



NORWICH
City Council

Planning applications committee

Date: Thursday, 12 November 2020

Time: 09:30

Venue: Remote access

Committee members:

Councillors:

Driver (chair)

Maxwell (vice chair)

Bogelein

Button

Huntley

Lubbock

Neale

Ryan

Peek

Sands (M)

Sarmezey

Stutely

1 vacancy

For further information please contact:

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Democratic services

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Agenda

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1 Apologies

To receive apologies for absence

2 Declarations of interest

(Please note that it is the responsibility of individual members to declare an interest prior to the item if they arrive late for the meeting)

3 Minutes

1 - 8

To approve the accuracy of the minutes of the meeting held on 8 October 2020.

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 under item 4 above are required to notify the committee officer by 10:00 on the day before the meeting.

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

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

Please note:

- The formal business of the committee will commence at 9.30;
- The committee may have a comfort break after two hours of the meeting commencing.
- The committee will adjourn for lunch at a convenient point between 13:00 and 14:00 if there is any remaining business.

Summary of planning applications for consideration

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Standing duties

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4(a)	Application nos 20/00808/F – Norwich School Refectory, The Close, Norwich, NR1 4DD, and 2000809L – Precinct Wall, Palace Street, Norwich	13 - 62
4(b)	Application no 20/00896/F - Barclays Bank PLC, 6 Church Lane, Norwich, NR4 6NZ	63 - 84
4(c)	Application no 20/00407/F – 1 Christchurch Court, Christchurch Road, Norwich, NR2 2AG	85 - 100
5	Update on kitchen extraction situation at the Strangers Club, 22-24 Elm Hill	101 - 104

Purpose - This report provides an update to members of planning applications committee on the situation regarding the kitchen extraction equipment at the Strangers Club, 22-24 Elm Hill. Such an update was requested by members during the committee held on 13 August 2020, at which members resolved to refuse the planning application 19/01487/F and listed building consent 19/01488/L.

Date of publication: **Wednesday, 04 November 2020**



Planning applications committee

10:00 to 13:25

8 October 2020

Present: Councillors Driver (chair), Maxwell (vice chair), Bogelein, Button (to middle of item 2), Lubbock, Neale, Peek, Ryan, Sands (M), Sarmezey and Stutely

Apologies: Councillor Huntley

1. Declarations of interest

Councillor Lubbock declared a predetermined view in item 3 (below) Application no 19/00911/F – Bartram Mowers Ltd, Bluebell Road, Norwich in that she had made representations objecting to the proposal and would be representing residents who had opposed the proposal. She would address the committee and then leave the meeting, taking no part in the determination of the application.

2. Minutes

RESOLVED to approve the accuracy of the minutes of the meeting held on 10 September 2020.

3. Application no 19/00911/F - Bartram Mowers Ltd, Bluebell Road, Norwich, NR4 7LG

(Councillor Lubbock had declared a pre-determined view in this item and left the meeting before the committee debated and determined the application.)

(Councillor Button left the meeting during this item due to technical problems with the internet connection.)

The senior planner presented the report with the aid of plans and slides. She referred to the supplementary report of updates to the reports which was circulated at the meeting and contained corrections to paragraphs 100 and 116 of the report.

Councillor Lubbock addressed the committee as Eaton Ward councillor and on behalf of the residents of Daisy Hill Court, and summarised her objections to the proposal as follows: that the proposed social housing block of 14 flats was detrimental to the amenity of the residents of Daisy Hill Court (blocking sunlight and daylight, and views of the Yare Valley and that eight home owners' outlook would be replaced by a brick gable wall of the new block); that residents of Daisy Hill Court

had bought their flats with the understanding that the second phase of development would consist of one storey bungalows; and that the proposal was contrary to the council's development management policies DM2 and DM3 and the position of the affordable housing block was unacceptable and should be refused. In addition, Councillor Lubbock raised concerns about the: adequacy of the car parking provision; safety of the access to plots near the main access from the site to Bluebell Road; that construction vehicles should not park on the public highway (causing congestion); querying the management of the public open space and responsibility for maintenance of bins and benches; and suggesting that the developers provide seating at the bus stops adjacent to the site.

The daughter-in-law of a resident of Daisy Hill Court also addressed the committee on her behalf. She outlined her mother-in-law's objections to the proposed new block which was considered to be contrary to policy DM2, causing overshadowing, loss of light and outlook to the residents of Daisy Hill Court. She referred to the masterplan and that in the second phase, there should be no large apartment blocks except for the care home in the far corner of the 1.4 hectare site. The proposed apartment block was only 10.4 metres away from Daisy Hill Court. If the step down between buildings was so critical it should have been identified at the masterplan stage and during phase one of the development. She commented on the impact of the apartment block would have on the elderly residents who had bought their homes with the understanding that there was a planning application for bungalows on the adjacent site. There had been no meeting between the site owners and the residents to discuss the proposals.

The agent responded to the issues raised and addressed the committee in support of the application. She confirmed that her client was in agreement that seats at the bus shelter could be secured through the S106 agreement and that the construction management plan would ensure that construction vehicles did not park on the highway. Her client had engaged with the local community, city council and statutory consultees in bringing forward this proposal for 50 retirement dwellings, with social housing. The height of the proposed apartment building had been reduced following consultation. The second phase of the development, as set out in the masterplan, provided a new pedestrian link with Bluebell Road and the Yare Valley. She explained the transition between phase one and two of the development; that the design of the development was sensitive to the landscape; and, there was a generous amount of public space. The scheme provided supported housing for older people; freed up houses in the housing market and reduced reliance on inpatient health care.

(Councillor Lubbock left the meeting at this point.)

The area development manager (inner) and the senior planner addressed the issues raised by Councillor Lubbock. The agent had indicated that the applicant would be amenable to the provision of seats at the bus stop and this could be added to the S106 agreement. A construction management plan was a condition of the proposed planning consent and there was no need to add another condition to ensure that construction vehicles were not parked on the public highway. The senior planner referred to the report and site plans, and explained that there was allocated parking spaces for each bungalow and flat on the site, additional parking on the driveways to some of the bungalows and eight visitor parking spaces. She also referred members to the comments from highways and said that the traffic movements on this site

would be low and potential conflict would be unlikely to occur because of the low trip generation. The management of the open space was around 17.5 hectares of land was managed by the landowner to a high level of stewardship in agreement. The long term management of the land has been secured by the legal agreement in perpetuity and the arrangement would fall on the applicants to ensure arrangements for Strawberry Fields and the public open space coming forward in phase two. The area development manager (inner) referred to the actual wording of policy DM2 and pointed out that whilst (a) and (b) was relevant, the preamble to the policy suggested that some impact might be acceptable. A copy of the masterplan was displayed to members to demonstrate that two to three storey buildings had been agreed as acceptable in phase two. In answer to a member's question, the area development manager (inner) said that the masterplan had been in the public domain when the planning application for phase one had been submitted.

The senior planner and the area development manager (inner) referred to the report and answered members' questions. This included clarification of the planning history of the site and the current application for phase two development. Officers had negotiated with the applicant to improve the transition between phases one and the lower density development of phase two. The apartment block of 14 affordable housing units provided this interface with Daisy House Court. A further reduction in the height of the proposed apartment block would reduce the number of affordable housing units and might not be feasible for the registered social landlord to manage. The committee asked questions about the impact of the apartment block on the amenity of the residents of Daisy Hill Court. The details of the assessment for affordable housing was set out in the report. In reply to a member's question, the senior planner confirmed that viability assessments were published on the council's website with the other documentation for the planning application. The block of affordable housing units was "tenure blind" as it was designed to the same high standard as the rest of the development. Members also sought clarification on the pedestrian and cycle access and the management of the open space. The issue of tree management from the first phase was subject to the previous planning consent, was not part of this planning application and could be addressed through enforcement. In respect of the landscaping and the proposal for climbing plants on the gable wall of the proposed apartment block, officers said that there were species of climbing plants that would grow to the full height of the gable as evidenced by climbing plants on other buildings in the city. Members were shown on the plans the locations of electric charging points for vehicles. Most of the bungalows had garages where there would be a charging point, but there were electric charging pedestals in the parking bays on the highway and two outside the pavilion. The open space would be protected from further development by current planning policies and this planning consent. A condition of the planning consent was that the accommodation was for people aged 55 and over, and flats would be sold on that basis. A member asked for assurance that the building regulations would ensure that the buildings were properly equipped to ensure the safety of infirm people in the event of a fire when the lifts could not be used. It was also noted that there would be no shop on the site, but that it was within easy access of the Eaton shopping district centre.

During this discussion a member referred to the pavilion plans and pointed out that there were no toilets for users of the pavilion. The officers said that they would raise this with the applicant. The agent subsequently confirmed that toilet facilities could be installed in the pavilion.

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

Discussion ensued in which members commented on the planning application.

A member said that he was concerned about the existing residents and that they had been misled about the second phase of the development. He suggested that there was scope to redesign the apartment block by amending its orientation, redesigning the gable and varying the height from 3 to 2 storeys and changing the pitch of the roof. Another member said that whilst it was a good scheme, the proposed block of 14 affordable housing units was at the detriment of the existing residents and that she could not support it. Members also commented that the developers had not taken the opportunity to increase the use of percentage of renewable energy on the site and install solar panels on the bungalows.

Members commented on the need for accommodation for people aged 55 and over and that the scheme was in a good location of the city, adjacent to the Yare Valley and in easy access of Eaton Village Centre and Eaton Park. There was a shortage of bungalows for older people who were looking to downscale. The scheme would free up housing for younger people on the housing market. It provided 14 units of affordable housing.

Councillor Stutely queried the viability assessment and said that if the committee was minded to approve the application then the affordable housing apartment block should be provided in the first stage of the construction. Officers advised that this would be unlikely to be viable. The sale of units early on in the construction provided the funding for the infrastructure on the site, including the affordable housing. Members agreed (by consensus) that the committee's desire for the affordable housing to be provided early on in the construction would be noted and conveyed to the applicant.

The chair then moved the committee, seconded by the vice chair, to the vote on the recommendations contained in the report and formalising the agent's confirmation that toilets would be provided in the pavilion, the prohibition of construction traffic parking on the highway and enhancements to bus stop(s) on Bluebell Road, which could include the provision of seating and shelters, as part of the S106 agreement.

Councillors Neale and Bogelein said that they could not vote in favour of this application because of the location of the proposed block of 14 affordable units and its relationship and impact on the amenity of the residents of Daisy Hill Court. The applicant should be invited to submit a revised application which addressed these concerns.

RESOLVED, with 6 members voting in favour (Councillors Driver, Maxwell, Sands, Peek, Ryan and Sarmezey) and 3 members voting against (Councillors Neale, Stutely and Bogelein) to approve application no. 19/00911/F - Bartram Mowers Ltd Bluebell Road Norwich NR4 7LG and grant planning permission subject to the completion of a satisfactory legal agreement to include obligations referred to in paragraph 166 and improved bus stop facilities on Bluebell Road, and subject to the following conditions:

1. Standard time limit;

2. In accordance with plans (subject to the revised plans for the pavilion to include provision for toilet facilities);
3. Restriction – over 55s;
4. Construction Management Plan – (including arrangements for construction parking and prohibit construction traffic parking on the highway)(Pre-commencement)
5. Protection - Tree protection/method statement/monitoring;
6. Protection - Nesting birds;
7. Contamination investigation/remediation(pre-commencement);
8. Stop work – unknown contamination;
9. Imported material – certification;
10. SUDs scheme (pre-commencement);
11. Stop work - unidentified archaeology;
12. Highway: Bluebell Road access - detailed scheme for the first 10m vehicular/pedestrian/cyclist access;
13. Materials - full details (including privacy screens);
14. External lighting - full details;
15. Fabric first/PVs – full details;
16. Fire hydrants – full details;
17. Implementation - approved landscape scheme;
18. Implementation – approved ecological mitigation/enhancements;
19. Implementation - approved phase 2 river walk enhancements;
20. Implementation - approved parking and servicing arrangements;
21. Implementation - approved EVCPs;
22. Provision – small mammal access;
23. Comply - water efficiency requirement 110l/person/day;
24. Comply - 10% accessible/adaptable homes;
25. Restriction - PD removal – front boundary treatments.

Informative:

1. Advise the applicant that affordable housing to be provided at the earliest opportunity in the construction process.

(The committee adjourned for a short break. The committee reconvened with the following members present: Councillors Driver, Maxwell, Bogelein, Lubbock (readmitted to the meeting at this point), Neale, Peek, Ryan, Sands, Sarmezey and Stutely.)

4. Application no 20/00741/VC - Mary Chapman Court, Norwich

The area development manager (inner) presented the report with the aid of plans and slides. He referred to the supplementary report of updates to reports which contained a summary of Norfolk County Council's highways' objection to the proposal and the officer response. The county council's objection was due to resource implications, rather than health and safety, but the Norwich University of the Arts would be responsible for the maintenance of the planters and trees.

In reply to a member's question, the senior planner said that the species of trees would be a London plane tree and the other Beech trees suitable for growing in a

planter. As part of the management condition the university would be required to replace the trees if necessary.

Members of the committee considered that the proposal was a good solution but expressed concern about the county council's comments and hoped that it was not indicative of the council's general approach to street trees.

A member noted the species of trees to be planted but said that he considered citrus or fruit trees would have been a good choice outside a university and should be considered in future. Another member also referred to the use of "living" planters for consideration in future applications of this type.

The chair moved and the vice chair seconded the recommendations contained in the report.

RESOLVED, unanimously, to approve application no. 20/00741/VC - Mary Chapman Court Norwich and grant planning permission subject to the following conditions:

1. Development to commence within 3 years of original consent;
2. In accordance with plans;
3. Materials as per those agreed;
4. Landscaping scheme to be installed and maintained as agreed;
5. Heritage interpretation scheme to be agreed;
6. Details of bicycle storage to be agreed;
7. Refuse collections to take place with use of a reversing assistant;
8. Details of dropped kerb;
9. Trees to be provided within the highway as agreed;
10. Travel plan to be shared;
11. To be carried out in accordance with the written scheme of investigation;
12. Site management plan to be agreed, including arrangements for student drop off & pick up, provision of CCTV;
13. Construction method statement to be adhered to;
14. Contamination preliminary risk assessment;
15. Stop works if unknown contamination found;
16. No further drainage to the ground without express consent;
17. No further piling without express consent;
18. Flood warning and evacuation plan to be adhered to;
19. SUDS implementation;
20. Ecological mitigation measures to be implemented in accordance with report;
21. Specification and locations of 8 bat boxes as per agreed details;
22. All boundary treatments to include small mammal access;
23. Lighting scheme to be submitted (to protect wildlife and light the open space);
24. In accordance with Arboricultural Impact Assessment;
25. Renewable energy to be provided in accordance with Design & Access Statement.

Informatives:

1. Construction working hours & considerate construction.
2. Asbestos to be dealt with as per current government guidelines.
3. A planning brief for the archaeological Written Scheme of Investigation will be provided by Norfolk County Council, Historic Environment Service.

4. The loading bay will require a 'loading only' restriction to be established with associated signage. This will entail a Traffic Regulation Order fee of £1995 plus any signage/post costs.
5. The costs involved in the relocation of any street furniture (such as road signs or street lights) need to be met by the applicant.
6. Street naming and numbering; the council has a statutory responsibility with regard to postal addressing, if a building name is required to be used formally please contact us for advice.
7. As the footway will need to be reconstructed to ensure it is strengthened for vehicular use and repaved for an embedded loading bay this will require a S278 agreement.
8. The applicant will need to cover the maintenance of the trees located on the highway and apply for a licence. Alternatively, a 30 year maintenance fee is applicable for each street tree (payable via the S278 agreement). Please contact developerservices@norfolk.gov.uk for more information.
9. Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991 or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

5. Application no 20/00267/VC - Land at Dowding Road, Taylors Lane and Douglas Close, Norwich

The area development manager (outer) presented the report with the aid of plans and slides.

The area development manager (outer) referred to the report and together with the planner, answered members' questions. The replacement of the cherry trees that had died would be secured through a tree preservation order. In reply to a member's question regarding compensation for the loss of biodiversity, the area development manager (outer) confirmed that potentially the council could try to secure this based on the original scheme but that the proposal was essentially a pragmatic approach to resolve the issue of the wildflower areas not being managed properly and the resource implications for the local planning authority in enforcing the landscaping conditions.

The chair moved and the vice chair seconded the recommendations contained in the report.

During discussion members expressed concern that the proposal was to remove the wildflower areas and reduce biodiversity on the site. Members noted that the developers did not own the open spaces which were in a different ownership, and that there could be miscommunication with the contractors about the maintenance of the wildflower strips. The chair suggested that the wildflower areas needed to be replanted as they appeared to have been in several years. The areas of wildflowers should be larger not just strips. He also suggested that a community group might be

interested in taking over the maintenance and that it worked in other wards. Members suggested either a commuted sum or the land being handed over to the community to maintain it. Another member suggested that the areas of wildflower planting should be larger.

The committee considered that there should be enforcement. The area development manager (outer) said that it did take a lot of resources to enforce. An enforcement notice was served a couple of years ago and the wildflower areas replanted. Despite some compliance there were still residents reporting concerns about the maintenance. The handing over of the area from the owner to a community group was something that could be explored. If the application was turned down and officers would need guidance on the enforcement action. The council did not have the resources to assist the landowner with the management of the landscaping. He also considered from discussions with residents and the owners that they were reluctant to take on any additional costs.

The chair and the vice chair withdrew their recommendation and moved and seconded that the application be refused on the grounds of loss of ecological enhancements to the site and loss of biodiversity.

RESOLVED, unanimously, to refuse application no 20/00267/VC - Land at Dowding Road, Taylors Lane and Douglas Close, Norwich on the grounds that the variation would result in the loss of ecological enhancements to the site and the loss of biodiversity, and to ask the area development managers to provide reasons for refusal in policy terms.

(Reasons for refusal in policy terms as subsequently provided by the area development manager:

“The proposed revised landscape management plan would result in the loss of ecological enhancement of the site, contrary to Policy JCS1 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk (adopted March 2011, amendments adopted January 2014), Policy DM6 of the Development Management Policies Local Plan 2014 and paragraph 170 of the National Planning Policy Framework (2019).”

(Members then discussed the options for enforcement with the area development manager (outer) and planner in order to give a steer on how to progress. An enforcement notice would require the landowner to comply with the approved landscape management plan and reinstate the wildflower areas that had been removed. The officers could explore with the landowner another option that did not replace all the areas that had been removed but created a wildlife area which would be easier to maintain, for instance at the corner of Taylors Lane, or the landowner could pay a commuted sum. Depending on the outcome of the discussions with the landowner there could be a further report to committee for members to consider.)

CHAIR

12 November 2020

Item no	Application no	Location	Case officer	Proposal	Reason for consideration at committee	Recommendation
4 (a)	20/00808/F	Norwich School Refectory, The Close	Lara Emerson	Demolition of the existing school dining hall, ad hoc structures, sheds and trees. Redevelopment of site for new dining and teaching facilities, with the provision of a new pedestrian and service access, landscaping, the relocation of an electricity substation and the provision of associated infrastructure.	Objections	Approve subject to the satisfactory completion of a legal agreement
	20/00809/L	Cathedral Precinct Wall, Palace Street	Lara Emerson	Partial demolition and rebuilding works to the Listed Precinct Wall to reopen a historic filled-in opening, together with the provision of new surrounds to the opening and an entrance door and any associated repair works.	Objections	Approve
4 (b)	20/00896/F	6 Church Lane	Maria Hammond	Replacement existing building to provide a ground floor commercial unit (flexible Class A1/A2/A3/B1 or Class E), and four residential dwellings with associated works	Objections	Approve
4 (c)	20/00407/F	1 Christchurch Court	Stephen Polley	First floor front, side and single storey rear extensions	Call in	Approve

STANDING DUTIES

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

Equality Act 2010

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

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

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

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

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

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

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

Crime and Disorder Act, 1998 (S17)

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

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

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

Natural Environment & Rural Communities Act 2006 (S40)

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

Planning Act 2008 (S183)

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

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

Article 8 – Right to Respect for Private and Family Life

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

Report to Planning applications committee

Item

12 November 2020

Report of Area development manager

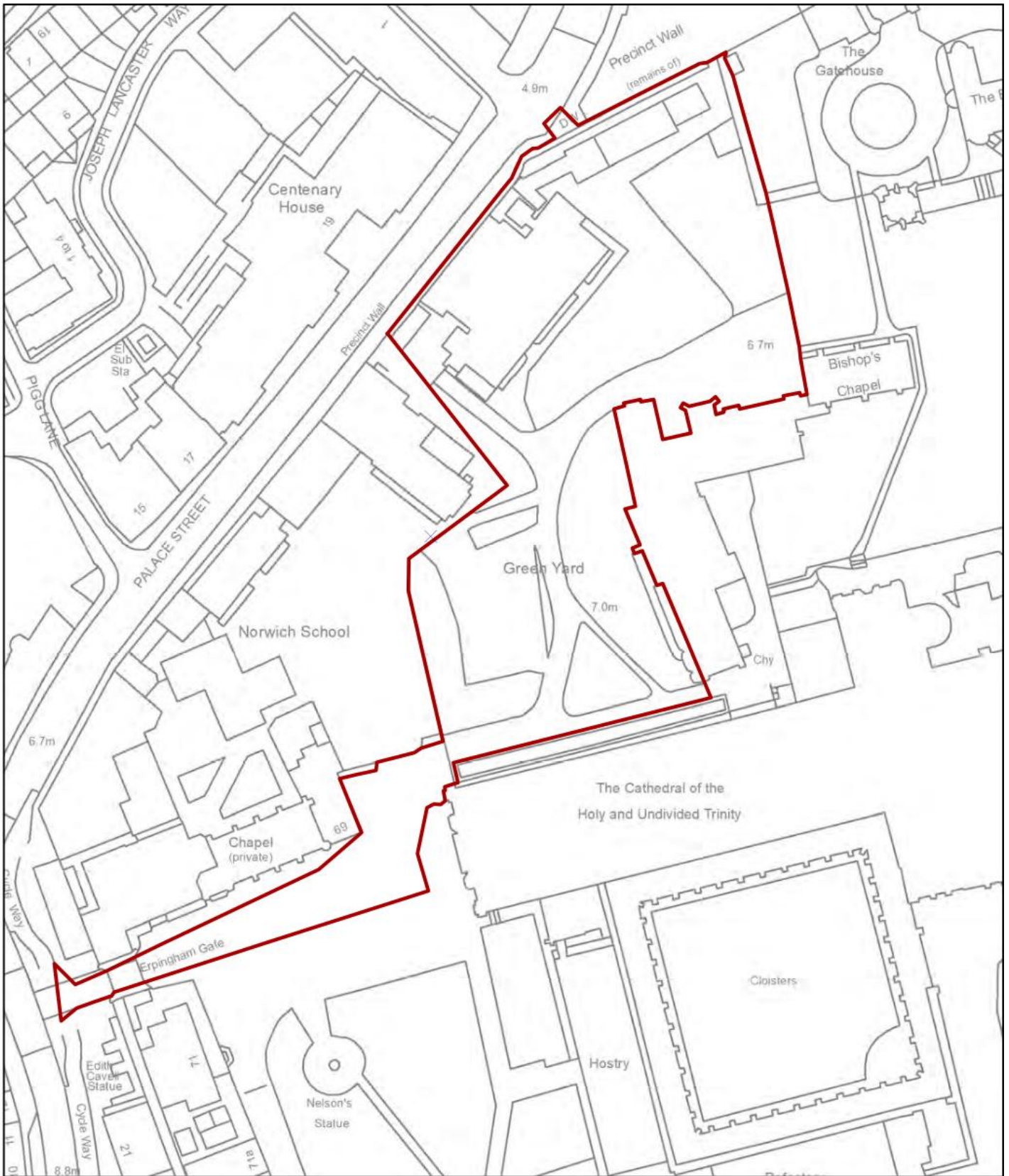
Subject Application nos 20/00808/F – Norwich School Refectory, The Close, Norwich, NR1 4DD, and 20/00809/L – Precinct Wall, Palace Street, Norwich

4(a)

Reason for referral Objections

Ward	Thorpe Hamlet
Case officer	Lara Emerson - laraemerson@norwich.gov.uk

Applicant	Norwich School	
Development proposal – 20/00808/F		
Demolition of the existing school dining hall, adhoc structures, sheds and trees. Redevelopment of site for new dining and teaching facilities, with the provision of a new pedestrian and service access, landscaping, the relocation of an electricity substation and the provision of associated infrastructure.		
Development proposal – 20/00809/L		
Partial demolition and rebuilding works to reopen an historic filled-in opening within the Cathedral Precinct Wall, together with the provision of new surrounds to the opening, an entrance door and any associated repair works.		
Representations		
Object	Comment	Support
16	0	36
Main issues	Key considerations	
1. Principle of development	The need for development; site selection; loss of open space.	
2. Trees & biodiversity	Loss of trees; loss of habitat; replacement tree planting strategy; proposed biodiversity mitigation and enhancement.	
3. Heritage	Impact on listed buildings & scheduled ancient monuments; impact on conservation area; archaeology.	
4. Design	Layout, scale, form, detailing & materials of proposed development.	
Expiry date	20 November 2020	
Recommendation for 20/00808/F	Approve subject to the satisfactory completion of a legal agreement	
Recommendation for 20/00809/L	Approve	



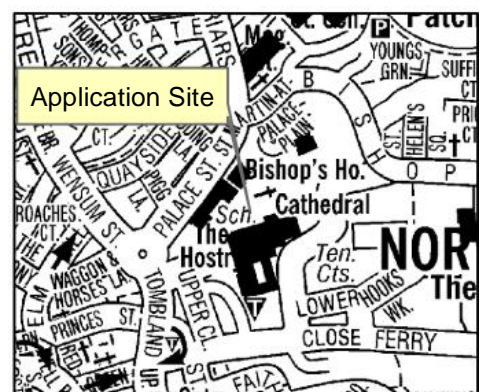
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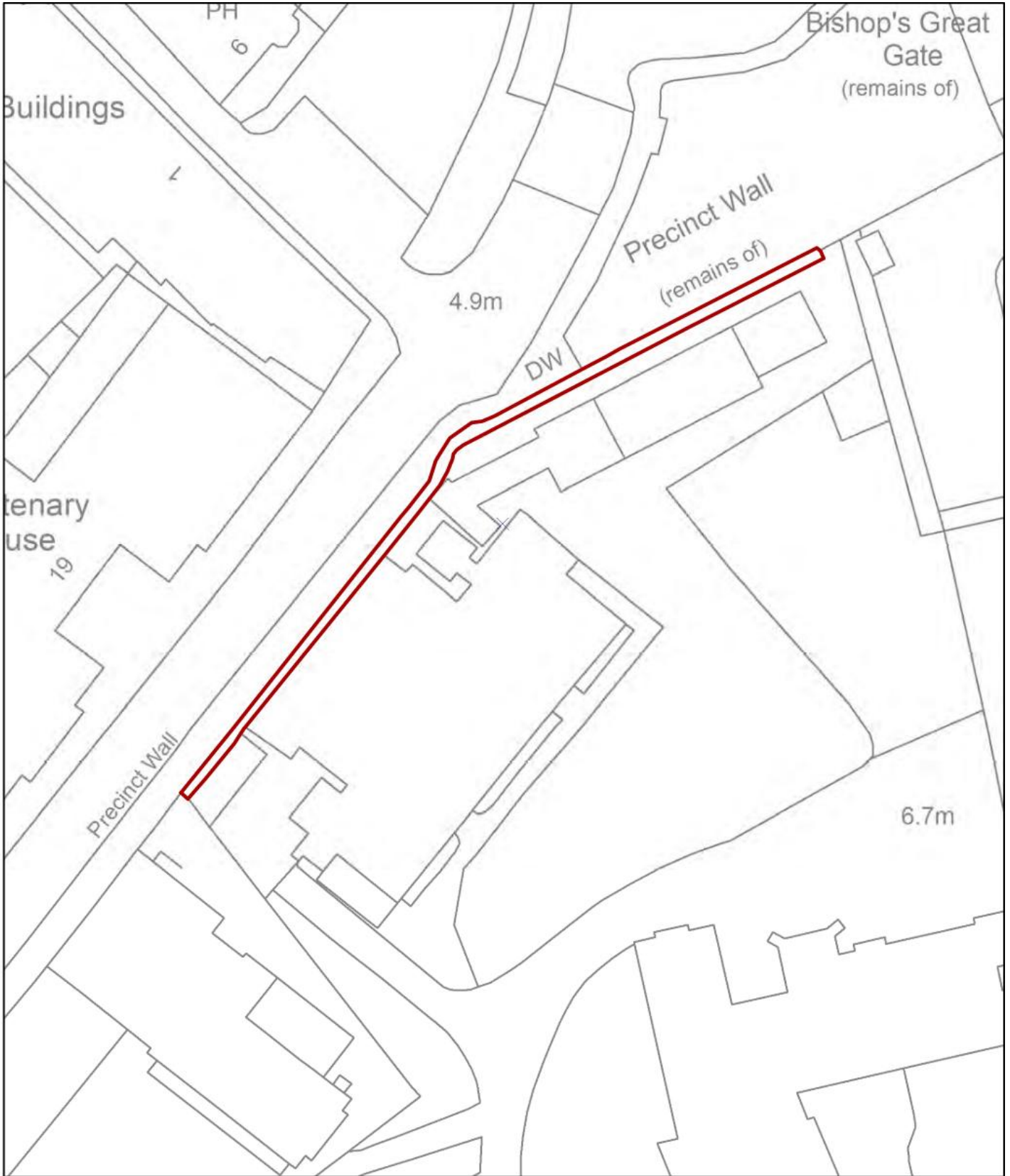
Planning Application No 20/00808/F
 Site Address Norwich School Refectory, The Close

Scale 1:1,000



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Planning Application No 20/00809/L
 Site Address Cathedral Precinct Wall, Palace Street

Scale 1:500



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The site and surroundings

1. The site is part of the Norwich School site located within the Norwich Cathedral Precinct in Norwich City Centre.
2. The surrounding area is characterised primarily by historic buildings and landmarks of varying ages, materials, heights and styles, although there are also a number of more modern buildings in the vicinity. Prevailing materials are red brick, flint and stone.
3. The Cathedral precinct wall runs along the north of the site, separating it from Palace Street, Whitefriars and St Martin-At-Palace Plain. The land levels are such that the land is considerably higher on the application site than on Palace Street. As such, the wall appears taller when viewed from the street than it does when viewed from within the site itself. On the north side of the wall there is a group of mature trees situated within an area of lawn adjacent to the highway. Palace Street is made up of a mixture of historic buildings and more recent buildings (Centenary House on the north side, and some school buildings on the south side).
4. To the east of the site is the private residence known as the Bishop's House, along with substantial gardens and the gardener's residence which are separated from the site by a mature hedgerow.
5. To the south there is the Bishop's Palace which is used as teaching and library spaces by the Norwich School, and Norwich Cathedral sits just to the south of that.
6. To the west are more school buildings which stand at 2 and 3 storeys high and have 1 or 2 floors extending above the precinct wall. These buildings are mainly modern in design and surround a hard-surfaced playground to the south.
7. The area proposed for development is currently occupied by the school refectory which is of poor architectural quality and dates from the 1960s, an area of lawn, a number of mature trees, several sheds and informal car parking. The trees on the site range in height from 6m-23m and are clearly visible from Palace Street, Whitefriars and St Martin-At-Palace Plain despite being located beyond the precinct wall. The refectory is single storey and cannot be seen over the precinct wall. There is also an electrical substation located in the north-western corner of the site.
8. The site is accessed via The Close with the school gates being located just to the north of the Cathedral. The approach from the gates to the development site is via a tarmacked track lined by a number of trees and informal seating and bag storage areas. This area is included within the application site.

Constraints

9. There are 12 mature trees located in the development area. 11 of these trees are protected by virtue of being situated within a conservation area, and the largest one is a London Plane tree directly protected via a Tree Preservation Order (TPO 538). Along the site's eastern boundary there is a hedgerow, and elsewhere on the site there are 9 trees which are proposed to be retained. The species and categories of 12 trees on the development site are listed below:

- 1 x London Plane, category B, covered by TPO reference 538
 - 2 x Lime, category C
 - 5 x Sycamore, category C
 - 1 x Cherry, category C
 - 1 x Holly, category C
 - 1 x Lawson Cypress, category C (to be removed for arboricultural reasons)
 - 1 x Sycamore, category U (to be removed for arboricultural reasons)
10. The site sits within the Cathedral Close Character Area within the City Centre Conservation Area. Within the Character Area Appraisal, the precinct wall is identified as an 'Important wall' and the trees on both sides of the wall are identified as 'Important trees'.
11. The site is surrounded by highly graded heritage assets including:
- Grade I listed Cathedral Precinct Wall (parts of which are also a Scheduled Ancient Monument)
 - Grade II* listed Bishop Salmons Porch (also a Scheduled Ancient Monument)
 - Grade I listed Bishop's Palace
 - Grade II* listed Bishop's Chapel
 - Numerous other listed buildings further from the application site on Palace Street and St Martin-At-Palace Plain
12. The site is also designated as follows:
- Area of Main Archaeological Interest
 - Open Space
13. The site has the potential to be contaminated due to land nearby previously being used for various historic industrial uses such as a garage and a gas works.

Relevant planning history

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

Ref	Proposal	Decision	Date
10/01092/F	Erection of new substation and switch gear building.	Approved	01/10/2010
10/01111/F	Erection of extension to school refectory.	Approved	12/10/2010
10/01975/D	Details of condition 3 - archaeological mitigatory work and condition 4 - (a) bricks, b) roof tiles, (c) external joinery, d) louvre doors of previous planning permission (App. No.10/01092/F) 'Erection of new substation and switch gear building'.	Withdrawn	27/01/2011
13/01816/D	Details of condition 3 - archaeological mitigatory work of previous permission 10/01092/F 'Erection of new substation and switch gear building.'	Approved	21/01/2014
18/01511/TCA	London Plane (T1): Remove.	Tree Preservation Order Served	15/11/2018
19/00381/L	Partial demolition and rebuilding works to reopen an historic filled-in opening within the Cathedral Precinct Wall, together with the provision of new surrounds to the opening, an entrance door and any associated repair works.	Refused	17/07/2019
19/00403/F	Demolition of the existing school dining hall, adhoc structures, sheds and trees. Redevelopment of site for new dining and teaching facilities, with the provision of a new pedestrian and service access, landscaping, the relocation of an electricity substation and the provision of associated infrastructure.	Refused	17/07/2019

14. Of particular relevance are the two applications from last year: 19/00403/F and 19/00381/L. These applications were for broadly the same development as the current applications and were refused for the reasons below. The current applications are supported by a more extensive on- and off- site tree planting strategy which is set out in paragraphs 153-159 of this report.

15. Application no 19/00403/F reason for refusal:

The application involves the loss of twelve valuable trees from the city centre. The loss of these trees would lead to a significant impact on biodiversity and visual amenity which cannot be suitably compensated for via an off-site planting scheme such as that which is proposed. The proposals would also cause less

than substantial harm to the conservation area. The council does not consider that that this less than substantial harm is sufficiently outweighed by the public benefits of the scheme proposed. The application is therefore contrary to policies DM1, DM3, DM6, DM7 and DM9 of the Norwich Development Management Policies 2014 and paragraphs 170, 175, 196 of the National Planning Policy Framework 2019.

16. Application no 19/00381/L reason for refusal:

The application would cause less than substantial harm to the heritage asset. In the absence of an acceptable redevelopment scheme that necessitates the proposed works there is no clear and convincing justification for this less than substantial harm. The application is therefore contrary to local policy DM9 of the Norwich Development Management Policies 2014 and paragraph 194 of the National Planning Policy Framework 2019.

17. As such, it is necessary to have these reasons for refusal in mind when assessing the current applications.

The proposal (20/00809/L)

18. This application is identical to 19/00381/L which was refused last year because the wider redevelopment proposals within the full application were refused. The full reason for refusal can be found in paragraph 16 above.
19. This is an application for listed building consent relating to the demolition of a part of the Cathedral precinct wall and insertion of a door and door surround. The precinct wall is Grade I listed and parts of it are registered as a Scheduled Ancient Monument. The part of the wall for which the doorway is proposed shows signs of a previous doorway which has been infilled with a variety of materials. The application proposes an opening of 2m wide by 2.6m high, with an oak door and stone surround. The purpose of the new opening is to provide direct access from Palace Street to the application site to facilitate kitchen deliveries, refuse collections and student coach drop-off and pick-up.

The proposal (20/00808/F)

20. The development itself is identical to application 19/00403/F which was refused last year with the reason for refusal relating to impacts on biodiversity, visual amenity and the conservation area (full reason for refusal in paragraph 15 above). The level of on-site and local tree planting has been significantly increased – more details below and in the Trees section of this report.
21. Following the refusal of last year's application, the applicant engaged in post-refusal discussions with officers, who required them to undertake a series of investigations:
- (a) Explore again the opportunity to develop on other sites.
 - (b) Incorporate some or all of the trees within the development.
 - (c) Move the most significant tree to a nearby location.
 - (d) Provide more planting on-site or in other nearby locations.

22. Having undertaken these investigations, the applicant presented the resultant scheme to members at an informal planning applications committee briefing in February 2020. That scheme is broadly similar to that which is included within this application. Option (a), above, is discussed under Main Issue 1: Principle of Development, and options b) to d) are discussed under Main Issue 2: Trees & Biodiversity.
23. This is an application for full planning permission relating to the construction of a new 800m² dining hall and kitchen, 6 classrooms and ancillary spaces (toilets, staff rooms, plant rooms). The development involves the demolition of the existing refectory building, the felling of 12 trees (including one which is protected via a TPO) and the insertion of a doorway through the Cathedral Precinct Wall. The trees identified for felling are listed below:
- 1 x London Plane, category B, covered by TPO reference 538
 - 2 x Lime, category C
 - 5 x Sycamore, category C
 - 1 x Cherry, category C
 - 1 x Holly, category C
 - 1 x Lawson Cypress, category C (to be removed for arboricultural reasons)
 - 1 x Sycamore, category U (to be removed for arboricultural reasons)
24. A phased approach to development is proposed, with the off-site replacement trees being planted first, the on-site trees then being felled and the new refectory building being built first on the space created by the felling of the trees and adjacent open space opposite the Bishop's Palace. Upon completion of the new refectory building, the old one will be demolished and the teaching block constructed on the space created adjacent to the precinct wall.
25. The proposed buildings are primarily for use by the school but the refectory doubles as a conference and concert hall and would be made available to external users outside of school time with community users given priority at charitable or discounted rates.
26. The single storey kitchen would be located adjacent to the precinct wall and would stand at approximately 4m in height. This part of the structure would have a green roof and would benefit from direct access for deliveries and refuse collection from Palace Street via the new doorway. Due to the variations in land level either side of the wall, a portion of the site adjacent to the wall would be dug out to a depth of approximately 1.6m to provide level access to a refuse storage area. The dining hall, which would step up in height to approximately 7m to provide additional internal ceiling height, would have a very shallow pitched roof and tall, heavily recessed windows facing towards the Bishop's Palace. The kitchen and dining hall combined would have a footprint of approximately 30m x 30m. The kitchen roof would sit at the height of the precinct wall, while the dining hall would extend above by approximately 3m. However, the dining hall is shown

to be separated from the wall by a distance of 11m so it would not be visible from street level.

27. The teaching block would provide 6 classrooms, a staff room and ancillary spaces arranged across two floors. This building would stand at approximately 8.4m in height and would run along the precinct wall, with the wall being visible within the building's ground floor corridor. The building would protrude above the wall by 4.5m for a length of 31m. This block would again have a very low pitched roof. The northern and eastern Palace Street elevations would be punctuated by windows, brick recesses and perforated metal panels. The teaching block would have a footprint of approximately 33m x 12m.
28. Materials across the development would be pre-cast constituted stone walls, buff facing brickwork, bronze coloured metalwork and lead-effect roofs.
29. The proposal also includes the re-landscaping of the space leading from the school gates at the south-west of the site adjacent to the cathedral to the proposed development, including the creation of a new outside lunch and play space, a formal lawn in the space left between the proposed development and the Bishop's Palace and the planting of 21 new trees including a London Plane in the southern part of the site and an English Oak within the formal lawn.
30. As mitigation for the loss of the 12 trees on the development site, the applicant has put together the following tree planting scheme. It should be noted that the previously refused scheme included 13 trees on site and 688 at Redmayne & Horsford, so the level of local replanting has been significantly improved upon.
 - 21 trees on site, including a London Plane and an English Oak.
 - 62 trees within the site's proximity, including 11 on the Lower School Playing Fields (Lime, Checker, Oak); 30 on the Great Hospital Meadow (Alder, Birch, Willow, Oak); 9 on the Lower Close (Tulip, Cherry, Ash); 11 on the Upper Close (Dogwood, Beech, Walnut, Ash); and 1 at Holland Court (Hornbeam).
 - 688 trees at two sites within the School's ownership: one at Redmayne Playing Fields; and one at Horsford (adjacent to the Northern Distributor Road). A native mix of species is proposed, along with some fruiting species (Birch, Maple, Hornbeam, Hawthorn, Beech, Whitebeam, Rowan, Lime, Oak, Bird Cherry, Dogwood Shrub, Hazel Shrub, Filbert Shrub, Crab Apple, Medlar and Plum).

Representations

31. Application 20/00809/L was advertised on site and in the press on first receipt of the application. A number of the representations set out below referenced both applications numbers. Application 20/00808/F was advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. The consultation has attracted 14 letters of objection. The content of these objections is summarised below. The application has also attracted 36 letters of support, which highlight the school's pressing need for these facilities and praise the school's efforts in terms of tree planting, design and its links with the community and charitable groups.

Issues raised	Response
The development would cause unnecessary damage to archaeology	See Main Issue 3: Heritage
The insertion of a doorway into the precinct wall is harmful to heritage	See Main Issue 3: Heritage
The trees offer visual amenity to passers by	See Main Issue 2: Trees & Biodiversity
The loss of the trees will negatively impact upon biodiversity	See Main Issue 2: Trees & Biodiversity
The loss of the trees would reduce the city's biomass and ability to take in CO2 and will increase air pollution	See Main Issue 2: Trees & Biodiversity
The trees take in water during large downpours and the resultant floods could cause damage to listed buildings	A sustainable urban drainage system is proposed, and 771 trees are proposed to be planted.
The development should incorporate the trees	This option has been explored. See Main Issue 2: Trees & Biodiversity
The Norwich School should find another development site, they own plenty of land	This option has been explored. See Main Issue 1: Principle of Development

32. In addition to the 14 objections summarised above, the applications have attracted objections from Cllr Ben Price and Cllr Lesley Grahame, who reiterate many of the points above with specific reference to the loss of the trees and the associated impact on flood risk, wildlife, air quality, character of the area and listed buildings.

Consultation responses

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

Design and Conservation (internal consultee)

34. *No objection.*
35. The proposal has been subject to extensive pre-application consultation with the council's Design & Conservation Officers (amongst other internal and external consultees) for a number of years prior to the submission of last year's applications (19/00381/L & 19/00403/F). The design evolved considerably during those pre-application negotiations, and the final design submitted to the council within the pre-application discussions was essentially the same as that being considered through these current formal applications. The final comments from the Design & Conservation Officer concluded the following:

36. "The proposed application site is a particularly sensitive location, upon an area of open ground which has remained undeveloped for hundreds of years. The sense of openness and greenery contributes to the character and appearance of the conservation area and the setting of adjacent heritage assets. Any development upon the area proposed will result in some 'harm' to the character and appearance of the conservation area and setting of listed buildings as it will result in the loss of open space and greenery.
37. The applicants have heeded past pre-application advice in that they have lowered the overall height of development, broken the form down into two separate architectural elements and have shifted the bulk of the development away from the Bishop's Palace, closer to the precinct walls to align with the existing school development. This has in my view, reduced the potential harm to heritage assets. It is acknowledged that this scale and form is dictated by practicalities/function, but in order for this development to be considered acceptable and the 'harm' mitigated, this form needs to be tempered through careful, contextual design."

Environmental Protection (internal consultee)

38. *The comments below were received in relation to the previous application 19/00403/F and the Environmental Protection Team has indicated that they should be applied again to this application.*
39. I note the information submitted by the applicant and request the following conditions regarding contaminated land:
- No development shall take place within the site in pursuance of this permission until a scheme to deal with the risks associated with contamination of the site has been submitted to and approved by the council.
 - If, during development, contamination not previously identified is found to be present, then no further development shall be carried out in pursuance of this permission.
 - All imported topsoil and subsoil for use on the site shall be certified.
40. I also request that an informative relating to the disposal of asbestos be applied to any approval.

Transport (internal consultee)

41. *No objection.*
42. The proposed development proposals are suitable for the site and location within a highly accessible city centre location by a range of transport modes. The aspiration to remove operational vehicles from the Cathedral Close and opening up service access via the Precinct Wall to St Martin at Palace Plain is acceptable in principle. This will require the change of the bus parking bay to a Loading bay at any time to facilitate use by deliveries and refuse vehicles and allow for school buses to load passengers. It would be sensible if there was a dropped kerb to facilitate loading activity. There will need to be minor landscaping works to modify the raised verge adjacent to the new gateway to facilitate access, this is

in proximity to a street tree and may affect its root protection zone. A street bin will also need repositioning.

43. During the demolition and construction phase there may need to be hoardings and traffic management to facilitate access for HGVs and a crane that would require agreement with our Streetworks team, a Construction Management Plan will be required.
44. Should your Authority be minded to approve the application I would be grateful for the inclusion of the following condition(s) and informative note(s) on any consent notice issued:
45. **SHC 24A variant**
46. Prior to the commencement of any works a Construction Traffic Management Plan and Access Route which shall incorporate adequate provision for addressing any abnormal wear and tear to the highway together with wheel cleaning facilities shall be submitted to and approved in writing by the Local Planning Authority together with proposals to control and manage construction traffic using the 'Construction Traffic Access Route' and to ensure no other local roads are used by construction traffic. Diversion of traffic and pedestrians and the use of hoardings may be required. Safety of pedestrians and cyclists adjacent to this working area are important site management considerations.
47. Reason: In the interests of maintaining highway efficiency and safety. This needs to be a pre-commencement condition as it deals with safeguards associated with the construction period of the development.
48. **SHC 24B**
49. For the duration of the construction period all traffic associated with the construction of the development will comply with the Construction Traffic Management Plan and use only the 'Construction Traffic Access Route' and no other local roads unless approved in writing with the Local Planning Authority.
50. Reason: In the interests of maintaining highway efficiency and safety.
51. **SHC 34**
52. No works shall commence on the site until a Traffic Regulation Order for the parking bay on St Martin at Palace Plain has been secured by the Local Highway Authority.
53. Reason: In the interests of highway safety. This needs to be a pre-commencement condition as the impact applies to traffic associated with both the construction phase and also daily running of the site.
54. **Inf. 2**
55. This development involves works within the public highway that can only be carried out by Norfolk County Council as Highway Authority unless otherwise agreed in writing.

56. It is an OFFENCE to carry out any works within the Public Highway, which includes a Public Right of Way, without the permission of the Highway Authority. Please note that it is the Applicants' responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council. Advice on this matter can be obtained from the County Council's Highway Development Management Group. Please contact developerservices@norfolk.gov.uk.
57. If required, street furniture will need to be repositioned at the Applicants own expense.
58. Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, which have to be carried out at the expense of the developer.

Landscape Architect (internal consultee)

59. Despite the conclusions of the Townscape Assessment, it is considered that effects on local townscape as a result of the loss of the tree group cannot be mitigated. It is noted that newly proposed planting in the 'knuckle' of the development will eventually be seen from the public realm, however, clearly will not provide the mature backdrop that currently exists from within and outside of the cathedral walls.
60. It is noted that there will be some improvement to the interior appearance of the site, however this will be at the expense of the mature trees, which currently make a positive and vital contribution to the [Conservation Area] character area both within the cathedral and the public realm.
61. Proposals for local compensatory replanting have improved from the previously refused scheme, including tree planting in the 'knuckle' of the development as well as elsewhere in the cathedral precinct and Hospital Meadow. It should however be noted that this planting cannot mitigate for the local townscape effects of the development, which is why it has been referred to as compensatory. Deliverability of this planting is also yet to be established.
62. When considering the application as a whole, with benefits and disbenefits to landscape in terms of visual amenity, townscape character and general landscape provision, it is evident that the applicant has gone to considerable effort to justify removal of the trees and offer alternative planting arrangements. Subject to deliverability, this scheme presents an improvement to the previously refused scheme offering tree planting locally within some areas which are currently publicly accessible, improving public benefit offer.
63. It is not uncommon for officers to request utilities information up front on high profile schemes and where we need to be assured of deliverability. This is particularly pertinent for the compensatory planting which offers some additional public benefit to the scheme when compared with the previously refused scheme.
64. Given the previous reason for refusal, and the subsequent fine balance of this proposal it is advised that the case officer seek additional information on the

deliverability of the compensatory planting scheme prior to making their recommendation. Otherwise, it is recommended that safeguards are put in place to ensure deliverability of planting ahead of any clearance works on site.

65. In landscape terms, the loss of important trees in such a location with unmitigable effects on immediate public realm cannot be supported. As a result of the development, the interior landscape of the site will be reconsidered to suit its new layout and intended purpose, and succession planting within the cathedral precinct will be facilitated. The case officer is advised that the submitted scheme is an improvement to the previously refused scheme and should they be minded to recommend [the application] for approval, it is advised that landscape condition LA1 be applied to the decision notice.
66. *NB: desktop utilities searches have now been submitted for all off-site tree planting areas, with no conflicts having been identified. According to the best available data, the off-site planting can therefore be considered deliverable. If any unexpected constraints are encountered upon planting, the s106 will allow a small amount of flexibility to allow exact locations to be amended, whilst maintaining the numbers/species/broad locations.*

Natural Areas Officer (internal consultee)

67. *No objection. Conditions recommended.*
68. *Initial comments:*
69. The Applicant's efforts to provide additional planting and to undertake the DEFRA Metric Tool calculations are appreciated. Although the Tool has not yet been fully introduced, its use to support the application is understandable. However, it is doubtful whether significant weight can be given to the results of this exercise. The various errors, assumptions and lack of appropriate categories for urban sites within the Tool have tended to result in an over-valuation of proposed habitats and an under-valuation of the existing habitat (mainly trees) on the site, leading to an overall Biodiversity Net Gain (BNG) score of 40% in which it is difficult to have a great degree of confidence. However, there may well be BNG in excess of the likely 10% requirement in the forthcoming Environment Bill.
70. The Tool provides an estimate of BNG in relation to habitat only. It does not consider ecosystem services and faunal benefits. There is therefore no quantitative assessment of these important factors available.
71. Good practice advice (noted in the EA) is as follows: Both quantitative and qualitative assessments should be used when designing, implementing, maintaining and monitoring biodiversity net gains to capture all aspects of biodiversity, and to avoid decisions being based purely on numbers". CIEEM, IEMA and CIRIA (2019) Biodiversity Net Gains – Good Practice Principles for Development Gain, A Practical Guide
72. It would therefore be helpful to have clarification and further information regarding ecosystem services and faunal benefits, together with the deliverability of off-site tree planting, the ecological value of the proposed green roof, locations for tree planting proposals for Cathedral Close, and off-site green infrastructure linkage.

73. *Additional comments upon receipt of additional information as requested:*
74. I am grateful for the clarifications contained in this report which are generally helpful.
75. The shortcomings of the DEFRA Biodiversity Net Gain metric are acknowledged and the previous claim of 40% net gain is not pursued. It is clarified that the possible 10% net gain relates to habitat only, with faunal and ecosystems services not included in the metric's assessment.
76. I would have no objection subject to further information to demonstrate the deliverability of on- and off-site tree planting, and amendment of the green roof specification to improve ecological functioning. I recommend the following conditions:
- In accordance with the mitigation and enhancement proposals included within the Ecological Assessment.
 - Lighting strategy based on the recommendations of the Lighting report
 - Construction management plan incorporating mitigation measures from the Ecological Appraisal
 - Further surveys: If more than 2 years elapse between the last bat survey work and any development works, a further survey of the trees with potential to support roosting bats should be undertaken prior to the commencement of works.
 - Independent Monitoring of Biodiversity Net Gain to ensure min. 10% is delivered.
77. *NB: desktop utilities searches have now been submitted for all off-site tree planting areas, with no conflicts having been identified. According to the best available data, the off-site planting can therefore be considered deliverable. If any unexpected constraints are encountered upon planting, the s106 will allow a small amount of flexibility to allow exact locations to be amended, whilst maintaining the numbers/species/broad locations.*

Tree Protection Officer (internal consultee)

78. *Objection.*
79. Whilst I fully appreciate the enormous efforts the Norwich School has made in terms of addressing the issues leading to the refusal of the previous application, there remains a fundamental principle lying at the heart of this proposal; it raises a very simple question, 'Is it acceptable that a mature, healthy tree, with a remaining life expectancy of over 40 years, a valuable tree with the highest level of legal protection, can be chopped down (in a Norwich City Centre Conservation area), to make way for a dining hall?'
80. Please consider the following as the basis for my objection:
81. There are six magnificent trees on Gaol Hill and Gentlemen's Walk. Significant trees on many levels, important enough to feature in the Norwich 2040 City

Vision document (actually the only photograph of our city centre included in the publication), produced by Norwich City Council. These six trees:

- Are London Plane trees, the same as T7, the most prominent tree the Norwich School wishes to cut down, as part of this application.
 - Have a similar biomass to the 12 trees the Norwich School wishes to cut down as part of this application
 - Are located in the same city centre conservation area as the 12 trees the Norwich School wishes to cut down as part of this application.
82. The similarities between these six trees, and the trees threatened by this application, are relevant, the comparisons valid. My question then, would be, 'Would it be acceptable for these six trees to be cut down, only to be replaced with smaller specimens, some being planted 5 miles away?'
83. The first quote in the Norwich 2040 City Vision document is, 'A key thing for the future for Norwich and the world is about the environment and becoming more sustainable'. I submit that the approach of removing healthy, mature trees from the city centre, and replacing them with smaller specimens, is not a sustainable one, is at odds with the 2040 City Vision, and, if adopted, could result in a city centre devoid of mature specimens.
84. Large, mature trees offer unique ecological roles not offered by smaller specimens. For a functional urban forest there needs to be trees of all shapes and sizes. Norwich's tree population needs enough large and mature trees to deliver the widest possible range of environmental benefits. This is especially important within the city centre.
85. The Norwich City Centre Public Spaces Plan, sets out the council's approach to managing space within the city centre. In it, it says that we should be supporting the existing urban tree stock, not just planting new ones.
86. The arb (arboricultural) report submitted by The Landscape Partnership in support of this application gives the height of the mature plane as 23 metres. The arb report submitted by Ace of Spades, in support of the previous application (19/00403/F) gives the height of the same tree as 35 metres. Perhaps the tree has shrunk by 12 metres in the last couple of years, or, more likely, one of the reports is inaccurate. Not important in of itself, but it does raise questions concerning the accuracies of the reports, and the weight that should be given to them. The arb report supporting this current application also makes reference to a document (AAIS APN12), stating that, 'all new paving in areas which are currently soft landscape will be constructed using the guidance set out in APN12'. I would like to point out that APN12 was withdrawn, for review, in October 2019. The Arboricultural Association advises that other, more up to date sources of information should be used in order to ensure relevance. It worries me that, if this application is successful, contractors will be using an obsolete publication as a guide, which ultimately may cause harm to any trees that are lucky enough to be retained.

87. Inaccuracies regarding reports notwithstanding, it should be agreed that the London plane tree is a tall, impressive specimen. Thought, therefore, should be given to the following;
88. It is estimated that only 1% of the tree population within the wards of Mancroft, Thorpe Hamlet and Lakenham (the wards that make up the city centre conservation area) exceed a height of over 25 metres.
89. It is my view that we, as a city, would be heading in completely the wrong direction, and failing in our responsibilities as custodians of the natural environment, if we allow the loss of large specimens such as this.
90. Concerns over air quality in the city centre have been raised recently, with calls from across the political spectrum to do more to tackle pollution in the city.
91. The Norwich 2040 City Vision document also highlights the city's desire to combat climate change and promotes a city that has excellent air quality, 'using our local natural resources effectively'. Removing these trees is not using our local natural resources effectively.
92. The 12 trees that are threatened by this application provide a unique opportunity to address these issues. They make a considerable contribution in the battle to tackle poor air quality and pollution in this part of the city centre. The London plane is particularly adept at dealing with air pollution, significantly reducing particulate matter within its sphere of influence. This contribution would initially be lost, and ultimately reduced, if these trees were removed and replaced with smaller specimens.
93. The larger the canopy, the greater the beneficial effect. The consequences of waiting 100-150 years for replacement planting to attain a size that would have any sort of meaningful benefit in tackling this immediate issue could be harmful.
94. The importance of retaining large canopy trees is also obvious when dealing with the issue of a predicted temperature rise in the city centre over the next 30-40 years (the life expectancy of T7 is 40+ years).
95. It would be interesting to hear the views of Norwich City Council's Climate and Environment Emergency Executive Panel on this, and whether or not this application sits well with NCC's Environmental Strategy 2019-2025, 'to be recognised as one of the best councils in the country for delivering the ways in which we help address climate change'.
96. These are (mostly) wide-ranging arguments applied to a specific situation, an individual tree even. But the fate of this particular tree will stand as a benchmark, setting a precedent for all similar applications in the future. It will define how we, as a city, view our natural assets. Do we want to be a city that takes the view that trees such as this are a 'disposable' nuisance, readily discarded when 'they're in the way'? Or do we want to be another kind of city?
97. *NB: The technical issues with the arboricultural report highlighted by the tree officer in paragraph 86, above, have been clarified. The measurement of the London Plane was undertaken from 2 locations using a laser measure (which has the potential for inaccuracies of +/- 0.3m), and 23m is the best available measurement. There is no information within the previous tree report to explain*

their method of measurement. The use of the AAIS APN12 guidance is noted to still be of relevance in this case. The replanting of circa 70 new trees within the area is noted to quickly reach the biomass lost and to exceed it within a relatively short space of time. This level of planting could not be secured were it not for this development.

98. *The tree officer maintains their objection.*

Historic England

99. *No objection.*

100. 20/00809/L: We have considered this application in terms of this policy and conclude that the creation of a new opening in the precinct wall would have a harmful impact on the historic significance of the listed buildings inside. However, we would consider the level of harm to be less than substantial in terms of the NPPF, paragraph 196. This paragraph states that the 'clear and convincing' justification for such harm could be found in the public benefit of the development. There is certainly some public benefit to be delivered by the improved facilities at the school of which the new opening is an integral part. We would not object in principle but would leave it to the Council to weigh this against the harm as required by the Policy and seek the required justification before determining the application.

101. Historic England has no objection to the application on heritage grounds. We consider that the application meets the requirements of the NPPF, in particular paragraph numbers 7, 8, 193, 194 and 196. In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas

102. 20/00808/F: We have given extensive pre-application advice to the applicants and several suggestions have been incorporated into the plans so that the dining hall would be less prominent in views from Palace Plain and is set away from the precinct wall. The teaching block will be a prominent feature of Palace Street but has the advantage of masking the end of the existing school buildings seen above the wall and responds to existing multi-storey development on the other side of the road. We are also of the view that the design of the new buildings is of some quality, although we have previously advised that fenestration or at least modelling of the facing brickwork would enliven the 'blind' northern elevations of these two buildings.

103. Despite these positive aspects of the scheme the development of the open space with the dining hall will result in the loss of a historically significant undeveloped space. It would also result in the loss of all the trees inside the wall, which make a positive contribution to the setting of the listed buildings and conservation area. As regards archaeology, the development would affect an area of considerable potential as it is not a space which has seen previous modern development.

104. We have considered this application in terms of this policy and conclude that the development of the new dining hall and resulting loss of trees would have a harmful impact on the setting and historic significance of several highly important listed buildings inside and outside the precinct wall as well as the conservation area. However, we would accept that the proposed design for this and the new teaching block is of good quality and could reduce the visual impact. We would consider the level of harm to be less than substantial in terms of the NPPF, paragraph 196. This paragraph states that the 'clear and convincing' justification for such harm could be found in the public benefit of the development. There is certainly some public benefit to be delivered by the improved facilities at the school, but we would leave it to the Council to weigh this against the harm as required by the Policy and seek the required justification before determining the application. Should consent be granted we would recommend the detailing of the northern elevations of the two buildings be considered, as noted above, as well as a very high quality of materials and detailing achieved through conditions placed on the consent.

Norfolk Historic Environment Service

105. *No objection.*

106. 20/00809/L: Apply condition requiring programme of archaeological monitoring & recording (relate it specifically to the wall).

107. 20/00808/F: Apply standard conditions.

Environment Agency

108. No comments.

Norfolk Constabulary Architectural Liaison

109. *No objection.*

110. The comments provide various detailed recommendations from the Secured by Design guidance document 'Schools 2014'. It is important that access to enclosed spaces is restricted.

Norwich Society

111. *No objection.*

112. 20/00808/F: We received a presentation about this scheme from Lanpro and were extremely impressed by the proposals and would like to express our strong and full support for the application. Regarding the landscaping, a huge amount of work has been put in by Liz Lake Associates, in mitigation of the removal of the protected tree. They have provided an exemplary approach to reducing any visual impact of the proposed works, including dedication of many historic buildings to receive new tree planting.

113. 20/00809/L: This is an integral part of the Norwich School proposals for which we have already sent our support, and therefore also support this proposal as a means of realising that project.

Anglian Water

114. *No objection.*

115. Anglian Water request that an informative note is added to any permission stating that Anglian Water has assets close to or crossing the site.

116. The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is acceptable. We request that the agreed strategy is reflected in the planning approval.

117. Anglian Water request that a condition is applied to any permission requiring the surface water strategy to be carried out prior to the construction of any hard-standing areas.

Norfolk Fire & Rescue Service

118. *No comments. The comments below were received in relation to the previous application 19/00403/F.*

119. The proposal will be required to meet the necessary requirements of the current Building Regulations 2000 - Approved Document B (volume 2 - 2006 edition amended 2007, 2010, 2013) as administered by the Building Control Authority.

120. Of particular note is the requirement to provide access for a pumping appliance to within 45m of all points on the building footprint. Taking into account the close proximity of the building to significant listed buildings, I recommend the installation of a fire suppression system to control any outbreak of fire, preventing it from spreading and becoming out of control.

Assessment of planning considerations

Relevant development plan policies

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

- JCS1 Addressing climate change and protecting environmental assets
- JCS2 Promoting good design
- JCS3 Energy and water
- JCS6 Access and transportation
- JCS7 Supporting communities
- JCS8 Culture, leisure and entertainment
- JCS11 Norwich city centre

122. Norwich Development Management Policies Local Plan Dec 2014

- DM1 Achieving and delivering sustainable development
- DM2 Ensuring satisfactory living and working conditions
- DM3 Delivering high quality design
- DM4 Providing for renewable and low carbon energy
- DM5 Planning effectively for flood resilience
- DM6 Protecting and enhancing the natural environment
- DM7 Trees and development
- DM8 Planning effectively for open space and recreation

- DM9 Safeguarding Norwich's heritage
- DM11 Protecting against environmental hazards
- DM22 Planning for and safeguarding community facilities
- DM28 Encouraging sustainable travel
- DM30 Access and highway safety
- DM31 Car parking and servicing
- DM33 Planning obligations and development viability

Other material considerations

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

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

124. Supplementary Planning Documents (SPD)

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

Case Assessment

125. 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.

Main Issue 1: Principle of Development

126. Whilst the principle of developing this site was not specifically referenced in the previous reason for refusal (application 19/00403/F), the loss of the trees which cover the development site formed the reason for refusal, so the principle of development was indirectly called into question. Following on from that refusal, the applicant engaged in discussions with officers, who required them to undertake a series of investigations, of which (a) is relevant to the principle of development. (b) to (d) are explored within Main Issue 2: Trees & Biodiversity, below.

(a) Explore again the opportunity to develop on other sites.

(b) Incorporate some or all of the trees within the development.

(c) Move the most significant tree to a nearby location.

(d) Provide more planting on-site or in other nearby locations.

127. Prior to the previous application, the applicant had undertaken a site selection exercise in order to find the best possible site for the proposed development. This exercise identified eight potential sites for the development, including the application site. The other seven options were ruled out for a variety of reasons including distance from campus, impact on recreational facilities, impact on heritage assets and the availability of land. However, given last year's refusal, officers asked the applicant to explore these options again, specifically a portion of the Lower School Playing Fields and land to the south of The Close.
128. The Norwich School do not own any land within the city centre (indeed they do not even own the application site), rather they lease land from the Dean and Chapter of Norwich Cathedral. The Dean has historically been resistant to development on the Lower School Playing Fields and to the south of The Close. However, given the difficulty of obtaining planning permission for the development on the application site, officers suggested that the first course of action should be to reopen these conversations since this would allow the 12 trees to be retained and may make the planning route much simpler. However, officers have had sight of letters from the Dean ruling out these as developable sites.
129. The application describes the pressing need for additional space within the dining hall and kitchen to accommodate the school's current pupil numbers (1,175). Many of the letters of support have noted the inadequacy of the current facilities. Indeed, the applicant has been engaged in many years of pre-application discussions with the council regarding the need for a new dining hall. The current dining hall was built in the 1960s when pupil numbers were 600, compared to the 1,175 currently attending the school. The existing kitchen, servery and dining hall measure approximately 550m², while the proposed spaces measure approximately 800m². It is accepted that this development is required for the ongoing operation of the school.
130. The application also proposes the erection of a teaching block to provide 6 classrooms and associated spaces. Again, the application documents set out the school's need for modern classrooms. The school is currently operating from several buildings within The Close, including a number of historic properties which are not fit for purpose in terms of space and IT provision. The school has also expressed a desire to provide a comprehensive development which avoids the need for additional future development within their highly constrained site, and this appears to be a sensible approach.
131. Given the lack of alternative sites, it is accepted that the applicant has genuinely exhausted other options. It is therefore concluded that this development is necessary and that this is the best available site for development.
132. The site is designated as Open Space within the Local Plan and therefore Policy DM8 applies. The designated area of Open Space stretches from the school's main gates in the south to Palace Street in the north and the Bishop's Gardens in the east. Since the site is not used for sport or recreation, it is the second part of DM8 which applies in this case:

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

- (a) the proposal would not cause significant harm to the amenity or biodiversity value of the open space; and*
- (b) an assessment shows that the site is no longer required for or is demonstrably unsuitable for its original intended purpose; and*
- (c) there is no viable or reasonably practicable means of restoring or re-using it for an alternative form of open space.”*

133. The proposals do not meet criterion (a) since the loss of the trees would cause significant harm to the visual amenity value of the space. Biodiversity has been adequately addressed (see Main Issue 2: Trees & Biodiversity). It doesn't appear that the applicant has undertaken any sort of assessment to argue that criteria b) or (c) are satisfied, and it is unlikely that a convincing argument could be made for either in this case. DM8 requires all three of these criteria to be satisfied, and so the proposals are contrary to this policy. The landscape and biodiversity impacts of the scheme are considered in more detail in the sections below.

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

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

- (a) they would not undermine the objectives for sustainable development set out in policy DM1, in particular by increasing the need to travel by private car;*
- (b) they would not give rise to significant impacts on the environment, highway safety or traffic arising from locational constraints or the particular configuration of the site or premises which could not be overcome by the imposition of conditions;*
- (c) they would result in the efficient and effective use of existing school sites and/or an accessible distribution of school places or other educational opportunities;*
- (d) appropriate and adequate provision can be made for the residential accommodation needs of students (where required) in accordance with the criteria in policy DM13.*

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

135. On balance, the proposals are considered to meet criterion (a), which refers to sustainable development, with specific reference to reducing car travel. The site is part of a wider school site which is in a very sustainable city centre location, where students and staff can travel by walking, cycling and public transport. Further, the development involves the loss of car parking facilities so that staff

and visitors to the school would be discouraged from travelling by car to the site. The school has very limited on-site parking and staff and visitors are instead encouraged to use alternative modes of transport. In terms of criterion b), the proposals do impact on the environment through the loss of trees and the loss of open space, but there are improvements to the school's highways impacts through the loss of car parking provision and the creation of a new access through the precinct wall. On balance, it is considered that criterion b) is satisfied. Criterion (c) is satisfied in the sense that the proposals pose an efficient use of a sustainably located city centre school site, but the development is unable to accommodate such intensification without causing considerable harm. Criterion d) does not apply since the proposals do not relate to further education. It is also worth noting the support within the policy for proposals which provide for the shared use of school facilities by the wider community, which is the case here. A condition is recommended to secure this community use. The condition would require the applicant to agree the hire costs, number of community hires per year and the types of community groups which would be sought. Overall, it is considered that Policy DM22 offers some support for the proposals.

136. The demolition of part of the listed precinct wall has been the subject of much debate, but given the evidence of previous disturbance within this part of the wall, and given that the proposal would remove some traffic from The Close, the principle of this work has been accepted as appropriate by key consultees. Further discussion on the acceptability of this aspect of the scheme can be found within the heritage section, below.
137. In summary, it is considered that this development is contrary to policy DM8 but finds some support in DM22. In cases where policies pull in different directions, the council may consider what other considerations are material to the determination of the application. In this case, these include the school's need for improved facilities and that this site has been selected as the best available option. Given the constraints on the site, any development here will inevitably cause harm to trees, biodiversity and heritage, and a remarkable design with exceptional public benefits is required to outweigh any such harm.

Main Issue 2: Trees & Biodiversity

Trees

138. Outside the site boundary, there is a group of mature trees on the highway verge fronting Palace Street and St Martin-at-Palace Plain. It has been demonstrated that these trees can be adequately protected during the construction process, but that some pruning is necessary to facilitate the development and for good arboricultural management.
139. The development site itself is populated by a group of 12 trees, all of which would be felled to accommodate this development. Across the wider application site, a further 9 trees are to be protected during the course of construction and retained as part of the school's landscape. The species and categories of the trees posed for felling are listed below:
- 1 x London Plane, category B, covered by TPO reference 538
 - 2 x Lime, category C

- 5 x Sycamore, category C
- 1 x Cherry, category C
- 1 x Holly, category C
- 1 x Lawson Cypress, category C (to be removed for arboricultural reasons)
- 1 x Sycamore, category U (to be removed for arboricultural reasons)

140. All of the category C and U trees have an estimated remaining lifespan of 20 years, while the London Plane has an estimated remaining lifespan of 40 years.

141. The largest of the trees posed for felling is the London Plane tree which the application states stands at 23m tall and forms part of a significant group along with the other trees on site which range in height from 6-18m. These trees make a significant contribution to the street scene and historic environment, have numerous environmental benefits, and offer considerable biodiversity value. In particular, the large London Plane plays an important ecological and environmental role within a densely developed city centre.

142. NB: There is a discrepancy between the tree report submitted with the previous application, which stated that the London Plane was 35m tall, and the tree report submitted with this application, which stated that the London Plane was 23m tall. The arboricultural consultants have submitted a robust statement explaining how they measured the tree and came to the 23m figure. The previous tree consultants did not provide any such explanation so the 23m figure is considered correct in this case.

143. The previous application (19/00403/F) was refused for reasons entirely relating to the loss of these trees, and the associated impacts on biodiversity, visual amenity and the conservation area. Following that refusal, the applicant engaged in post-refusal discussions with officers, who required them to undertake a series of investigations:

- Explore again the opportunity to develop on other sites.
- Incorporate some or all of the trees within the development.
- Move the most significant tree to a nearby location.
- Provide more planting on-site or in other nearby locations.

144. Paragraphs 127 to 131 in the Principle of Development Section of this report deal with (a), and explain how the school does not own any land within the city centre and is reliant upon its landlords (the Dean and Chapter of Norwich Cathedral) to allow development. No other sites are both available and suitable for development, and the applicant has made a convincing justification for the need for the proposed facilities.

145. Since option (a) had been discounted, the School moved on to option (b). They investigated the possibility of incorporating the London Plane tree into the development and presented a 'Tree Retention Feasibility Report' to officers,

which was prepared by a consortium of tree consultants, architects and engineers. However, given the services and foundations which are necessary below the school kitchen and refectory, and given the pruning that would be required and the lack of drainage to the tree roots, it is considered unlikely that such a large tree would survive having a building constructed around it. Further, there would be impacts on the design which would have a negative impact on heritage assets (i.e. pushing the bulk of the building towards the Bishops Palace). As such, option (b) has been discounted.

146. Since (a) and (b) have been discounted, the School moved on to option (c) and instructed an arboriculturalist to investigate the possibility of moving the tree to a nearby location. However, the moving of this large tree which is located in a constrained site would be unlikely to be successful and the arboriculturalists concluded that the risk of the tree dying would be high, and that a more guaranteed solution would be a substantive replanting scheme in the surrounding area.
147. With (a) to (c) discounted, the only option for the School is to provide more tree planting on-site and in the local vicinity. 13 trees were previously proposed for the site itself, and 688 at two sites in Broadland's area. The current proposal has increased on-site planting to 21 trees (including a large London Plane at the southern end of the site and a large Oak in the formal lawn, visible over the precinct wall upon planting), and also proposed 62 trees in the surrounding area, as well as the 688 in Broadland. The acceptability of these proposals is assessed below.
148. The local policy which deals with the loss of trees is DM7. The relevant part of that policy is quoted below:

“Development requiring the loss of a protected tree or hedgerow (including preserved trees, protected hedgerows, trees in Conservation Areas, ancient trees, aged and veteran trees and trees classified as being of categories A or B in value), will only be permitted where:

(a) the removal of a tree or hedgerow will enhance the survival or growth of other protected trees or hedgerows; [or]

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

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

149. In this case criterion (a) is not met. In terms of criterion (b), it has been demonstrated that development on this part of the site creates a coherent and practical layout that efficiently meets the school's needs. As set out above, the loss of the trees causes considerable harm in terms of the impact on the street scene and the loss of amenity in townscape terms as well as the loss of biomass and habitat, and whether the improved layout outweighs this harm needs to be considered in the planning balance.

150. The final part of policy DM7, quoted above, notes that *“developers will be required to provide at least equivalent replacement in terms of biomass”*. It goes on to state that any such replacement planting *“should be provided on-site unless the developer can show exceptional circumstances which would justify replacement provision elsewhere”*.
151. The first matter to consider is therefore the scale of tree planting required to equate to the biomass proposed to be lost. Biomass is defined as “the amount of living matter in a given habitat, expressed as the weight of organisms”. Calculating the biomass of the trees enables us to understand their ability to capture carbon. In this case, using a calculation method promoted by the Field Studies Council, the biomass of the 12 trees to be felled equates to 25.1 oven dried tonnes. Half of this biomass is within the London Plane tree. At the size new trees tend to be at the stage of planting (3-4m in height), this equates to 682 replacement trees. The council’s Parks & Open Spaces team have confirmed that the council does not have any land available for such a number of trees, nor the resources to buy land or staff such a project.
152. Policy DM7 highlights that it would be preferable to see replacement planting delivered on site, as this would ensure that the visual and biodiversity benefits are retained in the vicinity. The proposals include the planting of 21 trees on the site itself, and 62 trees nearby, with a further 688 trees proposed further afield.
153. There are 21 trees currently on the site, of which 12 trees are proposed to be felled and 9 are to be retained. The application is supported by a landscaping scheme which includes 21 new trees:
- 1 x London Plane in the southern part of the site, 10.5m tall on planting, growing to an estimated 21.5m at maturity;
 - 1 x English Oak within the formal lawn at the northern end of the site, 10.5m tall on planting (just about visible over the wall), growing to an estimated 21.5m at maturity;
 - 1 x Juneberry, 2.5m tall on planting;
 - 2 x Cherry, 2.5m tall on planting; and
 - 16 x Hornbeam, 3m tall on planting.
154. This level of on-site planting is reasonable given the scale of the development and goes a small way to mitigating the loss of biodiversity on the site itself. Oak trees are particularly beneficial for wildlife. The Oak tree has been located so that it is visible over the wall upon planting, although the level of greenery this single tree would offer is not comparable to the greenery which is posed to be lost. As such, impact on visual amenity and the conservation area (as highlighted within the reason for refusal) is still high and townscape impact would not be mitigated to any meaningful degree. The nearby planting of 62 more trees, however, goes some way to compensating for this harm.
155. The applicant has secured consent from two nearby landowners to plant 62 trees on their land, all of which are within the Cathedral Close Character Area of the City Centre Conservation Area:

- 11 on the Lower School Playing Fields (Lime, Checker, Oak);
 - 30 on the Great Hospital Meadow (Alder, Birch, Willow, Oak);
 - 9 on the Lower Close (Tulip, Cherry, Ash);
 - 11 on the Upper Close (Dogwood, Beech, Walnut, Ash); and
 - 1 at Holland Court (Hornbeam).
156. Most of these trees are located close to existing groups or belts of trees, so their visual impact may not immediately be noticed, but over time the planting of a significant number of trees in the vicinity will improve the health and resilience of the tree stock, helping to improve biodiversity and tackle air pollution. Being located within existing tree groups, most of the trees will have a limited impact upon views within the conservation area but will offer some enhancements. The landscape officer is supportive of this tree planting, which has helped them to remove their objection since the previous application.
157. The applicant owns two parcels of land which sit outside of the Norwich City Council administrative boundary (both within the Broadland District Council area) and for which a replacement tree planting strategy has been developed. A total of 688 trees and 126 hedging plants are proposed across the two sites. These sites, and details of the planting proposed, are described in more detail below.
158. The first site is known as Redmayne Playing Fields and located 2.5 miles from the application site (address Redmayne Playing Fields, North Walsham Road, Norwich, NR6 7JJ). This is a large site used by the Norwich School as additional playing fields. It is therefore largely open in character, with some mature trees in banks along the boundaries. The site sits just to the north of the Norwich suburban fringe, with a new housing development located to its south. To its north is the Norwich Rugby Club which forms part of an allocated housing site and has outline consent for housing development (known as the Beeston Park development). The Redmayne site is identified as a secondary green infrastructure corridor within Broadland's Growth Triangle Area Action Plan. A total of 223 trees are proposed for this site in two groups and along the site's eastern and northern boundaries. Following the advice of the council's landscape architect, the large tree species proposed for this site are Birch, Maple, Hornbeam, Hawthorn, Beech, Whitebeam, Rowan and Lime. 54 of the trees are proposed to be smaller fruiting species in order to increase the biodiversity value of the planting. Species include Hazel Shrub, Filbert Shrub and Buddleia.
159. The second site is farmland to the south of the village of Horsford which is located 4.5 miles from the application site (postcode NR10 3GL). The site stretches either side of the new Northern Distributor Road (NDR) and is currently untenanted. There are some trees and hedges along boundaries. Two areas of planting are proposed: one large group at the northern end of the site; and one strip along the site's western boundary, south of the NDR. In total, it is proposed that this site would accommodate 465 trees of varying species (Oak, Maple, Hawthorn, Bird Cherry, Rowan). 126 hedging plants are also proposed, in order to provide another habitat, join up green corridors and fit with the surrounding landscape context.

160. While these proposals will technically satisfy the final part of DM7, the locating of the majority of the replacement tree planting outside of the application site reduces the benefits. Nevertheless, the planting of a total of 771 trees, 83 of which are within the city centre, and many of which fit within a wider green infrastructure network, is a substantial undertaking which has clear and tangible benefits. These benefits are set to increase as the trees grow to maturity.
161. It has been agreed with the applicant that a legal agreement will be necessary to secure the planting and long-term retention of the trees, since they are essential to the acceptability of the scheme. The legal agreement would require the planting of all 750 off-site trees prior to the felling of the trees on the application site and the management and maintenance of those trees for 15 years (at which point they should be large enough to sustain themselves). The trees would then be required to be retained for a minimum of 25 years, which means the applicant would be legally obliged to retain the trees for a minimum of 40 years from commencement of development. This would exceed the anticipated lifespan of 11 of the 12 trees to be lost (20 years) and equal the anticipated lifespan of the largest tree, the London Plane tree.
162. Desktop utilities searches have been submitted for all off-site tree planting areas, with no conflicts having been identified. According to the best available data, the off-site planting can therefore be considered deliverable. If any unexpected constraints are encountered upon planting, the s106 will allow a small amount of flexibility to allow exact locations to be amended, whilst maintaining the numbers/species/broad locations.
163. The council's tree officer has maintained strong objections to these proposals and they rightly argue that the loss of such a significant city tree at a time of climate crisis is not a matter to be taken lightly. These trees are significant and irreplaceable assets to the city and their loss would cause considerable and long-term harm, not all of which is effectively compensated for via the tree planting strategy proposed.
164. However, officers would argue that the School has gone to significant effort to find planting sites closer to the application site, and that the submitted scheme would result in a net increase of 71 trees within the city centre and a net increase of 759 trees overall. The biomass to be lost through the felling of the 12 trees would be exceeded upon planting and would increase as the new trees grow, although it should be acknowledged that most of this would be located outside of the city centre.

Biodiversity

165. The site is within an urban location but the trees on site form part of the city's wider network of green links. By way of demolition, felling of trees, and the erection of buildings, the proposals have the potential to disturb wildlife and lead to a loss of habitat.
166. Paragraph 175 of the National Planning Policy Framework states: *"When determining planning applications, local planning authorities should apply the following principles: (a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less*

harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused”.

167. The applicant has submitted an ecology statement which confirms that the existing refectory building, set for demolition, does not have the potential to support any bat roosts. The trees, however, do have low bat roosting potential, and a low level of foraging and commuting activity has been recorded at the site. The natural environment also has the potential to support many other forms of wildlife such as birds and invertebrates. As such a number of protection measures are necessary before/during construction:

- Soft-felling of trees.
- Protection of hedges and walls during construction.
- A further bat survey will be necessary should any significant time elapse between consent and construction.
- Hedgehog checks and protection during site clearance and construction.
- No site clearance during bird nesting season

168. Several biodiversity mitigation and enhancement methods are to be required.

- Four bird and four bat boxes are proposed to be built into the fabric of the new buildings, with exact locations and specifications to be agreed via condition.
- Two hedgehog nesting houses to be installed in sheltered areas.
- A green roof is proposed to parts of the building covering a total area of 475m², and a green wall is proposed along the eastern elevation. The applicant has agreed to provide an improved green roof which offers better ecological value to provide insect habitats and associated bat foraging.
- 21 trees are proposed for the application site, including an English Oak close to the trees to be lost, and a signature London Plane within the southern part of the site. These trees will provide some replacement habitat for birds, invertebrates and potentially bats.
- 62 trees are to be planted within the site's proximity, including 11 on the Lower School Playing Fields (Lime, Checker, Oak); 30 on the Great Hospital Meadow (Alder, Birch, Willow, Oak); 9 on the Lower Close (Tulip, Cherry, Ash); 11 on the Upper Close (Dogwood, Beech, Walnut, Ash); and 1 at Holland Court (Hornbeam).
- 688 trees and 126 hedging plants proposed to be planted at two off-site locations (as described in the final paragraphs of the trees section above). While the planting schedule offers some biodiversity benefits, it cannot directly mitigate the habitat lost on-site. The Redmayne site is on a designated green corridor and the identified sites connect well with existing tree banks so the addition of trees on this site, and to a lesser extent the Horsford site, will provide some meaningful biodiversity benefits. By including

fruiting trees and hedging, the tree planting schedule has been updated to boost the biodiversity benefits following comments from the council's Landscape Architect and Natural Areas Officer.

169. The upcoming Environment Bill sets out a plan for how to protect and improve the natural environment and includes a requirement for developments to demonstrate that they can achieve a 10% net gain in biodiversity. At the time of writing, the Bill has not been brought into law, and is currently at the committee stage at the House of Commons. The emerging Greater Norwich Local Plan indicates that this biodiversity net gain (BNG) will soon be a requirement within local policy. As such, it is considered reasonable to use BNG as a tool to indicate the possible biodiversity impacts of this development. The tool is currently in a crude form and the applicant acknowledges that it has a number of limitations, including the necessary assumptions which have to be made. Due to these limitations and assumptions, the applicant's ecologist has responded to several queries from the council's Natural Areas Officer, and the resultant agreed figure is a 10% biodiversity net gain on-site, with further biodiversity enhancements being delivered via tree planting within the city centre and at Redmayne and Horsford. The city centre tree planting will enhance local habitats and will likely benefit the same wildlife communities which currently use the site, while the planting at Redmayne and Horsford will have less of a direct benefit and will instead support different wildlife communities.
170. It should be noted that the council's natural areas officer maintained a strong objection to the previous application but is content that the current application satisfies national and local policies, as long as the tree planting is delivered.
171. In conclusion, it is considered that the loss of 12 trees will negatively impact upon local habitat but that the application includes a significant amount of habitat creation which adequately mitigates the loss.

Main Issue 3: Heritage

172. The proposed development site is in a highly sensitive location in terms of buried archaeology, direct impact to listed buildings and the setting of historic buildings in the immediate vicinity and the wider setting of important historic buildings and spaces nearby. It should be noted that the existing refectory is of poor architectural quality and it contributes negatively to the surrounding heritage assets, albeit that it is relatively small and unassuming. Its removal would enhance the area, but any new development of this scale in this location is contentious and its impacts must be carefully managed.
173. The site is bounded on one side by the Grade II* listed precinct wall at the point where this ancient boundary is at its most impressive and well preserved. The site is also in the centre of a group of historically and visually related historic buildings all of high significance with Norwich Cathedral itself rising behind the Bishop's Palace which stands at the south side of the site. The Palace is Grade I listed and is a large L-plan multi-phase building containing mediaeval and post-medieval elements. The side facing the proposed development site is tall and imposing, to some degree reflecting Victorian alterations and extensions to the building. Adjacent to the Palace is the Bishop's Chapel, which dates from 1661-76 but was built in a gothic style incorporating windows with unusual tracery. It is listed at Grade II*. The chapel stands at the southern end of the former site of

Bishop Salmon's Hall, while Bishop Salmon's Porch, the only remaining portion of a medieval hall is at the northern end in the present Bishop's garden behind a hedge. The Porch is a Scheduled Ancient Monument, as is the Bishop's Gate on the precinct wall which can also be seen across the proposed development site.

174. The proposals have a direct physical impact on the listed precinct wall. The significance of this heritage asset is largely derived from its role as a continuous barrier between the Cathedral Precinct at the rest of the city, so the insertion of a doorway undermines this significance. However, the harm has been kept to a minimum by using a small opening with modest materials and simple details. The area posed for demolition shows signs of previous disturbance, which makes this an appropriate place for the opening to be inserted. It is recommended that a detailed record of the wall is kept on the Historic Environment Record. Historic England and the council's design and conservation officer do not object to the scheme and the proposal for the insertion of the doorway is a result of their lengthy guidance. Currently, the inside of the precinct wall cannot currently be accessed or viewed. The proposed development reveals views of the inside of the wall along the length of the teaching block, and as such its significance is better revealed and its setting is enhanced in some ways. The proposals amount to less than substantial harm as set out in the National Planning Policy Framework (NPPF). Paragraph 196 of the NPPF states that local planning authorities should weigh this harm against the public benefits of the proposal. In this case the public benefits include the provision of educational facilities, the availability of the space to community users and the opening up of views to other heritage assets (the Bishop's Palace and Norwich Cathedral).
175. Historic England have noted within their comments that they would have preferred additional intrusive investigations of the precinct wall to have taken place prior to the submission of the application, but deferred judgement on this to Historic Environment Services, who are satisfied with the level of detail supplied at this stage.
176. The loss of trees and the erection of buildings in this location also impacts on the setting of various other heritage assets. The impact on key heritage assets is assessed below.

Bishop's Palace

177. The principal effect on the setting of the Bishop's Palace will result from the reduced spatial separation currently afforded between the Palace and the existing refectory, alongside the loss of trees within its setting and the depth of views currently available from the grounds of the Bishop's Palace. The proposed refectory will push built form towards the northern elevation and reduce the level of historic open space as well as change the nature of available views to and from the Palace. The Oak tree which is proposed to be planted within the formal lawn would return a small amount of greenery to the views of the Palace (and the Cathedral, behind) from beyond the precinct wall.
178. However, the proposed scheme has been developed with significant input from council officers and Historic England and it is considered that its resultant design causes a low level of harm to the Palace and forms an intentional relationship with this important heritage asset. The new refectory will directly face towards the Bishop's Palace to create a strong mutually supporting interface. The proposed

landscape design has also been developed to improve the quality of space between the two buildings, as well as views between and towards each of the principal buildings – proposed and existing. The use of a single storey building will also ensure that the primacy of the Palace is not undermined. The teaching block has been located to the far north-western corner of the application site. This ensures that it relates more closely to the adjacent school buildings to its immediate west and reduces the potential effects of its height on the Bishop's Palace. Its location here also ensures that the negative effects on the setting of the Palace created by the presence of Centenary House outside the precinct on the opposite side of Palace Street are partially reduced by introducing a more sympathetic architectural intervention into views out of the application site. As the proposed buildings are also located to provide sufficient separation between them and the Palace the principal elevations from which the Palace's architectural interest can be appreciated and understood are largely sustained.

179. The proposals will therefore cause less than substantial harm to the significance of this heritage asset.

Bishop's Salmons Porch

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

Bishop's Chapel

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

Norwich Cathedral

182. The Cathedral is separated from the application site by the Bishop's Palace but given its height and mass it is visible from within the site and forms one of the city's most prominent landmarks. Given its status as a landmark, the Cathedral's setting contributes greatly to the asset's significance. The felling of 12 trees on the application site and the development of the refectory and teaching block would change views of the Cathedral from Whitefriars and Palace Street. While the loss of trees would open up views of the Cathedral spire, it is considered that the existing trees contribute positively to this view but that the proposed development would be narrowly visible in this view and would provide a neutral contribution. The trees offer interest, richness and depth to this view, the loss of which would cause less than substantial harm to the significance of the heritage asset. The Oak tree which is proposed to be planted within the formal lawn would return a small amount of greenery to the views of the Cathedral from beyond the precinct wall.

City Centre Conservation Area

183. Since the kitchen and refectory are designed to be low and barely visible over the precinct wall, the impacts of the proposals on the wider conservation area are largely attributed to the loss of the trees and the construction of the teaching block.
184. Grouped with the highway trees to the north of the wall, the trees on the application site are identified as 'Important trees' within the Cathedral Close Character Area Appraisal. Despite being beyond the precinct wall, by virtue of their height and density, the trees add considerable interest to the street scene. The greenery can be seen from many angles and contributes to the softness of Palace Street, which would otherwise be quite a hard and imposing environment. The loss of the trees would cause less than substantial harm to the conservation area. The Oak tree which is proposed to be planted within the formal lawn would return a small amount of greenery to this view. Further, the other 20 trees proposed for the site itself and the 62 trees proposed for elsewhere in the City Centre Conservation Area would add to the greenery of the area. Most of the trees are proposed within existing groups or belts of trees, so the visual impact would be limited upon planting, but would offer some enhancement to the leafiness of the City Centre Conservation Area over time.
185. The first floor of the teaching block would be visible over the precinct wall, alongside the first and second floors of some of other school buildings. There is considerable historic precedent to development lining the inside of the precinct wall in this way, and the teaching block has been treated in contextual materials and in a modest way that does not detract from the street scene.
186. Overall, it is considered that the proposals cause less than substantial harm to the conservation area.

Buried archaeology

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

Heritage conclusion

188. In conclusion, the proposals cause less than substantial harm to a number of designated heritage assets and so the National Planning Policy Framework requires clear and convincing justification for such harm and requires the public benefits of the scheme to be weighed up against the harm. This balancing exercise is carried out within the concluding section of this report.

Main Issue 4: Design

189. The existing refectory has no architectural merit and its loss is not objectionable.

190. The scale of the development is determined by the size of facility the school requires. A development of this scale on this tightly constrained and historically sensitive site requires very careful design.

191. Taking the teaching block first, it has been designed to hug the inside of the precinct wall following the pattern established by earlier developments. This is the part of the site which is capable of taking extra height. The teaching block stands at 2 storeys tall, alongside 2 and 3 storey school buildings and opposite a 3-storey office building (Centenary House). The teaching block is designed to have a very low pitched roof in order that it wouldn't be visible from ground level. The building has simple modern detailing with traditional materials (buff brick walls & lead effect roof). When viewed from Palace Street, the overall analysis of the teaching block is a subservient and elegant building which would enhance the street scene. Historic England has noted that the building will conceal the end of the Fleming Building adjacent, which has a rather bland elevation.

192. When viewed from within the application site, the teaching block has a colonnade on the ground floor and a consistent rhythm of windows above. The building has a modest modern appearance appropriate for its setting.

193. The refectory building has a much larger footprint but a lower height than the teaching block. It will have minimal impact on the street scene, being almost impossible to view over the precinct wall. From within the site, however, the refectory has a striking appearance with tall vertical windows with deep reveals fronting the Bishop's Palace. The building is to be built of reconstituted stone and have a lead-effect roof, reflecting the ecclesiastical architecture around the site. Compared to the highly detailed and diverse architecture of the Bishops Palace, the refectory will appear very simple and clean appearance so as not to detract from the prominence that the more elaborate Bishops Palace has.

194. The two blocks would each have their own distinctive architectural style, but matching materials would tie the development together. This comprehensive and high-quality design approach is considered the only acceptable way to design a development in such a sensitive location.

195. The simplicity and lack of clutter on these buildings are key to their acceptability, and as such the applicants have designated areas for plant, machinery and ventilation equipment that avoids the need for any rooftop plant. A condition is recommended which would require the applicants to agree any plant with the council prior to installation.

196. The refectory building is separated from the Palace by a formal lawn, replicating the gardens which appear to have previously occupied the site. The whole approach to the site from the school gates is set for re-landscaping to enable better use of the school's limited outside space, and to provide additional planting. It is considered that the open space created by the proposals is of a higher quality, than that which is lost, in terms of the ability for students and outside users to enjoy the space. A full landscape plan would be requested by condition.
197. In conclusion, it is considered that the design of the proposals is exceptional, as is necessary on such a sensitive site.

Other matters

Phasing

198. In order to allow continuous operation of the school's dining facilities, the applicant is proposing a phased approach to development. Essentially this involves the new refectory being built before the current one (on the site of the proposed teaching block) is entirely demolished. The detailed phasing plan is set out below.
199. Phase 1A would be the felling of the trees and carrying out of the archaeological ground investigations on the eastern part of the site; Phase 1B would be the part demolition of the existing refectory building; Phase 1C would be the construction of the refectory building along with landscaping works between this building and the Palace; Phase 2A would commence once the new refectory was operational and would involve the demolition of the existing refectory and the carrying out of archaeological ground investigations on this part of the site; Phase 2B would be the construction of the teaching block; and finally Phase 2C would be the remaining landscaping works to the south of the site.
200. It should be noted that a legal agreement would require all of the off-site planting (within the Cathedral Close and the Great Hospital sites, and at Redmayne and Horsford) to be completed prior to the felling of any trees on the site (Phase 1A).

Transport & traffic movements

201. The site is in an accessible city centre location. The proposals do not provide for an increase in student or staff numbers and therefore there is no need to provide additional cycle or car parking. The insertion of a doorway in the precinct wall allows deliveries and refuse collections to be made from the loading bay on Palace Street. This, along with the removal of on-site car parking, would reduce the amount of traffic using Tombland and entering The Close via the Erpingham and Ethelbert gates.
202. As noted by the Fire and Rescue Service, since the site does not allow access to emergency vehicles, a fire suppression submission will be required by building control.
203. A construction method statement is required to manage traffic and construction activities. Works are required within the highway to make some small changes to the pavement configuration and to allow coaches to stop in the current loading bay.

Amenity

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

Refuse storage and servicing

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

Energy efficiency

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

Water efficiency

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

Sustainable urban drainage

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

Contaminated land

210. Acceptable subject to conditions relating to the monitoring of contamination as recommended by the council's environmental protection officer.

Equalities and diversity issues

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

S106 Obligations

212. As set out in the final paragraphs of the tree section, above, the applicant has agreed to enter into a Section 106 agreement with the council to secure the planting and long term maintenance of the trees proposed for the Cathedral Close, Great Hospital, Redmayne and Horsford sites. The legal agreement will require:
- (a) The planting of all 750 off-site trees at Redmayne, Horsford, The Close and The Great Hospital prior to the felling of any of the trees on the application site.
 - (b) Intensive maintenance of the trees for a period of 5 years.
 - (c) Annual check-ups and maintenance for each tree for a further 10 years.
 - (d) No trees to be felled for a further 25 years.
213. This essentially ensures that the trees will be retained for a minimum of 40 years from the date the development commences. The maximum lifespan of the trees on the application site is 40 years.
214. The legal agreement will need to be signed by Norwich City Council, the Norwich School, all landowners and Broadland District Council (as the enforcing authority for the Redmayne and Horsford sites). All parties have confirmed that they are willing to sign such an agreement.
215. Desktop utilities searches have been submitted for all off-site tree planting areas, with no conflicts having been identified. According to the best available data, the off-site planting can therefore be considered deliverable. If any unexpected constraints are encountered upon planting, the s106 will allow a small amount of flexibility to allow exact locations to be amended, whilst maintaining the numbers/species/broad locations.

Local finance considerations

216. 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

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

218. An application for full planning permission, 19/00403/F, which was for the same development with less replacement tree planting, was refused last year for the following reason:

“The application involves the loss of twelve valuable trees from the city centre. The loss of these trees would lead to a significant impact on biodiversity and visual amenity which cannot be suitably compensated for via an off-site planting scheme such as that which is proposed. The proposals would also cause less than substantial harm to the conservation area. The council does not consider that that this less than substantial harm is sufficiently outweighed by the public benefits of the scheme proposed. The application is therefore contrary to policies DM1, DM3, DM6, DM7 and DM9 of the Norwich Development Management Policies 2014 and paragraphs 170, 175, 196 of the National Planning Policy Framework 2019.”

219. The associated listed building consent application (19/00381/L) was refused since it could not be realised without the full application being approved.

220. The assessment which must now be made, is whether the reason for refusal is adequately addressed. Specifically, the issues to consider are impact upon “biodiversity”, “visual amenity” and “harm to the conservation area” resulting from the loss of the trees. The reason for refusal notes that the off-site planting scheme proposed within the previous application did not suitably compensate against these three issues.

221. This application still involves the loss of those 12 trees, but the compensation provided is an improvement upon the previous application.

222. Considering “biodiversity”, the tree planting and other biodiversity measures proposed on-site and in the immediate area offer clear and tangible benefits which have allowed the council’s natural areas officer to remove their objection.

223. Considering “visual amenity”, the on-site tree planting (specifically the Oak tree) offers a limited amount of greenery to the street scene, but ultimately this view would still be harmed through the loss of the 12 trees.

224. Considering the “harm to the conservation area”, there are some benefits to be had from the planting of 21 trees on-site and 62 in the surrounding area, but as is noted above, the views over the precinct wall would still be harmed through the loss of the 12 trees.

225. Overall, the compensatory tree planting strategy just about allows the issues raised within the previous reason for refusal to be overcome.

226. The school occupies a tightly constrained historic site and has demonstrated that these facilities are necessary for the school’s ongoing operation. A number of alternative sites have been explored but no suitable sites have been found. The proposed scheme would support the development of the school and secure community access to the facilities.

227. This is a complex application on a particularly difficult site. The proposals would involve the loss of 12 valuable trees and would cause less than substantial harm to a number of designated heritage assets. 688 of the 771 replacement trees are proposed to be planted off-site at some distance from the application site which

lessens their ability to compensate for the visual and environmental impacts of the development.

228. The proposals are accompanied by public benefits including the provision of improved educational facilities, the availability of the space to community users and the planting of 83 trees in the city centre and 688 elsewhere. In order for the scheme to be considered acceptable, it is essential that the replacement trees are secured via a legal agreement and that the community benefits of the scheme are secured via a suitably worded condition.
229. This is a finely balanced recommendation and it is sensitive to the weight placed on the compensatory planting scheme and the securing of wider access to the facilities in the new refectory. Notwithstanding these, the proposals result in the loss of a large tree in the city centre and will have a significant impact upon the character of the immediate townscape. On balance, however, given the number of trees now proposed on the site itself and in close proximity, officers feel able to recommend approval subject to the conditions listed below and to the completion of a Section 106 agreement to secure the compensatory planting.
230. In conclusion, it is the wider public benefit and the high standard of design which are considered to outweigh the harmful elements of the scheme.

Recommendation

To:

- (1) **APPROVE** application no. 20/00809/L - Norwich School Refectory, The Close, Norwich, NR1 4DD and grant listed building consent subject to the following conditions:

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

Informative:

1. Only these works permitted

Reason for approval:

The proposed insertion of an opening in the Cathedral Precinct wall will result in less than substantial harm to the listed structure. The insertion of the opening within an area shown to have experienced some disturbance and the use of simple designs and materials lessens this harm. In accordance with paragraph 196 of the NPPF, this harm must be weighed against the potential public benefits of the proposals. In this case it is considered that the improved for the school and the wider community marginally outweigh this harm. The proposed works are therefore considered to comply with the

National Planning Policy Framework, policies 1 and 2 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk (March 2011) and policies DM1, DM3 and DM9 of the Norwich Development Management Policies Local Plan (December 2014)

- (2) **APPROVE** application no. 20/00808/F - Norwich School Refectory, The Close, Norwich, NR1 4DD and grant planning permission subject to the completion of a satisfactory legal agreement to include provision of:
- (a) The planting of all 750 off-site trees prior to the felling of any of the trees on the application site.
 - (b) Intensive maintenance of the trees for a period of 5 years.
 - (c) Annual check-ups and maintenance for each tree for a further 10 years.
 - (d) No trees to be felled for a further 25 years.

And subject to the following conditions:

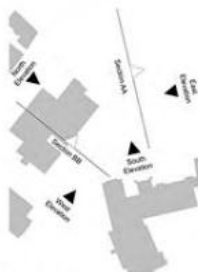
1. Standard time limit.
2. In accordance with plans.
3. Details and materials to be agreed, including samples.
4. Letting schedule to be agreed (to include a list of dates when the buildings would be available for hire by external agencies and community groups; the types of agencies and groups that the spaces will be offered to; and a schedule of hire costs by agency type).
5. Landscaping details - detailed hard and soft landscape scheme for on-site works, including a lighting scheme to minimise disturbance to wildlife, and specification of green roof (to provide biodiversity benefits).
6. Works on site in accordance with AIA, AMS and TPP – soft felling of trees etc.
7. Protection of tree root areas.
8. Pre-construction site meeting between arborist and council's tree officer.
9. Biodiversity mitigation details to be agreed and installed prior to occupation - bat boxes, bird boxes, hedgehog nests.
10. No site clearance within bird nesting season.
11. Further bat survey if development does not commence within 2 years.
12. Biodiversity net gain to be monitored and reports available upon request.
13. Boundary treatments to include provision for small mammal access.
14. No commencement until TRO has been secured with highway authority and provisions put in place.
15. Refuse storage and collection arrangements to be agreed.
16. Archaeological written scheme of investigation to be agreed.
17. Construction method statement to be agreed, including reference to ecological protection measures.
18. No development shall take place within the site in pursuance of this permission until a scheme to deal with the risks associated with contamination of the site has been submitted to and approved by the council.
19. If, during development, contamination not previously identified is found to be present, then no further development shall be carried out in pursuance of this permission.
20. All imported topsoil and subsoil for use on the site shall be certified.

21. Security measures to be agreed prior to occupation including details of access routes and restrictions, CCTV and external lighting.
22. Heritage interpretation.
23. Development to comply with the submitted surface water drainage strategy.
24. Development to comply with the proposals for energy efficiency set out within the submitted energy statement.
25. Development to comply with the proposals for water efficiency set out within the submitted energy statement.
26. No plant and machinery to be installed without prior consent.

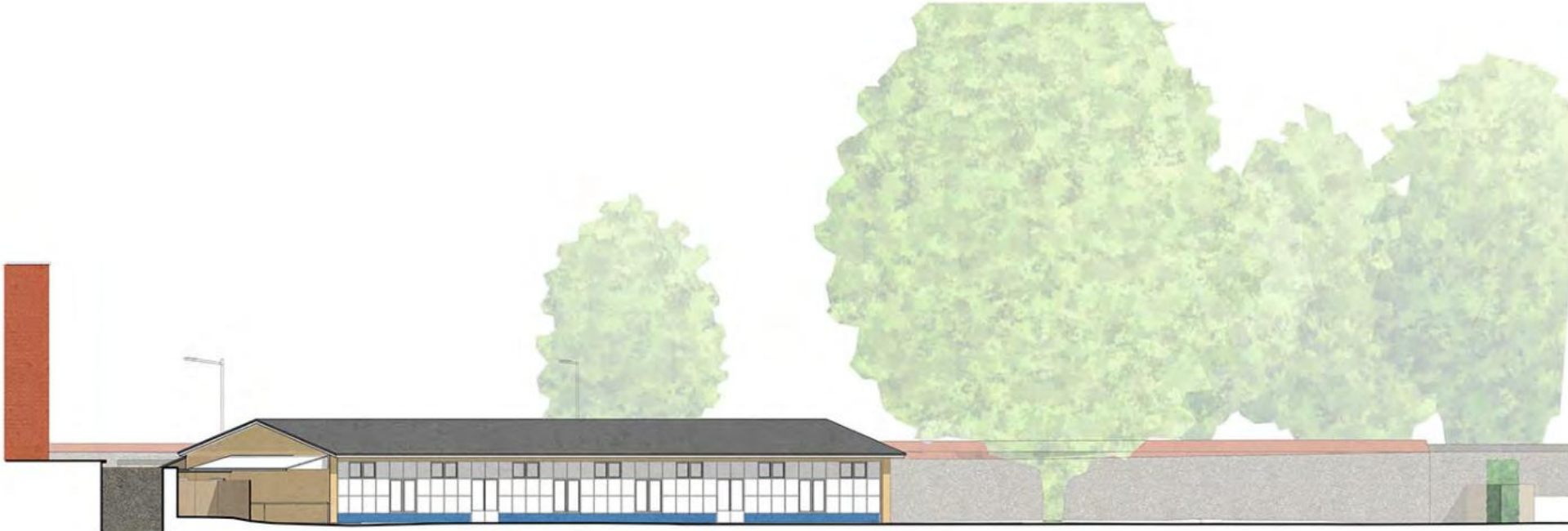
Informatives:

1. This permission is subject to a planning obligation entered into under legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990, as amended
2. Traffic Regulation Order (TRO) to be funded by the applicant. Works to the highway cannot take place without consent.
3. Anglian Water has assets close to or crossing the site
4. A Landscape Management Plan will be expected to set out the overall objectives of a landscape scheme and the steps including legal arrangements including ownership and management responsibilities, planned maintenance tasks, phased works, monitoring procedures
5. Asbestos should be handled and disposed of as per current Government guidelines and regulations
6. Clearance of the site should have due regard to the need to minimise the impact on wildlife
7. Archaeological brief to be provided by Historic Environment Services

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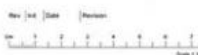
Key Plan



South Elevation



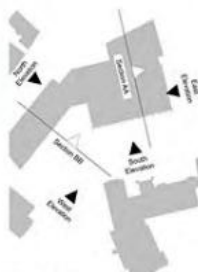
East Elevation



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Client: Norwich School
 Project: Palace Lawn Redevelopment Proposals
 Title: Existing General Arrangement Elevations
 Sheet 01

Scale @ A1	Date	Drawn
1:100	14.08.2018	DO
Authority	Purpose of Issue	
S2	Issued for Planning	
Drawing No.	Rev.	
15191-LSI-PLD-ZZ-DR-A-1250	P03	



Key Plan

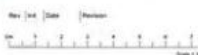


West Elevation

Proposed signature Oak tree
 (shown circa 10.5m at planting)



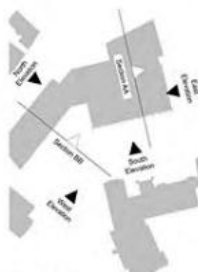
North Elevation



Client: Norwich School
 Project: Palace Lane Redevelopment Proposals
 Title: PLANNING
 Proposed Elevations (W/N)

Scale @ A1	Date	Drawn
1:100	11/03/2020	DO
Revision	Purpose of issue	
S2	Issued for Planning	
15191-LSI-PLD-ZZ-DR-A-1014		Rev: P01

LSI Ref: 15191-LSI-PLD-ZZ-DR-A-1011
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Key Plan



South Elevation

Proposed signature Oak tree
 (shown circa 10.5m at planting)



East Elevation



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Client: Norwich School
 Project: Palace Lawn Redevelopment Proposals
 The PLANNING Proposed Elevations (SE)

Scale @ A1	Date	Drawn
1:100	11/03/2020	DO
Revisions	Issue	Drawn
S2	Issued for Planning	DO
15191-LSI-PLD-ZZ-DR-A-1013		P01



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1:500

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Client: **North East School**
 Project: **Palace Lane Redevelopment Proposal**
 Title: **PLANNING**
 Drawing: **Existing Ground Floor Plan**

Rev	Date	By	Check
1	15/10/2023	DD	DD

Scale: 1:500
 Date: 15/10/2023
 Project: 15191-LSR-PLD-03-OR-1006
 Drawing: 1001

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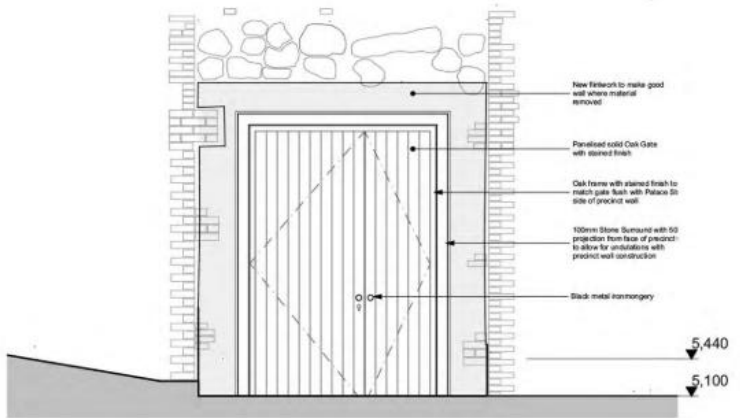
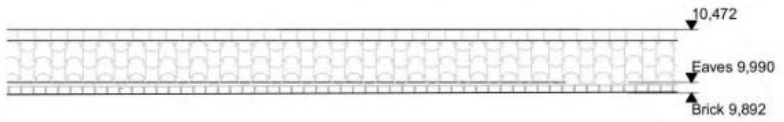


Scale: 1:500
North Arrow

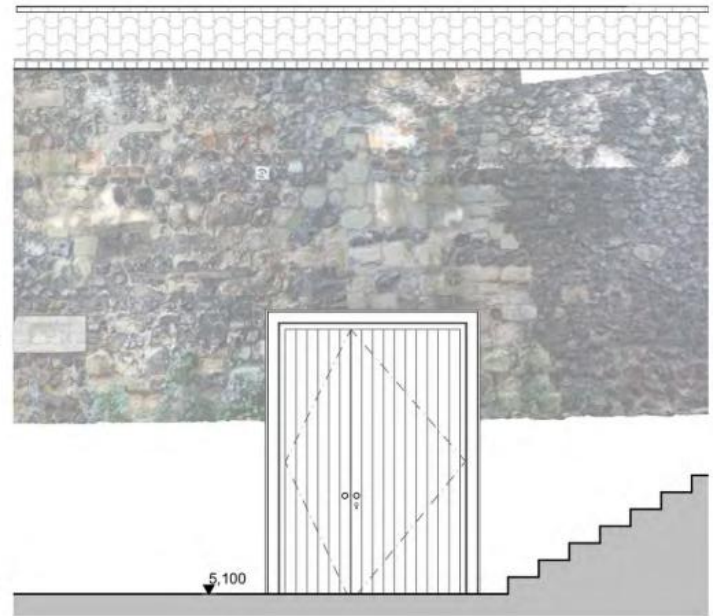
Client: Norwich School
Project: LSI Learning Hub Redevelopment Proposals
Title: PLANNING
Site Plan - Proposed

Drawn by:	1519/02/2020	Scale:	MOC
Checked by:		Project no.:	
Issue:		Issue date:	
Author:		Issue for:	Comment

1519 HLS PLD 000-RA-1000 IP01



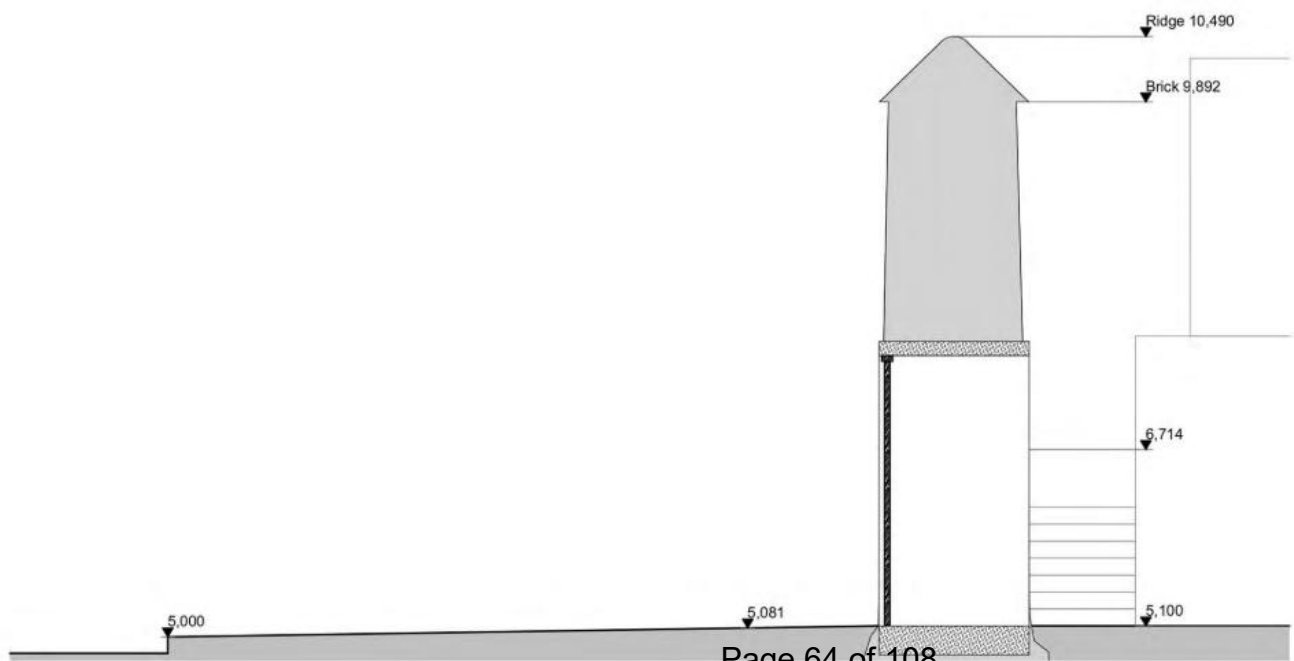
North Elevation (Part)



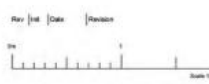
Feature 15

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

South Elevation (Part)



Section AA



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

Scale @ A3	Date	Drawn
1:50	28.09.2016	MC
Subsity	Propose of issue	Rev
S2	Issued for Planning	PO5
Issue/Rev		
15191-LSI-PLD-00-DR-A-1384		

Report to Planning applications committee

Item

12 November 2020

Report of Area Development manager

Subject Application no 20/00896/F - Barclays Bank PLC,
6 Church Lane, Norwich, NR4 6NZ

4(b)

**Reason
for referral** Objections

Ward:	Eaton
Case officer	Maria Hammond - 07717 451417 - mariahammond@norwich.gov.uk

Development proposal		
Replacement existing building to provide a ground floor commercial unit (flexible Class A1/A2/A3/B1 or Class E), and four residential dwellings with associated works.		
Representations		
Object	Comment	Support
9	0	0

Main issues	Key considerations
1	Principle of loss of existing use and proposed mixed use redevelopment
2	Design and heritage
3	Amenity
4	Transportation
5	Trees and biodiversity
Expiry date	17 November 2020
Recommendation	Approve



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Planning Application No 20/00896/F
 Site Address 6 Church Lane

Scale 1:500



NORWICH
City Council
 PLANNING SERVICES



The site and surroundings

1. The application site occupies 800 square metres on Church Lane, Eaton, adjacent to the junction with Chestnut Hill and 50 metres south of the crossroads between Church Lane, Eaton Street and Bluebell Road.
2. It is occupied by the vacant Barclays Bank building: a single storey, flat roofed mid-twentieth century structure with access ramps spanning the rising ground from road level and a vehicular access to the northern side to a car park at the rear.
3. To the north is a two storey red brick building occupied by a funeral directors and beyond this is a recently completed residential development of two and a half storey flats and houses.
4. A mature, mixed hedge defines the rear site boundary and separates the site from the rear gardens of one detached dwelling and a terrace of four on Tamarind Mews, a residential road off Chestnut Hill. A grass bank and hedge separate the site from Chestnut Hill. The residential development along this road and those off it has a distinctly suburban character and dates from the latter half of the twentieth century.
5. Across Church Lane, is the Waitrose supermarket and this, the application site and area around the crossroads and along Eaton Street forms the defined district retail centre. The site is, however, outside the Eaton Conservation Area, the extent of which follows the sites northern and western boundaries. The Conservation Area Appraisal notes the site represents an opportunity for enhancement.

Constraints

6. The site is within the Eaton District Retail Centre and adjacent to the Conservation Area.
7. A surface water flow path exists along Church Lane and Chestnut Hill.

Relevant planning history

8.

Ref	Proposal	Decision	Date
4/2001/0168	Internally illuminated lettering and projecting globe at front elevation.	ADVCON	09/04/2001
4/2002/1152	Illuminated ATM box panel sign.	PART	27/03/2003
4/1993/0142	Installation of cash point facility and waste bin on front of bank.	APCON	11/06/1993
04/00408/F	Access ramps to front & rear of bank.	APPR	22/06/2004

Ref	Proposal	Decision	Date
04/00794/D	landscaping scheme as required in Condition 3 for previous permission 04/00408/F	APPR	27/08/2004
05/00808/F	Installation of four external air condenser units to the rear of the building.	APPR	18/10/2005
10/00468/A	Display of: 2 No. internally illuminated fascia and 1 No. internally illuminated projecting sign.	APPR	04/05/2010

The proposal

9. It is proposed to demolish the existing building on site and construct a mixed use development comprising of one ground floor commercial unit at the northern end of the site, with a first floor flat above and a terrace of three townhouses attached to the south. Car parking would be set along the Church Lane frontage, with each dwelling having a garden to the rear.

Summary information

Proposal	Key facts
Scale	
Total no. of dwellings	Four: a terrace of three townhouses and one first floor flat.
No. of affordable dwellings	None required by policy.
Total floorspace	Residential: 395 square metres Commercial: 60 square metres
No. of storeys	Two, with accommodation in the roof also
Max. dimensions	10.3 metres to ridge of townhouses, footprint: 25 metres by 16 metres
Density	50 dwellings per hectare
Appearance	
Materials	Red brick, flint, blue/black clay pantiles, oak plank panels, aluminium dark grey windows and rainwater goods.

Proposal	Key facts
Operation	
Opening hours	None specified
Ancillary plant and equipment	None specified
Transport matters	
Vehicular access	Directly off Church Lane to off-street parking
No of car parking spaces	Six in total: two for the commercial unit and one for each dwelling.
No of cycle parking spaces	Store proposed for commercial unit, storage in rear gardens for dwellings
Servicing arrangements	Bin storage at rear and collection area at front

Representations

10. Adjacent and neighbouring properties have been notified in writing. Eight letters of representation were received in response to the initial consultation, including one from Eaton Village Residents' Association, and one new representation and four additional comments were received in response to the re-consultation on amended plans and additional information. The representations received cite 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
Too high density and overbearing	See main issue 2
Loss of privacy	See main issue 3
Insufficient parking so cars would try to park in surrounding streets, exacerbating an existing traffic problem	See main issue 4
Proposal doesn't consider negative impact on Tamarind Mews	See main issue
Pitch of roof incredibly steep to allow accommodation	See main issue 2
Loss of afternoon and evening sun, especially in winter months, overshadowing	See main issue 3

Issues raised	Response
Compromised view	See main issue 3
Do not believe proposal retains a main town centre use	See main issue 1
If commercial use is food outlet, concern about smell and opening hours	See main issues 1 and 3
Recognise need to be redeveloped	Noted
Dominant scale, particularly when viewed from the south on elevated corner site	See main issue 2
Not clear whether hedgerow along boundary with Chestnut Hill will be retained and who will be responsible for maintaining hedges	The hedge is proposed to be retained. See main issue 5.
Concern about impact on sparrows and bees in hedgerow and grass bank	See main issue 5
Traffic congestion and access direct off Church Lane – vehicles will need to cross footpath or reverse out onto busy section of road. Not the most sensible option. Doesn't take account of the volume of traffic in Church Lane	See main issue 4
Traffic impacts during construction – proper traffic control must be in place to manage construction vehicles, any road closures and contractor parking	See main issue 4
Revised height is a token gesture, it is still out of character and doesn't go far enough to address the highly detrimental loss of daylight and privacy to Tamarind Mews. The living accommodation should not exceed two storeys.	See main issues 2 and 3
Car parking proposal is not the most sensible option, doesn't take account of the volume of traffic in Church Lane	See main issue 4
Despite the statement, will experience a significant loss of daylight and sunlight	See main issue 3
Odour and noise from bin store	See main issue 4
Detrimental effect on health and well-being from noise, loss of light and privacy due to individual circumstances	See main issue 4

Issues raised	Response
Plans need to be more explicit about what will be required in terms of utility supplies and impacts of road works	See main issue 4

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.

Highways (local)

12. The principle of mixed use residential and commercial development at this site is acceptable in highway terms given its sustainable location adjacent to Eaton village centre. The means of access to the site for parking and pedestrian traffic from Church Lane is acceptable as it is a 20mph zone with waiting restrictions that protects the vehicle accesses.
13. The development will require highway works to construct a vehicle crossover and dropped kerbs for the full extent of the site, and possible relocation of the street light and speed restriction signage that will necessitate a Small Highway Works Agreement to reconstruct the footway with dropped kerbs for the entire length of the site and reinstate the waiting and loading restriction markings.
14. The development offers 1 parking space per dwelling and 2 parking spaces for the commercial development and a bike store for that unit, this is compliant with policy standards in the Norwich Local Plan.
15. There may be additional off site parking generated by this development but there is unrestricted highway on adjacent streets that could accommodate it and extant waiting restrictions (double yellow lines) for critical safety.
16. For cycle parking it is recommended that sheds or storage units are provided in rear gardens.

Tree protection officer

17. No objections, however, it would be beneficial to apply condition TR12 (mitigatory planting) to ensure adequate tree replacement takes place.

Ecologist

18. I am satisfied that in this case the letter from Norfolk Wildlife Services is sufficient. The letter is written by a qualified professional, and given the low level of risk to protected species is considered adequate.
19. I am happy that our standard condition regarding nesting birds is suitable in this case.

20. I cannot see that any mitigation or enhancement is proposed, except for that proposed as part of the landscape scheme. As such I would ask that more measures are implemented to achieve net gain.

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)

- 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
- JCS19 The hierarchy of centres

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
- 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
- DM21 Protecting and supporting district and local centres
- DM28 Encouraging sustainable travel
- DM30 Access and highway safety
- DM31 Car parking and servicing

Other material considerations

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

- NPPF2 Achieving sustainable development
- NPPF5 Delivering a sufficient supply of homes
- NPPF7 Ensuring the vitality of town centres
- NPPF9 Promoting sustainable transport
- NPPF11 Making effective use of land
- NPPF12 Achieving well-designed places
- NPPF14 Meeting the challenge of climate change, flooding and coastal change
- NPPF15 Conserving and enhancing the natural environment
- NPPF16 Conserving and enhancing the historic environment

24. Supplementary Planning Documents (SPD)

- Trees, development and landscape SPD adopted June 2016

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 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.

Main issue 1: Principle of development

26. Key policies and NPPF paragraphs – DM12, DM21, NPPF section 5 and 7
27. The site is within the Eaton district centre where Policy DM21 allows for new retail and other main town centre, public and community uses to complement local shops.
28. The proposal would result in the loss of the existing bank building, but a replacement commercial unit of a similar size is proposed to be incorporated in the development. This is considered necessary in accordance with Policy DM21 to protect the vitality and viability of the district centre and a wholly residential development would be contrary to this and Policy DM12.
29. Under the new use classes introduced on 1 September 2020, it is proposed that the commercial unit would have a Class E use which encompasses the former separate classes of A1 (retail), A2 (financial and professional services), A3 (café or restaurant), B1 (business), D1 (non-residential institutions) and D2 (assembly and leisure). This change in the Use Classes Order means planning permission is not required to change between the uses within Class E with the Government's intention being to allow more flexibility and responsiveness to changes in the economic climate. The existing bank building, if retained, could change to any of these uses without requiring assessment through a planning application. The uses within this range are main town centre uses broadly appropriate in principle for this district centre location and the unit, whilst smaller than the former bank, would be of a size that would complement other existing premises. This aspect of the proposal is therefore considered to comply with Policy DM21, subject to amenity and other matters considered below.
30. With regards the proposed residential element of the proposal, Policy DM12 allows for this in district centres providing it would not result in the loss of existing non-residential floorspace and the provision of a replacement commercial unit ensures that is not the case here. The site is not subject to any of the other exceptions to DM12, so is acceptable in principle. Furthermore, Policy DM21 and NPPF paragraph 85 (f) recognise that residential development can play an important role in ensuring the vitality of centres and allow for it on appropriate sites.
31. The site has been vacant since 2018 and the proposal to redevelop it is welcomed. In principle, the mixed use development proposed is acceptable and appropriate for the district centre location, subject to considerations of the impacts below.

Main issue 2: Design and Heritage

32. Key policies and NPPF paragraphs – JCS2, DM3, DM9, NPPF sections 12 and 16
33. The existing single storey, flat roofed, bank building is of no architectural merit and detracts from the character of the adjacent Conservation Area. The extensive ramps and steps to the front are particularly detrimental to the appearance of the site. In design and heritage terms, the demolition of the building is acceptable and the opportunity to redevelop and enhance the site is welcomed.
34. In terms of layout, the proposal sites the replacement commercial unit at the northern end, closest to the other commercial uses within the district centre, which is considered appropriate and allows for the residential units to the south to transition into the suburban area of the village.
35. The layout also sites parking to the front of the building with service and garden space to the rear. The highways implications of this are considered below, however in terms of making the most effective use of the space available on this relatively shallow site, this is considered to result in the most efficient use of land. As noted above, the existing ramps and steps to the bank are harmful to the appearance of the site and surrounding area. The parking spaces would be set within retaining walls to overcome the change in levels from the road and soft landscaping is incorporated to enhance the appearance of the hard surfaces. Securing high quality landscaping and materials by condition shall be necessary to ensure this aspect of the proposal fulfils the opportunity to enhance the frontage of the site.
36. With regards scale, it is recognised the proposal represents a significant increase in footprint, height and density from the existing situation which is an inefficient use of land with the majority of the site occupied by car parking and access and the modest single storey building is out of scale with the predominantly two storey and higher surrounding development. This is a brownfield site in a district centre and accessible location. Paragraph 21.19 to Policy DM21 identifies that residential use in district centres should be at a higher density where this is in keeping with the character of the surrounding area and section 11 of the NPPF encourages making more efficient and effective use of under-utilised land.
37. In terms of footprint, the proposed building allows for adequate parking, servicing and amenity space around it whilst providing sufficient internal space for the replacement commercial unit and four dwellings compliant with space standards. In relation to height, at two storeys, the proposal is consistent with surrounding commercial and residential development. The townhouses contain accommodation at second storey level, however this is entirely within the roofspace and the eaves and ridge height have been reduced (by 350mm) to ensure this. Removing the second floor accommodation would not, as has been suggested, facilitate any reduction in height.
38. Representations have raised concern about the roof pitch, but the surrounding area, including within the Conservation Area, features a number of roofs at a similar or steeper pitch. Although those around Chestnut Hill are lower, which is typical of their mid to late twentieth century age, the site forms a transitional point between different characters and the proposal is considered to positively reflect and reinforce this with the proposed roof pitch.

39. The topography within and around the site varies. Church Lane and Tamarind Mews slope down southwards, whilst Chestnut Hill rises to the east. The main area of the site is banked up from the levels of both Church Lane and Chestnut Hill, but is lower than the neighbouring dwellings on Tamarind Mews. As such there is sensitivity around the proposed height, and perception of it. Submitted sections and elevations demonstrate that the ridge of the townhouses, which is the highest and bulkiest part of the development, would be taller than the lowest ridge on Tamarind Mews, but lower than the recently completed two and a half storey building at Senna Mews to the north. The commercial unit and first floor flat would sit under a lower gable fronting Church Lane to provide an appropriate transition in scale from the more modest funeral directors building immediately to the north, before stepping up to the townhouses that would occupy the more open and prominent corner position at the road junction. The change in height and form across the building is also effective in breaking up the visual mass and reinforcing the distinction in uses and transition out of the centre.
40. The amenity impacts of this scale and height are considered below, however, in design and heritage terms, it is considered that the proposal has been designed to reflect and reinforce the positive characteristics of the surrounding area and make an appropriate transition from the taller and denser development of the district centre into the lower and more spacious suburban village development to the south. It is not considered the scale or height would harm the significance of the Conservation Area or appear overbearing or over-dominant.
41. A varied palette of materials is proposed across the elevations which would have a relatively clean, contemporary appearance but reflect the more historic features in the surrounding area with the use of red brick, flint and timber. This detailed design is considered to positively reinforce the setting and achieve the necessary enhancement from the existing appearance of the site.
42. In design terms, the proposal is therefore considered acceptable, subject to securing material and landscape details by condition, and it is not considered the development would harm the significance of the adjacent Conservation Area.

Main issue 3: Amenity

43. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 127 and 180-182

Future occupiers

44. Each proposed dwelling would exceed minimum internal space standards and have satisfactory natural light and outlook. They would also each have a private rear garden. These spaces are constrained in area, but not significantly so compared to those to the neighbouring dwellings on Tamarind Mews and the amount and quality of external amenity space is not unacceptable.
45. It is also considered that the layout of the commercial unit would offer acceptable working conditions for a range of occupants.

Neighbouring occupiers

46. Objections have raised concerns about the impact of the proposed commercial unit on amenity, including from any potential food outlet and the proximity of the bin store to neighbouring dwellings.
47. Class E allows for a wide range of uses that would include cafes and restaurants, but not hot food takeaways. Although these uses are all appropriate for the district centre location, the unit is in close proximity to existing dwellings and those proposed within the development and the potential amenity impacts require careful consideration.
48. At 60sqm this is a modest unit and the size would, to some extent, limit amenity impacts. It is not considered that Class E (g) (ii) research and development of products or (iii) industrial processes would be appropriate here without detailed consideration of the potential impacts through the submission of a specific planning application so these uses should be excluded from any permission. In order to manage the impacts of the wide range of other possible occupiers, it is considered necessary to condition the opening hours, use of amplified sound and installation of any plant, ventilation or extraction.
49. In response to the comments about the bin store, this is located at the rear of the commercial unit and accessed by a pedestrian path along the northern boundary with double doors on that elevation. Whilst it would be within 11 metres of the nearest dwelling, there would be a retained hedge, path and fence between it and the garden to this dwelling. The store itself and the unit it would serve are not considered to be of such a scale that the store would be used to an extent that would generate unacceptable levels of noise and disturbance. It is an integral part of the building and therefore of robust construction and enclosed with doors which should mitigate any unacceptable odour impacts.
50. Subject to appropriate conditions, it is not considered operation of the commercial unit would result in unacceptable impacts on the amenity of neighbouring dwellings, both within and outside the development.
51. In terms of the impact from the physical presence of the development, objections have raised concerns about the scale and proximity being over-dominant and resulting in overshadowing and loss of light to neighbouring dwellings. In response to these comments on the initial consultation, the applicants undertook a daylight and sunlight analysis in accordance with BRE good practice guidance. This considers the 25 degree rule, vertical sky component and annual and winter probable sunlight hours tests.
52. The 25 degree rule takes a plane from the midpoint of the windows of neighbouring dwellings and if there are no obstructions, the window can be deemed to receive sufficient daylight and sunlight. This analysis has found only one dwelling at Tamarind Mews would be affected by the ridgeline of the commercial unit, the others pass this test. In accordance with the guidance, as one unit does not pass, further analysis has been undertaken.
53. The vertical sky component (VSC) assessment considers the amount of direct sky illuminance and should either be greater than 27% or more than 0.8 times the existing value as a result of the development. Whilst all ten windows assessed

would experience a reduction in VSC as a result of the proposal, all would remain over 27% and at least 0.8 times their existing value.

54. Annual and winter probable sunlight hours (APSH and WPSH) to these windows has also been calculated. For a room to receive enough sunlight, the centre of the window should receive more than 25% of APSH and at least 5% of WPSH. All windows at the rear of Tamarind Mews pass those tests, although it is noted four ground floor windows would have a reduction of over 0.8 from the existing WPSH (as low as 0.67). This highlights that there would be a reduction, most noticeable in the winter months, but that the sunlight levels would remain at least 8.91%, well above the 5% level below which rooms would appear colder and less cheerful and pleasant.
55. This analysis therefore demonstrates that there would be not be any significant or unacceptable overshadowing or loss of light to neighbouring dwellings. The roof over the commercial unit and first floor flat which extends closest to any neighbouring dwelling is the only point which did not comply with the 25 degree rule. Subsequent to the production of the daylight and sunlight analysis, the design has been amended to propose a hipped roof here to further reduce any impact.
56. Whilst the analysis demonstrates the internal accommodation of dwellings on Tamarind Mews would not be unacceptably affected, their modest rear gardens extend closer to the site and would experience some impact when the sun is to the southwest and west later in the day. The direct sun from the south in the middle of the day would not be impeded and any overshadowing of gardens is not considered so significant as to be unacceptable.
57. It is not considered that the funeral directors to the north would experience any unacceptable impacts internally or externally.
58. In terms of overlooking of neighbouring dwellings, the rear elevation would have first floor windows to bedrooms and roof lights to ensembles. The gable end to Chestnut Hill would have a first floor oriel window to a bedroom as well as a second floor window to the stairs. The rooflights would be over 2 metres above floor level so would have no direct outlook. Overlooking from bedrooms should not be significant and there is a distance of over 18 metres window to window. It is also noted the Tamarind Mews gardens are already overlooked by first floor windows along the terrace so would not suffer any significant additional loss of privacy. Whilst the concerns about loss of privacy are appreciated, it is not considered the proposal would have such a significant impact to be considered unacceptable in this respect. The back-to-back housing arrangement is a significant change from the existing relationship with the single storey bank building, but is not uncommon nor inappropriate here.
59. The impact on health and well-being due to personal circumstances has been raised in an objection and it is appreciated some individuals may be more affected than others on any application. In this case it has been demonstrated there would be no significant loss of light and it is not considered there would be any other unacceptable amenity impacts to any neighbour.
60. Construction of the development does have the potential to cause disruptive noise and activity, so it is considered appropriate to agree a construction method statement by condition.

Main issue 4: Transport

61. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF section 9
62. As considered above, siting the parking along the Church Lane frontage is considered to result in the most efficient use of space on the site. Furthermore, the scheme has been designed in this way in response to a highway officer's recommendation at pre-application stage and there is no objection or safety concern from the Highway Authority to the means of access and parking proposed in this application. The 20mph speed limit and waiting restrictions are considered adequate to protect the accesses. It is appreciated that a number of representations disagree with the acceptability of this arrangement. They consider that the requirement to reverse in/out of the site on this busy vehicle and pedestrian route into the main residential area of the village and where traffic often queues up to the junction in the opposite direction is unsafe and unwise. However, the view of the Highway Authority that this small scale development is acceptable in highway safety and traffic terms, is accepted and the proposal complies with Policy DM30.
63. Concerns have also been raised about insufficient on-site parking exacerbating existing traffic and parking issues. Each proposed dwelling would have one parking space and the commercial unit would have one general and one accessible space. This is in compliance with adopted parking standards and cycle storage is proposed for each unit to promote use of the connections to local Pedalways. Eaton district centre meets a number of everyday needs within close walking distance and local bus services are frequent. Residents would not therefore be dependent on private car ownership here and on-street parking in the surrounding area can accommodate any additional demands without unacceptably contributing to any existing parking congestion.
64. Recent developments locally have generated short-term traffic congestion during construction and utility works. As well as managing the amenity impacts, a construction method statement is considered necessary to manage the traffic and parking impacts during construction. Any road closures or traffic controls would be subject to agreement with the Highway Authority.
65. Provision is made for each dwelling to store bins in rear gardens with access for collection adjacent to the highway and sufficient cycle storage can be provided.
66. The proposal is therefore acceptable in accordance with Policies DM28, DM30 and DM31.

Main issue 5: Trees and biodiversity

67. Key policies and NPPF paragraphs – DM6, DM7, NPPF paragraph 170 and section 15
68. There are two small cherry and an almond tree along the Church Lane frontage and a sycamore on the northern boundary which would be removed to facilitate the development and appropriate replacements would be incorporated in a landscape scheme is proposed. The hedgerows around the northern, eastern and southern boundaries of the site are proposed to be protected throughout development with fencing.

69. Subject to conditions securing replacement planting and protection throughout construction, the proposal is acceptable in relation to trees and Policy DM7.
70. An ecologist has inspected the building and concluded it has negligible bat roost potential with limited niches for nesting birds. The hedges are identified to have bird nesting potential and a representation has suggested established use by sparrows, indeed a number of birds were observed on and around the site during a site visit in August. The hedges are proposed to be retained as part of the development with only some pruning proposed. This should either be undertaken outside the main nesting season or following a survey and with the advice of a qualified ecologist. A condition securing this and the protective fencing proposed are considered sufficient to protect any nesting birds and enhancements, including sparrow terraces, should be agreed.
71. Concern has also been raised about a colony of ivy bees on the western grass bank. These are not a protected species, however replacement habitat can be incorporated in the landscape scheme which should also include long-term management proposals for existing and new landscaping.
72. The risk to species and provision of appropriate enhancements can therefore be satisfactorily managed by conditions.

Compliance with other relevant development plan policies

73. 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
Water efficiency	JCS 1 & 3	Yes subject to condition
Sustainable urban drainage	DM3/5	The proposal will increase the impermeable area of the site and it is necessary to agree an appropriate sustainable drainage scheme to ensure it does not contribute to the risk of surface water flooding on lower ground outside the site.

Equalities and diversity issues

74. There are no significant equality or diversity issues.

Local finance considerations

75. 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.
76. 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.

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

Conclusion

78. It is proposed to replace a modest bank building that detracts from the character of the adjacent Conservation Area and represents an inefficient use of land in the Eaton district centre with a mixed use development that incorporates a new flexible commercial unit and four dwellings.
79. It is considered the scheme has been designed to sensitively reflect its surroundings and the increased scale and density would not be over-dominant or detrimental to the character or amenity of the area. The site has a close relationship with neighbouring dwellings, particularly those on Tamarind Mews to the rear, however it has been demonstrated that there would be no significant or unacceptable loss of light or overshadowing and any overlooking and other amenity impacts are not considered to be so significant as to be unacceptable.
80. It is appreciated there is local concern about the proposed parking arrangement which would require vehicles to reverse in/out of the site onto a busy pedestrian and vehicle route. This is however the most efficient and effective use of the available space and is acceptable in highway terms. The level of parking proposed is compliant with standards and parking and traffic impacts during construction can be managed by condition.
81. Replacement tree planting, biodiversity protection and enhancement, highway works, management of the use and operation of the commercial unit, materials and landscaping can also be satisfactorily managed by condition.
82. 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. 20/00896/F - Barclays Bank PLC 6 Church Lane Norwich NR4 6NZ and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. No removal of hedgerows and trees within bird nesting season, unless first checked by ecologist;
4. Construction method statement to be agreed;
5. Tree protection;
6. Materials to be agreed;
7. Landscape scheme to be agreed – including tree replacement, cycle and refuse storage, external lighting, biodiversity enhancements and small mammal access gaps ;
8. Detailed scheme for vehicular crossing, including relocation of streetlight and sign;

9. Parking to be provided prior to first occupation;
10. Water efficiency;
11. Commercial unit to be used for Class E uses, excluding (g)(ii) research and development and (iii) industrial processes;
12. Commercial unit not to be open to the public 22:00 to 07:00;
13. No amplified sound;
14. No plant, ventilation or extraction to be installed, unless first agreed.

Article 31(1)(cc) statement

The local planning authority in making its decision has had due regard to paragraph 38 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations, following negotiations with the applicant and subsequent amendments to the scale and highway works, and provision of a daylight and sunlight assessment, the application has been approved subject to appropriate conditions and for the reasons outlined in the officer report.



Ingleton Wood LLP has the ability to be involved in the design of any architectural or landscape or associated or any other services, only in the event of the client or any party being specifically named by the Ingleton Wood LLP as Project Team Member, or any other third party.

All dimensions are to be checked and verified on-site by the Main Contractor prior to construction; any discrepancies are to be reported to the Contract Administrator.

This drawing is to be read in conjunction with all other relevant drawings and specifications.

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Schedule of Accommodation

Plot 1	3b5p	104m ²
Plot 2	3b5p	104m ²
Plot 3	3b5p	104m ²
Plot 4	2b4p	83m ²
Commercial		80m ²
Bin Store		5m ²
Bike Store		7m ²
Total Area		467m²

- Pedestrian Access
- Paving Slabs
- Street Trees

- Landscape Area
- Bin presentation point
- Raised planter
- Ramped access up to commercial & private residential
- Low level gates access to private housing

Highway kerb dropped to allow vehicle transition, raised planting beds for soil landscaping

Soft landscaping to residential frontage with raised planters. Low level planters to allow clear visibility for vehicles exiting parking spaces - details to be agreed within water landscaping proposals

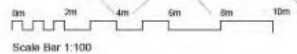
Retaining wall to address level change

Existing streetlight and speed limit sign to be retained (Under Small Highway Works Agreement)

Resin bound gravel frontage parking bays with granite setts bay numbers & boundary to pavement

Visibility Splay for parking space 4 towards the centre line of Chestnut Hill

Existing visibility Splay for Chestnut Hill not affected by development.



PS	Tree relocated back from highway	16/10/20	A1	BR
PS	Tree removed & replaced back sign to be installed	16/10/20	CP	BR
PS	Visibility Splay installed	16/10/20	CP	BR
PS	Drains and drainage improvements to surface level drainage, subsurface to address	16/10/20	SR	BR
PS	Site Works & New Street Landscaping	16/10/20	CP	BR
PS	Site Works	16/10/20	CP	BR
Project No	304797	Scale @	A1	Drawn By
			1:100	BR



Vision, form and function

Former Barclays Site, Eaton Norwich

Client: Ashlar Developments Limited

The Proposed Block Plan

Drawing Number	EDVGLV-IW-SA-XX-DR-A-2010
Block	S2
Proposed Use	Information
Revision	P5

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Short Section Through Commercial Unit

1:100



Short Section Through Plot 3

1:100



Short Section Through Plot 4

1:100

P1	Final site plan from highway	20.10.20	AK	DR	
P2	Survey and design commitments to scheme	20.10.20	SA	JD	
	Local planning authorities to address				
	Architectural Services Proposed	21/10/20	CP	JD	
Rev	Comments	Date	CHK	APP	
Project No:	304797	Scale @ A1:	1:100	Drawn By:	DR



Vision, form and function
Former Barclays Site, Eaton
Norwich

Client:
Ashlar Developments Limited

Title:
Site Section

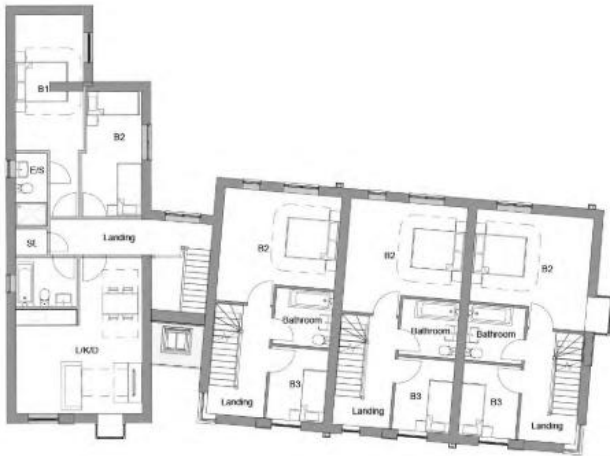
Drawing Number: EDVGLV-IW-SA-XX-DR-A-2015		
Sheet:	Package of Issues:	Package:
S2	INFORMATION	P3

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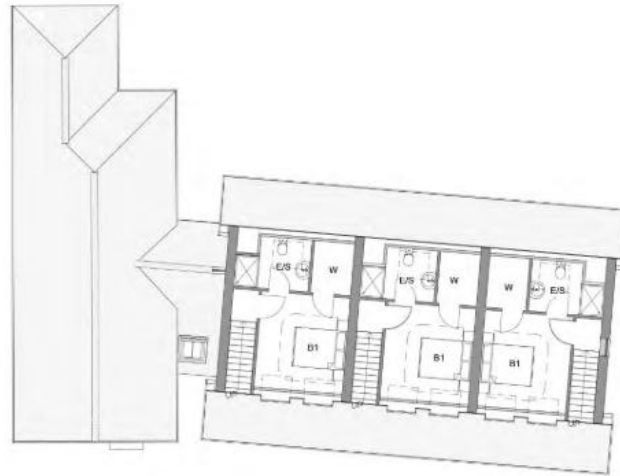
All dimensions are to be checked and verified on-site by the Main Contractor prior to construction; any discrepancies are to be reported to the Contract Administrator.

This drawing is to be read in conjunction with all other relevant drawings and specifications.

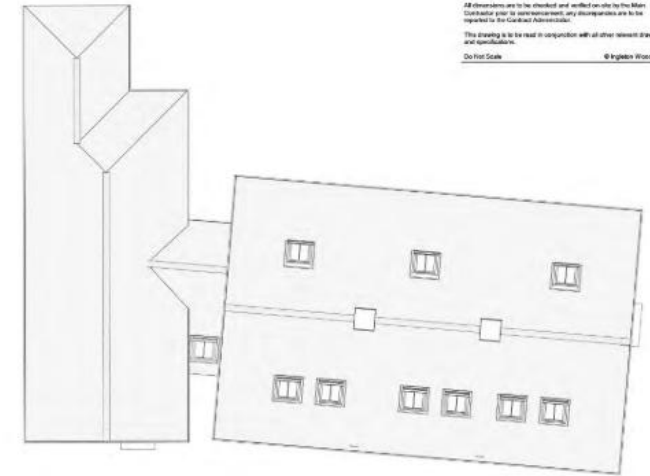
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Block 1 - Level 01
1:100



Block 1 - Level 02
1:100



Block 1 - Roof
1:100



Street View - Church Lane
1:100

- MAT 1 Inset Napped Flatwork - set into retaining wall
- MAT 2 Steel Protective Railings
- MAT 3 Timber Inset Panels
- MAT 4 Street Trees
- MAT 5 Low Level Raised Planters

Drawn by	304797	Scale @	A1 1:100	Date	08/12/20	DR
Project	304797	Scale @	A1 1:100	Date	08/12/20	DR

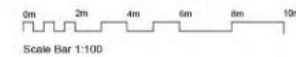


Vision, form and function
Former Barclays Site, Eaton
Norwich

Client:
Ashlar Developments Limited

Title:
First, Second & Roof Plans

Drawing Number	EDVGLV-IW-XX-XX-DR-A-2011
Block	S2
Purpose of Revision	Information
Revision	P2



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This drawing is to be read in conjunction with all other relevant drawings and specifications.

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- (MAT 1) Red Multicolor Facing Brick
- (MAT 2) Dark Blue / Black Clay Partiles
- (MAT 3) Dark Blue / Black Fascia & Barge Boards
- (MAT 4) Aluminum Powder Coated Dark Grey Windows
- (MAT 5) Aluminum Rain Water Goods
- (MAT 6) Velux Rooflight



West Elevation - Front
1:100



South Elevation - Side
1:100



East Elevation - Rear
1:100



North Elevation - Side
1:100



Street View - Chestnut Hill
1:100

Drawn	30/12/20	04/11/20
Checked	30/12/20	04/11/20
Project	304797	Scale @ 1:100
Client	DR	



Vision, form and function
Former Barclays Site, Eaton
Norwich

Client: Ashlar Developments Limited

The Proposed Elevations

Drawing Number	EDVGLV-IW-XX-XX-DR-A-2012
Block	S2
Revision	Information
Page	P2

Report to Planning applications committee

Item

12 November 2020

Report of Area development manager

Subject Application no 20/00407/F – 1 Christchurch Court,
Christchurch Road, Norwich, NR2 2AG

4(c)

**Reason
for referral** Objection / Councillor Call-In

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

Development proposal		
First floor front, side and single storey rear extensions.		
Representations		
Object	Comment	Support
6	0	0

Main issues	Key considerations
1 Design & Heritage	The impact of the proposed development on the character and appearance of the subject property and wider conservation area.
2 Amenity	The impact of the proposed development on the amenity of neighbouring residential occupiers.
3 Trees	The impact of the proposed development on nearby trees.
Expiry date	25 May 2020
Recommendation	Approve



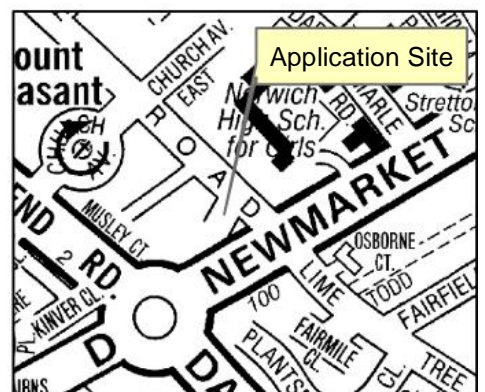
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Planning Application No 20/00407/F
 Site Address 1 Christchurch Court

Scale 1:1,000



NORWICH
 City Council
 PLANNING SERVICES



The site and surroundings

1. The site is located to the eastern corner of Christchurch Court, a residential cul-de-sac located to the southwest of Christchurch Road, to the southwest of the city. The subject property is a two-storey detached dwelling constructed during the mid C20 using red bricks, dark coloured plain tiles and white coloured fenestration. The property is arranged over a rectangular footprint which includes a projecting two-storey bay to the front clad in timber. The property has been extended by way of a conservatory to the side and a single-storey extension to the opposite side serving as the main entrance and a double garage. The site features a small parking area / drive to the front, access to the side and front with the south eastern side serving as the main garden area.
2. Christchurch Court is formed of four dwellings all constructed at the same time as part of the same development, including no. 2 which borders the site to the south. No.2 is of a matching original design, however it is oriented so that the side faces the front of the no.1. The site boundaries are marked by close boarded fencing between the two properties and tall mature trees along the boundaries shared with Christchurch and Newmarket Roads. There are a number of notable tall mature trees, including a particularly prominently 27.9m tall Wellingtonia adjacent to the garage.
3. The prevailing character of the surrounding area is predominantly residential with the immediate neighbours 2-4 all being located within the cul-de-sac. There are a number of large character properties within the area and the Norwich High School site is also located within close proximity. The tall mature trees also contribute significantly to the character of the area, largely screening the dwellings on Christchurch Court from view within the public realm.

Constraints

4. Conservation Area: Unthank and Christchurch

Relevant planning history

- 5.

Ref	Proposal	Decision	Date
4/2002/1056	Garage at side of dwelling.	APPR	11/12/2002
03/00075/F	Single storey extension and glazed porch at rear of dwelling	APPR	08/09/2003
15/00350/TCA	Reduce large Holly trees at edge of garden to gutter height.	CANCLD	22/10/2015
15/01207/TPO	T1 Yew: Remove; T2 Yew: Reduce previously cut branch back to growing point by approx 1.2m, removal of small branches by street lights and traffic lights and removal of 60mm	APPR	17/09/2015

Ref	Proposal	Decision	Date
	branches growing towards Christchurch road back to stem.		

The proposal

6. The proposal seeks consent for construction of extensions to the rear and side at ground floor level, the side and rear at first floor level, as well as changes to the external finishes of the property.
7. The existing garage roof is to be removed and a 5.2m x 1.5m extension is to be added to the rear of the ground floor of the garage. This facilitates the construction of a 6.5m x 9m first floor extension and new link to bridge the existing and proposed. The extension has been designed with a double-pitched roof measuring 5.2m to the eaves and 6.8m to the ridge.
8. A 4.8m x 2.1m extension is to be constructed to the rear of the property above an existing ground floor section below. It has been designed with a similar pitched roof, measuring 5.2m to the eaves and 6.8m to the ridge. The new roof extends across part of the existing rear elevation.
9. A 4.5m x 10.1m extension is to be constructed across the rear of the property. The extension has been designed with a 3m tall flat roof.
10. The proposal includes the installation of various new external finishes throughout including new windows, cladding and sedum roofs.
11. It is noted that the proposal has been revised during the determination of the application in order to address concerns raised by the council and neighbours. The scale of the overall works has been reduced and modifications made to reduce the impacts on neighbouring residential occupiers.

Representations

12. Two consultations have been run covering both the original and revised plans. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. Four letters of representation were received during the initial period and a further two letters of representation were received during the second, 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
Design, not in keeping with character of the area – form; appearance; materials; coherence of the Court will be lost.	See main issue 1

Issues raised	Response
The proposed development will result in a loss of privacy from new windows facing onto neighbouring properties	See main issue 2
Concern regarding the impact on the Wellingtonia tree	See main issue 3
The construction work will cause disruption to the neighbourhood	It is acknowledged that the construction will cause some disruption, however this is not to a level that is considered unreasonable for a householder development.
The proposed development will devalue house prices	The potential impact of a proposed development on neighbouring house prices is a non-material planning consideration.

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.

Design and conservation

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

Tree Protection Officer

15. This proposal could result in potential damage to valuable trees on site. Details of the specialist foundations for the garage/workshop would need to be submitted (and agreed) before I would be able to fully support this application.
16. Update: a structural assessment has been submitted which has confirmed to provide an acceptable level of detail for the proposal to be supported.

Assessment of planning considerations

Relevant development plan policies

17. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
- JCS2 Promoting good design

18. 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
- DM9 Safeguarding Norwich's heritage

Other material considerations

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

- NPPF0 Achieving sustainable development
- NPPF7 Requiring good design

Case Assessment

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

Main issue 1: Design & Heritage

21. Key policies and NPPF paragraphs – JCS2, DM3, DM9, NPPF paragraphs 9, 17, 56, 60-66, 128-141, 193-196.
22. The proposed development represents a significant series of additions and alterations to the original dwelling. The most prominently noticeable change is however to occur to the garage extension located to the front of the property. The proposed first floor extension with its double-pitch roof and glazed link will be visible from within the public realm of Christchurch Court. It is considered that the first floor extension is of an appropriate scale, appearing subservient to the original. This also ensures that the original design of the subject property remains legible.
23. The extensions to the rear and side will have less of an impact as they will largely not be visible from the public realm. The mature trees and planting marking the boundaries adjacent to Christchurch and Newmarket Roads effectively screen the site from the public realm outside of Christchurch Court. This will ensure that the proposed development will have very limited to no impact on the character of the wider conservation area.
24. The choice of materials are drawn from a more contemporary pallet than the relatively traditional red bricks and roof tiles in situ. The subject property and neighbouring properties within the cul-de-sac are of an appearance and design that are also relatively traditional, however they do appear to be of their time, with several features aging them within the later C20. Given their location, well screened from the public realm outside, they are not considered to contribute significantly to the character of the surrounding conservation area, which is defined by larger and older character properties. As such, the subject property, within this location is

considered to be an appropriate property to be modified and enlarged in such a way as is proposed. The forms of the proposed extensions are within keeping with the existing and the material choices are considered to be of high quality. It is therefore acknowledged that the proposed development will result in a significant change to the current situation, however it is not considered that it will result in harm being caused to the appearance of the subject property, the character of the cul-de-sac, of the historic character of the wider conservation area.

25. The proposed extensions and modifications are therefore considered to be acceptable in design and heritage terms.

Main issue 2: Amenity

26. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraph 127.
27. Policy DM2 seeks to protect the amenities of the neighbouring occupiers with particular regard given to overlooking, overshadowing, loss of light/outlook and the prevention of disturbance from noise, odour, vibration, air or artificial light pollution. In this case, revisions to the proposed design will prevent significant harm from occurring the amenity of neighbouring residential occupiers by way of overlooking. Earlier plans included the installation of glazing to the projecting two-storey bay and a new window serving a bedroom, both of which would have faced directly towards no. 2 Christchurch Court resulting in an unacceptable loss of privacy. The design has now been revised so that the bay is to be clad in timber and the bedroom is to be served by a horizontal high level window opening, from which no outlook will be possible. The occupants of no. 2 will therefore not suffer a significant loss of privacy.
28. There is also sufficient distance between no.2 and the proposed extensions to ensure that significant harm is not caused by way of overshadowing, loss of outlook or by being overbearing.
29. The siting of the subject property, within the corner of the cul-de-sac a significant distance from nos. 3 and 4, will ensure that the proposed development does not have any significant impacts on the amenity of the neighbouring residential occupiers of these properties.
30. The proposed development will enhance the residential amenity of the occupiers of the subject property as the internal living spaces are enlarged and improved without significant loss of external amenity space.
31. The proposed development is therefore considered to be acceptable in amenity terms.

Main issue 3: Trees

32. Key policies and NPPF paragraphs – DM7, NPPF paragraphs 109 and 118.
33. The site is bound by numerous tall mature trees marking the boundaries shared with Christchurch and Newmarket Roads. An arboricultural impact assessment (AIA) and method statement (AMS) have been submitted. They outline mitigation methods to be undertaken to ensure that the trees are not harmed by the construction of the proposed extensions.

34. Also covered by the AIA and AMS is the Wellingtonia tree located adjacent to the existing garage, within close proximity of the proposed single-storey rear and first floor side extensions. A structural assessment has been provided, in addition to the AMS to provide a more detailed assessment of the methods to be used to construct the proposed extension without harming the neighbouring trees. The AIA, AMS and structural assessment have been reviewed by the council's tree protection officer who has confirmed that the proposed mitigation and construction methods are appropriate and acceptable. Their implementation will ensure that the neighbouring trees including the Wellingtonia will not be harmed by the proposed development.

Equalities and diversity issues

35. There are no significant equality or diversity issues.

Local finance considerations

36. 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.
37. 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.
38. In this case local finance considerations are not considered to be material to the case.

Conclusion

39. The proposed development will result in significant changes to the appearance of the subject property. Given the age and relatively concealed nature of the cul-de-sac these changes whilst contrasting with other properties within the cul-de-sac are not considered to result in harm to the conservation area.
40. Under the revised plans, the proposed extensions are considered to be acceptable in terms of any amenity impact to neighbouring properties. The mature trees can be protected from harm caused by the proposed development by the implementation of the requirements of the AIA, AMS and structural assessment.
41. The recommendation is therefore to approve subject to the conditions listed below.

Recommendation

To approve application no. 20/00407/F - 1 Christchurch Court Christchurch Road Norwich NR2 2AG and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. In accordance with AIA, AMS and Structural assessment.



PROPOSED EAST ELEVATION 0 1 2

- 1: New facing brick to match existing
- 2: New windows and doors to be aluminium framed powder coated to colour dark grey RAL 7016
- 3: New velux roof lights with grey aluminium exterior covers
- 4: Zinc standing seam cladding (or equal and approved) colour coated grey RAL 7016
- 5: New timber cladding to be western Red Cedar Russwood 'Architect select Grade' profile WR115
- 6: New coping stones
- 7: American light oak hardwood front door and side panel
- 8: Line of boundary



PROPOSED NORTH ELEVATION 0 1 2

REV A: Planning amendments 12/06/2020
REV B: planning amendments 28/06/2020

HOWIE ARCHITECTS
K1B 5 8R

FUEL STUDIOS
KILN HOUSE
POTTERGATE
NORWICH
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07792 705592

1 CHRISTCHURCH COURT
NORWICH
NORFOLK
NR2 2AG

LAYOUT DRAWING No
1922/112/REV:B

DRAWN: **AWH** SCALE: **1:100@A3** REV:

DESCRIPTION
PROPOSED EAST & NORTH ELEVATIONS



PROPOSED EAST
ELEVATION





PROPOSED FIRST FLOOR PLAN



REV A: Planning amendments 12/06/2020
 REV B: Planning amendments 28/06/2020

HOWIE ARCHITECTS <small>REB.A.06</small>	
FUEL STUDIOS KILN HOUSE POTTERGATE NORWICH NR2 1DX alastair@howiearc.com www.howiearc.com 07792 705562	
PROJECT NAME 1 CHRISTCHURCH COURT NORWICH NR2 2AG	
<small>LAYOUT DRAWING NO.</small> 1922 /102/REV: B	
<small>DRAWN BY</small> AWH	<small>SCALE</small> 1:100@A3
<small>DESCRIPTION</small> PROPOSED FIRST FLOOR PLAN	



PROPOSED GROUND FLOOR PLAN 0 1 2



REV A: Planning amendments 12/09/2020
 REV B: Planning amendments 28/06/2020

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RIBA 48

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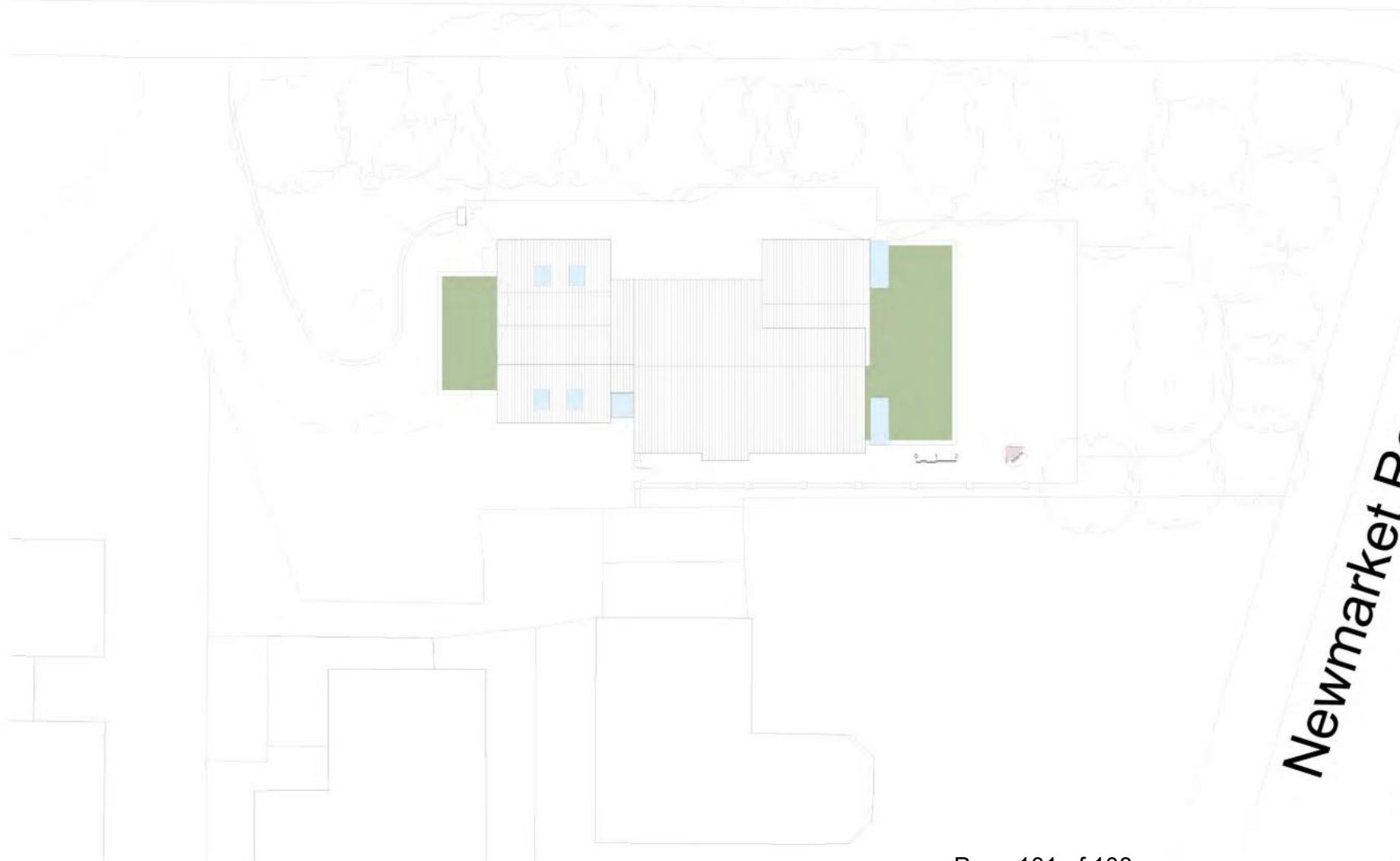
1 CHRISTCHURCH COURT
 NORWICH
 NR2 2AG

1922 /101/REV B

AWH 1:100@A3

PROPOSED GROUND FLOOR PLAN

Christchurch Road



Newmarket Road

REV A: Planning amendments 12/06/2020
REV B: Planning amendments 28/06/2020

HOWIE ARCHITECTS <small>RESEARCH</small>		
FUEL STUDIOS KILN HOUSE POTTERGATE NORWICH NR2 1DX alastair@howiearc.com www.howiearc.com 07792 705592		
PROMISEE NAME 1 CHRISTCHURCH COURT NORWICH NORFOLK NR2 2AG		
LAYOUT DRAWING TAB 1922 /502/REV: B		
DRAWN AWH	SCALE 1:200@A3	REV
DESCRIPTION PROPOSED SITE PLAN 1:200		



PROPOSED SOUTH
ELEVATION 



PROPOSED WEST ELEVATION

- 1: New facing brick to match existing
- 2: New windows and doors to be aluminium framed powder coated to colour dark grey RAL 7016
- 3: New velux roof lights with grey aluminium exterior covers
- 4: Zinc standing seam cladding (or equal and approved) colour coated grey RAL 7016
- 5: New timber cladding to be western Red Cedar Russwood 'Architect select Grade' profile WR115
- 6: New coping stones
- 7: American light oak hardwood front door and side panels
- 8: Line of boundary



PROPOSED SOUTH ELEVATION

REV A: Planning amendments 12/06/2008
REV B: Planning amendments 28/09/2008

HOWIE ARCHITECTS
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1 CHRISTCHURCH COURT
NORWICH
NORFOLK
NR2 2AG

LAYOUT DRAWING No.
1922/111/REV:B

DRAWN: AWH
SCALE: 1:100@A3

DESCRIPTION
PROPOSED WEST & SOUTH ELEVATIONS

Report to Planning applications committee

12 November 2020

Item

Report of Area development manager

Subject Update on kitchen extraction situation at the Strangers Club, 22-24 Elm Hill

5

Purpose

This report provides an update to members of planning applications committee on the situation regarding the kitchen extraction equipment at the Strangers Club, 22-24 Elm Hill. Such an update was requested by members during the committee held on 13 August 2020, at which members resolved to refuse the planning application 19/01487/F and listed building consent 19/01488/L.

Recommendation

To note the contents of the report.

Corporate and service priorities

The report helps to meet the corporate priorities of great neighbourhoods, housing and environment and people living well.

Financial implications

There are no direct financial implications arising from this report. This report is for information.

Ward/s: Thorpe Hamlet

Cabinet member: Councillor Stonard, Cabinet member for sustainable and inclusive growth

Contact officers

David Parkin, Area Development Manager 01603 989517

Lara Emerson, Senior Planner 01603 989351

Background documents:

None

Report

Background

1. Applications for regularisation of the existing kitchen extract flue with amendments at the Strangers Club, 22-24 Elm Hill, were refused on 19 August 2020 as per the resolution of planning applications committee held on 13 August 2020. The reasons for refusal on both applications (19/01487/F & 19/01488/L) were:

“The proposed alterations to the extract system, in particular the introduction of the baffle plate and associated attachments, will protrude further into the confined space between the two Grade II listed buildings. It will make maintenance of both buildings more difficult to the detriment of the designated heritage assets and will cause direct harm to the character of the Grade II* listed Strangers Club. Whilst the introduction of the baffle plate and the extra filter will reduce to some degree the deposition of fatty deposits on to the wall of the Grade II* listed 26-28 Elm Hill the benefit of so doing is outweighed by the harm caused in the process particularly as the applicant has failed to demonstrate to the satisfaction of the Local Planning Authority that other, less harmful solutions are not available. The proposal therefore causes less than substantial harm to the adjacent heritage asset, and this harm is not outweighed by public benefit. The proposal is therefore contrary to policy DM9 of the Development Management Policies Local Plan and to paragraphs 192-196 of the National Planning Policy Framework 2019.”*

2. Members at that committee urged officers to work with the Strangers Club to find alternative solutions that overcome this reason for refusal and, if necessary, pursue enforcement action to ensure that the unauthorised extract flue is removed.
3. It is worth noting that other solutions were discussed with the Club early on in 2019 but officers considered it preferable to utilise an existing authorised opening, as long as the emissions could be adequately controlled. However, now that the existing flue (with amendments) has been deemed unacceptable by the council, we need to look at alternative solutions.

Progress since 13 August 2020

4. Shortly after the applications were refused, officers and the Club made contact and discussed opportunities, including the Club appealing the refusals or applying for an alternative scheme, or the Council enforcing against the unauthorised flue. Officers and representatives of the Club remain keen to resolve the situation without formal enforcement action, and all involved would prefer to negotiate an appropriate solution. Such an approach is consistent with national advice on the approach to enforcement where formal action is a last resort where a negotiated solution cannot be reached.
5. The Strangers Club has prepared an alternative scheme which involves installing ducting diagonally across the kitchen from the cooker hood to the northern wall of the rear single storey wing (boiler house) of the building. The ducting would require a hole to be inserted into the internal wall between the kitchen and the boiler house and another hole to be inserted for the extract which would exit the building via a flush fitting grill measuring 400mm x 400mm, above the external door to the boiler room. Fumes would exit into a large open space, away from the neighbouring building at

26-30 Elm Hill. Plans showing this scheme were shared with officers in advance of a site meeting which was held on 6 October 2020.

6. The council's conservation officer and a representative from Historic England attended this meeting along with the planning case officer. Comments were also sought from the council's environmental protection officer. Overall, the scheme presented appears to be an acceptable solution. It is acknowledged that the proposal would cause harm to the host listed building but that this harm could be balanced against the reduction in harm being caused to the adjacent building.
7. It is understood that this option has been enabled by financial assistance from the landlord, i.e. the city council.

Current applications

8. On 23 October 2020, the council received a planning application and listed building consent application for the scheme described above (references 20/01291/F and 20/01295/L). The applications include reference to the removal of the existing unauthorised flue and the associated repair to the hole which would be left.
9. The public consultations run until 25 November 2020 and the applications will be reported to planning applications committee in due course.

Enforcement options

10. Since the council is in receipt of applications which put forward an alternative solution and include a commitment to remove the unauthorised flue, it would not be prudent for the council to undertake enforcement action until such time as the applications have been determined.
11. That being said, the council reserves the right to carry out enforcement action including the service of notices or prosecution in the courts. Officers are engaged in discussions with legal advisors regarding enforcement options, since there are a number of matter that complicate the legalities in this case, including: the age of the breach (it is decades old); and the ownership of the building, i.e. it is owned by the city council and any notice would need to be served on all those parties with an interest in the land.
12. The council must also consider the impact of any enforcement action not only upon 26-28 Elm Hill, which would be beneficial, but also on the continuing beneficial use of 22-24 Elm Hill (The Strangers Club), which would be harmful.

Way forward

13. The best way forward is to secure the continued beneficial use of the Grade II* 22-24 Elm Hill by the current tenant whilst at the same time minimising the harm to that building and the harm to the adjacent Grade II* 26-28 Elm Hill caused by the existing extraction and thereby allowing the building to be brought back into use. This is best achieved by the determination of the applications (subject to consultation) and the implementation of a satisfactory solution. At the moment, this objective can be achieved through informal negotiation without recourse to formal enforcement action, although this remains an option in the event that negotiations fail.

