

**Report to** Planning applications committee

**Item**

11 February 2016

**Report of** Head of planning services

**Subject** Application no 15/01092/F - 26 - 36 Rose Lane,  
Norwich, NR1 1PN

**Reason  
for referral** Objection

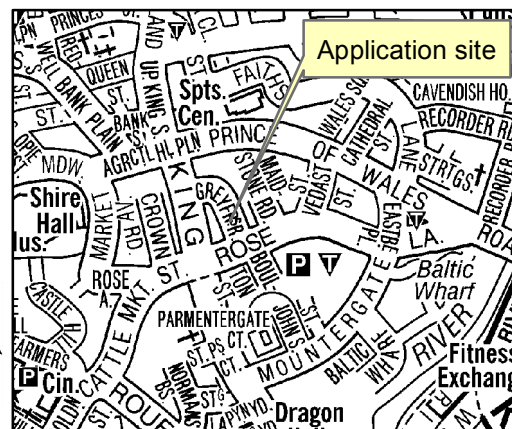
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|---------------------|---|
| <b>Ward:</b>        | Thorpe Hamlet                                 |
| <b>Case officer</b> | Judith Davison - judithdavison@norwich.gov.uk |

| Development proposal  |         |         |
|---|---------|---------|
| Redevelopment of site to provide one office (Class B1/A2) unit at ground floor, 26 apartments on upper floors with associated infrastructure and access (revised scheme). |         |         |
| Representations   |         |         |
| Object  | Comment | Support |
| 5   | 2       |         |

| Main issues                     | Key considerations   |
|---------------------------------|--|
| 1 Principle of development      | Site allocation, sustainable location  |
| 2 Design                        | Layout, siting, density, massing, materials  |
| 3 Heritage                      | Impact on historic environment and heritage assets   |
| 4 Amenity                       | Impacts on existing and future occupiers: overlooking, loss of light / privacy, external amenity provision |
| 5 Affordable housing            | Lack of affordable housing   |
| 6 Access, parking and servicing | Access arrangements, bin provision, level of car and cycle parking   |
|                                 |  |
| <b>Expiry date</b>              | 29 February 2016   |
| <b>Recommendation</b>           | Approve  |



## **The site, its surroundings, and constraints**

1. The site is located on the north side of Rose Lane, between Maidstone Road and Greyfriars Road, and is 0.11 ha in size. It is surrounded by a range of uses including residential, offices and leisure uses. A petrol filling station lies directly to the west of the site on the other side of Greyfriars Road.
2. This site is part of a larger site which was allocated in the 2004 Replacement Local Plan for mixed use development, the remainder of which has been developed (the Greyfriars Road / Maidstone Road development). The application site was previously occupied by Gerald Giles retail premises which were demolished and cleared about 10 years ago.
3. The site fronts onto Rose Lane, a busy traffic route into the city centre with good public transport links. The site is situated in a sustainable location close to a wide range of shops, employment opportunities and amenities, being about 0.3 km to the east of the city centre. Norwich Castle and its gardens are several hundred metres to the west, at the top of Rose Lane. To its east, the site is close to Norwich train station and the regeneration area based around King Street and Rose Lane; a new multi-storey car park is currently being constructed on Rose Lane / Mountergate and a number of sites are under development or are allocated for development in the Rose Lane / King Street area. The site is also within easy walking distance of the River Wensum and its riverside walk.
4. The topography of the surrounding area is varied with the land rising significantly from the river westwards up Rose Lane to a high point at Norwich Castle; the site sits about halfway up the slope of Rose Lane.
5. The site is allocated in the Norwich Site Allocations and Site Specific Policies Local Plan under policy CC5 for a housing led mixed use development, to provide a minimum of 20 dwellings. The policy states that small scale office and retail units could be provided as part of the mix of development, fronting Rose Lane.
6. The site is located within the City Centre Conservation area (part of the Prince of Wales Road character area) which contains a number of historically significant buildings including Tudor Hall, a Grade II listed building, located opposite the site, in addition to the castle which is a scheduled ancient monument. The site is also within the Area of Main Archaeological Interest and City Centre Leisure Area, and is in close proximity to the Late Night Activity Zone on Prince of Wales Road.
7. Rose Lane is destined to become a 20mph speed limit street by mid-2016 and as part of the Transport for Norwich strategy it is planned to become a 2-way street for general traffic when Prince of Wales Road becomes a 2-way street for bus and access traffic only.

## Relevant planning history

8.

| Ref         | Proposal   | Decision | Date       |
|-------------|--|----------|------------|
| 04/00936/C  | Demolition of existing buildings   | APPCON   | 29/10/2004 |
| 06/00789/F  | Redevelopment of site with a four-storey building to provide 4 retail units, 24 apartments and associated car parking. | APPR     | 15/12/2006 |
| 09/01049/ET | Redevelopment of site with a four-storey building to provide 4 retail units, 24 apartments and associated car parking. | CANCLD   | 26/11/2009 |
| 09/01400/F  | Erection of a four storey building to provide three retail units, 24 apartments and associated car parking.            | APPR     | 23/03/2010 |

## The proposal

9. The proposal is for redevelopment of the site to provide one office (Class B1 business / A2 financial and professional services) unit at ground floor level and 26 apartments on upper floors, with associated infrastructure and access. The application was originally submitted in July 2015 but was revised in December 2015 and subject to a further consultation.

### Summary information

| Proposal                    | Key facts   |
|-----------------------------|---|
| <b>Scale</b>                |   |
| Total no. of dwellings      | 26 dwellings comprising 9 x 1-bed flats and 17 x 2-bed flats  |
| No. of affordable dwellings | Nil   |
| Total floorspace            | Residential 1636 sqm and office 273 sqm.  |
| No. of storeys              | 5   |
| Max. dimensions             | 40 m x 35 m (at widest extent)  |
| Density                     | 236 units per hectare   |
| <b>Appearance</b>           |   |
| Materials                   | Materials include: brick and textured brickwork to ground, first, second and third floors on the east, south and west |

|                            |  |
|----------------------------|--|
|                            | facades; zinc cladding for recessed penthouse apartments; powder coated steel brise soleil; glass balustrade on 5 <sup>th</sup> floor; projecting bay windows clad in rainscreen cladding panel. |
| <b>Transport matters</b>   |  |
| Vehicular access           | Via Maidstone Road   |
| No of car parking spaces   | 17   |
| No of cycle parking spaces | 48   |
| Servicing arrangements     | Via Maidstone Road   |

## Representations

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

| Issues raised   | Response                |
|---|-------------------------|
| Amenity – loss of light, loss of privacy / loss of views / overlooking / lack of external amenity space | See main issue 4        |
| Loss of trees / open space  | See main issue 4        |
| Noise disturbance   | See main issue 4        |
| Design: out of scale development, over-dominant building, poor design                                   | See main issues 2 and 3 |
| Access /parking   | See main issue 6        |

## 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.

## **Historic England**

12. In summary, Historic England has no objection to the erection of a contemporary building in this location in principle but is concerned that the height and design of the proposed building could result in a degree of harm to the conservation area in terms of paragraphs 132 and 134 of the NPPF and urges the council to give due weight to this in considering the benefits of the new housing to be delivered. In particular a reduction in the height of the building would better preserve and enhance the historic significance of the conservation area along with improvements in the building's elevations, which are quite stark with relatively little modelling and interest.

## **Highways / transportation**

13. The revised development is considered acceptable in highways/transportation terms subject to consideration of detailed matters by condition. The provision of 17 parking spaces and 48 cycle parking spaces is acceptable in this highly sustainable location. The bin storage is well located but appears to be insufficient and requires clarification. There are some concerns about the width of the proposed vehicle access from Maidstone Road which is insufficient to allow two vehicles to pass at the same time, potentially causing vehicle conflict. The entrance could potentially be widened to accommodate 2 vehicles entering / leaving the building at the same time (approximately 4.8 metres width) and the security gate for vehicles should also be replaced with a roller shutter, with a separate gate retained for pedestrian access, although this would involve loss of some parking spaces.
14. The external form of the revised scheme, including the provision of overhanging balconies, is acceptable in highways terms, although the overhanging structures will require a S177 license. As the balconies will be more than 5.2 metres above the highway, the risk of vehicles mounting the pavement and striking the building will be reduced, therefore bollards will not be required on the footway. It would be beneficial as part of this redevelopment to replace the existing footways and kerbs next to the site which are in poor condition, preferably with Saxon paving.

## **Norfolk County Council Flood and Water Management team**

15. The Flood Risk Assessment states that the applicant intends to discharge surface water run-off from roof water, pavements and car parking into the existing surface water main sewer. There is little supporting information to demonstrate why shallow infiltration on site or discharge to a surface watercourse are inappropriate prior to connection to a surface water sewer. The Norwich Urban Area Surface Water Management plan (SWMP) indicates that this development falls within an area with significant capacity issues with the surface water sewer network. Anglian Water should be consulted on this proposal to confirm if they accept it in principle and have any additional comments.

## **Housing strategy**

16. No comments.

## **Landscape**

17. The revised proposals still lack any shared external amenity space. However, consideration has been given to reducing any negative impact on surrounding

amenity which is an improvement to the scheme, and to improve the aspect of some units to address amenity and outlook of new units. The supporting information highlights that improvements are planned to nearby Castle Gardens which could provide suitable mitigation for a lack of external amenity space for residents of the proposed scheme. SUDs should be considered within the courtyard, which may at least allow the area to serve an additional sustainability function rather than just car parking.

### **Anglian Water**

18. The foul drainage from this development is in the catchment of Whitlingham Water Recycling Centre that will have available capacity for these flows. The sewerage system at present has sufficient capacity for these flows. If the developer wishes to connect to the sewerage network they need to serve notice under S106 of the Water Industry Act 1991.
19. The preferred method of surface water disposal would be to a sustainable drainage system (SUDs) with connection to the sewer as the last option. Anglian Water recommends a planning condition relating to the provision of a surface water drainage strategy prior to commencement of any drainage works, in order to prevent environmental and amenity problems arising from flooding.

### **Norfolk fire and rescue**

20. No objections so long as the proposals are in accordance with the Building Regulations.

### **Norfolk historic environment service**

21. The evaluation report submitted in 2008 was rejected and amendments were requested (relating to interpretation), but an amended report was never submitted. The current application again includes the un-amended report. Standard condition (AH1) should be added to any consent and an amended evaluation report should come forward at a future date.

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

22. Measures proposed to reduce the opportunity for crime and anti-social behaviour include: redesign of the recessed entrance to the car park, with inward opening gates or roller grilles at the building line, and entrances to the bin stores moved to the Maidstone Road elevation; access to the cycle store to be accessible only to residents and within a dedicated room; and specification of the rear boundary with a fence of robust construction to a minimum height of 1.8 metres.

## **Assessment of planning considerations**

### **Relevant development plan policies**

23. **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
- JCS11 Norwich city centre

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

- DM1 Achieving and delivering sustainable development
- DM2 Ensuring satisfactory living and working conditions
- DM3 Delivering high quality design
- DM4 Providing for renewable and low carbon energy
- DM5 Planning effectively for flood resilience
- DM6 Protecting and enhancing the natural environment
- DM7 Trees and development
- DM9 Safeguarding Norwich's heritage
- DM12 Ensuring well-planned housing development
- DM19 Encouraging and promoting major office growth
- DM28 Encouraging sustainable travel
- DM30 Access and highway safety
- DM31 Car parking and servicing
- DM32 Encouraging car free and low car housing
- DM33 Planning obligations and development viability

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

- CC5: Land at Greyfriars Road / Rose Lane

**Other material considerations**

**26. 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
- NPPF4 Promoting sustainable transport
- NPPF6 Delivering a wide choice of high quality homes
- NPPF7 Requiring good design
- NPPF10 Meeting the challenge of climate change, flooding and coastal change
- NPPF12 Conserving and enhancing the historic environment

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

- Affordable housing SPD adopted March 2015

**Case Assessment**

- 28.** 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**

29. Key policies and NPPF paragraphs – DM12, DM19, SA CC5, NPPF paragraphs 49 and 14
30. The site is allocated in the Norwich Site Allocations and Site Specific Policies local plan (Site Allocations Plan) for a housing led mixed use development, to provide a minimum of 20 dwellings, with small scale office or retail use as part of the mix fronting Rose Lane.
31. The principle of mixed use development on this site has been established for some time. As stated earlier this site is part of a larger site allocated in the 2004 Replacement local plan for mixed use development including housing, employment and leisure uses, the remainder of which has been developed. Planning consent was granted in 2010 for 24 dwellings with retail development on the ground floor, which expired in March 2013.
32. The NPPF in Section 6 (Delivering a wide range of high quality homes) emphasises the importance of planning for housing delivery and in particular boosting the housing supply. It also places great emphasis on sustainable development, and supporting the needs of business and protecting town centres.
33. Development of the site will contribute to the need for new homes and jobs in this highly sustainable location, thereby contributing to the targets for housing and employment set out in the Joint Core Strategy (policy 11) and supporting the objectives of the NPPF. Although the site does not fall within the office priority area as defined on the proposals map, its development will contribute to the provision of new high quality office space in the city centre which is a key component of maintaining the long-term viability and vitality of the city as an employment hub. Under the Town and Country Planning (General Permitted Development) (England) Order 2015, changes of use from B1 office to residential are classed as permitted development and changes of use are also permitted from A2 (financial and professional services) to a range of other uses. If consent is granted for this proposal it would be justified in terms of the allocation policy and objectives of the JCS and NPPF to include a condition restricting change of use from B1/A2 uses to other uses without the need for planning permission, in order to support the city centre's role as an employment hub.
34. A mixed use development is therefore acceptable in this location in principle and in accordance with adopted local plan policy. Development of this site in accordance with policy will also support and complement the city council's efforts to regenerate the south city centre area in particular, along with a number of other allocations in that plan including St Anne's Wharf, Rose Lane Mountergate, and in the King Street area.
35. Policy DM12 sets out principles that apply to all proposals for new residential development in the city. The policy has a number of specific clauses (a) to (f). The proposal is in line with clause (a) as it will contribute to the regeneration of the wider south city centre area and is consistent with the spatial planning objectives of the

local plan and JCS. In relation to clause (b) the proposal's impacts on amenity and character of the surrounding area are considered in the relevant sections of the report below (see Main Issues 2, 3 and 4). The proposals will help achieve a diverse mix of uses in the locality in accordance with clause (c) of DM12 and will help deliver the Site Allocations Plan and the housing targets of the JCS. There is a mix of dwellings within the proposals in terms of size in accordance with clause (d). In relation to clause (e) the impact of the proposed development on the existing character and function of the area, taking account of the significance of heritage assets is assessed below under Main Issue 4).

## **Main issue 2: Design**

36. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 9, 17, 56 and 60-66.
37. The delivery of high quality and inclusive design is an objective of the NPPF which is considered essential for the delivery of sustainable development. Policy DM3 in the Development Management Policies Plan is concerned with design principles for new development; it provides further detail to help implement national policy and to supplement the strategic design principles set out in JCS policy 2. The design principles in DM3 seek to ensure that development - in terms of layout, siting, density, massing and materials - is locally distinctive, and respects, enhances and responds to the local distinctiveness of the area. The site's location in the city centre conservation area introduces further significant design considerations.
38. There is a close relationship between the design and heritage aspects of the development. This section of the report, relating to design, will deal primarily with the layout, siting and materials aspects of policy DM3, and main issue 4 (Heritage) with the heritage impacts, although there will inevitably be some overlap between the two sections. The following text relating to the site's townscape and historic development serves as a general context to both sections.
39. Rose Lane falls within the Prince of Wales character area of the City Centre Conservation Area. The conservation area appraisal (CAA) notes that this is a predominantly commercial part of the city centre developed in the Victorian era although Rose Lane and Mountergate have both been subject to almost complete 20th century redevelopment. The influence of the railway is clearly visible in the hotels and large office blocks at the eastern end of both Prince of Wales Road and Rose Lane. Several of the offices blocks are now being converted to residential uses (under relatively recent changes to permitted development rights).
40. The site is located at a point on Rose Lane where the office development on the south side of Rose Lane gives way to more domestic scale buildings going up the hill; these are chiefly two or three storeys high and the width of plots relatively narrow. Tudor Hall, which is grade II listed, is opposite the site on the corner of Boulton Street. The north side of Rose Lane however is largely mixed in scale and character at this point. The land rises from east to west up Rose Lane; glimpses of the Castle on its mound can be seen from the lower part of Rose Lane.
41. The conservation area appraisal defines the site as being within a 'neutral' area in terms of townscape and identifies a negative vista from the top of Rose Lane looking eastwards down the hill towards the office and other development including

Rose Lane Business Centre and Imperial House (the latter building is currently being converted to housing.)

42. The proposals are accompanied by a Design and Access Statement which provides contextual information about the site, planning history, design evolution, and the proposal's relationship to surrounding development particularly Tudor Hall and the Greyfriars development. In it, the applicant notes the constrained nature of the site and its close relationship to the boundary of the Greyfriars site.
43. The proposed layout makes intensive use of the site, extending right up to the site boundaries on Greyfriars Road, Maidstone Road and Rose Lane. Given the site constraints, the layout is U - shaped to make best use of the available space, with a courtyard area in the centre. This is broadly the same layout as for the previously consented scheme but with some significant differences which are referred to in relevant sections of the report (main issues 3 and 4).
44. The design of the scheme is intended by the applicant to be simple and robust, based on good quality materials which will withstand pollution and avoid weathering. Although the proposed building is undoubtedly significant in terms of scale and massing (see main issue 3), the introduction of vertical detailing to the facade through vertical panels formed by textured brickwork and alignment of windows and balconies, above a recessed plinth, does help to break up the horizontal bulk of the building. The use of high quality brick and textured brick detailing plus the other proposed materials will create a contemporary building of good quality to stand the test of time which should avoid issues of weathering and algae growth. Specific details of materials should be provided via condition.
45. The design of the plinth which is inset from the main building façade line, along with the canopy detail over the entrance to the commercial space, helps to place greater emphasis on the ground floor activity and create some interest at street level. This aspect of the design also opens up the public realm at ground floor level to provide a wider footpath.

In relation to other considerations of policy DM3, the proposal is a high density development (with an approximate density of 236 units per ha) which represents an efficient use of land in a sustainable location. The provision of car parking, service areas and accesses are appropriate to the scale of the development and do not dominate the design of the building; parking and servicing is addressed in more detail under Main Issue 6. There is minimal potential within this small site for the introduction of new green infrastructure or landscaping.

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

46. Key policies and NPPF paragraphs – DM9, NPPF paragraphs 128-141.
47. Policy DM9 requires that new development pays regard to the historic environment, and that the significance of any relevant heritage assets have been adequately assessed. The NPPF identifies protection and enhancement of the historic environment as an important element of sustainable development, and establishes a presumption in favour of sustainable development in the planning system (paragraphs 6, 7 and 14). It also states that the significance of listed buildings and conservation areas can be harmed or lost by alteration to them or development in

their setting (paragraph 132), and that the conservation of heritage assets is a core principle of the planning system (paragraph 17).

48. It is important that the character of the historic development on the south side of Rose Lane is considered in this context.
49. As stated earlier, the site is located in a conservation area which contains a number of historically important buildings including Tudor Hall, a grade II listed building opposite the site, some listed and locally listed buildings of domestic scale going uphill on the south side of Rose Lane, in addition to the castle which is a scheduled ancient monument. The Greyfriars development, which lies to the north and east of the site, is 4 storeys in height where it is closest to the development site (the block to the rear of the development off Greyfriars Road) and ranges up to 7 storeys within the site.
50. The applicant has submitted supporting information in the form of photomontages and visualisations from a variety of points on Rose Lane, and massing studies, to provide an impression of the design of the finished building and its potential impact on the surrounding area. These along with the plans and elevations show that proposed development is of significant scale and massing and will inevitably have a major impact on the Rose Lane townscape. The height of the proposed development at 5 storeys is one storey taller than the previously consented scheme and the site elevations show that it will be approx. 1.4m taller than the eaves line of the adjacent development to the north (Greyfriars Road / Maidstone Road). The top storey of the proposed development is set back from the site frontage to reduce its impact on the streetscene although it will still be visible as is evident from the visualisations.
51. It is important to consider the impact of the height and massing of the proposed development in relation to the wider townscape and the historic buildings on the south side of Rose Lane especially when seen looking down the hill. The additional massing studies supplied by the applicant illustrates that the development is barely visible when viewed from Cattle Market Street although it is visible when viewed from the junction of Rose Lane with King Street. The applicant's supporting material also shows the relationship of the proposals with the previously consented scheme, which it is considered demonstrate that the proposals will have more impact on the townscape than the previously consented scheme (which also had a recessed fourth floor).
52. The visualisations also show the potential impact on Tudor Hall, opposite the site. It should be noted that the setting of Tudor Hall is already heavily compromised by existing development and therefore its setting is not as sensitive as some other listed buildings where their original setting can be readily interpreted.
53. Although Tudor Hall is smaller than the proposed development the applicant states that the dominant visual reference for the latter should be the brick parapet which is only marginally (160mm) higher than the ridge of Tudor Hall, and that the fifth storey accommodation has minimal impact on views given its recessing in the revised plans. It could be argued however that the visual reference point for the new development is more likely to be the top of that building rather than the parapet. Either way, the proposed new development will undoubtedly be a substantial building as is evident from the supporting information, and its impact on townscape and heritage assets would be reduced if it lost the top storey.

54. However the applicant has provided information relating to viability of the scheme which states that complete omission of the fifth floor apartments would result in a deficit of approximately £387,000. It is considered that the revisions made by the applicant which set back the fifth storey from the frontage, particularly at the corner closest to Tudor Hall, and the use of glass and reflective materials here will help to reduce any negative impact on both the townscape and heritage assets. These measures, along with the variation of materials in the façade to introduce more vertical emphasis and texture, and the introduction of greater interest at street level, will result in a development that is in accordance with DM3 in relation to local distinctiveness.
55. In its comments on the revised proposals, Historic England states that the height and detail of the building could result in a degree of harm to heritage assets. However the degree of harm should be considered in relation to the topography and townscape which limits views of the site from the west. This part of the conservation area is neutral in character as noted in the conservation area appraisal and has a varied form and scale of development as referred to earlier in this report. The proposals will help to enhance the area's local distinctiveness by use of good quality materials, and a simple contemporary design that creates a positive frontage to Rose Lane.
56. For these reasons it is considered that although the proposals are significant in terms of scale and massing, they will have a neutral impact on the heritage assets and more traditional grain of development on the south side of Rose Lane. Therefore the proposals are judged to acceptable in heritage terms.

#### **Main issue 4: Amenity**

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

##### **Existing occupiers**

58. Policy DM2 states that development will be permitted where it would not result in an unacceptable impact on the amenity of the area or living / working conditions of neighbouring occupants in terms of: prevention of overlooking and loss of privacy; prevention of overshadowing and loss of light and outlook; and prevention of disturbance from noise, odour, vibration, air or artificial light pollution. A number of comments / objections have been made by residents of neighbouring development on grounds of impacts on amenity, in particular loss of light, loss of privacy, overlooking, and noise disturbance. The flats on Maidstone Road are approximately 10m from the site boundary and those on the Greyfriars development approximately 2m from the boundary at the nearest point.
59. The applicant has made several changes to the proposals from those originally submitted, to address amenity issues. In relation to amenity for existing occupiers, specifically those in the adjacent Greyfriars Road / Maidstone Road development, the proposals have been amended to reduce the scale of the staircase on Maidstone Road at the rear of the development, reducing it by one flight (through amendments to the layout for flat 26). This will lessen its impact on the part of the Greyfriars development lying to the north of the site (over 7m from the site boundary at this point).

60. It was recently discovered that a layout change to the Greyfriars development was approved following the original planning consent which means that a window originally thought to be serving a corridor in the building directly to the rear of the site on Greyfriars Road is actually a bedroom window. This has implications for the design of the application proposals given the proximity of the Greyfriars building to the rear wall of the proposed scheme; the proposed development as originally submitted would have been unacceptable in terms of loss of light to the bedroom windows.
61. The applicant responded to this issue by setting back part of the rear wall of the development so that it is now 5.2 metres from the existing building rather than approximately 3.5m.
62. Amenity impacts should be assessed in the context of the location, given that the site is located in the city centre where the prevailing character of development is high density. In these circumstances it is impossible to avoid a degree of overlooking, loss of light or outlook, but it is important to avoid impacts that are considered unacceptable in this location. In this case, although the level of setback from the adjacent development should ideally be greater to reduce its impact still further on the amenity of existing occupiers, and there is accordingly judged to be a degree of harm to existing occupiers in terms of loss of light and outlook, the impact is mitigated by the fact that the rooms in question are secondary bedrooms with the principal habitable areas of the neighbouring dwellings having unobstructed views to the east and west elevations.
63. In addition it is relevant to note that the existing Greyfriars development was built very close to the boundary with the application site (approximately 2 metres away) and by doing this has prejudiced its own amenity in terms of natural light. The British Research Establishment (BRE) has produced guidance to help assess the impact of proposals on daylight and sunlight within and around buildings. This states that a well-designed building should stand a reasonable distance back from its boundaries to enable future nearby developments to enjoy a similar access to daylight; this will ensure that it will keep its own natural light when the adjoining land is developed.
64. Objectors have raised concerns about noise generation arising from the proposed development, including through construction. The development has been designed to reduce the likelihood of noise generation to adjacent residents: the roof terrace fronts onto Rose Lane and partly onto Greyfriars Road opposite the petrol filling station, and the Maidstone Road side of the fifth floor is largely given over to solar panels with a small area of terrace at the Rose Lane end. An informative is proposed to be attached to a grant of planning consent to control noise and pollution arising from construction.

### **Future occupiers**

65. The dwellings are designed to meet the internal space standards in DM2. Most are dual aspect with principal windows facing outward with good outlook and light levels.
66. The originally submitted plans for this development included 3 single aspect flats looking out on the inner courtyard / parking area. Following negotiation with the applicant over amenity concerns, the plans have been revised to create 3 double

aspect flats which are now acceptable in terms of amenity; this was achieved through a change to the location of the staircase (which also resulted in the loss of a second bedroom for each flat).

67. External amenity space has been considered by the applicant but is not included in the development proposals despite the fact that the previously consented scheme included a first floor amenity deck above car parking. The applicant states in the supporting information that the costs of providing an amenity deck (£120k) outweigh the benefits and the provision cannot be justified on viability grounds, given that the submitted scheme shows a deficit of around £64,000 (viability is discussed in more detail in Main Issue 5 and in the conclusion).
68. The comments from the council's landscape officer agree that an amenity area in a rear courtyard is likely to be substandard because of lack of light and would probably not be well used. Future occupiers will have access to the existing open space at Castle Gardens (several hundred metres away), and will be close to the riverside walk too, so their amenity can be addressed in this way. The council's Cabinet in October 2015 approved in principle to endorse expenditure of £150,000 on enhancements to the Castle Gardens for financial year 2017/18, subject to securing additional funding, as part of the Greater Norwich Growth Programme. Although policy DM2 requires provision of external amenity space for new development, it is argued that in this case the requirement is not appropriate given the constrained nature of the site and viability considerations, and that it can be mitigated by existing and proposed provision in the vicinity.
69. One objector voiced concerns at loss of the existing vegetation and trees on the site. There are no significant trees on the site. The site was cleared about 10 years ago and the only vegetation on site has grown up since then. In addition, although policy DM7 requires provision of street trees for major development proposals with a frontage of 10 or more metres onto the highway, in the case of this site there is insufficient room for street trees on the pavement; the site's location requires a building dominated design approach that would be prejudiced by inclusion of street trees.
70. In terms of reducing noise impacts for future occupiers, the applicant's acoustics report recommends a number of noise mitigation measures including double glazing fitted with compression seals for all living rooms and bedrooms, and mechanical ventilation of these windows as they will need to be kept closed.
71. Details of noise reduction measures (which will also address air quality issues for the occupiers) including those for the fifth floor terrace area will be required to be agreed prior to commencement of the scheme.

### **Main issue 5: Affordable housing viability**

72. Key policies and NPPF paragraphs – JCS4, DM33, NPPF paragraph 50.
73. JCS policy 4 requires developments of this size to provide 33% of units as affordable, which equates to 8 units for this scheme. This scheme does not however provide for any affordable housing either on-site or in the form of a commuted sum. The absence has been justified on the basis that any level of affordable housing contribution would render the scheme unviable.

74. The applicant submitted viability information which was assessed by the District Valuer who concluded that delivery of affordable housing is not justified using the approved residual land value methodology, and that the scheme viability assessment shows a deficit of approximately £64,000. Further information on viability of other aspects of the development was recently submitted in the revised proposals (referred to in the Conclusion).
75. In accordance with the Affordable Housing SPD section 10, any scheme where reduced (or no) on or off-site provision of affordable housing has been accepted due to viability considerations will require a Section 106 agreement containing an affordable housing viability review clause. In the case of the proposed development, a review of affordable housing viability will come into effect if there has been no commencement of the permission within 12 months of the date of decision, or if a commencement has occurred within 12 months but there is no occupation within a reasonable period following commencement, dependant on the complexity of the development.

### **Main issue 6: Transport**

76. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF paragraphs 17 and 39.
77. The proposed development is providing 17 parking spaces which is below the maximum level of parking in this location (27) required by the parking standards by the Development Management Policies Plan. This is considered to be acceptable in this highly sustainable location. The level of cycle parking (48 spaces) is also acceptable; details of cycle parking products will be required by condition. The required provision for a flatted development of this size is 4 x 1100 litre bins for general waste, 4 x 1100 litre bins for recycling, and 4 x 360 litre bins for glass, yet only 5 x 1100 litre bins and 2 x 240litre bins are shown on the plans. Further details of these arrangements will be required by condition.
78. The Council's transportation officer has confirmed that although the width of the proposed access to the development is not ideal that it is acceptable in the circumstances, given the low number of parking spaces provided as part of the development and limited traffic generation from this and the adjacent development. For security reasons the security gate should be repositioned at the building line with an access code to enable access to the bin stores; details of these arrangements will be required by condition.
79. In addition details will be required by condition of the boundary treatment to the rear of the site to ensure it is sufficiently robust to provide security to the parking area.
80. One representation expresses concern about the impact of the proposed development on the already limited parking available in the area particularly on Maidstone Road. There is already restricted parking (evenings and weekends) on the west side of Maidstone Road and double yellow lines on the east side. The proposals will have very limited impact on parking in this road; this impact is outweighed by the benefits of the development and will also be offset by new parking provision in the area (Mountergate multi-storey car park under construction).



## **Main issue 7: Flood risk**

81. Key policies and NPPF paragraphs – JCS1, DM5, NPPF paragraphs 100 and 103.
82. The proposal is to discharge surface water run-off into the existing surface water sewer however Anglian Water has commented that this should be the last option and the preferred method of surface water disposal should be to a sustainable drainage system (SUDs). Insufficient information has been provided to demonstrate why SUDs cannot be provided and therefore the scheme is not acceptable in this respect. Whilst not ideal it is considered in this case that the details of surface water drainage can be conditioned. If the application is granted consent a planning condition will be required relating to provision of a SUDs strategy prior to commencement.

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

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

| <b>Requirement</b>         | <b>Relevant policy</b> | <b>Compliance</b>   |
|----------------------------|------------------------|---|
| Cycle storage              | DM31                   | <b>Yes subject to condition</b>   |
| Car parking provision      | DM31                   | <b>Yes</b>  |
| Refuse Storage/servicing   | DM31                   | <b>Yes subject to condition</b>   |
| Energy efficiency          | JCS 1 & 3<br>DM3       | <b>Yes subject to condition: it is proposed to use photovoltaic panels on the roof which will be required provide over 10% of the energy requirements</b> |
| Water efficiency           | JCS 1 & 3              | <b>Yes subject to condition</b>   |
| Sustainable urban drainage | DM3/5                  | <b>Yes subject to condition</b>   |

## **Equalities and diversity issues**

84. There are no significant equality or diversity issues other than the access issues discussed in the design section above.

## **Local finance considerations**

85. 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.
86. 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.

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

## **Conclusion**

88. Although development on this site is acceptable in principle, the site is a challenging one to develop given its constrained nature, and the proposals include a number of elements which are not ideal but need to be considered in the light of wider sustainability and development objectives. The development's location in a conservation area and potential impact on designated heritage assets is a key consideration in assessment of the application, as is the relatively compromised level of external amenity and impact on existing occupiers in the adjacent residential development. It is also regrettable that the scheme will not provide any affordable housing.
89. Both the NPPF and DM9 require all development to have regard to the historic environment and maximise opportunities to preserve, enhance or better reveal the significance of heritage assets. The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty on local authorities to have special regard to development affecting listed buildings and their settings and conservation areas. This site is located in a prominent position in a conservation area, however given the context of existing development and townscape here it is considered that the proposed development will have a neutral impact on the significance of the conservation area and listed Tudor Hall. The proposals also represent an intensive use of this small site, extending to the site boundaries on three sides, and up to five storeys in height which is greater than the immediately surrounding development. This will substantially change the appearance of the site and the outlook for local residents and will result in a degree of harm to amenity for existing occupiers. However this harm is outweighed by the delivery of housing in a highly sustainable location, and the development of a long term vacant site which is allocated in the adopted Site Allocations and Site Specific Policies Plan (2014).
90. Viability considerations have played a major part in the design and evolution of scheme and although the development will not provide any affordable housing its development will secure the delivery of much needed market housing and office accommodation which will help support the vitality and viability of the city centre. It is therefore recommended that the application be approved subject to the conditions below.

## **Recommendation**

To approve application no. 15/01092/F - 26 - 36 Rose Lane Norwich NR1 1PN and grant planning permission subject to the completion of a satisfactory legal agreement to include provision of affordable housing and subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. SUDs strategy;
4. Energy efficiency;
5. Water efficiency;

6. Details of refuse storage;
7. Details of cycle stands;
8. Noise reduction measures;
9. Rear boundary details;
10. Repositioned access gate to car park;
11. Parking to have EV domestic chargepoint
12. Level access to residential entrance;
13. Details of accessible / adaptable dwellings;
14. Affordable housing review clause;
15. Restriction of changes of use for B1/A2 element
16. Details of materials

#### Informative Notes

1. Recommend traffic regulation order to change parking restrictions at access;
2. Footway reconstruction paving and kerbs reconstruction is recommended in accordance with streetscape manual as part of S278 agreement;
3. S177 license is required for overhanging parts of the building to the highway;
4. Removal of redundant telegraph pole on Greyfriars Road;
5. IN7 Construction Working Hours

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

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



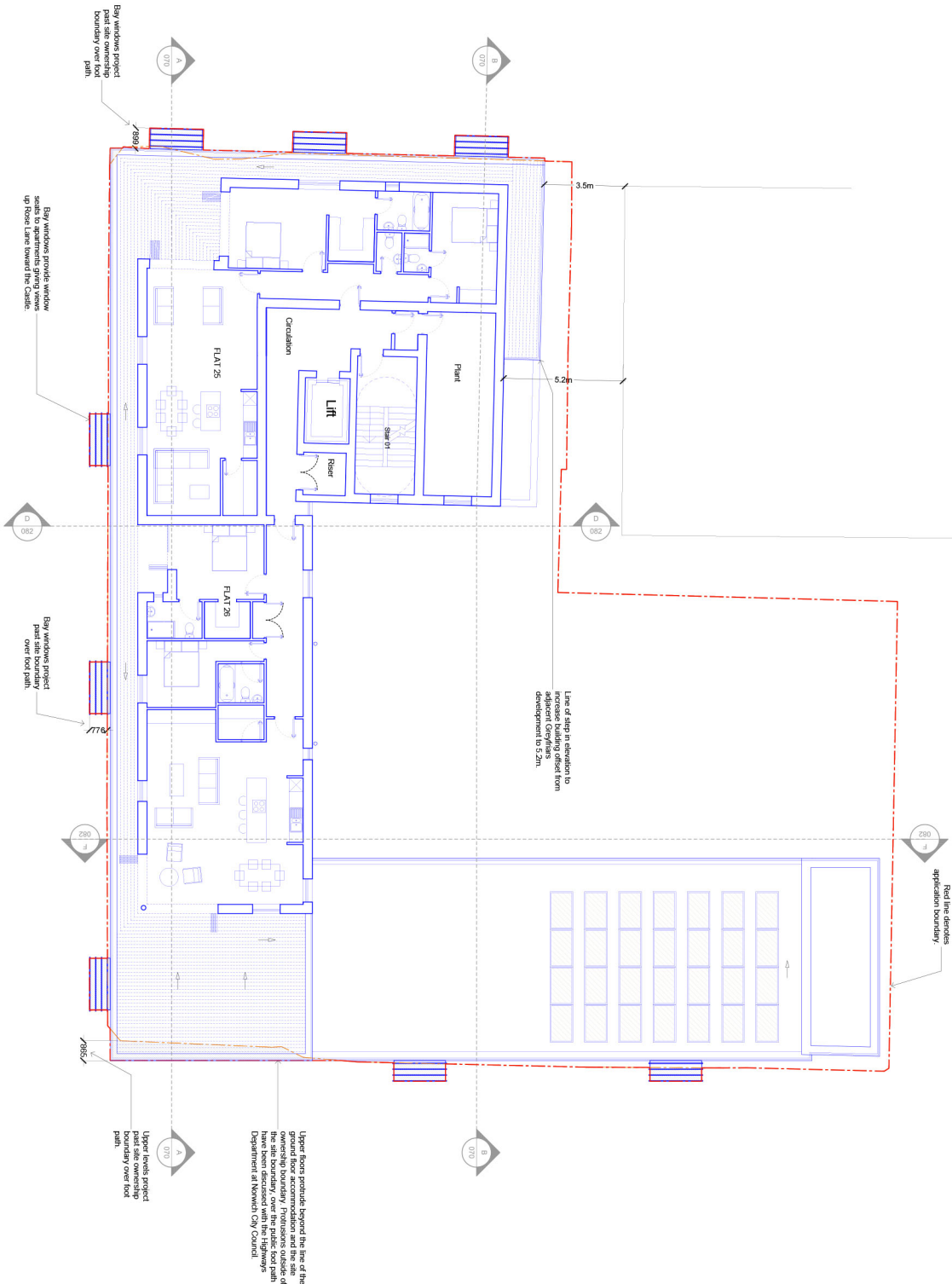


| REV | DATE       | CHK | REMARKS                               |
|-----|------------|-----|---------------------------------------|
| 001 | 26.07.2015 | CP  | PLANNING APPLICATION                  |
| 002 | 26.11.2015 | CP  | PLANNING APPLICATION BOUNDARY AMENDED |

NOTES

- EXISTING RETAINED
- DEMOLISHED OR REMOVED
- PROPOSED

| KEY | DESCRIPTION                                   |
|-----|---|
|     | APPLICANTS SITE OWNERSHIP BOUNDARY            |
|     | APPLICATION BOUNDARY                          |
|     | AREAS OF SITE OUTSIDE OF APPLICANTS OWNERSHIP |



CLIENT

Criquet Homes Ltd

PROJECT

Mixed Use Development,  
Rose Lane, Norwich

DRAWING

Proposed Floor Plans -  
Fourth Floor

SCALE

1:100(00)

PAPER

A1/A3

DATE

JUL 2015

REV

054

A02



## VATION

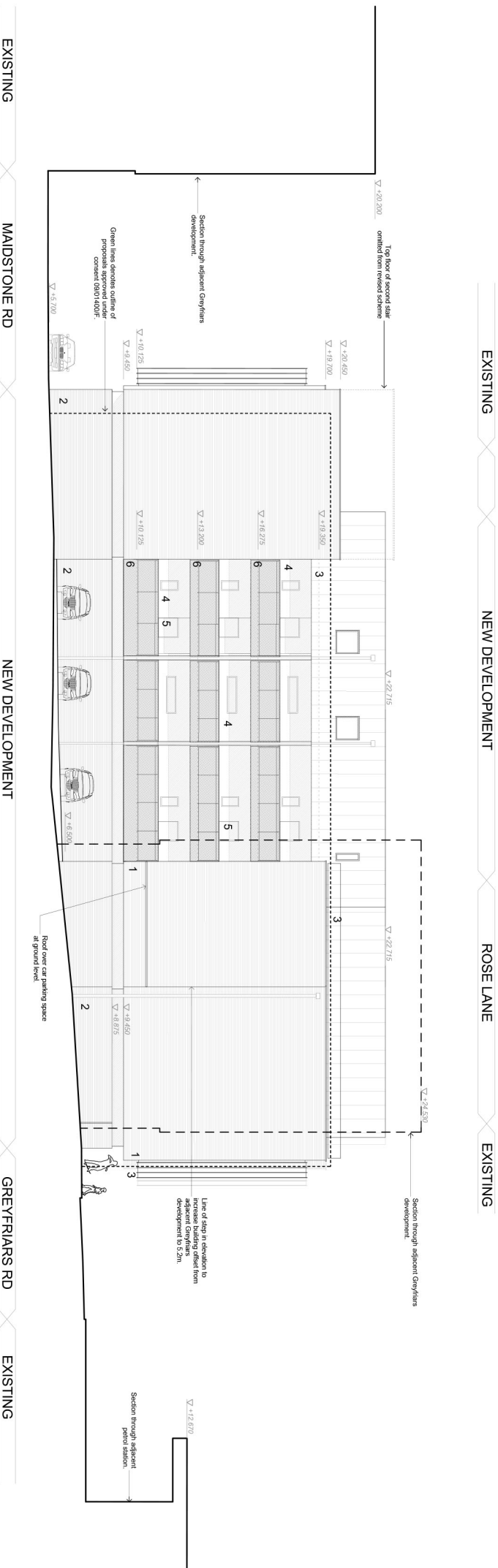
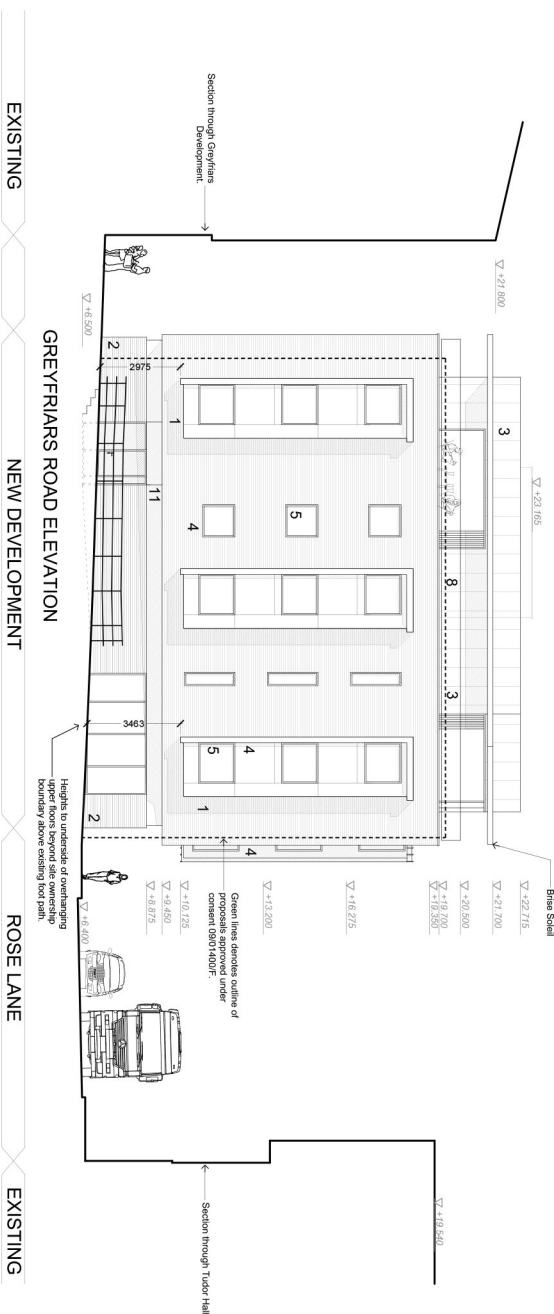
EXISTING

CLIENT  
Circlet Homes Ltd

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JOB  
Mixed Use Development,



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