



# NORWICH City Council

**Committee name:** Planning applications

**Committee date:** 21/03/2024

**Report title:** Application no 22/00762/F Land and Buildings, Including 70 – 72 Sussex Street & Land North Side of 148 Oak Street, Norwich, NR3 3DE

**Report from:** Head of planning and regulatory services

## OPEN PUBLIC ITEM

### Purpose:

To determine:

<b>Application no:</b>	22/00762/F
<b>Site Address:</b>	Land and buildings including 70-72 Sussex Street and land north side of 148 Oak Street
<b>Decision due by:</b>	31/05/2024
<b>Proposal:</b>	Demolition of existing structures and construction of 34 low energy cohousing dwellings and ancillary shared facilities, with associated landscaping and car and cycle parking.

### Key considerations:

- Loss of existing use and redevelopment with housing
- Design and heritage impacts
- Loss of tree
- Amenity of future and neighbouring occupiers
- Transport
- Energy and water efficiency
- Flood risk
- Biodiversity and green infrastructure
- Nutrient neutrality
- Contamination

- Affordable housing

**Ward:** Mancroft

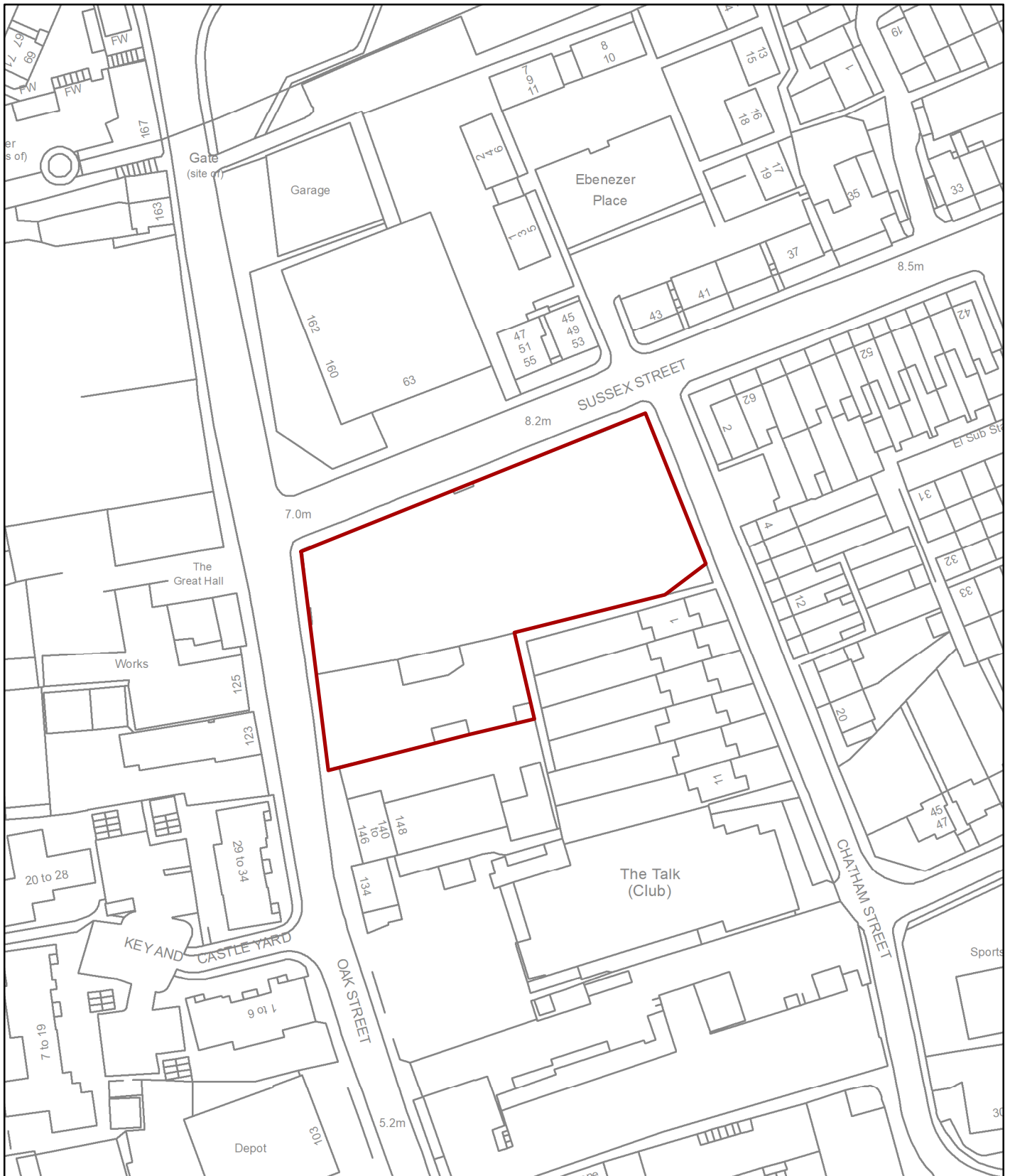
**Case Officer:** Maria Hammond

**Applicant/agent:** Sussex Street Cohousing CIC/TOWN

**Reason at Committee:** Objections

**Recommendation:**

It is recommended to approve the application for the reasons given in the report and subject to a section 106 agreement and the planning conditions set out in paragraph 370 of this report, and grant planning permission.



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Planning Application No 22/00762/F

Site Address

Land & buildings incl 70-72 Sussex St  
& land north side of 148 Oak St

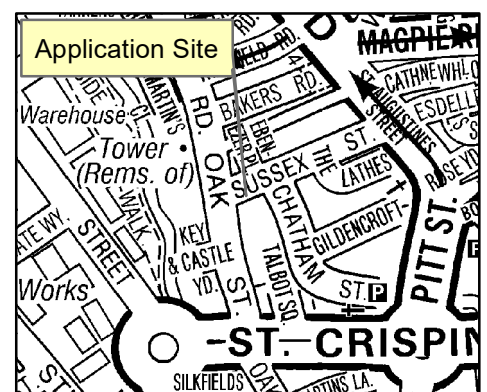
Scale

1:1,000



**NORWICH**  
City Council

PLANNING SERVICES



## **The site and surroundings**

1. The application site covers 0.27 hectares of land on the southern side of Sussex Street between Oak Street to the west and Chatham Street to the east. The majority of the site is cleared land which was formerly occupied by industrial buildings. These were demolished following the granting of permission for residential redevelopment in 2009 and the land has remained vacant since. A smaller area of the application site fronting Oak Street remains in use and is occupied by a fencing and building supplies business with open material storage amongst modest temporary and low quality buildings. A weeping willow tree stands at a prominent position on the Oak Street frontage in the southwestern site corner.
2. This area north of the city centre and inner ring road has a mixed character with various industrial and commercial uses along either side of Oak Street, interspersed with residential development. Immediately west of the site across Oak Street is the grade II listed Great Hall which is in residential use with a motorcycle retail shop to one side and access to vehicle and industrial uses to the other.
3. Northwest is the site of 161 Oak Street where 40 new flats and houses are currently being constructed (planning permission 18/00004/F). Heading northwards, Oak Street and the surrounding streets are predominantly residential.
4. The River Wensum and Marriotts Way footpath run parallel with Oak Street to the west and land along Bakers Road to the north, Gildencroft Park on Chatham Street and Wensum Park further north off Oak Street offer green space in the area.
5. Sussex Street and Chatham Street are predominantly residential with twentieth century flats and houses immediately northeast and south of the site and nineteenth century two and three storey terraces eastwards along Sussex Street.

## **Constraints**

6. The site lies within the Northern Riverside character area of the City Centre Conservation Area and borders the Northern City character area to the east.
7. The Conservation Area Appraisal identifies negative vistas around the application site from Sussex Street towards Oak Street and from north of the junction to Sussex Street southwards along Oak Street past the site. The willow tree is picked out as an isolated important tree and the view further south on Oak Street towards city centre landmarks is noted to be a positive vista.
8. The site falls within the area of main archaeological interest and is directly across Oak Street from the grade II listed Great Hall.
9. The nineteenth century terraces around the corner of Chatham Street and Sussex Street directly east of the site are locally listed and all the other dwellings along the south side of Sussex Street are grade II listed, as are the majority to the north.
10. There is a low risk of surface water flooding along Oak Street.

11. The site is the subject of GNLP allocation NCC.20 for a minimum of 27 dwellings. It was previously covered by two allocations in the Site Allocations and Site Specifics Local Plan (CC18 and CC19) so has been identified for residential redevelopment since 2014

### Relevant Planning History

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

Case no	Proposal	Decision	Date
4/1993/0822	Change of use from stone and marble masons workshop to display and hire of contractor's tools and equipment.	APCON	02/12/1993
4/1994/0250	New vehicle access and change of use from general industrial to light industrial (Class B1) and wholesale warehouse (Class B8).	APCON	24/05/1994
08/01085/C	Demolition of existing industrial units	REF	12/12/2008
08/01086/F	Demolition of existing industrial unit and redevelopment of site to provide 2x5-bed town houses, 2x4-bed town houses, 3x3-bed town houses 10x2-bed apartments, 2x1-bed apartments and 2 No. A2/A3 units. (Amended Design).	REF	12/12/2008
09/00296/F	Demolition of industrial units at the site of 70 - 72 Sussex Street and replace with a largely residential development of 9 town houses, 3 apartments and 5 duplex apartments, with 238 sqm commercial space at the junction of Sussex Street and Oak Street.	APPR	24/07/2009
09/00298/C	Demolition of existing industrial units.	APPR	04/06/2009
12/01014/D	Details of Condition 2a: Materials; 2b: Rainwater goods; 2c: External joinery; 2d: Gates to bin stores and parking areas; 2e: Canopies and porches; 2f: Boundary treatments; Condition 3: Landscaping; Condition 4: Cycle Stands; Condition 7: Heating sytem and Condition 8: Contamination investigation and remediation of previous permission 09/00296/F 'Demolition of industrial units at the site of 70 - 72 Sussex Street and replace with a largely	APPR	19/07/2012

Case no	Proposal	Decision	Date
	residential development of 9 town houses, 3 apartments and 5 duplex apartments, with 238 sqm commercial space (Class A2/A3) at the junction of Sussex Street and Oak Street'.		
12/01088/D	Details of Condition 2: Contract for carrying out the works of previous Conservation Area Consent 09/00298/C 'Demolition of existing industrial units'	FDO	22/08/2013
12/01089/NMA	Non-material amendment to Condition 6 of previous planning permission (App. No. 09/00296/F).	APPR	27/06/2012
16/00108/NMA	Amendment to planning permission 09/00296/F	APPR	17/02/2016
22/01544/TCA	Weeping Willow (T1): Re-pollard (removing re-growth only). Pruning points to be located on new growth, above point of attachment of pollarded branches.	NTPOS	11/01/2023

## The Proposal

13. The application proposes clearing the remaining development from the site and constructing 34 new dwellings.

14. Two linked four storey blocks are proposed in an 'L' shaped arrangement wrapping around the Oak Street and Sussex Street frontages. These would provide:

- 3 no. one bed flats
- 21 no. two beds
- 4 no. three beds.

Along Chatham Street there would be a terrace of six no. three bed terraced houses of two and half storeys.

15. Vehicular access to a car park would be from the southwestern corner off Oak Street and the area within the 'L' shaped plan of the larger buildings would be a communal courtyard providing external amenity space. Each terraced house would have its own private garden and access to the communal space.

16. Each ground floor flat fronting Sussex Street would have its own front door off the street and access to the upper levels would be from Sussex Street into a communal stair and lift core. This would lead to galleried access on each upper floor on the Sussex Street frontage and a shared communal access way and external amenity space to each floor along the rear of the Oak Street block.

17. On the ground floor of this building there would be a 'common house' including a kitchen, common room, storeroom and laundry, guest room and other

communal facilities for occupiers of the development. There would also be a workshop for occupiers to use within the amenity space.

18. It is intended that this would be a 'co-housing' development which is described in the application as: "*a form of intentional community in which people make a positive choice to live together in a neighbourly and mutually supportive way*". It is based on five principles:

- Co-designed with residents
- A blend of private and shared spaces
- Inclusive and part of the wider community
- Designed for social interaction
- Collectively managed by residents

19. The application has been made by a community interest company of 34 members (18 active) who have informally reserved homes they wish to purchase to live in. The agents have experience with completed co-housing developments, including the award-winning Marmalade Lane in Cambridge.

20. The flat roofed four storey blocks would be constructed in brick with areas of different bonds used to add interest and the ground floor corner would have design references to an historic shop front. The Chatham Street terrace would be constructed of similar materials under an asymmetric dual-pitched roof covered in black glazed pantiles.

21. Hard and soft landscape proposals have been submitted, including four new trees within the courtyard space, climbing plants over the Oak Street block and planting in the available spaces on each frontage. Bird boxes are also incorporated, and the cycle stores and a workshop would have green roofs.

### **Summary of Proposal – Key facts:**

22. The key facts of the proposal are summarised in the tables below:

<b>Scale</b>	<b>Key Facts</b>
Total floorspace	2989 square metres
No. of storeys	Flats: four storeys Houses: two and a half storeys
Max. dimensions	Oak Street frontage: 40 metres long, 14.7 metres high, 15.5metres at corner. Sussex Street frontage: 50 metres long, 14 metres high Chatham Street terrace: 28 metres long, 10.8 metres high

<b>Appearance</b>	<b>Key Facts</b>
Materials	Brick, flat roof, black glazed pantiles, aluminium windows and doors, timber front doors, metal balustrades, metal rainwater goods.
Energy and resource efficiency measures	Water target of 105 litres per person per day. Air source heat pumps and maximum 120 solar PV panels on flat roof. Mechanical ventilation with heat recovery. No gas proposed.

<b>Transport Matters</b>	<b>Key Facts</b>
Vehicular access	From Oak Street
No of car parking spaces	Nine, including one accessible. All with EV charging.
No of cycle parking spaces	70 spaces within stores.
Servicing arrangements	Each dwelling fronting Chatham Street would have its own dedicated bin storage within the curtilage. The flats fronting Sussex and Oak Streets would share a store with space for nine 1100l bins.

## Consultation responses

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

## Representations

24. Adjacent and neighbouring properties have been notified in writing.

25. The first consultation attracted five objections and 13 representations in support citing the issues as summarised in the table below. Six of the letters of support include identical comments.

26. Four additional letters of support were received from known members of the co-housing group who are the applicants, so the comments within these letters have not been referenced within this report.

<b>Issues raised</b>	<b>Response</b>
Overpowering height, overbearing and tight to plot boundary	See main issues 2, 3 and 5
Scale: overwhelming, too tall, disproportionate, fortress like, excessively large	See main issues 2 and 3
Suggestions to revise to three storeys and/or set back top floor	See main issues 2 and 3 concerning negotiations on the scale and design. The application must be determined as submitted.
Block and reduce light and sky view	See main issue 5
Loss of views of city landmarks	See main issues 3 and 5
Loss of privacy, overlook gardens, balconies and windows	See main issue 5
Not in line with Chatham Street houses	See main issue 2
Detract from listed and locally listed buildings	See main issue 3
Four storeys sets precedent	See main issue 2
Disruption from construction, quiet residential area	See main issue 5
Not in keeping with Conservation Area, fails to blend in	See main issue 3
Great Hall will be overshadowed, dominated	See main issue 3
Loss of willow tree, should be protected	See main issue 4



<b>Issues raised</b>	<b>Response</b>
at all costs	
Lack of parking – add to existing problems. No parking permits.	See main issue 6
Environmentally friendly, focussed on ecological sustainability	See main issues 7 and 9
Reduce loneliness/isolation and increase quality of life. Foster sense of community, add to local community, strengthen community. Intergenerational, inclusive housing. Co-housing benefits residents and reduces demands on public services.	See main issues 1 and 5
Visually attractive.	See main issue 2
Disrupt way of life	See main issue 5
Support the principle, object to form	See main issue 2
Paltry number of social rent units	See main issue 12
Private use of communal spaces cause noise and disruption to all local residents	See main issue 5
Unaffordable	See main issues 1 and 12
Sensitively designed	See main issue 3
Affordable enough to encourage a mix of people	See main issues 1 and 12
Sustainable housing	See main issue 1
Increase in biodiversity	See main issue 9
Pioneering scheme for Norwich, to be proud of, positive example, innovative, first for Norfolk	Noted
Good use of space	See main issues 1 and 2
Much needed homes	See main issue 1
Reduce waste. Smaller carbon footprint than normal big developments. Lower running costs for homeowners.	See main issue 7
Greatly enhance the area. Set standard for improving area. Beauty of the scheme	See main issues 2 and 3
Attractive choice in variety of housing available. Wide mix of accommodation. Design future proofs for people to grow old actively	See main issues 1 and 2
Reinstates historic building lines, high quality frontages	See main issue 2
Minimal impact on congestion	See main issue 6

27. A re-consultation on revised proposals attracted 24 further representations. 10 objecting and 24 in support. These representations cite the following additional comments.

<b>Issues raised</b>	<b>Response</b>
Right of light consequences	See main issue 5 for assessment of light in relation to planning considerations. The right to light is a separate, legal matter.
Loss of light to Great Hall and commercial properties	<u>See main issue 5</u>
Ugly, disproportionate monstrosity, out of keeping	See main issues 2 and 3
Revisions have not changed significant issues in relation to loss of light and privacy	See main issue 5
Suggest two storeys and/or push back into site, pitched roofs	See main issues 2 and 3 concerning negotiations on the scale and design. The application must be determined as submitted.
Sad to lose tree, disregard to environment, important for climate change	See main issue 4
Unaffordable	See main issues 1 and 12
Root protection zone of garden trees accommodated for?	The Arboricultural Assessment confirm the root protection zone is not affected by the development
Increase in traffic	See main issue 6
Consideration to deliveries and parking for visitors.	See main issue 6
Effect on businesses	See main issue 5
Idea of co-housing seems flawed – directed to young, able-bodied people without children	See main issue 1
Oak Street corner could be more distinctive	See main issue 2
Transform/revive/restore derelict brownfield land	See main issues 1 and 2
Revisions have improved impacts. Revised design in keeping with older housing.	See main issue 2
Minimal car ownership	See main issue 5
Modern concept referencing traditional features	See main issue 2
Using architecture to build a community	See main issues 1, 2 and 5
Exemplar development	See main issue 1
Overall advantages greater than any disadvantage of height	See main issue 2

## **Statutory and non-statutory consultees**

### **Anglian Water**

28. Waste water: The foul drainage from this development is in the catchment of Whitlingham Trowse Water Recycling Centre which currently does not have capacity to treat the flows the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent

and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.

29. Used water: Development will lead to an unacceptable risk of flooding downstream. Anglian Water will need to plan effectively for the proposed development, if permission is granted. We therefore request a condition requiring an on-site drainage strategy.
30. Surface water disposal: The applicant has indicated on their application form that their method of surface water drainage is via SuDS. The Lead Local Flood Authority (LLFA) are a statutory consultee for all major development and should be consulted as early as possible to ensure the proposed drainage system meets with minimum operational standards and is beneficial for all concerned organisations and individuals. We promote the use of SuDS as a sustainable and natural way of controlling surface water run-off.

### **Citywide Services**

31. I am happy with 9 x 1100l for the 28 flats. Maybe a split of 5 refuse and 4 recycling.

### **Design and Conservation (Norwich City Council)**

#### **Architectural treatment**

32. Roofs: previously, the applicant was advised to vary the roofscape in order to integrate the blocks into their wider setting which predominately consists of pitched roofs (even the new development currently under construction on the south side of Oak Street is majority pitched roofs). Regrettably, this has not materialised in revised drawings, however, to mitigate the blockiness of the flat roofed flats, futuristic chimneys (clad in brick) will break up the roofscape. The chimneys will respect the rhythm of chimneys along Sussex Street, a feature deemed to be part of the special interest of the Conservation Area. In order for the chimneys to look convincing, it would be useful for the applicant to clarify whether the brick cladding will extend all of the way around the chimney? Due to the flat roofs, the previous recommendation for pantile roofs is no longer relevant.
33. Punched in openings: 'Punched in openings' still form part of the design of the principal elevations. The punched openings have been advised against as they compromise the architectural quality of the façade. The space created in front of the dwellings for the residents may be deemed beneficial for the circulation and the usability of the development and its retention will be at the discretion of the planning officer.
34. The dark brick plinth is a positive feature.
35. The reduction in the height of the parapet is welcomed.
36. Corner bay: The extra details to the shopfront bay including the cornice and text are really positive and have given the bay character. The shallow corner recess work wells. Other improvements to the curved corner bay could take the following form:

37. The shopfront should wrap around the whole of the bay, currently the scale of the shopfront is too small for the size of the bay- is there any reason why it is truncated?
38. The corner bay still contains a large blank wall which could be improved with façade articulation.
39. Why hasn't the brick fluting been continued around the corner bay?

**Overall:**

40. The development still lacks the more human scale and forms of residential building found on Sussex Street and the wider Conservation Area, as such, it is believed the scale and massing will cause less than substantial harm to the character of the Northern Riverside Conservation Area [character area] and the setting of designated heritage assets- which is regrettable. One way the level of harm could have been reduced is by lowering the building by a storey, this would have been beneficial particularly for the setting of the Grade II listed c15 Great Hall. which is likely to be dominated by the structure, however, the applicant's have expressed this would have viability issues for the scheme. Though recommendations suggested have not been fully implemented in the latest iteration of the design, the architecture is of a high design quality. The most successful stretch is along Chatham Street where a lower scale, traditional form and materials has been married to creative contemporary architecture as expressed through the roof shape and features such as the round windows. The Conservation and Design team have concerns about the impact of the four-storey scale and block mass of the proposed development on the City Centre Conservation Area and nearby designated heritage assets, as mentioned, the Great Hall is likely to be the most affected heritage asset.
41. Should the new development be approvable from a planning point of view, I would suggest conditions.

**Ecology (Norwich City Council)**

42. An Ecological Assessment has been submitted. This has been written by a suitably qualified Ecologist in accordance with best practice guidelines.
43. The Assessment notes that species of conservation concern are mostly scoped out, and that priority habitats are not present on site. The scheme will result in the loss of the existing on-site habitats and features. The impacts on habitats and species scoped are assessed as being of very low or negligible ecological significance. This is accepted.
44. Nesting birds: Work on the scrub should avoid the nesting bird season (of March to August) or otherwise be under a watching brief. Condition to be applied please.
45. Any detailed Landscape scheme required by Condition should incorporate the key measures listed under Enhancements and Opportunities 6.12 p12.
46. The Additional suggested measures at 6.13 are supported and should be incorporated into the scheme. Conditions for bird boxes and small mammal access to be applied please.

47. November 2023: It would be helpful to get some clarification that the baseline habitat for the BNG calculation coincides with the Environment Act date. The habitat on site seems to have changed due to scrub clearance but it is not clear what habitat was present at what time. The Env Act date (which I think is Jan 2021) is most relevant.
48. Subsequent to these comments revised calculations for biodiversity net gain have been received but no further ecology comments have been made.

### **Environmental Protection (Norwich City Council)**

49. I would not object to this application, though I have the following comments and conditions to add:

#### **Air Quality**

50. From the Air Quality Assessment, I have no concerns regarding impact to the air quality in the area or risk to the occupants of the proposed development. I would recommend that the Good Design and Best Practice points are implemented within this development.

#### **Contaminated Land**

51. I am satisfied that a preliminary risk assessment has been carried out and the site has been risk assessed in accordance with the Government guidance.
52. The report found elevated levels of lead on the site, so a further remediation report is required. I would therefore like to add the following conditions:
- Remediation Condition
  - Unknown contamination
  - Imported material
53. No asbestos was found during the risk assessment investigation of the site, but I would like to add an informative note.

#### **Construction**

54. There was mention of possibly piling as part of the development, I may have missed it as I haven't been through all the plans, what sort of piling has the applicant decided to use? I would like to add a condition on Construction working hours.

#### **Noise Report**

55. If specification listed in report are used for habitable rooms then the targets can be met. A condition could be used.
56. The dwellings will be mechanically ventilated with heat recovery (MVHR) systems. I would like a condition to be added to have this information submitted:
- Requirement for installation of mechanical ventilation system for noise attenuation purposes
  - Sound insulation of machinery

- Protection of dwellings fronting a road
- Anti-vibration mountings

## **Environment Agency**

57. We have evidence which indicates that groundwater abstraction to meet current needs of the population is already in some cases causing ecological damage to Water Framework Directive designated waterbodies (including chalk streams where applicable) or there is a risk of causing deterioration in the ecology if groundwater abstraction increases. This development has the potential to increase abstraction from groundwater sources. You should consider whether the water resource needs of the proposed development alone, and in-combination with other proposed development that the relevant water company is being asked to supply, can be supplied sustainably without adverse impact to WFD waterbodies and chalk streams. At the present time we are unable to advise with confidence that further development will not harm the water environment, until it can be shown sustainable water supplies can be provided. We are working the water companies and reviewing their draft Water Resources Management Plan to address this issue.
58. You must have regard to River Basin Management Plans and be satisfied that adequate water supply exists to serve development, in accordance with the policies of your Local Plan. Any surplus in water companies' current WRMP is subject to further consideration of whether it can be taken without causing environmental deterioration.
59. Your authority should ensure that the local Water Recycling Centre has sufficient capacity to accept foul drainage from the proposed development to ensure protection of the water environment including WFD waterbodies.
60. The location of this development is in an area of serious water stress (as identified in our report Water stressed areas - final classification). Across East Anglia we are also concerned that the rivers and groundwater <including chalk streams> are vulnerable to deterioration under Water Framework Directive, from groundwater abstraction. As a minimum, the higher standard of a maximum of 110 litres per person per day should be applied to this development as set out in the the Building Regulations &c. (Amendment) Regulations 2015. This standard is already a requirement of Policy 3 (Energy and water) of the 2014 Norwich, South Norfolk and Broadland Local Plan and can be checked by Local Planning Authorities Building Regulations teams for compliance. However, the applicant should consider if a higher standard of water efficiency could be achieved, looking at all options including rainwater harvesting and greywater systems.
61. Should the development be permitted, we would expect you to ensure that the new buildings meet the highest levels of water efficiency standards, as per the policies in the adopted local plan.

## **Highways (local highways authority) (Norfolk County Council)**

62. There are no objections subject to suitable conditions being imposed.
63. The proposed vehicle access to the site on Oak Street is acceptable in principle.

64. The site itself is bounded on three sides by Oak Street, Sussex Street and Chatham Street. All of these streets have footways and are street lit, there are extensive waiting restrictions that form the controlled parking zone for the neighbourhood. According to local policy, new dwellings in CPZs are not entitled to on-street parking permits, and thus this is in effect a low car scheme given the provision of 9 car spaces on site.
65. Norfolk county council parking guidelines would recommend a total of 65 car spaces for the amount and type of housing provided. However given its accessible location and containment within a CPZ it is not considered there are grounds to raise an objection.
66. There is adequate turning within the site for cars and there is adequate visibility onto Oak Street from the vehicle access, the extant waiting restrictions that will protect the access will suffice and do not require further amendment. The bin store is adjacent to the site access to Oak Street and can be serviced by a refuse truck parked on Oak Street.
67. A total of 70 cycle spaces is proposed within the site, some within the gardens of the townhouses, and most within stands for residents of the flats. NCC parking guidelines cites 2 cycles per dwelling, which would equate to 68 spaces, therefore the development is compliant with policy.
68. Given that the construction process is likely to damage the footways around the site, a s278 Small Highway Works Agreement will be required to make good the footway surface to adoptable standards and reinstate any other signs, lines or street furniture affected by the works. There are extant granite kerbstones and setts on Sussex Street that should be retained where possible as these form part of the local street character.
69. The site access for the development will be via Oak Street and this will need to ensure there is a suitable vehicle access/crossover to the footway, this can be incorporated into the s278 agreement. It would be beneficial if the redundant vehicle access to Oak Street has the adjacent footway reinstated to a full height kerb for drainage purposes. It may also be helpful if tactile paving crossing points were provided either side of Sussex Street at its junction with Oak Street to facilitate pedestrian crossing associated with the residents of the development.
70. During the construction process there may need to be temporary traffic management, for example hoardings and footway diversions, these would be subject to streetworks permits. Should the parking bay on Sussex Street need to be suspended this would require a temporary TRO, again obtained from our streetworks team.
71. I am able to comment that in relation to highways issues only, that Norfolk County Council does not wish to restrict the grant of consent. Should your Authority be minded to approve the application I would be grateful for the inclusion of conditions and informative notes on any consent notice issued.

## **Historic England**

72. We note the revisions to the scheme that we commented on in March. We have always believed that this is a large building that would have a distinct

presence within the local townscape, and would not be entirely without some visual impact in terms of the character and appearance of the conservation area and the setting of the Great Hall. Whilst it is therefore somewhat regrettable that a reduction of scale has not been forthcoming, we are willing to concede that the revisions have resulted in an overall improvement to the architectural quality of the development to some degree.

73. We therefore conclude that whilst the proposed development would be somewhat at odds with the prevailing scale of the conservation area, the degree of less than substantial harm that we previously identified would be mitigated to some extent by the improved design quality, and we would not object.
74. We therefore advise that your authority should carry out the weighing exercise pursuant to paragraph 202 Of the National Planning Policy Framework (NPPF) and that if minded to approve this planning application satisfies that the proposed development would yield public benefit that is sufficient to outweigh the harm.
75. In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess; and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

### **Historic Environment Service**

76. Archaeological trial trenching took place across most, though not all, of the site in August 2012. Although on most parts of the site the results of this work were not overwhelming, as during the medieval period they were part of an area of open ground known as the Gildencroft, the Oak Street frontage is not without archaeological potential and was not fully investigated in 2012. Some further archaeological work may also be required on the Sussex Street frontage.
77. 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 (2021).
78. In this case the programme of archaeological mitigatory work will commence with informative trial trenching to determine the scope and extent of any further mitigatory work that may be required (e.g. an archaeological excavation or monitoring of groundworks during construction).

### **Independent Living and Supported Living (Norfolk County Council)**

79. The scheme is close to Norwich City centre, an established community and should be considered as a suitable location for Supported Living accommodation.
80. A scheme such as Sussex Street would support move on from enablement services, of which there is once scheme in Norwich and current tenants are always looking to move on into housing which is part of the community.



81. Norfolk County Council's Supported Living Programme has identified demand for the following types of Supported Living in Norwich. There is a high demand for housing for people with learning disabilities. The row shows how 2 units in Sussex Street could meet this demand.

District	Number of units	Cohort	Area
Norwich	4	Learning Disability and Autism	Central Norwich

82. I can confirm that there is still a need for four units in central Norwich and that this type of upper floor one bedroom unit embedded within a cohousing scheme meets our requirements and need.

### **Landscape**

83. The principles of the Landscape strategy are accepted. Leaving some aspects of detailed landscape design to conditions would be acceptable, particularly for the more private central courtyard area.

### **Existing Willow tree**

84. The LDSA proposes that the willow tree on site is removed for the development due to its life expectancy of 10-20 years, root environment and decay and the difficulty of incorporating it into the development scheme. Compensatory planting is proposed.

85. Although not qualified to comment on arboricultural issues, I am concerned that arboricultural reasons alone should not be used to justify removal of the tree.

86. Arboricultural techniques could equally be applied to retain and improve the health of the tree. The tree has a landscape/streetscape value which is noted in the Conservation Area Appraisal for the Northern Riverside area, and this is an important reason for the application of a TPO. This landscape value arises from the tree being a feature in the Conservation Area, and its contribution to the streetscape and the visual amenity of the locality.

87. It appears to be the only tree of such stature along a significant length (260m) of Oak Street between St Crispins Road and St Martins at Oak Wall Lane. Looking northwards along Oak Street from St Crispins (Google streetview August 2021) the tree is prominent being the tallest skyline feature. Looking southwards along Oak Street from St Martins at Oak Wall Lane junction the tree is also prominent as the tallest skyline feature.

88. Having been recently pollarded and with a potential management regime of pollarding, the tree gains value from its unusual form/shape which makes it visually interesting and noticeable. The species of weeping willow has cultural associations and relevance in this location approximately 80m from the river Wensum. People generally recognise and appreciate Weeping willows. Being a non-native species does not necessarily reduce the trees' value.

89. Management of the tree by pollarding is presented in the Arboricultural Advice Note as reducing the amenity of the tree. Pollarding is an ancient type of tree management which improves the longevity and resilience of trees. It could help to reduce the risk of branch failure, decay and splitting and is a regular management technique used on trees in council ownership.

90. When a tree is pollarded it is inevitably reduced in size. However, pollarding would occur at intervals of 10+ years during which periods the tree would grow and gradually increase in size and visibility. The overall effect of management by pollarding would be to maintain the tree and its' amenity value.
91. The other reason given for removal is the difficulty of incorporating the tree into the development scheme. Although this is not fully explained, the LDSA indicates that the applicants have explored ways in which the tree may be retained. Further clarification would be useful. In relation to Policy DM3, DM6 and DM7. The expectation would be that such a tree would be identified as requiring protection, and the development designed to accommodate it. If there were an overriding reason why this was not feasible, there are requirements for planting to compensate for landscape and biodiversity value and biomass replacement.
92. The LDSA proposes the following compensatory measures for the loss of the tree:
- Three larger specimen trees in the central garden space, two smaller trees including a smaller tree on Chatham Street, and apple trees along the south wall of the central garden space. Also, an off-site planting proposal of an 8-no. tree contribution to the 'Trees for Norwich' scheme.
  - Landscape proposals also include vertical planting (climbers), and low hedges.
93. Unfortunately, the 3 proposed specimen trees would be largely out of sight and unable to contribute to the streetscape. Although the small tree in the central space would contribute to the residents' amenity, it is also unlikely to be visible from the street. The proposed tree on Chatham Street would not have sufficient space for growth without conflict with the proposed building. A tree here would not be advisable (subsequently removed from proposal).
94. Similarly, the proposed apple trees along the southern existing wall would not make a contribution to the streetscape. Also, it seems that the condition of this wall is unassessed/questionable and would need to be resolved at this stage to determine the feasibility of this proposal. Please could further information about the wall be provided?
95. Compensatory tree planting should be provided on-site. Off-site compensatory tree planting according to the DM7 policy requires that the developer show exceptional circumstances. The contribution of 8 trees to the 'Trees for Norwich' scheme would involve an off-site location which is not identified. It is also unclear how the number has been calculated, and no biomass calculation seems to have been provided to support the proposals.
96. Overall, it is questionable whether the replacement trees would provide sufficient compensatory biomass. Or streetscape contribution to compensate for loss of the willow tree. Views into the courtyard from surrounding streets would be very limited. Tree planting within the courtyard could be glimpsed through the vehicle access archway.
97. There are no proposals for Street trees, and this is accepted given the relatively narrow widths of footways adjacent to the site, and the difficulties of implementing such trees.

## **Frontages**

98. The principle of having climbers along the Oak Street building elevation is supported although there would not be much blank wall space to accommodate climbers. It is proposed that climbers would grow in planters rather than in the ground. This is of concern because planters are more prone to drought and would need irrigation. This could involve either an irrigation system or a maintenance regime of manual irrigation, both of which present potential risks, costs, and issues. I suggest the alternative of providing planting pits is explored. This would involve excavating existing ground and replacing with sufficient volume of good quality planting medium.
99. The species of climber proposed is Red Boston Ivy, *Parthenocissus tricuspidate*, which would negate the need for a trellis system. Instead of using this plant along the entire Oak Street elevation, it would be preferable to consider introducing other climbers, especially evergreen species.
100. The Oak Street South Elevation shows proposed climbers on the largely blank elevation. If a significant proportion of the surface area could be covered with climbers, especially evergreens, this could potentially make a contribution to the streetscape which would help to replace the loss of the existing willow tree.
101. Suggest climbing plant system to enable much of elevation to be greened. It would be helpful if such proposals could be worked up to be a little more convincing.
102. Sussex Street and Chatham Street Frontages: The narrow strip of defensible space between the back of footway and proposed building is an understandable compromise between providing future residents with privacy, whilst maximising the area for shared space in the courtyard.
103. The use of *Pyracantha* as hedging is supported. However, the height of such hedging would be limited by the window cill heights. As a result the planting would be low and not contribute significantly to the streetscape or setting of the buildings. Adequate topsoil volume would be necessary to enable growth, and details would be needed to demonstrate this is feasible in relation to the building footings and services.

## **Other matters**

104. Daylight/Sunlight report considers mainly daylight and sunlight amenity within the residential units in the proposed development. There is little assessment of external spaces or of overshadowing of surrounding streets and gardens of existing properties. However, the courtyard garden amenity area would have good levels of sunlight and complies with the BRE guidelines on overshadowing. (Additional report subsequently provided).
105. Placing the ASHPs on the roof is supported as this would avoid issues at ground level. Could PV areas on flat roofs accommodate an integrated green roof to provide more green infrastructure?
106. The proposals shown on the hard landscape drawing would be acceptable.

## **Summary**

107. The proposed loss of the existing Willow tree remains of concern. My feeling is that the value of the tree to the streetscape is underestimated, and that its future management by pollarding would be feasible. There is a lack of explanation of justification for removal of the tree, and proposals for compensatory planting are not demonstrated to be adequate.

108. Although unable to support the application in its current form, I hope that further information, clarification and amendments can be made to either make the compensatory planting offer more robust, or amendments can be made to the proposed layout to retain the willow tree.

## **Minerals and Waste (Norfolk County Council)**

109. While the application site is partially underlain by a Mineral Safeguarding Area (Sand and Gravel), it is considered that as a result of the site area it would be exempt from the requirements of Policy CS16-safeguarding of the adopted Norfolk Minerals and Waste Core Strategy.

## **Natural England**

110. No objection - subject to appropriate mitigation being secured.

111. We consider that without appropriate mitigation the application would have an adverse effect on the integrity of:

- The Broads Special Area of Conservation (SAC)
- Broadland Ramsar site
- European sites designated within the Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy (GIRAMS) report.

112. In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- the purchase of credits through the Norwich City Council Water Usage Retrofitting Mitigation Scheme (NCC WURMS) 78.59 x £761.83 for nitrates; and 2.95 x £21,161.84 for phosphates
- a contribution of £210.84 per dwelling (index-linked) towards the Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy (GIRAMS).

## **Norfolk Constabulary (Architectural Liaison)**

113. The application details a well laid out secure site with an access controlled primary vehicular access point and 2 x access-controlled pedestrian access points. This no through route and access control will give residents a feeling of ownership and community and will discourage anyone intent on criminal behaviour as not only are likely to be seen by residents, if access were to be gained, they have nowhere to go within the development.

114. In addition, I note the secure refuse and cycle storage, secure parking facilities and communal access points.
115. I acknowledge that the parking area is proposed to be secured with vehicle-controlled access gates, although no standards have been specified. I recommend that the standard of gates installed meets Loss Prevention Standard 1175 Issue 7 SR2.
116. I note the parking area has been designed to be 'hidden' however where communal parking areas are deemed necessary, it is strongly recommended that they are sited close to adjacent homes, be within view of active rooms, is devoid of hiding places and the parking area well-lit to reduce the fear of crime. I note there is some surveillance offered to this area from nearby properties, however I would advise that steps are taken to alter the landscaping to maximise surveillance to this area and LED white light conforming to BS 5489-1:2020 is installed to support surveillance.

#### Norwich Society

117. Initial response: This is a bold and imaginative scheme and we support the proposals. A lot of thought and co-planning have gone into this scheme, and its ethos is excellent. However, we feel the Sussex Street block is too high at four storeys, and not compatible with its surroundings - Three storeys is acceptable, as in Sussex Street, or 2 ½ storey terrace on Chatham Street ideal. The previous extant plan looks more appropriate in height, although we understand it may be viability which is pushing the scheme up to the height proposed.
118. Further response subsequent to engagement with the applicants: We fully support the scheme as designed and consider that the high quality of design has resolved any concerns about the height of the proposals.

#### **Development Strategy (Norwich City Council)**

119. I can confirm that the site area and number of dwellings proposed trigger the thresholds of the Council's affordable housing policy. All developments are expected to make this provision unless an acceptable independent review of viability determines that it is not viable to provide the policy requirement.
120. It is disappointing to see that only 2 units of affordable housing are proposed. These 2 units are proposed for people with Learning Disabilities of which we are supportive. I would recommend that the applicant provides details of viability in order that we can assist with assessing if any additional affordable housing would be due.
121. All affordable housing would be required to be secured by a S106 agreement.
122. The greatest need identified in the Local Housing Needs Assessment is 1 and 2- bedroom flats and 3-bedroom houses. The council's own waiting list shows a greater need for one-bedroom flats, 2-bedroom houses and larger family homes. Therefore, it is slightly disappointing to note that there are no two-bedroom houses or 4+ bedroom house proposed.
123. All dwellings are expected to meet Nationally Described Space Standards. From the information supplied in the schedule of accommodation they would

appear to meet Nationally Described Space Standards. It is noted that in addition to the size of the self-contained units there is the shared use of the common room, shared kitchen and laundry. It is good to see that all flats comply to accessibility standards and that the common house is wheelchair accessible.

124. The development is in a convenient location to promote walking and cycling to access to the city centre where there are shops, supermarkets, places of worship, recreation and green space including the river. The provision of secure cycle storage will also help to promote cycling. The development includes parking for 9 cars and the co-living scheme encourages car sharing.
125. It is good to see that each unit has some private amenity space in addition to the shared garden. The application is on a brownfield site which is welcome, and it is good to see the inclusion of a sustainability strategy.
126. Response to viability appraisal: Having assessed the scheme I would conclude that no affordable housing would be viable to be delivered, and so the offer of 2 affordable homes representing approx. 6% should be accepted.

#### Strategic Planning (Norfolk County Council)

127. The following infrastructure will need to be funded through CIL:
- Education: Mitigation required at Magdalen Gates Primary School for 6 places.
  - Library Provision: Improvements to existing library facilities.
128. Norfolk Fire Services have stated that the proposed development, taking into account the location and infrastructure already in place, does not require any fire hydrants.

#### Tree Protection Officer (Norwich City Council)

129. Initial response: Loss of the willow tree. This is a large, vigorous specimen, the most prominent individual tree on Oak Street. Recognised as an important tree in the Norwich City Centre Conservation Area Appraisal for the Northern Riverside area. Its loss would have a significant negative impact on the amenity of the area.
130. The 'C1' categorization ( 'Trees of low quality with an estimated remaining life expectancy of at least 10 years'... 'unremarkable trees of very limited merit') applied to the tree seems to be an underestimation.
131. Whilst it is accepted that the tree is not free from defects, it is my view that, with appropriate management eg. re-pollarding on a regular basis, its contribution to the amenity of the area will continue for the next 20 years and beyond, (pollarded trees often living longer than is normal for the species concerned).
132. In terms of quality, the tree scores highly enough on the Tree Evaluation Method for Preservation Orders (TEMPO) to warrant serving a TPO, thus indicating the 'low quality' category applied, and 'unremarkable' descriptions are unmerited.

133. As the defects are remedial (adequately addressed by pollarding), with the tree having an estimated remaining lifespan in excess of 20 years, and, considering it has been previously pollarded, it would be more appropriate to categorize the tree as 'B1': 'Trees of moderate quality,' 'downgraded because of impaired condition (eg. Presence of significant though remedial defects, including unsympathetic past management').
134. This application would not comply with Policy DM7 and would be at odds with the National Planning Policy Framework, which recognises the importance of trees and their contribution to the character and quality of urban environments.
135. Removing the willow would harm the visual amenity of Oak Street, an amenity that cannot be adequately compensated for by planting replacements 'internal' to the site, away from the street frontage/public view.
136. Subsequent response: The removal of the willow is regrettable, and the applicant's proposal to plant 3 new larger trees and 2 smaller trees within the site, although welcome, would not mitigate its loss in terms of its value to the amenity of the street scene. But this planting, coupled with the revised proposals of a £2000 commitment to plant 8 new trees in the local area, as part of our Trees for Norwich scheme, would make a significant contribution to the city centre conservation area, and would therefore be considered acceptable mitigation.
137. I have identified 8 potential locations for new trees (Bakers Rd green space and east of Ebenezer Place), with a view, realistically, of planting during the 2024/25 planting season . If a completed Trees for Norwich application form could be included as part of condition TR12 – mitigatory replacement tree planting, then I would have no objections to the application.

## **Assessment of Planning Considerations**

### **Relevant Development Plan Policies**

#### **138. Greater Norwich Local Plan (GNLP) March 2024**

- GNLP1 The Growth Strategy
- GNLP2 Sustainable Communities
- GNLP3 Environmental Protection and Enhancement
- GNLP5 Homes
- GNLP7.1 Norwich Urban Area including the fringe parishes
- NCC.20 Land at 150-154 Oak Street and 70-72 Sussex Street

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

- DM1 Achieving and delivering sustainable development
- DM2 Ensuring satisfactory living and working conditions
- DM3 Delivering high quality design
- DM5 Planning effectively for flood resilience
- DM6 Protecting and enhancing the natural environment
- DM7 Trees and development

- DM9 Safeguarding Norwich's heritage
- DM11 Protecting against environmental hazards
- DM12 Ensuring well-planned housing development
- DM13 Communal development and multiple occupation
- DM17 Supporting small business
- DM28 Encouraging sustainable travel
- DM29 Managing car parking demand in the city centre
- DM30 Access and highway safety
- DM31 Car parking and servicing
- DM32 Encouraging car free and low car housing
- DM33 Planning obligations and development viability

## **Other material considerations**

### **140. Relevant sections of the National Planning Policy Framework December 2023 (NPPF):**

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

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

- Affordable housing SPD adopted March 2015
- Landscape and trees SPD adopted June 2016
- Heritage interpretation adopted Dec 2015

### **142. Advice Notes and Guidance**

- Water efficiency advice note October 2015
- Internal space standards information note March 2015
- Accessible and adaptable dwellings standards October 2015

### **143. Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy – Habitats Regulations Assessment Strategy Document (GIRAM Strategy) March 2021**

## **Case Assessment**

### **144. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant development plan policies are detailed above. Material considerations include policies in the National Planning Policy Framework (NPPF), the council's standing duties, other policy documents and guidance detailed above, and any other matters referred to**



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

### **Main Issue 1. Principle of development**

145. Key policies and NPPF paragraphs – GNLP2, 5, 7.1.4 and NCC.20, DM12, DM13, DM17, NPPF section 5 – particularly paragraphs 60, 70(b) and 128-130,

#### **Loss of existing business**

146. Policy DM17 seeks to protect small and medium sites in business use, such as the existing fencing and building supplies site that occupies part of the site. However, the site is allocated for redevelopment in the adopted local plan so the loss of this use and overriding regeneration benefits of new housing has been accepted here.

#### **New residential development**

147. The allocation for housing demonstrates the principle of the new development proposed is acceptable in accordance with Policies DM12, DM13, and NCC.20.
148. Careful consideration must be given to how the housing development can meet the other objectives of the allocation and relevant policies.

#### **Number of dwellings and density**

149. NCC.20 allocates the application site for approximately 27 homes.
150. The proposal therefore represents a higher number of dwellings and density (125 dwellings per hectare) than has been envisaged for this site. Policy DM12(e), paragraph 128 of the NPPF and GNLP2.4 advise that higher densities can be achieved in the city centre and highly accessible locations, including where there is a desire to promote regeneration and change. However, both require regard to be had to the area's prevailing character and setting.
151. In this case, the housing around the site, especially the historic terraces, is reasonably dense but the houses all enjoy private gardens and flats have access to green spaces. The area is predominantly two storey and whilst close to and reasonably well connected to the city centre, this neighbourhood outside the inner ring road is more suburban in character, rather than highly urban. The development under construction at 161 Oak Street will deliver 40 dwellings at a density of 105 dwellings per hectare representing some densification through redevelopment.
152. The scale of development to accommodate the proposed 34 units is considered further below and in negotiations on the scale of the development the applicants have advised that reducing the capacity "would have a detrimental effect on scheme viability and likely render the development unimplementable". It is noted the number of dwellings is also derived from the demand from members of the co-housing group making the application.

153. Subject to the assessment of the impacts of the scale below, the number of dwellings proposed is not considered to be so high above the allocation or significantly out of character as to be unacceptable with regards Policy DM12(e).

### **Type of dwellings**

154. A mix of houses and one to three bedroom flats are proposed. The Council's Development Strategy team have advised that there is most demand for one and two bedroom flats and two and three bedroom houses and are disappointed not to see two or four-plus bedroom houses included.
155. 21 of the 34 units would have two bedrooms so these would meet the current identified need and offer accommodation for families, but would be flats rather than houses. The houses are all three bedroom, as are four of the flats. A greater mix that is more responsive to current market needs would be welcomed, however the development would offer a sufficient range of dwellings to create a mixed community and is acceptable in this respect with regard to DM12(d).
156. It is also appreciated that the scheme has been designed to meet the needs of the co-housing group members and that the provision of a guest bedroom and other facilities in the common house supports the mix of smaller units.

### **Tenure**

157. The provision of affordable housing is considered in main issue 12 below.
158. As co-housing, the units would be for sale to existing or new members of the group. As such, they would not be available on the open market in the usual terms as members would need to sign up to the group's philosophy. The matter of whether it is necessary to permit this proposal to only be occupied as co-housing is considered further below.

### **Co-housing and self-build housing**

159. NPPF paragraph 60 advises that the needs of groups with specific housing requirements should be met and paragraph 63 identifies this includes people wishing to commission or build their own homes. In December 2023, paragraph 70 introduced support for small sites to come forward for community-led development for housing and self-build and custom-build housing.
160. 'Community-led development' is defined in the NPPF as: "*A development instigated and taken forward by a not-for-profit organisation set up and run primarily for the purpose of meeting the housing needs of its members and the wider local community, rather than being a primarily commercial enterprise. The organisation is created, managed and democratically controlled by its members. It may take any one of various legal forms including a community land trust, housing co-operative and community benefit society. Membership of the organisation is open to all beneficiaries and prospective beneficiaries of that organisation. The organisation should own, manage or steward the homes in a manner consistent with its purpose, for example through a mutually supported arrangement with a Registered Provider of Social Housing. The benefits of the development to the specified community should be clearly*

*defined and consideration given to how these benefits can be protected over time, including in the event of the organisation being wound up”.*

161. As the applicants who have instigated the proposal are a community interest company whose article of association state it is not for private gain and that any surplus or assets must be used principally for the benefit of the community, this definition is met. Should it be considered that the development is only acceptable on this basis, it shall be necessary to secure that the development is only occupied as co-housing for its lifetime.
162. The applicants also assert the proposal complies with the definition of ‘self-build’: *‘persons working with or for individuals or associations of individuals, of houses to be occupied as homes by those individuals’*. As such, it would contribute to self-build supply and benefit from an exemption from the community infrastructure levy.
163. Some representations have queried the co-housing concept and consider it would be unaffordable and only for young, able-bodied people without children. Others support this form of housing and note benefits in terms of the mix of housing and thus occupants, fostered sense of community, reduction in loneliness, increased quality of life, reduction in waste and resource sharing and reduced demand on public services.
164. The applicants consider the benefits of co-housing also include: building a dependable support network; boosting health and well-being; living more sustainably; reducing living costs; sharing resources and responsibilities; and, building and development your own home. They cite academic research and case studies supporting these assertions. Based on a survey of the 42-home co-housing scheme at Marmalade Lane, Cambridge, they consider the proposed development would have a social value in the region of £1 million.
165. Membership of this group demonstrates that there is a demand for co-housing in Norwich and there are no existing or other proposed sites within the city to meet this need. Regard must therefore be had to the NPPF paragraph 60 requirement to meet the needs of groups with specific housing requirements and support for community led and self-build housing.
166. This proposal is for C3 housing is not distinguishable in many respects from general needs market housing and is not unacceptable in principle such. However, various aspects have been designed to facilitate the more community focussed living environment the co-housing group is seeking to achieve. The extent to which this design and the benefits of meeting a demand for co-housing determines the acceptability of the development and provides any justification for restricting the permission to this form of housing only is assessed below.

## **Main Issue 2. Design**

167. Key policies and NPPF paragraphs – GNLP2 and 3, DM3, DM7, NPPF paragraphs 131-140 and GNLP NCC.20
168. The scheme has been designed with the involvement of 14 members of the co-housing group.
169. Allocation policy NCC.20 sets some objectives for the design:

- High quality locally distinct design of a scale and form to conserve and, if possible, enhance the location
- Secure an improvement in townscape
- Creation of strong built frontages
- Group buildings around an internal courtyard

## **Layout**

170. Vehicular access is proposed from Oak Street, with the primary pedestrian access to the flats on Sussex Street and private and secondary accesses along Sussex and Chatham Street. The Highway Authority have no objection to the vehicular access point and layout.
171. Historic maps and photographs show that during the nineteenth century the site was occupied by a public house and mix of housing hard up to Oak Street, with a ground floor shop at the Sussex Street junction that had a canted corner bay. Angel Yard, a court of terraced housing, was developed in the southern part of the site with a passageway from Oak Street. Two houses with small front gardens fronted Sussex Street and the eastern part of the site remained open.
172. Early twentieth century slum clearances and World War II bombing resulted in the loss of many of the historic buildings on and around the site. The Great Hall is a distinct survival. By 1994, the site was clear of historic buildings and developed for the industrial use that occupied the site until demolition after 2009.
173. The proposal sets the buildings out in a 'C' shape arrangement around the three road frontages with a garden space within. Along Oak Street the building would be marginally (0.8m) set back from the backedge of the footpath by a paved area, whereas a slightly greater set back along Sussex Street would allow some space for soft landscaping between the entrances to each ground floor unit. The Chatham Street houses would have a similar arrangement and space for bin storage at the front. Maintaining these close relationships with the street frontages is considered to achieve the objective of the site allocation policy to reinstate historic building lines and have strong built frontages to each road. On Sussex Street and Chatham Street the building lines would be forward of the nearest dwellings. This maximises the open, amenity space in a courtyard arrangement to the rear and the twentieth century Chatham Street house frontages are dominated by off-street parking so this is not a desirable layout to follow.
174. Private and communal ground floor entrances along Sussex Street and Chatham Street would create active frontages to the benefit of local amenity and safety. The Oak Street frontage would have the vehicular access and large windows openings to the communal area, but there would not be any pedestrian access to the building here so it would be relatively inactive.
175. The galleried access to the upper floors on the Sussex Street elevation, where covered but open-sided corridors give access to each flat, is a design feature that has been used extensively on flatted developments in the past to varying degrees of success. These spaces which are visible within the streetscene can attract clutter and shelter for anti-social behaviour. Access control to the communal access points should manage the latter, whilst the

sense of community and shared responsibility fostered by co-housing should deter the former.

176. Arranging the buildings in a 'C' shape around the central amenity space maximises the southern aspect and thus solar gain to the rear of the dwellings and amenity spaces. Car and cycle parking and bin storage is concentrated towards the southern boundary and does not dominate.
177. The development seeks to maximise and make the most effective use of the land available. In order to facilitate the layout, it is proposed to remove the willow tree in the southwest corner of the site.
178. Policy DM7 requires trees to be retained as an integral part of the design, except where their long-term survival would be compromised by their age or physical conditions or there are exceptional and overriding benefits in accepting their loss. Furthermore, this policy only allows for the loss of trees in Conservation Areas where either removal would enhance the survival or growth of others, or it would allow for a substantially improved overall approach to the development that would outweigh the loss of the tree.
179. The applicants have explored options to retain the willow tree. They consider that the necessity to avoid the large root protection area would result in moving the vehicular access closer to the Sussex Street junction, reducing the length of this block (and thus the active frontage) and allow views into the parking area. In total four units would be lost and the ground floors uses would need to be re-located, possibly including the parking.
180. It is clear that retaining the tree would compromise the layout of the development, the extent to which the historic building line to Oak Street could be reinstated and the number of units which it could deliver. In principle none of these are insurmountable so it must be considered whether the loss of tree is outweighed by a substantially improved overall approach to the development. To do so, the arboricultural considerations and proposed mitigation are considered in section 4 below.
181. With the exception of the loss of the willow tree, the principles of the proposed layout are considered acceptable.

## **Scale**

182. The two blocks of apartments around the Oak and Sussex Street frontages would form the bulk of the development and each would be four storeys in height.
183. Surrounding development is lower in scale, particularly the low rise, large footprint commercial and industrial buildings along Oak Street. Residential development along Sussex Street extends up to three storeys under flat and pitched roofs and there is also an historic three storey terrace at the ring road end of Oak Street. The new development under construction to the northwest rises to four storeys above the Oak Street ground level.
184. The proposed height and its relationship with heritage assets has been the subject of extensive negotiations throughout the course of the application. The height in particular initially attracted reservations from Urban Conservation and Design, Norwich Society, Historic England and in local representations. There

was some consensus between these parties that three storeys would be an appropriate maximum height and this and other suggestions to reduce the height and mass have been discussed with the applicants.

185. The applicants engaged with the Norwich Society and Historic England, as well as officers, to explore amendments to the proposal which could mitigate the impact of the four storey height. They discounted any options to remove the fourth storey as this would reduce the number of units to be provided and impact on the ability (and viability) to deliver redevelopment of the site. Setting back the top floor was also discounted due to concerns about the impact on habitability and architectural coherence.
186. Revised drawings were submitted which reduced the parapet to the flat roof, omitted a top floor canopy, introduced chimney type features to screen rooftop air source heat pumps, introduced new and altered bands of textured brickwork, increased vertical articulation, flattened the façade and introduced a new corner opening.
187. These revisions are each individually modest and do not make any substantial change to the overall four storey scale. They do, however, lighten the mass of the top storey and provide a visual break at the upper level of the two blocks. The addition of more vertical articulation, breaking up of the roof line, chimney features and alterations to brick detail all positively respond to the rhythm of the terraces along Sussex Street; an improvement to the design encouraged by Historic England and the Norwich Society
188. It is noted that a previously approved mixed use scheme on the site (09/00296/F) also had four storeys on the Oak and Sussex Street frontages and submitted drawings demonstrate that the overall height of the proposal would be marginally taller, although the bulk and mass is distributed differently between the two schemes so direct comparisons cannot be made.
189. Policy DM3(f) requires developers to demonstrate that appropriate attention has been given to the height, scale, massing and mass of new development. The original design intent was to reference the industrial buildings which historically characterised the Northern Riverside sub-area of the Conservation Area. The revisions have sought to create a more domestic character responding to the immediate residential context within the adjacent Northern City sub-area, albeit across buildings that are of a scale that reflects the larger grain historic and existing industrial and commercial development. The applicants also highlight the scale of the new development across Oak Street which the site would be seen within the context of in views north and south along the road and close to the junction on Sussex Street.
190. It is appreciated that the applicants have sought to demonstrate how the design has been informed by local references and that this has evolved in response to some collaboration with consultees. Whilst the four storey scale and substantial mass remain, the revisions are considered to have improved how this would appear within the streetscene and integrate with the residential character along Sussex Street and the wider Conservation Area. Much of the concern about the scale was about the harm this would cause to the setting of the Great Hall and character of the Conservation Area and the impact on these heritage assets in considered further below.

191. The Chatham Street houses, with two full storeys and accommodation within the roof, are of a scale that is more cohesive with the terraces and flats along Sussex Street. Within the context of the wider scheme, they serve to break up the total mass in views southwards down Sussex Street and create a transition and step down in scale as you look northwards. This is considered appropriate.
192. The ancillary workshop and cycle store buildings are considered subservient in scale and well incorporated in the overall layout.

## **Form**

193. In form, the Oak and Sussex Street blocks have a large, unbroken footprint under flat roofs. As noted above, this is more reflective of industrial/commercial buildings. The revisions have broken the roofline to reduce the mass and add interest but amendments to provide a more characteristic pitched roof were discounted due to concerns at how the roof could accommodate renewable energy sources.
194. The bulk of the Oak Street block is softened at the road junction where the wall would be curved to reference the shops known to have existed on this road junction and remaining at the Sussex Street/St Augustines Street junction. This positive reflection of the historic character is welcomed.
195. An asymmetric roof form over the Chatham Street houses adds interest and whilst this is not a traditional dual-pitched roof, it is considered a creative contemporary interpretation of the local terraces.

## **Design**

196. Considerable attention has been paid to incorporating locally distinct design details. At ground floor level, the curved corner would have a darker brick, cornice and fascia, signage and shallow recesses to define this as a distinct feature reminiscent of a shopfront.
197. Each ground floor flat on Sussex Street would have its own entrance set back with small hedged defensible space and the doorways would have arched heads. These are all strong references to positive characteristics and distinct rhythm of the terraces further along the same side of the road and also provide an active frontage to benefit of local amenity.
198. The upper floors have 'punched in' openings where the galleried access to the flats runs behind the façade. Negotiations did seek to remove this feature, however as considered in relation to layout above, it is not unacceptable and revisions have simplified the appearance. These openings also break up the four storey facades, complemented by texture details to the parapet, recesses and soldier courses across the brickwork.
199. Adding chimneys to the roofscape is considered to be an improvement of the revised design. The detailed design and materials of these shall need to be carefully considered to ensure they successfully conceal with air source heat pumps within and contribute to the lively and characterful roofscape that forms part of the special interest along Sussex Street.

200. The rear of the two blocks is differentiated in appearance and is dominated by the metal balconies and would have a pale grey/white brick. Courtyards and the rear of dwellings have traditionally had simpler detailing and different materials to principal facades. Whilst there would be some glimpsed views towards these courtyard elevations from outside the site on Chatham Street, it is not considered this less refined design approach would cause any detriment to the overall appearance of the development or surrounding area.

## **Materials**

201. The proposed palette of materials, with brick dominating, is acceptable in principle in the context of the site and wider Conservation Area. It would be appropriate for the bricks to the principal elevations be red to complement the wider area, rather than the pale grey/pink suggested in the application. The quality and success of the design will be dependant on the precise finishes used and how different brick bonds and recesses are detailed so these should all be agreed by condition.

## **Landscape**

202. The courtyard space at the centre would be largely soft landscaped providing a flowering lawn for recreation, complemented by trees within it and hedges, beds and fruit trees around the margins. Green roofs to the workshop and cycle store and a perennial planting bed along the southern boundary would soften the hard surfaced car park.

203. The street frontages would all have some degree of planting too, ranging from climbers on the very narrow Oak Street frontage and southern return and hedges to the Sussex Street and Chatham Street frontages.

204. It is considered that a balance has been struck between restoring the historic building lines and courtyard arrangement and softening and complementing the built development with new planting.

205. A fully detailed landscape scheme should be agreed by condition.

## **Summary**

206. This scheme has evolved and seeks to strike a balance between providing 34 dwellings specifically designed for co-housing and integrating with the mixed character of its surroundings. It is considered that the revisions which made throughout the process have improved how it sits in relation to the residential context, however it remains of a substantial scale and bulk that is not characteristic. The incorporation of local references and detailing is considered to represent a high quality architectural solution and it would comply with GNLP NCC.20 by reinstating historic building lines and arranging the buildings around a central courtyard. The scale and bulk does weigh against the more favourable design aspects and would impact upon heritage assets and this is assessed below. The harm resulting from the scale must also be balanced against other considerations.

## **Main Issue 3. Heritage**

207. Key policies and NPPF paragraphs – GNLP3 and 7.1.5, DM9, NPPF paragraphs 200-213.



208. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 place a statutory duty on the local authority to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. Case law (specifically *Barnwell Manor Wind Energy Ltd v East Northamptonshire DC* [2014]) has held that this means that considerable importance and weight must be given to the desirability of preserving the setting of listed buildings and conservation areas when carrying out the balancing exercise.
209. In its present condition, the site is detrimental to the character and appearance of the Conservation Area. Occupying a prominent position on the road junction, redevelopment offers significant potential to make a positive impact that enhances the surrounding area but must respect the sensitive historic context to do so.
210. The site is within the Northern Riverside character area of the City Centre Conservation Area which runs along each side of the river between Oak Street and Barrack Street. It is on the boundary with the Northern City character area that covers Sussex Street and eastwards to beyond Magdalen Street.
211. The Conservation Area Appraisal identifies the riverside area north of the ring road is lined by unattractive commercial yards and sites and bulky shed premises constructed of low quality materials. This includes the area along Oak Street west of the application site. The Appraisal does, however, note that the area is rapidly changing with new housing developments and that whilst up to the late 1990s these were generally of standard design and 2-3 storeys in scale (e.g. Key and Castle Yard southwest of the site), more recent developments have responded better to local context with traditional detailing and 3-4 storeys in scale.
212. Consistent with NCC.20, Conservation Area Appraisal Policy B2.3 seeks to reinstate the historic building line along Oak Street.
213. In contrast to the Northern Riverside, the Northern City character area is generally characterised by streets of nineteenth century housing, including Sussex Street which is identified to have positive frontages along each side. Housing courts are noted to be an essential characteristic of historic development in Norwich and prevailed in this area until the 1930s. This included Angel Yard within the application site. There are some surviving and replicated housing court examples and carriage arches in street frontages leading to courts behind are an essential characteristic. Courtyard forms, carriage arches and front boundary walls are all features encouraged by policies of the Conservation Area Appraisal.
214. Sussex Street is highlighted in the Appraisal as one of the most interesting and earlier streets of early to mid-nineteenth century housing in central Norwich and is a good surviving example of the two and three storey terraces built in response to the growth of the city during the nineteenth century. With regards scale, Conservation Area Appraisal Policies D2.2 and D3 advise the prevailing scale of traditional buildings (i.e. two to three storeys) should be respected, whilst encouraging larger scale buildings in appropriate locations where they do not negatively impact on important views of landmarks or the setting of listed buildings. Large scale redevelopment should demonstrate how

they reinstate a lost context or urban grain. Views of the City Hall clock tower from Oak Street and Castle from Chatham Street are picked out in the Appraisal as positive views.

215. Red brick is the prevailing material across Northern City housing and brickwork detailing, window and door head details are identified as positive features characteristic of this area.
216. It is clear from the Appraisal that the site sits at a junction between two distinct character areas and there is a balance to be struck with how the scheme can positively respond to this historic context and enhance the Conservation Area as a whole.
217. The design of the scheme has sought to have regard to the mixed context of the site and deliberately reflect both industrial and residential typologies. Revisions have increased the degree to which it reflects positive features of the domestic architecture along Sussex Street but the scale remains more industrial, albeit far higher than any existing surrounding development and more akin to lost or less immediate historic buildings. The applicants consider that this is a contextual design for this anchor corner site and that it is self-confident in its expression.
218. The original submission, particularly with regards the four storey scale, attracted concern and objection about how this responded to the Conservation Area and the impact on listed buildings, especially the Great Hall. Consultees agree that the revisions to the detailed design which have strengthened the reflection of positive features along Sussex Street are improvements and that there is an architectural quality to the design which weigh in its favour.
219. As well as the materials and brickwork details referencing identified characteristics of the Sussex Street housing, the layout with the buildings reinstating historic building lines and arranged around a central courtyard space which could be glimpsed through the street entrances positively draws on the historic pattern of building in this part of the city. In these respects, it achieves the aims of the site allocation and Conservation Area Appraisal policies.
220. The canted shopfront bay, subject to the detailed design to be agreed by condition, would be a welcome historic reference that would be further enhanced by signage displaying 'Angel Yard'; the name of the former yard within the site that has been adopted by the applicants for the development. Some interpretation to explain this should be incorporated and can be agreed by condition.
221. Despite improvements to the detailed design and acknowledgement of some beneficial features in the scheme, the scale, footprint and mass of the four storey blocks in relation to the surrounding heritage assets continues to be of concern. Policy NCC.20 does not make any recommendations concerning height other than requiring redevelopment of the site is of a scale which conserves and, where opportunities arise, enhances its location within the City Centre Conservation Area and nearby listed buildings. The Conservation Area Appraisal for both character areas identify that new development is often of a larger scale but that this must be considered, contextual and protect heritage assets from harm.

222. The proposed scale is considered incongruous with the more 'human scale' of surrounding terraced housing and lower height (but low quality) commercial buildings in the Conservation Area. In terms of listed buildings, the greatest impact would be on the setting of the Great Hall sited directly west across Oak Street and this requires careful attention.
223. This grade II listed fifteenth century trading hall is now in use as a dwelling. It is a traditional flint and red brick gabled building of two storeys with a pitched roof. Historic England recognise it to be rare survival of its era in this heavily modified area and is prominent amongst the relatively low-level surrounding development. As existing, the site makes no positive contribution to its setting. However, it is considered that the four storey building directly opposite it which would be seen in views north and south along Oak Street has the potential to dominate and overpower it to the detriment of its setting. The contrast in scale between the two buildings would be somewhat exacerbated by the relatively open surroundings of the Great Hall and ground levels which drop away towards the river.
224. Attempts to negotiate a reduction in scale and alteration to the form to mitigate this impact have achieved improvements to the detailed design but no amendment to the scale and form. Historic England advise this is regrettable but concede the revisions result in an overall improvement to the architectural quality that mitigates the harmful scale to some degree. More widely, they consider the development would have a distinct presence within the local townscape.
225. Harm to the locally and statutorily listed dwellings along Sussex Street is mitigated to some degree by the less direct relationship and it is considered that positive views towards city centre landmark buildings would be maintained along Oak Street and Chatham Street.
226. The loss of the willow, which is the only street fronting tree in the immediate vicinity of the site, is also considered to cause harm to the character and appearance of the Conservation Area. The proposed replacement planting, discussed below, would have some benefit to the wider Conservation Area that goes some way to mitigating this.
227. It is considered that the development, mostly by virtue of its scale and mass, would result in harm to the setting of the Great Hall, setting of locally and statutorily listed buildings along Sussex Street and both the Northern Riverside and Northern City Conservation Areas. This harm is assessed to be 'less than substantial' which, in accordance with paragraph 208 of the NPPF, must be balanced against the public benefits of the scheme.
228. The public benefits are considered to include: delivering the site allocation; contributing 34 dwellings to local housing supply; remediating and regenerating this long-term vacant and detrimental site; and, potential to stimulate and inspire further regeneration. As co-housing, the scheme would meet an identified local demand that is otherwise unmet.
229. On balance and with considerable weight given to the desirability of preserving the setting of listed buildings and the character and appearance of the Conservation Area, it is considered that the public benefits do weigh in favour of this development and the harm to heritage assets, whilst regrettable, is not unacceptable. Design details, materials and heritage interpretation shall

need to be agreed by condition to ensure that the high architectural quality is achieved and the scheme can set a benchmark for future development.

230. The majority of the site has been subject to past archaeological investigation, and it shall be necessary to ensure by condition that the additional area is also investigated.

#### **Main Issue 4. Trees**

231. Key policies and NPPF paragraphs – GNLP3, DM7, NPPF paragraphs 180 and 186.

232. As considered above, the willow tree is proposed to be felled to facilitate the layout of the development. This is the only existing tree within the application site and currently benefits from a degree of protection by virtue of its location within the Conservation Area.

233. A Tree Survey dated July 2021 recorded this as a mature weeping willow with a sizeable wound, some visible early decay and cavities. It was assessed to have a 10–20-year life expectancy and overall category C1 quality and value grade: a low retention priority that can generally be considered for removal to facilitate development.

234. Several level changes in the root protection are said to make it difficult to integrate this area into the development without detriment to the tree. This Survey recommended removal to facilitate the proposal.

235. Subsequently, an Arboricultural Supplementary Advice document was prepared which included findings of further investigations of the decay and condition. This reiterated that the remaining life expectancy if retained in its existing context, or within the proposed development, was at most 20 years. There was said to be a risk of branch failure but this could be remediated through cyclical pollarding. It noted that this would reduce the height and crown size and therefore the prominence in the streetscape.

236. The Tree Protection Officer considered the willow to be a large, vigorous specimen and noted it was the most prominent individual tree on Oak Street. This is reinforced by the Conservation Area Appraisal which identifies it as an important tree. The Landscape Officer also notes the contribution this tree makes to the streetscape and visual amenity of the area, particularly as it is the only tree of such stature along a significant length (260m) of Oak Street and forming the tallest skyline feature in views north and south along the road. It is also considered to have value by virtue of its unusual form/shape and the cultural associations of weeping willows with the river.

237. Although the defects were noted, the Tree Protection Officer considered the C1 categorisation an underestimation and B1 to be more appropriate. The tree was assessed to be of sufficient quality to warrant a tree preservation order (although one has not been served).

238. The Tree Protection Officer considered the proposed removal would harm the visual amenity Oak Street and this could not be compensated by replacement planting within the site where it would not make the same contribution to the street frontage and public views. Representations have also objected to the loss of the tree.

239. In December 2022, a works to trees in a Conservation Area application for re-pollarding to remove regrowth was submitted to the Council. This was considered to represent good arboricultural management and the approved works were completed in March 2023.
240. The application asserts that regular re-pollarding would be required for good management of the tree and that this would continuously reduce the size and its amenity value. As set out in paragraph 169 above, options to retain the tree were explored but the applicants believe they can best deliver sustainable development by removing the tree and delivering the proposed layout.
241. By way of compensation, the landscape scheme proposes three specimen trees, one smaller tree (reduced from two as one was not considered viable) and espalier apple trees (trained flat against a wall). In addition, climbing plants are proposed on the south elevation of the Oak Street block (which is in a similar position to the existing tree) and Oak Street frontage. The applicants propose to incorporate the biomass of the felled tree into the landscape by creating garden furniture and landscaping for play. Furthermore, a financial contribution to the Council for eight street trees is proposed.
242. The Tree Protection Officer remains of the opinion that loss of the willow tree would be regrettable and that the proposal for planting within the site would not mitigate its loss with regards amenity value in the street scene. The Landscape Officer is not convinced by the difficulty to incorporate the tree into the scheme and agrees the on-site trees would not make a contribution to the streetscape.
243. With regards the DM7 requirement for replacement trees to have at least equivalent biomass to those lost in exceptional circumstances, the applicants' ecologist estimates the biomass of the existing to be 1524kg and for 10 silver birch (a proxy for four new on-site and eight off-site trees) to be 1608kg after 20 years. Although these figures have not been verified and the species of off-site trees has not been determined, they suggest the combination of on- and off-site replacement trees would be adequate in this respect. Furthermore, the willow has a low ecological value, and a range of new species can offer greater interest with blossom for pollinators.
244. The Tree Officer is satisfied that the combination of on-site planting complemented with eight new trees locally could make a significant contribution to the Conservation Area. Regrettably the footpath widths are such there is no scope for new street trees within the footway. However, they have drawn up a scheme for planting within the green space at Ebenezer Place (the flats immediately north of the site) and between Bakers Road and St Martins at Oak Wall Lane. The latter in particular would contribute to greening within the Conservation Area by reinforcing existing green space along the course of the city wall. The applicants are willing to make a financial contribution to cover the cost of the Council planting eight heavy standard trees and 30 years of maintenance costs.
245. Whilst it is not considered there is an overwhelming case demonstrating the loss of the tree is necessary to allow for an improved overall approach to the design of the development and that the benefits of the proposed design and layout outweighs the loss of the tree, the applicants wish for the application to be determined as proposed. It is considered that the quality, longevity and landscape/streetscape value has been underestimated in the application and it

is regrettable that negotiations seeking to retain the tree as an integral part of the scheme have been unsuccessful.

246. However, through a combination of on- and off-site planting it is considered that the biomass and biodiversity value could be compensated for, if not enhanced. The off-site tree planting would not be immediately visible in the context of the site and therefore would not make the same contribution to the visual amenity of Oak Street and positive vista towards the city centre. Climbing plants over the Oak Street elevations would offer some greening to the development to mitigate this impact and the wider Conservation Area would benefit from the additional tree planting.

247. On balance, subject to securing details, implementation and management of the on-site planting and a financial contribution to cover the full cost of off-site planting, it is considered the loss of the willow tree can be adequately mitigated and the proposal complies with the objectives of Policy DM7 and GNLP3.

## **Main Issue 5.       Amenity**

248. Key policies and NPPF paragraphs – GNLP 2.6 and 5, DM2, DM11, NPPF paragraphs 8 and 135.

### **Future occupiers**

249. All units would achieve minimum internal space standards. To comply with Policy DM2 habitable rooms must also receive adequate natural light and outlook.

250. The flats would all be dual-aspect so receive light from different directions throughout the day and have two different aspects for outlook. The Sussex Street block would have a north facing elevation and the light to the windows here would be further reduced by the galleried access to front doors on upper levels. On the south facing elevation, the window and door openings would also be overshadowed by the balconies above, however this would provide some shading to mitigate overheating.

251. A Daylight and Sunlight Assessment has found that bedrooms (and studys) in all but one of these flats would not comply with the Building Research Establishment (BRE) guidelines for sunlight exposure (space should receive a minimum of 1.5 hours of direct sunlight on a selected date between 1 February and 21 March with cloudless conditions), but that as at least one habitable room would, each flat is acceptable in this respect overall. Some units also have one bedroom well below the 100 lux standard for daylight illuminance.

252. The Oak Street block would also have galleried access and balconies overshadowing the windows and door openings on the east and west elevations, but only one bedroom would fail the guidelines for sunlight exposure. The living/dining/kitchens in three units would have daylight illuminance below a 150 lux target which has already been reduced from 200 lux for kitchens to take account of the principal use as living rooms.

253. Whilst the balconies to the two blocks provide some benefit in terms of managing over-heating, it must be acknowledged that they compromise the light to the dwellings.

254. Proposed houses on Chatham Street would also benefit from dual-aspect living/dining/kitchen rooms and bedrooms, however one mid-terrace unit would experience daylight illuminance below standards in the living/dining/kitchen and some individual rooms would also fail to comply with sunlight exposure guidelines. Overall, each unit would achieve compliance.
255. BRE guidelines are only guidance and can be interpreted flexibly, including in more urban and higher rise locations. In this case, it is noted that the daylight illuminance and sunlight exposure to some rooms, mostly bedrooms, is compromised but it is considered that overall each unit would have access to adequate natural light and provide an acceptable standard of amenity in this respect.
256. The eastern end of the Sussex Street block would be within 4.7 metres of the rear elevation of the three closest proposed houses on Chatham Street. This is close relationship and on the first floor there would be a study window and bedroom facing each so neither would benefit from a high degree of privacy. Each of these rooms would also have windows on the Sussex Street elevation without such close overlooking. The ground level gardens and second floor terraces would also be overlooked by upper floor windows in the east end of the Sussex Street block.
257. In negotiations with the applicants, they have reinforced the point that the blend of private and shared spaces designed for social interaction are key principles of co-housing and that those opting into this lifestyle would be seeking such close relationships with neighbours.
258. In accordance with GNLP5, it is necessary to condition that at least 20% of the dwellings provide accessible and adaptable homes in accordance with Building Regulation M4(2)[1] standard.

### **External balconies and communal area**

259. All but one flat on each floor of the Oak Street block would have access to a private balcony and the Chatham Street houses each have a modest private garden and second floor terrace. The other flats would all have access to balcony/access areas which would not be divided between units. This is a particular feature of the co-housing concept to nurture the sense of sharing and community between occupiers, rather than each household living in isolation to each other. There would a lower level of privacy to external spaces and more potential for views into living spaces from external accesses than would be expected in other residential developments.
260. The gardens to the Chatham Street houses are constrained in area and those closest to the flats would have a sense of enclosure from the proximity to this four storey building. Occupiers would also have access to the more open communal garden through rear gates to each property and each house would have a second floor terrace. In the interests of retaining as much private garden space as possible, it is considered necessary and reasonable to remove permitted development rights for curtilage structures and extensions to these houses.
261. As occupiers of co-housing would be buying into the overall concept of living together more communally, the constrained size and privacy of balconies of gardens and the number and mix of people using the communal garden may

be more accepted than in general market housing. This location also has good access to other green and open spaces, including the area along Bakers Road, Gildencroft park with playground and Wensum Park.

262. Overall it is considered that each individual unit would provide a high standard of living for future occupiers from internal and external spaces. This would be complemented by the common room and other communal facilities. Whilst these have been specifically design to facilitate the lifestyle of co-housing occupiers, in principle they could equally be used for facilities to enhance the living conditions of any occupier.

## **Noise**

263. A Noise Assessment found that existing background noise would pose a low to high risk of adverse noise effects on occupiers in different parts of the site. In order to mitigate this, glazing specifications are recommended to reduce the internal noise and ventilation shall be necessary where open windows would cause significant adverse effects. Implementation of the required glazing specification and full details of the ventilation should be secured by conditions.
264. Balconies overlooking Oak Street would experience noise above the guideline level for external amenity and the design has mitigated this as far as possible. Given that occupiers would also have communal balcony space outside their homes on the rear elevation and use of the communal garden area which would not suffer such high noise levels, this is not unacceptable.
265. The noise impacts of the air source heat pumps and any other plant on future and neighbouring occupiers shall have to be considered in a detailed specification to be agreed by condition.

## **Neighbouring occupiers – loss of light and overshadowing**

266. An assessment of daylight and sunlight to neighbouring properties as a result of the proposal has also been made.
267. The analysis finds that 2 Chatham Street (on the corner with Sussex Street) would experience a reduction in daylight to the living room and dining room to just below the BRE target of 27% vertical sky component (a measure of the direct skylight reaching a point from an overcast sky) and the living room would have a negligible loss of no sky line (a measure of the distribution of daylight within a room). Overall, it would retain very good sunlight levels.
268. The Georgian terrace at 4, 6 and 8 Chatham Street and twentieth century dwelling at number 5 to the south of the site would experience minimal loss of daylight and remain above the BRE targets.
269. The six flats across Sussex Street have windows and balconies facing south and thus towards the site. The face of this building would experience a reduction in daylight but only to the extent that one window would fall below the vertical skyline 27% target (to 25.5%). There would also be a high proportional loss to the windows recessed under the balconies of up to 64%. The no skyline impact is assessed to be minimal and retained sunlight levels would be very good.



270. Any impact to the dwelling within the Great Hall is also assessed to be minimal and the closest residential gardens (other than balconies to flats) would not be unacceptably affected. It is noted the commercial properties across Oak Street would experience some loss of light and overshadowing, however not to the extent that the viability of the businesses or working conditions of occupiers could be considered to be unacceptably compromised.
271. The assessment acknowledges that neighbouring dwellings would experience a reduction in light to some rooms as a result of the up to four storey development on this site with neighbours in all directions. They consider that this is somewhat inevitable for any viable scheme on this largely undeveloped site and that the retained daylight levels are 'sufficient' for an urban location.
272. The loss of daylight to some neighbouring windows is regrettable. Those most affected are the windows recessed under balconies to the flats opposite where the amenity of the internal rooms and external space on the balconies would be adversely impacted by the development. It is noted the flats also have access to green space to the rear.
273. As the applicants' assessment notes, some impact is to be expected from any development on this vacant site immediately south of the flats and in close proximity to other dwellings. A balanced view must be taken with regard to the scale of these impacts, the allocation of the site for redevelopment and the location close to the city centre.

### **Neighbouring occupiers – loss of privacy**

274. The windows on the Sussex Street elevation towards the eastern end of the site would face towards the flats 16 metres across the road at Ebenezer Place. This is a similar distance to the existing dwellings along the road.
275. The balconies and windows to these flats face the road so do not benefit from a high degree of privacy currently. Whilst the development would reduce their privacy, including from higher level windows looking down, it is not considered this would be to an extent which is unacceptable for a flatted development in this reasonably dense area of the city.
276. On Chatham Street there would be approximately 12.5 metres to the existing dwellings on the eastern side of the road. Off-street parking occupies part of the space across the road, so only two dwellings would be directly affected and this front-to-front relationship is not unacceptable for terraces in this part of the city.
277. The closest existing terraced dwellings immediately south of the site on Chatham Street would also experience some additional overlooking from upper floor windows, balconies and terraces. The distances, angles and existing views from first floor windows along the terrace are considered to mitigate any unacceptable harm to amenity.
278. It is not considered the dwelling within the Great Hall would suffer any loss of privacy or unacceptable overlooking.

## **Neighbouring occupiers – noise and disruption**

279. Representations have raised concern about harm to amenity arising from noise and disruption from the occupation of the development. It is appreciated that there would be an intensification of activity on the site compared to its largely vacant condition in recent years. However, a residential use is likely to be less disruptive and noisy than the past industrial/commercial use and it is not considered the development would be so dense or intensively occupied that it would be harmful to residential amenity. Nor is it considered that the residential development would be disruptive to neighbouring commercial uses.

280. Noise, disruption, traffic and parking during the construction period could be harmful to residential amenity, so it is considered necessary to agree a construction management plan (including traffic and parking) by condition.

## **Summary**

281. The design of this scheme by the co-housing group has sought to create a development which could be lived in as a community with a high degree of social interaction between residents. As such, occupiers would not benefit from the degree of privacy in internal and external spaces that other private occupiers would expect and there would be a close relationship between the buildings which impinges on the amenity of some dwellings and garden space.

282. These factors weigh against the acceptability of the scheme in amenity terms, but could be mitigated by ensuring the development is only occupied as co-housing so that future occupiers would be opting into this particular way of living and would benefit, rather than suffer, from the close relationships and lower privacy.

283. Neighbouring occupiers would experience some reduction in the standard of amenity they currently enjoy by overlooking a vacant site. Redevelopment is considered to inevitably impact this to some degree and the proposal would create a proximity to other dwellings, levels of light and degrees of privacy which are not unacceptable for a reasonably dense area close to the city centre. The harm to amenity must also be considered in the context of other harm and benefits of the scheme in the overall planning balance.

284. It is therefore considered that, on balance, subject to ensuring the development is occupied as co-housing over its lifetime, the proposal is acceptable in respect of the standard of amenity and living conditions for future and neighbouring occupiers.

## **Main Issue 6. Transport**

285. Key policies and NPPF paragraphs – GNLP 2.1, DM28, DM30, DM31, NPPF paragraphs 8, 114-117.

286. Objections have raised concerns about an increase in traffic and impacts from deliveries, visitors and resident parking.

287. The Highway Authority have no objection to the proposal and it is not considered that the development would generate any significant additional traffic, especially compared to the past industrial/commercial uses. They are also satisfied with the access arrangements, subject to agreeing details for

works to the highway through a s278 small highway works agreement. The details of these works must be agreed prior to commencement and they must be completed prior to occupation.

288. A total of nine car parking spaces are proposed. Policy DM32 does allow for car free housing in this location or a maximum of one space per dwelling. The co-housing group intend to promote car sharing as part of their more community focussed living. This would facilitate efficient use and management of the nine spaces, and could be managed with a parking plan for allocation and enforcement of use of spaces agreed by condition.
289. The sustainable location for transport options close to the city centre and proposal for reduced parking complies with the objectives of GNLP2.1 and EV charging with 2.2.
290. Residents would not be eligible for on-street parking permits, so would not contribute to any existing parking congestion in the area. Along the Sussex Street frontage and elsewhere around the site there are two hour visitor spaces which should enable deliveries, visitors, *etc.* to park off-site without detriment to existing residents.
291. Each ground floor Sussex Street flat and terraced house on Chatham Street would have a cycle store at the rear garden and the communal space for the flats would have an enclosed store for 36 cycles and a further 14 spaces in Sheffield stands. This level of provision exceeds the minimum standards and is welcomed to support sustainable travel and complement the low car parking provision.
292. A bin store with sufficient capacity for the flats would be within the gated communal space and arrangements for managing collection should be agreed by condition. The Chatham Street houses would each have space for bin storage and access to the highway to leave them for collection.

## **Main Issue 7.        Energy and water efficiency**

293. Key policies and NPPF paragraphs – GNLP 2.9 and 2.10, DM1, NPPF paragraphs 8, 157.
294. A low energy approach has been taken to the design of this development and the applicants are keen to obtain Passivhaus Classic certification. It would have high levels of insulation and passive approaches to reduce overheating. Mechanical ventilation with heat recovery would also reduce the heat loads and a combination of air source heat pumps and solar panels are proposed. Co-housing with more shared resources could facilitate a community microgrid to maximise utilisation of the generated energy on site and reduce the amount exported to the grid.
295. An Energy Statement proposes that the air source heat pumps could reduce the energy requirements by approximately 25% for the heating and the solar panels by 44%. This high level of renewable/low carbon energy provision is welcomed in accordance with GNLP2.10 and the environmental sustainability objectives of the NPPF. Full details of the renewable energy equipment to achieve this should be agreed by condition.

296. With regards water, the Environment Agency have advised the development has the potential to increase abstraction from groundwater sources and that this practice can damage waterbodies designated under the Water Framework Directive and deteriorate ecological interest. They recommend the LPA considers whether the water resource needs of the development in isolation and in combination with other proposed development can be supplied sustainably without such adverse impacts.
297. As part of the GNLP process a Water Cycle Study (WCS) has been undertaken. This study has considered planned future growth and assessed water supply capacity, wastewater capacity and associated environmental capacity. In relation to water supply, the WCS states that the latest Anglian Water 'Water Resource Management Plan' indicates that through the introduction of strategic demand management options and supply side schemes adequate water supplies up to 2045 can be achieved and will cater for the proposed levels of growth in Greater Norwich.
298. In order to manage water demand, the Environment Agency recommend a 110 litres per person per day standard is applied. This is required by GNLP 2.9 so can be secured by condition. They also encourage the applicant to consider the use of rainwater harvesting and greywater systems to achieve higher efficiency and it is noted the application proposes 105 litres per person per day. This additional efficiency is welcomed but only the adopted policy requirement can reasonably be secured by condition.
299. The Environment Agency have also advised the LPA should ensure that the local Water Recycling Centre has sufficient capacity to accept foul drainage from the proposed development. Anglian Water have confirmed they are obligated to
300. The waste water drainage from this development is in the catchment of Whitlingham Trowse Water Recycling Centre which currently does not have capacity to treat the flows the development site. Anglian Water are obligated to take the necessary steps to ensure that has Centre has sufficient treatment capacity so the needs of the development will be met.

#### **Main Issue 8. Flood risk**

301. Key policies and NPPF paragraphs – GNLP 2.8, DM5, NPPF paragraphs 165-175.
302. There is no flood risk to the site itself but a low risk surface water flow path runs along Oak Street.
303. Surface water is proposed to drain to a soakaway and the detailed design of this should be agreed by condition.
304. Anglian Water have also advised that a detailed on-site foul drainage strategy for used water shall need to be conditioned to ensure the development does not add to the risk of existing infrastructure flooding downstream.

#### **Main Issue 9. Biodiversity and Green Infrastructure**

305. Key policies and NPPF paragraphs – GNLP 2.3 and 3, NPPF paragraph 8, 180, 186-188, GIRAM Strategy

306. An Ecological Assessment has found that the existing on-site habitats and features to be lost are of very low or negligible ecological significance. This includes the willow tree which, by virtue of its non-native species, lack of interest features for other species and absence of blossom for pollinators, is assessed to have very low ecological value.
307. The site is within 80 metres of the Train Wood County Wildlife Site and the existing intervening development is considered to mitigate any direct impacts.
308. The Assessment recommends that work avoids the nesting bird season or is otherwise under a watching brief and it is considered necessary to secure this by condition.
309. To enhance biodiversity, the assessment recommends providing a flowering lawn, trees that provide blossom, a range of ornamental and shrub planting, green roofs, swift boxes and house sparrow boxes. Hedgehog access in new boundary treatments is also proposed. Green roofs to the workshop and cycle stores are proposed but were not considered feasible for the main buildings.
310. A submitted landscape plan incorporates this planting into the scheme and the full details of all new planting, implementation, management, bird boxes and hedgehog gaps should be secured by condition.
311. This Ecological Assessment also incorporates an evaluation of biodiversity net gain. Since the first submission this has been updated to address queries and reflect evolving guidance on how to quantify biodiversity value.
312. As the application was submitted before 12<sup>th</sup> February 2024, it is exempt from the statutory requirements for at least 10% biodiversity net gain. Furthermore, whilst GNLP3 requires it to be demonstrated that the gain to biodiversity is a significant enhancements (of at least 10%), Planning Practice Guidance advises decision makers should not give weight to local policies requirements on development which are exempt under the statutory framework. There is, therefore, no statutory or development plan basis by which a net gain of at least 10% can be insisted upon or secured on this development. Policy DM6 and NPPF paragraph 180(d) which seek to ensure development contributes to a (unquantified) net gain in biodiversity continue to attract full weight.
313. Following some negotiation over the correct baseline to be used and the value to be attributed to new planting, the assessment does suggest that the development would deliver a net gain of 11.86%. Agreeing the full details of the landscaping and subsequent management by condition shall be necessary to ensure the development delivers net gain in compliance with DM6, NPPF 180(d) and the overall objectives of GNLP3 to enhance the natural environment.
314. GNLP3 also requires all residential development to address the potential visitor pressure on sites protected under the Habitats Regulations (in accordance with the GIRAM Strategy). It is necessary for payments of the recreational assess mitigation tariff and a contribution to enhanced off-site green infrastructure to be secured on the development to comply with this policy and strategy. This is considered further in relation to the Habitats Regulations Assessment below.

## **Main Issue 10.                      Nutrient Neutrality**

315. Key policies and NPPF paragraphs – GNLP3
316. As assessed below in relation to the Habitats Regulations Assessment, payment for credits from the Council's Water Usage Retrofitting Mitigation Scheme can secure nutrient neutrality for the development.

## **Main Issue 11.                      Contamination**

317. Key policies and NPPF paragraphs – GNLP 2.7, DM11, NPPF paragraphs 189-191.
318. A report on initial ground investigations identifies there are elevated concentrations of lead and zinc. A detailed remediation strategy shall need to be agreed by condition to ensure the site is made safe for future occupiers. The report also assesses the ground conditions and suitability of different foundation options, this will be subject to subsequent technical design. If the foundations are to be piled, the construction management plan should take account of the noise impacts.
319. An air quality assessment finds that future residents would experience acceptable air quality and the development would not introduce any new significant sources of emissions. Therefore, no mitigation measures are required.

## **Main Issue 12.                      Affordable housing**

320. Key policies and NPPF paragraphs – GNLP5, DM33, NPPF paragraphs 60, 64-66
321. In accordance with GNLP5, this development of 34 dwellings should include at least 28% affordable units (10).
322. In accordance with NPPF paragraph 66, developments like this which are proposed by people who wish to build or commission their own homes are exempt from the requirements to provide 10% of the total dwellings for affordable home ownership.
323. A viability report has been submitted and considered by officers prior to the adoption of the GNLP and under the previous Joint Core Strategy requirement for 33%. This sets out that co-housing dwellings attract a price premium and justifies the values used in the assessment accordingly. A policy compliant scheme of co-housing would result in a loss of £2.7 million (June 2022 figures, increasing to £3.5 million in August 2023). A market housing scheme (without the communal floor area, price premium CIL self-build exemption) would result in a loss of £1.2 million.
324. It is considered that the report satisfactorily demonstrates that it would not be financially viable to provide 33% affordable housing and a development of 34 units here would result in a loss. Indeed, since the initial assessment and subsequent update were submitted, the cost of other financial contributions has been confirmed so the costs of the development have only increased.

325. The applicants' intention to create an inclusive community has led to them proposing two affordable dwellings for social rent regardless of the outcome of the viability assessment. The report considers this and demonstrates that providing the two units within the co-housing proposal results in a £2 million deficit (June 2022, increasing to £2.7 million with August 2023 figures). They are committed to this aspect of the proposal and seek to secure the provision of two units for social rent for adults with learning and other disabilities with care and support commissioned by Norfolk County Council. The report also demonstrates that to provide these units within a market housing scheme would create a deficit of £792,276.

326. NPPF paragraph 58 and Policy DM33 allow for viability assessments to be taken into account when considering the application of planning obligations on a scheme. It has been satisfactorily demonstrated that the proposal could not viably deliver any on-site affordable units nor a contribution to off-site provision. The applicants' commitment to providing two units for social rent is welcomed, however as they have demonstrated this would not be viable, there is no policy basis on which this can be insisted upon or secured. A section 106 agreement should, however, include provision for re-assessment of the viability position and payment of an off-site contribution should this become viable.

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

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

<b>Requirement</b>	<b>Relevant policy</b>	<b>Compliance</b>
Cycle storage	DM31	Yes subject to condition
Car parking provision	DM31	Yes subject to condition
Refuse storage/servicing	DM31	Yes subject to condition
Energy efficiency	DM3, GNLP 2.10	Yes subject to condition
Water efficiency	GNLP 2.9	Yes subject to condition
Sustainable urban drainage	DM3, DM5, GNLP 2.8	Yes subject to condition
Technology based services	GNLP2.2	Fibre up to 1GB is available at the location and fibre to the premises is proposed to be provide to each dwelling. This should be secured by condition. All parking spaces would have EV charging and this should also be secured by condition.

### **Assessment of Impacts under the Conservation of Habitats & Species Regulations 2017 (as amended)**

#### **Nutrient Neutrality – Impact upon water quality – Broads SAC**

328. On 16 March 2022, Natural England issued new guidance to a number of Local Authorities concerning nutrient enrichment and the role local authorities must play in preventing further adverse impacts to protected wetland habitats. The importance of achieving nutrient neutrality stems from evidence that large quantities of nitrogen and phosphorous entering water systems cause

excessive growth of algae, a process called 'eutrophication.' This reduces the oxygen content of water impacting aquatic species; subsequently removing a food source for protected species.

329. The advice covered two catchments in Norfolk for the River Wensum SAC and the Broads SAC/Broadland Ramsar. The entirety of Norwich City Council's administrative area is included in the Broads catchment, with a small part in the north-west covered by the Wensum catchment.
330. Based upon the identified catchment that the development proposal falls within, there is potential adverse effect on the integrity of the Broads SAC by virtue of an increase in nitrate and phosphate loading.

### **Recreation Impact – Various Sites (see below)**

331. The Norfolk Green Infrastructure and Recreational impact Avoidance and Mitigation Strategy (GIRAMS) (2021) identifies that the level of growth outlined in the Local Plan is predicted to increase the recreational disturbance and pressure on Habitats Sites, disrupting the relevant protection objectives. The Norfolk GIRAMS establishes 'Zones of Influence' (ZOIs) representing the extent of land around Habitats Sites within which residents travel to relevant sites for recreational activities. New development that falls within any of the specified ZOIs is therefore required to mitigate against these identified resultant adverse effects.
332. Sites in Norwich City Council administrative area are within the ZOI(s) of the following Habitat Sites. There is consequently a potential adverse effect on the integrity of the Sites and an appropriate assessment of impacts is therefore necessary.
- Wash ZOI
  - The Wash SPA
  - The Wash and North Norfolk Coast SAC
  - The Wash Ramsar
  
  - Norfolk Coast ZOI
  - North Norfolk Coast SAC
  - North Norfolk Coast SPA
  - North Norfolk Coast Ramsar
  
  - Valley Fens ZOI
  - Norfolk Valley Fens SAC
  
  - East Coast ZOI
  - Winterton – Horsey Dunes SAC
  - Great Yarmouth North Denes SPA
  
  - Broads ZOI
  - Broadland SPA
  - Broadland Ramsar
  - Breydon Water SPA



## **Appropriate Assessment**

333. Due to both nutrient neutrality and recreational impact, an appropriate assessment of impacts is necessary in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended).
334. The screening has identified that the development proposal is likely to have an adverse effect on the integrity of protected Habitats sites, when considered in-combination with other housing and tourist developments. Measures are therefore needed to mitigate these negative recreational impacts.

### **Nutrient Neutrality**

335. The impacts of the proposed development will be mitigated by the purchase of credits through the Norwich City Council Water Usage Retrofitting Mitigation Scheme (NCC WURMS). This scheme has been the subject of its own HRA, which has been reviewed separately by Natural England. Natural England has advised that planning permissions may be issued that rely on the purchase of credits from NCC WURMS.
336. In order to mitigate the impacts of the proposal, credits will need to be purchased as follows:
- 78.59 x £761.83 for nitrates; and  
2.95 x £21,161.84 for phosphates.
337. A Section 106 agreement will need to be completed in order to secure the credits as set out in the plan HRA for the NCC WURMS before planning permission is granted.

## **Recreational Impact**

### **RAMS Tariff**

338. The Norfolk GIRAMS identifies a detailed programme of County-wide measures to mitigate against the adverse implications of in-combination recreational impacts on the integrity of the Habitats Sites caused by new residential development and tourist accommodation.
339. The strategy introduces a per-dwelling tariff to ensure development is compliant with the Habitats Regulations; the collected tariff will fund a combination of hard and soft mitigation measures at the designated Habitats Sites to increase their resilience to greater visitor numbers. The tariff is calculated as a proportionate sum of the full costs of the Norfolk-wide RAMS mitigation package as apportioned to the predicted growth outlined in the Local Plan.
340. This cost is identified as £210.84 per dwelling (index-linked), and per bedspace equivalents for tourist accommodation or student accommodation units, secured as a planning obligation.

## **Green Infrastructure Contribution**

341. As the RAMS tariff exists to specifically mitigate the in-combination effects of new development on protected sites, an additional Green Infrastructure

contribution is also required under the Norfolk GIRAMS to deliver mitigation at a more local level by securing adequate provision to divert residents from regular visits to Habitats Sites.

342. The Norfolk GIRAMS concludes that Green Infrastructure can be delivered through existing strategic and local measures. The level of Green Infrastructure will be provided in accordance with the Council's adopted Development Plan policies. This will be on-site or, if this is not appropriate, via a bespoke planning obligation commensurate with the scale of the development.

343. In this case, the on-site provision of private and communal open space is not considered to be sufficient in scale to meet all the informal recreational needs of future occupiers. In order to mitigate any additional pressure on sensitive protected sites, it is considered necessary for the development to contribute to the enhancement of local green infrastructure.

344. The site is well located in relation to existing green spaces and the Council's Park and Open Spaces have identified opportunities for enhancements within the Wensum Park Management Plan which the development could contribute towards. On this basis, it is considered that a financial contribution of £5500 towards enhancement of existing green infrastructure would mitigate the risk of additional visitor pressures to protected sites. It is anticipated that this contribution would contribute towards a bridge at Wensum Park.

345. It is therefore necessary for this contribution to also be secured in a section 106 agreement.

## **Conclusion**

346. Measures to address the potential adverse effects on integrity of the Broads SAC caused by increased nitrate and phosphate loading and a consequent degradation in water quality have been incorporated into the NCC WURMS through the purchase of credits.

347. Measures to address the potential adverse effects on integrity of protected Habitats Sites caused by increased recreational pressure have been incorporated into the adopted Norfolk GIRAMS. This strategy requires new development to provide twofold mitigation to be legally compliant with the Habitats Regulations: payment of the RAMS tariff and provision of Green Infrastructure relevant to the scale of the proposal.

348. Subject to these mitigation measures being secured via a planning obligation and conditions, this assessment is able to conclude no adverse effects of the development proposal on the integrity of internationally designated wildlife sites in relation to recreation.

349. Natural England have no objection to the application, subject to these mitigation measures being secured.

350. The proposed development is of a nature and scale that there are no additional implications for protected habitat sites beyond those being mitigated by NCC WURMS and Norfolk GIRAMS.

## **Equalities and diversity issues**

351. There are no equality or diversity issues.

## **S106 Obligations**

352. Norfolk County Council have confirmed that there is no requirement for specific obligations to contribute toward infrastructure as this is funded through CIL.

353. The applicants have submitted draft heads of terms to form the basis of a section 106 agreement to secure: affordable housing viability review, payment of the GIRAMS tariff, a contribution to enhanced green infrastructure, payment for nutrient neutrality mitigation credits and a contribution for mitigatory tree planting.

354. It is considered that securing these obligations are necessary to make the development acceptable in planning terms; directly related to the development; and, fairly and reasonably related in scale and kind to the development. The use of a section 106 agreement to secure these on the permission would therefore be compliant with paragraph 57 of the NPPF and regulation 122(2) of the Community Infrastructure Levy Regulations (2010).

355. Should the assessment conclude that the development is only acceptable as co-housing, it shall also be necessary for the agreement to ensure that the dwellings are occupied and the whole development is managed as co-housing for its lifetime and complies with the definition of community-led development. This does not necessarily need to be the current applicants so the wording should allow flexibility for any co-housing group to bring the scheme forward but shall need to ensure that future changes in ownership of individual units and communal spaces continues to provide co-housing.

## **Local finance considerations**

356. 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.

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

## **Human Rights Act 1998**

358. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.

## **Section 17 of the Crime and Disorder Act 1998.**

359. Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to grant planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community.

## **Planning Balance and Conclusion**

360. This application proposes redeveloping a largely vacant site and delivering the long-held site allocation for new housing. It is therefore supported in principle.

361. The objectives of the site allocation and other policies to ensure any redevelopment of this site reinstates historic building lines, has buildings arranged around a courtyard and delivers a high quality, locally distinct detail would be achieved

362. However, by providing 34 units of predominantly flats in bulky four storey blocks, the scale, density and housing mix does not directly reflect the prevailing character or local housing need and would result in some harm to heritage assets and local character. The number, type and mix of units, and thus the overall scale of the buildings, has been dictated by the particular needs of the applicants to provide a co-housing scheme for their members. In order to accommodate a viable number of units and meet the demand the group has attracted, a layout which necessitates the loss of an important tree in the Conservation Area is proposed.

363. General needs market housing on this site would deliver the public benefits of contributing 34 dwellings to local housing supply; remediating and regenerating this long-term vacant and detrimental site; and, potential to stimulate and inspire further regeneration. However, general market occupiers would be disadvantaged by the low levels of privacy, private space and close proximity of buildings which the particular design for co-housing provides. Overall, it is not considered that the development would provide an acceptable standard of amenity or living conditions for general needs market housing.

364. The NPPF provides support for housing which meets the needs of particular groups, is community-led or is self or customer built. In this case, the co-housing represents all three and these are factors which weigh in favour of the development. Furthermore, the distinct principles of co-housing which set it apart from speculative market development include the high degree of sustainability the applicants are seeking to achieve and ability to collectively manage facilities which would rely on sharing, such as the car parking, amenity spaces and common house. These positive aspects do not attract the same degree of weight and could, in principle, be delivered in a general market scheme but are less likely to.

365. The favourable aspects must be considered in the balance against the scale, harm to heritage assets, loss of tree and other adverse impacts. Given that the applicants have a demonstrable demand for co-housing for their 34 members, that this demand would not be met by any existing or forthcoming developments in the city and that they appear committed to delivering this

scheme, it is considered that allowing this development only as co-housing is both necessary to make it acceptable in planning terms and provides a benefit to the diversity of local housing supply which attracts substantial weight in favour of the proposal.

366. It is regrettable that negotiations to further reduce the harmful impacts of the scale and retain the willow tree have not been successful, however the applicants wish for the application to be determined as it stands and it is considered that the design revisions which have been made improve the architectural quality and response to heritage assets and the loss of the tree can be adequately mitigated on and off site.
367. Harm to neighbouring occupiers resulting from overshadowing, loss of light and overlooking is not unacceptable and matters including parking management, renewable energy, water efficiency, flood risk, biodiversity enhancement and contamination can be satisfactorily resolved by condition.
368. It is necessary for potential significant effects on protected habitat sites to be mitigated with contributions to nutrient neutrality and green infrastructure. An agreement to secure these also needs to secure a contribution to tree planting and make provision for viability review. Given that it is considered necessary to ensure that the dwellings are only delivered, occupied and managed as co-housing, the section 106 also needs to cover this.
369. Subject to this agreement and the conditions recommended below, 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**

370. To approve application no. 22/00762/ Land and buildings including 70-72 Sussex Street and land north side of 148 Oak Street and grant planning permission subject to the completion of a satisfactory legal agreement to include provision of co-housing, affordable housing viability review, payment of the GIRAMS tariff, a contribution to enhanced green infrastructure, payment for nutrient neutrality mitigation credits and a contribution for mitigatory tree planting and subject to the following conditions:

1. Standard time limit
2. In accordance with plans
3. Phasing plan to be agreed
4. Construction management plan, including parking
5. Archaeological written scheme of investigation
6. Detailed drawings for off-site highway improvements to be agreed
7. Nesting bird season
8. Contamination remediation
9. Air quality best practice
10. Surface water drainage strategy
11. Foul drainage strategy
12. Renewable energy provision
13. Detailed design of corner shopfront and chimney features
14. Fascia signage design
15. Material and brickwork details

16. Detailed landscape and biodiversity scheme and management plan
17. Heritage interpretation
18. Noise specification
19. Mechanical ventilation
20. Sound insulation of plant and machinery
21. Anti-vibration mountings for plant and machinery
22. Car parking management plan
23. Bin store collection arrangements
24. 20% accessible and adaptable dwellings
25. Water efficiency
26. Small mammal access
27. Unknown contamination
28. Imported material
29. Access, parking, EV charging, cycle stores to be provided prior to first occupation
30. Off-site highway improvements to be completed prior to first occupation
31. Fibre to the property provided prior to first occupation
32. Removed permitted development rights for curtilage structures and extensions to houses
33. Access gates hung to open inwards

### **Informatives**

- No parking permits for future occupiers
- Street naming and numbering
- Asbestos
- Works within public highway
- Permits required for hoardings and traffic management

**Appendices:** None

**Contact officer:** Planner

**Name:** Maria Hammond

**Telephone number:** 01603 989396

**Email address:** [mariahammond@norwich.gov.uk](mailto:mariahammond@norwich.gov.uk)



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Notes



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Client:

Angel Yard Co-Housing CIC

Project

Angel Yard

Sheet

Street Facing Elevations 1/3

Date: \_\_\_\_\_

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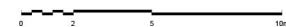
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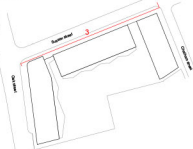
1 Sussex Street North Elevation

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Revisions	Rev	Date	By	Description	Approved
P1	18.03.22	SA		For Information	MH
P2	14.04.22	SA		For Information	MH
P3	06.05.22	SA		For Information	MH
P4	12.05.22	SA		Planning	JP
P5	30.06.23	SA		For Information	JP
P6	28.07.23	SA		Planning	JP
P7	11.08.23	SA		Planning	JP

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#### Notes



Signage font and detail to be conditioned

1. Facade materials:
  - 1.1 Pale greyed ash brick in stretcher bond.
  - 1.2 Concrete rendered above ground floor in stretcher bond.
  - 1.3 Vertical striped brick render formed with projecting cross-hatched bricks.
  - 1.4 Dark grey brick in herringbone pattern and in both ends of base of external walls.
  - 1.5 Black metal mesh cladding with vertical stone mesh.
  - 1.6 Black metal mesh cladding with vertical stone mesh.
  - 1.7 Vertical brickwork finish.
  - 1.8 Low brick boundary wall with integrated iron slates. Brick coping.
  - 1.9 Precast concrete coping with minimum 30mm overhang on both faces.
  - 1.10 Precast concrete 120mm minimum 30mm overhang. Finish to match.
  - 1.11 Brick coping to central movement joint.
  - 1.12 Low brick wall in front garden boundary.
2. Roof Materials:
  - 2.1 Flat roof.
  - 2.2 Clay tiles. Black glazed finish.
  - 2.3 Pitched roof.
3. Windows & doors:
  - 3.1 Contemporary aluminium composite windows with slim sight lines. E.g. Maxx Camel.
  - 3.2 Fabricate using UPVC finish. Minimum external window reveal from face of building of 100mm.
  - 3.3 Contemporary aluminium composite cladding. Sliding heightlights with slim sight lines. UPVC finish. Minimum external window reveal from face of building of 100mm.
  - 3.4 UPVC finish. Minimum external window reveal from face of building of 100mm.
  - 3.5 UPVC finish. Minimum external window reveal from face of building of 100mm.
  - 3.6 UPVC finish. Minimum external window reveal from face of building of 100mm.
  - 3.7 UPVC finish. Minimum external window reveal from face of building of 100mm.
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  - 3.11 UPVC finish. Minimum external window reveal from face of building of 100mm.
  - 3.12 UPVC finish. Minimum external window reveal from face of building of 100mm.
  - 3.13 UPVC finish. Minimum external window reveal from face of building of 100mm.
  - 3.14 UPVC finish. Minimum external window reveal from face of building of 100mm.
4. Balconies, walkways and archway:
  - 4.1 Metal balustrade with round stainless steel.
  - 4.2 Metal balustrade with round stainless steel.
  - 4.3 Metal balustrade with round stainless steel.
  - 4.4 Aluminium balustrade with stainless steel. UPVC finish. Concealed fixings.
  - 4.5 UPVC finish. Concealed fixings.
5. Miscellaneous:
  - 5.1 Metal M&M supply and exhaust grills and kitchen and bathroom extract grills. Metal finish in walls. UPVC finish in walls with ceiling.
  - 5.2 UPVC finish. Concealed fixings.
  - 5.3 UPVC finish. Concealed fixings.
  - 5.4 UPVC finish. Concealed fixings.
  - 5.5 UPVC finish. Concealed fixings.
  - 5.6 UPVC finish. Concealed fixings.
  - 5.7 UPVC finish. Concealed fixings.
  - 5.8 UPVC finish. Concealed fixings.
  - 5.9 UPVC finish. Concealed fixings.
  - 5.10 UPVC finish. Concealed fixings.
  - 5.11 UPVC finish. Concealed fixings.

Client

Angel Yard Co-Housing CIC

Project

Angel Yard

Sheet

Street Facing Elevations 2/3

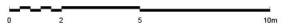
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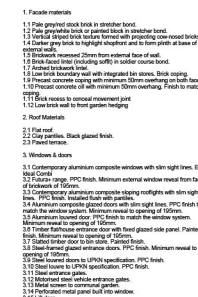
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| Project        | Angel Yard                      |             |  |
| Sheet          | Courtyard Facing Elevations 1/3 |             |  |
| Date of Origin | Project Number                  | Scale (A11) |  |
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## Notes



4. Balconies, walkways and airway
- 4.1 Metal balustrade with round stanchions.
- 4.2 Metal balustrade (perforated/mesh).
- 4.3 Steel balcony structure.
- 4.4 Aluminium bulkhead soffit cladding, PPC finish. Concealed fixings.
- 4.5 Profiled metal cladding panel/facia.

5. Miscellaneous

- 5.1 Metal MVRH supply and exhaust grills and kitchen and bathroom exhaust grills fitted flush in soffit. PPC finish to match soffit cladding.
- 5.2 Air source heat pump
- 5.3 Metal gutter.
- 5.4 Metal downpipe.
- 5.5 Metal hopper.
- 5.6 Metal overflow pipes.
- 5.7 Dry riser inlet. Stainless steel finish.
- 5.8 Integrated steel-bank-buff box faced with brick slips.
- 5.9 Metal lettering - "Red Bull" and sign - detail to be conditioned
- 5.10 Photovoltaic panels
- 5.11 Planting on brick face

Client **Angel Yard Co-Housing CIC**

Project Angel Yard

Sheet  
Courtyard Facing Elevations 2/3

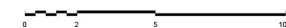
Date of Origin	Project Number	Scale (A1)
01.09.2021	593AN	1 : 100

Drawn By	Drawing Number	Rev.
Author	00_PR_204	P7

Drawing Status  
For Information

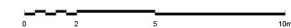
# Archio

Archio  
Unit B107 Lighthouse Studios  
80a Shacklewell Lanes  
London E2 2EB  
T 0207 183 4048 [www.archio.co.uk](http://www.archio.co.uk)





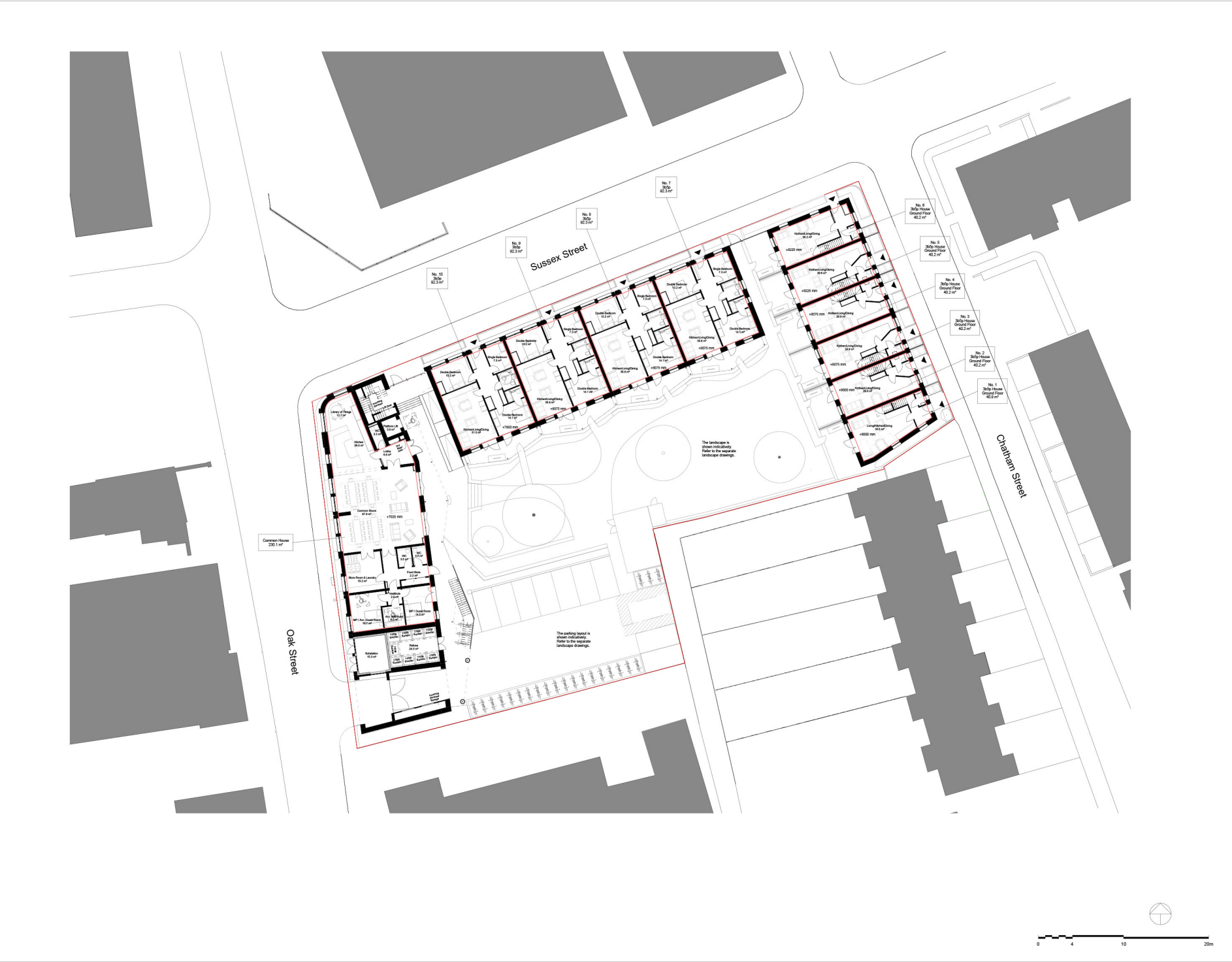
1 0207 163 4046 [www.godaddy.com](http://www.godaddy.com)



Revision	Rev	Date	By	Description	Approved
P1	17.08.21	JP		For Information	MH
P2	24.08.21	JP		For Information	MH
P3	01.09.21	SA		For Information	MH
P4	14.09.21	SA		For Information	MH
P5	12.10.21	SA		For Information	MH
P6	07.01.22	SA		For Information	MH
P7	19.01.22	SA		For Information	MH
P8	14.02.22	SA		For Information	MH
P9	26.02.22	JP		For Information	JP
P10	01.03.22	JP		For Information	MH
P11	09.03.22	JP		For Information	JP
P12	15.03.22	SA		For Information	MH
P13	14.04.22	SA		For Information	MH
P14	08.05.22	SA		For Information	MH
P15	09.05.22	SA		For Information	MH
P16	12.05.22	SA		Planning	MH
P17	30.06.23	SA		For Information	JP
P18	28.07.23	SA		Planning	JP
P19	11.08.23	SA		Planning	JP
P20	14.11.23	SA		Planning	JP

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Notes



Client	Angel Yard Co-Housing CIC		
Project	Angel Yard		
Sheet	Proposed Ground Floor Plan		
Date of Origin	Project Number	Scale (A1)	
01.09.2021	593AN	1 : 200	
Drawn By	Drawing Number	Rev.	
SA	00_PR100	P20	
Drawing Status	For Information		



Revision	Rev	Date	By	Description	Approved
P1	17.08.21	JP		For Information	MH
P2	24.08.21	JP		For Information	MH
P3	01.09.21	SA		For Information	MH
P4	14.09.21	SA		For Information	MH
P5	12.10.21	SA		For Information	MH
P6	07.01.22	SA		For Information	MH
P7	19.01.22	SA		For Information	MH
P8	14.02.22	SA		For Information	MH
P9	01.03.22	JP		For Information	MH
P10	09.03.22	JP		For Information	JP
P11	18.03.22	SA		For Information	MH
P12	14.04.22	SA		For Information	MH
P13	06.05.22	SA		For Information	MH
P14	12.05.22	SA		Planning	MH
P15	30.06.22	SA		For Information	JP
P16	28.07.22	SA		Planning	JP
P17	11.08.22	SA		Planning	JP

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Notes

Client  
Angel Yard Co-Housing CIC

Project  
Angel Yard

Sheet  
Proposed First Floor Plan

Date of Origin  
01.09.2021

Project Number  
593AN

Scale (A1)  
1 : 200

Drawn By  
SA

Drawing Number  
00\_PR101

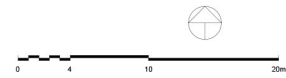
Rev.  
P17

Drawing Status  
For Information

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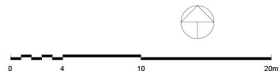


Revisions	Rev	Date	By	Description	Approved
P1	17.08.21	JP		For Information	MH
P2	24.08.21	JP		For Information	MH
P3	01.09.21	SA		For Information	MH
P4	14.09.21	SA		For Information	MH
P5	12.10.21	SA		For Information	MH
P6	07.01.22	SA		For Information	MH
P7	19.01.22	SA		For Information	MH
P8	14.02.22	SA		For Information	MH
P9	01.03.22	JP		For Information	MH
P10	09.03.22	JP		For Information	JP
P11	18.03.22	SA		For Information	MH
P12	14.04.22	SA		For Information	MH
P13	06.05.22	SA		For Information	MH
P14	12.05.22	SA		Planning	MH
P15	30.06.22	SA		For Information	JP
P16	28.07.22	SA		Planning	JP
P17	11.08.22	SA		Planning	JP

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Notes

Client	Angel Yard Co-Housing CIC
Project	Angel Yard
Sheet	Proposed Second Floor Plan
Date of Origin	01.09.2021
Project Number	593AN
Scale (A1)	1 : 200
Drawn By	SA
Drawing Number	00_PR102
Rev	P17
Drawing Status	For Information



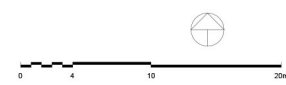


Revisions	Rev	Date	By	Description	Approved
P1	17.08.21	JP		For Information	MH
P2	24.08.21	JP		For Information	MH
P3	07.01.22	SA		For Information	MH
P4	19.01.22	SA		For Information	MH
P5	14.02.22	SA		For Information	MH
P6	01.03.22	JP		For Information	MH
P7	09.03.22	JP		For Information	JP
P8	18.03.22	SA		For Information	MH
P9	14.04.22	SA		For Information	MH
P10	06.05.22	SA		For Information	MH
P11	12.05.22	SA		Planning	MH
P12	30.06.22	SA		For Information	JP
P13	28.07.22	SA		Planning	JP
P14	11.08.22	SA		Planning	JP

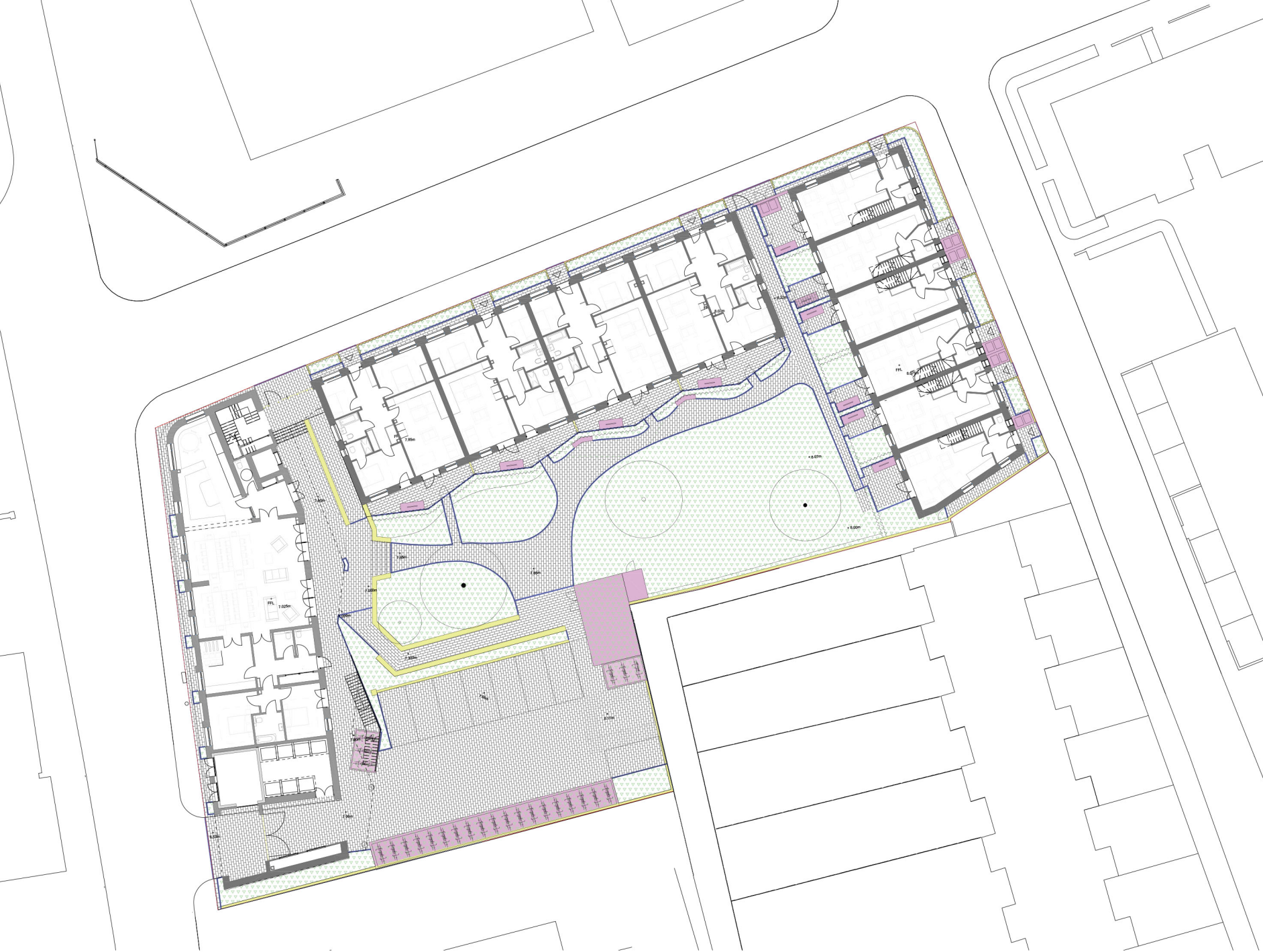
This drawing is produced for planning purposes only. Do not scale from this drawing. All figures dimensions are given in meters. Drawing to be used in conjunction with all other Architects and Consultants' drawings and specifications. This drawing is copyright.

- Revisions**
1. Zone for Solar PVs
  2. Access to headspace
  3. External access to the building
  4. New floor
  5. New Partitions
  6. New Partitions
  7. New Partitions
  8. New Partitions
  9. New Partitions
  10. Access to the building

Client	Angel Yard Co-Housing CIC
Project	Angel Yard
Sheet	Proposed Third Floor Plan
Date of Origin	01.09.2021
Project Number	593AN
Scale (A1)	1 : 200
Drawn By	SA
Drawing Number	00_PR103
Rev.	P14
Drawing Status	For Information







KEY	
	SITE BOUNDARY
	HARD LANDSCAPE Refer to 807-FH-XX-00-DP-L-201
	SOFT LANDSCAPE Refer to 807-FH-XX-00-DP-L-401
	LANDSCAPE ELEMENTS Refer to 807-FH-XX-00-DP-L-601
	KERBS AND EDGES Refer to 807-FH-XX-00-DP-L-202
	WALLS AND BOUNDARIES Refer to 807-FH-XX-00-DP-L-501

NOTES:

1. This drawing is to be read in conjunction with all relevant contract documentation from the design team, with any conflicting information to be brought to the attention of Farrer Huxley Associates in writing before commencing on site.
2. The contractor is to check and verify all levels and dimensions before construction. Any discrepancies are to be brought to the attention of Farrer Huxley Associates in writing before commencing on site.
3. All dimensions in mm, unless otherwise stated.
4. Do not scale from this drawing.
5. All sub base and concrete design and specification to engineer's details. All diagrams provided here are purely indicative.
6. Waterproofing of any element to be specified by others.
7. All proprietary products shall be installed in accordance with manufacturers written instructions.
8. Plant numbers are an indication only and plants should be ordered to suit site areas in accordance with scheduled plant densities.
9. Any proposed plant substitution shall be agreed with the landscape architect prior to ordering.

General drawing references, FHH information naming as:  
"XXX-FHA-XX-00-DP-..." for Plans  
"XXX-FHA-XX-00-DT-..." for Details  
For General Arrangement, refer to ...00's series;  
For hard landscape, refer to ...200's series;  
For levels and drainage refer to ...300's series;  
For soft landscape, refer to ...400's series;  
For lighting, refer to ...500's series

04/03/2024	04	LANDSCAPE COMMENTS	36	NF
05/08/2023	04	LANDSCAPE REVISIONS	37	NF
03/08/2022	04	UPDATES FOR FINAL SUBMISSION	38	NF
04/04/2022	04	UPDATES FOR COORDINATION	39	NF
24/04/2022	04	FINAL REVIEW	40	NF
24/04/2022	04	FOR COORDINATION	41	NF
23/04/2022	04	FOR COORDINATION	42	NF
27/04/2022	04	FOR COORDINATION	43	NF

DATE	ISSUED	DESCRIPTION OF REVISION	REVISION	APPROVED
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## FARRER HUXLEY

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DRAWING STATUS:  
**PLANNING**

CLIENT:  
SUSSEX STREET COHOUSING

PROJECT TITLE:  
ANGEL YARD

DRAWING TITLE:  
GENERAL ARRANGEMENT

1 OF 1

DRAWING SCALE: 1:150 PRINTED SIZE A1	DRAWN BY: IM CHECKED BY: NF	DRAWN DATE: 04/05/2022
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DRAWING NUMBER:  
807-FH-XX-00-DP-L-101  
REVISION:  
08



Scale 1:150

