

### **Planning applications committee**

**Date:** Thursday, 13 July 2017

**Time:** 09:30

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

#### **Committee members:**

##### **Councillors:**

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

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

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#### **Information for members of the public**

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

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

## **Agenda**

**Page nos**

**1 Apologies**

To receive apologies for absence

**2 Declarations of interest**

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

**3 Minutes**

**5 - 12**

To approve the accuracy of the minutes of the meeting held on 15 June 2017

**4 Planning applications**

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

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

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

Please note:

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

**Summary of planning applications for consideration**

**13 - 14**

	<b>Standing duties</b>	<b>15 - 16</b>
<b>4(a)</b>	<b>Application 15/01928/F St Peters Methodist Church, Park Lane, NR2 3EQ</b>	<b>17 - 58</b>
<b>4(b)</b>	<b>Application no 17/00737/F Norwich High School for Girls, 95 Newmarket Road, Norwich</b>	<b>59 - 78</b>
<b>4(c)</b>	<b>Application No 17/00357/F - St Stephens Tower, St Stephens Street, Norwich</b>	<b>79 - 110</b>
<b>4(d)</b>	<b>Enforcement Case 17/00026/ENF – 21-23 St Benedicts Street, Norwich, NR2 4PF</b>	<b>111 - 116</b>
<b>4(e)</b>	<b>Enforcement Case 17/00078/ENF - 10 Ruskin Road, Norwich</b>	<b>117 - 120</b>
<b>4(f)</b>	<b>Enforcement Case 17/00028/ENF – 2 Field View, Norwich, NR5 8AQ</b>	<b>121 - 124</b>
<b>4(g)</b>	<b>Enforcement Case ref. 17/00112/ENF – 2B Lower Goat Lane, Norwich, NR2 1EL</b>	<b>125 - 132</b>

Date of publication: **Wednesday, 05 July 2017**







**Planning applications committee**

**09:30 to 11:30**

**15 June 2017**

Present: Councillors Driver (chair), Maxwell (vice chair) (following election), Bogelein (substitute for Councillor Carlo), Bradford, Henderson, Jackson, Malik, Peek, Sands (M), Woollard and Wright

Apologies: Councillors Button and Carlo

**1. Appointment of Vice Chair**

**RESOLVED** to appoint Councillor Maxwell as vice chair for the ensuing civic year.

**2. Declarations of interest**

Councillor Malik said that he had a predetermined view in item 8 (below) Application no 17/00533/F - 101 Highland Road, Norwich, NR2 3NW as he would be speaking on behalf of the immediate neighbour. He would therefore leave the room after speaking and take no part in the determination of the application.

**3. Minutes**

**RESOLVED** to agree the accuracy of the minutes of the meeting held on 11 May 2017.

**4. Application no 17/00570/F - 1 Grasmere Close, Norwich, NR5 8LR**

The planner (development) presented the report with the aid of plans and slides. She referred to the supplementary report of updates to reports, which was circulated at the meeting, and contained an additional informative for the applicant advising of the need for separate highways consent.

During discussion the planner (development) and the planning team leader (inner area) referred to the report and answered members' questions about the concerns raised in objection to the application. Members were advised that the new dwelling would have to be occupied before a controlled parking zone was introduced for it to be eligible for parking permits and that the application should be considered on its individual merits.

Councillor Sands stated that he could not support this application because he considered the extension "dominate the landscape", inconsistent with policy and there were highways concerns.

**RESOLVED**, with 10 members voting in favour (Councillors Driver, Maxwell, Malik, Bogelein, Henderson, Jackson, Wright, Peek, Woollard and Bradford) and 1 member voting against (Councillor Sands) to approve application no. 17/00570/F - 1

Grasmere Close, Norwich, NR5 8LR and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Water - 110 litres/person/day;
4. Bat boxes required.

Informatives:

1. Property will not be entitled to on-street parking permits if it is registered for council tax after a controlled parking zone is introduced.
2. Considerate construction.
3. Street naming and numbering.
4. Works to the highway need separate highways consent.

**5. Application no 17/00640/F - Flat F and Flat G, 9 Unthank Road, Norwich, NR2 2PA**

The planner (development) presented the report with the aid of plans and slides. During the presentation she referred to the issues raised in opposition to the proposal and the officer response.

During discussion the planner (development) referred to the report and answered members' questions. Members were advised that the conservation area would not be adversely impacted by the proposal. The conversion of the building to flats did not change its appearance and the changes to landscaping were minor in the context of the wider conservation area. The committee was also assured that fire safety would be addressed under building regulations. A 45 metre hose could reach the building from Unthank Road. The planner also advised members that some of the issues raised in the consultation were not material planning considerations. The use of the property could be any within the category C3 residential use.

A member commented that he considered the conversion of the building to flats for residential use to be appropriate and that its location was unsuitable for commercial use.

**RESOLVED** with 9 members voting in favour (Councillors Driver, Maxwell, Bogelein, Henderson, Jackson, Wright, Peek, Woollard and Bradford) and 2 members abstaining (Councillors Malik and Sands) to approve application no. 17/00640/F - Flat F and Flat G 9 Unthank Road, Norwich, NR2 2PA and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Remove permitted development rights;
4. Water efficiency.

Informatives:

1. Not eligible for parking permits.
2. Street naming and numbering.

**6. Application no 17/00700/F - 202 Thorpe Road, Norwich, NR1 1TJ**

The planner (development) presented the report with the aid of plans and slides. During the presentation the committee noted that residents of Ranson Road had expressed concern about noise from the air conditioning units. The applicant would be required to submit details of plant and machinery so that it could be assessed for noise prior to installation.

**RESOLVED** unanimously, to approve application no. 17/00700/F - 202 Thorpe Road Norwich NR1 1TJ and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Submission of plant and machinery details prior to installation.

**7. Application no 17/00432/F - 19 Mile End Road, Norwich, NR4 7QX**

The planner (development) presented the report with the aid of plans and slides. She referred to the supplementary report of updates to reports which was circulated at the meeting and set out amendments to the original report and the removal of the proposed condition 4, relating to the fenestration within dormer window to be constructed of timber.

During discussion the planner referred to the report and answered members' questions. In reply to a question from Councillor Wright, the planner explained how the assessment of loss of light to the neighbouring property was made in accordance with BRE guidelines for daylight and sunlight. The plans had been revised to alleviate the concerns raised by the neighbour that the extension would result in loss of light and outlook. The neighbour had not withdrawn their objections and it was noted had specific concerns due to a visual impairment. Members were also advised that building regulations addressed the issues of ground movement and disruption of drains.

**RESOLVED**, with 9 members voting in favour (Councillors Driver, Maxwell, Malik, Bogelein, Henderson, Jackson, Peek, Woollard and Bradford), 1 member voting against (Councillor Wright) and 1 member abstaining (Councillor Sands) to approve application no. 17/00432/F - 19 Mile End Road Norwich NR4 7QX and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Conservation style roof lights;
4. Water butts and permeable paving, where necessary, to be used on site.

## Informatives

1. Site clearance should have due regard to minimise impact on wildlife.

### Article 35(2) statement

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

## 8. Application no 17/00533/F - 101 Highland Road, Norwich, NR2 3NW

(Councillor Malik having declared a pre-determined view spoke on behalf of a resident and then left the room.)

The planning team leader (inner area) presented the report with the aid of plans and slides. He explained that this was a retrospective application and had the extension been 25 cm shorter it would have been allowed under permitted development rights.

Councillor Malik, as local member for Nelson Ward, spoke on behalf of the resident of 103 Highland Road and outlined her objections to the extension. The resident was concerned about the manner that the extension had been erected, which exceeded permitted development rights, and that it had resulted to loss of light to her property. The encroachment over the boundary into her property was a civil matter and had caused the neighbour stress, especially if she were to pursue it through the civil courts. He considered that the extension had resulted in loss of light to 103 and that such development should not be sanctioned.

(Councillor Malik left the meeting at this point.)

During discussion the planning team leader referred to the report and answered members' questions. Members sought clarification about the extent of the permitted development rights; that the boundary issues were a civil matter, and the sanctions open to the committee if it were minded to refuse the retrospective application. The committee was advised that the applicant could be required to amend the "application" by reducing the extension by 25 cm so that it fell within permitted development rights. The committee would need, at a later stage, to consider enforcement action if the applicant did not comply with a decision to refuse the application.

Discussion ensued in which members expressed concern that the neighbour had no opportunity to comment on the extension before it was constructed and the fact that it extended beyond permitted development rights increased the neighbour's loss of amenity and light. Councillor Sands moved and Councillor Woollard seconded that the application be refused on the grounds that the extension and its overbearing nature caused loss of light and amenity to the neighbouring property at 103 Highland Road. On being put to the vote it was:

**RESOLVED** with 7 members voting in favour (Councillors Sands, Woollard, Maxwell, Bogelein, Henderson, Peek and Wright), 2 members voting against (Councillors

Driver and Bradford) and 1 member abstaining (Councillor Jackson) to refuse application no. 17/00533/F - 101 Highland Road Norwich NR2 3NW, on the grounds of loss of amenity and light to the neighbouring property and ask the head of planning services to provide the reasons for refusal in planning terms.

(Reasons for refusal as provided subsequently by the head of planning services: The proposed development by way of its scale would result in overbearing impacts and loss of light to the neighbouring property. This would result in an unacceptable standard of amenity for the neighbours. The development would therefore be contrary to Policy 2 of the Joint Core Strategy for Broadland, Norwich and South Norfolk 2011 (amended 2014), Policy DM2 of the Development Management Policies Local Plan 2014 and paragraphs 9, 17 and section 7 of the NPPF.)

(The committee had a short adjournment at this point. The meeting reconvened with all members as listed present and Councillor Malik be readmitted to the meeting.)

#### **9. Application no 17/00497/F - 3 Lusher Rise, Norwich, NR6 5ED**

The planning team leader (inner area) presented the report with the aid of plans and slides. During the presentation he referred to the consultation responses and concern from the residents at the adjoining property, 1 Lusher Rise. The committee noted a typographical error in the first sentence of paragraph 22 of the report where the word “not” had been omitted and should be inserted between “will” and “occur”.

A member commented that this would be a small house in multiple-occupation.

**RESOLVED**, with 10 members voting in favour (Councillors Driver, Maxwell, Malik, Bogelein, Henderson, Jackson, Wright, Peek, Woollard and Bradford) and 1 member voting against to approve application no. 17/00497/F - 3 Lusher Rise, Norwich, NR6 5ED and grant planning permission subject to the following conditions:

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

#### **Article 32(5) Statement**

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

#### **10. Application no 17/00584/F - 475 Unthank Road, Norwich, NR4 7QN**

The planning team leader (inner area) presented the report with the aid of plans and slides. During the presentation he explained the planning history and the changes that had been made as part of this retrospective planning application.

During discussion members sought clarification from the slides on the appearance of the extension and raised ridge height from the street and in the context of the adjacent property.

**RESOLVED** unanimously to approve application no. 17/00584/F - 475 Unthank Road Norwich NR4 7QN and grant planning permission subject to the following conditions:

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

**11. Application no 17/00143/F - 14 Cotman Road, Norwich, NR1 4AF**

The planner (development) presented the report with the aid of plans and slides. As the resident of no 8 Cotman Road was unable to attend the meeting, he highlighted her objections to the proposal which were addressed in the report and explained the conditions to mitigate the loss of trees and the plans.

**RESOLVED** unanimously, to approve application no. 17/00143/F - 14 Cotman Road Norwich NR1 4AF and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. In accordance with Arboricultural Method Statement
4. In accordance with mitigating planting scheme

**12. Application no 17/00315/VC - Unit 3 Ropemakers Row, Mile Cross, Norwich**

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

During discussion the planning team leader referred to the report and answered members' questions. Members discussed the continuing use of the unit for a dance studio and the implications of an early morning start (07:00), loss of a commercial unit and concerns about parking. The committee welcomed that the applicant would need to provide a travel plan.

**RESOLVED**, unanimously, to approve application no. 17/00315/VC - Unit 3 Ropemakers Row Mile Cross Norwich Norfolk and grant planning permission subject to the following conditions:

1. In accordance with plans;
2. Building to be used as a gym or dance studio and for no other purpose including other uses within class D2 or changes of use permitted under permitted development rights.
3. Implementation of travel plan.
4. Details of improved cycle storage and bin storage.
5. Restriction on hours of opening to between 07.00-22.30 hours

**Article 32(5) Statement**

The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan,

national planning policy and other material considerations and has approved the application subject to appropriate conditions and for the reasons outlined above.

**13. Application no 17/00371/F - 68 Christchurch Road, Norwich, NR2 3NF**

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

During discussion the senior planner commented about access to the site during construction through the rear of the site.

**RESOLVED**, with 9 members voting in favour (Councillors Driver, Maxwell, Malik, Bogelein, Henderson, Jackson, Wright, Peek and Bradford) and 2 members voting against (Councillor Sands and Woollard) to approve application no. 17/00371/F - 68 Christchurch Road Norwich NR2 3NF and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Detailed scheme to manage surface water drainage including an assessment of the potential for disposing of water via a sustainable drainage system.
4. Scheme for replacement street tree;
5. Landscape scheme to include details of cycle/refuse storage
6. Development to be carried out in accordance with the approved arboricultural information;
7. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in colour, form, texture and bond those used in the existing building.
8. Water efficiency.

CHAIR





# Summary of planning applications for consideration

## ITEM 4

13 July 2017

Item No	Application no	Location	Case Officer	Proposal	Reason for consideration at committee	Recommendation
4(a)	15/01928/F	St. Peter's Methodist Church, Park Lane	Kian Saedi	Demolition of modern extensions and conversion to provide 20 residential units (class C3).	Objections	Refusal
4(b)	17/00737/F	Norwich High School for Girls, 95 Newmarket Road	Joy Brown	Reconfiguration works to improve access arrangements, internal traffic circulation and pupil safety.	Objections	Approval
4(c)	17/00357/F	St Stephen's Towers, St Stephen's Street	David Parkin	Redevelopment of St Stephens Tower for student accommodation with vertical extensions, demolition of ancillary structures to facilitate a new link building and landscaping.	Significant application	Approval
4(d)	17/00026/ENF	21-23 St Benedict's Street, NR2 4PF	Sam Walker	Installation of extraction system, not in accordance with approved scheme, environmental impact on neighbouring residents.	To request approval for enforcement action to be taken	Allow Enforcement Action
4(e)	17/00078/ENF	10 Ruskin Road	Robert Webb	Construction of extension without planning permission	To request approval for enforcement action to be taken	Authorise enforcement action.
4(f)	17/00028/ENF	2 Fieldview	Robert Webb	Conversion of building to seven bedroom HMO and use of garage as independent office unit without planning	To request approval for enforcement	Authorise enforcement action.

Item No	Application no	Location	Case Officer	Proposal	Reason for consideration at committee	Recommendation
				permission.	action to be taken	
4(g)	17/00112/ENF	2B Lower Goat Lane	Robert Webb	Conversion of second floor to C4 HMO, not in accordance with approved plans.	To request approval for enforcement action to be taken	Authorise enforcement action

## **STANDING DUTIES**

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

### **Equality Act 2010**

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

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

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

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

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

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

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

### **Crime and Disorder Act, 1998 (S17)**

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

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

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

### **Natural Environment & Rural Communities Act 2006 (S40)**

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

### **Planning Act 2008 (S183)**

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

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

#### ***Article 8 – Right to Respect for Private and Family Life***

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

**Report to** Planning applications committee  
13 July 2017

**Item**

**Report of** Head of planning services

**Subject** Application no 15/01928/F - St Peters Methodist Church,  
Park Lane, Norwich, NR2 3EQ

**Reason for referral** Objection and application history. The proposal was presented to members on 22 September 2016, but deferred for the following reason:  
“to allow members to digest the information circulated at the meeting and for further information to be provided in response to the issues raised by the Lead Local Flood Authority (LLFA) (Norfolk Council) regarding the applicant’s flood risk assessment and in late representations from local members and residents regarding the viability assessment provided by the applicant.”

4(a)

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

Development proposal		
Demolition of modern extensions and conversion to provide 20 residential units (class C3).		
Representations		
Object	Comment	Support
172	0	0

Main issues	Key considerations
1 Principle of development	Principle of residential conversion, loss of community facility, lack of five year housing land supply.
2 Design/heritage	Impact on character of the conservation area, impact on the locally listed heritage asset, scale, form, massing and appearance.
3 Transport	Accessibility of site (suitability of low car development), impact on car parking, traffic, highway safety, cycle parking, servicing.
4 Amenity	Daylighting/overshadowing, overlooking/loss of privacy, outlook, noise/smell/activity disturbances, overbearing, internal space standards, provision of external amenity space.
5 Affordable Housing	Delivery of affordable housing/commuted sum in lieu in accordance with JCS4.
5 Flooding/drainage	Flood risk to future occupants, impact of the proposal upon surface water drainage, impact on foul sewerage network
<b>Expiry date</b>	21 July 2017
<b>Recommendation</b>	Refusal



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Planning Application No 15/01928/F  
 Site Address St Peter's Methodist Church,  
 Park Lane

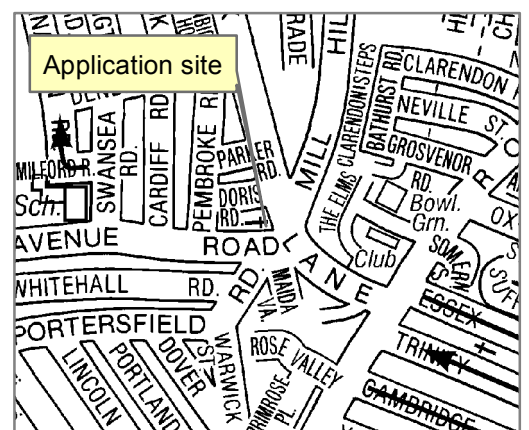
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**NORWICH**  
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PLANNING SERVICES

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## The site and surroundings

1. Park Lane Methodist Church is a prominent and locally listed building within the Heigham Grove conservation area. Originally there was an older Wesleyan chapel on the site which now forms the Methodist church hall. Part of the site also features the Boy's Brigade building which was built around or just after the first Methodist church.

2. The local listing is as follows:

"1939. Buff brick with brown brick detail to windows. Designed by local architect Cecil Yelf in a simple but monumental style.

*Importance: Important community and landmark corner building in a style evocative of its time."*

3. The main Methodist church building is typical of the interwar 1930's style. Brown brick features heavily along with strong horizontal and vertical lines. Geometric shapes heavily influence the design. The windows are leaded with brick mullions and reveals. Some stained glass also features which is reputedly by either Webb or Skeat. The glass is of high quality and depicts Christ flanked by St Peter and St John. The rest of the materials which feature within the church are largely of a high quality including the organ cover screen which feature fine fretwork cut into the timber.
4. The adjacent church hall was formerly a Wesleyan Chapel and was built by Edward Boardman in 1894. It was completely refaced with modern buff brick in the 1960's. Some of the original brickwork can still be seen at lower levels along with elements of the rear façade. The Boys Brigade building shares some features with similar detailing to the original chapel.
5. Several later additions have been added to the building including a mid to late 20th century flat roof extension to the rear of the hall and also to the front. A linking extension and new entrance was built during the 1990's which linked the Methodist Church to the Church hall.
6. The surrounding area is characterised by late 19th century terraced properties along with later early 20th century development to the south and south west. There is some street planting on the surrounding streets and significant views. It is located within sub area 'H' as identified within the Conservation Area Appraisal which is largely made up of medium size buildings. The main Methodist church is identified as a significant local landmark and there are positive views to be had down Park Lane from Unthank Road in which the chapel building features prominently in.
7. Pedestrian access to the site is currently provided at the main entrance on the eastern boundary, of Park Lane, and also at the southwest corner of the site, from Avenue Road, near the entrance with the Boys Brigade building. Pedestrian access is also provided from the rear yard at the north-west corner of the site.
8. The buildings are separated from the street frontage by landscaping along the Avenue Road frontage of the site and by car parking between the public footpath on the Park Lane frontage.

9. There is a significant change in levels across the site with the external ground levels dropping a full-storey height from east to west.

## Constraints

10. Heigham Grove Conservation Area, locally listed building, critical drainage area and parts of the site identified at risk of surface water flooding.

## Relevant planning history

- 11.

Ref	Proposal	Decision	Date
4/1989/0886	Infill of yard area at front of church.	Approved	30/11/1989

## The proposal

12. The application seeks permission to demolish the modern extensions to the building, erect a two-storey extension to the existing two-storey flat-roofed extension at the rear of the church hall building and associated external alterations to facilitate the conversion to create 20 units of accommodation.

13. The proposed conversion would lead to the creation of the following size of units:

One-bed flats x 6

Two-bed flats/maisonettes x 6

Three-bed flats/maisonettes x 6

Two-bed house (Boys Brigade) x 1

Four-bed flat/maisonette x 1

## Summary information

Proposal	Key facts
<b>Scale</b>	
Total no. of dwellings	20
No. of affordable dwellings	It has been determined that the scheme can viably deliver affordable housing at a policy compliant level. This equates to seven affordable units on-site or a commuted sum of £507,000 towards off-site provision. The applicant has provided evidence demonstrating that there is no interest from registered providers for the take-up of affordable housing on-site and the council would therefore accept a commuted sum in lieu. It is recommended to approve the



Proposal	Key facts
	application subject to the applicant entering into a Section 106 agreement securing a commuted sum towards off-site provision of affordable housing. This matter is discussed in more detail under Main Issue 5.
Total floorspace	1,853 square metres
No. of storeys	Church Hall and Methodist Church (four-storeys), Boys Brigade (1.5-storey)
Density	132 dwellings per ha.
<b>Appearance</b>	
Materials	Re-use of existing from demolition where possible, zinc standing seam cladding to new extensions, existing slate tiles to be re-used during re-roofing of all three buildings.
Energy and resource efficiency measures	PV panels on south facing roof of church hall building, heat recovery ventilation, upgrade of fabric of building to improve thermal efficiency.
<b>Transport matters</b>	
Vehicular access	As existing
No of car parking spaces	11
No of cycle parking spaces	34
Servicing arrangements	Mixture of communal and private refuse storage points. Management company to be responsible for putting out and bringing in communal bins for collection.

## Representations

14. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 172 letters of representation have been received citing the issues as summarised in the table below. All representations are available to view in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Issues raised	Response
The premises have only been marketed for a short period of time	Main issue 1

Issues raised	Response
Loss of community use	Main issue 1
High density development is out of character with the surrounding area	Main issue 2
The use of zinc cladding is out of character with the conservation area	Main issue 2
Poor design/out of character with the conservation area	Main issue 2
Out of scale development	Main issue 2
The extension at the rear will give rise to a large, tall and bulky mass, which will increase the bulk and massing of the building to an unacceptable degree and will appear as a bulky and incongruous mass from the surrounding area	Main issue 2
"This building is only a landmark building due to its community value and not architectural merit"	Noted Main issue 2
No provision for the elderly and disabled	The application had previously sought to design three of the lower ground floor units as suitable for disabled users. However, in response to the objections raised by the LLFA and the need to provide means of safe refuge at levels above the flood risk, these units are no longer suitable for disabled users. Given the restrictions on the building and value in bringing it back into viable use, the lack of disabled provision is considered to be acceptable in this instance, though regrettable.
Poor surveillance of the amenity space between the church hall and church building	Main issue 2
Absence of lifts within the buildings	Main issue 2
Inadequate car parking (contrary to national parking guidelines), which will increase parking pressures in the surrounding area	Main issue 3
Increased traffic	Main issue 3
Parking spaces are too small/cars will	Main issue 3

Issues raised	Response
overhang the pavement	
The cycleway will be compromised	It is not considered that the proposal will compromise the cycle way in any way
Inadequate refuse storage	Main issue 3
Inadequate cycle storage	Main issue 3
If the proposal is approved the council should consider 24hr parking for residents in the area	Main issue 3
Describing the development as car free is misleading. There are plenty of neighbouring streets where residents would be able to park without restriction	Noted
The existing CPZ restrictions will do little to deter parking	Main issue 3
Loss of privacy/overlooking	Main issue 4
Noise disturbance (especially from terraces, communal refuse storage, cycle stores and access paths adjacent to neighbouring properties)	Main issue 4
Sense of intrusion resulting from activity of people using shared accesses adjacent to neighbouring property	Main issue 4
Poor outlook from several of the flats	Main issue 4
Loss of light/overshadowing to neighbouring properties	Main issue 3
'Right to Light' – A neighbouring property has objected on grounds of loss of light and states that they are exercising their 'right to light' under the Prescription Act 1832	<p>The 'right to light' constitutes a private matter between neighbouring landowners and cannot therefore be considered as a material planning issue.</p> <p>The daylight and sunlight impacts of the proposal are material planning issues and are considered under Main Issue 3.</p>
The engineering consultant responsible for the daylight study did not visit neighbouring properties to take measurements nor did they conduct a daylight distribution test.	Please refer to response 14 outlined in the engineer's 'Responses to queries raised by daylight/sunlight report' supporting statement

<b>Issues raised</b>	<b>Response</b>
Lack of outdoor amenity space for future residents	Main issue 4
Inadequate internal living space for future occupants	Main issue 4
Disturbance and disruption from construction	Main issue 4
Over dominant/overbearing development	Main issue 4
Poor daylighting to new flats	Main issue 4
Smell disturbance (especially from communal refuse storage)	Main issue 4
Overcrowded form of development	Main issue 4
Lack of green space	<p>Main issue 4 – ‘amenity of future occupants’</p> <p>Please also refer to landscaping section of ‘Compliance with other relevant development plan policies’ section of report</p>
Lack of affordable housing	Main issue 5
Increased pressure on local resources/services	Main issue 1. Surrounding resources/services are plentiful and adequate to support 20 additional dwellings
Questionable as to whether there would be a demand for the units once constructed	There is an identified shortage in housing supply in the city area and the proposal would contribute to housing stock in accordance with JCS4
Concern over who will purchase the flats once constructed (could become buy to let)/concern about the development becoming unsupervised student accommodation)	The application states that the dwellings are not intended for buy to let, but rather ‘buy to live’. There is of course no control that the council can exert over who purchases the properties or who an owner may rent to in the future.
Uncertainty over how units will be managed	The application sets out a management strategy for servicing refuse collection which is considered satisfactory. A management company will be employed with responsibility for a number of duties outlined in Section 12 of the Design and Access Statement

Issues raised	Response
The developers have not been able to provide assurance that they will adequately provide for repair or compensation for damage to surrounding buildings caused by the construction process	The Party Wall Act will apply and any damage caused during the construction process would amount to a civil matter and cannot be considered materially in the planning assessment of the proposal
Harm to surrounding property values	Not a material planning consideration
The applicant (Interesting Building Company) is new and inexperienced with no track record for designing, building or managing such a complex project	Not a material planning consideration
Errors/inaccuracies in the daylighting study	Main issue 4 and please refer to the engineer's 'Responses to queries raised by daylight/sunlight report' supporting statement
The forecasts in the flood risk report are not true and do not give a true reflection of the storm conditions and back flow which is happening in the area	Main Issue 6  Anglian Water have stated that the sewerage system at present has available capacity to accommodate the proposed development
Increased risk of surface water flooding in the surrounding area	Main Issue 6
The applicant has not demonstrated whether existing infrastructure is adequate to handle increased pressure on sewage/waste disposal. The combined sewer in Earlham Road is undersized, and to approve further redevelopment will make this vulnerable area more widespread to soil water flooding/the existing sewage system is already running over capacity	Main Issue 6  Anglian Water have stated that the sewerage system at present has available capacity to accommodate the proposed development.

## Consultation responses

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

### Design and Conservation

16. "The modifications to the front of the church hall will be an improvement and will enhance what is an otherwise blank façade clad with modern brickwork and a modern extension that does little to respond to the street scene or the surrounding

conservation area. The modifications will also take note from the previous historic planform and features. Therefore these modifications will be in line in terms of the NPPF paragraph 131;

“In determining planning applications, local planning authorities should take account of: the desirability of new development making a positive contribution to local character and distinctiveness”.

And also paragraph 137;

“Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.”

17. There will be an element of less than substantial harm to the undesignated heritage asset as a result of the works and the subdivision of the internal spaces. However converting the building and providing it with a long term viable use will ensure that the assets are retained along with the contribution they make to the surrounding conservation area. Retaining the contribution that the assets make to the conservation area along with enhancement through improved design will provide benefits to the surrounding area and therefore benefit the general public. As demonstrated by the NPPF paragraphs 134 and 135;

“Sometimes harm is necessary to enable change of use of the asset to its optimum viable use. The optimum viable use is either the sole viable use of the asset or, if there is more than one viable use, the use most consistent with its ongoing conservation. Enabling such a change of use can be a public benefit that outweighs the harm done.”

18. While its optimum use would be one that the building was originally intended for this has shown not to be viable and after a lengthy marketing exercise no alternate community use for the buildings could be found.
19. Sufficient recording should be undertaken of the buildings before the development commences due to the extent of the works and the way the works will impact on the internal space of the church buildings.”

### **Norwich Society**

20. We note the public comments, especially with concerns regarding parking and over-looking. Whilst the Committee understands that the site buildings need to be developed, the proposed apartments are too "packed" and the project would benefit from a reduction in the property numbers.

### **Environmental Protection**

21. “There is no history of contaminative uses on the site – informatives recommended in the event that any contaminants are discovered during construction.
22. It is likely that the facades of the residential units will be subject to high levels of road traffic noise. There are many reflective surfaces on this relatively busy junction, and combined with the gradient, will exacerbate the impact of traffic noise

– condition is recommended for sound insulation to take place to habitable rooms fronting Park Lane and Avenue Road in accordance with a scheme to be agreed by the council.”

23. Informative suggested to minimise nuisance from the demolition/construction phase.

### **Highways (local)**

24. “The proposed development makes effective use of the buildings and site, the location is in close proximity to the Unthank Road local centre which has excellent bus accessibility to the UEA and city centre.
25. As new residential development in the controlled parking zone, none of the properties would be entitled to on street parking permits. Therefore this development will be a low-car scheme, with a fixed number of parking spaces for residents.
26. The surrounding CPZ operates Mon to Sat 8am to 6.30pm, parking is unrestricted outside of these hours. There is the risk that some residents with vehicles but without a parking space will wish to park locally. It is considered that the operational hours of the CPZ make this practice inconvenient, and the risk of off-site parking is relatively low compared to the number of parking spaces overall available in the locality. Should a resident wish to park a vehicle, garages are available to rent from the city council nearby at Suffolk Square.
27. A new vehicle access is proposed in the former Boys Brigade building facing Avenue Road, this is acceptable in principle. The guard railing may be removed (if it has not already been removed) and a dropped kerb installed and footway strengthened to our specification.
28. The provision for cycle parking meets Local Plan requirements. The provision for refuse and recycling storage is being assessed by City wide services. A presentation area near to Avenue Road would be advisable, rather than leaving bins on the footway which can be a hazard and obstruction.
29. No objection on highway / transportation grounds subject to agreement of detailed matters by condition.”

### **Landscape**

30. Landscape comments are supportive of the proposals but a landscaping condition is recommended.

### **Norfolk Historic Environment Service**

31. No objection. A photographic survey of the site is required prior to development taking place and a full set of relevant plans should be submitted to the HES. Planning permission to be conditioned accordingly.

### **Norfolk Police (architectural liaison)**

32. Several design recommendations are made on the interests of improving security of the site.

## **Natural areas officer**

33. "As survey work has revealed that parts of this building complex are being used by roosting bats, it is essential that the comprehensive mitigation measures outlined in Section 9 of the ecology report are implemented. I would also support the provision of bat boxes to further enhance the value of the complex for roosting. Although the survey evidence points to this roost being used by a relatively small number of individual bats, if the neighbourhood's bat population density is low then this roost may be of local importance"
34. It is also recommended that any lights being installed externally should be 'bat friendly' with minimal spillage, that bird nesting boxes could be installed on the building and that any landscaping scheme should include for plants of wildlife value. The landscaping condition shall encapsulate these recommendations.

## **Private Sector Housing**

35. Two comments made with respect to fire escape and ventilation.
36. Recommendations are made for unit C5 in terms of improving fire escape although the current arrangements are considered to be acceptable.
37. In terms of ventilation, the lack of opening windows in several of the south facing units on the church building is highlighted as a potential hazard – The applicant has confirmed that where ventilation is not possible through an open window then there will be a requirement for mechanical ventilation. A condition will be added to any consent requiring a scheme to be submitted for the windows to habitable rooms fronting Avenue Road and Park Lane to ensure adequate noise protection from the road and also the requirement (where necessary) for acoustic vents (passive or forced) to enable ventilation without having to open windows.

## **Tree Protection Officer**

38. No objections to the proposed development. "I am happy to see the application approved with a condition ensuring compliance with the submitted, revised, AIA".

## **Anglian Water**

39. No objections are raised in response to the proposal. The sewerage system at present has sufficient capacity to accommodate the proposed development.
40. A condition is recommended to ensure that "no hardstanding is constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority".

## **Lead Local Flood Authority (LLFA) (Norfolk County Council)**

41. Norfolk County Council submitted an objection against the proposal on the 21<sup>st</sup> September 2016 as set out below:

"We object to this planning application in the absence of an acceptable Flood Risk Assessment (FRA) / Drainage Strategy relating to:



- The development changing vulnerability categories from less (a community building) to More Vulnerable (Housing) is at risk of flooding from surface water which has not fully been assessed.
- National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) has not been followed to show how the most vulnerable elements of the development has been placed in areas of lowest flood risk on the site.

Reason:

To prevent flooding in accordance with National Planning Policy Framework paragraph 103 by ensuring the satisfactory management of local sources of flood risk and ensure there is no adverse impact from flooding on the development (and is safe for its lifetime) or an increased risk of flooding elsewhere.”

42. The LLFA stated that it would consider reviewing the objection if a site specific assessment of surface water flooding was produced that informed mitigation and included a review of all mitigation strategies including avoidance.
43. A site specific FRA was subsequently undertaken and Norfolk County Council submitted additional comments on the 22<sup>nd</sup> May 2017. The LLFA recognise the mitigation measures that have now been set out in the FRA as well as the changes to the layout of the development which have meant that all living units affected by surface water flooding have now been provided with a means of egress or safe refuge at a level above the flood risk. However, the LLFA have maintained their objection to the proposal because they consider it is more appropriate to avoid the flood risk altogether.
44. In the event that planning permission is granted, the LLFA have recommended a condition to ensure the safety of occupants for the lifetime of the development and a suitable surface water drainage design.

#### **Senior Development Officer (Norwich City Council)**

45. Comments provided relating to the viability assessment.

## **Assessment of planning considerations**

### **Relevant development plan policies**

46. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
  - JCS1 Addressing climate change and protecting environmental assets
  - JCS2 Promoting good design
  - JCS3 Energy and water
  - JCS4 Housing delivery
  - JCS5 The economy
  - JCS6 Access and transportation
  - JCS7 Supporting communities
  - JCS11 Norwich city centre
  - JCS12 The remainder of the Norwich urban area including the fringe parishes

- JCS20 Implementation

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

- DM1 Achieving and delivering sustainable development
- DM2 Ensuring satisfactory living and working conditions
- DM3 Delivering high quality design
- DM4 Providing for renewable and low carbon energy
- DM5 Planning effectively for flood resilience
- DM6 Protecting and enhancing the natural environment
- DM7 Trees and development
- DM9 Safeguarding Norwich's heritage
- DM11 Protecting against environmental hazards
- DM12 Ensuring well-planned housing development
- DM13 Communal development and multiple occupation
- DM28 Encouraging sustainable travel
- DM30 Access and highway safety
- DM31 Car parking and servicing
- DM32 Encouraging car free and low car housing
- DM33 Planning obligations and development viability

**Other material considerations**

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

- NPPF0 Achieving sustainable development
- NPPF1 Building a strong, competitive economy
- NPPF4 Promoting sustainable transport
- NPPF6 Delivering a wide choice of high quality homes
- NPPF7 Requiring good design
- NPPF8 Promoting healthy communities
- NPPF10 Meeting the challenge of climate change, flooding and coastal change
- NPPF11 Conserving and enhancing the natural environment
- NPPF12 Conserving and enhancing the historic environment

**49. Planning Practice Guidance (March 2014)**

**50. Supplementary Planning Documents (SPD)**

- Affordable housing SPD adopted March 2015
- Trees, development and landscape SPD adopted June 2016

**Case Assessment**

- 51.** Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant development plan policies are detailed above. Material considerations include policies in the National Planning Framework (NPPF), the Councils standing duties, other policy documents and guidance detailed above and any other matters referred to specifically in the assessment below. The following

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

## **Main issue 1: Principle of development**

### **Principle of new residential development:**

52. Key policies and NPPF paragraphs – DM12 and DM13, JCS4 and NPPF paragraphs 49 and 14.
53. Paragraph 50 of the NPPF supports delivery of a wide choice of quality homes, and policies JCS4 and DM12 support new housing which will help to meet housing needs in the city. The site is located within an established residential area, with regular bus services located nearby, and is adjacent to the Unthank Road local retail centre and within walking distance from the city centre. Future residents would be well supported by a wide range of local services and facilities available in the adjacent Unthank Road local centre and in the city centre which is within walking distance of the site. Additionally, the proposal delivers a good mix of units ranging between one to four bed properties.
54. New residential development at the site is therefore acceptable in principle, subject to other material planning considerations and policy requirements discussed later in this report.

### **Principle of loss of community use:**

55. Key policies and NPPF paragraphs – DM22 and NPPF paragraph 70.
56. Services at the Methodist Church ceased in December 2013. The application states that congregation numbers had fallen to the 30s and a regular congregation of around 200 was required to make the use viable. It is also understood that a substantial amount of money would be required to bring the building into a condition suitable for public use as a community facility.
57. As such, the continued operation of St Peter's as a Methodist Church was considered to be non-viable. The congregation of St Peters was merged with the congregation at the nearby United Reform Church at Jessop Road and the application identifies that other Methodist churches exist in the nearby area, which ensure adequate alternative provision.
58. The property was extensively marketed as a church premises/community hall with potential for a range of alternative uses for a period of nine months before the offer from the applicant was accepted. The level of marketing is considered adequate and satisfies the 'meaningful period' cited in the supporting text of policy DM22 of the *local plan*.
59. The application includes a statement provided by the chartered surveyor responsible for marketing the property and whilst interest was received over the marketing period, only two other offers were received, one of which was substantially below the valuation price and the other (business-based) bid was accepted, but subsequently fell through due to finance not being secured. The lack of interest is attributed to the high associated costs of bringing the building into a state which would have been insurable and fit for public use, along with the annual

maintenance funds. The high costs would also most likely be unaffordable for any community use.

60. The marketing evidence submitted with the application is comprehensive and sufficiently justifies the loss of the community use with regards to the policy requirements of DM22.

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

61. Key policies and NPPF paragraphs – JCS2, DM3, DM9, NPPF paragraphs 9, 17, 56, 60-66, 128-141.
62. The site is located within the Heigham Grove conservation area and features the church and church hall building. The church is locally listed and prominently located at the junction with Avenue Road, Portersfield Road and Park Lane. In all new development there is a need to ensure a high quality design and where locally identified heritage assets are affected by development there is a need to retain their significance wherever reasonably possible. In addition it is important for any new development to preserve, enhance or better reveal the significance of the heritage asset and character/appearance of the area.
63. The main Methodist church is identified as an important landmark within the Heigham Grove conservation area appraisal with glimpsed views from the approach from Unthank Road. It is therefore important for any development to retain the significance of the heritage assets on the site in preserving the character of the surrounding conservation area.
64. The local listing cites both stylistic and community attributes of the Methodist Church building. While the loss of the community use will indeed be regrettable, the application justifies the loss of the community use and adequately demonstrates that the original use is no longer viable. The principle of converting the buildings is considered to be acceptable and conversion to residential likely to be one that secures the optimum viable use of the buildings, which would help to ensure its longer term conservation leading into the future. The conversion of the buildings involves the subdivision of key spaces, but this is unavoidable given the nature of the layout and the size and scale of the buildings.
65. The main external works involve the demolition of the later front extension to the church hall and link building between the church hall and Methodist Church. It is proposed to construct a zinc-clad porch at the front and a two-storey extension at the rear above the existing two-storey flat roofed structure, which is also to be clad in zinc. The application states that the scheme has been designed to maintain the essential character and appearance of the buildings and their setting.
66. The works carry the potential to greatly improve the appearance of the church hall building on the Park Lane frontage by revealing the brickwork of the original Boardman building if found to be in good condition. The porch itself takes reference from the original porch of the Boardman building and would replace what is largely a blank and unattractive gable frontage which does nothing to contribute to the character and appearance of the site and surrounding area. The new windows to be installed on the front of the church hall reflect a historic laced arch and have been configured to create symmetry and a formal façade that properly addresses the street frontage. The use of zinc as a contemporary facing material is considered

acceptable and details could be conditioned to ensure an appropriate specification. The works to the front of the church hall are therefore considered to be acceptable and would enhance the character of the surrounding conservation area.

67. The extension at the rear of the church hall largely continues the profile of the existing church hall roof which is welcomed in terms of enabling the new development to better assimilate with the church hall building. The ridge of the extension is set at a lower height than the main church hall building, enabling it to sit subserviently to the main building. The extension would be clad in zinc and the buff brick used for the existing extension will also be clad in zinc to provide coherence in the elevation. The use of a high quality modern material in this context is considered to be acceptable and would provide legibility between the old and new. The scale, form and massing of the rear extension is therefore considered acceptable in design terms. The amenity impacts of the extension are considered later in this report.
68. Externally, the Methodist Church building remains largely untouched with the exception of the parapet walls/balustrading associated with the external terraces and the window alteration/installation works. The glazing of the existing windows is a key element of the facades of the building and their replacement, whilst necessary to facilitate the conversion, is regrettable in terms of the impact upon the appearance of the building. The relocation of part of the existing stained glass from the south elevation to a new window serving the west facing stairwell is however welcomed in preserving the character of the church. Details of new windows and a method statement for the relocation of the existing stained glass window would be conditioned as part of any planning permission.
69. Brick parapets have been added to the external terraces to reduce the amount of glazing in key elevations and to retain the sense of the building as ecclesiastical. The current design strikes an acceptable balance between functionality and preserving the historic character of the church.
70. It is understood that much of the front porch will need to be rebuilt due to structural instability. The detail of how this will be achieved along with a structural report confirming that the porch needs to be taken down will be secured by condition.
71. The Boys Brigade building will be converted to a single dwelling and will involve the removal of part of the rear bay, installation of roof lights and the addition of a first floor terrace at the rear of the building facing onto Doris Road. Otherwise, externally, the building retains its existing character and appearance. The existing section of timber fencing leading to the rear service lane between Avenue Road and Doris Road is to be landscaped to continue the original brick pillar/railings of the site on the Avenue Road frontage.
72. The application proposes several measures for ensuring historical interpretation at the site which will contribute positively toward preserving the historical significance of the site. In addition to better revealing the original façade of the Boardman building, the application also proposes to integrate and display several artefacts within the new development. These include WW1 and WW2 memorial plaques formerly displayed within the main church, foundations and decorative stonework and decorative wooden fretwork panels forming part of the pipe chamber for the organ. A scheme for heritage interpretation would be secured by condition.

73. The scheme also provides an opportunity to respond more positively to the street scene along Park Lane through appropriate landscaping. This area currently provides car parking for staff and visitors to the site. The continued use of the area for parking is proposed, with soft and hard landscape works to better demarcate parking spaces and improve the appearance of the site. A detailed landscaping scheme would be secured by condition to ensure the works are completed to an acceptable standard.
74. The residential scheme is of high density, but as described above this is not considered to come at significant detriment to the historic character of the surrounding area.
75. In summary, it is considered that there would be an element of less than substantial harm to the undesignated heritage asset as a result of the external works, subdivision of the internal spaces and loss of the community use. However, converting the building and providing it with a long term viable use will ensure that the assets are retained along with the contribution they make to the surrounding conservation area
76. Securing a viable future for the building, combined with the potential for enhancements to better reveal the historic fabric of the building and the addition of 20 units of accommodation to the city's housing stock would provide benefits to the surrounding area as well as public benefits which are considered to outweigh any harm to the heritage assets.
77. Given the limited space available and the nature of the application involving the conversion of a historic building, it is not considered reasonable to expect lifts to be incorporated into the scheme, nor is it necessary under the Building Regulations.
78. The application states that 'secured by design' principles will be followed in the implementation of the scheme and private areas are to be gated to define the boundary between public and private spaces. The communal amenity spaces within the development benefit from a good level of natural surveillance afforded by the windows to the flats.

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

79. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF paragraphs 17 and 39.
80. It is clear from objections received that parking capacity at the site and the potential impact of the proposal on parking availability, traffic and highway safety in the surrounding area, represents a significant area of concern of local residents.
81. The application states that the site currently provides for seven car parking spaces although it is understood there is opportunity for more to park informally along the Park Lane frontage. The application proposes 11 car parking spaces with the additional capacity gained from the demolition of the modern extension to the church hall building which has provided greater depth behind the footpath along the Park Lane frontage, but otherwise the scheme essentially retains the existing car parking arrangement at the site.
82. The parking spaces fall just below the recommended minimum space standards outlined in the *local plan* but provide sufficient space to prevent cars from projecting

into the footway. Given the lack of scope for any suitable alternative and the fact that the proposal effectively retains the existing car parking area, this slight shortfall is considered to be acceptable.

83. The site is highly accessible, located adjacent to a local retail centre, within walking distance of the city centre and ~220 metres from high frequency bus stops serving the wider area. The site is also located within a controlled parking zone (CPZ), benefits from proximity to several car club spaces in the surrounding area as well being on the Pink Pedalway for cyclists. The availability of car club spaces in the surrounding area could be promoted to prospective residents by the developer as part of the travel plan and parking management strategy to be agreed by condition. Further guidance on this matter is provided by informative later in the report. Future occupiers would therefore be fully aware of car parking availability and would be well placed to decide whether the accommodation is suitable for them.
84. The accessibility of the site and proximity to local services and facilities make it appropriate for car free housing in accordance with policy DM32 of the *local plan*. The level of car parking proposed accords with the minimum and maximum parking standards as set out in Appendix 3 of the *local plan*. Several contributors have cited what are said to be national parking standards, bringing attention to the proposals' shortcoming in meeting the standards. It is understood that the standards pertain to those issued by the Northern Ireland Government. No such standards are stipulated by the National Planning Framework relevant to English authorities and the Norwich *local plan* has primacy for the purposes of assessment in this instance.
85. The surrounding CPZ operates Monday to Saturday (8am – 6:30pm), with parking unrestricted outside of these hours. There is a risk that some residents may own a car without the benefit of on-site parking, but to fit around the parking restrictions would lead to an inconvenient scenario for any user. The new residential units will not be eligible to receive on-street parking permits.
86. The issue of whether the council should consider issuing 24 hour parking permits in the event that planning permission is granted has been raised but this matter is not in the control of the Planning Applications Committee. However the highway officer has stated that the existing parking restrictions are considered to be adequate to protect parking in the surrounding area.
87. Given the highly sustainable location of the site, existing parking restrictions and suitability for car-free development it is not envisaged that the proposal would lead to significantly adverse impacts upon car parking availability in the surrounding area.
88. In terms of impact upon traffic flows to and from the site, it is important to note that under the current lawful use, both properties could be used by another faith or community based group, which would carry much higher traffic levels (and parking demand at peak times) than the proposed use. The associated traffic impacts of the proposed use would be comparatively low and would not result in significant highway impacts to the surrounding area.
89. In terms of highway safety, the junction of Park Lane and Avenue Road adjacent to the site does not have any inherent accident problem and given that the proposed use would only marginally increase on-site parking provision from that existing, the

proposal is very unlikely to present any significant harm to highway safety. The junction is already protected by a speed table and 20mph speed limit.

90. The application proposes 34 cycle parking spaces which is satisfactory. Final specifications would be secured by condition to ensure that cycle parking facilities are secure and covered and fit for purpose.
91. The application sets out various locations around the site where communal refuse stores would be located. The stores provide adequate storage space to satisfy council standards for this size of development and where bin stores are not located within five metres of the highway, arrangements would be made with a management company for bins to be presented for collection and returned to their normal locations. It is noted that the storage location on the Park Lane frontage offers tight passage to the street. Details of the refuse storage would be conditioned to ensure that the store is designed appropriately to ensure ease of collection.
92. The application indicates that bins will be brought to the entrance to the site with Avenue Road but will not be stored on the highway where they might otherwise present an obstacle for pedestrians. Planning permission could be conditioned for compliance with the management strategy highlighted under section 7.13 and 12 of the Design and Access Statement.

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

93. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
94. The character of the area surrounding the site is urban and densely populated with several properties located in close proximity, especially adjacent to the north and west boundaries of the site. The proposal therefore needs to be considered carefully with respect both to its impact upon the amenity of neighbouring properties and also with regard to the amenity of future occupiers of the proposed dwellings.

#### **Impact on neighbouring amenity**

##### **Overlooking/loss of privacy**

95. Although the buildings already exist on site, the proposal introduces additional floors and new rooms behind the windows. Several new windows are also proposed to facilitate the conversion as well as those pertaining to the additional two-storey extension at the rear. Consequently, the opportunity for overlooking is greater than it is at present.
96. The clearest opportunity for overlooking to neighbouring properties occurs from the upper floors of the church hall looking north onto 79 Park Lane and from the side and rear windows of the two-storey extension looking onto the rear gardens of properties along Doris Road and Avenue Road.
97. The application includes a plan of the north elevation of the church hall/extension which shows how overlooking from this aspect would be mitigated. Any upper floor windows which carry the potential for overlooking to neighbouring properties are to be fitted with obscure glazing. The lower set of roof lights at second floor level relate to a void over the floor beneath where there would be no opportunity for outward views. The upper set of roof lights are high level and are pitched away and



further in from the boundary with the neighbouring property and any opportunity for overlooking is minimal.

98. Understanding the impact of overlooking from the west facing windows of the church hall extension is a little more complex, but the application proposes several measures to ensure that any impact is minimised.
99. All windows on the west elevation of the extension are to be recessed and the method of construction is illustrated on page 14 of the Design and Access Statement. Recessing the windows in the proposed manner would have the effect of reducing the field of view to surrounding properties. The bottom strip of the first and second floor windows of those windows on the extension not sitting directly behind the boys brigade are to be installed with obscure glazing, further reducing the opportunity for overlooking. Windows at first floor level of the extension are not full height and a single central window is proposed to serve the top floor bedroom.
100. Members will be shown a 3D satellite image of the existing west elevation of the building to give a better idea of the impact of overlooking from the proposed development. Whilst the proposal would result in an increased impact of overlooking from the west elevation, it is considered that the severity of overlooking has been adequately mitigated through a combination of factors including the following:
  - The presence of the external wall of the boys brigade building which partly impedes views from three of the first floor windows over the rear garden of 1 Avenue Road;
  - The orientation of the development where views to the rear gardens of Doris Road are oblique;
  - The recessed design of all windows on the west elevation which reduces the field of view to surrounding properties;
  - The use of obscure glazing to bottom strips of several upper ground floor windows and first floor windows not being full height.

The opportunity for overlooking is greatest from the upper two floors of the extension looking over the rear gardens of properties located along Avenue Road. Whilst this would result in some degree of harm to the amenity of neighbouring properties, the level of harm is not considered to be significant, especially when considered against the existing context of a tight-knit urban environment where overlooking to rear gardens already occurs from upper floor windows of properties onto opposing or neighbouring rear gardens. The distance between the windows of the west elevation of the extension onto the rear gardens of Avenue Road is not dissimilar to the distances relevant to the existing incidence of overlooking between neighbouring properties.

101. Planning permission could be conditioned to require a scheme for all windows to include details of the type of glazing to be used, depth of window recesses on west facing windows on the two-storey extension as well as opening configurations. This would allow the local planning authority to further control any opportunity for overlooking as well as ensuring the satisfactory appearance of fenestration.

102. The proposal also incorporates external terraces to the rear of the boys' brigade and on the upper floor of the church building. The floor level of the boys' brigade terrace has been set at 1.7 metres below the level of the top of the obscure glazed balustrade to prevent overlooking to adjacent windows in the proposed development as well as to neighbouring properties to the rear. Terraces on the Avenue Road frontage are also fitted with obscure glazed balustrading above a brick parapet and are separated from the nearest residential property on Avenue Road by ~20 metres. This combination of distance and use of obscure glazing are sufficient in avoiding any harm from overlooking to the surrounding area.

### **Loss of light/overshadowing**

103. A daylight/sunlight assessment was requested to establish the extent to which neighbouring properties would be affected by the two-storey extension and extension of the roof at the rear of the church hall. The report has been produced by a consultant engineer and has been based upon guidance and methodologies detailed in the 2011 Building Research Establishment's (BRE) Publication 'Site Layout Planning for Daylight and Sunlight' ("the BRE Guide"), and whilst reference to them isn't mandatory, the standards are widely relied upon by local authorities as a useful instrument for assessing daylight and sunlight impacts.
104. The daylight/sunlight report is very detailed and members may wish to read the document prior to the committee meeting to gain an understanding of the scope of the study, the methodologies used and the associated impacts of the development and how they correspond to the BRE standards. The daylighting engineer has also compiled a response to some of the objections received with respect of the daylighting/sunlight results which may also be referred to.
105. The study models two 'options'; option one being that of the original submission involving a larger rear extension and a vertical wall extension to house the communal stairwell and option two where the rear extension has been reduced in scale with part of the church hall roof extended over the communal stairwell. Members are referred to pages 5 and 6 of the daylighting/sunlight report where 3D images are provided illustrating the differences between the existing built form, the first submission and the current scheme (referred to as option 2 in the report).
106. Part of the study uses the Vertical Sky Component (VSC) calculation to measure the amount of skylight reaching affected windows. The calculation represents the percentage of an unobstructed view that is available from a window, with the view always taken from the centre of a window. In practice this means that if a window were to have a totally unobstructed view of the sky looking in a single direction (taking account only of the built environment), then the maximum (best) possible value would be just under 40%. The BRE guide says that 27% represents a value signifying adequate levels of natural daylight and that where levels are below 27%, any reduction caused by development should be kept to a minimum and should not be less than 0.8 times its former value.
107. Appendix A shows the results of the VSC calculations and highlights those windows where the existing VSC is lower than the 27% baseline BRE figure. The study shows that the proposed development (option 2) will not result in any windows falling below 0.8 times their former VSC value. All assessed windows therefore meet the BRE standards in terms of the VSC.

108. The second part of the study looks at direct light from the sun and uses Annual Probable Sunlight Hours (APSH) to examine whether a window will receive enough sunlight to satisfy BRE standards. The BRE guide recommends that main habitable rooms should receive at least 25% of the APSH and at least 5% of the APSH should be received during the period between 21<sup>st</sup> September and 21<sup>st</sup> March.
109. The BRE guide explains that sunlight availability may be adversely affected if the centre of the affected window:
- receives less than 25% of annual probable sunlight hours, or less than 5% of annual probable sunlight hours between 21<sup>st</sup> September and 21<sup>st</sup> March and;
  - receives less than 0.8 times its former sunlight hours during either period and;
  - the overall annual loss is greater than 4% of APSH
110. The results of the APSH study are presented in Appendix B of the study. The results show that although the development will result in a loss of direct sunlight to windows in neighbouring properties, none of the windows included in the study fail all three BRE criteria. By BRE standards therefore, the proposed development would not have a significantly harmful impact upon the direct sunlight reaching neighbouring properties.
111. Of the individual criteria that are breached it is also relevant to consider what rooms the breaches relate to. Windows 2 and 4 of 79 Park Lane experience a total 4.15% and 6.45% overall loss of APSH respectively. Window 8 receives a reduction factor of 32.06% in winter months. The site was visited to determine what rooms the windows relate to. Window 2 relates to a wet room, window 4 relates to a hallway and window 8 relates to a study/office. Whilst the 32.06% reduction in APSH in winter months may appear a large impact, the reduction is from an existing 2.09% of APSH to 1.42%, so the difference will not be noticed to a significant degree and the impact does not relate to a main habitable window.
112. The same can be said for window 21 at 6 Doris Road which experiences a 41.12% winter reduction in APSH but this is from an existing 1.07% to 0.63%. Windows 22 and 23 will experience an annual reduction in APSH of 4.30% and 5.15% respectively. All three windows relate to a narrow kitchen room.
113. Access was not gained to visit 10 Doris Road where window 41 receives an annual reduction in APSH of 4.12%. As with all other windows in the study however, the window does not fail all three BRE criteria and by BRE standards will therefore receive adequate sunlight post development.
114. An overshadowing study is also included within Appendix C of the report and will be shown to members during the committee presentation. The study shows that the proposed development will result in a minor increase in overshadowing to the rear gardens of 6 and 8 Doris Road and 79 Park Lane, but not to any degree which will significantly harm living conditions.
115. Several contributors reference inaccuracies and errors within the daylight/sunlight study. The engineer who produced the report has provided a response to these queries and this document is included in the application. The response is accepted and the study results are considered satisfactory for enabling an accurate assessment of the daylight/sunlight impacts of the proposal to be properly

understood. The response is attached to the case as a supporting planning statement and members are advised to read the document in conjunction with the main report and with regard to the issues raised in representation to the case.

### **Noise/smell/activity disturbances**

116. Whilst the proposed residential development is of high density, this is not considered likely to result in significant noise disturbances to the surrounding area. Indeed, the numbers of people on site at any one time would likely be considerably less than under the current lawful use of the site.
117. External terraces are proposed for the church building on the upper floors. The north facing terraces are buffered by the church hall building and would not therefore carry any implications for neighbouring properties in this direction. The south facing terraces are separated from opposing dwellings by landscaping, Avenue Road and a distance of ~20 metres. These factors are considered adequate to ensure that neighbouring properties would not be adversely affected by activity taking place on external terraces. Any impact of activity on the boys' brigade terrace is considered no more harmful than the many existing rear gardens of surrounding properties.
118. The proposal had included an external terrace at the boundary with 79 Park Lane. This has now been removed from the scheme following amenity concerns raised during the assessment of the application.
119. One of the communal access points to the church hall is provided beside the boundary to 79 Park Lane and concern has been raised that the use of the passage by residents as well as use of the adjacent cycle store and refuse would be detrimental to the amenities of the surrounding area. Whilst the use of the passage would lead to increased activity adjacent to 79 Park Lane, the level of potential activity is not considered to be significantly harmful and there is also an ability to access the building centrally between the church hall and church building. There is also scope for landscape improvements at the boundary with 79 Park Lane which would assist in strengthening the separation between the two sites. This detail would be included within the landscape condition to be added to any planning permission.
120. The refuse bins and cycle stores are located in positions that avoid any adverse impact on neighbouring properties.
121. Conditions could be added to any permission restricting construction times and requiring a construction method statement to minimise any disturbances resulting from the construction process. The applicant would also be advised to sign up to a Considerate Constructors Scheme.

### **Overbearing/over-dominant building**

122. The two-storey rear extension would sit above the existing two-storey flat roofed extension at the rear of the building and fits within the roof profile of the church hall. The roof pitch of part the church hall is also being extended in order to house the communal stairwell.
123. Plans show that the two-storey extension is set in by three metres with its roof pitching away from neighbouring properties. This is considered sufficient to avoid

any loss of outlook to neighbouring properties or significant harm from a sense of overbearing. The extended church hall roof is pitched away from the boundary and does not increase the height of the development immediately on the boundary with 79 Park Lane. Such is the height and pitch of the roof that its impact upon 79 Park Lane is not considered to be significant.

### **Amenity of future occupants**

124. The new units would provide future occupiers with the opportunity to reside within an historic building in a highly accessible part of city with good access to local facilities and services. Whilst the majority of units do satisfy national minimum internal space standards and provide generously sized living units, three units in the Church Hall building fall short of satisfying national spaces standards. Two of these units fall only marginally short by 2 sq.metres and the remaining unit (CH10), falls short by 7 sq.metres. Given that the shortfall applies to only three units, and bearing in mind the constraints posed by the conversion of an historic building, the scheme is acceptable as a whole.
125. The site offers very little opportunity to provide outdoor amenity space for future occupants and it is considered that every reasonable effort has been taken to maximise the provision of external amenity space whilst respecting neighbouring properties and the heritage value of the site.
126. External terraces are delivered on six of the upper floor units of the church building and one on the boys' brigade building. The units where external terraces are provided are generally the larger units that are more likely to be occupied by a family. Communal amenity spaces are provided within the site although these are of limited size and outlook. Landscaping details would be secured to maximise the quality of these spaces. The site is also located within walking distance to Heigham Park and Chapelfield Gardens, which provide high quality public outdoor spaces available for use by future residents.
127. The nature of the layout of the site means that several of the units would have a limited outlook, such is the presence of surrounding buildings. Whilst less than ideal, future occupants would be aware of the outlook before moving in and regard is had to the fact the site is within a built-up area. Furthermore, the limited outlook from these units must be balanced with the benefits associated with living in a development of unusual character where living conditions are otherwise of a high standard.
128. The main habitable rooms in the development are well served by windows to ensure an adequate standard of daylighting.

### **Main issue 5: Affordable housing viability**

129. Key policies and NPPF paragraphs – JCS4, DM33, NPPF paragraph 50.
130. The proposal is for the creation of 20 residential units and Joint Core Strategy policy 4 is therefore applicable, as is the revised Affordable Housing SPD (August 2015). The policy seeks to secure 33% affordable housing on schemes involving the creation of 16 dwellings or more, unless it can be demonstrated that the delivery of affordable housing is unviable in prevailing market conditions.

131. Viability information has been submitted and assessed independently by the District Valuation Service (DVS) who offer property consultancy services for the public sector. Since the submission of the application, the DVS has reviewed the viability of the scheme twice, most recently to ensure an up-to-date assessment based upon current market values and Building Cost Information Service (BCIS) cost figures.
132. The assessments calculate a Benchmark Land Value (BLV) for the development at £800,000, which captures the agreed purchase value of the site and the associated overage clause subject to planning permission being granted for residential development.
133. In their first assessment, the DVS final assessment stated that a scheme providing 33% on-site affordable housing, CIL contributions and a developer's profit level of 20%, would be unviable against the BLV. However, the scheme was found to be viable with an affordable housing contribution of £93,755. Following this calculation the applicant submitted additional information to the DVS and asked that they look again at build duration/anticipated sales receipts, cost of finance and land value/overage. Accepting some of the points raised by the applicant, viability was re-assessed and both the DVS and officers concluded that the scheme could deliver a commuted sum of £84,107 contributing to off-site provision.
134. Due to the time that has elapsed since the previous viability assessment (15 months), viability has been reassessed in order to reflect current market conditions. The updated viability assessment also responds to representations made against the application by "the other parties", which are discussed in detail within the final report from the DVS. The updated assessment reveals a significant uplift in market values since the initial report. The DVS conclude that following their research and re-assessment, they are now "of the opinion that a scheme with 33% affordable housing, CIL contributions of £37,826 and a profit level of 20%, shows a scheme surplus of £236,178 and is viable against a BLV of £800,000". This equates to a scheme viable against the delivery of seven affordable dwellings on site.
135. The applicant has provided evidence demonstrating that registered providers would not be interested in managing on-site units. In consultation with the DVS, an affordable contribution of £507,108 should therefore be provided in lieu of on-site provision.
136. Following a review of the updated viability assessment, the applicant challenged some of the calculations and assumptions made by the DVS in reaching this figure. This challenge has been attached to the case, but in summary the applicant has accepted the fact that market values have increased significantly since the previous assessment. However, the cost model used by the DVS is contested and it is argued that the DVS has not considered the impact upon values resulting from the integration of private/social housing. The applicant has expressed agreement for the delivery of either 3 on-site affordable dwellings or a commuted sum of £371,800. The applicant's challenge has been presented to the DVS for clarification on several points, but the DVS subsequently confirmed that they were satisfied with the costs and values used in their assessment.
137. Due to the fact that the applicant does not agree with the revised viability calculations and is not prepared to pay the full commuted sum, the proposal would

be contrary to both policy 4 of the Joint Core Strategy and the council's Affordable Housing SPD, as well as guidance within paragraph 50 of the NPPF.

138. The failure to deliver either affordable housing on-site or a contribution towards off-site provision of a level which has been independently assessed as viable, is considered a significant conflict with planning policy and a reason to refuse the application.

## **Main issue 6: Flood risk/drainage**

### **Flood risk**

139. The application was originally reported to planning committee on the 22<sup>nd</sup> September 2016. The council received an objection from the Lead Local Flood Authority (LLFA) the day before the planning committee.. The application was subsequently deferred to allow members time to digest the LLFA's comments and to allow the applicant to respond to the objection.
140. The LLFA found the initial Flood Risk Assessment (FRA)/drainage strategy to be unacceptable for the reason that the application did not fully assess the fact that the proposal would change the vulnerability category of the uses on site from less vulnerable (community use) to more vulnerable (housing). It was also stated that national planning guidance had not been followed in terms of showing that more vulnerable elements of the development had been placed in areas at lowest risk of flooding. The reason for their objection was as follows:
- "To prevent flooding in accordance with National Planning Policy Framework paragraph 103 by ensuring the satisfactory management of local sources of flood risk and ensure there is no adverse impact from flooding on the development (and is safe for its lifetime) or an increased risk of flooding elsewhere."
141. In response to the objections and recommendations made by the LLFA, an updated site-specific flood impact assessment has subsequently been produced. The only risk of flooding at the site is from pluvial surface water flooding and a review of local surface water mapping reveals that the lower portion of the site is at risk of flooding with flood depths unlikely to exceed 600mm. The assessment appears to be accepted by the LLFA who, in their response to the updated FRA state the following:
- "In general terms the potential depth of inundation to the lower area of the site where the Boys Brigade building is located is around 300 to 600 millimetres in both of the above assessments. There are other localised areas on the site that may receive a greater depth of inundation in a 1 in 100 year event however these areas appear to be below the lower ground floor level."
142. In light of this the updated FRA sets out a series of resistance measures to prevent surface water from entering the development to a depth of 600mm. Furthermore, the FRA also sets out a series of resilience measures which would assist in the building recovery process in the event that surface water was to enter the development. These are set out under section 7 of the updated FRA.
143. The LLFA have stated that despite the mitigation measures set out in the updated FRA, they maintain their objection because they consider it more appropriate to avoid the risk altogether. This would seem to indicate the LLFA consider a

Sequential Test should be applied to the proposal, to steer development to areas with the lowest probability of flooding.

144. In considering this objection, paragraph 104 of the NPPF states that applications for minor development and changes of use should not be subject to the Sequential or Exception Tests but should still meet the requirements for site-specific flood risk assessments.
145. The test therefore that should be applied in this instance, in accordance with paragraph 103 of the NPPF, is (1) whether the Flood Risk Assessment demonstrates that within the site, the most vulnerable development is located within areas of lowest flood risk unless there are overriding reasons to prefer a different location and (2) to ensure that development is appropriately flood resilient and resistant, including safe access and escape routes where required.
146. With regards to (1), the layout of the development has been rearranged so that all living units within the areas most at risk from surface water flooding have means of egress and safe refuge at a level above the level of risk. Furthermore, units BB1, C1 and C3 have been rearranged so that their bedrooms are at first floor level away from the risk.
147. With regards to (2), having assessed the FRA it is considered that the flood resistance and resilience measures set out in the updated FRA and discussed above under paragraph 143 would ensure the safety of the occupiers of the development and the fact that the LLFA recommend these measures be adopted in the event that permission is granted, adds further weight to this assertion. Whilst units CH1, CH2 and CH3 would have bedrooms at lower ground floor level where flood risk has been identified as highest, the measures set out in the FRA are considered to adequately mitigate the risk of flooding to future occupants. It is accepted that the proposed development would introduce more vulnerable uses in areas at risk of flooding, but weight is attached to the fact that this represents a small number of flats compared to the overall development and regard is had to the pre-existing lawful use of the building and the extensive flood mitigation measures proposed.
148. In addition the National Planning Practice Guidance states that for changes of use, applicants will need to show in their flood risk assessment that future users of the development will not be placed in danger from flood hazards throughout its lifetime and it is for the applicant to show that the change of use meets the objectives of the Framework's policy on flood risk. For example, how the operation of any mitigation measures can be safeguarded and maintained effectively through the lifetime of the development.
149. The application proposals have been based around the development having a lifetime of 100 years and this satisfies the minimum lifetime period set out within National Planning Practice Guidance. In the event that planning permission were to be granted a maintenance and management plan would be conditioned to ensure the surface water drainage features of the proposal were properly maintained for the lifetime of the development.
150. The other key aspect of the guidance is to ensure that the development does not increase flood risk overall and this is further substantiated by the requirements set out within policy DM5 of the *local plan*. Furthermore, the government published a



Ministerial Statement in 2014 (HCWS161) stating that for major developments local authorities are expected to ensure that sustainable drainage systems for the management of run-off are put in place, unless demonstrated to be inappropriate.

151. At present, virtually the whole application site is covered by impermeable surfaces. The proposal involves the demolition of the link building and it is proposed to maximise the use of permeable surfacing in the resultant space as well as across the site in addition to incorporating soft landscaping to improve the drainage capacity of the site. Due to the need for a 10 metre separating distance it will not be possible to install soakaways. However, in addition to maximising permeable surfacing and landscaping, it is proposed to undertake a survey to determine the potential for on-site storage and the potential to reduce out-flow. Given the above measures the proposal would have a positive impact in reducing surface water flooding in the surrounding area and is therefore in accordance with policy DM5.
152. Nevertheless, every opportunity should be taken to bring run-off rates as close to greenfield runoff as possible in line with LLFA recommendations. In the event that planning permission is granted, the LLFA have recommended a condition that will require a detailed surface water drainage strategy, which is intended to manage local sources of flooding, water flow paths, storage and disposal of surface water flood from the site. The scheme would confirm discharge and run off rates from the site, address surface water attenuation storage potential, ensure no conflict between the on-site drainage network and any building or utility plant susceptible to water, provide detail of how all surface water management features would be designed in accordance with the SuDS Manual (CIRIA C753, 2015) and provide a maintenance and management plan for all surface water drainage features.
153. It is therefore concluded for the above reasons that the application should not be refused on the grounds of flood risk.

## **Drainage**

154. The drainage scheme would be referred to both the LLFA and Anglian Water for approval, but subject to details being agreed, it is concluded that surface water drainage at the site would be adequately managed.
155. Anglian Water have been re-consulted in light of the additional FRA and have provided revised comments (June 2017). No objections to the proposal are raised but a condition is recommended that no hard-standing be constructed unless in accordance with the surface water strategy so approved.
156. The FRA confirms that the installation of soakaways on site will not be possible due to ground conditions and the lack of available space more than 10 metres from the structures on site. Anglian Water have confirmed that in light of this and the fact that there are no watercourses located nearby, they are satisfied that the hierarchy of drainage options has been satisfied in accordance with Planning Practice Guidance and that surface water can therefore be disposed via connection to a sewer.
157. A number of objections have been received citing concerns with the current state of the sewerage system and the belief that it is already at full capacity. There are reports that during storm events, sewage has 'backed up' into people's gardens and houses. In light of both of these comments and the additional flood impact assessment, Anglian Water were re-consulted to see if their comments would

change from those previously submitted in July 2016. They have since confirmed (June 2017) that they are satisfied that the existing sewerage system has capacity for the proposed development. They have also provided verbal confirmation that the 'backing up' of sewage can often be attributed to blockages in the drains and that these should be reported for further investigation.

### **Main Issue 7: Whether the proposal represents 'sustainable development' in the context of paragraph 14 of the NPPF**

158. Paragraph 14 of the NPPF emphasises the presumption in favour of sustainable development, and states that for decision taking, this means "approving development proposals that accord with the development plan without delay". It is therefore necessary to establish whether the proposal constitutes sustainable development, within the context of guidance within paragraph 7 of the NPPF:

#### **Economic role**

159. The proposal would provide some limited economic benefits, including in the short term to the construction industry involved in the development works, and to the Methodist Church and in the longer term by providing new dwellings for people who would live and potentially work in the city.

#### **Social role**

160. There would be some limited benefits in terms of improvements to the buildings on site and the provision of 20 market dwellings which would make a small contribution towards meeting the housing need in the context of a lack of a five year housing land supply within the Norwich Policy Area. However the failure to provide a policy compliant level or contribution towards affordable housing is considered to be a significant negative of the scheme which conflicts with Local Plan policy and fails to meet the objectives of paragraph 50 of the NPPF, which requires local authorities to widen opportunity for home ownership and create sustainable, inclusive and mixed communities, including through the provision of affordable housing.

#### **Environmental role**

161. The proposal would help provide a viable future for a locally listed building and would not cause significant harm in terms of any environmental consideration. It would therefore have limited benefits under the environmental role.
162. In determining whether the proposal constitutes sustainable development, it is concluded that the significant degree of conflict with the social role in terms of the failure to provide a policy compliant level of affordable housing means that taken as a whole, the proposal does not represent sustainable development. Even if it were concluded that the proposal represents sustainable development, it would be considered that the adverse impacts of granting permission without meeting the affordable housing requirement would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF as a whole.

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

163. 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>
Energy efficiency	JCS 1 & 3 DM3	Yes subject to condition. The application proposes to secure 10% low carbon/renewable energy sources through a combination of heat recovery and PV panels. It is also proposed to upgrade the existing fabric of the buildings to improve thermal efficiency and reduce the overall energy consumption. Planning permission could be conditioned requiring a scheme to be set out demonstrating how the 10% requirement will be satisfied.
Water efficiency	JCS 1 & 3	Yes subject to condition
Trees	DM7	Yes subject to condition. The scheme involves the loss of two trees on the Avenue Road frontage. The trees have high growth potential and would most likely need to be removed irrespective of development. Nevertheless, replacement planting is necessary to maintain an attractive landscaped frontage to Avenue Road and enhance the biodiversity value of the site. Planning permission could be conditioned for compliance with the AIA and requiring appropriate species to be agreed with the local planning authority prior to planting.
Landscaping	DM2/3/8	<p>Yes subject to condition. Several recommendations have been made by the council's landscape officer to ensure a successful landscape scheme to ensure the satisfactory appearance of the site. The landscaping scheme would also require details of lighting (to minimise amenity impacts and harm to bats) and details of ecological enhancements including bird/bat boxes and 'wildlife value' planting.</p> <p>A landscaping condition could also enable soft landscaping opportunities at the site to be fully explored although these may be limited such is the coverage of development on the site.</p>
Biodiversity	JCS1, DM6, NPPF paragraph 118.	<p>Extensive survey work has been carried out at the site and reveals that parts of the building complex are being used by roosting bats. It is essential that the comprehensive mitigation measures outlined in Section 9 of the Bat Survey and Assessment document are fully implemented. Planning permission should be conditioned accordingly.</p> <p>The landscaping condition could require details of any external lighting to minimise spillage and to ensure it is 'bat friendly'. The landscaping condition could also require details of ecological</p>

Requirement	Relevant policy	Compliance
		enhancements at the site including bat boxes and plants of wildlife value.
Contamination	DM11  NPPF paragraphs 120-122.	Yes subject to condition. There is no history of contaminated uses on the site.

## Equalities and diversity issues

164. The application had previously sought to design three of the lower ground floor units to be suitable for disabled users. However, in response to the objections raised by the LLFA and the need to provide means of safe refuge at levels above the flood risk, these units are no longer suitable for disabled users. Given the restrictions on the building and value in bringing it back into viable use, the lack of disabled provision is considered to be acceptable in this instance.

## Local finance considerations

165. 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.

166. 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.

167. The properties created will generate New Homes Bonus. The proposed development would be CIL liable for the new floor space created by the two-storey extension and conversion.

## Conclusion

168. The proposal would deliver some benefits in terms of enhancing and providing a more viable future for the buildings on site, which have some local heritage value, and by making a contribution towards meeting the requirement for new homes in the development plan area. The impacts of the development in terms of amenity, transport and flood risk are considered to be acceptable.

169. However, the scheme fails to deliver on-site affordable housing or a commuted sum at a level which has been judged to be viable by the District Valuer for the particular form of development proposed. The benefits of the scheme are not considered to outweigh this fundamental conflict with policy 4 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (2014) and the requirements of guidance within the NPPF in relation to the provision of affordable housing and the application is therefore recommended for refusal.

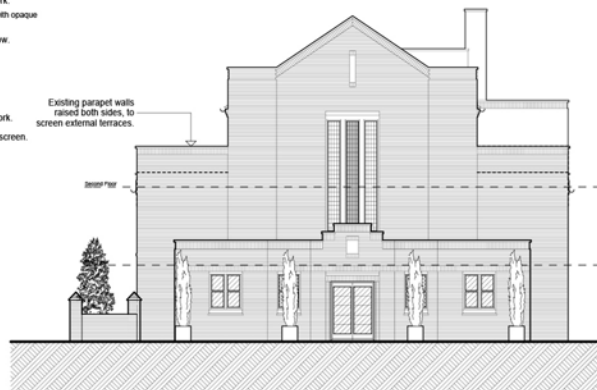
## Recommendation

To refuse planning permission for the following reason:

1. The proposal fails to meet the requirement for affordable housing either through on-site provision or through the provision of a commuted sum towards off-site provision of a level which has been independently assessed to be viable for the proposed scheme. The proposal therefore fails to represent sustainable development in the context of paragraph 14 of the National Planning Policy Framework and conflicts with the requirements of policy 4 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (2011, amendments adopted 2014) and guidance within paragraph 50 of the National Planning Policy Framework.

**MATERIALS KEY:**

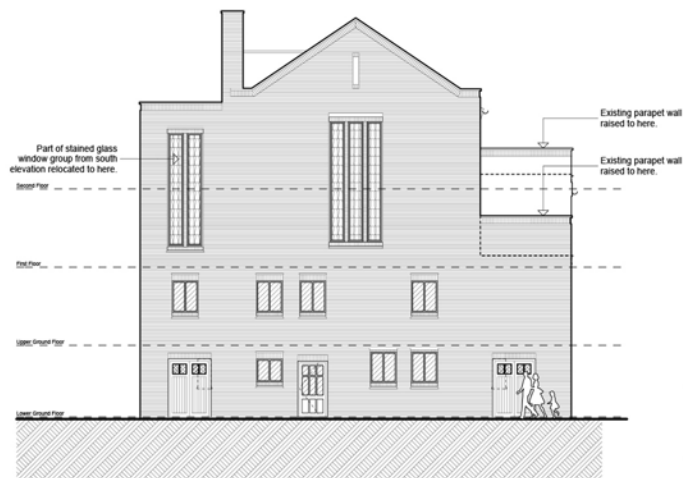
-  New clear glazing.
-  New obscured glazing.
-  New 'look-a-like' opaque glazing panels.
-  Retained glazing with leadwork.
-  Retained glazing with leadwork with opaque backing applied.
-  Retained stained-glass window.
-  Facing brickwork.
-  Zinc cladding.
-  Slate roof tiles.
-  Dark grey / black metal framework.
-  Obscured glass balustrade / screen.



EAST ELEVATION



NORTH ELEVATION



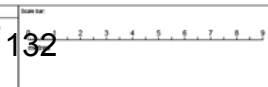
WEST ELEVATION



SOUTH ELEVATION

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Rev.	Date	Description
A	29.04.16	General revisions in relation to planning consultation
B	04.05.16	



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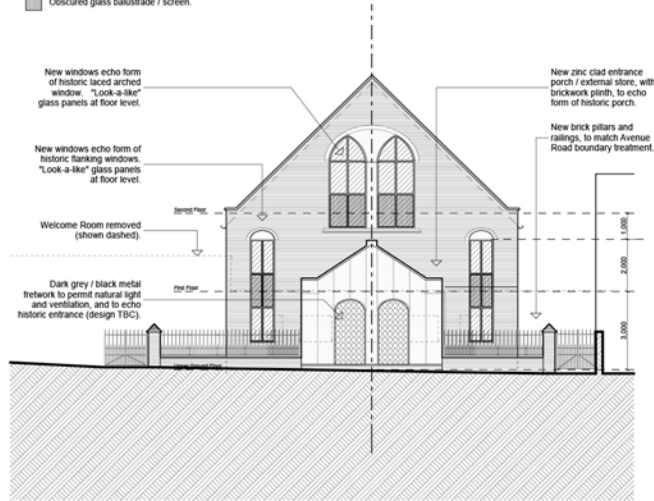
Drawing Title: Proposed Elevations - Church  
Scale: 1:100 @ A1 Date: 15.10.15 Client Ref: CL  
Drawing No: 6079 / 130 Revision: B

ISSUED FOR PLANNING - 14.05.2016

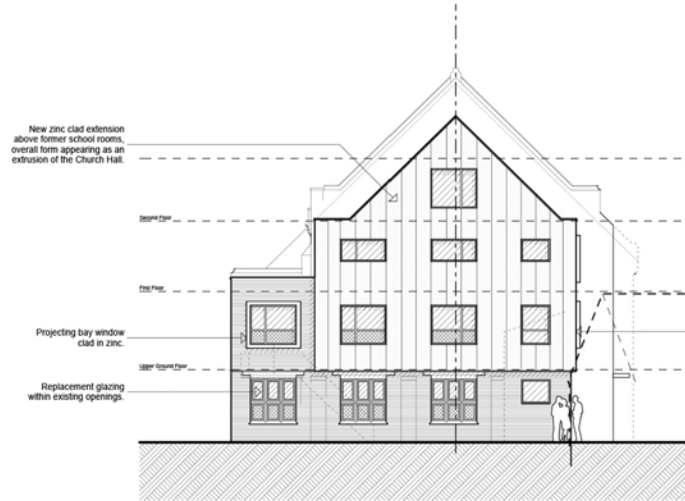
ISSUED FOR PLANNING - 22.12.2015

# MATERIALS KEY:

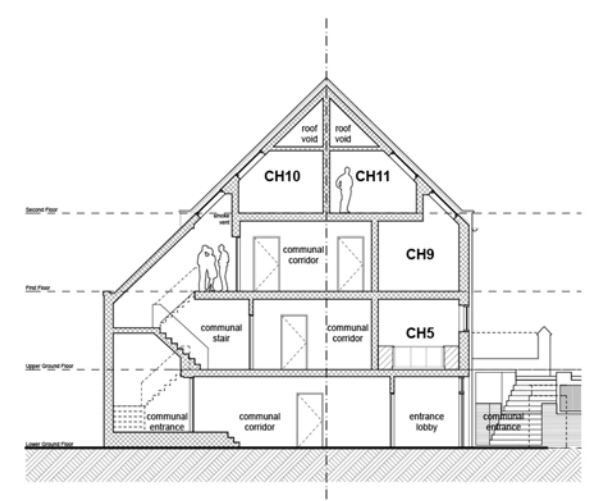
- New clear glazing.
- New obscured glazing.
- New 'look-a-like' opaque glazing panels.
- Retained glazing with leadwork.
- Retained glazing with leadwork with opaque backing applied.
- Retained stained-glass window.
- Facing brickwork.
- Zinc cladding.
- Slate roof tiles.
- Dark grey / black metal framework.
- Obscured glass balustrade / screen.



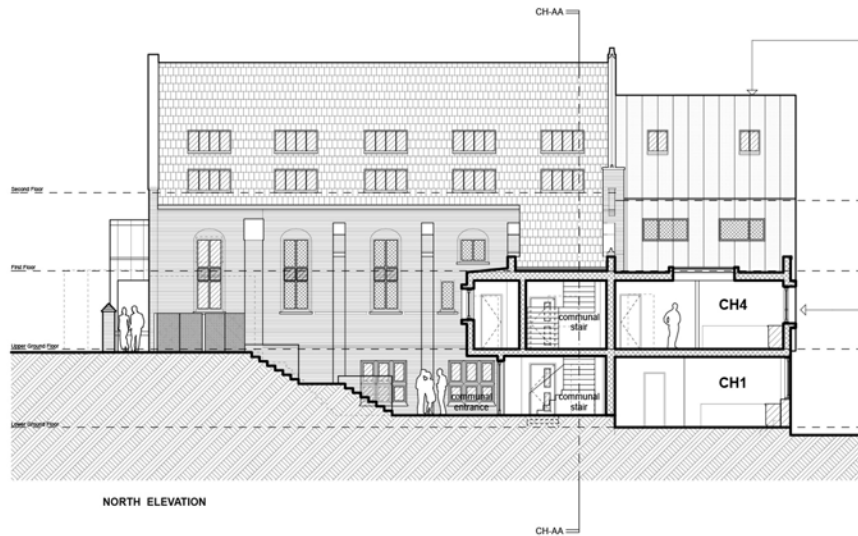
EAST ELEVATION



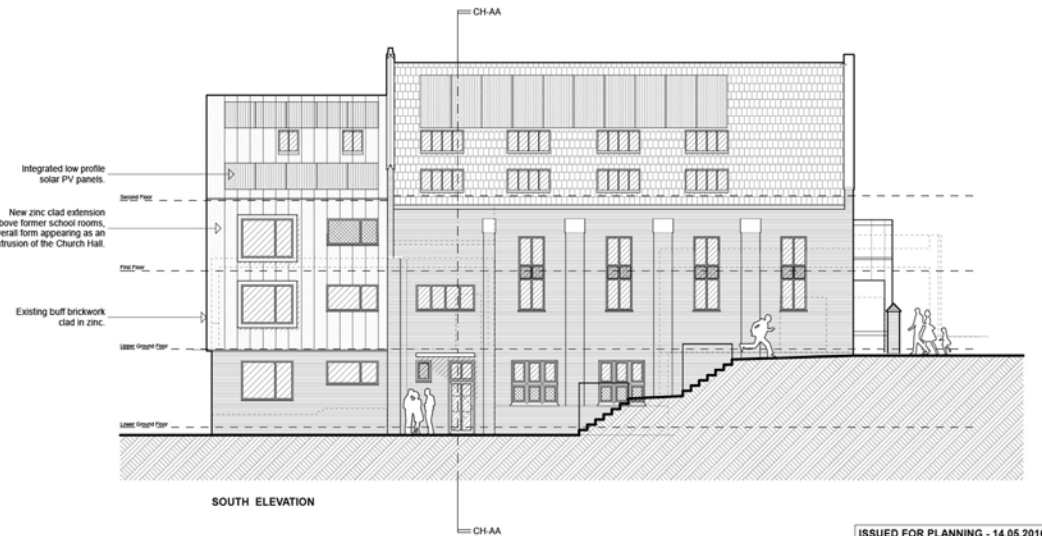
WEST ELEVATION



SECTION CH-AA



NORTH ELEVATION



SOUTH ELEVATION

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Rev.	Date	Description
A	19.04.16	General revisions responding to planning consultation
B	29.04.16	Revised elevations and sections in response to planning consultation
C	04.05.16	Final elevations and sections
D	10.07.16	Final elevations and sections, Northern windows of unit CH5 shown obscured.

Scale	Bar
1:100	0 1 2 3 4 5 6 7 8 9

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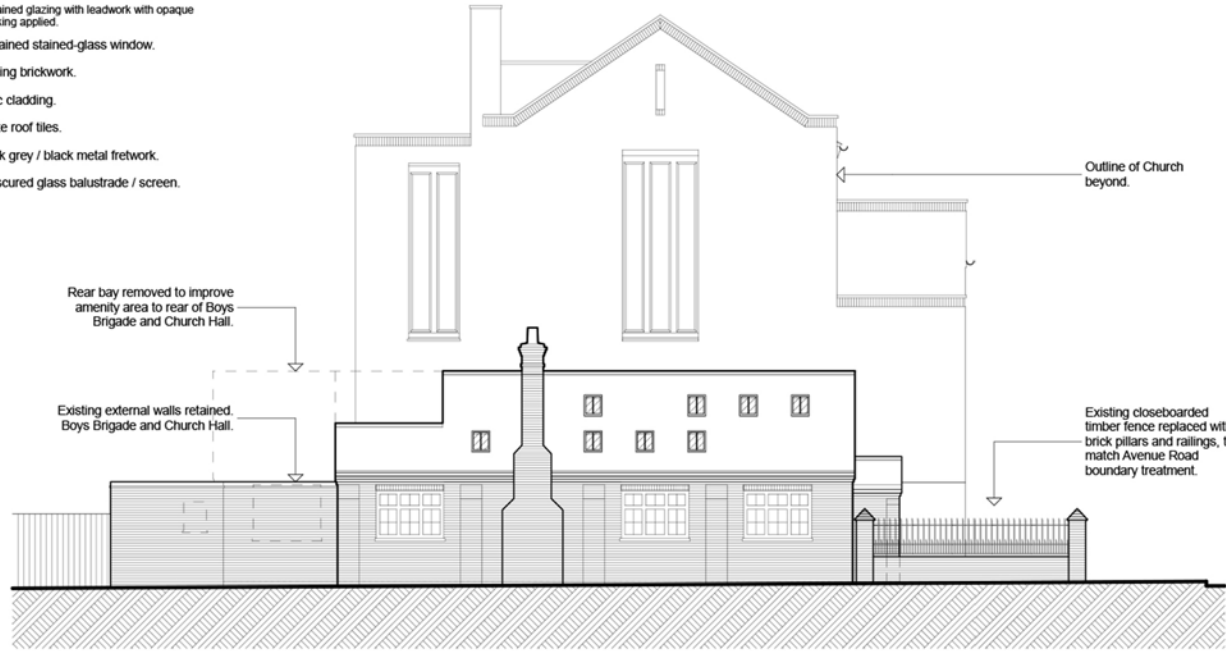
Client	The Interesting Building Company Ltd.	Drawing Title	Proposed Elevations - Church Hall
Project	St. Peter's, Park Lane	Scale	1:100 @ A1
Drawing No.	6079 / 131	Date	15.10.15
Revision	D	Drawn By	CL

ISSUED FOR PLANNING - 14.05.2016

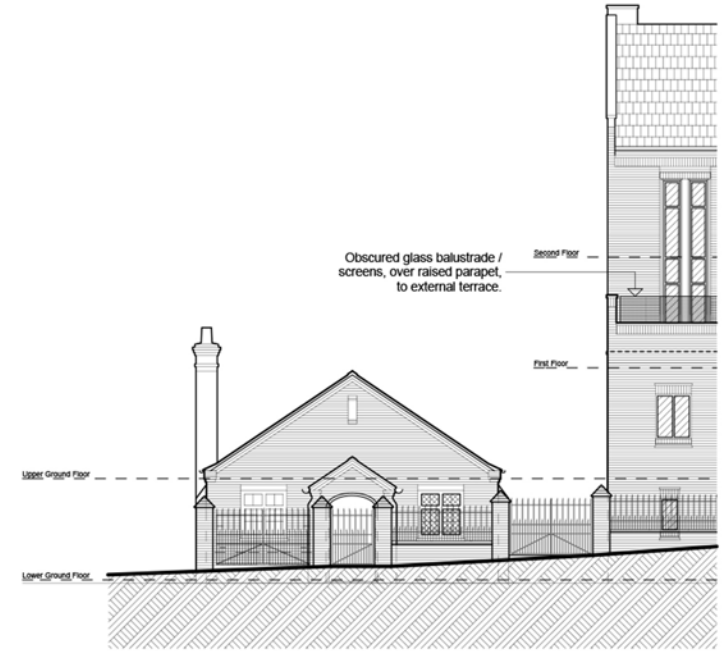
ISSUED FOR PLANNING - 22.12.2015

# **MATERIALS KEY:**

-  New clear glazing.
-  New obscured glazing.
-  New "look-a-like" opaque glazing panels.
-  Retained glazing with leadwork.
-  Retained glazing with leadwork with opaque backing applied.
-  Retained stained-glass window.
-  Facing brickwork.
-  Zinc cladding.
-  Slate roof tiles.
-  Dark grey / black metal fretwork.
-  Obscured glass balustrade / screen.



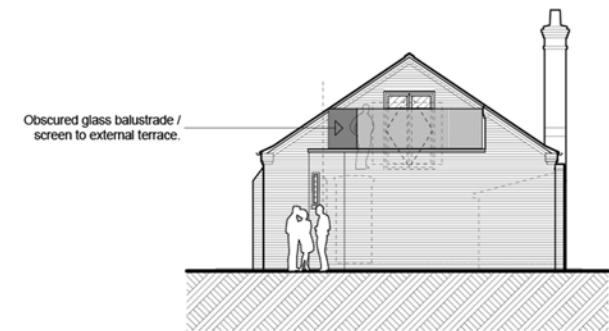
WEST ELEVATION



SOUTH ELEVATION



EAST ELEVATION



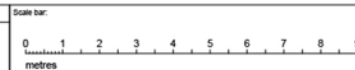
NORTH ELEVATION

ISSUED FOR PLANNING - 09.08.2016

ISSUED FOR PLANNING - 22.12.2015

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Rev.	Date	Description
A	29.04.16	General revisions in relation to planning consultation responses.
B	04.05.16	Fill patterns adjusted.
C	09.08.16	West elevation roof line corrected.



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Client The Interesting Building Company Ltd.  
Project St. Peter's, Park Lane

Drawing Title	Proposed Elevations - Boys Brigade		
Scale	1:100 @ A2	Date	15.10.15
Drawing No.	6079 / 132	Drawn By	CL
		Revision	C

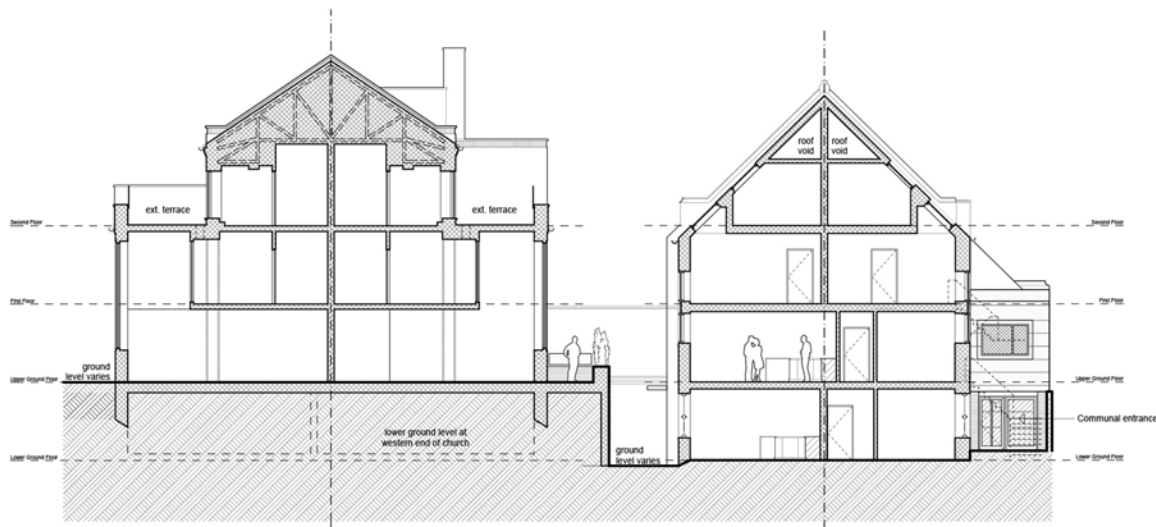


# MATERIALS KEY:

- New clear glazing.
- New obscured glazing.
- New "look-a-like" opaque glazing panels.
- Retained glazing with leadwork.
- Retained glazing with leadwork with opaque backing applied.
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EAST ELEVATION on Park Lane



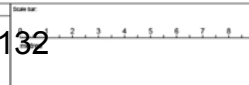
SECTION

ISSUED FOR PLANNING - 14.05.2016

ISSUED FOR PLANNING - 22.12.2015

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Rev.	Date	Description
A	29.04.16	General revisions in relation to planning consultation
B	04.05.16	



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Client: The Interesting Building Company Ltd.  
Project: St. Peter's, Park Lane

Drawing Title	Scale	Date	Drawn By	Check By
Proposed Elevations - Church and Church Hall on Park Lane + Site Section	1:100 @ A1	15.10.15	CL	
Drawing No.	6079 / 133			B

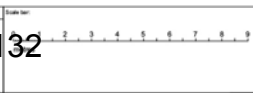


PARK LANE

AVENUE ROAD

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Particulars in relation to the design of the building.  
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Rev	Date	Description
A	29.04.16	General revisions in relation to planning consultation
B	07.12.16	Revised plan
C	08.12.16	Final plan



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Client: The Interesting Building Company Ltd.  
Project: St. Peter's, Park Lane

Drawing Title	Proposed Lower Ground Floor Plan
Scale	1:100 @ A1
Date	15.10.15
Drawing No.	6079 / 120
Revision	C



PARK LANE

AVENUE ROAD

ISSUED FOR PLANNING - 28.06.2016

ISSUED FOR PLANNING - 14.05.2016

ISSUED FOR PLANNING - 22.12.2015

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Rev	Date	Description
A	29.04.16	General revisions in relation to planning consultation
B	07.12.16	

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Scale (m)
1 2 3 4 5 6 7 8

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Client	The Interesting Building Company Ltd.	Drawing Title	Proposed Upper Ground Floor Plan + Site Plan
Project	St. Peter's, Park Lane	Scale	1:100 @ A1
Drawing No.	6079 / 121	Date	15.10.15
Revision	B	Drawn By	CL



PARK LANE

AVENUE ROAD

ISSUED FOR PLANNING - 14.05.2016

ISSUED FOR PLANNING - 22.12.2015

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Rev.	Date	Description
A	29.04.16	General revisions in relation to planning consultation

Scale bar
1 2 3 4 5 6 7 8 9

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Client: The Interesting Building Company Ltd.  
Project: St. Peter's, Park Lane

Drawing Title	Proposed First Floor Plan
Scale	1:100 @ A1
Date	15.10.15
Drawn By	CL
Checking No.	6079 / 122
Revision	A



PARK LANE

AVENUE ROAD

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Rev	Date	Description
A	29.04.16	General revisions in relation to planning consultation

Page 57 of 132

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Client: The Interesting Building Company Ltd.  
Project: St. Peter's, Park Lane

Drawing Title	Proposed Second Floor Plan		
Scale	1:100 @ A1	Date	15.10.15
Drawing No.	6079 / 123	Client Ref	CL
		Revision	A

ISSUED FOR PLANNING - 14.05.2016  
ISSUED FOR PLANNING - 22.12.2015



PARK LANE

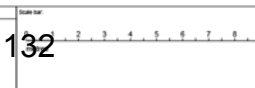
AVENUE ROAD

integrated low profile  
solar PV panels.

Page 58 of 132

NOTES  
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Rev.	Date	Description
A	29.04.16	General revisions in relation to planning consultation



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Client: The Interesting Building Company Ltd.  
Project: St. Peter's, Park Lane

Drawing Title: Proposed Roof Plan			
Scale: 1:100 @ A1	Date: 15.10.15	Drawn By: CL	Checked By: A
Drawing No: 6079 / 124			

ISSUED FOR PLANNING - 14.05.2016  
ISSUED FOR PLANNING - 22.12.2015

**Report to** Planning applications committee

**Item**

13 July 2017

**Report of** Head of planning services

**Subject** Application no 17/00737/F - Norwich High School for Girls  
95 Newmarket Road, Norwich, NR2 2HU

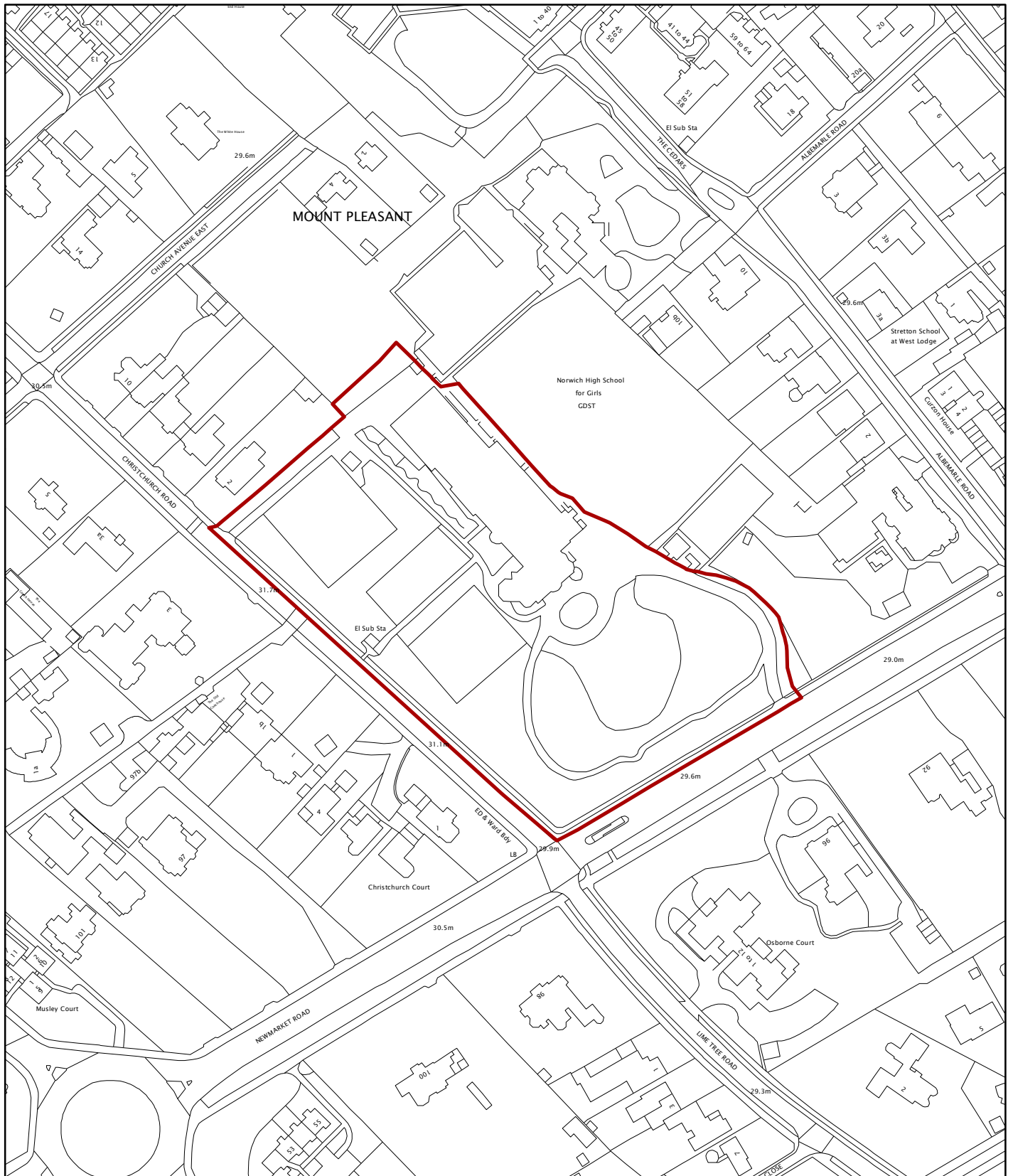
**4(b)**

**Reason  
for referral** Objection

<b>Ward:</b>	Town Close
<b>Case officer</b>	Joy Brown - <a href="mailto:joybrown@norwich.gov.uk">joybrown@norwich.gov.uk</a>

Development proposal		
Reconfiguration works to improve access arrangements, internal traffic circulation and pupil safety.		
Representations		
Object	Comment	Support
7 (one of which is on behalf of the Christchurch Road Neighbourhood Watch Group)	0	0

Main issues	Key considerations
1 Principle of development	Objectives for sustainable development, shared use of facilities by the wider community.
2 Transport	Congestion, traffic on Christchurch Road, traffic tree pedestrian access, legibility
3 Design and heritage	Enhancing the building's setting, impact on the conservation area, alterations to the curtilage listed wall.
4 Trees	Loss of trees and provision of replacement planting
5 Landscape	Loss of trees, provision of replacement planting and landscaping details
6 Biodiversity	Impact of proposal on bats, breeding birds and reptiles and mitigation and enhancement measures.
7 Amenity	Impact on residents of Christchurch Road.
8 Flood risk	Provision of permeable surfacing materials.
<b>Expiry date</b>	27 June 2017
<b>Recommendation</b>	Approve subject to conditions



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Planning Application No 17/00737/F  
 Site Address Norwich High School for Girls  
 95 Newmarket Road

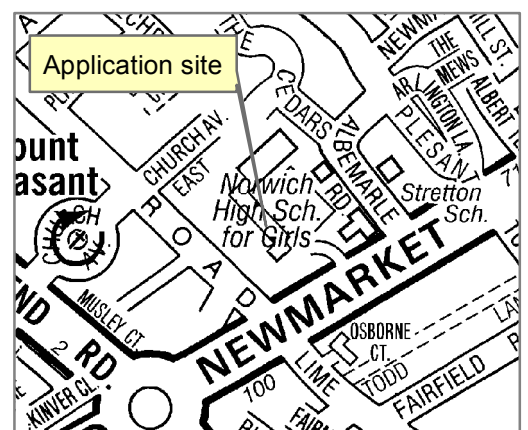
Scale 1:2,000



**NORWICH**  
 City Council

PLANNING SERVICES

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## The site and surroundings

1. The site is located on the north side of Newmarket Road between the junctions of Albemarle Road and Christchurch Road. The site measures some 4.7 hectares. It is occupied by Norwich High School for Girls and has been for over 80 years.
2. The site is located within the Newmarket Road Conservation Area. The main school building 95 Newmarket Road is grade II listed with the listing information being as follows:

TG 2107 S NEWMARKET ROAD (north-west side) 32/557 5.6.72. No. 95 (Eaton Grove - Norwich High School for Girls). - II House, now school. Early/mid C19. Rendered; hipped slate roof. Regency style. 2 storeys, cellar and attic. 6 first-floor windows, symmetrical. Central bow-fronted bay has deeply recessed half-glazed double-leaf doors with single-light side windows. 2 steps up to 2 Ionic columns and 2 pilasters below decorative iron lamp. First floor verandah has iron balustrade. Windows have large-paned sashes with horns. Attic cupola with domed roof and weather vane. Bow-fronted bays to right and left side elevations. Later C19 extension to rear also with extensive ranges of school buildings

3. 12 Albemarle Road is a locally listed building and therefore a non-designated heritage asset. The site contains a significant number of well-established trees which are protected by virtue of their location within the Conservation Area.

## Constraints

4. Conservation Area, grade II listed building, critical drainage area, protected trees by virtue of being in the Conservation Area.

## Relevant planning history

5. There is an extensive planning history for the site the most relevant of which is set out below. It should be noted that the permission for the erection of a single storey extension to create a new entrance at Stafford House was implemented; however the permission for alterations to the car park near the 6<sup>th</sup> form block and access arrangement onto Albemarle Road has not been implemented.
6. A listed building consent application is also currently pending consideration. This includes the demolition of a section of the boundary wall on Christchurch Road and the installation of new gates, brick pillars and a small section of walling. The Listed building consent is needed to facilitate the changes proposed by this full application. Unfortunately the LBC application was submitted after the full application and as the consultation period has not yet expired it is not possible to bring the two applications to this committee together. Listed Building Consent is required as the wall is curtilage listed.

Ref	Proposal	Decision	Date
14/00202/F	Alterations to car park; addition of new access; changes to access and egress arrangements; provision of disabled access ramp to the school building; new external seating; relocation of existing external lighting.	APPR	28/05/2014
14/00283/F	Erection of single storey extension to create new entrance at Stafford House.	Approved	13/06/2014
16/01048/TC A	Oak (T1): reduce north east crown from 8m to 5m and raise to 2 - 3m above property.  Yew (T2): reduce south/west crown from 4m to 2m.  Holly (T3): reduce south/west crown from 4m to 2m.	Tree works approved	27/07/2016
17/00250/L	Formation of WC within an existing storage room including widening of doorway and conversion of existing WC to form new store. Installation of new student facilities at second floor level and all associated works including waste water disposal.	Approved	07/04/2017
17/00958/L	Demolition of section of boundary wall to form new access on Christchurch Road to include new gates, brick pillars and small section of walling plus installation of new gates on Newmarket Road.	Pending consideration. Consultation period does not expire until 19/07/2017.	

## The proposal

7. The application seeks full planning permission for a number of alternations on the site which aim to improve access arrangements, internal traffic circulation and pupil safety. The key changes are as follows:
  - a) Formation of a new vehicular egress (including new car parking) leading from the circle at the front of Eaton Grove onto Christchurch Road in order to promote one-way traffic flow from the main entrance on Newmarket Road.
  - b) Formation of a new pedestrian footpath from Christchurch Road to the side and front of Eaton Grove and closure of the existing footpath beyond access to the electrical sub-station.

- c) Introduction of security and traffic management measures to the main site entrance and adjustable bollards to direct traffic across the Eaton Grove circle
  - d) Creation of a minibus hub for seven vehicles at the rear of the main school building with access via the existing driveway onto Christchurch Road.
  - e) Improvements to pedestrian routes in the vicinity of the new transport hub to provide safer and more efficient access.
  - f) Improvements to the existing driveway onto Christchurch Road including resurfacing and vehicular access control
8. The proposal seeks to address the following issues:
- a) Security - The Senior School has an insecure boundary that creates risk of trespass and anti-social intrusion.
  - b) Lack of segregation/ pedestrian safety – a number of the existing accesses are shared by pedestrians & vehicles, with vehicles then manoeuvring in shared spaces.
  - c) Pedestrian access and circulation – lack of legibility and inefficient layout that focuses activity on back of house areas. Some pedestrian areas also look tired or are unsurfaced and will deteriorate without improvements.
  - d) Congestion – some accesses are not designed for regular two way traffic movements that occur, particularly at peak times.
  - e) Car parking – inefficient layouts and lack of legibility lead to ad hoc parking, including around the main Eaton Grove entrance.
  - f) School transport – existing arrangements for minibuses promote undesirable manoeuvring and attract pupils to a busy area of vehicular activity in front of Eaton Grove.
9. No changes are proposed to the opening hours of the site, the number of pupils, the number of staff or the availability of the facilities on the site for community use. It is not intended that the new one-way circulation and parking arrangements will be used for pupil drop-off and pick-up.

### Summary information

Proposal	Key facts
<b>Appearance</b>	
Materials	Permeable paving, gravel surfacing with reinforced gravel grid
<b>Transport matters</b>	
Vehicular access	Existing – Access/Egress from Newmarket Road to front car park at Eaton Grove, Access/Egress to courtyard parking at front of the junior school, ungated pedestrian access to Christchurch Road, Access/Egress to informal parking area at

Proposal	Key facts
	<p>rear of the main school building from Christchurch Road, Secure gated pedestrian access to the junior school from Albemarle Road, ungated pedestrian/vehicular access to the nursery, senior school and Lanchester house car park from Albemarle Road.</p> <p>Proposed – The accesses affected by the proposed development are those on Newmarket Road and Christchurch Road. The Newmarket Road entrance will become access only and a new vehicular and pedestrian access is proposed on Christchurch Road to facilitate a one way system.</p>
No of car parking spaces	<p>Existing - 30 (informal layout)</p> <p>Proposed – 37 (formal arrangement)</p>
No of cycle parking spaces	<p>Existing - c. 56 spaces.</p> <p>No change proposed</p>

## Representations

10. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. Seven letters of representation have been received (one of which is on behalf of the Christchurch Road Neighbourhood Watch Group) citing the issues as summarised in the table below. All representations are available to view in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Issues raised	Response
<p>Christchurch Road is a residential road and increasing volume from Norwich High School will not improve safety for residents and school pupils and is likely to increase the risk of accidents for cyclists and pedestrians along Christchurch Road.</p> <p>Cars currently park on the north side of Christchurch Road forcing through traffic into one lane leading to standing traffic which impedes ingress and outflow from Christchurch Road. The proposal will worsen the situation and create problems for local residents and ambulances etc.</p> <p>To create the new access, a number of car parking spaces will need to be removed which will push the parking/congestion issues</p>	<p>See main issue 2.</p>

Issues raised	Response
<p>even further down Christchurch Road.</p> <p>As part of the application consideration should be given to reviewing and enforcing parking restrictions for example zig/zag lines outside the school.</p>	
<p>The application does not refer to the proposed changes to traffic management arrangements on Newmarket Road. If a new access is created onto Christchurch Road and the traffic lights are removed at the junction of Christchurch Road/Lime Tree Avenue/Newmarket Road this will make a busy junction even more chaotic especially in conjunction with the new proposed cycle lane.</p> <p>If the lights remain then it seems questionable whether the introduction of a new access so close to the lights is sensible.</p> <p>The two matters should be dealt with together not individually.</p>	See main issue 2.
<p>Christchurch Road is a residential road that is quiet other than between the hours of 8am – 8:30 am and 3:45pm and 4:45pm. The school is a vibrant hub and as well as large vehicle deliveries, open days, evening performances, returning sports teams and school trips the school site is used by a number of other organisations such as Barracudas in the school holiday and Norwich Vineyard Church on weekends. Very little of the traffic generated by this currently affects Christchurch Road. The creation of an exit onto Christchurch Road will mean that this residential street is affected 24/7, 365 days a year.</p>	See main issue 2.
<p>The school should be encouraging students to walk and cycle to school.</p>	See main issue 2.
<p>The new entrance will harm the appearance of this part of the conservation area. It is a shame to disturb a very attractive Victorian garden and remove part of a 19<sup>th</sup> century brick and flint wall and established hedge. The Heritage Assessment submitted with the application suggests that a new opening</p>	See main issue 3.

Issues raised	Response
would be acceptable as opening have already been created. However there is no reason to compound past mistakes. Consideration should be given to widening the access to Newmarket Road instead.	

## Consultation responses

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

### Design and conservation

12. It is considered that the proposal will cause less than substantial harm to the special architectural and historic interest of the building and it is considered that the proposal will cause less than substantial harm to the character and appearance of the wider setting, which is a conservation area. The design of the brick piers, new sections of wall and new gates are appropriate and matching to the existing and previous alteration.

### Highways (local)

13. No objection on highway/transportation ground. Amendments to waiting restrictions will be necessary so an informative should be attached to any future planning permission.

### Landscape and Natural areas officer

14. The main concern is the loss of existing trees which the proposals would require some of which are category A (high landscape and arboricultural value). Replacement planting does not amount to adequate mitigation in terms of either landscape or biodiversity. A landscaping scheme should include significantly more tree planting in this location and around the wider site, for example tree planting along the track leading to the rear of the building. A landscaping scheme should also include planting to create a layered structure within the woodland area.
15. The proposed roadway together with adjacent parking and footpath are a sizeable linear feature and would have a significant impact on the grounds and setting of the building. The opening in the boundary to create access to Christchurch Road would also open up new views of the building from Christchurch Road along this alignment. This impact could be mitigated by a row of tree planting in the spaces between the parking and footpath.
16. Suggestions are made including the following:
- a) the proposed vehicle crossover between the site and Christchurch Road should be designed to give priority to pedestrians using the footway and maintaining the levels of the footway across the opening.

- b) Resurfacing to the existing entrance to Christchurch Road will need to avoid damage to adjacent trees by using no-dig construction techniques and the passing place should be omitted and planted with a few trees.
  - c) Restricting vehicles from moving in front of the entrance to Eaton Grove is welcome as a means to improve pedestrian access and the setting of the building. These aims would be better met by also removing the row of 4 parking spaces.
17. With regards to biodiversity the Extended Phase1 Habitat Survey (Ecology report) submitted is fine. The main concerns relate to the removal of 0.05ha of woodland which will cause a significant loss of foraging potential for bats. The mitigation measures suggested in the report should be implemented. Lighting should be directed to the ground and turned off at night.
  18. Further surveys with regards to bats and birds will be needed. These can be conditioned as can details of the bat boxes.

### **Tree protection officer**

19. The tree survey and report state the trees that require removal are T10, 11 and 12, but a more recent drawing submitted show 4 trees removed - T9, T10, T11 and T12. By removing tree T9 in addition to the ones stated in the report will allow the necessary level changes and allow the road to be pulled further east away from significant beech trees T15 and T16 and T14 a mature lime, this is preferable from a tree protection perspective.
20. The tree protection measures have not been illustrated on plans submitted. Fencing should be situated to exclude construction within the RPA (root protection area) of retained trees. Trees on eastern side of the road in particular will require tree protection fencing, and the trees to the west of the road (T7, T8 and T6) around the new entrance will also require protection fencing, this will need to be illustrated on a tree protection plan.
21. The proposed loss of the trees is accepted in these circumstances, the developers will be required to provide at least equivalent replacement in terms of biomass. A total of 10 trees would be appropriate replacement ratio.

## **Assessment of planning considerations**

### **Relevant development plan policies**

22. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
  - JCS1 Addressing climate change and protecting environmental assets
  - JCS2 Promoting good design
  - JCS7 Supporting communities
  - JCS12 The remainder of the Norwich urban area including the fringe parishes
23. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
  - DM1 Achieving and delivering sustainable development
  - DM2 Ensuring satisfactory living and working conditions

- DM3 Delivering high quality design
- DM5 Planning effectively for flood resilience
- DM6 Protecting and enhancing the natural environment
- DM7 Trees and development
- DM9 Safeguarding Norwich's heritage
- DM22 Planning for and safeguarding community facilities
- DM28 Encouraging sustainable travel
- DM30 Access and highway safety
- DM31 Car parking and servicing

### **Other material considerations**

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

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

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

- Trees, development and landscape SPD adopted June 2016

### **Case Assessment**

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

#### **Main issue 1: Principle of development**

27. Key policies and NPPF paragraphs – JCS7, DM1 and DM22, NPPF paragraphs 70-72.
28. Policy DM22 of the Local plan and policy 7 of the Joint Core Strategy set out the policy for the provision of and extension to educational facilities. Although the proposed development is not for the extension to the school it will alter the way the school functions.
29. Policy DM22 sets out that schools development will be accepted and permitted subject to it meeting a number of criteria. Of relevance to this case are that the proposal would not undermine the objectives for sustainable development set out in policy DM1 and that it would not give rise to significant impacts on the environment, highway safety or traffic arising from locational constraints.



30. The proposal will have a number of benefits to the school however in order to assess whether the proposed development is sustainable, consideration needs to be given to the issues which are set out in the sections below.
31. Policy DM22 refers to the shared use of schools facilities by the wider community. Parts of the building are used by community groups during evenings and weekends. Confirmation has been provided by the applicant that the provision of new gates with electronic access control will not prevent the use of the school by the wider community.

## **Main issue 2: Transport**

32. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF paragraphs 17 and 39.
33. The principle of creating a one way system and new pedestrian access is supported from a highway safety point of view. Congestion at school drop off and pick up time is currently an issue and although the proposal does not include the creation of vehicle pick up and drop off within the site it will help to reduce conflict between cars entering and exiting via Newmarket Road entrance. It will also help provide traffic free pedestrian access to the front of the school, improve legibility, result in a more efficient layout, improve surfaces which currently look tired, provide one way circulation and formalise car parking. The proposed arrangement of vehicles entering on Newmarket Road and exiting on Christchurch Road is logical and the relocation of the minibuses is also acceptable and should improve safety on the site.
34. A number of local residents are concerned that the proposed new exit onto Christchurch Road will result in even more traffic and congestion on a residential road which is very busy during school drop off and pick up times. The local highway officer has however suggested that the overall changes in traffic movements on Christchurch Road is likely to be relatively insignificant in terms of the impact on the highway network in capacity terms and although there will be a slight increase in traffic on Christchurch Road, the proposal will in turn result in a slight reduction in movements direct onto Newmarket Road. Furthermore the car park will predominately be used by members of staff who will be leaving the site after the main 'pick up' period. The main benefit however is that the proposal will significantly improve pedestrian access and movement throughout the site which should make the site more legible and safer for students, staff and visitors.
35. Residents on Christchurch Road also feel that the possible future removal of the traffic lights at the junction of Christchurch Road/Lime Tree Avenue/Newmarket Road will exacerbate the existing traffic problem on Christchurch Road and the combination of the works to the junction and the creation of a new exit from Norwich High School for Girls onto Christchurch Road will make a busy junction even more chaotic. Residents have suggested that this application cannot be determined in isolation to the decision as to whether the traffic lights will be removed. Members should however be reminded that Norwich City Council has a duty to determine planning applications and it is not yet known when a final decision will be made on the junction alterations and whether the traffic lights will be removed or not. Notwithstanding the above, it is the local highway officer's opinion that the new exit from the school to Christchurch Road is acceptable if the traffic lights remain or if the lights are removed. In particular the removal of the traffic light aims to remove

some traffic from Christchurch Road as currently through traffic uses Christchurch Road rather than the ring road but this is less likely to happen if the traffic lights are removed.

36. The proposals would not increase student numbers; however the applicants were asked to undertake a review of cycle parking provision for staff and students and in light of changes to access arrangements and parking, were also asked to review its travel plan to encourage travel by sustainable modes including car share, use of buses, cycling and walking. In this case it has been demonstrated that no increase in cycle parking is necessary as there is currently space capacity. A full review of the travel plan is scheduled for June 2017 to take advantage of the opportunities created by this proposed development and the cycle improvements which are to be implemented on Newmarket Road through the Pedalway scheme. The transport report does however identify some measures for further investigation which include improvements to home to school transport, more emphasis on cycling for pupils and staff and an investigation of Park and Ride options for remote drop-off points for pupils or remote parking for staff.
37. Changes will be required to waiting restrictions on Christchurch Road and there will be a requirement to create a vehicle access (dropped kerbs and strengthening footways). A condition should be attached to any future planning permission notifying the applicant that they will need to agree this with the highway authority.

### **Main issue 3: Design and heritage**

38. Key policies and NPPF paragraphs – JCS2, DM3, DM9, NPPF paragraphs 9, 17, 56, 60-66 and 128-141.
39. With regards to the design of the proposal and the impact that it will have upon the listed building and the wider conservation area, it is considered that certain elements will be beneficial to this heritage asset, others will have little or no impact whilst certain elements will result in some harm.
40. Formalising the car park arrangement and removing minibuses from the front of Eaton Grove will help enhance the building's setting and will help pedestrians move safely around the site. This element is therefore considered to have a positive impact upon the heritage asset.
41. The creation of a minibus transport hub for seven vehicles at the rear of the main school building including the re-positioning of a fence and the extension of hard surfaces will have no impact upon the setting of the listed building or the conservation area. The proposal also includes the installation of signage and traffic management measures to the front of Eaton Grove which may have some detrimental impact upon the aesthetic of the setting; however the proposal suggests that this impact will be limited to intervention in modern fabric and is reversible. Therefore the safety benefits associated with this element of the proposal are considered to outweigh any negative impact.
42. One of the main consideration with regards to the impact upon this listed building and the conservation area is the new opening that will need to be created within the curtilage listed boundary wall to Christchurch Road as this will impact upon the fabric and historic layout of the setting of a listed building. It is understood that the existing boundary wall is unlikely to be original yet the construction has not been

dated, thus its significance is more difficult to determine. Norwich City Council's conservation officer has suggested that due to the materials used and the construction methodology it would seem to indicate late C19 to early C20 construction. Regardless of the significance of the fabric, its location and existence is significant in its indication of a physical boundary of the site, therefore its alteration is considered to be harmful to the significance of the listed building and the wider setting which is a conservation area. Furthermore although there is some historic evidence to suggest an 'informal' pedestrian pathway existed in this area of the grounds, the introduction of a new 'formal' vehicle and pedestrian route (particularly one which is to be used as the official vehicle exit from the site) negatively impacts upon the historic 'circulation' of 'traffic' visiting the site.

43. Notwithstanding the above, the harm that will be caused by this element of the proposal is considered to be less than substantial and the increased safety of visitors to the site and the general public around the site is considered to outweigh this less than substantial harm and will provide for the continued beneficial use of the building. Details have been provided of the new opening including details of bricks, mortar and gates. These details are considered acceptable and will ensure that the new opening is of good quality and ties in well with the existing wall.
44. Overall therefore it is considered that the proposal will cause less than substantial harm to the special architectural and historic interest of this listed building. Furthermore the proposal will cause less than substantial harm to the character and appearance of the wider setting, which is a conservation area and the benefits of the proposal outweigh this harm. The proposal therefore accords with the objectives of the NPPF, Policy 2 of the Adopted Joint Core Strategy and policies DM1, DM3 and DM9 of the Norwich Development Management Policies Local Plan, together with relevant guidance within the NPPF.

#### **Main issue 4: Trees**

45. Key policies and NPPF paragraphs – DM7, NPPF paragraphs 109 and 118.
46. The proposal will result in the loss of well-established trees and consideration needs to be given to whether the loss of trees is acceptable in this instance. Policy DM7 of the Local Plan sets out that trees and significant hedge and shrub masses should be retained and development resulting in the loss of a protected tree should only be permitted where:
  - a) The removal of a tree or hedgerow will enhance the survival or growth of other protected trees or hedgerows; or
  - b) It would allow for a substantially improved overall approach to the design and landscaping of the development that would outweigh the loss of any tree or hedgerow.
47. The tree survey and report submitted with the application stated that three trees would need removal (T10, 11 and 12); however the most recent drawing show 4 trees will be removed (T9, T10, T11 and T12). Removing tree T9 in addition to the ones stated in the report will allow the necessary level changes and allow the road to be pulled further east away from significant beech trees T15 and T16 and T14 a mature lime. This is preferable from a tree protection perspective and the tree survey information has been updated to reflect this.

48. The trees which are to be lost do add to the character of the conservation area and the setting of the listed building and it is considered that their loss would be of some harm. However Norwich City Council's tree officer has confirmed that their loss would be accepted in these circumstances subject to replacement planting. The tree officer has suggested 10 trees should be an appropriate replacement in terms of biomass. The most recent plan only shows 8 replacement trees; however details of landscaping are to be conditioned which will allow further trees to be secured.
49. Furthermore there are a number of trees on the site which are of high value which could potentially be affected by the proposal as their root protection areas enter into the proposed new access. As such a full Arboricultural Method Statement and Tree Protection Plan should be conditioned and a 'no dig' method of construction for the access track will be needed.

### **Main issue 5: Landscaping**

50. Key policies and NPPF paragraphs – DM3, DM8, NPPF paragraphs 9, 17 and 56.
51. With regards to landscape the main concern is the loss of the existing trees which require removal to accommodate the new road in the wooded area along Christchurch Road. The plan as submitted only included replacement planting on a 1:1 basis but this has now been changed to include 8 trees. Although this is a significant improvement, it is considered that there is potential to include more trees in particular to soften the large area of hardstanding which will be created by the new roadway, parking area and pedestrian footpath.
52. It is also important that a layered structure is created and although the principle of what is being proposed is acceptable, Norwich City Council's landscape officer has commented that the native shrub mix would be more appropriate to be used in areas as a sub canopy layer to existing natural areas rather than being used at the new entrance. They have also suggested that a double staggered row of hedging is planted to the rear of the proposed wall.
53. Overall therefore although the principle of the landscaping is acceptable, there are a few details which need amending to enhance the aesthetics of the otherwise uniformly hard access route and parking area and to offset the loss of biomass. This can be secured by a landscaping condition.

### **Main issue 6: Biodiversity**

54. Key policies and NPPF paragraphs – JCS1, DM6, NPPF paragraph 118.
55. On site there are a number of mature trees, scrub and hedgerows which provide good habitat for breeding birds. There are also a number of mature trees on site which have some features that are suitable for roosting bats and hedgerows, scattered trees and plantation woodland which offer habitat for foraging and commuting bats. A high number of records for hedgehog exist within 2km of the site and the site offers good foraging and hibernation habitat within the wooded areas. Potential ecological impacts of the proposal include the following:
- a) Birds could be killed or injured or nests destroyed if clearance works occurs within the bird breeding season.
  - b) Reptiles, if present, could be killed/injured by clearance works.

- c) If bats are present in any of the 7 trees identified as having low bat potential within the area proposed for clearance, bats could be killed/injured by the works or roosts lost. If bats are present in any of the 4 trees identified as having low bat potential within the area proposed for car parking, bat roosts or commuting/foraging routes could be impacted by increased lighting effects. There will also be a significant loss of foraging potential for bats caused by the removal of 0.05ha [ 500m<sup>2</sup> ] of plantation woodland.
56. A number of mitigation measures are included within the habitat survey which include the following:
57. a) clearance of the plantation woodland is undertaken under a method statement to protect birds and potential bats and reptiles.
- b) Any tree and scrub clearance work should avoid the bird breeding season between 1 March to 31 August. Alternatively, a bird surveyor should visit the site prior to clearance to ensure there is no nesting and to confirm when works can take place. If nesting birds are present, the nest area should be cordoned off and left undisturbed until the birds have fledged or the nesting attempt reached a natural conclusion.
- c) Mitigation for bats is not currently required
- d) All deadwood, compost heaps and ground flora should be cleared in September to avoid impacts on potential hibernating reptiles and hedgehogs or breeding birds.
- e) Any works occurring within the root protection zones will be minimised and undertaken in accordance with BS5837:2012, and recommendations given within the arboricultural report (*EcoNorth 2017*) must be adhered to.
- f) Additional lighting should be kept to a minimum. However, if additional lighting is required this should be of low level, directed towards the ground and away from trees.
58. The following enhancement measures are also proposed:
- a) Six bat boxes of varying design such as Schwegler 2FN or 1FD placed on trees at S, SE and SW directions at a height of 3-4m away from artificial lighting.
  - b) Remaining mature trees on site are protected under Tree Preservation Order.
59. A condition should be attached to any future permission to ensure that the mitigation and enhancement measures set out within the report should be adhered to.

### **Main issue 7: Amenity**

60. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
61. The proposals are not likely to have any significant amenity considerations for nearby residents other than potential disturbance from noise. 2 Christchurch Road may experience a slight increase in noise from minibus traffic and the properties on Christchurch Court may experience a slight increase of noise from the new exit

from the school although this is likely to be minimal due to them being set back from the road and due to screening provided by trees and the boundary treatment.

### **Main issue 8: Flood risk**

62. Key policies and NPPF paragraphs – JCS1, DM5, NPPF paragraphs 100 and 103.
63. The site is situated within the critical drainage area and as such policy DM5 of the local plan is of particular relevance. Permeable surfacing materials are proposed where re-surfacing is being undertaken so the application should not increase surface water runoff.

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

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

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

### **Equalities and diversity issues**

65. There are no significant equality or diversity issues. The proposal includes one designated disabled parking space.

### **Local finance considerations**

66. 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.
67. 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.

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

## Conclusion

69. The proposed development will offer a number of benefits to the school including improving access, car parking, internal traffic circulation and pupil safety. The creation of a one way system and new pedestrian access is supported from a highway safety point of view and the proposal will reduce conflict between cars entering and exiting via the Newmarket Road entrance. Furthermore it will provide traffic free pedestrian access to the front of the school and improve legibility through the site. Although the proposal will increase traffic movement on Christchurch Road the overall impact is likely to be minimal.
70. The proposal will also help improve the setting of this listed building with the removal of minibuses and car parking from the entrance. The proposal will involve the removal of part of a curtilage listed building which will impact upon the fabric and historic layout of the setting of a listed building. This part of the proposal will cause some harm to the significance of the listed building and the wider setting; however in this instance the level of harm is considered to be less than substantial and the increased safety of visitor and pupils to the site is considered to outweigh this less than substantial harm. Furthermore it is regrettable that the proposal will result in the loss of four well established trees which will impact upon the conservation area; however subject to replacement planting their loss is acceptable.
71. Overall therefore it is considered that the benefits offered by the proposal outweigh the harm. Therefore it is considered that the development is in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.

## Recommendation

To approve application no. 17/00737/F - Norwich High School for Girls, 95 Newmarket Road, Norwich, NR2 2HU and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Bricks, mortar, design of brick piers, specification/design of access gates in accordance with submitted details.
4. Demolition of wall to be carried out by hand
5. Any damage caused to the building or curtilage listed wall shall be made good
6. Stop work if unidentified features revealed
7. Traffic Regulation Order
8. Landscaping details to be approved
9. External lighting not to be used after 22:00 hours and before 06:00 hours on any day
10. Supplementary AMS to be provided
11. No-dig methods
12. Mitigatory replacement tree planting
13. Bat boxes to be installed in accordance with details submitted

14. Mitigation measures set out within section 9.3 of the ecology report and enhancement measures set out within section 9.4 of the ecology report shall be adhered to.

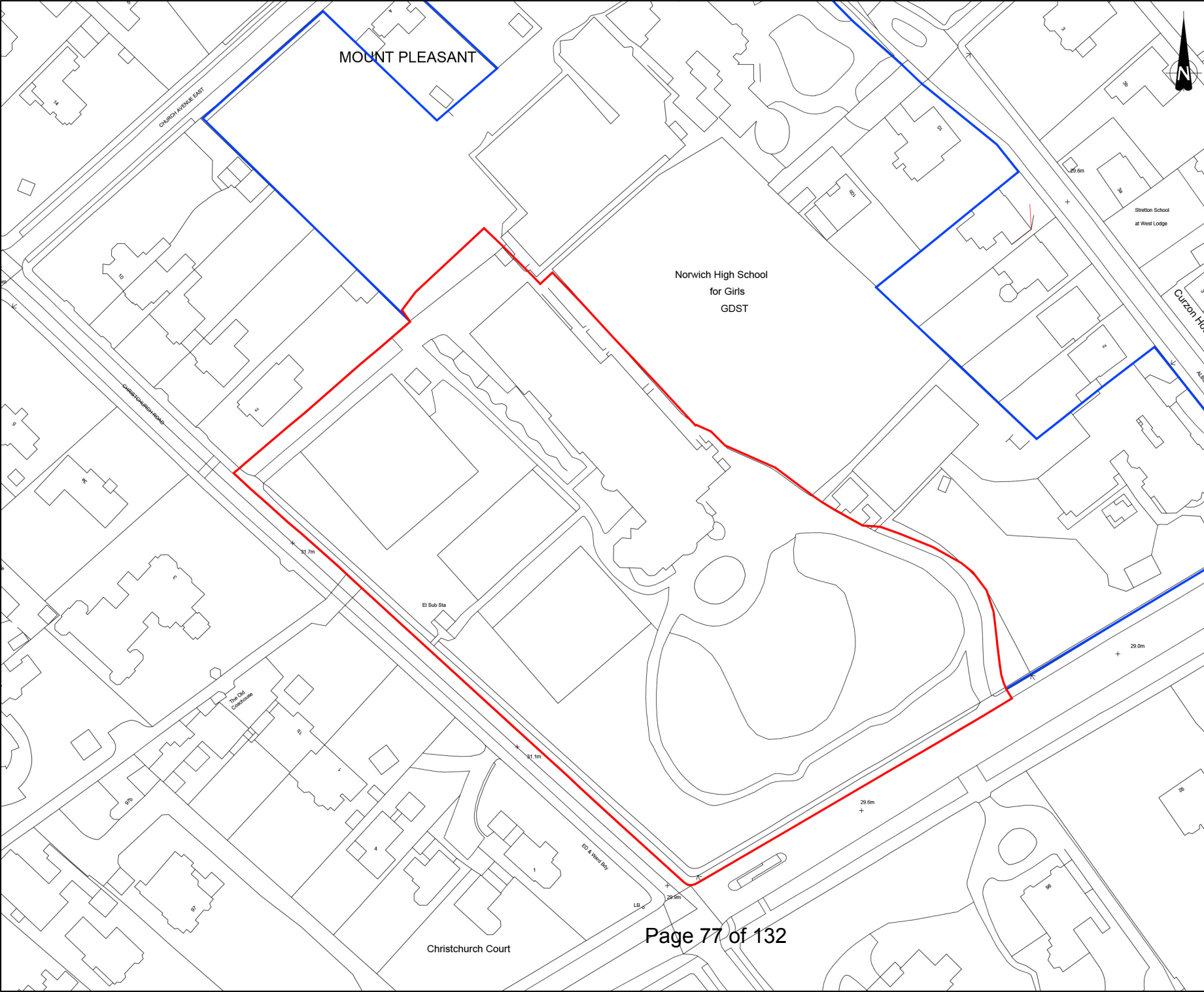
### **Suggested Informatives**

1. Listed building consent is required for works to the boundary wall.

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

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





MOUNT PLEASANT

Norwich High School  
for Girls  
GDST

Christchurch Court



Key  
Application boundary  
Ownership boundary

Do not scale from this drawing.

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Rev. Date Description Client Drawn Checkd Appd

**FAIRHURST**

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gdst Girls' Day  
School Trust

Project Title:  
**NORWICH HIGH SCHOOL FOR GIRLS  
AMENDMENTS TO ACCESS  
ARRANGEMENTS**

Drawing Title:  
**EXISTING SITE PLAN**

Scale of A1: 1:500	Status: Preliminary	Approved: CH
Drawn: AW	Checked: CH	Appd: CH
Date: 18/04/17	Date: 18/04/17	Date: 19/04/17
Drawing No.:	114581/8004	Revision:





**Report to** Planning applications committee

**Item**

13 July 2017

**Report of** Head of planning services

**Subject** Application No 17/00357/F - St Stephens Tower, St Stephens Street, Norwich

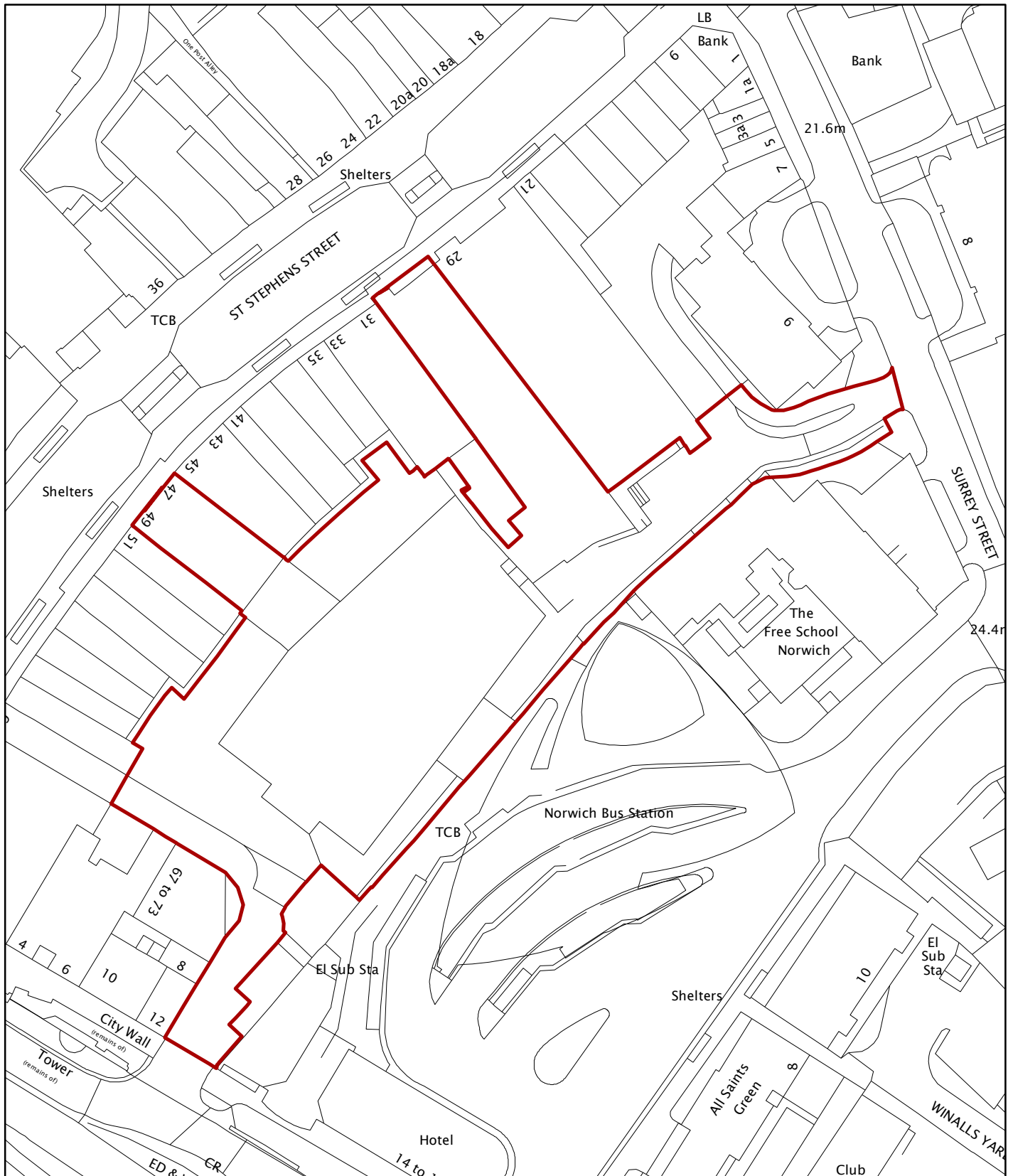
**Reason for referral** Significant application raising issues of wider importance

4(c)

<b>Ward:</b>	Mancroft
<b>Case officer</b>	David Parkin - <a href="mailto:davidparkin@norwich.gov.uk">davidparkin@norwich.gov.uk</a>

Development proposal		
Redevelopment of St Stephens Tower for student accommodation with vertical extensions, demolition of ancillary structures to facilitate a new link building and landscaping.		
Representations		
Object	Comment	Support
0	1	4

Main issues	Key considerations
1	Principle of Development
2	Heritage and Design
3	Landscape and Open Space
4	Transport
5	Amenity
<b>Expiry date</b>	29 May 2017
<b>Recommendation</b>	APPROVE



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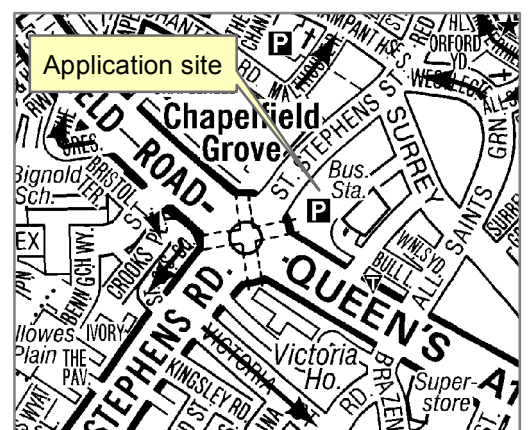
Planning Application No 17/00357/F  
 Site Address St Stephen's Tower  
 St Stephen's Street

Scale 1:1,000



**NORWICH**  
 City Council

**PLANNING SERVICES**



## **The site and surroundings**

1. The site lies to the east of St Stephen's Street in the city centre and comprises of the two existing towers (currently vacant; last used as offices) and ground floor and basement buildings connecting them and a vacant building to the south.
2. At ground and first floor level on St Stephen's Street are retail units with the entrance to Chapelfield shopping centre on the opposite side of the street.
3. The NCP car park lies to the south and is accessed off Queen's Road. The St Stephen's Street retail units are also serviced from Queen's Road with the service yard running under the two towers and adjacent to the linking buildings.
4. There is access to the site off Surrey Street. This access also provides servicing to the retail units on the corner of St Stephen's Street and Surrey Street. Bignold House (vacant offices) and 15-17 Surrey Street (in use as a free school) lie either side of this access with Surrey House (offices) on the opposite side of the street.
5. The bus station lies to the south of the site.

## **Constraints**

6. Listed buildings (Grades I, II and II\*) nearby
7. Conservation Area

## **Relevant planning history**

8. None

## **The proposal**

9. The application proposes the change of use of the two St Stephen's Street towers and associated ground floor and basement level buildings from offices and ancillary functions to provide 702 student bed spaces with a student centre to provide information for students in the city centre and associated ancillary uses including common rooms, laundry, gym, games rooms etc.. A combined heat and power plant is also proposed at ground floor level.
10. To facilitate the change of use amended plans show an additional storey being added to each of the two towers, which replace the existing plant structures. A three storey link building between the two towers is also provided with a roof top amenity area.
11. Two additional storeys are added to the vacant building that lies to the south of the towers. This building is 'hollowed out' to create a courtyard that will provide amenity space for residents. The linking building between the towers is also given the same treatment to create a second courtyard but this one is only accessible to those with rooms on the 2<sup>nd</sup> basement level.
12. Service access is from Surrey Street and from the retail service yard. Cycle parking is provided internally at ground floor level.

13. The main pedestrian access will be from Surrey Street, with a gate providing security for the residents. Outside of this gate an access through into the bus station is proposed as part of the development. The access would be managed but would be available to residents and members of the public alike. Indicative streetscape proposals for the link from Surrey Street to the building are included with the scheme and are inside the red line.

### Summary information

Proposal	Key facts
<b>Scale</b>	
Total no. of dwellings	<b>702 (student bed spaces)</b>
No. of affordable dwellings	<b>None</b>
Total floorspace	<b>24,000m<sup>2</sup></b>
No. of storeys	<b>10 in total from St Stephen's Street (including ground and 1<sup>st</sup> floor retail)</b>
Max. dimensions	<b>33m from St Stephen's Street</b>
Density	<b>293 bed spaces/hectare</b>
<b>Appearance</b>	
Materials	<b>Cladding, glazing and brick work</b>
Construction	<b>Refurbishment of existing structure with modern, lighter weight construction to additional floors</b>
Energy and resource efficiency measures	<b>Combined heat and power plant</b>
<b>Operation</b>	
Opening hours	<b>Not relevant</b>
Ancillary plant and equipment	<b>Combined Heat and Power plant located at ground floor level. Other associated plant located at basement or ground floor level</b>
<b>Transport matters</b>	
Vehicular access	<b>Limited access from Surrey Street</b>
No of car parking spaces	<b>3</b>
No of cycle parking	<b>208</b>

Proposal	Key facts
spaces	
Servicing arrangements	<b>From Surrey Street &amp; from the service yard to the rear of St Stephen's Street shops.</b>

## Representations

14. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 2 letters of representation have been received from the public citing the issues as summarised in the table below. All representations are available to view in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number. In addition, 2 representations have been received from organisations and one from the Ward Councillor.

Issues raised	Response
Will relieve pressure on other areas of the city such as the Golden Triangle	See conclusions
Will relieve pressure to expand on the UEA campus	See conclusions
Concerns raised re: proposals for access from proposal to Surrey Street & impact on servicing arrangements for existing businesses that currently use this access for servicing.	Main Issue 4

15. **Councillor Fullman** - asked for the application to be referred to Planning Applications Committee. Councillor Fullman states that he believes the proposal is a significant redevelopment and urban regeneration project in the conservation area which could have substantial economic and social benefits for the City. NOTE: Councillor Fullman's referral request was made outside the 21 day call-in period set out in the scheme of delegation.
16. **Norwich BID Board** – The Board represents the wider Norwich business community of over 650 businesses. The BID Board were supportive of the development to re-use a key site within the city centre to bring life and vibrancy back into the city with residential living. Questions were raised over the level of student accommodation now being built in the city, but welcomed bringing the building back into use. There was a loss of commercial property and space in the city centre, but this was offset by the value of the regeneration of the area and the uplift in use of the city as a living space. The design and integration with the surrounding area was well received.
17. **Intu Chapelfield** - This development is long overdue and incredibly welcome as it enhances the vitality and vibrancy of the city centre, meets a very real social need

whilst also supporting our world class further education provision, all whilst addressing what is currently a visual blight on the city skyline. As such it has our support though in my view it could be even better if the developers and Council could find a way, even if it's not a 'fully accessible' pedestrian route, of linking the Bus Station to St Stephens Street for public and student residents alike, dedicated and open 24 hours a day and not restricted to the trading hours, whim or business priorities of the future tenant to the former BHS store.

## Consultation responses

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

### Design and conservation

19. **OBJECT** (to original proposals) - There is insufficient justification for the proposed increase in height, the existing towers are considered to be a negative feature and the proposed cladding is not considered to ameliorate for the increase in height.
20. The proposed increase in height and new cladding system with high number of new windows – will result in very busy and high visible elevations. The colour/texture of new cladding system does nothing to temper the disparity between the towers and their base. The resulting appearance will be an incongruous hybrid of forms which will cause harm to the character and appearance of the conservation area and setting of various listed buildings. Most importantly, the increase in height will cause the development to rise above the ridge line of Bignold House (Grade II\*) spoiling the setting of this building in particular. Note that this part of the conservation area does feature a mixture of historic and larger contemporary forms, but the disparity in height and design of the existing architecture is not as great as what is proposed here. It should also be acknowledged that this disparity is identified as a negative element of the existing conservation area, something which should not therefore be repeated and could not be considered an 'improvement' or 'enhancement'.
21. Not convinced that the scheme is locally distinctive.
22. From an urban design perspective the proposals do little to improve the (east/west) pedestrian links between St Stephens and the bus station and do not there comply with the guidance provided within the St Stephens Masterplan.
23. No significant landscaping/public realm enhancements appear to be offered in the current package
24. No improvement to the street level frontage to St Stephens has been proposed.
25. Paragraph 56 of the NPPF requires development to be of a good architectural quality which is visually attractive, Paragraph 60 encourages development which promotes or reinforces local distinctiveness.
26. Paragraph 64 advises that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'. Paragraph 131 requires new



development to make a positive contribution to local character and distinctiveness, Paragraph 132 acknowledges that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that any harm requires clear and convincing justification. Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Local Plan set out similar requirements for new developments DM1, DM3 and DM9.

27. It will be for the Council to determine whether the proposal results in adequate public benefits in accordance with paragraph 134 of the NPPF. This is questionable!
28. **OFFICER NOTE:** Comments are outstanding at the time of writing and will be summarised in the Update Report. However, in conversation the Design & Conservation Team has indicated that the changes made address the concerns raised.

### Historic England

29. **COMMENT** (on original proposals) - The re-cladding and extension of St Stephen's towers could result in harm to significance of the listed buildings and conservation area at Surrey Street in terms of the NPPF, paragraph 132 while the new cladding could give the towers undue visual emphasis in the conservation area. Minimising any harmful impact on the historic environment through amendments to design should be considered before the application is determined.
30. Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 6, 7, 14, 17, 132 and 134 of the NPPF. 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. Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.
31. Comments are outstanding at the time of writing and will be summarised in the Updates Report. However, in conversation with your officers, Historic England has indicated that the changes made address the concerns raised.

### Environmental protection

32. Noise – concerns remain over 'impact noise' from the service yard to the retail units on St Stephen's Street, which could be disturbing at night. Details submitted indicate that mitigation cannot be achieved with opening windows and that either mechanical ventilation or 'deep attenuated acoustic ventilators' will be required. Greater clarification is needed.

33. Air Quality – Agree with proposals to provide mechanical ventilation to rooms facing the bus station to provide the option to close windows. Queries why mechanical ventilation should terminate at 1<sup>st</sup> floor level and requires further information to justify this approach.

#### **Environment Agency**

34. **NO COMMENTS RECEIVED**

#### **Anglian Water**

35. **NO OBJECTION** subject to condition requiring additional details of surface water drainage.

#### **Highways (local)**

36. **NO OBJECTION** in principle - No objection in principle. Outstanding concerns remain re: pedestrian link to bus station; and the ability of development to be serviced for refuse collection, parental drop off/pick up, cycle access.

#### **Highways (strategic)**

37. **HOLDING OBJECTION** (to original submission) – Further details required to address the following:-
- What agreements have been reached with the owners of the bus station site and also the bus operators with regard to access?
  - Will the route for students between the bus station and the site be available in perpetuity?
  - The design and access statement indicates part of the connecting wall between the bus station and the development site will be removed to provide a permanent link for student access. I have spoken to the operators of the bus station and they have informed me that they have previously advised this developer they are unable to agree to this for operational reasons. There are times when the link will have to be closed for health and safety. The developer needs to clarify when the access will be closed/ frequency/ and what alternative options will be available – again I would not wish to see all of the students being forced to use the delivery service access serving the retail shops on St Stephens Street.
  - What alternative access arrangements will be available in the event of agreement to gain access from the bus station not being reached?
  - How will the public be made aware of the existence of this [proposed route through the ex-BHS unit] - in particular from St Stephens Street given they will have to walk through a shop?
  - Given the route passes through a shop – what hours will the route be available for use and what happens outside of those hours?
  - How will the public be made aware of the hours for which the route is/ isn't available for use?

38. **NOTE:** Comments on the revised proposals and additional information are outstanding at the time of writing and will be reported in the Update Reports.

## **Landscape**

39. Plan no 376-PA-053 show the repaving of the existing entrance from Surrey Street. This is a shared space between pedestrians and cars and the line of cobbles through the centre of the space draw pedestrians towards the vehicular entrance rather than highlighting the new pedestrian route to the side of the building.
40. It is disappointing that so little input seems to have been made in this space which forms a direct link to Surrey Street. There is no clear priority for pedestrians in the space and the use of the Kellen plank paving through the further pedestrian link could be employed in this area to reinforce the new link. The seating units placed alongside the bus station wall create active meeting areas The Kellen paving through the new pedestrian link appears to be effective with the darker surfacing to the edges of the site defining a route through the site.
41. The actual break through into the bus station is small and should be highlighted within the paving to encourage through use of this new connection. The inclusion of the streetlife wild fencing is interesting and allows for visual permeability into and from the site. We will need to see details of the proposed planting forming the start of the entrance path. There are no details provided of the secure gates and barriers which are intended to divide up the public realm from the private student area. Without care this could result in a 'gated community' feel and discourage pedestrians further from using the new link from the bus station.
42. Overall there is very limited space on site for use by the students and other than the roof terraces what is available will be heavily overshadowed by the mass of the proposed development. The courtyard space created associated with the building are simple in design and we would expect to see further details of the raised bed construction and other site furniture and the detailed planting for the area. The plans indicate clipped hedging but given the degree of overshadowing from the building a palette of shade tolerant natural style planting would be more appropriate.
43. The roof garden areas appear well conceived and the sections provided show the design intentions.
44. Given the increased use of the surrounding areas resulting from the density of the development the street scene immediately around the development site should be enhanced where possible. The main opportunities are the link to Surrey Street mentioned above and the intact section of the City Wall along Queens Rd. The section of wall would benefit from repairs and clearance works to enhance its presence adjacent to the development. The paving between the wall and the footprint of the site would similarly benefit from improvements given the increased footfall through the area.
45. The use of cor-ten streetlife furniture and kellen paving throughout provides a strong site identity which carries through all the areas apart from the Surrey Street approach - which will be extremely well used and is the main pedestrian link to the street scene. The landscape strategy needs to be fully detailed to fully explain the design intentions.

46. Additional information required to fully determine proposals:

- Construction sections
- Surface water drainage details
- Detailed planting plans
- Maintenance/management information

47. In summary there is very limited amount of open space available on site for the use of students which will not sustain the density of the proposed development.

#### **Norfolk County Council (Lead Local Flood Authority)**

48. **NO OBJECTION** subject to conditions to secure further details of surface water drainage.

#### **Norfolk historic environment service**

49. **NO OBJECTION** on the basis of the desk-based assessment submitted the potential for significant heritages assets with archaeological interest to survive at this site is low.

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

50. **NO OBJECTION** Overall the layout is acceptable to Secured by Design criteria. The provision of a gated and secure access point from the bus station is a welcome proposal. Detailed comments are made re: standards of locks to be used; specifications for windows; and specifications for doors.

#### **Norfolk Fire & Rescue**

51. **COMMENT** that the development will require additional hydrants to service the risers, which can be secured by condition.

## **Assessment of planning considerations**

### **Relevant development plan policies**

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

- JCS1 Addressing climate change and protecting environmental assets
- JCS2 Promoting good design
- JCS3 Energy and water
- JCS4 Housing delivery
- JCS5 The economy
- JCS6 Access and transportation
- JCS9 Strategy for growth in the Norwich policy area
- JCS11 Norwich city centre
- JCS19 The hierarchy of centres

- JCS20 Implementation

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

- DM1 Achieving and delivering sustainable development
- DM2 Ensuring satisfactory living and working conditions
- DM3 Delivering high quality design
- DM4 Providing for renewable and low carbon energy
- DM5 Planning effectively for flood resilience
- DM8 Planning effectively for open space and recreation
- DM9 Safeguarding Norwich's heritage
- DM12 Ensuring well-planned housing development
- DM16 Supporting the needs of business
- DM18 Promoting and supporting centres
- DM19 Encouraging and promoting major office growth
- DM20 Protecting and supporting city centre shopping
- 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

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

- CC27 St Stephen's Street

**Other material considerations**

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

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

**Case Assessment**

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

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

### **Main issue 1: Principle of development**

57. Key policies and NPPF paragraphs – DM12, CC27, NPPF paragraphs 49 and 14.
58. The application site forms part of site CC27 in the Site Allocations Plan. CC27 extends along the south-eastern side of St Stephen's Street from the junction of Queen's Road to the junction with Surrey Street. The allocation includes the shops fronting St Stephen's Street, the car park on the corner of Queen's Road and the Grade II\* Bignold House on Surrey Street. The bus station lies to the south of the allocation.
59. The explanatory text to the Site Allocations Plan refers to the JCS Policy 11, which states that the area will be developed in accordance with its masterplan. The masterplan in question, the *St Stephen's Street Area Outline Masterplan*, envisaged the eventual demolition of a significant part of the site, including the towers and some shops, and redevelopment of the area for 250 dwellings, 8270m<sup>2</sup> of offices, 470m<sup>2</sup> of retailing and 92 underground car parking spaces. The layout proposed a new pedestrian link connecting St Stephen's Street to the bus station to include new public open space.
60. The text of policy CC27 reflects the 'high intervention' scheme proposed in the masterplan and specifically referring to retail development at ground floor level with office and residential uses on upper floors. A minimum of 250 dwellings and a pedestrian link to the bus station are also referred to.
61. The policy goes on state that if the comprehensive re-development proves to be unviable the re-use of the existing buildings on the site will be acceptable, to allow for:-
  - The expansion of retail activities through reconfiguration of the current service yard and removal of the existing vacant building to the rear of 35-57 St Stephen's Street adjacent to the bus station;
  - The refurbishment and re-use of the two towers for a mixture of offices, residential or student accommodation, consistent with other policies of the development plan; and
  - The provision of a new pedestrian link to the bus station from St Stephen's Street subject to technical and financial viability considerations.
62. It should be noted that at the time the policy was written the whole of CC27 was in the ownership of Aviva Investors.
63. The applicant has submitted information that was put before the Local Plan Inspector in order to try and justify their view that the 'high intervention' scheme is not viable. The information has been up-dated but comes to similar conclusions, i.e. that the scheme is not viable.
64. It should be noted that the Inspector chose to retain references to the 'high intervention' scheme, notwithstanding the viability evidence presented by the applicant.

65. However, the current scheme does not provide for the comprehensive re-development of CC27. The main reason for this is that the ownership of the application site has passed from Aviva Investment to Crown Student Living, who are the applicants. It should be noted that the proposals have been subject to pre-application advice and both Aviva Investment and Crown Student Living were advised against the sub-division in ownership as it would prejudice the ability to deliver even the more limited policy objectives of CC27 set out above.
66. As it stands, the current scheme only provides for the second bullet point, i.e. the refurbishment of the towers for student accommodation.
67. The scheme does not allow for the expansion of the St Stephen's Street retail units. Indeed, it prevents this in the future as the proposal makes use of the vacant building that would need to be demolished to facilitate the expansion. CC27 is the only retail allocation for the city centre in the site allocations plan.
68. The proposal does not facilitate the creation of a link from St Stephen's Street to the bus station. At an earlier stage of negotiation securing more formal arrangements for a link through the currently vacant BHS unit were being investigated. However, the unit is not in the control of the applicant and would have required a Section 106 agreement with Aviva Investors. Aviva Investors were not willing to enter into such an agreement as, in their view, it would affect their ability to let the unit.
69. The proposal does include the creation of a link through from the rear of the development into the bus station, which would be of benefit to the occupants of the proposed student accommodation and of more limited benefit to the wider community. It should be noted that the link would not be open all the time as it would have to closed to facilitate maintenance at the bus station.
70. The scheme also includes proposals to improve the link from the rear of the building to Surrey Street, final details of which would need to be secured by condition.
71. There is also a separate application to refurbish and improve the appearance of the entrance at the rear of the BHS unit, but that is not part of the scheme before committee and consequently the weight that can be attached to it is limited.
72. Finally, the applicant has indicated that they will be submitting a unilateral undertaking under Section 106 of the Town and Country Planning Act that will provide £80,000 towards public realm improvements on Surrey Street and on Queen's Road. This is in line with the comments from the Council's Landscape and Design Officer.

## **Main issue 2: Heritage & Design**

73. Key policies and NPPF paragraphs – JCS2, DM3, DM9, NPPF paragraphs 9, 17, 56, 60-66 and 128-141.
74. The application site is within the city centre conservation area and close to a number of listed buildings. The two nearest such buildings are Bignold House (II\*) and 15-17 Surrey Street (II), both to the north on Surrey Street. However, the Grade I Surrey House only slightly further away on the opposite side of Surrey Street.

75. The existing towers are described as negative features in the conservation area appraisal. The statutory duty placed on the Council by the Planning Acts requires that the character of the conservation area is either preserved or enhanced by its decision and that special regard is had to the preservation of the setting of listed buildings.
76. In terms of the listed buildings, concerns were expressed by both Historic England and the Council's Conservation and Design Team that the scheme would result in unacceptable levels of harm to the setting of, in particular, Bignold House and 15-17 Surrey Street. The harm would have been caused by a combination of the increased height originally proposed and the original cladding.
77. The scheme has been amended to remove one of the two additional storeys off each tower. The cladding has also been amended to a lighter colour with a more horizontal emphasis. In light of these changes, the harm to the setting of the listed buildings has been mitigated.
78. In terms of the impact upon the conservation area and the streetscape generally, the original scheme proposed dark cladding with a horizontal emphasis. This failed to respect the horizontal design of the ground and first floor shops on St Stephens Street resulting in a jarring relationship between the existing and proposed buildings. The dark colour and vertical emphasis also exacerbated the impact of the height, making the towers a more prominent feature in the conservation area that was not justified by their existing characterisation as negative features. The original scheme neither preserved nor enhanced the character of the conservation area.
79. The amendments described above have addressed these issues. The cladding has been amended to wrap around the front of the two towers, giving them a more horizontal emphasis that is more in keeping with the existing buildings. The lighter coloured cladding and the reduction in height does not increase the prominence of the towers whilst improving their general appearance.
80. It is regrettable that the scheme does not secure any improvements to the retail facades on St Stephen's Street. Whilst Aviva Investment has indicated that they will invest in improving these frontages, no concrete proposals have been put forward and they do not form part of this application so little weight can be attached to these intentions.

### **Main issue 3: Landscaping and open space**

81. Key policies and NPPF paragraphs – DM3, DM8, NPPF paragraphs 9, 17 and 56.
82. There is limited open space provided within the development for the 720 occupants of the buildings, as described by the Council's Landscape and Design team. Two courtyards are proposed; one in between the two towers and one to the south of the southern tower. Only the southern courtyard is accessible to all residents, via the communal spaces on the second basement level. The northern courtyard is accessed through the 8 and 9 bed units located on the 2<sup>nd</sup> basement level.
83. The courtyard spaces will be in shadow all the time due to the depth at which they are located in relation to the buildings around them. For example, the southern tower presents an 11 storey elevation to both courtyards.



84. However, the roof top terraces are described as 'well conceived'. The site is also close to other areas of public open space within the city centre, including Chapelfield Gardens around 530m walk west of the site and Castle Gardens around 420m to the north.

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

85. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF paragraphs 17 and 39.
86. The site is centrally located in relation to city centre amenities, which can be accessed easily on foot or by bicycle. It is also ideally located for public transport services and the proposed link through to the bus station will increase accessibility by public transport.
87. The building will be serviced from both Surrey Street and the service yard behind the St Stephen's Street shops. Bins will be stored internally and collected from the service yard and plant rooms and the proposed Combined Heat and Power unit for the building will also be serviced from here.
88. Cycle parking for around 208 bicycles will be provided internally at ground floor level. On a day to day basis there are no parking spaces available for students but there are limited parking and servicing spaces accessed off Surrey Street.
89. Concerns have been expressed by both Norfolk County Council and the City Council's Highways team about arrangements for arrival and departure at the beginning and end of term. In response, the applicant has provided a statement from CRM, the company that will manage the building on behalf of Crown Student Living. The statement sets out how students will be allocated a time slot for arrival and departure and discussions with the NCP car park adjacent to the site to block book spaces at the beginning and end of term.
90. The final responses from Norfolk County Council to this revised information have not been received at the time of writing but earlier discussions with officers indicate that the final details for managing the beginning and end of term can be secured by condition.

#### **Main issue 5: Amenity**

91. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
92. It is the amenity of the future occupants of the development that is the key consideration here. Impacts include outlook; lack of light; noise; and air quality.
93. Outlook and lack of light affects those rooms that look out into the courtyards whilst poor outlook affects those on the flank walls of the two towers as they face each other. As indicated under 'Landscape and Open Space' the courtyards are set at basement level 1, i.e. 2 floor below ground level (bus station level) and will be in shadow at all times. The spaces are also only around 28m across, which exacerbates the effect of the high buildings (up to 11 storeys) bordering the spaces. The effect of this will be felt most keenly by those in rooms on basement level 2, basement level 1 and ground floor. Above ground floor, the spaces open out more.

94. Outlook from the northern and southern flanks of the two towers as they face each other is limited by the bulk of each building. However, the towers are around 40m apart and, in this instance, the ability to convert them to residential accommodation under permitted development rights is capable of being a material consideration.
95. The residents of the towers are likely to experience the impact of relatively poor air quality from the bus station. The applicant has accepted the need for some mitigation on the south-eastern elevation and has indicated that mechanical ventilation will be provided over at least some floors. The number of floors over which the mitigation would be required is still under discussion but could be secured by condition.
96. Noise from the service yard behind the St Stephen's Street shops could also impact upon residents, particular as hours of use are not limited and the use of the yard is outside the control of the applicants. Again, the applicant has accepted the need for mitigation but the exact nature and extent remains under discussion but can be secured by condition.

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

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

<b>Requirement</b>	<b>Relevant policy</b>	<b>Compliance</b>
Cycle storage	DM31	<b>Yes subject to condition</b>
Car parking provision	DM31	<b>Yes subject to condition</b>
Refuse Storage/servicing	DM31	<b>Yes subject to condition</b>
Energy efficiency	JCS 1 & 3 DM3	<b>Yes subject to condition</b>
Water efficiency	JCS 1 & 3	<b>Yes subject to condition</b>
Sustainable urban drainage	DM3/5	<b>Yes subject to condition</b>

### **Other matters**

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

## **Equalities and diversity issues**

99. There are no significant equality or diversity issues.

## **S106 Obligations**

100. The applicant has indicated that they will be submitting a Unilateral Undertaking under Section 106 of the Town and Country Planning Act (as amended). The undertaking is to provide a contribution to public realm improvements in Surrey Street. In the absence of a direct link through the development site as required under policy CC27 the contribution is required to mitigate the harm to the policy caused by the absence of the link and to mitigate the increased use of Surrey Street as a result of the proposals.

## **Local finance considerations**

101. Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are defined as a government grant or the Community Infrastructure Levy.

102. Whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision on the potential for the development to raise money for a local authority.

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

## **Conclusion**

104. The scheme is recommend for approval. However, this is very much an on balance recommendation given that the development effectively prevents all but one of the policy objectives set out in CC27 from being realised. This situation has largely been brought about by the division in ownership with Aviva Investment having sold the application site to Crown Student Living.

105. Given these circumstances, your officers have sought to mitigate the harm to the conservation area and nearby listed buildings caused by the original scheme and have also sought contributions to the public realm on Surrey Street and Queen's Road in order to mitigate against the lack of a pedestrian link through from St Stephen's Street to the bus station.

106. The proposal does deliver benefits. In planning terms these are the re-use of a vacant building; alterations to the building that improve its appearance without increasing its prominence in the streetscape and conservation area; and the provision of student housing that could relieve the pressure on housing elsewhere in the city.

107. The applicant suggests other benefits –

- These students, with their huge spending power, circa £4million per annum, will bring substantial economic benefits to the City Centre.

- The re-use of St Stephen's Towers, rather than raising the existing buildings and constructing entirely new buildings is sustainable in environmental terms.
  - The building works for the refurbishment and extension of St Stephen's Towers will be carried out by local family contractors RG Carter Limited, which in turn will benefit the local economy.
  - The building works will also provide employment for hundreds of men and women employed in the construction industry, the majority of whom will be based in or around Norwich.
  - The building works represent a £45 million investment in the City.
  - The building will provide a Student Union Hub in the City centre. The Hub has been promoted by the CEO of the Student Union at the University of East Anglia, who considers that a Student Union Hub in the City Centre with its welfare facilities will be a valuable contribution to the life of the UEA.
  - Roger Bond, the UEA's Director of Estates and Facilities, states that the absence of purpose-built student housing in a city of Norwich's size is unusual and that the development will go some way to remedying that shortage and bringing Norwich into line with other major University Cities.
108. The alterations to the design of the new buildings have mitigated the harm to heritage assets to such a degree that your officers consider any residual impacts can be weighed against the benefits of the scheme in heritage terms.
109. One significant dis-benefit is that it thwarts the policy intentions of CC27 to first of all bring about a comprehensive re-development of the area and secondly, in the absence of a comprehensive re-development, to provide additional retail floor space in the city centre and a pedestrian link from St Stephen's Street to the bus station. The sub-division of ownership of the site plays a large part in this dis-benefit.
110. The absence of a five year housing land supply in the Norwich Policy Area is not considered to be a significant material consideration in the determination of this application. Student accommodation is not currently included in the objectively assessed need so the proposal does not directly contribute to housing need.
111. Given the circumstances and in the light of all material considerations, on balance it is recommended that the scheme is approved.

## **Recommendation**

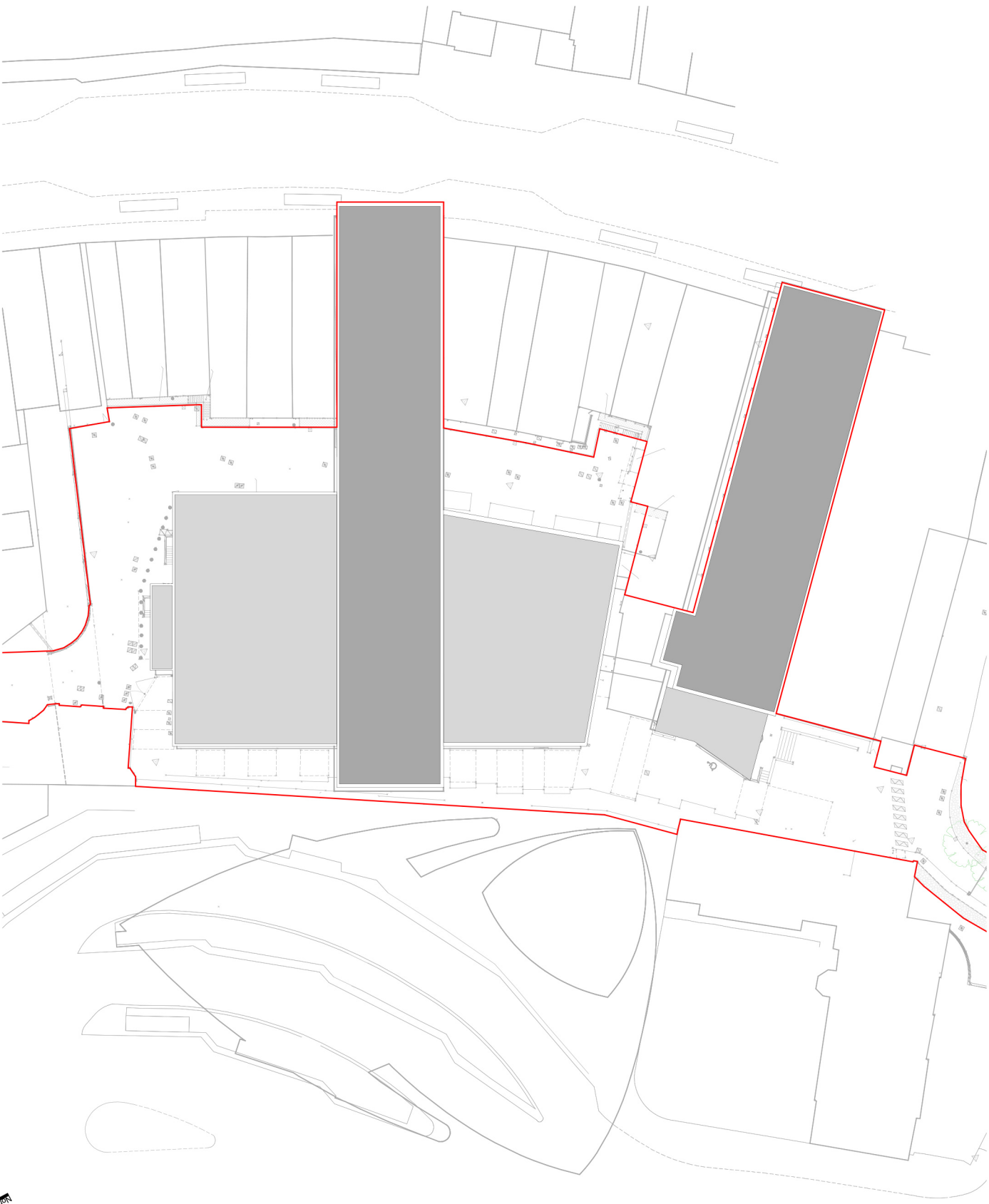
To approve application no. 17/00357/F - St Stephens Tower St Stephens Street Norwich and grant planning permission subject to either the submission of a satisfactory unilateral undertaking or the completion of a satisfactory legal agreement to include contributions towards improvements to the public realm on Surrey Street and Queens Road and subject to the following conditions:

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

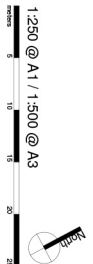
3. Details of materials;
4. Details of hard and soft landscaping and management thereof;
5. Provision of cycle parking;
6. Further details of surface water drainage;
7. Arrangements for managing arrivals and departures at beginning and end of academic terms;
8. Details of a scheme to mitigate impacts of air quality on bus station side of the development upon residents;
9. Details of a scheme to mitigate the impacts upon residents of noise from the service yard;
10. Water efficiency;
11. Energy efficiency.
12. Details of and management of access through to bus station;
13. Details of and management arrangements for streetscape improvements to from building access to Surrey Street

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

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



1 Existing Site Plan  
1 : 250



Rev	Date	Revision Details	Dr	Ch

**Client Name**  
CSL

**Site Name**  
St Stephens Street - Norwich

**Drawing Title**  
Existing Site Plan

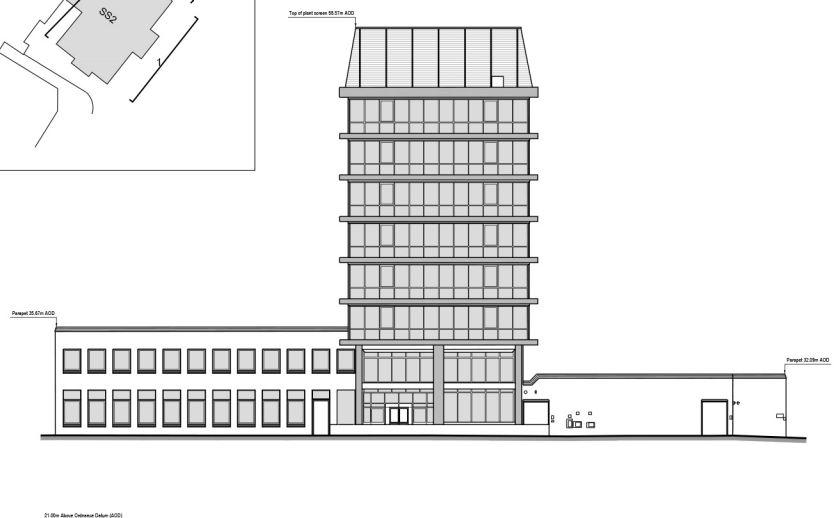
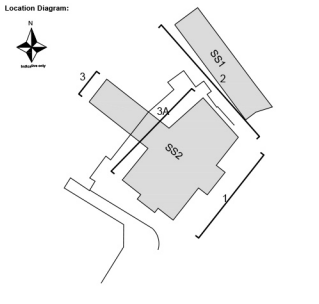
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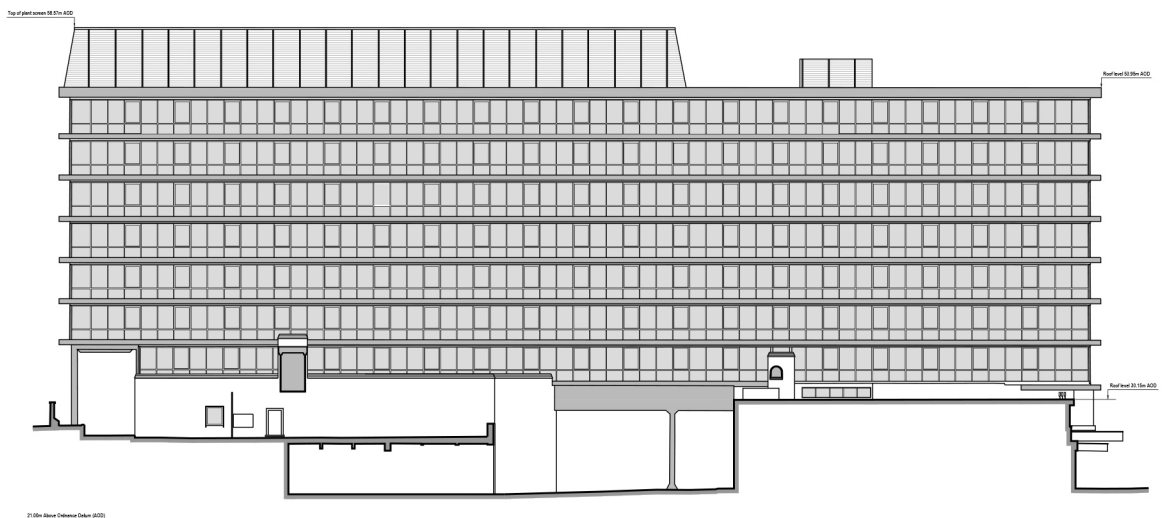
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**PLANING**

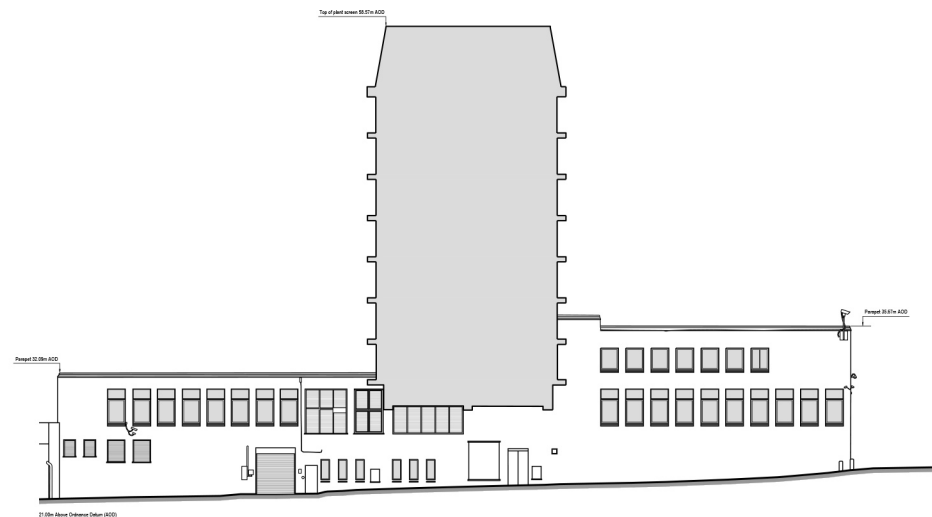
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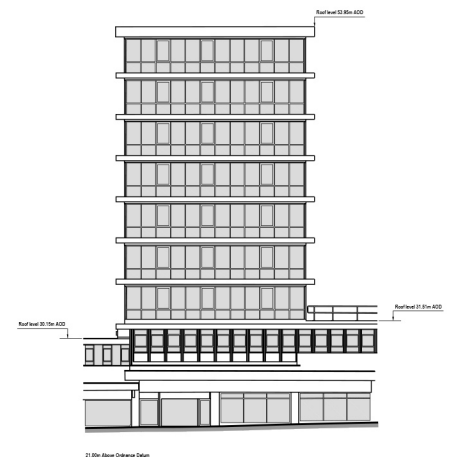
TOWER SS2 - ELEVATION 1



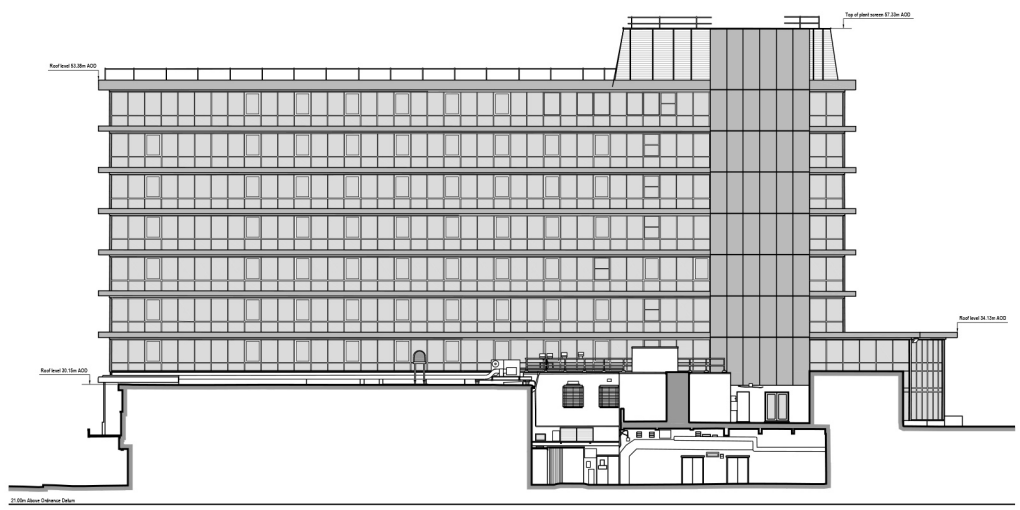
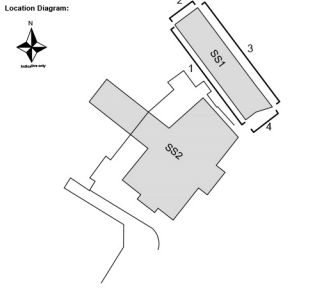
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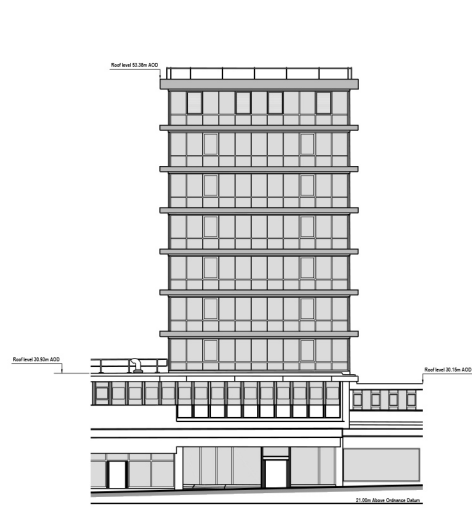
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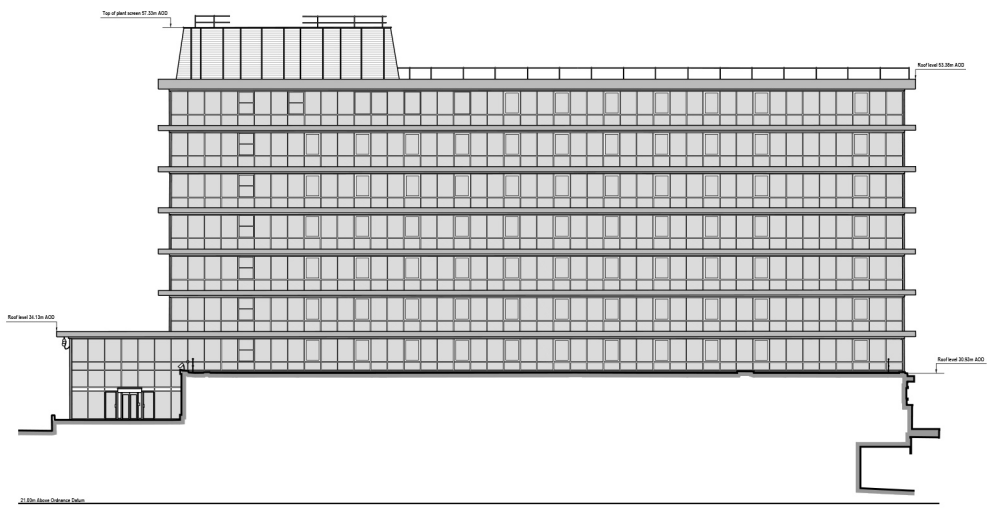
TOWER SS2 - ELEVATION 3a



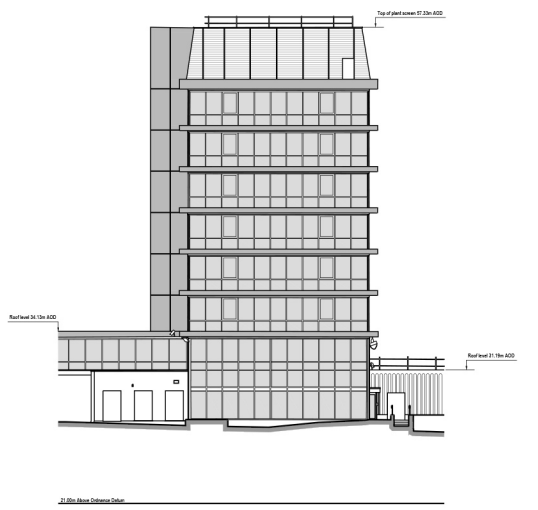
TOWER SS1 - ELEVATION 1



TOWER SS1 - ELEVATION 2



TOWER SS1 - ELEVATION 3

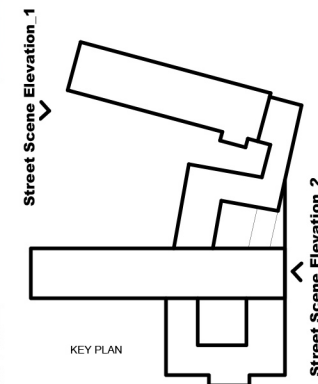


TOWER SS1 - ELEVATION 4





1 Street Scene Elevation 1  
1 : 200



2 Elevation 4 SS2\_Street Scene  
1 : 200

Client's Name  
CSL

Drawing Title  
Street Scene Elevations

Job Title  
St Stephens Towers, Notting

Scale

Drawn	Checked	Date
TC	JW	05/31/17
Job No	Drawing No	Rev
W0263	0333	A
Status	PLANNING	

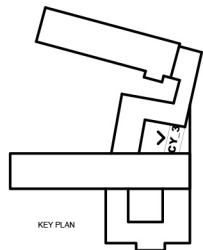
Rev	Date	Revision Details	Dr	Ch
A	15-06-17	Updates following planning comments	JW	JW

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1 Courtyard Elevation 3  
1:100



Key Plan  
1:100

#### Material Key

	Metal Rainscreen Cladding Mutt Grey
	Metal Rainscreen Cladding Gloss Grey
	Brickwork
	All window frames to be dark grey to match cladding
	Louvers to be dark grey to match cladding

1:100 @ A0 / 1:200 @ A2

Rev	Date	Revision Details	CR	CH
B	10-05-17	Updated following planning comments	JW	JW
A	30-05-17	Updated to reflect planning comments	TC	JW

Client's Name  
CSL

JW Title  
St Stephens Towers - Norwich

Drawing Title  
Courtyard Elevations 3

Scale  
As indicated

Drawn	Checked	Date
TC	JW	03/11/16

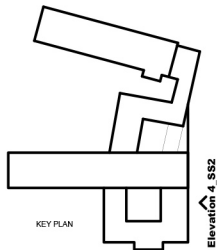
JW No	Drawing No	Rev
W0263	0329	B

Status  
**PLANNING**





1 Elevation 4 SS2  
1:100



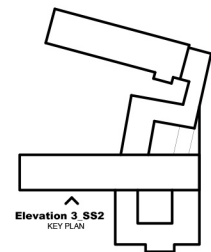
Key Plan  
1:100

Material Key	
	Metal Rainscreen Cladding Matt Grey
	Metal Rainscreen Cladding Gloss Grey
	Brickwork
	All window frames to be dark grey to match cladding
	Louvers to be dark grey to match cladding

A	15-05-17	Updated following planning comments	JW	JW
A	30-05-17	Updated to reflect planning comments	TC	JW
Rev	Date	Revision Details	CR	CH
				
Enquiries		Westworks, 35 Victoria Road, 20-21 City Centre, London, SE1 1PL T 0117 212 0077 E <a href="mailto:enquiries@westworks.com">enquiries@westworks.com</a> London, UK A 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1 Elevation 3 SS2  
1:100



Key Plan  
1:100

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#### Material Key

- Metal Rainscreen Cladding  
Matt Grey
- Metal Rainscreen Cladding  
Gloss Grey
- Brickwork
- All window frames to be  
dark grey to match cladding
- Louvers to be dark grey to  
match cladding

1:100 @ A0 / 1:200 @ A2  
Westworks Legend

Rev: 10/05/17 Updated following planning comments  
Rev: 05/05/17 Updated to reflect planning comments  
Rev: 04/05/17 Updated to reflect planning comments  
Rev: 03/05/17 Updated to reflect planning comments

Client's Name  
CSL

Project Name  
St Stephens Towers - Norwich

Drawing Title  
Elevation 3 - SS2

Scale  
As indicated

Drawn  
TC

Checked  
JW

Date  
03/11/16

Job No  
W0263

Drawing No  
0326

Rev  
B

Status  
PLANNING

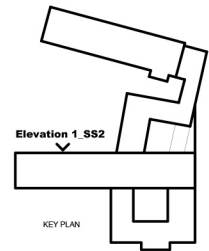
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1 Elevation 1 SS2  
1:100



Key Plan  
1:100

#### Material Key

- Metal Rainscreen Cladding  
Matt Grey
- Metal Rainscreen Cladding  
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- Louvers to be dark grey  
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1:100 @ A0 / 1:200 @ A2

Rev: Date: Revision Details: CR: CH:

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Client's Name:  
CSL

JOB Title:  
St Stephens Towers - Norwich

Drawing Title:  
Elevation 1 - SS2

Scale:  
As indicated

Drawn: TC  
Checked: JW  
Date: 03/11/16

JOB No: W0263  
Drawing No: 0324  
Rev: B

Status: PLANNING

KEY PLAN

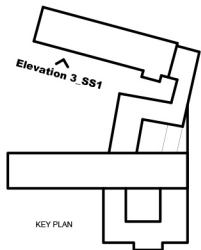
Elevation 4 SS1

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1 Elevation 3 SS1  
1:100



Key Plan  
1:100

Material Key

	Metal Rainscreen Cladding Mutt Grey
	Metal Rainscreen Cladding Gloss Grey
	Brickwork
	All window frames to be dark grey to match cladding
	Louvers to be dark grey to match cladding

1:100 @ A0 / 1:200 @ A2

Rev: Date Revision Details  
B 10/05/17 Update planning permissions JWW JWW  
A 30/05/17 Update to reflect planning permissions TC JWW

Client's Name  
CSL

Client's Title  
St Stephens Towers - Norwich

Client's Ref  
Elevation 3 - SS1

Scale  
As indicated

Drawn TC  
Checked JW  
Date 03/11/16

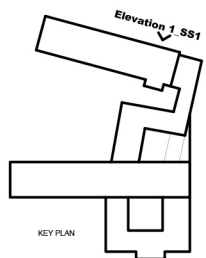
Job No W0263  
Drawing No 0322  
Rev B

Disks  
PLANNING

Westworks  
Westworks Group  
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**1** Elevation 1 SS1  
1 : 100



**Key Plan**  
1 : 750

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### Material Key

-  Metal Rainscreen Cladding Matt Grey  
 Metal Rainscreen Cladding Gloss Grey  
 Brickwork  
 All window frames to be dark grey to match cladding  
 Louvres to be dark grey to match cladding

B	15-05-17	Updates following planning comments	JW JW
A	30-05-17	Updated to reflect planning comments	TC JW
Rev	Date	Revision Details	Dr Ch



CSL

Job Title  
St Stephens Towers - Norwich

Drawing Title  
Elevation 1 - SS1

Scale  
As  
indicated

Drawn	Checked	Date
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TC	JW	03/11/16
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JOB NO	DRAWING NO	REV
W0263	0320	B

1:100 @ A0 / 1:200 @ A2

CAJ Pro Code: 15000017 05-12-17





LANDSCAPING SHOWN  
ILLUSTRATIVE ONLY. REFER TO  
ACCOMPANYING LANDSCAPING  
DRAWINGS

B 15-06-17 Updates following planning comments JW JW  
A 30-05-17 Updated to reflect planning comments TC JW

Rev Date Revision Details Dr CH

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Client's Name  
CSL

Job Title  
St Stephens Towers - Norwich

Drawing Title  
Ground Floor Plan

Scale  
1 : 200

Drawn Checked Date  
JW TC 07/10/16

Job No Drawing No Rev  
W0263 0222 B

Status  
PLANNING



**Report to** Planning applications committee

**Item**

13 July 2017

**Report of** Head of planning services

**Subject** Enforcement Case 17/00026/ENF – 21-23 St Benedicts Street, Norwich, NR2 4PF

4(d)

---

## SUMMARY

**Description:** Installation of approved extraction duct and air grille in breach of approved plans.

**Reason for consideration at Committee:** Enforcement Action recommended.

**Recommendation:** Authorise enforcement action to secure the removal of the unauthorised Mechanical extraction and ventilation plant and associated flue; including the taking of direct action may result in referring the matter for prosecution if necessary.

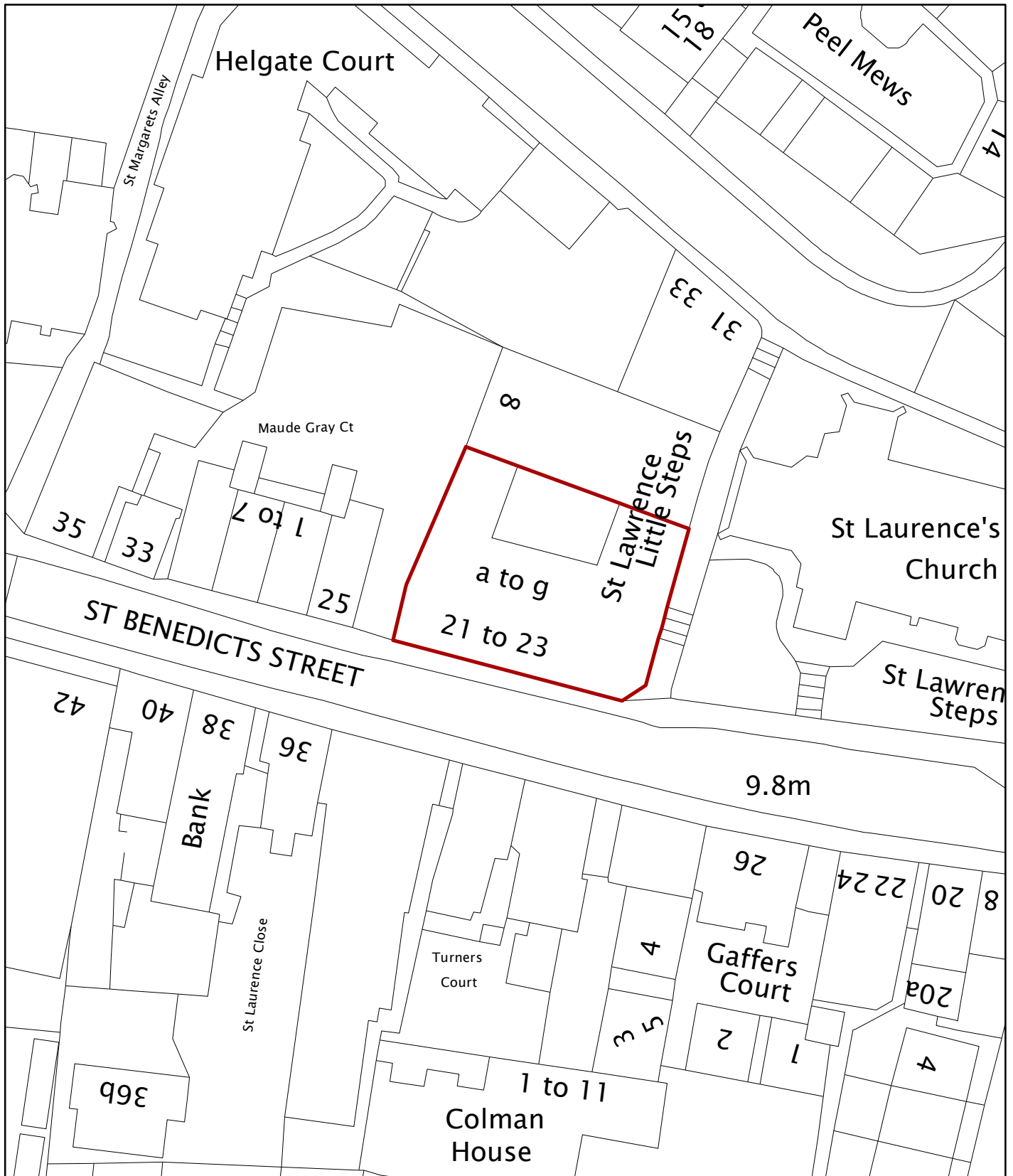
**Ward:** Mancroft

**Contact Officer:** Samuel Walker [samuelwalker@norwich.gov.uk](mailto:samuelwalker@norwich.gov.uk)

## INTRODUCTION

### The Site

1. 21-23 Saint Benedict's Street is two to three storey building, of 21<sup>st</sup> Century construction, located on the north side of St Benedict's Street, this case relates to the ground floor restaurant unit. The site currently consists of two restaurant/café units at ground floor with seven residential flats on the upper floors. The flue is attached to the rear elevation of the property within the courtyard space which is used as residential amenity space by the occupiers of the flats above. The space is fully enclosed on all sides. The flats are accessed through this courtyard area. The Fire escape for the ground floor offices is also through this courtyard.
2. The character of St Benedict's Street is a mixture of commercial retail and leisure use at ground floor with residential use at upper floors.



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Planning Application No 17/00026/ENF

Site Address 21-23 St Benedict's Street

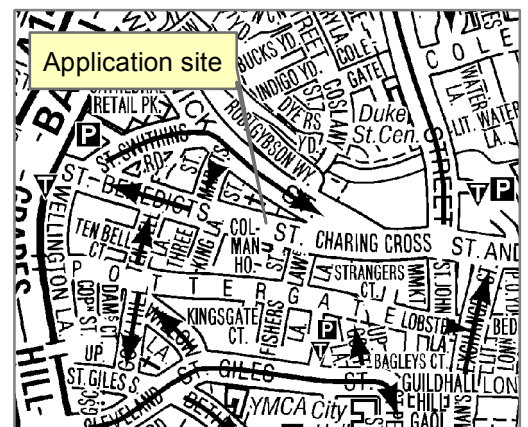
Scale 1:500



**NORWICH**  
City Council

PLANNING SERVICES

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## Relevant planning history

3. **06/00267/F** Redevelopment of site to provide three-storey building with 2 retail units on the ground floor and 7 flats on upper floors. Approved - 02/05/2006
4. **06/00583/D** Condition 2: Details of materials; Condition 3(a): Doors, windows and external joinery; Condition 3(b): Shopfronts; Condition 3(c): Dormer windows; Condition 3(d): Rainwater goods of previous planning permission 06/00267/F 'Redevelopment of site to provide three-storey building with two retail units on the ground floor and seven flats on upper floors'. Approved 01/08/2006
5. **07/00580/F** Amendments to Planning permission 06/00267/F 'redevelopment of site to provide three-storey building with 2 retail units on the ground floor and 7 flats on upper floors' comprising increase in ridge heights to buildings fronting St Benedict's Street, increased height of party wall parapet, extension to ridge of two storey extension fronting Maude Gray Court, alterations to building footprint/boundary, alteration of windows and doors and introduction of additional roof parapet to west facing gable wall. Approved. 06/07/2007
6. **07/00945/D** Condition 2: Details of railings of previous planning permission 07/00580/F 'Amendments to Planning permission 06/00267/F'. Approved 28/08/2017
7. **07/01307/D** Details of Condition 4: Submission of scheme relating to landscaping, planting and site treatment works of previous planning permission 06/00267/F: 'Redevelopment of site to provide three-storey building with 2 retail units on the ground floor and 7 flats on upper floors' Approved 07/01/2008
8. **09/00466/U** Change of use from shop (Class A1) to mixed use for training and advice (sui generis). Approved 14/08/2009
9. **09/01543/D** Details of Condition 3 - submission of details of how refuse and cycle provision will be made available for the commercial and residential aspects of previous planning permission (App. No. 09/00466/U) 'Change of use from shop (Class A1) to mixed use for training and advice (sui generis)'. Approved 22.03.2017
10. **10/01031/F** Installation of air conditioning unit in rear courtyard. Approved 12/08/2017
11. **16/00304/U** Change of use to a flexible use class (Class A1/A2/A3). Approved 10/06/2016
12. **16/01366/F** Installation of coated extraction duct and air grille to rear. Approved 04/11/2016
13. **16/01420/A** Display of 1no. illuminated fascia sign. Approved 17/11/2017.

## **The Breach**

14. The coated extraction duct and air grille to the rear of the subject property has not been installed in accordance with the plans approved under application reference 16/01366/F. An enforcement complaint has been received regarding the negative impact on amenity with regards to noise, odour, and outlook.
15. The development, as installed fails to comply with the conditions to which planning permission was granted which is required under section 171A(1)(b) of the Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991).
16. The approved plans, including 'commercial kitchen extract system. Noise and odour assessment' compiled by Adrian James Acoustics limited shows the majority of the plant within the building (including pre filter, activated carbon filter and GBW 450/4 extract fan). It appears that a large amount of this (or alternative specification) is now located on the external wall resulting in a negative impact on the amenity of neighbouring residents with regards to outlook, noise and odour. This impact extends to the private courtyard area which was designated for external amenity space associated with the flats at upper floors, resulting in an unappealing space to occupy. There is a substantial bulk of equipment attached to the wall directly outside the window to one of the first floor flats.
17. The scheme as approved includes specification of a jet cowl to increase discharge of effluent vertically above eaves level of the highest roof. The plant installed omits this detail, instead a curved top has been installed which discharges effluent down towards the private courtyard area.
18. The lease holder and owner of 21St Benedict's have been informed the coated extraction duct and air grille to rear as installed is a breach of planning control, following informal negotiations to mitigate the breach of planning control, a Planning Contravention Notice was served on 12<sup>th</sup> June 2017.
19. It is known by Norwich City Council that the above breach of planning control has occurred within the last four years and is not therefore immune from enforcement action.

## **20. Policies and Planning Assessment**

National Planning Policy Framework:

- Statement 1 Building a strong and competitive economy
- Statement 6 A wide choice of good quality homes
- Statement 7 Requiring good design

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

- JCS1 Addressing climate change and protecting environmental assets
- JCS2 Promoting good design

- JCS5 The economy
- JCS7 Supporting communities
- JCS8 Culture, leisure and entertainment
- JCS11 Norwich city centre
- JCS12 The remainder of the Norwich urban area including the fringe parishes
- JCS20 Implementation

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

- DM1 Achieving and delivering sustainable development
- DM2 Ensuring satisfactory living and working conditions
- DM3 Delivering high quality design
- DM9 Safeguarding Norwich's heritage
- DM11 Protecting against environmental hazards
- DM15 Safeguarding the city's housing stock
- DM17 Supporting small business
- DM18 Promoting and supporting centres
- DM21 Protecting and supporting district and local centres
- DM23 Supporting and managing the evening and late night economy

### **Justification for Enforcement**

21. The plant as installed provides has been reported as having a significant detrimental impact on the residential amenities of the neighbouring properties, particularly as a result of the consistent use throughout all hours of the day. This is contrary to policies DM2 of the Development Management Policies Development Plan Document adopted 2014.
22. There is significant visual impact within the courtyard resulting from the nature of the installation. The system has an overbearing nature which is detrimental to the current and future external amenity of the courtyard area, and to the outlook of the residential dwellings in this location. This is contrary to policies DM2 of the Development Management Policies Development Plan Document adopted 2014.
23. Environmental Health have also received a statutory nuisance complaint relating to the noise & odours omitted from this flue. This is being monitored separately.
24. The enforcement was registered on 05.01.2017; a site visit was carried out on 06.04.2017 and email contact was made on this day to the applicant and agent responsible for application reference 16/01366/F requiring a response within 21 days (by 27.04.2017). A formal response was received from the applicant on 13.04.2017 to inform us that they would like to pursue a revised planning application which would seek to take measures mitigate the impacts of the unauthorised flue. We have received regular contact from the applicant and their assigned agent, however, no information has been received as to the measures proposed, no retrospective or alternative planning application has been



received.

25. A resolution has been sought through informal negotiation, it is hoped that this will be achievable; however, in the absence of any progress in this matter we seek committees approval to serve an enforcement notice if it becomes necessary. It is understood that the applicant has encountered difficulties commissioning the necessary professional parties to supply the relevant information which has resulted in the delays experienced.

### **Equality and Diversity Issues**

26. The Human Rights Act 1998 came into effect on 2nd October 2000. In so far as its provisions are relevant:
  - a. Article 1 of the First Protocol (the peaceful enjoyment of ones possessions), is relevant in this case. Parliament has delegated to the Council the responsibility to take enforcement action when it is seen to be expedient and in the public interest. The requirement to secure the removal of the unauthorised building works in the interests of amenity is proportionate to the breach in question.
  - b. Article 6: the right to a fair hearing is relevant to the extent that the recipient of the enforcement notice and any other interested party ought to be allowed to address the Committee as necessary. This could be in person, through a representative or in writing.

### **Conclusions**

27. The current unauthorised flue is causing significant detrimental impact on the residential amenities of occupiers and neighbouring properties.
28. Authority is sought from the Planning Applications Committee for enforcement action to secure the removal of the unauthorised Mechanical extraction and ventilation plant and associated flue. Enforcement action is to include direct action and prosecution if necessary.

### **Recommendations**

29. Authorise enforcement action to secure the removal of the unauthorised Mechanical extraction and ventilation plant and associated flue; including the taking of direct action may result in referring the matter for prosecution if necessary.



**Report to** Planning applications committee

**Item**

13 July 2017

**Report of** Head of planning services

**4(e)**

**Subject** Enforcement Case 1700078ENF 10 Ruskin Road, Norwich

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## **SUMMARY**

**Description:** Without planning permission the erection of a first floor extension and the creation of further letting rooms to a student property and potential creation of a large HMO.

**Reason for consideration at Committee:** Enforcement Action recommended.

**Recommendation:** Authorise enforcement action up to and including prosecution in order to secure the removal of the extension and return the use of the former garage to incidental / ancillary use to the dwelling known as no. 10 Ruskin Road.

**Ward:** University

**Contact Officer:** Robert Webb [robertwebb@norwich.gov.uk](mailto:robertwebb@norwich.gov.uk)

## **INTRODUCTION**

### **The Site**

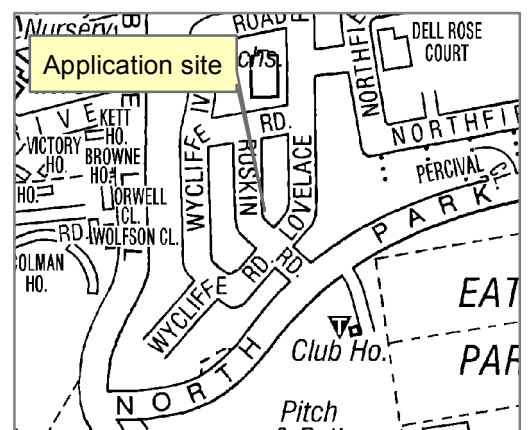
1. No. 10 Ruskin Road is a two storey semi-detached house which is let to students.

### **Relevant planning history**

2. Application ref. 4/2000/0814 Erection of two storey extension and attached single storey garage. Approved 19.12.2000

### **The Breach**

3. The construction of a first floor extension above an existing garage and the creation of additional letting rooms.
4. The development and change of use requires planning permission which is required under section 171A(1) of the Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991).



5. It appears to Norwich City Council that the above breach of planning control has occurred within the last four years and is not therefore immune from enforcement action.
6. **Policies and Planning Assessment**  
National Planning Policy Framework:
  - Statement 7 Requiring good design  
Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS):
  - JCS2 Promoting good design  
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
  - DM12 Principles for all residential development
  - DM13 Communal development and multiple occupation
  - DM30 Access and highway safety
  - DM31 Car parking and servicing

### **Justification for Enforcement**

7. The extension that has been built is not sympathetic to the character of the original property due to its scale and prominent position on the principle elevation. It is also considered harmful to the character of the street scene. In addition the conversion of the garage to living accommodation and the creation of further letting rooms generally may not be acceptable if it means a conversion to a large HMO has taken place.

### **Equality and Diversity Issues**

8. The Human Rights Act 1998 came into effect on 2nd October 2000. In so far as its provisions are relevant:
  - (a) Article 1 of the First Protocol (the peaceful enjoyment of ones possessions), is relevant in this case. Parliament has delegated to the Council the responsibility to take enforcement action when it is seen to be expedient and in the public interest. The requirement to secure the removal of the unauthorised building works in the interests of amenity is proportionate to the breach in question.
  - (b) Article 6: the right to a fair hearing is relevant to the extent that the recipient of the enforcement notice and any other interested party ought to be allowed to address the Committee as necessary. This could be in person, through a representative or in writing.

## **Conclusion**

9. The unauthorised extension has a significant detrimental impact on the character and appearance of the property and street scene. In addition to this if a conversion to a large HMO is proposed (more than 6 people) then the loss of the garage facility for storage/parking and the increased intensity of occupancy has the potential for adverse impacts on future occupiers and neighbours.
10. Authority is sought from the planning applications committee for enforcement action to secure the removal of the extension, and if appropriate the conversion of the ground floor back to a garage. Enforcement action is to include direct action and prosecution if necessary.

## **Recommendations**

11. Authorise enforcement action to secure the removal of the unauthorised extension, and authorise enforcement action to secure the conversion of the garage back to its authorised use as incidental / ancillary storage space to the main dwelling; including the taking of direct action which may result in referring the matter for prosecution if necessary.

**Report to** Planning applications committee

**Item**

13 July 2017

**Report of** Head of planning services

**Subject** Enforcement Case 17/00028/ENF – 2 Field View, Norwich,  
NR5 8AQ

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4(f)

## SUMMARY

**Description:** Without planning permission the change of use of a residential dwelling (use class C3) to a large House of Multiple Occupation (sui generis use) and the change of use of a garage to an independent office unit.

**Reason for consideration at Committee:** Enforcement Action recommended.

**Recommendation:** Authorise enforcement action up to and including prosecution in order to secure the cessation of the unlawful use as large HMO and return the use of the former garage to incidental / ancillary use.

**Ward:** Wensum

**Contact Officer:** Robert Webb [robertwebb@norwich.gov.uk](mailto:robertwebb@norwich.gov.uk)

## INTRODUCTION

### The Site

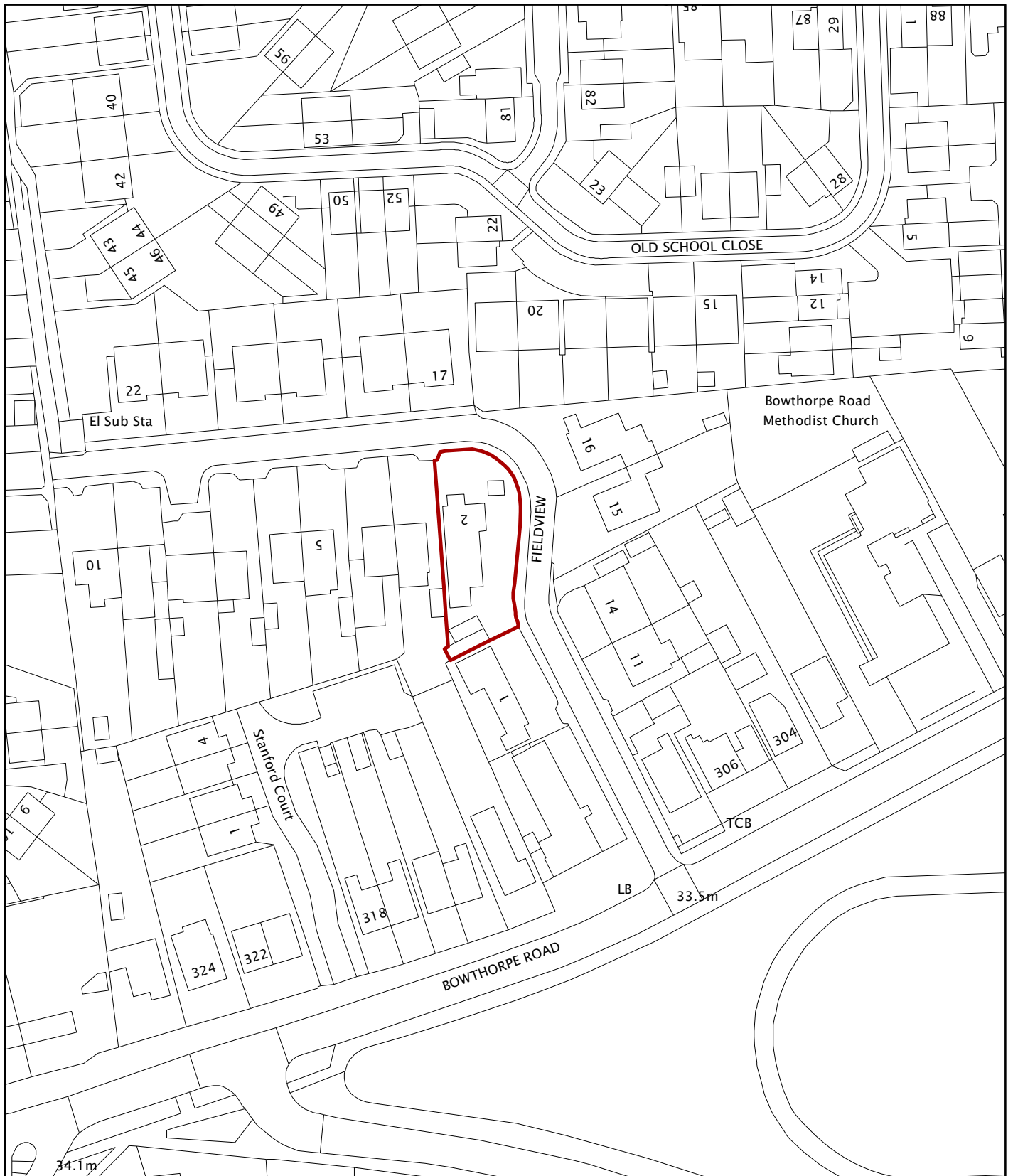
1. No. 2 Fieldview is a two storey semi-detached house located on a small modern cul-de-sac off Bowthorpe Road. The street contains a mix of detached and semi-detached houses and the surrounding area is predominantly residential in character.

### Relevant planning history

2. None relevant.

### The Breach

3. The conversion of a former detached garage to form a separate unit of office (Class B1) use accommodation without planning permission and the change of use from (Class C3) / HMO (Class C4) use to sui generis HMO use without the benefit of planning permission.



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Planning Application No 17/00028/ENF

Site Address 2 Fieldview

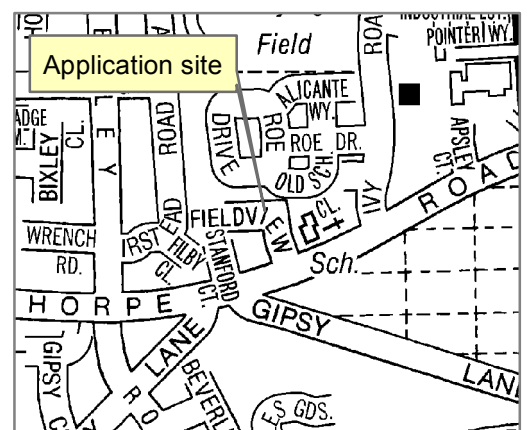
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**NORWICH**  
City Council

PLANNING SERVICES

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4. The development and change of use requires planning permission which is required under section 171A(1) of the Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991).
5. The owner of 2 Fieldview has been informed the conversion of the former detached garage and the unauthorised sui generis HMO use is a breach of planning control and was asked to cease the unauthorised use and return the former garage back to incidental / ancillary purposes.
6. It appears to Norwich City Council that the above breach of planning control has occurred within the last ten years and is not therefore immune from enforcement action.

## **7. Policies and Planning Assessment**

National Planning Policy Framework:

- Statement 1 Building a strong and competitive economy
- Statement 6 A wide choice of good quality homes
- Statement 7 Requiring good design

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

- JCS2 Promoting good design
- JCS4 Housing
- JCS6 Access and transportation

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
- DM12 Principles for all residential development
- DM13 Communal development and multiple occupation
- DM28 Encouraging sustainable travel
- DM30 Access and highway safety
- DM31 Car parking and servicing

## **Justification for Enforcement**

8. The combination of the loss of the garage and parking area and the conversion of the house to a large HMO has the potential to cause harm to neighbouring occupiers by increasing the likelihood of on-street parking associated with the HMO and increasing the intensity of the use of the land by the creation of a new planning unit in the form of the office. This would be contrary to policies DM2 and DM13 of the Development Management Policies Development Plan Document adopted 2014.

## **Equality and Diversity Issues**

9. The Human Rights Act 1998 came into effect on 2nd October 2000. In so far as its provisions are relevant:
  - a. Article 1 of the First Protocol (the peaceful enjoyment of ones possessions), is relevant in this case. Parliament has delegated to the Council the responsibility to take enforcement action when it is seen to be expedient and in the public interest. The requirement to secure the removal of the unauthorised building works in the interests of amenity is proportionate to the breach in question.
  - b. Article 6: the right to a fair hearing is relevant to the extent that the recipient of the enforcement notice and any other interested party ought to be allowed to address the Committee as necessary. This could be in person, through a representative or in writing.

## **Conclusion**

10. The unauthorised use would have a significant detrimental impact on the residential amenities of occupiers and neighbouring properties.
11. Authority is sought from the Planning Applications Committee for enforcement action to secure the cessation of the unauthorised use of the former garage for office (Class B1) use and return the building back to an incidental / ancillary use to the property known as no. 2 Fieldview. Authorisation is also sought to secure the cessation of the unauthorised sui generis HMO use and return the property back to residential (Class C3) use or small HMO (Class C4) use, should this be required. Enforcement action is to include direct action and prosecution if necessary.

## **Recommendation**

12. Authorise enforcement action to secure the cessation of the unauthorised change of use of the former garage to an office and return it back to its authorised use as incidental / ancillary to the dwelling known as no. 2 Fieldview, and to secure the cessation of the unauthorised use of the dwelling known as no. 2 Fieldview as a sui generis HMO including the taking of direct action which may result in referring the matter for prosecution if necessary.



**Report to** Planning applications committee

**Item**

13 July 2017

**Report of** Head of planning services

**Subject** Enforcement Case ref. 17/00112/ENF – 2B Lower Goat Lane, Norwich, NR2 1EL

4(g)

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## SUMMARY

**Description:** The conversion of a former A1 unit to a C4 House of Multiple Occupation in breach of condition 2 (approved plans) of planning permission reference 16/00695/U.

**Reason for consideration at Committee:** Enforcement Action recommended.

**Recommendation:** Authorise enforcement action up to and including prosecution in order to secure the cessation of the unlawful use as a C4 HMO as built and ensure the building is returned to its previous lawful use or the permission as a C4 HMO under planning permission reference 16/00695/U is implemented.

**Ward:** Mancroft

**Contact Officer:** Robert Webb [robertwebb@norwich.gov.uk](mailto:robertwebb@norwich.gov.uk)

## INTRODUCTION

### The Site

1. The site is the second floor of a building on the corner of Lower Goat Lane and St. Giles Street. There is a restaurant (Paulo's Restaurant) and coffee shop on the ground floor and a tattoo parlour on the first floor of the building. The previous lawful use of the second floor is understood to be for retail (A1) purposes.

### Relevant planning history

2. 16/00695/U - Change of use of second floor from retail (Class A1) to house in multiple occupation (Class C4). Permission granted 22.6.16.
3. 16/01199/F - Amendment to previous permission 16/00695/U to add 1no. bedroom to HMO. Permission refused 7.10.16. Appeal dismissed 26.4.17



## **The Breach**

4. The conversion of a former A1 unit to a C4 House of Multiple Occupation in breach of condition 2 (approved plans) of planning permission reference 16/00695/U.

5. **Policies and Planning Assessment**

National Planning Policy Framework:

- Chapter 6 A wide choice of good quality homes
- Chapter 7 Requiring good design

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

- JCS2 Promoting good design
- JCS4 Housing
- JCS6 Access and transportation

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
- DM12 Principles for all residential development
- DM13 Communal development and multiple occupation
- DM28 Encouraging sustainable travel
- DM30 Access and highway safety
- DM31 Car parking and servicing

## **Justification for Enforcement**

6. Planning permission was originally granted for application reference 16/00695/U for the change of use from A1 to C4 HMO. The floor layout and all of the other aspects of the proposal were considered to be acceptable. However the applicant chose to carry out development in a different way, adding an additional bedroom and reducing the size of the shared communal areas. An application was made seeking to regularise the matter.
7. Planning permission was refused for the second application, reference 16/01199/F, for the following reason:

“The proposed development would provide a substandard level of amenity for future occupiers due to the cramped size of the shared living areas, in particular the size of the kitchen and living room which are unsatisfactory given the proposed occupation by up to 6 persons. The proposal therefore conflicts with policy DM2 of the Norwich Development Management Policies Document and paragraph 17 of the National Planning Policy Framework which requires new developments to provide a high standard of amenity for future occupiers.”

8. This decision was appealed by the applicant and the Planning Inspectorate dismissed the appeal on 26<sup>th</sup> April 2017 citing the following reason:

“I find the development provides an inadequate amount of usable internal space for sitting and eating. Thus, it results in a cramped and uncomfortable internal living space which is harmful to the living conditions of its occupants.

In reaching these conclusions I acknowledge that the appeal development provides residential accommodation meeting housing needs in a city centre location where services and facilities can be easily accessed. However, these matters or any others raised do not outweigh the harm I have identified.”

A copy of the Inspector’s report is appended to this report for reference. The development has been implemented in accordance with the refused plans.

Enforcement action is therefore sought to require the applicant to either carry out alterations to ensure the HMO is laid out in accordance with the permission granted under application reference 16/00695/U, or to return the property to its condition before the works were carried out.

### **Equality and Diversity Issues**

9. The Human Rights Act 1998 came into effect on 2nd October 2000. In so far as its provisions are relevant:

(a) Article 1 of the First Protocol (the peaceful enjoyment of one’s possessions), is relevant in this case. Parliament has delegated to the Council the responsibility to take enforcement action when it is seen to be expedient and in the public interest. The requirement to secure the removal of the unauthorised building works in the interests of amenity is proportionate to the breach in question.

(b) Article 6: the right to a fair hearing is relevant to the extent that the recipient of the enforcement notice and any other interested party ought to be allowed to address the committee as necessary. This could be in person, through a representative or in writing.

### **Recommendation**

10. Authorise enforcement action to require the applicant to either carry out alterations to ensure the HMO is laid out in accordance with the permission granted under application reference 16/00695/U, or to return the property to its condition before the works were carried out, including the taking of direct action may result in referring the matter for prosecution if necessary.

---

## Appeal Decision

Site visit made on 11 April 2017

**by L Fleming BSc (Hons) MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 26<sup>th</sup> April 2017**

---

**Appeal Ref: APP/G2625/W/16/3165686**  
**2B Lower Goat Lane, Norwich NR2 1EL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Dritan Duraj against the decision of Norwich City Council.
  - The application Ref 16/01199/F, dated 12 August 2016, was refused by notice dated 7 October 2016.
  - The development is Minor Amendment to Planning Approval No: 16/00695/U (Change of Use of Second Floor from Retail (Class A1) to House in Multiple Occupation (Class C4) which relates to addition of 1no Bedroom to the HMO formed by Change of Use already approved.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matter

2. At the time of my site visit the development had already been carried out. I have considered the appeal accordingly.

### Main Issue

3. The main issue is the effect of the development on the living conditions of the occupiers with particular regard to internal living space.

### Reasons

4. It has been put to me that to convert the appeal property to a four bed house in multiple occupation (HMO) would constitute a minor amendment to an extant planning permission<sup>1</sup>. I am also told that a planning condition was not imposed on that permission restricting the number of rooms or the number of occupants. Thus, it is argued that planning permission is not required for the appeal development.
5. However, it is open to the appellant to apply for a determination of such matters under section 191 or 192 of the Town and Country Planning Act (1990) and it is not my place, to determine such matters in determining an appeal under section 78 of the Act. I will therefore assess the appeal on the basis of the development applied for.

---

<sup>1</sup> Council Reference 16/00695/U

6. Policy DM2 of the Norwich Development Management Policies Local Plan (2014) (DMPLP) states that development will only be permitted where it provides a high standard of amenity. Furthermore, it states that to ensure that residential dwellings are designed to meet the demands of everyday life adequate internal space must be provided and would normally be expected to exceed the City Council's indicative minimum guidelines for internal space standards.
7. However, the Written Ministerial Statement of 25 March 2015 confirmed that local standards for living accommodation should no longer be applied. Instead they may be replaced by a new national space standard<sup>2</sup> when new local policies are set. I am not aware of any such local policies and thus I attach limited weight to any conflict there may be with the Council's indicative minimum standards or the national space standard.
8. Nevertheless, I have considered the appellant's assessment of the internal floor space against the national space standard. However, the numerical area of any internal floor space is only one factor in determining the acceptability of any living accommodation.
9. The occupants of four bedrooms all share a kitchen and separate lounge/dining room. The kitchen is small with no room for sitting or eating. The lounge/dining area is also a small narrow space with a sloping ceiling along the majority of the length of the room. It could not comfortably accommodate any lounge seating and a dining table together. If such was in place there would be insufficient space to move around the room. Moreover, when any furniture is in place there would be few opportunities to comfortably position a television.
10. I acknowledge the comments with regard to innovative interior design and space saving furniture. However, there is no substantive evidence before me to demonstrate that such measures could overcome the limitations of the internal space I have identified.
11. That said, even if I accept that each bedroom is occupied by one person, I find the development provides an inadequate amount of usable internal space for sitting and eating. Thus, it results in a cramped and uncomfortable internal living space which is harmful to the living conditions of its occupants.
12. In reaching these conclusions I acknowledge that the appeal development provides residential accommodation meeting housing needs in a city centre location where services and facilities can be easily accessed. However, these matters or any others raised do not outweigh the harm I have identified.
13. For the reasons set out above, the development is in conflict with Policy DM2 of the DMPLP and the National Planning Policy Framework which taken together aim to ensure good design and that new development does not result in harmful living conditions.

### **Other Matters**

14. The appeal development is within the City Centre Conservation Area (CA) and surrounded by a number of listed buildings. However, the development has not involved any significant alterations to the appearance of the appeal

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<sup>2</sup> Technical housing standards- national described space standard, DCLG March 2015

building and thus I find the character and appearance of the CA and settings of the listed buildings are preserved.

15. I have also noted that the appellant is dissatisfied with Council's handling of the planning application, particularly in publishing documents on its website and overall engagement. However, I have determined the appeal on its planning merits.

**Conclusion**

16. I conclude that on balance the development is in conflict with the development plan and thus having had regard to all other matters raised the appeal is dismissed.

*L Fleming*

INSPECTOR

