



NORWICH
City Council

Planning applications committee

Date: Thursday, 11 January 2018

Time: 09:30

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

Committee members:

Councillors:

Driver (chair)
Maxwell (vice chair)
Bradford
Button
Carlo
Henderson
Jackson
Malik
Peek
Sands (M)
Woollard
Wright

For further information please contact:

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Agenda

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1 Apologies

To receive apologies for absence

2 Declarations of interest

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

3 Minutes

5 - 12

To approve the accuracy of the minutes of the meeting held on 14 December 2017

4 Planning applications

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

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

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

Please note:

- The formal business of the committee will commence at 9.30;
- The committee may have a comfort break after two hours of the meeting commencing.
- Please note that refreshments will not be provided. Water is available
- The committee will adjourn for lunch at a convenient point between 13:00 and 14:00 if there is any remaining business.

Summary of applications for consideration

13 - 14

Standing duties

15 - 16

4(a)	Application 17/01762/F - Freed Man PH, 112 St Mildreds Road, Norwich, NR5 8RS	17 - 32
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4(c)	Application no 16/01936/F - 15 St Margarets Street, Norwich, NR2 4TU	43 - 64
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5	<p>Performance of the development management service- Quarters 1-4 2016-17 and quarters 1-2 2017-18 (April 2016-September 2017)</p> <p>Purpose - This report updates members on the performance of development management service; progress on appeals against planning decisions and planning enforcement action for the period 1 April 2016 to 30 September 2017</p>	137 - 154

Date of publication: **Wednesday, 03 January 2018**

Planning applications committee**09:30 to 13:00****14 December 2017**

Present: Councillors Driver (chair), Maxwell (vice chair), Bradford, Button, Carlo, Henderson, Jackson, Lubbock (substitute for Councillor Wright) (to end of item 6), Malik (to end of item 6), Peek, Sands and Woollard (to the end of item 3 below)

Apologies: Councillor Wright

1. Declarations of interest

Councillor Lubbock declared a predetermined view in item 4 (below), Application no 17/01180/F - 171 Newmarket Road, Norwich, NR4 6AP because in her capacity as Eaton Ward councillor she had spoken to the applicant and neighbours.

2. Minutes

RESOLVED to agree the accuracy of the minutes of the meeting held on 9 November 2017.

3. Application no 17/01295/F - Car Park adjacent to Sentinel House 37 - 43 Surrey Street, Norwich

The senior planner presented the report with the aid of plans and slides. She referred to the supplementary report of updates to reports which was circulated at the meeting. Norfolk County Council, as the strategic highway authority, had raised no further objections or issues on the revisions to the scheme provided its previous comments were carried forward. Broadland Housing had been unable to send its executive director to attend the meeting and had provided a written statement which was reproduced in full in the supplementary report.

Three local residents addressed the committee, and together with Councillor Schmierer, ward councillor for Mancroft ward, outlined their objections to the proposed scheme. This included concerns that the proximity to adjacent buildings, size of the footprint and scale of the development was overdevelopment of the site; that it would be detrimental to the amenity of residents of Carleton Terrace by blocking sunlight to internal rooms and balconies; that the site allocation for the scheme was for mixed development of offices and had potential to provide 40 family homes, that residents had not opposed student accommodation at All Saints Green or adjacent to the bus station residents but had concerns about increasing studentification and the intensity of this development. The main concern was that the scheme was contrary to the Local Plan and development management policies DM2, DM3, DM9 and DM13. There was also concern that the size and massing of the design was inappropriate for its location situated within the historic character of the area of All Saints Green and adjacent to Carleton Terrace.

The agent addressed the committee and said that the applicant had worked with the council on a scheme to provide student accommodation in a high quality development, in a sustainable location on a brownfield site. The changes made to the proposal mitigated the concerns raised. The proposal would release housing for the private housing market and contribute to the five year housing land supply.

The senior planner and the area development manager (inner) referred to the report and answered members' questions. Committee noted that the accommodation was not associated with any specific higher education establishment. The applicants would require further planning permission for a change of use if the building was not let out to students. It was proposed that there would be a manager on site. Use of the roof terrace between 22:00 to 8:00 would be a breach of the planning consent. The senior planner and the area development manager (inner) explained that the proposal was considered acceptable despite being contrary to the Local Plan. The site had been vacant for several years and since the Local Plan had been agreed the government had amended permitted development rights for change of use from office space to residential and changing needs meant that there was no longer a requirement for large concentrations of office floor space on one location. Members were advised that the master plan for the site was indicative.

At the vice chair's request, the senior planner referred to the report and displayed the daylight/sunlight analysis and explained that the height of the proposed building had been reduced. Several flats at the rear of Carleton Terrace already had reduced daylight views (as demonstrated by the vertical sky component calculations) due to the use of canopies on the building. Therefore although the proposed development would have some impact the failure to meet BRE standards was due to the canopies and not the development itself.

A member suggested that the removal of the roof terrace element of the scheme to prevent noise and overlooking of the residents at Carleton Terrace. The senior planner said that the roof terrace would provide an important amenity for the student tenants. The size of the roof terrace had been reduced in the planning and as the distance was 37m from Carleton Terrace, it was not considered to be a problem in terms of significant overlooking. Members were advised about the proposed mitigation to address concerns about overlooking and noise as set out in the report. A member commented that 15 flats within the new development would be compromised by the use of privacy screens.

A member asked for an explanation of the officer's statement that there was a lack of detailed information about the need for student accommodation. The senior planner said that there was a student needs survey underway. She pointed out that if the development was no longer required for student accommodation then there would need to be a further application for change of use which would allow minimum space standards to be met through, for example, the merging of rooms. The area development manager said that although there had not been a full assessment on student accommodation needs, there was good information to support the expectation that student numbers would increase and there was a significant gap in provision.

The chair moved and the vice chair seconded the recommendations as set out in the report. Discussion ensued. Several members spoke against the officer recommendation to approve because they considered the scheme was contrary to

several policies in the local development plan and it was not in accordance with the site specific policy. The proposal was viewed as being overdevelopment because the site allocation for the site provided for only 40 dwellings and the proposed development did not include the public car park on Queen's Road, which forms part of the allocation. A member also pointed out that there was an assumption that students living in houses in multiple-occupation (HMOs) would prefer purpose built accommodation. The development was considered to be overbearing and double the height of the adjacent buildings. Members commented on the size and mass of the proposed development and its overbearing impact on the adjacent buildings of Carleton Terrace and Sentinel House, and the historic character of the adjacent buildings in the area. Members commented that there was a need for social and family housing but student accommodation was being developed because it was more lucrative. In contrast the chair spoke in support of the application. A member said that the senior planner had made a very good presentation and that she welcomed any improvement to the view from Queens Road. However she was concerned about the impact of the scheme on the City Centre Conservation Area. The block adjacent to Sentinel House was particularly overbearing and inappropriate for the medieval city centre. The site and adjacent Sentinel House was a very large area of student accommodation and there needed to be more flexibility. The area development manager (inner) referred to the report and said that the case for departure from the Local Plan was acknowledged and there was a need for student accommodation. He cautioned members against voting for refusal on the grounds because the policy was contrary to CC29 because the site master plan was indicative. The daylight / sunlight assessment showed a marginal decrease to a small number of flats in Carleton Terrace. On being put to the vote it was:

RESOLVED, with 4 members voting in favour (Councillors Driver, Maxwell, Button and Peek), 7 members voting against (Councillors Carlo, Henderson, Jackson, Lubbock, Sands, Woollard and Bradford) and 1 member abstaining (Councillor Malik) the proposal to approve the officer recommendation as set out in the report was rejected.

Councillor Sands moved and Councillor Jackson seconded that the application be refused. Discussion ensued on the reasons for refusal in terms of policy and focusing on the size and scale of the development and its impact on the amenity of the residents of Carleton Terrace and the historic buildings in the vicinity, particularly Ivory House and the conservation area. Members did not object to the provision of student housing and indicated that it was acceptable at this site but that they considered that the scale, height and mass of the proposed development was not. Members commented that the proposal did not make the best use of this large site and that there should be more landscaping to create an outside space. Members were advised that part of the site covered by CC29 was owned by the county council and indications were that it was currently unavailable for sale to the developer. On being put to the vote it was:

RESOLVED, with 8 members voting in favour (Councillors Carlo, Henderson, Jackson, Lubbock, Sands, Malik, Woollard and Bradford), 2 members voting against (Councillors Driver and Maxwell) and 2 members abstaining (Councillors Button and Peek) to refuse to grant planning permission for application no. 17/01295/F - Car park adjacent to Sentinel House 37 - 43 Surrey Street, Norwich on the grounds that the height and massing of the proposed development did not respect the amenity of the residents of Carleton Terrace and Sentinel House, and that the height and

massing was out of character and takes reference from Sentinel House and Norfolk Tower which are negative buildings within the conservation area rather than respecting the character of nearby heritage assets; and to ask the head of planning to provide reasons in planning policy terms.

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

1. By virtue of the height and mass of the proposed building and the degree of separation between the proposed and neighbouring buildings, the proposal will have a detrimental impact on the existing residents of Carlton Terrace, the future residents of Sentinel House and the future residents of the development due to loss of light, loss of privacy due to over-looking and an overbearing relationship. The development would therefore not accord to policy DM2 and DM12 of the Norwich Development Management Policies Local Plan (adopted 2014).
2. The scale, height and mass of the proposed development fails to respect the character of the adjacent non designated heritage asset of Carlton Terrace and other historic buildings in the conservation area and instead takes reference from Sentinel House and Norfolk Tower which are buildings identified within the Norwich City Centre Conservation Area Appraisal as being negative. The development therefore results in less than substantial harm to the non-designated heritage assets and to the conservation area and would therefore not accord with policy DM3 and DM9 of the Norwich Development Management Policies Local Plan (adopted 2014), policies 1 and 2 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (adopted 2011, amendments adopted 2014) and sections 7 and 12 of the National Planning Policy Framework (adopted 2012).

(The committee adjourned for a short break. The committee reconvened with all members listed above as present with the exceptions of Councillor Woollard who left the meeting at this point and Councillor Lubbock who had declared an interest in the following item.)

4. Application no 17/01180/F - 171 Newmarket Road, Norwich, NR4 6AP

(Councillor Lubbock having declared a predetermined view was not present during the consideration or determination of this application.)

The planner presented the report with the aid of plans and slides. The plans had been amended so that the sole access to the site would be from Newmarket Road.

Four residents addressed the committee and outlined their objections to the proposed new dwelling which included: concern about its height, design and that the use of slate was inappropriate; that the scale and size was too large for the site; the proposal was contrary to policies DM2 and DM3 and would adversely impact on the amenity of the neighbouring residents, causing loss of privacy and sunlight from the adjacent garden; suggestion that the house should be sunken into the ground to reduce impact; that this garden development would create a precedence; and concern about access. (Two of the speakers produced photographic images to illustrate their comments.)

The applicant responded and spoke in support of the application. He explained the reasons for the application and their desire to remain in the area and build a sustainable and high quality house which was more appropriate for their needs. He referred to the report and the support from the statutory consultees and said that several neighbours had provided letters of support for the proposed application.

The planner referred to the presentation and showed slides to demonstrate the view from the adjacent gardens and the distances and mature landscaping which showed the negligible harm to the amenity of the neighbouring properties. He explained that the proposal for the residents and visitors to this new dwelling was that they would not access or egress the site from The Loke, which was in private ownership. This did not remove the rights of existing residents who used The Loke for access. The area development manager (outer) said that if the residents used The Loke it would be breach of the planning permission and subject to enforcement.

Members then asked questions of the planner, who referred to the report and the presentation slides to demonstrate the distances and view from neighbouring properties and the variety of design of existing dwellings in the area. The planner advised members to consider whether the new dwelling would cause significant harm to the neighbours. The new dwelling would be 25 metres away from secondary living space (garage and utility rooms) of no 424.

Councillor Carlo commented that the council did not have a policy on developments on garden land and that it made it difficult for the council to assess planning applications. She suggested that the landscaping should be maximised and a hedge rather than a board fence be used.

Councillor Sands said that he did not object to the design but considered that the position of the proposed dwelling on the site was in the wrong position and should be moved further south. He considered that the committee should defer consideration to resolve this issue.

RESOLVED, with 8 members voting in favour (Councillors Driver, Malik, Button, Henderson, Jackson, Malik, Peek and Bradford), and 1 member voting against (Councillor Sands) and 1 member abstaining (Councillor Carlo) to approve application no. 17/01180/F - 171 Newmarket Road, Norwich, NR4 6AP and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Sole access to be via the existing driveway only / no vehicle access via The Loke;
4. Details of hard and soft landscaping and planting
5. Arboricultural Supervision;
6. Works in accordance with AIA / AMS;
7. Water efficiency;
8. Surface water drainage.

(Councillor Lubbock was readmitted to the meeting at this point.)

5. Application no 17/01535/F - 25 Pitchford Road, Norwich NR5 8LQ

The planner presented the report with plans and slides.

Two residents addressed the committee and outlined their concerns about the proposal. This included the concern that this would be another house in multiple occupation (HMO) and that the extension was detrimental to the character of the area and would obscure views of the wooded area, and concern about noise from the future residents and exacerbated pressure on parking. One resident pointed out that no 25 Pitchford Road was not an existing HMO and until recently had one resident.

The applicant was present but chose not to address the committee.

The planner apologised that in his assessment of the property he had misunderstood the use of the property and confirmed that it had been unoccupied following the passing of the previous owner. He referred to the report and responded to the issues raised by the speakers and, together with the area development manager (outer) answered members' questions. Members were advised that the sale of the garage space was not material to the planning application.

Discussion ensued in which members expressed concern about the loss of family accommodation to HMOs. Members were advised that the sale of the garage space was not material to the planning application. Councillor Button, Bowthorpe ward councillor, said that there were proposals for a controlled parking zone in the area.

Councillor Sands, Bowthorpe ward councillor, said that he was concerned that a seven bedroomed HMO was too large for this location and the large extension was overdevelopment of the site. He was aware that similar applications for extensions for family use had been refused previously.

RESOLVED, with 9 members voting in favour (Councillors Driver, Maxwell, Button, Carlo, Jackson, Malik, Lubbock, Peek and Bradford) and 2 members voting against (Councillor Sands and Henderson) to approve application no. 17/01535/F - 25 Pitchford Road, Norwich, NR5 8LQ and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Limit the number of occupants to no more than seven and retain the kitchen and dining rooms for use by the occupants;
4. Operations in accordance with AIA/AMS;
5. Cycle / bin storage to be installed prior to occupation;
6. Landscaping details.

6. Application no 17/01452/F - 15 Wordsworth Road, Norwich, NR5 8LW

The planner presented the report with the aid of plans and slides.

During discussion the planner, together with the area development manager (outer), referred to the report and answered members' questions. This included assurance that the extension must comply with building regulations.

Councillor Sands spoke of his concern about this application for a large HMO and asked whether the drains would need to be moved. Members were advised that all the bedrooms had an en-suite but drainage would be considered under building regulations.

RESOLVED, with 10 members voting in favour (Councillors Driver, Maxwell, Button, Carlo, Henderson, Jackson, Lubbock, Malik, Peek and Bradford) and 1 member voting against (Councillor Sands) to approve application no. 17/01452/F - 15 Wordsworth Road Norwich NR5 8LW and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Limit the number of occupants to no more than seven and retain the kitchen and dining rooms for use by the occupants;
4. Landscaping details.
5. Cycle / bin storage details / to be installed prior to occupation.

(Councillor Malik left the meeting at this point.)

7. Tree Preservation Order [TPO], 2017. City of Norwich Number 523; 32 Leopold Road, Norwich, NR4 7PJ

(Councillor Lubbock left the meeting during this item.)

The arboricultural officer presented the report with the aid of plans and slides. He referred to report and answered members' questions. He confirmed that a Sycamore tree had been removed which had triggered concern that the remaining tree needed protection. The tree, which was probably self-seeded, was at the end of a long garden and would shade part of the gardens but not the house. A member said that the Sycamore trees were important for food for wildlife.

The chair said that he considered that the tree should have been removed when it was younger and was in the wrong place.

A member referred to the arboricultural officer's assessment of the tree and said that a tree preservation order did not preclude works to the tree if required.

RESOLVED, with 8 members voting in favour (Councillors Maxwell, Bradford, Button, Carlo, Henderson, Jackson, Peek and Sands) and 1 member voting against (Councillor Driver) to confirm Tree Preservation Order [TPO], 2017. City of Norwich Number 523; 32 Leopold Road, NR4 7PJ, without modifications.

8. Tree Preservation Order [TPO], 2017. City of Norwich Number 524; The Moorings, Norwich.

The arboricultural officer presented the report with the aid of plans and slides. He referred to report and answered members' questions.

The chair said that he considered that the trees were an important part of the development at the Moorings

RESOLVED, unanimously, to confirm Tree Preservation Order [TPO], 2017. City of Norwich Number 524; The Moorings, without modifications.

9. Tree Preservation Order [TPO], 2017. City of Norwich Number 526; To the front of North Earlham Stores, 308 Bowthorpe Road, Norwich, NR5 8AB

The arboricultural officer presented the report with the aid of plans and slides. He referred to report and answered members' questions. He explained the reasons for the concern that these street trees needed protection.

RESOLVED, unanimously, to confirm Tree Preservation Order [TPO], 2017. City of Norwich Number 526; Land In Front of 308 Bowthorpe Road, NR5 8AB without modifications.

CHAIR

Summary of applications for consideration

ITEM 4

11 January 2018

Item No.	Application No	Location	Case Officer	Proposal	Reason for consideration at committee	Recommendation
4(a)	17/01762/F	Freed Man PH, St Mildreds Road	Lara Emerson	Change of use and extensions to provide 34 No. bedroom student accommodation block (Class C2).	Objections	Approve
4(b)	17/01602/F	Charles Darwin Free School, 81 Rose Lane	Lara Emerson	Change of use to state funded school (Class D1), replacement windows and associated works.	Raises issues of concern	Approve
4(c)	16/01936/F	15 St Margarets	Tracy Armitage	Demolition of existing light industrial building and construction of 3 No. dwellings.	Objections	Approve
4(d)	16/01950/O	St Mary's Works	Tracy Armitage	Outline planning application to include the demolition of office/workshop buildings; part demolition/part retention, conversion and extension of St Mary's Works building and redevelopment of the site to provide circa 151 residential units (Use Class C3); circa 4,365sqm office floor space (Use Class B1a); circa 3,164sqm hotel and ancillary restaurant facility (Use Class C1); circa 451sqm retail (Use Class A1/A5); circa 57sqm gallery space (A1/D1); circa 124 parking spaces and associated landscaping works.	Objections	Approve

Item No.	Application No	Location	Case Officer	Proposal	Reason for consideration at committee	Recommendation
4(f)	17/01558/F	Land East Of 14 Dowding Road	Charlotte Hounsell	Construction of two storey dwelling.	Objections	Approve
4(g)	TPO 530	Petrol Filling Station Plumstead Road	Mark Dunthorne	Tree Preservation Order - three groups of trees and one individual tree. Species include oak, Norway maple, cherry, silver birch, rowan, tree of heaven, and sycamore.	Objections	Confirm without modifications

STANDING DUTIES

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

Equality Act 2010

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

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

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

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

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

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

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

Crime and Disorder Act, 1998 (S17)

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

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

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

Natural Environment & Rural Communities Act 2006 (S40)

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

Planning Act 2008 (S183)

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

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

Article 8 – Right to Respect for Private and Family Life

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

Report to Planning Applications Committee

Item

11 January 2018

Report of Head of planning services

Subject

Application 17/01762/F - Freed Man PH, 112 St Mildreds Road, Norwich, NR5 8RS

4(a)

Reason

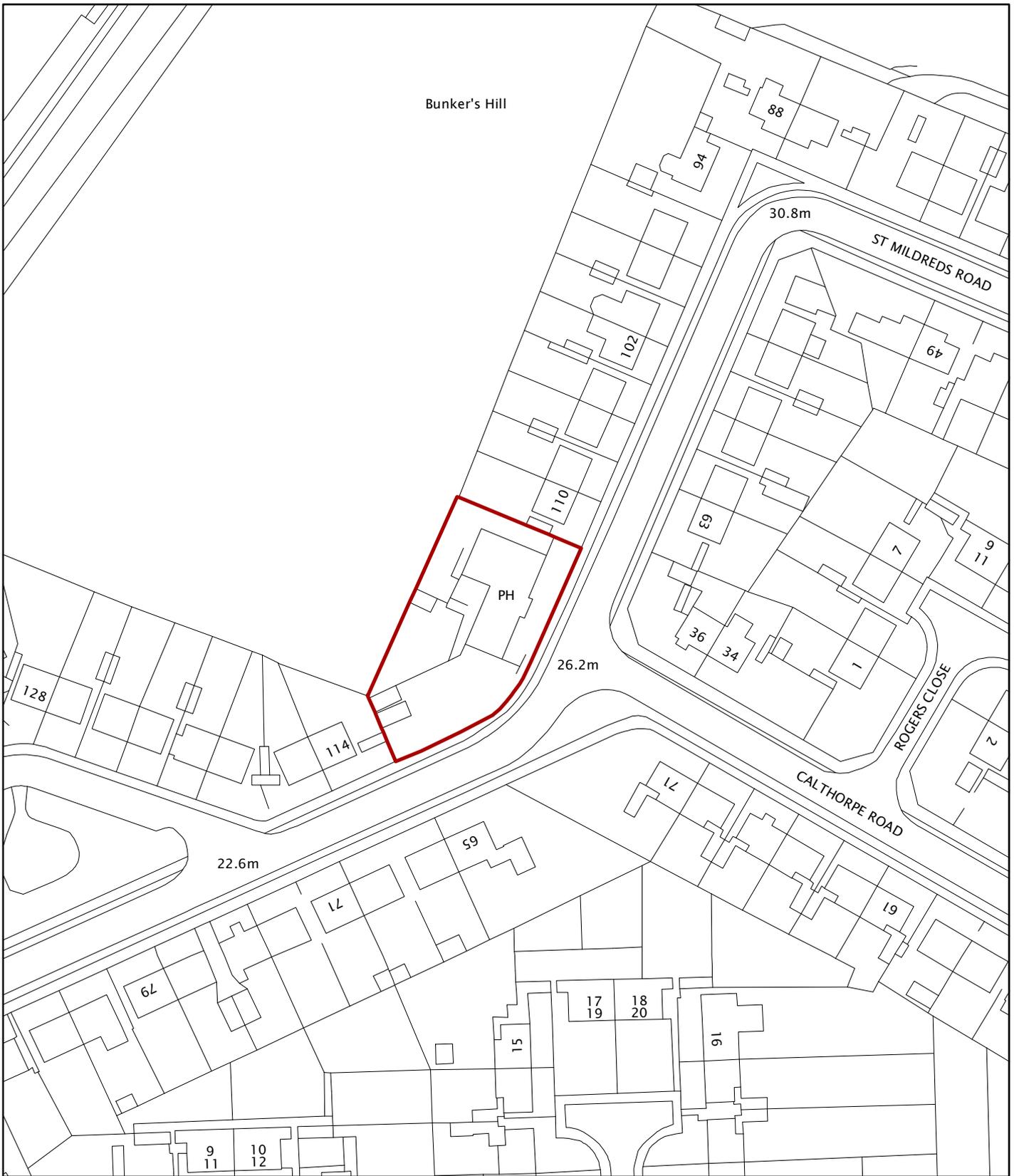
for referral

Objections

Ward:	Bowthorpe
Case officer	Lara Emerson - laraemerson@norwich.gov.uk

Development proposal		
Change of use and extensions to provide 34 No. bedroom student accommodation block (Class C2).		
Representations		
Object	Comment	Support
5	0	0

Main issues	Key considerations
1. Principle of development	Loss of public house, creation of student accommodation.
2. Amenity	Amenity of neighbours, amenity of future occupants.
3. Trees, landscaping & biodiversity	Protection of trees, loss of trees. Landscaping of the wider area, landscaping of the site. Biodiversity Protection & enhancement.
4. Design	Design of extensions.
5. Transport	Lack of on-site car parking. Provision of cycle parking & refuse storage. Refuse collection arrangements.
Expiry date	Extended to 17 January 2018 (originally 5 January 2018)
Recommendation	Approve



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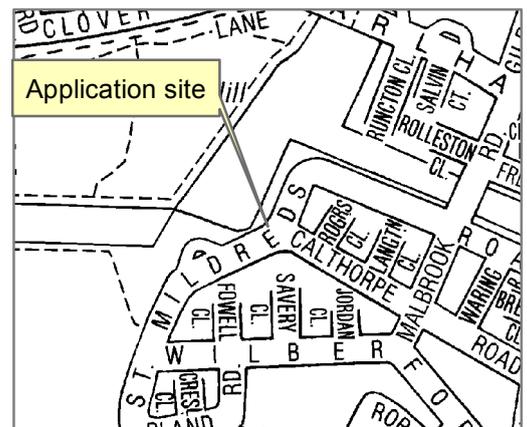
Planning Application No 17/01762/F
 Site Address Freed Man PH
 St Mildreds Road

Scale 1:1,000



NORWICH
 City Council

PLANNING SERVICES



The site, surroundings & constraints

1. The site is located approximately 4.5 miles to the west of the city centre within the Bowthorpe Ward.
2. The building on the site was constructed in the 1950s and has most recently operated as the Freed Man Public House. The pub is understood to have been closed for over 2 years at the time of writing this report. The building is constructed in red brick in stretcher bond and features areas of decorative brick detailing. The topography of the site is such that levels step up from south to north and the cellar entrance to the pub is accessed from the south elevation of the building. To the south of the building is an area of hardstanding formerly used as the pub car park.
3. The site features prominently amongst the surrounding residential properties which are of mixed character appearing to be a mixture of pre-fabricated and brick built dwellings making up the 1950s housing estate. The existing building is a landmark feature, especially as it forms the culminating view at the end of Calthorpe Road.
4. Immediately to the rear of the site is woodland known as Bunkers Hill which is designated as a County Wildlife Site (CWS). There are a number of trees along the boundary in the adjacent CWS. Which have recently been pruned back.
5. The pub was listed as an Asset of Community Value (ACV) on 3 November 2017.

Relevant planning history

6. Application 16/01932/F was refused under delegated powers in August 2017 for the following reasons:
 - (a) Given the proximity of the proposed development to the woodland at the rear of the site, rear facing habitable rooms would benefit from very poor levels of outlook and daylighting. Consequently, living conditions for future occupants would be unacceptable and contrary to Policy 2 of the Joint Core Strategy for Broadland, Norwich and South Norfolk 2011 (amended 2014), Policies DM2, DM12 and DM13 of the Development Management Policies Local Plan 2014 and paragraphs 9, 17 and section 7 of the NPPF.
 - (b) Given the close proximity of the proposed development to the trees, the council considers that the nuisance posed by the trees is likely to be significant and that associated maintenance works are likely to be frequent. The regular maintenance works in themselves would result in some level of harm to the trees, but they would also be likely to create future pressure to remove the trees in order to avoid conflict with the proposed student accommodation. The ongoing works to the trees and future pressure for removal would result in arboricultural harm at the detriment to the value of the County Wildlife Site, contrary to policies DM6 and DM7 of the Local Plan.

Ref	Proposal	Decision	Date
16/01932/F	Change of use from Public House (Class A4) and extensions to provide a new 35 bedroom student accommodation block (Class C2).	Refused	25/08/2017
17/00002/ACV	Nomination as an asset of community value.	Listed	03/11/2017

The proposal

7. Conversion of the existing public house building and construction of 2 and 3 storey extensions to the side and rear to provide a 34-bed managed student accommodation block, with associated bike storage, bin storage and landscaped outside amenity areas.
8. This is an amended version of a previous scheme which was refused in August 2017 (see paragraph 6 above).

Representations

9. Advertised on site. Adjacent and neighbouring properties have been notified in writing. 5 letters of representation have been received (including one from the Norwich & Norfolk CAMRA branch and one from the Norwich Society) citing the issues as summarised in the table below. All representations are available to view in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Issues raised	Response
Over-development of site	See main issue 4 relating to design.
Pressure on on-street car parking	See main issue 5 relating to transport.
Loss of privacy	See main issue 2 relating to amenity.
Loss of woodland view from house	The loss of a view is not a material planning consideration.
Anti-social behaviour and late night noise	See main issue 2 relating to amenity.
Flat roof is out of character in the area	See main issue 4 relating to design.
Extensions would harm the open wooded character of this area	See main issue 4 relating to design.
Reduction in value of surrounding properties	Reduction in property values is not a material planning consideration.
Loss of the last pub in the area	See main issue 1 relating to the principle of development.

Consultation responses

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

Environmental protection

11. Since the plant room is adjacent to an existing residential use, recommend imposing a condition requiring plant to be appropriately noise insulated.

Highways (local)

12. No objection to student accommodation in this sustainable location close to the UEA.
13. The lack of on-site parking may be considered problematic by local residents, but this approach to development does enable best use of the site for accommodation. Given that there is considerable amounts of unrestricted on-street parking available in the neighbourhood, it is not considered unreasonable to allow parking associated with this development to use it.
14. Suggest 2 spaces are provide for visitor cycle storage close to the entrance (*these are provided on the plans*), suggest amendments to dropped kerbs.
15. Need further detail on cycle storage, need a travel plan, amend dropped kerb. Should request street trees with this development.

Landscape

16. There is limited space on the site for landscaping and as such this proposal negates any opportunity for meaningful enhancement of the biodiversity of the CWS. Important views of the woodland would be blocked by this development. Concern for the ongoing maintenance and retention of the trees overhanging the site from the neighbouring CWS. Consideration should be given to the trees at the rear of the site shading rear windows and amenity spaces. Should request 2 no. street trees with this development.

Norfolk police (architectural liaison)

17. This area experiences above average crime levels when compared to the overall statistics for Norfolk. It is therefore welcomed that the developer has proposed a number of security features be built into the development.
18. Concern that the increased pressure on on-street parking will lead to neighbourhood disputes.
19. Cycle stores should be secured using a number of recommended methods. Various other detailed recommendations regarding security measures which should be incorporated into the construction of the development. There should be external lighting to deter and reveal potential offenders.

Natural areas officer

20. The development involves the re-roofing of the existing building which could provide a habitat for bats. The roof should be checked for bats by a qualified ecologist prior to construction commencing. If bats are found, work should stop and Natural England should be contacted to agree an appropriate way forward. The landscaping proposals should include species beneficial to wildlife. I support the recommendations of the report that new bat roosting and bird nesting resources will

be introduced to the site. I also support the recommendations of the report for external lighting.

Private sector housing

21. The property must be laid out and managed in accordance with the HMO regulations as it will require a licence.

Tree protection officer

22. The applicant has satisfied concerns with the previous application regarding daylight provision.
23. The proposed tree works on the attached Tree works plan OAS/16-174-TS02 are appropriate and would not pose a risk to damaging the trees in the woodland.

Anglian Water

24. Recommend a condition to require a surface water drainage scheme to be submitted prior to the commencement of works.
25. Recommended informative:

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

Citywide Services

26. There should be 4 no. 1100l refuse bins, 2 no. 1100l recycling bins and 1 or 2 glass bins.

Assessment of planning considerations

Relevant development plan policies

27. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
 - JCS1 Addressing climate change and protecting environmental assets
 - JCS2 Promoting good design
 - JCS3 Energy and water
 - JCS4 Housing delivery
 - JCS6 Access and transportation
 - JCS7 Supporting communities
 - JCS9 Strategy for growth in the Norwich policy area
28. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
 - DM1 Achieving and delivering sustainable development

- DM2 Ensuring satisfactory living and working conditions
- DM3 Delivering high quality design
- DM6 Protecting and enhancing the natural environment
- DM7 Trees and development
- DM12 Ensuring well planned housing development
- DM13 Communal development and multiple occupation
- DM22 Planning for and safeguarding community facilities
- DM28 Encouraging sustainable travel
- DM30 Access and highway safety
- DM31 Car parking and servicing
- DM32 Encouraging car free and low car housing

Other material considerations

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

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

30. Supplementary Planning Documents (SPD)

- Trees, development and landscape SPD adopted June 2016

Case Assessment

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

Main issue 1: Principle of development

32. Key policies and NPPF paragraphs – DM12, DM13, DM22, NPPF paragraph 14.
33. Policy DM13 sets out the assessment criteria for proposals involving the development of residential institutions and student accommodation. Part of the policy sets out criteria that need to be satisfied specifically in relation to residential institutions and student accommodation in addition to the need to satisfy the overall objectives for sustainable development set out in DM1 and criteria for residential development set out in DM12. The requirements of DM13 are that (a) the site must not be designated or allocated for an alternative non-residential use; (b) if allocated for housing, it can be demonstrated that the proposal would not compromise the delivery of a 5 year housing supply for the city; (c) the location provides convenient

and direct access to local facilities and bus routes; (d) the provision of shared amenity space is satisfactory; and (e) applicants can demonstrate provision of satisfactory servicing and warden/ staff accommodation.

34. In relation to parts (a) and (b), the site is not allocated for an alternative non-residential use nor is it allocated for housing. With regard to part (c) the site is within walking distance of the Earlham West Local Retail Centre as well as frequent bus services to the city centre and wider area. The University of East Anglia (UEA) would also be easily accessible on foot or by bicycle. With regards to part (d) the scheme is considered to provide satisfactory shared amenity space, both internally and externally. With regards to part (e) the application includes a Management Statement which, once implemented, would provide adequate means of ensuring the site was properly managed and occupants properly supervised. The proposal also provides a reception area to accommodate an Officer Manager to be present one day per week.
35. With reference to DM12, parts (a), (b) and (c) are most relevant to the proposal. The proposal is considered broadly in line with the sustainability criterion set out under DM1 with respect to part (a). The impacts of the proposal upon the amenities and character of the wider area are discussed in more detail under Main Issues 2 and 3. With respect of part (c), the proposal would introduce student accommodation to the locality. This would be consistent with the council's objective of promoting different accommodation types to slow the conversion of existing housing for conversion to HMO's, which are often then used for student accommodation.
36. The proposals would result in the loss of an existing public house. The Freed Man is identified as having special community significance and is listed as a community public house under policy DM22 of the Local Plan. As such the pub is afforded a degree of protection and DM22 states that the loss of a community use will only be permitted where (b) all reasonable efforts have been made to preserve the facility but it has been demonstrated that that it would not be economically viable, feasible or practicable to retain the building or site for its existing use; and (c) evidence as provided to confirm that the property or site has been marketed for a meaningful period and that there is no realistic interest in its retention for the current use or for an alternative community use. The application states several reasons why preserving the facility was not considered viable with respect of part (b). Amongst these include the substantial renovation costs that would be associated with bringing the public house into an adequate condition as well as dwindling passing trade and changes to the pub market.
37. With respect of part (c). The Freed Man was offered for sale from February 2016 leading up to the submission of the first application, but only three offers were received and these were not from public house operators. Prior to this, the public house had been offered for lease for a period of 32 months, but again without any success. Prior to its closure, the pub had been leased on a temporary basis with an initial rent free agreement before a reduced rent kicked in. It is stated that the previous tenants absconded once the reduced rent kicked in, which led to the pub being repossessed in June 2015.
38. The premises have recently been listed as an Asset of Community Value (ACV) by the council. Local planning authorities have discretion over whether to consider ACV listing a material planning consideration. Given the justification set out by the

applicant discussed above, the loss of the public house is considered to be acceptable in this instance.

39. It is important to note that the previous application was refused on grounds which did not relate to the principle of development. In light of the above it is therefore considered that adequate evidence has been set out in the application to justify the loss of the public house against DM22.

Main issue 2: Amenity

40. Key policies and NPPF paragraphs – DM2, DM11, DM12, DM13, NPPF paragraphs 9 and 17.

Amenity for future occupiers

41. The previous application was refused partly due to the outlook and light levels afforded to rear facing rooms as a result of the close proximity to the woodland behind.
42. To address the outlook issue, the applicant has rearranged the layout of the ground floor so that the part of the building in closest proximity to the rear site boundary is now a communal kitchen/dining room (instead of a bedroom) in which outlook is less important.
43. To address the light issue, the applicant commissioned the Building Research Establishment (BRE) to undertake a sunlight/daylight study which concluded that a number of measures should be taken to increase the light afforded to bedrooms. The layout has been changed so that the room experiencing the lowest levels of light is now a communal room rather than a bedroom. Windows to most rear facing rooms have been enlarged to allow greater levels of light. All rooms now experience adequate sunlight/daylight levels as outlined in the submitted study.
44. While the floor space has remained the same, the number of bedrooms has been reduced from 35 to 34 and the additional space has been used for improved kitchen/dining facilities.
45. Students are highly vulnerable to crime such as burglaries. The proposal includes a Management Statement which sets out measures for ensuring the site is well serviced. An external lighting scheme is to be submitted in order to further protect the residents from crime.
46. The amenity conditions available for future occupants are considered to be acceptable.

Amenity for neighbouring occupiers

47. The proposal would introduce extensions adjacent to neighbouring properties located to the south-west and north of the site. The application includes a 'Sun Study' to model the impacts of overshadowing upon neighbouring properties. The study illustrates that the proposed development will result in a small amount of overshadowing to the rear garden of number 114 St Mildred's Road during morning hours for three of the modelled months (March, June and December). However, the level of overshadowing is minor and does not appear to occur after 12pm. Furthermore, the study is based upon an earlier iteration of the scheme where

three-storey development was proposed adjacent to the boundary. The current scheme now proposes two-storey development in this location which would reduce the associated overshadowing impact from that modelled.

48. The proposal involves a first floor extension adjacent to the boundary with the neighbouring property to the north (number 110 St Mildred's Road). The sun study shows overshadowing to the rear garden of number 110 during the months of March, September and December. However, the degree of overshadowing is again not shown to be significant and a large proportion of the overshadowing is likely to already be caused by the existing building.
49. The first floor extension adjacent to the boundary with 110 St Mildred's has also been considered in terms of its potential for overbearing when experienced from the neighbouring garden. Whilst there will be some impact, the drop in land levels on the site and the set back from the boundary is considered to be sufficient to avoid an unacceptable degree of overbearing. Any overlooking from the proposed window on the north elevation of the extension will be easily mitigated with the installation of obscure glazing. The proposals would not otherwise create any significant opportunities for overlooking/loss of privacy to residential properties in the surrounding area.
50. The Management Statement submitted with the application also sets out a number of measures designed to minimise anti-social behaviour and disturbances that may result from the activity of the occupants. Whilst the proposals would accommodate 34 occupants, the management details are considered adequate to protect the amenities of the surrounding area. The bins would be satisfactorily located to avoid any significant smell spillage to neighbouring properties and the kitchen spaces are adequately spaced across the development to avoid any over-intensification of cooking activity that might otherwise significantly affect adjacent neighbouring properties.
51. The plant room is located adjacent to a residential property. It is therefore proposed to impose a condition requiring appropriate sound insulation.

Main issue 3: Trees, landscaping & biodiversity

52. Key policies and NPPF paragraphs – DM3, DM6, DM7 and DM8 NPPF paragraphs 9, 17, 56, 109 and 118.
53. The application includes an Arboricultural Implications Assessment (AIA) and Tree Protection Plan (TPP), which identify the presence of trees on the adjacent CWS and the associated maintenance that would be required. Only one tree (T1) is set out for removal and this is assessed to be of low quality. The AIA recognises that the adjacent woodland overhangs the site and proposes to prune back overhanging branches to the boundary. The AIA states that tree works would then be required on a moderate cycle to reduce overhanging branches on the western boundary.
54. One of the reasons for refusal for the previous scheme related to pressure on the pruning/removal of the trees in the adjacent woodland. A detailed Tree Management Plan has been requested and received to support the proposal. The council's tree officer is content that if the trees are managed in accordance with this document, there long term protection will be secured.

55. The previous refusal also referred to the trees causing a lack of daylight to the rear rooms. The submitted sunlight/daylight study identified that the windows to these rooms should be enlarged and the layout has also been changed to put a communal room in one of the darker corners of the site. As a result, the rooms now receive satisfactory levels of light which will further relieve pressure on the pruning/removal of trees.
56. In terms of landscaping, there are limited strips of landscaping to the side, rear and front of the site. There are also external decked areas which residents could use as outside amenity space. A landscaping plan is requested to ensure that these strips are planted with foliage which is appropriate and has some biodiversity enhancement.
57. The application is supported by a ecology survey which identified no presence of bats on the site. However, the survey was not undertaken at the optimal time and a further survey is required to take place prior to the commencement of works. Bird and bat boxes are required to be erected around the site as recommended by the survey. The site will require external lighting for the safe operation of the student accommodation. Full details of this will be requested by condition that it fulfils its security purpose without causing undue disturbance to wildlife in and around the site.

Main issue 4: Design

58. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 9, 17, 56 and 60-66.
59. The current scheme reflects several revisions made during the previous application to address concerns with the design of the scheme and the relationship of the extensions to the existing public house building and character of the surrounding area. The Freed Man is regarded to be a landmark building, terminating views along Calthorpe Road. The building is not locally or statutorily listed, but does benefit from heritage value and contributes positively to the character of the surrounding area. The proposed retention of the building is therefore welcomed and the replacement of windows to match existing would ensure that the character of the building when experienced from the front of the site is largely preserved. There would be some level of harm to the character of the existing building through the creation of the lower ground floor level, which would disrupt the symmetry in the principle elevation, but on balance the proposed alterations to the pub building are considered to be acceptable.
60. The proposed extensions consist of both two-storey and three-storey development. Two-storey development is proposed adjacent to number 114 St Mildred's Road to the south-west of the site, before stepping up to three-storey further north. The transition from two-storey to three-storey would respect the scale of neighbouring development to the south-west and enable the proposed extensions to relate more sensitively with the existing built environment.
61. The proposed infill extensions at the rear of the pub building are two-storey on the upper ground floor level of the site. The extensions on the south-western portion of the site are connected to the pub building by a set-back and glazed frontage, which would allow the main pub building to read separately from the extensions when viewed from the surrounding area. The extensions are contemporary in

appearance, which again allow them to be read separately from the main pub building, but the predominant use of a 'red-multi'- brick would enable the development to tie adequately into the character of the locality. All materials are to be agreed.

62. Elevation drawings indicate that the proposals will block views from the south that are currently afforded through the car park to the woodland at the rear so that the trees will only be partially visible following development. The application site does not benefit from Open Space designation in the Local Plan and the area in question is brownfield land. Given the brownfield status of the site, the fact that the site is not designated as Open Space and that loss of a view is not a material planning consideration, the proposals are considered acceptable with respect to their impact upon the sense of openness and views of the woodland.
63. It is important to note that the previous application was refused on grounds which did not relate to design. With respect to the proposal's impact upon the character of the existing pub and surrounding area, the scale, form and appearance of the development is considered to be acceptable.

Main issue 5: Transport

64. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF paragraphs 17 and 39.
65. The development includes the provision of cycle storage areas and refuse storage areas. These are considered sufficient in size and full details will be requested by condition to ensure they are appropriately designed to be attractive and secure.
66. The application site is located within walking distance of the UEA campus and nearby to frequent bus services serving both the University and city centre. On-site car parking is not being proposed and parking in the surrounding area is unrestricted. Several objections have been received citing concern with increased levels of traffic and pressure upon on-street parking spaces that may result from the proposed development. Whilst it is acknowledged that some of the students are likely to own cars which will increase levels of traffic and on-street car parking, car ownership amongst student populations is typically lower than that associated with regular households and given the proximity to the UEA, local retail centre and bus services, the need for a car would be greatly reduced. Furthermore, the scheme would provide sufficient cycle parking to provide each occupant with a secure cycle parking space. A travel plan is required by condition which would be expected to discourage car ownership and encourage sustainable modes of travel to and from the site.
67. Some works are required to the highway to provide a refuse collection point at the north end of the site. Further details are requested by condition.
68. It is important to note that the previous application was refused on grounds which did not relate to transport. The transport implications of the proposal are considered to be acceptable and the location of the site highly sustainable and appropriate for student accommodation.

Other issues

69. A surface water drainage scheme is to be requested to ensure that the development does not exacerbate the city's flooding issues. The development is to be built to accord with JCS1's water efficiency requirements.

Equalities and diversity issues

70. There are no significant equality or diversity issues.

Local finance considerations

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

Conclusion

72. The council has recently refused a scheme on the site, and the applicant has addressed the issues contained within the reasons for refusal. The council's previous decision is a material consideration in this case and must be considered as part of the assessment of this application.
73. The development is in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.

Recommendation

To approve application no. 17/01762/F - 112 St Mildreds Road, Norwich, NR5 8RS and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Materials to be agreed;
4. Landscaping including bird & bat boxes;
5. Details of cycle storage & refuse storage;
6. Submission of travel plan;
7. Detailed design for dropped kerbs in the highway;
8. 2 street trees;
9. Surface water drainage scheme;
10. External lighting scheme;
11. Further bat survey prior to works commencing;
12. Sound insulation of plant and machinery;
13. Side facing windows to be obscure glazed;
14. Water efficiency.

Dark grey finish metal framed windows/doors (RAL 7004/Signal Grey)

New replacement windows to match existing (to achieve U-value req's) - finish to be (RAL 7004/Signal Grey)

Red facing brickwork 2 - 'Olde English Red Multi' with cream/lime mortar



Red facing brickwork 1 - 'Camberley Red Multi' with cream/lime mortar

Red facing brickwork 2 - 'Olde English Red Multi' with cream/lime mortar

Clear Structural glass (light grey tint) glazing to main entrance area

Dark grey finish metal framed windows/doors (RAL 7004/Signal grey)

New windows to match existing at upper levels - finish to be (RAL 7004/Signal Grey)

Projected framed openings - Grey aluminum (RAL 7004/Signal Grey)

Smooth & Textured 'Light/chalk' finish in horizontal brick bands - 'Forticrete' architectural masonry

KEY:

-  Old English red multi brick
-  Camberley Red Multi
-  Projected framed openings - Grey aluminum (RAL 7004/Signal Grey)

Secure/lockable bin store - horizontal louvres with inner mesh panel to storage unity

Render finish 'chalk/white' to rear elevations

Red facing brickwork 2 - 'Olde English Red Multi' with cream/lime mortar

SOUTH EAST ELEVATION to CALTHORPE ROAD
Scale 1:100

WEST ELEVATION



VELOCITY STUDENT

COPYRIGHT: This drawing must not be reissued, loaned or copied without the consent of CAM Architects Limited. All errors, discrepancies should be reported to CAM Architects Limited immediately. All dimensions are to be checked before any site fabrication by the contractor or sub-contractors specialist suppliers etc.. Do not scale plans. Use only figured or grid dimensions. Any deviation from this drawing is to be reported to CAM Architects Limited immediately. This drawing has been prepared for the following purposes and does not constitute use for any other purpose: Planning

REV. I	18.10.17	Alterations to specific windows to improve natural lighting (see Aerial Elevations)
REV. II	27.07.17	General Amendments to elevations following Planning comments - 18/07/17
REV. III	25.07.17	General Amendments to elevations following Planning comments - 18/07/17
REV. IV	28.08.17	Elevations now include numbered ref. to roof heights as shown on Site/Access Plan - 14/08/17 (1)
REV. V	20.08.17	Elevations Amended in accordance with Planning Meeting dated 5 June 2017
REV. VI	25.04.17	Elevations Amended
REV. VII	11.04.17	Elevations Amended
REV. VIII	07.04.2017	Revised Elevation detail added
REV. IX	15.12.2016	Revised detail to external materials added



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Client	
The Freed Man Project LLP	
Project Details	
The Freed Man PH - Conversion	
Project Address	
The Freed Man PH, 112 St Mildreds Road, Norwich NR5 8RS	
Drawing Title	
Proposed Elevations	

Job No.	Drawing Number	1405-A-PL07
1405	1405	
Date	Scale	Revision
11-07-16	1:100@A1	I
Drawn	Checked	CSO Date
KM	-JM	



NORTH WEST ELEVATION to WOODLAND (Rear Elevation)

NORTH ELEVATION to Adj. PROPERTY

EXISTING RETAINMENT
Render finish 'chalk/white' to rear elevations

REMODELLING OF LEVELS TO ALLOW ACCESS TO REAR FROM ROOMS 14-17
Increased window and doors to amenity area size to allow further improved increased natural light at lower levels

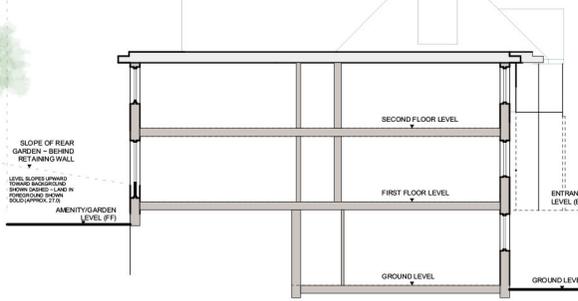
New dark grey finish metal framed to existing windows/doors (RAL 7004/Signal Grey)

Composite flat roof in 'light grey' finish

Increased window size to allow further improved increased natural light at lower levels

Red facing brickwork 1 - 'Camberley Red Multi' with cream/lime mortar

New extended section in brickwork to match existing



SOUTH ELEVATION to ST. MILDREDS ROAD

TYPICAL SECTION ~ THROUGH NEW EXTENSION (showing lift serving all floors)
Scale 1:100

Secure/lockable bin store - horizontal louvres with inner mesh panel to storage unity

Report to Planning Applications Committee

Item

11 January 2018

Report of Head of planning services

Subject

Application 17/01602/F - 81 Rose Lane, Norwich,
NR1 1DJ

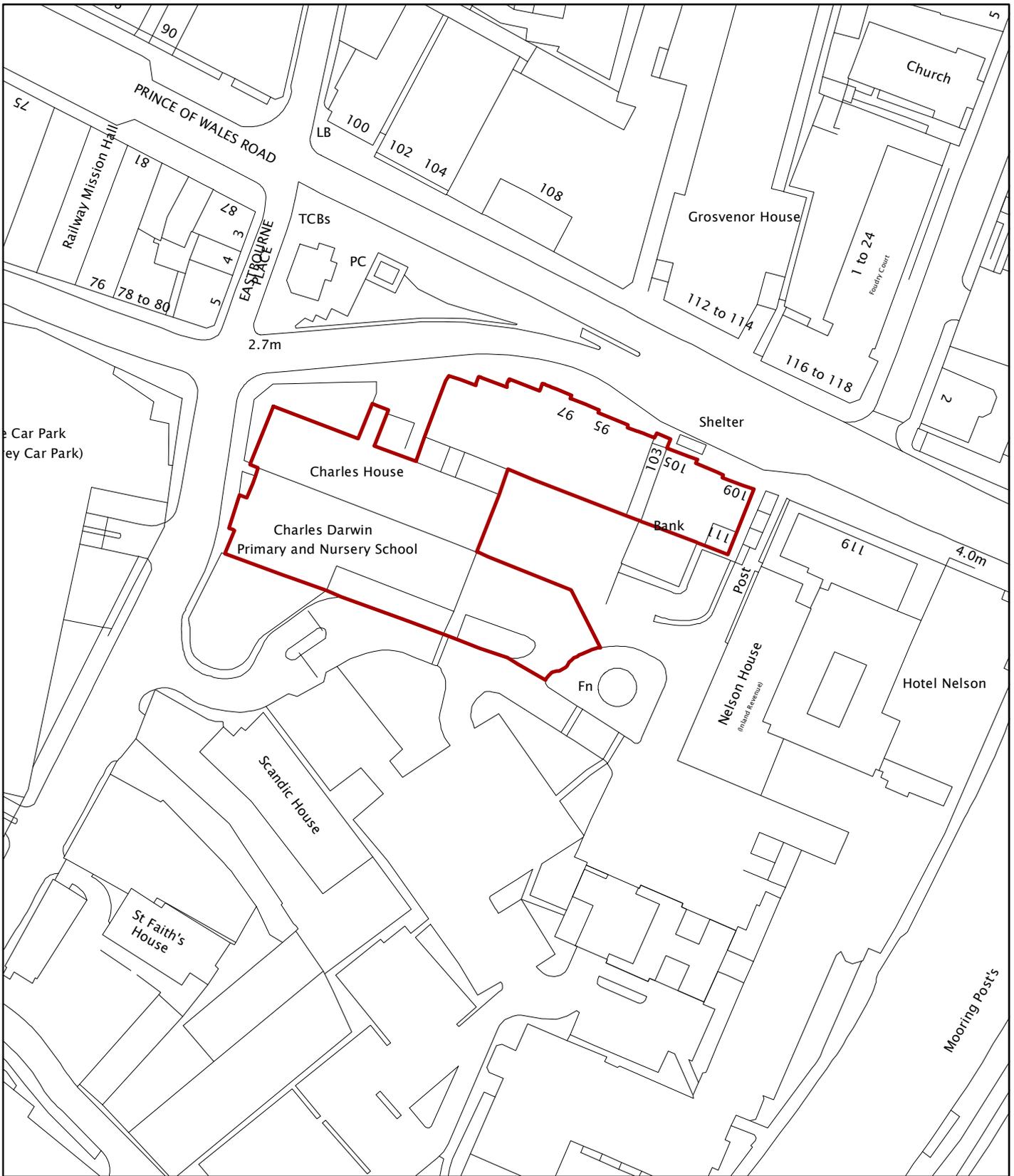
4(b)

Reason for referral Raises issues of wider concern

Ward:	Thorpe Hamlet
Case officer	Lara Emerson – laraemerson@norwich.gov.uk

Development proposal		
Change of use to state funded school (Class D1), replacement windows and associated works.		
Representations		
Object	Comment	Support
0	0	0

Main issues	Key considerations
1. Principle of development	Loss of office space, creation of school.
2. Transport	Sustainability of location. Arrangements for drop-off, coach set down, cycle parking, walking bus.
3. Amenity	School environment - noise & air quality. Impact on surrounding occupiers.
4. Design & heritage	Design of replacement windows and other minor external works. Impact on heritage assets.
Expiry date	17 January 2018 (Extended from 1 December 2017)
Recommendation	Approve



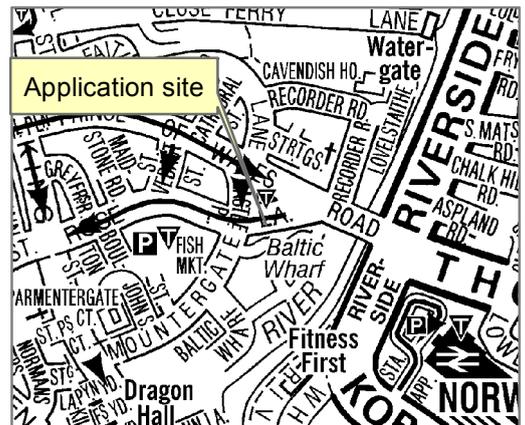
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Planning Application No 17/01602/F
 Site Address Charles Darwin Free School
 Rose Lane
 Scale 1:1,000



NORWICH
 City Council

PLANNING SERVICES



The site, surroundings & constraints

1. The site is situated on the corner of Rose Lane and Mountergate.
2. The building is a late 20th Century, 3 storey former office block with some retail space on the ground floor. As a result of permitted development rights (GPDO Schedule 2, Part 4 Class C.2), the building is currently in lawful use as a school for a temporary period of 2 years (up to September 2018). The east side of the building is known as Wensum House and the west side of the building is known as Charles House.
3. The office block was served by a car park to the rear which has been partly converted to a playground.
4. The site sits within the City Centre Conservation Area and there are a number of locally and statutorily listed buildings in the vicinity. There is a tree in front of the building which is outside the application site and covered by a Tree Protection Order (TPO).

Relevant planning history

Ref	Proposal	Decision	Date
16/00822/TMPCOU	Temporary change of use as a state-funded school for a single academic year (notification under GPDO Schedule 2, Part 4 Class C.2).	Approved	25/05/2016
16/01917/TPO	Purple Norway Maple (T1): Crown reduction removing 1.5m radial spread and 0.5m off the height.	Approved	25/01/2017
17/00512/PDS	Change of use to state-funded school.	Withdrawn	03/05/2017

The proposal

5. Permanent change of use of part of the ground floor and the whole of the first and second floors to a primary school serving 420 students, accompanied by a nursery serving 60 children. The floor area affected by this proposal is 2,190m².
6. The permanent change of use from office to a state funded school would normally fall into a prior approval permitted development category under GPDO Schedule 2, Part 3, Class T. However, the wording of the legislation means that buildings which are already in temporary use as a state funded school cannot utilise the permitted development right set out in Class T. As such, the school requires full planning permission to operate on a permanent basis.
7. The proposal involves significant internal remodelling to create classrooms, offices, receptions spaces, a hall and other spaces associated with the school and nursery. Associated external works include replacement windows (aluminium frames to match existing), provision of cycle parking and of a small number of car parking spaces. A playground has already been created within a part of the rear car park to accommodate the small number of students currently attending the school, but this is proposed to double in size under the current application.

Representations

8. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. No letters of representation have been received.

Consultation responses

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

Design and conservation

10. This is not an application that I intend to provide conservation and design officer comments on because it does not appear on the basis of the application description to require our specialist conservation and design expertise. This should not be interpreted as a judgement about the acceptability or otherwise of the proposal.

Environmental protection

11. I have reviewed this application. The issues of air quality and noise have been satisfactorily dealt with by the applicant and I therefore have no comments.

Highways (local)

12. *Initial comments:* This is a highly accessible location for a school in close proximity to a number of public transport modes. Concern about the area's poor air quality and noisy road environment. Concern about a very narrow section of pavement on Mountergate and subsequent highway safety issues. Scooter parking will also be appropriate for this use to encourage sustainable modes of transport. Need to identify a reliable coach parking facility to serve the school.
13. *Following discussions with the applicant and subsequent submission of additional information:* No objections on highway/transportation grounds. Please note that there is a private streetlight/CCTV camera adjacent to the proposed coach parking location that would need removal/relocation. I presume that the CCTV is for car park management purposes for the hotel, as the car park barrier and island have been removed recently. Hopefully this can be resolved by the applicant in liaison with Premier Inn.

Historic Environment Service

14. No comments.

Assessment of planning considerations

Relevant development plan policies

15. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
 - JCS2 Promoting good design
 - JCS6 Access and transportation
 - JCS7 Supporting communities
 - JCS9 Strategy for growth in the Norwich policy area

- JCS11 Norwich city centre

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

- DM1 Achieving and delivering sustainable development
- DM2 Ensuring satisfactory living and working conditions
- DM3 Delivering high quality design
- DM9 Safeguarding Norwich's heritage
- DM16 Supporting the needs of business
- DM18 Promoting and supporting centres
- DM19 Encouraging and promoting major office growth
- DM22 Planning for and safeguarding community facilities
- DM23 Supporting and managing the evening and late night economy
- DM28 Encouraging sustainable travel
- DM30 Access and highway safety
- DM31 Car parking and servicing

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

- CC4 Land at Rose Lane & Mountergate

Other material considerations

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

- NPPF0 Achieving sustainable development
- NPPF4 Promoting sustainable transport
- NPPF7 Requiring good design
- NPPF8 Promoting healthy communities
- NPPF12 Conserving and enhancing the historic environment

Case Assessment

19. 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

20. Key policies and NPPF paragraphs – DM19, DM22, CC4, NPPF paragraph 72.
21. This site sits on the edge of the allocated site CC4 which covers a large area of land on Rose Lane and Mountergate. Part of the site was recently developed as the Rose Lane car park, but the rest of the site remains in a number of uses and ownerships. The site is allocated for mixed-use office led development. The conversion of this building to a school will result in the loss of larger office space (2,190m²) which is resisted by local policy DM19 and may cause delay to the

redevelopment of this part of the site. However, the allocation at CC4 is large and in multiple ownerships. The application site sits on the edge of the allocation and is for the conversion of an existing building. As a result, any conflict with CC4 is not likely to cause significant harm to the policy objectives of the allocation. There are also a number of benefits that this proposal brings which are material planning considerations and must be considered when determining the current application.

22. First of all, this building provides poor quality office space, which the applicant has demonstrated has been difficult to let for a number of years. Having a building of this scale standing vacant is detrimental to the wider area, and an appropriate conversion should be supported to aid in the regeneration of the area. A school is a highly active use which encourages foot traffic from visitors throughout the school day thus enlivening the area. The proposed change of use will therefore support the wider regeneration of the area and may make the redevelopment of other parts of the allocation more attractive to landowners. The school use will also generate 46 full-time jobs, supporting the aims of the site allocation to encourage employment uses.
23. Secondly, the reuse of an existing building is a highly sustainable form of development. The conversion of existing buildings is encouraged within the core planning principles set out within paragraph 17 of the NPPF. The conversion of the building also allows for the retail uses on the ground floor of Wensum House to be retained, supporting the city centre retail offer and providing shops on this key route into the city.
24. Finally, national planning policy strongly supports the provision of new state funded schools, especially through the conversion of existing buildings such as this one. Moreover, the County Council has identified a specific deficiency of primary school spaces in the city centre.
25. Paragraph 72 of the NPPF states:

The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- *give great weight to the need to create, expand or alter schools; and*
- *work with schools promoters to identify and resolve key planning issues.*

26. This is further reiterated within 2011's "Policy statement – planning for schools development" which is very strongly worded to encourage council's to approve applications for state funded schools. The policy statement is a material planning consideration.
27. Policy DM22 sets out the criteria for new school development and the proposal addresses each part of the policy since the site is located in a highly accessible location; adequate provision is made for sustainable travel; highway safety concerns have been addressed; and there is a clear need for more primary school spaces within the city centre. This proposal is considered to accord with all parts of the policy, subject to the detailed matters discussed below.

28. The development is considered acceptable in principle.

Main issue 2: Transport

29. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF paragraphs 17 and 39.
30. The site sits in a highly accessible city centre location which is appropriate for a school in transport terms. Prince of Wales Road is served by most of the city's key bus routes, and the rail station is only a short walk away. There are many residential properties nearby, with the St Annes Wharf development soon to provide hundreds of dwellings only 200m from the site. Moreover, parents who live further afield but work in the city may choose this school so that they can combine drop-off with their trips to work.
31. The site provides eleven parking spaces accessed via Mountergate (one space for visitors, one disabled space and nine spaces for nursery drop off). The applicant has provided a Transport Statement which sets out ways in which primary school students will be encouraged to travel to school. There is a walking bus which operates from Morrison's car park. Groups of 12 students are supervised by 2 members of staff. This prevents cars from needing to drive all the way to the site itself and prevents highway congestion on the surrounding streets. Parents are advised not to stop on the surrounding streets, which are covered by strict waiting restrictions in any case.
32. There are 5 public cycle stands (providing 10 cycle parking spaces) immediately adjacent to the site's main entrance, and the applicant is proposing to provide an additional 4 stands in a covered and secure area of the site. Overall, this provides 18 cycle parking spaces. Whilst this number is below the policy requirement of 160 spaces the Transport Officer notes that the policy requirement is inappropriate for a primary school where children are unlikely to cycle to school, at least in the earlier years at the school. In addition, the site is so well located that there are many other options to travel sustainably to school. Scooter parking is also proposed within the building itself, which is a more likely method of travel for younger children.
33. During the school day pupils will be able to make many journeys on foot to nearby facilities with a swimming pool, museums and other destinations in close proximity to the site. However, the school will still need to be served by a coach for school trips approximately twice per week to destinations further afield. To facilitate this, an informal arrangement has been agreed with the Premier Inn adjacent to the site so that coach set down and pick up can be provided within the hotel car park. Should this arrangement come to an end, the applicant has demonstrated that the nursery drop off spaces, which would not be in use during the day, could be utilised for coach parking.
34. There have been some discussions between officers and the applicant regarding a section of pavement on the south-east side of Mountergate which is particularly narrow and would not be appropriate for accommodating large numbers of pedestrians (especially not those accompanying young children). The applicant has offered some solutions in order to preserve highway safety and to reduce the need to use this stretch of walkway. Pedestrians will be directed away from this stretch of pavement since students will use routes through the playground to the rear of the school during drop-off and pick-up. Students travelling from Mountergate to the

school (from St Annes Wharf or King Street) are encouraged to use the north-west side of Mountergate. A new green-man pedestrian crossing is soon to be provided as part of programmed improvements in the Prince of Wales Road area connecting the north-west and south-east sides of Mountergate.

35. The site is large enough to accommodate an area for refuse storage. This is to be agreed by condition.
36. Overall, officers are satisfied that the proposed development will not have an adverse impact on highway congestion or highway safety.

Main issue 3: Amenity

37. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
38. The applicant has submitted a noise impact assessment which demonstrates that surrounding uses will experience some increase in noise created as a result of construction activity and playground activity. The immediate surrounding uses include shops, a car park, offices and a hotel. There are residential dwellings on Prince of Wales Road and Recorder Road. The development results in a reduction in noise from traffic.
39. Given the nature of the surrounding uses, works to convert the existing building are unlikely to give rise to material levels of disturbance.
40. With regards to the playground noise, the Noise Impact Assessment proposes that a Noise Management Plan is submitted to effectively manage noise created within the playground.
41. The school is proposed to be served by mechanical ventilation so that windows fronting Prince of Wales Road/Rose Lane do not have to be opened. This will protect the occupants from excessive noise and air pollution.
42. It is worth noting that the outside space available to pupils on this site is less than usually provided within primary schools and is also substandard with no soft landscaping. However, since there is no local or national planning policy setting out specific requirements for school developments this is not an issue that the council can place any great weight on. In any case, the site's location means that there are a number of green spaces and outside learning opportunities available to children in the vicinity of the site. Close by are the Riverside Walk, Castle Gardens and the Cathedral Precinct; slightly further away is Mousehold Heath.

Main issue 4: Design and heritage

43. Key policies and NPPF paragraphs – JCS2, DM3, DM9, NPPF paragraphs 9, 17, 56, 60-66 and 128-141.
44. External works include provision of a playground to the rear of the site (including a boundary wire fence and ancillary structures) and upgrading of windows.
45. The boundary fence and ancillary structures within the playground will not cause any harm to the character and appearance to the building or wider conservation area and are appropriate given the proposed use.

46. The replacement windows are proposed to be aluminium with a design to match the existing so the external appearance of the building will not be altered significantly. The colour is to be agreed by condition.

Equalities and diversity issues

47. There are no significant equality or diversity issues.

Local finance considerations

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

Conclusion

49. The proposal involves the loss of low quality office space but provides a much needed primary school in a sustainable city centre location. Whilst there is some conflict with the Local Plan allocation at CC4, the proposed re-use of an existing building on the edge of the allocation is unlikely to cause significant delay to the redevelopment of the wider site.
50. There are other material planning considerations that must be taken into account when determining the application. These are outlined in the body of the report above. Significant amongst these is the clear and strong guidance from central government that applications for extra school capacity should be considered favourably, which is expressed through the National Planning Policy Framework and ministerial statements.
51. Given the above, it is recommended that the application should be approved.

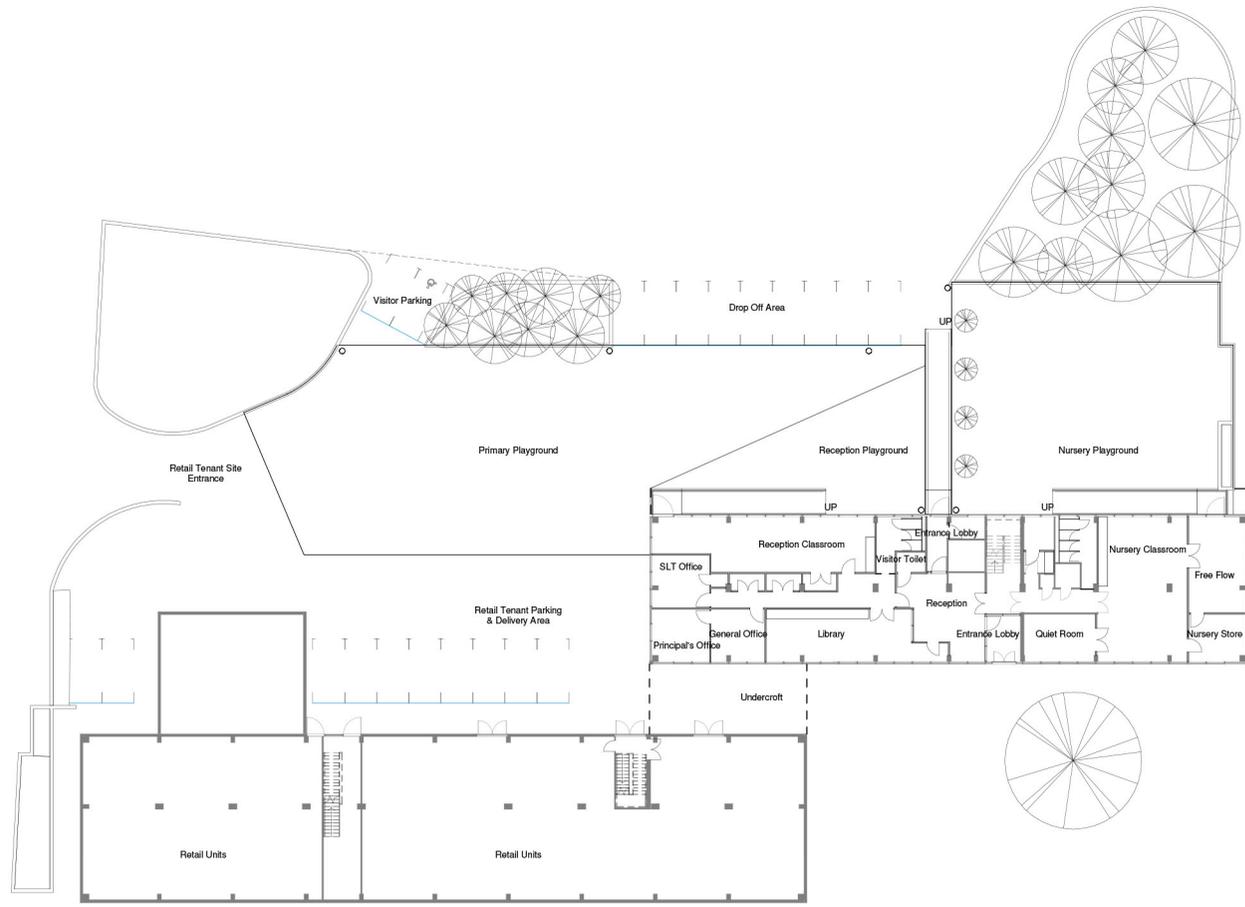
Recommendation

To approve application no. 17/01602/F - 81 Rose Lane Norwich NR1 1DJ and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Colour of windows;
4. Noise management plan for the use of the play area;
5. Cycle & refuse details.

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CDM - RESIDUAL RISKS
 The following are considered to be significant risks relevant to this drawing, which could not be fully mitigated or removed through design. Further possible control measures have been identified within the Design Risk Assessments which may help to mitigate these and other identified risks further during the construction / maintenance process.



Revision	Date	Drawn	CSG	CSG
P01 - First Issue	08.07.16			

This document references the following file:-

Reference Name	Status	Revision
INS010-PE-XX-ZZ-M3-A-0001	SO	P01.1

CLIENT
 Inspiration Trust

Architects
 Consulting Engineers
 Project Managers
 Surveyors

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PROJECT
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DRAWING TITLE Proposed Site Plan - Phase 2	PICK EVERARD PROJECT No. 151805
DRAWING NUMBER CDP-PE-P2-XX-DR-A-0202	SCALE - unless otherwise stated 1 : 200 of A1
Project Originator Volume Location Type Role Number	STATUS PURPOSE OF ISSUE S2 PRELIMINARY
	REV P01

Report to Planning applications committee

Item

11 January 2018

Report of Head of planning services

Subject Application no 16/01936/F - 15 St Margarets Street,
Norwich, NR2 4TU

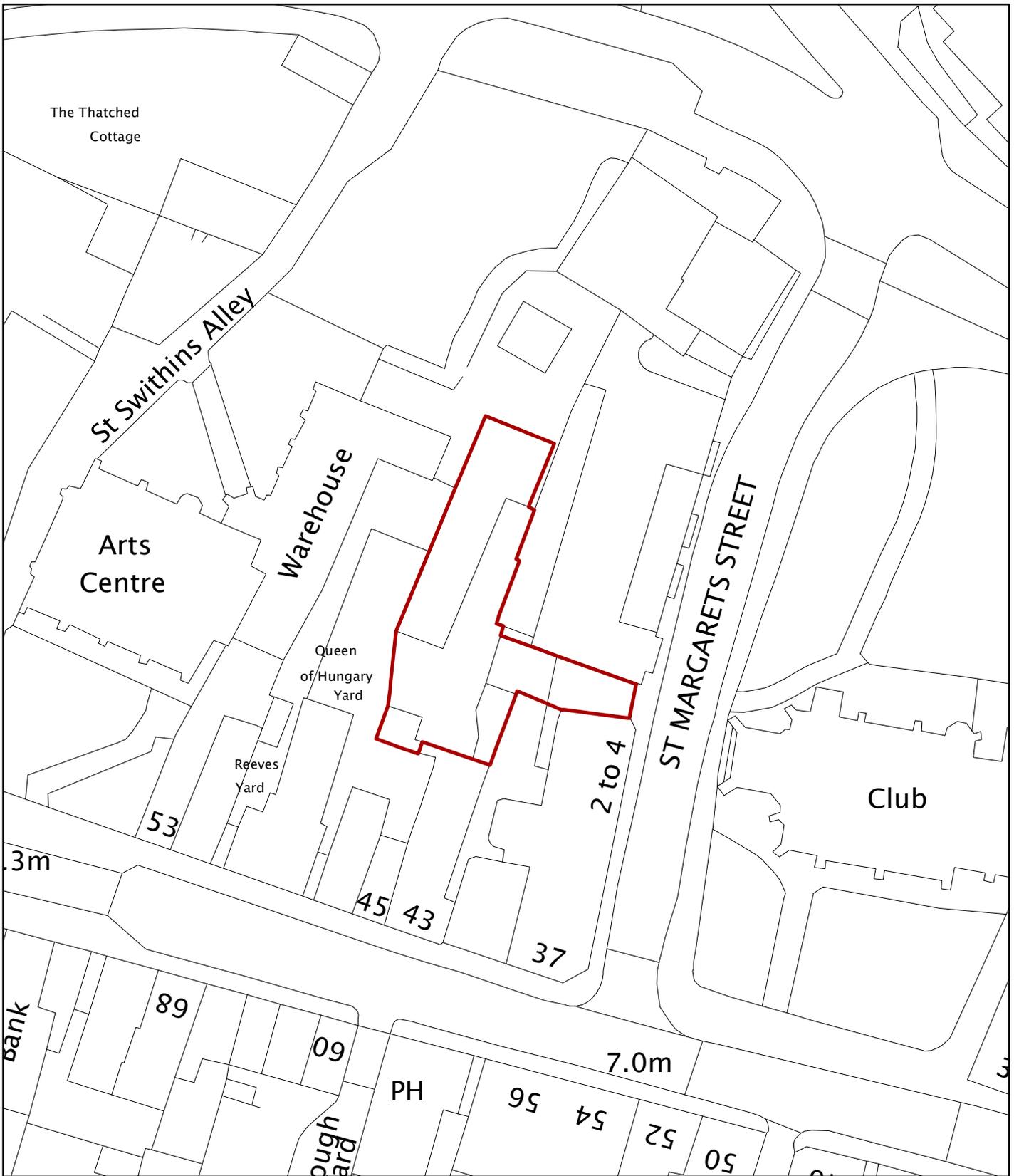
4(c)

**Reason
for referral** Objections

Ward:	Mancroft
Case officer	Tracy Armitage - tracyarmitage@norwich.gov.uk

Development proposal		
Demolition of existing light industrial building and construction of 3 No. dwellings.		
Representations		
Object	Comment	Support
Original 9	1	-
Revised 5	-	-

Main issues	Key considerations
1 Principle of development	Suitability of location for residential development
2 Design	Quality of design and whether the scale of development is acceptable
3 Heritage	Impact on conservation area and listed buildings
4 Amenity	Impact on existing residents and businesses Amenity levels for future residents – particularly given proximity to the Norwich Arts Centre
5 Trees	Impact on trees outside of the site boundaries
Expiry date	Extension agreed
Recommendation	Approve, subject to conditions



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Planning Application No 16/01936/F
 Site Address 15 St Margarets Street

Scale 1:500



NORWICH
 City Council

PLANNING SERVICES



The site and surroundings

1. This 0.02ha site is located behind residential and retail units facing on to St Benedicts Street and St Margarets Street. The site, previously in commercial use, is essentially landlocked and has no direct street frontage. Access to the site is gained via a private right of way over neighbouring land to St Margarets Street and across Queen of Hungary Yard which is registered as adopted highway and connects to St Benedicts Street.
2. There are a number of existing single storey buildings on the site. The largest building is approximately 20m in length and forms the boundary of the site with the Art Centre to the west and with adjacent land to the north. Part of the existing external elevation of this structure has been treated as a graffiti wall. This faces the Arts Centre external smoking areas and is proposed to be retained as part of the re-development. Smaller scale buildings abut the southern and south eastern boundary of the site. Residential dwellings are located adjacent to this boundary (no 37 St Benedicts flats 2-4a and 1-13 The Hines, St Margarets Street).
3. A change in level exists between the site and St Margarets Street. Site level is approximately one storey higher than street level.
4. The south-west boundary of the site abuts Queen of Hungary yard which is accessed via a narrow entrance from St Benedicts Street. The yard is adjacent to private amenity space used by the occupiers of 49 St Benedicts Street

Constraints

- City Centre Conservation Area - Elm Hill and Maddermarket character area; 'very high'
- St Swithins Church (now Norwich Arts Centre) – statutory listed building – Grade I
- 45,47,49 St Benedicts Street – statutory listed buildings – Grade II
- 43, 51, 53 St Benedicts Street - locally listed
- Trees outside but close to site boundaries – north and west of the site
- Site of archaeological importance

Relevant planning history

5. None

The proposal

6. Demolition of existing buildings and the erection of a two storey building comprising three dwellings. The design of the scheme has been subject to negotiation and the scheme has been amended following concerns and objections being raised by officers and neighbouring occupiers.

Summary information

Proposal	Key facts
Scale	
Total no. of dwellings	3
No. of storeys	1 - 2
Density	104 per hectare
Appearance	
Materials	Brick, Reglit glass walling, standing seam zinc and tile
Transport matters	
Vehicular access	None
No of car parking spaces	None
No of cycle parking spaces	2 per dwelling

Representations

7. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. A total of 10 contributors have submitted letters of representation citing the issues as summarised in the table below. All representations are available to view in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Issues raised	Response
Impact on residential amenity: Loss of daylight and sunlight Loss of privacy Loss of local views Overlooking of private amenity space Increased disturbance resulting from use of roof terraces	Para 41-53

Issues raised	Response
<p>Lack of parking</p> <p>Local provision inadequate</p> <p>Rights of access - disputed, including proposed changed status of Queen of Hungary yard</p>	<p>The site is within the city centre and DM32 supports car free development</p> <p>This is a civil matter.</p>
<p>Noise from the Norwich Arts - impact on future residents and operation of music venue</p>	<p>Para. 56-58</p>
<p>Proposed materials not compatible with the area</p>	<p>Para. 32-33</p>
<p>Impact on trees</p>	<p>Para. 59</p>
<p>Construction disruption - impact on residents and local business</p>	<p>A construction management plan would be required for this site.</p>

Consultation responses

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

Design and conservation

9. No objection to the amended scheme subject to the imposition of conditions.
10. Local policy requires new development to be of an appropriate scale, form and mass, respond to the prevailing materials of, be respectful of and if possible, enhance the distinctiveness and character of an area.
11. As the overall height of the development and the eaves level are below that of the existing surrounding buildings, the development is considered to be of an appropriate scale. The use of a 'stepped' ridge line and breaks in the mass to incorporate courtyards reduces the perceived mass. Additionally the courtyards, breaks in the roof structure, changes in roof type and variation in the envelope texture provide an interesting form which is appropriate in the space when observed from the publicly accessible viewpoints.
12. The use of red brick and red pantiles are an appropriate and contextual use of materials for the area. The introduction of zinc and glazed walling adds a layer of interest which helps to distinguish the development from the surrounding buildings. This allows the existing buildings' architectural interest to remain uncompromised

Environmental protection

13. No objection subject to the inclusion of noise mitigation measures and the following informative :

This property is in a situation with significant background noise arising from nearby uses. Norwich City Council has therefore included measures designed to control noise in the planning permission for this property. These requirements are to provide approved acoustic glazing and passive/forced acoustic ventilation and other noise mitigation measures. The use of these will be taken into account by Norwich City Council when investigating any complaint of noise nuisance from an occupier of these dwellings.

Highways (local)

14. No objection in principle on highway/transportation grounds.
15. The site is highly constrained in terms of access for demolition/construction phases, yet once completed it will function well as a car free development in the city centre. A construction management plan will be required as a condition to ensure that it is buildable without causing unreasonable impact on the adjacent highways.
16. Given the importance of a walking route to the site, it would sensible that if necessary the development improved the adopted Yard if necessary with regard to its surface and lighting.

Norfolk historic environment service

17. No objection subject to the imposition of condition relating to an archaeological written scheme of investigation
18. The proposed development site lies within the walled area of the medieval city directly between two medieval churches (St Swithin's and St Margaret's) and on the site of Westwick Hospital. In view of this there is a high potential for heritage assets with archaeological interest (buried archaeological remains) to be present and for their significance to be affected by the proposed development.

Norwich Society

19. Original scheme - Demolition of existing light industrial building and construction of 3 No dwellings. Three units is over-development of this small site and will cause loss of light and privacy to neighbours.
20. Amended scheme – no comments received

Tree protection officer

21. No objections provided the recommendations contained within the AIA are implemented in full, I have no objections to the proposal. I would like to add, however, that there may be future pressure to prune/fell T5 and T6 and this should be taken into consideration

Assessment of planning considerations

Relevant development plan policies

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

- JCS1 Addressing climate change and protecting environmental assets
- JCS2 Promoting good design
- JCS3 Energy and water
- JCS4 Housing delivery
- JCS6 Access and transportation
- JCS9 Strategy for growth in the Norwich policy area
- JCS10 Locations for major new or expanded communities in the Norwich policy area
- JCS11 Norwich city centre

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

- DM1 Achieving and delivering sustainable development
- DM2 Ensuring satisfactory living and working conditions
- DM3 Delivering high quality design
- 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
- DM17 Supporting small business
- DM28 Encouraging sustainable travel
- DM30 Access and highway safety
- DM31 Car parking and servicing
- DM32 Encouraging car free and low car housing

Other material considerations

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

- NPPF0 Achieving sustainable development
- NPPF4 Promoting sustainable transport
- NPPF6 Delivering a wide choice of high quality homes
- NPPF7 Requiring good design
- NPPF11 Conserving and enhancing the natural environment
- NPPF12 Conserving and enhancing the historic environment

Case Assessment

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

any other matters referred to specifically in the assessment below. The following paragraphs provide an assessment of the main planning issues in this case against relevant policies and material considerations.

Main issue 1: Principle of development

26. Key policies and NPPF paragraphs – DM12, NPPF paragraphs 49 and 14.
27. Policy DM12 sets out the principles for all residential development. The site is not specifically designated for non-residential purposes in this plan or the Site Allocations plan and furthermore not subject to any other constraints which would restrict the principle of a residential use of the site. The site constitutes previously developed brownfield land within the city centre and as such is a highly sustainable location for new residential development. The site has been used for small scale employment purposes and DM17 applies to the loss of such uses. However, the current buildings are in a poor state and in the long term, general industrial uses are unlikely to be compatible with adjacent residential development. The council's design and conservation officer has advised that the buildings do not make a positive contribution to the setting of listed buildings or the wider setting and as such the clearance of the site to make way for redevelopment is acceptable
28. The scheme proposes car free family housing which is considered a beneficial form and type of development for this city centre location. The main issues in relation to this application relate to detailed design, heritage impact, amenity considerations for future and existing residential occupiers and noise matters relating to proximity to the Norwich Arts Centre.

Main issue 2: Design

29. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 9, 17, 56 and 60-66.
30. DM3 requires the design of all development to have regard to the character of the surroundings 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. The site is located within the Elm Hill and Maddermarket sub area of the City Centre Conservation Area (CA). The CA appraisal identifies the area as being of very high significance by virtue of the concentration of historic buildings, presence of historic features and townscape quality. A significant feature of the sub area is the narrow and intimate street pattern and the vibrancy created by the mix of specialist shops, bars and cafes. Management and enhancement objectives include: new buildings must respect the domestic scale of existing development; and that the close grained character of the area must be retained.
31. The proposed two storey building is broadly rectilinear in form and aligned to extend along the full length of the site. The building is substantially larger than existing buildings on the site but comparable to a terrace of five dwellings which formerly stood on the site during the 19th century. In common with other back land yards sites in Norwich, this terrace is likely to have been demolished as part of the slum clearance programme during the early 20th century, which sought to eradicate the cramped and unhealthy living conditions of many of the city's residents. The proposed linear block form of the development is therefore reminiscent of historical patterns of development in this part of the city centre conservation area. Although

the terrace on the site was previously two storey - the principle of replacing the existing low rise buildings with a higher building needs to be considered in the context of contemporary forms of development which now abut the site and the current expectations of residents to enjoy satisfactory amenity levels.

32. The proposed development when first submitted was substantially two storeys and extended up to or very close to boundaries with adjacent existing residential dwellings – in particular 37 St Benedicts and The Hines. The effect was of an overly intrusive and cramped form of development. Revisions to the scheme have resulted in the lowering of the main ridge and the introduction of both setbacks and single storey elements. These changes have had the effect of reducing overall massing and increasing spacing between the new building and surrounding development. The overall height of the development and proposed eaves level are now below that of the existing surrounding buildings and more appropriate in scale. The use of a 'stepped' ridge line and breaks in the mass to incorporate private courtyards for each of the dwellings creates a modular form and further reduces the perceived mass.
33. The building is of a bespoke design and seeks to both respond to the specific constraints of the site and make best and most efficient use of the site. Given the proximity of adjoining buildings the principal windows of each dwelling are arranged around enclosed ground floor court yards and first floor terraces. This minimises windows located on the main outward facing facades or directly facing adjacent dwellings. In addition the 'carving' out of the building to form these spaces creates a varied built form. A material pallet including red brick, zinc and glazed walling is proposed to create visual and architectural interest to these elevations. Detailing including the use of perforated and projecting brickwork is also proposed. Elements of glass walling are proposed for each of the dwellings. This glazing system is proposed to be translucent with a blue tinge; it will have a smooth finish and reflect natural light. The walling will allow natural light into the first floor open plan living spaces.
34. The council's conservation and design officer has commented that the courtyards, breaks in the roof structure, changes in roof type and variation in the envelope texture provide an interesting form which is appropriate in the space when observed from the publicly accessible viewpoints. The massing and height of the development respects the domestic scale of adjacent buildings and the layout makes efficient use of this brownfield site whilst maintaining a tight urban grain: a feature of the conservation area. The form of the building along with the use of a varied pallet of high quality materials provides the scope for an enhancement in local character and local distinctiveness. The revised scheme therefore meets the requirement of DM3 in terms of achieving high quality design.

Main issue 3: Heritage

35. Key policies and NPPF paragraphs – DM9, NPPF paragraphs 128-141.
36. DM9 requires all development to have regard to the historic environment and take account of the contribution heritage assets make to the character of an area.
37. There are a number of statutorily listed buildings located close to the site. These include the former church of St Swithins now the Norwich Arts Centre (Grade I) and

Grade II - 45- 47 St Benedicts and 49 St Benedicts Street (former Queen of Hungary Public House). In addition 43 St Benedict's is locally listed.

38. The council's conservation and design officer has indicated that the impact upon the architectural interest of the locally listed buildings fronting St Benedict's Street and the statutorily listed no's. 45-47 is minimal. Although there exists a glimpsed view of the rear of these properties and in deed St Giles church when viewed from St Swithin's Road/Westwick Street, this is anomalous and a result of the elevated position of the rear of the properties. Architecturally they are subservient to the principal elevations and not designed to be viewed in this manner. The reduction of this glimpsed view through the insertion of a brick wall, partially visible fenestration and combination of opaque and translucent glass walling will add a layer of interest to the view and is considered an improvement on the existing.
39. The potential for impact upon the architectural interest of the neighbouring Grade I listed former church of St Swithin, Grade II listed 47 and 45-47 St Benedict's Street has been limited due to the subservient overall height of the scheme. It is recognised that there will be an increase in height over the existing buildings at an approximate 2m from the 49 St Benedicts and there is no historic precedent for this. Additionally the first floor windows on the rear range of 49 St Benedict's along the Queen of Hungary yard elevation, are mentioned within the Historic England list description. Although the Historic England list description should not be considered as an exhaustive definition of the buildings significance, this inclusion would indicate that they are considered noteworthy and the impact upon them should be considered as part of any assessment. The increase in height of the proposed over the existing will not directly obstruct the view from, or of, these historic windows given the offset position of the development. However the outlook of the windows will be partially obstructed obliquely. This impact upon the outlook from the historic window is reduced by the low level of the eaves at this element of the proposal, which will give the impression of looking 'onto' the development not 'at', or 'into' it. This distinction should not be undervalued as it maintains the impression of dominance over the proposed. On this basis the impact of the development upon the architectural significance of 49 St Benedict's will not compromise the overall interest of the building.
40. The level of impact upon the architectural interest of the former church of St Swithin (Arts Centre) mostly relates to how the east window is viewed, both from outside and inside the former church. In this case the significance of the east window as an architectural feature has already been compromised when viewed from outside as the space which may have traditionally been churchyard and publicly accessible has been enclosed. There will be little impact on the quality of light to the east window as viewed from inside given the 17m separation distance and the form and height of the development allows for a 'passage' through the structure. In addition it should be noted that St Swithin's is a former church, now used as an arts-space. It has a stage/performance area set up within the former Nave and the windows are draped/boarded. The proposal is not considered to impact upon the architectural and/or historic significance of the Grade I listed building in a manner that will compromise the overall interest of the building.
41. The development responds sympathetically to the adjacent listed buildings and the surrounding historic environment. The loss of a glimpsed view of St Giles results in harm but this is limited and less than substantial harm. However, the overall form of the development responds to the significant features of the conservation area which

highlight the domestic scale buildings and a tight urban grain. The development will make a positive addition to the local townscape and overall is considered an enhancement

Main issue 3: Amenity

42. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
43. DM2 seeks to ensure that new residential development will provide new occupiers with a high standard of amenity and satisfactory living conditions and that the development itself does not result in an unacceptable impact on existing occupiers living close by.
44. The scheme has been amended following concerns that the original proposal would have had an unacceptable impact on residents living close to the site in particular The Hines - a residential block of 13 dwellings and 37 St Benedicts flats 2-4a and 49 St Benedicts Street.
45. **Impact on the Hines** – The Hines is a predominantly 3-4 storey purpose built residential block with a ground floor parking level located behind the frontage façade. The block is located approximately 3-3.5m from the boundary with the application site. The dwellings are dual aspect with living room windows fronting St Margaret Street and bedrooms to the rear facing the site. The proposed development will impact on the windows on the rear elevation of the Hines, principally the first and second floor bedroom windows.
46. The amended plans have set back the proposed two storey elevation of units 2 and 3 by between 1.5 – 3m from the eastern boundary. Given the levels difference, this frontage will rise to a height where it will face the first and second floor windows of the Hines. Three east facing first floor window openings are proposed in the new development. However, these are designed to provide light rather than outlook and are either obscurely glazed or set at a level where a direct view could not be gained. This approach seeks to ensure that privacy levels are maintained for existing adjacent occupiers.
47. Sections illustrating the relationship of the development to the Hines have been submitted and a computer model has been used to illustrate the change in outlook from a sample of bedrooms facing the site. These illustrate that compared to the existing situation the amount of building visible from these windows would increase with a corresponding reduction in visible sky. The impact is more significant for the first floor bedroom windows where the proposed new building breaches the 25 degree angle of vision and is therefore likely to result in the reduction of light levels. Relative to the scheme as first submitted the revised scheme significantly improves the inter relationship of the development with the Hines: however, a level of impact remains.
48. In assessing the degree of harm, account has been taken of the use of the rooms affected, the change in outlook and the location of this site within the city centre. Bedrooms are less likely to be in use for prolonged periods of the day and therefore the reduction in light and outlook has a lower amenity impact than if the rooms were living rooms. In addition although the new development will be highly visible, it will have an interesting varied form/appearance and as such will not be unduly oppressive or overbearing. Furthermore this location is within the city centre where

development is mixed in character and more tightly packed. Although the new building will be close to the Hines the relationship is not untypical of this historic part of the city or urban situations in general. In these locations amenity levels are not optimal but at a level that reflects the dense urban context. On balance this relationship is therefore considered acceptable.

49. **Impacts on 37 St Benedicts Street** – These dwellings are located on the corner of St Margarets Street and St Benedicts Street with a number of windows facing the site. The revised plans have reduced the scale of the scheme in this location from two to single storey. The relationship of the development to this adjacent residential block is considered satisfactory given the achieved separation distances and the sensitive positioning of windows.

50. **Impact on 49 St Benedicts Street** – This dwelling abuts Queen of Hungary yard and has a rear garden located adjacent to the adopted highway route. The development abuts this boundary with external walls extending to between 4-5.4m in height. One obscurely glazed window is proposed within this façade. A number of first floor windows are proposed set back and face this boundary, these include:

51. Unit 1 - Living room window set back by min 2.3m. This provides access to first floor terrace with is set back from the boundary by 1.3 – 2m.

52. Unit 2 - Bedroom window set back by min. of 2.3m. In addition a living room window is set back by 2.5m. This latter window (along with a kitchen window set at a right angle) provides access to first floor terrace. The terrace is set back 1m from the boundary.

53. A cross-section has been submitted showing the level of possible overlooking of the adjacent garden space. The level of overlooking will be reduced by the degree of setback proposed and the height of the boundary wall. The development will create a greater sense of enclosure of the yard and reduce light level. However, this is not inconsistent with other Norwich yards. The level of impact on the garden space is considered acceptable given the city centre location of the site and the status of the Queen of Hungary yard as adopted highway.

54. **Impact on 47 St Benedicts** – This building is occupied by a commercial tenant. The business use includes use of the basement and an outbuilding attached to a building proposed for demolition as part of the scheme. The applicant's agent has confirmed the adjoining building will be subject to the requirements of the Party Wall Act and will be retained and made safe as part of the development. The tenants have raised concerns over the impact of the development on their business by virtue of loss of light, privacy and disruption during construction. The proposed development is located to the north of the premises and blank façade extending to a maximum height of 6.9m is proposed approximately 5m from the rear of the premises. This relationship is considered satisfactory for this city centre location. A construction management plan would be appropriate as a condition of development, given the proximity of adjacent residents and businesses.

Amenity for future occupiers

55. All three of the dwellings exceed nationally described space standards for 4 person three bed dwellings.

56. Each of the dwellings has access to two private court yards and a first floor private roof terrace. Given the city centre location of the development this level of access to outdoor amenity space is considered satisfactory. The scheme has been designed to maximise privacy for future occupiers by arranging primary windows around these private outdoor spaces. This approach is successful but does compromise light levels to ground floor bedrooms given the size and extent of enclosure of the courtyards. However, the scheme constitutes a distinctively urban form of development and the proposed level of outlook and light is considered acceptable for residents selecting a city centre location to live.
57. The site is located adjacent to the Norwich Arts Centre, a popular music venue. The centre operates 7 days a week and hosts regular live music events in the auditorium and also occasionally hosts DJs and smaller-scale live music in the bar. The premises have a late license allowing performances to continue after midnight. A small garden to the east of the Art Centre is used as a smoking area until 10:30hrs. The Art Centre has raised concerns over the introduction of dwellings in this location where noise could impact on amenity levels and where complaints may lead to operational difficulties for their business.
58. A Noise Assessment has been submitted with the application. The assessment has included consideration of noise breakout from the building associated with both auditorium and bar events. This found noise breakout from the building occurs with noise consisting of strong low frequency component (thumping) and intelligible lyrics, audible alongside the other ambient noise sources. The scheme locates bedrooms at ground floor level behind structural walls and this assists in mitigating impact. However, it would remain the case that noise levels with windows open for ventilation are likely to exceed the internal ambient noise criteria (WHO/BS8233). Accordingly the assessment makes a number of recommendations to achieve satisfactory ambient noise conditions. These include:
- Background ventilation being provided by means other than openable windows in all habitable rooms;
 - Up-rated acoustic glazing and ventilators in habitable rooms on the western side of the development; and
 - Sound insulating ceilings are installed in spaces beneath the roof.
59. The council's environmental protection officer (EPO) has reviewed the assessment and is satisfied that noise levels have been robustly quantified and that with the inclusion of the proposed measures, noise impact would be satisfactorily mitigated for future residents. This should protect the Norwich Arts Centre from future complaints and the EPO has recommended an informative to be attached to any planning approval confirming how noise issues would be assessed.

Main issue 4 – Trees

60. There are no trees on the application site but there are trees located on adjacent land. This includes a Sumac tree in Queen of Hungary Yard and semi-mature sycamore trees north of the site on land owned by the Norwich Art Centre. An Arboricultural report has been submitted indicating measures to protect these trees during construction. The trees are likely to restrict light to the bedroom court yard of unit 3. However, this unit has additional outdoor amenity areas and therefore this relationship is considered satisfactory.

Compliance with other relevant development plan policies

61. 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
Water efficiency	JCS 1 & 3	Yes subject to condition
Sustainable urban drainage	DM3/5	Yes subject to condition

Other matters

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

Equalities and diversity issues

63. There are no significant equality or diversity issues.

Local finance considerations

64. 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.

65. 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.

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

Conclusion

67. The proposal will deliver a modest amount of new housing on an underutilised brownfield site. The design is considered high quality and capable of enlivening this city centre site. The development is in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.

Recommendation

To approve application no. 16/01936/F - 15 St Margarets Street Norwich NR2 4TU and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Construction Management Plan
4. Utilities - routing plans
5. Scheme for the protection of existing structures: graffiti wall, boundary wall with the Hines, outrigger to 47 St Benedicts
6. Archaeology
7. Tree protection
8. Submission/approval of all external materials – including windows (all aluminium powder coated windows; rainwater goods, vents etc
9. Additional details - design and material of all gates; constructions details material junctions; hard landscaping
10. PD restriction - changes to external facades
11. Obscure glazing where shown
12. External lighting to be approved
13. Provision of noise mitigation measures
14. Provision of Drainage Strategy
15. Provision of cycle and refuse facilities
16. Water efficiency measures

Informatives:

- This development will not be entitled to on-street parking permits
- Noise - as advised by EPO

Article 35(2) Statement

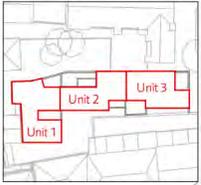
The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations, following negotiations with the applicant and subsequent amendments the application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



HOUSE 3

HOUSE 2

HOUSE 1

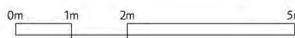


GROUND FLOOR INTERNAL FLOOR AREAS

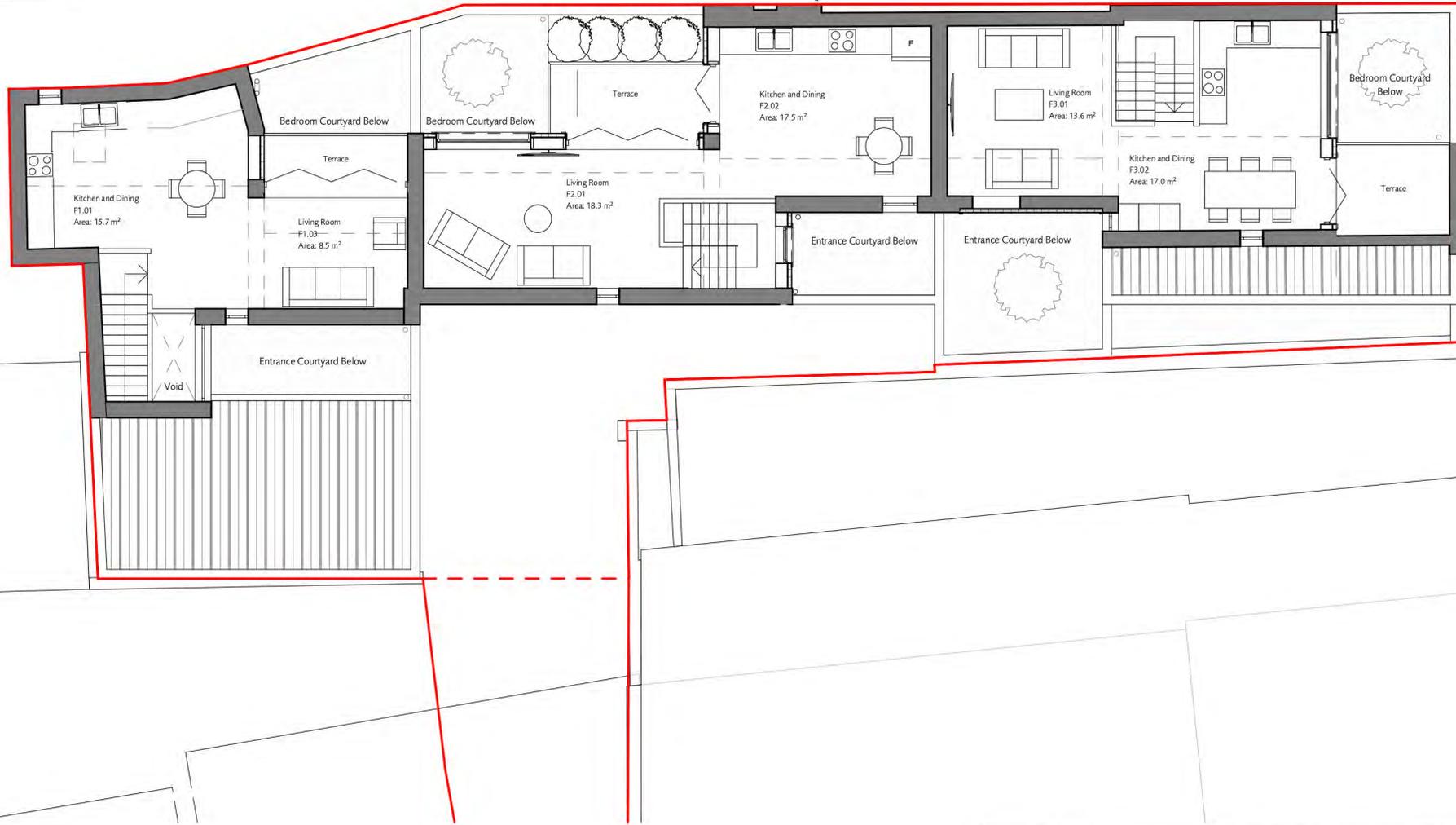
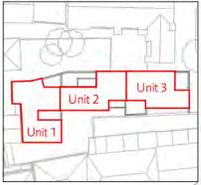
Unit 1: 53m²

Unit 2: 46m²

Unit 3: 45m²

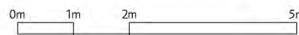


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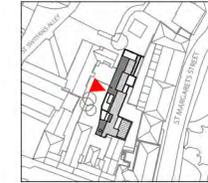
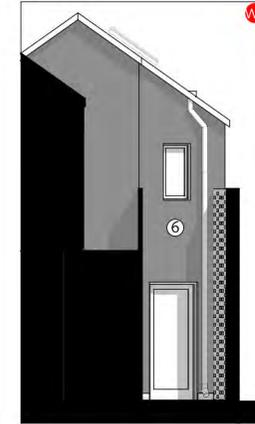
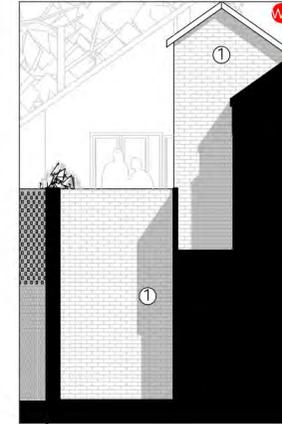
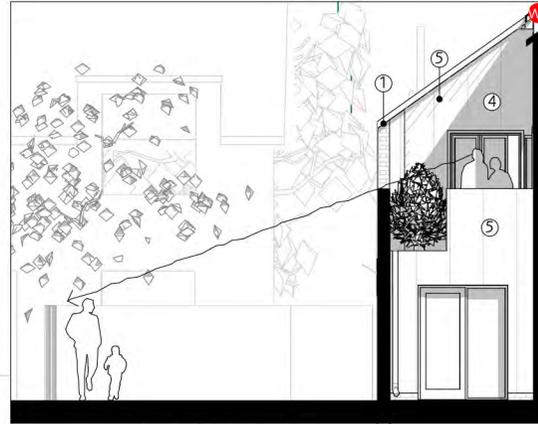


FIRST FLOOR INTERNAL FLOOR AREAS

- Unit 1: 27m²
- Unit 2: 35m²
- Unit 3: 30m²



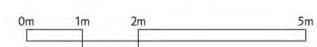
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KEY

- ① Red Brick
- ② Feature Red Brick
- ③ Red Pantile Roof
- ④ Translucent Glass Walling
- ⑤ Opaque Glass Walling
- ⑥ Zinc Standing Seam Cladding
- ⑦ Aluminium Powder Coated Double Glazed Windows
- ⑧ Aluminium Powder Coated, Double Glazed Door and Window System
- ⑨ Aluminium Powder Coated Folding Door System
- ⑩ Existing graffiti wall to be retained
- ⑪ Zinc Finishing
- ⑫ Solid Grey Metal Gate

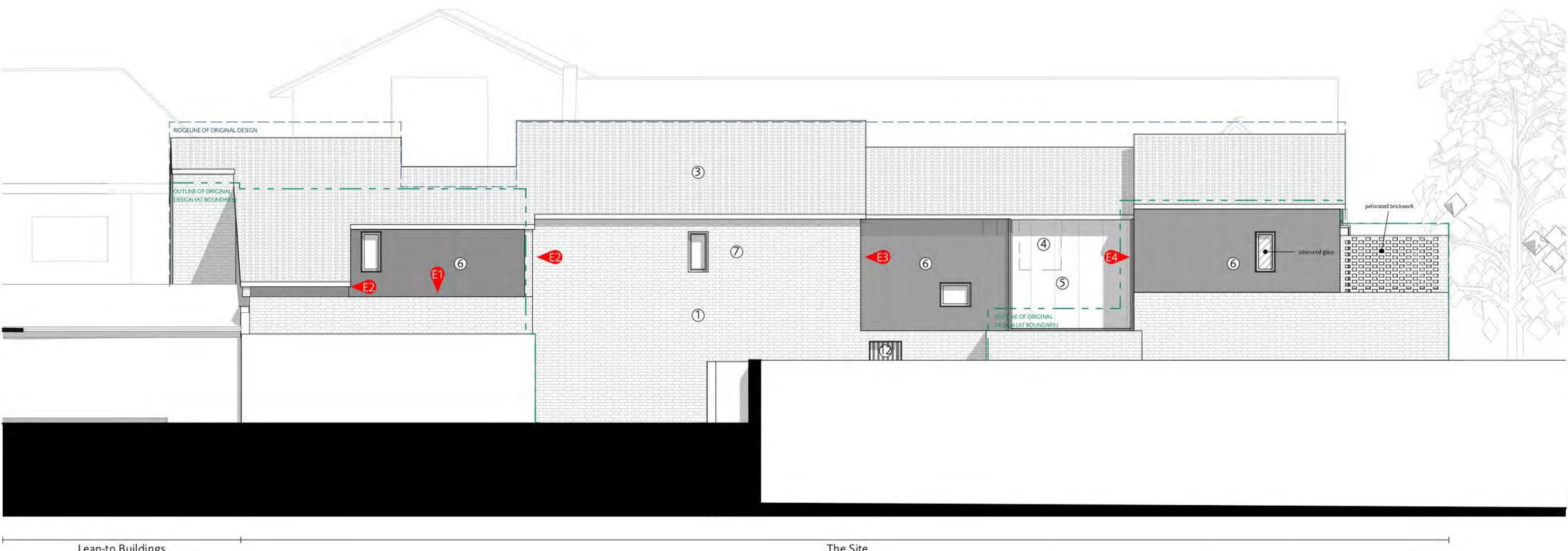
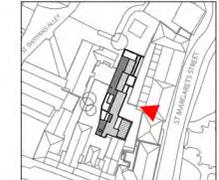
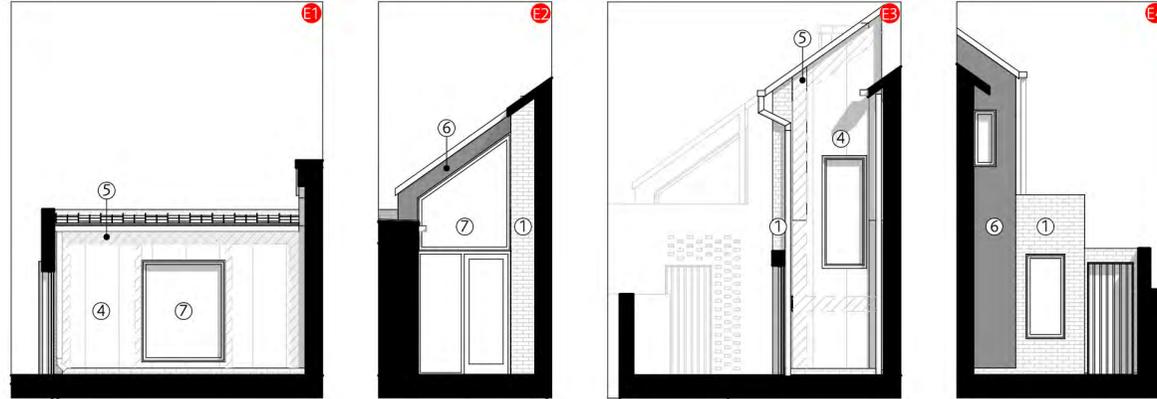
- ⑬ Obscured glass (fixed)
- Ⓐ Perforated Red Brick
- Ⓑ Recessed Red Brick
- Ⓒ Perforated Red Brick



The Site

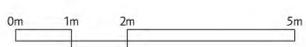
Queen of Hungary Yard

<p>status PLANNING</p> <p>revisions</p> <ul style="list-style-type: none"> - 20.12.2016 Submitted for planning A 22.05.2017 Design revised to address concerns raised by residents and NCC B 10.08.2017 Design revised to address concerns raised by residents and NCC C 31.10.2017 Submitted for planning 	<p>HUDSONArchitects</p> <p>NORWICH 37 St Andrews Street NR2 4TP tel: 01603 766220</p> <p>HOLT Unit 1 High Silver 35 High Street NR25 6BN tel: 01263 711853 LONDON 70 Cowcross Street EC1M 6EJ www.hudsonarchitects.co.uk info@hudsonarchitects.co.uk</p>	<p>job St Margarets Street 15 St Margarets Street</p> <p>address NR2 4TU</p> <p>AS PROPOSED</p> <p>title WEST ELEVATION</p> <p>scale 1:100@A3 date 21.10.2016</p> <p style="font-size: 2em; font-weight: bold;">MRG P-230</p> <p>job reference drawing number revision</p> <p style="font-size: 0.8em;">Do not scale off dimension. Check all dimensions on site and report any apparent discrepancy to Architect immediately. This drawing is copyright.</p>
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KEY

- ① Red Brick
- ② Feature Red Brick
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- ⑧ Aluminium Powder Coated, Double Glazed Door and Window System
- ⑨ Aluminium Powder Coated Folding Door System
- ⑩ Existing graffiti wall to be retained
- ⑪ Zinc Channel
- ⑫ Grey Metal Gate

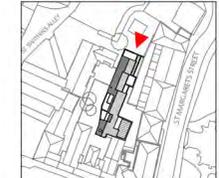


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-	20.12.2016 Submitted for planning
A	22.05.2017 Design revised to address concerns raised by residents and NCC
B	10.08.2017 Design revised to address concerns raised by residents and NCC
C	31.10.2017 Submitted for planning

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job	St Margarets Street
address	15 St Margarets Street NR2 4TU
title	AS PROPOSED EAST ELEVATION
scale	1:100@A3
date	21.10.20167
MRG	P-210
job reference	drawing number
	revision

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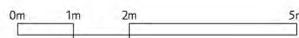
Apartments

The Site

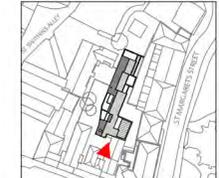
Norwich Arts Centre

KEY

- | | |
|-------------------------------|---|
| ① Red Brick | ⑦ Aluminium Powder Coated Double Glazed Windows |
| ② Feature Red Brick | ⑧ Aluminium Powder Coated, Double Glazed Door and Window System |
| ③ Red Pantile Roof | ⑨ Aluminium Powder Coated Folding Door System |
| ④ Translucent Glass Walling | ⑩ Existing graffiti wall to be retained |
| ⑤ Opaque Glass Walling | ⑪ Zinc Channel |
| ⑥ Zinc Standing Seam Cladding | ⑫ Grey Metal Gate |



status PLANNING		job St Margaret's Street address 15 St Margaret's Street address NR2 4TU	
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		title AS PROPOSED title NORTH ELEVATION scale 1:100@A3 date 21.10.2016	
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Norwich Arts Centre

Reeves Yard

House

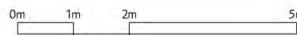
The Site

Lean-to buildings

Apartments

KEY

- | | |
|-------------------------------|---|
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| ② Feature Red Brick | ⑧ Aluminium Powder Coated, Double Glazed Door and Window System |
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Report to Planning applications committee

Item

11 January 2018

Report of Head of planning services

Subject Application no 16/01950/O - St Mary's Works, Duke Street, Norwich, NR3 1QA

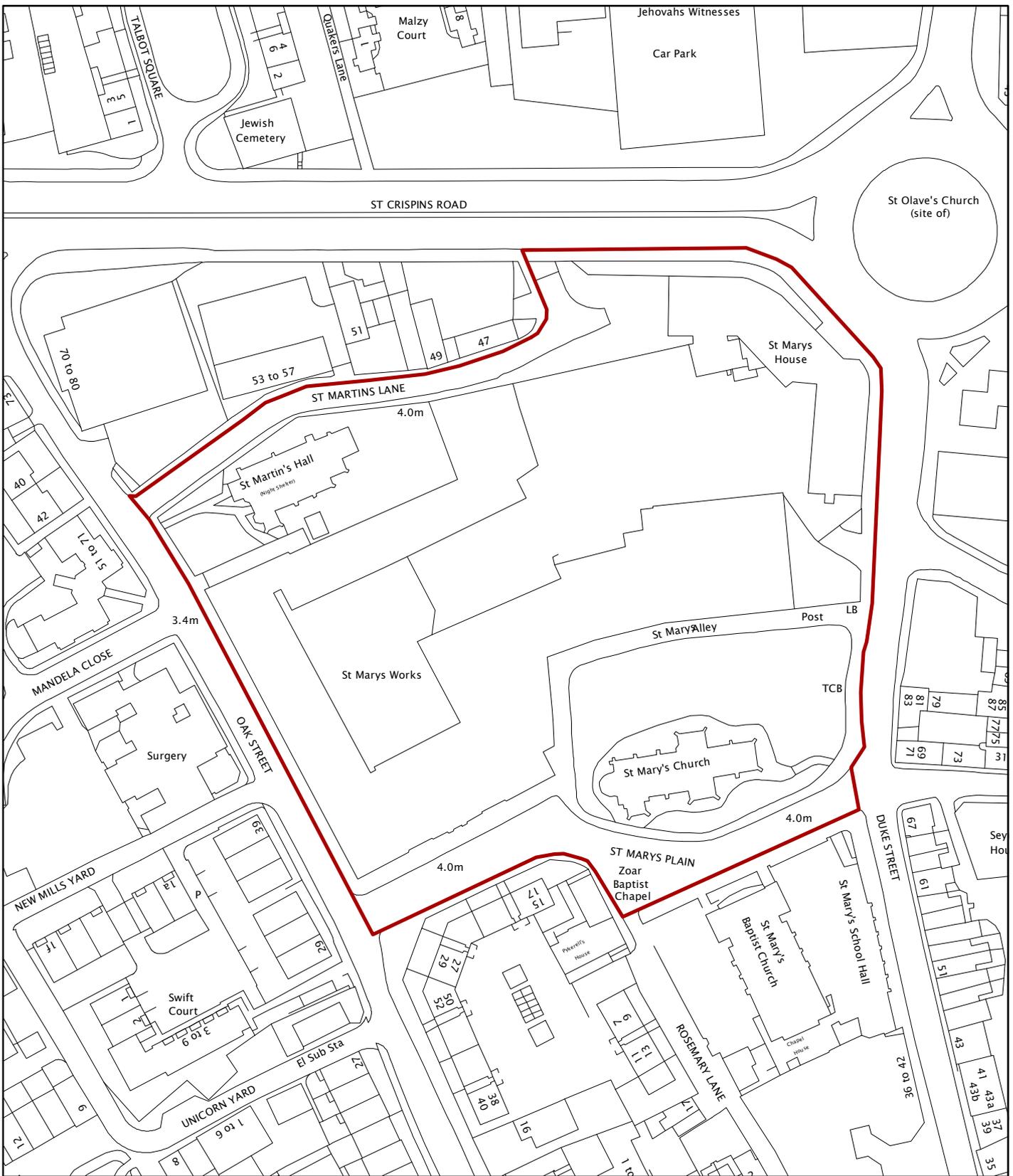
4(d)

Reason for referral Objections / major scheme

Ward:	Mancroft
Case officer	Tracy Armitage - tracyarmitage@norwich.gov.uk

Development proposal			
Outline planning application to include the demolition of office/workshop buildings; part demolition/part retention, conversion and extension of St Mary's Works building and redevelopment of the site to provide circa 151 residential units (Use Class C3); circa 4,365sqm office floor space (Use Class B1a); circa 3,164sqm hotel and ancillary restaurant facility (Use Class C1); circa 451sqm retail (Use Class A1/A5); circa 57sqm gallery space (A1/D1); circa 120 parking spaces and associated landscaping works'			
Representations			
Consultation	Object	Comment	Support
Feb	17		5
Aug	9	1	
Dec	3		

Main issues	Key considerations
1 Principle of development	Suitability of the location for the proposed mix of uses
2 Affordability housing	Affordable housing viability
3 Design and heritage	Scale of development and impact on historic assets
4 Landscaping and open space	Adequacy of open and greenspace provision
5 Amenity	Impact of the development on existing residents and level of proposed amenity for future residents
6 Trees	Impact on trees within graveyards
7 Transport	Access and parking strategies
8 Energy	Measures to combat climate change
9 Flooding	Flood protection and management
10 Contamination	Remediation and risk to ground water
Expiry date	Extension agreed
Recommendation	Approve, subject to S106 and conditions



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Planning Application No 16/01950/O
 Site Address St Mary's Works

Scale 1:1,250



NORWICH
 City Council

PLANNING SERVICES



The site and surroundings

1. The application site is located to the south of the inner ring road, bounded by Oak Street, Duke Street, St Martin's Lane and St Mary's Plain. The site area is approximately 1.8ha and includes the former St Mary's works site, the churches and church yards of St Mary's and St Martin's At Oak and the adopted roads of St Martin's Lane and St Mary's Plain. Approximately 1.1ha of the site is in the applicant's ownership and formal notice has been served on Norwich City Council as the owners of the churches. Both churches are now in commercial use.
2. The St Mary's works site comprises a number of buildings ranging in height from one to four storeys. The buildings historically have been in commercial use but are now only partially occupied on short leases by a range of businesses. The building fronting Oak St and Mary's Plain dates to the early 20C and was purpose built as a shoe factory for Sexton, Son & Edward Ltd. This L shaped building is locally listed and has a distinct Neo-classical style. The street facing facades of this building are identified in the Colegate Conservation Area Appraisal as positive frontages. Other buildings on the site are more modern and utilitarian. Spaces between the existing buildings are used for surface level parking accessed via Duke Street.
3. Existing buildings in the north-western quarter of the site directly abut the church yard to St Martin's at Oak. This flint medieval church is in use as a music academy but the grounds are disused, neglected and attract antisocial behaviour. There are a number of mature trees within the church yard and within that of St Mary's church yard, located in the south-east quarter of the site. St Mary's has a distinct circular tower, one of only three in the city and is in used as a book depository. The church yard is enclosed with railings and gated with no formal public access. Both of these churches are Grade I listed buildings.
4. The site is located within a mixed use area of the city centre. There are a number of residential properties located close to the site fronting the local highway network enclosing the site. Non-residential uses include offices within St Crispins House to the east, the Norwich central Baptist Church and Zoar Baptist chapel to the south and a doctors' surgery, commercial uses and public house to the west.

Constraints

- City Centre Conservation Area – Site fall across two character area: Colegate and Anglia Square.
- Former shoe factory – locally listed, identified as positive frontage
- Listed buildings adjacent/close to the development site:
 - St Martin's At Oak and St Mary's - Grade 1 listed churches
 - Folly House and Pineapple House on St Martin's - Grade II listed
 - Pykerells House, Rosemary Lane Grade II*
 - 7 & 9 Rosemary Lane - Grade II vaulted undercroft

30-34 Duke Street

57, 59 & 61, 67, 69-89 Duke Street

- Locally listed

Zoar Baptist chapel and Norwich Central Baptist church

St Mary's School Hall Duke Street Norwich

43, 45, 47-49, 51- 55 Duke Street

- Area of archaeological interest
- Flood risk – zone 2
- Western sector of the site within critical drainage area
- Parking control area

Relevant planning history

Ref	Proposal	Decision	Date
13/01685/F	Construction of 8 No. two bedroom apartments on roof at second and third floors of former shoe factory building with access stairwells, demolition of single storey commercial extensions at rear of factory building and creation of car parking spaces. Change of use of existing first floor from D2 (assembly and leisure) to B1(a) (office).	WITHDN	18/02/2014

The proposal

5. The application is Outline. The following elements of the scheme are for approval at this stage:
 - Mix and quantum of development
 - Layout (siting of the buildings only – not internal layout of floorspace)
 - Scale
 - Access

6. Appearance and landscaping are reserved matters. However, given the scale of the development, location within a designated conservation area and proximity to listed buildings, a Design Code has been requested and submitted. This document is for approval at this stage and describes for each of the proposed buildings; design principles, roof form, elevational treatment including architectural detailing; balconies; doors; windows; cill; and eaves details.
7. The proposal includes substantial demolition of the two storey locally listed former shoe factory building. Detailed plans (floor plans and elevations) have been submitted for this part of the scheme. The scheme proposes a new three storey building constructed behind the retained street fronting facades of the factory building. The additional storey is proposed set back from the retained parapet. All other buildings on the site are proposed for demolition. A number of these buildings currently enclose the southern and eastern boundary of St Martin's churchyard.
8. A mixed use re-development scheme is proposed including residential dwellings, office space, hotel accommodation and small scale retail uses. Summary details are set out in the table below.
9. The Planning Statement says that the applicant, Architekton 'is committed to urban regeneration, maximising the use of brownfield sites to energise cities through the creation of ... new communities where people can live, work and socialise'. The scheme seeks to restore the former shoe factory which frames the site, respect and integrate the churches of St Mary's and St Martin's into the development and to regenerate the former industrial quarter into a future creative hub for the city.
10. Members may recall that in 2016 the Princes Foundation was involved in facilitating a design exercise for this site which involved consultation and engagement with the local community. This formed part of the Princes Foundation BIMBY initiative (Beauty in My Back Yard) which seeks to involve the local community in influencing the type and appearance of new development in their area.

Summary information

Proposal	Key facts
Scale	
Total no. of dwellings	<p>Approximately 151 residential units including a small number of live work units</p> <p>Indicative mix</p> <p>16 – 1 bed</p> <p>65 - 2 bed</p> <p>70 – 3 bed</p> <p>A mix of flats and houses is indicated. Blocks B, C, D are suitable for family housing – 25 units in total.</p>

Proposal		Key facts	
Residential density		137 dwelling per hectare	
No. of affordable dwellings		Min. of 4 on site or commuted sum for off-site provision. Subject to further review at reserved matters stage and part way through the delivery of the development	
Total office floorspace (B1a)		4365sqm	
Total hotel floorspace (C1)		3164sqm including ancillary restaurant use	
Total retail floorspace (A1/A5)		451sqm	
Other uses		Gallery (A1) 57sqm	
Block Ref.	Proposed use	Proposed appearance/architect-ural style	No of storeys Max height
A & B	Residential /commercial	Former shoe factory	3 13.35m -15.16m AOD
C	Residential	Townhouses	3 (+ structure on roof to provide access to garden) 14.10m – 16.30m AOD
D	Residential	Townhouses	3 (+ structure on roof to provide access to garden) 14.10m – 16.30m AOD
E	Residential	Factory/warehouse	4 (top floor set back) 14.05-18.59m AOD
F1	Residential	Factory/warehouse	4 (top floor set back) 14.05-18.59m AOD
F2	Residential	Mews	2 10.55m AOD
G	Residential	Georgian townhouses	4 (top floor set back) 14.91m -18.40m AOD

Proposal		Key facts	
H	Residential	Georgian townhouses	4 (top floor set back) 14.91m -18.40m AOD
I	Residential /retail	Factory	5 (top floor set back) 17.90m – 20.30m AOD
J	Residential	Factory	7 (top floor set back plus basement parking) 24.95m – 27.13m AOD
K	Office/hotel/ residential	Factory	9 (top floor set back plus basement parking) 31.15m – 33.45m AOD
L	Office/residential	Factory	6 (top floor set back plus basement parking) 21.85 – 24.90m AOD
Appearance			
Materials		Brick, render, glazed brick, metal, weather boarding	
Operation			
Ancillary plant and equipment		In designated basement and ground floor rooms	
Transport matters			
Vehicular access		<p>Main access from Duke Street (reconfigured existing access) – this provides access to basement parking facility and delivery area</p> <p>No egress on to Duke Street (other than taxis). All traffic to exit the site via St Martin’s Lane</p> <p>Enlarged turning facility on St Martin’s Lane</p> <p>Development is designed to be car free at surface level. Dropping off to be permitted.</p>	
No of car parking spaces		<p>115 – in basement car park</p> <ul style="list-style-type: none"> • 86 residential spaces (within basement car park) • 25 for hotel/office use • 2 ECP + 2 accessible spaces 	

Proposal	Key facts
	Approx. 4 accessible spaces at surface level
No of cycle parking spaces	370 spaces
Servicing arrangements	<p>Fire tender vehicles, refuse collection and service vehicles can access from Duke Street or St Martin's Lane.</p> <p>Basement parking area to act as a service route for bin and delivery lorries associated with the blocks above.</p> <p>Surface level service route identified through the site to provide access to communal refuse collection points and for delivery vehicles.</p>

Representations

11. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. Three consultations have been undertaken as the scheme has been revised. A total of 20 contributors have made representations, 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.
12. Representations received in February 2017 included two from Councillors Fullman and Jackson. Councillor Fullman raised concerns over the original height of block K (10 stories high) and the overshadowing of listed buildings and has made no further comments to either of the revised schemes. Councillor Jackson also raised an objection at the first stage of consultation on a number of grounds including: impact on amenity of existing and future residents and impact of the development on the conservation area and listed assets. This comment was updated following the receipt of revised plans in August, in which improvements to the scheme, including the reduction in the proposed number of dwellings were acknowledged. He stated that although the development is considerably denser than much of the surrounding housing developments off Oak Street this should be weighed against the viability of the scheme - if a reduction in housing numbers will prevent the developer from providing affordable housing then he does not object on this ground. Design concerns over the façade to the end of St Martin's Lane and the larger blocks are referred to along with the need for reserved matters applications to secure appropriate detailed designs. At the time of writing this report no further update has been received from Councillor Jackson in response to the current scheme.

Issues raised	Response
Construction disruption	A Construction Management Plan will be a requirement for development of this scale.
<p>Parking Strategy</p> <p>Insufficient parking which may lead to illegal parking on double yellow lines that pose a hazard.</p> <p>Lack of provision for parking for elderly and/or disabled people.</p> <p>Lack of visitor parking</p> <p>Result in shortage of parking for existing users eg – churches.</p>	<p>Provision has been made within the scheme</p> <p>Visitors will need to use public parking spaces available in this part of the city</p>
Unsuitable location for hotel	Para. 80
Increased pressure on GP services	
<p>Comments in support</p> <p>This area of Norwich is in need of investment</p> <p>Will support the growth of a number of exciting, creative businesses</p> <p>Allow for better conditions for existing businesses</p> <p>Create a safer neighbourhood for those working and living in the area</p> <p>Improved surveillance of church yards</p> <p>Improved integration of the churches into the community</p> <p>Proposed plans would bring much needed high quality, housing, business space, tourism and investment into this part of the city.</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.

Anglia Water

14. The foul drainage from this development is in the catchment of Whitlingham Trowse Water Recycling Centre that will have available capacity for these flows.
15. Foul Sewage network - Development may lead to an unacceptable risk of flooding downstream. A drainage strategy will need to be prepared in consultation with Anglian Water to determine mitigation measures. We will request a condition requiring the drainage strategy covering the issue(s) to be agreed.
16. Surface Water Disposal. The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. The surface water strategy/flood risk assessment submitted originally with the planning application was unacceptable. We would therefore recommend that the applicant needs to consult with Anglian Water and the Lead Local Flood Authority (LLFA). This has now taken place. We request a condition requiring a drainage strategy covering the issue(s) to be agreed.

Design and Conservation

17. The full comments can be viewed on <http://planning.norwich.gov.uk/online-applications/>. These include a full assessment of the impact of the development on the heritage assets and a Building for Life Assessment. Conclusions are set out below.
18. The works will result in some 'enhancements' and 'improvements' to the character and appearance of City Centre conservation area in that the works will reintegrate and re-connect this largely under-used brownfields site back into the city providing a new mixed use development with new landscaped areas of public open space flanked by characterful buildings that take design cues from the locality.
19. The setting of adjacent heritage assets will be altered significantly by the proposals. In some cases, the setting of the heritage assets will be vastly improved through the development of lower scale contextual buildings (Blocks C, G and H, F1 and F2) and new landscaping works/public open space. In other cases, the setting of adjacent heritage assets will be harmed. No's 47 & 49 St Martin's Lane and No's 67, 69-89 Duke Street and to a lesser extent St Mary's Coslany and St Martin in the Oak Church will be caused 'less than substantial harm' to their setting as a result of the height/scale of blocks L,K and J.
20. Generally, however the works are considered to meet with the requirements of Local Plan policies Norwich Local Plan, Local Development Policies DM1: Achieving and delivering sustainable development, DM3: Design principles and DM9: Safeguarding Norwich's heritage. As well as the relevant sections of the 'management and enhancement sections' of the conservation character area appraisals. As well as the requirements of paragraph 134 of the NPPF which states, '*Where a development proposal will lead to less than substantial harm to the significance of a designated*

heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use'.

Economic Development

21. The proposals for this site will deliver much needed high quality homes, workspace and hotel amenities driving the creation of new businesses, knowledge jobs and stimulating further investment and regeneration in neighbouring sites. The vision for the whole site is one of quality which is sensitive to heritage of buildings on the site and those nearby. This is welcomed in such a high profile and visible location. Proposals for hotel development on the corner of St Crispins Road and Duke Street will be welcomed by tourism and leisure sector representatives as there is a recognised shortage of 4*+ hotel beds in the city. As such, a new quality hotel will support growth in visitor numbers.

Historic England

22. We have considered this application in terms of national policy and are concerned that there is insufficient detail to satisfy paragraph 128 of the NPPF which requires applicants to submit sufficient information to allow an assessment of the impact of proposed development on designated heritage assets. Based on the information available we are concerned that the scale of buildings K and J exceeds historic buildings in the immediate conservation area, the form of roof extension to St Mary's works is overly bulky and that buildings G and H would not deliver the full measure of enhancement to the setting of St Mary's church the scheme has the potential for because of the monolithic nature of a large terrace of building of uniform height and form. This could result in harm to the heritage assets in terms of paragraphs 132 and 134 of the NPPF and not conserve the setting in terms of paragraph 137. We believe these issues can be resolved by amended and more detailed design and possibly the reduction in height of buildings K and J. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 6, 7, 14, 17, 128, 132, 134 and 137 of the NPPF.

Environmental protection

23. No objection subject to the imposition of appropriate conditions
24. Air quality - The predicted NO₂ levels of 36µg/m³ on both Duke Street & St Crispin's are close to the national air quality objective of 40µg/m³. Nonetheless, as the levels are still predicted to be below the objective level, and despite the development lying within the Norwich AQMA, I feel there is no requirement for non-opening windows on facades overlooking St Crispins or Duke Street. However, given the fact that the levels are predicted rather than measured and that they are nonetheless high, I would recommend no trickle vents in any windows opening out onto St Crispin's and Duke Street. If trickle vents must be included, I recommend the glazing be conditioned to ensure windows are fully maintained.
25. In addition, the report concludes the development will not have a significant impact on the current NO₂ levels.

26. Noise – I recommend the glazing specification outlined in the Sharps Redmore Noise Report dated 7 November 2017, Project no. 1616171 be included as a condition in order to protect residents from traffic and plant noise.

Environment Agency

27. No objection to the proposal, subject to the imposition of condition relating to contaminated land, ground water protection, express consent for piling and infiltration SUDs.

Highways (local)

28. No objection on highway or transportation grounds. The proposed development of this brownfield site offers significant benefits for the regeneration of this part of the city centre. As explained by the Transport Statement I concur that overall there will be a decrease in traffic trips in comparison with the lawful uses of the site. For this reason the strategic Highway Authority (Norfolk County Council) do not require any modification to junctions with the inner ring road. The proposed means of access and movement strategy associated with the proposed development are acceptable in all regards.
29. The site is in a highly accessible location by all modes of transport given its proximity to the inner ring road, walking distance to bus services at Anglia Square and cycling network provision that will be improved by a planned at grade crossing at St Crispins Road to replace the extant subway.
30. The overall mix, density of uses and layout of the development are suitable for the site and relates well to its context allowing a high degree of permeability along defined internal streets that will help to integrate the development into the neighbourhood. Generally the development achieves a good degree of defensible public and private spaces that helps to ensure secure by design. The proposed security measures to control vehicular access to the lower parking deck using roller shutters is welcome, and will help to keep this space secure by design.
31. The use of controlled access points within the site will help to ensure that extraneous traffic across the site is eliminated i.e. rat running between Duke Street and Oak Street. Only traffic that has reason to enter the site will be allowed to do so. This helps to ensure that traffic levels on St Martin's Lane are kept to an acceptable level for the benefit of those who live and work there.
32. The provision of vehicular and cycle parking for the development is acceptable overall. Parking management arrangements will need to be controlled by planning condition.
33. It has been agreed as part of the negotiations that overall the site roads and spaces will be retained by the freeholder, and not subject to adoption by the Highway Authority. It will be essential that public access is safeguarded in perpetuity using a suitable condition in a S106 agreement. Also the site will not have any publicly maintained street lighting, so again a lighting scheme will be required to ensure the public spaces are adequately lit. The paving and landscaping of the site access roads and spaces should be subject to condition
34. Recommend conditions relating to construction method statement. S38/s278 agreements will be necessary for all works within the highway.

Historic Environment Services

35. The proposed development site lies within the walled area of the medieval city and is bounded to its north and south by the modern graveyards of two medieval churches (St Martin at Oak and St Mary Coslany). A limited archaeological evaluation carried out at the site in 2007 revealed medieval rubbish and quarry pits sealed beneath a possible cultivation soil of 15th-16th century date. Although no human remains associated with St Martin's and St Mary's churches (the graveyards of which may have been larger in the medieval period) were encountered in the evaluation, this may reflect the position of the trial trenches and potential exists for burials to be present within the boundary of the proposed development site. There is a high potential that further heritage assets with archaeological interest (buried archaeological remains) will be present at the proposed development site and that the significance of these would be adversely affected by the proposed development. If planning permission is granted, we therefore ask that this be subject to a programme of archaeological mitigatory work in accordance with *National Planning Policy Framework* para.
36. In this case the programme of archaeological mitigatory work will commence with additional informative trial trenching to determine the scope and extent of the further mitigatory work that may be required (e.g. preservation *in situ* through foundation design, an archaeological excavation or monitoring of groundworks during construction). A brief for the archaeological work can be obtained from Norfolk County Council Historic Environment Service. We advise that the additional trial trenching is carried out at an early stage in the preparation of the reserved matters details so that the results can be fully considered in the design process for the proposed new buildings.

Housing strategy

37. I have reviewed the proposed Heads of Terms and confirm that they match the aspirations for the affordable housing scheme based upon the viability assessments provided by the developer and the DVO. Whilst it is disappointing that only a low level of affordable housing can be provided, this needs to be weighed up against the wider regeneration of this site and the potential for improved publically accessible amenity space and the creation of jobs this development will provide.
38. The affordable housing SPD states 'Provision of affordable housing on-site is the city council's preferred approach, and is also the preference set out in government guidance.' To this end I believe as discussed the preferred option should be for on-site delivery of 4 x 1-bed flats to help meet the highest identified housing need. Where it can be shown that no RP is willing to take on the dwellings we would then accept the alternative option of the commuted sum at a minimum benchmark level of £353,324.
39. I welcome the review of viability at reserved matters stage and at a stage during construction and as discussed agree that the amount of on-site provision or commuted sum can only be revised upwards at these review stages.

Landscape

40. Tree planting in the main squares can be developed as part of a SUDS proposal for the whole scheme with rain garden features rather than green engineered tree pits.

We have a standard detail for trees in hard paving requiring below ground crates, watering and tree pit details – this is an expensive solution and could be removed if trees were planted into self-sustaining rain garden features serving the large areas of hard paving.

41. The use of rain garden features could be extended through other areas of the site such as the new church link. A generous pedestrian link is created with views at either end of the churchyards. This should be treated as a green route. The use of integrated landscape features along the link would enhance the connection between St Martin's and St Mary's churchyard and provide a human scale to the space.
42. The visuals of the entrance from Duke Street also show trees and other landscape features. These should be located to be viewed from the entrance, drawing pedestrians towards the square and adding interest to the street scene.
43. The design of the courtyard gardens 3 and 4 show an interesting emerging design with broad seating walls linking to individual properties and the central green courtyard areas serving the wider community.
44. The landscape strategy plan should be revised to:
 - Use the trees and garden spaces to create a series of focal views linking the different areas on site. (see black arrows on plan)
 - Green route between the two churchyards – critical in creating a green corridor through the site.
 - Maximise opportunities for on street tree planting – providing softening/greening element both at street level and when viewed from above.
 - Where possible extend the soft landscape beyond the footprint of the buildings (community garden areas) to establish point of orientation and destination green spaces on site.
 - Hard landscaping details to be resolved but can be agreed on condition
45. Subject to these changes being made the landscape strategy for the site is considered acceptable.

Biodiversity comments

46. The proposals would involve demolition of several existing derelict buildings, the main concern is the protection of bats. The submitted survey report found no evidence of bats within any of the buildings although there were suitable access points, and bats may potentially be present in nearby buildings e.g. the 2 adjacent churches. No other protected species are present on the site. However, if demolition works occur within the bird breeding season, it is recommended that the buildings are checked for nesting birds.
47. Existing habitat on the site is limited with very little vegetation is present. The 2 churchyards are isolated habitat which include significant mature trees and have biodiversity potential which is limited by their physical isolation within a dense built up area.
48. The most significant opportunity for enhancing biodiversity which the site and development could offer would be the linkage of the 2 isolated churchyards. Linking

the 2 churchyards is recommended by the Ecology reports and could be achieved by landscaping, in particular tree planting along the proposed north-south street. A green infrastructure link should also be considered in terms of sustainable drainage, street level planting and roof gardens/terraces.

49. Increased lighting levels on the developed area will potentially affect bat commuting routes. In order to reduce the impact of lighting on bats consideration should be given to limiting proposed external lighting, and to opportunities for reducing the level of existing lighting for example by using glazing with light-reducing film.
50. I fully support the recommendations of the Bat and Protected Species Survey and request that the mitigation and enhancement recommendations are incorporated into the proposals. At reserved matters stage the applicants should be advised that an ecological mitigation and enhancement strategy would be needed.

Norfolk county planning obligations

51. Education - Taking into account the other developments in this area of Norwich, a total of 343 dwellings (including the St. Mary's Works site) would generate an additional 90 primary age children, an additional 59 high school (11-16) age children and an additional 6 Sixth form (16-18) age children. Although there is spare capacity at high school level, there is insufficient capacity at Magdalen Gates Primary School to accommodate the children generated by these developments. It is expected that the funding for additional places if necessary would be through CIL as this is covered on the District Council's Regulation 123 list.
52. Fire – Dwellings: With reference to the proposed development, taking into account the location and infrastructure already in place, our minimum requirement based on 168 no. dwellings would be 2 fire hydrants. Commercial & Hotel: With reference to the proposed development, taking into account the location and infrastructure already in place, our minimum requirement for the hotel and office space would be 2 hydrants on a minimum 125mm main. If the overall height of any building exceeds 18m the provision of a dry fire main may be required. The positioning of hydrants to service any taller blocks of flats must meet the requirements of Building Regulations Approved Document B volume 2 sections 15 & 16 (Fire Hydrants / water supplies and Vehicle access).

County Council Lead Flood Authority

53. The Outline Planning Drainage Statement listed a number of possible drainage schemes that could be applied in this development. A workable drainage strategy has been proposed and incorporated runoff being stored in attenuation tank and permeable paving with further discharge to the Anglian Water sewer. The site area is partially located within a critical drainage catchment. The applicant has given a consideration to integrate such SuDS features as brown/green roofs, permeable paving, rain water harvesting into the proposed development (in line with Policy DM1 sustainability and DM5 flooding of the Norwich City Council Local Plan). The applicant stated that these measures are considered to be suitable for site. Therefore, we would expect these elements to be incorporated to the drainage scheme at the detailed design stage. The applicant has now demonstrated a workable drainage scheme supported by appropriate information to demonstrate that there will be no flooding in the 1 in 100 year critical rainstorm event plus climate change.

54. We have no objection subject to recommended conditions.

Norwich Society

55. We wholeheartedly approve of the very well thought out proposals which if executed will regenerate a run-down area of Norwich.

Tree protection officer

56. The development at St Mary's works will have a direct impact on the usage of the two adjacent churchyards, St Mary's and St Martin's. Currently there is limited public access and so some trees have been retained in the churchyards that would not be appropriate to retain with higher use of the site. Some removal work will be required at St Mary's, T11 a large mature ailanthus tree and its associated suckers G2. A large wingnut tree T9, and its associated suckers T8. There is also a juniper tree T14, at the southern boundary edge that is damaging the rails and although not directly associated with the development, would be beneficial to the site to be removed. Tree pruning work will also be required to reduce overhanging branches from the northern boundary edge of St Mary's.

57. At St Martin's, again, there are no specified tree protection measures, however, the demolition of the adjoining buildings to the east and south will leave the site open and trees and ground vulnerable to construction activities. Adequate tree protection measures should be implemented in this area to include ground protection, construction exclusion zone while demolition is underway and tree protection fences once the demolition has taken place.

58. Due to the numbers of trees being removed in St Mary's churchyard adequate replacement planting should be sought to mitigate their loss and be planted in line with landscape plans.

59. I am aware that currently the developer is proposing a management company to be responsible for the future maintenance of the churchyard, to ensure ongoing governance of the trees in the areas we will be serving a Tree Protection Order on all trees in both churchyards for their ongoing protection.

Assessment of planning considerations

Relevant development plan policies

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

- JCS1 Addressing climate change and protecting environmental assets
- JCS2 Promoting good design
- JCS3 Energy and water
- JCS4 Housing delivery
- JCS5 The economy
- JCS6 Access and transportation
- JCS7 Supporting communities
- JCS8 Culture, leisure and entertainment
- JCS9 Strategy for growth in the Norwich policy area
- JCS10 Locations for major new or expanded communities in the Norwich policy area

- JCS11 Norwich city centre

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

- DM1 Achieving and delivering sustainable development
- DM2 Ensuring satisfactory living and working conditions
- DM3 Delivering high quality design
- DM4 Providing for renewable and low carbon energy
- DM5 Planning effectively for flood resilience
- DM6 Protecting and enhancing the natural environment
- DM7 Trees and development
- DM8 Planning effectively for open space and recreation
- DM9 Safeguarding Norwich's heritage
- DM11 Protecting against environmental hazards
- DM12 Ensuring well-planned housing development
- DM13 Communal development and multiple occupation
- DM16 Supporting the needs of business
- DM17 Supporting small business
- DM18 Promoting and supporting centres
- DM19 Encouraging and promoting major office growth
- DM20 Protecting and supporting city centre shopping
- DM21 Protecting and supporting district and local centres
- DM28 Encouraging sustainable travel
- DM30 Access and highway safety
- DM31 Car parking and servicing
- DM32 Encouraging car free and low car housing
- DM33 Planning obligations and development viability

Other material considerations

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

- NPPF0 Achieving sustainable development
- NPPF1 Building a strong, competitive economy
- NPPF2 Ensuring the vitality of town centres
- NPPF4 Promoting sustainable transport
- NPPF6 Delivering a wide choice of high quality homes
- NPPF7 Requiring good design
- 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

63. Supplementary Planning Documents (SPD)

- Landscape and Trees (June 2016)
- Heritage Interpretation (Dec 2015)
- Affordable housing (March 2015)
- Open space & play space (Oct 2015)

Case Assessment

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

Main issue 1: Principle of development

65. Key policies and NPPF paragraphs – JCS 11, NPPF paragraphs 17.
66. The proposal is a mixed use scheme which includes residential, commercial, retail and hotel uses. The St. Mary's Works site was previously allocated in the Northern City Centre Area Action Plan for a mixed development, comprising housing, commercial and a possible hotel. This development plan expired in spring 2016 and has not been replaced. The site therefore represents an unallocated brownfield site within the city centre. JCS 11 identifies the northern city centre as an area for comprehensive redevelopment to achieve physical and social regeneration objectives. JCS 11 seeks to reinforce the vibrancy and role of the city centre through development which results in the: enhancement of the historic environment; strengthened cultural /visitor offer: expansion of the employment function through the provision of high quality office premises and the provision of high density mixed housing.
67. The broad mix of proposed uses directly supports the achievement of these multiple strategic objectives and the core aims of the NPPF which include: the effective re-use of previously developed land and mixed use developments which deliver wide benefits.

Residential

68. Key policies and NPPF paragraphs – DM12, JCS 4 NPPF paragraphs 49 and 14.
69. Policy DM12 sets out the principles for all residential development and circumstances where such development would be resisted. None of the stated exceptions relate to this site. The site is within the built up area of the city and as such the principle of residential development is acceptable.
70. The site is currently partially occupied by a range of commercial businesses and DM17 and DM19 guard against the loss of such uses. However, the existing premises are fragmented and require substantial modernisation. Significantly the application proposes a substantial element of new B1(a) floorspace. Therefore any short term loss of employment space would be addressed through the provision of accommodation which better meets the needs of future commercial tenants. Furthermore the comprehensive re-development of the whole site allows for re-use of this brownfield site to be optimised, for the site to be planned to accommodate a broad mix of beneficial uses and for the appearance of the site and the environs to be improved.

71. The NPPF and the Housing White Paper (2017) both emphasise: the national need to boost housing supply; for local planning authorities to be ambitious and innovative as possible to get homes built in their area and; for as much use as possible to be made of previously development land. In the case of this site, there is no adopted development plan policy which restricts the principle of residential development. The site is brownfield and in a highly sustainable location. The number of new homes proposed (151) is capable of making a significant contribution to the housing requirement of the NPA and meeting a significant element of housing need derived from the city's growing population within the city centre itself. The number of new homes capable of being delivered through development of this site is therefore a significant material planning consideration and capable of being afforded significant weight in the planning balance.
72. The Council can only demonstrate a 4.7 year supply of housing land within the Norwich Policy Area, somewhat below the five year requirement set out in paragraph 47 of the National Planning Policy Framework (the Framework). Paragraph 49 of the Framework states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. This triggers the tilted balance for decision-making set out in paragraph 14 of the Framework whereby permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole or specific policies in the NPPF indicate development should be restricted. The concluding section of this report includes an assessment of the development in in the context of paragraph 14.

Office development

73. Key policies JCS5, 11 , DM19, and NPPF paragraph 17, 18, 20 and 21
74. As referred to in para. 67, JCS 11 identifies the city centre as the main focus for office development. Para. 19.1 of the DM plan states that the 'promotion of new high quality office development and protection of a supply of suitable business floorspace in sustainable and accessible locations is a crucial element of the city council's development strategy for Norwich'. In particular the retention of a substantial office employment base in the city centre is considered critical to maintaining the long-term viability and vitality of the city as a retail and visitor destination and a major employment hub. Both these objectives align with the NPPF's emphasis on sustainable development, supporting the needs of business and protecting town centres.
75. The application proposes circa 4365sqm of office space across two locations within the site: the ground and first floor of the former shoe factory building fronting St Mary's Plain and within a purpose built mixed use building fronting St Crispins. The submitted Planning Statement refers to the floorspace as providing flexible office accommodation in a range of units from incubator spaces aimed at supporting new businesses, to larger spaces suitable for more established firms. Reference is made to the new work space including an affordable incubator workspace in the former shoe factory aimed at creative and tech businesses that are either just starting up or are seeking to grow. In is worthy of note that the applicant also owns the St George's Works site on Muspole Street, which in the last year has been successfully promoted as a flexible office space location. It is therefore very

encouraging that the applicant's proposal for new build B1a is based on this success and demonstrates future confidence in Norwich as a business location.

76. A further point of note is the link the applicant is proposing between the St Mary's development and a related scheme in London. The applicant, Architekton, also has a mixed development site in Spitalfields, a 10 min walk away from London Liverpool Street Station. The applicant intends to link this site to St Mary's, as a sister hub for business development and networking.
77. This link, along with the quantity and type of office floorspace proposed, creates favourable conditions for promoting new business growth and employment creation as a direct outcome of this development. The applicant has provided the following information regarding employment generation:

Phase 1:

Office: - approx. **241 jobs**

Hotel: - approx. **20 jobs**

Retail - approx. **20 jobs**

Phase 2:

Office: - approx. **94 jobs**

Total : 355 jobs

78. The office space component of the scheme represents the most significant proposal for new build B1a floorspace within Norwich city centre in the last 5 years. The success of St Georges Works and the applicant's confidence in investing in new office provision, is a very positive signal of an upturn in the demand for workspace, of the right type, in Norwich city centre. The council's economic officer has commented that the proposal will result in the creation of new businesses, knowledge jobs and stimulate investment and regeneration in neighbouring sites. JCS11 and DM19 strongly support the principle of new office development in the city centre and in this case the type and quality of provision has the scope to strengthen the employment function of the northern city centre and Norwich. The quantity and type of new B1a floorspace proposed; the potential number and quality of related jobs and the scope for the development to act as a catalyst to further investment within the northern city centre, are significant economic benefits deliverable by the proposed development and capable of being afforded substantial weight in the consideration of this planning application.

Hotel

79. Key policies JCS 8, 11, DM20 and NPPF para 23.
80. JCS 11 promotes development which enhances the role of Norwich as a regional centre including as a cultural centre and a visitor designation. Hotel uses directly support this role. The NPPF classifies hotels uses as 'main town centres uses' where by preference should be given to accessible sites that are well connected to town centres. The St Mary's site is sited inside the inner ring road and within a convenient walking distance of the city centre and its associated services, facilities and attractions. DM18 supports the location of hotel uses within the city centre and as such the principle of a hotel on this site is in accordance with the relevant development plan policies.

Retail

81. Key policies JCS 11, 19, DM 18, 20 and NPPF paragraph
82. The application proposes circa 450 sqm of retail floorspace, fronting a new commercial square proposed in the centre of the site. The ground floor use plan indicates the floorspace divided across a small number of units which are intended to support the mixed use function of the development as a place to live, work and stay. The proposal specifies a mix of retail uses including A1 and A3 cafes/restaurants. Such uses are classified as town centre uses and DM18 indicates that within the city centre, such uses should be located within the designated primary or secondary shopping areas. The site is not located within either of these areas nor within the large district centre of Anglia Square located to the northwest.
83. The application has been accompanied by a retail statement providing an analysis of the type and character of retail proposed and assessing whether a sequentially preferable site is available. The statement indicates that the retail floor space would be provided across a minimum of three retail units and is proposed to meet the needs of a small, highly localised catchment ie predominantly the new residential and business communities and tourists using the hotel. It therefore suggests that the floorspace is associated with the operational needs of the mix of proposed uses and an integral part of the wider development.
84. In terms of the consideration of sequentially preferable sites, the retail use has consequentially not been disaggregated and suitable sites for the whole development have been assessed and found to be unavailable. This approach assumes that even within the city centre, the operation of workplaces and hotels is dependent on co-located retail uses. This position is not accepted, as it is clear that this situation is not represented across the city centre as a whole and yet businesses succeed. However, the applicant's case that a small amount of retail development will assist in creating conditions in which a new community can be established '*where people can live, work and socialise*' is quite compelling. Having regard to the amount of floorspace proposed and the ability to restrict the amount of retail and size of units through the imposition of planning conditions, it is considered the provision will be of a scale and character not to compete or harm the function or the primary /secondary shopping areas of the city centre of the adjacent large district centre of Anglia Square. On this basis the retail component of the scheme is considered to comply with the relevant policies of the local plan

Main issue 2 : Design and heritage

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

Key policies and NPPF paragraphs – DM9, NPPF paragraphs 128-141
86. The site is prominently located with frontages onto two primary road corridors. In addition the site given its size, represents a significant and highly visible redevelopment site within the city centre conservation area. There are a number of listed and locally listed buildings within and in close proximity to the site. Design matters are therefore central to the consideration of this planning application along with the extent to which the scheme positively responds to the historic environment,

the character of the area and its sense of place. Policies DM3 and DM9 are therefore key policies against which the development should be assessed.

87. The site falls within two character areas of the city centre conservation area, Colegate and Anglia Square. The conservation area appraisal (CAA) identifies the Colegate character area as HIGH heritage value and significance, with a very high concentration of historic buildings, high presence of features from historical periods and high townscape / landscape quality, very high quality of details and relative few negative features. Management and Enhancement guidance for this area includes the following objectives: -
- Reinstatement building lines (*B2.2*)
 - Retention and refurbishment of large scale industrial buildings, e.g. factories where possible (*E4*)
 - New large scale development should take its design cue from traditional factory forms (*D1, D2.2, E1.2*)
88. The north-east sector of the application site forms part of the Anglia Square Character Area which is identified as being of LOW heritage value and significance dominated by late C20 commercial developments, industrial units and surface car parking. Management and Enhancement guidance for this area indicate that large scale buildings are appropriate near the Ring-Road (*D2.2*)
89. The scheme has been subject to extensive discussion and negotiation between council officers and the applicant, at both pre-application and application stage, and this has resulted in a number of substantial design changes and revisions. The application is supported by a Design and Assess Statement which sets out how the scheme has evolved and the design principles which have guided the design approach. Stated design principles include :
- Scheme which includes mixed use buildings to create a vibrant and distinct new quarter of central Norwich
 - New buildings which respond to Norwich local character through form, proportion and materiality.
 - Buildings of mixed typologies – responding to the mix of building types within the Colegate conservation area which include Georgian town houses and industrial buildings
 - Creation of a new landmark on the northeast corner balancing out the roundabout and marking the gateway from the city centre
 - Creation of a new pedestrian route connecting the two churches of St Martin's and St Mary's
 - Layout which creates a permeable network of connected public and semi private spaces
90. These principles have led to a design approach which proposes a total of 13 buildings, varying in height and taking reference from built forms, architectural styles and materials found within the Colegate Conservation Area. Buildings vary in height from 2 to 9 storeys. The scheme seeks to create a gradual transition from lower buildings in the western sector of the site, to larger more industrial buildings in the middle and eastern sectors.
91. The tallest building blocks I (5 storey), J (7 storey), K (9 storey) and L (6 storey) are grouped in the north eastern sector of the site. Block K is proposed as the corner

focal building and along with L and J front the St Crispins/Duke Street frontage. These blocks are proposed as mixed use buildings and would be the location for the hotel, most of the office floorspace and the retail units. Residential flats contribute to the mix of uses in these blocks. The spaces created between these blocks are designed to act as publically accessible squares from which the commercial uses would be accessed and onto which associated activity could take place i.e. outside cafe and socialising space.

92. With the exception of two floors of block A, the remaining blocks are residential. These lower blocks (2-4 storeys), comprising of a mix of flats and houses, are grouped around semi private spaces and streets which have been designed to be car free. Fronting the boundaries of the two Grade I listed churches, 3 and 4 storey residential blocks are proposed, whilst a continuous 2 – storey mews terrace is proposed on the southern side of St Martin's Lane facing the listed building opposite.
93. It is proposed that the locally listed former shoe factory fronting St Mary's Plain/Oak Street is substantially demolished apart from the existing principal facades. The new building constructed immediately behind this façade would be one storey higher than the existing, the additional storey being in the form of a mansard roof set back behind the parapet level of the retained facade. The lower two floors of the St Mary's Plain fronting block (A) are proposed for office use whilst the remainder of the L shaped block would be divided into residential units. Units created in the Oak Street block are designed to be attractive as live – work units. Full details of the proposed works to the existing factory building have been provided.
94. Historic England have indicated that the principle of adding height to this existing building is acceptable but have indicated that a simpler new flat roof form would be less bulky and more sympathetic. However, the council's design and conservation officer has commented that the re-built form will be generally harmonious with the principal building. Great care will need to be taken in selecting the appropriate materials for the 'new build' elements to ensure that they match/harmonise with the existing aesthetic/materials. The footprint of the factory block will largely stay the same and the height will remain below the height of the adjacent church round tower. The works are on-balance considered acceptable and will allow for the continued viable use of the site, whilst ensuring that the setting of adjacent heritage assets is maintained.
95. Representations received to the wider scheme have raised objections to the height and massing of the development and the density that this creates. The tallest blocks are a particular focus of comment along with the relationship of these blocks with each other and with the surrounding streets/ townscape.
96. **Blocks C, D and F2.** The 3 storey town houses grouped to the rear of the L shaped shoe factory block respond well to the height and form of adjacent buildings. Those fronting St Martin's are set back from the church boundary by approx. 2.4m and subject to the approval of high quality architectural treatment at reserved matters stage, provide the potential to establish a strong built interface with this Grade I listed building. The proposed two storey mews style block on the southern side of St Martin's lane respond to the height of existing buildings on the northern side, including the two Grade II listed buildings. This relationship is considered appropriate and will assist in establishing a stronger built cohesion to this historic lane.

97. **Blocks F1, E and I** located either side of the central route linking the two churches vary in height from 4 - 5 storeys. The positioning of the blocks, the variation in height and the width of the route (approx. 8m) will allow for the creation of a new street through the development linking the two historic churches. The taller blocks within this street are sufficiently set back from St Martin's Lane and the two churches to not have a direct association.
98. **Blocks G and H** - West of the central street the blocks step up in height. These taller blocks sit behind and would be visible above two x 4 storey blocks (G and H) which front St Mary's Alley. When the application was first submitted Historic England commented that the level of detail provided with this outline application and in particular for these two blocks, did not meet the requirements of para 128 of the NPPF and allow for the full and proper assessment of the impact of this level of development on St Mary's church (Grade I). To address similar concerns of officers the applicant was requested to provide a Design Code and this has now been submitted covering the whole site and forms part of the application. The function of the Design Code is to provide a greater level of information about the form and appearance of development and to allow greater control over detailed architectural appearance of the blocks to be submitted at reserved matters stage. With reference to the Design Code, blocks G and H will have front doors and principal elevations fronting onto St Mary's Alley addressing and framing St Mary's church.
99. It should be noted that Historic England remain concerned that blocks G and H will be experienced as single masses, overly uniform in appearance. They consider this uniformity to be undesirable and not reflective of the character and appearance of Colegate conservation area. On this basis they indicate the proposal does not deliver the full measure of enhancement to the setting of the church for which the development has potential.
100. However, the council's conservation and design officer has commented that the two blocks will appear as two characterful 'terraces' (each split into 3-4 vertical subdivision) and exhibit 'narrow plot widths' and a 'tight urban grain' reflective of the wider Colegate character area. The Design Code provides assurance that variation in appearance of the two terraces can be secured and a strong/positive visual association with the church created. The detailed design of these blocks will be controlled as a reserved matter in order to ensure that the works will preserve the setting of the listed buildings and the character and appearance of the conservation area.
101. **Blocks I, J, K and L** step up markedly behind G, H and F2 and will be visible from longer views within the conservation area. At 5-9 storeys these blocks will be higher than existing buildings on the site and those in the immediate vicinity. The Design Code proposes a Victorian, Edwardian factory typology for each of these blocks, a response to the Colegate CAA which indicates that new large scale development should take its design cue from traditional factory forms.
102. Block K the tallest block fronts the St Crispins /Duke Street road frontages. Significantly this sector of the site is located within the Anglia Square character area of the city centre conservation area. As referred to in para. 89 the Anglia Square CAA indicates new large scale buildings are appropriate near the ring road. Long sections of the St Crispins Road frontage illustrate that in the context of St Crispins House and Cavell House, blocks K and L are not out of scale. The highest point of block K is 33.45m (AOD) compared to the St Crispins at 30m (highest point) and

Cavell House at 29.5m (highest point). It should also be noted that a current application ref 17/01391/F for St Crispins House proposes the conversion and vertical extension of this office building to form student accommodation.

103. DM3 identifies St Crispins roundabout as a 'gateway' and allows for landmark buildings where they are of exceptional quality and where they help define or emphasise the significance of the gateway. The submitted Design Code describes Block K as being brick built in a factory form, with architectural features designed to be proportionately large. The block would be designed to have 'architectural clarity' and include repeated horizontal bays, divided vertically into base, middle and top, a solid base and parapet. These parameters are an appropriate basis for a detailed design of a landmark building to be agreed at reserved matters stage.
104. Historic England (HE) have indicated that these corner blocks are of height greater than buildings found in this part of the Colegate conservation area and Block K in particular could detract from nearby historic buildings. They state that stepping of block L to six storeys will reduce the overall massing and help this part of the site relate better to the listed buildings to its west. However, they indicate that the stepping of block J does not create a comparable level of modulation. They go on to suggest a possible reduction in the height of blocks K and J.
105. Officers have considered this response but consider there is a policy context to justify new taller buildings in this sector of the site and a landmark building in this location, signifying the 'gateway' and the development itself as a new mix use quarter. The council conservation and design officer has advised that notwithstanding this policy context, the heights and scale of these larger blocks and their impact upon the character and appearance of the Colegate character area and the setting of adjacent listed buildings needs to be considered. The height and form of these blocks have been reduced following Officers advice to sit more comfortably in the existing townscape and the design code sets out that these larger blocks will take design cues from traditional factory forms that exist in the locality. Whilst this will temper the resulting impacts upon the setting of numerous adjacent heritage assets and the character and appearance of the conservation area (Colegate) itself, there will still be some 'harm' caused. In accordance with the requirements of Chapter 12, paragraph 134 of the NPPF, this 'harm' will need to be considered against the resulting 'public benefits' that the development will bring.

Heritage Impact assessment

106. St Martin's at Oak Church (Grade I): The development will result in the opening up and reintegration of the church into the townscape and the restoration of the church boundaries. This will allow people to better experience this Grade I listed building. Subject to the detailed design being agreed, these works combined will serve to enhance the setting of this listed building and the character and appearance of the conservation area.
107. St Mary's Church (Grade I): The development will result in the opening up and reintegration of the church into the townscape allowing people to better experience this Grade I heritage asset. The development will alter the general 'low level' character of this part of the conservation area and the setting of this listed building. However, owing to the distance between this property and the larger blocks, J, K and L – the overall impact will be limited and certainly less than substantial.

108. Pykerells House on RoseMary's Lane (Grade II*) The development will alter the general 'low level' character of this part of the conservation area and the setting of this listed building. However, owing to the distance between this property and the larger blocks, J, K and L – the overall impact will be limited and less than substantial.
109. 47 – 49 St Martin's Lane (Folly House and Pineapple House). St Martin's Lane is reintegrated back into the historic townscape with a new linear north to south connection made across the site, linking the two listed churchyards. New views of 47 St Martin's Lane will be opened up in the townscape with its gable end terminating the view along the linear pathway looking north, with the tower of St Mary's framed by development to the south. The connection and associated landscaping works will better reveal the significance of the heritage asset and improve upon the existing setting. Blocks F2 immediately adjacent the listed building to the south will be of a similar scale to the listed building, respecting the scale of the listed building taking a modest 'cottage' or 'mews house' style form. To the east, the scale of the buildings will rise dramatically with Block K rising to 8 storeys (plus a set back roof storey). The disparity in heights and scale between the listed building Block K and St Martin's Lane will be tempered by the drop in building height as it approaches St Martin's Lane. The height will drop to 5 storeys (plus roof addition) at Block L. The design code confirms that the western elevation to Block L will be a formal frontage, classically detailed in order to ensure that the view along St Martin's Lane to the east will be attractively terminated. The listed buildings will be celebrated in the townscape and allowing more people to view and enjoy them. The proposed improvements to the St Martin's churchyard will also help to improve the setting of the listed buildings.
110. The proposed buildings of height will undoubtedly affect the setting of 47-49 St Martin's. Block L (6 storey), with block K behind, will terminate St Martin's Lane and be viewed in the context of much lower, modest buildings. However, similar relationships, although less marked, do exist elsewhere in the conservation area – where domestic and factory buildings co-exist. This change in the setting of 47-49 St Martin's also needs to be considered in the context of the current situation: in which the church and lane are largely cut off from the surroundings townscape; where existing low level industrial buildings fail to provide an attractive setting to the listed buildings; and where a disparity already exists between the lane character and the ring road.
111. The proposed development provides the opportunity for St Martin's Lane to be reconnected into the historic townscape and for listed building (the church and 47-49 St Martin's lane) to be better revealed and appreciated. The works will result in some 'harm' and some 'enhancements' to the setting of the listed building. This harm is considered to be 'less than substantial' and will need to be assessed in accordance with the requirements of Chapter 12, paragraph 134 of the NPPF, this 'harm' will need to be considered against the resulting 'public benefits' that the development will bring
112. Nos. 67, 69 -89 Duke Street: The proposals would see the development of larger Blocks J and K in close proximity on the corresponding side of Duke Street. The proposed development of Block G and H and enhancements to the St Mary's Churchyards, as well as the new commercial units to the base of Block I will all help to improve and enliven the character and appearance of the conservation area and the setting of No.69-89 Duke Street. However, the disparity in height between the

buildings within the neighbouring Anglia Square Conservation Area to the north and Colegate Conservation Area to the south will be further exacerbated through the proposed development of blocks J and K. The impact of this development will be tempered somewhat through their proposed architectural treatment and materials employed taking characterful factory/industrial forms, but the disparity in scale and height will remain. In conclusion, the works will result in some 'harm' and some 'enhancements' to the setting of the listed building. This harm is considered to be 'less than substantial' and will need to be assessed in accordance with the requirements of Chapter 12, paragraph 134 of the NPPF, this 'harm' will need to be considered against the resulting 'public benefits' that the development will bring.

113. 57, 59 & 61 Duke Street and locally listed non-designated assets. Very limited low level impact given separation distance and intervening heritage assets which obscure direct views.

Design and heritage impact conclusion

114. Relative to the surrounding area the height, number and proximity of proposed blocks results in a high density urban form of development. However, the proposed height of development is considered justified in design terms. The proposed larger scale buildings seek to achieve 'factory forms' akin to the architecture of the existing red brick Norvic factory on Colegate or St James Mill on Whitefriars. This typology along with those proposed for lower blocks directly respond to the characteristics of the Colegate conservation area. The detailed design of elevations will be secured by reserved matters, but the design code helps to alleviate design and heritage concerns in respect of the proposed developments impact upon the setting of adjacent heritage assets
115. The layout, although 'tight' creates a high degree of permeability allowing freedom of movement across the development, for the linking of the historic churches and for a number of positive views to be established. These include N-S views of St Mary's church tower and 47-49 St Martin's Lane and a view of St Martin's church between blocks F2/I and B and D. The streets, being designed to be car free provide the opportunity to be landscaped accordingly. The spaces, although enclosed by tall buildings, have a clear defined function and given the scale and mix of uses should function as active and interesting spaces. The proposed form and mix of development provides scope for the creation of a new development with a strong and defined character and sense of place. This conclusion is supported by a Building for Life Assessment which has been carried out for this development. Building for Life 12 (BfL 12) is the industry standard for assessing the quality of place making. Developments are scored against 12 criteria using a traffic light scoring system. The proposed development scores strongly, achieving 11 green and 1 amber results
116. The council's design and conservation officer has advised that the development will result in some 'enhancements' and 'improvements' to the character and appearance of City Centre conservation area in that the works will reintegrate and re-connect this largely under-used brownfields site back into the city providing a new mixed use development with new landscaped areas of public open space flanked by characterful buildings that take design cues from the locality.
117. The setting of adjacent heritage assets will be altered significantly by the proposals. In some cases, the setting of the heritage assets will be vastly improved through the

development of lower scale contextual buildings (Blocks C, G and H, F1 and F2) and new landscaping works/public open space. In other cases, the setting of adjacent heritage assets will be harmed. No's 47 & 49 St Martin's Lane and No's 67, 69-89 Duke Street and to a lesser extent St Mary's Coslany and St Martin in the Oak Church will be caused 'less than substantial harm' to their setting as a result of the height/scale of blocks L,K and J.

118. Generally, however the works are considered to meet with the requirements of Local Plan policies Norwich Local Plan, Local Development Policies DM1: Achieving and delivering sustainable development, DM3: Design principles and DM9: Safeguarding Norwich's heritage. As well as the relevant sections of the 'management and enhancement sections' of the conservation character area appraisals. As well as the requirements of paragraph 134 of the NPPF which states, *"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefit.*
119. Public benefits include the re-integration and enhancement of the church yards of St Martin and St Mary's into the local townscape; the replacement of low quality buildings with a high quality distinct new urban quarter and the delivery of high quality homes and jobs. These public benefits outweigh the less than substantial harm caused in accordance with paragraph 134 of the NPPF. On this basis the proposed design and impact of development is in accordance with adopted development plan policies and the local planning authority duties under S66(1) and S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Main issue 4: Landscaping and open space

120. Key policies and NPPF paragraphs – DM3, DM8, NPPF paragraphs 9, 17 and 56.
121. Key policies and NPPF paragraphs – JCS1, DM6, NPPF paragraph 118.
122. DM 3 requires all new development to make appropriate provision for both the protection of existing and the provision of new green infrastructure as an integral part of the overall design which complements and enhances the development. This includes careful consideration to the choice of hard and soft landscaping and the use of boundary treatments to clearly define public and private space. Furthermore DM8 requires that development on sites not already identified in the Site allocations plan which involve the development of 100 dwellings and above to provide for informal publicly accessible recreational open space on-site as an integral part of the overall design and landscaping of the development.
123. This is an outline application and detailed landscape matters are reserved for future consideration. However, a landscape strategy plan has been submitted which sets out how the development will meet the requirements of DM3 and DM8. The strategy includes:
- Improvements to the church yard of St Martin's at Oak including the provision of a new boundary treatment and managed public access to the green space
 - Improvements to the church yard of St Mary's including tree management works, new seating and managed public access to the green space.
 - Creation of a public square between blocks I, L and J – hard and soft landscaped space with seating

- Creation of a semi – public space between J, K and L – to serve outside needs of the office/hotel campus
- Network of streets designed to be low car/car free. High quality shared surfaces are proposed with margins for low level planting (in pots/troughs). Streets between blocks A, B and D would be suitable for play.

124. The adopted Open space and play space SPD indicates that in most circumstances the open space and playspace needs of new development should normally be provided on site. On windfall sites, a greenspace target of no less than 20% of the total site area is indicated along with play provision commensurate with the form of development proposed. In this case a high density urban form of development is proposed and the inclusion of a 20% sector of the site as greenspace would both compromise the mix of city centre uses and scheme viability.

125. Given that the church yards of St Martin's and St Mary's are directly impacted by the development, officers have negotiated schemes which would both enhance the quality of these green spaces and also secure public access. Currently this part of the city is relatively poorly served by recreational open spaces and both churches include greenspace to which access is restricted. In the case of St Martin's At Oak this results in ongoing misuse and anti-social behaviour. Both church yards have attractive qualities and securing access would increase the opportunities for peaceful recreation for both existing and future residents. Preliminary schemes have been prepared for both church yards which would allow for this function along with the enhancement of the setting of the two Grade I listed buildings. Both church yards are in the ownership of Norwich City Council and early engagement with the relevant stakeholders has established support for the principle of public access being secured. The applicant has agreed to a S106 Obligation which would secure commuted sum payments to Norwich City Council to fund schemes for both churchyards and to secure future management and maintenance arrangements.

126. The landscape strategy for the site itself is broadly supported. The approach seeks to:

- Use the trees and garden spaces to create a series of focal views linking the different areas on site.
- Create a green route between the two churchyards
- Maximise opportunities for on street tree planting – providing softening/greening element both at street level and when viewed from above.
- Where possible extend the soft landscape beyond the footprint of the buildings (community garden areas) to establish point of orientation and destination green spaces on site.

127. This approach should secure the creation of high quality public/semi private spaces and streets which along with the buildings will contribute to the appearance and character of the new urban quarter. At reserved matters stage a biodiversity strategy will be required to ensure that enhancements are embedded into the landscape design'

128. On this basis the development is in accordance the DM3, 6 and 8 of the adopted development plan.

Main issue 5 Affordable Housing Viability

129. Key policies and NPPF paragraphs – JCS4, DM33, NPPF paragraph 50.
130. For residential proposals of this scale, JCS 4 seeks to achieve a proportion (33%) of affordable homes. On the basis of 151 dwelling this equates to 50 affordable units. The delivery of affordable housing is a core planning objective. The NPPF requires local authorities to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive, and mixed communities. It is stated that where there is a demonstrated need for affordable housing, policy should seek to deliver on site provision, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and the agreed approach contributes to the objective of creating mixed and balanced communities.
131. The Affordable Housing SPD indicates that Outline planning applications should as a minimum secure the full affordable housing provision in accordance with JCS policy 4. It states that the overall numbers to be provided with, if possible, an indicative tenure mix, dwelling sizes, types and proposed location should be outlined. Any subsequent reserved matters applications can review the affordable housing provision and tenure mix. In the case of this application sufficient details have been provided to enable earlier consideration of development viability, to establish the level of compliance with JCS affordable housing requirements.

The applicant has submitted a Development Viability Appraisal (DVA) which sets out development costs and values and examines the scope for affordable housing to be delivered as part of this mixed use scheme. The appraisal takes account of predicted CIL costs of approx. £841,000 and S106 costs associated with St Mary's and St Martin's churchyard projects (£296,962). The appraisal shows that profit (as a % of costs) would be 7.76% if a 33% level of affordable housing was to be sought. The DVA also includes a second modelled scenario in which a sum of £353, 234 is identified as an affordable housing contribution. This second scenario delivers a profit level of 18.18% (on costs). The level of contribution provides the scope for the delivery of approximately 4 x 1 bed affordable units on site.

132. The viability appraisal has been referred to the District Valuation Office (DVO) for independent review. This has included scrutiny of the costs and development values used in the appraisal, including the existing use value applied to the site. The DVO identified a minor difference in development costs, although this is explained by the outline stage of the scheme and a full construction costs schedule not being available. The DVO assessment is broadly consistent with that provided by the developer and shows that with policy compliant levels of affordable housing, profit levels would result in development not being viable. The DVO independent assessment of the second scenario has applied a profit level of 20% (on value) for the residential and 17.5% (on value) for the commercial and this shows a small development deficit of £95000.
133. The National Planning Policy Framework states that viability should consider "competitive returns to a willing landowner and willing developer to enable the development to be deliverable." It is stated that this return will vary significantly between projects to reflect the size and risk profile of the development and the risks to the project. It is therefore advises that a rigid approach to assumed profit levels should be avoided. The DVO generally adopt a profit level of 20% (on value) based on their experience across a wide range of schemes and projects. In this case the

applicant has agreed to accept 18.18% on costs profit (equivalent to 15.38% on value) in order to allow the development to contribute to the delivery of affordable housing and funding of the church yard schemes. Given this profit level is below the DVO recommended target level, seeking a higher level of affordable housing would substantially compromise the delivery of the scheme.

134. With a view of maximising affordable housing, officers have considered whether S106 monies identified for the church yard projects should be diverted to meeting housing need. The Affordable Housing SPD indicates that this process of prioritisation should be undertaken where development is not viable with the full range of planning obligations. The St Martin's works are essential to make the development acceptable in planning terms and therefore are considered necessary. Existing buildings on the site currently form the boundary of this Grade I listed building. The demolition of these buildings will require a new interface between the site and the church to be created and a securable boundary. These works will additionally assist in addressing the current neglected condition of this green space and misuse by drug users.
135. The St Mary's Works include tree works which are necessary to make the blocks G and H acceptable in planning terms and allow the creation of a positive frontage facing the Grade I listed church/associated green space. In addition development provides the opportunity to secure managed public access to this green space which does not exist at present. The green space will serve the recreational needs of the development as well as the local community, which is relatively poorly served at present. The transfer of future maintenance responsibility (for both church yards) would be a saving to Norwich City Council. The heritage and public benefits of the St Mary's Works relative to the level of s106 contribution are considered significant. The equivalent sum (£154 662) used to addressing affordable housing need would deliver less wider public benefit.
136. On this basis a sum of £353, 234 is judged to the viable level of affordable housing deliverable by this development. This is well below the JCS 4 target level and for a development of this scale raises concerns about achieving inclusive and mixed communities. However, it is recognised that mixed developments of this type include a range of uses which generate a range of market values. In Norwich the value of office and hotel floorspace is lower than residential and this is reflected in the development value of the whole scheme. In the case of this site, a mixed use site is positively supported by JCS11 and the developer has demonstrated a positive commitment to investing in development which is designed to contribute to both the economic and social fabric of Norwich. The economic benefits of the proposed development in terms of business growth and employment generation are substantial and there is significant scope for this to support and facilitate the wider regeneration of the northern city centre. These economic benefits of the proposed development need to be weighed against the failure of the scheme to deliver a mix of housing tenure.
137. The form and quality of this development has the potential to deliver a vibrant new mixed use quarter and raise investor confidence in future values. There is the prospect that the development itself may achieve values that exceed existing local market values which have informed the DVA. It is therefore recommended that at this outline stage a S106 Obligation is sought to:

- Secure a minimum affordable housing contribution of 4 x 1 bed flats (affordable rent) or where a RP cannot be secured, payment of a commuted sum of a min £353,324
- In accordance with the SPD, secure a review of development viability and affordable housing level at reserved matter stage, when full detailed development costs are available
- In accordance with the SPD, secure development viability reviews in the event of the development not being delivered within an agreed timescale.
- Given the phased delivery of the development, secure a review of development viability and affordable housing level following the occupation of Phase 1 to allow development value to be verified. Any increase in viable affordable housing level to be secured through a commuted sum payment.

138. This approach allows the council to secure a minimum level of affordable housing and enables for this to be increased if development viability improves. The NPPF positively promotes the re-development of brownfield sites and states that local planning authorities should take a flexible approach in seeking levels of planning obligations and other contributions to ensure that the combined total impact does not make a site unviable. In this case the economic benefits of the mixed scheme carry substantial weight and potentially would not be delivered if a higher level of affordable housing was to be sought.

Main issue 6 : Amenity

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

140. Policy DM2 seeks to ensure satisfactory living conditions for existing neighbours affected by impacted by the development as well as satisfactory levels of amenity for new residents

Impact on existing occupiers:

141. An assessment has been submitted of internal and external daylight amenity. A vertical sky component (VSC) assessment has been undertaken to examine the impact of the new development on adjacent residential and commercial buildings. The assessment compares proposed VSC figures to existing and calculates a value which indicates the level of change (Times Former Value TFV). Guidance indicates that where the TFV is less than 0.8 (TFV), the loss of daylight is likely to be significant and noticeable. The assessment reviewed 60 existing windows facing the development site and the TFV for all exceeded 0.8. The six windows of no 47 St Martin's Lane, the closest residential property to the site, achieved values ranging between 0.81 – 1.02 (4 >0.9). The daylight Sunlight assessment concludes that all 60 windows fully comply with BRE criteria for VSC and that no significant adverse impacts on sunlight and daylight levels will arise as a result of the development.

142. The outlook from windows facing the site will change substantially particularly for residential in properties on Duke Street and St Martin's Lane. However, the design approach for St Martin's in particular has sought to mitigate this change in short distance views by proposing two storey houses fronting the street. The development will step up in height further along St Martin's Lane and with

increasing depth into the site. The configuration of Block L (6 storey), proposed as a mix use block, is likely to necessitate St Martin's Lane facing windows (separation distance 24m). This along with the increase in traffic using the lane will change the character of this location for local residents. The location will be busier, more public and feel more connected to and part of the city centre. The layout of the development deliberately seeks to re-integrate St Martin's Lane into the urban grain of this part of the city. Although activity will increase, levels will be compatible with a city centre location and generally more concentrated within the site and along the Crispins Road frontage. In addition although traffic using St Martin's Lane will increase, vehicle movements will remain at a comparatively low level (peak 8-9 am - 38 total traffic movements). The submitted Noise Assessment indicates that the development will result in additional traffic noise in this location. However given the ambient noise level, created by St Crispins, the increase in noise would not be significant.

143. Given the central location of the site neither the proposed increase in traffic noise levels nor the increased level of overlooking are considered sufficient to justify the refusal of planning permission on these grounds.

Future residents:

144. A mix of dwelling types is proposed including 1, 2 and 3 bed flats and family housing. Although internal floor layouts are not for approval at this outline stage the blocks have been sized to enable dwellings to meet Nationally Described Standards and for 10% of the dwellings to meet Accessible and adaptable dwellings standards.
145. An indicative aspect plan has been submitted indicating that the configuration of blocks will allow most dwellings to be dual aspect. This allows internal layout of rooms to be designed to take advantage of the most favourable light and outlook conditions. In order to assess daylight amenity to new units an Average Daylight Factor (ADF) assessment has been undertaken. This assessment is often used for major developments where the actual size of rooms may not yet be known. Minimum target levels are set for different room types - kitchens (2%), living rooms (1.5%) and bedrooms (1%). Nineteen locations within the development were identified for testing. 'Worst -case' locations were selected, including north facing facades and facades facing blocks located to the south. Of the sample rooms assessed 8 fell short of targets, for certain room types. However, in these locations there is scope at reserved matters stage, to ensure that room layout take account of light levels and where there are limitations, for larger window sizes to be specified. Across the development as a whole the layout allows for satisfactory internal amenity levels (light and outlook) to be achieved. Notwithstanding this, it should be noted that this is a high density scheme and that the size and proximity of blocks will create a residential quarter which will feel distinctively urban in character. Internal daylight, outlook and privacy will therefore not be at optimal levels but at a level which is considered acceptable for residents selecting a city centre location to live.
146. A noise assessment has been submitted. This includes assessing the impact of traffic noise on the new development, specifically new residential occupiers. The assessment indicates that the proposed dwellings fronting St Crispins, Duke Street and St Martin's Lane will be subject to traffic noise impact but this is capable of being adequately mitigated through the specification of suitable glazing systems.

The council's environmental protection officer has reviewed the assessment and is satisfied that the recommended measures would result in satisfactory living conditions for residents.

147. Furthermore an Air Quality Assessment has been submitted. This includes an assessment of current and predicted NO₂ levels. This shows predicted NO₂ levels of 36mg/m³ on both Duke Street & St Crispin's. Although elevated, these levels do not exceed the national air quality objective of 40mg/m³ and as such the council's environmental protection officer has advised that mitigation measures are not justified. However, she has advised although there would be no requirement for non-opening windows she would recommend that trickle vents are avoided where windows open out onto St Crispin's and Duke Street.

148. In terms of private amenity space the scheme proposes the following options:

- Blocks A and B - private balcony/roof terraces
- Blocks C and D - private roof gardens / use of communal garden
- Blocks F1 and E - private roof terraces/use of communal garden
- Block I - communal court yard
- Blocks G and H - private terrace
- Blocks J, K and L- external terrace top floor only

149. This strategy result in a satisfactory level of provision of external amenity space for the majority of the proposed dwellings. In the mixed use blocks J and K, apart from the top floor flats, remaining flats would not have access to private outdoor amenity space. However, the scope to make provision for these units is constrained by the proximity of these units to the proposed commercial floorspace, road noise and the incompatibility of projecting balconies with the proposed factory building typology. In these circumstances the absence of private amenity space for these particular flats in considered acceptable.

Main issue 6: Trees

150. Key policies and NPPF paragraphs – DM7, NPPF paragraphs 109 and 118.

151. There are no existing trees on land in the applicant's ownership. However, a large number of trees are located within the application boundary, within the two church yards and on the highway verge. An Arboricultural Impact Assessment has been submitted with the application.

152. St Mary's church yard supports the greatest number of trees with most grouped adjacent to the northern boundary with St Mary's Alley. The group includes wingnut, cherry, oak, hawthorn and tree of heaven. These trees, along with three lime trees within the adjacent highway, are prominent in views within this part of the conservation area and form part of the verdant setting of the medieval church. The limes are particularly visible in long views along Duke Street, given that one markedly leans across the highway.

153. The application proposes two residential blocks (G and H) facing St Mary's Alley, with principal elevations facing south towards the church. In order to create a satisfactory relationship between the existing trees and the windows serving the new development, thinning and pruning works are proposed. Thinning works will include the removal of a large wingnut (13m – T9) which substantially overhangs St Mary's Alley and an associated large multi-stemmed sucker (T8) growing against the church railings. Left in place these trees would be in very proximity close to the first, second and third storey windows of block H and cause damage to the cast iron railing of the Grade I listed church. This relationship is considered unacceptable and would be problematic to address through tree management works without creating an unbalanced/lopsided canopy. Wingnut is a large, vigorous tree species originating from Asia, known to grow to considerable height and have a vigorous suckering habit. The Council Arboricultural officer does not object to the removal of the two trees particularly in the context of securing a group of native trees capable of more effective management.
154. In addition the Council Arboricultural officer has recommended removal of T11, a tree of heaven (Ailanthus) located within the western sector of the grave yard. This is the tallest tree (16m) within the church yard and contributes substantially to mature tree coverage in this part of the conservation area. However, the tree shows clear signs of rot which given the immense size of the tree raises health and safety concerns. It should be noted that Ailanthus is a non-native fast growing deciduous species originating from Northern China. The species has a vigorous suckering habit and because of the height to which they can grow are best suited to open parkland situations. On the basis that the development is seeking to secure public access to this green space it is recommended that the tree should be removed on safety ground and replaced with a more suitable species which would in the long term secure the visual and biodiversity qualities of this urban green space.
155. Less extensive tree works are proposed within the St Martin's At Oak grave yard. The application proposes residential blocks facing the church but given the extent of set back from the boundary, only modest management through pruning is required.
156. All of the trees referred are on land in the ownership of Norwich city council and identified for improvement as part of this development. The S106 commuted sums include the cost of tree works and replacement tree planting. Future management of the trees would fall under the responsibility of a future site management company with the oversight of the council.

Main issue 7: Transport

157. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF paragraphs 17 and 39.
158. A Transport Statement and Travel Plan have been submitted in support of the application. This confirms that the proposed vehicular access for the site will be maintained from Duke Street and that new egress points will be introduced to provide exits from the development onto St Martin's Lane. This removes the need for traffic to exit the site onto Duke Street, close to the congested St Crispins junction (existing situation). Access controls are proposed to restrict general traffic movement across the site i.e to prevent the route acting as a rat run. The St

Martin's Lane access is also proposed as a secondary inbound access for disabled parking, fire tender vehicles, refuse collection and deliveries.

159. The development is highly permeable and includes a number of cross routes which connect the development into the surrounding road network. All routes would be publically accessible to pedestrians and cyclists. The routes are designed to be shared spaces and, with the exception of a small number of accessible parking bays, will be free of car parking. Tracking drawings and servicing plans have been submitted demonstrating that the principal routes are suitable to provide access for emergency, refuse collection and delivery vehicles.
160. A total of 115 car parking spaces are proposed within a semi basement undercroft located beneath blocks J, K and L. An automated car stacking system is proposed to maximise the capacity of the undercroft. Most spaces (86) would be dedicated to residential use and provision would also be made for accessible parking spaces and EVCPs. The proposed residential parking provision equates to a ratio of 62% and is below the maximum 1:1 parking level set out in DM3. However, this is a highly sustainable location and in terms of promoting sustainable development, DM32 would support low/zero parking. This was raised with the developers at an early stage. However, they have indicated that given the size of proposed dwellings (mostly 2-3 bedroom) and the bespoke nature of the development, parking at the proposed level is necessary to secure residential values to make the development viable. The undercroft parking facility and the resulting car free streets/spaces benefit good place making and provides the opportunity for the basement servicing of the commercial uses. The approach involves significant development costs in terms of excavation and stacker parking infrastructure. However, it should be noted that the viability report provided with the application, indicates most of the undercroft costs will be recovered in development values. On this basis, along with the place making benefits of removing car parking from street level, this form and level of parking provision is considered acceptable.
161. The development triggers a requirement for provision of car club space/s. This is secured through a S106 payment based on the number of dwellings proposed. The St Mary's Plain frontage of the site would be particularly suitable for this purpose.
162. The basement parking level would also provide approximately 25 parking spaces to serve the needs of the office and hotel uses. This level of provision is considered acceptable and falls below the maximum levels for these uses set out in DM31.
163. The layout plan indicates eight large bike stores to serve the needs of the mixed development. The stores are secure and fully integrated into the design of the development. A total of 370 secure cycle parking spaces is proposed in accessible location across the site. In addition public bike stands within the public spaces would be secured at reserved matters stage.
164. The local highway authority has indicated that they have no objection to the proposed development. They have commented that the Transport Statement indicates that overall there will be a decrease in traffic trips in comparison with the lawful uses of the site. On this basis the Strategic Highway Authority (Norfolk County Council) do not require any modification to junctions with the inner ring road but have requested the improvement of the existing cycle lane on the roundabout frontage. They have indicated that St Martin's lane is suitable for traffic generated

by the development and confirmed that they are satisfied with the proposed level of car and bike parking.

165. The transportation impacts of the development are acceptable and planning conditions are recommended to secure necessary works within the highway and on site management of parking and access arrangements.

Main issue 8: Energy

166. Key policies and NPPF paragraphs – JCS3, DM1, NPPF paragraphs 94 and 96.

167. JCS 3 requires development of this scale to include sources of ‘decentralised and renewable or low carbon energy to provide at least 10% of the schemes expected energy requirements and demonstrate whether or not there is viable and practicable scope for exceeding this level.

168. The energy strategy applies the concept of fabric first, passive design and proposing efficient mechanical and electrical systems. In terms of renewables or low carbon energy sources a number of options have been appraised:

- Option 1 - Circa 900sqm photovoltaic panel plus 300m² of solar hot water – this would provide 13.3% of site energy
- Option 2 - 120kw biomass boiler in energy centre – this would provide 28% of site energy
- Option 3 – 120kw combined heat and power (CHP) engine in an energy centre - this would provide 28% of the site energy

169. The preferred option will be determined at reserved matters stage when the detailed internal layout of blocks and external appearance of the blocks is agreed. This will allow the visual impact of the various options to be fully assessed.

170. Subject to detailed design, the proposal is considered to be capable of complying with the requirements of JCS 3 and DM1.

Main issue 9: Flood risk

171. Key policies and NPPF paragraphs – JCS1, DM5, NPPF paragraphs 100 and 103.

172. The site falls with EA zone 2 and as such at medium risk of fluvial flooding. In addition the corner of the site falls with the critical drainage area for surface water flooding.

173. A flood risk assessment has been submitted. This indicates that the 1:100 years plus climate change flood level for the Wensum is 3.65m AOD and that on this basis the minimum finished floor level of the development should be set at 3.95m AOD. This minimum is achieved across all the residential and commercial floorspace which would therefore be safe in a 100 year flood risk event. The basement car park is set below this minimum flood level and as such would be at risk of flooding. The parking level varies from 650cm – 2950cm AOD. Flood resilient measures will therefore be necessary, along with the need for early evacuation in the event of a flood warning. These measures and procedures are capable of being secured through planning conditions.

174. A drainage strategy has been submitted and reviewed by the Lead Flood Authority. 300mm above this level. The Outline Planning Drainage Statement listed a number of possible drainage schemes that could be applied in this development. A workable drainage strategy has been proposed and incorporates runoff being stored in attenuation tank and permeable paving with further discharge to the Anglian Water sewer. The site area is partially located within a critical drainage catchment. The applicant has given a consideration to integrate such SuDS features as brown/green roofs, permeable paving, rain water harvesting into the proposed development (in line with Policy DM1 sustainability and DM5 flooding of the Norwich City Council Local Plan). The applicant has now demonstrated a workable drainage scheme supported by appropriate information to demonstrate that there will be no flooding in the 1 in 100 year critical rainstorm event plus climate change.

Main issue 10: Contamination

175. Key policies and NPPF paragraphs – DM11, NPPF paragraphs 120-122.

176. A desk based assessment and phase 2 intrusive investigation have been undertaken to assess ground conditions and levels of contamination.

177. Soil chemical analysis revealed that the made up ground across the site were not suitable to be exposed in residential garden areas due to elevated levels of PAH compounds and Lead. Further assessment will be required in areas of gardens and soft landscaping in order to design a suitable remediation scheme. In such locations top soil cover systems are likely to be required.

178. The site is underlain by a secondary A aquifer (alluvium) followed by a principal aquifer (chalk) designated as a source protection area. The Environment Agency have indicated that further analysis will be necessary to characterise the risk the development poses to ground water. They have therefore recommended conditions requiring this to be under and for piling and infiltration SUDs to be subject to approval to allow water quality issues to be addressed.

179. The council Environmental Protection Officer has raised no objection to the development of this site subject to planning conditions require further risk assessment and remediation works.

Compliance with other relevant development plan policies

180. 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
Refuse Storage/servicing	DM31	Yes subject to condition/No - expand/Not applicable
Water efficiency	JCS 1 & 3	Yes subject to condition/No - expand/Not applicable

Other matters

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

Equalities and diversity issues

182. There are no significant equality or diversity issues.

S106 Obligations

183. The applicant has agreed to entering into a S106 Obligation with the council to secure the following:

- Affordable Housing –

Minimum affordable housing contribution:

Option 1 (preferred option) - on site provision of a minimum of 4 x 1 bed affordable rent flats, or

Option 2 - commuted sum for off-site provision min £353,324

Viability benchmarks to be fixed – to include existing use value and developer profit

Further viability review: as set out in para. 138

- Other Commuted sums -

St Martin's church yard scheme - £142,300. Maintenance and management arrangement to be agreed and secured

St Mary's church yard scheme - £154,662. Maintenance and management arrangement to be agreed and secured

Car club contribution - £100 per dwelling

184. The S106 Obligation is necessary to ensure the development complies with policy requirements of the adopted development plan and to mitigate the impact of the development on Grade I Listed buildings. The obligation is required to make the development acceptable in planning terms and therefore meets the tests for such agreements set out in the NPPF.

Local finance considerations

185. 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.

186. 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.

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

Conclusion

188. The site currently constitutes under utilised brownfield land located within part of the northern city centre identified by JCS11 for comprehensive regeneration. The proposed development directly supports the achievement of key regeneration objectives. These include economic objectives of building a strong, responsive and competitive economy for the city of Norwich. Development of the scale proposed will: benefit the construction industry; support the growth of new businesses and the creation of new jobs and support the local economy through the spending of future residents, works and visitors. This level of economic benefit is significant, substantial and capable of stimulating business confidence and further investment in other sites with the regeneration area.

189. Social objectives of supporting strong, vibrant and healthy communities are additionally directly supported. The proposed 151 new dwellings will make a significant contribution to the supply of new homes. Future occupiers will have access to new jobs created through the development and those within the city centre a short walk from the site. The proposed mix of uses is capable of creating a vibrant new quarter with a strong sense of identity. The development will allow for investment in the church yards of St Martin's and St Mary's, facilitating public access to semi-natural green space which are re-integration into the urban fabric.

190. Furthermore environmental objectives of protecting and enhancing the natural and historic built environment are supported. The site is within the city centre conservation where there is a high concentration of listed and locally listed buildings. The existing low level industrial buildings currently fail to provide an attractive setting to these heritage assets and St Martin's Lane and St Martin's church (Grade I) in particular is disconnected and poorly revealed. The proposed improvement works to the historic churchyards and the new pedestrian/cycle route in the form of a linear pathway connecting the two churches will improve the character and appearance of this part of the conservation area. No. 47 & 49 St Martin's Lane will be better revealed and celebrated in the townscape being the terminating view of this linear pathway (to the north). The development will create a distinct and highly visible new quarter, the Design Code providing assurance of high quality materials and an appearance responsive to the conservation area setting. These benefits outweigh the less than substantial harm resulting from the taller buildings included within the scheme.

191. On the basis of these economic, social and environmental benefits the proposed scheme complies with JCS 11 and DM1 planning principles of achieving and delivering sustainable urban redevelopment. In making a planning judgement on the scheme the weight to attributed to each of these sustainability benefits is considered substantial. The development fails to deliver affordable housing at JCS4 target levels, or close to it. However, the applicant has demonstrated to the satisfaction of the DVO, that to do so would make development unviable. Failure of development to provide a meaningful level of affordable housing is a policy consideration which carries significant weight. However, in the planning balance this shortfall in the

scheme needs to be weighed against the broad regeneration benefits of this mixed development. The proposed new offices will make a significant contribution to the provision of category A B1a floorspace in the northern city centre, supporting both business growth and high quality job creation. This will directly support the economic objectives of the council to strength the role of Norwich as an employment centre of regional significance. The outcome of withholding planning permission on affordable housing grounds would be the lost opportunity to secure the delivery of the most significant new office scheme in the city in the last 5 years and the creation of circa 355 new jobs. This benefit, along with the social-environmental benefits outlined above, demonstrably weigh in favour of the granting of planning permission.

192. Furthermore in the context of an absence of a 5 year land supply this tilted balance for decision making is further reinforced. On the basis of the assessment set out in the report there are no specific policies in the NPPF which indicate development should be restricted and benefits of the development outweigh identified adverse impacts. In these circumstances the NPPF indicated that new residential development should be approved to contribute directly to the achievement of housing targets

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

Recommendation

To approve application no. 16/01950/O - St Mary's Works Duke Street Norwich and grant planning permission subject to S106 Obligation securing matter set out in para 139 of this report and the following conditions:

1. Standard time limit Outline;
2. Details (Outline) - Reserve matters to include landscaping (including biodiversity strategy, external lighting), appearance (in accordance with Design Code), internal layout of development (to include measures to control noise/air quality).
3. Details highway works - including waiting restriction review (St Mary's Plain)
4. Details (Blocks A and B) external materials, architectural detailing, new windows and doors etc- (details and samples), external vents, rainwater goods.
5. Phasing plan
6. Construction management plan including Air Quality & Dust Management Plan
7. Demolition plan - including Details of all temporary works necessary to ensure the structural stability of the retained sections/elevations of St Mary's Works (former shoe factory)
8. Temporary boundary enclosure of St Martin church yard
9. Tree protection measures
10. Archaeology (WSI)
11. Full contamination condition
12. Infiltration of surface water drainage into the ground requirement for express written consent
13. Piling or any other foundation designs using penetrative methods requirement for express written consent
14. Unknown contamination
15. Imported soil
16. Fire Hydrant provision
17. Assessable and Adaptable dwelling standards

18. Water efficiency (residential and commercial)
19. SUDs - as required by LFA
20. Flood finished floor level of development
21. Flooding - proofing, warning, evacuation
22. Travel plan - non- residential uses
23. Parking control/management
24. Provision of EVCPs
25. Provision of bin and cycle stores
26. Access controls
27. Flexible use of retail floor space
28. Limitation: no single retail unit to exceed 200sqm
29. Withdraw PD rights office – to residential conversion

Informatives

1. No parking permits
2. Community infrastructure levy.
3. Street naming and numbering contacts
4. The innovative use of mechanically stacked car parking is acceptable. However, should this system be rendered unusable for any reason the council is under no obligation to facilitate provision of alternative parking provision.

Article 35(2) statement

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

ST MARY'S WORKS

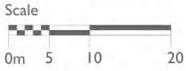
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No: SMW-ATN-XX-XX-DR-A-01107

03/11/17

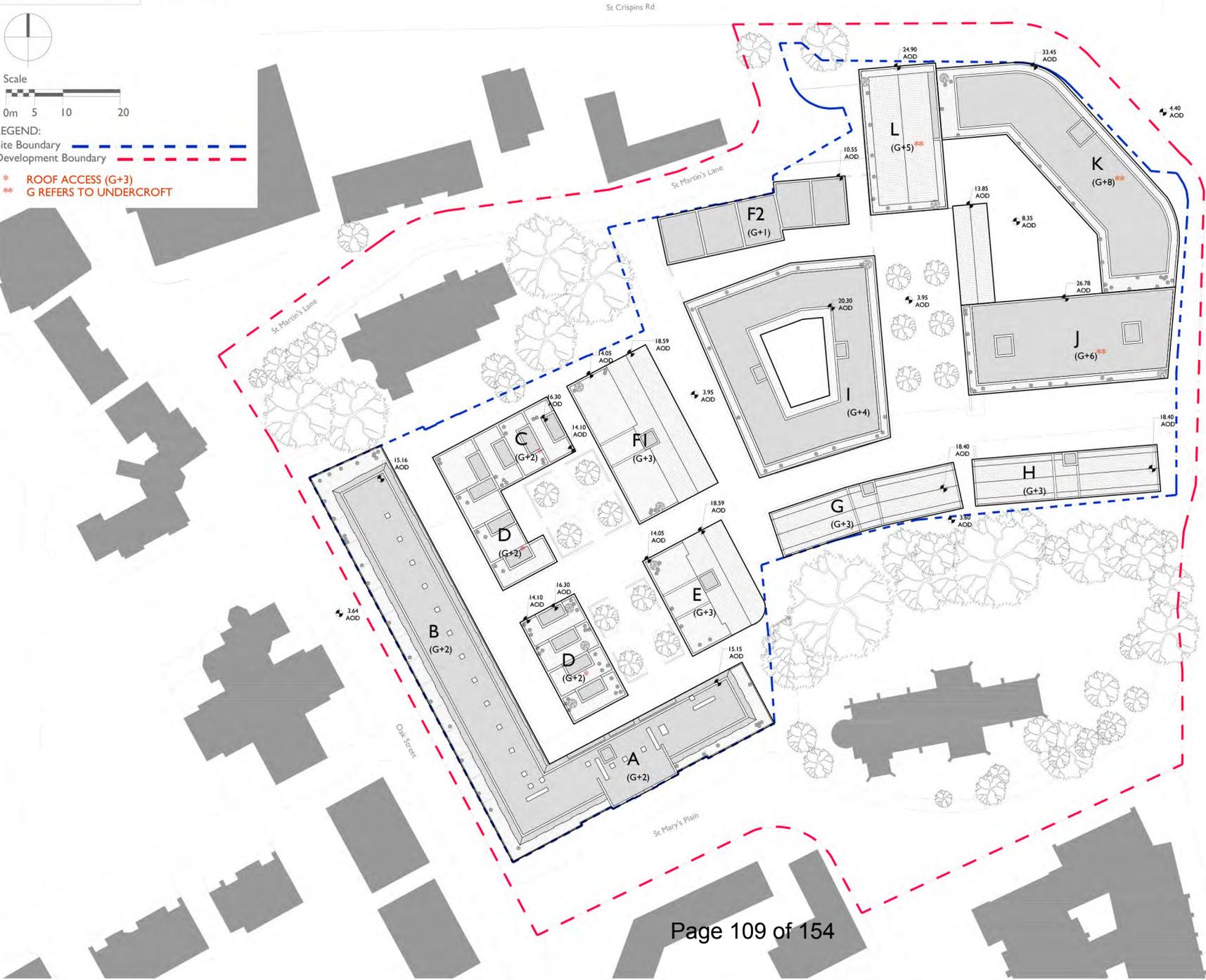
Scale: 1/500 @A2

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LEGEND:
Site Boundary ————
Development Boundary - - - - -

* ROOF ACCESS (G+3)
** G REFERS TO UNDERCROFT





RESIDENTIAL ACCESS

- Access Control Point (bollards with Passcode/ Fob / Site Management)
- Access Control Point (Garage Door/Shutters - Secure by design compliant)
- Main Access Route and Parking
- Temporary Access for Drop Offs
- Undercroft Parking



TAXI ACCESS

- Access Control Point (bollards with Passcode/ Fob / Site Management)
- Access Control Point (Garage Door/Shutters - Secure by design compliant)
- Taxi route option 1
- Taxi route option 2



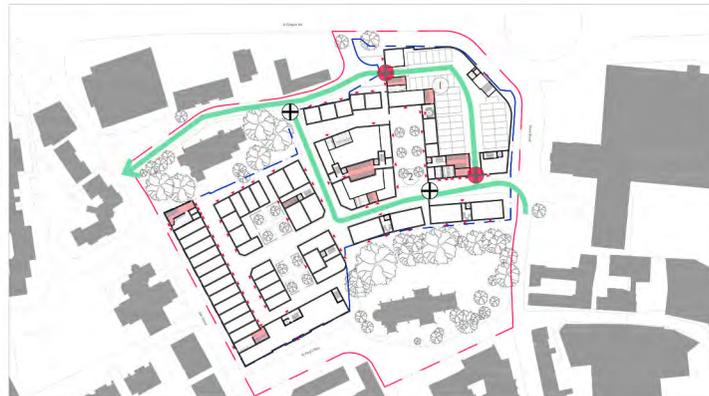
VISITOR ACCESS

- Access Control Point (bollards with Passcode/ Fob / Site Management)
- Access Control Point (Garage Door/Shutters - Secure by design compliant)
- Main Access Route and Parking
- Access for Drop Offs
- Undercroft Parking



DELIVERY ACCESS

- Access Control Point (bollards with Passcode/ Fob / Site Management)
- Access Control Point (Garage Door/Shutters - Secure by design compliant)
- Route
- Drop off zone 1
- Drop off zone 2



FIRE TENDER ACCESS

- Access Control Point (bollards with Passcode/ Fob / Site Management)
- Access Control Point (Garage Door/Shutters - Secure by design compliant)
- Fire tender access route



ACCESS CONTROL

- Access Control Point (bollards with Passcode/ Fob / Site Management)
- Access Control Point (Garage Door/Shutters - Secure by design compliant)





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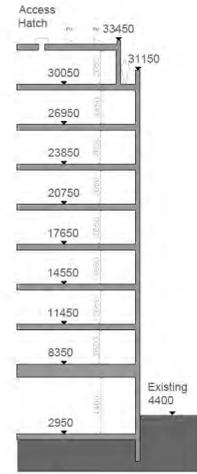
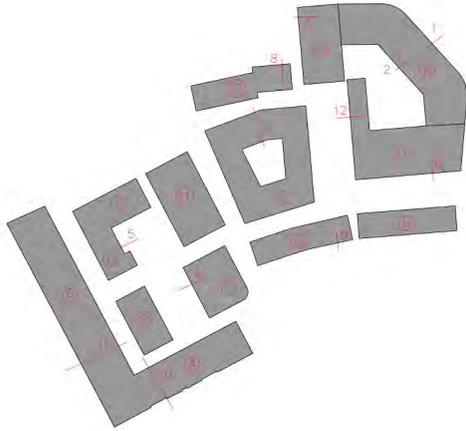
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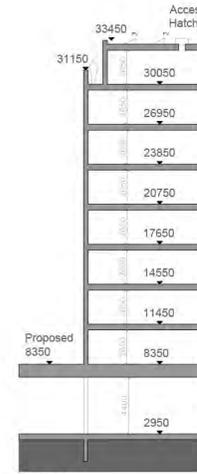
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ST MARY'S WORKS

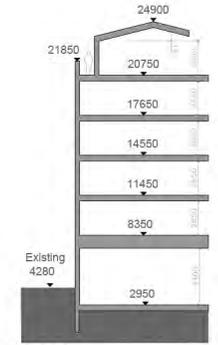
PROPOSED SECTIONS



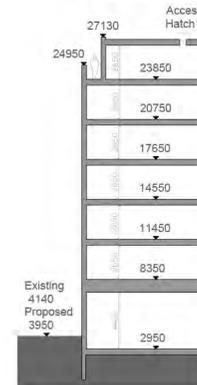
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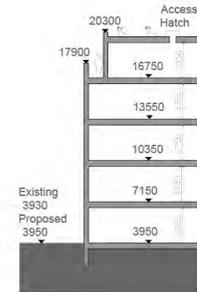
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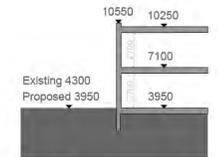
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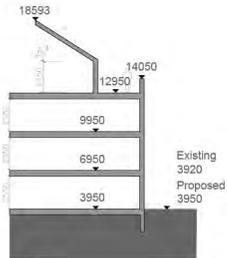
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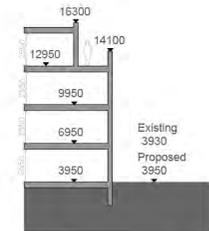
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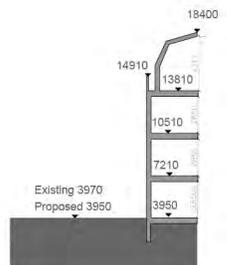
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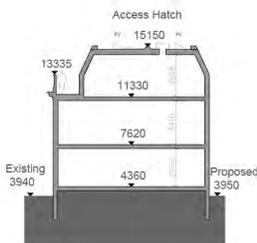
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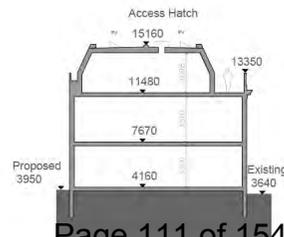
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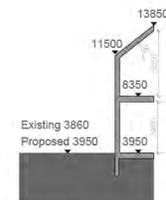
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Section 10
Block A



Section 11
Block B



Section 12
Gallery

ST MARY'S WORKS

PROPOSED SECTION 1 OF 2

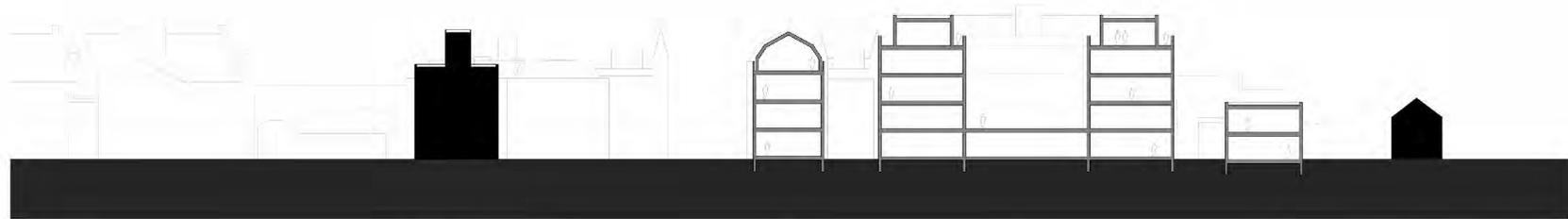
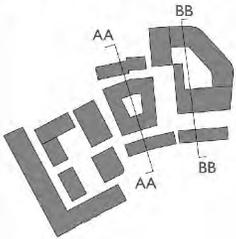
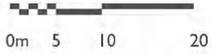


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01/12/2017

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Scale



SECTION AA

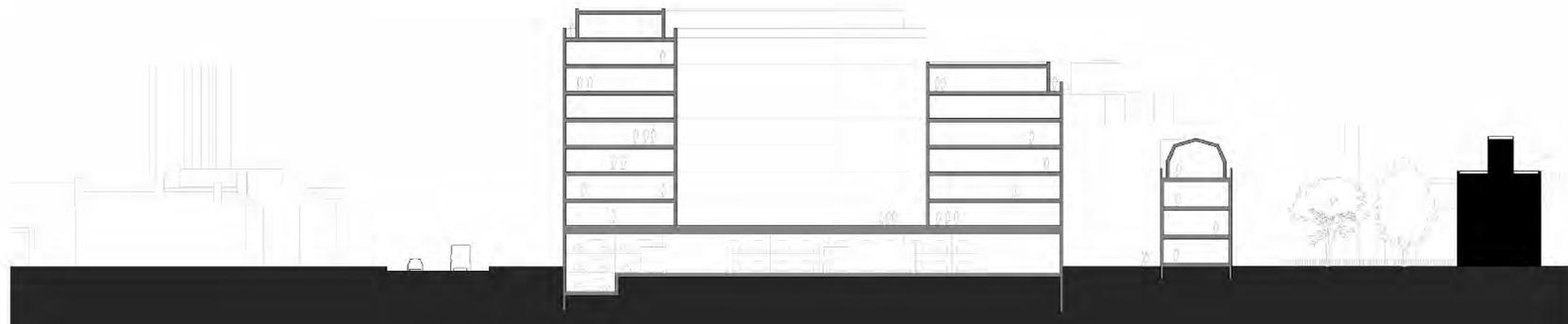
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F2

47,
ST.MARTINS LANE



SECTION BB

I

G

ST MARYS CHURCH

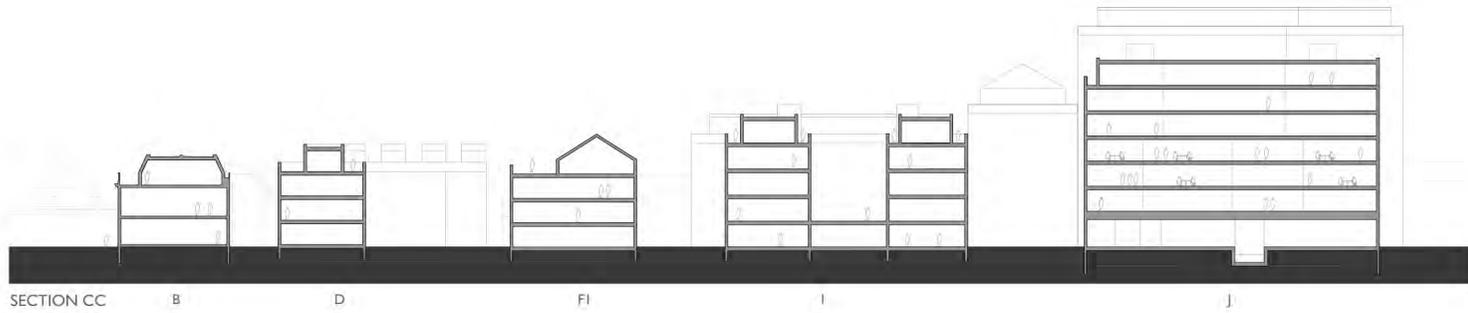
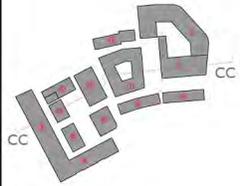
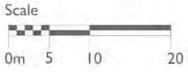
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PROPOSED SECTIONS 2 OF 2

No: SMW-ATN-XX-XX-DR-A-02102

03/11/17

Scale: 1/500 @A2



SECTION CC

B

D

F1

I

J

ST MARY'S WORKS

ST CRISPINS LONG ELEVATION

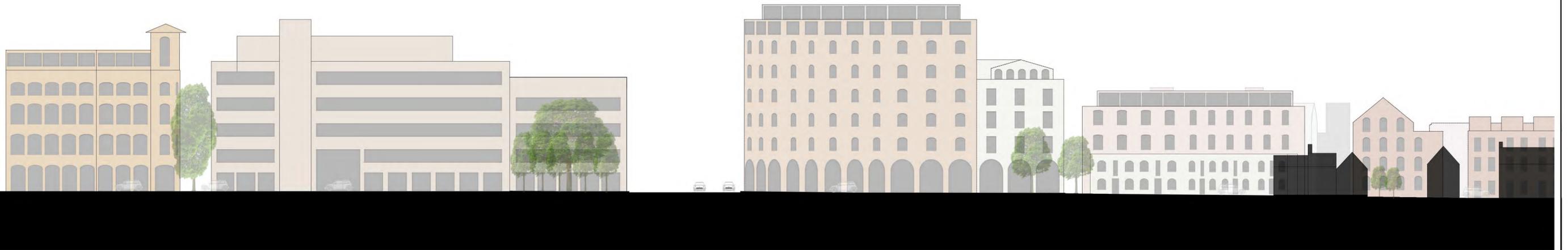
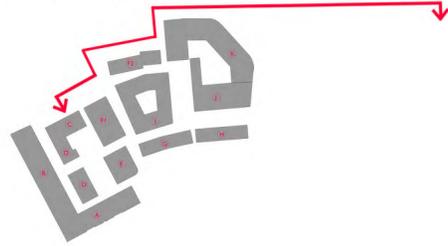
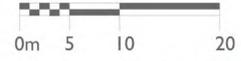


No. SMW-ATN-XX-DR-A-03102

03/11/17

Scale: 1:500

Scale





Unit 22 11-29 Fashion St
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No: SMW-ATN-XX-XX-VI-A-04108

03/11/17

Scale: NTS

ST MARY'S WORKS

PROPOSED VIEW 08





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Scale: NTS

ST MARY'S WORKS

PROPOSED VIEW 02



ST MARY'S WORKS

PROPOSED VIEW 05

No: SMW-ATN-XX-XX-VI-A-04105

03/11/17

Scale: NTS



ST MARY'S WORKS

PROPOSED VIEW 14

No: SMW-ATN-XX-XX-VI-A-04114

03/11/17

Scale: NTS



ST MARY'S WORKS

PROPOSED ELEVATIONS

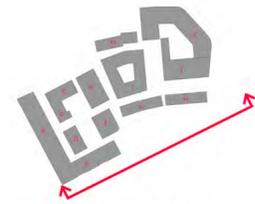


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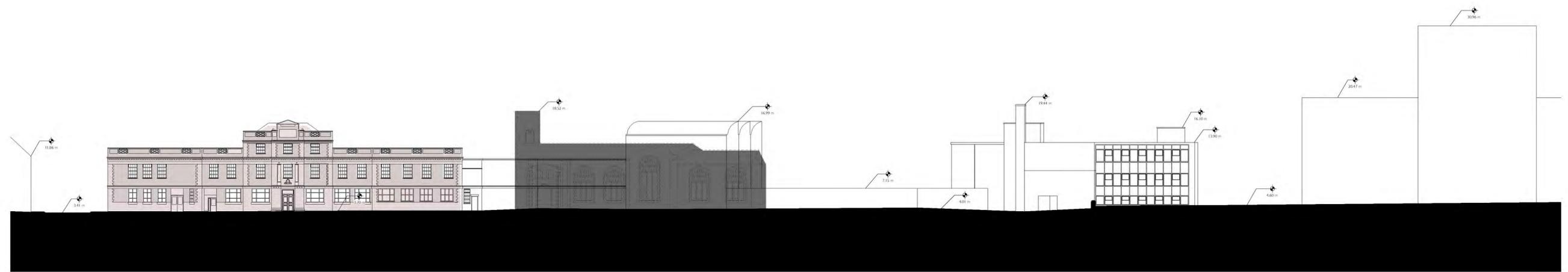
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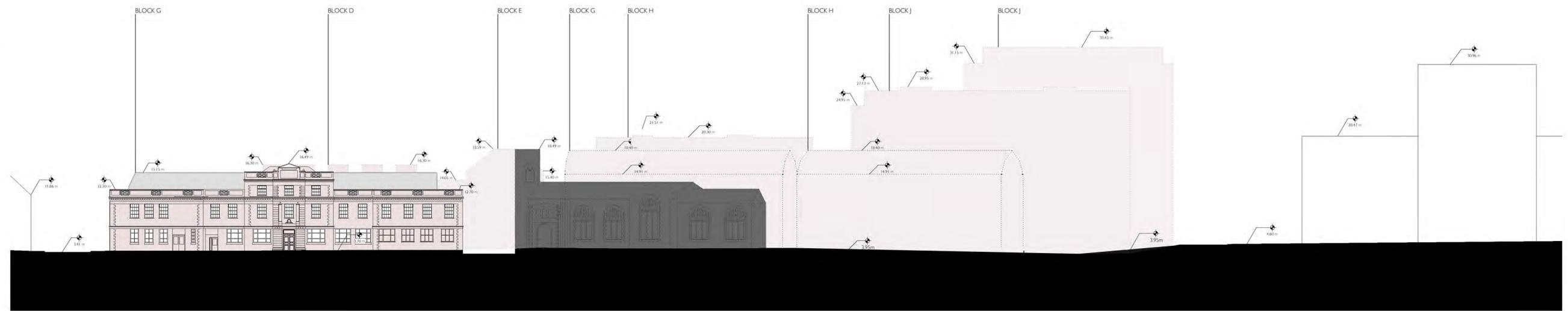
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ALL SPOT ELEVATION HEIGHTS ARE A.O.D OF 3.95m



ST MARY'S PLAIN - EXISTING ELEVATION



ST MARY'S PLAIN - PROPOSED ELEVATION

ST MARY'S WORKS

PROPOSED ELEVATIONS

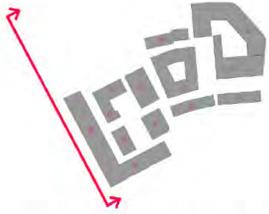


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01/12/2017

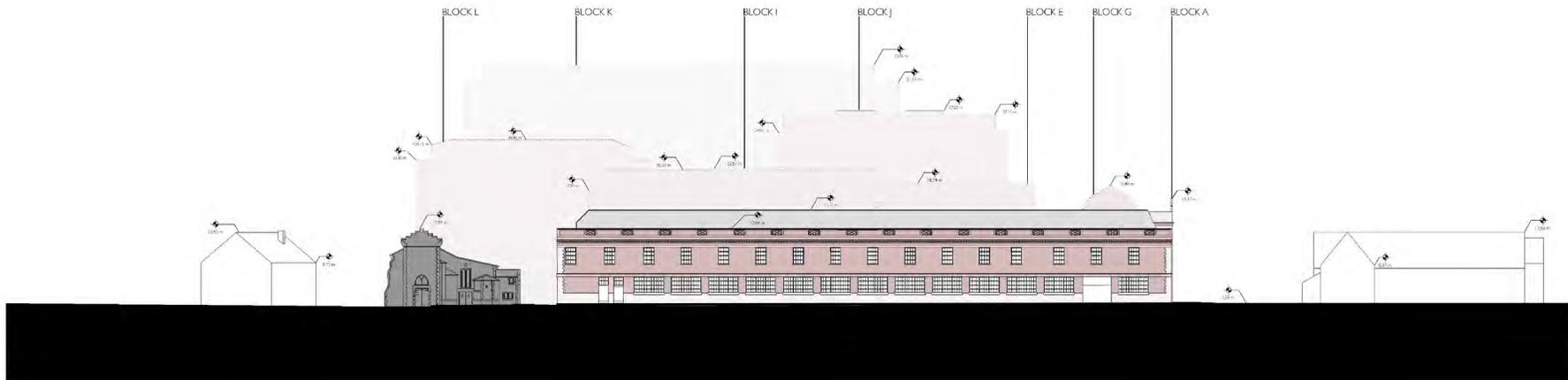
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ALL SPOT ELEVATION HEIGHTS ARE A.O.D LEVEL OF 3.95m



OAK STREET - EXISTING ELEVATION



OAK STREET - PROPOSED ELEVATION

Report to Planning applications committee

Item

11 January 2018

Report of Head of planning services

Subject Application no 17/01558/F - Land East of 14 Dowding Road, Norwich

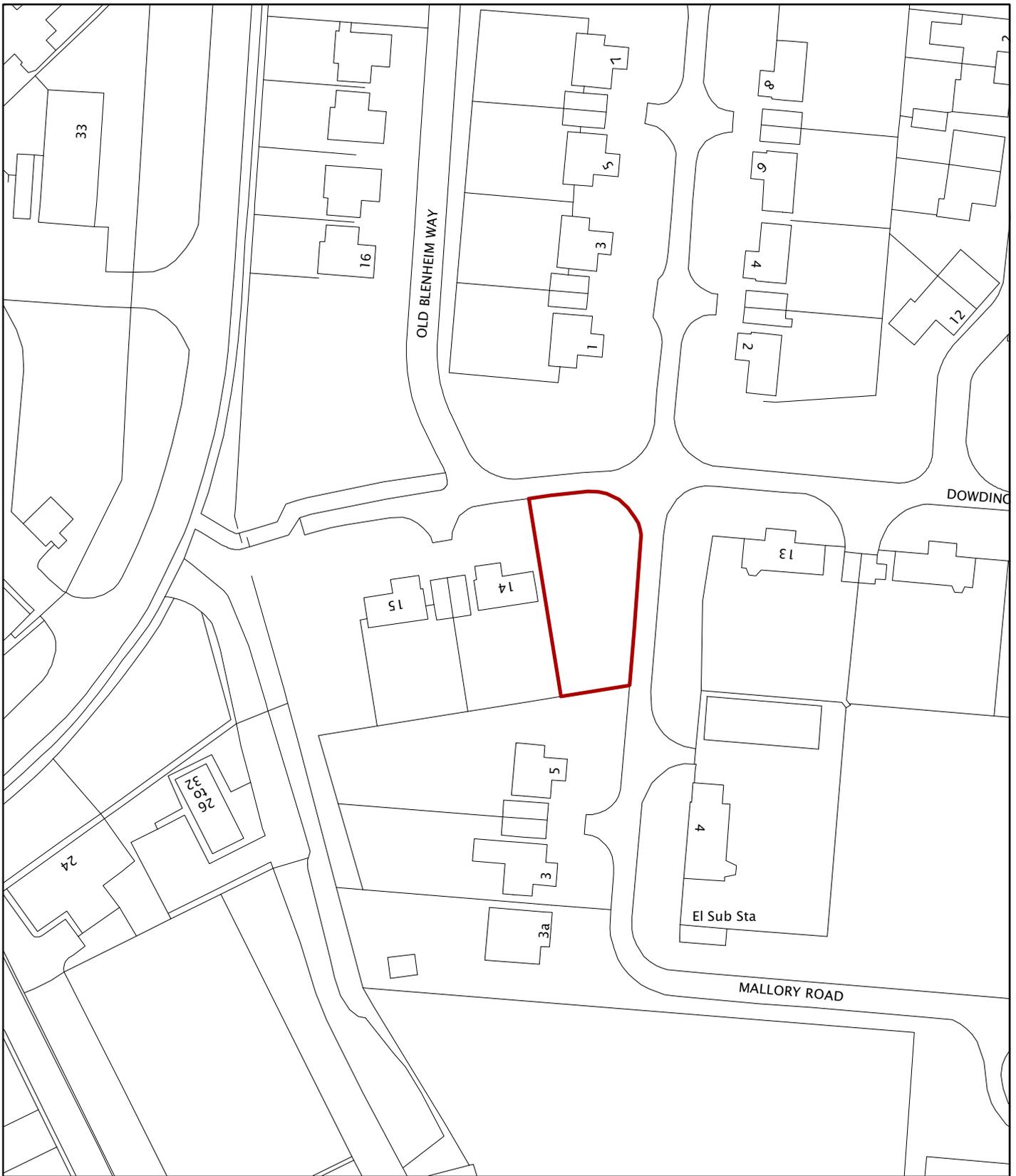
4(e)

Reason for referral Objections

Ward:	Catton Grove
Case officer	Charlotte Hounsell - charlottehounsell@norwich.gov.uk

Development proposal		
Construction of two storey dwelling.		
Representations		
Object	Comment	Support
8	2	0

Main issues	Key considerations
1	Principle of development
2	Loss of open space
3	Overlooking/overshadowing
4	Parking and poor road condition
Expiry date	1 January 2018
Recommendation	Approve



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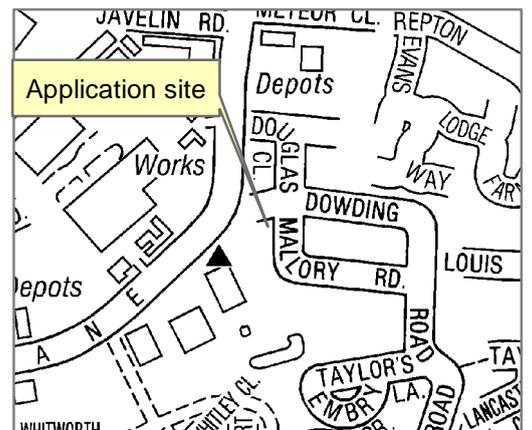
Planning Application No 17/01558/F
 Site Address Land East of 14 Dowding Road

Scale 1:1,000



NORWICH
 City Council

PLANNING SERVICES



The site and surroundings

1. The subject site is located on the South side of Dowding Road. The plot is located on the corner of the junction between Dowding Road and Mallory Road. At present the site is an area of open green space laid to lawn. There is one TPO tree located at the rear of the plot. The plot is flanked by an existing dwelling to the West. The properties in the surrounding area are largely detached dwellings. A characteristic of this estate is the open grass verges, some of which are formally designated open space.

Constraints

2. There is a TPO tree located at the rear of the site.
3. The plot is open green space however it is not formally designated as protected open space
4. The plot is located within a critical drainage area

Relevant planning history

5. There is no relevant planning history.

The proposal

6. The proposal is for the construction of a new two storey dwelling.

Summary information

Proposal	Key facts
Scale	
Total no. of dwellings	1
Total floorspace	136 sq. m
No. of storeys	2
Max. dimensions	8.55m x 11.50m 5.10m at the eaves and 8.70m maximum height
Appearance	
Materials	To be secured by condition
Energy and resource efficiency measures	To be secured by condition

Proposal	Key facts
Transport matters	
Vehicular access	New access created onto Mallory Road
No of car parking spaces	2 spaces on driveway

Representations

7. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 10 letters of representation have been received, 8 in objection and 2 sets of comments, citing the issues as summarised in the table below. All representations are available to view in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Issues raised	Response
Loss of green and open space which would harm the recreational and amenity value of the local community	See Main Issue 1
Contrary to design and open space policy	See Main Issue 1
This proposal would set a precedent for other applications	See Main Issue 1
Does not respect the historic character and distinctiveness of the surrounding area and properties. The building will look out of place, result in a sense of enclosure and would interrupt the building line of Mallory Road Erosion of character and represents overdevelopment.	See Main Issue 2
Loss of light and overlooking to neighbouring dwellings	See Main Issue 3
Poor highway condition and access to Fifers Lane. Reduced visibility on corner junction results in highway safety concern	See Main Issue 4
Lack of footpaths and insufficient parking	See Main Issue 4
Increase in traffic from proposed Repton Avenue to Meteor Close link road	See Main Issue 4
Fallen trees in the area are not replaced. Damage to TPO tree.	See Main Issue 5

Issues raised	Response
Issues of subsidence	See Other Matters
Restrictive covenants in place to preserve the density of the estate	See Other Matters
Damage to surrounding gardens	See Other Matters
Workers using the area for parking	See Other Matters
Noise and disruption from construction	See Other Matters
Impermeable surfacing impacting negatively on drainage	See Other Matters

Consultation responses

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

Highways (local)

9. No objection in principle on highway grounds. The site is adjacent to adopted highway but does not encroach upon it which is good. Consideration needs to be given to where bins and bikes are stored, please can you query this.

Tree protection officer

10. Please could you condition TR7 Works on site in accordance with AIA, AMS and TPP.

Assessment of planning considerations

Relevant development plan policies

11. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
- JCS1 Addressing climate change and protecting environmental assets
 - JCS2 Promoting good design
 - JCS4 Housing delivery
12. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
- DM1 Achieving and delivering sustainable development
 - DM2 Ensuring satisfactory living and working conditions
 - DM3 Delivering high quality design
 - DM5 Planning effectively for flood resilience
 - DM6 Protecting and enhancing the natural environment
 - DM7 Trees and development

- DM8 Planning effectively for open space and recreation
- DM12 Ensuring well-planned housing development
- DM28 Encouraging sustainable travel
- DM30 Access and highway safety
- DM31 Car parking and servicing

Other material considerations

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

- NPPF0 Achieving sustainable development
- 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

Case Assessment

14. 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

15. Key policies and NPPF paragraphs – DM8, DM12, NPPF paragraphs 9, 14, 17 49, and 56.
16. The principle of residential development is acceptable on this site under Policy DM12, subject to the second part of DM12 and other policy and material considerations outlined below given that: the site is not designated for other purposes, is not a hazardous installation notification zone, is not in the late night activity zone, does not include the conversion of high quality office space and is not located within any of the identified retail centres.
17. Concerns were raised that the proposal would result in the loss of designated open space. As shown on the Development Management Local Plan Policies Map this particular area of green space is not formally designated unlike the majority of green space in the surrounding area. Therefore, the application site is not afforded the protection of policy DM8. Concerns were also raised that the approval of this application would set a precedent for future development on nearby green spaces, however the majority of these spaces are covered by DM8 and any future application would be assessed on its own merits.
18. Officer's note however, that the application site functions in a similar way to the formally designated open space in terms of its contribution to the visual amenity of the area as well as its recreational value.

19. Officer's also note that Section 6 of the NPPF places emphasis on the critical importance of planning effectively for housing delivery and (in particular) boosting the housing supply. As outlined in Policy DM12, windfall sites are expected to come forward to aid in delivering the Council's five year housing land supply. The proposal will assist housing delivery albeit extremely modestly given the proposal is for a single dwelling.

Main issue 2: Design

20. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 9, 17, 56 and 60-66.
21. The proposed dwelling would be constructed of a scale and design to match the original dwellings in the surrounding area. Whilst the proposal would result in an overall increase in the number of dwellings in the area, the proposed dwelling is considered to be of a density in keeping with that of the surrounding area.
22. Concerns were raised that the proposal would result in the erosion of a significant area of open space which is characteristic of the surrounding area and would not follow the pattern of surrounding development. It is noted that wide grass verges are a particular trait of this estate. Officers were concerned that the original proposal would result in the complete erosion of this green space along Mallory Road. A revised proposal was submitted indicating an approx. 5m grass verge to be retained with only green boundary treatments used on this elevation. In addition it has been confirmed that the front garden (including the corner) would remain open. A condition is also recommended to remove permitted development rights for the erection of boundary treatments to ensure that these areas remain open. Whilst it is acknowledged that the new dwelling would not exactly follow existing building lines, the retention of wide grass verges is considered sufficient to protect the open nature of the corner site. In addition, the issues relating to the pattern of development are not considered to outweigh the provision of additional housing in this instance.
23. Details of materials have not currently been specified but should be secured by condition.

Main issue 6: Amenity

24. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
25. Concerns were raised that the proposal would result in a loss of light to neighbouring dwellings. However, the proposal would not interject a 45 degree line in both plan and elevation with the neighbouring ground floor window and would therefore not result in a significant loss of light to this room. The other properties in the surrounding area are located a sufficient distance from the property such that loss of light is unlikely to be an issue.
26. Concerns were also raised regarding the possibility of overlooking of neighbouring properties and gardens. Due to the situation of the dwelling and the distances between dwellings it is unlikely that there will be significant opportunity for overlooking and only at oblique angles. It is considered that neighbouring properties would still be afforded a high level of amenity in accordance with policy DM2.

Main issue 5: Transport

27. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF paragraphs 17 and 39.
28. Concerns were raised regarding the lack of parking provision on site. A new dwelling in this location is expected to provide between 1 and 2 parking spaces. The driveway to the side of the dwelling can provide for the required level of parking.
29. As discussed above, the proposal was revised to retain a 5m open verge to the side of the dwelling. In addition the plans show that the front garden area is also to remain open. Given the wide grass verges on all corners of this junction, the proposal is not considered to result in a significant reduction in visibility splays.
30. Comments were received regarding the amount of increased traffic from the proposal which would be compounded by additional traffic from the proposed Repton Avenue to Meteor Close link road, weight restrictions and wider highways improvements. Given that Dowding Road effectively forms a large cul-de-sac accessed via Fifers Lane it is not considered that the above changes would have any impact on traffic along Dowding Road. The amount of traffic associated with a single new dwelling would be insignificant.
31. Concerns were raised regarding the poor condition of the existing highways in this area, the roads are adopted and the existing condition of the roads is not considered to be a ground on which to resist this application particularly given the minimal increase on traffic levels which would result.

Main issue 4: Trees

32. Key policies and NPPF paragraphs – DM7, NPPF paragraphs 109 and 118.
33. There is one TPO tree located at the rear of the site. An arboricultural report has been submitted and the tree protection officer is satisfied that the tree will be protected during and after the development provided the measures within the report are followed. This should be secured by condition.

Other Matters

34. Concerns were raised that a significant amount of hard surfacing at the site would have a negative impact upon drainage. A condition is recommended to secure details of sustainable drainage measures for the site.
35. Issues relating to subsidence and ground conditions should be addressed with building control and is a separate matter from planning in this instance. The area is not one where there are known issues of subsidence relating to chalk workings.
36. Issues relating to restrictive covenants are civil matters and not planning matters.
37. An informative note is recommended to promote considerate construction.

Compliance with other relevant development plan policies

38. 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
Refuse Storage/servicing	DM31	Yes subject to condition
Water efficiency	JCS 1 & 3	Yes subject to condition
Sustainable urban drainage	DM3/5	Yes subject to condition

Equalities and diversity issues

39. There are no significant equality or diversity issues.

S106 Obligations

40. There are no S106 obligations.

Local finance considerations

41. 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.

42. 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.

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

Conclusion

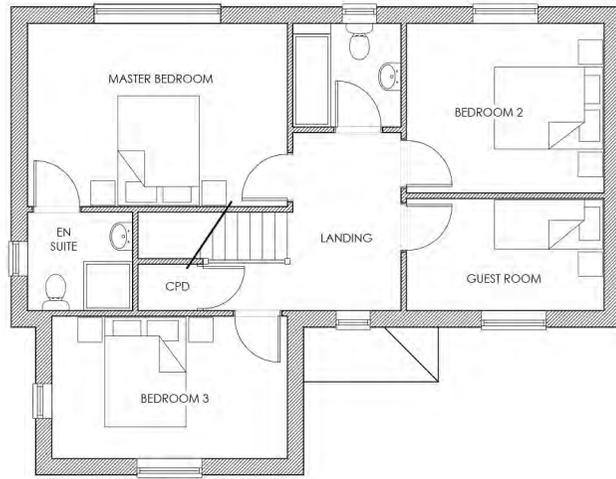
44. Whilst the loss of open space is regrettable, the site is not afforded protection from policy DM8 and the proposal will provide (albeit limited) benefits to housing delivery. The principal of development is therefore considered acceptable subject to design, amenity, arboricultural and access considerations.

45. The revisions to the proposal are considered sufficient to retain the open character of the grass verges in order that the proposed dwelling would respond to the character of the surrounding area.
46. Therefore, the development is in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.

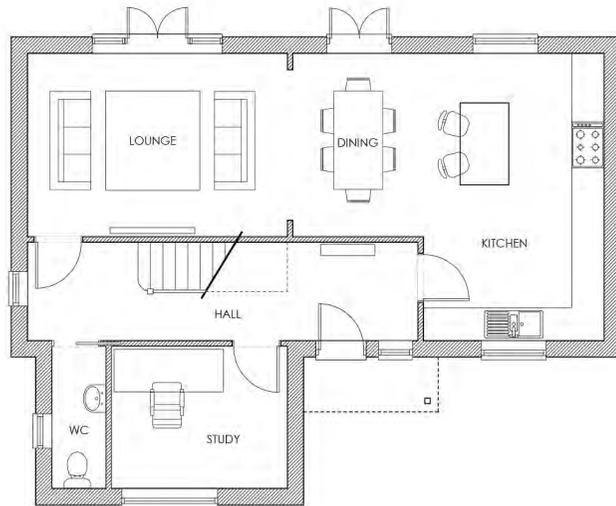
Recommendation

To approve application no. 17/01558/F - Land East of 14 Dowding Road, Norwich and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Materials;
4. Energy and water efficiency;
5. Bin and bike stores;
6. In accordance with arboricultural impact assessment/arboricultural method statement/tree protection plan;
7. Landscaping including boundary treatments and biodiversity enhancing measures;
8. Sustainable drainage system;
9. Provision of parking prior to occupation;
10. Removal of permitted development rights.



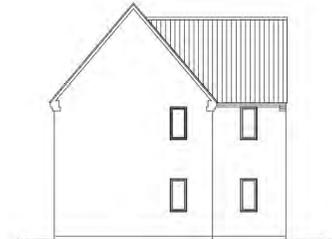
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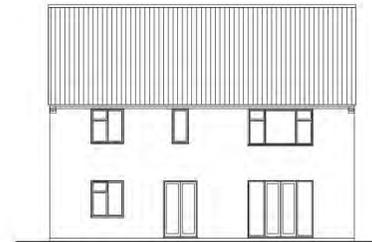
GROUND FLOOR PLAN 1:50 @ A1



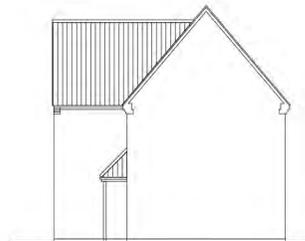
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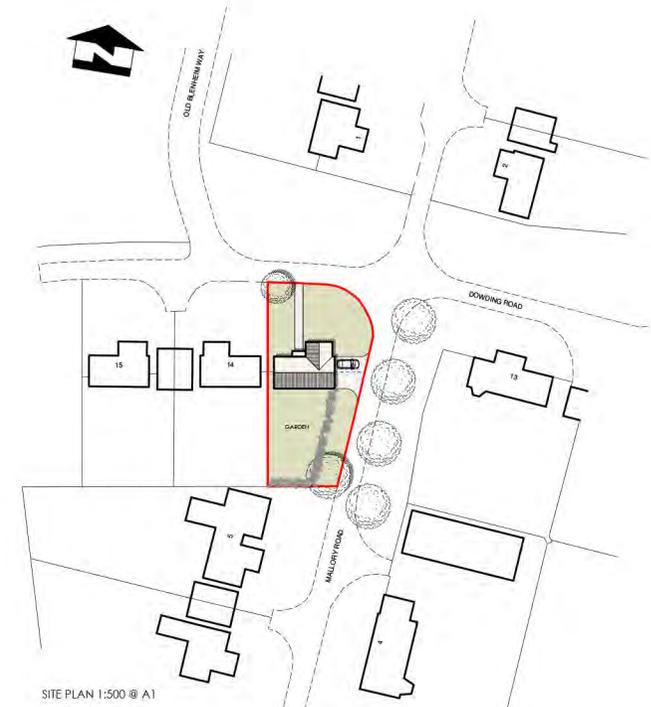
SIDE ELEVATION 1:100 @ A1



REAR ELEVATION 1:100 @ A1



SIDE ELEVATION 1:100 @ A1



SITE PLAN 1:500 @ A1

A 19-12-17 PLANNING REVISIONS

Plot on Dowding Road,
Norwich, NR6 6DD

Date: September 2017
Drawing No: RS/3948/17/01

PLANS AND ELEVATIONS

Page 131 of 154

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Report to Planning applications committee

Item

11 January 2018

Report of Head of planning services

4(f)

Subject Tree Preservation Order [TPO], 2017. City of Norwich Number 530; Petrol Filling Station, Plumstead Road, Norwich, NR1 4JT

Reason for referral Representations for, and objections to, confirmation of Tree Preservation Order 530

Ward:	Crome
Case officer	Mark Dunthorne, arboricultural officer markdunthorne@norwich.gov.uk

Proposal		
To confirm Tree Preservation Order 2017, City of Norwich Number 530, Petrol Filling Station, Plumstead Rd, Norwich, NR1 4JT without modifications.		
Representations		
Object	Comment	Support
1 individual, 1 group	0	2

Main issues:	Key considerations:
1 Amenity	Impact on street scene. Level of amenity for residents of/visitors to, this area on Plumstead Road
2 Climate change	Trees increase resilience to climate change
3 Air quality	Trees improve air quality
4 Biodiversity & wildlife	Trees aid biodiversity and wildlife
TPO Expiry date	24 April 2018
Recommendation	Confirm TPO 530 without modifications

Introduction

1. This order was served in response to a planning application to develop the site, which threatened the removal of numerous mature trees.
2. The location of the trees is shown on the attached plan.
3. Tree Preservation Order No 530 was served on the 24 October 2017.

The site, surroundings and content

4. The TPO consists of three groups of trees and one individual tree, located in the grounds of the BP filling station. Species include oak, Norway maple, cherry, silver birch, rowan, tree of heaven, and sycamore.
5. The council's arboricultural officer visited the site and assessed the trees using the nationally recognised Tree Evaluation Method for Preservation Orders (TEMPO). The assessment has the following classifications:

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

6. The assessment resulted in a score of 18 for the trees, indicating that they definitely merited a Tree Preservation Order. City of Norwich, no. 530 Tree Preservation Order, 2017: Petrol Filling Station, Plumstead Rd, NR1 4JT was served on 24 October 2017.
7. Tree Preservation Order No 530 is provisionally in effect from 24 October 2017, until the 24 April 2018, 6 months from the date on which it was served.
8. During this period the council gives consideration as to whether the Order should be confirmed, that is to say, whether it should take effect formally. Before this decision is made, the people affected by the Order have a right to make objections or other representations about any trees covered by the Order. The Council received one individual objection, an objection from the Valley Side Rd/Lloyd Rd Residents Association, and two statements of support.
9. The council's standing orders require that when an objection to an Order is received, a report must be presented to planning committee before the Order is confirmed.
10. Notice of the new Order (along with a letter of explanation) was served on the owner of the property, on the neighbouring properties, and on interested parties.

Representations

11. Full details of the representations are available on request.

12. The two statements of support highlight the visual amenity value of the trees, the privacy they afford, and their aesthetic appeal. They also focus on the screening effect the trees have on the properties, against the unsightly backdrop of the filling station, as well as the trees effect on lessening the impact of light pollution from the filling station.

13. The statements of support also emphasize the trees importance as a habitat for wildlife, and recognises the natural 'baffle' the trees provide against the noise from the forecourt.

14. The issues set out in the objection, and the responses from the arboricultural officer are summarised below:

Representation	Response
The trees are dangerous, are in a poor state, out of control.	Not the opinion of the officer. No major defects were identified at the time of my site visit, and the trees form and condition gives me no cause for concern. (Responsibility for the trees health, and safety, lies with the trees owners, BP)
The trees have not developed properly, roots being restricted/ shallow rooting.	All trees have relatively shallow root systems. Roots being opportunistic, growing where conditions are favourable. The development of the trees is natural, and gives me no cause for concern.
Falling leaves.	A natural occurrence, not confirming the TPO because of this would be an unbalanced response to a common situation. Requests for street cleaning can be made via Norwich City Council website.
The trees are the wrong variety, being deciduous; their screening effect is lessened during the autumn and winter.	Screening is diminished during this period, agreed, but felling and replanting with evergreen specimens would result in several years of no screening at all, until the replacement trees reached maturity. Once mature, an evergreen screen is also less beneficial in terms of wildlife, aesthetic interest, and amenity value.
Drains in Valley Side Rd are in a poor condition, being badly affected by the leaves.	Street cleaning can partially address this issue, and blocked drains and gullies can be reported to NCC (Anglia Water for sewers), but the poor condition of the drains is not considered an acceptable reason for not confirming this order.

Main issues

Issue 1

15. The threat to, and potential loss of, mature, healthy trees, which are in good condition and highly visible to residents and visitors of area. TPO status will help to ensure their future retention for the benefit of the vicinity.

Issue 2

16. The potential loss of these trees would also contribute to the impacts of climate change. Through photosynthesis trees naturally absorb CO₂ a key greenhouse gas and act as a carbon sink by sequestering it. Also, by a combination of reflecting sunlight, providing shade and evaporating water through transpiration trees moderate the local microclimate and temperature.

Issue 3

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

Issue 4

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

Conclusion

19. The objections to the Order have been taken note of, and whilst officers appreciate the concerns raised, it is their opinion that the trees should be protected to ensure future retention. They make a positive contribution to the amenity of the area, and have sufficient value to validate their continued protection by confirming the Tree Preservation Order.

Recommendation

20. To confirm Tree Preservation Order [TPO], 2017. City of Norwich Number 530; Petrol Filling Station, Plumstead Rd, NR1 4JT, without modifications.

Report to	Planning applications committee 11 January 2018	Item
Report of	Head of planning service	5
Subject	Performance of the development management service; progress on appeals against planning decisions and planning enforcement action for quarters 1-4 2016-17 and quarters 1-2 2017-18 (April 2016-September 2017)	

Purpose

This report updates members on the performance of development management service; progress on appeals against planning decisions and planning enforcement action for the period 1 April 2016 to 30 September 2017.

Recommendation

To note the report.

Corporate and service priorities

The report helps to meet the corporate priorities a safe clean and low carbon city, a prosperous and vibrant city, a fair city and a health city with good housing.

Financial implications

There are no direct financial implications arising from this report.

Ward/s: All wards

Cabinet member: Councillor Stonard, sustainable and inclusive growth

Contact officers

Graham Nelson, Head of planning services	01603 212530
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Background documents

None

Report

Background

1. On 31 July 2008 the planning applications committee considered a report regarding the improved working of the committee which included a number of suggested changes to the way it operates. In particular it suggested performance of the development management service be reported to the committee and that feedback from members of the committee be obtained.
2. The committee has also asked to be informed on the outcome of appeals against planning decisions and enforcement action.
3. The last performance reports were presented to committee in May 2016, due to significant staffing changes at management level in development management over this time there has been a significant break in these reports being presented to planning applications committee. Going forward the aim is to present these on a quarterly basis. For the above reasons this report covers an extended period from April 2016 to September 2017.

Performance of the development management service

4. The cabinet considers quarterly reports which measure the council's key performance targets against the council's corporate plan priorities. The scrutiny committee considers the council's performance data regularly throughout the year and will identify any areas of concern for review.
5. This report will only highlight trends or issues that should be brought to the attention of the planning applications committee for information.
6. For the 2016-17 financial year, of all the decisions that are accounted for by the governments NI157 indicator, some 655 applications out of 758 were dealt with by officers (a delegation rate of 86.4 per cent) and 103 applications were dealt with by committee.
7. For the first two quarters of 2017-18, 422 applications out of 467 were dealt with by officers (a delegation rate of 90.4 per cent) and 45 applications were dealt with by committee.
8. The above compares to an average delegation rate of approximately 89% for the preceding two years.

Appeals

9. There are currently 13 pending planning appeals as listed within the appendix to this report. Pending appeals are currently far higher than is typically experienced, this may in part be due to delays with the planning inspectorate, however there does appear to have been an increase in planning appeals in recent months.
10. Five appeals have been allowed, reference details for which are appended to this report. A brief summary of each is provided below:

(a) 9 Normans Buildings – Redevelopment for 4 flats – Committee Refusal (member overturn)

The proposal was for four flats adjacent to St Peter Parmentergate Church on King Street, this was refused on three grounds due to impact on the listed church and conservation area, lack of justification for the loss of the business unit and due to unsatisfactory amenity for future residents.

The first reason for refusal on loss of the business unit was not pursued in agreement with members on the basis of further information submitted with the appeal. With regard to the other matters, the inspector concluded that though the proposed building would change the appearance of the Conservation Area and the setting of the church of St Peter Parmentergate, the locality as a whole would be enhanced by the development. So far as trees were concerned whilst the inspector noted that the trees would overshadow the building, especially during the summer, he considered that the residents' surroundings would be attractive and their living conditions would be entirely satisfactory. The inspector therefore allowed the appeal finding that there was no harm and that the proposals represented sustainable development.

(b) 11, 12 & 13 Earlham House Shops – Change of use to A3 – Delegated Refusal

The main issue was the impact on living conditions of upper floor flats as a result of noise disturbance from the proposed use. The inspector noted that noise between the floors could be mitigated by a condition and therefore the main impact would be from external noise of customers to and from the proposed restaurant. The inspector noted that the area was vibrant with reasonable background noise levels and the proposed use would not necessarily add to existing established footfall in the centre. The inspector considered that the lack of takeaway provision and restrictions on delivery hours would also mitigate the proposals and therefore allowed the appeal.

(c) 63 Elm Grove Lane – New dwelling – Delegated Refusal

The application was refused for three reasons due to the loss of a tree, impact of design on character of area and substandard occupier amenity.

The inspector considered there would be a degree of harm in terms of the erosion of the green frontage of the site and impact on local distinctiveness, albeit considered that the site was at a junction of differing patterns of residential development. The inspector disagreed that there would be a poor standard of occupier amenity. The inspector made reference to the shortage of housing land supply and applied the presumption in favour of sustainable development. In applying the planning balance he found that the harm caused would not significantly and demonstrably outweigh the benefits of the proposal.

(d) 63 Elm Grove Lane – Extensions to existing property – Delegated Refusal

The application was refused due to harm caused to the character of the area. The Inspector considered that the design would not cause harm to the area as it was

set back within the site, surrounded by landscaping and vegetation which was largely to be retained and given the existing dwelling was not tied strongly to the character or arrangement of its surroundings.

(e) 58 Earlham Road – Condition details for windows and cladding – Delegated Refusal

The appeal related to details required for the conversion of a garage to living accommodation (to facilitate subdivision of a dwelling). Discharge was sought retrospectively for filling in a garage opening which had been carried out using timber cladding (rather than bricks as required in the condition) and UPVC windows.

The inspector considered that the main issue for consideration was whether the details preserved or enhanced the character or appearance of the Heigham Grove Conservation Area. The Inspector determined that the finished development had no material harm to the significance of the conservation area. He did note that whilst uPVC windows would not be appropriate replacements for the original timber windows in the main house, in the context of the infilling of the garage opening he found that any adverse impact would be quite minimal.

11. Twelve appeals have been dismissed, reference details for which are appended to this report. A brief summary of each is provided below:

(a) 114 Cambridge Street – First Floor Extension – Committee decision to take enforcement action

The appeal was an enforcement appeal following the service of an enforcement notice to secure the removal of the first floor extension (which in turn followed refusal of planning consent). The inspector considered that the proposal had a significant adverse effect on the character and appearance of the host dwelling and the surrounding area which cannot be overcome by the imposition of conditions. The inspector considered that the harsh rectangular design, broken by high level glazed strip windows, combined with weatherboard finish gave a shed-like appearance which at elevated height was discordant with the area. Whilst not visible from public vantage points, the inspector did not consider that it inevitably followed that the development was not harmful. The appeal was dismissed and enforcement notice upheld.

(b) Land south east side of 45 Merton Road – New Dwelling – Delegated refusal

The main issues were the impact on the character and appearance of the area and the living conditions of the occupiers of 86 Bowthorpe Road. The inspector agreed noting that the gap between 45 Merton Road and 86 Bowthorpe Road was important in providing a visual break between the terraces of Merton Road and bungalows of Bowthorpe Road.

a) 72 Marlborough Road – Conversion of outhouse to dwelling – Delegated refusal

The main issues were the impact on the character and amenity of the area, the living conditions of future occupants and those of 72 Marlborough Road and the provision of cycle parking. The inspector concluded that the proposal was inconsistent with the character of the area which was defined by terraced properties. Due to inadequate external and internal amenity space along with a poor outlook the inspector agreed that amenity for future occupants would be poor, the proposal would also result in a significant reduction in external amenity space for 72 Marlborough Road causing harm despite the limited use of the existing space. The inspector also concluded that the lack of cycle parking provision for the proposed dwelling and loss of provision for the host dwelling would be harmful. The appeal was dismissed.

(c) 20 Cambridge Street – Erection of dwelling – Committee decision (member over-turn)

The main issues were the impact on the character and appearance of the area and the effect on the living conditions of 5 Trinity Street. The inspector considered that whilst a contemporary proposal could work on the site, the appeal proposal failed to respond to the significance of the conservation area. Rather than being a complementary and contemporary addition to the street scene the inspector considered the proposal was squat with horizontal emphasis and a flat roof and wide areas of glazing and in conjunction with the adjacent flats, would cause harm to the area. The proposal would also significantly enclose and dominate the rear garden of 5 Trinity Street as well as causing overshadowing. Whilst the overshadowing would be in line with BRE guidance the inspector found that in combination with the impact on outlook the development would be harmful.

(d) 17 – 19 Castle Meadow – Use of basement as dwelling – Delegated refusal

The main issue was the quality of amenity of future occupants. The inspector considered that the size of the accommodation below space standards was not harmful in itself given the proposed flat was of a regular shape with sufficient space for furniture and to move around the flat. The quality of the space was however harmful given the lack of outlook and lack of external amenity space.

(e) Land Adj. 37 Bishop Bridge Road – New A1 Retail Store – Committee Refusal (member over-turn)

The application was refused due to the loss of an allocated housing site and non-compliance with policy DM15. The inspector considered compliance with DM15(a) i.e. does the proposal deliver 'exceptional' benefits to sustainability. The appellant sought to argue that there is no definition of what 'exceptional' means so defaulted back to the definition of sustainable development in DM1. The Inspector disagreed, choosing to apply the dictionary definition of 'exceptional'; i.e. the sustainability benefits must be much more than required by DM1 as the loss of allocated housing land would have a negative effect on overall sustainability.

The Inspector concluded that the sustainability benefits were: additional jobs; green roof; retention of a wall in the Conservation Area; landscaping and

renewable technology. However, he concluded that these were no more than would be required under DM1 and did not justify loss of the housing land under DM15.

Compromising house delivery - Notwithstanding that the recent AMRs forecast and over-provision of the plan period as a whole, delivering the number of forecast homes would require higher delivery rates than in the past. Additionally, excess delivery is encouraged and the site should not be released on this basis alone. The Inspector also accepted that the development would reduce the likelihood of delivering housing on the remainder of R14.

The Inspector concluded: “the adverse implications for housing provision weigh significantly against the social and economic dimensions. The loss of allocated housing land would be likely to increase pressure for release of green field land on the edge of the urban area with consequent implications for the environmental dimension. For these reasons when considered as a whole the proposal would not be a sustainable development”.

(f) 72-78 St Stephens Terrace – Conversion of basement to provide 2 additional bedsits – 2 Appeals (Full and Listed) – Delegated Refusal

The application/s were refused due to impact on the listed buildings and poor living conditions for future occupants due to lack of outlook, light and over-shadowing.

The inspector considered that the proposed lightwell to facilitate basement conversion would be of an imposing scale, disproportionate to the more modest proportions of the rear of the host building. Internal works, whilst not intensive, would contribute to ‘some’ further erosion of the historic plan form of the terrace. The proposed units would look out onto tall lightwell walls in relatively close proximity resulting in very restricted outlook and overshadowing within the units. The proposal would result in less than substantial harm and would be harmful to the living conditions of future occupants and benefit would not outweigh this and there is no evidence that the existing building could not continue as a viable use in the absence of the proposed scheme.

(g) Land Adj. 144 Thorpe Road – Garage and storage shed (for commercial storage) – Delegated Refusal

The application was refused due to conflict with surrounding uses, the effect on protected trees, impact on the Conservation Area and impact on living conditions of nearby dwellings.

The inspector considered that the storage building would consolidate a non-conforming use which was incompatible with surrounding residential land and therefore contrary to DM16 policies. Given construction methods the inspector did not consider that the proposal would lead to any further negative impact upon the tree. With regard to the conservation area the inspector considered that the storage shed, not the garage, would cause less than substantial harm

to the CA due to materials and siting. There are limited benefits to the local economy but these are mainly private not public and do not outweigh the harm caused. The inspector also considered that the due to prominence and materials the proposal would detract from the quality of the outlook from adjacent residential properties.

(h) 2 Lower Goat Lane – Add 1 bedroom to HMO – Delegated Refusal

The application was refused due to poor standard of occupier amenity in particular cramped communal rooms. The inspector agreed and dismissed the appeal considering that there was inadequate internal communal space for sitting and eating or lounge seating.

(i) 2 Brereton Close – Residential Annex – Delegated Refusal

The application was refused due to harm to the character and appearance of the dwelling and area, and amenity impacts on neighbouring occupiers from overlooking. The inspector agreed noting that the size of the extension would be overly large and dominant in relation to the dwelling and semi-detached pair and that the subservience of the existing side extensions would be lost. The inspector also agreed that there would be a loss of privacy to the neighbouring property as a result of overlooking and given ground levels at the site.

Our statement also contended that an annex was not ancillary to the main dwelling, on this matter the inspector commented *“Whilst I note the Council’s view that the annex would not be ancillary to the existing dwelling due to its scale and level of accommodation, there is no development plan policy basis on which to make such an assessment.”*

(j) 2 Jessopp Road – Flat Roof Rear Dormer – Delegated Refusal

The application was refused on design grounds and impact on the street scene. The inspector considered that the dormer window was considered to result in an unbalanced appearance to the symmetrical dwellings as well as being incongruous and overly large on a very visible roof slope. The dormer would not have related well to the character or design of the main house or the streetscene in general. The proposed dormer window would have been constructed using materials not commonly seen in the surrounding area (cedar cladding) but this was not considered to be harmful. The new windows within the dormer may have resulted in additional overlooking to the neighbouring dwelling but this was not considered to be significantly detrimental to amenity.

Enforcement action

12. All items that have been referred to committee or where committee has required enforcement action to take place, since April 2013 are listed in appendix 2 with an updated on the current status. Items are removed once resolved and the resolution has been reported to committee.

Planning Appeals Pending

Application ref no	Planning Inspectorate ref no	Address	Proposal	Date appeal started	Type of appeal	Decision
17/00005/ENFPLA Enforcement Reference: 15/00167/ENF	APP/G2625/C/17/3174414	55 Cunningham Road	Without planning permission, the change of use of 55 Cunningham Road from residential (Class C3)/HMO (Class C4) use to residential sui generis use.	06.09.2017	Written reps.	Pending
17/00011/REF Application No. 17/00005/F	APP/G2625/W/17/3181627	Franchise House 56 Surrey Street	Conversion to residential (Class C3) to provide 4 residential units.	Awaiting start date	Written reps.	Awaiting start date but likely to be withdrawn
17/00011/REF Application No. 17/00006/L	APP/G2625/Y/17/3181629	Franchise House 56 Surrey Street	Conversion to residential (Class C3) to provide 4 residential units.	Awaiting start date	Written reps.	Awaiting start date but likely to be withdrawn
17/00013/REF Application No. 16/01925/L	APP/G2625/Y/17/3181822	Bethel Hospital Bethel Street	Repair works to gable wall, west wall, attic floor and cornice and reinstatement of former d	23.10.2017	Written reps.	Pending
17/00014/REF Application No. 17/00725/F	APP/W2625/W/17/3183295	168 Thorpe Road	Single storey side and rear extensions and new attic room with dormer to create a 9 bed HMO.	Awaiting start date	Written reps.	Pending
17/00015/REF Application No. 17/00869/F	APP/G2625/W/17/3187022	40 Bull Close	Extension of the ground, second and third floors to create 7 No. flats with associated works.	Awaiting start date	Written reps.	Awaiting start date
17/00016/REF Application No. 17/00817/F	APP/G2625/W/17/3187694	96A Angel Road	Redevelopment of site and erection of 4 no. dwellings.	Awaiting start date	Written reps.	Awaiting start date

Application ref no	Planning Inspectorate ref no	Address	Proposal	Date appeal started	Type of appeal	Decision
17/00017/REF Application No. 17/01082/F	APP/G2625/W/17/3188185	9 Osborne Court	Replacement windows.	Awaiting start date	Written reps.	Awaiting start date
17/00018/REF Application No. 17/00932/F	APP/G2625/W/17/3189585	147A Magdalen Road	Change of use from office (Class B1) to dwellinghouse (Class C3) including installation of 1 No. new window to first floor rear elevation and low level front wall to match existing adjacent wall.	Awaiting start date	Written reps.	Awaiting start date
17/00019/REF Application No. 15/00455/F	APP/G2625/W/17/3190065	Legarda Court Pearcefield	Raising of the eaves and conversion of existing roof space of Legarda Court into 4 no. one bedroom flats. To include new vehicular access from Pearcefield and new parking area.	Awaiting start date	Written reps.	Awaiting start date
17/00020/REF Application No. 16/01927/F	APP/G2625/W/17/3190273	12A Old Palace Road	Two storey rear extension and change of use to Sui Generis (large HMO).	Awaiting start date	Written reps.	Awaiting start date
17/00022/REF Application No. 15/01928/F	APP/G2625/W/17/3190739	St. Peters Methodist Church Park Lane	Demolition of modern extensions and conversion to provide 20 residential units (class C3).	Awaiting start date	Written reps.	Awaiting start date
17/00021/REF Application No. 17/01390/F	APP/G2625/D/17/3190638	158 Wellesley Avenue South	Two storey side extension with front porch. Single storey rear extension. Dormer window to front elevation.	Awaiting start date	Written reps.	Awaiting start date

Planning appeals allowed – Quarters 1-4 2016-17 & Quarters 1-2 2017-18

Application ref no	Planning Inspectorate ref no	Address	Proposal	Decision Date	Type of appeal	Decision
15/00010/REF Application No. 15/00159/F	APP/G2625/W/15/3138118	9 Normans Buildings	Demolition of existing building and erection of a two storey building comprising 4 No. apartments.	02 June 2016	Written Reps	Allowed
16/00005/REF Application No. 16/00389/U	APP/G2625/W/16/3156615	11, 12 And 13 Earlham House Shops Earlham Road	Change of use to restaurant (Class A3).	18 November 2016	Written reps.	Allowed
17/00006/REF Application No. 16/01824/F	APP/G2625/D/17/3176282	63 Elm Grove Lane	Demolition of front bay, flat roof extension and conservatory. Construction of second storey and addition of external cladding.	18 October 2017	Written reps.	Allowed
17/00007/REF Application No. 16/01831/F	APP/G2625/W/17/3176315	63 Elm Grove Lane	Subdivision of garden and erection of new dwelling.	18 October 2017	Written reps.	Allowed

Application ref no	Planning Inspectorate ref no	Address	Proposal	Decision Date	Type of appeal	Decision
17/00009/REF Application No. 17/00326/D	APP/G2625/W/17/3178075	58 Earlham Road	Details of Condition 3 (a): proposed east elevation drawing and Condition 3 (b): fire alarm system of previous permission 16/00849/F.	16 October 2017	Written reps.	Allowed

Planning appeals dismissed – Quarters 1-4 2016-17 & Quarters 1-2 2017-18

Application ref no	Planning Inspectorate ref no	Address	Proposal	Decision Date	Type of appeal	Decision
15/00008/ENFPLA Application No. 14/01660/F	APP/G2625/C/15/3137001	114 Cambridge Street	Retrospective application for first floor rear extension.	13 April 2016	Written Reps	Dismissed
16/00002/REF Application No. 16/00163/F	APP/G2625/W/16/3151238	Land South East Side Of 45 Merton Road	Demolition of garages and construction of dwelling.	09 September 2016	Written Reps	Dismissed
16/00003/REF Application No. 16/00095/F	APP/G2625/W/16/3153982	72 Marlborough Road	Change of use of existing outhouse to dwelling with first floor extension.	09 November 2016	Written Reps	Dismissed
16/00004/REF Application No. 15/01837/F	APP/G2625/W/16/3154508	20 Cambridge Street	Erection of 1 No. two storey dwellinghouse [revised proposal].	19 December 2016	Written Reps	Dismissed
16/00007/REF Application No. 15/01805/F	APP/G2625/W/16/3155779	17 - 19 Castle Meadow	Change of use of basement to 1 No. dwelling (Class C3).	12 December 2016	Written Reps	Dismissed

Application ref no	Planning Inspectorate ref no	Address	Proposal	Decision Date	Type of appeal	Decision
16/00011/REF Application No. 15/00756/F	APP/G2625/W/16/3163537	Land Adjacent 37 Bishop Bridge Road	Demolition of existing buildings and construction of foodstore (Class A1) with associated parking.	26 May.2017	Hearing	Dismissed
16/00014/REF Application No. 16/01199/F	APP/G2625/W/16/3165686	2 Lower Goat Lane	Amendment to previous permission 16/00695/U to add 1no. bedroom to HMO.	26 April.2017	Written reps	Dismissed
17/00001/REF Application No. 16/01287/F	APP/G2625/W/17/3171452	72 - 78 St Stephens Road	Conversion of basement to provide 2 No. additional bedsit rooms. New light wells, improved rear fenestration and amenity space.	04 September 2017	Written reps.	Dismissed

Application ref no	Planning Inspectorate ref no	Address	Proposal	Decision Date	Type of appeal	Decision
17/00002/REF Application No. 16/01288/L	APP/G2625/Y/17/3171453	72 - 78 St Stephens Road	Conversion of basement to provide 2 No. additional bedsit rooms. New light wells, improved rear fenestration and amenity space.	04 September .2017	Written reps.	Dismissed
17/00003/REF Application No. 17/00033/F	APP/G2625/D/17/3172460	2 Brereton Close	2 storey residential annex to side of existing dwelling.	28 June 2017	Written reps.	Dismissed
17/00004/REF Application No. 16/01428/F	APP/G2625/W/17/3173446	Land Adjacent To 144 Thorpe Road	Garage and storage shed.	22 August.2017	Written reps.	Dismissed
17/00008/REF Application No. 17/00336/F	APP/G2625/D/17/3177170	2 Jessopp Road	Flat roof rear dormer.	29 September 2017	Written reps.	Dismissed

Enforcement action. Quarters 1-4 2016-17 & Quarters 1-2 2017-18
Status report on all items previously reported to planning applications committee

Case no.	Address	Development	Date referred to committee	Current status	Lead Officer
12/01444/F	Norwich Family Life Church, Heartsease Lane, Norwich, NR7 9NT	Erection of new church building (Class D1) incorporating preschool, sports and community facilities.	18 April 2013 12 Sept 2013	<p>Indication at the time of the application was that portakabin buildings on site would be removed and temporary use of premises on Mason Road would cease following the part completion of a new church building. At the time members agreed a 15 month period from the date of the permission to allow this to happen which tied in to the temporary consent granted at that time for Mason Road (see below).</p> <p>The temporary use of Mason Road has now been extended for five years and it is understood that the Church have released plans to redevelop the Heatsease Site including a purpose built nursery. No enforcement notice has been issued to date and given the time that has elapsed it is considered prudent for members to consider the matter again at a future planning applications committee.</p>	Robert Webb
10/01081/U	4 - 6 Mason Road, Norwich, NR6 6RF	Change of use from general industrial to place of worship, non-residential education centre	26 Aug 2010 10 Aug 2017	Committee resolved to approve a temporary five year consent at the 10 August committee which has subsequently been issued. As such the enforcement matter has now been resolved.	Robert Webb
13/02087/VC & 13/02088/VC	Football ground area	River bank, landscaping, street trees, etc	6 March 2014 08 Dec 2016	<p>Revised landscaping proposals and timeframes for provision were agreed at the committee meeting of 08 December 2016.</p> <p>The decision has not yet been issued due to difficulties in agreeing wording of the Section 106 agreement, these matters are now coming towards a resolution.</p> <p>Despite the above the first phase of landscaping works along Geoffrey Watling Way have been undertaken. The final phase of landscape work is scheduled to take place in the 2018 closed</p>	Tracy Armitage

Case no.	Address	Development	Date referred to committee	Current status	Lead Officer
				football season.	
14/01660/F	114 Cambridge St	First floor rear extension	8 Jan 2015	The enforcement notice was upheld on appeal (decision 13 April 2016) and the enforcement notice has now been complied with.	Ali Pridmore
15/01382/F & 15/01859/F	Aldwych House 57 Bethel Street	Roof lights	29 Oct 2015	The original enforcement notice (and associated appeal against it) was withdrawn and a revised notice requiring implementation of the roof lights approved under 15/01382/F issued on 21 st January 2016. This requires compliance by 21 st May 2016. The notice has now been complied with.	Ali Pridmore
14/00219/BPC/ENF	474 Earlham Road	Conversion of garage to separate dwelling	17 Dec 2015	Enforcement notice served on 07 th March 2016 requiring cessation of use by 07 th October 2016. The enforcement notice has been complied with, however a further application for conversion has now been submitted.	Ali Pridmore / Charlotte Hounsell
16/00047/ENF	128 Thorpe Road	Partial demolition of boundary wall.	10 March 2016	The enforcement notice has been issued and complied with.	Ali Pridmore
16/00028/ENF	34-40 King Street	Replacement Windows	09 June 2016	The enforcement notice has been complied with and suitable replacement windows installed.	Sam Walker
16/00167/ENF	55 Cunningham Road	Change of use from C3/C4 to large HMO	12 Jan 2017	The enforcement notice has been issued and is subject to a pending appeal, the decision for which is expected shortly.	Ali Pridmore/ Lara Emerson
16/00020/ENF	66 Whistlefish Court	Conversion of garage to a separate unit of residential accomodation (C3) and change of use from C3/C4 to large HMO.	09 Feb 2017	The notice was served on 03 March 2017 and came into force on 14 April 2017 with a six month compliance period. It is understood that the notice has not been complied with and further action is currently being considered.	Ali Pridmore

Case no.	Address	Development	Date referred to committee	Current status	Lead Officer
16/00020/ENF	67 Whistlefish Court	Conversion of garage to a separate unit of residential accommodation (C3) and change of use from C3/C4 to large HMO.	09 Feb 2017	The notice was served on 03 March 2017 and came into force on 14 April 2017 with a six month compliance period. It is understood that the notice has not been complied with and further action is currently being considered.	Ali Pridmore
17/00026/ENF	21-23 St Benedicts Street	Mechanical extration and ventilation plant and flue	13 July 2017	The notice has been served and comes into effect on 22 January 2018 with a compliance period of three months.	Samuel Walker
17/00078/ENF	10 Ruskin Road	First floor extension and creation of large HMO	13 July 2017	Notice drafted and feedback received from NPLAW, notice to be served imminently.	Robert Webb
17/00028/ENF	2 Field View	Change of use from C3/C4 to large HMO and change of use of garage to independent office unit	13 July 2017	The resolution was to serve an enforcement notice against the use of the garage and against the use of the main dwelling as a large HMO if required. Correspondance following the meeting has not led to the matter being resolved outside formal enforcement action. Having gathered more information it is now considered appropriate to serve a notice to secure the return of the garage and the garden/driveway areas which have been segregated from the main dwelling back to use ancillary to the main dwelling. Subject to the return of the garage and curtilage which has been segregated to the main dwelling it is considered that it would not be expediant to take action against the large HMO as it would be consistent with policy.	Robert Webb
17/00112/ENF	2B Lower Goat Lane	Conversion of A1 unit to C4 HMO in breach of condition 2 of 16/00695/U	13 July 2017	Enforcement notice is being drafted and will be served shortly.	Ali Pridmore/ Robert Webb
17/00076/ENF	1A Midland Street	Erection of two fabrication units and associated works	10 August 2017	The notice has been served and comes into effect on 31 January 2018 with a six month compliance period.	David Parkin / Samuel Walker

Case no.	Address	Development	Date referred to committee	Current status	Lead Officer
17/00157/ENF	5 Nutfield Close	Subdivision of dwelling to create four residential units	12 October 2017	The enforcement notice was served on 11 December 2017.	Stephen Polley
17/00136/ENF	142 Dereham Road	Positioning and use of a hot food takeaway van on forecourt.	12 October 2017	The use of the van has ceased. A planning application for change of use of the shop to A3 was permitted in October. Whilst members authorised enforcement action to secure the removal of the van, members indicated that they did not want to be heavy handed and wished officers to monitor the situation to allow time for the change of use to be implemented and van removed. No notice has therefore been issued to date.	Lydia Tabbron