

Planning applications committee

Date: Thursday, 08 January 2015

Time: 09:30

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

Committee members:

Councillors:

Gayton (chair)
Sands (M) (vice chair)
Ackroyd
Blunt
Boswell
Bradford
Button
Herries
Grahame
Jackson
Neale
Woollard

For further information please contact:

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Agenda

1 Apologies

To receive apologies for absence

2 Declaration 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 - 14

To approve the accuracy of the minutes of the meeting held on 4 December 2014.

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 10am on the day before the meeting.

Further information on planning applications can be obtained from the council's website:

<http://planning.norwich.gov.uk/online-applications/>

Please note:

- The formal business of the committee will commence at 09:30;
- 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.

Summary of applications for consideration

15 - 16

Standing duties

17 - 18

4A	Application no 1401521F Fishmarket and 69-75 Mountergate	19 - 50
4B	Application no 1401094F 117-127 Trinity Street	51 - 86
4C	Application no 1401450O rear of 16 and 17 The Hedgerows	87 - 102
4D	Application no 1400920F 63-67 Prince of Wales Road and 64-68 Rose Lane	103 - 114
4E	Application no 1401382F - St Clements Nursing Home	115 - 124
4F	Application no 1401660F 114 Cambridge Street	125 - 130
4G	Application no 1401655F 180 Angel Road	131 - 140
4H	Application no 1401383F - 6 Branksome Road	141 - 150
4I	Application No 1401588D - Norwich International Airport	151 - 158
5	Tree Preservation Order 468 confirmation	159 - 176

Purpose - For planning applications committee to consider whether or not to confirm Tree Preservation Order[TPO], 2014. City of Norwich Number 468; Orchard Place Estate, [off Fifers Lane]- Dowding Road, Taylors Lane, Mallory Road, Dakota Drive, Douglas Close and Old Blenheim Way, Norwich.

Date of publication: **Monday, 22 December 2014**

Planning applications committee**09:30 to 11:45****4 December 2014**

Present: Councillors Gayton (chair), Sands (M), Ackroyd, Blunt, Boswell, Bradford, Button, Grahame, Herries, Jackson, Neale and Woollard

(Councillors Gayton, Sands (M), Ackroyd, Blunt, Boswell, Button, Herries, Jackson, Neale, Woollard and Bradford attended the pre-application briefing at 09:00 on the proposals for the residential accommodation at the former Blackdale School site, Bluebell Road, Norwich.)

1. Declaration of interests

There were no declarations of interest.

2. Minutes

RESOLVED to approve the minutes of the meeting held on 6 November 2014, subject to item 7, Application no 14/00618/F Vikings Venture Scout Hut adjacent to 420 Dereham Road, Norwich, NR5 8QQ, deleting the words "He also explained that.." from the end of the fourth paragraph.

3. Application no 14/01103/F, Former Eastern electricity board site, Duke Street, Norwich (Duke's Wharf)

The senior planner (development) presented the report with the aid of plans and slides. She also referred to the supplementary report of updates to reports which was circulated at the meeting, and advised members that the Broads Authority had submitted an amended plan which reduced the number of floating islands to four. Members were also advised that there was an incorrect reference to policy CC23 in paragraph 34 of the report which should be amended to policy CC21. The supplementary report also pointed out corrections to the text in the main report.

A resident of Dukes Palace Wharf addressed the committee and whilst welcoming the development of a derelict site, highlighted his objections to the scheme which included: the "canyon effect" of the buildings and the creation of a wind tunnel; the generation of extra traffic; loss of the surface car park; that the warehouse should be converted rather than demolished and that there would be confusion between the new Dukes Wharf and the existing Dukes Palace Wharf.

The applicant addressed the committee and spoke in support of the application explaining that the change of use of the office buildings to residential dwelling was the most viable option and that the scheme was the result of work with council officers and the Broads Authority over the last 18 months to bring forward a

development which would provide high quality, energy efficient homes in a sustainable location; retain access to the river; contribute to the cycle contraflow and create jobs.

During discussion, the senior planner and the planning team leader (development) referred to the reports and answered members' questions. Members sought reassurance about planning obligations and expressed regret about the lack of viability for affordable housing provision. Members were advised that access to the river was through the lower basement of the riverside building and that there would need to be a public access scheme to manage it.

RESOLVED, with 11 members voting in favour (Councillors Gayton, Sands (M), Ackroyd, Blunt, Boswell, Button, Herries, Jackson, Neale, Woollard and Bradford) and 1 member abstaining (Councillor Grahame) to approve application no 14/01103/F, Former Eastern Electricity board site, Duke Street, Norwich (Dukes Wharf), and grant planning permission, subject to the completion of a satisfactory S106 Obligation to include a viability review, public access to the riverside and contributions to provide and maintain street trees and subject to the following conditions:

1. Standard time limit.
2. In accordance with plans.
3. Phasing.
4. Photographic record former social club.
5. Archaeology – investigation/interpretation/recording.
6. No demolition/clearance nesting season.
7. Arboricultural method statement – submission and implementation.
8. Contamination/ imported material – investigation and verification.
9. Off- site highways works to be agreed and implemented.
10. Environmental and construction management plan – submission and implementation.
11. Min. floor level 5.0m, Above ordnance Datum Newlyn (AOND).
12. Landscaping – details/implementation/management.
13. Detailed design of joinery/balconies etc to be agreed.
14. Parking and servicing plan – provision and management.
15. Development to meet water efficiency code 4.
16. Development to meet 10% lifetime homes.
17. Prior approval of extraction/ventilation/machinery.
18. PD removal for changes of use from A2/B1a.
19. Hours restrictions – restaurant.
20. Energy strategy – full details and implementation/management.
21. Flood mitigation - implementation/management.
22. Surface water drainage scheme - implementation/management.
23. External lighting details.
24. Provision of pontoon.
25. Scheme for heritage interpretation.

Article 31(1)(cc)

The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan,

national planning policy and other material considerations, following negotiations with the applicant and subsequent amendments the application has been approved.

4. Application no 14/01527/F 3 Albemarle Road

The planner (development) presented the report with the plans and slides and referred to the supplementary report of updates to reports which was circulated at the meeting.

Discussion ensued in which the planner referred to the reports and answered members' questions. Members were reassured that officers would agree the materials with the applicant and negotiate that the material used were sensitive to the area. The blank façade would be softened by landscaping.

RESOLVED with 11 members voting in favour (Councillors Gayton, Sands, Ackroyd, Blunt, Button, Herries, Grahame, Jackson, Neale, Woollard and Bradford) and 1 member abstaining (Councillor Boswell) to approve application no. 14/01527/F 3 Albemarle Road and grant planning permission, subject to the following conditions:

1. Standard time limit.
2. In accordance with plans.
3. Compliance with tree protection plan.
4. Material samples required pre-commencement.
5. Details of water efficiency pre-commencement.
6. Cycle storage to be agreed and installed pre-occupation.
7. Refuse storage to be agreed and installed pre-occupation.
8. Green roof provision and retention to reduce runoff.

Article 31(1)(cc)

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

5. Application no 14/01454/F 149 Gipsy Lane

The planner (development) presented the report with the aid of plans and slides and referred to the supplementary report of updates to reports which was circulated at the meeting. Members were advised that the applicant had provided revised plans and clarified that the use of the garage would be for a workshop/storage ancillary to the main dwelling. The supplementary report also contained a further letter of representation and the officer response.

RESOLVED, unanimously, to approve application no 14/01454/F 149 Gipsy Lane subject to the following condition:

1. In accordance with plans.

Informative

Should the outbuilding be used as a workshop independently of the main house or for residential purposes as a residential dwelling or annexe, then such a change would be likely to require planning permission, and a application should be submitted for consideration by the local planning authority prior to any such change of use taking place. In addition any occupation of the site (including the main house) by more than six unrelated individuals would also constitute a change of use and would require planning

Article 31(1)(cc)

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

6. Application no 14/01286/F, Land south of Howard Mews

The planner (development) presented the report with the aid of plans and slides and referred to the supplementary report of updates to reports which was circulated at the meeting, and contained a summary of an additional representation and the officer response. The proposal had been amended to a flat roof dwelling which was a significant improvement.

Discussion ensued in which the planner, the planning development manager and the planning team leader (development) referred to the reports and answered members' questions, which included the assessment of the application against the five year land supply.

RESOLVED, unanimously, to approve application no 14/01286/F land south of Howard Mews and grant planning permission, subject to the following conditions:

1. Standard time limit.
2. In accordance with plans.
3. Cycle and bin storage to be implemented prior to occupation.
4. Location and details of bin collection area.
5. Submission of Arboricultural Impact Assessment, method statement and tree protection plan.
6. Details of existing soft landscaping to be retained and new hard / soft landscaping.
7. No site clearance between March and September.
8. Biodiversity enhancements.
9. Implementation of boundary treatment.
10. Further details of the white lining of existing parking spaces for existing residents within the development area within the development area.
11. Details of water conservation measures.
12. Details of secure and covered cycle storage for the existing residents in the flats.

7. Application no 14/01436/VC Aldi, 174 – 178 Plumstead Road

The planning team leader (development) presented the report with the aid of plans and slides.

During discussion members expressed concern about the effect about extending delivery hours to the store on the residents of adjacent properties. Members noted that measures such as an acoustic unloading bay were in place to mitigate disturbance from deliveries. Members were advised that the appropriate noise assessments had been carried out, and at the chair's discretion, the agent confirmed that thorough noise level assessments had been carried out based on a "worst case scenario".

Some members were especially concerned about nuisance to residents on Sundays and Bank Holidays when people want to enjoy being in their gardens.

Councillor Bradford moved and Councillor Ackroyd seconded that the hours of delivery on Sundays and Bank Holidays should not be extended and should remain unchanged (9:00 to 16:00) and therefore condition 13 should be amended. On being put to the vote, with 9 members voting in favour (Councillors Ackroyd, Boswell, Button, Herries, Grahame, Jackson, Neale, Woollard and Bradford) and 3 members voting against (Councillors Gayton, Sands and Blunt) the amendment was carried.

RESOLVED, with 7 members voting in favour (Councillors Gayton, Ackroyd, Blunt, Boswell, Button, Jackson and Herries) and 5 members voting against (Councillors Sands, Neale, Woollard, Bradford and Grahame) to approve application no 14/01436/VC Aldi, 174 – 178 Plumstead Road and grant planning permission subject to the following conditions:

1. Walls and fences retained as agreed.
2. Car parking, cycle and refuse storage retained as agreed.
3. Pedestrian access through site retained as agreed.
4. Landscaping retained as agreed.
5. Replacement landscaping as required.
6. Ventilation or fume extraction systems agreed as required.
7. No storage of materials on site.
8. No reversing alarms.
9. Vehicle refrigeration units switched off.
10. Vehicle loading and unloading as agreed.
11. Delivery bay shroud retained as agreed.
12. No cages used on site.
13. Servicing and delivery hours 06:00-23:00 Monday to Saturday and 09:00-16:00 on Sundays and Bank Holidays.
14. Plant or machinery agreed as required.
15. Retail sales type restriction.
16. Highway improvement works completion.
17. Car park management plan.
18. Traffic directional signs.
19. Travel plan implementation retained as agreed.
20. Refuse storage screening for Heartsease Public House retained as agreed.
21. 10% renewable energy on site retained as agreed.
22. Highway matters implementation.

23. No more than two deliveries each day between the hours of 06:00 and 07:00.

Article 31(1)(cc)

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

8. Application no 14/00957/F Site between 95 and 111 Adelaide Street

The planning development manager presented the report with the aid of plans and slides and referred to the supplementary report of updates to reports circulated at the meeting in relation to the five year land supply.

During discussion the planning development manager referred to the report and answered members' questions. Members were advised that if this application was not approved the applicant could develop the site under the extant planning permission. The planning development manager said that there was provision to revoke extant planning consent but it was a complicated legal process.

Councillor Jackson suggested that the application was contrary to policy DM12, parts (a) and (b), and because The Bread and Cheese public house was a locally listed building, contrary to part (e) of DM12.

Councillor Jackson moved and Councillor Boswell seconded that the application be refused because it was contrary to DM12, the design of the proposed three dwellings was overdevelopment of the site which was the size of a terraced house, and its height and mass would be detrimental to the street scene of terraced houses and the locally listed public house; the proposed development would overshadow adjacent neighbouring properties and provide unsatisfactory living conditions for potential residents of the development and offered no off street parking, exacerbating existing pressure for resident parking in the area.

One member said that he considered that as the applicant had in submitting this application sought to improve on the extant planning consent and therefore was unlikely to develop the site without seeking further planning permission.

RESOLVED with 11 members voting in favour of refusal (Councillors Gayton, Sands, Ackroyd, Blunt, Boswell, Button, Grahame, Jackson, Neale, Woollard and Bradford) and 1 member abstaining (Councillor Herries) to refuse application no 14/00957/F Site between 95 and 111 Adelaide Street on the grounds that the proposed development contradicts policy DM12, is overdevelopment of the site, its height and mass is detrimental to the streetscene and a locally listed building, would overshadow and be detrimental to the amenity of neighbouring properties, and provide unsatisfactory living conditions to potential residents of the development and provided no street parking, and to ask the head of planning services to provide the reasons for refusal in planning policy terms>

(Reasons for refusal as provided subsequently by the head of planning services:

1. The proposed building does not adequately take account of its setting with the proposed development appearing overbearing and out of keeping with the surrounding buildings. Furthermore there is an unusual relationship between the proposed building and the pitched roofs of the other buildings on the street. As such it is not considered that the proposal is of good design and therefore does not accord to policies DM3 of the Norwich Development Management Policies Local Plan (adopted 2014), policy 2 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk (adopted March 2011, amendments adopted January 2014) and the objectives of the National Planning Policy Framework.
2. The proposed three storey development dwarfs the neighbouring Bread and Cheese Public House, which is a locally listed building, due to its size, mass and positioning. It is therefore considered that the proposal will have a detrimental impact upon the neighbouring heritage asset. As such the development does not accord to policy DM9 of the Norwich Development Management Policies Local Plan (adopted 2014), policy 1 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk (adopted March 2011, amendments adopted January 2014) and the objectives of the National Planning Policy Framework.
3. The proposed development will result in loss of light and overshadowing to the property to the south (95 Adelaide Street) and will also have an overbearing impact upon the neighbouring residents. Furthermore the proposal will lead to overshadowing to the garden area of 2 Arderon Court and an unacceptable level of overlooking to neighbouring residents on Adelaide Street, Arderon Court and Waddington Street. The development would therefore not accord to policy DM2 of the Norwich Development Management Policies Local Plan (adopted 2014).
4. The proposed development will provide a poor standard of amenity for future residents of the site due to a combination of the flats having a small internal area and a lack of sufficient private, useable external amenity space for all three flats. The development would therefore not accord to policies DM2 and DM13 of the Norwich Development Management Policies Local Plan (adopted 2014).
5. No off street car parking is provided and as the site is situated within an area where there is no controlled parking and the site is not within 200 metres of a bus stop which offers a 10 minute service to the city centre, an additional three flats will significantly increase demand for on street car parking. The proposed development does not therefore meet the minimum car parking standards of one car parking space per dwelling and does not accord to policies DM31 and DM32 of the Norwich Development Management Policies Local Plan (adopted 2014) and section 4 of the National Planning Policy Framework.

Article 31(1)(cc) Statement

The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations. Whilst a scheme has been given a recommendation for approval by officers elected members considered for the reasons outlined above that on balance and in light of the above policies that

the application was not acceptable. The applicant is advised that no further planning fee would be payable for any resubmission for development of the same character or description on the same site and by the same applicant within 12 months of the date of this refusal. The applicant is also advised of the Council's pre-application service, further details of which can be found at the following web link:

<http://www.norwich.gov.uk/Planning/pages/Planning-Pre-ApplicationAdviceService.aspx>

9. Application ref: 12/01598/VC Wentworth Gardens

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

RESOLVED, unanimously, to approve the application 12/01598/VC Wentworth Gardens subject to the conditions and amended planning obligations as set by previous planning committee resolutions on 14 February, 2013 and 6 February, 2014, and subject to the following additional amendments to the Section 106 Agreement:

1. The two outstanding shared ownership bungalows can be used for either intermediate tenure (for the avoidance of doubt being shared ownership, intermediate rent or shared equity housing), or social rent tenure.
2. In the event they remain unfeasible as affordable housing the two bungalows can be disposed of to the open market only if a commuted sum financial contribution payment is first made to the Council; this sum being £132,198.04 index-linked, or an alternative sum to be first agreed by the Head of Planning in consultation with strategic housing, such sum to be required prior to the first occupation of either of the two remaining bungalows following open market disposal.

Article 31(1)(cc) Statement

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

10. Application no 14/01474/F 77 Earlham Road

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

RESOLVED, unanimously, to approve planning application 14/01474/F 77 Earlham Road, Norwich and grant planning permission, subject to the following conditions:

1. Commencement within 3 years.
2. In accordance with plans.
3. Materials to be agreed with local planning authority.

Article 31(1)(cc) Statement

The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan,

national planning policy and other material considerations and has approved the application subject to appropriate conditions and for the reasons outlined in the officer report.

CHAIR

**Summary of applications for consideration at planning applications committee
8 January 2014**

ITEM 4

Item No.	Case Number	Location	Case Officer	Proposal	Reason for consideration at committee	Recommendation
4A	14/01521/F	Fishmarket and 69-75 Mountergate	Mark Brown	Demolition and erection of 595 space multi-storey car park and financial and professional services (Class A2)/restaurant and café (Class A3)/Business (Class B1) uses.	Objection and city council application	Approve
4B	14/01094/F	117-127 Trinity Street	Rob Parkinson	Demolition of 11 flats and garages and redevelopment for 13 flats with basement parking.	Objections	Approve
4C	14/01450/O	16 and 17 The Hedgerows	John Dougan	Bungalow	Objections	Approve
4D	14/00920/F	63-67 Prince of Wales Road and 64-68 Rose Lane,	Caroline Dodden	Change of use to drinking establishment and nightclub (Class Sui Generis) with retrospective change of use to an external seating /smoking area.	Objections and authorisation for enforcement action	Refuse and authorise enforcement action
4E	14/01382/F	St Clements Nursing Home	Lara Emerson	Extensions	Objections	Approve
4F	14/01660/F	114 Cambridge Street	Lara Emerson	Retrospective application for first floor extension	Objection	Approve
4G	14/01655/F	180 Angel Road	Joy Brown	Extension	Objection and previously referred to committee	Approve

Item No.	Case Number	Location	Case Officer	Proposal	Reason for consideration at committee	Recommendation
4H	14/01383/F	6 Branksome Road	Steve Polley	Demolition of existing extensions and erection of two storey extensions.	Objections	Approve
4I	14/01588/D	Norwich International Airport	Steve Fraser-Lim	Details of Condition 3: revised timescale of implementation of previous planning permission 12/01172/F.	Authorisation for enforcement action.	Refuse and authorise enforcement action

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.

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 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.

Planning (Listed Buildings and Conservation Areas) Act 1990 (S66(1) and S72)

- (1) In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- (2) In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of [the Planning Acts] special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- (3) The Court of Appeal has held that this means considerable importance and weight must be given to the desirability of preserving the setting of listed buildings and conservation areas when carrying out the balancing exercise. Furthermore, less than substantial harm having been identified does not amount to a less than substantial objection to the grant of planning permission.

Report to

Planning applications committee

Item

8 January 2015

Report of

Head of planning services

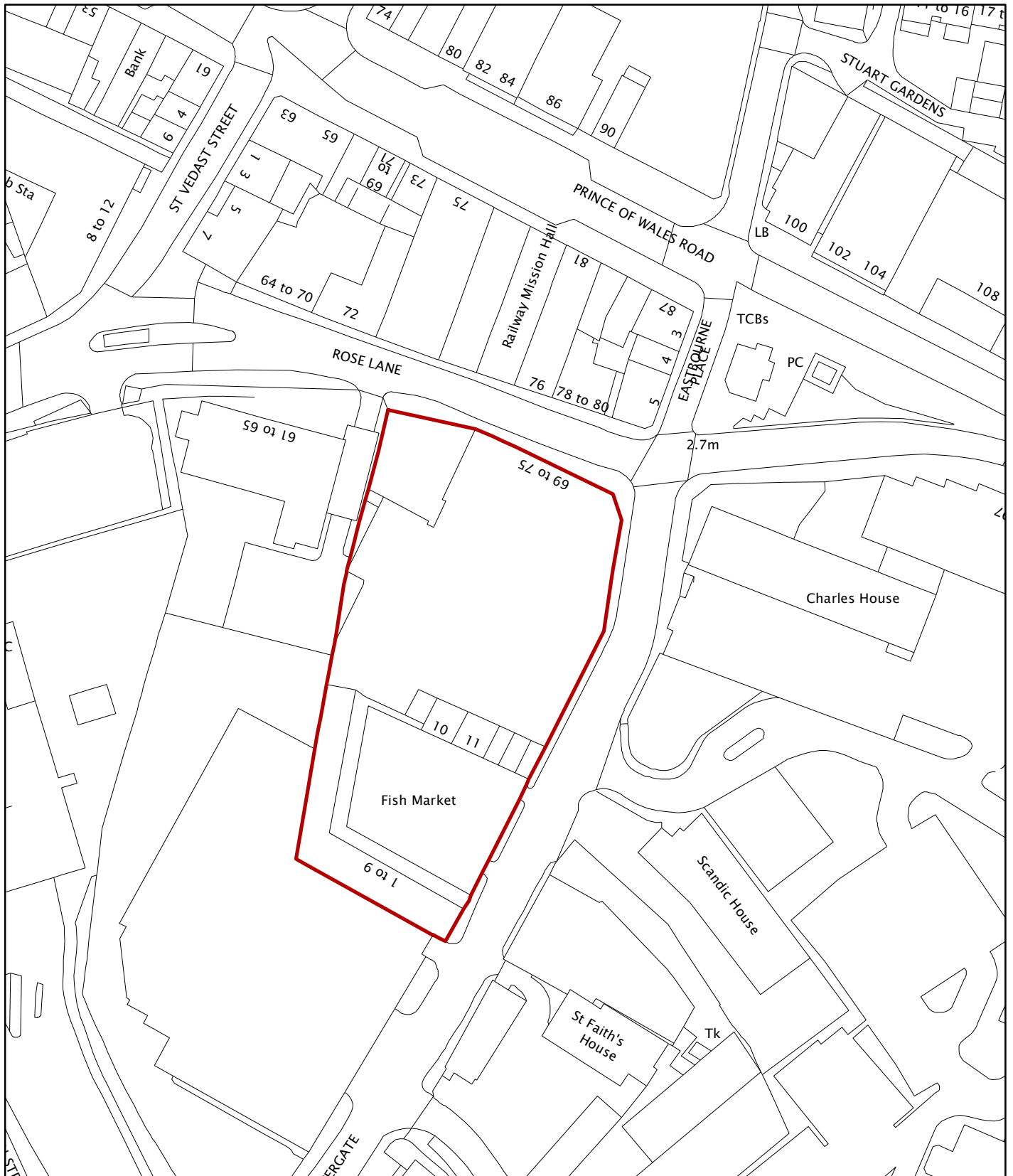
SubjectApplication no 14/01521/F Fishmarket and 69 -
75 Mountergate, Norwich**4A****Reason for referral**

Objection / City council application and site

Ward:	Thorpe Hamlet
Case officer	Mark Brown - markbrown@norwich.gov.uk

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

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



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Planning Application No 14/01521/F

Site Address Fishmarket and 69-75 Mountergate

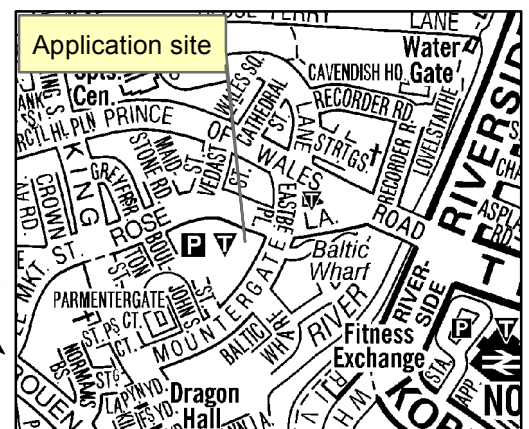
Scale 1:1,000



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City Council

PLANNING SERVICES

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The site and surroundings

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

Constraints

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

Relevant planning history

4. There is no recent relevant planning history.

The proposal

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

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

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

Summary information

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

Representations

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

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

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

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

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

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

Consultation responses

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

Design and conservation

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

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

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

Economic development

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

English Heritage

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

Environmental protection

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

Environment Agency

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

Highways (local)

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

Highways (strategic)

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

Landscape

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

Natural Areas Officer

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

Norfolk historic environment service

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

Norfolk police (architectural liaison)

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

Norwich Access Group

28. No response

Norwich Society

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

Assessment of planning considerations

Relevant development plan policies

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

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

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

- DM1 Achieving and delivering sustainable development
- DM2 Ensuring satisfactory living and working conditions
- DM3 Delivering high quality design
- DM5 Planning effectively for flood resilience
- DM7 Trees and development
- DM9 Safeguarding Norwich's heritage
- DM11 Protecting against environmental hazards
- DM17 Supporting small business
- DM19 Encouraging and promoting major office growth
- DM23 Supporting and managing the evening and late night economy
- DM28 Encouraging sustainable travel
- DM29 Managing car parking demand in the city centre
- DM30 Access and highway safety

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

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

Other material considerations

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

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

34. Norwich City Centre Conservation Area Appraisal September 2007

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

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

36. Norwich Area Transport Strategy Implementation Plan Update 2013

Case Assessment

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

Main issue 1: Principle of development

38. Key policies – CC4, DM29 and DM17.

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

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

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

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

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

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

Main issue 2: Design and alternatives

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

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

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

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

Main issue 3: Heritage

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

71. The Planning (Listed Buildings and Conservation Areas) Act 1990 (S66(1) and S72) is also of relevance and requires the authority to have special regard to the desirability of preserving listed buildings or their setting, special attention to the desirability of preserving features of special architectural or historic interest and special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. The Court of Appeal has held that this means considerable importance and weight must be given to the desirability of preserving the setting of listed buildings and conservation areas when carrying out the balancing exercise. Furthermore, less than substantial harm having been identified does not amount to a less than substantial objection to the grant of planning permission.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Main issue 4: Transportation

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

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

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

Main issue 5: Parking tariff

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

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

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

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

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

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

Main issue 6: Amenity and air quality

116. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
117. The site is not currently adjacent to any residential properties and is surrounded by commercial premises. It is not considered that the proposal would adversely affect any adjacent commercial property in terms of amenity. With regard to noise again the car park is not adjacent to any particular noise sensitive premises and as such it has not been considered necessary for a noise assessment to be submitted with this application.
118. The site is within an Air Quality Management Area which is designated for nitrogen dioxide (NO₂) levels being above air quality objectives (but not other pollutants which are considered to be below objectives).
119. The assessment considers the impact of nitrogen dioxide and particulate matter (PM₁₀) on receptors as a result of the proposed development. The principle receptors are typically residential properties located immediately adjacent to the main highways accessing the site. To predict increases in emissions the predicted traffic flows for 2015 have been used with and without the development. The assessment concludes that there will be slight increases in nitrogen dioxide and particulate matter but that these will be negligible and typically imperceptible. In addition it is relevant to note that this application is part of an overall strategy to enhance emission levels in the City Centre by removing through traffic, consolidating car parking to large facilities and limit access within the inner ring road to those larger car parks.

120. The assessment also considers impacts during the construction phase and concludes that there will be short term impacts during construction but that these can be mitigated to a negligible level by implementing a number of mitigation measures during construction. These include providing contact details/communications on site, monitoring surrounding areas for dust soiling and providing cleaning, providing solid barriers to site boundaries, avoiding runoff, covering any stockpiles/chutes/skips, water suppression. The mitigation measures proposed should form a condition of any consent.
121. Concern has been raised within some representations relating to light pollution. The building design makes use of light and a degree of light spillage as a key aspect of the design and this is considered to be an innovative approach and creates design interest in the scheme. Whilst this may not be appropriate in many environments in this case the building is in a commercial context where such an approach would not result in any particular harm. It is also relevant to note that no excess or unnecessary lighting is proposed.

Main issue 7: Biodiversity

122. Key policies and NPPF paragraphs – JCS1, DM6, NPPF paragraph 118.
123. A ecological report has been submitted with the application. This identifies the UK Fire buildings to be of negligible value for bats. The Fishmarket buildings were considered to be of low value for bats. Whilst the Fishmarket buildings have some potential roosting features, other than two very old butterfly wings found in one part of the building, no other evidence of bat use was identified. Following discussion with the Council's natural areas officer it was considered that a demolition mitigation strategy would mitigate any potential harm, whereby before and during demolition the works are overseen by a licensed bat worker with the roof removed by hand over the winter period. Such a method statement has now been submitted and is considered to be acceptable subject to a condition requiring compliance with it.

Compliance with other relevant development plan policies

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

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

Other matters

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

Equalities and diversity issues

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

Local finance considerations

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

Conclusion

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

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

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

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

Recommendation

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

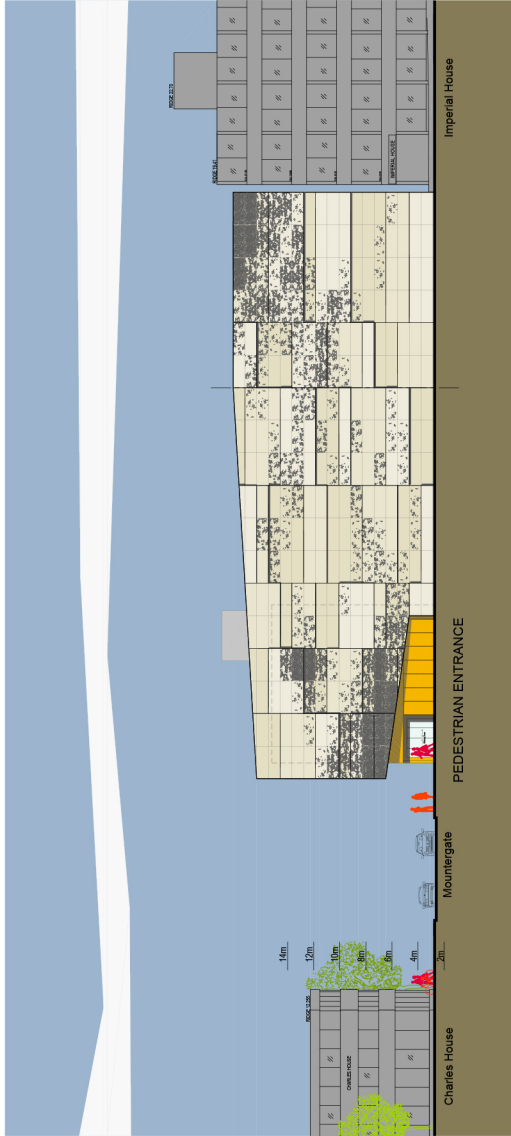
1. Standard time limit;
2. In accordance with plans;
3. No demolition to take place unless contracts for redevelopment are secured;
4. Closure of existing Rose Lane car park prior to opening and details of temporary hoarding;
5. Details of external materials including samples, cladding panel details,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

Article 31(1)(cc)

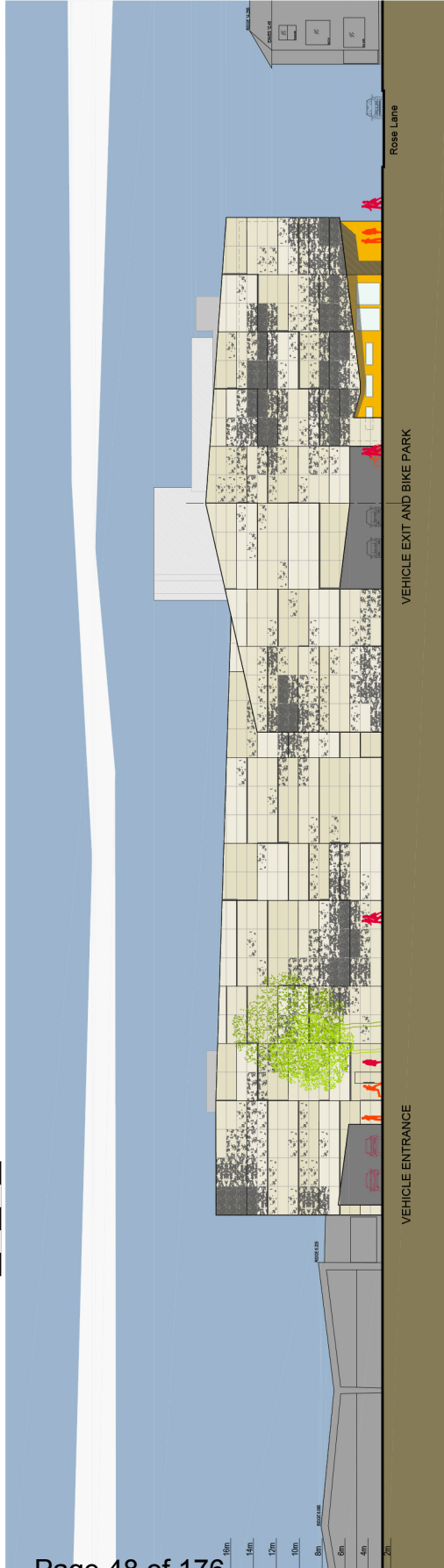
The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations and has approved the application subject to appropriate conditions and for the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

DISCLAIMER:

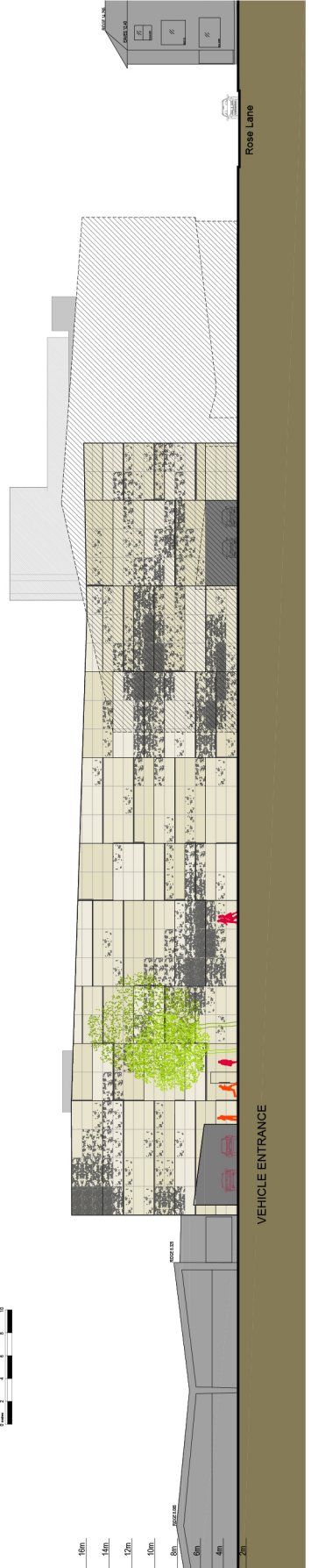
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Scale 1:200
0 5 10 15m



Scale 1:200
0 5 10 15m



VEHICLE ENTRANCE

Rose Lane

PLANNING



HUBER car park systems international GmbH
Ausschäler 5 T +49 (0)20 35 5544 0 www.huber-carpark-systems.com
D-50558 Frechen F +49 (0)20 35 5544 44 info@huber-carpark-systems.com

Client:

Norwich City Council

Project:

The Rose Lane
Multi-Storey Car Park
Moundgate, Norwich

Proposed
North and East Elevations

Type:

Scale @ A1

1:200

Sheet Size

A1

Rev

0210

Rev

2

DISCLAIMER:

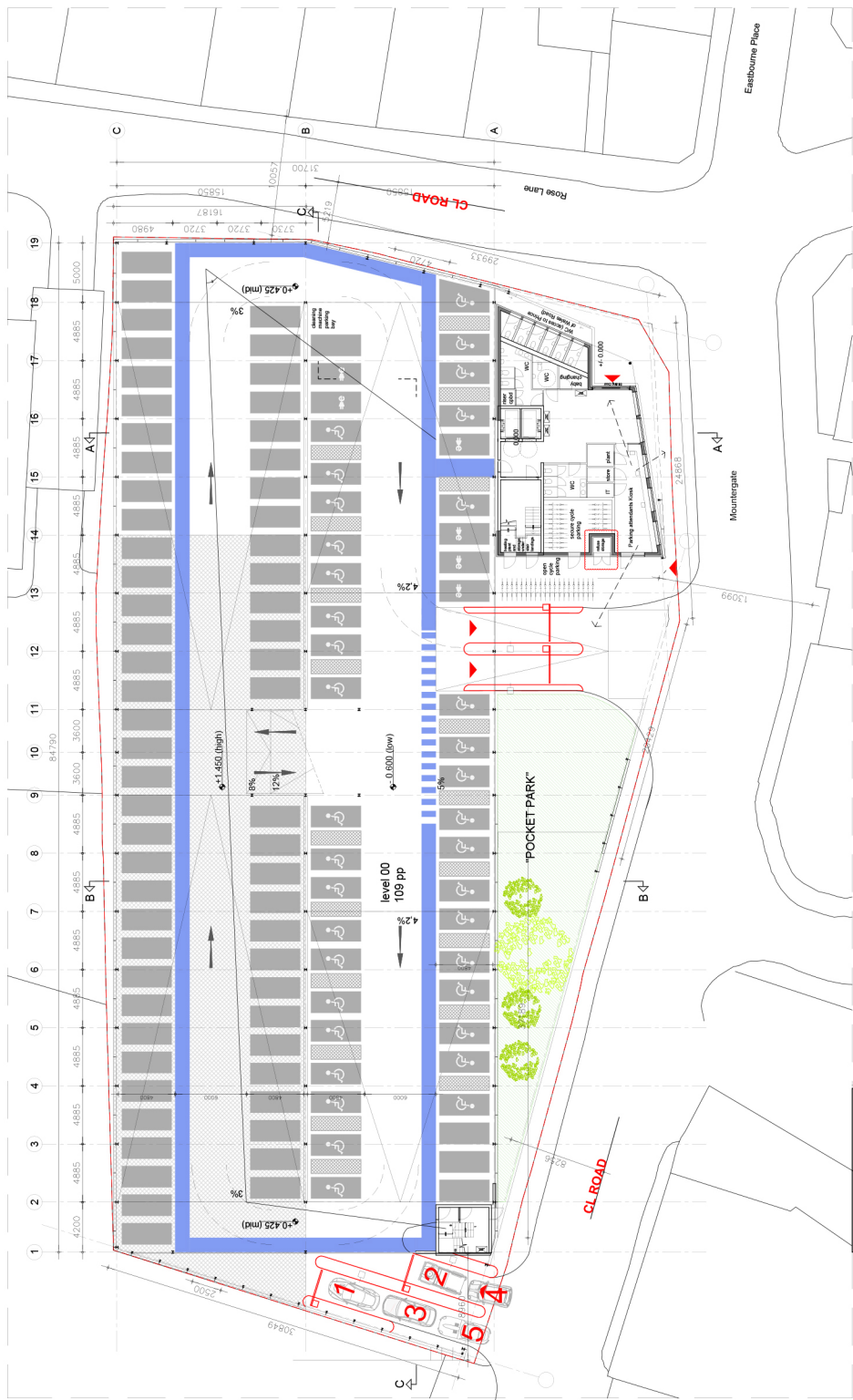
Do not scale from this drawing. Check all dimensions on the plans. Information is subject to change. The drawings are supplied as a guide only. The client is responsible for the accuracy of the information.



Key

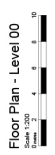


Made up ground



	number of po (12/08/14)
level 00	109
level 01	121
level 02	121
level 03	121
level 04	123
total	595

TOTAL DISABLED SPACES = 36 = 6%



Floor Plan - Level 00

PLANNING

HUBER
car park systems

HUBER car park systems international GmbH
Am Altenweg 5
D-30858 Bissendorf F. +49 (0)52 35 5544 - 0
www.huber-carparksystems.com
info@huber-carparksystems.com

Client:

1	05.11.14	VB	Revised drawings added, submitted	PL	PL
0	05.11.14	IV	Issued for Planning	MP	MP
	Rev	Date	By	Description	(Checked/Approved)

Drawing Status

Norwich City Council

The Rose Lane
Multi-Storey Car Park
Mountgate, Norwich

Floor Plan
Level 00

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

Report to

Planning applications committee

Item

08 January 2015

Report of

Head of planning services

SubjectApplication no 14/01094/F - 117-127 Trinity
Street Norwich NR2 2BJ**Reason for referral**

Objections

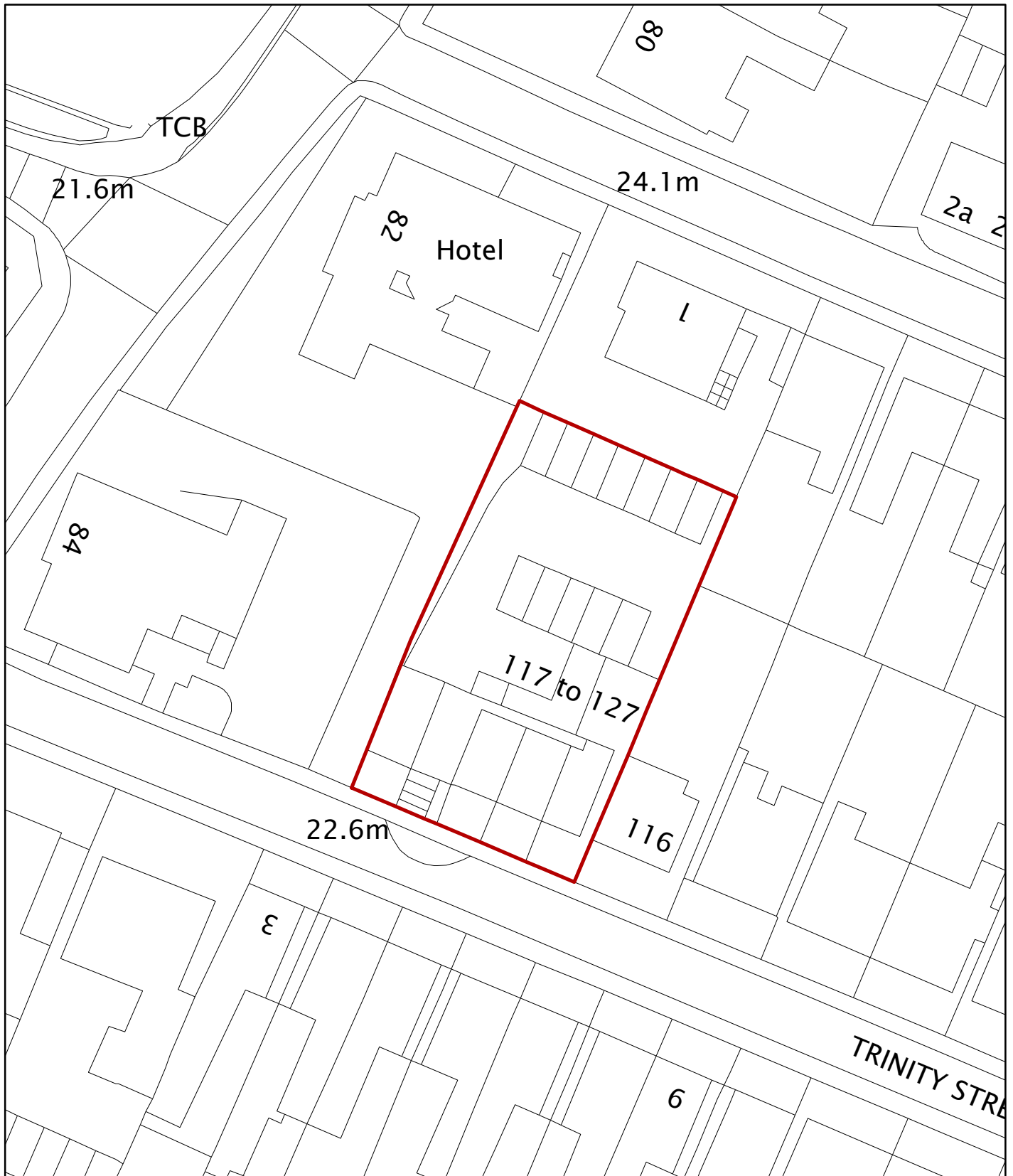
4B

Ward:	Town Close
Case officer	Rob Parkinson - robparkinson@norwich.gov.uk

Development proposal		
Demolition of existing 11 flats and garages and erection of 13 flats with associated basement car parking.		
Representations		
Object	Comment	Support
29	0	1 (& various support for design)

Main issues	Key considerations
1 Principle of development	Loss of existing housing stock Providing adequate variety / mix of new homes Whether density is in keeping with the area Affordable housing provision
2 Design – impacts on amenity	Loss of daylight / overshadowing Loss of privacy / overlooking Loss of outlook Overbearing / over-dominant form of design Inaccurate shadow analysis Quality of amenity for new residents
3 Design – impacts on conservation area	Relationship between adjoining Tesco and the conservation area Impact on character of the area Density as part of character of the area Scale and massing Impact on views of the Holy Trinity church Design precedents for similar infill sites
4 Traffic, parking and servicing	Displacement of parking; increased traffic.
5 Surface water drainage	No sustainable systems included in the design.
6 Subsidence and excavations	Possible instability from construction of basement.

Expiry date	16 January 2015 (agreed extension of time)
Recommendation	Approve with conditions



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Planning Application No 14/01094/F

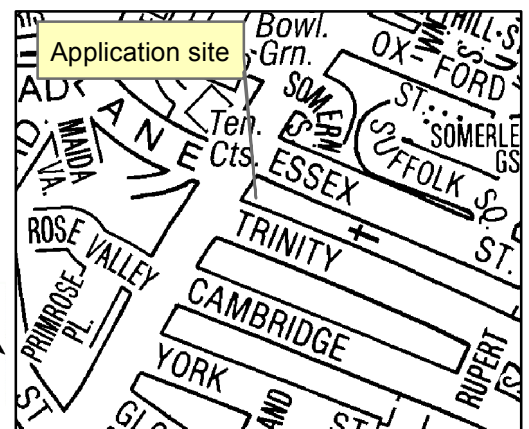
Site Address 117-127 Trinity Street

Scale 1:500



NORWICH
City Council

PLANNING SERVICES



The site and surroundings

1. The application site is a three-storey reinforced concrete block of 11 no. 1-bed flats fronting onto the north side of Trinity Street; it has a late-1960's buff brick and white render horizontal emphasis to the design, with drive-through archway through to 12 garages in two rows behind the flats. The flats are at the south (front) of the site occupying the full width of the plot, and the garages are in parallel rows in the middle and on the rear boundary of the site. The flats are at the lower end of the terraced street of houses on Trinity Street, and the change in levels is such that the 3-storey blocks' flat roof is still 0.3m lower than the height of the immediate neighbour, a 2-storey detached dwelling to the east (116 Trinity St).
2. Terrace houses continue eastwards, with roof heights gradually rising up the hill on both sides of Trinity Street. The terraces on both sides of Trinity Street are 2-storeys. The existing flats are built along the same building line as the Trinity Street terraced houses to the east and has the same building plot depth. From the back of pavement to the rear of the plot the site is c. 39m long, rising from front to back. The neighbours to the east have curtilages 30m long, abutting back-to-back gardens of houses on Essex Street.
3. The site access is in the south-west corner, next to the private access drive to the rear of the Lodge hotel to the west, and the service yard to the Tesco mini-supermarket beyond that, with Tesco and the Unthank Road local centre beyond. The rear of the Essex Street Lodge Hotel and its parking / servicing area adjoins to the north-east corner of the application site. Residential neighbours also adjoin the site on the north and east side; 1 Essex Street has a slightly smaller garden abutting the rear wall of the garages to the north, whilst 3 Essex Street has a longer plot length as the garden overlaps the application site by 9m.

Constraints

4. The site is affected by the following designations within the local development plan:
 - a) It adjoins the Heigham Grove Conservation Area; the boundary runs along the east side of the site, including 116 Trinity Street, and extends the full length of the Essex Street and the south side of Trinity Street.
 - b) Other than Tesco, 116 Trinity Street and 115 Trinity Street, all neighbouring properties are locally-listed heritage buildings.
 - c) The Holy Trinity Church, halfway up the hill, is a statutory listed building (Grade II).
 - d) An Article 4 Direction covers all the south side and 114-111 Trinity Street, to prevent permitted development extensions, improvements or alterations to houses where they face the highway, prevent fences, gates, walls and other enclosures, prevent painting unpainted houses, prevent demolition of chimneys, and prevent changes to windows and doors on front and side elevations without consent.
 - e) The Beech tree next to the Tesco service yard is a TPO.
 - f) The strategic cycle pedalway network runs along Unthank Road and (as with cars) circulates up Essex Street and down Trinity Street.

- g) The site is within the newly-designated Critical Drainage Area.
 - h) The Tesco store is within the revised boundary of the Unthank Road local centre.
5. Other constraints include the steep topography of the site, and the very marked change in levels. The site is at the foot of the Trinity Street hill, which rises steeply to the east. The site is raised above neighbouring land however, so cars drive up a ramp into the site, and steps up to the ground floor level rise 1.77m from the footway. The site rises c.3.2m up from front-to-back to meet the level of Essex Street to the north. The existing roof of the 3-storey block is just slightly lower than the eaves of the two-storey house at 1 Essex Street. The western neighbours are both lower than the access to the garages: At the greatest difference in levels (which is halfway along the length of the application site) the access to the Lodge is 1.85m below the application site, and the Tesco service yard is a further 0.95m below that; this means the Tesco is set considerably lower than the application site level, by a drop in levels of some 3.8m in total.

Relevant planning history

6. No relevant planning history prior to submission of this application.

The proposal

7. The proposal is to demolish the existing flats and garages, excavate the entire site and level-off to create a basement level car park for 14 no. parking spaces and build 13 no. apartments in two blocks on the podium level. The development will provide three no. 3-bedroom flats, nine no. 2-bed and three no. 1-bed flats in all.
8. The accommodation is arranged in two blocks: a three-storey frontage block facing Trinity Street with street-front landscaping; and an L-shaped rear block with 3-storeys facing west to Unthank Road and 2-3 storeys at the north/rear facing south into the site. All blocks enclose a central shared landscaped courtyard open to the east boundary, which is proposed to be screened using a live bamboo hedge within planters.
9. There is no on-street parking; vehicle access to the basement car park and cycle store is via Trinity Street, 6.5m further east / uphill than the existing ramp access, but behind the existing traffic island (which will be redesigned to be more streamlined slightly to the north). Separate pedestrian steps up from the basement and from the street to the communal front block entrance are positioned either side of the vehicle ramp. The communal refuse store is accessed from level ground at the west of the site frontage. Level access is available either via the basement vehicle access and the lifts up from the basement, or via a ramped path on the eastern boundary.

Summary information

Proposal	Key facts
Scale	
Total no. of dwellings	13 (reduced from the 14 applied for originally)

No. of affordable dwellings	0 (not required – there is a net addition of only 2 dwellings so affordable housing requirements are not triggered)
No. of storeys	3-4 at front, 3 at side (west), 2-3 at rear. All include basement car park.
Density	144 dwellings per hectare
Appearance	
Materials	Brick, render and cladding.
Construction	A reinforced concrete basement and podium, with typical load bearing construction techniques for the flats above.
Energy and resource efficiency measures	The scheme will use a hybrid of a solar thermal heating material for the entire roof covering, and a heat pump to distribute the energy
Transport matters	
Vehicular access	Access from Trinity Street to basement car park
No of car parking spaces	14 (13 for residents, 1 for visitors / disabled provision)
No of cycle parking spaces	14 no. secure private stores (1.2m x 1.8m) in the basement, with room for 2 bikes each. 8 no. visitor cycle spaces in the basement.
Servicing arrangements	A communal secure refuse store is on the front elevation accessed from Trinity Street.

Representations

10. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 27 letters of representation from 16 addresses, and 2 combined community responses from 30 signatories, have been received to date 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 14/01094/F.
11. **Pre-application consultation:** A statement of community involvement has been provided, describing how a leaflet was distributed and comments responded to in July 2014 prior to the July 2014 submission. A number of detailed comments and the applicant's responses are provided, airing a mixture of support, concern and questions. The applicant did engage in pre-application discussions with the local planning authority but the application was submitted before detailed assessment of the rear block could be made, although general principles and broad advice was proffered.

12. **Greater Norwich Design Review Panel:** No presentation was made to the Panel; Officers felt the scheme was not of sufficient scale to necessitate its input and there was sufficient in-house or policy guidance available to guide pre-application design. The Panel has since been

Issues Raised	Response
<p>Unacceptable Design – Amenity impacts</p> <p>The 3-storey rear block, since partly reduced to 2-storeys will:</p> <ul style="list-style-type: none"> • Dwarf back gardens of properties on Essex Street; • Block sunlight / daylight to gardens and houses – the overshadowing will be more intensely felt given the gardens of neighbouring houses are rather small but they are still predominantly family houses. This would be throughout the summer affecting 1, 3, 5 Essex Street. • Overshadowing of rear extensions to 1 & 3 Essex Street will occur. • Cause overlooking of gardens and houses (1, 3, 5, 7 Essex Street looking north and north-east, and 116, 115, 114 Trinity Street looking south and south-east). • Be over-bearing and over-dominant and is too close to gardens. The revised plans may show some reduced height but the separation distance is still only 5m – 8m from rear elevations at 1 & 3 Essex St. • Cause loss of outlook from 1-3 Essex Street and 116 Trinity Street. • Cause loss of privacy and remove seclusion for private gardens, reducing quality of life for residents. • The revised east and south-facing courtyard balconies and pergolas prevent overlooking when seated but still allow overlooking and loss of privacy when standing. • Overshadowing experienced at 1 Essex Street from the new block is said to be less than currently experienced from the existing single-storey garage, which cannot be right and must show the study to be inaccurate. • The shadow analysis even when revised still appears to be incorrect. • If development was necessary at the rear, the rear block should only be a single-storey height up to the height of the rear garages. • Such a scale of infill backland development will set a precedent for other sites where residents will be affected detrimentally and the conservation area and historic plot evolution will be harmed. <p>The 3-storey side block facing Unthank Road will:</p> <ul style="list-style-type: none"> • Overlook the gardens of 116, 115 and 114 Trinity Street. This loss of privacy is unacceptable given that most of the adjoining housing stock has been in situ since 1860s. • Cause a loss of outlook from the gardens of Trinity Street and Essex Street. <p>Currently the existing garages and existing front block do not affect amenity and respect original building lines, but the new development is</p>	<p>See main issue 3</p>

<p>much higher.</p> <p>115 and 116 Trinity Street will be overlooked by 6 apartments.</p> <p>3 and 5 Essex Street will be overlooked by 5 apartments.</p>	
<p>Unacceptable Design – Appearance</p> <ul style="list-style-type: none"> • The 3-storey height is too large and too high and will adversely affect the character of the area, being too overbearing for its context. • Out of keeping with the character of the area and neighbouring properties, looking too commercial and not residential. • Architectural reference from Unthank Road Tesco is inappropriate and shows no innovation in its design. • No design relationship to the conservation area (Victorian homes) and fails to rectify the design mistakes of the 1960s. • Serious over-development and density is out of character. • Development ‘maximises’ the site potential rather than ‘optimise’ the potential as required by the NPPF. • The rear block is too tall, has poor design and the design reference is out of character with the historic area. • Development on the rear of the site, on what was originally gardens and is now garages, is not in keeping with the historic grain of the area and harms the setting of neighbouring locally-listed buildings. • The massing and rear garden infill is out of keeping with the conservation area and out of character to Trinity and Essex Streets. • Historical building plots position rear walls over 33m apart, but new development will be within 4-8m of existing properties. • Views of the Holy Trinity Church listed building from Park Lane and Unthank Road will be lost. • The design will dominate the local landscape and doesn’t integrate. • Local distinctiveness does not include, nor is there room for, such intensive rear garden development. • The Design and Access Statement shows how too much emphasis has been given to responding to its ‘eclectic neighbours’ on Unthank Road, in what is a secondary area outside the conservation area. • Inadequate green space on site. • A precedent could be set for similar 3-storey backland developments in or adjoining conservation areas, affecting the rhythm and setting of the area and the amenity of its residents. • Some residents draw comparison to a recent refusal of a scheme at 20 Cambridge Street which they feel was considered too incongruous with the conservation area and of an unacceptable scale. 	<p>See main issue 2</p>
<p>Landscaping and trees concerns</p> <ul style="list-style-type: none"> • The proposed bamboo screen planting along the east boundary will block views and light from adjoining homes and gardens, and can rise to 9m height in just 4 years. • Bamboo will invade other properties. • The neighbour of 116 Trinity St says their plum tree can be removed if needed. 	<p>See main issue 3 and other considerations</p>

<p>Amenity for residents of the proposed new development</p> <ul style="list-style-type: none"> • Inadequate space and quality of external amenity space for future residents. • Too intense for the family housing proposed, rather than 1-bed flats on site at present. • Courtyard is overshadowed for most of the year by being surrounded on three sides, suggesting it is too intense. Confirmed by need to use synthetic grass. • The design will lead to new residents not being integrated into the community areas. • The attempts to minimise overlooking of existing neighbours come at the expense of living conditions for new residents. • Insufficient light is available to at least 7 properties, and poor outlook affects at least 8 properties. • The building does not clearly orientate itself to gain from energy efficiency and maximise solar gain, especially the rear block. 	<p>See main issue 3</p>
<p>Loss of housing types and affordability</p> <ul style="list-style-type: none"> • The proposal will remove all 11 existing fairly low-rent 1-bedroom flats and replace them with just 4no. 1-bed flats (of larger size and presumably increased rent) which will make it harder to find affordable 1-bedroom accommodation in the city. • The net addition of just 3 flats overall seems a small increase given the potential of the site compared to the existing accommodation. • The cost of rental accommodation will be much increased by providing 'on-site' parking, whereas parking is not needed at all, meaning instead the rent and scale of the development could be reduced if the development were 'car-free'. 	<p>See main issue 1</p>
<p>Inappropriate form of new housing</p> <ul style="list-style-type: none"> • The applicant believes apartments are required to meet local housing needs, but local estate agents believe the majority of demand is actually for housing. • There are already too many unsold new-build apartments in the city centre area and the market appears oversaturated. 	<p>See main issue 1</p>
<p>Transport and parking</p> <ul style="list-style-type: none"> • There are few movements in/out of the site currently as few of the 1-bed flat residents have cars. Congestion will worsen if residents all have cars and/or are entitled to parking permits or visitor permits. • Loss of garages will lead to congestion as some local residents rely on renting the garages as parking is at such a premium. • Minimum parking provision is too low for the number of 2-bed family apartments and will likely increase pressure on parking on Trinity Street (by about 6 cars), which could be removed if the basement car park is extended which seems plausible on the plans. 	<p>See main issue 4</p>
<p>Highways safety</p> <ul style="list-style-type: none"> • Additional traffic will combine with Tesco customers turning into Trinity Street (and parking illegally as there is no on-site shoppers' 	<p>See main issue 4</p>

<p>parking spaces) and combine with confusion over the 1-way road system to cause dangerous highway hazards.</p> <ul style="list-style-type: none"> • There will be an increase in cars heading the wrong way up the road. • Visibility from the access drive appears compromised requiring cars exiting from the basement car park to drive onto the pavement to see clearly. 	
<p>Construction impacts</p> <ul style="list-style-type: none"> • Noise, dust and traffic will impact on neighbours during the works. • Possible subsidence / ground disturbance from excavations and construction of the basement car park. 	See main issue 3
<p>Crime and anti-social behaviour</p> <ul style="list-style-type: none"> • Existing anti-social behaviour on the site (some linked to the Lodge hotel, and some spilling-over from the adjacent car park) will increase from lack of overlooking and more rental occupancy. • The flats will be rented out which gives rise to antisocial behaviour if people don't have commitment to an area, adding to existing problems. • The design would fail against 'Secured by Design 2014' advice: There are too many narrow accesses and alcoves which are not overlooked, so have no natural surveillance, especially at the rear of the rear block which has a door and will attract crime. 	See main issue 3
<p>Supporting information</p> <ul style="list-style-type: none"> • The submitted shadow analysis appears incorrect and underestimates the impacts. • The site plans are outdated and have not shown ground floor extensions which would be affected by overshadowing and over-dominant design, so the distances between neighbours are not realistic. • Not all existing residents in the flats received the applicant's pre-application consultation leaflets so couldn't comment. • The community consultation was very limited in scope and had a minimal response to local concerns and there was no opportunity for it to be discussed between architect and local community. • The application form states that all existing flats are social-rented properties, which is not accurate as some are market-housing. • There is no evidence of liaison with Design Review Panel. • There is no appraisal against the Building for Life criteria. • The applicant believes the development will protect neighbours from noise from Tesco's, but there are no noise concerns experienced at the moment and the increased activity on site will only create more. 	<p>This appears adequate.</p> <p>These have been revised.</p> <p>This is a guide only – see pre-app public consultation at para 11.</p> <p>Noted.</p> <p>See para 12 and main issue 2. See 'other matters'</p>

Consultation responses

13. 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 14/01094/F.
14. **Norwich Society:** No comments received.

Design and conservation

15. The proposals are acceptable following the recent revisions. Landscaping on the frontage integrates the site with the street; balconies are acceptable detailing; the western frontage is not detrimental to Unthank Rd; the Trinity St block has a better roof integration and eaves, and 'lifts' the scheme; the reduced projecting bay is welcome and provides a better relationship with the conservation area, and overall the block merges both ends of the street; any impact on views of the Holy Trinity Church are minimal, materials should be a buff brick to match the local character.

Environmental protection

16. There is no assessment of noise impacts on future residents but there are local noise sources which can lead to complaints being received, so a condition will be required to ensure construction details will include appropriate sound attenuation against external noise and ensure internal noise limits do not exceed certain limits, whilst still providing appropriate ventilation. Use construction good practice advice.
17. There is no evidence or reason to expect existing land contamination. Residential amenity will need conditions to confirm the source and safety of topsoils used in landscaping and a condition requiring precautionary measures during construction.

Environmental Services (refuse collection)

18. The positioning and capacity of the refuse store is acceptable in terms of access to- and collection of- communal bins.

Highways (local)

19. No objection subject to conditions: The design is functionally successful and the new access is acceptable; the increased traffic would be c.12 vehicle movements a day, which is not a material increase in traffic impact; the level access is safely designed for waiting and visibility; the footpath must continue across the site; the kerb should be dropped and the crossover approved; the existing speed restriction island should be redesigned and relocated; properties will not be eligible for either permanent nor visitor on-street parking permits; the refuse store should be secure with resident-only access; the originally-proposed visitor cycle area could have been problematic.

Landscape

20. The scheme is overly dominated by buildings and has too little space for landscaping to minimise the proposals' impacts on neighbours. The scheme should replace or enhance the screening offered by trees on the east boundary. Using planters to prevent overlooking indicates that windows and the design are inappropriate. The quality and quantity of the amenity space is questionable, and more thought is needed to mobility in and around the site and desire lines.

Norfolk historic environment service

21. No comments; there are no archaeological implications and no reason for requiring work at this site (the site was undeveloped and wooded right up until the 1960s).

Norfolk police (architectural liaison)

22. General advice offered for including security within the detailed designs, including doors and windows, access control to communal areas, glazing, post boxes, underground car parking, residents' cycle parking, and lighting. Objection to the cycle stands for visitors shown within the car park as they attract security risks and should be relocated close to the primary entrance within view of habitable rooms.

Tree protection officer

23. No comments necessary – the loss of the low value trees would be acceptable.

Assessment of planning considerations

Relevant development plan policies

24. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
- JCS1 Addressing climate change and protecting environmental assets
 - JCS2 Promoting good design
 - JCS3 Energy and water
 - JCS4 Housing delivery
 - JCS6 Access and transportation
 - JCS7 Supporting communities and protecting quality of life
 - JCS9 Strategy for growth in the Norwich policy area
 - JCS12 The remainder of the Norwich urban area including the fringe parishes
 - JCS20 Implementation
25. **Norwich Development Management Policies Local Plan adopted Dec. 2014**
- 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
 - DM15 Safeguarding the city's housing stock
 - DM28 Encouraging sustainable travel
 - DM30 Access and highway safety
 - DM31 Car parking and servicing

Other material considerations

26. **Relevant sections of the National Planning Policy Framework 2012 (NPPF):**
- NPPF0 Achieving sustainable development
 - NPPF4 Promoting sustainable transport
 - NPPF6 Delivering a wide choice of high quality homes
 - NPPF7 Requiring good design

- NPPF8 Promoting healthy communities
- NPPF10 Meeting the challenge of climate change, flooding and coastal change
- NPPF11 Conserving and enhancing the natural environment
- NPPF12 Conserving and enhancing the historic environment

Heigham Grove Conservation Area Appraisal (March 2011)

Case Assessment

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

Main issue 1: Principle of development

28. Key policies and NPPF paragraphs - JCS1, JCS4, JCS6, JCS9, JCS12, DM12, DM13, DM15, NPPF paragraphs 49 & 14.
29. Norwich now has a 5-year residential land supply, so local plan policies on the provision of housing are considered up-to-date. The loss of existing flats is acceptable against policy DM15, because the wider scheme will enhance the conservation area's setting (see main issue 2) and provide a net improvement in the standard of housing. The scheme provides two more dwellings, replaces 11 bedrooms with 24 bedrooms, creates a wider range of housing sizes, and will provide a better quality of housing standard and an improved density of development on site.
30. Some representations have raised concern that removing 11 no. 1-bed flats will cause a loss of some of the city's cheaper housing stock in an area of higher rental values. In this case there are no requirements for affordable housing and the existing housing stock is poor quality. The application provides for an increase of higher quality housing and in this regard is fully consistent with planning policy.
31. In redeveloping the site, policy DM12 supports the principle subject to: (a) achieving sustainable development as per policy DM1; (b) protecting the character and amenity of the surrounding area and its heritage assets; and, (c) providing a mix of uses where relevant (which in this case is not).
32. Policies JCS4 and DM12(d), requires development in general to provide a mix of dwelling sizes, types and tenures, including a proportion of family housing and flats, if the size and configuration of the site makes this practicable and feasible. The proposals have not explored the possibility of providing family houses, such as on the street frontage, but as new flats would replace existing flats there it is unnecessary to do so. Further, the effect of doing so could be that in trying to gain a reasonable return on the development, the design would need to either provide fewer dwellings overall, which would not comply with policy, or create a far greater scale, or smaller range of flat sizes at the rear of the site, with consequential impacts on neighbours' amenity. As proposed, the scheme provides an improved

range of accommodation, most of which will be acceptable for family occupancy, and offers opportunities for various forms of private-sector tenures.

33. Policies JCS6, JCS12, DM3(e) and DM12(e) require that densities should be increased where possible, although DM3(e) and DM12(e) require that density should be in keeping with the character of an area, accounting for protecting the significance of heritage assets as appropriate. DM12(e) requires at least 40 dwellings/hectare (d/ha) unless a harmful effect on the character and local distinctiveness of the area or other exceptional circumstances can justify a lower density, such as protecting assets or accommodating ground conditions. On sites adjoining local centres and in areas of high accessibility, higher densities are allowed if it can protect character of the area, local distinctiveness and heritage significance. Density requirements are only restricted in areas where local distinctiveness is characterised by neighbourhoods of low density housing and an open landscaped character.
34. Density per se is therefore not restricted in the policy on grounds of impacts on neighbouring amenity. Instead, it is important that proposals maximise efficient use of a site by promoting higher densities within high quality designs, ensuring that the design avoids overdevelopment for new residents, or detriment to existing neighbouring amenity. Being a site of 0.09ha, this application proposes the equivalent of 144 dwellings per hectare. Although the local density of Trinity Street homes and gardens is 38d/ha (using the area of no. 1-15 Essex St and 111-116 Trinity St [14 houses, 3,705.7sqm / 0.37ha]), it is misleading to make a direct comparison as this is already a flatted site and one which is arguably already underused. As the existing scheme represents 122d/ha, this proposal of 144d/ha is an appropriately increased density given the site's accessibility and the scheme's ability to preserve and enhance the setting of the adjoining conservation area.
35. Policy JCS2 / 4 require that schemes of 10 or more homes achieve a high rating against the Building for Life (BfL) design assessment, but in this instance many of the BfL criteria cannot be applied, so such assessment would be skewed. Policy DM12(f) also requires that schemes of 10 or more homes achieve Lifetime Homes standards in 10% of the dwellings; the architects consider that two flats will meet those standards, which is 15%.
36. Overall, this is a highly accessible location where the loss of housing stock is acceptable given the proposed replacements, and which can accommodate the higher density residential development proposed because it provides a design which protects and enhances the surrounding local heritage assets (Main Issue 2).

Main issue 2: Design approach and impacts on heritage assets

37. Key policies and NPPF paragraphs – JCS2, DM3, DM9, NPPF paragraphs 9, 17, 56 and 60-66, 128-141.
38. Policies DM13 and DM12(a) and (b) require development to follow sustainability principles of DM1, including protecting heritage as articulated in policy DM9, and avoid detrimental impacts on the character and amenity of the local area and identified heritage assets.
39. The site is adjacent to the conservation area which is characterised by the mid-19th Century 2-storey terraced housing and back-to-back gardens along Essex Street,

Trinity Street and Cambridge Street. The current site is identified in the Heigham Grove Conservation Area Appraisal as being detrimental to the setting and character of the conservation area, and appropriate for development. The surrounding area was considered more of a higher-status area within the conservation area, due to its consistency of scale, materials, building line and decorative features. The surrounding terraced houses date from the 1880s and are all locally listed, although the Lodge Hotel was a 1900s former rectory. The Grade II listed Holy Trinity Church is something of a focal point in the street scene; built in 1861 it is the largest Victorian church in Norwich and is a key local landmark within the conservation area, though predominantly in views from the northeast and the top of the Trinity Street hill from St Giles roundabout.

40. The style and importance of the Conservation Area is its value as a uniform and consistent street scene, which in fact mirrors the very way the terraces were constructed, using expensive white/buff bricks on the public facades (to replicate the expensive materials used at stately homes) and cheaper Norfolk Red bricks on the rear and side elevations. The construction of the street by one builder and landowner also resulted in the uniform and interesting styling and decorations used, such as using reconstituted stone surrounds to emphasise the windows. The overall effect has warranted the houses either side of the street being attributed a local listing designation, and the group value of the street-scene is protected by the Article 4 Direction.
41. The many locally listed buildings along Trinity Street were designated as such in the Appraisal of March 2011 because of the importance they have in their many common original features and shared group value. This demonstrates the value they add to the street scene through their architecture and contribution to the local character, but individually they do not merit full statutory protection. As with conservation areas, the value of locally listed buildings is in their public façade not the rear elevations or gardens.
42. In terms of natural character, there are references in the conservation area Appraisal to the value of semi-public gardens (such as the grounds of Holy Trinity Church and Plantation Gardens) and publically accessible open space (such as the Dell), tree-lined streets and certain attractive larger front gardens, hedgerows and low walls of certain streets (such as Mill Hill Road).
43. It is considered that the value of the conservation area is those views of its assets which are seen from the public realm, rather than the views across or out of the conservation area from private domains. This is reiterated in the Planning (Listed Buildings and Conservation Areas) Act (1990), sections 69: and 72: "Every local planning authority [in designating conservation areas] shall determine which parts of their area are areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance... with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area". This suggests that the effect these proposals have on the setting of the conservation area should be concerned only with the impact that this proposal has on the appearance of the area, rather than try to make any assertions about the way this scheme may or may not relate to the character or historic grain of the interior of the actual conservation area itself.

44. The proposals will reinstate the street frontage with a new 3-storey block arranged in three parts. The design approach has been to create a bridge between the isolated design style of the Tesco store and its angular architecture, transitioning into a more traditional style to pick up references within the terraced houses. The scale has been carefully arranged; the eastern end is two storeys with a short flat front eaves and pitched roof in the same proportions as 116-115 Trinity Street, and the height is only 0.1m taller than its neighbour; with a roof level separation distance of 1.70m the difference will barely be noticeable. Most of the building is positioned in line with the building line to the east, except for the western-most third which steps forward by 1m with a 'book end' 2.5-storey bay.
45. The transition occurs in the middle third as the levels change and the overall height of the block steps down slightly into a square dormer / flat roof and parapet, becoming three clear storeys of accommodation. The western third appears taller because the level has changed, but is still 3-storeys above the refuse store and vehicle access. The style here is much more contemporary with the pitched roofs giving way to flat roofs, glazing and cladding panels above the continued buff brickwork. Revised plans have reduced the projection of the eaves which avoids the scale being considered top-heavy.
46. The architectural rhythm created by providing strong lines and classically arranged windows, using the similarly-sized windows at similar heights and of the same proportions, using complementary light colour bricks, providing eaves detailing, and creating a defined front curtilage, are all successful in helping the scheme relate with Trinity Street. Using black railings and low brick walls and a landscaped garden to the front all help make the scheme feel residential in character.
47. The character of the Trinity Street area has been broken up slightly in this area as the terrace of traditional locally listed buildings is only 4 houses long and finishes before 115 Trinity Street, so there is already less consistency in this west end of the north side of the street. Despite this, the scheme is said to have drawn too much influence from the Tesco style and is considered too modern or out of place. However, it would be unreasonable to expect a design to conform to any pre-determined expectation for architectural style, as the NPPF para 60 states: "decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is however proper to seek to promote or reinforce local distinctiveness."
48. Further, in the opinion of the conservation officer, the development achieves a close match to the profile of the neighbouring houses, and fits in with the pattern of development stepping uphill, and is unobtrusive in views downhill. The projecting bay helps contain the street and reduces its sense of mass, and the blend of contemporary styling and classical references is largely successful and the sites relationship with the conservation area is much improved.
49. At the western edge the building turns the corner to Unthank Road, being visible coming uphill from Tesco; the projecting bay works well here to reduce the overall sense of mass and build-up to the western elevation facing towards Unthank Road. This western elevation has mass in terms of its length and 3-4 storeys, but has less sense of scale because of the rising land and being screened behind the Tesco store, and because the northern end steps back as well as being scaled down to two storeys. The overall effect is to fill the gap between the Lodge and Tescos

which currently exists in views from Unthank Road, and provide a sense of definition to the edge of the conservation area. In its detailing, the proposed white grille ventilation screens to the refuse store could show too much of the bins within the store in close views although will be mostly screened by the neighbouring access drive's fence. Nevertheless a condition will determine the most appropriate screening material, along with precise details of all materials.

50. Policy DM3(b) requires identified long views to be preserved. The Conservation Area Appraisal identifies there being important "glimpsed views" of the church from distant locations along Union Street and Jenny Lind Park to the east, and from Park Lane to the west, looking across the gap in the street scene between the Lodge Hotel and across the gardens of Essex Street properties. These glimpsed views should be retained where possible, to preserve the setting of the listed building and value of the conservation area. In closer views the church is most obvious and has a greater influence from Essex Street and in the upper street views of Trinity Street.
51. The existing view of the Holy Trinity Church tower from Unthank Road across the Tesco service yard is not a defined important view, although some local residents feel it should be protected. This view only exists across the service yard, so is very temporary / transitory, but it would be lost by the western elevation when it infills the space; it is instead considered equally beneficial to have a design which provides overlooking down through this space over the service yard. Importantly, the longer glimpsed view from Park Lane defined in the Appraisal is preserved; the new development is actually out of the field of vision which is reduced and obscured by the Lodge when moving closer to Unthank Rd. A view of the spire through the development from the adjoining access drive will be possible. In even longer views from Portersfield Road across the valley, the spire and main body of the church remains unaffected. None of the defined views from Union Street are affected.
52. In considering the impacts of development on the heritage value of the area, many objections have been received to the effect that the 2-3 storey rear block would be detrimental to the character of the conservation area and out of keeping with its historic grain. This is something which is alluded to in new policy DM3(c) which requires proposals to "have regard to the character of the surrounding neighbourhood and the elements contributing to its sense of place, giving significant weight to the uses and activities around it, the historic context of the site, historic street patterns, plot boundaries, block sizes, height and materials."
53. However, as noted above the conservation area is valued for its appearance from the public realm, and the historic grain of back-to-back development was evident within the conservation area boundary only; until the 1960s this site had not been developed.
54. The scale of the development has been influenced by the density of the scheme, and the scale is considered to be consistent with the character of the area by wrapping around the edge of the terraces at the same building height as its neighbours north, east and south, and conforms with policies DM3(f) and DM12(e).
55. The site adjoins the conservation area and for the reasons above will enhance its setting and the sense of entering and leaving the conservation area along Trinity Street. The successful continuity of details in the new design will be preserved by conditions removing the opportunity to change windows and doors through permitted development under the Norwich Local Development Order. It is not

adjacent to any locally listed buildings and its current separation ensures the new development is read apart from the wider group value; yet the contemporary elements still manage to avoid detracting from the group asset. The overall design approach is therefore considered to enhance the setting of the conservation area and local character, and is considered to have 'less than significant' impacts on the setting of the designated heritage assets; the level of harm that may be involved (namely the loss of one limited view of the church and the perceived sense of loss of openness of the conservation area's setting), is outweighed by the public benefits of providing more housing and the optimum viable use of the site, and complies with NPPF paragraphs 131, 132, 134 and 137.

56. Overall, the proposals provide an innovative design approach which mixes contemporary design with sensitive referencing of the historic context and makes a positive contribution to local distinctiveness, and complies with policies JCS2, DM1, DM3(b)(c)(e)(h)(i), DM9, DM12, and NPPF paragraphs 58, 60 – 65 and 131-141.

Main issue 3: Impacts on amenity of both neighbours and future residents

57. Key policies and NPPF paragraphs – JCS7, DM2, DM3, DM13, NPPF paragraphs 9 and 17, 58, 64 and 69.
58. Policy DM13 sets out design criteria for flatted developments on a case-by-case basis concerning amenity, servicing and facilities. As with DM2 it requires schemes to provide high standards of amenity and living conditions for existing and future residents and avoid an unacceptable impact on the living conditions of neighbours. DM3 reiterates the need for careful layout and siting, density, height scale and massing and landscaping.
59. The existing rear garages are built at the very rear of the plot on the boundary and have a roof height of 28.45m AOD which is 2.73m above the adjoining garden level at 1 Essex Street (25.72m AOD by the boundary, rising 0.3m to 26.1m AOD). The new proposals show a stepped rear façade, the overall storey height of which is offset by the change in levels and the newly-excavated finished floor level and construction above the basement podium; the podium level is 24.27m AOD, some 1.70m below the ground level of the 1 Essex Street garden.
60. The development provides two storeys above the podium at the closest / most northerly element, and rises to 3 storeys at a point halfway across the width of the plot, opposite the conservatory of 1 Essex Street at which point the garden is at its narrowest. However, these are not true two- and three-storey heights because the ground level storey is almost an entire storey below the existing ground level, so the 29.67m AOD height of that closest element is only 3.57m above the 26.10m AOD spot height at the centre of the adjoining garden. The overall finished height of the flat roof third storey element is 32.37m AOD, some 6.27m above the garden level, which is the usual height of a two storey flat roof dwelling. Above a proposed new 1.8m boundary fence this is a 4.7m increase, but in comparison to the existing situation, this is 3.9m taller than the existing garages. The applicant has since confirmed the rear wall of the garages could in fact be retained as the new boundary wall with 1 Essex Street, so being taller and more secure than the 1.8m timber fence initially proposed. This will be required by condition.

61. However, the development would not be sited hard against the boundary as the existing garages are. The rear-most 'two storeys' are 1.56m from the boundary, and the stepped-back 'three storeys' are 3.16m from the boundary.
62. **Overshadowing** – the rear block is south and south-west of 1 and 3 Essex Street, but the new proposals will not have such a dramatic increase in overall height such that significant overshadowing is caused. The sunpath analysis submitted within the application has forecast the extent of shade at every month of the year at six times in the day, comparing existing and proposed developments. It shows new overshadowing would be experienced as below, but some of the results for 116 Trinity St have to be tempered because the study has shown tall Cyprus-type trees along the boundary rather than the newly-proposed and shorter bamboo hedge:
- a) January 14:00 & 16:00 – 1 Essex St: extended shading over the conservatory and 1 first floor window.
 - b) February and March 12:00 & 14:00 - 1 Essex St: extended shading of garden and conservatory; 16:00 shading of first floor. 116 Trinity St: marginal shading over eastern boundary.
 - c) April: 1 Essex St: marginal extended shading of garden. 3 Essex St & 116 Trinity St: Small increases in garden shading but results in full shade by 18:00.
 - d) May 16:00 1 Essex St minor shading of garden. 18:00 3 Essex St & 116 Trinity St: Small increases in garden shading but almost full shade. 20:00 3 Essex St: contrary to the study results, full shade should be expected.
 - e) June 18:00 116 Trinity St and 3 Essex St: minor additional shading, no impact. 20:00 3 Essex St: contrary to the study results, full shade should be expected.
 - f) July 16:00 & 18:00 1 Essex St & 116 Trinity St: minor additional shading, no impact. 20:00 3 Essex St: contrary to the study results, full shade should be expected.
 - g) August 16:00 1 Essex St: extended shading over the garden. 18:00 116 Trinity St and 3 Essex St: increased garden shading but results in almost full shade.
 - h) September 14:00 & 16:00: 1 Essex St: extended shading of garden and conservatory.
 - i) November & December 14:00 1 Essex St: extended shading of garden and conservatory.
63. The bulk of the southern block is proposed to the same depth as the building line at 116 Trinity Street, except for a 1.2m deep projection set 4.5m inside from the boundary, and one of the pagoda balconies extending 1.2m north from that. As the height is principally the same, there is no additional overshadowing caused from this part of the development.
64. Overshadowing does not affect those dwellings further east. For residents on Trinity Street south of the development, the existing block of flats' flat roof is 32.41m Above Ordnance Datum (AOD) on Trinity Street. Proposed heights are 32.75m AOD at the front range. There are no additional significant impacts on amenity from

the front block on Trinity Street; the building is only very marginally taller than the existing height, is sited north of its neighbours, it keeps to the same plot depth building line, so avoids south-west shadows or blocking outlook, and increases natural surveillance of the site frontage.

65. **Overlooking / loss of privacy** - The rear block has been carefully designed such to avoid views over neighbouring gardens. Of the windows at first floor level which could be higher than the boundary, only a bedroom and kitchen window face north, and they are high-level only so prevent casual views out. Other windows face west to Unthank Road so improve surveillance of the car parks. The front block has no windows facing east to the neighbours, and those facing north / north-east are high level, whilst the balcony has a 1.35m privacy screen.
66. Across the rear L-shaped block, south or east-facing French doors on upper floors are contained inside a 'pagoda balcony' structure which uses 1.35m high screens positioned to prevent views across the terrace gardens when sat on a chair, but still allow improved connection with the outdoors on non-facing elevations. Other windows towards the courtyard are partially obscured by window planters on non-accessible balconies, to be maintained by the management company. The western arm of the block is separated from the eastern boundary by the 13.5m-wide landscaped amenity space which further restricts views at ground floor level.
67. The eastern boundary wall is proposed to be retained at its current upper level, being extended downwards to the podium level. At the southern end, closest to 116 Trinity Street the existing ground level is 24.4m AOD. As the finished floor level of the podium would be 24.12m AOD the retained wall at this end would effectively be 2.1m high, also preventing screening. Moving northwards along the eastern boundary the wall height would only increase.
68. **Overbearing design** - The rear elevation is broken up with its staggered building line and variation to the materials, using light brickwork, white render, grey cladding panels and climbing plants on the blank elevations to soften the elevation. The scale of the building seems tall in plan form but at its highest point it remains beneath the vertical plane 45 degree angle of incidence affecting the middle of the narrowest part of the garden to the north (1 Essex Street). Added to the varied palette, staggered building line and set back from the boundary, this is considered to prevent the scheme being over-dominant or overbearing from the garden.
69. The lower part of the building, even at its closer proximity, retains the same angle of incidence as the garages do at the same position in the garden of 1 Essex Street, and has less impact if stood in closer proximity to the boundary. It does however increase the angle of incidence at the rear wall of the house, but this line stays within the vertical plane 45 degree allowance, as does the third storey (although that will not become a true experience). As such the scheme will not create a detrimental impact on amenity through being directly overbearing or over-dominant to other parts of the garden.
70. At 3 Essex Street the closest part of the building would have a 5.3m separation to the corner of the house's recent ground floor extension, and would be 1.6m as a lateral distance from the garden wall. The angle of view and the limited increased height and the stepped form of the development prevent an over-bearing design.

71. At 116 Trinity Street the separation to the rear block is sufficient to avoid being overbearing and the restricted building line of the front block avoids a sense of overbearing scale. In fact the current two-storey flank of 115 Trinity Street to the east has a much more oppressive feeling towards the garden than this design.
72. **Outlook** - Residents have also questioned the loss of outlook affected by the northern block. Outlook is the visual amenity afforded to accommodation by a dwelling's immediate surroundings, which can be adversely affected by the close siting of another structure or the incompatible treatment of adjoining land. This consideration does not extend to the protection of a person's particular view from a property as this is not a material planning consideration. The Norwich Local Plan does not have any distance limit or standards for outlook provision, but as a guide outlook from a principal window will generally become adversely affected when the height of any vertical facing structure exceeds the separation distance from the window. Therefore if a structure is placed too close to a window so that it completely dominates the outlook it will have an overbearing impact. Outlook from a principal window may also become adversely affected where a dwelling is sited in close proximity to an incongruous feature, or use of land which impairs visual amenity.
73. Outlook from 1 Essex Street is considered against windows in the conservatory and the rear elevation. The separation between the conservatory and the taller element is 7.2m, and the height of the 3-storey element here is 6.6m at the boundary. The separation between the rear elevation windows and the two storey element is 8.7m and the height difference on the boundary is 3.9m. Therefore, the guideline values for outlook affected at 1 Essex Street are not compromised by these proposals.
74. Outlook from 3 Essex Street cannot be assessed in the same way because its ground floor windows are at the closest point already mostly screened by the boundary wall and a small proportion of visible sky will be lost, whereas the windows further east are not infringed by any of the building spanning across the horizontal plane 45 degree angle of incidence. The upper floor windows appear to be either bathroom windows or are beyond the 45 degree line of the 3-storey element, and in any case would be higher than the lower two-storey height.
75. Outlook from 116 Trinity Street is also affected at an angled perspective, but the change in levels makes this more significant. Nevertheless even with the rise in levels and the increased building height at the boundary, the 15.4m separation and the 8.1m maximum height do not combine to cause a loss of outlook from rear elevation ground floor windows. Outlook is not affected for dwellings further east.
76. **Visual amenity** - existing views from upper floor rooms at 1 and 3 Essex Street are of the garages and dated rear façade of the front block; notwithstanding any perceptions of oppressive siting or overbearing scale, there are not considered to be any detrimental impacts to visual amenity at upper levels. Further, the different architectural style proposed, should not be considered incongruous because it is not inside the conservation area and the setting of the conservation area is not affected by the view experienced from private areas within the conservation area.
77. The impact on visual amenity at 116 Trinity Street is harder to mitigate, being afforded fairly open sky at the moment, but the increase in height does not cause a loss of outlook and the landscaping / screening (bamboo or otherwise) will provide an softened edge to the scheme. Given that overshadowing will not occur in this

garden, and given that loss of privacy is controlled by the balcony details in the new development, it is considered that the rear block has an acceptable degree of impact on 116 Trinity Street.

78. **Amenity for future residents** – Being open to the east boundary only, the communal amenity area gains sunlight in the morning to early afternoon in April – August, but is likely to be mostly shaded in late afternoons and evenings in April – October, and is in full shade between October – March inclusive.
79. All five ground floor flats have direct access to semi-private space, and at upper floors three have use of the ‘pagoda balconies’, three have French doors behind Juliet balcony screens, and one has a balcony on Trinity St. The one without specific openings (the one-bedroom flat 6) is unfortunately least well served with natural light; being an attic flat in the south-east corner it has three south-facing velux windows and three windows on the north elevation partially obscured by the glazed screen & planter arrangements. This is regrettable but is acceptable compromise given the small sized accommodation and the need to achieve acceptable design to the front range with minimal overlooking at the rear elevation.
80. Policy DM2 requires ‘adequate internal space’ and has introduced new guidelines for minimum internal space standards for flatted accommodation. A 1-bed 2-person flat would be at least 50sqm Gross Internal Area (GIA); 2-bedroom 4 persons would be 70 sqm; 3-bedroom 5 persons would be 86 sqm. The proposed flats 1, 8 and 12 are below the standards but this results from recent revisions to improve the design by either reducing the size of the Trinity Street projecting bay or minimising the footprint and bulk of the rear block’s north-east corner.
81. **Landscaping and trees** - The AIA shows a noticeable part of the garden at 3 Essex Street is already overshadowed by the 5m tall cherry plum tree at 116 Trinity Street. The scheme uses planters which will have a bespoke irrigation, drainage and maintenance system. Given the restricted space available, contrasting types of bamboo are proposed along some of the eastern boundary to enclose the amenity space. The recommended bamboo species provide year-round screening and should grow up to 5m in height; combined with the change in levels and the set back of the rear block, this should afford adequate protection to the privacy of neighbouring homes and gardens. Overshading of 116 Trinity Street should be minimal because a bamboo height of 5m in planters 0.4m high from the podium would see the hedge grow to 3.3m above the height of the boundary wall. By comparison the plum tree at the northern end of the garden is already 5m tall.
82. **Security** – opportunities for crime and anti-social behaviour will be removed by the redevelopment of this site. There is a sense of enhanced natural surveillance from windows positioned towards the north-west and the rear of the Lodge hotel, and more visible activity and overlooking of the adjoining access drive from the western arm of the development. The basement will be secure to residents and their guests only, so the current unrestricted access and the various hiding points will be removed. The scheme will comply with paragraph 69 of the NPPF which aims for development to provide “safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life and community cohesion”.
83. The overall effects of the design are such that the impacts on neighbouring amenity have been minimised and are considered acceptable on balance when weighed

against the benefits of providing an enhancement to the setting of the conservation area and the benefits of providing an improved quantity, quality and variety of housing stock in this highly accessible location. Therefore the scheme complies with policies JCS2, JCS7, DM1, DM2, DM3 and DM13, and NPPF paragraphs 9, 17, 58, 61, 63, 64 and 69.

Main issue 4: Traffic, parking and servicing

84. There are concerns raised about increased congestion, loss of parking and displacement of existing off-street parking. As there are 12 garages on site at the moment, the new proposal with 14 spaces could provide a maximum use of only two additional cars, with all parking provided on site as per local plan policy. In fact, the proposed scheme has less than the allowable maximum number of spaces set out in new policy. The Transport Planner is satisfied that with only c. 24 movements per day, and possibly only 4 movements over the existing, the impact is negligible. A condition will be used to ensure a car park management plan assigns and retains parking spaces for each dwelling such as by appointment of a private parking company and use of bollards with numbered spaces and commitment to ensuring property deeds have the spaces included in the leasehold agreement.
85. Even though the new proposals will comply with policy, current garage use does not follow the intention of policy; the applicant has said that of the 12 garages on site, 11 are currently rented by people not resident in the flats and 1 is retained by the landlord. This means the scheme will inevitably displace parking off-site, some of which may turn out to be owned by neighbours so could increase the pressure of on-street parking, if indeed those people are eligible for residential parking permits, but even so there are many other garages in the area available for rent. With changes to the visitor parking permits system due to come into place, some neighbours may need to change their car storage arrangements, but this is not a reason to penalise the applicant nor to require this design to fix unrelated existing problems.
86. Cycle storage is high quality and secure, and encourages use. The visitor cycle parking is much improved over the original design by being within the secure access-controlled area. The refuse store is less convenient than would be ideal, having external access from the street front only, but is constrained by the site topography. However, in practice it will work most of the time as residents are likely to leave the development towards Unthank Rd passing the store or need to walk at the most 30m from the rear block lift.
87. The application is improving the safety of access in and adjoining the site, by relocating the access ramp and using a safe gradient and visibility splays. The existing island will be relocated and redesigned by condition, part of which will make it more obvious to those drivers who occasionally mistake the one-way system. The transport planner has confirmed that such redesign can avoid any loss of on-street parking space, and still enhance visibility and provide an attractive design.
88. The applicant will be advised that the scheme will not be eligible for on-street parking permits for either residents or visitors, and additional visitors will be able to park in designated local visitor bays in the area or visit outside of the CPZ hours of operation (a permit is required Mon to Sat 8am to 6.30pm). The scheme provides the necessary parking on site and complies with policy so should be approved in

this respect, being compliant with policies JCS1, JCS6, DM28, DM30, DM31 and NPPF paragraphs 17, 32, 34, 35 and 39

Main issue 5: Surface water drainage

89. The site is within the newly-designated Critical Drainage Area defined and controlled by policy DM5, which seeks to ensure developments avoid contributing to flooding elsewhere by minimising its own impacts and promoting natural drainage. This scheme is not large enough to need a flood risk assessment for surface water flooding, but does need to ensure water drains effectively and sustainably from the site. The proposals include landscaping but this is artificial, yet the increased roof space and landscaping will at least reduce the run-off rate over that of the existing hard surfacing. Ultimately, as the applicant acknowledges, by using the basement car park design the scheme does remain impermeable.
90. The proposals have said that surface water from roofs and landscaped areas will all be disposed of through feeding into the existing mains disposal system. Ideally, an infiltration scheme would be used to store and naturally percolate water into the aquifer. At the current time it is unclear if this can be achieved in the designs, as the applicant would need to first understand if the ground conditions are even suitable, but the new policy modifications have been introduced too recently to make this a practical requirement pre-determination.
91. It is therefore proposed to use a condition on any permission to require the developer to investigate ground permeability and thereafter design-in a sustainable drainage scheme as appropriate. The design of the scheme would not be affected by this, given the basement affords ample space for including attenuation tanks and maintenance easements, for example. As the contamination assessment predicts only a 'very unlikely or negligible' risk to groundwaters from the site, this approach will ensure a sustainable drainage system is installed within the proposals if geology conditions allow; only by using this condition can the proposals comply with policy DM5 which requires that new development should reduce or at least minimise risk of surface water flooding. The scheme will comply with policies JCS1, JCS3, JCS20, DM1, DM5 and NPPF paragraphs 94, 99 and 103.
92. If the results of ground conditions surveys and a sustainable drainage study show that some form of attenuation or infiltration is not feasible, then the scheme will at least have had no worse an effect than the current site, given it is all hard surfaced at present anyway, and run off rates should reduce. Foul water will connect to mains as expected. Comments from Anglian Water are awaited to confirm if this is feasible.

Main issue 6: Subsidence and excavations

93. Adjoining residents are concerned about land stability and the possible impacts from the basement car park excavation. Although numerous examples of subsidence have been recorded historically in Norwich due to ground instability, this site is not known to include chalk lines or sink hole areas, boreholes or bomb damage; it is therefore believed the current difference in levels at the Tesco store is due to historic excavation associated with the former filling station. If there is any vulnerability of the underlying geology the developers will generally need to take relevant technical advice on the most effective means of overcoming any potential problems. Advances in building construction techniques may be capable of being

addressed satisfactorily by suitable foundation technologies which can be required in the great majority of cases through the building control process. Only where there are exceptionally high risks of subsidence and objective technical evidence shows it cannot be mitigated should development not go ahead.

94. As to whether more detailed evidence should be provided at this stage, it remains the responsibility of the developer to determine whether land is suitable for a particular purpose, and to factor in costs associated with subsidence or land instability as part of the overall assessment of scheme viability. Developers will not normally need to submit detailed technical information with a planning application on the degree of subsidence risk or land instability associated with a site or the engineering works necessary to address it, to enable an informed assessment to be made on the planning merits of the scheme.
95. Nevertheless, the applicant has provided information to demonstrate how construction would take place and this is considered acceptable. Essentially the excavation is preceded by screw pilings spaced around the perimeter of the basement car park, filled with concrete; this method is not percussive so minimises noise and avoids ground disturbance either side. Being between 450-600mm in diameter and placed fairly closely together, the pilings will provide enough lateral resistance to avoid dislodging the surrounding land whilst the interior of the basement car park is excavated moving from the middle to the edges. The edges are then formed in sectional concrete, all to Building Regulations approval. An advisory Informative Note will draw developers attention to the need to explore possible subsidence and discuss that further when considering Building Regulations approval.

Compliance with other relevant development plan policies

96. 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 to agree designs and fittings and provide before occupation
Car parking provision	DM31	Yes subject to condition to provide
Refuse Storage/servicing	DM31	Yes subject to condition to provide
Energy efficiency	JCS 1 & 3, DM3	Yes subject to condition to provide
Water efficiency	JCS 1 & 3	Yes subject to condition to provide assessment and fittings as necessary
Sustainable urban drainage	DM3/5	Yes subject to condition to design and provide if feasible
Biodiversity	JCS1, DM3, DM6	Yes, subject to condition to provide new

		and varied planting and bird and bat boxes
Noise protection	JCS2, JCS7, DM2	Yes, subject to condition to provide noise attenuation in the glazing to Unthank Road

Other matters

97. The following matters have been assessed and considered satisfactory and in accordance with relevant development plan policies, subject to appropriate conditions and mitigation: Energy and water; existing trees; biodiversity and landscaping; contamination; noise for new residents; and, noise for neighbours.
98. The Building for Life standard for design (as required in policy JCS2) is not considered appropriate in this case. A scheme of flats in blocks like this, in an established urban environment, is difficult to assess against the criteria, which are much more suited to larger urban or more suburban forms of development; for example assessing how schemes are masterplanned to provide connections to the surrounding area, where accesses are, how public space is provided and how new streets are integrated with public transport, facilities and services. As this small scheme does not create- and would not be expected to create - any new public realm, it is not suited to assessment, and to do so would be misleading.
99. **Equalities and diversity issues:** There are no significant equality or diversity issues; level access is provided throughout, as required by Lifetime Homes criteria.
100. **Local finance considerations**
101. 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.
102. 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.
103. In this case local finance considerations are not considered to be material to the case.

Conclusion

104. For the reasons discussed above, the scheme will provide an improved standard and greater quantity of housing stock sufficient to outweigh the loss of existing homes. The design has achieved a successful balance between innovation around the site constraints and enhancing the setting of the conservation area, and has been carefully managed to reduce its impacts on the amenity of neighbours such that any detrimental impact is minimal and outweighed by the benefits of the scheme. Subject to the conditions imposed the development will be 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. 14/01094/F - 117 - 127 Trinity Street Norwich NR2 2BJ and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Ground conditions survey and thereafter SUDS to be designed into the scheme;
4. Top soils to be certified as appropriate to residential purposes;
5. Contamination precautionary condition;
6. Development to follow paras 3.20 – 3.22 of the Arboricultural Impact Assessment;
7. Landscaping – details of a comprehensive scheme to include hard and soft landscaping materials, planter construction, management strategy, the irrigation and drainage system info and maintenance;
8. Refuse store details to be agreed, and provide;
9. Energy efficiency and renewable energy measures – agree details to ensure it provides at least 10% using the Minus7 or similar technology, or other systems as necessary, and provide thereafter;
10. Water efficiency measures – agree and provide;
11. Car parking – layout and provide;
12. Cycle parking – agree designs of residents and visitor storage, and provide;
13. Bird and bat boxes to be agreed and provided;
14. Car parking management plan;
15. Materials –
 - a. refuse store screening;
 - b. all doors and windows;
 - c. bricks;
 - d. cladding panels;
 - e. render areas;
 - f. eaves and soffits;
 - g. stone banding;
 - h. rainwater goods;
 - i. roofing materials.
16. Balcony screens and window screens and box planters to be installed prior to occupation;
17. Boundary treatments to be confirmed – and the garage wall to 1 Essex Street to be retained as boundary wall and infilled in the north-east corner.
18. Noise assessment to be agreed, and specifications for acoustic attenuation and ventilation windows, to be installed prior to occupation.
19. No additional plant or machinery to be used without prior consent.
20. Notwithstanding the Norwich Local Development Order for flats, there shall be changes to the windows and doors without prior consent.

Informative advisory notes:

1. Chalk workings and subsidence – advice for getting specific studies.
2. Good practice in construction;
3. Waste material certification;
4. Car parking permit advice.

Article 31(1)(cc) statement

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

Existing View from Portersfield Road



Proposed View from Portersfield Road



Context View from Portersfield Road - Proposed & Existing

JOB REF. 6028 DWG. No. C12 CLIENT Mr & Mrs Butterworth Project Residential Development, 117 Trinity Street, Norwich

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Scale Bars:
Scale: Length: 1:100
0m 2m 4m 6m 8m 10m

C Flat 1 & Flat 8 etc.
B Revised flat 1 and balconies.
Rev: Date: 13.10.14
By: DLL

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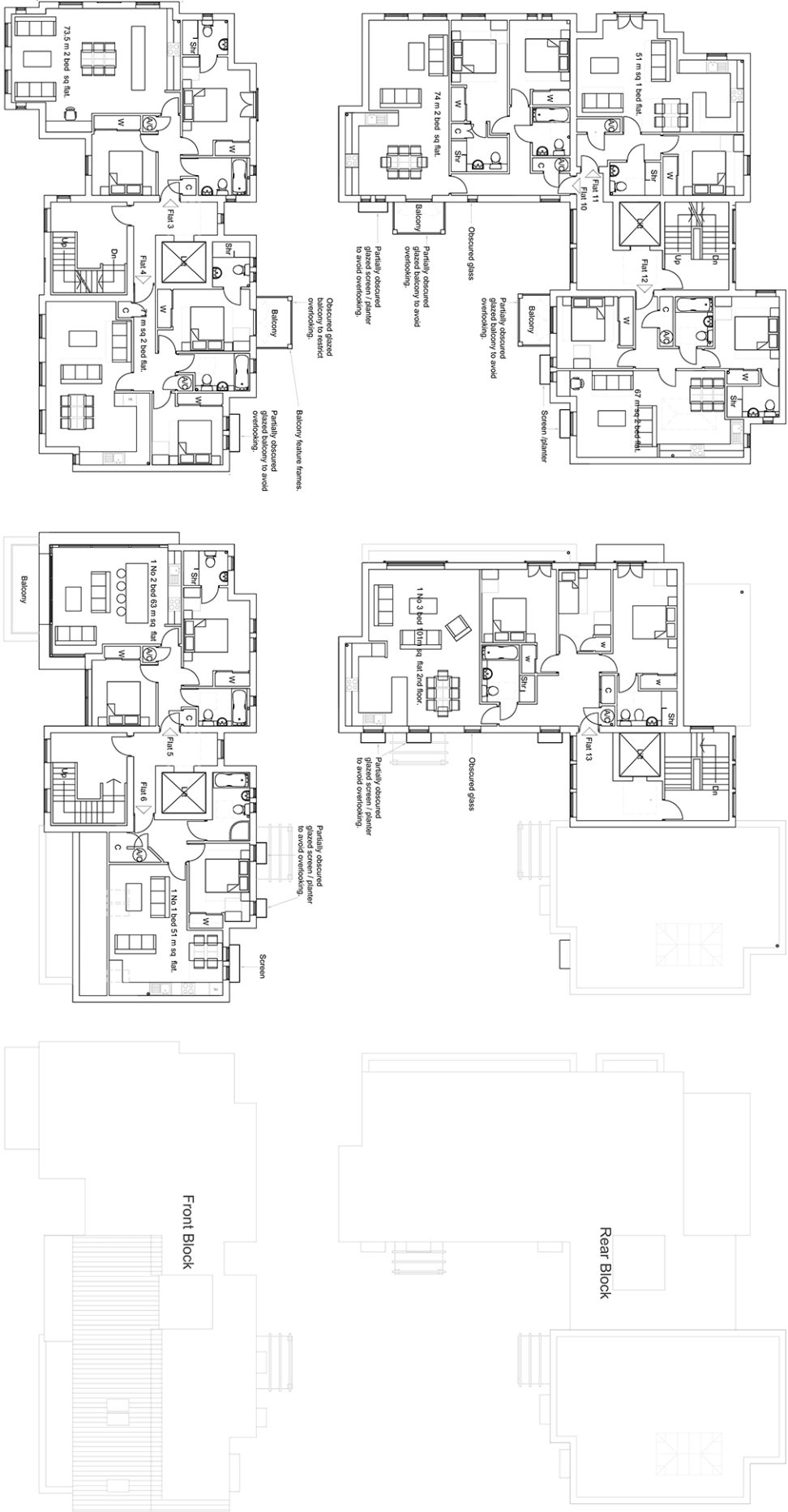
Project:
Residential Redevelopment,
117, Trinity Street, Norwich.
Client:
Mr & Mrs Butterworth

Drawing:
Proposed Ground & Basement Plans.

Scale	Job No.	Drawing No.	Date	Drawn by	Checked by
1:100 @A1	6028	P01	March	DLL	C

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Proposed First Floor Plan 1:100

Proposed Second Floor Plan 1:100

Proposed Roof Plan 1:100

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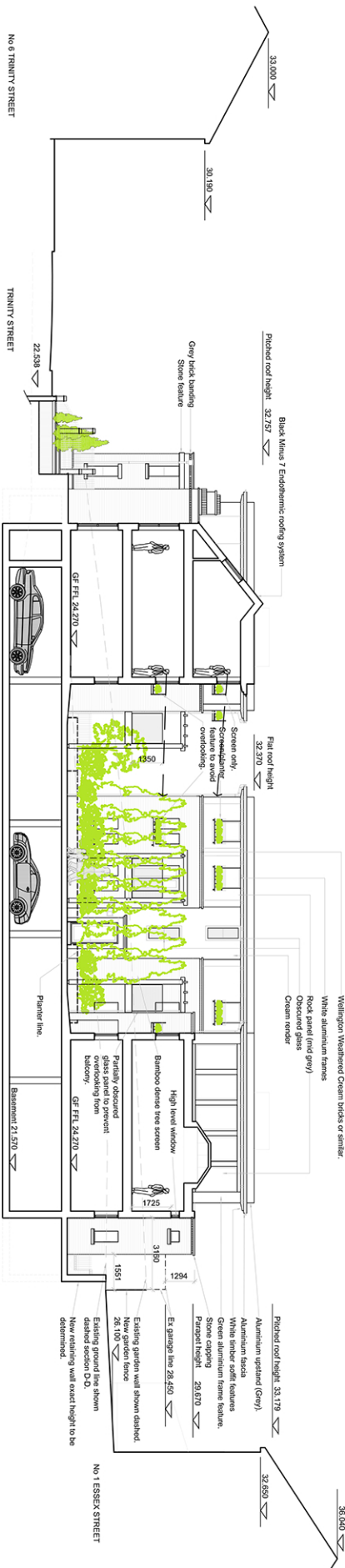
Client:

Mr & Mrs Butterworth

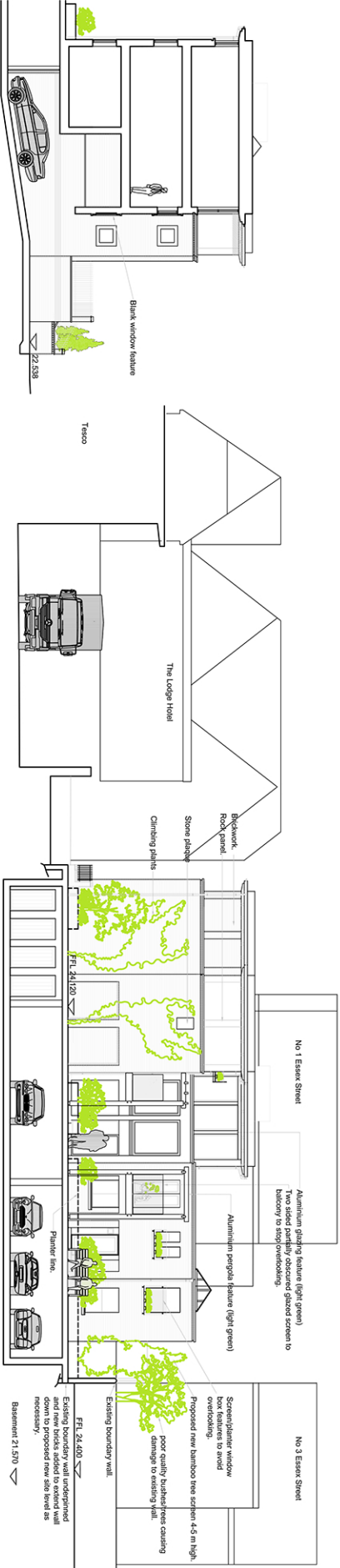
Drawing:

Proposed First, Second Floor And
Roof Plans.

Job No.	Drawing No.	Date	Drawn by	Checked by
6028	P02	March	DLT	D

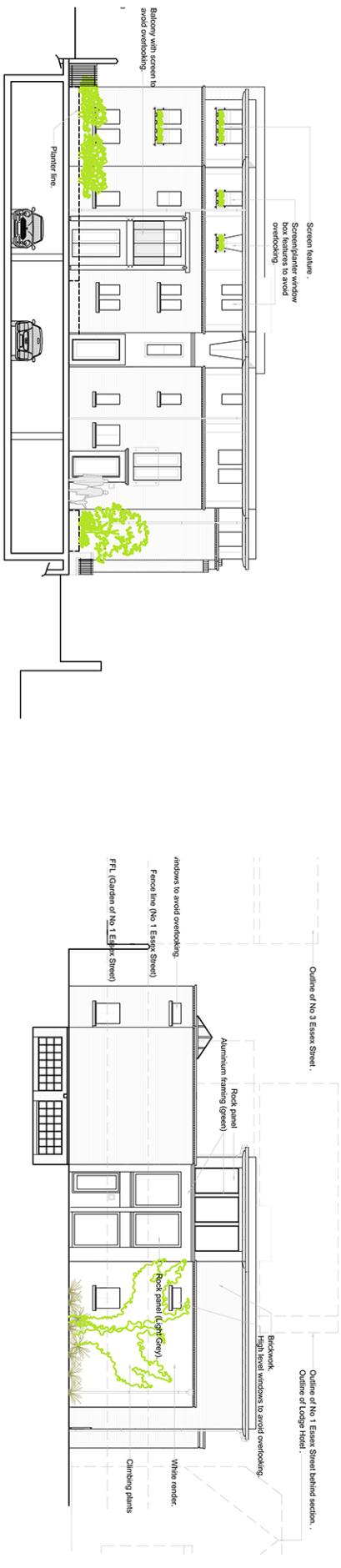


Proposed Section B-B 1:100



Proposed Section C-C 1:100

Proposed Section A-A 1:100



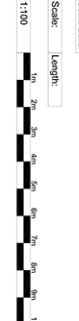
Proposed Rear Elevation Of Front Block (North) 1:100

Proposed Rear Elevation Of Rear Block (North) 1:100

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Detail of typical Screen/planter to avoid overlooking 1:20.



C Revised elevations and sections. 13.10.14 DLLL
B Flat 14 removed, revised front entrance, new balcony frames etc. 07.10.14 DLLL
Rev. By: Date:

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Project: Residential Redevelopment, 117, Trinity Street, Norwich.

Client: Mr & Mrs Butternorth

Drawing: Proposed Elevations & Sections.

Scale	Date	Drawn by	Checked by
1:100 @A1	March	DLLL	
Job No.	Drawing No.	Rev.	
6028	P04	C	

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C Red lantern added etc.
B Red lantern removed etc.
Rev: 13.10.14
Date: 05.10.14
By: D.L.L.

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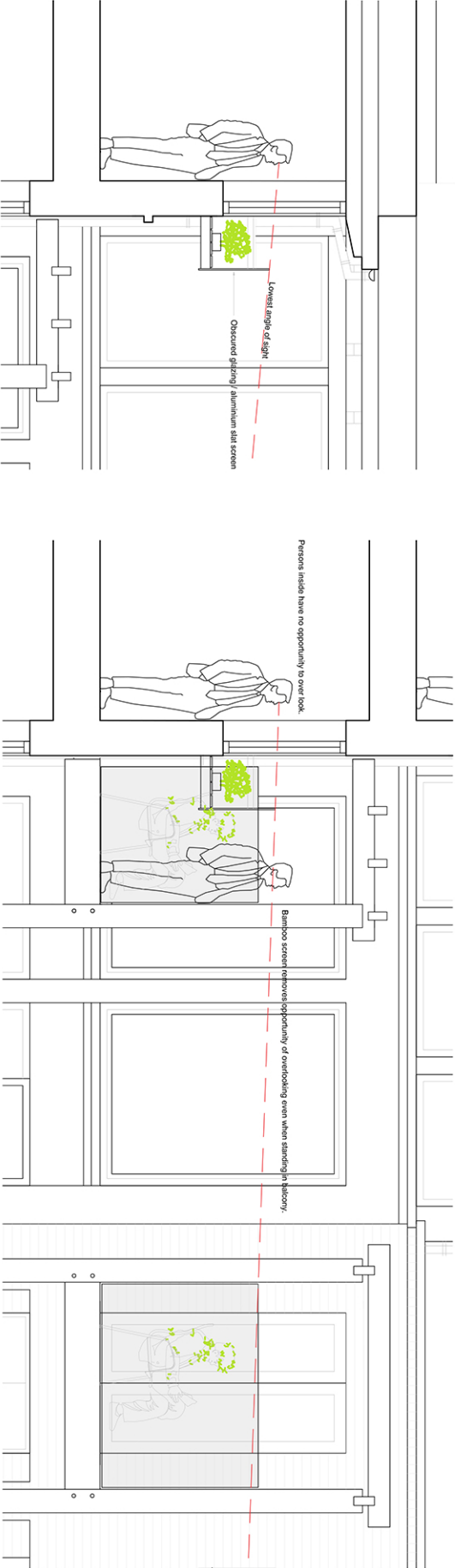
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Project: Residential Redevelopment,
117, Trinity Street, Norwich.

Client: Mr & Mrs Butterworth

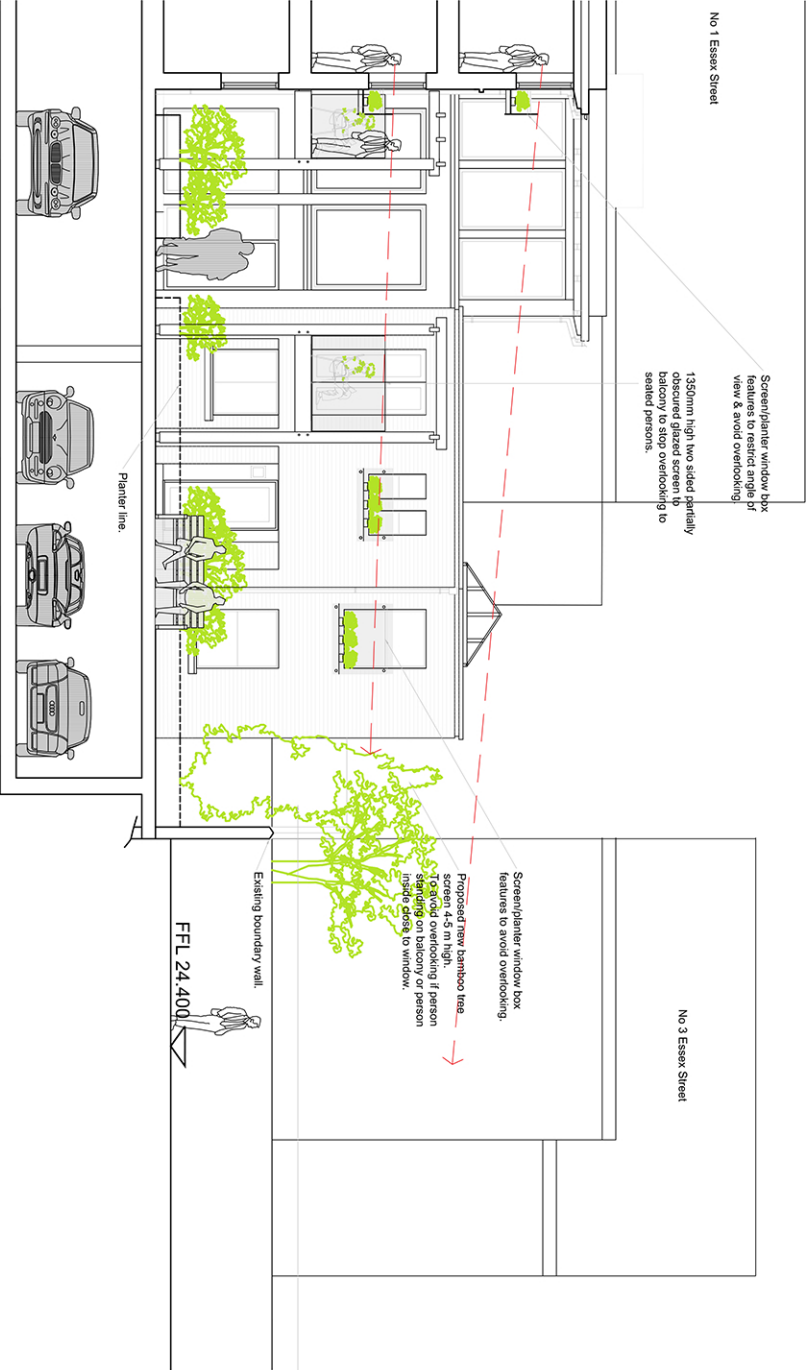
Drawing: Proposed Site Layout.

Scale:	Date:	Drawn by:	Checked by:
1:200 @ A1	March	D.L.L.	-
Job No:	Drawing No:	Rev:	
6028	P05	C	



Screen/planter window box features to avoid overlooking Scale 1:20.

1350mm high two sided partially obscured glazed screen to balcony to stop overlooking to seated persons. Scale 1:20.



- Overlooking: The vast majority of overlooking will be dealt with :-
- 1) High level windows.
 - 2) Obscured glazing panels.
 - 3) Window box features which extend a screen out to restrict the angle of viewing.
 - 4) balcony screens which restrict all views to neighbours except when standing near the screen.
- Any minor potential for overlooking is then dealt with by using a bamboo screen which will be managed as necessary by the landlords.



Bambusa Phyllostachys Aureosulcata 'Aureocaulis' & Phyllostachys Nigra.

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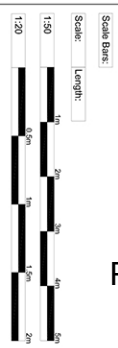
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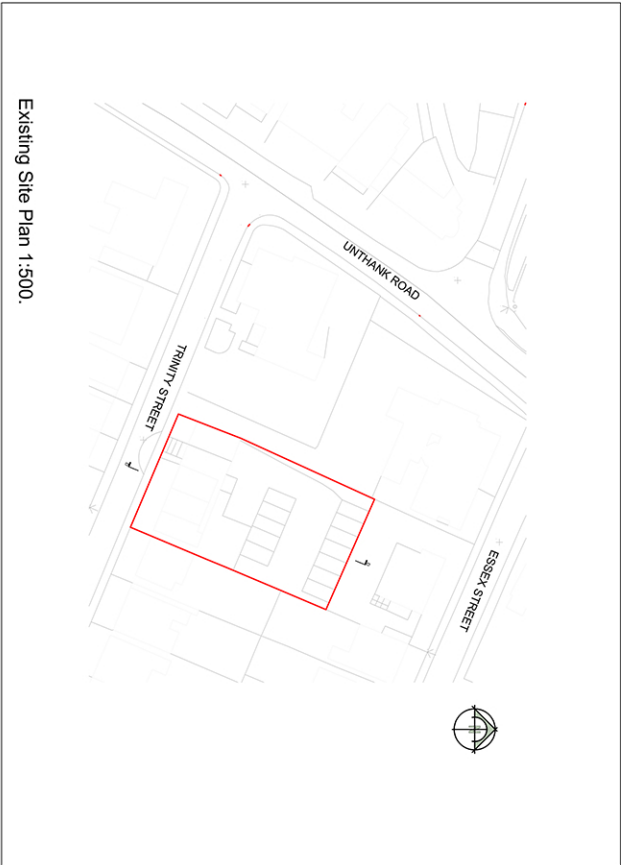
117, Trinity Street, Norwich.

NR3 2AW

Client: Mr & Mrs Butterworth

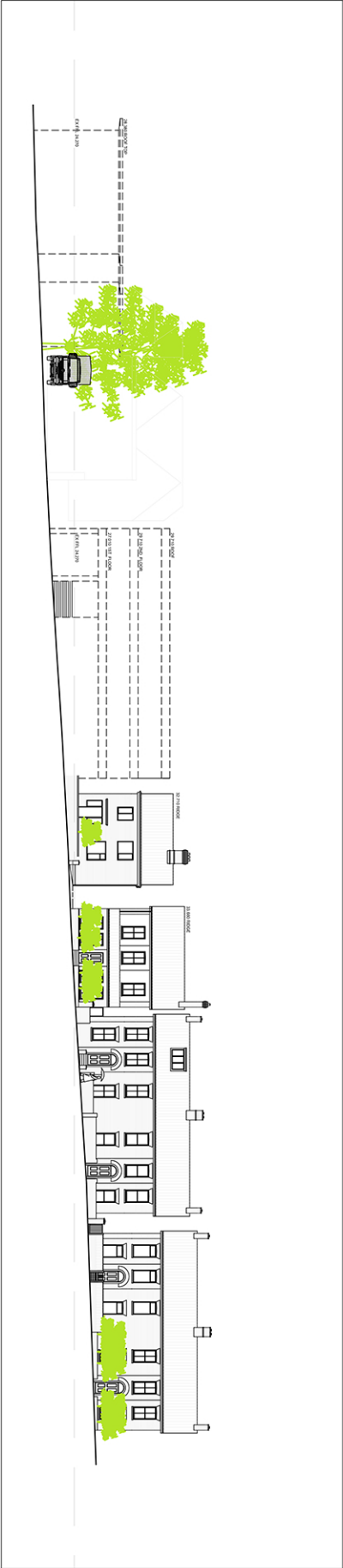
Drawings: Balcony and window box feature over looking study.

Job No.	Drawing No.	Rev.
6028	P06	

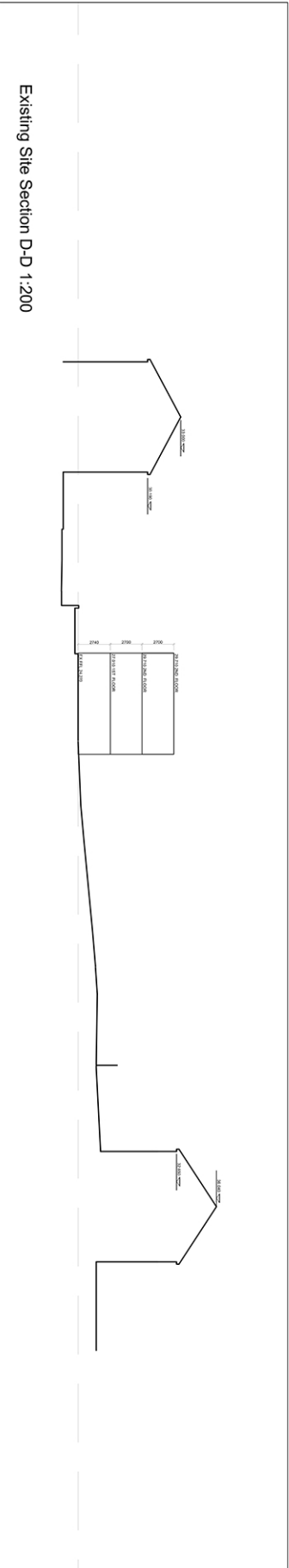


Location Plan 1:1250.

Existing Site Plan 1:500.



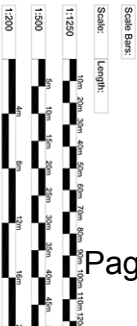
Existing Street Elevation 1:200



Existing Site Section D-D 1:200

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117, Trinity Street, Norwich.

Client: Mr & Mrs Butterworth

Drawing: Existing Site Plan, Location Plan
Street Elevation and Site Section.

Scale	Date	Drawn By	Checked By	Rev.
60028	SL02 /			

Report to

Planning applications committee

Item

8 January 2015

Report of

Head of planning services

Subject

Application no 14/01450/O 16-17 The Hedgeows

Reason for referral

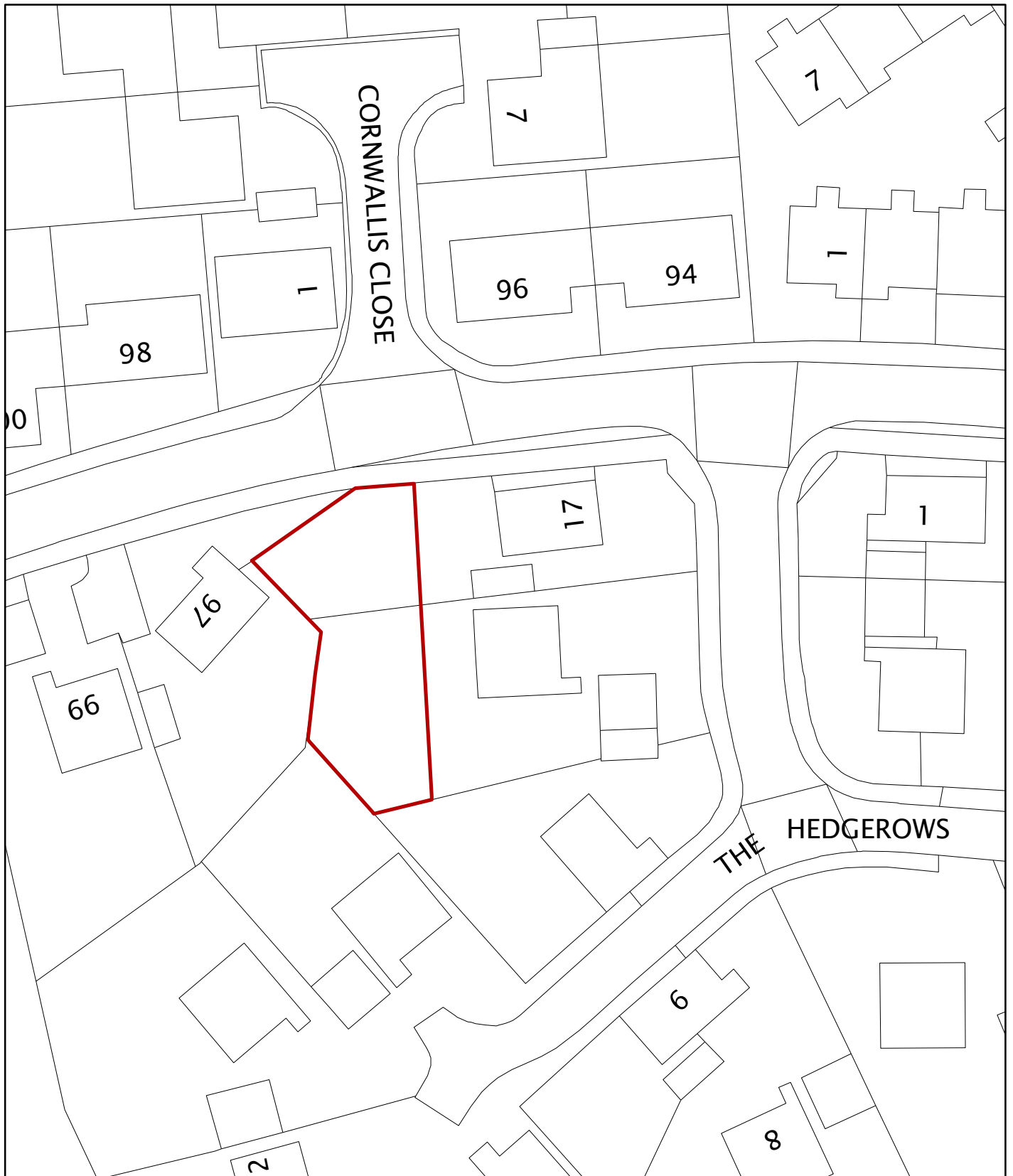
Objection

4C

Site address	16 & 17 The Hedgerows Norwich NR5 9BP
Ward:	Bowthorpe
Case officer	Mr John Dougan - johndougan@norwich.gov.uk

Development proposal		
Outline application for erection of 1 No. bungalow and 1 No. garage.		
Representations		
Object	Comment	Support
12	0	0

Main matters for consideration	Key issues
1) Principle of a dwelling in this location	Provision of a mix of housing types, accessibility to shops and services
2) Design	Character of the area, local distinctiveness
3) Trees	Landscaping and boundary screening to preserve the appearance of the surrounding area and protect privacy
4) Landscaping	Protecting of retained trees, to enhance the character of the area and protect the amenities of neighbouring properties
5) Transport	Safe access and adequate parking
6) Amenity	Sufficient amenity space for no.16 and 17, and the new occupants and harm to the amenities of neighbouring properties (outlook, privacy, overshadowing, loss of light and noise).
Expiry date	22 December 2014
Recommendation	To approve Application No 14/01450/O and grant planning permission, subject to conditions.



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Planning Application No 14/01450_O

Site Address Rear of 16 and 17 The Hedgerows

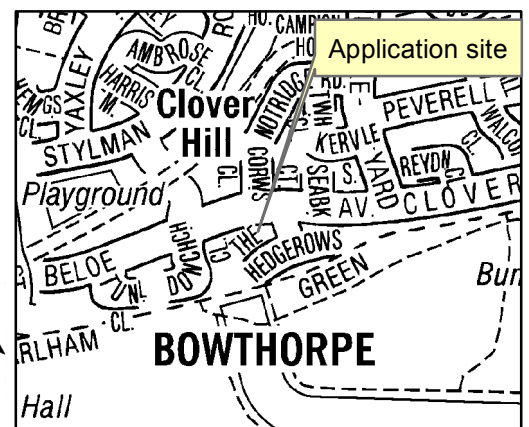
Scale 1:500



NORWICH
City Council

PLANNING SERVICES

Page 88 of 176



The site and surroundings

1. The area is residential with there being a mixture of detached and semi-detached dwellings of two and single-storey construction. The density and plot sizes are also varied with smaller plots to Cornwallis Close and larger plots on The Hedgerows. Although the size of plots in The Hedgerows is varied, with the positioning of the dwellings, especially when being viewed from Beloe Avenue being rather erratic compared with the dwellings on the opposite side of Beloe Avenue.
2. The application site would be accessed from Beloe Avenue being the rear portion of two existing properties being 16 and 17 The Hedgerows (currently a house in multiple occupation (HMO)) which is currently delineated by close boarded fencing and varying degrees of landscaping in the form of small trees, hedges and shrubbery. There is a 2 metre high brick wall to the northern boundary of the site which is adjacent to Beloe Avenue.
3. The site is overlooked via the first floor windows of nos. 16 and 17 The Hedgerows. Whilst there is a two-storey dwelling in close proximity to the west boundary of the site, the gable-end of that property does not have any windows on the first floor.

Constraints

4. The site is relatively flat, although there is a slight downwards slope from east to west. It does have some small-medium sized trees, a tall conifer, hedging and shrubs with the site.

Relevant planning history

Ref	Proposal	Decision	Date
4/781203/F	Erection of 20 houses and 3 bungalows at block B, Cloverhill, Bowthorpe	Approved	21.12.1978

The proposal

5. The proposal is for an outline application for a dwelling with all matters reserved. The applicant has submitted indicative information to assist the local planning authority determine if a dwelling is feasible in this location.
6. Following discussions with officers, the applicant agreed to slightly reduce the size of the site to improve the levels of amenity space for no 16 and 17 the Hedgerows, alter the indicative footprint and profile of the dwelling and remove the garage. The indicative layout and elevations aiding the planning authority to determine if such a development is feasible at the reserved matters stage.

Summary information

Proposal	Key facts
----------	-----------

Scale	
Total no. of dwellings	One
Total floorspace	Approx 65sqm (indicative)
No. of storeys	One (indicative)
Transport matters	
Vehicular access	From Beloe Avenue
No of car parking spaces	1-2

Representations

7. 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.
8. The application was subject to an additional period of consultation expiring on 17th December.

Issues raised	Response
Another HMO (housing students) is not in keeping with the family homes in the area, impacting on the mix of houses in the area. Nos 16 and 17 are already HMOs.	See main issue 1 and 6.
Another HMO would damage the interests of neighbouring properties e.g. noise, litter and overcrowding.	See main issues 1 and 6
The UEA need to address their lack of suitable accommodation as it is ruining family areas	This matter is not material to the determination of the application
Do the existing HMO's have the relevant permissions?	Nos. 16 and 17 appear to be in use as small HMOs (not more than 6 unrelated adult occupiers), within use class C4. Planning permission is not required for change from a dwellinghouse (class C3) to a small HMO (class C4)
The garage could be used for further bedrooms for students	See main issue 1 and 2.
The residents of Cloverhill have been subject to strict controls to change / extend properties to preserve the original layout and	See main issue 1 and 2

concept of the village. Squeezing a dwelling into two back gardens would seem to fly in the face of those requirements.	
There is no need for new dwellings in this location. There are numerous other properties for sale or for rent in the city	See main issue 1
Blight of property values of adjoining properties	Not a material planning consideration.
Before the application is considered, the boundary line between nos 15 and 16 should be corrected to reflect drawings approved by the council in 2013.	See other considerations.
The existing properties will not have enough amenity space to serve the existing family homes of nos. 16 and 17 The Hedgerows. This is contrary to the local plan	See main issue 6
It will alter the character and spacing of the original development	See main issue 2
The character of the neighbourhood would be changed and would result in loss of greenery	See main issue 2
Poor design	See main issue 2
The new dwelling will have insufficient private amenity space.	See main issue 6
The existing first floor windows of no.16 and no 17 and 96 Beloe Avenue will mean that the new occupants will not have any privacy	See main issue 6
Overlooking of my first floor window (97 Beloe Avenue)	See main issue 6
Loss of existing views	Not a material planning consideration
Overbearing development	See main issue 6
Inadequate parking and access	See main issues 2 and 5
The visibility splay appears for the new access appears not to be in accordance with relevant highways guidance for a 30mph road.	See main issue 5
The proximity of the access to Cornwallis Close will create a dangerous crossroads.	See main issue 5

The proposed ridge height of 5.1 metres will mean that another floor can be added which could compromise our private amenity area.	See main issue 6
I have child protection concerns if this application goes ahead due to the high density of people in one area.	See main issues 1, 2 and 5 If residents believe that there is evidence of existing activities in the area which may result in harm to children, they should contact social services directly.

Consultation responses

9. Consultation responses are summarised below the full responses are available to view at www.planning.gov.uk/online-applications by entering the application number.

Highways (local)

10. No objection. Beloe Avenue is an unclassified road, with a 30mph speed limit. Traffic levels are very low. A vehicle crossover in this location is acceptable, especially as a vehicle can exit in a forward gear. There is ample space for bikes and bins.

Tree protection officer

11. No objection. Would be good to get some ornamental trees at the reserved matters stage, to replace the trees to be lost.

Assessment of planning considerations

Relevant development plan policies

12. **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
 - JCS20 Implementation
13. **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
- DM12 Ensuring well-planned housing development
- DM28 Encouraging sustainable travel
- DM29 Managing car parking demand in the city centre
- DM30 Access and highway safety
- DM31 Car parking and servicing

Other material considerations

14. Relevant sections of the National Planning Policy Framework March 2012 (NPPF):

- NPPF0 Achieving sustainable development
- NPPF1 Building a strong, competitive economy
- NPPF4 Promoting sustainable transport
- NPPF6 Delivering a wide choice of high quality homes
- NPPF7 Requiring good design
- NPPF11 Conserving and enhancing the natural environment

Case Assessment

15. 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

16. Key policies and NPPF paragraphs – JCS objective 2 and policy 4, DM12, NPPF paragraphs 49 and 14.
17. Paragraph 50 of the NPPF states that local authorities should deliver a wider choice of quality homes. Policies JCS 4 and DM12 are all supportive of new dwellings which help to meet housing need in the city. A dwelling of this scale is considered to form part of the mix of residential accommodation, contributing to the City housing stock. The principle of a dwelling in an established residential area with easy access to public transport to the city centre is therefore acceptable in principle in accordance with the above policies subject to other material planning considerations below.
18. In 2010 the government made amendments to PPS3 (now revoked) to exclude residential gardens from the definition of previously developed land. Paragraph 53 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 DM 3 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.

Main issue 2: Design

19. Key policies and NPPF paragraphs – JCS2, DM3, DM12, NPPF paragraphs 9, 17, 56 and 60-66.
20. As the application is outline with all matters reserved it is only necessary to determine if those reserved matters are feasible at the detailed stage.

Character and local distinctiveness

21. The defining features are the area is residential comprising a mixture of bungalows and houses in mixed buff brick with varied plot layouts and density. There is also a leafy character evident with many of the boundary walls having varied landscaping to the frontage and within the gardens.
22. The qualities of the original development are noted. However, the layout of the plots (particularly within the Hedgerows) cannot be described as having regular plot layouts or a defined building line to Beloe Avenue. Furthermore, the properties along the northern side of Beloe Avenue, such as Cornwallis Close are of a higher density to the plots on the southern side.
23. The proposed site and remaining land serving the existing properties is broadly reflective of the density and evident in the surrounding area. The indicative street scene plans demonstrate that the provision of a suitable dwelling is feasible without compromising the visual amenities of the street scene and the character of the area. Although, appropriate landscape within the site could replace the leafy frontage which contributes to the character of the area.
24. A suitably designed dwelling is feasible without compromising the character and local distinctiveness of the area.

Scale, design and layout

25. A dwelling in this location will occupy a prominent position in the street scene. Although the retention of a large proportion of the wall in conjunction with a low profile dwelling and landscaping will ensure that the dwelling will sit sensitively in the street scene. This is demonstrated by the indicative street scene drawing, showing the modest profile of the proposed dwelling in relation to the other dwellings.
26. A single storey dwelling does not reflect the predominant style on the south side of Beloe Avenue. However a low profile arrangement such as the one shown on the street scene is considered more appropriate as it responds to the constraints of the site and reflects the lower profile dwellings on the opposite side of the road.
27. Securing an appropriate design which is sympathetic to the character of the area and visual amenities of the street scene is considered feasible at the reserved matters stage and the proposals would be broadly in accordance with the requirements of policies DM3 and DM12.

Main issue 3: Trees

28. Key policies and NPPF paragraphs – DM7, NPPF paragraphs 109 and 118.
29. There are trees that formed the boundary between no.16 and no.17 which would have to be removed to facilitate the development. There are also other trees in neighbour properties which are within falling distance of the site.
30. The council's tree protection officer considers the protection of any trees or hedges within neighbouring properties to be achievable subject to the submission of an arboricultural impact assessment (AIA, arboricultural method statement (AMS) and tree protection plan (TPP) statement.
31. The tree officer is also of the view that given that some trees will have to be removed, it would be beneficial to have some ornamental planting. Such a measure is considered reasonable as it will contribute to the leafy character of the area.
32. There is adequate space within the site to accommodate these features within the site. They are considered achievable and securable at the reserved matters stage.

Main issue 4: Landscaping

33. Key policies and NPPF paragraphs – DM3, DM8, NPPF paragraphs 9, 17 and 56.
34. Some small trees, hedges and shrubs will have to be removed to facilitate the development. Given the sites close proximity to the road and the leafy character evident in the site and street scene, it is recommended that there be additional planting to the boundaries to enhance the appearance of the development and also protect the privacy of the occupants (see main issue 6).
35. There is adequate space within the site to accommodate these features within the site. They are considered achievable and securable at the reserved matters stage.

Main issue 5: Transport

36. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF paragraphs 17 and 39.
37. The site has the capacity to accommodate the required number of parking spaces, cycle storage and bin storage for a dwelling of this scale. The local highway authority has also confirmed that the provision of a suitable and safe access is achievable from Beloe Avenue.
38. The above matters can be secured at the reserved matters stage.

Main issue 6: Amenity

39. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
40. At outline stage it is important to establish if the development is capable of providing adequate amenity for future occupiers without detriment to the amenity of existing occupiers in terms of daylight / sunlight and outlook. The indicative plans and elevations provided can be used to determine if the development is appropriate and these issues can be considered in further detail at reserved matters stage.

New occupants

41. The provision of an appropriate level of internal floor space for two to three occupants is considered achievable. For example between 61-70 sqm for a single storey two bedroom property.
42. The site has the capacity to accommodate a level of private outdoor amenity space to the rear which is appropriate for a small bungalow. Although, the reserved matters stage will have to secure appropriate boundary treatment to ensure that the rear amenity space is not significantly overlooked, particularly from the existing first floor windows of no.17.
43. The first floor rear windows of no.97 would face directly towards the private amenity space. However, given that there is distance of some 11 metres between those areas and there being existing landscaping in place, it is unlikely that any significant loss of privacy of the new occupant would result. Although, some additional landscaping could further improve the levels of privacy.
44. The indicative footprint also demonstrates that the dwelling can accommodate windows to all of its elevations ensuring that the occupants will have adequate access to natural daylight.
45. Although in order to protect the future amenity of the occupants, it is recommended that permitted development rights relating to outbuildings and extensions be removed, ensuring that the dwelling does not have its usable private amenity space eroded to a level which would have a detrimental impact on the amenity of the new occupants.
46. It is acknowledged that the site will be surrounded by existing dwellings. That being said, these dwellings are considered to be at a distance which would not result in significant overshadowing or loss of outlook of the new occupants.

Existing occupants (no.16 and no.17)

47. The subdivision of the site will result in a significant reduction in the amount of amenity space serving the existing dwellings.
48. These properties are currently being used as small HMO's (up to 6 unrelated adult occupiers, class C4) or could be used as family home (C3). Each of the resulting plots are broadly reflective of other plot sizes in the wider area, providing a level of general and private amenity space which is deemed appropriate for dwellings of this size.
49. As the proposed dwelling is single storey there will be no overlooking to any windows or private amenity spaces of the existing dwellings. The indicative profile also illustrates that the dwelling would not appear significantly overbearing or results in any significant overshadowing of those existing dwellings.

Surrounding properties

50. Concerns with regard to an overconcentration of people and activity in the surrounding area, given the HMO use of nos.16 and 17 are noted. However the activities and typical noise levels associated with the proposed residential property would be appropriate within the surrounding residential context. . It is not

considered that the C4 use on no16 and 17 and the proposed dwelling would cumulatively result in undue harm to amenity of neighbouring occupiers. If there are incidences of excessive noise or anti-social behaviour this would need to be dealt with using other regulatory powers.

51. The indicative low profile (in the context of existing landscaping) demonstrates that it would not be significantly overbearing.
52. The mitigation of any impact can be dealt with at the reserved matters stage. This would mean that the profile of the dwelling would ideally have to be of a lower (e.g. flat roof) than the one indicated in the current plans taking account of the slope of the site and carefully positioned landscaping. It is also likely that further mitigation may be needed such as a sedum roof, helping soften its appearance when viewed from first floor windows of adjoining properties.
53. Similarly, the indicative position and profile also indicates that the control of any potential overshadowing can be dealt with at reserved matters stage.
54. It is not accepted that the development would result in significant overlooking of the first floor rear windows of no. 97 Beloe Avenue. However, it is recommended that permitted development rights relating to dormer windows be removed to secure the privacy of neighbouring properties.

Compliance with other relevant development plan policies

55. 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 subject to condition
Refuse Storage/servicing	DM31	Yes subject to condition
Energy efficiency	JCS 1 & 3 DM3	Yes subject to reserved matters
Water efficiency	JCS 1 & 3	Yes subject to condition
Sustainable urban drainage	DM3/5	Yes subject to condition

Other matters

56. It is acknowledged that some vegetation will have to be removed to facilitate the development. As the area in question is relatively small, no significant impact on any protected species is expected.

57. A neighbouring property claims that the front boundary line between no.15 and 16 is incorrect.
58. The area in question is not within the development area (red line) but within adjoining land to the front of the site (The Hedgerows) which is under the applicant's ownership, located to the east of the site and well away from the main development area.
59. The applicant has completed certificate A indicating that they own all of the land within the application site (red line). Procedurally, the onus is on the applicant to fill this in correctly and any disputes relating to land ownership is a civil matter and not under the control of the planning authority

Equalities and diversity issues

60. There are no significant equality or diversity issues.

Local finance considerations

61. Under Section 143 of the Localism Act the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. The benefits from the finance contributions for the council however must be weighed against the above planning issues.
62. This development would generate the payment of Community Infrastructure Levy (unless self-build exemption applies).

Conclusion

63. The principle of a dwelling in an existing residential area is acceptable
64. The delivery of a dwelling of an appropriate scale, design, layout, access, parking and landscaping is considered achievable at the reserved matters stage.
65. The protection of the amenities of neighbouring properties can be satisfactorily dealt with at the reserved matters stage.
66. It is therefore in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.

Recommendation

To approve application no 14/01450/O and grant planning permission, subject to the following conditions:-

1. Standard time limit for reserved matters applications
2. Submission of details relating to access, layout, scale, design and landscaping
3. In accordance with the approved plans (approximate footprint, height and layout)
4. Water conservation measures
5. Submission of an arboricultural implications assessment, method statement and tree protection plan
6. Details of secure and covered cycle storage

7. Details of bin storage and collection area
8. Details of car parking and tracking curves to indicate that the dwelling can exit the site in a forward gear
9. Removal of permitted development rights (outbuildings, extensions and alterations to the roof).

Informative

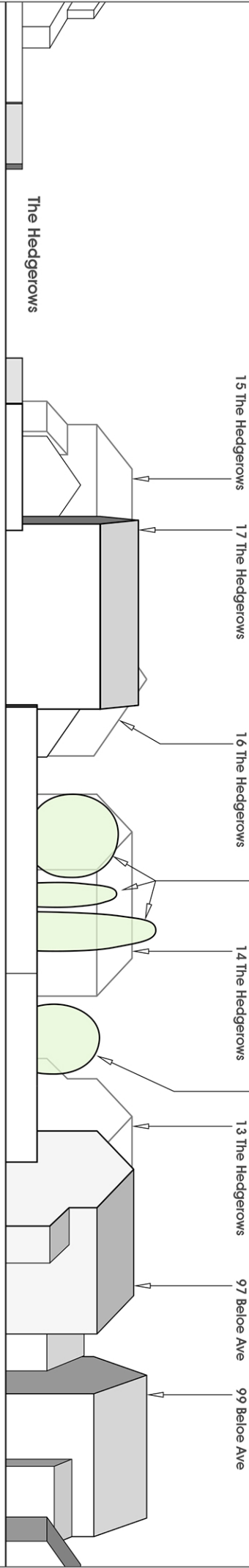
The applicant is reminded that should seven or more unrelated individuals live within a residential property that this would constitute a change of use to House in Multiple Occupation C4 (sui generis), requiring an application for planning permission.

Article 31(1)(cc)

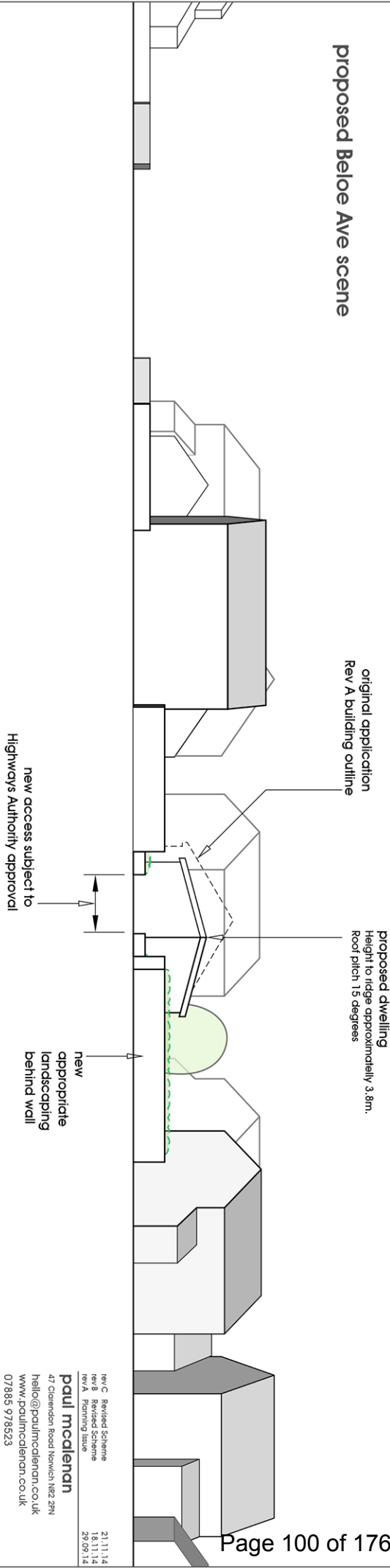
The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations, following negotiations with the applicant and subsequent amendments the application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

Ridge and eaves heights for existing buildings are scaled from photos and therefore approximate

existing Beloe Ave scene



proposed Beloe Ave scene



rev C Revised Scheme 21.11.14
rev B Revised Scheme 18.11.14
rev A Planning Issue 27.09.14

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client
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location
16-17 The Hedgerows Norwich

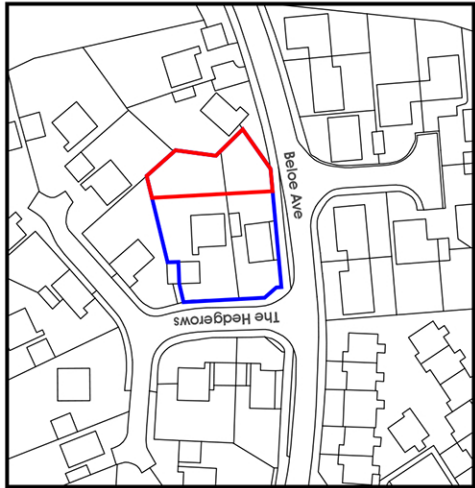
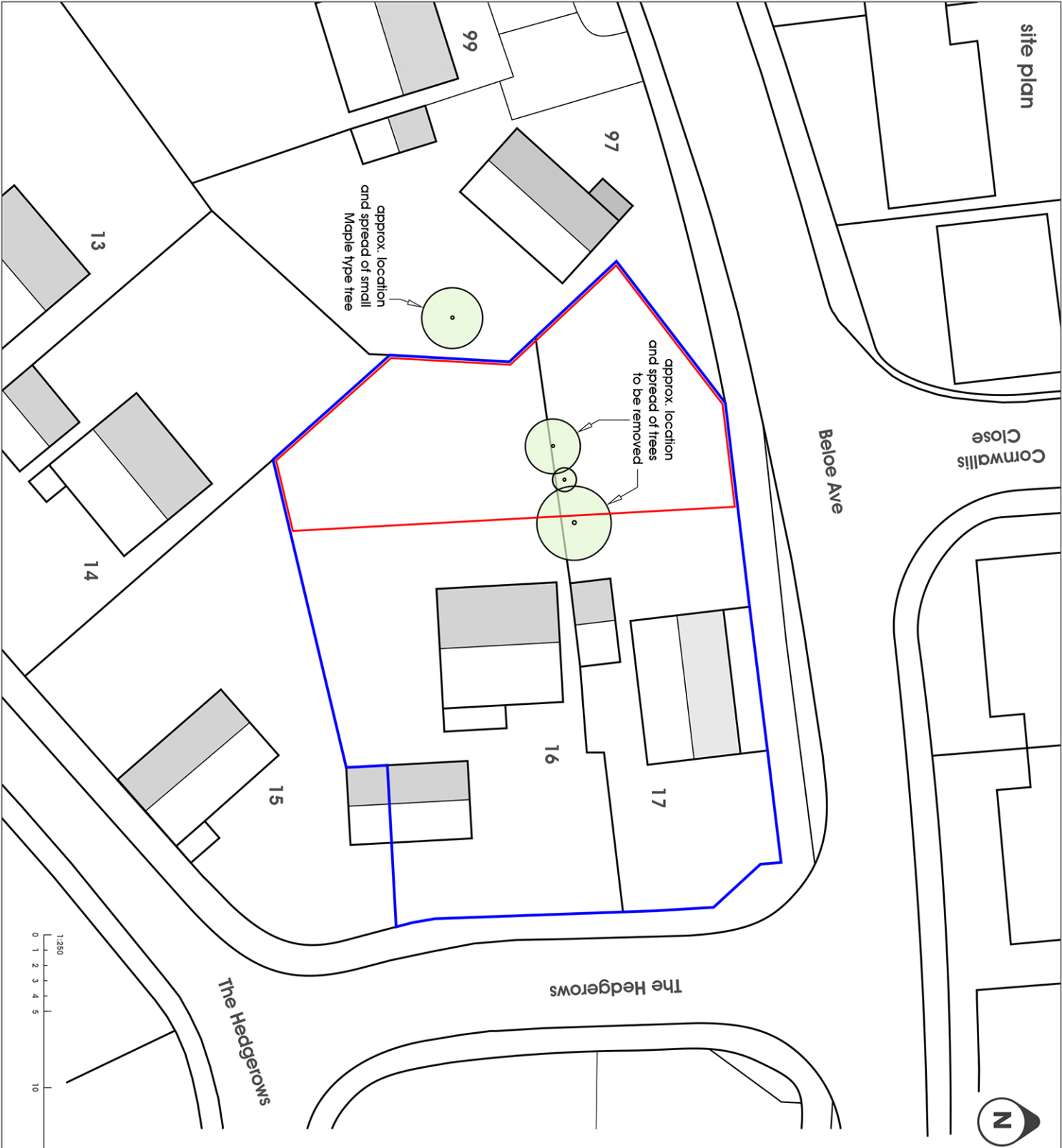
project
outline planning permission
for single storey dwelling
drawing
existing and proposed street scene

drawing no. 0176.03 rev. C

scale 1:200 @ A3

date 29 September 2014

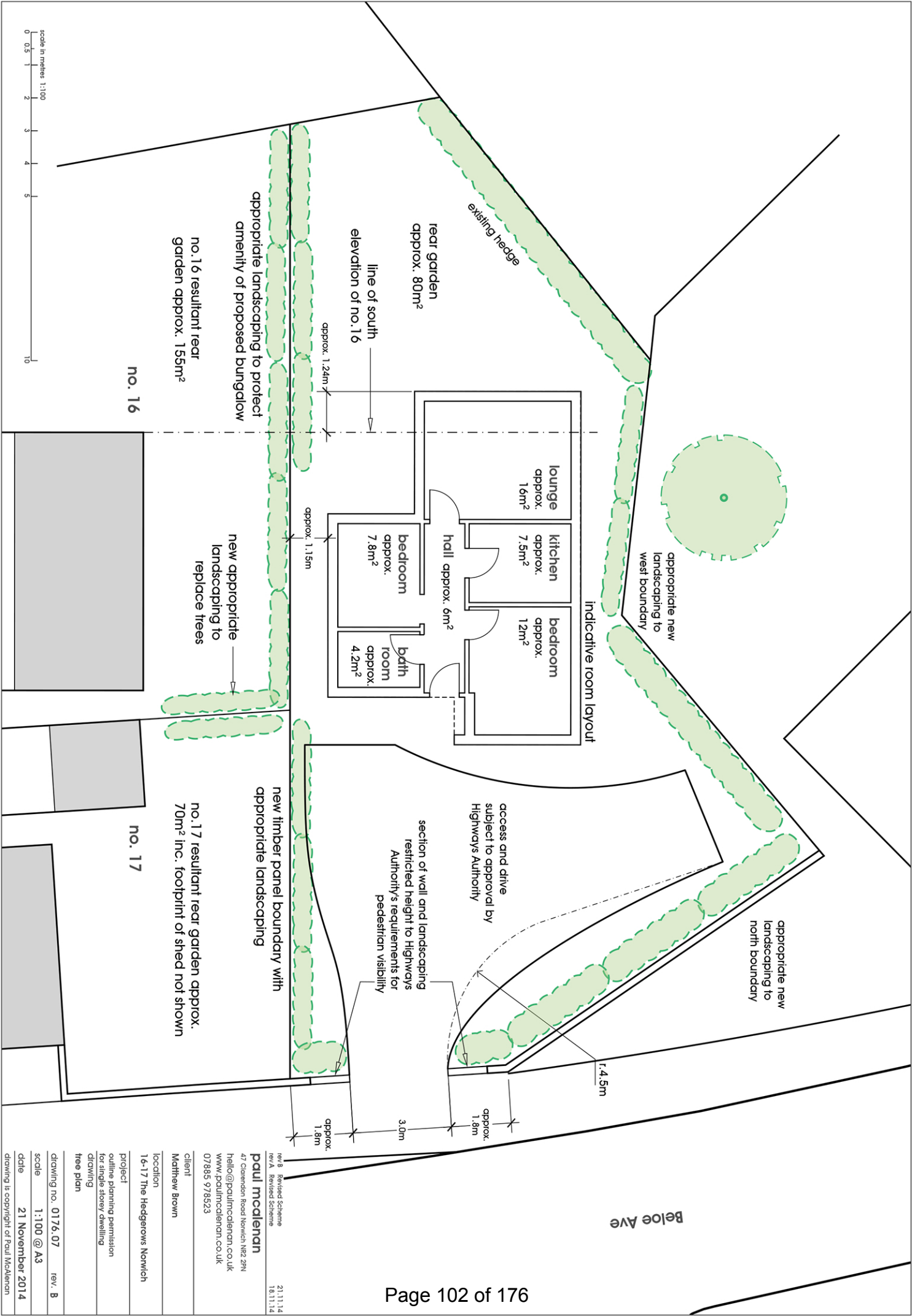
drawing is copyright of Paul McLenan



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Location Plan 1:1250

rev 8 amended red line	21.11.14
rev A planning issue	23.09.14
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16-17 The Hedgerows Norwich	
project	
outline planning permission	
for single storey dwelling	
drawing	
site & location plan	
drawing no. 0176.01	rev. B
scale 1:250 @ A3	
date 29 September 2014	
drawing is copyright of Paul McDanenan	



Report to Planning applications committee

8 January 2015

Report of Head of planning services

Subject Application nos 14/00920/F 63-67 Prince of Wales Road and 64-68 Rose Lane, Norwich NR1 1PT

Reason for referral Objections and authority to take enforcement action

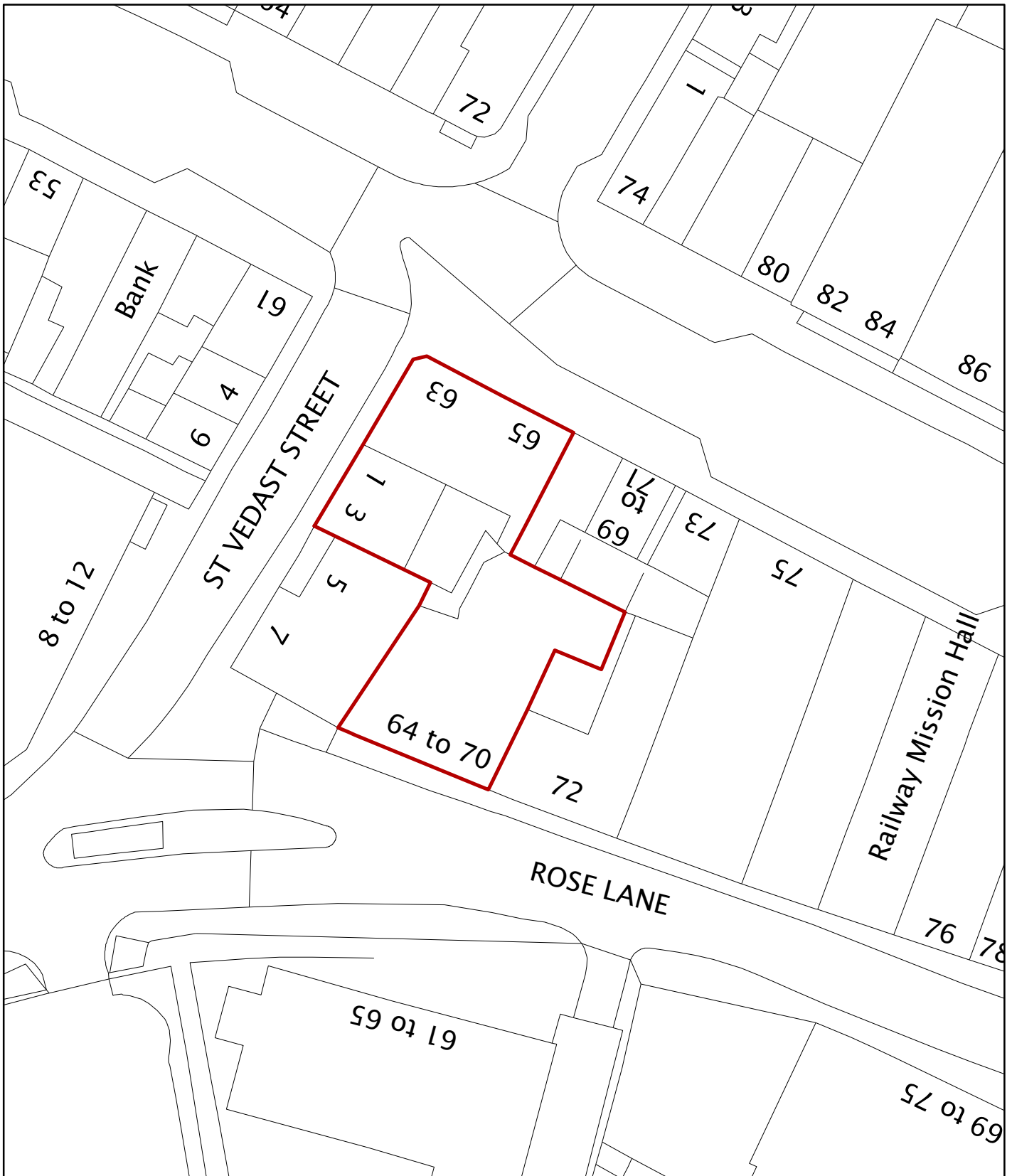
Item

4D

Ward:	Thorpe Hamlet
Case officer	Mrs Caroline Dodden - carolinedodden@norwich.gov.uk

Development proposal			
Change of use from warehouse/storage (Class B8) and existing drinking establishment (Class A4) to drinking establishment and nightclub (Class Sui Generis) with retrospective change of use to an external seating/smoking area and external alterations including the provision of a covered link walkway, the blocking up of various doors and windows and the insertion of new fire escape doors. (Revised).			
Representations			
	Object	Comment	Support
Original proposal	11		
Revised proposal	3		

Main issues	Key considerations
1) Principle of development	Principle of use of extended premises
2) Design	Design, impact on conservation area
3) Amenity	Impact on nearby residents and place of worship
4) Servicing	Adequacy of servicing and safety of emergency access
Expiry date	26 August 2014
Recommendation	Refuse and authorise enforcement action



The site and surroundings

1. The premises at 64-68 Rose Lane is located on the north side of the road, east of St.Vedast Street. The site is a 2.5-storey brick building, with a set-back parapetted roof where vehicular and pedestrian access is from Rose Lane. It is currently used for warehouse and storage at ground floor and before that, for vehicle servicing, with offices at first floor above. The building lies at the rear of 63 - 67 Prince of Wales Road and adjoins a six storey office building at No's 5-7 St.Vedast Street to the west and the single and two storey Norwich Islamic Centre and mosque at 70-72 Rose Lane to the east.
2. This is a mixed-use area within the City Centre. There is a Travelodge hotel on St Vedast Street and further west along Rose Lane are a number of new residential units, which are part of the Greyfriars Road / Maidstone Road development. There are other existing offices on St Vedast Street and opposite the site, at 61-65 Rose Lane.
3. The existing drinking establishment, currently known as Lost, is accessed by customers via an entrance at 63-65 Prince of Wales Road. There is a staff and servicing access point on St Vedast Street.
4. An enclosed external courtyard area currently used by the Lost bar as a seating/smoking area is located to the north of 64-68 Rose Lane, where access is gained via steps from a back door at first floor level. The courtyard is bounded by the Islamic centre's main hall to the east, (which is a single storey building), the two storey part of the Islamic centre, where there is an associated caretakers flat at first floor level, the application warehouse building to the south and the rear of no's 69-73 Prince of Wales Road, which are a mixture of two and three storeys high where there is residential accommodation at first and second floor levels.

Constraints

5. The application buildings are neither statutorily nor locally listed, but they do fall within the City Centre Conservation Area (DM9) and are part of the Prince of Wales characterisation area, where the view looking westwards down Rose Lane to the junction with St. Vedast Street is indicated as having a negative vista and the building terraces on either side of 63-67 Prince of Wales Road are identified as having positive frontages.
6. The site falls within the city centre leisure area (DM18, DM23). No.63-67 Prince of Wales Road falls within the defined Late Night Activity Zone, but the external seating/smoking area for the existing bar and the premises at No. 64-68 Rose Lane fall outside the Late Night Activity Zone.
7. The site also falls within an area of main archaeological interest (DM9) and an area for increased parking (DM29).

Relevant planning history

- 8.

Ref	Proposal	Decision	Date
09/00437/U	Change of use from restaurants and cafes (Class A3) to drinking establishments (Class A4 (licensed premises)) at 63-67 Prince of Wales Road.	Approved	23/7/2009
09/01330/U	Change of use from warehouse/storage (Class B8) on ground floor and offices (Class B1) on first floor to drinking establishment (Class A4).	Refused	4/3/2010
10/01288/F	Removal of roller shutter door to Rose Lane elevation. Replaced with fire escape doors and brick infill panels. Development of new link walkway and bricking up of courtyard elevation window between the existing bar (Essence on Prince of Wales Road) and these premises. Change of use from warehouse/storage (Class B8) on the ground floor and offices (Class B1) on the first floor to a nightclub (sui-generis) at 64-68 Rose Lane.	Approved	20/12/2010

The proposal

9. The revised proposal is for change of use from warehouse/storage (Class B8) and existing drinking establishment (Class A4) to drinking establishment and nightclub (Class Sui Generis) with retrospective change of use to an external seating/smoking area and external alterations including the provision of a covered link walkway, the blocking up of various doors and windows and the insertion of new fire escape doors to the Rose Lane elevation.

Representations

10. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. A total of 14 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
Increased level of smoke/ noise disturbance/ unsociable behaviour, which causes particular problems during prayer at the adjacent Islamic centre and greater chances of clashes between worshippers and	Paragraphs 33 – 40

clubbers.	
There are already more than enough nightclubs on Prince of Wales Road. The Islamic centre has been established for 13 years, before many of these bars and clubs existed.	Paragraph 26
The external smoking area was not a problem in 2010 but has created difficulties since this time for the place of worship next door and the associated caretaker's first floor flat.	Paragraphs 33 – 40
Lack of pavement space for the number of clubbers planned.	Paragraph 44

Consultation responses

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

Environmental protection

12. The application premises faces onto a courtyard on the northern side which is also overlooked by at least two residential premises, and also by the Islamic Centre which is directly joined to the premises on the eastern boundary. The Islamic centre, as well as being a place of worship, also contains a small residential flat which is located adjacent to the party wall between the Islamic Centre and the application premises.
13. There have been complaints in reference to the smoking area from 2009. Various methods of attenuating the noise created by users of the external area have been considered and the opinion reached is that without a noise impact assessment it is not possible to quantify the noise produced and its likely effects on the overlooking residential/place of worship uses.
14. The noise impact assessment does identify and appear to sufficiently deal with other issues related to the escape of noise from the Rose Lane premises.

Highways (local)

15. No objection to this proposal for fire doors. They are in a recess and do not open out over the highway.

Norfolk police (architectural liaison)

16. Whilst the application clearly states that the only access into the nightclub extension will be via 63-65 Prince of Wales Road. There is concern that efforts may be made in the future to convert or use the Rose Lane exits as the main entrance. The

current street layout, the narrow footpaths and the potential for queues on Rose Lane create the potential for pedestrians and passing traffic to come into conflict.

17. With this in mind, Norfolk Constabulary requests that conditions are applied to this application to restrict the fire doors for emergency access only and for no other purpose.
18. Norfolk Constabulary requests that planning permissions for late night uses be restricted by conditions. Premises in the Late Night Activity Zone should not be permitted to open past 0400hrs on any day, given the constraints on additional police.

Norfolk Fire and Rescue Service

19. Original scheme submitted: Concerned that means of escape provision from the first floor appears to be inadequate for the proposed use (nightclub). Significant internal changes would be required.
20. As a result of this initial comment the proposal was revised so that just the ground floor of the warehouse building is proposed for the nightclub use with ancillary office space at first floor level. No further comments were submitted by the Fire Officer following the submission of the revised proposal.

Assessment of planning considerations

Relevant development plan policies

21. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
 - JCS2 Promoting good design
 - JCS8 Culture, leisure and entertainment
 - JCS11 Norwich city centre
22. **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
 - DM18 Promoting and supporting centres
 - DM23 Supporting and managing the evening and late night economy
 - DM31 Car parking and servicing

Other material considerations

23. **Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**
 - NPPF0 Achieving sustainable development
 - NPPF1 Building a strong, competitive economy
 - NPPF2 Ensuring the vitality of town centres
 - NPPF7 Requiring good design

Case Assessment

24. 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

25. Key policies and NPPF paragraphs – JCS8, DM23, NPPF paragraph 23.
26. Under policy DM23 proposals for late night entertainment uses will only be permitted within the Late Night Activity Zone and where they would not give rise to unacceptable amenity and environmental impacts which could not be overcome by the imposition of conditions. Where necessary, permission will be granted subject to conditions restricting hours of opening and/or removing permitted development rights to change to alternative uses in order to protect the amenity of surrounding occupants and the vitality and viability of the area.
27. The proposal seeks to change the use and extend an existing bar at 63-67 Prince of Wales Road to a bar and nightclub where the existing bar building (63-67 Prince of Wales Road and 1-3 St. Vedast Street) falls within the Late night Activity Zone but the proposed link walkway, converted rear building (64-68 Rose Lane) and external smoking area fall just outside it. In this regard and notwithstanding the issues discussed below, any approval would need to link the Rose Lane building to the use of the Prince of Wales building so they are not operated as separate premises.

Main issue 2: Design

28. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 9, 17, 56 and 60-66.
29. A new link walkway is proposed at first floor level, and would be a timber-framed enclosed structure with sound-reducing doors at both the nightclub and bar access points to minimise noise leakage. This walkway would provide access to the courtyard garden for both buildings via the existing steps. The link walkway would be of a basic design and construction, which is considered acceptable given its enclosed location behind the existing buildings on Prince of Wales Road and Rose Lane.
30. The existing roller shutter and pedestrian doors on Rose Lane are proposed to be removed and the openings bricked-up with smaller fire exit doors, of about half the height, provided in their place. In addition a small ground floor window would be removed and bricked-up and the existing single door to the eastern end would be retained but fixed shut to prevent access or any form of exit. These measures are considered to be acceptable as they would improve the overall appearance of the building from the Rose Lane frontage.
31. Alterations to the north elevation of the Rose Lane building would not be visible in the wider Conservation Area. The two existing single doors and set of double doors at ground floor level and six windows would all be removed and bricked-up to match

the surrounding brickwork. A new set of double-doors would be inserted at first floor level to access the proposed covered walkway connection to the existing bar and would not be visible.

Main issue 3: Amenity

32. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
33. Policy DM2 states that development will be permitted where it would not result in an unacceptable impact on the amenity of the area or the living or working conditions or operations of neighbouring occupants. Particular regard is given to overlooking/ loss of privacy, loss of light or outlook and the prevention of disturbance from noise, odour, vibration, air or artificial light pollution.
34. Policy DM11 covers environmental issues including noise impact where appropriate and proportionate mitigating measures will be required and appropriate limiting conditions will be attached to permissions for development which, on the best available evidence, is likely to give rise to sources of environmental noise, neighbour noise, or neighbourhood noise which will have some adverse impact on the health, well-being and quality of life of existing adjoining and nearby occupiers.
35. The revised proposal leaves the first floor of the Rose Lane building as existing. Pedestrian access would only be possible via the proposed first floor enclosed link, which would also give access to existing steps that lead down to the existing external seating/smoking area. This area does not have the benefit of planning permission to be used in association with the existing bar. It should be noted that the site location plan submitted with Application 09/01330/U (see details in the table at paragraph 8), shows that the land on which the external smoking area is currently located was formerly the external yard area associated with 64-68 Rose Lane.
36. It is clear from the representations received that there is existing noise disturbance and occasional anti-social behaviour issues associated with this external space, which is overlooked by a number of first floor residential flats and is located in very close proximity to the main hall of the East Anglian Bangladeshi Islamic Centre.
37. The external seating/smoking area currently used by the Lost bar does not have the benefit of planning permission. Its use forms part of the application assessment, particularly as the proposal is likely to increase the number of additional patrons from an existing maximum of 600 up to approximate maximum of 1,000 people. As such, it is considered that the use of the external seating /smoking area is likely to intensify and could significantly increase the level of noise disturbance from this area.
38. An additional noise impact assessment regarding this rear external space was considered important to ascertain whether the principle of the use of this space is acceptable. However, the Applicants have declined to submit this information.
39. The Council's environmental protection team indicates that there is an existing noise disturbance issue from the unauthorised seating/smoking area. As such, and without an acoustic report for the external seating/smoking area, it is considered impossible to assess whether the principle of the use of the area is acceptable.

40. It is clear that policies DM2, DM11 and DM23 guard against proposals that would result in a significant detrimental impact on the amenity of the living or working conditions or operations of neighbouring occupants. Without evidence to the contrary, it is considered that the likely level of impact on the residential occupiers and place of worship is likely to be significantly detrimental to their amenities.

Main issue 4: Access and servicing

41. Key policies and NPPF paragraphs – JCS6, DM31, NPPF paragraphs 34 and 35.
42. Access to the extended premises for customers would be from the existing Lost bar entrance on Prince of Wales Road. Whilst Norfolk Police have concerns that the proposed fire doors to the Rose Lane elevation could be used in the future as the main entrance to the nightclub, the restriction of the fire doors for emergency access only could be imposed as a condition to control this.
43. Servicing and refuse / recycling would continue from the existing bar's St Vedast Street access, which is considered to be acceptable.
44. No operational objections have been raised by the Fire Service or Local Highways Authority in relation to the pavement width on Rose Lane being inadequate and as such, the proposal is considered to be acceptable in this regard.

Compliance with other relevant development plan policies

45. 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	Not applicable
Car parking provision	DM31	Not applicable
Refuse Storage/servicing	DM31	Yes, would continue from existing bar's access from St. Vedast Street
Energy efficiency	JCS 1 & 3 DM3	Not applicable
Water efficiency	JCS 1 & 3	Not applicable
Sustainable urban drainage	DM3/5	Not applicable

Equalities and diversity issues

46. The Council has a statutory duty to pay due regard to the potential impact on equality of opportunity between different racial groups, and good relations between different groups during its decision making process. Issues raised by the Islamic

Centre next to the proposed development have been carefully considered, and the potential negative impacts on community cohesion and perceptions of safety have been taken into account

47. It is noted that due to the change in levels between the existing bar, the proposed nightclub building and the external seating/smoking area, level access would not be achieved throughout the extended premises.

Local finance considerations

48. 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.
49. 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.
50. In this case local finance considerations are not considered to be material to the case.

Enforcement

51. Given that the existing external seating/ smoking area is in use and that there is potential for continuing complaints from nearby residents and worshippers we recommend that authorisation is given to take enforcement action to secure the cessation of the unauthorised use of this rear external area.
52. It should be noted that the cessation of the use of the external seating/smoking area may have implications in relation to the Crime and Disorder Act (1998) as section 17 places a duty on the Police and local authorities, (including in their role as planning authorities), to do all they reasonably can to prevent crime and disorder in its area including anti-social and other behaviour adversely affecting the local environment. Without the rear external seating/smoking area, the existing drinking establishment at 63-67 Prince of Wales Road will need to provide an alternative external smoking area at the front of the premises on Prince of Wales Road which could result in customers spilling onto the street.

Conclusion

53. Without evidence to indicate otherwise, it is considered that the proposal would be significantly detrimental to the residential and general amenities of the nearby residential accommodation and adjacent Islamic centre and as such, the proposal is contrary to policies DM2, DM11 and DM23 of the Norwich Development Management Policies Local Plan.

Recommendation

- (1) To refuse application no. 14/00920/F - 63 - 67 Prince Of Wales Road And 64 - 68 Rose Lane Norwich NR1 1PT and refuse planning permission for the following reason:

In the absence of a supporting noise impact assessment covering the rear external seating/smoking area, it has not been demonstrated that the proposal would not have a significantly detrimental impact on the residential and general amenities of the nearby and adjoining residential accommodation and adjoining Islamic centre contrary to policies DM2, DM11 and DM23 of the Norwich Development Management Policies Local Plan, adopted December 2014.

- (2) To authorise enforcement action under section 172 of the Town and Country Planning Act 1990 (as amended) to secure the cessation of the unauthorised use of the external seating/smoking area and the taking of legal proceedings, including prosecution if necessary.

Article 31(1)(cc) statement

The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations. The proposal in question is not considered to be acceptable for the reasons outlined above. In addition, it should be noted that the local planning authority requested an additional acoustic report, which the Applicant declined to submit.

Report to

Planning applications committee

Item

8 January 2014

Report of

Head of Planning Services

Subject

Applications no 14/01382/F - St Clements

Nursing Home 170 St Clements Hill Norwich

Reason for referral

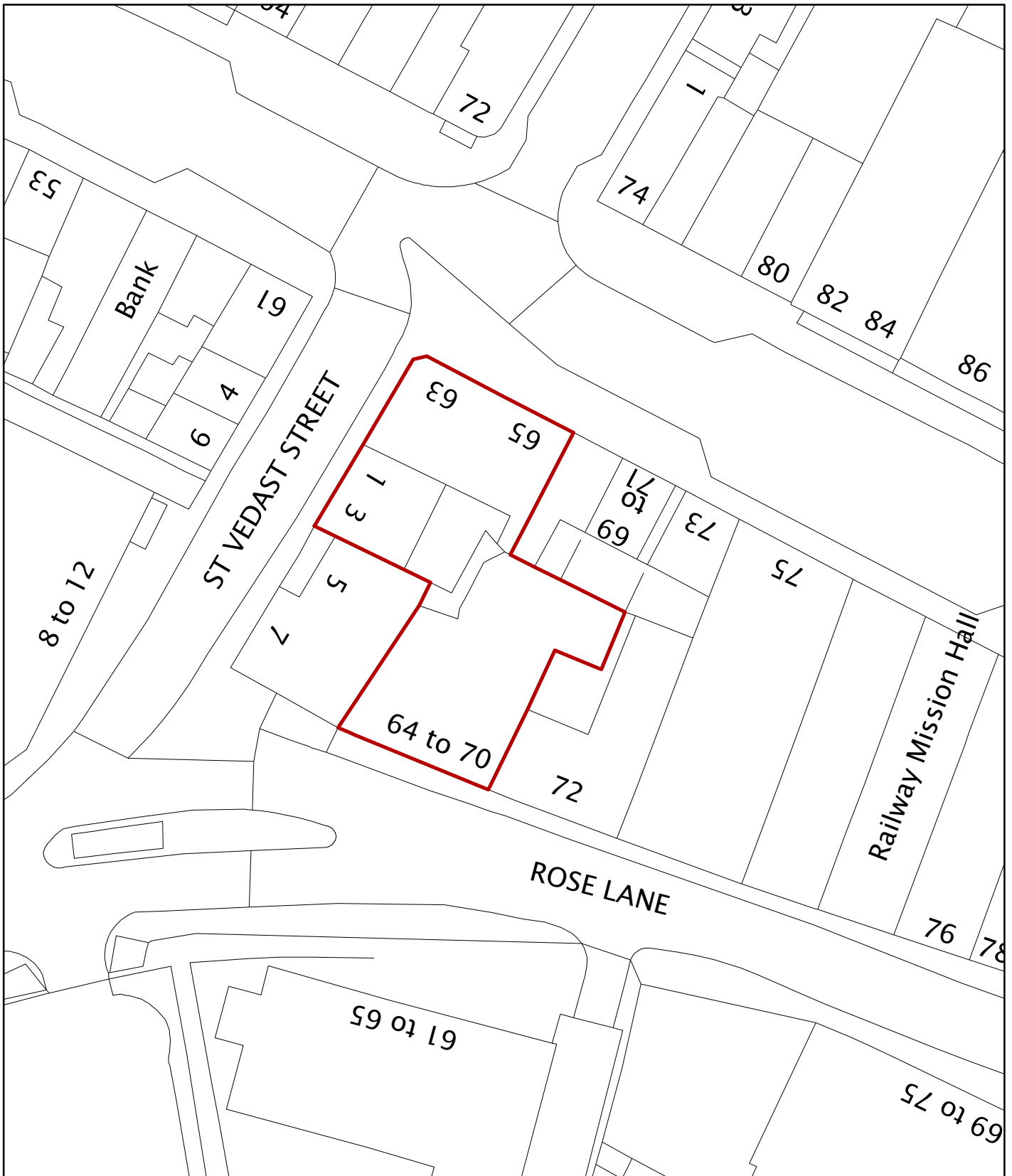
NR3 4DG Objection

4E

Ward:	Catton Grove
Case officer	Lara Emerson - laraemerson@norwich.gov.uk

Development proposal		
Erection of single storey rear extension and single storey rear and side extension.		
Representations		
Object	Comment	Support
5	0	0

Main issues	Key considerations
1) Design	Scale of development; materials
2) Amenity of neighbours	Protection of privacy; loss of light; loss of outlook
3) Amenity of care home residents	Outside space; protection of privacy; loss of light
4) Transport	Car parking, cycle parking
Expiry date	30 January 2015 (extended from 27 Nov 2014)
Recommendation	Approve



The site and surroundings

1. The site is located on the west side of St Clements Hill which lies to the north of the city. The area is predominantly made up of detached and semi-detached dwellings set back from the road.
2. The property is in use as a nursing home predominantly for the care of patients with dementia. The home currently provides 17 bedrooms.

Constraints

3. On the site itself there are a number of mature trees along the north and south boundaries.
4. The topography of the area is such that the site is on higher ground than properties to the north.

Relevant planning history

5.

Ref	Proposal	Decision	Date
86/0909/F	Two storey extension and alterations to existing nursing home at 170 St Clements Hill.	APPROVED	21/10/1986
88/1022/F	Erection of two storey building to provide nursing block at 170 St Clements Hill.	APPROVED	17/10/1988
14/00149/F	Erection of two storey rear and side extension to provide communal accommodation, an additional 7 No. bedrooms and reconfiguration of existing bedrooms. Widening of the vehicle access. N.B. The current scheme has come forward following the refusal of this larger scheme in March 2014.	REFUSED	27/03/2014

6. The previous two storey scheme (14/00149/F) was refused for the following three reasons:

1. *The proposals by virtue of their height, location on elevated ground, proximity to boundaries and siting of first floor windows would result in a significant detrimental impact on the amenities of existing properties to the north and south of the site at Park House, Marionville Road and 166a and 168 St Clements Hill. The proposals would lead to the loss of direct sunlight and daylight to amenity space and existing windows within the south elevation of Park House, particularly within winter months. The proposals would also lead to a loss of privacy to Park House and 166a and 168 St Clements Hill. It is*

considered that the impact would result in a significant loss of amenity to existing neighbouring properties and the proposals are therefore contrary to saved policy EP22 of the adopted City of Norwich Replacement Local Plan (2004), policy DM2 of the emerging regulation 22 Development Management Policies Development Plan Document 2013 and paragraphs 9 and 17 of the National Planning Policy Framework 2012.

2. *The proposals, by virtue of the lack of outside amenity space and the siting of ground and first floor windows would result in poor living accommodation for residents of the care home. The proposals would create bedrooms with a lack of direct sunlight and daylight on the south side of the extension and bedrooms with a lack of privacy on the north side on the first floor. Additionally, the proposals would leave very limited and poor quality outdoor amenity space which is considered to cause detriment to the wellbeing of residents. It is considered that the proposals would result in poor living standards for care home residents and the proposals are therefore contrary to saved policies EP22 and HOU19 of the adopted City of Norwich Replacement Local Plan (2004), policies DM2 and DM13 of the emerging regulation 22 Development Management Policies Development Plan Document 2013 and paragraphs 9 and 17 of the National Planning Policy Framework 2012.*
3. *The height and width of the proposed extension leads to an overdevelopment of the site and a mass which would appear out-of-scale with the overall form of development in the vicinity. The proposals would be viewable from Marionville Road and Carterford Drive as well as many private spaces. The proposed development would therefore be contrary to saved policy HBE12 of the adopted City of Norwich Replacement Local Plan (2004), policy DM3 of the emerging regulation 22 Development Management Policies Development Plan Document 2013 and paragraphs 9, 14 and 58 of the National Planning Policy Framework 2012.*

The proposal

7. Summary information

Proposal	Key facts
Scale	
No. of storeys	1
Max. height	4.6m
No. of additional bedrooms	5 (making 22 in total)
Appearance	
Building form	<ul style="list-style-type: none"> • Conservatory style communal room • Flat roof brick built side and rear extension to provide 5 additional bedrooms
Materials	<ul style="list-style-type: none"> • Brick walls to match existing • Roof tiling to match existing

	<ul style="list-style-type: none"> • Grey flat roof covering
Transport matters	
Vehicular access	Widened access from St Clements Hill
No of car parking spaces	No change (approx. 6 provided)
No of cycle parking spaces	None proposed

Representations

8. 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. 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 extension is unnecessary and unjustified	Paragraph 16
The building will become over-dominant and will be of an inappropriate scale for the area	Paragraphs 18 & 19
The extension will block light to Park House, Marionville Road	Paragraph 22
The north and west facing windows will lead to overlooking of both Park House, Marionville Road and of care home residents' bedrooms	Paragraph 23
The south facing windows will lead to additional overlooking of 166a St Clements Hill	Paragraph 23
The increased use of the care home will lead to increased noise	Paragraph 24
Increased traffic will create a danger to pedestrians	Paragraphs 31, 33, 34
Increased traffic will cause increased noise and pollution	Paragraphs 31, 33, 34
Current parking pressures exacerbated by additional care home residents	Paragraphs 31, 33, 34
This is an inappropriate location for such a facility, and it shouldn't get any larger	Paragraph 35
The ground works may affect the retaining wall between the care home and Park House, Marionville Road	Paragraph 36

Consultation responses

9. 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.

Highways (local)

10. Care homes have very low levels of traffic movement. The care home is not of a size likely to create unreasonable parking pressures on the locality. There needs to be a covered and secure cycle stand for 4 cycles.

Tree protection officer

11. So long as compliance with the submitted AIA is conditioned, the trees will be sufficiently protected.

Assessment of planning considerations

Relevant development plan policies

12. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
 - JCS2 Promoting good design
 - JCS6 Access and transportation
 - JCS7 Supporting communities
 - JCS12 The remainder of the Norwich urban area including the fringe parishes
13. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
 - DM2 Ensuring satisfactory living and working conditions
 - DM3 Delivering high quality design
 - DM7 Trees and development
 - DM13 Communal development and multiple occupation
 - DM30 Access and highway safety
 - DM31 Car parking and servicing

Other material considerations

14. **Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**
 - NPPF7 Requiring good design
 - NPPF11 Conserving and enhancing the natural environment

Case Assessment

15. 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. The provision of extensions is acceptable in principle since the use of the site is already established.

16. It is worth noting that there is an identified shortage of dementia care facilities, as noted in the JCS. There is a particular need within Norwich.

Main issue 1: Design

17. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 9, 17, 56 and 60-66.
18. The proposed scheme is only of single storey. It will therefore not be easily visible from any surrounding public spaces. Nevertheless, it will be visible from a number of private properties.
19. While the building footprint will be quite substantial in comparison with the surrounding buildings, the reduced height of the proposals lessens the building's impact.

Main issue 2: Amenity of neighbours

20. Key policies and NPPF paragraphs – DM2, NPPF paragraphs 9 and 17.
21. The previous two-storey scheme, refused in March 2014, was considered unacceptable in part due to its impact on the amenity of neighbours to the north of the site.
22. The issue of overshadowing has been addressed by lowering the extension to single storey. The submitted sunlight assessment shows that, despite the land levels, there will be no additional loss of sunlight to neighbours.
23. Most windows face away from neighbours. Following negotiations with the case officer, a window has been part obscure glazed in order to prevent any overlooking.
24. Noise has been raised as a concern by neighbours. Any noise created by the care home is unlikely to increase significantly as a result of these works.
25. As such, the proposals are considered acceptable in terms of their impact on the amenity of neighbouring occupiers.

Main issue 3: Amenity of care home residents

26. Key policies and NPPF paragraphs – DM2, NPPF paragraphs 9 and 17.
27. Following concerns raised in the previous application, several changes have been made to improve the standard of accommodation provided for care home residents.
28. The boundary of the site is currently thick with vegetation. A detailed landscape plan shows that this will be reduced to provide additional usable outside space which is important for dementia sufferers. This area, which is proposed to be secure, is considered modest but sufficient for a care home of the proposed size. A condition is recommended to ensure that the landscape plan is implemented and retained.
29. The reduction of the boundary planting will also prevent overshadowing to residents' bedrooms. Again, this is important since occupants may spend some considerable time in their rooms.

Main issue 4: Transport

30. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF paragraphs 17 and 39.
31. The council's transport officer has no objections to the proposals because the care home is unlikely to generate significant traffic volumes. 6 car parking spaces are provided at the front of the property which, according to DM31, is the maximum recommended for facilities of this size in this location.
32. No cycle spaces have been proposed within the scheme but 6 should be required for a care facility of this size. Details of 6 cycle spaces will be required by condition.
33. A travel plan has been submitted with the application. This encourages staff to use sustainable modes of transport (bus, train, cycling, walking, car sharing etc). Compliance will be required by condition.
34. Subject to these conditions, the development is unlikely to have a significant impact on traffic movements and parking issues. There may be some improvement through the implementation of a travel plan and cycle storage.

Other issues raised

35. Care homes are considered suitable land uses within residential settings since there is limited disturbance to neighbours.
36. Ground works affecting retaining wall

Compliance with other relevant development plan policies

37. 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
Trees	DM7	Yes subject to condition
Access	DM30	Yes
Landscaping	DM13	Yes subject to condition

Equalities and diversity issues

38. There are no significant equality or diversity issues.

Local finance considerations

39. 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.
40. 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.
41. In this case local finance considerations are not considered to be material to the case.

Conclusion

42. The design and transport matters are considered to be acceptable in this case. The potential for overlooking and loss of outlook has been minimised and the amenity impacts are considered to be acceptable. The development will result in clear and demonstrable benefits in the form of additional provision for dementia care in Norfolk.
43. 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. 14/01382/F - St Clements Nursing Home 170 St Clements Hill Norwich NR3 4DG and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Provision of 6 cycle storage spaces. Details to be agreed pre-commencement
4. Obscure glazing to be installed and retained in accordance with drawing 1490.12.6B
5. In accordance with AIA
6. In accordance with Travel Plan
7. Landscaping to be in accordance with drawing 1490.12.3A and retained as such

Article 31(1)(cc) statement

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

Report to Planning applications committee

08 January 2014

Report of Head of Planning Services

Subject Application no 14/01660/F - 114 Cambridge Street Norwich NR2 2BE

Reason for referral Objection

Item

4F

Ward:	Town Close
Case officer	Lara Emerson - laraemerson@norwich.gov.uk

Development proposal		
Retrospective application for first floor rear extension.		
Representations		
Object	Comment	Support
1	0	0

Main issues	Key considerations
1) Design	Materials, form
2) Amenity	Loss of light, outlook & privacy
Expiry date	6 January 2015
Recommendation	Approve



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Planning Application No 14/01660/F

Site Address 114 Cambridge Street

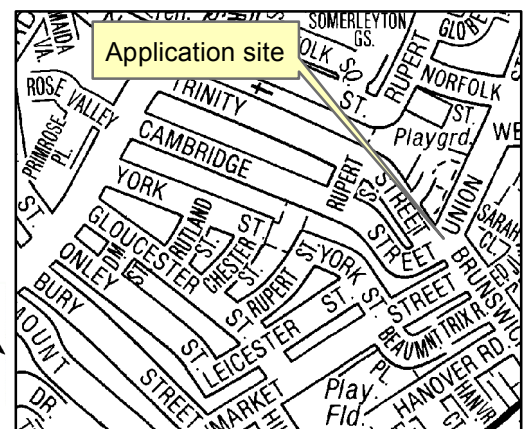
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NORWICH
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PLANNING SERVICES

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The site and surroundings

1. Two storey mid-terrace residential property on a residential street to the west of the city.

Constraints

2. There are no particular constraints on the site. In terms of topography, the site is on considerably higher ground than the properties on Trinity Street to the north-east

Relevant planning history

3. There is no recent planning history. This application came forward as a result of an enforcement case.

The proposal

4. Summary information

Proposal	Key facts
Scale & appearance	
Max. height	5m
No. of storeys	2
Materials	Grey/beige plastic weatherboarding

Representations

5. Adjacent and neighbouring properties have been notified in writing. 1 letter(s) 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
The extension is out of keeping	Paragraphs 12 & 13
The materials do not match any in the area	Paragraphs 12 & 13
The extension is too high	Paragraphs 12 & 13, 15 & 16

Consultation responses

6. No consultations have been undertaken.

Assessment of planning considerations

Relevant development plan policies

7. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
 - JCS2 Promoting good design
8. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
 - DM2 Ensuring satisfactory living and working conditions
 - DM3 Delivering high quality design

Other material considerations

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

Case Assessment

10. 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. Residential extensions are acceptable in principle since the use is already established.

Main issue 1: Design

11. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 9, 17, 56 and 60-66.
12. The 'boxy' form and materials of the first floor extension are not ideal. First floor rear extensions to Victorian terraces such as this are best designed to match the existing dwelling with lean-to tiled roofs, brick walls and similar windows.
13. However, since the property is not an identified heritage asset and the works are not visible from any public spaces, the design is considered acceptable in this case.

Main issue 2: Amenity

14. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
15. Owing to its height and mass, the extension causes some loss of daylight to the adjacent northern neighbour, 116 Cambridge Street. However, the orientation of the site, with no. 116 being located to the south, any overshadowing is somewhat limited
16. There is no loss of privacy as the windows are high level (approx. 1.7m above finished floor level).

Equalities and diversity issues

17. There are no significant equality or diversity issues.

Local finance considerations

18. 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.
19. 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.
20. In this case local finance considerations are not considered to be material to the case.

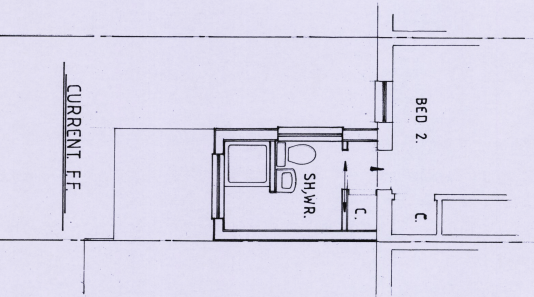
Conclusion

21. Although the design of the extension is not ideal, it cannot be viewed from any public spaces and has no significant impact on residential amenity.
22. 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. 14/01660/F - 114 Cambridge Street Norwich NR2 2BE and grant planning permission subject to the following conditions:

1. In accordance with plans.



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Project:
RETROSPECTIVE FIRST FLOOR
REAR EXTENSION,
114 CAMBRIDGE STR, NORWICH.

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Date: NOV 14.

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REVISION

Organisational Development
11 NOV 2014
Post Room

Report to

Planning applications committee

Item

8 January 2015

Report of

Head of planning services

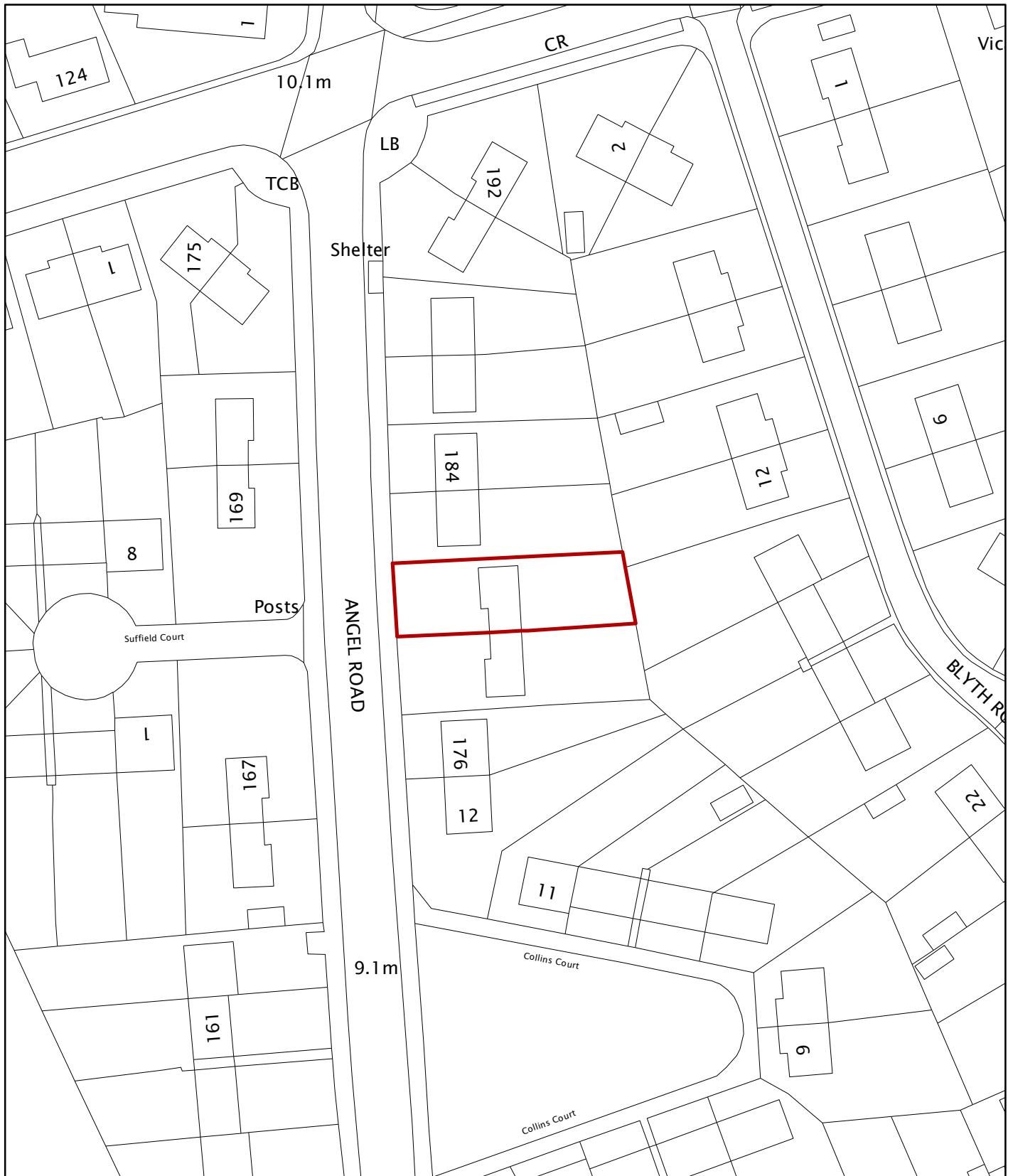
SubjectApplication no 14/01655/F - 180 Angel Road
Norwich NR3 3JD**4G****Reason for referral**

Objection

Ward:	Sewell
Case officer	Mrs Joy Brown - Joybrown@norwich.gov.uk

Development proposal		
Part single and part two storey rear extension.		
Representations		
Object	Comment	Support
2	0	0

Main issues	Key considerations
2 Design	Size and form of extension
3 Amenity	Overlooking, overbearing, overshadowing and loss of light
Expiry date	5 January 2015
Recommendation	Approve



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Planning Application No 14/01655/F

Site Address 180 Angel Road

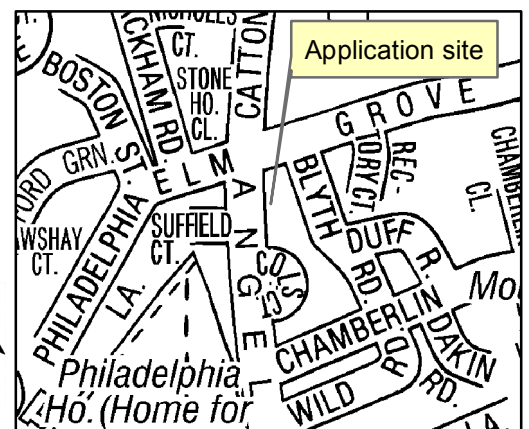
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PLANNING SERVICES

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The site and surroundings

1. The site is located on the east side of Angel Road opposite the junction with Suffield Court. It is a two storey semi-detached property which is cream rendered with a hipped pantile roof. The property is unusually well set back within the curtilage with the front elevation being around 12m from the highway whereas most of the other properties including the neighbouring property to the north are only around 6m from the highway. The property has not previously been extended.
2. The surrounding area is mainly residential with the majority of properties being two storey

Constraints

3. The site is not situated within a conservation area and there are no particular constraints on the site. The front curtilage is relatively flat however there is a significant change in level to the rear of the property with there being a retaining wall of around 1m in height.

Relevant planning history

Ref	Proposal	Decision	Date
14/00924/F	Erection of two storey rear extension.	REF	14/08/2014

4. The reason for refusal of the above application is as follows:

The proposed two storey extension by virtue of its height, depth and proximity to the boundary would result in a significant detrimental impact on the amenities of numbers 178 and 182 Angel Road. The proposal would have an overbearing impact on the outlook of number 178 Angel Road, particularly when viewed from the rear windows of 178 Angel Road, due to the proximity of the extension to the boundary and due to the height and depth of the extension. The proposal would also lead to loss of light and overshadowing to the rear garden of number 182 Angel Road due to the unusual set back of 180 Angel Road within its plot and due to the depth and height of the extension. The proposals are therefore contrary to saved policy EP22 of the adopted City of Norwich Replacement Local Plan (2004), policy DM2 of the emerging regulation 22 Development Management Policies Development Plan Document (2013) and paragraphs 9 and 17 of the National Planning Policy Framework (2012).

The proposal

5. The application seeks full planning permission to erect a part single storey and part two storey rear extension. Planning permission was previously refused on the site under application ref 14/00924/F for a two storey rear extension as it was considered by committee members that the proposal would have a significant detrimental impact on the amenities of the neighbouring properties. The two storey

extension as previously proposed extended across the entire width of the property and was 4m deep.

6. This current application seeks to address the previous reasons for refusal and to reduce the impact upon the neighbouring properties. At ground floor level the proposed extension will still extend across the entire width of the property and will still be 4m deep. The two storey element has however been reduced in size so the sections which are closest to the neighbouring properties are only 2m deep and the middle section is 4m deep.
7. The proposed extension will enlarge the kitchen at ground floor level and will provide an additional bedroom at first floor level. The eaves height of the single storey element is 2.2m with the ridge height being 3.8m. The eaves height of the two storey element is around 4.6m and the ridge height is 6.5m.

Summary information

Proposal	Key facts
Scale	
No. of storeys	Part single storey, part two storey
Max. dimensions	Ground floor level – 4m deep, 8.8m wide. First floor level – 2m deep, 8.8m wide, middle section of extension – 4m deep, 4.3m wide
Appearance	
Materials	Render to match existing, clay pantiles to match existing

Representations

8. 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
The proposed extension will block light and morning sunshine to the property to the south (178 Angel Road)	See main issue 3
The proposed extension will be overbearing to the property and garden of 178 Angel Road.	See main issue 3
The proposed extension will still takeaway a great deal of sunlight from the garden of the	See main issue 3

property to the north (182 Angel Road). Currently the shadow cast by the neighbouring property is already large and the extension would mean that half of the garden would get hardly any sun unless the sun is very high in the sky.	
The overall depth of the proposed extension is around 69% of the existing house.	See main issue 2
The proposal will reduce the value of the neighbouring properties.	This is not a material planning consideration.
Not much has changed from the previous application. It is still a two storey extension that is 4m deep.	Changes are set out within 'the proposal' section of this report.

Consultation responses

9. No consultations undertaken.

Assessment of planning considerations

Relevant development plan policies

10. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
 - JCS2 Promoting good design
11. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
 - DM2 Ensuring satisfactory living and working conditions
 - DM3 Delivering high quality design

Other material considerations

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

Case Assessment

13. 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

14. The principle of extending the property to the rear is acceptable with the main considerations being design and impact upon residential amenity.

Main issue 2: Design

15. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 9, 17, 56 and 60-66.
16. There are very few examples of rear extensions on this part of Angel Road and it is considered that the proposed extension is relatively large in relation to the existing dwelling house; however due to the extension being situated to the rear of the property it is not considered that it will impact upon the principle elevation of the property or the character of the street scene and it is considered that the plot is of sufficient size to accommodate the extension.
17. The design of the proposal is rather unusual and in particular there are a lot of different roof pitches and forms. Notwithstanding the above however, the design of the roof has helped to reduce the overall mass and bulk of the extension and given that the materials and detailing will match the original dwelling house, it is considered that the proposal ties in relatively well.

Main issue 3: Amenity

18. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.

Overlooking

19. No windows are proposed within the southern or northern elevation of the extension which will mean that there is no direct overlooking to the properties to the south or north. Windows are proposed at first floor level within the rear elevation of the extension and due to the extension being 4m deep in part and the rear garden being relatively small compared to others in the area, there may be a slight increase in overlooking to properties to the rear on Blyth Road. This level of overlooking is not uncommon in urban residential environments and is considered to be at an acceptable level. It is not considered that there will be a significant increase in overlooking to neighbouring properties to the north or south.

Overshadowing and loss of light

20. The proposed extension is situated in extremely close proximity to the boundary of the neighbouring property to the south (178 Angel Road). However reducing the depth of the two storey extension on the boundary from 4m to 2m has significantly helped to reduce the amount of overshadowing/loss of light which would have been minimal anyway due to the orientation and as the neighbouring property has a wide elevation. The previous reason for refusal did not include overshadowing/loss of light to the neighbouring property to the south and this revised proposal will have less of an impact than the previous scheme.
21. Previously it was acknowledged within the officer report that the proposal would lead to some overshadowing and loss of light to the rear curtilage of the property to the north (182 Angel Road) and committee members were of the opinion that the loss of light and overshadowing was significant enough to justify a refusal. (It was

not previously considered that the proposal would result in overshadowing or loss of light to the main habitable rooms of 182 Angel Road due to the neighbouring property being situated significantly further forward in the plot than the application site, due to there being a gap of around 0.3m between the two properties and due to the positioning of windows within the rear elevation of the neighbouring property.)

22. The part of the two storey extension which is 4m in depth is now situated 3.9m from the boundary of the property to the south with the 2m depth element being situated 0.8m from the boundary. Therefore it is still acknowledged that the proposal will result in some additional overshadowing to the garden of the neighbouring property; however it is the officer's opinion that the changes are significant enough for the loss of light and overshadowing to be reduced significantly from the previous proposal. As such in this instance it is considered that the level of overshadowing would not be of significant harm to justify a refusal, particularly given that the neighbouring garden is of a reasonable size.

Overbearing nature of development

23. The previous application was refused due to the proposal having an overbearing impact upon the neighbouring resident to the south (178 Angel Road). It is considered that reducing the depth of the two storey element on the boundary from 4m to 2m will significantly help to reduce the impact that the extension will have upon the neighbouring resident, particularly given the wide rear elevation of the property. The two storey element which is 4m deep will now be around 2.2m from the boundary which will make a significant difference to the previous application which was refused. Therefore although there may still be some harm, it is considered to be minimal and at an acceptable level.
24. With regards to the neighbouring property to the north, it was not previously considered that the proposal would have an overbearing impact even given the positioning of the two dwellings within their curtilage. Reducing the depth of the part of the extension closest to the boundary has further helped minimise the impact.

Equalities and diversity issues

25. There are no significant equality or diversity issues.

Local finance considerations

26. 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.
27. 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.
28. In this case local finance considerations are not considered to be material to the case.
29. The sum of the new floorspace is under the minimum of 100 sq. m. so no CIL is payable

Conclusion

30. The proposed extension is relatively large in relation to the size of the existing dwelling house however due to its positioning and due to the design of the roof it is considered that the overall bulk and mass has been reduced enough for the proposal to be considered acceptable in design terms. Although the proposal will have an impact upon the neighbouring residents to the south and to the north, it is considered that the changes sufficiently address the previous reason for refusal and on balance, it is considered that the impact is no longer of such significant harm to justify a refusal.
31. The development is therefore in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.

Recommendation

To approve application no. 14/01655/F - 180 Angel Road Norwich NR3 3JD and grant planning permission subject to the following conditions:

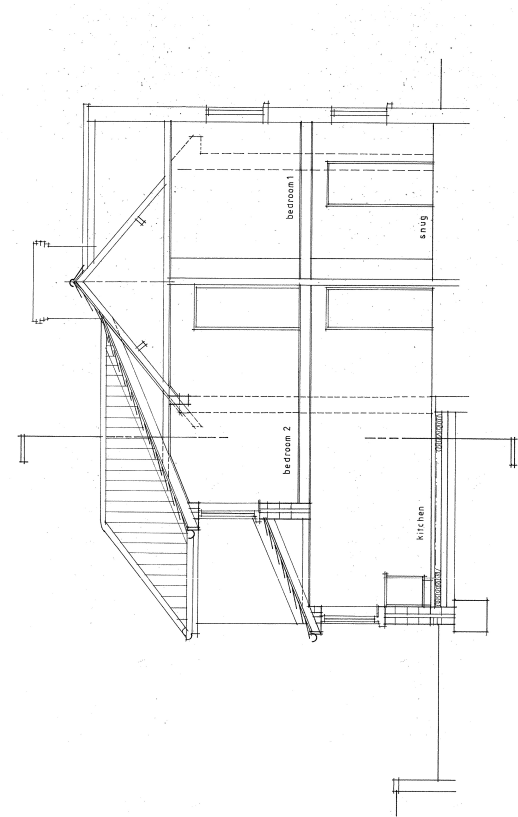
1. Standard time limit;
2. In accordance with plans;
3. Materials to match

Informatives:

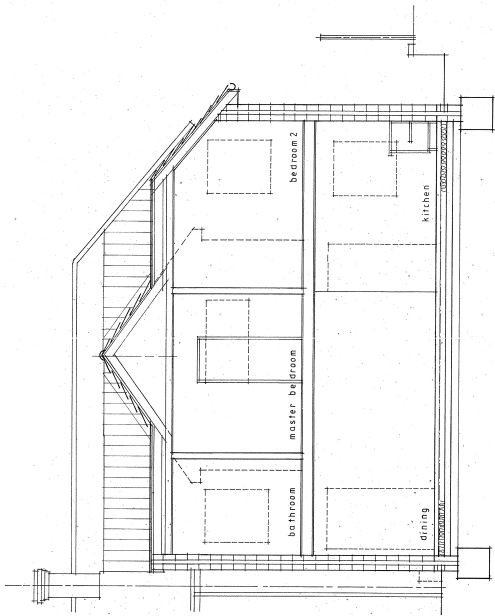
1. CIL

Article 31(1)(cc) statement

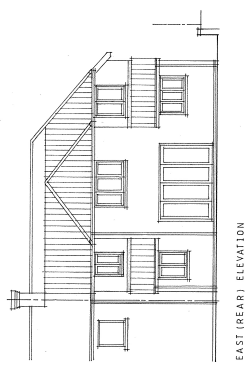
The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations and has approved the application subject to appropriate conditions and for the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



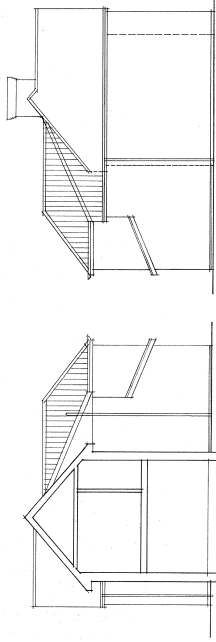
SECTION B B



SECTION C C

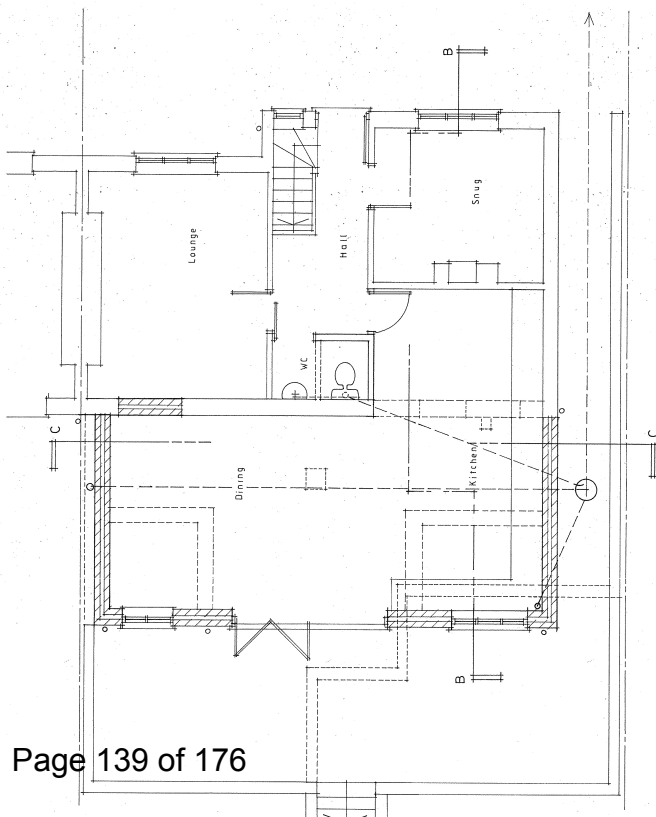


EAST (REAR) ELEVATION

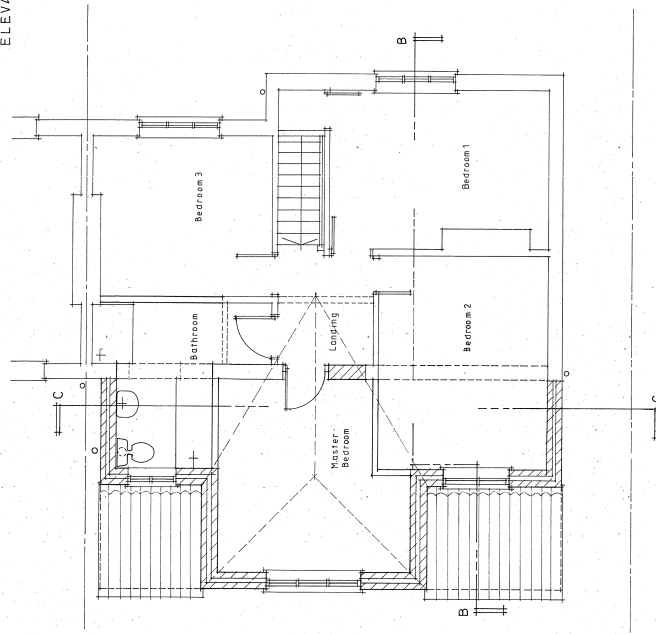


SOUTH (SIDE) ELEVATION
ELEVATIONS

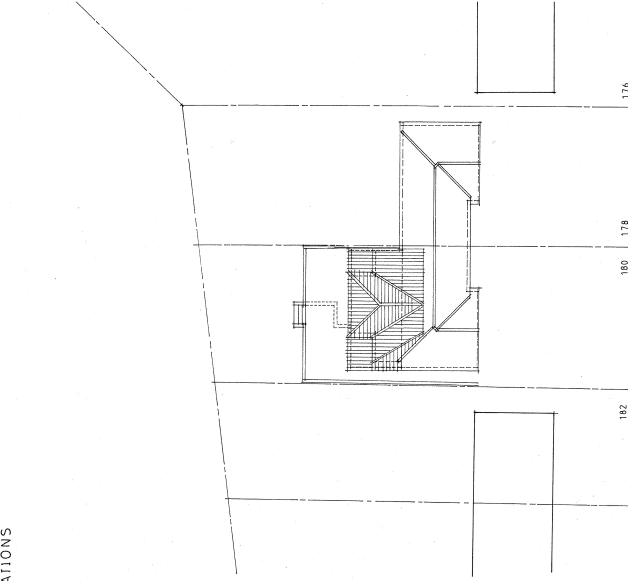
NORTH (SIDE) ELEVATION



GROUND FLOOR LAYOUT PLAN



FIRST FLOOR LAYOUT PLAN



SITE / ROOF / BLOCK PLAN



DATE JUNE 2014
SCALE 1:50, 1:100
PROJECT 180 ANGEL ROAD NORWICH
REAR EXTENSION
SUBJECT PROPERTY AS PROPOSED

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REVISIONS
A - REVISED FOR UPDATED
PLANNING APPLICATION
DATE
00/1/2014

harman design services
245 UNTHANK ROAD NORWICH NR 2 2 FQ
Tel: 01603 562605
PROJECT NUMBER 536703
REV A

HDS

Report to Planning applications committee

Item

8 January 2015

Report of Head of planning services

Subject Application no 14/01383/F - 6 Branksome Road
Norwich NR4 6SN

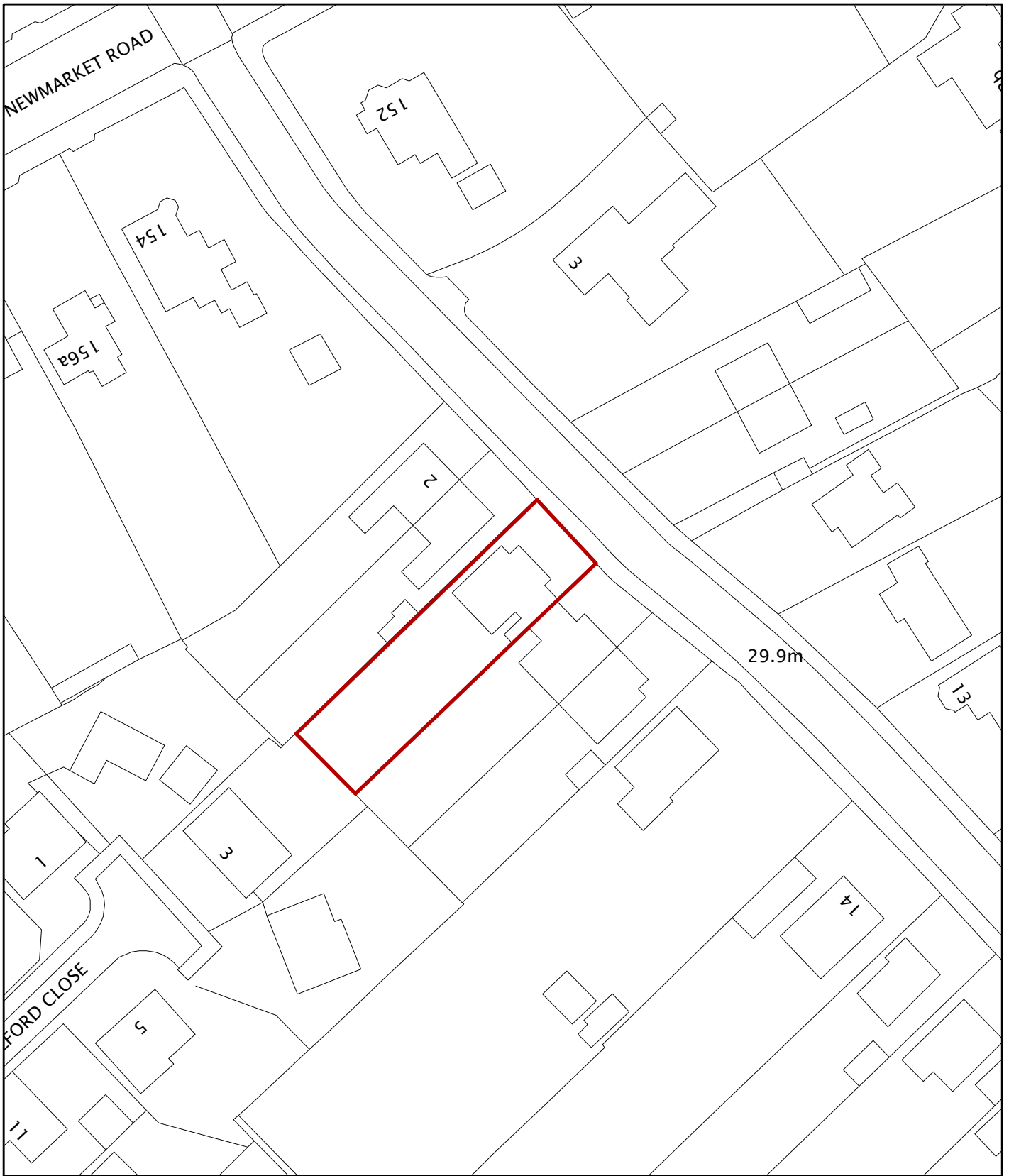
Reason for referral Objection

4H

Site address	6 Branksome Road, Norwich, NR4 6SN
Ward:	Eaton
Case officer	Mr Stephen Polley - stephenpolley@norwich.gov.uk

Development proposal		
Demolition of existing rear extensions and erection of two storey side and rear extensions.		
Representations		
Object	Comment	Support
3	0	0

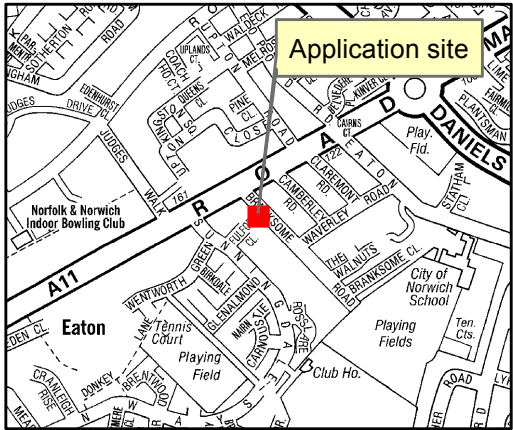
Main issues	Key considerations
1 Principle of development	The demolition of an existing single storey extension and the erection of single and two storey extensions to the rear of the original dwelling.
2 Design	The impact of the proposals on the appearance of the subject property and the impact on local distinctiveness.
3 Residential amenity	The impact of the proposals upon the amenity of neighbouring occupiers in terms of daylight, overshadowing and outlook.
Expiry date	8 December 2014
Recommendation	Approve



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Planning Application No 14/01383/F
 Site Address 6 Branksome Road, Norwich

Scale 1:750



NORWICH
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 PLANNING SERVICES

The site and surroundings

1. The site is located on the southern side of Branksome Road to the south-west of the city. The local area predominantly consists of large detached dwellings built during the first half of the twentieth century. The subject property is a large two-storey detached dwelling featuring a range of period features typical of the area including a dual pitch-roof, bay window, sash-windows and timber detailing. A single storey garage has been added to the side on the south elevation and a large flat roof brick and UPVC conservatory has been added to the rear. To the rear is a large garden which containing landscaped features including a patio area, a mature cherry tree close to the north boundary and a 2m high boundary fence. The immediate neighbouring properties are of a similar style, however they are both semi-detached. To the north is number 4 Branksome Road, a slightly smaller and older dwelling, and to the south is 8 Branksome Road, a dwelling built at the same time and to the same design as the subject property.

Constraints

2. There are no particular constraints on site.

Relevant planning history

- 3.

Ref	Proposal	Decision	Date
4/2002/0164	To erect a conservatory to the rear of the property.	APPR	22/03/2002

The proposal

4. The proposal as originally submitted was for the erection of two storey side and rear extensions. Following representations received and discussions with the applicant, a revised scheme has been submitted. The revised scheme then initiated an additional fourteen day neighbourhood consultation period.
5. Both schemes involve the demolition of the existing modern single storey extension to the rear. Originally the proposal included a two-storey side extension to the east elevation to be built up to the neighbouring boundary, a single storey element to the rear in place of the existing extension, a first floor level dormer style extension to the rear and a two story extension built adjacent to the western boundary.
6. The revised scheme has now been reduced in terms of scale with the two-storey extension to the side on the eastern elevation being omitted with much of the existing garage now being retained so that only a single-storey pitched roof element is proposed to be built to out of the side. The proposed dormer on the roof remains a similar size, and the single storey element to the rear replacing the existing extension is largely similar, however a gap now exists between the east elevation.

The rear two-storey extension has been reduced in size so that it is now part two-storey, part single-storey, featuring a flat roof single storey section.

Summary information

Proposal	Key facts
Scale	
Total floorspace	Less than 90m ²
No. of storeys	Part single storey and part two storey
Max. dimensions	Maximum height 8.5m, maximum depth 6.7m
Appearance	
Materials	Materials to match existing including brickwork, roof tiles and rendered finish.
Construction	Timber framed extensions featuring pitched roofs and a single storey flat roof section.

Representations

7. Adjacent and neighbouring properties have been notified in writing of the original and revised plans by way of a fourteen day re-consultation. In total, three 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
The eastern side elevation would be too overbearing.	See main issue 3
The eastern side elevation would result in a loss of light to a first floor bedroom in the neighbouring property.	See main issue 3
The western side elevation is too large / overbearing.	See main issue 3
The western side elevation would result in a loss of light to ground floor rooms at the rear of the neighbouring property.	See main issue 3
Value of neighbouring property may be affected.	See other matters
Satellite dish will have to be repositioned.	See other matters

Consultation responses

8. No consultations have been undertaken.

Assessment of planning considerations

Relevant development plan policies

9. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
- JCS2 Promoting good design
 - JCS12 The remainder of the Norwich urban area including the fringe parishes
10. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
- DM2 Ensuring satisfactory living and working conditions
 - DM3 Delivering high quality design
 - DM9 Safeguarding Norwich's heritage

Other material considerations

11. **Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**
- NPPF6 Delivering a wide choice of high quality homes
 - NPPF7 Requiring good design
 - NPPF12 Conserving and enhancing the historic environment

Case Assessment

12. 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

13. The principle of extending an existing dwelling is acceptable subject to the development being of an appropriate scale and design which is sympathetic to the character of the surrounding area, the appearance of the original dwelling and the amenities of neighbouring properties.

Main issue 2: Design

14. The proposals involve the demolition of an existing single storey extension built within the last 15 years on to the rear wall of the original dwelling. The current extension has a depth and width of 4.5m, covering an area of 20.25m². A small section at the rear of the existing garage is also to be demolished.
15. The proposed extension comprises two distinct sections. A single storey section covering the area of the existing conservatory and a section of the rear of the garage is proposed to be built out from the rear wall of the original dwelling with a depth of 7m. This section will also extend 1.1m to the side of the original dwelling leaving a 1m gap between the boundary with 8 Branksome Road. The main section of the roof will continue downward from the original roof slope with a slightly shallower pitch and will feature a large dual-pitched dormer window with two windows facing into the rear garden. The section to the side will feature a pitched roof to match the main section and a small addition to the existing garage, joining the two roof sections together. The revised scheme removes all of the two storey section proposed to be built to the side of the property on the west elevation, resulting in very little change occurring here in terms of the appearance of the property. Only a 2m high section of the roof of the single storey side part of the extension will be visible when viewing the front of the property.
16. The second section is proposed to extend directly out from the projecting gable end adjacent to the western boundary. A two storey section will match the existing ridge and eaves height of 8.5m and 5.7m respectively, with a depth of 3.5m. A single storey flat roof extension will then extend further from the rear wall of the original dwelling by a depth of 6.7m. The flat roof will have a height of 3m and will feature a 90cm tall roof lantern. The revised scheme with its reduction of the two storey section is an improvement upon the originally submitted scheme as it will have a less bulky appearance.
17. The materials to be used on the proposal are to match those already in place on the existing dwelling. This includes red bricks on the ground floor, white render finish to the first floor walls, red tiles to the roof and white timber framed windows and doors.
18. The use of materials and roof pitches which match the original dwelling will help to ensure that the proposal is of a style which will not be harmful to the character and appearance of the original dwelling. The smaller scale of the revised scheme will also help to ensure that much of the proposal appears to be subservient to the original. Similarly the revised scheme now ensures that very little of the proposal will be visible from Branksome Road as only a small portion of the roof of the side extension will appear above the garage. As a result, the proposal will have very little impact upon the existing local distinctiveness and character of the surrounding area.

Main issue 3: Amenity

19. The proposals to the eastern half of the property will have very little impact on the neighbouring residential amenities of 8 Branksome Road. Particular concern was raised with the original scheme as its two storey side extension would have potentially resulted in a loss of light to habitable rooms within the neighbouring property. The revised scheme removes such potential harm as it is predominantly single storey with a gap of 1m to the boundary.

The proposals to the western half of the property will result in some impact upon the residential amenity of 4 Branksome Road, the neighbouring property. Particular concern has been raised regarding a resultant loss of light to the ground floor rooms to the rear of the property. A window and door located on the ground floor of the side elevation currently provide light to the habitable living space at the rear of the property.

The original scheme would have created a new solid wall 1.2m from the neighbouring boundary with an eaves height of 8.5m with a depth of 6.7m from the rear wall of the original dwelling. Such an extension would have resulted in a significant amount of daylight being lost to the neighbouring property and created a bulky, overbearing outlook.

The revised scheme largely addresses the potential loss of light as the two storey section has been reduced by 3.2m in depth to a projection of 3.5m from the rear wall of the original gable end. The Single storey section which projects 6.7m from the rear wall with a height of 3m will only partially be visible from the rear garden of 4 Branksome Road and will not impact upon the amount of daylight reaching the habitable ground floor space. The proposed two storey section of the revised scheme will have some impact upon the amount of light reaching the side window and door of the property. However it is considered that sufficient light will still be able reach the windows serving the rear of the property to not have a significant negative impact upon the residential amenity of the neighbouring property.

Other matters

20. With regards to the value of neighbouring property being affected by the development, this is not a material planning consideration and cannot be considered as a determining factor for this application.
21. With regards to the potential impact upon the functionality of an existing satellite dish, whilst it is possible that the proposal may impact upon the functionality of the satellite dish currently in place on the side wall of 4 Branksome Road, it is not considered that this issue would be so significant as to justify refusing the application. It is possible that re-sighting of the dish will resolve such issues which can be arranged as a civil matter between neighbours.

Equalities and diversity issues

22. There are no significant equality or diversity issues.

Local finance considerations

23. None.

Conclusion

24. 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.

25. The development is of a scale, design and appearance which will not result in significant harm to the character of the area or the amenities of neighbouring properties.

Recommendation

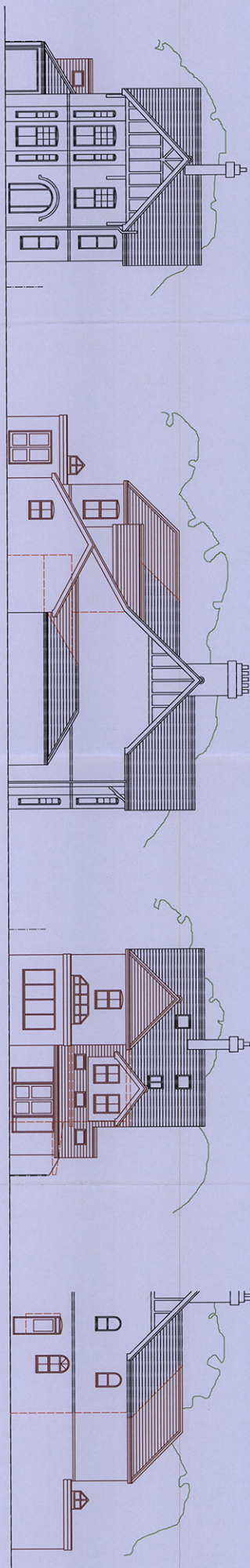
To approve application no. 14/01383/F - 6 Branksome Road Norwich NR4 6SN and grant planning permission subject to the following conditions:

1. Commencement within 3 years.
2. In accordance with plans.

Article 31(1)(cc) statement

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

if in doubt ask ■ do not scale



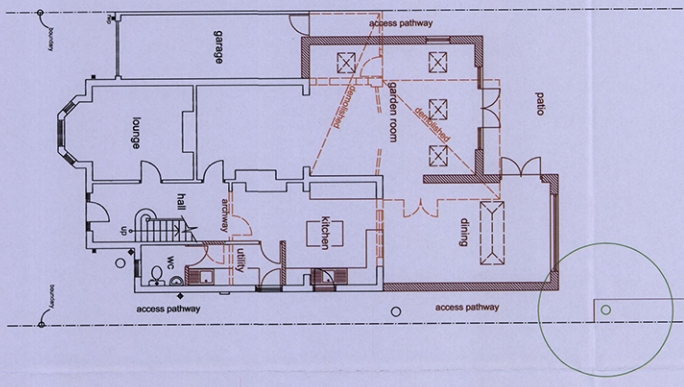
front elevation

note: all external materials to match existing

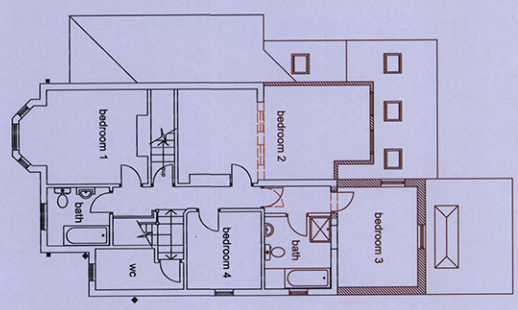
side elevation

rear elevation

side elevation



ground floor plan



first floor plan

Optimised Development
27 NOV 2014
Bed Room

existing retained
existing demolished
proposed

ALAN RAWLINGS
CHITECTURAL DESIGN

alanarchdesign@btinternet.com
01592 688151

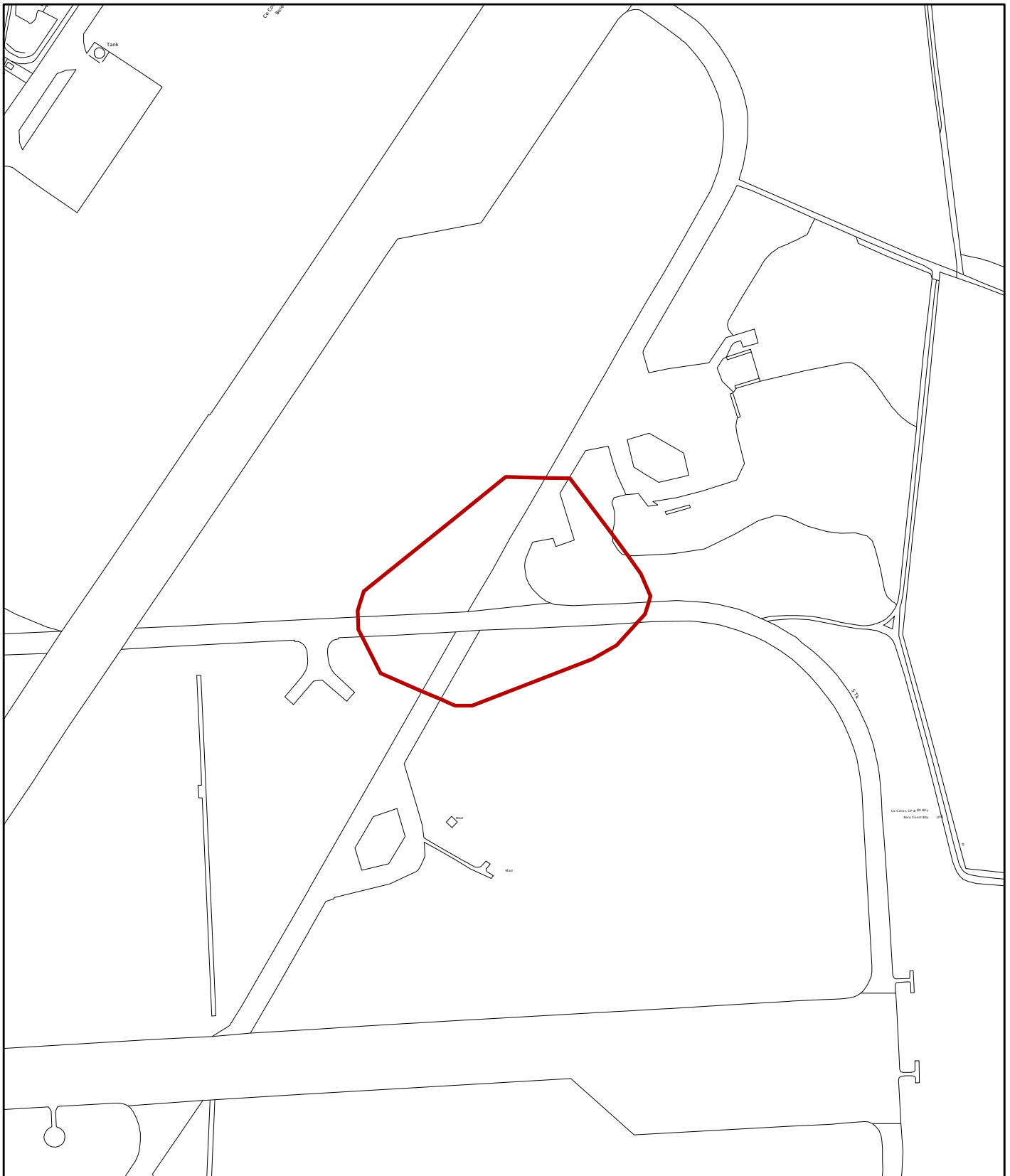
Client	Mr and Mrs Peacock 6 Branksome Road Norwich	Project	Proposed extension / alterations
Drawing	revised planning	Dwg no	732 / 11
Date	26 / 11 / 14	Rev	
		Scale	1 : 100 @ A1

Report to	Planning applications committee	Item
	8 January 2015	
Report of	Head of Planning Services	41
Subject	Application no 14/01588/D: Norwich International Airport (NIA), Amsterdam Way, Norwich NR6 6JA	
Reason for referral	Objections; authority sought for enforcement action	

Ward:	Catton Grove
Case officer	Steve Fraser-Lim – stevefraser-lim@norwich.gov.uk

Development proposal		
Details of Condition 3: revised timescale of implementation of previous planning permission 12/01172/F.		
Representations		
Object	Comment	Support
2	0	0

Main issues	Key considerations
1) Principle of development	Impact upon amenity due to the proposed delay
Expiry date	22/12/2014
Recommendation	(1) refuse planning permission for Application No 14/01588/D (2) authorise enforcement action under section 172 of the Town and Country Planning Act 1990 (as amended) to secure the cessation of the unauthorised use and the taking of legal proceedings, including prosecution if necessary.



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Planning Application No 14/01588/D

Site Address Norwich International Airport, Norwich

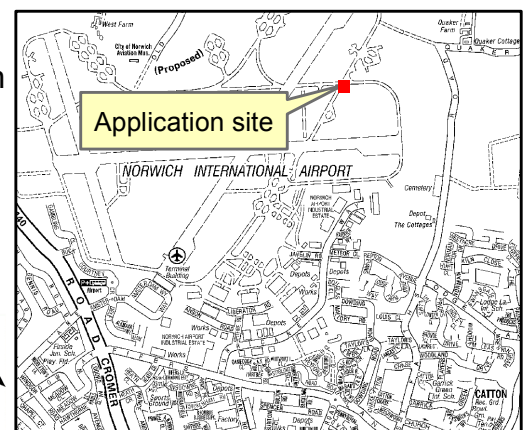
Scale 1:4,000



NORWICH
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PLANNING SERVICES

Page 152 of 170



The site and surroundings

1. Norwich International Airport (NIA) is located to the north of the city and accessed off the A140 Norwich - Cromer road. The airport site straddles the administrative boundaries of Norwich City Council and Broadland District Council (BDC). The application site consists of 2.286 Ha of rough grassland and hard standing and forms a relatively small part of the airport site. The site is wholly within the City Council's area, although close to the boundary with BDC.
2. The airport is of a size that, to the south it is seen within the context of the built up urban area of the city. It is bounded by residential and commercial land uses within Hellesdon, and Old Catton to the south, south west and south east, whereas to the north the surrounding context is predominantly rural countryside and village settlements.
3. The majority of development that exists within the airport operational area is situated at its southern end, with the main passenger terminal located at the end of the now disused second runway. There are a number of aviation related businesses which operate within the vicinity of the eastern apron (e.g. KLMUKE, Air Livery, Bristows Helicopters) together with a number of other businesses which operate from the western apron. The airport industrial estate and other commercial land uses are situated adjacent to and beyond the southern boundary of the airport.
4. The closest public road to the proposed site is to the east and is separated from the application site by a field, bordered by trees and hedges. Whilst public viewpoints from the north and north-west are possible, these are not achieved until at the boundary of the airport site. Generally, the site is relatively well-screened from long distance views in most directions.

Constraints

5. Areas of the airport site are within a critical drainage area.

Relevant planning history

6. The airport site has been used as an airfield since the Second World War. It ceased military operations in 1963 and was bought by the City Council in 1967 (who still retain an interest in Norwich Airport Ltd. and the land). It was commercially operational as an airport by December 1968. No permission was required for the operation of the site as an airport at that time due to the established nature of the use of the site as an airfield. Low powered and high powered engine testing has, as far as is known, always been carried out in association with the use of the site as an airfield.
7. There have been a number of applications granted on the site since the 1960's. However, the most relevant of these are considered to be those which include reference to engine testing.
8. Application Ref 4841269/SU (Approved 1984). The earliest known reference to engine testing was in the form of a condition attached to a permission granted in 1984 which restricts the activity to a particular site within the airfield and refers to the use and the site concerned as 'existing'. Various subsequent permissions granted since this approval re-imposed this condition.

9. Application Ref 05/00697/F (Approved 19/09/2006), 'Refurbishment and extension to existing terminal building to provide improved passenger facilities'. This is the most recent permission where the condition referred to above has been imposed. The condition states:
10. *'Aircraft engine testing shall only take place in the area presently approved for such testing, (as shown on Plan No. AAA attached to Planning Permission No.4980733/F), or in any such area that may be granted planning permission for that purpose, and shall be limited to between the hours of 0600 and 2300. Exceptionally, aircraft engine testing may take place outside these hours providing it is an emergency, which is defined for these purposes as any sudden or unforeseen event needing prompt attention and is authorised by a Norwich Airport Executive Director and does not involve the testing of Turbo Jet Engines.'*
11. Application Ref 09/00679/F (Approved 13/5/2010), 'Relocation of existing engine testing facility from its approved location on the eastern apron to the former fire training site and associated noise mitigation works'. The application was submitted in December 2009 and subsequently approved subject to conditions. The application included hardstanding areas and the construction of 6 metre high bunds around three sides of the facility to seek to attenuate noise emissions.
12. Application Ref 09/00679/F (quashed by Order the High Court 6/6/2012). A claim for judicial review (JR) to quash the decision of 13th May 2010 was submitted on 12th August 2010. Following review of the position and legal advice, the Council consented to judgement and the High Court has subsequently issued a Consent Order that quashed the 2010 planning approval. Application 09/00679/F was subsequently withdrawn in August 2013.
13. Application Ref: 12/01172/F (Approved 09/5/2013). 'Aircraft engine testing at Norwich International Airport, construction of an associated ground run enclosure (GRE), hardstanding and drainage works'. This application represented an attempt to address the legal issues raised as part of planning application 09/00679/F and proposed a new location for engine testing along with mitigation measures in the form of the GRE to reduce noise impacts.
14. This permission included a condition (no.3) requiring the following: *"Within 4 months of the date of this permission a scheme specifying the details of the construction and implementation of the development subject of this permission shall be submitted in writing to the local planning authority for approval and the development shall be carried out in accordance with the scheme as approved"*.
15. The condition was required for the following reason: *"In order to ensure that the details of the works necessary to enable the use of the proposed development are submitted promptly and for the local planning authority to control the details referred to and the timetable for construction and implementation. The condition is imposed in the interests of the amenities of the surrounding areas and to limit the adverse impact on the living conditions of local residents through the continuation of unauthorised engine tests. To reflect policy EP22 of the City of Norwich Replacement Local Plan 2004 and other material planning considerations"*.

16. Application Ref: 14/00095/D (discharged 06/02/2014). 'Details of Condition 3) scheme specifying the details of the construction and implementation of the development of previous planning permission 12/01172/F'.

The proposal

17. Application 12/01172/F (see planning history above) comprised construction of 2,557m² of new concrete to supplement the existing concrete of the Bravo-November Interchange (taxiway); the assembly of a 10m high pre-fabricated Ground Run Enclosure (GRE) and movable jet blast deflector; the installation of foundations to support the GRE.

18. The timetable for implementation of this project as submitted and approved as part of application 14/00095/D (see planning history above) was for work to commence in January 2014 and complete the development in February 2015.

19. This current application proposes a revised timescale which is delayed in comparison with the previously approved schedule. The proposals are now to commence construction in November 2014 with completion in June 2015.

Representations

20. No statutory consultation has been carried out as this is not required for a discharge of condition application. However three nearby occupiers were notified of the application. 2 letters of representation have been received citing the issues as summarised in the table below.

Issues raised	Response
Considering that permission was granted for this facility in March 2013 we are bitterly disappointed that it will have taken over two years to build.	See Background section below.
Have to put up with noisy engine testing, particularly at weekends.	See main issue 1.
The council does not have the courage to take appropriate enforcement action, given the importance of the airport to the local economy.	See main issue 1.

Consultation responses

21. No consultations have been undertaken.

Assessment of planning considerations

Relevant development plan policies

22. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
- JCS Objective 3: Economic growth and diversity (NIA is listed within a range of key locations in the Norwich Policy Area for strategic employment growth)
 - 5 The Economy
 - 6 Access and transportation
 - 9 Strategy for growth in the Norwich Policy
 - 10 Locations for major new, or expanded, communities in the Norwich Policy Area
 - 12 The remainder of the Norwich urban area, including the fringe parishes
 - 15 Service Villages
 - 17 Smaller rural communities and the countryside
23. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
- DM2 Ensuring satisfactory living and working conditions
 - DM11 Protecting against environmental hazards
 - DM27 Development at Norwich Airport

Other material considerations

24. **Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**
- NPPF1 Building a strong and competitive economy
 - NPPF8 Promoting healthy communities

Case Assessment

25. 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. Residential extensions are acceptable in principle since the use is already established.

Background

26. High powered engine testing of commercial aircraft is currently being undertaken in the open (i.e. with no noise attenuation) at NIA. The engine testing takes place to the north of the disused runway. The testing operation at this location consists of high powered engine testing (in combination with low powered testing). This activity is not the subject of a specific planning consent. The activity was relocated to this site 7/8 years ago by the airport from a site on the eastern apron. The site on the eastern apron had been specifically identified for engine testing (also in the open) by way of a

condition imposed on a 1984 planning permission. The condition has been imposed on subsequent extant planning permissions, including most recently in 2006.

27. High powered engine tests were relocated from the eastern apron due to its conflict with the operations (movement, maintenance and access) of Bristow Helicopters who occupy this part of the airport and who service the gas industry in the Southern North Sea.
28. Following this relocation, a number of complaints associated with the noise impact of the engine tests in relation to properties to the north of the site were received. The Council's Planning Enforcement Officer advised the airport of the unauthorised nature of the use of the site and the need to resolve the issue. A breach of condition notice relating to condition 9 of 05/00697/F was served on 16 November 2009 which required the cessation of engine testing other than in the approved area in front of Bristow helicopters within 210 days of its service. In August 2009 an application was received to seek to address the issue (ref: 09/00679/F) and regularise engine test operations by relocating it to a site in the north eastern part of the airport. This application included the construction of 6 metre high bunds around three sides of the facility to seek to attenuate noise emissions. The City Council approved this application on 13 May 2010. The planning permission was subsequently challenged and quashed through the Judicial Review process (see planning history).
29. Following the quashing of the above decision a further application was submitted for engine testing in a new location within the northern area of the site (ref: 12/01172/F, see planning history section) with GRE. This application was granted with condition 3 requiring submission of a timescale for implementation, due to concerns with the current open air engine testing upon residential amenity and to ensure prompt implementation of the development (see planning history).
30. Whilst the above applications were being progressed officers have not considered it expedient to prosecute against failure to comply with the breach of condition notice. There has been delay in implementing permission 12/01172/F and officers have been pressing the airport to progress the development.
31. The current application is for a revised timetable for implementation of this permission in comparison to that previously approved, see paragraph 19 above. The revised timetable of commencement in November 2014 and completion in June 2015 has been put forward by the applicant as they have experienced difficulty in arranging funding and agreeing contracts with contractors to carry out the works. The proposals raise the following issues.

Main issue 1: Amenity

32. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
33. The current arrangement of engine testing in the open currently causes high noise levels and disturbance to residential occupiers to the north of the airport. As such the proposed works in the form of the GRE was considered particularly important to help mitigate noise impacts. The GRE would allow engine testing to continue at the airport, thus safeguarding the airports impact upon the local economy, whilst also helping to protect the amenity of surrounding occupiers. The applicants were aware of the importance of proceeding with the development as rapidly as possible and it is regrettable that the original timetable has slipped. In the meantime the applicants

have been encouraged to continue to implement the permission as rapidly as possible.

34. The difficulties which the applicant has experienced in carrying out the works are noted. Whilst the council cannot guarantee the implementation of the GRE within a certain timescale, it does have a duty to use relevant enforcement powers appropriately to do all that it can to encourage the works to be carried out and to discourage further delays. As such it is recommended that this application is refused and enforcement notice served requiring implementation of the GRE. The enforcement notice would have a compliance date at the end of June 2015. If the completion of the GRE were to be further delayed beyond this date, then the council would be in a stronger position to carry out further enforcement action, such as prosecution to further encourage implementation, if this was considered appropriate.
35. This approach is considered to represent an appropriate balance between recognising the importance of the airport and engine testing to the local economy, encouraging implementation of the appropriate mitigation measures and ensuring that the council is using its enforcement powers appropriately to protect the amenity of surrounding residents.

Equalities and diversity issues

36. There are no significant equality or diversity issues.

Conclusion

37. Refusal of this discharge of condition application and the serving of an enforcement notice with a compliance date similar to the timescale put forward by the applicant would represent an appropriate balance between recognising the importance of the airport and engine testing to the local economy, encouraging implementation of the appropriate mitigation measures and ensuring that the council is using its enforcement powers appropriately to protect the amenity of surrounding residents.

Recommendation

- (1) refuse planning permission for Application No 14/01588/D for the following reasons: "The continued delay in implementation of the noise mitigation measures granted as part of planning permission 12/01172/F would result in unacceptable noise disturbance to surrounding residential occupiers, to the detriment of their residential amenity. This would be contrary to Development Management Local Plan Policies DM2 and DM11".
- (2) authorise enforcement action under section 187A of the Town and Country Planning Act 1990 (as amended) to require compliance with condition 3 of permission 12/01172/F within a set timescale, including prosecution if necessary.

Report to Planning applications committee
8 January 2015
Report of Head of planning service
Subject Tree preservation order no 468: confirmation.

Item

5

Purpose

For planning applications committee to consider whether or not to confirm Tree Preservation Order[TPO], 2014. City of Norwich Number 468; Orchard Place Estate, [off Fifers Lane]- Dowding Road, Taylors Lane, Mallory Road, Dakota Drive, Douglas Close and Old Blenheim Way, Norwich.

Recommendation

To confirm confirm Tree Preservation Order[TPO], 2014. City of Norwich Number 468; Orchard Place Estate, [off Fifers Lane]- Dowding Road, Taylors Lane, Mallory Road, Dakota Drive, Douglas Close and Old Blenheim Way, Norwich, with modifications.

Corporate and service priorities

The report helps to meet the corporate priority 'City of character and culture' and the service plan priority to manage the development of the city through effective planning and conservation management.

Financial implications

None

Ward: Catton Grove

Cabinet member: Councillor Stonard – Environment and development

Contact officers

Mike Volp, tree protection officer

01603 212546

Background documents

Copy of provisional TPO no. 468 document.
Copy of provisional TPO no. 468 accompanying letter.
Copy of modified TPO no. 468 document.
Copy of modified TPO no. 468 Plan.
2 no. letters of objection

Report

Introduction

1. Tree Preservation Order No 468 was served in order to preserve the majority of the trees on site in response to a concerned local resident reporting the lopping and topping and felling, of some of them.
2. Objections to this Order have been made by:
 - Mr Yaxley, 18 Taylors Lane, Old Catton, Norwich, NR6 6DZ.
 - Mr and Mrs Irving, 2 Mallory Road, Norwich, NR6 6DJ

Full details of these letters are available on request.

3. A copy of the notice, tree preservation order to be confirmed and modified plan are appended to this report.

Summary of objections

4. The issues are summarised below together with the officer response.

Issues raised	Response
T6. The owner has no intention to remove this tree. It is being well maintained and monitored on an annual basis.	This objection is acknowledged and T6. Will be omitted from the modified order.
G14. The trees are too closely planted, very tall, have some dead branches. They are close to buildings, overhang public roads.	The Order does not stop the carrying out of good management of the trees it just means that permission from the Council is required in order to ensure a good standard of work is carried out. Dead wood removal does not require permission.
G14. The trees may blight potential development opportunities on adjacent land	This would be a consideration of the development management team on receipt of a Planning Application.
G14. The Order is unfair because adjacent land with trees has not been TPOd	If trees on the adjacent land became under threat then the serving of a TPO will be considered.

Issues raised	Response
G14. Ash trees in particular can need quick action to stop them being dangerous.	Any tree that presents a danger can have work carried out to remove the dangerous element. Five days' notice is required unless the danger is imminent. Work to remove an imminent danger can be carried out and the Council informed with photographic evidence of the dangerous element once the tree[or part thereof] has been made safe.
G14. Possible conflict with local drains.	If there is tree related damage caused to drains and work applied for as a result it will need to be evidenced as part of the tree work application.

Conclusion

- Objections to the order have been taken note of and where appropriate the order has been modified.

IMPORTANT – THIS COMMUNICATION MAY AFFECT YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990

TREE PRESERVATION ORDER 2014

THE CITY COUNCIL OF NORWICH NUMBER 468

LOCATION: Orchard Place estate[off Fifers Lane]:

Dowding Road, Taylors Lane, Mallory Road, Dakota Drive, Douglas Close & Old Blenheim Way, Norwich.

THIS IS A FORMAL NOTICE to let you know that on **23rd of July 2014**, the Council made the above Tree Preservation Order.

A copy of the Order is enclosed. In simple terms, it prohibits anyone from cutting down, topping or lopping any of the trees described in the Schedule and shown on the map without the Council's consent.

Some explanatory guidance on tree preservation orders is given in the enclosed leaflet, **Protected Trees: A Guide to Tree Preservation Orders**, produced by the Department of Communities & Local Government.

The Council has made the Order following concerns expressed by local residents that the trees may be under threat of removal, lopping or topping and in order to thus preserve the trees and secure their long term retention in the interests of the local amenity.

[The Order took effect, on a provisional basis, on **23rd of July 2014**. It will continue in force on this basis for a further 6 months until the Order is confirmed by the Council, or if the Council decide not to confirm the order, the date on which the Council decide not to confirm the order, whichever occurs first.]

The Council will consider whether the Order should be confirmed, that is to say, whether it should take effect formally. Before this decision is made, the people affected by the Order have a right to make objections or other representations about any of the trees, groups of trees or woodlands covered by the Order.

If you would like to make any objections or other comments, we must receive them in writing by **19th August 2014**. Your comments must comply with Regulation 6 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012, a copy of which is provided overleaf. Send your comments to the **Tree Protection Officer, Norwich City Council, City Hall, St Peter's Street, Norwich NR2 1NH**. All valid objections or representations are carefully considered before a decision on whether to confirm the Order is made.

The Council will write to you again when that decision has been made. In the meantime, if you would like any further information or have any questions about this letter, please contact **Michael Volp, Tree Protection Officer, Norwich City Council, St Peter's Street, Norwich, NR2 1NH (Tel: 01603 212546)**.

DATED this **23rd of July 2014**.


Signed

Tree Protection Officer
On behalf of Norwich City Council, City Hall, Norwich, NR2 1NH

COPY OF REGULATION 6 OF The Town and Country Planning (Tree Preservation)(England) Regulations 2012

Objections and representations

6.—(1) Subject to paragraph (2), objections and representations—

(a) shall be made in writing and—

(i) delivered to the authority not later than the date specified by them under regulation 5(2)(c); or

(ii) sent to the authority in a properly addressed and pre-paid letter posted at such time that, in the ordinary course of post, it would be delivered to them not later than that date;

(b) shall specify the particular trees, groups of trees or woodlands (as the case may be) in respect of which such objections and representations are made; and

(c) in the case of an objection, shall state the reasons for the objection.

(2) The authority may treat as duly made objections and representations which do not comply with the requirements of paragraph (1) if, in the particular case, they are satisfied that compliance with those requirements could not reasonably have been expected.

THE CITY COUNCIL OF NORWICH

FORM OF TREE PRESERVATION ORDER

TOWN AND COUNTRY PLANNING ACT 1990

THE CITY OF NORWICH TREE PRESERVATION ORDER NUMBER 468, 2014

The City Council of Norwich, in exercise of the powers conferred on them by Section 198 of the Town and Country Planning Act 1990 hereby make the following Order –

Citation

1. This Order may be cited as Tree Preservation Order, 2014
City of Norwich Number 468 , Orchard Place estate[off Fifers Lane]:
Dowding Road, Taylors Lane, Mallory Road, Dakota Drive, Douglas Close &
Old Blenheim Way, Norwich.

Interpretation

2. 1. In this Order “the authority” means the City Council of Norwich
2. In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3. 1. Subject to article 4, this Order takes effect provisionally on the date on which it is made.
2. Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—
 - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of

State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

DATED this 23rd of July
two thousand and fourteen.

THE CORPORATE SEAL of THE)
CITY COUNCIL of NORWICH)
Was hereunto affixed in the)
Presence of)

.....

Authorised by the Council

SCHEDULE
SPECIFICATION OF TREES

Article 3

Trees specified individually
(encircled in black on the map)

Reference on Maps	Description	Situation
T1	Oak	Adjacent to the boundary with the highway to the south of the site, in the open greenspace to the East of the Dowding Road entrance from Fifers Lane. Grid ref - 622705 : 312389
T2	Sycamore	Adjacent to the footpath in the open green space to the East of Dowding Road, approximately 50mtrs. North East of the entrance from Fifers lane Grid ref - 622719 : 312431
T3	Oak	In the North Western corner of the open green space between Taylors Lane and Embry Crescent. Grid ref - 622856 : 312707
T4	Cherry	In the North Eastern corner of the open green space between Taylors Lane and Embry Crescent. Grid ref - 622704 : 312714
T5	Oak	In the open green space to the South of no. 28 Taylors Lane, adjacent to the road junction bell-mouth. Grid ref - 622681 : 312730
T6	Oak	In the garden of no. 18 Taylors Lane, adjacent to the road. Grid ref - 622758 : 312739
T7	Horse chestnut	In the open green-space between no. 4 Mallory Road & no. 7 Dowding Road. Approx. 35mtrs West of the South West corner of the garden of no. 7 Dowding Road. Grid ref - 622704 : 312858
T8	Horse chestnut	In the open green-space between no. 4 Mallory Road & no. 7 Dowding Road.

		Approx. 18 Mtrs. South of the southern boundary of no. 10 Dowding Road. Grid ref - 622706 : 312883
T9	Horse chestnut	In the open green-space between no. 4 Mallory Road & no. 7 Dowding Road. Approx. 18 Mtrs. South of the southern boundary of no. 11 Dowding Road. Grid ref - 622666 : 312886
T10	Horse chestnut	In the open green-space between no. 4 Mallory Road & no. 7 Dowding Road. Approx. 35 Mtrs. East of the South East corner of the garden of no. 4 Mallory Road. Grid ref - 622660 : 312861
T11	Horse chestnut	In the open green-space between no. 4 Mallory Road & no. 7 Dowding Road. Centrally positioned between T7, T8, T9 & T10. Grid ref - 622685 : 312873
T12	Birch	At no. 3 Mallory Road. Adjacent to and South of the turning-head in the road. Grid ref - 622588 : 312879
T13	Birch	In the South East corner of the open green-space to the East of no. 14 Dowding Road. Grid ref - 622595 : 312902
T14	Birch	In the open green-space to the South of no. 1 Douglas Close. To the South West of that space & adjacent to the road bell-mouth of Old Blenheim Way with Dowding Road. Grid ref – 622572 : 312953
T15	Birch	To the frontage of no. 1 Douglas Close. Grid ref – 622597 : 312973
T16	Birch	To the frontage of no. 2 Douglas Close. Grid ref – 622607 : 312972
T17	Birch	To the frontage of no. 3 Douglas Close. Grid ref – 622598 : 312993
T18	Birch	To the frontage of no. 5 Douglas Close. Grid ref – 622598 : 313004
T19	Birch	To the frontage of no. 6 Douglas Close. Grid ref – 622610 : 313008
T20	Birch	In the wide verge to the North of 7 Douglas Close & opposite no. 10 Douglas Close.

		Grid ref – 622578 : 313041
T21	Birch	In the wide verge to the North of 7 Douglas Close & opposite no. 11 Douglas Close. Grid ref – 622598 : 313038
T22	Birch	In the North West corner of the garden of no. 8 Douglas Close. Grid ref – 622625 - 313037
T23	Cherry	To the frontage of no. 14 Douglas Close. Grid ref – 622649 : 313
T24	Swedish whitebeam	In the open green-space & to the South of no. 3 Dakota Drive. Grid ref – 622676 : 313074

Groups of Trees
(within a broken black line on the map)

Reference on Map	Description	Situation
G1	8 no. Cherry trees 6 no. Rowan trees	To the West of Dowding Road and in the Southern part of the road-side verge. Within grid refs – 622671 : 312406 622719 : 312453 622731 : 312490 622739 : 312490 622723 : 312450 622675 : 312403
G2	2 no. Cherry trees	To the East of Dowding Road and in the Southern part of the road-side verge. Within grid refs – 622695 : 312412 622700 : 312410 622719 : 312424 622724 : 312442
G3	4 no. Cherry trees	In the road-side verge to the East of Dowding Road, and to the West of no. 28 Catton Chase & nos. 5 & 6 Chase Close. Within grid refs – 622716 : 312433 622728 : 312447 622745 : 312493

		622754 : 312490 622737 : 312443 622723 : 312427
G4	4 no. Cherry trees 3 no. Whitebeams 3 no. Rowan trees	In the road-side verge to the West of Dowding Road, and to the East of nos. 20 – 34 Marauder Road. Within grid refs – 622732 : 312495 622738 : 312492 622774 : 312629 622781 : 312628
G5	2 no. Cherry trees	In the road-side verge to the East of Dowding Road, and to the West of no. 21 Catton Chase. Within grid refs – 622766 : 312581 622771 : 312558 622777 : 312584 622773 : 312585
G6	7 no. Cherry trees 2 no Rowan trees	In the road-side verge to the West of Dowding Road, and to the East of no. 23 Taylors Lane & nos. 2-4 Dowding Road. Within grid refs – 622773 : 312629 622781 : 312629 622803 : 312702 622788 : 312737 622784 : 312731 622796 : 312704
G7	3 no. Cherry trees	In the open green-space between Taylors Lane & Embry Crescent, and to the North of nos. 3 & 4 Embry Crescent. Within grid refs – 622689 : 312687 622652 : 312695 622659 : 312682 622683 : 312680
G8	1 no. Ash tree 1 no. Cherry tree	In the open green-space opposite no. 4 Dowding Road & on either side of the footpath that joins the two parts of Taylors Lane. Within grid refs – 622792 : 312741 622796 : 312751 622808 : 312748 622800 : 312735

G9	1 no. Poplar tree 10 no. Ash trees 2 no. Cherry trees	In the open green-space to the East of Dowding Road and to the North of Taylors Lane, adjacent to the Eastern side of Dowding Road. Within grid refs – 622790 : 312736 622773 : 312757 622779 : 312844 622786 : 312844 622781 : 312760 622792 : 312749
G10	1 no. Ash tree 1 no. Rowan tree 1 no. Crab apple tree 1 no. Cherry tree	On the frontage of no. 5 Dowding Road. Within grid refs – 622761 : 312766 622763 : 312784 622770 : 312783 622769 : 312765
G11	2 no. Ash trees	In the verge to the West of Dowding Road and East of no. 1 Mallory Road. Within grid refs – 622764 : 312812 622766 : 312833 622774 : 312832 622772 : 312813
G12	2 no Ash trees 1 no. Cherry tree	In the verge to the North of no. 1 Mallory Road. Within grid refs – 622749 : 312832 622748 : 312840 622713 : 312843 622711 : 312834
G13	8 no. Ash trees 1 no. Cherry tree	In the oval, open green-space to the North of no. 2 Mallory Road. Within grid refs – 622668 : 312845 622702 : 312842 622699 : 312827 622665 : 312831
G14	4 no. Ash trees	In the verge adjacent to and to the North West of no. 2 Mallory Road. Within grid refs – 622670 : 312820 622655 : 312824 622655 : 312836 622647 : 312841 622650 : 312849 622660 : 312842

		622664 : 312829
G15	4 no. Whitebeams 1 no. Norway maple 1 no. Rowan tree 6 no. Sycamore trees 9 no. Ash trees	In the verge on the Northern side of the section of Mallory Road that runs East to West from Dowding Road. Within grid refs – 622600 : 312859 622600 : 312863 622775 : 312850 622772 : 312843
G16	5 no. Sycamore trees	In the open green-space between no. 4 Mallory Road & no. 7 Dowding Road, adjacent to the Western boundary of no. 7 Dowding Road. Within grid refs – 622729 : 312852 622741 : 312850 622744 : 312898 622734 : 312898
G17	8 no. Sycamore trees	In the open green-space between no. 4 Mallory Road & no. 7 Dowding Road, adjacent to the Southern boundaries of nos. 9-12 Dowding Road. Within grid refs – 622725 : 312899 622635 : 312907 622634 : 312890 622727 : 312885
G18	2 no. Oak trees 1 no. Cherry tree	In the garden along the southern boundary of 4 Mallory Road. Within grid refs – 622631 : 312863 622633 : 312871 622609 : 312870 622607 : 312864
G19	1 no. Sycamore tree 1 no. Rowan	In the verge on the Eastern side of Mallory Road, opposite no. 3 Mallory Road. Within grid refs – 622593 : 312863 622596 : 312877 622609 : 312877 622601 : 312862
G20	4 no. Sycamore trees	In the verge to the West of no. 13 Dowding Road. Within grid refs – 622599 : 312907 622607 : 312906

		622609 : 312944 622601 : 312944
G21	3 no. Poplar trees	In the Northern road-side verge opposite no. 13 Dowding Road. Within grid refs – 622606 ; 312951 622638 : 312947 622638 : 312954 622607 : 312959
G22	2 no. Oak trees	In the open green-space to the South of no. 25 Dakota Drive. Within grid refs – 622663 : 312968 622689 : 312970 622691 : 312955 622664 : 312955
G23	5 no. Lime trees	In the road-side verge to the East of no. 8 Dowding Road. Within grid refs – 622775 : 312931 622784 : 312930 622780 : 312885 622596 : 312905
G24	3 no. Lime trees	In the road-side verge to the East of no. 7 Dowding Road. Within grid refs – 622596 : 312897 622603 : 312896 622600 : 312870 622592 : 312870
G25	1 no Birch tree 4 no. Poplar trees 4 no. Norway maples	In the open green-space to the West of no. 15 Dowding Road. Within grid refs – 622522 : 312936 622541 : 312939 622549 : 312904 622533 : 312900
G26	1 no. Birch tree 4 no. Poplar trees 5 no. Norway maples	In the open green-space to the South of no. 16 Old Blenheim Way. Within grid refs – 622525 : 312987 622555 : 312984 622554 : 312965 622543 : 312946 622522 : 312938
G27	1 no. Birch tree 1 no. Maple tree	In the open green-space to the North of no. 10 Old Blenheim Way, adjacent to the

		<p>North Western corner of the garden of no. 10 Old Blenheim Way.</p> <p>Within grid refs – 622528 : 313035 622540 : 313034 622538 : 313043 622529 : 313044</p>
G28	<p>2 no. Norway maples 1 no. Birch tree</p>	<p>In the open green-space to the South of no. 8 Old Blenheim Way.</p> <p>Within grid refs – 622529 : 313049 622537 : 313048 622537 : 313063 622530 : 313063</p>
G29	<p>3 no. Norway maples 1 no. Birch tree</p>	<p>In the rear garden of no. 8 Old Blenheim Way.</p> <p>Within grid refs – 622531 : 313077 622537 : 313077 622540 : 313094 622532 : 313095</p>
G30	2 no. Birch trees	<p>On the frontage of no. 9 Douglas Close.</p> <p>Within grid refs – 622561 : 313057 622571 : 313058 626589 : 313050 622559 : 313048</p>
G31	2 no. Birch trees	<p>On the frontage of no. 10 Douglas Close.</p> <p>Within grid refs – 622578 : 313057 622592 : 313057 622590 : 313048 622577 : 313050</p>
G32	3 no. Birch trees	<p>On the frontage of nos. 12 & 13 Douglas Close.</p> <p>Within grid refs – 622615 : 313053 622640 : 313053 622638 : 313045 622613 : 313047</p>

Trees specified by reference to an area
(within a black dotted line on the map)

Reference on Map	Description	Situation
None.		

Woodlands
(within a continuous black line on the map)

Reference on Map	Description	Situation
None		

This Order was confirmed by the City Council of Norwich, subject to the modifications indicated by

a) the removal of T6 from the plan and reference to it within the specification of trees struck through.

b) the repositioning of T22 on the plan and amended within the specification of trees on the 9th day of January of 2015

IN witness whereof the)
CORPORATE SEAL of the)
CITY COUNCIL OF NORWICH)
Was hereunto affixed on)
The 9th day of January)
two thousand and 2015 in the)
Presence of)

.....
Authorised by the Council to sign in that behalf



PLANNING SERVICES

Norwich City Council, City Hall,
Norwich, NR2 1NH
Telephone 0344 980 3333

Date : 17 Dec 2014

Scale : 1:2,700

Drawn by : DB

