

Report to Planning applications committee

Item

19 December 2019

Report of Area Development Manager

Subject Application no 19/01280/F - Land Rear of 32 and 33
Cattle Market Street (accessed Via Three Tuns Court),
Norwich

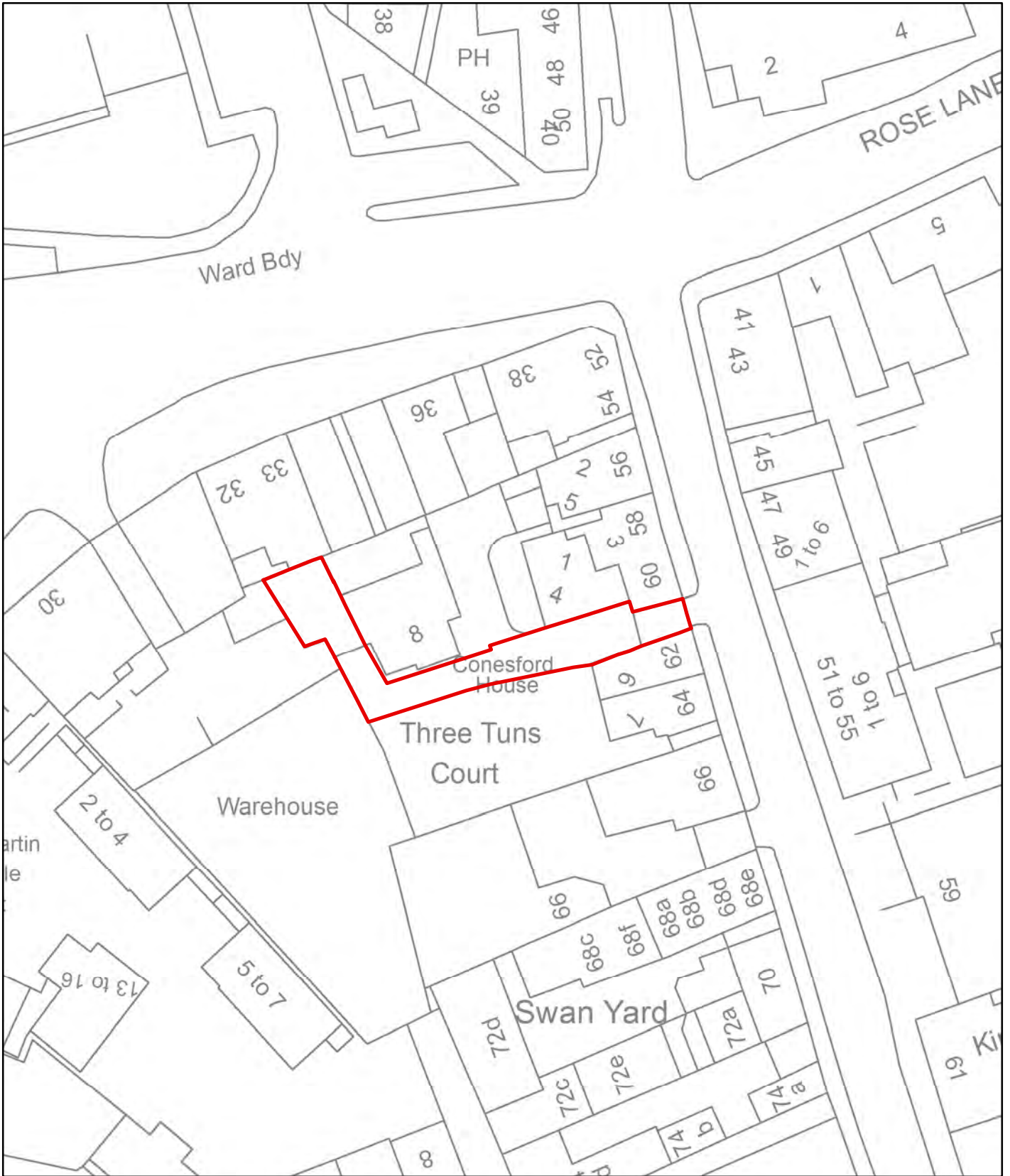
4(d)

Reason for referral Objection

Ward:	Mancroft
Case officer	Katherine Brumpton - katherinebrumpton@norwich.gov.uk

Development proposal		
Construction of single storey office.		
Representations		
Object	Comment	Support
2	0	0

Main issues	Key considerations
1 Principle of development	Suitability of office at the site
2 Design and Heritage	Impact upon Conservation Area
3 Transport	Suitability of access and parking
4 Amenity	Impact upon adjacent neighbours and amenity of future residents
Expiry date	5 November 2019
Recommendation	Approve



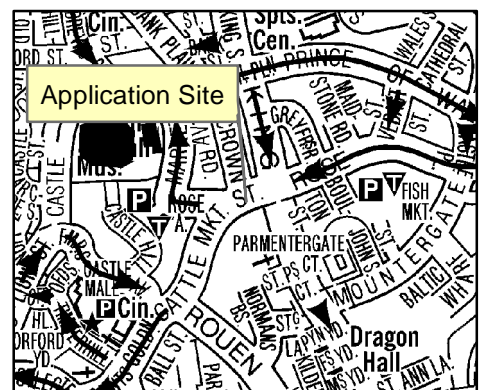
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Planning Application No 19/01280/F
 Site Address Rear of 32 and 33 Cattle Market Street

Scale 1:500



NORWICH
 City Council
 PLANNING SERVICES



The site and surroundings

1. The site is currently unused, except for some low scale storage. Access is gained from the south east, via Three Tuns Court.
2. It borders the rear of 32/33 Cattle Market Street to the NW; this property has a ground floor window and pedestrian door facing the site, in addition to windows on higher storeys. Due to the design of 32/33 Cattle Market Street the ground floor immediately abuts the site, with the first floor set further back and the second floor further again.
3. To the northeast lies Conesford House; part of the site borders its rear garden, and the rest the dwelling itself.
4. The southwest borders a historic wall, which partially serves an adjacent warehouse, it measures approx. 4m high.
5. At the time of the site visit it was unclear what use 32/33 Cattle Market is in as it appeared unused. However its planning history suggests that its last active use was either as offices or residential.
6. The submitted location plan shows most of Three Tuns Court falls within the ownership of the application site.

Constraints

7. Conservation Area: City Centre Conservation. King Street Character Area
8. Neighbouring buildings to the north are locally listed (nos. 32-38). 32/33 Listing: *Early C19. 3 storeys, white brick. Pantiles. 3 sashes. Later shopfront.*
9. The majority of buildings within Three Tuns Court are statutory listed (56-64 [evens] King Street)
10. Area of Main Archaeological Interest
11. City Centre Leisure Area
12. City Centre Parking

Relevant planning history

13.

Ref	Proposal	Decision	Date
18/01839/F	Construction of single storey dwelling with basement.	REF	07/05/2019
19/00717/F	Single storey dwelling with basement.	REF	17/07/2019

The proposal

14. The proposal is for the erection of a single storey single unit office. It would have a flat roof served with a lantern and be accessed via bi-fold doors in the northeast elevation. A toilet would be served with a window on the southeast elevation, facing Three Tuns Court.
15. The office would be constructed from brick, although no details have been provided. The fenestration would be either timber or aluminium.
16. Following discussions with the agent amended plans have been received which would reduce the height of the walls by 0.3m and include an area of obscure glazing. Due to the limited level of these changes neighbours have been re-consulted for 7 days, but no further re-consultations or re-publications have been undertaken.
17. At the time of writing the report the additional 7 day consultation period is underway. Any additional responses from neighbours will be provided to the Committee via the update sheet.

Summary information

Proposal	Key facts
Scale	
Total floorspace	22 square metres
No. of storeys	1
Max. dimensions	Footprint: 4.8m by 7.7m (note: proposal does not have a rectangular footprint) Height: 2.7m
Appearance	
Materials	Brick and aluminium or timber fenestration
Operation	
Opening hours	None stated
Transport matters	
Vehicular access	Via Three Tuns Court
No of car parking spaces	0
No of cycle parking spaces	No details provided

Proposal	Key facts
Servicing arrangements	Within an existing area in Three Tuns Court

Representations

18. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 2 letters of representation have been received citing the issues as summarised in the table below. All representations are available to view in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Issues raised	Response
Future users would have virtually no natural light and no outlook.	See main issue 4.
Another office is not needed; Norwich already has an excess of office space	See main issue 1.
Poor access to site, via a security gate, with limited car parking. Difficult to undertake building work. May need to undertake significant foundation and/or piling work as part of the construction.	See main issue 3. Details of foundations are not considered to be a material planning consideration in this case and will be a matter for building control.
An increase in the number of people with access to the gate will decrease overall security.	The increase in the number of visitors and people working within Three Tuns Yard is not considered to be significant as a result of this application. The impact upon the security is therefore also not considered to be significant.
Neighbours rights of access may be impacted by the development: <ul style="list-style-type: none"> • could lead to inappropriate parking across the right of access along the south of the site; • not permit adequate access to the garden; and • during the development areas are likely to be obstructed. 	The proposal does not include any parking on the site. The neighbours rights of access are largely a civil matter, however it is considered that the proposed development would not prevent the area to the south of the site being kept clear or access being maintained to the gate to the neighbour's rear garden.
Would overshadow and overlook neighbours and therefore conflict with policy DM2 and DM16. No improvement on previous application, which was refused for	See main issue 4.

Issues raised	Response
overshadowing. Building would sit 3.7m above adjacent garden.	
Impact upon the adjacent neighbours' amenity from the noise of people visiting and using the office and potential overlooking into adjacent garden.	See main issue 4.
Potential for office to be converted into a dwelling in the future; the site is not suitable for a dwelling.	Agree that the building would not be suitable for use as a dwelling due to the site restrictions such as the size of the plot and relationship to neighbours. A change of use to a dwelling from an office is currently allowed under permitted development in some circumstances. As such a condition would be added to prevent a change of use under permitted development.

Consultation responses

19. Consultation responses are summarised below the full responses are available to view at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Design and conservation

20. This is not an application that I intend to provide conservation and design officer comments on because it does not appear on the basis of the application description to require our specialist conservation and design expertise. This should not be interpreted as a judgement about the acceptability or otherwise of the proposal.

Highways (local)

21. No objection. A Construction Management Plan is requested as the site is constrained. No on-site parking permits would be provided.
22. Provision of bins and cycle storage needs to be established.

Norfolk historic environment service

23. No objection. Standard condition needs applying. Monitoring may be enough but a programme of works needs to be prepared anyway.

Assessment of planning considerations

Relevant development plan policies

24. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
 - JCS1 Addressing climate change and protecting environmental assets
 - JCS2 Promoting good design
 - JCS5 The economy
 - JCS6 Access and transportation
 - JCS11 Norwich city centre

25. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
 - DM1 Achieving and delivering sustainable development
 - DM2 Ensuring satisfactory living and working conditions
 - DM3 Delivering high quality design
 - DM9 Safeguarding Norwich's heritage
 - DM16 Supporting the needs of business
 - DM17 Supporting small business
 - DM23 Supporting and managing the evening and late night economy
 - DM28 Encouraging sustainable travel
 - DM29 Managing car parking demand in the city centre
 - DM30 Access and highway safety
 - DM31 Car parking and servicing

Other material considerations

26. **Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**
 - NPPF2 Achieving sustainable development
 - NPPF6 Building a strong, competitive economy
 - NPPF7 Ensuring the vitality of town centres
 - NPPF9 Promoting sustainable transport
 - NPPF11 Making effective use of land
 - NPPF12 Achieving well-designed places
 - NPPF16 Conserving and enhancing the historic environment

Case Assessment

27. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant development plan policies are detailed above. Material considerations include policies in the National Planning Framework (NPPF), the Councils standing duties, other policy documents and guidance detailed above and any other matters referred to specifically in the assessment below. The following paragraphs provide an assessment of the main planning issues in this case against relevant policies and material considerations.

Main issue 1: Principle of development

28. Key policies and NPPF paragraphs – DM18, DM23 and NPPF section 11.
29. The site is located within a City Centre Leisure Area. The immediate area is mixed use, with offices and residential dwellings dominating in the immediate area. Within the wider setting there are takeaways, cafes, financial and professional services and taxi offices. An additional office is considered to be an acceptable use within this part of the city and would not prejudice the use of any neighbours.
30. NPPF section 11 provides advice on making effective use of land. It states that decision making should support the development of under-utilised land and buildings. The site is currently not in any significant use, and so this proposal would bring forward the development of a brownfield site, which is supported in principle under section 11.

Main issue 2: Design and Heritage

31. Key policies and NPPF paragraphs – JCS2, DM3, DM9 and NPPF sections 12 and 16
32. Policy DM3 states that proposals should respect, enhance and respond to the character and local distinctiveness of the area. Furthermore Policy DM9 requires developments to preserve, enhance or better reveal the significance of designated heritage assets. The NPPF requires great weight to be placed upon heritage's asset's conservation.
33. In this case the heritage assets directly impacted are the Conservation Area and the adjacent 32/33 Cattle Market Street. The Statutory Listed buildings within Three Tuns Court are all sited some distance from the site and are screened by Conesford House.
34. The proposal is for a flat roof brick built office, with a lantern in the roof. Due to the size and nature of the site the design has responded to the constraints by being an unusual shape. This shape enables a section to be pulled away from the window to the north on 32/33 Cattle Market Street and partially away from the rear garden of Conesford House. It also extends further towards the courtyard to take advantage of the "L" shaped plot. It would be alongside the wall to the southwest but stepped away from the boundary on the other elevations.
35. The site itself is not readily visible from any public vantage point. Three Tuns Court is served with an electronic gate which is normally locked. The boundary wall along the south western elevation is approximately 4m high and extends along the whole of the court. 32/33 Cattle Market Street is an early C19 3 storey terraced building fronting Cattle Market Street, which drops down to 2 and then 1 storey to the rear. Conesford House, to the north east, was approved in 2006 and is a detached 3 storey dwelling of a relatively contemporary design.
36. The proposed building would be set back from the front of the plot, and only be readily visible from the immediate neighbours and from directly inside Three Tuns Court. Whilst there are no existing flat roof buildings in the immediate area, features such as a brick wall around a balcony on Conesford House would allow the proposal to tie in with the character of the area. Due to the scale and design the

proposed office would be viewed as an outbuilding/extension and be a relatively subordinate feature within the wider Conservation Area. The proposed materials (red brick and either aluminium or timber fenestration) are considered to respond to the local character. The details of the materials would be conditioned.

37. The proposal would have some impact upon the adjacent locally listed building, 32/33 Cattle Market Street as it would partially screen views from Three Tuns Court. Policy DM9 requires that where developments would impact upon locally listed buildings their significance should be retained wherever reasonably practicable. The rear elevation is clearly the subordinate elevation and has already been largely screened from wider views by Conesford House. At a single storey height the impact would be largely upon the ground floor only, with the rest of the rear elevation still visible. The ground floor is a later addition. The more historically significant part of the rear elevation is in this case the first and second floor. Furthermore the historic interest in this property is largely to the front. The proposal is therefore considered not to have an unacceptable impact upon the significance of the locally listed building, as whilst part of the rear would be partially screened, the impact would be largely felt on the new ground floor section only.
38. The impact upon the wider Conservation Area is considered to be relatively minimal. As discussed above it would not be readily visible from any public vantage point. Furthermore it would be enclosed on 3 of the 4 sides by higher buildings/walls. From Three Tuns Court it would appear as a recessive single storey building sat alongside Three Tuns Court.
39. The impact upon the Conservation Area and the adjacent Locally Listed building is considered to constitute a low degree of less than substantial harm. Para 196 of the NPPF requires that where developments would result in less than substantial harm to the significance of a designated heritage asset this harm needs to be weighed against the public benefits of the proposal. The development would provide for an additional office unit for the city and serve to better utilise this space, which was used for informal storage and did not enhance either the Conservation Area or Locally Listed building. The proposal is considered to be acceptable in terms of the impact upon heritage assets as the benefits would outweigh the limited harm.
40. With suitable conditions the proposal is considered to be suitably designed for the site and to comply with both policies DM3 and DM9.

Main Issue 3: Transport

41. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF section 9
42. The site is located in an area in the city where car parking spaces are not required for new offices. The applicant has indicated that refuse can be stored elsewhere within Three Tuns Court, although no details have been provided. No details of cycle storage have been provided either, but there is room within the site to accommodate storage. As such with a condition requesting these details the proposal could provide satisfactory refuse and cycle storage.
43. The site is relatively constrained, and as such the Highways Officer has recommended that a Construction Management Plan is requested. This is considered to be justified at this site and so would be conditioned.

Main issue 4: Amenity

44. Key policies and NPPF paragraphs – DM2, DM11, NPPF section 12
45. The proposal would directly impact two neighbouring properties; 32/33 Cattle Market Street and Conesford House. Wider neighbours would be able to see the site but are considered unlikely to have anything more than a negligible impact.
46. The rear of 32/33 Cattle Market Street is served with a pedestrian fully timbered door, and a window. As mentioned above the current use is uncertain, although there is no clear sign that the building is in use at all. The boundary of the site runs immediately alongside, and so this neighbour has no rear land associated with their building. It has however been assumed that there is a right to access, and the proposal would allow that. The building has been designed to be set back further from the window than from the door, at 2.3m. Whilst there would still be some loss of light, this set back would allow light to still reach the inside of the building here.
47. The side elevation of Conesford House facing the site is blank except for one first floor bedroom window. This window would overlook the office but would not be directly impacted by it in terms of overlooking or overshadowing. The proposal would also sit partially opposite the neighbour's rear garden. This garden is set lower than the site, by approximately 0.7m. The existing garden wall is 1.7m high; as such the proposed office would measure some 3.4m above the garden, and 1m above the wall. The existing 4m wall on the south-western boundary creates some overshadowing into the garden. The proposal is stepped away from the garden by 1.3m-2.7m. The furthest away section should not create any additional overshadowing, and the closest section will only create a relatively minor increase. Whilst it is acknowledged that this garden is relatively overshadowed already and therefore any increase would be more noticeable, the increase anticipated is considered to be minimal and therefore acceptable.
48. There will be some impact upon neighbours from the general comings and goings to the office. However, given that the nature of an office is that of usage during the day and week only, the impact upon neighbour's residential amenity is not considered to be significant.
49. The future amenity of the users of the office is considered to be acceptable. Although there is minimal outlook, the large roof lantern combined with the bi-fold doors would allow for sufficient sunlight to reach the office and provide satisfactory working conditions.

Compliance with other relevant development plan policies

50. A number of development plan policies include key targets for matters such as parking provision and energy efficiency. The table below indicates the outcome of the officer assessment in relation to these matters.

Requirement	Relevant policy	Compliance
Cycle storage	DM31	Yes subject to condition
Car parking provision	DM31	Not applicable

Requirement	Relevant policy	Compliance
Refuse Storage/servicing	DM31	Yes subject to condition

Other matters

51. The following matter has been assessed and considered satisfactory and in accordance with relevant development plan policies, subject to appropriate conditions and mitigation:

No details of the Landscaping have been shown on the plans except for indicative paving around the office building. A condition is proposed which would require these details. The introduction of some soft landscaping would be encouraged, to provide some biodiversity benefit at the site.

Equalities and diversity issues

52. There are no significant equality or diversity issues.

Local finance considerations

53. Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are defined as a government grant or the Community Infrastructure Levy.
54. Whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision on the potential for the development to raise money for a local authority.
55. In this case local finance considerations are not considered to be material to the case.

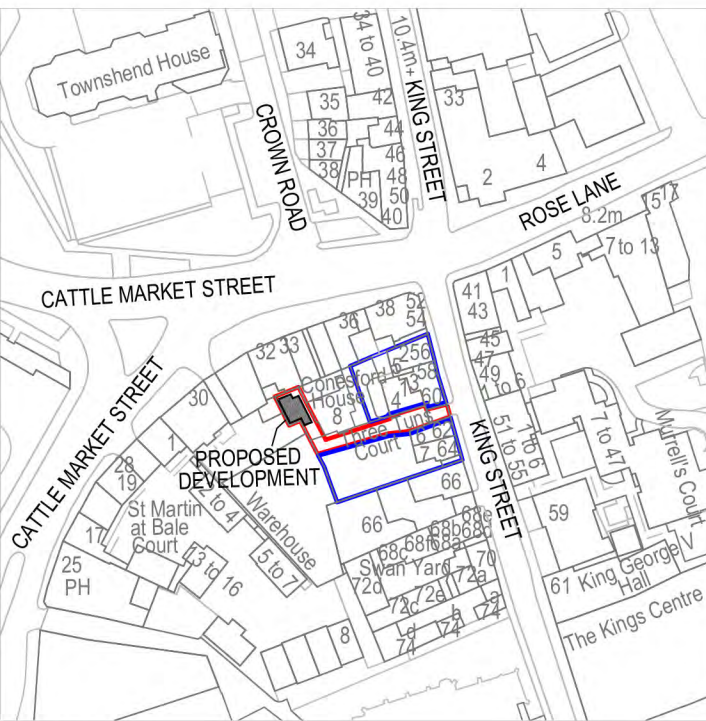
Conclusion

56. The proposed office would be constructed in an area that is considered to be brownfield land. The proposed building would have an acceptable impact upon the heritage assets and amenity of adjacent neighbours. The amenity of future users of the office is considered to be acceptable.
57. There would be some limited impact upon the heritage assets, notably the Conservation Area and Locally Listed Building 32/33 Cattle Market Street. However this less than substantial harm is considered to be outweighed by the benefits of the development, which includes making better use of an underutilised site and providing an office unit.
58. With suitable conditions the proposal is considered to comply with the requirements of the National Planning Policy Framework and the Development Plan

Recommendation

To approve application no. 19/01280/F - Land Rear of 32 and 33 Cattle Market Street (accessed Via Three Tuns Court) Norwich and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Submission cycle and bin storage details
4. Specified use only (removing permitted development rights)
5. Materials
6. Construction Management Plan
7. Landscape



LOCATION PLAN
1:1250



LOCATION PLAN
Google

The total Freehold that Mark Tombs Limited owns on King Street includes all of the following:

5 Offices (4 as two have been knocked to 1):

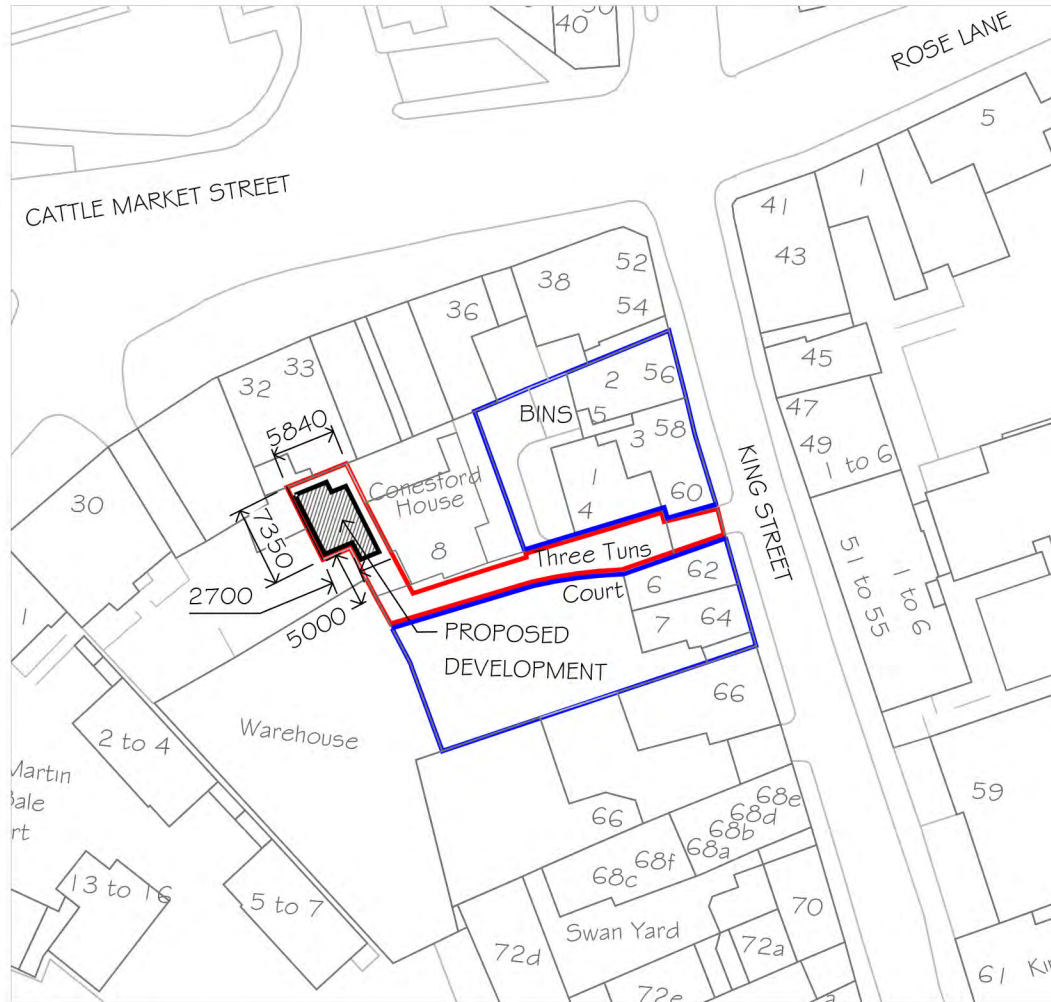
- 56 King Street, Norwich, NR1 1PG (let out)
- 58&60 King Street, Norwich NR1 1PG (these two offices are as one) (let out)
- 62 King Street, Norwich NR1 1PG (let out)
- 64 King Street, Norwich NR1 1PG (let out)

External:

- Car Park (7 spaces for leaseholders and 2 spaces current tied to 56 & 58&60 offices)
- Communal patio area which is allocated to the leaseholders
- The Area In Question which is asking for permission to be developed

7 Leasehold (which are above the offices)




- Flat 1 Three Tuns Court, King Street, NR1 1XD (owned by third party)
- Flat 2 Three Tuns Court, King Street, NR1 1XD (owned by third party)
- Flat 3 Three Tuns Court, King Street, NR1 1XD (owned by third party)
- Flat 4 Three Tuns Court, King Street, NR1 1XD (owned by third party)
- Flat 5 Three Tuns Court, King Street, NR1 1XD (owned by third party)
- Flat 6 Three Tuns Court, King Street, NR1 1XD (owned by third party)
- Flat 7 Three Tuns Court, King Street, NR1 1XD (owned and lived in by Mark Tombs personally (not Mark Tombs Ltd)



SITE PLAN
1:500

LAND REAR OF 56-64 KING STREET ACCESSED VIA THREE TUNS COURT

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-  PROPOSED DEVELOPMENT
-  EXISTING BOUNDARY
-  EXISTING PROPERTY/ LAND BOUNDARY OWNED BY THE APPLICANT ADJACENT TO THE PROPOSED DEVELOPMENT



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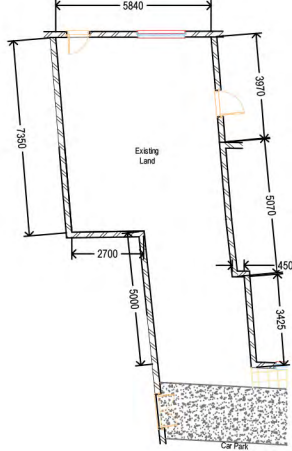
Rev	Date	By	Amendment Description	Chkd



Drawing Status PLANNING DRAWINGS			
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Drawing Title LOCATION & SITE PLAN			
Scale 1:500 & 1:1250	Date Created JUL 19	Drawn By MN	
Paper Size A3		Checked By RR	
Drawing No. J0108- 100		Revision	



EXISTING NORTH-WEST VIEW
LOOKING NORTH



EXISTING GROUND FLOOR
SC: 1/100



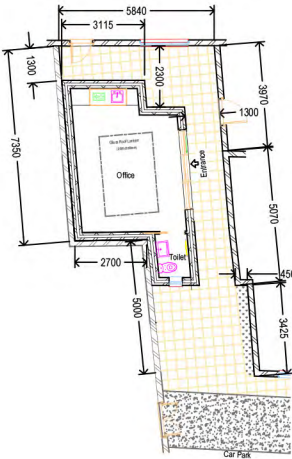
EXISTING SOUTH-EAST VIEW
LOOKING NORTH



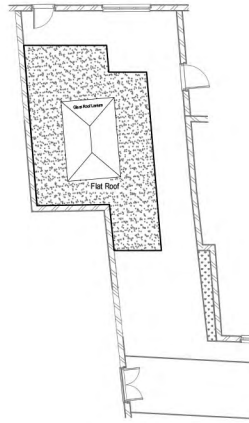
EXISTING SOUTH VIEW
LOOKING NORTH



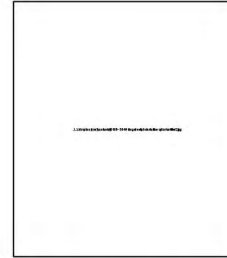
PROPOSED SOUTH VIEW
LOOKING NORTH



PROPOSED GROUND FLOOR
SC: 1/100
Office Internal Area (23.8m²)



PROPOSED ROOF PLAN
SC: 1/100



PROPOSED NORTH-EAST VIEW
LOOKING SOUTH-WEST



PROPOSED SOUTH-EAST VIEW
LOOKING NORTH-WEST

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Rev	Date	By	Amendment Description



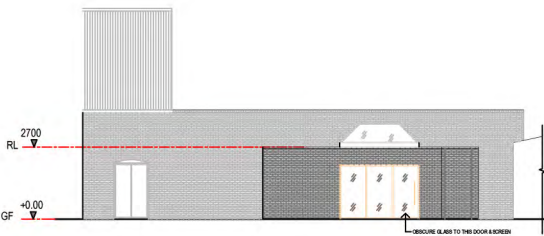
PLANNING DRAWINGS

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Project Title: **56-64 KING STREET NORWICH, NR1 1PG**

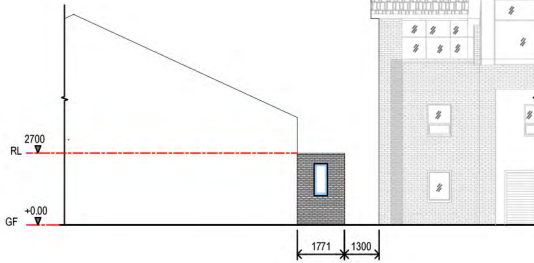
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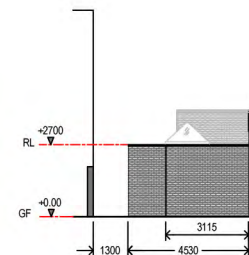
Drawing No. J0108- 101	Revision: A
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PROPOSED EAST ELEVATION
SC: 1/100



PROPOSED SOUTH ELEVATION
SC: 1/100



PROPOSED NORTH ELEVATION
SC: 1/100