

Planning applications committee

Date: Thursday, 11 November 2021

Time: 10:00

Venue: Council Chamber, City Hall

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

Committee members:

Councillors:

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

For further information please contact:

Committee officer: Jackie Rodger
t: (01603) 989547
e: jackierodger@norwich.gov.uk

Democratic services
City Hall
Norwich
NR2 1NH

www.norwich.gov.uk

Information for members of the public

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

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

Agenda

Page nos

1 Apologies

To receive apologies for absence

2 Declarations of interest

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

3 Minutes

5 - 8

To approve the accuracy of the minutes of the meeting held on 14 October 2021

4 Planning applications

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

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

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

Please note:

- The formal business of the committee will commence at 10:00;
- The committee will pause at 11:00 for the two minute silence to mark Armistice Day.
- The committee may have a comfort break after two hours of the meeting commencing.

- Please note that refreshments will not be provided. Water is available
- The committee will adjourn for lunch at a convenient point between 13:00 and 14:00 if there is any remaining business.

Summary of planning applications for consideration	9 - 10
Standing duties	11 - 12
4(a) Applications 20/01263/F – King Street Stores, King Street and 20/01582/L – King Street Stores, King Street	13 - 50
4(b) Application no 21/00821/F - Surface Car Park, Rose Lane	51 - 70
4(c) Application no 21/00646/F – Fieldgate, Town Close Road, Norwich NR2 2NB	71 - 88

Date of publication: **Wednesday, 03 November 2021**



Planning applications committee

10:00 to 11:45

14 October 2021

Present: Councillors Driver (chair), Button (vice chair), Bogelein, Champion, Grahame, Giles, Lubbock, Maxwell, Peek, Sands (M) and Stutely

Apologies: Councillors Everett and Thomas (Va)

1. Declarations of interests

There were no declarations of interest.

2. Minutes

RESOLVED to approve the accuracy of the minutes of the meeting held on 9 September 2021.

3. Application no 21/01073/RM - Three Score Site Land South of Clover Hill Road, Norwich

The senior planner (case officer) presented the report with the aid of plans and slides.

The chair referred members to the supplementary report of updates to reports which was circulated before the meeting and available on the council's website and contained a correction to confirm the number of car parking spaces as 117, as set out in paragraph 57 of the report, and not 97 as set out erroneously in the table on page 21 of the agenda papers.

During discussion, the senior planner, together with the area development manager referred to the report and presentation and answered members' questions. This included seeking confirmation that infrastructure for electric vehicle charging points would be in place; that there would be sufficient surveillance to alleviate the police's concerns that the development would be too permeable and rear parking courts would not be overlooked; and that the open spaces would be maintained by a management company, the details of which were not material planning considerations.

Members were concerned about loss of biodiversity and noted the mitigation to offset the biodiversity net loss through developers' contributions at Bunkers Wood, and through enhanced pathways to Earlham and Bowthorpe Marshes, and the restoration of the parkland and meadows around Bowthorpe Hall. In reply to a member's comment, the senior planner explained that such wider provisions to offset biomass lost from the site would need to have been covered within the wider legal agreement at outline stage for such contributions from the site. The outline planning permission had balanced the principle of providing a significant amount of housing against the impacts on biodiversity. The site had been grassland when the outline permission had been granted and self-seeded trees had become established in the interim. The applicant had been required to submit an ecological assessment and tree survey to capture what was there now and to make compensatory provision where possible. Members were also advised that the outline planning permission had been granted before the current local plan or the National Planning Policy Framework when measurable biodiversity net gain did not apply in the same way. This reserved matters planning application was an acceptable approach and there would be further informal discussions with the applicant regarding landscaping through submission of details required by planning condition. In reply to a members' suggestion that green roofs should be included, the senior planner explained that the design approach was intentionally similar to earlier stages of the development. Members were advised that other biodiversity measures included bird and bat boxes in the tree/scrub buffer areas between Earlham Green Lane and the site and swift boxes on houses, as set out in paragraph 86 of the report.

In reply to a question, the senior planner explained that flood and surface water drainage conditions would be discharged through the outline planning consent in consultation with Anglian Water and the lead local flood authority. Individual houses would have soakaways and roads and other shared areas drainage system fed into two lagoons which had been created at an early stage in the development.

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

Discussion ensued in which members supported this application to provide 58 per cent affordable homes with several members requesting that the maximum biodiversity net gain was achieved. Members considered that the housing would be spaced out and have access to views of the Yare Valley because of the elevations. Councillors Button and Sands, local members for Bowthorpe Ward, referred to the scheme to plant 2,000 trees in Bunkers Wood. Members noted that Bowthorpe had the most open green spaces and biodiversity in the city and that this had been a principle of development here since 1974. A member expressed reservations about the ability of a management company to provide resources to maintain the trees and landscaping on the application site.

RESOLVED, unanimously, to approve application no. 21/01073/RM - Three Score Site Land South of Clover Hill Road, Norwich and grant planning permission subject to the following conditions:

1. Prior to their first use on site and if different from those used within Phase 2, details of external materials and hard surfacing to be agreed.
2. Landscaping details to emphasise ecological planting design and following the principles set out in the submitted landscaping plans to be agreed.

3. Ecological mitigation and enhancement plan to include a wildlife movement strategy and following the principles set out in the submitted ecological information to be agreed.
4. Ecological monitoring and evaluation to be agreed.
5. Roads, footways and cycleways to be constructed to binder course before dwellings are occupied.
6. Roads, footways and cycleways to be constructed to approved specification before final dwelling is occupied.
7. Provision of visibility splays as shown on plans before first occupation.
8. Tree protection in accordance with the AIA.
9. Removal of temporary site construction compound upon completion of the phase in accordance with details to be agreed.

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

4. Application no 21/00682/F, 170 Unthank Road, Norwich, NR2 2AB

(The applicant attended the meeting for this item.)

The planner (case officer) presented the report with the aid of plans and slides, and referred to the supplementary report of updates to reports which was published and circulated before the meeting, and included a change to condition 7, in relation to the construction method statement to replace this with restrictions to the timing and location for the unloading and loading plant materials to prevent conflict with peak traffic times and obstruction of Unthank Road, and an additional informative advising the developer that no storage of plants or material would be permitted unless otherwise agreed with highways officers at the county council.

During discussion, the planner together with the planning team leader, referred to the report and the presentation and answered members' questions. In accordance with the committee's delegations, the application was before the committee because it was for the subdivision of a dwelling to create a new house and therefore was a full planning application. There had been discussions with the applicant regarding the replacement of the Magnolia tree with appropriate species such as a Hawthorne or pear tree. The Magnolia tree was still growing and too big for the site and would compete with the development. Members were also advised that the bespoke conditions for the construction method statement would require the unloading or loading of construction materials between the hours of 7.00 am to 9.30 am and 4.00 pm to 7.00 pm on Mondays to Saturdays from Mount Pleasant. This was to alleviate concerns about congestion on Unthank Road. It was noted that it was a relatively small-scale development, and some elements could be covered by permitted development rights where there would be no opportunity to control this.

The chair moved and the vice chair seconded the recommendations as set out in the report, with the amended bespoke condition 7, as set out in the supplementary report of updates to reports.

During discussion members welcomed the application in that it provided an additional dwelling which could become a family home rather than converting the large house into a house in multiple occupation. Members also noted that the issues raised by the two objectors had been addressed. A member said that the Magnolia

tree was too large for the site and this application provided an opportunity to improve the garden.

Councillor Lubbock said that she regretted the removal of the Magnolia tree as it contributed to the streetscene. She also considered that the design would have been improved if instead of converting the one storey garage creating a two storey extension and improve the appearance of the new dwelling.

In reply to a member's question, the planning team leader confirmed that there would be no barrier for a planning application regarding an upper floor extension on the garage conversion to be considered in the future for this site.

RESOLVED, with 10 members voting in favour (Councillors Driver, Champion, Bogelein, Peek, Giles, Button, Sands, Maxwell, Stutely and Grahame) and 1 member voting against (Councillor Lubbock) to approve application 21/00682/F at 170 Unthank Road and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. External Materials and potting shed
4. Water Efficiency – residential
5. Landscaping Details – Minor Scheme
6. Provision of cycling parking/ bin storage
7. No loading or unloading of plant and materials between 07:00 and 09:30 and 16:00 and 19:00 Monday to Saturday, and no loading or unloading directly from Unthank Road.

Informatives:

1. Site Clearance and Wildlife.
2. Protected Species.
3. No storage of materials is permitted on the highway unless other wise agreed with the Network Management team at Norfolk County Council.

CHAIR

Summary of planning applications for consideration**ITEM 4****11 November 2021**

Item No.	Case number	Location	Case officer	Proposal	Reason for consideration at committee	Recommendation
4(a)	20/01263/F & 20/01582/L	King Street Stores, King Street	Lara Emerson	Conversion of warehouse to 6no. dwellings, demolition of remaining buildings and structures and construction of 14no. additional dwellings.	Objections	Approve subject to the satisfactory completion of a legal agreement
4(b)	21/00821/F	Surface car park, Rose Lane	Robert Webb	Temporary entertainment and leisure venue comprising enclosed auditorium space.	Objections	Approve
4(c)	21/00646/F	Fieldgate, Town Close Road	Jacob Revell	Remodelling of existing bungalow to provide rooms in the roof space, one and half storey section and erection of detached garage.	Objections	Approve

STANDING DUTIES

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

Equality Act 2010

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

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

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

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

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

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

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

Crime and Disorder Act, 1998 (S17)

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

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

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

Natural Environment & Rural Communities Act 2006 (S40)

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

Planning Act 2008 (S183)

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

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

Article 8 – Right to Respect for Private and Family Life

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

Report to Planning Applications Committee

Item

11 November 2021

Report of Head of Planning & Regulatory Services

Subject Applications 20/01263/F – King Street Stores, King Street
and 20/01582/L – King Street Stores, King Street

4(a)

**Reason
for referral** Objections

Ward	Thorpe Hamlet
Case officer	Lara Emerson laraemerson@gov.uk
Applicant	Hurlingham Capital

Development proposal – 20/01582/L		
Demolition of toilet block adjoining Ferry Boat Inn with associated repair works.		
Representations – 20/01582/L		
Object	Comment	Support
0	0	0
Development proposal – 20/01263/F		
Conversion of warehouse to 6no. dwellings, demolition of remaining buildings and structures and construction of 14no. additional dwellings.		
Representations – 20/01263/F – first consultation		
Object	Comment	Support
13	0	0
Representations – 20/01263/F – second consultation		
Object	Comment	Support
4 individual objections plus a petition signed by 494 individuals	0	0

Main issues	Key considerations
1. Principle of development	Compliance with site allocation policy CC8; compliance with other development plan policies.
2. Heritage & design	Impact on conservation area; impact on statutorily and locally listed heritage assets. Height; massing; detailing; materials.
3. Trees & biodiversity	Loss of trees; replacement planting; off-site biodiversity net gain.
4. Amenity	Impact on amenity of surrounding residents; living conditions for future occupants.
5. Transport & servicing	Car parking; cycle parking; refuse storage; refuse and emergency vehicle access.
6. Affordable housing	Affordable housing provision.
Expiry date	30 th July 2021
Recommendation	Approve subject to the satisfactory completion of a legal agreement



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

Scale 1:500

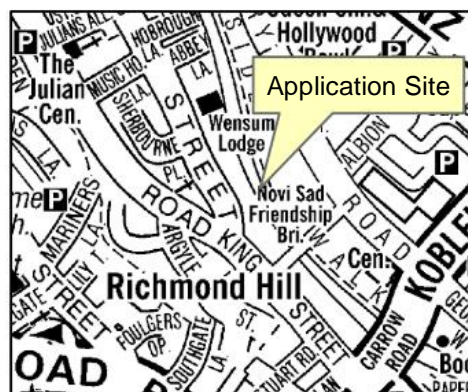


NORWICH
 City Council

PLANNING SERVICES



Page 14 of 88



The site, surroundings & constraints

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

Relevant planning history

4. None.

The proposal

5. The proposed development for which planning permission is sought under reference 20/01263/F involves:

- Demolition of the later warehouse building and the derelict toilet block and the felling of the 6 lime trees.
 - The locally listed warehouse is to be converted into 4no. 2-bedroom flats and 2no. 3-bedroom flats. This involves insertion of an additional floor into the building.
 - 4no. 3-bedroom 3-storey (plus basement) townhouses are proposed along the remainder of the river frontage.
 - 4no. 3-bedroom 4-storey townhouses are proposed along the King Street frontage, bookended by lower development, with a 3-storey block providing 3no. 2-bedroom flats at the southern end and a 4-bedroom 3-storey house at the northern end.
6. The proposal has been revised during the course of the application, with the main change being the retention and conversion of the locally listed warehouse, which was previously proposed for demolition.
7. The associated listed building application, 20/01582/L, relates solely to the removal of the derelict toilet block that appears to be built off the wall to the adjacent listed Ferry Boat Inn.

Summary information

Proposal	Key facts
Scale	
Total dwellings	20 dwellings in total: <ul style="list-style-type: none"> - 7no. 2 bed flats - 2no. 3 bed flats - 8no. 3 bed houses - 1no. 4 bed house
No. of affordable dwellings	Off-site contribution proposed
No. of storeys	3-4 storeys
Max. dimensions	Maximum 13.5m tall
Construction	
Materials	Buff, light brown, grey and red bricks Stone cills and window surrounds Aluminium windows Timber doors Metal balustrades
Renewable energy provision	10.23% of the development's energy usage provided by photovoltaic panels.
Transport matters	
No of car parking spaces	9 in total (4 garages within the riverside townhouses, 5 car parking spaces to be allocated to other dwellings)
No of cycle parking spaces	Sufficient space identified for bike storage in various locations around the site, exact details to be agreed.
Servicing arrangements	Bin stores are arranged around the site and will be collected from the property boundaries by a refuse vehicle which will need to pull into the site.

Representations

8. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing.
9. Application 20/01582/L has not attracted any letters of representation.
10. Application 20/01263/F has been subject to two rounds of public consultation. The first consultation was carried out upon receipt of the application and attracted 13 objections. Cllrs Grahame, Price and Haynes were amongst those who objected to the scheme. The representations are summarised below.

Issues raised	Response
The buildings will block private views from flats on the other side of the river.	See Main Issue 4: Amenity.
The development would cause overshadowing to council flats on King Street.	See Main Issue 4: Amenity.
Lack of affordable housing.	See Main Issue 6: Affordable housing.
Bats and swifts should be protected.	See Main Issue 3: Trees & biodiversity.
This end of King Street is characterised by buildings set back from the street frontage.	See Main Issue 1: Principle of development and Main Issue 2: Heritage & design.
The locally listed warehouse should be retained and preserved.	The warehouse is now retained as part of the scheme.
The historic wall fronting King Street should be retained.	See Main Issue 2: Heritage & design.
Loss of trees – impact on biodiversity.	See Main Issue 3: Trees & biodiversity.
Loss of trees – impact on air quality.	See Main Issue 3: Trees & biodiversity.
Loss of trees – impact on the appearance of the conservation area.	See Main Issue 2: Heritage & design and Main Issue 3: Trees & biodiversity.
The developer has failed to demonstrate that the removal of trees on this site is unavoidable, merely that retention will make the scheme less profitable.	See Main Issue 1: Principle of development and Main Issue 3: Trees & biodiversity.
Like the expert opinion of Norwich City Council's Tree Officer, I do not consider that there are 'exceptional and overriding benefits' in accepting the loss of these trees.	See Main Issue 1: Principle of development and Main Issue 3: Trees & biodiversity.

11. The second round of consultation was carried out on receipt of revised plans which include the retention of the locally listed riverside warehouse building. This consultation attracted 4 objections, including objections from Cllr Price and Cllr Haynes, and a petition organised by Cllr Haynes and signed by 494 individuals. The representations raise many of the same issues summarised above, along with the following additional issues.

Issues raised	Response
The development remains over dominant in the street scene and lacking in understanding of the impact on the local environment.	See Main Issue 2: Heritage & design.
The loss of the trees, currently forming a green corridor with other nearby trees, will have a significant and detrimental impact on the street scene.	See Main Issue 3: Trees & biodiversity.
No mention is made of the loss of the locally important wall which fronts onto the highway.	See Main Issue 2: Heritage & design.
The warehouse new windows, particularly bedroom windows, will overlook a car park which is open to the public.	See Main Issue 4: Amenity.
A TPO has now been served and confirmed. This TPO order was served only recently by expert professional staff, I see no grounds where the planning committee could go against that and must lend the necessary weight of the officer's qualified judgment to their decision.	See Main Issue 3: Trees & biodiversity.
The 1930-40s warehouse adjoining the 19 th century warehouse is also of some architectural merit and is considered to be of some heritage value and significance, aesthetic, historic and social/communal. The loss of this building again would result in harm to the character of the river frontage.	See Main Issue 2: Heritage & design.
The social housing requirement should be provided on-site rather than as a section 106 agreement, as there's significant evidence that mixed developments reduce anti-social behaviour, improve quality of build for social housing and reduce stigma faced by social housing tenants.	See Main Issue 6: Affordable housing.
Concern about the servicing of the site by refuse vehicles and access for emergency services	See Main Issue 5: Transport & servicing.
Norwich City Council's public spaces plan states that: "Trees and shrubs are sometimes dismissed as purely an aesthetic feature that is a financial burden. However, this view neglects the many services that vegetation provides in a city – cleaning the air, filtering rainwater reaching the ground to combat flash-flooding, slowing traffic by providing a sense of street enclosure and promoting biodiversity." This is a clear statement from Norwich City Council that it values	The referenced plan is interesting context but is not planning policy and should not form the basis of a planning decision.

Issues raised	Response
the existing tree stock and the planning committee must reflect local policy.	

12. It is also worth noting that the council served a Tree Preservation Order on the 6 Lime Trees on the site in January 2021 (TPO 575). The public consultation which was undertaken as part of that process attracted 27 letters of support and 4 letters of objection.

Consultation responses

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

Design and conservation – no objection; recommend conditions

20/01582/L – Removal of toilet building

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

20/01263/F – initial comments

15. Detailed comments received relating to the initial proposals, concluding as follows:

16. The proposed works of demolition and re-development will cause harm to the significance and setting of designated and non-designated heritage assets and fail to preserve or enhance the character and appearance of the conservation area. I cannot see that 'clear and convincing' justification has been given to ameliorate for the harm caused and in their current form the proposals are considered contrary to the requirements of legislation policy and guidance. Of particular relevance are NPPF, paragraph 130, 185, 190, 191, 192, 193, 194, 196, 198 and Local Plan policy DM1, DM3 and DM9.

17. Note: the initial proposals proposed the demolition of the locally listed 19th Century warehouse; this is no longer the case as the warehouse will be retained and converted into residential units.

20/01263/F – final comments

18. Further comments received following the receipt of revised plans which include the retention of the locally listed warehouse building. The comments conclude as follows:
19. It is imperative that the retention, repair and re-use of the warehouse is delivered as part of the development as a whole and not left dis-used with the remainder of the development built out and occupied. A condition is recommended to ensure that the remainder of the development cannot be occupied until the warehouse is converted and repaired/re-used.
20. In my view the 'less than substantial' harm to the character and appearance/significance of the conservation area and setting of neighbouring heritage assets caused as a result of the loss of [the later warehouse building] is mitigated (in part) through the retention and re-used of its locally listed 19th century neighbour and (in part) through the provision of a high quality new housing development which characterfully addresses both the river and King Street. Reinstating the front building line to King Street, with an attractive, active and animated frontage built up against the pavement echoing the character of the listed 17th century cottages on the opposite side of the street, albeit in a contemporary manner.
21. Overall, impact upon the heritage assets, both designated and non-designated will result in less than substantial harm and would in my view be likely offset by the public benefits of the re-use of this dis-used site, the provision of new residential housing and the repair and re-use of the locally listed 19th century warehouse building in compliance with local plan policies DM9 and NPPF policy 196 in particular. A number of conditions are recommended.

Historic England – no objection

20/01582/L

22. On the basis of the information available to date, we do not wish to offer any comments on this application and suggest that you seek the views of your specialist conservation adviser. We are aware, however, that this proposal is associated with a larger scheme to redevelop the former King Street Stores site in which the WC block sits. While the demolition of the WC block is not in itself a matter of concern for Historic England, we would therefore suggest the Council consider this suppose in light of the larger project. This is a project on which we have previously advised the applicant and we would welcome the opportunity to comment on the larger scheme when an application is submitted.

20/01263 – initial comments

23. Detailed comments concluding as below.
24. The proposed development would erect a range of new residential buildings along the riverside in a part of the city centre conservation area. This would result in the

demolition of an historic industrial building which is designated as part of the conservation as well as being included on the City Council's list of locally important historic buildings. The development also affects the setting of the grade I listed parish church of St Etheldreda and the grade II listed former Ferry Boat public house. We consider this would result in harm to the designated heritage asset in terms of the National Planning Policy Framework and that the justification for this harm has not been made. We would therefore object to the application and recommend it is refused.

20/01263/F – final comments

25. We are pleased to find the scheme now involves retention, repair and reuse of the northern part of the historic warehouse building on the riverside of the site. Historic England has no objection to the application on heritage grounds, although we would recommend conditions are placed on works to the retained historic building and the external detailing of it and the new buildings.

Environmental protection – no objection; recommend conditions

26. Following a review of the information provided and held by the council I recommend the following conditions and informative:
- CO1: Contamination
 - CO2: Unknown contamination
 - CO3: Imported topsoil
 - Informative: responsible disposal of asbestos

Highways – no objection; recommend conditions

27. Supportive of the proposed use of the site and its overall layout.
28. Detailed advice and negotiations, resulting in the following comments:-
- The rear gardens of houses fronting the river should be enlarged and paved to provide a parking space instead of a garden.
 - It would be welcome if EV charging can be provided for each of the parking spaces within the site.
 - A construction management plan will be required that considers staff parking arrangements and construction traffic routing, i.e. routing should be via King Street to the Inner Ring Road, with consideration given to the peak hour turning restrictions at that junction.
 - The small, staggered area between the property boundaries and the highway boundary should be paved to an adoptable standard and offered to the Highway Authority for adoption.
 - Drainage at the site entrance should be provided to prevent surface water runoff to the highway.

Landscape – objection

Summary of initial comments:

29. The proposals would need to be of considerable sensitivity and design quality to justify the removal of the existing green infrastructure. The proposals as shown do not meet this threshold.
30. Further consideration should be given to the relationship between the adjacent Ferry Boat and Sports centre site (river side).
31. Scale of buildings should be revisited to be more in keeping with local townscape and views
32. Revisit the retention of the locally listed building and potentially frontage of other building to river
33. Revisit layout to ensure retention of trees and front wall – see DM7 Trees and development
34. Refer applicant to Landscape and Trees SPD.
35. The soft landscape on site will in no way compensate for the proposed loss of mature street trees. There are very limited opportunities to provide compensatory street tree planting in the King Street area.

Final comments:

36. Removal of these trees would negatively impact on the street scene, as a result the landscape objection is upheld. The revised proposals do not show adequate compensatory landscape within the site for the loss of the mature frontage trees
37. Purchase of national Environment Bank credits through an offsetting scheme is undesirable given local deficit of planting in King Street. It is understood that the applicant should identify and agree a suitable scheme with the local planning authority for utilisation of credits, no proposals have been submitted to date.
38. We do not feel that the reinstatement of the historic building line, which has not existed for over 100 years, to provide reasonable justification for removal of the trees along the site frontage. Policy CC8 refers to reinstatement of building lines in King Street generally. Due to the nature of the street, being narrow and with buildings generally opening directly onto the public highway, tree planting and soft landscape within King Street is difficult to achieve. It is therefore important to conserve and enhance those existing assets which positively contribute to the street scene.
39. We do not feel that the proposal of 4 storey building height along the frontage of King Street is justified, and that the frontage buildings would negatively impact the street scene. The greening, sense of openness and softness that is afforded by the trees and comparably low characterful wall would be lost to a hard, high solid feature which will enclose and dominate the street scene.
40. We would query the deliverability of the tree planting within the site given the proximity of buildings, and foul and surface water routes indicated within the Flood

Risk Assessment prepared by Conisbee. There will be further below ground utilities which are yet to be defined. The areas for tree pits need to be defined at an early stage and designed alongside drainage and materials specifications to ensure sufficient water supply and outlet can be achieved from the engineered tree pits.

41. The choice of tree species is not considered to be best suited to the site, with Lime likely to cause resident and management issues with honeydew.
42. Green walls whilst attractive when installed and maintained correctly, can also have maintenance complications and poor environmental performance. Clarity is required on the type of green wall proposed. Boundary treatment between King Street Stores and The Ferry Boat Inn site also requires clarification; depending on treatment, further provision of soft landscape or greening of this boundary could soften the appearance of the development and provide some borrowed greening to the streetscape. Any standard landscape condition applied to a decision notice is advised to be notwithstanding details submitted at this stage.
43. It is noted that the stepped line is still present on revised drawings. It is advised that the Highway boundary should be regularised to the front of the buildings and offered for adoption. The pavement should be re-laid up to the buildings to ensure a consistent 70mm Marshalls Saxon, natural, flag finish to the entire footway. This paving has recently been installed as part of the Transforming Cities scheme on King Street.
44. Based on the proposals submitted to date, a holding landscape objection is raised until such a time when suitable compensation for the loss of the trees and effects on the street scene is established and secured. DM1, DM3, DM6, DM7.
45. Note: The comment in paragraph 38 above stating that policy CC8 refers to reinstating building lines along King Street generally is factually incorrect. CC8 is a site-specific policy and only deals with the area covered by the allocation.

Norfolk Historic Environment Service

46. An archaeological trench was dug on the site in 1975 which found evidence of occupation date back to the 11th-12th centuries along with the remain of a brick and flint vaulted undercroft of probable 15th century date. The GPR survey indicates that these or similar features probably still survive in the central part of the site, with greater degrees of disturbance in the northern and southern parts of the King Street frontage. We will also have to consider the impact of development on below-ground archaeological remains on the southern part of the river frontage.
47. We suggest that the standard condition is applied.

Norfolk Constabulary Architectural Liaison – no objection

Initial comments

48. I am very pleased to see that the site will be secured from public access from King Street and the proposed riverside walkway with alleygating. Without this, allowing public access through the site would make the development extremely vulnerable to antisocial behaviour. I recommend for the gates to be installed to LPS 1175.

49. The proposal of the rear boundaries should ensure that the height is of at least 1.8m.
50. There needs to be appropriate rule setting signage around all access points to the development i.e. 'PRIVATE', 'Residents Only' etc.
51. Lighting of the communal areas including the courtyard with LED White lighting is recommended.
52. Waste containers, particularly those with wheels, can be used for climbing and the contents used to start fires. Consideration should be given to using waste containers with lockable lids.

Final comments

53. Detailed comments on glazing specification, access control measures etc.
54. It is strongly recommended that this access is restricted to residents-only as 'open access' here would negate the security measures indicated for King Street driveway (installation of gates previously supported for perimeter security), allowing potentially unauthorised movement to the rear of 14 x dwellings (some with ground floor bedroom windows). Also bearing in mind that car ports have replaced garages, which are not as secure if items are naturally stored for convenience within (e.g. cycles).
55. Although the design does provide surveillance from 'active' windows, introduction of open access to the inner parking court would introduce a degree of vulnerability; homes and vehicles would be better protected if the space was accessible to residents only.

Norwich City Council (Ecology) – objection

56. The development of the site results in the loss of the main ecological feature on site; 6 young mature lime trees. The loss of the other vegetation on site causes no significant concerns from an ecological perspective.
57. The revisions to the scheme appear to further reduce the level of biodiversity on site post development. Whilst it is understood that there are competing factors at this site, the proposal will result in the notable loss of biodiversity on site, and as such an ecological objection is raised to the proposal.
58. Bats: The original report identifies that bat roosts are absent from the site, with the proposal therefore having a negligible impact upon bat roosts. It does however advise that a precautionary approach is taken to avoid the "very low risk of injury to bats". The report advises, and I would support, that the initial removal of the roof should be under the watching brief of a licenced ecologist.
59. The lime trees are not suitable for bat roosts.
60. Low level activity has been noted along the river in the wider area here, associated with foraging along the trees and scrubs along the river frontage. As such any mitigation/enhancements to support bats would be of benefit, especially close to the river.

61. Birds: Nesting birds may use the site, to include the buildings, trees and scrubs.
62. Other species: Due to the hard bank, there are no concerns regarding impact upon water voles or otters as there is not the habitat to support them.
63. Biodiversity Net Gain: We are currently in a state of flux in terms of planning policy and Biodiversity Net Gain. The NPPF para 174 requires decisions to minimise impacts upon, and provide net gains for biodiversity. Furthermore para 8 advises that opportunities to secure environmental net gains (to include biodiversity) should be taken. The Greater Norwich Local Plan (recently submitted for examination) includes Policy 3 which currently requires developments to provide at least a 10% net gain to biodiversity.
64. The Chartered Institute of Ecology and Environment Management (CIEEM) has published a "Biodiversity Net Gain - Good practice principles for development" document. Within it Principle 1 states that developments should avoid and then minimise impacts upon biodiversity, and only as a last resort will losses be acceptable, and these should be compensated for. Only if compensation within the site is not possible or does not generate the most benefits for nature conservation should biodiversity losses be offset elsewhere.
65. Hopkins ecology have now used the latest Natural England metric, version 3, to assess the biodiversity impact of the revised plans. The conclusion is that the development would result in a loss of 84%, which equates to 0.41 habitat units.
66. Offsite compensation: The revised submission includes an exploratory proposed off site compensation within the metric, which is currently proposed as scrub. Provision of additional scrub off-site as the compensating habitat is not currently supported. The habitats currently on site are Ruderal/Ephemeral and urban trees. Hopkins Ecology have treated Ruderal/Ephemeral as the same as scrub within their summary document. This provides some confusion.
67. However continuing with classifying Ruderal/Ephemeral and scrub as the same, following development the changes to these "2" types of habitats will be;
 - Urban trees fall from 0.46 units to 0.03.
 - The Ruderal/Ephemeral/scrub increases from 0.02 to 0.04.
68. As such the main loss in terms of biodiversity habitat is the loss of the urban trees. The off-site compensation should reflect this. CIEEM guidance promotes any compensation should be for the same broad habitat. Where this is not the case compensation should be of a higher distinctiveness and also respond to meeting an identified need within the local area for alternative habitat type. It is acknowledged that at present the local need can not be readily identified within the Local Nature Strategies, as these are yet to be completed. The proposed mixed scrub scores as a medium distinctiveness, with urban trees also scoring medium. There is therefore no reason that I can see to support off site compensation for scrub rather than urban trees.
69. The submission does however propose that any off-site mitigation would be within the local area, and that; "such off-setting could be secured by condition, via the purchase of 'biodiversity credits' through the Environment Bank or another provider, to be agreed with the Council."

70. Should off-site compensation be agreed the details need to be discussed further to ensure that they provide suitable compensation for the loss of the trees. Local provision of urban trees would be supported.
71. Conclusion: There remains an objection due to the loss of overall biodiversity on site, regardless of whether offsite compensation is obtained. This is partially due to there being no local or national policy at present to formally recognise the benefits of off-site provision, and so only some weight can be given to this.
72. However if the application is to be recommended for approval, I would support engaging with the developer to ensure that the proposed mitigation of offsite compensation is secured in the most appropriate manner which aims to provide benefits as locally as possible. The provision of offsite compensation would reduce the strength of my objection.
73. Should the application be approved, the following conditions should be added;
- B15 In accordance with report (section 7.11-7.13, 4 swift boxes and 4 bat boxes)
 - Landscaping Details, to include details of external lighting and use of native species where possible (please ensure that the reason for this condition includes biodiversity)
 - B13 Bird Nesting Season

Anglian Water – no objection; recommend conditions

74. There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. An informative should be added to the decision notice to inform the developer.
75. The foul drainage from this development is in the catchment of Whitlingham Trowse Water Recycling Centre that will have available capacity for these flows.
76. The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

Norwich City Council (Tree Protection Officer) – objection

77. This application involves the loss of six mature trees protected by Tree Preservation Order 575. A visually important linear group of healthy limes that form an attractive feature at this end of King St (the trees can also be viewed from vantage points along Rouen Rd, The Friendship Bridge, and from across the river).
78. They make a positive contribution to the city centre conservation area, softening the appearance of what could be considered a hard mass of buildings along King Street.
79. Amongst a vast range of benefits, they provide a valuable habitat for wildlife, help reduce air pollution, and offer natural shade in an otherwise hostile, urban

environment. The proposed felling of these trees would not only eliminate these contributions, but it would also markedly erode the few 'green' attributes of King Street, creating an undesirable, harder, urban landscape.

80. Any proposed mitigation, in terms of replacement tree planting, would take many years to establish, and even longer to attain the same stature/level of visual amenity, as the existing trees currently provide. Indeed, even at maturity, it would seem that the proposed new trees would make a less than meaningful contribution to the amenity of the area, as they would be located 'internally' to the site, lost from view of the general public.
81. CC8, contained within the site allocations and site specific policies plan, seeks to reinstate the historic street frontage along King St. This would seem to be at odds with the principles set out in the overarching policies of the Joint Core Strategy, Policy 1: Addressing climate change and protecting environmental assets.
82. The spatial planning objectives contained within the JCS also aim to minimise the contributors to climate change and address its impact, and to protect, manage and enhance the natural environment.
83. Removing these trees does not seem to sit well with the above policies, nor does it comply with policy DM7, ultimately raising the fundamental question, 'Is reinstating the historic street frontage more important than retaining mature, healthy trees?'
84. These reasons form the basis of my objection to this application.

Norwich Society

Initial comments

85. We wish to strongly object to this application.
86. It would appear that both the City's Conservation Officer and Historic England, are opposed to this scheme. The listed King Street Stores is at the back of the site and has been used by Norfolk County Council as a storehouse for years, but viewed from its river frontage, it looks rather splendid with art deco tiling and a real 'presence'. Historically there were maltings on this area, going back to medieval times.
87. The proposed two rows of mis-proportioned four-storey town houses are simply not in keeping with the neighbouring listed buildings. The plan is to demolish not only the warehouse on the riverfront, but also the rather interesting wall with 'windows' onto King Street. Both the Council's Conservation Officer and Historic England suggest that the listed building be retained and restored. There is a large area of hardstanding on the King Street front which could be used for a small number (say 4) of two-and-a-half storey new dwellings, still leaving room for an amenity area. This would sit more comfortably with the preserved Ferryboat Inn next door.

Final comments

88. We are pleased to see that the scheme has been amended in light of the previous objections. Most of the listed buildings are now retained, with a predominantly brick frontage onto King St.

Norwich City Council (Housing Development Team) – no objection

89. It is disappointing to note that no onsite provision of affordable housing is proposed in this revised scheme. Further, that it is requested the affordable housing contribution be subject to viability testing during construction. Our preference is that viability is tested as part of planning process.
90. Onsite provision of affordable housing is our preference but, in line with the current Affordable Housing SPD, where it can be demonstrated there is no RP interest in the units, we would consider a commuted sum in lieu. The Housing Development team is happy to make contact with relevant RPs if requested.
91. All dwellings would be expected to meet the Nationally Described Space standards, but it has not been possible to ascertain whether they are meeting this standard as no information has been provided on the sizes of the units in the revised drawings. Further, any 1 bedroom units which are to be used for affordable housing would be expected to meet the standard for 2 person accommodation, and any 2 bedroom units would be expected to meet the standard for 4 person accommodation.
92. *NB: contact was made by the applicant with a list of RPs, all of whom declined the offer of taking on any on-site affordable units.*

Norfolk County Council (Lead Local Flood Authority) – no objection

93. Officers have screened this application and it falls below our current threshold for providing detailed comment. This is because the proposal is for less than 100 dwellings or 2 ha in size and is not within a surface water flow path as defined by Environment Agency mapping.

Environment Agency – no objection; recommend conditions

94. Regarding flood risk, we have no objection to this planning application, providing that you have taken into account the flood risk considerations which are your responsibility.
95. Regarding ground contamination, we consider that planning permission could be granted to the proposed development as submitted if the following planning conditions and informative are included as set out below.
 - CO1: Contamination
 - CO2: Unknown contamination
 - No drainage to the ground without express consent
 - No piling without express consent
 - Informative: Environmental Permit for Flood Risk Activities

Broads Authority – no objection

96. We are pleased to see that it is now proposed to retain and convert the locally listed warehouse building. This will be of great benefit to the scheme and this part of the City Centre Conservation Area.

97. It is unfortunate that the decorative brick river-facing façade of the southern building could not be retained, and we have some concerns regarding the increase in scale of the replacement building. An elevation of the river frontage showing both the new and converted block along with the outline of the approved scheme for the Ferry Boat PH would be useful in order to see each element in context and also the treatment of the access/viewing point to the river in between the two buildings.
98. In terms of the detailing of this replacement building, each of the units has a symmetrical river frontage, except for at the lower level where the door is off-centre. It would be beneficial if this could be centrally positioned. In addition, a single larger window at first floor level might improve the building's appearance and enable the most to be made of the river views. A more defined eaves detail should be considered.
99. The recommendations for species mitigation and biodiversity enhancement in the ecological report (2020), should be conditioned as part of any planning approval.
100. As the bat emergence survey was undertaken in October, outside the optimum time for surveying bats, we recommend the following safeguards for protected species are undertaken: a methodology for the soft destruction of features associated with bats and their roosts e.g pantiles, with bitumen felt underlay, also the presence of a licenced bat worker when such works are undertaken, and the timing of works to be undertaken during the active bat season.
101. We support the permanent integration of several swift nest boxes into the new development. As swifts are faithful to their nest sites, and if the current building already supports swift colonies (surveys should be undertaken in late July), then temporary swift nests should also be provided as an interim measure if the new building is still in construction on their arrival in the spring. Swift Facts (swift-conservation.org)
102. A low level lighting plan should be provided to the LPA, avoiding the illumination of bat and bird boxes, and the river corridor.

Norfolk Fire & Rescue Service – no objection

103. I acknowledge receipt of the above application and I do not propose to raise any objections providing the proposal meets the necessary requirements of the current Building Regulations 2010 – Approved Document B (volume 1 and 2 – 2019 edition) as administered by the Building Control Authority. Also, consideration should be given to section B5 Section 15 fire mains and hydrants and section 16 emergency service vehicle access.

Assessment of planning considerations

Relevant development plan policies

104. **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
- JCS8 Culture, leisure and entertainment
- JCS9 Strategy for growth in the Norwich policy area
- JCS11 Norwich city centre
- JCS20 Implementation

105. Norwich Development Management Policies Local Plan adopted December 2014 (DM Plan)

- DM1 Achieving and delivering sustainable development
- DM2 Ensuring satisfactory living and working conditions
- DM3 Delivering high quality design
- DM4 Providing for renewable and low carbon energy
- DM5 Planning effectively for flood resilience
- DM6 Protecting and enhancing the natural environment
- DM7 Trees and development
- DM9 Safeguarding Norwich's heritage
- DM11 Protecting against environmental hazards
- DM12 Ensuring well-planned housing development
- DM16 Supporting the needs of business
- DM17 Supporting small business
- 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

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

- CC8 King Street Stores

Other material considerations

107. Relevant sections of the National Planning Policy Framework 2021 (NPPF)

- NPPF2 Achieving sustainable development
- NPPF4 Decision-making
- NPPF5 Delivering a sufficient supply of homes
- NPPF6 Building a strong, competitive economy
- NPPF9 Promoting sustainable transport
- NPPF11 Making effective use of land
- NPPF12 Achieving well-designed places
- NPPF14 Meeting the challenge of climate change, flooding and coastal change
- NPPF15 Conserving and enhancing the natural environment
- NPPF16 Conserving and enhancing the historic environment

108. Supplementary Planning Documents (SPD)

- Landscape and Trees SPD adopted June 2016
- Heritage Interpretation SPD adopted December 2015
- Affordable Housing SPD adopted July 2019

109. **Emerging Greater Norwich Local Plan (GNLP)**

- Policy CC8 of the emerging GNLP allocates the site for 20 dwellings and promotes the retention of the locally listed building, and reinstatement of the building frontage on King Street (and therefore felling trees)
- At its current stage of examination, the GNLP should hold little to no weight in decision making

Case Assessment

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

Main issue 1: Principle of development

111. Key policies and NPPF sections – CC8, DM12, NPPF Section 5.

112. The principle of development needs to be assessed against the development plan. In this case, the site is allocated for development within the Local Plan under site allocation reference CC8. This policy is the primary policy when considering the appropriate development of the site, with other development management and national policies also being relevant.

113. Policy CC8 states:

114. *The King Street Stores site is allocated for housing development, to include a minimum of 20 housing units. Development proposals will contribute to the regeneration of the King Street area by reinstating the historic street frontage of King Street, providing access to the river and a riverside walk, and should be designed to respect the setting of adjacent listed and locally listed buildings.*

115. The development complies with the requirement for 20 residential dwellings, the historic street frontage is reinstated and access is provided to the river (although a riverside walk is not proposed). The design of the scheme and impact on setting of adjacent listed and locally listed buildings is explored below. The development therefore largely complies with the site allocation policy and is supported in principle.

116. The development is further supported by policy DM12 with the site meeting all of the necessary criteria to be assessed as suitable for residential development. The latest Strategic Housing Market Assessment (SHMA) 2017 confirms that 3 bedroom houses are most needed in Norwich, with 2+ bedroom houses also being important. The proposed mix of dwellings is considered appropriate.

117. In summary, the principle of residential development of this site with 20 dwellings is supported by policy with the form and layout of the development appearing

acceptable in principle. The assessment of the scheme therefore comes down to matters of detail as reviewed within the rest of this report.

118. It is acknowledged that the development, as advocated for by the site allocation policy, conflicts with several other development plan policies and national policy objectives, primarily around the loss of the trees (local plan policy DM7 and NPPF paragraph 131) and subsequent impact on biodiversity (local plan policy DM6 and NPPF paragraph 180). Those conflicts are explored in more detail below.

Main issue 2: Heritage & design

119. Key policies and NPPF paragraphs – JCS2, DM9, NPPF paragraphs 124-132 & 184-202.
120. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 place a statutory duty on the local authority to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. Case law (specifically *Barnwell Manor Wind Energy Ltd v East Northamptonshire DC* [2014]) has held that this means that considerable importance and weight **must** be given to the desirability of preserving the setting of listed buildings and conservation areas when carrying out the balancing exercise.
121. In this case there are numerous heritage assets that have the potential to be directly or indirectly impacted by the development:
- Locally listed 19th century warehouse building on the site and adjoining extension dating from 1938;
 - Neighbouring Grade II listed Ferry Boat Inn (former Public house). A section of the toilet block on the site is attached to the listed building;
 - Grade I Listed Church of St Etheldreda directly opposite on western side of King Street;
 - Grade II Listed No 168-182 King Street also on western side of King Street;
 - Grade I Listed Music House at 167-169 King Street;
 - 4no. locally listed buildings to the rear and south of the Music House, including a former stable block and maltings;
 - Locally listed Truman building (now Norwich Waterfront);
 - City Centre Conservation Area, King Street Character Area (designated with High significance); and
 - Below ground heritage assets (archaeology).

Structures posed for demolition

122. The proposed loss of the 1930-40s warehouse is regrettable, as it is of some architectural merit. It is constructed in red brick in Flemish bond with an attractive

well-proportioned 3 bay elevation to the river featuring decorative pilasters and arched window headers constructed in terracotta tile. Again, this building is considered to be of some heritage value and significance albeit to a lesser degree than its 19th century neighbour. The loss of this building would result in some limited harm to the character and appearance of the conservation area. However, it is acknowledged that the warehouse, with its deep plan and construction, would be difficult to convert to residential and that it would be difficult to retain the façade in isolation.

123. In heritage terms, the 'less than substantial' harm to the character, appearance and significance of the conservation area and to the setting of neighbouring heritage assets caused as a result of the loss of the 1930s-40s warehouse is mitigated in part through the retention and re-use of its locally listed 19th century neighbour as part of the same re-development and in part through the provision of a high quality new housing development that characterfully addresses both the river and King Street. The development reinstates the street frontage along King Street, with an attractive, active and animated frontage built up against the pavement, albeit in a contemporary manner.
124. The demolition of the front boundary wall to King Street is also proposed. Looking at historic maps it is apparent that whilst this stretch of wall may contain some older bricks/brick work and window reveals, it likely dates primarily from 20C, and its loss is justified on the basis that the building line to King Street is reinstated with a new contextual development.
125. Recording of the structures to be demolished should be required by condition as should the requirement for a binding contract for the full implementation of the comprehensive scheme of development, as well as the provision of on-site heritage interpretation in accordance with Local Plan policy DM9.
126. The proposal to remove the existing toilet block is not opposed in principle, since it appears to be of little architectural merit. A demolition method statement should be provided by a qualified structural engineer and details should be provided as to how the buildings stability will be ensured for the duration of the work.

Locally listed warehouse building

127. The existing 19th century warehouse building is a locally identified heritage asset. It is considered to contribute to the character and appearance of the conservation area, benefitting from aesthetic (as a result of its traditional warehouse form and weathered patina of age), historic (evidential and illustrative, evidential as it contains evidence of an earlier building & illustrative as it is physical evidence of the city's industrial past and the Crown Brewery Complex) and social/communal heritage values (as part of the site of a former brewery, a place of work and connections with local public houses across the city). Views of the former warehouse are afforded from the Novi Sad Bridge and the riverside walk on the opposite side of the river. Of particular significance is the relationship between the existing warehouse and the remainder of the surviving industrial buildings relating to the Crown Brewery (at Wensum Lodge, also identified heritage assets) and beyond to the north running up to Lady Julian Bridge.
128. The retention and re-use of this heritage asset, which is currently vacant and in a poor state of repair, is welcomed and it's refurbishment will allow it to survive for a

lot longer than it would otherwise. This will provide ongoing enhancement to the character and appearance of the conservation area. A condition is recommended which requires the refurbishment works to the locally listed building to be carried out prior to the occupation of any part of the development, to ensure that this beneficial element of the scheme is prioritised.

129. Windows and doors are proposed within existing openings wherever possible, with any new insertions mimicking the originals and retaining the look and feel of the industrial building. All materials are to be agreed.
130. The application is supported by a structural statement which concludes that the structure is capable of retention and re-use, however intrusive surveys have yet to be undertaken to decipher precisely how this will be enacted. A demolition and retention method strategy will be required by condition prior to the relevant part of the works commencing, as well as a repair method strategy.

Setting of heritage assets

131. The works will allow for the redevelopment of this vacant site and will see the reinstatement of a front building line and active frontage to King Street. It will also allow for the retention, repair and re-use of the deteriorating 19th century warehouse which formed part of the historic Crown Brewery site.
132. Whilst the proposed new development is contemporary in style, it does take design cues from the historic warehouses and residences in the vicinity and it is anticipated that these will appear as a harmonious contemporary development within the conservation area and will also sit comfortably next to the contemporary scheme permitted at the neighbouring Ferry Boat Inn site.
133. In terms of impacts upon the setting of adjacent heritage assets, most affected are the Grade II Listed former Ferry Boat public house and Grade I St Eltheldreda church. The proposals will alter the setting of both assets and will result in the introduction of a contemporary design scheme into the context. The council's conservation and design offer considers the revised scheme will have a negligible impact upon the setting of the church given the elevated position of the church building in the townscape, mature planting and tall flint wall separating the site/building from the King street/new development. Views of the development will be visible from within the curtilage but provided that the materials and detailed design are high quality, the revised proposals are considered to complement the existing context.
134. The setting of the Ferry Boat Inn is set to change radically and dramatically through the development of the consented contemporary residential development that is currently underway to the south and east of the Inn. The introduction of the new contemporary terrace and warehouse style blocks along King Street will harmonise with that permitted at the Ferry Boat site and the works will harmonise with the newly created context. A construction method statement for the new build to be constructed in proximity to the Ferry Boat site should be provided by condition, to ensure that any necessary piling/ foundation creation/landscaping/levelling in proximity to the listed building do not cause damage to the listed structures.
135. Some less than substantial harm will be caused to the church and the Ferry Boat Inn. However, this will be mitigated through the redevelopment of a contextual

riverside development of warehouse style accommodation and is outweighed by the public benefit of providing 20 high quality new homes.

136. Impacts upon the setting of other surrounding heritage assets will be negligible owing to the distance between the listed buildings and the new development.
137. During construction, the redevelopment of the site has potential to reveal and disturb below ground heritage assets (archaeology). The Norfolk Historic Environment Services have identified that the site has high potential for significant underground remains, including an undercroft. A condition is recommended which requires an archaeological written scheme of investigation to be agreed.

New development

138. Policy 3 of the King Street Character Area Appraisal states: *Scale of new development along King Street should reflect the existing traditional buildings, with larger buildings more appropriate at the south east end.*
139. Two new residential blocks are proposed within a courtyard style development accessed via King Street. Block A would run parallel to King Street, rising to 4 storeys in height (4th storey in the roof), there would be three building types within this block, 6 terraced houses in the central run with two book end style buildings at three storeys in height at either end. The design of the King Street frontage has been revised and improved, with front doors introduced to face King Street and altered roof forms to reduce the overall bulk/visual impact of the development.
140. Block B would run parallel to the river, rising to 4 storeys in height (when viewing from the river), two bays with gable ends to the river and another two bays with gable ends fronting the river. Glazed bricks are proposed at the lower level beside the river frontage. The general scale of the buildings is appropriate given the other new developments in the area, including on the adjacent Ferry Boat Inn site. Warehouse style gabled roofs & arched details to window headers help to echo the industrial past of the area.

Riverside walk

141. The site allocation policy requires “access to the river and riverside walk”. The retention of the locally listed warehouse makes it difficult to provide a riverside walk without building a structure which overhangs the river. Such a structure may not be acceptable to the Broads Authority, who have a duty to protect navigation. Whilst a riverside walk may be desirable on this site, it is worth noting that there is a complete and uninterrupted walk on the opposite side of the river. Consequently, the heritage benefits of retaining the locally listed building weigh against the provision of a riverside walk, particularly bearing in mind that it would be difficult to continue it beyond other historic waterfront development such as the buildings that are currently occupied by the Waterfront venue. The proposal does include access to the river in the form of an area of open space between the retained warehouse and the new riverside townhouses. This would provide a publicly accessible view of the river which has not been available for some 80 years.

Main issue 3: Trees & biodiversity

142. Key policies and NPPF paragraphs – DM6, DM7, NPPF paragraphs 170, 174 & 180.

143. The proposed development involves the loss of six mature lime trees from the site and a cherry plum tree from the adjacent Sports Centre site. Five of the lime trees are categorised B and are described within the applicant's tree report as being "good quality and offering value in both arboricultural and landscape terms to the immediate area". The northernmost lime tree and the cherry plum tree are both categorised C and noted as being low value.
144. The council's Tree Officer, Landscape Officer and Natural Areas Officer all object to the scheme due to the loss of the trees and a Tree Preservation Order (reference TPO575) was served on the six lime trees in January 2021 and confirmed in August 2021. The public consultation attracted 4 letters of objection and 27 letters of support.
145. As set out in the Principle of Development section above, the number of units allocated to the site in the Development Plan site allocation policy CC8 and the reinstatement of the building line on King Street required in the same policy cannot be achieved without the removal of the trees. If the trees and the locally listed warehouse were to be retained, the developable area of the site would be seriously constrained, and it would not be possible to deliver the 20 dwellings that the site is expected to deliver. However, the mitigation for the loss of the trees and associated impacts on biodiversity still requires consideration and assessment.
146. The site is heavily constrained in size and if the site is to accommodate the 20 dwellings which the site is allocated for, there is very little room left for planting. The applicant has proposed the planting of 8 no. trees (2no. Lime; 2no. Pear; and 3 no. Maple) across the site but it should be noted that the Landscape Officer has raised concerns with the species and locations of these trees and questions the deliverability. Therefore, little weight should be placed on this replacement planting scheme and full details will be agreed via condition should the application be approved.
147. The loss of the trees will cause harm to:
- The visual amenity of the street and surrounding townscape;
 - The immediate air quality & the city's ability to combat climate change; and
 - The biodiversity value of the site.

Visual amenity

148. With regards to visual amenity, the trees contribute to the pleasing verdant environment found at this end of King Street, especially when viewed along with the trees on the other side of the road within the churchyard. The loss of these trees and replacement with built form at the back of the footpath leads to an inevitable impact on visual amenity. However, King Street has historically been at the centre of the city's industrial past and there is a clear historic precedence for buildings being built up to the back of the footpath. This would not be achievable on this site without felling the trees. The resultant development reflects the design aesthetic of the development on the adjacent Ferry Boat site, which is currently underway.
149. A number of small trees are proposed to be planted within the site, with one replacement Lime tree being planted on King Street. Most of these will not contribute to the greenery on King Street itself and as noted above, the number,

species and locations of trees has not been considered deliverable by the Landscape Officer. It is therefore accepted that the character of the street will revert to a harder, more historically accurate form.

Air quality & climate change

150. Trees have the ability to absorb carbon and reduce urban temperatures. The site is constrained in size, and it is accepted that replacement of the seven trees with smaller specimens will be harmful in this respect, albeit that the impact will be fairly negligible when considered in the context of the city's total tree stock.

Biodiversity

151. The applicant has submitted an ecology appraisal which identified negligible likelihood of bats using the site for roosting but identified that nesting birds use the trees and buildings. The bat emergence survey was carried out on 6th October 2020 which considered acceptable by the council's Ecology consultee although it is 6 days beyond the recommended survey period (up to end of September). A number of recommendations are listed within the report, including the installation of bat boxes, swift boxes, low level external lighting and planting of fruiting trees. These recommendations are supported by the council's Natural Areas Officer.
152. The National Planning Policy Framework (NPPF) has recently introduced a requirement for developments to deliver a 'biodiversity net gain' (paragraph 179b). The applicant has therefore been required to submit a biodiversity net gain calculation which confirms that the development will provide an 84% net loss of biodiversity on-site.
153. The Environment Bill, which is expected to gain royal assent in the coming months, advocates dealing with the impact of development upon biodiversity using the following hierarchy: protect existing biodiversity on-site; provide mitigation on-site; provide compensation nearby as identified via a Nature Recovery Strategy; and, finally, provide compensation using national credits.
154. Working through that hierarchy, it has been established that the number of units allocated to the site in the Development Plan allocation policy CC8 and the reinstatement of the building line on King Street in the same policy cannot be achieved without the removal of the trees. Consequently, a scheme that complies with this policy would inevitably result in the loss of the on-site biodiversity that the trees provide. A strategy to provide some compensatory biodiversity in the form of 8 replacement trees, a green wall and shrub planting is proposed on site but given the size of the trees to be felled, a net on-site biodiversity loss is inevitable. Given the constraints of the site, all opportunities for habitat enhancement on-site have been optimised.
155. The applicant does not own any land nearby which is suitable for biodiversity enhancement, and the council does not currently have a strategy listing projects nearby to which the developer could contribute. As such, the applicant has exhausted all preferable options within the hierarchy and proposes to obtain biodiversity credits from a company called the Environment Bank which carries out habitat creation/enhancement projects across the country. A condition is recommended that requires the applicant to submit full details of the biodiversity project to which they intend to contribute, along with details of its ongoing

management and monitoring. Although the preference would be for the project to be located nearby, it cannot be insisted upon.

Main issue 4: Amenity

156. Key policies and NPPF paragraphs – DM2, NPPF paragraph 130.

Impact on neighbouring occupiers

157. The adjacent Ferry Boat Inn is currently undergoing residential conversion, and the surrounding site is to be developed with additional residential units to the east and south. None of these units would have windows facing onto the site and the proposed development is expected to have minimal impact on the amenity of any future occupiers of this adjacent site.

158. There are 3-storey blocks of flats on the opposite side of King Street, with the closest being 13m from the proposed development. The development is to stand 4 storeys tall along King Street, and the proposals will lead to a change in the outlook from the flats opposite with their views being dominated by hard built form rather than mature trees. However, given the distance between the sites and the expectation of buildings being this close in a city centre, this impact is considered acceptable. Windows will face each other but again, it is normal to find residential windows facing each other 13m apart across a street in a city centre. The orientation of the site prevents the proposed development from causing any significant loss of light to the flats opposite.

159. One letter of representation has raised concerns about the impact of the proposed development on private views from flats on the opposite side of the river, who currently enjoy views of Rouen Road and the wooded ridge beyond. Private views are not protected via planning and so this matter should not impact upon a planning decision.

Amenity of future occupiers

160. The proposed dwellings all meet the minimum internal space standards, and all enjoy dual or triple aspect windows which are not significantly overlooked or overshadowed. The internal living environment is a good quality.

161. One letter of representation raised concerns that windows from the retained warehouse would overlook the adjacent sports centre car park. The sports centre site is on lower ground than the application site so the basement of the warehouse (which doesn't contain any habitable rooms) is at the same level as the car park, and all habitable windows are at least a floor above this. The insertion of windows in this elevation is necessary to secure the re-use of the locally listed building and in any case, this relationship is considered acceptable.

162. Most properties benefit from a good level of private external amenity space with 1 or 2 balconies and private gardens. The 5 ground floor flats (4 within the converted warehouse, 1 on King Street) are the only ones not to be accompanied by private external space. Considering the city centre location and access to public space, this is considered acceptable.

Main issue 5: Transport & servicing

163. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF paragraphs 8, 102-111.
164. The site is well located close to the city centre, public transport routes and a main cycle route. This is considered to be a highly sustainable location for new residential dwellings.
165. Four of the houses are provided with internal garages, with five external spaces to be allocated to occupants of the remaining dwellings. Car parking is therefore proposed at below 1 to 1 provision (9 spaces for 20 dwellings) which accords with the standards within DM31 and Appendix 31 of the local plan. Within their consultation comments, the Highway Authority suggested that additional car parking spaces should be provided by paving over the gardens of the King Street block, but this is not considered appropriate in light of the benefits of the external amenity space and the policy compliant level of car parking provision. Electric vehicle charging points will be required within the garages and some provision will be required within the remaining spaces.
166. Cycle and refuse storage is provided around the site in suitable locations and refuse collections will take place from property boundaries. Following negotiations and amendments, the site has been designed to accommodate a refuse collection vehicle. A construction method statement will be necessary to reduce disruption to neighbours and the highway network.
167. The existing wall separating the site from King Street is staggered, and it is proposed that the highway boundary is regularised with small areas given up for adoption by the Highway Authority.

Main issue 6: Affordable housing

168. Key policies and NPPF paragraphs
169. Given the vacant units on the site, the site benefits from Vacant Building Credit and the policy compliant number of affordable homes is 2.6 (13%). At the request of officers, the applicant has spoken with a number of registered providers of social housing, all of whom declined the offer to take on any affordable units on-site and as such an off-site contribution is proposed which will be secured via a Section 106 Agreement. The off-site contribution figure is to be confirmed but will be in the region of £390,000.

Other matters

170. Compliance with other development plan policies is specified below.

Requirement	Relevant policies	Compliance
Energy efficiency	JCS1, JCS3 & DM3	10.23% of energy supplied by on-site photovoltaic panels.
Water efficiency	JCS1 & JCS3	Compliant subject to condition

Sustainable urban drainage	DM3 & DM5	Sustainable Drainage System (SuDS) has been submitted to manage rainfall on site and ensure that runoff is not increased elsewhere.
Contamination	DM11	Can be dealt with via the conditions recommended by Environmental Protection and the Environment Agency
Flooding	DM5	The majority of the site is within Flood Zone 1 (least at risk of flooding) but there is a sliver along the riverside which is in Flood Zone 2 and a smaller sliver in Flood Zone 3. None of the proposed residential properties lie within zones 2 or 3.

Equalities and diversity issues

171. There are no equality or diversity issues.

Section 106 Obligations

172. An off-site contribution towards affordable housing is to be secured via a Section 106 Agreement. Since the contribution is policy compliant, no viability assessments will be required as the development progresses.

Local finance considerations

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

Conclusion

174. The application should be determined in accordance with the development plan unless material consideration indicate otherwise. As the site that is the subject of this application is allocated for development within the development plan, the starting point for assessment is the site allocation policy CC8.

175. Policy CC8 places several constraints and requirements on any development that comes forward on the site: including the retention of the locally listed warehouse, the reinstatement of the historic street frontage, and the provision of 20 dwellings. CC8 results in conflicts with other, general development management policies, namely DM6 and DM7 in so far as the loss of the 6 trees is concerned. However, because the site allocation policy is, by definition, site specific and describes the way in which the site should be developed, more weight has been placed on policy CC8 than policies DM6 and DM7.

176. The scheme presents an opportunity for 20 high quality dwellings on an allocated site in a highly sustainable location and is supported in principle. The retention and conversion of the locally listed building is a positive element of the scheme which

will enhance the character and appearance of the conservation area and views of the site from the river. The loss of the six protected Lime trees is necessary to realise the policy ambition of reinstating the historic street frontage, and the replacement planting and off-site biodiversity credits are considered to be the best available compensation in this case.

177. Taking the above matters into account it is considered that, on balance, 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.

Recommendation

To approve application 20/01263/F and grant planning permission subject to the satisfactory completion of a legal agreement and subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Materials and details to be agreed
4. Cycle parking, refuse storage and EV charging points to be agreed
5. Arrangements for management/allocation of parking spaces to be agreed
6. CO1: Contamination
7. CO2: Unknown contamination
8. CO3: Imported topsoil
9. SUDS to be implemented
10. Landscaping scheme to agreed, to include details of external lighting and use of native species where possible, notwithstanding details submitted
11. Heritage interpretation
12. Contract for redevelopment to be shown to avoid demolition of structures with no subsequent redevelopment
13. Historic wall and warehouse to be recorded prior to demolition
14. A demolition and retention method strategy for the warehouse prior to the relevant part of the works commencing
15. Repair method strategy for the warehouse
16. No occupation until locally listed building refurbished as approved
17. Construction statement to protect the foundations of the adjacent Ferry Boat Inn
18. Archaeological WSI to be agreed
19. Hedgehog gaps to be provided
20. Construction method statement
21. Off-site biodiversity project to be agreed
22. Development should be carried out in accordance with recommendations within the ecology report (including 4 swift boxes and 4 bat boxes)
23. No development within bird nesting season
24. Renewable energy equipment to be provided
25. Water efficiency measures to be provided

Informatives:

1. Responsible disposal of asbestos
2. There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout

of the site. An informative should be added to the decision notice to inform the developer.

3. Note that the mitigation methods identified in condition 19 include a requirement for the pantiles of the Main Building and the slates of the southernmost pitch to be removed by hand and with vigilance for bats, with an ecological watching brief employed. In the very unlikely event of bats being found works must cease and advice sought.
4. It is possible that the site to which the application relates is occupied by Protected Species under Schedules 1 and 5 of the Wildlife and Countryside Act 1981 (amended). Should a Protected Species be found, works should stop immediately and the developer needs to seek the advice of a suitability qualified ecological consultant and/or the relevant statutory nature conservation organisation.
5. Works in the highway require separate consent. Adoption should be discussed with Norfolk County Council as Highway Authority.

To approve application 20/01582/L and grant planning permission subject to the satisfactory completion of a legal agreement and subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Demolition method statement to be submitted and agreed;
4. Any damage caused to the building to be repaired within 3 months of the works as agreed with LPA;

Informatives:

1. Only these works permitted

Reason for approval:

Subject to the specified conditions, the proposals will not result in the harm to the heritage significance, special architectural or historic interest or setting of the listed building. The proposals are therefore considered to be in accordance with the objectives of NPPF, Policy 2 of the Adopted Joint Core Strategy (March 2011) and saved policies DM1, DM3 and DM9 of the Norwich Development Management Policies Local Plan (December 2014) and the requirements of Chapter 12 of the NPPF.



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Scale

0 10 20 30 40 50
1:2000

Legend

Red line: Site Boundary Line

Revisions

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

DRAWING STATUS
S2 - Fit for Information

PROJECT TITLE
KING STREET STORES

CLIENT
Huntingdon Capital

DRAWING TITLE
Proposed Site Plan

SCALE	DATE	DRAWN BY	CHECKED BY	APPROVED BY
1:2000	23/10/20	JS	EO	JS

DRAWING NUMBER	PROJECT NO	TYPE	VERSION NO	REVISION
1761A- 00-003				B

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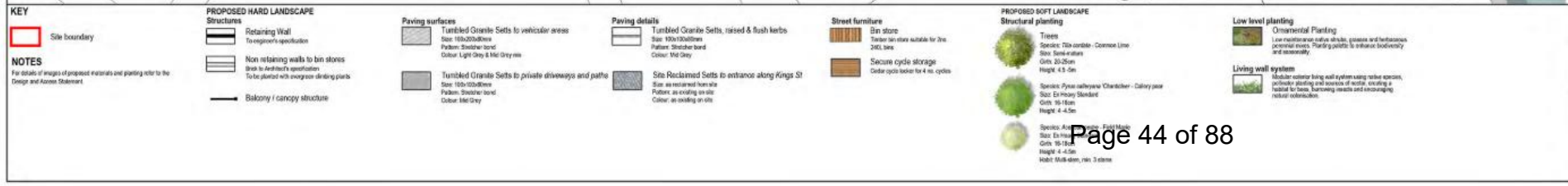


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DATE 26.08.2012	DRAWN BY KOB	CHECKED BY DO	APPROVED BY DO
DRAWING NUMBER			
PROJECT NO	TYPE	UNIQUE NO	REVISION
1761	00	010	B



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DESIGN | DESIGN DEVELOPMENT | ASSET VALUE

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Site Boundary Line
To be demolished

ISSUED FOR		DATE: 16/01/21		DATE: 16/01/21	
PREPARED BY: TM		DATE: 16/01/21		DATE: 16/01/21	
DESCRIPTION: Architectural and technical drawings for the proposed demolition of the existing building and the construction of the new building.					
PREPARED BY: TM		DATE: 16/01/21		DATE: 16/01/21	
PURPOSE OF ISSUE PL - For Planning Submission				ISSUE STAGE 3	
DRAWING STATUS S2 - For Information					
PROJECT TITLE KING STREET STORES					
CLIENT Hartingham Capital					
DRAWING TITLE Existing Site Plan				SCALE 1:200@A2	
DATE Nov 2020	DRAWN BY JS	CHECKED BY DO	APPROVED BY JR		
DRAWING NUMBER					
PROJECT NO	TYPE	UNIQUE NO	REVISION		
1761A-	00	- 070 -	B		
Proworks					
ARCHITECTURE INTERIOR DESIGN LANDSCAPE ARCHITECTURE					
Norwich Office: 200 High Street, Norwich, NR2 1EG					
TEL: 01603 401 100 FAX: 01603 401 101 EMAIL: info@proworks.co.uk					



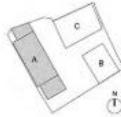
1 West Elevation (King Street)
1:100



2 East Elevation (Courtyard)
1:100

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0 5m 10m 20m 30m 40m 50m
1:100/62



- KEY**
- 1 Brick - Buff
 - 2 Brick - Light Brown
 - 3 Brick - Grey
 - 4 Brick - Red
 - 5 Stone Surround
 - 6 Stone Cill
 - 7 Rainwater Goods - Dark Grey
 - 8 Aluminium Window Frame - Dark Grey
 - 9 Metal Balustrade - Dark Grey
 - 10 Metal Balustrade - Dark Grey
 - 11 Timber Door / Panel
 - 12 Slate Tile - Grey
 - 13 Brick - Light Grey
 - 14 Brick - Dark Grey

Rev.	Description	Date	Drawn By	Checked By

PURPOSE OF ISSUE			
PL - For Planning Submission			
DRAWING STATUS			
S2 - Fit for Information			
PROJECT TITLE			
KING STREET STORES			
CLIENT			
Hullingham Capital			
DRAWING TITLE			
Block A Proposed West and East Elevations			
SCALE	DATE	DRAWN BY	CHECKED BY
1:100/62	29/10/20	JS	DO
DRAWING NUMBER	PROJECT NO	TYPE	UNIQUE ID
1761A- 20-010	-	C	

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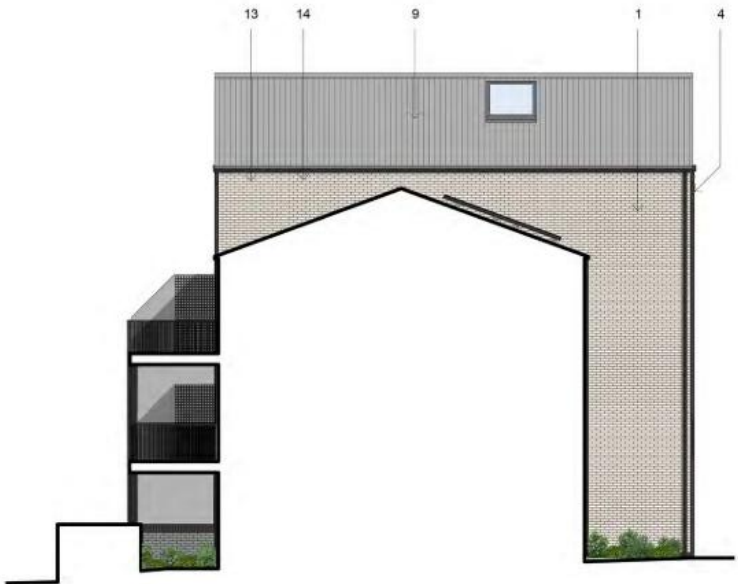
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- KEY**
- 1 Brick - Buff
 - 2 Brick - Light Brown
 - 3 Stone Cl
 - 4 Rainwater Goods - Dark Grey
 - 5 Aluminium Window Frame - Dark Grey
 - 6 Metal Balustrade - Dark Grey
 - 7 Metal Balustrade - Dark Grey
 - 8 Timber Door / Panel
 - 9 Stone Tile - Grey
 - 10 Brick - Light Grey
 - 11 Brick - Dark Grey
 - 12 Metal Door - Dark Grey
 - 13 Ball Box for Souths
 - 14 Ball Box

Revisions				
Rev.	Description	Date	Drawn By	Checked By

PURPOSE OF ISSUE				
PL - For Planning Submission				
DRAWING STATUS				
S2 - Fit for Information				
PROJECT TITLE				
KING STREET STORES				
CLIENT				
Hurlingham Capital				
DRAWING TITLE				
Block A Proposed North and South Elevations				
SCALE	DATE	DRAWN BY	CHECKED BY	APPROVED
1:100/A2	23/10/20	JS	DO	IR
DRAWING NUMBER				
PROJECT NO	TYPE	UNIQUE NO	REVISION	
1761A-	20-011	-	C	



1 North Elevation
1:100



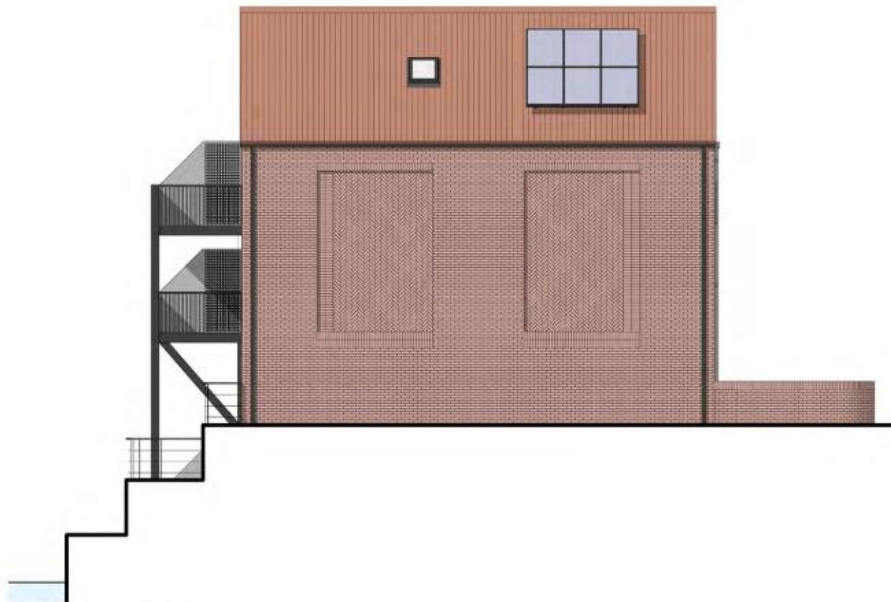
2 South Elevation
1:100



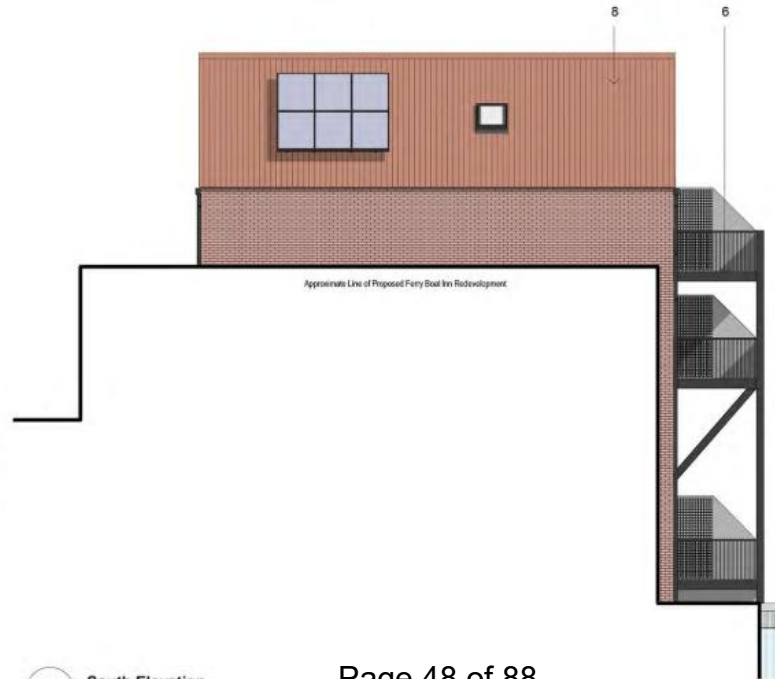
1 East Elevation (Riverfront)
1:100



2 West Elevation (Courtyard)
1:100



3 North Elevation
1:100



4 South Elevation
1:100

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0 5m 10m 20m 30m 40m 50m
1:100/42



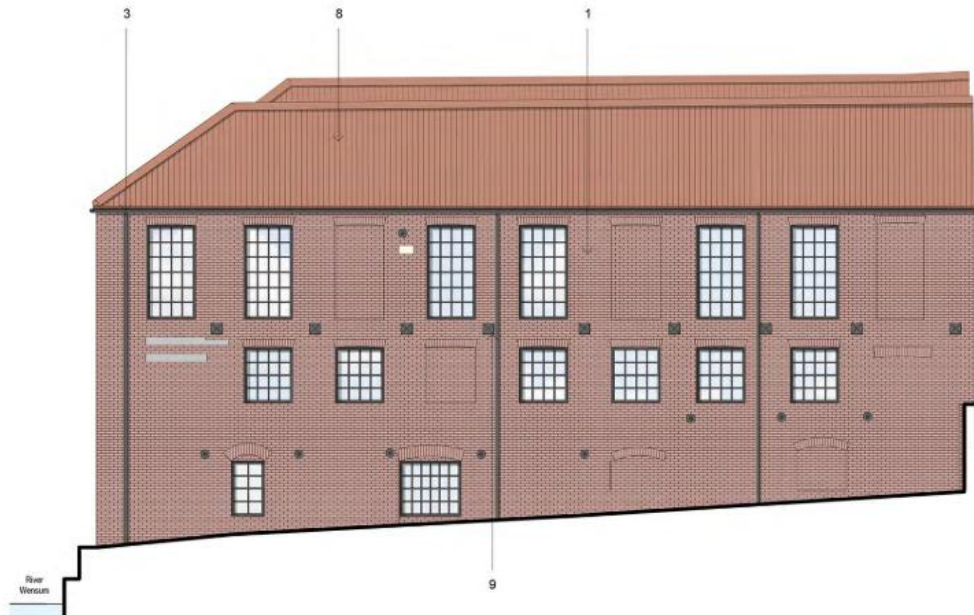
- KEY**
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2 Stone Oil
3 Rainwater Gutter - Dark Grey
4 Aluminium Window Frame - Dark Grey
5 Metal Balustrade - Dark Grey
6 Metal Balcony - Dark Grey
7 Timber Door / Frame
8 Roof Parapet - Red
9 Cladded Brick - Grey
10 Brick Box for Scaff
11 Bell Box

Rev.	Description	Date	Drawn By	Checked By
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PURPOSE OF ISSUE PL - For Planning Submission			
DRAWING STATUS S2 - Fit for Information			
PROJECT TITLE KING STREET STORES			
CLIENT Hullingham Capital			
DRAWING TITLE Block B Proposed Elevations			
SCALE 1:100/42	DATE 23/10/20	DRAWN BY JS	CHECKED BY DO
APPROVED BY IR			
DRAWING NUMBER PROJECT NO. 1761A-20-020 TYPE: UNISSUED REVISION: - C			
Proworks ARCHITECTURE MASTERPLANNING LANDSCAPE & URBAN DESIGN ARCHITECTURE			
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1 East Elevation (Riverfront)
1:100



2 North Elevation
1:100



3 West Elevation (Courtyard)
1:100



4 South Elevation
1:100

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CDM 2015

The Construction (Design and Management) Regulations 2015 (CDM 2015) makes a distinction between domestic and commercial clients and outlines the duties you, as client, have under health and safety law (H&S).

These duties can be found at <http://www.hse.gov.uk/construction/CDM15responsibilities.htm>

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

0 5m 10m 20m 30m 40m 50m
1:100gk2



- KEY**
- 1 Brick - Existing Retained
 - 2 Brick - Red to Match Existing (redressed)
 - 3 Rainwater Gutter - Dark Grey
 - 4 Aluminium Window Frame - Dark Grey
 - 5 Metal Balustrade - Dark Grey
 - 6 Metal Balustrade - Dark Grey
 - 7 Timber Door / Panel
 - 8 Roof Paralel - Red (as existing)
 - 9 Existing Wall Ties

Rev.	Description	Date	Drawn By	Checked By
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PURPOSE OF ISSUE			
PL - For Planning Submission			
DRAWING STATUS			
S2 - Fit for Information			
PROJECT TITLE			
KING STREET STORES			
CLIENT			
Hullingham Capital			
DRAWING TITLE			
Block C Proposed Elevations			
SCALE	DATE	DRAWN BY	CHECKED BY
1:100gk2	04/09/21	TH	DO
DRAWING NUMBER	PROJECT NO	TYPE	UNIQUE NO
1761A- 20-040			
REVISION			
- B			
Proworks			
ARCHITECTURE MASTERPLANNING LANDSCAPE & URBAN DESIGN INTERIOR ARCHITECTURE			
Norwich Office: Breckingham House, 36 Pall Mall, Norwich, NR2 1DQ Tel: 01603 631 319 www.proworks.com			

Report to Planning Applications Committee

Item

11 November 2021

Report of Head of Planning and Regulatory Services

Subject Application no 21/00821/F, Surface Car Park, Rose Lane

**Reason
for referral** Objection

4(b)

Ward	Thorpe Hamlet
Case officer	Robert Webb robertwebb@norwich.gov.uk
Applicant	Mr Gregg, TP3 Ltd

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

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



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

Scale 1:1,000

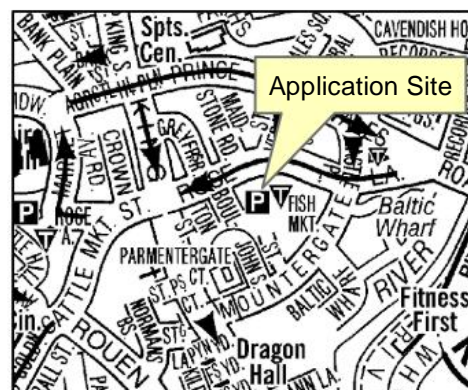


NORWICH
City Council

PLANNING SERVICES



Page 52 of 88



The site and surroundings

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

Constraints

4. City Centre Conservation Area – King Street Character Area

Grade II listed Tudor Hall adjacent to the site

Site allocation CC4

Regeneration area

City Centre leisure area

Area of main archaeological interest

Office development priority area

Relevant planning history

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

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

The proposal

6. A temporary planning permission for 9 months is sought for a 300 seater indoor eating and drinking venue, comprising a number of food stalls, large screen and performance stage. In terms of planning use class, the use is sui generis. The

auditorium would be constructed of painted profiled steel sheets and shipping containers. It would have a pitched roof with a ridge height of 11.3m and an eaves height of 7.8m. The building would be 48m long and 21m wide. The shipping containers would be situated around the perimeter of the building, accommodating a number of food vendors which would be accessed internally. Ancillary development would include bin stores, cycle storage, and an entrance tunnel from Boulton Street.

7. The main public access would be from Rose Lane/Boulton Street, with servicing and deliveries taking place from the Mountergate access. There would be no public access from Mountergate. An existing disused toilet block immediately adjacent to the auditorium would be refurbished and used as toilet facilities. Cycle storage would be provided within the site, and a bin store located to the rear.
8. The proposal has been amended during the application process to omit the outside activities including fairground rides, market stalls and beer gardens. The red line site area was also amended to omit the adjacent public footpath and community garden.

Representations

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

Issues raised	Response
Comments in objection to the proposal (original plans):	
Concern about noise nuisance	See main issue 4
Concern about increased anti-social behaviour and crime	See main issue 4
Concern about late night opening	See main issue 4
Concern about people loitering at Boulton Street entrance	See main issue 4
Concern about overlooking of flat and garden	See main issue 4
Out of character for the residential area and conservation area	See main issues 2 and 3
Concern about increase in traffic	See main issue 5
Concern about impact on vulnerable people	See main issue 4
Concern about impact from external lighting	See main issue 4
The proposal is outside of the late night activity zone	See main issue 1
Proposed access and egress would lead to an unacceptable level of funnelling and queueing of people	See main issue 4
A sequential test should have been applied to the location	See main issue 1

Issues raised	Response
There is a lack of assessment regarding the impact on Tudor Hall, a listed building	See main issue 3
Significant details are missing, such as the details of acoustic barriers and the building fabric	See main issue 2
Proposal is contrary to site allocation policy CC4 of the Local Plan	See main issue 1
Concerns about using the nearby Rooftop Gardens as a baseline within the noise report	See main issue 4
The assessment within the noise report is inadequate and not fit for purpose	See main issue 4
There are alternative locations available such as the OPEN venue and St. Mary's works	See main issue 1
Lack of assessment of comings and goings to the venue	See main issue 4
Concern about cumulative effect with other bars such as Rooftop Gardens, Last Pub Standing, Queen of Iceni.	See main issue 4
Concern about increased litter and food waste	See main issue 4
Concerned about heritage impacts of the proposal	See main issue 3
Concern about use of adjacent alleyway and further problems here.	See main issue 4
Concern about creating a precedent of entertainment venues in this area	See main issue 4
Concern about deliveries clashing with school drop off time (Charles Darwin School)	See main issue 5
Comments in support of the proposal (original plans):	
Pleased to see something happening with this site as it will hopefully deter anti-social behaviour. Sensitivity to nearby residents is required, earlier closing times would help with this.	See main issue 4
Support the proposal, will add to the vibrancy of the city, well located for public transport. Will be good as a place to eat and drink and increased facilities.	See main issue 1
Support the proposal to redevelop the site, will bring much needed investment to the area, increased footfall, will enable the use of a derelict site.	See main issue 1
Proposal will attract tourism, enhance our reputation locally and nationally, bring economic benefits and jobs.	See main issue 1

Issues raised	Response
Norwich needs to allow such facilities to be built to enable the economy to recover, and for the city centre to expand. It will increase the appeal to young families.	See main issue 1
Comments in objection to the proposal (revised plans)	
The area is not suitable for any type of entertainment venue	See main issue 1
Concerns about noise nuisance, litter and antisocial behaviour.	See main issue 4
Increased congestion	See main issue 5
Wish to see better long term planning for this site which contributes to and enhances the local community	See main issue 1
Even with the changes there are still concerns about noise and how people arriving and leaving the venue will be controlled.	See main issue 4
Remain concerned about flow of people from Riverside to this venue via East Street at Baltic Wharf and impact this will have.	See main issue 4
Comments in support of the proposal (revised plans)	
Consider that residents concerns about noise and will be dealt with by enclosing the venue. Need to ensure Norwich remains a vibrant city with attractions and employment for all ages.	See main issue 1 and 4
Proposal will bring people to Norwich, offer more jobs and benefit the local area.	See main issue 1

Thorpe Hamlet Ward Councillor Haynes, comments on original plans:

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

Thorpe Hamlet Ward Councillor Price, comments on original plans:

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

Consultation responses

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.

Environmental protection

11. Comments on original plans: Further information sought on the construction of the auditorium, and further information required noise from external activities. Other clarifications sought regarding the submitted noise assessment.
12. Comments on revised plans and noise assessment: Conditional permission recommended. The following conditions are required:
- Opening hours restricted to no later than 23.00 hours.
 - Noise management plan
 - Anti-vibration mountings details
 - Sound insulation of plant and machinery
 - Restrictions on amplified noise outside the building
 - Restriction on use of amplified sound equipment
 - Requirement for installation of mechanical ventilation for noise attenuation purposes
 - Requirement for inner lobby for noise attenuation purposes
 - Restriction on use of fire exits
 - Installation of noise limiter
 - Ventilation and extraction details
 - External lighting details

Norfolk County Council - Highways

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

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

Norfolk Police (Architectural Liaison)

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

Counter Terrorism Security Advisor

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

Tree protection officer

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

Assessment of planning considerations

Relevant development plan policies

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

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

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

- Policy CC4 Land at Rose Lane and Mountergate

Other material considerations

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

- NPPF2 Achieving sustainable development
- NPPF4 Decision-making
- NPPF6 Building a strong, competitive economy
- NPPF7 Ensuring the vitality of town centres
- NPPF8 Promoting healthy and safe communities
- NPPF9 Promoting sustainable transport
- NPPF11 Making effective use of land
- NPPF12 Achieving well-designed places
- NPPF14 Meeting the challenge of climate change, flooding and coastal change
- NPPF15 Conserving and enhancing the natural environment
- NPPF16 Conserving and enhancing the historic environment

Case Assessment

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

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

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

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

Main issue 2: Design

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

Main issue 3: Heritage

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

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

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

Main issue 4: Amenity

44. Key policies and NPPF paragraphs – DM2, DM11, DM23, NPPF paragraph 130.
45. Policy DM2 of the Local Plan sets out that development will be permitted where it would not result in an unacceptable impact on the amenity of the area or the living or working conditions of neighbouring occupants. In addition, policy DM23, which deals with leisure uses, sets out that proposals should not give rise to unacceptable amenity and environmental impacts which could not be overcome by the imposition of conditions.
46. The application has resulted in a significant number of objections from residents, with concerns particularly focussing on the potential noise impacts of the proposal together with concerns around crime and anti-social behaviour that may be associated with the proposal.
47. On the issue of noise, Council officers had concerns about the original proposal, which contained several outdoor fairground rides, outdoor market stalls and a beer garden. These elements had the potential to cause significant noise nuisance to the surrounding area. As a result, discussions took place with the applicant, and it was agreed that all external activities would be removed from the proposal. In addition, a revised noise impact assessment was requested.
48. The Environmental Protection Officer has considered the revised proposal and noise assessment and has recommended that permission could be granted subject to a robust set of conditions which would control the noise and associated impacts. Conditions requiring details of amplified equipment and to control their noise output are recommended, the installation of mechanical ventilation and an inner lobby for

noise attenuation, the installation of a noise limiter, and the submission of a noise management plan are recommended. Conditions preventing the use of audio equipment outside of the building and restricting hours of operation are also recommended.

49. Regarding crime and anti-social behaviour, it is noted that Norfolk Police have some concerns about the use of the adjacent alleyway between Boulton Street and St. John's Street, whilst residents make reference to existing problems in the area, and there is a fear the proposal will compound these. Firstly, it is considered that having an active use and occupancy of the site will assist in deterring some of the issues around trespass and anti-social behaviour that currently occur. Furthermore, it is considered that measures can be taken to help manage the operation of the site in a way that minimises the likelihood of antisocial behaviour occurring.
50. One such measure is to require a management plan to be drawn up and implemented. This should include details about how customers entering and leaving the venue will be managed and how areas of concern such as the alleyway would be monitored by security staff. Ideally, long queues of people waiting to enter the venue should be avoided and the management plan will be expected to set out how this will be controlled. A further measure which is recommended is to control opening hours so that the venue does not operate as a late-night use. In discussion with the applicant, the agreed opening hours proposed are between 12.00 and 22.30 Sunday to Wednesday, and between 12.00 and 23.00 on Thursday, Friday and Saturday. A condition is recommended to ensure this is adhered to.
51. Concerns around impacts from external lighting can be dealt with through conditioning the details of any scheme. It is not anticipated harm would arise through overlooking from the proposal, as there are no windows, and the building would be surrounded by a security fence. It is not anticipated that harm through overshadowing or loss of privacy would occur. The concerns about impacts from people making their way to and from the venue through nearby residential areas are partly mitigated by the earlier closing times proposed.
52. It is considered that the full set of conditions which are recommended will ensure that the impacts of the development will be acceptable. However, should problems arise, there will be an opportunity to review the operation and the effectiveness of noise/disturbance measures after 12 months because a further permission would be required for continued use beyond this time period.

Main issue 5: Transport

53. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF section 9.
54. The site is located within a sustainable location within walking distance of the railway station, bus services and the nearby Rose Lane multi-storey car park. It is also within walking distance of other leisure and hospitality areas of the city which are nearby. The Transport Officer has raised no objections to the proposal, subject to conditions.
55. Concerns have been raised that the proposal would cause increased traffic congestion however this is not anticipated to occur, partly because it is considered likely that many customers would arrive on foot, by cycle or public transport. Notwithstanding this, the Transport Officer has pointed out that there are substantial

waiting restrictions on the surrounding road network, and there is a loading bay close to the site entrance which could be used for taxi drop off/pick up purposes if required.

56. The vehicle access from Mountergate is suitable for deliveries and servicing, which is anticipated to take place between the hours of 07.30-11.00.
57. The Highways Authority points to the existence of historic highway rights on the site and has provided mapping showing where these are. From this mapping, the highway rights do not relate to any routes that cross the site and the land that they relate to could not have been used for highway purposes for some considerable time because of the car park that used to occupy the site. Given the historic nature of these rights and the intervening use as a multi-storey car park plus the temporary nature of the permission that is being sought, there is no need to require them to be removed to facilitate the development.

Main issue 6: Energy and water efficiency

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

Main issue 7: Flood risk

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

Main issue 8: Trees

62. Key policies and NPPF paragraphs – JCS1, DM7, NPPF section 15.
63. All existing trees on site would be retained, and the Councils Tree Protection Officer raises no objection to the proposal.

Main issue 9: Biodiversity

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

Main issue 10: Archaeology

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

Other matters

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

Equalities and diversity issues

68. There are no equality or diversity issues.

S106 Obligations

69. There are no S106 obligations.

Local finance considerations

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

Conclusion

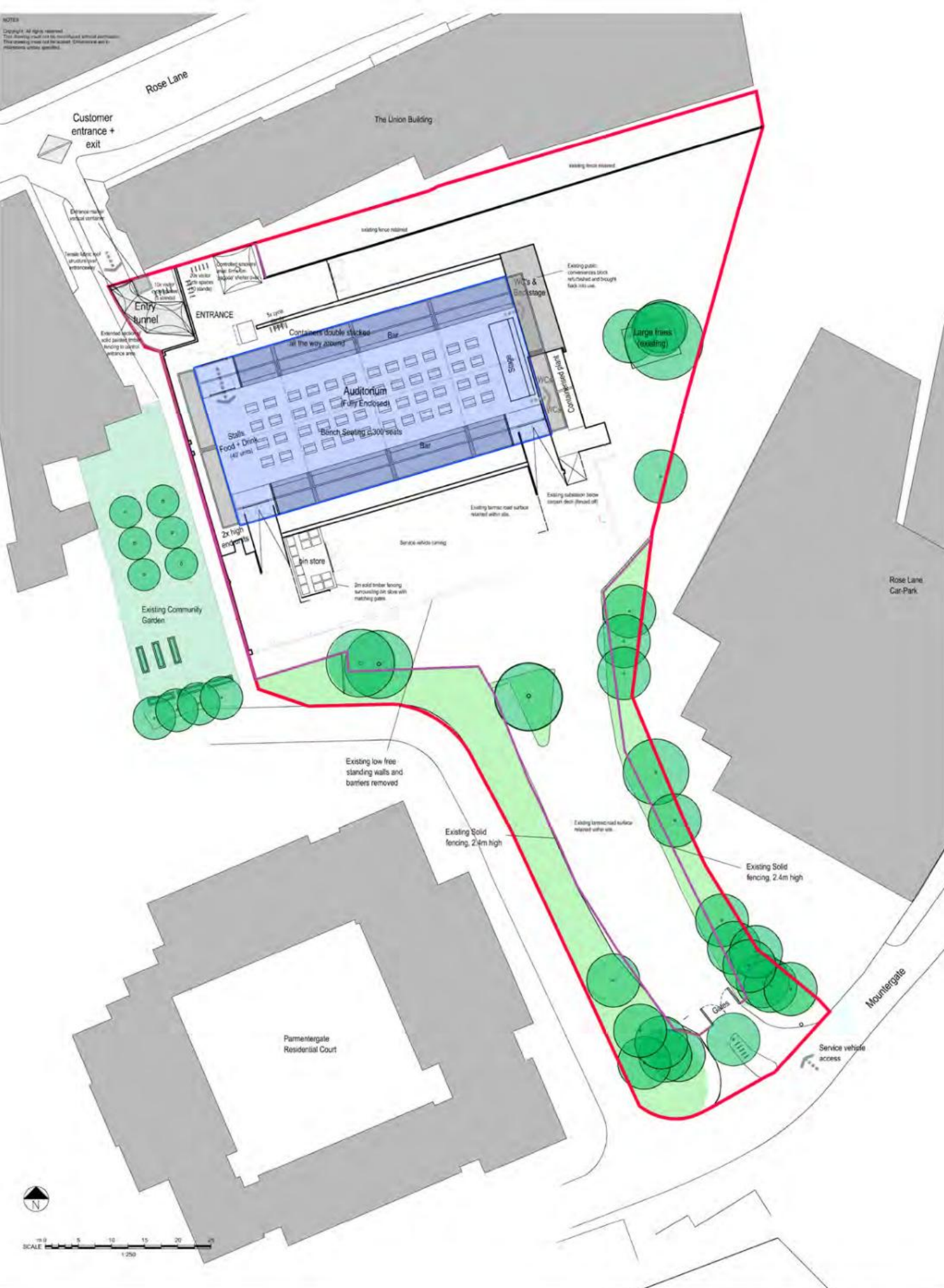
71. The proposal for a large scale eating and drinking venue accommodating up to 300 people would provide benefits to the local economy and contribute to the vibrancy and vitality of the hospitality offer within the city centre. It would also be of assistance in providing an interim use on an area of vacant land, prior to the long-term permanent redevelopment of the site in accordance with local plan policy CC4. This could play a role in discouraging anti-social behaviour from the area in the meantime. The site is within the city centre leisure area and therefore the principle of the location is acceptable.
72. Some harm would be caused to designated heritage assets, including the Conservation Area and Grade II listed Tudor Hall due to the design and appearance of the proposed building. However, regard is had to the current negative appearance of the site, the fact it would be generally well screened by taller buildings from many views and also the temporary nature of the proposal. Given these considerations, it is considered that the benefits of the proposal would outweigh the less than substantial harm in this instance.

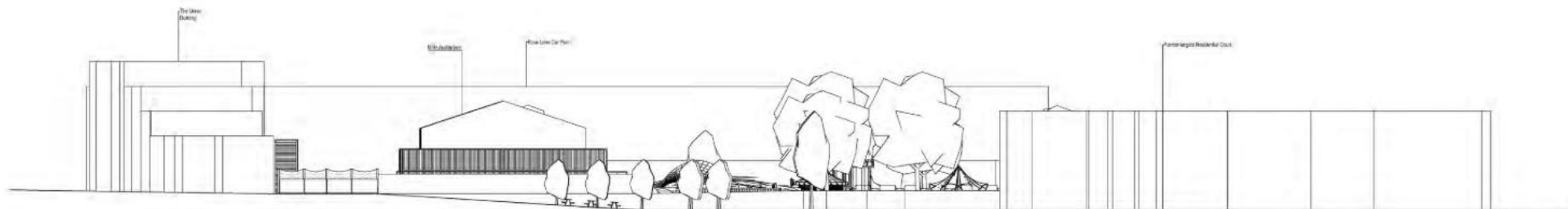
73. It is recognised that the development has the potential to cause amenity impacts from noise caused by comings and goings and also from the venue itself. This has resulted in significant amendment to the application with the removal of all external activities. In addition, concerns have been raised about impacts from people leaving the venue after consuming alcohol. To deal with this, a number of conditions are recommended to strictly control noise and keep it within acceptable limits, as well as ensuring the venue is managed carefully to minimise impacts from people arriving and leaving. Furthermore, planning permission would be required for continued operation beyond the first 12 months and there would be an opportunity to review the impacts of the proposal at this time.
74. On this basis, the application is recommended for approval, subject to conditions including that the permission expires after 12 months and all related buildings and structures are removed from the site at that time. Whilst the application was for 9 months, a 12 month/1 year period of time is considered appropriate in terms of further review and a reasonable time frame for the consent.

Recommendation

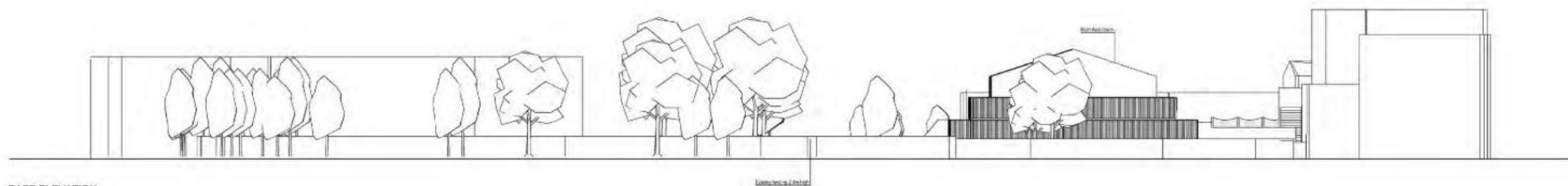
To approve application 21/00821/F and grant temporary planning permission subject to the following conditions:

1. In accordance with plans;
2. Permission to expire after 12 months of use commencing, the use to cease and all related buildings and structures to be removed.
3. External materials and boundary treatments to be approved
4. Opening hours restricted to between 12.00-22.30 Sunday-Wednesday and 12.00—23.00 Thursday-Saturday.
5. Prior to the first occupation a noise and venue management plan to include anti-terrorist measures shall be submitted
6. Anti-vibration mountings details
7. Sound insulation of plant and machinery
8. Restrictions on amplified noise outside the building
9. Restriction on use of amplified sound equipment
10. Requirement for installation of mechanical ventilation for noise attenuation purposes
11. Requirement for inner lobby for noise attenuation purposes
12. Restriction on use of fire exits
13. Installation of noise limiter
14. Ventilation and extraction details
15. External lighting details
16. All activities associated with the use to be carried outside inside the building, no leisure or hospitality use to take place outside.
17. Car parking and cycle parking details to be approved and to be provided prior to first use
18. Scheme for provision for on site parking for construction workers to be approved
19. Travel information plan to be approved
20. Arboricultural supervision
21. Details of arboricultural works to facilitate development
22. Works in accordance with arboricultural report.
23. Details of anti-terrorist barriers to be provided and implemented prior to first use (if required).

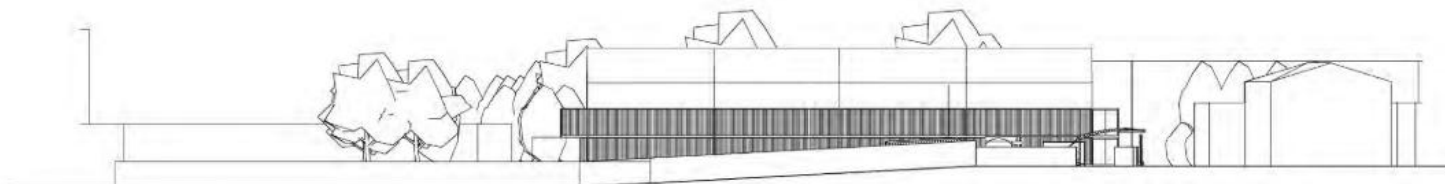




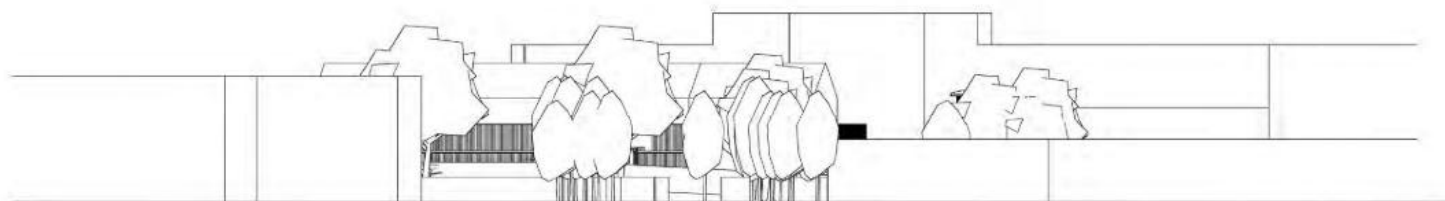
WEST ELEVATION



EAST ELEVATION



NORTH ELEVATION



SOUTH ELEVATION



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Report to Planning applications committee

Item

11 November 2021

Report of Head of Planning and Regulatory Services

Subject Application no 21/00646/F – Fieldgate, Town Close Road,
Norwich NR2 2NB

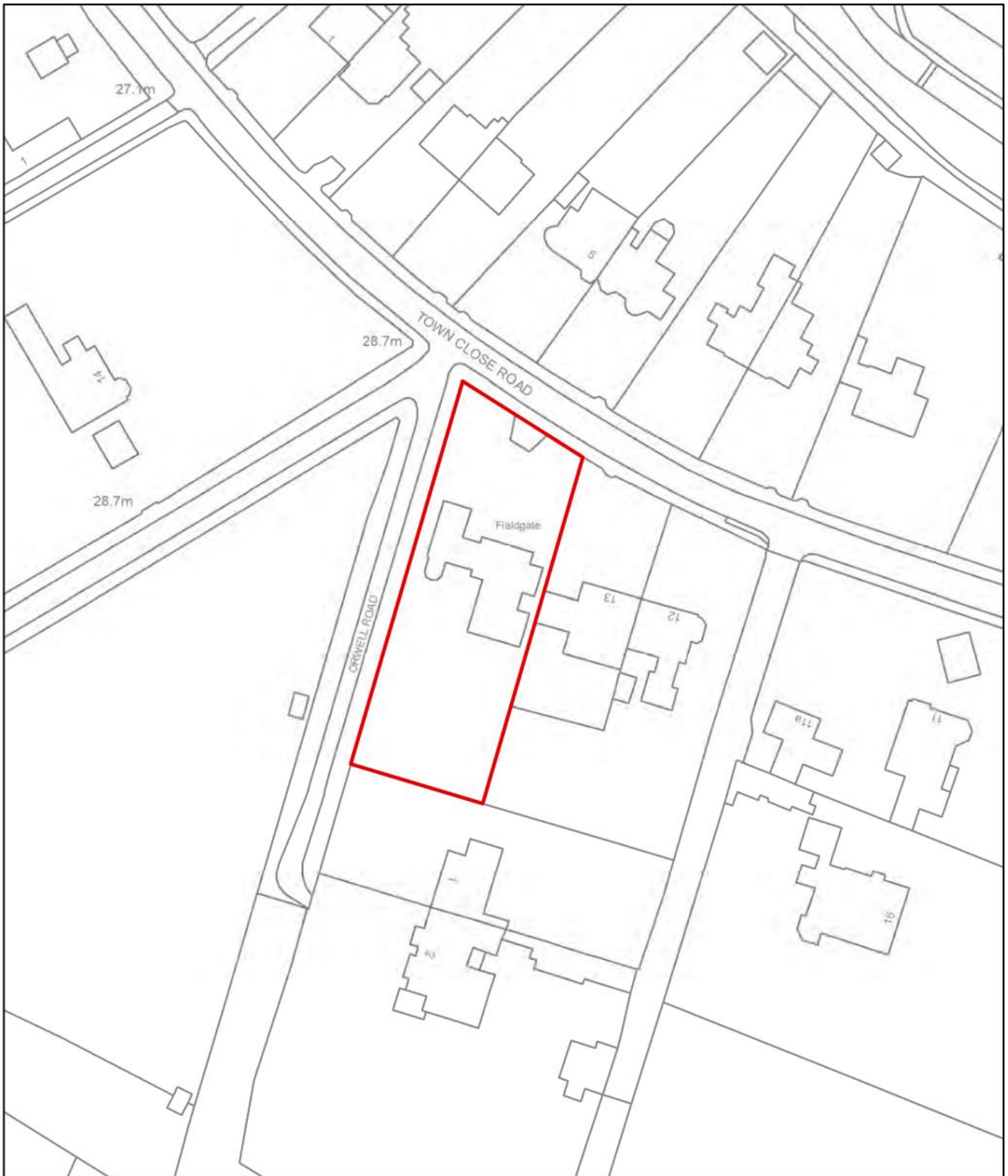
4(c)

**Reason
for referral** Objection

Ward	Town Close
Case officer	Jacob Revell - 07741 103222 - jacobrevell@norwich.gov.uk
Applicant	Mr & Mrs Prendergast

Development proposal		
Remodelling of existing bungalow to provide rooms in the roof space, one and half storey section and erection of detached garage.		
Representations (Original Scheme)		
Object	Comment	Support
9 (3 letters of representation are from agents on behalf of neighbouring properties in addition to their individual representations. 1 letter of representation consists of a joint petition with signatures from 21 households).	0	0
Representations (Revised Scheme)		
Object	Comment	Support
11	0	0

Main issues	Key considerations
1	Principle of Development
2	Design and Heritage
3	Amenity
4	Other Matters
Expiry date	18 November 2021
Recommendation	Approve with conditions



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Planning Application No 21/00646/F
 Site Address Fieldgate, Town Close Road

Scale 1:1,000

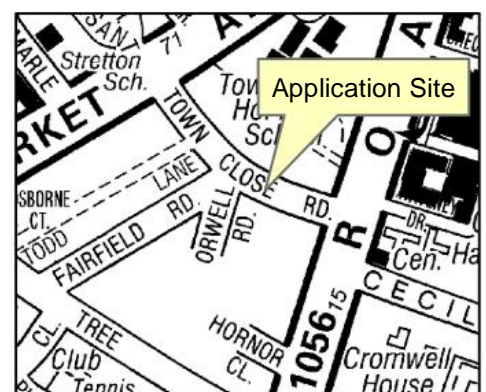


NORWICH
 City Council

PLANNING SERVICES



Page 72 of 88



The site and surroundings

1. The site is located on Town Close Road, a residential street that links Ipswich and Newmarket Roads. The street is typically defined by large detached and semi-detached dwellings, set back from the street. Many of the properties are well screened or partially obscured at street level by hedges and shrubs along the roadside. The site is located within the Newmarket Road Conservation Area.
2. The north side of the road is defined by a stretch of mid-19th century Grade II listed townhouses, notable for their consistency. The properties tend to be highly symmetrical, with rooflines that run parallel to the road from east to west. Typically, the properties are constructed of a buff brick weathered to a pale grey colour and feature slate roofing. There is more variety towards each end of the road, particularly on the south side. The south side of the road is more sparsely built upon, but still features several designated and non-designated heritage assets, including the neighbouring property to the east of the application site at 13 - 15 Town Close Road; a Grade II listed Georgian property of the same style to those located on the opposite side of the road. Directly to the west of the application property are the private Orwell and Fairfield Roads, which provide access to a number of properties to the south of Town Close Road.
3. The surrounding listed properties are of a consistent style. They are early to mid-twentieth century detached buildings, although many function as semidetached pairs of properties. They are typically constructed of the same weathered buff brick and slate as number 13. All properties are set back around 20m from the road, and are typically well screened by trees and shrubs but views can still be gained from the highway. The properties are typically located on spacious plots, with considerable front and rear amenity space. Of particular relevance to the subject plot are the Grade II listed 13 Town Close Road and 1 Orwell Road, both of which border the plot. No. 13-15 is directly adjacent, and features 10 sash windows on the frontage, spread over the two semi-detached properties. The frontage of these properties is approximately 23m, but is located on a considerably larger plot.
4. This application relates to a detached mid-20th century red-brick bungalow. The property is located in the historic garden to the neighbouring properties at 13 – 15 Town Close Road, which appears to have been subdivided in the 1950s. The property itself is of no particular architectural merit. The property features a pitched roof that runs east to west. Another section of pitched roof runs north to south of the property, adjacent to the neighbouring property. The current ridge height of the roof is approx. 5.9m at the highest point, with the eaves at 2.3m. The footprint of the property is around 260 square meters. The property features sizeable garden space to the front and rear of the site.

Constraints

5. Newmarket Road Conservation Area
6. Adjacent Grade II listed buildings.

Relevant planning history

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

Reference	Proposal	Decision	Date
12/02375/F	Erection of double garage in front garden.	Approved	05/04/2013
14/00030/F	External alterations including raising main ridge of bungalow to form first floor with dormer and roof windows; removal of conservatory and widen rear of west end; erection of detached double garage.	Approved	19/05/2014
19/00291/F	Two storey front, side and rear extension, roof alteration and double garage.	Withdrawn	14/08/2019
20/00185/F	Demolition of bungalow and construction of 2 storey dwelling and garage.	Refused	25/03/2020
20/00496/F	Demolition of bungalow and construction of dwelling and garage.	Refused	24/06/2020

The proposal

8. The proposal recommended for approval is substantially different to the initially submitted scheme. The initial scheme was for a replacement dwelling quite different in design to the original property, and substantially different in terms of height, scale, massing and design. The current scheme is substantially reduced in these regards.
9. This proposal involves the remodelling of the existing 4 storey bungalow into a larger 4 storey house. The alterations include the construction of an additional storey on the north-west elevation of the property. This part of the property currently features a garage facing towards Town Close Road. The existing height of this element of the property is approximately 2.4m at the eaves and 5m at the ridge height. This part of the property has gables facing towards Town Close Road and Orwell Road to the north-west.
10. The proposed scheme would see the eaves of this gable raised to approximately 5m, with a ridge height of 7.4m. This double height section would run for approximately 11m along the north-western boundary. The garage door to the front of the property would be replaced with a small bay window, whilst four new windows would be created along the north-western elevation.
11. The existing link section between the garage of the property and the main part of the dwelling would be replaced with an entirely glazed section connecting the new taller element to the original dwelling. The height of this section would be raised to approximately 5.8m tall at the highest point and 2.5m at the eaves. This glazed section would provide the main front entrance to the property.
12. The remainder of the front of property is unchanged in terms of scale and mass. The eaves would remain at a height of approximately 2.4m, with a gradual roof slope reaching a ridge height of approximately 5.9m. The existing front porch would be removed. The two bay-style windows on this part of the property would be removed and replaced with three modern windows. These windows would be

reflected by the placement of three dormer windows aligned in the existing roofslope. The tops of these windows would be located approximately 4.9m above ground level. They would protrude approximately 1.7m from the existing roofslope, with a width of approximately 1.6m and a height of 1.4m.

13. The elevation to the south-east of the property will remain largely unchanged, barring the visibility of the increased height of the two-storey element on the opposite wing. All existing windows on this elevation would be filled in barring one existing window to the rear of the property.
14. There would be fairly substantial changes to the rear of the property, although the footprint of the building would remain the same. The patio doors to the eastern side of the rear would be replaced with a single window. The existing double windows and beam detailing to the rear of the east wing of the property would be replaced with a large arched Crittall window/door in the centre of the gable, approximately 3.8m tall at the highest point. A single storey lean-to element would be constructed over the patio doors within the centre of the property, replacing the patio doors with a single window and a small rooflight located above in the roofslope of the lean to. This element would have a depth of approximately 1.4m and a height of 3.8m – with a roofline extending across a width of 4.3m before meeting the roofslope of the eastern wing. At ground floor level, this element would have a width of 2m. A small dormer window would be located on the west-facing roofslope of the eastern wing, with a height of 1.4m, depth of 1.7m and a width of 1.7m.
15. The glazed link section would connect the property to the two-storey element. To the rear of this element, the existing glass conservatory would be removed. A large arched Crittall window/door would be installed, introducing a glazed element over both storeys. Although separated in the middle, this glazed element would have a total height of approximately 5.5m, with a width of 3.6m. Two glazed sections would replace the existing windows on the west facing elevation of the eastern wing.
16. The applicant also seeks to construct a pitched roof double garage to the front of the property. This would be located 5.7m to the front of the double storey element of the property. The garage would have a footprint of approximately 6.5m width and 5.6m depth. The garage would have a steep pitched roof with a height of 5m at the ridge and 2.4m at the eaves. The southwest gable end would feature a window and side entrance.
17. The applicant has outlined a detailed material palette. They propose to use Vandersanden Anthro light facing brick, natural slate for the roofing, Crittall style metal windows and lead dormers.

Representations

18. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing.
19. During the first round of consultation, 9 letters of representation were received in objection. It should be noted that three of these letters of representation are from third parties writing on behalf of neighbouring properties. In addition, one of these letters consisted of a joint petition containing signatures from 21 households.

20. The concerns highlighted in these comments refer specifically to the original scheme under this application, which has been revised considerably. The main issues relate to the impact of the development on the character of the conservation area and listed buildings, in addition to the amenity impact on listed buildings. Although these concerns relate to the previous scheme, they are addressed in full within this report.
21. Following the receipt of a revised scheme, an additional three week consultation was undertaken. 11 letters of representation have been received as a result of this consultation.
22. The representations received are summarised in the table below.

Issues raised	Response
Property is surrounded by Grade II listed properties. The design bears no relationship to surrounding properties.	See main issue 2.
The proposed dwelling will be built to the edges of the plot and will replace the existing single-story dwelling with a larger two-story one. The proposal will dominate neighbouring buildings, especially to the rear. The large glass windows/glazed link section are not in keeping with the character of the area. Introducing 'diversity' within this setting is not appropriate.	See main issue 2.
All but two of the properties in the area are of the same era. Scale and inappropriate design of replacement dwelling causes harm to setting. Any development on the site needs to be subordinate. Inadequate assessment of scale, bulk and massing on setting.	See main issue 2.
All applications which impact on heritage assets require HIA, which has not been produced here.	See main issue 2.
No objection to replacement dwelling, existing property has little merit, but replacement should be sympathetic in scale and materials. Design of the proposal is not sympathetic to the overall character of the conservation area.	See main issue 2.
Shrubs cannot be relied on to mask the impact of the development as they are not permanent. Trees are seasonal, buildings have greater prominence in the winter.	See main issue 2.

Issues raised	Response
Council previously required 1A Town Close Road to be flat roof on heritage terms. Argument that Fieldgate is a larger plot is flawed – impact comes from proximity to listed properties. Duties under 66 and 72 of the listed building act to protect settings of heritage assets.	See main issue 2.
Double garage to the front of the plot – against grain of other development in area.	See main issue 2.
Concern regarding light pollution from glazed sections.	See main issue 3.
Concerns regarding overlooking to neighboring properties. Quality of screening/lack of privacy is misrepresented. Large glazed elements will increase overlooking.	See main issue 3.
Potential for overbearing on neighbouring properties.	See main issue 3.
Provisions of 70B of the T&CPA should be invoked to prevent future applications.	See other matters.
Previous applications to Listed Buildings in the area have been refused for comparatively minor works.	See other matters.

Consultation responses

23. 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.
24. All consultation responses are made in relation to the revised scheme.

Design and conservation

25. (Conclusion) Overall, the new proposals relating to the Site are considered, based on the information available, and illustrated on the submitted documents, to have largely addressed the concerns highlighted above.
26. The proposed plans submitted with the application indicate that the increased height and the massing of the development is concentrated at the Orwell Road elevation, at an indicated height of c.38m [height above sea level]. This then steps down to c.36m adjacent to No.13 Town Close Road and can therefore be interpreted as being subordinate to No.13 with its indicated height of c.39m.

27. The perceived mass and scale of the proposed development in relation to No.'s 12 & 13 Town Close Road, when they are viewed as a pair, is comparable and therefore, no greater than that of the pair when viewed in terms of the principal elevation.
28. Additionally, the proposed development allows for the incorporation of contrasting building techniques to those represented in classically derived architecture, whilst still remaining respectful of those principles of classical architecture, thereby allowing it to blend into the setting and harmonise with the existing built form. The sense of symmetry and proportion represented in the design proposal is considered acceptable, maximising the hierarchical nature of the building and being reflective of its surroundings.
29. (Clarification) Where the Conservation Officer refers to 'c.38m' and 'c.36m' in their comments, they refer to the heights as viewed next to the scale on the proposed plan, which indicates the height above sea level. The scaled drawings show these heights as approximately 7.4m and 5.9m respectively.

Transport

30. (Summarised) Vehicular access to the site and the parking/turning area remains unchanged. There will be no increase in traffic movements and the access and turning is extant – no objection in principle.
31. The extant vehicle crossover is a brick weave construction and within the highway. This does not meet current standards and may pose a maintenance liability if the blocks are damaged during the construction phase. It would be appreciated if this could be replaced with a standard asphalt construction with a drainage feature at the site/highway boundary to prevent runoff into the highway.
32. Condition SHC09 is recommended to require these works. Additionally, an informative is recommended to remind the applicant of the logistics of carrying out highways works.

Tree Officer

33. No objection from an arboricultural perspective.

Assessment of planning considerations

Relevant development plan policies

34. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
 - JCS2 Promoting good design
35. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
 - DM1 Achieving and delivering sustainable development
 - DM2 Ensuring satisfactory living and working conditions
 - DM3 Delivering high quality design
 - DM9 Safeguarding Norwich's heritage

Other material considerations

36. Relevant sections of the National Planning Policy Framework March 2021 (NPPF) (as revised):

- NPPF12 – Achieving well designed places
- NPPF16 – Conserving and enhancing the historic environment

Case Assessment

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

38. Key policies and NPPF paragraphs – JCS2, DM1, DM3, DM23, NPPF12, NPPF16.
39. The proposal has altered significantly since the first submission, which involved the removal of the existing bungalow and replacement with a replacement dwelling of an entirely modern design. The revised scheme reduces the works considerably and can be classified as a remodelling of the existing property rather than the complete replacement. The proposal sits largely within the same footprint of the existing property – and the only major extension is upwards rather than outwards. Residential extensions are acceptable in principle – the acceptability of the revised proposal must be considered according to two key issues: the design and heritage impact and the impact on the amenity of neighbouring properties.

Main issue 2: Design and Heritage

40. Key policies and NPPF paragraphs – JCS2, DM3, DM9, NPPF12, NPPF16.
41. As noted above, the proposal is located within the Newmarket Road Conservation Area and within the historic curtilage of the neighbouring listed property at number 13 Town Close Road. Careful consideration must be given to the ways in which the development impacts upon the character of the Conservation Area and the setting of the nearby listed properties.

Relevant Policy

42. The development can be broadly characterised as remodelling and extending the existing property. DM3 of the Local Plan identifies that development will only be acceptable where ‘appropriate attention has been given to the height, scale, massing and form of new development’, including ensuring that residential extensions and alterations to existing buildings do not appear ‘dominant or incongruous’. DM3 also identifies that proposed developments should show that appropriate consideration has been given to materials and colour, showing ‘regard to the prevailing materials of the area’. Paragraph 134 of the NPPF states that

development that 'is not well designed should be refused', especially where it does not reflect local design policies.

43. DM9 identifies that development should 'maximise opportunities to preserve, enhance or better reveal the significance of designated heritage assets'. The supplementary text of the proposal notes that the Council will 'promote the repair, reuse and enhancement of the setting of Listed Buildings'. Paragraph 202 of the NPPF outlines that 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal'.

Context

44. The Conservation Officer's comments note the immediate surroundings of the site are characterised by a cohesive group of listed buildings characterised by a shared architectural style and material palette. Their historic footprints and positioning form the basis of the character of the immediate setting with the street being predominantly made up of detached and semi-detached properties on spacious plots. As such, it is considered that insensitive development has potential to disrupt the rhythm of the streetscene, causing harm to the conservation area. The Conservation Officer notes that the existing building does this to some degree.
45. The proposal site is located within the historically subdivided plot of number's 13 and 12 Town Close Road. The Conservation Officer highlights that there is potential for the development to impact negatively upon these properties in two ways – the appreciation of the front elevation of the properties in the streetscene and any increase enclosure to the rear of number 13. They note that impact on other listed properties is less direct and should be considered alongside general impact on the Conservation Area.
46. As noted above, the Conservation Officer has noted a number of requirements necessary to ensure unacceptable harm is not caused to either the Conservation Area or the setting of the neighbouring listed buildings. These are identified below:
 - (a) Having a significantly lower profile than the adjacent listed buildings.
 - (b) Being set back beyond the building line of the principal elevation of the adjacent listed buildings (excepting the projecting garage structure)
 - (c) Increasing the distance between the new build and the adjacent listed building/s
 - (d) Registering a perceived mass and scale no greater than that of the adjacent listed pair when viewed in terms of the principal elevation (which is how the building will be judged on the street-scene).
 - (e) Reflecting the proportion, symmetry and hierarchy of the dominant building type within the setting
 - (f) Reflecting the prevalent material palette (with some minor additions to reflect the building narrative as a later addition)

Planning History

47. It should be noted at this stage that there is precedent for the acceptability of similar development on this site. Application number 14/00030/F was approved by the Planning Applications Committee in 2014 for 'External alterations including raising main ridge of bungalow to form first floor with dormer and roof windows; removal of conservatory and widen rear of west end; erection of detached double garage'.

48. Although the design was different, this proposal consisted of remodelling the entire property to create a true two storey property. The entire ridgeline of the property was raised to approximately 7.6m. Similar levels of glazing were applied to the rear of the property.
49. The proposal was found to have an acceptable impact on the setting of the Conservation Area and the neighbouring listed building at 13 Town Close Road. The Officer's general argument in the committee report was that the property as existing does not fit within the Conservation Area in a traditional sense, but an increase in dominance within the plot was acceptable as it did not have a detrimental impact on the character of the neighbouring listed building or the wider Conservation Area, whilst improving the quality of the property itself.
50. There is also precedent for the approval of double garages to the front of the property. Both 14/00030/F and 12/02375/F were approved for the provision of double garages of similar design, positioning and proportion.
51. At the time that application 14/00030/F was approved (19th May 2014), the current local plan had been submitted for examination and significant weight was applied to its policies, including DM9 which relates to heritage. The local plan was formally adopted later that year and remains in place now. As such, the policy context has not changed considerably since the date of that decision and the Planning Applications Committee is reminded of its duty to have regard to previous decisions of the Council.

Design

52. As the Conservation Officer has indicated, the existing bungalow is of little architectural value. However, its single storey design and screening from the road ensures that any harm to the surroundings is adequately mitigated against. It has been alluded to in numerous comments from objectors that they would only find a single storey building on this plot acceptable. It is worth noting that the existing bungalow is tall for a single storey building - the steep pitched roof to the front stands at approximately 6m as existing.
53. The footprint of the proposal will remain the same as the existing, barring a few minor alterations to the rear. Points made by objectors referring to the width of the property fail to acknowledge that the proposal sits on a near identical footprint to the existing building. It would be unreasonable to expect the applicant to reduce the footprint of the existing building, especially given that the majority of the property will remain at the same height of the existing.
54. The proposal will be raised above the existing garage to the west of the site. The ridge height of this element would be raised from 5m to 7.4m. The eaves would be raised from 2.4m to 4.8m. The total height of this element of the property would be raised by 2.4m total. It is worth noting that this element would only be 1.4m taller than the existing tallest part of the building, and 0.2m shorter than the entire ridgeline of the previously approved scheme under application 14/00030/F. It is also worth noting that this is considerably shorter than the height of the adjacent property at 13 Town Close Road, which has an overall height of approximately 9.3m.

55. Although the mass of this element will be heightened, it will be linked to the remainder of the dwelling by the double height glazed link section. The transparency of the link section will reduce the visual weight of the proposal when viewed from the principal elevation – giving the property the appearance of two separate buildings that have been linked. This section helps reduce the visual bulk of the proposal generated by the existing full-width footprint of the property. The proposal also offers a degree of visual interest to the overall property, introducing a modern design element in a relatively low-key style.
56. In their Design and Access Statement, the applicant outlines that the design inspiration behind the remodelling is that of a converted coach house and outbuildings. The proportions of the upwards extension and the glazed link extension do give the proposal this appearance.
57. There are clear improvements to the design of the existing dwelling. To the front elevation, the somewhat awkward two windows and porch of the existing property are replaced with a more proportionate and aesthetically pleasing trio of windows, aligned with new dormers in the roofspace. The existing garage doors will be replaced with a pleasantly designed bay window.
58. As with any development scheme within a Conservation Area, the quality of materials is essential to ensuring that an acceptable scheme is constructed. The materials that the applicant has indicated appear to be of an acceptable quality (light facing brick, natural slate, Crittall and timber windows and lead dormers), a condition will be applied to ensure that the quality of these details and materials is acceptable. In any case, the materials indicated by the applicant are more appropriate to the prevailing character of the Conservation Area than the existing materials (red facing brick, pantile roofing, white PVC windows and rain water goods).

Impact on the setting of the adjacent Listed Buildings

59. As noted above, the proposal site is located in the historically subdivided plot of number 13 Town Close Road. As such, it is important that any development on this site does not cause harm to the setting of this building, and it is crucial that the building should read as subservient to the listed property and should not detract from its significance within the streetscene.
60. Although the existing building has some issues in terms of the coherence and style of its design, it still reads clearly as subservient to the main dwelling by merit of its low profile and relative distance from 13 Town Close Road. The Conservation Officer notes in their comments that impact on the setting of numbers 12 and 13 Town Close Road should be considered in two ways – in the appreciation of the architectural character of the front elevation of numbers 12 and 13 Town Close Road, and in terms of any increase in feelings of enclosure to the rear of number 13.
61. The proposed remodelling does not alter the footprint of the dwelling and has no bearing on feelings of enclosure to the rear of 13 Town Close Road. The only alteration to the property which could be considered to affect the dominance of the property within the plot is the upwards extension to the western part of the property. This element of the design is still considerably lower than the total height of number 13, whilst sitting at approximately 23m away from the number 13 when viewed from

the principal elevation. This distance is great enough that the raised height has little bearing on the significance of the adjacent listed property. The remainder of the property will remain at the existing height and clearly remains subservient to the neighbouring dwelling. The glazed element further reduces the impact of the dwelling when compared side by side to the neighbouring property – ensuring the property appears as two separate buildings than one uniform mass.

62. Further to this, direct comparisons between the two dwellings will be scarce within the streetscene. Owing to the mature screening around the Fieldgate site, views of the property in direct comparison to the neighbouring properties are limited. Some views of the properties together are visible when looking westwards along Town Close Road, but direct comparisons are limited owing to the viewing angle and mature trees obscuring the view of Fieldgate. Views from the rear garden of number 13 will be largely restricted to the existing mass of the property.
63. It should be noted that the existing footprint of the building is forward of the building line of numbers 12 and 13 Town Close Road. The proposals leave the building line forward of the adjacent listed buildings, but the scale of the development ensures that the property remains subservient. It has been raised during previous schemes that setting the property back further may negatively impact upon the amenity to the rear garden of number 13 Town Close Road.

Impact on the Conservation Area and the setting of other Heritage Assets

64. As the Conservation Officer has highlighted in their comments, the existing building is somewhat discordant with the prevailing character of the Conservation Area, detracting from the overall rhythm of the street-scene through its somewhat confused design aesthetic. The previous paragraphs in this section of the report have outlined the design improvements indicated by the proposal, resulting in a more cohesive and visually pleasing overall design. The impact of the proposal is further mitigated by the inclusion of the glazed link section, which separates the visual bulk of the building. This visual separation ensures that the disruption to the rhythm of the streetscene caused by the existing scheme is mitigated against.
65. Through the implementation of a more cohesive design aesthetic and higher quality materials, in addition to the glazed section, the proposal is considered to have a positive impact on the overall character of the property. Through improving the quality of this proposal, the proposal is considered to enhance the overall quality of the Conservation Area, in line with the requirements of DM9.
66. When considered in isolation, the raising of the height of the western section of the proposal may not lead to an enhancement of the Conservation Area. However, the height of this raised element is still relatively low in comparison to other buildings within the locality and it is considered that this element will have a neutral impact on the overall character of the Conservation Area. When considered holistically alongside the other design improvements, the raising of the height of the western section can be considered an enhancement.
67. It is also worth noting that views of the proposal will be limited owing to the mature screening surrounding the plot. The proposal will only really be visible from public viewpoints when viewed head on through the entrance gates, in which views will largely be contained within the plot. Although the design is generally considered acceptable for the context, it is noted that the mature screening contributes

positively to the overall character of the immediate surroundings and helps screen the existing building from view. The benefits of retaining this screening are recognised so it is recommended that a condition is applied requiring the applicant to submit a plan indicating the retention of existing screening and additional planting where necessary.

68. Views from the wider Conservation Area, chiefly along Town Close Road and Orwell Road, will largely be of the existing or raised roof forms. In either case, the proposed natural slate roofing will be entirely in keeping with the general character of the Conservation Area.
69. Some concern has been raised by objectors regarding the impact of the double garage to the front of the property. As noted previously, there is clear precedent for the inclusion of a double garage in this location. The garage is of an appropriate design and materials and will have little to no bearing on the overall character of the Conservation Area. For reference, there are single storey garages in the front gardens of numbers 1 & 11 Town Close Road on the same side of the street.

Conclusion on Design and Heritage

70. Overall, the proposal is considered to improve the quality of the existing built form. The proposed scheme offers a more cohesion and interest in the overall design, resulting in a more aesthetically pleasing scheme. The scale of the development ensures that there is an acceptable impact on the setting of the adjacent listed buildings and the wider Conservation Area. The small impacts that have been identified can reasonably be offset by conditions requiring high quality materials and appropriate screening. Therefore, the proposal is considered to meet the requirements of Local Plan policies DM3 and DM9, in addition to NPPF sections 12 and 16.

Main issue 3: Amenity

71. Key policies and NPPF paragraphs – JCS7, DM2, NPPF12.

Policy

72. The assessment of amenity impact of new proposals is largely dictated by the adherence of development to DM2: 'ensuring satisfactory working and living conditions'. The policy outlines that no new development should be permitted where there is an unacceptable impact on 'the amenity of the area of the living or working conditions...of neighbouring occupants'. Regard should be given to 'the prevention of overlooking and the loss of privacy' and 'the prevention of overshadowing and loss of light and outlook'. DM2 also highlights a requirement for development to provide a high standard of amenity for current and future occupiers of the property.
73. Concern had been raised about the impact of the proposal on the amenity of surrounding properties. Firstly, the impact of the proposal on the immediately adjacent garden of number 13 Town Close Road will be assessed, before the potential impact on other neighbouring properties is considered.

Impact on 13 Town Close Road

74. Previous schemes on this site have raised concerns regarding potential on the impact on the amenity of number 13 Town Close Road. Previous schemes have

seen increased bulk along the shared boundary – which prompted concerns regarding potential for loss of light to the neighbouring property and garden, in addition to overbearing and overshadowing concerns.

75. The revised scheme involves no alterations to the existing footprint or height along this boundary. Existing windows on this eastern elevation will be removed. Accordingly, it is not considered that the development will have a discernible impact on the amenity of number 13 Town Close Road.

Impact on other neighbouring properties.

76. The footprint of the proposal is unchanged. The upwards extension on the western flank of the property is located next to the highway, so has no impact on the amenity of any neighbouring property by way of overshadowing, loss of light or loss of outlook.
77. Concern has been raised about the potential for overlooking to 1 Orwell Road, the property located immediately to the south of Fieldgate. In particular, the objections focus on the increased glazed elements to the rear of the property, particularly the arched window to the rear of the two-storey element. It is suggested that the proposal will lead to increased overlooking to the neighbouring property, in addition to providing glare from the glazed sections. 1 Orwell Road has a bedroom window on the north elevation looking directly towards Fieldgate.
78. All additional windows to the rear elevation of the proposal are provided at ground floor level, barring the upper sections of glazing in the two-storey element and link section. These windows are located approximately 50m from the aforementioned window at 1 Orwell Road. Three mature trees are located along the rear boundary of Fieldgate, providing a high level of screening even in the winter months when their branches have no leaves. Due to the distance involved and the bulk of the mature trees, it is not considered that the proposal results in significant overlooking or loss of privacy to 1 Orwell Road.
79. It is understood that the applicant is prepared to provide additional screening to the rear of the property to mitigate against the objector's concerns. Although not necessary from a planning perspective as no harm has been identified, this detail can be provided as part of the wider screening condition.
80. One letter of objection has raised concerns regarding the impact of internal lighting within the glazed sections of the proposal, particularly during the evenings and night-time. It is not considered that the level of glazing or profile of the building is substantial enough to generate concerns regarding light pollution. The increased glazing sections of the property are sufficiently distanced from neighbouring properties, and well-distanced from the road and any public viewpoints. Therefore, the impact from additional light is considered to be acceptable.

Impact on current and future occupiers of the subject property

81. The proposal meets the requirements outlined in DM2 for improving the quality of living conditions for current and future residents of Fieldgate. The proposals make substantial improvements to the quality of internal space whilst having little to no bearing on the usability and quality of the existing external amenity space.

Other Matters

82. One letter of representation suggests that as numerous applications have been lodged on this site and found to be unacceptable, the Council should decline to determine future applications under section 70B of the Town and Country Planning Act 1990 (as revised). This legislative power would only apply in an instance where an applicant was being unreasonable and not attempting to address the issues highlighted by officers. Each application on this site has approached the site differently and therefore this legislation is not relevant in this instance.
83. One letter of representation expresses frustration that comparatively minor works have been refused consent on surrounding buildings as they are listed. Works to listed buildings are governed by different legislation as Listed Building Consent is required. Considerations in relation to this development may include impact on the setting of designated heritage assets, but Listed Building Consent is not required in this case.
84. It should be noted that the recommended condition of the Highways Officer relating the resurfacing of the vehicle crossover falls outside the remit of the works detailed in this application. Therefore, it is considered unreasonable to insist upon these works by condition. Instead, an informative note will be applied to any future consent informing the applicant of the advantages of this work, in addition to outlining the logistics of carrying out works to the highway.

Equalities and diversity issues

85. There are no significant equality or diversity issues.

Local finance considerations

86. 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.
87. 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.
88. In this case local finance considerations are not considered to be material to the case.

Conclusion

89. 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.
90. The proposal is of an acceptable design and is considered to have an acceptable impact on the overall character of the Newmarket Road Conservation Area and the setting of immediately adjacent listed buildings.

91. The amenity impact of the proposal is considered to be minimal and what little impact there is will be reasonably controlled by conditions.
92. The proposal subsequently meets the criteria outlined within the relevant policies of the Norwich Development Management Policies Local Plan (2014) and of the National Planning Policy Framework (2021).

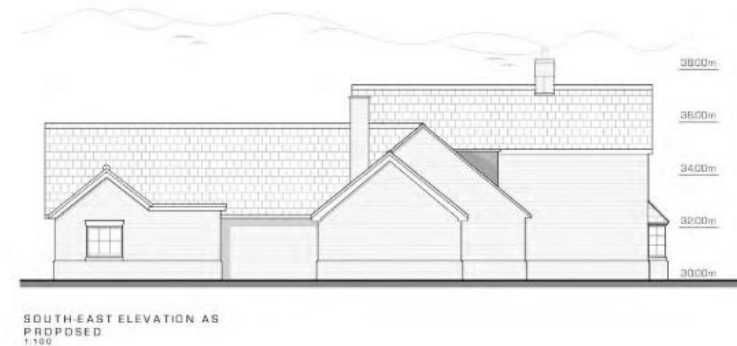
Recommendation

To approve application no. 21/00646/F – Fieldgate, Town Close Road, Norwich NR2 2NB and grant planning permission subject to the following conditions:

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

Informative notes:

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



Rev.	Date	Comments	By	Chkd.	All dimensions are to be checked before any site fabrication by the contractor or sub contractors specialist suppliers etc. Do not scale plans. Use only figured or grid dimensions. Any deviation from this drawing is to be reported to CAM Architects Norwich Limited immediately. COPYRIGHT: This drawing must not be released, loaned or copied without the consent of CAM Architects Norwich Limited. All errors, discrepancies should be reported to CAM Architects Norwich Limited immediately.
A	15/10/2021	Updated to match visuals	TN	EA	The drawing has been prepared for the following purposes and does not constitute use for any other purpose.
-	01/10/2021	Planning Application Issue	TN	EA	Planning Application 21/00648/F



Client: Mr and Mrs Prendergast
Address: 21/00648/F, Norwich, NR2
Scale: 1:100 @ A1 (1:800 @ A3)



Project Details: Extension of existing bungalow and associated works
Drawing Title: Proposed Floor Plans and Elevations
Drawing Number: 1622-CAM-XX-XX-DR-A-PL04
Revision: A