

**Report to** Planning Applications Committee

**Item**

9 May 2019

**Report of** Head of planning services

**Subject** Application nos 18/01837/F - 117-127 Trinity Street,  
Norwich, NR2 2BJ and 18/01838/MA - 117 Trinity  
Street, Norwich, NR2 2BJ

4(a)

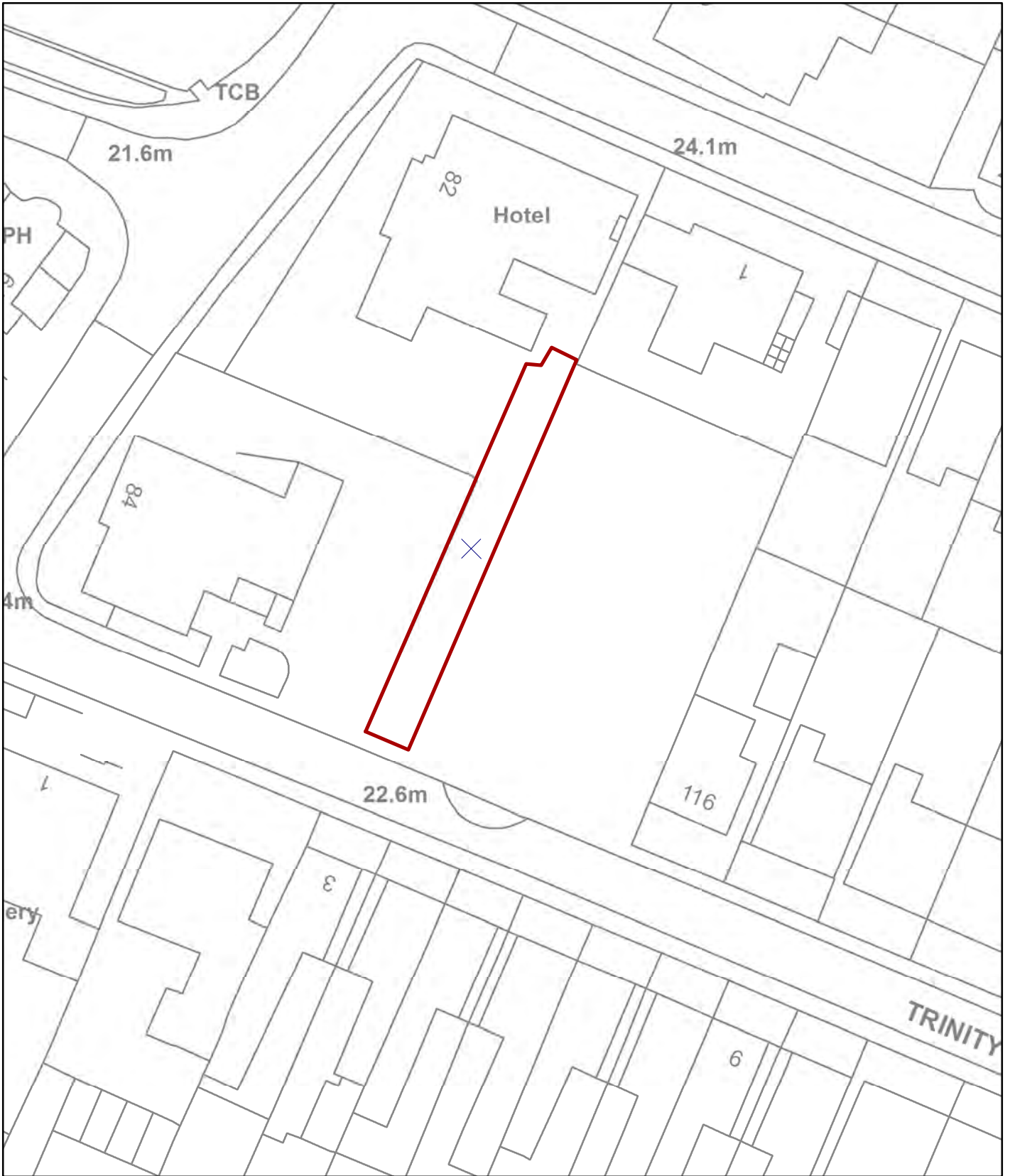
**Reason for  
referral** Objections

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|                     |   |
|---------------------|---|
| <b>Applicant</b>    | Mrs J Tillett Butterworth   |
| <b>Ward</b>         | Town Close  |
| <b>Case officer</b> | Lara Emerson - <a href="mailto:laraemerson@norwich.gov.uk">laraemerson@norwich.gov.uk</a> |

| <b>Development proposal</b> |   |         |
|-----------------------------|---|---------|
| 18/01837/F                  | Change of use of former private access way to amenity land ancillary to 117 Trinity Street.             |         |
| 18/01838/MA                 | Amendment to approved plans of previous permission 15/00305/F to allow a revised design and appearance. |         |
| <b>Representations</b>      |   |         |
| Object                      | Comment   | Support |
| 3                           | 0   | 0       |

| <b>Main issues</b>    | <b>Key considerations</b>                                      |
|-----------------------|--|
| 1. Amenity            | Overlooking.   |
| <b>Expiry date</b>    | 13 May 2019<br>(extended from 5 February 2019 & 12 March 2019) |
| <b>Recommendation</b> | Approve applications 18/01837/F & 18/01838/MA                  |



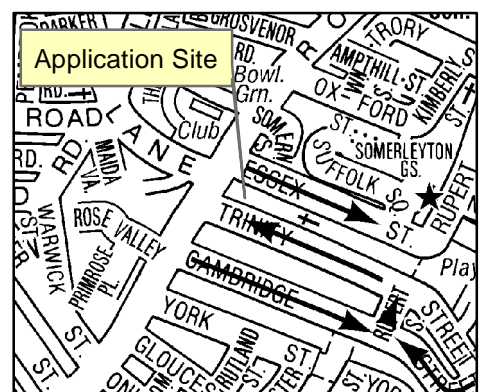
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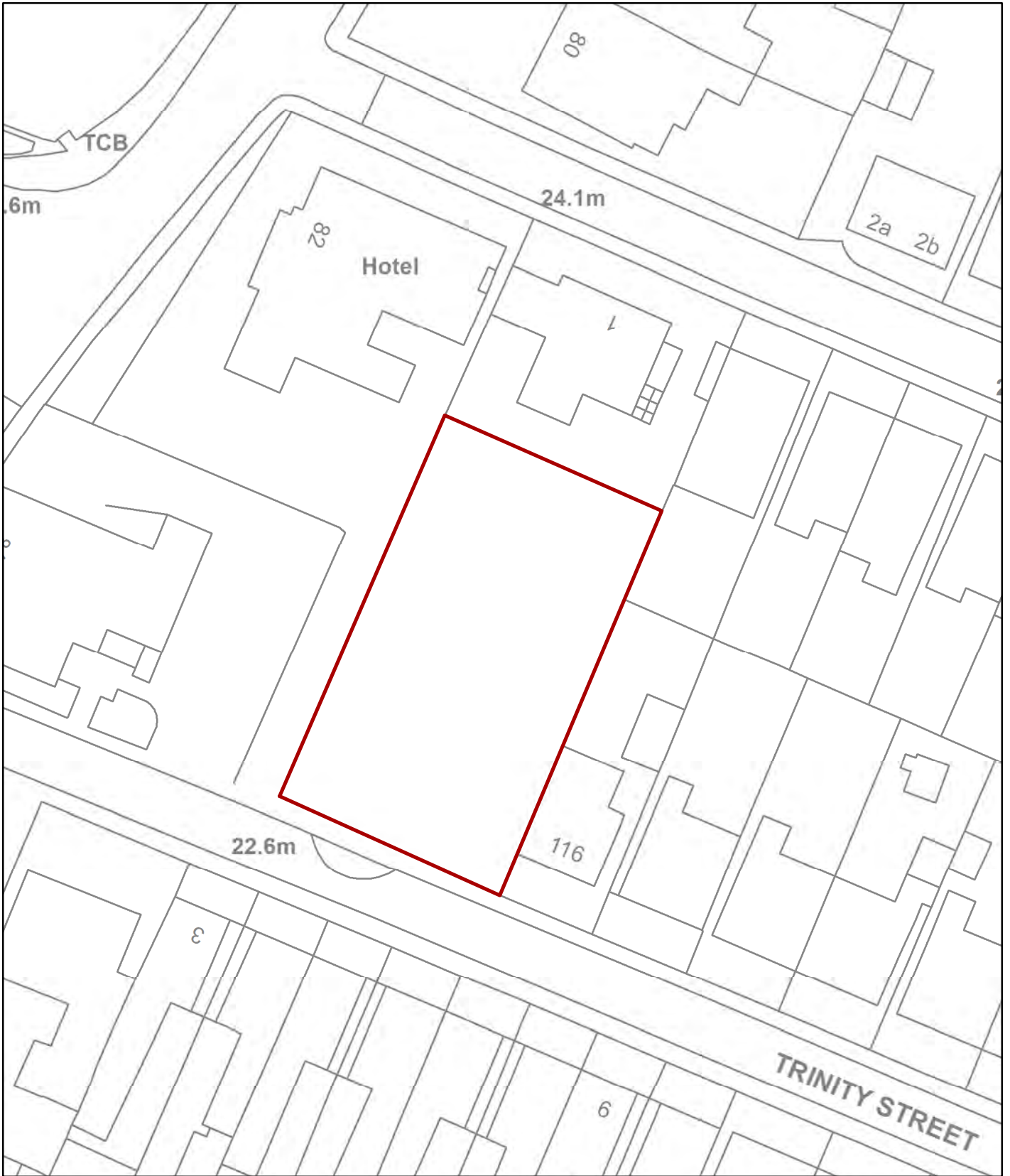
Planning Application No 18/01837/F  
 Site Address 117-127 Trinity Street  
 Scale 1:500



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City Council

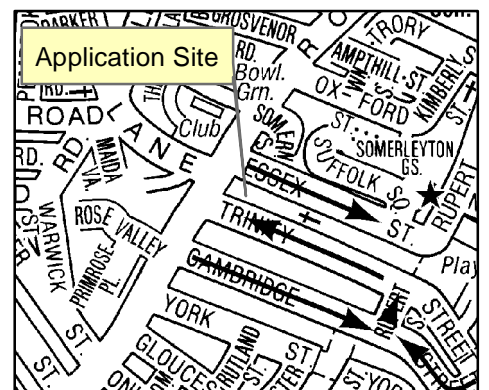
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Planning Application No 18/01838/MA  
 Site Address 117-127 Trintiy Street  
 Scale 1:500



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## The site, surroundings & constraints

1. The site is situated on the northern side of Trinity Street to the west of the city. The site formerly accommodated 11 flats and garages, but in recent years the site has been undergoing redevelopment for 13 flats (15/00305/F). This development is nearing completion.
2. To the north of the site are two detached residential properties (numbers 1 & 3 Essex Street), to the west is the Unthank Road Tesco Express store and the newly refurbished hotel at 82 Unthank Road. To the east of the site is a modern detached dwelling.
3. The site sits adjacent to the Heigham Grove Conservation Area and a number of the surrounding properties are locally listed.
4. The site is within the Critical Drainage Catchment Area.

## Relevant planning history

5. The site has previously benefitted from planning consent for “Demolition of 11 No. flats and associated garages. Erection of 13 No. flats and basement car parking.” (reference 15/00305/F). The planning permission was granted subject to a number of conditions, some of which have not been properly discharged. Nevertheless the development is now nearing completion.

| Ref        | Proposal  | Decision                    | Date       |
|------------|---|-----------------------------|------------|
| 14/01094/F | Demolition of existing 11 flats and garages and erection of 13 flats with associated basement car parking.  | Refused                     | 16/01/2015 |
| 15/00305/F | Demolition of 11 No. flats and associated garages. Erection of 13 No. flats and basement car parking.   | Approved                    | 06/05/2015 |
| 16/01733/D | Details of Condition 3: evidence of contract for site redevelopment of previous permission 15/00305/F.  | Approved                    | 11/01/2017 |
| 17/00296/D | Discharge of Condition 5: Details and samples; Condition 6: Predicted energy requirement; Condition 7: Noise assessment and acoustic attenuation and Condition 8: Refuse store of previous permission 15/00305/F. | Part-approved, part-refused | 03/04/2017 |
| 17/01764/D | Details of Condition 4: surface water drainage and Condition 14: boundary wall treatments of previous permission 15/00305/F.  | Refused                     | 22/12/2017 |

## The proposal

6. These current applications seek to regularise the development as-built.
7. Application 18/01837/F is for the change of use of an additional strip of land to the west of the site adjacent to Tesco. The strip previously provided vehicular access to the hotel at 82 Unthank Road. It is proposed that this strip of land be incorporated into the development site, providing space below ground for an attenuation tank for surface water drainage, and above ground for bin storage.

8. Application 18/01838/MA is for amendments to the approved scheme under 15/00305/F. Changes include:
- The basement has not been dug as deep as shown on the approved plans, resulting in the floor to ceiling height being reduced on all floors.
  - Minor alterations to the roofline.
  - Alterations to the size of some windows.
  - Changes to the layout of all floors, primarily the basement where the bin store has been removed, cycle stores relocated, car park layout amended and a car park vent added.
  - Use of additional land to the west for refuse storage and surface water attenuation tank.
9. In addition to the changes listed above, it should be noted that while the proposed development appears in the same location on the current plans and the original plans (as approved by 15/00305/F), 1 Essex Street appears to have been wrongly placed on the original plans. As a result of this error, the original plans indicated that there was an additional distance of 20cm between the rearmost wall of the proposed development and the rear wall of 1 Essex Street, but this mistake has been corrected on the current plans.
10. Given the advanced stage of the development, application 18/01838/MA also includes a raft of additional documents to avoid the need for any extra information to be requested via condition (i.e. surface water drainage scheme, tree replacement planting scheme, details of bird and bat boxes, and details of renewable energy provision).

### Summary information

| Proposal                                | Key facts   |
|---|---|
| <b>Scale</b>                            |   |
| Total no. of dwellings                  | 13  |
| No. of affordable dwellings             | 0<br>(none required since the development included the demolition of 11 flats i.e. a net increase of 2) |
| No. of storeys                          | 2-3 storeys   |
| Density                                 | 144 dwellings per hectare   |
| <b>Appearance</b>                       |   |
| Materials                               | Brick, render and cladding. Glazing to the rear block lift core.  |
| Energy and resource efficiency measures | Photovoltaic panels providing 12.68% of the development's expected energy consumption.                  |
| <b>Transport matters</b>                |   |
| Vehicular access                        | Access from Trinity Street to basement car park.  |
| No of car parking spaces                | 14  |
| No of cycle parking spaces              | 25  |

| <b>Proposal</b>        | <b>Key facts</b>  |
|------------------------|---|
| Servicing arrangements | A communal bin store located on the additional land to the west, accessed from Trinity Street via a pin code operated gate. |

### **Representations**

11. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. Letters of representation have been received from 3 individuals citing the issues as summarised in the table below.

| <b>Issues raised</b>              | <b>Officer Response</b>                    |
|-----------------------------------|--|
| Loss of amenity at 1 Essex Street | See Main Issue 1 which relates to Amenity. |
| Overlooking to 3 Essex Street     | See Main Issue 1 which relates to Amenity. |
| Inaccuracies on the plans         | Plans now amended.                         |

### **Consultation responses**

12. 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**

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

### **Lead Local Flood Authority**

14. I can confirm that the County Council as Lead Local Flood Authority has no comments to make.

### **Norwich City Council Transport**

15. No objection on highway grounds. Detailed comments relating to the rebuilding of the speed control island.

### **Design and conservation**

16. Do not wish to comment on application.

### **Area Management Officer**

17. This [details of bin storage] looks fine, what seems to be an exact interpretation of what was agreed at our meeting.

### **Environmental protection**

18. Following a review of the information provided I have no additional comments regarding contaminated land or air quality.

## **Tree Protection Officer**

19. This is acceptable from an arboricultural perspective.

## **Landscape**

20. Overall the level and quality of landscape provision has been reduced, particularly in terms of amenity. There is also insufficient information provided as detailed above. I am therefore unable to support the landscape scheme in its current form.

## **Ecology**

21. Bird nesting and bat boxes are acceptable products. Locations and numbers are also acceptable. It would be worthwhile clarifying for contractors that the building mounted versions (rather than tree mounted) are to be used. Planting should include more native plants and/or plants with biodiversity benefits. I have been unable to find any details of external lighting. This should be minimised and avoid impacting bird and bat boxes.

## **Anglian Water**

22. The surface water/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. Whilst it is noted that the intention is to discharge surface water at Greenfield rate, we require confirmation of the proposed discharge rate in litres per second so as to make an accurate capacity assessment. We request a condition requiring a drainage strategy covering the issue to be agreed.

23. *NB: The case officer notes that a full scheme and calculations have been submitted showing that the runoff rate during a 1 in 100 year flood event would be 1.9l/s which is well below the generally accepted rate of 5l/s. A condition is therefore not recommended.*

## **Norfolk Constabulary Architectural Liaison**

24. Concern over car park access control and secure cycle storage.

## **Assessment of planning considerations**

### **Relevant development plan policies**

25. **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
- JCS9 Strategy for growth in the Norwich policy area

26. **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
- DM6 Protecting and enhancing the natural environment
- DM7 Trees and development
- DM8 Planning effectively for open space and recreation
- DM9 Safeguarding Norwich's heritage
- DM11 Protecting against environmental hazards
- DM12 Ensuring well-planned housing development
- DM13 Communal development and multiple occupation
- DM28 Encouraging sustainable travel
- DM30 Access and highway safety
- DM31 Car parking and servicing

### **Other material considerations**

#### **27. Relevant sections of the National Planning Policy Framework 2018 (NPPF)**

- NPPF2 Achieving sustainable development
- NPPF5 Delivering a sufficient supply of homes
- NPPF9 Promoting sustainable transport
- NPPF12 Achieving well-designed places
- NPPF14 Meeting the challenge of climate change, flooding etc
- NPPF15 Conserving and enhancing the natural environment
- NPPF16 Conserving and enhancing the historic environment

### **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 Policy Framework (NPPF), the council's standing duties, other policy documents and guidance detailed above and any other matters referred to specifically in the assessment below. The following paragraphs provide an assessment of the main planning issues in this case against relevant policies and material considerations.

### **Principle of development**

29. The principle of the construction of 13 flats on the site has been established by 15/00305/F. It is therefore only necessary to deal with the aspects of the scheme which have been changed (see paragraph 8 above). The approved scheme is a material consideration in the determination of this application.

### **Main issue 1: Amenity**

30. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraph 127.
31. The previously approved scheme (15/00305/F) was deemed acceptable on amenity grounds. As such, it is the changes to that scheme which should now be assessed in terms of their impacts on amenity.
32. The floor levels within the as-built development are such that the high level windows on the north and east elevations of the rear block (which were required to



protect the privacy of occupants at 1 and 3 Essex Street) are now at eye level and have been built at larger dimensions than approved. As such, there is more opportunity for overlooking from these windows. It has therefore been agreed with the developer that these windows should be obscure glazed and fixed shut in order to protect the privacy of 1 and 3 Essex Street, as well as future residents of the new flats.

33. The size and location of the development itself has not been changed in any notable way from the previously approved plans so the impacts in terms of outlook and light do not need to be reassessed. As noted in paragraph 9 above, the neighbouring property, 1 Essex Street, was slightly misplaced on the original plans so the plans were misleading to those assessing the amenity impacts of the development. Nevertheless, the development was correctly drawn and the inaccuracies were minor (a distance of 20cm) and the amenity impacts are not considered to be a significant issue.

### **Other matters**

34. Change of use of land proposed under 18/01837/F

The change of use of land proposed under 18/01837/F is considered acceptable since the hotel premises (82 Unthank Road) is not prejudiced by the removal of its rear entrance since it is still well serviced by its Essex Street entrance. The additional land makes a positive addition to this development site, by providing space for bin storage and below ground surface water attenuation.

35. Impact on conservation area

The impact of the proposed development on the adjacent conservation area is not materially different to the impact of the previous scheme and thus it is not necessary to reassess this impact.

36. Trees

The original consent (15/00305/F) included a condition which required a small plum tree within the neighbouring garden (116 Trinity Street) to be retained. If it was not possible to retain the tree, the developer was required to agree with the council a scheme for replacement planting. It has been noted by the case officer on a site visit that the plum tree has been removed without the developer agreeing a replacement tree planting scheme. As such, a replacement tree is now offered in the form of a flowering cherry plum tree in the neighbour's garden, close to the location of the tree which has been felled. This is considered to constitute suitable compensatory planting.

37. Cycle storage

25 cycle storage spaces are provided for residents within the basement, which exceeds the policy requirement of 23 spaces for this mix of dwellings in this location.

38. Refuse servicing

Communal bins are to be stored on the additional land to the west of the site, and accessed via a pin-controlled gate.

### 39. Surface water drainage

It is proposed that surface water drainage is dealt with via an attenuation tank located on the additional land to the west of the site which discharges at a restricted rate of 5 litres per second to the main sewer. The sustainable urban drainage (SUDs) hierarchy has been followed and it is accepted that this is the most sustainable option on this site.

### 40. Renewable energy provision

Photovoltaic panels providing 12.68% of the developments expected energy consumption. This exceeds the policy requirement of 10%.

### 41. Landscaping

The landscaping plan which has been submitted in support of this application is of poor quality and it has been necessary to re-impose a condition which requires the developer to submit a revised landscape scheme prior to the occupation of the units.

## **Equalities and diversity issues**

42. There are no significant equality or diversity issues.

## **Local finance considerations**

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

## **Conclusion**

44. 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

- (1) application no. 18/01837/F - 117 Trinity Street Norwich NR2 2BJ and grant planning permission subject to the following conditions:
  1. Standard time limit;
  2. In accordance with plans.
  
- (2) application no. 18/01838/MA - 117 Trinity Street Norwich NR2 2BJ and grant planning permission subject to the following conditions:

1. Development to be built in accordance with plans;
2. Landscape scheme to be submitted, agreed & implemented prior to occupation;
3. SUDS to be installed and maintained as agreed prior to occupation;
4. Obscure glazing to be installed prior to occupation and retained thereafter;
5. No occupation until renewable energy scheme fully operational;
6. No occupation until sound insulation installed;
7. No occupation until refuse store made available for use;
8. Replacement tree shown on plan to be planted prior to occupation;
9. No occupation until balcony screens have been installed as shown on plans;
10. No occupation until approved landscape details installed;
11. Bird & bat boxes to be installed as agreed prior to occupation;
12. Water consumption;
13. Cycle storage to be installed as agreed prior to occupation;
14. Car parking to be laid out and managed as agreed;
15. Removal of PD rights;
16. No plant & machinery without express consent.

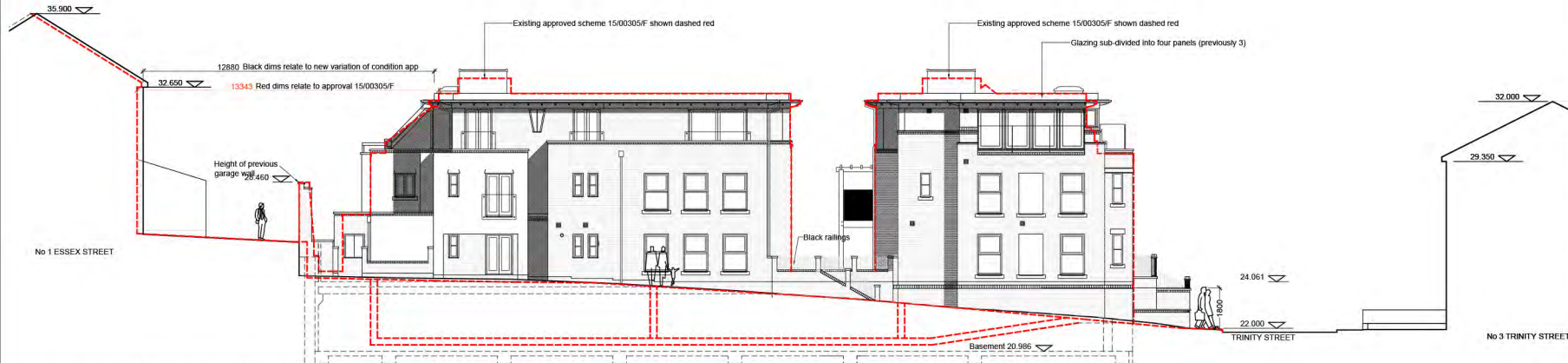
Informatives:

1. No parking permits;
2. Works to the highway - speak to highways.

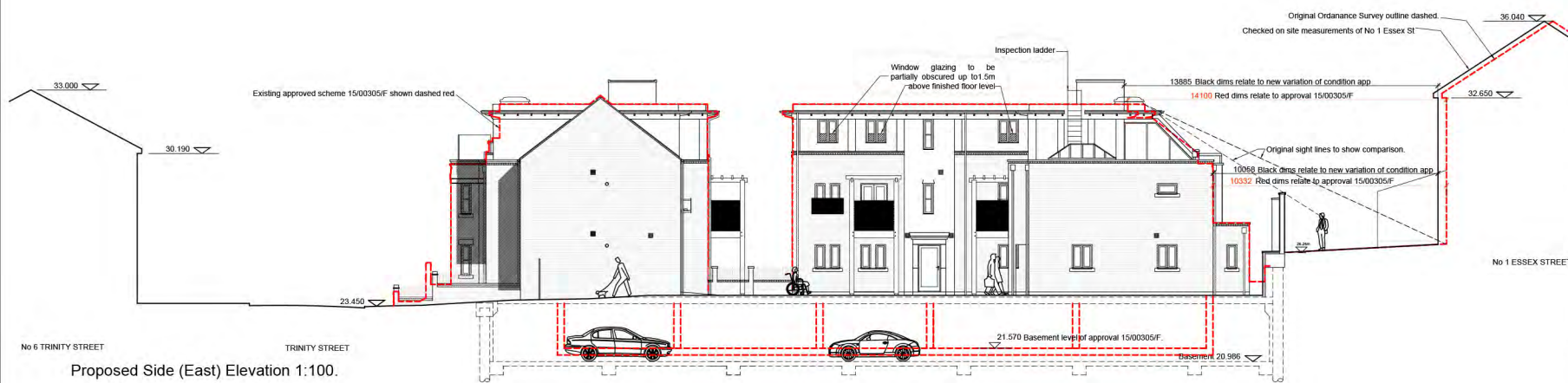
Note:  
Current approved building outline shown dashed red.  
All materials to be as shown on drawings 6028 / P08A & P08 1A  
unless shown on variation of condition application drawings in red cloud.



Proposed Trinity Street Elevation 1:100



Proposed Side (Unthank Road) Elevation 1:100.



Proposed Side (East) Elevation 1:100.

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Scale Bars:  
Scale: Length: 1:100  
1m 2m 3m 4m 5m 6m 7m 8m 9m 10m

|   |  |          |      |
|---|--|----------|------|
| J | Landscaping updated                            | 26.03.19 | HJA  |
| H | Window planters removed. Obscure glazing added | 26.02.19 | HJA  |
| G | Revision to roof above rear stairs.            | 03.12.18 | DLLL |
| F | Variation of condition revisions.              | 22.11.18 | DLLL |
| E | Revised elevations                             | 18.02.15 | DLLL |
| D | Revised rear fence line.                       | 07.01.15 | DLLL |
| C | Revised elevations.                            | 13.10.14 | DLLL |
| B | Revised elevations.                            | 06.10.14 | DLLL |

Rev: \_\_\_\_\_ Date: \_\_\_\_\_ By: \_\_\_\_\_

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

Client:  
**Mr & Mrs Butterworth**

Drawing:  
**Proposed Elevations.**

|                        |                           |                   |                  |
|------------------------|---------------------------|-------------------|------------------|
| Scale:<br>1:100 @A1    | Date:<br>Nov 2018         | Drawn by:<br>DLLL | Checked by:<br>- |
| Job No:<br><b>6028</b> | Drawing No:<br><b>P03</b> | Rev:<br>J         |                  |

Layout plan 15/00305/F



Proposed Site Layout Plan 1:200



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|                           |          |      |
|---------------------------|----------|------|
| D Post refusal revision.  | 26.01.15 | DLLL |
| C Roof lantern added etc. | 13.10.14 | DLLL |
| B Flat 14 removed etc.    | 06.10.14 | DLLL |
| Rev:                      | Date:    | By:  |

architects and consulting engineers

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

Client:  
**Mr & Mrs Butterworth**

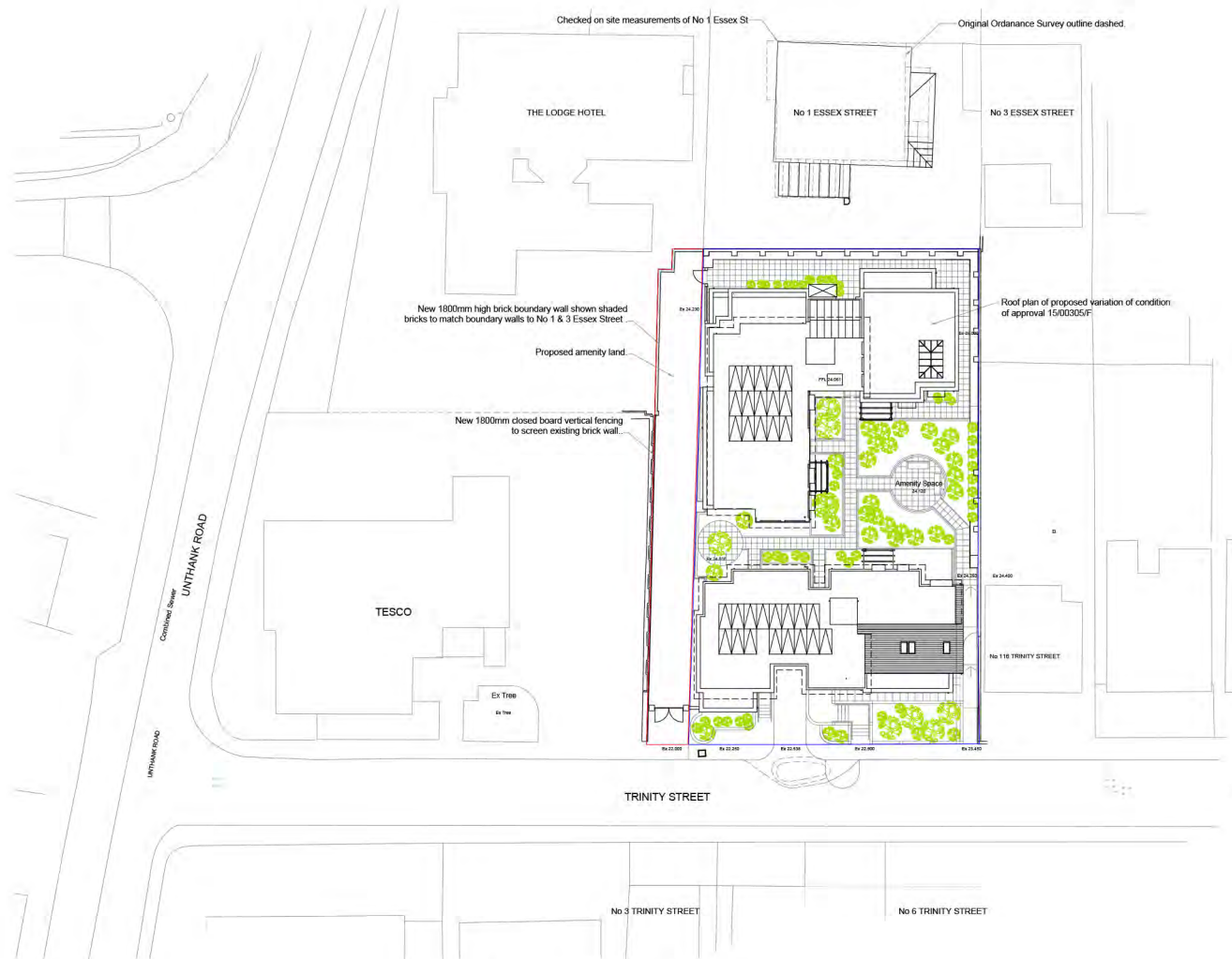
Drawing:  
**Proposed Site Layout.**

|                      |                |                   |                  |
|----------------------|----------------|-------------------|------------------|
| Scale:<br>1:200 @ A1 | Date:<br>March | Drawn by:<br>DLLL | Checked by:<br>- |
|----------------------|----------------|-------------------|------------------|

|                        |                           |           |
|------------------------|---------------------------|-----------|
| Job No.<br><b>6028</b> | Drawing No.<br><b>P05</b> | Rev:<br>D |
|------------------------|---------------------------|-----------|



Layout plan 18/01838/MA



Proposed Site Layout Plan 1:200

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A Revisions to rear roof above stairs. 04/12/18 DL  
 Rev: Date: By:

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Project:  
 Change of use of former private  
 accessway to amenity land ancillary  
 to 117 Trinity Street.

Client:  
**Mr & Mrs Butterworth**

Drawing:  
 Proposed Site Layout.

Scale: 1:200 @ A1 Date: March Drawn by: DLLL Checked by: -

|                  |                            |           |
|------------------|----------------------------|-----------|
| Job No.<br>6028A | Drawing No.<br><b>SL01</b> | Rev.<br>A |
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