

Report to Planning applications committee

Item

16 April 2015

Report of Head of planning services

Subject Application no 15/00305/F - 117 - 127 Trinity Street
Norwich NR2 2BJ

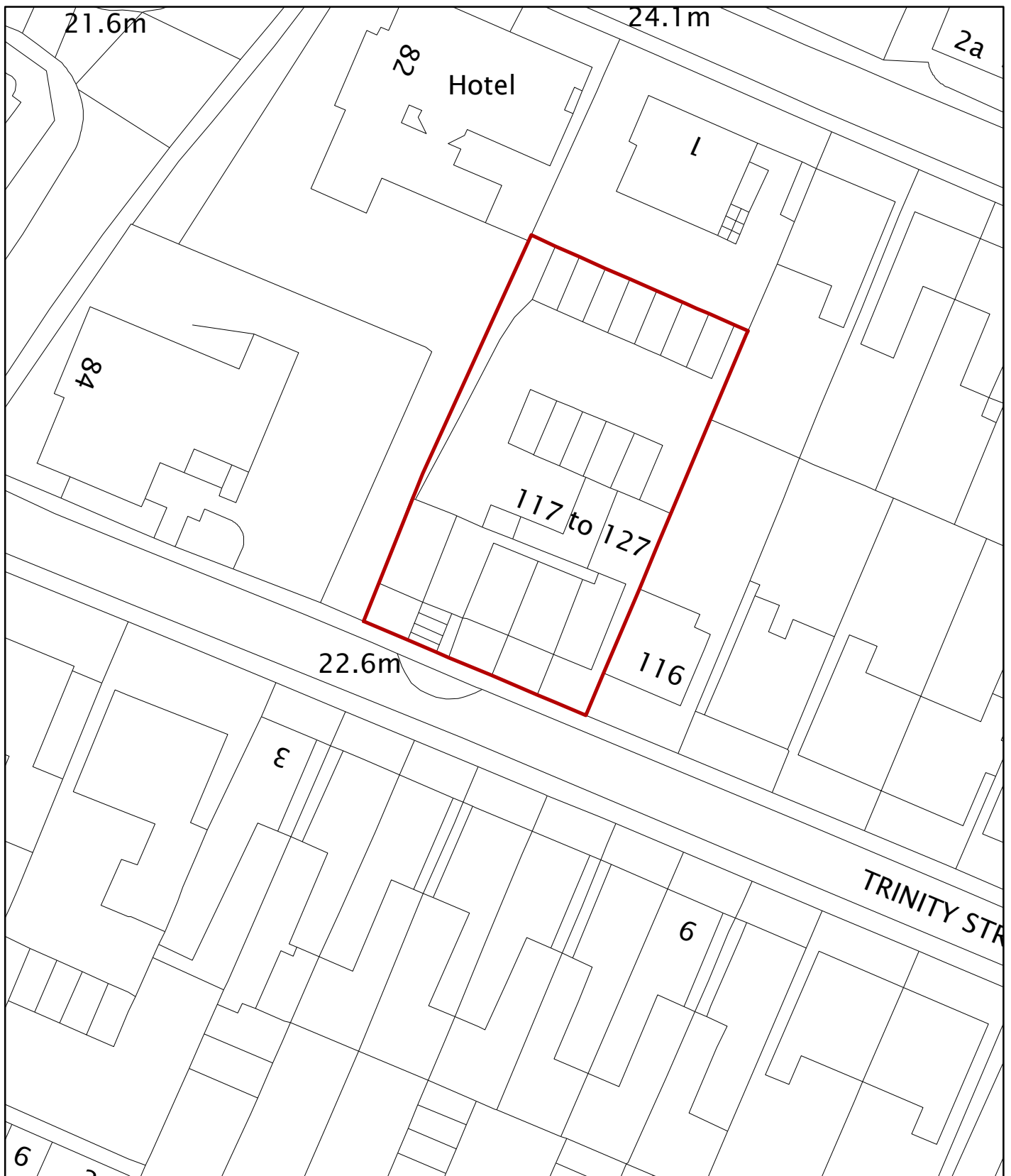
Reason for referral Objection

4(C)

Ward:	Town Close
Case officer	Rob Parkinson - robparkinson@norwich.gov.uk

Development proposal		
Demolition of 11 No. flats and associated garages. Erection of 13 No. flats and basement car parking.		
Representations		
Object	Comment	Support
12		

Main issues	Key considerations
1	Overbearing design of rear block
2	Loss of daylight received by 1 and 3 Essex Street
3	Loss of outlook affecting 1 and 3 Essex Street
4	Overlooking from the glazed stair core
5	Internal space standards
Expiry date	1 June 2015
Recommendation	Approve with conditions



© Crown Copyright and database right 2015. Ordnance Survey 100019747.

Planning Application No 15/00305/F

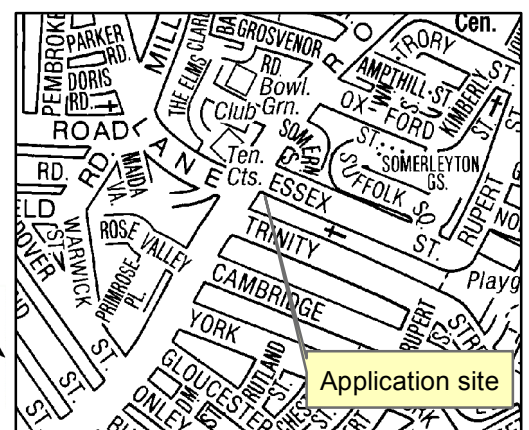
Site Address 117-127 Trinity Street

Scale 1:500



NORWICH
City Council

PLANNING SERVICES



The site and surroundings

1. The proposals are a revision of application 14/01094/F, previously considered by planning applications committee on 8 January 2015. Neither the site area nor its existing condition, nor the neighbouring uses / developments have changed since January.
2. The previous planning applications committee report is available at Appendix 1, and the written update report which was issued at the committee meeting is available at Appendix 2. The previous application is available to view in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number 14/01094/F.

Constraints

3. None of the site's constraints or development plan designations have changed in the interim, namely the site is within a conservation area and surrounded to front and rear by locally listed buildings, and forms part of the Critical Drainage Area.
4. Most influential of the site's characteristics is the significant change in topography, as the site rises from the footpath by 3.2m at the back of the site to meet the same level as the rear gardens on Essex Street.

Relevant planning history

5. There was no relevant planning history prior to the application below.

Ref	Proposal	Decision	Date
14/01094/F	Demolition of existing 11 flats and garages and erection of 13 flats with associated basement car parking.	REFUSED	16/01/2015

6. Application 14/01094/F was a finely balanced proposal, but officers felt the many benefits were able to outweigh their concerns about the impacts on neighbouring amenity, and the application was therefore recommended for approval by officers ahead of the committee meeting on 8 January 2015. However, Members felt the impact on neighbouring amenity at no. 1 and 3 Essex Street would be too significant from the rear block of the two proposed, and consequently considered the application necessary to be refused. Minutes of the meeting are seen at appendix 3 of this report. The minutes were approved on 29 January without amendment.
7. The reasons for refusal of application 14/01094/F related to the rear block's northernmost arm of the L-shape layout which had a three-storey height opposite 1 Essex Street dropping to a two-storey height adjacent to 3 Essex Street. The reasons for refusal were given as:

“By virtue of the height and scale of the three storey elements, in combination with the mass and proximity of the two storey elements of the development next to the site's boundaries with residential dwellings to the rear of the site, the scheme presents an unacceptable design which creates an overbearing form with a harmful effect on the amenity and outlook of neighbouring properties on Essex Street,

contrary to the objectives of paragraphs 9, 17 and 58 of the National Planning Policy Framework (NPPF), and adopted policies DM2, DM12(b) and DM13 of the Norwich Development Management Policies Local Plan (2014), and to refuse the application is consistent with paragraph 64 of the NPPF.”

The proposal

8. The revised development proposal has retained 13no. flats providing 24no. bedrooms in total (as with 14/01094/F). This comprises 3no. 1-bed flats, 9no. 2-bed flats, and 1no. 3-bed flat across two blocks as previously proposed. The front (Trinity Street) block of 6 flats remains unchanged.
9. The rear block of 7 flats closest to Essex Street residents retains the same footprint but the form, scale, mass and articulation of the rear block has changed.
10. The changes are:
 - (a) The former north-facing projecting element of the rear wall of Flat 12 at the first floor level (3rd storey) has been removed, reducing the (externally-measured) front-to-rear depth of the flat by 1.6m from 10.7m in 14/01094/F, to 9.1m now, therefore increasing the distance between the opposite facing wall at 1 Essex Street (measured to a point from the centre of the previously-projecting wall to a perpendicular point on the rear elevation of the original house) from 8.6m in 14/01094/F to 10.2m now.
 - (b) Changed design of the rear block lift core, changing from a square design with projecting eaves and using solid cladding, to a diagonal design with recessed eaves and using glazing, and which is angled away from 1 Essex St.
 - (c) Reduced extent of the north-west corner of the rear block, to cut away some of the angle and offer more sunlight around the corner.
 - (d) Insertion of new basement-to-ground floor emergency stairs in north west corner, in place of 2no. visitor cycle hoops (i.e. 4 no. visitor cycle spaces would be lost).
 - (e) Consequent reduction in internal space areas at flats 8 and 12.

Summary information

Proposal	Key facts
Scale	
Total no. of dwellings	13
No. of affordable dwellings	0 (not required – there is a net addition of only 2 dwellings so affordable housing requirements are not triggered)
No. of storeys	3-4 at front (south), 3 at side (west), 2-3 at rear (north). All include basement car park.
Density	144 dwellings per hectare

Appearance	
Materials	Brick, render and cladding. Glazing to the rear block lift core.
Construction	A reinforced concrete basement and podium, with typical load bearing construction techniques for the flats above.
Energy and resource efficiency measures	The scheme will use the Minus 7 technology or similar, being a hybrid of a solar thermal heating material for the entire roof covering, and a heat pump to distribute the energy.
Transport matters	
Vehicular access	Access from Trinity Street to basement car park
No of car parking spaces	14 (13 for residents, 1 for visitors / disabled provision)
No of cycle parking spaces	14 no. secure private stores (1.2m x 1.8m) in the basement, with room for 2 bikes each. 2 hoops / 4 no. visitor cycle spaces in the basement.
Servicing arrangements	A communal secure refuse store is on the front elevation accessed from Trinity Street.

Representations

11. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 12 letters of representation have been received from 16 addresses, and a combined community responses from 30 signatories, have been received to date, citing the issues as summarised in the table below. All representations are available to view in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number 15/00305/F.

Issues raised	Response
Overr-dominant and overbearing design – the rear three-storey block is still too close to 1 and 3 Essex Street and too tall to be an acceptable scale.	See Main Issue 1 of this report and paragraph 13.
Overshadowing - loss of daylight received by 1 and 3 Essex Street.	See Main Issue 2.
Loss of outlook affecting 1 and 3 Essex Street	See Main Issue 3 and paragraph 13.
Overlooking from the glazed stair core	See Main Issue 4.
Proposed flats 1, 8 and 12 are still below the DM2 policy standard.	See below and Main Issue 5 of this report.

Issues raised	Response
Overlooking and overshadowing from the remaining aspects of the development, including towards 116 Trinity Street.	<p>All these elements were considered in detail by planning committee on 08th January 2015 and were not considered such significant issues as to require forming a reason for refusal of application 14/01094/F.</p> <p>See Appendix 1, 2 and 3.</p> <p>As such the applicant did not consider it necessary to amend the previous proposals in this regard, and as such these impacts should still be considered acceptable.</p>
The new of flats are replacing existing 'affordable' flats on the open market.	
Traffic impacts will increase and the previous application's predictions on traffic impact were wrong.	
The design will be harmful to the conservation area and adjacent heritage assets and block key views.	
Loss of outlook from rear rooms of 116 Trinity Street	
Landscaping proposals are inadequate for both new residents and screening.	
Inappropriate form of new housing.	
Highways safety on the local road network will be compromised.	
Construction impacts and subsidence will be detrimental to neighbours.	
Crime and anti-social behaviour will potentially increase.	
Members are requested by the public to visit the site in advance.	Noted

12. In one letter of representation it has been pointed out that the reason for refusal of 14/01094/F is ambiguous as it was referring to the storeys of accommodation rather than including the basement parking in the overall scale and mass of development. The reason for refusal is provided at paragraph 7; Members will see the development is made up of three- and four-storey blocks.
13. As seen in the elevations and sections, the overall effect of basement excavation is that the proposed scheme is over 1.5 storeys below the level of the gardens at 1 and 3 Essex Street. As a result the new development is only 2.5 storeys above the garden ground level and only 1.5 storeys above the height of the existing garages (and proposed retained rear garage wall).

Consultation responses

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

Design and conservation

15. The design is still considered to enhance the conservation area and the revisions to the rear block make the scheme more acceptable than previously. Conditions will resolve some of the design matters such as materials and balconies' appearance.

Historic England

16. Comments are awaited at the time of writing the committee report.

Environmental protection

17. The same comments as for 14/01094/F still apply. Sound attenuation and ventilation is needed for windows in the new development. Standard conditions can deal with any of the low level contamination risks.

Anglian Water

18. Comments are awaited at the time of writing the committee report.

Flood & Water Management Team, Norfolk County Council

19. Comments are awaited at the time of writing the committee report.

Highways (local) and Environmental Services (refuse collection)

20. Refuse collection, capacity, parking and cycle store arrangements are acceptable. Conditions should resolve designs for the new access and relocated traffic island, e.g. footpath reinstatement, the kerb should be dropped and the crossover approved; properties will not be eligible for either permanent nor visitor on-street parking permits; the refuse store should be secure with resident-only access.

Housing strategy

21. There is no need to require affordable housing.

Landscape

22. As with the previous application there remain some concerns: The scheme is overly dominated by buildings and has too little space for landscaping to minimise the proposals' impacts on neighbours. The scheme should replace or enhance the screening offered by trees on the east boundary. Using planters to prevent overlooking indicates that windows and the design are inappropriate. The quality and quantity of the amenity space is questionable, and more thought is needed to mobility in and around the site and desire lines.

Norfolk historic environment service

23. There are no archaeological implications and no reason to require survey works.

Norfolk police (architectural liaison)

24. Unauthorised access to the car park should be prevented by installing access control systems and inward-opening automatic gates. Secured by Design should be encouraged.

Tree protection officer

25. No comments necessary – the loss of the low value trees is still acceptable.

Assessment of planning considerations

Relevant development plan policies

26. 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 and protecting quality of life
- JCS9 Strategy for growth in the Norwich policy area
- JCS12 Remainder of the Norwich urban area including the fringe parishes
- JCS20 Implementation

27. Norwich Development Management Policies Local Plan adopted Dec. 2014

- DM1 Achieving and delivering sustainable development
- DM2 Ensuring satisfactory living and working conditions
- DM3 Delivering high quality design
- DM5 Planning effectively for flood resilience
- DM6 Protecting and enhancing the natural environment
- DM7 Trees and development
- DM9 Safeguarding Norwich's heritage
- DM11 Protecting against environmental hazards
- DM12 Ensuring well-planned housing development
- DM13 Communal development and multiple occupation
- DM15 Safeguarding the city's housing stock
- DM28 Encouraging sustainable travel
- DM30 Access and highway safety
- DM31 Car parking and servicing

Other material considerations

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

- NPPF0 Achieving sustainable development
- NPPF4 Promoting sustainable transport
- NPPF6 Delivering a wide choice of high quality homes
- NPPF7 Requiring good design
- NPPF8 Promoting healthy communities
- NPPF10 Meeting the challenge of climate change, flooding, coastal change
- NPPF11 Conserving and enhancing the natural environment
- NPPF12 Conserving and enhancing the historic environment

Heigham Grove Conservation Area Appraisal (March 2011)

Ministerial Statement – regarding National Space Standards (March 2015)

Case Assessment

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

Main issue 1: Overbearing design of rear block

30. Key policies and NPPF paragraphs –.
31. It is important to note that at 2nd floor level / 4th storey, the closest vertical facing wall (at the rear of Flat 13) is set back an additional 3.0m from the vertical rear elevation of the floor below, making the distance between the rear wall of 1 Essex Street 13.3m. This was the case in the previous application but is not easily understood from the sections and elevation drawings provided so may not have been clear in the committee meeting. This improves the outlook and reduces the overbearing nature of the design somewhat significantly. When added to the newly-revised angled design of the adjacent stair core, the revised proposals have a much better relationship to the neighbouring property, as below.
32. In views from the rear garden and south-facing rooms of 1 Essex Street, with the garage wall being retained as a boundary feature, the closest vertical faces of the proposed rear elevation are Flats 11 and 12, which extend only 1.3m taller than the wall and which are set back 3.1m from the boundary, and create a minimum separation distance of 10.2m at this height. The vertical parts of the stair core are only 0.5m higher than the top of this 1st floor / 3rd storey and is only 4.6m-wide. The 2nd floor / 4th storey reaches 2.6m higher than the floor below, but does have that 3.0m set back. As a result the 'angles of incidence' of daylight received to the rear elevation windows and outlook from the garden and house are much improved over those discussed in the previous committee meeting.
33. The previous application proposed a square / vertical lift and stair core with solid rock panel cladding within green aluminium framing. By revising this design to use an angled and glazed stair core at the highest level, the design is much less overbearing, feeling somewhat lighter and not over-dominant.
34. Further, the north-west corner of Flat 13 at 2nd floor / 4th storey has also been amended, by providing a 2.1m-wide 0.6m-deep set-back to the corner. This is not directly opposite the rear elevation of 1 Essex Street but does increase the equivalent separation distance to 13.9m and does further reduce any sense of overbearing design and allows more sunlight into the garden areas.
35. In summary, the revised designs have improved the appearance in views south from 1 Essex Street and south west from 3 Essex Street and removes the previous concerns that the stair core and closest parts of the scheme were overbearing. All the scale, mass and position of the building's tallest elements are now fairly comfortably outside the recommended angle of incidence for their potential effect on windows and the garden of 1 Essex Street (as set out in the Building Research

Establishment's 1991 report 'Site Layout Planning for Daylight and Sunlight', which recommends that suitable daylight to a dwelling is achieved where an unobstructed vertical angle of 25 degrees can be drawn from a point taken 2m above floor level of the fenestrated elevation).

36. Another benefit of the revised design is that the building appears more unified and improves its appearance from Unthank Road.

Main issue 2: Loss of daylight received by 1 and 3 Essex Street

37. Key policies and NPPF paragraphs – JCS7, DM2, DM3, DM13, NPPF paragraphs 9 and 17, 58, 64 and 69.

38. The changes have improved the overall receipt of daylight to the gardens and homes of 1 and 3 Essex Street which had given Members their greatest concerns. The previous sun path analysis has been revised to account for the changed designs. It still forecasts the extent of shade at every month of the year at six times in the day, comparing existing and proposed developments. The scheme has improved receipt of sunlight by (i) cutting back some of the blockage from south and south-west light to 1 and 3 Essex Street garden and homes by reducing the mass of the lift/stair tower, (ii) removing some of the 3rd storey blockage from south-west light to 3 Essex Street's house and part of its garden by reducing the extent of Flat 12; and, (iii) lessened the loss of light to 1 Essex Street's rear elevation by cutting back some of the upper storey's north-west corner.

39. The sun path analysis shows new overshading would be experienced as below:

- a) January 14:00 & 16:00 – 1 Essex St: extended shading over the conservatory and 1 first floor window. (This shows no change from the previous proposal).
- b) February and March 12:00 & 14:00 - 1 Essex St: extended shading of garden and conservatory; 16:00 shading of first floor. However, this is slightly less extensive than was predicted in the previous proposal, particularly in March where shadow will generally extend to only half the depth of the garden at 12:00 and 14:00.
- c) April: 1 Essex St: marginal extended shading of garden, but less so at 14:00 and 16:00. 3 Essex St: Small increases in garden shading but results in full shade by 18:00 (no change).
- d) May 16:00 1 Essex St minor shading of garden (changed area but generally similar). 18:00 3 Essex St: Small increases in garden shading but almost full shade (no change). 20:00 3 Essex St: full shade before and after construction.
- e) June 16:00 & 18:00 1 Essex St: slightly more shading due to the retained tall brick boundary wall. 20:00 3 Essex St: full shade before & after construction.
- f) July 16:00 & 18:00 1 Essex St: slightly more shading due to the retained tall brick boundary wall. 20:00 3 Essex St: full shade before & after construction.
- g) August 14:00, 16:00 and 18:00 1 Essex St: more shading due to the retained tall brick boundary wall. 18:00 3 Essex St: full shade before and after construction.

- h) September 12:00, 14:00 & 16:00: 1 Essex St: similar level of extended shading of garden and conservatory, but less depth of shadow overall.
 - i) November & December 14:00 1 Essex St: extended shading of garden and conservatory (no change from previous application).
40. It is interesting to note that in some respects the situation has improved as there is less depth to the shade extent. However, the retention of the garage wall as a retained boundary wall will actually allow less light through to the garden than the previously-proposed lower timber fence; the benefit of retaining the garden wall are nevertheless considered much more favourable than not doing so.
41. Neither the front block nor the western arm of the rear block have changed so the effects on neighbours at 116 Trinity Street and beyond will not change and should still be considered acceptable as was the case with the previous application.

Main issue 3: Loss of outlook affecting 1 and 3 Essex Street

42. Key policies and NPPF paragraphs – JCS7, DM2, DM3, DM13, NPPF paragraphs 9 and 17, 58, 64 and 69.
43. Outlook and visual amenity has been much considered at the previous planning committee, and was considered likely to be too badly affected for 1 and 3 Essex Street. By comparing the scheme's new designs against those guidelines assessed at the last committee, it can be seen how the within the situation has improved.
44. As before, outlook from a principal window will generally become adversely affected when the height of any vertical facing structure exceeds the separation distance from the window. Outlook from 1 Essex Street is considered against windows in the conservatory and the rear elevation.
45. The separation between the conservatory and the tallest element is actually 10.2m, and the height of the 3-storey element above the basement is 6.6m at the boundary. Although the height difference between garage wall and roof top remains at 3.9m, the newly-increased separation between the 1 Essex Street rear elevation's windows and the 2-storey element is now 10.2m. Therefore, the proposals still do not compromise the guideline values for outlook affected at 1 Essex Street, and in fact improve the situation.
46. Outlook from 3 Essex Street has also been improved by the reduced extent of Flat 12. The same guidelines cannot be easily transferred to this angle of view but there would now be noticeably less mass of the building rising above the height of the boundary wall when looking west. This means that what was only small proportion of visible sky that would be lost from the ground floor windows at 3 Essex Street would now receive more light. The upper floor windows still appear to be either bathroom windows or are beyond the 45 degree line of the 3-storey element, and in any case would be higher than the lower two-storey residential height.
47. In summary, the outlook is improved by this revised design. The proposals are only a 1.5-storey / 3.9m total increase in height above the existing garages, and even then that tallest solid part is 6.1m from the boundary and some 10.3m from the closest part of the neighbouring conservatory or 13.3m from the house wall. Although the building's siting will position its closest ground floor rear wall only 1.5m

from the boundary, this is not visible below the now-retained boundary wall. Further, the revisions have now increased the gap between boundary and the closest visible part of the development to 3.1m, the height of which is only 1.2m taller than the existing garages. Outlook has therefore improved and is acceptable.

Main issue 4: Overlooking from the glazed stair core

48. Key policies and NPPF paragraphs – JCS7, DM2, DM13, NPPF paragraphs 9 and 17, 58, 64 and 69.
49. The revision to using glazing materials at the upper level does not cause any additional overlooking towards neighbours because at this point the stairs serve only one flat and is not a place for residents of that flat to linger. An additional benefit of the glazing is to bring more natural light and better security to the stairs.

Main issue 5: Internal space standards

50. Key policies and NPPF paragraphs – JCS7, DM2, DM3, DM13, NPPF paragraphs 9 and 17 and 58.
51. Within application 14/01094/F four flats were below the minimum indicative space standard within policy DM2 as a result of improving the front block's relationship with the conservation area (although unfortunately only three were recorded ahead of the last committee meeting, as one of the floorplans assessed was mistakenly a superseded proposal). The flats which were not to the standard of policy DM2 were flats 1, 5, 9 and 12. Of these, Flat 12 has been further reduced in internal area in this revised proposal. A full description is available in the table below.

	Flat type (x bedrooms, x persons)	DM2 standard (sq.m GIA)	Proposed size in refused plans of 14/01094/F (sq.m GIA)	Proposed size in revised plans of 15/00305/F (sq.m GIA)	Compliance with policy DM2?
Flat 1	2b 4p	70	64	64	No.
Flat 2	2b 4p	70	71	71	Yes.
Flat 3	2b 4p	70	74	74	Yes.
Flat 4	2b 4p	70	71	71	Yes.
Flat 5	2b 4p	70	63	63	No.
Flat 6	1b 2p	50	51	51	Yes.
Flat 7	2b 4p	70	75	75	Yes.
Flat 8	1b 2p	50	51	49	No.
Flat 9	2b 4p	70	63	63	No.

Flat 10	2b 4p	70	75	75	Yes.
Flat 11	1b 2p	50	51	52	Yes.
Flat 12	2b 4p	70	67	59	No.
Flat 13	3b 5p	86	101	101	Yes.

52. Those flats which fall short of DM2 are:

- Flats 5 and 9 were previously rather small, being 7 sq.m below the DM indicative standard, but was considered acceptable on balance, and these sizes have not changed in this scheme;
- Flat 8 has reduced in area by 2 sq.m. as a necessity of providing the new escape stairs for building regulations purposes, so is now not compliant by just 1 sqm; and,
- Flat 12 was previously 3 sq.m. below the DM2 indicative standard, and is now as a result 11 sq.m. below the indicative standard.

53. As the previous committee meeting minutes recall, the smaller spaces offered were considered acceptable because they were providing an increased number and better range of sizes and type, and a better quality of accommodation, than the 11no. existing flats, and were acceptable as a consequence of making design alterations to enhance the conservation area. It should be noted that the proposals still make much more efficient use of the site and will provide most units with outdoor amenity space and better daylight and outlook, and provide some on-site communal amenity space and landscaping where currently there is none.

54. Flat 12 has since been reduced in space as a direct result of the revised designs having been amended to account for Members' previous concerns over the scale and proximity of the rear block. The consequent loss of 8 sq.m. is regrettable but the overall quality of the flat is adequate in layout and features, and will provide sufficient external space also. This is considered an acceptable compromise for the reasons already discussed above and in the previous committee meeting.

55. Members should note the Government has recently introduced some national space standards which the associated Ministerial Statement has said will replace the adopted Local Plan space standards from October 2015. The Government's technical standards practice note is a material consideration but is not considered to outweigh adopted planning policy.

56. Overall, the reduced space provision is considered an acceptable compromise for the improved design, mitigated in large part by the considerate and innovative use of balconies and screened windows to provide carefully-designed external space.

Compliance with other relevant development plan policies

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

Requirement	Relevant policy	Compliance
Cycle storage	DM31	Yes subject to condition
Car parking provision	DM31	Yes subject to condition
Refuse Storage/servicing	DM31	Yes subject to condition
Energy efficiency	JCS 1 & 3, DM3	Yes subject to condition
Water efficiency	JCS 1 & 3	Yes subject to condition
Sustainable urban drainage	DM3/5	Yes subject to condition
Biodiversity	JCS1, DM3, DM6	Yes subject to condition
Noise protection	JCS2, JCS7, DM2	Yes subject to condition

Other matters

58. The principle of development remains unchanged from that discussed during previous application 14/01094/F and is still considered acceptable in terms of density of development, mix of dwelling types, sizes and tenures, and the space standards of dwellings within the front block of the development. The following additional matters have been assessed and are considered satisfactory and in accordance with relevant development plan policies, subject to appropriate conditions and mitigation: Impact on heritage assets; materials and appearance of the designed development; outlook and visual amenity, overshadowing and loss of privacy for neighbours and future residents in respect of the massing of the front block and the side and front of the rear block and position of windows and screening thereof; energy generation and water efficiency; existing trees and replacement / enhancement; biodiversity and landscaping; contamination; noise for new residents; noise for neighbours; provision of sustainable surface water drainage systems and their maintenance; refuse storage; car and cycle parking; traffic impacts; access designs and relocation of the traffic speed control island; subsidence; archaeology; and, security.

Equalities and diversity issues

59. There are no significant equality or diversity issues.

Local finance considerations

60. 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.

61. 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.

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

Conclusion

63. For the reasons discussed above, the scheme will provide an improved standard and greater quantity of housing stock sufficient to outweigh the loss of existing homes. The design has achieved a successful balance between innovation around the site constraints and enhancing the setting of the conservation area, and has been carefully managed to reduce its impacts on the amenity of neighbours such that any detrimental impact is minimal and outweighed by the benefits of the scheme. Subject to the conditions imposed the development will be in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.

Recommendation

To approve application no. 15/00305/F - 117 - 127 Trinity Street Norwich NR2 2BJ and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Ground conditions survey and thereafter SUDS to be designed into the scheme;
4. Top soils to be certified as appropriate to residential purposes;
5. Contamination precautionary condition;
6. Development to follow paras 3.20 – 3.22 of the Arboricultural Impact Assessment;
7. Landscaping – details of a comprehensive scheme to include hard and soft landscaping materials, planter construction, management strategy, the irrigation and drainage system info and maintenance;
8. Refuse store details to be agreed, and provide;
9. Energy efficiency and renewable energy measures – agree details to ensure it provides at least 10% using the Minus7 or similar technology, or other systems as necessary, and provide thereafter;
10. Water efficiency measures – agree and provide;
11. Car parking – layout and provide;
12. Cycle parking – agree designs of residents and visitor storage, and provide;
13. Bird and bat boxes to be agreed and provided;
14. Car parking management plan;
15. Materials –
 - (a) refuse store screening;
 - (b) all doors and windows;
 - (c) bricks;
 - (d) cladding panels;
 - (e) render areas;
 - (f) eaves and soffits;
 - (g) stone banding;
 - (h) rainwater goods;
 - (i) roofing materials.

16. Balcony screens and window screens and box planters to be installed prior to occupation;
17. Boundary treatments to be confirmed – and the garage wall to 1 Essex Street to be retained as boundary wall and infilled in the north-east corner.
18. Noise assessment to be agreed, and specifications for acoustic attenuation and ventilation windows, to be installed prior to occupation.
19. No additional plant or machinery to be used without prior consent.
20. Notwithstanding the Norwich Local Development Order for flats, there shall be changes to the windows and doors without prior consent.

Informative advisory notes:

1. Chalk workings and subsidence – advice for getting specific studies.
2. Good practice in construction;
3. Waste material certification;
4. Car parking permit advice.

Article 35(2) statement

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

Appendices:

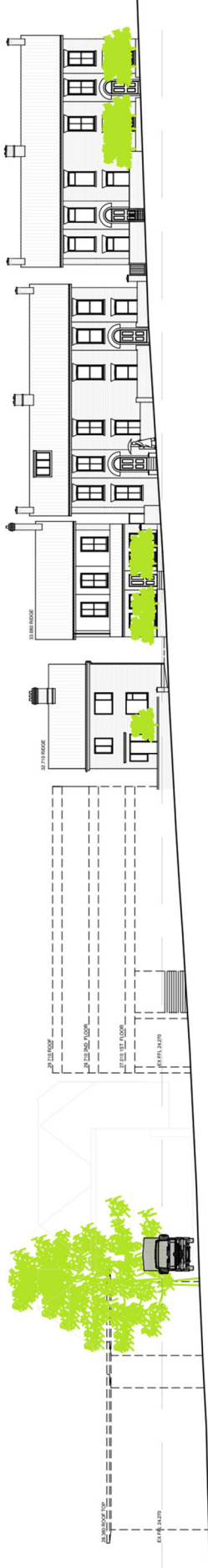
Appendix 1 - Previous planning committee report 8 January 2015

Appendix 2 – Update to committee report of 8 January 2015

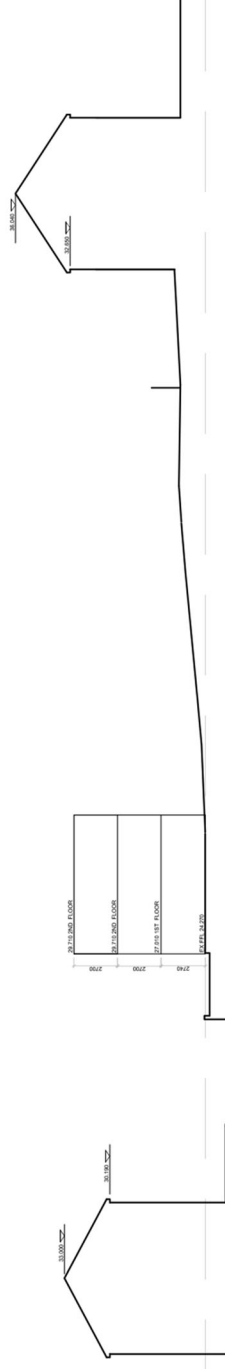
Appendix 3 – Extract from the minutes of the planning applications committee held on 8 January 2015

Documents for the planning applications committee held on 8 January are also available on the council's website:

<https://cmis.norwich.gov.uk/live/Meetingscalendar/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/74/Committee/3/SelectedTab/Documents/Default.aspx>



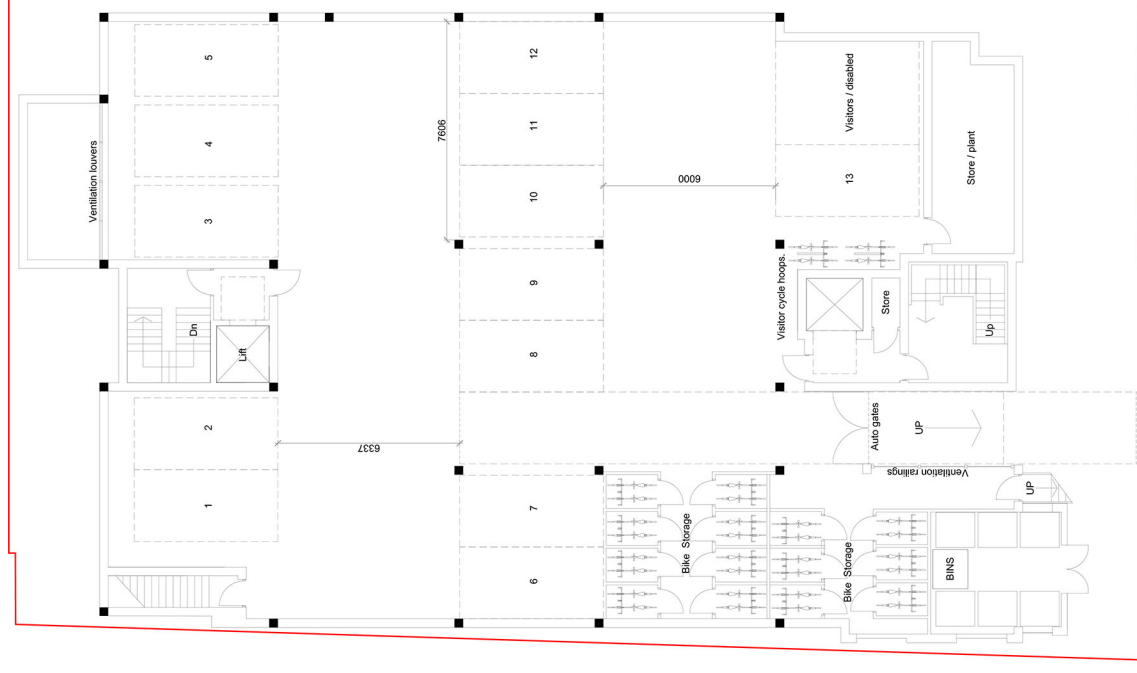
Existing Street Elevation 1:200



Existing Site Section D-D 1:200



Proposed Site Layout Plan 1:200



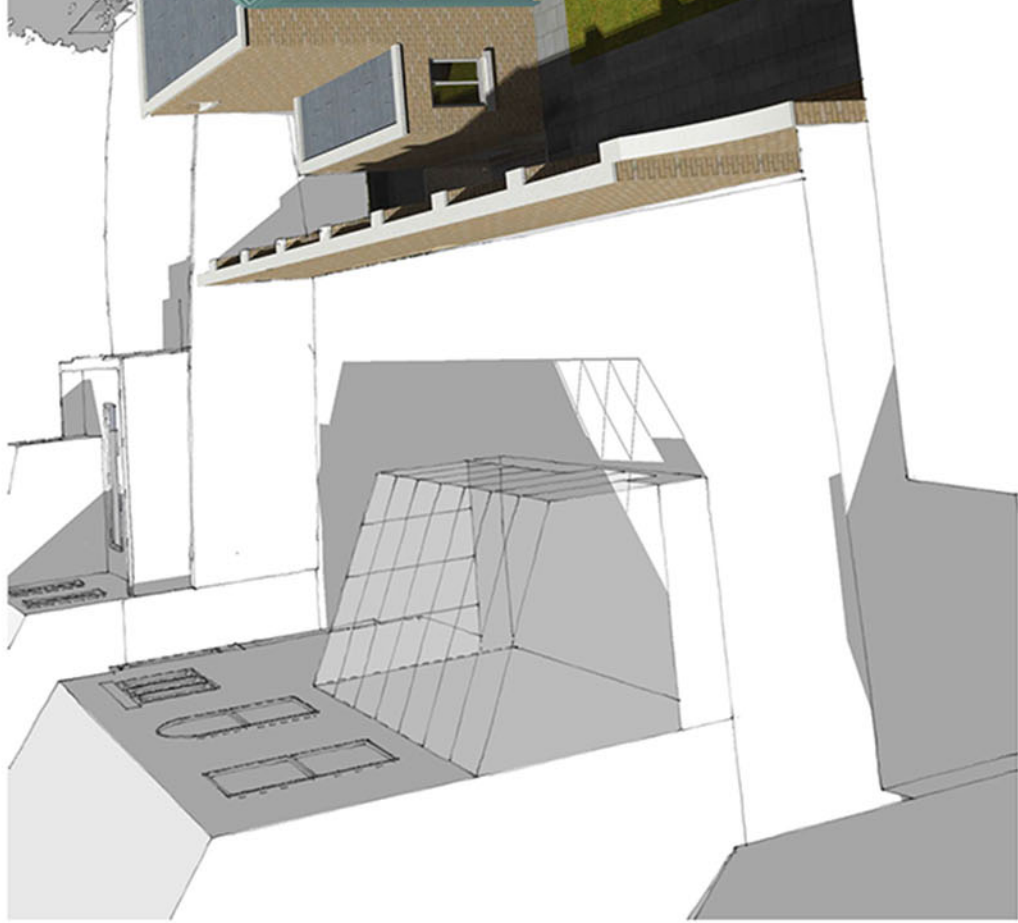


Proposed First Floor Plan 1:100

Proposed Second Floor Plan 1:100

Proposed Roof Plan 1:100

Proposed Rear Elevation Of Rear Block (North) 1:100



Concept Image from North-West

6.2 The Building Research Establishment report 'Site Layout Planning for Daylight and Sunlight 1991' recommends that suitable daylight to a dwelling is achieved where an unobstructed vertical angle of 25° can be drawn from a point taken 2 metres above floor level of the fenestrated elevation.

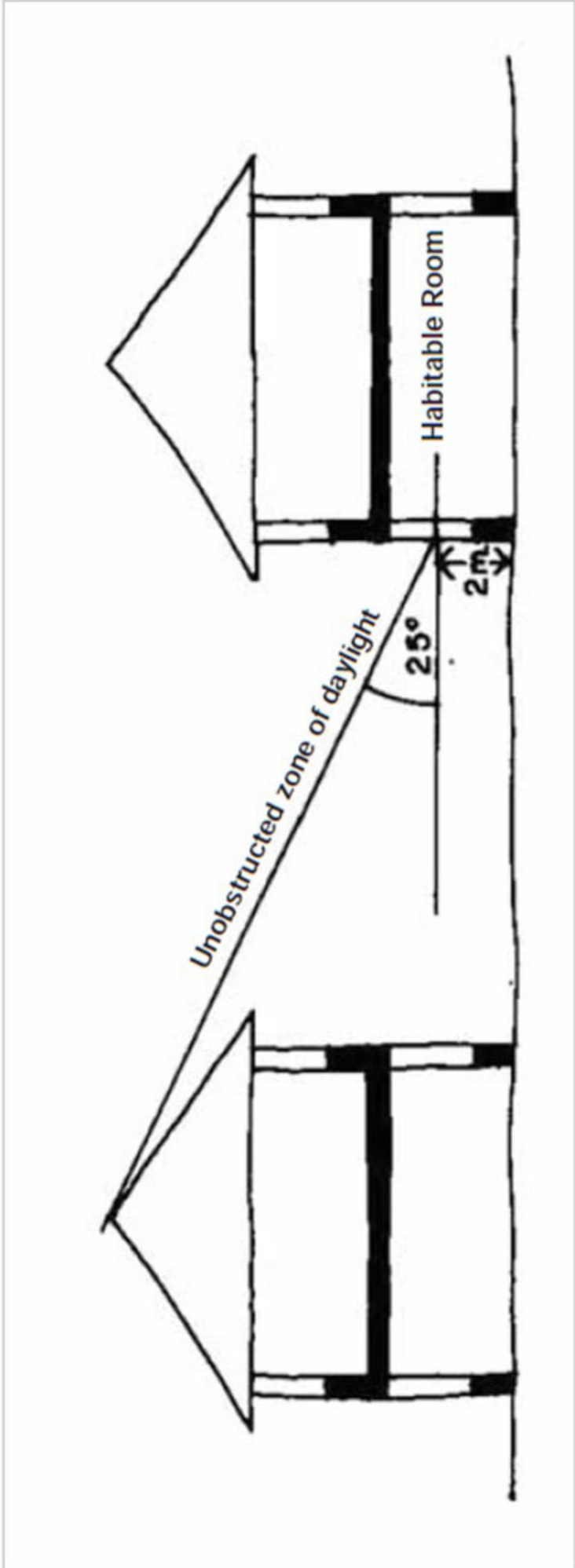
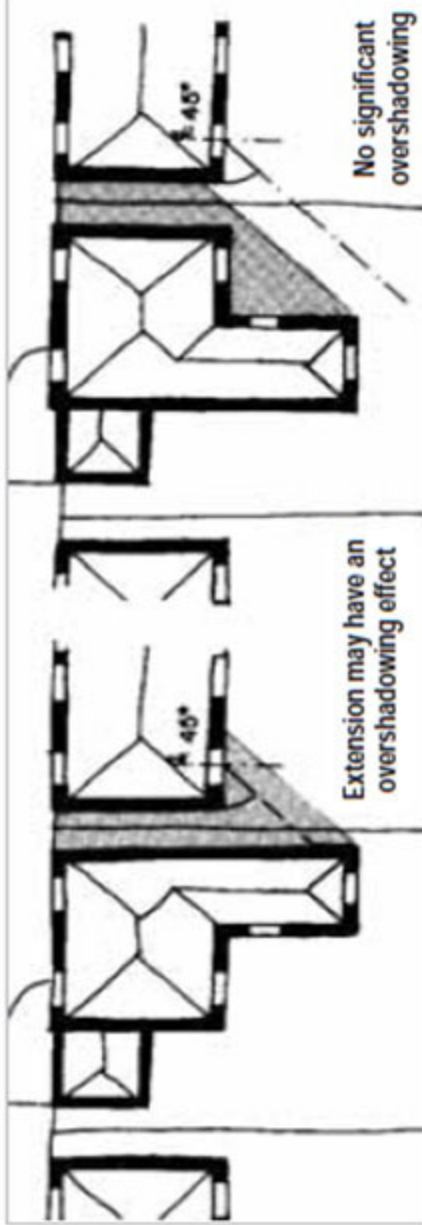


Fig.22 Building Research Establishment – Recommended Daylight Criteria

6.7 A similar test to that of achieving daylight for new dwellings can be applied to existing dwellings as in paragraph 6.2 above, except that the 25° measurement must be taken from the middle of each of the existing window openings. Alternatively the same test as described in paragraph



36.040

32.650

Wellington Weathered Cream or similar.

White aluminium frames

Rock panel / aluminium cladding (mid grey).

Cream render

14100

Lift roof line .

Previous application
stair tower building line shown dashed .

Previous application
Flat 12 bay shown dashed .

New wall buttress.

Existing garage wall.

10332

26.000

25°

No 1 ESSEX STREET



Report to

Planning applications committee

Item

08 January 2015

Report of

Head of planning services

Subject

Application no 14/01094/F - 117-127 Trinity
Street Norwich NR2 2BJ

4B

Reason for referral

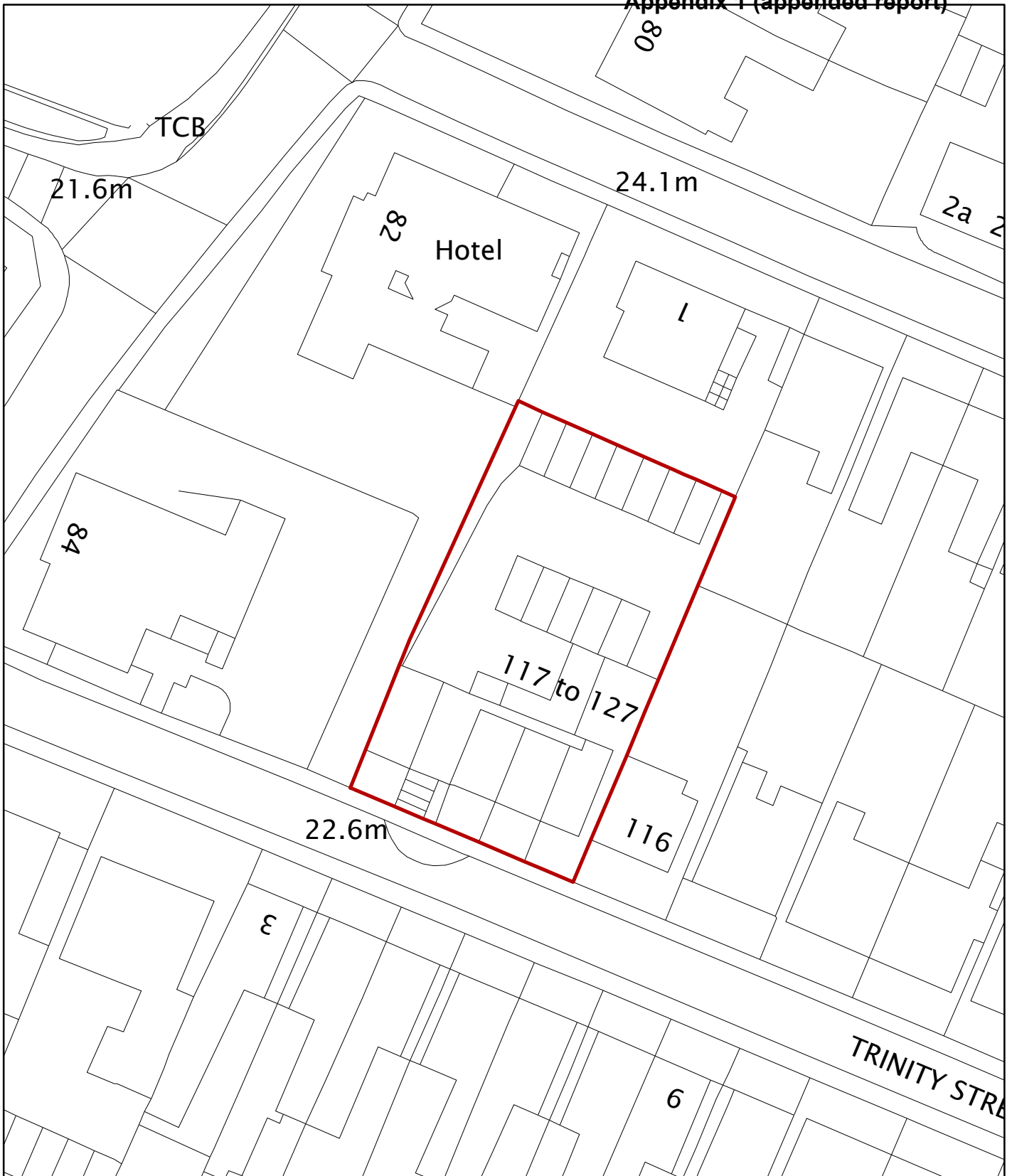
Objections

Ward:	Town Close
Case officer	Rob Parkinson - robparkinson@norwich.gov.uk

Development proposal		
Demolition of existing 11 flats and garages and erection of 13 flats with associated basement car parking.		
Representations		
Object	Comment	Support
29	0	1 (& various support for design)

Main issues	Key considerations
1 Principle of development	Loss of existing housing stock Providing adequate variety / mix of new homes Whether density is in keeping with the area Affordable housing provision
2 Design – impacts on amenity	Loss of daylight / overshadowing Loss of privacy / overlooking Loss of outlook Overbearing / over-dominant form of design Inaccurate shadow analysis Quality of amenity for new residents
3 Design – impacts on conservation area	Relationship between adjoining Tesco and the conservation area Impact on character of the area Density as part of character of the area Scale and massing Impact on views of the Holy Trinity church Design precedents for similar infill sites
4 Traffic, parking and servicing	Displacement of parking; increased traffic.
5 Surface water drainage	No sustainable systems included in the design.
6 Subsidence and excavations	Possible instability from construction of basement.

Expiry date	16 January 2015 (agreed extension of time)
Recommendation	Approve with conditions



© Crown Copyright and database right 2014. Ordnance Survey 100019747.

Planning Application No 14/01094/F

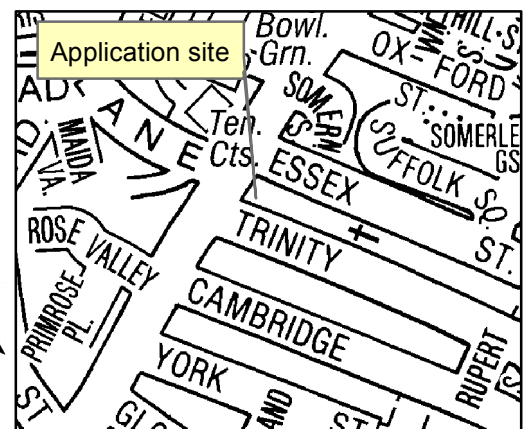
Site Address 117-127 Trinity Street

Scale 1:500



NORWICH
City Council

PLANNING SERVICES



The site and surroundings

1. The application site is a three-storey reinforced concrete block of 11 no. 1-bed flats fronting onto the north side of Trinity Street; it has a late-1960's buff brick and white render horizontal emphasis to the design, with drive-through archway through to 12 garages in two rows behind the flats. The flats are at the south (front) of the site occupying the full width of the plot, and the garages are in parallel rows in the middle and on the rear boundary of the site. The flats are at the lower end of the terraced street of houses on Trinity Street, and the change in levels is such that the 3-storey blocks' flat roof is still 0.3m lower than the height of the immediate neighbour, a 2-storey detached dwelling to the east (116 Trinity St).
2. Terrace houses continue eastwards, with roof heights gradually rising up the hill on both sides of Trinity Street. The terraces on both sides of Trinity Street are 2-storeys. The existing flats are built along the same building line as the Trinity Street terraced houses to the east and has the same building plot depth. From the back of pavement to the rear of the plot the site is c. 39m long, rising from front to back. The neighbours to the east have curtilages 30m long, abutting back-to-back gardens of houses on Essex Street.
3. The site access is in the south-west corner, next to the private access drive to the rear of the Lodge hotel to the west, and the service yard to the Tesco mini-supermarket beyond that, with Tesco and the Unthank Road local centre beyond. The rear of the Essex Street Lodge Hotel and its parking / servicing area adjoins to the north-east corner of the application site. Residential neighbours also adjoin the site on the north and east side; 1 Essex Street has a slightly smaller garden abutting the rear wall of the garages to the north, whilst 3 Essex Street has a longer plot length as the garden overlaps the application site by 9m.

Constraints

4. The site is affected by the following designations within the local development plan:
 - a) It adjoins the Heigham Grove Conservation Area; the boundary runs along the east side of the site, including 116 Trinity Street, and extends the full length of the Essex Street and the south side of Trinity Street.
 - b) Other than Tesco, 116 Trinity Street and 115 Trinity Street, all neighbouring properties are locally-listed heritage buildings.
 - c) The Holy Trinity Church, halfway up the hill, is a statutory listed building (Grade II).
 - d) An Article 4 Direction covers all the south side and 114-111 Trinity Street, to prevent permitted development extensions, improvements or alterations to houses where they face the highway, prevent fences, gates, walls and other enclosures, prevent painting unpainted houses, prevent demolition of chimneys, and prevent changes to windows and doors on front and side elevations without consent.
 - e) The Beech tree next to the Tesco service yard is a TPO.
 - f) The strategic cycle pedalway network runs along Unthank Road and (as with cars) circulates up Essex Street and down Trinity Street.

Appendix 1 (appended report)

- g) The site is within the newly-designated Critical Drainage Area.
 - h) The Tesco store is within the revised boundary of the Unthank Road local centre.
5. Other constraints include the steep topography of the site, and the very marked change in levels. The site is at the foot of the Trinity Street hill, which rises steeply to the east. The site is raised above neighbouring land however, so cars drive up a ramp into the site, and steps up to the ground floor level rise 1.77m from the footway. The site rises c.3.2m up from front-to-back to meet the level of Essex Street to the north. The existing roof of the 3-storey block is just slightly lower than the eaves of the two-storey house at 1 Essex Street. The western neighbours are both lower than the access to the garages: At the greatest difference in levels (which is halfway along the length of the application site) the access to the Lodge is 1.85m below the application site, and the Tesco service yard is a further 0.95m below that; this means the Tesco is set considerably lower than the application site level, by a drop in levels of some 3.8m in total.

Relevant planning history

6. No relevant planning history prior to submission of this application.

The proposal

7. The proposal is to demolish the existing flats and garages, excavate the entire site and level-off to create a basement level car park for 14 no. parking spaces and build 13 no. apartments in two blocks on the podium level. The development will provide three no. 3-bedroom flats, nine no. 2-bed and three no. 1-bed flats in all.
8. The accommodation is arranged in two blocks: a three-storey frontage block facing Trinity Street with street-front landscaping; and an L-shaped rear block with 3-storeys facing west to Unthank Road and 2-3 storeys at the north/rear facing south into the site. All blocks enclose a central shared landscaped courtyard open to the east boundary, which is proposed to be screened using a live bamboo hedge within planters.
9. There is no on-street parking; vehicle access to the basement car park and cycle store is via Trinity Street, 6.5m further east / uphill than the existing ramp access, but behind the existing traffic island (which will be redesigned to be more streamlined slightly to the north). Separate pedestrian steps up from the basement and from the street to the communal front block entrance are positioned either side of the vehicle ramp. The communal refuse store is accessed from level ground at the west of the site frontage. Level access is available either via the basement vehicle access and the lifts up from the basement, or via a ramped path on the eastern boundary.

Summary information

Proposal	Key facts
Scale	
Total no. of dwellings	13 (reduced from the 14 applied for originally)

Appendix 1 (appended report)

No. of affordable dwellings	0 (not required – there is a net addition of only 2 dwellings so affordable housing requirements are not triggered)
No. of storeys	3-4 at front, 3 at side (west), 2-3 at rear. All include basement car park.
Density	144 dwellings per hectare
Appearance	
Materials	Brick, render and cladding.
Construction	A reinforced concrete basement and podium, with typical load bearing construction techniques for the flats above.
Energy and resource efficiency measures	The scheme will use a hybrid of a solar thermal heating material for the entire roof covering, and a heat pump to distribute the energy
Transport matters	
Vehicular access	Access from Trinity Street to basement car park
No of car parking spaces	14 (13 for residents, 1 for visitors / disabled provision)
No of cycle parking spaces	14 no. secure private stores (1.2m x 1.8m) in the basement, with room for 2 bikes each. 8 no. visitor cycle spaces in the basement.
Servicing arrangements	A communal secure refuse store is on the front elevation accessed from Trinity Street.

Representations

10. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 27 letters of representation from 16 addresses, and 2 combined community responses from 30 signatories, have been received to date citing the issues as summarised in the table below. All representations are available to view in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number 14/01094/F.
11. **Pre-application consultation:** A statement of community involvement has been provided, describing how a leaflet was distributed and comments responded to in July 2014 prior to the July 2014 submission. A number of detailed comments and the applicant's responses are provided, airing a mixture of support, concern and questions. The applicant did engage in pre-application discussions with the local planning authority but the application was submitted before detailed assessment of the rear block could be made, although general principles and broad advice was proffered.

Appendix 1 (appended report)

12. **Greater Norwich Design Review Panel:** No presentation was made to the Panel; Officers felt the scheme was not of sufficient scale to necessitate its input and there was sufficient in-house or policy guidance available to guide pre-application design. The Panel has since been

Issues Raised	Response
<p>Unacceptable Design – Amenity impacts</p> <p>The 3-storey rear block, since partly reduced to 2-storeys will:</p> <ul style="list-style-type: none"> • Dwarf back gardens of properties on Essex Street; • Block sunlight / daylight to gardens and houses – the overshadowing will be more intensely felt given the gardens of neighbouring houses are rather small but they are still predominantly family houses. This would be throughout the summer affecting 1, 3, 5 Essex Street. • Overshadowing of rear extensions to 1 & 3 Essex Street will occur. • Cause overlooking of gardens and houses (1, 3, 5, 7 Essex Street looking north and north-east, and 116, 115, 114 Trinity Street looking south and south-east). • Be over-bearing and over-dominant and is too close to gardens. The revised plans may show some reduced height but the separation distance is still only 5m – 8m from rear elevations at 1 & 3 Essex St. • Cause loss of outlook from 1-3 Essex Street and 116 Trinity Street. • Cause loss of privacy and remove seclusion for private gardens, reducing quality of life for residents. • The revised east and south-facing courtyard balconies and pergolas prevent overlooking when seated but still allow overlooking and loss of privacy when standing. • Overshadowing experienced at 1 Essex Street from the new block is said to be less than currently experienced from the existing single-storey garage, which cannot be right and must show the study to be inaccurate. • The shadow analysis even when revised still appears to be incorrect. • If development was necessary at the rear, the rear block should only be a single-storey height up to the height of the rear garages. • Such a scale of infill backland development will set a precedent for other sites where residents will be affected detrimentally and the conservation area and historic plot evolution will be harmed. <p>The 3-storey side block facing Unthank Road will:</p> <ul style="list-style-type: none"> • Overlook the gardens of 116, 115 and 114 Trinity Street. This loss of privacy is unacceptable given that most of the adjoining housing stock has been in situ since 1860s. • Cause a loss of outlook from the gardens of Trinity Street and Essex Street. <p>Currently the existing garages and existing front block do not affect amenity and respect original building lines, but the new development is</p>	<p>See main issue 3</p>

<p>much higher.</p> <p>115 and 116 Trinity Street will be overlooked by 6 apartments.</p> <p>3 and 5 Essex Street will be overlooked by 5 apartments.</p>	
<p>Unacceptable Design – Appearance</p> <ul style="list-style-type: none"> • The 3-storey height is too large and too high and will adversely affect the character of the area, being too overbearing for its context. • Out of keeping with the character of the area and neighbouring properties, looking too commercial and not residential. • Architectural reference from Unthank Road Tesco is inappropriate and shows no innovation in its design. • No design relationship to the conservation area (Victorian homes) and fails to rectify the design mistakes of the 1960s. • Serious over-development and density is out of character. • Development ‘maximises’ the site potential rather than ‘optimise’ the potential as required by the NPPF. • The rear block is too tall, has poor design and the design reference is out of character with the historic area. • Development on the rear of the site, on what was originally gardens and is now garages, is not in keeping with the historic grain of the area and harms the setting of neighbouring locally-listed buildings. • The massing and rear garden infill is out of keeping with the conservation area and out of character to Trinity and Essex Streets. • Historical building plots position rear walls over 33m apart, but new development will be within 4-8m of existing properties. • Views of the Holy Trinity Church listed building from Park Lane and Unthank Road will be lost. • The design will dominate the local landscape and doesn’t integrate. • Local distinctiveness does not include, nor is there room for, such intensive rear garden development. • The Design and Access Statement shows how too much emphasis has been given to responding to its ‘eclectic neighbours’ on Unthank Road, in what is a secondary area outside the conservation area. • Inadequate green space on site. • A precedent could be set for similar 3-storey backland developments in or adjoining conservation areas, affecting the rhythm and setting of the area and the amenity of its residents. • Some residents draw comparison to a recent refusal of a scheme at 20 Cambridge Street which they feel was considered too incongruous with the conservation area and of an unacceptable scale. 	<p>See main issue 2</p>
<p>Landscaping and trees concerns</p> <ul style="list-style-type: none"> • The proposed bamboo screen planting along the east boundary will block views and light from adjoining homes and gardens, and can rise to 9m height in just 4 years. • Bamboo will invade other properties. • The neighbour of 116 Trinity St says their plum tree can be removed if needed. 	<p>See main issue 3 and other considerations</p>

Appendix 1 (appended report)

<p>Amenity for residents of the proposed new development</p> <ul style="list-style-type: none"> • Inadequate space and quality of external amenity space for future residents. • Too intense for the family housing proposed, rather than 1-bed flats on site at present. • Courtyard is overshadowed for most of the year by being surrounded on three sides, suggesting it is too intense. Confirmed by need to use synthetic grass. • The design will lead to new residents not being integrated into the community areas. • The attempts to minimise overlooking of existing neighbours come at the expense of living conditions for new residents. • Insufficient light is available to at least 7 properties, and poor outlook affects at least 8 properties. • The building does not clearly orientate itself to gain from energy efficiency and maximise solar gain, especially the rear block. 	<p>See main issue 3</p>
<p>Loss of housing types and affordability</p> <ul style="list-style-type: none"> • The proposal will remove all 11 existing fairly low-rent 1-bedroom flats and replace them with just 4no. 1-bed flats (of larger size and presumably increased rent) which will make it harder to find affordable 1-bedroom accommodation in the city. • The net addition of just 3 flats overall seems a small increase given the potential of the site compared to the existing accommodation. • The cost of rental accommodation will be much increased by providing 'on-site' parking, whereas parking is not needed at all, meaning instead the rent and scale of the development could be reduced if the development were 'car-free'. 	<p>See main issue 1</p>
<p>Inappropriate form of new housing</p> <ul style="list-style-type: none"> • The applicant believes apartments are required to meet local housing needs, but local estate agents believe the majority of demand is actually for housing. • There are already too many unsold new-build apartments in the city centre area and the market appears oversaturated. 	<p>See main issue 1</p>
<p>Transport and parking</p> <ul style="list-style-type: none"> • There are few movements in/out of the site currently as few of the 1-bed flat residents have cars. Congestion will worsen if residents all have cars and/or are entitled to parking permits or visitor permits. • Loss of garages will lead to congestion as some local residents rely on renting the garages as parking is at such a premium. • Minimum parking provision is too low for the number of 2-bed family apartments and will likely increase pressure on parking on Trinity Street (by about 6 cars), which could be removed if the basement car park is extended which seems plausible on the plans. 	<p>See main issue 4</p>
<p>Highways safety</p> <ul style="list-style-type: none"> • Additional traffic will combine with Tesco customers turning into Trinity Street (and parking illegally as there is no on-site shoppers' 	<p>See main issue 4</p>

Appendix 1 (appended report)

<p>parking spaces) and combine with confusion over the 1-way road system to cause dangerous highway hazards.</p> <ul style="list-style-type: none"> • There will be an increase in cars heading the wrong way up the road. • Visibility from the access drive appears compromised requiring cars exiting from the basement car park to drive onto the pavement to see clearly. 	
<p>Construction impacts</p> <ul style="list-style-type: none"> • Noise, dust and traffic will impact on neighbours during the works. • Possible subsidence / ground disturbance from excavations and construction of the basement car park. 	See main issue 3
<p>Crime and anti-social behaviour</p> <ul style="list-style-type: none"> • Existing anti-social behaviour on the site (some linked to the Lodge hotel, and some spilling-over from the adjacent car park) will increase from lack of overlooking and more rental occupancy. • The flats will be rented out which gives rise to antisocial behaviour if people don't have commitment to an area, adding to existing problems. • The design would fail against 'Secured by Design 2014' advice: There are too many narrow accesses and alcoves which are not overlooked, so have no natural surveillance, especially at the rear of the rear block which has a door and will attract crime. 	See main issue 3
<p>Supporting information</p> <ul style="list-style-type: none"> • The submitted shadow analysis appears incorrect and underestimates the impacts. • The site plans are outdated and have not shown ground floor extensions which would be affected by overshadowing and over-dominant design, so the distances between neighbours are not realistic. • Not all existing residents in the flats received the applicant's pre-application consultation leaflets so couldn't comment. • The community consultation was very limited in scope and had a minimal response to local concerns and there was no opportunity for it to be discussed between architect and local community. • The application form states that all existing flats are social-rented properties, which is not accurate as some are market-housing. • There is no evidence of liaison with Design Review Panel. • There is no appraisal against the Building for Life criteria. • The applicant believes the development will protect neighbours from noise from Tesco's, but there are no noise concerns experienced at the moment and the increased activity on site will only create more. 	<p>This appears adequate.</p> <p>These have been revised.</p> <p>This is a guide only – see pre-app public consultation at para 11.</p> <p>Noted.</p> <p>See para 12 and main issue 2. See 'other matters'</p>

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 14/01094/F.
14. **Norwich Society:** No comments received.

Design and conservation

15. The proposals are acceptable following the recent revisions. Landscaping on the frontage integrates the site with the street; balconies are acceptable detailing; the western frontage is not detrimental to Unthank Rd; the Trinity St block has a better roof integration and eaves, and 'lifts' the scheme; the reduced projecting bay is welcome and provides a better relationship with the conservation area, and overall the block merges both ends of the street; any impact on views of the Holy Trinity Church are minimal, materials should be a buff brick to match the local character.

Environmental protection

16. There is no assessment of noise impacts on future residents but there are local noise sources which can lead to complaints being received, so a condition will be required to ensure construction details will include appropriate sound attenuation against external noise and ensure internal noise limits do not exceed certain limits, whilst still providing appropriate ventilation. Use construction good practice advice.
17. There is no evidence or reason to expect existing land contamination. Residential amenity will need conditions to confirm the source and safety of topsoils used in landscaping and a condition requiring precautionary measures during construction.

Environmental Services (refuse collection)

18. The positioning and capacity of the refuse store is acceptable in terms of access to- and collection of- communal bins.

Highways (local)

19. No objection subject to conditions: The design is functionally successful and the new access is acceptable; the increased traffic would be c.12 vehicle movements a day, which is not a material increase in traffic impact; the level access is safely designed for waiting and visibility; the footpath must continue across the site; the kerb should be dropped and the crossover approved; the existing speed restriction island should be redesigned and relocated; properties will not be eligible for either permanent nor visitor on-street parking permits; the refuse store should be secure with resident-only access; the originally-proposed visitor cycle area could have been problematic.

Landscape

20. The scheme is overly dominated by buildings and has too little space for landscaping to minimise the proposals' impacts on neighbours. The scheme should replace or enhance the screening offered by trees on the east boundary. Using planters to prevent overlooking indicates that windows and the design are inappropriate. The quality and quantity of the amenity space is questionable, and more thought is needed to mobility in and around the site and desire lines.

Norfolk historic environment service

21. No comments; there are no archaeological implications and no reason for requiring work at this site (the site was undeveloped and wooded right up until the 1960s).

Norfolk police (architectural liaison)

22. General advice offered for including security within the detailed designs, including doors and windows, access control to communal areas, glazing, post boxes, underground car parking, residents' cycle parking, and lighting. Objection to the cycle stands for visitors shown within the car park as they attract security risks and should be relocated close to the primary entrance within view of habitable rooms.

Tree protection officer

23. No comments necessary – the loss of the low value trees would be acceptable.

Assessment of planning considerations

Relevant development plan policies

24. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
- JCS1 Addressing climate change and protecting environmental assets
 - JCS2 Promoting good design
 - JCS3 Energy and water
 - JCS4 Housing delivery
 - JCS6 Access and transportation
 - JCS7 Supporting communities and protecting quality of life
 - JCS9 Strategy for growth in the Norwich policy area
 - JCS12 The remainder of the Norwich urban area including the fringe parishes
 - JCS20 Implementation
25. **Norwich Development Management Policies Local Plan adopted Dec. 2014**
- DM1 Achieving and delivering sustainable development
 - DM2 Ensuring satisfactory living and working conditions
 - DM3 Delivering high quality design
 - DM5 Planning effectively for flood resilience
 - DM6 Protecting and enhancing the natural environment
 - DM7 Trees and development
 - DM9 Safeguarding Norwich's heritage
 - DM11 Protecting against environmental hazards
 - DM12 Ensuring well-planned housing development
 - DM13 Communal development and multiple occupation
 - DM15 Safeguarding the city's housing stock
 - DM28 Encouraging sustainable travel
 - DM30 Access and highway safety
 - DM31 Car parking and servicing

Other material considerations

26. **Relevant sections of the National Planning Policy Framework 2012 (NPPF):**
- NPPF0 Achieving sustainable development
 - NPPF4 Promoting sustainable transport
 - NPPF6 Delivering a wide choice of high quality homes
 - NPPF7 Requiring good design

- NPPF8 Promoting healthy communities
- NPPF10 Meeting the challenge of climate change, flooding and coastal change
- NPPF11 Conserving and enhancing the natural environment
- NPPF12 Conserving and enhancing the historic environment

Heigham Grove Conservation Area Appraisal (March 2011)

Case Assessment

27. 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

28. Key policies and NPPF paragraphs - JCS1, JCS4, JCS6, JCS9, JCS12, DM12, DM13, DM15, NPPF paragraphs 49 & 14.
29. Norwich now has a 5-year residential land supply, so local plan policies on the provision of housing are considered up-to-date. The loss of existing flats is acceptable against policy DM15, because the wider scheme will enhance the conservation area's setting (see main issue 2) and provide a net improvement in the standard of housing. The scheme provides two more dwellings, replaces 11 bedrooms with 24 bedrooms, creates a wider range of housing sizes, and will provide a better quality of housing standard and an improved density of development on site.
30. Some representations have raised concern that removing 11 no. 1-bed flats will cause a loss of some of the city's cheaper housing stock in an area of higher rental values. In this case there are no requirements for affordable housing and the existing housing stock is poor quality. The application provides for an increase of higher quality housing and in this regard is fully consistent with planning policy.
31. In redeveloping the site, policy DM12 supports the principle subject to: (a) achieving sustainable development as per policy DM1; (b) protecting the character and amenity of the surrounding area and its heritage assets; and, (c) providing a mix of uses where relevant (which in this case is not).
32. Policies JCS4 and DM12(d), requires development in general to provide a mix of dwelling sizes, types and tenures, including a proportion of family housing and flats, if the size and configuration of the site makes this practicable and feasible. The proposals have not explored the possibility of providing family houses, such as on the street frontage, but as new flats would replace existing flats there it is unnecessary to do so. Further, the effect of doing so could be that in trying to gain a reasonable return on the development, the design would need to either provide fewer dwellings overall, which would not comply with policy, or create a far greater scale, or smaller range of flat sizes at the rear of the site, with consequential impacts on neighbours' amenity. As proposed, the scheme provides an improved

Appendix 1 (appended report)

range of accommodation, most of which will be acceptable for family occupancy, and offers opportunities for various forms of private-sector tenures.

33. Policies JCS6, JCS12, DM3(e) and DM12(e) require that densities should be increased where possible, although DM3(e) and DM12(e) require that density should be in keeping with the character of an area, accounting for protecting the significance of heritage assets as appropriate. DM12(e) requires at least 40 dwellings/hectare (d/ha) unless a harmful effect on the character and local distinctiveness of the area or other exceptional circumstances can justify a lower density, such as protecting assets or accommodating ground conditions. On sites adjoining local centres and in areas of high accessibility, higher densities are allowed if it can protect character of the area, local distinctiveness and heritage significance. Density requirements are only restricted in areas where local distinctiveness is characterised by neighbourhoods of low density housing and an open landscaped character.
34. Density per se is therefore not restricted in the policy on grounds of impacts on neighbouring amenity. Instead, it is important that proposals maximise efficient use of a site by promoting higher densities within high quality designs, ensuring that the design avoids overdevelopment for new residents, or detriment to existing neighbouring amenity. Being a site of 0.09ha, this application proposes the equivalent of 144 dwellings per hectare. Although the local density of Trinity Street homes and gardens is 38d/ha (using the area of no. 1-15 Essex St and 111-116 Trinity St [14 houses, 3,705.7sqm / 0.37ha]), it is misleading to make a direct comparison as this is already a flatted site and one which is arguably already underused. As the existing scheme represents 122d/ha, this proposal of 144d/ha is an appropriately increased density given the site's accessibility and the scheme's ability to preserve and enhance the setting of the adjoining conservation area.
35. Policy JCS2 / 4 require that schemes of 10 or more homes achieve a high rating against the Building for Life (BfL) design assessment, but in this instance many of the BfL criteria cannot be applied, so such assessment would be skewed. Policy DM12(f) also requires that schemes of 10 or more homes achieve Lifetime Homes standards in 10% of the dwellings; the architects consider that two flats will meet those standards, which is 15%.
36. Overall, this is a highly accessible location where the loss of housing stock is acceptable given the proposed replacements, and which can accommodate the higher density residential development proposed because it provides a design which protects and enhances the surrounding local heritage assets (Main Issue 2).

Main issue 2: Design approach and impacts on heritage assets

37. Key policies and NPPF paragraphs – JCS2, DM3, DM9, NPPF paragraphs 9, 17, 56 and 60-66, 128-141.
38. Policies DM13 and DM12(a) and (b) require development to follow sustainability principles of DM1, including protecting heritage as articulated in policy DM9, and avoid detrimental impacts on the character and amenity of the local area and identified heritage assets.
39. The site is adjacent to the conservation area which is characterised by the mid-19th Century 2-storey terraced housing and back-to-back gardens along Essex Street,

Appendix 1 (appended report)

Trinity Street and Cambridge Street. The current site is identified in the Heigham Grove Conservation Area Appraisal as being detrimental to the setting and character of the conservation area, and appropriate for development. The surrounding area was considered more of a higher-status area within the conservation area, due to its consistency of scale, materials, building line and decorative features. The surrounding terraced houses date from the 1880s and are all locally listed, although the Lodge Hotel was a 1900s former rectory. The Grade II listed Holy Trinity Church is something of a focal point in the street scene; built in 1861 it is the largest Victorian church in Norwich and is a key local landmark within the conservation area, though predominantly in views from the northeast and the top of the Trinity Street hill from St Giles roundabout.

40. The style and importance of the Conservation Area is its value as a uniform and consistent street scene, which in fact mirrors the very way the terraces were constructed, using expensive white/buff bricks on the public facades (to replicate the expensive materials used at stately homes) and cheaper Norfolk Red bricks on the rear and side elevations. The construction of the street by one builder and landowner also resulted in the uniform and interesting styling and decorations used, such as using reconstituted stone surrounds to emphasise the windows. The overall effect has warranted the houses either side of the street being attributed a local listing designation, and the group value of the street-scene is protected by the Article 4 Direction.
41. The many locally listed buildings along Trinity Street were designated as such in the Appraisal of March 2011 because of the importance they have in their many common original features and shared group value. This demonstrates the value they add to the street scene through their architecture and contribution to the local character, but individually they do not merit full statutory protection. As with conservation areas, the value of locally listed buildings is in their public façade not the rear elevations or gardens.
42. In terms of natural character, there are references in the conservation area Appraisal to the value of semi-public gardens (such as the grounds of Holy Trinity Church and Plantation Gardens) and publically accessible open space (such as the Dell), tree-lined streets and certain attractive larger front gardens, hedgerows and low walls of certain streets (such as Mill Hill Road).
43. It is considered that the value of the conservation area is those views of its assets which are seen from the public realm, rather than the views across or out of the conservation area from private domains. This is reiterated in the Planning (Listed Buildings and Conservation Areas) Act (1990), sections 69: and 72: “Every local planning authority [in designating conservation areas] shall determine which parts of their area are areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance... with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”. This suggests that the effect these proposals have on the setting of the conservation area should be concerned only with the impact that this proposal has on the appearance of the area, rather than try to make any assertions about the way this scheme may or may not relate to the character or historic grain of the interior of the actual conservation area itself.

Appendix 1 (appended report)

44. The proposals will reinstate the street frontage with a new 3-storey block arranged in three parts. The design approach has been to create a bridge between the isolated design style of the Tesco store and its angular architecture, transitioning into a more traditional style to pick up references within the terraced houses. The scale has been carefully arranged; the eastern end is two storeys with a short flat front eaves and pitched roof in the same proportions as 116-115 Trinity Street, and the height is only 0.1m taller than its neighbour; with a roof level separation distance of 1.70m the difference will barely be noticeable. Most of the building is positioned in line with the building line to the east, except for the western-most third which steps forward by 1m with a 'book end' 2.5-storey bay.
45. The transition occurs in the middle third as the levels change and the overall height of the block steps down slightly into a square dormer / flat roof and parapet, becoming three clear storeys of accommodation. The western third appears taller because the level has changed, but is still 3-storeys above the refuse store and vehicle access. The style here is much more contemporary with the pitched roofs giving way to flat roofs, glazing and cladding panels above the continued buff brickwork. Revised plans have reduced the projection of the eaves which avoids the scale being considered top-heavy.
46. The architectural rhythm created by providing strong lines and classically arranged windows, using the similarly-sized windows at similar heights and of the same proportions, using complementary light colour bricks, providing eaves detailing, and creating a defined front curtilage, are all successful in helping the scheme relate with Trinity Street. Using black railings and low brick walls and a landscaped garden to the front all help make the scheme feel residential in character.
47. The character of the Trinity Street area has been broken up slightly in this area as the terrace of traditional locally listed buildings is only 4 houses long and finishes before 115 Trinity Street, so there is already less consistency in this west end of the north side of the street. Despite this, the scheme is said to have drawn too much influence from the Tesco style and is considered too modern or out of place. However, it would be unreasonable to expect a design to conform to any pre-determined expectation for architectural style, as the NPPF para 60 states: "decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is however proper to seek to promote or reinforce local distinctiveness."
48. Further, in the opinion of the conservation officer, the development achieves a close match to the profile of the neighbouring houses, and fits in with the pattern of development stepping uphill, and is unobtrusive in views downhill. The projecting bay helps contain the street and reduces its sense of mass, and the blend of contemporary styling and classical references is largely successful and the sites relationship with the conservation area is much improved.
49. At the western edge the building turns the corner to Unthank Road, being visible coming uphill from Tesco; the projecting bay works well here to reduce the overall sense of mass and build-up to the western elevation facing towards Unthank Road. This western elevation has mass in terms of its length and 3-4 storeys, but has less sense of scale because of the rising land and being screened behind the Tesco store, and because the northern end steps back as well as being scaled down to two storeys. The overall effect is to fill the gap between the Lodge and Tescos

Appendix 1 (appended report)

which currently exists in views from Unthank Road, and provide a sense of definition to the edge of the conservation area. In its detailing, the proposed white grille ventilation screens to the refuse store could show too much of the bins within the store in close views although will be mostly screened by the neighbouring access drive's fence. Nevertheless a condition will determine the most appropriate screening material, along with precise details of all materials.

50. Policy DM3(b) requires identified long views to be preserved. The Conservation Area Appraisal identifies there being important "glimpsed views" of the church from distant locations along Union Street and Jenny Lind Park to the east, and from Park Lane to the west, looking across the gap in the street scene between the Lodge Hotel and across the gardens of Essex Street properties. These glimpsed views should be retained where possible, to preserve the setting of the listed building and value of the conservation area. In closer views the church is most obvious and has a greater influence from Essex Street and in the upper street views of Trinity Street.
51. The existing view of the Holy Trinity Church tower from Unthank Road across the Tesco service yard is not a defined important view, although some local residents feel it should be protected. This view only exists across the service yard, so is very temporary / transitory, but it would be lost by the western elevation when it infills the space; it is instead considered equally beneficial to have a design which provides overlooking down through this space over the service yard. Importantly, the longer glimpsed view from Park Lane defined in the Appraisal is preserved; the new development is actually out of the field of vision which is reduced and obscured by the Lodge when moving closer to Unthank Rd. A view of the spire through the development from the adjoining access drive will be possible. In even longer views from Portersfield Road across the valley, the spire and main body of the church remains unaffected. None of the defined views from Union Street are affected.
52. In considering the impacts of development on the heritage value of the area, many objections have been received to the effect that the 2-3 storey rear block would be detrimental to the character of the conservation area and out of keeping with its historic grain. This is something which is alluded to in new policy DM3(c) which requires proposals to "have regard to the character of the surrounding neighbourhood and the elements contributing to its sense of place, giving significant weight to the uses and activities around it, the historic context of the site, historic street patterns, plot boundaries, block sizes, height and materials."
53. However, as noted above the conservation area is valued for its appearance from the public realm, and the historic grain of back-to-back development was evident within the conservation area boundary only; until the 1960s this site had not been developed.
54. The scale of the development has been influenced by the density of the scheme, and the scale is considered to be consistent with the character of the area by wrapping around the edge of the terraces at the same building height as its neighbours north, east and south, and conforms with policies DM3(f) and DM12(e).
55. The site adjoins the conservation area and for the reasons above will enhance its setting and the sense of entering and leaving the conservation area along Trinity Street. The successful continuity of details in the new design will be preserved by conditions removing the opportunity to change windows and doors through permitted development under the Norwich Local Development Order. It is not

Appendix 1 (appended report)

adjacent to any locally listed buildings and its current separation ensures the new development is read apart from the wider group value; yet the contemporary elements still manage to avoid detracting from the group asset. The overall design approach is therefore considered to enhance the setting of the conservation area and local character, and is considered to have 'less than significant' impacts on the setting of the designated heritage assets; the level of harm that may be involved (namely the loss of one limited view of the church and the perceived sense of loss of openness of the conservation area's setting), is outweighed by the public benefits of providing more housing and the optimum viable use of the site, and complies with NPPF paragraphs 131, 132, 134 and 137.

56. Overall, the proposals provide an innovative design approach which mixes contemporary design with sensitive referencing of the historic context and makes a positive contribution to local distinctiveness, and complies with policies JCS2, DM1, DM3(b)(c)(e)(h)(i), DM9, DM12, and NPPF paragraphs 58, 60 – 65 and 131-141.

Main issue 3: Impacts on amenity of both neighbours and future residents

57. Key policies and NPPF paragraphs – JCS7, DM2, DM3, DM13, NPPF paragraphs 9 and 17, 58, 64 and 69.
58. Policy DM13 sets out design criteria for flatted developments on a case-by-case basis concerning amenity, servicing and facilities. As with DM2 it requires schemes to provide high standards of amenity and living conditions for existing and future residents and avoid an unacceptable impact on the living conditions of neighbours. DM3 reiterates the need for careful layout and siting, density, height scale and massing and landscaping.
59. The existing rear garages are built at the very rear of the plot on the boundary and have a roof height of 28.45m AOD which is 2.73m above the adjoining garden level at 1 Essex Street (25.72m AOD by the boundary, rising 0.3m to 26.1m AOD). The new proposals show a stepped rear façade, the overall storey height of which is offset by the change in levels and the newly-excavated finished floor level and construction above the basement podium; the podium level is 24.27m AOD, some 1.70m below the ground level of the 1 Essex Street garden.
60. The development provides two storeys above the podium at the closest / most northerly element, and rises to 3 storeys at a point halfway across the width of the plot, opposite the conservatory of 1 Essex Street at which point the garden is at its narrowest. However, these are not true two- and three-storey heights because the ground level storey is almost an entire storey below the existing ground level, so the 29.67m AOD height of that closest element is only 3.57m above the 26.10m AOD spot height at the centre of the adjoining garden. The overall finished height of the flat roof third storey element is 32.37m AOD, some 6.27m above the garden level, which is the usual height of a two storey flat roof dwelling. Above a proposed new 1.8m boundary fence this is a 4.7m increase, but in comparison to the existing situation, this is 3.9m taller than the existing garages. The applicant has since confirmed the rear wall of the garages could in fact be retained as the new boundary wall with 1 Essex Street, so being taller and more secure than the 1.8m timber fence initially proposed. This will be required by condition.

Appendix 1 (appended report)

61. However, the development would not be sited hard against the boundary as the existing garages are. The rear-most 'two storeys' are 1.56m from the boundary, and the stepped-back 'three storeys' are 3.16m from the boundary.
62. **Overshadowing** – the rear block is south and south-west of 1 and 3 Essex Street, but the new proposals will not have such a dramatic increase in overall height such that significant overshadowing is caused. The sunpath analysis submitted within the application has forecast the extent of shade at every month of the year at six times in the day, comparing existing and proposed developments. It shows new overshadowing would be experienced as below, but some of the results for 116 Trinity St have to be tempered because the study has shown tall Cyprus-type trees along the boundary rather than the newly-proposed and shorter bamboo hedge:
- a) January 14:00 & 16:00 – 1 Essex St: extended shading over the conservatory and 1 first floor window.
 - b) February and March 12:00 & 14:00 - 1 Essex St: extended shading of garden and conservatory; 16:00 shading of first floor. 116 Trinity St: marginal shading over eastern boundary.
 - c) April: 1 Essex St: marginal extended shading of garden. 3 Essex St & 116 Trinity St: Small increases in garden shading but results in full shade by 18:00.
 - d) May 16:00 1 Essex St minor shading of garden. 18:00 3 Essex St & 116 Trinity St: Small increases in garden shading but almost full shade. 20:00 3 Essex St: contrary to the study results, full shade should be expected.
 - e) June 18:00 116 Trinity St and 3 Essex St: minor additional shading, no impact. 20:00 3 Essex St: contrary to the study results, full shade should be expected.
 - f) July 16:00 & 18:00 1 Essex St & 116 Trinity St: minor additional shading, no impact. 20:00 3 Essex St: contrary to the study results, full shade should be expected.
 - g) August 16:00 1 Essex St: extended shading over the garden. 18:00 116 Trinity St and 3 Essex St: increased garden shading but results in almost full shade.
 - h) September 14:00 & 16:00: 1 Essex St: extended shading of garden and conservatory.
 - i) November & December 14:00 1 Essex St: extended shading of garden and conservatory.
63. The bulk of the southern block is proposed to the same depth as the building line at 116 Trinity Street, except for a 1.2m deep projection set 4.5m inside from the boundary, and one of the pagoda balconies extending 1.2m north from that. As the height is principally the same, there is no additional overshadowing caused from this part of the development.
64. Overshadowing does not affect those dwellings further east. For residents on Trinity Street south of the development, the existing block of flats' flat roof is 32.41m Above Ordnance Datum (AOD) on Trinity Street. Proposed heights are 32.75m AOD at the front range. There are no additional significant impacts on amenity from

Appendix 1 (appended report)

the front block on Trinity Street; the building is only very marginally taller than the existing height, is sited north of its neighbours, it keeps to the same plot depth building line, so avoids south-west shadows or blocking outlook, and increases natural surveillance of the site frontage.

65. **Overlooking / loss of privacy** - The rear block has been carefully designed such to avoid views over neighbouring gardens. Of the windows at first floor level which could be higher than the boundary, only a bedroom and kitchen window face north, and they are high-level only so prevent casual views out. Other windows face west to Unthank Road so improve surveillance of the car parks. The front block has no windows facing east to the neighbours, and those facing north / north-east are high level, whilst the balcony has a 1.35m privacy screen.
66. Across the rear L-shaped block, south or east-facing French doors on upper floors are contained inside a 'pagoda balcony' structure which uses 1.35m high screens positioned to prevent views across the terrace gardens when sat on a chair, but still allow improved connection with the outdoors on non-facing elevations. Other windows towards the courtyard are partially obscured by window planters on non-accessible balconies, to be maintained by the management company. The western arm of the block is separated from the eastern boundary by the 13.5m-wide landscaped amenity space which further restricts views at ground floor level.
67. The eastern boundary wall is proposed to be retained at its current upper level, being extended downwards to the podium level. At the southern end, closest to 116 Trinity Street the existing ground level is 24.4m AOD. As the finished floor level of the podium would be 24.12m AOD the retained wall at this end would effectively be 2.1m high, also preventing screening. Moving northwards along the eastern boundary the wall height would only increase.
68. **Overbearing design** - The rear elevation is broken up with its staggered building line and variation to the materials, using light brickwork, white render, grey cladding panels and climbing plants on the blank elevations to soften the elevation. The scale of the building seems tall in plan form but at its highest point it remains beneath the vertical plane 45 degree angle of incidence affecting the middle of the narrowest part of the garden to the north (1 Essex Street). Added to the varied palette, staggered building line and set back from the boundary, this is considered to prevent the scheme being over-dominant or overbearing from the garden.
69. The lower part of the building, even at its closer proximity, retains the same angle of incidence as the garages do at the same position in the garden of 1 Essex Street, and has less impact if stood in closer proximity to the boundary. It does however increase the angle of incidence at the rear wall of the house, but this line stays within the vertical plane 45 degree allowance, as does the third storey (although that will not become a true experience). As such the scheme will not create a detrimental impact on amenity through being directly overbearing or over-dominant to other parts of the garden.
70. At 3 Essex Street the closest part of the building would have a 5.3m separation to the corner of the house's recent ground floor extension, and would be 1.6m as a lateral distance from the garden wall. The angle of view and the limited increased height and the stepped form of the development prevent an over-bearing design.

Appendix 1 (appended report)

71. At 116 Trinity Street the separation to the rear block is sufficient to avoid being overbearing and the restricted building line of the front block avoids a sense of overbearing scale. In fact the current two-storey flank of 115 Trinity Street to the east has a much more oppressive feeling towards the garden than this design.
72. **Outlook** - Residents have also questioned the loss of outlook affected by the northern block. Outlook is the visual amenity afforded to accommodation by a dwelling's immediate surroundings, which can be adversely affected by the close siting of another structure or the incompatible treatment of adjoining land. This consideration does not extend to the protection of a person's particular view from a property as this is not a material planning consideration. The Norwich Local Plan does not have any distance limit or standards for outlook provision, but as a guide outlook from a principal window will generally become adversely affected when the height of any vertical facing structure exceeds the separation distance from the window. Therefore if a structure is placed too close to a window so that it completely dominates the outlook it will have an overbearing impact. Outlook from a principal window may also become adversely affected where a dwelling is sited in close proximity to an incongruous feature, or use of land which impairs visual amenity.
73. Outlook from 1 Essex Street is considered against windows in the conservatory and the rear elevation. The separation between the conservatory and the taller element is 7.2m, and the height of the 3-storey element here is 6.6m at the boundary. The separation between the rear elevation windows and the two storey element is 8.7m and the height difference on the boundary is 3.9m. Therefore, the guideline values for outlook affected at 1 Essex Street are not compromised by these proposals.
74. Outlook from 3 Essex Street cannot be assessed in the same way because its ground floor windows are at the closest point already mostly screened by the boundary wall and a small proportion of visible sky will be lost, whereas the windows further east are not infringed by any of the building spanning across the horizontal plane 45 degree angle of incidence. The upper floor windows appear to be either bathroom windows or are beyond the 45 degree line of the 3-storey element, and in any case would be higher than the lower two-storey height.
75. Outlook from 116 Trinity Street is also affected at an angled perspective, but the change in levels makes this more significant. Nevertheless even with the rise in levels and the increased building height at the boundary, the 15.4m separation and the 8.1m maximum height do not combine to cause a loss of outlook from rear elevation ground floor windows. Outlook is not affected for dwellings further east.
76. **Visual amenity** - existing views from upper floor rooms at 1 and 3 Essex Street are of the garages and dated rear façade of the front block; notwithstanding any perceptions of oppressive siting or overbearing scale, there are not considered to be any detrimental impacts to visual amenity at upper levels. Further, the different architectural style proposed, should not be considered incongruous because it is not inside the conservation area and the setting of the conservation area is not affected by the view experienced from private areas within the conservation area.
77. The impact on visual amenity at 116 Trinity Street is harder to mitigate, being afforded fairly open sky at the moment, but the increase in height does not cause a loss of outlook and the landscaping / screening (bamboo or otherwise) will provide an softened edge to the scheme. Given that overshadowing will not occur in this

Appendix 1 (appended report)

garden, and given that loss of privacy is controlled by the balcony details in the new development, it is considered that the rear block has an acceptable degree of impact on 116 Trinity Street.

78. **Amenity for future residents** – Being open to the east boundary only, the communal amenity area gains sunlight in the morning to early afternoon in April – August, but is likely to be mostly shaded in late afternoons and evenings in April – October, and is in full shade between October – March inclusive.
79. All five ground floor flats have direct access to semi-private space, and at upper floors three have use of the ‘pagoda balconies’, three have French doors behind Juliett balcony screens, and one has a balcony on Trinity St. The one without specific openings (the one-bedroom flat 6) is unfortunately least well served with natural light; being an attic flat in the south-east corner it has three south-facing velux windows and three windows on the north elevation partially obscured by the glazed screen & planter arrangements. This is regrettable but is acceptable compromise given the small sized accommodation and the need to achieve acceptable design to the front range with minimal overlooking at the rear elevation.
80. Policy DM2 requires ‘adequate internal space’ and has introduced new guidelines for minimum internal space standards for flatted accommodation. A 1-bed 2-person flat would be at least 50sqm Gross Internal Area (GIA); 2-bedroom 4 persons would be 70 sqm; 3-bedroom 5 persons would be 86 sqm. The proposed flats 1, 8 and 12 are below the standards but this results from recent revisions to improve the design by either reducing the size of the Trinity Street projecting bay or minimising the footprint and bulk of the rear block’s north-east corner.
81. **Landscaping and trees** - The AIA shows a noticeable part of the garden at 3 Essex Street is already overshadowed by the 5m tall cherry plum tree at 116 Trinity Street. The scheme uses planters which will have a bespoke irrigation, drainage and maintenance system. Given the restricted space available, contrasting types of bamboo are proposed along some of the eastern boundary to enclose the amenity space. The recommended bamboo species provide year-round screening and should grow up to 5m in height; combined with the change in levels and the set back of the rear block, this should afford adequate protection to the privacy of neighbouring homes and gardens. Overshading of 116 Trinity Street should be minimal because a bamboo height of 5m in planters 0.4m high from the podium would see the hedge grow to 3.3m above the height of the boundary wall. By comparison the plum tree at the northern end of the garden is already 5m tall.
82. **Security** – opportunities for crime and anti-social behaviour will be removed by the redevelopment of this site. There is a sense of enhanced natural surveillance from windows positioned towards the north-west and the rear of the Lodge hotel, and more visible activity and overlooking of the adjoining access drive from the western arm of the development. The basement will be secure to residents and their guests only, so the current unrestricted access and the various hiding points will be removed. The scheme will comply with paragraph 69 of the NPPF which aims for development to provide “safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life and community cohesion”.
83. The overall effects of the design are such that the impacts on neighbouring amenity have been minimised and are considered acceptable on balance when weighed

against the benefits of providing an enhancement to the setting of the conservation area and the benefits of providing an improved quantity, quality and variety of housing stock in this highly accessible location. Therefore the scheme complies with policies JCS2, JCS7, DM1, DM2, DM3 and DM13, and NPPF paragraphs 9, 17, 58, 61, 63, 64 and 69.

Main issue 4: Traffic, parking and servicing

84. There are concerns raised about increased congestion, loss of parking and displacement of existing off-street parking. As there are 12 garages on site at the moment, the new proposal with 14 spaces could provide a maximum use of only two additional cars, with all parking provided on site as per local plan policy. In fact, the proposed scheme has less than the allowable maximum number of spaces set out in new policy. The Transport Planner is satisfied that with only c. 24 movements per day, and possibly only 4 movements over the existing, the impact is negligible. A condition will be used to ensure a car park management plan assigns and retains parking spaces for each dwelling such as by appointment of a private parking company and use of bollards with numbered spaces and commitment to ensuring property deeds have the spaces included in the leasehold agreement.
85. Even though the new proposals will comply with policy, current garage use does not follow the intention of policy; the applicant has said that of the 12 garages on site, 11 are currently rented by people not resident in the flats and 1 is retained by the landlord. This means the scheme will inevitably displace parking off-site, some of which may turn out to be owned by neighbours so could increase the pressure of on-street parking, if indeed those people are eligible for residential parking permits, but even so there are many other garages in the area available for rent. With changes to the visitor parking permits system due to come into place, some neighbours may need to change their car storage arrangements, but this is not a reason to penalise the applicant nor to require this design to fix unrelated existing problems.
86. Cycle storage is high quality and secure, and encourages use. The visitor cycle parking is much improved over the original design by being within the secure access-controlled area. The refuse store is less convenient than would be ideal, having external access from the street front only, but is constrained by the site topography. However, in practice it will work most of the time as residents are likely to leave the development towards Unthank Rd passing the store or need to walk at the most 30m from the rear block lift.
87. The application is improving the safety of access in and adjoining the site, by relocating the access ramp and using a safe gradient and visibility splays. The existing island will be relocated and redesigned by condition, part of which will make it more obvious to those drivers who occasionally mistake the one-way system. The transport planner has confirmed that such redesign can avoid any loss of on-street parking space, and still enhance visibility and provide an attractive design.
88. The applicant will be advised that the scheme will not be eligible for on-street parking permits for either residents or visitors, and additional visitors will be able to park in designated local visitor bays in the area or visit outside of the CPZ hours of operation (a permit is required Mon to Sat 8am to 6.30pm). The scheme provides the necessary parking on site and complies with policy so should be approved in

this respect, being compliant with policies JCS1, JCS6, DM28, DM30, DM31 and NPPF paragraphs 17, 32, 34, 35 and 39

Main issue 5: Surface water drainage

89. The site is within the newly-designated Critical Drainage Area defined and controlled by policy DM5, which seeks to ensure developments avoid contributing to flooding elsewhere by minimising its own impacts and promoting natural drainage. This scheme is not large enough to need a flood risk assessment for surface water flooding, but does need to ensure water drains effectively and sustainably from the site. The proposals include landscaping but this is artificial, yet the increased roof space and landscaping will at least reduce the run-off rate over that of the existing hard surfacing. Ultimately, as the applicant acknowledges, by using the basement car park design the scheme does remain impermeable.
90. The proposals have said that surface water from roofs and landscaped areas will all be disposed of through feeding into the existing mains disposal system. Ideally, an infiltration scheme would be used to store and naturally percolate water into the aquifer. At the current time it is unclear if this can be achieved in the designs, as the applicant would need to first understand if the ground conditions are even suitable, but the new policy modifications have been introduced too recently to make this a practical requirement pre-determination.
91. It is therefore proposed to use a condition on any permission to require the developer to investigate ground permeability and thereafter design-in a sustainable drainage scheme as appropriate. The design of the scheme would not be affected by this, given the basement affords ample space for including attenuation tanks and maintenance easements, for example. As the contamination assessment predicts only a 'very unlikely or negligible' risk to groundwaters from the site, this approach will ensure a sustainable drainage system is installed within the proposals if geology conditions allow; only by using this condition can the proposals comply with policy DM5 which requires that new development should reduce or at least minimise risk of surface water flooding. The scheme will comply with policies JCS1, JCS3, JCS20, DM1, DM5 and NPPF paragraphs 94, 99 and 103.
92. If the results of ground conditions surveys and a sustainable drainage study show that some form of attenuation or infiltration is not feasible, then the scheme will at least have had no worse an effect than the current site, given it is all hard surfaced at present anyway, and run off rates should reduce. Foul water will connect to mains as expected. Comments from Anglian Water are awaited to confirm if this is feasible.

Main issue 6: Subsidence and excavations

93. Adjoining residents are concerned about land stability and the possible impacts from the basement car park excavation. Although numerous examples of subsidence have been recorded historically in Norwich due to ground instability, this site is not known to include chalk lines or sink hole areas, boreholes or bomb damage; it is therefore believed the current difference in levels at the Tesco store is due to historic excavation associated with the former filling station. If there is any vulnerability of the underlying geology the developers will generally need to take relevant technical advice on the most effective means of overcoming any potential problems. Advances in building construction techniques may be capable of being

Appendix 1 (appended report)

addressed satisfactorily by suitable foundation technologies which can be required in the great majority of cases through the building control process. Only where there are exceptionally high risks of subsidence and objective technical evidence shows it cannot be mitigated should development not go ahead.

94. As to whether more detailed evidence should be provided at this stage, it remains the responsibility of the developer to determine whether land is suitable for a particular purpose, and to factor in costs associated with subsidence or land instability as part of the overall assessment of scheme viability. Developers will not normally need to submit detailed technical information with a planning application on the degree of subsidence risk or land instability associated with a site or the engineering works necessary to address it, to enable an informed assessment to be made on the planning merits of the scheme.
95. Nevertheless, the applicant has provided information to demonstrate how construction would take place and this is considered acceptable. Essentially the excavation is preceded by screw pilings spaced around the perimeter of the basement car park, filled with concrete; this method is not percussive so minimises noise and avoids ground disturbance either side. Being between 450-600mm in diameter and placed fairly closely together, the pilings will provide enough lateral resistance to avoid dislodging the surrounding land whilst the interior of the basement car park is excavated moving from the middle to the edges. The edges are then formed in sectional concrete, all to Building Regulations approval. An advisory Informative Note will draw developers attention to the need to explore possible subsidence and discuss that further when considering Building Regulations approval.

Compliance with other relevant development plan policies

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

Requirement	Relevant policy	Compliance
Cycle storage	DM31	Yes subject to condition to agree designs and fittings and provide before occupation
Car parking provision	DM31	Yes subject to condition to provide
Refuse Storage/servicing	DM31	Yes subject to condition to provide
Energy efficiency	JCS 1 & 3, DM3	Yes subject to condition to provide
Water efficiency	JCS 1 & 3	Yes subject to condition to provide assessment and fittings as necessary
Sustainable urban drainage	DM3/5	Yes subject to condition to design and provide if feasible
Biodiversity	JCS1, DM3, DM6	Yes, subject to condition to provide new

Appendix 1 (appended report)

		and varied planting and bird and bat boxes
Noise protection	JCS2, JCS7, DM2	Yes, subject to condition to provide noise attenuation in the glazing to Unthank Road

Other matters

97. The following matters have been assessed and considered satisfactory and in accordance with relevant development plan policies, subject to appropriate conditions and mitigation: Energy and water; existing trees; biodiversity and landscaping; contamination; noise for new residents; and, noise for neighbours.
98. The Building for Life standard for design (as required in policy JCS2) is not considered appropriate in this case. A scheme of flats in blocks like this, in an established urban environment, is difficult to assess against the criteria, which are much more suited to larger urban or more suburban forms of development; for example assessing how schemes are masterplanned to provide connections to the surrounding area, where accesses are, how public space is provided and how new streets are integrated with public transport, facilities and services. As this small scheme does not create- and would not be expected to create - any new public realm, it is not suited to assessment, and to do so would be misleading.
99. **Equalities and diversity issues:** There are no significant equality or diversity issues; level access is provided throughout, as required by Lifetime Homes criteria.
100. **Local finance considerations**
101. 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.
102. 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.
103. In this case local finance considerations are not considered to be material to the case.

Conclusion

104. For the reasons discussed above, the scheme will provide an improved standard and greater quantity of housing stock sufficient to outweigh the loss of existing homes. The design has achieved a successful balance between innovation around the site constraints and enhancing the setting of the conservation area, and has been carefully managed to reduce its impacts on the amenity of neighbours such that any detrimental impact is minimal and outweighed by the benefits of the scheme. Subject to the conditions imposed the development will be in accordance with the requirements of the National Planning Policy Framework and the

Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.

Recommendation

To approve application no. 14/01094/F - 117 - 127 Trinity Street Norwich NR2 2BJ and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Ground conditions survey and thereafter SUDS to be designed into the scheme;
4. Top soils to be certified as appropriate to residential purposes;
5. Contamination precautionary condition;
6. Development to follow paras 3.20 – 3.22 of the Arboricultural Impact Assessment;
7. Landscaping – details of a comprehensive scheme to include hard and soft landscaping materials, planter construction, management strategy, the irrigation and drainage system info and maintenance;
8. Refuse store details to be agreed, and provide;
9. Energy efficiency and renewable energy measures – agree details to ensure it provides at least 10% using the Minus7 or similar technology, or other systems as necessary, and provide thereafter;
10. Water efficiency measures – agree and provide;
11. Car parking – layout and provide;
12. Cycle parking – agree designs of residents and visitor storage, and provide;
13. Bird and bat boxes to be agreed and provided;
14. Car parking management plan;
15. Materials –
 - a. refuse store screening;
 - b. all doors and windows;
 - c. bricks;
 - d. cladding panels;
 - e. render areas;
 - f. eaves and soffits;
 - g. stone banding;
 - h. rainwater goods;
 - i. roofing materials.
16. Balcony screens and window screens and box planters to be installed prior to occupation;
17. Boundary treatments to be confirmed – and the garage wall to 1 Essex Street to be retained as boundary wall and infilled in the north-east corner.
18. Noise assessment to be agreed, and specifications for acoustic attenuation and ventilation windows, to be installed prior to occupation.
19. No additional plant or machinery to be used without prior consent.
20. Notwithstanding the Norwich Local Development Order for flats, there shall be changes to the windows and doors without prior consent.

Informative advisory notes:

1. Chalk workings and subsidence – advice for getting specific studies.
2. Good practice in construction;
3. Waste material certification;
4. Car parking permit advice.

Article 31(1)(cc) statement

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

Planning Applications Committee: 8 January 2015

Updates to reports

**Application no: 14/01094/F – 117-127 Trinity Street
Item 4B, pages 51-86**

- 1) Anglian Water (see Main Issue 5 (para 89-92)) confirm there is adequate capacity for waste and foul waters, but confirm a preference for a sustainable drainage system to be used on site and therefore object to the current proposals unless a condition is used to include SUDs where possible.

Response: condition 3 would secure this.

- With the exception of demolition, there shall be no commencement of development until a surface water drainage scheme has been agreed, to be informed by a ground conditions survey and to include proposals for management and maintenance. No occupation until the drainage is provided.

- 2) Demolition of the apartments should not be allowed until a contract for the site's redevelopment has first been agreed, to ensure minimal detrimental impact on the setting of the conservation area and to minimise disruption to neighbours and to minimise the period when a loss of housing stock occurs.

Response: An additional condition (No.21) is recommended.

- There shall be no demolition of the existing apartments until such time as a contract for the site's redevelopment and construction of the flats has first been made and evidence of this contract provided to and approved in writing by the LPA prior to demolition of the existing flats.

- 3) It is considered prudent to include a new condition to prevent future creation of new windows anywhere in the scheme without permission, to prevent loss of amenity, privacy or overlooking albeit that permitted development rights for flats would not allow this at present.

Response: An additional condition (no. 22) is recommended. - There shall be no creation of new windows without first gaining the consent of the LPA.

- 4) Re Condition 16 balcony screens and window planters: The condition should be revised to ensure precise design details are agreed, and the applicant has proposed that these are also inspected on site in situ prior to approval, prior to occupation, to ensure their effectiveness of screening.

Response: The condition 16 will be revised as such. – No occupation until details agreed and site visit of installation confirms adequate functionality.

- 5) Minor errors in report: Para 61 – 1.56m should read 1.55m. Para 70 – 1.6m should read 1.7m.
- 6) The applicant has amended the proposed elevations on plan PL03 from version C to version D (revised 07.01.15). The only change has been the position of the boundary wall between 1 Essex Street and the rear block of the new development, due to an original drafting error. The distance of the closest part of the development from the boundary wall remains 1.55m as shown on the layout plan, and the overall separation distance between the two rear walls of house and flats remains 8.7m at this point.
-

Appendix 3:

Minutes of planning applications committee 8 January 2015

4. Application no 14/01094/F - 117-127 Trinity Street, Norwich, NR2 2BJ

The senior planner (development) presented the report with the aid of plans and slides. He referred to the supplementary report of updates to reports, which was circulated at the meeting and pointed out that Anglian Water would support the application provided that there was a sustainable drainage system on site. This would be addressed by conditions. Additional conditions were recommended to ensure that demolition of the existing apartments would not take place until a contract for the redevelopment of the site and construction of the proposed new flats had been agreed; and to address concerns from the residents of neighbouring properties to prevent any further windows being installed in the proposed scheme in the future and to screen the balconies. The supplementary report also advised members of typographical errors in paragraphs 61 of the main report (to replace 1.56m with 1.55m) and 70 (replace 1.6m with 1.7m). The applicant had also submitted a revised plan applicant on 7 January 2015 which amended the proposed elevations on plan PL03 from version C to version D and were advised that the only change was the position of the boundary wall between 1 Essex Street and the rear block of the new development, due to an original drafting error. The distance of the closest part of the development from the boundary wall remained at 1.55m as shown on the layout plan, and the overall separation distance between the two rear walls of house and flats remained at 8.7m.

A resident representing the Trinity Street residents' association, a local resident and Councillor Haynes, local member for Town Close Ward, addressed the committee and outlined their objections to the scheme. This included concern that the development contravened policy DM2 and did not protect the character and amenity of the area; that the rear block would be too tall and too close and be overbearing to neighbouring properties and overshadow the rear gardens of properties in Essex Street; that English Heritage should have been asked for comments as the proposed development was in, would adjoin or would affect a conservation area and would obscure views of Holy Trinity Church; some of the flats were below the minimum size set out in the policy; concern about an increase in traffic movements; and, that building works could lead to subsidence.

The agent replied on behalf of the applicant and spoke in support of application explaining that the effect of overshadowing would be minimal and that the balconies would be screened and not overlook neighbouring properties; there would be landscaping to screen the development, and that three of the flats were slightly smaller than the policy standard with 15% as lifetime homes. The design of the buildings was in keeping with the façade of houses in Trinity Street. The senior planner referred to the report and responded to the issues raised by the speakers. The sun modelling report was displayed to the committee and members were advised that discrepancies identified within the report were likely to be evident because the modelling took into account the intensity of the light.

The senior planner and the planning development manager then answered members' questions.

During discussion a member welcomed the redevelopment of the site but it was suggested that the replacement building should be an improvement on the demolished building. Some members considered that the rear block was too overbearing for the site and it was important that residents of the neighbouring properties could enjoy their gardens particularly in the summer months. The committee considered that there were good elements to the scheme such as the under-croft parking and provision of amenity space for the residents. The senior planner demonstrated the impact on the conservation area and design of the area and explained that although one particular view of the church would be lost from Unthank Road, the defined views within the conservation area appraisal, and other long views, would not be harmed. The planning development manager also explained that concern for the internal space standards provided might not be an appropriate reason for refusal as the properties which were below the minimum size for two-bedroom properties could be marketed as properties with one bedroom and a study.

The committee then considered that the application should be refused.

Councillor Neale moved and Councillor Sands seconded that the application be refused because the scale and mass of the rear building would have an overbearing effect on the neighbouring properties in Essex Street. One member said that he did not consider that there were sufficient grounds to refuse the application on the basis of overshadowing and loss of sunlight having taken into account the angle of the sun as shown on the sun modelling plan.

RESOLVED, with 7 members voting in favour of refusal (Councillors Neale, Sands, Boswell, Ackroyd, Woollard, Grahame and Herries) and 5 members voting against refusal (Councillors Gayton, Blunt, Button, Jackson and Bradford) to refuse application no 14/01094/F - 117-127 Trinity Street, Norwich, NR2 and to ask the head of planning to provide the reasons in planning policy terms.

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

By virtue of the height and scale of the three storey elements, in combination with the mass and proximity of the two storey elements of the development next to the site's boundaries with residential dwellings to the rear of the site, the scheme presents an unacceptable design which creates an overbearing form with a harmful effect on the amenity and outlook of neighbouring properties on Essex Street, contrary to the objectives of paragraphs 9, 17 and 58 of the National Planning Policy Framework (NPPF), and adopted policies DM2, DM12(b) and DM13 of the Norwich Development Management Policies Local Plan (2014), and to refuse the application is consistent with paragraph 64 of the NPPF.)

Article 31(1)(cc) Statement

The local planning authority in making its decision has had due regard to paragraph

187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations. Although a scheme had been proposed and revised during pre-application discussions with the local planning authority, and a formal submission had also been further modified following the initial formal public consultation, and had been given a recommendation for approval by officers, the elected members considered for the reasons outlined above that on balance and in light of the above policies that the application was not acceptable.

The applicant is advised that no further planning fee would be payable for any resubmission for development of the same character or description on the same site and by the same applicant within 12 months of the date of this refusal. The applicant is also advised of the Council's pre-application service, further details of which can be found at the following web link:

<http://www.norwich.gov.uk/Planning/pages/Planning-Pre-ApplicationAdviceService.aspx>

END of extract from Minutes of 8 January 2015.