

Report to Planning applications committee

Item

14 November 2019

Report of Area development manager

Subject Application no 18/01552/F - Car Park Rear Of Premier
Travel Inn Duke Street Norwich

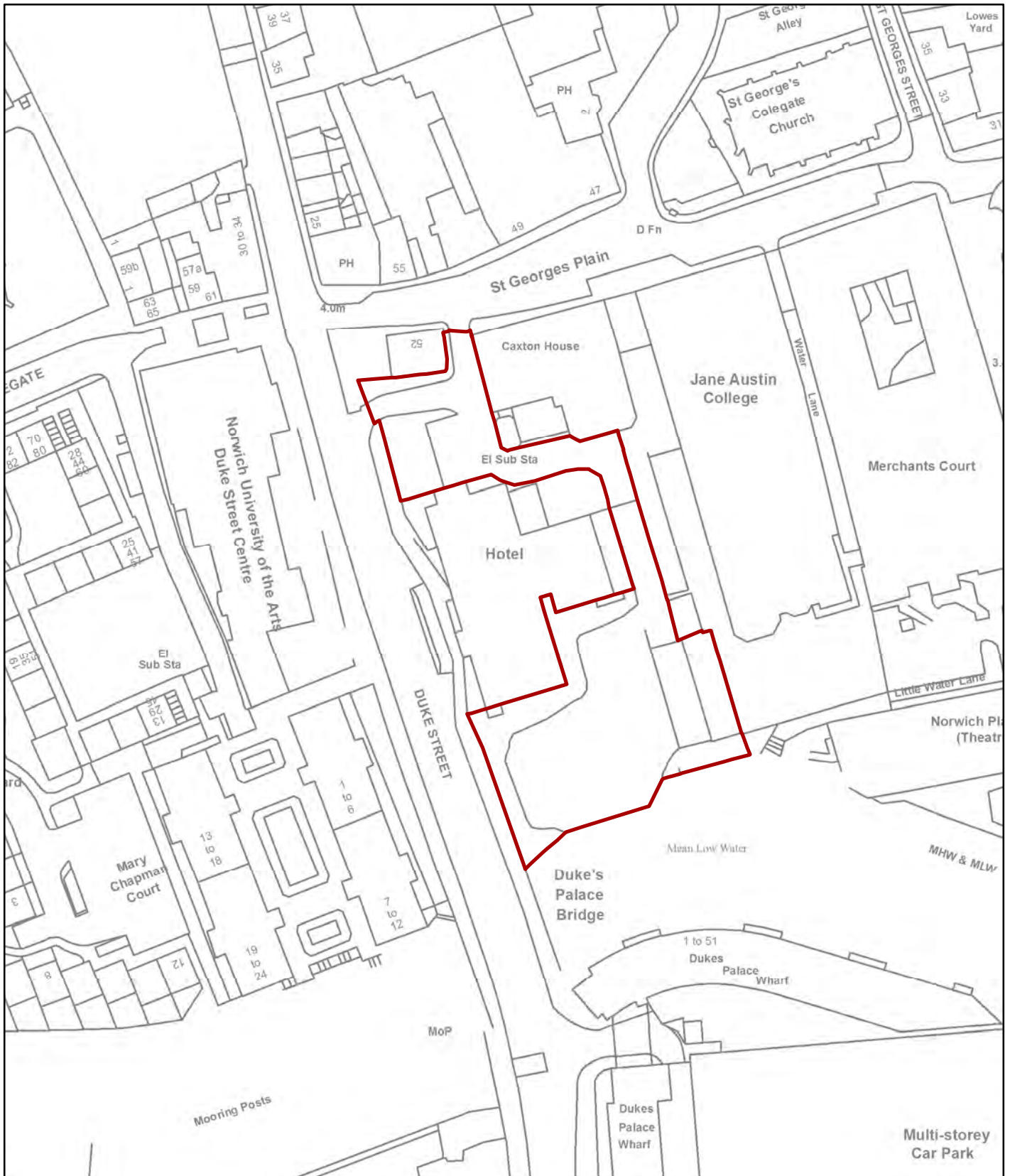
**Reason
for referral** Objections

4(e)

Ward:	Mancroft
Case officer	Katherine Brumpton – katherinebrumpton@norwich.gov.uk

Development proposal		
Redevelopment of car park site to provide student accommodation (revised proposal).		
Representations		
Object	Comment	Support
32	0	1

Main issues	Key considerations
1	Principle of development
2	Design and Impact on conservation area
3	Traffic & transport
4	Impact on amenity of surrounding uses, including residential
5	Flood risk
Expiry date	22 November 2019
Recommendation	APPROVE subject to conditions



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Planning Application No 18/01552/F

Site Address Car Park Rear of Premier Travel Inn

Duke street

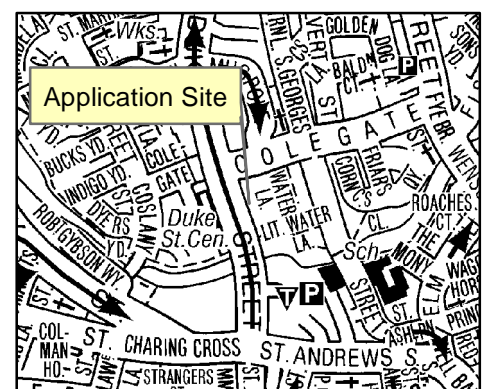
Scale

1:1,000



NORWICH
City Council

PLANNING SERVICES



The site and surroundings

1. The application covers an area of 0.21 hectares on the north bank of the River Wensum immediately adjacent to the Duke Street bridge. The land is in use as a surface car park with associated paraphernalia but no buildings. Access to the site for the extant use is off Duke Street and Colegate and to the rear of the Premier Inn down a ramp.
2. Immediately north of and at a higher level than the site is the Premier Inn hotel; to the east and north-east are buildings occupied by the Jane Austen College. The Playhouse theatre lies further to the east. Duke Street forms the western site boundary and is at a higher level than the site. On the opposite side of Duke Street is Mary Chapman Court, which has recently been granted permission to be demolished and replaced with academic and residential accommodation for Norwich University of the Arts (application 18/01524/F). It is understood that works have now commenced. This application also included works to the riverside walk.
3. To the south, on the opposite bank of the Wensum is Dukes Palace Wharf, a development of flats fronting on to the river and wrapping around the northern boundary of the St Andrews multi-storey car park. Diagonally opposite the site, to the south-east across Duke Street and also on the opposite bank of the river, is the former Eastern Electricity Board building.
4. Further afield, the mix of uses also includes public houses, commercial and retail uses as well as residential.

Constraints

5. Conservation Area - Policy DM9 Safeguarding Norwich's Heritage;
6. Area of Main Archaeological Interest – Policy DM9 Safeguarding Norwich's Heritage;
7. Regeneration area – Northern City Centre Regeneration Area
8. Areas for Reduced Parking – Policy DM29;
9. Riverside walk (proposed);
10. Flood risk zone 2 – Policy DM5

Relevant planning history

11. On the application site

Ref	Proposal	Decision	Date
17/01078/F	Redevelopment of car park site to provide student accommodation.	Refused	14.03.2018
APP/G2625/W		Dismissed	

Ref	Proposal	Decision	Date
/18/3204095		at Appeal	21.12.2018
06/01245/U	Use of land as private, long stay car park and access to/from car park.	Refused	11.05.2007
05/01100/F	Temporary use of land as hotel car park.	Refused	03.01.2006
4/2003/0507	Renewal of temporary planning permission No. 4/2001/1009/F 'Use of vacant site as public car park'	Approved (temporary until 1 July 2005)	27.06.2003
4/2001/1009	Use of vacant site as public car park.	Approved (temporary until 1 April 2003)	07.03.2002
4/1998/0656	Redevelopment of site to provide 117 bedroom hotel, 21 residential units with office accommodation and car parking spaces and ground floor restaurant.	Approved	15.03.2004

12. On adjacent sites

Ref	Proposal	Decision	Date
18/01524/F	Demolition of student accommodation block, erection of new build academic and residential accommodation for Norwich University of the Arts, including works to the riverside walk and other associated works.	Approved	18.01.2019
16/01268/F	3 No. penthouse apartments, bin stores, reconfigured car parking arrangements, cycle provision and external canopy. @ Merchants Court, St Georges Street	Approved	09.02.2017
15/00916/F	Change of use of ground, first, second and third floors of Riverside building, first, second and third floors of No. 8 Duke Street, and first and second floors of No. 6 Duke Street to provide 69 residential units. @ Former Eastern Electricity Board Site, Duke Street	Approved	03.12.2015

Ref	Proposal	Decision	Date
14/01103/F	External alteration, partial demolition and extension of riverside and Duke Street buildings to provide 29 dwellings. Demolition of central and warehouse buildings to provide redevelopment for 56 dwellings, extension of basement car park, creation of 464sqm of flexible commercial floorspace (Class A2/A3/B1(a)), associated highway and landscape works, pontoon and floating landscape platforms. (Amended description and plans/supporting documents). @ Former Eastern Electricity Board site, Duke Street	Approved	17.12.2014

The proposal

13. The application proposes the construction of a single building to provide 139 student bed spaces in a mixture of cluster units with communal kitchens; studio apartments; and accommodation suitable for people with disabilities. The building has been designed with a rough L-shaped footprint, with one length running alongside Duke Street and the other alongside the northern boundary. This creates an open area to the riverside.
14. The building would have a maximum height of 8 storeys, to include a lower ground storey serving as a basement. The building would be 8 stories to the western side, adjacent to Duke Street, and then drop to 7 stories. The basement would provide an area for moped and cycle storage, refuse storage and general storage. An overhang would provide for a covered games area to site table tennis tables or similar. To the north of the building spaces for 2 accessible car parking spaces and 2 staff/drop off car parking spaces have been provided which would be accessed via a ramp running to the rear of the Premier Inn from Colegate and Duke Street.
15. The western element of the building is the tallest at 8 storeys, with a total height from site level of 24m, and 21.6m from Duke Street (mins the lift shaft which adds a further 0.6m). The shorter 7 storey section measures 21.6m from site level. The top stories on both the sections are set back from the main elevations, by a minimum of 0.6m and a maximum of 4.3m.
16. The height of the building is appreciated differently from different view-points; for example, when viewed from Duke Street the building reads as 7 storeys high because the site level is lower than the road. Similarly, when viewed from the Jane Austen College, the eastern section is read as 6 storeys. With the top floors recessed, and finished in cladding rather than brick, the design serves to visually break up the elevations and reduce the overall scale.

17. The “L” plan of the building allows it to respond to the site area, which is thinner to the eastern end. Furthermore this allows a useable section of the site to be landscaped, and used partially to provide a riverside walk and partially to provide the future occupants with amenity space. The shape also allows the building to respond to the line of the river, and retain some views across the site.
18. Pedestrian access to the building is off Duke Street, with a reception area and associated office on the ground floor (above the basement). The development provides a ramp down to the river between the bridge and the building, which then opens out onto a riverside walk that runs along the southern edge of the site. The walk would include some soft landscaping, which has been shown to comprise trees and lower level planting. There is also scope to provide some seating here. A raised deck would be created from the ground floor, set above the riverside walk. This would provide some amenity area just for the students. In addition an area to the east of the building bordering the underground car park of Jane Austin College would also be accessible just by the students and landscaped to create an amenity area with trees, planting and seating.
19. The proposal has been amended since it was first submitted. The final plans were re-advertised and re-consulted on.
20. This application follows on from application 17/01078/F. This was refused at Development Committee on 8th March 2018. Alongside the submission of this application (18/01552/F) the applicants also submitted an appeal to 17/01078/F. The appeal was issued on 21st December 2018, and was dismissed. Discussions have been had with the agent in light of the appeal decision, which has helped to inform the revised plans. A copy of the appeal decision is attached as an Appendix to this report.
21. The inspector identified 3 main issues;
 - 1) Whether the appeal scheme would preserve or enhance the character or appearance of the Norwich City Centre Conservation Area;
 - 2) The effect of the appeal scheme on the users of the Jane Austen College, with particular reference to light and outlook; and
 - 3) The effect of the appeal scheme on the living conditions of the occupants of Dukes Palace Wharf, with particular reference to daylight.
22. The appeal decision is discussed in more detail below in the relevant sections.

Summary information

Proposal	Key facts
Scale	
Total no. of dwellings	139 student bedrooms (including 14 studio rooms and 7 accessible rooms)
No. of affordable dwellings	n/a

Proposal	Key facts
Total floorspace	3,029 square metres
No. of storeys	8 (inclusive of a basement)
Max. dimensions	<p>Height varies from 24m (excluding the 0.6m lift shaft) to 21.6m, as measured from ground level. From the west (Duke Street) the building would measure 21.6m.</p> <p>The length of the section along Duke Street would measure 23.2m, and the length as viewed from the river 39m.</p>
Appearance	
Materials	Red brick and bronze coloured metal cladding between the ground floor and 4/5th floor, metal cladding to the 5th/6th floors and perforated metal mesh to the lower ground floor.
Construction	Sustainable construction methods will be adopted throughout the construction process for the proposed scheme. These methods will seek to address the construction of the building itself, in addition to consideration of the site in context.
Energy and resource efficiency measures	Roof mounted low profile photo-voltaic panels; specification of water efficient
Operation	
Opening hours	24 hours
Ancillary plant and equipment	Plant and storage rooms at lower ground level and ground level.
Transport matters	
Vehicular access	As existing from Duke Street and Colegate
No of car parking spaces	2 Accessible parking spaces, 2 staff parking/drop off and 11 moped spaces
No of cycle parking spaces	152
Servicing arrangements	Via the basement area with bins stored internally

Representations

23. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. Letters of representation have been received following 3 rounds of consultation from 33 contributors, with 32 objecting and 1 supporting. The issues cited are 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.
24. Most representations are from occupants of the flats in Dukes Palace Wharf to the south of the development across the river.
25. There are also letters on behalf of the Inspiration Trust that operate the Jane Austen College to the east and north of the site. The Premier Inn has also responded and whilst they do not object, they comment that access must be maintained during construction and the construction phase should be managed to minimise the impact on their business.

Issues raised	Response
Scale is too large; height, footprint	See main issue 2
This side of the river is not awash with large industrial buildings and the development remains too large. The proposed scale of development has been justified by referring to the area's industrial heritage; this is a spurious argument.	See main issue 2
Design would create a canyoning effect along the river and Duke Street, and be over dominant. Exacerbated by the recently approved scheme at Mary Chapman Court.	See main issue 2
Would not enhance the Conservation Area. Design is bulky, a stepped down design would be better.	See main issue 2. The revised plans show a stepped down design towards to the east
Block views from Duke Street towards the Playhouse, Cathedral and other areas of the Conservation Area.	See main issue 2
Concerns regarding noise from the building itself, to include the communal areas which face Dukes Palace Wharf	See main issue 4
Loss of view from Dukes Palace Wharf and reduction in property value.	These are not material planning considerations.
Over looking into the balconies along Dukes Palace Wharf and into their dwellings, to include a largely glazed flat on the top floor. Overlooking towards properties to the north.	See main issue 4

Issues raised	Response
Overlooking towards the College (original plans).	
Overshadowing towards Duke Palace Wharf and Jane Austin College.	See main issue 4
Concerns regarding antisocial behaviour and noise pollution from along the riverfront/amenity area. Residents in the area already experience some noise pollution from the Playhouse.	See main issue 4
Design should have more consideration for the environment and wildlife along this stretch of river	See other matters
Concerns regarding parking and traffic congestion, especially at the end and beginning of tenancies. .	See main issue 3
If approved; during the build period there needs to be liaison with the school to include consideration of exam times, erection of a suitable barrier to manage moped access, river walk is closed to the public at dusk to prevent the dead end being used antisocially, and the end wall graphics are discussed with the school.	A Construction Management will be conditioned.
Revised design has decreased the impact upon the school. Note the Daylight Assessment but remain concerned that the proposal would result in shadowing of the school.	See main issue 4
Doubts that the student accommodation is required; the new PBSA guidance note throws doubt on whether the university numbers will remain buoyant. The report does not appear to consult with the universities and is flawed. Prefer an alternative type of development.	The PBSA guidance note has been researched and informed by evidence gathered by planning policy. Both UEA and NUA have been consulted.
Does not accord with the new PBSA guidance.	The development provides rooms in accordance with the PBSA in terms of the size and number of accessible rooms. Whilst the number of rooms proposed is less than that suggested in the guidance (range from 200 – 400), the reason for including this range is to try and ensure a critical mass of

Issues raised	Response
	students is achieved to warrant the provision of an acceptable of on-site management. The proposal sets out the framework for a management plan that officers consider is acceptable and the full and final details can be secured by condition.
New PBSA guidance does not refer to the recent Augar Report.	<p>This has been raised separately as part of the public consultation regarding the PBSA Guidance Note. The following comments have been made by the Planning Policy Team;</p> <p>“The Post-18 Education Review (the Augar review) was published by Government on 30 May 2019. The PBSA report was completed for internal review prior to this date and prepared for public publication in advance of the Sustainable Development Panel on 19th June, and therefore does not reference this document. An amendment to make reference to the review is now proposed. It should be noted that the Augar Review is not intended to be a deterrent to higher education; aspects... include lowering tuition fees and re-introducing maintenance loans for example. The government has not yet responded to the review and the recommendations contained within have not been passed into legislation.”</p>
Consideration needs to taken during the build to minimise the impact upon the hotel and its guests. Request a Grampian style planning obligation is imposed to ensure appropriate Rights of Light and Party Wall agreements are entered into.	A construction management plan shall be secured by condition. However, a condition cannot require compliance with other legislation such as the Party Wall Act; to do so would be ultra vires.
Management Plan should be submitted upfront to ensure that a plan isn't agreed for the sake of it.	A Management Plan would be conditioned; any Management Plan agreed later will be required to be of sufficient quality and detail.
Revised scheme fails to address the concerns of the appeal.	See main issue 2 and 4.
The site is unattractive and needs to be redeveloped. The elevation of the Premier	Noted

Issues raised	Response
Inn that the development would abut does not have any windows so will not be affected greatly.	
Welcome an additional part of the riverside walk.	Noted
The proposal should not overshadow Dukes Palace Wharf. There are many residential buildings sat opposite each other further down the river; this would be no different in terms of overlooking.	See main issue 4
The proposal will cause traffic congestion, particularly at the beginning and end of term	See Main Issue 3
The development will result in loss of light to the residents of Dukes Palace Wharf and to the Jane Austen School building and playground	See Main Issue 4
The development should be tied to a particular education establishment and managed	It is not necessary to tie a permission to a particular establishment from a planning point of view. Details of site management can be secured by condition if necessary.

26. Councillor Bogelein has made the following comments (original plans);

27. The minimal changes made to the proposal from the previous application do not overcome the issues on which the previous scheme was refused. The changes include a slight decrease in height and proximity, and do not integrate the scheme any better into the area.
28. Due to the timing of the application residents have been potentially involved in commenting on the appeal on the previous application in addition to this new application. This is onerous on the public, many of whom are not familiar with the planning procedures.
29. The council needs to make it clear that the minimal changes do not overcome the objections to the previous application.

Consultation responses

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

Anglian Water

31. **Assets Affected:** There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted. 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.
32. **Wastewater Treatment:** The foul drainage from this development is in the catchment of Whitlingham Trowse Water Recycling Centre that will have available capacity for these flows.
33. **Used Water Network:** Development will lead to an unacceptable risk of flooding downstream. Anglian Water will need to plan effectively for the proposed development, if permission is granted. We will need to work with the applicant to ensure any infrastructure improvements are delivered in line with the development. The developer has confirmed a pumped discharge regime will be required (6.0 foul strategy & drainage drawings), however, no pump rate has been confirmed at this stage. This will be required to conduct an accurate network impact assessment. We therefore request a condition requiring phasing plan and/or on-site drainage strategy (1) **INFORMATIVE** – Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.
34. **Surface Water Disposal:** The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets and discharge will be via the River Wensum (6.0 surface strategy). As such, we are unable to provide comments in the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented.

Broads Authority

Original Plans

35. Scale of development: The scale, massing and positioning of the building, in close proximity to the river and Duke Street will have an overbearing effect on the River Wensum in this location.
36. Strategic Views and riverside character: The application considers strategic viewpoints but does not include sufficient information on more localised views to fully assess and comment upon potential impacts, it is therefore unclear whether these have been fully considered as part of the design process.
37. Taking into account the position, mass and scale of the building it is considered very likely that the building will be visible within most views along this stretch of the River Wensum, in particular between St Georges bridge and the Coslany Street bridge. It is likely that the building will be dominant within closer views around the Duke Street bridge, and potentially overbearing on the character of the river, even within the context of the Dukes Palace Wharf building, and development proposed at Mary Chapman Court.
38. Riverside treatment: The application lacks information regarding the structural part of the riverwall, it is presumed that some parts of the riverwall would need to be raised to accommodate the ramped access and that railings would be provided.
39. This stretch of the riverwall currently comprises capped steel sheetpiling, a green edge to the river is described within the landscape strategy but this is not evident within the proposed layout which appears predominantly hard. Although a hard approach is acceptable given the existing treatment, a softer approach on land would be preferred. Site levels are lower in this location than other stretches of the river, so there is potential for the both users of the site and the river to benefit from some greening in this location.
40. Although some ground floor uses are suggested to provide activity and passive surveillance of the riverside space, this space will potentially feel unwelcoming (narrow, dominated by adjacent building height and overhanging building at first floor level) with little meaningful activity and a poor connection between Duke Street and the riverside walk.
41. Pedestrian routes and riverside walk: The inclusion of a riverside walk and access to the river frontage is welcome; however the poor connection to Duke Street and overall limited design lacks the ambition that the River Wensum Strategy aspires to.
42. Existing landscape features: The existing site contains areas of ruderal species, scrub and small trees on the boundary to Duke street, although the ecology appraisal concludes that site habitat is of minimal ecological value, any loss should be offset by habitat enhancement, the proposals to do this are limited.
43. Summary: Due to the height and position of the proposed building on this site, there is likely to be a negative impact on views and the character of this stretch of the river. Due to the constrained site layout the proposals also fail to offer sufficient value in the design of the riverside walk and associated landscape treatments that may otherwise be a consideration in mitigating harmful and negative effects of the proposed development.

Amended Plans

44. Scale of development: Adjustments have been made to the scale, massing and positioning of the building. Although it is inevitable that any development of scale on this site will have some overbearing effect on the River Wensum in this location, the adjustments made will reduce the impact and provide a more coherent treatment when viewed in context of other buildings fronting the river.
45. Strategic Views and riverside character: The original documentation considers strategic viewpoints, no additional information has been submitted to analyse more localised views or update the strategic views in relation to the amended proposals, therefore it is not possible to fully assess and comment on potential impact from other views.
46. Riverside treatment: Additional information will be required regarding the structural part of the riverwall, it is presumed that some parts of the riverwall would need to be raised to accommodate the ramped access to the Riverwalk and amenity area.
47. The riverside walk and amenity area will feel more welcoming and open as a result of the amendments to the building footprint and layout, this is beneficial in terms of environment provided alongside the river and an enhanced connection between the site and the river.
48. Pedestrian routes and riverside walk: The improvements to the riverside walk and access to the river frontage are positive and beneficial, these improvements resulting from amendments to the building and site layout will ensure that these facilities are better connected and more usable. The connectivity to Duke Street is still somewhat convoluted, but it is acknowledged that this is not possible to fully mitigate due to the level differences and lack of direct access.
49. Clarification should be provided as to access arrangements and whether these will be fully public or controlled at certain times of the day. No gates or control point is shown on the drawings.
50. Existing landscape features: Previous comments in relation to ensuring ecological value of landscape remain relevant, the existing site contains areas of ruderal species, scrub and small trees on the boundary to Duke street, although the ecology appraisal concludes that site habitat is of minimal ecological value, any loss should be offset by habitat enhancement.
51. The public open space and private amenity space are shown predominantly as hard landscape, it is therefore of great importance that the limited areas of soft landscape provide ecological and aesthetic quality, this should be secured by condition of any approval that might be granted for this site.
52. Summary: The amendments to the application address some of the issues of accessibility and provision of open space in connection with the river, presenting a higher quality and more valuable proposal in landscape terms. The revisions to the building and site layout (in particular removing the projecting element of the eastern block) also help to address some of the issues of overshadowing to this stretch of the river. Although the revisions go some of the way to addressing the issues raised previously, it is considered that any building of height and mass on this site will have some negative impact on views and the character of this stretch of the river.

Design and conservation

Original Plans

53. The 2018 appeal decision rejected the proposals for the development of a purpose built student block on this site. The rejected building rose to 9 storeys (including riverside/basement level and a upper floor recessed storey) fronting Duke Street dropping to 8 storeys fronting the river (including riverside/basement level and a upper floor recessed storey) reducing further in height at the eastern end to 7 besides the neighbouring Jane Austin college building.
54. The Inspector was critical of the excessive height and width (projecting out over the riverside walk) and the resulting dominant and discordant 'canyoning' effect along the river (in conjunction with the scale/form of Dukes Palace Wharf), its vertical emphasis in comparison to its horizontally proportioned neighbours, its 'tower like' appearance from Duke Street and the awkward juxtaposition between the development and neighbouring lower heritage assets, namely the Jane Austen college building and the mill house that he considered would be dwarfed by the development.
55. Since the appeal decision in December 2018, the proposed extension to NUA was permitted on the adjacent side of the river, this building would rise to 7 storeys fronting Duke Street/bridge and would drop to 2 to the north and 5 to the west. The reduction in height at the sites perimeter helped to mitigate the impact of the proposed scale somewhat. The horizontal emphasis, interesting fenestration and red brick employed with decorative brick detailing all helped the building to sit within its context. It should also be acknowledged that this proposed extension to the art college was considered to result in significant public benefits (including the provision of new education facilities within the city and a generous and open riverside walkway) that helped to outweigh harm caused to the setting of adjacent heritage assets.
56. No comparisons in height between the existing buildings on all four corners of the bridge and the proposed development have been provided. It would be useful to have verified views of the proposed development from keys view-points also.
57. The proposals appear to propose a building of a consistent height along its length, which rises to 8 storeys (including riverside/basement floor level and an uppermost set-back floor level).
58. I am pleased to see that the building has now been set back from the river somewhat, although no scale drawings have been provided to indicate by how much? The reduction in the width of the building at the eastern end will help to reduce the buildings visual bulk somewhat and the new building will be set further back from the Jane Austen college and from the river itself, however I am not satisfied that this sufficiently addresses the inspectors comments in respect of 'dwarfing the neighbouring heritage assets' as the height of the building appears to remain the same?
59. It would be my recommendation for the building to reduce in height towards the east, in order to be better knit into the specific context. My previous comments recommended that the building should be no more than 7 Storeys to Duke Street (including riverside/basement and upper floor set back), dropping to 6 and then 5 to

the east. This reduction in height would still allow views of the Premier Inn to be obscured, but would allow for a more appropriately scaled building in the existing context.

60. The proposed angular reveals to the windows and bronze cladding adds interest and expression to the elevations and I am pleased to see that the curved corners remain. Red brick is appropriate in the locality. However, I fear that the elongated linear bands of bronze cladding add verticality to the building which will serve to emphasise its height. The sill banding is welcomed, but would preferably extend around more of the building than is currently indicated to provide more of a horizontal banding effect. These would not need to wrap fully around the building and could still be playful. The upper most-floor would preferably also feature the curved corners to reflect the storeys, fenestration pattern/type should run in line with the elevations beneath and the cladding could match that employed on the window reveals to allow this element to better tie into the whole.
61. The more pronounced entrance from Duke Street is welcomed, however it is still accessed to the north. It is not clear what would the envelope beneath the window be? Stone to match the cills perhaps? Render would preferably be avoided, as can look budget/weather badly in this location. The glass cantilevered? element over the north entrance and signage is not opposed; submit to signage details and material samples being required by condition upon application.
62. The proposed bronze grill to the access ramp to the riverside walk appears very harsh, I wonder whether a green wall would allow for a softer, more welcoming access route? Alternatively could fret cut metal panels feature some artistic flourish // heritage interpretation for the site – which neighboured the historic Boulton and Paul ironworks. High quality hard surfacing to this area would be required by condition upon application.
63. Conclusion: As a consequence of its excessive height and vertical emphasis the building will be a dominant and assertive element in the townscape that that will rise above the existing development in the locality. There remain concerns over the poor juxtaposition between the proposed development and the locally listed two/three storey Jane Austen college and the Malthouse.
64. Whilst it is acknowledged that there is some limited merit to the fact that the proposed development will obscure views of 'negative' Premier Inn building from the south and from the development of a currently dis-used site - this could be achieved by a building of a lesser scale that would more comfortably sit within the adjacent townscape.
65. This being said, the set back from the riverside walk and the reduction in the bulk/width of the building at the eastern end and the added interest provided to the fenestration pattern/banding is welcomed. Could these elevations be altered to allow for more horizontality to be expressed?

Amended Plans

66. Verbal response only;
67. The revised plans represent an improved scheme. The reduction in scale in both height and footprint is welcomed, to include a reduction in height at the eastern end.

The elevations now have more horizontal detailing, partially from the use of more sill banding. The use of curved corners to the top floors, to match the lower floors is welcomed.

Historic England

Original Plans

68. The application site is a prominent one in the conservation area but is marked by large-scale clearance and redevelopment of industrial sites on the River Wensum in the 20th century. The site is presently somewhat blighted by the Premier Inn, a large building with a blind end wall built presumably in anticipation of a large new building on this site masking it. Redevelopment of the site is therefore welcome. The presence of Premier Inn and other more successfully designed modern buildings all of which are of some scale means that a large building in a contemporary style would be appropriate for the site and could help mask the blind wall of Premier Inn and actively engage with the riverside.
69. The proposed residential development of the site has been the subject of a previous application during which we accepted the principle of a large-scale building on the site and that the part adjacent to the Premier Inn should be of sufficient height to mask it.
70. We expressed reservations about the relationship of the proposed building to the riverside and Colegate, to the north, but on balance accepted the overall scale and form of the river frontage development. We did, however, draw attention to the scale of the building's eastern elevation when seen from the vicinity of Merchants Court and Jane Ausein College and that the impact on these was not fully clear from the application.
71. That application was refused permission by the Council chiefly because of the impact on Jane Austen College, the height and massing of the new building and its relationship to the river. The application is presently the subject of an appeal. The current proposals seek to address the Council's concerns, chiefly by reducing the height of the main block, reducing the eastern part of the building closest to the College and stepping it up away from the College. This reduction in height, particularly at the eastern end of the building, is welcome.
72. The National Planning Policy Framework (NPPF) states that the purpose of the planning system is to achieve sustainable development and that protection and enhancement of the historic environment is an overarching objective in this (paragraphs 7 and 8). The significance of listed buildings and conservation areas can be harmed or lost by alteration to them or development in their setting. The NPPF states that clear and convincing justification should be made for any such harm and that 'great weight' should be given to the conservation of listed buildings and conservation areas irrespective of the level of harm caused (paragraphs 193 and 194). This weight and the justification for harm should be especially convincing where harm to buildings of a high grade of listing is concerned. Paragraph 200 also states that the Council should favour those proposals for development which preserve those elements of setting that make a positive contribution to the heritage asset of better reveal its significance.

73. We have considered this application in terms of this policy and would accept the principle of the proposed building and not wish to object to the application. We would also advise it is important that the landscaping scheme along the waterfront is suitable and external materials and detailing of the building are of a very high quality. The facing brickwork, in particular, needs to be of a colour and texture appropriate to the area with sufficient variation to provide interest.
74. Recommendation- 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

Amended plans

75. No further comments

Norwich Society

Original Plans

76. Our comments on the previous application 17/01078/F were: 'We object strongly to this proposal. It represents overdevelopment of the site and will create a canyon effect along the river frontage'. The scheme is improved in that one storey has been removed from the Duke Street frontage and its return; also it has been set further away from Jane Austen College. However the building remains directly on the riverside so our concerns regarding the canyon effect in relation to the River remain.

Amended Plans

77. No comments received.

Environmental Protection

78. No comments regarding noise providing the recommendations of the noise assessment report are complied with.
79. Air Quality: I would recommend that a condition requiring a construction management plan is applied. The Construction Management Plan should be produced in accordance with the advice detailed within the air quality assessment to limit the quantity of dust which will be produced by the development. Particular relevance should be given the risk posed by the presence of asbestos fibres within the soil, on site.
80. Contaminated Land: The Site Investigation Report indicates that there are elevated levels of contamination present on site including lead PAHs and asbestos. It also indicates that the site levels will be raised, which will provide a cover system

isolating the contamination. It is understood that some topsoil will be imported for soft landscaping areas.

81. Therefore I would recommend a condition relating to topsoil.

Environment Agency

82. No objection to the proposals providing the following planning conditions are included as set out below. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application. Please note that the site is now within Flood Zones 1 and 2, so we have not provided bespoke flood risk advice because this development is covered by our Flood Risk Standing Advice.
83. Environmental Setting: The site is underlain by Alluvium and River Terrace Gravels both designated as Secondary A aquifers which overlie the Lewes Nodular Chalk Formation, a principal aquifer. The site is within a Source Protection Zone 2.
84. Land Contamination: Based on the information provided in the Harrison Geotechnical Engineering Site Investigation report dated May 2017 significant contamination has not been detected in groundwater beneath the site. The site is underlain by made ground where some contamination from PAHs and asbestos was detected. We therefore recommend a watching brief is carried out during groundworks to identify any unexpected contamination on site. Should such contamination be detected we request to be contacted. In addition, we request a piling risk assessment is undertaken demonstrating the chosen method of piling will not result in an unacceptable risk to groundwater.
85. Surface Water Disposal: We note the proposals do not include infiltration drainage. Therefore, we have no further comments with regard to surface water management.
86. Conditions requested refer to; potential contamination not already identified and no piling or similar unless agreed by the EA,

Fire Service

87. No response

Norfolk County Council – Lead Local Flood Authority

88. Does not wish to comment on the application.

Norfolk County Council – Planning Obligations

89. While the County Council acknowledges that most infrastructure requirements would need to be funded through the Community Infrastructure Levy (CIL), some might still need to be funded either through a separate legal agreement (e.g. S106 agreement) and/or planning condition.
90. The County Council would have serious concerns if funding for the attached list of infrastructure requirements mitigating the impact of this development, could not adequately be addressed/delivered through CIL; S106 and/or condition

91. **Fire:** With reference to the proposed development, taking into account the location and infrastructure already in place, a minimum of 1 fire hydrant on a minimum 90mm main is required at a cost of £824.00. The positioning of hydrants to service any taller blocks of flats must meet the requirements of Building Regulations Approved Document B volume 2 sections 15 & 16 (Fire Hydrants / water supplies and Vehicle access).
92. If the overall height of any building exceeds 18m the provision of a dry fire main may be required to comply with Building Regulations Approved Document B Volume 2 B5 and sections 15 & 16 (Fire Hydrants / water supplies and Vehicle access).
93. **Library:** New development will have an impact on the library service and mitigation will be required to develop the service, so it can accommodate the residents from new development and adapt to user's needs.
94. **Green Infrastructure:** General Comments: Connections into the local Green Infrastructure (GI) network, including Public Rights of Way and ecological features, should be considered alongside the potential impacts of development. Direct mitigation and GI provision should therefore be included within the site proposal. Mitigation for new and existing GI features identified as strategic shall be funded by the Community Infrastructure Levy (CIL) through the Greater Norwich Investment Programme. These requirements for consideration and implementation, for both on and off-site GI provision, will help the local GI network to facilitate the development without receiving negative impact and equally, allow the development to integrate and enhance the existing network. Green Infrastructure within this proposal should respond to the Greater Norwich Green Infrastructure Strategy (2007) which informs the Joint Core Strategy, adopted January 2014. Development proposals are expected to fit with strategic visions for the area and respond to corridors as outlined in the Joint Core Strategy.

Highways (local)

Original Plans

95. No objection on highway grounds subject to consideration of the following matters.
96. The development is centrally located which affords access to all modes of transport, especially on foot, cycle and public transport. The findings of the Transport Assessment are accepted, that there will be less vehicular traffic associated with the development than with the current use as a P&D car park.
97. The provision of a limited number of car parking spaces on the site (4) will keep vehicular traffic associated with this development very low.
98. Student get in / get out: There is no clear indication how traffic associated with the start and end of the academic year will be managed without causing problems on Duke Street (It is unlikely that the onsite parking spaces would be adequate to cope with likely demand). There is also a risk of obstructive parking on the contraflow cycle lane with vehicles loading student belongings etc.
99. My advice is that student arrival/departure by car with belongings should be done by using St Andrews car park and some arrangement whereby belongings are transported using trolleys or similar solution perhaps with assistance by the accommodation management. There could be an arrangement with the city council who operate St Andrews car park that a dedicated area is allocated for such loading

activity within the ground floor of the car park near the pedestrian exit to Duke Street.

100. In normal circumstances a loading bay adjacent to the Premier Inn hotel on Duke Street forms part of the highway and is also available for drop off/pick up purposes for the site if required e.g for taxis. There are extensive waiting restrictions on Duke Street that enable effective parking enforcement if required.
101. The means of the access to the undercroft vehicle and cycle parking is acceptable from Duke Street, the turning head will enable a refuse truck to exit the site in a forward gear. The means of egress from the site at present require use of one way exit to Colegate.
102. Means of access/egress: There is a persistent issue with general traffic using the Duke Street access and Colegate egress as a short cut, this is problematic for pedestrian/cycle safety on Colegate. Ideally the egress to Colegate would be closed and the access to Duke Street modified to enable an in/out arrangement to be established. It would be appreciated if this can be considered as it is within the red line of this application. Moreover the current arrangement is problematic for cyclists wishing to leave the secure parking and enter Duke Street, they would need to cycle against traffic entering the site. Provision of cycle and moped parking is safe, covered and secure. It will require cyclists to travel into the site from either the Duke Street at its junction with Colegate or from Colegate. This is likely to cause problematic cycling against the flow of the cycle contraflow lane, it would sensible for minor changes to be made to accommodate likely cycle demand associated with this development.
103. Therefore it would be appreciated if the following minor highway improvements can be undertaken:
 - 1) At the toucan; a jug handle cycle access to the crossing from Duke Street – see sketch below
 - 2) The cycle lane; made two way for cyclists between Colegate and St Andrews Street (this may require widening of the cycle lane and relocation of the segregation bollards); this would be subject to feasibility to understand if such a change can be made.
104. This will require safety audit and scheme designs to be submitted to the Transportation team for approval and implemented under a S278 agreement – all of which can be a pre-commencement condition.
105. Riverside path: The provision of a new section of riverside path is particularly welcomed. Please note that the S106 should be updated to ensure that the riverside path is available for public use in perpetuity to ensure that it doesn't become privatised in future. However for safety and security reasons, it may be necessary for the path to be gated at night, or when essential maintenance occurs. The s106 needs to be worded to take these issues into consideration as exceptions to public rights of access. Should the adjacent site enable a connection of the riverside path, it would be helpful if the owners of this site enable such a connection to be made. It may be prudent for the S106 to be worded to ensure this does occur. Other locations in the city centre with sections of riverside path being built but not

connected do exist which has made it problematic for future connections to be made, especially if there are costs.

106. The provision of a riverside path will require liaison with the Broads Authority to ensure that all necessary safety measures are provided for.
107. Visitor cycle parking should be provided near to the access to the building on Duke Street, these could be provided by stands on the footway parallel to the kerb
108. Recommendations:
 - 1) Condition added to require the accommodation operator to facilitate a 'get in/get out' procedure for students in liaison with the City Council who operate St Andrews multi storey car park.
 - 2) Amendment of the S106 to safeguard public access in perpetuity subject to agreed exceptions (such as maintenance or night time closure by gate) and enabling work to connect the path to the adjacent site in future should this come forward.
 - 3) Consideration of changing the means of access/egress to create a two way access to Duke Street and closure of the egress to Colegate to vehicles
 - 4) Highway improvements to accommodate cycling demand on Duke Street; two way use of the extant contraflow cycle lane, and cycle jug handle at the toucan crossing.
 - 5) Provision of visitor cycle parking on Duke Street near the main entrance required (up to 5 stands)
 - 6) The applicant to liaise with Norfolk County Council (Bridges) to ensure that construction work adjacent to the substructure of the bridge is acceptable.
 - 7) The applicant to liaise with the Broads Authority to ensure that necessary safety measures adjacent to the river are undertaken e.g. safety ladders, chains, life rings, adequate height balustrade etc

Amended Plans

109. No objection on highway grounds subject to consideration of following matters.
110. This city centre site allows staff and occupants to enjoy a highly accessible location by a range of transport modes, and proximity to the St Andrews multi storey car park. The provision of a new section of riverside walk will assist with the implementation of the Wensum River Strategy; it appears to be of sufficient width and acceptable gradient for public use.
111. The pedestrian entrance to the building on Duke Street is sensible in terms of ease of access, however it may encourage obstructive dropping off and loading in the cycle contraflow. The loading bay adjacent to the Premier Inn, is part of the highway and should be used by the Student halls occupants for the purpose of on-street loading.
112. The following design considerations should be raised with the applicant:

- 1) Proximity to the Duke Street bridge sub structure and retaining walls will require liaison with Norfolk County Council Bridges team.
- 2) The Broads Authority will need to advise on any suitable safety features to the river edge e.g. ladders, safety chains etc. The council will not provide life buoys.
- 3) Lighting of the riverside path will need detailing.
- 4) The council will not adopt the riverside path, it will remain in private ownership therefore all maintenance e.g. litter, ice, inspections, repair etc will need to be done by the freeholder. Public access to the riverside path should be safeguarded in perpetuity, i.e. a clause in the s106 should safeguard public access against the possible risk of permanent gating and privatisation.
- 5) Consideration of crime and disorder risks on the riverside path should be considered, for example whether or not the managing body has control of a gate to lock access at night.
- 6) Consider if a hand rail could be provided on the ramped part of the path from Duke Street, perhaps attached to the bridge substructure or other design solution.
- 7) Moped parking; please provide a tether e.g. sheffield stand or similar product so mopeds or motorbikes can be secured
- 8) Cycle access please ensure there are dropped kerbs to enable cyclists to get to the bike store entrance easily
- 9) Refuse; the staff parking appears to obstruct access to the refuse store route, please query this with the applicant
- 10) Refuse access; please check that a refuse truck can turn around and exit the site in a forward gear.
- 11) Cycle access to rear of site; the design will require cyclists to enter the rear of the site via Duke Street or Colegate. The design layout of these rear access points to the site are not entirely satisfactory as they are primarily designed for motor vehicle movement. At times of congestion or heavy moving traffic cyclists may have difficulty travelling from Duke Street into the site access. Currently the cycle lane is intended to be a contraflow, and is not intended for two way cycling, but in practice it does perform this function without incident. What would help cyclists is a dropped kerb on the left hand side of the toucan crossing, so that a cyclist could use a 'jug handle' to use the toucan and get to the site. this would require a highway scheme to be safety audited and designed, it may require signs and lines installed. See sketch below.
- 12) Cycle parking; experience from elsewhere in the city centre indicates that levels of cycling are low, as many students walk/use buses – the proposed level of cycle parking may be very high and be wasteful of space. A compromise can be to allocate space for cycle parking to accommodate future growth, but only require a lower level of cycle stands to be provided. Alternatively they could use high density cycle parking products e.g. tiered or semi vertical stands. Alternative use of this space could be for storage units for belongings/furniture etc

- 13) The asphalted footway adjacent to the Duke Street side will need to be repaved in Marshalls Saxon paving to complete the paving scheme on the street. (dropped kerb to be retained)
- 14) To prevent obstructive loading occurring adjacent to the main entrance on Duke Street, recommend installation of bollards to prevent vehicles attempting to mount the footway and encourage vehicles to use the adjacent loading bay.
- 15) Please ensure that the Fire Service are consulted about access to the site for their purposes.

113. Recommendations:

114. Construction management plan required in case of traffic management requirements on Duke Street; early involvement of Streetworks team required.
115. Travel Information Plan required, to include advice to students about check in/out arrangements i.e. using St Andrews car park.

Landscape

Original plans

116. Building scale & massing: Some adjustments have been made to scale and massing, the proximity of the buildings to the river is noted as remaining the same as extant schemes. Although the height of the building has been reduced by a storey at the Duke Street end, any building of height positioned close to the south-west corner of the site extent will have an overbearing effect on the river and the value of any external space located along the riverside.
117. Views: As highlighted in comments on the previous application, there are a number of locations close to the site where views have not been fully considered, including St Georges Street and St John Maddermarket. It is possible that views from Friars Quay and the setting of St Georges Green may also be altered by the proposals, particularly in winter months when there will be less screening from trees. The application lacks information to illustrate how these effects have either been ruled out or have been considered and assessed.
118. Riverside Walk and amenity space: The proposal includes access along the riverside and connected seating area and terrace, although the inclusion of the Riverwalk is positive, its design and associated access is of limited quality and value. The proposed access point off Duke Street is not well located and lacks legibility, although this site and a connection is challenging in terms of levels and the restricted area, this does need further consideration. The access feels convoluted and uninviting and it is difficult to imagine the current layout being well used by the public. The corner landing of the ramp will potentially be very unpleasant, as this is a dark corner against the bridge abutment and will likely feel very enclosed with an additional building in close proximity. The drawings lack sufficient level information to determine if the ramp will meet accessibility requirements. It is also unclear how the riverside walkway is accessed from the building, is this only via the stepped access or is level access available to the south?

119. The application includes a basic landscape plan; this lacks enough detail to comment fully, however given the scale of the development, the amount of external amenity space offered does not appear sufficient. Although a positive landscape narrative is displayed within the Design and Access statement and the precedent images used, this is not reflected in the layout of the site and design of amenity space. The courtyard does not appear generous enough in its size or character to be appropriate to this scale of development.
120. Any development of this site will put additional pressure on nearby open public space such as St Georges Green, these pressures would be greater for this proposal due to a lack of adequate on site amenity space. Offsite contributions should be discussed as a means to addressing this should a proposal for this site move forward.
121. General: Proposals for the northern part of the site have not been submitted as part of this application, it would be useful to understand the intended use for this part of the site (even in outline).

Amended plans

122. Building scale & massing: Adjustments made to the scale and massing of the building improve the relationship between the building and the outside space, particularly to the eastern area of the site, a more interesting series of spaces and relationships has been developed as a result, including a more welcoming riverside walk connection and two levels of decking/external space for residents.
123. The height of the building has been adjusted, however as previously commented any building of height positioned close to the south-west corner of the site extent will have some overbearing effect on the river in this location, it is considered that it is not possible to mitigate this given the constraints of the site. The improvements to the external space located along the riverside generally and their relationship to other parts of the building mean that any compromise to this corner is not as significant. It is also considered that in streetscape terms the revised proposal offers a better relationship with the approved NUA building.
124. Views: In previous comments I highlighted that some views had not been fully considered, no additional information has been provided so I cannot fully comment on the impact the development could have on locations close to the site, including St Georges Street, St John Maddermarket, St Georges Green etc.
125. Riverside Walk and amenity space: The proposal includes adequate access along the riverside, although this route doesn't link to an adjacent site, it does offer future opportunities for connection and for resident use a link into a further area of open space.
126. The redesign of the west elevation better anchors the building and provides an improved visual marker to the riverside walk as the elevation now has some variation. The route from Duke Street is still constrained to similar proportions but the dark corner against the bridge abutment has been addressed with a viewing port which is welcomed.

127. Access arrangement between the building and the riverside walkway is still a little unclear, although it appears that there is an opportunity for access through the secure gates as lower ground floor level.
128. Additional details would be required around the boundary relationship to the Jane Austin College. This and any other landscape details could be secured by condition now that it has been demonstrated that there are adequate opportunities to provide these spaces within the site.

Norfolk historic environment service

129. Please add standard condition (requesting a Written Scheme of Investigation prior to any development).

Norfolk police (architectural liaison)

Original Plans

130. Access should be controlled to the site to prevent trespassing, loitering and anti-social behaviour; opening a public amenity space at this location is a recipe for disaster. A robust barrier should be installed along the water front to prevent access to the water.
131. Direct correspondence has been had with the agent. No other comments to make.

Amended Plans

132. Very pleased to see that arrangements will be made to secure public access to riverside walk during peak crime times, the installation of CCTV AND 24hr Security on site.

Tree protection officer

Original Plans

133. Provision of new trees appears low for this site and level of development.

Amended Plans

134. No further comments received.

Assessment of planning considerations

Relevant development plan policies

135. **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
 - JCS7 Supporting communities

- JCS9 Strategy for growth in the Norwich policy area
- JCS11 Norwich City Centre

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

- DM1 Achieving and delivering sustainable development
- DM2 Ensuring satisfactory living and working conditions
- DM3 Delivering high quality design
- DM4 Providing for renewable and low carbon energy
- DM5 Planning effectively for flood resilience
- DM6 Protecting and enhancing the natural environment
- DM7 Trees and development
- DM8 Planning effectively for open space and recreation
- DM9 Safeguarding Norwich's heritage
- DM11 Environmental Hazards
- DM12 Ensuring well-planned housing development
- DM13 Communal development and multiple occupation
- DM15 Safeguarding the city's housing stock
- DM28 Encouraging sustainable travel
- DM29 City centre off-street car parking
- DM30 Access and highway safety
- DM31 Car parking and servicing
- DM32 Encouraging car free and low car housing
- DM33 Planning obligations

137. Purpose Built Student Accommodation in Norwich: Evidence and best practice advice note (recommended for endorsement at Cabinet on 13 November 2019)

Other material considerations

138. Relevant sections of the National Planning Policy Framework March 2012 (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

Case Assessment

139. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant development plan policies are detailed above. Material

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

Main issue 1: Principle of development

140. Key policies and NPPF paragraphs – JCS1, JCS4, JCS9, JCS11, DM1, DM5, DM13, DM29 and NPPF paragraphs 118
141. The application site lies within the city centre as defined by the Development Plan (JCS11). JCS policies and national planning policy encourage the re-use of brownfield, city centre locations for development, in particular for residential development, in preference to the release of greenfield sites. Paragraph 118 of the NPPF states that substantial weight should be given to the value of using brownfield land within settlements for identified needs.
142. The site is not allocated within the Local Plan, but it does fall within the regeneration area defined by the Northern City Centre Area Action Plan. Although the detail of this document lapsed in 2016, the general thrust of the redevelopment and regeneration of the area is carried forward in the DM policies, including DM1, DM5 and DM18, and it is set out in JCS11 that this area will be developed to achieve physical and social regeneration, facilitate public transport corridor enhancements and utilise significant redevelopment opportunities. In addition, the site is currently used for a car park but pursuant to DM29 is located within an area identified for reduced car parking. This policy DM29 sets out that (with the exception of multi-storey car parks) the redevelopment of existing car parks for other uses will be permitted to facilitate the consolidation of car parking (even where there is no immediate prospect of their replacement). There is therefore no in principle reason why the site should not be developed for student residential accommodation.
143. The Purpose Built Student Accommodation in Norwich: Evidence and best practice advice note has been out for consultation, been reviewed at the Sustainable Development Panel on 16th October 2019, and is recommended for endorsement by cabinet on 13th November 2019. As such weight can be given to its content. There is an identified need for more Purpose Built Student Accommodation (PBSA), as detailed within the guidance note. There is an anticipated demand for up to 1,000 additional units of PBSA within Norwich by 2024. However this application was already in the pipeline when the note was written, and was taken into account as part of the potential future provision. The calculations have been based on the additional units needed beyond those in the pipeline; therefore the need would be greater than 1,000 if this application was refused.
144. Without development of further PBSA the additional students predicted at both the University of East Anglia (UEA) and Norwich University of the Arts (NUA) would place further pressure on family housing in parts of the city giving rise to an increase in Houses in Multiple Occupation. Houses in Multiple Occupation (HMOs) are perceived as a problem in some areas where high concentrations may have negative impacts.
145. As identified above the inspector for the appeal decision under 17/01078/F identified three reasons for refusal; none of these related to the principle of PBSA at

this site. The appeal decision noted that the provision of Purpose Built Student Accommodation would free up market housing that is currently occupied by students, and thus contribute towards the housing supply within the city.

146. In addition to the current policy environment, there is an extant permission affecting the site, although some third parties argue that this is no longer extant. In 2004 a consent was issued under reference number 4/1998/0656 (see under planning history) for the Premier Inn and a residential development of 21 residential units and offices with ground floor restaurant on the current application site. The construction of the Premier Inn implemented this permission. However given the passage of time this consent is not considered likely to be implemented, and so only limited weight is attached to this extant permission.
147. The appeal decision under 17/01078/F establishes the principle of PBSA at this site, and weight needs to be given to this. Limited weight is afforded to the extant permission for the reasons given above. However, it is considered that in any event regardless of these material considerations the proposal is in accordance with the key development plan policies and paragraphs of the NPPF highlighted above and as a result the principle of development would be supported regardless of this planning permission.

Main issue 2: Impact on Conservation Area and other Heritage Assets

148. Key policies and NPPF paragraphs – DM9, NPPF paragraphs 128-141.
149. The site is located within the City Centre Conservation Area (Northern Riverside Character Area, also within proximity of the Colegate Character Area). There is a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas expressed in section 72(1) the Planning (Listed Buildings & Conservation Areas) Act 1990 (“LBA 1990”). The LBA 1990 includes a further duty in section 66(1) which requires the Council - when considering whether to grant planning permission for a development which affects a listed building or its setting - to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The Council embraces these statutory duties and these have been closely considered in the assessment of the proposed development. The NPPF and development plan policies encourage Local Planning Authorities to seek opportunities to improve the character of conservation areas.
150. The Northern Riverside Conservation Area Appraisal 'management & enhancement' section requires new development to 'exhibit a variation in scale of new buildings appropriate, for its to either maintain, enhance or create river footpaths/ enhance access and increase use of the river and riverside, ensure that views across, from and of the river are maximised, to retain the existing embankment line and historic features
151. The site is located in proximity to and within the setting of various 'heritage assets', paragraph 189 requires applicants to describe the significance of any heritage assets affected, including any contribution made by their setting.
152. Those designated assets with the potential to be most affected by the development are: -

- The City Centre Conservation Area itself
- Grade II Listed Buildings
 - a) The Golden Star Public house - to the North at the corner of Colegate and Duke Street.
 - b) St. Georges Bridge/ Blackfriar's Bridge.

153. Non-designated heritage assets include: -

- Locally listed buildings
 - a) 46-48 Colegate - A locally listed former Norvic shoe factory to the north-east of the development site,
 - b) Jane Austen College, Claxton House,
 - c) Norwich Playhouse 42 - 58 St Georges Street
 - d) The former Norwich Board school another locally listed building to the North of the site along Duke Street
 - e) The Norwich University of the Arts Building (former Guntons and Havers warehouse founded in 1879) located on the southern side of the river.

154. Duke Street is a relatively modern street within the conservation area, being created in the 1820's. The road was then widened again in the 1970s. The application site has housed a variety of buildings in the past, the 1906 OS map and historic photographs indicate that it once housed a pitched roof Victorian building fronting Duke Street with an early 20C factory building (relating to Norvic shoes). These buildings appear to have been removed and replaced with a larger industrial warehouse by 1938.

155. The character and appearance of this part of the conservation area is largely drawn from its riverside location and the mixture of 19C and 20C former industrial buildings built in proximity to the river and the modern residential housing development (traditional pitched roofed 2-3 storeys and the 6-7 storey Dukes Palace Wharf development). Attractive views along and from the river (and of the buildings and trees that line it) are gained from the many bridges.

156. Today, the area surrounding the application site features a variety of architectural styles/periods, the scale varies, from 2-3 storey residential buildings, 5 storey factory block, 5 storey hotel and the 6-7 storey Duke Palace Wharf development immediately adjacent.

157. At present, the site is an open space currently used as an area of surface car parking and whilst it is not a particularly attractive area at present, it does provide some welcome openness within the otherwise built-up urban townscape. As a result the area is considered neither to contribute positivity or negatively to the character and appearance of the conservation area. Rather, it has a neutral impact overall.

158. Objections to the original plans have been raised regarding the height and design of the proposed building from neighbours, the Broads Authority, the Norwich Society

and Landscape. The Conservation Officer has also expressed concerns regarding the proximity of the building to the river and its design. Historic England have offered no objections, but recommend that the landscaping scheme needs to be suitable and that facing materials need to be of a very high quality. .

159. Subsequent to the issue of the appeal decision for the previous application 17/01078/F and receipt of the comments from consultees and neighbours discussions were had with the agent, which has resulted in the proposed amended scheme. Whilst objections have still been received from neighbours regarding the design, the responses from the Broads Authority and Landscape are now more positive; whilst recognising that any structure of scale will have some overbearing impact upon the River Wensum, they note that the revised scheme provides a more coherent design and provides a landscape area which would provide connectivity to the river. Furthermore the Landscape Officer notes that the scheme now has a better relationship with the recently approved NUA building (18/01524/F), and that the design serves to anchor it to the western elevation. The Conservation and Design Officer was directly involved in negotiating the amendments, alongside the Case Officer. The amended scheme pulls most of the building further away from the river, reduces its width and scale and reduces its proximity to Jane Austen College. Furthermore the elevations are significantly altered and serve to provide a more horizontal focus.
160. The Norwich Society and Historic England have not commented further on the amended plans.
161. The revised scheme is for an L shaped building which has a smaller footprint than the previous designs. It is set back further from the river and Jane Austen College. This allows for more of a visual break and for a larger landscaped area.
162. The appeal is a material consideration when assessing the impact of this scheme upon the Conservation Area. Indeed, the first main issue raised by the inspector in relation to 17/01078/F was;

“Whether the appeal scheme would preserve or enhance the character or appearance of the Norwich City Centre Conservation Area”
163. The inspector stated that the proposal would result in less than substantial harm to the significance of the Conservation Area and that the benefits would not outweigh this harm. The previous design was criticised for; having a vertical emphasis out of character with the horizontal emphasis of buildings elsewhere along the river, its height and width creating a dominant canyoning effect along the river, towering over Jane Austen College, over-sailing, enclosing and dominating part of the proposed riverside walk and disrupting the surrounding townscape. However parts of the design were praised such as the simple arrangement of fenestration, simple pallet of materials, curved corners of the building, stepping in of the top floors and a varied height.
164. The amended scheme is considered to largely address these points, whilst retaining the positive elements of the scheme.
165. The footprint of the proposal is significantly different to that previously proposed. The L shape brings the building back significantly from the river at the eastern end. However the western end remains largely unchanged, with the section closest to

the river sited approximately at the same distance. The building no longer over-sails any of the riverside walk.

166. It is set further away from Jane Austen College and is lower than the structure previously proposed. The amended scheme would provide a visual break between the two buildings, and due to the reduced height and width reduce the screening of views from the west and south-west towards the east, to include Jane Austen College. The proposal would have some impact upon views across the site, but the impact is now considerably reduced and the revised scheme allows the development to knit into its setting. In relation to the 3 storey outshot from the 4 storey former factory building that is Jane Austen College, the proposed student block would be 7 storeys, but read as 6 from the height of the site level at Jane Austen College, and with the top floor stepped in.
167. The elevations retain the simple, repetitive fenestration that is characteristic of larger industrial buildings along the river here. Although there are several vertical continuous brick sections these are contrasted with light stone cills and continuous horizontal brick sections that give the building a horizontal emphasis. The proposed angular reveals to the window together with the bronze cladding add interest and expression to the elevations. The southern elevations all have curved corners, and this is replicated on the top floors. A simple palette of materials is retained, with red brick dominating and the top floors and basement utilising the bronze cladding used for detailing on the main elevations. The applicants have aimed to improve the elevation facing Jane Austen College by introducing detail within this elevation such as a pediment. Whilst the details need to be confirmed, the principle of this is considered acceptable and would enhance the outlook from the play area. The elevations are now considered to respond to the character of this part of the Conservation Area.
168. The proposed Riverside Walk is in accordance with DM28, and is discussed further under transport. The walk would run alongside the private amenity space for the future occupiers which would consist of one raised decked area and one paved area. The walk is therefore bordered with landscaped areas, except for one section on the south eastern section. With high quality details such as appropriate external lighting and soft landscaping the walk is anticipated to be a pleasant addition to the Riverside walk in Norwich and would not be dominated by the adjacent building.
169. To give some indication of the height of the proposed building, the highest part that faces Duke Street will be approximately 21.6m, which is 2.6m taller than the Dukes Palace Wharf development on the opposite side of the river and 4m taller than the Premier Inn. The recently approved scheme at Mary Chapman Court would measure 22m from Duke Street. This scheme is also staggered in height, with the tallest section on the south-east corner. The proposed building would step down along the river frontage from 24m above site level to 21.6m. The application has been accompanied with an elevation from further south on Duke Street which includes both the proposed revised scheme and the Mary Chapman Court Scheme. The Mary Chapman Court scheme was praised for its horizontal emphasis by the Conservation and Design Officer and interesting fenestration and brick detailing. It is considered that the two schemes would complement each other in both scale and design. Different methods are employed and some different materials, but as can be seen from the elevation plan both buildings employ red brick, a repetitive relatively simple fenestration arrangement and a staggered approach to building heights.

170. Concerns about canalisation of the river are noted, but the nature of the river at this point is of a water-course constrained by development on both sides, some of which such as the Eastern Electricity Board building on the southern bank and the NUA buildings further east towards St George's bridge, go straight down into the river as part of the bank. The recent approval at Mary Chapman Court responds to this historic character. Historically the application site reflected this pattern. It should be noted that the proposed building is only close to river at the western end, with the rest of the L shape set between 12m and 8m back. The revised scheme is considered to retain the character of the industrial buildings in this area, with a section set relatively close to river, whilst providing a meaningful step back to allow for a landscaped area and retention of some views across the site.
171. Whilst noting that there remains some concerns from consultees and neighbours, the revised scheme is considered to at least preserve the character of the conservation area. Furthermore it is considered to address the concerns laid out by the inspector in relation to impact upon the Conservation Area in relation to 17/01078/F. This is the conclusion drawn following the exercise of the statutory duty set out in section 72(1) of the LBA highlighted above. The design is respectful of the local vernacular in terms of the materials used but provides a modern reinterpretation that, subject to details that can be secured by condition, would provide a building of quality on the site.
172. It is also considered that development plan policy DM9 is complied with in this case: the proposed development does not result in the loss of any designated heritage assets and in the context of locally listed assets it is considered that there are demonstrable and overriding benefits associated with this development as detailed elsewhere in this report. In this regard it is also noted that the Norfolk historic environment service have raised no objection to the proposed development on archaeological grounds, subject to conditions.
173. In terms of the NPPF, any harm to the setting of designated and non-designated heritage assets is less than substantial, allowing the benefits of the scheme to be weighed in the balance. In the context of designated heritage assets paragraph 196 of the NPPF requires any less than substantial harm to be weighed against the public benefits of the proposal. It is considered that in this case the public benefits of the proposed development (including the development of a brownfield site, provision of further PBSA and the facilitation of the Riverside Walk) outweigh such harm. In relation to non-designated heritage assets the effect of an application on these assets should be taken into account when determining the application and a balanced judgement is needed having regard to the scale of the harm or loss and significance of the heritage asset.

Main issue 3: Transport

174. Key policies and NPPF paragraphs – JCS6, DM28, DM29, DM30, DM31, NPPF paragraphs 17 and 29 - 41.
175. Objectors have expressed concerns over increased traffic on Duke Street; and congestion at the start and end of terms time.
176. The site is in a sustainable location close to the Norwich University of the Arts and city centre facilities and to the Anglia Square main district centre. The transport assessment submitted with the application indicates most trips will be made on foot.

The development provides 152 cycle parking spaces, 11 moped spaces and 4 car parking spaces (2 accessible and 2 for staff/drop off). The site is in a sustainable location and redevelopment is consequently supported by JCS6 and DM28. The provision meets that requested in Appendix 3 of the DMLP.

177. The Highways Officer has also requested works to improve cycle access to the site in the form of alterations to the Toucan crossing on Duke Street so it can be used by cyclists to cross the traffic flow and then return back along the contraflow cycle lane and then into the site via the access ramp to the basement. It has also been suggested that bollards should be installed immediately outside the entrance to prevent obstructive loading occurring, in addition to repaving of this asphalted section. Repaving of this area is welcomed as the pavement is currently the only section asphalted in the immediate area. Furthermore the kerb should also be raised as part of the works here to remove the dropped kerb; a dropped kerb is not necessary as no vehicular access would be available direct from Duke Street.
178. The applicant has verbally indicated a willingness to fund the works to the Toucan crossing. The works to improve the Toucan crossing and pavement will be secured by condition.
179. The principle of losing the existing car park has already been established under the appeal decision in relation to 17/01078/F, due to the omission of this as a reason for refusal.. In addition, the site is identified in policy DM29 as an area for reduced car parking where the loss of surface level public car parking is supported.
180. The site also provides for a section of riverside walk, which is a site specific requirement under DM28 and supports more sustainable means of transport. In this regard the applicant has submitted a draft unilateral undertaking (from the previous application reference 17/01078/F) which includes a legal obligation to provide the riverside walk within the development site as well as to submit and secure the Council's agreement to key details of the scheme for its provision, including the control of opening times to between 07:00 – 22:00 each day from 1 April to 30 September and between 08:00 – 20:00 from 1 October to 31 March in each calendar year and on-going management and maintenance. However this is considered to be capable of being covered by a condition rather than a unilateral agreement. As such the submission of this document is accepted as agreement to undertake the above only. The riverside walk (in accordance with precise details agreed with the Council) will be in place prior to any occupations of the proposed development.
181. The Transport Statement demonstrates that service vehicles can satisfactorily get into and out of the site and that the proposed use will not result in any highway safety issues. With the works to the Toucan crossing details in the Highways Officer's comments, the proposal complies with DM30 and DM31.
182. The Transport Statement makes reference to arrangements for the start and end of term, stating that the St Andrews Street public car park is close by and that a dropping off space is provided within the site. Further details for end of term arrangements can be secured by condition as has been done on approvals for other student accommodation elsewhere in the city.

183. It is therefore considered that the proposed development complies with DM28, DM29, DM30, DM31 and JCS 6 and also relevant paragraphs of the NPPF, including paragraph 32.

Main issue 4: Amenity

184. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
185. There are four main areas in which the proposal can impact upon the users and occupants of adjacent buildings and/or upon the occupants of the proposed development – noise; loss of light; over-shadowing and loss of privacy.
186. The appeal decision for 17/01078/F raised concerns regarding the impact upon Jane Austen College and Dukes Palace Wharf.
187. The impact upon Jane Austen College was previously considered unacceptable due to the cumulative impact of; the reduction in daylight levels to windows, a loss of direct sunlight to the external play area and an overbearing impact upon the play area due to the height and siting of the eastern section.

Noise

188. Noise will impact upon the student residents of the proposed development in terms of traffic noise. There was no audible noise from the Norwich Playhouse bar at the time of assessment (Friday lunchtime), even though it was busy. Additional allowance has been made during assessment to mitigate the impulsive and tonal characteristics of the school playground. Comments from the Environmental Health Officer indicate that satisfactory levels can be achieved within the building subject to mechanical ventilation and acoustic glazing, in accordance with the noise assessment submitted with the application.
189. Noise from the development will impact most significantly upon the residents of Dukes Palace Wharf who face the proposed building across the river at night. However, the existing character of the area has to be considered. From a policy perspective the site is within the city centre and in a regeneration area (JCS11). There are other, potentially noisier, developments nearby, specifically the Playhouse Theatre and its outside bar area but also pubs down Duke Street and on St Andrew's Street. Furthermore a Management Plan would be requested via a condition, which would provide some detail over how the whole site is to be managed.
190. Residents have also expressed concerns over noise from public use of the river side walk. Access to this will be managed and not available 24 hours. A condition is proposed that will ensure the walk is available during daylight hours but is gated overnight. Details of the proposed condition are provided in more detail in the section above.
191. Given the location and the mixed use character of the area, there is no reason to expect that the impact of the development upon existing residents would be so extreme so as to warrant refusal of the application, particularly with the proposed controls over access to the river side walk and a condition to secure details of how the development is to be managed. It is considered that for the reasons set out above that the development would not result in an unacceptable impact on the amenity of the area or the living conditions of neighbouring occupants, a high standard of amenity for future occupants of the proposed development can be

achieved and provision for communal space appropriate for the development is proposed. It is therefore considered that the proposed development is in accordance with DM2 in noise terms. Taking into account the character and function of the area it is also considered that DM11 is complied with.

Loss of light

192. The impacts in terms of loss of light fall primarily upon the Jane Austen school to the east and north; the Premier Inn to the immediate north; Dukes Palace Wharf flats to the south and across the river and Mary Chapman Court to the west on the opposite side of Duke Street. The Norwich Playhouse will also be affected but the impact is not considered to be material due to the nature of the use.
193. The application has been accompanied by a daylight assessment prepared using accepted methodologies. As a direct result of the appeal statement for 17/01078/F an analysis of the impact upon Jane Austen College and Dukes Palace Wharf has been submitted, with comparisons given between the current scheme and the amended scheme,
194. The impact upon the Mary Chapman Court site and the Premier Inn has not been considered as part of this assessment; the impact of the previous scheme was considered acceptable upon these two sites, and the revised scheme is for a smaller scaled building set no closer to either building. The results are summarised below.
195. The assessment uses the Royal Institute of Chartered Surveyors (RICS) guidance note 'Daylighting and Sunlighting 1st Edition (GN 96/2012) to provide the methodology for the assessment and analyses the results against the BRE Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice – 2nd Edition, along with BS 8206-2:2008, Lighting for Buildings, Part 2: Code of Practice for Daylighting.
196. Neighbours have also criticised assumptions made in the assessment, particularly in relation to Dukes Palace Wharf. The modelling is based on a combination of reviewing planning drawings, backed up by additional on-site photography and measurement exercises. The level of analysis and the assumptions made is therefore considered to result in a reasonable assessment of the impact upon neighbours.

Jane Austen College

197. 63 windows to the west, south and part east elevation of Jane Austen College have been subject to analysis.
198. Currently, 9 out of the 63 windows do not meet the levels of daylight in the BRE guidance. Post development, no windows will experience an unacceptable noticeable reduction in daylight levels.
199. Post-development, 3 windows will be noticeably darker, but due to the low level of impact the report concludes this is acceptable. . These windows serve the ground floor restaurant and a classroom which has another window in it.
200. This compares to 2 windows experiencing an unacceptable impact and 12 additional windows having a noticeable impact under the appeal scheme.

201. A 'noticeable' reduction in daylight levels does not necessarily mean that the impact is unacceptable in planning terms. The BRE guidelines are just that and the fact that there would be some impact does not mean the development should be refused. Whilst the impact upon the school will be noticeable, the level of this impact is not so significant that the use of the building would be significantly prejudiced. Furthermore the impact is considered to be notably less than the previously refused scheme.

Premier Inn

202. Whilst the report does not include an analysis of the impact upon the hotel there is anticipated to be some impact upon the south facing windows. However the impact upon the use of the hotel is not considered to be material given the temporary and short-term nature of the accommodation and the lack of an objection from the hotel operator on this point.

Dukes Palace Wharf

203. 125 windows on the north elevation of Dukes Palace Wharf have been subject to analysis.
204. 51 windows do not currently meet the BRE recommendations because: 21 windows have balconies above; 28 are positioned to the rear of enclosed balconies themselves; and 3 high level windows are positioned beneath significant roof overhangs.
205. Post-development, one window will have an unacceptable reduction in daylight, and 6 will have a noticeable reduction. Due to the limited impact, the impact upon the 6 windows is considered acceptable. .
206. Under the BRE guidelines, a 'noticeable' reduction occurs when the ratio between pre- and post-development levels of daylight is less than 0.8. For the Dukes Palace Wharf window with an unacceptable reduction the ratio will improve from the previous scheme from 0.69 to 0.70. An acceptable noticeable reduction in within 1% of the 0.8 factor. This window already experiences a relatively low level of light due to the design of the balcony serving it.
207. A 'noticeable' reduction in daylight levels does not necessarily mean that the impact is unacceptable in planning terms. The BRE guidelines are just that and the fact that they are not met does not mean the development should be refused. In terms of the impact upon Dukes Palace Wharf, only 7, compared to the previous 16 of the 125 windows analysed will experience a 'noticeable' reduction in daylight, with only 1 being unacceptable.

Mary Chapman Court

208. The new development at Mary Chapman Court for NUA approved under application reference 18/01524/F does not include any rooms served by a single window to face the application site, and the majority of the windows facing the site serve the kitchen area of communal spaces for the cluster flats. The communal areas are served with a total of 4 windows, to include one over the kitchen area and 1 corner window on the south-east corner. As such any loss of light to the new development at the Mary Chapman Court site is not anticipated to result in a

significant loss of amenity for future occupiers. Furthermore the 2 buildings would be sited some 6.8m apart, a relatively substantial distance.

Overshadowing

209. The loss of direct sunlight and over-shadowing will impact upon Jane Austen College to the east and north, the Premier Inn to the immediate north and upon Mary Chapman Court to the west. Dukes Palace Wharf is not affected as it lies to the south of the development. Loss of direct sunlight does not affect windows orientated beyond 90 degrees of due south.

Jane Austen School

210. In terms of the impact upon the internal rooms, all windows will meet the BRE guidelines for annual probable sunlight and winter sunlight. This compares to 4 failing to meet the criteria for annual probable sunlight and 8 failing to meet the criteria for winter sun under the appeal scheme.
211. The assessment of the impact upon the play area concludes that it will meet the BRE guidelines for at least 50% of the play area to receive at least 2 hours of sunlight on 21 March. 98.26% of the play area will receive at least 2 hours of sunlight at the specified time of year, compared to 98.02% in the appeal scheme.
212. The impact in terms of overshadowing upon both the school building and play area is therefore considered to be acceptable. Furthermore the change in siting and height at this end of the site is considered to prevent the building becoming overbearing or dominant from the play area serving Jane Austen College. The applicants have further aimed to improve this relationship by introducing detail within this elevation such as a poem. *Premier Inn*
213. The windows on the southern elevation to the Premier Inn will experience overshadowing but this is not considered to be material given the temporary, short term nature of the accommodation and the absence of an objection from the hotel operator.

Mary Chapman Court

214. Some windows on the eastern elevation of the newly approved development are likely to experience a degree of overshadowing as a result of this proposal. However as discussed above the windows facing the site are not serving rooms such as bedrooms and are not the only window for the room. Furthermore the elevation will already experience a degree of overshadowing from the existing Premier Inn. It is therefore considered in the context of DM2 that the proposed development would not result in an unacceptable impact on the living or working conditions or operations of future occupiers at the Mary Chapman Court development.
215. **Loss of Privacy**
216. The main impact falls upon Dukes Palace Wharf, the internal and external spaces at Jane Austen College and the Premier Inn.

Dukes Palace Wharf

217. In terms of Dukes Palace Wharf, the separation distance is at minimum 25m between the north elevation of Dukes Palace Wharf and the closest part of the southern elevation of the new building. At this distance, any loss of privacy would not be material, particularly in a city centre location *Jane Austen College*
218. DM2 specifically states that new development should not compromise the continued operation of established uses. The revised design now has no windows on the east elevation facing Jane Austen College. Windows on the northern elevation look down the gap between the Jane Austen building and the Premier Inn.
219. The buildings are around 5.5m apart. The main impact in terms of inter-visibility between the buildings comes from windows on the northern elevation. However due to the angle of the windows and the distances will not result in a significant level of overlooking which would compromise the established use of the college.

Premier Inn

220. The Premier Inn lies just over 17m north of the site. Bedroom windows do face bedroom windows but given the temporary nature of the accommodation in the hotel the impact upon the privacy of the occupants is not considered material, particularly given the absence of objections from the hotel operator.
221. For the reasons detailed above, it is considered in the context of DM2 that the proposed development would not result in an unacceptable impact on the amenity of the area or the living or working conditions or operations of neighbouring occupants.

Main issue 5: Flood risk

222. Key policies and NPPF paragraphs – JCS1, DM5, NPPF paragraphs 100 - 103.
223. The site lies in Flood Zone 23a and therefore has a medium 'risk of flooding. Using the categories in the National Planning Practice Guidance, the proposed development is classed as 'More Vulnerable'. This means that student residential uses can take place in FZ2 provided that the 'sequential test' is applied and it is concluded that there are no sites at a lower risk of flooding that are available to the applicant for development.
224. Policy DM5 provides guidance on the extent of the sequential test, stating that sites within identified regeneration areas such as the application site should be tested against the boundaries of the relevant regeneration area or (where no such alternative sites exist) alternative regeneration areas elsewhere in the city. With this in mind, there are no sites within the area shown on the Northern City Centre Area Action Plan Area Insert that are available to this developer for the quantum of development proposed. As no such alternative sites exist in this regeneration area alternative regeneration areas elsewhere in the city have been taken into account in accordance with DM5 but it is considered that there are no such reasonable alternative sites. The proposal therefore passes the sequential test.
225. Paragraph 103 of the NPPF sets out that local planning authorities should only consider development appropriate in areas at risk of flooding where informed by a site-specific flood risk assessment following the sequential test and (if required) the exception test it can be demonstrated that within the site the most vulnerable development is located in areas of lowest flood risk unless there are overriding

reasons to prefer a different location and development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning and it gives priority to the use of sustainable drainage systems. It is considered that the design of the proposed development and information submitted in the applicant's flood risk assessment demonstrates compliance with this paragraph 103. Therefore, it is considered the proposed development is in accordance with the relevant paragraphs of the NPPF with regard to flood risk.

226. The proposed use of the lower ground floor is non habitable, this enables the finished floor levels of the habitable accommodation to be set above all modelled flood events in the Flood Risk Assessment. The design would provide for safe access/egress in the event of a flood. A warning and evacuation strategy has been developed with the Flood Risk Assessment. The design measures are therefore considered to be sufficient to protect against the anticipated flood levels, subject to conditions.
227. The Environment Agency have also asked for additional conditions regarding the drainage proposals to ensure surface water from the development is not discharged into the river in the event of flooding. Full details can be secured by the requested condition.

Compliance with other relevant development plan policies

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

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

Other matters

229. A Preliminary Ecological Appraisal has been submitted with this application in response to concern previously raised about the potential impact upon biodiversity, and in particular the adjacent River Wensum. The site itself is of a lower ecological

value, consisting mostly of hard standing and compacted ground with areas of grassy and scrub lined areas. The proposed development is not anticipated to have an impact upon any statutory sites, and is considered to have a minor adverse impact upon the site itself. Policy DM6 expects development to take all reasonable opportunities to avoid harm and protect and enhance the natural environment of Norwich and its setting, including both sites and species. NPPF para 170 requires developments to minimise impacts and provide a net gain for biodiversity. Mitigation and enhancements measures are recommended within the Appraisal, which include wildlife friendly planting, minimising external lighting and the installation of bat and bird boxes. It is also considered appropriate to reduce the level of light spillage from the building by using tinted windows. The details of these measures can be conditioned. The proposal would then comply with policies JCS1 and DM6.

230. In addition, the following matters have been assessed and considered satisfactory and in accordance with relevant development plan policies (including DM6, DM7 and DM11), subject to appropriate conditions and mitigation:

- Archaeology – subject to conditions
- Contaminated land – subject to conditions
- Trees – replacement trees can be secured by condition

Equalities and diversity issues

231. There are no significant equality or diversity issues.

Local finance considerations

232. 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.

233. 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.

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

Conclusion

235. In accordance with the Council's statutory duty to determine planning applications in accordance with its development plan unless material considerations indicate otherwise this proposal for student residential development has been assessed against national and local planning policies as described above and taking into account any relevant material considerations, such as the appeal decision for 17/01078/F on the site. Relevant statutory duties under the LBA 1990 have also been closely considered and assessed.

236. In light of the appeal decision consideration has been given to the issues raised by the inspector, in particular to the 3 main issues as detailed above. The revised scheme is considered to satisfactorily address these 3 issues.
237. The site is in a regeneration area defined by the Council's development plan and the proposal would deliver a commensurate benefit in terms of the regeneration of a vacant site. The inspector concluded that the previous scheme would harm the conservation area, with reference to the proposed buildings height, scale, vertical emphasis, siting to the river and its relationship to the east of the site, in particular with Jane Austen College. The revised proposal is of a smaller scale (to include height), is sited further from the river and the east of the plot and has a more horizontal emphasis. The revisions are considered to result in a development which would at the least preserve the character of the conservation area. The proposal also provides PBSA that would go some way to meeting the future needs of the educational establishments within the city, and in turn reduce the demand upon market housing from students. These benefits weigh against any harm caused by the proposal to heritage assets as assessed in detail in this report. The proposal is therefore considered to comply with DM8 and the NPPF, in particular para 196.
238. The inspector also raised concerns regarding the impact upon the Jane Austen College, in terms of light and outlook, and upon Dukes Palace Wharf, in terms of daylight. These impacts have been addressed in details above, to include a summary of the Daylight and Sunlight Analysis provided with this application. The revised scheme is considered to reduce the impact upon these two buildings significantly. The proposal will still have an impact upon surrounding buildings and their occupants and users, however any such impact is not considered to represent an unacceptable impact on the amenity of the area or the living or working conditions or operations of neighbouring occupants. As a result it is not considered to warrant refusal of the application on amenity. It has also been concluded that the proposed development provides for an appropriate standard of amenity for future occupiers.
239. Relevant development plan policies and paragraphs of the NPPF have been considered and assessed in relation to flood risk and it is considered that the proposed development is acceptable in terms of flood risk.
240. Other points have been considered as described above and can be addressed by condition. The development is in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.

Recommendation

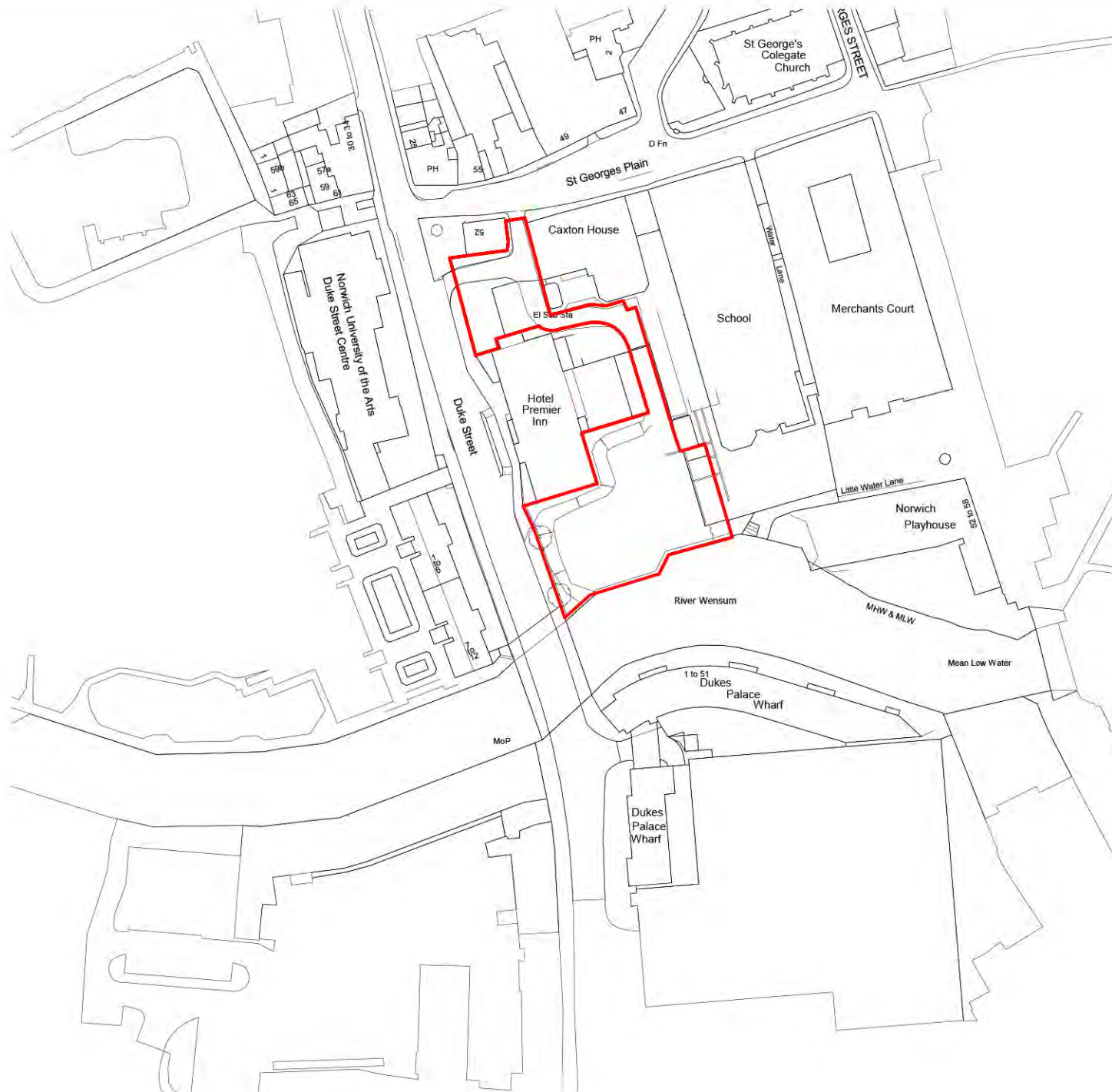
To **APPROVE** application no. 17/01078/F - Car Park Rear of Premier Travel Inn, Duke Street, Norwich and grant planning permission subject to the submitted unilateral undertaking to secure the provision and maintenance of the riverside walk across the site frontage and subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Details of materials including glazing;
4. Drainage details;

5. Compliance with submitted energy statement;
6. Submission and compliance with a construction management plan;
7. Submission of landscaping details;
8. Submission of ecological mitigation details including details of location of bat and nest boxes;
9. Details of external lighting;
10. Archaeological assessment;
11. Reporting of contamination;
12. Imported material (topsoil)
13. No pilling or similar without EA consent
14. Used Water Sewerage Network (AW)
15. Compliance with flood risk assessment re: floor levels etc.;
16. Completion and retention of car parking, cycle parking, motorcycle parking and refuse storage in accordance with approved plans;
17. Compliance with submitted noise attenuation report;
18. Submission of details for off-site highway improvement works to Duke Street Toucan crossing and completion of said works;
19. Submission of details of street trees; and
20. Submission of management arrangements for the building;
21. Submission of arrangements for start and end of term (Travel Information Plan).
22. Riverside Walk
23. Repaving and raising kerb height (Prior to occupation)

Article 35(2) statement

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



NOTES

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CDM 2015

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These duties can be found at <http://www.hse.gov.uk/construction/cdm/2015/responsibilities.htm>

It is your responsibility as client to make yourself aware of your role within CDM 2015 and act accordingly.



Revisions

Rev.	Description	Date	Drawn By	Checked By
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PURPOSE OF ISSUE				
PL - For Planning Submission				
DRAWING STATUS				
S2 - Fit for Information				
PROJECT TITLE				
Duke Street, Norwich, NR3 3AP				
CLIENT				
Raer Group				
DRAWING TITLE				
Location Plan				
SCALE	DATE	DRAWN BY	CHECKED BY	APPROVED BY
1:1000@A3	JULY 19	JS	RG/DO	BR
DRAWING NUMBER				
PROJECT NO	TYPE	UNIQUE NO	REVISION	
0606	10	010	-	

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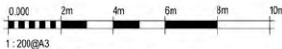
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- ① Perforated Metal Mesh - Bronze Colour
- ② Brick - Red
- ③ Metal Cladding - Bronze Colour
- ④ Aluminium Windows - Dark Grey Colour
- ⑤ Stone Cill
- ⑥ Perforated Metal Mesh - Grey Colour
- ⑦ Metal Cladding - Grey Colour

Revisions

Rev.	Description	Date	Drawn By	Checked By
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PURPOSE OF ISSUE

PL - For Planning Submission

DRAWING STATUS

S2 - Fit for Information

PROJECT TITLE

Duke Street, Norwich, NR3 3AP

CLIENT

Rae Group

DRAWING TITLE

Proposed South Elevation

SCALE	DATE	DRAWN BY	CHECKED BY	APPROVED BY
1:200@A3	JULY 19	JS	RG:DO	BR

DRAWING NUMBER

PROJECT NO	TYPE	UNIQUE NO	REVISION
0606	20	201	-

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- ⑤ Stone Cill
- ⑥ Perforated Metal Mesh - Grey Colour
- ⑦ Metal Cladding - Grey Colour

Revisions

Rev.	Description	Date	Drawn By	Checked By
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PURPOSE OF ISSUE
PL - For Planning Submission

DRAWING STATUS
S2 Fit for Information

PROJECT TITLE
Duke Street, Norwich, NR3 3AP

CLIENT
Rae Group

DRAWING TITLE
Proposed East Elevation

SCALE	DATE	DRAWN BY	CHECKED BY	APPROVED BY
1:200@A3	JULY 19	JS	RG:DO	BR

DRAWING NUMBER			
PROJECT NO	TYPE	UNIQUE NO	REVISION
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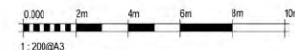
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- ⑤ Stone Cill
- ⑥ Perforated Metal Mesh - Grey Colour
- ⑦ Metal Cladding - Grey Colour

Revisions

Rev.	Description	Date	Drawn By	Checked By
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PURPOSE OF ISSUE

PL - For Planning Submission

DRAWING STATUS

S2 - Fit for Information

PROJECT TITLE

Duke Street, Norwich, NR3 3AP

CLIENT

Rae Group

DRAWING TITLE

Proposed West Elevation

SCALE	DATE	DRAWN BY	CHECKED BY	APPROVED BY
1:200@A3	JULY 19	JS	RG:DO	BR

DRAWING NUMBER

PROJECT NO	TYPE	UNIQUE NO	REVISION
0606	-	20	- 203

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- ⑤ Stone Cill
- ⑥ Perforated Metal Mesh - Grey Colour
- ⑦ Metal Cladding - Grey Colour

Revisions

Rev.	Description	Date	Drawn By	Checked By
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PURPOSE OF ISSUE
PL - For Planning Submission

DRAWING STATUS
S2 - Fit for Information

PROJECT TITLE
Duke Street, Norwich, NR3 3AP

CLIENT
Rae Group

DRAWING TITLE
Proposed North Elevation

SCALE	DATE	DRAWN BY	CHECKED BY	APPROVED BY
1:200@A3	JULY 19	JS	RG:DO	BR

DRAWING NUMBER				
PROJECT NO	TYPE	UNIQUE NO	REVISION	
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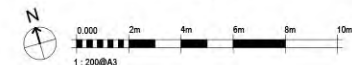
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Revisions

Rev.	Description	Date	Drawn By	Checked By
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PURPOSE OF ISSUE
PL - For Planning Submission

DRAWING STATUS
S2 - Fit for Information

PROJECT TITLE
Duke Street, Norwich, NR3 3AP

CLIENT
Raer Group

DRAWING TITLE
Proposed Lower Ground Floor

SCALE	DATE	DRAWN BY	CHECKED BY	APPROVED BY
1:200@A3	July 19	JS	RG	BR

DRAWING NUMBER
PROJECT NO | TYPE | UNIQUE NO | REVISION
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North Arrow

Revisions				
Rev.	Description	Date	Drawn By	Checked By

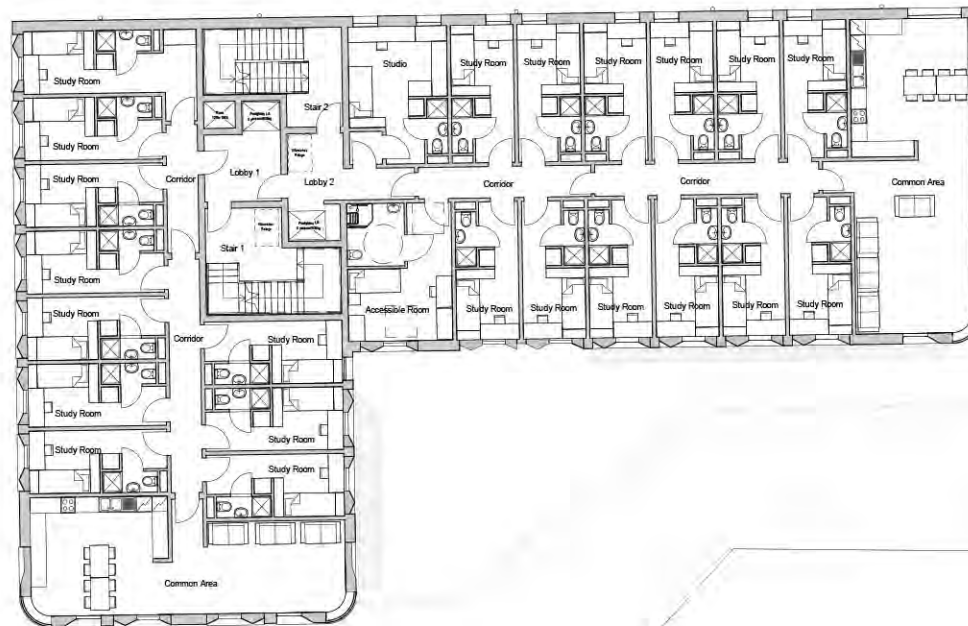
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CLIENT Raer Group				
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SCALE 1:200@A3	DATE July 19	DRAWN BY JS	CHECKED BY RG	APPROVED BY BR
DRAWING NUMBER				
PROJECT NO 0606	TYPE - 10 -	UNIQUE NO 002	REVISION -	

DUKE STREET

RIVER WENSUM

DUKE STREET

RIVER WENSUM



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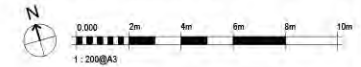
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Revisions

Rev.	Description	Date	Drawn By	Checked By
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PURPOSE OF ISSUE
PL - For Planning Submission

DRAWING STATUS
S2 - Fit for Information

PROJECT TITLE
Duke Street, Norwich, NR3 3AP

CLIENT
Raer Group

DRAWING TITLE
Proposed 1st - 4th Floor Plan

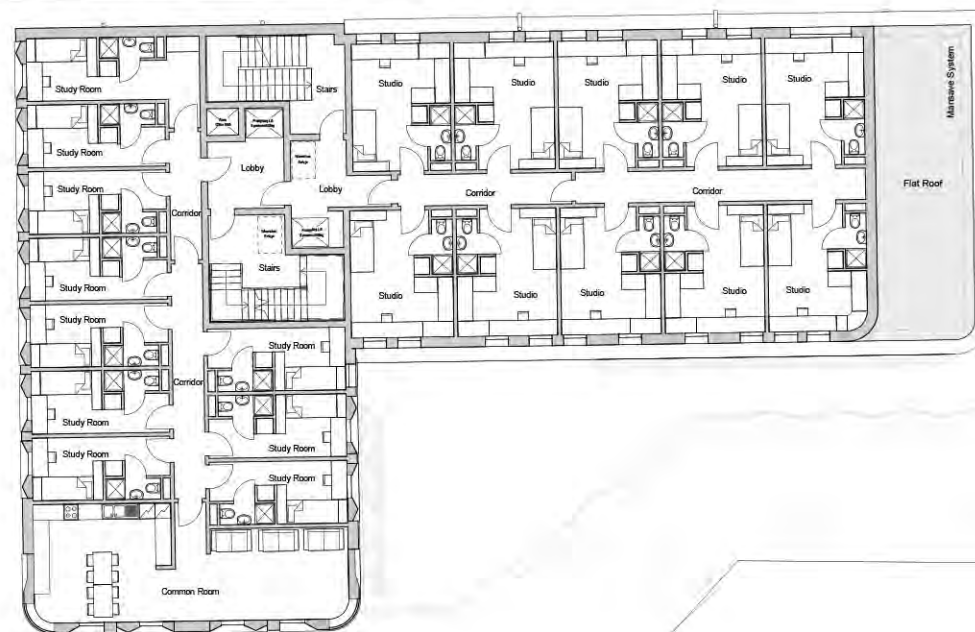
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DUKE STREET

RIVER WENSUM

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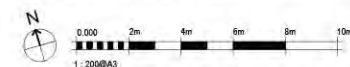
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Revisions

Rev.	Description	Date	Drawn By	Checked By
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PURPOSE OF ISSUE
PL - For Planning Submission

DRAWING STATUS
S2 - Fit for Information

PROJECT TITLE
Duke Street, Norwich, NR3 3AP

CLIENT
Raer Group

DRAWING TITLE
Proposed 5th Floor Plan

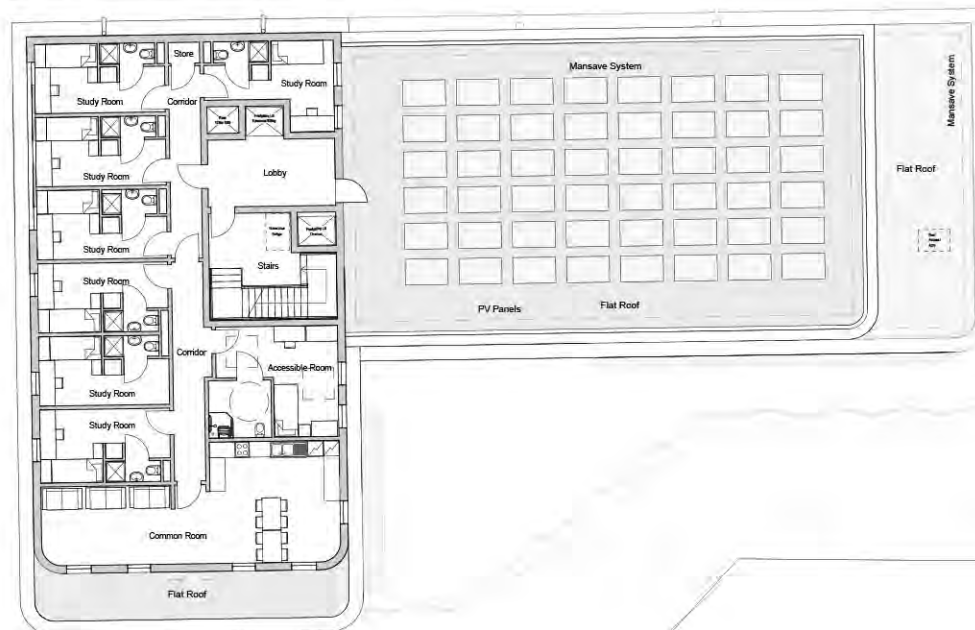
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PROJECT NO	TYPE	UNIQUE NO	REVISION
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DUKE STREET

RIVER WENSUM

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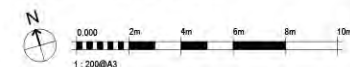
Ordnance Survey Licence Number 0100031873

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Rev.	Description	Date	Drawn By	Checked By
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PURPOSE OF ISSUE
PL - For Planning Submission

DRAWING STATUS
S2 - Fit for Information

PROJECT TITLE
Duke Street, Norwich, NR3 3AP

CLIENT
Raer Group

DRAWING TITLE
Proposed 8th Floor Plan

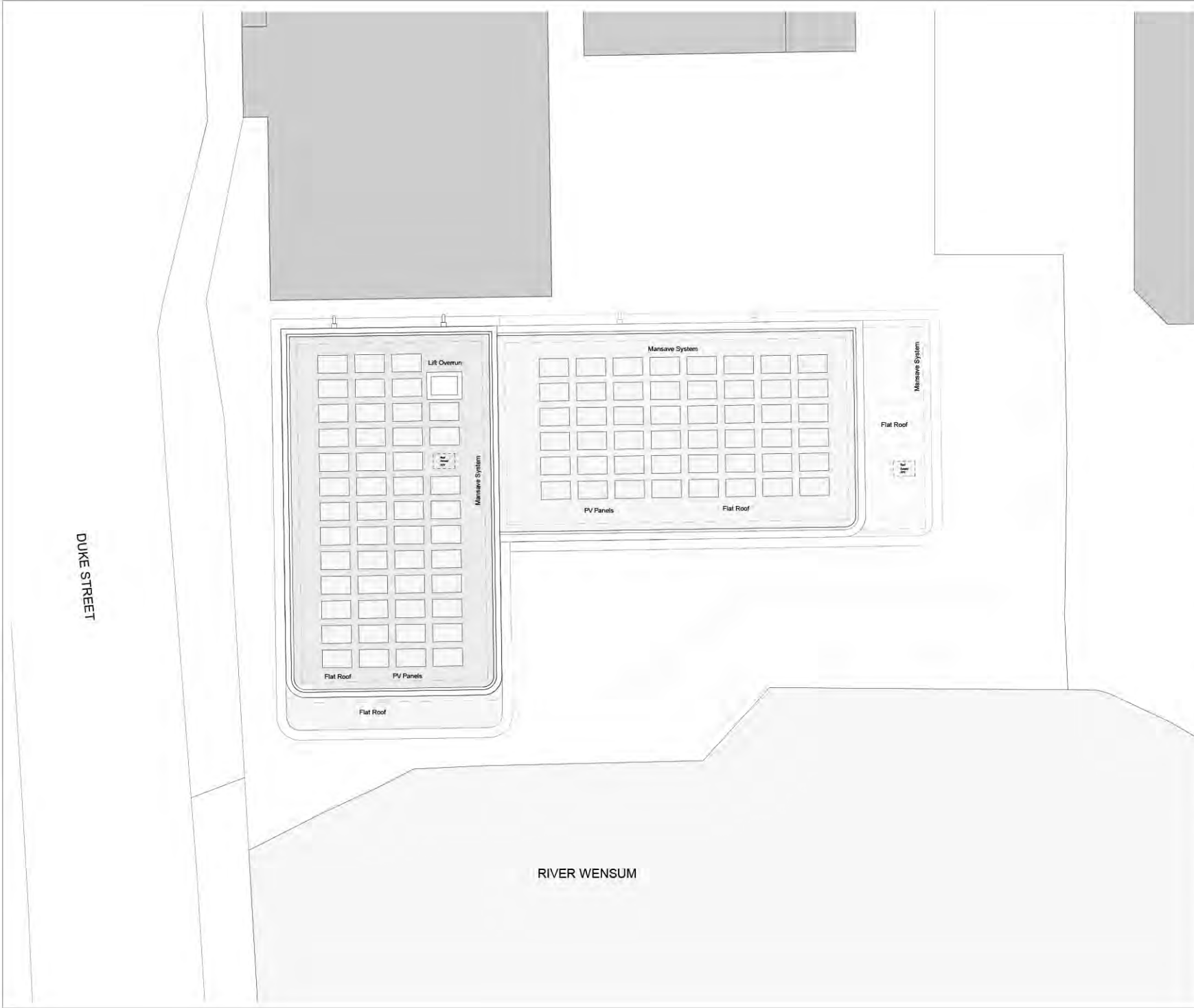
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Revisions

Rev.	Description	Date	Drawn By	Checked By

PURPOSE OF ISSUE
PL - For Planning Submission

DRAWING STATUS
S2 - Fit for Information

PROJECT TITLE
Duke Street, Norwich, NR3 3AP

CLIENT
Raer Group

DRAWING TITLE
Proposed Roof Plan

SCALE	DATE	DRAWN BY	CHECKED BY	APPROVED BY
1:200@A3	July 19	JS	RG	BR

DRAWING NUMBER			
PROJECT NO	TYPE	UNIQUE NO	REVISION
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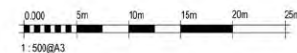
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PURPOSE OF ISSUE				
PL - For Planning Submission				
DRAWING STATUS				
S2 - Fit for Information				
PROJECT TITLE				
Duke Street, Norwich, NR3 3AP				
CLIENT				
Rae Group				
DRAWING TITLE				
Proposed South Elevation				
SCALE	DATE	DRAWN BY	CHECKED BY	APPROVED BY
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0606	20	206	-	

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CLIENT				
Raer Group				
DRAWING TITLE				
Proposed South Elevation				
SCALE	DATE	DRAWN BY	CHECKED BY	APPROVED BY
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Appeal Decision

Site visit made on 17 December 2018

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st December 2018

Appeal Ref: APP/G2625/W/18/3204095

Car Park rear of Premier Travel Inn, Duke Street, Norwich, NR3 3AP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Tim Racher against the decision of Norwich City Council.
 - The application Ref 17/01078/F, dated 16 June 2017, was refused by notice dated 14 March 2018.
 - The development proposed is **described as 'redevelopment of car park site to provide for student accommodation'**.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - Whether the appeal scheme would preserve or enhance the character or appearance of the Norwich City Centre Conservation Area;
 - The effect of the appeal scheme on the users of the Jane Austen College, with particular reference to light and outlook; and
 - The effect of the appeal scheme on the living conditions of the occupants of Dukes Palace Wharf, with particular reference to daylight.

Reasons

Whether the appeal scheme would preserve or enhance the character or appearance of the Norwich City Centre Conservation Area

3. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the Norwich City Centre Conservation Area (CA), a designated heritage asset.
4. The CA includes the historic part of the city that was once contained by medieval walls. It therefore gains much of its significance from the inherent history and urban morphology that is evident in this area. Although the city centre is identified as a single CA, the **Council's** Conservation Area Appraisal¹ (CAA) explains that it encompasses different character areas. The appeal site is located within the **'Northern Riverside'** character area, which is focussed on

¹ The Norwich City Centre Conservation Area Appraisal 2007

the River Wensum. This river flows through the city and has always been a centre of activity, much of it commercial. In more recent times newer development has shifted the emphasis onto residential and leisure uses, including a riverside walk.

5. The appeal site is currently a car park set below the level of the adjacent Duke Street. To the immediate north is a Premier Inn, which has a stark southern elevation. **The appellant's Heritage Statement explains that the appeal site has historically included reasonably large buildings and this is a proposition supported by the CAA.** The appeal site is not a particularly attractive space, but the currently undeveloped state permits views across it to the Jane Austin College, which is a well detailed and characterful period building. As such, the **CAA identifies the appeal site as being within a 'neutral area' and this is a fair assessment as the appeal site neither enhances nor detracts from the significance and special interest of the CA.**
6. The appeal scheme is for the erection of a block of student accommodation. The tallest element of the structure would be adjacent to the hotel and would be taller than Dukes Palace Wharf. This is a large block of flats on the southern side of the river. It is opposite the appeal site that does little for the CA – it is identified as a neutral building in the CAA. The proposed building would also be notably taller than the adjacent hotel and would entirely dwarf the Millhouse, which is a heritage asset. In effect, the tallest part of the appeal building would have a vertical emphasis that would have the appearance of a tower block in views along Duke Street. This would be out of character with the horizontal emphasis of buildings elsewhere along the river².
7. Due to a modulated form the southern elevation would be articulated and set back from the river but **the building's height, in combination with its width,** would still create a dominant and discordant **'canyoning' effect along the river** when viewed in combination with the monolithic Dukes Palace Wharf. The height of the building would drop in scale towards the Jane Austin College in an attempt to stitch the building into the local townscape. However, it would not reduce in scale to a sufficient extent as it would still tower over this locally listed building and its setting and this would create an awkward juxtaposition, particularly when viewed from **Blackfriar's Bridge**, which is rightly identified as a positive vista in the CAA that is not entirely screened by trees.
8. The proposal would also largely block views of the Jane Austin College from Duke Street, but it would be difficult to develop the appeal site without this negative impact occurring. More significantly, the part of the college visible from Duke Street is not the main elevation of the building and therefore the disruption of this view would not particularly harm the significance of the CAA or the setting of the building. Nevertheless, in light of the foregoing, the appeal scheme would appear as a strident and usually tall structure that would significantly harm and disrupt the surrounding town scape.
9. The building would not be without merit as the simple arrangement of the fenestration would hint at the existing and historic character of some of the historic buildings sited along the river. This is something that would be reinforced by the simple pallet of external materials, with the potential for the red brick finish to complement the Jane Austin College. Moreover, the corners

² The Design and Access Statement refers to the Norwich University of Arts building in St Georges Street and the Former Eastern Electricity building, both of which have a horizontal emphasis.

of the building would be curved and the top floor would be stepped in from the eaves in an attempt to soften the scale and massing of the building, a point aided by the varied height. The appeal site is of little significance to the setting of nearby listed buildings and therefore the appeal scheme would have a neutral impact in this regard. However, these aspects of the proposal would not mitigate its central limitation - that it would, in all respects, be too tall relative to the localised townscape³ and therefore appear harmfully dominant.

10. The factors in the preceding paragraph would mitigate for some of the impacts of the proposal but not entirely eradicate them. As a consequence the harm to the CA would be less than substantial. In weighing the potential benefits of the proposal against the less than substantial harm that would occur, it is apparent that the proposal would regenerate the appeal site, partially screen views of the adjacent hotel, which is identified as a negative building in the CAA, and deliver student accommodation close to local facilities. There is an objectively assessed need for such accommodation in the city and if delivered this would free up market housing and contribute to the Council's housing supply deficit, which is around 4.61 years. There would also be economic and local revenue benefits from construction and subsequent occupation.
11. However, the benefits listed above could also be realised by a scheme of a more appropriate scale. A lower building would not produce benefits of the same extent, but the harm would be notably diminished. As such, these benefits accrue moderate weight as matters in favour of the proposal.
12. The riverside walk is incomplete in the area between Duke Street and St Georges Street and therefore a detour along Colegate Street is currently required. The appeal scheme would facilitate an extension of the riverside walk, in accordance with the River Wensum Strategy, across the appeal site frontage. However, this benefit would be tempered by the projecting wing of the proposed building, which would over-sail, enclose and dominate part of the route. Notwithstanding this, any development of the appeal site would be required to provide an extension of the walk in accordance with Policy DM28 of the Norwich Local Plan. As such, this is a matter of only moderate weight as a benefit.
13. When attaching great weight to the conservation of designated heritage assets, as required by the special regard I must have to the desirability of preserving or enhancing the character or appearance of the CA, I find that the less than substantial harm would not be outweighed by the public benefits of the proposal. Accordingly, there would be a conflict with Paragraph 194 of the National Planning Policy Framework as harm to a designated heritage asset would not have a clear and convincing justification.
14. The Council are unable to demonstrate a five year housing land supply against its housing requirement in the Joint Core Strategy as required to by the Framework. This states that in such circumstances planning permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed. Designated heritage assets, such as conservation areas, are defined in the Framework as an area of particular importance. Given my findings above, there is a clear reason for refusing the proposal.

³ The massing analysis on page 12 of the Design and Access Statement demonstrates that the surrounding buildings are generally much lower than the appeal scheme would be.

15. As such, my overall conclusion is that the proposal would harm the significance of the CA and this finding is not outweighed by public benefits. Additionally, its character and appearance would not be preserved. The proposal would therefore be contrary to Policies DM3 and DM9 of the Norwich Local Plan, which seek to secure developments of an appropriate height, scale and massing that preserves or enhances the historic environment.

The effect of the appeal scheme on the users of Jane Austen College, with particular reference to light and outlook

16. The Jane Austin College has a very limited amount of outdoor amenity space for its pupils to use. This principally encompasses a moderately sized play area that is located immediately to the east of where the appeal building is intended to be constructed. The eastern elevation of the appeal building would be tall, at six storeys high, and would be positioned close to the site boundary. As a result, it would tower over the play area in an overbearing and dominant way. This would severely diminish the quality of the play area and thus its ability to function as somewhere for school children to relax and play.
17. The quality of the play area would be further diminished by the appeal scheme through a loss of direct sunlight, with complete over shadowing occurring in the afternoon in the summer months. Although the play area is not in constant use and there will be other times when it would receive direct sunlight the impact on sunlight would still be an aggravating factor that would erode the quality of the play area.
18. **The appellant's daylight assessment**, which was undertaken with reference to a recognised methodology, concludes that 12 windows within the school that currently meet Building Research Establishment (BRE) guidelines for daylight would no longer meet the stated guideline targets if the appeal scheme was implemented. In addition, two rooms that currently fail to meet the guidelines would experience a further reduction post development. This would reduce the quality of the learning and teaching environment inside some of the rooms in the school and this is an adverse impact weighing against the appeal scheme.
19. Jane Austin College does not include living accommodation but the users of an educational establishment should have sufficient access to sun and daylight when in classrooms or when using outdoor play areas, which should also have an adequate outlook. The appeal scheme would cumulatively undermine this reasonable expectation and therefore the amenity of the users of the college would be harmed. This would be contrary to Policy DM2 of the Norwich Local Plan, which states that development should not result in an unacceptable impact on the working conditions and operations of neighbouring occupants, with reference to loss of light and outlook.

The effect of the appeal scheme on the living conditions of the occupants of Dukes Palace Wharf with particular reference to daylight

20. The flatted scheme at Dukes Palace Wharf includes a number of dwellings facing the appeal site that have a single aspect and are north facing. As such, the occupants already have limitations placed on their living conditions due to a restricted outlook and inability to receive direct sunlight. This is not entirely uncommon in a city centre where densities tend to be higher and compromises will be made for the convenience offered by the location.

21. However, **the appellant's light assessment indicates that the** implementation of the appeal scheme would result in 16 windows, which currently serve kitchen/diners, living rooms and bedrooms, experiencing a notable further reduction in daylight. Some of these windows already have levels of daylight below BRE guidelines. Thus, an extra reduction in daylight would only serve to compound the limited levels of amenity already experience by the occupants of the affected flats.
22. On balance, I conclude that the appeal scheme would harm the living conditions of some of the occupants of the north facing flats in Dukes Palace Wharf that face the appeal site and this would be contrary to Policy DM2 of the Norwich Local Plan, which states that developments should not result in the occupants of neighbouring properties suffering an unacceptable loss of light.

Other Matters

23. It has been suggested that Historic England did not object to the appeal scheme but its comments are not that clear cut. Historic England did not, on balance, raise concerns with the overall scale and form of the building but did indicate specific concerns with the height of the eastern section, and recommended that these concerns should be resolved. Regardless of this, I have come to my own conclusions for the reasons given. Likewise, the recommendation to approve provided **by the Council's Officers is not** a determinative matter in light of my findings.
24. Various concerns have been raised by interested parties including reservations over noise and biodiversity impacts, which I have noted. However, given my findings above it has not been necessary for me to address these matters further as the appeal has failed on the main issues. Similarly, I would need to see more evidence before I was satisfied the appeal scheme would provide adequate levels of outdoor amenity space for future occupants, but as the appeal has been dismissed, it is unnecessary for me to seek this evidence and come to a conclusion on this point.
25. There is an extant planning permission for a residential development of the appeal site (Council reference 4/1998/0656). However, this part of the permission has remained unimplemented for over a decade and there is little evidence before me to suggest that scheme would be implemented if the appeal fails. For example, details required by planning conditions are yet to be approved. Consequently, there is little to suggest it is more than a hypothetical fall-back position. In any event, the approved scheme is not identical to the appeal scheme before me and whilst elements of its design would not be better than the appeal scheme, aspects of it, such as the impact on light levels to neighbouring properties, would be more advantageous. As such, the extant permission does not justify the appeal scheme.

Conclusion

26. The proposed development would not accord with the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Graham Chamberlain

INSPECTOR