

**Report to** Planning applications committee

**Item**

8 September 2016

**Report of** Head of planning services

**Subject** Application no 16/00699/F - 36 - 42 Duke Street  
Norwich, NR3 3AR

**5(B)**

**Reason  
for referral** Objection

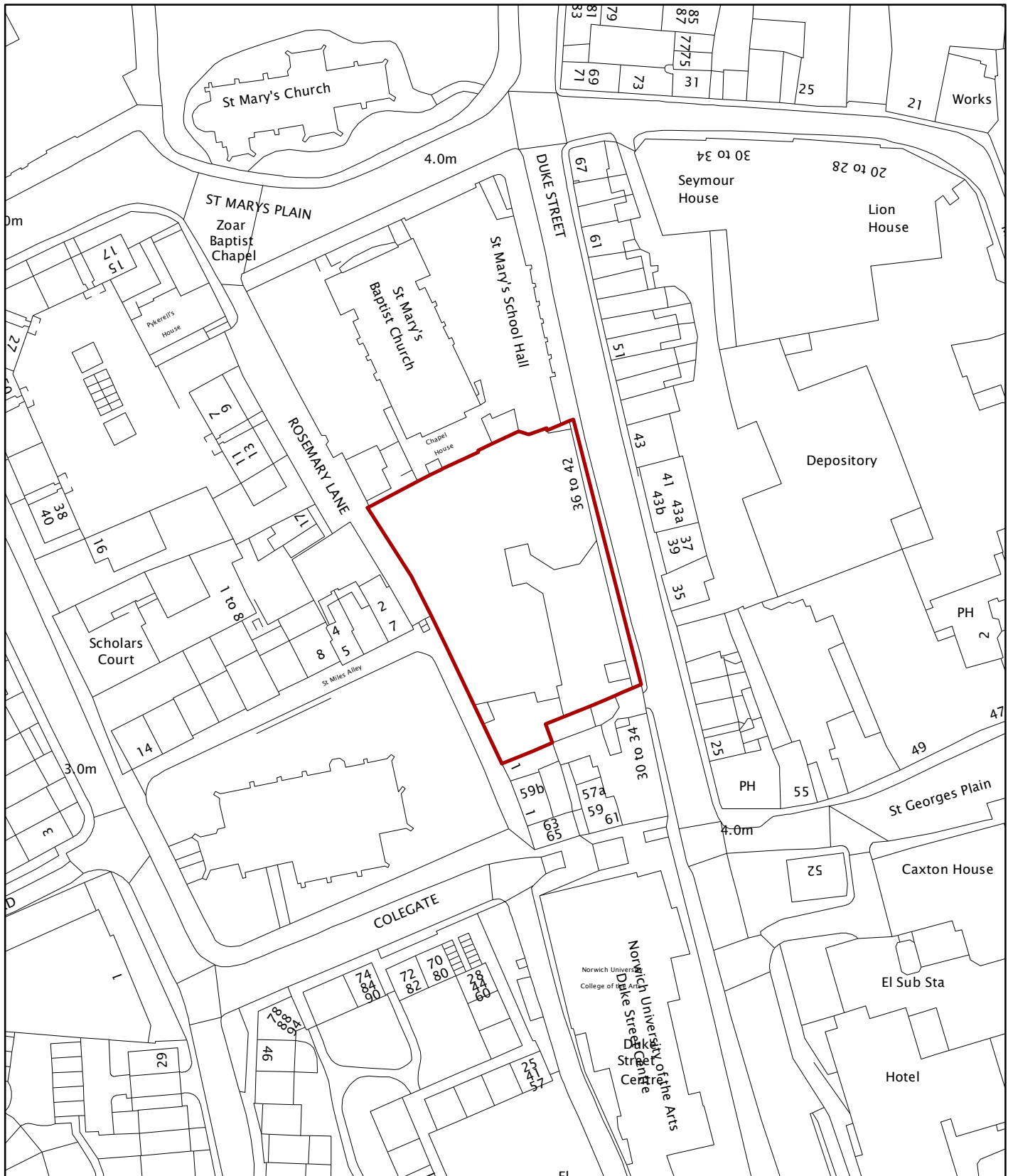
**Applicant** Wensum Homes Ltd

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<b>Ward:</b>	Mancroft
<b>Case officer</b>	Becky Collins - beccycollins@norwich.gov.uk

Development proposal		
Demolition of existing showroom and construction of 37 No. apartments.		
Representations		
Object	Comment	Support
9	0	0

Main issues	Key considerations
1 Principle of development	The principle of residential development in this location.
2 Design and Heritage	Impact on character of the conservation area, impact on the significance of local heritage assets, scale, form, massing and appearance.
3 Transport	Accessibility of site, impact of car parking and provision, traffic, highway safety, cycle parking, servicing.
4 Amenity	Daylighting/overshadowing, overlooking/loss of privacy, outlook, noise/smell/activity disturbances, overbearing, amenity of future occupants.
5 Affordable Housing	The question of the viability of the site and its ability to deliver affordable housing.
<b>Expiry date</b>	Extended to 2 September 2016
<b>Recommendation</b>	Approve subject to conditions and a legal Agreement.



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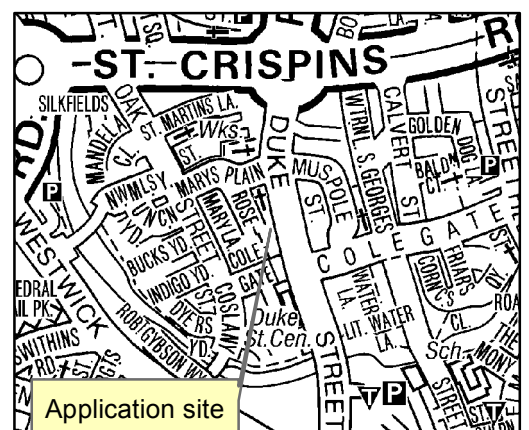
Planning Application No 16/00699/F  
Site Address 36-42 Duke Street

Scale 1:1,000



**NORWICH**  
City Council

PLANNING SERVICES



## The site and surroundings

1. The now boarded up car show room located on Duke Street, to the east of the site, which is bounded by properties off Rosemary Street to the North, St Miles Alley to the west and Colegate to the south. The site also backs on to and includes the historic curtilage wall to the west off St Miles Alley and lies within the setting of St. Michaels Coslany Church on Oak Street.
2. To the west lies the churchyard of St. Michaels Coslany Church, a Grade I Listed Building. There are a number of other Grade II Listed Buildings surrounding the site including numbers 4-7 St Miles Alley to the west, numbers 1 and 57-61 St Miles Alley/Queen Anne Yard and 30-34 Duke Street to the south. A row of newer, good quality, modest properties that frame the view to the church and churchyard have been constructed adjacent to 4/5 St Miles Alley.
3. There are a number of mature trees located within the church yard, primarily Turkish Hazel trees. The three trees closest to the western boundary of the site overhang the application site.
4. Properties off Duke Street are largely modest terrace properties, which abut the public highway, with front doors and regular patterns of fenestration. There has been some unsympathetic modern infilling of flats opposite the site, set slightly back from the prominent building line. Number 30-34 Duke Street is a Grade II Listed building located adjacent to the south of the application site. There are windows in the side elevations of this property facing the application site.
5. Queen Anne's Yard is located to the south of the application site and is a small cramped shared yard with many properties with their windows and doors facing into this space. Eaves and ridge lines surrounding this area are modest in height and have a traditional form.

## Constraints

6. The site is located within the Colegate Conservation area, adjacent to Listed Buildings and locally listed buildings, within an area of main archaeological interest, a critical drainage area and Flood Zone 2.

## Relevant planning history

7.

Ref	Proposal	Decision	Date
4/1990/0681	Change of use from garage to storage/retail/workshop for computer programming.	Approved	12/09/1990
4/1994/0228	Construction of brick planter on garage forecourt.	Approved	08/04/1994
4/1994/0229	Two internally illuminated fascia logo signs and one internally illuminated totem	Approved	08/04/1994

Ref	Proposal	Decision	Date
	sign on forecourt.		

## The proposal

8. The proposal is to demolish the existing boarded up car sales room and redevelop the site to provide 37 one and two bed apartments forming a U shape around a central courtyard located to the west of the site adjacent to St Miles Alley and the St. Michaels Coslany churchyard and boundary wall. The development will provide pedestrian and vehicle access off Duke Street, as well as a pedestrian access onto St Miles Alley.

### Summary information

Proposal	Key facts
<b>Scale</b>	
Total no. of dwellings	<b>37</b>
No. of affordable dwellings	<b>0 (see Main Issue 7 outlined in this report)</b>
Total floorspace	<b>1,260 sqm.</b>
No. of storeys	<b>3-3.5 storeys onto Duke Street</b> <b>2.5 storeys onto St Miles Alley/Rosemary Lane</b>
Density	<b>203 dwellings per hectare</b>
<b>Appearance</b>	
Materials	<b>The proposed materials include brick, reconstituted slate and pantiles and metal windows.</b>
Energy and resource efficiency measures	<b>Fabric reduction measures and 19 Solar Panels on the roof.</b>
<b>Transport matters</b>	
Vehicular access	<b>Off Duke Street.</b>
No of car parking spaces	<b>21</b>
No of cycle parking spaces	<b>39</b>

Servicing arrangements	<b>One large bin store to the north-east of the site serviced off Duke Street.</b>
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## Representations

9. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 13 letters of representation have been received from 9 separate parties 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
The height of the development and impact on residential properties to the east, south and in Queen Anne Yard, as well as properties along Rosemary Lane resulting in overlooking and loss of light. The amendments to the plans to change to windows to high level to prevent overlooking will result in a towering wall overpowering Queen Anne Yard.	Main Issue 5
No street scene has been provided to show what the development will look like from Queen Anne Yard. Neighbours are also concerned about the quality and accuracy of the plans submitted.	To scale plans of all elevations have been submitted with the application.
The presence of the cycle store adjacent to St Miles Alley will result in increased cycling in this location, on the pedestrian walkway to the detriment of pedestrians.	Main Issue 3
The development is too high in relation to adjacent Listed Buildings and the Conservation Area.	Main Issue 2
Concerns about the proposed openings from the car park adjacent to Rosemary Lane and the potential for noise and fumes from the car parking area.	Main Issue 4
How are ground floor levels being dealt with within the site?	A condition requiring finished floor levels has been proposed.
How high will the wall be adjacent to Rosemary Lane? This is essential to understand any potential amenity impacts from windows and terraces behind the wall	Main Issue 4

Issues raised	Response
adjacent to Rosemary Lane.	
There is an excessive provision of car parking for the development, contrary to the Councils Policy.	Main Issue 3
Inadequate car parking – there should be at least one space per unit.	Main Issue 3
The entering and exiting of vehicles from the Duke Street access point will endanger pedestrians due to the width of the pavement and as vehicles speed down this street.	Main Issue 3
The proposal will result in overlooking, overshadowing and an overbearing impact on the neighbouring Listed 7 St Miles Alley, with windows facing the application site.	Main Issue 4
Overlooking of the courtyard off Rosemary Lane from the proposed first floor balcony (which is not visible on all the plans submitted).	Main Issue 4
Overdevelopment of the application site.	Main Issue 1
The development would benefit from additional landscaping and the consideration of a living wall to prevent dark and oppressive brick walls.	A landscaping condition has been added to ensure appropriate landscaping is used in the future development of the site.
The addition of Juliette balconies and French doors is contrary to the character of the street scene and would affect the privacy of future occupiers at ground floor level.	Main Issue 2 and 4
The narrowness of the pavement off Duke Street is a safety concern for future residents.	Main Issue 3
The proposed flats are cramped and uninspiring with poor access to light and ventilation.	Main Issue 4
Disruption and noise during construction works.	Main Issue 4

## Consultation responses

10. 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

11. Concerns about the Duke Street frontage and the use of Juliette balconies, which are not appropriate and the door appears to resemble a hotel lobby rather than an entrance to domestic properties. The roof directly adjacent to 30-34 looks odd in comparison to its neighbouring unit.

### Historic England

12. Recommend the hipped roof at the northern end of the row is reinstated and the central block on Duke Street is set forward to accentuate this feature. The proposed vehicle access off Duke Street is an unpleasant feature at ground floor level for pedestrians and an unsightly 'gap' in the architecture, especially when combined with the adjacent bin store. The success of this development lies with high quality materials to be secured through appropriate conditions.

### Norwich Society

13. The plans show too intensive, over-development of the site. It is too tall on Duke Street side. The historical context of the area should be taken into account.

### Archaeology

14. Early medieval city defences in the area and possible earlier swamp. Desk based assessment appears adequate, standard conditions are required.

### Environmental protection

15. The submitted noise and contamination reports are considered acceptable subject to conditions to ensure appropriate measures are implemented. Additional conditions/informatives for work times, dust prevention, asbestos and lighting are required.

### The Lead Local Flood Authority

16. The Local Planning Authority should satisfy themselves that the proposed development complies with the NPPF and the Ministerial Statement for Sustainable Drainage Systems. The applicants should demonstrate how the proposal accords with relevant standards. The proposal should also accord with Standing Advice.

### Highways (local)

17. No objection in principle. However, local Highways advises the submission of tracking information and the provision of a curved access point to provide visibility and allow a vehicle to wait off the highway to address the potential conflicts with vehicles entering and exiting the site at the same time. The car and cycle parking proposed conforms to the Local Plan requirements. All of the domestic parking bays should have EV vehicle charging. Footways on both sides of Duke Street

require reconstruction. The applicant could contribute to the autumn 2016 traffic calming works to be carried out. A considerate construction condition is required.

18. The proposal is considered acceptable from a bin collection point of view.

#### **Tree protection officer**

19. Has confirmed that the proposed works to trees adjacent to the site would be acceptable.

#### **Landscape**

20. The absence of landscaping on the Duke Street frontage is acceptable as it is in character with other frontages along this section of the street. The two small areas of landscaping shown to the south of the development are too small to be viable and will be difficult to maintain, they would be better hard surfaced.
21. The layout of the Courtyard garden is acceptable but should be conditioned and details of the soft landscaping and its management submitted.

### **Assessment of planning considerations**

#### **Relevant development plan policies**

22. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
- JCS1 Addressing climate change and protecting environmental assets
  - JCS2 Promoting good design
  - JCS3 Energy and water
  - JCS4 Housing delivery
  - JCS6 Access and transportation
  - JCS7 Supporting communities
  - JCS9 Strategy for growth in the Norwich policy area
  - JCS11 Norwich city centre
  - JCS20 Implementation
23. **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
  - DM4 Providing for renewable and low carbon energy
  - DM5 Planning effectively for flood resilience
  - DM7 Trees and development
  - DM9 Safeguarding Norwich's heritage
  - DM11 Protecting against environmental hazards
  - DM12 Ensuring well-planned housing development
  - DM28 Encouraging sustainable travel
  - DM30 Access and highway safety
  - DM31 Car parking and servicing
  - DM32 Encouraging car free and low car housing
  - DM33 Planning obligations and development viability



## **Other material considerations**

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

- NPPF0 Achieving sustainable development
- NPPF4 Promoting sustainable transport
- NPPF6 Delivering a wide choice of high quality homes
- NPPF7 Requiring good design
- NPPF10 Meeting the challenge of climate change, flooding and coastal change
- NPPF12 Conserving and enhancing the historic environment

### **25. Supplementary Planning Documents (SPD)**

- Affordable housing SPD (adopted March 2015)
- Trees, development and landscape SPD (adopted June 2016)

## **Case Assessment**

26. 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**

27. Key policies and NPPF paragraphs – DM12 and DM13, JCS4 and NPPF paragraphs 49 and 14.
28. The proposal involves the demolition of the existing boarded up car salesroom and the construction of 37 residential units on the site, surrounding a central courtyard, adjacent to St. Michaels Coslany churchyard with the retention of the existing historic boundary wall, which runs along the western boundary of the site.
29. Paragraph 50 of the NPPF supports delivery of a wide choice of quality homes, and policies JCS4 and DM12 support new housing which will help to meet housing needs in the city. The site is located within an established residential area, with regular bus services located nearby. It is located off a main route into and within walking distance of the city centre, close to existing shops and facilities. The proposal is for a high density development and given the sites proximity to the city centre, subject to other matters of design and amenity, further discussed below, the overall principle of residential development at this site is considered acceptable.
30. Policy DM12 sets out the principles applying to all new residential development, including having no detrimental impact on the character and amenity of the surrounding area, contribution to achieving a diverse mix of uses in the locality and achieving the housing delivery targets set out in the JCS, provision of a mix of dwellings in terms of size, type and tenure including a proportion of family housing, achieving a density in keeping with the character and function of the area and building 10% of dwellings to lifetime homes standard on schemes of 10 or more

dwellings. These and other material planning considerations are addressed in the specific issues sections of the report below.

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

31. Key policies and NPPF paragraphs – JCS2, DM3, DM9, NPPF paragraphs 9, 17, 56, 60-66 and 128-141.
32. The site is located within the Colegate Conservation Area. The area comprises small lanes criss-crossing the larger streets which run North and South, essentially continuing the medieval street pattern of the older City centre streets, but with large factories dominating the western streets. This pattern is clearly prevalent as one travels along Duke Street and onto St Mary's Plain. The Conservation Area Appraisal goes on to explain that 'the tight grain of the buildings . . . encloses the streets well, and creates an intimate feel. This character breaks down once Duke Street is reached'. This is a key explanation of this site which abuts Duke Street and Rosemary Lane/Colegate, which is a true representation of the historic street form, as set out in the appraisal.
33. The Colgate Conservation Area appraisal sights the churchyards as providing welcome greenery throughout the area; and the presence of Georgian town houses and rows of terraces. It also identifies the need to reinstate building lines; introduce traffic calming in Duke Street; and states that large scale development should take its design cue from traditional factory forms.
34. The application site also falls within the setting of a number of statutorily and locally listed Buildings including St. Michaels Coslany Church to the west, which is considered to be a landmark building within the local area. Policy 12 of the NPPF requires applicants 'to describe the significance of any heritage assets affected, including any contribution made by their setting'. The submitted design and access statement makes reference to the area's history and looks at local building type, materials and form, although no description of significance has been included with the submitted application.
35. The proposed design along Duke Street is a maximum of four stories with a large central mock Georgian building abutted by three storey adjoining buildings with varying eaves and ridge heights. The proposal is a great improvement on an earlier submitted scheme which failed to recognise the regular street pattern, continuous building lines and wider character of the area as outlined in the Conservation Area Appraisal. The proposal is set back from the principle building line which is prevalent in the street scene. The restating of building lines is an objective in the Colegate Conservation Area appraisal. The applicants do however proposed a combination of a brick wall and railings to run along the back of the pavement/building line to help to provide some enclosure in the street scene.
36. The scheme along Duke Street could be greatly improved through the inclusion of front doors, which is a common feature when combined with regular fenestration in the rows of terrace opposite the application site. This would create activity in the street as well as helping the development blend with the existing character of the area. The applicant has however raised concerns, as this is at odds with the design objectives of the development to provide high scale apartments accessed off a central entrance lobby and maximise development potential. The set back is also to accommodate services for the flats.

37. The proposal includes a number of Juliet balconies with double doors overlooking Duke Street, although this is not characteristic of the surrounding area the applicant states they are key way of accessing light into the rooms behind. A more common fenestration pattern for Georgian properties of this size would to have regular decreasing window sizes as one rises up the building.
38. Conditions with regards to materials, windows detailing and detailing around the doors and windows will be important to ensure this development makes a positive contribution to the street scene and the character of the Conservation Area.
39. The Conservation Area Appraisal outlines the street pattern in this area as having small lanes criss-crossing the larger streets. Some consideration has been given to applying this approach to this development. The applicants have therefore added pedestrian access points to the site from the east and west. However, to maximise the development potential of the site, unfortunately a public access route through the site is not proposed.
40. The development will largely be hidden from view from the south by existing built form with clear views to the site from Duke Street and Colegate. To the rear large trees within the churchyard and the proposed set back of the built form away from the historic boundary wall will help to retain this green space and avoid any over dominance of the proposal on the Listed church. A landscaping condition will be applied to any subsequent approval to ensure appropriate landscaping is implemented alongside the proposed development.
41. Other built development to the rear of the site will have higher eaves and ridge heights than its historic neighbouring properties; however, the stepped ridge line will help with the negative impacts of this, as will the retention of the western wall, which protects the setting of neighbouring Listed Buildings also. Although this should not be treated as a 'rear' elevation, the limited detailing on the rear elevation is largely to reduce amenity impacts on neighbouring properties, further discussed below. This elevation however, is considered to suitably frame the churchyard and not compete with neighbouring buildings. As such it would not detract from the appearance of the scheme to such an extent that it would warrant refusal of planning permission in this instance. Overall it is considered that the proposal would serve to enhance the character of the Conservation Area given that it includes the removal of the existing boarded and closed car showroom. Also, the proposal includes car parking and other services largely hidden within the footprint of the existing development which is preferable than being sited adjacent to the public highway.
42. The proposal will block views to neighbouring locally listed buildings to the north of the site. However, given these buildings current setting, the redevelopment of this site would actually improve the quality of this area to the benefit of their setting.
43. The proposal is likely to lead to less than substantial harm to the significance of locally designated heritage assets, due to the design of the proposal and the presence of existing unsightly built form in close proximity to existing heritage assets. The setting of the St. Michaels Coslany Church will remain largely unaltered due to the retention of the historic boundary wall. The benefits of the proposal through the provision of 37 residential units is likely to have sufficient public benefits to outweigh some of the design concerns of the site, a key consideration as set out in paragraph 133 of the NPPF. The proposal with its

variance in ridge lines and building forms and the insertion of some historic features, is likely to preserve the setting of the Conservation Area. As such any less than substantial harm caused to statutorily and locally listed buildings are considered to be outweighed by the benefits of the proposals in terms of providing new housing and improving the appearance of the conservation area when viewed from Duke Street. On this basis the proposal is considered in accordance with Policy 12 of the NPPF and policies 2 of the Joint Core Strategy, and DM3 and DM9 of the Norwich Local Plan.

#### **Main issue 4: Transport**

44. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF paragraphs 17 and 39.
45. Local Highways have raised concerns with regards to the vehicle access point off Duke Street, asking for it to have a splayed corner to provide better visibility and allow multiple access and egress to and from the site. It is considered that this would have a detrimental impact on the design of the scheme and the street scene and given the speed restrictions on Duke Street then this is not considered necessary at this time.
46. Local Highways have also requested that the footways on both sides of Duke Street are reconstructed and widened and the applicant contribute to local traffic calming works. Paragraph 204 of the NPPF states 'Planning obligations should only be sought where they are . . . necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development'. This development therefore cannot be expected to improve an existing poor situation or contribute to works already committed or necessary to address an existing situation. It is considered that it would only be reasonable to require works to the pavement on the side of the street where the development is proposed. Although, concerns have been raised about the width of the pavement on this side of the street, the proposal is set back from the highway and therefore the movement of people in and out of this building is unlikely to hinder the passing of pedestrians, apart from on bin collection day when a number of bins could be present. Despite this, as bin collection will be for a limited time period only then the proposal is considered acceptable and no further obligations sought on this basis.
47. The site is located within an area where a car free development would be encouraged. The application proposes car parking less than the maximum 1 space per unit, as set out in Policy DM31 and therefore the proposed car parking provision is considered acceptable. Vehicle charging facilities for all vehicles will also be required by condition. The application also proposes 39 cycle spaces, the exact details of their siting and storage is to be conditioned to ensure adequate cycle provision in accordance with policy DM31.
48. A proposed cycle store is located adjacent to St Miles Alley. Some concerns have been raised that this location would encourage further use of cycles on the pedestrian walkway. The location of the cycle store would not affect the pedestrian right of way in this location, nor would it encourage use of cycles in this location. To avoid conflict with vehicles, this is considered a logical location for cycle storage. The proposal is considered acceptable on this basis.

## **Main issue 5: Amenity**

49. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
50. A number of alterations have been made to the originally submitted scheme to try to address some of the amenity concerns raised during the initial consultation. These amendments have been publically consulted upon and the comments received have been summarised earlier in this report.
51. The previously proposed three storey development plus windows on its northern side elevation would have overlooked the rear courtyard of the small property off Rosemary Lane, adjacent to the north of the site. The original proposal would have had a detrimental impact on the amenity of this property from generating overlooking from windows and have an overbearing nature due to its height and positioning adjacent to the boundary of this property. The plans have been amended to remove windows, apart from one, from the northern elevation overlooking the courtyard and reduce the eaves height to mimic that of the existing property. The remaining window is offset to avoid any negative impacts and the reduction in eaves height to match that of this existing property would address any negative impacts of being overbearing.
52. The neighbouring properties opposite this part of the site have raised some concerns with regards to overlooking from windows and a terrace as proposed on this western elevation. Given that these neighbouring properties windows and courtyards face a public right of way with no boundary treatment and the distances between them and the proposal, with the existence of a proposed boundary wall (shown at a height of 3.5 metres) then it is not considered that the impact on amenity for these properties could justify refusal of planning permission on this basis. One terrace behind the wall, was however removed on the advice of officers, to ensure any impacts from overlooking to windows in the side elevation of numbers 2 and 7 St Miles Alley was prevented. A condition will be added to approve boundary treatments to ensure neighbouring amenity is protected.
53. Concerns have also been raised with regards to openings proposed from the car park out on to St Miles Alley/Rosemary Lane and the potential to increase noise and fumes. No concerns have been raised by Environmental Health. There is sufficient ventilation around the car park so as not to give rise to excessive amounts of fumes or noise being directed towards the three openings off Rosemary Lane. Also, there is sufficient distance between these openings and neighbouring windows and the use of the car park is for gated residential purposes so it is unlikely to generate a significant number of vehicle movements or vehicles would be hanging around in the car park with their engines running. The use of this car park is likely to be similar to the adjacent car park off Rosemary Lane. The applicants propose to install decorative metal railings within these openings, picking up the historic use as a former “Forge”. A condition will be added to any subsequent proposal to control the infilling of these openings. It has been suggested that the openings are reduced in size with brick below railings to assist with preventing any negative impacts.
54. Further amendments have been made to the southern elevation of proposal with the removal of windows, changing windows to high level and obscure glazing some windows to protect neighbouring properties to the south from overlooking whilst retaining light for future occupants. The application does propose new built form

adjacent to Queen Anne Yard and properties off Duke Street, however, given the existence of built form in this location and the distances between properties then the proposal is considered acceptable, subject to conditions with regards to obscure glazing.

55. Concerns have been raised with regards to noise and disturbance caused during construction works. A condition requiring details of construction management will be required to ensure these works do not have a significantly detrimental impact on the amenity of neighbouring properties.
56. The majority of the proposed units are single aspect units, often with long large spaces served by one window. Although, preference would be to achieve better levels of light for future occupants through the addition of windows, all rooms are served by a window, with reasonable outlook. As such the proposal is considered acceptable on this basis.
57. The requirement to provide lifetime homes in policy DM12 applies to sites of 10 plus dwellings, a condition will therefore be added to the proposal requiring the development to meet this standard.
58. Policy DM12 requires new housing developments to provide for a mix of dwellings, in terms of size, type and tenure including (where the size and configuration of the site makes this practicable and feasible) a proportion of family housing and flats to meet the needs of the community'. The proposal makes provision for 37 one and two bed units. As such the development provides a mix of dwellings with two bed units to serve the family requirement.
59. Based on the amendments to the plans it is considered that the development would provide an acceptable standard of amenity for existing and future occupants in accordance with policies DM2 and DM11 of the Norwich Local plan.

#### **Main issue 7: Affordable housing viability**

60. Key policies and NPPF paragraphs – JCS4, DM33, NPPF paragraph 50.
61. The applicant has submitted a viability assessment to demonstrate that there is insufficient viability within the development to provide affordable dwellings or further s.106 contributions. This has been independently assessed by the District Valuer Service (DVS). Following this advice officers agree that this scheme is marginally viable without any affordable housing and with the CIL contribution proposed. The report from the DVS goes on to recommend 'if you are prepared to proceed with this scheme we would suggest that you include a time scale for delivery in any section 106 agreement which if not met, triggers an automatic viability review. This will provide a means of taking account of any increase in values over time and helps to ensure delivery of the scheme within a reasonable time scale'.
62. A draft section 106 has been submitted which would require the developers to review the viability report, if not commenced development, at either 12 months from the permission or 12 months from the last discharge of condition application. This requires payment to the Council in the event the market values mean that there is sufficient value within the site to contribute to the local provision of affordable housing. It is recommended that if planning permission is granted it is subject to the signing of this agreement.

63. Appropriate CIL contributions will be paid.

### **Other matters**

64. The following matters have been assessed and considered satisfactory and in accordance with relevant development plan policies, subject to appropriate conditions and mitigation:

### **65. Trees**

The Colegate Conservation Area Appraisal sights trees within the churchyard as important and given their location within the Conservation Area any works to these trees would require consent. The application proposes within the submitted Arboricultural report, an east side reduction of 2 metres to three Hazel trees closest to the site. The Council's tree officer has looked at these trees and believes that the works proposed would not affect the long term health or stability of these trees. No further works to trees are proposed. A condition to ensure all works in this location are undertaken in accordance with the protection measures as outlined in the submitted Arboricultural report should be applied in the event planning permission is required. The proposal is therefore considered in accordance with Policy DM7 of the Norwich Local Plan.

### **66. Energy**

Conditions had been proposed to ensure the development contributes to the achievement of lifetime homes as well as makes contributing to decentralised energy supply as set out in the submitted Energy Statement through the enhancement of fabric within the building and the installation of solar panels in accordance with policies 10 of the NPPF and JCS3 of the Joint Core Strategy.

## **67. Water**

The Lead Local Flood Authority has referred the LPA to standing advice with regards to flooding. The applicants have submitted a Flood Risk Assessment (FRA), which highlights the sites location within Flood Zone 2, therefore the site has a medium risk of flooding. The site is also located within the critical drainage catchment area. Anglian Water and Environment Agency, despite being consulted, have not responded to previous consultations with regards to this application.

68. Policy 10 of the NPPF states, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment (FRA). The submitted FRA sequential test supports residential development in flood zone 2. Also, given the existing extent of built form, surface water drainage will mirror that of the existing situation with a slight improvement with the addition of permeable paving within the courtyard. This can be secured through the proposed landscape condition. The proposal is therefore considered acceptable on this basis.

## **69. Contamination**

Conditions have been proposed to ensure that the development, if permitted, contains suitable remediation measures to address any onsite contamination in accordance with policy 11 of the NPPF and Policy DM11 of the Norwich Local Plan.

## **Equalities and diversity issues**

70. There are no significant equality or diversity issues.

## **S106 Obligations**

71. A draft s.106 agreement has been submitted. If this application is approved then the section 106 agreement will need to be entered in to, to review the affordable housing viability in the event the development has not commenced after a period of 12 months.

## **Local finance considerations**

72. 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.
73. 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.
74. In this case local finance considerations are not considered to be material to the case.

## **Conclusion**

75. The proposed scheme will provide an appropriate form of residential development, which serves to preserve the character and appearance of the Conservation Area



and the setting of local heritage assets, through an appropriate design and the loss of the existing boarded up and unsightly car showroom.

76. Whilst the proposal is of high density, it will make a generous contribution to the provision of mixed use housing in a highly accessible site close to the city centre. The site is in an established residential area and surrounded by existing dwellings on its east, west and south sides. It is not considered that the proposals would unduly impact the amenity of neighbouring residents and future occupants will benefit from satisfactory living conditions.
77. Subject to conditions and a suitable section 106 agreement, the development is considered in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.

## **Recommendation**

To approve application no. 16/00699/F - 36 - 42 Duke Street Norwich NR3 3AR and grant planning permission, subject to the completion of a satisfactory legal agreement and subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Details to include: materials to be used in external construction of development (including samples), external walls and railings, all external joinery and fenestration including rooflights, rainwater goods, infilling of openings on western side of the site;
4. Landscaping scheme including all soft and hard landscape, boundary treatments, finished site levels and management measures;
5. Works to be undertaken in accordance with the protection measures as outlined in the submitted arboricultural report;
6. Construction Method Statement;
7. Solar panels;
8. Parking, EV charging and cycle/ bin storage details;
9. Obscure glazing of windows in the south elevation as shown on plan reference 4876 C received on 05/08/2016 to be permanently retained in that form;
10. Noise mitigation measures in accordance with the submitted noise report;
11. Contamination measures;
12. Travel Plan;
13. Water efficiency;
14. Lifetime homes; and
15. Archaeology.

Informatives:

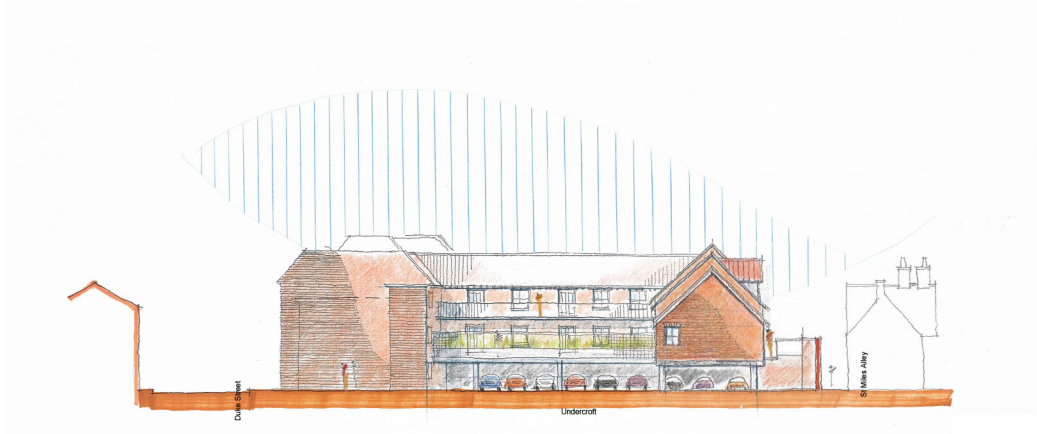
1. Protection of noise from balconies.
2. Note to remind the use of permeable paving in courtyard to assist with surface water drainage.

## **Article 35(2) Statement**

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



DUKE STREET ELEVATION



NORTH ELEVATION - VIEW FROM CHURCH & CHAPEL HOUSE



SOUTH ELEVATION



ST MILES ALLEY ELEVATION

C	04/08/16	North Elevation amended	DB	MN
B	14/07/16	minor update to NCC comments	low	
A	11/07/16	updated in response to planners comments	low	
REV	DATE	DESCRIPTION	DRAWN	CHECKED BY
Revisions				

CF

Architects Engineers Quantity Surveys

**PLANNING**

**Wensum Homes Ltd**  
Client  
 36-42 Duke Street  
 Norwich

**Proposed 1:200 Elevations**  
(sheet 1)

**4876**

**065**  
06/06/16 **C**

**May 2016** **1:200 @ A1**

**PB**

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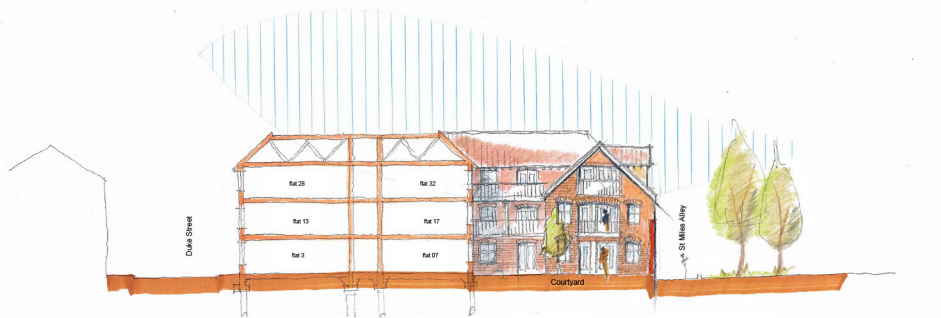
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NORTH ELEVATION / SECTION - THROUGH COURTYARD



SOUTH ELEVATION / SECTION - THROUGH COURTYARD



WEST ELEVATION / SECTION - THROUGH COURTYARD

REV	DATE	DESCRIPTION	DRAWN	CHECKED BY
C	04/08/16	North elevation/section Amended	DB	MN
B	14/07/16	minor update to NCC comments	bw	
A	11/07/16	updated in response to planners comments	bw	

Revisions



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## PLANNING

Wensum Homes Ltd

36-42 Duke Street  
Norwich

PROJECT

Proposed 1:200 Elevations  
(sheet 2)

4876

PROJECT NO

066

REVISION NO

C

DATE

May 2016

SCALE

1:200 @ A1

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**Schedule of Accommodation:**

GROUND FLOOR		
01 - 2 Bed -	69.9m <sup>2</sup>	
02 - 1 Bed -	53.4m <sup>2</sup>	
03 - 2 Bed -	69.3m <sup>2</sup>	
04 - 2 Bed -	69.9m <sup>2</sup>	
05 - 2 Bed -	68.2m <sup>2</sup>	
06 - 2 Bed -	71.9m <sup>2</sup>	
07 - 1 Bed -	47.6m <sup>2</sup>	
08 - 2 Bed -	74.9m <sup>2</sup>	
09 - 2 Bed -	71.9m <sup>2</sup>	
	597.0m <sup>2</sup>	597.0m <sup>2</sup>

FIRST FLOOR		
10 - 2 Bed -	70.9m <sup>2</sup>	
11 - 2 Bed -	69.9m <sup>2</sup>	
12 - 2 Bed -	81.5m <sup>2</sup>	
13 - 2 Bed -	69.3m <sup>2</sup>	
14 - 2 Bed -	69.9m <sup>2</sup>	
15 - 2 Bed -	71.3m <sup>2</sup>	
16 - 2 Bed -	74.9m <sup>2</sup>	
17 - 2 Bed -	66.2m <sup>2</sup>	
18 - 2 Bed -	77.8m <sup>2</sup>	
19 - 2 Bed -	71.7m <sup>2</sup>	
20 - 2 Bed -	79.4m <sup>2</sup>	
21 - 2 Bed -	63.9m <sup>2</sup>	
22 - 1 Bed -	48.0m <sup>2</sup>	
	914.7m <sup>2</sup>	914.7m <sup>2</sup>

SECOND FLOOR		
23 - 2 Bed -	70.9m <sup>2</sup>	
24 - 2 Bed Duplex	77.2m <sup>2</sup>	(both floors)
25 - 2 Bed Duplex	77.9m <sup>2</sup>	(both floors)
26 - 2 Bed Duplex	77.9m <sup>2</sup>	(both floors)
27 - 2 Bed Duplex	77.2m <sup>2</sup>	(both floors)
28 - 2 Bed -	69.3m <sup>2</sup>	
29 - 1 Bed -	50.5m <sup>2</sup>	
30 - 1 Bed -	53.6m <sup>2</sup>	
31 - 2 Bed -	74.9m <sup>2</sup>	
32 - 2 Bed -	66.2m <sup>2</sup>	
33 - 2 Bed -	77.8m <sup>2</sup>	
34 - 1 Bed -	54.9m <sup>2</sup>	
35 - 2 Bed -	66.2m <sup>2</sup>	
36 - 1 Bed -	48.0m <sup>2</sup>	
37 - 1 Bed -	48.0m <sup>2</sup>	
	990.4m <sup>2</sup>	990.4m <sup>2</sup>

**TOTAL GIA** 2502.1m<sup>2</sup>

Total 8 1 Bed, 25 2 Bed & 4 2 Bed duplex  
= 37 apartments  
21 cp spaces  
39 cycle spaces



REV	DATE	DESCRIPTION	DRAWN	CHECKED BY
C	04.08.16	Minor revision to schedule	pb	
B	14.07.16	Minor update to NCC comments	bar	
A	08.07.16	Minor variations as meeting NCC planning	pb	

**Revisions**

CF

Architect Engineers Quantity Surveyors

**Planning**

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**Wensum Homes Ltd**  
36-42 Duke Street  
Norwich  
Norwich  
Ground Floor Plan  
4876  
060  
May 2016  
1:200 (A3) 100 (A1)  
pb

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