



Planning applications committee

Date: Thursday, 11 July 2019

Time: 10:30

Venue: Mancroft room, City Hall, St Peters Street, Norwich, NR2 1NH

Site visit

Members of the committee, please note that there will be a site visit in respect of item 4(a), Norwich School, The Close, Norwich. Members are asked to meet at the Erpingham Gate at 09:00. All members and officers must sign in at the school.

Committee members:

Councillors:

Driver (chair)

Maxwell (vice chair)

Bogelein

Button

Huntley

Lubbock

Neale

Peek

Ryan

Sands (M)

Sarmezey

Stutely

Utton

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Information for members of the public

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For information about attending or speaking at meetings, please contact the committee officer above or refer to the council's website



If you would like this agenda in an alternative format, such as a larger or smaller font, audio or Braille, or in a different language, please contact the committee officer above.

Agenda

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To receive apologies for absence	
2 Declarations of interest	
(Please note that it is the responsibility of individual members to declare an interest prior to the item if they arrive late for the meeting)	
3 Minutes	5 - 18
To approve the accuracy of the minutes of the meeting held on 13 June 2019	
4 Planning applications	
Please note that members of the public, who have responded to the planning consultations, and applicants and agents wishing to speak at the meeting for item 4 above are required to notify the committee officer by 10:00 on the day before the meeting.	
Further information on planning applications can be obtained from the council's website: http://planning.norwich.gov.uk/online-applications/	
Please note:	
<ul style="list-style-type: none">• The formal business of the committee will commence at 10.30;• The committee may have a comfort break after two hours of the meeting commencing.• Please note that refreshments will not be provided. Water is available• The committee will adjourn for lunch at a convenient point between 13:00 and 14:00 if there is any remaining business.	
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Standing duties	21 - 22

4(a)	Application nos 19/00381/L and 19/00403/F - Norwich School Refectory, The Close, Norwich, NR1 4DD	23 - 66
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Date of publication: **Wednesday, 03 July 2019**



Planning applications committee

11:15 to 13:15 and 13:50 to 16:55

13 June 2019

Present: Councillors Driver (chair), Maxwell (vice chair following appointment), Bogelein, Button, Huntley, Peek, Neale, Sarmezey, Stutely, Utton and Wright

Apologies: Councillors Ryan and Sands (M)

(Agendas for the meeting were published in two parts for the sessions at 10:45 and 13:15.)

(All members listed as present above had attended the site visit to Eaton Chase/Ryrie Court at 9:30 that morning. The chair apologised to members of the public for the delay in the start of the meeting because of the site visit.)

1. Appointment of Vice Chair

RESOLVED to appoint Councillor Maxwell, as vice chair for the ensuing civic year.

2. Declarations of Interest

Councillor Stutely declared an other interest in items 4 and 5 (below), Application no 18/01190/O - The Bungalow, Eaton Chase, Norwich, NR4 7QW and Tree Preservation Order, 2014, because he resided in the area.

Councillor Utton declared a predetermined view in item 15 (below), Applications 19/00381/L - Norwich School Refectory, The Close, Norwich, NR1 4DD and 19/00403/F - Norwich School Refectory, The Close, Norwich, NR1 4DD, because he had objected to the planning application.

3. Minutes

RESOLVED to approve the accuracy of the minutes of the meetings held on 9 May 2019, subject to the following amendments in relation to item 4, Application no 18/01190/O – The Bungalow, Eaton Chase, Norwich, NR4 7QW, third paragraph, second sentence, deleting “Ryrie Court” and replacing with “the new development”; and last sentence of the paragraph, deleting “traffic management statement” and replacing with “transport for assessment”.

4. Application no 18/01190/O – The Bungalow, Eaton Chase, Norwich, NR4 7QW

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

The area development manager (outer) presented the report with the aid of plans and slides. He also referred to the supplementary report of updates to reports, which was circulated at the meeting, containing summaries of an additional representation from a local resident in support of the scheme and additional information from the applicant, and the officer response. It was proposed to amend condition 9 to seek to require details and provision of signage to explain that parking would be controlled within Ryrie Court, surface detail for the access and any upgrade to surfacing along the access route which might be required to ensure its suitability for use.

Five local residents addressed the committee with their objections to the proposed scheme. Their concerns include: that variations to the tree preservation order should have been agreed before consideration of the redevelopment of the site; that residents had collected data on the number of vehicle movements to Ryrie Court on a daily basis and were concerned that the new houses would generate more vehicle movements from residents, their visitors and service vehicles; that the development did not provide housing across the population spectrum and contained no social housing; that it was outline planning permission and that various conditions could be considered to “further reduce any possible amenity impacts”; concern about the layout and scale of the development on the site and proximity to neighbouring residents would result in overlooking of neighbouring properties; that the development of five houses did not merit the loss of the existing woodland and the increased traffic through Ryrie Court; concern that it would have a detrimental impact on the amenity of the residents of Ryrie Court sheltered housing scheme, many of whom were disabled or vulnerable ; that the applicant did not have a historic right of way and that the access through Ryrie Court was under dispute; concern about noise and congestion in Ryrie Court from construction traffic and that if Ryrie Court has to close, many residents would not be able to access the nearest bus stop; that members visited Blakeney Court which was west of the application site; concern about loss of natural habitat of species worthy of protection and pointing out that the site had been designated as woodland; that the site was greenfield not brownfield and that there were other sites for housing which were more suitable.

Councillor Lubbock, Eaton ward councillor, then commented that she considered that the access through Ryrie Court was inappropriate because it was on a 90 degree angle to Pettus Road, which already had yellow lines, and was only 3 metres wide; that the residents of the 36 units at Ryrie Court shared the parking bays in the car park and that these were used by doctors, deliveries and visitors; that there was no room for refuse vehicles servicing the new houses to turn around in Ryrie Court; that Ryrie Court was not adopted and unsuitable for heavy through traffic; that the city council as landlord had not responded on behalf of the residents of Ryrie Court and that it was willing to allow access through the car park without considering the loss of amenity to its tenants.

The agent replied on behalf of the applicant. The current application was the result of positive feedback from the planners and a sensitive response to the issues raised by local residents, in relation to the tree preservation order, ecology and access. The applicant had acquired the right of way through Ryrie Court. Parking provision for the four houses was higher than would be expected for that part of the city with 2 spaces for each house and 2 additional visitor parking spaces. The existing arrangements on Ryrie Court car park would be unaffected. There had been discussions with the council’s arboricultural officer regarding the protection of the specific trees

The area development manager (outer) referred to the report and responded to the issues raised by the speakers. In planning terms the historic right of way to the former bungalow through Ryrie Court was irrelevant in considering this application. The area development manager (outer) in reply to a member's question said that for consistency all comments received from the public were summarised in the report and this explained why, despite not being material to the planning application, the comments on the legal right of way through Ryrie Court had been included in the reports.

The lead arboricultural officer answered member's questions and said that there had been a lack of tree management on the site. The discharge of the condition to replace trees following removal work in 2017 had not taken place and was required. The proposal to revoke the existing tree protection order would ensure the protection of individual trees on the site, including a veteran Oak tree whose roots were compromised by its proximity to the existing bungalow. She explained the trees that would be retained under the proposal and that residents in Pettus Road had indicated that they supported the removal of 2 Sycamore trees backing on to their gardens. She confirmed that there was a lot of scope on the site for 25 replacement trees. She also said that a woodland tree preservation order did not adequately protect individual trees or ensure proper maintenance and that the order should list each tree individual tree on the site.

(The lead arboricultural officer left the meeting at this point.)

The area development officer (outer) and the planner then referred to the report and answered members' questions regarding access to the site through Ryrie Court and the concerns expressed from residents of the sheltered housing scheme about construction traffic and that the vehicle movements to the four houses would not adversely affect the current situation. He said that it would be possible to condition that construction traffic only entered the site through the Eaton Chase access. The planner answered questions about the ecology of the site and measures to protect wildlife on the site and explained that there would be further details at the reserved matters stage. The area development officer (outer) said that the proximity of the scheme to neighbouring properties was not unusual for this part of the city. The layout of the site and details, such as the design of the buildings and positioning of windows, would be determined at the reserved matters stage.

(The committee adjourned for a short break at this point. The committee reconvened with all members as listed above as present.)

The chair moved and the vice chair seconded the recommendations as set out in the report and as amended in relation to condition 9.

Discussion ensued in which members commented on the planning application. A member said that he considered that the scheme was acceptable provided that construction vehicles accessed the site through Eaton Chase to protect the amenity of the residents of Ryrie Court.

A member said that he considered that the interests of the residents of the sheltered housing scheme were protected under the legislation and that he was concerned

about the council's transferral of rights of access to the applicant and the amenity loss to residents in granting permanent access to the development site.

A member spoke against the proposal to revoke the woodland tree protection order for the site, citing development management policies to protect the trees, and her concern about the impact on its ecology and wildlife. Other members said that they were satisfied on this point as individual trees would be protected and the landscaping and ecology on the site would be improved.

Discussion ensued on arrangements for construction traffic. Members were advised of the options for construction access to the site and that it would be reasonable to condition that construction traffic entered the development site via Eaton Chase and Unthank Road. The dwellings on Eaton Chase were further back from the road and construction traffic would not have as great an impact as on the tenants of the sheltered housing scheme, whose dwellings backed onto Ryrie Court. Members were reassured that considerate construction management would be in place and could be enforced by environmental protection or as a breach of a planning condition notice. Members were keen to ensure that there was no ambiguity and that all construction traffic went through Eaton Chase but appreciated that for practical reasons there could be an eventuality where Ryrie Court would need to be used. The area development manager (outer) confirmed that the developers would need to agree a construction management plan prior to the commencement and that if necessary a variation in condition could be applied for. Councillor Stutely moved and Councillor Button seconded that condition 10 should be amended to ensure that construction traffic could only access the site via Eaton Chase, Unthank Road, and with 8 members voting in favour (Councillors Maxwell, Button, Huntley, Neale, Bogelein, Sarmezey, Stutely and Utton), 1 member voting against (Councillor Peek) and 2 members abstaining from voting (Councillors Driver and Wright) the amendment was carried.

The chair moved the recommendations as amended, seconded by the vice chair.

Councillor Wright, Eaton ward councillor, stated that he would be voting against the application because of his concerns about the loss of residential amenity due to the access arrangements and environment.

A member said that he considered that this was a finely balanced application and that he would be voting in favour.

RESOLVED with 8 members voting in favour (Councillors Driver, Maxwell, Button, Neale, Peek, Sarmezey, Stutely and Utton) and 3 members voting against (Councillors Wright, Huntley and Bogelein) to approve application no. 18/01190/O - The Bungalow Eaton Chase Norwich NR4 7QW and grant planning permission subject to the following conditions:

1. Standard time limit for outline consents;
2. Reserved matters to relate to appearance and landscaping;
3. In accordance with plans;
4. Details of sustainable urban drainage scheme;
5. Protection of birds during nesting season;
6. Details of updated ecological survey and proposed enhancement
7. Details of external lighting;

8. Details of car parking, electric vehicle charging points, cycle storage, bin stores, access / mews road surface;
9. Details of parking control, alterations and management scheme for Ryrice Court, to include details of signage, surface detail for the access and any upgrade to the surfacing along the access route;
10. Details of Construction Management Scheme, including road condition survey; and to ensure that construction vehicles only enter the site via Eaton Chase, Unthank Road;
11. Tree officer site meeting;
12. Detail of arboricultural information;
13. Compliance with Arboricultural Implications Assessment, Arboricultural Method Statements etc. and Tree Protection Scheme implemented prior to commencement;
14. Siting of services within protected areas;
15. Retention of tree protection - no changes etc. in ground levels within root protection areas / construction exclusion zones
16. Removal of PD rights for extensions, alterations and roof alterations;
17. Garages to be retained for parking purposes only and not converted;
18. Water efficiency measures to comply with latest standards;
19. Cessation of works if unknown contaminants found and submit details of remediation;
20. Details of testing and/or suitable compliance of all imported material prior to occupation.

Informatives

1. Considerate constructors;
2. Dealing with asbestos;
3. Impact on wildlife – protected species;
4. Note of TPO;
5. Land ownership;
6. Highways contacts, street naming and numbering, design note, works within the highway etc.;
7. Street Works Network officer comments.

Article 35 (2) statement

The local planning authority in making its decision has had due regard to paragraph 38 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.

5. Tree Preservation Order (TPO), 2014, City of Norwich No 467: The Bungalow, Eaton Chase, NR4 7QW

The area development manager (outer) presented the report.

A member said that he welcomed the proposal to remove the Sycamore trees, replanting with more appropriate species, and to improve the environment and biodiversity of the site.

RESOLVED, unanimously, to revoke woodland Tree Preservation Order (TPO), 2014, City of Norwich No 467: The Bungalow, Eaton Chase, NR4 7QW and immediately reserve individual and groups of trees listed on this site.

(The committee adjourned for lunch at this point and reconvened at 13:50 with all members listed above as present.)

6. Application no 18/01766/O - 174 Newmarket Road, Norwich, NR4 6AR

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

Two local residents addressed the committee with their objections to the scheme including concern about the use of the driveway and the detrimental impact of vehicular noise and traffic fumes on the amenity of their gardens. They also considered that the proposal did affect the conservation area despite not being visible from the public realm. Councillor Ackroyd, Eaton ward councillor, addressed the committee and said that the proposal would impact on the neighbouring house and the houses in Wentworth Green, where the rear gardens back on to this site, because of its proximity (22 metres from the first house in Wentworth Green); that the proposal would set a precedent this side of Newmarket Road; was harmful to the natural wildlife and would result in the loss of a green area within the conservation area.

(For clarification, the planner referred to the report and explained that the driveway was accessible to emergency vehicles and that vegetation and an acoustic fence would provide a buffer to help to reduce noise and car lights at the neighbouring properties. At its nearest point, the access road was approximately 5 metres from the Western boundary fence. In reply to a member's question, the planner outlined that the site had recently been sold and the local planning authority had not received instruction to withdraw the application and therefore it must still be determined.)

The agent addressed the committee and said that this was an outline planning application and that the plans showing the location of the house were indicative. He confirmed that the site had been sold and that the intention was to implement planning consent in due course.

Discussion ensued in which the planner and the area development manager (outer) referred to the report and answered members' questions regarding the planning history of the site; boundary treatments and impact on biodiversity from the removal of trees on the site and that replacement planting would be required. The committee was advised that replacement tree planting would be secured via a separate process with the tree officers in order that the replacement tree planting was secured in the event that the planning permission was not implemented. The committee was also advised that 7 to 8 vehicle movements to the new dwelling were not unreasonable. Some members were concerned about the loss of amenity to 174 Newmarket Road and were advised that the previous application had been submitted by its owner and there was sufficient garden space remaining at that property. The committee was also advised of the differences between the previously submitted application and the current application.

The chair moved and the vice chair seconded the recommendations as set out in the report.

Discussion ensued in which some members commented that this site was a distance from the neighbouring properties and a good use of space and land. Other members commented that development of brownfield sites was preferable to the division of a garden but with no specific policy it was not a material planning consideration for refusal.

Councillor Wright, Eaton Ward councillor, said that he disagreed that the subdivision of this garden in a conservation area was not grounds for refusal. He considered that the proposal was detrimental to residential amenity and that it contravened local planning policy DM2.

RESOLVED, with 8 members voting in favour (Councillors Driver, Maxwell, Neale, Peek, Bogelein, Sarmezey, Stutely and Utton), 2 members voting against (Councillors Wright and Huntley) and 1 member abstaining from voting (Councillor Button) to approve application no. 18/01766/O - 174 Newmarket Road, Norwich, NR4 6AR and grant planning permission subject to the following conditions:

1. Outline time limit and submission of reserved matters;
2. In accordance with plans;
3. Reserved matters application to include an updated arboricultural impact assessment, method statement and tree protection plan, notwithstanding the information submitted.
4. No dig construction of access;
5. Pre-development site meeting with the council's arborist;
6. Surface water drainage proposals to be provided at reserved matters stage;
7. Bin/bike stores details and provision;
8. Acoustic fencing details and provision;
9. Water efficiency;
10. Vehicular access to be made available prior to first occupation.

7. Application no 19/00373/F - Elaine Herbert House, The Great Hospital Bishopgate, Norwich, NR1 4EJ

The senior planner presented the report with the aid of plans and slides. She referred to the supplementary report of updates to reports, which was circulated at the meeting, and proposed to amend condition 1 to increase the standard time limit to 5 years for the applicant to raise the necessary funding to implement the proposal.

The senior planner referred to the report and answered members' questions. The materials would be subject to condition. Members also sought clarification about Historic England's concern about the size of the entrance and the officer's view that the entrance needed to be prominent and that on balance it was far enough away from the stonework of the historic buildings.

The chair moved and the vice chair seconded the recommendations as set out in the report.

During discussion members welcomed this application and considered that the replacement building would be an improvement on the 1960's building and would be more in keeping with the listed buildings that comprise The Great Hospital.

RESOLVED, unanimously, to approve application no. 19/00373/F - Elaine Herbert House, The Great Hospital, Bishopgate, Norwich, NR1 4EJ and grant planning permission subject to the following conditions:

1. Time limit of 5 years;
2. In accordance with plans;
3. Details to be agreed: bricks, brick bond and mortar, stonework to entrance, flintwork, decorative brick finishes, roof coverings, glazed lantern and chimneys, rainwater goods, balconies, external doors and windows (including surrounds), new masonry details, oak cladding, columns to the colonnade
4. No works until Archaeological written scheme of investigation
5. Unidentified archaeological features
6. No works until Drainage strategy to be agreed
7. Minimum Finished floor level 2.7m AOD
8. Flood proofing
9. Flood warning and evacuation plan
10. Scheme for generating a minimum of 10% of the predicted energy requirement from decentralised renewable and/or low carbon sources has been agreed.
11. The development shall be designed to meet 110 litres/person/day water efficiency.
12. Details of covered cycle parking, bin store and collection arrangements
13. Landscaping scheme has been approved (including external lighting, replacement planting and ecological enhancements).
14. Bird nesting season
15. Structural engineers statement for the demolition of Elaine Herbert House
16. Scheme to deal with the protection of the existing historic flint wall and gateway into the site from Bishopgate and the historic wall to the south of the bin store
17. Details of plant and machinery
18. Construction method statement
19. Provision of street bench for bus stop on Cotman Fields
20. Reuse of plaque
21. In accordance with AIA, AMS and TPP
22. Provision of site monitoring for trees
23. Arboricultural supervision

Informatives:

1. Any damage to the highway and footways to be made good
2. Development not entitled to on street permits
3. Anglian Water assets
4. Construction working hours
5. Refuse bins and collection arrangement to be arranged prior to first occupation
6. Tree protection barriers
7. Archaeological brief
8. Street naming and numbering

Article 35(2) Statement

The local planning authority in making its decision has had due regard to paragraph 38 of the National Planning Policy Framework (2018) 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.

8. Application no 19/00119/F - 7 Crummock Road, Norwich, NR5 8LL

The planner presented the report with the aid of plans and slides. (The presentation included a detailed explanation of the plans which had not been included with the committee papers.)

During questions from members, the planner referred to the report. He confirmed that there was sufficient off street parking at site for a small HMO and that it was in the West Earham controlled parking permit zone. Members were also advised that a condition was being recommended to prevent the property becoming a larger HMO. Development control usually was notified of breaches by members of the public, which could be enforced as a breach of planning conditions.

The chair moved and the vice chair seconded the recommendations as set out in the report.

During discussion members commented on their dissatisfaction that this dwelling was a former council house and would make a good home for a large family and that in policy terms, it was difficult to resist the application. Some members said that they would vote against because they considered that the extension was too overbearing and was detrimental to the amenity of the neighbouring property. Another member said that there were other two storey extensions in the area.

Councillor Bogelein said that she would abstain from voting because she considered that the proposal was overbearing and would result in significant loss of light to the adjacent property.

RESOLVED, on the chair's casting vote, with 4 members voting in favour (Councillors Maxwell, Button, Peek and Utton), 4 members voting against (Councillors Huntley, Neale, Sarmezey and Stutely) and 3 members abstaining from voting (Councillors Driver, Wright and Bogelein) to approve no. 19/00119/F - 7 Crummock Road Norwich NR5 8LL and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans
3. Section 73 compliance / use as C3 or C4 dwelling only.

9. Application no 19/00262/U - 3 Brereton Close, Norwich, NR5 8LX

The planner presented the report with the aid of plans and slides. (The presentation included a detailed explanation of the plans which had not been included with the committee papers.)

During discussion a member commented that this application was acceptable in that the extension was in proportion to the garden space.

The chair moved and the vice chair seconded the recommendations as set out in the report.

RESOLVED, with 10 members voting in favour (Councillors Driver, Maxwell, Wright, Button, Huntley, Neale, Peek, Bogelein, Sarmezey and Utton) and 1 member abstaining from voting (Councillor Stutely) to approve application no. 19/00262/U - 3 Brereton Close, Norwich, NR5 8LX and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Use as a C3 dwelling house or C4 small scale HMO only.

10. Application no 18/01823/VC - 128 Dereham Road, Norwich, NR2 3AF

The planner presented the report with the aid of plans and slides. (The presentation included a detailed explanation of the plans which had not been included with the committee papers.)

The planner referred to the report, and together with the area development manager (outer), answered members' questions. He explained that the assessment in relation to noise had taken into account that the site was adjacent to a busy road. Members were advised that to avoid ambiguity and to protect residential amenity, live music within the outside space could be restricted. In relation to reducing the hours of use members were advised that the application had previously been a café and had been granted a late licence to provide food for the Muslim community. The committee noted that environmental protection would act on justified complaints regarding noise nuisance or anti-social behaviour which could result in the premises licence being reviewed.

The chair moved and the vice chair seconded the recommendations as set out in the report and as amended.

RESOLVED, unanimously, to approve application no. 18/01823/VC - 128 Dereham Road, Norwich, NR2 3AF and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Restrict hours of use to 08:00 and 23:00 on any day
4. Restrict the use of amplified or live music within the outside space after 2200.

(The committee adjourned for a short break at this point. The committee then reconvened with all members listed above as present.)

11. Enforcement Case 18/00003/ENF – Land at Holt Road, Norwich

The senior planner presented the report with the aid of plans and slides. He explained the history of the site and that enforcement action was being recommended allowing the occupants 12 months to seek alternative accommodation.

An inspector of Norfolk Constabulary addressed the committee and said that there had been reports of animals obstructing traffic on the A140 and smoke from burning rubbish on the site which was hazardous to air traffic, which endangered lives. East Anglia Air Ambulance Service and local residents had raised concerns about this and supported calls for enforcement action. The managing director of Norwich Airport International Ltd said that the operation of the airport was at serious risk from the storage of waste and livestock on this site, which was considered inappropriate on this site.

The occupant of the site then addressed the committee. He said that the waste material on the site had been “fly-tipped” and that he had cleared a lot of it away. The animals had been taken off the site. The volume of complaints from residents was due to stigma and prejudice against Gypsies. In response to the unsuitability of the site near the airport and busy road, he pointed out that the traveller site at Swanton Road was infested by rats as it was next to a waste recycling centre and the Roundwell site was adjacent to a busy road.

The senior planner and the area development manager (outer) referred to the reports and answered members’ questions. The senior planner said that he did not consider that the waste materials that had been on the site were the result of fly-tipping and coincided with the occupancy of the site. In reply to a member’s question, the planner said that the site was considered inappropriate for residential use for either building consent for a dwelling or a traveller site because there was no pedestrian path to the site and the land was designated as employment land, and also due to highway safety concerns regarding the increased use of the vehicle access. Members noted that it was usual for travellers to have both a static and touring caravan. There was now a better prospect of the 13 additional pitches at Swanton Road coming forward than there had been in October. The area development manager (outer) explained that the family’s personal circumstances had to be balanced with the harm that the continued use of the site would have in planning terms. He said that the site was a paddock and that it would be difficult to argue that livestock could not be kept on the site provided there was adequate fencing. The planner said that he had visited the site several times and was always welcomed on to the site. He confirmed that the animals had been moved off the site and the vast majority of the waste material and 2 additional caravans had been moved off the site, following complaints from residents. In order to explain the layout of the site, members were shown an aerial photograph of the site and the positioning of the fence and that the boundary of the site was undefined. The senior planner advised the committee that the breaches and subsequent legal advice on under enforcement was sufficient reasons to bring the case back to the committee. In reply to a member’s question the committee was advised that in planning terms there was a lack of available traveller pitches in Norfolk, but this site was not suitable for a traveller site. The owner would be put in touch with the relevant agencies to help find an alternative site.

The chair and vice chair moved the recommendations as set out in the report.

Discussion ensued in which members commented on the enforcement issue. A member said that she had been disappointed that the occupant was back before the committee and that there had been breaches in the under-enforcement of the site.

In reply to a member's question, the senior planner and the area development manager (outer) explained that the advice was for full enforcement but that the other options were for the occupant to make a planning application or to decide that enforcement action was not expedient..

Councillor Stutely said that he could not vote in favour of enforcement because of the lack of spaces for travellers on sites in the county.

RESOLVED, with 10 members voting in favour (Councillors Driver, Maxwell, Wright, Button, Huntley, Neale, Peek, Bogelein, Sarmezey and Utton) and 1 member voting against (Councillor Stutely) to:

- (1) authorise full enforcement action to cease the use of the land for the siting of residential caravans, including the removal of all structures and materials related to the residential occupation, with the exception of the front boundary fence and gates;
- (2) impose a compliance period of 12 months to allow the occupants to have a reasonable period of time to arrange an alternative place to live and time to clear the site;
- (3) ask officers to liaise with the traveller sites and tenancy manager at Norfolk County Council to assist the occupants in applying for an alternative caravan pitch, should they wish to pursue this option.

(The area development manager (outer) assured members that officers would ensure that the occupant was aware of his rights to appeal if he wanted to challenge the committee's decision.)

12. Application no 18/01706/F - 53 Dereham Road, Norwich NR2 4HZ

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

The chair moved and the vice chair seconded the recommendations as set out in the report.

RESOLVED, with 10 members voting in favour (Councillors Driver, Maxwell, Wright, Button, Huntley, Neale, Peek, Sarmezey, Stutely and Utton) and 1 member abstaining from voting (Councillor Bogelein, because she considered there had not been sufficient time given at committee to discuss the application) to approve application no. 18/01706/F – 53 Dereham Road, Norwich NR2 4HZ and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Noise impact assessment and implementation of noise mitigation measures;
4. Landscaping and boundary treatments to rear;
5. Refuse and cycle storage;
6. Water efficiency;
7. Surface water drainage details.

13. Application no 19/00624/F- 5 Primula Drive, Norwich, NR4 7LZ

The planner presented the report with the aid of plans and slides. He referred to the supplementary report of updates to reports, which was circulated at the meeting, and contained further comments from the agent in response to points raised by objectors.

The planner referred to the reports and answered members' questions. He explained that the addition of the new lounge was not a requirement of licensing regulations.

The chair moved and the vice chair seconded the recommendations as set out in the report.

During discussion members welcomed the application to improve an HMO which would provide accommodation for key workers and students. Members pointed out that it was important that the housing market provided accommodation for individuals on low wages.

RESOLVED, unanimous, to approve application no. 19/00624/F – 5 Primula Drive, Norwich NR4 7LZ and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Use to be C3 dwelling or C4 small HMO only.

14. Application no 18/01831/F – 25 Pennyroyal, Norwich, NR6 6JQ.

The area development manager (outer) presented the report with the aid of plans and slides. He referred to the supplementary report of updates to reports and said that the description of the proposal on the front of the report and should read "erection of single storey rear extension". He also pointed out that the site was in Catton Grove ward.

During discussion the area development manager (outer) referred to the report and answered member's questions on this retrospective planning application. He explained that this was not in a conservation area and that the extension was too large to be covered by permitted development rights.

Councillors Neale and Utton said that the appearance of the extension took too much of the garden space and was unattractive and spoiled the view of the area.

RESOLVED, with 9 members voting in favour (Councillors Driver, Maxwell, Wright, Bogelein, Huntley, Peek, Bogelein, Sarmezey and Stutely) and 2 members voting against (Councillors Neale and Utton), to approve application (18/01831/F – 25 Pennyroyal, Norwich, NR6 6JQ) and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;

15. Applications 19/00381/L - Norwich School Refectory, The Close, Norwich, NR1 4DD and 19/00403/F - Norwich School Refectory, The Close, Norwich, NR1 4DD

(Councillor Utton declared a predetermined view and left the room during the consideration of this item.)

The area development manager (inner) presented the report.

RESOLVED unanimously to undertake a site visit at 9:00 on 11 July 2019 in anticipation of the application Applications 19/00381/L - Norwich School Refectory, The Close, Norwich, NR1 4DD and 19/00403/F - Norwich School Refectory, The Close, Norwich, NR1 4DD being determined at the planning applications committee being held on the same date.

(Councillor Utton was readmitted to the meeting.)

CHAIR

Summary of planning applications for consideration

ITEM 4

11 July 2019

Item no	Application no	Location	Case officer	Proposal	Reason for consideration at committee	Recommendation
4(a)	19/00381/L	Norwich School, The Close	Lara Emerson	Partial demolition and rebuilding works to reopen an historic filled-in opening within the Cathedral Precinct Wall, together with the provision of new surrounds to the opening, an entrance door and any associated repair works.	At the discretion of the Head of Planning	Approve
	19/00403/F	Norwich School, The Close		Demolition of the existing school dining hall, adhoc structures, sheds and trees. Redevelopment of site for new dining and teaching facilities, with the provision of a new pedestrian and service access, landscaping, the relocation of an electricity substation and the provision of associated infrastructure.	Objections	Approve
4(b)	18/01681/F	58 Bracondale	Maria Hammond	Conversion of building into 6no. flats and tower to ancillary accommodation.	Third party objections	Approve
	18/01682/L	58 Bracondale		Conversion of building into 6no. flats and tower to ancillary accommodation.	Third party objections	Approve
4(c)	19/00440/MA	St. Anne's Wharf, King Street	Robert Webb	Variation of Condition 1 of previous application (no. 16/01893/VC) to allow changes to the plans (design changes to blocks B1, B2, B3, B4, C1, C2, D1, D2, D3, D4, G3 and G4) approved under previous permission no. 04/00605/F.	Objections	Approve
4(d)	18/01058/F	Land Rear of 50 To 54 Gertrude Road	Charlotte Hounsell	Construction of 3 No. dwellings (Class C3).	Objections	Approve

Item no	Application no	Location	Case officer	Proposal	Reason for consideration at committee	Recommendation
4(e)	19/00651/F	120 Earlham Green Lane	Stephen Little	Loft conversion with front and rear dormers to create four bedrooms	Objections	Approve
4(f)	19/00291/F	Fieldgate, Town Close Road	Jacob Revell	Two storey front, side and rear extension, roof alteration and double garage.	Objections	Approve
4(g)	19/00491/F	65 Cunningham Road	Steve Polley	Single storey rear extension.	Objections	Approve

STANDING DUTIES

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

Equality Act 2010

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

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

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

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

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

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

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

Crime and Disorder Act, 1998 (S17)

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

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

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

Natural Environment & Rural Communities Act 2006 (S40)

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

Planning Act 2008 (S183)

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

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

Article 8 – Right to Respect for Private and Family Life

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

Report to Planning applications committee

Item

11 July 2019

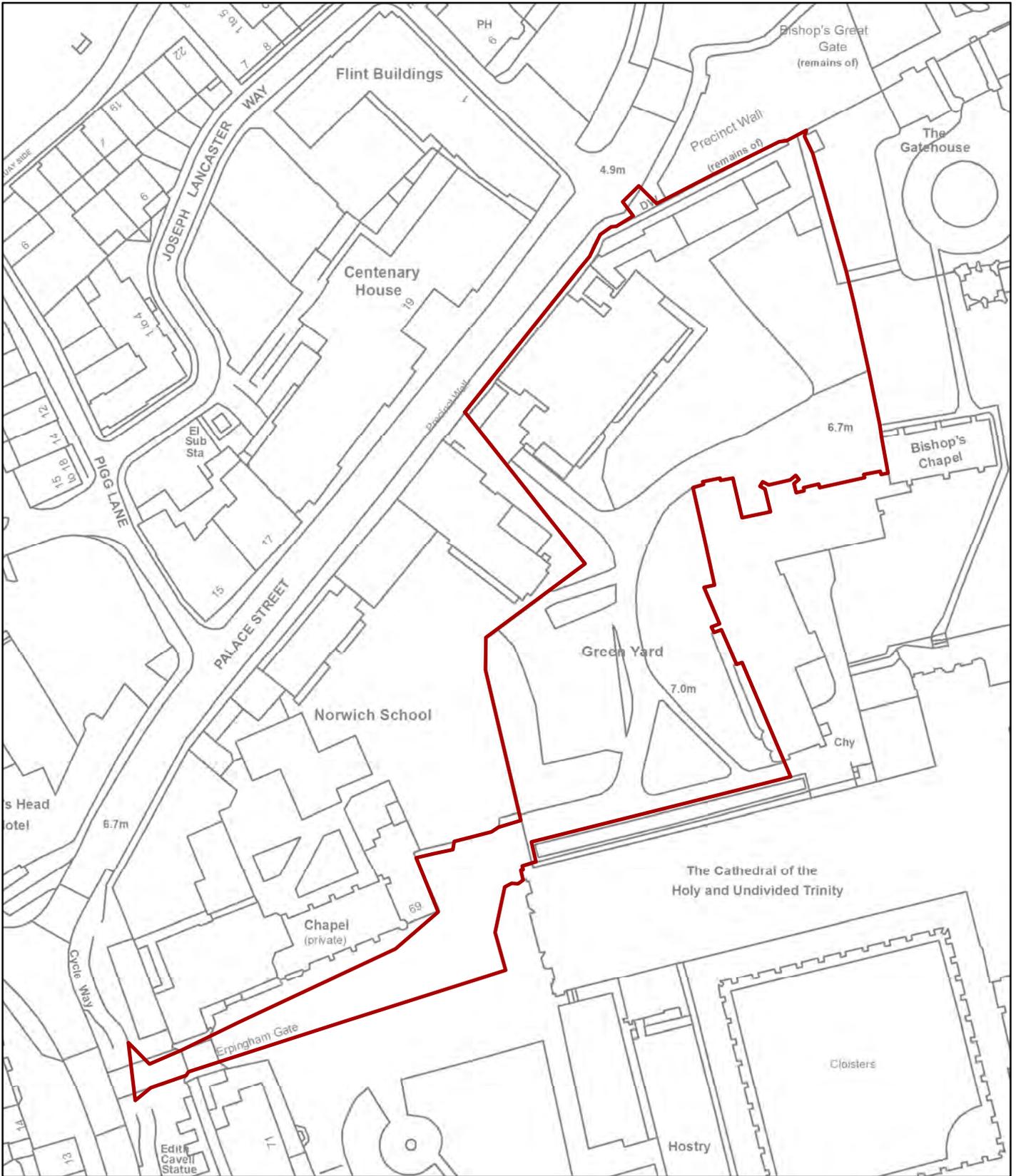
Report of Head of planning services

Subject Application no 19/00381/L - Norwich School Refectory, The Close, Norwich, NR1 4DD and Application no 19/00403/F - Norwich School Refectory, The Close, Norwich, NR1 4DD

4(a)

Reason for referral Objections

Ward	Thorpe Hamlet	
Case officer	Lara Emerson - laraemerson@norwich.gov.uk	
Applicant	Norwich School	
Development proposal - 19/00381/L		
Partial demolition and rebuilding works to reopen an historic filled-in opening within the Cathedral Precinct Wall, together with the provision of new surrounds to the opening, an entrance door and any associated repair works.		
Development proposal - 19/00403/F		
Demolition of the existing school dining hall, adhoc structures, sheds and trees. Redevelopment of site for new dining and teaching facilities, with the provision of a new pedestrian and service access, landscaping, the relocation of an electricity substation and the provision of associated infrastructure.		
Representations - 1st consultation		
Object	Comment	Support
14	0	26
Representations - 2nd consultation		
Object	Comment	Support
0	0	4
Main issues	Key considerations	
1. Principle of development	The need for development; site selection; loss of open space.	
2. Trees & biodiversity	Loss of trees; loss of habitat; replacement tree planting strategy; proposed biodiversity mitigation and enhancement.	
3. Heritage	Impact on listed buildings & scheduled ancient monuments; impact on conservation area; archaeology.	
4. Design	Layout, scale, form, detailing & materials of proposed development.	
Expiry date	17 July 2019 (extended from 19 June 2019)	
Recommendation	Approve, subject to the satisfactory completion of a legal agreement	



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Planning Application No 19/00403/F
 Site Address Norwich School The Close
 Scale 1:1,000



NORWICH
 City Council
 PLANNING SERVICES



The site & surroundings

1. The site is part of the Norwich School site located within the Norwich Cathedral Precinct in Norwich City Centre.
2. The surrounding area is characterised primarily by historic buildings and landmarks of varying ages, materials, heights and styles, although there are also a number of more modern buildings in the vicinity. Prevailing materials are red brick, flint and stone.
3. The Cathedral precinct wall runs along the north of the site, separating it from Palace Street, Whitefriars and St Martin-At-Palace Plain. The land levels are such that the land is considerably higher on the application site than on Palace Street. As such, the wall appears taller when viewed from the street than it does when viewed from the site itself. On the north side of the wall there is a group of mature trees situated within an area of lawn adjacent to the highway. Palace Street is made up of a mixture of historic buildings and more recent buildings (Centenary House on the north side, and some school buildings on the south side).
4. To the east of the site is the private residence known as the Bishop's House, along with substantial gardens and the gardener's residence which are separated from the site by a mature hedgerow.
5. To the south there is the Bishop's Palace which is used as teaching and library spaces by the Norwich School, and Norwich Cathedral sits just to the south of that.
6. To the west are more school buildings which stand at 2 and 3 storeys high and have 1 or 2 floors extending above the precinct wall. These buildings are mainly modern in design and surround a hard surfaced playground to the south.
7. The area proposed for development is currently occupied by the school refectory which is of poor architectural quality and dates from the 1960s, an area of lawn, a number of mature trees, several sheds and car parking. The trees on the site range in height from 7m-35m which are clearly visible from Palace Street, Whitefriars and St Martin-At-Palace Plain despite being located beyond the precinct wall. The refectory is single storey and cannot be seen over the precinct wall. There is also an electrical substation located in the north-western corner of the site.
8. The site is accessed via The Close with the school gates being located just to the north of the Cathedral. The approach from the gates to the development site is via a tarmacked track lined by a number of trees and informal seating and bag storage areas. This area is included within the application site.

Constraints

9. There are 12 mature trees located within the application site. 11 of these trees are protected by virtue of being situated within a conservation area, and the largest one is a London Plane tree directly protected via a Tree Preservation Order (TPO 538). Along the site's eastern boundary there is a hedgerow. The species and categories of trees on the site are listed below:
 - 1 x London Plane, category B, covered by TPO reference 538 (the council's Tree Officer would categorise this as category A)

- 2 x Lime, category B
 - 5 x Sycamore, categories C & U
 - 1 x Lawson Cypress, category C
 - 1 x Cherry, category C
 - 1 x Holly, category C
 - 1 x Birch, category C
10. The site sits within the Cathedral Close Character Area within the City Centre Conservation Area. Within the Character Area Appraisal, the precinct wall is identified as an 'Important wall' and the trees on both sides of the wall are identified as 'Important trees'.
11. The site is surrounded by highly graded heritage assets including:
- Grade I listed Cathedral Precinct Wall (parts of which are also a Scheduled Ancient Monument)
 - Grade II* listed Bishop Salmons Porch (also a Scheduled Ancient Monument)
 - Grade I listed Bishop's Palace
 - Grade II* listed Bishop's Chapel
 - Numerous other listed buildings on Palace Street and St Martin-At-Palace Plain
12. The site is also designated as follows:
- Area of Main Archaeological Interest
 - Open Space
13. The site has the potential to be contaminated due to land nearby previously being used as a garage and gas works, among other historic industrial uses.

Relevant planning history

Ref	Proposal	Decision	Date
07/00649/F	Erection of electricity sub-station.	Refused	21/08/2007
08/00958/F	Erection of a new building (electrical substation and switchgear room).	Approved	31/10/2008
09/00844/F	Extension of school refectory.	Withdrawn	28/04/2010
10/01092/F	Erection of new substation and switch gear building.	Approved	01/10/2010
10/01111/F	Erection of extension to school refectory.	Approved	12/10/2010

Ref	Proposal	Decision	Date
10/01975/D	Details of condition 3 - archaeological mitigatory work and condition 4 - a) bricks, b) roof tiles, c) external joinery, d) louvre doors of previous planning permission (App. No.10/01092/F) 'Erection of new substation and switch gear building'.	Withdrawn	27/01/2011
13/01816/D	Details of condition 3 - archaeological mitigatory work of previous permission 10/01092/F 'Erection of new substation and switch gear building.'	Approved	21/01/2014
18/01511/TCA	London Plane (T1): Remove.	Tree Preservation Order Served	15/11/2018

The proposal (19/00381/L)

14. This is an application for listed building consent relating to the demolition of a part of the Cathedral precinct wall and insertion of a door and door surround. The precinct wall is Grade I listed and parts of it are registered as a Scheduled Ancient Monument. The part of the wall for which the doorway is proposed shows signs of a previous doorway which has been infilled with a variety of materials. The application proposes an opening of 2m wide by 2.6m high, with an oak door and stone surround. The purpose of the new opening is to provide direct access from Palace Street to the application site to facilitate kitchen deliveries, refuse collections and student coach drop off and pick up.

The proposal (19/00403/F)

15. This is an application for full planning permission relating to the construction of a new 800m² dining hall and kitchen, 6 classrooms and ancillary spaces (toilets, staff rooms, plant rooms). The development involves the demolition of the existing refectory building, the felling of 12 trees (including one which is protected via a TPO) and the insertion of a doorway through the Cathedral Precinct Wall. The trees identified for felling are listed below:

- 1 x London Plane, category B, covered by TPO reference 538 (although the council's Tree Officer would categorise this as category A)
- 2 x Lime, category B
- 5 x Sycamore, categories C & U
- 1 x Lawson Cypress, category C
- 1 x Cherry, category C
- 1 x Holly, category C
- 1 x Birch, category C

16. A phased approach to development is proposed, with the trees being felled and the new refectory building being built first on the space created by the felling of the trees and adjacent open space opposite the Bishop's Palace. Upon completion of the new refectory building, the old one will be demolished and the teaching block constructed on the space created adjacent to the precinct wall.
17. The proposed buildings are primarily for use by the school but the refectory (which doubles as a conference and concert hall) will be made available to external users outside of school time with community users given priority at charitable or discounted rates.
18. The single storey kitchen would be located adjacent to the precinct wall and would stand at approximately 4m in height. This part of the structure would have a wildflower green roof and would benefit from direct access for deliveries and refuse collection from Palace Street via the new doorway. Due to the variations in land level either side of the wall, a portion of the site adjacent to the wall would be dug out to a depth of approximately 1.6m to provide level access to a refuse storage area. The dining hall, which would step up in height to approximately 7m to provide additional internal ceiling height, would have a very shallow pitched roof and tall, heavily recessed windows facing towards the Bishop's Palace. The kitchen and dining hall combined would have a footprint of approximately 30m x 30m. The kitchen roof would sit at the height of the precinct wall, while the dining hall would extend above by approximately 3m. However, the dining hall is separated from the wall by a distance of 11m so is not visible from street level.
19. The teaching block would provide 6 classrooms, a staff room and ancillary spaces arranged across two floors. This building would stand at approximately 8.4m in height and would run along the precinct wall, with the wall being visible within the building's ground floor corridor. The building would protrude above the wall by 4.5m for a length of 31m. This block would again have a very low pitched roof. The northern and eastern Palace Street elevations would be punctuated by windows, brick recesses and perforated metal panels. The teaching block would have a footprint of approximately 33m x 12m.
20. Materials across the development would be pre-cast constituted stone walls, buff facing brickwork, bronze coloured metalwork and lead-effect roofs.
21. The proposal also includes the re-landscaping of the space leading from the school gates at the south-west of the site adjacent to the cathedral to the proposed development, including the creation of a new outside lunch and play space, a formal lawn in the space left between the proposed development and the Bishop's Palace and the planting of 13 new trees
22. As mitigation for the loss of the trees, the applicant is proposing the planting of 13 trees on site (noted above) and 688 trees at two sites within their ownership: one at Redmayne Playing Fields; and one at Horsford (adjacent to the Northern Distributor Road). A native mix of species is proposed, along with some fruiting species (Birch, Maple, Hornbeam, Hawthorn, Beech, Whitebeam, Rowan, Lime, Oak, Bird Cherry, Dogwood Shrub, Hazel Shrub, Filbert Shrub, Crab Apple, Medlar and Plum).

Representations

23. Application 19/00381/L was advertised on site and in the press on first receipt of the application. No letters of representation have been received.
24. Application 19/00403/F was advertised on site and in the press on first receipt of the application in March 2019. Adjacent and neighbouring properties have been notified in writing through two rounds of consultation. The first consultation was undertaken on first receipt of the application in March 2019 and attracted 26 letters of support and 14 letters of objection (3 of which were submitted by City Councillors). The representations cited the issues as summarised in the table below.

First round of consultation (March 2019)	
Letters of objection (14)	
Issues raised	Response
The design of the buildings should incorporate the trees	See Main Issue 2: Trees & Biodiversity
The loss of the trees would have a negative impact on the conservation area	See Main Issue 2: Trees & Biodiversity
The loss of trees would have a negative impact on climate change, the environment and biodiversity	See Main Issue 2: Trees & Biodiversity
The trees provide visual amenity	See Main Issue 2: Trees & Biodiversity
This application is at odds with the Tree Health Resilience Strategy from DEFRA that recognises the value of trees in the UK, and sets out to protect them as 'important natural capital'	See Main Issue 2: Trees & Biodiversity
The application is in conflict with Norwich Local Plan Policy DM7, as there are not 'exceptional and overriding benefits' in accepting the loss of these trees	See Main Issue 2: Trees & Biodiversity
This application does not comply with the National Planning Policy Framework which states: If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.'	See Main Issue 2: Trees & Biodiversity
Letters of support (26)	
Issues raised	Response
The development and landscaping will enhance the area	See Main Issue 4: Design
The development will improve the school's offer	See Main Issue 1: Principle of Development
The development will provide a facility for use by the community	See Main Issue 1: Principle of Development
The existing dining facility is inadequate for the school's needs	See Main Issue 1: Principle of Development
The design is inspirational, strong and considered	See Main Issue 4: Design
The existing refectory building is out of character with the historic area	See Main Issue 3: Heritage and Main Issue 4: Design

First round of consultation (March 2019)	
Letters of objection (14)	
Issues raised	Response
The proposals would enhance views of the Cathedral from Palace Plain, and more people would be able to view the Bishop's Palace	See Main Issue 3: Heritage
The proposals would lead to a reduction in traffic travelling through The Close, improving pupil safety and lessening the risk of damage to heritage assets	See paragraph 151 relating to transport and traffic movements.
The school has taken all reasonable steps to lessen any environmental impact	See Main Issue 2: Trees & Biodiversity.
The development would create local jobs	It is understood that the proposals would not lead to an increase in pupil or staff numbers but local jobs may be created during the construction process.
The trees to be lost do not enhance the area as much as the proposed development would	See Main Issue 2: Trees & Biodiversity
The school's relationship with the Cathedral is symbiotic so the school must be allowed to develop within the precinct rather than be forced to move	See Main Issue 1: Principle of Development
The existing refectory building is poorly insulated and offers poor energy efficiency	Noted.
The loss of the trees is mitigated by the green roof, green wall and on-site tree planting	See Main Issue 2: Trees & Biodiversity
The school has engaged in an extensive period of pre-application discussion to arrive at this design	Noted.
There are no realistic alternative sites for this development	See Main Issue 1: Principle of Development
The trees cannot be incorporated into the design	See Main Issue 2: Trees & Biodiversity
The species of the largest tree to be removed (London Plane) offers little ecological benefit	See Main Issue 2: Trees & Biodiversity
The archaeological investigations will reveal interesting finds	See Main Issue 3: Heritage

25. During the course of the application, a replacement tree planting strategy was submitted to the council, and a second round of consultation was undertaken in June 2019. This consultation attracted 4 letters of support and no letters of objection.

Second round of consultation (June 2019)	
Letters of support (4)	
Issues raised	Response
The Norwich School does a lot to support local charities and community groups and this facility would be hugely beneficial to them	See Main Issue 1: Principle of Development
This well-designed development would be a credit to the city	See Main Issue 4: Design
The new buildings are aesthetically pleasing, are a huge	See Main Issue 4: Design

improvement over the existing structures and will greatly benefit a beautiful and historic corner of Norwich	
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Consultation responses

26. 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 (internal consultee)

27. *No objection.*

28. The proposal was subject to extensive pre-application consultation with the the council's Design & Conservation Officers (amongst others) for a number of years prior to the submission of these applications. The design evolved considerably during those pre-application negotiations, and the final design submitted to the council was essentially the same as that being considered through these formal applications. The final comments from the Design & Conservation Officer concluded the following:

29. "The proposed application site is a particularly sensitive location, upon an area of open ground which has remained undeveloped for hundreds of years. The sense of openness and greenery contributes to the character and appearance of the conservation area and the setting of adjacent heritage assets. Any development upon the area proposed will result in some 'harm' to the character and appearance of the conservation area and setting of listed buildings as it will result in the loss of open space and greenery.

30. The applicants have heeded past pre-application advice in that they have lowered the overall height of development, broken the form down into two separate architectural elements and have shifted the bulk of the development away from the Bishop's Palace, closer to the precinct walls to align with the existing school development. This has in my view, reduced the potential harm to heritage assets. It is acknowledged that this scale and form is dictated by practicalities/function, but in order for this development to be considered acceptable and the 'harm' mitigated, this form needs to be tempered through careful, contextual design."

Environmental Protection (internal consultee)

31. *No objection. Conditions recommended.*

32. I note the information submitted by the applicant and request the following conditions regarding contaminated land:

- No development shall take place within the site in pursuance of this permission until a scheme to deal with the risks associated with contamination of the site has been submitted to and approved by the council.
- If, during development, contamination not previously identified is found to be present, then no further development shall be carried out in pursuance of this permission.
- All imported topsoil and subsoil for use on the site shall be certified.

33. I also request that an informative relating to the disposal of asbestos be applied to any approval.

Transport (internal consultee)

34. *No objection.*
35. Limited comments have been received at formal application stage since the council's Transport Officer provided considerable guidance during the pre-application discussions. It is understood that the Transport Officer is supportive of the proposals in so much as they reduce the need for vehicles to travel along Tombland and enter The Close via the Erpingham and Ethelbert gates. The loading bay outside the proposed new doorway would need to be varied via a Traffic Regulation Order (TRO) which would need to be funded by the applicant.

Landscape Architect (internal consultee)

36. *Objection.*
37. First round of comments (12th April 2019):
38. Trees contribute to the setting of historic assets and provide an irreplaceable landscape maturity to the urban environment. In this instance it is considered that the public realm outside of the precinct wall would be adversely affected by the removal of this tree group. The area within the Precinct Wall will also have reduced landscape maturity with hard and built features gaining dominance. An historic asset in themselves, important landscape features like those proposed to be removed cannot be restored or readily replaced within an urban setting.
39. The compensatory measures presented in the submission are insufficient to account for the loss of a significant tree and group within the city centre and do not mitigate effects on public realm. Planting proposals currently fail to go beyond the remit of what would be expected of a scheme of this profile in a scenario where limited trees of lesser value required removal.
40. A landscape objection is therefore raised.
41. Second round of comments, following the submission of a replacement tree planting strategy (26th June 2019):
42. Whilst the applicant has now made considerable effort to make provision for compensatory planting, the compensatory package can only be considered as an off-setting measure. Given the remoteness of the planting from the city centre and the limited environmental public benefit to the city and the street scene, it is not considered to directly account for the loss of an important tree and group within the city centre, and does not mitigate effects on public realm.
43. Landscape proposals within the site are limited due to site constraints, do not mitigate effects on public realm and fail to address the lack of maturity to the interior landscape resulting from the removal of tree group. Green wall and roof features offer some ecological criterion to the scheme however there are doubts as to whether these could be considered as providing ecological enhancement.
44. A landscape objection is therefore raised.

45. Should the committee resolve to approve this application it is recommended that the following items are conditioned:
- LA1 Landscaping Details - Detailed hard and soft landscape scheme for on-site works.
 - Requirement of management and maintenance regime for 15 years for offsite compensatory planting.
 - TR7 Works on site in accordance with AIA, AMS and TPP – soft felling of trees etc.
 - TR8 Protection of areas.
 - Arboricultural conditions to be discussed and agreed with Arboricultural Officer.
46. In order to secure the compensatory planting measures in perpetuity, a s106 agreement should be entered into requiring implementation of the compensatory planting scheme, management and maintenance in line with submitted documents for at least 15 years. As compensatory planting is outside of the Norwich local planning authority boundary, a s106 agreement is considered to be the most effective, if not the only mechanism to secure these off-site works.

Natural Areas Officer (internal consultee)

47. *Objection. Conditions recommended.*
48. First round of comments (2nd May 2019):
49. Bat issues have been adequately dealt with.
50. The loss of significant existing trees has been undervalued in terms of their biodiversity value and climate change contribution. Compensatory planting would be inadequate to compensate for loss of biomass and the range of ecological functions provided by these trees.
51. The mitigation and enhancement offered would be insufficient to compensate for the loss of existing trees.
52. I do not consider that the proposals meet the requirements of Policy DM1 Achieving and delivering sustainable development, Policy DM6 Natural environmental assets, and Policy DM7 Trees and development. I am therefore unable to support this application.
53. Second round of comments, following some additional information from the applicant (29th May 2019):
54. It would be useful for the ecological consultants to consider the removal of the existing trees in more detail. I am hoping that the landscape/planting proposals can be tweaked to increase benefits. We should definitely seek invertebrate habitat and I would also suggest that the ecological consultants are asked to consider other additional mitigation and enhancement measures.

Tree Protection Officer (internal consultee)

55. *Objection.*
56. First round of consultation (prior to the submission of the replacement tree planting strategy):
57. This proposal involves the removal of 12 valuable trees from the city centre. 11 of which are protected by conservation area status, and one of which is considered to be so valuable, as to warrant protection with a Tree Preservation Order (TPO 538).
58. This application conflicts with the Norwich Local Plan Policy DM7, as I do not consider that there are 'exceptional and overriding benefits' in accepting the loss of these trees. The development does not outweigh the loss of trees, and the applicant has not demonstrated how they intend to provide equivalent replacements in terms of biomass. This potential loss of biomass cannot be adequately replaced (either by planting new trees on, or off-site), and the CAVAT value of the trees is prohibitive, in terms of providing adequate replacements, therefore this application does not comply with the National Planning Policy Framework which states, 'When determining planning applications, local planning authorities should apply the following principles: If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
59. Trees provide numerous benefits, this is especially true of trees situated in urban environments, such as this. The trees in question not only benefit the students, staff, and visitors of The Norwich School, but their sphere of influence extends well beyond the cathedral walls, providing both tangible, and intangible benefits for everyone within the city.
60. If this application is approved it would be inconsistent with the strategic direction of Norwich City Council. The NCC corporate plan, aims to make Norwich a fine city for all, a low carbon city, and a healthy city. The retention of these trees is intrinsically linked to all these goals. This loss of trees from our city centre (including a highly valuable tree, protected by TPO 538) would set an extremely dangerous precedent, putting at risk any tree, no matter how valuable, that stands in the way of future development.
61. Second round of consultation (following submission of the replacement tree planting strategy):
62. This application affects the city centre, the locations of the proposed planting strategy do nothing to lessen the severity of its impact on the city centre.
63. Policy DM7 states that replacement planting should be provided on-site, unless exceptional circumstances justify replacement provision elsewhere. Admittedly, it does not define exactly what 'elsewhere' means, but, in my view, the essential element of any mitigation, should be its proximity to the site where its need arises. This rather open interpretation of the policy's requirements is biased towards the needs of the applicant, rather than being beneficial to Norwich city centre (and ultimately begs the question, 'Where do you draw the line, in terms of distance, when implementing effective mitigation?').

Parks & Open Spaces (internal consultee)

64. *Comment.*
65. Mitigating the proposed tree loss from the proposed development is not a matter we can assist with since there are insufficient suitable city centre sites where planting would be desirable to cope with the volume of trees to be planted to mitigate the loss. Uncertainty over what form the highway agency agreement will return to the county means that highway verge planting cannot be considered.
66. If the application is approved and the trees are removed, the mitigation measures put in place need to be the responsibility of the Norwich School and the resource implications initially and into the future need to rest with the school, rather than impact on council resources; at a time when we are having to reduce expenditure and service delivery on an ongoing basis, in line with the Medium Term Financial Statement.

Historic England

67. *No objection.*
68. 19/00381/L: Historic England has concerns regarding the application on heritage grounds, particularly that further details of the historic fabric and archaeology affected by the proposals should be secured before determination, or if practical under a condition. We would also suggest an oak lintel with brick margins to the opening would be a more suitable design for the new door and this might also be the subject of a condition. We consider that the application does not meet the requirements of the NPPF, in particular paragraph numbers 7, 8, 189 193 and 194.
69. 19/00403/F: We have given extensive pre-application advice to the applicants and several suggestion have been incorporated into the plans so that the dining hall would be less prominent in views from Palace Plain and is set away from the precinct wall. The teaching block will be a prominent feature of Palace Street but has the advantage of masking the end of the existing school buildings seen above the wall and responds to existing multi-storey development on the other side of the road. We are also of the view that the design of the new buildings is of some quality, although we have previously advised that fenestration or at least modelling of the facing brickwork would enliven the 'blind' northern elevations of these two buildings.
70. Despite these positive aspects of the scheme the development of the open space with the dining hall will result in the loss of a historically significant undeveloped space. It would also result in the loss of all the trees inside the wall, which make a positive contribution to the setting of the listed buildings and conservation area. As regards archaeology, the development would affect an area of considerable potential as it is not a space which has seen previous modern development.
71. We have considered this application in terms of this policy and conclude that the development of the new dining hall and resulting loss of trees would have a harmful impact on the setting and historic significance of several highly important listed buildings inside and outside the precinct wall as well as the conservation area. However, we would accept that the proposed design for this and the new teaching block is of good quality and could reduce the visual impact. We would consider the

level of harm to be less than substantial in terms of the NPPF, paragraph 196. This paragraph states that the 'clear and convincing' justification for such harm could be found in the public benefit of the development. There is certainly some public benefit to be delivered by the improved facilities at the school, but we would leave it to the Council to weigh this against the harm as required by the Policy and seek the required justification before determining the application. Should consent be granted we would recommend the detailing of the northern elevations of the two buildings be considered, as noted above, as well as a very high quality of materials and detailing achieved through conditions placed on the consent.

Norfolk Historic Environment Service

- 72. *No objection.*
- 73. 19/00381/L: Apply condition requiring programme of archaeological monitoring & recording (relate it specifically to the wall).
- 74. 19/00403/F: Apply standard conditions.

Society for the Protection of Ancient Buildings (SPAB)

- 75. *No objection.*
- 76. 19/00381/L: We are concerned that the application is not informed by the appropriate assessments. We consider that the principle, and not simply the detail, of the proposals should be informed by opening up works and archaeological investigations. This is a site of exceptional significance and deserves a detailed analysis to inform the proposals.
- 77. As Historic England has rightly stated, there is insufficient information on the significance of the historic fabric and archaeology which would be affected by the development in order to assess the impact, as required by paragraph 189 of the NPPF. The application therefore does not meet the requirements of the NPPF. We would ask you to take this into account when determining the application.

Environment Agency

- 78. No comments.

Norfolk Constabulary Architectural Liaison

- 79. *No objection.*
- 80. 19/00403/F: The comments provide various detailed recommendations from the Secured by Design guidance document 'Schools 2014'. It is important that access to enclosed spaces is restricted.

Norwich Society

- 81. *No objection.*
- 82. 19/00381/L & 19/00403/F: Lanpro and LSI gave a very informative presentation to the Committee, and we were impressed with the careful and considered approach. The creation of the new 'quadrangle' makes sense of a wasted space, and gives a

valuable new amenity area. The buildings will be a vast improvement on those existing. We very much liked the new Dining Area colonnade with the full height windows looking over the quadrangle.

Anglian Water

83. *No objection.*
84. 19/00403/F: Anglian Water request that an informative note is added to any permission stating that Anglian Water has assets close to or crossing the site.
85. The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is acceptable. We request that the agreed strategy is reflected in the planning approval.
86. Anglian Water request that a condition is applied to any permission requiring the surface water strategy to be carried out prior to the construction of any hard-standing areas.

Norfolk Fire & Rescue Service

87. *No objection.*
88. 19/00403/F: The proposal will be required to meet the necessary requirements of the current Building Regulations 2000 - Approved Document B (volume 2 - 2006 edition amended 2007, 2010, 2013) as administered by the Building Control Authority.
89. Of particular note is the requirement to provide access for a pumping appliance to within 45m of all points on the building footprint. Taking into account the close proximity of the building to significant listed buildings, I recommend the installation of a fire suppression system to control any outbreak of fire, preventing it from spreading and becoming out of control.

Assessment of planning considerations

Relevant development plan policies

90. **Joint Core Strategy for Broadland, Norwich and South Norfolk March 2011 (amendments adopted Jan 2014)**
 - JCS1 Addressing climate change and protecting environmental assets
 - JCS2 Promoting good design
 - JCS3 Energy and water
 - JCS6 Access and transportation
 - JCS7 Supporting communities
 - JCS8 Culture, leisure and entertainment
 - JCS11 Norwich city centre
91. **Norwich Development Management Policies Local Plan Dec 2014**
 - 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
- DM6 Protecting and enhancing the natural environment
- DM7 Trees and development
- DM8 Planning effectively for open space and recreation
- DM9 Safeguarding Norwich's heritage
- DM11 Protecting against environmental hazards
- DM22 Planning for and safeguarding community facilities
- DM28 Encouraging sustainable travel
- DM30 Access and highway safety
- DM31 Car parking and servicing
- DM33 Planning obligations and development viability

Other material considerations

92. Relevant sections of the National Planning Policy Framework 2019 (NPPF)

- NPPF2 Achieving sustainable development
- NPPF8 Promoting healthy and safe communities
- NPPF9 Promoting sustainable transport
- NPPF14 Meeting the challenge of climate change, flooding and coastal change
- NPPF12 Achieving well-designed places
- NPPF15 Conserving and enhancing the natural environment
- NPPF16 Conserving and enhancing the historic environment

93. Supplementary Planning Documents (SPD)

- Landscape and Trees SPD adopted June 2016
- Heritage Interpretation SPD adopted December 2015

Case Assessment

94. 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 Policy 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

95. In order to assess whether the principle of development is acceptable, the first matter to consider is the fact that the site is designated as Open Space within the Local Plan and therefore Policy DM8 applies. The designated area of Open Space stretches from the school's main gates in the south to Palace Street in the north and the Bishop's Gardens in the east. Since the site is not used for sport or recreation, it is the second part of DM8 which applies in this case:

"...development leading to the loss of open space of whatever type (identified on the Policies map), will only be permitted where:

a) the proposal would not cause significant harm to the amenity or biodiversity value of the open space; and

b) an assessment shows that the site is no longer required for or is demonstrably unsuitable for its original intended purpose; and

c) there is no viable or reasonably practicable means of restoring or re-using it for an alternative form of open space.”

96. The proposals do not meet criteria a) since the loss of the trees would cause significant harm to the amenity and biodiversity value of the space. It doesn't appear that the applicant has undertaken any sort of assessment to argue that criteria b) or c) are satisfied, and it is unlikely that a convincing argument could be made for either in this case. DM8 requires all three of these criteria to be satisfied, and so the proposals are contrary to this policy. The landscape and biodiversity impacts of the scheme are considered in more detail in the sections below.

97. Policy DM22 deals with development of community facilities, including educational facilities. The relevant part of the policy reads as follows:

“Proposals involving the construction of new or replacement schools and other educational facilities, extensions to existing educational establishments and (where permission is required) changes of use for school or other educational and training purposes, will be accepted and permitted where:

a) they would not undermine the objectives for sustainable development set out in policy DM1, in particular by increasing the need to travel by private car;

b) they would not give rise to significant impacts on the environment, highway safety or traffic arising from locational constraints or the particular configuration of the site or premises which could not be overcome by the imposition of conditions;

c) they would result in the efficient and effective use of existing school sites and/or an accessible distribution of school places or other educational opportunities;

d) appropriate and adequate provision can be made for the residential accommodation needs of students (where required) in accordance with the criteria in policy DM13.

Particular support will be given to proposals which provide for the shared use of schools facilities by the wider community.”

98. On balance, the proposals are considered to meet criteria a), which refers to sustainable development, with specific reference to reducing car travel. The development involves the loss of car parking facilities so that staff and visitors to the school would be discouraged from travelling by car to the site. The school has very limited on-site parking and staff and visitors are instead encouraged to use alternative modes of transport. In terms of criteria b), the proposals do impact on the environment through the loss of trees and the loss of open space, but there are improvements to the school's highways impacts through the loss of car parking provision and the creation of a new access through the precinct wall. On balance, it is considered that criterion b) is satisfied. Criterion c) is satisfied since this proposal makes efficient use of land within this tightly constrained city centre school site. Criterion d) does not apply since the proposals do not relate to further education. It is also worth noting the support within the policy for proposals which provide for the shared use of schools facilities by the wider community, which is the case here. Overall, it is considered that Policy DM22 offers some support for the proposals.

99. It is then necessary to consider whether there are other material considerations in support of the application. In this case, these can include the importance of the proposed development to the continuing operation of the school and whether this is the best available site for the proposed development.
100. The application details the pressing need for additional space within the dining hall and kitchen to accommodate the school's current pupil numbers (1,175). Many of the letters of support have noted the inadequacy of the current facilities. Indeed, the applicant has been engaged in years of pre-application discussions with the council regarding the need for a new dining hall. The current dining hall was built in the 1960s when pupil numbers were 600, compared to the 1,175 currently attending the school. The existing kitchen, servery and dining hall measure approximately 550m², while the proposed spaces measure approximately 800m².
101. The application also proposes the erection of a teaching block to provide 6 classrooms and associated spaces. Again, the application documents set out the school's need for modern classrooms. The school is currently operating from a number of buildings within The Close, including a number of historic properties which are not fit for purpose in terms of space and IT provision. The school has also expressed a desire to provide a comprehensive development which avoids the need for additional future development within their highly constrained site.
102. The applicant has undertaken a site selection exercise in order to find the best possible site for the proposed development. This exercise identified eight potential sites for the development, including the application site. The other seven options were ruled out for a variety of reasons including distance from campus, impact on recreational facilities, impact on heritage assets and the availability of land. It should be acknowledged that the application site is extremely constrained and is far from an ideal site for development. However, given the lack of alternative options, it is accepted that the applicant has genuinely exhausted other options and that this is therefore the best site available for development.
103. The demolition of part of the listed precinct wall has been the subject of much debate, but given the evidence of previous disturbance within this part of the wall, and given that the proposal would remove some traffic from The Close, the principle of this work has been accepted as appropriate by key consultees. Further discussion on the acceptability of this aspect of the scheme can be found within the heritage section, below.
104. In summary, it is considered that this development is contrary to policy DM8 but finds some support in DM22. In cases where policies pull in different directions, the council may consider what other considerations are material to the determination of the application. In this case, these include the school's need for improved facilities and that this site has been selected as the best available option. Given the constraints on the site, any development here will inevitably cause harm to trees, biodiversity and heritage, and a remarkable design with exceptional public benefits is required to outweigh any such harm.

Main Issue 2: Trees & Biodiversity

Trees

105. Outside the site boundary, there is a group of mature trees on the highway verge fronting Palace Street and St Martin-at-Palace Plain. It has been demonstrated that these trees can be adequately protected during the construction process, but that some pruning is necessary to facilitate the development and for good arboricultural management.
106. The site itself is populated by a group of 12 trees, all of which would be felled to accommodate this development. The species and categories are listed below.
- 1 x London Plane, category B, covered by TPO reference 538 (although the council's Tree Officer would categorise this as category A)
 - 2 x Lime, category B
 - 5 x Sycamore, categories C & U
 - 1 x Lawson Cypress, category C
 - 1 x Cherry, category C
 - 1 x Holly, category C
 - 1 x Birch, category C
107. The largest of these trees is the London Plane tree which stands at 35m tall and forms part of a significant group along with the other trees on site which range in height from 7-21m. These trees make a significant contribution to the street scene and historic environment, have numerous environmental benefits and offer considerable biodiversity value.
108. Throughout the pre-application process, the applicant has been urged to explore alternative forms of development on the site. The council's strong preference has always been to retain the trees and to see the new refectory built upon the site of the existing refectory. However, the applicant has maintained that it would not be possible due to the other constraints on the site (the electrical substation and the proximity of heritage assets), and the required size of the dining hall. They have also demonstrated that there are no other alternative and less damaging sites available to the school.
109. The local policy which deals with the loss of trees is DM7. The relevant part of that policy is quoted below:
- “Development requiring the loss of a protected tree or hedgerow (including preserved trees, protected hedgerows, trees in Conservation Areas, ancient trees, aged and veteran trees and trees classified as being of categories A or B in value), will only be permitted where:*
- a) the removal of a tree or hedgerow will enhance the survival or growth of other protected trees or hedgerows; [or]*

b) it would allow for a substantially improved overall approach to the design and landscaping of the development that would outweigh the loss of any tree or hedgerow.

Where the loss of trees is accepted in these circumstances, developers will be required to provide at least equivalent replacement in terms of biomass. This should be provided on-site unless the developer can show exceptional circumstances which would justify replacement provision elsewhere.”

110. In this case criteria a) is not met. In terms of criteria b), it has been demonstrated that development on this part of the site creates a coherent and practical layout that efficiently meets the school’s needs. As set out above, the loss of the trees causes considerable harm in terms of the impact on the street scene and the loss of amenity in townscape terms as well as the loss of biomass and habitat, and whether the improved layout outweighs this harm needs to be weighed in the planning balance.
111. The final part of policy DM7, quoted above, notes that “*developers will be required to provide at least equivalent replacement in terms of biomass*”. It goes on to state that any such replacement planting “*should be provided on-site unless the developer can show exceptional circumstances which would justify replacement provision elsewhere*”.
112. The first matter to consider is therefore the scale of tree planting required to equate to the biomass proposed to be lost. Biomass is defined as “the amount of living matter in a given habitat, expressed as the weight of organisms”. Calculating the biomass of the trees enables us to understand their ability to capture carbon. In this case, using a calculation method promoted by the Field Studies Council, the biomass of the 12 trees to be felled equates to 25.1 oven dried tonnes. Half of this biomass is within the London Plane tree. At the size new trees tend to be at the stage of planting (3-4m in height), this equates to 682 replacement trees.
113. Policy DM7 highlights that it would be preferable to see replacement planting delivered on site, as this would ensure that the visual and biodiversity benefits are retained in the vicinity. While the proposals include the planting of 13 trees within the landscaped area to the south of the development, clearly it would be impossible to find enough land within the immediate area for a planting project of the necessary scale.
114. It has therefore been necessary to consider sites further afield to accommodate the remaining trees. The council’s Parks & Open Spaces team have confirmed that the council does not have any land available for such a number of trees, nor the resources to buy land or staff such a project. The applicant owns two parcels of land which sit outside of the Norwich City Council administrative boundary (both within the Broadland District Council area) and for which a replacement tree planting strategy has been developed. A total of 688 trees and 126 hedging plants are proposed across the two sites. These sites, and details of the planting proposed, are described in more detail below.
115. The first site is known as Redmayne Playing Fields and located 2.5 miles from the application site (address Redmayne Playing Fields, North Walsham Road, Norwich, NR6 7JJ). This is a large site used by the Norwich School as additional playing fields. It is therefore largely open in character, with some mature trees in banks

along the boundaries. The site sits just to the north of the Norwich suburban fringe, with a new housing development located to its south. To its north is the Norwich Rugby Club which forms part of an allocated housing site and has outline consent for housing development (known as the Beeston Park development). The Redmayne site is identified as a secondary green infrastructure corridor within Broadland's Growth Triangle Area Action Plan. A total of 223 trees are proposed for this site in two groups and along the site's eastern and northern boundaries. Following the advice of the council's Landscape Architect, the large tree species proposed for this site are Birch, Maple, Hornbeam, Hawthorn, Beech, Whitebeam, Rowan and Lime. 54 of the trees are proposed to be smaller fruiting species in order to increase the biodiversity value of the planting. Species include Hazel Shrub, Filbert Shrub and Buddleia.

116. The second site is farmland to the south of the village of Horsford which is located 4.5 miles from the application site (postcode NR10 3GL). The site stretches either side of the new Northern Distributor Road (NDR) and is currently untenanted. There are some trees and hedges along boundaries. Two areas of planting are proposed: one large group at the northern end of the site; and one strip along the site's western boundary, south of the NDR. In total, it is proposed that this site would accommodate 465 trees of varying species (Oak, Maple, Hawthorn, Bird Cherry, Rowan). 126 hedging plants are also proposed, in order to provide another habitat, join up green corridors and fit with the surrounding landscape context.
117. While these proposals will technically be the final part of DM7, the locating of the replacement tree planting so far from the application site makes the benefits a little tenuous. Nevertheless, the planting of a total of 701 trees, many of which could be described to be within the wider Norwich area and many of which fit within a wider green infrastructure network, is a substantial undertaking which has clear and tangible benefits. These benefits are set to increase as the trees grow to maturity.
118. It has been agreed with the applicant that a legal agreement will be necessary to secure the planting and long term retention of the trees, since they are essential to the acceptability of the scheme. The legal agreement would require the planting of the replacement trees prior to the felling of the trees on the application site and the management and maintenance of those trees for 15 years (at which point they would be large enough to sustain themselves). The trees would then be required to be retained for a minimum of 25 years, which means the applicant would be legally obliged to retain the trees for a minimum of 40 years from commencement of development. This would equate to the useful life identified for the trees that would be lost, including the London Plane tree.
119. Both the council's Tree Officer and the council's Landscape Architect have maintained strong objections to these proposals and they rightly argue that the replacement planting proposed would do nothing to offset the townscape impact or the biodiversity loss within the immediate setting of the application site. These trees are significant and irreplaceable assets to the city and their loss would cause considerable and long-term harm, not all of which is effectively compensated for via the tree planting strategy proposed.

Biodiversity

120. The site is within an urban location but the trees on site form part of the city's wider network of green links. By way of demolition, felling of trees, and the erection of

buildings, the proposals have the potential to disturb wildlife and lead to a loss of habitat.

121. Firstly, it is necessary to consider the potential impact of the proposals on bats. The applicant has submitted an ecology statement which confirms that the existing refectory building, set for demolition, does not have the potential to support any bat roosts. The trees, however, do have low bat roosting potential, and a low level of foraging and commuting activity has been recorded at the site. As such a soft-felling approach is recommended and several biological mitigation and enhancement methods are to be required. The natural environment also has the potential to support many other forms of wildlife such as birds and invertebrates.
122. Paragraph 175 of the National Planning Policy Framework states: *“When determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused”.*
123. The proposed biodiversity mitigation measures are:
 - Bird and bat boxes are proposed to be built into the fabric of the new buildings, with exact locations and specifications to be agreed via condition.
 - A wildflower green roof is proposed to parts of the building, and a green wall is proposed along the eastern elevation. The flower mixes will be chosen to attract insects which will in turn provide a foraging environment for bats.
 - An invertebrate habitat will be required to be installed within the site in order to provide a home for some of the species that will be inhabiting the existing trees.
 - Thirteen trees are proposed for the landscaped area towards the southern end of the application site, which will provide some replacement habitat for birds, invertebrates and potentially bats.
 - 688 trees and 126 hedging plants proposed to be planted at two off-site locations (as described in the final paragraphs of the trees section above). While the planting schedule offers some biodiversity benefits, it cannot directly mitigate the habitat lost on-site. The Redmayne site is on a designated green corridor and the identified sites connect well with existing tree banks so. The addition of trees on this site, and to a lesser extent the Horsford site, will provide some meaningful biodiversity benefits. By including fruiting trees and hedging, the tree planting schedule has been updated to boost the biodiversity benefits following comments from the council’s Landscape Architect and Natural Areas Officer.

Main Issue 3: Heritage

124. The proposed development site is in a highly sensitive location in terms of buried archaeology, direct impact to listed buildings and the setting of historic buildings in the immediate vicinity and the wider setting of important historic buildings and spaces nearby. It should be noted that the existing refectory is of poor architectural quality and it contributes negatively to the surrounding heritage assets, albeit that it is relatively small and unassuming. Its removal would enhance the area, but any

new development of this scale in this location is contentious and its impacts must be carefully managed.

125. The site is bounded on one side by the Grade II* listed precinct wall at the point where this ancient boundary is at its most impressive and well preserved. The site is also in the centre of a group of historically and visually related historic buildings all of high significance with Norwich Cathedral itself rising behind the Bishop's Palace which stands at the south side of the site. The Palace is Grade I listed and is a large L-plan multi-phase building containing mediaeval and post-medieval elements. The side facing the proposed development site is tall and imposing, to some degree reflecting Victorian alterations and extensions to the building. Adjacent to the Palace is the Bishop's Chapel, which dates from 1661-76 but was built in a gothic style incorporating windows with unusual tracery. It is listed at Grade II*. The chapel stands at the southern end of the former site of Bishop Salmon's Hall, while Bishop Salmon's Porch, the only remaining portion of a medieval hall is at the northern end in the present Bishop's garden behind a hedge. The Porch is a Scheduled Ancient Monument, as is the Bishop's Gate on the precinct wall which can also be seen across the proposed development site.
126. The proposals have a direct physical impact on the listed precinct wall. The significance of this heritage asset is largely derived from its role as a continuous barrier between the Cathedral Precinct at the rest of the city, so the insertion of a doorway undermines this significance. However, the harm has been kept to a minimum by using a small opening with modest materials and simple details. The area posed for demolition shows signs of previous disturbance, which makes this an appropriate place for the opening to be inserted. It is recommended that a detailed record of the wall is kept on the Historic Environment Record. Historic England and the council's Design & Conservation Officer do not object to the scheme and the current doorway is a result of their lengthy guidance. At this point the inside of the precinct wall cannot currently be accessed or viewed. The proposed development opens up views of the inside of the wall along the length of the teaching block, and as such its significance is better revealed and its setting is enhanced in some ways. The proposals amount to less than substantial harm as set out in the National Planning Policy Framework (NPPF). Paragraph 196 of the NPPF states that local planning authorities should weigh this harm against the public benefits of the proposal. In this case the public benefits include the provision of educational facilities, the availability of the space to community users and the opening up of views to other heritage assets (the Bishop's Palace and Norwich Cathedral).
127. Historic England have noted within their comments that they would have preferred additional intrusive investigations of the precinct wall to have taken place prior to the submission of the application, but deferred judgement on this to Historic Environment Services, who are satisfied with the level of detail supplied at this stage.
128. The loss of trees and the erection of buildings in this location also impacts on the setting of various other heritage assets. The impact on key heritage assets is assessed below.

Bishop's Palace

129. The principal effect on the setting of the Bishop's Palace will result from the reduced spatial separation currently afforded between the Palace and the existing refectory, alongside the loss of trees within its setting and the depth of views currently available from the grounds of the Bishop's Palace. The proposed refectory will push built form towards the northern elevation and reduce the level of historic open space as well as change the nature of available views to and from the Palace.
130. However, the proposed scheme has been developed with significant input from council officers and Historic England and it is considered that its resultant design causes a low level of harm to the Palace and forms an intentional relationship with this important heritage asset. The new refectory will directly face towards the Bishop's Palace to create a strong mutually supporting interface. The proposed landscape design has also been developed to improve the quality of space between the two buildings, as well as views between and towards each of the principal buildings – proposed and existing. The use of a single storey building will also ensure that the primacy of the Palace is not undermined. The teaching block has been located to the far north-western corner of the study site. This ensures that it relates more closely to the adjacent school buildings to its immediate west and reduces the potential effects of its height on the Bishop's Palace. Its location here also ensures that the negative effects on the setting of the Palace created by the presence of Centenary House outside the precinct on the opposite side of Palace Street are partially reduced by introducing a more sympathetic architectural intervention into views out of the study site. As the proposed buildings are also located to provide sufficient separation between them and the Palace the principal elevations from which the Palace's architectural interest can be appreciated and understood are largely sustained.
131. The proposals will therefore cause less than substantial harm to the significance of this heritage asset.

Bishop's Salmons Porch

132. The siting of the new dining hall approximately 26m to the west of this heritage asset would be harmful, especially since its significance is derived somewhat from its association with the Bishop's Palace. The dining hall would interrupt views between the two assets, but it has been designed so as not to block them entirely. The proposals will therefore cause less than substantial harm to the significance of this heritage asset.

Bishop's Chapel

133. Views of this heritage asset from the Bishop's Gardens will be affected by the construction of the refectory, but this harm is limited by the single storey height of the proposals and the use of a green wall along this elevation. The proposals are considered to cause less than substantial harm to the significance of this heritage asset.

Norwich Cathedral

134. The Cathedral is separated from the application site by the Bishop's Palace, but given its height and mass it is visible from within the site and forms one of the city's

most prominent landmarks. Given its status as a landmark, the Cathedral's setting contributes greatly to the asset's significance. The felling of 12 trees on the application site and the development of the refectory and teaching block would change views of the Cathedral from Whitefriars and Palace Street. While the loss of trees would open up views of the Cathedral spire, it is considered that the existing trees contribute positively to this view but that the proposed development would be narrowly visible in this view and would provide a neutral contribution. The trees offer interest, richness and depth to this view, the loss of which would cause less than substantial harm to the significance of the heritage asset.

City Centre Conservation Area

135. Since the kitchen and refectory are designed to be low and barely visible over the precinct wall, the impacts of the proposals on the wider conservation area are largely attributed to the loss of the trees and the construction of the teaching block.
136. Grouped with the highway trees to the north of the wall, the trees on the application site are identified as 'Important trees' within the Cathedral Close Character Area Appraisal. Despite being beyond the precinct wall, by virtue of their height and density, the trees add considerable interest to the street scene. The greenery can be seen from many angles and contributes to the softness of Palace Street, which would otherwise be quite a hard and imposing environment. The loss of the trees would cause less than substantial harm to the conservation area.
137. The first floor of the teaching block would be visible over the precinct wall, alongside the first and second floors of a number of other school buildings. There is considerable historic precedent to development lining the inside of the precinct wall in this way, and the teaching block has been treated in contextual materials and in a modest way that does not detract from the street scene.
138. Overall it is considered that the proposals cause less than substantial harm to the conservation area.

Buried archaeology

139. The site has significant potential for holding archaeological deposits, and the applicant's archaeological assessment notes that assets are likely to be found dating from the prehistoric period, Middle to Late Saxon and Late Medieval, of potentially regional significance. The site appears to have remained largely open ground since its integration into the precinct of Norwich Cathedral in about 1318, although the northern range of the Bishop's Palace appears to have extended into the site's north-eastern side. Historical map analysis and the geophysical survey results have identified the alignment of former 19th century garden features and carriageways of negligible significance. Due to the level of interference that the proposed piling would have with ground deposits, there will be a requirement for archaeological excavation and recording. Two archaeological trenches have been dug, investigated and the results are recorded within this application. Additional ground investigation was not possible at this stage due to the presence of tree roots and Historic Environment Services have confirmed that they are happy for further investigations to take place after consent is granted.
140. In conclusion, the proposals cause less than substantial harm to a number of designated heritage assets and so the National Planning Policy Framework

requires clear and convincing justification for such harm and requires the public benefits of the scheme to be weighed up against the harm, which is done in the concluding section of this report.

Main Issue 4: Design

141. The existing refectory has no architectural merit and its loss is not objectionable.
142. The scale of the development is determined by the size of facility the school requires. A development of this scale on this tightly constrained and historically sensitive site requires very careful design.
143. Taking the teaching block first, it has been designed to hug the inside of the precinct wall following the pattern established by earlier developments. This is the part of the site which is capable of taking extra height. The teaching block stands at 2 storeys tall, alongside 2 and 3 storey school buildings and opposite 3 storey office building (Centenary House). The teaching block is designed to have a very low pitched roof which wouldn't be visible from ground level. The building has simple modern detailing with traditional materials (buff brick walls & lead effect roof). When viewed from Palace Street, the overall analysis of the teaching block is a subservient and elegant building which would enhance the street scene. Historic England has noted that the building will conceal the end of the Fleming Building adjacent, which has a rather bland elevation.
144. When viewed from within the application site, the teaching block has a colonnade on the ground floor and a consistent rhythm of windows above. The building has a modest modern appearance appropriate for its setting.
145. The refectory building has a much larger footprint but a lower height than the teaching block. It will have minimal impact on the street scene, being almost impossible to view over the precinct wall. From within the site, however, the refectory has a striking appearance with tall vertical windows with deep reveals fronting the Bishop's Palace. The building is to be built of reconstituted stone and have a lead-effect roof, reflecting the ecclesiastical architecture around the site. Compared to the highly detailed and diverse architecture of the Bishops Palace, the refectory will appear very simple and clean appearance so as not to detract from the prominence that the Bishops Palace has.
146. The two blocks would each have their own distinctive architectural style, but matching materials would tie the development together. This comprehensive and high quality design approach is considered the only acceptable way to design a development in such a sensitive location.
147. The simplicity and lack of clutter on these buildings are key to their acceptability, and as such the applicants have designated areas for plant, machinery and ventilation equipment that avoids the need for any rooftop plant. A condition is recommended which would require the applicants to agree any plant with the council prior to installation.
148. The refectory building is separated from the Palace by a formal lawn, replicating the gardens which appear to have previously occupied the site. The whole approach to the site from the school gates is set for re-landscaping to enable better use of the school's limited outside space, and to provide additional planting. It is considered

that the open space created by the proposals is of a higher quality, than that which is lost, in terms of the ability for students and outside users to enjoy the space. A full landscape plan would be requested by condition.

Other matters

Phasing

149. In order to allow continuous operation of the school's dining facilities, the applicant is proposing a phased approach to development. Essentially this involves the new refectory being built before the current one (on the site of the proposed teaching block) is entirely demolished. The detailed phasing plan is set out below.
150. Phase 1A would be the felling of the trees and carrying out of the archaeological ground investigations on the eastern part of the site; Phase 1B would be the part demolition of the existing refectory building; Phase 1C would be the construction of the refectory building along with landscaping works between this building and the Palace; Phase 2A would commence once the new refectory was operational and would involve the demolition of the existing refectory and the carrying out of archaeological ground investigations on this part of the site; Phase 2B would be the construction of the teaching block; and finally Phase 2C would be the remaining landscaping works to the south of the site.

Transport & traffic movements

151. The site is in an accessible city centre location. The proposals do not provide for an increase in student or staff numbers and therefore there is no need to provide additional cycle or car parking. The insertion of a doorway in the precinct wall allows deliveries and refuse collections to be made from the loading bay on Palace Street. This, along with the removal of on-site car parking, would reduce the amount of traffic using Tombland and entering The Close via the Erpingham and Ethelbert gates.
152. As noted by the Fire & Rescue Service, since the site does not allow access to emergency vehicles, a fire suppression submission will be required by building control.

Amenity

153. The proposals do not create any significant amenity impacts. A noise impact assessment has been submitted as part of the application but given the lack of residential neighbours (the closest being the Bishops House & gardener's residence), and the anticipated use of the school facilities, it is not considered necessary to restrict the hours of use or installation of amplification equipment. There are no significant impacts on loss of light, outlook or privacy.

Refuse storage & servicing

154. Refuse storage is at the rear of the kitchen, close to the proposed doorway through the precinct wall. Refuse collections would be made via the new doorway, with refuse vehicles stopping in the loading bay on Palace Street. This is considered acceptable.

Energy efficiency

155. The applicant is proposing air source heat pumps to generate hot water for the development. The applicant's energy statement calculates that this will generate 12% of the development's energy requirements, which satisfies the 10% required by local policy.

Water efficiency

156. Details of water efficient fittings have been submitted with the application, satisfying local requirements.

Sustainable urban drainage

157. It is not considered appropriate to use point infiltration drainage as the primary method for the disposal of surface water due to risk of dissolution feature, soil contaminant mobilisation and archaeology. As there is no watercourse nearby the only feasible approach for discharging surface water is to connect into the Anglian Water surface water sewer to the north of the site.
158. In order to achieve a controlled discharge rate to the sewer, approximating 2l/s to replicate greenfield run-off rates and provide betterment over the existing situation, a significant volume of surface water attenuation storage is required. This will be provided within a sustainable drainage system (SuDS). It is proposed that this will comprise a blue/green roof over dedicated areas of the building.

Contaminated land

159. Acceptable subject to conditions as recommended by the council's Environmental Protection Officer.

Equalities and diversity issues

160. The application does not raise any significant equality or diversity issues.

S106 Obligations

161. As set out in the final paragraphs of the tree section, above, the applicant has agreed to enter into a Section 106 agreement with the council to secure the planting and long term maintenance of the trees proposed for the Redmayne and Horsford sites. The legal agreement will require:

- The planting of all 688 off-site trees prior to the felling of any of the trees on the application site.
- Intensive maintenance of the trees for a period of 5 years.
- Annual check-ups and maintenance for each tree for a further 10 years.
- No trees to be felled for a further 25 years.

This essentially ensures that the trees will be retained for a minimum of 40 years from the date the development commences. Most of the trees on the application

site which are posed for felling have been noted to have a life expectancy of around 40 years.

Local finance considerations

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

Conclusion

163. The proposals involve the loss of designated open space and twelve valuable trees which would cause harm to the city's townscape, to biodiversity, and to the city's air quality and overall environment. The proposals also cause less than substantial harm to a number of highly graded heritage assets.

164. An off-site replacement tree strategy has been prepared which satisfies policies relating to biomass, and offers clear and tangible off-site compensation. The harm to biodiversity is considered to have been partially mitigated on-site and partially compensated for off-site. However, this off-site planting does nothing to offset the townscape impact, the biodiversity loss or the environmental impact within the immediate setting of the site.

165. The school occupies a tightly constrained historic site and has demonstrated that these facilities are necessary for the school's ongoing operation. A number of alternative sites have been explored but no suitable sites have been found.

166. The proposed scheme would support the development of the school and secure community access to the facilities. A condition is recommended to secure this community use. The condition would require the applicant to agree the hire costs, number of community hires per year and the types of community groups which would be sought.

167. This is a complex application on a tightly constrained site. The proposals would involve the loss of 12 valuable trees, and would cause less than substantial harm to a number of designated heritage assets. 688 of the 701 replacement trees are proposed to be planted off-site at some distance from the application site which lessens their ability to compensate for the visual, environmental and ecological impacts of the development.

168. The proposals are accompanied by public benefits including the provision of improved educational facilities, the availability of the space to community users and the opening up of views to heritage assets. In order for the scheme to be considered acceptable, it is essential that the replacement trees are secured via a legal agreement and that the community benefits of the scheme are secured via a suitably worded condition.

169. This is a very finely balanced recommendation and is extremely sensitive to the weight placed on the compensatory planting scheme and the securing of wider access to the facilities in the new refectory. Notwithstanding these, the proposals result in the loss of one of the largest trees in the city centre and will have a significant impact upon the character of the immediate townscape and biodiversity in the city centre. On balance, however, officers feel able to recommend approval subject to the conditions listed below and to the completion of a Section 106 agreement to secure the compensatory planting.

170. In conclusion, it is the wider public benefit and the high standard of design which are considered to marginally outweigh the harmful elements of the scheme.

Recommendation

(1) To **APPROVE** application no. 19/00381/L - Norwich School Refectory, The Close Norwich, NR1 4DD and grant listed building consent subject to the following conditions:

1. Standard time limit
2. In accordance with plans
3. Details and materials to be agreed, including samples
4. Method of repointing and mortar mix to be agreed
5. Full photographic survey to be undertaken prior to the commencement of works
6. Programme of archaeological monitoring & recording to be agreed
7. Any damage made to the listed building shall be made good in accordance with a scheme first submitted to and agreed in writing by the local planning authority

Informative:

- 1) Only these works permitted

Reason for approval:

The proposed insertion of an opening in the Cathedral Precinct wall will result in less than substantial harm to the listed structure. The insertion of the opening within an area shown to have experienced some disturbance and the use of simple designs and materials lessens this harm. In accordance with paragraph 196 of the NPPF, this harm must be weighed against the potential public benefits of the proposals. In this case it is considered that the improved for the school and the wider community marginally outweigh this harm. The proposed works are therefore considered to comply with the National Planning Policy Framework, policies 1 and 2 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk (March 2011) and policies DM1, DM3 and DM9 of the Norwich Development Management Policies Local Plan (December 2014).

(2) To **APPROVE** application no. 19/00403/F - Norwich School Refectory The Close Norwich NR1 4DD and grant planning permission subject to the completion of a satisfactory legal agreement to include provision of:

- (a) The planting of all 688 off-site trees prior to the felling of any of the trees on the application site.
- (b) Intensive maintenance of the trees for a period of 5 years.

(c) Annual check-ups and maintenance for each tree for a further 10 years.

(d) No trees to be felled for a further 25 years.

And subject to the following conditions:

1. Standard time limit
2. In accordance with plans
3. Details and materials to be agreed, including samples
4. Letting schedule to be agreed (to include a list of dates when the buildings would be available for hire by external agencies and community groups; the types of agencies and groups that the spaces will be offered to; and a schedule of hire costs by agency type)
5. Landscaping details - detailed hard and soft landscape scheme for on-site works, including a lighting scheme to minimise disturbance to wildlife
6. Works on site in accordance with AIA, AMS and TPP – soft felling of trees etc.
7. Protection of tree root areas
8. Pre-construction site meeting between arborist & council's Tree Officer
9. Biodiversity mitigation details to be agreed and installed prior to occupation - bat boxes, bird boxes, invertebrate habitat
10. No site clearance within bird nesting season
11. Boundary treatments to include provision for small mammal access
12. Refuse storage and collection arrangements to be agreed
13. Archaeological written scheme of investigation to be agreed
14. Construction method statement to be agreed
15. No development shall take place within the site in pursuance of this permission until a scheme to deal with the risks associated with contamination of the site has been submitted to and approved by the council.
16. If, during development, contamination not previously identified is found to be present, then no further development shall be carried out in pursuance of this permission.
17. All imported topsoil and subsoil for use on the site shall be certified
18. Security measures to be agreed prior to occupation including details of access routes and restrictions, CCTV and external lighting
19. Heritage interpretation
20. Development to comply with the submitted surface water drainage strategy
21. Development to comply with the proposals for energy efficiency set out within the submitted energy statement
22. Development to comply with the proposals for water efficiency set out within the submitted energy statement
23. No plant & machinery to be installed without prior consent
24. No occupation until TRO has been secured with highway authority and provisions put in place

Informatives:

1. This permission is subject to a planning obligation entered into under legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990, as amended
2. Traffic Regulation Order (TRO) to be funded by the applicant.
3. Anglian Water has assets close to or crossing the site
4. A Landscape Management Plan will be expected to set out the overall objectives of a landscape scheme and the steps including legal arrangements including

ownership and management responsibilities, planned maintenance tasks, phased works, monitoring procedures

5. Asbestos should be handled and disposed of as per current government guidelines and regulations
6. Clearance of the site should have due regard to the need to minimise the impact on wildlife
7. Archaeological brief to be provided by Historic Environment Services



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Client: Norwich School
 Project: Palace Lawn Redevelopment Proposals
 Title: Site Plan - Existing

Scale @ A1: 1:250
 Date: 01.06.2018
 Drawn: MC
 Category: S2
 Purpose of issue: Issued for Planning
 Handler: 15191-LSI-PLD-00-DR-A-1172
 Rev: P01



Scale 1:250

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Client
Norwich School

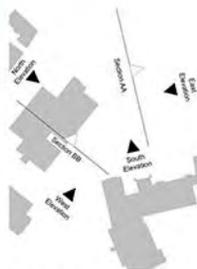
Project
Palace Lawn Redevelopment Proposals

Title
Site Plan - Proposed

Issue @ A1 Date 01.06.2018 Drawn MC

Subsidiary Purpose of issue
S2 Issued for Planning

Identifier 15191-LSI-PLD-00-DR-A-1173 Rev P07



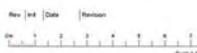
Key Plan



West Elevation



North Elevation



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Client: Norwich School
 Project: Palace Lawn Redevelopment Proposals
 Title: Existing General Arrangement Elevations
 Sheet 02

Scale @ A1	Date	Drawn
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Revisability	Purpose of issue	
S2	Issued for Planning	
Number	Rev	
15191-LSI-PLD-ZZ-DR-A-1251	P03	



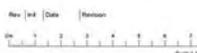
Key Plan



South Elevation



East Elevation



Scale 1:100

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Client: Norwich School
 Project: Palace Laven Redevelopment Proposals
 Title: Proposed General Arrangement Elevations
 Sheet 01

Scale @ A1	Date	Drawn
1:100	14.08.2018	DO
Revisability	Purpose of issue	
S2	Issued for Planning	
Number	Rev	
15191-LSI-PLD-ZZ-DR-A-1350	P06	



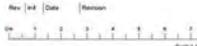
Key Plan



West Elevation



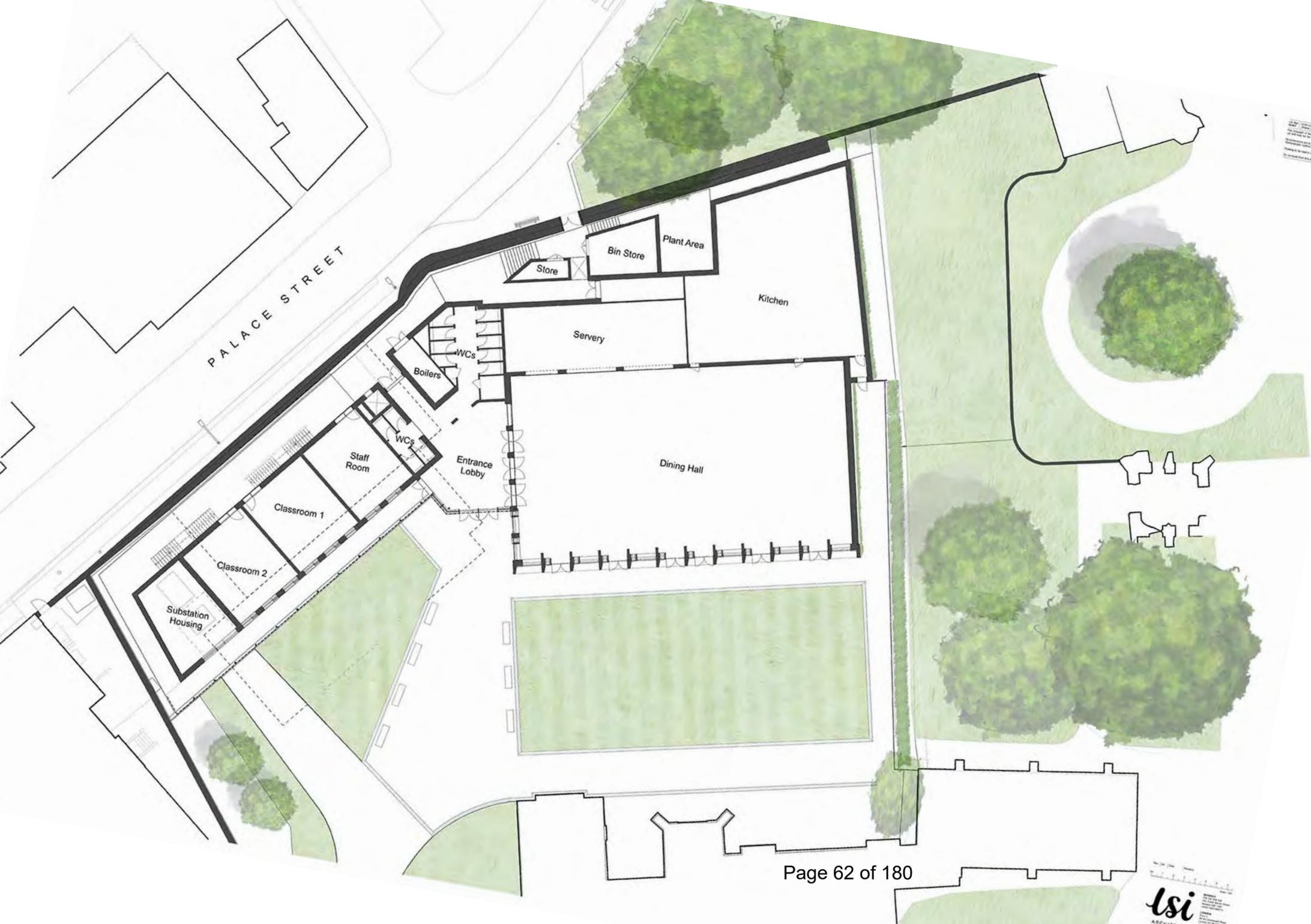
North Elevation

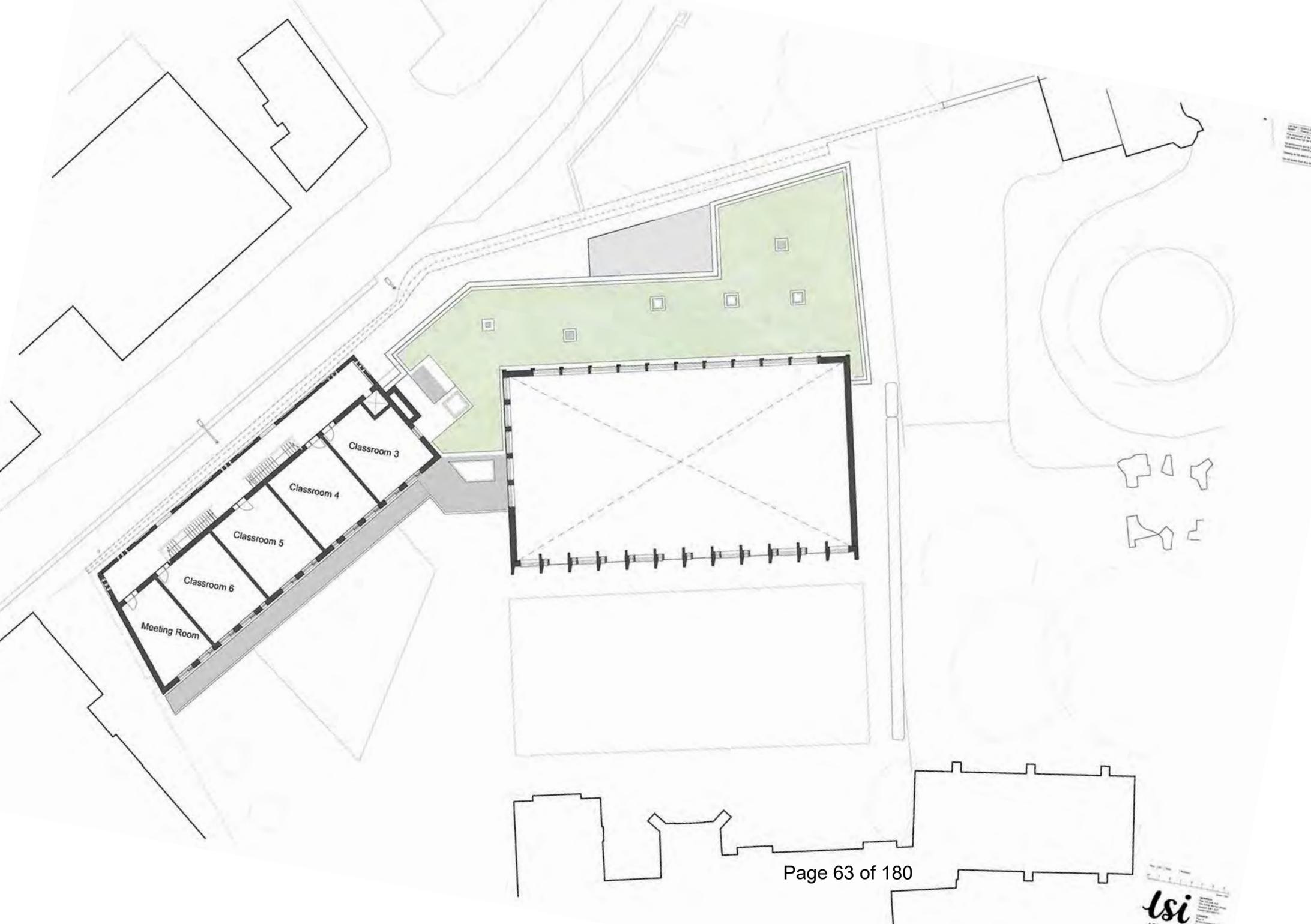


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Client: Norwich School
 Project: Palace Laven Redevelopment Proposals
 Title: Proposed General Arrangement Elevations
 Sheet 02

Scale @ A1	Date	Drawn
1:100	14.08.2018	DO
Revisability	Purpose of issue	
S2	Issued for Planning	
Number	Rev	
15191-LSI-PLD-ZZ-DR-A-1351	P06	





Meeting Room

Classroom 6

Classroom 5

Classroom 4

Classroom 3



London Plane 14h

North Elevation

Kerb / grass line altered

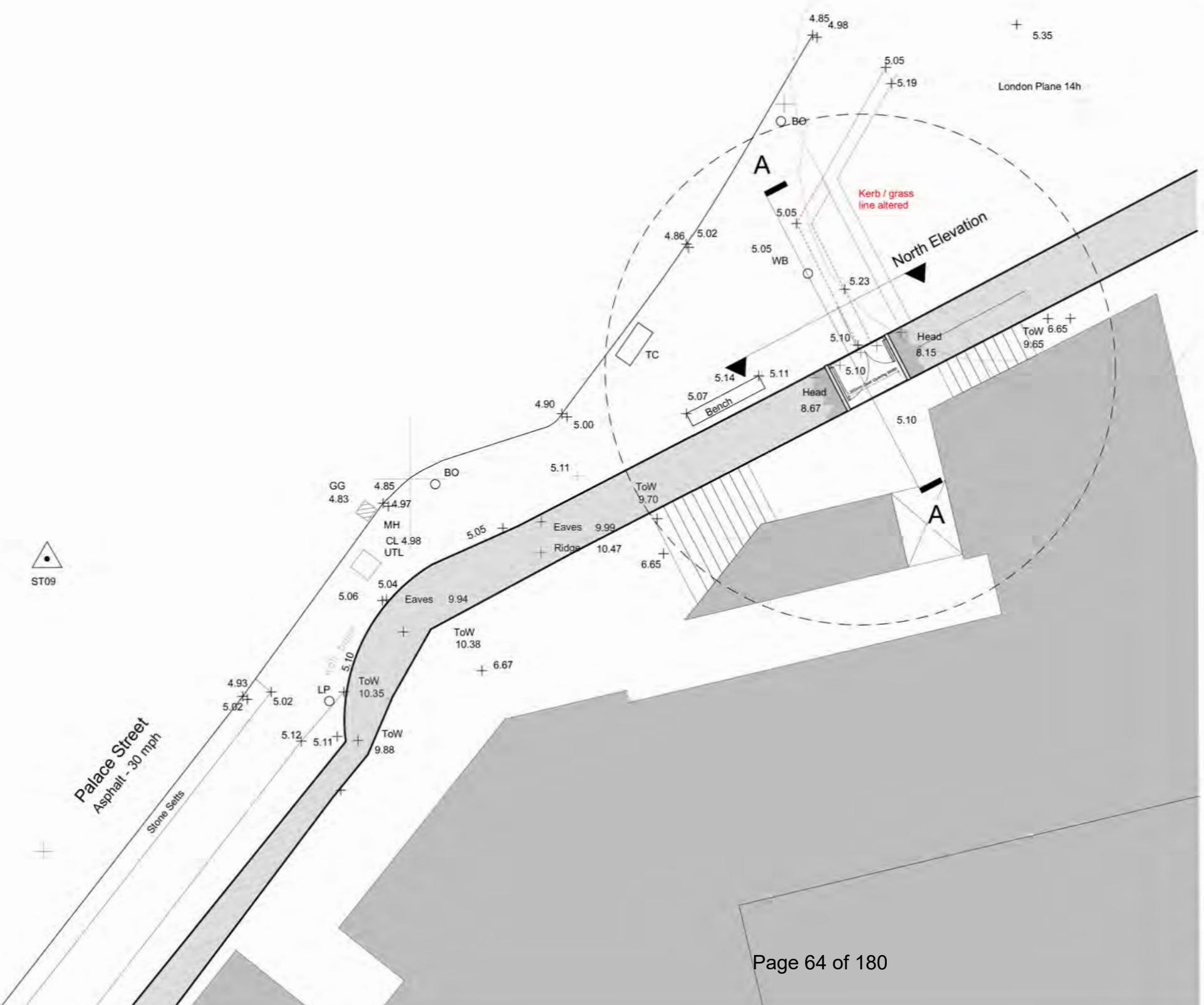
A

A

Palace Street
 Asphalt - 30 mph
 Stone Setts



ST09



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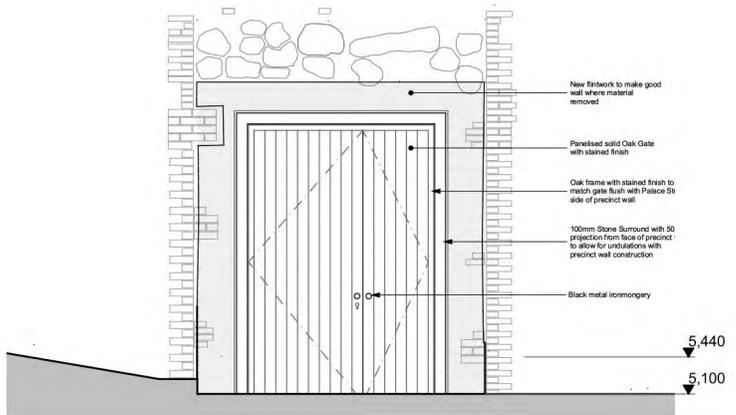
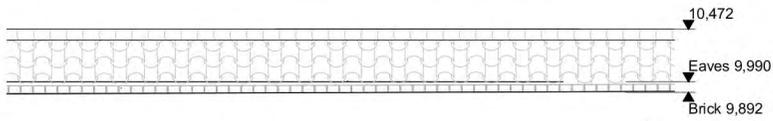
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Client
 Norwich School

Project
 Palace Lawn Redevelopment Proposals

Title
 Listed Building Application
 Precinct Wall - Plan (Proposed)

Scale @ A1	Date	Drawn
1:50	28.09.2018	MC
Subsity	Purpose of Issue	
S2	Issued for Planning	
Revision		
15191-LSI-PLD-00-DR-A-1383		P05



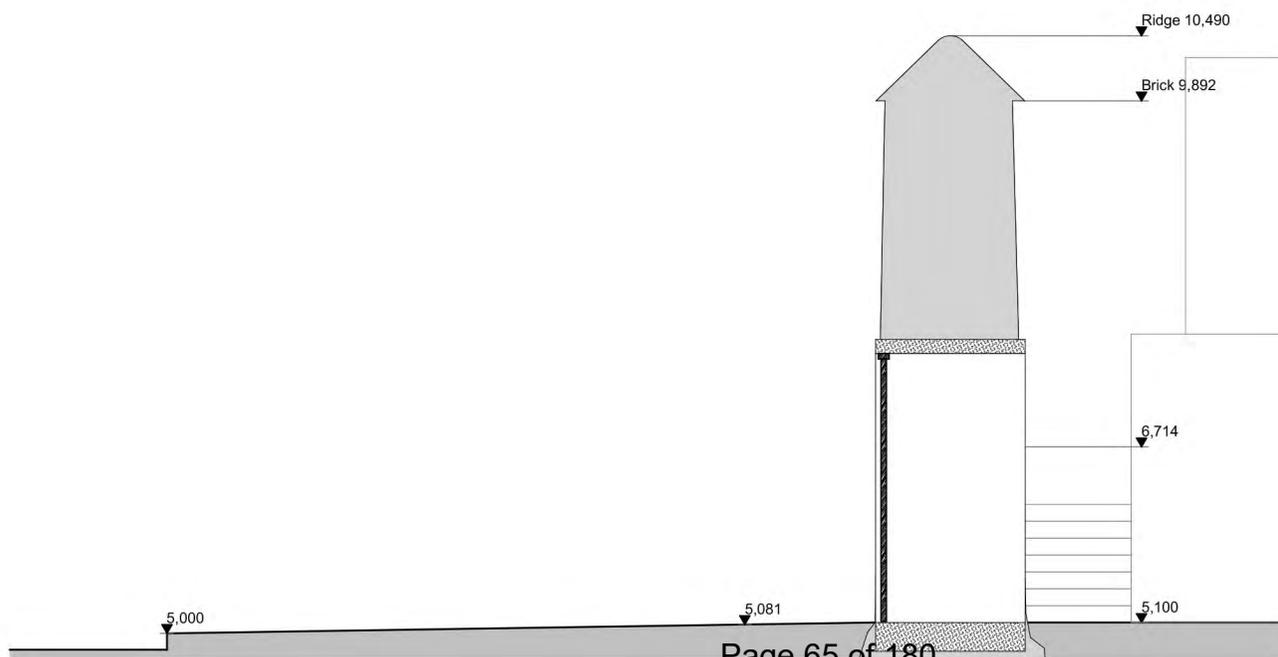
North Elevation (Part)

Refer to Fig 21 within Oxford Archaeology's 'Archaeological Evaluation and Photographic Building Survey Report'



Feature 15

South Elevation (Part)



Section AA

Rev	Iss	Date	Revision

On 1 Scale 1:50

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Client: Norwich School
 Project: Palace Lawn Redevelopment Proposals
 Title: Listed Building Application
 Precinct Wall - Elevations [Proposed]

Scale @ A3 1:50	Date 28.09.2018	Drawn MC
Subsidiary S2	Purpose of issue Issued for Planning	Rev P05
Identifier 15191-LSI-PLD-00-DR-A-1384		

Report to Planning applications committee

Item

11 July 2019

Report of Head of planning services

Subject Application nos 18/01681/F and 18/01682/L - 58
Bracondale, Norwich, NR1 2AP

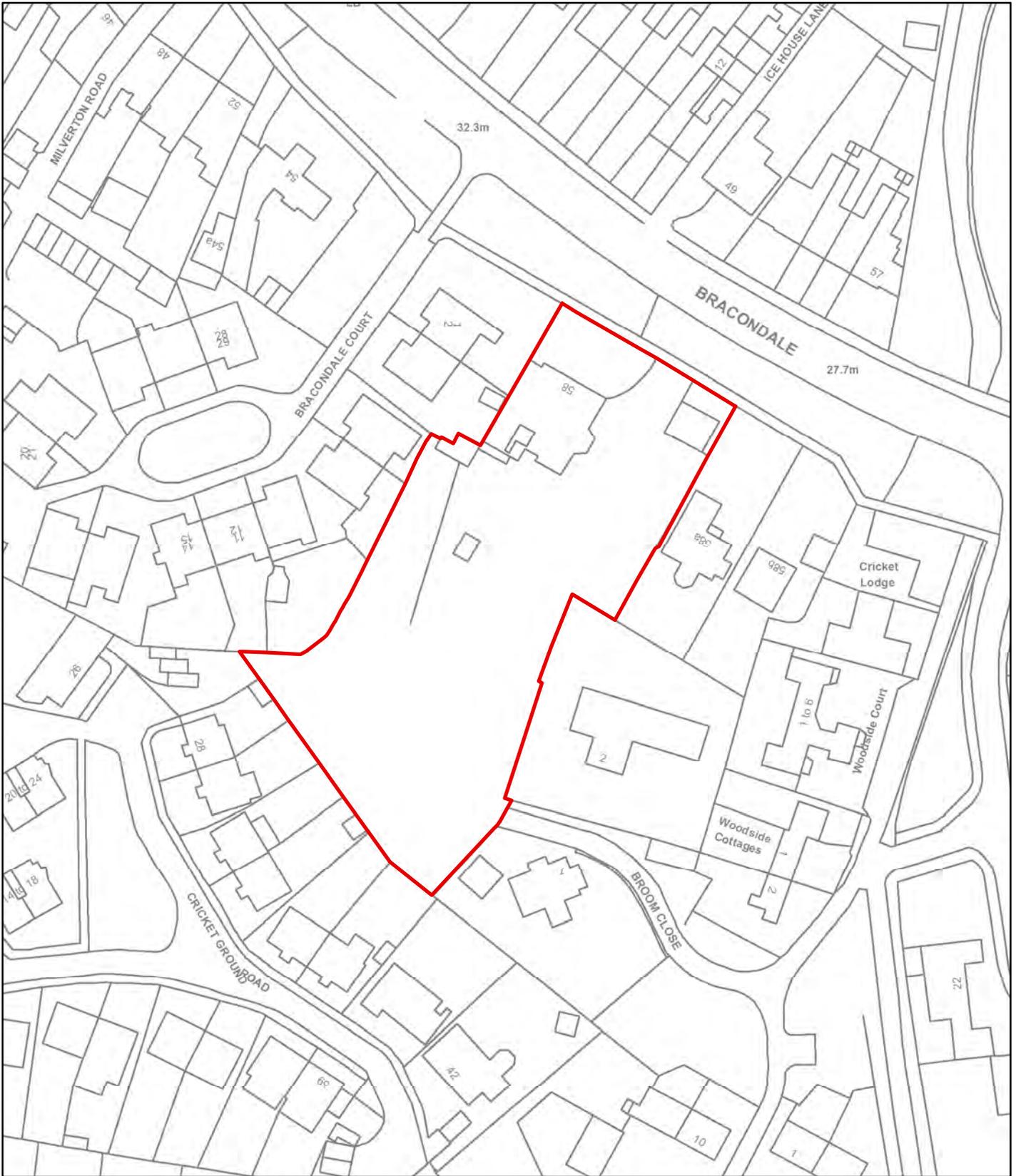
4(b)

**Reason
for referral** Objections

Ward:	Lakenham
Case officer	Maria Hammond - mariahammond@norwich.gov.uk

Development proposal		
Conversion of building into 6no. flats and tower to ancillary accommodation		
Representations		
Object	Comment	Support
10	1	0

Main issues	Key considerations
1	Principle of residential conversion and use of tower
2	Heritage
3	Design
4	Amenity
5	Landscaping and trees
6	Transportation
Expiry date	Extended to 16 July 2019
Recommendation	Approve

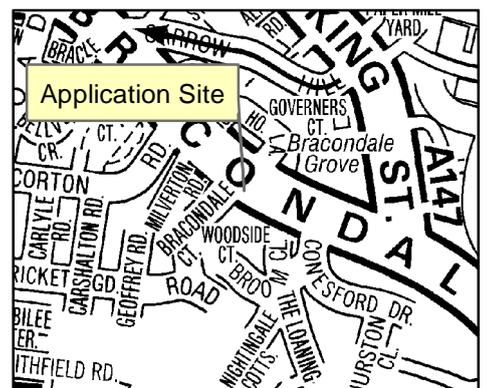


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Planning Application No 18/01681/F & 18/01682/L
 Site Address 58 Bracondale
 Scale 1:1,000



NORWICH
 City Council
 PLANNING SERVICES



The site and surroundings

1. The application concerns a grade II listed detached three storey house which has a grade II* listed tower and retaining wall in its curtilage. The house sits on the southern side of Bracondale and two openings in a boundary wall and hedge give vehicular access to a gravel driveway at the front of the house. The curtilage extends to the east and south, as far south as Broom Close, a private drive off Conesford Drive.
2. The house was last occupied by the Ministry of Justice as offices and a judges residence and is described in the list description as follows:

House, now office. Late C18 with additions. Red brick with rendered plinth; hipped pantile roof; scattered chimneys. 3 storeys; 3 first-floor windows, symmetrical. 6-panelled door and fanlight..with cinque-foiled glazing bars in panelled reveals is flanked by 2 half-columns with triglyphs supporting an open pediment. Windows have sashes with glazing bars, Modillion cornice. 3-storey canted bay on garden front to left; C20 two-storey extension to right. Originally a 2-span roof with a third C19 parallel ridge and C20 additions to rear adjoining the C17 tower (q.v.) Interior has 6-panelled doors, staircase with turned balusters and dentilled cornices.

3. The tower, which has a higher grade listing, is older and sits to the immediate south of the house. Its list description reads:

Early C17, possibly earlier and contemporary with No. 54 (Manor House: q.v.) Brick and flint rubble on lower part; brick above. On split-level site: 3 storeys and basement. Rear elevation: Flight of C20 steps up to C19/20 plank door on right with 3-centred arch under moulded brick pediment. Moulded brick string courses on first and second floors. 4-light mullioned and transomed brick windows to right (replaced by wooden 2-light window on second floor) and similar blocked 2-light windows to left, all with pediments. Large first floor window has iron- framed casement with rectangular leaded lights and pale green glass. Crenellated parapet with brick coping and higher stair turret to left. C19 chimney at north-east corner. Right side elevation has 3-centred moulded brick arch to cellar door; wooden mullioned and transomed window on ground floor; and 4-light (rebuilt) brick windows above. Interior: mostly C19, including stairs on site of original. One chamfered and stopped girder on first floor. Barrel-vaulted cellar. High retaining wall and adjoining tower to south-west is of flint and brick rubble with vertical brick lacing, brick coping and 3 tapering buttresses. Some repairs but much of the brickwork is similar to that in the tower.

4. The site is surrounded by later lower rise housing and flats, including those on slightly higher ground to the immediate west of the site. It is within sub-area A of the Bracondale Conservation Area which is characterised by architectural variety and the wide street with grass verges and mature trees. The Conservation Area Appraisal notes that Bracondale became a desirable residential area in the eighteenth century and the application site is one example of development at this time. It also records that the tower may have been built as a hunting lodge, benefiting from fantastic views across the surrounding area.

Constraints

5. As well as the heritage assets noted above, there is a group of TPO trees within the site adjacent to the road.
6. The 1930s dwellings immediately to the west on Bracondale Court are locally listed, as are two to the east at the junction of Conesford Drive.
7. The site is also within the area of main archaeological interest and just outside the city centre parking area.

Relevant planning history

8.

Ref	Proposal	Decision	Date
4/1992/0964	Alterations to kitchen and formation of new window.	APPR	03/02/1993
4/1993/0368	New buttress and repairs to retaining wall, repairs and tanking to tower.	APCON	28/07/1993
4/1993/0601	Alterations to Clerks accommodation on 2nd floor.	APPR	23/08/1993
14/00627/L	Removal of flue, repair of brickwork and internal plastering.	APPR	20/06/2014
16/00481/F	Change of use to form two residential units.	APPR	06/06/2016
16/00482/L	Change of use to form two residential units.	APPR	06/06/2016
16/01116/L	Reinstatement of original windows to east elevation.	APPR	24/10/2016
17/01198/F	Conversion to House of Multiple Occupation and additional fire doors.	REF	19/12/2017
17/01199/L	Alterations to facilitate the conversion to House of Multiple Occupation including additional fire doors.	REF	19/12/2017

The proposal

9. These planning and listed building applications propose the conversion of the house to six flats and use of the tower as ancillary accommodation to one of them.

10. Internal and external alterations are proposed to the house to facilitate the conversion to provide two self-contained flats on each of the three floors, accessed from the existing central staircase and hallway. Two of the flats would provide two bedrooms; the other four would have one bedroom.
11. The internal alterations to the house largely constitute the blocking off of existing doorways and creation of new ones and removal of some partition walls on the second floor to open rooms up. An existing secondary stair would be enclosed with new studwork and a door to the ground floor only.
12. The tower would largely be subject to repair and replacement. Electric radiators would be provided to each floor and a new guardrail would be provided around the roof. It is proposed to be used as ancillary accommodation (e.g. home office, storage, etc.) to the two bedroom flat on the ground floor.
13. Six parking spaces are proposed to the front of the building off Bracondale, demarcated for ease of use. Cycle and bin storage would be provided within an area at the rear of a double garage to the northeast of the house, in a treed area separated from the parking by an existing curved brick wall. The existing large gardens would be available for the use of all residents, with movable planters provided to offer some privacy to the two ground floor flats.
14. The proposal has been amended since the applications were first submitted to propose a specific use for the tower and reduce the level of alteration to the house.

Representations

15. 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, three of these included comments specifically on the listed building consent application. All representations are available to view in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Issues raised	Response
Conversion should be for four flats	The proposal submitted needs to be determined.
Already very congested highway in terms of traffic and parking	See main consideration 6
Likely there will be a parking requirement for more than six cars causing an overspill into the surrounding Conservation Area	See main consideration 6
Parking should be sited to minimise the impact on the setting of the principal elevation and character of the Conservation Area	See main consideration 6
Remodelling the boundary wall to facilitate	See main considerations 2 and 6

Issues raised	Response
access should be avoided	
Danger of multiple vehicles slowing to turn in off main road	See main consideration 6
Additional ventilation and air outlets for multiple occupancy would be a concern	See main consideration 2 and 4
Safety for pedestrians with vehicles exiting blind	See main consideration 6
In the long term, access from the rear to Broom Close cannot be guaranteed so the proposed application must be based on providing parking elsewhere	Noted. The parking is proposed with access off Bracondale.

Consultation responses

16. 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

17. Although historically the building would likely have been a single residence, it has more recently been used for temporary multiple occupants with shared facilities by the Ministry of Justice. It should also be noted that permission was granted for conversion to two dwellings (with horizontal division) in 2016.

The application has attempted to demonstrate that the property is most marketable as 'high end' multiple residences. Although this would incur intensification of use of the site which is potentially harmful to the grade II building, grade II* tower and setting of both, it is recognised that a scheme which is sensitive to the special character of the designated heritage assets and 'manages' the intensification, through clear identification of ownership and responsibility for maintenance and repair, could be a viable use. It should be noted that the application evidences that the property has been marketed as a single dwelling, in the rental market only. Thus it has not been expressly demonstrated that the property is not viable as a single dwelling.

18. The application has attempted to demonstrate that a scheme for three units has been considered and discounted as it would not be as viable as a scheme for six units, from a market perspective. No plans have been submitted indicating the level of intervention required for three units, thus it is unclear as to whether such a scheme would involve more or less impact on the buildings special character. If one considered the optimum viable use to be the viable use which incurs least harm to the special character of the building, in-line with planning policy guidance, it is not possible to determine whether the proposal is the optimal viable use based on the information submitted.

19. As a result of the above, any 'less than substantial' harm to the structures and their settings should be weighed against the associated public benefits and the desirability of putting them into viable uses consistent with their conservation.
20. There would appear to be three main elements when considering the impact of this proposal; the host building, the grade II* tower and the setting:
21. **58 Bracondale** - there are few, but significant changes to the building externally; It is proposed to open infilled window openings in the east elevation. This has been determined as an appropriate alteration as part of a previous approval (16/01116/L) and there are no reasons to consider the previous assessment in a differing manner, excepting to consider the cumulative impact along with the other alterations proposed. Exact details of the proposed windows should be required by condition.
22. Two sash windows to the east elevation of the later rear range are proposed to be removed and replaced, with windows which more accurately reflect the proportions of those of the main house. Although there is some value to the existing windows in that they signify a later insertion and different approach to construction, their value to the overall building significance is low. Also, it is recognised there is some aesthetic merit in providing a uniform and cohesive sense of proportion along an entire elevation. As such, their replacement would not be opposed providing the new units were of a suitable material quality and architectural design. This should be sought by condition, which clearly states the new windows should be single glazed.
23. It is suggested that the rear elevation is of later construction and it is proposed to insert a bi-fold door. This is not opposed in principle but details must be sought by condition, which should also stipulate the bi-fold door should be of timber construction and respectful of the proportions, style and dimensions of the existing fenestration.
24. There is a single roof-light to the side elevation (west) it is proposed that this should be replaced with a conservation style roof-light. This is unopposed.
25. Internally, it is felt that this scheme is in principle appropriate in heritage terms, but much of the detail is still required by condition.
26. The most significant internal alteration to the host building relate to changes to the floor plan and circulation. This requires some blocking up of existing doors, and insertion of new openings. Existing doors are to be re-used wherever possible. Indents are to be included in finishes wherever existing opening have been blocked.
27. The changes proposed by the amended scheme are a significant improvement on previous iterations and in principle are acceptable, subject to conditions relating to a full internal door schedule and specification/composition of the blocking of openings.
28. There is some loss of partitioning within the building and some new partitions required. On the whole the changes proposed are beneficial and enhance the significance of the floorplan. Conditions should be applied relating to new stud-work.
29. The proposal requires new stud work to be erected under the main staircase to form the principal opening into flat 1. It is not clear from the plans how this studwork will relate to the existing building fabric. Plans, sections and elevations, including; composition and fixings should be subject to condition.

30. It is not clear as to whether any consideration has been given to methods of fire-proofing (except fire doors), or thermal and acoustic insulation. These details should be subject to condition. The proposal requires welfare facilities and kitchens within each dwelling. Detail relating to the associated service provision and waste water management is required.
31. It is unfortunate that the proposal requires blocking up the secondary staircase flanking the northern elevation wall internally. However, access and responsibility for this space which has become semi-redundant has been allocated to one dwelling, thus its maintenance should be secured.
32. **Grade II* tower** - the submitted documents indicate that it is proposed to refurbish the tower internally in a 'like for like' manner, excepting re-installation of a missing ceiling in plasterboard and gypsum plaster, new power supply and installation of electric panel radiators.
33. It is suggested that a full repair schedule should be submitted for works to the tower, in order to ensure that the scope of the repair works does not adversely impact upon its special character.
34. It is suggested that any new fixings/fittings should be surfaced mounted and the location and methodology of fixing controlled by condition.
35. The application suggests that the tower will be 'ancillary accommodation' to flat 2 and that it could be used for a home office, studio, hobbyist space or additional accommodation. It is suggested that occasional overnight accommodation may have some historic context, but permanent secondary accommodation is akin to a separate dwelling and should be discouraged. It is recommended that a controlling condition should be applied prohibiting such use.
36. Internal repairs and maintenance would become the responsibility of the leaseholder/freeholder of flat 2.
37. It is proposed to make changes to the roof of the tower. It is not clear how these changes would impact upon the existing fabric and therefore conditions should be applied requiring sections/elevations and specification, etc. It is also proposed to add a guardrail. Although this has not been justified it is recognised that this is likely a requirement of building control, thus the principle is acceptable dependent upon details which should be conditioned.
38. The application makes slight reference to repointing of the tower and 'making good' the windows. It is suggested that these works can be controlled by the full repair schedule outlined above.
39. The application indicates that the existing staircase to the first floor of the tower will be replaced on a like for like basis, excepting the introduction of a guardrail to the open-side. It is suggested that the details, specification and installation of this new staircase should be conditioned.
40. External repair and maintenance of the tower will remain the responsibility of the freeholder, owner or management company responsible. It is suggested that

considering the revised form of the proposal, which has significantly reduced the immediate harm to the host building, detailed management plans could be dealt with by condition provided they were robust, submitted to the local authority and approved in writing prior to first occupation. They should also be retained/applied for as long as the buildings were in use under this scheme.

41. **The setting of both of the above** - the application proposes the enlarging of the vehicle entrances to the front of 58 Bracondale. The applicant reasons that this will allow for safer access both to the occupants/visitors of the proposed dwellings and other road users and pedestrians. There is no reason to dispute this claim and thus in principle the works are appropriate. Little information has been supplied regarding the implementation of this element of the proposal thus it is suggest that details, including; sections, plans, elevations and specification of any materials required for these works should be controlled by condition.
42. The application proposes that the entire site should be retained as accessible to the occupants of the main house. This is a welcome revision from previous iterations of the proposal. It also suggests that some more modern hard-standings will be replaced with contextual shingle surfaces, which should enhance the appreciation of the setting and further, be beneficial to any adjacent masonry structure/s.
43. The application indicates that a new bicycle and bin store is to be constructed adjacent to the existing garage, to the east of the main house. Exact details should be controlled by condition.
44. **Conclusion** This application has seen significant involvement by local authority officers in order to advise upon an appropriate solution. This final revised proposal has implemented most (but not all) recommendations as to the least harmful and thus most appropriate solution. It is suggested there are some final amendments that should be made prior to determination. These are discussed below. Other issues could be dealt with by condition.
45. The works will result in less than substantial harm to the special architectural and historic interest of the host building and associated ancillary tower structure within its setting.
46. There is some enhancement of the host buildings character through removal/reversal of previous harmful alteration.
47. The works will result in beneficial repair to the Grade II* tower in the setting and formalise its association with the host building, as well as define responsibility for its maintenance.
48. The less than substantial harm is outweighed by the desirability of securing the long term preservation of the host building and putting it to use consistent with its conservation. The proposals are therefore considered to comply with the requirements of local and national planning policy and guidance and providing the amendments are made as requested, then the application is recommended for approval.

Historic England

49. The application has been amended to propose the use of the grade II* tower to ancillary use for Flat 2. This is in line with our previous advice and provided your authority is satisfied that the tower would be maintained as ancillary accommodation to the flat, this is an approach we would support. In terms of alterations to facilitate its use, the approach is described as largely repair of the fabric with some other works. We would clearly support the sensitive repair of the building. A new ceiling is proposed to the modern floor joists on floor 3. Ideally this would be constructed of lath and plaster rather than plasterboard. Where secondary glazing is proposed we recommend your authority request details of the work. Details of the handrail to the roof should also be provided.
50. Our previous advice identified the conversion of 58 Bracondale would result in harm to the significance of the grade II house although in view of the listing at grade II, we did not offer detailed advice. Again we do not wish to provide detailed advice but note the Heritage Statement says the conversion works at first floor level in the main house have been amended to respond more to the historic layout.
51. On the basis your authority is satisfied of the use of the tower as ancillary accommodation to Flat 2 would safeguard the future of the grade II* building. We would have no objection to the works, subject to your approval of further details as set out above.

Highways (local)

52. No objection in principle to residential change of use on highway grounds; subject to consideration of detailed matters:
- The proposed subdivision of this property is acceptable in principle, given its historic residential use.
 - According to Local Plan policy the development may have a limited number of parking spaces.
 - However according to council Transport policy, the new flats will not be entitled to on-street parking permits.
 - The consequence is that all resident and visitor parking would need to be accommodated within the site.
 - This poses a problem in terms of the capacity of the forecourt to accommodate all of the required parking that may arise from residents needs of six flats.
 - The site diagram illustrates that resident's vehicles must be parked in a certain angle to close proximity to each other to enable 6 vehicles to be accommodated.
53. My concern is that if a resident moves in with more than one vehicle, or has visitors that the forecourt will become jammed with vehicles causing neighbour disputes and requests for council permits that cannot be offered.
54. The proposed wishes to widen the site accesses, I have no objection on highway grounds.
55. Given that the forecourt of the site will have more wear and tear from vehicles, it may be a good idea for the gravel to be replaced with suitable paving e.g. marshalls tegula or conservation sets.

Tree protection officer

56. No objection to the proposed tree removals. All construction activities, including storage of materials, contractor vehicles, should be restricted to areas of existing hard landscape. The method statement details for the boardwalk within the landscaping schedule will pose limited risk to retained trees.

Citywide Services

57. If the bin store is to be enclosed, ideally this would be locked via a keycode pad which the collection crews can then be provided with the code to. Secondly as part of our guidance the bin store needs to be located within 5 metres of the public highway if there is no vehicular access for the collection vehicle. Four of each would be required.

Assessment of planning considerations

Relevant development plan policies

58. **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

59. **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
- DM6 Protecting and enhancing the natural environment
- DM7 Trees and development
- DM9 Safeguarding Norwich's heritage
- DM12 Ensuring well-planned housing development
- DM13 Communal development and multiple occupation
- DM30 Access and highway safety
- DM31 Car parking and servicing
- DM32 Encouraging car free and low car housing

Other material considerations

60. **Relevant sections of the National Planning Policy Framework February 2019 (NPPF):**

- NPPF2 Achieving sustainable development
- NPPF5 Delivering a sufficient supply of homes
- NPPF9 Promoting sustainable transport
- NPPF12 Achieving well-designed places
- NPPF15 Conserving and enhancing the natural environment
- NPPF16 Conserving and enhancing the historic environment

61. **Supplementary Planning Documents (SPD)**

- Trees, development and landscape SPD

62. Planning (Listed Buildings and Conservation Areas) Act 1990

Case Assessment

63. 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

64. Key policies and NPPF paragraphs – DM12, NPPF section 5
65. The existing property is understood to have been built as a single dwellinghouse but is considered to currently have a sui generis use. The Ministry of Justice ceased to have a use for the premises and sold it.
66. In accordance with Policies DM12 and DM13, there is no policy objection to the principle of conversion back to a residential use. It is noted that there has previously been permission for conversion to two dwellings and this has recently expired without being implemented. Past applications for conversion to an 11 room HMO were refused for various reasons, including the impact of the intensity of the use on the listed building.
67. Use as six self-contained flats is considered to be a less intensive use than as an HMO and, subject to the effect of the works required to facilitate this on the fabric and setting of the building and other considerations below, the proposal for six flats is considered acceptable in principle
68. The tower is thought to have been built as either a hunting lodge or garden tower related to the seventeenth century Manor House further west of the site. Since the later construction of the house on the current site, the tower has been in use ancillary to it. It is formed of four storeys, each providing one modest room and whilst the upper three storeys are interconnected by an internal staircase, the lower floor is self-contained with no internal access to the other floors of the tower and there is no internal access from the house.
69. The proposal to use the tower as ancillary accommodation to one of the flats would retain the ancillary relationship of the tower to the house which is considered appropriate and ensuring it has a beneficial use that will secure its long term maintenance is considered necessary for the conservation of this significant heritage asset. As use as an independent dwelling would require more significant interventions into the fabric than are proposed and potentially have greater amenity impacts, it is considered necessary to ensure the tower is only used incidental to the identified ground floor flat by condition.

Main issue 2: Heritage

70. Key policies and NPPF paragraphs – DM9, NPPF section 16

71. The proposal concerns two listed buildings within a Conservation Area and in proximity to locally listed buildings. Policy DM9 and the NPPF seek to conserve such heritage assets in a manner appropriate to their significance. The most significant asset here is the grade II* listed tower and wall.
72. Paragraph 192 of the NPPF advises that account should be taken of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. In this case, given the historic use of the house as a single residential dwelling and the use of the tower ancillary to this, and previously another dwelling, the proposal for residential and ancillary uses is considered to be consistent with their conservation in principle.
73. In support of the proposal, the applicant has consulted with local estate agents who advised that the provision of six one and two bedroom flats here would be more saleable in the local market than three larger units which are described as not being commercially viable. Furthermore, the property was marketed to let as a single dwellinghouse in 2017 and no tenant was found. It is also noted that the planning permission and listed building consent for conversion to two flats has lapsed without implementation. On this basis, conversion to six flats, is proposed.
74. The alterations proposed to facilitate the conversion have been amended since first proposed and now retain the original plan form as far as possible and omit the subdivision of principal rooms; alterations which were considered particularly harmful to the historic character and fabric. Whilst some doorways would be blocked off and new openings created, the doors which are mentioned in the list description are proposed to be re-used and recesses would be retained in the closed openings to ensure the historic features can still be read. Modern studwork walls on the second floor would be removed and new studwork would be provided at the base of the principal staircase and to enclose a secondary staircase which will become redundant for access and available only as storage space to one flat.
75. There is an extant listed building consent (16/0116/L) to open up four original window openings on the east elevation and this proposal also includes these alterations which remain acceptable. On the south elevation, in a later section of the house an unsympathetic canopy is proposed to be removed and a new large bi-fold door opening created. Two windows in this later section would also be enlarged to similar proportions to other sash windows across the building.
76. Additional works such as the provision of services, ventilation and waste water management have not been detailed and these should be agreed by condition, in addition to the detailed design of all above internal and external alterations. It is considered that the internal and external alterations to the house are acceptable in principle and, subject to agreeing the precise details by condition, would not cause substantial harm to the grade II house.
77. As noted above, the use of the tower as ancillary accommodation is considered acceptable in principle. The work proposed to facilitate this is largely repair and replacement, with the addition of heating to three of the floors and a guardrail to the roof for safety. These works are considered to be appropriate, subject to agreeing full details by condition, and necessary to facilitate low level ancillary use. Removal of hard surfacing around the base of the tower is welcomed.

78. It should be noted that a proposal to install secondary glazing to the tower windows has been removed following officer advice that this would cause unacceptable harm and had not been adequately justified. The applicant has indicated this may form part of a subsequent standalone application and, should this be the case, it will be considered on its own merits.
79. Within the grounds, no works are proposed to the retaining wall which is listed with the tower, although a tree hard up against it would be removed to protect the wall. At the front of the property, the red brick boundary wall which is identified in the Conservation Area Appraisal as an historic wall recommended for retention is proposed to be reduced to enlarge the two vehicular access points. This section of wall is relatively short with a hedge behind and of less significance than the longer stretches of approximately 2 metre high wall to the east. Enlarging the openings should improve visibility and manoeuvring and, subject to agreeing details of the alterations, this is considered acceptable. Representations have raised concern about the appearance of cars parked at the front of the property. The use of the gravel forecourt for vehicular access and parking is established and the proposal would not have any significant additional impact on the setting of the listed building, nor upon the character and appearance of the Conservation Area. The means of demarcating parking spaces is considered to be unobtrusive and not harmful.
80. Bin and cycle storage are proposed to be sited against the rear of the garage, screened from the house and road by existing walls and would not harm the setting of the listed buildings or character and appearance of the Conservation Area. Retaining the garden open for the use of all occupants will conserve the setting of the listed house, tower and wall and is considered the most appropriate solution to provide external amenity space for residents.
81. A management plan is proposed to identify responsibilities for the maintenance and management of the internal and external areas which is considered necessary to ensure the assets are appropriately protected long term.
82. In summary, the proposal for conversion and the alterations and works necessary to facilitate this are considered acceptable in principle in heritage terms. It is considered there would be harm to the designated heritage assets, but that this would be less than substantial in its scale. In accordance with paragraph 196 of the NPPF, this harm should be weighed against the public benefits of the proposal, including securing the optimum viable use. The public benefits of the proposal include the provision of six new dwellings and restoring a residential use, which is considered to be the optimum use of the building. It is recognised use as a single dwellinghouse or fewer than six units may be less harmful but may also be less commercially viable and therefore less likely to bring the currently vacant building back into use. Overall, the proposal is considered to secure the long term conservation of the house and tower and put these listed buildings to uses consistent with their conservation. The benefits of this outweigh the less than substantial harm caused.
83. A condition should be attached to any grant of planning permission requiring the works to the tower to be completed prior to the occupation of any of the flats to ensure that the tower is usable and does not fall into disrepair, which would have an adverse impact upon the amenity of the occupants of the flats as well as being detrimental to the future of the building itself.

84. The proposed conversion and alterations are not considered so significant as to harm the neighbouring locally listed buildings which are non-designated heritage assets.

Main issue 3: Design

85. Key policies and NPPF paragraphs – JCS2, DM3, NPPF section 12
86. As assessed above, the external alterations to the buildings are relatively minor and considered appropriate in heritage and also design terms, subject to agreeing suitable materials and details by condition. The bin and cycle stores are simple in design and appropriate for their use.

Main issue 4: Amenity

87. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 127 and 180-182
88. The proposal would intensify the use of the building, tower and the garden however it is not considered that this would be so intense or disruptive as to result in any unacceptable impacts on the amenity of neighbouring occupiers.
89. The nearest neighbouring dwellings are those to the immediate west. There are currently no openings on this elevation and this would remain the case so there would be no overlooking or loss of privacy from internal accommodation. The roof of the tower offers long distance views which would have been an integral part of its use as a hunting tower. The proposal to provide a guardrail around this would make it a safer space. There are opportunities to look into rear gardens of neighbouring dwellings from here. These already exist but the proposal may increase the propensity for this space and its long distance views to be enjoyed. Securing an appropriate use for the tower ancillary to the house is considered necessary in heritage terms and given that there would be no alterations to the fabric which would increase views, it is not considered there would be any additional loss of privacy or overlooking that is unacceptable when considered in the balance.
90. Within the conversion, each flat would generously exceed minimum space standards and benefit from good light and outlook. Extensive external amenity space would be provided within the garden as considered below.
91. As raised in a representation, there shall be requirements for extraction and ventilation and details should be agreed by condition to ensure these are appropriate in terms of amenity to occupiers of the development as well as neighbouring occupiers and can be achieved without harm to the fabric or appearance of the listed buildings.

Main issue 5: Landscaping and trees

92. Key policies and NPPF paragraphs – DM3, DM7, DM8, NPPF paragraphs 127 and 170
93. The house and tower sit within extensive gardens which include a formal garden to the east and lawns surrounded by mature trees to the south. These form the setting of the listed buildings and contribute to their significance. In heritage and amenity

terms, the proposal to retain these gardens open and for use of all occupants is considered the optimum solution.

94. A small area of hardstanding at the base of the tower would be removed to improve its setting. Movable planters are the only form of division or screening proposed and any sub-division of the garden to provide private spaces or enclose the currently open areas with more permanent boundary treatments has been resisted to protect the setting of both listed buildings. A condition needs to be attached to any permission requiring that the garden should not be sub-divided and removing permitted development rights to erect fences and walls other than shown on the approved plans. Another condition is required to secure the long-term management and maintenance of the communal garden area (see under 'Heritage').
95. Provision of the cycle store requires removal of three low amenity value trees and there is no objection to this, nor the method for providing a raised surface for the stores. A tree adjacent to the listed wall is proposed to be removed also and this is considered necessary to protect the wall.

Main issue 6: Transport

96. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, DM32, NPPF section 9
97. The proposal would make use of the existing vehicular access off Bracondale and widen the openings in an existing boundary wall to improve manoeuvrability and visibility. There is no objection to this in traffic and highway safety terms.
98. Many of the representations raise concern about the provision of parking on site and the potential for this to overspill and exacerbate congestion elsewhere locally. In accordance with Policy DM32, as the site is well located in relation to the city centre and bus routes, it is suitable for low or car free housing. The applicant has chosen to propose six parking spaces within the existing gravel surfaced space at the front of the site. This would allow for one space per dwelling. As the layout is tight to accommodate six cars and maintain manoeuvring space, demarcation of each space is proposed by setting bricks within the gravel and this is considered necessary to ensure sufficient space remains for six cars and reduce conflict within the site.
99. The site is within a controlled parking zone and future residents would not be eligible for parking permits, however there are short stay spaces for visitors along Bracondale opposite the site. There is also an existing double garage within the site, accessed from a shared drive further east off Bracondale, and this is proposed to remain ancillary to the site and could be used for parking.
100. As residents of the development would not be eligible for parking permits that would allow them to use the on-street and vergeside parking around the site it is not considered the proposal would exacerbate any existing parking congestion within the public highway. Furthermore, Bracondale Court to the northwest is a private road and signposted as such to deter unauthorised access or parking. As one space per dwelling could be provided within the site it is considered the site is capable of accommodating six flats without causing unacceptable congestion or parking conflict.

101. Cycle storage would be provided on site to encourage sustainable travel and adequate bin storage would be provided. As a bin store cannot be accommodated within 5 metres of the highway, a presentation area is proposed by the entrance and arrangements for moving bins and returning them to the store should be included in the management plan required by condition.

Compliance with other relevant development plan policies

102. A number of development plan policies include key targets. The table below indicates the outcome of the officer assessment in relation to these matters.

Requirement	Relevant policy	Compliance
Water efficiency	JCS 1 & 3	Yes subject to condition

Equalities and diversity issues

103. There are no significant equality or diversity issues.

Local finance considerations

104. 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.

105. 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.

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

Conclusion

107. This proposal for conversion of the house to six flats and use of the tower as ancillary accommodation is considered to represent beneficial use of these listed buildings which is consistent with their conservation. Following negotiation and amendment, the alterations to facilitate this are considered to result in less than substantial harm which is outweighed by the benefits of the proposal. It is not considered the character and appearance of the Conservation Area would be harmed, nor would neighbouring locally listed buildings.

108. Whilst the proposal would intensify the use of the site, this is not considered to unacceptably harm the heritage assets nor the amenity of neighbouring occupiers and the proposal would provide an appropriate standard of amenity for future occupiers of the development.

109. Concerns regarding parking and congestion have been raised, however it is considered that this sustainably located site can provide an appropriate level of parking within the site without exacerbating existing problems in the local area.

110. The proposal on this sensitive site is otherwise considered acceptable and the development is 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

(1) To approve application no. 18/01681/F - 58 Bracondale Norwich NR1 2AP and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Details of any extract and ventilation prior to installation
4. Bin and cycle storage provided prior to occupation
5. Parking layout demarcated prior to occupation
6. Management plan for garden area agreed prior to occupation and compliance for lifetime of development
7. Work in accordance with tree method statement
8. Tree protection
9. Prior to the occupation of any of the flats, the works to the tower shall be completed in accordance with 18/01682/L
10. Use of tower incidental to the enjoyment of 'Flat 2' only and no use as a separate dwelling
11. Water efficiency
12. Requirement that the garden should not be sub-divided and the removal of permitted development rights to erect boundary treatments other than those shown on the approved plan.

And

(2) To approve application no. 18/01682/L - 58 Bracondale Norwich NR1 2AP and grant listed building consent subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Any damage to be made good as agreed with LPA
4. Repair and making good to match adjacent work
5. Features not previously identified to be retained and reported to LPA
6. Demolition of front boundary wall to be undertaken by hand and salvageable bricks re-used
7. Details of: all new windows; bi-fold door; rooflights; tower roof; guardrail replacement staircase to tower; blocking up openings; service provision; waste water management; fire proofing; thermal and/or acoustic protection/insulation, any new electric fitting or appliance in tower; and, stud work.
8. Internal door schedule
9. Full schedule of repairs to tower
10. Management plan
11. Historic building recording

Informatives

1. Further works may need listed building consent
2. Retention of fabric
3. Works to trees in Conservation Area
4. New dwellings not entitled to parking permits

Article 31(1)(cc) statement

The local planning authority in making its decision has had due regard to paragraph 38 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 to propose a use for the tower and reduce the alterations to the house and tower, the applications are recommended for approval subject to appropriate conditions and for the reasons outlined in the officer report.

REVISION	DATE	REASON
A	MAY 2018	CHANGES TO WINDOWS
B	MAR 2019	PROPOSED SV/P REMOVED



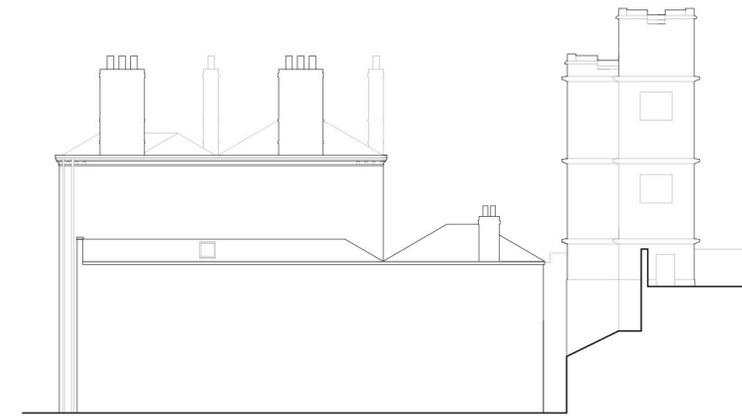
FRONT - NORTH - ELEVATION



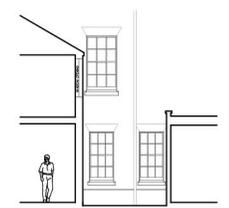
SIDE - EAST - ELEVATION



BACK - SOUTH - ELEVATION



SIDE - WEST - ELEVATION



INTERNAL COURTYARD SOUTH
 ELEVATION - TOWARD HOUSE
 SECTION B-B

EXISTING ELEVATIONS

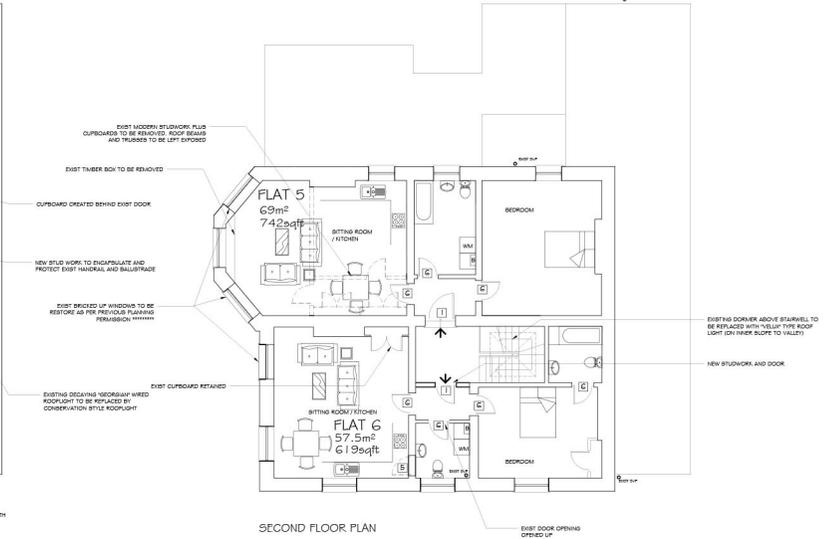
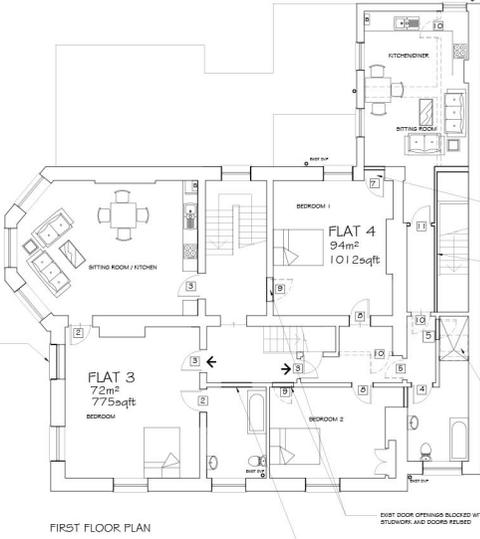
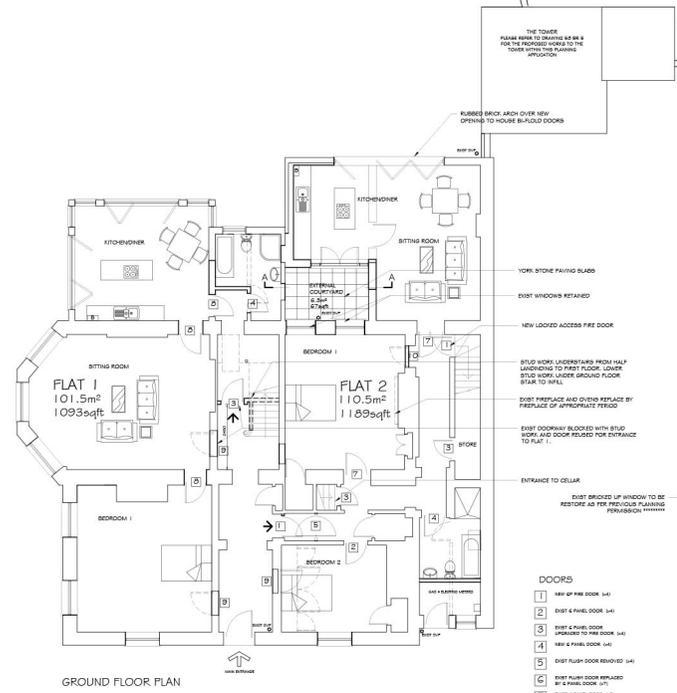
PROJECT:
 5/5 BRACONDALE, NORFOLK
 TITLE:
 CONVERSION TO SIX FLATS

DATE: JAN 2018 SCALE: 1/100 (A1). DWG No: 5/5 BR 2b

ROGER MASON RIBA - CHARTERED ARCHITECT
 30 PAINE ROAD, NORWICH, NR7 9UN.
 TEL: 01603 462422 EMAIL: roger.mason@rifa-world.com

REVISION:

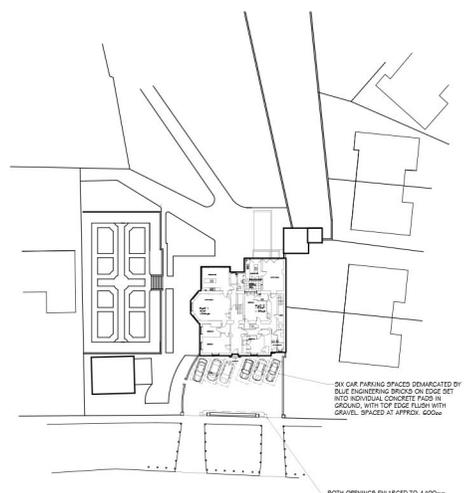
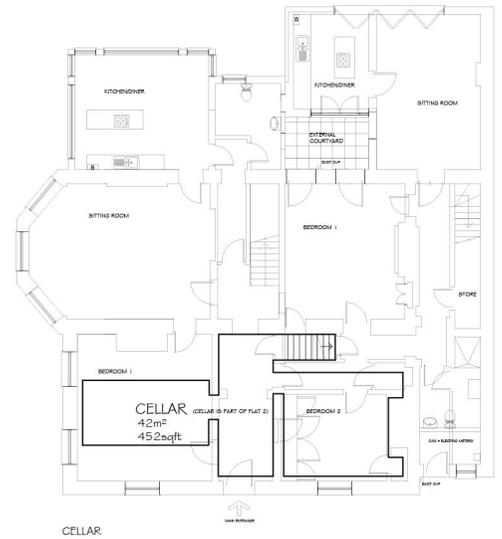
DATE	REASON
A MAY 2018	CHANGES TO WINDOWS
B AUG 2018	MINOR LAYOUT CHANGES
C SEPT 2018	MINOR LAYOUT CHANGES
D SEPT 2018	DOOR NUMBERS ADDED
E DEC 2018	CHANGES FOR PLANNING
F DEC 2018	MORE NOTES
G JAN 2019	EXTERNAL LANDSCAPE CHANGED
H MAR 2019	EN-SUITES REMOVED
I APR 2019	NEW NOTE ON TOWER
J JUNE 2019	CAR PARK DEMARCATION AND NOTE TO CELLAR ADDED



- DOORS
- 1 NEW UP FIVE DOOR (4:1)
 - 2 EXIST 4 PANEL DOOR (4:1)
 - 3 EXIST 4 PANEL DOOR UPHELD TO FIVE DOOR (4:1)
 - 4 NEW 4 PANEL DOOR (4:1)
 - 5 EXIST FIVE DOOR REUSED (4:1)
 - 6 EXIST ALUMI DOOR REUSED BY 4 PANEL DOOR (4:1)
 - 7 EXIST 4 PANEL DOOR (4:2)
 - 8 REUSED EXIST 4 PANEL DOOR (4:2)
 - 9 EXIST 4 PANEL DOOR REUSED TO BE REUSED (4:2)
 - 10 EXIST 4 PANEL DOOR REUSED (4:2)
 - 11 NEW GLASS PANEL DOOR (4:1)

NOTE: WHERE EXISTING DOORS HAVE BEEN REUSED THE INFILL TO THE OPENING WILL BE RECESSED

NOTE: ALL EXISTING FIREPLACES TO BE RETAINED



PROPOSED SITE PLAN 1:500 (FOR DETAILED LAYOUT SEE LANDSCAPE DESIGN DRAWING - CJ YARDLEY - DWG 4204/01 -

PROPOSED PLANS

PROJECT: 5/5 BRACONDALE, NORFOLK
 TITLE: CONVERSION TO SIX FLATS

DATE: JAN 2018 SCALE: 1:100 (A1) DWG No: 58 BR 3j
 ROGER MADON PFA - CHARTERED ARCHITECT
 30 PAINE ROAD, NORWICH NR7 5UN.
 TEL: 01603 462426 E-MAIL: roger.madon@rpfworld.com

DATE	REASON
A MAY 2018	CHANGES TO WINDOWS
B SEPT 2018	CHANGES TO WINDOWS
C DEC 2018	CHANGES TO WINDOWS
D DEC 2018	MORE NOTES
E JAN 2019	NOTE ABOUT TO STAIR TO TOWER
F JAN 2019	NEW SVVP REMOVED. NOTE TO EXTERNAL STAIR CHANGED
G JUNE 2019	STAIR ADDED TO SOUTH ELEVATION



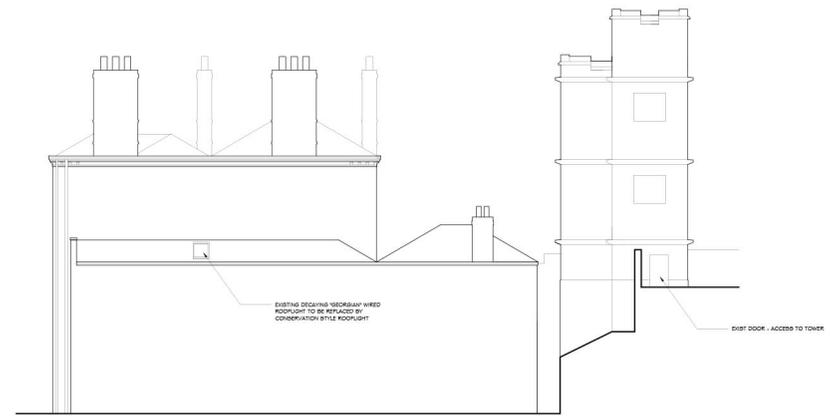
FRONT - NORTH - ELEVATION



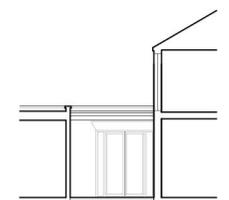
SIDE - EAST - ELEVATION



BACK - SOUTH - ELEVATION



SIDE - WEST - ELEVATION



INTERNAL COURTYARD NORTH
 ELEVATION - TOWARD GARDEN
 SECTION A-A

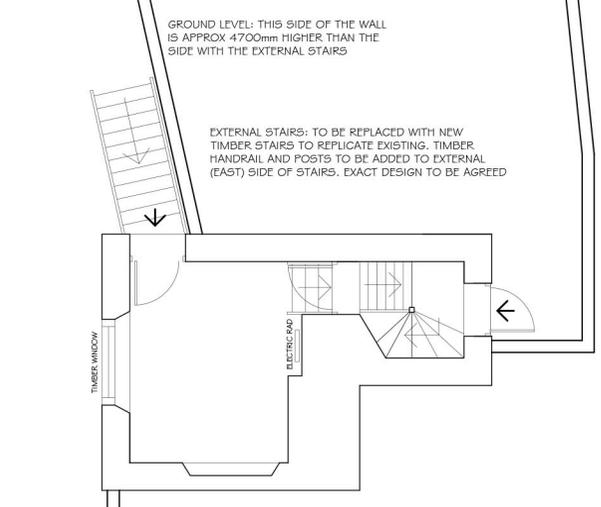
PROPOSED ELEVATIONS

PROJECT:
 58 BRACONDALE, NORFOLK
 TITLE:
 CONVERSION TO SIX FLATS

DATE: JAN 2018 SCALE: 1:100 (A1) DWG No: 58 BR 4g
 ROGER MASON RIBA - CHARTERED ARCHITECT
 30 PAINE ROAD, NORWICH, NE7 3UN.
 TEL: 01 603 469426 E-MAIL: roger.mason4@ribaworld.com

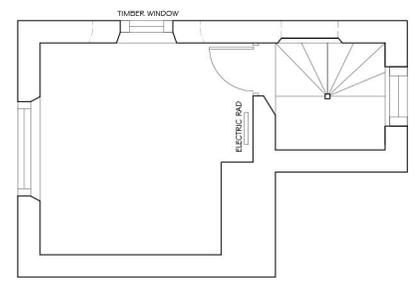
REVISION:	DATE:	REASON:
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- | | | |
|---|-----------|---|
| A | APR 2019 | ELECTRIC RADS & STAIR SKETCH ADDED |
| B | JUNE 2019 | FLOOR 3 CEILING & ALL SECONDARY GLAZING CHANGED |
| C | JUNE 2019 | SECONDARY GLAZING OMITTED |



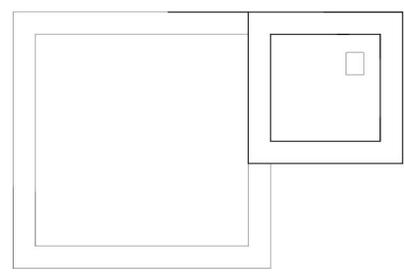
FLOOR 1

CEILING: PLASTER, TO BE REPAIRED AS NECESSARY AND SKIM COATED
 WALLS: PLASTER, TO BE REPAIRED AS NECESSARY AND SKIM COATED
 FLOOR: EXISTING BRICK PAVINGS TO BE TREATED WITH 'LIBERON STONE FLOOR SEALER' (WATER BASED)
 DOORS: TIMBER, TO BE LEFT AS EXISTING. ALUMINUM GRILL REPLACED WITH TIMBER PANEL
 WINDOW: TIMBER FRAME WITH METAL CASEMENT, TO BE REPAIRED AND MADE GOOD.
 STAIRS: TIMBER, TO BE LEFT AS EXISTING
 ELECTRICS: EXISTING FUSE BOX REPLACE WITH NEW CCU. EXISTING LIGHT TO BE RENEWED AND FOUR 1.3AMP 2 GANG SOCKETS ADDED. ONE WALL MOUNTED ELECTRIC HEATER



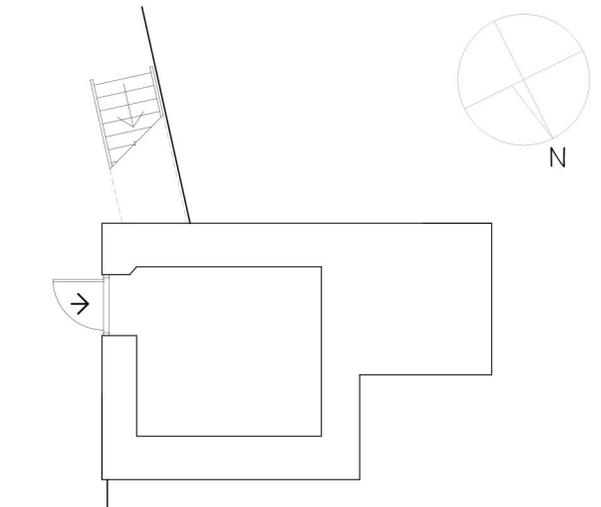
FLOOR 3

CEILING: NONE, NEW LATH AND PLASTER CEILING ATTACHED TO EXISTING JOISTS AND SKIM COATED
 WALLS: PLASTER, TO BE REPAIRED AS NECESSARY AND SKIM COATED
 FLOOR: TIMBER FLOOR BOARDS, TO BE TREATED WITH 'LIBERON WOOD FLOOR SEALER' (OIL BASED)
 WINDOWS: 2 No. BRICK FRAME WITH METAL CASEMENT, 1 No. TIMBER FRAME WITH METAL CASEMENT, TO BE REPAIRED AND MADE GOOD.
 STAIRS: TIMBER, TO BE LEFT AS EXISTING
 ELECTRICS: EXISTING LIGHT TO BE RENEWED AND FOUR 1.3AMP 2 GANG SOCKETS ADDED. ONE WALL MOUNTED ELECTRIC HEATER



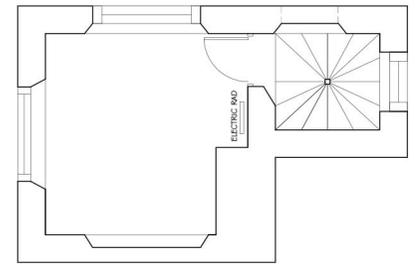
ROOF 2

WALLS: BRICK PARAPET, TO BE REPAIRED AND REPOINTED AS NECESSARY
 FLOOR: ASPHALT AND CHIPPINGS ON TIMBER DECK. CHIPPINGS TO BE REMOVED. ONE LAYER OF 50mm INSULATION OVER WITH 12mm PLY DECK ABOVE. ASPHALT WATER PROOF MEMBRANE WITH 12mm GRC TILES ON TOP
 STAIRS: TIMBER, TO BE LEFT AS EXISTING
 ELECTRICS: NONE



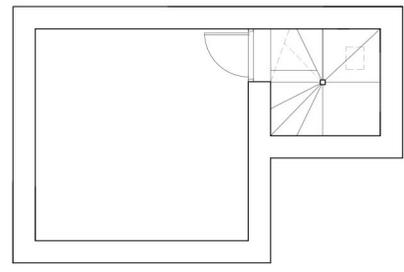
FLOOR 0

CEILING: BRICK VAULT, TO BE LEFT AS EXISTING
 WALLS: BRICK VAULT AND VERTICAL WALLS, TO BE LEFT AS EXISTING
 FLOOR: CLAY PAVEMENTS, TO BE TREATED WITH 'LIBERON STONE FLOOR SEALER' (WATER BASED)
 DOOR: TIMBER, TO BE LEFT AS EXISTING
 ELECTRICS: EXISTING LIGHT TO BE RENEWED AND TWO 1.3AMP 2 GANG SOCKETS ADDED.



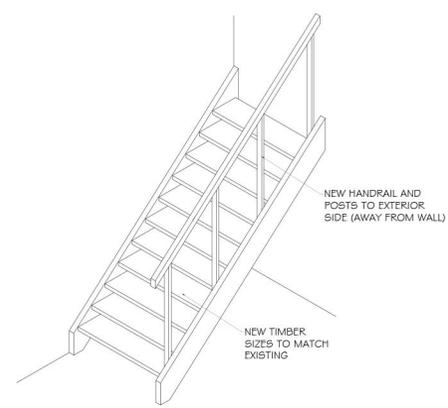
FLOOR 2

CEILING: PLASTER, TO BE REPAIRED AS NECESSARY AND SKIM COATED
 WALLS: PLASTER, TO BE REPAIRED AS NECESSARY AND SKIM COATED
 FLOOR: TIMBER FLOOR BOARDS, TO BE TREATED WITH 'LIBERON WOOD FLOOR SEALER' (OIL BASED)
 WINDOWS: 3 No. BRICK FRAME WITH METAL CASEMENT, TO BE REPAIRED AND MADE GOOD.
 STAIRS: TIMBER, TO BE LEFT AS EXISTING
 ELECTRICS: EXISTING LIGHT TO BE RENEWED AND FOUR 1.3AMP 2 GANG SOCKETS ADDED. ONE WALL MOUNTED ELECTRIC HEATER



ROOF

WALLS: BRICK PARAPET, TO BE REPAIRED AND REPOINTED AS NECESSARY
 NEW WROUGHT IRON HAIL RAIL ATTACHED TO PERIMETER
 FLOOR: ASPHALT AND CHIPPINGS ON TIMBER DECK. CHIPPINGS TO BE REMOVED. ONE LAYER OF 50mm INSULATION OVER WITH 12mm PLY DECK ABOVE. ASPHALT WATER PROOF MEMBRANE WITH 12mm GRC TILES ON TOP
 STAIRS: TIMBER, TOP TREADS ALTERED TO MAKE A SAFER EGRESS TO ROOF. NEW HANDRAIL TO MATCH EXISTING EXTENDED FROM EXISTING TO THIS LEVEL
 ELECTRICS: NONE



SKETCH SHOWING PRINCIPAL OF EXTERNAL STAIR CONSTRUCTION - NTS

REPAIRS GENERAL:

PLASTER: ALL MAKING GOOD TO BE ON A LIKE FOR LIKE BASIS. (IE WHERE LIME, USE LIME PLASTER, WHERE GYPSUM, USE GYPSUM REPOINTING: LIME MOTOR TO BE USED
 METAL WINDOWS: TO BE MADE GOOD, EASED AND ADJUSTED FOR CORRECT OPERATION AND DRAFT PROOFED WITH A LOW MODULUS SILICON SEALANT APPLIED TO THE OPENING LEAF AND A RELEASE AGENT APPLIED TO THE FIXED FRAME (AS PER SPAB RECOMMENDATION)

THE TOWER

PROJECT:
 58 BRACONDALE, NORFOLK
 TITLE:
 CONVERSION TO SIX FLATS

DATE: MAR 2019. SCALE: 1:100 (at A3). DWG No: 58 BR 5c

ROGER MASON RIBA - CHARTERED ARCHITECT
 30 FAINE ROAD, NORWICH, NR7 9UN.
 TEL: 01603 469426. E-MAIL: roger.mason4@ntlworld.com

Report to Planning applications committee

Item

11 July 2019

Report of Head of planning services

Subject Application no 19/00440/MA - St Annes Wharf,
King Street, Norwich

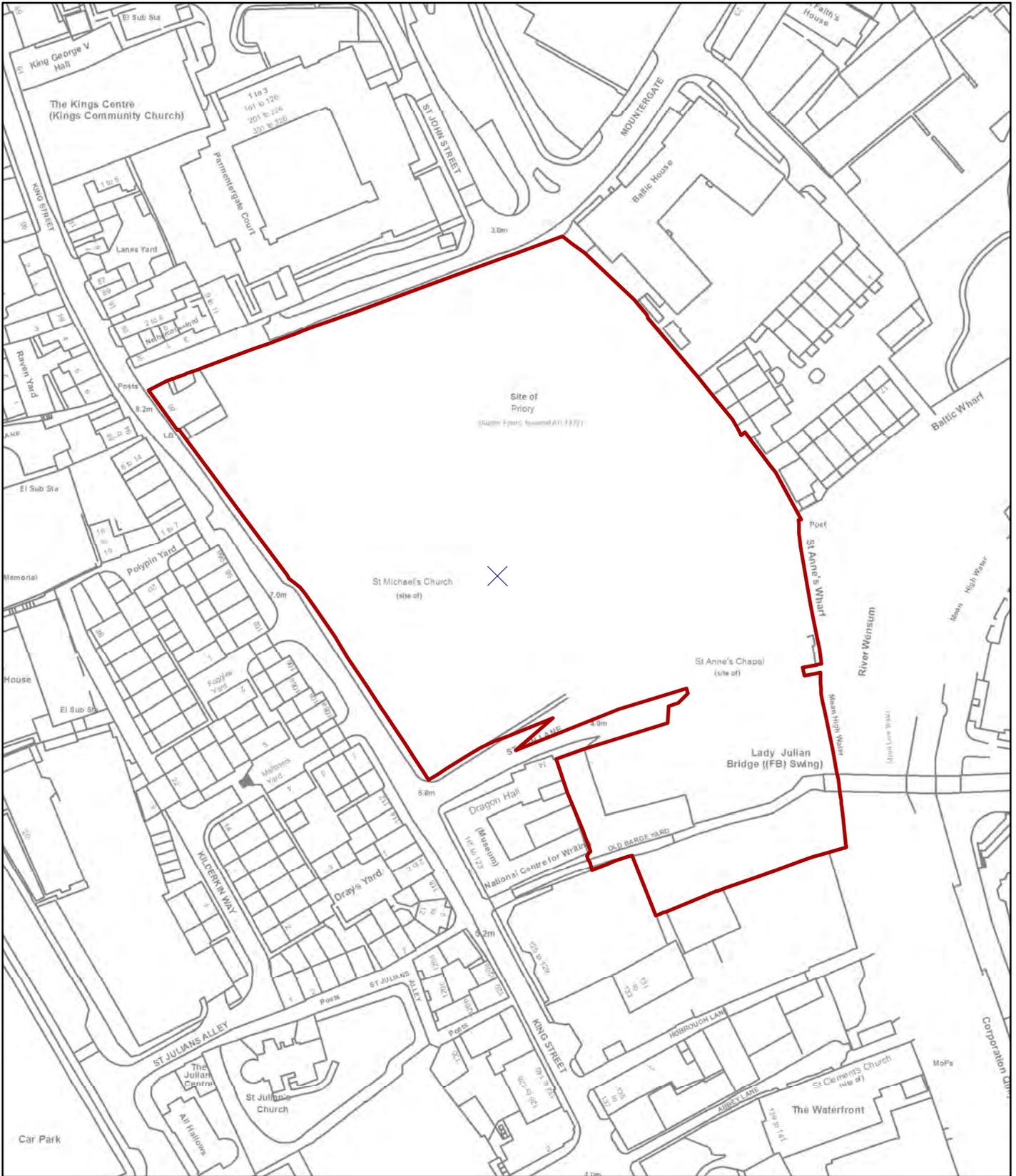
4(c)

**Reason
for referral** Objection

Ward:	Thorpe Hamlet
Case officer	Robert Webb - robertwebb@norwich.gov.uk

Development proposal		
Variation of Condition 1 of previous application (no. 16/01893/VC) to allow changes to the plans (design changes to blocks B1, B2, B3, B4, C1, C2, D1, D2, D3, D4, G3 and G4) approved under previous permission no. 04/00605/F.		
Representations		
Object	Comment	Support
4	0	0

Main issues	Key considerations
1 Design changes	Impact of changes on the appearance of the development, the conservation area and amenity of nearby residents.
Expiry date	25 June 2019
Recommendation	Approve subject to conditions and variation of S106 agreement.

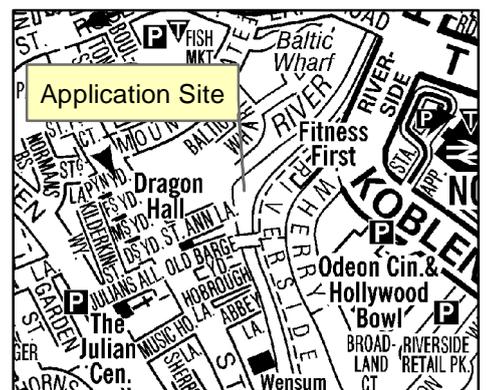


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Planning Application No 19/00440/MA
 Site Address St Annes Wharf King Street
 Scale 1:1,500



NORWICH
City Council
 PLANNING SERVICES



The site and surroundings

1. This application relates to a 2.07 hectare site on King Street where construction is currently underway in association with the implementation of planning reference 2004/00605/F for the comprehensive redevelopment of the site. The original permission had the following description:

The demolition of existing buildings to slab level and the development of the following mixes; 437 residential units, 2128 sq m of A1, A2, A3 and D2 uses (max. 2000 sq m A1), the provision of 305 car parking spaces, riverside walkway, public open space and hard and soft landscaping including external lighting, seating, bollards, walkways, cycle paths, steps and ramps, internal access roads, delivery bays, boundary enclosure, new vehicle and pedestrian and cycle access points, alteration of existing access points and associated infrastructure works.

2. Works to lawfully commence the development took place in 2009 by City Living and Anglia Projects and Development. This included the demolition of buildings on site, the remediation of site contamination, and the construction of the Lady Julian Bridge. Shortly afterwards construction works ceased and the site was put up for sale. It was purchased by Orbit Homes in 2014, with the intention of recommencing works and implementing the permission. Since that time amendments have been made to the application, to ensure the scheme complies with building regulations and to enable a more contemporary and modern design approach. Construction recommenced in 2015 and currently blocks H2 and H3 are nearing completion, with a number of other blocks under construction.
3. The site is prominent in the City Centre Conservation Area with boundaries abutting King Street, Mountergate, the River Wensum and within the immediate vicinity of highly significant listed buildings including Dragon Hall, Howard House and 125-129 King Street (Bennett Building). The eastern boundary of the site abuts Baltic House (office building) and residential properties forming part of the Baltic Wharf development constructed by Hopkins Homes in 2007/08.
4. This application concerns blocks B1, B2, B3, B4, C1, C2, D1, D2, D3 and D4; which are the blocks closest to King Street, on the western side of the overall development site, and follows application 16/01893/VC, which involved similar amendments to other blocks within the overall site.

Constraints

5. City Centre Conservation Area - King Street character area
6. Listed buildings – Howard House (II*), Dragon Hall (I), Bennett Building (II*).
7. Adjacent to the River Wensum (Broads)
8. Area of main archaeological interest
9. Previous industrial site – contamination
10. Part of site is within flood zone 2.

Relevant planning history

11. The records held by the city council show the following planning history for the site:

Ref	Proposal	Decision	Date
4/2003/0129	The demolition of existing buildings to slab level and the development of the following mixes :- 437 residential units, 2180 sq m of A1, A2, A3 and D2 uses(max. 2,000 sq.m. A1), the provision of 305 car parking spaces, riverside walkway, public open space and hard and soft landscaping including external lighting, seating, bollards, walkways, cycle paths, steps and ramps, internal access roads, delivery bays, boundary enclosure, new vehicle and pedestrian and cycle access points, alteration of existing access points and associated infrastructure works.(Revised Scheme)	NOTDE	28/04/2005
4/1991/0372	Retention of 97 King Street and redevelopment of site to provide offices, residential accommodation, studios, workshops, cafe, restaurant/bar, speciality shopping and marina with associated car parking.	WD	09/01/1996
4/1997/0668	Demolition of former distribution depot and concrete batching plant.	APCON	10/11/1998
4/1997/0667	Redevelopment of site and conversion of 97 King Street to provide a mixed development of speciality retail units, including plant centre, restaurants, museum, loft apartments with associated car parking, riverside walk and other pedestrian and cycle routes. (Revisions to scheme).	LAPSED	12/01/2006
04/00605/F	The demolition of existing buildings to slab level and the development of the	APPR	16/03/2006

Ref	Proposal	Decision	Date
	<p>following mixes;</p> <p>437 residential units ,2128 sq m of A1,A2 , A3 and D2 uses(max.2000 sq m A1),the provision of 305 car parking spaces,riverside walkway,public open space and hard and soft landscaping including external lighting ,seating,bollards,walkways,cycle paths,steps and ramps,internal access roads,delivery bays,boundary enclosure,new vehicle and pedestrian and cycle access points,alteration of existing access points and associated infrastructure works</p>		
08/00838/U	Use of vacant site as a temporary public car park.	FDO	14/06/2010
08/01171/D	Condition 2: Details of materials; Condition 3: Phasing plan; Condition 6: Archaeology; Condition 7: Archaeology; Condition 8: Decontamination and Removal of unexploded ordnances for previous planning permission 04/00605/F "Demolishment of existing buildings and redevelop site".	FDO	09/12/2011
08/01233/D	<p>Condition 26: Details of Crayfish/Depressed River Mussel of previous planning application 04/00605/F 'The demolition of existing buildings to slab level and the development of the following mixes;</p> <p>437 residential units ,2128 sq m of A1,A2 , A3 and D2 uses(max.2000 sq m A1),the provision of 305 car parking spaces,riverside walkway,public open space and hard and soft landscaping including external lighting ,seating,bollards,walkways,cycle paths,steps and ramps,internal access roads,delivery bays,boundary enclosure,new vehicle and pedestrian and cycle access points,alteration of existing access points and associated</p>	APPR	12/01/2009

Ref	Proposal	Decision	Date
	infrastructure works.'		
09/00222/F	Amendment to planning permission 04/00605/F to provide five additional residential units (block F1 remains at 8 residential units and block G1 increases from 44 to 49 residential units); raising the height of block G1 from 6 to 7 storeys and revised elevational treatment.	CANCLD	01/06/2009
14/01783/NM A	Non-Material Amendment by addition of condition to 04/00605/F requiring development to be built in accordance with approved plans.	APPR	23/12/2014
14/01787/D	Details of condition 6: Archaeological written scheme of investigation and Condition 8: Decontamination and removal of unexploded ordnances of previous permission 04/00605/F.	APPR	19/01/2015
15/01574/D	Details of Condition 3: Phasing and Condition 26: Crayfish/Depressed River Mussel of previous application (no. 04/00605/F).	APPR	19/11/2015
15/01898/D	Details of Condition 5: Energy efficiency and Condition 6: Archaeological Investigation of previous permission 04/00605/F.	APPR	10/02/2016
16/00713/D	Details of Condition 2: sample of materials and Condition 8: Decontamination/Ordnances of previous permission 04/00605/F.	PCO	
16/01036/NM A	Amendment to planning permission 04/00605/F and 14/01783/NMA.	APPR	18/11/2016
16/01893/VC	Variation of Condition 32 (added by ref. 14/01783/NMA) to allow changes to the plans (design changes to blocks D1; D2; E1; F1; F2; F3; G1; G2; G3; H1; H2; H3 and H4) approved under previous permission no. 04/00605/F.	APPR	11/04/2019
17/00295/D	Details of Condition 9: hard and soft landscaping; Condition 10: soft landscaping and Condition 11: hard and soft landscaping of previous permission	APPR	01/03/2019

Ref	Proposal	Decision	Date
	04/00605/F.		
17/01097/D	Details of condition 29 - fire hydrants of planning permission 04/00605/F.	APPR	30/08/2017
17/01204/D	Details of Condition 4(a): windows of previous permission 04/00605/F.	APPR	21/09/2017
17/01924/D	Details of Condition 4(a): windows of planning permission 04/00605/F.	APPR	17/01/2018
17/01968/D	Details of Condition 4(b): eaves, verge, parapet and roof; Condition 4(c): shopfront details; and Condition 27: Heritage interpretation of previous permission 04/00605/F.	APPR	16/02/2018
18/00803/D	Details of Condition 4(c): shopfront; Condition 4(d): balustrade and balconies; Condition 4(f): rainwater goods; Condition 16: litter bins; Condition 18: refuse and cycle storage; Condition 24: street lighting and Condition 25: bird/bat boxes of previous permission 04/00605/F	APPR	09/10/2018
18/01118/D	Details of Condition 14: management agreement and Condition 30: travel plan of previous permission 04/00605/F.	APPR	28/09/2018
18/01409/D	Details of Condition 22 (e): security gates of previous permission 04/00605/F.	APPR	04/10/2018
18/01761/D	Details of Condition 4(g): typical projecting canopies of previous permission 04/00605/F.	APPR	11/01/2019
19/00034/D	Details of Condition 20: servicing areas, Condition 22 (parts a, b, c and d): car park, Condition 27: heritage interpretation and Condition 31: signage of previous permission 04/00605/F (as amended by 14/01783/NMA).	APPR	21/02/2019

The proposal

12. The application is submitted under section 73 of the Town and Country Planning Act 1990 which allows conditions associated with a planning permission to be varied or removed and for minor material amendments to approved schemes to be sought. The

original application was subject to the Environmental Impact Assessment (EIA) regulations and therefore addendums to the Environmental Assessment have been submitted alongside the application.

13. The application seeks variation of condition 32 to allow changes to the approved plans for the western blocks nearest King Street. Although multiple changes are sought, the most significant changes can be summarised under the following headings:

- a) Amendments to height, massing and appearance of blocks B1, B3, B4, C2 and D4 (King Street facing blocks).
- b) Amendments to blocks B1, B2, B3 and C2 resulting in the conversion of three storey townhouses to duplex apartments; and relocation of bin store to corner of St. Anne's Lane and Central Street.
- c) Amendments to blocks D1, D2, D3 and D4 to increase recreational space within courtyard C; the creation of private gardens and terraces within courtyard D to serve the adjoining townhouses; and increasing the building footprint to the southwest corner of block D4. The addition of another storey to block D3 to provide a further bedroom and roof terrace, following similar changes to blocks D1 and D2 which were approved with a previous application reference 16/01893/VC.
- d) Amendments to blocks G3 and G4 to remove secondary balconies.
- e) Continued conversion of window size from 600x600mm to 800x800mm
- f) Continued amendment of timber cladding to cementitious cladding

14. The changes in full are set out in the table below.

Block	Details of changes
B1	<ul style="list-style-type: none"> - New access to central circulation core provided from King Street by adjustment to King Street entry level apartments. - Render along King Street elevation amended to brickwork. - Timber cladding along King Street amended to brickwork. - Walk-on balconies along King Street amended to Juliette. - Window dimensions adjusted generally.
B2	<ul style="list-style-type: none"> - Block footprint increased into courtyard B to make apartment floor areas 45m² - Townhouse units adjacent St. Ann Lane amended to duplex apartments extending into former flat roof area and over ancillary space at LG level. - Bin store formerly located beneath block B1 relocated to block B2.

Block	Details of changes
	<ul style="list-style-type: none"> - Some 1 bedroom apartments on Upper Ground and First floors amended to 2 bedrooms. - Alley way between blocks B2 and B3 removed and floor area absorbed into adjacent blocks. - Timber cladding amended to marley Eternit Tectiva.
B3	<ul style="list-style-type: none"> - New access to commercial unit provided from King Street with internal floor level adjustments to suit. - Water tank room adjacent courtyard B relocated to block C2 at LG floor level. - Alley way between blocks B2 and B3 removed and floor area absorbed into adjacent blocks. - B3 bin store on King Street changed to commercial. B3 residential bin store relocated from King Street to Central Street. - Oversailing roof omitted on Block B3.
B4	<ul style="list-style-type: none"> - Oversailing roofs omitted and parapet upstand walls formed. - Block footprint increased into courtyard B to make apartment floor areas 45m²
C1	<ul style="list-style-type: none"> - Render amended to Marley Eternit Tectiva cladding. - Block footprint increased into courtyard C to make apartment floor areas 45m².
C2	<ul style="list-style-type: none"> - Oversailing roofs omitted and parapet upstand walls formed. - Block footprint increased into courtyard C to make apartment floor areas 45m².
D1-D2	<ul style="list-style-type: none"> - Red and buff brick and Marley Eternit Tectiva along East and West elevation amended to red and buff brick. Window sizes altered on Upper Ground Floor. - Rooflight omitted and window sizes and configurations altered to block D1 and D2 second floor and roof.
D3-D4	<ul style="list-style-type: none"> - UG external area reduced adjacent courtyard C and segregated to form private terrace areas - Car park smoke vent within courtyard D relocated to southeastern car park external wall at LG level and courtyard segregated to form private front/rear gardens to townhouses within D1, D2 and D3.

Block	Details of changes
	<ul style="list-style-type: none"> - Timber cladding amended to Marley Eternit Tectiva. - Footprint of block D4 to Southwestern corner increased. - Additional floor, roof terrace and window changes on Block D3 townhouses.
E1	<ul style="list-style-type: none"> - No changes proposed (outside extent of Section 73).
G3 & G4	<ul style="list-style-type: none"> - Some balconies adjacent courtyard G amended from walk on to Juliette type.

Representations

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

Issues raised	Response
The buildings will be more imposing as a result of the changes, meaning less light and space for pedestrians, residents and vehicles	See paragraphs 45, 46 and 48.
The square roof design is at odds with the historic style of building on King Street. The design is not finished to a high enough standard. The overhanging roofs adjacent to Dragon Hall and Howard House are particularly over-dominant and unsympathetic.	See paragraphs 45-46.
It seems wrong that the overall appearance of King Street should suffer due to miscalculations about site levels.	See paragraphs 45-46.

Consultation responses

16. 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.

Anglian Water

17.No comments received.

Broads Authority

18. We commented on the previous application under your ref 16/01893/VC, our ref BA/2016/0452/NEIGHB, raising issues regarding the increase in height of 'H' blocks and changes to the proposed materials and objecting to that proposal. Our stance on the development has not altered. However, with specific regard to the current proposal, this relates to areas of the site which are away from the river and to the west of the site, given the existence of multiple buildings between those block and the river any additional impact on the Broads area would be negligible. Therefore in conclusion we do not wish to raise an objection to the application for design changes to blocks B1, B2, B3, B4, C1, C2, D1, D2, D3, D4, G3 and G4.

Design and conservation

19. I consider that the revised design is a positive improvement upon the approved extant scheme and favour the stepped elevations and the movement & rhythm that it provides to the street. The revised scheme emphasises a narrow plot width to individual blocks, or at least the appearance of this – which the Benoy scheme failed to do.

20. The applicants have removed the glass balustrades and the faux slate like cladding material from the King Street elevations. Originally the scheme permitted timber board cladding, but after long discussions and negotiations – the slate colour composite board was agreed upon for all but the elevations fronting King Street, due to these blocks close proximity to both Dragon Hall and Howard House.

Environmental protection

21. No comments received.

Highways (local)

22. No objection on highway grounds. The proposed changes do not have highway implications

Highways (strategic)

23. I have no strategic highway issues to raise and accordingly I am content for your in-house highway advisers to provide the formal statutory highway response.

Historic England

24. On the basis of the information available to date, Historic England do not wish to offer any comments. We would therefore suggest that you seek the views of your specialist conservation and archaeological advisers, and other consultees, as relevant.

Landscape

25. Concerns raised regarding encroachment of building line towards King Street, and reduction of communal open space.

Lead Local Flood Authority

26. I can confirm that the County Council as Lead Local Flood Authority has no comments to make. This is due to the proposed changes not involving anything relating to surface water or drainage.

Natural England

27. Natural England currently has no comment to make on the variation of condition 1. Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us any further consultations regarding this development, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

Norfolk historic environment service

28. The previous archaeological ground investigations were very focussed on the locations of the proposed piles. We need a plan showing the previous piling locations, new proposed piling locations, and the locations of previous trial pits. There may be the need for a further WSI if the trial pits do not match up with the new proposed piling locations.

Norfolk police (architectural liaison)

29. I have reviewed the proposals and welcome the alteration of 3d 'Alleyway between blocks B2 & B3 removed and floor area absorbed into adjacent blocks'. This decreases the permeability in this area.

30. I advise for every opportunity to be taken to reduce the permeability for this development, be it by removal of alleyway or at the very least gating (i.e. as proposed between Blocks C1 & B1). A no-through route within the blocks will give the residents a sense of ownership and encourages a feeling of ownership and discourages anyone intent on criminal behaviour as not only are they likely to be seen by residents within the development and potentially challenged – but they have nowhere to go within the development.

Norwich Society

31. We feel that the elevations to King Street are of lower quality than the approved application (which was barely acceptable in the first place), and will harm the character of this important character area of the city centre conservation area. We feel that the very abrupt termination of the parapets and relatively featureless brick walls forms an uncomfortable juxtaposition with the historic buildings on this street, as well as, indeed, the more sympathetically designed new-build properties on the other side of the road. We therefore object to this application on the grounds of policy DM3, and suggest that the architect seeks an alternative treatment to this elevation which is more in keeping with the surrounding conservation area.
32. The designs and details should pay more respect to the many historic buildings remaining in the street, particularly Howard House, Dragon Hall and the recently built dwellings opposite which seek to replicate the former yards and courts in a modern manner.

Assessment of planning considerations

Relevant development plan policies

33. 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
- JCS5 The economy
- JCS6 Access and transportation
- JCS9 Strategy for growth in the Norwich policy area
- JCS10 Locations for major new or expanded communities in the Norwich policy area
- JCS11 Norwich city centre
- JCS18 The Broads

34. 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
- DM6 Protecting and enhancing the natural environment
- DM7 Trees and development
- DM9 Safeguarding Norwich's heritage
- DM11 Protecting against environmental hazards
- DM12 Ensuring well-planned housing development
- DM13 Communal development and multiple occupation
- DM16 Supporting the needs of business
- DM17 Supporting small business
- 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

35. Norwich Site Allocations Plan and Site Specific Policies Local Plan adopted December 2014 (SA Plan)

- CC6 St. Anne's Wharf and adjoining land

Other material considerations

36. Relevant sections of the National Planning Policy Framework February 2019 (NPPF):

- NPPF2 Achieving sustainable development
- NPPF4 Decision-making
- NPPF5 Delivering a sufficient supply of homes
- NPPF6 Building a strong, competitive economy
- NPPF8 Promoting healthy and safe communities
- NPPF9 Promoting sustainable transport
- NPPF11 Making effective use of land
- NPPF12 Achieving well-designed places
- NPPF14 Meeting the challenge of climate change, flooding and coastal change
- NPPF15 Conserving and enhancing the natural environment
- NPPF16 Conserving and enhancing the historic environment

37. Supplementary Planning Documents (SPD)

- Affordable housing SPD adopted March 2015
- Open space & play space SPD adopted Oct 2015
- Landscape and trees SPD adopted June 2016

Case Assessment

38. 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.
39. The application is made under section 73 of The Town and Country Planning Act 1990 as amended and therefore it is only the question of the conditions subject to which planning permission should be granted that can be considered. Therefore no opportunity is provided to reassess the principle or acceptability of the development in general. However, it remains the case that the application must be determined according to the current development plan and other material considerations.
40. Since the application was originally determined the NPPF has been published and a new Norwich Local Plan and Joint Core Strategy have been adopted. The Local plan includes a site specific policy for the site CC6 St Anne's Wharf and adjoining land.

41. The development scheme approved in 2006 consists of a housing led mixed use scheme on a formerly industrial, city centre site. The location is highly accessible and the high density scheme makes efficient use of a brownfield site. National and local planning policies continue to promote sustainable development of brownfield land, the delivery of housing and a mix of uses which create jobs and economic benefit. The approved scheme remains broadly compliant with the current development plan and the scope of the assessment is confined to the specific changes sought and to particular changes in site conditions.

Consideration of the changes sought

42. Key policies and NPPF paragraphs – JCS2, DM3, DM9, NPPF paragraphs 124-132 and 184-202.
43. The scope of the assessment relates to the impacts of the changes sought, and their impact on design, heritage assets and amenities of future occupiers and neighbouring occupiers.
44. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 place a statutory duty on the local authority to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possesses and to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. Case law (specifically *Barnwell Manor Wind Energy Ltd v East Northamptonshire DC* [2014]) has held that this means that considerable importance and weight must be given to the desirability of preserving the setting of listed buildings and conservation areas when carrying out the balancing exercise.

a) Amendments to height, massing and appearance of blocks B1, B3, B4, C2 and D4.

45. The applicant has sought to improve the elevational design facing King Street and improve the cohesion with the existing built environment compared to the previous Benoy scheme. It seeks to echo the townhouse street scene of the buildings opposite. The proportions of the blocks have been changed from being low and wide to taller more elegant frontages through transitions in material colour, increased parapet heights and larger full height windows. Feature panels of burglar bond brickwork have been introduced and the previous glazed balconies have been replaced with vertical steel railings. A number of extraneous roofs have been removed from the scheme, together with ground floor balconies.
46. Further information has been sought during the application process to fully understand the extent and implications of the changes proposed. The increase in height across a number of blocks is relatively modest, with no block increasing more than 1.6m in height and the increase across most of the blocks being approximately half of that amount. There would be negligible change to the building footprint. It is not considered that the changes would result in the façade being unduly overbearing or causing material harm through overshadowing, given that the changes compared to the previous approved scheme are not significant. This is further mitigated by the removal of the oversailing roof features from each corner block on King Street, an amendment agreed during the application process.

47. The changes are supported by the conservation officer and are considered to represent an improvement with the elevation being more contemporary and sympathetic to the characteristics of King Street, albeit with a modern flat roof appearance.
48. Overall, compared the previously approved scheme, the changes represent an improvement in terms of impact on the conservation area and the setting of adjacent listed buildings, and would preserve the character of these heritage assets. It has also been confirmed that the landscaping of King Street already agreed would not be compromised by the changes sought.

b) Amendments to blocks B1, B2, B3 and C2, resulting in conversion of three storey townhouses to duplex apartments, relocation of bin store to corner of St. Anne's Lane and Central Street.

49. There is no objection to the conversion of the townhouses to duplex apartments, which the developers consider will be more marketable in that particular location. It is slightly regrettable that the resultant ground floor space for the corner building will be converted to a bin store, given its fairly prominent location on the corner of a street. However this facility will now be far more accessible compared to the previous scheme. To mitigate this impact the proposal would introduce dummy windows for the bin store, mimicking the adjacent commercial units to improve cohesion within the street scene. On balance the change is considered acceptable, particularly given the lack of viable alternatives.

c) Amendments to blocks D1, D2, D3 and D4 to increase recreational space within courtyard C, the creation of private gardens and terraces within courtyard D to serve the adjoining townhouses, increasing the building footprint to the southwest corner of block D4. The addition of another storey to block D3 to provide a further bedroom and roof terrace, following similar changes to blocks D1 and D2 which were approved with a previous application reference 16/01893/VC.

50. The increased usable communal space for courtyard C is welcomed. The change of courtyard D from a communal space to provide some private gardens is considered acceptable, given it was likely to be mainly used by the townhouse properties surrounding it, each of which will now benefit from an additional private or semi-private outdoor space. The precise details of boundary treatments for this area will be sought by condition, but these should be low level adjacent to the circulation route and use high quality materials.
51. The additional storey to block D3 will result in two larger properties with additional en-suite bedrooms and roof terraces. On the negative side it will increase overshadowing and affect outlook to the adjacent properties within block D2. On balance, it is considered that the impact over and above what has already been approved would not be significant, and the change is considered acceptable, bearing in mind the urban context and tight knit character of the development generally.

d) Amendments to blocks G3 and G4, to remove secondary balconies.

52. The approved scheme features apartments with walk-on balconies serving both the living room and bedroom to the northern and eastern elevations of blocks G3 and G4. It is proposed to remove the balconies to the bedroom spaces whilst retaining those

serving the living room spaces. On the basis that each of the flats concerned would retain a private outdoor amenity space, this change is acceptable.

e) Continued conversion of window size from 600x600mm to 800x800mm

53. As part of the previous Section 73 application to vary aspects of the development, a number of windows were increased in size to 800x800mm to increase natural lighting within apartments. It is proposed to continue this change through into the next phases which are the subject of the current application. The position of each window concerned remains the same. This is considered to be a positive change that will improve occupier amenity without causing material harm.

f) Continued amendment of timber cladding to cementitious cladding

54. The original scheme featured timber cladding extensively across the development and this was amended via the previous Section 73 application to cementitious cladding in a number of areas. It is proposed to continue this change for the blocks which are the subject of the current application, to ensure consistency across the development.

55. Careful consideration was given to this issue during the previous application process. It was accepted that concerns about the longevity and impacts of weathering on the timber cladding were legitimate and the grey tone of the Tectavia Eternit board in pebble was considered to be of an appropriate quality of finish. This material would not be used on the King Street facing elevation, nor on the elevations in close proximity to Dragon Hall or Howard House. Where it is proposed to be used, this is considered acceptable to ensure consistency in the design.

Other matters

56. No objections have been raised by the Transportation Officer with respect to the transport impact of the proposal. In addition there is not considered to be material implications for flood risk given that the building footprints have not altered significantly.

57. A condition is recommended requiring details of any new implications for archaeological works given the slight amendments to the building footprints in certain locations.

Equalities and diversity issues

58. There are no significant equality or diversity issues.

S106 Obligations

59. The Section 106 legal agreement for the original scheme requires revision to extend the requirements of the legal agreement to this application.

Local finance considerations

60. 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.

61. 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.

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

Conclusion

63. The proposed changes to the approved development are considered acceptable. They would have the effect of updating the appearance of the development, overcoming construction difficulties with the original approved scheme, improving operational efficiency and increasing the size and amount of private amenity space available to a number of the approved dwellings. The proposal would preserve the character of the conservation area and adjacent listed buildings. The development is subject to EIA and the impact of the proposed changes has been assessed and considered to have no material additional environment effect.

Recommendation

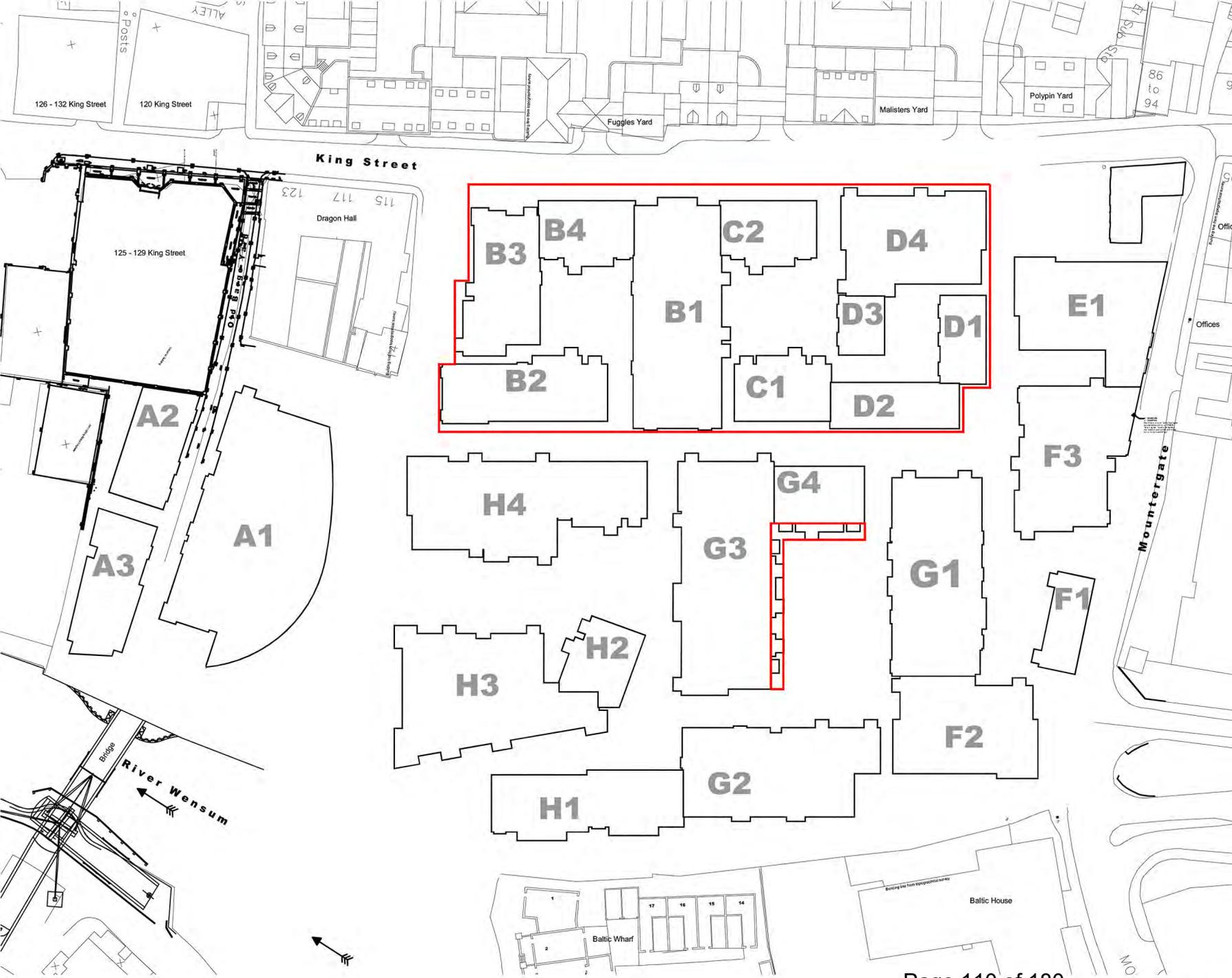
To approve application 19/00440/MA and grant planning permission subject to the following conditions and deed of variation of the S106 obligation. Conditions imposed in relation to 04/00605/F and 16/01893/VC are re-imposed and modified to take account of conditions already discharged and the new details approved.

1. In accordance with plans;
2. Materials (other)
3. Approved window and balcony system and plan
4. Phasing plans
5. Development in accordance with approved energy efficiency measures
6. Archaeology for blocks A1, A2, A3, E1, F1, F2, F G1, G2, G3, G4, H1, H2, H3, H4.
7. Updated Archaeology information for blocks B1, B2, B3, B4, C1, C2, D1, D2, D3, D4.
8. Unexpected contamination
9. Imported topsoil and subsoil
9. Hard and soft landscaping – approval and implementation
10. Replacement of trees/shrubs
11. Plant and machinery
12. Management Agreement:
 - (a) a restrictive servicing arrangement to take place outside the hours of 1030 to 1630 on any day;
 - (b) servicing vehicles to travel in a clockwise direction from Mountergate (adjacent Baltic House) through to King Street (via St Anne Lane);
 - (c) maintenance of the landscaping and planted areas;
 - (d) cleaning of litter from the permissive and pedestrian routes;
 - (e) telecommunications, communal satellite and terrestrial aerials arrangements for the development.
12. Agreement of flues, extraction, ventilation or filtration equipment in relation to A3 uses
13. No materials shall be kept, deposited or stored in the open
14. Agreement and implementation of refuse and cycle storage areas

15. There shall be no amplified sound in any of the restaurants (Class A3) or retail (Class A1) units before the Local Planning Authority has agreed details
16. Servicing areas shall be clearly marked, and available for use
17. Restricted goods - retail units
18. Parking details to be agreed
19. The Riverside Walk and other permissive and pedestrian routes shall be constructed and provided in accordance with a scheme to be first approved by the Local Planning Authority and shall thereafter be permanently retained.
20. Street lighting in accordance with approved details.
21. Nest boxes for birds and bats
22. Interpretation of archaeological investigation/ former Synagogue Street; the sacrifices of Corporal Day VC.
23. Fire Hydrants
24. Travel plan
25. Directional signage.

Article 32(5) statement

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



All dimensions to be verified on site by Main Contractor before the start of any shop drawings or work whatsoever either on their own behalf or that of sub-contractors.
 Report any discrepancies to the Contract Administrator at once.
 This drawing is to be read with all relevant Architect's and Engineer's drawings and other relevant information.
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LEGEND: DO NOT SCALE

█ Buildings affected by application



A	19.11.18	First Issue	DP	DI
Revision:	Date:	Description:	Drawn:	Checked:

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Project: **St Annes Wharf
 King Street
 Norwich**

Drawing Title: **Section 73 Application Plan**

Client: **Orbit Homes Ltd**

Drawn:	Checked:	Date:	Scale:	Paper Size:
DP	DI	19.11.18	1:1000	A4
Job No.:	Dwg No.:	Stage:	Revision:	
31359	11007_2	PLANNING	A	



ST. ANNE LANE ELEVATION



CENTRAL STREET ELEVATION

Ingleton Wood LLP shall have no liability to the Employer arising out of any unauthorised modification or amendment to, or any transmission, copy or use of the material, or any proprietary work contained therein, by the Employer, Other Project Team Member, or any other third party. All dimensions are to be checked and verified on-site by the Main Contractor prior to commencement; any discrepancies are to be reported to the Contract Administrator. This drawing is to be read in conjunction with all other relevant drawings and specifications. Do Not Scale © Ingleton Wood LLP

LEGEND

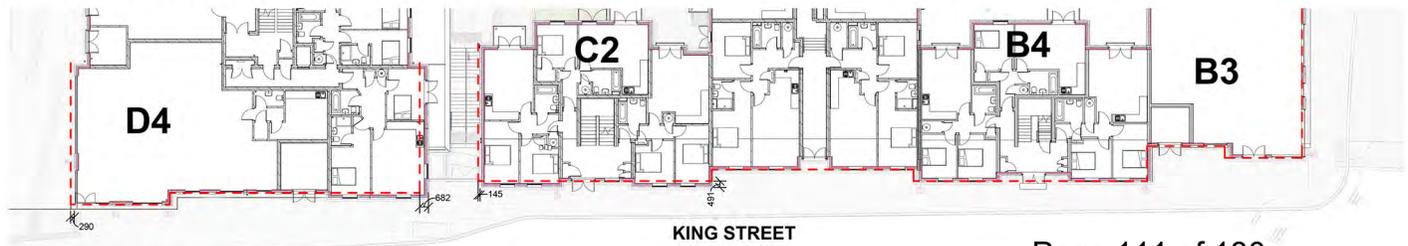
- - - Outline of previous Benoy planning consent circa 2006.
- ± Spot heights provided for information to illustrate differences in height/alignment



ORIGINAL BENOY PLANNING CONSENT



KING STREET ELEVATION AS PROPOSED IW



COMPARISON PLAN OF KING STREET FRONTAGE

1	First Issue	20/05/19	DP	JD
Rev	Comment	Date	Chk	Appr
Project No:	31359	Scale @ A1:	1:200	Drawn By:
				DP



Vision, form and function
Project: St. Annes Wharf
King Street, Norwich

Client: Orbit Homes Limited

Title: Benoy Consent Vs IW S73 Application Illustrative Drawings
Drawing Number: 31359-IW-XX-XX-DR-A-2599

Status:	Proposed or Issued:	Revision:
	INFORMATION	1

Figure 10 of 10 pages is subject to the Project being out of all other drawings, including all amendments, to be approved by the Council. Other than the Project, the Project is not to be used for any other purpose. The drawing is to be used in conjunction with the other drawings and shall be read in conjunction with the other drawings and shall be read in conjunction with the other drawings.

Rev	Description	Date
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KING STREET

GENERAL FENESTRATION & ALIGNMENT ADJUSTMENTS

DRAGON HALL

HOWARD HOUSE

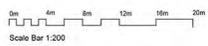
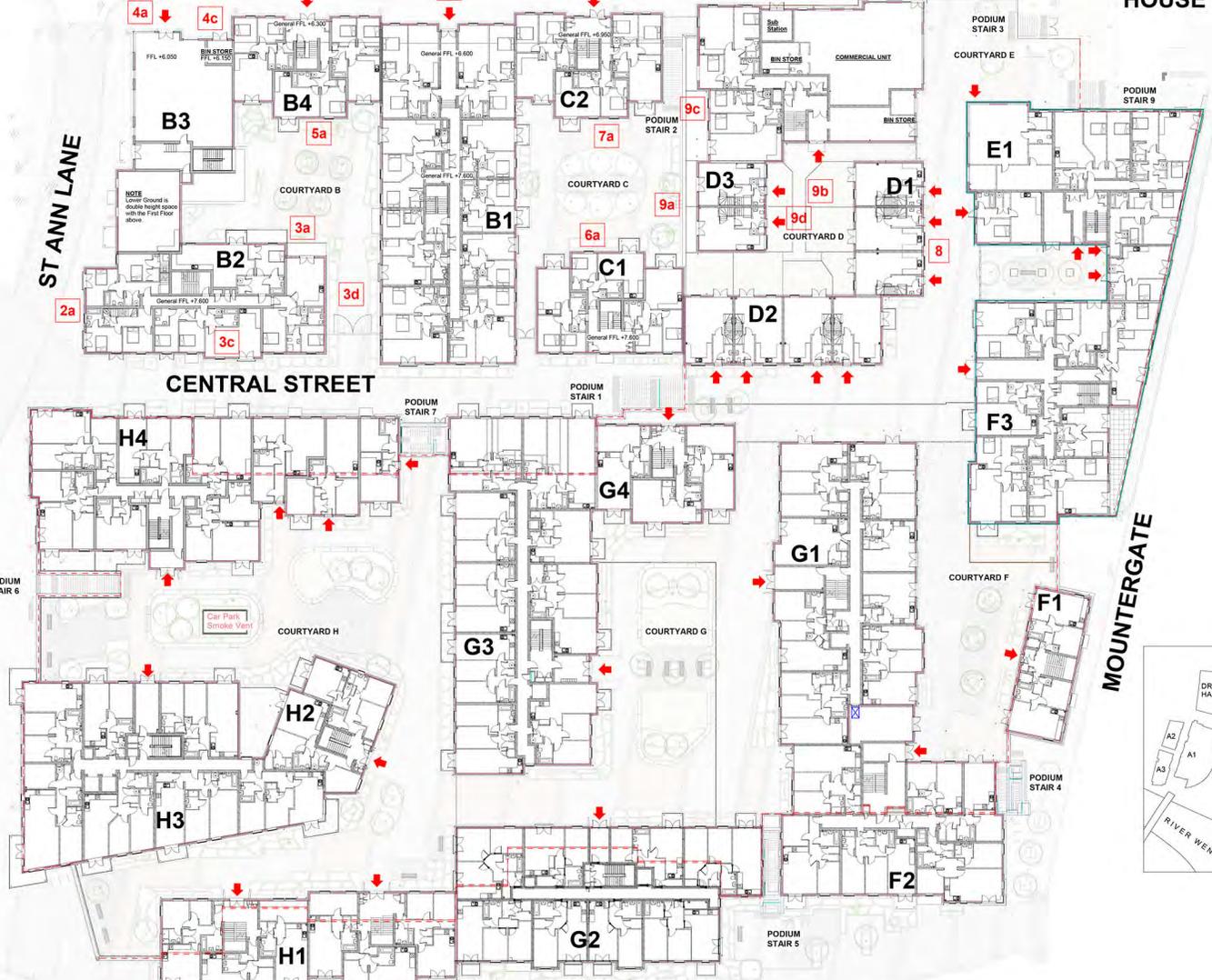
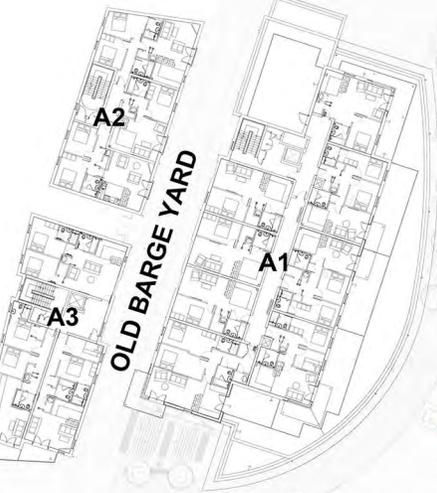
ST ANN LANE

CENTRAL STREET

MOUNTERGATE

RIVER WENSUM

EAST STREET



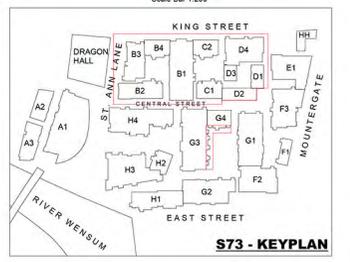
31359-W-ALL-UG-M2-A-1140_2	11/01/2024	11/01/2024	11/01/2024
31359	As Issued	As Issued	As Issued

Vision, form and function
 St. Annes Wharf
 King Street, Norwich

Orbit Homes Limited
 S73 - Site Masterplan, Upper Ground Floor
 31359-W-ALL-UG-M2-A-1140_2
 S2 PLANNING 1



Ref	Block Ref	Section 73 Change Summary
1	A1-A3	No change proposed (outside extent of Section 73)
2	B1	General F11 - 03.200
3	B2	General F11 - 03.200
4	B3	General F11 - 03.200
5	B4	General F11 - 03.200
6	C1	General F11 - 03.200
7	C2	General F11 - 03.200
8	D1	General F11 - 03.200
9	D2	General F11 - 03.200
10	D3	General F11 - 03.200
11	D4	General F11 - 03.200
12	E1	General F11 - 03.200
13	F1	General F11 - 03.200
14	F2	General F11 - 03.200
15	F3	General F11 - 03.200
16	G1	General F11 - 03.200
17	G2	General F11 - 03.200
18	G3	General F11 - 03.200
19	G4	General F11 - 03.200
20	H1	General F11 - 03.200
21	H2	General F11 - 03.200
22	H3	General F11 - 03.200
23	H4	General F11 - 03.200



31359	31359	31359	31359	31359	31359
As indicated					

ingleton Wood Planning and Construction
 Vision, form and function
 St. Annes Wharf
 King Street, Norwich

Client: Orbit Homes Limited
 Title: S73 - Site Masterplan, Fourth Floor
 Drawing Number: 31359-IW-ALL-04-M2-A-1144_2
 Date: 2024-04-11
 Scale: S2
 Discipline: PLANNING
 Page: 1



01 COURTYARDS F TO H



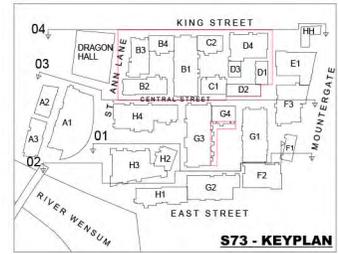
02 EAST STREET (REAR ELEVATION)



03 CENTRAL STREET (EAST)



04 KING STREET

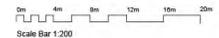


S73 - KEYPLAN

MATERIALS LEGEND

- Facing brickwork - red
- Facing brickwork - buff
- Monley Slend Elitstone
Tecthro cladding
- Render
- Red stone ashlar sandstone ties

Ref	Block Ref	Section To Change Summary
1	11-14	No change proposed (outside extent of Section 73)
24	B1	Make reference to further circulation (see elevation) from King Street along King Street entrance to building.
3		These changes along King Street entrance to building.
4		Work on balconies along King Street entrance to building.
5		Where dimensions adjusted previously.
24	B2	Block B2 reference to further circulation (see elevation) from King Street along King Street entrance to building.
3		These changes along King Street entrance to building.
4		Work on balconies along King Street entrance to building.
5		Where dimensions adjusted previously.
24	B3	Block B3 reference to further circulation (see elevation) from King Street along King Street entrance to building.
3		These changes along King Street entrance to building.
4		Work on balconies along King Street entrance to building.
5		Where dimensions adjusted previously.
24	B4	Block B4 reference to further circulation (see elevation) from King Street along King Street entrance to building.
3		These changes along King Street entrance to building.
4		Work on balconies along King Street entrance to building.
5		Where dimensions adjusted previously.
24	B5	Block B5 reference to further circulation (see elevation) from King Street along King Street entrance to building.
3		These changes along King Street entrance to building.
4		Work on balconies along King Street entrance to building.
5		Where dimensions adjusted previously.
24	B6	Block B6 reference to further circulation (see elevation) from King Street along King Street entrance to building.
3		These changes along King Street entrance to building.
4		Work on balconies along King Street entrance to building.
5		Where dimensions adjusted previously.
24	B7	Block B7 reference to further circulation (see elevation) from King Street along King Street entrance to building.
3		These changes along King Street entrance to building.
4		Work on balconies along King Street entrance to building.
5		Where dimensions adjusted previously.
24	B8	Block B8 reference to further circulation (see elevation) from King Street along King Street entrance to building.
3		These changes along King Street entrance to building.
4		Work on balconies along King Street entrance to building.
5		Where dimensions adjusted previously.
24	B9	Block B9 reference to further circulation (see elevation) from King Street along King Street entrance to building.
3		These changes along King Street entrance to building.
4		Work on balconies along King Street entrance to building.
5		Where dimensions adjusted previously.
24	B10	Block B10 reference to further circulation (see elevation) from King Street along King Street entrance to building.
3		These changes along King Street entrance to building.
4		Work on balconies along King Street entrance to building.
5		Where dimensions adjusted previously.
24	B11	Block B11 reference to further circulation (see elevation) from King Street along King Street entrance to building.
3		These changes along King Street entrance to building.
4		Work on balconies along King Street entrance to building.
5		Where dimensions adjusted previously.
24	B12	Block B12 reference to further circulation (see elevation) from King Street along King Street entrance to building.
3		These changes along King Street entrance to building.
4		Work on balconies along King Street entrance to building.
5		Where dimensions adjusted previously.



01/21/2024	Final	01/21/2024	01/21/2024
02/15/2024	Final	02/15/2024	02/15/2024
03/15/2024	Final	03/15/2024	03/15/2024
04/15/2024	Final	04/15/2024	04/15/2024
05/15/2024	Final	05/15/2024	05/15/2024
06/15/2024	Final	06/15/2024	06/15/2024
07/15/2024	Final	07/15/2024	07/15/2024
08/15/2024	Final	08/15/2024	08/15/2024
09/15/2024	Final	09/15/2024	09/15/2024
10/15/2024	Final	10/15/2024	10/15/2024
11/15/2024	Final	11/15/2024	11/15/2024
12/15/2024	Final	12/15/2024	12/15/2024

Ingleton Wood
 Vision, form and function
 St Annes Wharf
 King Street, Norwich

Client: Orbit Homes Limited

Project: GA Sectional Elevations - West - Perpendicular to Old Barge Yard

31359-IW-XX-XX-M2-A-2595_2

Sheet: S2 | Page: 2

Report to Planning applications committee

Item

11 July 2019

Report of Head of planning services

Subject Application no 18/01058/F - Land Rear of 50 to 54
Gertrude Road, Norwich, NR3 4SF

4(d)

**Reason
for referral** Objections

Ward:	Sewell
Case officer	Charlotte Hounsell - charlottehounsell@norwich.gov.uk

Development proposal		
Construction of 3 No. dwellings (Class C3).		
Representations		
Object	Comment	Support
2	0	0

Main issues	Key considerations
1 Principle	Use of garden land, type of home
2 Design	Scale, form, materials
3 Amenity	Overlooking, loss of light
4 Parking	Congestion, retention of access to Mousehold Heath
Expiry date	1 January 2019
Recommendation	Approve



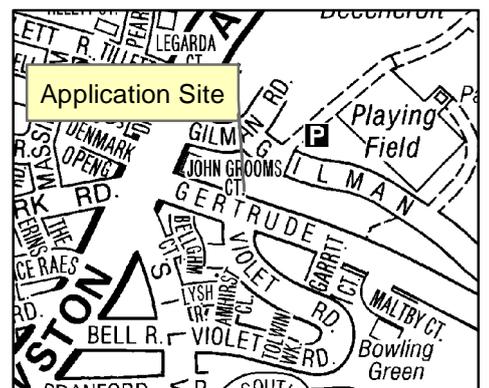
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Planning Application No 18/01058/F
 Site Address Land rear of 50 to 54 Gertude Road
 Scale 1:500



NORWICH
City Council

PLANNING SERVICES



The site and surroundings

1. The subject site is formed of the end sections of three gardens of properties along Gertrude Road. The Gertrude Road dwellings are red brick terraced dwellings. The gardens are of a significant length and can be accessed from Gilman Road to the North. The ground level slopes away towards the South so that the properties along Gertrude Road are located at a lower level than Gilman Road. The garden areas contained within the application site are largely laid to lawn and two of the properties have existing garage at the Northern end of the plots. The adjacent plot at No. 48 has already been developed to provide a two storey dwelling. To the North, West and South, the area is predominantly residential in character. To the East is Mousehold Heath.

Constraints

2. The application site is located within a critical drainage area
3. Mousehold Heath to the East is designated open space, a County Wildlife Site and Local Nature Reserve.

Relevant planning history

- 4.

Ref	Proposal	Decision	Date
17/01197/O	Outline application with all matters reserved for the erection of 2 No. semi-detached two bedroom dwellings.	WITHDN	25/06/2018
17/00850/F	Demolition of existing garage. Subdivision of garden and erection of 1 No. two bed detached dwelling.	APPR	17/08/2017

The proposal

5. The proposal is for the demolition of the existing garages, the sub-division of the gardens and the construction of three two-bedroom dwellings.

Summary information

Proposal	Key facts
Scale	
Total no. of dwellings	Three
No. of affordable dwellings	N/A

Proposal	Key facts
Total floorspace	Approx. 226m²
No. of storeys	Two
Max. dimensions	16m x 3.5m (largest dwelling) 5.70m at eaves, 6.00m maximum height
Appearance	
Materials	Render and timber cladding Details required by condition
Transport matters	
Vehicular access	Existing and extended access from Gilman road
No of car parking spaces	3 spaces total, one per dwelling.
No of cycle parking spaces	Cycle parking within front driveway Details to be secured by condition
Servicing arrangements	Bin store within front driveway Details to be secured by condition

Representations

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

Issues raised	Response
2 x three bedroom houses would be better as there are a lot of 2 bedroom houses already	See Main Issue 1
Incongruous design to 10E and surrounding street	See Main Issue 2
No living roof included	See Main Issue 2
Loss of light and overlooking to neighbouring windows and garden	See Main Issue 3

Issues raised	Response
Confusion of number and position of parking spaces and loss of footpath to Mousehold Heath	See Main Issue 4
The proposal should provide biodiversity and landscape benefits	See Other Matters
Front driveway and footpath would not provide disabled access	See Other Matters
Could the applicant be persuaded to include measures such as grey water harvesting/solar panels etc	See Other Matters
Concerned that impermeable surfaces will be used for driveway	See Other Matters

Consultation responses

7. 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.

Citywide Services

8. I've looked at the plans and there should be no issues with collection of waste and recycling.

Ecology Officer

9. As discussed the survey does not cover the whole site and it needs to for a proper assessment to occur. This is especially important as there is a second outbuilding to be considered. Please re-consult once we have received an updated survey.

ADDITIONAL COMMENTS

10. I'm pleased to say that no more survey work is now required. The impact from the development can also be sufficiently mitigated against. I would recommend enhancements too, to comply with the NPPF. The report includes a useful plan indicating where mitigation and enhancement measures could be included (page 17).

I would discourage the use of timber boarded fencing, especially on the eastern boundary with Mousehold Heath. However if any is installed the following condition would be necessary; BI4 Small mammal access.

I understand that you would be adding a landscape condition. Please can this include external lights (to ensure that any are bat sensitive) and soft landscaping to the eastern boundary. I would also request the following be added to any decision; BI3 Bird Nesting Season, BI5 In accordance with report – 5.2 and 5.3

Highways (local)

11. No objection on highway grounds

The proposed development is located at the edge of an established residential area, the means of access to Gilman Road would be acceptable.

There would probably need to be highway works to provide the off street parking spaces adjacent to the extant edge of the carriageway, in the form of suitable work to prevent the highway being weakened by this work. Please speak to our resident engineer for advice.

The proposed bin and bike storage needs more detailing for us to grant consent, ie. How are bikes tethered and secured, and if there is sufficient space for wheelie bins to be stored.

The parking space surface material needs to be detailed, we recommend a permeable block paving surface.

A construction management plan is needed to explain how the site will be developed and if any traffic management is needed e.g. hoardings, skips etc

It is important that Gilman Road is not obstructed or safety compromised for pedestrians and cyclists.

Informatives: Contact the council for postal numbering, Obtain bins from the council prior to first occupation, Contact the council Streetworks team if any traffic management on the highway is required e.g. hoardings, skips etc.

Landscape

12. I have not visited the site but have looked on satellite images and the site would appear to have some existing vegetation cover. The ecological report suggests some mitigation measures for lost habitat however it is unclear if trees will be lost if the site is cleared. The site plan suggests that there are trees on site and I would like to see more comprehensive details of what is being removed or impacted by the proposed site development.

The new layout creates a predominantly hard landscape to the front of the new properties and there are no details provided of boundary treatments. Given the proximity of the site to natural areas, Ivy or hedge screens could be used which have a narrow footprint but will create green link to the green areas beyond. Similarly opportunities for greening rear gardens should be explored.

There are no details provided of surface materials for driveways and similarly no information on managing surface water drainage.

Tree protection officer

13. There has been no formal tree information submitted and I have not visited the site.

From desktop searches, the trees on the site itself appear to be insubstantial; however vegetation will be lost through the site clearance and to create access to Gilman Road. It would be appropriate to provide some form of replacement planting to mitigate this loss.

Assessment of planning considerations

Relevant development plan policies

14. **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
15. **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
 - DM6 Protecting and enhancing the natural environment
 - DM7 Trees and development
 - 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

Other material considerations

16. **Relevant sections of the National Planning Policy Framework 2019 (NPPF):**
- NPPF2 Achieving sustainable development
 - NPPF5 Delivering a sufficient supply of homes
 - NPPF 8 Promoting health and safe communities
 - NPPF 9 Promoting sustainable travel
 - NPPF11 Making effective use of land
 - NPPF12 Achieving well-designed places
 - NPPF14 Meeting the challenge of climate change, flooding and coastal change
 - NPPF15 Conserving and enhancing the natural environment

Case Assessment

17. 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

18. Key policies and NPPF paragraphs – DM12, NPPF 5 and 11.
19. In 2010 the government made amendments to PPS3 (now revoked) to exclude residential gardens from the definition of previously developed land. Paragraph 70 of the NPPF states that local authorities should consider the case for setting out policies to resist inappropriate development in residential gardens, for example where development would cause harm to the local area. The council considered this matter as part of the development of policies in the local plan and concluded that the criteria based policies in DM3 and DM12 are satisfactory to determine applications for dwellings in gardens. Therefore there are no specific policies restricting new dwellings in the gardens of existing properties.
20. The principle of residential development is acceptable on this site under policy DM12 subject to the criteria in the second part of DM12 and subject to the other policy and material considerations detailed below given that:
 - The site is not designated for other purposes;
 - The site is not in a hazardous installation notification zone;
 - The site is not in the late night activity zone;
 - It does not involve the conversion of high quality office space; and
 - It is not in the primary or secondary retail area or in a district or local centre.
21. Furthermore, this proposal does not compromise the delivery of wider regeneration proposals, does not have a detrimental impact upon the character and amenity of the surrounding area which cannot be resolved by the imposition of conditions (subject to more detailed assessment below), contributes to achieving a diverse mix of uses within the locality and contributes to providing a mix of dwellings within the area. The proposal would make a small contribution to housing supply in Norwich.
22. Therefore the proposal is considered to accord with the first part of policy DM12 (subject to assessment below) and is acceptable in principle.
23. Comments were received suggesting that two three-bedroom properties would be preferable over three two-bedroom properties, as there are a lot of two-bedroom dwellings within the surrounding area. This suggestion is not however consistent with the latest evidence within the Strategic Housing Market Assessment 2017 that there remains a need for new dwellings including 3,227 two-bedroom homes in the Greater Norwich area between 2015-2036.
24. Members should also note that application 17/00850/F was approved in 2017 for the subdivision of the garden of No. 54 Gertrude Road and the construction of 1 dwelling. This permission is still extant and, subject to the submission of details reserved by condition, could still be implemented.

Main issue 2: Design

25. Key policies and NPPF paragraphs – JCS2, DM3, NPPF 8 and 12.
26. The proposal is for the constructed of three two-storey terraced properties. Concerns were raised that the design of the dwellings would not be in keeping with the character of properties in the surrounding area.
27. The surrounding area is characterised by a number of different property types. To the South, the dwellings along Gertrude Road are two storey terraced houses; Gilman Road includes two-storey brick flatted development as well as more recently constructed detached properties.
28. It is acknowledged that the proposed dwellings are of a style that differs to those in the surrounding area. The properties would be relatively narrow, with a stepped mono-pitched roof. However, the dwellings are not considered to be at odds with a prevailing character of the area given the wide variety of properties that exist on Gilman Road and Gertrude Road. A property has been recently constructed within the rear garden of No. 48 Gertrude Road (under permission 14/00142/F) which is also narrow, but has an unusual roof form and is built of rendered panels. This property is not considered to be of a particularly successful design and the three proposed dwellings are considered to be more appropriate in appearance. The dwellings would have stepped front elevations to create visual interest, would be constructed of render and timber cladding, and would include the installation of green roofs. This is considered to result in a high quality appearance which is welcomed in the context the adjacent Mousehold Heath.

Main issue 3: Amenity

29. Key policies and NPPF paragraphs – DM2, DM11, NPPF 8 and 12.
30. The proposed dwellings would provide adequate internal space for future residents and the properties satisfy the requirements of the national space standards.
31. Each of the proposed properties would have private rear garden space. For Plots A and B, this would be a relatively small area and ideally a larger garden would be provided. However, given the proximity to Mousehold Heath, on balance the smaller gardens are considered acceptable in this instance. It is noted that the layout plans indicate that these spaces would be patio areas, however given the setting of the properties in proximity with Mousehold Heath, a full landscaping scheme will be required by condition to ensure high quality outdoor spaces that make a positive contribution to the surroundings are provided.
32. The proposal would result in the sub-division of the existing Gertrude Road gardens. Although this represents the erosion of outdoor space available for these properties, due to the significant size of the gardens, the remaining garden space is considered acceptable.
33. Concerns were raised that the proposal would result in overlooking of the adjacent property in the rear garden of 48 Gertrude Road, and also the terraced properties along Gertrude Road. Given the location and orientation of the existing and proposed dwellings, overlooking from the proposed properties to the house in the rear garden of 48 Gertrude Road would be at oblique angles only. The relationship

between the proposed properties and this existing dwelling is considered to be typical of the houses in the surrounding area.

34. As a result of the ground level change and location of the dwellings the proposal has the potential to result in a loss of privacy to the rear elevations of the Gertrude Road properties. However, the distance between the rear of the property in Plot C (the closest dwelling) and the dwellings on Gertrude Road is approximately 26m, which is considered sufficient to prevent any significant loss of privacy.
35. It is acknowledged that the proposed dwellings also have the potential to be overbearing and result in a loss of light the adjacent section of garden at No. 56 Gertrude Road. However, development is only proposed for the Northernmost sections of garden. As a result of the significant length of the gardens (approx. 50m) much of the adjacent garden will be unaffected by the proposal in terms of loss of light and outlook.

Main issue 4: Transport

36. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF 9 and 12
37. The three new dwellings would be accessed from Gilman Road. Representations raised concern with the loss of the footway in this area and that the new properties could result in conflict between parked/moving vehicles, pedestrians and cyclists.
38. Gilman Road exits Sprowston Road and leads around to dwellings and flats. A small branch of the road provides access to the rear of the Gertrude Road houses, the Mousehold Heath Car Park and to the remainder of Gilman Road over which vehicular rights have been extinguished and pedestrian and cyclist access is allowed only. Although there is access to the rear of the Gertrude Road properties in this location, it is acknowledged that the positioning of fencing etc is such that vehicles are unlikely to use this area for parking. However, vehicular parking could be resumed at any point. Furthermore, the vehicular movements arising from three additional properties in a low-traffic area is not considered to result in highway safety concerns.
39. The footway in this location is a very narrow section of path that extends from the main part of Gilman Road to the boundary between Nos. 52 and 54 Gertrude Road, almost halfway along this branch of the road. Therefore any pedestrians/cyclists would already need to use the existing vehicular highway in order to gain access to Mousehold Heath. Therefore the Easternmost part of Gilman Road before the Heath essentially functions as a shared surface. The proposal would result in the loss of the very small footway for the provisions of driveways, however this is not considered to result in significantly different access for pedestrians/cyclists compared with the current situation.
40. The Highways Officer has not raised any objection to the proposal, subject to the clarification of certain details including the provision of a construction management plan to reduce disruption during construction. These clarifications and additional information should be secured by condition.
41. The proposal can provide for a policy compliant level of parking on site (1 space per dwelling). Plot C includes a larger driveway area to the front of the property, however this is not large enough to accommodate more than one car (according to

recommended parking space dimensions detailed within Appendix 3 of the Local Plan).

Compliance with other relevant development plan policies

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

Requirement	Relevant policy	Compliance
Cycle storage	DM31	Yes subject to condition
Car parking provision	DM31	Yes – 1 space per dwelling
Refuse Storage/servicing	DM31	Yes subject to condition
Water efficiency	JCS 1 & 3	Yes subject to condition
Sustainable urban drainage	DM3/5	Yes subject to condition

Other matters

43. The application site is located within a critical drainage area. In accordance with policy DM5 the proposal is required to ensure that they do not worsen the surface water drainage situation of the site. The application includes indicative drawings showing a soakaway to be installed on site. The details of this will be secured by condition. Furthermore, details of any hard surfacing will also be require by condition, and should include the provision of permeable surfaces.
44. The application site contains a number of small trees. The Tree Protection Officer considers their removal acceptable subject to the agreement of replacement planting. Details of replacement planting should be secured by condition.
45. The proposal involves the demolition of two garages and the development of existing garden space. An ecology survey has been submitted and mitigation measures have been suggested as a precaution. The Ecology Officer considers the information submitted is sufficient and that the mitigation measures are appropriate. In addition, it is considered that appropriate planting at the site and the use of green boundaries can provide a positive contribution for biodiversity. The proposal also proposes the installation of green roofs to the main roof slope of the dwellings. These mitigation measures should be secured by condition.
46. Concerns were raised that the proposal did not provide for disabled access to the front of the property. In accordance with policy DM12, only schemes providing 10 or more dwellings are required to be built to Lifetime Homes standards. However, accessibility of new properties are covered by Building Regulations under a separate process to the Planning process.

47. A representation also raised that the application should include further energy efficient measures such as greywater harvesting, solar panels etc. There is no requirement for a scheme of this size to provide energy efficiency measures. The use of solar panels was discussed with the agent however, the use of solar panels would have resulted in the loss of the green roofs. Given the location of the properties in close proximity to Mousehold Heath, the green roofs were the preferred option and so precluded the use of solar panels. The energy efficiency of new dwellings is also considered under Building Regulations, which is a separate process from the Planning process.

Equalities and diversity issues

48. There are no significant equality or diversity issues.

Local finance considerations

49. 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.

50. 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.

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

Conclusion

52. Whilst the narrow form and mono-pitched roofs of the proposed dwellings are somewhat unconventional in terms of design and appearance, this is not considered to conflict the character of the surrounding area given the wide variety of property types in the area. The design of the dwellings and use of materials is considered to be of a higher quality appearance to the adjacent dwelling in the rear garden of 48 Gertrude Road. The properties would be located a sufficient distance from the dwellings along Gertrude Road and any overlooking of the property to the rear of 48 Gertrude Road would be at oblique angles. The proposal can provide for sufficient parking and can provide acceptable levels of outdoor space given the proximity of Mousehold Heath without unacceptable loss of garden for the Gertrude Road dwellings. Whilst the proposal does represent the erosion of existing garden space, the provision of green roofs, appropriate landscaping and biodiversity mitigation/enhancement measures (to be secured by condition) are considered appropriate.

53. Therefore, the development is 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. 18/01058/F - Land Rear of 50 to 54 Gertrude Road Norwich NR3 4SF and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Details of materials;
4. Landscaping scheme – to include details of hard surfaces, lighting, green roofs, boundary treatments, biodiversity mitigation and tree replacement;
5. Surface water drainage details;
6. Construction management plan;
7. In accordance with ecology report;
8. Bird nesting season;
9. Water efficiency;
10. Removal of permitted development rights for rear extensions, outbuildings, porches, boundary treatments.

EXISTING BLOCK PLAN
Scale 1:200



SITE AREA = 297 sq m



Client Mr R. Varney	Scale 1:200 @ A3	Status PLANNING	<p style="text-align: center;">Page 138 of 180</p> <p><small>NO DIMENSIONS ARE TO BE SCALED FROM THIS DRAWING. CHECKING ALL DIMENSIONS AND QUERING ANY DISCREPANCIES IS THE RESPONSIBILITY OF THE ARCHITECTURAL DESIGN & PLANNING PARTNERSHIP. COPYRIGHT IS RESERVED BY THEM AND THE DRAWING IS ISSUED ON CONDITION THAT IT IS NOT COPIED, REPRODUCED, RETAINED OR DISCLOSED TO ANY UNAUTHORISED PERSON, EITHER WHOLLY OR IN PART, WITHOUT WRITTEN CONSENT.</small></p>
Project Gilman Road, Norwich, NR3 4SF	Date JUN 2017	Drawn By DJ	
Drawing Existing Block Plan	Project N° 017/38	Drawing N° 0001	Revision B



architecture
design
planning

73 Yarmouth Road
Thorpe St Andrew
Norwich NR7 0AA
archdppartnership@gmail.com
T: 07419 750098



Plot A (rear of 50 Gertrude Road)
Ground floor GIA: 45.66 sqm

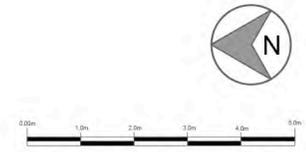
Plot B (rear of 52 Gertrude Road)
Ground floor GIA: 45.66 sqm

Plot C (rear of 54 Gertrude Road)
Ground floor GIA: 42.35 sqm

Plot A
Site Area: 89.20 sqm

Plot B
Site Area: 89.20 sqm

Plot C
Site Area: 109.92 sqm



Client	Mr R. Varney
Project	Gilman Road, Norwich, NR3 4SF
Drawing	Proposed Ground Floor Plans

Scale	1:100 @ A3
Date	JUN 2018
Project N°	018/38
Drawing N°	0200

Status	PLANNING
Drawn By	DJ
Revision	C

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Page 139 of 180



architecture design planning

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PROPOSED BLOCK PLAN
Scale 1:200



SITE AREA = 297 sq m



Client	Mr R. Varney	Scale	1:200 @ A3	Status	PLANNING	Page 140 of 180
Project	Gilman Road, Norwich, NR3 4SF	Date	JUN 2017	Drawn By	DJ	
Drawing	Proposed Block Plan	Project N°	017/38	Drawing N°	0002	Revision
						C

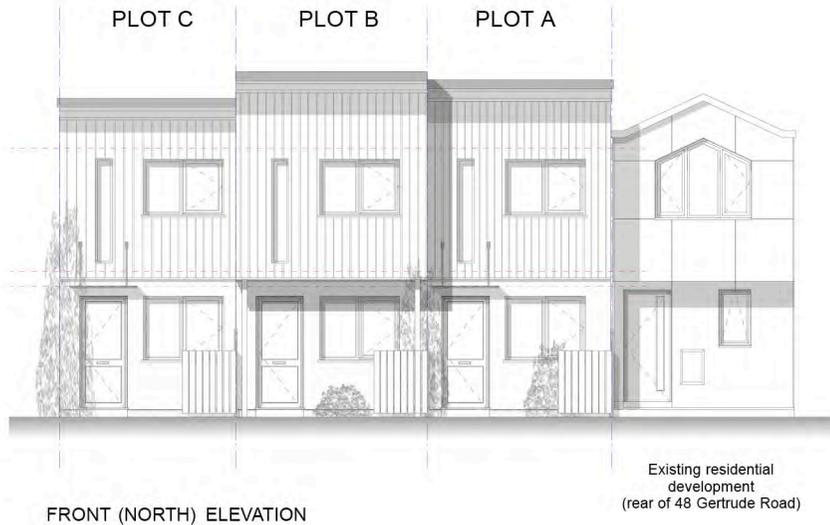
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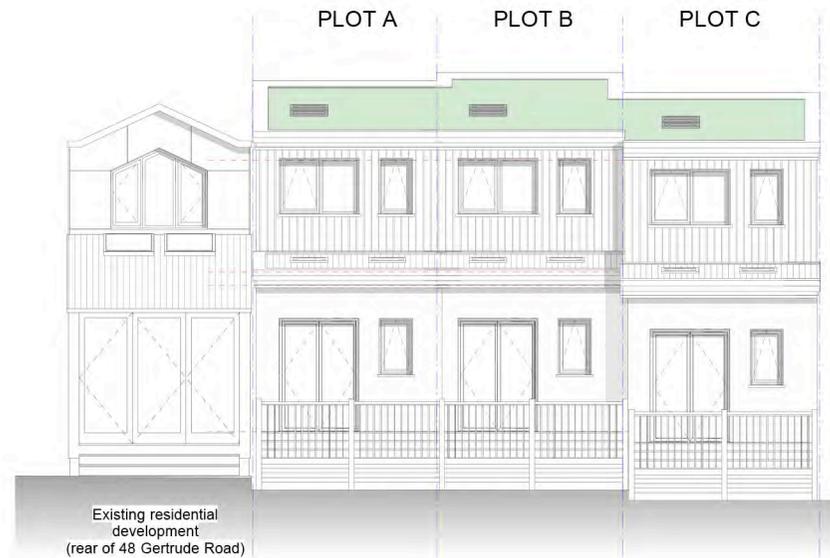
73 Yarmouth Road
Thorpe St Andrew
Norwich NR7 0AA
archdppartnership@gmail.com
T: 07419 750098

PROPOSED ELEVATIONS
Scale 1:100



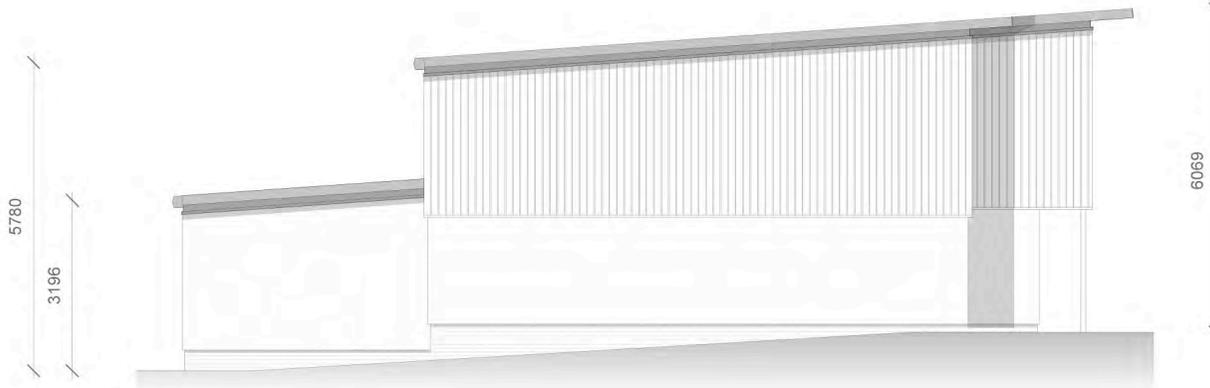
FRONT (NORTH) ELEVATION

Existing residential
development
(rear of 48 Gertrude Road)



REAR (SOUTH) ELEVATION

Existing residential
development
(rear of 48 Gertrude Road)



SIDE (EAST) ELEVATION

6069

Finishes:

Roof

Upper monopitch (5 deg):
Kingspan KS1000RW composite roof panels laid to roof pitch with Bauder XF301 Extensive Lightweight Sedum Roof System installed over.

Lower monopitch (5 deg):
Kingspan KS1000RW composite roof panels laid to roof pitch

Terrace:

EDPM (slate grey) with timber deck panels

Roof line trimming, drips, guttering & downpipes
Pre-formed profiled 0.7mm aluminium roof perimeter,
Kingspan highline gutter trims with square section aluminium/plastisol downpipes (all anthracite)

Walls (Upper)

Vertically hung Western Red Cedar
(untreated) timber planks

Walls (Lower)

Silicone based render on render panels (white)
over low level engineering brickwork
plinth (blue/grey)

Windows

uPVC framed double glazed units
Frame colour: Anthracite

Doors

Aluminium framed double glazed units
(inc. sliding/folding door sets)
Frame colour: Anthracite

Client	Mr R. Varney
Project	Gilman Road, Norwich, NR3 4SF
Drawing	Proposed Elevations

Scale	1:100 @ A3
Date	JUN 2018
Project N°	018/38
Drawing N°	0170

Status	PLANNING
Drawn By	DJ
Revision	B

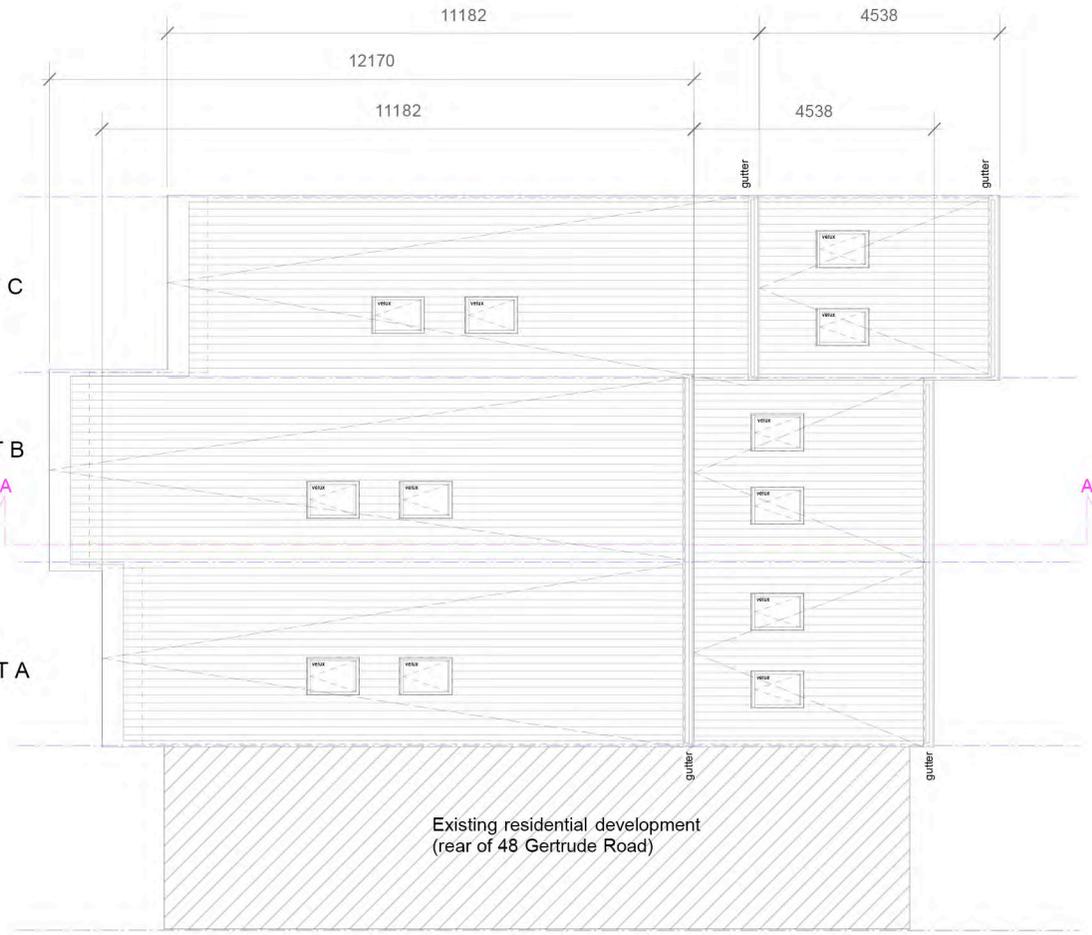
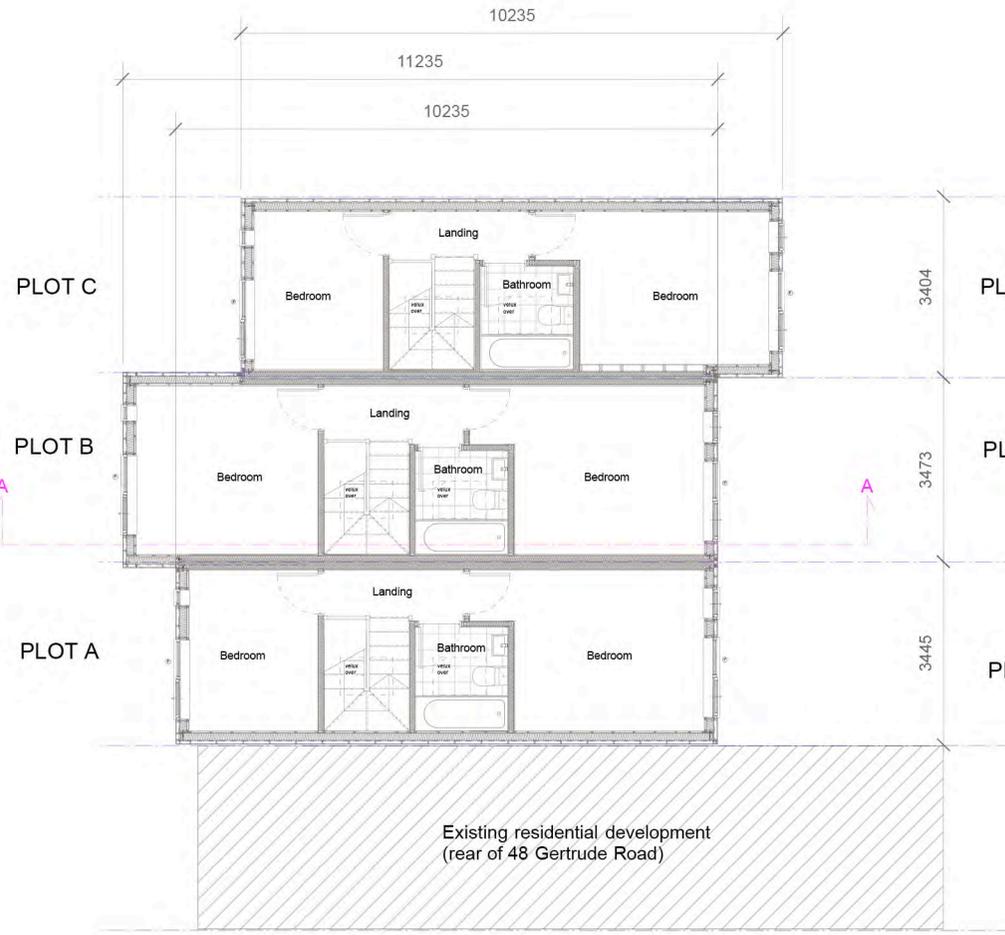
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PROPOSED FIRST FLOOR & ROOF PLANS
Scale 1:100



Plot A (rear of 50 Gertrude Road)
First floor GIA: 29.38 sqm

Plot B (rear of 52 Gertrude Road)
First floor GIA: 33.37 sqm

Plot C (rear of 54 Gertrude Road)
First floor GIA: 28.37 sqm

Total building FF GEA: 109.30 sqm

Roof Area: 167.31 sqm



Client	Mr R. Varney
Project	Gilman Road, Norwich, NR3 4SF
Drawing	Proposed First Floor & Roof Plans

Scale	1:100 @ A3
Date	JUN 2018
Project N°	018/38
Drawing N°	0201

Status	PLANNING
Drawn By	DJ
Revision	A

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Page 142 of 180



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Report to Planning applications committee

Item

11 July 2019

Report of Head of planning services

Subject Application no 19/00651/F- 120 Earlham Green Lane, Norwich, NR5 8HF

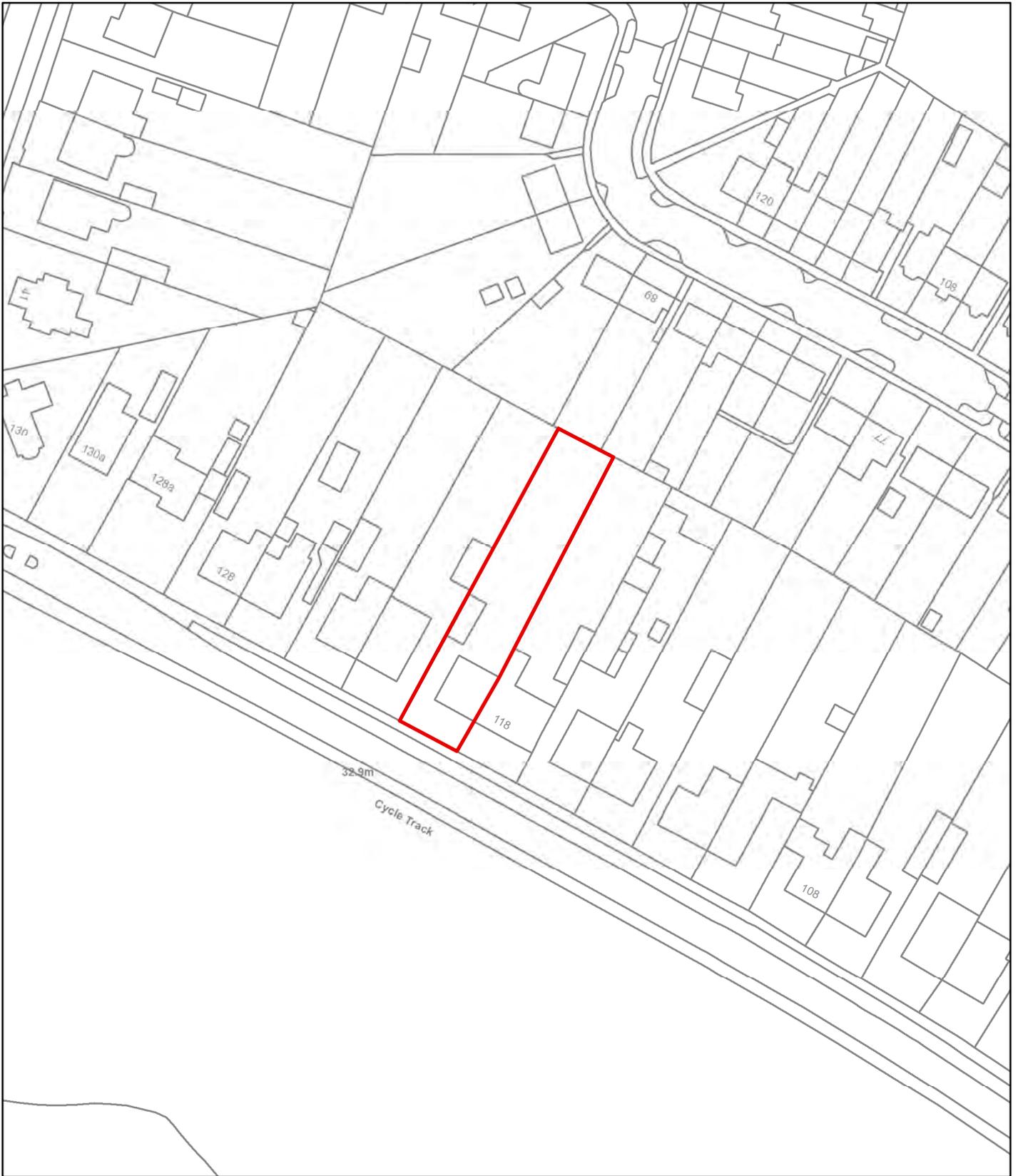
4(e)

Reason for referral Objections

Ward:	Wensum
Case officer	Stephen Little - stephenlittle@norwich.gov.uk

Development proposal		
Loft conversion with front and rear dormers to create four bedrooms		
Representations		
Object	Comment	Support
2	0	0

Main issues	Key considerations
1 Design, scale and form	The visual impact on character of the area
2 Residential Amenity	Overlooking and/or overshadowing to neighbouring properties
Expiry date	25 July 2019
Recommendation	Approve subject to conditions

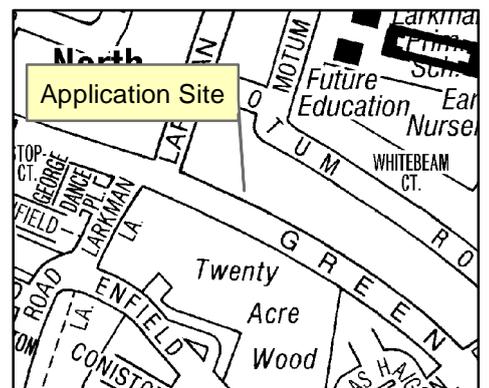


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Planning Application No 19/00651/F
 Site Address 120 Earham Green Lane
 Scale 1:1,000



NORWICH
 City Council
 PLANNING SERVICES



The site and surroundings

1. The subject property is situated on the northeast side of Earlham Green Lane, 100m southeast of its junction with Larkman Lane.
2. This section of Earlham Green Lane, incorporating nos. 74-128, is characterised by distinctive semi-detached 1930s bungalows (excepting six houses which are of different design). The bungalows in their original form, of which the subject property is currently typical, are of relatively uniform design and share many features, including front/rear facing clay-tiled gable roofs, round-arched centrally-placed front doors with brick surrounds, gables over the front doors, bricked corners and rendered walls.
3. However, three of the properties immediately to the southeast of the subject property, together with no.126, have had front and rear dormers added to create a first floor. In all but one of these the front gable over the door has been removed. No.118, which adjoins the property to its southeast, also has a side extension over which the first floor dormers are extended. All but one of these altered properties have had planning consent for their front dormers, with no.118 being the most recent, granted in 2012. No.118 also has a rear extension/conservatory, with an opaque roof, on the boundary with no.120.
4. The subject property is used as a House of Multiple Occupation (HMO). It has rough white rendered walls with uPVC windows and doors. It has a relatively long (45m) rear garden, with a garage to the rear/side of the property on its northwest boundary, and the front garden sets the bungalow back from the road by 6m. (The orangery, gaining prior approval in 2017, has not been implemented).
5. No.122 is to the northwest, with 7m between the dwellings themselves and the border approx half way in between. No.122 has a downstairs window looking toward the property and a rear conservatory.
6. On the opposite side to these houses is woodland, known as 20-Acre Wood.

Relevant planning history

Ref	Proposal	Decision	Date
17/00957/PDE	Orangery to rear of property. The extension extends 6000mm beyond the rear wall of the original dwelling. The height at the highest point of the extension is 3000mm. The height at the eaves is 3000mm.	AEGPD	18/07/2017

The proposal

7. The proposal is to construct front and rear flat-roofed dormers to create a first floor incorporating four bedrooms and a bathroom. Each would have two standard-sized windows with the rear dormer and the side also including small

bathroom windows. Other alterations, under permitted development, include the moving of the rear door and changes to rear-facing fenestration arrangements.

8. NOTE: the plans have been amended since the consultation, with the originally proposed side extension being removed from the plans.

Proposal	Key facts
Scale	
Total floorspace	58.6sq.m (total first floor area)
No. of storeys	One new storey created
Max. dimensions	First floor area: 7.4m front to back, 8.25m wide. Each dormer is 8m wide, projecting outward from the roof by 3.5m and upward by 2.2m.
Appearance	
Materials	White uPVC windows to match existing [other materials to be confirmed].

Representations Received

9. Adjacent and neighbouring properties have been notified in writing. One letter of representation has been received responding to the original plans (which also proposed a side extension) citing the following issues:

10.

Issues Raised	Response
Extension less than 4m from neighbouring dwelling will impact on neighbours and value of their property.	Extension has been removed from the proposals. Value of property is not a material consideration.
Light will be blocked to downstairs neighbouring window.	See main issue 2
Fifth bedroom could be incorporated in a downstairs room.	See other issues
Three downstairs rooms could at some point be changed back to bedrooms, thereby increasing the number of tenants and subsequent parking-related issues, including verge parking and safety concerns.	See other issues

Consultation responses

11. The following objection, in response to the original proposals which included a side extension, has been received from the Norwich Society:
12. *“This application should be read in the wider context of the whole row of these pre-1945 bungalows - nos. 74-128 - which in their unaltered state have a charming symmetry. Their particular character is defined by the front elevation with a central brick arched inset porch with gable over and a square window either side, and with a simple duo-pitched clay tile roof apart from the gable. In accordance with DM9, the council should give consideration ""to the protection of heritage assets which have not been previously identified or designated but which are subsequently identified through the process of decision making, or during development"". Although 120 retains its original condition, its twin 118 is heavily altered; on the other side, however, numbers 122-124 are a particularly well-preserved pair. Degrading the neighbouring 120 too much would therefore diminish the group value of the row as a whole.”*
13. Reference is also made in the objection to the (now removed) side extension as representing over-development of the property. The objection argues that the side extension, along with the removal of the gable, *“would diminish the character of the row of houses, and in particular the setting of numbers 122-124.”* Though the objection considered the originally proposed longer dormer as *“too large and out of keeping”*, the representation suggests that *“a front dormer could be acceptable”*.

Assessment of planning considerations

Relevant development plan policies

14. **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
15. **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

Other material considerations

16. **Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**
 - NPPF2 Achieving sustainable development
 - NPPF12 Achieving well-designed places

Case Assessment

17. 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: Design, scale and form

18. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 8, 127-131.
19. Key to this decision is: how much value is placed on this group of bungalows as a visual, architectural and/or heritage asset which contributes to the quality of the area; if or by how much this development diminishes that value; and to what extent former permissions are to be taken as precedent.
20. While the representation from the Norwich Society suggests bringing Local Plan policy DM9 into play by referring to these bungalows as an “unidentified heritage asset”, the bungalows are not locally listed and there is no previously or newly identified aspect of them which would qualify them as having particular heritage interest, above them being an attractive representation of their period. Rather, of key materiality here is Local Plan DM3, which asks that proposals should “respect, enhance and respond to the character and local distinctiveness of the area”.
21. The bungalows no doubt add visual quality to the area and the original features provide distinctive period reference. The subject property, being relatively unaltered, at present contributes to that. While the group value of the bungalows has been diminished by the previous alterations to the neighbouring properties, there are still enough of the bungalows in close to their original form for them to be considered a key component of the area’s character. More widespread loss of their distinctive architectural features would notably harm the visual quality of the immediate area and it should be hoped that planning policy could be applied to avoid such an outcome.
22. However, given the similar alterations to neighbouring properties, the proposals are not breaking new ground and are arguably extending the living space of the property in a way which responds to precedent, in particular by incorporating design similarities with its partner property at no.118. That there is this precedent is an unfortunate part of the context. In particular, the substantial extension and alteration to no.118, previously approved in 2012, could be said to have devalued the architectural merit of the subject property itself, it no longer benefiting from symmetry with its neighbour. In that sense, altering this property is arguably of less harm than if similar proposals were applied to one of a pair of bungalows in their original form. This point suggests that, given the marginal nature of this decision, allowing this proposal may not necessarily set a precedent for further such alterations to other properties in the row.
23. The Norwich Society raise the loss of the gable over the front door as a particular concern. It could potentially be possible to retain this in combination with the dormer, as is the case with no.114, three doors down. However, given that the neighbouring property at no.118 no longer has a dormer, that previous permissions have allowed their removal and that, arguably, the gable on no.114 sits a little awkwardly with the dormer, there is not sufficient planning reason to insist on its retention.

24. It is the case that a refusal on the grounds of design may be difficult to defend at appeal given the precedent of previous decisions. Yet to avoid this decision becoming the basis for further erosion of the distinctive qualities of this row of properties, it is important to acknowledge both the questionable nature of earlier approvals and the finely balanced nature of this decision.

Main issue 2: Residential Amenity

25. An objection referred to light being blocked to the neighbouring downstairs window. This objection, however, was in response to the original proposals which included the side extension. With the side extension removed, there would be little additional overshadowing resulting from the alterations.
26. In respect of overlooking, this would be notably restricted toward the rear garden of no.122 by both the distance of 7m between the properties and the pitch roof garage in the garden of no.120. The only proposed side window for the first floor is a small bathroom window and unlikely to present an overlooking issue. Though no.118 is closer, the rear conservatory would restrict views to the immediate rear of that property.
27. It is also the case that the upstairs windows would present no more of an overlooking issue to neighbouring gardens than would usually be the case with a two-storey dwelling. Given that rear dormers have previously been approved in neighbouring properties and, indeed, could be built (with some restrictions) under permitted development, this wouldn't be considered a valid reason for objection.

Other issues

28. Regarding the suggestion that a fifth bedroom could be incorporated in one of the downstairs rooms, this has been mentioned as a possibility by the applicant. Indeed, the specified usage of the downstairs rooms as lounge, study and dining room could be considered questionable as regards future intentions for the property. In light of that, a condition will be added restricting the property to C3 or C4 usage, thus helping to ensure that it is not occupied by more than six unrelated tenants.
29. As there is no change of use, impacts from any increase in the number of tenants, such as parking-related issues, aren't material to the consideration of this proposal.

Equalities and diversity issues

30. There are no significant equality or diversity issues.

Local finance considerations

31. 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.
32. 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.

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

Conclusion

34. While this is a finely balanced decision, and while the proposals represent some loss of original character and visual quality to the property and immediate area, this application is considered approvable on the basis of the precedence provided by former approvals for similar proposals in neighbouring properties.
35. The development is sufficiently 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.

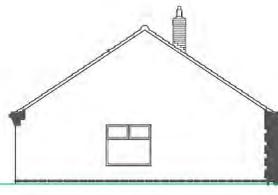
Recommendation

To approve application no. 19/00651/F – 120 Earlham Green Lane, Norwich, NR5 8HF and grant planning permission subject to the following conditions:

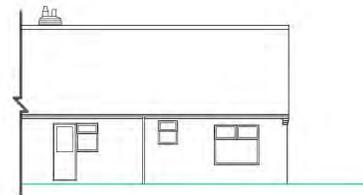
1. Standard time limit;
2. In accordance with plans;
3. Use to be C3 dwelling or C4 small HMO only.



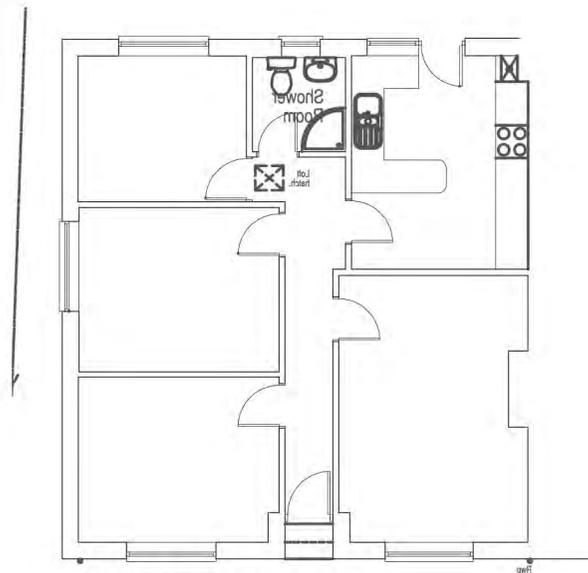
Existing Front Elevation
Scale - 1:100



Existing Side Elevation
Scale - 1:100



Existing Rear Elevation
Scale - 1:100



Existing Ground Floor Plan
Scale - 1:50



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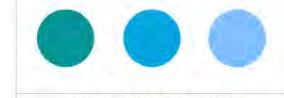
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Rev	Date	Int	Amendment



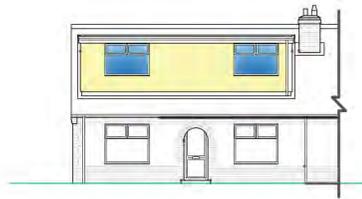
Project - Client:
**Proposed Extension at:
120 Earham Green Lane
Norwich
Norfolk
NR5 8HF
for Urban Day LTD.**

Drawing Title:
**Planning Application
Existing Plans & Elevations**

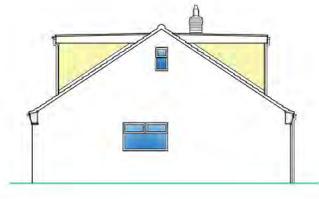
Drawn By: **Collette Coding** Job Number: **432**

Date: **April 2019** Scale: **As noted at A1** Drawing No: **001**

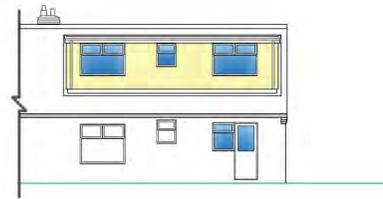
All dimensions are in millimetres.
All dimensions to be checked on site.



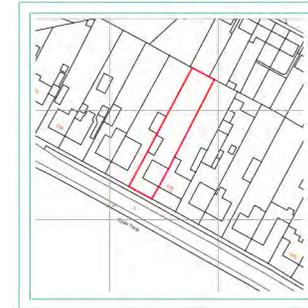
Proposed Front Elevation
Scale - 1:100



Proposed Side Elevation
Scale - 1:100



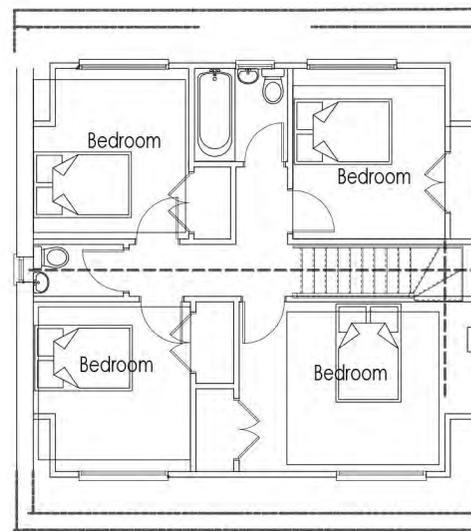
Proposed Rear Elevation
Scale - 1:100



Site Location Plan
Scale - 1:1250



Proposed Ground Floor Plan
Scale - 1:50



Proposed First Floor Plan
Scale - 1:50



Proposed Block Plan
Scale - 1:500



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A	15.06.19	C.C.	Side extension removed
Rev:	Date:	Int:	Amendment:



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Project - Client:
**Proposed Extension at:
120 Earliham Green Lane
Norwich
Norfolk
NR5 8HF
for Urban Day LTD.**

Drawing Title:
**Planning Application
Plans, Elevations, Site Location & Block Plan**

Drawn By: Job Number:
Coleffe Coding **432**

Date: Scale: Drawing No:
April 2019 As noted at A1 **002_A**

All dimensions are in millimetres.
All dimensions to be checked on site.

Report to Planning applications committee

Item

11 July 2019

Report of Head of planning services

Subject Application no 19/00291/F - Fieldgate, Town Close Road,
Norwich, NR2 2NB

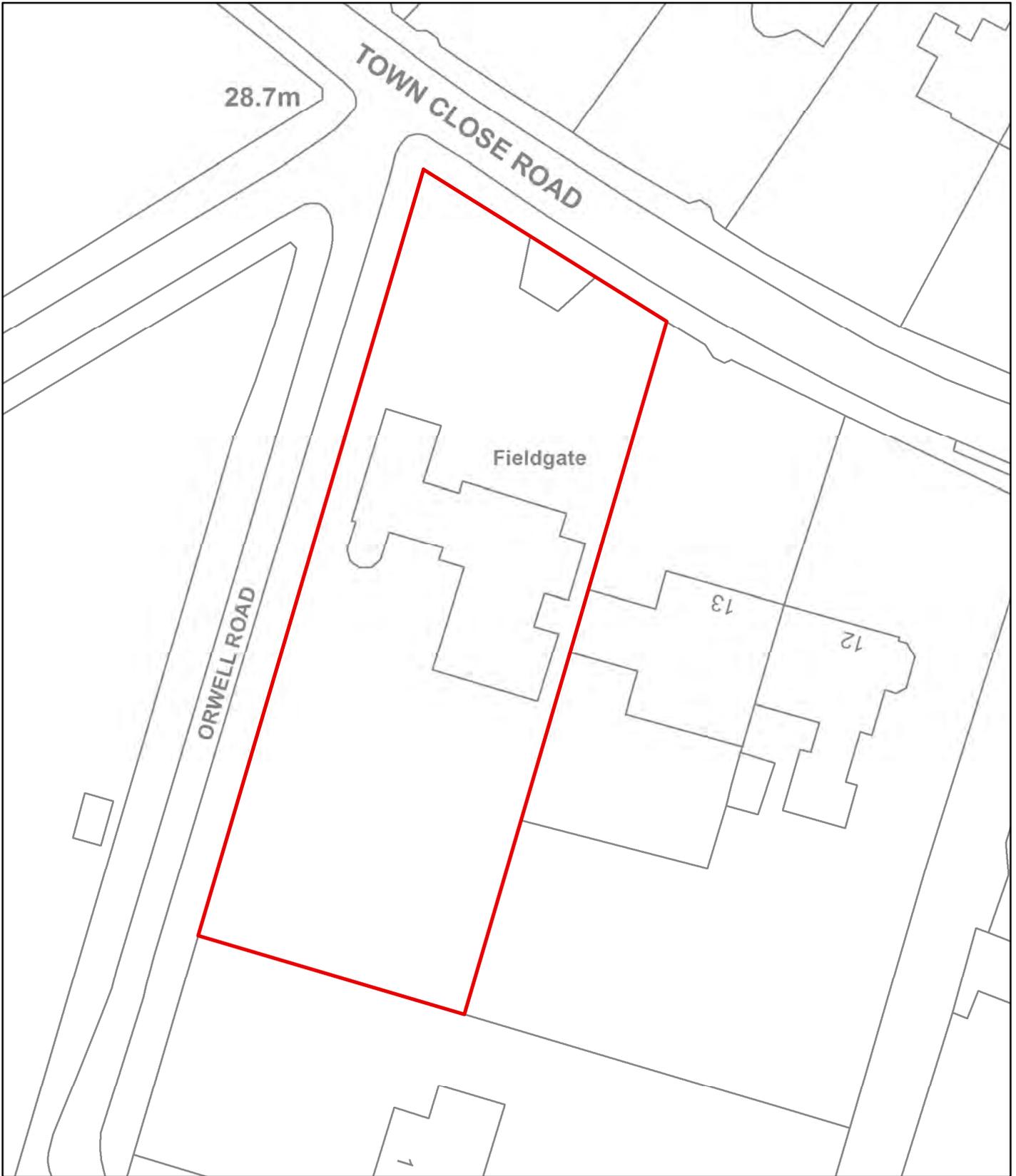
4(f)

**Reason
for referral** Objections

Ward:	Town Close
Case officer	Jacob Revell – jacobrevell@norwich.gov.uk

Development proposal		
Two storey front, side and rear extension, roof alteration and double garage.		
Representations		
Object	Comment	Support
6	0	0

Main issues	Key considerations
1	Design and impact on Conservation Area.
2	Impact on neighbouring properties.
Expiry date	19 July 2019
Recommendation	Approval

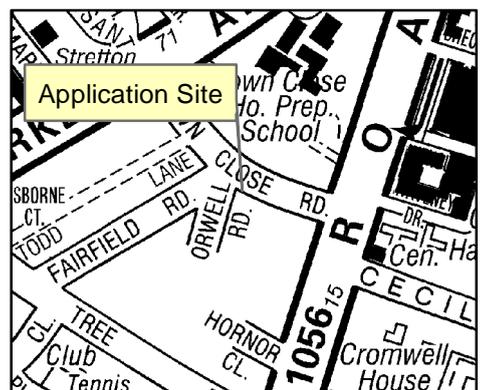


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Planning Application No 19/00291/F
 Site Address Fieldgate, Town Close Road
 Scale 1:500



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The site and surroundings

1. The site is located on Town Close Road, a residential street that links Ipswich and Newmarket Roads. The street is typically defined by large detached and semi-detached dwellings, set back from the street. Many of the properties are well screened or partially obscured at street level by hedges and shrubs along the roadside.
2. The north side of the road is defined by a stretch of mid-19th century Grade II listed townhouses, notable for their consistency. The properties tend to be highly symmetrical, with rooflines that run parallel to the road from east to west. Typically, the properties are constructed of a grey buff-type brick and feature clay tile roofing. There is more variety towards each end of the road, particularly on the south side. The south side of the road is more sparsely built upon, but still features several designated and non-designated heritage assets, including the neighbouring property to the east of the application site at 13 - 15 Town Close Road; a Grade II listed Georgian Town House of the same style to those located on the opposite side of the road. Directly to the west of the application property are the private Orwell and Fairfield Roads, which provide access to a number of properties to the south of Town Close Road.
3. This application relates to a detached mid-20th century red-brick bungalow. The property is located in the historic garden to the neighbouring properties at 13 – 15 Town Close Road, which appears to have been subdivided in the 1950s. The property itself is of no particular architectural merit. The property features a pitched roof that runs east to west. Another section of pitched roof runs north to south of the property, adjacent to the neighbouring property. The current ridge height of the roof is approx. 5.9m at the highest point, with the eaves at 2.3m. The footprint of the property is around 260 square meters. The property features sizeable garden space to the front and rear of the site.

Constraints

4. Newmarket Road Conservation Area

Relevant planning history

5. The records held by the city council show the following planning history for the site:

Ref	Proposal	Decision	Date
12/02375/F	Erection of double garage in front garden.	APPR	05/04/2013

Ref	Proposal	Decision	Date
14/00030/F	External alterations including raising main ridge of bungalow to form first floor with dormer and roof windows; removal of conservatory and widen rear of west end; erection of detached double garage.	APPR	19/05/2014

6. The planning history indicates that the development on this site is approvable in principle.

The proposal

7. The application proposes a number of significant extensions to the existing property with the effect of producing a property that is of a very different design and scale to the existing.
8. It is proposed that the footprint of the property will be expanded by way of a rear extension. This extension would extend about ten meters from the existing rear of the property. The extension would then run about 11m across to reconnect with the existing footprint of the property, making the total footprint roughly square. The footprint of the building is proposed to be increased from approx. 260 square meters to approx. 340 square meters. The change in footprint is proposed to take place on the west side of the property, bringing the rear of the property in line with the current part of the building that extends outwards. No other significant change to the footprint is proposed to the main dwellinghouse.
9. It is proposed to extend the property upwards, adding a second storey and altering the roof form. The proposed building would feature two large gables on the front elevation, facing the road. The larger of the two, on the east side of the front elevation of the building, is proposed to be 9.10m tall at the highest point, and approximately 4.9m at the eaves. All of the proposed eaves on the property are at this level. The lower gable is proposed as 7.8m tall at the highest point. The rear elevation will feature a gable approximately 8.8m tall at the highest point. The two large gables are interconnected by a third which forms the entranceway to the property – this is proposed as 6.6m at the highest point and falls below the ridge line that interconnects the gable roofs. This proposed ridge line will now run from east to west rather than north to south.
10. The applicant has proposed large glazed sections on the front elevation of the property. These glazed sections are proposed to follow the ridge of the gables. The glazed panelling is present in all three sections of the front of the property and the middle section to the rear of the property. To the rear, the applicant has proposed a balcony section to the west side of the south elevation, to be stepped under the canopy of the roof.

11. There are utility and plant rooms located on the east elevation of the property. The proposal aims to keep these rooms as single storey, but to change the gables facing 13 Town Close to lean to roofs onto the two storey element of the development.
12. A garage is proposed to the front of the property. The proposed footprint of the garage is 6.7m x 6.7m. Proposed as 2.3m at the eaves and 4.1m at the highest point of the roof. It is worth noting that an application for a similar sized double garage was granted approval in 2012 on the grounds that sufficient screening was provided year round to ensure a garage would not have a significant impact on the street scene.
13. Internally, the applicant is proposing a large open plan living area on the ground floor, taking out many of the walls between the proposed sitting, kitchen, dining and hallway areas. To the front of the property, there is proposed to be a study and cinema room. The double-height hallway space will continue onto the first floor, with both sides of the property connected by an internal bridge across the hallway. 4 bedrooms, 4 bathrooms (3 en-suite) and a large dressing room are proposed upstairs. The use of the property will be strictly residential.

Representations

14. Adjacent and neighbouring properties have been notified in writing. 5 letters of representation have been received citing the issues as summarised in the table below.

Issues raised	Response
Design. <ul style="list-style-type: none"> - Design will become dated. - Not in keeping with area. - Excessive scale. - Plot unsuitable for building of this scale. 	See main issue 1.
Amenity. <ul style="list-style-type: none"> - Overbearing to neighbouring building. 	See main issue 2.
Heritage Impact. <ul style="list-style-type: none"> - Lack of heritage report - Negative impact on setting of listed buildings. - Negative impact on conservation area 	See main issue 1.

Consultation responses

15. Consultee: NCC – Conservation and Design

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

16. Consultee: NCC - Transportation

Comments: No objection on highway grounds.

17. Consultee: NCC – Tree Officer

Comments: The loss of G2 and G3 will not have a significant negative impact on the amenity of the area, and is therefore considered acceptable. As long as the development is carried out in accordance with the recommendations contained within the AIA, I have no objections.

18. Consultee: The Norwich Society

Comments: We strongly object to these proposals as they result in a massive building totally out of character with the neighbouring Town Close Estate houses. The 3 gables are out of scale and overbearing. We know that CAM Architects can produce a scheme much more in keeping as we have liked and supported many of their previous schemes

This is an inappropriate development for this conservation area. Although this conservation area still doesn't have a conservation area appraisal, it is widely acknowledged that the character of this area is defined by large front gardens which shield and frame developments from the road. Therefore, the building of a garage at the front of this property is totally unacceptable, especially since it is on a corner of two public thoroughfares and the vegetation there is not high enough that it would sufficiently shield a building, especially if the foundations of such a building suppress their growth. Presenting gables to the highway is also uncharacteristic of the area, where hipped roofs are by far the predominant form of roof. Whilst the existing building presents one gable to its front, the increased number, height and pitch of the three gables presented to the road is out of keeping with the predominant form in the area. We also feel that zinc cladding is uncharacteristic of the area and will create another jarring effect when compared with the other buildings of the conservation area. In summary, therefore, we OBJECT to this application on the grounds of being contrary to local policies DM3 parts c and d, and DM9 (due to harm to the conservation area).

Assessment of planning considerations

Relevant development plan policies

19. **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
 - DM7 Trees and development
 - DM9 Safeguarding Norwich's heritage

Other material considerations

20. **Relevant sections of the National Planning Policy Framework February 2019 (NPPF):**
- NPPF12 Achieving well designed places
 - NPPF16 Conserving and enhancing the historic environment

Case Assessment

21. 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.

Principle of Development

22. There is no in principle objection to the extension of a dwelling in this location, nor indeed to the construction of a replacement dwelling, which this proposal is tantamount to. The acceptability of the proposal falls to be considered against policies DM2, DM3 and DM9 of the Norwich Development Management Policies Local Plan (2014) and sections 12 and 16 of the National Planning Policy Framework 2019.

Main issue 1: Design and Impact upon Conservation Area.

23. Key policies and NPPF paragraphs – DM2, DM3, DM9, NPPF12, NPPF16.
24. The existing building is not considered to be of any particular architectural merit. At present, the building does not add value to the conservation area. At best, it could be described as a neutral feature, although this is only due to the considerable screening of the property at street level. The decision over the acceptability of the proposal in design terms should therefore be made with the existing character of the building in mind.

25. The proposal will significantly increase the size of the dwelling. However, for the most part, the proposed extension will follow the footprint of the existing property. There is an extension proposed to the rear of the property, but this will not be visible from Town Close Road and is not considered to impact on the character of the conservation area in light of the raised gables and ridgeline to the front elevation of the property. With this in mind, the majority of the extension will be upwards, resulting in a two storey property.
26. As a result, there is a considerable height increase to the property. The highest point of the roofline on the existing building is approx. 5.9m. The highest point of the gable on the new building is approximately 9m, although the proposal also features a reorientation of the roof so that the new gables would face the road rather than the south-east elevation. The property would be 4.9m at the eaves. As a result, the scale of the property is increased significantly. The highest point of the gable would now be of a similar height to the neighbouring 13 Town Close, of which the highest point of the roof is 9.1m. The height of the eaves on this property is 6.2m. It should be noted that the ridge to the rear of the property has been dropped slightly to approximately 8.85m, breaking the form of the roof slightly and reducing the scale of the roof towards the rear of the property.
27. The proposed frontage of the building features a good deal of glazed panelling. This design is in keeping with the contemporary nature of the overall building. However, elsewhere materials have been utilised that reflect those used in the wider conservation area. The applicant has proposed a grey brick similar to adjoining properties and slate roofing. The proposed aluminium windows are considered acceptable in light of the existing building and contemporary nature of the proposal.
28. In design terms, it can be concluded that although the proposal does not necessarily enhance the conservation area, it certainly preserves the character at its current level. The proposal is for a wholly modern design of a similar scale to the surrounding buildings. However, the design and quality of materials are considered to be of a high enough quality to be considered acceptable. The plot is considered large enough to accommodate the proposed building.
29. It is acknowledged that there will be a degree of impact on the setting of the neighbouring property to the east (13 Town Close Road). The proposed changes would mean the properties would be of a similar height and scale. There is a considerable space of around 8m between the two original properties, not including the single storey garage side extension to 13 Town Close Road granted approval in 2013. If you further do not consider the single storey lean to sections on the east elevation of Fieldgate, there would be a space of 10m between the two storey elements of either property. The visual space between the two properties will not be impacted by the proposal.
30. The roof of the property would be partially visible looking westwards down Town Close Road. It should be noted that the tiled roof of the existing bungalow is already visible from this angle, albeit at a reduced scale. It is considered that the slate roofing proposed would reduce the impact of the increased scale on

the overall conservation area. The bulk of the proposal is not expected to be particularly visible from either Orwell or Town Close Roads due to the high levels of natural screening and distance from the road.

31. The comment from the Norwich Society highlights that the proposed gables are disproportionate and out of character with the conservation area. Whilst it is acknowledged that the building is not in character with the surrounding area, it must be acknowledged that neither is the existing – the character of the conservation area is not significantly altered by a scheme of this design. Hipped roofs are certainly more characteristic of the northern side of the road, but there is more diversity on the southern side of the road. The existing property features a gable facing the highway already. The comment also highlights the unsuitability of having a garage at the front of the property. In response, the applicant has submitted revised plans that show a significantly reduced garage and replacement planting that will further shield the development at street level. Exact details of this planting will be secured by condition. It is noted further that a number of properties on Town Close Road already feature outbuildings to the front of the properties.
32. The property is located opposite and adjacent to a number of Grade II listed buildings. Due to the levels of screening around the site, it is not considered that the proposal will have a significant impact on the setting of buildings to the north, west or south of the site. The property can be clearly seen from the front driveway entrance, but it is considered that the materials and design proposed are of appropriate quality to ensure that this does not have a detrimental impact on the conservation area. Again, this judgement is made in consideration of the nature of the existing building.
33. It is the responsibility of the local planning authority to ensure that developments in a conservation area ‘preserve or enhance’ the character of the area. In addition, the NPPF advises that ‘great weight’ should be attached to conserving the character of heritage assets, i.e. the Conservation Area. Whilst it is arguable that the proposed development does not enhance the character of the conservation area, it is considered sympathetic enough to the prevailing features of the character area to *preserve* the current character of the conservation area.

Main issue 2: Amenity.

34. Key policies and NPPF paragraphs – DM2, DM3, NPPF12.
35. The amenity issues raised are overlooking, loss of light and overshadowing. Due to considerable distances between the properties, the proposal is not considered to have a significant amenity impact on neighbouring residents to the north, south or west of the property.
36. Therefore, the main amenity concern is to the neighbouring property at 13 Town Close Road. The gap between the two properties has been significantly reduced in recent years, as a garage has been constructed to the side of 13 Town Close Road. There is a space of around 1.5m between the existing extension and the existing (and proposed) side elevation of Fieldgate. The two-

storey element of Fieldgate would be located approximately 10m away from the two-storey wall of 13 Town Close Road.

37. The proposal does involve significantly raising both the eaves and the ridge height of the property on the elevation that faces 13 Town Close Road. The eaves would be raised to 4.9m and the ridge line would be raised to approximately 9m. The orientation of the roofline would change so that the roofline runs from north to south for the entire length of the property on the east elevation. The roofline therefore slopes away from the neighbouring property. The roof reaches its highest point a further 4 meters away from the eaves of the roof giving a total distance of approximately 14m between the side wall of 13 Town Close Road and the highest point of the new development. Further, the roofline drops slightly on the rear half of the property, as the height of the ridge drops to approximately 8.85m, further reducing the impact on the neighbouring garden. Due to the distance between the two properties, it is not considered that there will be any significant loss of light to the two windows on the side elevation of 13 Town Close Road. It is worth noting that light to the ground floor window of this property is already partially blocked by the existing side extension.
38. It is acknowledged that Fieldgate is significantly longer than the neighbouring property. However, the extension is proposed to remain on the existing footprint. In addition, Fieldgate is located to west and slightly north of the 13 Town Close Road, Consequently, the expected loss of light to the neighbouring dwelling is not considered to be significant, given the extensions to the neighbouring dwelling and the position of the new development in relation to it. The garden of both properties is south facing, so although there may be some loss of light in the late evening hours of the summer to the windows on the side elevation of 13 Town Close Road, this loss of light is considered to be of an acceptable level. The area impacted is expected to be relatively small, consisting of the space in between the rear extension of 13 Town Close Road and the side elevation of Fieldgate. The amenity impact is further mitigated by the slope of the roof away from the garden on 13 Town Close Road.

Other issues

39. There are no highway implications and Norwich City Council's tree officer has confirmed that there are no negative impacts upon the trees on or adjacent to the site subject to the works being carried out in accordance with the submitted Arboricultural Impact Assessment.
40. Objections have raised concerns that the development will have a negative impact on the cost of housing in the area. This is not a material planning concern and so has not been considered as part of this recommendation.

Equalities and diversity issues

41. There are no significant equality or diversity issues.

Local finance considerations

42. 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.
43. 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.
44. The development is CIL liable as the proposal increases the internal floor space by over 100 square meters. The current payment is £106.47 per square meters and therefore has been calculated at £12989.73 and will be payable on commencement. The level of payment may change if the rates change between the date of decision and date of commencement. The applicant may however be able to apply for relief if the requirements set out in the 'Self build annex or extension claim form' are satisfied.

Conclusion

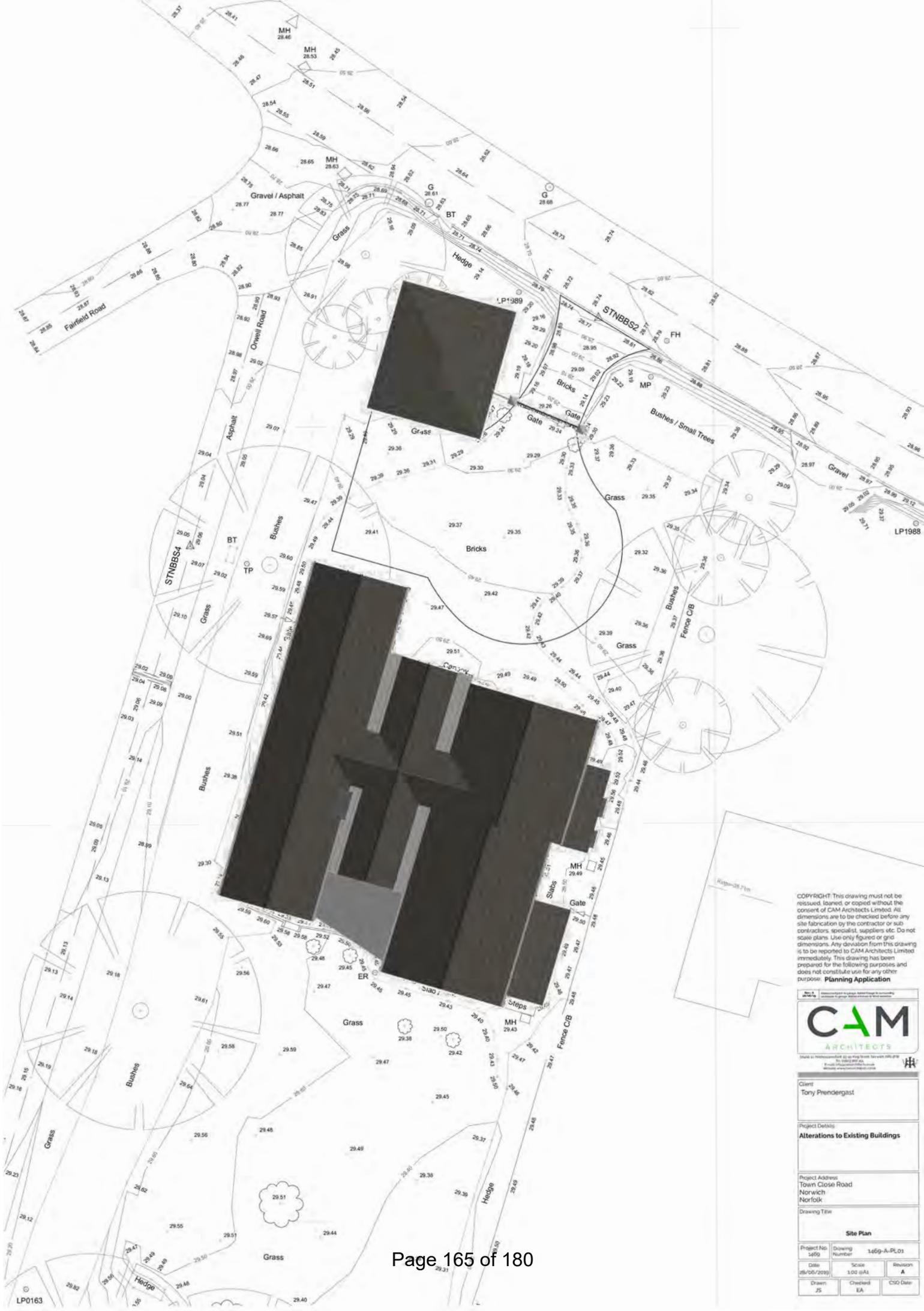
45. Overall, the proposal is not considered to have a significant impact on the amenity of neighbouring properties, the character of the conservation area or the setting of the surrounding listed buildings.
46. There is not considered to be a significant impact on neighbouring amenity by overbearing, loss of light or overlooking.
47. The design is considered acceptable and, whilst it is contemporary, will preserve the character of the conservation area given the levels of screening to the site and the design of the existing bungalow.
48. The distance and screening between the subject dwelling and the neighbouring property (13 Town Close Road) is considered sufficient to ensure that the setting of the latter will not be significantly impacted by the development.
49. The proposal subsequently meets the criteria outlined within policies DM1, DM2, DM3, DM7 and DM9 of the Norwich Development Management Policies Local Plan and NPPF7 and NPPF12 of the National Planning Policy Framework.

Recommendation

To approve application 19/00291/F (Fieldgate, Town Close Road, Norwich, NR2 2NB) and grant planning permission subject to the following conditions:

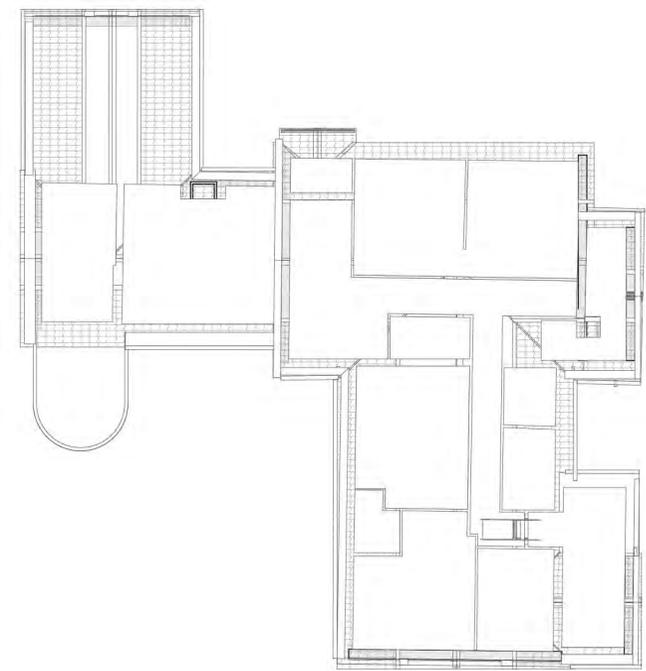
1. Standard time limit;
2. In accordance with plans;

3. Details of materials to be submitted;
4. In accordance with AIA;
5. Details of gates to front entrance;
6. Details of new planting;
7. Details of any solar equipment to be agreed before installation.

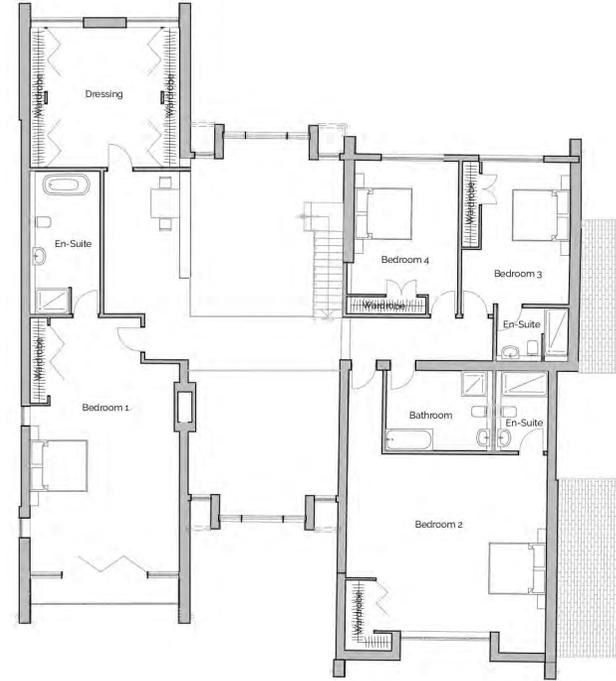


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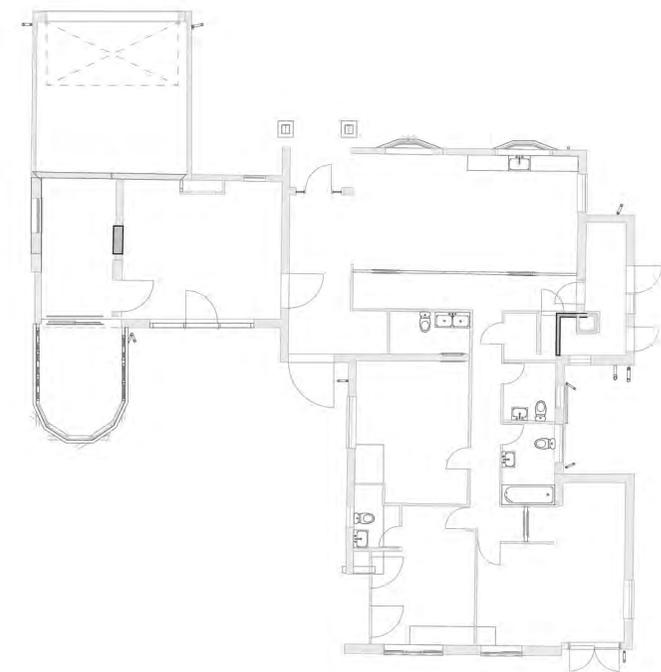
Client Tony Prendergast			
Project Details Alterations to Existing Buildings			
Project Address Town Close Road Norwich Norfolk			
Drawing Title Site Plan			
Project No. 1469	Drawing Number 1469-A-PL01	Scale 1:100 A3	Revision A
Date 26/06/2019	Drawn JS	Checked EA	CAD Date



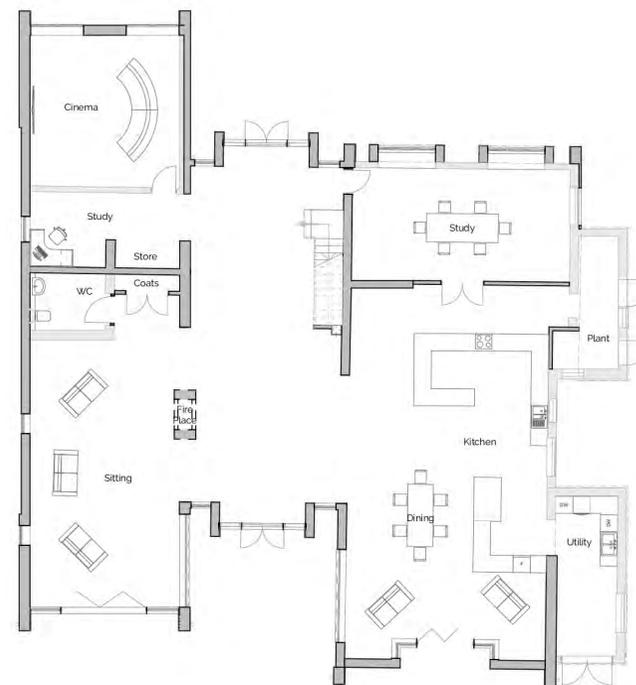
Roof as Existing



First Floor as Proposed



Ground Floor as Existing



Ground floor as Proposed

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Rev A
28/06/19

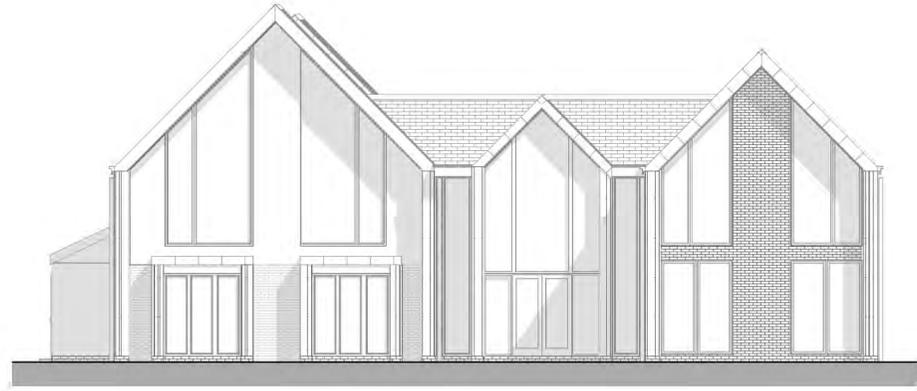
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Studio 20, Northcote Road, 1st Floor, Norwich, NR1 3PW
Tel: 01603 695 02
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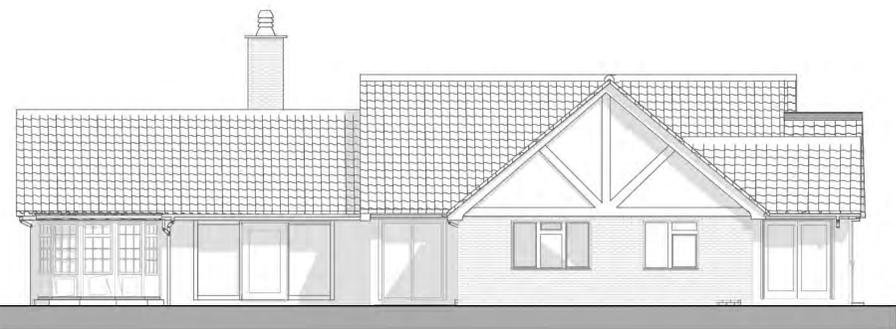
Client Tony Prendergast		
Project Details Alterations to Existing Buildings		
Project Address Town Close Road Norwich Norfolk		
Drawing Title Floor Plans as Existing and as Proposed		
Project No. 145g	Drawing Number 145g-A-PL02	
Date 28/06/2019	Scale 1:00 @ A1	Revision A
Drawn JS	Checked EA	CSO Date



Front Elevation as Existing



Front Elevation as Proposed



Rear Elevation as Existing



Rear Elevation as Proposed

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Rev A - altered roof pitch to garage. Added foliage to surrounding landscape to garage. Added windows to west elevation.

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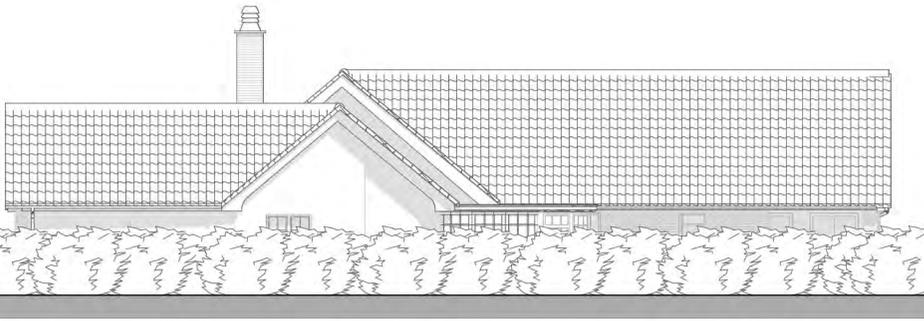
Client
Tony Prendergast

Project Details
Alterations of Existing House

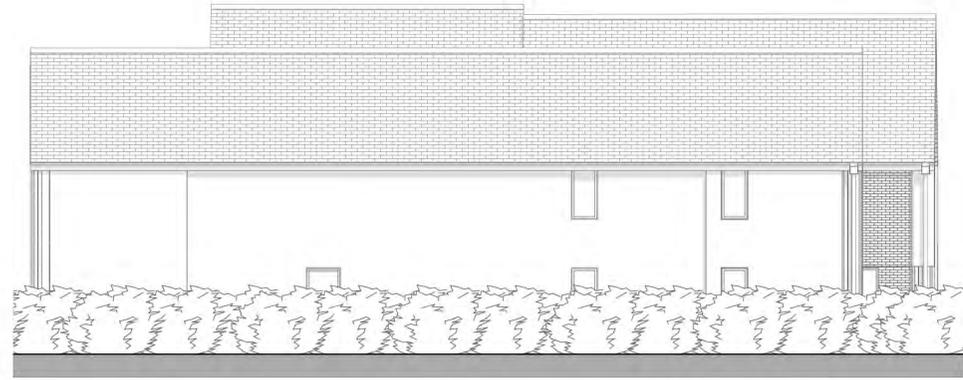
Project Address
Town Close Road
Norwich
Norfolk

Drawing Title
Front and Rear Elevations as Existing and Proposed

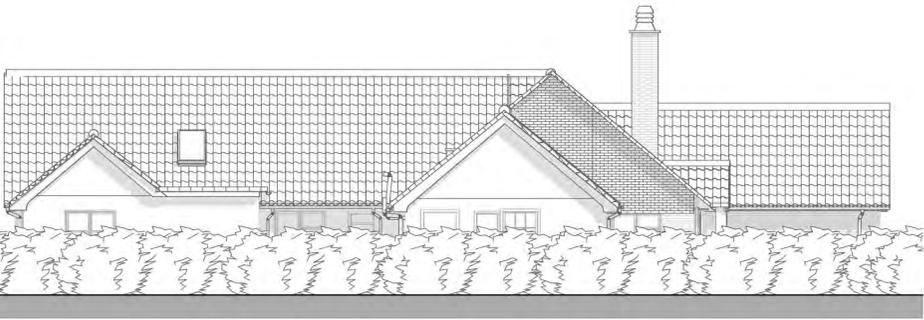
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Date 28/06/2019	Scale 1:100 @A2	CSO Date
Drawn JS	Checked IM	



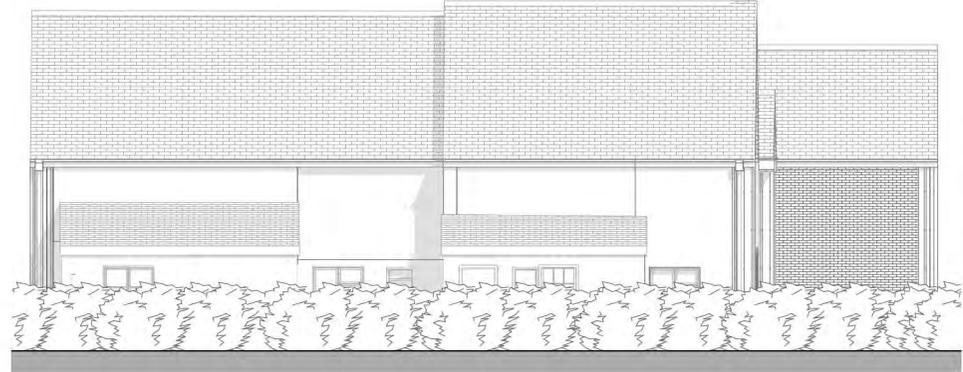
Side Elevation as Existing



Side Elevation as Proposed



Side Elevation as Existing



Side Elevation as Proposed

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Rev - A Altered roof pitch to garage. Added foliage to surrounding landscape to garage. Added windows to West elevation.



Client
Tony Prendergast

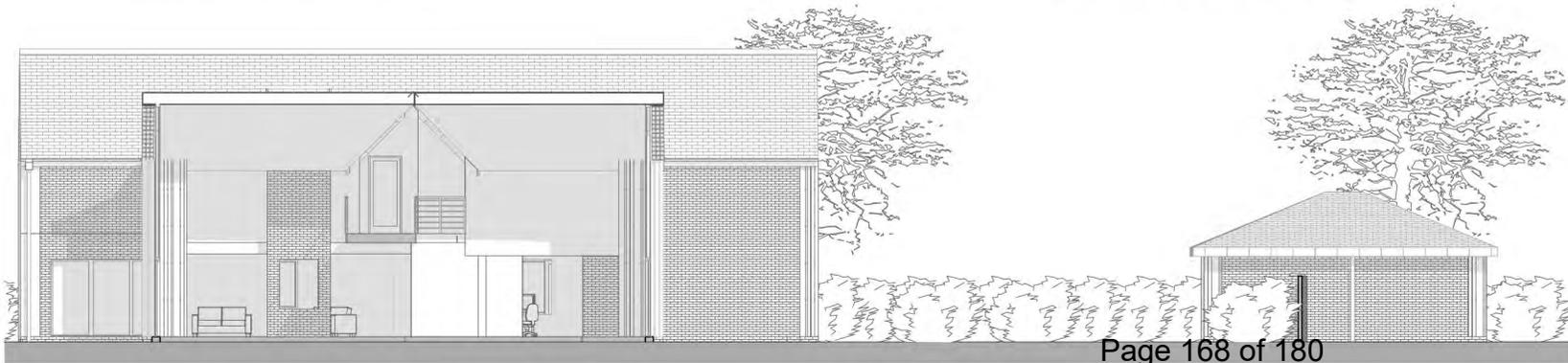
Project Details
Alterations of Existing House

Project Address
Town Close Road
Norwich
Norfolk

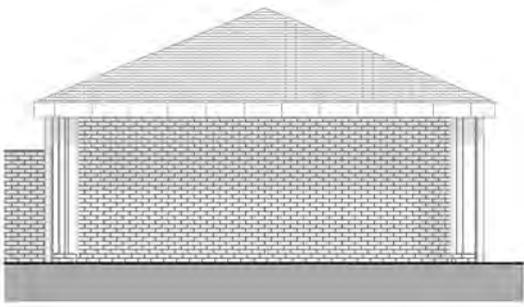
Drawing Title

Side Elevations as Existing and Proposed

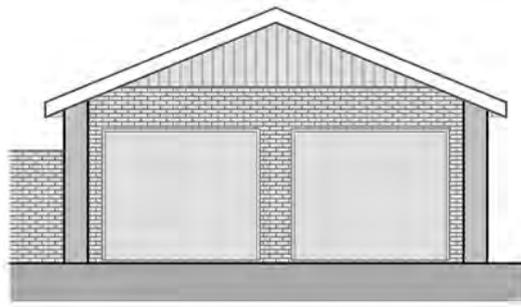
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Date 28/06/2019	Scale 1:100 @A2	CSO Date
Drawn JS	Checked JM	



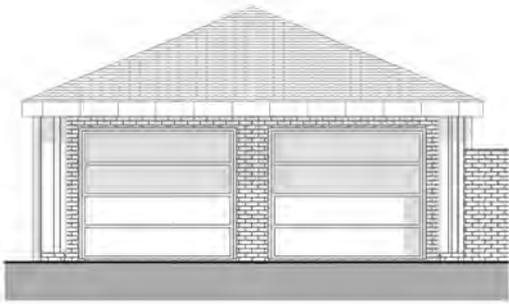
Building Section as Proposed



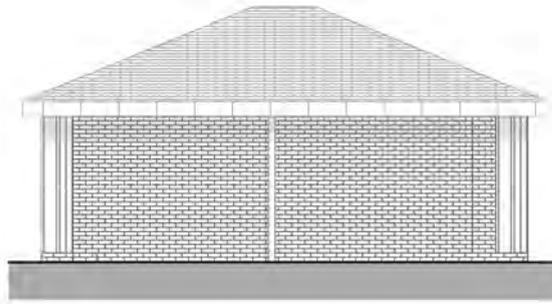
Rear Elevation as Proposed



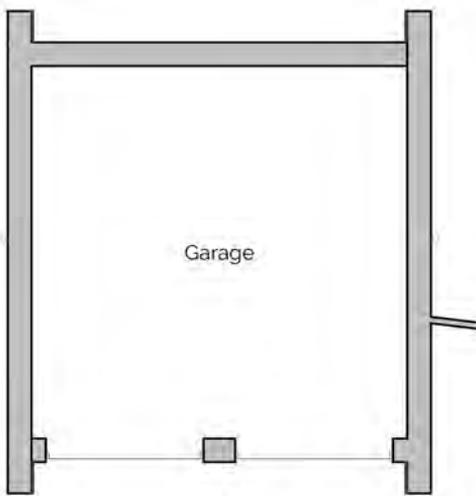
Garage Section as Proposed



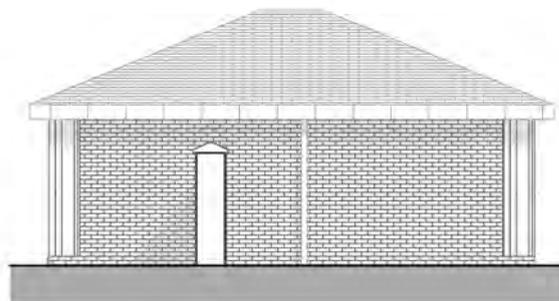
Front Elevation as Proposed



Side Elevation as Proposed



Garage Floor Plans as Proposed



Side Elevations as Proposed

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Rev - A 28/06/19 Altered roof pitch to garage. Added foliage to surrounding landscape to garage. Added windows to West elevation.



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Client
Tony Prendergast

Project Details
Alterations to Existing Buildings

Project Address
Town Close Road
Norwich
Norfolk

Drawing Title
Garage Floor Plans • Elevations as Proposed

Project No. 146g Drawing Number 146g-A-PL05

Date 28/06/2019 Scale 1:100 @A3 Revision A

Drawn JS Checked EA CSO Date

Report to Planning applications committee

Item

11 July 2019

Report of Head of planning services

Subject Application no 19/00491/F - 65 Cunningham Road,
Norwich, NR5 8HH

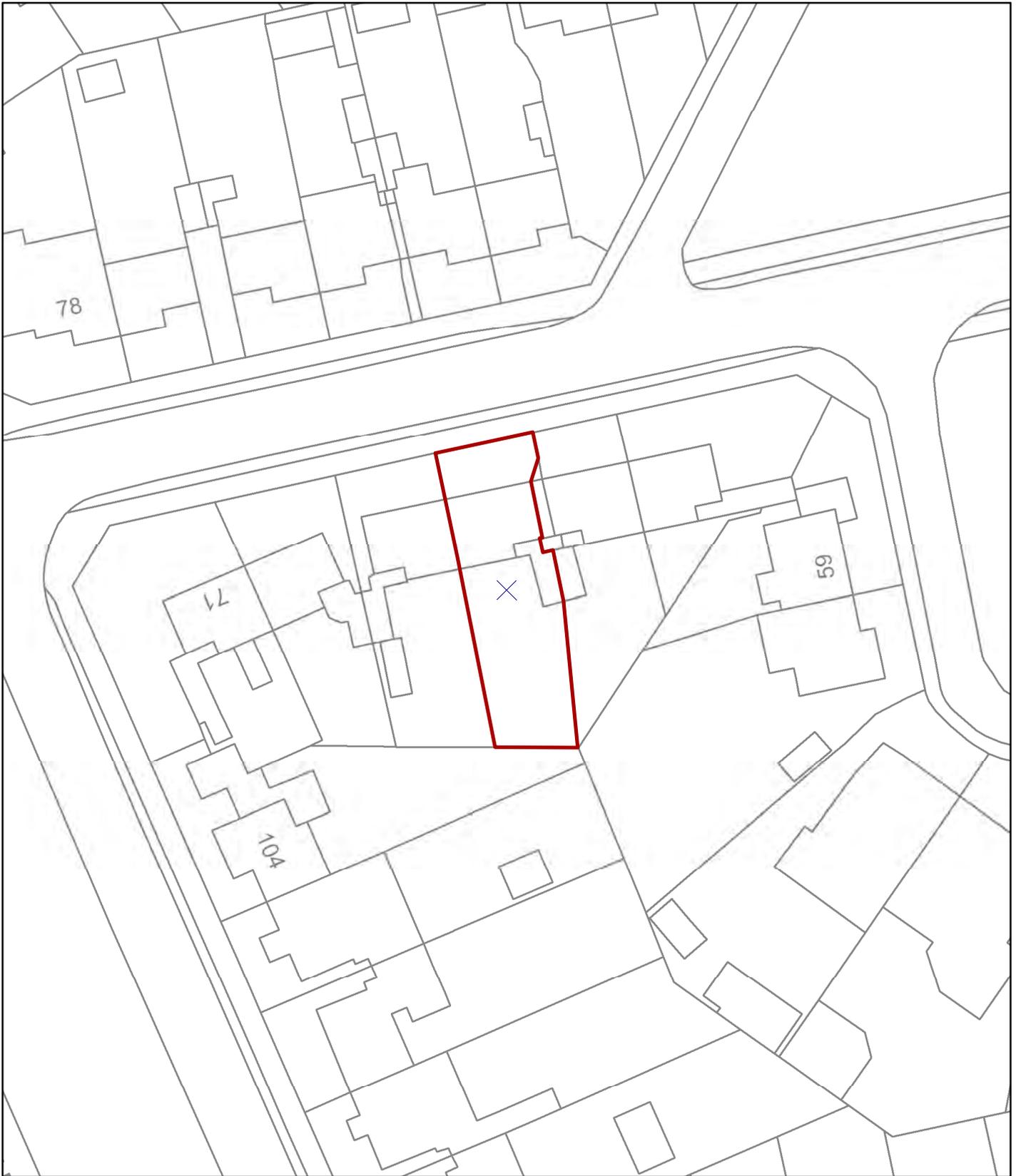
4(g)

**Reason
for referral** Objection

Ward:	University
Case officer	Stephen Polley - stephenpolley@norwich.gov.uk

Development proposal		
Single storey rear extension.		
Representations		
Object	Comment	Support
2	0	0

Main issues	Key considerations
1 Scale and Design	The impact of the proposed development within the context of the original design / surrounding area
2 Residential Amenity	The impact of the proposed development on the neighbouring properties; loss of light; outlook; privacy; use of the property as an HMO.
Expiry date	14 June 2019
Recommendation	Approve



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Planning Application No 19/00491/F
Site Address 65 Cunningham Road
Scale 1:500

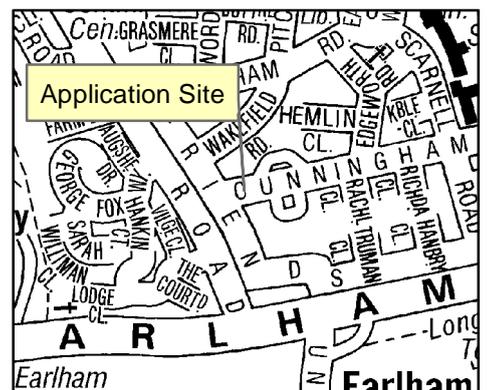


NORWICH
City Council

PLANNING SERVICES



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The site and surroundings

1. The site is located on the south side of Cunningham Road, a residential street located within the West Earlham area, to the west of the city. The prevailing character of the area is residential predominantly comprising a mixture of two-storey semi-detached and terraced dwellings constructed as part of a wider local authority post war housing development. Properties have typically been arranged on plots with front garden / parking areas, outbuildings to the side and larger mature rear gardens.
2. The subject property is a two-storey mid-terrace dwelling constructed circa 1950 using red bricks and concrete roof tiles. The property has a stepped rear elevation. The site features a small front garden / driveway, access to the rear via a shared covered passageway which leads to a single storey link-attached outbuilding which includes a roof over the passageway, and a larger rear garden.
3. The site is bordered by the adjoining terrace properties to the east and west, nos. 63 and 67 Cunningham Road respectively. Beyond the site to the rear is the rear gardens of properties located on Friends Road. The site boundaries to the rear are marked by low close boarded fencing.

The proposal

4. The proposal is for the construction of a 5.3m x 4.5m single storey extension designed with a hipped roof measuring 2.4m to the eaves and 3.6m to the ridge. The extension creates an additional bedroom accessed via the original lounge, with two rear facing windows and a single window facing onto the covered passageway to the side. The design includes a step within the proposed east elevation to allow for access to an inspection chamber to be maintained.
5. It should be noted that the application originally sought consent for a larger 6.5m long rear extension, facilitating the creation of two additional bedrooms. The original plans were considered to be overly large and provide a poor standard of amenity for the occupier of the second bedroom.

Representations

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

Issues raised	Response
Loss of light to living room (no. 65)	See main issue 2.
Noise disturbance / littering / loss of privacy as a result of being used as a student HMO	See main issue 2.
Loss of parking spaces locally caused by use of property as a student HMO	See other matters.

Consultation responses

7. No consultations undertaken.

Assessment of planning considerations

Relevant development plan policies

8. **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
9. **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

Other material considerations

10. **Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**
 - NPPF7 Requiring good design

Case Assessment

11. 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: Design

12. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 9, 17, 56 and 60-66.
13. The proposed single-storey extension by virtue of its scale, design and form will have a limited impact on the character and appearance of the subject property. The use of matching materials and a hipped roof design, which is consistent with that of the original terrace will ensure that the extension blends well with the existing dwelling.
14. The single-storey rear extension will largely not be visible from the highway and as such will have a limited impact on the character of the wider area. The proposed development is therefore considered to be acceptable in design terms.

Main issue 2: Amenity

15. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
16. The scale, siting and design of the proposed extension will ensure that the proposed development has a limited impact on the residential amenities of neighbouring occupiers. Policy DM2 seeks to protect the amenities of the neighbouring occupiers with particular regard given to overlooking, overshadowing, loss of light/outlook and the prevention of disturbance from noise, odour, vibration, air or artificial light pollution. In this case due to the south facing orientation of the site and the scale of the proposed development, the extension would only result in a limited amount of overshadowing of no. 67 to the west.
17. The proposed development does not extend beyond the original outbuilding which is sited along the boundary shared with no. 63 to the east. The siting of the proposed extension in relation to the existing outbuilding ensures that there is a sufficient gap maintained between the rear of the neighbouring property and the proposed extension to prevent significant harm being caused by way of overshadowing, loss of privacy or loss of outlook.
18. With regard to noise and other disturbances caused by odour, littering as a result of the use of the property as an HMO occupied by students, the increase in the number of bedrooms from three to four is not expected to result in a significant change from the current situation, whereby the house is arranged as a three bed C3 dwellinghouse. The change from a C3 dwellinghouse to a C4 small scale HMO is a permitted change, not requiring planning permission.
19. In order to protect the residential amenity of both future occupiers and residents, it is considered reasonable to add a condition restricting the use of the site to being only a C3 dwellinghouse or C4 small scale HMO. The condition will ensure that the layout as proposed is maintained, preventing the creation of any additional bedrooms.

Other matters

20. The provision of car parking within the area is not considered as part of this application as the application seeks consent for a household planning permission only, and not a change of use to a large scale HMO.

Equalities and diversity issues

21. There are significant/There are no significant equality or diversity issues.

Local finance considerations

22. 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.
23. 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.

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

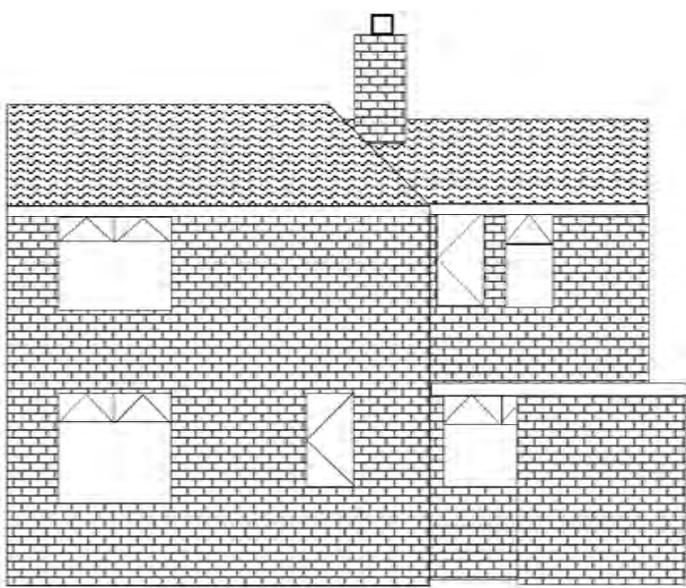
Conclusion

25. The proposal will result in an enlarged dwelling which is considered to be of an appropriate scale, which does not cause significant harm to the character and appearance of the subject property or surrounding area.
26. The proposed development will have a limited impact upon the residential amenities of neighbouring properties, with significant harm not occurring by way of overshadowing, overlooking or loss of outlook.
27. The development is 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.

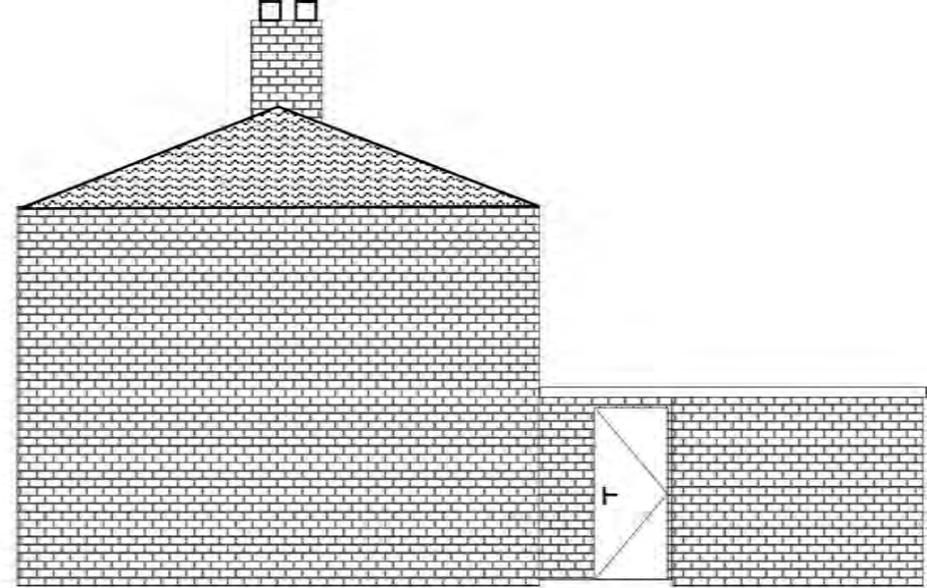
Recommendation

To approve application no. 19/00491/F - 65 Cunningham Road Norwich NR5 8HH and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Section 75 compliance / use as a C3 dwellinghouse or C4 small scale HMO only



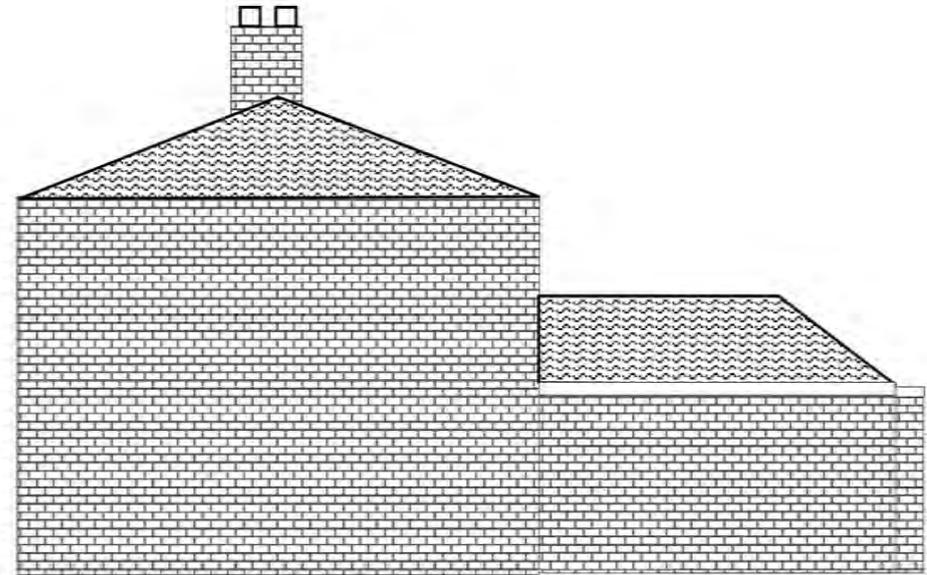
Existing South elevation
Scale : 1 : 100



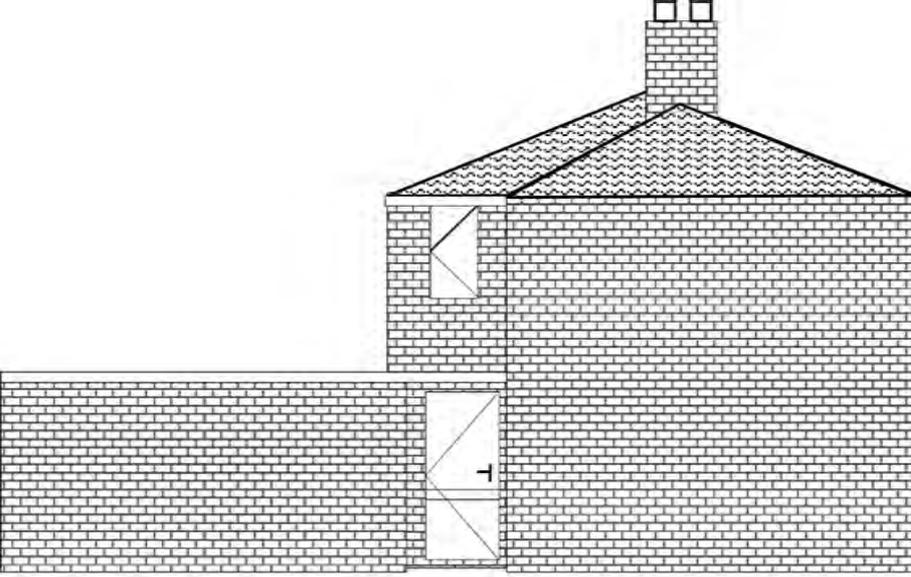
Existing West elevation
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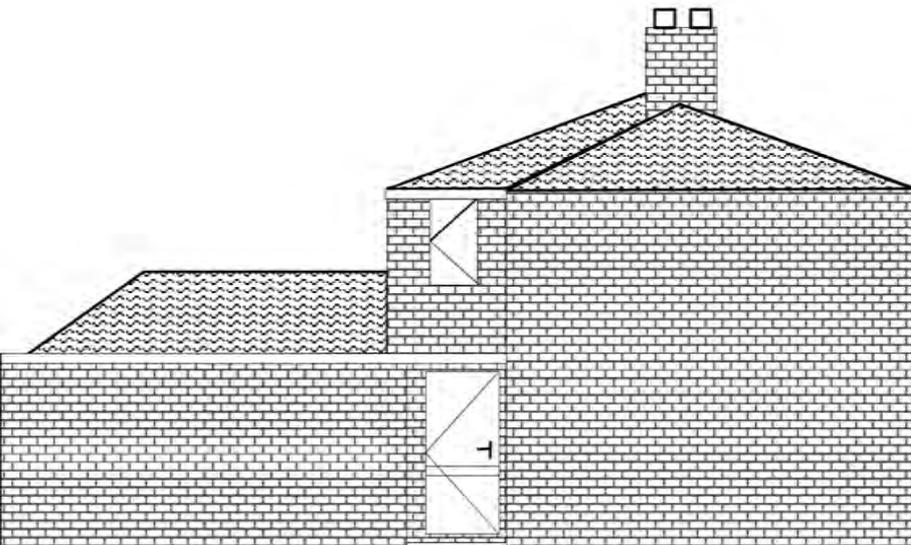
Proposed South Elevation
Scale : 1 : 100



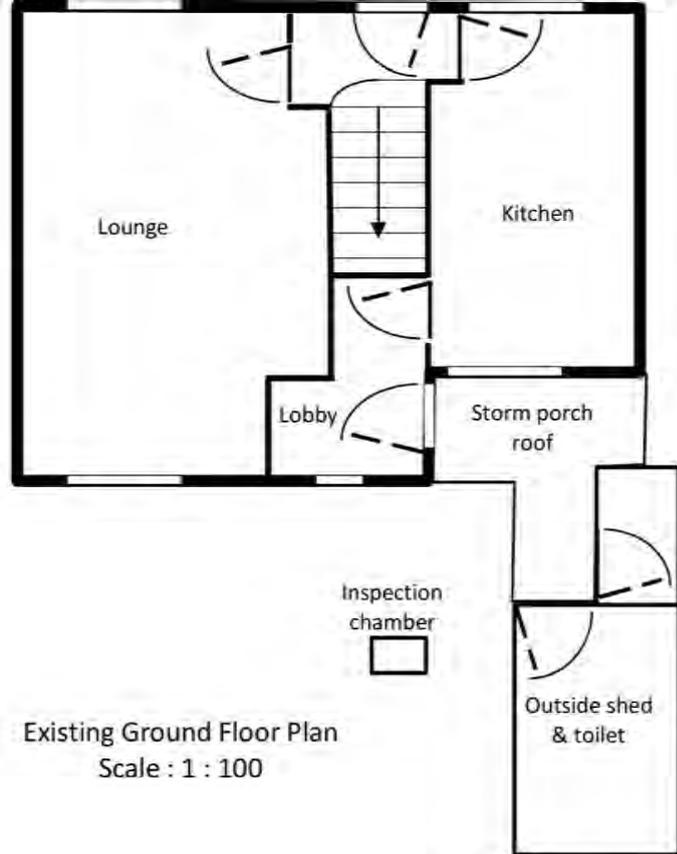
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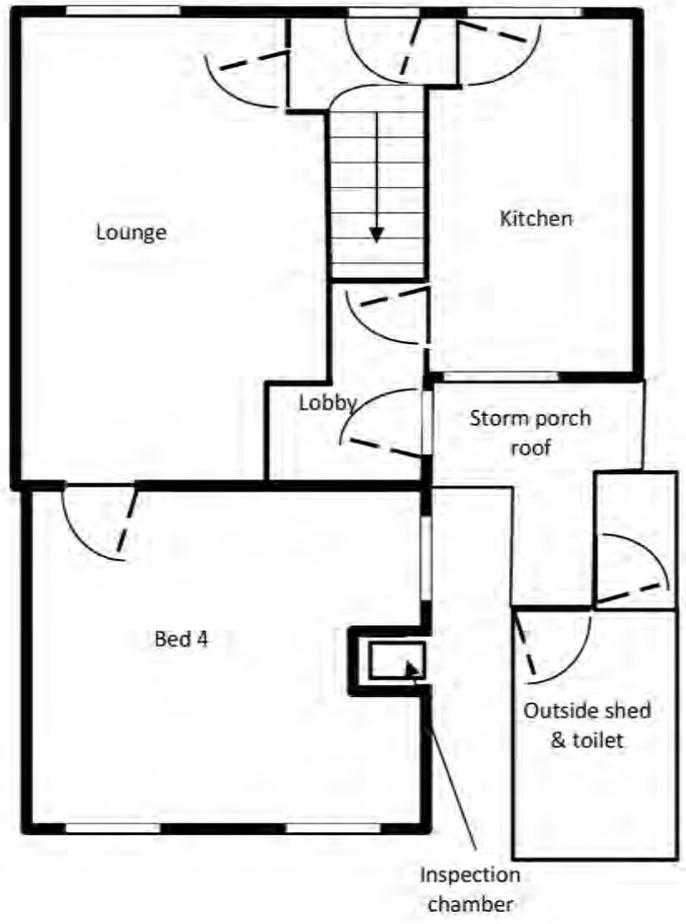
Existing East Elevation
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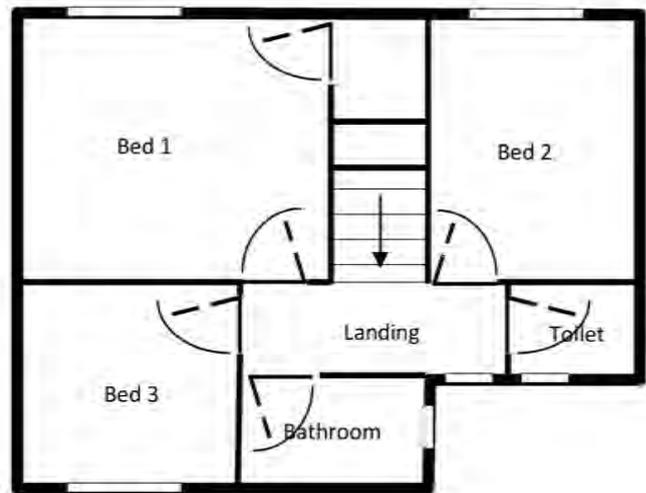
Proposed East Elevation
Scale : 1 : 100



Existing Ground Floor Plan
Scale : 1 : 100



Proposed Ground Floor Plan
Scale : 1 : 100



Existing First Floor Plan
Scale : 1 : 100



