

Planning applications committee

Date: Thursday, 10 March 2016

Time: 10:30

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

Committee members:

Councillors:

Sands (M) (chair)
Herries (vice chair)
Blunt
Bradford
Brociek-Coulton
Button
Carlo
Jackson
Lubbock
Neale
Peek
Woollard

For further information please contact:

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Democratic services
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NR2 1NH

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Pre-application briefing at 9:30 in the Mancroft room

There will be an informal briefing for members of the committee, ward councillors and other interested parties at 9:30 on proposals to develop the site at 30 All Saints Green, Norwich, NR1 3NA. The proposal is for redevelopment of the former Mecca Bingo site on All Saints Green for student accommodation, with a mix of uses at ground floor level. The development is proposed to be car free.

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

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1. Apologies	
To receive apologies for absence	
2. Declarations of interest	
(Please note that it is the responsibility of individual members to declare an interest prior to the item if they arrive late for the meeting)	
3. Minutes	5 - 18
To approve the accuracy of the minutes of the meeting held on 11 February 2016	
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:	
<ul style="list-style-type: none">• The formal business of the committee will commence at 10.30 (There is an informal briefing members at 9:30 - see front of agenda);• 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	19 - 20
Standing duties	21 - 22

4(a)	Application nos 15/01810/F and 15/01811/L - 191 King Street, Norwich, NR1 2DF	23 - 52
4(b)	Application no 15/01921/F - 2 Upton Close, Norwich, NR4 7PD	53 - 66
4(c)	Application no 16/00030/F - Orbit Housing Association, 14 - 16 St Matthews Road, Norwich, NR1 1SP	67 - 78
4(d)	Application no 16/00040/F – 4 Dover Street, Norwich, NR2 3LQ	79 - 86
4(e)	Application no 15/01858/F - 24 Mile End Road, Norwich, NR4 7QY	87 - 98
4(f)	Enforcement Case 16/*****/BPC/ENF – 128 Thorpe Road Norwich, NR1 1RJ	99 - 104

Date of publication: **Wednesday, 02 March 2016**

Planning applications committee**09:30 to 12:30****11 February 2016**

Present: Councillors Sands (M) (chair), Herries (vice chair), Blunt, Bradford, Button, Carlo, Jackson, Maxwell, Neale, Peek and Woollard

Apologies Councillor Lubbock

1. Declarations of interest

Councillor Blunt declared a pecuniary and pre-determined view in item 9 (below), Application no 15/01906/U - St Michaels Church, Oak Street, Norwich, NR3 3AE as vice chair and a trustee of the Norwich Historic Churches Trust. He said that he would speak on the item and then leave the room. Councillor Herries also declared a pecuniary and pre-determined view in item 9, below, as a trustee of Norwich Historic Churches Trust and also lived in the vicinity.

Councillor Maxwell declared an other interest in item 9, below, as one of the council's representatives on the Norwich Historic Churches Trust and said that she had not been party to the discussions with the applicant or the arrangements for the lease of the St Michael's Church, Oak Street.

2. Minutes

RESOLVED to approve the minutes of the meeting held on 14 January 2016.

3. Application no 15/01092/F - 26 - 36 Rose Lane, Norwich, NR1 1PN

The planning policy team leader (projects) presented the report with the aid of plans and slides. She also referred to the supplementary report of updates to reports which was circulated at the meeting and summarised an amendment to the recommendation by deleting "provision of affordable housing" and replacing with "an affordable housing viability review clause".

During discussion the planning policy team leader (projects) explained that the inclusion of an affordable housing viability review was standard practice and would be triggered if development on the site had not commenced within twelve months. The planning policy team leader and the planning team leader (inner area), referred to the report, and answered members' questions about landscaping, street trees and the amenity of residents in the adjacent buildings and future residents on the site. The committee noted the constraints of the site and that the building was in an urban built up setting.

At the chair's discretion, a resident of Maidstone Road addressed the committee. He apologised that he had not commented during the planning consultation process and said that he objected to the size and mass of the proposed development and considered that it would obscure daylight and be detrimental to the amenity of his flat in Maidstone Road and that of his neighbours. He also considered that the applicant could provide external amenity space above the car parking and that £120,000 was a relatively small sum given the value of the development as a whole.

The architect, on behalf of the applicant, explained the amendments that been made to the design to address the concerns of the residents of the adjacent flats in Maidstone Road and in response to their objections to the scheme.

The chair confirmed that the committee had considered the objections that had been made by local residents.

RESOLVED, unanimously, to approve application no. 15/01092/F - 26 - 36 Rose Lane, Norwich, NR1 1PN, and grant planning permission subject to the completion of a satisfactory legal agreement to include an affordable housing viability review clause and subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. SUDs strategy;
4. Energy efficiency;
5. Water efficiency;
6. Details of refuse storage;
7. Details of cycle stands;
8. Noise reduction measures;
9. Rear boundary details;
10. Repositioned access gate to car park;
11. Parking to have EV domestic chargepoint;
12. Level access to residential entrance;
13. Details of accessible / adaptable dwellings;
14. Restriction of changes of use for B1/A2 element;
15. Details of materials.

Informative Notes

1. Recommend traffic regulation order to change parking restrictions at access;
2. Footway reconstruction paving and kerbs reconstruction is recommended in accordance with streetscape manual as part of S278 agreement;
3. S177 licence is required for overhanging parts of the building to the highway;
4. Removal of redundant telegraph pole on Greyfriars Road;
5. IN7 Construction Working Hours

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.

4. Application no 15/01546/F - Land and garages, Rose Valley, Norwich, NR2 2PX

The senior planner (development) presented the report with the aid of plans and slides. During the presentation he drew members' attention to the representations that had been made objecting to the scheme and said that these would be addressed by the conditions.

During discussion the senior planner referred to the report and answered members' questions. He explained that the site was contaminated by lead and other nitrates. Clearing the site would not be insurmountable but could be expensive. The committee also received confirmation that the parking spaces for the commercial units would be retained. The new residents would have parking on site and not be eligible for parking permits.

RESOLVED, unanimously, to approve application no. 15/01546/F - Land and garages, Rose Valley, Norwich and grant planning permission subject to the following conditions:

1. Standard time limit;
 2. In accordance with plans;
 3. External materials;
 4. Landscaping scheme to include details of living roof and any external lighting;
 5. No development shall take place within the site in pursuance of this permission until the following components of a scheme to deal with the risks associated with contamination of the site have each been submitted to and approved, in writing, by the local planning authority as necessary:
 - (a) A preliminary risk assessment which has identified:
 - (i) all previous uses;
 - (ii) potential contaminants associated with those uses;
 - (iii) a conceptual model of the site indicating sources, pathways and receptors;
 - (iv) potentially unacceptable risks arising from contamination at the site;
 - (b) 2) If the preliminary risk assessment identifies a potential unacceptable risk from contamination, a site investigation scheme, based on the preliminary risk assessment, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;
 - (c) 3) A written report containing the site investigation results and the detailed risk assessment of the risk to all receptors that may be affected and, based on these, if required, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- Any works on site shall be in accordance with the scheme as approved and any changes to any of the details specified above would require the further express consent of the local planning authority.
6. No occupation of the development hereby approved shall take place until a verification plan and a proposed monitoring, maintenance and contingency

plan have been submitted to and agreed in writing by the local planning authority. The verification plan shall provide details of the data that has been collected in order to demonstrate that the works set out in the approved remediation strategy are complete and shall identify any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The proposed monitoring, maintenance and contingency plan shall identify how these requirements will be met.

7. If, during development, contamination not previously identified is found to be present, then no further development shall be carried out in pursuance of this permission until a scheme has been submitted to and approved by the Council as Local Planning Authority detailing how this contamination shall be dealt with in accordance with the remediation scheme as set out above. Only when evidence is provided to confirm the contamination no longer presents an unacceptable risk, can development continue.
8. All imported topsoil and subsoil for use on the site shall either (a) be certified to confirm its source and that it is appropriate for its intended use or (b) in the absence of suitable certification, analysis of the imported material will be required along with evaluation against the derived assessment criteria for this site. No occupation of the development shall take place until a copy of the certification has been submitted to the Local Planning Authority.
9. Water efficiency.

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.

Informatives:

1. Construction working hours;
2. Discovery of asbestos;
3. Purchase of refuse and recycling bins;
4. Proposed dwellings not eligible to receive on street parking permits;
5. Street naming and numbering;
6. Hard surfacing to be constructed of porous material;
7. The applicant is advised that the consent of the relevant landowner will be required to enable the proposed tree removal;
8. Clearance of the site should have due regard to the need to minimise the impact on wildlife, in particular the following is recommended:
 - (a) caution must be exercised when demolishing buildings on the site due to the very slight possibility that bats may be present. If a bat is found, work should cease immediately and a suitable qualified ecologist consulted;
 - (b) wooded vegetation should not be removed or trimmed back during the bird nesting season (March to August) without an ornithological survey first being undertaken. If birds are found to be nesting then removal of wooded vegetation must be delayed until after the young have fledged;
 - (c) caution should be exercised during site clearance and due regard given to the possibility of hedgehog presence in vegetation on the site.

5. Application no 15/01688/F - St Clements Nursing Home, 170 St Clements Hill, Norwich, NR3 4DG

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

During discussion the senior planner referred to the report and answered members' questions. He explained that it would be unreasonable to expect the applicant to provide funding for street trees to deter verge parking as the verge was on the highway and outside the site and measures had already been put in place to deter people from parking there. The presence of a post box in the verge was also noted as a possible cause of people pulling up on the verge. He considered that the proposed reduction in vegetation and the planting of five trees would provide sufficient biodiversity and improve the facilities for the enjoyment of the residents. Members also noted that the hours of construction were standard and complied to World Health Organisation guidance.

RESOLVED, unanimously, to approve application no. 15/01688/F - St Clements Nursing Home, 170 St Clements Hill, Norwich, NR3 4DG and grant planning permission, subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. With the exception of any site clearance works, archaeological work, tree protection works and ground investigations, no development shall take place until a detailed scheme to manage surface water run-off has been submitted to and agreed in writing with the local planning authority. The scheme shall identify the net change in impermeable surfacing at the site which is the subject of this permission and provide details of measures to mitigate any increase in surface water run-off. These details shall include an assessment of the potential for disposing of surface water by means of a sustainable drainage system. If the assessment demonstrates that a sustainable drainage scheme is feasible, the submitted details shall:
 - (a) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and surface waters;
 - (b) include a timetable for its implementation; and
 - (c) provide a management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public authority or statutory undertaker; or
 - (d) identify a private organisation or company that will be utilised to manage and maintain the facilities and include details of ownership and organisational structure, and its source of funds; and
 - (e) any organisation or company agreed in d) above shall produce a report annually by 31st March for the previous calendar year identifying the state of the SuDS features, the maintenance undertaken, the anticipated maintenance in the following 12 months, the anticipated long term maintenance over the following 10 years, the amount spent over the previous 12 months, the anticipated expenditure over the next 12 months and 10 years and the balance of monies available for maintenance at the

end of the calendar year and the proposed charges and income for the next year. The report shall be made available to all owners of properties on the site and be available on demand to the local planning authority within 14 days of any such request. If the content of the document is not considered to be acceptably managing the long term maintenance adequately a further revised report shall be submitted and agreed with the local planning authority within 2 months of its request.

The surface water drainage scheme shall be implemented in full accordance with the agreed details and timetable. Following the implementation of the surface water drainage works, the drainage systems shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

4. Operations on site shall take place in complete accordance with the approved Arboricultural Impact Assessment (AIA), Tree Protection Plan (TPP), Arboricultural Method Statement (AMS) and 'Memorandum: 1782 St Clements Hill – 15/01688/F Replacement Tree Planting'. No other operations shall commence on site in connection with the hereby-approved development until the tree protection works and any pre-emptive tree works required by the approved AIA or AMS have been carried out and all tree protection barriers are in place as indicated on the Tree Protection Plan included within Appendix 4 of the approved AIA. The approved protective fencing shall be retained in a good and effective condition for the duration of the development and shall not be moved or removed, temporarily or otherwise, until all site works have been completed and all equipment, machinery and surplus materials removed from the site, unless the prior written approval of the local planning authority has first been sought and obtained.
5. The north facing 'oriel' windows pertaining to 'bed 6', 'bed 7' and 'bed 8' and south facing 'assisted bathroom' window shall be obscure glazed to a specification of not less than the equivalent of classification 5 of Pilkington Glass and shall be retained as such thereafter.
6. The approved Travel Plan shall be implemented in accordance with any actions, timetables or targets contained therein and shall continue to be implemented as long as any part of the development is occupied and used for a purpose in accordance with this permission, subject to approved modifications as agreed by the Local Planning Authority;
7. All hard and soft landscaping works shall be carried out in accordance with the details as specified on this decision, including those detailed on the approved 'proposed site plan' (ref. 003, Rev P02) and the landscaped areas of the site shall be made available for the enjoyment of residents of the development hereby permitted. All hard and soft landscaping works shall thereafter be retained as such. No occupation of any part of the development shall take place until all landscaping works detailed within the approved plans have been carried out.
8. No demolition or construction activities shall be carried out at the application premises without express consent from the local planning authority outside of the following hours:
 - before 07:00 hours and after 18:00 hours Mondays - Fridays;
 - before 08:00 hours and after 17:00 hours on Saturdays; and
 - not at all on Sundays or Public Holidays.

Informatives:

1. The applicant is advised to encourage visitor's and members of staff to contain parked vehicles to the road and to not encroach upon the grass verge;
2. For further advice on the creation of vehicle crossovers please see below:
Technical specification
<http://www.norwich.gov.uk/TransportAndStreets/RoadsAndPavements/Pages/DroppedKerbs.aspx>

Contact Ken Willis (senior technical officer for highway adoption)
kenwillis@norwich.gov.uk Tel 01603 21 2052 . (Tuesdays to Friday)

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.

6. Application no 15/00803/F - Garden Land between 35 - 51 Gipsy Lane, Norwich

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

During discussion the senior planner referred to the report and answered members' questions. In response to a members' suggestion the senior planner said that the landscaping condition included the boundary treatment. It would be possible to add an additional informative to ask the applicant to consider the option of planting a hedge. Members also sought clarification that the new dwelling would not preclude developments in the narrow gardens on either side but could be affected by loss of light from adjacent buildings.

The chair welcomed the clever design of the proposed dwelling with its inverted floor plan. The senior planner said that the ground floor would not have as much daylight because of the fencing in front of it and therefore more suitable for bedrooms.

RESOLVED, with 10 members voting in favour (Councillors Sands, Herries, Blunt, Button, Carlo, Maxwell, Neale, Peek, Woollard and Bradford) and 1 member abstaining from voting (Councillor Jackson) to approve application no. 15/00803/F - Garden land between 35 - 51 Gipsy Lane Norwich and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Details of external materials;
4. Details of landscaping to include scheme for replacement tree planting;
5. Compliance with AIA, AMS and Tree Protection Scheme implemented prior to commencement;
6. Soakaway incorporation;

7. Water efficiency.

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.

Informative:

1. Consideration be given to using hedgerow as a boundary treatment to the site.

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

7. Application no 15/01480/VC - Depository Building Part Lion House and Part Seymour House, Muspole Street, Norwich

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

A resident of Duke Street addressed the committee and outlined his objections to the scheme which included concern that he had not been aware of earlier applications prior to 2008 and that the rear of his property where he had his offices would be overlooked. The windows in the former office building were blocked out and where the proposed roof garden would be was currently only accessed for maintenance purposes. The proposed development of residential units would mean that the property was in use outside office hours and there was potential for noise from balconies and the roof garden at all times. He also expressed concern about loss of light from the single storey building which would be converted into a four storey building and would overlook his property which was only 40 feet away from it.

The architect responded to the speaker and referred to the report. He explained that there would be no increase to the scale and massing of the development; that the main design change was at the front of the building (Muspole Street) to enable fire engines to access the site. The development was of a high standard of design and would complement the conservation area and history of the city centre. The impact on the living space in Duke Street was not compromised by this development. The main change of the application was the simplification from two to one phase of construction which would be in accordance with a construction management plan.

During discussion the planner and the planning team leader (development) (outer area) answered members' questions. The planner said that there was no evidence to support speculation that the site would not be developed because it had changed hands. This proposal was a small approved scheme which needed amendments to comply with building regulations. Major changes to the plans would need to come forward as a new planning application. The committee noted that there was parking within the site and that the construction management plan took into consideration that Muspole Street was a historic narrow street.

Discussion ensued in which the committee noted that the heritage interpretation of the site had been agreed with the original consent. This would take the form of silhouettes of shoes on the gates and a plaque to commemorate the former shoe factory. The archaeological survey had been conducted and there would be a report in due course.

RESOLVED, unanimously, to approve application no. 15/01480/VC - Depository Building part Lion House and part Seymour House, Muspole Street, Norwich and grant planning permission subject to the completion of a satisfactory deed of variation and subject to the following conditions:

1. In accordance with plans;
2. Unless otherwise agreed in writing with the local planning authority the development shall be constructed in accordance with the details approved in application reference 14/01567/D with regards the following:
 - (a) bricks;
 - (b) roof tiles;
 - (c) metal cladding;
 - (d) tile cladding.
3. Unless otherwise agreed in writing with the local planning authority the development shall be constructed in accordance with the details approved in application reference 14/01567/D with regards the following:
 - (a) metal roofing;
 - (b) glass balustrade;
 - (c) render;
 - (d) timber cladding;
 - (e) rainwater goods;
 - (f) ground floor grilles to cycle and car parking areas;
4. Unless otherwise agreed in writing with the local planning authority the development shall be constructed in accordance with the details approved in application reference 14/01567/D with regards the following:
 - (a) timber porches;
 - (b) windows;
 - (c) doors;
 - (d) access;
 - (e) gates;
 - (f) balconies;
 - (g) north lights.
5. Unless otherwise agreed in writing with the local planning authority, prior to the first occupation of any dwelling the development shall be carried out in accordance with the landscaping details agreed in 15/00069/D and in accordance with the approved sedum roof specification and implementation scheme.
6. Unless otherwise agreed in writing with the local planning authority the development shall be carried out in accordance with the PV panel strategy details agreed in 14/01567/D, with the following additional details to be agreed in writing:
 - i) installation of any associated equipment;
 - ii) the future operation and management of the panels;

7. Unless otherwise agreed in writing with the local planning authority development to be carried out with heritage interpretation details agreed in 14/01567/D.
8. Unless otherwise agreed in writing with the local planning authority no development shall take place unless in accordance with the programme of archaeological evaluation agreed in 15/00069/D. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved archaeological Written Scheme of Investigation and provision has been made for analysis, publication and dissemination of results and archive deposition has been secured.
9. Unless otherwise agreed in writing with the local planning authority no development shall take place unless in accordance with the contamination risk assessment, site investigation scheme and subsequent report approved in 15/00069/D.
10. No occupation of the development hereby approved shall take place until a verification plan and a proposed monitoring, maintenance and contingency plan have been submitted to and agreed in writing by the local planning authority. The verification plan shall provide details of the data that has been collected in order to demonstrate that the works set out in remediation strategy referred to in condition 10 above are complete and shall identify any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The proposed monitoring, maintenance and contingency plan shall identify how these requirements will be met.
11. If, during development, contamination not previously identified is found to be present, then no further development shall be carried out in pursuance of this permission until a scheme has been submitted to and approved by the council as Local Planning Authority detailing how this contamination shall be dealt with in accordance with the remediation scheme as set out above. Only when evidence is provided to confirm the contamination no longer presents an unacceptable risk, can development continue.
12. All imported topsoil and subsoil for use on the site shall be certified to confirm its source and that it is appropriate for its intended use. No occupation of the development shall take place until a copy of the certification has been submitted to the Local Planning Authority.
13. The development hereby permitted shall be constructed with a minimum finished floor level set to 3.70mAOD.
14. Unless otherwise agreed in writing with the local planning authority no development shall take place unless in accordance with the water, energy and resource efficiency measures approved in 14/01567/D. The scheme shall be constructed and the measures provided and made available for use in accordance with such timetables as may be agreed.
15. Unless otherwise agreed in writing with the local planning authority the scheme shall be constructed and implemented in accordance with the foul water drainage scheme approved in 15/00069/D.
16. Unless otherwise agreed in writing with the local planning authority no occupation of any dwelling shall take place until a fire hydrant has been provided in accordance with the details approved in 15/00069/D.
17. Unless otherwise agreed in writing with the local planning authority no occupation of any dwelling shall take place until all secure cycle parking and

refuse stores have been provided in accordance with approved drawing numbers 201 Rev.C, 230 and 260.

18. The development hereby approved shall be designed and built to meet the regulation 36 2(b) requirement of 110 litres/person/day water efficiency set out in part G2 of the 2015 Building Regulations for water usage.
19. Unless otherwise agreed in writing with the local planning authority no occupation of any dwelling shall take place until the works have been carried out in accordance with the surface water strategy details approved in 15/00069/D.

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 15/01899/F - 111 Borrowdale Drive, Norwich, NR1 4NA

The planner (development) presented the report with the aid of plans and slides. He referred to the concerns of the adjacent neighbours and said that the landscaping condition would be amended to require the applicant to provide details of specification and implementation.

Councillors Bradford and Maxwell, as ward councillors for Crome Ward, said that they welcomed the scheme which would provide a single storey dwelling which was in demand in the area and that the conditions mitigated the objections to the scheme from the adjacent neighbours. It was noted that the site was on a bus route and that the removal of the thick hedge would increase visibility around the junction.

Discussion ensued in which the planner referred to the report and answered questions. Each application for subdivision of a garden plot should be considered in its own right. This site was a large plot and dwellings in Borrowdale Drive varied in character and density.

RESOLVED, unanimously, to approve application no. 15/01899/F - 111 Borrowdale Drive Norwich NR1 4NA and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. The existing garage and conservatory to be removed prior to occupation;
4. Removal of permitted development rights – extensions and outbuildings;
5. Submission of a landscape management plan to include details of specification and implementation.
6. Hedge to be removed outside the bird nesting season;
7. Details of surface materials and sustainable urban drainage measures;
8. The cycle and bin storage facilities to be installed prior to occupation;
9. Details of water conservation measures.

Informative

1. Works to a public highway.
2. Street naming.
3. Bins.
4. Considerate constructor.

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 at the pre-application stage the application has been approved subject to appropriate conditions and for the reasons outlined in the officer report.

9. Application no 15/01906/U - St Michaels Church, Oak Street, Norwich, NR3 3AE

(Councillors Blunt and Herries, having declared a pecuniary interest/pre-determined view in this item, left the room during the committee's determination of the item. Councillor Maxwell had declared an other interest in this item.)

The planner (development) presented the report with the aid of plans and slides. She also referred to the supplementary report of updates to reports, which was circulated at the meeting, and summarised a further objection from a nearby resident. The planner then referred to the letters of representation both in support and objecting to the facility and outlined the measures proposed to address the concerns of local residents.

Councillor Blunt, in his capacity as vice chair of the Norwich Historic Churches Trust, addressed the committee in support of the application. He spoke of the objectives of the Trust and that this application from a cultural organisation was appropriate. He considered that the report had dealt adequately with the concerns of the local residents and that the prospective tenants had shown a willingness to address local opposition by meeting with residents.

The applicant spoke in support of the application and explained that the company had grown and wanted to relocate from Great Yarmouth. The company had experience of using former church buildings elsewhere in the UK. He said that he hoped that the company would become part of the local community. (In response to a member's question, the applicant confirmed that the circus training did not involve animals.)

(Councillors Blunt and Herries left the meeting at this point.)

Discussion ensued in which members welcomed the proposal which would bring St Michael's Church back into use. The planner referred to the report and answered members' questions. She explained that the building could not be used outside the hours of operation as set out in the condition to the planning consent. This would include performances, hours of licences and practice sessions. If at a later date the

applicant wanted to increase the hours of operation, the company would need to submit an application to vary the conditions of the planning consent.

Councillor Jackson, as ward councillor of Mancroft Ward, said that he had given careful consideration of the application. He considered that the use of the building was better for it than to leave it empty. The applicant was sensitive to the fact that it was located in a city centre residential area.

RESOLVED, unanimously, to approve application no. 15/01906/U - St Michaels Church Oak Street, Norwich, NR3 3AE and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. The use hereby approved shall operate in accordance with the Noise Management Plan.
4. Amplification equipment to be submitted and agreed. The system shall be designed to ensure that noise levels from the premises do not exceed 45dB at 63Hz Centre Band Frequency (CBF), 40dB at 125Hz CBF and NR30 over the frequency range from 250Hz to 8KHz as measured at a position 1 metre outside any noise sensitive premises.
5. No performances with amplified music shall take place outside the application building.
6. The use hereby approved shall not be open to members of the public between 21:00hrs and 08:00hrs on any day.
7. Any damage caused to the building by the use hereby approved shall be made good in accordance with a scheme first submitted to and agreed in writing.
8. Within one month of the occupation of the development a flood warning and evacuation plan shall be submitted to and agreed in writing.
9. Implementation of Travel Information Plan.

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.

(Councillor Blunt and Herries were readmitted to the meeting at this point.)

10. Performance of the development management service; progress on appeals against planning decisions and planning enforcement action for quarter 3, 2015-16 (1 October to 31 December 2015)

The planning team leaders (development) presented the report and answered questions.

A decision had been received from the Planning Inspectorate on the Vikings Venture Scout Hut, Dereham Road and the appeal had been allowed. Further details would be reported to the committee with the next quarterly performance report.

Discussion ensued on the status of the enforcement action during the quarter. The planning team leader (development) (inner area) said that officers had met with Norwich City Football Club to discuss the issues. Maintenance of the river bank had been required and it was hoped that a conclusion could be reached. Members also noted that an enforcement notice would be served on the owners of 474 Earlham Road when legal advice had been received.

The planning team leader (development) (outer area) reported on his discussions with Norwich Family Life Church. Members expressed frustration about the church's lack of progress in developing its Heartsease Lane site and that it was still using the premises at 4-6 Mason Road, despite the temporary permission having expired. The planning team leader said that Mason Road was on an industrial estate and that it was not very accessible for pedestrians. Officers were mindful of the issues and would report back on any progress.

RESOLVED to note the report.

CHAIR

Summary of planning applications for consideration

ITEM 4

10 March 2016

Item no	Application nos	Location	Case officer	Proposal	Reason for consideration at committee	Recommendation
4(a)	15/01810/F and 15/01811/L	Former Ferry Boat PH, 191 King Street	Tracy Armitage	Redevelopment of site to provide 41 dwellings including demolition of buildings and associated works.	Previously refused at committee	Approve
4(b)	15/01921/F	2 Upton Close	Kian Saedi	Sub-division of garden and erection of dwelling.	Objections. Also, committee requested that reserved matters application be decided at committee.	Approve
4(c)	16/00030/F	14 - 16 St Matthews Road	James Bonner	Installation of entrance lighting, signage, landscaping and gates [retrospective].	Objections	Approve
4(d)	16/00040/F	4 Dover Street	Charlotte Hounsell	Rear and side extension	Objections	Approve
4(e)	15/01858/F	24 Mile End Road	Stephen Polley	Side and rear extension and rear dormer roof extension.	Objections	Approve
4(f)	Enforcement Case	128 Thorpe Road Norwich, NR1 1RJ	Ali Pridmore	Unauthorised partial demolition of boundary wall to form access to highway – requires planning permission. (Listed by association to 2-4 Cotman Road)		Enforcement action recommended

STANDING DUTIES

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

Equality Act 2010

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

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

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

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

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

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

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

Crime and Disorder Act, 1998 (S17)

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

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

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

Natural Environment & Rural Communities Act 2006 (S40)

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

Planning Act 2008 (S183)

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

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

Article 8 – Right to Respect for Private and Family Life

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

Report to Planning applications committee

Item

10 March 2016

Report of Head of planning services

Subject Application nos 15/01810/F and 15/01811/L -
191 King Street, Norwich, NR1 2DF

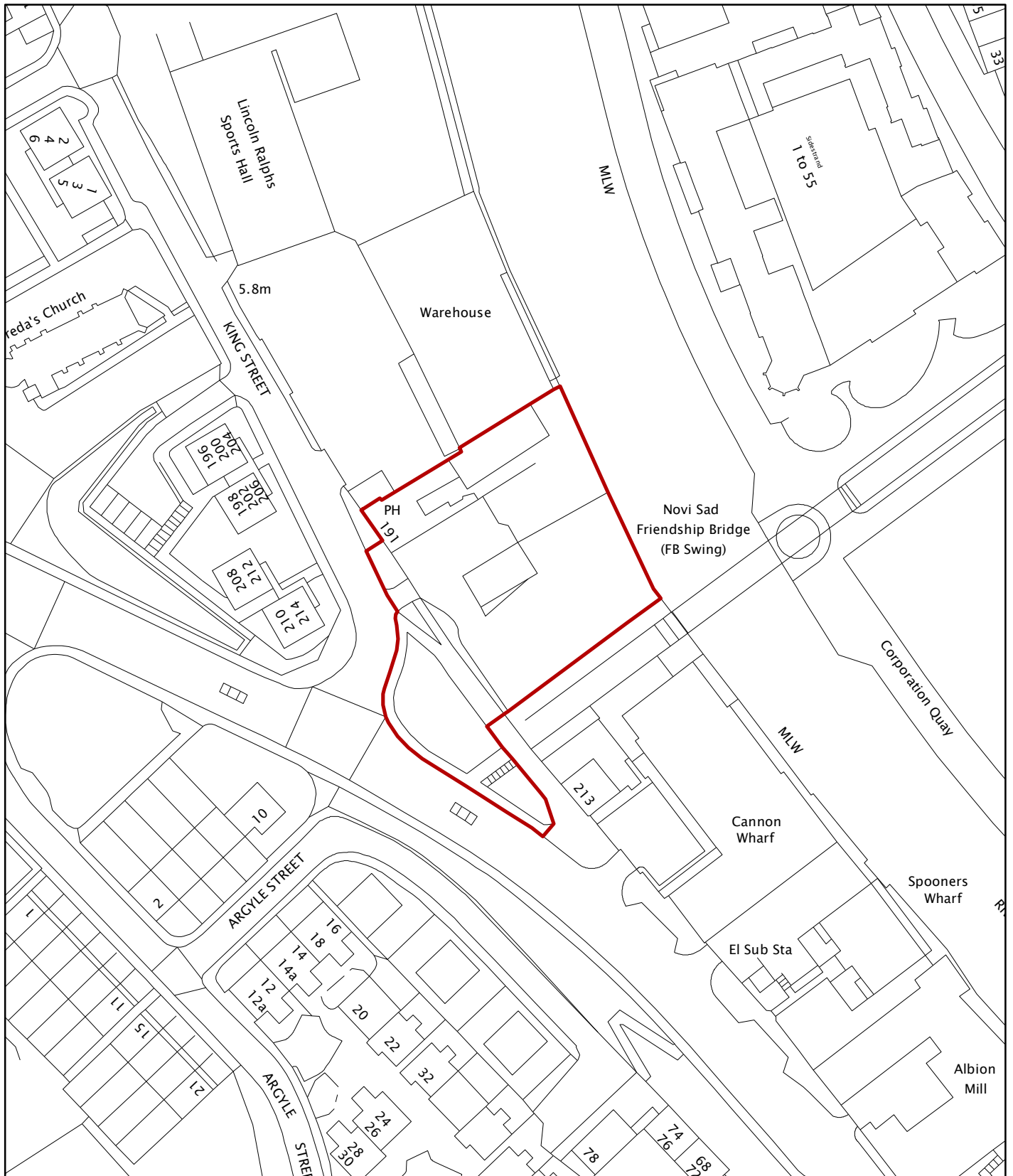
**Reason
for referral** Major, previously refused at committee.

4(a)

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

Development proposal		
Redevelopment of site to provide 41 dwellings including partial demolition of buildings with associated works.		
Representations		
Object	Comment	Support
	2	

Main issues	Key considerations
1 Design and heritage impacts	Height and massing of the development. Whether the design respects the context and pays special attention to the desirability of preserving or enhancing the character and appearance of the conservation area.
2 Open space and landscape	Landscape strategy for the site Public benefit of waterfront proposals Landscape strategy for the site
3 Amenity	Impact on residents living close to the site Level of amenity for future occupiers
4 Affordable housing	Whether provision of affordable housing is viable
5 Works to Listed building	Demolition of existing outbuildings and works to the listed Ferry Boat Inn - whether they have special regard to the desirability of preserving the listed building and its setting.
Expiry date	17 March 2016
Recommendation	APPROVE 15/01810/F, subject to S106 and conditions APPROVE 15/01811/L, subject to conditions



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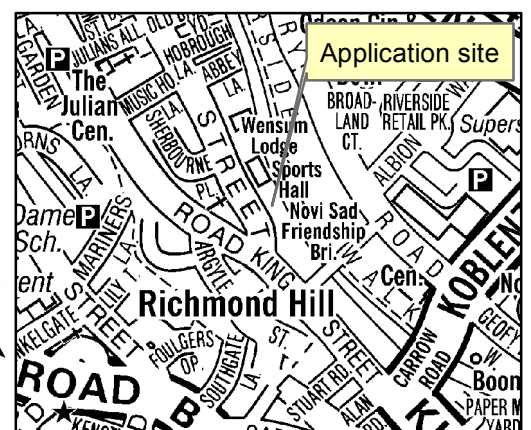
Planning Application No 15/01810/F & 15/01811/L
 Site Address Former Ferry Boat PH
 191 King Street

Scale 1:1,000



NORWICH
 City Council

PLANNING SERVICES



The site and surroundings

1. The site is located to the east of King Street at its junction with Rouen Road and the Novi Sad bridge. Currently the site is occupied by the Ferry Boat Inn a grade II listed building of 2½ storeys in height, in three bays with three large gable dormers extending west over King Street. To the south of the main building is a long stretch of flint wall which forms the south boundary wall to a number of extensions to the rear of the main building, there is also a series of single storey extensions which project eastwards towards the main river including a boat house at the eastern end.
2. A detached outbuilding is located to the south of the main building and contains evidence of an earlier 15th century building with a head of a door way from that date. The outbuilding is not historically connected to the Ferry Boat and is a survival of residential slum clearance and has later formed part of the curtilage along with the car park further to the south which dates from the 1980s.
3. The site is occupied by a number of trees, three Alders are located immediately adjacent to the river on the eastern boundary of the site a Sycamore and an Ash are located more centrally within the site and a Robinia and a three Rowans are located close to the sites access. Two of the Alders and the Ash are identified within the Arboricultural Implications Assessment as category grade B trees (of moderate quality and amenity value), the remaining trees are category C trees (of low quality and amenity value).
4. The River Wensum is located to the east of the site and forms part of the Broads opposite which are residential flats forming part of the wider mixed use riverside area. To the north are brick former warehouse buildings hard up against the river which are utilised by community music east. Opposite the site to the west are flat roofed post-war residential properties original constructed as council housing, to the south of this is a small green space at the junction of Rouen Road and King Street. The Novi Sad Bridge is located to the south and offers important views of the site, further south is Cannon Wharf a residential scheme which forms part of the wider Read Mills development. To the northwest corner of the Cannon Wharf site is 213 King Street (Cannon House) a small two storey grade II listed dwelling which is residential use. The site is particularly prominent in views from the east side of the river and from the south on King Street.

Constraints

- City Centre Conservation Area – King Street Character Area
- Listed buildings:
 - On site: Former Ferry Boat Inn pub – Grade II listed. On the council's Buildings at Risk Register
 - Adjacent to the site - 213 King Street Grade II, King Store warehouse locally listed
- Flood risk - Parts of the site are at risk of flooding
- Sloping site - slopes down from King Street to the River Wensum

- Regeneration Area – King Street forms part of the South City Centre Regeneration Area
- Main area of archaeological significance
- Broads – The site backs directly on to the River Wensum, part of the Broads.

Relevant planning history

5.

Ref	Proposal	Decision	Date
10/01471/F	Alterations and extensions to provide a 150 - 200 bed backpackers' hostel (amended proposals).	Withdrawn	09/11/2010
10/01472/L	Alterations and extensions to provide a 150 - 200 bed backpackers' hostel (amended proposals).	Withdrawn	09/11/2010
10/02177/F	Alterations and extensions to the Ferry Boat Inn and construction of new accommodation block to provide a 150 - 200 bed backpackers' hostel.	Approved	18/07/2011
10/02178/L	Alterations and extensions to the listed building and removal of curtilage buildings to provide a 150 - 200 bed backpackers' hostel.	Approved	18/07/2011
11/01970/D	Details of Condition 5: schedule of works for retention of flint wall and door arch, Condition 6 (a) window and door joinery; (b) colour finish of for new external windows and doors; (c) external timber cladding; (d) colour finish of lime render; (e) details of roof materials; (f) solar panels; (g) flues; (h) rainwater goods; (i) eaves details; (j) provision of living roof; (k) brick, chalk and flint walls; (l) car park entrance barrier; (m) grilles to car park openings; (n) bird and bat boxes; Condition 8: archaeological evaluation (parts a _ b), Condition 10: cycle stands, Condition 15: surface water runoff and Condition 19: flood proofing measures of previous planning permission 10/02177/F 'Alterations and extensions to the Ferry Boat Inn and construction of new accommodation block to provide a 150 - 200 bed backpackers' hostel.'	Approved	26/03/2012

Ref	Proposal	Decision	Date
11/01978/D	Details of Condition 3: schedule of works for retention of flint wall and door arch and Condition 4: schedule of works detailing all internal and external alterations of previous planning permission 10/02178/L 'Alterations and extensions to the listed building and removal of curtilage buildings to provide a 150 - 200 bed backpackers' hostel.'	Approved	26/03/2012
15/00273/F	Redevelopment of site to provide 43 dwellings including partial demolition of buildings on site and erection of a riverside walkway/staithe.	Refused	09/09/2015
15/00274/L	Redevelopment of site to provide 43 dwellings including partial demolition of buildings on site.	Refused	09/09/2015

The proposal

6. The proposed development is a revised scheme following the refusal of planning permission and listed application consent for the redevelopment of the site with 43 dwellings, application refs. 15/00273/F & 15/00274/L (decision date 8 September 2015), for the following planning reason:

The proposed development, by reason of its layout, height, scale and massing would be unduly dense and visually dominant form of development, with buildings of excessive mass and scale adjacent to King Street, the Novi Sad Bridge and the River Wensum. As such the proposals would represent an inappropriate overdevelopment of the site, which would detract from the character and appearance of the conservation area, and the setting of the adjacent listed building. The proposals are therefore contrary to policies DM3 (Delivering high quality design), DM9 (safeguarding Norwich's heritage) and DM12 (Ensuring well-planned housing development) of the Norwich Development Management Policies Local Plan 2014, and paragraphs 9, 17, 56, 60-66, 132, 134, and 137 of the National Planning Policy Framework.

7. The previous application was considered by planning applications committee on 3 September 2015 and the report can be viewed [here](https://cmis.norwich.gov.uk/live/Meetingscalendar/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/167/Committee/3/SelectedTab/Documents/Default.aspx) (or on the city council's website <https://cmis.norwich.gov.uk/live/Meetingscalendar/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/167/Committee/3/SelectedTab/Documents/Default.aspx>) Since the decision to refuse the applications, the applicant and his architects have reconsidered the scheme and made a number of changes taking into account the concerns raised by Planning Applications Committee. The revised proposals include:

- Demolition of existing single storey buildings on the site;
- Renovation and residential conversion of the listed Ferry Boat Inn into 2 dwellings;
- Associated works to listed building – planning ref:15/01811/L;

- New build residential units - 39 dwellings (compared to 15/00273/F - a reduction of 2 units);
- The reduction in the height of the previously proposed 'bridge tower by two storeys; creating a 5 storey corner block building (plus basement).
- Revision to the form and appearance of the building fronting King Street - linked to the corner block and extending towards the listed Ferry Boat Inn.
- Excavation of the site to create lower level parking area with vehicular access from King Street.
- River side pedestrian route across the river frontage of the site.
- Landscaping of the highway land on the corner of Rouen Road/King Street.

Summary information

Proposal	Key facts	
Scale		
Total no. of dwellings	41	
	Studios	- 6
	1 bed flats	- 8
	2 bed flats	- 19
	2 bed duplex	- 2
	3 bed flats	- 2
	Houses	- 4
No. of affordable dwellings	Nil	
Lifetime home standard	23/41 (56%)	
No of storeys	Riverside 'Wharf' building	5 stepping up to 6 storey (includes basement car park). Height: 15 – 20.7m approx. (above bank level)
	Corner Tower	5 storey (plus basement car park below street level). Height: approx. 16.4m above street level
	Bridge link block	3 storey (plus basement car park below street level). Height: 10.8 – 11.6m (approx.) above bridge ramp

Proposal	Key facts	
	King Street block (adjacent to Ferry Boat Inn)	2-3 storey Height : 6.2 – 9.5m (approx.)
	Burgage plots (extending to the rear of the Ferry Boat Inn to the river frontage)	2 – 3 storey (Max height:11.4m above bank level)
Appearance		
Materials	Brick including textured brick bond, render, zinc cladding, fibre cement roof tiles, profiled metal cladding	
Transport matters		
Vehicular access	Access from King Street	
No of car parking spaces	20 spaces 3 x disabled use Car charging point	
No of cycle parking spaces	80 spaces	
Servicing arrangements	Communal - From King Street	

Representations

8. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. A total of 2 letters of representation have been received citing the issues as summarised in the table below. It should be noted that one of the representation is from Cannon Wharf Residents Association, who represent residents of Cannon Wharf and Spooners Wharf. All representations are available to view in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Issues raised	Response
Concern that proposed apartment facing the Novi Sad bridge have balconies and windows facing Cannon Wharf – privacy of residents in Cannon Wharf will be affected	See – para. 55
Riverside walk and area under the bridge Concern over antisocial behaviour	See – para. 48

Consultation responses

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

Ancient Monuments Society

10. Welcome the re-use of the site. Regarding the Ferry Boat Inn request a detailed schedule of works in relation to the outbuildings and a detailed assessment of their significance.

Anglian Water

11. Confirm available capacity in the foul sewage network and wastewater treatment works. Recommend condition relating to Anglian Water Assets in the vicinity

Broads Authority

12. The Broads Authority has been consulted on previous schemes for this important riverside site and as there appear to be no substantial changes to the elevation facing the river in this submission, many of the following observations reiterate previous comments. The reduction in height of the block adjacent to Novi Sad Bridge was broadly welcomed, although the scale and massing of the buildings directly on the riverside frontage remain a concern as they contribute to the canalisation of the river between the two bridges, and this may prejudice any aspiration to achieve a lower scale on upstream sites, even though that may be appropriate. The historic photograph of the site in the Design and Access statement shows that previous development on the site was small scale (maximum four storeys) and on narrow plots fronting the river. Whilst it may not be possible or desirable to replicate this form of development, the scheme could take reference from this by breaking up the 'slab' construction of the block adjacent to the Novi Sad Bridge with some articulation, and through providing more permeability of the site with a physical or visual connection with the landscaped centre courtyard from this part of the site.
13. The inclusion of an area for a walk along the riverside is welcomed in principle, but the current provision seems to be a token one at best, in that it is in the main, narrow and almost completely overshadowed by the balconies and soffit of the building above. This together with the use of metal cladding to the soffit and wall of the building would not, in my opinion, make it an attractive space and it is difficult to see who would want to access it and for what purpose. A better alternative would be to set the whole building back from the river side to allow an open area at the water's edge. Previous comments suggested incorporating the vertical planting elements shown on the elevation to the bridge along the riverside walk as an alternative to the vertical metal cladding. The slight increase of depth at the 'staithe' area may be of more use, although the landscaping appears to be limited to one small planting bed. There is no obvious means of using it as a 'boat launch'. The connection to the courtyard via the reinstatement of Wickham's Yard is positive, but given the size of the scheme, the potential number of occupants and that it has also to cater for vehicle access to the undercroft parking, the overall amount of landscaped areas seems somewhat meagre.

14. It is hoped that a high standard of materials and detailed design will be achieved for this significant site
15. In conclusion, concerns remain about the scale of the development adjacent to the river, the width of the riverside walk and the lack of permeability of the site through a physical or visual connection to the inner courtyard, other than via a route shared with vehicles at Wickham's Yard.
16. Navigation and Waterways - The Broads Authority is pleased that the design has been amended from the last application so that the proposed riverside walkway is within the boundary of the existing river frontage as this means that there will be no encroachment on navigable width in the River Wensum. The applicant hasn't provided sufficient detail on the proposed staithe or launching area for the Authority to be able to comment on this properly. We will require a detailed drawing of this showing cross sections and dimensions of the steps and the height of the drop to the water. We also need to know exactly how it will be used – what type of boats they are proposing to launch or moor there and for what purposes, how the boats will get to the staithe/launch area and whether the use of the site will be restricted to residents. As regards the riverside walkway the Authority does not see how this will contribute towards the City's ambitions to create a network of riverside walkways as the public will not be able to use it. A better way for the development to contribute towards providing better riverside access would be to allow the public to access the river from King Street through the recreated Wickham's Yard and then return to King Street by walking along the riverside walkway and along the path which runs parallel to the bridge ramp.
17. As regards the form and mass of the buildings the Authority also feels that these will add to the canalisation of this section of river which is not welcomed.

Environmental protection

18. No objection subject to imposition of standard relating to contamination and construction method statement.

Environment Agency

19. The Environment Agency have requested further details regarding: volumes of compensatory storage; the routing of flood water and the functioning of the surface water scheme at time of river flooding. These details have been submitted and are being discussed. Until these are agreed the Environment Agency are maintaining a holding objection.

Highways (local)

20. The proposed development on a Ferry Boat Inn site has considerable merit with regard to highway and transportation matters and so I have no objection in principle. mid-rise residential land use on this highly accessible city centre location offers highly sustainable development as its location helps to reduce car dependency. Residents of this scheme would enjoy all of the benefits the city centre has to offer within easy walking and cycling distance. A car club is located adjacent to the site on King Street offer residents the option of the mobility of a car without privately owning a vehicle. For this reason a 'low car' development as proposed is an entirely viable position for prospective residents and conforms to Local Plan policy.

21. Cycle storage - The location and capacity of the cycle storage is adequate
22. Parking and traffic - 20 parking spaces for 41 units is proposed and is acceptable. As a new residential development in a CPZ the properties will not have parking permit entitlement. Experience from elsewhere in the city centre indicates that car ownership is lower than elsewhere in the urban area and is often less than 50% of households. Therefore the amount of parking spaces is acceptable.

Historic England

23. This application proposes the erection of new residential buildings on a vacant site adjacent to the grade II listed Ferry Boat public house. The content of the associated application for listed building consent has been the subject of previous consultation with Historic England. We are content with the principle of the replacement building to the rear and the works to the listed building, although we would be happy to offer additional advice on the latter if the Council's conservation officer wishes. The new building adjacent to the Ferry Boat was the subject of a previous application about which we raised concerns. These chiefly involved the scale of new building on the King Street side of the site and how it affected the character of this part of the conservation area. The current application shows this part of the development has been significantly amended to reduce the height of the corner building and change some elements of the ranges adjoining it. We consider this reduction in height a significant improvement and would not wish to oppose the granting of consent in principle.
24. The quality of the new buildings' cladding materials and detailing will be essential in their success. We would therefore recommend the Council apply suitable conditions to any consent controlling these aspects as well as one requiring a program of conservation for the medieval arch which will be preserved within the development.

Housing strategy

25. Having reviewed the viability study provided for the revised scheme I am comfortable that the scheme shows that delivery of any affordable housing is not viable. In light of the nature of the development I would be happy to see the S106 to state this providing we insert a clause for review.

Landscape

26. This revised scheme maintains the positive landscape design principles proposed within previous application for development on this site, these being well defined private, semi-private and public open space at a range of scales, and visual and physical access between King Street and the river. The proposals in general provide adequate private external amenity space, this is enhanced by the revised design of the units fronting King Street making good use of additional terrace space provided.
27. Trees - The tree officer should confirm if the proposed number and specification of tree planting is adequate to offset the loss of trees as part of the proposals. In terms of a courtyard planting an alternative to the Bald Cypress should be considered. We suggest a *Cornus controversa Variegata* would be a more interesting choice than the *Cornus alba 'Sibirica'* proposed within the lower courtyard.

28. Riverside walkway and Staithe - the following details should be conditioned railings along the river edge , details of design of the staithe including levels, materials, seating, planting etc.

29. Planting proposals generally : Proposed positioning of hard and soft landscape elements and treatments as shown are acceptable, however the design of planting and species mixes should be reviewed to maximise plant diversity and interest and a style in keeping with the high quality contemporary design proposed for built form. Plant mixes should be reviewed to ensure enough diversity and interest is provided, in particular the groundcover mix could be diversified and bulb planting introduced. Detailed design needs more careful consideration and should be conditioned

Norfolk historic environment service

30. No objection subject to the imposition of standard archaeological condition.

Natural areas officer

31. The ecology report concentrates mainly of the possible impact of the development on bats which are known to forage along the adjacent stretch of the River Wensum. Bat mitigation measures should be addressed and external lighting and light spillage should be minimised. New planting offers limited opportunity for biodiversity enhancements and loss of existing trees unlikely to be compensated by the new shrub and tree planting. Where planting is proposed is should use a high proportion of plants of value to wildlife through their flowers, fruits or seeds. Proximity of the building to the river provides no scope for a 'green corridor'.

Norfolk police (architectural liaison)

32. Detailed recommendation made regarding security of entrances to the buildings and undercroft parking area.

Norwich Society

33. Successful measures have been taken to reduce the visual impact of the development on the river frontage. The "tower" on the south corner of the site offers a more controlled massing of the elevations at this point. These alterations to the previous application offer a much more acceptable scale. We fully support this application which will provide a high quality contemporary design.

Tree protection officer

34. Further to your recent request I have visited the above-mentioned site and can confirm that the proposed development will require the removal of all the existing vegetation on site including a number of trees. Whilst unfortunate, the trees are not particularly good specimens and their removal as part of the proposed development should be used as a conduit for the planting of a number of replacement trees in the locality. It is recognised that this is not possible on site and therefore consideration should be made to the planting of new trees along Kings Street, or a contribution to planting elsewhere in the locality as part of the Councils future Tree Planting Strategy

Assessment of planning considerations

Relevant development plan policies

- 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

JCS11 Norwich city centre

JCS18 The Broads

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

- DM1 Achieving and delivering sustainable development
- DM2 Ensuring satisfactory living and working conditions
- DM3 Delivering high quality design
- DM5 Planning effectively for flood resilience
- DM6 Protecting and enhancing the natural environment
- DM7 Trees and development
- DM9 Safeguarding Norwich's heritage
- DM11 Protecting against environmental hazards
- DM12 Ensuring well-planned housing development
- DM13 Communal development and multiple occupation
- DM22 Planning for and safeguarding community facilities
- DM31 Car parking and servicing
- DM32 Encouraging car free and low car housing
- DM33 Planning obligations and development viability

Other material considerations

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

NPPF0 Achieving sustainable development

NPPF4 Promoting sustainable transport

NPPF6 Delivering a wide choice of high quality homes

NPPF7 Requiring good design

NPPF10 Meeting the challenge of climate change, flooding and coastal change

NPPF11 Conserving and enhancing the natural environment

- Supplementary Planning Documents (SPD)

Affordable housing SPD adopted - March 2015

Case Assessment

35. 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
36. The following assessment focuses on the key changes that have been made to the proposed development and matters that have arisen during the assessment. The report considered by Planning Application Committee at the meeting on the 3 September 2015 [here](#) and provides a full appraisal of all other matters.

Main issue 1: Design and Heritage Impact

- Design - Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 9, 17, 56 and 60-66.
 - Heritage - Key policies and NPPF paragraphs – DM9, NPPF paragraphs 128-141.
37. The design of the development was the principal consideration in the assessment of application 15/00273/F and the focus for the reason for refusal. The revised scheme maintains the broad design strategy to that proposed previously and includes the following core design parameters (set out in the Design and Access Statement):
- (a) Creating a group/ensemble of buildings - creating a tight urban grain, a significant feature of the pattern of development within the King Street character area of the Conservation Area
 - (b) Re-creation of a lost historic narrow lane - Wickhams Yard, linking King Street with the water front. The Conservation Area Appraisal recognises the historic significance of narrow lanes leading to the riverfront and includes a management and enhancement objective that they should be retained.
 - (c) Re-creation of a 'burgage plot', an historic form of building plot – the plot includes the Ferry Boat Inn and new buildings in a narrow plot extending to the water front
 - (d) Buildings which vary in character and scale. It is stated that this is a response to the domestic scale of the Ferry Boat Inn, industrial riverside buildings and the 'pivotal' location of the site. The location being distinctive given the position adjacent to the Novi Sad bridge; 'corner' position at the junction of Rouen Road/King Street; and in a location within the conservation area where building types change from lower domestic buildings to larger format large factories

38. The proposed revisions to the scheme change two of the buildings within the group/ensemble that front King Street. The changes have focused on the massing, height, form and appearance of these buildings .
39. The revised King Street frontage re-establishes Wickhams Yard (a historic lane) adjacent to the Ferry Boat Inn and proposes a three storey building immediately to the east. Wickhams Yard is intended to function as a primary access point serving the development, framed by the historic Inn and the new three storey building. Although the equivalent number of storeys to the Ferry Boat, the eaves and ridge height of the building are higher. The roof form takes a cue from the bay proportions of the listed building and the street elevation has a domestic appearance created by the pattern of fenestration and entrance doorways. The contemporary appearance of the block creates a strong association between this building and the other new buildings on the site.
40. The corner of King Street with the Novi Sad bridge is now marked by a five storey building linked to the King Street frontage block by a lower two storey building. The roof of this link building includes a recessed glazed entrance which provides access to a third storey apartment, the remaining roof space functioning as an external private terrace area . The taller 5 storey block is intended to mark the location of the foot bridge and the transition in the street scape which occurs at this point. This building has a contemporary appearance with recessed windows and brick bays. A secondary access point into the development is created by an opening through this building at street level. A brick colonnade with planting areas forms the remaining street frontage of this building. This facade conceals a communal bin store located in this position and which allows servicing from King Street. This elevational treatment restricts surveillance and level of animation on this corner but it is acknowledged that given pedestrian activity a residential unit in this position would have compromised amenity levels.
41. The reduction in the height of the corner building by two storeys has significantly reduced the massing of this element of the scheme and improved the view of the development particularly from the west and from Rouen Road. In the context of the surrounding area the revised King Street frontage is considered a more a sympathetic gradation between the Ferry Boat Inn and Cannon Wharf than the previous refused scheme. In comparison to Cannon Cottage (Grade II listed) the contrast in massing and height remains marked but the relationship is not dissimilar to the existing juxtaposition of the listed building with Cannon Wharf. The revised design approach to the King Street frontage creates visual interest and variety and positively responds to the listed Ferry Boat Inn and the significant characteristics of the conservation area.
42. The height of the corner building was a particular focus of concern in relation the previous scheme, with Historic England raising an objection to this, the new building adjacent to the Ferry Boat and the impact on the character of these building on the conservation area and the listed building. In relation to this revised scheme Historic England state that 'the current application shows this part of the development significantly amended to reduce the height of the corner building and some elements of the ranges adjoining it'. It is stated that 'this reduction in height a significant improvement and would not wish to oppose the granting of consent'.

43. The remaining buildings in the group, the Riverside Wharf building, the bridge link and the burgage plots remain unchanged and are as previously proposed as part of 15/00274/F. It should be noted that the reason for refusal made reference to the *layout, height, scale and massing of the development and excessive mass and scale of buildings adjacent to the River Wensum*. The Riverside Wharf building remains the largest single building within the group and will be prominent when viewed from the river, the riverside walk and the bridge. The Broads Authority maintain their objection to this element of the scheme given the building's height, close proximity to the river and canyonising effect. The Broads Authority have commented that the riverside block would benefit from a greater degree of articulation and a physical break, which would create a visual connection with the landscaped centre courtyard. However, it should be noted that such a break would be difficult to achieve given the change in levels which raise the court yard a storey higher than riverside level. The design of this element was assessed in some detail previously and considered an appropriate response to the location. The stepping down of the buildings on the river frontage from 6 to 3 storeys is well considered in the context of Cannon Wharf and the locally listed King Street Stores to the north. The scale is also considered consistent with the scale of development either side of the Novi Sad bridge on the opposite side of the river - the approved 66 unit Wherry Road scheme extending to 7 storey in height.
44. In terms of the development immediately to the rear of the Ferry Boat Inn, the 'burgage plot' development reflects, although does not replicate the traditional form of building, and this is considered positive. The three family houses proposed within this plot, range in height between two and three storey and are taller than the buildings they replace. Distinctive materials are proposed, including significant areas of zinc cladding. As such the building will contrast with the listed building but aim to evoke the historic use of this part of the site as a boat yard. This design approach when viewed from the river is considered positive and the scale of the buildings will relate well to the locally listed building to the north – King Street Stores. However, the development will mean that the historic association of the Ferry Boat Inn and the river frontage is reduced and that much of the visual link between the building and the river will be lost, particularly given the height and proximity of the development. In terms of heritage impact this is considered to result in less than substantial harm.
45. The changes to the buildings fronting King Street have been made in order to address the reason for refusal of the previous scheme which centred on the impact on the development on the conservation area and the listed Ferry Boat Inn. In this regard the changes are considered successful and this is apparent in the consultation responses from both Historic England and the Norwich Society. However, significantly the changes have not reduced the design connection of these buildings with the remainder of the development. The buildings collectively form a coherent group which modulate in scale and character creating a distinctive development with a strong sense of place. The scheme responds positively to the historic context by incorporating many of the design features highlighted as objectives for new development within the King Street character area. The development has a strong and distinct appearance which reflects the predominant historic building form, layout, scale and materials of the area and also creates a place that has its own locally - inspired character. These design qualities along with the benefits associated with the securing the long term future of the listed building and the delivery of housing outweigh the less than substantial harm identified in para. 44. The scheme's distinctiveness in part is attributable to the quality of materials and architectural detailing and it is also this design quality that justifies a high density

contemporary design approach in this part of the conservation area. In the event of planning permission being approved it will be necessary to ensure that this design approach is adhered to during the construction phase.

Main issue 2: Open space and landscaping

45. Key policies and NPPF paragraphs – DM3, DM8, NPPF paragraphs 9, 17 and 56.
Key policies and NPPF paragraphs – JCS1, DM6, NPPF paragraph 118.
46. The proposed landscape strategy includes a number of elements focused on the river frontage, the residential courtyard and King Street.
47. In terms of King Street, the scheme includes landscape works to an area of existing highway land fronting the site. This land is currently unsightly not aided by the high concentration of utilities and services located on this road junction. When the previous application was considered there remained some uncertainty over the extent to which this area could be improved given the significant constraints imposed by these services. However, this land is one of only small number of open spaces within the King Street Conservation area and given the proposed development results in loss of trees and biodiversity and requires modification of the highway fronting the site to allow for servicing, there is both the justification and opportunity to secure an appropriate level of enhancement. This open area has therefore been examined in more detail as part of the current application. Having considered a number of options the modifications are likely to focus on widening the space across the site frontage to create a shared space for pedestrians, cyclists and servicing. This would include resurfacing and likely to necessitate the construction of a new retaining wall. Depending on utility constraints this may allow for seating to be incorporated as well as containerised pits for the planting of a small tree. The latter will be conditional on a detailed site survey which will establish the precise routing of existing services. In addition it is proposed to reseed the remaining open space with a mix to improve biodiversity. This will improve not only visual interest but also create compensatory semi-natural habitat close to the wildlife corridor of the River Wensum. Furthermore the scope for street planting at the modified junction of King Street and Rouen Road will be explored. This package of measures is considered appropriate compensation for the loss of trees from the site and will allow the appearance and function of this open space to be improved.
48. Across the river frontage a partially enclosed river walkway is proposed. This would be assessed via the existing Novi-Sad bridge ramp and via Wickhams Yard. Although this section of walkway would not at this time connect to an existing river walkway route it should be noted the adjacent site is allocated for residential development in the SA Plan (policy CC8) and includes a requirement for a riverside walk. In the meantime the route would provide access to the river frontage to a small 'staithe area' which would function as a small amenity area. The Broads Authority have indicated that given the proximity of the site to the Novi Sad bridge they would not support the use of the river frontage for permanent mooring. In addition they have indicated that the current height of the river bank/nor the height of the proposed staithe area would be suitable for the safe launching of boats. They have however supported a de-masting facility in this location and advised that a detailed scheme should be agreed through the imposition of a suitable condition.
49. Representations have raised concerns over antisocial behaviour which may result from unrestricted public access to the river frontage and staithe area. Although there

is a risk that this may occur, it is not considered that public access should be prevented on this basis. The routes into and across the site create a good level of permeability, recreate a historic layout and introduce activity onto the river frontage which will enliven the development. Public access to the river and the staithe area is considered a benefit of the development and a matter that should be secured as part of a planning decision. However, it is also accepted that there will be a need to manage public access and restrict it entirely after dark. Such management arrangement will be secured through a legal agreement.

50. A landscaped courtyard is proposed in the internal space created by the perimeter buildings. This area will function as space from which residents would access parking and refuse facilities but also as an area of communal amenity space. Although the space is constrained in size and will be overshadowed by the development, provided the space is landscaped to a high standard the space will function well as a private courtyard. The council's landscape officer has indicated that a detailed scheme should include suitable tree planting and diverse planting which creates visual interest and texture. She has also indicated that planting should extend towards Wickhams Yard to assist in creating a green link with the river.

Main issue 3: Amenity

51. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
52. DM2 seeks to ensure satisfactory living conditions for existing occupiers living close to the development and future occupiers of the scheme.
53. There are no residential properties immediately adjoining the site but within the vicinity there are a large numbers of residential properties, particularly Cannon House, apartments that form part of the Cannon Wharf and Sidestrand developments and to the west properties on King Street. A number of objections have been received from these residents on the basis that given the height and proximity of the development there will be an unacceptable impact on their amenities as a result of loss of light, overshadowing, overlooking and loss of privacy.
54. The Sidestrand development is situated on the opposite side of the River Wensum approximately 35m from the site boundary. The separation afforded by the river and the riverside walk will minimise direct impacts of the development on these dwellings, although given the orientation there will be some degree of overshadowing of the river. To the south, Cannon House (213 King Street) and apartments forming part of the Cannon Wharf development are closer to the site boundary – 11.6m to the garden boundary of Cannon House, 13.4m to north facing fenestrated elevation of Cannon Wharf. This façade of Cannon Wharf includes a large number of windows and balconies which face the site with views towards the city, including of the cathedral.
55. The scheme includes a continuous development frontage abutting the Novi Sad bridge access ramp. The elevation visible from Cannon wharf includes the side elevations of the 'bridge tower' and the 'wharf' block and the three storey link building. This south facing elevation has a large number of windows, balconies and the link building has a top floor private roof terrace. This frontage has been designed as an outward facing principal elevation of the development and includes windows to bathrooms, bedrooms and open plan living space. The residential use of rooms and balconies will therefore be apparent from the Novi Sad bridge and to residents living in Cannon Wharf and Cannon House.

56. In terms of impact, given the development is to the north, the extent of overshadowing of buildings to the south will be limited although daylight levels are likely to be affected to some extent given the massing and height of the development. However, the variation in height of the development and in particular the three storey link block will reduce this impact and assist in reducing the possible overbearing appearance of the development. For residents living to the south, the change in outlook will be substantial, views across a largely vacant site replaced with a high density urban form of development. Existing privacy levels will be negatively affected since overlooking will be possible between existing and proposed windows and balconies. However, these impacts need to be assessed in the context of the location – a location close to the city centre where the prevailing character of development is high density. In addition the development has been designed to provide a varied and active frontage to the Novi Sad bridge - an important public route for pedestrians and cyclists and which separates the site from established development to the south. A less outward looking design would not be as successful in responding to this 'street' frontage. In these circumstances it is not considered necessary or desirable to prevent overlooking/loss of outlook but to avoid levels that are considered unacceptable in this location. On this basis the amenity levels for both existing and future occupiers of the development are considered acceptable.
57. In terms of general amenity levels for residents of the new development, the dwellings have been designed to meet nationally described space and to have access to outdoor amenity space. Most of the dwellings are dual aspect with principal windows outward facing with good outlook and light levels. Given the density and mix of development, balconies function as outdoor space for the flats, whereas houses and duplex apartments have small courtyards. In addition the layout provides for an area of communal private courtyard and for a public open space adjacent to the River Wensum. On this basis the development meets the requirements of DM2.

Main issue 4: Flood risk

58. Key policies and NPPF paragraphs – JCS1, DM5, NPPF paragraphs 100 and 103.
59. The site is at risk of flooding. The NPPF and DM 5 seek to direct new residential development to sites at the lowest risk of flooding. The site extends across three flood risk zones. Approximately 44% of the site is at low flood risk whilst the remainder falls into zones 2 and 3, at medium and high flood risk. In accordance with policy, a sequential test has been applied in order to assess whether the development could be accommodated on alternative site/s at lower flood risk. Given the application relates to development within an identified area for regeneration, DM 5 requires only sites within the southern and northern city centre regeneration areas to be considered. These two regeneration areas cover significant geographical areas of the built up part of the city and much of this area is at low risk of flooding (flood zone 1). Within the south city centre area a number of sites have been allocated for residential development and some of these are in low risk areas. In addition given the nature of the area there is likely to be a number of brownfield /possible windfall sites which may be capable of redevelopment. These sites are theoretically available for residential development of a similar scale to that proposed by this application.
60. However, the development of these alternative sites would not result in the same level of wider sustainability benefits compared to the development of the Ferry Boat Inn site. These benefits are referred to in the report but in summary include:

- The development of a long term vacant site within an area identified for regeneration
- Secure the long term future of a historic building currently on the council's Building at Risk register
- The development of a site prominently located within City Centre Conservation Area and highly visible from the River Wensum.
- Provision of public access to the river
- Provision of new homes
- Enhanced public realm area

61. Where such wider sustainability benefits exist the NPPF allows development in flood risk areas provided the 'Exception' Test is met. In terms of meeting this test development must 1) provide wider sustainability benefits to the community that outweigh flood risk and 2) be safe for its lifetime without increasing flood risk elsewhere. In terms of 1) and with reference to DM1, the development will provide a number of sustainability benefits, in particular: deliver 41 new homes in a highly accessible part of the city; result in environmental improvements to a long term vacant site; secure the future of a listed building which has been vacant and neglected for a number of years and provide off site public realm improvements to King Street.

62. In terms of 2) and that of safety, the scheme involves modification of existing site levels to create a basement car park above which the development would be constructed. Most of the new residential units are therefore raised above both the 1:100 and 1:1000 flood level. The Burgage plot dwellings are at a lower level but it is recommended that these are set at minimum of 2.53AOD which protects these units from a 1:100 year flood event. The basement car park is designed to flood and will provide 180m³ of flood water storage. The Environment Agency requested additional information to be submitted in relation to a number of matters including 1 in 20 year flood events and where water would be stored and routed during these times. A revised Flood Risk Assessment has been submitted indicating storage capacity within external areas adjacent to the river and beneath the footprint of the burgage plot. The Environment Agency is in the process of considering this proposal along with the further information requested they requested. It is expected that the EA will provide their final response prior to the meeting of Planning Applications Committee and that it is likely that outstanding details will be capable of being agreed through the imposition of appropriate planning conditions. An update will be provided at Planning Applications Committee.

63. It is proposed that surface water will drain via an attenuation feature into the River Wensum. This strategy is considered acceptable and a planning condition is recommended to secure a detailed scheme.

Main issue 5: Affordable housing viability

64. Key policies and NPPF paragraphs – JCS4, DM33, Affordable Housing SPD, NPPF paragraph 50.

65. JCS4 requires on developments of this scale for 33% of the new dwellings to be affordable. On the basis of 41 dwellings this equates to 14 units. The scheme does not provide for an affordable housing contribution of any type either on site or in the

form of a commuted sum. This absence of affordable housing has been justified on the basis that any level of contribution would render the development unviable. A viability appraisal has been submitted to substantiate this position and this includes a detailed cost appraisal.

66. The costs of the development (including CIL payment of approx. £322,390 along with projected development values have been reviewed by planning officers and the council's senior housing development officer. The assessment indicates a marginal profit level of just below 15% for a 100% market housing scheme. On this basis the development would not be viable if an affordable housing contribution was to be sought. The applicant has stated his commitment to developing this site within a short time period, indicating a start within 15 months and completion within a further 18 months. Such a delivery timescale would ensure the early development of a key site within the south city regeneration area, secure the fabric and future use of the listed Ferry Boat Inn and provide new homes that would contribute to the five year land supply.
67. The adopted Affordable Housing SPD states that where reduced affordable housing is accepted a S106 Obligation will be required and include an affordable housing viability review clause. This will require development viability to be reassessed in the event of development not being delivered within an agreed timescale. Given the complexities of this particular site an appropriate timescale would be commencement within 15 months and occupation of within 18 months.

Main issue 6: Heritage

68. Key policies and NPPF paragraphs – DM9, NPPF paragraphs 128-141.
69. The impact of the development on the conservation area and the setting of the listed Ferry Boat Inn has been assessed in the previous paragraphs. In this section the demolition of existing buildings is assessed along with the works to the Ferry Boat Inn. These works are included within 15/01811/L.
70. The Ferry Boat Inn comprises a number of buildings which vary in age and historic significance. The building fronting King Street dates from around 1630. However, the range immediately to its rear is likely to pre-date that, with the Ferry Boat building being built up against it. Both parts of the building are therefore of significance being of relatively early date. At the rear of the buildings there is a series of single storey extensions that step down towards the river and which historically would have housed river related functions. These single storey buildings along with a flint and brick outbuilding to the south are proposed for demolition. The council's conservation and design officer has advised that the single storey buildings are later than the King Street fronting buildings, with sections possibly dating to the late 19th century. These buildings have been substantially modified and altered but historically housed a boat yard use from which a ferry service was also operated. The existing structures have retained limited architectural and historic significance, with the exception being a substantial external flint wall which lined the original Wickhams Yard. This wall is to be retained as part of the scheme. Given the retention of this feature the design and conservation officer has confirmed that she has no objection to demolition, subject to the historic recording of the buildings.
71. The outbuilding to the south has similarly been heavily modified in the 19th and 20th centuries but does include a brick up arch of an earlier structure from around the 14th

century. The proposed scheme retains this archway feature where it will be incorporated into the lower ground floor level. Given the retention of this feature the design and conservation officer has confirmed that she has no objection to demolition, subject to the historic recording of the buildings.

72. The Ferry Boat Inn conversion works facilitate the use of the former pub for residential purposes. It should be noted that the public house use is only evident at ground and basement level as the upper floors are laid out as residential accommodation. Two flats are proposed, one at ground floor level and the second split across the upper floors. The proposals seek to retain the historic room layout and where modifications are proposed this involves the removal of modern partition walling. In particular the open layout of the former public bar area is retained as well as the broad pattern of circulation between ground floor rooms. Historic internal features including significant staircases/steps and fire places are retained as integral parts of the scheme. It is considered that the scheme responds well to the significant elements of the listed building and as such the re-use for residential purposes is acceptable. The works include the repair and refurbishment of the external and internal fabric which will secure the long term future of this historic building, which is currently on the council's Buildings at Risk Register.

Compliance with other relevant development plan policies

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

Requirement	Relevant policy	Compliance
Refuse Storage/servicing	DM31	Yes subject to condition.
Energy efficiency	JCS 1 & 3 DM3	Yes subject to condition An air source heat pump system is proposed to provide a centralised heating and hot water supply to 15 dwellings within the development. The Energy, water and Construction Planning Statement demonstrates that by serving the riverside frontage units with the heat pump system, 23% of the development's estimated energy consumption will be derived from a renewable sources.
Water efficiency	JCS 1 & 3	Yes subject to condition.
Sustainable urban drainage	DM3/5	Yes subject to condition.

Other matters

74. The officer report for application ref. 15/00273/F ([report to planning applications committee, 3 September 2015](#)) assessed in detail the principal of residential

development on this site. The site is not allocated for a specific type of development in the Local Plan and is located within the south city centre regeneration area identified in the JCS, policy 11, as an area of change, suitable for mixed use development and improved public realm. The proposal consists of the comprehensive redevelopment of the site solely for residential purposes. In accordance with the NFFP and the national objective of boosting housing supply, DM 12 is permissive of residential development except where sites are: designated for non-residential purposes; within a specified distance of a hazardous installation; within or immediately adjacent to the Late Night Activity Zone or at ground floor within the primary or secondary shopping area. None of these exceptions apply to this site.

75. The Ferry Boat Inn building dates from the 17th century, its use as a public house being first noted in 1822 when it was called the Steam Packet. The use as a public house continued until 2006. DM 22 seeks to safeguard community facilities, including public houses, for the benefit of the communities they serve. In terms of market interest, the pub has now been closed for 10 years and marketing over that period of time has not generated interest by a developer wishing to continue with the public house use. Given the deterioration in the condition of the listed building and associated outbuildings, it is highly likely that the viability of re-opening the public house or re-using it for an alternative community purpose will have further reduced over this time period. Although it is considered regrettable that the historic use of this site will be permanently lost, in the context of both DM22 and DM 9 and securing the future viable use of the listed building (on the City Council's Buildings at Risk Register) the principle of re-using the building for non-community purposes is considered acceptable.

76. In addition the following matters have been assessed and considered satisfactory and in accordance with relevant development plan policies, subject to appropriate conditions and mitigation: parking and servicing, contamination, archaeology.

S106 Obligations

77. The following matters would be secured through a S106 Obligation:

- Affordable housing review clause
- Public access arrangements along Wickhams Yard and the river frontage
- De-masting arrangements (if not able to secure through planning condition)

Local finance considerations

78. 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.

79. 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.

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

Conclusion

81. Both the NPPF and DM9 require all development to have regard to the historic environment and maximise opportunities to preserve, enhance or better reveal the significance of designated assets. These policies are rooted in the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 which imposes a duty on local authorities to have special regard and pay special attention to development affecting listed building and their settings and conservation areas. The site is located in one of the most historic parts of Norwich and development directly affects a building which functioned as a public house for almost 200 years. The comprehensive proposals for a high density, high rise and contemporary form of urban development have been carefully assessed in this context. It is considered that the revised scheme is of an appropriate design for the location; delivers housing in a highly sustainable location and secures the regeneration of a building and site which have now been vacant for a substantial number of years. The development is therefore assessed as being in accordance with the requirements of the National Planning Policy Framework and the adopted Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.

Recommendation

To approve:

- (1) application no. 15/01810/F - 191 King Street Norwich NR1 2DF and grant planning permission subject to the completion of a satisfactory legal agreement to secure those items listed at paragraph 76 and subject to the following conditions:
 1. Standard time limit;
 2. In accordance with plans;
 3. Construction Management Plan
 4. Standard contamination conditions - investigation/remediation and monitoring
 5. Standard archaeological conditions
 6. Prior to demolition historic recording of buildings - placed on the HER
 7. Details of piling/foundation design
 8. Details of river wall works
 9. Full details of SUDs and long term management arrangements
 10. Conditions required by EA regarding flood risk management
 11. Detailed landscape scheme for all hard and soft /seating and planters etc – details to include biodiversity enhancements
 12. Scheme for off-site improvements to adjacent highway land – including street trees
 13. Scheme for de-masting -design and long term management
 14. Materials
 15. Details of; balconies, windows, external doors and gates, bonding, joint treatment, mortar mix, decorative/textured brick work, gates.
 16. Details of external lighting
 17. Completion of Ferry Boat Inn works prior to first occupation of any part of the development
 18. Details of heritage interpretation - public house/14th arch
 19. Compliance - lifetime homes
 20. Compliance - water efficiency

- 21. Compliance - Energy strategy
- 22. Compliance - electric car charging ,cycle parking and refuse facilities

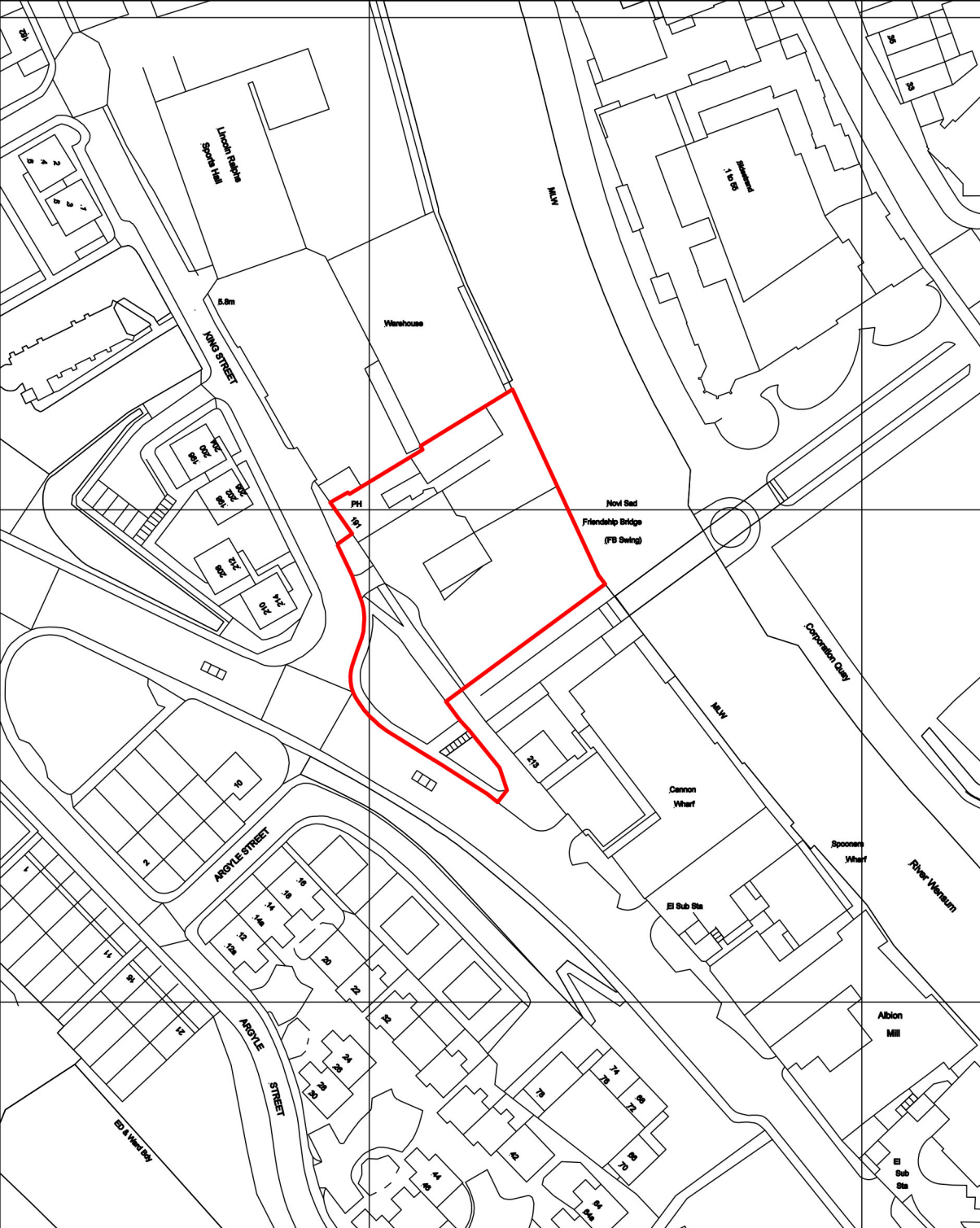
Note required by Anglian Water re assets, no parking permits

(2) application no 15/01811/L - 191 King Street Norwich NR1 2DF and grant listed building consent subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Prior to commencement full schedule of works including sound proofing/fire proofing measures, including method statements for opening up areas currently lined (ground floor back room and fireplaces)
4. Details of light-well lighting, method for blocking of stairs, where new openings full details of elevations, architrave/lining details
5. Record of building and provided to the HER
6. All internal/external features shall be retained unless stated otherwise
7. Details of any replacement windows /doors/secondary glazing if proposed
8. Details of routes/specification and locations of all extracts; boiler flues, heating/hot water systems, plumbing
9. External decoration

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.



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A	30.11.15	REVISED PLANNING SUBMISSION
B	30.11.15	REVISED PLANNING SUBMISSION

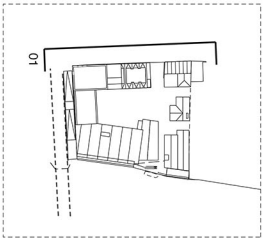
FERRY BOAT INN SITE

Site Location Plan

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PLANNING





KEY PLAN

KEY

Brickwork

Textured Brickwork

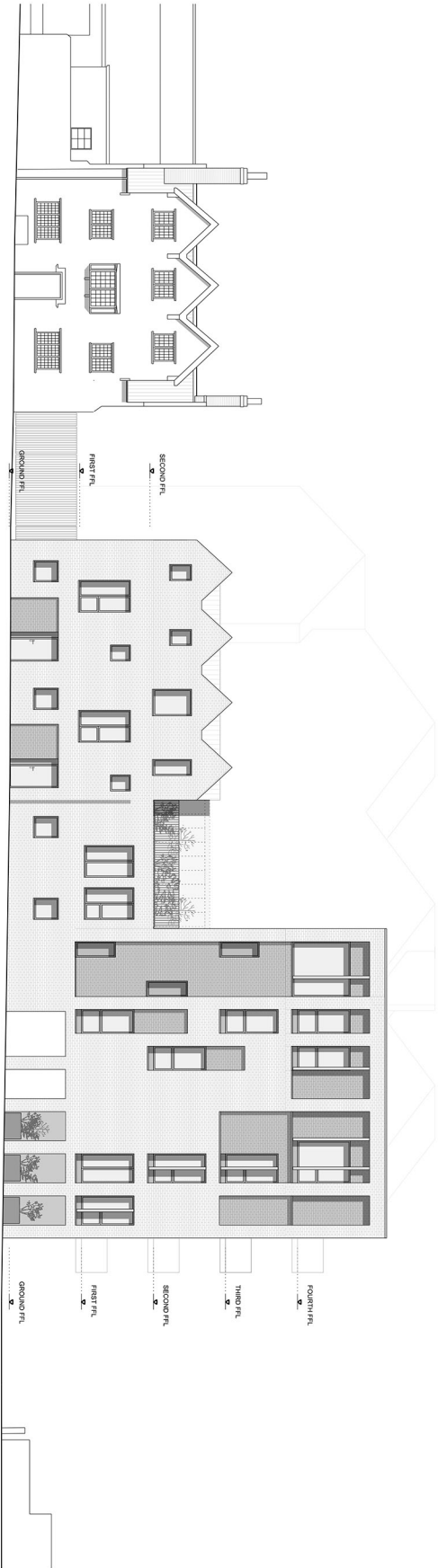
Fibre Cement Cladding

Render

Fibre Cement Roof Tiles

Dark Grey Aluminium Windows

Pre-cast Concrete Mullions



01 Wharf
 Proposed South West Elevation
 1:100 @ A1

NEW DATE NOTES

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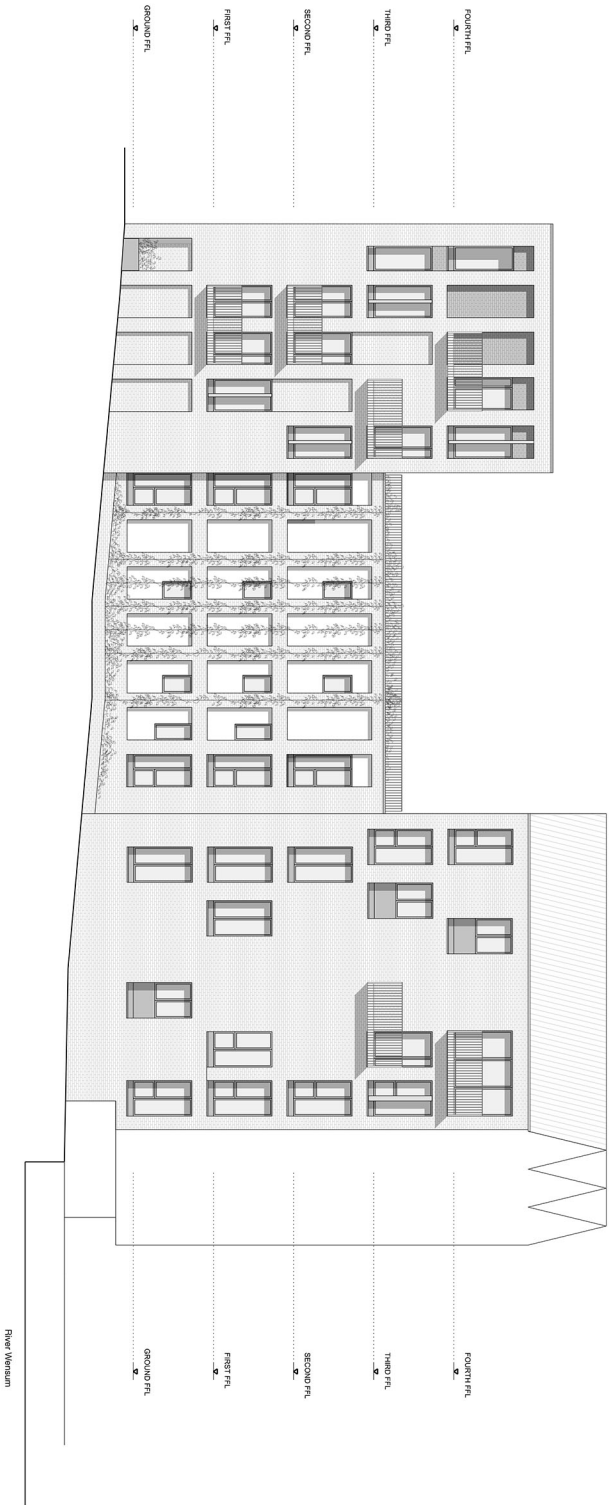
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KEY PLAN

19.

Figure 1 displays eight material options for exterior wall cladding, arranged in two rows. The top row includes Brickwork, Textured Brickwork, Fibre Cement Cladding, Render, and Fibre Cement Roof Tiles. The bottom row includes Dark Gray Aluminium Windows, Pre-cast Concrete Mullions, and Faceted Anodized Aluminium Cladding with Perforated Panels. Each material is represented by a small square icon with a corresponding label.



01 What
Proposed South East Elevation
1:100 @ A1

5th Studio
 4440 Birchmont Avenue, Suite 200
 Cincinnati, OH 45212
 Tel: (513) 533-8888
 Fax: (513) 533-8889
 Email: info@5thstudio.com
 Website: www.5thstudio.com

Architecture & Urbanism

Project: FERRY BOAT INN SITE
Drawing Title: Proposed South East Elevation
Scale: 1"=100'-0"
Status: PLANNING



01 Wharf
Proposed North East Elevation
1:100 @ A1

Report to Planning applications committee

Item

10 March 2016

Report of Head of planning services

Subject Application no 15/01921/F - 2 Upton Close, Norwich,
NR4 7PD

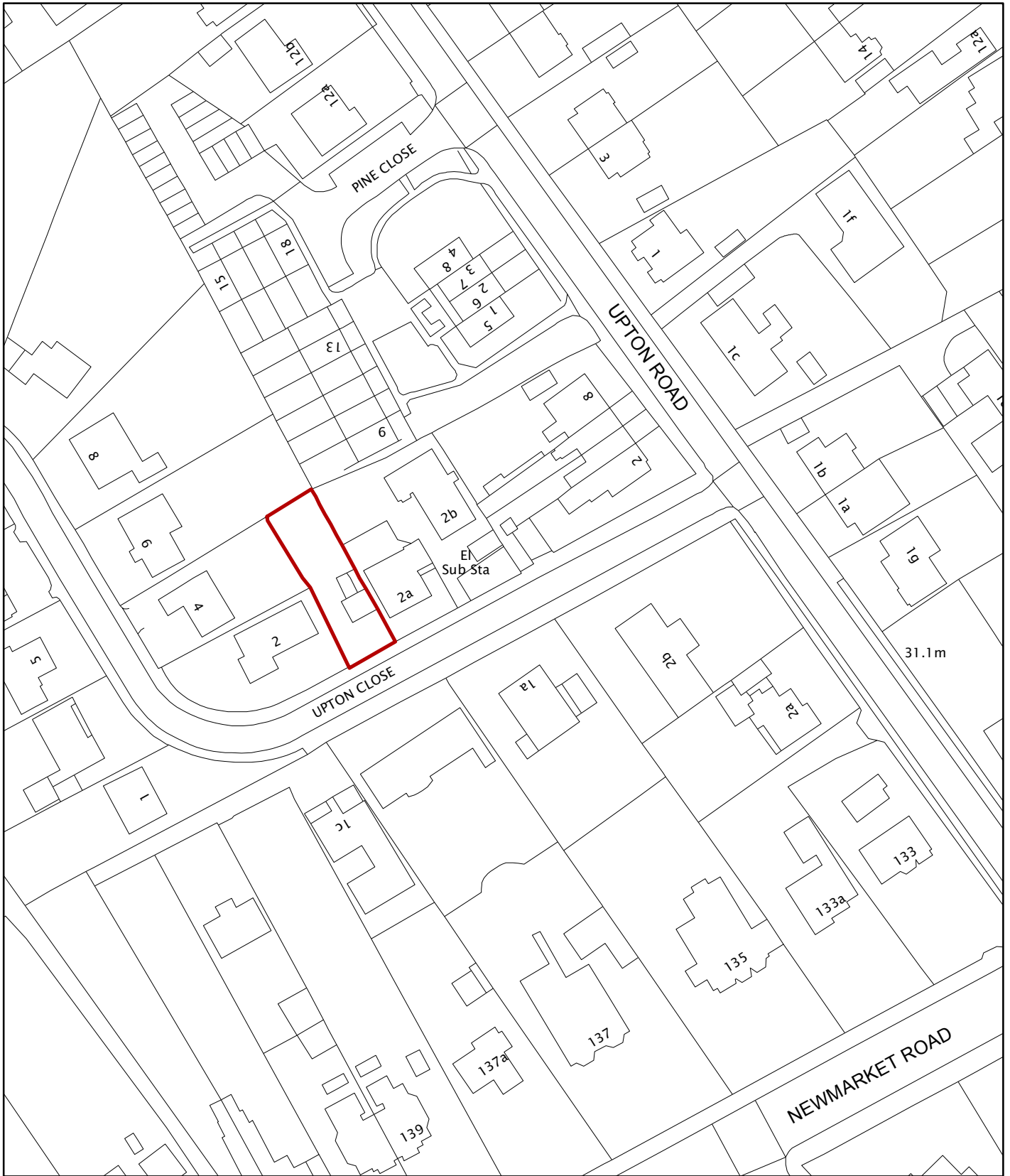
**Reason
for referral** Objection

4(b)

Ward:	Eaton
Case officer	Kian Saedi - kiansaedi@norwich.gov.uk

Development proposal		
Sub-division of garden and erection of dwelling.		
Representations		
Object	Comment	Support
3	0	0

Main issues	Key considerations
1 Principle of development	Subdivision of garden, suitability of site for residential development, previous appeal decision
2 Amenity	Loss of outlook/overbearing, loss of light/overshadowing, overlooking, noise and disturbance, standard of amenity for future residents
3 Design	Scale, form and massing, materials, impact on character of the area
Expiry date	16 February 2016 extended to 18 March 2016
Recommendation	Approve subject to conditions



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Planning Application No 15/01921/F

Site Address 2 Upton Close

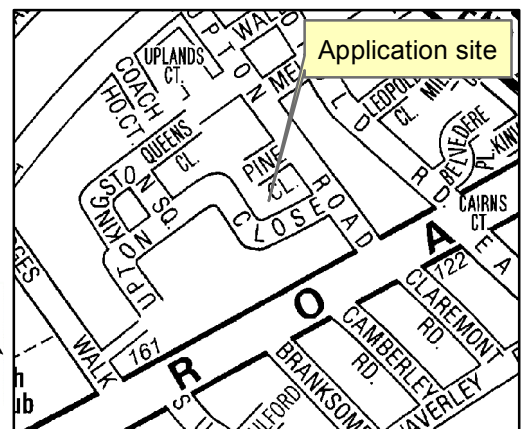
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NORWICH
City Council

PLANNING SERVICES

Page 54 of 104



The site and surroundings

1. The site is located on Upton Close, which leads through to other residences on Kingston Square and Queens Close. The area is residential in character, with a varied urban form predominantly with single and two storey detached dwellings. There are also some terraced dwellings to the north east of the site.
2. The site itself is located on a bend in the road on Upton Close. The application site was previously occupied by the garage to 2 Upton Close.
3. The immediate neighbours to the site are a bungalow at 2a Upton Close, a two storey dwelling at 4 Upton Close and the rear gardens of 2b and 6 Upton Close. On the south side of Upton Close there are chalet bungalows facing the application site.
4. There are some trees in the vicinity and a Walnut Tree had previously been in the rear garden of 2 Upton Close. Outline permission 13/01740/O had set out for this tree to be retained, but this tree has since been removed outside of the outline consent.

Relevant planning history

5.

Ref	Proposal	Decision	Date
13/01740/O	Outline permission for demolition of existing garage, division of existing plot and erection of single storey dwelling.	APPR	13/01/2014
15/00250/F	Erection of detached dwelling.	REF	30/03/2015

The proposal

6. The application seeks permission for the sub-division of the garden and erection of a dwelling.

Summary information

Proposal	Key facts
Scale	
Total no. of dwellings	1
No. of affordable dwellings	The proposal does not trigger the need to provide any affordable units
Total floorspace	~125 sq.metres
No. of storeys	1.5 storey

Proposal	Key facts
Max. dimensions	Width of 7.5m, length of 17m, eaves set at 2.25m, maximum roof height of 5.6m
Appearance	
Materials	Ibstock Mercia Orange facing bricks, Sandtoft Calderdale slates (charcoal), white uPVC windows
Transport matters	
Vehicular access	From existing point on Upton Close but dropped kerb to repositioned
No of car parking spaces	2
No of cycle parking spaces	2

Representations

7. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. Three 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
Example of garden grabbing	Main issue 1
Noise and disturbance	Main issue 2
Loss of light	Main issue 2
Loss of outlook	Main issue 2
Overlooking	Main issue 2
Impact upon rear garden of number 2a Upton Close – will reduce to a minimal space	Main issue 2
Loss of trees	Outline consent 13/0170/O included arboricultural documentation that set out for the protection of a Walnut Tree on site. This tree has subsequently been removed. The site is not located within a conservation area, nor are any of the trees on site served by a Tree Preservation Order (TPO). The current

Issues raised	Response
	<p>application is for full planning permission and is in no way tied to the previous outline consent and while the loss of the Walnut Tree is regrettable, its removal does not contravene any legal protection.</p> <p>The proposal otherwise involves no further loss of trees and sets out satisfactory protection of the trees to be retained on and adjacent to the site.</p>
Departure from the outline consent which was for single-storey development only	The current application is for full planning permission and is not tied into the previous outline consent.

Consultation responses

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

Highways (local)

9. No objection on highway/transportation grounds.

Tree protection officer

10. No objections. Planning permission should be conditioned for full compliance with the submitted Arboricultural Impact Assessment.

Assessment of planning considerations

Relevant development plan policies

11. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
- JCS1 Addressing climate change and protecting environmental assets
 - JCS2 Promoting good design
 - JCS3 Energy and water
 - JCS4 Housing delivery
 - JCS6 Access and transportation
 - JCS9 Strategy for growth in the Norwich policy area
 - JCS12 The remainder of the Norwich urban area including the fringe parishes
 - JCS20 Implementation
12. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**

- DM1 Achieving and delivering sustainable development
- DM2 Ensuring satisfactory living and working conditions
- DM3 Delivering high quality design
- DM4 Providing for renewable and low carbon energy
- DM6 Protecting and enhancing the natural environment
- DM7 Trees and development
- DM12 Ensuring well-planned housing development
- DM28 Encouraging sustainable travel
- DM30 Access and highway safety
- DM31 Car parking and servicing

Other material considerations

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

- NPPF0 Achieving sustainable development
- NPPF1 Building a strong, competitive economy
- NPPF2 Ensuring the vitality of town centres
- NPPF3 Supporting a prosperous rural economy
- 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
- NPPF11 Conserving and enhancing the natural environment

14. Technical housing standards – nationally described space standard (March 2015).

Case Assessment

15. 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

16. Key policies and NPPF paragraphs – DM12, NPPF paragraphs 49 and 14.
17. In 2010 the government made amendments to PPS3 (now revoked) to exclude residential gardens from the definition of previously developed land. Paragraph 53 of the NPPF states that local authorities should consider the case for setting out policies to resist inappropriate development in residential gardens, for example where development would cause harm to the local area. The council considered this matter as part of the development of policies in the local plan and concluded that the criteria based policies in DM3 and DM12 are satisfactory to determine

applications for dwellings in gardens. Therefore there are no specific policies restricting new dwellings in the gardens of existing properties.

18. The principle of residential development is acceptable on this site under policy DM12 subject to the criteria in the second part of DM12 and subject to the other policy and material considerations detailed below given that:
 - The site is not designated for other purposes;
 - The site is not in a hazardous installation notification zone;
 - The site is not in the late night activity zone;
 - It does not involve the conversion of high quality office space; and
 - It is not in the primary or secondary retail area or in a district or local centre.
19. The principle of sub-dividing the plot and erecting a single-storey dwelling has also already been established under outline consent 13/01740/O.
20. Previous application 15/00250/F for the erection of a similar dwelling to that currently under consideration was refused on the grounds that the development would lead to a feeling of enclosure and overbearing to the rear garden of number 2A Upton Close at the detriment to residential amenity and contrary to policy DM2 of the *local plan*. Concerns were also raised that the scheme failed to create a strong residential frontage due to the dominance of the integral garage.
21. The refusal was subsequently appealed and the appeal dismissed. The planning inspector concluded that “although I have not found harm to the character and appearance of the area, I have identified that the appeal scheme would have an unacceptable effect on the living conditions of the occupiers of 2A Upton Close with respect to outlook”.
22. The current application has sought to address the reason for refusal associated with the previous application at the site and the issue of amenity is discussed in the following section of this report. Members will be shown plans of both the current and appeal scheme during the committee presentation in order to clearly illustrate the changes that have occurred.

Main issue 2: Amenity

23. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
24. Outline planning consent has previously been granted for the erection of a single-storey dwelling at the site (13/01740/O). The case officer assessment for that application identified a number of potential impacts carrying the potential to impinge upon the amenities of neighbouring properties. It was concluded that the design, scale and form of any scheme would need to be carefully considered and “may lead to a very small, single-storey, flat roofed development”. This determination does not however preclude the potential for a larger form of development and every planning application must be assessed on its own merits against current development plan policy at the time of assessment.
25. The inspector’s reason for refusal for appeal scheme (15/00250/F) centred on the impact upon amenity in terms of generating an unacceptable overbearing effect on the outlook from 2A Upton Close, especially when viewed from the rear garden.

26. The appeal scheme extended alongside the entire depth of the garden to 2A, set 1 metre in from the boundary of the neighbouring property and with eaves to a pitched roof set at 2.5 metres in height.
27. In order to address the harm from overbearing, the section of the proposed development which projects beyond the rear elevation of number 2A has been reduced to a flat roof reaching 2.25 metres in height. The development has also been set 1.8 metres in from the boundary before stepping further to 3.5 metres from the boundary. Given that a 1.8 metre fence is to be erected alongside the boundary of the site with number 2A and that the development will extend only 45cm above the top of the fence set apart by a gap of 1.8 metres at its closest proximity, any loss of outlook will be minimal and will not significantly reduce the quality of the neighbouring rear garden space. It is also acknowledged that under permitted development rights a 2 metre high fence could be erected alongside the boundary with number 2A without the need for planning consent.
28. The inspector's assessment of the appeal scheme determined that "due to the orientation of the properties I do not consider that the proposal would cause any significant harm to the with regard to loss of sunlight or daylight". Whilst the footprint of the current scheme now extends closer to and further along the rear boundary of number 4 Upton Close, the scale and form of the current scheme is such that there will be no significant harm with regard to overshadowing and loss of daylight to neighbouring properties. The reduced height and separation from the rear boundary is also sufficient to ensure that the development will not be excessively imposing when experienced from the rear garden of number 4.
29. The proposal would lead to a loss of outlook, direct sunlight and daylight to the side windows of 2A Upton Close. The two rooms that are affected pertain to a bathroom which currently features frosted glazing and a front living room that has two windows, the larger facing south to which would not be affected by the development. It is therefore considered that the loss of outlook, direct sunlight and daylight to these windows is not significant. The principle of development in this location in terms of impact upon these windows has also already been established with the outline consent for a single dwelling in the footprint adjacent to 2A and by the former garage which has now been demolished.
30. Any overlooking from ground floor windows could easily be mitigated for with suitable screening provided by the existing and proposed boundary treatments. A condition will be added to ensure that the ground floor bathroom/WC windows are obscure glazed to an appropriate standard. All windows in the upper floor of the development have been positioned 1.7 metres above floor level to restrict the line of sight onto adjacent properties. Any opportunity for overlooking would therefore be limited to a level whereby the privacy of neighbouring properties would not be significantly harmed.
31. A contributor has raised the issue of noise and disturbance resulting from the external access of the extended living area facing the neighbouring boundary. The potential residential activities associated with using this access are not considered harmful to the amenities of the surrounding area and would be typically expected for a rear garden space.
32. The property provides sufficient internal living space for future residents in accordance with national technical standards and local standards set out within the

supporting text of DM2 of the *local plan*. All habitable rooms are provided with good levels of outlook and will receive adequate daylighting.

33. In terms of external space the garden provides enough space to ensure the enjoyment of occupants and the scheme makes adequate provision for cycle/refuse storage.
34. Due to the limited available space on site and proximity of neighbouring residential plots, a condition will be imposed upon any planning permission restricting the scope of permitted development rights to enable the local planning authority to control certain types of future development which may carry amenity implications for neighbouring residents.

Main issue 3: Design

35. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 9, 17, 56 and 60-66.
36. The proposal is for a detached 1.5 storey, chalet style dwelling, constructed in orange/red brick and Sandtoft slate tiles. The height of the property drops down to single-storey and features a flat roof at the rear in order to address amenity concerns raised in the assessment of 15/00250/F. The scale, form and appearance of the development are successful in respecting the character of the surrounding area.
37. The proposed dwelling has been designed to fit the constraints of the long but narrow site. The roof height follows the transition line of neighbouring properties and the dwelling has been aligned sympathetically to respect the front building line of neighbouring properties.
38. The appeal scheme included an integral garage located at the front of the property and concerns were raised that this would detract from the appearance of the building. The integral garage has been removed from the current scheme and parking is instead provided in front of the property. This is considered an improvement in terms of providing a stronger residential frontage to Upton Close.

Compliance with other relevant development plan policies

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

Requirement	Relevant policy	Compliance
Cycle storage	DM31	Yes
Car parking provision	DM31	Yes
Refuse Storage/servicing	DM31	Yes
Energy efficiency	JCS 1 & 3	Not applicable

Requirement	Relevant policy	Compliance
	DM3	
Water efficiency	JCS 1 & 3	Yes subject to condition
Sustainable urban drainage	DM3/5	Not applicable

Other matters

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

Equalities and diversity issues

41. There are no significant equality or diversity issues.

Local finance considerations

42. 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.

43. 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.

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

Conclusion

45. 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. 15/01921/F - 2 Upton Close Norwich NR4 7PD and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Operations on site shall take place in complete accordance with the approved Arboricultural Impact Assessment (AIA), Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS). No other operations shall commence on site in connection with the hereby-approved development until the tree protection works and any pre-emptive tree works required by the approved AIA or AMS have

been carried out and all tree protection barriers are in place as indicated on the Tree Protection Plan included within Appendix 4 of the approved AIA. The approved protective fencing shall be retained in a good and effective condition for the duration of the development and shall not be moved or removed, temporarily or otherwise, until all site works have been completed and all equipment, machinery and surplus materials removed from the site, unless the prior written approval of the local planning authority has first been sought and obtained.

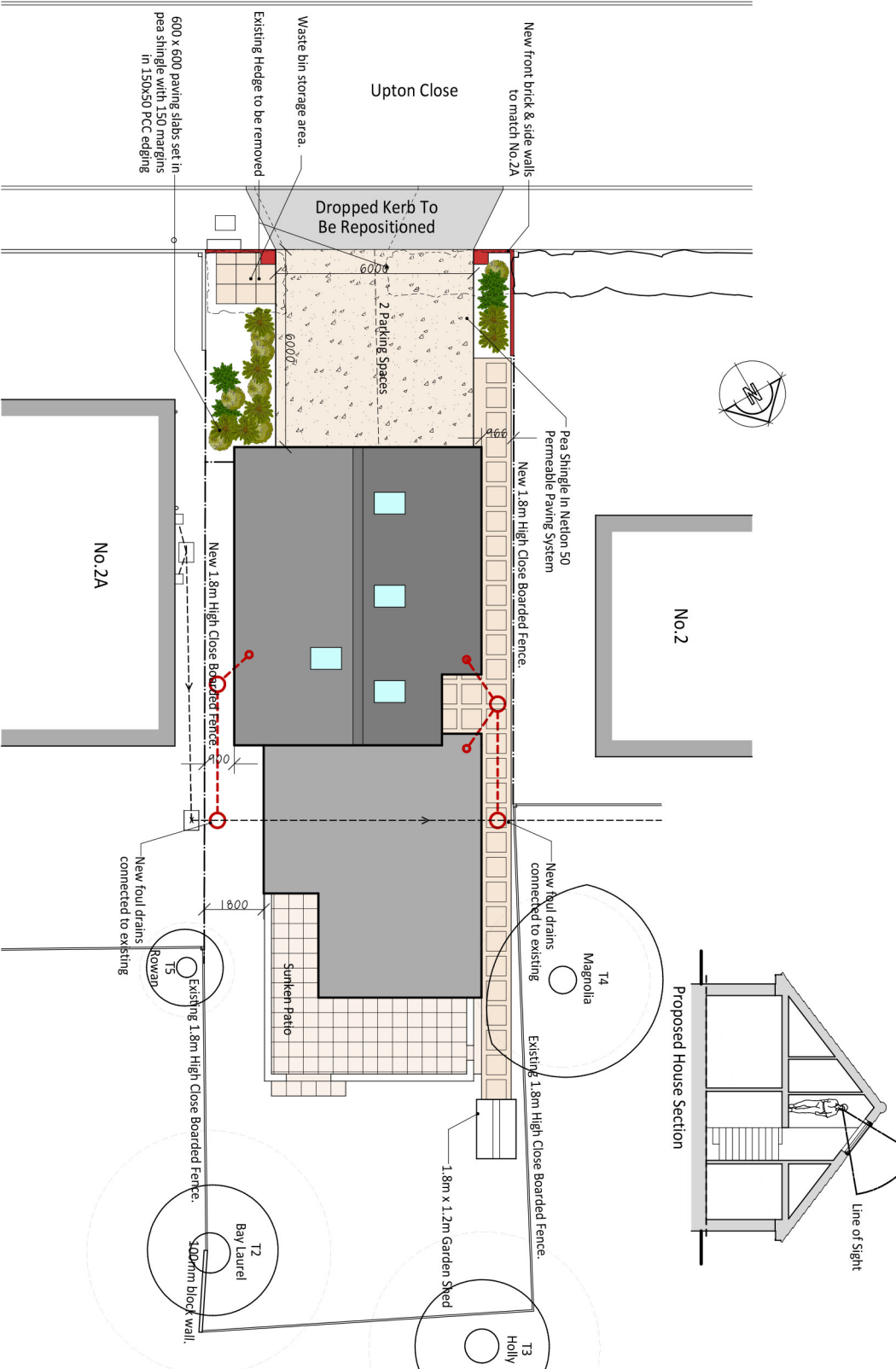
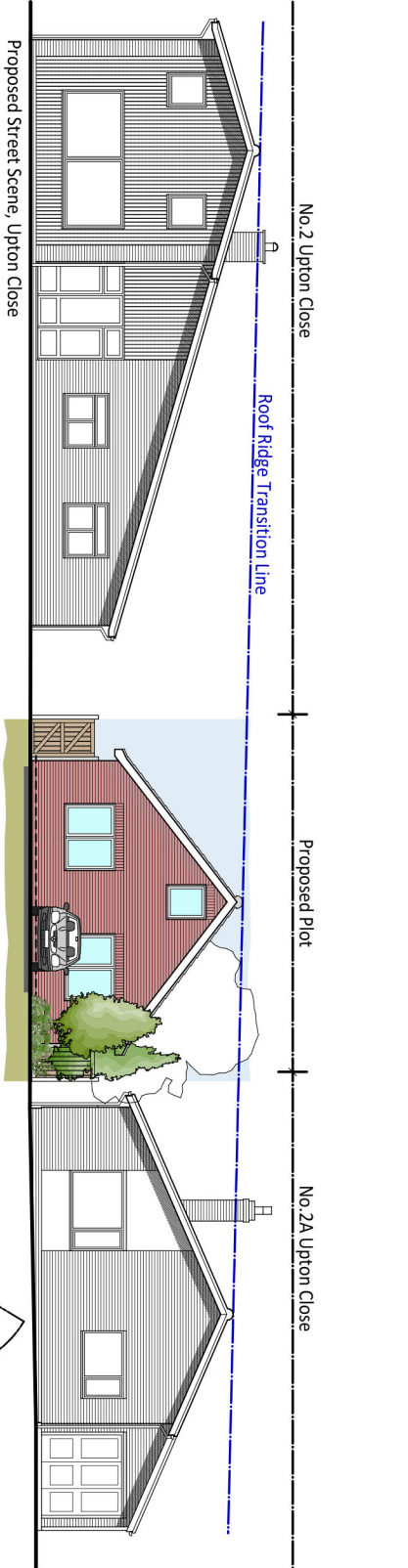
4. All hard and soft landscaping works shall be carried out in accordance with the details as specified on this decision, including those detailed on the approved 'proposed site plan and street scene' (ref. 6336 SL01 G) and the landscaped areas of the site shall be made available for the enjoyment of residents of the development hereby permitted. All hard and soft landscaping works shall thereafter be retained as such. No occupation of any part of the development shall take place until all landscaping works detailed within the approved plans have been carried out.
5. All bathroom and WC windows within the development hereby approved shall be:
 - (a) obscure glazed to a specification of not less than the equivalent of classification 5 of Pilkington Glass; and
 - (b) non-opening unless the parts of the windows which can be opened are more than 1.7 metres above the floor of the room in which the windows are installed;The windows shall be retained as such.
6. The development hereby approved shall be designed and built to meet the regulation 36 2(b) requirement of 110 litres/person/day water efficiency set out in part G2 of the 2015 Building Regulations for water usage.
7. Notwithstanding the provisions of Schedule 2, Part 1, Class A, Class B, Class D and Class E of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order, with or without modification), no part of the dwelling houses hereby permitted shall be enlarged and no garage, porch or garden building erected without express grant of permission by the Council as Local Planning Authority.

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 the application has been approved subject to appropriate conditions and for the reasons outlined in the officer report.

Informatives:

1. Vehicle crossovers;
2. Purchase of refuse and recycling bins;
3. Street naming and numbering;
4. Considerate construction.



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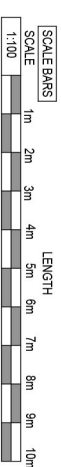
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- 4
- G rear extension further reduced
 - F Flat roof lowered and rear extension reduced
 - E Flat roof lowered and sunken patio added
 - D Scheme updated based on planning comments
 - C Scheme updated based on planning comments
 - B Bin storage added.
 - A Minor Updates For Planning
- 01/02/15/D/A
22/01/15/T/A
26/11/15/D/A
20/09/15/D/A
11/09/15/T/A
12/02/16/D/P
date: 04/02/16/D/A



David Futler Associates Ltd
Architect House
35 Winton Road
Norwich Norfolk
NR3 2AW

Project:

New Dwelling
2 Upton Close
Norwich, Norfolk

Client:

Wright & Yaxley

Drawing:

Proposed Site Plan
& Street Scene

Drawn By: HJA

Checked By: DF

Ref. No.

Dwg. No.

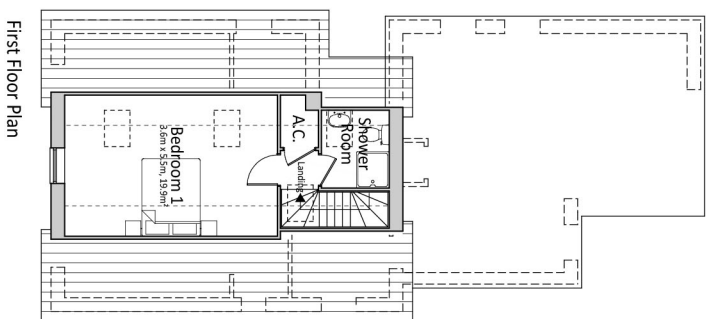
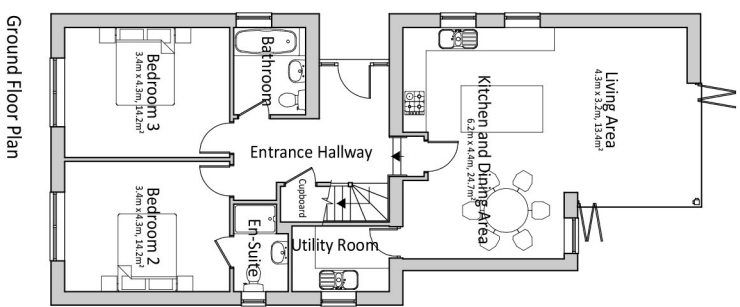
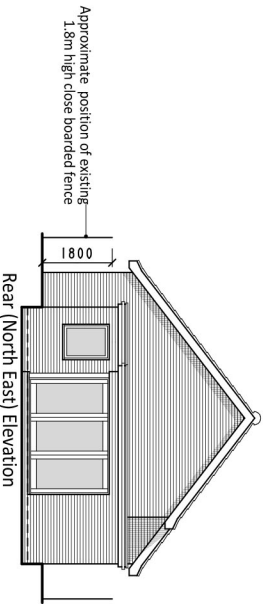
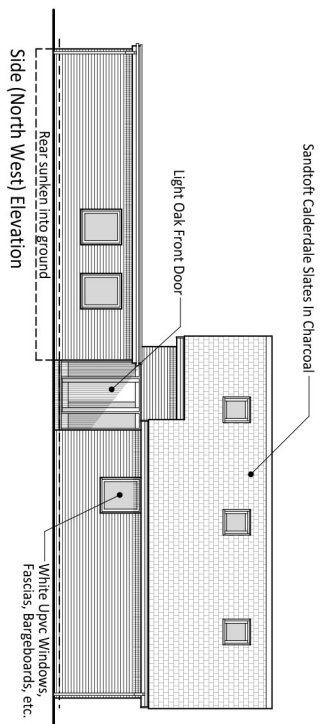
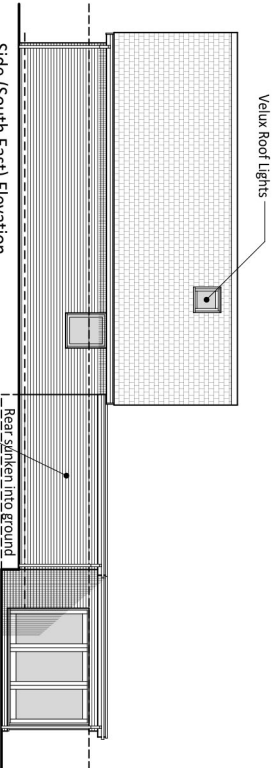
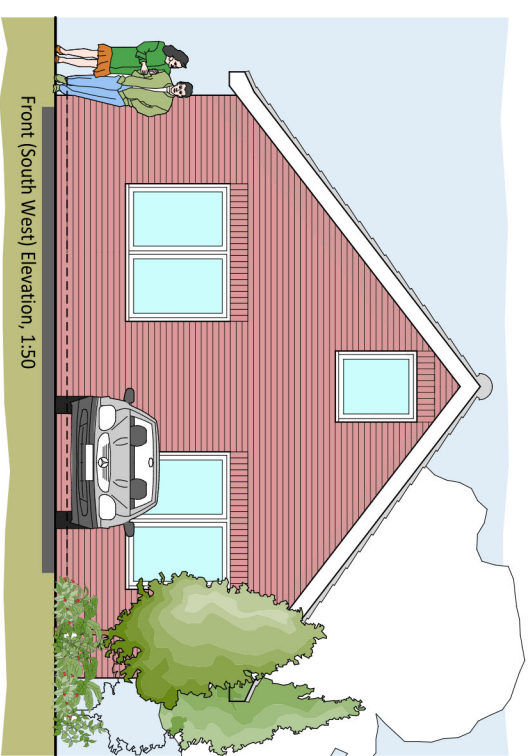
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6336 SLO1

Date:

JAN 2015



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CDM REGULATIONS 2015

Client Note: Health & Safety is your responsibility! Construction works to be carried out in accordance with the Construction Design Management Regulations 2015 (CDM 2015).

The Main Contractor is to prepare a Construction Phase Plan before commencing work on site. The Contractor is to ensure that the plan is updated as the work progresses and that it is available to all workers on site during the work, ensuring it is kept up to date until the works are complete. Alternatively the Health & Safety Plan may be carried out by the Principal Designer. Please contact DFAL to assist.

The Main Contractor is to carry out the construction work in reference to a Design Risk Assessment prepared by DFAL. COMMUNITY INFRASTRUCTURE LEVY (CIL)

Any necessary assumption of liability and Claims for Exception for Self Build Development Application Forms are to be completed and submitted to the Local Planning Authority before construction works commence on site.

DFAL take no responsibility for any financial liability in this respect as this lies with the client.

Please contact DFAL should you require further assistance.

SCALE	1m	2m	3m	4m	5m	6m	7m	8m	9m	10m
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1:50	1m	2m	3m	4m	5m	6m	7m	8m	9m	10m

- F. Rear extension further reduced due to planners comments
- E. Rear flat roof lowered due to planners comments
- D. Rear of building lowered 575mm
- C. Scheme updating based on Planning Comments
- B. Scheme updating based on Planning Comments
- rev.

date: 10/03/2015 H.L.

architects and consulting engineers



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**New Dwelling
2 Upton Close
Norwich, Norfolk**

Client:
Wright & Yaxley

Drawing:
Proposed Plans and Elevations

Drawn By:	Checked By:	Ref. No.	Dwg. No.
HJA	DF	6336	P01 ^F
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Date:		Jan 2015	

Report to Planning applications committee

Item

10 March 2016

Report of Head of planning services

Subject Application no 16/00030/F - Orbit Housing
Association, 14 - 16 St Matthews Road, Norwich,
NR1 1SP

4(c)

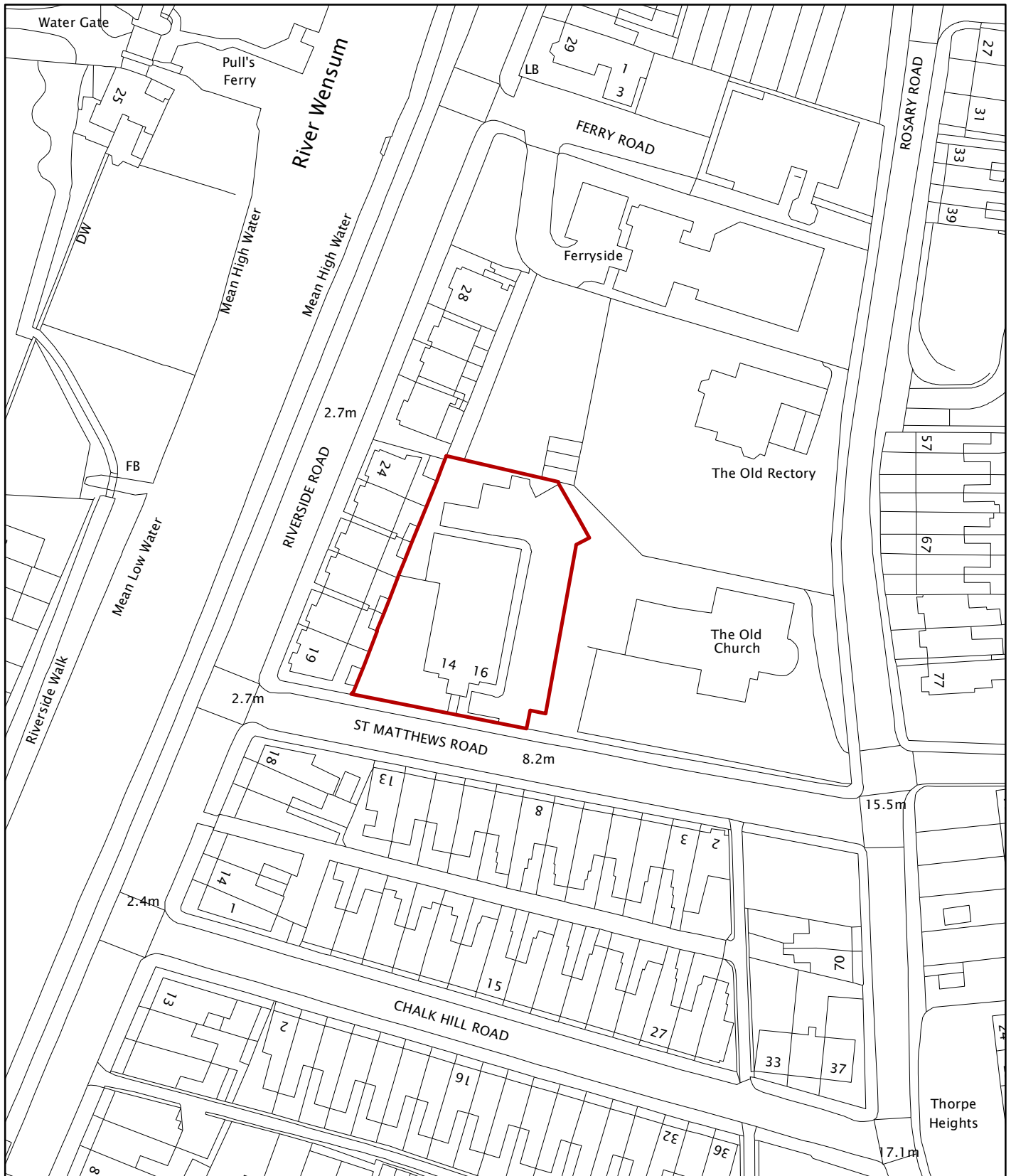
**Reason
for referral** Objection

Applicant Mr Chris Varvel - Eastern Prospective Holdings Ltd

Ward:	Thorpe Hamlet
Case officer	James Bonner - jamesbonner@norwich.gov.uk

Development proposal		
Installation of entrance lighting, signage, landscaping and gates [retrospective].		
Representations		
Object	Comment	Support
2		

Main issues	Key considerations
1 Design and heritage	Impact on locally listed building and conservation area / visual amenity of area
2 Amenity	Light pollution / nuisance
3 Landscaping and trees	Impact of landscaping / loss of trees
4 Transportation	Impact of gate on highway safety
Expiry date	23 March 2016
Recommendation	Approve



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Planning Application No 16/00030/F

Site Address 14-16 St Matthews Road

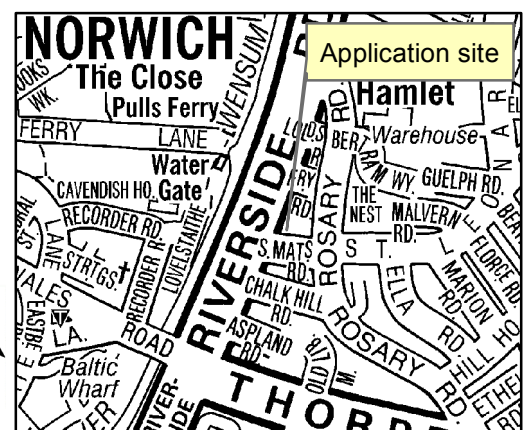
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NORWICH
City Council

PLANNING SERVICES

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The site and surroundings

1. The site is located on the north side of St Matthews Road and features a late 19th Century hall which was previously been converted to offices. It has most recently been converted via prior approval to 14 flats, which are now occupied. There were several external changes including to the rotunda building which have also been completed.

Constraints

2. The building, which is locally listed, is faced in flint with red brick quoins and window dressings and has a projecting gabled entrance on the south elevation. The surrounding area is predominantly residential and St Matthews Road is characterised by terraced, locally listed properties. Immediately to the east of the site is 'The Old Church' building which is also locally listed. The residential flats are surrounded predominately by residential houses. The site is within the St Matthews Conservation Area.

Relevant planning history

3.

Ref	Proposal	Decision	Date
13/02082/PDD	Change of use from offices (Class B1) to 14 no. 1 and 2 bedroom flats.	Prior approval granted	10/03/2014
14/00722/TCA	Oak: Removal of lower branches overhanging front gates.	No TPO served	03/06/2014
14/01257/F	Erection of a dormer roof extension and entrance and porch enclosure to rotunda building, erection of a single storey cycle and refuse storage enclosures, installation of rooflights within roofs of main building and replacement doors and windows.	Approved	20/11/2014
15/00629/D	Details of condition 3: doors, windows, rooflights, dormer, porch and bin/cycle store finish of permission 14/01257/F.	Approved	26/06/2015
15/00925/TPO	T1 & T2 two small trees: remove; T3: crown reduction; T4 & T5 Limes: pollard; T6 Silver Birch: crown uplift; T7 & T8 bushes: remove; T9 & T10 dead Elms: remove; T11, T12 & T13 Sycamores: uplift over car park and T14 Oak: lift crown to 3m over footpath and 4m over access.	Approved	15/09/2015

The proposal

4. In response to an enforcement complaint from a member of public, the developer has submitted an application which seeks retrospective permission for several matters, including:
- the erection of an entrance gate which is higher than 1m;
 - the provision of signage on the gate and above the entrance door;
 - external lighting around the front of the building, including four uplighters on the front elevation; and
 - landscaping around the site, in particular around the front.

Representations

5. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. Two 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
Light pollution in the development is already an issue; more lighting would affect sleep (an additional objector claims the issue is already apparent).	See main issues 1 and 2. For the avoidance of doubt no additional lights are proposed, the proposal is retrospective and this has now been clarified in the description and the objector notified.
One tree has been cut down during the building works which provided privacy, visual amenity and biodiversity value. Landscaping works look good but further works should ensure better parking as the current situation leads to congested parking.	Trees and landscaping – see main issue 1 and 3. Transport – see main issue 4.

Consultation responses

6. 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

7. This is not an application that I intend to provide conservation and design officer comments on because it does not appear on the basis of the application description

to require our specialist conservation and design expertise. This should not be interpreted as a judgement about the acceptability or otherwise of the proposal.

Highways (local)

8. Gates look ok – they are set back from the highway.

Landscape

9. No objection. Looking at Street View there is a Rowan tree on the frontage which has been removed. Without knowing the planning history is there any chance of getting a replacement? If so, I would suggest a small ornamental tree.

Assessment of planning considerations

Relevant development plan policies

10. **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
 - JCS6 Access and transportation
 - JCS7 Supporting communities
 - JCS11 Norwich city centre
11. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
- DM1 Achieving and delivering sustainable development
 - DM2 Ensuring satisfactory living and working conditions
 - DM3 Delivering high quality design
 - DM6 Protecting and enhancing the natural environment
 - DM7 Trees and development
 - DM9 Safeguarding Norwich's heritage
 - DM11 Protecting against environmental hazards
 - DM12 Ensuring well-planned housing development
 - DM13 Communal development and multiple occupation
 - DM30 Access and highway safety
 - DM31 Car parking and servicing

Other material considerations

12. **Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**
- NPPF0 Achieving sustainable development
 - NPPF7 Requiring good design
 - NPPF8 Promoting healthy communities
 - NPPF11 Conserving and enhancing the natural environment
 - NPPF12 Conserving and enhancing the historic environment

Case Assessment

13. 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.
14. Much of the confusion with this scheme revolves around the main conversion being done under prior approval with external changes to the building later approved via a full application. Given its scope this latter application was not able to include a condition on landscaping, and the works were undertaken separately. It is arguable as to whether the extent of the landscape constitutes development under s55 of the 1990 Town and Country Planning Act, and the same argument could be made for the lighting. In order to regularise these it was decided to include it within the application, which was required either way for the new gate which exceeds 1m adjacent to the highway. The main concerns are assessed in the relevant sections below.

Main issue 1: Design and heritage

15. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 9, 17, 56 and 60-66. Heritage key policies and NPPF paragraphs – DM9, NPPF paragraphs 128-141.
16. With the exception of the landscaping and external lighting, it appears that the scheme has been done in accordance with the external changes approved in 14/01257/F. As noted above, it is not entirely clear cut as to whether the lighting constitutes development. As per s55 of the 1990 Act the question must be one of whether the works materially affect the external appearance of the building – they are both visible in the day and night, the latter by virtue of their illumination. Despite neighbouring objection, the extent of this visual effect is relatively minor. The impact is perhaps exacerbated by the increased activity on the site, including higher levels of light pollution via the numerous windows now occupied, in particular the internal porch light of the rotunda.
17. The prior approval application was particularly controversial at the time of its assessment but it must be accepted that this is now an established residential use practically within the city centre. The lights are directed upwards onto the building in the case of the entrance lighting and as a relatively low-level freestanding lighting elsewhere, such as near the entrance to the rotunda. In both instances the lighting is designed to either illuminate the building or the path/entrance, such as near steps. Neither are considered to cause undue light pollution in the urban context and certainly not do not undermine the visual amenity of the area.
18. As with the lighting, the landscaping is of a scale bordering the need for planning permission. As noted in main section 3, it is considered to be acceptable in the context of the scheme.

19. The gate definitely needs permission but is setback from the road and designed to sit comfortably with the adjoining fence. This raises no concerns for the visual amenity of the area.
20. The sign on the gate is non-illuminated and small enough to have deemed consent under Schedule 3, Part 1, Class 2C of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Similarly the sign above the door is approximately small enough to have deemed consent as per Class 2A. Despite the presence of the nearby lights this sign would also be considered non-illuminated. If an assessment had to be made, neither are considered visually inappropriate by virtue of their scale, design and position.
21. All of these aspects, both individually and cumulatively, do not undermine the setting of the locally listed building or those neighbouring, nor is there adverse harm to the character of the wider conservation area.

Main issue 2: Amenity

22. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
23. In one of the representations it is not clear as to whether the issue of light pollution is from the residential windows or the external lighting. There has been no response from the objector to this question but there are not excessive numbers of external lights and none are purposefully directed toward neighbouring windows. Given the relatively non-intensive nature of the lighting this does not represent an unacceptable nuisance to neighbours. If the neighbours feel there is a statutory nuisance, particularly as a result of the internal lighting, then the Environmental Protection legislation may be the best means of addressing this.

Main issue 3: Trees and Landscaping

24. Key policies and NPPF paragraphs – DM3, DM7, DM8, NPPF paragraphs 9, 17, 56, 109 and 118.
25. The landscaping that has been carried out is of a suitably high standard and provides a relatively low-maintenance scheme suitable for the communal space while retaining areas of soft landscaping. Although there appears to be a stark difference between the previous grassed area and the current, it should be remembered that the new planting will require some time to establish. The parking area effectively replaces existing hardstanding and the overall the completed works would represent a satisfactory landscaping scheme if applied for formally.
26. The removal of trees on site was previously approved via the standard procedure of notice served to the council – when assessed by the tree officer it was determined that the trees were not worthy of TPO(s). Attempts were made during this current application process to secure a replacement tree, which were unsuccessful. While unfortunate this is not a reason to refuse the application.

Main issue 4: Transport

27. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF paragraphs 17 and 39.

28. The gate is set back from the highway and is designed appropriately to ensure no adverse highway issues will result. None of the retrospective changes affect parking provision. As per the prior approval assessment, the surrounding area is a controlled parking zone and the flats are not given parking permits.

Equalities and diversity issues

29. There are no significant equality or diversity issues.

Local finance considerations

30. 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.
31. 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.
32. In this case local finance considerations are not considered to be material to the case.

Conclusion

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

Recommendation

To approve application no. 16/00030/F - Orbit Housing Association 14 - 16 St Matthews Road, Norwich, NR1 1SP and grant planning permission subject to the following condition:

1. In accordance with plans.

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 and has approved the application subject to appropriate conditions and for the reasons outlined in the officer report.







ST MATTHEW'S PLACE



Report to Planning applications committee

Item

10 March 2016

Report of Head of planning services

Subject Application no 16/00040/F – 4 Dover Street,
Norwich, NR2 3LQ

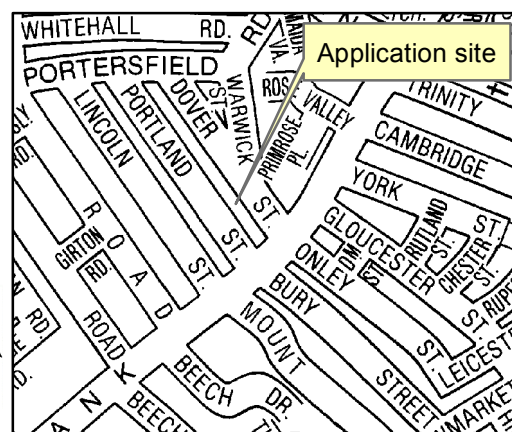
**Reason
for referral** Objections

4(d)

Ward:	Nelson
Case officer	Charlotte Hounsell – charlottehounsell@norwich.gov.uk

Development proposal		
Rear and side extension		
Representations		
Object	Comment	Support
4	0	0

Main issues	Key considerations
1 Design	Impact upon the surrounding area
2 Amenity	Impact on visual amenity and overlooking
Expiry date	8 March 2016
Recommendation	Approve



The site and surroundings

1. The site is located on the West side of Dover Street, South West of the City Centre. The subject property is a 2 storey Victorian end of terrace house constructed of red brick. The property is at a raised level to the properties located on Unthank Road. The prevailing character of the surrounding area is residential, with sets of terraced dwellings built in the early 1900's.

Constraints

2. There are no constraints on this property.

Relevant planning history

3. There is no relevant planning history in relation to the application site.

The proposal

4. The proposal is for a single storey rear extension to provide additional living accommodation. No objections have been raised with regard to this part of the proposal. The proposal also includes the installation of two windows in the side elevation of the property facing towards Unthank Road; one small obscure-glazed window to serve a bathroom and one large arched window to serve a stairwell.

Representations

5. Adjacent and neighbouring properties have been notified in writing. 3 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 proposed stairwell window design is not in keeping with the rest of the house and the surrounding area	See main issue 1
The proposed windows will result in overlooking	See main issue 2

Consultation responses

6. 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.

Assessment of planning considerations

Relevant development plan policies

7. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
- JCS2 Promoting good design
8. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
- DM1 Achieving and delivering sustainable development
 - DM2 Amenity
 - DM3 Delivering high quality design

Other material considerations

9. **Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**
- NPPF0 Achieving sustainable development
 - NPPF7 Requiring good design

Case Assessment

10. 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: Design

11. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 56 and 60-66.

Concerns we raised over the design of the arched stairwell window. It is acknowledged that while this design of window is not seen elsewhere in the surrounding area or on the subject property, it is a relatively minor addition to the dwelling. In addition, the subject property is not located within a conservation area and therefore the design of the window is considered to be acceptable

Main issue 2: Amenity

12. Key policies and NPPF paragraphs – JCS2 and DM2.

Concerns were raised over the potential for overlooking from the proposed windows in the side elevation. Loss of privacy from the small bathroom window is not considered to be an issue due to its small size and obscure glazing. After negotiations, the applicant submitted revised drawings to show the arched window as obscure-glazed. The objectors were contacted regarding this amendment, however no further comments were received. This window is to serve a stairwell, which is not considered a primary living space, and therefore is unlikely to be used as a viewpoint from the property. The stairwell window is not considered to be detrimental to neighbouring amenity, and obscure-glazing can be conditioned as part of an approval.

Equalities and diversity issues

13. There are no significant equality or diversity issues.

Local finance considerations

14. 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.

15. 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.

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

Conclusion

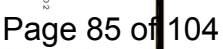
17. The proposed extension is considered to be acceptable in terms of size, scale and amenity. The obscure-glazing to the stairwell window is considered to address the above issues. Therefore the proposal is considered acceptable.

18. 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. 15/01103/NF3 – 26 Grosvenor Road Norwich NR2 2PY and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. For the avoidance of doubt, all windows within the side elevation will be:
 - (a) Obscure glazed
 - (b) Non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the windows are installed.



PLANNING

isottadesign@outlook.com

PROPOSED

JOB NUMBER 1503

Report to Planning applications committee

Item

10 March 2016

Report of Head of planning services

Subject Application no 15/01858/F - 24 Mile End Road,
Norwich, NR4 7QY

**Reason
for referral** Objection

4(e)

Ward:	University
Case officer	Stephen Polley - stephenpolley@norwich.gov.uk

Development proposal		
Side and rear extension and rear dormer roof extension.		
Representations		
Object	Comment	Support
2	0	0

Main issues	Key considerations
1 Residential amenity	The impact of the development on adjoining property (no.22) and the neighbouring property (no.26) – daylight, visual amenity and overlooking / privacy
2 Scale and Design	The impact of the development within the context of the street scene and the conservation area.
Expiry date	2 February 2016, extended to 11 th March
Recommendation	Approve

The site and surroundings

1. The site is located on the southern side of Mile End Road to the south-west of the city. Mile End Road forms part of the outer ring road, with the site located in between the busy intersections with Unthank Road and Newmarket Road. The predominant character of the area is residential, comprising large 2-storey detached and semi-detached dwellings built in a variety of Victorian and early twentieth century styles. Many of the properties in the area set far back from the road and as a result feature large, mature front gardens.
2. The subject property is a 2-storey semi-detached red brick dwelling built circa 1930 as part of a group of 4 no. dwellings. An original attached single garage is located to the rear of the main house and a 2 storey gable extension has been added to the rear of the property. The subject property features a projecting front gable which adjoins the neighbouring gable of no. 22 to the east. Each property also features a large dual pitched roof on the front elevation.
3. It is noted that although the original character of the 4 properties is largely intact, no. 22 has extended previously by way of a single storey side and rear extension and no. 28 has extended the front porch and constructed a single storey flat roof side and rear extension.

Constraints

4. Unthank and Christchurch Conservation Area.

Relevant planning history

- 5.

Ref	Proposal	Decision	Date
4/1990/1055	Erection of first floor extension at rear of dwelling.	APCON	31/01/1991

The proposal

6. The proposal is for the construction of a single storey side and rear extension to be built along the entirety of the north-west elevation, along the shared boundary with no. 26. The extension is to measure 12.4m in length and will extend beyond the rear wall by 1.8m with a width at the rear of 5.5m and a width of 1.9m at the front. The side and rear extension is to have a sloping roof with an eaves height of 2.2m and a height of 3.3m where it adjoins the original dwelling. The side and rear extension is to feature 6 no. roof lights along the new roof at the side and 2 no. roof lights and a set of sliding patio doors at the rear.
7. A rear porch is proposed to be installed on the original rear wall serving the dining area. The proposed porch is to measure 1.25m x 2.2m and will feature a sloping roof with an eaves height of 2m and a maximum height of 3m.

8. The roof of the dwelling is to be enlarged by extending the front roof slope by 1m, allowing for the enlargement of the original dormer window and for the creation of a small overhanging porch. The porch is to remain open and will create a main covered front entrance.
9. To the rear, a dormer window similar in style to the front dormer is to be installed along with 4 no. roof lights serving rooms in the roof.

Summary information

Proposal	Key facts
Scale	
No. of storeys	Single storey
Max. dimensions	See attached composite plans
Appearance	
Materials	Red brick; Clay pan-tiles; Timber windows and doors; All to match existing.

Representations

10. Adjacent and neighbouring properties have been notified in writing. 2 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
<p>Extension will block light from reaching kitchen area of neighbouring property (no.26).</p> <p>Extension is too close to boundary and will create an overbearing presence and prevent access to rear garden for occupiers and emergency vehicles etc. (no.26).</p> <p>Proposed flue is too close to boundary (no.26).</p>	See main issue 1.

Issues raised	Response
Rear dormer and porch will impact on privacy of neighbouring property (no.22).	See main issue 1.
The proposal will change the look of the front of the property, forming the appearance of a terrace and will harm the conservation area.	See main issue 2.

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.

Assessment of planning considerations

Relevant development plan policies

12. **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
13. **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
 - DM7 Trees and development
 - DM9 Safeguarding Norwich's heritage

Other material considerations

14. **Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**
- NPPF0 Achieving sustainable development
 - NPPF6 Delivering a wide choice of high quality homes
 - NPPF7 Requiring good design
 - NPPF11 Conserving and enhancing the natural environment
 - NPPF12 Conserving and enhancing the historic environment

Case Assessment

15. 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: Amenity

16. Key policies and NPPF paragraphs – DM2, NPPF paragraphs 9 and 17.
17. The key areas for consideration in this application are the potential impacts in terms of overlooking and loss of privacy, overshadowing of gardens and loss of daylight, to windows of adjoining properties. The nearest potentially affected properties in relation to these issues are no.22 to the east and no.26 to the west.

Loss of Daylight / Sunlight / Overshadowing:

18. The proposed single storey side extension is to be built along the boundary shared with no. 26 with a 0.5m gap being maintained. A 1.8m high close boarded timber fence currently marks the shared boundary. The proposed extension will be clearly visible from the driveway of the neighbouring property as it measures 2.2m tall at the eaves.
19. Particular concern was raised that the side and rear extension would result in a restriction in the amount of daylight reaching the kitchen area of no. 26. Whilst it is accepted that the proposal will result in a noticeable difference along the shared boundary, it is not considered that the extension will cause significant harm. A visual gap between the garage of no. 26 and the proposed extension is to be maintained as the proposal will feature a sloping roof which appears as a hipped roof as it turns the corner, ensuring that no part of the extension is more than 0.4m taller than the existing boundary fence. As such, sufficient amounts of daylight and sunlight will be able to reach the kitchen, side and rear of the neighbouring property at all hours of the day.
20. Concern has also been raised that the side and rear extension is to be built too close to the boundary shared with no. 26, resulting in access to the rear garden of the subject property being restricted. The subject property currently features replacement garage which has been constructed in the far corner of the garden. The garage or driveway does not appear to have been used for storing motor vehicles for a number of years as the rear section has been covered in synthetic grass and is currently used as a play area. The front of the property features a car parking area with room to fit 4-5 motor vehicles. As such, it is considered that loss of parking is not an issue. The extension will retain a 0.5m gap between the boundaries which will allow for the majority of maintenance work to be carried out without the need to encroach on to the neighbouring property. There is also sufficient space for the storage of bins which are currently kept at the front of the property. Access to the rear garden will be possible through the main house, and as such it is not considered that the restricted access from the front will cause any significant harm to the amenity of the occupiers of the subject property, or the neighbouring properties.
21. Concern has been raised that the proposed flue serving the boiler located within the single storey section of the extension would result in the potential for smoke pollution to occur. The flue is to measure at least 0.6m in height and will be 3m

above ground. The flue is to serve a conventional boiler and it is not considered that it will result in smoke or other pollution. The location of a flue such as this is typical of a residential property within a suburban environment and is therefore considered to be acceptable.

Overlooking and Privacy:

22. A new dormer window is to be installed on the southern side of the roof slope to the rear, and a glazed porch is to be constructed directly below at ground floor level. Particular concern has been raised that the dormer and porch will result in a loss of privacy at the adjoining property no. 22. The porch will not result in any change in the current situation as a 1.8m high close boarded timber fence marks the boundary close to the houses, preventing any direct overlooking. Whilst it is considered possible for the proposed dormer window to allow for oblique views over a section of the rear garden of no. 22, it is not considered that the proposal will cause significant harm. A 5-6m tall leylandi hedge marks the boundary along the main section of the garden, obstructing much of the neighbouring property from view. 2 no. windows are already in place on the first floor, and as such, the dormer which is 2m higher will not significantly alter the current situation.

Main issue 2: Design and heritage

23. Key policies and NPPF paragraphs – JCS2, DM3, DM9 NPPF paragraphs 9, 17, 56 and 60-66 and 128-141
24. The side extension, enlargement of the roof and creation of the front porch will all alter the appearance of the subject property when viewed from the front. Particular concern has been raised that the proposal will change the look of the front of the property, forming the appearance of a terrace and causing harm to the conservation area.
25. Whilst it is accepted that the appearance of the subject property will be altered, it is not considered that the changes will be obviously noticeable from the front. The side extension is of an appropriate scale and design, having only a limited impact on the overall appearance as it is subservient to the main house and is set back from the front elevation. The gap between the neighbouring boundaries ensures that the property remains a clearly defined semi-detached dwelling and not a terrace house.
26. The enlargement of the roof will have only a very limited impact on the overall appearance as it will only be a metre further forward than it currently is. As such, only a very small section of the new eaves will project beyond the gable, ensuring that the characteristics of the original dwelling are not lost.
27. The creation of the porch is very similar to the porch in place at no. 28 and as such is not considered to cause harm to the overall street scene. Indeed, all but one of the 4 properties forming this particular group have been altered in a way in which their appearance within the street scene has changed. The original structural appearance of the group of 4 dwellings has altered over time with unsympathetic planting on the corner plot considered to be causing harm to the conservation area. As such, the overall impacts of the proposals are not considered to cause significant harm to the subject property, street scene or the wider conservation area.

Equalities and diversity issues

28. There are no significant equality or diversity issues.

Local finance considerations

29. 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.
30. 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.
31. In this case local finance considerations are not considered to be material to the case.

Conclusion

32. The proposals will not harm the amenity of neighbouring properties or impact upon the appearance of the area. As such 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.

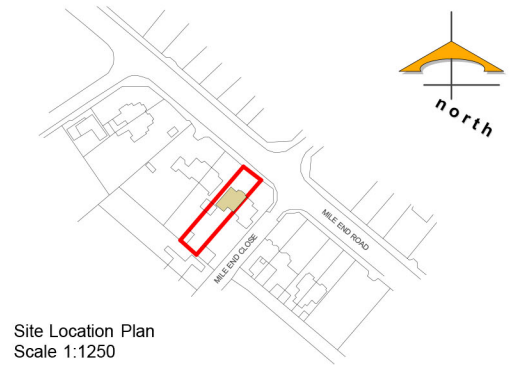
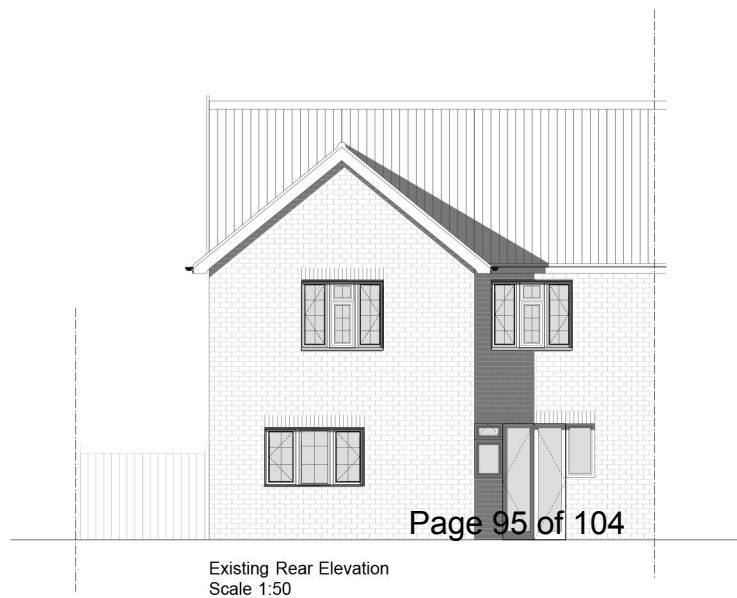
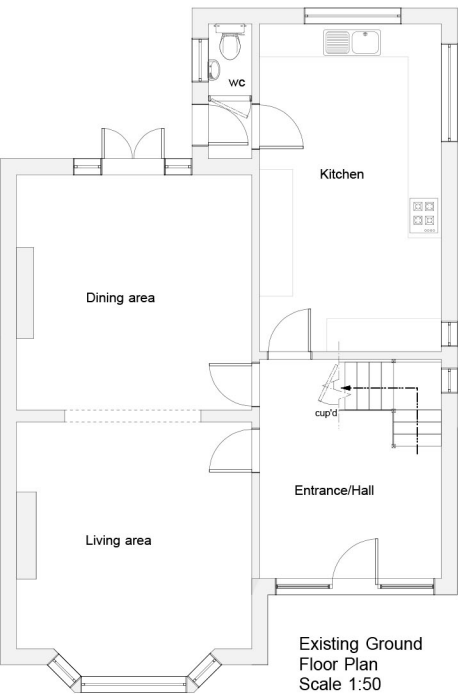
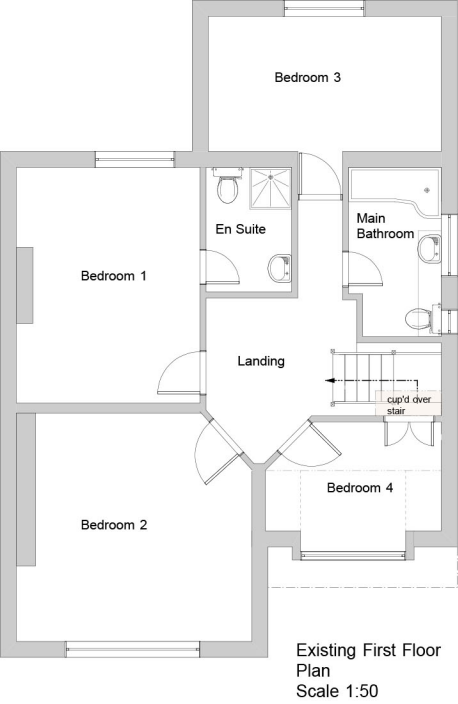
Recommendation

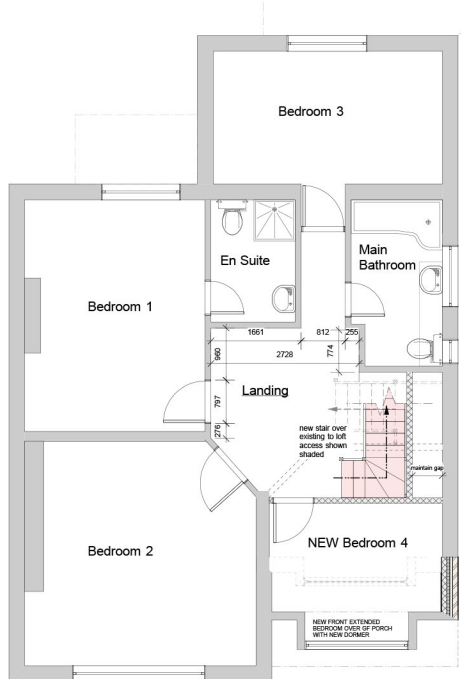
To approve application no. 15/01858/F – 24 Mile End Road, Norwich, NR4 7QY and grant planning permission subject to the following conditions:

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

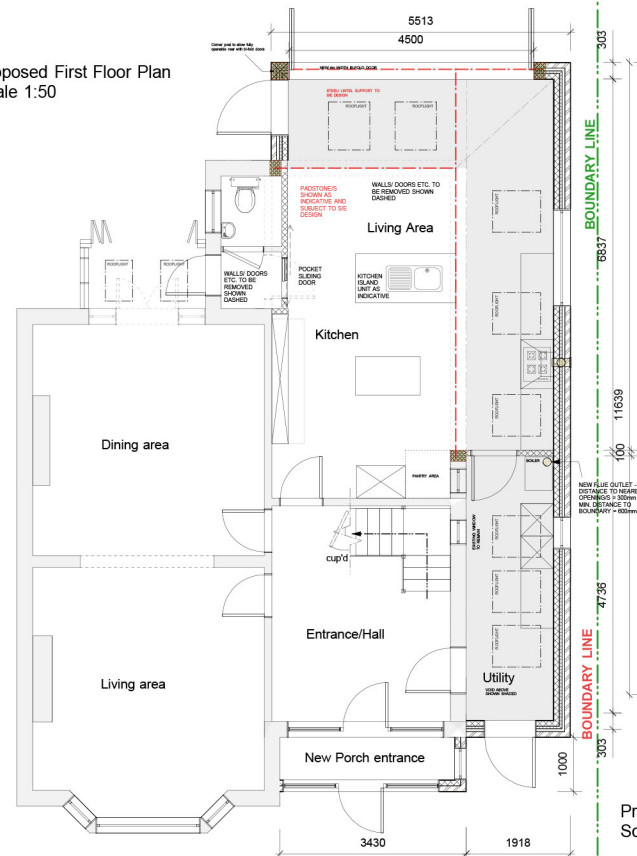
Article 35(2) statement

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 above.

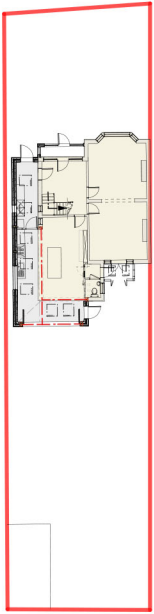




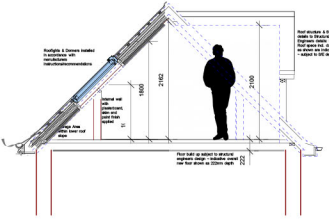
Proposed First Floor Plan
Scale 1:50



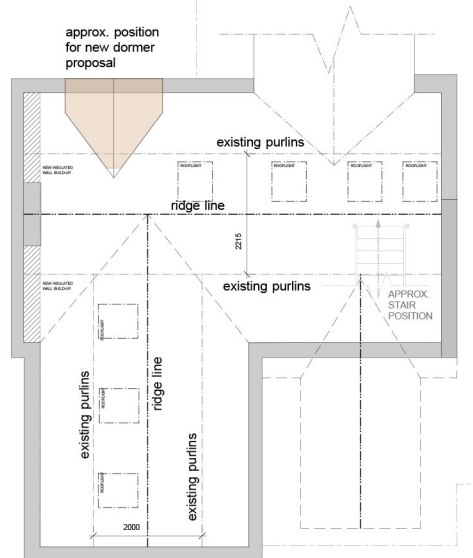
Proposed Ground Floor Plan
Scale 1:50



Proposed Site/Block Plan ~
Scale 1:200



Proposed Loft Conversion ~
Typical Section
Scale 1:50

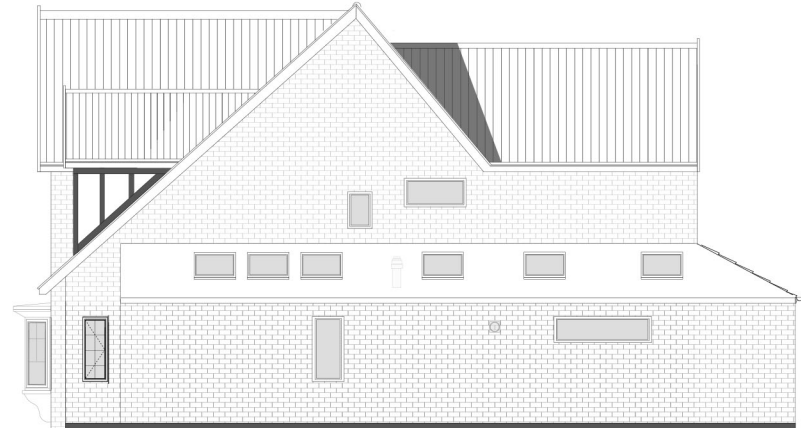


Proposed Loft Conversion
Scale 1:50



showing new front porch - to match similar existing
proportions to identify front elevation/character -
scale and building lines

Proposed Front Elevation
Scale 1:50



Side Extension with single storey lean to roof over
(NB: Windows have been provided at GF level to
maintain natural light to Utility & Kitchen Area)

Proposed Side
Elevation
Scale 1:50



Proposed Rear Elevation
Scale 1:50

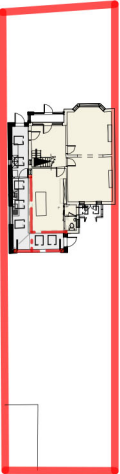
Rear Extension showing glazed/folding doors to new open
kitchen/dining area with designated living space looking out to garden
~ New Rear facing window over new Stair at FF level (Rear facing
roof lights could also be incorporated)

NB:
- All FFL levels to match existing
- Ground Levels are not to be changed
~ This drawing is for the purposes of Planning
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out prior to any construction or fabrication of any works
following approved
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atelier 27 226 plumstead road east thorpe st. andrew norwich, norfolk NR7 9NH		twentyseven 27 Tel: 01603 446634 E-mail: kristian@atelier27.co.uk	
PROJECT: 24 Mile End Road, Norwich ~ Rear/Side Extension and Internal alterations with conversion to loft space		JOB No. 2721	
Scale: 1:50/200 @ A1	Date: Nov - 2015	DRG No. PL02 - Rev 0	

Proposed Site/Block Plan ~
Scale 1:500



Existing rear gable end extension

Proposed single storey rear kitchen extension

Proposed rear facing dormer

Proposed single storey rear entrance with canopy

NB: Proposed Single storey rear extension and rear entrance canopy in background with existing fence and hedge/landscape above shown in foreground

Proposed Side (East) Elevation ~ (showing elevation from adjoining neighbours side)
Scale 1:50

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3.

atelier 27		226 plumstead road east thorpe st. andrew norwich, norfolk NR7 9NH	twentyseven 27 Tel: 01603 440634 E-mail: kristian@atelier27.co.uk
DETAIL: Proposed Layouts: Site Plan & SE Side Elevation		PROJECT: 24 Mile End Road, Norwich ~ Rear/Side Extension and Internal alterations with conversion to loft space	
Scale: 1:50/500 @ A3	Date: Jan - 2016	JOB No. 2721	DRG No. PL03

Report to date: Planning applications committee

Report of: Head of planning services

Subject: Enforcement Case 16/*****/BPC/ENF – 128
Thorpe Road Norwich, NR1 1RJ

Item
4(f)

SUMMARY	
Description:	Unauthorised partial demolition of Boundary Wall to form access to highway – requires Planning Permission. (Listed by association to 2-4 Cotman Road)
Reason for consideration at committee:	Enforcement action recommended.
Recommendation:	Authorise enforcement action to rebuild wall to original detail.
Ward:	Thorpe Hamlet
Contact Officer:	Ali A N J Pridmore

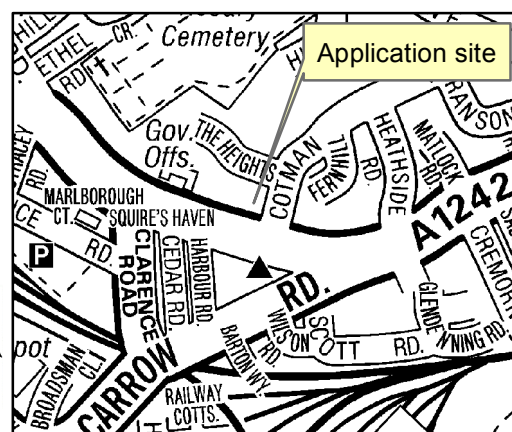
Introduction

The Site

1. 128 Thorpe Road is located within the Thorpe Ridge Conservation area and is situated on a prominent corner. During the early to mid-19th century several large villa style properties with front gardens and driveways were built along Thorpe road. One of these early houses 2-4 Cotman Road built in 1820, was remodelled in the Italianate style. This building had significant landscaped gardens until it was sold off for development during the 1930's. No.128 Thorpe Road is a two storey detached residential dwelling house constructed in the 1930s/40s on part of this land.
2. Large parts of the original boundary wall still survive. It is identified that this boundary wall is still part of 2-4 Cotman Road and therefore listed by virtue of being within the curtilage of the listed building.

Relevant planning history

3. 16/00092/F – Current undetermined application for a two storey side extension to the West of the existing property and a single storey side extension to the East of the property.
4. Consent was given for the construction of dropped kerb (vehicle crossover) in this location by Highways section on 11th January 2016 reference: 15HW128TR.



Purpose

5. The owner of 128 Thorpe Road applied for and was given consent for construction of a vehicle crossover/dropped kerb in this location. A separate planning application (ref: 16/00092/F) was made for the construction of side extensions, this made no reference to the proposed new opening. During the consultation period for application ref: 16/00092/F officers became aware of the application to form the vehicle cross over.
6. On 1 February 2016, the agent for the application was informed that an application for planning permission would be required to form a new opening in the wall. At this time, the wall was damaged on the Cotman Road elevation (some of the facing flint cobbles were stored on Cotman Road pavement behind a temporary barrier), but fundamentally still intact. On 8 February the council was notified by call from a nearby resident that the Developer had proceeded to form an un-authorised 5.0m (approx.) opening in the boundary wall. No application for planning consent was made for these works.
7. Contact was made with the applicant and agent informing them that the demolition of the historic wall was un-authorised; they were advised to cease works immediately. The unauthorised demolition has occurred within the last four years and is therefore not immune from enforcement action. The unauthorised demolition is a breach of planning control.
8. On 9 February, the applicant and agent confirmed that no further works would take place. They were informed that following the conservation officer's review, an application for a new opening in this location would be unlikely to be supported. The wall forms an important element in the setting of the listed building, and its demolition detracts from the special architectural and historic interest of the listed building. In order to safeguard the setting of the listed building, all materials removed from the wall should be retained and stored safely, to be used in the re-building of the wall.
9. Authority is sought from the planning applications committee for enforcement action to secure the re-building of the unauthorised demolition and return the wall back to the original, repaired, condition. Enforcement action to include direct action and prosecution if necessary.

Breach

10. The demolition to a historic wall associated with a Grade II Listed Building in the Thorpe Ridge conservation area without consent. The demolition of the wall is considered to be development for which planning permission would be required under section 171A(1) of the Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991).
11. No planning application has been received for this work. If any application were to be made, it would be unlikely to receive approval as the works

would detract unduly from the special architectural and historic interest of the listed building.

12. 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. The unauthorised demolition has caused significant harm to the undesignated heritage asset and the conservation area. The council does not consider that planning permission should be given because planning conditions would not overcome these objections.

Policies and planning assessment

National Planning Policy Framework:

- Statement 1 Building a strong and competitive economy
- 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
- 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
- DM9 Safeguarding Norwich's heritage
- DM12 Principles for all residential development
- DM28 Encouraging sustainable travel
- DM30 Access and highway safety
- DM31 Car parking and servicing

Justification for enforcement

13. The proposal would have a significant detrimental impact on the historic fabric and layout of the site at 128 Thorpe Road and associated site at 2-4 Cotman Road. The existing access to the site is the original/historic entrance to the site and forms part an important part of setting listed building and should be retained as such. A new access in this position is considered to have a wider detrimental impact on the character of the Thorpe Ridge Conservation area, contrary to policies DM3 and DM9.

Equality and diversity Issues

14. 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

15. On balance it is considered that the unauthorised demolition and proposed new opening in the undesignated historic fabric to form a new vehicular access onto Cotman Road is not considered acceptable.
16. It is therefore necessary to ask for authorisation from the planning applications committee to ensure the cessation of the unauthorised development and redevelopment of the wall to its original condition, therefore, remedy the breach of planning control.

Recommendations

To authorise enforcement action to secure the cessation of the unauthorised development of a new opening and forming of a new vehicular access to Cotman Road and return the wall back to its original condition; including the taking of direct action that may result in referring the matter for prosecution if necessary.

