

## **Planning applications committee**

**Date: Thursday, 09 December 2021**

**Time: 10:00**

**Venue: Council Chamber, City Hall**

Members of the public, agents and applicants, ward councillors and other interested parties must notify the committee officer if they wish to attend this meeting by 10:00 on the day before the committee meeting, please. Numbers are restricted due to social distancing arrangements. The meeting will be live streamed on the council's YouTube channel.

### **Committee members:**

#### **Councillors:**

Driver (chair)  
Button (vice chair)  
Bogelein  
Champion  
Everett  
Giles  
Grahame  
Lubbock  
Maxwell  
Peek  
Sands (M)  
Stutely  
Thomas (Va)

#### **For further information please contact:**

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### **Information for members of the public**

Members of the public and the media have the right to attend meetings of full council, the cabinet and committees except where confidential information or exempt information is likely to be disclosed, and the meeting is therefore held in private.

For information about attending or speaking at meetings, please contact the committee officer above or refer to the council's website

## **Agenda**

**Page nos**

**1 Apologies**

To receive apologies for absence

**2 Declarations of interest**

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

**3 Minutes**

**5 - 14**

To approve the accuracy of the minutes of the meeting held on 11 November 2021

**4 Planning applications**

Please note that members of the public, who have responded to the planning consultations, and applicants and agents wishing to speak at the meeting for item 4 above are required to notify the committee officer by 10:00 on the day before the meeting in accordance with the council's constitution.

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

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

Please note:

- The formal business of the committee will commence at 10:00;
- The committee may have a comfort break after two hours of the meeting commencing;
- Please note that refreshments will not be provided. Water is available;
- The committee will adjourn for lunch at a convenient

point between 13:00 and 14:00 if there is any remaining business.

<b>Summary of planning applications for consideration</b>	<b>15 - 16</b>
<b>Standing duties</b>	<b>17 - 18</b>
<b>4(a) Application no 21/00821/F - Surface car park, Rose Lane</b>	<b>19 - 46</b>
<b>4(b) Application no 21/00804/O - Clarence House, 6 Clarence Road, Norwich, NR1 1HH</b>	<b>47 - 66</b>
<b>4(c) Application no 20/01582/L – King Street Stores, King Street</b>	<b>67 - 74</b>

Date of publication: **Wednesday, 01 December 2021**



**Planning applications committee****10:00 to 14:00****11 November 2021**

Present: Councillors Driver (chair), Bogelein, Carlo (substitute for Councillor Grahame), Champion, Everett, Giles, Lubbock, Maxwell, Peek, Sands (M), Stutely and Thomas

Apologies: Councillors Button (vice chair) and Grahame

**1. Declarations of interests**

There were no declarations of interest.

**2. Minutes**

**RESOLVED** to approve the accuracy of the minutes of the meeting held on 14 October 2021.

**3. Applications 20/01263/F – King Street Stores, King Street and 20/01582/L – King Street Stores, King Street**

The planning team leader (case officer) presented the report with the aid of plans and slides and referred members to the supplementary report of updates to reports, which was circulated at the meeting and available on the council's website and contained minor corrections to the report.

The committee was addressed by a member of the public and local members for Thorpe Hamlet, Councillors Haynes and Price, who outlined their objections to the proposed scheme calling for its refusal, which included: the removal of the 6 Lime trees and loss of biodiversity in the context of climate change; that the scheme could be redesigned to achieve the same number of dwellings by taller buildings along the river and retain the trees; that the trees were subject to a tree protection order and contributed to the character of the area; that the removal of the trees was contrary to local planning policies DM7 and DM3, and resulted in the loss of the beneficial impacts of green infrastructure relating to air quality and surface water drainage; pointing out that buildings at this end of the street could be pushed back from the street and the trees retained; and that the provision of affordable housing off site led to stigma against social housing tenants. Members were also advised that over 460

residents had signed a petition to retain these mature trees which were considered an important part of King Street and local biodiversity, that could not be replaced. The council's ecology officer and tree officer had objected. The ward councillors also considered that CC8, the site allocation plan for this site, should be reviewed as the requirement to build to the edge of the site requiring the removal of the trees was out of date given recent changes to the National Planning Policy Framework (NPPF).

The agent spoke on behalf of the applicant in support of the proposed development at King Street Stores, a redundant site, and explained how it met the objectives of the site allocation plan, CC8. The proposal would deliver 20 dwellings and included the retention of the locally listed warehouse, which was the preferred option to extending the riverside walk on this side of the river. The historic building line could not be achieved if the trees were retained. The applicants would provide a comprehensive landscaping plan which included bat boxes and other measures as required. The proposal to provide biodiversity offsetting would be sought as near the site as possible. The scheme had the support of Historic England, the Norwich Society and the council's design and conservation officer, and there had been no objections from the statutory consultees. The application was policy compliant in relation to affordable housing, with onsite provision or offsite to the value of around £400,000. The applicant owned the site and was committed to delivering the scheme on this brownfield site in accordance with local planning policies and the site allocation plan.

The area development manager referred to the report and explained that this application had been assessed against the local development plan with the site specific policy being considered alongside development management policies. It was not in the power of the committee to amend local planning policy. The site specific allocation for this site did not seek to retain the trees.

During discussion the planning team leader and the area development manager referred to the report and answered members' questions. Members were advised that the wall along King Street was the remains of a former brewery. The trees were self-seeded and categorised, with A being the healthiest, as 5 trees as B and 1 tree as C, and were growing in what would have been the inside of the brewery. The trees had to be removed in order for this specific proposal to be developed. The area development manager explained that members had to have regard to the local development plan, the NPPF and other policies and pointed out that this site specific policy was similar to the one in the emerging Greater Norwich Development Plan. In assessing the application against the site specific policy, the retention of the warehouse, which was mentioned in the text, had been balanced against extending the riverside walk on this side of the river which was impractical because of the other buildings (Waterfront and Wensum Lodge) and had taken into account the riverside walk across the river, accessible by the Novi Sad Friendship bridge.

Discussion ensued on the practicality of providing 20 dwellings on the site by denser development along the river, within the locally listed warehouse and replacing the proposed town houses on the riverbank. A member also suggested that the car parking be removed by making the development car free which would provide more greenspace on the site and space to provide the policy compliant 20 dwellings, whilst retaining the trees. Members were reminded that the committee needed to determine the proposal before them.

Members sought advice that the tree preservation order on the Lime trees was a material planning consideration. Members were also advised of the changes to the NPPF introduced in July 2021, which promoted the use of street trees and mitigation and adaptation measures to address climate change.

In reply to a member's question, the area development manager said that it did not make sense to put aside a site specific policy in favour of other development management policies. The planning team leader confirmed that the proposal was policy compliant for the provision of affordable housing taking into account that there was a vacant building on the site and as such there was no requirement to revisit the affordable housing provision at a later date.

Members were advised that the agent had been aware that other interested parties wanted to retain the trees but there was no policy requirement to retain these trees.

(The committee adjourned for a short break to mark Armistice Day and reconvened with all members listed as present above at 11:15)

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

During discussion members expressed concern about the loss of the trees and that the recent changes to the NPPF indicated that trees should be retained wherever possible, with greater emphasis on street trees, biodiversity and climate change adaptation and mitigation. Members considered that there was no justification to remove the 6 mature Lime trees from this site which were considered to enhance the character of the area. A member commented on the loss of natural habitat of insects and birds from the loss of these trees, and that the provision of bat boxes defeated the object if there was no food for them. The UK had the most depleted biodiversity in Europe. The Environment Act and the NPPF meant that greater weight should be given in the emerging local plan. The trees appeared to be well spaced and not self seeded.

The planning policy team leader reiterated that the affordable housing element of this scheme was policy compliant because the vacant building on the site (the warehouse) had been taken into consideration. Members were also advised that although the police had suggested a gate to the site, it was not part of the proposals.

Councillor Driver explained that he supported the application as the site had been vacant for a long time. The trees had not been there when the brewery was in operation and had self-seeded within the walls of the derelict building, and he took into consideration that this scheme provided much needed housing for people.

Members were advised that the guidance in the NPPF, on biodiversity net gain and credits, advocated a hierarchy from the avoidance of the loss of trees, followed by onsite compensation and then the use of biodiversity credits. The use of biodiversity credits was therefore not contrary to the policy but was the last option in the hierarchy.

A member pointed out that the historic building line should be considered in context in this part of King Street and that not every space should be built on as green

spaces were necessary. The site could provide 20 dwellings with more one and two bed apartments by minimising the car parking provision.

The chair and Councillor Maxwell then withdrew the motion to approve the applications at this point.

Councillor Bogelein moved and Councillor Lubbock seconded that the application be refused on the grounds of loss of the trees would result in loss of amenity to the character of the King Street streetscape and character of the area, given the great weight that the NPPF (July 2021) gives in relation to street trees, biodiversity and mitigation and adaptation measures to address climate change, which had been introduced since CC8 the site allocation policy had been adopted in 2014; and that it was not possible to provide biodiversity mitigation on site for the loss of the trees.

The committee discussed the reasons for refusing application no 20/01263/F with the area development manager, and on being moved to the vote it was:

**RESOLVED**, with 11 members voting in favour (Councillors Peek, Giles, Everett, Bogelein, Maxwell, Carlo, Champion, Lubbock, Stutely, Thomas and Sands) and 1 member voting against (Councillor Driver) to refuse application no 20/01263/F King Street Stores, King Street on the grounds that the removal of the 6 Lime Trees was contrary to paragraph 131 of the NPPF which had been introduced in July 2021 and since the approval of the site specific policy CC8 (2014) placing greater emphasis on the retention of existing trees and the affect that it would have on the amenity and character of this part of King Street, and that the loss of the trees would result in biodiversity loss which could not be provided on site in accordance with the NPPF and planning policy guidance, and to ask the head of planning and regulatory services to provide the reasons for refusal in planning policy terms.

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

1. Notwithstanding that the site that is the subject of this application is allocated for residential development by policy CC8 of the Norwich Site Allocations and Site Specific Policies Local Plan (2014), the application scheme involves the loss of trees along King Street which is not supported by amendments to the National Planning Policy Framework (NPPF) introduced in July 2021. In determining the application, the Local Planning Authority (LPA) has attached weight to the amended NPPF as a material planning consideration.

Paragraph 131 of the NPPF (2021) recognises the importance of trees and their contribution to the character and quality of urban environments. Paragraph 131 of the NPPF goes on to recognise the ability of trees to mitigate and adapt to climate change.

The proposal, involving the loss of existing trees, would harm the visual amenity and sense of enclosure on King Street and this harm has not been suitably compensated for on site. The loss of these trees also negatively impacts on the city's ability to address climate change mitigation and adaptation. As such the development as proposed is contrary to paragraph 131 of the NPPF 2021.



2. Notwithstanding that the site that is the subject of this application is allocated for residential development by policy CC8 of the Norwich Site Allocations and Site Specific Policies Local Plan (2014), the application scheme involves an on-site loss of biodiversity that is not supported by amendments to the National Planning Policy Framework (NPPF) introduced in July 2021. In determining the application, the Local Planning Authority (LPA) has attached weight to the amended NPPF as a material planning consideration.

Paragraph 174(d) of the National Planning Policy Framework (2021) states that decisions should contribute to and enhance the natural and local environment by providing net gains for biodiversity. Paragraph 180(a) of the National Planning Policy Framework (2021) states that a mitigation hierarchy should be followed (avoidance, mitigation and compensation).

The mitigation for the loss of biodiversity as a result of the proposal, which includes in excess of a 10% net gain, is proposed via the purchase of biodiversity credits for off-site compensation. In adopting this approach, the proposal has not followed the hierarchy set out in the NPPF and as such the development as proposed is contrary to paragraphs 174 and 180 of the NPPF 2021.)

(Application no 20/01582/L – King Street Stores, King Street, was not determined and will be referred to the next committee meeting for a decision.)

#### **4. Application no 21/00821/F, Surface Car Park, Rose Lane**

(Councillor Everett left the meeting during this item.)

The senior planner (case officer) presented the report with plans and slides. He referred to the supplementary report of updates to reports which was circulated at the meeting and available on the council's website, and included a summary of an independent noise assessment provided by one of the objectors and the response from the environmental protection officer; a further letter from a representative objecting to the proposal on noise and amenity grounds, and the senior planner's response; and a proposal for an additional condition to restrict trade deliveries and collections outside the hours of 07.30 – 18.00 hours on any day. Members were advised that the applicant had agreed to remove all outside activities from the proposal to address residents' concerns about noise.

The committee was addressed by a representative of an adjacent apartment building and local members for Thorpe Hamlet ward, Councillors Haynes and Price, speaking on behalf of local residents on their objections to the planning application. This included: concern that the proposal was contrary to the site specific policy CC4; that the environment protection officer had not adequately addressed 18 of the issues raised in the independent noise assessment (as summarised in the supplementary report); that the proposal was for mixed use and this was a council owned site, which had been vacant for 20 years, and should be brought forward for development rather than allowing this temporary use; the site was not suitable for leisure use as it was primarily in a residential area of the city centre; that there would be noise and antisocial behaviour from people leaving the venue and it would exacerbate existing antisocial behaviour problems in the area; deliveries to the venue would exacerbate traffic issues surrounding pick up and drop off times for the Charles Darwin primary

school and the use of shipping containers was detrimental to the character and amenity of the area and the additional lighting on the site would contribute to light pollution.

The applicant (who had stepped in for a colleague at short notice) commented on the work to prepare this application for a venue which would provide good quality food and beverages, a stage for local DJs and performers and a boost to the local economy by creating 200 new jobs, revitalising this vacant site. The applicants had worked in partnership with stakeholders and taken the residents' views into consideration, amending the application to remove all of the outside activities. A lobby had been introduced to prevent noise bleed from the building from the exterior door. The main report outlined the benefits of this temporary use on the site.

The senior planner and area development manager referred to the report and presentation and explained that the temporary use would not prevent the long term policy objectives for the development of the site and was only a small part of CC4. The environmental protection officer's recommended controls were so strict that these would override issues identified in the independent noise assessment, including the use of a noise limiter, and there was a full range of conditions recommended which could be enforced. There were other venues in Rose Lane and the vicinity, with people coming and going, in that area. The applicant would be required to provide a management plan. Although not part of the application site, the applicant was willing to support bringing the community garden back into use. The site had previously been a car park and storage depot for the council. The use of the site for a temporary entertainment venue could act as a deterrent for antisocial behaviour on this site. Members were also advised that the fabric of the building would have additional noise insulation.

The senior planner and the area development manager referred to the report and answered members' questions. This included questions on the methodology of the noise assessment provided by the applicant and the concerns raised in regard to the use of "children's voices" within the noise modelling and background noise. Members were advised that the environmental protection officer was satisfied that the noise mitigation and controls in place would prevent noise from the venue affecting residential amenity. If there was a detrimental impact a temporary stop notice could be served. The venue would also be subject to licensing legislation. Enforcement for any breaches in the planning conditions would be prioritised because of the impact on people's living conditions. The applicant would be expected to provide specifications of lighting levels for external lights on the site to ensure that there was not an impact on residents. It was not proposed to add lighting to the footpath adjacent to the site.

Members were advised that the location of the building on the site had taken into consideration the best location away from offices and residential accommodation given the constraints of the variance in levels and the unused toilet facilities on the site. The applicant had applied for a 9 months' temporary use of the site but this had been amended by officers to a more standard 12 month period. This could be extended subject to a further planning application and that the site was not ready to be brought forward for development for mixed and residential use as set out in CC4. Members were advised that the development was acceptable in the conservation area because it was temporary and would not affect the long term policy objectives. Members were advised that the smoking area was outside but no drinking was

allowed and this would be included in the management plan for the venue. Security staff from the venue would patrol the footpath and act as a deterrent to antisocial behaviour. There would be a construction management plan during this phase and no operation on site during unsocial hours. Members noted that the other venues in the area including the Rooftop Gardens operated until 23:00. Members were advised that the building had been assessed for safety from terrorist attacks and barriers were being considered. Emergency procedures would be covered by the management plan.

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

During discussion members commented on the application. Members expressed concern because they were uncertain about the impact of noise on residential amenity arising from this proposal and needed further information on the noise assessment and mitigation measures before the application could be determined. It was noted that the venue would also be subject to licensing regulations. Members were concerned about the operation of the outside smoking area and whether this would lead to noise detrimental to residential amenity.

A member by way of explanation to a comment made earlier in the meeting by one of the ward councillors, referred to the committee's terms of reference and confirmed that it did have the authority to determine planning applications on either city council land or submitted by the council (as set out in the council's constitution.)

A member commented that the site should be developed in accordance with policy. The residents' concerns about noise and the value of residential amenity should be taken into consideration and an alternative site should be considered for this proposal. There was already antisocial behaviour in the area. The use of shipping containers would be an eyesore in the conservation area. Other members commented on concerns about noise from other venues in the area and St Mary's Works where a similar temporary use was in place. Members considered that they had a lack of information on the noise assessment before determining this application.

The chair spoke in support of the application and said that the temporary proposal would not prevent housing being developed on this site in the future.

Councillor Giles moved and Councillor Maxwell seconded that the committee deferred further consideration of this application to allow members to question the environmental protection officer on the noise assessments and related issues.

A member said that the planning application was finely balanced but that further information on the construction of the building and noise attenuation would be helpful.

**RESOLVED**, with 9 members voting in favour (Councillors Peek, Giles, Bogelein, Maxwell, Carlo, Champion, Stutely, Sands and Thomas) and two members voting against (Councillors Driver and Lubbock) to defer further consideration of application 21/00821/F Surface Car Park, Rose Lane to the next meeting, as members considered that they needed further information on noise assessments and the

opportunity to question the environmental protection officer before they could determine this application.

Councillor Stutely then moved and Councillor Bogelein seconded that the committee conducted a site visit and on being put to the vote with 5 members voting in favour and 6 members voting against, the motion was lost.

## **5. Application no 21/00646/F – Fieldgate, Town Close Road, Norwich NR2 2NB**

The planner (case officer) presented the report with the aid of plans and slides. He referred to the supplementary report of updates to reports which corrected errors in the report in relation to paragraph 3, correcting the reference to 12 and 13 Town Close Road (not 15); paragraph 9 correcting the sentence to read ‘remodelling of the existing 4 bedroom bungalow into a larger 4 bedroom house’ and paragraph 11, inserting information about the height of the glazed section (raising it from 5.1m to 5.8m. The supplementary report also contained a summary of the two additional letters of representation after publication of the agenda, increasing the total number of letters to the second scheme to 13, and raising issues relating to design and heritage issues which were addressed in the main report. The applicant had also submitted a landscaping plan which would need to be assessed and therefore the proposed condition 4 was unchanged.

A resident, speaking on behalf of 21 other residents, addressed the committee outlining their opposition to the proposal, which included that the recommendation for approval was inconsistent with a decision made in respect of 1A Town Close Road in 2015: that the proposal for a two storey dwelling would change the character of the area; that the proposed garage would extend beyond the building line; that the proposal was contrary to policy DM9; the use of glass in the proposal was excessive and the landscaping plan for additional planting to screen it from the view of the adjacent house did not mitigate concerns of overlooking and light pollution; and that the design of the proposed extension was incompatible with the design and character of the semi-detached houses at nos 12 and 13 Town Close Road. Members were asked not to approve this application which would have an impact on the residential amenity of Town Close which was a unique area of the city and to consider a site visit before determining the application.

The applicant addressed the committee in support of the application. This reapplication had followed engagement with the planning officers to improve the proposal, which provided an improvement to the built form and was more cohesive to the setting of the adjacent listed buildings, would be built of high quality materials, with additional screening to lessen its impact and energy efficient. The applicant was considering a ground sourced heat pump to reduce gas consumption in future. The new building would be more fitting to the character of the area.

(The chair invited the agent to address the committee, who declined.)

The planner explained that 1A Town Close was closer to Newmarket Road and in an elevated position, therefore a second storey would be more prominent on the streetscene than the proposed development of this application.

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

Discussion ensued in which members considered the planning application.

A member said that he appreciated the design and the use of glass to join the two buildings.

Those members who were minded to vote against the proposal took into consideration the objections from the other residents regarding the design of the proposed dwelling. Members considered that the design was incompatible with the neighbouring heritage and listed buildings of the conservation area. A member suggested that the screening provided by existing trees would be limited in winter months because of the lack of leaves.

A member sought reassurance that the planting around the garage would be maintained. The planning team leader explained that the trees planted under the screening plan would be protected for five years to ensure that the trees had become established, after that these trees would have protection because of being in a conservation area.

**RESOLVED**, with 6 members voting in favour (Councillors Peek, Giles, Maxwell, Sands, Thomas and Driver), 3 members voting against (Councillors Carlo, Lubbock and Stutely) and 2 members abstaining (Councillors Bogelein and Champion) to approve application no. 21/00646/F – Fieldgate, Town Close Road, Norwich NR2 2NB and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Details of materials;
4. Screening plan.

Informative notes:

1. SHC09 adapted – benefit of reworking vehicle crossover to standard asphalt.
2. Works to the highway require separate consent.

CHAIR



**Summary of planning applications for consideration**

**ITEM 4**

**09 December 2021**

<b>Item no</b>	<b>Application no</b>	<b>Location</b>	<b>Case officer</b>	<b>Proposal</b>	<b>Reasons for consideration at committee</b>	<b>Recommendation</b>
4(a)	21/00821/F	Surface car park, Rose Lane	Robert Webb	Temporary entertainment and leisure venue comprising enclosed auditorium space.	Objections	Approve
4(b)	21/00804/O	Clarence House, 6 Clarence Road	Robert Webb	Outline application for erection of up to 8 residential units.	Objections	Approve
4(c)	20/01582/L	King Street Stores, King Street	Lara Emerson	Demolition of toilet block adjoining Ferry Boat Inn with associated repair works, with wall fronting King Street to be retained.	At the discretion of the Head of Planning and Regulatory Services	Approve





## **STANDING DUTIES**

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

### **Equality Act 2010**

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

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

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

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

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

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

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

### **Crime and Disorder Act, 1998 (S17)**

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

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

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

### **Natural Environment & Rural Communities Act 2006 (S40)**

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

### **Planning Act 2008 (S183)**

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

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

#### ***Article 8 – Right to Respect for Private and Family Life***

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

**Report to** Planning Applications Committee

**Item**

9 December 2021

**Report of** Head of Planning and Regulatory Services

**Subject** Application no 21/00821/F, Surface car park Rose Lane

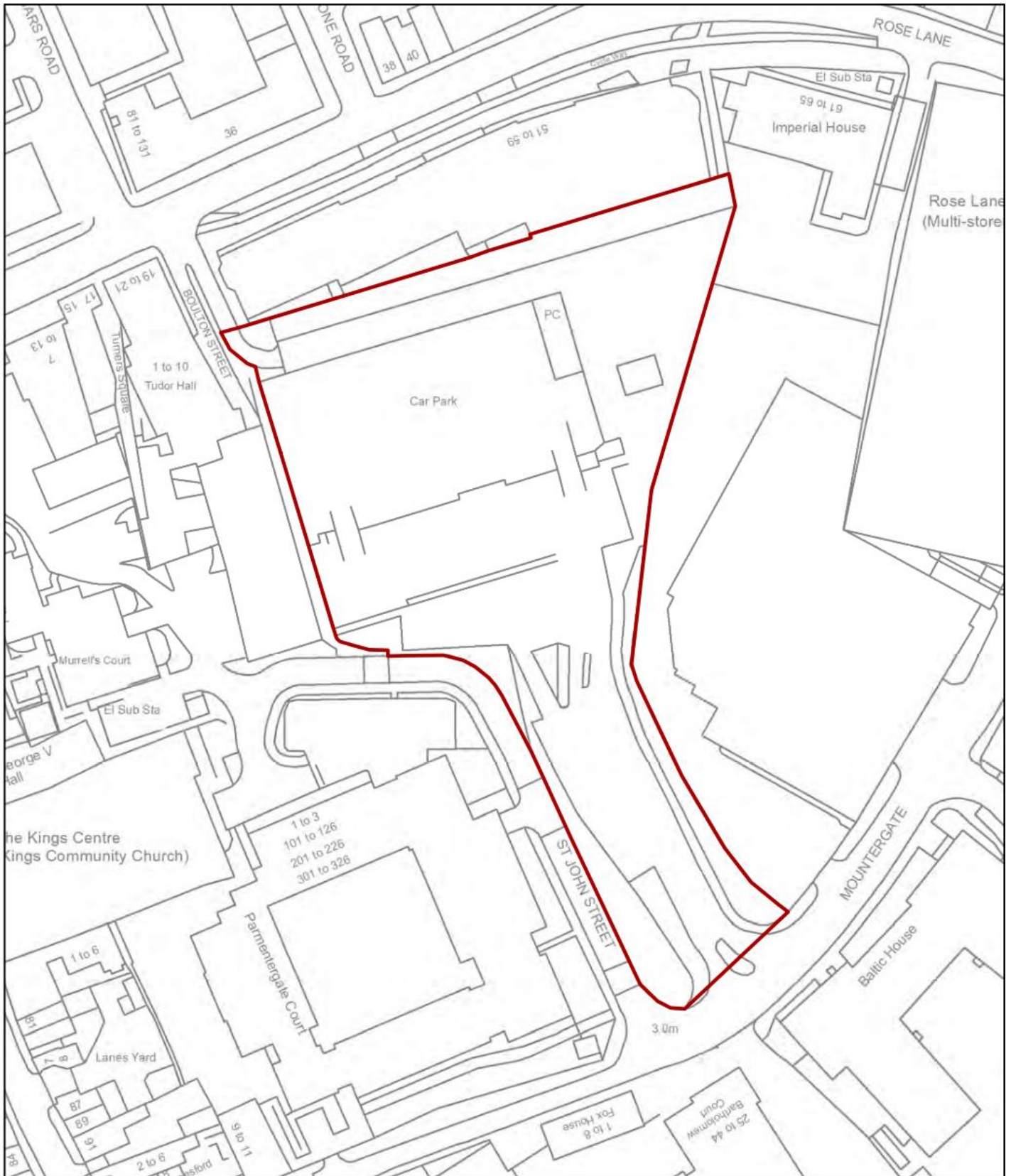
**Reason  
for referral** Objection

**4(a)**

<b>Ward</b>	Thorpe Hamlet
<b>Case officer</b>	Robert Webb <a href="mailto:robertwebb@norwich.gov.uk">robertwebb@norwich.gov.uk</a>
<b>Applicant</b>	Mr Gregg, TP3 Ltd

Development proposal		
Temporary entertainment and leisure venue comprising enclosed auditorium space.		
Representations		
Object	Comment	Support
44	0	5
Comments on revised plans (removal of external rides, market stalls and beer garden with amendment to site area)		
Object	Comment	Support
8	0	3

Main issues	Key considerations
1. Principle of development	Principle of eating/drinking venue, consideration of site allocation policy, principle of temporary use
2. Design	Consideration of layout, scale, massing, appearance
3. Heritage	Consideration of impact on Conservation Area and nearby listed building
4. Amenity	Consideration of impacts from noise, overlooking, overshadowing, overbearing, loss of privacy
5. Transport	Accessibility, vehicle access, highway safety, vehicle parking and servicing, cycle parking
6. Energy and water efficiency	The provision of energy efficiency measures
7. Flood risk	The impact of the proposal on flood risk
8. Trees	The impact of the proposal on trees
9. Biodiversity	Ecological impacts
10. Archaeology	Impacts on the main area of archaeological interest
<b>Expiry date</b>	10 September 2021
<b>Recommendation</b>	Approval



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Planning Application No 21/00821/F  
Site Address Surface Car Park Rose Lane

Scale 1:1,000

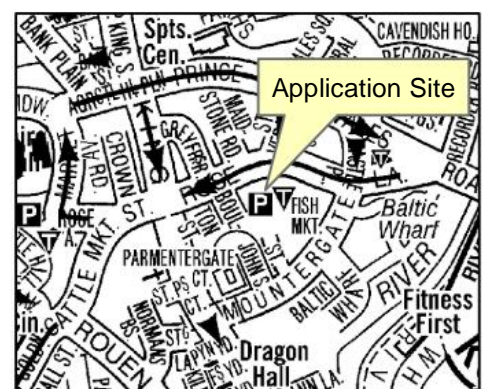


**NORWICH**  
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PLANNING SERVICES



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## **Update following Planning Applications Committee Meeting on 11 November 2021**

1. At its meeting on 11 November 2021, the planning applications committee deferred further consideration of this planning application to the next meeting because members considered that they needed further information on noise assessment and the opportunity to question the environmental protection officer in person.
2. Since that meeting, officers have met with the applicant and further information has been submitted in support of the application. This includes a further response from the applicant's noise consultant, an operator's management statement, further information on the construction and sound insulation of the building and a statement setting out the benefits of the proposal.
3. There is a minor change to the plans in response to concerns raised at the previous meeting. This relates to the smoking shelter which has been moved from its previous position next to the site entrance, to the other side of the building on the south-east corner. The new information is set out in more detail and considered under Main Issue 4 of this report. It is also available to view on the planning section of the council's website.

### **The site and surroundings**

4. The site is a disused surface level car park, previously the site of a multi-storey car park which was demolished in the early 2000's. It is situated between Rose Lane and Mountergate. To the north of the site is the Union building which comprises offices and a rooftop bar/restaurant.
5. To the north-east is Imperial House, a former office building that has been converted into residential apartments. To the east is Rose Lane multi-storey Car Park and a further surface car park and building occupied by a motor trade company. To the south is a large residential block of flats known as Parmentergate Court, with further properties within Murrell's Court and Tudor Hall to the west. Also to the west is a public footpath which leads from Boulton Street to St. John's Street, and a community garden, which is currently not open to the public.
6. The site itself is almost entirely surfaced with hardstanding. The area where the proposed building would be located comprises a raised concrete platform accessed via two ramps. There is a disused toilet block next to this. The site is currently enclosed by temporary hoardings.

### **Constraints**

7. City Centre Conservation Area – King Street Character Area  
Grade II listed Tudor Hall adjacent to the site  
Site allocation CC4  
Regeneration area  
City Centre leisure area  
Area of main archaeological interest

## Relevant planning history

8. The records held by the city council show the following planning history for the site.

Ref	Proposal	Decision	Date
4/2002/1280	Demolition of car park to ground level.	APPR	13/03/2003
21/00821/F	Temporary entertainment and leisure venue comprising enclosed auditorium space.	PCO	

## The proposal

9. A temporary planning permission for 9 months is sought for a 300-seater indoor eating and drinking venue, comprising a number of food stalls, large screen and performance stage. In terms of planning use class, the use is sui generis. The auditorium would be constructed of painted profiled steel sheets and shipping containers. It would have a pitched roof with a ridge height of 11.3m and an eaves height of 7.8m. The building would be 48m long and 21m wide. The shipping containers would be situated around the perimeter of the building, accommodating a number of food vendors which would be accessed internally. Ancillary development would include bin stores, cycle storage, and an entrance tunnel from Boulton Street.
10. The main public access would be from Rose Lane/Boulton Street, with servicing and deliveries taking place from the Mountergate access. There would be no public access from Mountergate. An existing disused toilet block immediately adjacent to the auditorium would be refurbished and used as toilet facilities. Cycle storage would be provided within the site, and a bin store located to the rear.
11. The proposal has been amended during the application process to omit the outside activities including fairground rides, market stalls and beer gardens. The red line site area was also amended to omit the adjacent public footpath and community garden. The smoking shelter is now proposed to be sited on the south-eastern corner of the building, moving it further away from nearby residences. Since the previous committee meeting, the applicant has submitted further information setting out what they consider to be the benefits of the proposal, and this is available to view on the case file within the planning section of the Council's website.

## Representations

12. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 5 letters of support and 44 letters of objection were received commenting on the original plans. The application was subsequently readvertised based on the amended plans and a further 3 letters of support (one new respondent) and 8 letters of objection (from the same respondents as before) were received. The issues raised are summarised in the table below. All representations are available to view in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Issues raised	Response
<b>Comments in objection to the proposal (original plans):</b>	
Concern about noise nuisance	See main issue 4
Concern about increased anti-social behaviour and crime	See main issue 4
Concern about late night opening	See main issue 4
Concern about people loitering at Boulton Street entrance	See main issue 4
Concern about overlooking of flat and garden	See main issue 4
Out of character for the residential area and conservation area	See main issues 2 and 3
Concern about increase in traffic	See main issue 5
Concern about impact on vulnerable people	See main issue 4
Concern about impact from external lighting	See main issue 4
The proposal is outside of the late night activity zone	See main issue 1
Proposed access and egress would lead to an unacceptable level of funnelling and queueing of people	See main issue 4
A sequential test should have been applied to the location	See main issue 1
There is a lack of assessment regarding the impact on Tudor Hall, a listed building	See main issue 3
Significant details are missing, such as the details of acoustic barriers and the building fabric	See main issue 2
Proposal is contrary to site allocation policy CC4 of the Local Plan	See main issue 1
Concerns about using the nearby Rooftop Gardens as a baseline within the noise report	See main issue 4
The assessment within the noise report is inadequate and not fit for purpose	See main issue 4
There are alternative locations available such as the OPEN venue and St. Mary's works	See main issue 1
Lack of assessment of comings and goings to the venue	See main issue 4
Concern about cumulative effect with other bars such as Rooftop Gardens, Last Pub Standing, Queen of Iceni.	See main issue 4
Concern about increased litter and food waste	See main issue 4
Concerned about heritage impacts of the proposal	See main issue 3

<b>Issues raised</b>	<b>Response</b>
Concern about use of adjacent alleyway and further problems here.	See main issue 4
Concern about creating a precedent of entertainment venues in this area	See main issue 4
Concern about deliveries clashing with school drop off time (Charles Darwin School)	See main issue 5
<b>Comments in support of the proposal (original plans):</b>	
Pleased to see something happening with this site as it will hopefully deter anti-social behaviour. Sensitivity to nearby residents is required, earlier closing times would help with this.	See main issue 4
Support the proposal, will add to the vibrancy of the city, well located for public transport. Will be good as a place to eat and drink and increased facilities.	See main issue 1
Support the proposal to redevelop the site, will bring much needed investment to the area, increased footfall, will enable the use of a derelict site.	See main issue 1
Proposal will attract tourism, enhance our reputation locally and nationally, bring economic benefits and jobs.	See main issue 1
Norwich needs to allow such facilities to be built to enable the economy to recover, and for the city centre to expand. It will increase the appeal to young families.	See main issue 1
<b>Comments in objection to the proposal (revised plans)</b>	
The area is not suitable for any type of entertainment venue	See main issue 1
Concerns about noise nuisance, litter and antisocial behaviour.	See main issue 4
Increased congestion	See main issue 5
Wish to see better long term planning for this site which contributes to and enhances the local community	See main issue 1
Even with the changes there are still concerns about noise and how people arriving and leaving the venue will be controlled.	See main issue 4
Remain concerned about flow of people from Riverside to this venue via East Street at Baltic Wharf and impact this will have.	See main issue 4



Issues raised	Response
<b>Comments in support of the proposal (revised plans)</b>	
Consider that residents' concerns about noise and will be dealt with by enclosing the venue. Need to ensure Norwich remains a vibrant city with attractions and employment for all ages.	See main issue 1 and 4
Proposal will bring people to Norwich, offer more jobs and benefit the local area.	See main issue 1

Thorpe Hamlet Ward Councillor Haynes, comments on original plans:

Object to the proposal. Concerns about noise and disturbance, including from people who have been drinking existing the site late at night. Concerns about conflicts with deliveries and movements to Charles Darwin Primary School. The area is predominantly residential, concern about creating a precedent of entertainment venues in this area. Conflict with local plan site allocation policy.

Thorpe Hamlet Ward Councillor Price, comments on original plans:

Object to the proposal. Concerns regarding noise including from fairground rides and auditorium on residents living in close proximity, this is anticipated to be of a extreme level. Query whether the application has been brought before the licencing committee for application of conditions? Potential for crime and anti-social behaviour, including from effects of alcohol on people leaving the venue. Increased light pollution, conflict with local plan site allocation policy. Potential conflict with Charles Darwin Primary School causing traffic issues.

### Consultation responses

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

### Environmental protection

14. Comments on original plans: Further information sought on the construction of the auditorium, and further information required noise from external activities. Other clarifications sought regarding the submitted noise assessment.
15. Final comments on revised plans and noise assessment:

The team was initially consulted about Block Norwich in July 2021. After reviewing the documentation, there were concerns over the potential for noise disturbance owing to the city center location with a high number of residential units adjoining the site. The majority of concerns were due to the incorporation of fair ground rides, a large external drinking area and also the site layout. These concerns were raised through the consultation response and discussions with the applicant.

The Public Protection Team was reconsulted on the application in October 2021. Significant changes had been made through the resubmission and additional mitigation measures have been adopted by the applicant in recent weeks to minimise noise disturbance.

Below are some of the significant measures that have been adopted:

- External entertainment (i.e. fair ground rides) are no longer being proposed
- External drinking is no longer being proposed
- The public will only be able to access the site from Boulton Street (rather than Mountergate which has a lower background noise level and would therefore be more susceptible to noise disturbance).
- Smoking area located to the southeast corner of the auditorium (rather than close to noise sensitive receptors)
- Further [information] regarding the construction of the auditorium
- Introduction of acoustic lobbies in the auditorium to minimise noise spill
- Introduction of a noise limiter (level to be set by the Public Protection Team)
- Site to be vacated by customers by 23:00- this effectively means the site should be quiet during nighttime hours (defined by the World Health Organisation as 23:00-07:00)
- Production of a Noise Management Plan

Conditions recommended to secure the above.

### **Norfolk County Council - Highways**

16. In principle no objection with regard to highway and transport matters. Such a use is well suited to a city centre location which is highly accessible on foot to bus and rail services. The proposed business will not be entitled to parking permits and there are extensive waiting restrictions around the site, so there should not be detriment to the locality with regard to parking issues. There are loading bays for taxi drop off/pick up on Rose Lane, although there is some risk of vehicles waiting outside Tudor Hall. To promote sustainable transport choices a Travel Information Plan is recommended.
17. I note from objections that this conflicts with the start of the school day at the Charles Darwin School nearby. This is noted, however the recent traffic management changes at the Rose Lane/Mountergate junction have removed traffic signals and traffic is now free flowing and has reduced congestion, I therefore am not concerned about this service traffic.
18. Some concerns about the pedestrian access on Boulton Street, due to the change in levels and existing bollards – the applicant should consider this further.
19. Historic highway exists within the site that we do not have stopping up information for. Accordingly, a Section 257 stopping up order will be required using the Town and Country Planning Act to regularise this. Conditions recommended regarding cycle

parking, construction worker parking, travel information plan and improvement works to the access.

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

20. Comments made on original plans: The proposal has the potential for noise and anti-social behaviour later in the evening and will almost certainly have a resource implication for local policing. Concern about use of adjacent passageway as an access point and lack of toilet facilities. Recommendations made regarding security measures, boundary treatments, cycle parking and lighting. Recommendations also made regarding counter-terrorism measures.
21. Comments on revised plans: Previous comments requesting additional information on what access is intended around the communal gardens and adjacent passageway have not been clarified. Hence there is still concern for potential anti-social behaviour late in the evening as the venue approaches closing time with a large number of people under the influence of alcohol spilling out into a predominantly residential area and will almost certainly have a resource implication for local policing.

### **Counter Terrorism Security Advisor**

22. The applicant should produce a Counter Terrorism Response plan to ensure an adequate response to a terrorist attack. The applicant may wish to consider an alarm and tannoy system which can be utilised during a bomb evacuation or marauding terrorist attack (MTA). Best practice would be for different alarm tones to be used for fire evacuation and different counter terrorist scenarios. The applicant should also ensure that there are adequate escape routes in the event of an MTA. The applicant should also consider how to control access between public and staff only entrances.

### **Tree protection officer**

23. No objections from an arboricultural perspective subject to conditions.

### **Assessment of planning considerations**

#### **Relevant development plan policies**

24. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
  - JCS1 Addressing climate change and protecting environmental assets
  - JCS2 Promoting good design
  - JCS3 Energy and water
  - JCS5 The economy
  - JCS6 Access and transportation
  - JCS8 Culture, leisure and entertainment
  - JCS11 Norwich city centre
25. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
  - DM1 Achieving and delivering sustainable development
  - DM2 Ensuring satisfactory living and working conditions

- DM3 Delivering high quality design
- DM4 Providing for renewable and low carbon energy
- DM5 Planning effectively for flood resilience
- DM6 Protecting and enhancing the natural environment
- DM7 Trees and development
- DM9 Safeguarding Norwich's heritage
- DM11 Protecting against environmental hazards
- DM16 Supporting the needs of business
- DM17 Supporting small business
- DM18 Promoting and supporting centres
- DM23 Supporting and managing the evening and late night economy
- DM28 Encouraging sustainable travel
- DM30 Access and highway safety
- DM31 Car parking and servicing

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

- Policy CC4 Land at Rose Lane and Mountergate

**Other material considerations**

**27. Relevant sections of the National Planning Policy Framework July 2021 (NPPF):**

- NPPF2 Achieving sustainable development
- NPPF4 Decision-making
- NPPF6 Building a strong, competitive economy
- NPPF7 Ensuring the vitality of town centres
- NPPF8 Promoting healthy and safe communities
- 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**

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

## **Main issue 1: Principle of development**

29. Key policies and NPPF paragraphs – DM1, DM23, CC4, JCS1, JCS5, JCS11, NPPF sections 2 and 7.
30. When considering development proposals for this site, the starting point is the site allocation policy CC4, which allocates the land for a mixed-use development that should be office-led; integrated with residential uses; and including other uses such as food/drink, small scale retail and non-late-night leisure uses (which the policy states should not dominate the development). Other requirements of the policy are that some replacement car parking should be provided as well as public realm and open space enhancements. Development should respect the setting of nearby listed buildings and enhance the townscape.
31. The site allocation is being carried forward through policy CC4a of the submission version of the Greater Norwich Local Plan (GNLP), with a slight amendment to the wording of the allocation. Under the proposed allocation, the land would be allocated for mixed-use development to include high quality office space, managed workspace and live-work units, and up to 50 homes. However, given the relatively early stage of the GNLP, relatively little weight should be attached to it.
32. Whilst the provision of a food and drink/leisure offer is sought through both the existing and the emerging Development Plan policies, the application proposal is of a larger scale than that envisaged within either. It is of a size that would make it difficult to achieve the office-led scheme with substantial residential alongside. In this respect it conflicts with the site allocation policies.
33. However, regard should be had to the fact the scheme is being promoted as in interim and temporary use. The whole of the allocation site is in different ownership, but the majority of the land is owned by Norwich City Council. Information submitted as part of the preparation of the GNLP shows that the Council as landowner considers there will be some difficulty in bringing the land ownerships together and as a result it is envisaged that the development of the entire site is not likely to come forward in the short term but could be delivered within the plan period up to 2038. This means that there is an opportunity for an interim use of the site until such time as the main site allocation can be delivered. There are potential benefits to be derived from providing an active use of currently vacant land, both in terms of regeneration objectives, economic benefits and potentially helping to deter crime and anti-social behaviour that might otherwise take place on vacant land.
34. Policy 5 of the Joint Core Strategy (JCS) states that Tourism, leisure environmental and cultural industries will be promoted. Policy 11 of the JCS states that the role of Norwich city centre will be promoted by “expanding the use of the city centre to all, in particular the early evening economy and extending leisure and hospitality uses across the city centre, with late night activities focussed in identified areas. The site is within the City Centre Leisure area where under policy DM23, hospitality uses which include restaurants and drinking establishments which do not routinely open beyond midnight are acceptable in principle.
35. The proposal is in keeping with this requirement and therefore falls within the category of development considered suitable for this location. For the avoidance of doubt, the proposal is not a late night activity (one which is open beyond midnight)

and therefore does not need to be located within the late night activity zone, nor is it necessary to carry out a sequential test regarding the location.

36. On the basis of these considerations, the proposal is considered acceptable in principle, providing it is conditioned to be on a temporary basis, to enable the site allocation requirements to ultimately be delivered when possible.

### **Main issue 2: Design**

37. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 124-132.
38. The proposed building would be a large warehouse type structure surrounded by shipping containers. The ridge height is 11.3m, eaves height is 7.8m and the building would be 48m long and 21m wide. It would be somewhat 'industrial' in terms of its appearance and materials, and it is not a form of construction that would normally be deemed acceptable within a Conservation Area. However, regard should be paid to the temporary nature of the building, being one which is designed to be easy to assemble and disassemble in the future.
39. The application site is currently a large disused surface car park covered in hardstanding, surrounded by hoardings, mid/late-20<sup>th</sup> century office buildings (some of which have been converted to residential) and some industrial uses. The development would not be particularly prominent when viewed from key routes nearby such as Rose Lane and Mountergate. This is mainly because of the height of some of the surrounding buildings which are taller, with the Union building being approximately 20m high at it's highest point; Parmenter Gate Court is a five storey building with pitched roof and Rose Lane multi-storey car park has a maximum height of about 15m. The design and visual impact are further considered in the context of the heritage considerations identified within section 3 below.
40. The layout is acceptable, with a defined public entrance from Boulton Street, and a separate delivery/service access from Mountergate. Sufficient space is allocated within the site for bin and cycle storage. A condition is recommended to control final material colour and finishes, together with details of any new boundary treatments.

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

41. Key policies and NPPF paragraphs – JCS2, DM9, NPPF paragraphs 184-202.
42. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 place a statutory duty on the local authority 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 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. Case law (specifically *Barnwell Manor Wind Energy Ltd v East Northamptonshire DC* [2014]) has held that this means that considerable importance and weight must be given to the desirability of preserving the setting of listed buildings and conservation areas when carrying out the balancing exercise.
43. The site is within the King Street character area of the City Centre Conservation Area. It is identified as a negative feature within the Conservation Area Character Appraisal. The site has 'backland' characteristics being to the rear of surrounding development. It is dominated by concrete hardstanding and surrounded by less positive buildings such as the office buildings on Rose Lane which date from the

mid-20<sup>th</sup> Century, and the industrial building to the east. These factors mean it is of a relatively low sensitivity to new development compared to other parts of the Conservation Area. Despite this, the proposal would cause some harm to the character of the Conservation Area due to its scale and industrial appearance.

44. The development would affect the setting of the nearby Grade II listed Tudor Hall, due to the close proximity of the proposed building. The impact is partly mitigated due to the building being set back from the Tudor Hall, and therefore not having a significant impact on the principal elevation on Rose Lane. However due to its scale, appearance, and close proximity, some harm would be caused to the setting of the listed building.
45. The harm identified above is categorised as 'less than substantial' in the context of paragraph 202 of the NPPF. In accordance with the requirements of that paragraph, the harm should be weighed against the public benefits of the proposal. The benefits include opportunities for small businesses to occupy one of approximately 40 new food/drink stalls, the creation of jobs, and providing an active use on a site which is currently vacant. The proposal is of a scale which is likely to encourage people to visit Norwich and may have spin-off benefits for other hospitality business in the area due to increased footfall.
46. Overall, on the basis that the development would be for a temporary period and is not intended to be permanent, the benefits of the proposal are considered to outweigh the harm to heritage assets.

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

47. Key policies and NPPF paragraphs – DM2, DM11, DM23, NPPF paragraph 130.
48. Policy DM2 of the Local Plan sets out that development will be permitted where it would not result in an unacceptable impact on the amenity of the area or the living or working conditions of neighbouring occupants. In addition, policy DM23, which deals with leisure uses, sets out that proposals should not give rise to unacceptable amenity and environmental impacts which could not be overcome by the imposition of conditions.
49. The application has resulted in a significant number of objections from residents, with concerns particularly focussing on the potential noise impacts of the proposal together with concerns around crime and anti-social behaviour that may be associated with the proposal.
50. On the issue of noise, Council officers had concerns about the original proposal, which contained several outdoor fairground rides, outdoor market stalls and a beer garden. These elements had the potential to cause significant noise nuisance to the surrounding area. As a result, discussions took place with the applicant, and it was agreed that all external activities would be removed from the proposal. In addition, a revised noise impact assessment was requested.
51. Following the previous committee meeting, further information has been submitted by the applicant in relation to noise impacts, building construction and management of the venue. In response to member concerns the smoking shelter has been relocated to the opposite side of the venue, where it would be further away from sensitive receptors.

52. The management plan sets out how CCTV and staff will be used to minimise incidents of anti-social behaviour, and how extra staff will be deployed at the time the venue closes to ensure people leave safely and as quietly as possible. It also sets out proposals to clean up the site entrance, improve lighting around the venue and to carry out security patrols including of the adjacent footpath. The plan also sets out a proposal to cease any live music/entertainment well in advance of closing time, with bars closing 30 minutes before closing time to encourage people to leave in advance of the main closing time. Also expressed within the management plan is an intention to liaise with the local community on a regular basis to address any concerns which may arise.
53. A section drawing of the proposed building has been submitted which illustrates the sound insulation methods that would be employed. These include 'soundblock' plasterboard layers supported on metal stud framing with 200mm thick acoustic and thermally insulating mineral wall insulation within the cavity, sealed at the perimeters to the top of the shipping containers. In addition, there would be internal ceiling and wall drapes to provide acoustic absorption. The shipping containers would be sealed with 'soundblock' drylining and further mineral wool insulation and all gaps would be sealed.
54. The Environmental Protection Officer has considered the revised proposal and noise assessment, together with the additional information received since the last committee and has recommended that permission could be granted subject to a robust set of conditions which would control the noise and associated impacts. Conditions requiring details of amplified equipment and to control their noise output are recommended, the installation of mechanical ventilation and an inner lobby for noise attenuation, the installation of a noise limiter, and the submission of a noise management plan are recommended. Conditions preventing the use of audio equipment outside of the building and restricting hours of operation are also recommended.
55. Regarding crime and anti-social behaviour, it is noted that Norfolk Police have some concerns about the use of the adjacent alleyway between Boulton Street and St. John's Street, whilst residents make reference to existing problems in the area, and there is a fear the proposal will compound these. Firstly, it is considered that having an active use and occupancy of the site will assist in deterring some of the issues around trespass and anti-social behaviour that currently occur. Furthermore, it is considered that implementation of the management plan will help to minimise incidents of anti-social behaviour from occurring.
56. A further measure which is recommended is to control opening hours so that the venue does not operate as a late-night use. In discussion with the applicant, the agreed opening hours proposed are between 12.00 and 22.30 Sunday to Wednesday, and between 12.00 and 23.00 on Thursday, Friday and Saturday. A condition is recommended to ensure this is adhered to.
57. Concerns around impacts from external lighting can be dealt with through conditioning the details of any scheme. It is not anticipated harm would arise through overlooking from the proposal, as there are no windows, and the building would be surrounded by a security fence. It is not anticipated that harm through overshadowing or loss of privacy would occur. The concerns about impacts from people making their way to and from the venue through nearby residential areas are partly mitigated by the earlier closing times proposed.



58. It is considered that the full set of conditions which are recommended will ensure that the impacts of the development will be acceptable. However, should problems arise, there will be an opportunity to review the operation and the effectiveness of noise/disturbance measures after 12 months because a further permission would be required for continued use beyond this time.

### **Main issue 5: Transport**

59. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF section 9.
60. The site is located within a sustainable location within walking distance of the railway station, bus services and the nearby Rose Lane multi-storey car park. It is also within walking distance of other leisure and hospitality areas of the city which are nearby. The Transport Officer has raised no objections to the proposal, subject to conditions.
61. Concerns have been raised that the proposal would cause increased traffic congestion however this is not anticipated to occur, partly because it is considered likely that many customers would arrive on foot, by cycle or public transport. Notwithstanding this, the Transport Officer has pointed out that there are substantial waiting restrictions on the surrounding road network, and there is a loading bay close to the site entrance which could be used for taxi drop off/pick up purposes if required.
62. The vehicle access from Mountergate is suitable for deliveries and servicing, which is anticipated to take place between the hours of 07.30-11.00.
63. The Highways Authority points to the existence of historic highway rights on the site and has provided mapping showing where these are. From this mapping, the highway rights do not relate to any routes that cross the site and the land that they relate to could not have been used for highway purposes for some considerable time because of the car park that used to occupy the site. Given the historic nature of these rights and the intervening use as a multi-storey car park plus the temporary nature of the permission that is being sought, there is no need to require them to be removed to facilitate the development.

### **Main issue 6: Energy and water efficiency**

64. Key policies and NPPF paragraphs –DM1, JCS3, NPPF sections 2 and 14.
65. The application states that they intend to use enhanced sustainability measures. This includes specifying materials that can be reused when they are no longer required. They have also stated an intention to use technologies such as heat recovery, low velocity ductwork, LED lighting, and the use of air source heat pumps.

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

66. Key policies and NPPF paragraphs – JCS1, DM5, NPPF section 14.
67. The area where the building is proposed is within Flood Zone 1 and therefore is at the lowest level of flood risk. The proposal would not lead to an increase in impermeable surfacing on the site. It is therefore not anticipated that harm would occur in relation to flood risk.

### **Main issue 8: Trees**

- 68. Key policies and NPPF paragraphs – JCS1, DM7, NPPF section 15.
- 69. All existing trees on site would be retained, and the Council's Tree Protection Officer raises no objection to the proposal.

### **Main issue 9: Biodiversity**

- 70. Key policies and NPPF paragraphs – JCS1, DM6, NPPF section 15.
- 71. The site is predominantly hard surfaced and of relatively low ecological value. There are however several mature trees within the site. It is the intention to protect and retain these as part of the development. The applicant has also expressed an intention to assist where possible with any projects to bring the adjacent community garden back into use. Given the temporary nature of the proposal and the likelihood of a further redevelopment in the future, it is not considered necessary to seek further ecological measures.

### **Main issue 10: Archaeology**

- 72. The site is within an area of main archaeological interest; however, the proposal is for a modular building built on top of the existing site without the need for excavation, therefore no archaeological investigation or works are required.

### **Other matters**

- 73. The advice of the Counter Terrorism Security Advisor (CTSA) has been provided. The Rose Lane/Boulton Street entrance is seen as preferable to the Mountergate one due to it being less vulnerable to vehicle attacks, as a sharp turn would be necessary. Nonetheless, the CTSA has advised that vehicle security barriers may be necessary at the Rose Lane entrance. A condition is recommended to establish what provision is required and ensure it is provided.

### **Equalities and diversity issues**

- 74. There are no equality or diversity issues.

### **S106 Obligations**

- 75. There are no S106 obligations.

### **Local finance considerations**

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

## Conclusion

77. The proposal for a large scale eating and drinking venue accommodating up to 300 people would provide benefits to the local economy and contribute to the vibrancy and vitality of the hospitality offer within the city centre. It would also be of assistance in providing an interim use on an area of vacant land, prior to the long-term permanent redevelopment of the site in accordance with local plan policy CC4. This could play a role in discouraging anti-social behaviour from the area in the meantime. The site is within the city centre leisure area and therefore the principle of the location is acceptable.
78. Some temporary harm would be caused to designated heritage assets, including the Conservation Area and Grade II listed Tudor Hall due to the design and appearance of the proposed building. However, regard is had to the current negative appearance of the site, the fact it would be generally well screened by taller buildings from many views and also the temporary nature of the proposal. Given these considerations, it is considered that the benefits of the proposal would outweigh the less than substantial harm in this instance.
79. It is recognised that the development has the potential to cause amenity impacts from noise caused by comings and goings and also from the venue itself. This has resulted in significant amendment to the application with the removal of all external activities. In addition, concerns have been raised about impacts from people leaving the venue after consuming alcohol. To deal with this, a number of conditions are recommended to strictly control noise and keep it within acceptable limits, as well as ensuring the venue is managed carefully to minimise impacts from people arriving and leaving. A management plan has been prepared which sets out various measures to increase safety and security for arriving at and leaving the venue and minimise impacts on the surrounding neighbourhood. Furthermore, planning permission would be required for continued operation beyond the first 12 months and there would be an opportunity to review the impacts of the proposal at this time.
80. On this basis, the application is recommended for approval, subject to conditions including that permission expires after 1 year from the date of first operation and all related buildings and structures are removed from the site within 2 months of the expiry date. Whilst the application was for 9 months, a 1 year period of time is considered appropriate in terms of further review and a reasonable time frame for the consent.
81. Although it is not the Council's normal practice, the conditions are listed below in full due to their technical nature and particular importance in the consideration of this application.

## Recommendation

To approve application 21/00821/F Surface car park, Rose Lane and grant temporary planning permission subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of 1 year from the date of this permission.

(Reason - As required to be imposed by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory

Purchase Act 2004. A shorter period of one year is imposed due to the site being allocated for mixed use development within the Local Plan and because the application proposal is for a short-term interim use.)

2. Following 1 year of the first use of the development hereby permitted as a leisure/entertainment venue this permission shall expire and the use shall cease. All buildings and structures associated with the use shall be removed from the site within 2 months of the use ceasing.

(Reason -The site is allocated for mixed use development within the Norwich Local Plan (and emerging Greater Norwich Local Plan) and therefore a temporary permission is appropriate so as not to impede the long term delivery of the site allocation. A temporary permission will also provide the opportunity to review the impacts of the proposal once the development is operational. In accordance with policy CC4 of the Norwich Local Plan Site Allocations document (2014).)

3. The development hereby approved shall be carried out in accordance with the application forms, plans, drawings and details as specified below:

(Plans list to be added prior to determination)

(Reason - For the avoidance of doubt and to ensure the satisfactory development of the site in accordance with the specified approved plans.)

4. With the exception of any demolition, site clearance works, archaeological work, tree protection works, ground investigations and below ground works, no development shall take place in pursuance of this permission until details of the boundary treatments to be used within the development (to include the boundary treatments' location, height, materials and colour) have been submitted to and approved in writing by the local planning authority. No use of the development hereby approved shall take place until the approved boundary treatments been erected and, following completion, the boundary treatment shall be retained as such thereafter.

(Reason - To ensure a satisfactory appearance for the development and to safeguard residential amenities, in accordance with section 12 of the NPPF, policy 2 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2011 as amended 2014, and policies DM2 and DM3 of the Development Management Policies Local Plan 2014.)

5. The premises which form the subject of this permission shall not be open to the public, trading, or have members of the public, as customers or guests, on the premises other than between the hours of 12.00 and 22.30 on Sunday, Monday, Tuesday and Wednesday and between the hours of 12.00 and 23.00 on Thursday, Friday and Saturday.

(Reason - To safeguard the amenity of the surrounding area, in accordance with policy DM2 and DM11 of the Development Management Policies Local Plan 2014.)

6. No leisure/entertainment activities shall take place outside of the building hereby permitted.

(Reason -To safeguard the amenity of the surrounding area, in accordance with policy DM2 and DM11 of the Development Management Policies Local Plan 2014.)

7. The venue shall be managed in accordance with the management statement dated 22 November 2021.

(Reason - To encourage staggered departure times and to safeguard the amenity of the surrounding area, in accordance with policy DM2 and DM11 of the Development Management Policies Local Plan 2014.)

8. No use of any plant and/or machinery shall take place on the premises unless and until it has been enclosed with sound insulating/absorbing material and mounted in such a way which will minimise transmission of structure borne sound and will ensure that noise levels emanating from the application premises shall not exceed 45dB at 63Hz C.B.F., 40dB at 125Hz C.B.F. and NR30 over the frequency range from 250Hz to 8KHz as measured at a position 1 metre outside any noise sensitive premises and shall not exceed 37 dB AT 63Hz C.B.F., 30dB at 125Hz C.B.F and NR20 over the frequency range from 250Hz to 8KHz as measured inside any adjoining noise sensitive premises, in accordance with a scheme to be first approved in writing by the local planning authority and once enclosed, it shall be retained as such thereafter.

(Reason - To ensure adequate protection between different uses takes place to avoid unacceptable noise and disturbance in accordance with policy DM2 and DM11 of the Development Management Policies Local Plan 2014.)

9. No loudspeaker, amplifier, relay or other audio equipment shall be installed or used outside the building the subject of this permission.

(Reason - To ensure adequate protection between different uses takes place to avoid unacceptable noise and disturbance in accordance with policy DM2 and DM11 of the Development Management Policies Local Plan 2014.)

10. No installation of any amplified sound equipment shall take place within the application premises until details of the amplification equipment have been submitted to and agreed in writing by the local planning authority.

The amplification system shall be designed to limit the level of noise emanating from the premises, such that the noise levels from the application premises shall not exceed 45dB at 63Hz C.B.F., 40dB at 125Hz C.B.F. and NR30 over the frequency range from 250Hz to 8KHz as measured at a position 1 metre outside any noise sensitive premises and shall not exceed 37 dB AT 63Hz C.B.F., 30dB at 125Hz C.B.F and NR20 over the frequency range from 250Hz to 8KHz as measured inside any adjoining noise sensitive premises. Where further internal sound proofing is required to meet these levels, full details of the proposed sound proofing shall be submitted with the amplification equipment details and shall include details of its specification, location and fixing.

The submitted details shall include:

- (a) specification for all amplification equipment and speakers;
- (b) the location of all proposed speakers;
- (c) the maximum noise levels expressed in dB LAeq (5 mins), measured at a point 2 metres from any loudspeaker forming part of the amplification system; and
- (d) measures to be put in place to ensure that the amplification system cannot be adjusted beyond the maximum permitted noise levels agreed in (c) above.

No use of the premises as a leisure/entertainment venue shall take place until the amplification system and any sound proofing measures as agreed have been installed and thereafter the agreed permitted maximum noise levels shall not be exceeded at any time.

No amplified music shall be played in the premises the subject of this permission other than through the permanently installed amplification system as agreed under this condition and no alteration of this system shall take place without the prior written agreement of the local planning authority.

(Reason - To ensure adequate protection between different uses takes place to avoid unacceptable noise and disturbance in accordance with policy DM2 and DM11 of the Development Management Policies Local Plan 2014.)

11. No use of the premises as a leisure/entertainment venue shall take place until a mechanical ventilation system has been installed in full accordance with a scheme to be first submitted to and agreed in writing with the local planning authority and, once installed, shall be retained as such thereafter. The scheme shall include details of all proposed attenuation measures to the extract system and details of the inlet and extract ducts including their location and elevations of any external grills or flues in the context of the wider building to a scale of at least 1:100.

(Reason - To ensure adequate protection between different uses takes place to avoid unacceptable noise and odour nuisance in accordance with policy DM2 and DM11 of the Development Management Policies Local Plan 2014.)

12. No use of the premises as a leisure/entertainment venue shall take place until the new inner door lobbies, as shown on the approved plans and fitted with automatic closers, have been provided and, once provided, this shall be retained thereafter. The automatic closers for the lobby door shall be operational whenever the premises are open to the public, trading, or has members of the public, as customers or guests, on the premises and the lobby door shall not be left open at any time except for servicing when the building is not open to the public, trading, or has members of the public, as customers or guests, on the premises or in the case of an emergency.

(Reason - In order to prevent undue noise nuisance to nearby occupiers in accordance with policy DM2 and DM11 of the Development Management Policies Local Plan 2014.)

13. The doors indicated as fire exits on the approved plans shall only be used in an emergency as fire exits or for servicing when the premises are not open to the public, trading, or has members of the public, as customers or guests, on the premises. The doors shall not be used for any other purpose.

(Reason - In order to prevent undue noise nuisance to nearby occupiers in accordance with policy DM2 and DM11 of the Development Management Policies Local Plan 2014.)

14. Prior to the first use of the development as a leisure/entertainment venue, details of the installation of a noise limiter device shall be submitted to the Local Planning Authority for its approval in writing. The noise limiter device shall be installed and operated in accordance with the approved details for the duration of the development.

(Reason - In order to prevent undue noise nuisance to nearby occupiers in accordance with policy DM2 and DM11 of the Development Management Policies Local Plan 2014.)

15. No extract ventilation or fume extraction system shall be installed or erected on the site unless in accordance with a detailed scheme that has been submitted to and approved in writing by the local planning authority. The detailed scheme shall include the position of ventilation, fume or flue outlet points and the type of filtration or other fume treatment to be installed and used in the premises in pursuance of this permission, together with a schedule of maintenance. The submitted details shall also specify the use of anti-vibration mountings. No use of the premises as hereby permitted shall take place until the approved scheme has been installed and is operational and thereafter it shall be retained in full accordance with the approved details and the maintenance of the system, including any flue, shall be carried out in accordance with the scheme as agreed.

(Reason - To protect the amenities of the area and prevent nuisance from noise and odour in accordance with policy DM2 and DM11 of the Development Management Policies Local Plan 2014.)

16. No use of the development hereby approved shall take place until details have been submitted to and agreed in writing by the local planning authority of all external lighting for the site, including any security or other intermittent lighting. Such details shall include specifications for the lighting proposed, its location and position within the site, height and levels of illumination proposed. The details shall also specify that any external lighting includes cowling, or other similar device, to ensure that the lighting only illuminates the site directly. The development shall be carried out in accordance with the details as agreed and retained as such thereafter.

(Reason - To ensure that the development minimises light pollution and the potential impact on biodiversity in accordance with sections 12 and 15 of the NPPF, and policies DM2, DM3 and DM6 of the Development Management Policies Local Plan 2014.)

17. No occupation of the development shall take place until details of bicycle parking have been submitted to and approved in writing by the local planning authority. The approved details shall thereafter be installed prior to first occupation of the development and shall be retained and maintained in this condition thereafter for the duration of the development.

(Reason - To ensure satisfactory cycle parking to support sustainable modes of transport, reduce congestion and safeguard air quality, in accordance with policy 6 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk (adopted March 2011, November 2021 Page 34 of 65 amendments adopted January 2014) and policy DM28, DM29, DM30 and DM31 of the Development Management Policies Local Plan 2014.)

18. No use of the premises as a leisure/entertainment venue shall take place until:

(a) a Travel Information Plan has been prepared and submitted to and agreed in writing with the local planning authority. The Travel Information Plan shall:

(i) make provision for travel information to be publicised to staff and visitors to the site; and

(ii) specify the different methods to be used for publicity and the frequency of review;

(b) the travel information has been made available in accordance with the Plan as agreed and, once made available, shall be maintained thereafter in accordance with the agreed review details.

This information shall include details of the public transport routes and services available within 800 metres walking distance of the site, cycle parking provision and facilities for cyclists on site and any other measures which would support and encourage access to the site by means other than the private car.

(Reason - To ensure that the development supports sustainable modes of transport and to reduce the impact of travel and transport on the environment in accordance with policy 6 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk (adopted March 2011, amendments adopted January 2014) and policy DM28 of the Development Management Policies Local Plan 2014.)

19. No works shall take place within the root protection areas of any tree including any demolition works or the breaking and lifting of existing ground surfaces, unless carried out under the supervision of a suitably qualified arborist.

(Reason - To ensure the satisfactory protection of those trees to be retained on the site and to accord with policy 1 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk (adopted March 2011, amendments adopted January 2014) and policy DM7 of the Development Management Policies Local Plan 2014.)



20. No arboricultural works shall take place to facilitate implementation of the development hereby permitted unless these works are carried out by a suitably qualified arborist in both above and below ground arboriculture and the details of the proposed arboriculturist have first been submitted to and agreed in writing by the local planning authority.

(Reason - To ensure the satisfactory protection of those trees to be retained on the site and to accord with policy 1 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk (adopted March 2011, amendments adopted January 2014) and policy DM7 of the Development Management Policies Local Plan 2014.)

21. Operations on site shall take place in complete accordance with the approved Arboricultural Impact Assessment (AIA), Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS). No other operations shall commence on site in connection with the hereby-approved development until the tree protection works and any pre-emptive tree works required by the approved AIA or AMS have been carried out and all tree protection barriers are in place as indicated on the Tree Protection Plan. The approved protective fencing shall be retained in a good and effective condition for the duration of the development and shall not be moved or removed, temporarily or otherwise, until all site works have been completed and all equipment, machinery and surplus materials removed from the site, unless the prior written approval of the local planning authority has first been sought and obtained.

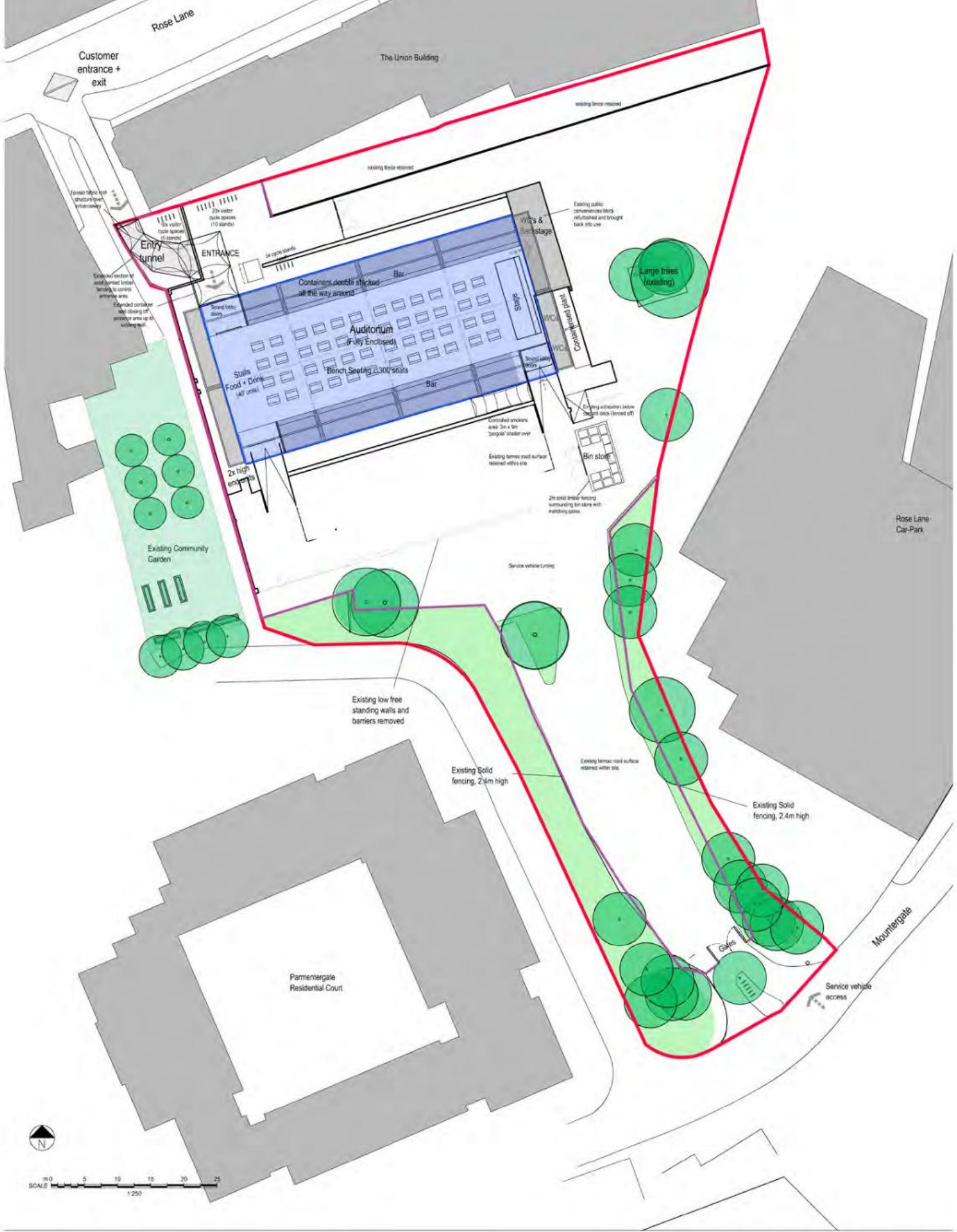
(Reason - To ensure the satisfactory protection of those trees to be retained on the site and to accord with policy 1 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk (adopted March 2011, amendments adopted January 2014) and policy DM7 of the Development Management Policies Local Plan 2014.)

22. Prior to the first use of the development as a leisure/entertainment venue details of any anti-terrorist measures shall be submitted to the Local Planning Authority for its approval in writing. The measures shall be implemented in accordance with the approved details and shall be retained for the duration of the development.

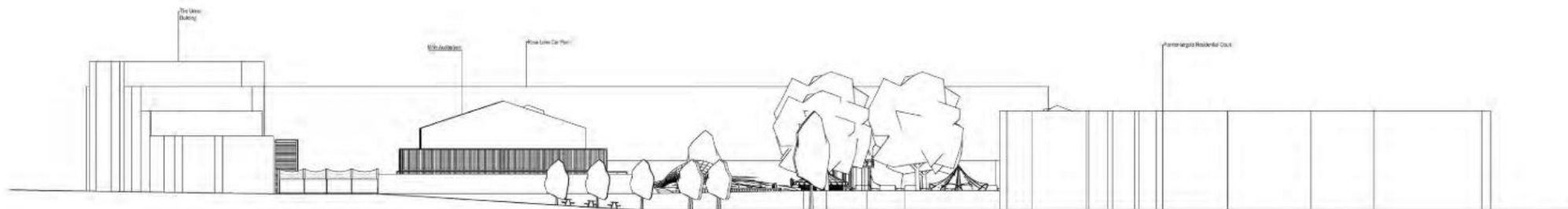
(Reason - In the interests of public safety, in accordance with paragraph 97 of the National Planning Policy Framework (2021).)

NOTES

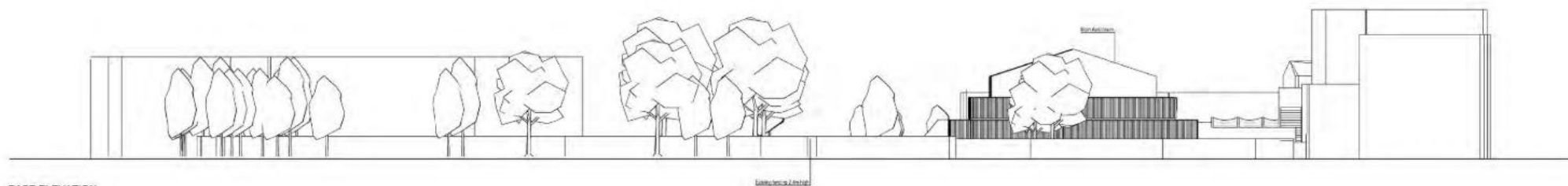
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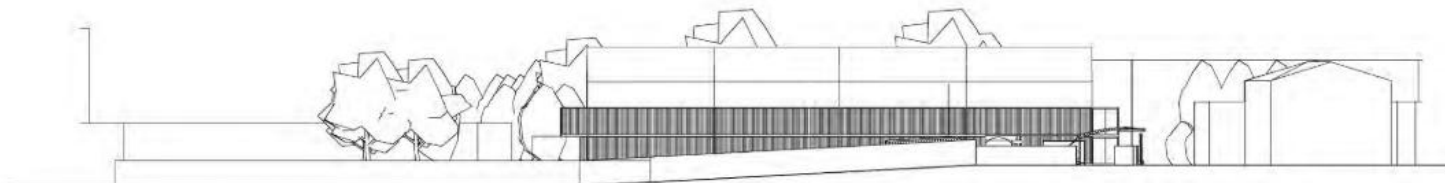
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P11	06/11/21	Outline of services (revised)	Scale	A0
P10	02/10/21	Outline of services (revised) - service strategy revised	Scale	A0
P9	02/10/21	Outline of services	Scale	A0
Rev	02/10/21	Outline of services	Scale	A0



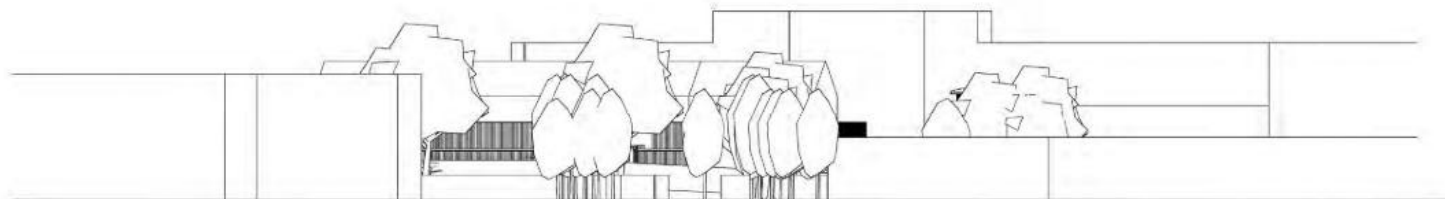
WEST ELEVATION



EAST ELEVATION



NORTH ELEVATION



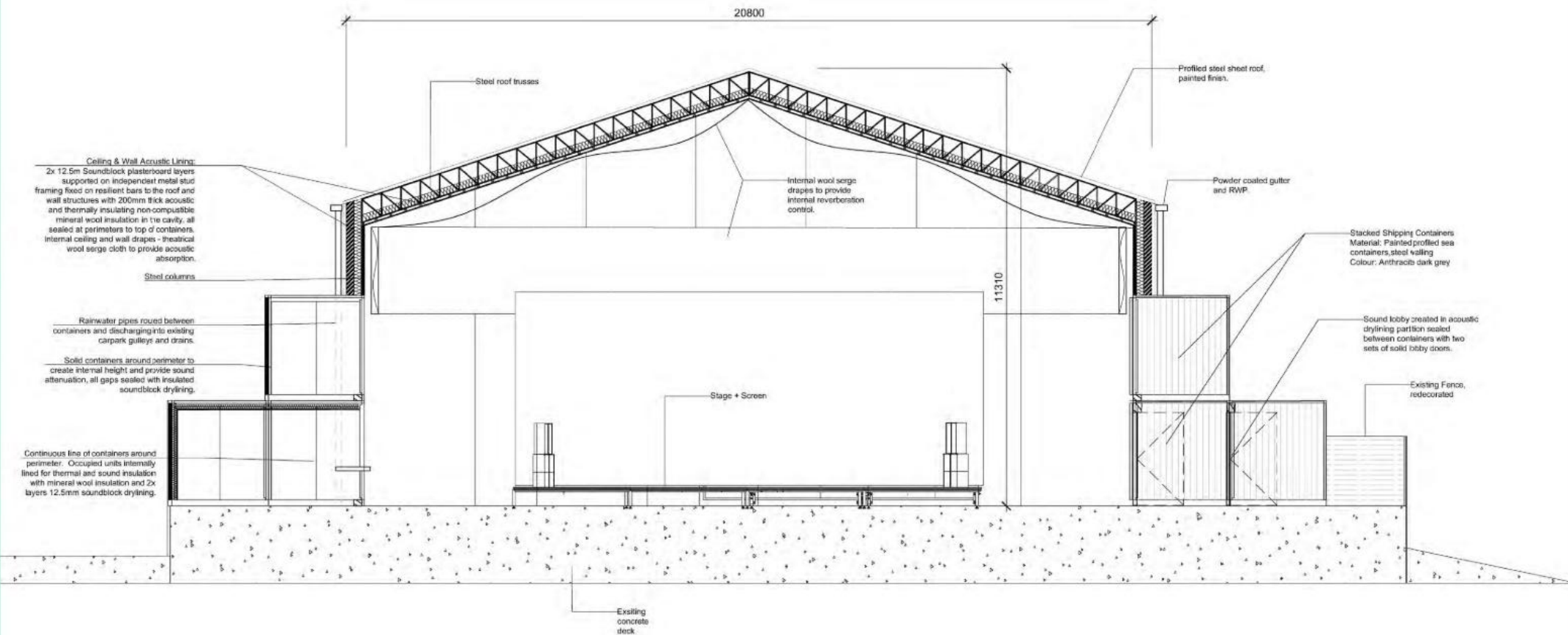
SOUTH ELEVATION



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SCALE 1:50



**Report to** Planning Applications Committee

**Item**

9 December 2021

**Report of** Head of Planning and Regulatory Services

**Subject** Application no 21/00804/O - Clarence House, 6 Clarence Road, Norwich, NR1 1HH

**Reason for referral** Objection

4(b)

<b>Ward</b>	Thorpe Hamlet
<b>Case officer</b>	Robert Webb <a href="mailto:robertwebb@norwich.gov.uk">robertwebb@norwich.gov.uk</a>
<b>Applicant</b>	Reid and Jones, TM Trustees Ltd.

Development proposal		
Outline application for erection of up to 8 residential units.		
Representations		
Object	Comment	Support
3	0	0

Main issues	Key considerations
1. Principle of development	Principle of new residential development in this location and alongside clinic use
2. Consideration of amount of development	Whether the site can comfortably accommodate the amount of development proposed and a satisfactory design and layout is achievable
3. Heritage	Impact on the nearby locally listed building
4. Amenity impacts	Impacts on nearby occupiers in terms of overshadowing, privacy, noise, outlook
5. Transport considerations	Whether satisfactory car and cycle parking can be achieved, impact on highway safety
6. Flood risk	Ensuring proposal does not increase flood risk to site or surroundings
7. Trees	Consideration of impact on trees including those that are subject to a Tree Preservation Order
8. Biodiversity	Assessing any impact on protected species and consideration of enhancements
<b>Expiry date</b>	29 July 2021
<b>Recommendation</b>	Approval



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Planning Application No 21/00804/O  
 Site Address Clarence House, 6 Clarence Road

Scale 1:500

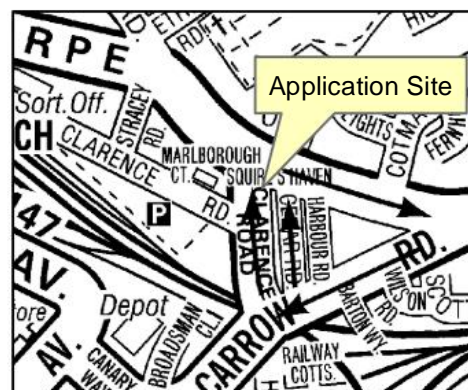


**NORWICH**  
 City Council

PLANNING SERVICES



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## The site and surroundings

1. The site is located to the east of the city centre and comprises Clarence House, a Georgian building, and its grounds, which are primarily covered in hardstanding. To the north is Squire's Haven, another period building which has been converted into flats. To the east is Clarence Road and a number of Victorian buildings which are in residential use on the opposite side of the road. To the south is Lower Clarence Road, with the locally listed Tudor House which is in residential use. A row of trees which are subject to a Tree Preservation Order are on the southern boundary. To the west is Marlborough Court, a modern block of flats and its associated parking and amenity areas. Clarence Road slopes downwards from north to south.
2. Clarence House is currently vacant and when last in use it was occupied by a private chiropractic clinic.

## Constraints

3. Group Tree Preservation Order on southern boundary.

## Relevant planning history

4. The records held by the city council show the following planning history for the site.

Ref	Proposal	Decision	Date
4/2003/0285	Display of internally illuminated neon lettering with intermittent flashing arrows on gable wall of building.	Refused	30/04/2003
05/00351/U	Change of use of part of ground floor from offices to chiropractic centre.	Approved	06/07/2005
05/00783/D	Condition 3: details of bicycle stand for previous planning permission 05/00351/F - Change of use of part of ground floor from offices to chiropractic centre.	Approved	29/09/2005
21/00804/O	Outline application for erection of up to 8 residential units.	Pending consideration	

## The proposal

5. Outline planning permission is sought for a maximum of 8 residential dwellings. All matters are reserved, which means the main thing to consider is the principle of development and whether an acceptable form of layout, scale, appearance, landscaping and access could be achieved at reserved matters stage. When originally submitted, the application was for up to 21 new residential units, however

this has been reduced to 8 following discussions and negotiations between the case officer and applicant.

## Representations

6. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 3 letters of representation have been received citing the issues as summarised in the table below. All representations are available to view in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

7. There were 3 objections to the plans as originally submitted:

Issues raised	Response
Unacceptably high density and overdevelopment of the site	See main issue 2
Loss of natural light and overshadowing	See main issue 4
Overlooking and loss of privacy	See main issue 4
Damage to walls of Squires Haven where the unit of the former Wellness Clinic adjoins flats 1 and 2	See paragraph 44
Damage to the stone wall that the unit of the former Wellness Clinic adjoins to.	See paragraph 44
Loss of sunlight to property on opposite side of Clarence Road	See main issue 4
Increased competition for on-street parking	See main issue 4
Noise disturbances caused by proposed roof terrace adjacent to Squires Haven	See main issue 4

8. There were no responses to the consultation on the amended plans.

## Consultation responses

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

## Anglian Water

10. The foul drainage from this development is in the catchment of Whittlingham Trowse Water Recycling Centre that will have available capacity for these flows. The preferred method of surface water disposal would be to a sustainable urban 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.
11. Anglian Water has reviewed the submitted documents (Flood Risk Assessment) and can confirm that these are acceptable to us. We require these documents to be listed as approved plans/documents if permission is granted. Note to applicant – Surface Water Hierarchy evidence will need to be submitted at 106 application stage.

## **Environmental protection**

12. The proposed development is a major application for over 10 dwellings. Therefore, the application should have been accompanied by a contaminated land Desk Study and an Air Quality Screening Assessment. Additionally, as the site is adjacent to a busy road and there is the potential for the proposed occupants to be impacted by noise, I would request a Noise Impact Assessment. Therefore, until the information described above has been provided, I object to the application.

## **Highways**

13. Thank you for consulting the highway authority, I understand that this is an outline application with all matters reserved. In principle I would not wish to object to the principle of residential use as this site is within an established area and has adequate means of access for vehicles and pedestrians. Detailed comments on site design also provided.

## **Norfolk Historic Environment Service**

14. Desk based assessment submitted. No comments to make.

## **Strategic Housing**

15. (Comments on original submitted plans) Norwich has a high need for affordable housing, in particular one-bedroom accommodation. We therefore welcome the proposal that 15 of the proposed 21 units will be one-bedroom. The proposed number of dwellings will trigger the threshold for the provision of affordable housing, currently 33% on sites capable of accommodating 10 or more dwellings and/or 0.5 ha. In this instance, 7 units of affordable housing would be required, secured under a s.106 agreement, with tenure agreed to meet housing need. It is noted, however, that there may be the potential for Vacant Building Credit to be applied, subject to the planning test being met.

While it is welcome that all units will meet Nationally Described Space Standards, not all one-bedroom properties are 2 person, which would be preferable.

In terms of the private amenity space on the ground floor, the allocation of space to units does not appear evenly distributed. For example, Unit 1 is a 1 bed, 1 person dwelling but has both a courtyard and garden, a total of 44sqm which is greater than the unit itself. By contrast, Unit 6 which is also 1 bed, 1 person, has 6sqm of private amenity space.

All units should be of tenure neutral design and the affordable housing integrated into the scheme. We would recommend that the applicant contacts the Housing Development team at their earliest opportunity to discuss the affordable housing in more detail.

## **Tree protection officer**

16. No objection.

## **Assessment of planning considerations**

### **Relevant development plan policies**

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

- JCS1 Addressing climate change and protecting environmental assets
- JCS2 Promoting good design
- JCS4 Housing delivery
- JCS6 Access and transportation
- JCS9 Strategy for growth in the Norwich policy area
- JCS11 Norwich city centre

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

- DM1 Achieving and delivering sustainable development
- DM2 Ensuring satisfactory living and working conditions
- DM3 Delivering high quality design
- DM5 Planning effectively for flood resilience
- DM6 Protecting and enhancing the natural environment
- DM7 Trees and development
- DM9 Safeguarding Norwich's heritage
- DM12 Ensuring well-planned housing development
- DM13 Communal development and multiple occupation
- DM28 Encouraging sustainable travel
- DM29 Managing car parking demand in the city centre
- DM30 Access and highway safety
- DM31 Car parking and servicing
- DM32 Encouraging car free and low car housing

### **Other material considerations**

#### **19. Relevant sections of the National Planning Policy Framework July 2021 (NPPF):**

- NPPF2 Achieving sustainable development
- NPPF4 Decision-making
- NPPF5 Delivering a sufficient supply of homes
- 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**

20. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant development plan policies are detailed above. Material considerations include policies in the National Planning Framework (NPPF), the

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

### **Main issue 1: Principle of development**

21. Key policies and NPPF paragraphs – JCS4, DM12, DM13, NPPF paragraphs 11 and 59.
22. The application site is within the urban area of Norwich where new housing development is acceptable in principle. The use of Clarence House as a clinic would fall within class E of the Planning Use Classes Order. Whilst changes to other commercial uses are allowed without planning permission, these are uses which by definition are compatible with residential uses so the principle of both commercial and residential uses on this site is acceptable.

### **Main issue 2: Consideration of the amount of development**

23. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 124-132.
24. Although matters such as layout, scale and appearance are reserved matters, it is important to consider whether the site can accommodate the amount of development which is proposed. The original application involved the demolition of Clarence House and was for a maximum of 21 dwellings, however indicative plans indicated that this was an overdevelopment of the site, with the scale and layout shown being unacceptable. Discussions and negotiations with the applicant have since taken place which has resulted in the reduced quantum of development now proposed, and the retention of Clarence House in commercial use.
25. Indicative plans have been submitted which show the proposed units within two new buildings either side of Clarence House. One is an extension to the south and another an 'infill' building between Clarence House and Squires Haven. The plans indicate the residential development could be car-free, with adequate space for bin and cycle storage.
26. The indicative elevations show an acceptable design and appearance could be achieved, which reflects the existing character of period buildings on Clarence Road, and the general reduction in building height which follows the downward slope of the road. Although the infilling would have an impact on the street scene and change the character of the application site, it would not be out of character for the street and surrounding areas, where buildings commonly adjoin others.

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

27. Key policies and NPPF paragraphs – JCS2, DM9, NPPF paragraphs 184-202.
28. The site is not within a conservation area and there are no designated heritage assets on the site, although Clarence House is a Georgian building of some architectural merit and is a positive feature in the street scene. The building to the south known as Tudor Hall is locally listed, however it is considered that an acceptable design could be achieved without materially harming the setting of this building, which is separated from the application site by Lower Clarence Road.

## **Main issue 4: Amenity**

29. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 8 and 127.
30. The original application for up to 21 units resulted in some objections on the grounds of overshadowing, scale of development, loss of privacy and parking concerns. The reduction in the number of units and subsequent analysis of the indicative plans shows that a suitable development could be achieved without causing material harm to neighbouring amenity. Although it is noted that some loss of daylight and sunlight would occur to the neighbouring Marlborough Court in particular, this is within acceptable limits, judging by the indicative plans provided.
31. The impact on properties on the opposite side of Clarence Road would also be acceptable. Concerns relating to noise from roof terraces adjacent to Squires Haven relate to an earlier iteration of the plans and these were not included within the amended/reduced proposal. The detail of the scheme is reserved and can be considered further regarding amenity when an application for determination of reserved matters is received.
32. The new flats would be car-free, and under Council policy the residents would not be entitled to parking permits, as surrounding roads are within a controlled parking zone, which mitigates concerns regarding parking congestion.
33. The site is next to a busy road and therefore a higher standard of sound insulation than normal is likely to be required, including the use of mechanical ventilation for front facing rooms. Such matters could be controlled by condition. The plans show that each of the 8 units could meet national minimum space standards, and four of the units would benefit from a small amount of private amenity space. The other four units would be reliant on the relatively small communal amenity areas which is a slight weakness of the proposal, however this is not considered unacceptable for a city centre location such as this. Again, the final details of the flats are reserved for determination at a later stage, but the information submitted demonstrates that an acceptable scheme could be achieved on the site.
34. It is noted that the Environmental Protection Officer has requested a contaminated land assessment, air quality assessment and noise assessment. This is partly on the basis that, when originally submitted, the application was for major development but following amendment this is no longer the case as the application is now for less than 10 units. Standard conditions in relation to contamination are recommended together with conditions dealing with mitigation of traffic noise. An air quality assessment is not required under the council's validation requirements and the site is not within an Air Quality Management Area (AQMA). As a result, air quality has not been considered as part of the outline application, but it is proposed to attach a condition requiring that any reserved matters application should be accompanied by an air quality assessment along with details of any mitigation required because the mitigation may affect the detailed design of the units.

## **Main issue 5: Transport**

35. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF paragraphs 8, 102-111.

36. The site is located on the edge of the city centre within close proximity to bus and rail services. The site is suitable for car-free residential development in accordance with Council policy. An indicative site plan has been submitted which demonstrates a satisfactory level of bin and cycle storage could be provided. Three parking spaces would be retained for the use of the clinic/commercial building. No objection is raised by the Transport Officer.

#### **Main issue 6: Flood risk**

37. Key policies and NPPF paragraphs – JCS1, DM5, NPPF paragraphs 155-165.
38. The site is located within Flood Zone 1 and is therefore at a low risk of flooding from water courses. The Flood Risk Assessment follows the surface water hierarchy and concludes that the surface water drainage would be managed via an attenuation tank with discharge to a combined public sewer. Anglian Water raise no objections to this.

#### **Main issue 7: Trees**

39. Key policies and NPPF paragraphs – JCS1, DM7, NPPF paragraphs 170 and 175.
40. An arboricultural report was submitted with the application which considers the health of the trees which are subject to the Tree Preservation Order. It is proposed to remove three of these, two due to conflict with the boundary wall and the other due to its poor health. The remaining trees would be retained and protected during the development process. All trees scheduled for removal would be replaced with more suitable replacements to mitigate their loss. The Council's Arboricultural Officer has reviewed this document and is satisfied with the proposals.

#### **Main issue 8: Biodiversity**

41. Key policies and NPPF paragraphs – JCS1, DM6, NPPF paragraph 8, 170, 175-177.
42. An Ecological report submitted with the application concludes that the site is generally of relatively low ecological value and unlikely to be used by protected species. Several ecological enhancements are recommended which will be secured by condition.

#### **Other matters**

43. One respondent raised concerns about the potential damage to Squires Haven and to a stone wall from the proposed development. It should be noted that neither Squires Haven nor the stone wall are designated heritage assets and therefore do not in themselves benefit from special protection in the planning process. It is considered there is no reason why the developer could not build a scheme which avoided damage to these structures. A party wall agreement may be required and should any damage occur, this could be raised as a civil matter.
44. The original application was for up to 21 dwellings and therefore comments were sought from the Housing Officer regarding the provision of affordable housing. The application has subsequently been amended and is now for up to 8 dwellings. This means that the proposal does not meet the threshold of 10 units at or above which affordable housing would be required by the National Planning Policy Framework (NPPF). Consequently, affordable housing cannot be required as part of this

development and the comments from the Strategic Housing Officer reported above are no longer relevant.

### **Equalities and diversity issues**

45. There are no equality or diversity issues.

### **S106 Obligations**

46. There are no Section 106 obligations.

### **Local finance considerations**

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

### **Conclusion**

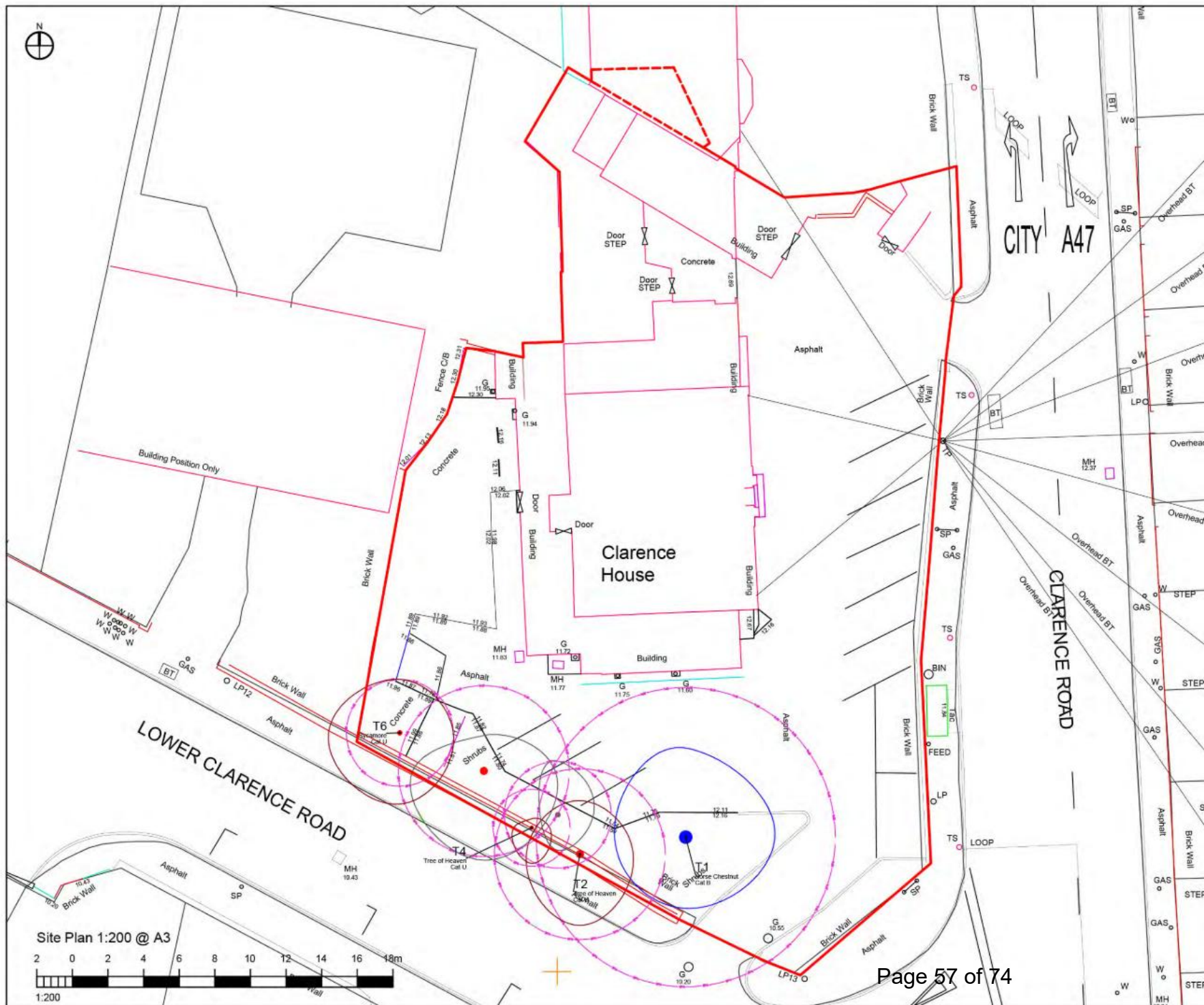
48. The proposal would retain an existing commercial premises and provide outline approval for up to 8 new residential units, within a sustainable location. Indicative drawings provided demonstrate how the reserved matters could deliver an acceptable siting, scale and massing, and how it would be possible to provide a good standard of residential amenity for proposed occupiers whilst safeguarding amenity for surrounding occupiers, with sufficient space for vehicle and cycle parking and landscaped amenity space. 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 21/00821/F - Clarence House 6 Clarence Road, Norwich, NR1 1HH and grant planning permission subject to the following conditions:

1. Standard time limit for reserved matters;
2. In accordance with plans;
3. Water efficiency
4. Details of replacement tree planting
5. Protection of individual dwellings – daytime and nighttime
6. Protection of dwellings fronting a road
7. Provision of cycle parking/bin storage
8. Ecology mitigation and enhancement measures
9. Submission of air quality assessment with reserved matters.





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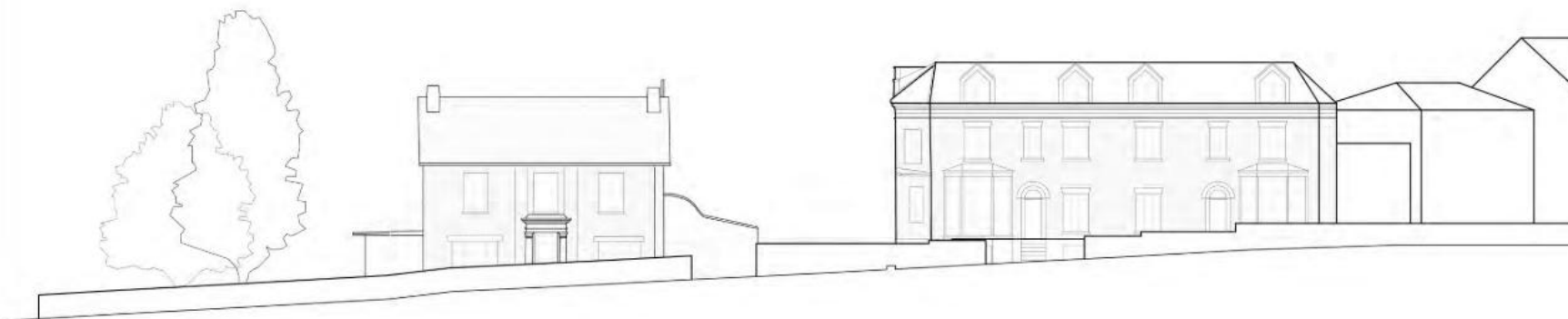
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PURPOSE OF ISSUE PL For Planning Submission			RIBA STAGE 3
DRAWING STATUS S1 Fit for Coordination			
PROJECT TITLE Clarence House, 6 Clarence Road, Norwich, NR1 1HH			
CLIENT TM Trustees Ltd			
DRAWING TITLE Existing Site Plan			SCALE 1:200 @ A3
DATE 18.01.21	DRAWN BY RG	CHECKED BY DO	APPROVED BY -
DRAWING NUMBER			
PROJECT NO 2667	TYPE 00	UNIQUE NO 05	REVISION -

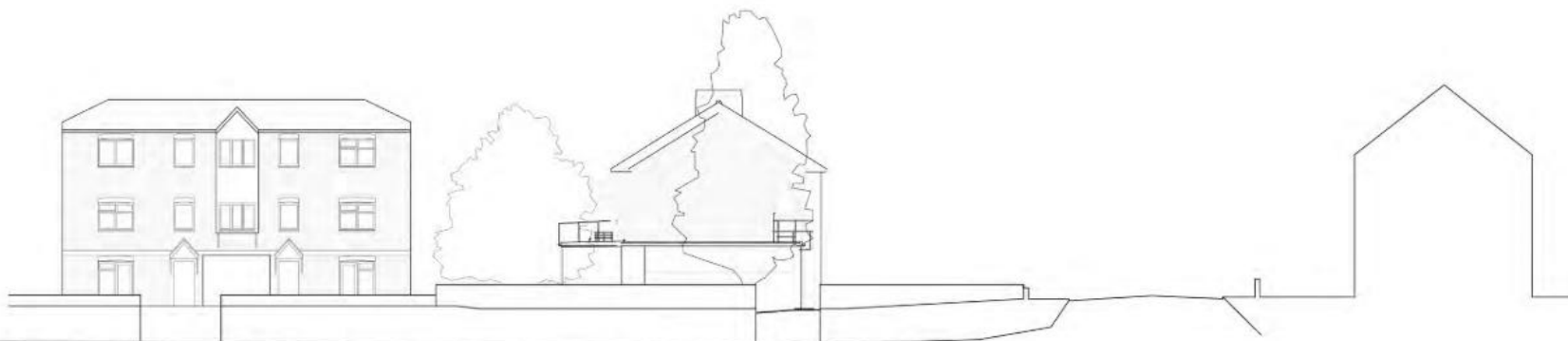
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Existing Clarence Road Elevation



Existing Lower Clarence Road Elevation

Existing Street Scenes 1:250 @A3



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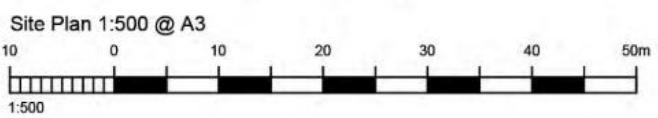
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PURPOSE OF ISSUE PL For Planning Submission			RIBA STAGE 3
DRAWING STATUS S1 Fit for Coordination			
PROJECT TITLE Clarence House, 6 Clarence Road, Norwich, NR1 1HH			
CLIENT TM Trustees Ltd			
DRAWING TITLE Existing Street Scenes			SCALE 1:250 @ A3
DATE 18.01.21	DRAWN BY RG	CHECKED BY DO	APPROVED BY -
DRAWING NUMBER			
DRAWING NO 2667	TYPE 00	UNIQUE NO 07	REVISION -

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**Key:**  
**Boundaries**

Site boundary

**Existing Landscaping**  
Tree survey Oakfield Arboricultural Services  
March 2021 OAS 20-257-AR01

- Green - Cat A Trees of high quality and value
- Blue - Cat B Trees of moderate quality and value
- Grey - Cat C Trees of low quality and value
- Red - Cat R Trees that are dead or showing signs of irreversible decline. To be removed.

Root Protection Area as calculated in accordance with BS 5837 2005

**Proposed Landscaping**

- Communal grass
- Garden grass
- Soft landscaping
- Permeable paving
- Permeable paving
- Permeable slabs
- Bench
- Proposed tree
- Bins
- Parking space
- Covered cycle storage

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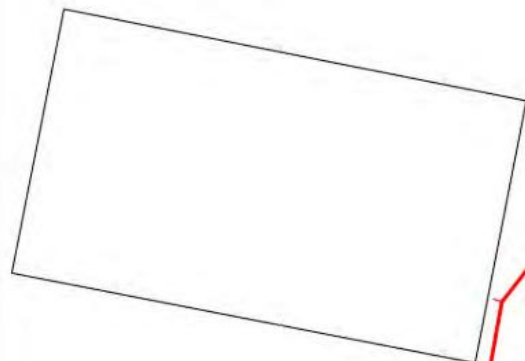
It is your responsibility as client to make yourself aware of your role within CDM 2015 and act accordingly.

Scheme revised - Clarence House retained as existing			
REVISED BY: RG	DATE: 08/11/21	CHECKED BY: RG	DATE: 08/11/21
Scheme revised to 13 units - Existing building retained with side extensions			
REVISED BY: RG	DATE: 08/09/21	CHECKED BY: RG	DATE: 20/09/21
PURPOSE OF ISSUE PL For Planning Submission			RIBA STAGE 3
DRAWING STATUS S1 Fit for Coordination			
PROJECT TITLE Clarence House, 6 Clarence Road, Norwich, NR1 1HH			
CLIENT TM Trustees Ltd			
DRAWING TITLE Proposed Indicative Site Plan			SCALE 1:500 @ A3
DATE 18.01.21	DRAWN BY RG	CHECKED BY DO	APPROVED BY -
DRAWING NUMBER			
PROJECT NO	TYPE	UNIQUE NO	REVISION
2667	00	10	B

(Architecture and Urban Design)

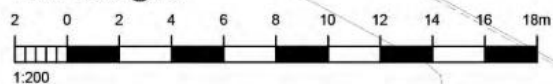
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### Indicative First Floor Plan

Plans 1:200 @ A3



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### Proposed Units



B Scheme revised: Clarence House retained as existing

REVISED BY: RG DATE: 08/11/21 CHECKED BY: DO DATE: 08/11/21

A Scheme revised to 15 units - Existing building retained with side extensions

REVISED BY: RG DATE: 30/09/21 CHECKED BY: DO DATE: 30/09/21

PURPOSE OF ISSUE: PL For Planning Submission RIBA STAGE: 3

DRAWING STATUS: S1 Fit for Coordination

PROJECT TITLE: Clarence House, 6 Clarence Road, Norwich, NR1 1HH

CLIENT: TM Trustees Ltd

DRAWING TITLE: Proposed Indicative First Floor Plan SCALE: 1:200 @ A3

DATE: October 2021 DRAWN BY: RG CHECKED BY: APPROVED BY:

DRAWING NUMBER: PROJECT NO: 2667 TYPE: 00 UNIQUE NO: 21 REVISION: B

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Clarence House, 6 Clarence Road, Norwich

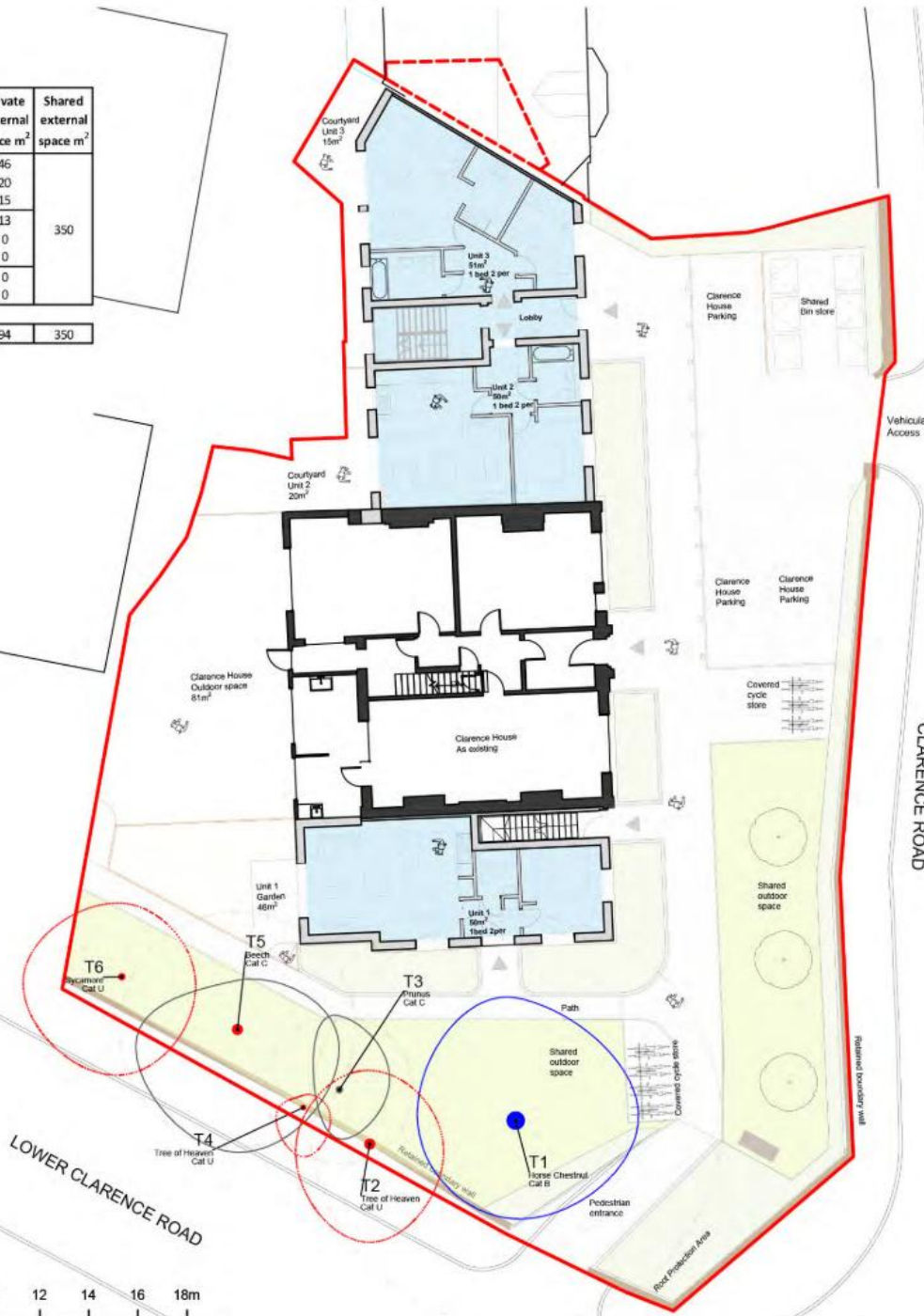
# Schedule of Accommodation

Floor	Unit No.	Type - No. bed	GIA floor area, m <sup>2</sup>	Private external space m <sup>2</sup>	Shared external space m <sup>2</sup>
Ground	1	1	50	46	350
	2	1	50	20	
	3	1	51	15	
First	4	2	74	13	350
	5	1	50	0	
	6	1	56	0	
Second	7	1	50	0	350
	8	1	52	0	

Total GIA 433 94 350

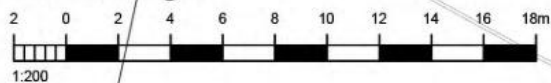
Number of 1-bed units 7  
Number of 2-bed units 1

TOTAL 8



## Indicative Ground Floor Plan

Site Plan 1:200 @ A3



### Key:

#### Boundaries

Site boundary

#### Existing Landscaping

Tree survey Oakfield Arboricultural Services  
March 2021 OAS 20-257-AR01

- Green - Cat A Trees of high quality and value
- Blue - Cat B Trees of moderate quality and value
- Grey - Cat C Trees of low quality and value
- Red - Cat R Trees that are dead or showing signs of irreversible decline. To be removed.

Root Protection Area as calculated in accordance with BS 5837 2005

#### Proposed Landscaping

- Communal grass
- Garden grass
- Soft landscaping
- Permeable paving
- Permeable paving
- Permeable slabs
- Bench
- Proposed tree
- Bins
- Parking space
- Covered cycle storage

#### Proposed Units

- 1 bed
- 2 bed
- Entrance door

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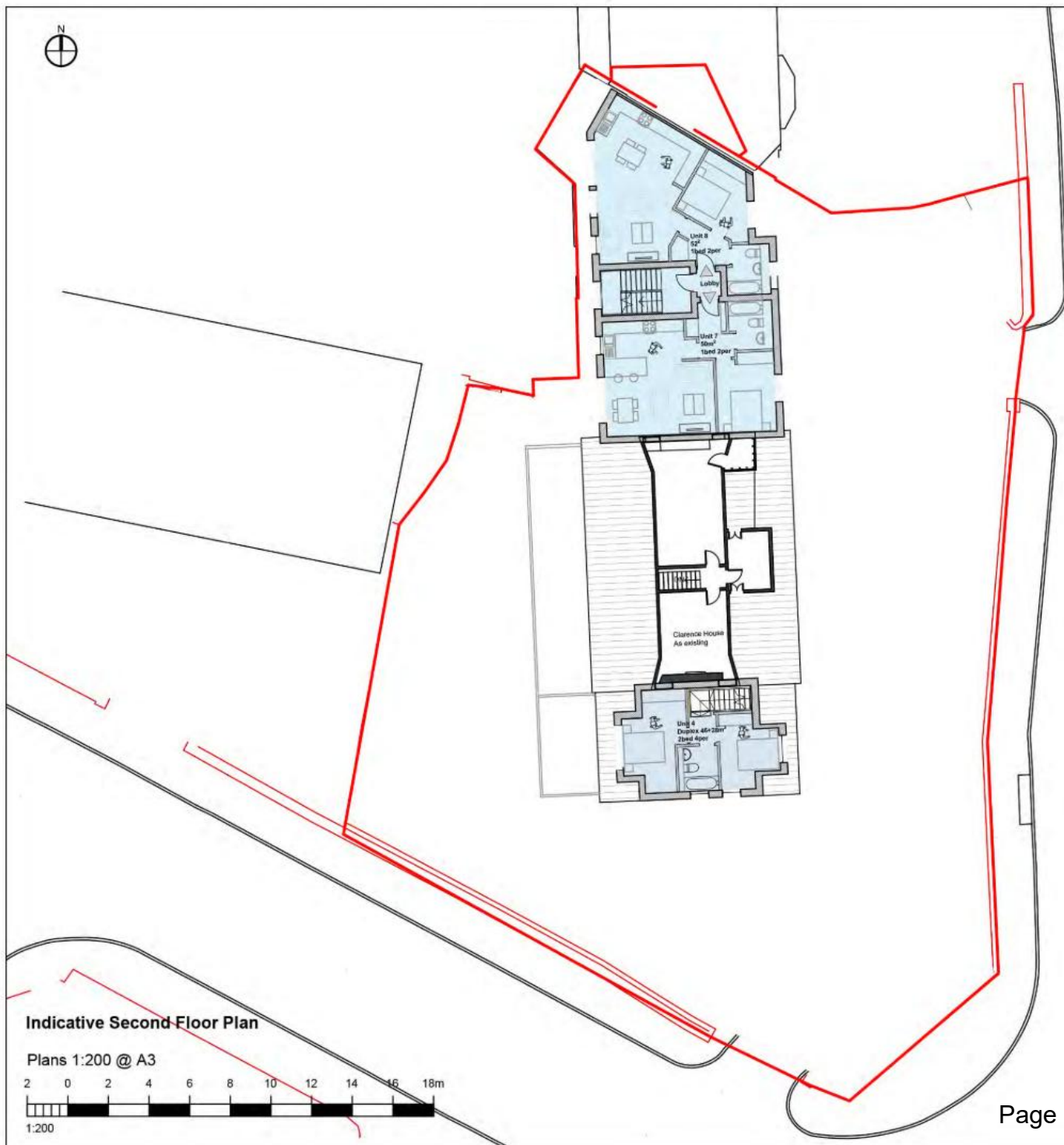
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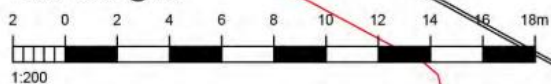
Scheme revised: Clarence House related to existing			
REVISION BY: RG	DATE: 03/11/21	CHECKED BY: RG	DATE: 03/11/21
Scheme revised to 15 units - Existing building retained with side extensions			
REVISION BY: RG	DATE: 03/09/21	CHECKED BY: RG	DATE: 03/09/21
PURPOSE OF ISSUE		BBA STAGE	
PL For Planning Submission		3	
DRAWING STATUS			
S1 Fit for Coordination			
PROJECT TITLE			
Clarence House, 6 Clarence Road, Norwich, NR1 1HH			
CLIENT			
TM Trustees Ltd			
DRAWING TITLE		SCALE	
Proposed Indicative Ground Floor Plan		1:200 @ A3	
DATE	DRAWN BY	CHECKED BY	APPROVED BY
11/10/19	RG		
DRAWING NUMBER			
PROJECT NO	TYPE	UNIQUE NO	REVISION
1737	00	20	B
Architecture   Masterplanning   Landscaping & Urban Design   Architecture			
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Indicative Second Floor Plan

Plans 1:200 @ A3



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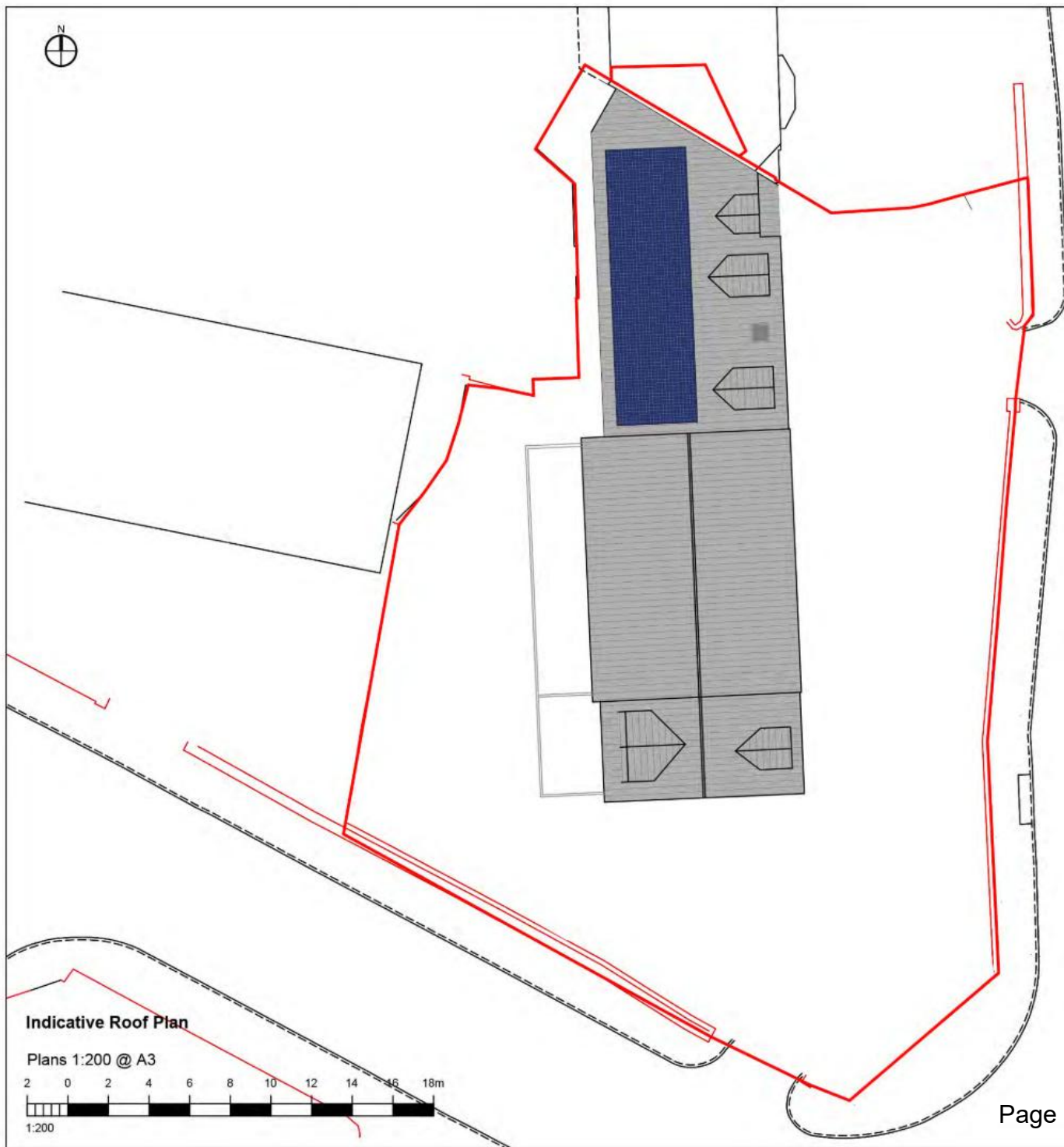
<http://www.hse.gov.uk/construction/cdm/2015/responsibilities.htm>

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#### Proposed Units

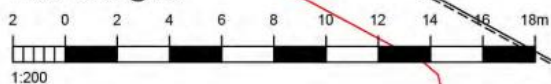
- 1 bed
- 2 bed
- Entrance door

B				Scheme revised: Clarence House related to existing					
REVISION BY: RG		DATE: 08/11/21		CHECKED BY: DO		DATE: 08/11/21			
Scheme revised to 13 units - Existing building retained with side extensions									
A		REVISION BY: RG		DATE: 08/11/21		CHECKED BY: DO		DATE: 08/11/21	
PURPOSE OF ISSUE							RIBA STAGE		
PL For Planning Submission							3		
DRAWING STATUS									
S1 Fit for Coordination									
PROJECT TITLE									
Clarence House, 6 Clarence Road, Norwich, NR1 1HH									
CLIENT									
TM Trustees Ltd									
DRAWING TITLE							SCALE		
Proposed Indicative Second Floor Plan							1:200 @ A3		
DATE		DRAWN BY		CHECKED BY		APPROVED BY			
October 2021		RG		DO					
DRAWING NUMBER									
PROJECT NO		TYPE		UNIQUE NO		REVISION			
2667		00		22		B			
									
Architecture			Masterplanning			Landscape & Urban Design   Architecture			
Norwich Office:				Driffield House, 95 Portergate, Norwich, NR2 1EQ					
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Indicative Roof Plan

Plans 1:200 @ A3



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

B Scheme revised: Clarence House retained as existing

REVISED BY: RG DATE: 08/11/21 CHECKED BY: DO DATE: 08/11/21

A Scheme revised to 15 units - Existing building retained with side extensions

REVISED BY: RG DATE: 30/09/21 CHECKED BY: DO DATE: 30/09/21

PURPOSE OF ISSUE PL For Planning Submission RIBA STAGE 3

DRAWING STATUS S1 Fit for Coordination

PROJECT TITLE Clarence House, 6 Clarence Road, Norwich, NR1 1HH

CLIENT TM Trustees Ltd

DRAWING TITLE Proposed Indicative Roof Plan SCALE 1:200 @ A3

DATE October 2021 DRAWN BY RG CHECKED BY APPROVED BY

DRAWING NUMBER PROJECT NO TYPE UNIQUE NO REVISION 2667 - 00 - 24 - B

**Lanpro**

Architecture Masterplanning & Urban Design Landscape Architecture

Norwich Office: Dettlingham House, 98 Potergate, Norwich, NR2 1EQ

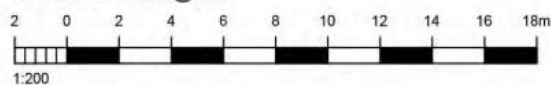
Tel: 01603 631 319

[www.lanproservices.co.uk](http://www.lanproservices.co.uk)



**Indicative East Elevation**

Elevations 1:200 @ A3



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## CDM 2015

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## Key:

- ① Brick to match Clarence House
- ② Slate roof tiles
- ③ Aluminium uPVC windows - grey or white
- ④ Rainwater goods to suit

B Scheme revised - Clarence House retained with existing

REVISION BY: RG DATE: 02/11/21 CHECKED BY: DO DATE: 02/11/21

A Scheme revised to 13 units - Existing building retained with side extensions

REVISION BY: RG DATE: 06/09/21 CHECKED BY: DO DATE: 20/09/21

PURPOSE OF ISSUE  
PL For Planning Submission

REVISION STAGE  
3

DRAWING STATUS  
S1 Fit for Coordination

PROJECT TITLE  
Clarence House, 6 Clarence Road, Norwich, NR1 1HH

CLIENT  
TM Trustees Ltd

DRAWING TITLE  
Proposed Indicative East Elevation

SCALE  
1:200 @ A3

DATE  
October 2021

DRAWN BY  
RG

CHECKED BY  
DO

APPROVED BY

DRAWING NUMBER

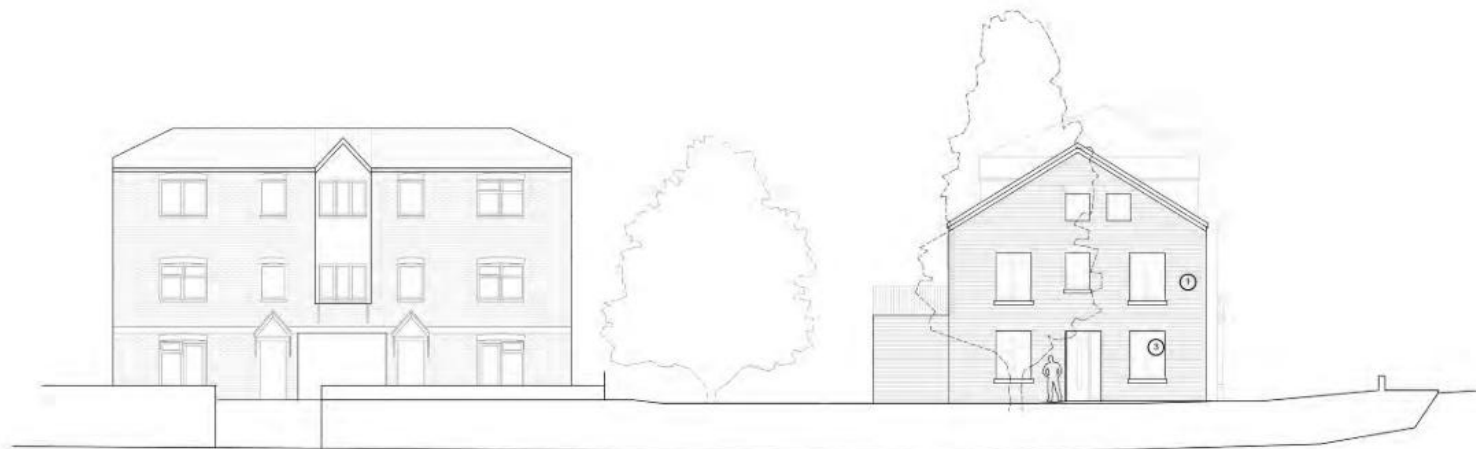
PROJECT NO. | TYPE | UNIQUE NO. | REVISION  
2667 - 00 - 30 - B

**Lanpro**

Architecture | Masterplanning | Landscape  
& Urban Design | Architecture

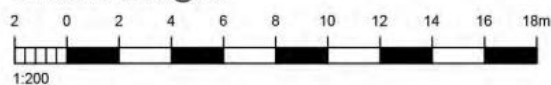
Norwich Office: Dettlingham House, 95 Polingate,  
Norwich, NR2 1EQ  
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**Indicative South Elevation**

Elevations 1:200 @ A3



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## Key:

- ① Brick to match Clarence House
- ② Slate roof tiles
- ③ Aluminium uPVC windows - grey or white
- ④ Rainwater goods to suit

Scheme revised: Clarence House retained as existing			
REVISED BY: RG	DATE: 08/11/21	CHECKED BY: RG	DATE: 08/11/21
Scheme revised to 13 units - Existing building retained with side extensions			
REVISED BY: RG	DATE: 30/04/21	CHECKED BY: RG	DATE: 30/04/21
PURPOSE OF ISSUE: <b>PL For Planning Submission</b>			RIBA STAGE <b>3</b>
DRAWING STATUS: <b>S1 Fit for Coordination</b>			
PROJECT TITLE: <b>Clarence House, 6 Clarence Road, Norwich, NR1 1HH</b>			
CLIENT: <b>TM Trustees Ltd</b>			
DRAWING TITLE: <b>Proposed Indicative South Elevation</b>			SCALE: <b>1:200 @ A3</b>
DATE: <b>October 2021</b>	DRAWN BY: <b>RG</b>	CHECKED BY:	APPROVED BY:
DRAWING NUMBER			
PROJECT NO: <b>2667</b>	TYPE: <b>00</b>	UNIQUE NO: <b>31</b>	REVISION: <b>B</b>

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**Report to** Planning Applications Committee

**Item**

9 December 2021

**Report of** Head of Planning & Regulatory Services

**Subject** Application no 20/01582/L – King Street Stores, King Street

**Reason for referral** At the discretion of the Head of Planning and Regulatory Services

4(c)

---

<b>Ward</b>	Thorpe Hamlet
<b>Case officer</b>	Lara Emerson <a href="mailto:laraemerson@norwich.gov.uk">laraemerson@norwich.gov.uk</a>
<b>Applicant</b>	Hurlingham Capital

Development proposal		
Demolition of toilet block adjoining Ferry Boat Inn with associated repair works, with wall fronting King Street to be retained.		
Representations – 20/01582/L		
Object	Comment	Support
0	0	0

Main issues	Key considerations
1. Heritage	Impact on conservation area; impact on statutorily and locally listed heritage assets.
<b>Expiry date</b>	30 July 2021
<b>Recommendation</b>	Approve



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Planning Application No 20/01263/F & 20/01582/L  
 Site Address King Street Stores, King Street

Scale 1:500

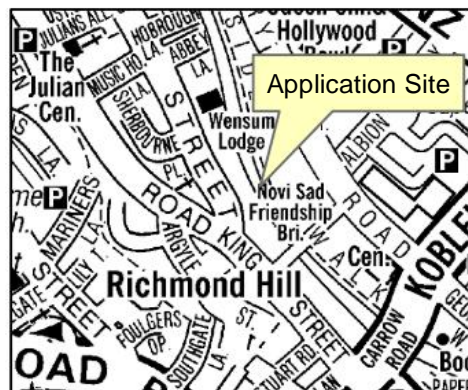


**NORWICH**  
 City Council

PLANNING SERVICES



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## **The site, surroundings & constraints**

1. The site is located on the east side of King Street, close to the junction with Rouen Road. To the north of and immediately adjacent to the site is the Wensum Sports Centre building, which is a large light-brick building providing indoor sports facilities and screened from the road by a number of trees. To the south and immediately adjacent to the site is the Grade II listed Ferry Boat Inn, which is currently undergoing residential redevelopment. To the west, on the other side of King Street, are some 2- and 3-storey blocks of flats set back from the road surrounded by communal lawns. The Grade I listed Church of St Etheldreda is directly opposite the site and sits within a churchyard that includes a number of mature trees. To the east of the site is the River Wensum.
2. The site itself is currently occupied by:
  - A vacant locally listed 19<sup>th</sup> century warehouse building in the north-eastern corner of the site, abutting the river and the car park of the Sports Centre. Another later vacant warehouse building fills the remainder of the river frontage. The buildings are connected internally and provide 2 floors of accommodation. The warehouses were most recently in use as offices and storage buildings but were vacated a number of years ago and are now in a poor state of repair;
  - A derelict toilet block attached to the listed Ferry Boat Inn; and
  - 6 mature lime trees sitting behind a historic red-brick wall along the King Street frontage.
3. The site is constrained as follows:
  - The site is allocated for residential development under site allocation policy CC8
  - City Centre Conservation Area (King Street Character Area)
  - South City Centre Regeneration Area
  - Area of Main Archaeological Interest
  - The 6 lime trees are protected by Tree Preservation Order reference 575
  - The majority of the site is within Flood Zone 1 (least at risk of flooding) but there is a sliver along the riverside which is in Flood Zone 2 and a smaller sliver in Flood Zone 3.

## **Relevant planning history**

4. None.

## **The proposal**

5. This listed building application, 20/01582/L, relates solely to the removal of the derelict toilet block that appears to be built off the wall to the adjacent listed Ferry

Boat Inn. The applicant has confirmed that the wall fronting King Street is to be retained.

6. This application for listed building consent was presented to the Planning Applications Committee on 11 November 2021, alongside an associated full application for the residential redevelopment of the site (20/01263/F). Whilst members resolved to refuse the associated full application, a resolution was not voted on by members for this application for listed building consent. The application is consequently referred back to committee for determination.

### **Representations**

7. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. Application 20/01582/L has not attracted any letters of representation.

### **Consultation responses**

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

### **Design and conservation – no objection; recommend conditions**

9. The site visit revealed that the existing structure does not appear to be tied into the Ferry Boat building itself, but the engineers report supporting the application suggests that the existing structure might have taken on some load from or be providing some support to the existing listed building which is entered onto the Councils Building at Risk Register. The proposal to remove the existing toilet block is not opposed in principle, since it appears to be of little architectural merit. It is not clear from the application if it was in ancillary use to the Ferry Boat site or is internally connected. In the light of the above I would recommend that if the demolition of this block is to be approved, it is subject to some pre-commencement conditions to ensure that all necessary measures are taken to ensure that the structural stability of the Ferry Boat is preserved both during the demolition works and beyond. A demolition method statement should be provided by a qualified structural engineer and details should be provided as to how the buildings stability will be ensured for the duration of the work, but also moving forward. In addition, we should also apply a condition requiring any damage caused to the building to be repaired within 3 months of the works to a method agreed in writing with the Councils Conservation Officer, in addition, any temporary/permanent stopping up of any existing opening between the Ferry Boat and the toilet block (should they exist) should also be detailed in the repairs schedule, agreed in writing with the LPA and all works carried out as agreed.

### **Historic England – no objection**

10. Based on the information available to date, we do not wish to offer any comments on this application and suggest that you seek the views of your specialist conservation adviser. We are aware, however, that this proposal is associated with a larger scheme to redevelop the former King Street Stores site in which the WC block sits. While the demolition of the WC block is not in itself a matter of concern for Historic England, we would therefore suggest the Council consider this suppose

in light of the larger project. This is a project on which we have previously advised the applicant and we would welcome the opportunity to comment on the larger scheme when an application is submitted.

## **Assessment of planning considerations**

### **Relevant development plan policies**

11. **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
12. **Norwich Development Management Policies Local Plan adopted December 2014 (DM Plan)**
  - DM1 Achieving and delivering sustainable development
  - DM6 Protecting and enhancing the natural environment
  - DM9 Safeguarding Norwich's heritage
13. **Norwich Site Allocations Plan and Site Specific Policies Local Plan adopted December 2014 (SA Plan)**
  - CC8 King Street Stores

### **Other material considerations**

14. **Relevant sections of the National Planning Policy Framework 2021 (NPPF)**
  - NPPF2 Achieving sustainable development
  - NPPF15 Conserving and enhancing the natural environment
  - NPPF16 Conserving and enhancing the historic environment
15. **Emerging Greater Norwich Local Plan (GNLP)**
  - Policy CC8 of the emerging GNLP allocates the site for 20 dwellings and promotes the retention of the locally listed building, and reinstatement of the building frontage on King Street
  - At its current stage of examination, the GNLP should hold little to no weight in decision making

### **Case Assessment**

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

### **Main issue 1: Heritage & design**

17. Key policies and NPPF paragraphs – JCS2, DM9, NPPF paragraphs 124-132 & 184-202.

18. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 place a statutory duty on the local authority 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 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. Case law (specifically *Barnwell Manor Wind Energy Ltd v East Northamptonshire DC* [2014]) has held that this means that considerable importance and weight **must** be given to the desirability of preserving the setting of listed buildings and conservation areas when carrying out the balancing exercise.
19. In this case the demolition of the toilet block has the potential to impact upon the significance of the Grade II listed Ferry Boat Inn (former Public House) since a section of the toilet block proposed for demolition appears to be attached to the listed building. The site also sits within the City Centre Conservation Area, King Street Character Area (designated with 'High' significance). The proposal to remove the existing toilet block is not opposed in principle, since it is of little architectural merit, and it doesn't contribute positively towards the significance of the adjacent listed building or surrounding conservation area. The wall fronting King Street is to be retained so that the boundary between the site and the street is preserved.
20. A demolition method statement should be provided by a qualified structural engineer and details should be provided as to how the buildings stability will be ensured for the duration of the work. Without the wider redevelopment of the site which members of Planning Applications Committee resolved to refuse on 11<sup>th</sup> November 2021, a condition is recommended which seeks the front wall of the toilet block, which fronts King Street, to be retained.

### **Equalities and diversity issues**

21. There are no equality or diversity issues.

### **Local finance considerations**

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

### **Conclusion**

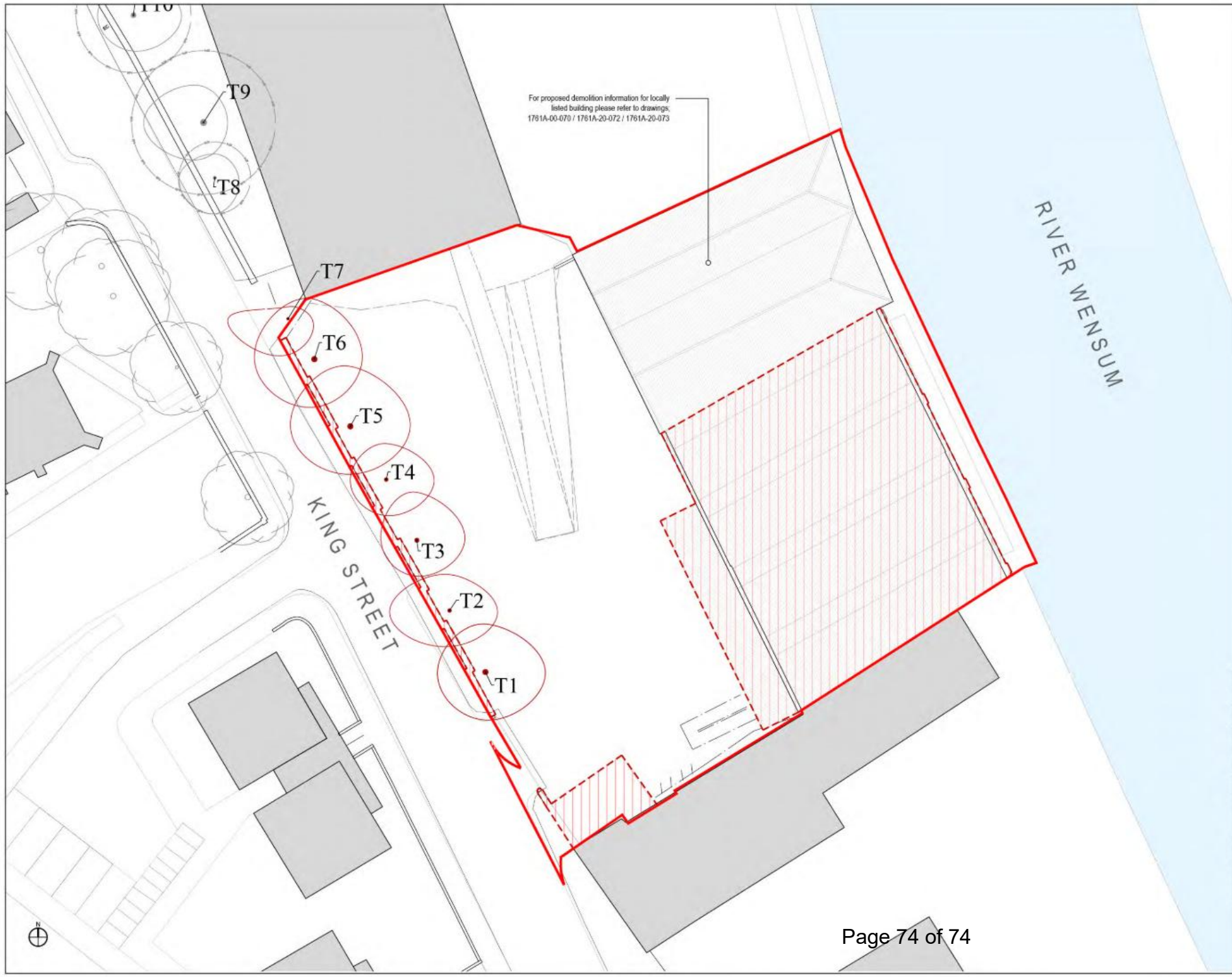
23. The application should be determined in accordance with the development plan unless material consideration indicate otherwise. The development is in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.



## **Recommendation**

To approve application no 20/01582/L and grant planning permission subject to the satisfactory completion of a legal agreement and subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Demolition method statement to be submitted and agreed;
4. Any damage caused to the building to be repaired within 3 months of the works as agreed with Local Planning Authority;
5. Wall fronting King Street to be retained.



For proposed demolition information for locally listed building please refer to drawings; 1761A-00-070 / 1761A-20-072 / 1761A-20-073

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<https://www.gov.uk/government/topics/construction-safety>

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

- Site Boundary Line
- To be demolished

Issued For			
Prepared By: TM	Date: 16/01/21	Checked By: DO	Date: 16/01/21
Description: Architectural and technical drawings			
Drawn By: TM	Date: 16/01/21	Checked By: DO	Date: 16/01/21
Purpose of Issue: PL - For Planning Submission		Issue Stage: 3	
Drawing Status: S2 - For Information			
Project Title: KING STREET STORES			
Client: Hartingham Capital			
Drawing Title: Existing Site Plan		Scale: 1:200@A2	
Date: Nov 2020	Drawn By: JS	Checked By: DO	Approved By: JR
Drawing Number: PROJECT NO   TYPE   UNIQUE NO   REVISION 1761A- 00 - 070 - B			
<b>Proworks</b> ARCHITECTURE   INTERIOR DESIGN   LANDSCAPE ARCHITECTURE Norwich Office: 200 High Street, Norwich, NR2 1EG Tel: 01603 401111   Email: info@proworks.co.uk			