provision of street trees and a travel plan bond arrangement, the proposal is unable to provide the necessary street trees to replace those lost as part of the development and to form part of the streetscape landscaping required to make the scheme acceptable, and is unable to ensure the scheme will fulfil its travel plan requirements to ensure the scheme is as sustainable as possible and able to satisfactorily promote travel to the site via non-car means of transport, and as such is contrary to saved policies NE4, NE9, TRA12 and HOU6 of the adopted City of Norwich Replacement Local Plan (2004) and policies 4 and 11 of the adopted Joint Core Strategy (2014).



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Planning Application No 13/01928/F

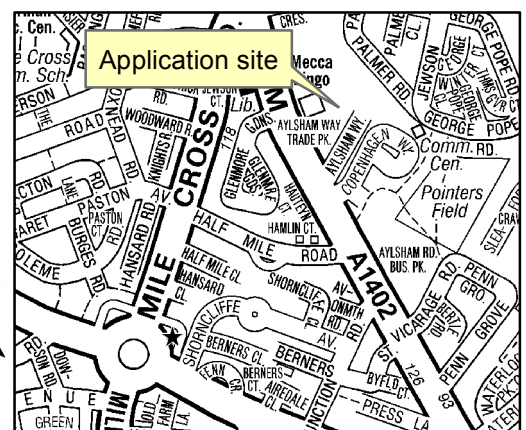
Site Address Former Goff Petroleum,
Aylsham Road

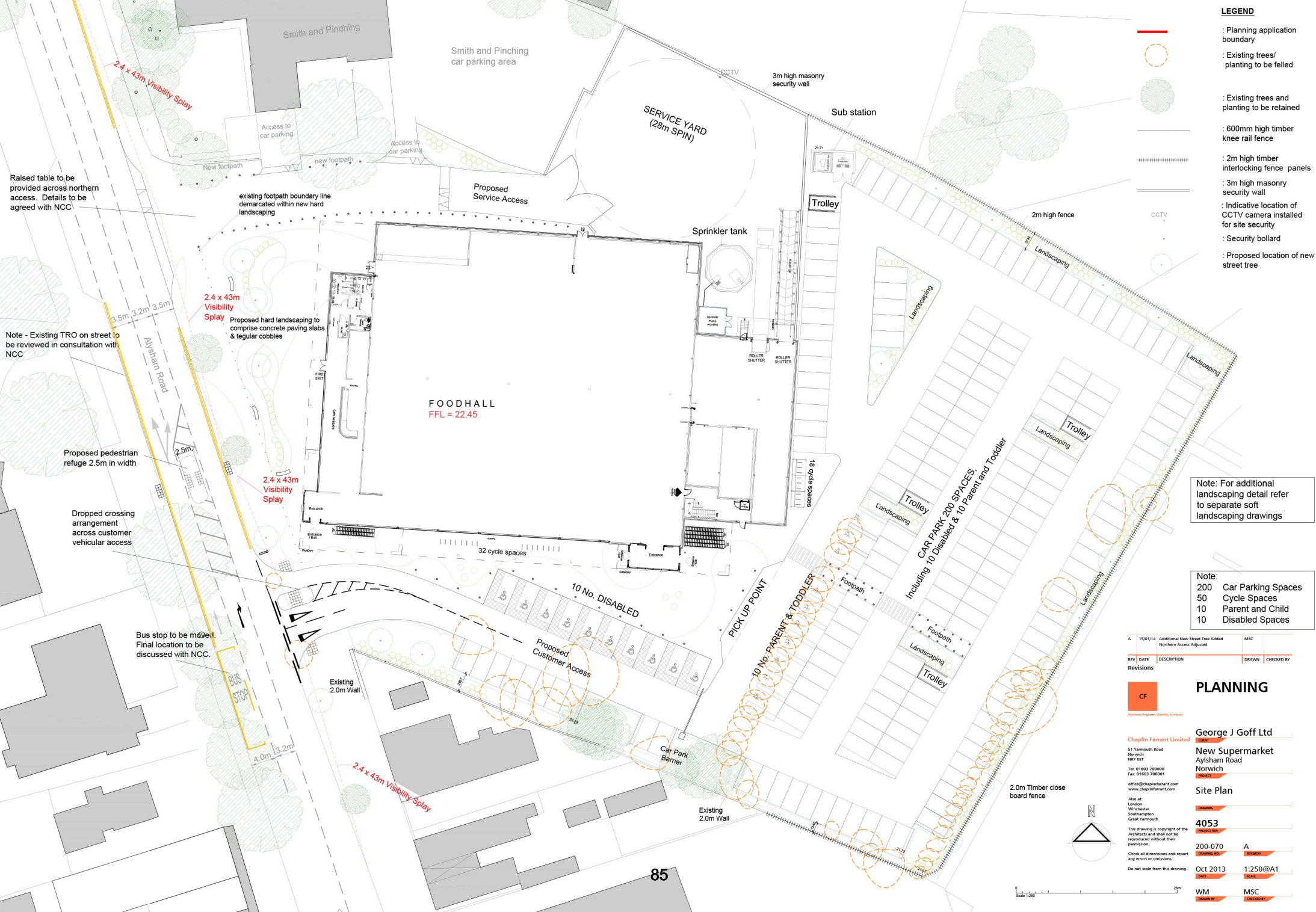
Scale 1:1,500



NORWICH
City Council

PLANNING SERVICES





- LEGEND**
- : Planning application boundary
 - : Existing trees/ planting to be felled
 - : Existing trees and planting to be retained
 - : 600mm high timber knee rail fence
 - : 2m high timber interlocking fence panels
 - : 3m high masonry security wall
 - : Indicative location of CCTV camera installed for site security
 - : Security bollard
 - : Proposed location of new street tree

Note: For additional landscaping detail refer to separate soft landscaping drawings

Note:

200	Car Parking Spaces
50	Cycle Spaces
10	Parent and Child
10	Disabled Spaces

A	15/01/14	Additional New Street Tree Added Northern Access Adjusted	MSC	
REV	DATE	DESCRIPTION	DRAWN	CHECKED BY

Revisions

CF

Architects Engineers Quantity Surveyors

PLANNING

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Client
New Supermarket
Aylsham Road
Norwich
Norfolk

Site Plan

4053
Project No.

200-070
Drawing No.

Oct 2013
Date

WM
Drawn by

MSC
Checked by

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Project No.

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Report to Planning applications committee
Date 8 May 2014
Report of Head of planning services
Subject Applications nos 14/00224/MA 19 Leopold Road Norwich
 NR4 7AD

Item
4(3)

SUMMARY

Description:	Material amendment of permission 12/00106/F for variation of condition 2 to allow the enlargement of the ground floor footprint to the front of the detached dwelling known as plot No.1 (revised proposal).
Reason for consideration at Committee:	Objection
Recommendation:	Approve
Ward:	Eaton
Contact Officer:	Mr Lee Cook Senior Planner 01603 212536
Valid Date:	15th February 2014
Applicant:	Mr Ben Kemp
Agent:	David Futter Associates Ltd

INTRODUCTION

The Site

Location and Context

1. The site is located on the north-eastern corner at the junction of Leopold Road and Melrose Road. The site was used as a motor garage believed since the 1940's, recently by Roys Motor Company. The site is currently used for the sale of second-hand cars. The garage buildings previously on site were demolished some time ago. With the exception of a portacabin unit in the northernmost corner, the site features no other noteworthy development other than a concrete hard surface. The site is set within a predominantly residential area. Leopold Road and Melrose Road are characterised by a mix of Victorian terraced and later semi-detached housing. The Beehive public house is located directly opposite the site on Leopold Road.

Constraints

2. The Environment Agency have previously identified that the site is situated within Groundwater Source Protection Zone 2.

Planning History

3. **06/00090/F** - Proposed residential development consisting of 5 no. three-bedroom townhouses and 2 no. two-bedroom apartments. This scheme proposed a built form along Leopold Road and a corner building adjacent to the road junction which was forward of the building lines in the area. Concerns raised were that the building was

over-dominant, led to overlooking and overshadowed adjacent spaces. The application was withdrawn on 20/03/2006.

06/00414/F - Redevelopment of site for 6 flats with associated parking (revised drawings and revised description) was approved by committee on 20/07/2006. This scheme proposed an L shaped footprint on the south-east side of the site, being constructed within adjacent building lines. The building did not run the full length back along Leopold Road.

06/01063/F - Proposed residential development consisting of 8 no. 2 bedroom apartments. This scheme was similar to the first 2006 application but with the corner building pulled back from the roadway and depth of buildings along Leopold Road being reduced. The application was refused on 22/12/2006. Reasons included issues of over-intense development; amenity issues from disturbance and enclosure; and over-dominance of the building. Forecourt parking was also considered to be visually intrusive.

07/01159/F - Erection of a small local centre comprising 5 no convenience units within use classes A1, A2, A3, D1, D2 and B1 and 5 no. flatted dwelling units with associated parking. The application was refused on 11/12/2007 and the subsequent appeal dismissed. The scheme effectively filled the site. Parking was accessed from Melrose Road with balcony area above. Reasons included impact of retail use; design of the building which was considered to be bulky and over-dominant in the street scene; overlooking (which was not a significant issue at appeal); and impacts of servicing and customer parking.

08/00325/F - Erection of small local centre comprising five convenience units within use classes A1, A2, A3, D1, D2 and B1 and five flatted dwelling units with associated car parking. The application was refused on 29/05/2008 and the subsequent appeal dismissed. Again the scheme effectively filled the site, parking accessed from Melrose Road with balcony area above. Reasons included design of the buildings scale and form which was considered to be detrimental to character and townscape; noise and loss of privacy from the elevated amenity space; impacts (including overlooking) from maintenance of the raised landscape bed; and impacts of parking on the highway.

11/00108/F - Development of 5 No. 3 bedroom town houses, 1 No. 1 bedroom flat and 1 No. 2 bedroom flat. The scheme proposed 4 houses along Leopold Road, a corner block of flats and a further house facing onto Melrose Road. The application was refused on 21/04/2011. In some respects this was a similar footprint to earlier 2006 applications with a continuous built form running along Leopold Road. Reasons for refusal included overdevelopment; inadequate amenity space; impacts on existing and future residents (noise disturbance and overlooking (particularly from unit 4)); no provision for affordable housing; and no play space contribution being offered.

11/01245/F - Erection of 4 No. terraced houses together with garaging and ancillary works. The application was refused on 14/09/2011. The 4 houses faced Melrose Road and virtually filled the width of the site. 4 Garages and forecourt were provided onto Leopold Road at the rear. Reasons for refusal included concerns on impact on the street-scene and character of the area; development forward of the building line; and that garaging and forecourt would dominate the street-scene and would not address the Leopold Road frontage.

12/00106/F - Erection of 3 No. terraced houses fronting Melrose Road and 1 No. detached dwelling fronting Leopold Road (revised proposal) was approved by committee on 20/06/2012. Alterations to the highway were also proposed in relation to existing dropped kerbs which provide access to the commercial use to allow additional parking on the highway.

Equality and Diversity Issues

There are no significant equality or diversity issues.

The Proposal

4. The application is for a material amendment of permission 12/00106/F by variation of condition 2 to allow changes to the footprint of the detached dwelling known as plot No.1. This initially was to allow the enlargement of the ground floor footprint to the front and rear of the dwelling.
5. Following initial consultation and subsequent discussion with the architect a revised proposal has been submitted for consideration. This removes the previously requested rear addition to the single dwelling making it smaller and returning the rear garden space to that previously approved

Representations Received

6. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 5 letters of representation were initially received citing the issues as summarised in the table below. Following revision of the scheme and reconsultation 1 letter of representation has been received which repeats some of the issues below.

Issues Raised	Response
Footprint of the building protrudes too far forward and therefore is out of line with the terrace houses on Leopold Road.	Para 15
Footprint is too far back giving minimal garden space. Will be disruptive for neighbours - more noise. Extending property will encourage overlooking and loss of privacy	Paras 13 and 14
Object if the proposed dwelling is bigger than the semi-detached houses in the local area	Para 12
Poor design – out of character with area	Paras 15 and 16
Parking will be a problem - with an extra 2 cars per property	Para 17
If enlarged the builder could divide the plot 1 into 2 houses. Allowing this change could lead to further amendments being requested.	Subdivision of unit 1 following the implementation of the permission would require a further planning application and impacts on the area would be considered as part of that application submission.
Concern over fixing of gates etc. to adjoining property	This would be a party wall issue for resolution between the relevant land owners
Request this is allowed to go ahead as the pub is open very late and the car yard starts early.	Noted and paras 9, 25 and 26
Would much prefer to see houses than a car yard and this is in planning terms a much more suitable use for this site than its current use.	Noted and Paras 9, 25 and 26

Consultation Responses

7. Historic environment Service: No archaeological implications.
8. Pollution Control officer: The proposed amendment will not have any impact on previous recommendations for this development. Therefore, nothing further to add. Suggest conditions for a site investigation for contamination, condition to prevent light nuisance along with informatives for the demolition and construction phases.

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

National Planning Policy Framework:

Statement 4	Promoting sustainable transport
Statement 6	Delivering a wide choice of high quality homes
Statement 7	Requiring good design
Statement 10	Meeting the challenge of climate change, flooding and coastal change
Statement 12	Conserving and enhancing the historic environment

Relevant policies of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2011

Policy 1	Addressing climate change and protecting environmental assets
Policy 2	Promoting good design
Policy 3	Energy and water
Policy 5	The economy
Policy 6	Access and transportation
Policy 9	Strategy for growth in the Norwich Policy Area
Policy 12	Urban renewal

Relevant saved policies of the adopted City of Norwich Replacement Local Plan 2004

EP1:	Contaminated Land
EP18:	High standard of energy efficiency for new development
EP20:	Sustainable use of materials
EP22:	High standard of amenity for residential occupiers
EMP3:	Protection of small business units and land reserved for their development
HBE3:	Archaeology
HBE12:	Design
HOU13:	Proposals for new housing development on other sites
NE9:	Comprehensive landscaping scheme and tree planting
TRA5:	Approach to design for vehicle movement and special needs
TRA6:	Parking standards – maxima
TRA7:	Cycle parking standards
TRA8:	servicing standards
TRA10:	Contribution by developers for off-site works to access the site

Emerging policies of the forthcoming new Local Plan (submission document for examination, April 2013):

Development Management Policies Development Plan Document – Pre-submission policies (April 2013).

DM1	Achieving and delivering sustainable development
* DM2	Ensuring satisfactory living and working conditions

* DM3	Delivering high quality design
DM4	Providing for renewable and low carbon energy
DM9	Safeguarding Norwich's heritage
DM11	Protecting against environmental hazards
DM12	Ensuring well-planned housing development
* DM30	Access and highway safety
DM31	Car parking and servicing

* These policies are currently subject to objections or issues being raised at pre-submission stage and so only minimal weight has been applied in its content. However, the main objectives of ensuring appropriate design, protecting amenity and ensuring safe passage around and within new development and prioritising pedestrian and cycle passage remains in place through Local Plan policies HBE12, EP22, TRA5 and TRA8.

Other Material Considerations

Written Ministerial Statement: Planning for Growth March 2011
The Localism Act 2011 – s143 Local Finance Considerations

Principle of Development

Policy Considerations

9. The proposals will provide 4 dwellings within a currently underused brown field site. The re-use of land is encouraged under policy. The principle of residential redevelopment of the site is acceptable and established under applications 06/00414/F and 12/00106/F.

Procedural Matters Relating to the Development Plan and the NPPF

10. The Joint Core Strategy and Replacement Local Plan (RLP) have been adopted since the introduction of the Planning and Compulsory Purchase Act in 2004. With regard to paragraphs 211 and 215-216 of the National Planning Policy Framework (NPPF), both sets of policies have been subjected to a test of compliance with the NPPF. Both the 2011 JCS policies and the majority of the 2004 RLP policies above are considered to be compliant with the NPPF. The Council has also reached submission stage of the emerging new Local Plan policies, and considers most of these to be wholly consistent with the NPPF. Where discrepancies or inconsistent policies relate to this application they are identified and discussed within the report; varying degrees of weight are apportioned as appropriate.

Impact on Living Conditions

Loss of Privacy, Noise and Disturbance

11. With the last application the size of the building on plot 1 was reduced in width and depth following negotiations with the agent about concerns over the size of this building in the corner of the site and provision of a suitable garden size for a family house and the potential impacts on residential amenity, building design and the setting of the area.
12. This reduction in the footprint of the building helped both reduce the potential impact of a larger dwelling on the area and to improve the living environment for existing residents who are adjacent to the site and for future residents of the new dwellings themselves by providing for larger garden spaces and greater distances of buildings from plot boundaries. The resulting layout is characteristic of building sizes and layout within the area.
13. Plot 1 is still a 3 bed family house which would likely be used as such. The rear garden and windows of the new dwelling would be in close proximity to

neighbouring residential gardens and some habitable rooms within No.21 Leopold Road. The approved scheme gives a reasonable garden size and distance of new building from neighbouring properties and as such balances the competing desire for redevelopment and need for the protection of residential amenities.

14. Following discussion the scheme has removed the proposed rear addition and the rear garden size has reverted to that previously approved. The proposed extension of the front of the building again reduces garden space but given that this is at the front of the building the amenity impacts are likely to be reduced. The space available on balance is acceptable.

Design

Layout and Form

15. A form of porch to the front of the building has been accepted, and accommodated for within the approved scheme. A front extension is now shown across the whole of the plot 1 dwelling frontage and as such changes the design of the approved building. However, the position of the building at first floor matches the building line of the adjacent terrace and the extension at ground floor is shown to match the line of the full width front extension on the existing adjoining plot at No. 21. Given that the building lines are maintained the building should not impinge on the street scene or the visual amenity of the area.
16. The position of openings within the front elevation are balanced, and in proportion and design still form part of the comprehensive style of the overall development. As such the change would not result in a poor quality of design and would maintain the built form within this area which is characterised by terraced housing set back from the footpaths.

Transport and Access

Car Parking, Servicing and Cycling Parking

17. The layout and form of parking which is to serve both the existing and proposed residential dwellings without causing highway safety or parking issues is not affected by the proposed changes. The approved scheme provides new parking areas along the south east and south west sides of the site by removing the dropped kerb serving the commercial use and creating 5 potential parking spaces which can be used throughout the day. The spaces remain clear of the road junction and provide on-street parking which is the norm for the area. This helps maximise site potential and helps create a workable development whilst also increasing off-site parking space for future residents. Other on street parking can still take place within the area without detriment to safety or access.
18. Each property is still designed with sufficient storage space to accommodate the bin requirements for the site, with a communal bin store space provided to stand bins on collection days. The facilities are capable of access from the adopted highway and as such make an adequate provision for servicing. Adequate cycle storage is also capable of being provided with the scheme. Each house has a rear garden gate leading to a path within the development to improve access to external storage spaces. These aspects of the development enhance the design and operation of the scheme and long term amenity value for the residents.

Environmental Issues

Site Contamination and Remediation

19. A desk based assessment has been submitted with the previous application which identifies potential pollutants at the site. Given the sensitive residential end use it is considered necessary to condition a site investigation and a scheme of remediation

and mitigation to be carried out as appropriate. It is also suggested to take up the advice of the Environment Agency in relation to protection of the local aquifer and add conditions in relation to management of contamination.

Archaeology

20. Given the Historic Environment Service's earlier revised comment that restoration works have previously taken place on the site, the activity of which is considered likely to have disturbed the ground and removed any heritage assets at the site no further archaeology conditions are suggested.

Sustainable Construction and Water Conservation

21. The size of the development is below the threshold for an energy efficiency statement; however the design and access statement submitted with the previous application details that the applicants are committed to a number of sustainable construction methods. The agent has indicated that the scheme can be designed to incorporate facilities to limit internal water consumption. It would therefore be reasonable to impose a condition requiring the development to meet appropriate levels of water usage as promoted by JCS policy 3.

Lighting

22. On site lighting to external spaces and individual lights to the proposed dwellings could potentially cause amenity and design issues for the area and it is suggested that conditions are imposed requiring details to be agreed for the final scheme to ensure appropriate location and levels of illumination.

Trees and Landscaping

Replacement Planting

23. Although the front garden of plot 1 is slightly reduced the revised scheme does not affect the potential for additional landscaping to enhance the setting of the development and amenity of the area. The site layout is designed to run round the corner as with similar end house gardens within the area. An indication is given for hedging to be provided around parts of the site which should enhance the use of the garden areas. The proposed planting would improve the street scene and add value to landscape diversity within the area. Conditions are therefore suggested again requiring new landscaping to be provided in accordance with a scheme to be agreed to ensure that these enhancements are delivered.

Local Finance Considerations

24. The additional floor space created would attract a liability of payment towards Community Infrastructure Levy. The proposal could, if approved, result in additional Council Tax revenue for the Council and new homes bonus and under section 143 of the Localism Act the council is required to consider the impact of new development proposals on local finance. However, it is also important to take into account other material considerations in assessing the merits of proposals, which in this case include the location of residential development, impact on residential amenities, design, transport and environmental considerations, amongst other things.

Conclusions

25. It has previously been agreed that the commercial site is not currently providing an effective use of land and with regard to the relevant planning policy surrounding the loss of the commercial site and redevelopment for housing, the proposals for residential redevelopment are acceptable in principle. The development of 4 dwellings would also contribute to the provision of housing in Norwich.
26. The proposed minor amendment still provides for an appropriate arrangement of 4

houses with associated parking and servicing. The plot 1 dwelling responds to the constraints and topography of the site and is designed to limit potential amenity impacts to adjacent properties. The proposed changes to the dwelling maintain the street-scene and the character of adjacent housing, achieving a good standard of design which would be well integrated with the surrounding area and provide an interesting development within this part of the City in accordance with local and national policy..

RECOMMENDATIONS

To approve Application No 14/00224/MA 19 Leopold Road Norwich NR4 7AD and grant planning permission, subject to the following conditions:-

1. Commencement of development by 20th June 2015;
2. Development to be in accord with drawings and details;
3. Details of facing and roofing materials; boundary treatment, walls and fences; external lighting; joinery and glazing to rear of unit 1;
4. Details of cycle storage, bin stores;
5. Details of off-site highways works;
6. Details of Landscaping, planting and site treatment works;
7. Water efficiency measures;
8. Site contamination investigation and assessment to be carried out and if contamination is found a scheme of remediation and mitigation to be agreed and carried out. Should during development, contamination not previously identified be found development is to cease pending details to deal with contamination;
9. Details of contamination verification report; and
10. Monitoring and maintenance of contamination and implementation of any contingency action required.

Article 31(1) (cc) statement:

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 application stage the application has been approved subject to appropriate conditions and for the reasons outlined within the committee report for the application.

Informatives

Considerate construction and timing to prevent nuisance;

Protection suggested in relation to gas ingress;

Materials removed from site should be classified and disposed of at suitable licensed facilities.



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Planning Application No 14/00224/MA

Site Address 19 Leopold Road

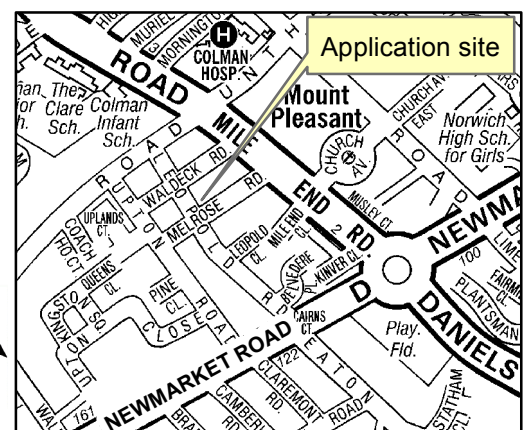
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NORWICH
City Council

PLANNING SERVICES



Report to Planning applications committee
Date 8 May 2014
Report of Head of planning services
Subject 14/00324/F Land to the rear of 39 Unthank Road Norwich
 14/00332/L Land to the rear of 39 Unthank Road, Norwich

Item
4(4)

SUMMARY

Description:	Erection of 1 No. three bedroom dwelling.
Reason for consideration at Committee:	Objections received
Recommendation:	14/00324/F - Approve, subject to conditions 14/00332/L - Approve, subject to conditions
Ward:	Nelson
Contact Officer:	Tracy Armitage Senior Planner - Development 01603 212502
Valid Date:	6th March 2014
Applicant:	Mr & Mrs J Deacon
Agent:	Dennis G Black

INTRODUCTION

The Site

Location and Context

1. The site comprises land used as part of the domestic curtilage of 39 Unthank Road, a semi-detached grade II listed building. There are two ancillary buildings on the site: located in the north-west corner of the site a brick built former coach house, currently used as a garage/store, and; towards the middle of the site a detached prefabricated garage structure. Within the site a gravel surface provides vehicular access to the garage buildings and this gives way to soft planted garden areas to the east and west. The northern boundary of the site is delineated by a brick wall approximately 2.3m in height. Beyond this boundary is a pedestrian passage which provides access to the rear gardens of no. 25, 27 and 29 Grosvenor Road. To the west of the site is Harold Mackintosh House set within a spacious landscape setting, this boundary is delineated by a laurel hedge and two mature beech trees. A close boarded fence forms the boundary of the site with 37 Unthank Road.
2. Vehicular access to the site is gained from Unthank Road via a shared driveway which also provides access to 41 Unthank Road and to the rear of 43-47 Unthank Road. The driveway is part gravelled, giving way to a grass surface.
3. The area has a mature residential appearance characterised by mid to late

Victorian terraced housing and villas set on large garden plots.

Constraints

4. The site is within Heigham Grove Conservation Area
5. No 37 and 39 Unthank Road comprise a pair of Victorian villas – jointly Listed, Grade II.
6. No 41 – 45 Unthank Road comprise a terrace of 3 Victorian villas – jointly Listed, Grade II
7. There are two category A mature beech trees on the application site
8. Land to the rear associated with Howard Mackintosh House is designated as Urban Greenspace and as Open space in the current and emerging Local plan.

Planning History

9. No relevant planning history.

Equality and Diversity Issues

There are no significant equality or diversity issues.

The Proposal

10. Conversion and extension of former coach house for use as a dwelling. It is proposed to convert the existing building to provide bedroom accommodation, through the internal installation of a first floor, staircase, insertion of two rooflights and a new window opening on the southern elevation.
11. Single storey additions are proposed to the east and south of the coach house building to provide living accommodation. A flat roof, timber frame construction is proposed with walls faced with colour washed lime render. Two roofing materials are proposed sedum over the main living rooms and principal bedroom and single ply membrane over the dining room and circulation corridor.
12. A detached garage/cycle store is proposed adjacent to the proposed gravel driveway. This is of a similar design and form to the extensions proposed to the coach house, incorporating a flat roof / lime render/timber cladding.
13. Chain link fence and shrub planting is proposed along the new boundary to be created with 39 Unthank Road.
14. Both pedestrian and vehicular access is proposed via the existing shared driveway which leads from Unthank Road.

Representations Received

15. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. Eight letters of representation have been received citing the issues as summarised in the table below. Following re-consultation three letters were received re-confirming grounds of objection.

16.

Issues Raised	Response
Proximity to neighbouring properties – Amenity impact (loss of light/privacy/overlooking) of existing proposal plus potential further impact in the future if extensions are added or alterations are made through the exercise of permitted development rights	Para. 44-51 Recommended that planning condition removing permitted development rights is imposed.
Loss of sense of peace and tranquillity	
Notice incorrectly served on owners with an interest in the land	Notice has been re-served
Impact of proposed access – safety considerations/noise/air/light pollution	Para 49 and 57
Impact on view from adjacent properties	Para 47
Loss of green space which affords properties on Grosvenor Road with ‘borrowed’ light and landscape	Para. 47
Light pollution – current ‘dark space’	Lighting condition recommended
Noise – from use of garden area and from within the new property	Para 48
Odour associated disposal of foul waste and proposed package treatment plant.	Original proposal to use package treatment plant has been amended and a connection to the main drainage network is now proposed
Poor design – sprawling flat roof extensions	Para 36
1989 application for development at the Elms (49-77 Unthank Road) refused – impact on listed buildings/conservation area/amenity of adjacent residents/loss of trees	Development consisted of 68 sheltered housing units and 6 retirement bungalows. Materially different in form and scale to the proposed development.
Impact on listed houses – historic significance of coach house as an ancillary building	Para 29,33 and 34
Proposed use of coach house compromises architectural/historic character – not consistent with conservation	Para 33-37
Sub-division of the plot not consistent with form and character of conservation areas/historic boundaries of listed buildings	Para 33-37
Insufficient public benefits to justify harm to heritage assets	Para 42
Impact of development on trees – damage to root network, loss of permeable surface	Para 54
Impact of trees on future dwelling – overshadowing/overbearing/risk to property	Para 55-56

Future pressure for trees to be removed.	
Impact of development on bats	Para 58
Will set a precedent for garden development within conservation areas	All applications are individually assessed having full regard to planning merits, development plan policies and other material planning considerations.

Norwich Society: Objection - Application is of a poor design and detrimental to the conservation area in general and to its immediate neighbours in particular. Example of garden grab; large flat roof inappropriate; use of sedum does not compensate for expanse; overlooking from adjacent houses

Norfolk Fire and Rescue Service – Vehicle access should be provided in accordance with the Building Regulations

Consultation Responses

17. Highways Officer: proposal is suitable in transportation terms for its proposed location. Details of access, parking provision, bike storage and bin storage are acceptable.

18. Tree Protection Officer: No objection on the basis of the recently submitted Arboricultural Method Statement and Foundation Design plan. Planning conditions to secure tree protection measures are recommended.

19. Natural Areas Officer: Requested further information regarding the beech trees and the existing prefabricated garage in terms of potential value as bat roosting sites. This has now been received and is satisfactory. Recommends biodiversity enhancements including indigenous shrub planting and artificial bat roost boxes and an informative regarding site clearance.

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

National Planning Policy Framework:

- 6 Delivering a wide choice of high quality homes
- 7 Requiring good design
- 12 Conserving and enhancing the historic environment

Joint Core Strategy for Broadland, Norwich and South Norfolk (adopted 2014)

- 2 Promoting good design
- 3 Energy and Water
- 4 Housing delivery

City of Norwich Replacement Local Plan (adopted 2004)

- NE3 Tree Protection
- NE9 Comprehensive landscaping scheme and tree planting
- HBE 8 Development in Conservation Areas
- HBE9 Listed Buildings and development affecting them
- HBE 12 High quality of design, with special attention to height, scale, massing and form of development
- HOU13 Criteria for other housing sites proposals
- TRA6 Parking standards
- TRA7 Cycle parking
- TRA8 Provision in development for serving
- EP22 Protection of residential amenity

Supplementary Planning Documents and Guidance

- Trees and Development (Adopted September 2007)
- Heigham Grove Conservation Area Appraisal

Procedural Matters Relating to the Development Plan and the NPPF

The Joint Core Strategy and Replacement Local Plan (RLP) have been adopted since the introduction of the Planning and Compulsory Purchase Act in 2004. With regard to paragraphs 211 and 215-216 of the National Planning Policy Framework (NPPF), both sets of policies have been subjected to a test of compliance with the NPPF. Both the 2011 JCS policies and the 2004 RLP policies above are considered to be compliant with the NPPF. The Council has also reached submission stage of the emerging new Local Plan policies, and considers most of these to be wholly consistent with the NPPF. Where discrepancies or inconsistent policies relate to this application they are identified and discussed within the report; varying degrees of weight are apportioned as appropriate.

Emerging DM Policies

Development Management Policies Development Plan Document – Regulation 22 submission version (April 2013).

Please note that these policies were submitted to the Planning Inspectorate on 17th April 2013 and have now been subject to formal examination. Some weight can now be applied to these policies. Some policies subject to objections have not been included in this list as these issues are unlikely to be resolved within the time frame of the application, and therefore should not be given

DM2 Ensuring satisfactory living and working conditions
DM3 Delivering high quality design
DM4 Providing for renewable and low carbon energy
DM6 Protecting and enhancing the natural environment
DM7 Trees and development
DM9 Safeguarding Norwich's heritage
DM12 Principles for all residential development
DM30 Access and highway safety
DM31 Car parking and serving

Other Material Considerations

- Written Ministerial Statement: Planning for Growth March 2011
- Localism Act 2011
- Planning (Listed Buildings and Conservation Areas) Act 1990:
Section 66 General duty as respects listed buildings in exercise of planning functions
Section 72 General duty as respects conservation areas in exercise of planning functions.
- 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.

Since the Norwich Policy Area does not currently have a 5 year land supply, Local Plan policies for housing supply are not up-to-date. As a result the NPPF requires planning permission to be granted unless:

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

Principle of Development Policy Considerations

20. The site comprises garden land within a primarily residential area. With reference to Policy DM12 the land is not subject to any policy designation which specifically restricts residential development. Under national planning policies new housing development should be located within accessible locations on, where possible, previously developed land. The site is in an existing residential area with good connections to both the city centre and the local centre on Unthank Road. The proposed development would however be on non-previously developed land, as private residential gardens are excluded from the NPPF definition.
21. In such instances the National Planning Policy Framework recommends that local planning authorities set policies within development plans to protect gardens from development where it is considered necessary. Under the emerging Development Management Policies this issue has been considered but no policy is proposed. Instead it is recommended that development is considered in terms of visual impacts, impact on biodiversity and residential amenity, along with any other relevant planning considerations.

22. The key considerations in relation to this development proposal are:
- Whether the development preserves, enhances or better reveals the significance of designated heritage asset – in this case no 37-39 Unthank Road and the Heigham Grove Conservation Areas
 - Whether the development will result in satisfactory living conditions for existing neighbouring occupiers and future occupiers of the new dwelling
 - Whether the development will result in the long term protection of existing trees on the site
 - Whether access to the dwelling is satisfactory in terms of function and design

23. In relation to the first consideration above, the following statutory duties relating to listed buildings, setting of listed buildings and conservation areas are relevant:

S66(1) Planning (Listed Buildings and Conservation Areas) Act 1990 provides: “In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”.

The Court of Appeal in *Barnwell Manor Wind Energy Ltd v East Northamptonshire DC* [2014] has held that this means that considerable importance and weight must be given to the desirability of preserving the setting of listed buildings when carrying out the balancing exercise. Furthermore, less than substantial harm having been identified does not amount to a less than substantial objection to the grant of planning permission.

S72 Listed Buildings Act 1990 provides: “In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of [the Planning Acts] special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”. It should be noted that The *Barnwell Manor* case principles (see above) are of similar application in the context of s72 duties, also, - i.e considerable importance and weight is to be given.

Other material planning considerations

24. 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:

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

25. The sustainability of the proposed development is discussed in the following paragraphs along with heritage policies of the NPPF which specifically relate to development affecting listed buildings and conservation areas.

Assessment of heritage assets and significance

26. Both the Planning (Listed Buildings and Conservation Areas) Act and the NPPF attach significant importance to the conservation of historic assets and require

decision makers to have special regard both to the desirability of preserving listed building and their settings and the character or appearance of conservation areas

27. In assessing this application there are a number of heritage assets to consider: the heritage value of the building proposed for conversion; the listed buildings of 37-39 Unthank Road and their setting; adjacent listed buildings (41-47 Unthank Road) and their settings and the Heigham Grove Conservation area.
28. The coach house building is curtilage listed and located within the L shaped garden area of 39 Unthank Road. The OS map of 1884 indicates the building dates from the late 19th century and was originally L shaped in plan form with a small lean-to and covered yard. The historic maps indicate the coach house within the curtilage of no 37 Unthank Road accessed via two tracks; the wider and principal access running along the northern boundary of no 37 and a secondary access across the rear of no 39. The building was modified sometime during the mid-20th century possibly coinciding with a change of use from a coach house to more of a garage use which has continued through to the present day. It is understood that in 1998 the coach house was acquired by the owners of no 39 Unthank Road, together with the land forming an extension to the garden.
29. Two elevations of the coach house, mainly the east and south, have been extensively modified during the 20th century. The east elevation contains Fletton brickwork and timber infill which dominate the elevation. From map evidence and evidence of scarring on the building it can be deduced that an additional building was attached to this elevation that has since been demolished. The only area of original brickwork on this elevation is on the upper areas of the gable end. Approximately half of the south elevation has replacement brickwork with a crude blind gothic arch. While these changes are evolutions of the building they do nothing to add to the character or value of the structure. The north and west elevations remain relatively complete and original. It is considered that the building has limited architectural value and that the significance of the building is created by its association with 37 and 39 Unthank Road.
30. Number 37 and 39 Unthank Road are listed as a pair of mid C19 yellow brick houses. The listing description focuses on the architectural elements of the buildings including the form and detailing of sash windows, pilasters, projecting porches and bays. Each property has a generous mature rear garden. A brick garden wall along the north boundary of no 37 separates the plot from the adjacent higher density Victorian terraces. The gardens, the wall and the coach house building, contribute to the setting of 37 and 39 and reflect the status and wealth of the occupiers of these villas in the mid to late C19. It is considered that the significance of the listed buildings is focused on the architectural merits of the facades of the pair of houses and the spacious mature garden setting reflects both the residential use of the properties and allows for the buildings to be both visible and appreciated.
31. Both the site and its surroundings are within the Heigham Grove conservation area. The Heigham Grove Conservation Area Appraisal indicates two relevant character areas. No 37 and 39 along with properties on Unthank Road and land to the rear, fall within an area characterised by '*mid to late 19th century villas*'. The coach house itself along with adjacent properties on Grosvenor Road fall within an area characterised by '*medium sized 19th century terraces that are varied in character*'. The pattern of development in the former character area is low density, with large

residential properties occupying spacious/mature garden plots. This contrasts with the adjoining area characterised by terraced properties, where plot sizes are far smaller and densities significantly higher.

32. The site predominantly falls with the 19C Villa character area the significance of which lies in both the age and quality of the buildings and the green spaces created by the gardens and tree coverage. It should be noted that many of the buildings within the locality are either statutorily or locally listed. Of particular note is the terrace of 41-47 Unthank Road which is grade II listed and located directly to the south of the application site boundary. The listing description for these properties focuses on the architectural elements of the terrace

Impact of the development on heritage assets

32. In considering impact it is necessary to have full regard to duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 and the relevant policies of the NPPF. Both require considerable importance and weight to be given to the desirability of preserving designated heritage assets and their settings. The NPPF recognises that the protection and enhancement of the historic environment as an important element of sustainable development and establishes a presumption in favour of sustainable development in the planning system (para 6, 7 and 14). The NPPF also states that the significance of listed buildings and conservation areas can be harmed or lost by alterations to them or by development in their setting (paragraph 132). Furthermore, para 137 states that proposals that preserve those elements of the setting that make a positive contribution to, or better reveal the significance of heritage assets should be treated favourably. Saved Replacement Plan Policy HBE9 and emerging Policy DM9 require all development to have regard to the historic environment and maximise opportunities to preserve, enhance, or better reveal the significance of designated assets. It is therefore in this context that the impact of the development on the significant elements of the statutory designated heritage assets has been considered.
33. The development proposal will result in the permanent separation of the coach house and associated land, from the ownership of either 37 or 39 Unthank Road. As a consequence the curtilage of both properties will be permanently reduced and the coach house will cease to function as an ancillary building. In considering the principle of this separation and the impact on the significant elements of 37-39 Unthank Road, account has been taken of a number of matters including: the change in ownership of the coach house and associated land in 1998; the extent of garden curtilage retained to the rear of 37-39 Unthank Road, and; any consequences for the functioning of no 39 Unthank Road.
34. The change in ownership of the coach house in 1998 in effect severed the historic association of this building with 37 Unthank Road. At that time the historic garden boundaries of both properties changed - the garden area of 37 Unthank Road was shortened and that of no 39 extended to create an L shape. English Heritage in their document 'Enabling Development and Conservation of Significant Places', provides guidance to local authorities on how to consider proposals to fragment listed buildings from their curtilage and their listed curtilage structures. The advice indicates that whilst there is no legal sanction to stop such fragmentation, where such division does occur local planning authorities should take a firm line against granting consent for any development which could be considered detrimental not

only to the asset or its setting but also to its long-term viability.

35. However, in this particular instance it is considered that the proposed sub-division and the loss of the ancillary building would not be detrimental to the architectural significant elements of the listed buildings and the setting of both buildings would be substantially maintained given the length of private gardens retained (no 37 = approx. 48m. No 39 = approx. 30m). Both properties will retain an open rear aspect and rear views of the pair of villas will remain uninterrupted. No 39 would retain parking facilities within its reduced curtilage and therefore the functioning of neither properties would be compromised. It should also be noted that it is not proposed to erect a new solid boundary between the new plot and number 39 Unthank Road. Instead a soft landscaped boundary is proposed consisting of a chain link fence and native shrub planting and this will blur the division of the garden space. On this basis these considerations the subdivision is not considered detrimental to the listed building or their setting nor long-term viability.
36. In relation to the curtilage listed coach house the proposals have sought to: minimise alterations to the historic fabric of the coach house and adjoining listed boundary wall; design the extensions in a manner that allows a clear differentiation between historic and new elements, and; create a domestic curtilage which responds to the landscape context. The alterations to the original fabric comprise the insertion of one window and two small conservation style roof lights and are considered acceptable. Although the extensions significantly increase the footprint of the coach house (36sqm) by approx. 104 sqm, the single storey height of the additions reduces visual impact. Other than a minor extension, in a location where historically a lean-to structure existed, the extensions step away from the brick boundary wall, allowing the listed wall to continue to be visible as a curtilage feature. In contrast to the brick and slate construction of the coach house the principal facing materials of the extensions will be lime render and sedum. The design approach is intended both to be sustainable and low impact, allowing the coach house to be viewed as the original core building and minimising the visual impact of the additions on 37 and 39 Unthank Road. In this regard the Council's Conservation and Design officer considers the design approach to be successful.
37. The design approach is also considered sympathetic to the conservation area setting. As described previously the significance of this part of the conservation area is intrinsically linked to the quality and age of the buildings and the landscape setting. Although the site is situated behind properties on Unthank Road and Grosvenor Road and therefore is not widely visible – the site is visible to a number of residents living within the conservation area. However, the single storey form of development and the proposed materials will minimise visual impact. Large garden areas to the rear of 37-39 Unthank Road will be retained along with the existing mature beech trees. It is considered that these design parameters pay special attention to the desirability of preserving the character and appearance of the conservation area as the development has responded to the significant elements of the designated heritage asset.
38. Vehicular and pedestrian access to the site relies on a shared track which is jointly owned by no 39 and 41 Unthank Road. The access is part gravelled/part grass and provides a rear access route for the occupiers of 39-47 Unthank Road. The proposals include the extension of the gravel surface. Plans have been submitted indicating that existing soft planting will be maintained either side of the access route and confirm that a hard kerb edge will not be created. The existing

landscaping given its maturity and height will continue to give the access an informal appearance and as such the works will have minimal impact on the setting of no 41 Unthank Road, a grade II listed building.

39. Saved Replacement Plan Policy HBE9 and emerging Policy DM9 require all development to have regard to the historic environment. Both the Listed Buildings Act 1990 and the NPPF attach significant importance to the conservation of historic assets and require decision makers to have special regard both to the desirability of preserving listed building and their settings and the character or appearance of the conservation areas.
40. Representations received in relation to this application have suggested that the proposals will be incongruous with the listed coach house, the host listed houses and the character of the wider conservation area. It is also suggested insufficient weight has been attached to the desirability of preserving the listed buildings and that the harm to the designated heritage assets is not justified by public benefit or the securing optimum viable use.
41. Para 132 of the NPPF advises that *'when considering the impact of a proposed development on the significance of a designated asset, great weight should be given to the assets conservation. The more important the asset, the greater the weight should be.'* In this instance the coach building has low heritage value and is located some distance from the host listed buildings. The significance of the host listed buildings will not be substantially harmed by the development given that the architectural merits of the facades are unaffected and a spacious high quality garden setting will be retained. The scale and form of development will neither cause substantial harm to listed buildings nor the character and appearance of the conservation area. However, it is accepted that without development the full extent of the historic curtilages of the listed building would be retained and the coach house would remain in an ancillary domestic use, as such the development is considered, in the context of the NPPF, to result in less than substantial harm.
42. Paragraph 134 of the NPPF requires that where a development will result in less than substantial harm to the significance of a designated asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In this case given the low heritage value of the coach house and the level of impact of the proposals on the host building and the conservation area, the public benefit of delivering new housing is considered to outweigh the less than substantial harm to these heritage assets. In addition the dwelling will make a contribution to the shortfall in the 5 year land supply within the Norwich policy area. In relation to the optimum viable use of the former coach house, the existing domestic garage use has resulted in a number of alterations that have diminished the significance of the original structure. The proposed use secures conservation of the original coach house fabric and is considered an acceptable use of this building of limited heritage value.
43. In accordance with Section 66 and 72 of the Act considerable importance and weight has been given to the desirability of preserving the setting of the heritage assets and their settings. It is considered that the significance of the listed buildings and conservation area is sustained and that the use of the coach house for residential purposes is sustainable and indeed will make a positive contribution to local character and distinctiveness.

Impact on Living Conditions

44. The proposal results in the introduction of an independent dwelling into a rear garden location previously only used for ancillary purposes. The coach house building directly abuts the site boundary and alterations and extensions to it will be in close proximity to existing residential properties, in particular 37 Unthank Road and 25-29 Grosvenor Road. In addition access to the site crosses the frontage of no 41 Unthank Road which directly fronts onto the shared driveway. The impact of the proposed building work and the introduction of residential activity on the amenity of neighbouring property has been the focus of a number of representations.
45. Replacement Local plan policy EP22 and emerging policy DM2 indicates development will be permitted where it would not result in an unacceptable impact on the amenity of the area or the living conditions of neighbouring occupiers.
46. No 27 and no 29 Grosvenor Road are terraced properties that are located to the north of the application site. The properties have modest rear garden approx. 6m in length and are separated from the application site by a rear access passage. The coach house immediately abuts the rear access passage along with the listed brick wall which ranges in height from 2.5m to 3.2m. A single conservation style roof light is the only alteration to the north elevation of the coach house. This provides light to a first floor landing and obscure glazing is proposed.
47. The proposed single storey extensions range in height between 2.5m to 2.8m. Other than a minor bathroom addition, the extensions are set in from site boundaries by a minimum of 1.5m. Given the scale and siting of the additions and the height of the boundary wall the extensions are unlikely to be visible from the ground floor windows and garden areas of no 25, 27 and 29 Grosvenor Road and there will be no resulting overshadowing or overlooking impact. The extensions will be visible to neighbours from upper floor windows. However, the outlook will be of a single storey flat largely sedum covered roof. Other than a single aspect roof light facing away from the boundary no structures are proposed at first floor level.
48. The proposed garden area is indicated as extending both to the front and side of the dwelling. The use of this amenity space by future occupiers is likely to give rise to some external noise. However, having regard to the existing garden use of the land and the location of this site within a residential area, any increase in noise levels is likely to be marginal and acceptable.
49. 41, Unthank Road is an end of terrace property which faces the proposed access to the site. The principal elevation of the property fronts on to a gravel driveway, which is jointly owned by the owners of 39 and 41 Unthank Road and owners of 43-49 have access rights. Although there are garage style out-building's sited to the rear of 43-49 it is unclear the extent to which they are accessed by or used for the storage of vehicles. Given the constrained manoeuvring areas and the current soft surface, vehicular use is assumed to be negligible. The application site is currently accessible by cars and at the time of the site visit a car was garaged within the coach house building. The introduction of an independent dwelling is very likely to result in the increase in vehicular use of the driveway above existing levels, as the driveway will be the sole means of access for the owners and any

visitors. This is likely to result in increased noise associated with the more frequent comings and goings from the site. Although this is likely to result in some loss of amenity for the occupiers of no 41 Unthank Road, given the existing shared use of the driveway, the increase is not considered to be of a level to justify refusal on loss of amenity grounds. In the event of planning approval a planning condition restricting the installation of lighting along this access route is considered necessary in order to minimise impact.

50. On the basis of the above it is considered that the requirements of policy EP22 and DM2 are met and that the development would not result in any unacceptable impact on neighbouring properties.
51. A number of representations have highlighted the impact of future alterations and extensions that could be carried out to the proposed dwelling though the exercising of permitted development rights. It is recommended, in the event of planning permission being granted for a dwelling on this site, that given both the sensitivity of the location and the close proximity of neighbouring properties, permitted rights that normally extend to domestic properties should be removed. This will allow any future alterations to be fully assessed both in terms of design and impact on neighbours.

Trees

52. There are two mature beech trees located within the curtilage of the application site. The trees are classified as category A and have a high amenity value. The trees are in good condition and make a significant contribution to the character and appearance of the surrounding area. Indeed the trees are identified as part of the natural character of the Heigham Grove conservation area in the adopted Conservation Area Appraisal. Policy NE3 and emerging policy DM7 requires trees to be retained as an integral part of the design of development. Where a development is proposed within the tree root protection area, policy requires provision to be made for their care and protection throughout the duration of the development with mitigation being put in place to ensure that development works do not have a harmful impact.
53. The majority of the new building work is proposed outside of the canopy spread of the existing trees. However, most of the proposed garage structure and approximately a third of the proposed additions to the coach house fall within the root protection area of the two beech trees. The planning application has been accompanied by an Arboricultural Impact Assessment. As originally submitted the Council's Tree Protection Officer was not satisfied that this provided the necessary evidence and mitigation recommendations to ensure that the trees on the site would be safeguarded into the future.
54. In response to advice from the Tree Protection Officer the details of the proposal have been revised and a detailed foundation scheme has been submitted. The revised approach seeks to minimise excavation within the root protection area by proposing a floor slab above ground level supported by mini piles. This method confines surface disturbance to 50mm and allows for supporting piles to be driven in locations to avoid the existing root network. In addition the proposal seeks to compensate for the reduction in permeable ground within the root protection area, through the use of a rainwater harvesting system which will divert water captured from roof areas to the tree roots beneath. The council's Tree Protection Officer has indicated that this approach is acceptable and requested an accompanying

Arboricultural Method Statement (AMS) be submitted. At the time of this committee report being finalised the AMS had just been received. An update will be provided at the committee meeting. At this time it is anticipated that the council's Tree Protection Officer is likely to confirm the AMS acceptable and that subject to the imposition of suitable tree protection conditions the existing trees will to be retained as an integral part of the design of development.

55. A number of representations have highlighted the scale of the existing trees and the overshadowing impact they will have on the proposed residential plot. The submitted Trees Constraint Plan confirms that given the location and scale of the trees the property and the associated amenity space will be overshadowed at times during the day. Representations suggest this will impact on the liveability of the dwelling and that this along with concerns over damage/insurance cover may rise to future applications for the trees to be removed. The susceptibility of beech trees, in particular, to fork failure is also highlighted.
56. The beech trees are in good condition and with the permission of the council, have been subject to responsible management by the present owner/applicant. The trees have been crown lifted and although this has created a sense of openness, they are and indeed will remain the dominant visual feature on the site. However, in favour of this development, is that fact that the detailed design approach has recognised the trees as a significant natural asset and the low impact, green design, along with the mature trees will make this development distinctive and set it apart from other developments. The result is a new dwelling which will offer future occupiers a distinctive place to live and one many would consider offers benefits in terms of lifestyle and wellbeing. The applicant intends to live in the new dwelling himself but any future occupiers would also be aware of the trees on the site, their protected status and would be responsible for their retention and safe management. There is the risk that the approval could lead to future pressure for the trees to be removed. However, any future tree works would be subject to control since consent from the council would be required. Given the significant amenity value of the trees there would remain strong grounds in the future for the trees to be safeguarded. On the basis that the trees are an integral component of the scheme and the benefits associated with the development as a whole, a refusal focused on possible future pressure for removal is not considered fully substantiated.

Transport and Access

57. The Local Highways Officer has confirmed that the proposal is suitable in transportation terms. The gravel drive is considered satisfactory for access purposes and there is space within the site to provide parking for both cars and cycles. Given the scale of the proposal and the number and speed of vehicle movements the development raises no unacceptable safety concerns.

Other matters

58. Representations indicate that the site along with adjoining gardens and green spaces are used by bats for foraging purposes. Given the nature of the building work, existing buildings and trees have been investigated to establish whether they are used for roosting purposes. The Council's Natural Areas Officer has considered the survey findings submitted by the applicant's ecological consultant and is satisfied that the existing trees and buildings on the site are of negligible value to protected species. On this basis no specific mitigation is required. The applicant has proposed to install artificial roosts to enhance the value of the site to the local bat population.

Local Finance Considerations

59. Under Section 143 of the Localism Act the council is required to consider the impact on local finances. It is a material consideration when assessing this application. The benefits from the finance contributions for the council however must be weighed against the above planning issues. In this case the financial considerations are relatively limited and therefore limited weight should be given to them.

Financial liability?	Liable?	Amount
New Homes Bonus	Yes	Based on council tax band.
Community Infrastructure Levy (CIL)	Yes	£75 per sqm

Conclusions

60. It is considered that the proposal constitutes sustainable development. An existing building will be re-used and extended to create a new dwelling in a location where the future occupiers will enjoy both good amenity levels and be within a convenient walking distance of a full range of facilities and services. The impact of the development on designated heritage assets has been fully assessed. It is considered that the development has responded positively to the constraints of the site and that the relevant heritage assets and their settings will be substantially preserved. The development has been designed to minimise impact on adjoining neighbours and the existing beech trees. The dwelling will make a minor positive contribution to addressing the existing shortfall in the 5 year housing land supply. The development is therefore 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.

RECOMMENDATIONS

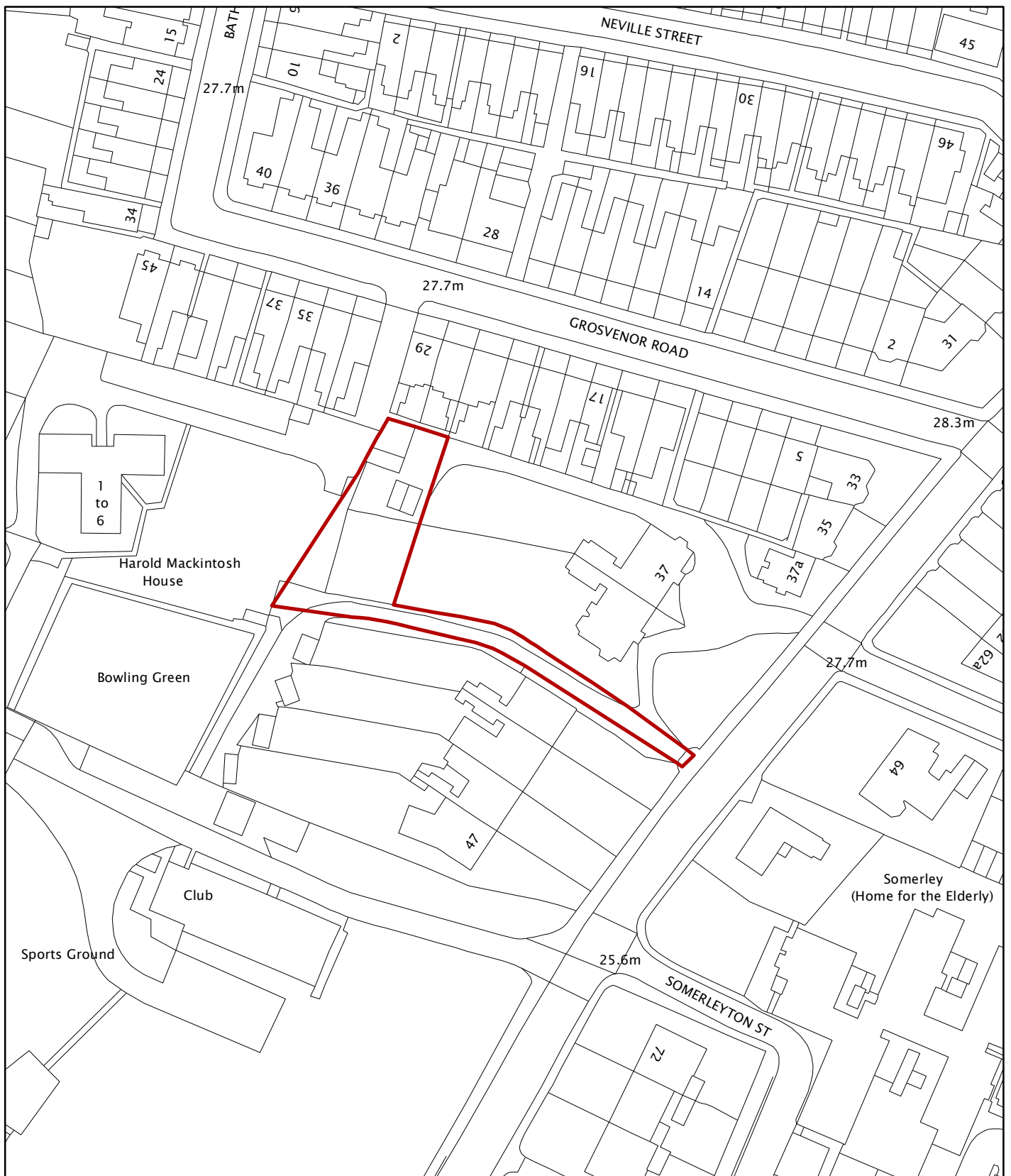
To approve:-

(1) Application No 14/00324/F at land to the rear of 39 Unthank Road and grant planning permission, subject to the following conditions:-

1. Standard time
2. In accordance with the submitted plans and details
3. Prior to commencement - detailed plans/specification to be submitted and approved; external lighting (including restrictions on lighting to the access), all external joinery (including roof lights), sedum roof construction/management, soffit cross-section, rain water goods.
4. Material samples/details of lime render mix
5. Details of all tree protection measures/mitigation
6. Detailed landscaping scheme/hard surfaces/bio-diversity enhancements
7. Implementation of access and parking arrangements prior to first occupation
8. PD rights removed – fences/out buildings/extensions/roof alterations/insertion of windows

(2) Application No 14/00332/L at land to the rear of 39 Unthank Road and grant listed building consent, subject to the following conditions:

1. Standard time
2. Details of mortar/brick type where repairs to coach house /boundary wall are necessary
3. Details of any replacement slates



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Planning Application No 14/00324/F & 14/00332/L

Site Address Rear of 39 Unthank Road

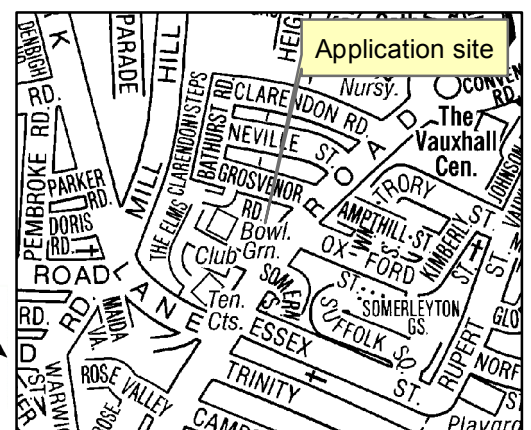
Scale

1:1,000



NORWICH
City Council

PLANNING SERVICES



14 00324F

NOTES

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All dimensions shown to be verified on site and the Architects informed of any discrepancy.

Revised

14 APR 2014

Planning Services

OPACIE GRADING
TO REEFLIGHT
OVER LAMENING

BRICKWORK & SLATES
TO EXIST BUILDING
RETAINED & REPAIRED

NORTH

EXTRA BRICK
WALL TO BOUNDARY.

SOUTH

STO RENDA OR SIMILAR TO WALLS
BRONZE ALUMINIUM DOORS,
WINDOWS & FASCIES

A - EXIST SLOPING WHEEL SPOT

OBSCURE

**Dennis
BLACK**
associates

Architects

2 Hethersett Road, East Carlton, Norwich, NR14 8HX
Tel & Fax: 01508 570696

job

PROPOSED DWELLING
REAR 39 UNTHANK ROAD
NORWICH

drawing

ELEVATIONS
SKETCH VIEW

Organisational Development

15 APR 2014

Post Room

scale

drawn

date

1:100

300114

job. no.

drawing no.

revision

type

1307

14

A

SKETCH VIEW

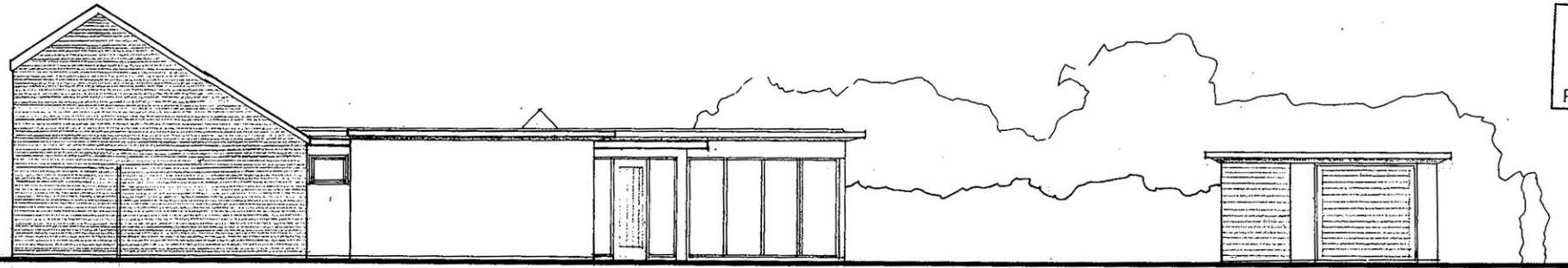
14 00324F

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14 APR 2014
Planning Services



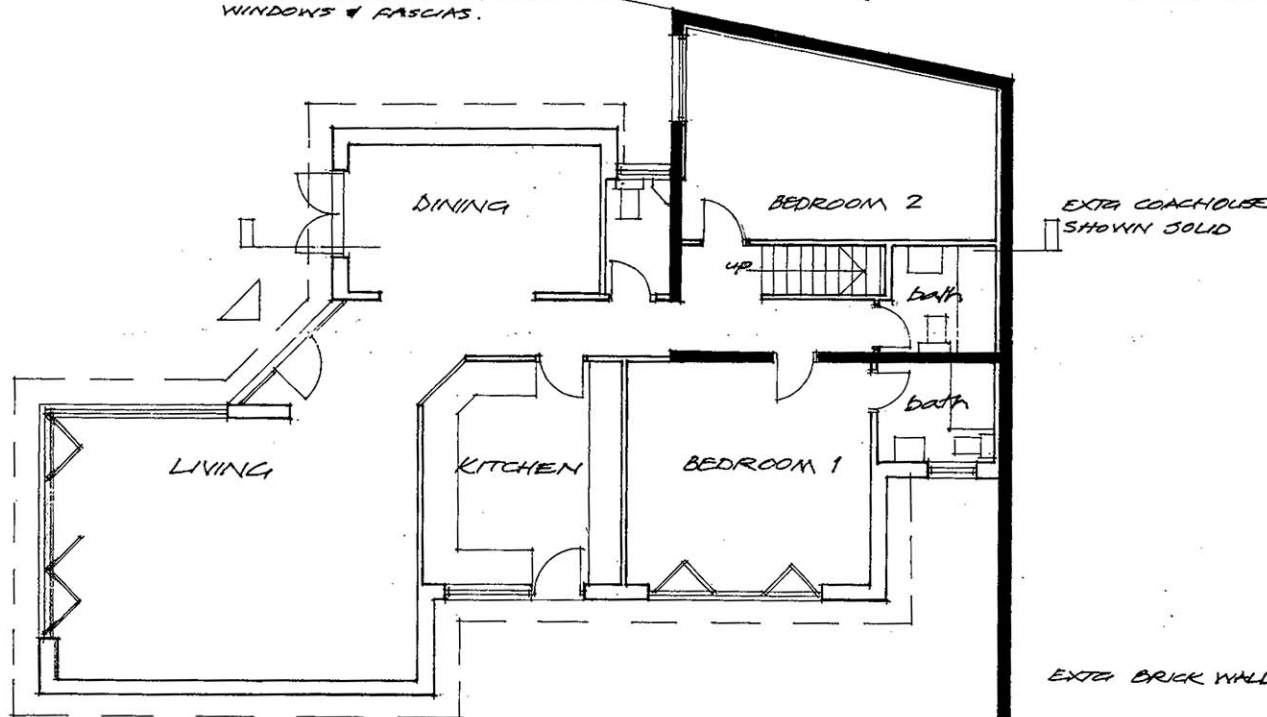
WEST

OPAQUE GLAZING
TO FIXED WINDOW

STO RENDER OR SIMILAR TO WALLS
BRONZE ALUMINIUM DOORS,
WINDOWS & FASCIAS.

TIMBER CLADDING
TO SHED AREA

TIMBER GARAGE DOORS



GROUND FLOOR

EXT. CLOSE BOARDED FENCE

115

A. NW WINDOW TO BED 2 OMITTED 080414

**Dennis
BLACK**
associates

Architects

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Tel & Fax: 01508 570696

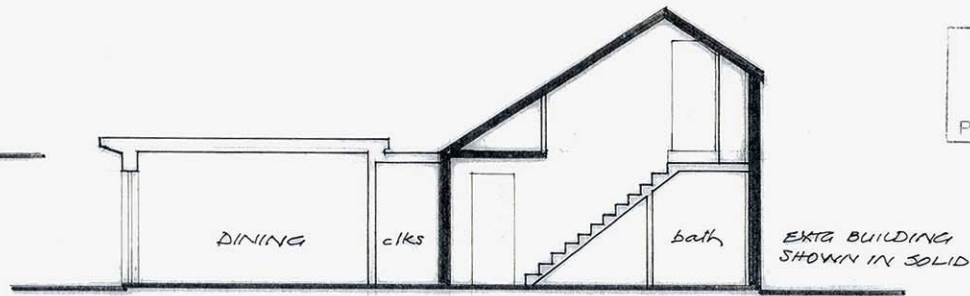
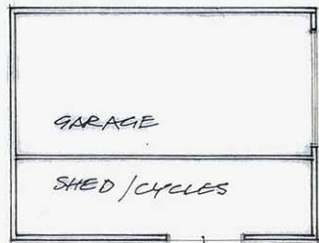
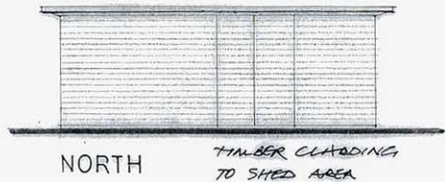
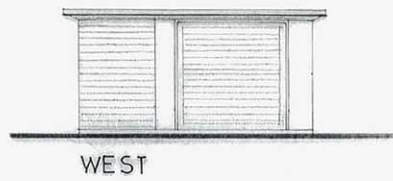
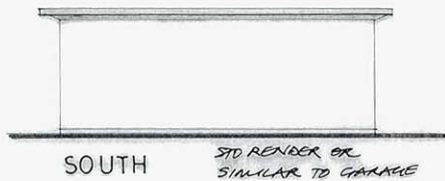
job
PROPOSED DWELLING
REAR 39 UNTHANK ROAD
NORWICH

drawing
GF PLAN
ELEVATION

Organisational Development
1.5 APR 2014
Post Room

scale drawn date
1:100 01/14

job. no. drawing no. revision type
1307 12 A



14 00324F

Revised

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14 APR 2014

Planning Services

A. GARAGE MOVED 500mm to N
INCLUDING EXISTING SERVICES
LINE SHOWN 140414

**Dennis
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Tel & Fax: 01508 570696

job

PROPOSED DWELLING
REAR 39 UNTHANK ROAD
NORWICH

Organisational Development

15 APR 2014

Post Room

drawing

LOCATION PLAN
SITE LAYOUT
SECTION
GARAGE

scale
1:1250
1:200

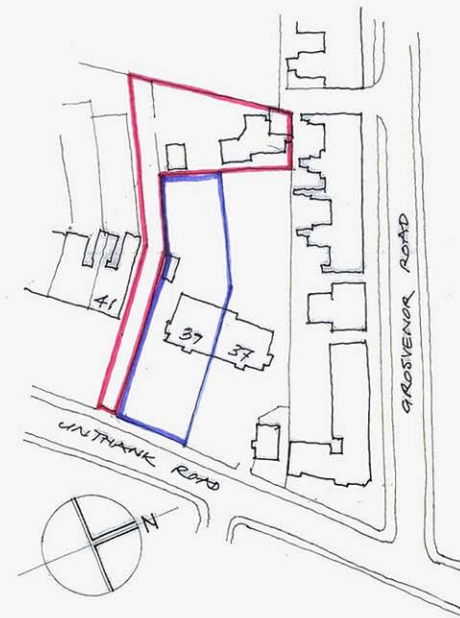
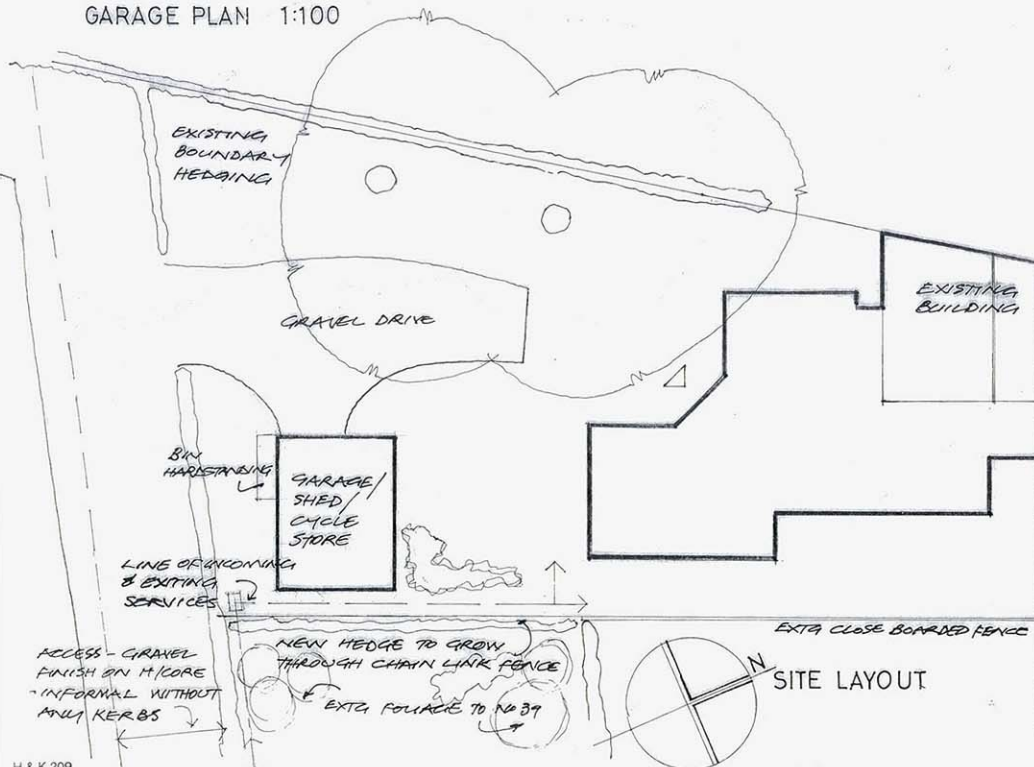
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date
01-14

job. no.
1307

drawing no.
11

revision type
A

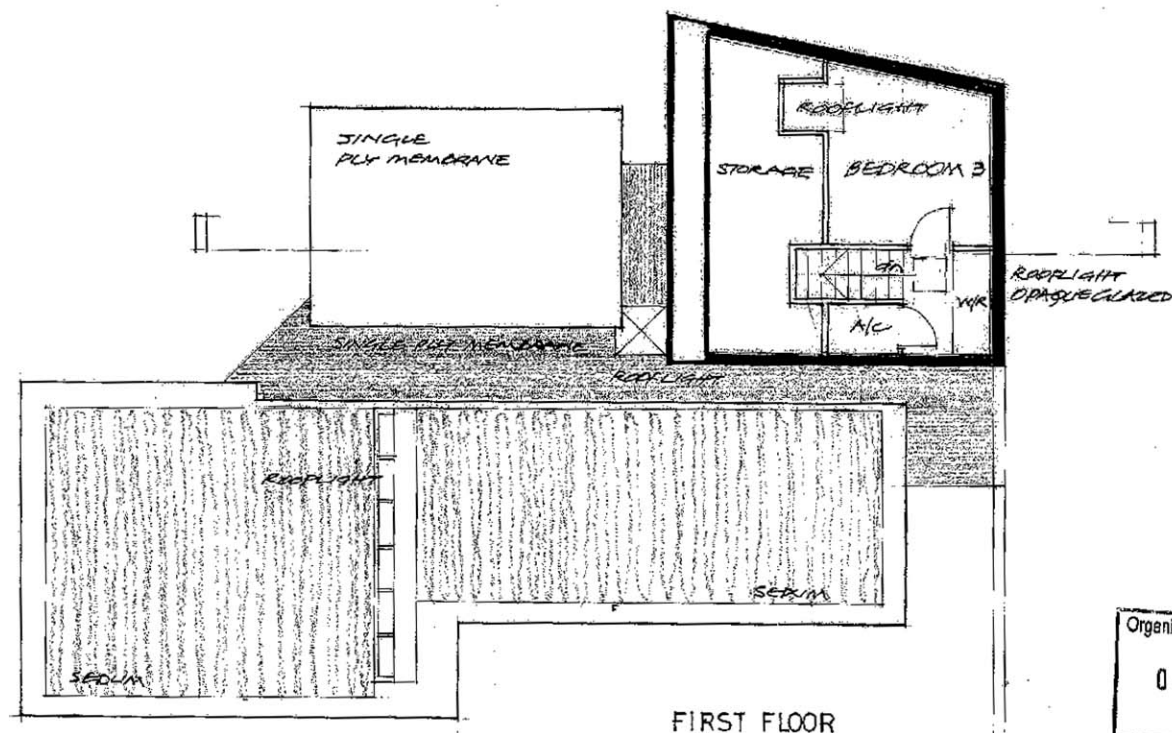
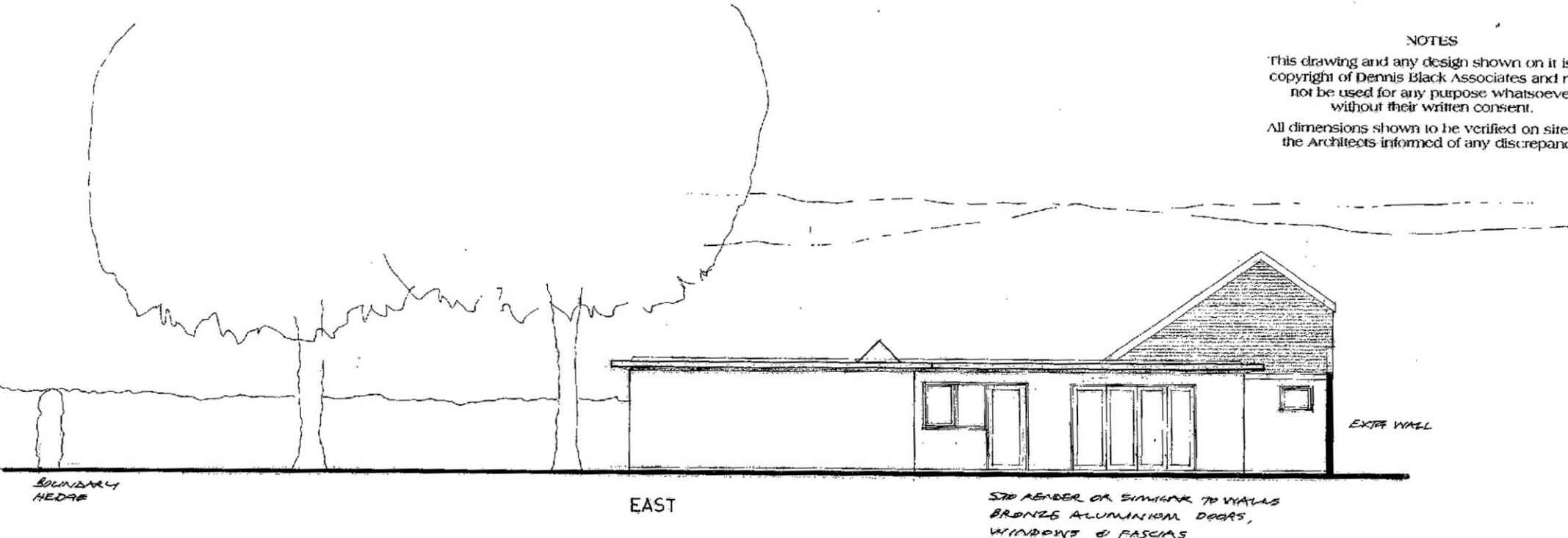


LOCATION PLAN

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FIRST FLOOR

117

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Tel & Fax: 01508 570696

Job

PROPOSED DWELLING
REAR 39 UNTHANK ROAD

drawing

FF PLAN
ELEVATION

scale drawn date

1100 0114

job. no. drawing no. revision type

1307 13

Organisational Development

04 MAR 2014

Post Room

Report to Planning Applications Committee
Date 8th May 2014
Report of Head of Planning Services
Subject 14/00477/F 9 Ella Road Norwich NR1 4BP

Item
4(5)

SUMMARY

Description:	Erection of 1 No. two bed dwelling.
Reason for consideration at Committee:	Objection
Recommendation:	Approve
Ward:	Thorpe Hamlet
Contact Officer:	Mr James Bonner Planner 01603 212542
Valid Date:	5th April 2014
Applicant:	Mrs Joanne Oldham
Agent:	Mr Roger Mason

INTRODUCTION

The Site

Location and Context

1. The currently vacant plot lies to the west of the end terrace (No.9) on the north side of Ella Road. The site, previously believed to have contained a dwelling, separates No.9 from the more recently built detached No.1 Ella Road to the west. Except for this property, the Hamlet Centre and Ellacombe care home, the rest of the area is characterised by terraces with low front boundary walls. The rear gardens of the properties are accessed via the alleyway connecting Ella Road and Marion Road.
2. The site is not within a conservation area and there are no listed buildings nearby.

Topography

3. There is a drop in levels travelling east along Ella Road with the rear garden of No.1 being 0.6m higher than that of the application site.

Planning History

06/01062/F - 3 bedroom end terrace house on land next to 9 Ella Road. (**Refused** - 19/01/2007. **Appeal dismissed** 2 October 2007)

07/00390/F - Erection of a three bedroomed end of terrace house on the land adjacent to number 9 Ella Road. (**Refused** - 05/06/2007)

Equality and Diversity Issues

There are no significant equality or diversity issues.

The Proposal

4. The erection of a two bedroom end terrace dwelling with cycle store in rear garden and bin store in front.

Representations Received

5. Adjacent and neighbouring properties have been notified in writing and the consultation period expires on the 29th of April (any additional representations received will be included in the update report.) Two letters of representation have been received citing the issues as summarised in the table below.

6.

Issues Raised	Response
The new house will be an eyesore in such a small space.	Paragraph 20.
The mass of the building right up against the boundary would greatly overshadow the rear garden while the side elevation would dominate the outlook. The loss of daylight to rear rooms of house would make them less pleasant places to be. Also of note are the two previous refusals and dismissed appeal. The removal of the dormer does little to change the policy position.	Paragraphs 10 to 18.

Consultation Responses

7. Local highway officer – No objection.

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

National Planning Policy Framework:

Statement 4 – Promoting sustainable transport

Statement 6 – Delivering a wide choice of high quality homes

Statement 7 – Requiring good design

Statement 10 – Meeting the challenge of climate change, flooding and coastal change

Relevant policies of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2014:

Policy 1 – Addressing climate change and protecting environmental assets

Policy 2 – Promoting good design

Policy 3 – Energy and water

Policy 4 – Housing delivery

Policy 6 – Access and transportation

Policy 9 – Strategy for growth in the Norwich Policy Area

Policy 12 – Remainder of Norwich area

Policy 20 – Implementation

Relevant Saved Policies of the adopted City of Norwich Replacement Local Plan 2004:

NE9 – Comprehensive landscaping scheme and tree planting
HBE12 – High quality of design
EP16 – Water conservation and sustainable drainage systems
EP22 – High standard of amenity for residential occupiers
HOU13 – Proposals for new housing development on other sites
TRA3 – Modal shift measures in support of NATS
TRA7 – Cycle parking standard
TRA8 – Servicing provision
TRA9 – Car free housing

Other Material Considerations including:

Written Ministerial Statement: Planning for Growth March 2011

Procedural Matters Relating to the Development Plan and the NPPF

The Joint Core Strategy and Replacement Local Plan (RLP) have been adopted since the introduction of the Planning and Compulsory Purchase Act in 2004. With regard to paragraphs 211 and 215-216 of the National Planning Policy Framework (NPPF), both sets of policies have been subjected to a test of compliance with the NPPF. Both the 2014 JCS policies and the 2004 RLP policies above are considered to be compliant with the NPPF. The Council has also reached submission stage of the emerging new Local Plan policies, and considers most of these to be wholly consistent with the NPPF. Where discrepancies or inconsistent policies relate to this application they are identified and discussed within the report; varying degrees of weight are apportioned as appropriate.

Emerging DM Policies

DM1 - Achieving and delivering sustainable development
DM2 - Ensuring satisfactory living and working conditions
DM3 - Delivering high quality design
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

A recent appeal decision has identified that the council does not have a five-year housing land supply for the greater Norwich area. Under paragraph 49 of the NPPF, housing policies within a local plan should be considered not up-to-date if there is no demonstrable five year housing land supply. In this instance this means that policy HOU13 of the local plan can be given no weight in determining this planning application.

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.

Since the Norwich Policy Area does not currently have a 5 year land supply, Local Plan policies for housing supply are not up-to-date. As a result the NPPF requires planning permission to be granted unless:

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

Principle of Development

Policy Considerations

8. The site is previously developed land in an established residential area in a very accessible location less than 500m from the station. The principle of residential use is therefore acceptable subject to concerns over amenity, design and transport being adequately addressed.

Impact on Living Conditions

Noise and Disturbance

9. The introduction of an additional house can be expected to bring about a small increase in noise. Given the otherwise tight-knit nature of the housing here it is doubtful it would be noticeable and certainly not to the degree that could warrant refusal.

Overlooking

10. Overlooking from the front to the properties opposite is not a significant issue in an established terrace street such as this. The largest potential for overlooking comes from the rear window of the bedroom at first floor level. To the properties at the rear it is not a concern given the angle and distance involved (over 25m). There will be a degree of increased overlooking to the rear gardens either side (particularly No.1), but this is considered inevitable in residential developments in edge of city centre locations and as such it is not considered it will lead to a detrimental impact upon the living conditions of the neighbours.
11. The side facing windows will be obscure glazed and fixed shut and retained as such through condition.

Loss of Privacy

12. Due to the existing overlooking to No.9's rear garden from a number of properties, the rear facing windows of the proposal would not increase this to an unacceptable level. The only other loss of privacy comes as a result of the overlooking into the rear garden of No.1 which is otherwise not currently visible due to the boundary treatment. The loss of privacy is not considered severe enough to warrant refusal.

Overshadowing/Loss of light

13. The rear of the dwelling has the largest potential for affecting the neighbour to the west (No.1). Due to the orientation there is only considered to be a small amount of light lost to the rear rooms of the neighbouring property at the start of the day. The first floor section of the proposed dwelling only extends beyond the rear elevation of 1 Ella Road by 1m, the majority extending beyond this would be at ground floor level at a maximum height of 3.6m. Due to the boundary fence and change in levels, this is not considered to cause significant overshadowing or loss of light. The first floor section that does extend beyond the rear elevation has a sloping roof with its lowest point nearest No.1, effectively reducing the level of light lost during this short period to an impact not considerably worse than that of the existing adjacent dwelling, 9 Ella Road.
14. The existing gap between the houses (No 1 and 9) does offer additional light to the

garden of No.1 that will be affected by the introduction of the new dwelling. However again this is not considered excessive when compared to the light blocked out by its neighbour. Accordingly the proposals are not considered to lead to an adversely detrimental impact on the living conditions of the neighbour.

15. There is currently a window at ground floor level on the side elevation of No.9. This property, which is currently vacant (to let), is owned by the same person applying for new dwelling. While the proposal would lead to this window's removal, it is not considered to lead to an unacceptable loss of natural light within the property given that the design of these terraces is not intended to rely on side windows for this purpose.

Overbearing Nature of Development

16. The development site is not particularly large and as such there is the potential for a dwelling close to the boundary to feel overbearing. With a separation distance of 0.9m the previous refusals and appeal dismissal are understandable. Pre-application discussions have sought to reduce the impact and the revised scheme is considered to adequately address the previous concerns. The reduced first floor section and sloped roof ensure that there is not an unacceptable mass of brick right up against the boundary that could be considered unneighbourly. Given that there is only 1m of the first floor extending beyond the rear elevation of 1 Ella Road it is difficult to argue that their outlook could be significantly harmed to the degree that it was in previous proposals, also helped by the lack of windows on the east side of 1 Ella Road.
17. The previous scheme included a rear dormer that added to the bulk and imposing nature of the dwelling as well as increasing the level of overlooking. Its removal improves the scheme and given the tight nature of the site a condition is considered necessary to remove permitted development rights for the property. This would ensure any extensions would first need consideration by the council for impact on neighbours.
18. Overall these changes are considered to adequately address the previously identified amenity concerns set out in the previous refusals and dismissed appeal. Subject to condition the proposal is considered to provide an additional dwelling without detracting substantially from the quality of the life of the nearby residents.

Amenity for future occupiers

19. The property would be served by a rear garden of similar proportions to the neighbouring terraces. For a dwelling of this size it is considered acceptable and further landscaping detail will be required to ensure a decent level of amenity. Accordingly the proposal complies with saved policy EP22 of the RLP and emerging policy DM2, to which some weight can be attached.

Design

20. The dwelling is of a form, scale and design that is sympathetic to the character of the street. While the gap left between the end of the proposed house and the detached neighbour is relatively small, it is not one that is considered to lead to a cramped development. Subject to a condition requiring detail on the external materials, the proposal is considered visually acceptable and in keeping with the street scene. There is a clear link between good design and mitigation of amenity concerns and at the rear there is a significant improvement in both from that previously refused. The dormer would have been a prominent and discordant

feature and its removal is welcomed.

Transport and Access

Servicing

21. Bin stores are provided to the front. The principle of this is considered acceptable as realistically the future occupier is not going to always take their bins round to the back. This should provide an improvement to the street scene and details will be secured through condition to ensure a high quality design.

Car Parking

22. No parking is provided. Given the very sustainable location and the parking restrictions in place, a car-free approach is considered appropriate here. The property will not be eligible for a parking permit. There are therefore no significant highway impacts.

Cycling Parking

23. A cycle shed is proposed to the rear. Again, subject to condition this is acceptable.

Environmental Issues

Water Conservation

24. Given the scale of development the dwelling would not need to have on-site renewable energy provision. Water efficiency would need to meet Code for sustainable homes level 4 for water usage and a condition is recommended to ensure as such.

Trees and Landscaping

25. There are no trees affected. Limited information has been provided on the landscaping scheme and a condition will be attached requiring full details including boundary treatments such as the front wall, which will be steered towards a low brick wall to further assimilate the proposal within the street scene.

Local Finance Considerations

26. Under Section 143 of the Localism Act the council is required to consider the impact on local finances. It is a material consideration when assessing this application. The benefits from the finance contributions for the council however must be weighed against the above planning issues. In this case the financial considerations are relatively limited and therefore limited weight should be given to them.

Financial Liability	Liable?	Amount
New Homes Bonus	Yes	Based on council tax band. Payment of one monthly council tax amount per year for six years
Council Tax	Yes	Band not yet known
Community Infrastructure Levy	Yes	£75 per square metre (£5805.44 unless any relief for self-build is successful)

Conclusions

27. As mentioned in the relevant policies section due to a recent appeal decision, as the council does not have a five-year housing land supply this means that policy HOU13 of the replacement local plan can be given no weight in determining this planning application. As such there is a presumption in favour of sustainable development unless any adverse impacts would significantly and demonstrably outweigh the benefits.
28. The scale, design and layout of the development is considered to be sympathetic to the character of the area and will not be a discordant feature within the street scene. The revisions from the previously refused applications alter the roof form and reduce the mass at the rear to provide a scheme that adequately addresses the previously identified concerns. The impact upon the living conditions of the neighbours, especially that of the detached property, is now not considered adversely detrimental. As there are no other outstanding amenity concerns or issues relating to servicing or transportation, the proposed dwelling is considered to be acceptable as it accords with the objectives of the National Planning Policy Framework (2012), policies 1, 2, 3, 4, 6, 9, 12 and 20 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (2014), saved policies NE9, HBE12, EP16, EP22, TRA3, TRA7, TRA8 and TRA9 of the City of Norwich Replacement Local Plan (2004) and all other material considerations.

RECOMMENDATIONS

To approve 14/00477/F (9 Ella Road) and grant planning permission, subject to the following conditions:-

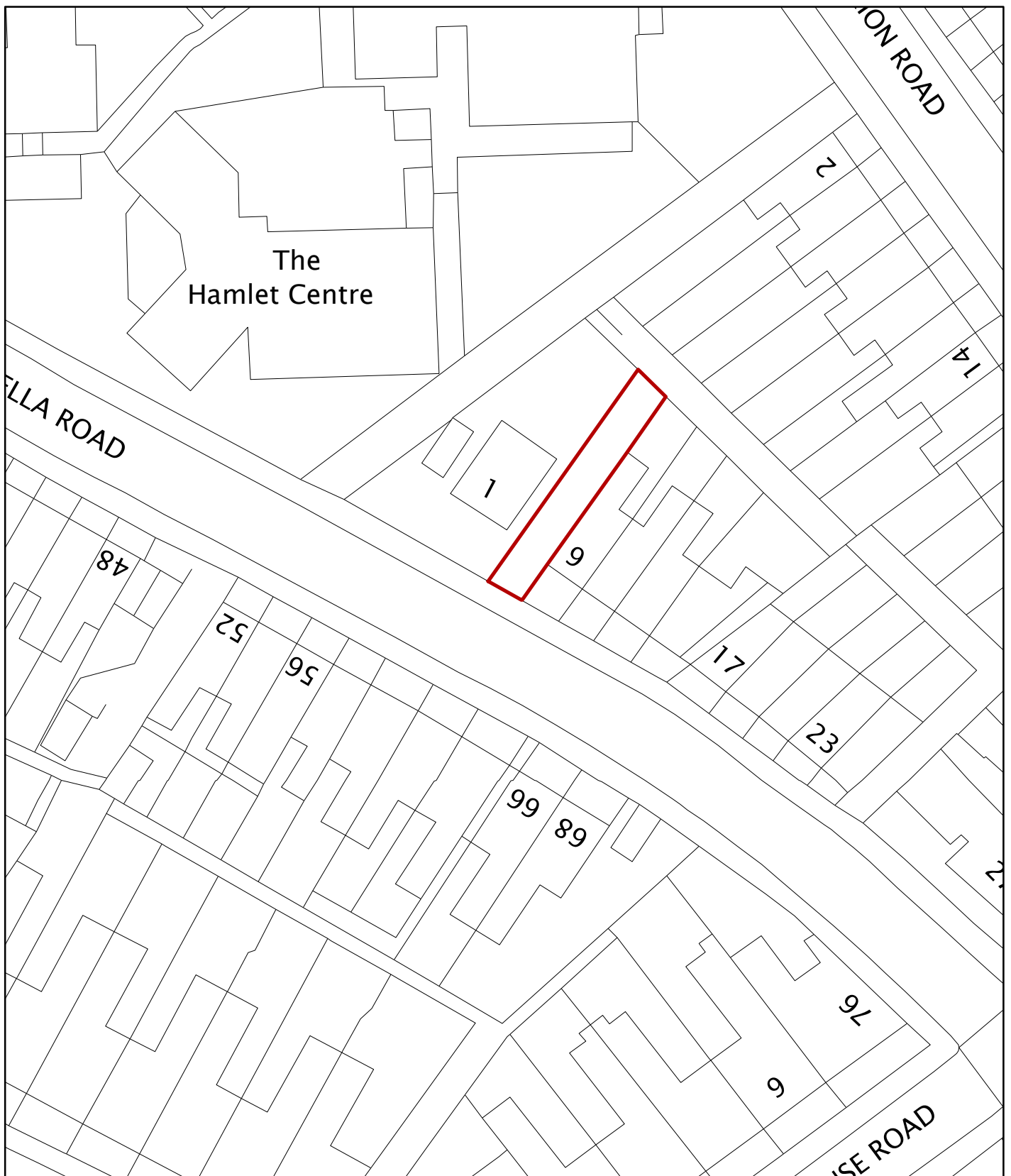
- 1) STLC (3 years)
- 2) In accordance with the approved plans
- 3) External facing materials
- 4) Landscaping
- 5) Bin and cycle store details
- 6) Side windows fixed shut and obscure glazed
- 7) Removal of permitted development rights
- 8) Water conservation

Informatives

- 1) CIL
- 2) Considerate Construction

Article 31(1)(cc) Statement

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.



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Planning Application No

Site Address 14/00477/F
9 Ella Road

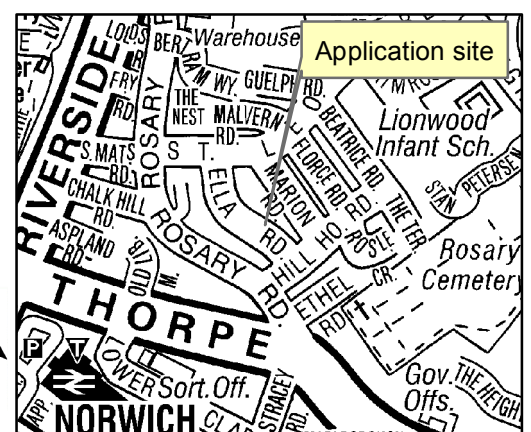
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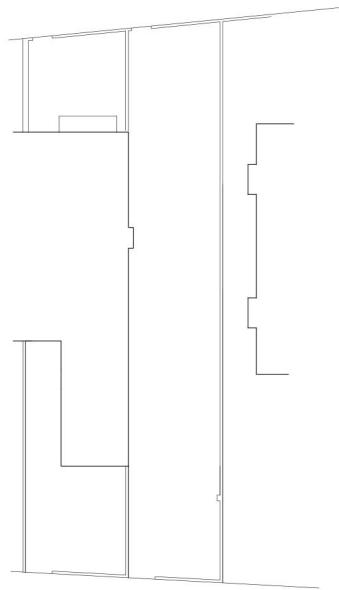
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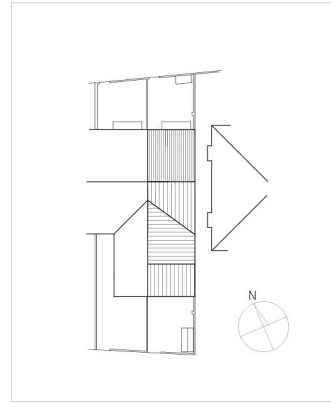
NORWICH
City Council

PLANNING SERVICES





GROUND FLOOR PLAN

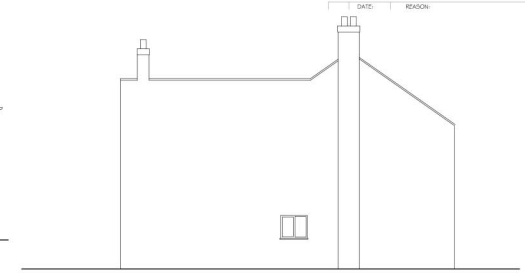


SITE PLAN 1:200

EXISTING



BACK - NORTH/EAST - ELEVATION

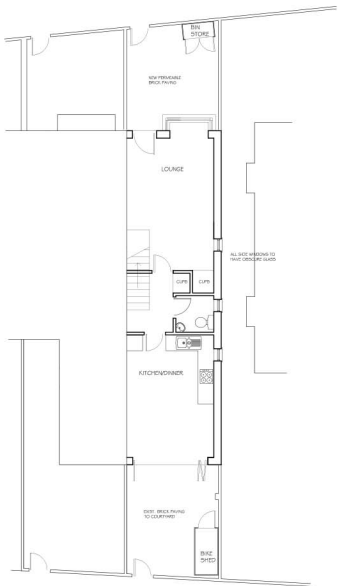


SIDE - NORTH/WEST - ELEVATION

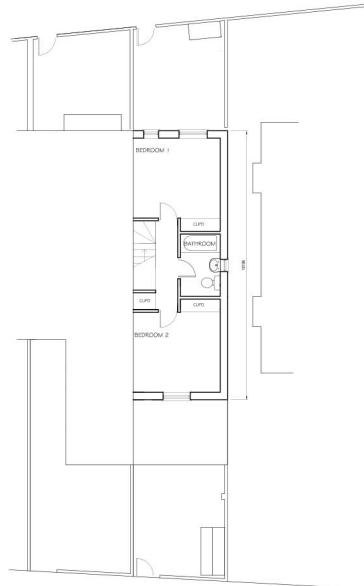


FRONT - SOUTHWEST ELEVATION

PROPOSED



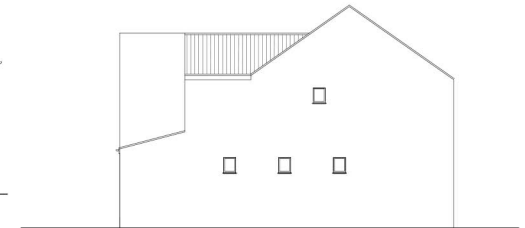
GROUND FLOOR PLAN



FIRST FLOOR PLAN



BACK - NORTH/EAST - ELEVATION



SIDE - NORTH/WEST - ELEVATION



FRONT - SOUTHWEST ELEVATION

MATERIALS:
 ROOF - CLAY PANTILES
 COLOUR TO MATCH ADJOINING BUILDING
 WALLS - BRICK TO MATCH ADJOINING BUILDING
 WINDOWS - WHITE PVCu

PROJECT:
 9 ELIA ROAD, NORWICH
 TITLE:
 NEW HOUSE

DATE: APR 2014 SCALE: 1:100 (at A1) DWG No: 9 ER 1

ROGER MASON RIBA - CHARTERED ARCHITECT
 30 PAINT ROAD, NORWICH, NR7 3UN,
 TEL: 01603 469426 E-MAIL: roger.mason4@btworld.com

Report to Planning applications committee
Date 8 May 2014
Report of Head of planning services
Subject 13/01873/F 1 And 2 Holmwood Rise Norwich NR7 0HJ

Item
4(6)

SUMMARY

Description:	Erection of single storey extension and three external balconies to existing flats [revised proposal].
Reason for consideration at Committee:	Objections
Recommendation:	Approve
Ward:	Thorpe Hamlet
Contact Officer:	Mr James Bonner Planner 01603 212542
Valid Date:	28th January 2014
Applicant:	Mr A Rogers
Agent:	Mr Jonathan Burton

INTRODUCTION

The Site

Location and Context

1. The application affects a set of flats to the west of the Harvey Lane and Holmwood Rise junction. The residential block is a mixture of two and three storeys with some detached residential properties of varying scales to the west and north west as well as a dwelling across Harvey Lane (No.14) to the south west. Opposite the site on Holmwood Rise is a residential care home.
2. The surrounding area is characterised by detached properties in relatively large plots, surrounded by a substantial level of soft landscaping, particularly mature trees, including a number of protected trees within and surrounding the application site. Between the footpath and the north east elevation along Holmwood Rise there is a low brick wall and hedges separated by 3 or 4 metres of green space. To the north west the area is currently used as resident's parking and has recently had an application for four new dwellings refused (13/01884/F).

Constraints

3. The site is within the Thorpe Ridge conservation area. The only other nearby heritage asset is the locally listed Holmwood Residential Care Home building, approximately 30m to the north east at 11 Harvey Lane.
4. There is a TPO (84A) within the curtilage of the site split into three areas. The nearest of these is a row separating the flats from Harvey Lane. At the northwest and southwest corners of the site are the other two groups.

Planning History

13/01884/F - Erection of 2 No. two bedroom townhouses and 2 No. three bedroom townhouses. (Refused)

12/00043/TCA - Removal of 1 No. tree and repollarding of 1 No. Sycamore. (Approved - 15/02/2012)

4/1990/0644 - Erection of six flats with associated access and parking (revised scheme) (Approved July 1990)

4/1990/0484 - Erection of seven flats with associated access and parking (Refused June 1990)

4/1989/0663 - Condition no. 2: Details of the proposed finished site levels for previous permission (application no. 890312/F); "Erection of one dwelling". (Approved - 30/06/1989)

4/1988/1396 - Residential development of site to provide fifteen flats with associated vehicular access and parking. (Refused - 22/12/1988)

Equality and Diversity Issues

There are no significant equality or diversity issues.

The Proposal

5. Two glazed balconies are proposed at first floor and one at second floor level on the south east elevation fronting Harvey Lane. A single storey extension is proposed on the north east elevation facing Holmwood Rise. This gable ended addition projects 3.7 metres and reaches a ridge height of 4.2m.
6. The application has been amended to remove reference to an additional two storey extension with roof terrace on the north east elevation. An additional balcony has been added above one of the previous two applied for. The single storey extension has been amended slightly to ensure the fenestration is a better match to the existing.
7. The other materials proposed are to match the existing building.

Representations Received

8. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. Three letters of representation have been received [two from the same household] citing the issues as summarised in the table below.

Issues Raised	Response
Objects to any extension to flats for a number of reasons including lack of	This objection overlaps with an objection to 13/01884/F and a number of the

parking, vehicular access, overlooking, loss of trees, noise and scale [<i>both letters</i>].	points are quite clearly irrelevant to the proposed changes to the flats. The objector has specified that they do wish to object to the proposal but have not clarified on which grounds exactly. The relevant objections are addressed in paragraphs 12 to 19.
Balconies will overlook into front garden causing privacy issues. Hedges have been removed, exacerbating problem. Any approval should include a fence to replace the hedge.	See paragraph 14. Hedges are not protected and as there is no perceived harm it is not reasonable to request their reintroduction here.

Consultation Responses

9. Landscape Officer – [*first proposal*] Extensions would encroach considerably on green space and possibly to planted area; no landscaping proposed and would be desired; impact on streetscape.

10. Historic Environment Service – No Archaeology implications.

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

National Planning Policy Framework:

Statement 7 – Requiring good design

Statement 12 – Conserving and enhancing the historic environment

Relevant policies of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2014

Policy 1 – Addressing climate change and protecting environmental assets

Policy 2 – Promoting good design

Relevant saved policies of the adopted City of Norwich Replacement Local Plan 2004

HBE8 – Development in Conservation Areas

HBE9 – Listed Buildings and development affecting them

HBE12 – High standard of design in new development

EP22 – High standard of amenity for residential occupiers

Supplementary Planning Documents and Guidance

Thorpe Ridge Conservation Area Appraisal (March 2007)

Other Material Considerations

Development Management Policies Development Plan Document – Pre-submission policies (April 2013)

DM1 – Achieving and delivering sustainable development

*DM2 – Ensuring satisfactory living and working conditions

*DM3 – Delivering high quality design

DM9 – Safeguarding Norwich's heritage

Procedural Matters Relating to the Development Plan and the NPPF

The Joint Core Strategy and Replacement Local Plan (RLP) have been adopted since the introduction of the Planning and Compulsory Purchase Act in 2004. With regard to paragraphs 211 and 215-216 of the National Planning Policy Framework (NPPF), both sets of policies have been subjected to a test of compliance with the NPPF. The 2014 JCS policies are considered compliant, but some of the 2004 RLP policies are considered to be only partially compliant with the NPPF, and as such those particular policies are given lesser weight in the assessment of this application. The Council has also reached submission stage of the emerging new Local Plan policies, and considers most of these to be wholly consistent with the NPPF. Where discrepancies or inconsistent policies relate to this application they are identified and discussed within the report; varying degrees of weight are apportioned as appropriate.

* – only very limited weight has been applied to DM2 and DM3 because there is an objection to its submission, but its objectives are still broadly supported by existing Local Plan policies EP22 and HBE12.

Principle of Development

Policy Considerations

11. The principle of an extension to residential flats is acceptable. The main considerations for this acceptability are:

- Impact upon neighbouring and occupier amenity
- Design (including landscaping)
- Impact upon protected trees

Impact on Living Conditions

12. The living conditions of the occupiers whose flats are gaining balconies will be improved with the new usable amenity space. Given the relatively generous amount of green space surrounding the flats, particularly that to the south west, the introduction of the extension will not adversely affect the external amenity space of any of the occupiers.

Noise and Disturbance

13. With the introduction of three balconies there is some concern from an increase in noise levels, especially being close to the bedrooms. The size of the proposed balconies is not substantial and you could expect their use to be of a fairly low intensity. It is not desirable or enforceable to condition limitations of their use as it would be difficult to argue their introduction would cause more disturbance than standard use of the garden area. As such there are no significant issues relating to noise.

Overlooking

14. The windows on the extension face out onto the care home which is over 21m away and causes no concern for privacy issues. The double doors on the side of the extension create no substantial issues for overlooking to the adjacent flat's bedroom given the angle.

15. The balconies on the south east corner at first and second floor do not project further than the building's corner or the projecting gable section and so no opportunities for overlooking are introduced. The balcony on the south west corner offers no practical opportunity for overlooking into the habitable rooms of neighbouring flats. There is an objection concerning overlooking to the nearest

property on Stanley Avenue. Upon visiting the site it is clear that as the balcony is set back from the corner, the only view would be toward the end of No. 15's driveway. This is not considered a significant loss of privacy that could be adversely detrimental to neighbouring amenity.

Overshadowing

16. Given the orientation of the building there are no significant implications for overshadowing as a result of the ground floor extension. The balcony at first floor on the south east corner will not cause any worse overshadowing than the existing Juliet balcony. The one above will cause a small degree when the sun is high in the sky for a portion of the day, but will be fairly minor given the scale. The other balcony on the south west corner will cause only a small amount of shadowing to the window below for a portion of the day but as above, is not considered excessive due to its scale.

Design

17. The building is not of any special historic or architectural significance yet the changes should be examined for whether they preserve or enhance the desirable characteristics of the conservation area.
18. The previous two storey extension was proposed in a very prominent position on the corner of the junction and was of an unacceptable design that did not respect the original design of the building or its surroundings. Its removal is welcomed and the retention of the single storey extension is visually acceptable by virtue of a scale and design that is sympathetic to the design of the host building. The extension will partially affect the established soft landscaping here but certainly not to the degree that the previous proposal did. There remains an acceptable level of landscaping on the most prominent areas of the site (i.e. the south east corner) that provides an adequate soft boundary between the development and the footpath. The proposal is therefore not considered detrimental to the visual quality of the nearby locally listed building, the street scene or the character of the wider Thorpe Ridge conservation area.

Transport and Access

Transport Impact

19. Despite the wording of two of the objections, there is nothing to suggest that these minor proposals would have any adverse implications for travel or parking.

Trees and Landscaping

Loss of Trees or Impact on Trees

20. Given the distance there are considered to be no significant issues for the health of the protected trees on site. A condition is attached ensuring compliance with a plan showing the extent of the protective tree barriers. A plan has been submitted which needs to be revised slightly to show full protection of the roots of the trees to the north west. It is expected that this will be submitted by the time of the committee meeting but if it is not then a condition will be attached requiring its submission prior to commencement.

Local Finance Considerations

21. Although technically liable for Community Infrastructure Levy (CIL), the extension is

below the threshold for minor development (100sq.m) and is exempt from payment.

Financial Liability	Liable?	Amount
New Homes Bonus	No	Nil
Council Tax	Possibly, if the property is revalued.	Unknown
Community Infrastructure Levy	No	N/A

Conclusions

22. The revised scheme does not offer any significant issues that would cause adverse implications for neighbouring or occupier amenity. The design is now considered acceptable as there are no detrimental visual impacts upon the nearby locally listed building, the street scene or the character of the wider Thorpe Ridge conservation area. Subject to compliance with the attached condition, there are no negative impacts upon the protected trees on site. The proposal is therefore acceptable as it accords with the objectives of the National Planning Policy Framework (2012), policy 2 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (2014), saved policies HBE8, HBE9, HBE12 and EP22 of the City of Norwich Replacement Local Plan (2004) and all other material considerations.

RECOMMENDATIONS

To approve Application No 13/01873/F and grant planning permission, subject to the following conditions:-

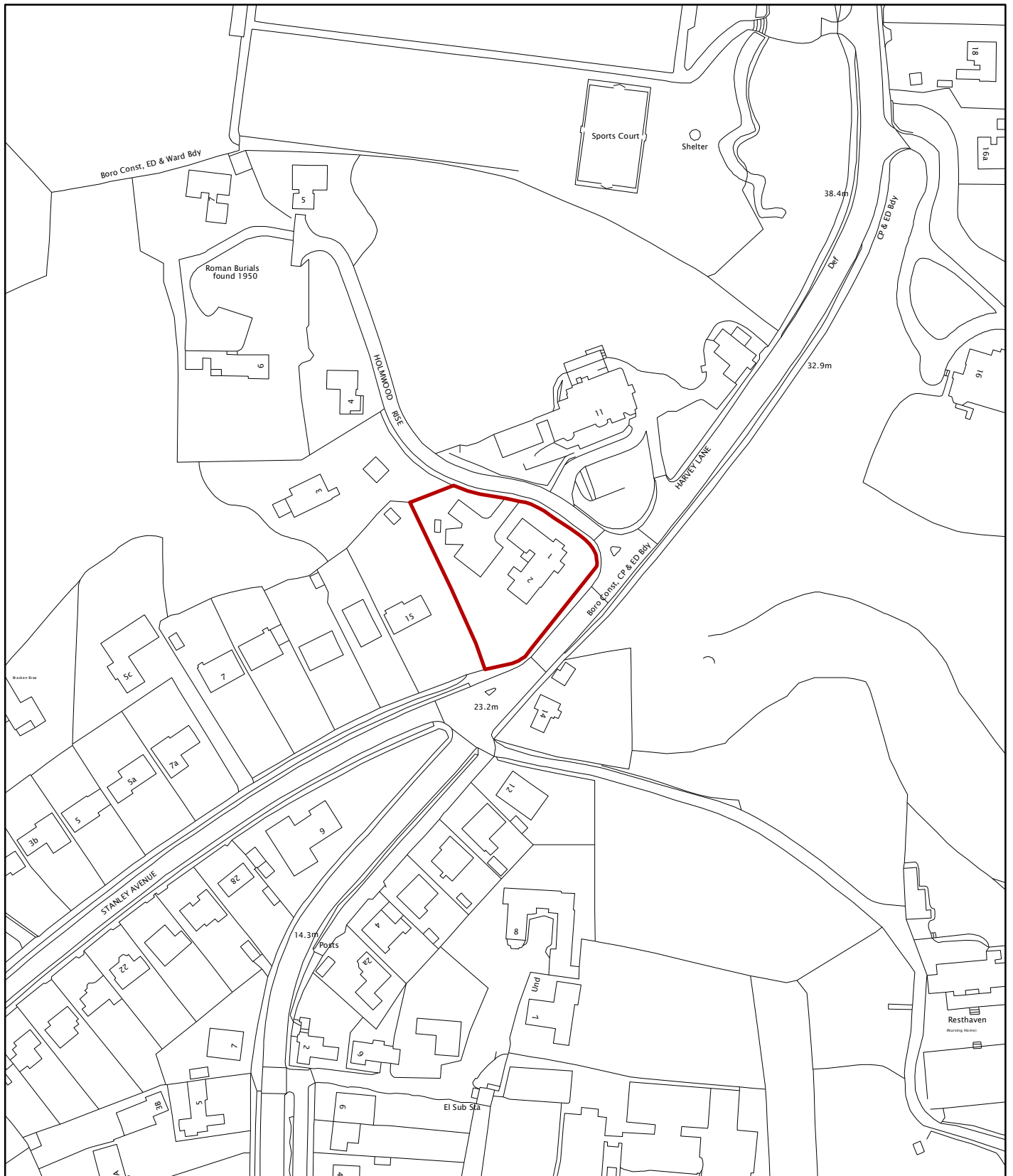
- 1) Standard time limit (3 years)
- 2) In accordance with the approved plans
- 3) Trees and hedges protection [either in accordance with drawing to be shown during committee meeting or via pre-commencement condition].

Informatives:

- 1) Considerate construction
- 2) CIL

Article 31(1)(cc) Statement

The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations, following negotiations with the applicant and subsequent amendments the application has been approved subject to appropriate conditions and for the reasons outlined in the officer report.



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Planning Application No 13/01873/F

Site Address 1 and 2 Holmwood Rise

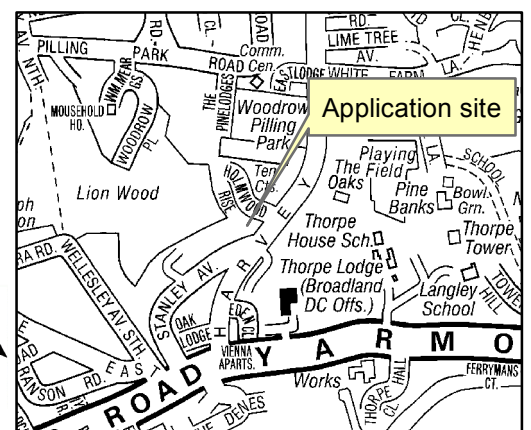
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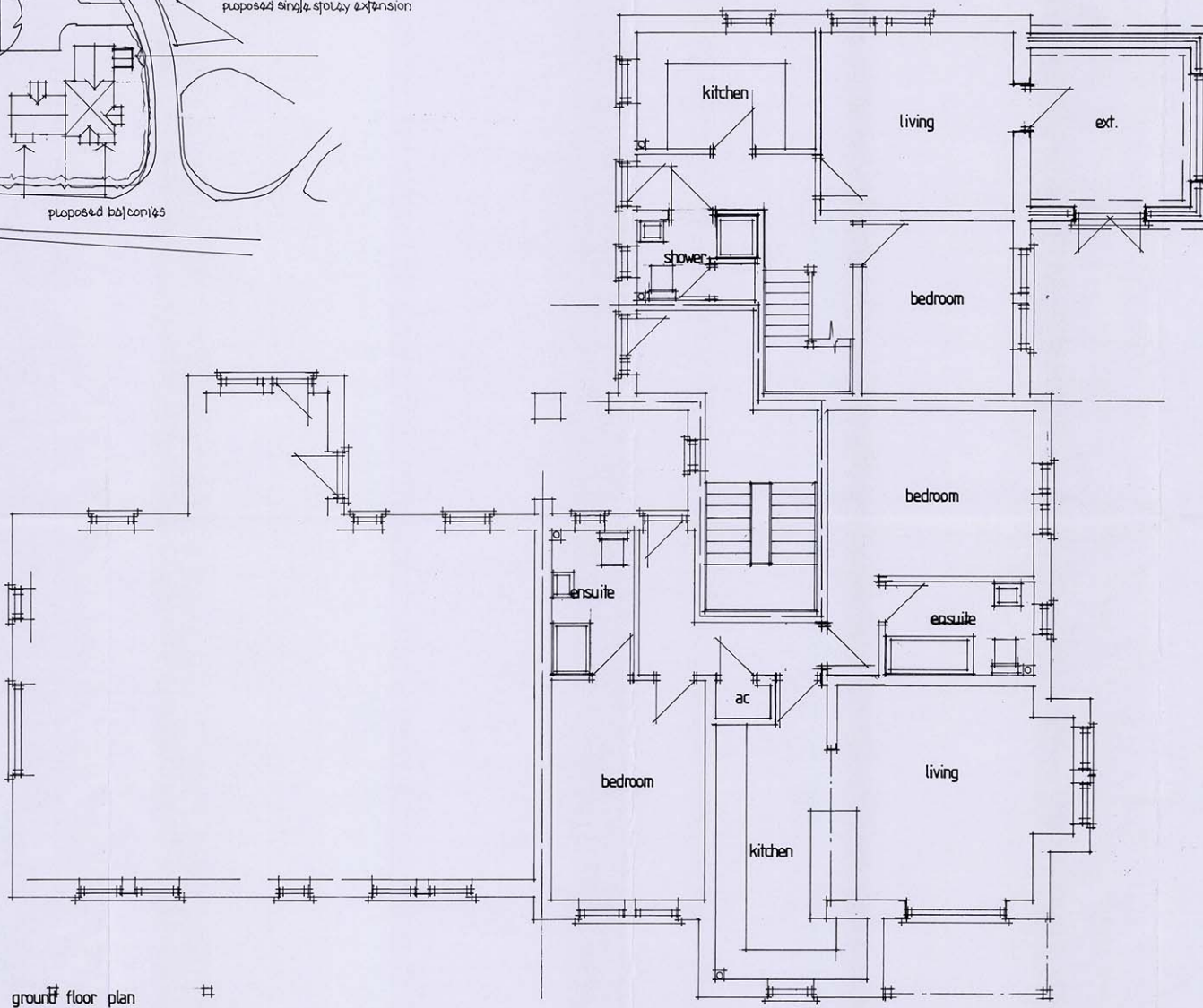
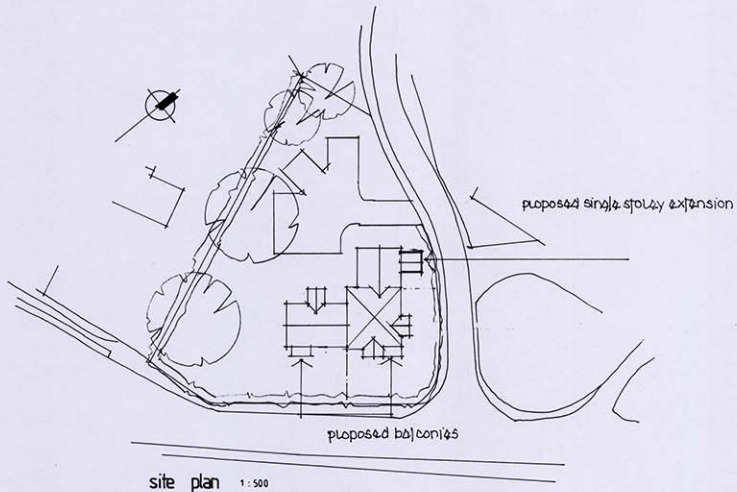
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NORWICH
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PLANNING SERVICES





Organisational Development
21 MAR 2014
Post Room

Rev A March 2014 Rev B at planning 16/04/14

Jonathan W Burton BSc MRICS ARCHITECTURAL DESIGN 12 Park Road Dereham Norfolk NR19 2BT T 01362 693379 M 07828 714025 jonathan@jwburton-design.co.uk www.jwburton-design.co.uk	
Project	Internal Alterations Holmwood Rise Harvey Lane Norwich
Client	Mr A Rogers
Drawing Title	Proposed Ground Floor Plan
Scale	1:50
Drawing Number	0435/01
1. The copyright of this drawing is the property of Jonathan W Burton and must not be copied without written consent. 2. No measurements to be scaled off the drawings, but measurements to be checked on site by the contractor prior to commencement of works, and any discrepancies brought to the attention of the designer.	

Report for Resolution

Report to Planning Applications Committee
Date 8th May 2014
Report of Head of Planning Services
Subject 14/00030/F Fieldgate Town Close Road Norwich NR2 2NB

Item
4(7)

SUMMARY

Description:	External alterations including raising main ridge of bungalow to form first floor with dormer and roof windows; removal of conservatory and widen rear of west end; erection of detached double garage.
Reason for consideration at Committee:	Objection
Recommendation:	Approve subject to conditions
Ward:	Town Close
Contact Officer:	Mrs Joy Brown Planner 01603 212543
Valid Date:	5th February 2014
Applicant:	Mr & Mrs Sewell
Agent:	Mrs Julie Rackham

INTRODUCTION

The Site

Location and Context

1. The property is situated on the south side of Town Close Road on the corner of the junction with Orwell Road. The property, which is a bungalow, was built during the mid 20th century and is of no particular architectural merit. The property is well set back from the highway and is situated within a large plot which has a number of mature trees and a significant amount of planting. The bungalow is constructed of brick with render and black fake beams on the front and rear facing gables, pantiles on the roof and uPVC windows and doors.
2. The bungalow is located within the former garden of number 13 Town Close Road and part of the garden of number 12 Town Close Road. Both 12 and 13 Town Close Road are grade II listed properties which were constructed in the early to mid 19th century. They are yellow brick and have a slate roof. The dwelling adjacent to the site (13 Town Close Road) has recently been granted planning permission for a single storey rear extension and side garage extension. These are currently under construction.
3. The area is characterised by having large detached or semi detached properties which are set back from the highway. Most of the properties are mid 19th century two storey dwellings which are set within large plots and there is only one other bungalow on Town Close Road. A number of the properties in the area, including the application site, are well

screened from the road by boundary fences and mature trees and planting.

Constraints

4. The property is situated within the Newmarket Road conservation area and is adjacent to and opposite statutory listed buildings. There are a number of mature trees on and adjacent to the site.

Topography

5. The site slopes up from the road to the house although the rear garden is relatively flat.

Planning History

12/02375/F - Erection of double garage in front garden. (APPR - 05/04/2013)

Equality and Diversity Issues

There are no significant equality or diversity issues.

The Proposal

6. The application seeks planning permission to increase the ridge height of the main section of the building to create a first floor which will change the property from a bungalow to a 1.5 storey dwellinghouse. The existing ridge height of the bungalow is currently 4.9m and 5.8m and the existing eaves height is currently 2.2m. The part of the building which is proposed to increase in height will have a ridge height of 7.6m and eaves height of 4.1m. It is not proposed to increase the ridge height of the rear projection, the existing garage or the section of the building closest to 13 Town Close Road. New dormer windows are proposed within the front and rear elevation, a single rooflight within the rear elevation, two windows and glazing within the roof within the north west elevation and three obscure glazed and fixed windows within the south east elevation. All of the windows on the ground floor are to be replaced with aluminium windows with some of the openings being enlarged.
7. The proposal also includes the removal of the existing conservatory on the rear elevation, the provision of a new detached double garage forward of the property, enlarging the existing porch, creating a small extension on the rear elevation to bring the rear elevation of the lounge and study in line with the rest of the house, moving the door of the existing garage to the side rather than on the front elevation and the provision of an air source heat pump.
8. The proposal has changed during the process of assessing the application following concerns raised by the Council regarding the overall design of the proposal. Although it was considered that the principle of the proposal was acceptable, there were concerns that the proposal would not be of a high quality design, particularly as it was unlikely that the brick at first floor level would match exactly that at ground floor level. The applicant has subsequently revised the proposal and rather than proposing materials to match, it is now proposed for the first floor to be clad in a greeny/grey weatherboarding and for all of the windows to be dark green aluminium.

Representations Received

9. The application as submitted was advertised on site and in the press and adjacent and neighbouring properties were notified in writing. Eight letters of representation have been received citing the issues as summarised in the table below.

Issues Raised	Response
<p>Design</p> <ul style="list-style-type: none"> • The existing bungalow is out of keeping with the other period properties on Town Close Road and would be unlikely to receive planning permission now. The only advantage is that it is single storey and therefore has a low profile. • The application acknowledges that the current building is 'ugly' but the proposed design does nothing to address this. It merely increases the size and scale of the existing building and makes it more dominant. The property is already out of keeping with the area and this will make it more visible from the road and neighbouring properties which will accentuates its anomalous style and render the proposed enlarged building as an eyesore in its surroundings. • The dormer windows and tiled roof are inappropriate for the area and would alter the skyline. • The development of the site offers an opportunity to enhance Town Close Road. A well designed original building such as an eco-house of high quality and contemporary design would be an enhancement. Alternatively the extension should be redesigned to provide a striking modern design and would be more appropriate if they extended at ground floor only. 	<p>See paragraphs 19-23</p>
<p>Impact upon the conservation area</p> <ul style="list-style-type: none"> • The site is situated within a conservation area and any development should preserve and enhance the character of the area. Extending the building significantly whilst retaining its 60s look does not improve the character of the conservation area and instead makes an inappropriate and poor quality design and style of building more 	<p>See paragraphs 26-27</p>

prominent.	
Impact upon residential amenity <ul style="list-style-type: none"> The existing building is close to the boundary of 13 Town Close Road which causes a privacy issue. Raising the roof will would cause more of an issue particularly as the building would look and feel enormous and would create overshadowing. The increased height would overlook neighbouring gardens and houses and the new windows in the side elevation would also increase overlooking to the adjacent property. 	See paragraphs 13-18
Precedence <ul style="list-style-type: none"> If granted the application would set a precedent. 	The application site is significant different in character to the other properties on Town Close Road and as such it is not considered that the proposal will set a precedent.
The use of the building <ul style="list-style-type: none"> It is stated that the usage of the dwelling would stay the same but the fact that there is space for parking for 13 cars makes one wonder if there would be some commercial consideration in the future. 	This is not applicable to the application. A change of use application would be necessary.

10. Following discussions with the applicant, the proposal has been revised. Another site notice and press notice was issued and neighbours were notified of the amendments. Four letters have been received which state that the previous objections still stand. Comments are also made that the changes to the proposal are very minor and do not address concerns of the local residents and that the amended proposal still does not improve or enhance the conservation area.

Consultation Responses

11. Tree officer – This will be achievable as long as conditioned to be in compliance with submitted AIA (including the replacement planting).

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

National Planning Policy Framework:

Section 7: Requiring good design

Section 11: Conserving and enhancing the natural environment

Section 12: Conserving and enhancing the historic environment

Relevant policies of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2011 (amendments 2014):

Policy 1 – Addressing climate change and protecting environmental assets

Policy 2 – Promoting good design

Relevant Saved Policies of the adopted City of Norwich Replacement Local Plan 2004:

NE3 – Tree protection, control and cutting and lopping

EP22 – General amenity.

HBE8 - Development in Conservation Areas

HBE12 - High quality of design in new developments

Other Material Considerations including:

Written Ministerial Statement: Planning for Growth March 2011

Interim statement on the off-site provision of affordable housing December 2011

The Localism Act 2011 – s143 Local Finance Considerations

Emerging DM Policies (submitted for examination):

The Joint Core Strategy and Replacement Local Plan (RLP) have been adopted since the introduction of the Planning and Compulsory Purchase Act in 2004. With regard to paragraphs 211 and 215-216 of the National Planning Policy Framework (NPPF), both sets of policies have been subjected to a test of compliance with the NPPF. Both the 2011 JCS policies and the 2004 RLP policies above are considered to be compliant with the NPPF. The Council has now submitted the emerging Local Plan policies for examination and considers most of these to be wholly consistent with the NPPF. Weight must be given to the emerging Local Plan and relevant policies are listed below for context although none change the thrust of the current Local Plan policies discussed in the main body of this report:

DM1 Achieving and delivering sustainable development – **Significant weight can be applied.**

DM2* Ensuring satisfactory living and working conditions - **Significant weight can be applied.**

DM3* Delivering high quality design – **Several objections, only limited weight.**

DM7 Trees and development – **Significant weight can be applied**

DM9 Safeguarding Norwich's heritage – **Significant weight can be applied.**

*These policies are currently subject to objections or issues being raised at pre-submission stage. Even where DM policies have been objected to, the objection may concern only one aspect of the policy and significant weight may be applied to that policy depending on what extent the objection relates to this proposal. For clarity, the level of weight that can be attributed to each DM policy has been indicated above.

Principle of Development

Policy Considerations

12. The principle of enlarging the property is acceptable and as such the main issues for consideration are design, impact upon the conservation area and neighbouring listed buildings and impact upon the living conditions of neighbouring residents. There are no highway implications and Norwich City Council's tree officer has confirmed that there are no negative impacts upon the trees on or adjacent to the site subject to the works being carried out in accordance with the submitted Arboricultural Impact Assessment.

Impact on Living Conditions

Overlooking, overshadowing, loss of light and noise

13. The property is situated within a large plot and due to the distances involved and the screening provided by hedging it is not considered that the proposal will impact upon any of the neighbouring residents to the north, south or west, taking into consideration overlooking, overshadowing and loss of light.

14. The main issue for consideration therefore is the impact that the proposal will have upon the neighbouring resident to the east (13 Town Close Road). The side elevation of Fieldgate is situated around 8m from the side elevation of the neighbouring property, although the neighbouring residents are currently constructing a garage to the side of their property which will significantly reduce the gap between the two properties.
15. It is considered that increasing the roof height may result in a slight loss of light and overshadowing to the neighbouring property to the east however due to the orientation and the presence of a large tree on the boundary, any loss of light and overshadowing will only be minimal and at an acceptable level, particularly bearing in mind that the garage which is currently being constructed will in itself block out light to the ground floor of 13 Town Close Road. Furthermore the proposal is to only increase the ridge height of the main section of the bungalow and given that the bungalow is situated further forward in the plot than 13 Town Close Road even the loss of light from evening sunlight will be minimal.
16. With regards to overlooking concern was raised with the applicant that new windows were being introduced on the side elevation. The applicant has subsequently amended the proposal so that all windows on the east elevation are obscure glazed and fixed and a condition should be attached to any permission to ensure that this is retained in perpetuity. Furthermore given that the property is so well screened it is not considered that the introduction of windows at first floor level in the rear elevation will result in a significant amount of overlooking to any of the neighbouring properties.
17. It is proposed to install an air source heat pump on the eastern side of the property. In order to ensure that this does not create a noise nuisance for neighbouring residents to the east, a condition should be attached to any permission requiring full details of the unit.
18. Therefore, subject to conditions relating to the glazing and air source heat pump, it is not considered that the proposal will be of significant detriment to the living conditions of any of the neighbouring residents taking into consideration overlooking, overshadowing, loss of light and noise.

Design and impact upon heritage assets

Design, form, scale, height and materials

19. Fieldgate is a bungalow which is of no architectural merit. There are only two bungalows on Town Close Road with the road being characterised by having two storey early-mid 19th century dwellings of which most of the properties are listed.
20. The proposal does not result in a dwelling which is in keeping with the surrounding area and features such as first floor dormer windows have been introduced which are considered to be alien to the surrounding area. However when assessing the application it must be acknowledged that the existing bungalow is not in keeping with the area either and therefore the main issue when assessing the merit of the proposal is whether the changes which are proposed are acceptable bearing in mind the existing character of the property.
21. The proposal will significantly increase the overall size of the property, however due to the curtilage of the property being large, it is considered that the plot can easily accommodate a dwelling of this size. Furthermore the front curtilage is of sufficient size to accommodate a new double garage. Increasing the height of the building is also considered acceptable with the ridge height still being significantly lower than other buildings in the immediate area. Increasing the height, will increase the prominence of the building slightly; however it

is considered that the proposal will give the building a much more contemporary appearance and will help improve the overall appearance of the dwelling. The new building will still remain well screened from the road and is situated within a secluded plot. Therefore increasing its prominence slightly is not considered to be of detriment to the streetscene.

22. Concern was raised with the applicant that although the principle of the proposal was acceptable there was not sufficient detail to ensure that the proposal would be of good design. As such the applicant has revised the proposal and has provided further details on the materials. It is considered that the contemporary window surrounds add clean edges to the window apertures and that the provision of weatherboarding will help reduce the amount of out of character existing brickwork to the bungalow. The palette of materials is considered to be suitable for this plot and the use of weatherboarding has addressed concerns that it would not be possible to get brick to exactly match the ground floor.
23. As such, bearing in mind the character of the existing building, it is considered that the overall design of the proposal is acceptable and that the proposal will create a more contemporary, well-proportioned dwellinghouse.

Listed Building – Impact on Setting

24. The property is situated adjacent to and opposite grade II listed buildings. Given the amount of screening to Fieldgate and the properties opposite it is not considered that the proposal will affect their setting.
25. With regards to the neighbouring property to the east (13 Town Close Road), it must be acknowledged that this bungalow, which is of no architectural merit, already exists. Although the proposal does increase the height of the property and therefore increases its dominance, it is considered that the proposed development will help to improve the appearance of property. Furthermore although the proposal will have some impact upon the setting of the neighbouring listed building, the increase in height is not considered to be of significant harm to justify refusal particularly bearing in mind that the neighbouring property is currently constructing a new garage between the listed building and Fieldgate. Furthermore the section of Fieldgate which is closest to 13 Town Close Road is not increasing in height which will help retain a visual gap between Fieldgate and the listed property.

Conservation Area – Impact on Setting

26. The property is situated within a conservation area; however it is not considered that the dwelling is overly visible from Town Close Road or Orwell Road due to screening provided by existing boundary trees. Views of the property can however be made from the front driveway entrance and therefore it is important that the proposal is of good design and does not detract from the overall character of the conservation area.
27. It must be acknowledged that the bungalow already exists and that the property is and will never be in keeping with the other period properties on Town Close Road. Although the proposed changes will make the dwelling slightly more dominant, it is considered that the proposal will enhance the property itself. As such it is not considered that the proposal will have a detrimental impact upon the overall character of the area or the conservation area.

Local Finance Considerations

28. The development is CIL liable as the proposal increases the internal floor space by over

100 square metres. The current payment is £75 per square metres and therefore the charge has been calculated at £10,800 (£11,458.53 index linked) and will be payable on commencement. The level of payment may change if rates change between the date of decision and date of commencement. The applicant may however be able to apply for relief if the requirements set out in the 'Self build annex or extension claim form' are satisfied.

Financial Liability	Liable?	Amount
New Homes Bonus	No	Nil
Council Tax	Possibly, if the property is revalued.	Unknown
Community Infrastructure Levy	Yes	£11,458.53

Conclusions

29. It is considered that the alterations will not result in a significant loss of residential amenity for the adjoining properties by overlooking, loss of light, overshadowing or noise. Although the proposal significantly alters the appearance of the property, the design is acceptable and will enhance the appearance of this bungalow which is currently of no particularly architectural merit. Furthermore the site is well screened by mature trees and as such it is not considered that the proposal will have a significantly detrimental impact upon the character of the conservation area. The proposal is situated adjacent to a grade II listed building and is also situated opposite listed properties; however it is not considered that the proposal will impact significantly upon their setting due to the distances involved, screening provided by trees and due to the neighbouring property to the east constructing a new garage between the listed building and Fieldgate. As such the proposal accords with the criteria set out within saved policies NE3, HBE8, HBE12 and EP22 of the City of Norwich Replacement Local Plan, policies 1 and 2 of the Joint Core Strategy, the National Planning Policy Framework and policies of the emerging Local Plan.

RECOMMENDATIONS

To approve Application No 14/00030/F Fieldgate, Town Close Road and grant planning permission, subject to the following conditions:-

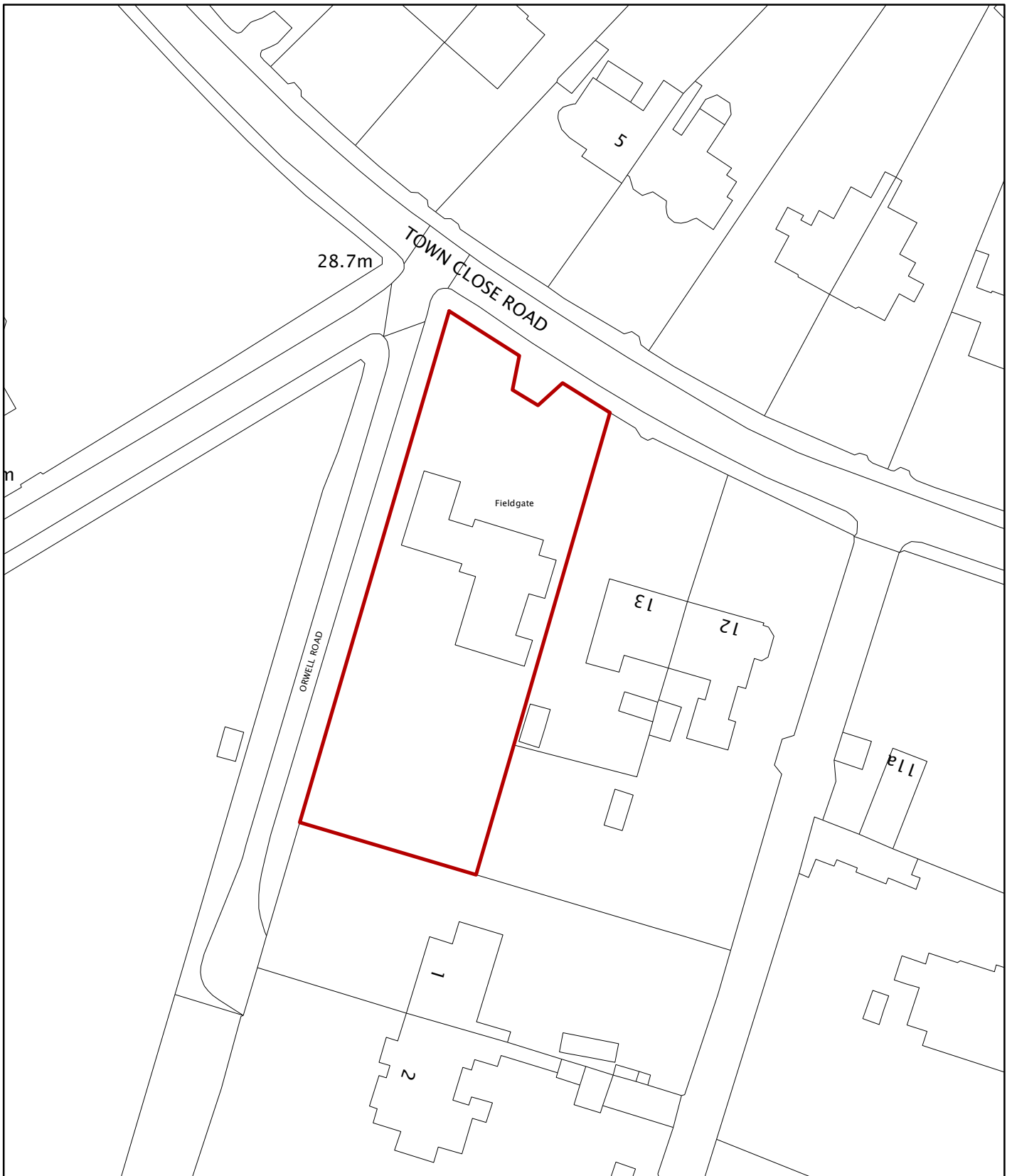
- 1) Standard time limit
- 2) In accordance with plans
- 3) Weatherboarding and windows in accordance with details submitted
- 4) Details of roofing materials and facing brick prior to commencement
- 5) Details of Air Source Heat Pump (including noise levels)
- 6) Windows in side elevation to be obscure glazed and fixed
- 7) In accordance with AIA (including replacement planting)

Informatives:

- 1) Development is CIL liable
- 2) Protective fencing for trees

Article 31(1)(cc) Statement

The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations, following negotiations with the applicant and subsequent amendments the application has been approved subject to appropriate conditions and for the reasons outlined in the officer report.



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Planning Application No 14/00030/F

Site Address Fieldgate, Town Close Road

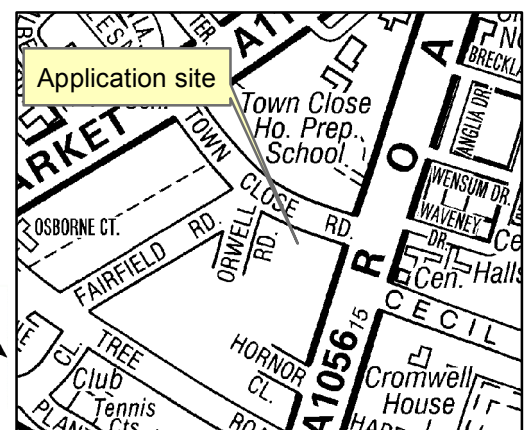
Scale

1:750



NORWICH
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PLANNING SERVICES



All dimensions to be verified on site by the Contractor before the start of work. Report any discrepancies to the client at once.

This drawing is to be read with all other relevant information.

Qualified Structural Engineer to ascertain suitability of all member sizes and fixings prior to any works carried out.

Product manufacturers recommendations and instructions to be followed at all times. With suitability of their product to be confirmed as fit for purpose before any works carried out.



Front Elevation



Rear Elevation

-	07.01.14	Issued for Planning Permission.
-	27.12.13	Issued to client for approval.
Rev.	Date	Reason for issue / any changes

Design, Planning, Building Regulations

JMR architectural designs

2 Holly Lane, Blofield, Norwich, NR13 4BX
www.jmrarchitecturaldesigns.co.uk
email: jmr.designs@virgin.net
07906 927037 or 01603 717541

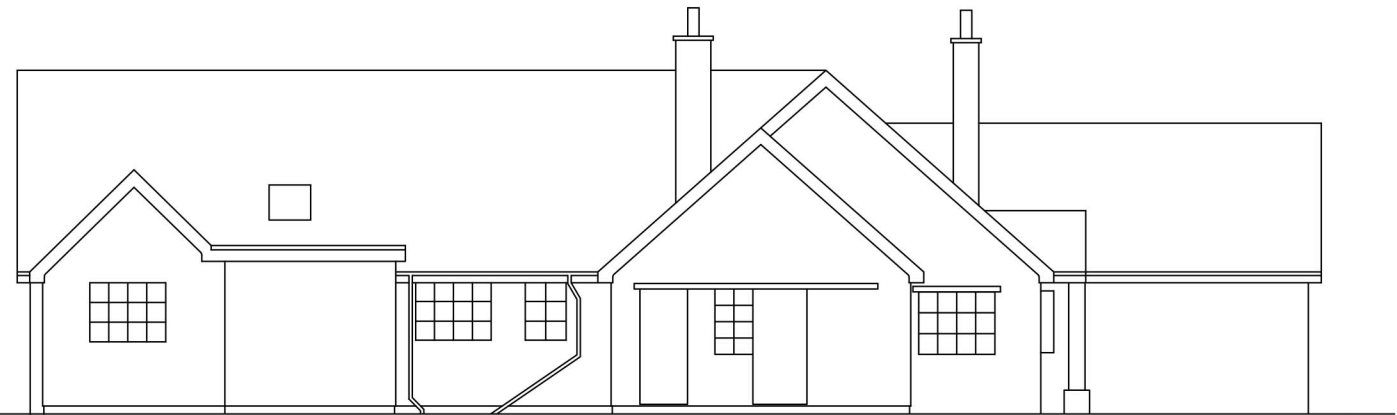
Client: Mr & Mrs Sewell	Address: Fieldgate Town Close Road Norwich NR2 2NB
Drawing Title: As Existing Front & Rear Elevations	
Date: 23.09.13	Scale: 1/100
A3	Dwg: 03
Rev: -	

All dimensions to be verified on site by the Contractor before the start of work. Report any discrepancies to the client at once.

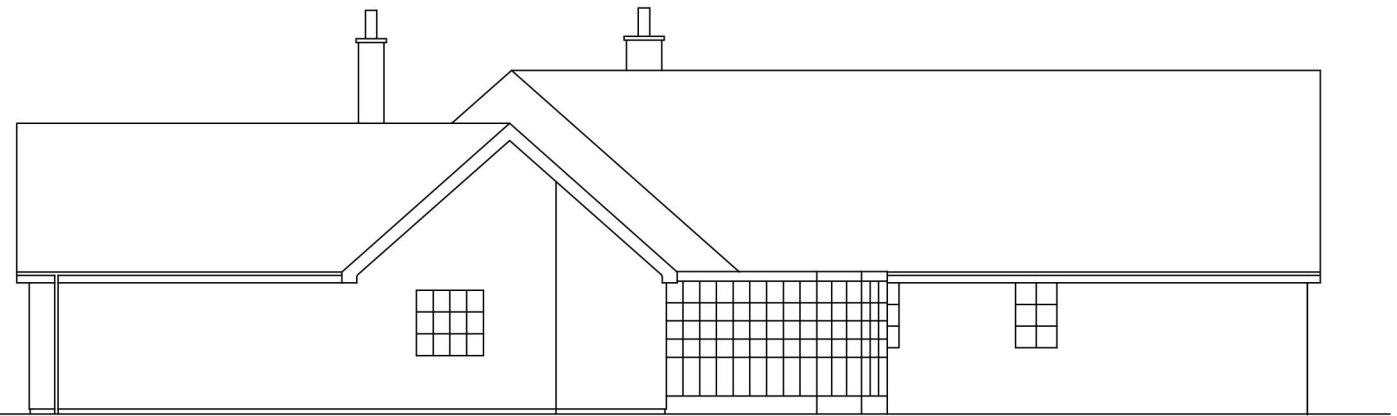
This drawing is to be read with all other relevant information.

Qualified Structural Engineer to ascertain suitability of all member sizes and fixings prior to any works carried out.

Product manufacturers recommendations and instructions to be followed at all times. With suitability of their product to be confirmed as fit for purpose before any works carried out.



South-East Elevation



North-West Elevation

-	07.01.14	Issued for Planning Permission.
-	27.12.13	Issued to client for approval.
Rev.	Date	Reason for issue / any changes

Design, Planning, Building Regulations

JMR architectural designs

2 Holly Lane, Blofield, Norwich, NR13 4BX
www.jmrarchitecturaldesigns.co.uk
email: jmr.designs@virgin.net
07906 927037 or 01603 717541

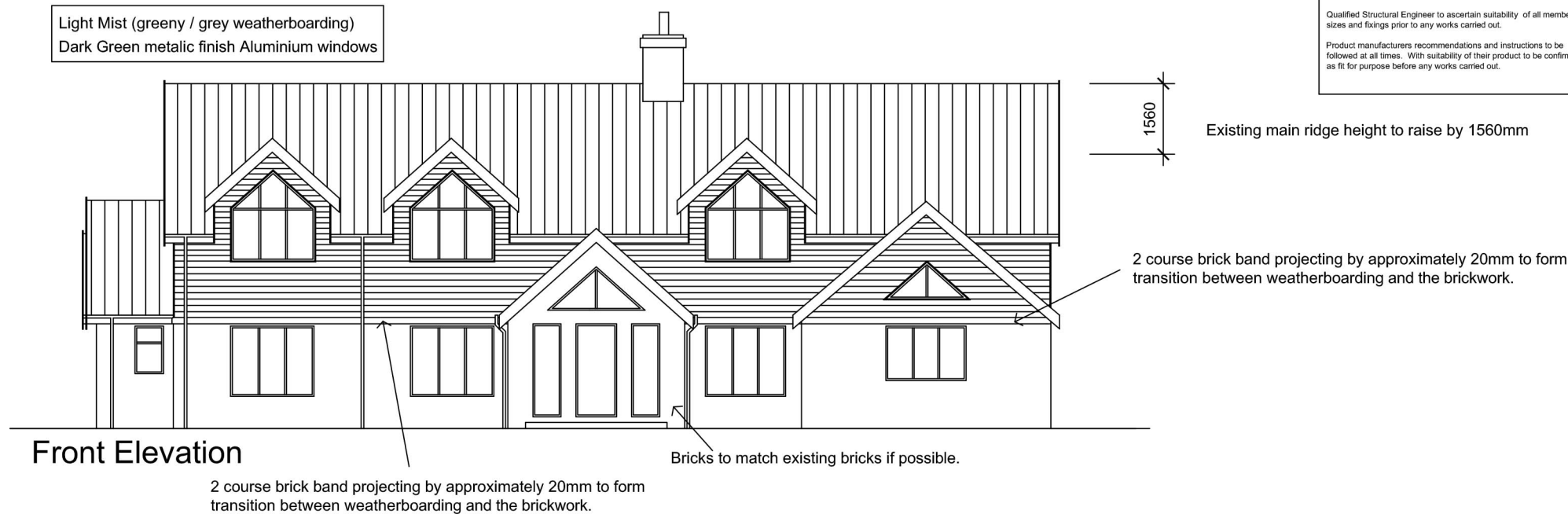
Client: Mr & Mrs Sewell	Address: Fieldgate Town Close Road Norwich NR2 2NB			
Drawing Title: As Existing Side Elevations				
Date: 23.09.13	Scale: 1/100	A3	Dwg: 04	Rev: -

All dimensions to be verified on site by the Contractor before the start of work. Report any discrepancies to the client at once.

This drawing is to be read with all other relevant information.

Qualified Structural Engineer to ascertain suitability of all member sizes and fixings prior to any works carried out.

Product manufacturers recommendations and instructions to be followed at all times. With suitability of their product to be confirmed as fit for purpose before any works carried out.



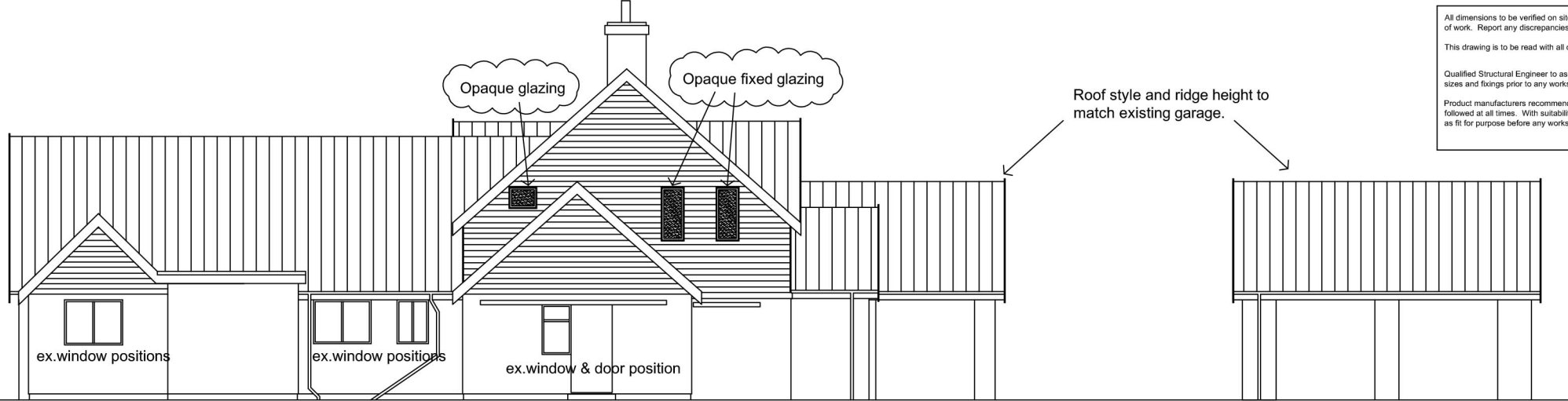
B	26.03.14	Weatherboarding added and more detail info.
A	07.01.14	Issued for Planning Permission.
-	27.12.13	Issued to client for approval.
Rev.	Date	Reason for issue / any changes

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Client: Mr & Mrs Sewell	Address: Fieldgate Town Close Road Norwich NR2 2NB			
Drawing Title:		As Proposed Front & Rear Elevations		
Date: 23.11.13	Scale: 1/100	A3	Dwg: 07	Rev: B



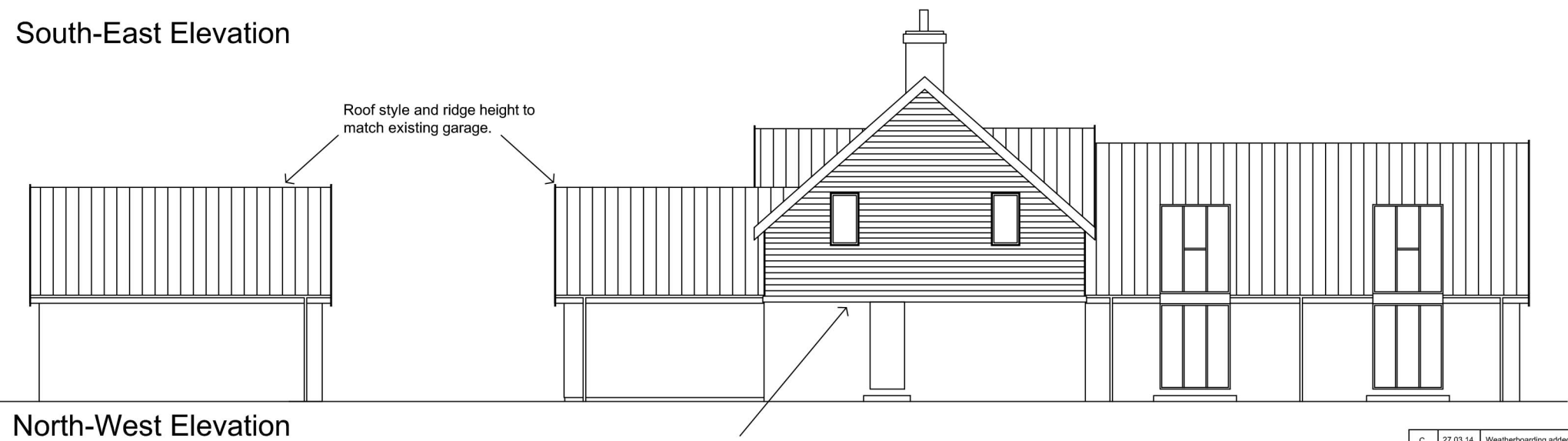
All dimensions to be verified on site by the Contractor before the start of work. Report any discrepancies to the client at once.

This drawing is to be read with all other relevant information.

Qualified Structural Engineer to ascertain suitability of all member sizes and fixings prior to any works carried out.

Product manufacturers recommendations and instructions to be followed at all times. With suitability of their product to be confirmed as fit for purpose before any works carried out.

South-East Elevation



North-West Elevation

Light Mist (greeny / grey weatherboarding)
Dark Green metallic finish Aluminium windows

C	27.03.14	Weatherboarding added to ex North-West walls.
B	26.03.14	Weatherboarding added and more detail info.
A	07.01.14	Issued for Planning Permission.
-	27.12.13	Issued to client for approval.
Rev.	Date	Reason for issue / any changes

Design, Planning, Building Regulations

JMR architectural designs

2 Holly Lane, Blofield, Norwich, NR13 4BX
www.jmrarchitecturaldesigns.co.uk
email: jmr.designs@virgin.net
07906 927037 or 01603 717541

Client: Mr & Mrs Sewell	Address: Fieldgate Town Close Road Norwich NR2 2NB			
Drawing Title:	As Proposed Side Elevations			
Date: 08.12.13	Scale: 1/100	A3	Dwg: 08	Rev:

Report to Planning applications committee
Date 8 May 2014
Report of Head of planning services
Subject Application nos 13/01540/VC Land and Buildings on the NE of King Street Norwich

Item
4(8)

SUMMARY

Description:	Variation of Condition 9 from "Prior to the first occupation of the development mooring provision shall be provided on the river frontage in accordance with a scheme to be first submitted to and approved by the Council as Local Planning Authority and shall thereafter be permanently retained" to "Within 3 months of the date of this decision moorings shall be provided in full accordance with drawing numbers 046-M-1001, 046-SW-220 _ 046-FY-264/1 and shall be retained as such thereafter" of planning permission (App. No. 04/00274/F) 'Conversion of former flour mills and redevelopment of site to provide 160 residential apartments and restaurant (Class A3) with associated car parking and landscaping' for the provision of moorings.	
Reason for consideration at Committee:	Objection This application was presented to 03 April 2014 Planning Applications Committee. During the presentation several members raised concern regarding the implications of the proposal for security and the potential for increased incidences of anti-social behaviour at the site. Following advice from officers members moved to defer the application in order to gain legal advice on the implications of taking enforcement action should the ultimate the resolution be one of refusal. The legal advice is summarised in paragraph 8 of this report.	
Recommendation:	Approve	
Ward:	Thorpe Hamlet	
Contact Officer:	Mr Kian Saedi	Planner 01603 212524
Valid Date:	25th September 2013	
Applicant:	P J Livesey Country Homes (Eastern) Limited	
Agent:	P J Livesey Country Homes (Eastern) Limited	

INTRODUCTION

The Site

Location and Context

1. The site is located to the east of King Street between Carrow Bridge and Novi Sad Bridge and is the Read Mills Development which comprises the flatted residential blocks of The Malt House, New Half Moon Yard, New Ferry Yard, Albion Mill,

Spooners Wharf and Cannon Wharf. The River Wensum runs to the east of the site and forms part of the Broads. The site is located within the Norwich City Centre Conservation Area.

Planning History

04/00273/L - Demolition of non-listed buildings and alterations to former mill buildings and 213 King Street for conversion to residential use. (APPR - 29/10/2004)

04/00274/F - Conversion of former flour mills and redevelopment of site to provide 160 residential apartments and restaurant (Class A3) with associated car parking and landscaping. (APPR - 30/06/2005)

10/01696/D - Details of condition 9: mooring provision of previous planning permission 04/00274/F. (APPR - 29/10/2010)

12/01120/VC - Removal of Condition 9 of planning permission (App. No. 04/00274/F) for the provision of moorings and amendment of the S106 agreement associated with 04/00274/F to remove the requirement for provision of public access to the River. (REF - 27/07/2012, subsequent appeal dismissed)

Equality and Diversity Issues

There are no significant equality or diversity issues.

The Proposal & Background

2. The application seeks to vary condition 9 from "Prior to the first occupation of the development mooring provision shall be provided on the river frontage in accordance with a scheme to be first submitted to and approved by the Council as Local Planning Authority and shall thereafter be permanently retained" to "Within 3 months of the date of this decision moorings shall be provided in full accordance with drawing numbers 046-M-1001, 046-SW-220 _ 046-FY-264/1 and shall be retained as such thereafter".
3. The moorings were never provided and details were not agreed prior to first occupation. A scheme for the moorings was approved under application ref. 10/01696/D, which involved the provision of two pairs of mooring posts set between 1-1.5m from the west bank for demasting sail boats before passing the bridge. The mooring posts were 110m apart one 50m south of Novi-Sad Bridge and one 40m north of Carrow Bridge. The moorings were for short stay moorings with no overnight mooring and offered no access to the river bank.
4. Subsequent to this approval the applicant wished to explore an alternative solution whereby boats would moor up to the riverbank for demasting purposes. Such a solution was discussed with the Broads Authority who indicated that this would be acceptable subject to certain improvements to the riverbank at the two mooring locations. The solution was discussed but not formally agreed with officers who indicated that such a solution would work so long as the security of private parts of the development was achieved. The two mooring locations were in areas of narrow river bank adjacent to private basement parking areas where unauthorised access to the bank would be undesirable. Railings were subsequently discussed and erected to provide security, however this resulted in further security concerns being raised by residents of the development. These concerns related to potential unauthorised access to balconies from railings below as well as noise and disturbance from moored boats.

5. Planning application ref.12/01120/VC proposed to remove condition 9 of previous planning permission 04/00247/F. This application received officer recommendation for approval but the decision to refuse planning consent was decided at planning applications committee of 19 July 2012. The Council contended that the imposition of condition 9 was reasonable and necessary and application ref.12/01120/VC was refused because the loss of the proposed moorings was considered contrary to saved policy TVA3 of the adopted Local Plan and policy 18 of the JCS. Saved policy TVA3 of the Local Plan requires access by river craft to development sites and promotes access to the river for visitors and other users. Policy 18 of the JCS promotes the recreational value and navigational use of the river on sites close to the Broads.
6. This decision was subsequently appealed and the appeal was dismissed. The Inspector agreed with the Council's decision to refuse planning consent for the removal of condition 9 and found that the need for condition 9 "remains as necessary now as it was in 2005". The Inspector also gave significant weight to the Broads Authority's advice that de-masting/lay-by moorings should be provided at all four quadrants of a bridge to ensure safe de-masting on a lee shore. In coming to this decision the Inspector had regard for the living conditions of local residents and considered that any loss of privacy, noise or disturbance, or anti-social behaviour near the apartments could be minimised with careful attention to the location and configuration of the moorings on the river frontage. The appeal hearing was also told that limitations on the use of the moorings could be imposed by the landowner.
7. The current application seeks to vary condition 9, which can now technically not be complied with by virtue of being "prior to first occupation". Instead it is proposed to re-word the condition to provide moorings in accordance with the plans submitted with this application and then to provide the moorings within three months of the date of this decision.
8. Since the committee meeting of the 3rd April, legal advice has been provided regarding the implications of serving a breach of condition notice should the committee resolution be one of refusal. Section 187 A of the Town and Country Planning Act 1990 ("the 1990 Act") provides for enforcement of a planning condition by the breach of condition notice. Section 187 A holds that a breach of condition notice may be served upon any person who is carrying out or has carried out the development or any person having control of the land. It would therefore not be necessary to serve such a notice on parties with a leasehold interest in individual flats within the wider development and instead such a notice could be served on the developer and current freeholder of the site should members wish to resolve to refuse the application and pursue enforcement action to seek the implementation of the mooring scheme approved under reference 10/01696/D.

Representations Received

9. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 29 letters of representation have been received citing the issues as summarised in the table below.

Issues Raised	Response
The previously approved provision allowed for demasting only, but has changed to providing “a mooring for all craft with a 2 hour limit and no overnight stay”. This subtle change allows for activity beyond demasting.	No time restriction on original (also refe Broads Authority comments) Se par. 20. , nothing changed from 2010 approved
Demasting points on the riverbank would go against the Planning Inspector’s Report to give careful attention to the location and configuration of moorings on the river frontage.	Par. 15, 16, 19-24
Impact on residential amenity (noise/disturbance).	Par. 15-19
The proposal represents a major fire risk.	Par. 25-27
Who will be responsible for any litter deposited on the bank?	Para 22
Antisocial behaviour associated with mooring for longer than permitted.	Para 22
Risk of crime.	Para 22 and 23
Who will be responsible for ensuring that the mooring restrictions are adhered to?	Landowner. Also, Broads Authority have certain powers over navigation on the river.
Positioning of moorings on wharf side requires agreement of the landowner.	See par. 29
The planning application has changed without consultation.	Par. 30
There is no other safety equipment buoys or escape ladders in this location.	Par. 28

Consultation Responses

10. The Broads Authority:

The Broads Authority expressed concerns with previous proposals to remove the layby moorings required by this consent and, accordingly, the Authority welcomes this new application.

The timescale proposed (within three months of the determination of this application) is considered reasonable and the proposed mooring detail is in accordance with the specification previously discussed.

Consequently, the Broads Authority supports this application and the in-river infrastructure it will deliver.

The mention of “in-river infrastructure” raised the possibility of the Broads Authority having seen the 2010 approved plans rather than the revised so the Broads Authority were re-consulted and directly sent the revised plans to avoid any possible confusion. In their follow up response the Broads Authority stated the following:

The basic thrust of the response is the same as previously stated: The Broads Authority welcomes the provision of demisting moorings in this location and considers the proposed timescale as appropriate

I Satisfied that the moorings proposed will, notwithstanding the revised locations,

provide a facility for boats navigating along this part of the Wensum.

Further comments were provided in response to some of the questions asked of them by the local planning authority and these are discussed further in the report.

Norfolk Fire and Rescue:

The moorings are far enough away from the car park vents and face of the flats, that they do not present an increased risk of fire spreading between them and endangering the occupants. Additionally, as moorings will be for temporary use only the boats will be licensed and hence subject to the boat safety inspections etc.

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

National Planning Policy Framework:

Section 4 – Promoting sustainable transport

Section 7 – Requiring good design

Section 8 – Promoting healthy communities

Section 12 - Conserving and enhancing the historic environment

Relevant policies of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2014

Policy 2 – Promoting good design

Policy 18 – The Broads

Policy 20 - Implementation

Relevant saved policies of the adopted City of Norwich Replacement Local Plan 2004

HBE8 - Development in Conservation Areas

EP22 - High standard of amenity for residential occupiers

TVA3 – Waterborne tourism and river moorings

Supplementary Planning Documents and Guidance

Green Links and Riverside Walks adopted December 2006

City Centre Conservation Area Appraisal (September 2007)

Other Material Considerations

Written Ministerial Statement: Planning for Growth March 2011

Procedural Matters Relating to the Development Plan and the NPPF

The Joint Core Strategy and Replacement Local Plan (RLP) have been adopted since the introduction of the Planning and Compulsory Purchase Act in 2004. With regard to paragraphs 211 and 215-216 of the National Planning Policy Framework (NPPF), both sets of policies have been subjected to a test of compliance with the NPPF. Both the 2011 JCS policies and the 2004 RLP policies above are considered to be compliant with the NPPF. The Council has now submitted the emerging Local Plan policies for examination and considers most of these to be wholly consistent with the NPPF. Weight must be given to the emerging Local Plan and relevant policies are listed below for context although none change the thrust of the current Local Plan policies discussed in

the main body of this report:

- DM1** - Achieving and delivering sustainable development
- DM2*** - Ensuring satisfactory living and working conditions
- DM3*** - Delivering high quality design
- DM9** - Safeguarding Norwich's heritage
- DM28*** - Encouraging sustainable travel

* These policies are currently subject to objections or issues being raised at pre-submission stage and so only minimal weight can be applied in particular instances. However, the main thrust of ensuring adequate design and amenity is held in place through the relevant Local Plan policies listed above.

Principle of Development

Policy Considerations

11. Saved policy TVA3 of the adopted Local Plan sets out the requirements for riverside moorings. The policy requires development with a frontage onto the river to be designed to take advantage of the opportunities for access by river craft. In particular the policy sets out a requirement for provision of public moorings and appropriate bankside access at Cannon Wharf within 50m of Novi-Sad Bridge. Policy DM28 of the emerging Development Management Plan requires that where development adjoins a navigable section of the river, opportunities should be taken to provide residential and/or commercial moorings to facilitate access by water where this is appropriate and reasonably practicable to do so. Policy 18 of the JCS states that opportunities should be taken to maintain and enhance the recreational value and navigable use of the Broads.
12. Following the dismissal of the appeal against the decision to refuse application ref/12/01120/VC, the Inspector determined that the need for condition 9 requiring moorings to be provided remains as necessary now as it was in 2005 when imposed upon the original permission and significant weight was given to the Broads Authority's requirement for de-masting/lay-by moorings at "all four quadrants of a bridge".

Design of Moorings

13. The proposal will result in mooring posts being made available at all four quadrants of the river between the Novi Sad Bridge and Carrow Bridge. The Broads Authority have expressed their satisfaction with the proposal and the moorings will enable safe demasting on the lee shore of this stretch of the river. In turn, this will provide the conditions to ensure that river craft can safely navigate the stretch of river between Carrow and Novi Sad Bridge in accordance with saved policy TVA3 of the adopted Local Plan, policy 18 of the JCS and policy DM28 of the emerging Development Management Plan.
14. The mooring posts and iron fencing is considered of an acceptable design and will not result in any harm to the character or appearance of the conservation area. Only one new mooring post is to be installed, the remaining three will be refurbished to bring them up to an operational standard.

Impact on Living Conditions

Noise and Disturbance

15. In coming to his decision the Inspector stated that “provided that careful attention is given to the location and configuration of the moorings on the river frontage, this should minimise the risk of any loss of privacy, noise or disturbance, or anti-social behaviour near the apartments”. The Inspector did not state that moorings should be provided in the riverbed. The plans agreed in 2010 proposed two pairs of demasting mooring posts in the river bed 1-1.5 metres from the west bank, one 50m south of Novi-Sad Bridge and one 40m north of Carrow Bridge. The current application sees mooring posts proposed on the river bank with one 55m north of Carrow Bridge and one 65m south of Novi-Sad Bridge.
16. In terms of providing mooring posts on the river bank it would not be possible to locate the posts any closer to either bridge such is the raised level of the riverbank further towards each bridge. Both sets of mooring posts would be located adjacent to undercroft parking, above which are residential apartments.
17. Much concern has been raised regarding the potential for noise and disturbance to the neighbouring apartments resulting from people using the mooring provision.
18. The moorings are proposed to be temporary moorings (short stay, no overnight stay) provided to give boats demasting moorings before each bridge. This is the same as the mooring provision proposed and agreed as part of application ref. 10/01696/D. The applicant also proposes to attach a sign to each of the mooring poles indicating that the moorings are for short stay, lay by use and that no overnight mooring is permitted. Details of the sign would be conditioned as part of any approval.
19. The applicant has avoided locating the mooring posts directly opposite the flats at Albion Mills where residential units are located at ground floor level directly opposite the river frontage. Mooring posts in this location would have been more likely to raise issues of loss of privacy and noise disturbance for neighbouring residents. The mooring posts have instead been located opposite Spooners Wharf and Ferry/Half Moon Yard where car parking undercrofts are located at ground floor level with flats above. In terms of the potential for noise disturbance from people using the mooring provision (assuming no unauthorised use), the proposed location of the moorings is not considered to increase the potential for noise disturbance to neighbouring properties from the mooring posts in the river bed agreed in the 2010 scheme.
20. Whilst the applicant has not specified the length of time permitted by “short stay”, the Broads Authority have stated that the standard for demasting moorings at opening bridges (which Carrow Bridge and Novi Sad Bridge are), would be two hour maximum stay. The principle requirement for the moorings is to provide for mastng and demasting of sail boats, but the moorings could also provide a useful temporary mooring where another vessel might be travelling down the channel and thus reducing the size and width of the navigable channel. The Broads Authority have stated that restricting the use of the moorings to demasting only would be “impractical (and difficult to enforce)”. The Broads Authority has also stated that there would not be a need to leave the boat whilst using the mooring and signage should reinforce this.
21. The restrictions imposed on the moorings in terms of the duration of stay would be the responsibility of the landowner. The Broads Authority has referred to demasting

moorings that exist a short distance further upstream adjacent to St James' Mill. These moorings are short stay/demasting and the Broads Authority are not aware of there being any incidence of overstaying at these moorings. A condition will be added to approval requiring detail of signage to be submitted to the local planning authority for approval and this will ensure that clear notification of the mooring restrictions is provided.

22. Much concern has been raised about the increased potential for disturbance, anti-social behaviour, crime and littering to occur due to the moorings being on the bank. As already stated by the Broads Authority, demasting does not require people to leave the boat at any stage during the demasting process. Departing the boat and entering private land would therefore constitute an act of trespassing and civil offence. There is no reason to believe that positioning the moorings on the river bank will increase the incidence of crime, anti-social behaviour or trespassing, and the moorings are available to river craft only for the purposes of navigating the river. There is no reason to suspect that people will drop litter on the river bank, but in such an event responsibility would fall to the landowner for its proper disposal.
23. Furthermore, the applicant proposes to secure the mooring area with 6ft wrought iron fencing to improve security on the site.
24. It is therefore considered that the location of the mooring posts is acceptable with regards to avoiding any significant noise or disturbance to neighbouring properties and that the proposal accords with saved policy EP22 of the adopted Local Plan.

Other issues

Fire risk

25. Representations have raised concern regarding the increased risk of fire that will result from boats mooring close to the parking undercroft. Norfolk Fire and Rescue have been consulted on the application and have stated that the moorings are far enough away from the car park vents and face of the flats that they do not present an increased risk of fire spreading between them and endangering the occupants. Additionally, as moorings will be for temporary use only the boats will be licensed and hence subject to the boat safety inspections etc.
26. The Broads Authority have stated that all boats must be tolled and in order to be tolled, boats must show evidence of appropriate insurance and have the relevant boat safety scheme certificate. Fire safety on boats is included as part of the safety scheme.
27. It is therefore considered that the risk of fire from boats moored adjacent to the flats is not a significant issue and does not affect the acceptability of this proposal.

There is no safety equipment, buoys or escape ladders in this location

28. The Broads Authority has stated that the provision of escape ladders etc is not required in this instance. There are historic moorings already in place at the site and a number of means of escaping the water are provided, including the presence of ladders and low banks at a reasonably close distance to both of the proposed new demasting moorings. Most falls/incidents are also understood to occur when

disembarking from boats, which the demasting of a boat would not necessitate.

The positioning of the moorings on the wharf side requires the agreement of the landowner

29. Whilst the ownership of the land is understood to have changed hands since the submission of the original application, the applicant has completed the correct ownership certificate in the application form and indicated that they have given requisite notice on the landowner. Any development would require the consent of the landowner, but this would amount to a civil matter.

The planning application has changed without consultation

30. The Council has served requisite notice for the purposes of this application. Direct notification has been sent to neighbours and the application has been advertised on site and in the press.

Procedural guidance

31. Any approval of the variation would issue a new consent which could be implemented independently of the original outline consent and therefore it is necessary to re-impose any conditions which are not subject to the request for variation under this application. It will also be necessary to link the S106 agreement for the original consent to any new consent via a deed of variation to the original agreement.
32. Certain conditions of the original panning consent (04/00272/F) have not been discharged nor had details agreed. The appeal decision for previous application 12/01120/VC contained a list of suggested conditions that would have been re-imposed had planning permission been granted for that application. These conditions along with the revised condition 9 and a condition requiring details of the signage should be imposed upon any approval.

Conclusions

33. The proposal will provide moorings at all four quadrants of the stretch of river between Carrow Bridge and Novi Sad Bridge. This will enable river craft to safely demast and navigate the river. The location of the moorings on the river bank is considered acceptable and will not result in any significant harm to the amenity of neighbouring residents. The moorings are for demasting only and signage will ensure that people are properly notified of the associated mooring restrictions, including a restriction on the duration of stay and that boats should not be disembarked whilst moored. Subject to conditions therefore, the proposal is considered acceptable and in accordance with the objectives of Sections 4, 7, 8 and 12 of the National Planning Policy Framework (March 2012), Policies 2, 18 and 20 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (2014), saved policies TVA3, HBE8 and EP22 of the City of Norwich Replacement Local Plan (2004), relevant policies of the Development Management Policies Development Plan Document – Pre submission (April 2013) and all other material considerations.

RECOMMENDATIONS

Recommended to approve application 13/01540/VC subject to the completion of a deed of variation to link the former obligations of the S106 agreement (linked to permission 04/00274/F) to the new consent and the following conditions:

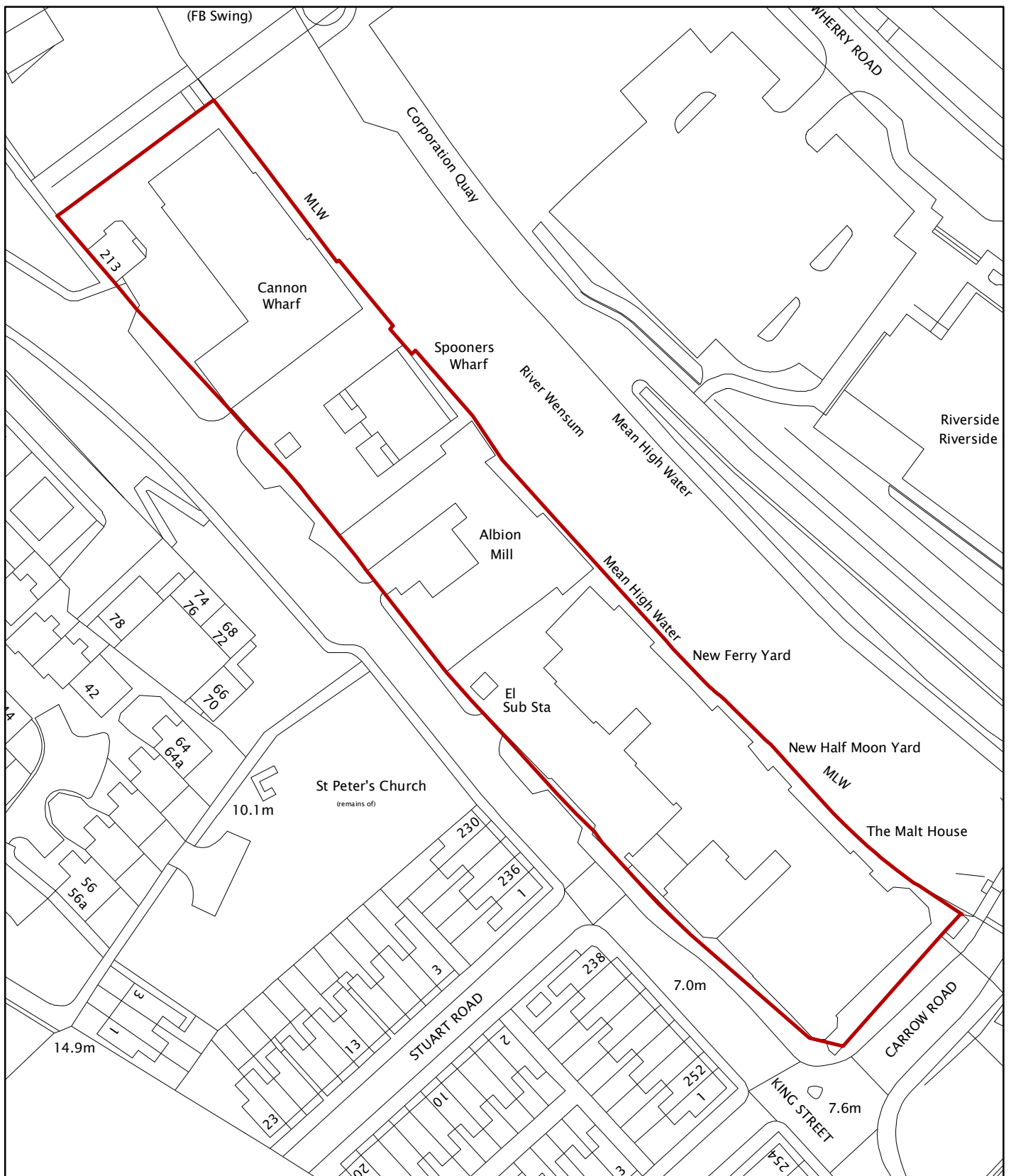
- 1) Within six months of the date of this decision landscaping, planting and site treatment works shall be completed in full accordance with a scheme to be submitted to and approved in writing by the local planning authority. The scheme shall provide landscaping details of the north, south and east boundaries of the site with Novi-Sad Bridge, Carrow Bridge and the River Wensum respectively and shall include the following details:
 - Details of the materials for the paved areas
 - Details of all new boundary treatments at the site
 - Details of new lighting
 - Planting plans
 - Planting schedules
 - Written specifications

The landscaping scheme shall thereafter be retained in accordance with the approved details

- 2) Any trees or plants which comprise part of the landscaping scheme and within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season.
- 3) Cycle parking, refuse storage, access, car parking and forecourt areas of site shall be retained in perpetuity and made available for use by residents of the development
- 4) Within three months of the date of this decision moorings shall be provided in full accordance with approved drawings and retained as such thereafter
- 5) Mooring signage to be submitted for approval prior to installation. Signage to be retained in perpetuity thereafter.

Article 31(1)(cc) Statement

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



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Planning Application No 13/01540/VC

Site Address

Moorings

King Street

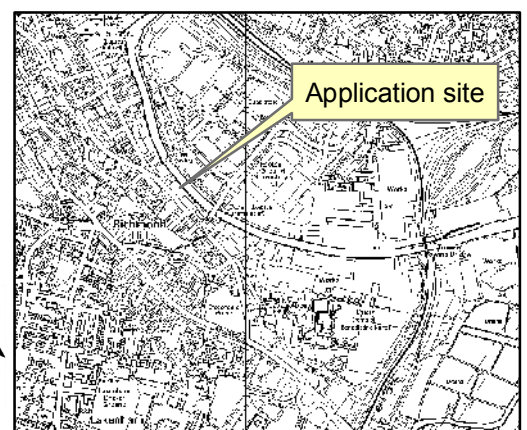
Scale

1:1,000



NORWICH
City Council

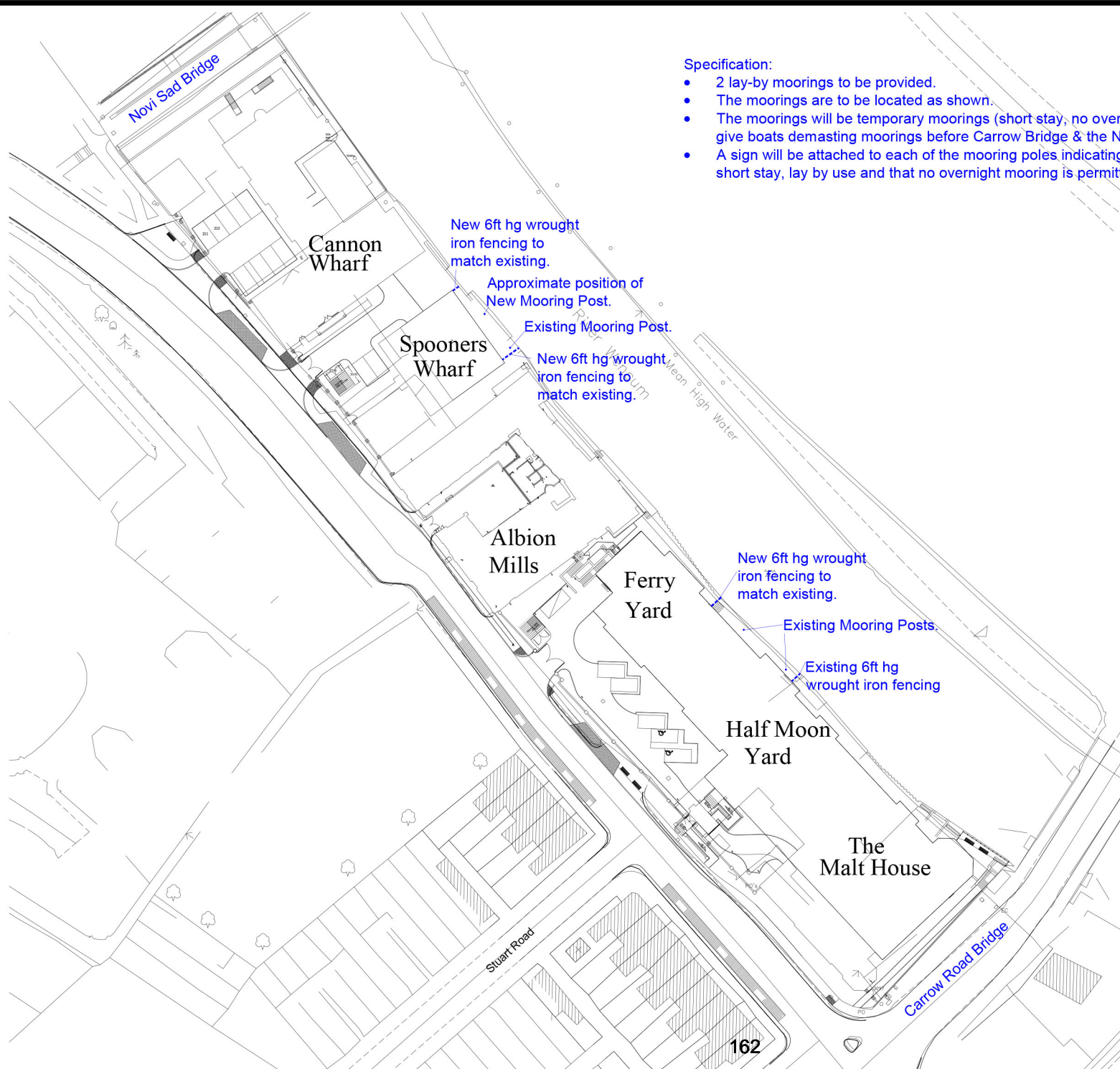
PLANNING SERVICES





Specification:

- 2 lay-by moorings to be provided.
- The moorings are to be located as shown.
- The moorings will be temporary moorings (short stay, no overnight stay) provided to give boats demasting moorings before Carrow Bridge & the Novi Sad Bridge.
- A sign will be attached to each of the mooring poles indicating that the moorings are for short stay, lay by use and that no overnight mooring is permitted.



WARNING
Dimensions must not be scaled from this drawing.
Dimensions required are to be obtained from the
drawing office

Proposed Mooring Positions

046-M-1001

Scale 1:500 Date Sept. 2010
Drawn DMM Checked

Former Read Mill Site
King Street
Norwich
Norfolk

P.J.Livesey Country Homes (Eastern) Ltd
Ashburton Park
Ashburton Road West
Trafford Park
Manchester M17 1AF
Tel : 0161 873 7878
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