

## **Planning applications committee**

**Date:** Thursday, 03 September 2015

**Time:** 09:45

**Venue:** Mancroft room, City Hall, St Peters Street, Norwich, NR2 1NH

### **Committee members:**

#### **Councillors:**

Sands (M) (chair)  
Herries (vice chair)  
Blunt  
Bradford  
Brociek-Coulton  
Button  
Carlo  
Jackson  
Lubbock  
Neale  
Peek  
Woollard

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

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### **Pre-application briefing at 9:00 – 9:30**

**BT Telephone Exchange, Westwick House, 70 Westwick Street, Norwich, NR2 4SY**  
There will be an informal briefing for members of the committee, ward councillors and other interested parties on the proposals for the development of the following proposal to demolish the BT telephone repeater station and residential redevelopment to build approximately 41 flats in two 4-5 storey blocks, with associated car parking, landscaping and riverside frontage.

### **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**

### **1 Apologies**

To receive apologies for absence.

### **2 Declaration 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 6 August 2015.

### **4 Planning applications and confirmation of Tree Preservation Order**

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.

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

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

Please note:

- The formal business of the committee will commence at 9.45.
- 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 to 14:00 if there is any remaining business.

### **Summary of planning applications for consideration**

**15 - 16**

### **Standing duties**

**17 - 18**

<b>4(A)</b>	<b>Application no 15/00273/F and 15/00274/L - 191 King Street Norwich NR1 2DF</b>	<b>19 - 50</b>
<b>4(B)</b>	<b>Application no 15/00635/F - 46 St Giles Street Norwich NR2 1LP</b>	<b>51 - 70</b>
<b>4(C)</b>	<b>Application no 15/00485/F - Baptist Chapel, Silver Road, Norwich, NR3 4TE</b>	<b>71 - 88</b>
<b>4(D)</b>	<b>Application no 15/00997/F - Utilities Site and Deal Ground, Norwich</b>	<b>89 - 108</b>
<b>4(E)</b>	<b>Application no 15/00612/O - 85B Lawson Road, Norwich, NR3 4LE</b>	<b>109 - 122</b>
<b>4(F)</b>	<b>Application no 15/00875/F - 3A Pettus Road, Norwich, NR4 7BU</b>	<b>123 - 132</b>
<b>4(G)</b>	<b>Application no 15/00744/F - 24 Eaton Street, Norwich, NR4 7LD</b>	<b>133 - 146</b>
<b>4(H)</b>	<b>Tree Preservation Order [TPO], 2014. City of Norwich Number 481; 99 Christchurch Road, Norwich NR2 3NG</b>	<b>147 - 160</b>

Date of publication: **Tuesday, 25 August 2015**







**Planning applications committee**

**09:30 to 12:40**

**6 August 2015**

Present: Councillors Sands (M) (chair), Herries (vice chair), Blunt, Bradford, Button, Carlo, Lubbock, Jackson, Neale, Peek and Woollard

Apologies: Councillor Brociek-Coulton

**1. Declarations of interest**

There were no declarations of interest.

Councillor Woollard said that she had spoken to residents about item 7 (below), Application no 15/00683/F- Mile Cross Area Housing Office, 2 - 8 Hansard Close, Norwich, NR3 2LY, in her capacity as a local member for Mile Cross ward and stated that she did not have a predetermined view and would approach the determination of the application with an open mind.

**2. Minutes**

**RESOLVED** to approve the minutes of the meeting held on 6 July 2015, subject to amending the time recorded for the commencement of the meeting to 9:30.

**3. Application no 15/00593/F - 20-22 Bridewell Alley, Norwich, NR2 1AQ**

The planning team leader (development) (inner) presented the report with the aid of plans and slides. He also referred to the supplementary report of updates to reports, which was circulated at the meeting, and pointed out a correction to paragraph 21 of the report (replacing the word “overlooking” with “overshadowing”).

During discussion the planning team leader referred to the report and answered members’ questions. Members sought clarification about the accessibility of the toilet facilities for disabled people and noted that as planning consent was not required for this element of the planning application, it could not be required as a condition of planning consent. The committee also considered that there should be access for the disabled and were advised that the case officer had discussed lowering the shop front with the applicant. Some members considered that a further condition could be added to ask the applicant to explore the feasibility of providing level access and, if it was found to be feasible, to provide access for disabled people. One member considered that this was unnecessary as the planning case worker had already explored this with the applicant.

In reply to a member's question, the planning team leader said that the use of the roof terrace was unlikely to impact on the neighbouring commercial properties. The future occupants would be likely to use the facility during the weekends or evenings. A member said that he was concerned that future residents of the residential units would suffer noise and disturbance from a nearby café and its patrons dispelling into the street late at night. He pointed out that this change of use came under permitted development rights and therefore the committee was powerless to address the amenity of the occupants.

Councillor Neale moved and Councillor Woollard seconded that an additional planning condition should be added to the list set out in the recommendations to require the applicant prior to the commencement of the scheme to assess the feasibility of providing level access to the shop and if demonstrated as feasible to provide it. On being put to the vote with 9 members voting in favour (Councillors Sands, Herries, Button, Lubbock, Carlo, Neale, Peek, Woollard and Bradford), 1 member voting against (Councillor Jackson) and 1 member abstaining (Councillor Blunt), the amendment was approved. There was general consensus that an informative should be added to the planning consent that advised the applicant to consider door treatments, such as a sliding door, which would make the toilet facilities accessible to people with disabilities.

**RESOLVED**, unanimously, to approve application no. 15/00593/F - 20-22 Bridewell Alley, Norwich, NR2 1AQ and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Details of materials;
4. Bin and bike storage to be provided within the site prior to occupation;
5. Water efficiency measures;
6. No development shall take place until a scheme which assesses the feasibility of providing level access to the new shop front has been submitted to and agreed in writing with the Local Planning Authority. Where the feasibility scheme shows that level access is feasible such level access shall be provided in full accordance with the approved details within the scheme.

Article 35(2) statement: The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations, following negotiations with the applicant and subsequent amendments the application has been approved subject to appropriate conditions and for the reasons outlined in the officer report.

Informative:

1. It is recommended that the new downstairs toilet shown on the plans should provide disabled access.
2. The applicant/future occupier is advised that the site is located within the heart of the city centre where noise from evening activities can be a nuisance. As the proposed residential use was permitted development no restrictive noise conditions have been applied in this instance.

#### **4. Application no 15/00256/F - 111 Adelaide Street, Norwich, NR2 4JD**

The planning team leader (development) (inner) presented the report with the aid of plans and slides. He also referred to the supplementary report of updates to reports, which was circulated at the meeting and contained a summary of an additional letter of representation and the officer response to the issues raised.

A member suggested that as there were three car parking spaces for four flats, an informative should be added to the planning consent to advise future occupants of the availability of the Norwich Car Club. This was agreed by consensus.

During discussion, the planning team leader referred to the report and replied to members' comments. Members noted that parking provision complied with the council's policy and that there was a landscaping condition to ensure that the detail of planting at the front of the property would be agreed with officers. The committee was advised that The Bread and Cheese public house had not been listed and that there were other public houses in the vicinity. Discussion ensued on heritage interpretation of the site as a former public house. Members noted that a condition to interpret the site under policy DM9 was not appropriate. It would be difficult to maintain the public house sign and the public house would have been called various names over the years. Members considered that the proposed design retained some of the external features of the building and were advised that there was a condition for the use of materials which could support retention of the heritage of the building.

**RESOLVED**, unanimously, to approve application no 15/00256/F - 111 Adelaide Street Norwich NR2 4JD and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Materials;
4. Landscaping;
5. Details of bin and bike stores; to be provided prior to occupation;
6. Details of any tree works (including replacement planting if necessary);
7. Retention of stained glass;
8. Water efficiency measures.

#### Article 35(2) statement

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

#### Informative:

The future occupiers are advised that a car club operates in Norwich which allows the use of vehicles on a pay as you go basis. The nearest vehicle is on Nelson Street. More information is available at [www.norfolkcarclub.com](http://www.norfolkcarclub.com).

**5. Application no 15/00239/F - 12 - 14 Old Palace Road, Norwich, NR2 4JF**

The planning team leader (development) (inner) presented the report with the aid of plans and slides.

One of the owners of the adjacent properties read out a statement from the owner of no 16 Old Palace Road. His objections to the scheme included: concern about the size and mass of the extension; that it would impact and block natural light to no 16; that the capacity of the temple would be increased and that potentially more people would attend the temple and increase noise and disturbance to its neighbours; and that noise and emissions from the flue and water run off would constitute a public nuisance in case law. The owner of no 12A Old Palace Road then addressed the committee and outlined her objections to the proposal which also included: intensification of use of the worship centre and unreasonable development in a primarily residential street, doubling its size; the applicant had not provided any indication of sound proofing; concern about emissions and odours from the flue and detrimental effect on the amenity of residents of 12a and 16 Old Palace Road through open windows and when enjoying their gardens; light restriction to the upper floor of both neighbouring properties and in particular given its proximity, blocking natural light to one of her windows which would look out on to a brick wall; concern about parking and noise from people attending the temple; and suggesting that the applicants should consider relocating to a purpose built facility. She pointed out that the current unauthorised ground floor extension had been tolerated as a temporary structure but the application for a permanent three level structure would be unreasonable for the neighbouring residents. (Slides provide by the owner of no 12A were displayed at the meeting.)

During discussion the planning team leader referred to the report and, together with the planning development manager, answered members' questions. A member expressed concern that no action had been taken about the unauthorised development. Members were advised that there were a number of options that the committee could consider including the refusal of the application and authorising enforcement action. One member said that he considered that the design of the kitchen and dining areas was a breach of environmental health regulations as the toilets led direct on to the dining room without a door in between and refuse and waste materials needed to be moved through the kitchen/dining area. Members were advised that the internal arrangements would need to comply with building and environmental health regulations.

Discussion ensued in which a member suggested that the intensification of this site for use as place of worship was not a sustainable location and contrary to policy DM1 and suggested that the appellants considered relocation to a more suitable location. Another member said that she had attended the opening of the temple five years ago and it was a small place of worship. There was no evidence to support the suggestion that the congregation was expanding or seeking to intensify the use of the site. The application was to rationalise the use of the facilities for the current congregation. A member pointed out that there was mixed development in Old Palace Road and that there was a small supermarket and garage in the vicinity. The planning team leader said that places of worship were often located in residential areas. The location of a place of worship near a district centre was

supported by planning policy. The temple was close to the Dereham Road district centre. The committee discussed the use of the flue and the kitchen facilities.

At one point during the debate, Councillor Neale moved and Councillor Jackson seconded that the application be refused because of its impact on parking and the highways, and that the intensification of the use of the site would be detrimental to residents' amenity. The motion was withdrawn following advice that, as the highway planners had not objected to the scheme, it would be difficult to substantiate refusal (under the National Planning Policy Framework guidelines). Members were also advised that additional conditions could be imposed to mitigate noise and disturbance to the neighbours from amplified sound or from people congregating to the rear of the building. Members also noted that the temple was detached and there was no party wall with the adjacent properties. Councillor Button (chair of licensing committee) spoke in support of an additional condition to control the use of amplified music on the site and said that it surpassed arrangements under the licensing regulations.

Members then considered that the temple was not in constant use throughout the week and that proposed development would improve the appearance of the building from the street and rear. Also the introduction of purpose built kitchen facilities and a flue would prevent cooking odours emanating from the building.

The chair moved the recommendations with additional conditions relating to the requirement that details of amplification equipment be submitted to the local planning authority prior to use and controlling the external space at the rear of the building.

**RESOLVED**, with 8 members voting in favour (Councillors Sands, Herries, Blunt, Button, Lubbock, Carlo, Woollard and Bradford), 1 member voting against (Councillor Neale) and 2 members abstaining (Councillors Jackson and Peek), to approve application no. 15/00239/F - 12 - 14 Old Palace Road Norwich NR2 4JF and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. External materials to match existing main building;
4. [Notwithstanding what is shown on the plans] Details of flue/extract system;
5. Details of water butts; to be retained in perpetuity;
6. Details of landscaping
7. Details of cycle and refuse storage;
8. Provision of car parking prior to first use;
9. No loudspeaker, amplifier, relay or other audio equipment shall be installed at the premises unless and until details of the amplification equipment have first 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 background noise levels at the nearest sensitive receptor.
10. With the exception of normal comings and goings to and from the premises, the external curtilage of the building shall not be used for congregational gatherings and the holding of outdoor events, including outdoor consumption of food and the prolonged overspill of visitors from the temple.

Article 35(2) statement

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

(The committee adjourned for a short break at this point. The committee then reconvened with all members present, as listed above.)

**6. Application no 15/00915/NF3 - Garages adjacent to 13 Riley Close, Norwich**

The planner development presented the report with the aid of plans and slides. He referred to the supplementary report of updates to reports which was circulated at the meeting and contained a correction to the report regarding the site plan; two further representations and the officer response and additional comments from the local highway authority proposing an informative be added.

Councillor Bradford, local member for Crome Ward, welcomed the application and said that there was a need for this type of accommodation in the area.

The planner referred to the report and answered members' questions. Twelve of the garages were currently empty and there was capacity in the area to provide alternative council owned garages to meet demand. The provision of the three unallocated parking spaces was beyond the policy requirement but sought to readdress the concerns raised by residents. Soft landscaping was subject to condition and the landscaping plan agreed.

**RESOLVED**, unanimously, to approve application no. 15/00915/NF3 - Garages adjacent to 13 Riley Close Norwich and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Details of materials and PV panels
4. Details of mitigatory planting next to the unallocated parking spaces
5. In accordance with the approved landscape plan
6. All boundary treatment to be carried out prior to occupation
7. Biodiversity enhancements to be carried out prior to occupation
8. Details of cycle parking to the frontage prior to occupation
9. If unknown contamination is found, mitigation to be approved prior to occupation
10. Details of all imported material prior to occupation
11. Prior to commencement details of archaeological written scheme of investigation
12. First floor windows to side elevations to be of obscure glazing.

#### Informatives

1. Adoption guidance.
2. Refuse and recycling.
3. Considerate construction.
4. Construction working hours.
5. Advice relating to processing asbestos.

#### Article 35(2) statement

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

#### **7. Application no 15/00683/F - Mile Cross Area Housing Office, 2 - 8 Hansard Close, Norwich, NR3 2LY**

The senior planner development presented the report with the aid of plans and slides. He referred to the supplementary report of updates to reports circulated at the meeting and explained the changes to the National Planning Policy Framework and the implications on the current status of planning policy related to the provision of affordable housing. He pointed out that there had been no objections to the scheme from members of the public. However a member of the public had raised concerns through his ward councillor at the pre-application stage on the position of the windows overlooking adjacent properties, which had been resolved in the design stage, and a housing management issue regarding the occupants of the one bedroom units.

During discussion a member said that hedges were an important part of the character of Mile Cross as a garden suburb of the city and therefore sought clarification of the planting at the front of the site. The senior planner explained that it would be possible to review the planting at the edge to maintain the character of the area but it would not be possible to place hedging at the front of the building because of the allocation of parking spaces.

Members welcomed the use of Passivhaus development and noted that retro fitting of heating could be carried out at a later date if necessary. Members also noted that Passivhaus technology required a change in mind-set for its occupants.

**RESOLVED**, unanimously, to approve application no. 15/00683/F - Mile Cross Area Housing Office 2 - 8 Hansard Close Norwich NR3 2LY and grant planning permission subject to the following conditions:

1. Commencement of development within 3 years from the date of approval;
2. Development to be in accord with drawings and details;
3. Details of plant and machinery;
4. Details of facing and roofing materials; joinery; verges, vent systems, external lighting;
5. Details of car parking, cycle storage, bin stores provision;
6. Details of off-site highways works,;

7. Details of landscaping, planting, biodiversity enhancements, site treatment works, boundary treatments, gates, walls and fences, access road and path link surface and landscape maintenance;
8. Pre-construction site meeting, details of arboricultural monitoring and where necessary AMS for protection of existing tree planting;
9. Compliance with AIA, AMS and Tree Protection Scheme implemented prior to commencement;
10. Retention of tree protection;
11. Details of provision and maintenance of LZC technologies and renewable energy sources should development not achieve Passivhaus accreditation;
12. Details of water efficiency measures;
13. Surface water drainage management;
14. Cessation of works if unknown contaminants found;
15. Details of all imported material prior to occupation.

#### Informatives

1. Considerate constructors
2. Advisory on Asbestos
3. Impact on wildlife
4. Highways contacts, permits, design note, works within the highway etc.

#### Article 35 (2) statement

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

#### **8. Application no 15/00559/F – 3 Helena Road, Norwich, NR2 3BY**

The senior planning technical officer presented the report with the aid of plans and slides. He explained that in order to mitigate the concerns of local residents that the cladding would inhibit access to the alleyway the cladding would be only 60mm at the lower level and increased in width to 100mm over 2.5m to benefit from greater insulation. There was also concern about the red brick gable end which would be rendered.

Councillor Carlo said that she considered that the cladding would make a difference to the energy efficiency of the house and improve its insulation. She considered that the compromise of using different widths at the bottom to maintain access to the alleyway was useful and would benefit the other residents.

**RESOLVED**, unanimously, to approve application no. 15/00559/F – 3 Helena Road Norwich NR2 3BY and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;



Article 35(2) statement

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

**9. Application no 15/00864/F – 8 Latimer Road, Norwich, NR1 2RW**

The senior planning technical officer presented the report with the aid of plans and slides. He explained that the projected gable was a feature of the area.

**RESOLVED**, unanimously, to approve application no. 15/00864/F – 8 Latimer Road, Norwich, NR1 2RW and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;

Article 35(2) statement

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

**10. Performance of the development management service; progress on appeals against planning decisions and planning enforcement action for quarter 1, 2015-16 (1 April to 30 June 2015)**

The planning development manager presented the report. He referred to the supplementary report of updates to reports which was circulated at the meeting and advised members of progress on enforcement cases.

Members were advised that the appeal for application no 15/00225/F, 1 The Moorings had been allowed at appeal.

During discussion members sought further information on the progress of enforcement action and asked that an explanation for the delays could be included in the next quarterly report to the committee. It was also suggested that the committee had an informal briefing on unauthorised development and the actions available to the council to address it.

**RESOLVED** to note the report.

CHAIR



# Summary of planning applications for consideration

## Item 4

03 Sep 2015

Item No.	Case No	Location	Case Officer	Proposal	Reason for consideration at Committee	Recommendation
4(A)	15/00273/F and 15/00274/L	191 King Street (Ferry Boat Inn site)	Tracy Armitage	Redevelopment of site to provide 43 dwellings including partial demolition of existing buildings	Objections	Approve subject to S106
4(B)	15/00635/F and 15/00636/L	46 St Giles Street (ex-YMCA)	James Bonner	Conversion to form 7 No. flats and associated alterations.	Objections	Approve subject to S106
4(C)	15/00485/F	Silver Road Baptist chapel	Judith Davison	Conversion to 10 flats	Objections	Approve
4(D)	15/00997/F	Utilities Site and Deal Ground	Mark Brown	Full planning permission for demolition works and a biomass fuelled energy centre and associated works, 435 units of student accommodation; commercial units; boat moorings, landscaping and public realm provision; access to Hardy Road and new vehicular access via the Deal Ground with new vehicular bridges over the River Wensum and River Yare. Outline planning permission for demolition works and provision of 120 residential dwellings; 282 units of student accommodation; research centre; data centre; education centre; offices and training buildings; pedestrian and cycle access to Cremorne Lane; boat moorings.	N/A	Site Visit

<b>Item No.</b>	<b>Case No</b>	<b>Location</b>	<b>Case Officer</b>	<b>Proposal</b>	<b>Reason for consideration at Committee</b>	<b>Recommendation</b>
4(E)	15/00612/O	85B Lawson Rd	Kian Saedi	Two dwellings (outline)	Objections	Approve
4(F)	15/00875/F	3A Pettus Road	Kian Saedi	Conservatory and garage	Objections	Approve
4(G)	15/00744/F	24 Eaton Street	John Dougan	Two-storey rear extension	Objections	Approve
4(H)	Tree Preservation Order [TPO], 2014. City of Norwich Number 481	99 Christchurch Road	Stephen Hayden	Tree Preservation Order No 481	Objections	Confirm

## **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**

03 September 2015

**Report of** Head of planning services

**Subject** Application no 15/00273/F & 15/00274/L - 191 King Street, Norwich, NR1 2DF

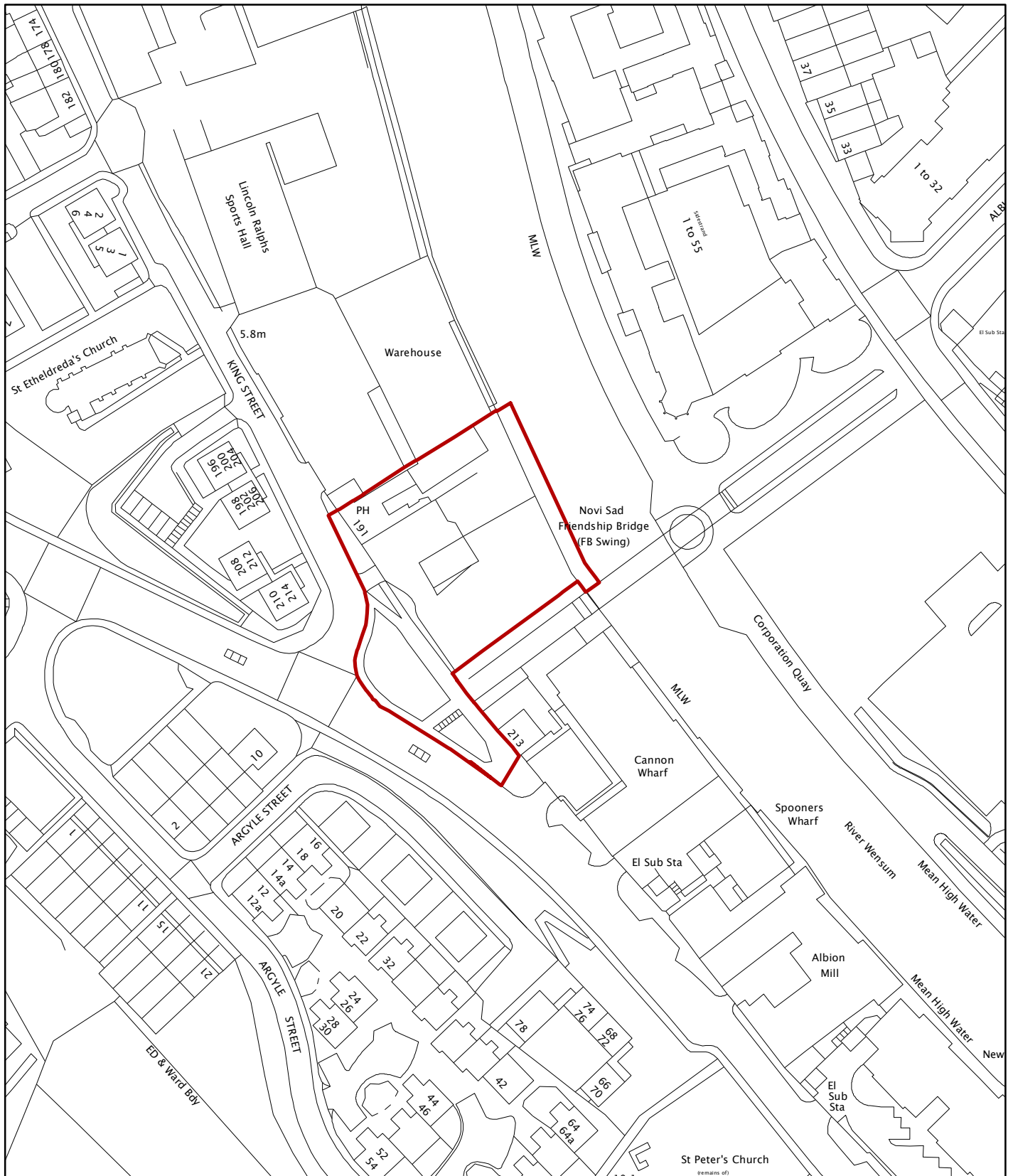
**Reason for referral** Objections

**4(A)**

<b>Ward:</b>	Thorpe Hamlet
<b>Case officer</b>	Tracy Armitage - <a href="mailto:tracyarmitage@norwich.gov.uk">tracyarmitage@norwich.gov.uk</a>

<b>Development proposal</b>		
Redevelopment of site to provide 43 dwellings including partial demolition of buildings on site and provision of a riverside walkway/staithe.		
<b>Representations</b>		
Object	Comment	Support
Original plans 12	-	-
Revised plans 6	-	-

<b>Main issues</b>	<b>Key considerations</b>
1 Principle of development	Residential use of the site Loss of pub Flood risk
2 Design	Height and massing of the development Whether the design respects the context and the surroundings including the conservation area and the listed Ferry Boat Inn
3 Heritage	Demolition of existing outbuildings Works to listed Ferry Boat Inn Impact on the setting of listed buildings close to site
4 Amenity	Impact on residents living close to the site Level of amenity for future occupiers
5 Trees	Loss of trees Whether replacement planting provides sufficient mitigation
6 Open space and landscape	Public benefit of waterfront proposals Landscape strategy for the site
7. Flood risk	Whether the development passes the 'Exceptions Test'
7 Transport matters	Parking levels
8 Affordable housing	Whether provision of affordable housing is viable
<b>Expiry date</b>	Extension agreed – 10 September 2015
<b>Recommendation</b>	Approve, subject to S106 and conditions



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Planning Application No 15/00273/F & 15/00274/L

Site Address 191 King Street (Ferry Boat Inn Site)

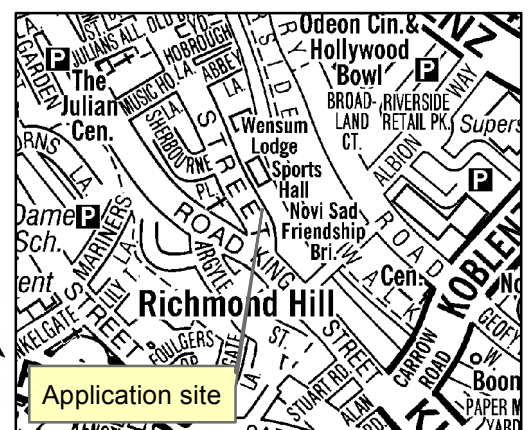
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**NORWICH**  
City Council

PLANNING SERVICES

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# The site and surroundings

## Location and Content

1. The site is located to the east of King Street at its junction with Rouen Road and the Novi Sad bridge. Currently the site is occupied by the Ferry Boat Inn a grade II listed building of 2½ storeys in height, in three bays with three large gable dormers extending west over King Street. To the south of the main building is a long stretch of flint wall which forms the south boundary wall to a number of extensions to the rear of the main building, there is also a series of single storey extensions which project eastwards towards the main river including a boat house at the eastern end.
2. A detached outbuilding is located to the south of the main building and contains evidence of an earlier 15th century building with a head of a door way from that date. The outbuilding is not historically connected to the Ferry Boat and is a survival of residential slum clearance and has later formed part of the curtilage along with the car park further to the south which dates from the 1980's.
3. The site is occupied by a number of trees, three Alders are located immediately adjacent to the river on the eastern boundary of the site a Sycamore and an Ash are located more centrally within the site and a Robinia and a three Rowans are located close to the sites access. Two of the Alders and the Ash are identified within the Arboricultural Implications Assessment as category grade B trees (of moderate quality and amenity value), the remaining trees are category C trees (of low quality and amenity value).
4. The River Wensum is located to the east of the site and forms part of the Broads opposite which are residential flats forming part of the wider mixed use riverside area. To the north are brick former warehouse buildings hard up against the river which are utilised by community music east. Opposite the site to the west are flat roofed post-war residential properties original constructed as council housing, to the south of this is a small green space at the junction of Rouen Road and King Street. The Novi Sad Bridge is located to the south and offers important views of the site, further south is Cannon Wharf a residential scheme which forms part of the wider Read Mills development. To the northwest corner of the Cannon Wharf site is 213 King Street (Cannon House) a small two storey grade II listed dwelling which is residential use. The site is particularly prominent in views from the east side of the river and from the south on King Street.

## Constraints

- City Centre Conservation Area – King Street Character Area
- Listed buildings:
  - On site: Former Ferry Boat Inn pub – Grade II listed. On the council's Buildings at Risk Register
  - Adjacent to the site - 213 King Street Grade II, King Store warehouse locally listed
- Flood risk - Parts of the site are at risk of flooding
- Sloping site - slopes down from King Street to the River Wensum

- Regeneration Area – King Street forms part of the South City Centre Regeneration Area
- Main area of archaeological significance
- Broads – The site backs directly on to the River Wensum, part of the Broads.

## Relevant planning history

Ref	Proposal	Decision	Date
10/01471/F and 10/01472/L	Alterations and extensions to provide a 150 - 200 bed backpackers' hostel (amended proposals).	Withdrawn	09/11/2010
10/02177/F	Alterations and extensions to the Ferry Boat Inn and construction of new accommodation block to provide a 150 - 200 bed backpackers' hostel.	Approved	18/07/2011
10/02178/L	Alterations and extensions to the listed building and removal of curtilage buildings to provide a 150 - 200 bed backpackers' hostel.	Approved	18/07/2011
15/00329/DC ON	Consultation on planning application submitted to the Broads Authority.  Erection of a riverside walkway/staithe on the river Wensum associated with proposed residential development at the former Ferry Boat Inn.	Withdrawn	

## The proposal

- The proposal has been amended since first submitted. These amendments have sought to address comments and objections made during the first round of public consultation. The amendments include design changes and a reduction in the number of dwellings proposed on the site from 47 to 43. The revised proposals include:
  - Demolition of existing single storey buildings on the site
  - Renovation and residential conversion of the listed Ferry Boat Inn into 2 dwellings
  - Associated works to listed building – planning ref:15/00274/L
  - New build residential units - 41
  - Excavation of the site to create lower level parking area with vehicular access from King Street

- River side pedestrian route across the river frontage of the site
- Landscaping of the highway land on the corner of Rouen Road/King Street

### Summary information

Proposal	Key facts	
Scale		
Total no. of dwellings	<b>43</b>	
	Studios	- 6
	1 bed flats	- 8
	2 bed flats	- 21
	2 bed duplex	- 2
	3 bed flats	- 3
	Houses	- 3
No. of affordable dwellings	Nil	
No of storeys	Riverside 'Wharf' building	5 stepping up to 6 storey (includes basement car park). Max height: 20.7m (above bank level)
	Bridge Tower	7 storey (plus basement car park below street level). Max. height above street level 23m
	Bridge link block	3 storey (plus basement car park below street level) Max height: 11.5m above bridge ramp
	King Street block (adjacent to Ferry Boat Inn)	3 storey (upper storey partially within roof space) Max height: 9.8m
	Burgage plots (extending to the rear of the Ferry Boat Inn to the river frontage)	2 – 3 storey (Max height: 11.4m above bank level)
Density	157 dwellings per hectare	

<b>Appearance</b>	
Materials	Brick including textured brick bond, render, zinc cladding, fibre cement roof tiles, profiled metal cladding
<b>Transport matters</b>	
Vehicular access	Access from King Street
No of car parking spaces	20 spaces
No of cycle parking spaces	43 spaces
Servicing arrangements	Communal - From King Street

## Representations

6. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. A total of 18 letters of representation have been received citing the issues as summarised in the table below. It should be noted that two of the representation are from Cannon Wharf Residents Association, who represent residents of Cannon Wharf and Spooners Wharf. All representations are available to view in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

<b>Issues raised</b>	<b>Response</b>
<b>Visual impact including bulk and massing</b>  Excessive height of river fronting building and bridge tower - relative to Novi Sad Bridge, the existing buildings to the north on King Street and Cannon Wharf  Out of scale compared to adjacent existing development  Cannon Wharf stepped roof line  Lack of setback – canyon/shading effect on river	Para. 42 - 55
<b>Visual appearance</b>  Excessive mass of red brick  Rendered courtyard elevation	Para. 49

Issues raised	Response
<p><b>Heritage</b></p> <p>Historic Ferry Boat Inn overpowered</p> <p>Design of King Street elevation unsympathetic</p> <p>Harmful to the setting of Ferry Boat Inn/ Cannon House and the conservation area</p> <p>Design – lacks sympathy for King Street and Wensum Riverside</p> <p>Lack of heritage impact assessment on single storey buildings</p> <p>Condition of listed Inn should just not justify proposals which would create a sympathetic setting for the listed building</p>	<p>Para. 42 – 55 &amp; Para. 56</p>
<p><b>Impact on amenity</b></p> <p>Overlooking and loss of privacy</p> <p>Overshadowing and loss of light</p> <p>Loss of views along the river to the cathedral, Rouen road and king street</p>	<p>Para. 62 - 68</p>
<p><b>Loss of pub</b></p> <p>King Street important heritage connection to beer and brewing – once 80 pubs along King Street and three breweries</p> <p>Should be retained and restored</p> <p>Large increase in residential population in this part of the city - Need for more pubs, shops , restaurant, cafes</p> <p>Mixed development – provide social focus</p>	<p>Para. 35 - 37</p>
<p><b>Transport matters</b></p> <p>Lack of on-site parking</p> <p>Cycle parking – significant proportion should be single tier and accessible</p> <p>Existing kerb separating the cycle path from the footway should be retained.</p>	<p>Para. 87 - 89</p>

Issues raised	Response
River walkway - provide a focus for antisocial behaviour	Para. 80
Development will block a significant sweeping panorama of views from the remaining city wall sections near Carrow Hill across to the cathedral , castle and City Hall	Long distance views of the development are limited.
Loss of trees	Para. 69 - 73

## Consultation responses

7. 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.

### Ancient Monuments Society

8. Welcome the re-use of the site. Regarding the Ferry Boat Inn request a detailed schedule of works in relation to the outbuildings and a detailed assessment of their significance.

### Anglian Water

9. Confirm available capacity in the foul sewage network and wastewater treatment works. Recommend condition relating to Anglian Water Assets in the vicinity

### Design and conservation

10. 15/00272/F – Summary conclusion: The proposals are considered to provide a high quality contemporary scheme that provides many of the design requirements for the site (e.g. recreating positive frontages to King Street and the river; recreating a route from King Street to the river etc). The proposed buildings generally respond well to their context in terms of their positioning, scale, material and design. It is however considered that the massing of the tower on the King Street elevation will cause a degree of harm to the character of the conservation area in its *immediate* vicinity. However the character in this area is very much one of transition and it does not have the strong historic character of the northern end of the street. In fact, there are a number of other tall buildings that this tower will relate to. It is therefore considered that limited harm will be caused by this aspect of the proposal and the overall benefits of bringing this derelict site back into beneficial use, in the manner proposed, will be great.
11. 15/00274/L – Summary conclusion: The proposals are considered acceptable and will bring a long-term vacant Building at Risk back into use in a manner which largely retains the building's significance. Alterations to the building are sympathetic to the historic fabric although it must be acknowledged that less than substantial harm will be caused by the loss of the rear range staircase and to the setting of the building, due to the proximity of the new build to the rear and the loss of the historic

visual and physical association to the river. However it is considered that this harm is outweighed by the benefits of bringing the building back into use, alongside the wider redevelopment of the adjoining site.

### **Broads Authority**

12. Navigation: The Broads Authority support the revisions which mean that both the balconies and the walkway do not encroach into the navigable channel. The location is not considered suitable for temporary or permanent moorings and the Broads Authority would object to the launching of boats from a suspended structure. Given the proximity to the Novi-Sad bridge a de-masting mooring would be supported
13. Design: Concern over the scale of the development immediately adjacent to the riverside. Revised scheme represents a reduction in height of the units on the riverside and this is broadly welcomed and is an improvement. However, they remain tall on the river frontage leading to the canalisation of the river between the two bridges. Whilst it is appreciated that it may not be considered appropriate for new development upstream of the application site to be a similar height, this may be harder to resist if the site is developed as proposed. Although the set back is an improvement it will result in a poor solution in terms of usable space, the hard landscaping and undercroft being uninviting. The scheme would benefit from a degree of penetration - visual link through this facade into the courtyard. This would create a break in the continuous facade and a better relationship with the staithe area. Without a physical or visual connection to the courtyard space the scheme cannot be supported on design grounds. As regards the tower and bridge elevation it is considered that the impact of this will be fairly minimal from the river.

### **Environmental protection**

14. No objection subject to imposition of standard relating to contamination and construction method statement.

### **Environment Agency**

15. No objection to the proposal subject to conditions relating to: flood risk mitigation; groundwater and contaminated land; piling and foundation design

### **Highways (local)**

16. No objection subject to conditions requiring cycle parking and a scheme for highway improvement works. The proposed development is highly suitable in transportation terms for its city centre location adjacent to Riverside due its highly sustainable location offering access by all travel modes and city centre facilities. The proposed new vehicle access to King Street is acceptable; it would slightly modify the extant access point by moving it away from the junction and adjacent cycle path which is welcome. The extant path alongside the Novi Sad bridge is highway, it is necessary to allow for maintenance access by Norfolk County Council Structures team. It is sensible that public access is enabled to enjoy the river, it is hoped that anti-social behaviour would be deterred if it were in more active use by the public. The building frontage to the Novi Sad bridge proposes several balconies, as these overhang the adopted highway path, these will require a license from the city Highway Authority. The location and capacity of the cycle storage is adequate, it may be necessary for high density storage techniques to be used, this should be subject to condition. As a

new residential development the properties will not have parking permit entitlement, therefore as the city centre operates a 24/7 controlled parking zone there is strong provision to ensure that the development does not cause detriment to the local area. The development will attract some traffic movements, although not many more than the pub would have attracted. However, the provision of only 19 car parking spaces will help to keep traffic movements low and its location would further encourage travel on foot, bus or cycle. The local area is planned to become a 20mph zone with traffic calming later in 2015 which would help to mitigate any additional traffic impact. The proposals to enhance the setting of the building with new landscaping is welcome in principle; the grass verge and paths approaching the bridge are all adopted highway.

## Historic England

17. In our letter dated 1st April 2015 (response to scheme as first submitted ) we established the significance of the site in the conservation area and particularly how the addition of new building to the site would have a different impact on the river and King Street sides respectively. The revisions have changed the detailed modelling of the new building in a number of ways, but the principal changes relate to the height and siting of the new units. We are broadly content with the riverside and linking blocks and particularly pleased to note the commitment to including a riverside walkway in the scheme. The new building on King Street beside the Ferry Boat is also acceptable in principle, the pitched roofs making a better transition between modern forms of building to the south and the Ferry Boat itself. We would also not oppose the new building to the rear of the former pub.
18. As noted in our letter (paragraphs 5-7) the site is a 'hinge' point in the King Street part of the conservation area; a point which links the downstream area characterised by former industrial premises, to the upstream area where the historic scale and grain of development is more intact. Recent building downstream of the footbridge acknowledges and enhances an understanding of this. The proposed new tower by virtue of its form and height does not. The revised plans do not show the reduction in the height of the tower recommended in our earlier advice. We are therefore still of the view that the tower would be harmful to the significance of the conservation area in terms of paragraphs 132 and 134 of the NPPF and would not deliver the enhancement of the heritage assets paragraph 137 states the Council should seek. The revisions indicate some remodelling of the tower, which is welcome, but this does not change its excessive height. It might be helpful to state that on balance maintaining the original height of the riverside units would be preferable if the reduction of residential units caused by reducing the tower height could be off-set. We would encourage further consideration of this and other approaches to reducing the tower by one storey.
19. We would accept that the new housing could deliver some public benefit in terms of paragraph 134 of the NPPF to set against the harm identified above, although a good deal of new housing is being created in this part of the City and more is soon to come. This is a factor for the Council to consider, but if the 'clear and convincing' justification for the harm in terms of public benefit required by the NPPF is not found we recommend the application is refused.



## **Housing strategy**

20. Having reviewed the viability study provided for the revised scheme I am comfortable that the scheme shows that delivery of any affordable housing is not viable. In light of the nature of the development I would be happy to see the S106 to state this providing we insert a clause for review.

## **Landscape**

21. It is considered that the proposals include a number of successful landscape design principles including the provision of private, semi-private and public space and physical and visual connectivity between the river and King Street. The design proposals for the green space on King Street are generally successful although these will require careful refinement in response to utilities restrictions. The courtyard proposals are successful in terms of organising the space and providing access and amenity function. The detailed design will need to create more visual interest that currently shown and incorporate highly specified planting creating texture and diversity and linking through to Wickhams Yard.
22. The redesigned riverside walk provides access but now has limited landscape value. It will serve a greater value if additional connections are opened to neighbouring sites. The communal staithe area is limited in size but does provide the opportunity by using surface materials, planting and seating to create a focal point at this point. It is recommended that planning conditions be imposed to secure the approval of details for: trees, riverside walkway and staithe; soft planting and boundary treatments and other items eg seats, planters etc

## **Norfolk historic environment service**

23. No objection subject to the imposition of standard archaeological condition.

## **Natural areas officer**

24. The ecology report concentrates mainly of the possible impact of the development on bats which are known to forage along the adjacent stretch of the River Wensum. Bat mitigation measures should be addressed and external lighting and light spillage should be minimised. New planting offers limited opportunity for biodiversity enhancements and loss of existing trees unlikely to be compensated by the new shrub and tree planting. Where planting is proposed it should use a high proportion of plants of value to wildlife through their flowers, fruits or seeds. Proximity of the building to the river provides no scope for a 'green corridor'.

## **Norwich Society**

25. Response to scheme as first submitted - We are much in favour of the principle of developing this site and incorporating the Ferry Boat Inn in to the project. We like the simplicity and visual quality of the treatment to the elevations which is appropriate to the context. On King Street concerned regarding sudden transition from a 3 storey façade to 7 storey tower on the corner. Agree corner needs to provide visual stop but concerned tower is too dominant and stark – 5 storeys would be more appropriate. On the river front concern about the cantilevered staithe / walkway – set back of river frontage would be more sympathetic; elevations more visually acceptable if reduced by one storey this would reduce sense of canyonisation. Strongly in favour of public access and a riverside walkway.

## **Tree protection officer**

26. The proposed development will require the loss of 7 trees and we would expect a 1 for 1 replacement. However given the constraints surrounding the proposed planting on the frontage of the site it is clear that any replacement planting is not going to be on, or immediately adjacent to, the site. Planting of a number of street trees on Kings Street would be a suitable alternative, however it is unlikely that 7 trees can be planted here. Therefore we would need to agree a way of securing the planting of additional trees, either within the conservation area or elsewhere, in reasonable proximity to the development as part of a landscaping package for the development.

## **Assessment of planning considerations**

### **Relevant development plan policies**

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

JCS1	Addressing climate change and protecting environmental assets
JCS2	Promoting good design
JCS3	Energy and water
JCS4	Housing delivery
JCS11	Norwich city centre
JCS18	The Broads

28. 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
- DM11 Protecting against environmental hazards
- DM12 Ensuring well-planned housing development
- DM13 Communal development and multiple occupation
- DM22 Planning for and safeguarding community facilities
- DM31 Car parking and servicing
- DM32 Encouraging car free and low car housing
- DM33 Planning obligations and development viability

### **Other material considerations**

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

NPPF0 Achieving sustainable development

NPPF4 Promoting sustainable transport

NPPF6 Delivering a wide choice of high quality homes

NPPF7 Requiring good design

NPPF10 Meeting the challenge of climate change, flooding and coastal change

NPPF11 Conserving and enhancing the natural environment

NPPF12 Conserving and enhancing the historic environment

### 30. Supplementary Planning Documents (SPD)

Affordable housing SPD adopted march 2015

## Case Assessment

31. 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

32. Residential - Key policies and NPPF paragraphs – DM12, NPPF paragraphs 49 and 14.

Loss of pub - Key policy DM 22

Development in flood risk areas - Key policies and NPPF paragraphs – JCS1, DM5, NPPF paragraphs 100 and 103

33. The site is not allocated for a specific type of development in the Local Plan. The 0.27 ha site was last used in 2006 as a public house, music venue and beer garden. Since that date the site has been vacant and ownership of the site has changed twice. The first purchaser promoted the development of a back packers' hostel on the site. This was granted planning approval in 2011 (ref: 10/02177/F). It is understood that this scheme proved not to be viable and the site was subsequently sold to the current owners.

34. The former Ferry Boat Inn buildings occupies around a third of the site, the remainder being open and unkempt. The site lies within the south city centre regeneration area identified in the JCS, policy 11, as an area of change, suitable for mixed use development and improved public realm.

35. The proposal consists of the comprehensive redevelopment of the site solely for residential purposes. In accordance with the NFFP and the national objective of boosting housing supply, DM 12 is permissive of residential development except where sites are: designated for non-residential purposes; within a specified distance

of a hazardous installation; within or immediately adjacent to the Late Night Activity Zone or at ground floor within the primary or secondary shopping area. None of these exceptions apply to this site.

36. DM 22 seeks to safeguard community facilities, including public houses, for the benefit of the communities they serve. The Ferry Boat Inn building dates from the 17<sup>th</sup> century, its use as a public house being first noted in 1822 when it was called the Steam Packet. The pub was re-named the Ferry Boat Inn in 1925 and continued in that use until 2006. The approved back packers hostel scheme included the demolition of existing buildings to the rear of the Ferry Boat but retained the ground floor of the historic building in public house use. The back packers' hostel scheme proved not to be viable.
37. Given the long term vacancy of the building the Ferry Boat Inn was removed from the historic pubs register in 2014 when the current DM Plan was adopted. Despite this, the requirements of DM22 remain applicable. The policy states that development resulting in the loss of an existing community facility (including public house) will only be permitted where adequate alternative provision exists within 800m walking distance of the site and there is evidence that there is no realistic interest in its retention for the current or alternative community use. The site is located close to the city centre and as such there are a number of public houses within 800m of the site. In terms of market interest, the pub has now been closed for 10 years and marketing over that period of time has not generated interest by a developer wishing to continue with the public house use. Given the deterioration in the condition of the listed building and associated outbuildings, it is highly likely that the viability of re-opening the public house or re-using it for an alternative community purpose, will have further reduced over this time period. Although it is considered regrettable that the historic use of this site will be permanently lost, in the context of both DM22 and DM 9 and securing the future viable use of the listed building (on the City Council's Buildings at Risk Register) the principle of re-using the building for non- community purposes is considered acceptable.
38. The site is at risk of flooding. The NPPF and DM 5 seek to direct new residential development to sites at the lowest risk of flooding. The site extends across three flood risk zones. Approximately 40% of the site is at low flood risk whilst the remainder falls into zones 2 and 3, at medium and high flood risk. In accordance with policy, a sequential test has been applied in order to assess whether the development could be accommodated on alternative site/s at lower flood risk. Given the application relates to development within an identified area for regeneration, DM 5 requires only sites within the southern and northern city centre regeneration areas to be considered. These two regeneration areas cover significant geographical areas of the built up part of the city and much of this area is at low risk of flooding (flood zone 1). Within the south city centre area a number of sites have been allocated for residential development and some of these are in low risk areas. In addition given the nature of the area there is likely to be a number of brownfield /possible windfall sites which may be capable of redevelopment. These sites are theoretically available for residential development of a similar scale to that proposed by this application.
39. However, the development of these alternative sites would not result in the same level of wider sustainability benefits compared to the development of the Ferry Boat Inn site. These benefits are referred to in the report but in summary include:

- The development of a long term vacant site within an area identified for regeneration
- Secure the long term future of a historic building currently on the council's Building at Risk register
- The development of a site prominently located within City Centre Conservation Area and highly visible from the River Wensum.
- Provision of public access to the river
- Provision of new homes
- Enhanced public realm areas

40. Where such wider sustainability benefits exist the NPPF allows development in flood risk areas provided the 'Exception' Test is met. Essentially, the two parts to the Test require proposed development to show that it will provide wider sustainability benefits to the community that outweigh flood risk, and that it will be safe for its lifetime, without increasing flood risk elsewhere and where possible reduce flood risk overall. These matters are addressed in para. 83-84 of the report where it is concluded that the development meets the requirements of the test. On this basis the principle of development in an area of the city at flood risk is considered acceptable

41. In terms of the principle of development and having regard to policies DM5, DM12 and DM22 there is no adopted policy objection to the residential development of the site.

## **Main issue 2: Design**

42. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 9, 17, 56 and 60-66.

43. In order to deliver high quality design, DM3 sets out design principles against which all new development should be assessed. These principles seek to ensure that development in terms of layout, siting, density, massing and materials is locally distinctive and respects, enhances and responds to the character and local distinctiveness of the area. The location of application site within the City Centre Conservation Area and adjacent to the River Wensum introduce further significant design considerations.

44. The application has been accompanied by a Design and Access Statement (D&A) which includes a detailed analysis of the site and the surrounding area and explains how this has guided the design of the scheme. The analysis includes consideration of the context/surroundings and the nature, pattern and form of development associated with this part of the city. The King Street Conservation Area Appraisal is cited, which sets design parameters for new development in this location, including:

- New development must tighten up grain of the area, reflecting historic building plots and streets that survive and those that were destroyed
- Access via narrow lanes to the water front should be retained
- Scale of buildings should reflect existing traditional buildings with larger buildings more appropriate at the south east end

- Public realm works to create high quality and unified streetscape.
45. The design strategy set out in the D&A seeks to respond to the opportunities of the site and to the design parameters set for new development in this area. The design approach includes:
- a group/ensemble of buildings - creating a tight urban grain
  - Re-creation of a lost narrow lane - Wickhams Yard, linking King Street with the water front
  - Re-creation of a 'burgage plot', an historic form of building plot - including the Ferry Boat Inn and new buildings in a narrow plot extending to the water front
  - Buildings which vary in character and scale - ranging in height from two to seven storeys responding to the domestic scale of the Ferry Boat Inn, industrial riverside building and the 'pivotal' location
46. A number of design objections were received to the scheme as first submitted. These included objections from residents living close to the site, in particular residents of Cannon Wharf, as well as from Broads Authority and Historic England. The objections were in particular focused on the amount of development proposed on the site and the height and proximity of the development relative to adjacent buildings, the river and to historic form of development on King Street.
47. The Broads Authority were critical in particular of the height and proximity of the proposed 'wharf' block to the river and the resulting canyon effect. In addition they indicated their objection to elements of the development (a pontoon type river walkway/staithe and projecting balconies) which extended into/over the River Wensum and into their area of jurisdiction. A number of objections cited the excessive height of both the Wharf building and that of the Bridge Tower. Historic England indicated that the proposed height and massing of the two blocks could result in harm to the significance of the conservation area in terms of paragraphs 132 and 134.
48. The amended scheme seeks to respond to some of this design comments and objections. The height of the main riverside building has been reduced by one storey and setback by 2.1m at river bank level. The setback allows for pedestrian access across the river frontage and for balconies of the river fronting apartments to avoid oversailing the Broads Authority area. In addition the three storey block facing King Street has been amended to a more traditional building form and the appearance of the Bridge Tower has been revised to include recessed textured brick bond to the stair core and recessed brick panels. The 'link block' between the riverside building and King Street has also been revised to increase articulation by incorporating a setback, recessed render panels and vertical planting. The revised scheme has been subject to a further period of public consultation and it should be noted that objections have been re-stated.
49. The design of the amended scheme has been critically assessed by the council's design and conservation officer. The broad design approach is considered to be well founded and imaginative. The development will repair and provide a new use for a vacant listed building, re-establish a positive frontage to both the river and King Street, re-create a historic route to the river frontage; make creative and effective use

of contemporary pallet of material and provide the opportunity for public realm enhancements. The scale of the buildings is generally considered to deal well with the height found in the area, particularly on the river frontage where the development steps down from 6 to 3 storeys. The revised Wharf block is now more consistent in height to that of Cannon Wharf albeit sited closer to the Novi Sad bridge. Although the height of the proposed block is significantly higher than historic buildings on this site, this is not considered unacceptable as a matter of principle for two reasons. Firstly, the site is considered to be located at a 'hinge point' on King Street and within a transitional area, between the relatively small-scale historic buildings to the north and larger historic industrial buildings to the south. Secondly, the construction of the Novi Sad bridge has changed the nature of this location and it is justified for new development to now respond to this changed context. On this basis the site is considered distinctive to sites to the north along King Street where the concentration of smaller scale, highly significant listed buildings should mitigate against tall new development.

50. In terms of the new buildings proposed adjacent to the listed Ferry Boat Inn, the amendments to the form and appearance of the three storey King Street fronting block are considered positive. The revised roof design of this block, in particular seeks to respond more sympathetically to the sequence of bays and fenestration of the Ferry Boat Inn and acts as a more effective transitional building with the Bridge Tower. In terms of the development immediately to the rear, the 'burgage plot' development reflects, although does not replicate the traditional form of building, and this is considered positive. The three family houses proposed within this plot, range in height between two and three storey and are taller than the buildings they replace. Distinctive materials are proposed, including significant areas of zinc cladding. As such the building will contrast with the listed building but aim to evoke the historic use of this part of the site as a boat yard. This design approach when viewed from the river is considered positive and the scale of the buildings will relate well to the locally listed building to the north – King Street Stores. However, the development will mean that the historic association of the Ferry Boat Inn and the river frontage is reduced and that much of the visual link between the building and the river will be lost, particularly given the height and proximity of the development.
51. The proposed 'bridge tower' building is a significant element of the development and with reference to the D&A the building is intended to mark the site's pivotal location:
  - Junction between King Street and Rouen road
  - Transition between two distinct contexts ie King Street (N) small scale historic fabric with traditional buildings/townhouses of 2-3 storeys – King Street (S) mix of historic warehouses and large scale contemporary residential developments
  - Landing position of the Novi Sad bridge
52. The 7 storey building is intended to mark this location and according to the D&A to appear as an 'elegant vertical volume'.
53. The height and potential overdominance of this element of the scheme has been the focus of a number of representations. Indeed when the scheme was first submitted officers raised concerns about the visual massing of this element particularly when viewed from Rouen Road. The revised scheme has sought to address these concerns by incorporating design features to reduce the apparent massing of the tower.

54. In terms of the principle of a building of this height, in some respects a tall element to the scheme is not out of keeping in the immediate area, as it will be read in conjunction with the projecting seven storey building to the south and also Norman Tower to the south-east. It is also considered justified, because of the particular location, for the building to act as a local landmark and a strong visual marker. The council's design and conservation officer considers that although the recent revisions have improved the design of the bridge tower, these changes have not fully addressed the overall massing of the building. The effect is that although when viewed from the south the tower appears positive and well integrated, when viewed from Rouen Road the massing acts against the building appearing as an 'elegant vertical volume'. The council's design and conservation officer has advised that this will cause a certain level of harm to the conservation area but that the harm will be very limited, as the local townscape and topography restricts wider visibility of the site. From the northern section of King Street, views of the development will be distant and obscured. This part of the conservation area is highly significant, retaining a large number of traditional small scale buildings including Dragon Hall and The Music House, both grade I listed building and Howard House, grade II\*. This historic core to King Street is considered highly sensitive to change but the development will not be visible from this location or viewed in this context. Moving south along King Street the character is diluted by the Wensum Lodge sports hall, its associated parking, the set back of the warehouse to the north of the Ferry Boat and the form of 20<sup>th</sup> century housing on the western side of the street. In this context the impact of the Bridge Tower is considered acceptable and the degree of harm limited. On this matter the officers' view is contrary to that of Historic England who it should be noted maintain an objection to this element of the scheme.
55. Despite these areas where harm will be caused, the proposals as a whole are considered to provide a high quality contemporary scheme that provides many of the design requirements for the site (e.g. recreating positive frontages to King Street and the river; recreating a route from King Street to the river etc). The development has a strong and distinct appearance which reflects the predominant historic building form, layout, scale and materials of the area and also creates a place that has its own locally - inspired character. The scheme's distinctiveness in part is attributable to the quality of materials and architectural detailing and it is also this design quality that justifies a high density contemporary design approach in this part of the conservation area. In the event of planning permission being approved it will be necessary to ensure that this design approach is adhered to during the construction phase. Provided this is the case the shortfall in parts of the scheme are considered to be outweighed by the benefits associated with: the redevelopment of this prominent site and long vacant listed building; the delivery of new housing and public access to the river and staithe area.

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

56. Key policies and NPPF paragraphs – DM9, NPPF paragraphs 128-141.
57. The impact of the development on the conservation area and the setting of the listed Ferry Boat Inn has been assessed in the previous paragraphs. In this section the demolition of existing building is assessed along with the works to the Ferry Boat Inn and the impact of the development on adjacent listed and locally listed buildings.
58. The Ferry Boat Inn comprises a number of buildings which vary in age and historic significance. The building fronting King Street dates from around 1630. However the



range immediately to its rear is likely to pre-date that, with the Ferry Boat building being built up against it. Both parts of the building are therefore of significance being of relatively early date. At the rear of the buildings there is a series of single storey extensions that step down towards the river and which historically would have housed river related functions. These single storey buildings along with a flint and brick outbuilding to the south are proposed for demolition. The council's conservation and design officer has advised that the single storey buildings are later than the King Street fronting buildings, with sections possibly dating to the late 19<sup>th</sup> century. These buildings have been substantially modified and altered but historically housed a boat yard use from which a ferry service was also operated. The existing structures have retained limited architectural and historic significance, with the exception being a substantial external flint wall which lined the original Wickhams Yard. This wall is to be retained as part of the scheme. Given the retention of this feature the design and conservation officer has confirmed that she has no objection to demolition, subject to the historic recording of the buildings.

59. The outbuilding to the south has similarly been heavily modified in the 19<sup>th</sup> and 20<sup>th</sup> centuries but does include a brick up arch of an earlier structure from around the 14<sup>th</sup> century. The proposed scheme retains this archway feature where it will be incorporated into the lower ground floor level. Given the retention of this feature the design and conservation officer has confirmed that she has no objection to demolition, subject to the historic recording of the buildings.
60. The Ferry Boat Inn conversion works are subject to a separate listed building application. These works facilitate the use of the former pub for residential purposes. It should be noted that the public house use is only evident at ground and basement level as the upper floors are laid out as residential accommodation. Two flats are proposed, one at ground floor level and the second split across the upper floors. The proposals seek to retain the historic room layout and where modifications are proposed this involves the removal of modern partition walling. In particular the open layout of the former public bar area is retained as well as the broad pattern of circulation between ground floor rooms. Historic internal features including significant staircases/steps and fire places are retained as integral parts of the scheme. It is considered that the scheme responds well to the significant elements of the listed building and as such the re-use for residential purposes is acceptable. The works include the repair and refurbishment of the external and internal fabric which will secure the long term future of this historic building, which is currently on the council's Buildings at Risk Register.
61. In terms of other listed buildings located in close proximity to the site, these include: Cannon House, grade II listed to the south and King Street stores warehouse, locally listed building to the north. Although the development will be in very close proximity to Cannon House and will contrast markedly in scale, the setting of this listed building has already been substantially compromised by the Cannon Wharf development and indeed the industrial buildings that stood there before this. This development already dominates the immediate environs of the listed building and the scale of the new development will be viewed in this context. The locally listed warehouse building to the north of the site is highly visible from the riverside walk and the Novi Sad bridge. The proposed burgage plot development in terms of both scale and appearance responds well to this historic warehouse building.

## **Main issue 4: Amenity**

62. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
63. DM2 seeks to ensure satisfactory living conditions for existing occupiers living close to the development and future occupiers of the scheme.
64. There are no residential properties immediately adjoining the site but within the vicinity there are a large numbers of residential properties, particularly Cannon House, apartments that form part of the Cannon Wharf and Sidestrand developments and to the west properties on King Street. A number of objections have been received from these residents on the basis that given the height and proximity of the development there will be an unacceptable impact on their amenities as a result of loss of light, overshadowing, overlooking and loss of privacy.
65. The Sidestrand development is situated on the opposite side of the River Wensum approximately 35m from the site boundary. The separation afforded by the river and the riverside walk will minimise direct impacts of the development on these dwellings, although given the orientation there will be some degree of overshadowing of the river. To the south, Cannon House (213 King Street) and apartments forming part of the Cannon Wharf development are closer to the site boundary – 11.6m to the garden boundary of Cannon House, 13.4m to north facing fenestrated elevation of Cannon Wharf. This façade of Cannon Wharf includes a large number of windows and balconies which face the site with views towards the city, including of the cathedral.
66. The scheme includes a continuous development frontage abutting the Novi Sad bridge access ramp. The elevation visible from Cannon wharf includes the side elevations of the 'bridge tower' and the 'wharf' block and the three storey link building. This south facing elevation has a large number of windows, balconies and the link building has a top floor private roof terrace. This frontage has been designed as an outward facing principal elevation of the development and includes windows to bathrooms, bedrooms and open plan living space. The residential use of rooms and balconies will therefore be apparent from the Novi Sad bridge and to residents living in Cannon Wharf and Cannon House.
67. In terms of impact, given the development is to the north, the extent of overshadowing of buildings to the south will be limited although daylight levels are likely to be affected to some extent given the massing and height of the development. However, the variation in height of the development and in particular the three storey link block will reduce this impact and assist in reducing the possible overbearing appearance of the development. For residents living to the south, the change in outlook will be substantial, views across a largely vacant site replaced with a high density urban form of development. Existing privacy levels will be negatively affected since overlooking will be possible between existing and proposed windows and balconies. However, these impacts need to be assessed in the context of the location – a location close to the city centre where the prevailing character of development is high density. In addition the development has been designed to provide a varied and active frontage to the Novi Sad bridge - an important public route for pedestrians and cyclists and which separates the site from established development to the south. A less outward looking design would not be as successful in responding to this 'street' frontage. In these circumstances it is not considered necessary or desirable to prevent overlooking/loss of outlook but to avoid levels that are considered unacceptable in

this location. On this basis the amenity levels for both existing and future occupiers of the development are considered acceptable.

68. In terms of general amenity levels for residents of the new development, the dwellings have been designed to meet internal space standards set out in DM2 and to have access to outdoor amenity space. Most of the dwellings are dual aspect with principal windows outward facing with good outlook and light levels. Given the density and mix of development balconies function as outdoor space for the flats, whereas houses and duplex apartments have small courtyards. In addition the layout provides for an area of communal private courtyard and for a public open space adjacent to the River Wensum. On this basis the development meets the requirements of DM2.

### **Main issue 5: Trees**

69. Key policies and NPPF paragraphs – DM7, NPPF paragraphs 109 and 118.
70. There are seven existing trees on the site including 2x Alder, 1x sycamore, 1x Ash, 1x Robinia and 2x Rowan. In terms of quality, 5 are graded as category C trees whilst the Ash and 1 x Alder are category B. The trees are dispersed within the site with the four of the more mature trees located in a zone extending across the river frontage. The development will require the removal of all seven trees.
71. DM 7 requires where possible for trees to be retained as an integral part of the design of development. It is stated that development requiring the loss of protected trees including those within Conservation Areas, will only be allowed where it would allow for the substantially improved overall approach to the design and landscaping of the development that would outweigh the loss of any tree.
72. Retaining the existing trees on this modest site would significantly constrain the developable area and restrict the ability to protect new development from flood risk. Such constraints would limit the effective use of the site and undermine development viability. Given the quality of the trees, their removal is considered justified and will allow a form of development complimentary to the predominant tight urban grain of this part of the Conservation Area.
73. The proposed landscaping scheme indicates one replacement tree in the communal court yard area. In addition it was originally proposed to plant replacement trees on King Street within an adjacent green space. This highway land, has limited amenity value at present but is one of only a small number of open spaces within the Conservation Area. Tree planting in this location would be both desirable and beneficial however, it is evident that this may not be possible given the number of services/utility routes located under/on and over the land. The applicant remains willing to improve the quality of this open space and in the event of planning permission being approved this will be secured by a planning condition and a S278 agreement for works within the highway. However given uncertainty over the extent of tree planting that will be possible it is also considered necessary to secure replacement trees elsewhere in the conservation area. To the north of the site, scope has been identified for street tree planting along King Street between Dragon Hall and Howard House. Street Trees in this location will enhance both public realm and the character and appearance of this highly significant section of the conservation area. With reference to the requirements of DM7 this is considered satisfactory mitigation for the loss of trees from the application site

## **Main issue 6: Open space and landscaping**

74. Key policies and NPPF paragraphs – DM3, DM8, NPPF paragraphs 9, 17 and 56.  
Key policies and NPPF paragraphs – JCS1, DM6, NPPF paragraph 118.
75. The proposed landscape strategy includes a number of elements focused on the river frontage, the residential courtyard and King Street.
76. As originally submitted the scheme included a projecting riverside walkway and staithe area, which provided the opportunity for public access and waterfront amenity space. Following objections from the Broads Authority the revised scheme removes projecting elements and by setting the building back now indicates a partially enclosed riverside walk and smaller 'staithe' area. These spaces would be predominantly hard landscaped and function as; 1) a public access route across the river frontage accessed via the existing Novi-Sad bridge ramp and via Wickhams Yard, and 2) as an amenity area. Policy DM28 requires development to be designed to include a section of riverside walk where sites adjoin the planned route as identified on the local plan policies map. The planned route does not include the west bank of the Wensum between the Novi Sad and Lady Julian Bridge. However, securing access is considered beneficial given the particular location of this site, the existing lawful use of part of the site as a beer garden use (which allowed for public access) and the opportunity to link through to the adjoining site, allocated for residential development in the SA Plan (policy CC8). In addition DM3 requires development to be designed to maximise accessibility/permeability and indeed the historic pattern of development included narrow lanes linking King Street to the river frontage. On this basis the creation of a public route and amenity area adjacent to the river is considered a development benefit. Although the design of the route and amenity space offers limited scope for soft planting, varied/ high quality hard materials will secure a positive/useable public amenity space.
77. The Broads Authority have indicated that given the proximity of the site to the Novi Sad bridge they would not support the use of the river frontage for permanent mooring. In addition they have indicated that the current height of the river bank/nor the height of the proposed staithe area would be suitable for the safe launching of boats. They have however supported a de-masting facility in this location and advised that a detailed scheme should be agreed through the imposition of a suitable condition. Given that it is not clear at this stage how this would be achieved the detailed configuration of the 'staithe' area should also be agreed at this later stage.
78. A landscaped courtyard is proposed in the internal space created by the perimeter buildings. This area will function as space from which residents would access parking and refuse facilities but also as an area of communal amenity space. Although the space is constrained in size and will be overshadowed by the development, provided the space is landscaped to a high standard the space will function well as a private courtyard. The council's landscape officer has indicated that a detailed scheme should include suitable tree planting and diverse planting which creates visual interest and texture. She has also indicated that planting should extend towards Wickhams Yard to assist in creating a green link with the river.
79. The existing area of highway land on King Street has already been referred to in para. 73. Originally the proposals included substantial modification and landscaping of this piece of land to improve amenity value and to provide compensatory tree planting for those to be removed from the site. As previously indicated the high concentration of

utilities and services at this corner location substantially constrains excavation. However, there is scope to introduce low planting and improve hard surfacing in a manner to enhance the visual appearance and function of this open space. The council's landscape officer has advised that this planting should include diverse planting to create visual interest, texture and ecological benefit.

80. On this basis the landscape and open space strategy for the site is considered to be broadly acceptable and forms a robust basis for a detailed scheme to be agreed at condition discharge stage. Given the extent of benefit associated with public access to the river frontage it would be necessary to formally secure access rights although this should allow for appropriate management and time restriction in order to reduce the risk of anti-social behaviour outside of daylight hours.
81. It should be noted that the landscape strategy provides limited scope for biodiversity enhancements to be secured through the development. The Ecological Survey submitted with the application found no evidence of bats within the existing vacant buildings but found a small number of Common and Soprana Pipistrelle used the site for foraging in association with the river corridor. The impact of the development on foraging bats is assessed as 'minor adverse' and recommendations are made for mitigation to reduce this impact to 'neutral'. This mitigation includes replacement extra heavy standard tree planting to the SE of the site on King Street and for the reasons set out in para.73 this is unlikely to be feasible. Proposed measures also include the creation of roosting opportunities for bats through the installation of bat boxes. This can be secured through the imposition of a planning condition. Given this minor adverse impact it is considered justified to seek a detailed landscape scheme which optimises benefits for other wildlife – particularly birds and invertebrates.

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

82. Key policies and NPPF paragraphs – JCS1, DM5, NPPF paragraphs 100 and 103.
83. As referred to in para. 38-40, parts of the site are at risk flooding. A Flood Risk Assessment has been submitted with the application and this considers in detail the extent of flood risk and recommends measures to manage the flooding from both fluvial and surface water sources.
84. In terms of meeting the Exceptions Test referred to in para.40, development must 1) provide wider sustainability benefits to the community that outweigh flood risk and 2) be safe for its lifetime without increasing flood risk elsewhere. In terms of 1) and with reference to DM1, the development will provide a number of sustainability benefits, in particular: deliver 43 new homes in a highly accessible part of the city; result in environmental improvements to a long term vacant site; secure the future of a listed building which has been vacant and neglected for a number of years and provide off site public realm improvements to King Street.
85. In terms of 2) and that of safety, the scheme involves modification of existing site levels to create a basement car park above which the development would be constructed. Most of the new residential units therefore have a raised floor level and will be above both the 1:100 and 1:1000 flood level. The Burgage plot dwellings are at a lower level but it is recommended that these are set at minimum of 2.53AOD which protects these units from a 1:100 year flood event. The basement car park is designed to flood and will provide 180m<sup>3</sup> of flood water storage. In accordance with the NPPF this will improve flood water storage in this location. The Environment

Agency have confirmed that they have no objection and have recommended a number of planning conditions in relation to contamination and water quality.

86. It is proposed that surface water will drain via an attenuation feature into the River Wensum. This strategy is considered acceptable and a planning condition is recommended to secure a detailed scheme.

### **Main issue 8: Transport**

87. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF paragraphs 17 and 39.
88. The proposal includes on-site parking for cars and bicycles at lower ground floor level. To serve the 43 dwellings, 20 car (including 6 accessible spaces) and 62 cycle parking spaces are proposed. The site is located in a highly accessible location and close to the city centre, daily service/facilities and employment. In such locations DM32 supports low car housing given occupiers will have the ability to access such facilities by sustainable means (ie on foot/by cycle/by public transport). The proposed level of car parking is therefore considered acceptable and compliant with the core objective of the local plan of promoting sustainable forms of development.
89. Policy DM 31 requires communal residential car parks to include an electric charging facility. A planning condition is recommended to secure provision of an electric point within the basement car park area.

### **Main issue 9 Affordable housing viability**

90. Key policies and NPPF paragraphs – JCS4, DM33, NPPF paragraph 50.
91. JCS4 requires on developments of this scale for 33% of the new dwellings to be affordable. On the basis of 43 dwellings this equates to 14 units. The scheme does not provide for an affordable housing contribution of any type ie neither on site nor in the form of a commuted sum. This absence of affordable housing has been justified on the basis that any level of contribution would render the development unviable. A viability appraisal has been submitted to substantiate this position and this includes a detailed cost appraisal.
92. The costs of the development (including CIL payment of approx. £316, 000) along with projected development values have been reviewed by planning officers and the council's senior housing development officer. The assessment indicates a marginal profit level of just below 15% for a 100% market housing scheme. On this basis the development would not be viable if an affordable housing contribution was to be sought. The applicant has stated his commitment to developing this site within a short time period, indicating a start within 15months and completion within a further 18months. Such a delivery timescale would ensure the early development of a key site within the south city regeneration area, secure the fabric and future use of the listed Ferry Boat Inn and provide new homes that would contribute to the five year land supply.
93. The adopted Affordable Housing SPD states that where reduced affordable housing is accepted a S106 Obligation will be required and include an affordable housing viability review clause. This will require development viability to be reassessed in the event of development not being delivered within an agreed timescale. Given the

complexities of this particular site an appropriate timescale would be commencement within 15 months and occupation of within 18 months.

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

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

<b>Requirement</b>	<b>Relevant policy</b>	<b>Compliance</b>
Lifetime homes standards	DM12	<b>Yes</b> – policy exceeded 26 of the 43 units would meet the standard 6 accessible parking spaces are proposed 2 x lifts are proposed to serve the Wharf and bridge tower
Refuse Storage/servicing	DM31	<b>Yes subject to condition</b>
Energy efficiency	JCS 1 & 3 DM3	<b>Yes subject to condition.</b> <b>22% - air source heat pumps</b>
Water efficiency	JCS 1 & 3	<b>Yes subject to condition</b>

### **Other matters**

95. The following matters have been assessed and considered satisfactory and in accordance with relevant development plan policies, subject to appropriate conditions and mitigation: contamination and archaeology.

### **Equalities and diversity issues**

96. There are no significant equality or diversity issues.

### **S106 Obligations**

97. The following matters will be secured through a S106 Obligation:

- Affordable housing review clause
- Completion of Ferry Boat Inn works prior to first occupation of any part of the development
- Public access rights along Wickhams Yard and the river frontage
- Provision of 6 street trees.

### **Local finance considerations**

98. 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.

99. 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.

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

## **Conclusion**

101. Both the NPPF and DM9 require all development to have regard to the historic environment and maximise opportunities to preserve, enhance or better reveal the significance of designated assets. These policies are rooted in the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 which imposes a duty on local authorities to have special regard and pay special attention to development affecting listed building and their settings and conservation areas. The site is located in one of the most historic parts of Norwich and development directly affects a building which functioned as a public house for almost 200 years. The comprehensive proposals for a high density, high rise and contemporary form of urban development have been carefully assessed in this context. The proposals represent an intensive use of the site with buildings abutting site boundaries and extending up to seven storeys in height. This will result in a substantial change in the appearance of the site and in the outlook for local residents and this will result in a degree of harm. However, on balance, this harm is considered to be outweighed by the benefits of the scheme in terms of: design quality; delivery of housing in a highly sustainable location; and the effective and substantially sympathetic re-use of a long-term vacant historic site and building. The development is therefore in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise

## **Recommendation**

1) To approve application no. 15/00273/F - 191 King Street Norwich NR1 2DF and grant planning permission subject to the completion of a satisfactory legal agreement to secure those items listed at paragraph 97 and subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Construction Management Plan
4. Standard contamination conditions - investigation/remediation and monitoring
5. Standard archaeological conditions
6. Prior to demolition historic recording of building - placed on the HER
7. Details of piling/foundation design
8. Details of river wall works
9. Details of SUDs and long term management arrangements
10. Condition required by Anglian Water re assets
11. Detailed landscape scheme for all hard and soft /seating and planters etc
12. Scheme for off-site improvements to adjacent highway land



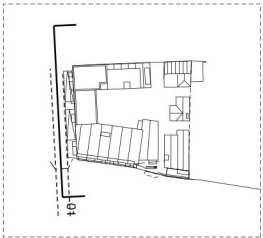
13. Scheme for de-masting -design and long term management
14. Materials
15. Details of; balconies, windows, external doors and gates, bonding, joint treatment, mortar mix, decorative/textured brick work
16. Details of external lighting
17. Details of heritage interpretation - public house/14th arch
18. Compliance - lifetime homes
19. Compliance - water efficiency
20. Compliance - Energy strategy
21. Compliance - Flood mitigation measures
22. Compliance - biodiversity mitigation - bat boxes
23. Compliance - cycle parking and refuse facilities

2) To approve application no 15/00274/L - 191 King Street Norwich NR1 2DF and grant listed building consent subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Prior to commencement full schedule of works including sound proofing/fire proofing measures, including method statements for opening up areas currently lined (ground floor back room and fireplaces)
4. Details of light-well lighting, method for blocking of stairs, where new openings full details of elevations, architrave/lining details
5. Record of building and provided to the HER
6. All internal/external features shall be retained unless stated otherwise
7. Details of any replacement windows /doors/secondary glazing if proposed
8. Details of routes/specification and locations of all extracts; boiler flues, heating/hot water systems, plumbing
9. External decoration

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

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



KEY PLAN

KEY

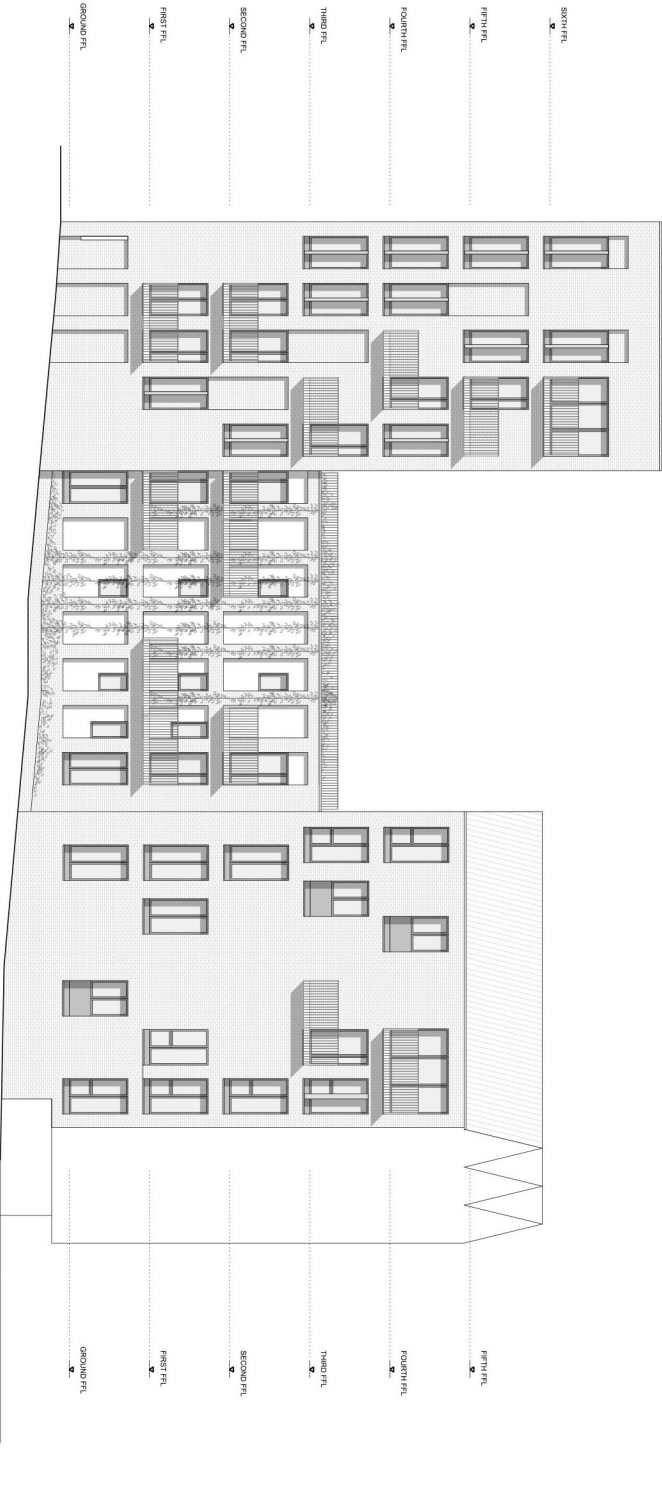
- Brickwork
- Textured Brickwork
- Zinc Cladding
- Render
- Fibre Cement Roof Tiles
- Dark Grey Aluminium Windows
- Pre-cast Concrete Mullions
- Faceted Anodized Aluminum Cladding with perforated panels



5<sup>th</sup> studio

Architecture & Urbanism

Project:	FERRY BOAT INN SITE
Drawing Title:	Proposed South East Elevation
Scale:	1:100@A1
Status:	PLANNING



01 Wharf  
Proposed South East Elevation  
1:100 @ A1

Architectural elevation drawing of the rear facade of a building. The drawing shows a multi-story structure with a flat roof and a series of windows. A dashed circle highlights a specific area on the ground floor. A line points to a "related existing fire wall" on the left side. The drawing is labeled with floor levels: FOURTH FTL, THIRD FTL, SECOND FTL, FIRST FTL, and GROUND FTL. The right side of the drawing is labeled with floor levels: SIXTH FTL, FIFTH FTL, FOURTH FTL, THIRD FTL, SECOND FTL, FIRST FTL, and GROUND FTL. The drawing is oriented with the building's front to the left and back to the right.

Architectural floor plan of the second floor of a building. The plan shows a large central hall with a staircase and several rooms. A new opening is shown in the existing wall, and a new opening is shown in the existing wall. The plan is labeled with 'SECOND FLY', 'FIRST FLY', and 'GROUND FLY'. A note indicates 'existing wall in existing wall' and 'new opening in existing wall'.



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REV.	DATE	NOTES
A	11/01/15	REVISED PLANNING SIDE
B	12/01/15	REVISED PLANNING SIDE

**5th**  
**studio**  
Architecture  
& Urbanism

Project: FERRY BOAT INN SITE  
Drawing Title: Proposed Site Plan  
Scale: 1/4" = 1'-0" @ A1  
Status: PLANNING

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**Report to** Planning applications committee

**Item**

3 September 2015

**Report of** Head of planning services

**Subject** Application no 15/00635/F - 46 St Giles Street  
Norwich NR2 1LP

**Reason  
for referral** Objection

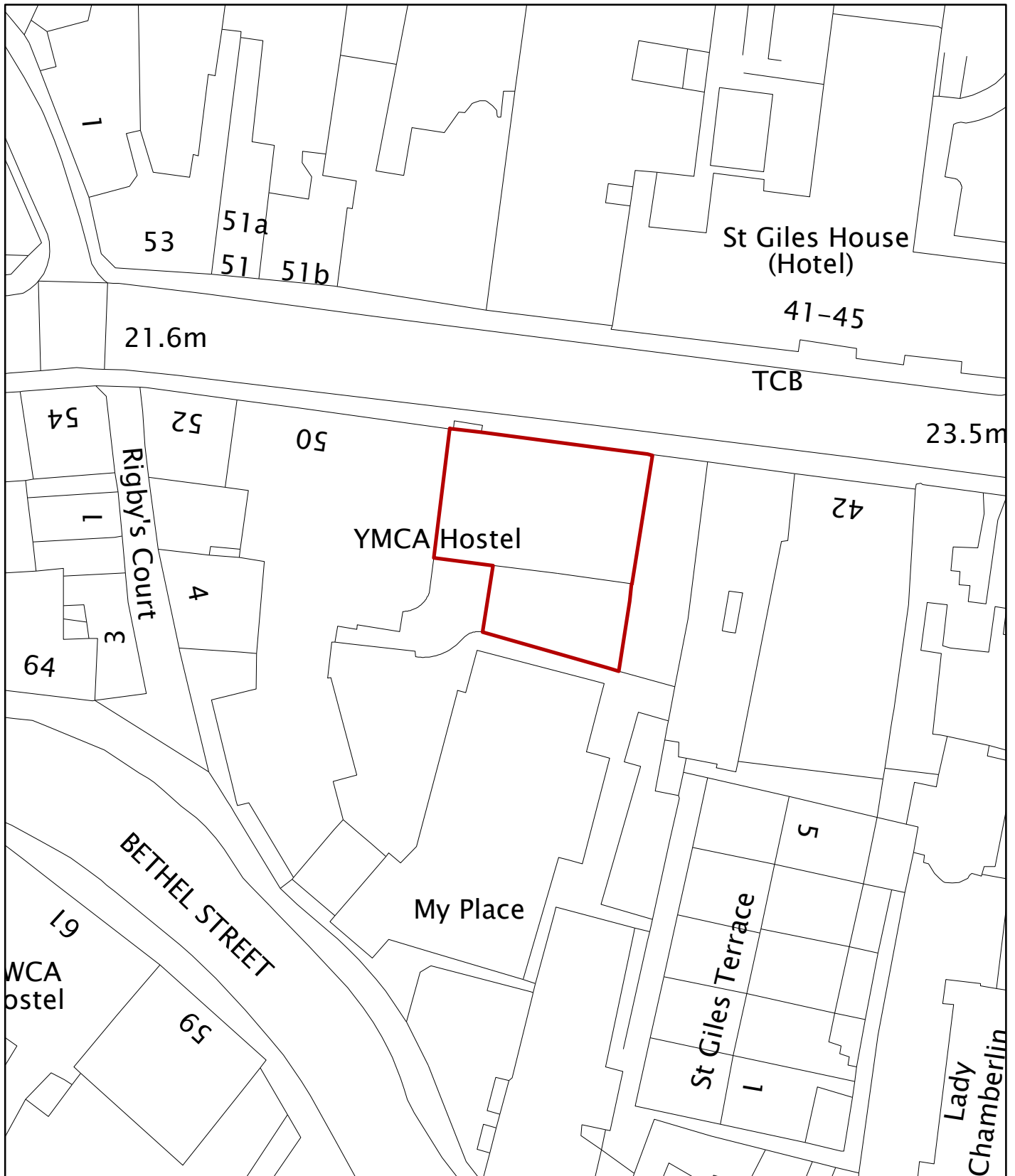
4(B)

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<b>Ward:</b>	Mancroft
<b>Case officer</b>	James Bonner - <a href="mailto:jamesbonner@norwich.gov.uk">jamesbonner@norwich.gov.uk</a>
<b>Applicant</b>	Mr Jason Pye

Development proposal		
Conversion to form 7 No. flats and associated alterations.		
Representations		
Object	Comment	Support
2		

Main issues	Key considerations
1 Principle of development	Principle of further subdivision
2 Design and heritage	Impact on historic character and fabric; external appearance; heritage impact of further subdivision
3 Amenity	Occupier amenity (natural light, space standards, external amenity space); overlooking between units.
4 Affordable housing viability	Lack of affordable housing contribution; viability of scheme.
5 Transportation	Cycle and refuse storage; car parking.
<b>Expiry date</b>	7 July 2015 [Extended to 8 September]
<b>Recommendation</b>	Approve



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Planning Application No 15/00635/F & 15/00636/L

Site Address 46 St Giles Street (exYMCA)

Scale

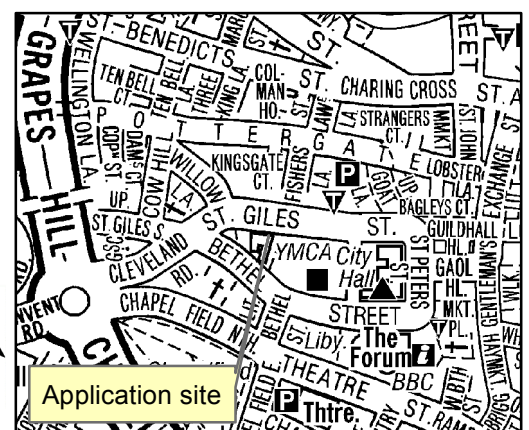
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**NORWICH**  
City Council

PLANNING SERVICES

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## The site and surroundings

1. This application affects No.46, a render-fronted Georgian townhouse on the south side of St Giles Street. YMCA owned both 48 and 46 and up until recently they have been unified since around 1938. Permission to divide the two and subdivide each townhouse into separate properties was approved in October 2014 and 46 and 48 are now under different ownership. A full history can be found in the report for 14/00438/F.
2. A separate planning application and associated listed building consent was recently approved for the subdivision of No.48 (see history).

## Constraints

3. The grade II\* listed building is within the St Giles Character Area of the City Centre conservation area, designated in the appraisal as of 'high significance'. Most of the neighbouring buildings are statutory listed and the site is within a main area of archaeological interest.
4. For both 46 and 48 the majority of the building's significance (and hence the II\* listing) comes from its medieval vaulted ceiling, although site visits and the heritage report do raise questions over whether this vaulting actually extends underneath No.46. On this basis there is some strength to an argument for No.46 no longer being II\* listed, although this is an decision for Historic England to make. Of more relevance to this particular proposal is the lack of historic detailing and plan form throughout the rest of the building which have been eroded over the years.
5. For a site description and list of constraints see 14/00438/F. The site is within a critical drainage catchment.

## Relevant planning history

6. For a full history see 14/00438/F.

Ref	Proposal	Decision	Date
14/00438/F	External alterations and conversion works to facilitate change of use from hostel (Class Sui Generis) to residential (Class C3) to provide 1 No. two bed dwelling, 1 No. four bed dwelling, 1 No. five bed dwelling and 1 No. six bed dwelling, including demolition of existing rear extensions. <b>[46 and 48]</b>	Approved	03/10/2014
14/00439/L	External alterations and internal conversion works to facilitate conversion from Hostel (Class Sui Generis) to Residential (Class C3) to provide 1 No. two bed dwelling, 1 No. four bed dwelling, 1 No. five bed dwelling and 1 No. six bed dwelling, including demolition of existing	Approved	03/10/2014

	rear extensions. [46 and 48]		
14/01773/D	Details of Condition 3: spiral staircase and works to basement and Condition 4(a, b, c, d, e, f, g, h, j, k and l): materials and details of planning permission 14/00439/L. [46 and 48]	Approved	24/03/2015
14/01776/D	Details of Condition 4: archaeological written scheme of investigation; and Condition 7: cycle and refuse storage of planning permission 14/00438/F. [46 and 48]	Approved	20/03/2015
15/00443/F	Conversion into 1 town house and 6 flats. [No.48]	Approved	19/06/2015
15/00444/L	Conversion into 1 town house and 6 flats. [No.48]	Approved	19/06/2015

## The proposal

7. The conversion of No.46 from a hostel to seven flats: 2No. two bedroom and 5No. one bedroom (one of which is a studio flat). Also proposed are a number of external changes, principally to the rear, including the removal of the ground floor extension, the provision of a first floor balcony, changes to the windows and landscaping.
8. The application has been amended to include an additional unit (previously six), a balcony and the significant reconfiguration of the internal layout to provide shared access to the rear garden. This has since been re-consulted on.

## Summary information

Proposal	Key facts
<b>Scale</b>	
Total no. of dwellings	<b>7</b>
No. of affordable dwellings	<b>0. See main issue 4.</b>
Total floorspace	<b>554sqm including basement, 488 without</b>
No. of storeys	<b>3</b>
Density	<b>278dph</b>
<b>Transport matters</b>	
Vehicular access	<b>None</b>

No of car parking spaces	<b>0</b>
No of cycle parking spaces	<b>To be addressed via condition (1:1 provision expected)</b>
Servicing arrangements	<b>Black sack collection; bin store in rear garden</b>

## Representations

9. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. One letter of representation has been received (one on the original scheme and no additional letters on the revised scheme), citing the issues as summarised in the table below. All representations are available to view in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Issues raised	Response
Issues raised about roof of No.46 currently causing damage to adjacent listed building through draining water.	This is a civil matter between the two parties relating to the existing situation.
Alongside additional units in No.48 and Aldwych House (Bethel Street) the number of units and therefore new residents is too great.	See main issue 1 (and 2).
Parking.	See main issue 5.
Rubbish collection on street causes issues.	See main issue 5.

## Consultation responses

10. 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

11. *[Various comments received following various amendments – see Public Access for full comments]. On revised scheme:* the final scheme is acceptable. Where there is loss of fabric it is considered to be justified, e.g. with new doorway to unit 1 on ground floor it reinstates historic plan form. First floor changes are ok, balcony is acceptable subject to condition. Second floor involves very little loss of fabric and removal of later partitions is positive. Kitchen worktop height in relation to rear window to be confirmed via condition to avoid conflict.

## Historic England

12. [*On original scheme*] 46 St Giles Street has been much altered in the 20<sup>th</sup> century and the proposals are not considered to cause harm to the significance of the heritage asset. A number of amendments are required though, including altering the layout to the entrance of unit 2 to retain more historic masonry. The entrance can be improved by the removal of the cycle store and reinstatement of entrance hall with staircase. Kitchen units in unit 1 should not cut across face of sliding sash.
13. Building services have not been detailed and consideration should be given to impact of additional extracts and flues – clarification should be sought that no services are proposed on front elevation wall or roof. Thermal upgrade, i.e. through secondary glazing, should be considered.
14. [*On revised scheme*] No objection. Some fabric is lost but less so than the original scheme; revisions have moved windows away from frontage and removed internal cycle storage. Alterations to basement through new stair and the changes to rear are acceptable.

## Highways (local)

15. Suitable in transportation terms given its excellent accessibility.

## Norwich Society

16. [*Objecting to original scheme*] We support comments made by Mark Wilson that the proposals would seriously harm this significant building. The proposals require the services of a conservation architect to take advantage of the historic building fabric to produce a more sensitive version. [*NB: No comments made on revised plans*]

## 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
  - JCS3 Energy and water
  - JCS4 Housing delivery
  - JCS6 Access and transportation
  - JCS9 Strategy for growth in the Norwich policy area
  - JCS11 Norwich city centre
  - JCS20 Implementation
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
  - DM9 Safeguarding Norwich's heritage

- DM12 Ensuring well-planned housing development
- DM13 Communal development and multiple occupation
- DM28 Encouraging sustainable travel
- DM30 Access and highway safety
- DM31 Car parking and servicing
- DM32 Encouraging car free and low car housing
- DM33 Planning obligations and development viability

### **Other material considerations**

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

- NPPF0 Achieving sustainable development
- NPPF1 Building a strong, competitive economy
- NPPF2 Ensuring the vitality of town centres
- NPPF4 Promoting sustainable transport
- NPPF6 Delivering a wide choice of high quality homes
- NPPF7 Requiring good design
- NPPF10 Meeting the challenge of climate change, flooding and coastal change
- NPPF12 Conserving and enhancing the historic environment

### **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 – DM12, DM13, NPPF paragraphs 49 and 14.
22. The principle of dividing No.46 and No.48 has already been accepted in the previous application and much of the justification for works is covered in the report for 14/00438/F. Although this previous scheme proposed No.46 as a single dwelling, in principle its further subdivision is acceptable as it provides a long-term viable use for the listed building without causing adverse harm to its character or fabric (see main issue 2) .
23. Further subdivision is subject to consideration against the criteria of DM13:
- (a) achieve a high standard of amenity and living conditions for existing and future residents and would not result in an unacceptable impact on the living and working conditions of neighbouring residential and non-residential occupiers, in accordance with the criteria as set out in policy DM2 of this plan;
  - b) satisfy criteria (a), (b) and (c) for residential development as set out in policy DM12 of this plan; and

c) demonstrate that a satisfactory standard of servicing, parking and amenity space for all residents can be achieved within any limitations imposed by the size and configuration of the site, including making provision for appropriately located bin storage, cycle storage and drying areas in accordance with policy DM31 of this plan and the standards set out in appendix 3.

24. The scheme is considered to comply with these requirements and criteria (a), (b) and (c) of DM12. Where this is marginal it is expanded in the relevant main issue, for instance on external amenity space – see main issue 3.

## **Main issue 2: Design and heritage**

25. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 9, 17, 56 and 60-66. Heritage key policies and NPPF paragraphs – DM9, NPPF paragraphs 128-141.
26. 46 St Giles Street has been substantially altered over the years and much of its significance internally has been lost. The majority of its remaining significance comes from the front elevation and arguably to a lesser degree the basement, both of which are largely unaffected by the proposed changes. Internally revisions to the scheme have removed much of the negative changes which were previously unacceptable, including visually disruptive internal cycle and refuse stores and pointless loss of historic fabric. The scheme introduces a number of positive changes, for instance the removal of several modern partitions and additions and the reinstatement of the historic plan form on the ground floor with a new entrance hall from St Giles Street. Where there is some removal of fabric it is very minor and does not harm the significance of the heritage asset.
27. Another seemingly apparent element of loss of fabric is the insertion of a new staircase into the basement, however in the past the ground floor has been replaced and raised with a concrete beam and block floor construction (as have the first and second floors). Therefore the new stair raises no concerns, nor does the loss of the existing basement stair, identified in the heritage report as circa 1960s. The position of the new stair does not conflict with any features of interest in the basement, just the loss of a later partition. Detail will be secured via condition.
28. The rear projection is a 1960s addition and causes a fair amount of harm to the significance of the rear elevation of No.46 and 48, as does the loss of the original windows on the rear elevation of No.46 itself. Internally the changes within this modern projection raise no concerns. Externally, as with the previous application, the windows are to be replaced on the projection and the rear elevation of the original building. Subject to their detailing through condition this should be a positive change. On the main building a balcony is proposed at first floor level and given the context of the other inappropriate changes and its setback from No.48 this raises no particular concerns. This would be subject to adequate detailing as recommended in the conditions.
29. An external refuse and cycle store is required to avoid an internal store considered inappropriate both for planning and heritage reasons. This does raise some issues for the setting of both 46 and 48 given the potential size required for seven units, however the level of harm is relatively low and justifiable as the alternatives are worse. To ensure an adequate design further detail will be required via condition.

### **Main issue 3: Amenity**

30. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
31. A building of this size can reasonably accommodate seven flats without causing any adverse impacts for the living conditions of any neighbouring occupiers. In terms of amenity for the future occupiers, the internal floor areas are acceptable, ranging from 36sqm to 111sqm. Two of the flats are 36sqm, which is just below the indicative minimum standards in DM2, one other is just over standard. However those flats which are on the borderline of these standards have decent layouts with large levels of natural light.
32. One notable exception is unit 2 on the ground floor, a studio flat with two rooms. Only the bedroom/lounge room at the front has windows, meaning the kitchen, bathroom and utility room do not. Although not ideal this is unlikely to provide an unacceptable standard of living for the occupiers given the size and layout. In the context of the listed building it is justified due to the difficulty in otherwise providing a communal route through to the garden which is needed to provide external bin and cycle stores.
33. This communal access arrangement also provides access to an external amenity space, which at ~50sqm is fairly small, particularly given around a quarter may be taken up by the bin and cycle store. Nevertheless the provision is better than nothing, especially as it means bins will not have to be stored communally inside. It also provides some space to dry clothes outdoors and a landscaping condition is recommended to ensure a low-maintenance but pleasant environment. As with the previous applications the lack of a normally expected external space is justified by the site's constraints and the nearby provision at Chapelfield Gardens.
34. As with the previous applications those habitable rooms fronting St Giles Street will require secondary glazing and mechanical ventilation as identified by the acoustic report. Details of both of these will be required by condition and indicative details previously seen in 14/01773/D show that service routes can easily be accommodated without causing adverse harm to the character or fabric of the listed building.
35. There is the potential for some overlooking from the balcony of unit 4 into the living room of unit 5 (and to a lesser degree those above and below). The architect has suggested the inclusion of adjustable timber louvers on the inside of the windows. The amenity impact would be fairly minor due to the orientation of the windows and the fact that it is a lesser-used balcony rather than two facing habitable rooms. The measures suggested will mitigate any relatively small concerns about loss of privacy. The materials condition will include the design of any louvers, which given they affect rooms in the modern projection at the rear, is of no particular concern.

### **Main issue 4: Affordable housing viability**

36. Key policies and NPPF paragraphs – JCS4, DM33, NPPF paragraph 50.
37. When this application was submitted, national guidance meant that no affordable housing contributions could be sought from developments of less than 10 dwellings (and less than 1000sqm total). In addition any vacant floorspace was also to be deducted from any calculation for affordable housing contribution. Both were

relevant to this scheme of seven (previously six) flats, which would have otherwise needed an affordable housing contribution as per Joint Core Strategy policy 4.

38. On July 31 the High Court quashed paragraphs 012 to 023 of the National Planning Policy Guidance which related to this vacant building credit and the exemption of small developments from affordable housing contributions. This means that JCS4 (affordable housing) once again fully applies and this scheme, having been undecided, needs to comply with this policy and provide affordable housing unless it is demonstrated that the proposals are unviable.
39. Given the late stage in the application at which this change has occurred, the pragmatic approach taken is to undertake an in-house viability appraisal on the scheme. This used build costs and prospective sales values from a recent viability assessment for a conversion in the city centre of similar size and nature. The figures emerging from the spreadsheet indicated that with one affordable dwelling (via commuted sum) the scheme would not be viable, even when adjusting the numbers to input an unrealistically optimistic 15% profit, lower build costs and higher sales values. Given the proposal is a flatted scheme with a small shared garden and no car parking this is unsurprising and it is almost certain that a full viability study would result in the same conclusions, bearing in mind the scheme will also be liable for ~£47,000 of CIL.
40. Accordingly, at this stage in the application it is not considered reasonable to request a full viability assessment from the applicant and officers consider that the scheme complies with JCS4 and no affordable housing contribution is required. A section 106 agreement will still be needed to include a review mechanism requiring a further review of scheme viability if not commenced within 12 months and occupied within a further 12 months. The review will ensure any uplift in the development value is captured and reflected in an affordable housing contribution if relevant.

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

41. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF paragraphs 17 and 39.
42. All dwellings will be car-free, which given the city centre location is acceptable. The properties will not be eligible for parking permits. Bin and cycle stores are to the rear with adequate space available to service the seven flats; detail of the provision and a visually acceptable store can be secured via condition. Refuse storage and collection is via black sacks on-street which is unavoidable given the lack of space and the constraints of the listed building. This is not atypical for St Giles Street and the approach has been agreed as acceptable by Citywide Services.

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

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

<b>Requirement</b>	<b>Relevant policy</b>	<b>Compliance</b>
Cycle storage	DM31	<b>Yes subject to condition</b>



Car parking provision	DM31	<b>Yes subject to condition</b>
Refuse Storage/servicing	DM31	<b>Yes subject to condition</b>
Energy efficiency	JCS 1 & 3 DM3	<b>Not applicable</b>
Water efficiency	JCS 1 & 3	<b>Yes subject to condition</b>
Sustainable urban drainage	DM3/5	<b>Not applicable – the only new structure will be the bin and bike store, which will be sat on existing hardstanding. This results in no increase in surface water runoff.</b>

### **Other matters**

44. The following matters have been assessed and considered satisfactory and in accordance with relevant development plan policies, subject to appropriate conditions and mitigation:

- Archaeology – providing compliance with the details and Written Scheme of Investigation approved via 14/01776/D there are no additional issues.

### **Equalities and diversity issues**

45. There are no significant equality or diversity issues. Level access is not possible due to the constraints of the listed building – its stepped accesses are right on the street and any attempts to address this would cause significant heritage issues.

### **S106 Obligations**

46. See main issue 4. A s106 agreement is required to allow for an affordable housing viability review mechanism if the scheme is not commenced within 12 months.

### **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.

48. 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.

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

## Conclusion

50. The works required to subdivide the property into seven flats does cause some less than substantial harm to the listed building, although this is of a very minor scale and is certainly justified by the other positive changes to the building, including bringing the heritage asset into a long-term viable use. This and the provision of additional housing supply are clearly identifiable public benefits and any of the fairly limited shortcomings with regards amenity and transport are justified for the same reasons. Subject to conditions the proposals are considered to be acceptable.
51. 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

1. To approve application no. **15/00635/F** - 46 St Giles Street Norwich NR2 1LP and grant planning permission subject to the completion of a satisfactory legal agreement to include an affordable housing viability review mechanism should the scheme not be commenced within 12 months and occupied within 24 months and subject to the following conditions:
  2. Standard time limit;
  3. In accordance with plans;
  4. Details of
    - a. The ventilation system and a scheme of maintenance;
    - b. Secondary glazing to all habitable rooms fronting St Giles Street.
  5. The development shall be carried out in accordance with the Written Scheme of Investigation and other archaeological details agreed through 14/01776/D unless otherwise agreed in writing with the local planning authority;
  6. Site investigation and post investigation assessment in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition 4. The approved Wilson Compton Associates heritage report shall also be submitted to the Historic Environment Service.
  7. Details of:
    - (a) bicycle storage and parking for residents and visitors to the site; and
    - (b) servicing, including waste and recycling bin storage.
  8. Water efficiency measures.

## Informative Notes

- 1) Refuse and recycling;
- 2) Properties will not be eligible for on-street parking permits;
- 3) Street naming.

## Article 35(2) statement

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

## **AND**

To approve application no. **15/00636/L** - 46 St Giles Street Norwich NR2 1LP and grant listed building consent subject to the following conditions:

- 1) Standard time limit;
- 2) In accordance with plans;
- 3) Details of materials;
- 4) Making good any damage to listed building

## **Reason for Approval**

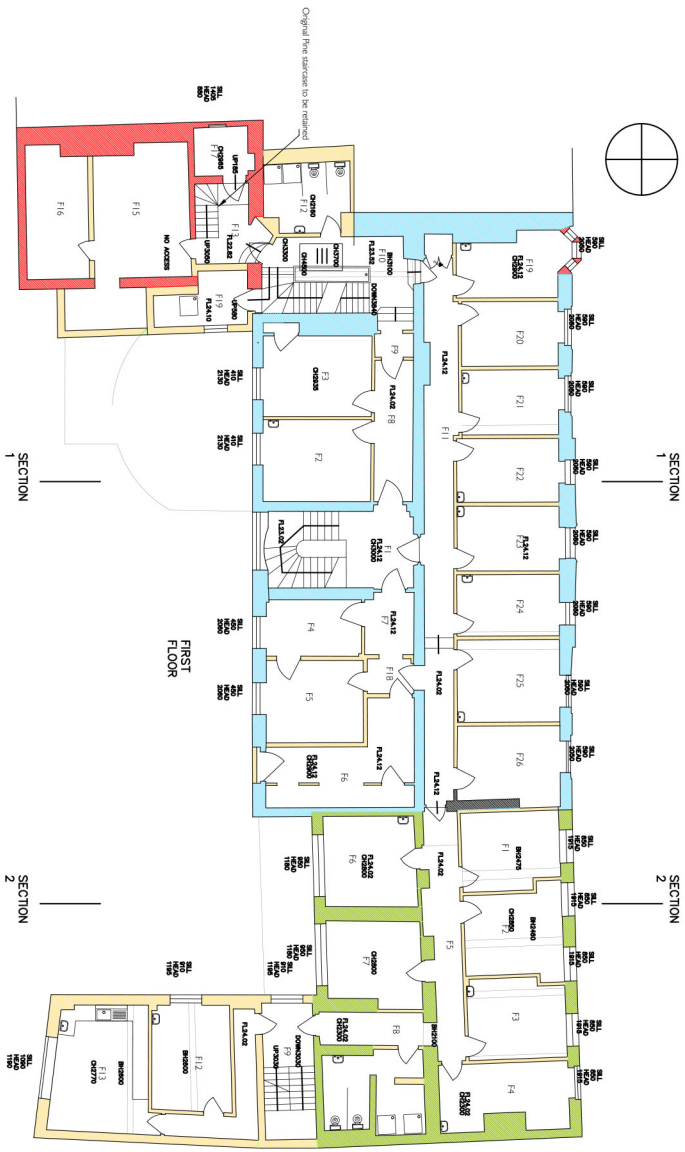
The works required to subdivide the property into seven flats does cause some less than substantial harm to the listed building, although this is of a very minor scale and is certainly justified by the other positive changes to the building, including bringing the heritage asset into a long-term viable use. This and the provision of additional housing supply are clearly identifiable public benefits and any of the fairly limited shortcomings with regards amenity and transport are justified for the same reasons. Subject to conditions the proposals are considered to be acceptable. 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.

## **Informative Note**

This consent relates only to the works specifically shown and described on the approved drawings. All other works, the need for which becomes apparent as alterations and repairs proceed, are not covered by this consent and may require a further specific consent. Details of any other works, submitted as part of a further application for listed building consent if required, should be submitted to the local planning authority and approved before work continues.

DO NOT SCALE DRAWINGS.  
THE CONTRACTOR IS RESPONSIBLE FOR  
CHECKING AND REPORTING ANY DISCREPANCY  
TO THE ARCHITECT.  
A MEASURED SURVEY HAS NOT BEEN CARRIED OUT  
INFORMATION ONLY. ALL DIMENSIONS ARE TO BE  
CHECKED AND REPORTED TO THE CA.

REV.	APPENDMENT.	DATE.
A.	Revision with historical make-up	24.03.14
B.	Minor revisions following assessment	08.08.14



**KEY**  
No 46 St Giles assumed original structure of 1870  
No 46 St Giles assumed original structure of 1922  
Presumed 18th/19th alterations and extensions  
Presumed 18th/19th alterations and extensions

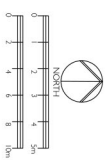


PROJECT	TITLE
46-48 ST GILES STREET, NORWICH CONVERSION TO RESIDENTIAL	FIRST AND SECOND FLOORS AS EXISTING
DATE	DRAWN
Jan 14	pdm
PROJECT REF	SCALE
MIL/2985Cales	1:200@A3
AB102	REV
	B

**MORPHY LAWRENCE LIMITED**  
RIBA Chartered Architects  
Beech House North Entrance  
Saxmundham Suffolk IP17 1AP  
Tel: 01728 602338  
admin@morphylawrence.co.uk  
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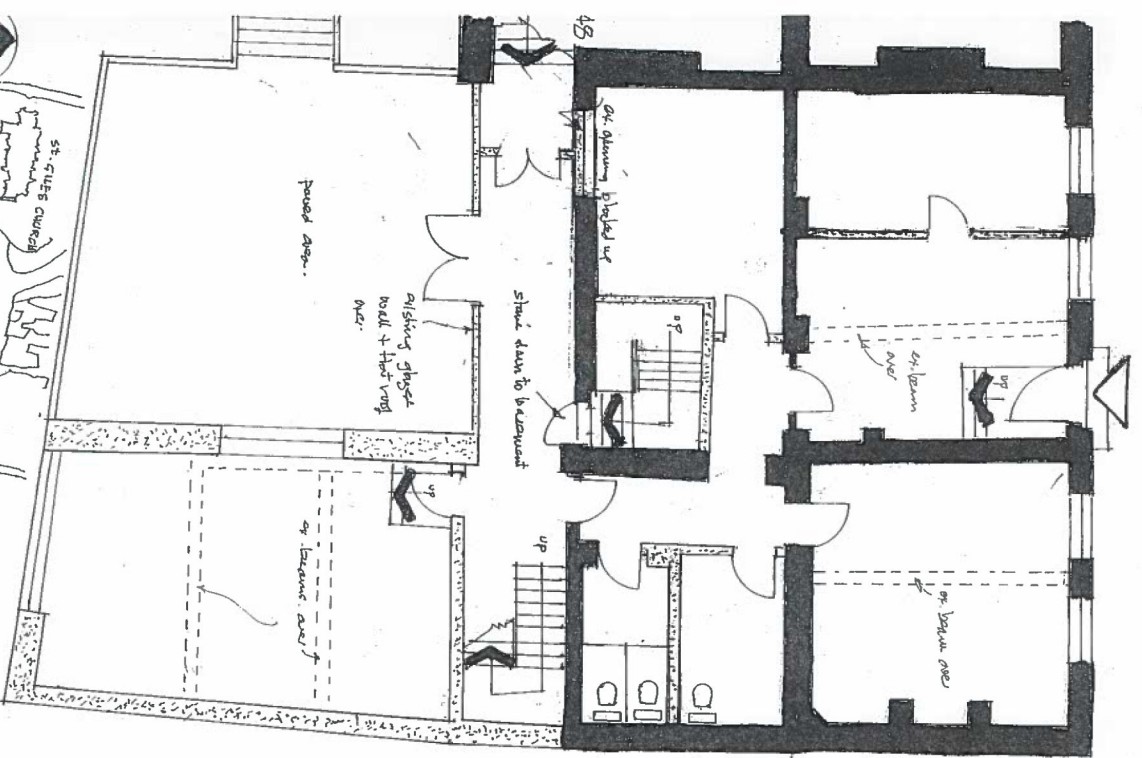


**MORPHY LAWRENCE LIMITED**  
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PROJECT		46-48 ST GILES STREET, NORWICH	
CONVERSION TO RESIDENTIAL		TITLE	
GROUND AND BASEMENT FLOOR AS EXISTING		DATE	
DRAWN		1:100 @ A1	
SCALE		1:200 @ A3	
PROJECT REF		1:200 @ A3	
DRAWING NO.		REV	
MLL/2965/Giles		B	



**GROUND FLOOR PLAN AS EXISTING 1:100**

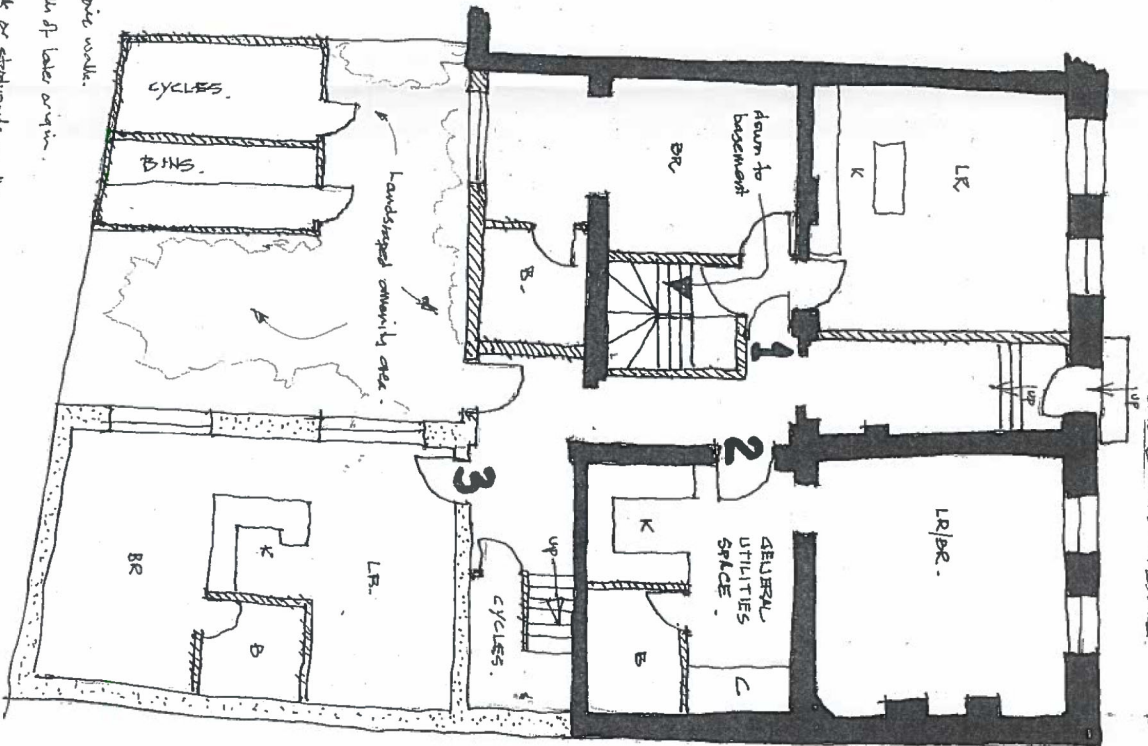


**SITE LOCATION PLAN 1:2500**



**GROUND FLOOR PLAN AS PROPOSED 1:100**

CONVERSION TO NO. 3 APARTMENTS



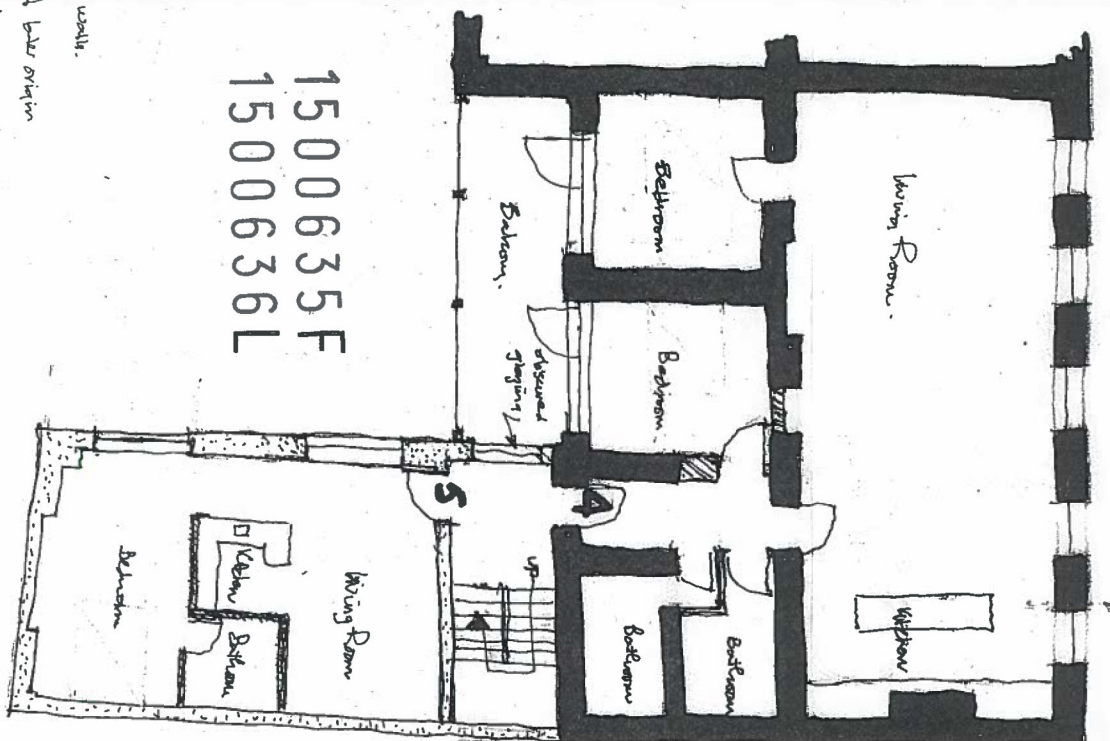
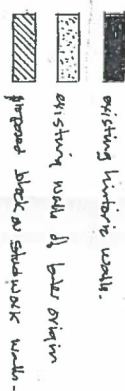
- existing historic walls.
- proposed walls of later origin.
- proposed block or structural walls.

1500635F  
1500636L

28 JUL 2015  
Planning Services

**DRG No 1R2**  
**46, ST GILES STREET NORWICH.**  
DR. RODNEY FURZE M.A. RIBA, ARCHT. & EST.  
8, LITTLE BETHEL COURT, BETHEL ST. NORWICH NR2 1WAS

conversion to  $H_2O_2$ Apk mutants



1500635F  
1500636L

28 JUL 2015  
Planning Services

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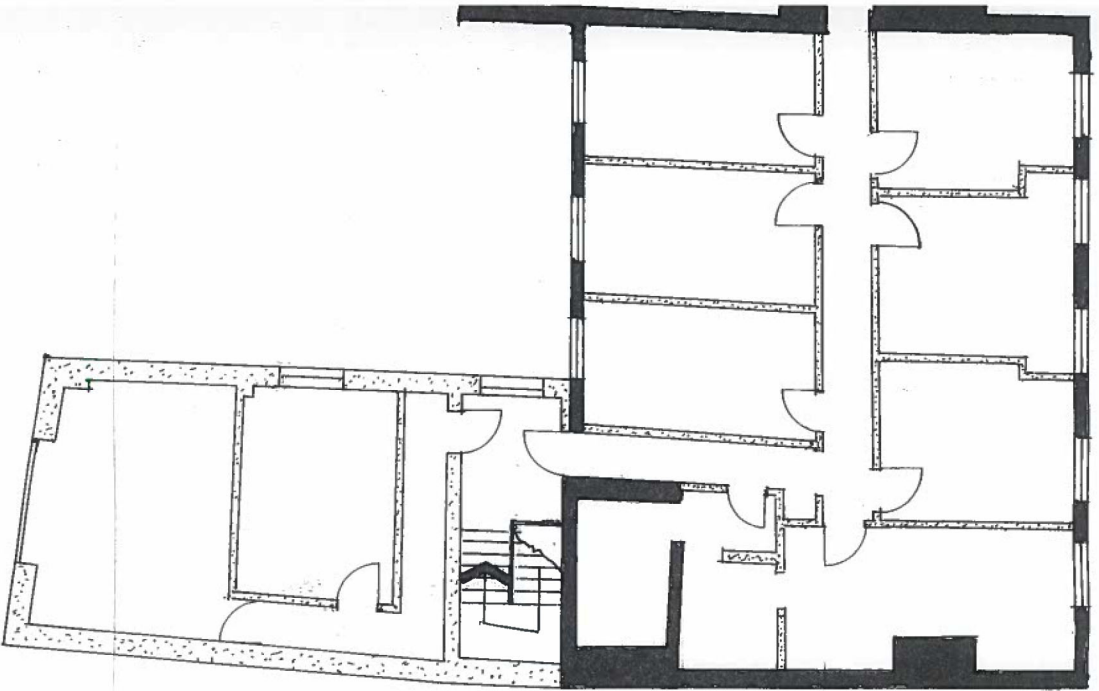
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46. ST. CILES STREET NORWICH.

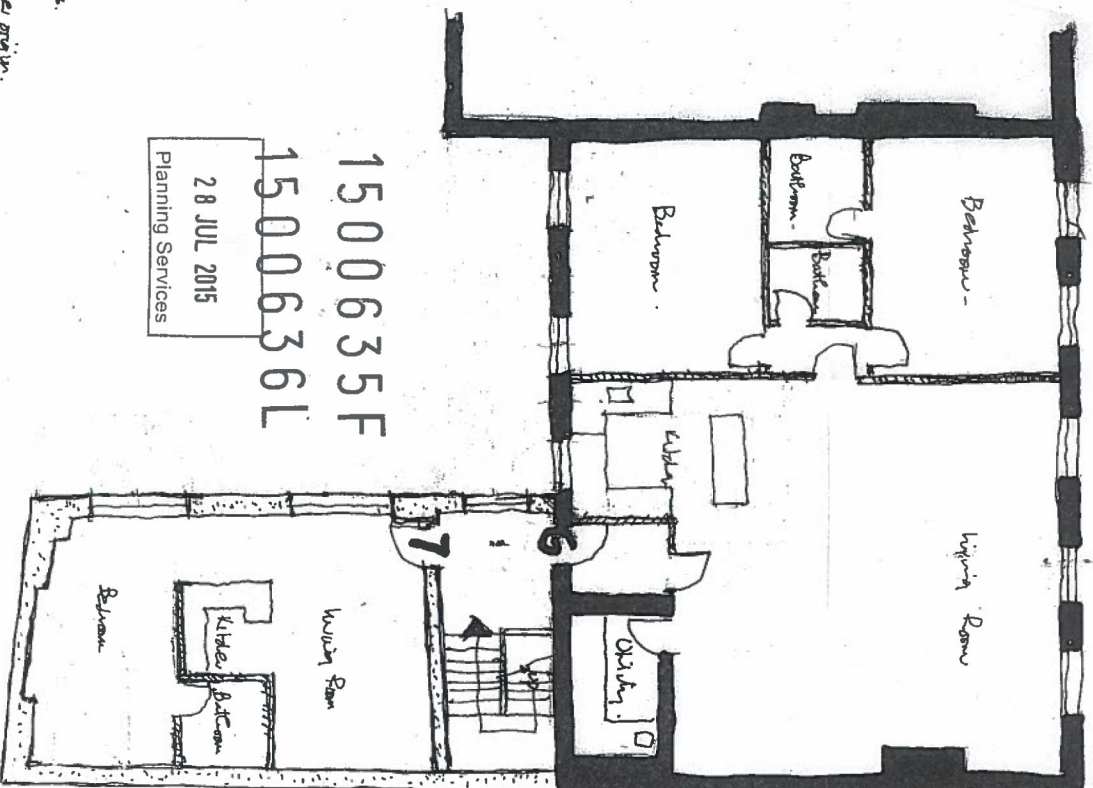
DR. RODNEY FIERSE MA. RIBA, Architect

0.1 MILE BETHEL CORBT, BETHEL ST. NARRICH NP2 INR

**SECOND FLOOR PLAN AS EXISTING 1:100**



**SECOND FLOOR PLAN AS PROPOSED 1:100 CONVERSION TO NO 2 APARTMENTS**



1500635F  
1500636L

28 JUL 2015  
Planning Services

- existing historic walls.
- ▤ existing walls of later origin.
- ▨ proposed block or structural work.

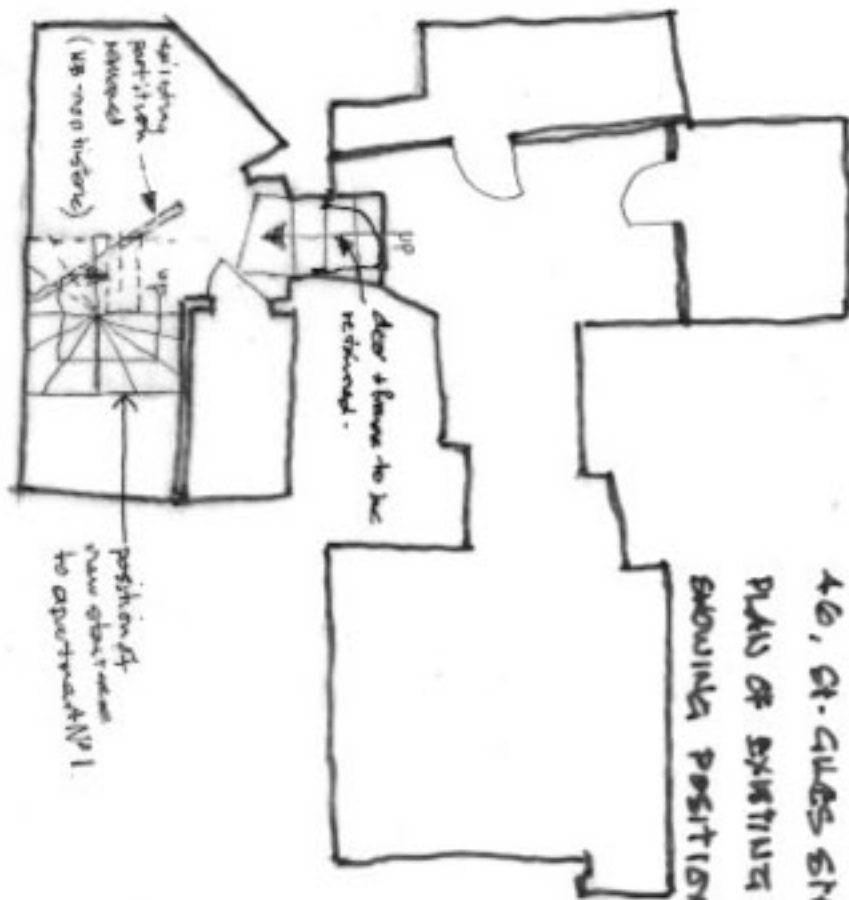
**DRG. NO 3R2**

**46 ST GILES STREET NORWICH.**

DR. RODNEY ROSE, MA RIBA ARCHITECT  
8, LITTLE BETHEL COURT, BETHEL ST. NORWICH NR2 1NR



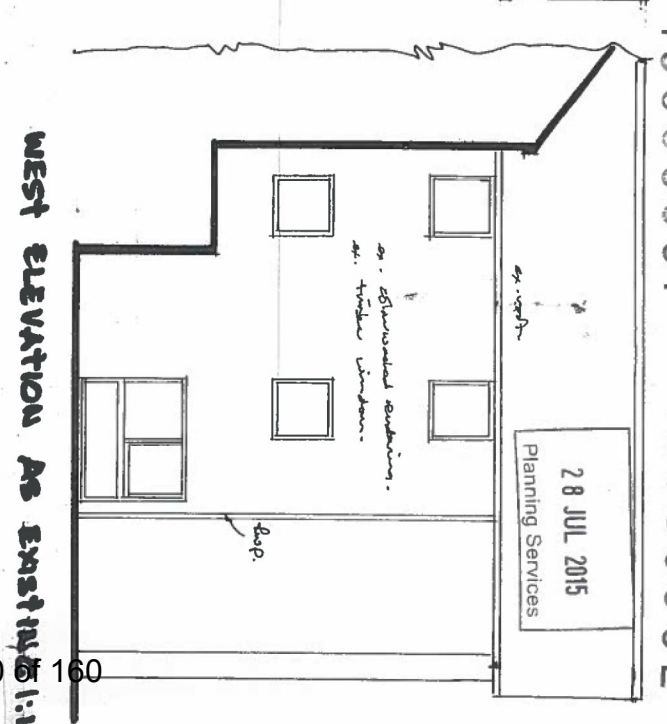
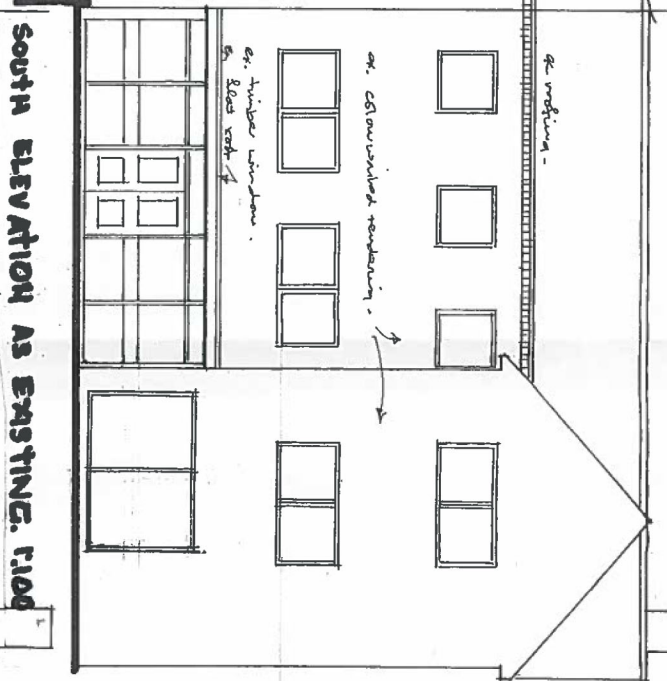
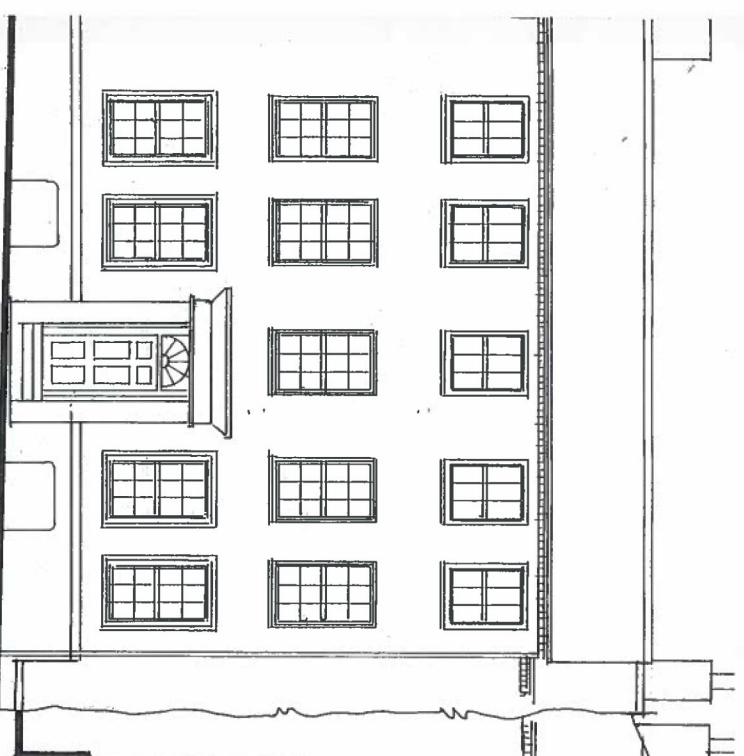
46, ST. GILES STREET NORWICH.  
 PLAN OF EXISTING BASEMENT  
 SHOWING POSITION OF NEW STAIRCASE.



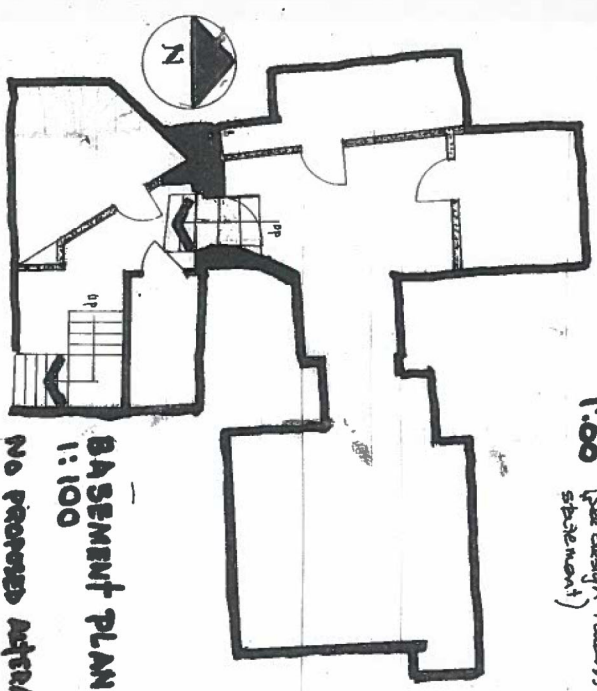
BASEMENT PLAN 1:100

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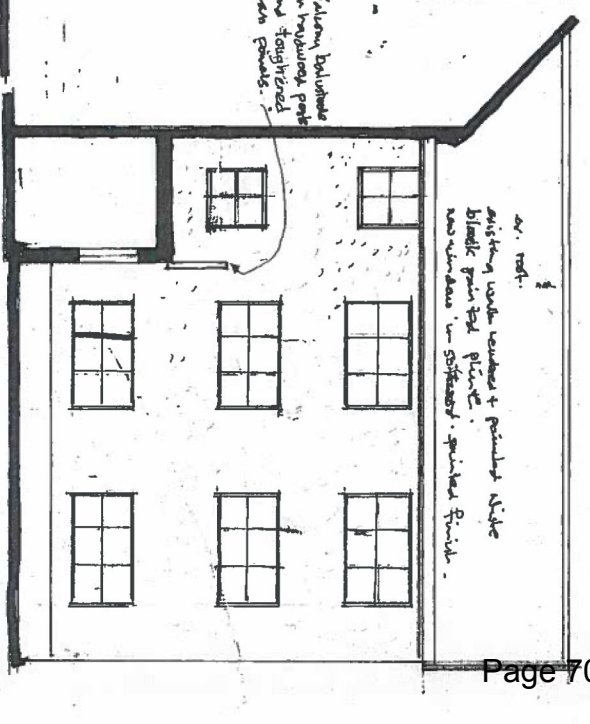
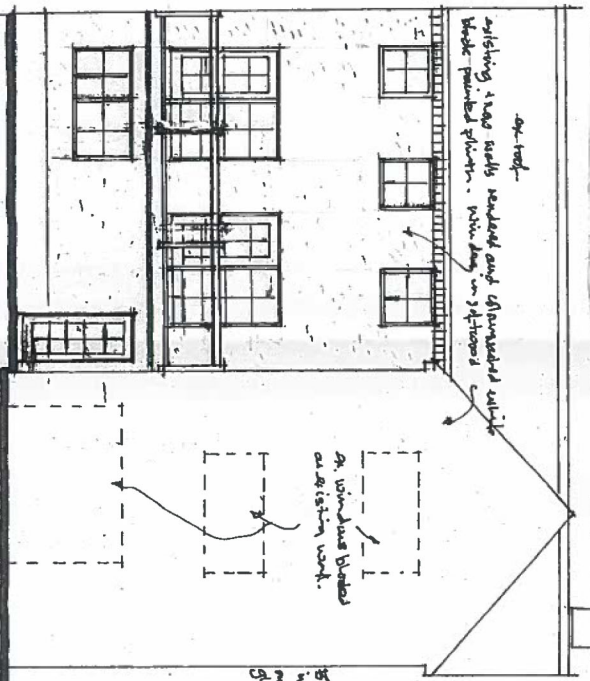
28 JUL 2015  
Planning Services



**NORTH ELEVATION TO ST CILES STREET AS EXISTING.**  
**NO ALTERATIONS TO THIS ELEVATION ARE PROPOSED**  
1:100 (See design & access statement)



**BASEMENT PLAN**  
1:100  
**NO PROPOSED ALTERATION.**  
(See design and access statement)



**SECTION THRU: BALCONY & WEST ELEVATION**  
1:100  
**DRG NO 4**  
**DR. CODY FURZE M.A. RIBA ARCHITECT**  
8 LITTLE BETHEL COURT BETHEL ST. NORWICH NR2 1NR.

**Report to** Planning applications committee

**Item**

03 September 2015

**Report of** Head of planning services

**Subject** Application no 15/00485/F - Baptist Chapel, Silver Road, Norwich, NR3 4TE

**Reason for referral** Objections

4(C)

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<b>Ward:</b>	Thorpe Hamlet
<b>Case officer</b>	Judith Davison – <a href="mailto:judithdavison@norwich.gov.uk">judithdavison@norwich.gov.uk</a>

Development proposal		
Conversion to 10 flats.		
Representations		
Object	Comment	Support
9	-	-

Main issues	Key considerations
1 Principle	Principle of re-use and conversion and car free housing
2 Design and heritage	Locally listed building, windows, lack of playspace, trees
3 Amenity	Impact on amenities of neighbouring properties (overlooking / loss of privacy, noise and disturbance, impact of conversion works, security)
4 Transport	Parking, cycling
5 Affordable housing	Viability of development
<b>Expiry date</b>	11 September 2015
<b>Recommendation</b>	Approve



## The site and surroundings

1. The Baptist Chapel is located on the south side of Mousehold Avenue at its junction with Silver Road. The Chapel currently forms part of the Silver Road Baptist Church – the eastern part of the building complex will be retained as a place of worship. The Chapel itself has been redundant for a number of years despite the principle of change of use to residential having been established under a previous planning permission in 2010.
2. The Chapel comprises a substantial single-storey pitched roof building constructed at the beginning of the last century (between 1907 and 1928). It is quite different in design and scale to surrounding terraced housing and is built in a distinctive Arts and Crafts style. It has seven distinct brick bays on both the north and south elevations with vertical windows and curved brick arches.
3. Immediately to the south is Silver Haven older person's housing development managed by the Suffolk Housing Society. Development in the surrounding area comprises attractive two-storey Victorian terraces on either side of Silver Road adjacent to the site, and there is a relatively new three-storey development of residential units to the north on Mousehold Avenue. A post office is located on the opposite corner of Silver Road to the Chapel, and there are other small shops nearby. The site adjoins the woodland, open space, allotments and outdoor sports court south of Mousehold Avenue, accessed from Anchor Street.

## Constraints

4. The Chapel is designated a locally listed building, therefore development proposals should retain the building's heritage significance within the scheme where reasonably practicable in accordance with DM9.
5. Potential impact on the amenity of nearby residential properties that could arise from the type of units, form and layout of new development.
6. Potential impact on pedestrian and highway safety in the locality arising from increased parking and traffic generation.

## Relevant planning history

7. Relevant planning history is set out below. The principle of conversion was established by a 2010 planning consent for conversion of the chapel into 12 self-contained apartments.

Ref	Proposal	Decision	Date
4/1988/1220	Development of site to provide seven flats.	INSFEE	30/03/1989

Ref	Proposal	Decision	Date
4/1989/1403	Conversion of part of rear of Church to provide one associated dwelling and erection of single storey extension at side of Church.	APCON	25/01/1990
4/1990/0911	Condition 3: Details of party walls to improve the resistance to the transmission of sound for previous permission 4891403/F "Conversion of part of rear of Church to provide one associated dwelling and erection of single storey extension at side of Church."	APPR	22/10/1990
4/1990/1048	Condition 6: Details of landscaping, planting and site treatment works for previous permission 4891403/F "Conversion of part of rear of Church to provide one associated dwelling and erection of single storey extension at side of dwelling."	APPR	04/12/1990
10/01208/F	Conversion of part of Baptist Chapel to 12 self contained apartments.	APPR	20/10/2010
12/02335/F	Removal of wood/brick lantern light to roof and replacement with glazed pyramid rooflight.	APPR	13/05/2013

## The proposal

8. The proposals involve the following:

- a) Conversion of the vacant Baptist Chapel into 10 residential apartments within the envelope of the existing building: 4 each on the ground and first floors, and 2 on the second floor;
- b) Retention of many original internal and external features including the bottle glass windows on the south and west elevations;
- c) New dormers on the south and north elevations, the design of which minimises overlooking of adjacent properties to the south; and
- d) Car free housing.

## Summary information

Proposal	Key facts
<b>Scale</b>	
Total no. of dwellings	10
No. of affordable dwellings	0
Total floorspace	Gross internal floor area of approx. 840 sq m
No. of storeys	3
Density	200 dph
<b>Appearance</b>	
Materials	Red brickwork (using reclaimed tiles for window infills), reclaimed roof tiles for new dormers to match existing.  Windows: powder coated aluminium frames (black)
Energy and resource efficiency measures	Roof integrated solar panels on southern elevation
<b>Transport matters</b>	
Vehicular access	None
No of car parking spaces	None – car free
No of cycle parking spaces	10
Servicing arrangements	Creation of bin storage on north side of scheme serviced from Mousehold Lane.

## Representations

9. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 9 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.

Issues raised	Response
Poor design - concern at overlooking from the southern elevation onto the adjacent	Initial balcony design has been amended (the design now features

<b>Issues raised</b>	<b>Response</b>
Silver Haven housing scheme, with resulting loss of privacy.	dormers) which addresses overlooking and privacy concerns. Minimal impact on adjacent residents. See paragraph 48.
Noise and other disturbance from new development (including during construction) - impact on Silver Haven.	Design addresses this through layout of apartments, with non-active frontages to south elevation. Secondary glazing on south elevation and new double glazing on north elevation will reduce noise generation.  Construction impact will be addressed by condition.  See paragraphs 50-51.
Impact on existing access to Silver Haven development	Minimal impact – the apartments will be accessed from the Mousehold Lane frontage.
Impact on limited on-street parking in the locality	See paragraphs 43-44.
Loss of trees	See paragraph 23.
Impact on nearby schools	County Council obligations for supporting school facilities kick in on developments of 25 dwellings or more. Given the scale of the development there is no conflict with policy in this case.
Subsidence in nearby area	This is not considered to be a material consideration in this case, particularly given that the proposal involves the conversion of an existing building, the works will also be subject to building control.

## Consultation responses

10. 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**

11. This is a locally listed building and significant local landmark. Original concerns at certain aspects of the design, particularly the impact of proposed large dormers with balconies on the south elevation, have been addressed with a reduction in the number and style of dormers (with no balconies), rooflights and repositioning of the photovoltaic panels to make them less visually intrusive. Subject to conditions, these aspects of the scheme are now acceptable.
12. The original windows are an integral part of the Arts and Crafts character of the building, with decorative leadwork and 'bottle' glass used throughout. Ideally they should be retained on the north, south, and west elevations. To remove them would be detrimental to the character appearance and significance of the building, causing less than substantial harm to the locally listed heritage asset by their removal on the north elevation.
13. Existing doors and windows should be preserved in situ where possible, as should other features such as the date stone on the north elevation.

## **Environment Agency**

14. The site falls within flood zone 1 and there is no record of any contamination on site, therefore no comments to make on this application.

## **Highways (local)**

15. No objection to the proposed conversion. The properties would not be entitled to parking permits, but residents with cars can park them in the adjacent controlled parking zone outside of operational hours (Mon to Sat 8am to 6.30pm), or on Mousehold Avenue which is outside the zone entirely. A controlled parking zone extension in the future may help to manage parking in the local area in future, but there are no plans at present to do this due to lack of resources.
16. There are no cycle parking facilities so it is essential that at least 10 cycle spaces are provided for.
17. Individual bins are essential due to the gradient of the hill on both sides for collection. Paths should be put into the hedged area in order for the bin men to collect the bins as otherwise the residents would have to present them on Mousehold Avenue which would not be ideal.

## **Landscape**

18. The curtilage of the site is extremely limited, however the revised proposals appear not to negatively impact the existing landscape and boundary treatment to Mousehold Avenue, and now incorporate opportunities to improve the boundary treatment to Silver Road and provide some amenity space for residents.
19. It is considered that the revised proposals are acceptable in landscape terms. Additional details will be required in relation to new planting, proposed boundary treatments including access gates to secure boundaries, green screens, and proposed hard landscape materials. Additional details will also be required in relation to the appearance and position of the proposed bike store. These items may be conditioned as part of any approval given.

### **Norfolk historic environment service**

20. A condition should be imposed to ensure that the building is recorded in the historic building records.

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

21. Early consultation is recommended with the Police Architectural Liaison Officer to build in security from the outset.

### **Strategic housing**

22. Under the recently adopted Supplementary Planning Document on Affordable Housing, there is no requirement to provide affordable housing on this site (please note that this has now changed: see para 58-59 for an update on affordable housing).
23. The original proposal was to provide two intermediate tenure four-bed (6 person) flats on the second floor/roof space. This has now been amended so that all housing is private sector housing. While there is a need for larger family homes in the city, in particular affordable housing, the need is for larger houses rather than second-floor accommodation.

### **Tree protection officer**

24. There is no objection to the revised scheme, and no amendments are required to the Arboricultural Impact Assessment (AIA) / Arboricultural Method Statement (AMS). Compliance with the submitted AIA/AMS should be conditioned.

## **Assessment of planning considerations**

### **Relevant development plan policies**

25. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
- JCS1 Addressing climate change and protecting environmental assets
  - JCS2 Promoting good design
  - JCS3 Energy and water
  - JCS4 Housing delivery
  - JCS6 Access and transportation
  - JCS7 Supporting communities
  - JCS9 Strategy for growth in the Norwich policy area
  - JCS12 Remainder of Norwich urban area
  - JCS20 Implementation
26. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
- DM1 Achieving and delivering sustainable development
  - DM2 Ensuring satisfactory living and working conditions
  - DM3 Delivering high quality design
  - DM4 Providing for renewable and low carbon energy

- DM5 Planning effectively for flood resilience
- DM7 Trees and development
- DM9 Safeguarding Norwich's heritage
- DM12 Ensuring well-planned housing development
- DM22 Planning for and safeguarding community facilities
- DM28 Encouraging sustainable travel
- DM30 Access and highway safety
- DM31 Car parking and servicing
- DM32 Encouraging car free and low car housing
- DM33 Planning obligations and development viability

### **Other material considerations**

#### **27. Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**

- NPPF0 Achieving sustainable development
- NPPF4 Promoting sustainable transport
- NPPF6 Delivering a wide choice of high quality homes
- NPPF7 Requiring good design
- NPPF10 Meeting the challenge of climate change, flooding and coastal change
- NPPF12 Conserving and enhancing the historic environment

#### **28. Supplementary Planning Documents (SPD)**

- Affordable housing SPD adopted March 2015, as revised August 2015.

### **Case Assessment**

29. 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**

30. Key policies and NPPF paragraphs – JCS4, JCS9, JCS12, DM12, DM22, DM33, NPPF paragraphs 49 and 14.
31. The proposal is for the conversion of the Baptist Chapel to 10 residential flats. This site is not allocated in the current local plan
32. The current proposal involves the loss of a place of worship. The principle of the loss of a community facility was established by the consent granted in 2010 (10/01208/F). At that time marketing of the community use was considered and planning permission was subsequently granted for change of use. The situation has not changed substantially in the meantime. The relevant policy in the newly adopted local plan is DM22. Although the loss of this place of worship is regrettable the building has been vacant for some considerable time and the remainder of the site

will continue to be used by the church for community use. The Silver Rooms Community Centre is very close to (approx. 0.15 miles away from) the application site and provides community facilities for this area.

33. Paragraph 50 of the NPPF supports delivery of a wide choice of quality homes, and policies JCS4 and DM12 support new housing which will help to meet housing needs in the city. The principle of providing housing accommodation in an established residential area with reasonable access to public transport, and within walking distance of the city centre, is acceptable in principle subject to other material planning considerations. The principle of conversion to residential use was established through the planning permission granted in 2010.
34. Policy DM12 sets out the principles applying to all new residential development, including having no detrimental impact on the character and amenity of the surrounding area, contribution to achieving a diverse mix of uses in the locality and achieving the housing delivery targets set out in the JCS, provision of a mix of dwellings in terms of size, type and tenure including a proportion of family housing, and achieving a density in keeping with the character and function of the area. These and other material planning considerations are addressed in the issue-specific sections below.

## **Main issue 2: Design and heritage**

35. Key policies and NPPF paragraphs – JCS2, DM3, DM9, NPPF paragraphs 9, 17, 56, 60-66 and 128-141.
36. The Baptist Chapel is locally listed and is a prominent and significant local landmark and, as such, there is a strong presumption in favour of preserving and reusing the existing building.
37. Policy DM9 requires that where locally identified heritage assets, such as this building, are affected by development proposals, their significance should be retained within the development wherever reasonably practicable. Development resulting in harm to a locally listed building will only be acceptable where there are demonstrable or overriding benefits arising from the development, and it can be demonstrated that there is no reasonably practicable or viable means of retaining the asset within a development.
38. It is not considered that these proposals will cause harm to the locally listed chapel building. There was concern at certain aspects of the original proposals (including the proposed large dormer windows, particularly those with balconies on the southern elevation), and their potential impact on the character, appearance and significance of the building but these have been addressed by revised plans. There is a reduction in the number and size of dormers, and rooflights, and photovoltaic tiles have been repositioned to reduce their impact. Existing architectural features are being retained where practicable, including the original bottle glass windows on the south and west elevations, and retention of the date stone on the north elevation. Also, original materials will be reused where possible including in the construction of the new dormers and in the new across-window infills in the north elevation.
39. The proposals do not retain the original bottle glass windows in the north elevation (replacement with clear glass is required to provide for residential amenity),

however the replacement windows have been sensitively designed using similar proportions as for the original, and will involve reuse of materials as referred to above.

40. It is considered that the changes now proposed to the building are only those required for facilitating the future residential use of the building, are in keeping with the architectural style of the building, and will have minimal impact on the character, appearance and significance of the building.

### **Main issue 3: Transport**

41. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF paragraphs 17 and 39.

#### *Car free housing*

42. Policy DM32 encourages car-free housing on appropriate sites which are well located in terms of public transport and where car-free housing can contribute to the beneficial reuse and regeneration of vacant or underused buildings in the centre.
43. The application site is located in a reasonably sustainable location to the north of the city centre and is just within a Controlled Parking Zone (CPZ). The constrained nature of the site does not allow for provision of on-site parking. Car-free housing in this location is considered acceptable as there are clear sustainability and heritage benefits to retaining the existing building in a viable and much needed residential use.

#### *Parking*

44. As newly built properties (albeit as part of a conversion scheme), the properties are not entitled to parking permits, however future occupants will still be able to park in the adjacent CPZ outside of operational hours (Mon to Sat 8am to 6.30pm) or along Mousehold Avenue which includes some unrestricted parking. There will be minimal impact on parking in the wider area given the scale of the development.
45. The proposals provide for 10 cycle spaces; secure cycle parking will be located at the frontage with Silver Road.

#### *Servicing*

46. The proposal provides for 2 brick-built bin storage areas on the north side of the development which will be accessed from Mousehold Lane. This is not an ideal solution, particularly for those residents with bins stored in the eastern bin storage area who will have to wheel their bins along the length of the path. The alternative of locating all the bin storage in one area near the Mousehold Lane access would however have a detrimental impact on the landscaping of the site and is not favoured. Given the changes in levels between Mousehold Lane and the path, and the location of trees to be retained, the proposed solution for bin storage is considered acceptable.

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

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

48. The key considerations are whether the development as proposed would result in any significant loss of amenity of neighbouring properties and whether the development will provide adequate internal and external amenity space for occupants.

*Overlooking / impact on privacy*

The design of the proposed development seeks to minimise any overlooking from the converted chapel onto the existing Silver Haven houses, with non-active frontages (ie. bedrooms) on the south-facing side of the chapel building. The north facing rooms in Silver Haven are kitchens and bathrooms, which further reduces the impact of any potential overlooking. The proposed dormers are smaller than previously anticipated, there are fewer of them (3 as opposed to 7), and none have balconies. In addition the level of headroom in the top floor flats on the south elevation, and the addition of a built-in shelf restricting access to windows, means that it would be very difficult, if even possible, to see into the windows of the Silver Haven flats, particularly given the overhang of eaves on the latter (as is evident in the dormer sight line drawing dated 4<sup>th</sup> August 2015). There are two new windows on the south elevation which will not be bottle glass and therefore it is suggested that these be obscure glazed.

*Overshadowing*

49. Loss of light to the Silver Haven flats is not a significant issue as the proposed new dormers on the south elevation are set back from the eaves to approximately the same position as the existing windows; despite their addition, daylight loss is likely to be minimal to non-existent given the orientation of the building. The proposed dormers are significantly smaller (and fewer in number) than those originally proposed by the applicant.

*Noise and disturbance*

50. Noise generation is not considered to be a significant issue for either the future occupiers of the scheme or their neighbours. The solid construction of the chapel building and interior plastering will reduce traffic noise to occupants; secondary glazing on the south elevation and new double glazing on the north elevation will prevent any traffic disturbance.
51. Construction disturbance is typical of any redevelopment and will be short term. An informative note promoting considerate construction can be added to any approval.

*Internal space for new occupants*

52. The proposed flats comprise 4 2-bed flats of 55 sqm, 4 2-bed flats of 64 sqm and 2 3-bed flats of 97 sqm (670 sqm total). The internal space standards set out in policy DM2 show an indicative total requirement for approximately 660 sqm for flats of these types so the standard overall is exceeded.

*External amenity and landscaping*

53. The proposed development has limited external space so opportunities to provide landscaping are restricted. However the proposals make the most of the raised platform area fronting Silver Road by replacing the railings, providing landscaping /

screening and a communal area, with a bike store, and will contribute to securing the future of this heritage asset.

54. The limited on-site amenity space is offset to some extent by the close proximity of Mousehold Heath, the allotments on Mousehold Avenue, and sports facilities and open space off Anchor Close. All these facilities can be easily accessed within short walking distance without the need to cross main roads.

#### *Lifetime homes*

55. The requirement to provide lifetime homes in policy DM12 applies to sites of 10 plus dwellings. Given the constraints of the building and lack of parking, it is not possible to comply fully with the Lifetime Homes standard, however the 4 ground floor flats have level access and are designed to provide full DDA compliance. Overall the scheme is considered acceptable given the restrictions of this locally listed building and the importance of bringing it back into viable use.

### **Main issue 11: Affordable housing viability**

56. Key policies and NPPF paragraphs – JCS4, DM33, NPPF paragraph 50.
57. The High Court recently quashed paragraphs 012 to 023 of the National Planning Policy Guidance, relating to the exemption of small developments from affordable housing contributions and the vacant building credit. This means that Joint Core Strategy policy 4 (affordable housing) is applicable, as is the revised Affordable Housing SPD (August 2015). The policy seeks a proportion of affordable housing on all sites over 5 units, and would require 30% of dwellings on the application site to be affordable, unless it can be demonstrated that the site is unviable in prevailing market conditions.
58. A viability assessment has been undertaken for this proposed development, and indicates that the viability is marginal, based on a number of variables including sales values, acquisition costs and construction costs. Given the marginal viability of the site and the desire to see it brought back into beneficial use, it is accepted that it would not be viable to provide affordable housing on site or to seek a commuted sum for off-site affordable housing.
59. In accordance with the Affordable Housing SPD (section 10), any scheme where reduced (or no) on or off-site provision of affordable housing has been accepted due to viability considerations will include an affordable housing viability review clause. In the case of the proposed conversion scheme, a review of affordable housing viability will come into effect if there has been no commencement of the permission within 12 months of the date of decision, or if commencement has occurred within 12 months but there is no occupation within a reasonable period following commencement, dependant on the complexity of the development.

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

60. A number of development plan policies include key targets for matters such as parking provision and energy efficiency. The table below indicates the outcome of the officer assessment in relation to these matters.
- 61.

<b>Requirement</b>	<b>Relevant policy</b>	<b>Compliance</b>
Cycle storage	DM31	Yes subject to condition
Car parking provision	DM31	No – this site is appropriate for car free housing
Refuse Storage/servicing	DM31	Yes subject to condition to provide refuse storage prior to occupation
Energy efficiency	JCS 1 & 3 DM3	Yes subject to condition: it is proposed to use photovoltaic systems on south side of building which will provide over 10% of the energy requirements.
Water efficiency	JCS 1 & 3	Yes subject to condition
Sustainable urban drainage	DM3/5	The constrained curtilage of the site and nature of the development means that SUDs are not possible. However the proposals are considered acceptable as they do not increase the size of the impermeable area, subject to a landscaping condition requiring permeable paving.

### **Equalities and diversity issues**

62. There are no significant equality or diversity issues.

### **Local finance considerations**

63. 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.

64. 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.

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

### **Conclusion**

66. The proposed conversion scheme will provide an appropriate form and quality of residential development which will enable the continued preservation, protection and active use of a landmark and locally listed building which contributes significantly to the character of the surrounding area.



67. Although redevelopment means the loss of a community facility, the Baptist Chapel had not been in operation for many years, and in any case community activities will still take place on the remainder of the site. The lack of significant on-site amenity space is off-set by close proximity and safe and easy access to nearby open space and children's play and recreation facilities. The high density of development and the car-free nature of the development scheme are considered acceptable on balance given the preference to preserve the fabric and character of the chapel, and the site's location in a sustainable and accessible part of the city, close to services and the city centre.
68. Subject to conditions, 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. 15/00485/F - Baptist Chapel Silver Road Norwich NR3 4TE and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Details of landscaping (including permeable paving);
4. Details of south elevation windows, including obscure glazing to new windows and details for the retention and fire-proofing of existing bottle glass windows;
5. Details of mechanical ventilation;
6. Water efficiency to meet 105 litres per person per day
7. Details of materials including glazing detail, doors, and bricks.
8. Details of PV panels;
9. Details of cycle parking on Silver Road frontage, and provision prior to occupation;
10. Details of refuse storage and provision prior to occupation;
11. Undertake historic building assessment and photographic record prior to commencement, and record building in Historic Building Record;
12. Compliance with the submitted AIA/AMS.

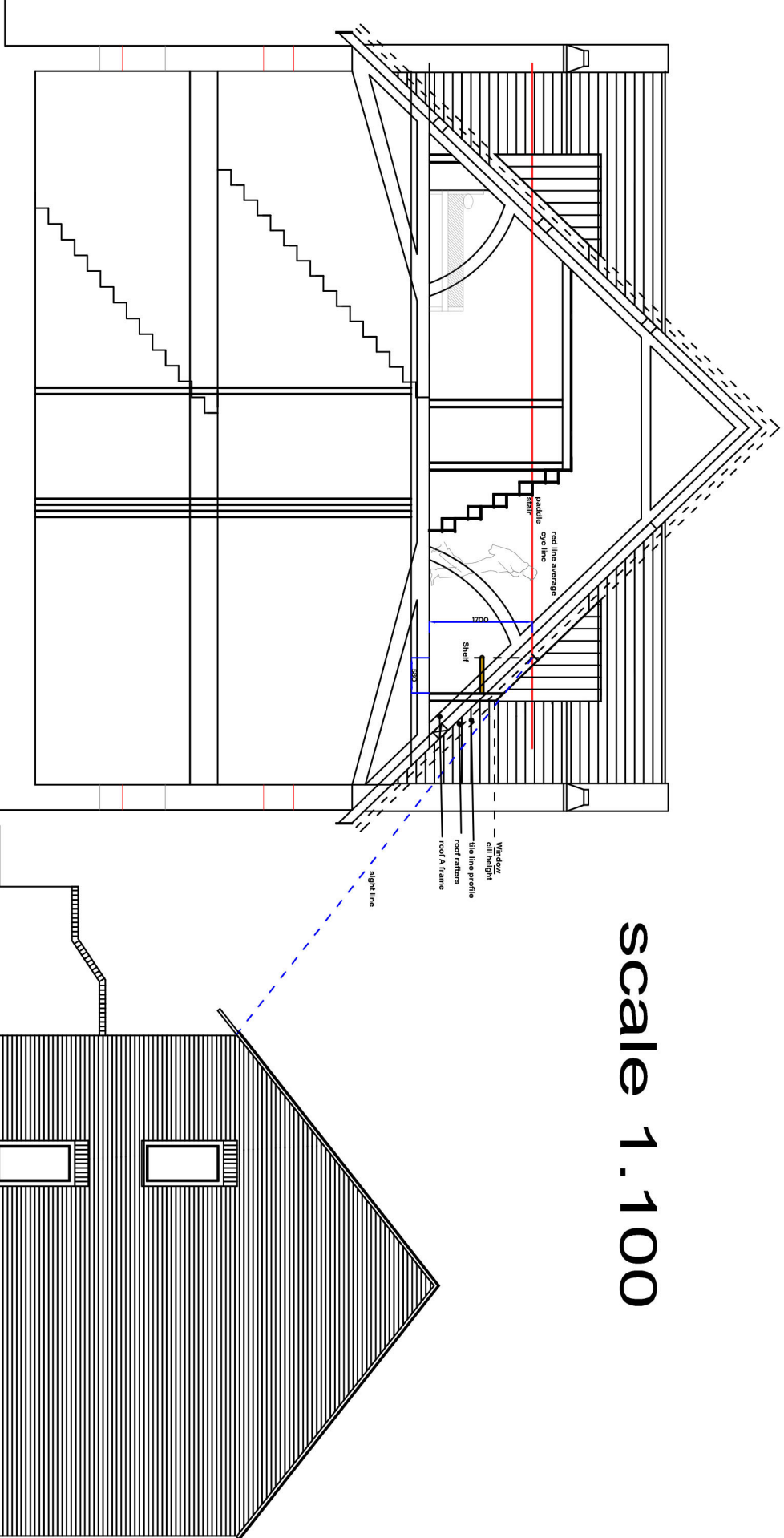
Informative Notes:

1. Considerate construction

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

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

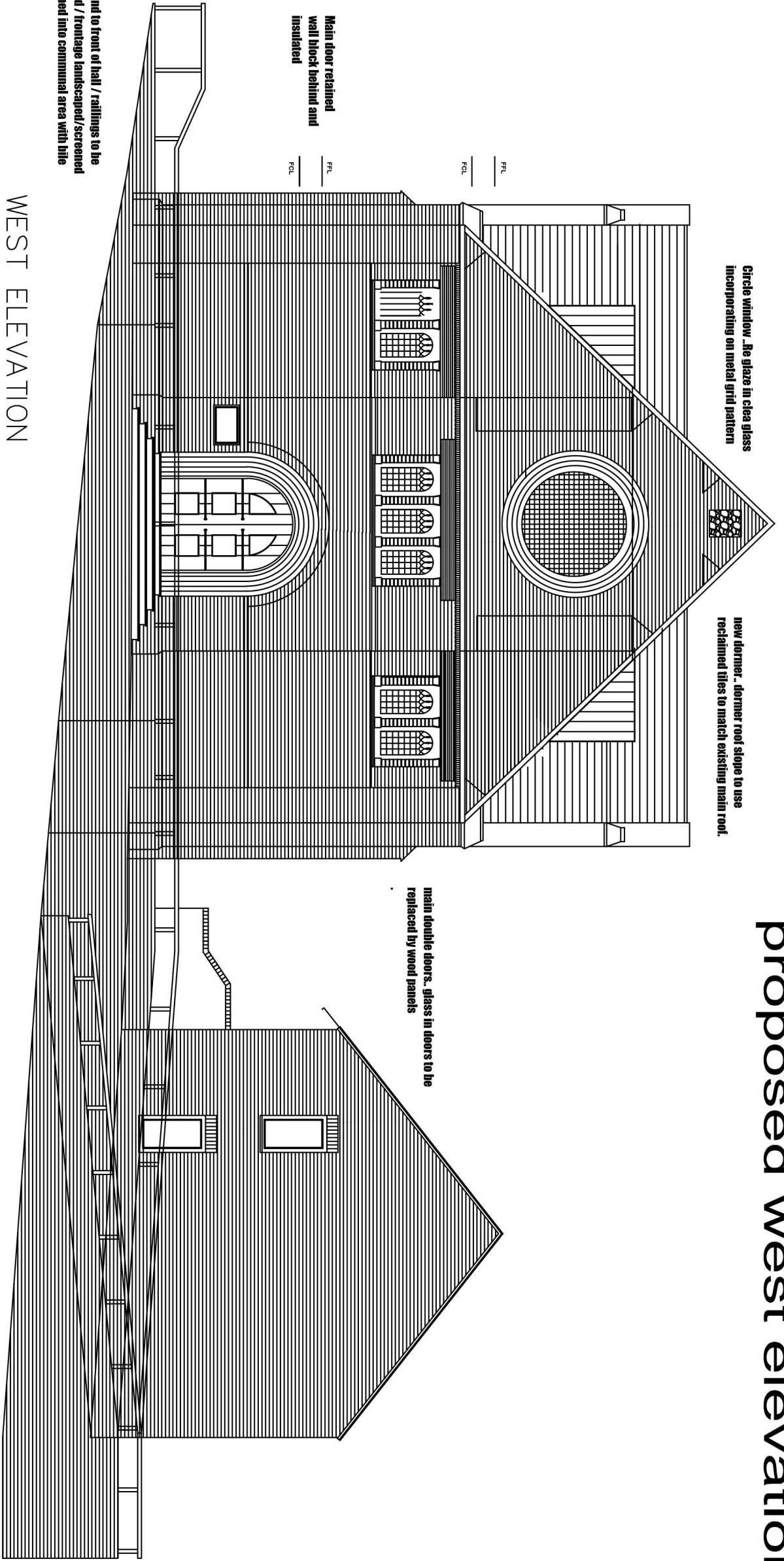




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Section

# Planning Drawing



Circle window. As glass in clear glass incorporating an metal grid pattern

new dormer, dormer roof slope to use mechanism tiles to match existing main roof.

main front doors, glass to doors to be replaced by wood panels

Backed to front of hall / railings to be replaced / frontage landscaped / screened and paved this command area with this stone.

Main floor retained with black timber and installed

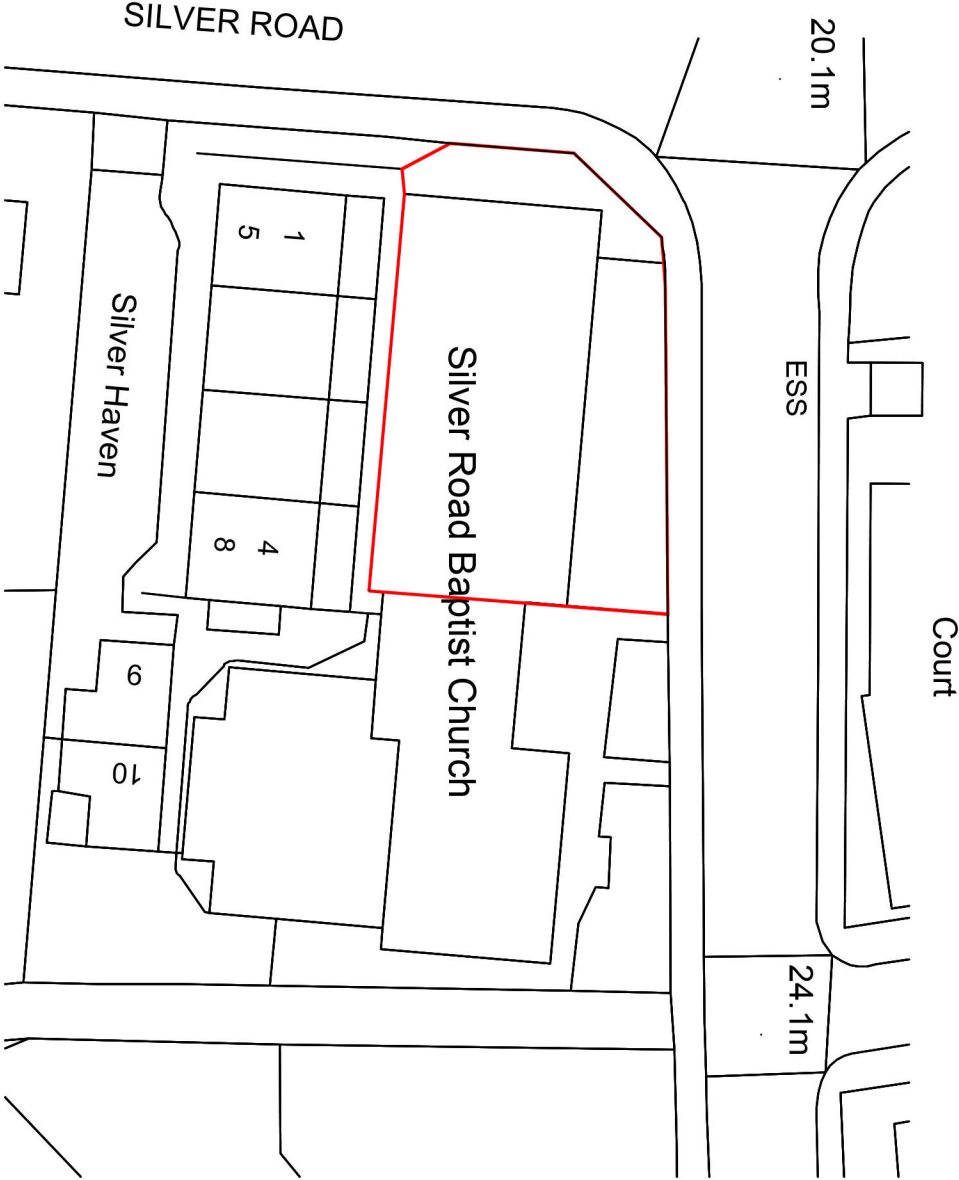
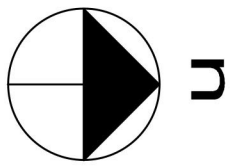
WEST ELEVATION

proposed elevation



site plan

Scale1.1250



site plan

Scale1.500

new dormer, dormer roof slope to use mechanism tiles to match existing main roof.

New joining Windows / Door Powder coated aluminium frame color as black

NORTH ELEVATION

North elevation

Across window units to new retained glass and stone to be replaced up to being outcrop / hidden limbs to be used

Backed to front of hall / railings to be replaced / frontage landscaped / screened and paved this command area with this stone.

Stone door tile to be retained and cleaned up existing door to hall to be retained and used within lobby of first 1 x 2 when existing door opening is closed

PV 2mm units per flat (Solar panel)

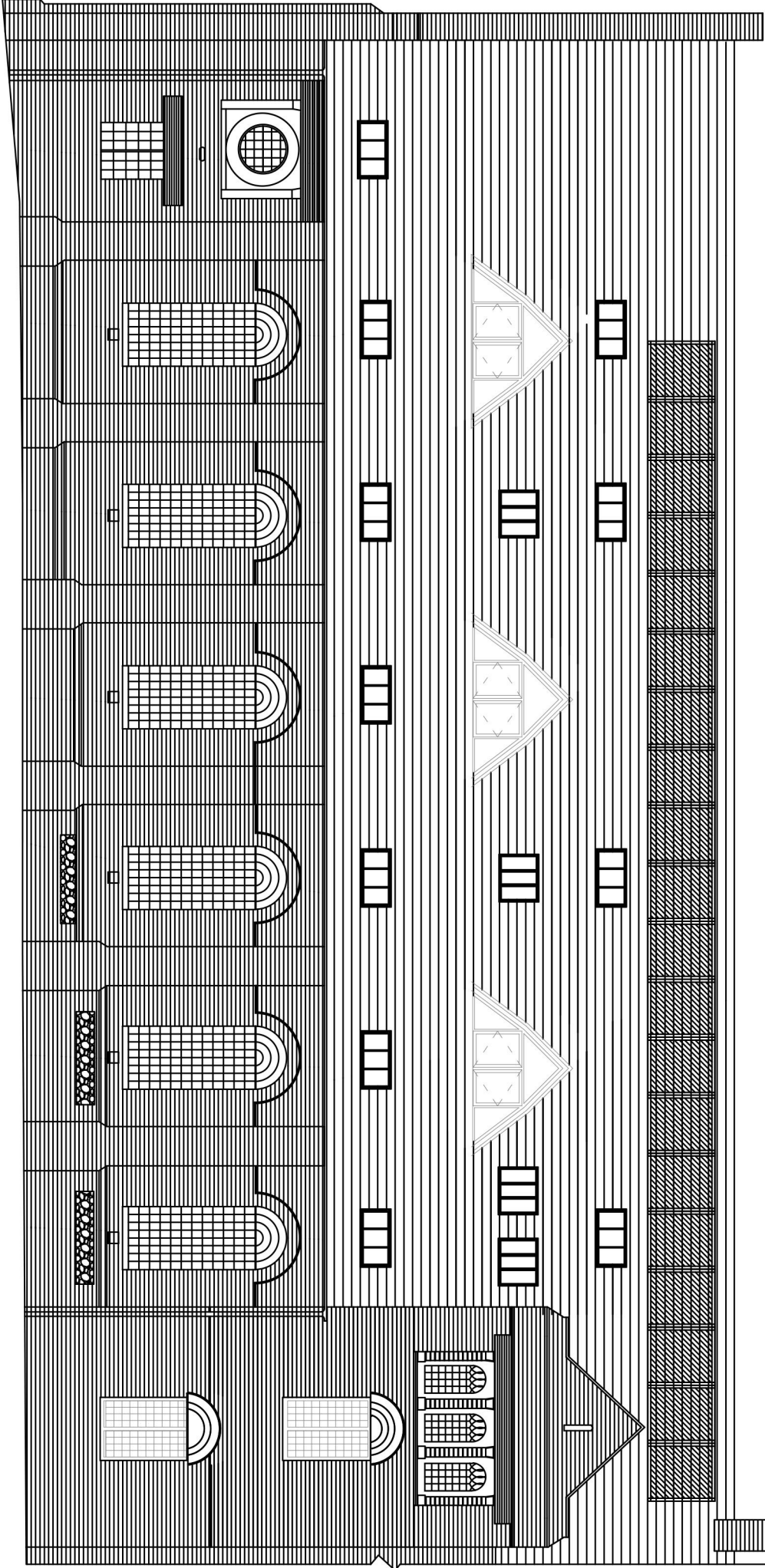
conservation roof lights

new dormer, dormer roof slope to use mechanism tiles to match existing main roof.

conservation roof lights

Existing circle window to be retained roof lights

Existing tall height windows to be retained backdropping to front of hall / railings to be replaced / frontage landscaped / screened and paved this command area with this stone.



SOUTH ELEVATION

South elevation

scale 1.100

REV G.....16-07-2015 Planning amendment from 28/07 added

REV F.....16-07-2015 2no dormers added

REV E.....15-07-2015

REV D.....14-07-2015

REV C.....11-07-2015

REV B.....28-03-2015

Do not scale from this drawing: all dimensions to be checked on site

Drawings copyright of D J Designs Limited

**djdesigns limited**

1 FERRY LANE POSTWICK NORWICH NORFOLK NR13 5HL

TELEPHONE 01603 437975 e-mail [djdesigns@btinternet.com](mailto:djdesigns@btinternet.com)

PROJECT Baptist Church  
Silver Road Norwich

CLIENT Mr Pailthorpe

DRAWING Proposed elevations

SCALE 1:100 PRG No MJSN/2002015 DRW G DATE 22nd March 2015

This is to be used in accordance with the provisions of the Building Regulations 2010 and the Building Regulations 2010 (Approved Document A) and the Building Regulations 2010 (Approved Document B). All building works are to be carried out in accordance with and incorporating good practice and the Building Regulations 2010 (Approved Document A) and the Building Regulations 2010 (Approved Document B). This drawing has been prepared from information collected by a visual survey of the existing site...no exploratory works have been undertaken...

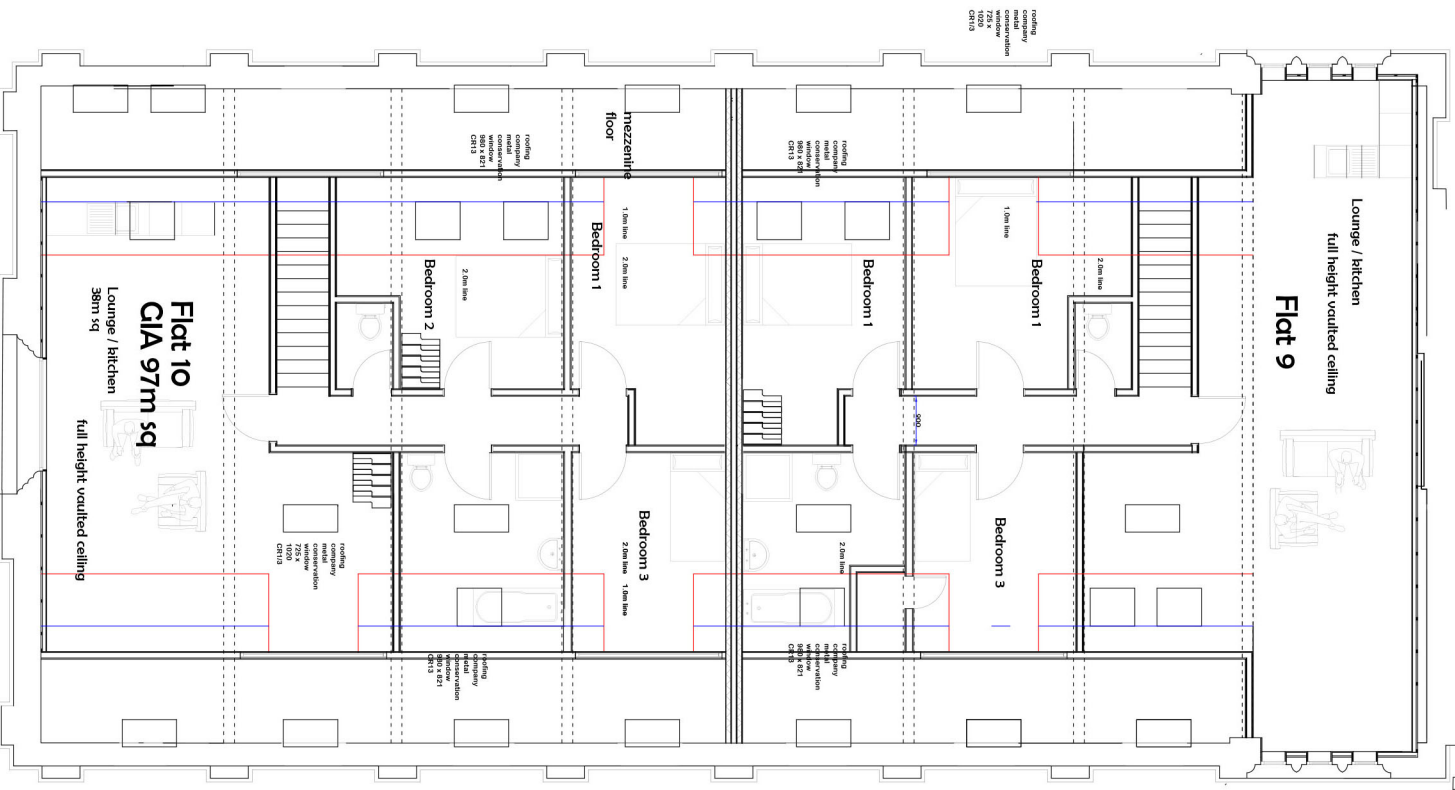
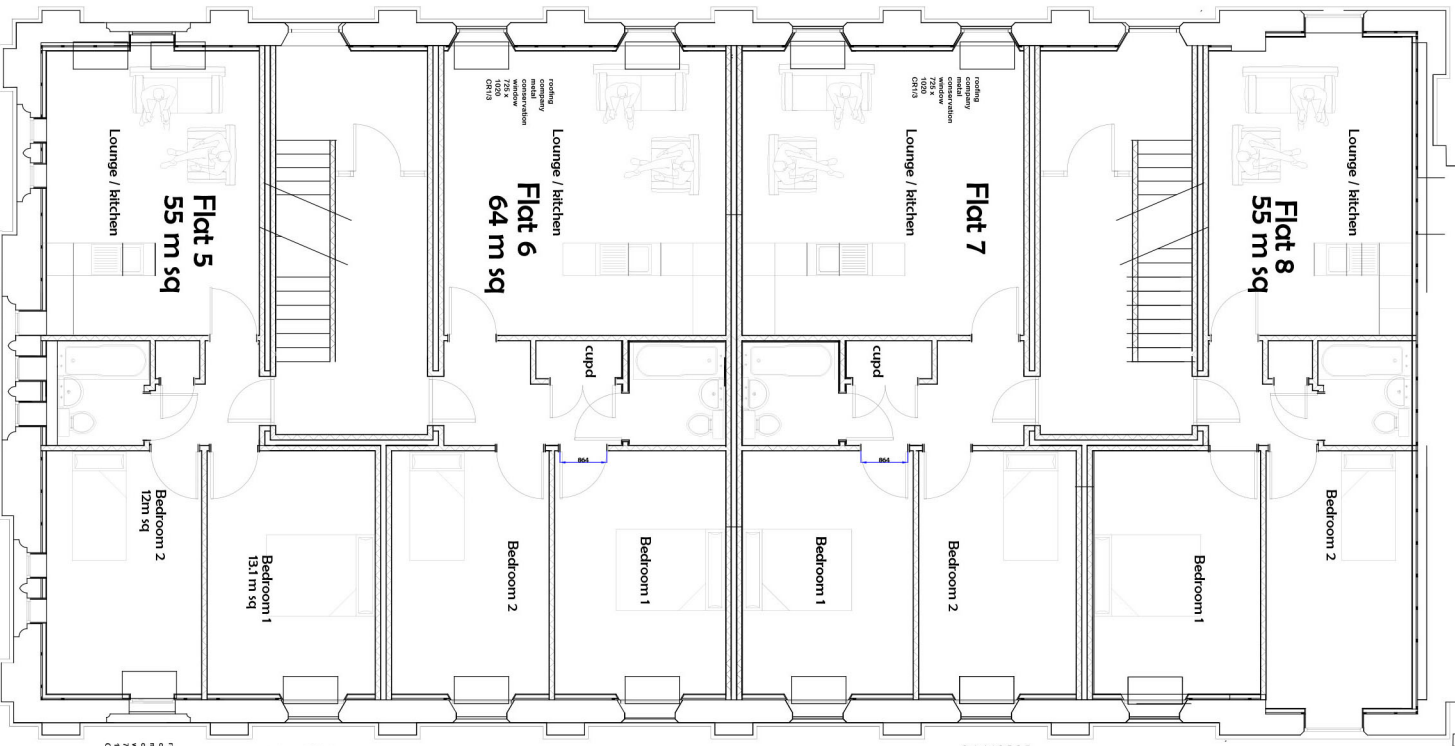
Under the provisions of the Party Wall Act 1981 (and successor), the employer must satisfy themselves that they have complied with the terms and conditions of the Party Wall Act.

Under the provisions of the current Health & Safety CDM regulations, the employer must satisfy themselves that they have complied with the terms and conditions of the Health & Safety CDM regulations.



# Planning Drawing





first floor

Planning Drawing

second floor

REV'D 04/06/2015 - additional roof light / chimney added.

REV'D 16/07/2015 - 2nd additional dormer.

REV'D 16/07/2015 - amended for planning.

REV'D 14/07/2015 - amended for planning.

REV'D 11/07/2015 - amended for planning & wind 0007.

REV'D 20/03/2015 -

Drawn: **David Smith**

Checked: **David Smith**

Approved: **David Smith**

Client: **Mr. P. Smith**

Project: **Proposed First / Second Floor Floor**

Scale: **1:50**

Drawn: **David Smith**

Checked: **David Smith**

Approved: **David Smith**

**d|designs limited**

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**Report to** Planning applications committee

**Item**

03 September 2015

**Report of** Head of planning services

**Subject** Application no 15/00997/F - Utilities Site and Deal Ground, Norwich

**4(D)**

**Reason for referral** To agree a site visit for this application which will be considered by committee at a future date.

**Applicant** NPH (Norwich) LLP

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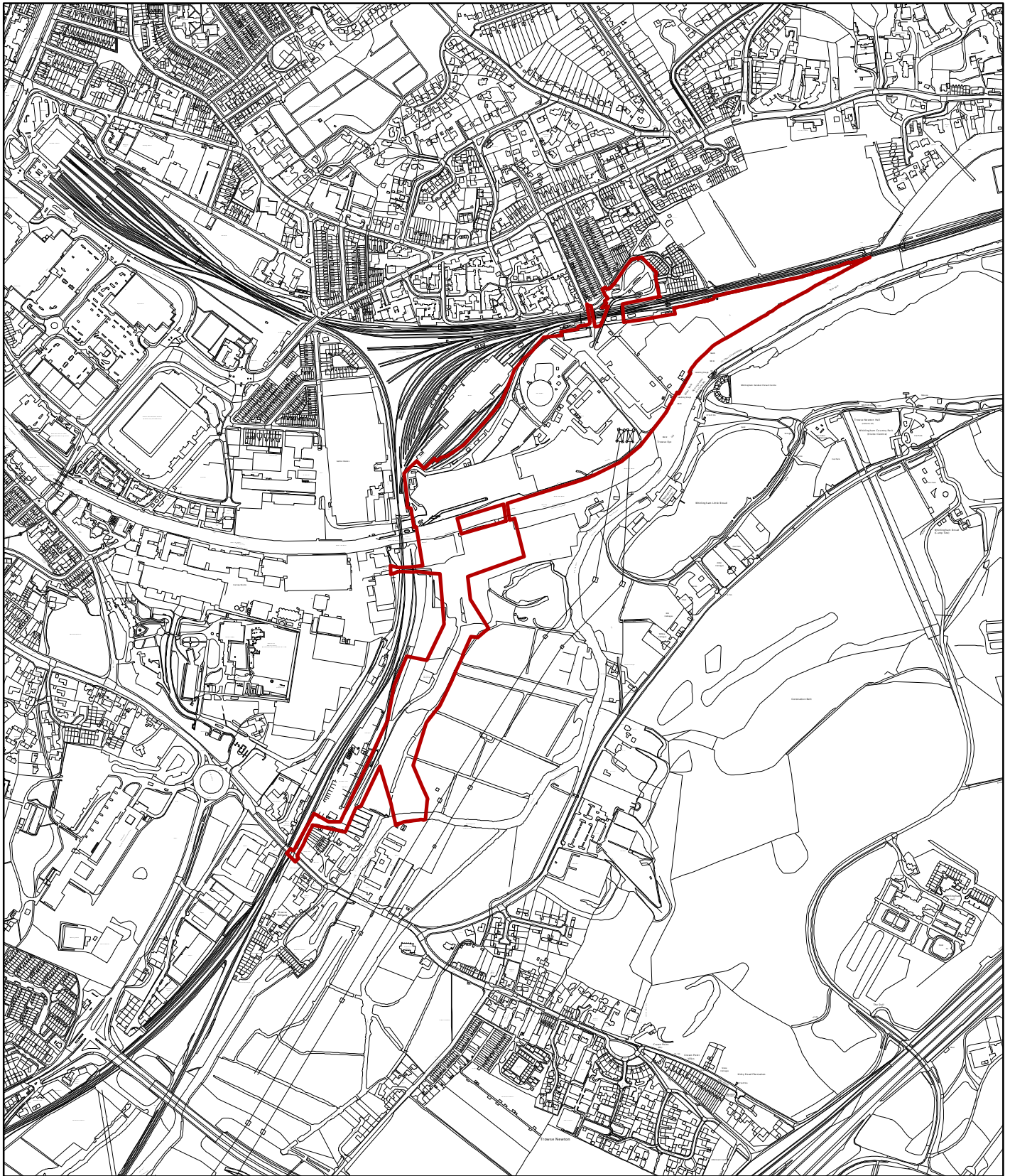
<b>Ward:</b>	Thorpe Hamlet
<b>Case officer</b>	Mark Brown - <a href="mailto:markbrown@norwich.gov.uk">markbrown@norwich.gov.uk</a>

<b>Development proposal</b>	
<p>Full planning permission for demolition works and the development, on the Utilities site, of a biomass fuelled energy centre (49.9 MWe installed capacity), associated fuel storage, offloading facilities and railway works, district heating network centre and associated utilities linkages to the Carrow Works; 435 units of student accommodation; commercial units; boat moorings, landscaping and public realm provision; controlled access to Hardy Road and new vehicular access via the Deal Ground with new vehicular bridges over the River Wensum and River Yare; together with associated infrastructure works and all enabling and preparatory works.</p> <p>Outline planning permission (with all matters reserved) for demolition works and provision of 120 residential dwellings; 282 units of student accommodation; research centre; data centre; education centre; offices and training buildings; a new pedestrian and cycle access to Cremorne Lane; boat moorings, landscaping and public realm provision; together with associated infrastructure works and all enabling and preparatory works.</p>	
<b>Expiry date</b>	26 November 2015
<b>Recommendation</b>	That members undertake a site visit.

## Summary

1. The report recommends that the planning committee undertake a site visit for the above planning application which relates to a particularly large and complex proposal. Having an understanding of the site without a site visit is difficult given that most of the site cannot be seen from the public realm. The report below provides an outline of the site location, the main constraints in and around the site and an overview of the proposals. No assessment of the proposals is made within the report as at this stage the report is for information and to agree the procedure for determination, specifically to include a member site visit.





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Planning Application No 15/00997/F

Site Address Utilities site and Deal Ground

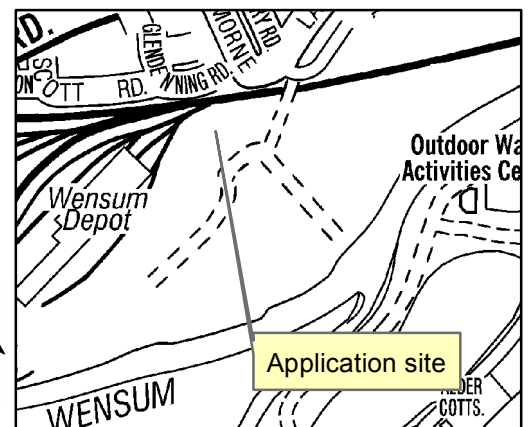
Scale 1:10,000



**NORWICH**  
City Council

PLANNING SERVICES

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## Site location and context

2. The site is located to the east of Norwich, east of the Norwich to London railway line and south of the Norwich to Yarmouth railway line. The site can be described in a number of parts as follows:
  - a) The Utilities site where the bulk of development is proposed is bounded by the above railway lines to the west and north and the Rivers Yare and Wensum to the south. The site is 'land locked' by the rail lines and Rivers Wensum and Yare. The confluence of the two rivers at Trowse Eye is roughly directly south of the centre of the site.
  - b) The Deal Ground is located to the south of the Utilities Site beyond the River Wensum, access is proposed via the Deal Ground;
  - c) The 'May Gurney' site (now occupied by Kier) is south of the Deal Ground beyond the River Yare, access is proposed via the May Gurney site onto Bracondale;
  - d) Land at Cremorne Lane adjacent to The Sidings and Salisbury Road. This is a triangular site to the north of the Norwich to Yarmouth rail line where access is currently gained to the National Grid operations on the site via a bridge over the rail line.
3. The Utilities Site measures approximately 12ha in size and the majority of it is within the city of Norwich with a small section to the east within Broadland district. Norwich City Council is the local planning authority for just over half of the site (the western side up to the central inlet) whilst the Broads Authority is the local planning authority for:
  - a) the eastern part of the site beyond the central inlet;
  - b) the land at Cremorne Lane;
  - c) development within the River Wensum; and
  - d) development within the River Yare downstream of Trowse Eye (the access bridge between the Deal Ground and May Gurney site is upstream of this point and in Norwich rather than the Broads).Development within the Deal Ground is within city and local planning authority boundaries of Norwich as is the river span of the bridge over to the May Gurney site. The May Gurney site is within South Norfolk.
4. The Utilities site was formally occupied by two power stations, a coal fired 1920's power station, and a gas fired 1960's power station, with associated gas works. The power stations were located on the river frontage to the southwest and the gas works to the northeast. With the exception of features mentioned below the two power stations and gas works have since been demolished to ground level with only concrete pads and some former rail headings remaining visible at ground level.
5. Buildings and structures remaining on the Utilities site consist of:
  - a) A decommissioned gas holder which no longer has a hazardous substance consent for the storage of natural gas;
  - b) A large sub-station (operational) occupying an area of circa 0.5 hectare;
  - c) Two large electricity pylons 72.5m high;

- d) A National Grid depot located to the north of the site consisting of parking and storage areas as well as a number of single storey buildings;
  - e) A 26m high telecommunications mast adjacent to the national grid depot car park;
  - f) A car park and single storey buildings relating to the train operating company facilities to the north, accessed from Hardy Road;
  - g) A single lane vehicular bridge to Cremorne Lane over the Norwich to Yarmouth Railway line;
  - h) Two sheet piled inlets, once used for cooling water from the former power stations. One to the western end of the site running from a point adjacent to the Trowse rail bridge parallel with the river and a further running from a point just north of Trowse Eye, northwest into the site perpendicular to the river before turning west ending just south of the gasometer;
  - i) Some small transformer buildings and gas supply infrastructure in the eastern part of the site;
  - j) A sheet piled river frontage to most of the site other than a small section to the eastern most extent of the site. Above this piling much of the site is fenced off from the river by 2+m high fencing.
6. The west of the Utilities site is largely clear of vegetation covered in hard standing from the former 1960's gas-oil fired power station. Between this and the pylons large areas of self sown sycamores and birches have established. Similarly to the east of the central inlet in the areas of the former gas works hard standing and rubble filled land is interspersed with large areas of self sown sycamores and birches. The character of the site changes just before the end of the sheet piled quay heading. Here the vegetation is more mature and diverse including a number of larger tree specimens.
7. The topography of the site is relatively flat and varies only half a metre from an average of 2m AODN (Above Ordnance Datum Newlyn). To the north land rises to circa 10m AODN at Thorpe Road and 48m at Mousehold Reservoir, Telegraph Lane East. To the south and east land in the immediate vicinity is also relatively low lying and flat although rising to circa 10m AODN in parts of Whitlingham Country Park.
8. Existing access to the site consists of:
- a) A vehicular access via Hardy Lane under the London rail line with restricted height of 2.8m. This also provides access to the train operating companies facilities;
  - b) A vehicular bridge access over the Yarmouth rail line from Cremorne Lane; and
  - c) A level crossing adjacent to the above bridge connecting to Cremorne Lane; Historically there has been river access (coal was previously delivered by wherry to the power station), however this is currently restricted.
  - d) Existing access to the Deal Ground is via a junction onto Bracondale on the Bracondale rail line bridge, this access also serves Lafarge Aggregates.
9. It is relevant to note that the Deal Ground consent (see history below) provides for a new pedestrian/cycle only bridge over the River Wensum onto the Deal Ground and onwards to a vehicular bridge over the Yare to the May Gurney site and then onto The Street in Trowse. Via Bracondale this connects to the wider transport network (the outer ring road) at the Martineau Lane roundabout. The outer ring road converges with the inner ring road at the junction of King Street. To the south



Martineau Lane connects with the A146 and subsequently the A47 southern bypass.

10. There is currently no public access to the site.
11. Within the immediate vicinity of the site and adjacent to it are:
  - a) A rail maintenance depot to the northwest corner which is located at the junction of the Norwich to London and Yarmouth railway lines. The Norwich to London Railway line runs along the western boundary with the Yarmouth Railway line running along the north.
  - b) The Rivers Wensum and Yare mark the southern and eastern boundaries. Their confluence is just southeast of the centre of the site. Carrow Yacht Club is located at the confluence (known as Trowse Eye) on the Deal Ground side of the river. Norwich Rowing and Canoe Club are also located at Trowse Eye to the south of the Yare on the Whitlingham bank.
  - c) To the north of the Yarmouth rail line are residential suburbs of Norwich including Thorpe Hamlet (northwest) and Thorpe St Andrew (northeast). The closest residential properties being on Scott Road and Glendenning Road (being early 90's flats and houses), Cremorne Lane and Salisbury Road (being Victorian terrace properties) and The Sidings a recently completed housing development. Norwich City Centre is located around 1.5km to the west.
  - d) Careys Meadow County Wildlife Site (CWS) is located to the northeast directly beyond the Yarmouth railway line.
  - e) Whitlingham Little and Great Broad and Whitlingham Country Park are located to the east-southeast beyond the River Yare. This includes the Whitlingham Local Nature Reserve (LNR) the Whitlingham Marsh LNR and CWS and Old Wood CWS. The park is a registered park and garden.
  - f) To the south of the River Wensum is the Deal Ground, a former timber yard, with planning consent for a predominantly residential development of up to 670 dwellings. A large part of this site is occupied by the Carrow Abbey Marsh CWS. The Deal Ground also includes a Grade II listed bottle kiln. Further to the south beyond the River Yare is the May Gurney site a contractors office and depot site.
  - g) Between the Deal Ground and the London rail line is the Lafarge aggregate depot a safeguarded mineral site.
  - h) Beyond Whitlingham and the Deal Ground to the south is the village of Trowse which is principally accessed via Bracondale.
  - i) To the southwest beyond the River Wensum and the Trowse (rail) swing bridge is Carrow Works an industrial site operated by Uni-Lever (Colmans, Robinsons and Britvic). Within this site is Carrow Abbey the former Benedictine Priory a Grade I listed building and Scheduled Ancient Monument.
  - j) To the west immediately beyond the London rail line is ATB Laurence Scott (also known as Gothic Works) an industrial site producing electric motors and transmission products (typically large scale for power generation). Parts of the factory are locally listed.
  - k) To the north of this are the Railway Cottages on Hardy Road and Cozens Road these are Grade II listed and 6-11 front towards the London/Yarmouth rail interchange.
  - l) Beyond Gothic Works to the west is the Football Club and recent residential flatted development which has taken place along the river frontage.

## Constraints and designations

12. The following constraints apply specifically to the application site:
  - a) The site is located within flood risk zones 2 and 3 (based on the level 2 Strategic Flood Risk Assessment);
  - b) The site is contaminated due to its former use;
  - c) The site is located in ground source protection zone 1;
  - d) Given the sites former use it is inundated by a web of underground services restricting the developable areas of the site;
  - e) The existing UK Power Networks sub station at the centre of the site must be retained;
  - f) Development within close proximity of the rail lines is restricted. Specifically Network Rail have indicated that all buildings must be at least 4m from any shared boundary;
  - g) The existing access point into the Deal Ground from Bracondale is within the Trowse Millgate conservation area, this is within the application site as it forms a construction access for the development.
  - h) The area is within a mineral safeguarded area due to the underlying geology.
  - i) The site was formally subject to a Health and Safety Executive consultation zone around the Gasometer. This has recently been removed following the revocation of the hazardous substance consent for the storage of natural gas on the site earlier this year.
13. Within the wider area the following designated sites are considered to be of particular relevance:
  - a) Carey's Meadow CWS which is located to the northeast beyond the Yarmouth rail line.
  - b) Carrow Abbey Marsh CWS which forms a large portion of the Deal Ground;
  - c) On the opposite side of the Yare to the Carrow Abbey Marsh are Trowse Meadows CWS and further to the southeast Trowse Woods CWS.
  - d) Whitlingham Park is a Local Nature Reserve (LNR) and Whitlingham Marsh (to the northeast of the Great Broad) is a CWS along with Old Wood to the east.
  - e) The following sites are further afield but also worthy of note:
    - i) County Hall Woods CWS to the rear of County Hall Martineau Lane circa 1km southwest;
    - ii) Pinebanks CWS in Thorpe St Andrew circa 1km to the northeast;
    - iii) Lion Wood, Telegraph Plantation and Rosary Cemetery LNR and CWS circa 0.9km to the north;
    - iv) Mousehold Heath and Valley Drive LNR and CWS circa 2km to the north of the site;
    - v) St James Pit SSSI circa 1.6km to the north-northwest of the site (just south of Mousehold Heath);
    - vi) Caistor St Edmund Chalk Pit SSSI circa 3km to the south of the site.
    - vii) Bramerton Pits SSSI is located 5km to the east but hydrologically connect by a 6.5km of the Yare.
    - viii) Approximately 6km to the east is the area around Surlingham Broad to the south side of the Yare, this is connected by the Yare to the site. The area is covered by numerous designations including Broads SPA, Broads SAC, Ramsar Site, Mid Yare Local and National Nature Reserves, Yare Broads and Marshes SSSI.

- ix) Other sites hydrologically connected to the site include the Sweet Briar Meadows (4.5km northwest) and River Wensum SSSI's and SAC (6km northwest) by 6.5km and 8.5km stretches of the Wensum.

14. There are a number of heritage assets in the wider area as detailed below, heritage assets on the site are restricted to its archaeological significance:
- a) Grade II listed railway cottages located to the northwest beyond the London rail line;
  - b) Grade II listed bottle kiln at the Deal Ground;
  - c) Thorpe Ridge Conservation area 0.5km to the north of the site;
  - d) Thorpe St Andrew Conservation Area (Broadland) 0.5km to the northeast of the site;
  - e) Locally listed Gothic Works to the west beyond the London rail line;
  - f) Trowse Millgate conservation area to the south of the Deal Ground;
  - g) Further afield are the St Matthews conservation area 1.5km to the northwest, Bracondale conservation area 0.9km to the southwest and the City Centre conservation area 2km to the northwest.
  - h) Carrow Abbey a Grade I listed building and scheduled ancient monument is located within Carrow Works.

## Relevant planning & site history

15. As previously stated the Utilities site was formally occupied by two power stations a coal fired 1920's power station and a gas-oil fired 1960's power station with associated gas works. Since the demolition of the power stations and gas works in the early 1990's there has been little operational development on the site. The table below lists relevant planning consents:

Ref	Proposal	Decision	Date
4HS9201/H	Deemed Consent to continue storage of hazardous substances (Required by Planning (Hazardous Substances) Act 1990.	Approved	04/12/1992
4/2000/0293/H	Continuation of hazardous substance consent for the storage of natural gas.	Approved	23/06/2000
4/2000/0813	Installation of 15 metre telecommunications mast equipment cabinet and fenced compound	Prior approval not required	15/11/2000
4/2001/0885/H	Continuation of hazardous substance consent for the storage of natural gas.	Approved	19/12/2001
05/00948/FT	Installation of 22.5m high lattice mast with 6 no. antenna, 2 no. dishes, 3 no equipment cabinets and ancillary development.	Approved	02/12/2005

BA/2011/0254/ FUL	Sitting of 2 no floating pontoons to enable new temporary river bus service between The Deal Ground, Trowse and Norwich City FC to enable delivery of planned developments within the East Norwich Regeneration area	Approved	14/10/2011
12/00875/O  This was a joint application with South Norfolk Council see paragraphs below)	Relating to the Deal Ground site:  Outline planning application (full details of access) for a mixed development consisting of a maximum of 670 dwellings; a local centre comprising commercial uses (A1/A2/A3): a restaurant/dining quarter and public house (A3/A4); demolition of buildings on the May Gurney site (excluding the former public house); an access bridge over the River Yare; new access road; car parking; flood risk management measures; landscape measures inc earthworks to form new swales and other biodiversity enhancements including the re-use of the Grade II Listed brick Kiln for use by bats.	Approved	12/07/2013
Joint application to Norwich and the Broads  12/00996/O – Norwich  BA/2011/0404/ OUT - Broads	Outline planning application for a pedestrian, cycle and emergency access bridge (4.3m aircraft to soffit) over the River Wensum with associated ramps and transitions on the Deal Ground and Utilities sites.  Proposed pedestrian, cycle and emergency access bridge (4.3 metre aircraft to soffit) over the river Wensum with associated ramps and transitions on the Deal Ground and Utilities sites	Approved  Approved	25/10/2013  25/10/2013
14/00271/DE M	Demolition of gas holder electrical switch room, store room and telemetry building	Approved	04/04/2014
15/00351/EIA2	EIA scoping request for mixed use redevelopment of site to provide biomass powerstation, district heating system, education and research buildings, student accommodation, housing, data centre,	EIA scoping opinion issued	31/03/2015

	offices, car parking and associated infrastructure including a new bridge over the Wensum and access via the Deal Ground.		
15/00564/H	Revocation of hazardous substance consents for gas storage references 4HS9201/H, 4/2000/0293/H and 4/2001/0885/H.	Revocation order made	06/07/2015

16. In relation to the consent to redevelop the Deal Ground and May Gurney (reference 12/00875/O), this was a resubmission of reference 10/02172/O which was finally disposed of. The consent was a joint consent from Norwich and South Norfolk with the consents issued on the same date. The South Norfolk reference number is 2011/0152. This consent provided for the redevelopment of both sites for predominantly residential development with access from Bracondale into the May Gurney site, a bridge over the River Yare and access road running up to the footings of a new River Wensum Bridge. The northern part of the Deal Ground closest to the Utilities Site has consent for residential development comprising of residential block ranging in height between 5 to 8 storeys adjacent to the River Wensum and dropping down to 3 storeys closer to the River Yare adjacent to the Yacht Club (which was outside the Deal Ground application site). It also allowed for some ground floor A3/A4 cafe/restaurant/bar uses adjacent to the riverside.
17. The consent for a River Wensum Bridge was subject to another joint consent issued by Norwich and the Broads (references 12/00996/O and BA/2011/0404/OUT). This provided for an opening pedestrian, cycle and emergency access bridge. The committee report for 12/00875/O and 12/00996/O provides more information on the Deal Ground consents and can be viewed at the link below by navigating to the 16 May 2013 planning applications committee: <http://www.norwich.gov.uk/CommitteeMeetings>
18. A further consent was also issued by the Broads Authority BA/2011/0254/FUL for 2 floating pontoons for a river bus service, one in front of Carrow Quay adjacent to approved residential development at Geoffrey Watling Way and the other on the Deal Ground river frontage.

## The proposal

19. The application is a hybrid application with full planning consent sought for some elements and outline planning consent (with all matters reserved) proposed for others. The full planning application consists of:
- a) an access road leading from a new fixed bridge over the River Yare through the Deal Ground to the footings of a new River Wensum bridge. There would be associated drainage infrastructure and construction areas within the Deal Ground as well as new access points to existing premises in the May Gurney site, links to the Carrow Yacht Club and a new access to a gas valve compound. The access road comprises a 6m carriageway with 3m combined cycle/pedestrian carriage way and 0.5m verge to the east and a 2m verge to the west.

- b) a new bridge over the River Wensum with a soffit height of 5.65 AODN. Plans have been provided for both an opening swing and a fixed bridge option the latter being proposed as a fallback position should opening no longer be required in the event that the adjacent Trowse rail bridge were replaced by a new fixed structure. From this bridge an access road is proposed into the site to serve the development proposed in full.
- c) a biomass energy generation facility with an estimated electricity generating capacity of up to 49.9Megawatts (MW). This would consist of:
  - i) new rail sidings for fuel delivery circa 200m in length;
  - ii) a fuel offloading building (~10.2m high);
  - iii) 9 cylindrical fuel storage silos (~20m high and ~8.6m diameter);
  - iv) a direct burn power station comprising a biomass furnace and boiler house (~33m high) and turbine hall (~21m high), ash collection facility and an air cooled condenser (~20m high);
  - v) a gasification facility comprising a gasifier (~32m high) which turns the fuel into syngas without direct combustion, a turbine hall (~20m high) and ash collection facility;
  - vi) a district heating network centre which provides for the supply of hot water (12.3MW) to a district heating network (the network is not included within the application this is discussed further below) this includes an accumulator (~20m high) as a heat store for the network and a number of large (8MW) gas boilers as a backup facility for the network for periods when the rest of the facility is shut down for maintenance;
  - vii) flue gas treatment facility with a stack rising to ~90m in height. The stack comprises four elements, a flue from the direct burn power station, a further flue from the district heating boilers and a further flue and a flare stack from the gasification centre. The later for burning off excess syngas;
  - viii) control room, workshop and stores;
  - ix) a substation for grid connection enclosed by a circa 10m high wall;
  - x) administration office building (~6.3m high);
  - xi) fire water tank;
- d) a raised deck at the entrance of the site forming the landing of the River Wensum bridge (referred to as “arrivals square” in the application and hereon in) this provides for circulation areas, parking, servicing areas and deals with the level difference between the site and the bridge deck. Three sets of steps provide access to the lower level adjacent to the river frontage and to the northeast of arrivals square there is ramped access.
- e) below “arrivals square” in addition to vehicular circulation, servicing and parking there is space for 646 m<sup>2</sup> of commercial floorspace facing towards the river. Consent is sought for a mixture of use classes being A1 retail, A2 financial and professional services, A3 restaurants and cafes, A4 drinking establishments, A5 hot food takeaways, D1 non-residential institutions and D2 assembly and leisure.
- f) to the south of “arrivals square” a pavilion building is proposed as a single storey above the square providing a further 268m<sup>2</sup> commercial unit proposed with the same mix of uses as the above.
- g) also above “arrivals square” are three student accommodation blocks provide 435 student units. The blocks range in height from 25.5 to 32.5m high (6-8 storeys above the square).
- h) a services connection to the Britvic factory at Carrow works provide power and heat supply and water supply infrastructure, this would be located underground and under the River Wensum.

- i) boat mooring infrastructure on the section of river in front of arrivals square comprising ramped access to a pontoon providing 20m length for a passenger boat/ferry, 75m length for visitor moorings and 25m length for demisting moorings.
- j) a nature conservation area being within the eastern most tip of the site which was previously undeveloped and aimed at providing ecological enhancement and management in this area.

In addition to the above associated demolition, lighting, surface water drainage infrastructure, landscaping works (covering the western part of the site and including a multi use games area), boundary treatments, engineering works and car parking is proposed.

20. The outline elements of the planning application consist of:

- a) continuation of the access route through the site including riverside walkways and a pedestrian/cycle route through the site leading to a new pedestrian/cycle bridge over the Yarmouth rail line providing access via a stair and lift core on the north side of the rail line to Cremorne Lane.
- b) further student accommodation providing for circa 282 units ranging from 5-7 storeys indicatively shown as two blocks just to the south of the proposed new Cremorne Lane pedestrian/cycle bridge.
- c) up to 40 residential units to the north of the Yarmouth rail line adjacent to The Sidings development on Cremorne Lane shown as 2-3 storey development. This is indicatively shown as two blocks facing onto a parking/green space in the centre.
- d) up to 80 residential units within the eastern end of the site ranging in height from 2-5 storeys and indicatively shown as flatted development to the western end closest to the student accommodation and townhouses to the eastern end.
- e) A visitor and education centre of up to 3,298m<sup>2</sup> floor area and up to 3 storeys in height as with exhibition space and flexible tuition/seminar/meeting spaces also likely to include an ancillary cafe. This would be located close to the River frontage to the east of the central inlet.
- f) a research centre of up to 6,650m<sup>2</sup> floor area and up to 5 storeys in height which would provide for research and development uses including higher education facilities. This would be located in front of the energy centre to the southwest of the UK Power Network compound.
- g) a data centre of up to 3,148m<sup>2</sup> floor area and up to 4 storeys in height being a data server centre housing computer equipment for data storage, transmission and transfer. This would be located adjacent to and to the north of the research centre.
- h) facilities for the train operating company, comprising largely replacement facilities including replacement car parking, bike storage, bin storage and an office training building of circa 354m<sup>2</sup> up to a maximum 3 storeys in height. These facilities are located to the northwest corner of the site to the north of the new rail sidings.
- i) a single storey allotment building next to the UK Power Networks compound to provide storage for proposed allotments in the centre of the site.
- j) further mooring provision in the centre of the site including lowered quay heading and a 74m length of visitor or long term moorings and a further passage boat/ferry berth. A new slipway and steps down to the river are also proposed just to the east of the education centre.

In addition to the above associated demolition, lighting, surface water drainage infrastructure, landscaping works, boundary treatments, engineering works and car parking is proposed.

21. The proposals involve the removal of an existing telecommunications mast and it is proposed that this would be replaced on site, albeit its replacement does not form part of the current application as it has not currently been agreed with the operator. It is therefore likely that a further application for the replacement of the telecommunications mast within the site would be submitted.
22. In relation to the district heating network whilst the core on site infrastructure is proposed as part of this application the off-site distribution network does not form part of the application. The decision not to include the district heat distribution network within the application was taken by the applicant following pre-application discussions with officers where officers advised that were the application to gain approval a better way to take forward a district heating network would be via a local development order. Most service providers (such as gas or broadband providers) have permitted development rights to extend their network and make connections to premises, however no such permitted development rights exist for district heating networks. Therefore the distribution network would need consent. Until end users are identified the exact network would not be fully known and potentially every time a new end user was identified a new planning application would be needed for a connection to the network. A local development order could grant permitted development rights for the installation of a network and could apply across the City subject to various conditions. Such a proposal for a local development order would be subject to its own decision making process by members and public consultation. No work has been undertaken to date on this and work would only be taken forward if the current proposals were to gain consent.
23. The site has an existing grid connection via the UK Power Networks compound and the two large pylons on the site as noted above a further sub-station is needed in association with the new energy centre. The consent on the Deal Ground required the existing over ground distribution network running across the site to be diverted/undergrounded, as a result of this UK Power Networks currently propose to remove the pylons from the site and underground the network from the Utilities site under the Rivers and the Deal Ground all the way to Trowse sub-station south of Bracondale. These works are proposed to be undertaken by UK Power Networks using their permitted development rights.
24. Some indicative phasing information has been supplied with the application. The enabling infrastructure being the road and bridges to access the site are the first elements of phase 1 along with demolition, clearance and enabling works. This is followed by the arrivals square, reorganisation of the train operating company facilities and then construction of the power station. The "arrivals square" student accommodation and commercial units are indicated as following this albeit interim landscaping schemes are presented in the event that these were not to come forward immediately. The final elements of phase 1 are the landscaping works around arrivals square, mooring provision in front of arrivals square and works to provide the nature conservation area to the east of the site. The remaining phases comprise the outline elements of the scheme and whilst they are each prescribed a phase no set order is proposed currently for how they would be delivered and this is likely to be market led.



25. The table's below provide a summary of key facts in relation to the application proposals:

### Summary information full planning application

Proposal	Key facts
<b>Arrivals Square (student accommodation and commercial units)</b>	
<b>Scale</b>	
Total no. of student units	435 in three blocks A-84 units, B-195 units, C-156 units
Total commercial floorspace A1/A2/A3/A4/A5/D1/D2	914 m <sup>2</sup>
No. of storeys	2-9 storeys
Max. Dimensions of student blocks	Block A-32.5m AODN Block B-29.2m AODN Block C-25.5m AODN
<b>Appearance</b>	
Materials	Precast concrete panels with knapped flint exposed face to base, white and orange/red terracotta extruded panel cladding, black anodised aluminium windows, pine soffit to pavilion with sedum roof.
Energy and resource efficiency measures	Heat and power from the energy centre but also photovoltaic's on individual buildings.
<b>Operation</b>	
Opening hours	No restrictions proposed
<b>Transport matters</b>	
No of car parking spaces	14 disabled spaces
No of cycle parking spaces	445 cycle spaces
Servicing arrangements	Via lower ground floor servicing area underneath arrivals square
<b>Energy Centre</b>	
<b>Scale</b>	
Height	Ranging from 6 – 32m in height with a flue of 90m high.  Most of the centre would be enclosed by ~22m high recast concrete panel walls, albeit this is lower for some parts such as the sub-station (~10m) and condenser (~4m) which cannot be fully enclosed for technical

	reasons. The gasifier and boiler house are the higher elements of the centre extending above the concrete panel walls.
<b>Appearance</b>	
Materials	<p>Precast concrete panel walls.</p> <p>Glazing with aluminium frame to the external upper sections of the gasifier and boiler house.</p> <p>Aluminum standing seam cladding to the condenser and silos and in some parts of other buildings.</p>
<b>Operation</b>	
Opening hours	24 hour 7 day per week– there would be an annual shut down period for maintenance.
<b>Transport matters</b>	
No of car parking spaces	34
No of cycle parking spaces	7
Servicing arrangements	Fuel delivery by train, delivery of other consumables and disposal of waste such as ash via road.

### Summary information outline planning application

Proposal	Key facts
<b>Allotment building</b>	
Max. building size (GEA)	100m <sup>2</sup>
Min. no storeys	1
Max. no storeys	1
Max. building height above ground level	4m
Use class	D1
Indicative parking details	None
<b>Train Operating Company Compound</b>	
Max. building size (GEA)	N/A – circa 354m <sup>2</sup>
Min. no storeys	1

Max. no storeys	3
Max. building height above ground level	11m
Use class	B1
Indicative parking details	100 car
<b>Research Centre</b>	
Max. building size (GEA)	6,650 m <sup>2</sup>
Min. no storeys	3
Max. no storeys	5
Max. building height above ground level	23.55m
Use class	D1
Indicative parking details	40 car, 40 cycle, 1 HGV
<b>Data Centre</b>	
Max. building size (GEA)	3,148 m <sup>2</sup>
Min. no storeys	2
Max. no storeys	4
Max. building height above ground level	19.55m
Use class	B1
Indicative parking details	Combined with research centre above
<b>Education Centre</b>	
Max. building size (GEA)	3,298 m <sup>2</sup>
Min. no storeys	1
Max. no storeys	3
Max. building height above ground level	12.35m
Use class	D1 ancillary A3
Indicative parking details	7 car, 7 cycle plus coach parking

<b>Student accommodation</b>	
Max. building size (GEA)	11,075.8 m <sup>2</sup>
Min. no storeys	5
Max. no storeys	7
Max. building height above ground level	22.35m
Use class	C1
Indicative parking details	8 car, 1 car club, 282 cycle
Indicative numbers of student accommodation	282 units
<b>Residential north of rail line (adj Cremorne Lane)</b>	
Max. No units	40
Min. no storeys	2
Max. no storeys	3
Max. building height above ground level	12.5m
Use class	C3
Indicative parking details	40 car, 52 cycle
<b>Residential south of rail line (to east of Utilities site)</b>	
Max. No units	80
Min. no storeys	2
Max. no storeys	5
Max. building height above ground level	15.35
Use class	C3
Indicative parking details	80 car, 127 cycle

## Site Visit

26. Given the complexities of the application proposals and the inability to gain an appreciation for the site and its context from the public realm it is recommended

that the committee undertake a site visit prior to determination of the application at a future meeting of the committee.

27. In view of the application straddling two local planning authority boundaries it will be important that the decision making process of the two bodies is carefully handled to avoid confusion to the public and waste of resources in repeating items of work. Therefore, in view of the difficulties of access and the need to utilise a boat it will make logistics much easier if the site visit is undertaken jointly with the Broads Authority.
28. Given that the site is private land, health and safety requirements and part of the site visit will be via boat with limit capacity it will not be possible for members of the public to attend the site visit.

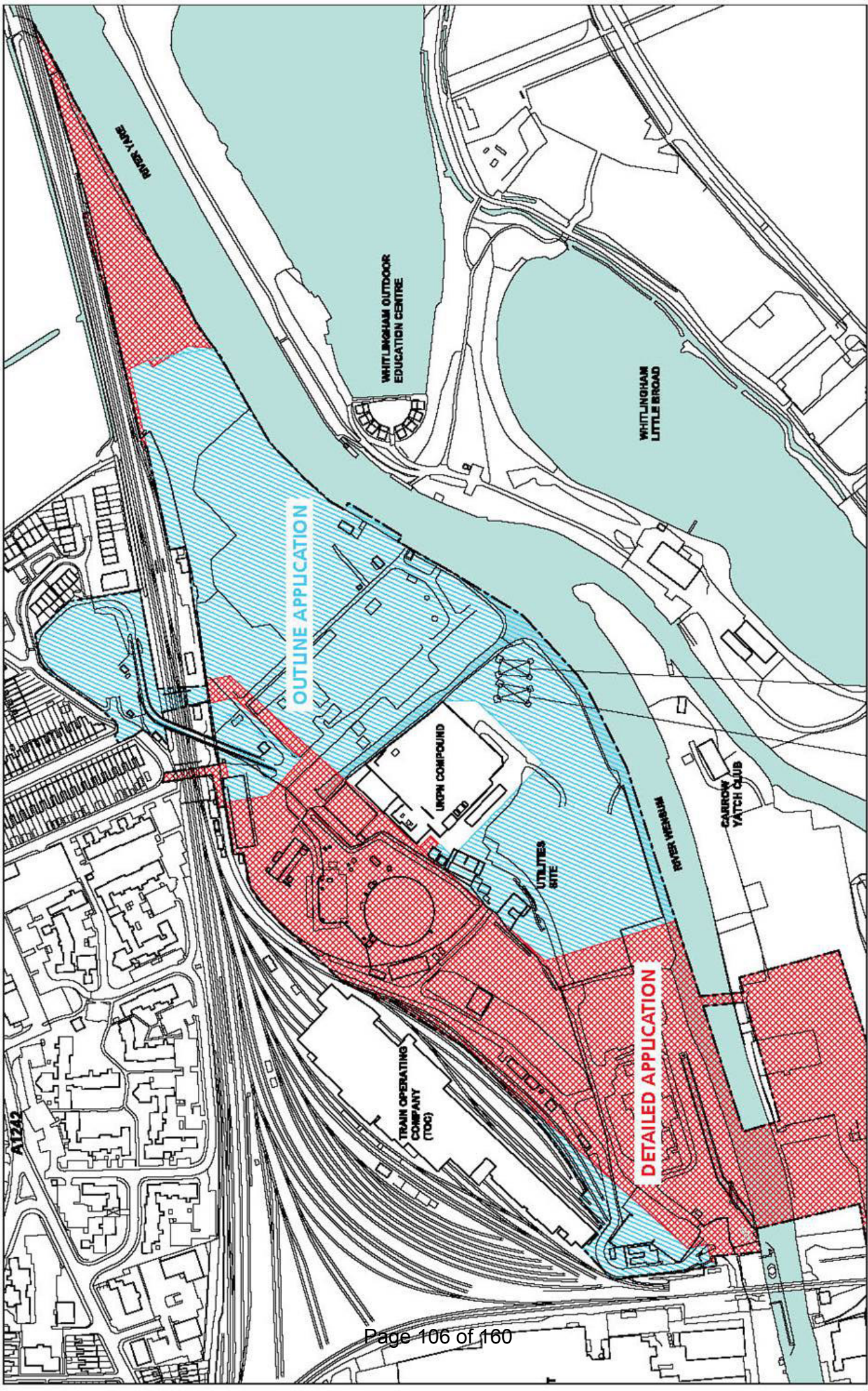
## **Procedure**

29. In terms of procedure for determination of the planning application it is currently anticipated that the application would be considered in due course at simultaneous meetings of the Broads Authority and Norwich City Council planning applications committee. Members may recall a similar procedure being used for the aero park application at Norwich Airport. This involves the two committee's meeting at the same time in the same room, each committee would follow their own determination process and have their own debate and decision but would be able to listen to the other committees debate.

## **Recommendation**

Members undertake a site visit on 2 October 2015 jointly with members of the Broads Authority Planning Committee in advance of the application being determined at a future meeting of the planning committees of Norwich City Council and the Broads Authority.









**KEY**

1. Wensum Bridge
2. Arrival Square
3. Arrival Square Student Housing
4. Arrival Square Waterfront
5. Multi Purpose Games Area (MUGA)
6. Riverside Parkland
7. Community Allotments
8. Research Centre
9. Data Centre
10. Education Centre
11. Formal Play Area
12. Slipway
13. Northern Gateway
14. Northern Gateway Student Housing
15. Market Residential
16. Affordable Residential
17. Nature Conservation Area
18. Cremorne Lane Bridge
19. Community Energy Centre





**Report to** Planning applications committee

**Item**

03 September 2015

**Report of** Head of planning services

**Subject** Application no 15/00612/O - 85B Lawson Road,  
Norwich, NR3 4LE

**Reason  
for referral** Objection

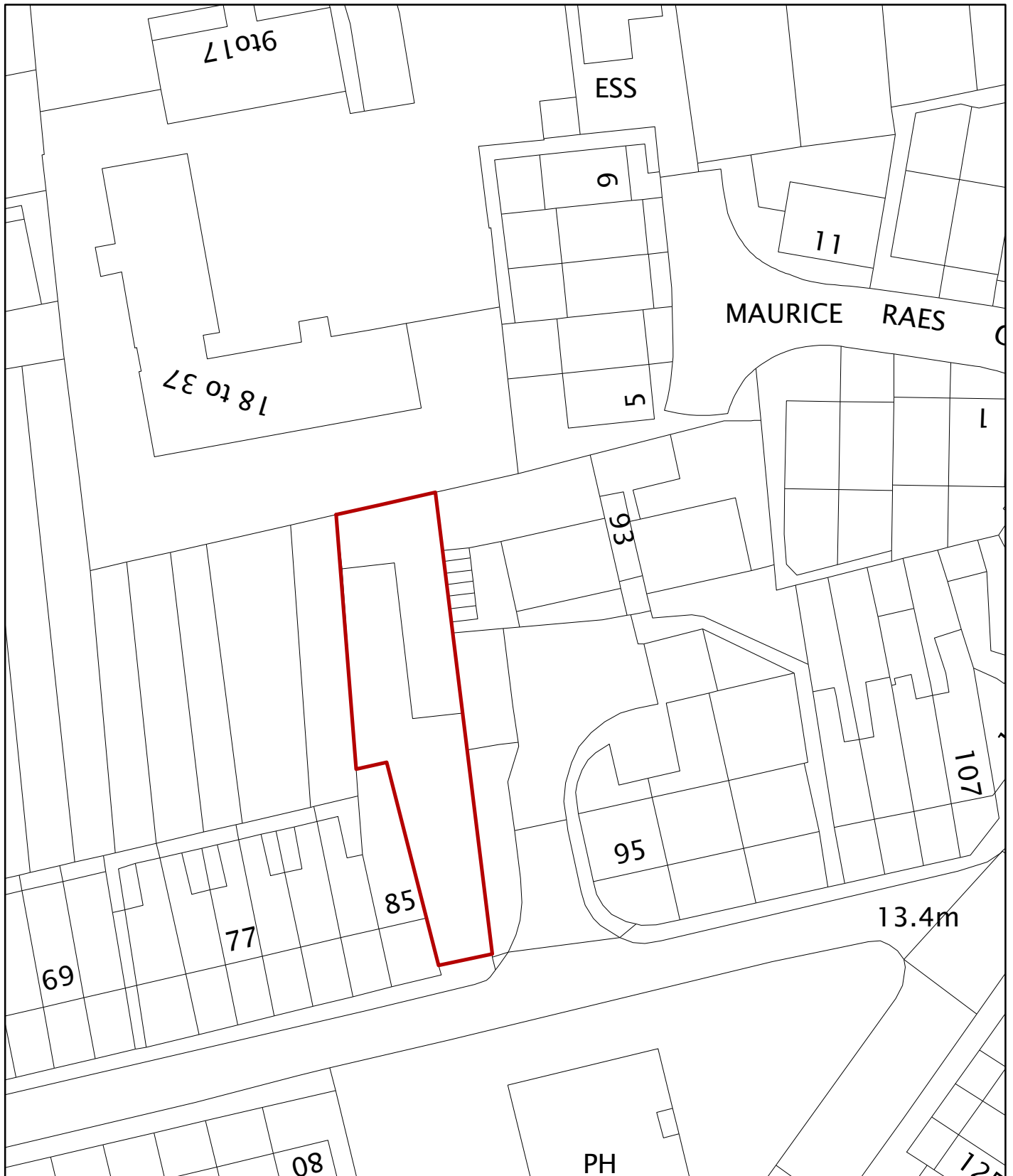
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<b>Ward:</b>	Sewell
<b>Case officer</b>	Kian Saedi - <a href="mailto:kiansaedi@norwich.gov.uk">kiansaedi@norwich.gov.uk</a>

Development proposal		
Outline application with all matters reserved for erection of two storey end terrace and one and a half storey dwelling, removal of temporary buildings and demolition of existing buildings.		
Representations		
Object	Comment	Support
3	0	0

Main issues	Key considerations
1 Design	Impact on local distinctiveness and character
2 Amenity	Overshadowing, overlooking and overbearing
3 Arboricultural	Potential impact on trees located adjacent to the site
4 Transport/Highways	Parking provision
<b>Expiry date</b>	10 September 2015 (as extended)
<b>Recommendation</b>	Approve subject to conditions



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Planning Application No 15/00612/O

Site Address 85B Lawson Road

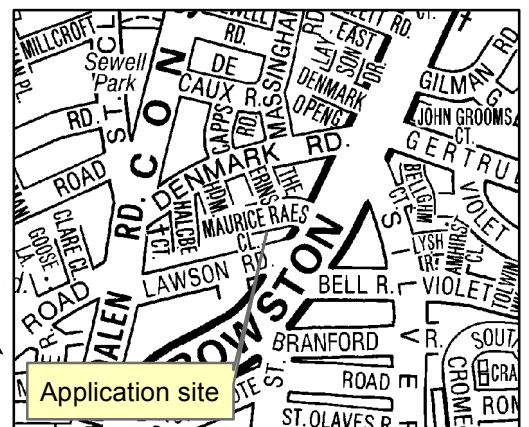
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**NORWICH**  
City Council

PLANNING SERVICES

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## The site and surroundings

1. The application site is located adjacent to number 85 Lawson Road, opposite the “Fat Cat Brewery House” pub, which is located on the corner of Sprowston Road and Lawson Road.
2. Several small outbuildings and a garage are located on the site which would be demolished as part of the proposal. 85 Lawson Road is operated as commercial premises although the exact nature of the business is unknown. The rear of the site appears to be in use as a builder’s yard.
3. Immediately east of the site are NCC flats and associated car parking.

## Constraints

4. Critical Drainage Area (DM5)
5. Several trees are located on neighbouring sites to the east and west including a row of mature Lime trees in council ownership.

## Relevant planning history

6.

Ref	Proposal	Decision	Date
14/00685/O	Outline application for the demolition of existing buildings on the site and erection of 1 No. three bed dwelling and 3 No. flats with all matters reserved.	Refused	18/08/2014

## The proposal

7. The application seeks outline planning permission with all matters reserved for the erection of a two-storey end terrace and a 1.5-storey dwelling and the removal and demolition of existing buildings.

### Summary information

Proposal	Key facts
<b>Scale</b>	
Total no. of dwellings	2
No. of affordable dwellings	0
Total floor space	The application is for outline consent with all matters (including layout and scale) held back as reserved matters.

	Plans submitted with the current application therefore only provide an indicative representation of the final scheme.
No. of storeys	Two and 1.5.

## Representations

8. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. Three 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.

Issues raised	Response
Loss of privacy	Main issue 2
Loss of light	Main issue 2
Impact upon trees located adjacent to the site	Main issue 3
Inadequate parking	Main issue 4
Potential damage to neighbouring property, especially the boundary wall and associated maintenance issues	See 'other matters'
Potential harm to surrounding cars during demolition works	Any damage to cars during the demolition process would constitute a civil offence and cannot be considered as part of the planning assessment.
Arrangements for removal of rainwater	See 'other matters'
What will happen to number 85 Lawson Road following the development?	The use of number 85 following the development is not a material planning consideration. If the use were to change it is likely that planning consent would be required.

## 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.

## Highways (local)

10. No objection on transportation grounds. We do not wish there to be a new car parking space in the cul-de-sac

## Housing (carried over from previous refusal 14/00685/O)

11. Any loss of car parking space for the existing NCC flats would be objected to.

## Tree protection officer

12. Following the submission of the updated AMS it is considered that the dwelling can be constructed with minimal damage to the roots of the adjacent trees. Some concern with the prospect of the trees overhanging the dwelling and the issues this may cause with light levels. Given this consideration should be given to the fenestration and internal layout.

## Assessment of planning considerations

### Relevant development plan policies

13. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
  - JCS1 Addressing climate change and protecting environmental assets
  - JCS2 Promoting good design
  - JCS3 Energy and water
  - JCS4 Housing delivery
  - JCS6 Access and transportation
  - JCS12 The remainder of the Norwich urban area including the fringe parishes
  - JCS20 Implementation
14. **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
  - DM11 Protecting against environmental hazards
  - DM12 Ensuring well-planned housing development
  - DM28 Encouraging sustainable travel
  - DM31 Car parking and servicing
  - DM32 Encouraging car free and low car housing

### Other material considerations

15. **Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**
  - NPPF0 Achieving sustainable development
  - NPPF4 Promoting sustainable transport

- NPPF6 Delivering a wide choice of high quality homes
- NPPF7 Requiring good design
- NPPF10 Meeting the challenge of climate change, flooding and coastal change
- NPPF11 Conserving and enhancing the natural environment

## **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 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.

## **Principle of development**

17. Key policies and NPPF paragraphs – DM12, JCS4, NPPF paragraphs 49 and 14.
18. The principle of residential development is acceptable on this site under policy DM12 subject to the criteria in the second part of DM12 and subject to the other policy and material considerations detailed in the report below given that:
  - The site is not designated for other purposes;
  - The site is not in a hazardous installation notification zone;
  - The site is not in the late night activity zone;
  - It does not involve the conversion of high quality office space; and
  - It is not in the primary or secondary retail area or in a district or local centre.

## **Main issue 1: Design**

19. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 9, 17, 56 and 60-66.
20. The application is for outline consent with all matters reserved. Details addressing appearance, scale and landscaping have therefore been withheld, although the application states that the end terrace will be two-storey, that the rear dwelling will be 1.5 storey and an indicative proposed site plan has been submitted showing a provisional layout for the site. The indicative layout demonstrates that two properties can be developed without leading to an overdevelopment of the site. The density would be in keeping with the existing character of the area.
21. In terms of respecting the existing streetscape, an end terrace in this location could be successful provided that the final design relates positively to the height, scale, form and materials of existing dwellings in the Lawson Road terrace. The site plan indicates that the building line of the row of terraces will be continued. The roof of the proposed end terrace property is also shown as hipped which will assist in minimising any harm to the row of mature Lime trees adjacent to the site.

22. An indicative drawing has been submitted to illustrate the scale of the proposed rear, 1.5-storey dwelling. The drawing shows eaves to the 1.5 storey element of three metres and eaves of the single-storey of 2.3 metres. The scale of the structure would not therefore be too dissimilar to the existing building on the site and would fit the same footprint, forming an 'L-shape' development along the rear and eastern boundary of the site. A contemporary design is likely to work well in this location.
23. The end terrace should be designed to respect the scale, form and appearance of the existing row of terraces to the west.

## **Main issue 2: Amenity**

24. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
25. The proximity of the trees to the proposed end terrace would cause significant overshadowing, loss of light and potential overbearing to the east elevation of the proposed dwelling. However, provided that main habitable rooms are positioned to have their windows facing the front and rear, the proximity of the trees will not be excessively detrimental to the living conditions of future residents. Detail of the layout and appearance of the proposal will need to come forward at reserved matters stage.
26. Both properties will benefit from adequately sized private garden space.
27. Floor plans have not been provided but the internal space standards set out in the supporting text of DM2 of the local plan would need to be satisfied as part of any final scheme.
28. The presence of the mature Lime trees will mean that the rear garden of the end terrace dwelling would be significantly overshadowed. This is regrettable but would not represent a reason in itself to warrant refusal of the application and there is no feasible design solution that could otherwise rectify this matter.
29. The previous refusal included a three-storey block of flats at the rear of the site. The reason for refusal cited the effect that the block of flats would have upon neighbouring properties in terms of undermining privacy and having an overbearing and intrusive impact upon neighbouring properties. The rear dwelling proposed in the current scheme is 1.5 storeys and would not be much greater in scale than the existing building on site which is to be demolished. It is also stepped in from the boundary with number 83 which will mark an improvement from the existing outbuildings which are positioned hard up along almost the entire length of the garden boundary with number 83 Lawson Road. The proposed dwelling would not have an overbearing impact upon neighbouring properties therefore.
30. Provided that fenestration can be arranged considerably, the rear dwelling will not result in any significant overlooking or loss of privacy to neighbouring properties. The distance between rear facing habitable windows between the rear dwelling and numbers 83 and 85 Lawson Road is likely to be ~21 metres which would satisfy the recommended standards advised by the British Research Establishment (BRE).
31. Such is the scale (as per the indicative plan received 18 May 2015) and orientation, that the proposed rear dwelling will not result in any significant increase in

overshadowing to neighbouring properties above that already caused by the existing development on site.

32. Due to the drop in land levels between the application site and number 83 Lawson Road it will be important to understand the relationship between the proposed rear dwelling and garden area of the neighbouring property in to ensure that the proposed dwelling is not domineering. A condition will be added to the planning consent to require sectional drawings illustrating finished floor levels of the proposed dwellings in the context of the surrounding natural and built environment. This will enable an assessment to be made to ensure that the finished floor levels do not result in any significant harm to the amenity of neighbouring properties.

### **Main issue 3: Trees**

33. Key policies and NPPF paragraphs – DM7, NPPF paragraphs 109 and 118.
34. A row of mature lime trees are located along the eastern boundary of the site on land owned by the council. To the north of the site a boundary wall separates the builder's yard area from the garden of no.87 Lawson Road. There are two small trees in the neighbouring garden (Apple and Ash).
35. The lime trees are of high amenity value and are considered to be worthy of a Tree Preservation Order. The application includes an AIA which has been informed by consultation with a structural engineer.
36. An amended AIA has been submitted with the application to address concerns that the construction of foundations for the end terrace would be likely to necessitate considerable excavation within the RPA of the mature Lime trees.
37. Additional arboricultural information has been submitted which sets out detail for a cantilevered floor with piles set back to the western side of the existing footings. This will avoid any need for invasive foundations adjacent to the row of mature Lime trees and will minimise any impact upon the roots.
38. The proposed scheme of crown lifting and reduction is relatively minor and will not result in any significant harm to the amenity value of the trees.
39. The arboricultural report also identifies potential future conflicts between the trees and the proposed end terrace property, but sets out methods of mitigation to prevent such issues such as the blocking of gutters from falling debris. It may be necessary to re-consider the use of render on the gable end of the property which may be affected by falling detritus and bird droppings, which would then raise maintenance issues. This can be considered at reserved matters stage of any future application.
40. The trees will result in overshadowing to the east elevation of the end terrace. It will be important that matters of layout and appearance are considered with respect to ensuring main habitable rooms are positioned to face the rear and front of the property, where they will benefit from a good level of outlook and where they will receive adequate daylighting.
41. Provided that the tree protection measures and AMS are adhered to there are no additional concerns regarding the wellbeing of trees located adjacent to the site. Any departure from the tree protection measures outlined in the report would



require the written consent from the local planning authority. A condition will be added to require the development to be carried out in accordance with the AIA, AMS and Tree Protection Plan.

#### **Main issue 4: Transport**

42. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF paragraphs 17 and 39.
43. While layout and access are reserved matters the application originally included a site plan denoting a car parking space within the adjacent cul-de-sac. The car parking in this area is provided for the NCC flats to the east of the site and the council would not accept the loss of any of the parking spaces as part of the current proposal.
44. The original site plan also proposed the removal of existing double yellow lines in the cul-de-sac to provide a parking space for the proposed development. The cul-de-sac provides an important turning head and the creation of additional car parking in this area would not be accepted. An amended indicative site plan has now been submitted which removes any additional car parking from the cul-de-sac area. Car free housing is acceptable in this location which is within the outer ring road and adjacent to frequent bus services connecting to the city centre and wider area. The end terrace would be provided with on parking space at the front where there is already vehicular access from Lawson Road.
45. The new dwellings would not be eligible to receive on-street parking entitlement.
46. Access remains a reserved matter.

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

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

<b>Requirement</b>	<b>Relevant policy</b>	<b>Compliance</b>
Cycle storage	DM31	<b>Yes subject to condition</b>
Car parking provision	DM31	<b>Yes</b>
Refuse Storage/servicing	DM31	<b>Yes subject to condition</b>
Energy efficiency	JCS 1 & 3 DM3	<b>Not applicable</b>
Water efficiency	JCS 1 & 3	<b>Yes subject to condition</b>
Sustainable urban drainage	DM3/5	<b>Yes subject to condition</b>

## Other matters

48. The following matters have been assessed and considered satisfactory and in accordance with relevant development plan policies, subject to appropriate conditions and mitigation: List relevant matters.
49. **Ground stability:** Reference has been made to the council's 'Environmental Protection Document (Safety of Ground Conditions for Development)' – this document is referenced in the supporting text of policy EP2 of the now superseded *local plan*. Ground stability is covered in the current local plan under policy DM11. It is the responsibility of the developer to determine whether land is suitable for a particular purpose. The adopted local plan only covers consideration of ground stability in situations where the viability of a scheme may be affected. Advancements in construction techniques generally mean that issues of ground stability can be overcome, albeit with varying construction costs. Rather than requiring a planning assessment, issues of ground stability would form part of building regulations assessment of the scheme.
50. The application includes a structural engineering report which is intended to demonstrate the construction techniques of the proposed development in respect of the potential implications for the wellbeing of the trees located adjacent to the site. While not forming part of the planning consideration, the report sets out a cantilevered ground beam/slab situation which will avoid the need for deep excavations. It is not therefore anticipated that the scheme will produce any significant implications in terms of the ground stability of the site.
51. **Landscaping:** Landscaping makes up a reserved matter, details of which must be agreed at a future date.
52. **Drainage:** The site is located within a critical drainage area and there is a need to ensure that the development will not increase the vulnerability of the site, or wider catchment area to flooding from surface water run-off. It is relevant to point out that the site currently features several buildings as well as a substantial hard-surfacing coverage. The proposal represents a reduction in the building footprint at the rear of the site and replaces much of the hard surfacing with grassed lawns which will increase the infiltration capacity of the site on the whole. The applicant has also indicated the intention to install a soakaway in the rear garden area to channel rainwater from the roofs of the new dwellings, the design of which will be informed by the advice of the arboriculturalist and structural engineer that have been involved with the project. A condition will be added to any permission requiring a detailed scheme for the management of surface water run-off.
53. **Removal of permitted development rights:** Any greater size of development to that proposed on the indicative plans may lead to implications in respect of the amenity of neighbouring properties as well as potential harm to the trees adjacent to the site from further encroachment within the root protection area. A condition will therefore be imposed upon any permission to remove permitted development rights to extend the properties the subject of this application.
54. **Potential damage to neighbouring property, especially the boundary wall and associated maintenance issues:** The applicant has stated that there is no intention to remove the boundary wall between numbers 83 and 85 Lawson Road.

Any proposed works would need to be subject to a Party Wall Agreement which is separate from planning control.

### **Equalities and diversity issues**

55. There are no significant equality or diversity issues.

### **Local finance considerations**

56. 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.
57. 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.
58. In this case local finance considerations are not considered to be material to the case.

### **Conclusion**

59. The principle of creating two dwellings in this location is acceptable. Subject to agreement of reserved matters relating to appearance, landscaping, layout, access and scale, and conditions relating to finished floor levels, a scheme for surface water run-off, cycle/refuse storage, tree protection, water conservation and restricted permitted development rights, the development is considered acceptable and 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. 15/00612/O - 85B Lawson Road Norwich NR3 4LE and grant planning permission subject to the following conditions:

1. Standard time limit for outline application;
2. No development until approval of reserved matters including appearance, landscaping, layout, access and scale;
3. No development shall take place in pursuance of this permission until sectional drawings illustrating finished floor levels of the proposed dwellings in the context of the surrounding natural and built environment have been submitted to and agreed in writing by the local planning authority. The development shall then be carried out in accordance with the details as approved;
4. Detailed scheme to manage surface water run-off;
5. Details of secure cycling storage and refuse storage;
6. Development to be carried out in accordance with the submitted arboricultural information;
7. Water conservation;
8. Removal of permitted development rights.

Informatives:

- 1) Construction working hours
- 2) Neither dwelling will have entitlement to on street parking permits
- 3) The applicant is reminded of the mitigation measures set out in section 3.6.9 of the approved AIA to improve the liveability of the terraced property.

**Article 35(2) statement**

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

Note: proposed unit a to include specialist foundations (refer to Structural Engineer's Report) to ensure root protection to existing trees (refer to Arboriculturalist's Report)

new gravel pedestrian path to unit b

existing parking spaces to remain

broken line denotes line of existing building to be demolished

Unit b  
proposed new 2 bed 1.5 storey unit built on footprint of existing single storey building to be demolished.  
Note: cycle store for new unit located within curtilage of new building.

existing 3 storey residential unit

4500

Unit a  
proposed new 3 bed 2 storey unit

cycle store for new 3 bed unit

new garden to No 85

garden

existing 3 storey residential unit

## Jon Bonham dip arch

The Studio, 35 Trunch Road, Mundesley, Norwich, Norfolk, NR11 8JU  
t: 01263 722366 m: 07825 146255 e: jon.bonham@hotmail.co.uk

Project: proposed residential development of 2 storey end terrace & 1.5 storey unit at 85 Lawson Road, Norwich

Client: Mr R. Eldridge Date: Feb 15 scales: 1:200

Drawing: proposed site plan

Dwg. No: 02a Sheet size: A3  
© this drawing is copyright & is not to be reproduced without the written consent of Jon Bonham dip arch

site plan

1:200



**Report to** Planning applications committee

**Item**

03 September 2015

**Report of** Head of planning services

**Subject** Application no 15/00875/F - 3A Pettus Road,  
Norwich, NR4 7BU

**Reason  
for referral** Objection

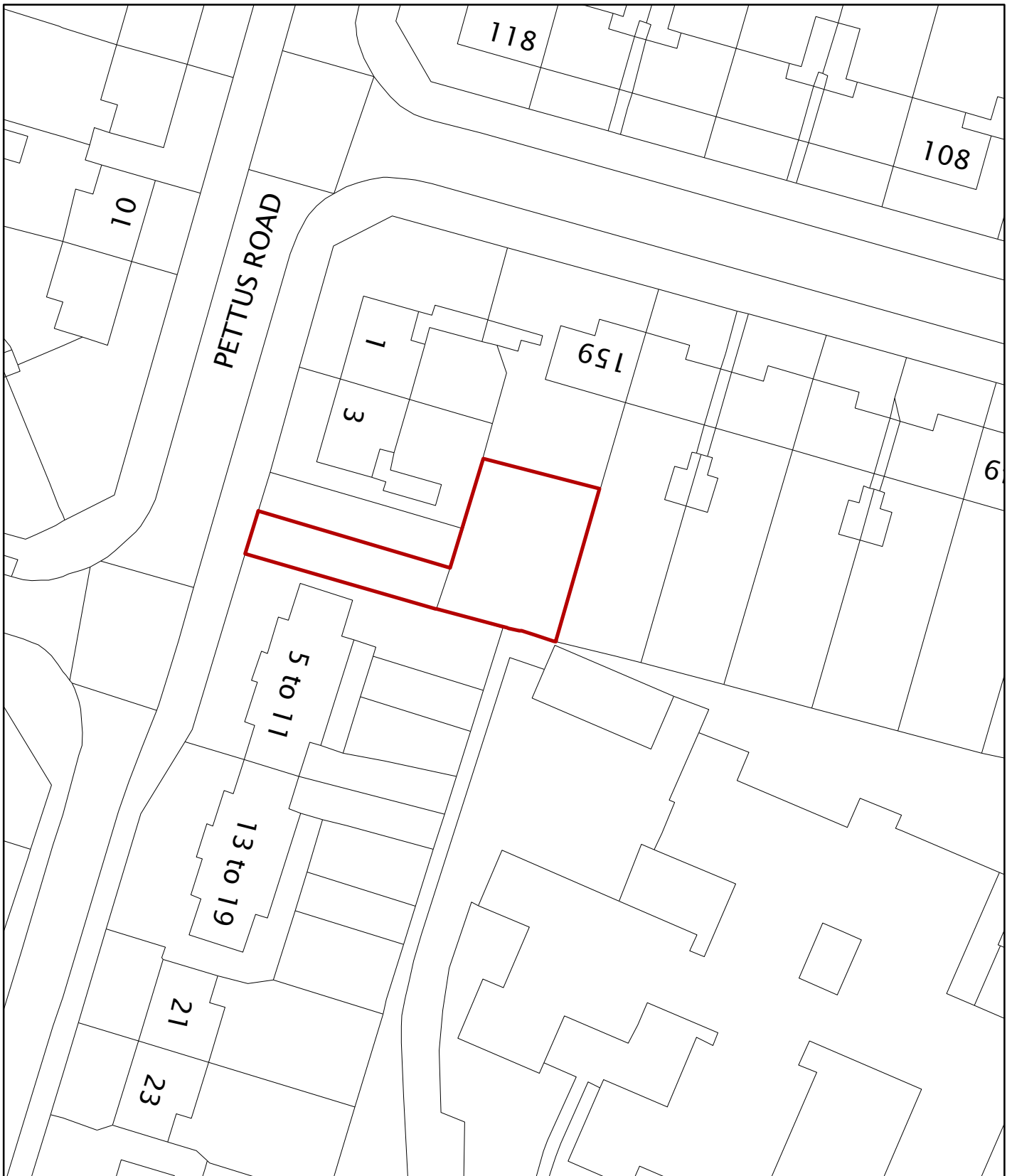
4(F)

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<b>Ward:</b>	Eaton
<b>Case officer</b>	Kian Saedi - <a href="mailto:kiansaedi@norwich.gov.uk">kiansaedi@norwich.gov.uk</a>

Development proposal		
Erection of conservatory and garage		
Representations		
Object	Comment	Support
2	0	0

Main issues	Key considerations
1 Design	Height, massing and scale, character
2 Amenity	Overlooking/loss of privacy, overshadowing, loss of outlook, provision of external amenity space,
<b>Expiry date</b>	2 September 2015
<b>Recommendation</b>	Approve



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Planning Application No 15/00875/F

Site Address 3A Pettus Road

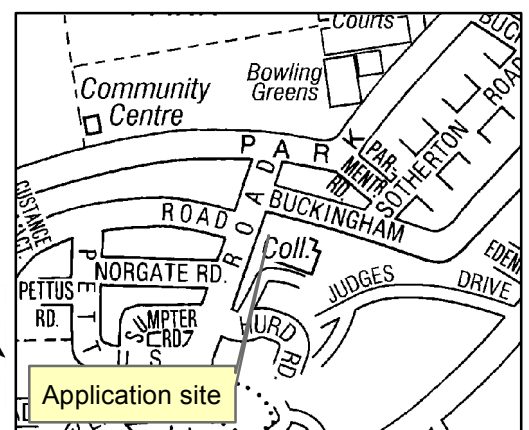
Scale 1:500



**NORWICH**  
City Council

PLANNING SERVICES

Page 124 of 160





## The site and surroundings

1. The site is located on the east side of Pettus Road opposite the junction with Peckover Road. The site was formerly part of 159 Buckingham Road, but has since been subdivided following planning permission being granted under application ref.14/00569/F.
2. The application building is a one-bed bungalow dwelling and the site features a large driveway, measuring ~19 metres in length.
3. The application site forms a boundary with four adjacent residential plots and Eaton Hall School which is located immediately to the south.

## Relevant planning history

4.

Ref	Proposal	Decision	Date
14/00569/F	Extension and alterations to the existing outbuilding to form a new single storey dwelling.	Approved	04/07/2014

## The proposal

5. The proposal is for the erection of a conservatory and garage.

### Summary information

Proposal	Key facts
<b>Scale</b>	
Total floor space	The conservatory will have a floor space measuring 18 sq.m and the garage has a floor space measuring 24.7 sq.m.
No. of storeys	Single-storey
Max. dimensions	Conservatory footprint: 6 x 3 metres. Garage footprint: 6.5 x 3.8 metres.
<b>Appearance</b>	
Materials	Conservatory walls to match bungalow. Red bricks will be used in the construction of the garage.

Transport matters	
Vehicular access	As existing.
No of car parking spaces	As existing.

## Representations

6. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. Two 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.

Issues raised	Response
Loss of privacy	Main issue 2
Loss of outlook	Main issue 2
Overshadowing/loss of light	Main issue 2
Lack of remaining amenity space on the site	Main issue 2
Lack of available space on the drive to accommodate the garage whilst allowing a walk way down the side	Other matters
The development would not allow an emergency vehicle to gain access to the property	Other matters

## Assessment of planning considerations

### Relevant development plan policies

7. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
  - JCS2 Promoting good design
  - JCS6 Access and transportation
  - JCS12 The remainder of the Norwich urban area including the fringe parishes
8. **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
  - DM7 Trees and development

- DM30 Access and highway safety
- DM31 Car parking and servicing

### **Other material considerations**

#### **9. Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**

- NPPF0 Achieving sustainable development
- NPPF7 Requiring good design

### **Case Assessment**

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

#### **Main issue 1: Design**

11. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 9, 17, 56 and 60-66.
12. The dwarf wall of the conservatory is to be constructed of brickwork to match the main dwelling and the roof is to be constructed of triple ply polycarbonate plastic. The garage is to be constructed of red brick and will feature a flat felt roof.
13. The conservatory features a mono-pitched roof measuring 2.25 metres at the highest point abutting the main dwelling and pitching down to ~two metres toward the western boundary of the site with number 3 Pettus Road. The conservatory will sit subserviently to the main dwelling and will only be visible from glimpsed views from Pettus Road. The garage building is set back from the street by ~5.5 metres.
14. Neither the conservatory building or garage will detract from the street scene and the proposal will not therefore result in any harm to the character of the locality.

#### **Main issue 2: Amenity**

15. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
16. The proposal will only result in very minor overshadowing to part of the rear garden of number 3 Pettus Road. However, the removal of the Leylandii trees will reduce the extent of overshadowing to number 3 Pettus Road. Such is its scale and position that the proposed conservatory will not result in any increase in overshadowing to the neighbouring property.
17. While the proposal will result in development positioned closer to the boundary with number 3, the conservatory will extend only slightly above the height of the existing boundary fence and any overlooking is restricted by both the boundary fence and

the low eaves of the building. The roof of the conservatory is to be constructed of triple ply polycarbonate plastic, the thickness of which will obscure views looking in and out.

18. While the removal of the Leylandii trees will permit views onto the garage from the garden of 3 Pettus Road, the garage will not result in any loss of outlook from number 3 such is the separating distance between buildings and the small scale of the garage building. The neighbouring property to the south does not feature any windows on the side elevation that could otherwise be affected by the proposed development.
19. Following construction the occupiers of the application the dwelling will be left with ~32 sq.metres of useable external amenity space, which is considered adequate to serve the one-bed dwelling.
20. An informative will be added to any planning permission advising the applicant of the hours the council expects construction to take place within. The applicant should inform the council's environmental protection team of any divergence from the recommendations. Any persistent disturbances arising from the construction process during unsociable hours would need to be reported to the council as a statutory noise complaint.

#### **Other matters**

21. The following matters have been assessed and considered satisfactory and in accordance with relevant development plan policies, subject to appropriate conditions and mitigation:
22. The majority of the Leylandii trees have been removed since the submission of the current application. The trees were not protected and there is no objection to their removal which has been necessary to create sufficient room to allow pedestrian access to the main dwelling. The plans indicate that a gap of 1.1 metres will exist between the garage building and boundary with number 3 Pettus Road.
23. Sufficient room exist for emergency service personnel to access the main dwelling via the driveway. Access to the dwelling houses for emergency fire service vehicles forms part of the Building Regulations assessment. It is understood that part B5 of the Building Regulations legislation requires there to be vehicle access for a pump appliance to within 45 metres of all points within the dwelling house. The construction of the garage would not contravene this requirement.

#### **Equalities and diversity issues**

24. There are no significant equality or diversity issues.

#### **Local finance considerations**

25. 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.
26. 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.

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

## **Conclusion**

28. 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. 15/00875/F - 3A Pettus Road Norwich NR4 7BU and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans.

Informative:

- 1) Construction working hours

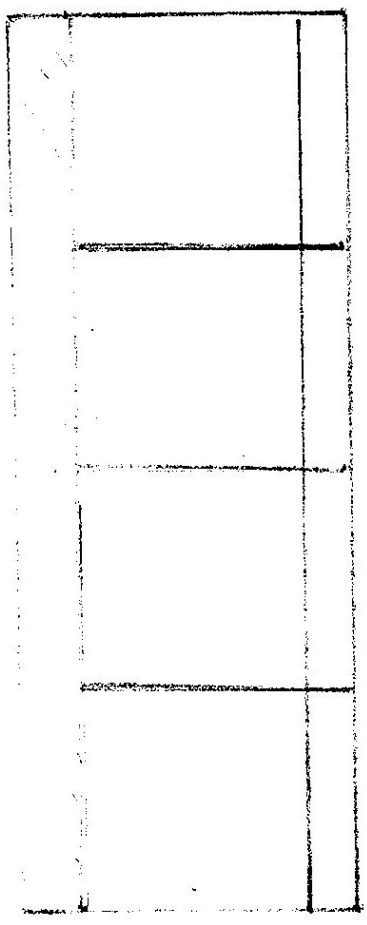
## **Article 35(2) statement**

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

# CONSERVATORY PROPOSAL

CORPORATE RESOURCES  
06 JUL 2015  
POST ROOM

Plastic polycarbonate Roof  
Triple ply

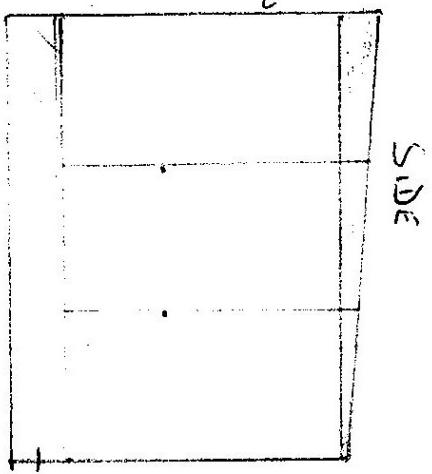


FRONT VIEW.

Total Height 2000 mm  
From Damp course

600 mm Dwarf wall

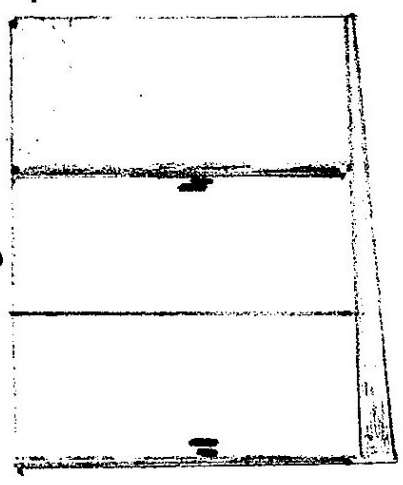
1500875F



SIDE

Bungalow wall

600 mm Dwarf wall



Patio Doors

Bungalow wall

Height

2.250 mm  
From Damp course

Height Against  
Bungalow wall

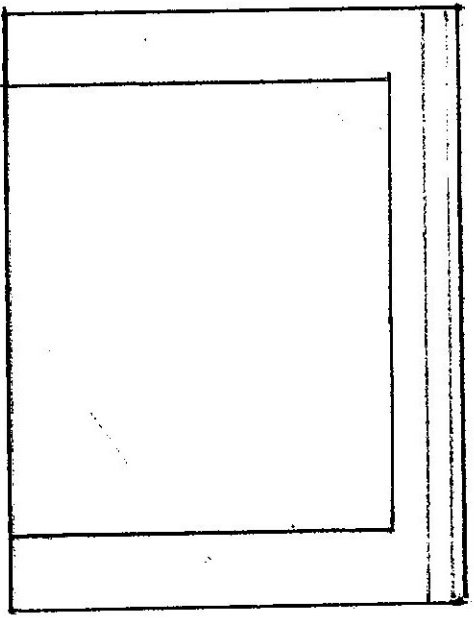
2.250 mm

From Damp course

05 JUN 2015  
Planning Services

ALREADY  
Proposal of Garage. Drive way Entrance on Petrus and Between 3 and 5

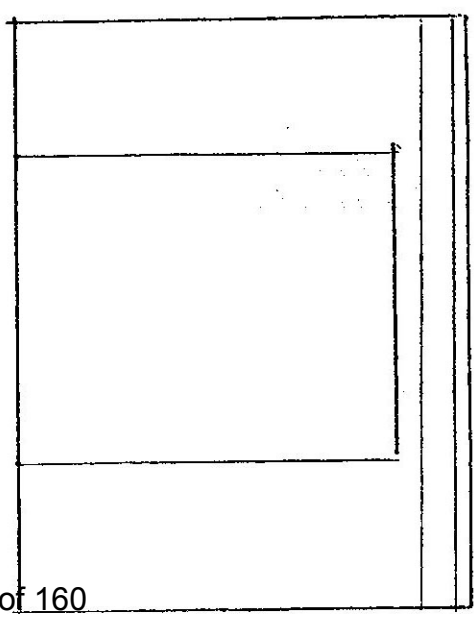
1500 2.60 75F



FRONT VIEW FLAT ROOF



3.80 METERS WIDE  
 ELECTRIC ROLLER DOORS 3.00 METERS WIDE

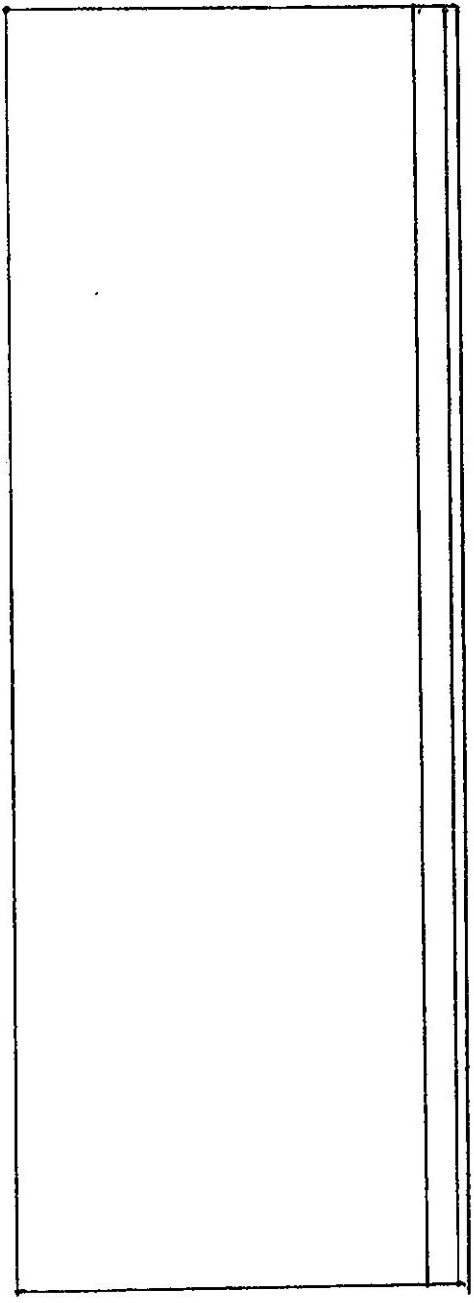


REAR VIEW

2 METERS  
 ELECTRIC ROLLER DOORS

SIDE VIEWS

ALL BRICK  
 WITH FLAT  
 ROOF



HEIGHT  
 2.60 METERS

CORPORATE RESOURCES  
 06 JUL 2015  
 POST ROOM

05 JUN 2015  
 Planning Services



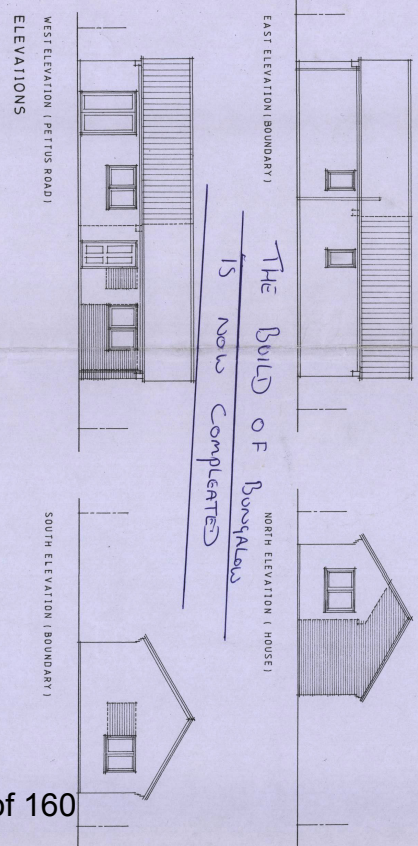
SCALE 1:50, 1:100

CONSERVATORY & GARAGE PROPOSALS

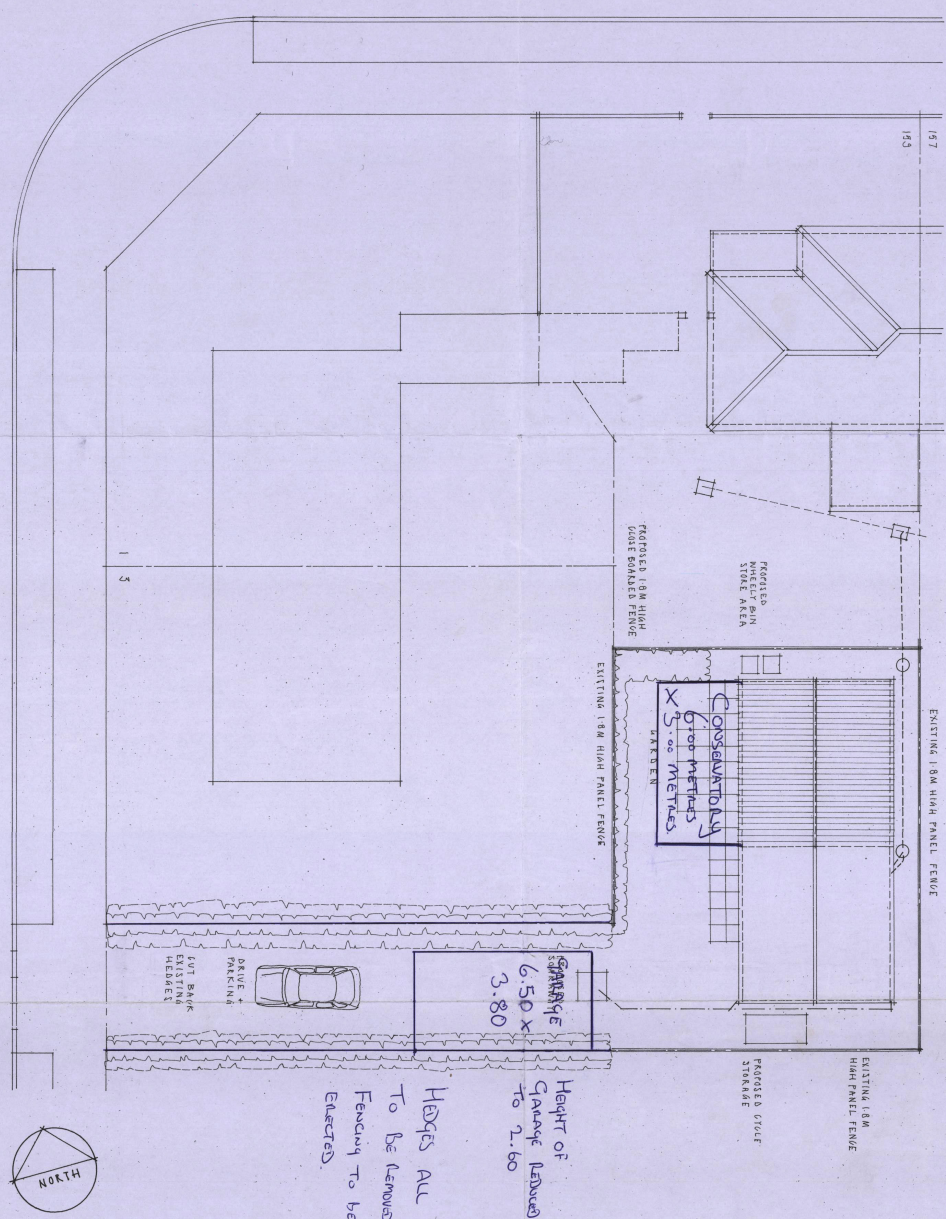
AT 3 A PETTUS RD NORWICH NR4 7BU

DATE 7<sup>th</sup> July 2015.

-8 JUL 2015  
Planning Services

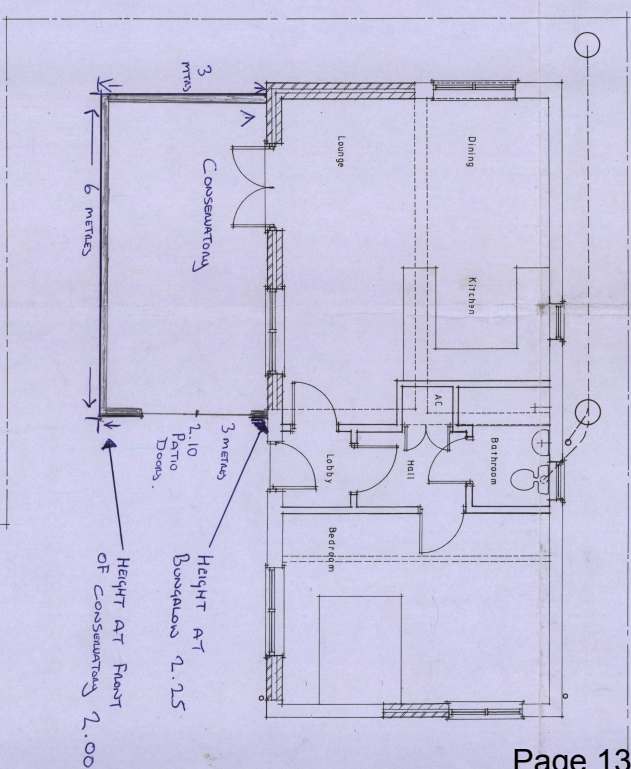


THE BUILD OF BUNGALOW  
IS NOW COMPLETED



Height of  
Garage Reduced  
To 2.60

Hedges All  
To Be Removed  
Fencing To Be  
Erected.





**Report to** Planning applications committee

**Item**

03 September 2015

**Report of** Head of planning services

**Subject** Application no 15/00744/F - 24 Eaton Street,  
Norwich, NR4 7LD

**Reason  
for referral** Objection

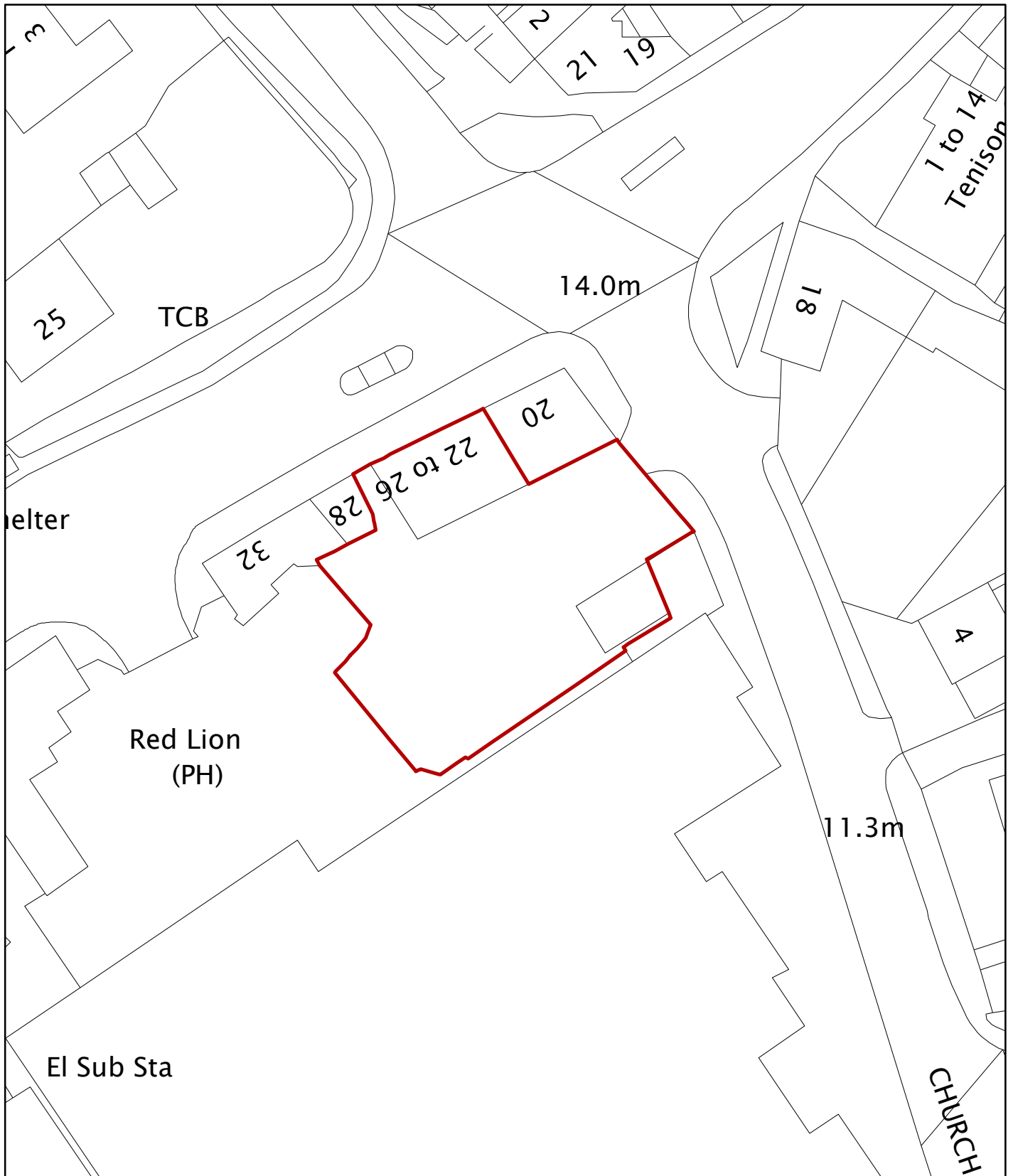
4(G)

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<b>Ward:</b>	Eaton
<b>Case officer</b>	John Dougan - <a href="mailto: johndougan@norwich.gov.uk">johndougan@norwich.gov.uk</a>

Development proposal		
Two-storey rear extension.		
Representations		
Object	Comment	Support
3	0	0

Main issues	Key considerations
1 Principle	Increase in size of the takeaway and loss of a dwelling
2 Scale, design and layout	Character of the conservation area, setting of listed building and appearance of the building group.
3 Amenity	Outlook, overlooking, overshadowing, provision of amenity space and nuisance.
4 Transportation	Provision of adequate access, parking and servicing
<b>Expiry date</b>	4 <sup>th</sup> September 2015
<b>Recommendation</b>	Approve



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Planning Application No 15/00744/F

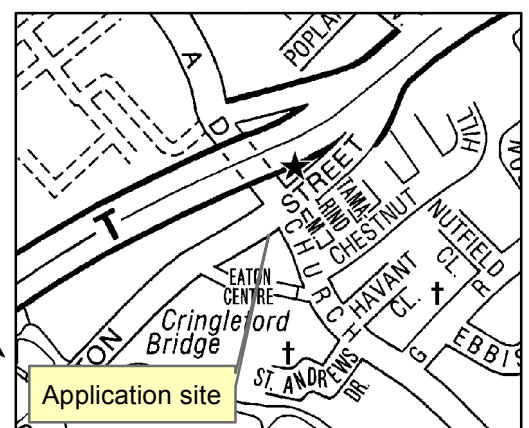
Site Address 24 Eaton Street

Scale 1:500



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PLANNING SERVICES



## The site and surroundings

1. The site is within a larger building group forming an undesignated heritage asset which is located within Eaton Village. It appears to be largely 19th century in date and has a typical plain frontage. It is located within the Eaton conservation area which is characterised by a semi-rural/urban development around a historic village core.
2. The site is set within this historic village core as outlined within the conservation area appraisal and is one of the most significant parts of the conservation area.
3. The building group contains a series of uses including wine merchants, estate agents, hair dressers, fast food takeaway and a pub all of which form part of a District retail centre. Many of the premises have residential properties on their upper floors. There is a parking area to the rear of the site for staff and customers and bin storage areas. Whilst this area has not been formally laid out, it is understood that it can accommodate 17 cars being accessed from Church Lane.
4. The application site contains 2no. fast food takeaways and is understood to have contained two flats on the upper floor. However prior to the current renovations the upper floors were used as a House in Multiple Occupation for workers at Planet Wok and a family. It is understood that the takeaway and residential accommodation was deemed to be in a very poor state of repair with extreme danger from fire, electrical hazards, excess cold and potential for falls on stairs.
5. The property was deemed an imminent risk of serious harm and an emergency prohibition order served. This order still applies and no one can live in the property until it is made safe.
6. Further to the west is the Red lion pub, a grade II star listed building, the Red Lion and the grade II listed number 32 Eaton Street which is directly adjacent to the development site. There are views of 32 and the Red Lion public house across the carpark when viewed from church lane. Although, directly to the south of the site is a commercial building comprising Waitrose and other retail operators.

## Constraints

7. Conservation Area
8. District retail centre

## Relevant planning history

9.

Ref	Proposal	Decision	Date
4/1993/0889	Details of car park layout & landscaping as required by conditions 2 & 3 of Approved number 4930145/U (Change of use from shop to hot food take-away	APPR	07/02/1995

4/1993/0926	Approval of details of extract ventilation system required by Condition 9 of previous permission no. 4930145/U "Change of use from shop (Class A1) to hot food takeaway (Class A3)".	APPR	07/12/1993
4/1993/0145	Change of use from shop (Class A1) to hot food takeaway (Class A3).	APCON	27/05/1993
4/1996/0340	Provision of fryer ventilation flue.	REF	27/06/1996
4/1999/0737	Condition 09: details of extract ventilation on fume extraction system.	APPR	27/09/1999

## The proposal

10. The proposal is for erection of a two-storey extension to increase the size of the existing takeaway and first floor residential accommodation. The extension to the ground floor will provide additional storage space, with the upper level providing further living space for the residential property. The reconfiguration of the residential accommodation will merge the two smaller flats into a single larger flat for the family whom operate the business.
11. The extension is 7.7 metres wide by 3 metres deep and of flat roof construction. Following discussions with officers a lean to roof was added with the brickwork painted to match the colour of the existing building.
12. The applicant has provided further clarification of the parking area serving the application site, providing a slightly reconfigured arranged for 18 cars and dedicated cycle and bin storage.

## Summary information

Proposal	Key facts
<b>Scale</b>	
Total floorspace	19 sqm
No. of storeys	Two
Max. dimensions	Footprint - 7.7 x 3.0 metres
<b>Appearance</b>	
Materials	Painted brick work
Construction	Lean to
<b>Operation</b>	

Opening hours	As existing
Ancillary plant and equipment	None
<b>Transport matters</b>	
Vehicular access	As existing
No of car parking spaces	As existing plus one extra = 18 spaces
No of cycle parking spaces	Additional parking spaces
Servicing arrangements	Reconfiguration of existing bin storage area

## Representations

13. 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.

Issues raised	Response
The proposed extension will severely restrict car parking and obstruct access to the rear of the site potentially resulting in loss of business for other units	Main issue 3
The extension projects to far from the existing row and will be overly dominant.	Main issue 2
The extension will increase opportunities for anti-social behaviour and noise disturbance.	Main issue 4
Parking and access will be obstructed during the construction phase.	See other matters
We received no written notification of this nor did we see signage posted.	See other matters

## Consultation responses

14. 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

15. The proposals to add an extension to the rear could have an impact on the setting of the grade II\* listed building, the Red Lion and the grade II listed number 32 Eaton Street which is directly adjacent to the development site. Concerns were raised in relation to the original proposals that they related poorly with the parent building. However the revised proposals featuring a redesigned roof have addressed these concerns. The revised proposals will relate acceptably with the parent building and will no longer have a harmful impact upon the adjacent listed building or wider conservation area.

### Environmental protection

16. An acoustic consultant should survey/test the building and recommend any acoustic treatment that may be required overall. This could extend to any new plant or machinery that may be proposed.

### Private sector housing

17. The first floor rear living room will require egress windows to British standard. The first floor living room and second floor playroom must not be used for sleeping as this could result in the formation of an HMO. The conversion must be carried out to building regulations (especially approved document B –fire safety). Fire doors and fire alarms would need to be fitted if the property were to be used as an HMO.
18. If this application was approved and the conversion completed the current emergency prohibition order could be revoked meaning that the property could be lived in. Due to the recent history of this property the living room and playroom have the potential to be used for sleeping. A prohibition order preventing the use of these rooms for sleeping is therefore likely to be served. The site would be inspected at regular intervals to check that the order was not being breached.

### Relevant development plan policies

19. **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
20. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
- DM1 Achieving and delivering sustainable development
  - DM2 Ensuring satisfactory living and working conditions
  - DM3 Delivering high quality design
  - DM9 Safeguarding Norwich's heritage

- DM15 Safeguarding the city's housing stock
- DM17 Supporting small business
- DM18 Promoting and supporting centres
- DM21 Protecting and supporting district and local centres
- DM24 Managing the impacts of hot food takeaways
- DM28 Encouraging sustainable travel
- DM30 Access and highway safety
- DM31 Car parking and servicing

### **Other material considerations**

#### **21. Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**

- NPPF0 Achieving sustainable development
- NPPF1 Building a strong, competitive economy
- NPPF2 Ensuring the vitality of town centres
- NPPF4 Promoting sustainable transport
- NPPF7 Requiring good design
- NPPF8 Promoting healthy communities
- NPPF12 Conserving and enhancing the historic environment

### **Case Assessment**

22. 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**

23. The principle of extending an existing takeaway and residential accommodation is acceptable as it will enhance the operational capability of the business within a local centre and provide improved residential accommodation on the upper floors
24. The loss of one of the flats is regrettable. However the conversion of two dwellings into a single unit would improve the current poor standard of accommodation within the property and provide a residential unit which would meet the council's minimum space standards.

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

25. Key policies and NPPF paragraphs – JCS2, DM3, DM9, NPPF paragraphs 9, 17, 56, 60-66 and 128-14.
26. Whilst the proposal is located to the rear of the building group, it would still be visible from the public realm when viewed from Church Lane. It is also in close proximity to the nearby listed buildings. The originally proposed extension was considered to be of a scale and design, particularly the flat roof form, which would

compromise the visual amenities of the street scene and setting of the locally listed building.

27. However the application has been revised to address these concerns. Whilst the footprint of the extension remained unchanged, appearance of the extension has been improved with the introduction of a lean to roof and painted brickwork which is the same colour as the main building. These changes will ensure that the proposed extension can be clearly interpreted as a more recent and subservient addition to the parent building. It will not cause significant harm to the appearance of the parent building, character of the conservation area or setting of the nearby listed buildings.

### **Main issue 3: Transport**

28. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF paragraphs 17 and 39.
29. The site is located in a district centre, an accessible location with many customers having the option of visiting the centre via sustainable alternatives to the car.
30. The existing site contains a series of uses fronting Eaton Street, many of the uses having access to the private car park to the rear for staff or visiting customers. It is understood that the parking area has the capacity to accommodate 17 cars. However there is no formalised layout with allocation of spaces between the landowner and leaseholders determined privately by relevant businesses and occupiers.
31. Nevertheless, as the extension projects into the parking area by 3 metres, officers sought clarification that this would not result in a significant erosion of the parking capacity. The applicant agreed to submit a revised plan indicating that 18 spaces could be accommodated and that they would be willing to formally mark out the spaces to aid safe operation by customers and staff.
32. It is acknowledged that the access to the site is located next to a traffic lighted intersection. Whilst, the development is not of a scale which would intensify the use of the access to any great degree, the reconfiguration of the parking and positioning of any landscaping will need further consideration to ensure that sight lines are not obscured. The exact layout of the parking / servicing area, method of marking and landscaping can be secured by condition.
33. In addition to the above, formal bin storage and collection area is proposed arrangements so that this would not conflict with manoeuvring and parking with the site. The provision of cycle parking facilities would also enhance access to the site by encouraging sustainable alternatives to the car.
34. The development will not result in any significant harm to highway safety or parking / manoeuvring within the site subject to a condition which clarifies the above matters. In light of the above, there are no reasonable grounds to indicate that the reconfiguration of parking area would significantly compromise the efficient operation of surrounding businesses that use the car park.

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



35. Key policies and NPPF paragraphs – DM2, DM24, DM11, NPPF paragraphs 9 and 17.
36. The provision of a storeroom to the rear of each of the takeaways will enhance the operation of the existing business on site and in part address the concerns raised by the council's private sector housing team with regard to housing on upper floors. However, many of the unresolved issues such as the upgrading of the electrical system and fire safety will have to be resolved by the building regulations process. Given the concern raised by the council's private sector housing team, it is recommended that an informative be added reminding the applicant of the need to contact CNC Building Control so that the unresolved issues are addressed in accordance with Building Regulations.
37. The increase in floor area of the takeaway may also intensify use, potentially causing disturbance to surrounding properties. However the proposals would result in only a small increase in floor area. Kitchen, preparation areas and serving areas are of the same position and size. As such the additional space will allow for a qualitative improvement in the operation of the business rather than allow for a significant increase in customers to the site and intensity of the use. As such the proposals would not cause any significant harm to the amenities of the area in terms of noise, odour or anti-social behaviour.
38. The movement of customers is unlikely to change. Parking at the frontage of the site is restricted by double yellow lines so customers would have to use the parking area to the rear accessing the alleyway to the side of the premises. On the basis of the response from the Environmental protection team, it is recommended that a noise insulation condition be imposed to ensure that any additional noise generated does not cause harm to the amenity of the residential property on the first floor and surrounding properties.
39. The provision of a formalised bin storage compound to the rear of the site will help mitigate any waste storage issues. It is acknowledged that location is not ideal for collection purposes as it is in excess of 5 metres from the public highway. However, in light of the relatively small scale nature of the extension and constraints of the site, such an arrangement is deemed to be an improvement. Details of the compound and waste storage / collection protocol can be secured by condition.
40. As previously indicated, the renovations to the sub-standard residential accommodation will need to be resolved in accordance with Building Regulations. The increase in size of the residential accommodation will improve the internal living space for the occupants. However the concerns of the private sector housing team in relation to the likely use of the residential accommodation as a HMO are noted. Therefore for the avoidance of doubt a condition is recommended stating the residential accommodation can only be used within the C3 or C4 (large family or up to six unrelated individuals) use classes.

### **Other matters**

41. It is acknowledged that the erection of scaffolding may result in some temporary inconvenience during the construction of the extension. However, as the extension is relatively small scale it is not anticipated that surrounding properties or users of the site will experience inconvenience for a prolonged period of time.

42. The application has been subject to standard consultation procedures including the erection of a site notice. The applicant has been made aware of the need to notify all persons whom have a freehold or leaseholder interest in any part of the application site.

### **Equalities and diversity issues**

43. There are no significant equality or diversity issues.

### **Local finance considerations**

44. 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.
45. 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.
46. In this case local finance considerations are not considered to be material to the case.

### **Conclusion**

47. The proposed extension will not cause significant harm to the appearance of the building and setting of the nearby listed buildings and character of the conservation area.
48. The proposal is of a scale which will not result in any significant additional vehicular movements to the site. The reconfigured parking and servicing area is deemed appropriate for its users subject to condition.
49. Given the unsafe state of the property, the proposal would improve the operation of the takeaway and the living standards of the flat above, subject to conditions and adherence to other regulations outside the planning process. Similarly, the development is of a scale which will not cause any significant harm to the amenities of the wider area subject to conditions.
50. 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. 15/00744/F - 24 Eaton Street Norwich NR4 7LD and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans
3. For the avoidance of doubt – the residential accommodation shall only be used within the C3 and C4 use classes.

4. Details of materials and paint.
5. Details of the following:
  - Layout of the parking and turning and method of marking
  - Cycle and bin storage compound
  - Bin collection area
  - Hard and soft landscaping
6. Details of noise insulation
7. Details of noise and litter mitigation strategy

#### Informative

1. Use of the premises within the C3 and C4 use classes
2. Alterations in accordance with Building regulations
3. The Council's private Sector Housing team have stated that the areas identified as living room and playroom shall not be used as sleeping accommodation. Should, this be the case it is likely that a prohibition order may have to be served preventing the use of these rooms for sleeping. Given the previous poor management of the property the private sector housing team would also need to make regular unannounced inspections to make sure that the property was being managed in accordance with the management regulations.

#### Article 35(2) Statement

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

IMPORTANT NOTES

DO NOT SCALE FROM THIS DRAWING  
All dimensions must be checked on site  
All work must comply with the Building Regulations

Revisions  
UPDATED FOR PLANNING APPLICATION 29/05/15  
UPDATED FOR PLANNING APPLICATION 26/07/15

Client	PLANET WOK
Job Title	EXTENSION
Address	24 EATON STREET NORWICH NORFOLK NR4 7LD

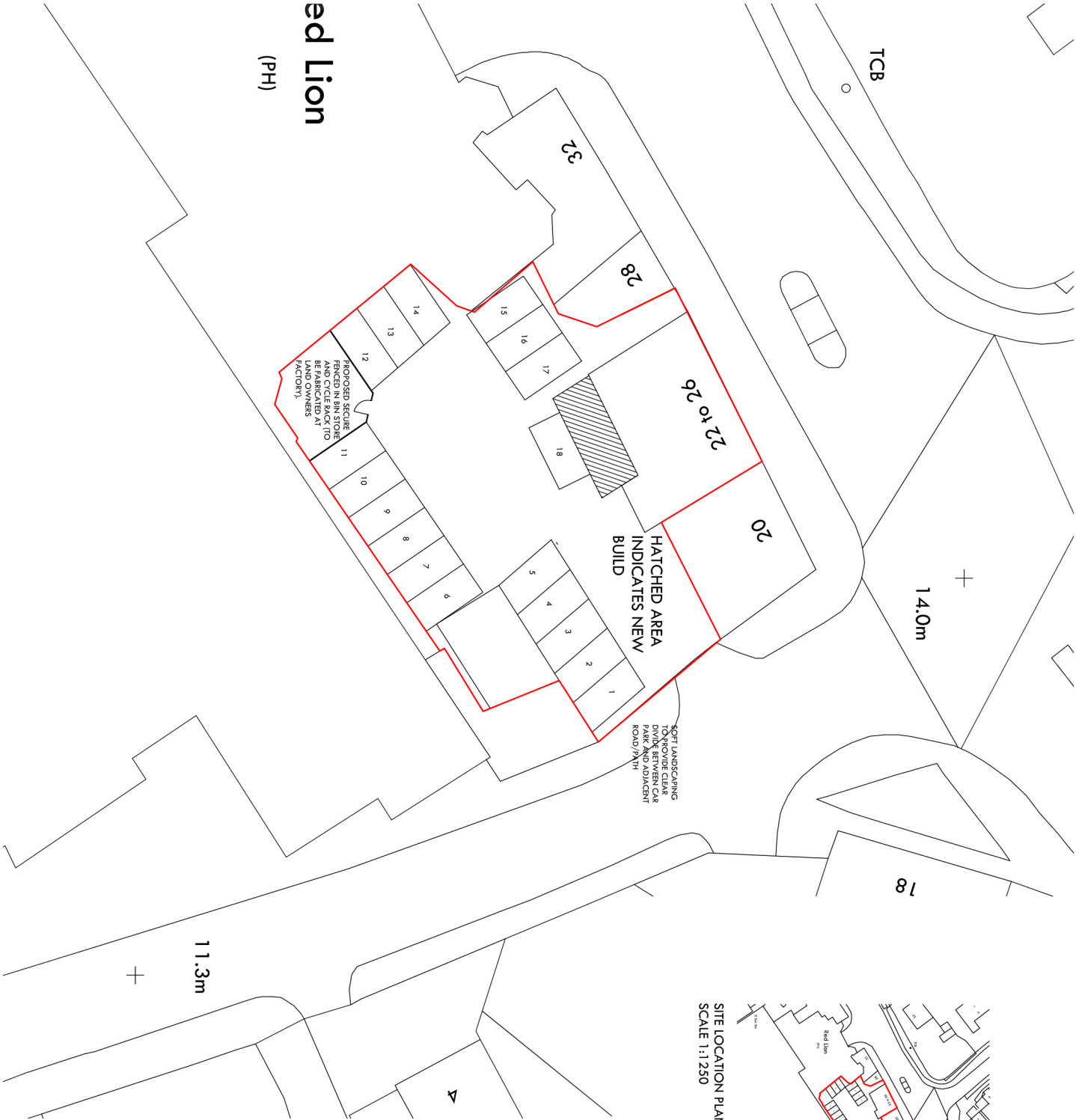
Drawing Title	BLOCK AND SITE LOCATION PLANS
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Scales  
BLOCK PLAN 1:200  
SITE LOCATION PLAN 1:1250  
Creation Date  
APRIL 2015

Dwg No.	113-03	Rev.	C
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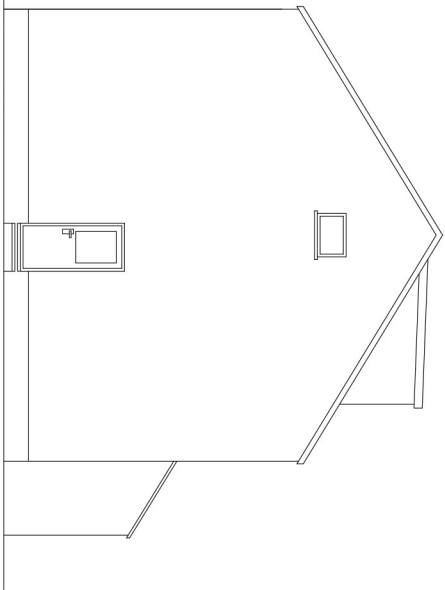


SITE LOCATION PLAN  
SCALE 1:1250

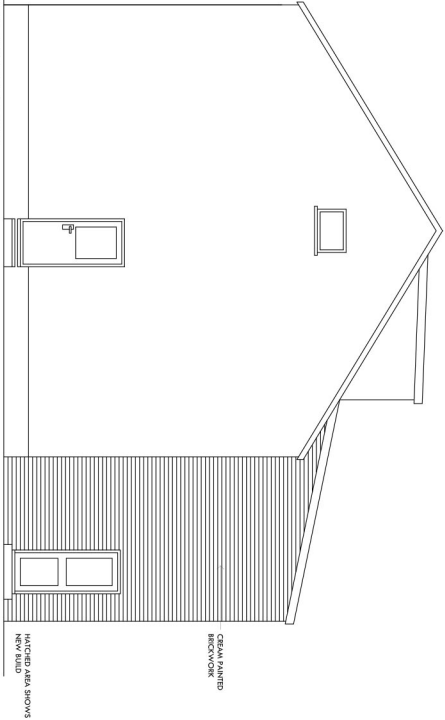


ed Lion  
(PH)

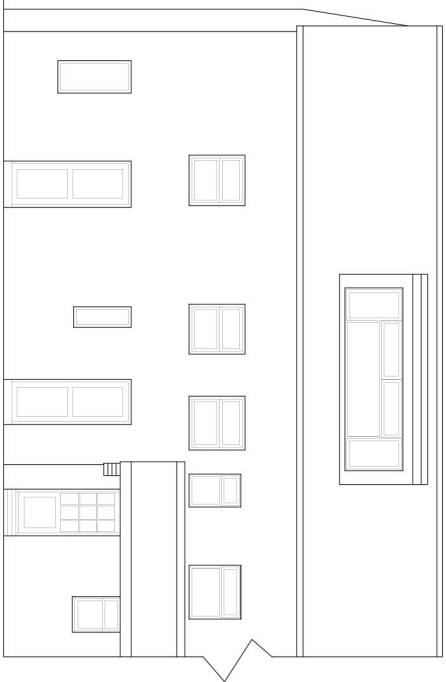
Revision  
UPDATED FOR PLANNING APPLICATION  
UPDATED FOR PLANNING APPLICATION 26/07/15



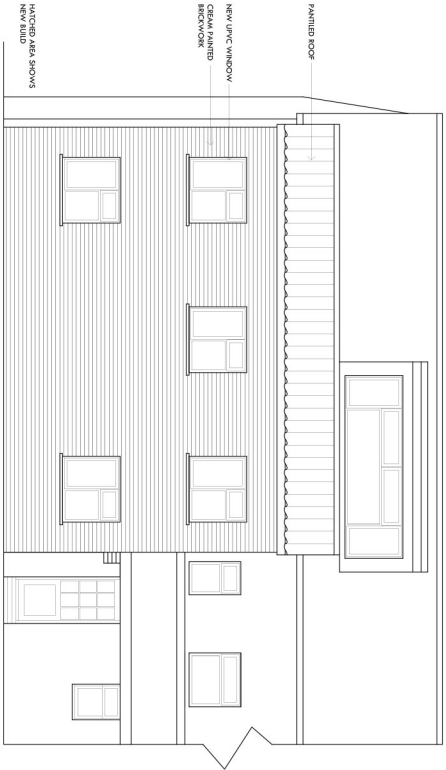
EXISTING SIDE ELEVATION  
SCALE 1:50



PROPOSED SIDE ELEVATION  
SCALE 1:50



EXISTING REAR ELEVATION  
SCALE 1:50



PROPOSED REAR ELEVATION  
SCALE 1:50

Address  
2-4 EYTON STREET  
NORWICH  
NORFOLK  
NR4 7JD

Client  
PLANET WOK  
Job Title  
EXTENSION

Scales  
1:50

Created Date  
APRIL 2015

Drawn By  
113-01

Page  
C

Revision  
UPDATED FOR PLANNING APPLICATION

Client  
PLANET WOK

Job Title  
EXTENSION

Address  
2A-2A ELTON STREET  
NORWICH  
NORFOLK  
NR4 7JD

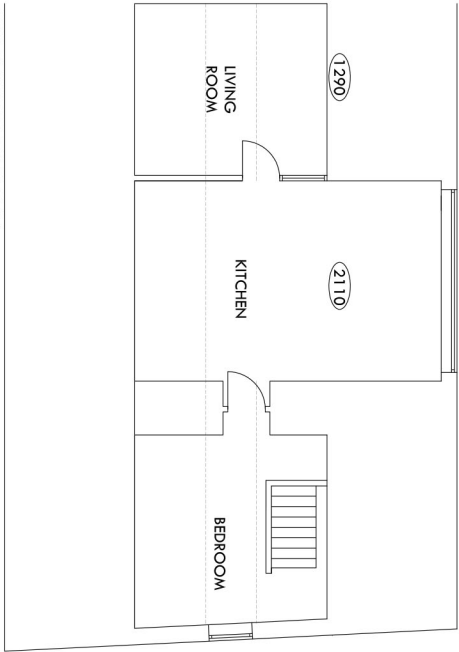
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FLOOR PLANS

Scales  
1:50

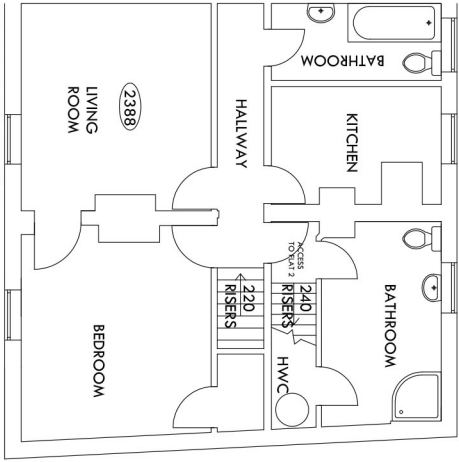
Created Date  
APRIL 2015

Day No.  
113-02

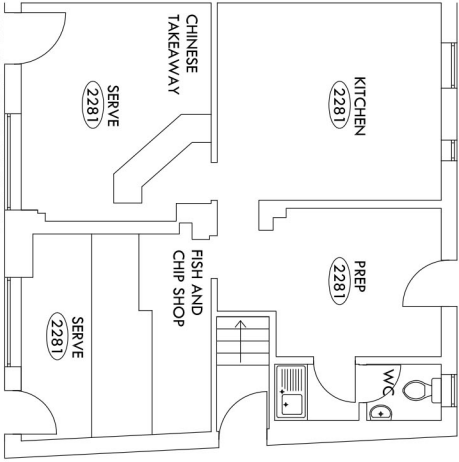
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8



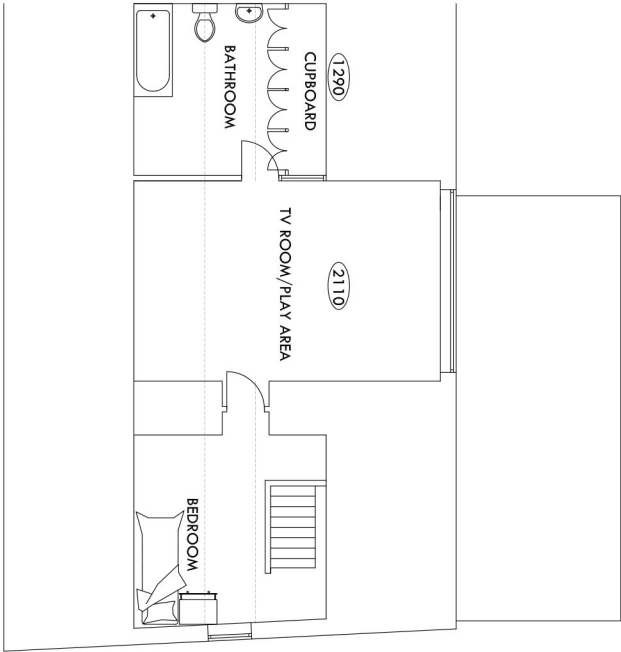
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SCALE 1:50



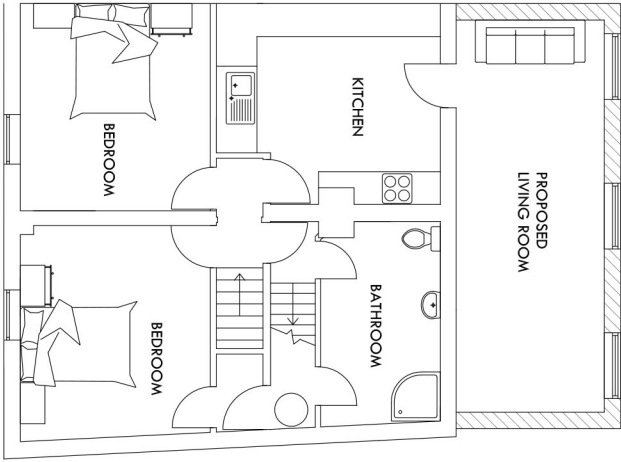
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SCALE 1:50



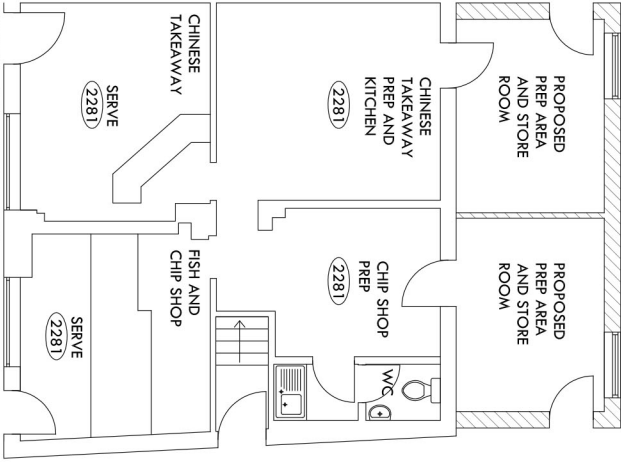
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SCALE 1:50



PROPOSED SECOND FLOOR PLAN  
SCALE 1:50



PROPOSED FIRST FLOOR PLAN  
SCALE 1:50



PROPOSED GROUND FLOOR PLAN  
SCALE 1:50

**Report to** Planning applications committee

**Item**

3 September 2015

**Report of** Head of planning services

**Subject** Tree Preservation Order [TPO], 2014. City of Norwich  
Number 481; 99 Christchurch Road, Norwich NR2  
3NG

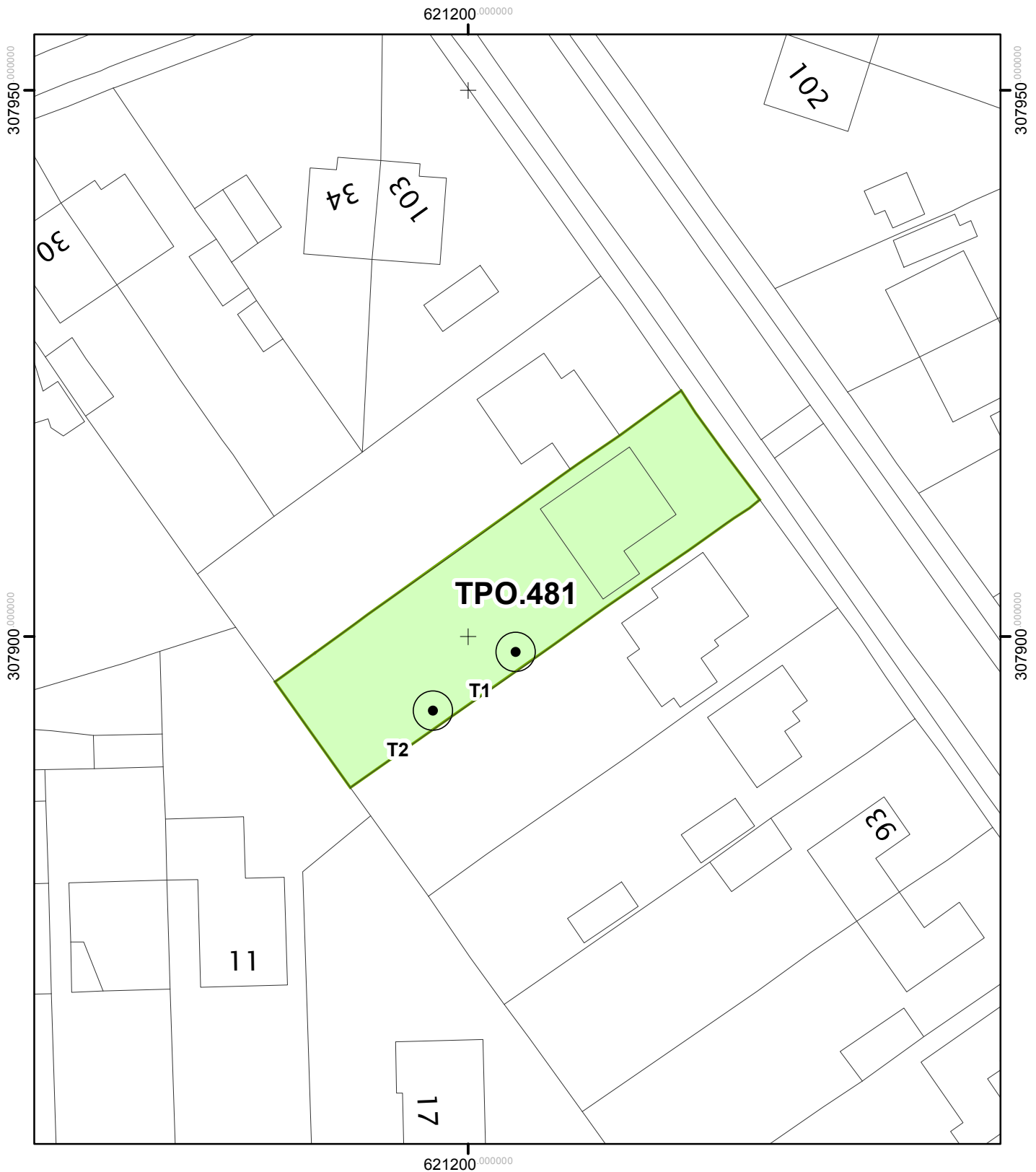
4(H)

**Reason** Objections to confirmation of tree preservation order  
481  
**for referral**

<b>Ward:</b>	University
<b>Case officer</b>	Stephen Hayden – tree consultant for Norwich City Council tel: 01603 212546

Proposal		
To confirm Tree Preservation Order 2014, City of Norwich Number 481, 99 Christchurch Road, Norwich NR2 3NG without modifications		
Representations		
Object	Comment	Support
3		

<b>Main issues:</b>	<b>Key considerations:</b>
1 Amenity	Impact on local residents Level of amenity for future occupiers
2 Climate change	Trees increase resilience to climate change
3 Air quality	Trees improve air quality
3 Biodiversity & wildlife	Trees aid biodiversity and wildlife
<b>Expiry date</b>	21 <sup>st</sup> November 2015
<b>Recommendation</b>	Confirm TPO 481 without modifications



**PLANNING SERVICES**

Norwich City Council, City Hall,  
Norwich, NR2 1NH  
Telephone 0344 980 3333

Date : 21 May 2015

Scale : 1:500

Drawn by : SRB





## The site, surroundings and content

1. The mature Scots Pine and Walnut tree are situated in the rear garden of No. 99 Christchurch Road, Norwich NR2 3NG. Both trees are visible from Christchurch Road, Meadow Rise Road and Jessop Road.
2. The location of the trees is shown on the attached plan
3. The trees came under threat when the property was put up for sale; prospective purchasers contacted the Council to ask if the trees could be felled.
4. The Council's Tree Consultant visited the site and undertook an assessment of the trees. The Tree Evaluation Method for Preservation Orders (TEMPO) assessment was used. The assessment has the following classifications:

TEMPO score:	TEMPO Decision guide
0 - 11	Does not merit a TPO
12 -15	TPO defensible
16 - 25	Merits a TPO

The assessment resulted in a score of 15 for T1 the Walnut and 15 for T2 the Scots Pine which indicated that a Tree Preservation Order was defensible.

5. Tree Preservation Order 2014. City of Norwich Number 481: 99 Christchurch Road, Norwich NR2 3NG was served on the 21st May 2015.
6. The Order is provisionally in effect for 6 months from the date on which it was served. During this period the Council considers whether the Order should be confirmed that is to say, whether it should take effect formally. Before this decision is made, the people affected by the Order have a right to make objections or other representations about any of the trees covered by the Order.

## Representations

7. Notice of the Order was served on the owner of the property and on three neighbouring properties. In response 3 letters of representation have been received objecting to the Order; one from the new owner of the property and two from the adjoining neighbours on Christchurch Road, Norwich. Full details of these letters are available on request. The issues raised and the Tree Consultants response are summarised below:

	Representation	Response
7.1	The trees are barely visible from Christchurch Road, Meadow Rise Road or Jessop Road	The trees are visible from Christchurch Road, Meadow Rise Road and Jessop Road. The Department for Communities and Local Government ("DCLG") guidance –

		Tree Preservation Orders: A guide to the Law and Good Practice states in paragraph 3.2 “..... the trees, or at least part of them, should therefore normally be visible from a public place, such as a road or footpath, although, exceptionally, the inclusion of other trees may be justified.....”. Given this it was considered expedient, in this case to serve the TPO.
7.2	The trees are not of ‘significant amenity benefit to the local area’	The trees are mature specimens in good condition, within the rear garden of No 99 Christchurch Road and can be seen from the rear of surrounding properties and from Christchurch Road, Meadow Rise Road and Jessop Road. It is therefore the Councils position that the trees do provide ‘amenity’ within the locality.
7.3	T1 – the Walnut has a large lower branch that hangs over the fence and is of some concern to the owner of No 97	It is agreed that the walnut tree is close to the rear of the dwelling and does need to be managed to reduce any future conflict between the tree and the dwelling and owners. The tree preservation order is not intended to prevent this or any other reasonable management of the tree; it is there to prevent any unnecessary and potentially damaging works. To this end officers will work with the owners to ensure the most appropriate management of the tree(s).
7.4	Both trees shed debris - walnuts, cones and needles - which have to be raked off prior to mowing the grass	The shedding of leaves and needles is not considered an acceptable reason for the removal of mature trees. It is part of living with trees within urban environments and considered to be a reasonable burden upon landowners given the overriding benefit trees afford to the public and city in general.
7.5	Both trees shade the garden of No 101 - but the dense high shade of the Pine is particular problematic, cutting out sunlight	Again this is part of living with trees in urban environs. However officers will work with the owners of the trees to allow suitable management of the trees to help reduce issues such as shading where possible.
7.6	Both trees are ‘vastly over-grown’	The trees are mature specimens in good condition.

7.7	The debris shed from both trees - walnuts, cones and needles - and the proliferation of young walnut trees, prevent the establishment of a vegetable plot	The shedding of leaves and needles is not considered an acceptable reason for the removal of mature trees. It is part of living with trees within urban environments and considered to be a reasonable burden upon landowners given the overriding benefit trees afford to the public and city in general. The wish to create a vegetable plot is not considered a sufficient reason for removing mature trees.
7.8	The canopies of both trees keep rain from the ground and their roots take all the goodness from the soil	This is considered an integral and reasonable part of living with trees within gardens. The overriding benefits that trees provide to the environment are sufficient to ensure their retention where appropriate, irrespective of these sometimes unfortunate implications.
7.9	The trees are a hindrance to creating an attractive garden	This is a subjective matter. Trees generate a huge amount of vary varied opinions. However the Council has a statutory duty to protect trees and in this case the trees are of sufficient stature and importance within the local environment that they are worthy of the Tree Preservation Order.

## Main issues

### Issue 1

8. The loss of these two large, mature trees which are both in good condition and visible from Christchurch Road, Meadow Rise Road and Jessop Road would impact on the amenity of the area for local residents and for future occupiers.

### Issue 2

9. The loss of these trees would also contribute to the impacts of climate change. Through photosynthesis trees naturally absorb CO<sub>2</sub> a key greenhouse gas and act as a carbon sink by sequestering it. Also, by a combination of reflecting sunlight, providing shade and evaporating water through transpiration trees moderate the local microclimate and temperature.

### Issue 3

10. The trees have a positive effect on air quality by cutting levels of airborne particulates and removing air pollutants.

#### **Issue 4**

11. The trees enhance biodiversity by providing habitats for a variety of species and thereby contribute to providing a healthy food chain that is of benefit to birds and mammals.

#### **Conclusion**

12. Objections to the Order have been taken note of and whilst officers appreciate the concerns raised it is their opinion that the trees in question make a positive environmental contribution and have sufficient amenity value to validate their continued protection by the confirming of the Tree Preservation Order. However officers do appreciate the potential nuisance the trees may cause and are willing to work with the owner of the trees to secure appropriate tree works to reduce any such nuisance through good management.

#### **Recommendation**

13. To confirm Tree Preservation Order 2014, City of Norwich Number 481: 99 Christchurch Road, Norwich NR2 3NG without modifications.

THE CITY COUNCIL OF NORWICH

FORM OF TREE PRESERVATION ORDER

**TOWN AND COUNTRY PLANNING ACT 1990**

**THE CITY OF NORWICH TREE PRESERVATION ORDER NUMBER 481, 2015**

The City Council of Norwich, in exercise of the powers conferred on them by Section 198 of the Town and Country Planning Act 1990 hereby make the following Order –

**Citation**

1. This Order may be cited as Tree Preservation Order, 2015  
City of Norwich Number 481, 99 Christchurch Road, Norwich NR2 3NG

**Interpretation**

2. 1. In this Order “the authority” means the City Council of Norwich
2. In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

**Effect**

3. 1. Subject to article 4, this Order takes effect provisionally on the date on which it is made.
2. Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—
  - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or

(b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,  
any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

**Application to trees to be planted pursuant to a condition**

4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

DATED this 21<sup>th</sup> May  
two thousand and fifteen.

THE CORPORATE SEAL of THE                   )  
CITY COUNCIL of NORWICH                   )  
Was hereunto affixed in the                )  
Presence of                                        )

.....

Authorised by the Council

SCHEDULE

## Article 3

SPECIFICATION OF TREES

Trees specified individually  
(encircled in black on the map)

Reference on Maps	Description	Situation
<b>T1</b>	<b>Walnut</b>	At the rear south-east boundary of No 99 Christchurch Road, Norwich NR2 3NG
<b>T2</b>	<b>Scots Pine</b>	At the rear south east boundary of No 99 Christchurch Road, Norwich NR2 3NG

Groups of Trees  
(within a broken black line on the map)

Reference on Map	Description	Situation
<b>None</b>		

Trees specified by reference to an area  
(within a black dotted line on the map)

Reference on Map	Description	Situation
<b>None</b>		

Woodlands  
(within a continuous black line on the map)

Reference on Map	Description	Situation
<b>None</b>		

**IMPORTANT – THIS COMMUNICATION MAY AFFECT YOUR PROPERTY**

**TOWN AND COUNTRY PLANNING ACT 1990**

**The Town and Country Planning (Tree Preservation)(England) Regulations 2012**

**TREE PRESERVATION ORDER 2015**

**THE CITY COUNCIL OF NORWICH NUMBER 481**

**ADDRESS: 99 Christchurch Road, Norwich, NR2 3NG**

**THIS IS A FORMAL NOTICE** to let you know that on **21st May 2015**, the Council made the above Tree Preservation Order.

A copy of the Order is enclosed. In simple terms, it prohibits anyone from cutting down, topping or lopping any of the trees described in the Schedule and shown on the map without the Council's consent.

Some explanatory guidance on tree preservation orders is given in the enclosed leaflet, **Protected Trees: A Guide to Tree Preservation Orders**, produced by the Department of Communities & Local Government.

The Council has made the Order *in response to enquiries about the removal of the trees while the property is on the market for sale.*

[The Order took effect, on a provisional basis, on **21st May 2015**. It will continue in force on this basis for a further 6 months until the Order is confirmed by the Council, or if the Council decide not to confirm the order, the date on which the Council decide not to confirm the order, whichever occurs first.]

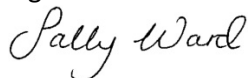
The Council will consider whether the Order should be confirmed, that is to say, whether it should take effect formally. Before this decision is made, the people affected by the Order have a right to make objections or other representations about any of the trees, groups of trees or woodlands covered by the Order.

If you would like to make any objections or other comments, we must receive them in writing by **18<sup>th</sup> June, 2015**. Your comments must comply with Regulation 6 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012, a copy of which is provided overleaf. Send your comments to the **Tree Protection Officer, Norwich City Council, City Hall, St Peter's Street, Norwich NR2 1NH**. All valid objections or representations are carefully considered before a decision on whether to confirm the Order is made.

The Council will write to you again when that decision has been made. In the meantime, if you would like any further information or have any questions about this letter, please contact **Sally Ward, Landscape Architect, Norwich City Council, St Peter's Street, Norwich, NR2 1NH (Tel: 01603 212766)**.

DATED this **21st May 2015**.

Signed



Sally Ward

Landscape Architect

On behalf of Norwich City Council, City Hall, Norwich, NR2 1NH



**COPY OF REGULATION 6 OF The Town and Country Planning (Tree Preservation)(England) Regulations 2012**

**Objections and representations**

**6.—**(1) Subject to paragraph (2), objections and representations—

(a) shall be made in writing and—

(i) delivered to the authority not later than the date specified by them under regulation 5(2)(c); or

(ii) sent to the authority in a properly addressed and pre-paid letter posted at such time that, in the ordinary course of post, it would be delivered to them not later than that date;

(b) shall specify the particular trees, groups of trees or woodlands (as the case may be) in respect of which such objections and representations are made; and

(c) in the case of an objection, shall state the reasons for the objection.

(2) The authority may treat as duly made objections and representations which do not comply with the requirements of paragraph (1) if, in the particular case, they are satisfied that compliance with those requirements could not reasonably have been expected.

# TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

## SURVEY DATA SHEET & DECISION GUIDE

Date: 30/4/15	Surveyor: Stephen Harrison	99 Christchurch Rd Newell
<b>Tree details</b> TPO Ref (if applicable): Owner (if known):		
Tree/Group No: T1		Species: Walnut
Location:		

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

### Part 1: Amenity assessment

a) Condition & suitability for TPO; where trees in good or fair condition have poor form, deduct 1 point

- |                          |                         |
|--------------------------|-------------------------|
| 5) Good                  | Highly suitable         |
| 3) Fair                  | Suitable                |
| 1) Poor                  | Unlikely to be suitable |
| 0) Dead/dying/dangerous* | Unsuitable              |

\* Relates to existing context and is intended to apply to severe irremediable defects only

#### Score & Notes

Healthy Semipalmate Tree High canopy pattern

5

b) Retention span (in years) & suitability for TPO

- |           |                 |
|-----------|-----------------|
| 5) 100+   | Highly suitable |
| 4) 40-100 | Very suitable   |
| 2) 20-40  | Suitable        |
| 1) 10-20  | Just suitable   |
| 0) <10*   | Unsuitable      |

\*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

#### Score & Notes

4.

4

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- |   |                     |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees  | Highly suitable     |
| 4) Large trees, or medium trees clearly visible to the public       | Suitable            |
| 3) Medium trees, or large trees with limited view only              | Suitable            |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable     |
| 1) Trees not visible to the public, regardless of size              | Probably unsuitable |

Highly suitable  
Suitable  
Suitable  
Barely suitable  
Probably unsuitable

#### Score & Notes

3. Large garden

3

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- |  |  |
|--|--|
| 5) Principal components of arboricultural features, or veteran trees                           | <b>Score &amp; Notes</b><br><br><br><br> |
| 4) Tree groups, or members of groups important for their cohesion                              |  |
| 3) Trees with identifiable historic, commemorative or habitat importance                       |  |
| 2) Trees of particularly good form, especially if rare or unusual                              |  |
| 1) Trees with none of the above additional redeeming features (inc. those of indifferent form) |  |

1

### Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

- |                               |  |
|-------------------------------|--|
| 5) Immediate threat to tree   | <b>Score &amp; Notes</b><br>2. Home for sale on engineer's watch |
| 3) Foreseeable threat to tree |  |
| 2) Perceived threat to tree   |  |
| 1) Precautionary only         |  |

### Part 3: Decision guide

- |       |                       |
|-------|-----------------------|
| Any 0 | Do not apply TPO      |
| 1-6   | TPO indefensible      |
| 7-11  | Does not merit TPO    |
| 12-15 | TPO defensible        |
| 16+   | Definitely merits TPO |

#### Add Scores for Total:

15

#### Decision:

# TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

## SURVEY DATA SHEET & DECISION GUIDE

Date: 30/4/15	Surveyor: SH 99 Christchurch Rd Nareau
<b>Tree details</b> TPO Ref (if applicable): Owner (if known):	
Tree/Group No: T2 Location:	Species: Scot Pine

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

### Part 1: Amenity assessment

a) Condition & suitability for TPO; where trees in good or fair condition have poor form, deduct 1 point

- |                          |                         |
|--------------------------|-------------------------|
| 5) Good                  | Highly suitable         |
| 3) Fair                  | Suitable                |
| 1) Poor                  | Unlikely to be suitable |
| 0) Dead/dying/dangerous* | Unsuitable              |

\* Relates to existing context and is intended to apply to severe irremediable defects only

#### Score & Notes

Mature tree.

5

b) Retention span (in years) & suitability for TPO

- |           |                 |
|-----------|-----------------|
| 5) 100+   | Highly suitable |
| 4) 40-100 | Very suitable   |
| 2) 20-40  | Suitable        |
| 1) 10-20  | Just suitable   |
| 0) <10*   | Unsuitable      |

\*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

#### Score & Notes

4.

4

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- |   |                     |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees  | Highly suitable     |
| 4) Large trees, or medium trees clearly visible to the public       | Suitable            |
| 3) Medium trees, or large trees with limited view only              | Suitable            |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable     |
| 1) Trees not visible to the public, regardless of size              | Probably unsuitable |

#### Score & Notes

3 Inter garden

3

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- |  |                                   |
|--|-----------------------------------|
| 5) Principal components of arboricultural features, or veteran trees                           | <b>Score &amp; Notes</b><br><br>1 |
| 4) Tree groups, or members of groups important for their cohesion                              |                                   |
| 3) Trees with identifiable historic, commemorative or habitat importance                       |                                   |
| 2) Trees of particularly good form, especially if rare or unusual                              |                                   |
| 1) Trees with none of the above additional redeeming features (inc. those of indifferent form) |                                   |

### Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

- |                               |   |
|-------------------------------|---|
| 5) Immediate threat to tree   | <b>Score &amp; Notes</b><br>Down for sale - requires<br>the tree made |
| 3) Foreseeable threat to tree |   |
| 2) Perceived threat to tree   |   |
| 1) Precautionary only         |   |

### Part 3: Decision guide

- |       |                       |
|-------|-----------------------|
| Any 0 | Do not apply TPO      |
| 1-6   | TPO indefensible      |
| 7-11  | Does not merit TPO    |
| 12-15 | TPO defensible        |
| 16+   | Definitely merits TPO |

#### Add Scores for Total:

15

#### Decision:

