

**Report to** Planning applications committee

**Item**

8 January 2015

**Report of** Head of planning services

**Subject** Application no 14/01521/F Fishmarket and 69 -  
75 Mountergate, Norwich

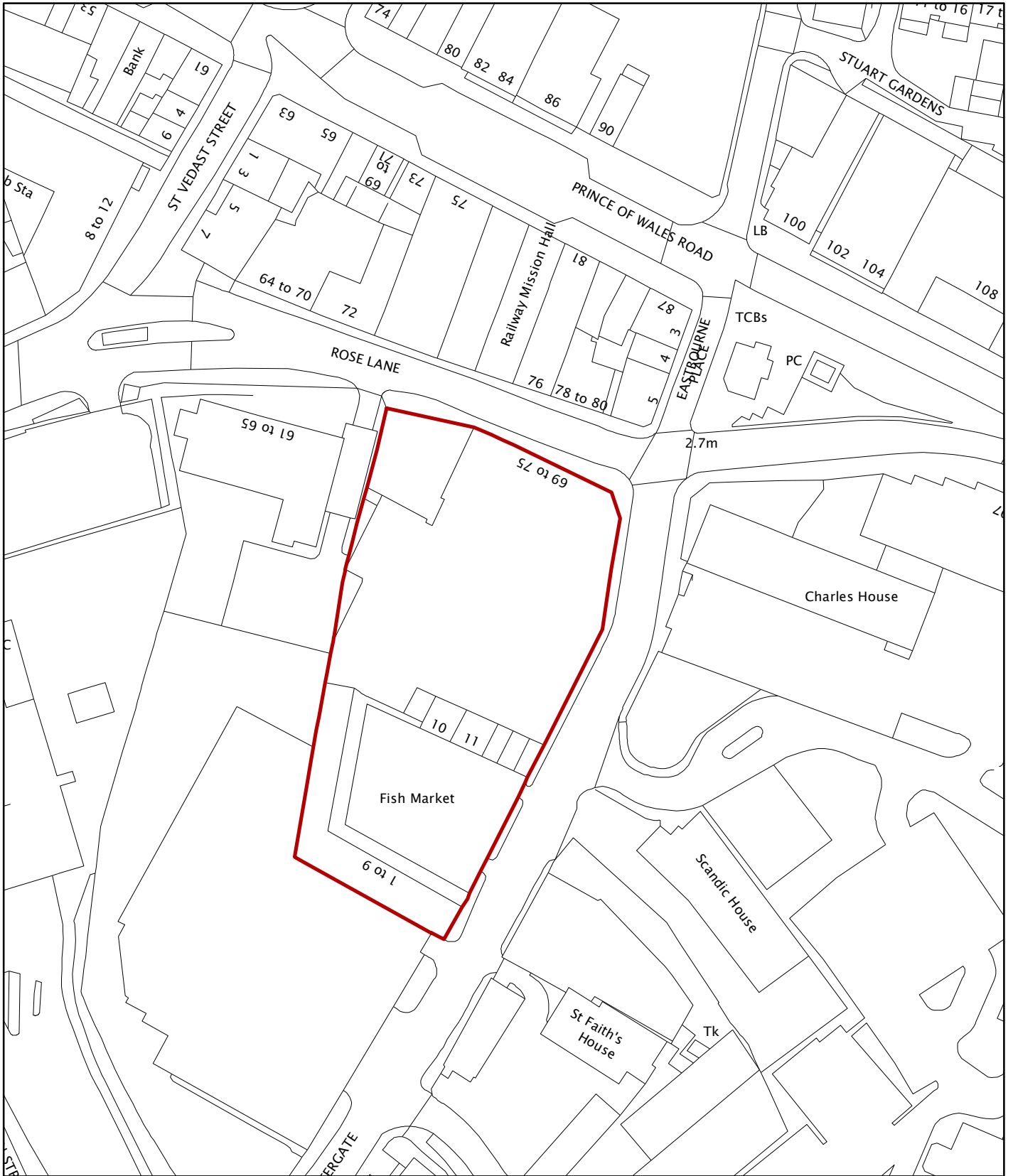
**4A**

**Reason for referral** Objection / City council application and site

<b>Ward:</b>	Thorpe Hamlet
<b>Case officer</b>	Mark Brown - markbrown@norwich.gov.uk

<b>Development proposal</b>		
Demolition of buildings on site and erection of 595 space multi-storey car park with 320sqm floorspace for financial and professional services (Class A2)/restaurant and cafe (Class A3)/business (Class B1) uses.		
<b>Representations</b>		
Object	Comment	Support
11	0	0

<b>Main issues</b>		<b>Key considerations</b>
1	Principle of development	Compatibility with the site allocation and city centre public car parking policies and the loss of small business units in the Fishmarket.
2	Design and alternatives	The layout of the car park and alternative options for provision of a car park within the wider allocation. The detailed design and scale of the car park.
3	Heritage	The impact of the building on heritage assets particularly the conservation area, the loss of the Fishmarket a locally listed building and the impact on the setting of Weavers House a grade II listed building and assessment against benefits of the development.
4	Transportation	The impact on traffic movements and adjacent junctions.
5	Parking tariff	The extent to which the tariff discourages long stay car parking.
6	Amenity and air quality	Noise and air quality implications of the proposal.
7	Biodiversity	The potential for buildings to be used as a bat roost.
<b>Expiry date</b>		19 January 2015
<b>Recommendation</b>		Approve subject to conditions



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Planning Application No 14/01521/F

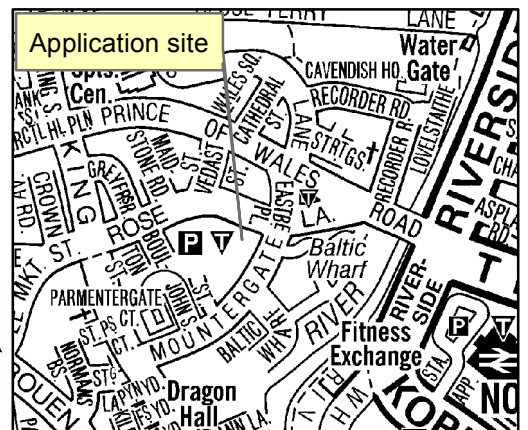
Site Address Fishmarket and 69-75 Mountergate

Scale 1:1,000



**NORWICH**  
City Council

PLANNING SERVICES



## The site and surroundings

1. The site is that of 69-75 and the Fishmarket, Mountergate, located on the corner of Rose Lane and Mountergate to the south of the City Centre. It is currently occupied by the former UK Fire Premises and the Fishmarket which is a locally listed building.
2. To the north of the site are premises at Eastbourne Place and the rear of buildings fronting onto Prince of Wales Road. Immediately to the south is a warehouse building used for a mix of surface parking (internal and external) as well as car servicing and repair. To the west are currently unoccupied office buildings of Imperial House and Rose Lane Business Centre. Further to the south and west is the former Rose Lane multi-storey car park which is now a surface car park following the demolition of the larger car park in its place. Beyond this the wider area forms part of the City Centre Regeneration Area which is focused around King Street and Mountergate but also extends west to the St Stephens Masterplan area.

## Constraints

3. The following constraints relate to the site:
  - a) The site is located within the city centre conservation area;
  - b) The site is partially occupied by a locally listed building being the fish market;
  - c) The site is adjacent/close to a number of statutory listed buildings being:
    - i) Grade II, Railway Mission, 79 Prince Of Wales Road which backs onto Rose Lane;
    - ii) Grade II, St Faiths House, The Store adjacent to St Faiths House and Weavers House (3 separate listings), Montergate.
  - d) There are a number of locally listed buildings adjacent to the site on Rose Lane being 75-77 Prince of Wales Road, 78-82 Rose Lane and 5 Eastbourne Place;
  - e) The site is within the main area of archaeological interest;
  - f) The site is located in flood risk zone 2;
  - g) The site is within an air quality management area;
  - h) The site is also covered by a number of policy designations covering a wider area including, the office priority area, city centre leisure area, city centre regeneration area and the area for increased parking.

## Relevant planning history

4. There is no recent relevant planning history.

## The proposal

5. The application seeks full planning consent for the demolition of the existing buildings on the site and the erection of a 595 space multi-storey car park with 320sqm of mixed use floorspace to the northeast corner at the junction of Rose Lane and Mountergate. The applicant is seeking consent for a mix of uses for the commercial floorspace being in either A2 (financial and professional services), A3 (restaurant and café) or B1 (business) use.
6. The building occupies the entire footprint of the site with access to the southern corner and egress from the centre of the site. The building effectively comprises the car park and an attached block to the northeast which houses the commercial

floorspace on the upper floors and facilities associated with the car park on the ground floor. The ground floor of this building provides space for the internal cycle parking, parking attendant's kiosk, stair and lift cores and internal toilets (male, female, disabled and baby changing) as well as external out of hours toilets facing towards Rose Lane. A further stair core is located next to the access to the south of the site. The shape of the site creates a triangular space to the Mountergate frontage which is intended to be soft landscaped to soften the appearance of the site.

7. The building is proposed to be wrapped in a perforated metal cladding system.

### Summary information

Proposal	Key facts
<b>Scale</b>	
Total floorspace	A total of 14,030 sqm of which 320sqm is mixed use floorspace on the corner of Mountergate and Rose Lane and 13,710 sqm relates to the car park.
No. of storeys	5 (inclusive of the roof which provides roof top parking).
<b>Appearance</b>	
Materials	Steel construction and cladding
Energy and resource efficiency measures	530sqm of PV panels on the roof.
<b>Transport matters</b>	
Vehicular access	Access is to the southern corner of the site from Mountergate and egress is towards the centre of the site onto Mountergate.
No of car parking spaces	595 of which 36 spaces are disabled spaces and 6 have electric recharging points.
No of cycle parking spaces	36 of which 16 spaces are internal and 20 spaces are external.

### Representations

8. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 11 letters of representation have been received citing the issues as summarised in the table below.

Issues raised	Response
The development is contrary to DM19 on office provision. The development is intended to kickstart regeneration including	See main issue 1.

more offices. It will not do this and more offices are not needed.	
The development will prejudice the wider regeneration of the area and make good quality housing development impossible.	See main issue 1
The development will involve loss of small business units in the Fishmarket contrary to policy DM17.	See main issue 1
The development will create few job opportunities.	See main issue 1
There is no demand for a further restaurant/café and will an alcohol license be applied for.	See main issue 1 – the determination of an alcohol license will be a matter for any separate application to licensing.
The development will be a poor use of land resources.	See main issues 1, 2 and 3
The investment is not good value for money the building will provide revenue generation but not regeneration. The money could be better used to provide business start-up facilities. Housing with retail should be a priority for the area.	The role of the planning authority is not to consider the use of Council resources and this should not be material to the determination of the application. Viability and the ability to deliver regeneration are material and are considered under main issues 1, 2 and 3.
Increased parking in the area is contrary to the local plan which seeks to reduce the need to travel by car, achieve carbon reduction targets and reduce car dependency.	See main issue 1 and 4
Public transport should be improved as an alternative.	See main issue 1 and 4
The development would be out of scale with other properties in the Mountergate area and would over dominate any new residential development.	See main issue 2
The development will be contrary to the local plan which seeks to avoid badly designed schemes which fail to deliver sustainable development.	See main issue 2
The proposal does not support the local plan objective to enhance the character and culture of the area.	See main issue 2.

The area has anti-social behaviour problems and this structure may create more trouble than it removes.	See main issue 2.
The development would involve demolition of the Fishmarket a heritage asset contrary to local plan policy DM9.	See main issue 3
The proposal will negatively impact on the setting of adjacent listed buildings including Weavers House.	See main issue 3
Serious impact on traffic flows, Mountergate already struggles at key times of the day.	See main issue 4
The exit should be onto Rose Lane.	See main issue 4
Most traffic will arrive from the east over Prince of Wales Road (foundry) bridge how will traffic arriving from east exit in that direction. A right turn out of Mountergate is needed.	See main issue 4
The traffic light system at the Mountergate junction already struggles at peak times and does not let enough cars through.	See main issue 4
Future development in the area and the development of St Annes Wharf will increase traffic on Mountergate.	See main issue 4
Concern that it will result in King Street being opened up to vehicular traffic from Mountergate.	See main issue 4 – Mountergate is closed to through traffic (also see paragraph 98)
Further traffic congestion will bring health risks such as noise disturbance contrary to local plan objectives to prevent noise pollution.	See main issue 6
Prince of Wales Road is monitored for pollution and the levels near the building would be excessive. This is contrary to local plan objectives to prevent air and odour pollution.	See main issue 6
The development will lead to light pollution contrary to local plan objectives.	See main issue 6
Proposals are contrary to policies DM18 and DM21.	These policies relate to the management of main town centre uses and the management of uses in district and local centres respectively. As the

	proposal is not principally for main town centre uses DM18 is of limited to no relevance. The site is not in a district or local centre therefore DM21 is not of relevance to this application.
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9. A representation has been received from City Council ward councillor Ben Price and County Council ward councillor Adrian Dearnley raising the following objections:
- a) Traffic flow. Staggered that the transport assessment concludes that there will be no significant impacts on traffic in Rose Lane, Riverside Road or Thorpe Road. Mountergate is a cul-de-sac and struggles with traffic flow at key times. The Riverside Road and Prince of Wales Road junction is a bottleneck with significant tailbacks. The congestion brings health risks to air quality and noise disturbance. Poor air and traffic should not be the first impression of the city and as a result the proposals will harm the economy.
  - b) Design. The proposal will be out of scale with the nearby residential properties. It would also dominate any new residential properties. The modern design clashes with Victorian buildings on Prince of Wales Road.
  - c) Heritage. The proposal results in the loss of the Fishmarket a historic building in the conservation area and this will result in the loss of small business space.
  - d) Public transport. Investment would be better spent on public transport, cycling and walking with the site redeveloped for housing. A reduction in the use of cars could lead to lack of use and reduced returns on the investment.
  - e) Consultation. The David Lock Associates study and consultation did not identify any demand for car parking. It also did not consider alternative locations or options for car parks within the upper limit. The existing car park is never near capacity. This consultation is flawed and therefore it should not go to the planning committee.
  - f) Health city. This contravenes the objective of making Norwich a health city. If additional parking is required it should be outside the inner ring road. The site in question is selected purely for a revenue stream and not for any perceived benefits to the local community.
  - g) Local plan conflicts. The proposals conflict with local plan objectives to reduce the need to travel by car, achieve carbon reduction targets, achieve good design and sustainable development, prevent noise, odour, air and light pollution, and preserve, enhance or better reveal the significance of designated heritage assets.

10. All representations are available to view in full at <http://planning.norwich.gov.uk/online-applications> by entering the application number.

## Consultation responses

11. 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

12. Although it is acknowledged that the proposal has some merits, in order for it to achieve my support I need to be able to state that it enhances and preserves the conservation area, does not cause harm to the significance of the heritage assets that

it affects and meets the requirements of Policy DM9 in relation to the loss of the locally listed heritage asset.

13. For the reasons outlined above I feel unable to fully support the application, primarily in relation to its impact on the conservation area, which will result in less than substantial harm to it.
14. However, if the proposal were approved I would wish to see conditions attached to agree the colour and finish of the cladding and the yellow of the core. Signage should also be conditioned as should the details of doors and windows, in particular the folding screen to the WCs fronting Rose Lane at ground floor level.

### **Economic development**

15. The proposed development will bring jobs to the city centre and will support economic growth. However, in view of the objection lodged by Baltic Wharf management committee with regard to increased traffic in the area, can anything be done to mitigate the impact of this supposed increase.
16. A separate response supports the car park and specifically its proposed tariff advising that operational parking for workers is essential to the Norwich economy and to prevent business relocating out of the City and also to attract inward investment.

### **English Heritage**

17. This application proposes the demolition of the former Norwich fish market and adjacent buildings and the erection of a multi storey car park. The demolition of the fish market and scale, form and appearance of the proposed new building would have a harmful impact on the conservation area.
18. The demolition of Norwich fish market would also result in harm to the significance of the conservation area in terms of paragraphs 132 and 134 of the NPPF. We do not consider the proposed replacement building would either preserve or enhance the conservation area and because of its scale and external appearance would harm the significance of the area in terms of paragraphs 132 and 134. There are possible ways of mitigating this harmful impact that could be explored both through reuse of the historic buildings and amended designs of the new building. However, we would not support the application as it stands.

### **Environmental protection**

19. In relation to contamination the contamination report submitted is acceptable at this stage and identifies the main risk as being to controlled waters and therefore the Environment Agency should provide comment. Remediation is proposed in terms of the removal of underground storage tanks and a complete remediation method statement will be needed via condition to incorporate remediation of groundwater.
20. In relation to air quality the air quality report concludes that the impact on air quality will be negligible though there may be short term impacts during the construction phase. As such mitigation methods during the construction stage as proposed in the report should be conditioned.



## **Environment Agency**

21. Request conditions relating to contaminated land and protection of ground water and refer to their standing advice in relation to floodrisk.

## **Highways (local)**

22. Consider the proposals to be in line with policy and the aims of the Norwich Area Transport Strategy. In the short term, there is unlikely to be any adverse impact on the operation of the junction at Mountergate/Rose Lane, and even if there is, adjustments can be made to improve its operation if necessary, and in the longer term, this junction will need to be completely re-designed to take account of the new road systems proposed in the area, which are intended to reduce overall traffic levels in the City Centre. The new car park is, therefore, unlikely to result in any significant traffic issues in the local area. Entry and exit capacity is more than sufficient, the only issue can be when customers queue when the car park is full, however this is an issue with any car park at peak times and this car park may reduce issues at the Castle Mall entrance.

## **Highways (strategic)**

23. Having reviewed the transport assessment it is apparent that this development should not have an adverse impact on the Strategic Road Network. They are content for the detailed access matters to be dealt with by the City Council highways section.

## **Landscape**

24. Have made some suggestions of tree species for the small parcel of green space. This detail can be conditioned.

## **Natural Areas Officer**

25. The approach suggested in the ecology report for a soft demolition with an ecological watching brief is a reasonable approach subject to a more detailed method statement. Such a statement was subsequently submitted and this was considered to be satisfactory.

## **Norfolk historic environment service**

26. All possible evaluation has already been undertaken but it is likely that the report will not be available until after the application has been determined. This is not considered to be a problem however and it is recommended that the standard archaeological conditions are imposed upon any permission.

## **Norfolk police (architectural liaison)**

27. Promote the use of new build car park guidelines for safer parking, welcome the use of CCTV and advise that this should have number plate recognition and cover all entrances/exits and have clear facial recognition. They promote good lighting and a light internal colour finish to walls to promote light spread. Promote that doors to external public toilets are directly onto the street. The cladding panels in front of the car park appear to screen it from view which could prevent natural surveillance of the area. Physical barriers should be available to prevent suicide attempts.

## **Norwich Access Group**

28. No response

## **Norwich Society**

29. We understand the current Rose Lane car park will be closed and parking will be retained within the 10,000 space cap. It is vital that detailed archaeological investigations are carried out particularly with the loss of the Fishmarket. A full photographic record should also be a condition of any consent. The historic importance of the area and its contribution to the business of the city must be recognised in the proposed scheme. The proposal is an interesting, imaginative bold design which will be a significant presence at this junction which has been blighted for years. It will also be attractive at night which will be an advantage to act as a foil to the main mass of the building. Protection of the lower areas of cladding from damage is an important issue. The deck design allows for the maximum number of vehicles while keeping the height of the building low. Wider redevelopment in the area will put pressure on infrastructure which will require careful handling. This offers an opportunity to bring the Rose Lane, Mountergate and King Street areas closer together and the building is a key starter in the redevelopment of this area of the City.

## **Assessment of planning considerations**

### **Relevant development plan policies**

#### **30. Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**

- JCS1 Addressing climate change and protecting environmental assets
- JCS2 Promoting good design
- JCS3 Energy and water
- JCS6 Access and transportation
- JCS9 Strategy for growth in the Norwich policy area
- JCS11 Norwich city centre
- JCS20 Implementation

#### **31. Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**

- DM1 Achieving and delivering sustainable development
- DM2 Ensuring satisfactory living and working conditions
- DM3 Delivering high quality design
- DM5 Planning effectively for flood resilience
- DM7 Trees and development
- DM9 Safeguarding Norwich's heritage
- DM11 Protecting against environmental hazards
- DM17 Supporting small business
- DM19 Encouraging and promoting major office growth
- 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

### **32. Norwich Site Allocations Plan and Site Specific Policies Local Plan adopted December 2014 (SA Plan)**

- CC4 Land at Rose Lane/Mountergate – mixed use development

### **Other material considerations**

### **33. Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**

- NPPF0 Achieving sustainable development
- NPPF4 Promoting sustainable transport
- NPPF7 Requiring good design
- NPPF8 Promoting healthy communities
- NPPF10 Meeting the challenge of climate change, flooding and coastal change
- NPPF12 Conserving and enhancing the historic environment

### **34. Norwich City Centre Conservation Area Appraisal September 2007**

### **35. Norwich Area Transportation Strategy 2006 policies of particular relevance (NATS):**

- Policy 3 City centre traffic management;
- Policy 4 Discouraging through traffic from the city centre
- Policy 32 Amount of car parking in the city centre
- Policy 33 Parking for businesses
- Policy 34 Parking for visitors
- Policy 35 Long-stay parking needs
- Policy 50 Information for motorists

### **36. Norwich Area Transport Strategy Implementation Plan Update 2013**

### **Case Assessment**

37. 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**

38. Key policies – CC4, DM29 and DM17.

39. The site forms part of a wider site allocation under policy CC4. Policy CC4 covers a larger triangle of land between the back of the Nelson Hotel and Baltic Wharf to the east-southeast, Prince of Wales Road and Rose Lane to the north and Tudor Hall, Parmentergate Court and St Anne's Wharf to the west-southwest. This area of land is allocated for mixed use mainly office led development integrated with (in region of) 300 residential dwellings. The policy provides for some food/drink and retail uses and

also provides for some public car parking to make up for some of the spaces lost resulting from redevelopment.

40. The site currently provides public car parking in the form of the existing Rose Lane car park which currently has 194 spaces and a temporary RCP car park adjacent to the site which has consent until 31 May 2016 and provides 101 spaces. Rose Lane car park formerly had 740 spaces before it was demolished in around 2002-2003. Policy CC4 allows for some replacement of existing provision. The proposals in this case are for 595 spaces and therefore whilst not considered to be contrary to the policy they arguably go beyond the scope of the specific site allocation and in this regard reference must be made to policy DM29. It is relevant to note that there is also arguably some conflict between the site allocation which refers to some replacement car parking and the wider transport policies of the NATS and DM29 in so far as the latter seek larger (500 space +) car parks.
41. Policy DM29 deals with city centre public off-street car parking. This limits city centre public off street parking to 10,000 spaces and lists a number of criteria against which car parking proposals are to be assessed. The policy follows the line taken by NATS and seeks to fix public off-street parking in the city centre to 1995 levels by replacing and consolidating car parking to efficient high capacity, high quality, secure multi-storey car parks thereby making more efficient use of land and freeing land for future development. In addition the policy identifies areas for reduced parking and areas for increased parking in the city centre. The policy also requires such car parks to be accessible by car from the Inner Ring Road, accessible by foot to the retail and leisure areas, to have tariffs which favour short to medium stay use, inclusion of new car parks on variable message signing indicating spaces available and to have disabled and electric parking space provision.
42. The site in question lies in an area for increased car parking. With the exception of the tariff which is discussed separately below the proposal in question is considered to meet the criteria of policy DM29 it is a high quality car parking facility which makes efficient use of land within the terms of DM29 and subject to condition can meet other criteria relating to variable message signing, disabled parking and electric charging spaces. Wider transportation and access matters are discussed further in the transportation section below.
43. Turning to the 10,000 space cap on city centre parking, current numbers within the city centre are at 9,377, meaning that there is a capacity under the policy for 623 spaces. The above figure includes the existing Rose Lane car park and two temporary car parks (on Mountergate and at Dukes Wharf) which are currently still open, closure of these would free up a further 388 spaces.
44. Much of the capacity in parking has come from the closure of the Anglia Square multi-storey car park due to structural issues. Replacement car parking forms part of the policy for Anglia Square and is capped at 2007 parking levels under the Northern City Centre Area Action Plan. The current approved scheme at Anglia Square allows for 906 public car parking spaces but would lead to the loss of approximately a further 385 spaces. Taking this into account, allowing 595 spaces for the new Rose Lane car park and assuming the loss of the existing Rose Lane car park and the temporary car parks gives a total of 10,105 spaces. However it is not expected that the Anglia Square approvals will be implemented and any redevelopment of Anglia Square is likely to be materially different to the former approvals. Many of the spaces in the approved Anglia Square scheme were associated with a large new foodstore which is

extremely unlikely to be deliverable on the site. Any new proposals at Anglia Square will be subject to the recently adopted local plan which is more up to date than the Northern Area Action Plan and identifies the area around Anglia Square as an area for decreased public off-street parking provision. Therefore assuming the Anglia Square approvals are not taken forward which is reasonable in the circumstances and the closure of the temporary car parks and the existing Rose Lane car park, following the development of the car park the subject of this application parking levels would be expected to sit at 9,199 spaces leaving a capacity of 801 spaces and therefore the proposals are considered to be in accordance with the 10,000 space cap.

45. Whilst broadly in line with DM29 it is necessary to consider if the proposals would prejudice the wider objectives of policy CC4 to deliver mixed use redevelopment of the wider site allocation. The proposals occupy a site area of 0.38 hectares compared to the total for the whole allocation of 4.08 hectares. The design and deck layout of the car park is extremely efficient for the number of spaces provided and a smaller car park would not necessarily take up a significantly smaller footprint.
46. The applicants have provided some indicative details of how the allocation directly to the rear of the site could come forward for redevelopment and it is not considered that the redevelopment of this portion of the allocation for a multi-storey car park would prejudice the wider objectives of policy CC4 and major office and residential development could be achieved on the rest of the allocation.
47. The closure of the existing Rose Lane car park and its replacement could also speed up delivery of development on the rest of the application, as a minimum the income stream from the existing Rose Lane car park site would cease. Policy CC4, DM29 and NATS are very much focused on replacement and consolidation of car parking provision and therefore in this regard it is considered reasonable for any approval to be subject to a condition which requires closure of the existing Rose Lane car park prior to the opening of the new car park to the public. This will have temporary implications for the conservation area which are discussed further in the heritage section below.
48. The building also includes a small amount of commercial floorspace which is considered to be consistent with the site allocation. The proposals do not include late night (A4) or takeaway uses (A5) and as there are not adjacent noise sensitive premises hours of use conditions are not considered necessary.
49. The final matter to consider so far as matters of principle are concerned is the loss of small business units at the Fishmarket in the context of policy DM17. Policy DM17 seeks to safeguard premises providing for small to medium scale businesses advising that the loss of such facilities will be permitted where the possibility of reusing or redeveloping the site for similar purposes has been explored and it can be demonstrated that there is no demand for small and medium scale business units in the area and:
  - a) the site or premises is no longer viable, feasible or practicable to retain for business use; or
  - b) retaining the business in situ would be significantly detrimental to the amenities of adjoining occupiers, would prevent or delay the beneficial development of land allocated for other purposes or would compromise the regeneration of a wider area; or
  - c) there would be an overriding community benefit from a new use which could not be achieved by locating that use in a more accessible or sustainable location.

50. The applicant has submitted information indicating that the Fishmarket had become uneconomic to run and maintain with the investment required to completely renovate the building making it economically unviable and not possible to let at a profitable rate thus suggesting that there is not economic demand for these units. The applicant also advises that the viability of the scheme is predicated on retaining a revenue from the existing car park whilst the new car park is being constructed, hence the desire for the car park to be constructed in the proposed location rather than on the site of the existing car park.
51. In this case the site forms part of a wider site allocation. Whilst the allocation makes no reference to the need to retain or reinstate small business premises within the allocation there is no reason why replacement small to medium scale business premises could not be re-provided within the wider allocation. The existing units in question are low density and constitute a fairly inefficient use of land particularly in such a central location. The value that can be achieved from the sites redevelopment is therefore compromised if the Fishmarket is retained. The heritage implications of the loss of the building are discussed further in sections below, however in terms of the use of the Fishmarket it is an inefficient use of the land and its retention for reasons of its use would, based on the evidence provided, at best delay the wider regeneration of the area and the objectives of site allocation CC4 and at worst compromise the areas regeneration.
52. Ideally these proposals would have come forward as part of a wider hybrid application which defined a firm strategy for the rest of the site and, were such an approach taken, it may have been possible to secure new more efficient and effective space for small to medium scale businesses. However it is not considered that this application compromises the redevelopment of the remaining site allocation and it may still be possible to secure such provision on the remaining allocation. Given the above and the sites allocation it is not considered that an objection to the scheme can be upheld against policy DM17.

## **Main issue 2: Design and alternatives**

53. Key policies and NPPF paragraphs – JCS2, DM3, DM9, CC4, NPPF paragraphs 9, 17, 56 and 60-66.
54. For the avoidance of doubt the impact of the proposals on heritage assets is considered in the section below this section assesses the layout, alternative options and detailed design which are all material to the impact on heritage assets.
55. The proposed layout occupies almost the entire footprint of the site being the Fishmarket and the former UK fire buildings. The plot boundaries of the site are well established historically and date back to the C18th and in this respect the layout is consistent with one of the objectives of site allocations CC4 to reflect the historic building plots of the area.
56. This corner of the site is arguably the most prominent plot within the wider site allocation and therefore in urban design terms its treatment is important. The principle of placing a multi-storey car park on this prominent corner and frontage is somewhat at odds with established urban design guidance which would typically seek active frontages with utilitarian buildings such as car parks screened or set back into the site.

57. With this in mind and given this is part of a wider allocation there is a need to consider the alternatives in this case and this is also relevant to the consideration of policy DM9 and the loss of the Fishmarket buildings.
58. There are a number of factors which have influenced the applicant's decision to proceed along the lines of the current proposals which include the land ownership and financial considerations as well as wider economic considerations. The application site is wholly owned by Norwich City Council however the land immediately to the east and south is under two separate ownerships. Therefore setting the building back within the site creates land ownership difficulties. The existing Rose Lane car park and Rose Lane business centre sites are also owned by the City Council however the applicant argues that building on the existing car park site would have viability implications for the scheme due to the loss of revenue whilst the new car park is constructed and would also result in a temporary loss of parking facilities in the area to the detriment of local business in the area.
59. It is relevant to note that there are other advantages to the car parks location on the corner as opposed to other uses this is principally from a noise perspective. This corner of the site is subject to the highest background noise levels due to the adjacent road network and late night activity zones. More noise sensitive uses may therefore be best placed within the centre of the site rather than on its edge. In addition the site offers the shortest route to the car park drawing vehicles past as few properties as possible albeit this does bring the entrance closer to the Rose Lane junction.
60. Whilst in urban design terms the specific location of the car park is not considered ideal, the design has been progressed to seek a high quality design within the applicant's parameters. In this regard the central core of the building is located closest to the junction of Rose Lane and Mountergate and the existence of some commercial floorspace at the upper levels of the core circulation areas has been promoted to provide some active floorspace overlooking the street and screening the car park in this location. At ground level there is a parking attendant kiosk in a prominent location. The shape of the site also offers the scope for a small green space to the south of the exit which can be planted with some trees to soften the buildings appearance. The detail of this space will need to be conditioned.
61. The building has been designed with a 2.4m floor to ceiling height which is higher than typical for most car parks. It is understood that this was sought by the applicant. Within these parameters the deck and ramp system accommodates the parking in as low profile as possible.
62. In terms of the buildings context, the building sits lower than Imperial House but somewhat higher than buildings to the rear of Prince of Wales Road. The difference varies depending on the specific neighbouring building and given that the cladding varies in height along its length. Views of the building from the west will generally be in the context of Eastbourne Place and Charles House. At the corner of the building the car park will be 3.8m higher than Eastbourne place to the eaves and 1.8m to ridge and 4m higher than Charles House. In the context of these buildings the height is considered to be acceptable.
63. The building which stands to be most affected by the buildings height is the grade II listed Weavers House. The car park stands between 4-7m higher than Weavers House depending if measured to the ridge or eaves of Weavers House. Weavers

House is however not directly opposite the site and sits diagonally southwest of the site. The impact on Weavers House is discussed further in the heritage section.

64. The whole car park is clad in powder coated perforated metal cladding which will give the building a strident contemporary appearance. This is proposed in an oyster white finish. The cladding is designed to both screen the car park structure but also to create a sense of activity behind the cladding so that there is a sense of movement and at night a changing façade as vehicle lights pass through the car park. This metal-cladding is canted and has a varied ridge line and the cladding overlaps on the Mountergate elevation.
65. The conservation area is generally characterised by buildings of relatively narrow plot width, with varied rooflines. The proposed car park attempts to replicate this by adding vertical emphasis via the width and relief of the panels as well as the varied ridge line. The extent to which this is entirely successful is questionable, the cladding and its various sections and angles certainly break down what is ultimately a single large structure into a number of sections reducing the impression of overall length, albeit not to the extent of plot widths historically found in either character area of the conservation area. Having said this it is difficult to see how the design could be tweaked to improve this element of the design and the approach taken certainly provides an innovative and contemporary solution to the problem of designing a car park within this context.
66. The core of the building is proposed to be clad with yellow cladding panels which other than at ground floor level will sit behind the perforated metal cladding. At ground floor on the Rose Lane frontage are six toilets opening to the street to provide for the late night activity zone. These will be closed during the day when internal toilet facilities are available. When closed the external toilets will be covered by a retractable screen.
67. The location of the core building on the corner of the site, the external cladding system and the triangle of green space on the Mountergate frontage will all contribute to a high quality building on this corner so far as can be achieved within the parameters of a multi-storey car park. Therefore whilst the building is functional it is considered that the design is innovative and will create a landmark building of high design quality on this prominent corner of the conservation area.
68. The proposed cladding panels are considered to be robust in that they are a powder coated panel (similar to the treatment often used on car alloy wheels). Given the proposed colour they may need cleaning particularly where the panels meet the ground. It is considered that cleaning could be undertaken with relative ease. It is recommended that any approval be subject to conditions seeking exact details and samples of materials.
69. The police originally raised concerns that the cladding in front of the pocket park may screen it from view and as a result more perforated panels (rather than solid) have been introduced in this location. Parapets are also high to seek to avoid suicide attempts. It is also recommended that exact details of a CCTV system form a condition of any consent.

### **Main issue 3: Heritage**

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



71. The Planning (Listed Buildings and Conservation Areas) Act 1990 (S66(1) and S72) is also of relevance and requires the authority to have special regard to the desirability of preserving listed buildings or their setting, special attention to the desirability of preserving features of special architectural or historic interest and special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. The Court of Appeal has held that this means considerable importance and weight must be given to the desirability of preserving the setting of listed buildings and conservation areas 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.

72. In this case there are six heritage assets which require particular consideration, these are:

- the locally listed Fishmarket buildings;
- the Railway Misson Hall a grade II listed building;
- the locally listed buildings surrounding the Railway Mission on Prince of Wales Road and Eastbourne Place (considered cumulatively);
- Weavers House a grade II listed building;
- the Conservation Area; and
- archaeology given the sites location in the area of main archaeological interest.

Other listed buildings (notably St Faiths House and Foundry Bridge) are considered to be at sufficient distance and/or detached from the application site to not be materially affected by the proposals.

73. Policy DM9 seeks that development should preserve, enhance, or better reveal the significance of designated heritage assets. It also identifies that where development would result in the loss of a locally identified heritage asset it will only be acceptable where:

- a) there are demonstrable and overriding benefits associated with the development; and
- b) it can be demonstrated that there would be no reasonably practicable or viable means of retaining the asset within a development.

Where loss is accepted a legally binding commitment to implement a viable scheme before demolition should be secured.

74. In terms of the NPPF this distinguishes between designated and non-designated heritage assets. The former being statutory listed buildings and conservation areas and the latter being locally identified assets such as locally listed buildings. With regard to non-designated heritage assets the NPPF advises that in weighing applications that affect non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset and that Local Planning Authorities should not permit the loss of the whole of a heritage asset without taking steps to ensure the new development will proceed.

75. In this case the proposals include the total loss of a non-designated heritage asset being the Fishmarket. The applicants heritage impact assessment is correct in stating that the building's demolition will have a high adverse impact, indeed the harm will be total loss of the asset. The level of weight given to this in the determination process will depend on the significance attributed to the asset. The applicants

heritage statement generally considers the value of the Fishmarket as low. English Heritage suggest that the heritage assessment does not look at the significance of the Fishmarket in terms of the wider context of the historic development of the City. They suggest that the applicants statement understates the evidence for mercantile activity the buildings embody and places little value on the social, economic and historical importance of the place. English Heritage advise that whilst the recent date, modest scale and design and accumulated changes mean the buildings would not meet the criteria for statutory listing they are correctly identified as buildings of local interest which make value contributions to the conservation area.

76. The Fishmarket dates from 1913 when it was relocated from St Peters Street. In this sense it was not the original market place for this activity and this to an extent weakens its value within the wider historic context of markets in Norwich. As would be expected, it is of utilitarian design but typical of its time and type. Its significance has been eroded through a number of unsympathetic alterations and the loss of features such as the canopy, glazed tiles and impressive front wall and gate piers that once existed. However, it remains of some low significance, primarily due to its social history and the community value associated with it, rather than the fabric itself.
77. Some limited mitigation is possible in the form of securing a photographic record of the buildings and by providing for a piece of heritage interpretation on the site. The applicant has suggested a panel providing information on the history of the site possibly with an embossed image of the Fishmarket and the relocation of the existing plaque on the wall of the Fishmarket. It is recommended that any approval be subject to a condition to secure the removal of the plaque and its safe storage as well as its reinstatement in the building as part of a larger piece of heritage interpretation.
78. Under policy DM9 the above harm must be weighed against the benefits of the scheme and regard must be had to the potential for delivering a development which retains the heritage asset. The key benefits of the proposals are to contribute to the objectives of NATS to consolidate car parking provision and in doing so freeing up land for future redevelopment and making better use of land resources. The proposal will also bring high quality parking facilities in an area of the City where such facilities are currently lacking and this should be to the economic benefit of business in the area and it has the potential to draw inward investment.
79. The south city centre vision and investment plan is also of some relevance. This is a plan for the area drawn together by the applicant and in this respect it is a land owner's investment plan for an area albeit subject to public consultation and co-ordinating proposals for investment over a wider area including third party land. Contrary to some of the suggestions in the application documentation it is not an adopted planning document. It is only material to the application so far as it is a supporting document that the applicant refers to in justifying their case for the car park. It should not be given the same weight as adopted planning policy or planning guidance.
80. Nevertheless the south city plan has been through a process of assessing the development options for the area and considering what will deliver regeneration on an early timescale. The plan suggests that provision of a new car park offers the best prospect of early redevelopment and immediate investment signalling the changing fortunes of the area. The plan suggests that this would however be undermined if the building is not of the highest quality architecture. Whilst objectors to the scheme have questioned the schemes ability to deliver this there is clearly some logic to the

consolidation of car parking on the site, closure of the existing car parks and freeing up the area for further regeneration.

81. Further regeneration has significant potential for overall enhancements to the wider conservation area. Weight can be given to this albeit it would have been possible to give this greater weight were the scheme to have come forward as a hybrid application with redevelopment proposals for the remainder of the site. Nevertheless overall there are considered to be benefits which could be considered to outweigh the loss of the locally identified heritage asset and meet bullet point a) of DM9.
82. Turning to bullet b) of DM9 it is necessary to consider if there are reasonably practicable or viable means of retaining the heritage asset in a development. If such an assessment is limited to the application site itself then it is not considered that the development could reasonably be accommodated on the site without loss of the Fishmarket. However, many of the benefits delivered by the car park could arguably be delivered elsewhere on the wider allocation as part of a wider development.
83. Alternatives to this proposal have been briefly discussed under main issue 2 along with the applicant's reasons for discounting them. In addition to these options there are other options to the provision of parking on the wider allocation where by it is provided on other land not in the ownership of Norwich City Council. However these are not considered to be reasonable alternatives as there are no such development sites of sufficient size in the wider allocation which are available for redevelopment.
84. Therefore turning back to the alternative option of the existing Rose Lane car park site this is considered to be a reasonably practicable alternative to the current proposal and a new car park on the existing Rose Lane car park site could deliver a car park without detriment to the Fishmarket. The south city centre plan indicates both sites as options suggesting three indicative layouts for the wider site, two with the car park roughly in its existing location and one with the car park on the current application site. The south city centre plan indicates that a location in the centre of the site brings benefits of the screening of the car park from view, maximising opportunities for higher values on main frontages and potential for reduced costs if there is no need to invest in high quality facades (i.e. where the car park is screened by other buildings). It identifies disadvantages as temporary loss of parking provision and a greater distance to the entrance bringing more traffic through the site. The plan suggests that the location on the corner of Mountergate and Rose Lane is better from an access perspective but presents significant urban design challenges suggesting that new office development could be preferable in this location albeit advising that there is no demand for this in the short-medium term.
85. Turning to viability, application of this element of the policy is far from straight forward in these specific circumstances. Typically on, for example, a residential development one might consider the relative viability of a scheme which retains and converts a heritage asset with a scheme which redevelops the heritage asset on the same site, such a scenario is a rather more straight forward task than presented here. In this case it is considered that there are too many variables to realistically seek to conclude on the matter of a viable alternative. The applicant indicates that the redevelopment of the existing Rose Lane car park site would have significant cost implications for the scheme indicating that the loss of revenue from car parking during the closure of the existing car park would be in the region of £208,000 gross if closed for a year and clearly greater if redevelopment were to take longer. However if screened by other forms of development the construction cost of the car park could

be reduced. Single aspect development screening the car park would however achieve reduced values. In addition in the context that there is very limited demand for office space in the short-medium term there is unlikely to be commercial redevelopment of the corner site in the near future and a residential scheme on the corner would likely have negative noise implications which could in-turn return decreased values compared to other parts of the site. The existing land values are also of consideration and the existing land value of the existing car park site is arguably far higher albeit it could equally be argued that in the context of a wider redevelopment of the area that such existing land values should be discounted. Applying a capital value to the car park is also potentially subject to quite reasonable but differing views on the risk to income and therefore appropriate yield which should be applied. Furthermore and perhaps most pertinent is the Fishmarket itself and the fact that its retention reduces densities within the wider allocation and would undermine values which can be achieved on the wider site.

86. If existing land values were discounted, on the basis of potential net income from the car park a blunt capital value economic viability assessment could potentially show both schemes to be viable particularly if a low yield were used. However, in reality there will not be any capital sale of the new car park and the corner site is clearly more attractive from a revenue generation perspective.
87. The site of the existing Rose Lane car park is considered to be a reasonably practicable means of delivery of the car park and in terms of viability there are considered to be too many variables to undertake a capital viability assessment with any accuracy. However the corner site is considered to be the more viable in terms of revenue generation. This does not necessarily conclude on the matter of bullet b) of DM29, nevertheless in determining the current application it will be necessary to consider the benefits of the existing proposals against the loss of the heritage asset as proposed.
88. With regard to the Railway Mission Hall, this is a two storey structure surrounded by larger locally listed buildings on Prince of Wales Road. Given that its frontage is to Prince of Wales Road and the rear gable relates to Rose Lane in a location with very limited character it is considered that the impact on the significance of the Railway Mission Hall would be negligible. Similarly the impact on the locally listed buildings surrounding the Railway Mission on Prince of Wales Road and Eastbourne Place is considered to be negligible.
89. Weavers House sits diagonally to the southeast of the site and the car park will sit significantly higher than Weavers House. The existing setting of the listed building is not high quality, however this should not be taken into account as the proposals form a first phase of wider redevelopment which should seek to enhance the setting of the listed buildings within the wider allocation. The Fishmarket is unusually low compared to other buildings in the area and given the historical use of the area one would expect that former buildings on the site would have been of a larger scale. However the existing scale of the Fishmarket which is proposed to be lost will amplify the scale of the new building particularly in the context of Weavers House. The cladding of the building will give it a contemporary appearance and largely screen the functional nature of the building. This contemporary design approach will contrast with Weavers House and such an approach is welcomed as opposed to a traditional approach which could clash with the setting of Weavers House. Having said this given the height of the car park it is considered that it will be dominant in the street scene and in this regard is likely to detract from the setting of Weavers House. It is

therefore considered that there would be a low adverse effect on Weavers House which in terms of NPPF paragraph 132 is considered to be less than substantial harm and this harm will need to be weighed against the other benefits of the proposals in coming to a decision. However it is also considered the potential for the scheme acting as a catalyst for further beneficial development in the area (which could enhance the buildings' settings) does to some extent mitigate the harm caused to the buildings' settings.

90. The site sits within two character areas of the conservation area. The Fishmarket is within the King Street character area and the UK fire buildings within the Prince of Wales character area. The City Centre Conservation Area Appraisal designates the Prince of Wales area as being 'significant' whilst the King Street area is of 'high significance'. However it is clear from the appraisal that the environment on Mountergate has been severely eroded. Most buildings on Mountergate other than the Fishmarket, Weavers House and St Faiths House are identified as negative buildings. Specifically the UK fire building on the corner of Rose Lane and Mountergate is identified as negative. The impacts on the Fishmarket and on Weavers House have been described above and due to the impacts on these buildings in the context of Mountergate the proposals are considered to have a low adverse impact on the conservation area. There will also be a limited impact on the character of the conservation area as a whole so far as the Fishmarket contributes to the wider context of the historic development of the City, the impact is considered to be low given the fact that the Fishmarket is a replacement and is relatively young. However in the context of Rose Lane and Prince of Wales Road and the view of the corner of the site at Rose Lane and Mountergate the proposals are considered to be an improvement over the existing building in this location. On this corner the building will have a low beneficial impact, albeit this does not completely outweigh the impact at the other end of the site. Therefore taking everything into account the proposal is considered to have a low negative impact on the conservation area. However if it leads to comprehensive sympathetic regeneration of the area this may change.
91. In terms of archaeology some intrusive investigation has been undertaken on site and based on the information available it is considered that the development can be delivered without harm to archaeological assets which can be retained in situ. The results of the archaeological investigations will need to be published and deposited with the Norfolk Historic Environment Service.
92. As detailed in main issue 1 the closure of the existing Rose Lane car park will need to be a condition of any consent to ensure that there is not an oversupply of parking and to seek to facilitate wider redevelopment. The site is likely to need to be hoarded in the short term and this would have temporary implications for the conservation area albeit these are outweighed by the expected long term benefits or redevelopment that securing the closure of the car park will bring.

#### **Main issue 4: Transportation**

93. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF paragraphs 17 and 39.
94. The principle of a car park on this site has been discussed at earlier sections of the report and the proposals are considered to be in line with local plan objectives as well as the objectives of NATS to consolidate car parking in the city centre.

95. The application has been submitted along with a transport assessment and it is the case that the car park will attract higher levels of vehicular movement in Mountergate than currently exists. However in the citywide context, this must be seen against the backdrop of consolidation of city car parks, so that overall, the level of car movement to and from the city does not change, except as a consequence of increased demand for short/medium stay use that will reduce pressure in the weekday am and pm peaks, when the highway network is at its busiest, and spread a greater amount of movement throughout the day. Therefore the overall traffic entering the City Centre during peak periods should reduce.
96. There will however be a local impact which must be considered and the transport assessment has used St Andrews as a proxy for calculating estimated increases in traffic movements taking into account the existing parking provision to be lost as a result of the proposals.
97. Access to the site is as far south as possible along Mountergate with egress being at the centre of the site. Attempting to provide an access/egress onto Rose Lane would be wholly impractical, being far too close to the junction with Mountergate, creating a double junction arrangement that would be impossible to manage effectively. In addition, it would cause further issues once Rose Lane returns to two-way operation, as is anticipated. A right turn lane is provided in Mountergate to allow other traffic to pass, albeit it is currently shown as 3m wide but can be reduced to 2.5m and made as long as possible. This can be agreed via the highway agreements. It will also be necessary to implement a traffic regulation order to remove existing on street parking adjacent to the development site.
98. Mountergate will remain closed to vehicular traffic, this closure was made permanent in 2013 and once the scaffolding to Howard House has been removed new physical restrictions are to be put in place. Development at St Anne's Wharf (providing 305 spaces) would be accessed via Mountergate.
99. The NATS strategy is to remove through traffic from the City Centre. The recent closure of St Stephens and Surrey Street along with bus only access along Chapel Field North is the first stage of this plan. The second stage is the closure of Westlegate, Gaol Hill and Exchange Street to vehicular traffic and making Golden Ball Street and Farmers Avenue two-way. The final stage which is scheduled for post construction of the NDR is making Rose Lane two way, making Prince of Wales Road and Agricultural Hall Plain bus only, Market Avenue southbound bus only and improvements to Tombland. Some of the pre-NDR measures above are likely to have moved forward by the time a car park on the site is operational however it is considered unlikely that these will impact on traffic flows along Rose Lane.
100. In terms of traffic flow and junction operation it is necessary to consider the short term (when Rose Lane is one way) and long term (two way traffic on Rose Lane) scenarios.
101. The transport assessments approach is considered reasonable and identifies a rate of 2-3 vehicle movements per minute during the weekday peak and such an impact is not considered to have a material impact on vehicle movement in the area. Higher movement rates of 4 movements per minute are identified during the Saturday peak however this is during a time when background traffic levels would be expected to be lower.

102. In the short term, there is unlikely to be any adverse impact on the operation of the junction at Mountergate/Rose Lane, and in the longer term, this junction will need to be completely re-designed to take account of the new road systems proposed in the area, which are intended to reduce overall traffic levels in the City Centre. The new car park is, therefore, unlikely to result in any additional traffic issues in the local area.
103. With the anticipated level of usage, the two entry gates should be more than sufficient for the size of car park proposed, and provides capacity to provide access at a rate that is likely to significantly exceed arrival rate most of the time. With the potential for five vehicles to stack within the site, and the opportunity to provide a right turn lane on Mountergate into the site, on a day to day level it is not anticipated that any issues with stacking would occur. Exit rates are unlikely to cause any more issues than the current car park as the level of peak movement in the short term will be similar to current conditions. Longer term the junction layout will be revised.
104. The only issue that could arise is once the car park is full, and customers continue to queue. This can be a problem with any car park at peak times and it is likely that this car park will actually help to reduce current issues at the entrances to Castle Mall. To minimise any potential problems, it is essential that the car park is connected to the car park variable messaging system.
105. In sum there are not considered to be any significant transportation consequences of this development and the proposals are considered to be consistent with local plan transport policy specifically DM28 to DM31. Whilst there may be some limited localised impact paragraph 32 of the NPPF is clear that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe and this certainly is not the case here. Indeed citywide the proposals should contribute to a reduction in traffic movements at peak times.

#### **Main issue 5: Parking tariff**

106. Key policies and NPPF paragraphs – JCS6, DM29 and NPPF paragraph 40.
107. Policy DM29 requires new car parks to operate with a tariff that encourages short to medium stay use, and which discourages all day commuter car parking. The explanatory text identifies that over the lifetime of the plan demand for short-medium stay parking will increase and that as this takes place existing parking will increasingly operate with a tariff likely to discourage long stay use and that this should be a requirement for replacement car parking provision. NATS takes a similar approach but allows for business operational use whilst suggesting that measures should be taken to ensure commuters and long stay parkers do not use car parks.
108. In practice it is extremely difficult for mechanisms to be in place to provide for operational needs of businesses whilst also deterring long stay commuter parking. Operational needs are considered to be for businesses who require parking close to their offices to enable regular access to a vehicle to undertake work away from the office. An example might be an estate agent who has regular site visits. The applicant is seeking to provide for these needs however at the same time this results in a tariff which may have limited effect in deterring commuters.
109. For members benefit parking charges for the largest car parks in the city as well as park and ride have been detailed below.

Car Park	Up to 1hr	Up to 2hr	Up to 3hr	Up to 4hr	Up to 5hr	Over 5 hr	Night/ Evening
Castle Mall	£1.10	£2.20	£3.30	£4.40	£8.00	6+ £12.00 rising to £20.00	£1.50
Chapelfield	£1.20	£2.40	£3.60	£4.80	£4.80	£8.00 rising to £20.00	£2.00
John Lewis JL shopper	£1.00	£1.50	£2.50	£3.70	£6.50	£11 rising to £22	N/A
Non shopper	£1.50	£2.50	£4.50	£6.00	£8.00	£12.50 rising to £24	
Riverside Leisure Rate	£2.00	£2.00	£3.00	£4.00	£5.00	£20.00	N/A
Riverside Rail Rate	Up to 24 hours £8 un-validated Up to 24 hours £6 validated at train station						
Planning consent for the riverside car park limited rail spaces to 280 (of 730) and required short stay parking to be limited to 5 hour stays.							
St Andrews	£1.60	£3.20	£4.80	£5.80	£5.80	£5.80	£1.80
St Stephens	£2.20	£3.70	£7.20	£7.20	9.20	6+ £14.20	
Rate of £5.80 if entering car park before 9:30am							
St Giles	£1.70	£3.40	£5.10	£6.80	£8.50	£15.00	£1.80
Forum	£1.70	£3.40	£5.10	£6.80	£8.50	£8.50 +£1.70 per hour over 5.	N/A
Park and Ride	Peak (until 9:29am and between 4:00pm and 5:59pm) : Adult £3.50 cash or £3.00 with pre-pay card Off Peak (times outside peak times above): Adult 2.30 case or £2.00 with pre-pay card						

110. Those directly associated with retail or leisure activities typically offer the tariff's which fit the policy requirements best. The size and exact location of the car park will also influence its use. For example St Stephens is of limited size and provides an early rate which means it is heavily and pre-dominantly used by commuters. St Andrews whilst offering the same all day rate has more attractive rates for short to medium stay users and its significantly larger size and location adjacent to the retail areas means it is used for a mix of commuter parking, operational parking and short to medium stay users. Evidence submitted by the applicant relating to St Andrews indicates that on a typical week outside school holidays one third (33%) of customers pay the all day rate (i.e. stay 5 plus hours). The data can be broken down further indicating that 23% stay over 7 hours.

111. The applicant is proposing the same tariff for the new car park, however given its smaller size and location which is more distanced from the core retail area and closer



to the station it is considered that this percentage would likely be higher in this location.

112. It is considered that the extent to which the proposed tariff discourages long stay car parking is questionable. The applicant however argues that imposing a higher all day tariff would be detrimental to the operational business needs of the area and could deter investment in the area. The applicant also suggests that a higher tariff would deter users of the existing car parks on Mountergate which have lower rates from using the new car park. This view is supported by the Councils economic development team.
113. The NPPF details that local authorities should set appropriate parking charges that do not undermine the vitality of town centres i.e. if charges are set too high in order to deter car use this could undermine the economics of the town centre.
114. Whilst the tariff is not considered to be wholly consistent with policy DM29, taking into account the support in NATS for providing for operational business needs, the guidance in the NPPF and the potential operational business implications of a higher tariff the proposed tariff is considered to be acceptable subject to a condition which provides for the tariff to be secured and providing for the future review of the tariff.
115. Tariffs for Norwich City Council car parks are also agreed by Norwich Highways Agency Committee (NHAC) which is a joint committee made up of members from both the County and City Council's. The St Andrews Car Park tariff has been agreed with NHAC in September 2013 it is likely that, if approved, the new car park will be reported to NHAC in Summer/Autumn 2015.

#### **Main issue 6: Amenity and air quality**

116. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
117. The site is not currently adjacent to any residential properties and is surrounded by commercial premises. It is not considered that the proposal would adversely affect any adjacent commercial property in terms of amenity. With regard to noise again the car park is not adjacent to any particular noise sensitive premises and as such it has not been considered necessary for a noise assessment to be submitted with this application.
118. The site is within an Air Quality Management Area which is designated for nitrogen dioxide (NO<sub>2</sub>) levels being above air quality objectives (but not other pollutants which are considered to be below objectives).
119. The assessment considers the impact of nitrogen dioxide and particulate matter (PM<sub>10</sub>) on receptors as a result of the proposed development. The principle receptors are typically residential properties located immediately adjacent to the main highways accessing the site. To predict increases in emissions the predicted traffic flows for 2015 have been used with and without the development. The assessment concludes that there will be slight increases in nitrogen dioxide and particulate matter but that these will be negligible and typically imperceptible. In addition it is relevant to note that this application is part of an overall strategy to enhance emission levels in the City Centre by removing through traffic, consolidating car parking to large facilities and limit access within the inner ring road to those larger car parks.

120. The assessment also considers impacts during the construction phase and concludes that there will be short term impacts during construction but that these can be mitigated to a negligible level by implementing a number of mitigation measures during construction. These include providing contact details/communications on site, monitoring surrounding areas for dust soiling and providing cleaning, providing solid barriers to site boundaries, avoiding runoff, covering any stockpiles/chutes/skips, water suppression. The mitigation measures proposed should form a condition of any consent.

121. Concern has been raised within some representations relating to light pollution. The building design makes use of light and a degree of light spillage as a key aspect of the design and this is considered to be an innovative approach and creates design interest in the scheme. Whilst this may not be appropriate in many environments in this case the building is in a commercial context where such an approach would not result in any particular harm. It is also relevant to note that no excess or unnecessary lighting is proposed.

### **Main issue 7: Biodiversity**

122. Key policies and NPPF paragraphs – JCS1, DM6, NPPF paragraph 118.

123. A ecological report has been submitted with the application. This identifies the UK Fire buildings to be of negligible value for bats. The Fishmarket buildings were considered to be of low value for bats. Whilst the Fishmarket buildings have some potential roosting features, other than two very old butterfly wings found in one part of the building, no other evidence of bat use was identified. Following discussion with the Council’s natural areas officer it was considered that a demolition mitigation strategy would mitigate any potential harm, whereby before and during demolition the works are overseen by a licensed bat worker with the roof removed by hand over the winter period. Such a method statement has now been submitted and is considered to be acceptable subject to a condition requiring compliance with it.

### **Compliance with other relevant development plan policies**

124. 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.

<b>Requirement</b>	<b>Relevant policy</b>	<b>Compliance</b>
Cycle storage	DM31	There are no specific standards for public car parks, the proposals provide 36 spaces which is considered to be acceptable.
Refuse Storage/servicing	DM31	Yes commercial refuse storage has been provided following amendments to the scheme
Energy efficiency	JCS 1 & 3 DM3	Yes subject to condition, the information submitted indicates that photovoltaic panels on the roof should provide at least 77% of the car parks needs (excluding any power supply to electric vehicle points).

## **Other matters**

125. The matters of landscaping, flood risk and contamination have been assessed and are considered satisfactory and in accordance with relevant development plan policies, subject to appropriate conditions and mitigation.

## **Equalities and diversity issues**

126. There are no significant equality or diversity issues, the proposals provide for disabled parking and include lift facilities to all floors.

## **Local finance considerations**

127. 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.

128. 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.

129. In this case local finance considerations are not considered to be material to the case.

## **Conclusion**

130. The proposals are considered to be extremely finely balanced, it is considered that the main issues to be weighed up are the implications for heritage assets specifically the loss of the Fishmarket, the impact of the development on Weavers House and the impact on the conservation area against the benefits of the scheme.

131. The harm to heritage assets can be summarised as follows:

- a) The Fishmarket - The proposals will result in the demolition of the Fishmarket a locally listed non-designated heritage asset. This has been considered to be of low significance but the scale of harm will be high and complete loss. This harm can be mitigated to a small extent by securing records and historic interpretation albeit it remains a high level of harm to an asset of low significance.
- b) Weavers House - Given the height of the car park it will be dominant in the street scene and in this regard is likely to detract from the setting of Weavers House. Taking into account the staggered relationship it is considered that there would be a low adverse effect on Weavers House which is considered to be less than substantial harm.
- c) Conservation Area - The impact on the Fishmarket and the setting of Weavers House are directly relevant to the local impact on this part of the conservation area and due to the impacts on these buildings in the context of Mountergate the proposals are considered to have a low adverse impact on the conservation area. There will also be a limited impact on the character of the conservation area as a whole so far as the Fishmarket contributes to the wider context of the historic development of the City, the impact is considered to be limited given the fact that the Fishmarket is a replacement and is relatively young. In the context of Rose Lane and Prince of Wales Road and the view of the corner of the site at Rose

Lane and Mountergate the proposals are considered to be an improvement over the existing building in this location. On this corner the building will have a low beneficial impact, albeit this does not completely outweigh the impact at the other end of the site. Therefore taking everything into account there remains a low (far less than substantial) negative impact on the conservation area.

132. The NPPF requires a balanced judgement in such cases and for proposals to be weighed against the public benefits of the proposal. Notwithstanding the scale of harm summarised above the heritage implications are of considerable importance and weight must be given to the desirability of preserving the setting of listed buildings and conservation areas when carrying out the balancing exercise.
133. The key benefits of the proposals are to contribute to the objectives of NATS to consolidate car parking provision and in doing so freeing up land for future redevelopment and making better use of land resources. The proposal will also bring high quality parking facilities in an area of the city where such facilities are currently lacking and this should be to the economic benefit of business in the area and it has the potential to draw inward investment.
134. It is also considered that the potential for the scheme acting as a catalyst to further beneficial development in the area does to some extent mitigate the harm caused to the conservation area and the setting of Weavers House. Further regeneration has significant potential for overall enhancements to the wider conservation area and it is understood that the applicant is in the process of drawing up proposals for the rest of the west Mountergate site. Weight can be given to this albeit it would have been possible to give this greater weight were the scheme to have come forward as a hybrid application with redevelopment proposals for the remainder of the site.
135. Also of relevance within the context of policy DM9 is that the site of the existing Rose Lane car park is considered to be a reasonably practicable means of delivery of the car park, however in terms of viability there are considered to be too many variables to undertake a capital viability assessment with any accuracy. However the corner site proposed is considered to be the more viable in terms of revenue generation and as such more likely to deliver early redevelopment of the area.
136. The level of weight which can be given to the benefits of the proposal is considered difficult to objectively define and two equally reasonable viewpoints may take different approaches on this matter particularly with regard to the perceived benefits of likely wider regeneration and economic benefits to the area.
137. Policy DM1 identifies the main strands for achieving sustainable development and in the context of this policy the proposals are considered to have positive economic benefits, mixed environmental benefits so far as there is harm to heritage assets but the proposal contributes to achieving a wider sustainable transport strategy and in terms of social dimensions the proposal is again mixed; the consolidation of parking to higher quality monitored and well maintained car parks is in part to increase safety and security and minimise crime however the loss of the Fishmarket has negative implications for the social history of the area. The policy suggests that equal weight should be given to each dimension of sustainable development.
138. Taking this into account the proposals are extremely finely balanced and on balance the benefits of the proposals in terms of their potential ability to free up the area for regeneration which could have a wider positive impact on heritage assets,

implementation of NATS and the delivery of high quality parking facilities which should be of economic benefit to businesses in the area are considered to marginally outweigh the heritage objections to the proposal.

## **Recommendation**

To approve application no. 14/01521/F 69 - 75 Mountergate and Fishmarket, Norwich and grant planning permission subject to the conditions listed below:

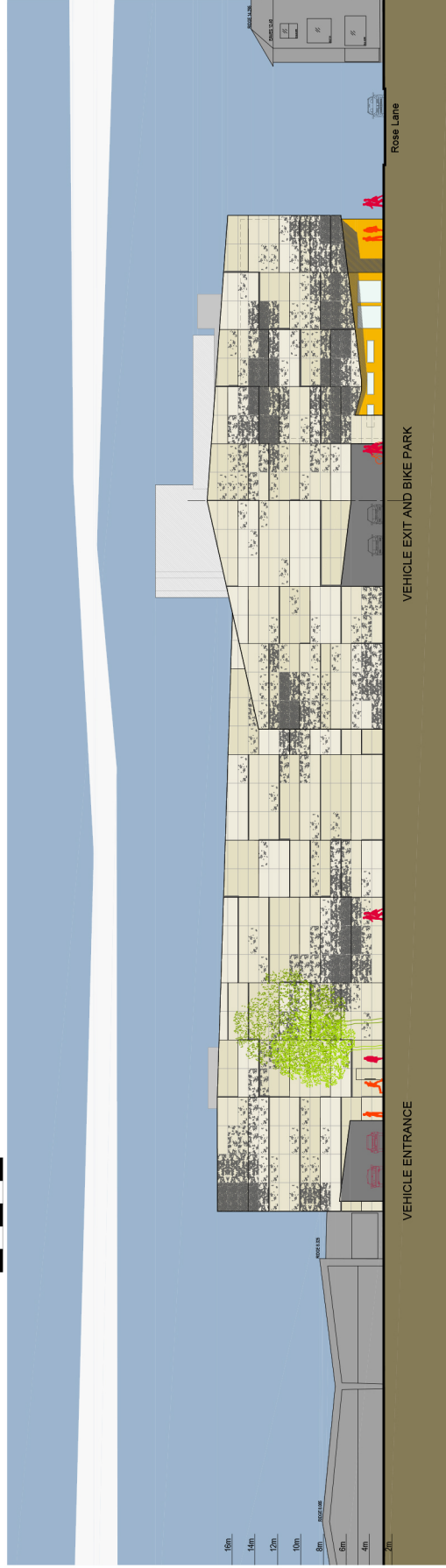
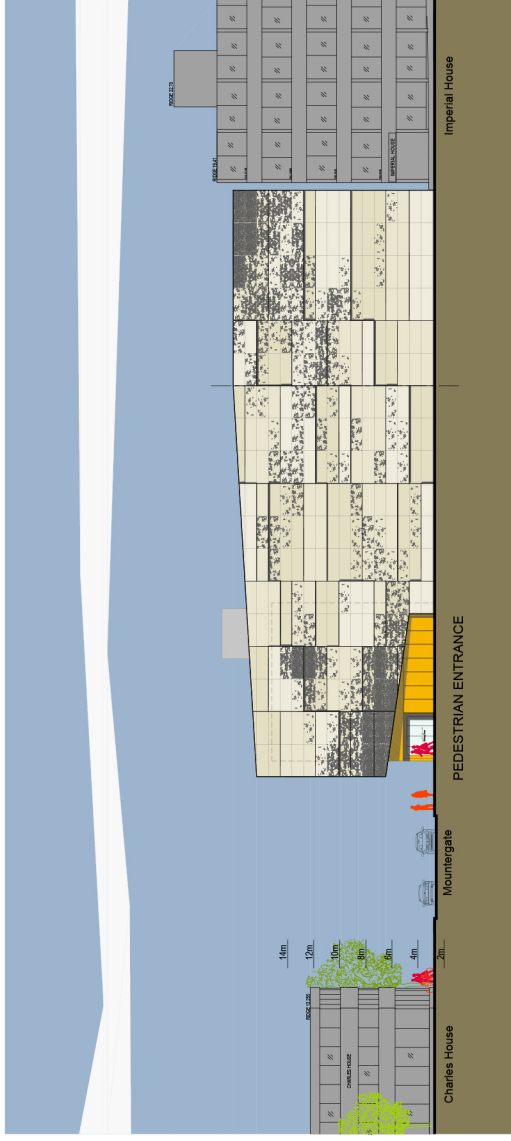
1. Standard time limit;
2. In accordance with plans;
3. No demolition to take place unless contracts for redevelopment are secured;
4. Closure of existing Rose Lane car park prior to opening and details of temporary hoarding;
5. Details of external materials including samples, cladding panel details, details of doors and windows and the folding screen to the external toilets;
6. Details of any signage proposed;
7. Photographic record of Fishmarket;
8. Removal and storage of the plaque and reinstatement within a larger piece of heritage interpretation to be agreed;
9. Landscaping details;
10. Car park not to open until it is providing information to and is fully connected to the car park variable messaging system;
11. Full details of highways works to be agreed and implemented including implementing a traffic regulation order to remove existing on-street car parking adjacent to the site;
12. Disabled and electric charging provision;
13. Car park tariff to be set and provisions for review;
14. CCTV details and provision;
15. Provision of refuse storage area for commercial floorspace;
16. Provision of photovoltaic panels;
17. Compliance with the demolition method statement;
18. Mitigation measures for construction dust suppression to be implemented.

### **Article 31(1)(cc)**

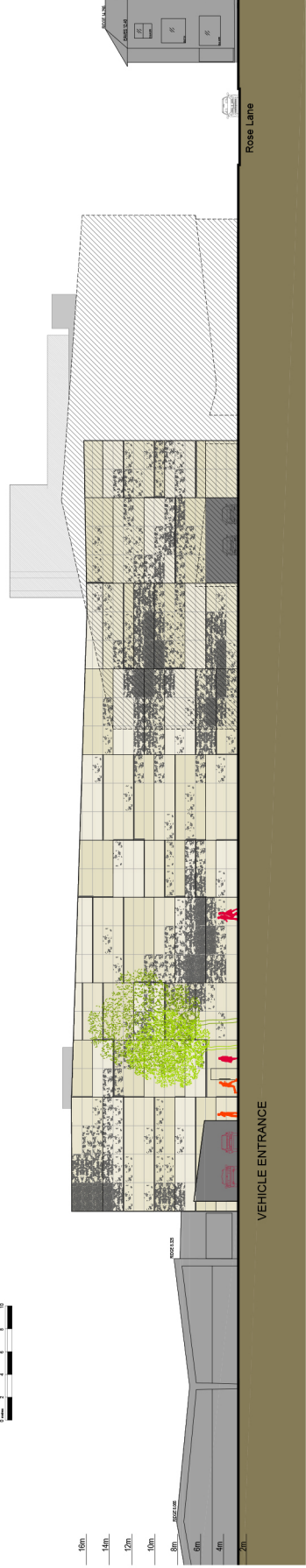
The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations and has approved the application subject to appropriate conditions and for the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

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Scale 1:200  
10m 5m 2m



Rev	Date	By	Description	Checked	Approved
2	08.12.14	TL	Issued for Planning		
1	01.12.14	TL	Issued for Planning		
0	10.10.14	TY	Issued for Planning		

Drawing Status  
**PLANNING**



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Client  
**Norwich City Council**

Project

**The Rose Lane  
Multi-Storey Car Park  
Mountergate, Norwich**

Type

**Proposed  
North and East Elevations**

Scale @ A1 1:200 Sheet Size A1  
DSD No: 0210 Rev: 2

DISCLAIMER:

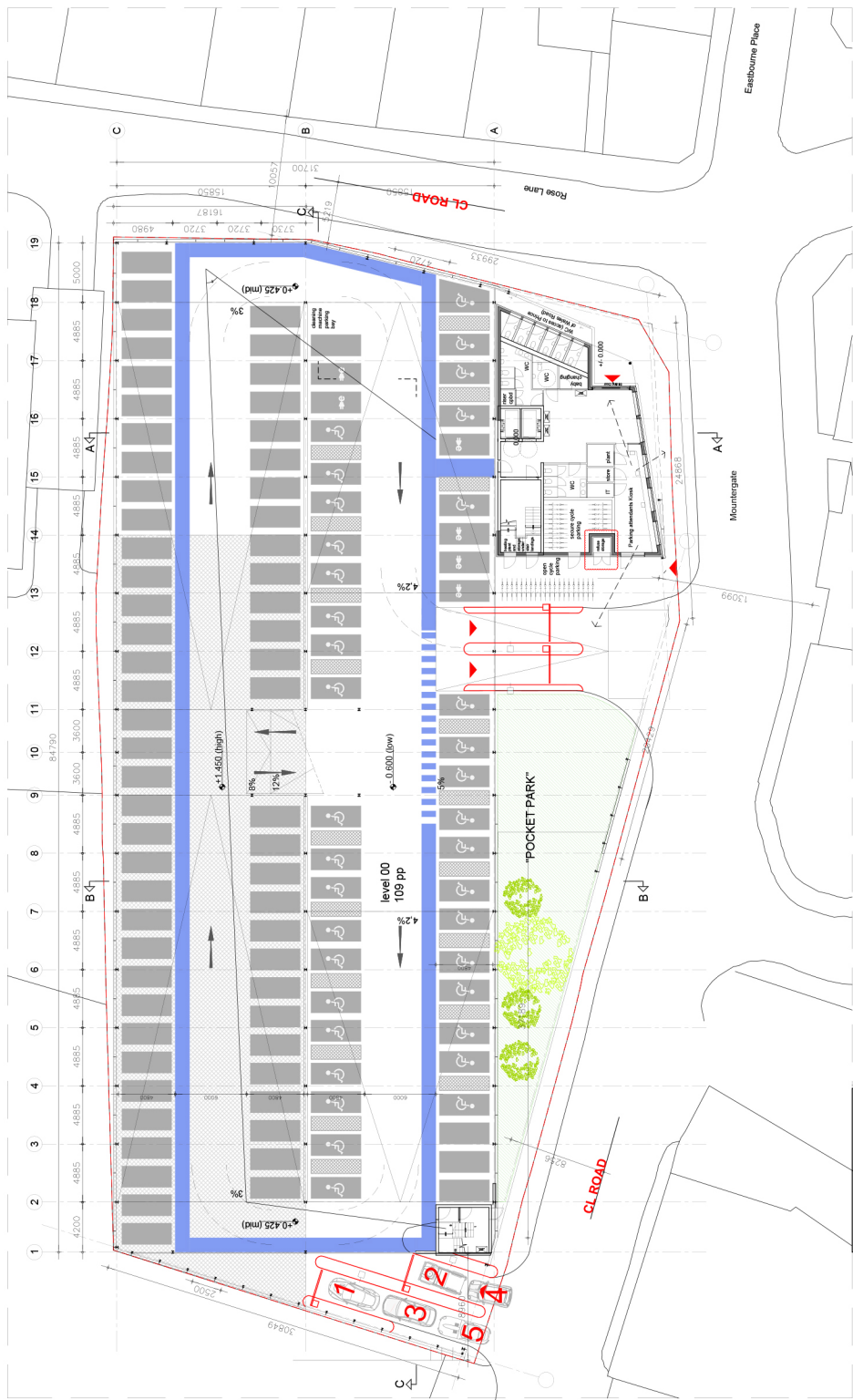
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Key

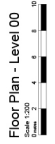


Made up ground



	number of pp (12/08/14)
level 00	109
level 01	121
level 02	121
level 03	121
level 04	123
<b>total</b>	<b>595</b>

TOTAL DISABLED SPACES = 36 = 6%



Floor Plan - Level 00

Rev	Date	By	Description	Checked/Approved
1	05.11.14	VB	Huber storage school, labing	PL
2	05.11.14	TY	Issued for Planning	MP
3	05.11.14	TY	Issued for Planning	MP

Drawing Status

**PLANNING**

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Norwich City Council

The Rose Lane  
Multi-Storey Car Park  
Mountgate, Norwich

Floor Plan  
Level 00

Scale @ A1:	1:200	Sheet Size:	A1
Dwg No:	0201	Rev:	1