

Planning applications committee

Date: Thursday, 14 November 2019

Time: 09:30

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

Committee members:

Councillors:

Driver (chair)
Maxwell (vice chair)
Bogelein
Button
Huntley
Lubbock
Neale
Ryan
Peek
Sands (M)
Sarmezey
Stutely
Utton

For further information please contact:

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Agenda

Page nos

1 Apologies

To receive apologies for absence

2 Declarations of interest

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

2 Minutes

5 - 16

To confirm the accuracy of the minutes of the meeting held on 10 October 2019

4 Planning applications

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

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

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

Please note:

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

Summary of planning applications for consideration

17 - 18

Standing duties

19 - 20

4(a)	Application no 19/00617/F - 6 - 7 The Arches, Bracondale, Norwich, NR1 2EF	21 - 38
4(b)	Application no 19/00971/F - Land North Side of Windmill Road, Norwich	39 - 62
4(c)	Application no 19/01009/F - East Anglian Air Ambulance Hangar, 14 Gambling Close, Norwich, NR6 6EG	63 - 86
4(d)	Application no 19/01012/F - 40 Fishergate, Norwich, NR3 1SE	87 - 98
4(e)	Application no 18/01552/F - Car Park Rear of Premier Travel Inn Duke Street, Norwich	99 - 162
4(f)	Application no 19/01374/NF3 - 185 Drayton Road, Norwich, NR3 2PG	163 - 174
5	Performance Report	175 - 192

Purpose - This report updates members on the performance of development management service; progress on appeals against planning decisions and progress on planning enforcement action.

Informal training session

Members are invited to stay for an informal training session on planning policies on houses in multiple-occupation (HMOs) at the conclusion of the formal business of the meeting

Date of publication: **Wednesday, 06 November 2019**

Planning applications committee**10:15 to 15:30****10 October 2019**

Present: Councillors Driver (chair), Maxwell (vice chair), Bogelein, Button, Lubbock, Neale, Oliver (substitute for Councillor Huntley), Peek, Ryan, Sands (M), Sarmezey, Stutely and Utton

Apologies: Councillor Huntley

(The chair apologised for the delay in the start of the meeting due to members of the committee undertaking a site visit in respect of 5 Recorder Road: Councillors Driver, Maxwell, Bogelein, Button, Lubbock, Neale, Peek, Ryan, Sands (M), Sarmezey, Stutely and Utton.)

1. Declarations of Interest

Councillor Ryan declared a pre-determined view in item 8 (below) Applications no 19/00958/F - 65 The Avenues, Norwich, NR2 3QR as University Ward councillor, he would be speaking on behalf of a resident. He would therefore address the committee as a member of the public and would then leave the room during the committee's determination of the application.

2. Minutes

RESOLVED to approve the accuracy of the minutes of the meeting held on 12 September 2019, subject to amending item 3, Minutes correcting the reference to the date of the previous meeting 8 August 2019.

3. Application no 19/00933/F and 19/01014/L - 5 Recorder Road, Norwich, NR1 1NR

The planner drew members' attention to the supplementary report of updates to reports which was circulated at the meeting and contained a summary of an updated proposal plan submitted by the applicant and a further representation comprising notes of a meeting held between representatives of the Greek Orthodox Church and the agent representing the applicants; and the officer comments. The planner presented the report with the aid of plans and slides.

Fourteen representatives of the church and local residents addressed the committee, highlighting their objections to the proposal, which included concern that: the proposed homeless assessment centre would lead to antisocial behaviour in the area from ex-offenders and drug users and would affect families and children attending the church and older people; the church would be overlooked by the CCTV

cameras; the centre would encourage drug sellers into the area and as it was near the train station and would exacerbate County Line activities; questioning the business model for the facility in that there were 43 homeless people in the city and that a further 1900 “new” homeless people would be assessed at the facility over ten years and asking whether this would be beneficial to the city; Recorder Road was not part of the night-time economy but a quiet residential street with flats for elderly people, who were anxious about the users of the facility; the proposal was contrary to the National Planning Policy Framework (NPPF) 91B and the council’s development management policies DM17 and DM22; that current residents’ needs were being put aside for a transient minority; the security measures would not protect the whole of the site and not all of the windows or fire doors had been shown on the plan; the bins and cycle store would impede escape in an emergency; the needs of the elderly vulnerable residents should be at the forefront and not those of a transient minority and it was contrary to Human Rights legislation; the proposal was detrimental to the amenity of the Grade II listed building; there had been no comments from the ambulance and health services; residents considered Recorder Road to be a “safe haven” and were concerned that the character of the street would change; there were more suitable locations for the facility, including premises in Prince of Wales Road, and other agencies provided homeless assessment services in the city; rents on 5 Recorder Road had been increased making it unviable for the previous small business and the church had tried to purchase the premises; the facility would have a negative impact on the 500 strong congregation and the church activities, including concerns about child safety during services and that the security measures would hinder the religious ritual of processing around the church; concern about St Martin’s ability to engage with the local community and manage the facility; the application had been rushed because of the funding constraints and had not taken into account the church’s specific needs, such as access for funerals and fire exits; the security measures and gates would be unwelcoming to the churchgoers and fear of antisocial behaviour could lead to a decline in the congregation affecting the church’s ability to maintain the Grade II listed building; and, reference to the applicant’s business model for the facility and its annual report, suggesting that the assessment centre would attract homeless people, with no connection to the city, as evidenced by a similar scheme in Brighton. A member of the church addressed the committee and said that the church had tried to purchase the premises and that the proposed use would be detrimental to the church community’s religious observances. She said that would be afraid of the consequences if she reported incidences of antisocial behaviour. In summary a speaker spoke on behalf of the church and residents suggesting that the proposal had no net benefits for the community. The funding was a national initiative and would pitch people into an overburdened system, and other options could be considered such as extending existing hostels or considering alternative locations.

At the chair’s discretion, four speakers addressed the committee on behalf of the applicant. This included a personal account from an employee on the circumstances that had led to drug dependence and homelessness and the assistance that had been provided to him by the Trust; the employee had never seen drug dealing at any of the Trust’s premises; that preventing homelessness saved lives and that rough sleepers were vulnerable to rape and suffered violence on the streets; that it was a national responsibility to address homelessness; that the proposal was in a good location and that the layout was suitable for assessment; that trends of homelessness were monitored and there was a need for this facility; the centre could be open and fully functional by the end of November before the forecasted severe

winter; that it was difficult to address homelessness, their clients were not “scum” but decent people who needed assistance and that it sometimes took several attempts; that the applicants were linked to Pathway and promoted outreach services and was fully compliant with the Misuse of Drugs Act 1971; that there was no smoking on the premises and that only two smokers at a time would be permitted into the courtyard. The agent referred to the provisional access that the church had to the courtyard and explained that this had been on a grace and favour basis. The rear door of the female sleeping area could be fixed shut on a permanent basis. The external plans had been amended to show the rear boundary of the courtyard and she commented on the revised fire exit plans for the church (as set out in the supplementary report) through the rear courtyard. The gate and railing design, and the use of obscure glazed windows had been in response to issues raised by the church. The police had not objected to the proposed change of use provided that the planning conditions were met and were reassured by the applicant’s reputation as a service provider for homeless people and its zero tolerance to drug taking. The premises was in the right location for this use on a 24 hour basis. The building was available on a lease only basis and no other business or office use had come forward. It was not available for sale.

(The chair declined an indication to speak from Councillor Maguire, cabinet member for safe and sustainable city environment.)

The planner commented that legislation required CCTV covered only within an owners’ property and therefore the applicants could not use it on the church property. The NHS and ambulance service had been consulted as part of the planning process but had chosen not to comment on this application.

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

The planner referred to the main and supplementary reports and explained the arrangements for the fire exit following discussions with the applicant regarding access for the church through the fire exit and the insertion of a gate at the rear of the court yard, which could be opened by either side and would maintain the access around the church.

The planner together with the area manager development (inner) referred to the reports and answered members’ questions. This included confirmation that arrangements for fire exits, toilets and washroom provision, and Disability Discrimination Act compliance, were all subject to building regulations. Members were advised of the church’s provisional access arrangements and that this was a civil matter which would need to be agreed between the church and the applicant, but a gate at the rear of the property that could be opened would not prevent the religious observance of proceeding around the church. Members were advised that despite the reputation of the applicant, a management plan was required as a condition of planning consent because it would ensure that the current applicant’s method of operation could be applied to another operator in future. The management plan which would provide for the operation within the building, including the management of specific areas of the building. There was an expectation that the staff would receive training on emergency evacuation of the building and security. The centre would be supervised 24 hours a day with a minimum of two staff on duty at any one time. The planner said that not all homeless people would be able to

access this facility and people with high needs would be referred for assessment elsewhere in the city. A member commented that there was no communal space and the committee was advised that during the 72 hour assessment period, people could come and go. Drinks and snacks could be prepared in the kitchenette facilities but clients would be referred to Pathway and other facilities, where they could obtain meals which were available in the immediate area. The proposal was for a short term assessment centre, with a maximum stay of 72 hours, and was not a hostel. Members were advised that the cycle and bin storage as shown on the plans was indicative and that the location would be subject to condition. The committee also noted that, as advised on the site visit, the children's play area was inside the church and that the door could be closed. In relation to fear of crime, the police had indicated that provided the conditions to mitigate these concerns were in place, there was no objection to the proposal. The government grant was not a material planning consideration. In reply to members' questions, the area development manager (inner) explained that the funding was a national initiative but was intended to serve people in Norwich and its immediate area. Not all homeless people were rough sleepers. The assessment centre would be part of a wider network of provision for homeless people.

The chair moved and the vice chair seconded the recommendations as set out in the report.

Discussion ensued in which members commented on their views of the application. A member said that he had listened to the arguments for and against the application but had been persuaded by the police's reassurance in the applicant's track record in helping homeless people in the city. Other members concurred with this view. Members commented on their concern about the national problem of homelessness and the need to address it in Norwich and its immediate area. A member pointed out that he considered that the proposed site was in the wrong location and that other premises were available in Prince of Wales Road. Other members commented that they considered that the location in the city centre was a good one. Another member considered that kitchen and toilet/washing facilities were inadequate. Members commented on this being a small assessment centre which would be an integral part of the wider network of provision in the city. Some members expressed concern about the fear of crime associated with this application, whilst others were reassured that the police had no objections to the proposal subject to the planning conditions and the reputation of the applicant as a service provider for homeless people.

During the discussion, Councillor Utton, Thorpe Hamlet ward councillor, refuted the suggestion from the applicants that any of the objectors had referred to homeless people as "scum" and said that their primary objection was that the location of the assessment centre in Recorder Road, a quiet residential street, was the wrong location. He said that vacant office premises in Prince of Wales would be a better alternative location for this facility.

Also during the discussion, the chair when speaking in support of the application, said that he hoped that there would be opportunities for the church and residents to become involved in the project as volunteers.

RESOLVED with 9 members voting in favour (Councillors Driver, Maxwell, Sarmezey, Oliver, Peek, Button, Lubbock, Ryan and Stutely) and 4 members voting against (Councillors Utton, Neale, Sands and Bogelein) to approve:

(1) application no. 19/00933/F - 5 Recorder Road, Norwich, NR1 1NR and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Provision of cycling parking/ bin storage
4. Management Plan
5. Details of any fences and gates
6. Alterations to the fenestration/details of new door
7. Details of CCTV and external lighting
8. Details of heritage interpretation
9. Details of signing

(2) application no. 19/01014/L - 5 Recorder Road, Norwich, NR1 1NR and grant listed building consent subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Listed building – making good
4. Localised repair
5. Listed Building Retain Original Fabric of Building
6. Stop Work if Unidentified Features Revealed
7. Partitions
8. Details of new door and any alterations to fenestration
9. Details of Details of any additional security measures including signage
10. Details of any fences and gates
11. Dismantling of the window drop by hand.

(The committee then adjourned for lunch at 12:30. The committee then reconvened in the Mancroft room at 13:00 with all members present as listed above.)

4. Application no 19/00020/F - 9 Eaton Road, Norwich. NR4 6PZ

The planner presented the report with the aid of plans and slides. He added that the site was in a critical drainage area and an additional condition had been added to require the applicant to provide water butts.

The adjacent neighbour addressed the committee and highlighted his objections to the proposal which included concern about overshadowing and loss of sunlight; loss of privacy from the window in the loft extension and that the extension would extend beyond the building line. He suggested that as it was a large plot the applicant could have considered a different proposal.

The agent spoke in support of the application and said that the scheme was compliant with planning policy. The applicant had requested that a memorial feature in the rear garden was retained.

During discussion the planner referred to the report and answered members' questions. Members were advised that no 7 had planning consent for an extension which had not yet been built out. Software used to assess the impact of sunlight indicated that the proposal would have a minimal impact on the neighbouring properties and this modelling had included the approved extension at no 7.

The chair moved and the vice chair seconded the recommendations as set out in the report.

Councillor Lubbock, Eaton Ward councillor, expressed concern that given the size of the plot, it would be more neighbourly of the applicant if the proposal was revised to have less impact on no 7. At the least the applicant could put in obscure glazing to prevent overlooking.

During discussion members considered the impact of overshadowing of the neighbouring property and the neighbour's concerns about overlooking from the loft conversion. Members also took into account the position of the adjacent houses. Councillor Bogelein suggested that there was no reason to object to this application but in light of the neighbour's concerns obscure glazing should be applied to the window ground floor window to serve the proposed utility room and with all members in agreement the chair moved the recommendations as amended.

RESOLVED with 12 members voting in favour (Councillors Driver, Maxwell, Button, Bogelein, Neale, Oliver, Peek, Ryan, Sands, Sarmezey, Stutely and Utton) and 1 member voting against (Councillor Lubbock) to approve application no. 19/00020/F - 9 Eaton Road Norwich NR4 6PZ and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Details of replacement chimney to be submitted prior to commencement of works;
4. Provision of water butts.
5. Obscure glazing to ground floor window on north-west elevation.

5. Application no 19/00573/F and 19/00574/L – The Royal Hotel, 25 Bank Plain, Norwich

The chair explained that this application had been referred to committee as a major development.

The senior planner presented the report with the aid of plans and slide. He asked members to ignore the comments contained in the supplementary update of reports in relation to application 19/00574/L and said that all the recommended conditions as set out in the main report applied.

A representative of the Maid's Head Hotel addressed the committee setting out concerns about the need for another hotel and that it would impact on the viability of other hotels in a difficult market, and calling on the committee to defer making a decision until robust viability information was available.

The agent spoke in support of the application and said that there had been discussions with council officers, the Norwich Society and Historic England. The proposal would return the building to its former use and conserve this Grade II listed, heritage asset for the city.

The senior planner referred to the report and explained that there was no requirement within local and national planning policy for the applicant to demonstrate the need for the proposed change of use which was suitable for a town centre. Difficult market conditions were not grounds for refusal.

The senior planner referred to the report and answered members' questions in relation to the proposed extension in the rear courtyard; movement of the front door to the hotel to provide wheel chair access; and arrangements for the roof top garden, plant and machinery. Members also sought information on the use of the street cycle storage and noted that there were no drop off points for coaches near the hotel. The senior planner also explained that the proposal for the change of use to a hotel was considered as the optimum viable use due to the limited number of uses that were appropriate in the building and the lack of any other serious proposals coming forward.

Discussion ensued on the use of the roof-top terrace and concern about noise to residents in the area. The senior planner said that the use of the terrace would be ancillary to the hotel. In response to members' concerns about noise it could be reasonable to place a condition to prevent the use of audio-equipment on the terrace. Members were also advised, in relation to noise considerations, that the applicant had agreed that there would be no bedrooms in the rooms above the existing ground floor bar.

Councillor Utton moved, seconded by Councillor Sarmezey, to prevent the use of audio sound systems on the roof terrace, and on being put to the vote with 11 members voting in favour (Councillors Maxwell, Button, Bogelein, Neale, Oliver, Peek, Ryan, Sands, Sarmezey, Stutely and Utton) and 2 members voting against (Councillors Driver and Lubbock) the condition became part of the substantial motion.

The chair then moved, seconded by the vice chair, the recommendations as set out in the report and as amended above.

Discussion ensued in which members welcomed the proposal considering that it would be an excellent opportunity for the city and would create employment for 40 people and retain a mixed use on the site.

RESOLVED unanimously to approve:

(1) application 19/00573/F and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. External materials
4. Fire Hydrant
5. Construction method statement

6. Contamination method statement
7. Unknown contamination
8. Ecological mitigation
9. Renewable energy provision
10. Restaurant/bar – hours of operation restricted between 00.00 hours and 6.59 hours.
11. No use of speakers or amplified sound systems the roof terrace.
12. No use of rooms above ground floor bar without scheme of noise mitigation and implementation of scheme.

(2) application no.19/00574/L and grant listed building consent subject to the following conditions:

1. Standard time limit;
2. In accordance with plans
3. Any damage to be made good
4. Repair and making good to match existing
5. Retention of existing fabric
6. Undiscovered features
7. Details to be submitted
8. Photographic survey
9. Demolition method statement
10. Protection of significant features
11. Heritage interpretation
12. Repair to brickwork
13. Rooflights conservation style
14. Rainwater goods
15. Partitions
16. Roof terrace restrictions,

(Councillors Bogelein and Oliver left the meeting at this point.)

6. Application no 19/00271/F - 1 Holmwood Rise, Norwich, NR7 0HJ

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

The planner referred to the report and answered questions from members of the committee. She explained that the Beech tree was at the end of its natural life and would be replaced with a tree that would grow to a similar size. Members were also advised that it was intended to use the existing brick weave driveway as the shared access. The area development manager (outer) pointed out that the applicant would be required to submit details of surface water drainage (condition 9). The planner said that the landscaping scheme was indicative and would include boundary treatments to enhance biomass diversity.

The chair moved and the vice chair seconded the recommendations as set out in the report.

RESOLVED, unanimously, to approve application no. 19/00271/F - 1 Holmwood Rise, Norwich, NR7 0HJ and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. External Materials;
4. Replacement tree;
5. Landscaping Details – Minor Scheme (to include external lighting)
6. In accordance with report;
7. Mitigation Details;
8. Water Efficiency – residential;
9. SUDS Details submission and implementation;
10. Provision of cycling parking/ bin storage;
11. Residential extensions, curtilage buildings, boundary treatments.

7. Application no 19/01083/F - 17 Branksome Close, Norwich, NR4 6SP

The planner presented the report with the aid of plans and slides. During the presentation he outlined the issues that had been raised in objection to the proposal. Members were also advised that all planning applications from councillors or members of staff were referred to this committee.

The chair moved and the vice chair seconded the recommendations as set out in the report.

RESOLVED, unanimously, to approve application no. 19/01083/F - 17 Branksome Close, Norwich, NR4 6SP and grant planning permission subject to the following conditions:

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

8. Applications no 19/00958/F - 65 The Avenues, Norwich, NR2 3QR

(Councillor Ryan had declared a predetermined view in this item and as such spoke as a member of the public and did not take part in the determination of the application.)

The planner presented the report with the aid of plans and slides. The area development manager (outer) explained that planning permission was required for this wood cabin because it was 3 metres in height and less than 2 metres from the boundary fence.

Councillor Ryan addressed the committee on behalf of the neighbour who was concerned about overshadowing her garden and whilst not objecting to the wood cabin, suggesting that the storage element was removed.

(Councillor Ryan then left the meeting at this point.)

The chair moved and the vice chair seconded the recommendations as set out in the report.

During discussion members noted that the use of the cabin was ancillary to the house. The committee took into consideration the location of the cabin; the size of the applicant's and neighbouring gardens and that there were large shrubs in the neighbouring garden. Members also noted that if the cabin were further away from the boundary it would have been allowed under permitted development.

RESOLVED, unanimously, to approve application no. 19/00958/F - 65 The Avenues Norwich NR2 3QR and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Log cabin to remain ancillary to the main dwellinghouse.

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

9. Application no 19/01179/VC - Stretton School, 1 Albemarle Road, Norwich, NR2 2DF

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

During discussion the planner referred to the report and explained the reasons for the condition.

The chair moved and the vice chair seconded the recommendations as set out in the report.

RESOLVED, unanimously, to approve application no. 19/01179/VC - Stretton School 1 Albemarle Road, Norwich, NR2 2DF and grant planning permission subject to the following condition:

The occupation of the dwelling known as West Lodge shall be limited to a person or persons (and their family) having a close connection with the adjoining nursery school (Stretton School) by virtue of employment by the school, or as owner of the school. Should the lawful use of the adjacent buildings (outlined in red on the location plan received on 17 September 2009 in respect of application 09/00672/F) change to C3 residential use, this limitation shall cease to apply.

10. Application no 19/00928/F - 31 Spelman Road, Norwich, NR2 3NJ

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

During discussion the planner referred to the report and presentation and answered members' questions on the design and elevations of the proposal.

The chair moved and the vice chair seconded the recommendations as set out in the report.

During discussion members commented that the design was unattractive and that it was a shame that the applicant had not considered a green roof.

RESOLVED, unanimously, to approve application no. 19/00928/F – 31 Spelman Road, Norwich NR2 3NJ and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Provision of water butts.

11. Review of the scheme of delegation

The area development manager (outer) presented the report.

RESOLVED to approve, for use with immediate effect, the changes to the scheme of delegation as set out in Appendix A.

CHAIR

**Summary of planning applications for consideration
14 November 2019**

ITEM 4

Item No.	Case number	Location	Case officer	Proposal	Reason for consideration at committee	Recommendation
4(a)	19/00617/F	6-7, The Arches, Bracondale	Lara Emerson	Partial change of use to include, A3 and A4 uses alongside existing B2 uses and minor external works.	Objections	Approve
4(b)	19/00971/F	Land north of Windmill Road	Maria Hammond	Erection of 17 dwellings.	Objections	Approve
4(c)	19/01009/F	East Anglian Air Ambulance Hangar 14 Gambling Close	Maria Hammond	Extension and recladding of existing hangar and mezzanine floor. Construction of car park with associated landscaping (development to enable 24/7 operations).	Objections	Approve
4(d)	19/01012/F	40 Fishergate Norwich NR3 1SE	Jacob Revell	Placement of air conditioning equipment within an acoustic enclosure. (Retrospective)	Objections	Approve
4(e)	18/01552/F	Car park rear of Premier Travel Inn, Duke Street	Katherine Brumpton	Redevelopment of car park site to provide student accommodation	Objections	Approve
4(f)	19/01374/F	185 Drayton Road	Stephen Polley	Change of use from shop (Class A1) to restaurant (Class A3) including external alterations.	Objections	Approve

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
14 November 2019

Report of Area Development Manager

Subject Application no 19/00617/F - 6 - 7 The Arches,
Bracondale, Norwich NR1 2EF

**Reason
for referral** Objections

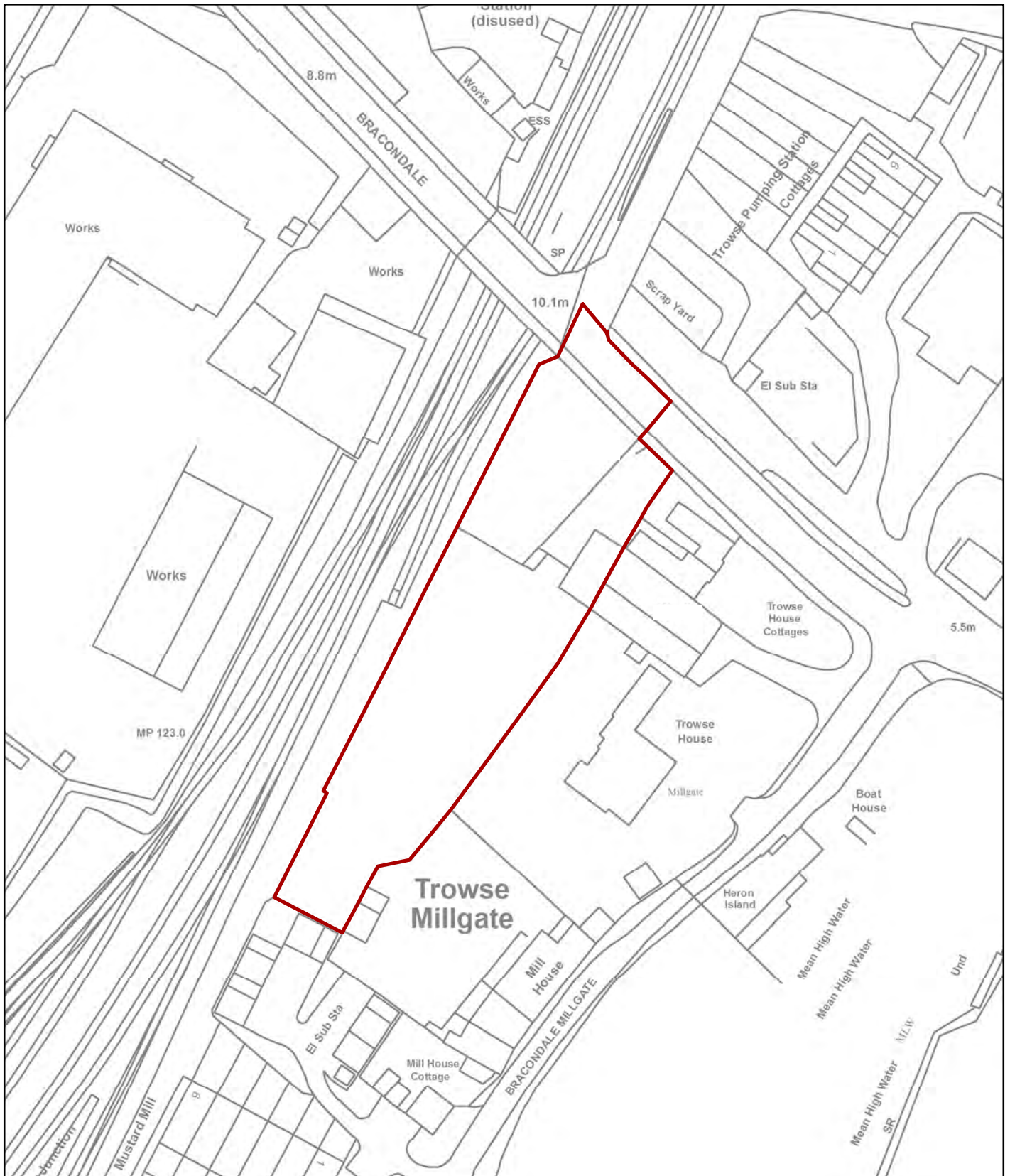
Item

4(a)

Ward	Thorpe Hamlet
Case officer	Lara Emerson - laraemerson@norwich.gov.uk
Applicant	Laura Handford, Redwell Brewing

Development proposal		
Partial change of use to include, A3 and A4 uses alongside existing B2 uses and minor external works.		
Representations - 1st Round of Public Consultation		
Object	Comment	Support
19 letters & 2 petitions (from 15 households)	0	2
Representations - 2nd Round of Public Consultation		
Object	Comment	Support
9 letters & 1 petition (from 11 households)	0	0

Main issues	Key considerations
1. Principle of development	Main town centre uses in an out of centre location.
2. Amenity	Noise & disturbance to residential neighbours.
3. Transport	Transport options to site, highway safety, parking.
Expiry date	20 November 2019 (extended from 29 July 2019)
Recommendation	Approve



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Planning Application No 19/00617/F
 Site Address 6-7 The Arches
 Scale 1:1,000

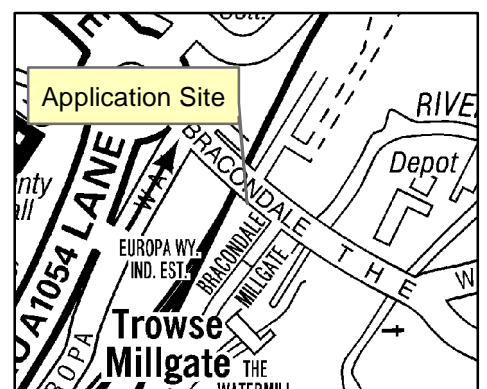


NORWICH
City Council

PLANNING SERVICES



Page 22 of 192



The site & surroundings

1. The site is located to the south of the city centre and incorporates two arches under the road bridge, a large single storey warehouse, a smaller outbuilding against the eastern boundary and a large plot of land to the rear. The site is accessed via a small track which runs parallel to the main road into Trowse (Bracondale/The Street). The site has had many commercial uses over the years, most recently and currently as a brewery. It is understood that the brewery first began operating a tap room from the premises in March 2018. It is likely the use started off as an ancillary use which would not have required planning permission, but over time the tap room has grown into a use which is considered more than ancillary.
2. The wider area contains a mixture of industrial and residential uses, although the immediate vicinity is almost entirely residential. A railway line runs to the west of the site. To the east and south of the site is a residential street called Bracondale Millgate which accommodates numerous residential properties, the closest being the Trowse House Cottages, the Old Coach House and flats within Trowse House. To the north of the site, the small track provides access to this site, other vacant arches, other industrial sites and residential properties known as The White House and the Pumping Station Cottages.

Constraints

3. Yare Valley Character Area.
4. A small part of the site sits within the Trowse Millgate Conservation Area.
5. Various statutorily and locally listed buildings in the vicinity.

Relevant planning history

Ref	Proposal	Decision	Date
19/00618/A	Replacement of fixed signs on the main brewery building roof as visible from Bracondale bridge and fixed signs along the boundary and railway line.	Approved	07/08/2019

The proposal

6. The site has been the subject of a planning enforcement investigation since August 2018 when it was reported to the council that the lawful brewery operation had been expanded to include a Tap Room (drinking establishment - Use Class A4). The drinking establishment (Tap Room) has been operating on at least three nights a week (Friday, Saturday and Sunday until 11pm) with customers occupying one of the arches, the main brewery building and a beer garden to the rear. Activities include quiz nights, hot food service and live music being performed inside and outside. The site benefits from a licence which permits this use of the site. Additional late night events have occurred on occasion and full day events have also occurred over the summer with the entire site occupied by large numbers of customers, food stalls and live music.
7. The application as originally submitted sought to regularise the existing use of the tap room and proposed commuter car parking on the site, but after extensive

negotiations with the applicant, the purpose of this application is now to assess whether a scaled-back version of this use could be considered appropriate. The application now proposes no commuter parking, but just proposes smaller scale A3 uses (restaurant/café) and A4 uses (drinking establishment) alongside the primary brewery use. The applicant is prepared to accept various restrictions being placed on this use as per the recommendations of various specialist reports prepared by the applicant and the comments of consultees.

- Restriction on opening hours for A3 and A4 purposes - 12:00-23:00 Friday & Saturday, 12:00-20:00 Sunday.
- External spaces not to be open to the public except 12:00-21:00 Friday & Saturday, 12:00-20:00 Sunday.
- Replacement roller shutter door to be installed to improve acoustic attenuation. Roller shutter door to be kept shut during the operation of the tap room.
- Fences to be installed along eastern boundary and around beer garden.
- No amplified sound inside or outside the building at any time.
- Management plan to be submitted to include details of signage to be erected around the site and staff training requirements.
- All other doors to be kept shut during the operation of the tap room, except for access and egress.

It is important, therefore, to acknowledge that the application is not seeking to regularise the current use of the site. Should this application be approved, the restrictions listed above would be required via condition and would considerably scale back the impacts of the current use of the site on neighbours.

Representations

8. The application has been advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing during two rounds of public consultation.
9. The initial consultation was undertaken in June 2019 and attracted 2 letters of support, 19 letters of objection and 2 petitions signed by 15 households. A second public consultation was undertaken in August 2019 following amendments to the proposal. This consultation attracted 9 letters of objection and 1 petition signed by 11 households. All representations are summarised below.

1st Round of Consultation (June 2019)	
Issues raised	Response
Internal noise from music, people & quiz	See Main Issue 2: Amenity
External noise from people and music in the beer garden	See Main Issue 2: Amenity
Noise, disturbance and anti-social behaviour from customers and staff arriving and leaving the site	See Main Issue 2: Amenity
Parking issues on access road	See Main Issue 3: Transport
Poor visibility on junction between access road and	See Main Issue 3:

1st Round of Consultation (June 2019)	
Issues raised	Response
Bracondale. Highway safety issues and lack of access for emergency vehicles	Transport
Various issues with application documents including site plan & application form	The issues identified do not affect the assessment of the case.
Issues with the methodology used in the noise impact assessment	See Main Issue 2: Amenity
Concern that approval would set a precedent for other similar uses to operate in the area	See Main Issue 1: Principle of Development
Concern that approval would allow the A use classes to expand further at the premises	See Main Issue 1: Principle of Development
No sequential test has been undertaken	See Main Issue 1: Principle of Development
Concern that any recommendations or conditions will not be adhered to by the brewery	The recommended conditions are precise and enforceable.
2nd Round of Consultation (August 2019)	
Issues raised	Response
The proposed mitigation measures would not be sufficient to protect neighbours from noise and disturbance referenced in previous objections.	See Main Issue 2: Amenity
The proposed mitigation measures would not be enforceable.	The recommended conditions are precise and enforceable.

Consultation responses

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

Design & Conservation

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

Environmental Protection

Comments on regularisation of existing use as originally submitted:

12. I do have some concerns over this application as below;
13. The noise report indicates that the premises would be unable to operate in the manner detailed in the planning statement
14. For occasional live music events outside, the report indicates MNL that live musicians would not be willing to play at, therefore this use should be refused.

15. For all music outside, background music only is acceptable during the day, although it is indicated that this would be only marginally intrusive at night, it is my opinion that this would be likely to increase the level of people noise in the beer garden. The use of the outside area should be conditioned to restrict all but background music outside and all music to cease at 19:00.
16. Background and club music noise from inside is marginally intrusive and should be avoided without all doors and windows being maintained closed except for access and egress while live or amplified music is being played.
17. For live and amplified music the boundary noise levels detailed at 6.1.1 of the AJA technical report 12178/1 shall be complied with at all times.
18. People noise from the venue has not been assessed as a part of this application, recent noise complaints have shown this can be an issue.
19. I would suggest that methods to reduce people noise impacting on nearby residential uses would be appropriate, these measures could include restricting the outside seating area to a single beer garden area, away from the site boundary, including a solid barrier between that area and the residential uses would further reduce the noise impact.

Comments on application with revised noise impact assessment:

20. These are awaited at the time of writing but discussions indicate that the amended proposal is satisfactory subject to conditions.

Highways (local)

Comments on regularisation of existing use with commuter car parking as originally submitted:

21. I would ask that they have a Travel Information Plan and increase the number of cycle stands to 15 (30 spaces) to cope with event demand.

Highways (strategic)

Comments on regularisation of existing use with commuter car parking as originally submitted

22. I am of the opinion that the proposals, if approved, would give rise to an increase in vehicle movements on a road with no pedestrian provision, poor junction alignment and with restricted junction visibility and with little or no scope for improvement. I would recommend that the application should be refused on highway grounds and would recommend the following conditions. However, should your Authority be minded to approve this application then I would recommend that waiting restrictions as outlined in my earlier email be so condition in any grant of consent.

SHCR 07 The unclassified road serving the site is considered to be inadequate to serve the development proposed, by reason of its poor alignment, lack of pedestrian provision and restricted visibility at adjacent road junctions. The proposal, if permitted, would be likely to give rise to conditions detrimental to highway safety.

SHCR 13 As far as can be determined from the submitted plans, the Applicant does not appear to control sufficient land to provide adequate visibility at the site access. The proposed development would therefore be detrimental to highway safety.

Comments on revised proposal with on-site commuter car parking removed:

23. The removal of the on-site parking would be welcomed as it would promote an increase in vehicle movements through the junction of the service road (public highway) and Bracondale, for reasons I have previously outlined.
24. Whilst I appreciate that day time parking on the service road is not necessarily all attributable to the current permitted use of the brewery, I do consider that the proposals if approved would generate a parking demand on the service road, and therefore increased traffic movements via the above referred to junction which substandard visibility. Whilst I note the travel plan, as strategic Highway Authority, we do not consider that this is appropriate mitigation for a development of this type in its own right and should only be considered as part of a package of measures.
25. Accordingly I remain of the opinion that the proposed waiting restrictions are appropriate and necessary to mitigate for this development in the interests of road safety and to discourage associated parking that it would generate; and which would also support any Travel Plan.

Assessment of planning considerations

Relevant development plan policies

26. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
 - JCS5 The economy
 - JCS6 Access and transportation
 - JCS8 Culture, leisure and entertainment
27. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
 - DM1 Achieving and delivering sustainable development
 - DM2 Ensuring satisfactory living and working conditions
 - DM3 Delivering high quality design
 - DM9 Safeguarding Norwich's heritage
 - DM16 Supporting the needs of business
 - DM17 Supporting small business
 - DM18 Promoting and supporting centres
 - DM23 Supporting and managing the evening and late night economy
 - DM28 Encouraging sustainable travel
 - DM29 Managing car parking demand in the city centre
 - DM30 Access and highway safety
 - DM31 Car parking and servicing

Other material considerations

28. **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
- NPPF7 Requiring good design
- NPPF12 Conserving and enhancing the historic environment

Case Assessment

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

Main issue 1: Principle of development

30. Key policies and NPPF paragraphs – DM16, DM18, DM23, NPPF paragraphs 80, 86, 87, 89 & 90.
31. The use of the site as a brewery is established and lawful. It is the secondary A3 (restaurant/café) and A4 (drinking establishment) uses which are to be considered through this application. Such uses are listed as Main Town Centre Uses under the National Planning Policy Framework (NPPF) and so paragraphs 86 and 87 of the NPPF and local policy DM18 apply. Since the site falls outside of any defined centre, these policies state that a sequential test should be applied. Such a test would require the applicant to identify whether there are any suitable sites available within the city centre, district centre, local centre or edge of centre, before resorting to an out of centre site such as this. These policies aim to retain the vitality of centres and to ensure uses which attract customers are located in accessible locations.
32. In this case, the proposal is for secondary uses which support an existing small local business. Paragraph 90 of the NPPF and local policy DM16 seek to support the growth and development of small businesses. Due to the specific circumstances of this case, it has not been considered necessary to require a sequential test be undertaken. Although there are undoubtedly premises with established A3/A4 uses (essentially vacant pubs) available within many of the city's designated centres, this proposal is for a tap room to support an existing brewery. The proposed use extends beyond an ancillary use (hence the need for a planning application), but does not extend so far as to make it the primary use for the site.
33. The site is well connected by cycle routes being located on National Cycle Route 1 which connects to all other pedalways in the city. An infrequent bus route operates along Bracondale into Trowse, and more frequent services operate outside County Hall. Overall, the site benefits from some level of accessibility and whilst not being in the most sustainable location, there is no objection in principle to uses which attract customer trips considering the secondary nature of the uses proposed.

34. Some objections have raised concerns that the approval of this application would set a precedent for other nearby sites to be used in a similar way. It is important to note that this application raises unique issues and that every application is assessed individually on its own merits and that the each application is tested against local and national policies.
35. It is therefore considered that A3 (restaurant) and A4 (drinking establishment) uses on the site are acceptable in principle, as long as they are truly secondary to the main B2 brewery business. The conditions listed at the end of this report set out ways in which the A3 and A4 uses would be controlled and it is considered that such restrictions would prevent the A uses from becoming dominant. The acceptability of the proposals therefore comes down to matters of detail as discussed within the rest of this report.

Main issue 2: Amenity

36. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
37. The key issue raised by objectors is the impact of the tap room on the amenity of neighbouring residents, especially with relation to noise. Many of the objections refer to the disturbance which neighbours currently experience and indeed the council has received dozens of noise complaints relating to the tap room since it started operating in March 2018. However, it is worth noting that if this application were approved with the recommended conditions, the tap room would be required to scale back its hours and activities and the operation would therefore have a reduced impact on neighbours.
38. The area is generally quiet apart from some noise from light industrial uses during the working day, and occasional passing trains. There are no other evening uses in the immediate vicinity so the tap room introduces a new source of noise and attracts vehicles and pedestrians into an otherwise quiet residential area. The applicant's Noise Impact Assessment (NIA) reports the background noise levels as per the table below. To give an indication of the noise which neighbours are currently being subject to, the table below also shows noise measurements which the applicant has shared with the council which were taken during the operation of the tap room.

Time of day	Background noise levels	Applicant's measurements
Daytime (07:00-19:00)	51 dB	57-73 dB
Evening (19:00-23:00)	46 dB	58 - 62 dB
Night (23:00-07:00)	40 dB	N/A

39. There are a number of residential flats and houses along the site's eastern boundary (Trowse House, the Old Coach House and Trowse Cottages), with dwellings separated from the site by only 2-3m and with numerous windows facing towards the site. These properties are particularly sensitive to noise from the beer garden and from the main warehouse building, where the tap room operates, particularly since the weakest part of the building fabric in terms of noise attenuation is the large roller shutter door which faces these properties. They are also sensitive to noise from customers walking to and from the site across the bridge which is at the same height as their bedroom windows.

40. To the north there are more residential properties which share the access track with the brewery (Pumping Station Cottages and The White House). These properties are sensitive to noise from the arches themselves, which is where some of the tap room seating is generally located. They are also sensitive to noise and anti-social behaviour related to the comings and goings of customers.

41. Local policy DM11 states:

“To help reduce the impact of noise, appropriate and proportionate mitigating measures will be required and appropriate limiting conditions will be attached to permissions for development which, on the best available evidence, is likely to:

a. give rise to sources of environmental noise, neighbour noise, or neighbourhood noise which will have some adverse impact on the health, well-being and quality of life of existing adjoining and nearby occupiers...

In determining individual proposals for noise generating uses or uses which may increase noise exposure, account will be taken of the operational needs of business, the character and function of the area, the levels of neighbourhood noise which might be reasonably expected in the daytime, evening and late at night, the disposition of uses and activities in the vicinity in relation to residential occupation, and the reasonable expectation of residents for a high standard of amenity and outlook and a period of quiet enjoyment for at least part of the day.

Permission may be refused exceptionally in cases where the exposure of adjoining occupiers to noise from the proposed development could not be reduced through planning conditions or other mitigating measures below the significant observed adverse effect level (SOAEL) which is assessed as appropriate for that location.”

42. The applicant has commissioned a noise impact assessment (NIA) which recognises the sensitive nature of the residential surroundings, and recommends that noise created by the proposed use should not exceed the background noise levels at sensitive receptors. The NIA goes on to make a number of recommendations which would achieve this:

- a) Setting noise limits for music;
- b) Selecting particular types of music and times of operation;
- c) Monitoring the music noise levels to ensure that the limits are met;
- d) Implementing a robust complaint-handling procedure;
- e) Installing a new roller shutter door with better acoustic attenuation;
- f) Upgrading boundary fences.

43. The NIA suggests that these recommendations are essential to protect neighbours from noise, but some of them would not be enforceable through planning (i.e. selection of music). The NIA also bases its assessment on music types with little low-frequency noise and does not account for noise from people. In order to achieve the goal of limiting noise at receptors to background noise levels (see paragraph 38) and sufficiently protect neighbours from ongoing noise nuisance, it is considered that in this case stricter controls are necessary. The

recommended conditions are listed in full at the end of this report and those relating to noise are summarised below:

- Restriction on opening hours for A3 and A4 purposes - 12:00-23:00 Friday & Saturday, 12:00-20:00 Sunday.
 - External spaces not to be open to the public except 12:00-21:00 Friday & Saturday, 12:00-20:00 Sunday.
 - Replacement roller shutter door to be installed to improve acoustic attenuation. Roller shutter door to be kept shut during the operation of the tap room.
 - Fences to be installed along eastern boundary and around beer garden.
 - No amplified sound inside or outside the building at any time.
 - Management plan to be submitted to include details of signage to be erected around the site and staff training requirements.
 - All other doors to be kept shut during the operation of the tap room, except for access and egress.
44. One objector has raised concerns over noise arising from the siting of cycle racks close to their property. Full details of cycle racks, including location, are proposed to be agreed via condition, but it is not considered that activity around the racks would be likely to cause significant disturbance to neighbours over and above the usual comings and goings of customers.
45. Overall, it is considered that the use of the site for A3 and A4 uses could give rise to unacceptable impacts to the amenity, health and well-being of the nearby residents. Indeed, the unauthorised use of the site for these uses over the past 18 months has prompted dozens of noise complaints. However, when restricted as per the recommended conditions, it is considered that the use would be controlled to enough of an extent so as to make the proposal acceptable.

Main issue 3: Transport

46. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF paragraphs 17 and 39.
47. As set out above, the site is well connected by cycle routes being located on National Cycle Route 1 which connects to all other pedalways in the city. An infrequent bus route operates along Bracondale into Trowse, and more frequent services operate outside County Hall. Overall, the site is not in the most sustainable location and does not connect well to other main town centre uses but it does benefit from some level of accessibility. Private car and taxi trips are inevitable. The applicant has submitted a travel plan which identifies sustainable modes of transport and which they would be required to promote. The applicant would also be required to provide cycle parking, the details of which would be secured via condition.
48. The application originally proposed using the rear of the site as a commuter car park for Norfolk County Council employees. However, this aspect of the proposal was

not deemed acceptable for numerous reasons and has been removed from the proposals.

49. The site is accessed via a small poor quality track which runs parallel to Bracondale. The track falls into the maintenance remit of Norfolk County Council rather than Norwich City Council. The track provides access to The White House, at the top of the track, the 6 residential properties known as the Pumping Station Cottages and various vacant industrial sites. The visibility between the track and Bracondale is extremely poor, mainly due to the extreme 180° angle that cars are required to turn. The track is often occupied by a row of parked cars on either side which exacerbates this issue. As highlighted by County Highways and by a number of objectors, any additional vehicles using this track would cause highways safety issues, especially with a use that also necessitates the use of this track by pedestrians. No doubt during opening hours some of the parked cars can be attributed to the tap room.
50. In order to mitigate this issue, and satisfy any potential safety concerns, County Highways have suggested that waiting restrictions (double-yellows) should be implemented on both sides of the track. Since the waiting restrictions would need to go through a separate consultation and committee process before being implemented, it is not possible for the planning consent to require that the waiting restrictions are implemented, simply to require that the applicant promote such a scheme to the County via a Traffic Regulation Order (TRO). However, it is appreciated that some customers will still travel by car to the site, and that without the access track to park on, cars are likely to be dispersed onto other residential roads in the vicinity.
51. Overall, it is considered that the site is located in a reasonably well connected part of the city but that the transport impacts of the proposal are exacerbated by the poor condition of the access track and the restricted visibility at its junction with Bracondale. With a travel plan that discourages customers from arriving by car and waiting restrictions placed on the access road, it is considered that the transport impacts of the development would become acceptable.

Equalities and diversity issues

52. There are no significant equality or diversity issues.

Local finance considerations

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

Conclusion

54. The proposed use of this out of centre site for main town centre uses (restaurant and drinking establishment) is acceptable in this unique case since the uses would support an established small local business. It is necessary for the proposed uses to be strictly controlled via a set of tightly worded conditions as set out below in order to prevent the expansion of this side of the business and to protect neighbours for unacceptable levels of noise and disturbance.
55. If any of the conditions were not complied with, the council has powers to quickly enforce against the breach. In this instance, the council would serve a Breach of Condition Notice (BCN) which requires compliance within a set time frame. If a BCN is not complied with, the council has the ability to prosecute through the Magistrate's Court. There is no right of appeal against a BCN.
56. 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. 19/00617/F - 6 - 7 The Arches Bracondale Norwich NR1 2EF and grant planning permission subject to the following conditions:

- 1) The development hereby approved shall be carried out in accordance with the application forms, plans, drawings and details as specified below:

Fencing Plan Ref SK5 Received 20/09/2019

Noise Impact Assessment Ref 12178/1 Dated 23/09/2019 Received 25/09/19

Travel Information Plan Dated August 2019 Received 15/08/2019

Reason

For the avoidance of doubt and to ensure the satisfactory development of the site in accordance with the specified approved plans.

- 2) Within 2 months of the date of this permission, full details of a replacement roller shutter door shall be submitted to and approved by the council as Local Planning Authority. The details shall accord with the recommendations contained within the approved Noise Impact Assessment ref 12178/1. Within 1 month of the approval of such details, the replacement roller shutter door shall be installed as agreed, and it shall be retained as such thereafter.

Reason

To ensure that residential living conditions and local amenities are not adversely affected by the development proposed through unacceptable levels of noise and disturbance, in accordance with policy DM2 and DM11 of the Development Management Policies Local Plan 2014.

- 3) Within 2 months of the date of this permission, full details of the fences to be erected along the eastern boundary of the site and full details of the fence, gate and other means of enclosure around the beer garden as depicted by a dashed line, a pink line and a blue line on Fencing Plan SK5 shall be submitted to and approved by the council as Local Planning Authority. The details shall include

material, height, location, density and product specification. Within 1 month of the approval of such details, they shall be installed as agreed, and they shall be retained as such thereafter.

Reason

To ensure that residential living conditions and local amenities are not adversely affected by the development proposed through unacceptable levels of noise and disturbance, in accordance with policy DM2 and DM11 of the Development Management Policies Local Plan 2014.

- 4) Within 2 months of the date of this permission, a Management Plan shall be submitted to and approved by the council as Local Planning Authority. The Management Plan shall include details of signage to be erected within the site and staff training requirements. Within 1 month of the approval of such details, the Management Plan shall be implemented as agreed.

Reason

To ensure that residential living conditions and local amenities are not adversely affected by the development proposed through unacceptable levels of noise and disturbance, in accordance with policy DM2 and DM11 of the Development Management Policies Local Plan 2014.

- 5) Within 2 months of the date of this permission, full details of secure bicycle parking shall be submitted to and approved in writing by the council as Local Planning Authority. The approved details shall thereafter be installed within 1 month and shall be retained and maintained in this condition thereafter.

Reason

To ensure that residential living conditions and local amenities are not adversely affected by the development proposed through unacceptable levels of noise and disturbance, in accordance with policy DM2 and DM11 of the Development Management Policies Local Plan 2014.

- 6) Within 2 months of the date of this permission, the approved Travel Information Plan shall be implemented as agreed.

Reason

To ensure that the development supports sustainably modes of transport and to reduce the impact of travel and transport on the environment in accordance with policy 6 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk (adopted March 2011, amendments adopted January 2014) and policy DM28 of the Development Management Policies Local Plan 2014.

- 7) Within 2 months of the date of this permission, a Traffic Regulation Order for waiting restrictions on the site's access track shall be promoted to Norfolk County Council.

Reason

In the interests of highway safety in accordance with policy 6 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk (adopted March 2011, amendments adopted January 2014) and policy DM30 of the Development Management Policies Local Plan 2014.

- 8) No loudspeaker, amplifier, relay or other audio equipment shall be installed or used on the site which is the subject of this permission, either inside or outside the building.

Reason

To avoid unacceptable noise and disturbance in accordance with policy DM2 and DM11 of the Development Management Policies Local Plan 2014.

- 9) The roller shutter door shall be kept closed at all times during the operation of A3 and A4 uses from the premises. Any other external doors to the building and any gates to the beer garden shall be kept closed at all times except for the purpose of access and egress.

Reason

To avoid unacceptable noise and disturbance in accordance with policy DM2 and DM11 of the Development Management Policies Local Plan 2014.

- 10) The premises which form the subject of this permission shall not be open to the public as customers for A3 or A4 purposes except for between the hours of 12:00 and 23:00 on Fridays and Saturdays and between 12:00 and 20:00 on Sundays.

Reason

To ensure that residential living conditions and local amenities are not adversely affected by the development proposed through unacceptable levels of noise and disturbance, in accordance with policy DM2 and DM11 of the Development Management Policies Local Plan 2014.


- 11) The external areas of the site which forms the subject of this permission shall not be open to the public as customers except for between the hours of 12:00 and 21:00 on Fridays and Saturdays and between 12:00 and 20:00 on Sundays.

Reason

To ensure that residential living conditions and local amenities are not adversely affected by the development proposed through unacceptable levels of noise and disturbance, in accordance with policy DM2 and DM11 of the Development Management Policies Local Plan 2014.

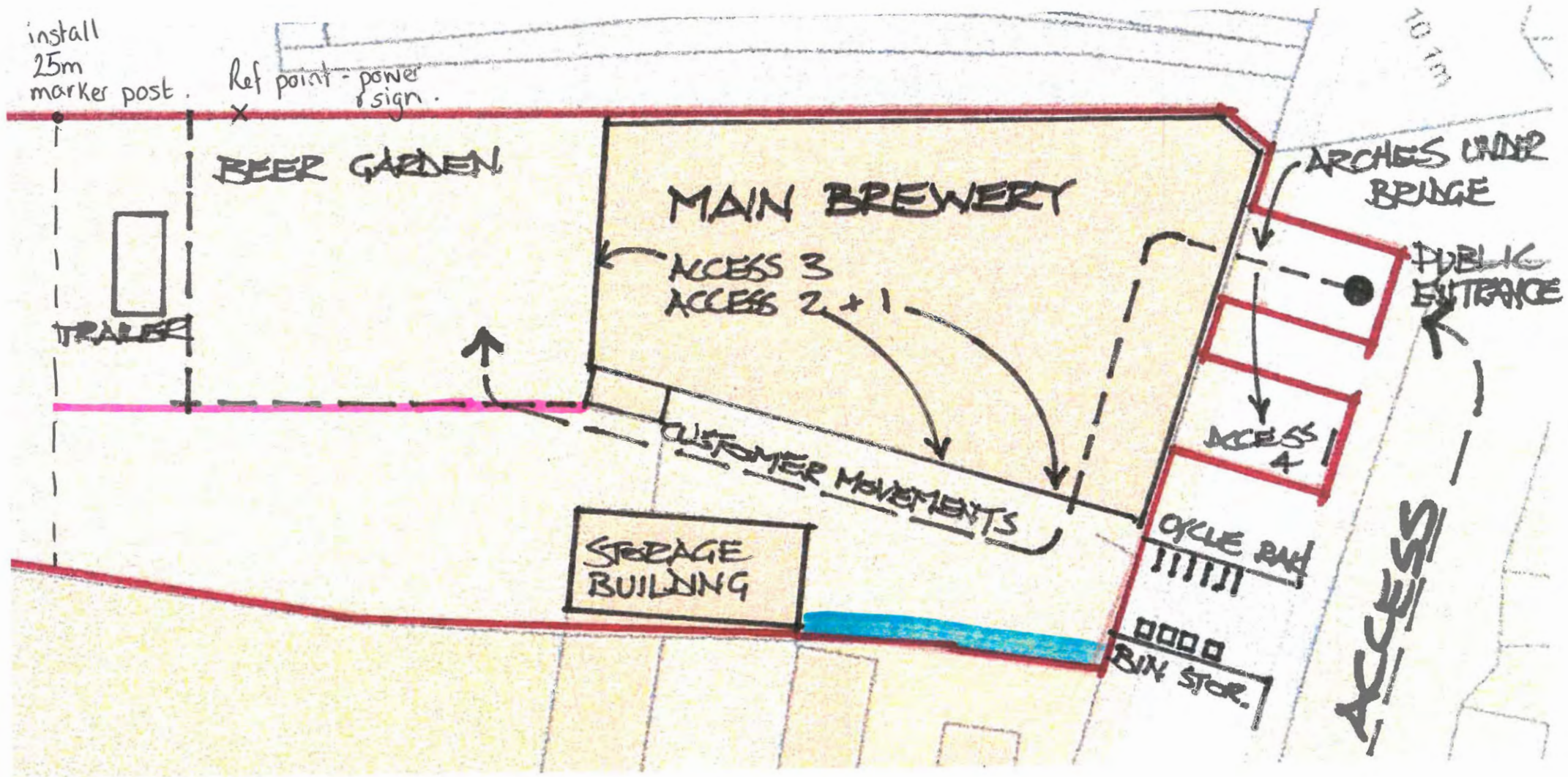
Informative


- 1) Further information about the promotion of Traffic Regulation Orders can be found on Norfolk County Council's website (<https://www.norfolk.gov.uk/roads-and-transport/roads/traffic-orders-notice-and-restrictions/traffic-regulation-orders>).

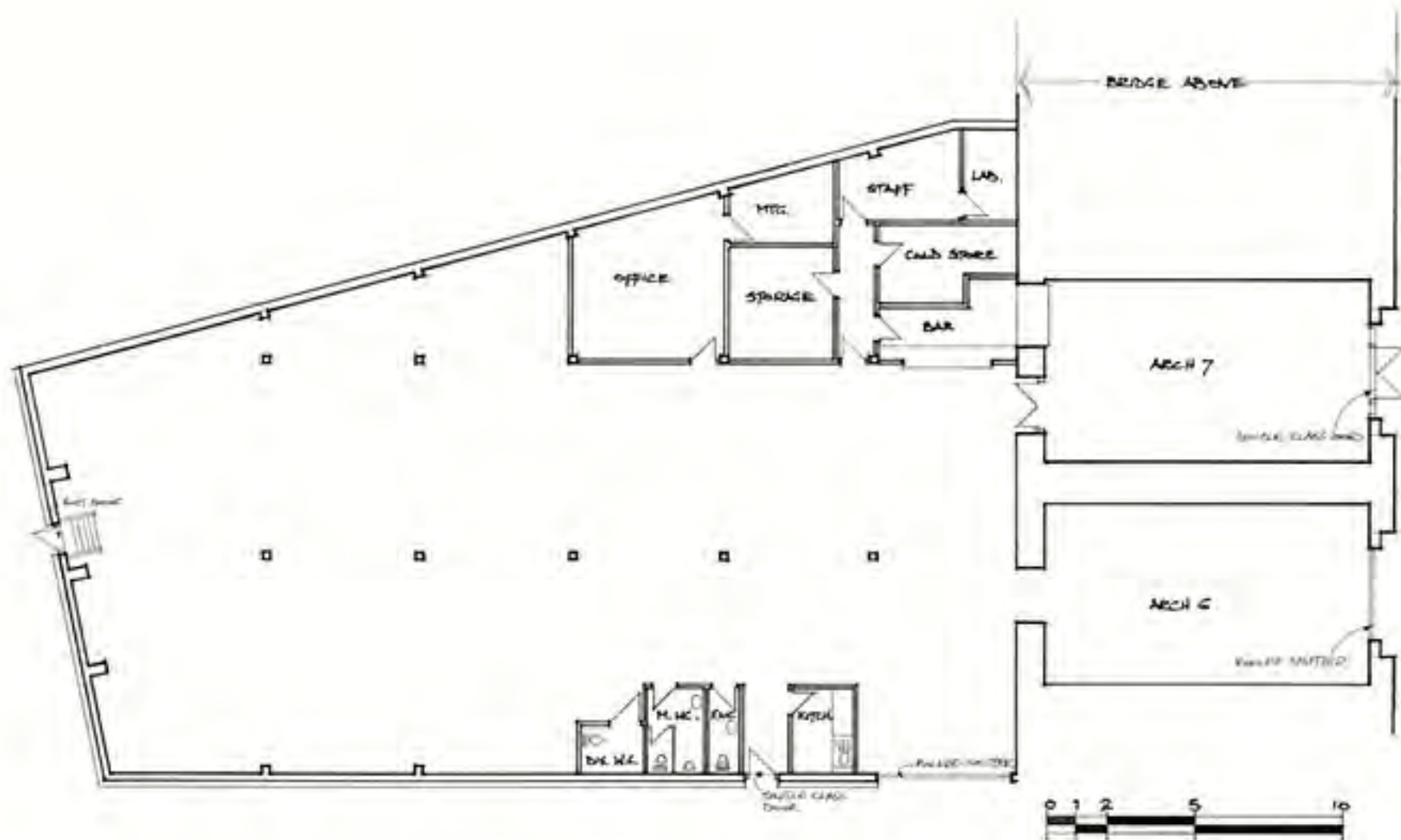
 renewed fence and gate
1.8m high min 10kg/m² density

--- chain detaching
beer garden
boundary (proposed)

Fencing Plan
SK5



 proposed 1.8m high fence
and access gate



REDWELL BREWERY
 INTERNAL LAYOUT
 SK3/20.05.19.
 1:100 AT A2 / 1:200 AT A4

Report to Planning applications committee

Item

14 November 2019

Report of Area Development Manager

Subject

Application no 19/00971/F - Land North Side of Windmill Road, Norwich

Reason

for referral

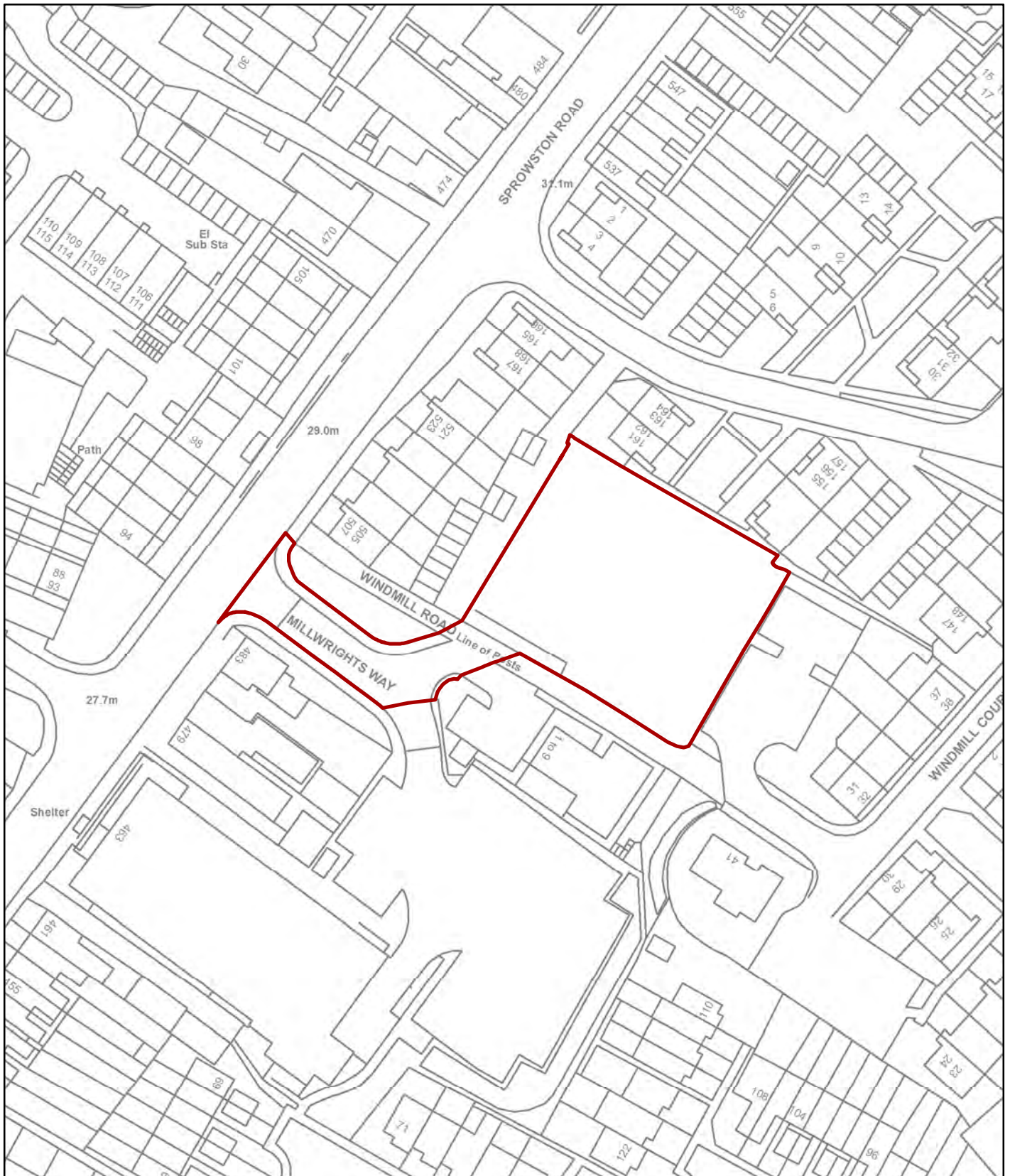
Objections

4(b)

Ward:	Catton Grove
Case officer	Maria Hammond - mariahammond@norwich.gov.uk

Development proposal		
Erection of 17 dwellings.		
Representations		
Object	Comment	Support
2	0	0

Main issues	Key considerations
1	Principle of residential development
2	Affordable housing
3	Design
4	Amenity
5	Transport
6	Trees
7	Flood risk and drainage
Expiry date	19 November 2019
Recommendation	Approve



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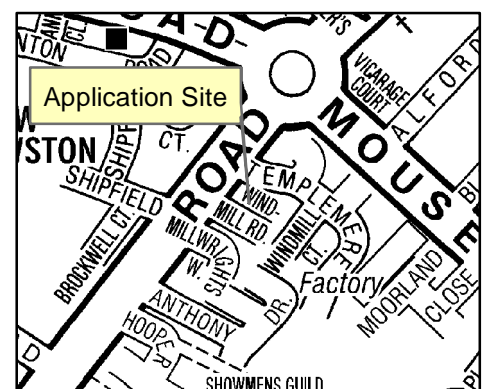
Planning Application No 19/00971/F
 Site Address Land North of Windmill Road
 Scale 1:1,000



NORWICH
 City Council
 PLANNING SERVICES



Page 40 of 192



The site and surroundings

1. The site of 0.19 hectares is located on the north side of Windmill Road, an unmade and unadopted track that runs southeast of Sprowston Road to Windmill Court. Millwrights Way runs parallel with Windmill Road off Sprowston Road to the south and gives access to a development of nine affordable flats and an Aldi foodstore. Residential development at Templemere and Windmill Court borders the site to the west, north and east, with garaging and car parking serving these dwellings immediately west and east of the site.
2. The site is brownfield land that has been vacant for a number of years. It sits at a lower level than the rising land to the north and east and there are retaining walls along these boundaries.
3. In 2015 planning permission was granted for 17 dwellings on the site (14/00847/F). This permission was subsequently subject to minor material amendments and conditions were discharged. However, no work commenced on site and the permission expired on 20th July this year. This and related permissions are considered further below.

Constraints

4. The site is subject to Policy R19 which allocates it for in the region of 10 dwellings.
5. It is adjacent to a district centre and also in a critical drainage catchment.

Relevant planning history

6.

Ref	Proposal	Decision	Date
4/2002/0742	Conversion of two former semi-detached cottages to form a single dwelling with access from Templemere. Nos 1 _ 3	REF	22/11/2002
13/00208/F	Mixed use development incorporating a foodstore, 9 No. flats and associated access, car parking and landscaping (revised design).	APPR	11.06.2013
14/00847/F	Erection of 17 dwellings.	APPR	09/10/2015
16/00308/D	Details of Condition 6: Archaeological Written Scheme of Investigation of previous permission 14/00847/F.	APPR	01/04/2016
16/00404/MA	Minor-material amendments consisting of the reduction in height of rear wall, amendments to internal layouts and elevations, roofs cladding and angled box windows to be replaced with double	APPR	20/07/2016

Ref	Proposal	Decision	Date
	glazed windows of previous permission 14/00847/F.		
17/01172/D	Condition 3a): external materials; and Condition 3b): external joinery (for balconies and doors) of previous permission 16/00404/MA.	APPR	01/02/2018
17/01337/D	Details of Condition 11: surface water drainage strategy of previous permission 16/00404/MA.	APPR	14/12/2017

The proposal

7. It is proposed to erect 17 dwellings on the site as described below. Access would be via a new roadway crossing Windmill Road from Millwrights Way.
8. The scheme is the same as was previously approved in 2015, other than some minor amendments to the layout and elevations to improve the function and correct some inconsistencies.
9. Some of the conditions of the 2015 permission had been discharged and the approved details have been re-submitted. Updated flood risk, drainage, ecology and tree assessments have been submitted.

Summary information

Proposal	Key facts
Scale	
Total no. of dwellings	17 dwellings, with a mix of 2 No. one bed coachhouses, 5 No. two bed flats, 2 No. two bed maisonettes and 8 No. four bed townhouses.
No. of affordable dwellings	0
No. of storeys	2 No. Two storey coach house blocks at entrance; 'L' shape block on north and east side of site with three storey townhouses and four storey corner flats/maisonettes.
Max. dimensions	Coach houses approximately 11.5m wide x 5m deep x 5.9m tall. Townhouses approximately 5.6m wide (each) x 9.7m deep x 8.8m tall. Corner flats/maisonettes approximately 8.4m deep x 17.7m wide x 9.6m x 11.4m tall.

Proposal	Key facts
Total floorspace	1756 square metres
Density	Approximately 89 dwellings per hectare
Appearance	
Materials	Red brick and areas of render and cladding for the walls and single ply dark grey roof membrane
Construction	Brickwork, cavity and timber frame.
Energy and resource efficiency measures	Photovoltaic panels
Transport matters	
Vehicular access	New vehicular access to be provided from end of Millwrights Way across Windmill Road.
No of car parking spaces	Eleven
No of cycle parking spaces	Two no. eight berth communal stores, plus other provision to be agreed
Servicing arrangements	From Sprowston Road via the new roadway. Service area/bin stores are located close to building entrances and communal standing area on south side of site.

Representations

10. 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
Adjoining land owner has intention to change boundary to site so sight lines/view cone may be wrong.	See main issue 4. It is not considered that any change to this boundary treatment would significantly alter the assessment in relation to overlooking and privacy between properties.
Potential for overlooking of gardens and into front windows.	See main issue 4
Height of trees may affect view from this	The application is assessed on the basis

Issues raised	Response
development.	of an updated arboricultural assessment. See issues 4 and 6
Any development of this site would be welcomed as it still remains detrimental to the amenity of the area	Support in principle noted
Loss of light, blocking the sunset	See main issue 4
Piling of adjacent flats resulted in substantial vibration, fear this will cause structural damage	See main issue 4
Very concerned about dust and debris causing damage to vehicles in car park	See main issue 4

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.

Environmental protection

12. The proposed development is for a vulnerable end use. The Site Investigation Report produced by DTS Raeburn was dated 2012 and since then the toxicological and epidemiological data for the contaminants tested for has changed. Additionally the site investigations undertaken in the area proposed to be developed comprised two boreholes and one trial pit. This is not considered to be sufficient coverage of the site to provide suitable characterisation with regards to contaminated land. Therefore I recommend conditions.

Highways (local)

13. No objection on highway grounds in principle to residential use;
14. Please be aware that the site access road will not be adopted, but needs to be built to adoptable standards.
- 1) Comments provided on lighting, maintenance, access for larger vehicles e.g. refuse collection/supermarket deliveries, parking control, drainage, bollards, inaccessible parking spaces, boundaries to prevent flytipping, cycle storage provision, street naming and numbering and EV chargepoints.

Landscape and ecology

15. A Landscape Management Plan and a Site Plan Location Plan have been submitted. The landscape proposals are a little different on each drawing so consistency/clarification would be helpful. E.g. the drawing to show the extent of different

surfacing types as this is unclear. The Central space is shown as tarmac with gravel chippings. Please could the chippings be a natural/buff colour?

16. Boundary treatments: It is rather unclear what is proposed around the edges of the site. The retaining wall to east is shown with 4ft 6" timber fence above. It is unclear what the total height would be. If over 6ft this feature would be rather overbearing given the small size of the gardens.
17. A programme for landscaping and a specification for landscape works such as topsoiling, seeding and planting should be required. Planting areas are shown on the Landscape management plan but planting details are lacking. The planting should accord with the recommendations of the Ecology report 5.9.6 and 5.9.7. We also need locations, plant species, sizes and densities to be indicated on the plan.
18. 4.8.4. Ecology report considers that the site may have a very small potential for a remnant isolated population of reptiles (possibly relocated from the neighbouring Aldi site when it was redeveloped) and that therefore suitable management procedures to prevent the likelihood of harm to the species is an important and essential precaution. This is supported and should be required by a condition.
19. Fencing is shown with gravel boards - please could these have small mammal access holes as recommended by the Ecology report (4.7.9.2.2.). The Ecological enhancement recommendations of the report (5.9) are supported and should be required by condition.

Norfolk historic environment service

20. No comments.

Tree protection officer

21. I have no objections to this proposal. I would, however, recommend that any construction activity carried out within the RPA of T1 is done under arboricultural supervision. Condition TR4 would be appropriate. The developers should also be made aware of the potential liveability issues the trees in the northeast corner may cause to future occupiers of the dwellings. Leaf fall, shade, dropping debris may lead to pressure to prune and/or remove the trees.

Local Lead Flood Authority

22. No comments.

Anglian Water

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

24. The foul drainage from this development is in the catchment of Whitlingham Trowse Water Recycling Centre that will have available capacity for these flows.
25. Revised Flood Risk Assessment: The sewerage system at present has available capacity for these flows.

Assessment of planning considerations

Relevant development plan policies

26. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
- JCS1 Addressing climate change and protecting environmental assets
 - JCS2 Promoting good design
 - JCS3 Energy and water
 - JCS4 Housing delivery
 - JCS6 Access and transportation
 - JCS9 Strategy for growth in the Norwich Policy Area
 - JCS20 Implementation
27. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
- DM1 Achieving and delivering sustainable development
 - DM2 Ensuring satisfactory living and working conditions
 - DM3 Delivering high quality design
 - DM4 Providing for renewable and low carbon energy
 - DM5 Planning effectively for flood resilience
 - DM6 Protecting and enhancing the natural environment
 - DM7 Trees and development
 - DM9 Safeguarding Norwich's heritage
 - DM11 Protecting against environmental hazards
 - DM12 Ensuring well-planned housing development
 - DM13 Communal development and multiple occupation
 - DM28 Encouraging sustainable travel
 - DM30 Access and highway safety
 - DM31 Car parking and servicing
 - DM32 Encouraging car free and low car housing
 - DM33 Planning obligations and development viability
28. **Norwich Site Allocations Plan and Site Specific Policies Local Plan adopted December 2014 (SA Plan)**
- R19 Land north of Windmill Road

Other material considerations

29. **Relevant sections of the National Planning Policy Framework February 2019 (NPPF):**
- NPPF2 Achieving sustainable development
 - NPPF9 Promoting sustainable transport
 - NPPF5 Delivering a sufficient supply of homes
 - NPPF12 Achieving well-designed places

- NPPF14 Meeting the challenge of climate change, flooding and coastal change
 - NPPF15 Conserving and enhancing the natural environment
 - NPPF16 Conserving and enhancing the historic environment
30. Supplementary Planning Documents (SPD)
- Affordable housing SPD adopted July 2019
 - Trees, development and landscape SPD adopted June 2016

Case Assessment

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

Main issue 1: Principle of development

32. Key policies and NPPF paragraphs – DM12, R19, NPPF section 5.
33. The proposal for residential development of the site is in accordance with Site Allocation R19. It is also consistent with the previous approval and there has been no change to the development plan since consideration of that application. The NPPF has been amended and any relevant changes are considered below.
34. Whilst the number of dwellings is higher than the allocation anticipated, the density is considered appropriate for this location adjacent to a district centre with good public transport links.

Main issue 2: Affordable housing

35. Key policies and NPPF paragraphs – JCS4, DM33, NPPF section 5.
36. Policy JCS4, consistent with paragraph 63 of the NPPF, requires developments of this scale to provide 33% affordable housing.
37. The 2015 permission did not make any provision for affordable housing on the basis of the wider context of the site. In 2013, the application site, along with the land to the south, formed part of a draft site allocation for retail development and 25 dwellings. The Aldi store and nine flats south of the application site were approved in accordance with this draft policy (13/00208/F) and have since been completed. The nine flats within that application were proposed to all be social rented to assist the delivery of affordable housing across the whole allocation and in light of the fact there was a ransom strip which could affect the viability of the land to the north which forms the application site. That proposal was considered acceptable on that basis and the permission was subject to a section 106 agreement securing provision of all nine flats as affordable units. Subsequently the proposal for 17 dwellings on the application site was made and did not propose any affordable units, relying instead on the provision of the nine adjacent units which Orwell

Housing Association had committed to. These nine units fulfilled the 33% policy requirement when looking at the original allocation area as a whole and the application was considered acceptable.

38. The current application continues that approach and does not make any provision for affordable housing on the basis that the affordable housing within the former wider allocation had already been delivered.
39. Given the timing of the 2015 permission, there was some synergy between the proposals and the development of the wider allocation. Four years have passed and the affordable units are now complete and occupied. As the 2015 permission has only recently lapsed, and giving some weight to the reasoning in the former decision it is considered reasonable to accept this approach again as the wider original allocation has been provided with the required proportion of affordable units.
40. However, it would not be appropriate to continue to accept this approach indefinitely should any new consent not be implemented..

Main issue 3: Design

41. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 9, section 12
42. The overall design remains as previously approved. Some adjustments have been made to ensure the elevations and floorplans are consistent, but this does not significantly affect the appearance.
43. The layout has been adjusted to remove some inaccessible parking spaces and provide communal bike stores and the transport implications of this are considered below.
44. Materials and design details were previously submitted in respect of condition 3 of 16/00404/MA, however not all the details were acceptable. Whilst those which were approved and have been submitted with this application can be incorporated in any new approval, it shall be necessary to condition the remaining outstanding details.
45. Some hard landscape details are also included in the application, however a comprehensive soft and hard landscaping scheme is required to ensure the central communal area which the dwellings are arranged around is a high quality, attractive space to complement the dwellings and appropriate boundaries are provided to manage access, enhance the relationship with adjacent spaces and offer an appropriate standard of amenity to gardens.
46. The only change to the site and its surroundings since the approval of the original permission has been the construction of the adjacent supermarket and flats. However the approved design of these was taken into account when the original scheme was considered and there have been no other changes to the circumstances of the site, policies or material considerations which affect the assessment that the design of the scheme is acceptable.
47. It is noted that the application refers to a small element of the scheme to be custom built homes. Whilst the Council has a duty to meet demand for self-build and custom housebuilding, the demand is currently low and the nature of the development does not lend itself to customisation. This aspect of the proposal is

therefore not considered to attract any weight. Should the application be approved and the developer wishes to offer options to customise the external appearance of any of the dwellings to future occupiers, this may require further applications for amendments to the submitted designs.

Main issue 4: Amenity

48. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 127
49. The relationship with neighbouring dwellings remains as it was when the scheme was previously considered, albeit the flats to the south have now been constructed.
50. The objections to this application reiterate concerns raised previously about overlooking and loss of light to dwellings to the north, west and east. It remains the case that the scheme creates good separation distances to existing dwellings and measures to mitigate overlooking from the townhouse in the northwest corner are retained in the design. Balconies to flats in the northwest corner are separated from the nearest dwellings by a car park to Windmill Court and screened by trees which have only increased in size since consideration of the original scheme.
51. Additional issues concerning impacts from piling, dust and debris have been raised and given the proximity to neighbouring dwellings a construction method statement should be agreed by condition.
52. The internal accommodation remains as previously approved and would offer an adequate standard of amenity. This relatively high density scheme provides each of the houses with a reasonable private garden and the two coach houses and five flats would each have a balcony and/or access to a communal garden providing adequate external amenity space.
53. It is noted where these gardens are bounded by retaining walls to the higher levels outside the site they would be enclosed by relatively high walls and fences. There is a balance to be struck between providing these gardens with privacy from the adjacent higher ground without making them feel enclosed and oppressive and the final details of the types and heights of boundaries can be agreed in a landscaping scheme. The communal garden in the northeast corner would suffer some overshadowing and leaf fall from the adjacent trees outside the site to the east but it is not considered this would significantly compromise the enjoyment of this south facing space. Permission from the adjacent land owner would be required should there be any future desire to reduce or fell the trees.
54. One representation has suggested the existing boundary treatment to neighbouring gardens will change in future which would alter the assessment of the proposal. The application can only be considered on the basis of the current situation. Measures have been included to mitigate overlooking and a boundary fence would be provided within the site, in addition to any existing or proposed treatment outside. In any case, it is not considered any change in the height or form of boundary treatment outside the site would result in any significant additional overlooking or loss of privacy from the proposed development.

Main issue 5: Transport

55. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF section 9

56. Development of the adjacent supermarket and flats included provision of a roadway up to the edge of Windmill Road. This is proposed to extend across Windmill Road into the site and there is no objection to this, although the new road would not be adopted.
57. Since this new application was first submitted it has been amended to provide a more effective layout for car parking and cycle storage. This has resulted in the loss of four parking spaces which would have had insufficient space to manoeuvre in and out of. Therefore, rather than the previously approved fifteen spaces for seventeen dwellings, there would be eleven. The site is adjacent to a district centre and a bus stop located outside Aldi offers a frequent service to the city centre. Options are also being explored for the further enhancement of access to shared mobility services (bicycle hire, express buses and car club cars) on this section of Sprowston Road through the mobility hub element of the County Council's Transforming Cities Fund application. The previously approved scheme was considered acceptable in this accessible location with less than 1:1 parking provision and the additional reduction in parking spaces remains above the 0.5 space minimum standard and is not considered unacceptable.
58. Areas where the inaccessible parking spaces have been removed have been replaced with communal cycle stores, avoiding some of the previously approved cycle storage in rear gardens which was accessible only through dwellings. This is likely to increase the attractiveness of cycling as an alternative to car ownership here. Cycle storage for the coach houses and flats should be agreed by condition. Bin storage is as previously agreed and remains acceptable.
59. Tracking diagrams have been submitted to demonstrate the site would be accessible by large vehicles. Lighting can be agreed by condition and the proposed drainage strategy includes measures to stop surface water running off to the highway.

Main issue 6: Trees

60. Key policies and NPPF paragraphs – DM7, NPPF paragraph 170
61. There are no longer any trees within the site, but there are some to the north and east outside the site boundaries.
62. Protection measures are proposed for the construction period, including a specification for the construction of new/replacement retaining walls along the eastern boundary where there is also a hedge outside the site. Subject to compliance with the protection measures proposed and arboricultural supervision, the proposal is acceptable.
63. A landscaping scheme should include new trees and soft landscaping to replace those which have previously been removed and enhance the appearance of the development and biodiversity.

Main issue 7: Flood risk and drainage

64. Key policies and NPPF paragraphs – DM5, NPPF section 14

65. Since approval of the original scheme and subsequent approval of a drainage strategy for the site, the Strategic Flood Risk Assessment has identified a risk of surface water pooling in the north west corner of the site.
66. A flood risk assessment and new drainage strategy have been submitted which addresses this risk by raising ground and floor levels so they are no lower than the 1 in 100 year plus 40% climate change flood level. Surface water would drain to an attenuation tank with a discharge to the surface water sewer that has been agreed in principle with Anglian Water. This strategy has been updated since previously agreed to reflect the greater risk and is considered appropriate to manage this risk.

Compliance with other relevant development plan policies

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

Requirement	Relevant policy	Compliance
Cycle storage	DM31	Yes subject to condition
Refuse Storage/servicing	DM31	Yes subject to condition
Energy efficiency	JCS 1 & 3 DM3	PV panels are proposed on the four storey area of roof to provide 10% of the development's energy requirements. A detailed design for this should be agreed by condition.
Water efficiency	JCS 1 & 3	Yes subject to condition
Heritage	DM9	In 2016 archaeological trial trenching took place on the site and there were no significant finds. No further investigation is necessary.
Contamination	DM11	A copy of a 2012 site investigation has been submitted. Since 2012, the thresholds for contaminant testing have changed and it shall be necessary to require further investigation by condition.
Biodiversity	DM6	An updated survey has been undertaken which found low potential for a remnant isolated population of reptiles. Suitable mitigation measures, biodiversity enhancements and gaps in fences for small mammals should be secured by condition.

Equalities and diversity issues

68. There are no significant equality or diversity issues.

Local finance considerations

69. 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.
70. 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.
71. In this case local finance considerations are not considered to be material to the case.

Conclusion

72. This is a new application for a residential scheme which has previously had permission and accords with a Site Allocation. There have been no changes to the development plan since it was previously permitted and no significant changes to the NPPF, circumstances of the site or details of the proposal to alter the assessment that this development is appropriate here.
73. It is not proposed to provide any affordable housing on the basis that the nine adjacent units met the need for the original allocation as a whole. Given that the previous permission was granted on this basis and that it has only recently expired, this is considered a reasonable approach in this instance.
74. 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. 19/00971/F - Land North Side of Windmill Road, Norwich and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Materials
4. Landscape scheme, including details of crossing over Windmill Road
5. Cycle storage details to be agreed
6. Bins stores to be provided prior to occupation
7. Scheme to deal with risks associated with contamination of the site
8. Previously unidentified contamination
9. Imported material
10. Biodiversity mitigation and enhancement programme
11. Bird Nesting Season
12. Small mammal access

13. Construction method statement
14. Details of solar panels
15. Drainage strategy – implementation and management
16. Works to be carried out in accordance with submitted Arboricultural Impact Assessment, Tree Protection Plan and Arboricultural Method Statement
17. Arboricultural Supervision

Article 31(1)(cc) statement

The local planning authority in making its decision has had due regard to paragraph 38 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 to the drainage strategy and layout the application has been recommended for approval subject to appropriate conditions and for the reasons outlined in the officer report.

1.8M MINIMUM TIMBER CLOSE BOARD PRIVACY FENCE AND CONCRETE POSTS TO REAR GARDENS AND WITHIN SITE BOUNDARY. GRAVEL BOARDS TO BE USED AS NECESSARY.

REAR GARDENS A MIXTURE OF BUFF PATIO TILES AND SOWN LAWN SEED.

FIXED ROOF LIGHT, GREY, POWDER COATED ALUMINIUM

ROOF TO BE CLAD IN SINGLE PLY ROOFING SYSTEM, GREY IN COLOUR

Defensible planting

B 014

3078 STV4

TWO CONTRASTING HARD LANDSCAPING MATERIALS. BUFF BRICK-WEAVE AND ASPHALT WITH GRAVEL CHIPPINGS. TO BREAK UP LANDSCAPING

STEP OUT BALCONIES ADDED TO UNITS 1, 2, 11, 12 AND 14 WITH 1800MM SLIDING DOOR ENTRANCES AND TOUGHENED GLASS BALUSTRADES WITH A STAINLESS STEEL FINISH HANDRAIL

PRIVATE DRIVE ENTRANCE CONTROLS TRAFFIC SPEED COMING INTO AND LEAVING THE SITE

NO. 3 EXTERNAL BOLLARD LIGHTS, AT SITE ENTRANCE, WITH ENERGY EFFICIENT LAMPS ON DAWN TO DUSK SENSORS.

PROPOSED ROAD CROSSING

1.8M MINIMUM TIMBER CLOSE BOARD PRIVACY FENCE AND CONCRETE POSTS BETWEEN PLOTS 1 AND 17 WITHIN SITE BOUNDARY. GRAVEL BOARDS TO BE USED AS NECESSARY.

1.8M TIMBER BOARD GATE FOR ACCESS TO BIN COLLECTION POINT

WINDMILL ROAD

Defensible planting

A 014

Page 54 of 192

Page 54 of 192

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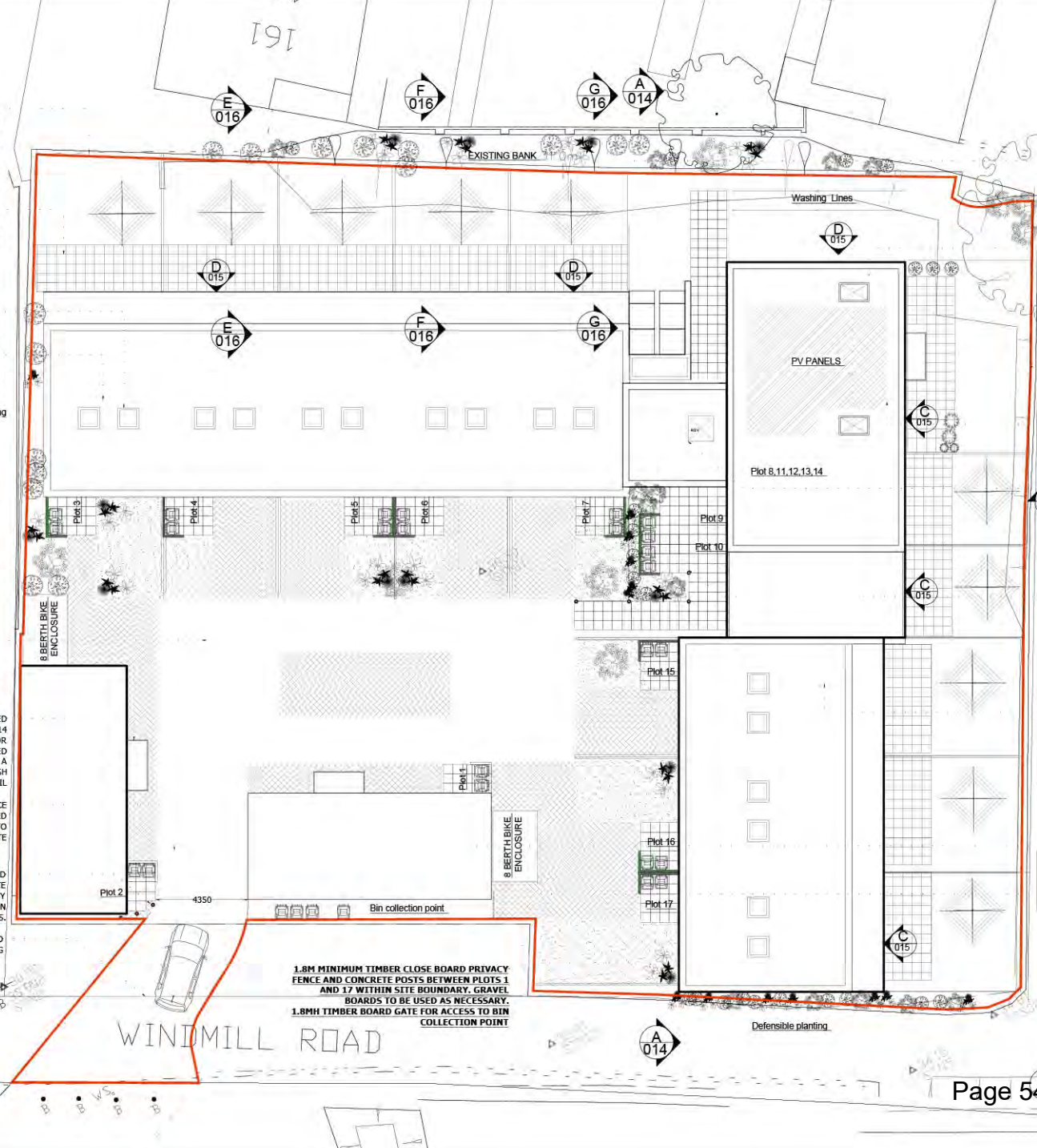
WINDMILL ROAD

Defensible planting

A 014

Page 54 of 192

Page 54 of 192



FOR DETAIL OF NORTH EAST BOUNDARY TREATMENT DRAWING REF: 016

ROOF LIGHTS TO UNIT 14

1.8M MINIMUM TIMBER CLOSE BOARD PRIVACY FENCE AND CONCRETE POSTS TO REAR GARDENS AND WITHIN SITE BOUNDARY. GRAVEL BOARDS TO BE USED AS NECESSARY.

PV PANELS TO BE LOCATED ON THE ROOF SPACE OF UNIT 14. PLEASE REFER TO ENERGY STATEMENT

AOV TO ROOF OF STAIRWELL TO PROVIDE 1M2 OF CLEAR OPEN AREA

NO. 4 EXTERNAL BOLLARD LIGHTS FOLLOWING THE RAMP DOWN TO THE STAIRWELL ENTRANCE, WITH ENERGY EFFICIENT LAMPS ON DAWN TO DUSK SENSORS.

ROOF TO BE CLAD IN SINGLE PLY ROOFING SYSTEM, GREY IN COLOUR

ROOF TO BE CLAD IN SINGLE PLY ROOFING SYSTEM, GREY IN COLOUR

NO.2 X 8 BERTH CYCLE STORAGE SHELTERS FOR PLOTS 3-7 & 15-17



SCHEDULE OF ACCOMMODATION		
Plot 1 - 18ed 2 Person Flat Area - 58m ²	Total	2 x 18ed Flat
Plot 2 - 18ed 2 Person Flat Area - 58m ²		8 x 3/4bed Townhouse
Plot 3 - 3/4bed 5 Person Townhouse Area - 122m ²		2 x 2bed Housemate
Plot 4 - 3/4bed 5 Person Townhouse Area - 122m ²		4 x 2bed Flat
Plot 5 - 3/4bed 5 Person Townhouse Area - 122m ²		3x 2bed Housemate Flat
Plot 6 - 3/4bed 5 Person Townhouse Area - 122m ²		
Plot 7 - 3/4bed 5 Person Townhouse Area - 122m ²		
Plot 8 - 2bed 3 Person Flat Area - 66m ²		
Plot 9 - 2bed 3 Person Housemate Area - 63.5m ²		
Plot 10 - 2bed 3 Person Housemate Area - 63.5m ²		
Plot 11 - 2bed 3 Person Flat Area - 66m ²		
Plot 12 - 2bed 3 Person Flat Area - 66m ²		
Plot 13 - 2bed 3 Person Flat Area - 66m ²		
Plot 14 - 2bed 4 Person Townhouse Flat Area 100 m ²		
Plot 15 - 3/4bed 5 Person Townhouse Area - 122m ²		
Plot 16 - 3/4bed 5 Person Townhouse Area - 122m ²		
Plot 17 - 3/4bed 5 Person Townhouse Area - 122m ²		

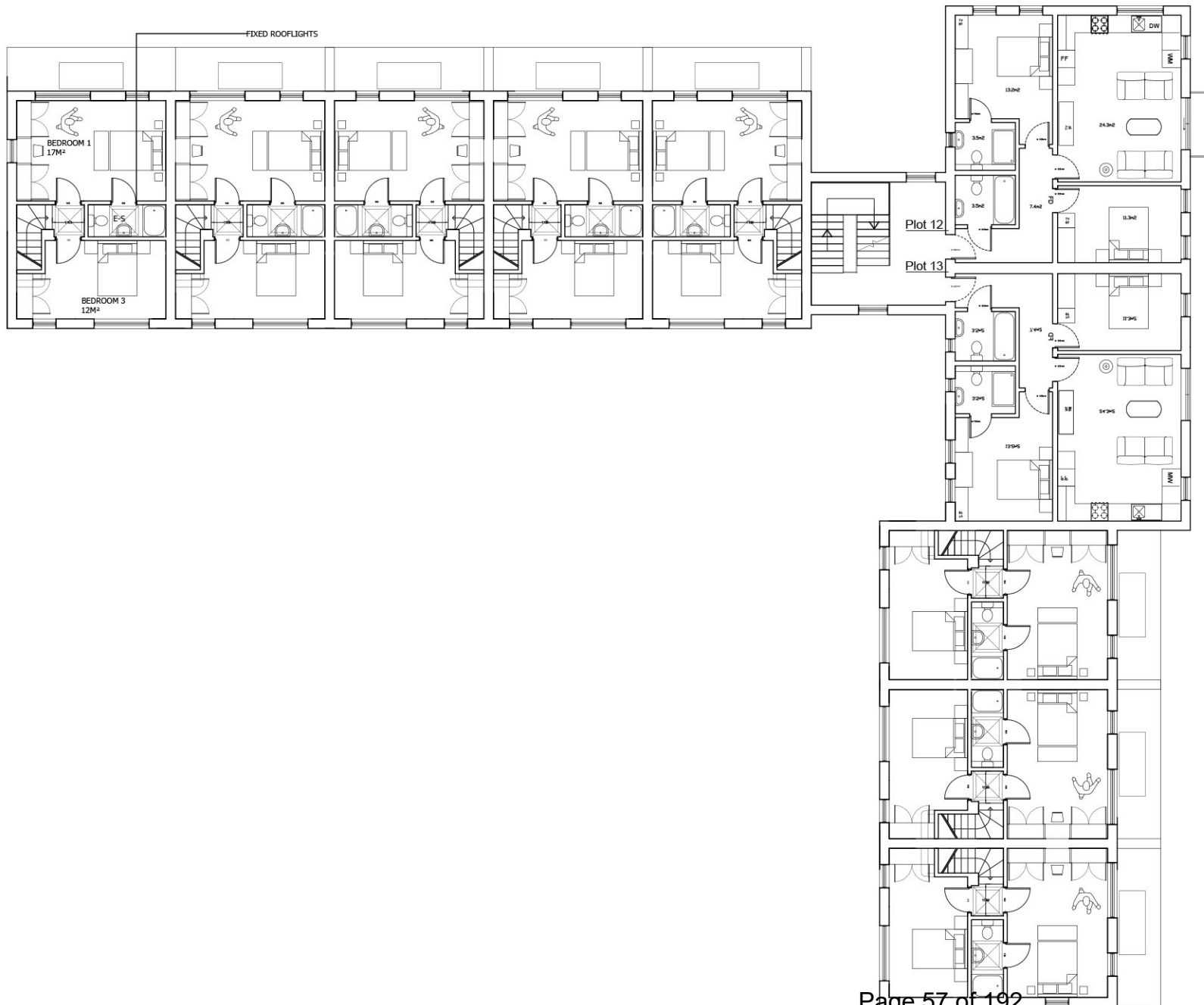
Car Parking	6 x Designated Carports @11.5m ²
	5 x Car parking spaces
Site Area	1800m ²

REV. NO.	DESCRIPTION OF REVISION	REV. BY	DATE
A	CONCEPTUAL	RM	07/13
B	CARPORT, A WALL ADJUSTMENTS	RM	09/13
C	LAYOUT ADJUSTMENTS	RM	03/14
D	LANDSCAPING, A COX HOUSE ADJUSTMENTS SCHEDULE OF ACCOMMODATION	RM	04/14
E	MOST RECENT TOPO INTEGRATED	RM	04/14
F	RE-ISSUE FOLLOWING DESIGN OFFICERS COMMENTS: - LIQUID ROOF MEMBRANE SPECIFIED; BOUNDARY TREATMENT UPDATED; PLANT ROOM ADDED; STAIRWELL REDESIGNED; EXTERNAL LIGHTING NOTATIONS; P.V. PANEL LOCATION SHOWN; TRAFFIC CALMING AT ENTRANCE; GENERAL LAYOUT UPDATES; BALCONIES INCLUDED.	RM	05/15
G	GROUND LEVELS TO PLOTS 6-17 AMENDED FOLLOWING DRAINAGE CONSULTANTS COMMENTS	RM	06/15
H	NOTATIONS_UPDATED	RM	06/15
I	PLOT_3_ANGLED_BOX_WINDOWS_AND_SECTIONS	RM	08/15
J	ROOFLIGHTS_INCLUDED	RM	08/15
K	REAR WALL OF THE TOP TWO FLOORS OF THE TOWNHOUSES PROVED IN 1.5M; ALL ROOFS TO BE CLAD IN SINGLE PLY ROOFING MEMBRANE; GARAGES REPLACED WITH WINDOWS ON THE TOWNHOUSE FRONT FACADES; OBTAINED GLASS WINDOWS TO THE REAR WINDOWS OF PLOT 3 FLOOR 1 AND 2; AND VARIOUS INTERNAL LAYOUT AMENDMENTS.	RM	01/16
L	UPDATE PARKING, A CYCLE STORE, PLOTS 16, 17	RM	09/19
M	UPDATE PARKING, A CYCLE STORE	RM	10/19

PROJECT	WINDMILL ROAD SPROWSTON NORWICH	CLIENT
PROJECT PORTION	SITE PLAN LOCATION PLAN	
CHECKED PROPOSAL	APPROVED PROPOSAL	ENGINEER APPROVED
DRAWN BY:	SCALE 1:100 1:500	REFERENCE TO:
		2013WIN-005 M

This architectural floor plan depicts a residential building layout. The plan is divided into two main sections. The left section is a long, narrow wing containing a series of five identical bedroom units. Each unit includes a bedroom (labeled 'BEDROOM 2' with 13.5m² and 'BEDROOM 4 / STUDY' with 8m²), a bathroom, and a staircase. The right section is a larger, more complex wing. It features a central living area (labeled 'LIVING' with 24.3m²), a kitchen (labeled 'KITCHEN' with 11.3m²), and a dining area (labeled 'DINING' with 10.3m²). There are also several bedrooms (labeled 'BEDROOM 1' with 13.3m², 'BEDROOM 2' with 13.3m², and 'BEDROOM 3' with 13.3m²) and a bathroom. A central staircase labeled 'Plot 11' connects the two wings. The plan includes various architectural details such as doors, windows, and furniture placement.

Page 56 of 192



REV. NO.	DESCRIPTION TO REVISION	REV. BY	DATE
A	CONCEPTUAL	RPM	07/23
B	CORRECT, ETC.	RPM	23/23
C	KITCHEN, DOORS, AND WINDOWS	RPM	04/24
D	RE-USE EXISTING TERRACE AND PATIO COMMENTS ALARM ROOM ADDED - SPINWHEEL REDESIGNED - GENERAL LAYOUT UPDATED - BALCONIES ADDED	RPM	06/25
E	NOTATION UPDATE	RPM	04/25
F	FLAT 2 LAMINATE BOY WINDOWS INCLUDED	RPM	06/25
G	ROOFLIGHTS INCLUDED, DISCUSSED GLAZING FLAT 3	RPM	06/25
H	RE-USE OF THE TOP FIVE FLOORS OF THE TOWNHOUSE ADDED IN L1. ALL FLATS TO BE CLAD IN CLADA PLT FLOORING MATERIALS. CHANGES REFLECTED WITH ADDITION ON THE CLADDING PART PLACED. DISCUSSED GLAZING FLAT 3 TO THE NEW ADDED UP FLAT 3 FLOOR 1 AND 2, AND TANGIBLE INTERNAL LAYOUT ADJUSTMENTS.	RPM	09/25
I	REVISION	RPM	10/25
J	REVISION	RPM	10/25

PROJECT	WINDMILL ROAD SPROWSTON NORWICH	CLIENT
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PROJECT PORTION	PLOTS 3-17 SECOND FLOOR PLAN			
DRAWN BY:	SCALE: 1:100	REFERENCE TO:	DOC NO. 2013WIN-005	REV.



Scale: 1:100



Scale: 1:100

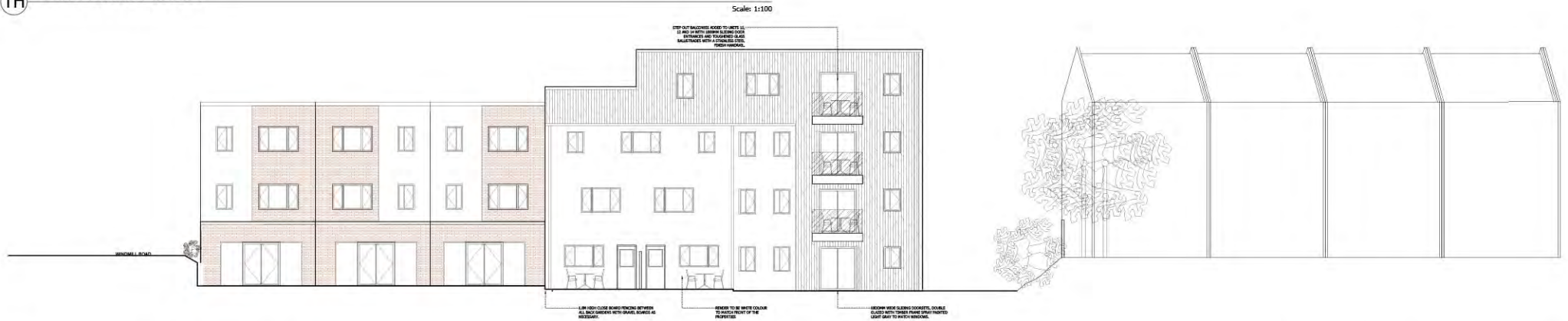


Scale: 1:200

PROJECT	WINDMILL ROAD SPROWSTON NORWICH		CLIENT
PROJECT PORTION SECTION A-A, B-B, AND CONTEXTUAL			
CHECKED PROPOSAL	APPROVED PROPOSAL	CLIENT APPROVED	ENGINEER APPROVED
DRAWN BY:	SCALE	REFERENCE TO:	DRG No. 2013WTN-014



TH Town House Facades



C ELEVATION C South East Elevation

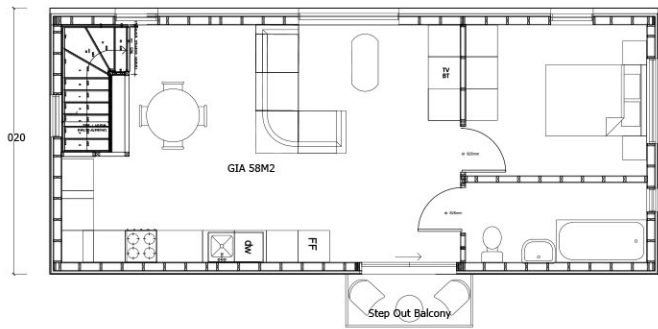


D ELEVATION D North East

REV. NO.	DESCRIPTION TO REVISION	REV. BY	DATE
A	NEW LAYOUT AND UPDATED ELEVATIONS	RM	04/14
B	ELEVATION_D_TITLE	RM	04/14
C	DRAWING_ANNOTATION_AMEND	RM	04/14
D	REVISION FOLLOWING DESIGN OFFICERS COMMENTS: -GARAGE DOORS UPDATE; -ENTRANCE CANOPY INCLUDED; -STEP OUT BALCONY INCLUDED -CLADDING AND RENDER UPDATED; - EXTERNAL LIGHTS SPECIFIED; -WINDOWS ALTERED TO ALL FACADES; -TOWN HOUSE FACADES UPDATED AND WINDOW OPENINGS ADDED TO IMPROVE STREETSCAPE; PLANT ROOM INCLUDED -GENERAL LAYOUT UPDATE; SECTION INCLUDED	RM	05/15
E	GROUND LEVELS TO PLOTS 8-17 AMENDED FOLLOWING DRAINAGE CONSULTANTS COMMENTS	RM	06/15
F	PLOT 3 ANGLED BOX WINDOWS INCLUDED	RM	08/15
G	PLOT 3 OBSCURED WINDOWS, WITH RESTRICTED OPENING MECHANISM	RM	08/15
H	REAR WALL OF THE TOP TWO FLOOR OF THE TOWNHOUSES MOVED IN 1.5M ROOFING MATERIAL, CHANGED TO RUBBER MEMBRANE, GARAGES REPLACED WITH WINDOWS ON THE TOWNHOUSE FRONT FACADES, OBSCURED GLASS WINDOWS TO THE REAR WINDOWS OF PLOT 3 FLOOR 1 AND 2	RM	01/16
I	REVISIONS	RM	09/19
J	REVISIONS TO LEVELS AS PER DRAINAGE DESIGN	RM	10/19

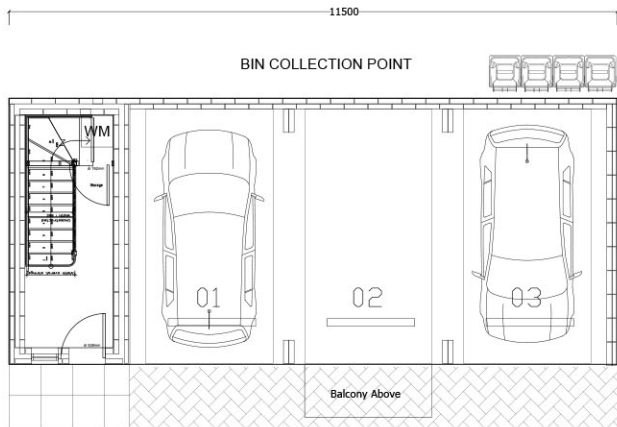
PROJECT	CLIENT
WINDMILL ROAD SPROWSTON NORWICH	

PROJECT PORTION	ELEVATIONS_C_D_AND_TOWNHOUSE		
CHECKED PROPOSAL	APPROVED PROPOSAL	CLIENT APPROVED	ENGINEER APPROVED
DRAWN BY:	SCALE 1:100 1:200	REFERENCE TO:	DRG No. 2013WIN-015
			REV. J



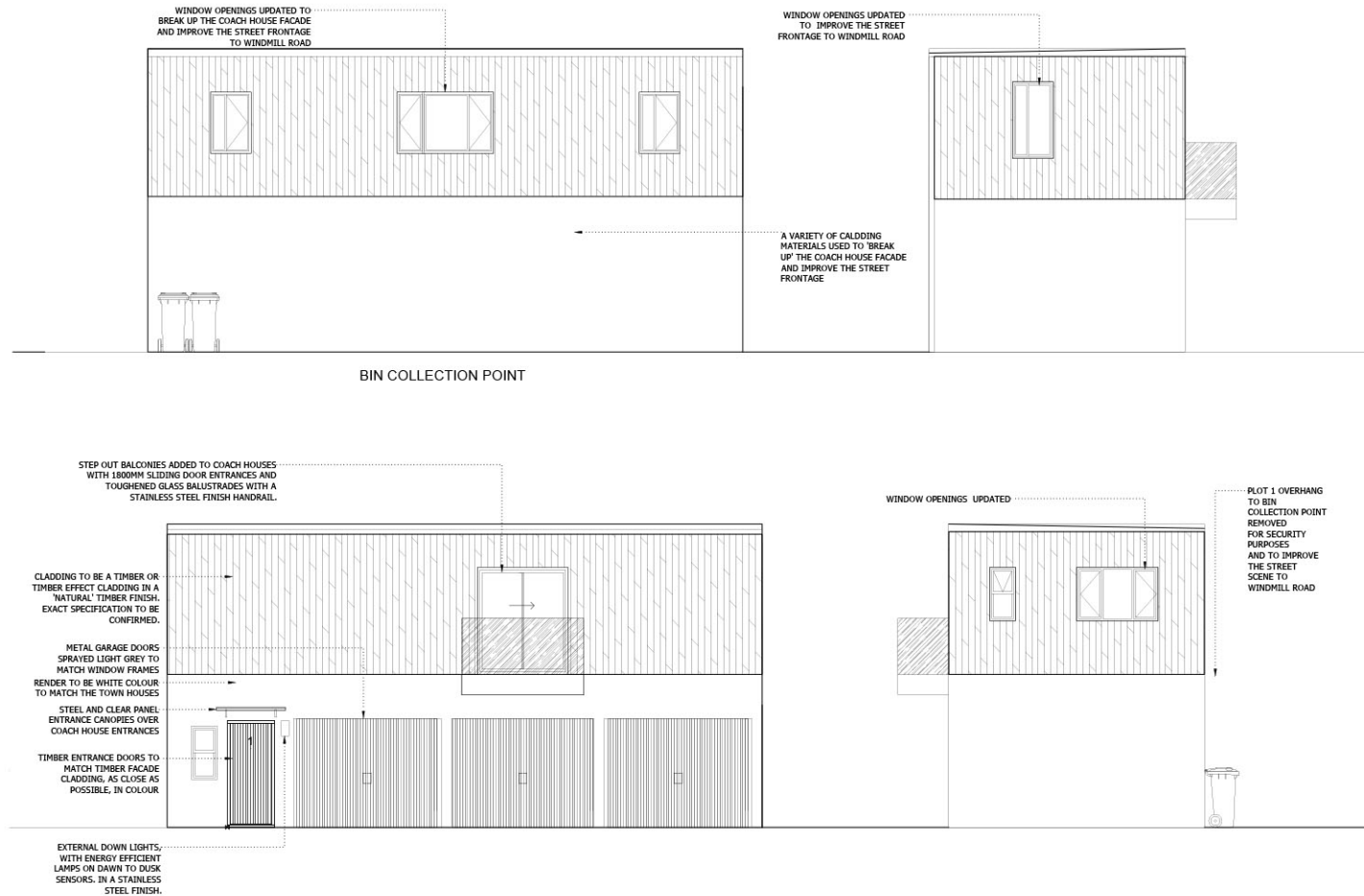
1 Coach House, Plot 1 First Floor Plan

Scale: 1:50



G Coach House, Plot 1 Ground Floor Plan

Scale: 1:50

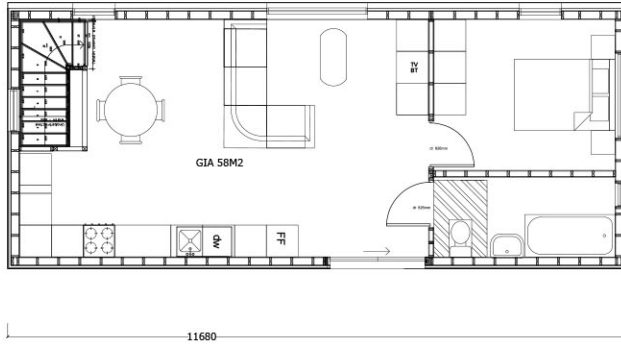


E Coach House, Plot 1 Elevation

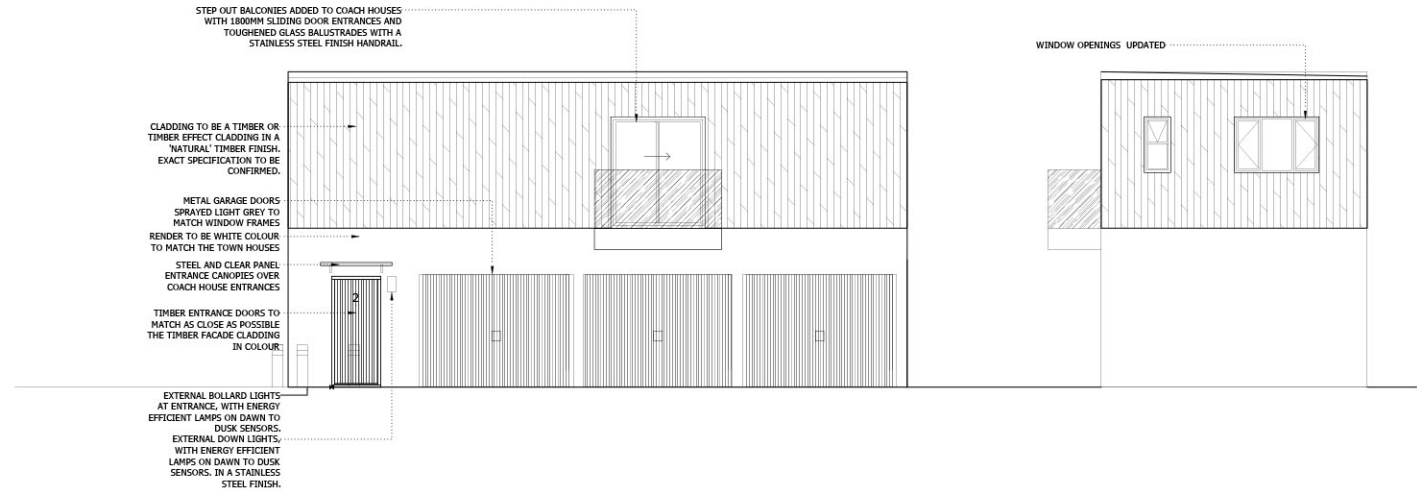
Scale: 1:50

REV. NO.	DESCRIPTION TO REVISION	REV. BY	DATE
A	PLOT 1 SEPERATE DRAWING		
B	REVISION FOLLOWING DESIGN OFFICERS COMMENTS: -GARAGE DOORS UPDATE; -ENTRANCE CANOPY INCLUDED; -STEP OUT BALCONY INCLUDED -CLADDING AND RENDER UPDATED; -OVERHANG REMOVED FOR SECURITY; - EXTERNAL LIGHTS SPECIFIED; -WINDOWS ALIGNED TO ALL PACKAGES; -GENERAL LAYOUT UPDATE	RM	04/14
C	NOTATIONS UPDATED	RM	05/15

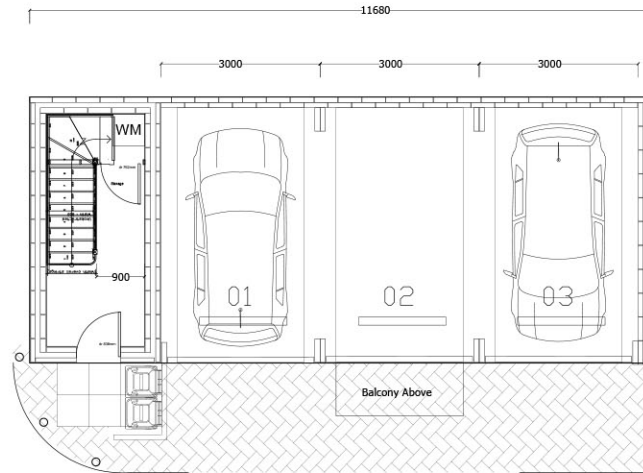
PROJECT		CLIENT	
WINDMILL ROAD SPROWSTON NORWICH			
PROJECT PORTION COACH_HOUSE_PLOT_1_FLOOR_PLAN AND_ELEVATION			
CHECKED PROPOSAL	APPROVED PROPOSAL	CLIENT APPROVED	ENGINEER APPROVED
DRAWN BY: URE	SCALE 1:50	REFERENCE TO: @A1	DRG No. 2013WIN-013
			REV. C



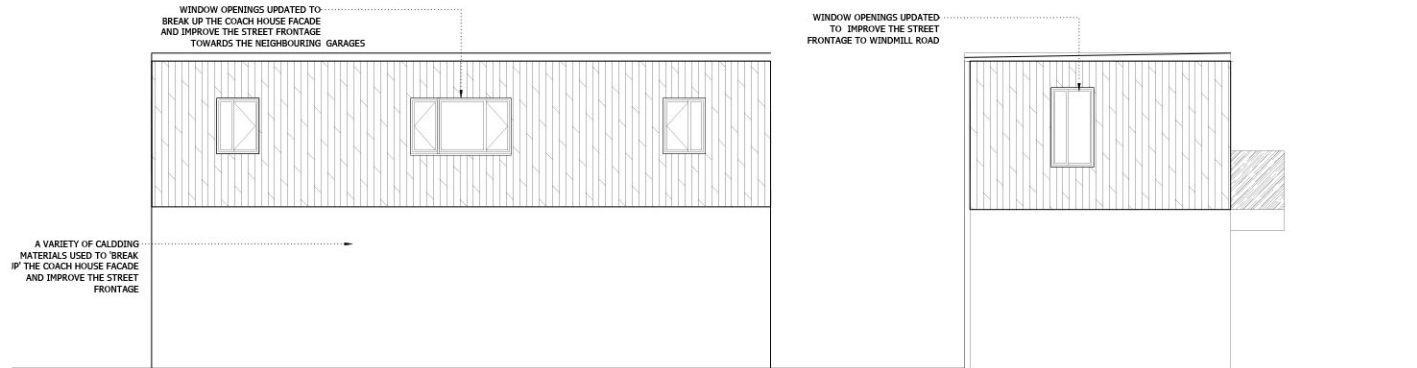
1 Coach House, Plot 2 First Floor Plan Scale: 1:50



E Coach House, Plot 2 Elevation Scale: 1:50



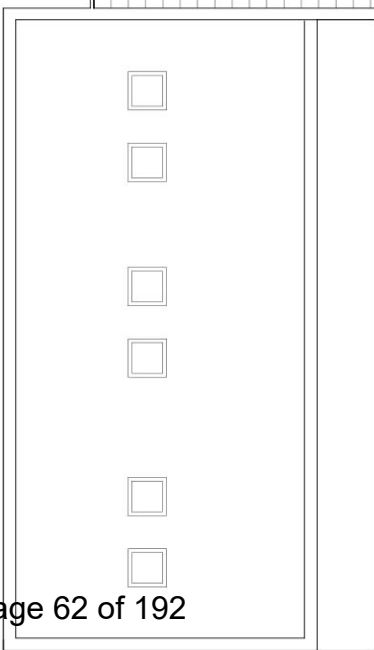
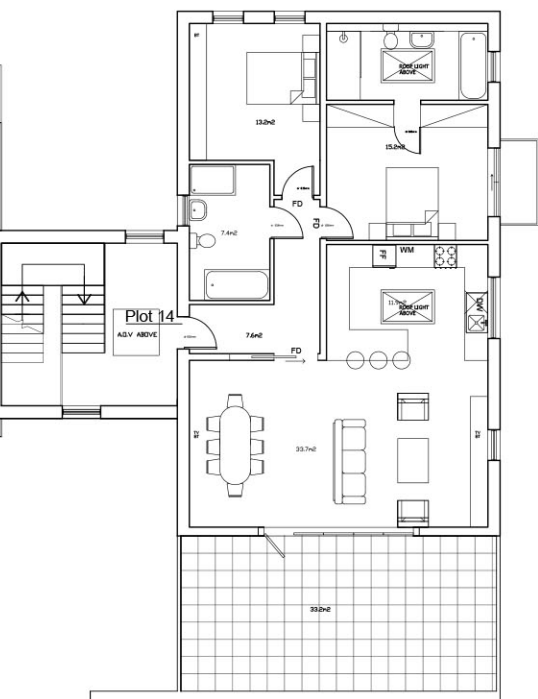
G Coach House, Plot 2 Ground Floor Plan Scale: 1:50



REV. NO.	DESCRIPTION TO REVISION	REV. BY	DATE
A	PLOT 1 SEPERATE DRAWING	RM	04/14
B	ANNOTATION UPDATED	RM	04/14
C	REVISION FOLLOWING DESIGN OFFICERS COMMENTS: -GARAGE DOORS UPDATE - (ENTRANCE CANOPY INCLUDED) -STEP OUT BALCONY INCLUDED -CLADDING AND RENDER UPDATED - OVERHANG REMOVED FOR SECURITY - EXTERNAL LIGHTS SPECIFIED - WINDOWS ALTERED TO ALL FACADES - GENERAL LAYOUT UPDATE	RM	05/15

PROJECT		CLIENT	
WINDMILL ROAD SPROWSTON NORWICH			
PROJECT PORTION COACH HOUSE PLOT 2 FLOOR PLAN AND ELEVATION			
CHECKED PROPOSAL	APPROVED PROPOSAL	CLIENT APPROVED	ENGINEER APPROVED
DRAWN BY: URE	SCALE 1:50	REFERENCE TO: @A1	DRG No. 2013WIN-012
			REV. D

The diagram illustrates a 1D lattice with 10 sites. The top row represents the initial state, where a single electron (represented by a black dot) is located at site 1. The bottom row represents the final state, where electrons are located at sites 1, 3, 5, 7, and 9. An arrow points from the initial state to the final state, indicating a transition or evolution of the system.



REV. NO.	DESCRIPTION TO REVISION	REV. BY	DATE
A	CONCEPTUAL	RM	07/13
B	AIRPORT, ETC.	RM	11/13
C	KITCHEN, POOL, AND FINANCING	RM	04/14
D	RE-SIZE FOLLOWING DESIGN OFFERING COMMENTS: PLANT ROOM ACCESS - CHANGING MECHANISMS - GENERAL LAYOUT UPDATES - BALCONIES ADDED - ROOF LIGHTS ADDED - ACV INCLUDED	RM	05/15
E	NOTATION UPDATED	RM	06/15
F	PLANT 3 LARGED ROOF WINDOWS INCLUDED	RM	06/15
G	ROOF LIGHTS INCLUDED MAIN HULL OF THE TOP TWO FLOORS OF THE WINGHOUSE HUNG IN LINE AS ROOFS BE CLASSED AS RE-ROOFING MEMBERS. CHANGES RELATED TO THE WINDOW ON THE THIRD FLOOR PLANT FACADE, OBSERVED AS AN IMPROVE TO THE WINDOW ON THE	RM	01/16

FLOOR 1 AND 2: AND VARIOUS INTERNAL LAYOUT AMENDMENTS.			
PROJECT	WINDMILL ROAD SPROWSTON NORWICH	CLIENT	

PROJECT PORTION				ORIGINAL 2013/11/01 010	REV
PLOTS_3-17 THIRD_FLOOR_PLAN					
CHECKED/PROPOSAL	APPROVED/PROPOSAL	CLIENT APPROVED	ENGINEER APPROVED		
DESIGNER	SCALE	REVISIONS TO:			

Report to Planning applications committee

Item

14 November 2019

Report of Area Development Manager

Subject Application no 19/01009/F - East Anglian Air
Ambulance Hangar, 14 Gambling Close, Norwich,
NR6 6EG

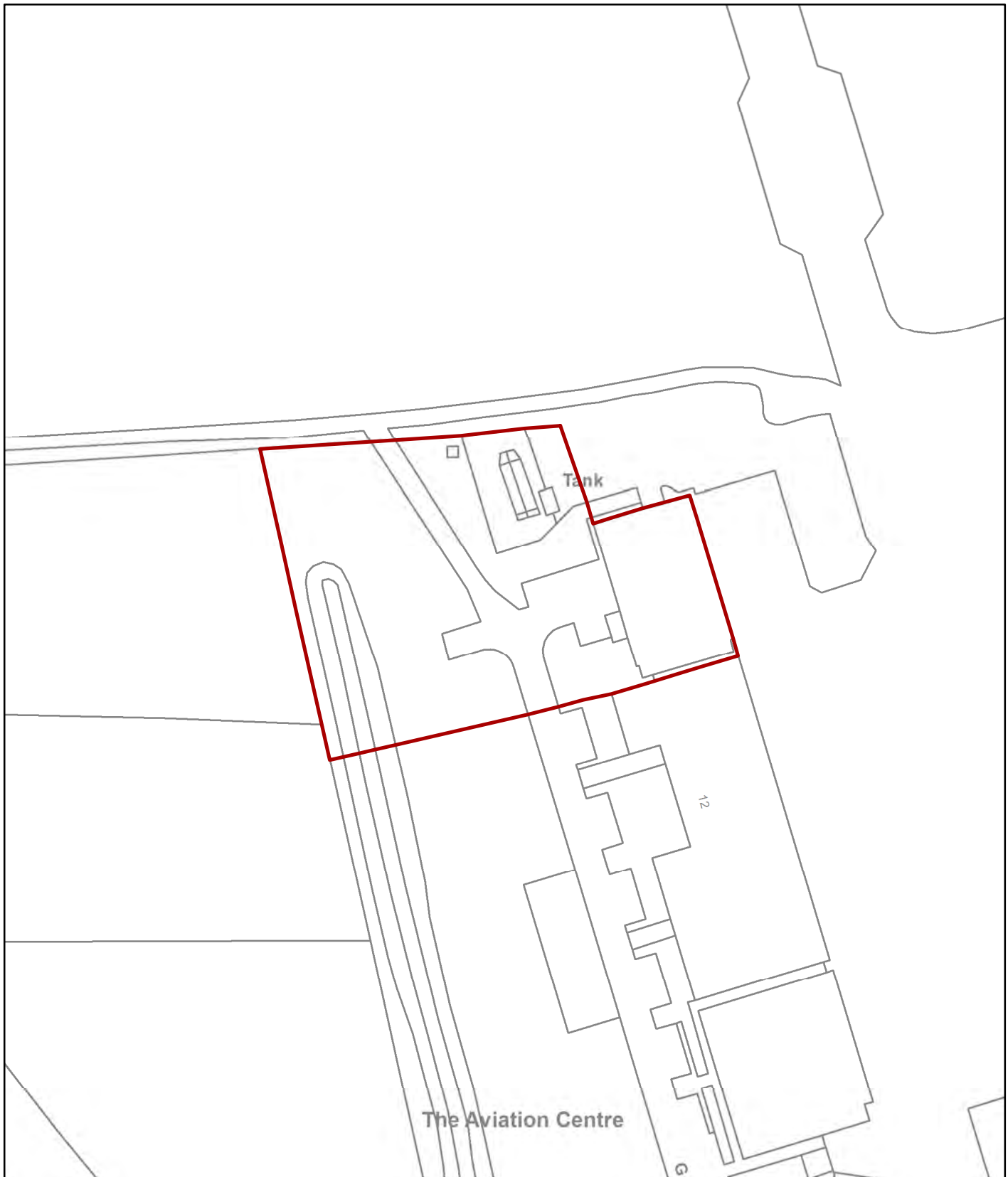
**Reason
for referral** Objections

4(c)

Ward:	Catton Grove
Case officer	Maria Hammond - mariahammond@norwich.gov.uk

Development proposal		
Extension and recladding of existing hangar and mezzanine floor. Construction of car park with associated landscaping (development to enable 24/7 operations).		
Representations		
Object	Comment	Support
2	0	0

Main issues	Key considerations
1	Principle
2	Design
3	Amenity
4	Transport and parking
Expiry date	21 November 2019
Recommendation	Approve



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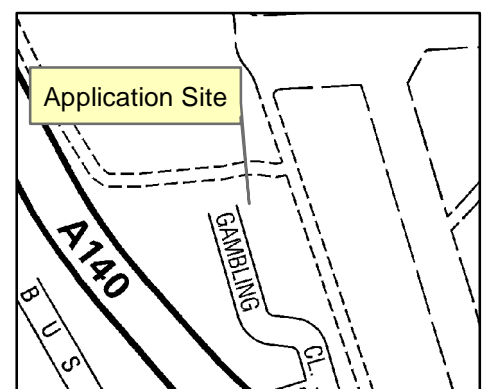
Planning Application No 19/01009/F
 Site Address East Anglian Air Ambulance Hangar
 14 Gambling Close
 Scale 1:1,250



NORWICH
 City Council
 PLANNING SERVICES



Page 64 of 192



The site and surroundings

1. The application site consists of an aviation hangar and adjacent land at the northern end of Gambling Close within the overall Norwich International Airport complex. Gambling Close is an unadopted road which runs roughly parallel with Holt Road (A140) and is accessed from it via Buck Courtney Crescent approximately 1km south of the Broadland Northway (NDR). A row of five hangars lines the eastern side of Gambling Close and their eastern elevations open to helipads just south of the main runway serving the Airport.
2. The hangar subject of the application is occupied by the East Anglian Air Ambulance (EAAA) and forms one of their two operational bases which serve Norfolk, Suffolk, Bedfordshire and Cambridgeshire with helicopter emergency medical services (HEMS). The Norwich base has one helicopter which operates 0700 to 1900 and the other base in Cambridge operates 0700 to 0000. Outside these times, and when appropriate during, a rapid response land vehicle attends emergencies.
3. The 865 square metre hangar can accommodate two helicopters and has some purpose built office space. However, some operational facilities are provided within portable buildings within the hangar and the charity's non-operational staff are largely based off-site. Outside the grey profile sheeted hangar, there are a small number of parking spaces around a turning head at the end of Gambling Close with informal parking across surrounding grassed areas.
4. North of the hangar there is a water tank and small reservoir within the fenced enclosure that separates the site from the runway area. An access track runs though the area used for informal parking providing emergency access for the airport.
5. The hangars to the south are of a similar scale and appearance to the application building and provide a variety of aviation services. Along the western side of Gambling Close an open grassed area exists, at the southern end of this there is a temporary car park serving one of the operators here. A vegetated bund runs along the western side of the application side and this length of Gambling Close. Beyond the bund, undeveloped land with some tree cover extends up to Holt Road. The southern part of this land has an outline planning permission for a vehicle hire business (17/01555/O) and at the northern end there is a site currently subject to an enforcement notice concerning unauthorised residential caravans and associated development.
6. Due west of the site on Holt Road there are allotments and agricultural land, however immediately south of this residential dwellings front Holt Road and suburban residential development continues to the west and southwest. The nearest dwelling is over 200 metres from the existing hangar.

Constraints

7. The site is within the airport operational area to which Policy DM27 applies.
8. It is also within an impact risk zone of the River Wensum Site of Scientific Interest.

9. The land to the west of the site between Gambling Close and Holt Road is subject to Site Allocation R30.

Relevant planning history

10. There is no history of applications relevant to this proposal.

The proposal

11. The application proposes an extension and other works to the existing hangar. The purpose of this development is to enable the air ambulance to operate 24 hours a day, seven days a week.
12. The two storey flat-roofed extension described in the table below would be sited perpendicular to the existing hangar at the end of Gambling Close. This would provide offices, staff amenities, a multi-use space and other ancillary spaces to support the relocation of all EAAA staff to the operational base. Within the hangar, a mezzanine floor would be provided and existing spaces would be redesigned to provide purpose built facilities to support the operation of the air ambulance and the crew. This would include bed pods for on-duty crew to rest and three en-suite bedrooms for off-duty crew staying longer term from out of the area.
13. These welfare facilities for on-duty crew would enable the provision of a night shift covering the existing gap from 19:00 to 07:00 when the air ambulance does not fly from Norwich and 00:00 to 07:00 when there is no coverage from Cambridge either.
14. The multi-use space would facilitate the charity's community work which would include the provision of first aid training, a proposed cadet force and a space for the community to use. The existing hangar is not accessible to the public for health, safety and operational reasons and the proposal would overcome this.
15. The existing hangar would be re-clad to match the proposed extension with some minor alterations to window and door openings and rooflights. This would include the provision of a garage door on the west elevation to Gambling Close to house the rapid response vehicle securely within the hangar.

Summary information

Proposal	Key facts
Scale	
Total floorspace	1536 square metres additional
No. of storeys	Two
Max. dimensions	40 metres by 19 metres by 8.75 metres (extension)
Appearance	
Materials	Red and dark grey insulated cladding, dark grey framed curtain walling, grey brickwork plinth, dark grey aluminium

Proposal	Key facts
	windows and doors
Energy and resource efficiency measures	Six air source heat pumps to generate 14% of total energy requirement. Solar shading is incorporated in the design.
Operation	
Opening hours	24/7
Staff	79 full time equivalent
Ancillary plant and equipment	The building includes an internal plant room, plant deck and there would be plant base in the car park.
Transport matters	
Vehicular access	Via Gambling Close, as existing.
No of car parking spaces	Car park with 76 spaces, plus 4 disabled spaces and three motorcycle spaces. Space for two rapid response vehicles.
No of cycle parking spaces	Four cycle hoops for visitors, plus cycle shelter for staff.
Servicing arrangements	Bin store

Representations

16. 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
Having flights at night is bound to affect our nights' sleep.	See main issue 3
We already get considerable noise from helicopter flight take offs and this will increase noise during the day and nights.	See main issue 3
I would ask you to seriously consider having the site on the other side away from residential areas.	See main issue 3

Issues raised	Response
Area between site has been cleared of trees and shrubs and increased noise volume which will increase further if this is approved.	See main issue 3

Consultation responses

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

Environmental protection

18. I have looked at the NIA for this application and agree that the Adopted LOAEL [Lowest Observed Adverse Effect Level] and SOAEL [Significant Observed Adverse Effect Level] Values are appropriate.
19. The report has been set out on a worst case noise environment and can, if the suggested changes at 7.3 are adopted operate without reaching a level regarded as SOAEL.
20. The safety margins built into the report also gives a good futureproofing to allow for seasonal, weather and growth changes to the expected use.

Broadland District Council Environmental Protection

21. The LOAEL and SOAEL figures shown in Table 2 of the NIA are well-reasoned and it is agreed that the Lmax is more relevant to disturbed sleep than would be an Leq or similar long-period measurement value.
22. The noise management proposals adequately mitigate the noise levels in respect of the LOAEL and SOAEL figures provided.
23. The potential for noise from taxiing aircraft or from aircraft running for longer periods whilst waiting or carrying out pre-flight checks has not been addressed.
24. The noise from helicopters can have a percussive effect and a tonal quality which can potentially make the noise more intrusive than broadband noise of a similar volume.
25. It is noted that the figures provided are 'worst case' and that there is a built in 'safety margin'.

Environment Agency

26. The submitted desk study demonstrates that the risk of pollution to controlled waters has been considered. We note however that whilst the preliminary risk assessment classifies the risk to groundwater as "low", this determination is not sufficiently supported by the data and interpretation provided in the desk study.

27. Particularly: 1) chemical analysis carried out both recently and in a previous investigation phase are mentioned in the desk study report, but have not been submitted for review; 2) the area containing the tank and brick bund has not been investigated. We consider that planning permission could, however, be granted to the proposed development as submitted if planning conditions are included. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

Highways (local)

28. No objection in principle on highway grounds subject to consideration of following matters:
- Walk route from building to car parking needs improvement
 - Cyclists need bypasses around the car park barriers to get to the staff cycle store
 - The motorcycle parking needs security tethers
 - There needs to be provision for EV charging, either one rapid chargepoint, or several slow/fast chargepoints
 - Dropped kerb required to frontage forecourt from the turning head.
 - Adjacent to loading bay recommend that grass is replaced with hardstanding with dropped kerb along entire length so that loading is easier from the bay to the site.

Landscape and ecology

29. The Preliminary Ecological Appraisal (PEA) has been written by suitably qualified Ecologists and in accordance with relevant guidelines. I support all the recommendations of the PEA and suggest that these are incorporated into a condition.
30. Further surveys would be required for Birds if site clearance cannot be achieved between September-February.
31. Existing trees along the northern and western boundaries should be protected during the construction period.
32. If planting could include species which provide benefits for insects this would be useful ecological enhancement.

Natural England

33. No comments.

Local Lead Flood Authority

34. The Local Planning Authority would be responsible for assessing the suitability for any surface water drainage proposal for minor development in line with National Planning Policy Framework (NPPF).

Norfolk historic environment service

35. No comments.

Anglian Water

36. The foul drainage from this development is in the catchment of Whitlingham Trowse Water Recycling Centre that will have available capacity for these flows.
37. From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management.

Norwich Airport Safeguarding

38. The proposed development has been considered, and we find that provided it is constructed as shown on the drawings and plans attached to the Application, and at the OSGB Grid Coordinates indicated, Norwich Airport would offer no aerodrome safeguarding objections to the Application.

Old Catton Parish Council

39. Old Catton Parish Council have no objection to the above application.

Hellesdon Parish Council

40. Resolved support subject to 24/7 use being restricted to air ambulance only.

Sprowston Town Council

41. No observations or objection to this application.

Assessment of planning considerations

Relevant development plan policies

42. **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
 - JCS6 Access and transportation
 - JCS7 Supporting communities
43. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
 - DM1 Achieving and delivering sustainable development
 - DM2 Ensuring satisfactory living and working conditions
 - DM3 Delivering high quality design
 - DM4 Providing for renewable and low carbon energy
 - DM5 Planning effectively for flood resilience
 - DM6 Protecting and enhancing the natural environment
 - DM7 Trees and development
 - DM9 Safeguarding Norwich's heritage
 - DM11 Protecting against environmental hazards
 - DM22 Planning for and safeguarding community facilities

- DM27 Development at Norwich airport
- DM28 Encouraging sustainable travel
- DM30 Access and highway safety
- DM31 Car parking and servicing

Other material considerations

44. Relevant sections of the National Planning Policy Framework February 2019 (NPPF):

- NPPF2 Achieving sustainable development
- NPPF9 Promoting sustainable transport
- NPPF12 Achieving well-designed places
- NPPF8 Promoting healthy and safe communities
- NPPF14 Meeting the challenge of climate change, flooding and coastal change
- NPPF15 Conserving and enhancing the natural environment
- NPPF16 Conserving and enhancing the historic environment

45. Supplementary Planning Documents (SPD)

- Trees, development and landscape SPD

Case Assessment

46. 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

47. Key policies and NPPF paragraphs – DM27, NPPF paragraph 104
48. Policy DM27 allows development within the airport operational area which is for airport operational purposes, uses ancillary to the function of the airport and facilities providing improved transport links. Paragraph 104 of the NPPF also requires account to be taken of the value general aviation airfields provide in serving emergency service needs.
49. In this case, the proposal is to extend the existing air ambulance base to enable it to expand its service. It is accepted that the base is required to be located at the airport and the principle of the proposal is acceptable in accordance with Policy DM27 and NPPF paragraph 104.
50. The development would include a number ancillary uses such as a multi-use space that can be hired by the community and bedrooms for off-duty crew. These form an integral part of the overall development and are acceptable as incidental uses to the charity's operations.

51. It is noted the site abuts the boundary of part of Site Allocation R30. This allocates the land between the airport operational area and Holt Road for either airport operational uses or general employment purposes. Vehicular access should be from Gambling Close, unless it can be demonstrated that satisfactory direct access from Holt Road can be achieved. This allocated land is currently divided into three paddocks and the proposal would prevent any direct access into the northernmost paddock from Gambling Close. Access could, however, be gained through the paddock to the south and it is not considered the proposal would stifle development of this part of the allocation or prevent access to it from Gambling Close.

Main issue 2: Design

52. Key policies and NPPF paragraphs – JCS2, DM3, NPPF section 12
53. The proposed extension is similar in scale to the existing hangar and the floorspace proposed is required in order to facilitate the re-location of existing staff to the site, allow for expansion and also provide multi-functional spaces that can allow community use. The two storey flat-roofed form reflects its non-aviation use and it would be connected by a subservient section at 90 degrees to the existing hangar which is considered an appropriate junction between the two different forms and breaks up the mass of the larger building.
54. The siting and detailed design of the extension, with a projecting red block across the front elevation, is intended to provide a landmark and welcoming entrance at the end of Gambling Close. The siting would require alteration of the existing turning head and would obstruct an existing emergency access route to the runway, however the Airport have confirmed this is no longer required.
55. The site also abuts the boundary of part of Site Allocation R30. This allocates the land between the airport operational area and Holt Road for either airport operational uses or general employment purposes. Vehicular access should be from Gambling Close, unless it can be demonstrated that satisfactory direct access from Holt Road can be achieved. This allocated land is currently divided into three paddocks and the proposal would prevent any direct access into the northernmost paddock from Gambling Close. Access could, however, be gained through the paddock to the south and it is not considered the proposal would stifle development of this part of the allocation or prevent access to it from Gambling Close.
56. The design of the proposal is considered to be simple and functional with some visual interest and re-cladding the existing hangar to match will result in a cohesive development that is appropriate to its function and setting.
57. The proposal includes the provision of a car park for staff and visitors and the level of provision is considered below. This would occupy a significant proportion of the site, including an area which is currently largely grass with a vegetated bund along the western side. The car park layout includes areas around the hard surfaced spaces which can be soft landscaped to soften the visual appearance and provide biodiversity enhancements. These will need to respect airport safeguarding requirements so proposals are to enhance habitat for invertebrates, rather than birds.
58. Removal of this section of the bund would make the site more visible from Holt Road, however the development would be seen in the context of the existing

hangars and wider airport site so would not be significant nor detrimental in appearance.

Main issue 3: Amenity

59. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 127 and 180.
60. In terms of the amenity of occupiers of the development, the provision of purpose built facilities and amenities will enhance the amenity of existing staff at the site and provide appropriate working conditions for the relocated staff.
61. With regards the amenity of neighbouring occupiers, the biggest impact from the development would be its facilitation of the air ambulance operating 24/7. At present the timing of flights is not limited by planning condition and planning permission is not required to allow night flights. This development would provide the appropriate welfare facilities to enable crew to work night shifts and provide a Helicopter Emergency Medical Service (HEMS) across the region 24/7.
62. Objections have been received concerning the noise impact this would have on neighbouring residents at night. Currently passenger flights from the airport do not operate beyond 23:00.
63. EAAA estimate that 24/7 operations would allow them to attend up to 600 more missions a year, a 22% increase from their existing activity from Norwich and Cambridge combined. Due to more restrictive flying conditions at night, it is estimated that 40% of night time missions would be attended to by the rapid response road vehicles, rather than helicopter.
64. The development would, however, enable night flights which the applicant recognises has the potential to affect the amenity of neighbouring residential occupiers so has considered how to mitigate this.
65. Alternative sites have been considered. Due to the provision of aviation services on site, an airport location is preferable for a HEMS so other locations around Norwich were discounted and two options within the airport operational area have been assessed. One is a site to the northeast which has planning permission for aviation related development. This is further from residential development than the application site, however access from the particular site that was considered to the NDR would significantly compromise response times for the rapid response vehicle. The charity also considered this option to be less financially viable. The second option was to the south-east of the runway where maintenance, repair and overhaul businesses are concentrated. This location also has less favourable road access.
66. These alternatives have therefore been discounted and the proposal to extend at the existing base is proposed on the basis that this has the best road access of the options considered, is more cost efficient and proposing an extension no higher than the existing hangar raises no airport safeguarding issues.
67. As remaining at the current location is considered preferable to the applicant, a noise impact assessment has been undertaken to consider the impacts of night flights from here. It assumes there would typically be one mission in each night time period (2300 to 07:00) and predictive modelling has been used to assess the impacts of three different scenarios.

68. Each scenario has been assessed in relation to 'lowest observed adverse effect level' (LOAEL) and 'significant observed adverse effect level' (SOAEL). Both Norwich City Council's and Broadland District Council's Environmental Protection Officers have agreed the levels adopted are appropriate. The Planning Practice Guidance describes LOAEL as "noise can be heard and causes small changes in behaviour, attitude or other physiological response... Potential for some reported sleep disturbance".
69. The first scenario considered the helicopter using unrestricted arrival and departure paths and a departure point adjacent to the hangar. This found receptors along Holt Road would experience noise levels in exceedance of LOAEL from ground operations and departure. Unrestricted operations have therefore been ruled out by EAAA and two scenarios including mitigation measures were also modelled.
70. One mitigation scenario is to relocate the departure point from outside the hangar to a point to the north at the end of the runway, further from neighbouring houses and allowing the helicopter to gain greater altitude before passing over or near to house. The greater the altitude, the lesser the noise at ground level. The helicopter would 'hover taxi' from the stand adjacent to the hangar to the take-off point and the noise associated with this is accounted for in the 'ground operations'. Air traffic control give priority to HEMS departing to attend incidents over any other aircraft which may be using the runway, so there would be no conflict with any other aircraft from using this departure point.
71. This scenario found the maximum noise levels from ground operations and departure of flights in south and south-westerly directions still resulted in LOAEL being exceeded at receptors on Holt Road. Ground operations from westerly flights also exceeded LOAEL.
72. Therefore a third scenario was modelled which included departure from the same point to the north and use of 'noise preferential routes' for flights heading south, south-east or south-west. These routes require the helicopter to depart on a 'runway heading' – directly east or directly west – until an altitude of 1000 feet is reached, before turning south, south-east or south-west.
73. This scenario ensures maximum levels do not exceed LOAEL for flight departures in any direction. It is still exceeded by ground operations from those flights heading west, but this is not a SOAEL and subjective analysis in the assessment suggests that sound from direct overhead flights has more impact than ground operations. When the noise levels from ground operations, departure and arrival are averaged over an hour, LOAEL would not be exceeded and the impact is considered to negligible.
74. The Environmental Protection officers agree that the assessment is based on a worst case scenario and includes appropriate safety margins. Allowing unrestricted night flights would result in observed adverse effects which would be detrimental to the amenity of neighbouring residential occupiers. It is therefore considered necessary to ensure that night flights use the departure point to the north of the hangar at the end of the runway and flights that would normally head in south, south-east or south-west directions use the noise preferential routes.
75. It is not considered that the presence or use of the proposed extension would result in any significant amenity impacts on occupants of the neighbouring hangars or the

nearest residential dwellings and there would be no greater impacts from continued operation of the HEMS during the day. Subject to a condition requiring compliance with the noise mitigation measures which have been compiled into a strategy document, the proposal is considered acceptable with regards amenity.

Main issue 4: Transport and parking

76. Key policies and NPPF paragraphs – JCS6, DM27, DM28, DM30, DM31, NPPF section 9.
77. There is no objection on highway grounds to the proposal which would be accessed from Holt Road via unadopted roads as existing. The layout of the site has been amended to address concerns raised and appropriate provision is made for servicing.
78. In accordance with Policy DM28, new development should reduce the overall need to travel and cumulatively should not result in overall net growth across the city in travel by private car. Policy DM27 requires that new development at the airport does not conflict with the sustainable development criteria of DM1 or requirements of DM28 in relation to sustainable travel. The policy also identifies the need for a masterplan to be agreed for the airport, including a travel plan and sustainable access strategy. A masterplan has recently been endorsed by the Council and a sustainable access strategy will be prepared in due course but there is no current document against which to consider this proposal.
79. A car park providing a total of 80 spaces is proposed. There would be 79 FTE staff, with an average of 67 on site at any one time, plus visitors. Policy DM31 requires that car parking is provided within prescribed limits. If the proposed 1536 square metre extension is considered purely as office space, standards prescribe the maximum number of spaces should be 44. It would perhaps be more accurate to consider this as an 'other' use however, in which case standards advise parking for 60% of staff will normally be considered the maximum. This would result in 48 spaces (rounded up).
80. The proposed 80 spaces (which includes the required 5% disabled spaces) is therefore in excess of maximum standards. It is appreciated that there are some specific operational considerations, such as the overlap between shifts for the crew, however this only accounts for up to five additional spaces and shift changeovers would largely be outside normal working hours. Further justification has been provided concerning the charity's large pool of volunteers, the majority of which do not live within Norwich, or even Norfolk, who often visit to deliver donations or attend meetings and events. The charity also plans to increase the number of volunteers in future and the proposed development will allow large events to take place here for the whole organisation. Alternative parking provision at the other hangars on Gambling Close has been deemed insufficient and unfeasible and there is no spare capacity at the Park and Ride site for non-Park and Ride customers, plus the EAAA are concerned volunteers would be deterred from doing charitable work if they have to pay for car parking.
81. A Travel Plan has been submitted which seeks to encourage sustainable travel. The site has good footpath access to/from the Park and Ride site but there is no continuous footpath to the site from Holt Road via Buck Courtney Crescent so walking, including from other bus stops, may not be desirable. Cycling may be a

more favourable alternative and a large cycle shelter is proposed for staff, who would have use of lockers and showers, and there would be additional spaces by the entrance for visitors. Measures to promote car sharing are also proposed.

82. It is considered this Travel Plan would be more effective if the level of car parking provision was lower creating more incentive to find alternatives, however it is not inappropriate in itself.
83. It would be beneficial if this scheme could be considered in the context of a sustainable access strategy for the airport so account could be taken of required or planned access improvements. It is understood this will be prepared in due course, however it would not be appropriate to delay determination of this application for account to be taken of it.
84. The high level of parking proposed is contrary to the objectives of Policies DM1, DM27, DM28 and DM31 and weighs against this proposal. This is considered further at paragraphs 89-93 below.

Compliance with other relevant development plan policies

85. 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
Energy efficiency	JCS 1 & 3 DM3	Air source heat pumps are proposed and their provision can be secured by condition
Water efficiency	JCS 1 & 3	Yes subject to condition
Sustainable urban drainage	DM3/5	Surface water from the proposed extension and half of the existing hangar will drain to a new soakaway. The car park will be constructed of permeable paving to allow infiltration. Implementation of this drainage strategy should be secured by condition.
Contamination	DM11	A contamination study has been submitted which identifies a low risk to groundwater. This, and the risk to human health, can be satisfactorily addressed with conditions.
Biodiversity	DM6	The scale and nature of the development is not considered likely to affect the SSSI 2.4 km away and Natural England had no comments to make. An Ecological Survey found no habitats of principal importance on site any negligible potential for protected or notable bird species. Mitigation measures to address the residual risk to great crested newts and nesting birds

Requirement	Relevant policy	Compliance
		are recommended and should be conditioned. Measures to prevent the spread of non-native species are also necessary and enhancements for invertebrates are recommended.

Equalities and diversity issues

86. There are no significant equality or diversity issues.

Local finance considerations

87. 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.

88. 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.

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

Conclusion

90. The application proposes development that would facilitate 24/7 operation of a helicopter emergency medical service across the region.

91. The location of this service within the airport operational area is considered appropriate and the proposed extension to the existing hangar is considered acceptable in terms of design and conditions can secure appropriate sustainable drainage, energy and water efficiency and biodiversity enhancements.

92. Night flights have the potential to cause noise disturbance to local residents that would be harmful to their amenity. However, the application proposes noise mitigation measures which are considered appropriate and necessary to reduce these to a level that is not unacceptable.

93. A significant proportion of the site would be occupied by car parking and the majority of visits are likely to be by private car. Whilst the proportion of parking is above maximum standards for comparable uses and in light of the substantial public benefits that would result from the proposal and the assessment that the development is otherwise acceptable, this level of provision is not considered to outweigh the wider benefits in this instance.

94. The development is therefore 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. 19/01009/F - East Anglian Air Ambulance Hangar 14 Gambling Close, Norwich, NR6 6EG and grant planning permission subject to the following conditions:

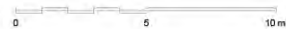
1. Standard time limit;
2. In accordance with plans;
3. Materials to be agreed;
4. Ecological mitigation measures;
5. Landscaping to include tree protection and biodiversity enhancement planting;
6. Drainage strategy to demonstrate there is no unacceptable risk to controlled waters;
7. Drainage strategy implemented prior to occupation and maintenance thereafter;
8. Energy efficiency – air source heat pump details;
9. Water efficiency;
10. Travel information plan;
11. Details of bin and cycle stores;
12. Parking and servicing to be provided prior to occupation;
13. Scheme to deal with the risks associated with contamination;
14. Contamination not previously identified;
15. Imported soil;
16. No use of the building between 23:00 and 07:00 other than in accordance with the Noise Mitigation Strategy and details of flights from EAAA database to be provided to LPA on request for monitoring and enforcement purposes.
17. No use as a passenger terminal.

Article 31(1)(cc) statement

The local planning authority in making its decision has had due regard to paragraph 38 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 insert if necessary] the application has been approved subject to appropriate conditions and for the reasons outlined in the officer report.



Revision Schedule					Revision Description
Rev	Date	CHK	DRW	UAT	
A00	02.06.2019	DLC	MAN	DLC	DRAFT Planning Issues for comments
A01	19.06.2019	DLC	MAN	DLC	PLANNING ISSUE: OP's and ITS swapped location and Med Store and Wash Down revised accordingly. WC's removed from Crew Changing Facility. Staff Locker Room layout revised. Circulation to South + West Direction revised for all B+C comments regarding HVAC. Stairs + Medical area handed, secure store to Medical area added. ITS and MD in layout added.



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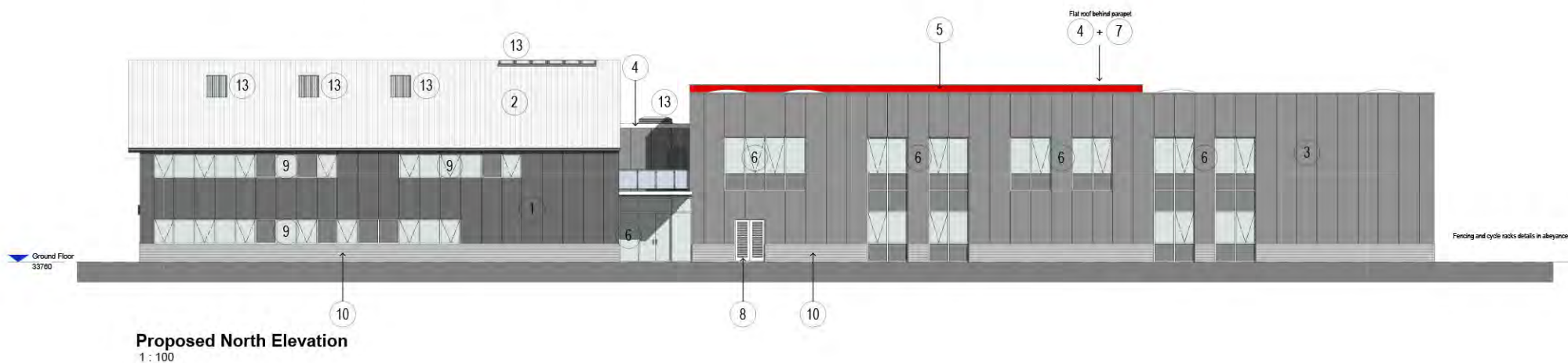
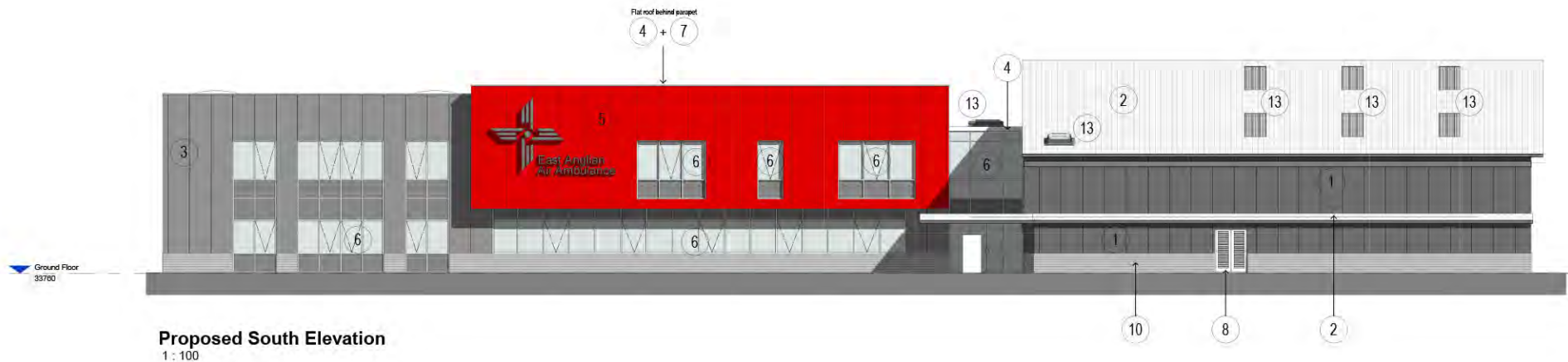
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Rev	Date	CHK	CRW	Revision Description
A00	03.06.2019	DLC	MNU	DRAFT Planning Issues for comments
A01	19.06.2019	DLC	MNU	PLANNING ISSUE: OP's and IT's swapped location and Bed Store and Wash Down moved accordingly. Western glazing reduced to 1st Floor. HR Office reduced in size. General Office split into 2 rooms. Head of Financial Services reduced in size. Sanderson and Store area moved. Riser 1 omitted and Bed Pod area extended. Fundraising to South - West Direction moved to suit M&C comments regarding HVAC. Window added to Off Duty Crew Rest Room.

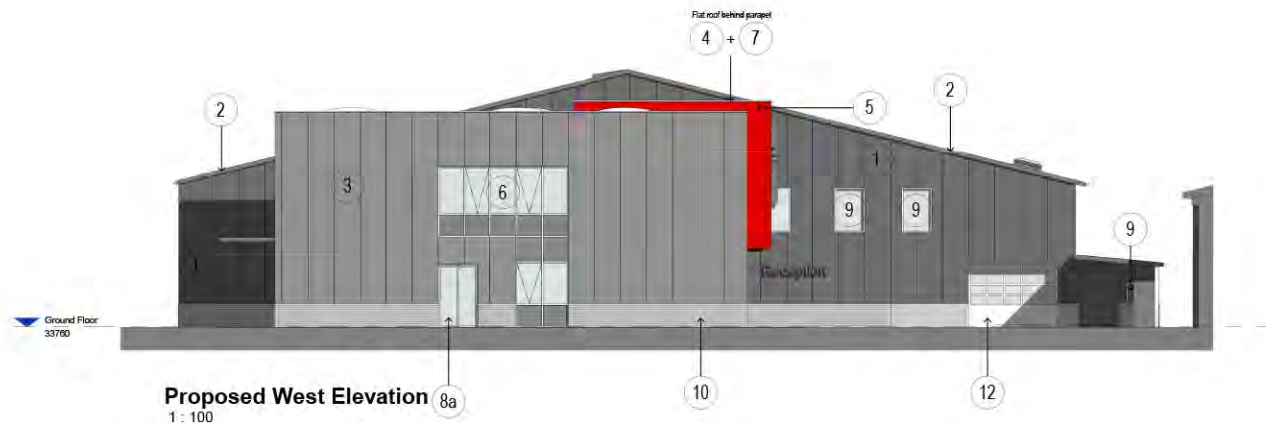
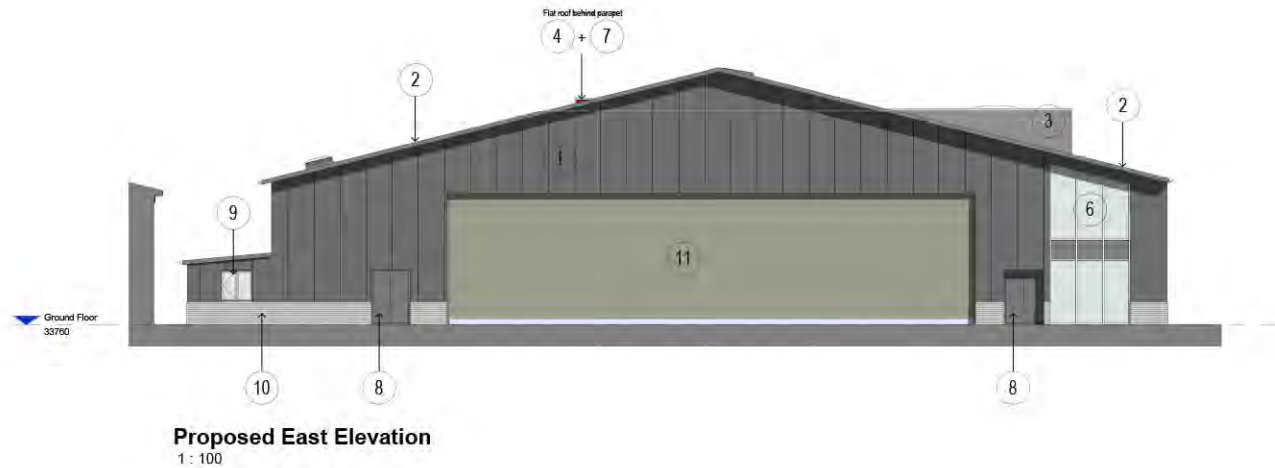
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Revision Schedule				
Rev	Date	CHK	CRW	Revision Description
A00	03/06/2019	DLC	MNU	DRAFT Planning base for comments
A01	19/06/2019	DLC	MNU	Link between existing and new - glazed roof omitted and replaced with flat roof. Amount of glazing reduced to North, South + West elevations.

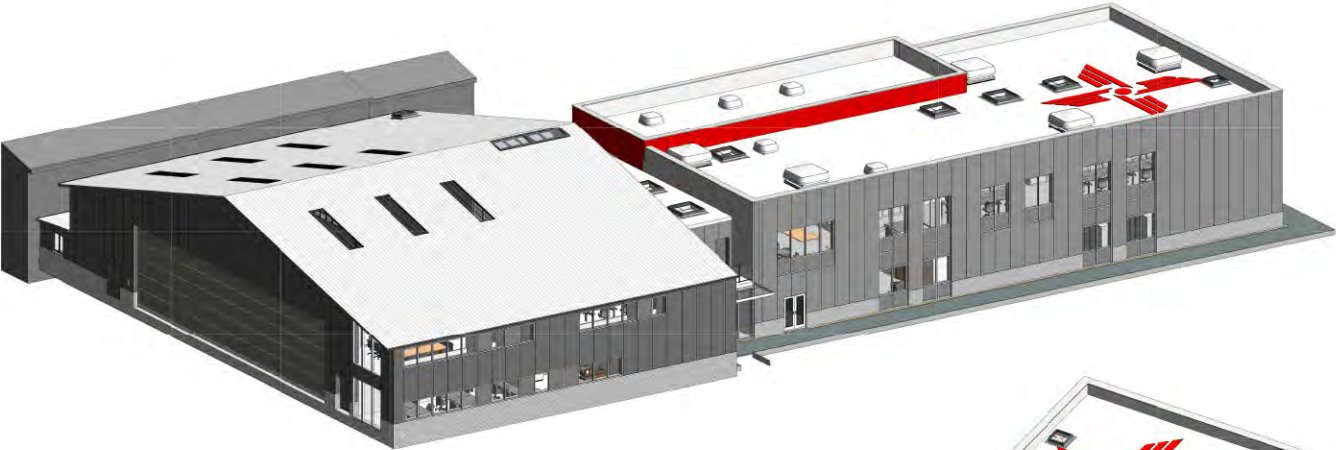
- Materials Legend**
- 1 - Kingspan 1.0m wide Teptisolated Insulated Vertical Wall Panels in Dark Grey
 - 2 - Kingspan 1.0m wide Teptisolated Insulated Roof Panels with integral Teptisolated Polycarbonate Roof Lights
 - 3 - Kingspan 1.0m wide OneSlope Insulated Architecture Vertical Wall Panels (HAF) in Microbe profile
 - 4 - Flat roof finish to be confirmed: Single Ply Membrane GFS/Blueform Waterproofing System
 - 5 - Rectangular (unperforated) panels minimum cladding in flat (grey, panel size 1.20m wide x 2.00m high)
 - 6 - RSC Dark Grey Curtain Walling with glass and solid insulated spandrel panels and leave panels at low level
 - 7 - Aluminium RSC Dark Grey casing to parapet wall
 - 8 - RSC Dark Grey Steel Doors (R - Glass Doors)
 - 9 - RSC Dark Grey Ribbed / Single windows to match curtain walling
 - 10 - Grey Hinkley path
 - 11 - Hanger Door
 - 12 - Up and over garage door
 - 13 - Polycarbonate rooflights



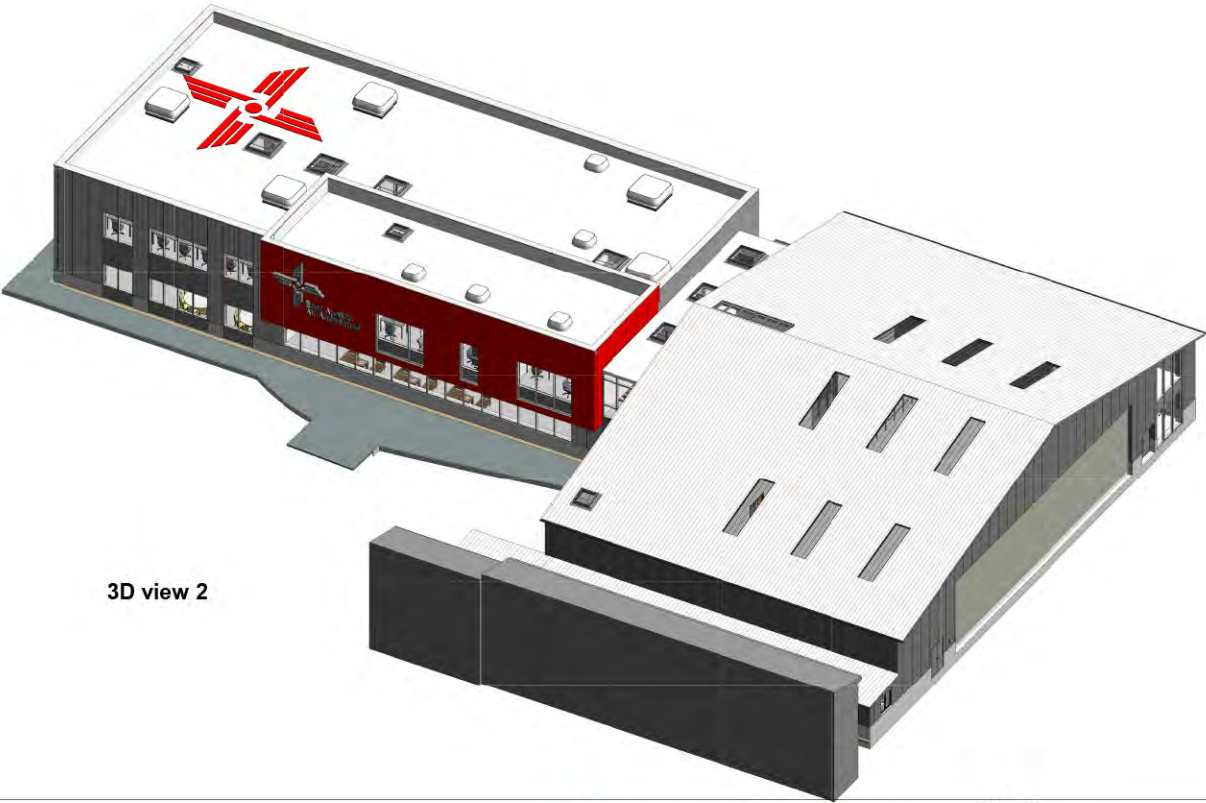
Revision Schedule			
Rev	Date	CHK	CRW
A00	03/06/2019	CLC	MAN
A01	19/06/2019	CLC	MAN

Revision Description	
A00	DRAFT Planning house for comments
A01	Amount of glazing to West Elevation reduced

- Materials Legend**
- 1 - Kingspan 1.0m wide Trapezoidal Insulated Vertical Wall Panels in Dark Grey
 - 2 - Kingspan 1.0m wide Trapezoidal Insulated Roof Panels with integral Trapezoidal Polycarbonate Roof Lights
 - 3 - Kingspan 1.0m wide Chameleon Insulated Architectural Vertical Flat Panel (SIP) in Monochrome profile
 - 4 - Flat roof finish to be confirmed. Single Ply Membrane OR Bituminous Waterproofing System
 - 5 - Rockwool (compressed board) insulation detailing on flat (over panel area 1.20m wide x 3.00m high)
 - 6 - PPC Dark Grey Curtain Walling with glazed and solid insulated spandrel panels and louvre panels at low level
 - 7 - Aluminium PPC Dark Grey cladding to parapet wall
 - 8 - PPC Dark Grey Steel Doors (St - Glazed Doors)
 - 9 - PPC Dark Grey Windows / Single windows to match curtain walling
 - 10 - Grey lockdown slat
 - 11 - Hanger Door
 - 12 - Up and over garage door
 - 13 - Polycarbonate skylights



3D View 1



3D view 2

Revision Schedule				
Rev	Date	CHK	CRW	Revision Description
A00	03.06.2019	DLC	MAN	DRAFT Planning house for comments
A01	19.06.2019	DLC	MAN	Link between existing and new - glazed roof omitted and replaced with flat roof. MME roof terminals added. External RWAP's and hoppers omitted. Roof finishes shown and modified related to existing hanger. Amount of glazing reduced to North, South + West elevations.



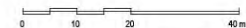
Existing Block Site Plan
1:500



Proposed Block Site Plan
1:500



REV	DATE	CHK	AMENDMENTS
A02	10.05.2018	MWJ	Initial issue
A01	13.05.2018	LJT	Western boundary revised at Feilden's request
A02	19.09.2018	DLC	Proposed boundary updated in line with the existing boundary.



Page 85 of 192

Feilden+Mawson

21-21 Leazes Road, Newcastle, NE2 1JL
1 Ferry Road, Newcastle, NE1 1DZ
10 St James Street, Cambridge, CB2 3AP
www.feilden-mawson.com

DRAWING
Site Block Plans - Existing & Proposed

CLIENT
EAAA
JOB
HQ Building and Operations Base

RIBA Stage 3			
S2	Issue for Information		
JOB	8391	PAPER	A1 SCALE 1:500

Drawing Number
8391- FM- 01- XX- DR- A- 0002- A02



Proposed Site Plan
1:200

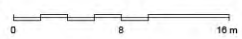


REV	DATE	CHK	AMENDMENTS
A00	15.03.2019	SAJ	Initial issue
A01	10.06.2019	SAJ	Updated to recent discussions
A02	11.06.2019	SAJ	Issue bar added
A03	14.06.2019	SAJ	Delivery bay enlarged as client request. Lit estate upgrade added. Notes to without barriers added. PLANNING ISSUE.
A04	15.08.2019	SAJ	Levels and level change notes added
A05	23.08.2019	LKT	Western site boundary adjusted at Real Consulting's request.
A06	19.09.2019	DLG	Proposed boundary updated in line with the existing boundary.
A07	11.10.2019	DLG	'Grassland' description replaced with 'Landscaped' to key. Carpark barrier note updated to allow unattended cycle access / egress. Ramp to rear car park added. Bin store moved. Drop kerb added to front entrance area.

- NOTES:
1. Parking bays to be constructed with permeable setts / blocks and roadways in tarmac finish.
 2. Size of bin storage to be agreed with Client.
 3. Size of external plant deck to be confirmed by M&E Engineer.
 4. Final levels to be provided by Civil Engineer.
 5. Linking of roadway finishes to relocated turning head to be agreed with Airport, details by Civil Engineer.
 6. Parking Shown - 76 spaces + 4 disabled / visitor / e/c charging parking bays.
 7. External lighting to M+E designers details.

- Paving slab walkways
- Mulch / Bark chippings soft landscaping
- Tarmac roadway finish
- Permeable paving parking bays
- Concrete plinth to bin store / M&E plant base

Landscaped areas



Feilden+Mawson

21-27 Lunden Court Street London WC2N 3PL
1 Ferry Road Norwich NR1 1BZ
80-81 Andrews Street Cambridge CB2 3AH
tel: 020 7841 1980
tel: 01603 638071
tel: 01223 395067
www.feildenmawson.com

DRAWING
Proposed Site Plan

CLIENT
EAAA
JOB
HQ Building and Operations Base

RIBA Stage 3			
Issue for Information			
JOB	8391	PAPER	A1 SCALE 1:200
Drawing Number			
8391-	FM- 01- XX- DR- A- 0006-	A07	

Report to Planning applications committee

Item

14 November 2019

Report of Area Development Manager

Subject Application no 19/01012/F - 40 Fishergate, Norwich,
NR3 1SE

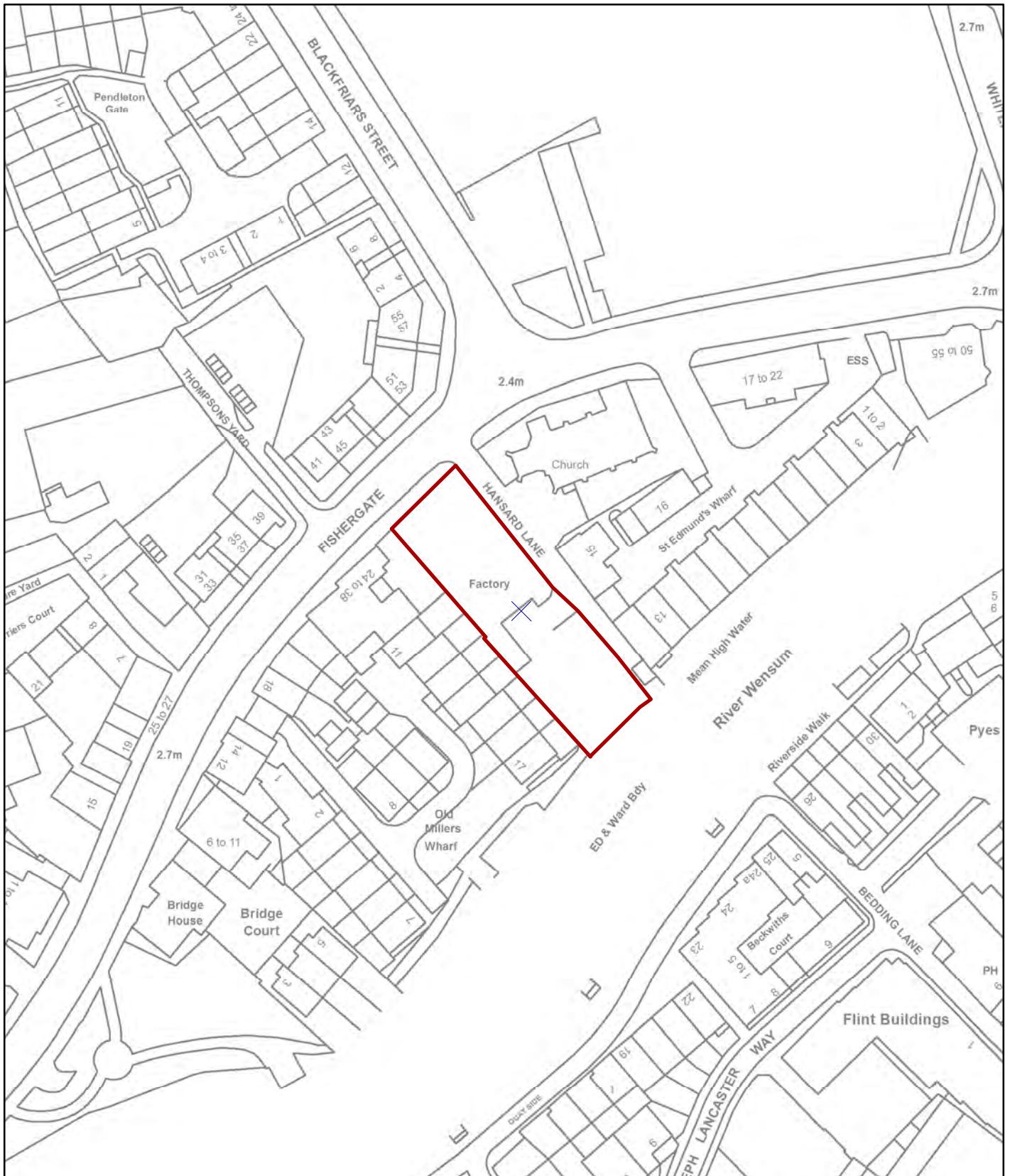
**Reason
for referral** Objections

4(d)

Ward:	Mancroft
Case officer	Jacob Revell - jacobrevell@norwich.gov.uk

Development proposal		
Placement of air conditioning equipment within an acoustic enclosure. (Retrospective)		
Representations		
Object	Comment	Support
4	1	0

Main issues	Key considerations
1	Amenity
2	Design & Heritage
Expiry date	25 October 2019
Recommendation	Approval



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Planning Application No 19/01012/F
Site Address 40 Fishergate

Scale 1:1,000

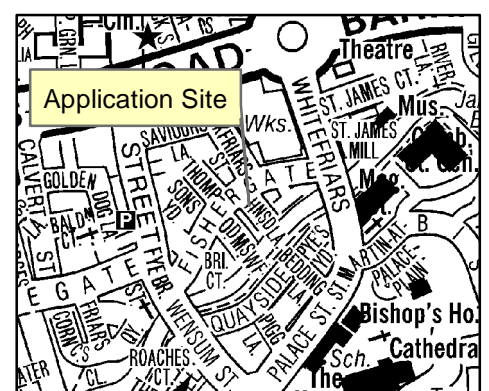


NORWICH
City Council

PLANNING SERVICES



Page 88 of 192



The site and surroundings

1. 40 Fishergate is a two storey former factory located on the southern elevation of Fishergate and the western elevation of Hansard Lane. The river Wensum is located immediately south east of the site. The building has had several uses since ceasing its factory use, including as an artist's studio and gallery.
2. The site was granted consent for change of use to a General Practice surgery in 2017. The surgery opened in the first half of 2019.
3. The property itself is a 20th century construction, although the conversion has necessitated that amendments have been made to the appearance of the property and to the site generally. There is a car parking area to the rear of the property which is used by staff. The plant and machinery subject to this application is located within the car park.
4. Adjacent sites either side of the property are residential. The site is positioned between residential properties at both Old Millers Wharf and St Edmunds Wharf. The Grade 1 Listed St Edmunds Church is on the corner of Hansard Lane and Fishergate to the North East. The wider surrounding area boasts a mixture of commercial, retail, residential and industrial uses.

Constraints

5. City Centre Conservation Area
6. In the setting Grade 1 Listed St Edmunds Church
7. Environment Agency Floodzone 2 and 3.
8. Regeneration Area – DM5.
9. Area of main archaeological interest – DM9.
10. Area for reduced parking and city centre parking – DM29.

Relevant planning history

Ref	Proposal	Decision	Date
17/00986/F	Change of use to GP Surgery (Class D1).	APPR	25/01/2018
18/00596/F	Erection of external fire escape.	APPR	01/06/2018
19/00349/D	Details of Condition 3: Travel plan, Condition 4: Flood warning and evacuation plan, Condition 6: Riverside Walk management plan and Condition 9: Method statement of previous permission 17/00986/F.	APPR	08/04/2019

The proposal

11. A retrospective application for the installation of air conditioning equipment with an associated acoustic enclosure. The air conditioning equipment is currently installed but the acoustic barriers are not. After meeting DATE with the surgery, it was understood that the units would be switched off until a planning application had been submitted and subsequently approved. However, it should be noted that the Council received further complaints in October as the units also provide the heating for the building. It is understood that the units are currently in use throughout the opening hours of the surgery, between 8am and 6pm, Monday to Friday with one Saturday per month.
12. The permission for the change of use included a mechanical compound but showed no details of plant or machinery. The application form specifically stated that the application did not include any external air conditioning or ventilation equipment. The site does not, therefore, have permission for any external plant and machinery.
13. Subsequently, the installation of the units prior to the 4th of April 2019 without the required additional consent was raised as an enforcement case by neighbouring residents. The units were originally located on the south west boundary of the site, but following noise complaints relating to the close proximity of the units to the residential properties at Old Millers Wharf, the units have been moved to inside the 'L' shape of the building, closer to the centre of the site. It should be noted that whilst this does mitigate against noise pollution to Old Millers Wharf, the move does bring the units closer to the residential properties at St Edmunds Wharf and therefore increases the risk of noise pollution to these properties. The application seeks permission to regularise the siting of the units in this location.
14. The technical specifications for the units are as follows: one Mitsubishi PURY-P500YNW-A and two smaller Mitsubishi units, one of each of the SUZ-M25VA and the SUV-M50VA.
15. The proposed acoustic shielding for the plant will be a 3.5m high timber barrier lined with Rockwool encapsulated within a waterproof membrane to prevent slumping. The barrier will have an open top. The footprint of the proposed enclosure is approximately 1.6m x 4.1m. The acceptability of the proposed barriers is assessed in the submitted Noise Impact Assessment and supporting documents.

Representations

16. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 5 letters of representation have been received citing the issues as summarised in the table below. Redacted representations are available to view at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Issues raised	Response
Amenity – <ul style="list-style-type: none">Noise generated by the units is intolerable, even within the neighbouring residential properties	See Main Issue 1.

Issues raised	Response
<p>with the windows shut.</p> <ul style="list-style-type: none"> • The acoustic screening proposed does not look adequate to contain the noise. • A non-cantilevered design will not provide sufficient shielding – why has the council recommended a non-cantilevered wooden design rather than a cantilevered metal design when given a choice between the two? • The surgery have been restricting the use of the units since receiving the complaints - when the units are in use more frequently the noise will become much more affecting. • Details of the units were not included as part of the original application – if they had been, there would have been more opposition to the original change of use. • Summer weather and humidity ensured that the noise at night in the summer was unbearable. Poor design has severely impacted the integration of the building into the community. Surely a solution with less severe consequences for the neighbouring residents would be possible – for example a system of internal networked units. • Level of noise is impacting on the wellbeing of local residents. 	
<p>Other matters –</p> <ul style="list-style-type: none"> • Noise generated by the roof vents on other parts of the building need to be considered alongside this application – a potential build-up of noise. Air vents are located at the same height as the bathrooms of the residential properties. • Reports are out of date as they were carried out prior to the units being moved towards St Edmunds Wharf. 	<p>See other matters.</p>

Consultation responses

17. 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

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

Environmental protection

19.

(Initial) I note the information provided by the applicant and request clarification over which scheme to mitigate noise disturbance is to be implemented as the most recent correspondence features the details of several proposals and is therefore slightly ambiguous.

Additionally, while Rockwool (as detailed in the planning application) is a highly effective material for absorbing noise, it does have a tendency to degrade and slump when wet. Since the proposed barrier is only partly enclosed, there will be some water ingress which may reduce the effectiveness of Rockwool over time. Please could the applicant confirm:

- If the Rockwool will be fixed in place to prevent slumping
- If there will be a schedule of maintenance to ensure the Rockwool is replaced if required

(Additional) Myself and Richard Divey have reviewed the additional documentation provided and are satisfied with its contents and the proposal to install the timber acoustic barrier with Rockwool.

If we still have the opportunity, the Public Protection team would like to apply an “hours of use condition” and prevent use of the equipment between 23:00 and 07:00 (i.e. night time hours). Since the equipment is only to be used during normal working hours (as stated in the application), I trust this would be deemed acceptable.

Assessment of planning considerations

Relevant development plan policies

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

- DM2 Ensuring satisfactory living and working conditions
- DM3 Delivering high quality design
- DM5 Planning effectively for flood resilience
- DM11 Protecting against environmental hazards
- DM16 Supporting the needs of business

Other material considerations

21. **Relevant sections of the National Planning Policy Framework February 2019 (NPPF):**

- NPPF8 Promoting healthy and safe communities

- NPPF12 Achieving well designed places

Case Assessment

22. 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

23. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 8 and 127.
24. The concerns raised by neighbours are understandable and duly noted. It should be reiterated that the case began as enforcement and that the units would not be considered acceptable as originally installed. After meetings between officers, the applicants and their consultants on Wednesday the 22nd of May 2019, it was understood that the units would not be used until planning application had been granted and acoustic barriers installed, barring using the units to provide acoustic readings. However, it is evident from further complaints and correspondence with the applicant that the units are now in regular use as they provide the heating for the building. It should also be noted that although the units have been installed, the proposed acoustic barriers have not.
25. All representations received indicate that the level of noise generated by the current situation is wholly unacceptable. It is considered that the proposed plant and machinery will only be considered acceptable in a situation in which the acoustic screening is proven as adequate to successfully mitigate these concerns. The acceptability of the plant and machinery therefore weighs entirely upon the effectiveness of the screening.
26. Initially, the applicant outlined two possible options for acoustic screening: a 3 meter tall timber fence barrier system or a 2.5m metal shield with a cantilevered top. Several of the representations received outline concerns about the acceptability of the acoustic barriers proposed. These representations suggest that a smaller metal cantilevered enclosure would be a more efficient reducer of sound than the timber enclosure proposed, and that the timber enclosure has been selected for aesthetic reasons only. In response, the applicant has submitted a supporting document supplied by Create Consulting Engineers outlining that the performance of both of the enclosures will be the same: 'either the 3m tall timber fence or the 2.5m cantilevered steel barrier would be suitable acoustically'. The applicant has further proposed to increase the height of the proposed fence to 3.5m, to provide 'additional assurance' that adequate noise mitigation will be provided. The efficacy of the proposed screen has also been assessed by the Council's own Environmental Protection officers and they have found it to be acceptable.
27. The applicants Noise Impact Assessment sets the background noise level of the area at 38 dB LA90, 1min. With the plant located in its new position, the acceptable

maximum dB target was set at 39.5. This target is set in consideration of acceptable sound levels identified by Norwich City Council (sound level NR30 1 meter from sensitive properties), in addition to British Standard 4142:2014. Modelled noise levels with the plant switched on were provided in the following positions: in the garden of 15 Old Miller's Wharf (31.7 dB), at the first floor window of 15 Old Miller's Wharf (28.2 dB), at two first floor windows at St Edmunds Wharf (43.5 dB, 31.7 dB) and at the top floor window of St Edmunds Wharf (33 dB). Whilst the new position of the plant has ensured the sound levels are acceptable at Old Miller's Wharf, significant sound mitigation is required to make the noise levels acceptable to the properties at St Edmunds Wharf. The predicted sound levels from similar positions with the acoustic barriers installed are as follows: in the garden of 15 Old Miller's Wharf (28 dB), at the first floor window of 15 Old Miller's Wharf (26 dB), at first and second floor windows at St Edmunds Wharf (29 dB, 31 dB) and at the second floor patio of St Edmunds Wharf (25 dB).

28. The indicative noise levels largely meet the requirements set by Norwich City Council and the British Standards. It should be noted that the second floor window of St Edmunds Wharf falls slightly outside of the required NR30, achieving approximately NR31. However, it should be noted that the sound levels do adhere to the low frequency levels specified by Norwich City Council: 45dB at 63Hz and 40 dB at 125Hz. Furthermore, the internal sound level is predicted to meet NR17, achieving a level below the specified NR20. With regards to British Standards, the plant is indicated as 2dB above the night time background sound levels, which suggests a low overall impact.
29. The applicant's consulting engineer has suggested that 'the plant should be limited to the opening hours for the surgery'. This recommendation is in line with the advice given by Norwich City Council's Environmental Protection officers, who have recommended that a condition should be applied to prevent the use of the plant during night time hours, between 23:00 and 7:00. Limitations on the hours of use of the equipment will therefore be secured by condition.
30. Taking into account the above, it is considered that the applicant has submitted sufficient evidence to suggest that the acoustic barriers proposed are sufficient to mitigate noise to an acceptable standard. The proposal is therefore considered acceptable from an amenity perspective.
31. A number of objections have raised concerns about the noise generated by the vents on the roof of the property, as they are level with the first floor residential properties. The roof vents were granted approval as part of the 17/00986/F planning application to change the use of the building. Any excessive noise arising from these vents should be resolved as either a civil or environmental health matter.
32. One letter of representation refers to the noise impact information submitted by the applicant as incorrect as measurements were undertaken when the units were in their original position. The readings that the applicant has offered in their noise impact assessment all relate to the new positioning of the units.

Main issue 2: Design & Heritage

33. Key policies and NPPF paragraphs – JCS2, DM3, NPPF NPPF paragraphs 124-132, 184-202.

34. The site is located within the City Centre Conservation Area, within the Northern Riverside character area. The city centre character appraisal notes the area as 'significant'. Although the majority of buildings in the immediate vicinity of the subject building are relatively modern, the site sits next to the Grade I listed St Edmunds Church.
35. Paragraph 193 of the NPPF stresses that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be attached to the conservation of the asset. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 place a statutory duty on the local authority to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.
36. The proposed enclosure is not visible from any public views from the church. The structure will be visible in views towards the church from across the river. However, as the proposed structure is relatively small in proportion to the main building at 40 Fishergate, the impact of this is considered acceptable. The use of timber acoustic shielding partially mitigates the visual impact as the material is used prominently on 40 Fishergate as well as St Edmunds and Old Miller's Wharfs.
37. For the reason above, the proposal is considered acceptable in relation to both the aforementioned heritage asset and the wider conservation area.

Equalities and diversity issues

38. There are no significant equality or diversity issues.

Local finance considerations

39. 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.
40. 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.
41. In this case local finance considerations are not considered to be material to the case.

Conclusion

42. 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.
43. The noise issues presented by the plant and machinery proposed will be adequately mitigated by the proposed sound barrier and restrictions on the

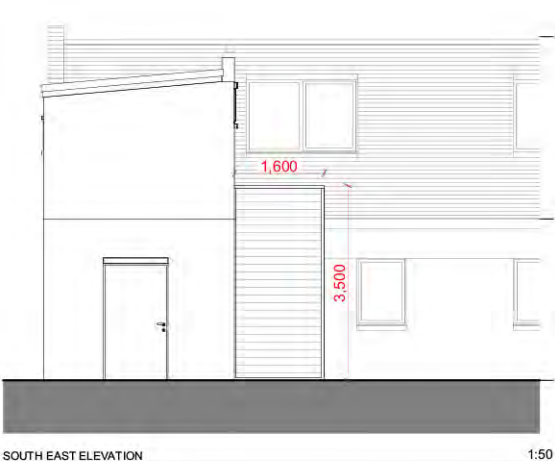
operating hours of the machinery. The proposal is therefore considered acceptable and is recommended for approval subject to condition.

44. In light of the sensitive nature of the proposals, a schedule of proceedings for the immediate future is suggested. If consent is granted, a condition should be applied requiring the acoustic fencing to be installed within ten weeks. If this condition is not met, the Council would serve a breach of conditions notice on the applicant. If this is not complied with, the Council may prosecute through the Magistrates' Court. There is no right of appeal to a breach of conditions notice. The maximum fine is £1000.

Recommendation

To approve application no. 19/01012/F - 40 Fishergate Norwich NR3 1SE and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Restriction of hours of use;
4. Installed within certain timeframe (six weeks)
5. condition to require noise levels are attained



SOUTH EAST ELEVATION

1:50



NORTH EAST ELEVATION

1:50



PERSPECTIVE VIEW (n.t.s)

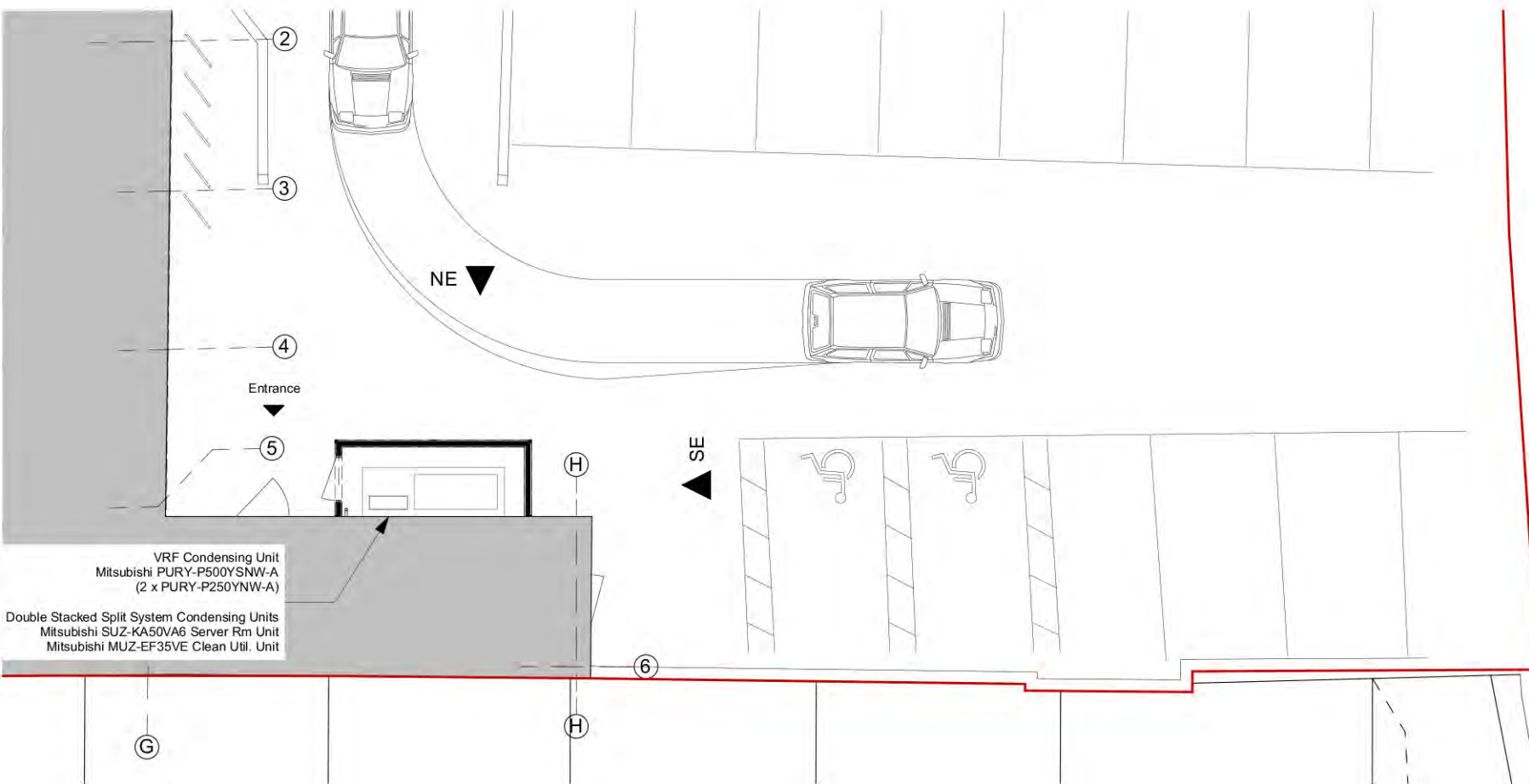
The copyright of the design remains with LSI Architects LLP and may not be reproduced without their prior written consent.
All dimensions are to be checked on site and the Contract Administrator notified of any discrepancies.
Drawing to be read in conjunction with the project specification.
Do not scale from this drawing for Constructional purposes.
Information based on surveyor's drawings. Approximate calculations have been made to complete the drawing where data was not present.
Existing building defects to be corrected outside of tendered works includes but not limited to the building's structure and damp penetration.



Key: OS Site

Boundary Line

Site - Existing Building



PROPOSED TIMBER ENCLOSURE PLAN

River Wensum

1:50

P03 BLV 20/02/2019 Automatic indoor screening height corrected to 3.5m high
P02 BLV 01/02/2019 Automatic indoor screening height corrected by 300mm

Issued For Planning: 16/07/2019

P01 BLV 16/07/2019 Issued For Planning
Rev 1/08 Date Revision

0m 1 2 3 4 5 6 7 8 9 10m 100

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Client
The Castle Partnership

Project
Gurney Surgery, Fishergate

Title
1070 External AHU Relocation
Proposed - Acoustically Treated
Timber Enclosure

Scale @ A1 Date 15/07/2019 Drawn BLV

16273-1080

P03

Report to Planning applications committee

Item

14 November 2019

Report of Area development manager

Subject Application no 18/01552/F - Car Park Rear Of Premier
Travel Inn Duke Street Norwich

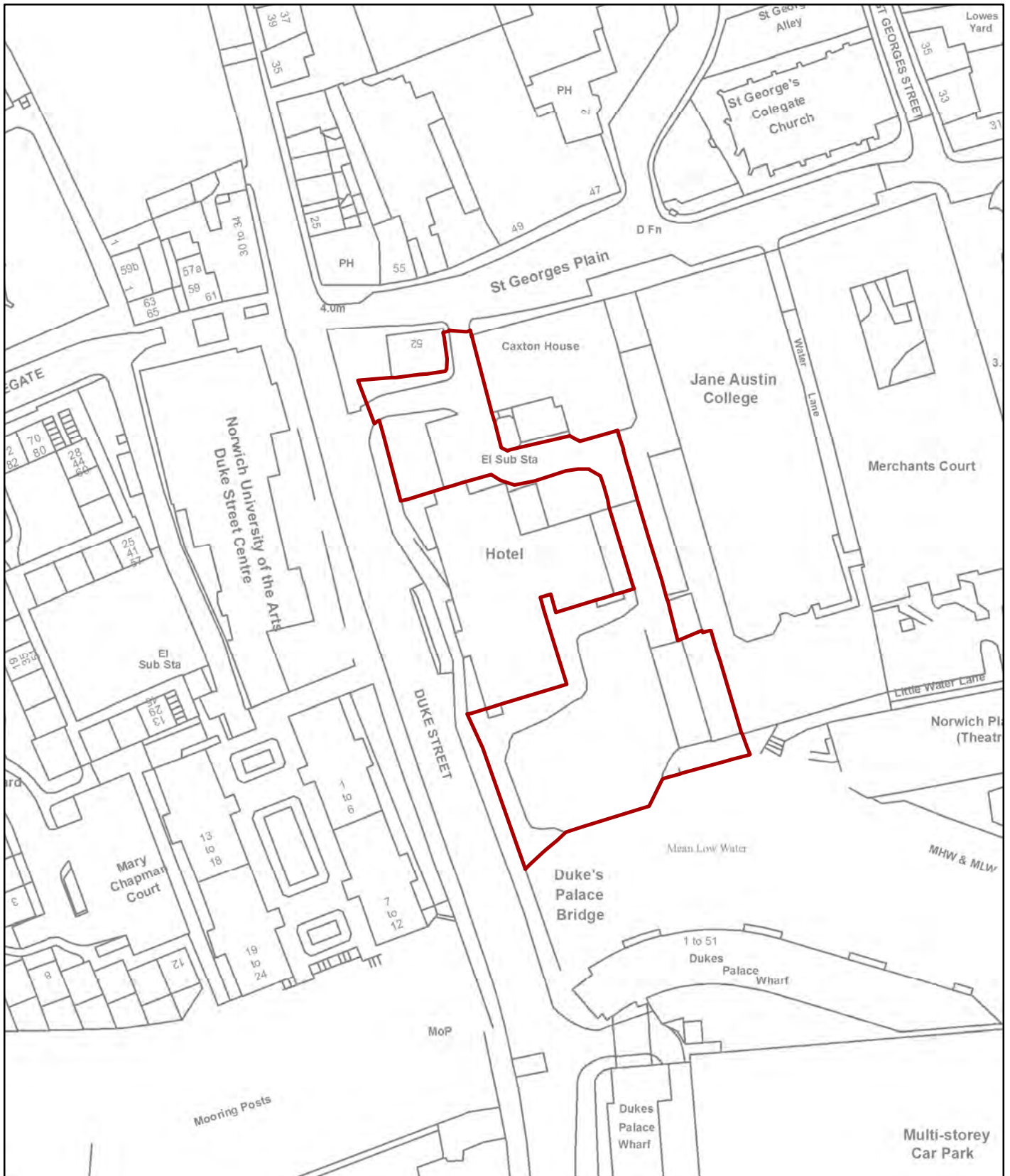
**Reason
for referral** Objections

4(e)

Ward:	Mancroft
Case officer	Katherine Brumpton – katherinebrumpton@norwich.gov.uk

Development proposal		
Redevelopment of car park site to provide student accommodation (revised proposal).		
Representations		
Object	Comment	Support
32	0	1

Main issues	Key considerations
1	Principle of development
2	Design and Impact on conservation area
3	Traffic & transport
4	Impact on amenity of surrounding uses, including residential
5	Flood risk
Expiry date	22 November 2019
Recommendation	APPROVE subject to conditions



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Planning Application No 18/01552/F

Site Address

Car Park Rear of Premier Travel Inn

Duke street

Scale

1:1,000

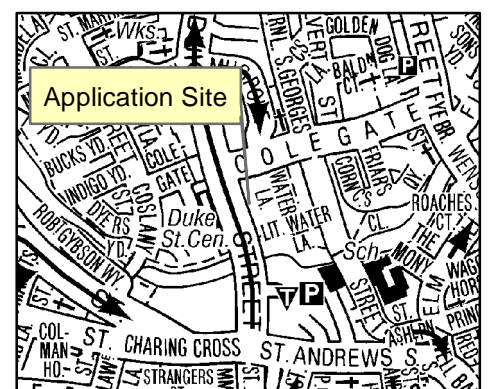


NORWICH
City Council

PLANNING SERVICES



Page 100 of 192



The site and surroundings

1. The application covers an area of 0.21 hectares on the north bank of the River Wensum immediately adjacent to the Duke Street bridge. The land is in use as a surface car park with associated paraphernalia but no buildings. Access to the site for the extant use is off Duke Street and Colegate and to the rear of the Premier Inn down a ramp.
2. Immediately north of and at a higher level than the site is the Premier Inn hotel; to the east and north-east are buildings occupied by the Jane Austen College. The Playhouse theatre lies further to the east. Duke Street forms the western site boundary and is at a higher level than the site. On the opposite side of Duke Street is Mary Chapman Court, which has recently been granted permission to be demolished and replaced with academic and residential accommodation for Norwich University of the Arts (application 18/01524/F). It is understood that works have now commenced. This application also included works to the riverside walk.
3. To the south, on the opposite bank of the Wensum is Dukes Palace Wharf, a development of flats fronting on to the river and wrapping around the northern boundary of the St Andrews multi-storey car park. Diagonally opposite the site, to the south-east across Duke Street and also on the opposite bank of the river, is the former Eastern Electricity Board building.
4. Further afield, the mix of uses also includes public houses, commercial and retail uses as well as residential.

Constraints

5. Conservation Area - Policy DM9 Safeguarding Norwich's Heritage;
6. Area of Main Archaeological Interest – Policy DM9 Safeguarding Norwich's Heritage;
7. Regeneration area – Northern City Centre Regeneration Area
8. Areas for Reduced Parking – Policy DM29;
9. Riverside walk (proposed);
10. Flood risk zone 2 – Policy DM5

Relevant planning history

11. On the application site

Ref	Proposal	Decision	Date
17/01078/F	Redevelopment of car park site to provide student accommodation.	Refused	14.03.2018
APP/G2625/W		Dismissed	

Ref	Proposal	Decision	Date
/18/3204095		at Appeal	21.12.2018
06/01245/U	Use of land as private, long stay car park and access to/from car park.	Refused	11.05.2007
05/01100/F	Temporary use of land as hotel car park.	Refused	03.01.2006
4/2003/0507	Renewal of temporary planning permission No. 4/2001/1009/F 'Use of vacant site as public car park'	Approved (temporary until 1 July 2005)	27.06.2003
4/2001/1009	Use of vacant site as public car park.	Approved (temporary until 1 April 2003)	07.03.2002
4/1998/0656	Redevelopment of site to provide 117 bedroom hotel, 21 residential units with office accommodation and car parking spaces and ground floor restaurant.	Approved	15.03.2004

12. On adjacent sites

Ref	Proposal	Decision	Date
18/01524/F	Demolition of student accommodation block, erection of new build academic and residential accommodation for Norwich University of the Arts, including works to the riverside walk and other associated works.	Approved	18.01.2019
16/01268/F	3 No. penthouse apartments, bin stores, reconfigured car parking arrangements, cycle provision and external canopy. @ Merchants Court, St Georges Street	Approved	09.02.2017
15/00916/F	Change of use of ground, first, second and third floors of Riverside building, first, second and third floors of No. 8 Duke Street, and first and second floors of No. 6 Duke Street to provide 69 residential units. @ Former Eastern Electricity Board Site, Duke Street	Approved	03.12.2015

Ref	Proposal	Decision	Date
14/01103/F	External alteration, partial demolition and extension of riverside and Duke Street buildings to provide 29 dwellings. Demolition of central and warehouse buildings to provide redevelopment for 56 dwellings, extension of basement car park, creation of 464sqm of flexible commercial floorspace (Class A2/A3/B1(a)), associated highway and landscape works, pontoon and floating landscape platforms. (Amended description and plans/supporting documents). @ Former Eastern Electricity Board site, Duke Street	Approved	17.12.2014

The proposal

13. The application proposes the construction of a single building to provide 139 student bed spaces in a mixture of cluster units with communal kitchens; studio apartments; and accommodation suitable for people with disabilities. The building has been designed with a rough L-shaped footprint, with one length running alongside Duke Street and the other alongside the northern boundary. This creates an open area to the riverside.
14. The building would have a maximum height of 8 storeys, to include a lower ground storey serving as a basement. The building would be 8 stories to the western side, adjacent to Duke Street, and then drop to 7 stories. The basement would provide an area for moped and cycle storage, refuse storage and general storage. An overhang would provide for a covered games area to site table tennis tables or similar. To the north of the building spaces for 2 accessible car parking spaces and 2 staff/drop off car parking spaces have been provided which would be accessed via a ramp running to the rear of the Premier Inn from Colegate and Duke Street.
15. The western element of the building is the tallest at 8 storeys, with a total height from site level of 24m, and 21.6m from Duke Street (mins the lift shaft which adds a further 0.6m). The shorter 7 storey section measures 21.6m from site level. The top stories on both the sections are set back from the main elevations, by a minimum of 0.6m and a maximum of 4.3m.
16. The height of the building is appreciated differently from different view-points; for example, when viewed from Duke Street the building reads as 7 storeys high because the site level is lower than the road. Similarly, when viewed from the Jane Austen College, the eastern section is read as 6 storeys. With the top floors recessed, and finished in cladding rather than brick, the design serves to visually break up the elevations and reduce the overall scale.

17. The “L” plan of the building allows it to respond to the site area, which is thinner to the eastern end. Furthermore this allows a useable section of the site to be landscaped, and used partially to provide a riverside walk and partially to provide the future occupants with amenity space. The shape also allows the building to respond to the line of the river, and retain some views across the site.
18. Pedestrian access to the building is off Duke Street, with a reception area and associated office on the ground floor (above the basement). The development provides a ramp down to the river between the bridge and the building, which then opens out onto a riverside walk that runs along the southern edge of the site. The walk would include some soft landscaping, which has been shown to comprise trees and lower level planting. There is also scope to provide some seating here. A raised deck would be created from the ground floor, set above the riverside walk. This would provide some amenity area just for the students. In addition an area to the east of the building bordering the underground car park of Jane Austin College would also be accessible just by the students and landscaped to create an amenity area with trees, planting and seating.
19. The proposal has been amended since it was first submitted. The final plans were re-advertised and re-consulted on.
20. This application follows on from application 17/01078/F. This was refused at Development Committee on 8th March 2018. Alongside the submission of this application (18/01552/F) the applicants also submitted an appeal to 17/01078/F. The appeal was issued on 21st December 2018, and was dismissed. Discussions have been had with the agent in light of the appeal decision, which has helped to inform the revised plans. A copy of the appeal decision is attached as an Appendix to this report.
21. The inspector identified 3 main issues;
 - 1) Whether the appeal scheme would preserve or enhance the character or appearance of the Norwich City Centre Conservation Area;
 - 2) The effect of the appeal scheme on the users of the Jane Austen College, with particular reference to light and outlook; and
 - 3) The effect of the appeal scheme on the living conditions of the occupants of Dukes Palace Wharf, with particular reference to daylight.
22. The appeal decision is discussed in more detail below in the relevant sections.

Summary information

Proposal	Key facts
Scale	
Total no. of dwellings	139 student bedrooms (including 14 studio rooms and 7 accessible rooms)
No. of affordable dwellings	n/a

Proposal	Key facts
Total floorspace	3,029 square metres
No. of storeys	8 (inclusive of a basement)
Max. dimensions	<p>Height varies from 24m (excluding the 0.6m lift shaft) to 21.6m, as measured from ground level. From the west (Duke Street) the building would measure 21.6m.</p> <p>The length of the section along Duke Street would measure 23.2m, and the length as viewed from the river 39m.</p>
Appearance	
Materials	Red brick and bronze coloured metal cladding between the ground floor and 4/5th floor, metal cladding to the 5th/6th floors and perforated metal mesh to the lower ground floor.
Construction	Sustainable construction methods will be adopted throughout the construction process for the proposed scheme. These methods will seek to address the construction of the building itself, in addition to consideration of the site in context.
Energy and resource efficiency measures	Roof mounted low profile photo-voltaic panels; specification of water efficient
Operation	
Opening hours	24 hours
Ancillary plant and equipment	Plant and storage rooms at lower ground level and ground level.
Transport matters	
Vehicular access	As existing from Duke Street and Colegate
No of car parking spaces	2 Accessible parking spaces, 2 staff parking/drop off and 11 moped spaces
No of cycle parking spaces	152
Servicing arrangements	Via the basement area with bins stored internally

Representations

23. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. Letters of representation have been received following 3 rounds of consultation from 33 contributors, with 32 objecting and 1 supporting. The issues cited are 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.
24. Most representations are from occupants of the flats in Dukes Palace Wharf to the south of the development across the river.
25. There are also letters on behalf of the Inspiration Trust that operate the Jane Austen College to the east and north of the site. The Premier Inn has also responded and whilst they do not object, they comment that access must be maintained during construction and the construction phase should be managed to minimise the impact on their business.

Issues raised	Response
Scale is too large; height, footprint	See main issue 2
This side of the river is not awash with large industrial buildings and the development remains too large. The proposed scale of development has been justified by referring to the area's industrial heritage; this is a spurious argument.	See main issue 2
Design would create a canyoning effect along the river and Duke Street, and be over dominant. Exacerbated by the recently approved scheme at Mary Chapman Court.	See main issue 2
Would not enhance the Conservation Area. Design is bulky, a stepped down design would be better.	See main issue 2. The revised plans show a stepped down design towards to the east
Block views from Duke Street towards the Playhouse, Cathedral and other areas of the Conservation Area.	See main issue 2
Concerns regarding noise from the building itself, to include the communal areas which face Dukes Palace Wharf	See main issue 4
Loss of view from Dukes Palace Wharf and reduction in property value.	These are not material planning considerations.
Over looking into the balconies along Dukes Palace Wharf and into their dwellings, to include a largely glazed flat on the top floor. Overlooking towards properties to the north.	See main issue 4

Issues raised	Response
Overlooking towards the College (original plans).	
Overshadowing towards Duke Palace Wharf and Jane Austin College.	See main issue 4
Concerns regarding antisocial behaviour and noise pollution from along the riverfront/amenity area. Residents in the area already experience some noise pollution from the Playhouse.	See main issue 4
Design should have more consideration for the environment and wildlife along this stretch of river	See other matters
Concerns regarding parking and traffic congestion, especially at the end and beginning of tenancies. .	See main issue 3
If approved; during the build period there needs to be liaison with the school to include consideration of exam times, erection of a suitable barrier to manage moped access, river walk is closed to the public at dusk to prevent the dead end being used antisocially, and the end wall graphics are discussed with the school.	A Construction Management will be conditioned.
Revised design has decreased the impact upon the school. Note the Daylight Assessment but remain concerned that the proposal would result in shadowing of the school.	See main issue 4
Doubts that the student accommodation is required; the new PBSA guidance note throws doubt on whether the university numbers will remain buoyant. The report does not appear to consult with the universities and is flawed. Prefer an alternative type of development.	The PBSA guidance note has been researched and informed by evidence gathered by planning policy. Both UEA and NUA have been consulted.
Does not accord with the new PBSA guidance.	The development provides rooms in accordance with the PBSA in terms of the size and number of accessible rooms. Whilst the number of rooms proposed is less than that suggested in the guidance (range from 200 – 400), the reason for including this range is to try and ensure a critical mass of

Issues raised	Response
	students is achieved to warrant the provision of an acceptable of on-site management. The proposal sets out the framework for a management plan that officers consider is acceptable and the full and final details can be secured by condition.
New PBSA guidance does not refer to the recent Augar Report.	<p>This has been raised separately as part of the public consultation regarding the PBSA Guidance Note. The following comments have been made by the Planning Policy Team;</p> <p>“The Post-18 Education Review (the Augar review) was published by Government on 30 May 2019. The PBSA report was completed for internal review prior to this date and prepared for public publication in advance of the Sustainable Development Panel on 19th June, and therefore does not reference this document. An amendment to make reference to the review is now proposed. It should be noted that the Augar Review is not intended to be a deterrent to higher education; aspects... include lowering tuition fees and re-introducing maintenance loans for example. The government has not yet responded to the review and the recommendations contained within have not been passed into legislation.”</p>
Consideration needs to taken during the build to minimise the impact upon the hotel and its guests. Request a Grampian style planning obligation is imposed to ensure appropriate Rights of Light and Party Wall agreements are entered into.	A construction management plan shall be secured by condition. However, a condition cannot require compliance with other legislation such as the Party Wall Act; to do so would be ultra vires.
Management Plan should be submitted upfront to ensure that a plan isn't agreed for the sake of it.	A Management Plan would be conditioned; any Management Plan agreed later will be required to be of sufficient quality and detail.
Revised scheme fails to address the concerns of the appeal.	See main issue 2 and 4.
The site is unattractive and needs to be redeveloped. The elevation of the Premier	Noted

Issues raised	Response
Inn that the development would abut does not have any windows so will not be affected greatly.	
Welcome an additional part of the riverside walk.	Noted
The proposal should not overshadow Dukes Palace Wharf. There are many residential buildings sat opposite each other further down the river; this would be no different in terms of overlooking.	See main issue 4
The proposal will cause traffic congestion, particularly at the beginning and end of term	See Main Issue 3
The development will result in loss of light to the residents of Dukes Palace Wharf and to the Jane Austen School building and playground	See Main Issue 4
The development should be tied to a particular education establishment and managed	It is not necessary to tie a permission to a particular establishment from a planning point of view. Details of site management can be secured by condition if necessary.

26. Councillor Bogelein has made the following comments (original plans);

27. The minimal changes made to the proposal from the previous application do not overcome the issues on which the previous scheme was refused. The changes include a slight decrease in height and proximity, and do not integrate the scheme any better into the area.
28. Due to the timing of the application residents have been potentially involved in commenting on the appeal on the previous application in addition to this new application. This is onerous on the public, many of whom are not familiar with the planning procedures.
29. The council needs to make it clear that the minimal changes do not overcome the objections to the previous application.

Consultation responses

30. 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.

Anglian Water

31. **Assets Affected:** There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted. Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.
32. **Wastewater Treatment:** The foul drainage from this development is in the catchment of Whitlingham Trowse Water Recycling Centre that will have available capacity for these flows.
33. **Used Water Network:** Development will lead to an unacceptable risk of flooding downstream. Anglian Water will need to plan effectively for the proposed development, if permission is granted. We will need to work with the applicant to ensure any infrastructure improvements are delivered in line with the development. The developer has confirmed a pumped discharge regime will be required (6.0 foul strategy & drainage drawings), however, no pump rate has been confirmed at this stage. This will be required to conduct an accurate network impact assessment. We therefore request a condition requiring phasing plan and/or on-site drainage strategy (1) **INFORMATIVE** – Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.
34. **Surface Water Disposal:** The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets and discharge will be via the River Wensum (6.0 surface strategy). As such, we are unable to provide comments in the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented.

Broads Authority

Original Plans

35. Scale of development: The scale, massing and positioning of the building, in close proximity to the river and Duke Street will have an overbearing effect on the River Wensum in this location.
36. Strategic Views and riverside character: The application considers strategic viewpoints but does not include sufficient information on more localised views to fully assess and comment upon potential impacts, it is therefore unclear whether these have been fully considered as part of the design process.
37. Taking into account the position, mass and scale of the building it is considered very likely that the building will be visible within most views along this stretch of the River Wensum, in particular between St Georges bridge and the Coslany Street bridge. It is likely that the building will be dominant within closer views around the Duke Street bridge, and potentially overbearing on the character of the river, even within the context of the Dukes Palace Wharf building, and development proposed at Mary Chapman Court.
38. Riverside treatment: The application lacks information regarding the structural part of the riverwall, it is presumed that some parts of the riverwall would need to be raised to accommodate the ramped access and that railings would be provided.
39. This stretch of the riverwall currently comprises capped steel sheetpiling, a green edge to the river is described within the landscape strategy but this is not evident within the proposed layout which appears predominantly hard. Although a hard approach is acceptable given the existing treatment, a softer approach on land would be preferred. Site levels are lower in this location than other stretches of the river, so there is potential for the both users of the site and the river to benefit from some greening in this location.
40. Although some ground floor uses are suggested to provide activity and passive surveillance of the riverside space, this space will potentially feel unwelcoming (narrow, dominated by adjacent building height and overhanging building at first floor level) with little meaningful activity and a poor connection between Duke Street and the riverside walk.
41. Pedestrian routes and riverside walk: The inclusion of a riverside walk and access to the river frontage is welcome; however the poor connection to Duke Street and overall limited design lacks the ambition that the River Wensum Strategy aspires to.
42. Existing landscape features: The existing site contains areas of ruderal species, scrub and small trees on the boundary to Duke street, although the ecology appraisal concludes that site habitat is of minimal ecological value, any loss should be offset by habitat enhancement, the proposals to do this are limited.
43. Summary: Due to the height and position of the proposed building on this site, there is likely to be a negative impact on views and the character of this stretch of the river. Due to the constrained site layout the proposals also fail to offer sufficient value in the design of the riverside walk and associated landscape treatments that may otherwise be a consideration in mitigating harmful and negative effects of the proposed development.

Amended Plans

44. Scale of development: Adjustments have been made to the scale, massing and positioning of the building. Although it is inevitable that any development of scale on this site will have some overbearing effect on the River Wensum in this location, the adjustments made will reduce the impact and provide a more coherent treatment when viewed in context of other buildings fronting the river.
45. Strategic Views and riverside character: The original documentation considers strategic viewpoints, no additional information has been submitted to analyse more localised views or update the strategic views in relation to the amended proposals, therefore it is not possible to fully assess and comment on potential impact from other views.
46. Riverside treatment: Additional information will be required regarding the structural part of the riverwall, it is presumed that some parts of the riverwall would need to be raised to accommodate the ramped access to the Riverwalk and amenity area.
47. The riverside walk and amenity area will feel more welcoming and open as a result of the amendments to the building footprint and layout, this is beneficial in terms of environment provided alongside the river and an enhanced connection between the site and the river.
48. Pedestrian routes and riverside walk: The improvements to the riverside walk and access to the river frontage are positive and beneficial, these improvements resulting from amendments to the building and site layout will ensure that these facilities are better connected and more usable. The connectivity to Duke Street is still somewhat convoluted, but it is acknowledged that this is not possible to fully mitigate due to the level differences and lack of direct access.
49. Clarification should be provided as to access arrangements and whether these will be fully public or controlled at certain times of the day. No gates or control point is shown on the drawings.
50. Existing landscape features: Previous comments in relation to ensuring ecological value of landscape remain relevant, the existing site contains areas of ruderal species, scrub and small trees on the boundary to Duke street, although the ecology appraisal concludes that site habitat is of minimal ecological value, any loss should be offset by habitat enhancement.
51. The public open space and private amenity space are shown predominantly as hard landscape, it is therefore of great importance that the limited areas of soft landscape provide ecological and aesthetic quality, this should be secured by condition of any approval that might be granted for this site.
52. Summary: The amendments to the application address some of the issues of accessibility and provision of open space in connection with the river, presenting a higher quality and more valuable proposal in landscape terms. The revisions to the building and site layout (in particular removing the projecting element of the eastern block) also help to address some of the issues of overshadowing to this stretch of the river. Although the revisions go some of the way to addressing the issues raised previously, it is considered that any building of height and mass on this site will have some negative impact on views and the character of this stretch of the river.

Design and conservation

Original Plans

53. The 2018 appeal decision rejected the proposals for the development of a purpose built student block on this site. The rejected building rose to 9 storeys (including riverside/basement level and a upper floor recessed storey) fronting Duke Street dropping to 8 storeys fronting the river (including riverside/basement level and a upper floor recessed storey) reducing further in height at the eastern end to 7 besides the neighbouring Jane Austin college building.
54. The Inspector was critical of the excessive height and width (projecting out over the riverside walk) and the resulting dominant and discordant 'canyoning' effect along the river (in conjunction with the scale/form of Dukes Palace Wharf), its vertical emphasis in comparison to its horizontally proportioned neighbours, its 'tower like' appearance from Duke Street and the awkward juxtaposition between the development and neighbouring lower heritage assets, namely the Jane Austen college building and the mill house that he considered would be dwarfed by the development.
55. Since the appeal decision in December 2018, the proposed extension to NUA was permitted on the adjacent side of the river, this building would rise to 7 storeys fronting Duke Street/bridge and would drop to 2 to the north and 5 to the west. The reduction in height at the sites perimeter helped to mitigate the impact of the proposed scale somewhat. The horizontal emphasis, interesting fenestration and red brick employed with decorative brick detailing all helped the building to sit within its context. It should also be acknowledged that this proposed extension to the art college was considered to result in significant public benefits (including the provision of new education facilities within the city and a generous and open riverside walkway) that helped to outweigh harm caused to the setting of adjacent heritage assets.
56. No comparisons in height between the existing buildings on all four corners of the bridge and the proposed development have been provided. It would be useful to have verified views of the proposed development from keys view-points also.
57. The proposals appear to propose a building of a consistent height along its length, which rises to 8 storeys (including riverside/basement floor level and an uppermost set-back floor level).
58. I am pleased to see that the building has now been set back from the river somewhat, although no scale drawings have been provided to indicate by how much? The reduction in the width of the building at the eastern end will help to reduce the buildings visual bulk somewhat and the new building will be set further back from the Jane Austen college and from the river itself, however I am not satisfied that this sufficiently addresses the inspectors comments in respect of 'dwarfing the neighbouring heritage assets' as the height of the building appears to remain the same?
59. It would be my recommendation for the building to reduce in height towards the east, in order to be better knit into the specific context. My previous comments recommended that the building should be no more than 7 Storeys to Duke Street (including riverside/basement and upper floor set back), dropping to 6 and then 5 to

the east. This reduction in height would still allow views of the Premier Inn to be obscured, but would allow for a more appropriately scaled building in the existing context.

60. The proposed angular reveals to the windows and bronze cladding adds interest and expression to the elevations and I am pleased to see that the curved corners remain. Red brick is appropriate in the locality. However, I fear that the elongated linear bands of bronze cladding add verticality to the building which will serve to emphasise its height. The sill banding is welcomed, but would preferably extend around more of the building than is currently indicated to provide more of a horizontal banding effect. These would not need to wrap fully around the building and could still be playful. The upper most-floor would preferably also feature the curved corners to reflect the storeys, fenestration pattern/type should run in line with the elevations beneath and the cladding could match that employed on the window reveals to allow this element to better tie into the whole.
61. The more pronounced entrance from Duke Street is welcomed, however it is still accessed to the north. It is not clear what would the envelope beneath the window be? Stone to match the cills perhaps? Render would preferably be avoided, as can look budget/weather badly in this location. The glass cantilevered? element over the north entrance and signage is not opposed; submit to signage details and material samples being required by condition upon application.
62. The proposed bronze grill to the access ramp to the riverside walk appears very harsh, I wonder whether a green wall would allow for a softer, more welcoming access route? Alternatively could fret cut metal panels feature some artistic flourish // heritage interpretation for the site – which neighboured the historic Boulton and Paul ironworks. High quality hard surfacing to this area would be required by condition upon application.
63. Conclusion: As a consequence of its excessive height and vertical emphasis the building will be a dominant and assertive element in the townscape that that will rise above the existing development in the locality. There remain concerns over the poor juxtaposition between the proposed development and the locally listed two/three storey Jane Austen college and the Malthouse.
64. Whilst it is acknowledged that there is some limited merit to the fact that the proposed development will obscure views of 'negative' Premier Inn building from the south and from the development of a currently dis-used site - this could be achieved by a building of a lesser scale that would more comfortably sit within the adjacent townscape.
65. This being said, the set back from the riverside walk and the reduction in the bulk/width of the building at the eastern end and the added interest provided to the fenestration pattern/banding is welcomed. Could these elevations be altered to allow for more horizontality to be expressed?

Amended Plans

66. Verbal response only;
67. The revised plans represent an improved scheme. The reduction in scale in both height and footprint is welcomed, to include a reduction in height at the eastern end.

The elevations now have more horizontal detailing, partially from the use of more sill banding. The use of curved corners to the top floors, to match the lower floors is welcomed.

Historic England

Original Plans

68. The application site is a prominent one in the conservation area but is marked by large-scale clearance and redevelopment of industrial sites on the River Wensum in the 20th century. The site is presently somewhat blighted by the Premier Inn, a large building with a blind end wall built presumably in anticipation of a large new building on this site masking it. Redevelopment of the site is therefore welcome. The presence of Premier Inn and other more successfully designed modern buildings all of which are of some scale means that a large building in a contemporary style would be appropriate for the site and could help mask the blind wall of Premier Inn and actively engage with the riverside.
69. The proposed residential development of the site has been the subject of a previous application during which we accepted the principle of a large-scale building on the site and that the part adjacent to the Premier Inn should be of sufficient height to mask it.
70. We expressed reservations about the relationship of the proposed building to the riverside and Colegate, to the north, but on balance accepted the overall scale and form of the river frontage development. We did, however, draw attention to the scale of the building's eastern elevation when seen from the vicinity of Merchants Court and Jane Ausein College and that the impact on these was not fully clear from the application.
71. That application was refused permission by the Council chiefly because of the impact on Jane Austen College, the height and massing of the new building and its relationship to the river. The application is presently the subject of an appeal. The current proposals seek to address the Council's concerns, chiefly by reducing the height of the main block, reducing the eastern part of the building closest to the College and stepping it up away from the College. This reduction in height, particularly at the eastern end of the building, is welcome.
72. The National Planning Policy Framework (NPPF) states that the purpose of the planning system is to achieve sustainable development and that protection and enhancement of the historic environment is an overarching objective in this (paragraphs 7 and 8). The significance of listed buildings and conservation areas can be harmed or lost by alteration to them or development in their setting. The NPPF states that clear and convincing justification should be made for any such harm and that 'great weight' should be given to the conservation of listed buildings and conservation areas irrespective of the level of harm caused (paragraphs 193 and 194). This weight and the justification for harm should be especially convincing where harm to buildings of a high grade of listing is concerned. Paragraph 200 also states that the Council should favour those proposals for development which preserve those elements of setting that make a positive contribution to the heritage asset of better reveal its significance.

73. We have considered this application in terms of this policy and would accept the principle of the proposed building and not wish to object to the application. We would also advise it is important that the landscaping scheme along the waterfront is suitable and external materials and detailing of the building are of a very high quality. The facing brickwork, in particular, needs to be of a colour and texture appropriate to the area with sufficient variation to provide interest.
74. Recommendation- Historic England has no objection to the application on heritage grounds. We consider that the application meets the requirements of the NPPF, in particular paragraph numbers 7, 8, 193, 194 and 196. In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation

Amended plans

75. No further comments

Norwich Society

Original Plans

76. Our comments on the previous application 17/01078/F were: 'We object strongly to this proposal. It represents overdevelopment of the site and will create a canyon effect along the river frontage'. The scheme is improved in that one storey has been removed from the Duke Street frontage and its return; also it has been set further away from Jane Austen College. However the building remains directly on the riverside so our concerns regarding the canyon effect in relation to the River remain.

Amended Plans

77. No comments received.

Environmental Protection

78. No comments regarding noise providing the recommendations of the noise assessment report are complied with.
79. Air Quality: I would recommend that a condition requiring a construction management plan is applied. The Construction Management Plan should be produced in accordance with the advice detailed within the air quality assessment to limit the quantity of dust which will be produced by the development. Particular relevance should be given the risk posed by the presence of asbestos fibres within the soil, on site.
80. Contaminated Land: The Site Investigation Report indicates that there are elevated levels of contamination present on site including lead PAHs and asbestos. It also indicates that the site levels will be raised, which will provide a cover system

isolating the contamination. It is understood that some topsoil will be imported for soft landscaping areas.

81. Therefore I would recommend a condition relating to topsoil.

Environment Agency

82. No objection to the proposals providing the following planning conditions are included as set out below. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application. Please note that the site is now within Flood Zones 1 and 2, so we have not provided bespoke flood risk advice because this development is covered by our Flood Risk Standing Advice.
83. Environmental Setting: The site is underlain by Alluvium and River Terrace Gravels both designated as Secondary A aquifers which overlie the Lewes Nodular Chalk Formation, a principal aquifer. The site is within a Source Protection Zone 2.
84. Land Contamination: Based on the information provided in the Harrison Geotechnical Engineering Site Investigation report dated May 2017 significant contamination has not been detected in groundwater beneath the site. The site is underlain by made ground where some contamination from PAHs and asbestos was detected. We therefore recommend a watching brief is carried out during groundworks to identify any unexpected contamination on site. Should such contamination be detected we request to be contacted. In addition, we request a piling risk assessment is undertaken demonstrating the chosen method of piling will not result in an unacceptable risk to groundwater.
85. Surface Water Disposal: We note the proposals do not include infiltration drainage. Therefore, we have no further comments with regard to surface water management.
86. Conditions requested refer to; potential contamination not already identified and no piling or similar unless agreed by the EA,

Fire Service

87. No response

Norfolk County Council – Lead Local Flood Authority

88. Does not wish to comment on the application.

Norfolk County Council – Planning Obligations

89. While the County Council acknowledges that most infrastructure requirements would need to be funded through the Community Infrastructure Levy (CIL), some might still need to be funded either through a separate legal agreement (e.g. S106 agreement) and/or planning condition.
90. The County Council would have serious concerns if funding for the attached list of infrastructure requirements mitigating the impact of this development, could not adequately be addressed/delivered through CIL; S106 and/or condition

91. **Fire:** With reference to the proposed development, taking into account the location and infrastructure already in place, a minimum of 1 fire hydrant on a minimum 90mm main is required at a cost of £824.00. The positioning of hydrants to service any taller blocks of flats must meet the requirements of Building Regulations Approved Document B volume 2 sections 15 & 16 (Fire Hydrants / water supplies and Vehicle access).
92. If the overall height of any building exceeds 18m the provision of a dry fire main may be required to comply with Building Regulations Approved Document B Volume 2 B5 and sections 15 & 16 (Fire Hydrants / water supplies and Vehicle access).
93. **Library:** New development will have an impact on the library service and mitigation will be required to develop the service, so it can accommodate the residents from new development and adapt to user's needs.
94. **Green Infrastructure:** General Comments: Connections into the local Green Infrastructure (GI) network, including Public Rights of Way and ecological features, should be considered alongside the potential impacts of development. Direct mitigation and GI provision should therefore be included within the site proposal. Mitigation for new and existing GI features identified as strategic shall be funded by the Community Infrastructure Levy (CIL) through the Greater Norwich Investment Programme. These requirements for consideration and implementation, for both on and off-site GI provision, will help the local GI network to facilitate the development without receiving negative impact and equally, allow the development to integrate and enhance the existing network. Green Infrastructure within this proposal should respond to the Greater Norwich Green Infrastructure Strategy (2007) which informs the Joint Core Strategy, adopted January 2014. Development proposals are expected to fit with strategic visions for the area and respond to corridors as outlined in the Joint Core Strategy.

Highways (local)

Original Plans

95. No objection on highway grounds subject to consideration of the following matters.
96. The development is centrally located which affords access to all modes of transport, especially on foot, cycle and public transport. The findings of the Transport Assessment are accepted, that there will be less vehicular traffic associated with the development than with the current use as a P&D car park.
97. The provision of a limited number of car parking spaces on the site (4) will keep vehicular traffic associated with this development very low.
98. Student get in / get out: There is no clear indication how traffic associated with the start and end of the academic year will be managed without causing problems on Duke Street (It is unlikely that the onsite parking spaces would be adequate to cope with likely demand). There is also a risk of obstructive parking on the contraflow cycle lane with vehicles loading student belongings etc.
99. My advice is that student arrival/departure by car with belongings should be done by using St Andrews car park and some arrangement whereby belongings are transported using trolleys or similar solution perhaps with assistance by the accommodation management. There could be an arrangement with the city council who operate St Andrews car park that a dedicated area is allocated for such loading

activity within the ground floor of the car park near the pedestrian exit to Duke Street.

100. In normal circumstances a loading bay adjacent to the Premier Inn hotel on Duke Street forms part of the highway and is also available for drop off/pick up purposes for the site if required e.g for taxis. There are extensive waiting restrictions on Duke Street that enable effective parking enforcement if required.
101. The means of the access to the undercroft vehicle and cycle parking is acceptable from Duke Street, the turning head will enable a refuse truck to exit the site in a forward gear. The means of egress from the site at present require use of one way exit to Colegate.
102. Means of access/egress: There is a persistent issue with general traffic using the Duke Street access and Colegate egress as a short cut, this is problematic for pedestrian/cycle safety on Colegate. Ideally the egress to Colegate would be closed and the access to Duke Street modified to enable an in/out arrangement to be established. It would be appreciated if this can be considered as it is within the red line of this application. Moreover the current arrangement is problematic for cyclists wishing to leave the secure parking and enter Duke Street, they would need to cycle against traffic entering the site. Provision of cycle and moped parking is safe, covered and secure. It will require cyclists to travel into the site from either the Duke Street at its junction with Colegate or from Colegate. This is likely to cause problematic cycling against the flow of the cycle contraflow lane, it would sensible for minor changes to be made to accommodate likely cycle demand associated with this development.
103. Therefore it would be appreciated if the following minor highway improvements can be undertaken:
 - 1) At the toucan; a jug handle cycle access to the crossing from Duke Street – see sketch below
 - 2) The cycle lane; made two way for cyclists between Colegate and St Andrews Street (this may require widening of the cycle lane and relocation of the segregation bollards); this would be subject to feasibility to understand if such a change can be made.
104. This will require safety audit and scheme designs to be submitted to the Transportation team for approval and implemented under a S278 agreement – all of which can be a pre-commencement condition.
105. Riverside path: The provision of a new section of riverside path is particularly welcomed. Please note that the S106 should be updated to ensure that the riverside path is available for public use in perpetuity to ensure that it doesn't become privatised in future. However for safety and security reasons, it may be necessary for the path to be gated at night, or when essential maintenance occurs. The s106 needs to be worded to take these issues into consideration as exceptions to public rights of access. Should the adjacent site enable a connection of the riverside path, it would be helpful if the owners of this site enable such a connection to be made. It may be prudent for the S106 to be worded to ensure this does occur. Other locations in the city centre with sections of riverside path being built but not

connected do exist which has made it problematic for future connections to be made, especially if there are costs.

106. The provision of a riverside path will require liaison with the Broads Authority to ensure that all necessary safety measures are provided for.
107. Visitor cycle parking should be provided near to the access to the building on Duke Street, these could be provided by stands on the footway parallel to the kerb
108. Recommendations:
 - 1) Condition added to require the accommodation operator to facilitate a 'get in/get out' procedure for students in liaison with the City Council who operate St Andrews multi storey car park.
 - 2) Amendment of the S106 to safeguard public access in perpetuity subject to agreed exceptions (such as maintenance or night time closure by gate) and enabling work to connect the path to the adjacent site in future should this come forward.
 - 3) Consideration of changing the means of access/egress to create a two way access to Duke Street and closure of the egress to Colegate to vehicles
 - 4) Highway improvements to accommodate cycling demand on Duke Street; two way use of the extant contraflow cycle lane, and cycle jug handle at the toucan crossing.
 - 5) Provision of visitor cycle parking on Duke Street near the main entrance required (up to 5 stands)
 - 6) The applicant to liaise with Norfolk County Council (Bridges) to ensure that construction work adjacent to the substructure of the bridge is acceptable.
 - 7) The applicant to liaise with the Broads Authority to ensure that necessary safety measures adjacent to the river are undertaken e.g. safety ladders, chains, life rings, adequate height balustrade etc

Amended Plans

109. No objection on highway grounds subject to consideration of following matters.
110. This city centre site allows staff and occupants to enjoy a highly accessible location by a range of transport modes, and proximity to the St Andrews multi storey car park. The provision of a new section of riverside walk will assist with the implementation of the Wensum River Strategy; it appears to be of sufficient width and acceptable gradient for public use.
111. The pedestrian entrance to the building on Duke Street is sensible in terms of ease of access, however it may encourage obstructive dropping off and loading in the cycle contraflow. The loading bay adjacent to the Premier Inn, is part of the highway and should be used by the Student halls occupants for the purpose of on-street loading.
112. The following design considerations should be raised with the applicant:

- 1) Proximity to the Duke Street bridge sub structure and retaining walls will require liaison with Norfolk County Council Bridges team.
- 2) The Broads Authority will need to advise on any suitable safety features to the river edge e.g. ladders, safety chains etc. The council will not provide life buoys.
- 3) Lighting of the riverside path will need detailing.
- 4) The council will not adopt the riverside path, it will remain in private ownership therefore all maintenance e.g. litter, ice, inspections, repair etc will need to be done by the freeholder. Public access to the riverside path should be safeguarded in perpetuity, i.e. a clause in the s106 should safeguard public access against the possible risk of permanent gating and privatisation.
- 5) Consideration of crime and disorder risks on the riverside path should be considered, for example whether or not the managing body has control of a gate to lock access at night.
- 6) Consider if a hand rail could be provided on the ramped part of the path from Duke Street, perhaps attached to the bridge substructure or other design solution.
- 7) Moped parking; please provide a tether e.g. sheffield stand or similar product so mopeds or motorbikes can be secured
- 8) Cycle access please ensure there are dropped kerbs to enable cyclists to get to the bike store entrance easily
- 9) Refuse; the staff parking appears to obstruct access to the refuse store route, please query this with the applicant
- 10) Refuse access; please check that a refuse truck can turn around and exit the site in a forward gear.
- 11) Cycle access to rear of site; the design will require cyclists to enter the rear of the site via Duke Street or Colegate. The design layout of these rear access points to the site are not entirely satisfactory as they are primarily designed for motor vehicle movement. At times of congestion or heavy moving traffic cyclists may have difficulty travelling from Duke Street into the site access. Currently the cycle lane is intended to be a contraflow, and is not intended for two way cycling, but in practice it does perform this function without incident. What would help cyclists is a dropped kerb on the left hand side of the toucan crossing, so that a cyclist could use a 'jug handle' to use the toucan and get to the site. this would require a highway scheme to be safety audited and designed, it may require signs and lines installed. See sketch below.
- 12) Cycle parking; experience from elsewhere in the city centre indicates that levels of cycling are low, as many students walk/use buses – the proposed level of cycle parking may be very high and be wasteful of space. A compromise can be to allocate space for cycle parking to accommodate future growth, but only require a lower level of cycle stands to be provided. Alternatively they could use high density cycle parking products e.g. tiered or semi vertical stands. Alternative use of this space could be for storage units for belongings/furniture etc

- 13) The asphalted footway adjacent to the Duke Street side will need to be repaved in Marshalls Saxon paving to complete the paving scheme on the street. (dropped kerb to be retained)
- 14) To prevent obstructive loading occurring adjacent to the main entrance on Duke Street, recommend installation of bollards to prevent vehicles attempting to mount the footway and encourage vehicles to use the adjacent loading bay.
- 15) Please ensure that the Fire Service are consulted about access to the site for their purposes.

113. Recommendations:

114. Construction management plan required in case of traffic management requirements on Duke Street; early involvement of Streetworks team required.
115. Travel Information Plan required, to include advice to students about check in/out arrangements i.e. using St Andrews car park.

Landscape

Original plans

116. Building scale & massing: Some adjustments have been made to scale and massing, the proximity of the buildings to the river is noted as remaining the same as extant schemes. Although the height of the building has been reduced by a storey at the Duke Street end, any building of height positioned close to the south-west corner of the site extent will have an overbearing effect on the river and the value of any external space located along the riverside.
117. Views: As highlighted in comments on the previous application, there are a number of locations close to the site where views have not been fully considered, including St Georges Street and St John Maddermarket. It is possible that views from Friars Quay and the setting of St Georges Green may also be altered by the proposals, particularly in winter months when there will be less screening from trees. The application lacks information to illustrate how these effects have either been ruled out or have been considered and assessed.
118. Riverside Walk and amenity space: The proposal includes access along the riverside and connected seating area and terrace, although the inclusion of the Riverwalk is positive, its design and associated access is of limited quality and value. The proposed access point off Duke Street is not well located and lacks legibility, although this site and a connection is challenging in terms of levels and the restricted area, this does need further consideration. The access feels convoluted and uninviting and it is difficult to imagine the current layout being well used by the public. The corner landing of the ramp will potentially be very unpleasant, as this is a dark corner against the bridge abutment and will likely feel very enclosed with an additional building in close proximity. The drawings lack sufficient level information to determine if the ramp will meet accessibility requirements. It is also unclear how the riverside walkway is accessed from the building, is this only via the stepped access or is level access available to the south?

119. The application includes a basic landscape plan; this lacks enough detail to comment fully, however given the scale of the development, the amount of external amenity space offered does not appear sufficient. Although a positive landscape narrative is displayed within the Design and Access statement and the precedent images used, this is not reflected in the layout of the site and design of amenity space. The courtyard does not appear generous enough in its size or character to be appropriate to this scale of development.
120. Any development of this site will put additional pressure on nearby open public space such as St Georges Green, these pressures would be greater for this proposal due to a lack of adequate on site amenity space. Offsite contributions should be discussed as a means to addressing this should a proposal for this site move forward.
121. General: Proposals for the northern part of the site have not been submitted as part of this application, it would be useful to understand the intended use for this part of the site (even in outline).

Amended plans

122. Building scale & massing: Adjustments made to the scale and massing of the building improve the relationship between the building and the outside space, particularly to the eastern area of the site, a more interesting series of spaces and relationships has been developed as a result, including a more welcoming riverside walk connection and two levels of decking/external space for residents.
123. The height of the building has been adjusted, however as previously commented any building of height positioned close to the south-west corner of the site extent will have some overbearing effect on the river in this location, it is considered that it is not possible to mitigate this given the constraints of the site. The improvements to the external space located along the riverside generally and their relationship to other parts of the building mean that any compromise to this corner is not as significant. It is also considered that in streetscape terms the revised proposal offers a better relationship with the approved NUA building.
124. Views: In previous comments I highlighted that some views had not been fully considered, no additional information has been provided so I cannot fully comment on the impact the development could have on locations close to the site, including St Georges Street, St John Maddermarket, St Georges Green etc.
125. Riverside Walk and amenity space: The proposal includes adequate access along the riverside, although this route doesn't link to an adjacent site, it does offer future opportunities for connection and for resident use a link into a further area of open space.
126. The redesign of the west elevation better anchors the building and provides an improved visual marker to the riverside walk as the elevation now has some variation. The route from Duke Street is still constrained to similar proportions but the dark corner against the bridge abutment has been addressed with a viewing port which is welcomed.

127. Access arrangement between the building and the riverside walkway is still a little unclear, although it appears that there is an opportunity for access through the secure gates as lower ground floor level.
128. Additional details would be required around the boundary relationship to the Jane Austin College. This and any other landscape details could be secured by condition now that it has been demonstrated that there are adequate opportunities to provide these spaces within the site.

Norfolk historic environment service

129. Please add standard condition (requesting a Written Scheme of Investigation prior to any development).

Norfolk police (architectural liaison)

Original Plans

130. Access should be controlled to the site to prevent trespassing, loitering and anti-social behaviour; opening a public amenity space at this location is a recipe for disaster. A robust barrier should be installed along the water front to prevent access to the water.
131. Direct correspondence has been had with the agent. No other comments to make.

Amended Plans

132. Very pleased to see that arrangements will be made to secure public access to riverside walk during peak crime times, the installation of CCTV AND 24hr Security on site.

Tree protection officer

Original Plans

133. Provision of new trees appears low for this site and level of development.

Amended Plans

134. No further comments received.

Assessment of planning considerations

Relevant development plan policies

135. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
- JCS1 Addressing climate change and protecting environmental assets
 - JCS2 Promoting good design
 - JCS3 Energy and water
 - JCS4 Housing delivery
 - JCS5 The economy
 - JCS6 Access and transportation
 - JCS7 Supporting communities

- JCS9 Strategy for growth in the Norwich policy area
- JCS11 Norwich City Centre

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

- DM1 Achieving and delivering sustainable development
- DM2 Ensuring satisfactory living and working conditions
- DM3 Delivering high quality design
- DM4 Providing for renewable and low carbon energy
- DM5 Planning effectively for flood resilience
- DM6 Protecting and enhancing the natural environment
- DM7 Trees and development
- DM8 Planning effectively for open space and recreation
- DM9 Safeguarding Norwich's heritage
- DM11 Environmental Hazards
- DM12 Ensuring well-planned housing development
- DM13 Communal development and multiple occupation
- DM15 Safeguarding the city's housing stock
- DM28 Encouraging sustainable travel
- DM29 City centre off-street car parking
- DM30 Access and highway safety
- DM31 Car parking and servicing
- DM32 Encouraging car free and low car housing
- DM33 Planning obligations

137. Purpose Built Student Accommodation in Norwich: Evidence and best practice advice note (recommended for endorsement at Cabinet on 13 November 2019)

Other material considerations

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

- NPPF2 Achieving sustainable development
- NPPF5 Delivering a sufficient supply of homes
- NPPF7 Ensuring the vitality of town centres
- NPPF9 Promoting sustainable transport
- NPPF11 Making effective use of land
- NPPF12 Achieving well-designed places
- NPPF14 Meeting the challenge of climate change, flooding and coastal change
- NPPF15 Conserving and enhancing the natural environment
- NPPF16 Conserving and enhancing the historic environment

Case Assessment

139. 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

140. Key policies and NPPF paragraphs – JCS1, JCS4, JCS9, JCS11, DM1, DM5, DM13, DM29 and NPPF paragraphs 118
141. The application site lies within the city centre as defined by the Development Plan (JCS11). JCS policies and national planning policy encourage the re-use of brownfield, city centre locations for development, in particular for residential development, in preference to the release of greenfield sites. Paragraph 118 of the NPPF states that substantial weight should be given to the value of using brownfield land within settlements for identified needs.
142. The site is not allocated within the Local Plan, but it does fall within the regeneration area defined by the Northern City Centre Area Action Plan. Although the detail of this document lapsed in 2016, the general thrust of the redevelopment and regeneration of the area is carried forward in the DM policies, including DM1, DM5 and DM18, and it is set out in JCS11 that this area will be developed to achieve physical and social regeneration, facilitate public transport corridor enhancements and utilise significant redevelopment opportunities. In addition, the site is currently used for a car park but pursuant to DM29 is located within an area identified for reduced car parking. This policy DM29 sets out that (with the exception of multi-storey car parks) the redevelopment of existing car parks for other uses will be permitted to facilitate the consolidation of car parking (even where there is no immediate prospect of their replacement). There is therefore no in principle reason why the site should not be developed for student residential accommodation.
143. The Purpose Built Student Accommodation in Norwich: Evidence and best practice advice note has been out for consultation, been reviewed at the Sustainable Development Panel on 16th October 2019, and is recommended for endorsement by cabinet on 13th November 2019. As such weight can be given to its content. There is an identified need for more Purpose Built Student Accommodation (PBSA), as detailed within the guidance note. There is an anticipated demand for up to 1,000 additional units of PBSA within Norwich by 2024. However this application was already in the pipeline when the note was written, and was taken into account as part of the potential future provision. The calculations have been based on the additional units needed beyond those in the pipeline; therefore the need would be greater than 1,000 if this application was refused.
144. Without development of further PBSA the additional students predicted at both the University of East Anglia (UEA) and Norwich University of the Arts (NUA) would place further pressure on family housing in parts of the city giving rise to an increase in Houses in Multiple Occupation. Houses in Multiple Occupation (HMOs) are perceived as a problem in some areas where high concentrations may have negative impacts.
145. As identified above the inspector for the appeal decision under 17/01078/F identified three reasons for refusal; none of these related to the principle of PBSA at

this site. The appeal decision noted that the provision of Purpose Built Student Accommodation would free up market housing that is currently occupied by students, and thus contribute towards the housing supply within the city.

146. In addition to the current policy environment, there is an extant permission affecting the site, although some third parties argue that this is no longer extant. In 2004 a consent was issued under reference number 4/1998/0656 (see under planning history) for the Premier Inn and a residential development of 21 residential units and offices with ground floor restaurant on the current application site. The construction of the Premier Inn implemented this permission. However given the passage of time this consent is not considered likely to be implemented, and so only limited weight is attached to this extant permission.
147. The appeal decision under 17/01078/F establishes the principle of PBSA at this site, and weight needs to be given to this. Limited weight is afforded to the extant permission for the reasons given above. However, it is considered that in any event regardless of these material considerations the proposal is in accordance with the key development plan policies and paragraphs of the NPPF highlighted above and as a result the principle of development would be supported regardless of this planning permission.

Main issue 2: Impact on Conservation Area and other Heritage Assets

148. Key policies and NPPF paragraphs – DM9, NPPF paragraphs 128-141.
149. The site is located within the City Centre Conservation Area (Northern Riverside Character Area, also within proximity of the Colegate Character Area). There is a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas expressed in section 72(1) the Planning (Listed Buildings & Conservation Areas) Act 1990 (“LBA 1990”). The LBA 1990 includes a further duty in section 66(1) which requires the Council - when considering whether to grant planning permission for a development which affects a listed building or its setting - to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The Council embraces these statutory duties and these have been closely considered in the assessment of the proposed development. The NPPF and development plan policies encourage Local Planning Authorities to seek opportunities to improve the character of conservation areas.
150. The Northern Riverside Conservation Area Appraisal 'management & enhancement' section requires new development to 'exhibit a variation in scale of new buildings appropriate, for its to either maintain, enhance or create river footpaths/ enhance access and increase use of the river and riverside, ensure that views across, from and of the river are maximised, to retain the existing embankment line and historic features
151. The site is located in proximity to and within the setting of various 'heritage assets', paragraph 189 requires applicants to describe the significance of any heritage assets affected, including any contribution made by their setting.
152. Those designated assets with the potential to be most affected by the development are: -

- The City Centre Conservation Area itself
- Grade II Listed Buildings
 - a) The Golden Star Public house - to the North at the corner of Colegate and Duke Street.
 - b) St. Georges Bridge/ Blackfriar's Bridge.

153. Non-designated heritage assets include: -

- Locally listed buildings
 - a) 46-48 Colegate - A locally listed former Norvic shoe factory to the north-east of the development site,
 - b) Jane Austen College, Claxton House,
 - c) Norwich Playhouse 42 - 58 St Georges Street
 - d) The former Norwich Board school another locally listed building to the North of the site along Duke Street
 - e) The Norwich University of the Arts Building (former Guntons and Havers warehouse founded in 1879) located on the southern side of the river.

154. Duke Street is a relatively modern street within the conservation area, being created in the 1820's. The road was then widened again in the 1970s. The application site has housed a variety of buildings in the past, the 1906 OS map and historic photographs indicate that it once housed a pitched roof Victorian building fronting Duke Street with an early 20C factory building (relating to Norvic shoes). These buildings appear to have been removed and replaced with a larger industrial warehouse by 1938.

155. The character and appearance of this part of the conservation area is largely drawn from its riverside location and the mixture of 19C and 20C former industrial buildings built in proximity to the river and the modern residential housing development (traditional pitched roofed 2-3 storeys and the 6-7 storey Dukes Palace Wharf development). Attractive views along and from the river (and of the buildings and trees that line it) are gained from the many bridges.

156. Today, the area surrounding the application site features a variety of architectural styles/periods, the scale varies, from 2-3 storey residential buildings, 5 storey factory block, 5 storey hotel and the 6-7 storey Duke Palace Wharf development immediately adjacent.

157. At present, the site is an open space currently used as an area of surface car parking and whilst it is not a particularly attractive area at present, it does provide some welcome openness within the otherwise built-up urban townscape. As a result the area is considered neither to contribute positivity or negatively to the character and appearance of the conservation area. Rather, it has a neutral impact overall.

158. Objections to the original plans have been raised regarding the height and design of the proposed building from neighbours, the Broads Authority, the Norwich Society

and Landscape. The Conservation Officer has also expressed concerns regarding the proximity of the building to the river and its design. Historic England have offered no objections, but recommend that the landscaping scheme needs to be suitable and that facing materials need to be of a very high quality. .

159. Subsequent to the issue of the appeal decision for the previous application 17/01078/F and receipt of the comments from consultees and neighbours discussions were had with the agent, which has resulted in the proposed amended scheme. Whilst objections have still been received from neighbours regarding the design, the responses from the Broads Authority and Landscape are now more positive; whilst recognising that any structure of scale will have some overbearing impact upon the River Wensum, they note that the revised scheme provides a more coherent design and provides a landscape area which would provide connectivity to the river. Furthermore the Landscape Officer notes that the scheme now has a better relationship with the recently approved NUA building (18/01524/F), and that the design serves to anchor it to the western elevation. The Conservation and Design Officer was directly involved in negotiating the amendments, alongside the Case Officer. The amended scheme pulls most of the building further away from the river, reduces its width and scale and reduces its proximity to Jane Austen College. Furthermore the elevations are significantly altered and serve to provide a more horizontal focus.
160. The Norwich Society and Historic England have not commented further on the amended plans.
161. The revised scheme is for an L shaped building which has a smaller footprint than the previous designs. It is set back further from the river and Jane Austen College. This allows for more of a visual break and for a larger landscaped area.
162. The appeal is a material consideration when assessing the impact of this scheme upon the Conservation Area. Indeed, the first main issue raised by the inspector in relation to 17/01078/F was;

“Whether the appeal scheme would preserve or enhance the character or appearance of the Norwich City Centre Conservation Area”
163. The inspector stated that the proposal would result in less than substantial harm to the significance of the Conservation Area and that the benefits would not outweigh this harm. The previous design was criticised for; having a vertical emphasis out of character with the horizontal emphasis of buildings elsewhere along the river, its height and width creating a dominant canyoning effect along the river, towering over Jane Austen College, over-sailing, enclosing and dominating part of the proposed riverside walk and disrupting the surrounding townscape. However parts of the design were praised such as the simple arrangement of fenestration, simple pallet of materials, curved corners of the building, stepping in of the top floors and a varied height.
164. The amended scheme is considered to largely address these points, whilst retaining the positive elements of the scheme.
165. The footprint of the proposal is significantly different to that previously proposed. The L shape brings the building back significantly from the river at the eastern end. However the western end remains largely unchanged, with the section closest to

the river sited approximately at the same distance. The building no longer over-sails any of the riverside walk.

166. It is set further away from Jane Austen College and is lower than the structure previously proposed. The amended scheme would provide a visual break between the two buildings, and due to the reduced height and width reduce the screening of views from the west and south-west towards the east, to include Jane Austen College. The proposal would have some impact upon views across the site, but the impact is now considerably reduced and the revised scheme allows the development to knit into its setting. In relation to the 3 storey outshot from the 4 storey former factory building that is Jane Austen College, the proposed student block would be 7 storeys, but read as 6 from the height of the site level at Jane Austen College, and with the top floor stepped in.
167. The elevations retain the simple, repetitive fenestration that is characteristic of larger industrial buildings along the river here. Although there are several vertical continuous brick sections these are contrasted with light stone cills and continuous horizontal brick sections that give the building a horizontal emphasis. The proposed angular reveals to the window together with the bronze cladding add interest and expression to the elevations. The southern elevations all have curved corners, and this is replicated on the top floors. A simple palette of materials is retained, with red brick dominating and the top floors and basement utilising the bronze cladding used for detailing on the main elevations. The applicants have aimed to improve the elevation facing Jane Austen College by introducing detail within this elevation such as a pediment. Whilst the details need to be confirmed, the principle of this is considered acceptable and would enhance the outlook from the play area. The elevations are now considered to respond to the character of this part of the Conservation Area.
168. The proposed Riverside Walk is in accordance with DM28, and is discussed further under transport. The walk would run alongside the private amenity space for the future occupiers which would consist of one raised decked area and one paved area. The walk is therefore bordered with landscaped areas, except for one section on the south eastern section. With high quality details such as appropriate external lighting and soft landscaping the walk is anticipated to be a pleasant addition to the Riverside walk in Norwich and would not be dominated by the adjacent building.
169. To give some indication of the height of the proposed building, the highest part that faces Duke Street will be approximately 21.6m, which is 2.6m taller than the Dukes Palace Wharf development on the opposite side of the river and 4m taller than the Premier Inn. The recently approved scheme at Mary Chapman Court would measure 22m from Duke Street. This scheme is also staggered in height, with the tallest section on the south-east corner. The proposed building would step down along the river frontage from 24m above site level to 21.6m. The application has been accompanied with an elevation from further south on Duke Street which includes both the proposed revised scheme and the Mary Chapman Court Scheme. The Mary Chapman Court scheme was praised for its horizontal emphasis by the Conservation and Design Officer and interesting fenestration and brick detailing. It is considered that the two schemes would complement each other in both scale and design. Different methods are employed and some different materials, but as can be seen from the elevation plan both buildings employ red brick, a repetitive relatively simple fenestration arrangement and a staggered approach to building heights.

170. Concerns about canalisation of the river are noted, but the nature of the river at this point is of a water-course constrained by development on both sides, some of which such as the Eastern Electricity Board building on the southern bank and the NUA buildings further east towards St George's bridge, go straight down into the river as part of the bank. The recent approval at Mary Chapman Court responds to this historic character. Historically the application site reflected this pattern. It should be noted that the proposed building is only close to river at the western end, with the rest of the L shape set between 12m and 8m back. The revised scheme is considered to retain the character of the industrial buildings in the this area, with a section set relatively close to river, whilst providing a meaningful step back to allow for a landscaped area and retention of some views across the site.
171. Whilst noting that there remains some concerns from consultees and neighbours, the revised scheme is considered to at least preserve the character of the conservation area. Furthermore it is considered to address the concerns laid out by the inspector in relation to impact upon the Conservation Area in relation to 17/01078/F. This is the conclusion drawn following the exercise of the statutory duty set out in section 72(1) of the LBA highlighted above. The design is respectful of the local vernacular in terms of the materials used but provides a modern reinterpretation that, subject to details that can be secured by condition, would provide a building of quality on the site.
172. It is also considered that development plan policy DM9 is complied with in this case: the proposed development does not result in the loss of any designated heritage assets and in the context of locally listed assets it is considered that there are demonstrable and overriding benefits associated with this development as detailed elsewhere in this report. In this regard it is also noted that the Norfolk historic environment service have raised no objection to the proposed development on archaeological grounds, subject to conditions.
173. In terms of the NPPF, any harm to the setting of designated and non-designated heritage assets is less than substantial, allowing the benefits of the scheme to be weighed in the balance. In the context of designated heritage assets paragraph 196 of the NPPF requires any less than substantial harm to be weighed against the public benefits of the proposal. It is considered that in this case the public benefits of the proposed development (including the development of a brownfield site, provision of further PBSA and the facilitation of the Riverside Walk) outweigh such harm. In relation to non-designated heritage assets the effect of an application on these assets should be taken into account when determining the application and a balanced judgement is needed having regard to the scale of the harm or loss and significance of the heritage asset.

Main issue 3: Transport

174. Key policies and NPPF paragraphs – JCS6, DM28, DM29, DM30, DM31, NPPF paragraphs 17 and 29 - 41.
175. Objectors have expressed concerns over increased traffic on Duke Street; and congestion at the start and end of terms time.
176. The site is in a sustainable location close to the Norwich University of the Arts and city centre facilities and to the Anglia Square main district centre. The transport assessment submitted with the application indicates most trips will be made on foot.

The development provides 152 cycle parking spaces, 11 moped spaces and 4 car parking spaces (2 accessible and 2 for staff/drop off). The site is in a sustainable location and redevelopment is consequently supported by JCS6 and DM28. The provision meets that requested in Appendix 3 of the DMLP.

177. The Highways Officer has also requested works to improve cycle access to the site in the form of alterations to the Toucan crossing on Duke Street so it can be used by cyclists to cross the traffic flow and then return back along the contraflow cycle lane and then into the site via the access ramp to the basement. It has also been suggested that bollards should be installed immediately outside the entrance to prevent obstructive loading occurring, in addition to repaving of this asphalted section. Repaving of this area is welcomed as the pavement is currently the only section asphalted in the immediate area. Furthermore the kerb should also be raised as part of the works here to remove the dropped kerb; a dropped kerb is not necessary as no vehicular access would be available direct from Duke Street.
178. The applicant has verbally indicated a willingness to fund the works to the Toucan crossing. The works to improve the Toucan crossing and pavement will be secured by condition.
179. The principle of losing the existing car park has already been established under the appeal decision in relation to 17/01078/F, due to the omission of this as a reason for refusal.. In addition, the site is identified in policy DM29 as an area for reduced car parking where the loss of surface level public car parking is supported.
180. The site also provides for a section of riverside walk, which is a site specific requirement under DM28 and supports more sustainable means of transport. In this regard the applicant has submitted a draft unilateral undertaking (from the previous application reference 17/01078/F) which includes a legal obligation to provide the riverside walk within the development site as well as to submit and secure the Council's agreement to key details of the scheme for its provision, including the control of opening times to between 07:00 – 22:00 each day from 1 April to 30 September and between 08:00 – 20:00 from 1 October to 31 March in each calendar year and on-going management and maintenance. However this is considered to be capable of being covered by a condition rather than a unilateral agreement. As such the submission of this document is accepted as agreement to undertake the above only. The riverside walk (in accordance with precise details agreed with the Council) will be in place prior to any occupations of the proposed development.
181. The Transport Statement demonstrates that service vehicles can satisfactorily get into and out of the site and that the proposed use will not result in any highway safety issues. With the works to the Toucan crossing details in the Highways Officer's comments, the proposal complies with DM30 and DM31.
182. The Transport Statement makes reference to arrangements for the start and end of term, stating that the St Andrews Street public car park is close by and that a dropping off space is provided within the site. Further details for end of term arrangements can be secured by condition as has been done on approvals for other student accommodation elsewhere in the city.

183. It is therefore considered that the proposed development complies with DM28, DM29, DM30, DM31 and JCS 6 and also relevant paragraphs of the NPPF, including paragraph 32.

Main issue 4: Amenity

184. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
185. There are four main areas in which the proposal can impact upon the users and occupants of adjacent buildings and/or upon the occupants of the proposed development – noise; loss of light; over-shadowing and loss of privacy.
186. The appeal decision for 17/01078/F raised concerns regarding the impact upon Jane Austen College and Dukes Palace Wharf.
187. The impact upon Jane Austen College was previously considered unacceptable due to the cumulative impact of; the reduction in daylight levels to windows, a loss of direct sunlight to the external play area and an overbearing impact upon the play area due to the height and siting of the eastern section.

Noise

188. Noise will impact upon the student residents of the proposed development in terms of traffic noise. There was no audible noise from the Norwich Playhouse bar at the time of assessment (Friday lunchtime), even though it was busy. Additional allowance has been made during assessment to mitigate the impulsive and tonal characteristics of the school playground. Comments from the Environmental Health Officer indicate that satisfactory levels can be achieved within the building subject to mechanical ventilation and acoustic glazing, in accordance with the noise assessment submitted with the application.
189. Noise from the development will impact most significantly upon the residents of Dukes Palace Wharf who face the proposed building across the river at night. However, the existing character of the area has to be considered. From a policy perspective the site is within the city centre and in a regeneration area (JCS11). There are other, potentially noisier, developments nearby, specifically the Playhouse Theatre and its outside bar area but also pubs down Duke Street and on St Andrew's Street. Furthermore a Management Plan would be requested via a condition, which would provide some detail over how the whole site is to be managed.
190. Residents have also expressed concerns over noise from public use of the river side walk. Access to this will be managed and not available 24 hours. A condition is proposed that will ensure the walk is available during daylight hours but is gated overnight. Details of the proposed condition are provided in more detail in the section above.
191. Given the location and the mixed use character of the area, there is no reason to expect that the impact of the development upon existing residents would be so extreme so as to warrant refusal of the application, particularly with the proposed controls over access to the river side walk and a condition to secure details of how the development is to be managed. It is considered that for the reasons set out above that the development would not result in an unacceptable impact on the amenity of the area or the living conditions of neighbouring occupants, a high standard of amenity for future occupants of the proposed development can be

achieved and provision for communal space appropriate for the development is proposed. It is therefore considered that the proposed development is in accordance with DM2 in noise terms. Taking into account the character and function of the area it is also considered that DM11 is complied with.

Loss of light

192. The impacts in terms of loss of light fall primarily upon the Jane Austen school to the east and north; the Premier Inn to the immediate north; Dukes Palace Wharf flats to the south and across the river and Mary Chapman Court to the west on the opposite side of Duke Street. The Norwich Playhouse will also be affected but the impact is not considered to be material due to the nature of the use.
193. The application has been accompanied by a daylight assessment prepared using accepted methodologies. As a direct result of the appeal statement for 17/01078/F an analysis of the impact upon Jane Austen College and Dukes Palace Wharf has been submitted, with comparisons given between the current scheme and the amended scheme,
194. The impact upon the Mary Chapman Court site and the Premier Inn has not been considered as part of this assessment; the impact of the previous scheme was considered acceptable upon these two sites, and the revised scheme is for a smaller scaled building set no closer to either building. The results are summarised below.
195. The assessment uses the Royal Institute of Chartered Surveyors (RICS) guidance note 'Daylighting and Sunlighting 1st Edition (GN 96/2012) to provide the methodology for the assessment and analyses the results against the BRE Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice – 2nd Edition, along with BS 8206-2:2008, Lighting for Buildings, Part 2: Code of Practice for Daylighting.
196. Neighbours have also criticised assumptions made in the assessment, particularly in relation to Dukes Palace Wharf. The modelling is based on a combination of reviewing planning drawings, backed up by additional on-site photography and measurement exercises. The level of analysis and the assumptions made is therefore considered to result in a reasonable assessment of the impact upon neighbours.

Jane Austen College

197. 63 windows to the west, south and part east elevation of Jane Austen College have been subject to analysis.
198. Currently, 9 out of the 63 windows do not meet the levels of daylight in the BRE guidance. Post development, no windows will experience an unacceptable noticeable reduction in daylight levels.
199. Post-development, 3 windows will be noticeably darker, but due to the low level of impact the report concludes this is acceptable. . These windows serve the ground floor restaurant and a classroom which has another window in it.
200. This compares to 2 windows experiencing an unacceptable impact and 12 additional windows having a noticeable impact under the appeal scheme.

201. A 'noticeable' reduction in daylight levels does not necessarily mean that the impact is unacceptable in planning terms. The BRE guidelines are just that and the fact that there would be some impact does not mean the development should be refused. Whilst the impact upon the school will be noticeable, the level of this impact is not so significant that the use of the building would be significantly prejudiced. Furthermore the impact is considered to be notably less than the previously refused scheme.

Premier Inn

202. Whilst the report does not include an analysis of the impact upon the hotel there is anticipated to be some impact upon the south facing windows. However the impact upon the use of the hotel is not considered to be material given the temporary and short-term nature of the accommodation and the lack of an objection from the hotel operator on this point.

Dukes Palace Wharf

203. 125 windows on the north elevation of Dukes Palace Wharf have been subject to analysis.
204. 51 windows do not currently meet the BRE recommendations because: 21 windows have balconies above; 28 are positioned to the rear of enclosed balconies themselves; and 3 high level windows are positioned beneath significant roof overhangs.
205. Post-development, one window will have an unacceptable reduction in daylight, and 6 will have a noticeable reduction. Due to the limited impact, the impact upon the 6 windows is considered acceptable. .
206. Under the BRE guidelines, a 'noticeable' reduction occurs when the ratio between pre- and post-development levels of daylight is less than 0.8. For the Dukes Palace Wharf window with an unacceptable reduction the ratio will improve from the previous scheme from 0.69 to 0.70. An acceptable noticeable reduction in within 1% of the 0.8 factor. This window already experiences a relatively low level of light due to the design of the balcony serving it.
207. A 'noticeable' reduction in daylight levels does not necessarily mean that the impact is unacceptable in planning terms. The BRE guidelines are just that and the fact that they are not met does not mean the development should be refused. In terms of the impact upon Dukes Palace Wharf, only 7, compared to the previous 16 of the 125 windows analysed will experience a 'noticeable' reduction in daylight, with only 1 being unacceptable.

Mary Chapman Court

208. The new development at Mary Chapman Court for NUA approved under application reference 18/01524/F does not include any rooms served by a single window to face the application site, and the majority of the windows facing the site serve the kitchen area of communal spaces for the cluster flats. The communal areas are served with a total of 4 windows, to include one over the kitchen area and 1 corner window on the south-east corner. As such any loss of light to the new development at the Mary Chapman Court site is not anticipated to result in a

significant loss of amenity for future occupiers. Furthermore the 2 buildings would be sited some 6.8m apart, a relatively substantial distance.

Overshadowing

209. The loss of direct sunlight and over-shadowing will impact upon Jane Austen College to the east and north, the Premier Inn to the immediate north and upon Mary Chapman Court to the west. Dukes Palace Wharf is not affected as it lies to the south of the development. Loss of direct sunlight does not affect windows orientated beyond 90 degrees of due south.

Jane Austen School

210. In terms of the impact upon the internal rooms, all windows will meet the BRE guidelines for annual probable sunlight and winter sunlight. This compares to 4 failing to meet the criteria for annual probable sunlight and 8 failing to meet the criteria for winter sun under the appeal scheme.
211. The assessment of the impact upon the play area concludes that it will meet the BRE guidelines for at least 50% of the play area to receive at least 2 hours of sunlight on 21 March. 98.26% of the play area will receive at least 2 hours of sunlight at the specified time of year, compared to 98.02% in the appeal scheme.
212. The impact in terms of overshadowing upon both the school building and play area is therefore considered to be acceptable. Furthermore the change in siting and height at this end of the site is considered to prevent the building becoming overbearing or dominant from the play area serving Jane Austen College. The applicants have further aimed to improve this relationship by introducing detail within this elevation such as a poem. *Premier Inn*
213. The windows on the southern elevation to the Premier Inn will experience overshadowing but this is not considered to be material given the temporary, short term nature of the accommodation and the absence of an objection from the hotel operator.

Mary Chapman Court

214. Some windows on the eastern elevation of the newly approved development are likely to experience a degree of overshadowing as a result of this proposal. However as discussed above the windows facing the site are not serving rooms such as bedrooms and are not the only window for the room. Furthermore the elevation will already experience a degree of overshadowing from the existing Premier Inn. It is therefore considered in the context of DM2 that the proposed development would not result in an unacceptable impact on the living or working conditions or operations of future occupiers at the Mary Chapman Court development.
215. **Loss of Privacy**
216. The main impact falls upon Dukes Palace Wharf, the internal and external spaces at Jane Austen College and the Premier Inn.

Dukes Palace Wharf

217. In terms of Dukes Palace Wharf, the separation distance is at minimum 25m between the north elevation of Dukes Palace Wharf and the closest part of the southern elevation of the new building. At this distance, any loss of privacy would not be material, particularly in a city centre location *Jane Austen College*
218. DM2 specifically states that new development should not compromise the continued operation of established uses. The revised design now has no windows on the east elevation facing Jane Austen College. Windows on the northern elevation look down the gap between the Jane Austen building and the Premier Inn.
219. The buildings are around 5.5m apart. The main impact in terms of inter-visibility between the buildings comes from windows on the northern elevation. However due to the angle of the windows and the distances will not result in a significant level of overlooking which would compromise the established use of the college.

Premier Inn

220. The Premier Inn lies just over 17m north of the site. Bedroom windows do face bedroom windows but given the temporary nature of the accommodation in the hotel the impact upon the privacy of the occupants is not considered material, particularly given the absence of objections from the hotel operator.
221. For the reasons detailed above, it is considered in the context of DM2 that the proposed development would not result in an unacceptable impact on the amenity of the area or the living or working conditions or operations of neighbouring occupants.

Main issue 5: Flood risk

222. Key policies and NPPF paragraphs – JCS1, DM5, NPPF paragraphs 100 - 103.
223. The site lies in Flood Zone 23a and therefore has a medium 'risk of flooding. Using the categories in the National Planning Practice Guidance, the proposed development is classed as 'More Vulnerable'. This means that student residential uses can take place in FZ2 provided that the 'sequential test' is applied and it is concluded that there are no sites at a lower risk of flooding that are available to the applicant for development.
224. Policy DM5 provides guidance on the extent of the sequential test, stating that sites within identified regeneration areas such as the application site should be tested against the boundaries of the relevant regeneration area or (where no such alternative sites exist) alternative regeneration areas elsewhere in the city. With this in mind, there are no sites within the area shown on the Northern City Centre Area Action Plan Area Insert that are available to this developer for the quantum of development proposed. As no such alternative sites exist in this regeneration area alternative regeneration areas elsewhere in the city have been taken into account in accordance with DM5 but it is considered that there are no such reasonable alternative sites. The proposal therefore passes the sequential test.
225. Paragraph 103 of the NPPF sets out that local planning authorities should only consider development appropriate in areas at risk of flooding where informed by a site-specific flood risk assessment following the sequential test and (if required) the exception test it can be demonstrated that within the site the most vulnerable development is located in areas of lowest flood risk unless there are overriding

reasons to prefer a different location and development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning and it gives priority to the use of sustainable drainage systems. It is considered that the design of the proposed development and information submitted in the applicant's flood risk assessment demonstrates compliance with this paragraph 103. Therefore, it is considered the proposed development is in accordance with the relevant paragraphs of the NPPF with regard to flood risk.

226. The proposed use of the lower ground floor is non habitable, this enables the finished floor levels of the habitable accommodation to be set above all modelled flood events in the Flood Risk Assessment. The design would provide for safe access/egress in the event of a flood. A warning and evacuation strategy has been developed with the Flood Risk Assessment. The design measures are therefore considered to be sufficient to protect against the anticipated flood levels, subject to conditions.
227. The Environment Agency have also asked for additional conditions regarding the drainage proposals to ensure surface water from the development is not discharged into the river in the event of flooding. Full details can be secured by the requested condition.

Compliance with other relevant development plan policies

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

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

Other matters

229. A Preliminary Ecological Appraisal has been submitted with this application in response to concern previously raised about the potential impact upon biodiversity, and in particular the adjacent River Wensum. The site itself is of a lower ecological

value, consisting mostly of hard standing and compacted ground with areas of grassy and scrub lined areas. The proposed development is not anticipated to have an impact upon any statutory sites, and is considered to have a minor adverse impact upon the site itself. Policy DM6 expects development to take all reasonable opportunities to avoid harm and protect and enhance the natural environment of Norwich and its setting, including both sites and species. NPPF para 170 requires developments to minimise impacts and provide a net gain for biodiversity. Mitigation and enhancements measures are recommended within the Appraisal, which include wildlife friendly planting, minimising external lighting and the installation of bat and bird boxes. It is also considered appropriate to reduce the level of light spillage from the building by using tinted windows. The details of these measures can be conditioned. The proposal would then comply with policies JCS1 and DM6.

230. In addition, the following matters have been assessed and considered satisfactory and in accordance with relevant development plan policies (including DM6, DM7 and DM11), subject to appropriate conditions and mitigation:

- Archaeology – subject to conditions
- Contaminated land – subject to conditions
- Trees – replacement trees can be secured by condition

Equalities and diversity issues

231. There are no significant equality or diversity issues.

Local finance considerations

232. 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.

233. 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.

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

Conclusion

235. In accordance with the Council's statutory duty to determine planning applications in accordance with its development plan unless material considerations indicate otherwise this proposal for student residential development has been assessed against national and local planning policies as described above and taking into account any relevant material considerations, such as the appeal decision for 17/01078/F on the site. Relevant statutory duties under the LBA 1990 have also been closely considered and assessed.

236. In light of the appeal decision consideration has been given to the issues raised by the inspector, in particular to the 3 main issues as detailed above. The revised scheme is considered to satisfactorily address these 3 issues.
237. The site is in a regeneration area defined by the Council's development plan and the proposal would deliver a commensurate benefit in terms of the regeneration of a vacant site. The inspector concluded that the previous scheme would harm the conservation area, with reference to the proposed buildings height, scale, vertical emphasis, siting to the river and its relationship to the east of the site, in particular with Jane Austen College. The revised proposal is of a smaller scale (to include height), is sited further from the river and the east of the plot and has a more horizontal emphasis. The revisions are considered to result in a development which would at the least preserve the character of the conservation area. The proposal also provides PBSA that would go some way to meeting the future needs of the educational establishments within the city, and in turn reduce the demand upon market housing from students. These benefits weigh against any harm caused by the proposal to heritage assets as assessed in detail in this report. The proposal is therefore considered to comply with DM8 and the NPPF, in particular para 196.
238. The inspector also raised concerns regarding the impact upon the Jane Austen College, in terms of light and outlook, and upon Dukes Palace Wharf, in terms of daylight. These impacts have been addressed in details above, to include a summary of the Daylight and Sunlight Analysis provided with this application. The revised scheme is considered to reduce the impact upon these two buildings significantly. The proposal will still have an impact upon surrounding buildings and their occupants and users, however any such impact is not considered to represent an unacceptable impact on the amenity of the area or the living or working conditions or operations of neighbouring occupants. As a result it is not considered to warrant refusal of the application on amenity. It has also been concluded that the proposed development provides for an appropriate standard of amenity for future occupiers.
239. Relevant development plan policies and paragraphs of the NPPF have been considered and assessed in relation to flood risk and it is considered that the proposed development is acceptable in terms of flood risk.
240. Other points have been considered as described above and can be addressed by condition. The development is in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.

Recommendation

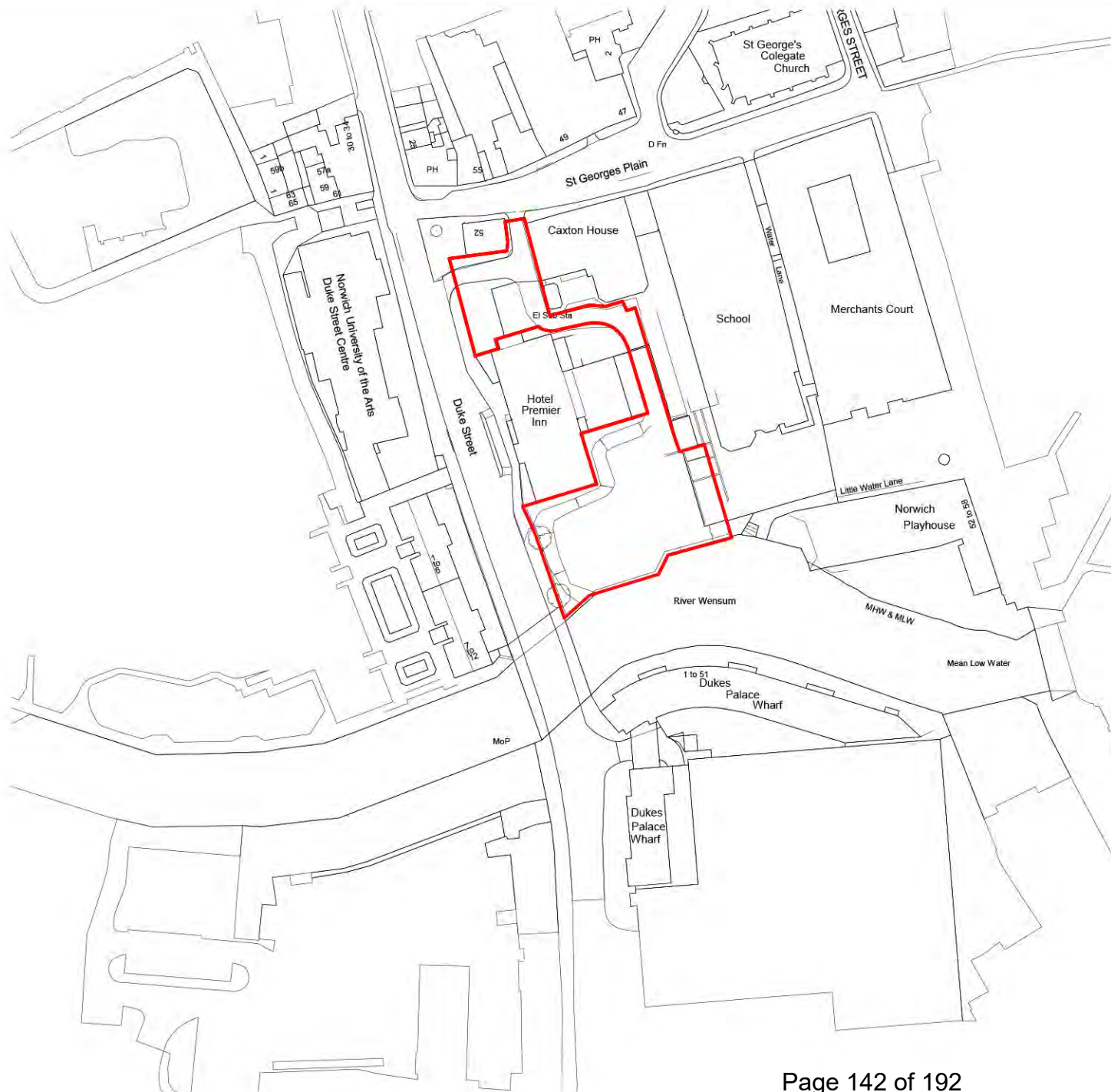
To **APPROVE** application no. 17/01078/F - Car Park Rear of Premier Travel Inn, Duke Street, Norwich and grant planning permission subject to the submitted unilateral undertaking to secure the provision and maintenance of the riverside walk across the site frontage and subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Details of materials including glazing;
4. Drainage details;

5. Compliance with submitted energy statement;
6. Submission and compliance with a construction management plan;
7. Submission of landscaping details;
8. Submission of ecological mitigation details including details of location of bat and nest boxes;
9. Details of external lighting;
10. Archaeological assessment;
11. Reporting of contamination;
12. Imported material (topsoil)
13. No pilling or similar without EA consent
14. Used Water Sewerage Network (AW)
15. Compliance with flood risk assessment re: floor levels etc.;
16. Completion and retention of car parking, cycle parking, motorcycle parking and refuse storage in accordance with approved plans;
17. Compliance with submitted noise attenuation report;
18. Submission of details for off-site highway improvement works to Duke Street Toucan crossing and completion of said works;
19. Submission of details of street trees; and
20. Submission of management arrangements for the building;
21. Submission of arrangements for start and end of term (Travel Information Plan).
22. Riverside Walk
23. Repaving and raising kerb height (Prior to occupation)

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 and application stage the application has been approved subject to appropriate conditions and for the reasons outlined within the committee report for the application.



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Revisions

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PURPOSE OF ISSUE				
PL - For Planning Submission				
DRAWING STATUS				
S2 - Fit for Information				
PROJECT TITLE				
Duke Street, Norwich, NR3 3AP				
CLIENT				
Raer Group				
DRAWING TITLE				
Location Plan				
SCALE	DATE	DRAWN BY	CHECKED BY	APPROVED BY
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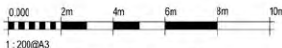
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- ④ Aluminium Windows - Dark Grey Colour
- ⑤ Stone Cill
- ⑥ Perforated Metal Mesh - Grey Colour
- ⑦ Metal Cladding - Grey Colour

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PURPOSE OF ISSUE

PL - For Planning Submission

DRAWING STATUS

S2 - Fit for Information

PROJECT TITLE

Duke Street, Norwich, NR3 3AP

CLIENT

Rae Group

DRAWING TITLE

Proposed South Elevation

SCALE	DATE	DRAWN BY	CHECKED BY	APPROVED BY
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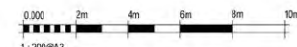
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PURPOSE OF ISSUE
PL - For Planning Submission

DRAWING STATUS
S2 Fit for Information

PROJECT TITLE
Duke Street, Norwich, NR3 3AP

CLIENT
Rae Group

DRAWING TITLE
Proposed East Elevation

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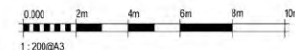
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Revisions

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PURPOSE OF ISSUE
PL - For Planning Submission

DRAWING STATUS
S2 - Fit for Information

PROJECT TITLE
Duke Street, Norwich, NR3 3AP

CLIENT
Rae Group

DRAWING TITLE
Proposed West Elevation

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S2 - Fit for Information

PROJECT TITLE
Duke Street, Norwich, NR3 3AP

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DRAWING TITLE
Proposed North Elevation

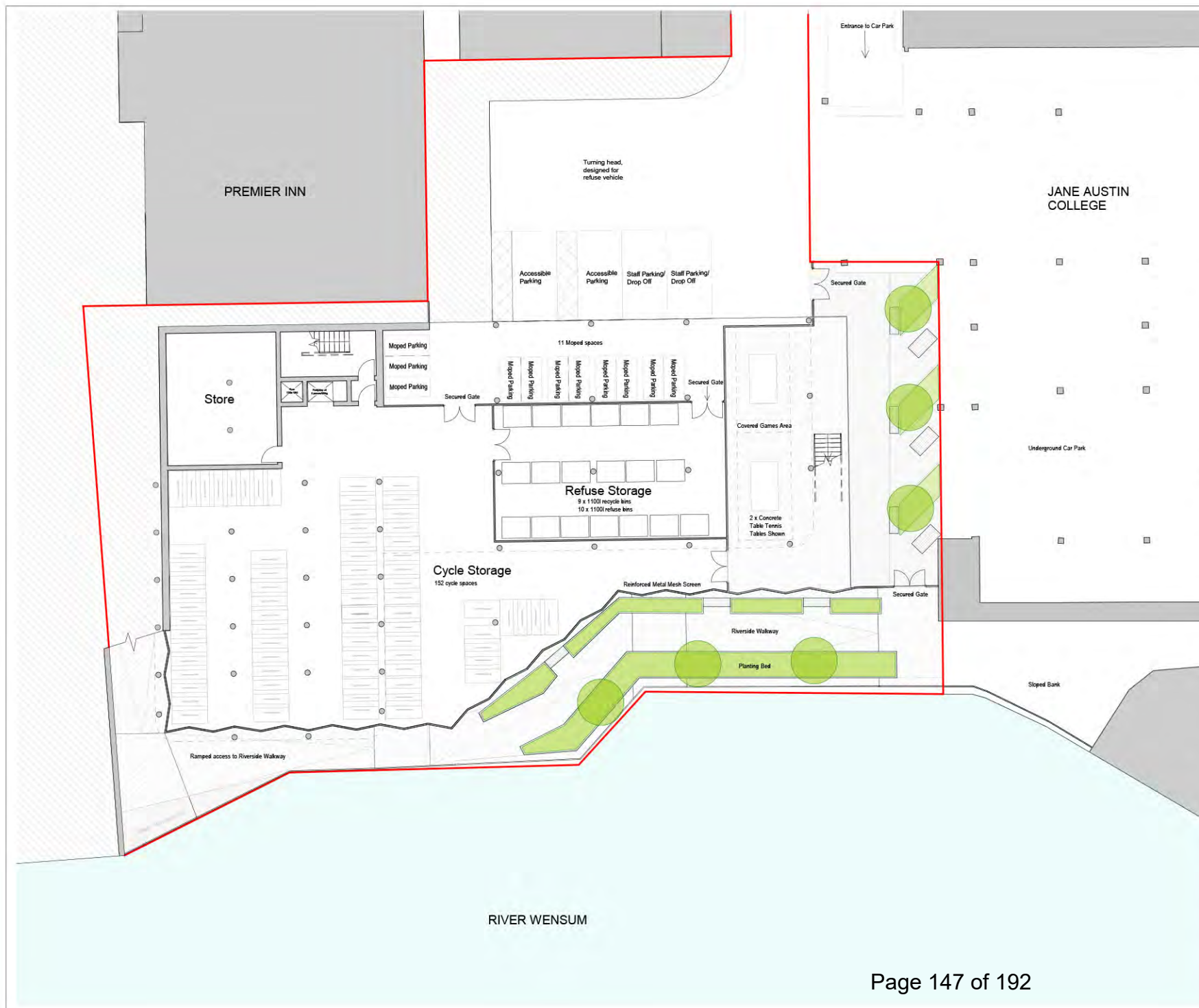
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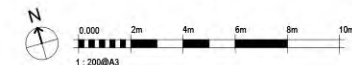
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PROJECT TITLE
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CLIENT
Raer Group

DRAWING TITLE
Proposed Lower Ground Floor

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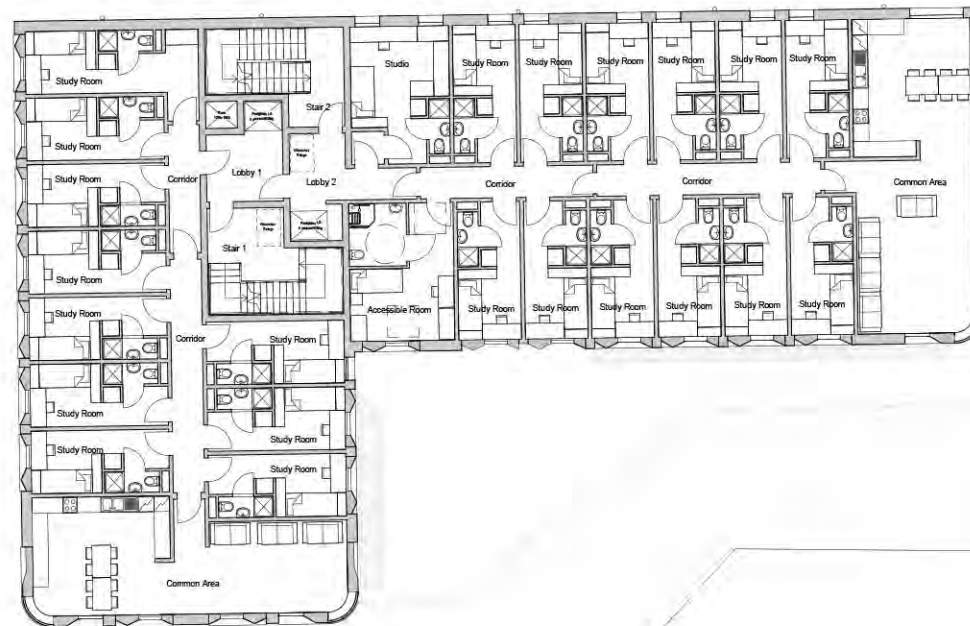
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PROJECT TITLE				
Duke Street, Norwich, NR3 3AP				
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DRAWING TITLE				
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DUKE STREET



RIVER WENSUM

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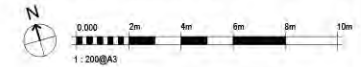
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PL - For Planning Submission

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PROJECT TITLE
Duke Street, Norwich, NR3 3AP

CLIENT
Raer Group

DRAWING TITLE
Proposed 1st - 4th Floor Plan

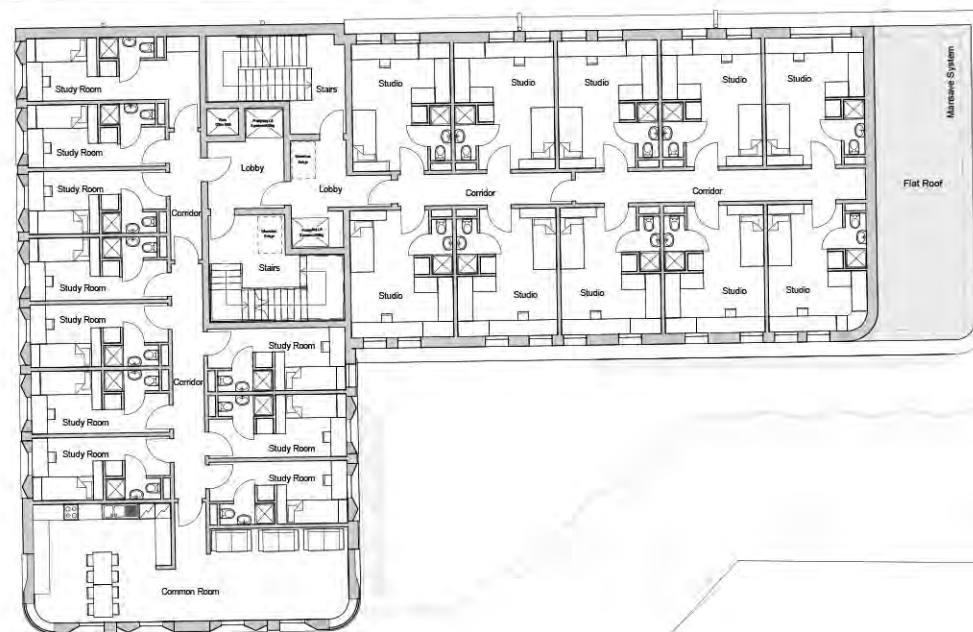
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DUKE STREET

RIVER WENSUM

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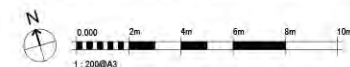
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Revisions

Rev.	Description	Date	Drawn By	Checked By
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PURPOSE OF ISSUE
PL - For Planning Submission

DRAWING STATUS
S2 - Fit for Information

PROJECT TITLE
Duke Street, Norwich, NR3 3AP

CLIENT
Raer Group

DRAWING TITLE
Proposed 5th Floor Plan

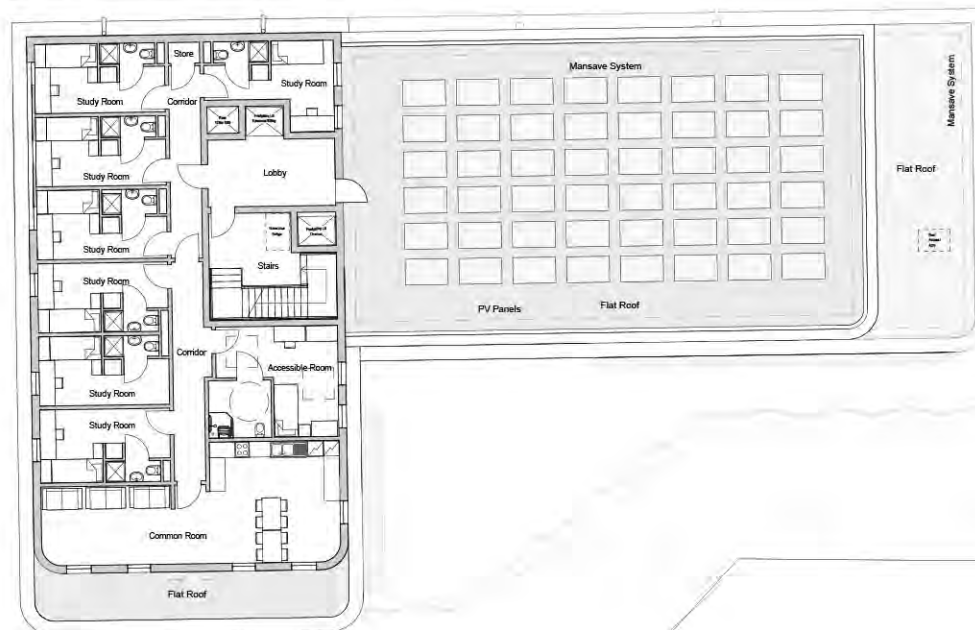
SCALE	DATE	DRAWN BY	CHECKED BY	APPROVED BY
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DRAWING NUMBER			
PROJECT NO	TYPE	UNIQUE NO	REVISION
0606	10	004	-

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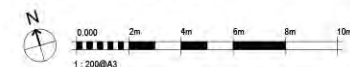
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Revisions

Rev.	Description	Date	Drawn By	Checked By
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PURPOSE OF ISSUE
PL - For Planning Submission

DRAWING STATUS
S2 - Fit for Information

PROJECT TITLE
Duke Street, Norwich, NR3 3AP

CLIENT
Raer Group

DRAWING TITLE
Proposed 8th Floor Plan

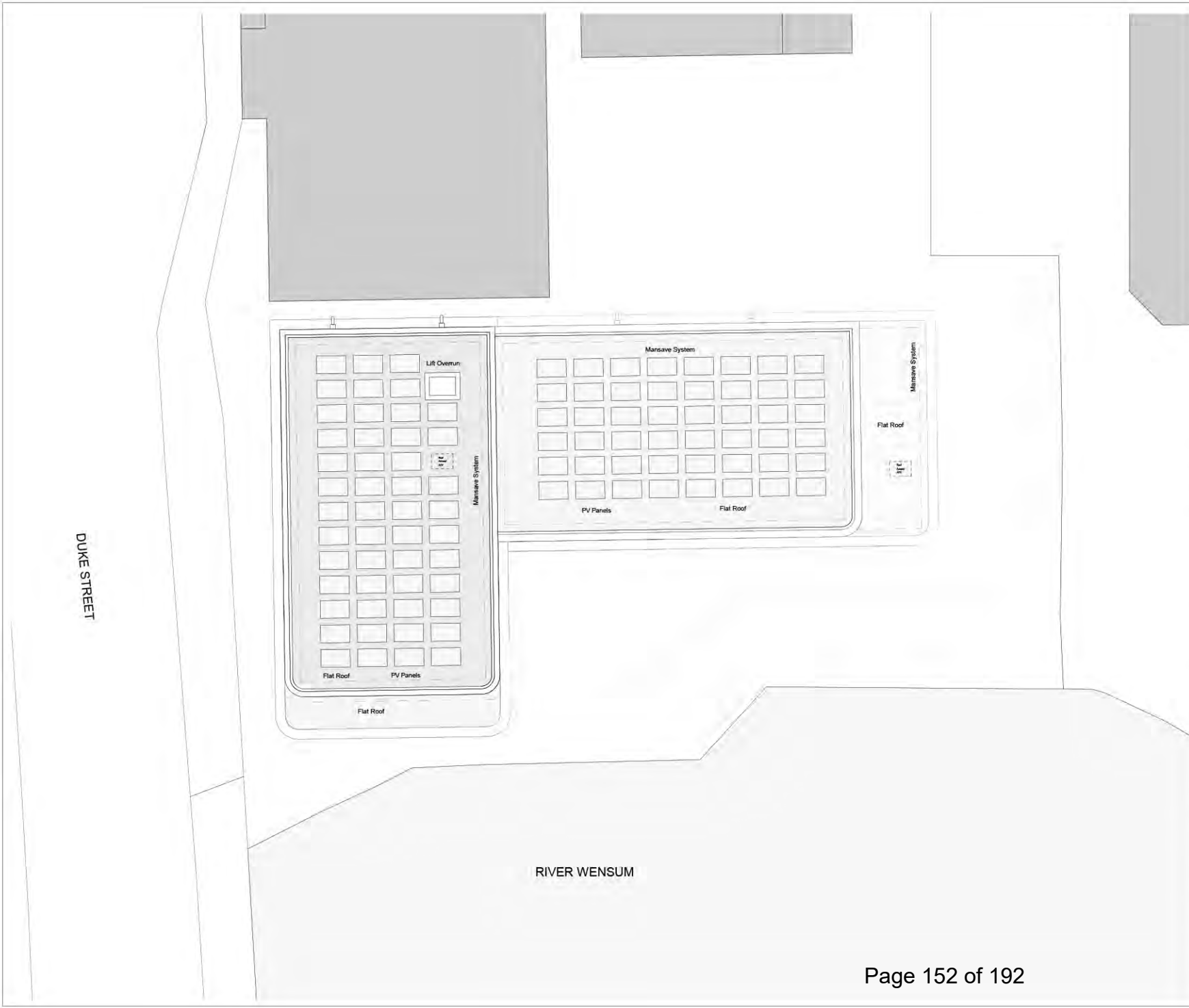
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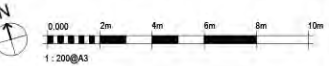
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PL - For Planning Submission				
DRAWING STATUS				
S2 - Fit for Information				
PROJECT TITLE				
Duke Street, Norwich, NR3 3AP				
CLIENT				
Raer Group				
DRAWING TITLE				
Proposed Roof Plan				
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CDM 2015

The Construction (Design and Management) Regulations 2015 (CDM 2015) require a designer to consider the health and safety of those who may be affected by the design of the building and its services, and to ensure that the design is safe and sound throughout its life.

These duties can be found at:

<https://www.hse.gov.uk/healthandsafety/CDM2015.htm>

It is your responsibility as client to make yourself aware of your role under CDM 2015 and accordingly.

Hard Landscape

- Asphalt access road
- Student courtyard: permeable area paving, 300 x 300mm granite and stone
- Student courtyard enclosure to river elevation: natural stone paving (see annotation)
- Sliding steel access gate
- River restraint balustrade: 1.2m metal railing (see annotation)
- Duke Street entrance paving: crushed granite concrete flagstones, 600x600mm, channel
- Steps, ramp and deck: 300 x 300mm natural granite block paving, grey
- Ramp landings: crushed granite concrete flagstones, 600x600mm, grey
- Deck viewing area to ramp: 300 x 300mm natural granite block paving, grey
- River edge: natural stone rubble, different edging
- All steel furniture: polished concrete, anodised
- Student courtyard enclosure retaining wall: 1.2m metal railing (see annotation)
- Covered outdoor games area paving: permeable paving flagstones, 600x600mm

Soft Landscape

- Proposed Trees: Area 1: 100mm diameter, 1.2m height, 1.2m spread
- Student courtyard enclosure retaining wall: 1.2m metal railing (see annotation)
- Proposed groundcover on sloping bank
- Proposed low maintenance planting
- Tree rooting cell area
- Proposed trees in permeable mesh-based ground planting strips with rooting cells under

REVISION	DATE	DESCRIPTION	BY
1	14.03.2019	PL - for planning submission	3
2	14.03.2019	S2 - for information	3

DESIGNER
Lanpro Ltd

PROJECT TITLE
Duke Street

CLIENT
Kear Group

DATE
14.03.2019

REVISION
14.03.2019

PROJECT NO.
0606

10

11

REVISION

Lanpro

Architecture and Urban Design

North City, Southgate House, 100 Southgate, London, N16 7DE

020 7551 1111 | www.lanpro.co.uk

Duke Street

Premier Inn

River Wensum



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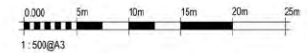
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DRAWING STATUS				
S2 - Fit for Information				
PROJECT TITLE				
Duke Street, Norwich, NR3 3AP				
CLIENT				
Rae Group				
DRAWING TITLE				
Proposed South Elevation				
SCALE	DATE	DRAWN BY	CHECKED BY	APPROVED BY
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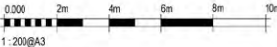
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Appeal Decision

Site visit made on 17 December 2018

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st December 2018

Appeal Ref: APP/G2625/W/18/3204095

Car Park rear of Premier Travel Inn, Duke Street, Norwich, NR3 3AP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Tim Racher against the decision of Norwich City Council.
- The application Ref 17/01078/F, dated 16 June 2017, was refused by notice dated 14 March 2018.
- The development proposed is **described as 'redevelopment of car park site to provide for student accommodation'**.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - Whether the appeal scheme would preserve or enhance the character or appearance of the Norwich City Centre Conservation Area;
 - The effect of the appeal scheme on the users of the Jane Austen College, with particular reference to light and outlook; and
 - The effect of the appeal scheme on the living conditions of the occupants of Dukes Palace Wharf, with particular reference to daylight.

Reasons

Whether the appeal scheme would preserve or enhance the character or appearance of the Norwich City Centre Conservation Area

3. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the Norwich City Centre Conservation Area (CA), a designated heritage asset.
4. The CA includes the historic part of the city that was once contained by medieval walls. It therefore gains much of its significance from the inherent history and urban morphology that is evident in this area. Although the city centre is identified as a single CA, the **Council's** Conservation Area Appraisal¹ (CAA) explains that it encompasses different character areas. The appeal site is located within the **'Northern Riverside'** character area, which is focussed on

¹ The Norwich City Centre Conservation Area Appraisal 2007

the River Wensum. This river flows through the city and has always been a centre of activity, much of it commercial. In more recent times newer development has shifted the emphasis onto residential and leisure uses, including a riverside walk.

5. The appeal site is currently a car park set below the level of the adjacent Duke Street. To the immediate north is a Premier Inn, which has a stark southern elevation. **The appellant's Heritage Statement explains that the appeal site has historically included reasonably large buildings and this is a proposition supported by the CAA.** The appeal site is not a particularly attractive space, but the currently undeveloped state permits views across it to the Jane Austin College, which is a well detailed and characterful period building. As such, the **CAA identifies the appeal site as being within a 'neutral area' and this is a fair assessment as the appeal site neither enhances nor detracts from the significance and special interest of the CA.**
6. The appeal scheme is for the erection of a block of student accommodation. The tallest element of the structure would be adjacent to the hotel and would be taller than Dukes Palace Wharf. This is a large block of flats on the southern side of the river. It is opposite the appeal site that does little for the CA – it is identified as a neutral building in the CAA. The proposed building would also be notably taller than the adjacent hotel and would entirely dwarf the Millhouse, which is a heritage asset. In effect, the tallest part of the appeal building would have a vertical emphasis that would have the appearance of a tower block in views along Duke Street. This would be out of character with the horizontal emphasis of buildings elsewhere along the river².
7. Due to a modulated form the southern elevation would be articulated and set back from the river but **the building's height, in combination with its width,** would still create a dominant and discordant **'canyoning' effect along the river** when viewed in combination with the monolithic Dukes Palace Wharf. The height of the building would drop in scale towards the Jane Austin College in an attempt to stitch the building into the local townscape. However, it would not reduce in scale to a sufficient extent as it would still tower over this locally listed building and its setting and this would create an awkward juxtaposition, particularly when viewed from **Blackfriar's Bridge**, which is rightly identified as a positive vista in the CAA that is not entirely screened by trees.
8. The proposal would also largely block views of the Jane Austin College from Duke Street, but it would be difficult to develop the appeal site without this negative impact occurring. More significantly, the part of the college visible from Duke Street is not the main elevation of the building and therefore the disruption of this view would not particularly harm the significance of the CAA or the setting of the building. Nevertheless, in light of the foregoing, the appeal scheme would appear as a strident and usually tall structure that would significantly harm and disrupt the surrounding town scape.
9. The building would not be without merit as the simple arrangement of the fenestration would hint at the existing and historic character of some of the historic buildings sited along the river. This is something that would be reinforced by the simple pallet of external materials, with the potential for the red brick finish to complement the Jane Austin College. Moreover, the corners

² The Design and Access Statement refers to the Norwich University of Arts building in St Georges Street and the Former Eastern Electricity building, both of which have a horizontal emphasis.

of the building would be curved and the top floor would be stepped in from the eaves in an attempt to soften the scale and massing of the building, a point aided by the varied height. The appeal site is of little significance to the setting of nearby listed buildings and therefore the appeal scheme would have a neutral impact in this regard. However, these aspects of the proposal would not mitigate its central limitation - that it would, in all respects, be too tall relative to the localised townscape³ and therefore appear harmfully dominant.

10. The factors in the preceding paragraph would mitigate for some of the impacts of the proposal but not entirely eradicate them. As a consequence the harm to the CA would be less than substantial. In weighing the potential benefits of the proposal against the less than substantial harm that would occur, it is apparent that the proposal would regenerate the appeal site, partially screen views of the adjacent hotel, which is identified as a negative building in the CAA, and deliver student accommodation close to local facilities. There is an objectively assessed need for such accommodation in the city and if delivered this would free up market housing and contribute to the Council's housing supply deficit, which is around 4.61 years. There would also be economic and local revenue benefits from construction and subsequent occupation.
11. However, the benefits listed above could also be realised by a scheme of a more appropriate scale. A lower building would not produce benefits of the same extent, but the harm would be notably diminished. As such, these benefits accrue moderate weight as matters in favour of the proposal.
12. The riverside walk is incomplete in the area between Duke Street and St Georges Street and therefore a detour along Colegate Street is currently required. The appeal scheme would facilitate an extension of the riverside walk, in accordance with the River Wensum Strategy, across the appeal site frontage. However, this benefit would be tempered by the projecting wing of the proposed building, which would over-sail, enclose and dominate part of the route. Notwithstanding this, any development of the appeal site would be required to provide an extension of the walk in accordance with Policy DM28 of the Norwich Local Plan. As such, this is a matter of only moderate weight as a benefit.
13. When attaching great weight to the conservation of designated heritage assets, as required by the special regard I must have to the desirability of preserving or enhancing the character or appearance of the CA, I find that the less than substantial harm would not be outweighed by the public benefits of the proposal. Accordingly, there would be a conflict with Paragraph 194 of the National Planning Policy Framework as harm to a designated heritage asset would not have a clear and convincing justification.
14. The Council are unable to demonstrate a five year housing land supply against its housing requirement in the Joint Core Strategy as required to by the Framework. This states that in such circumstances planning permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed. Designated heritage assets, such as conservation areas, are defined in the Framework as an area of particular importance. Given my findings above, there is a clear reason for refusing the proposal.

³ The massing analysis on page 12 of the Design and Access Statement demonstrates that the surrounding buildings are generally much lower than the appeal scheme would be.

15. As such, my overall conclusion is that the proposal would harm the significance of the CA and this finding is not outweighed by public benefits. Additionally, its character and appearance would not be preserved. The proposal would therefore be contrary to Policies DM3 and DM9 of the Norwich Local Plan, which seek to secure developments of an appropriate height, scale and massing that preserves or enhances the historic environment.

The effect of the appeal scheme on the users of Jane Austen College, with particular reference to light and outlook

16. The Jane Austin College has a very limited amount of outdoor amenity space for its pupils to use. This principally encompasses a moderately sized play area that is located immediately to the east of where the appeal building is intended to be constructed. The eastern elevation of the appeal building would be tall, at six storeys high, and would be positioned close to the site boundary. As a result, it would tower over the play area in an overbearing and dominant way. This would severely diminish the quality of the play area and thus its ability to function as somewhere for school children to relax and play.
17. The quality of the play area would be further diminished by the appeal scheme through a loss of direct sunlight, with complete over shadowing occurring in the afternoon in the summer months. Although the play area is not in constant use and there will be other times when it would receive direct sunlight the impact on sunlight would still be an aggravating factor that would erode the quality of the play area.
18. **The appellant's daylight assessment**, which was undertaken with reference to a recognised methodology, concludes that 12 windows within the school that currently meet Building Research Establishment (BRE) guidelines for daylight would no longer meet the stated guideline targets if the appeal scheme was implemented. In addition, two rooms that currently fail to meet the guidelines would experience a further reduction post development. This would reduce the quality of the learning and teaching environment inside some of the rooms in the school and this is an adverse impact weighing against the appeal scheme.
19. Jane Austin College does not include living accommodation but the users of an educational establishment should have sufficient access to sun and daylight when in classrooms or when using outdoor play areas, which should also have an adequate outlook. The appeal scheme would cumulatively undermine this reasonable expectation and therefore the amenity of the users of the college would be harmed. This would be contrary to Policy DM2 of the Norwich Local Plan, which states that development should not result in an unacceptable impact on the working conditions and operations of neighbouring occupants, with reference to loss of light and outlook.

The effect of the appeal scheme on the living conditions of the occupants of Dukes Palace Wharf with particular reference to daylight

20. The flatted scheme at Dukes Palace Wharf includes a number of dwellings facing the appeal site that have a single aspect and are north facing. As such, the occupants already have limitations placed on their living conditions due to a restricted outlook and inability to receive direct sunlight. This is not entirely uncommon in a city centre where densities tend to be higher and compromises will be made for the convenience offered by the location.

21. However, **the appellant's light assessment indicates that the** implementation of the appeal scheme would result in 16 windows, which currently serve kitchen/diners, living rooms and bedrooms, experiencing a notable further reduction in daylight. Some of these windows already have levels of daylight below BRE guidelines. Thus, an extra reduction in daylight would only serve to compound the limited levels of amenity already experience by the occupants of the affected flats.
22. On balance, I conclude that the appeal scheme would harm the living conditions of some of the occupants of the north facing flats in Dukes Palace Wharf that face the appeal site and this would be contrary to Policy DM2 of the Norwich Local Plan, which states that developments should not result in the occupants of neighbouring properties suffering an unacceptable loss of light.

Other Matters

23. It has been suggested that Historic England did not object to the appeal scheme but its comments are not that clear cut. Historic England did not, on balance, raise concerns with the overall scale and form of the building but did indicate specific concerns with the height of the eastern section, and recommended that these concerns should be resolved. Regardless of this, I have come to my own conclusions for the reasons given. Likewise, the recommendation to approve provided **by the Council's Officers is not** a determinative matter in light of my findings.
24. Various concerns have been raised by interested parties including reservations over noise and biodiversity impacts, which I have noted. However, given my findings above it has not been necessary for me to address these matters further as the appeal has failed on the main issues. Similarly, I would need to see more evidence before I was satisfied the appeal scheme would provide adequate levels of outdoor amenity space for future occupants, but as the appeal has been dismissed, it is unnecessary for me to seek this evidence and come to a conclusion on this point.
25. There is an extant planning permission for a residential development of the appeal site (Council reference 4/1998/0656). However, this part of the permission has remained unimplemented for over a decade and there is little evidence before me to suggest that scheme would be implemented if the appeal fails. For example, details required by planning conditions are yet to be approved. Consequently, there is little to suggest it is more than a hypothetical fall-back position. In any event, the approved scheme is not identical to the appeal scheme before me and whilst elements of its design would not be better than the appeal scheme, aspects of it, such as the impact on light levels to neighbouring properties, would be more advantageous. As such, the extant permission does not justify the appeal scheme.

Conclusion

26. The proposed development would not accord with the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Graham Chamberlain

INSPECTOR

Report to Planning applications committee

Item

14 November 2019

Report of Area Development Manager

Subject Application no 19/01374/NF3 - 185 Drayton Road,
Norwich, NR3 2PG

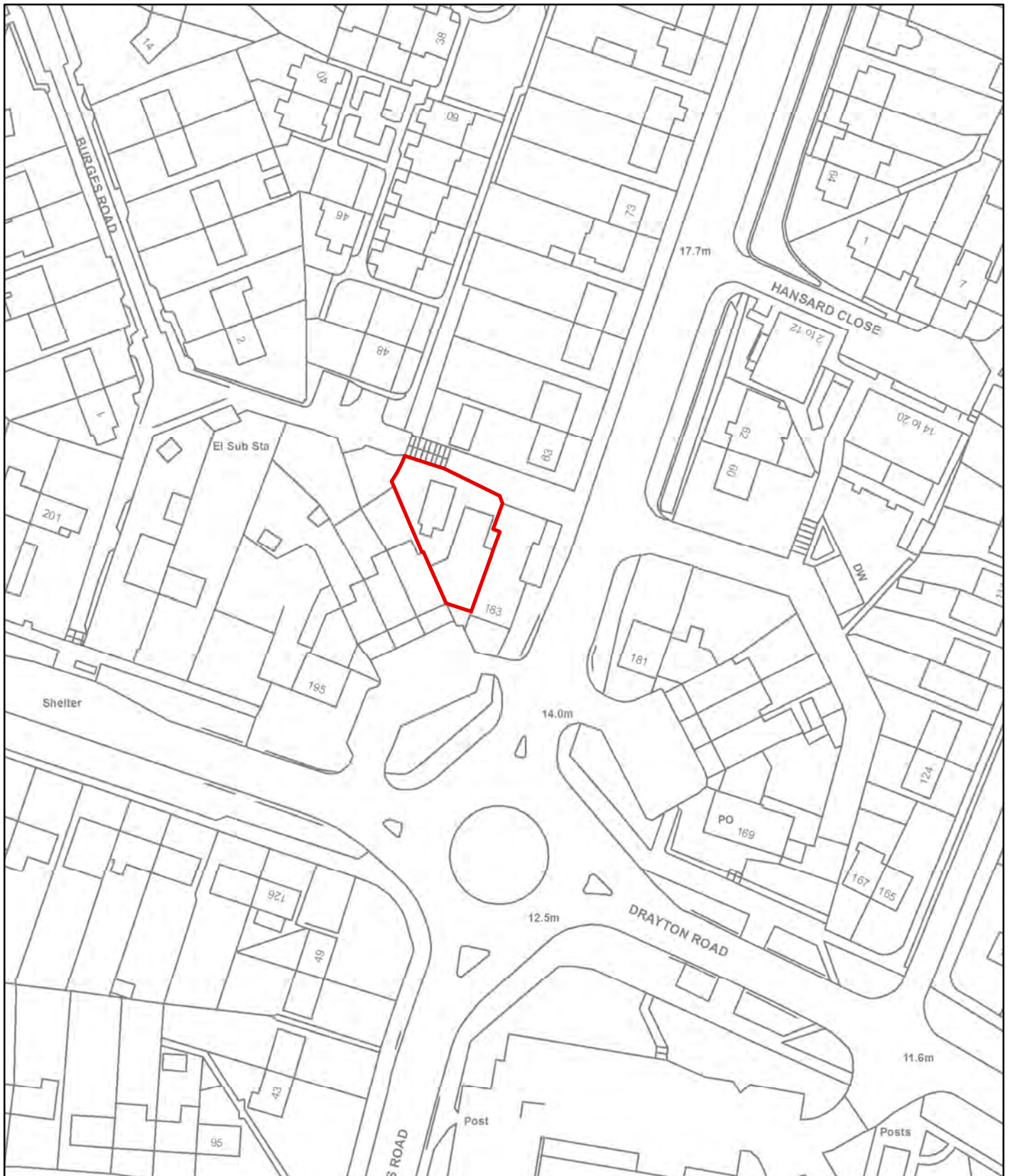
**Reason
for referral** Objection

4(f)

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

Development proposal		
Change of use from shop (Class A1) to restaurant (Class A3) including external alterations.		
Representations		
Object	Comment	Support
3	0	0

Main issues	Key considerations
1 Principle of Development	The loss of an A1 retail unit within a District Retail Centre
2 Design and Heritage	The impact of the proposed development within the surrounding conservation area
3 Amenity	The impact of the proposed change of use on neighbouring properties
4 Transport	The impact of the proposed highways and transport
Expiry date	27 November 2019
Recommendation	Approve



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Planning Application No 19/01374/F
 Site Address 185 Drayton Road

Scale 1:1,000

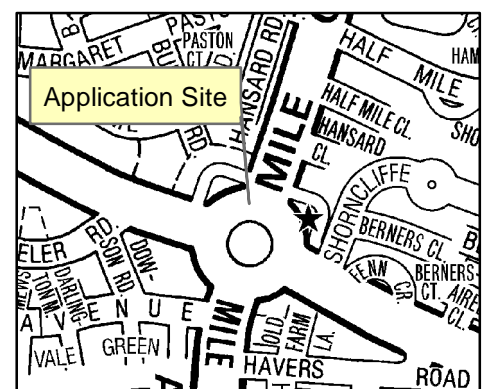


NORWICH
 City Council

PLANNING SERVICES



Page 164 of 192



The site and surroundings

1. The site is formed of a mid-terrace ground floor retail unit located within the western portion of the Drayton Road district retail centre. The property was constructed in 1928 as part of the wider Mile Cross housing development. The property is arranged over three floors with living accommodation included within the first and second floors.
2. The property is currently vacant having most recently been occupied by Draytona Bakery approximately five years ago. The site is bordered by Drayton Stores to the east and no. 187 to the west, another vacant unit previously occupied by Lowthorpes newsagent. A maisonette is located on the floors above which is accessed via an independent door to the front and via a stairway to the rear. A small service yard is located to the rear of the unit.
3. The prevailing character of the surrounding area is a mixture of retail and residential uses with the Drayton Road shops forming a prominent landmark on the edge of the Mile Cross housing development, adjacent to the busy Drayton Road, a busy route to and from the city. The retail units were all originally of a distinctive uniform design featuring matching signage and decorative detailing throughout. Some of the units are currently in a poor state of repair, however works have steadily been taking place to restore the units.

Constraints

4. Conservation Area: Mile Cross
5. District Retail Centre: Drayton Road Shops
6. Locally listed building.

Relevant planning history

7. There is no relevant planning history.

The proposal

8. The proposal is for the change of use of the ground floor of the building from an A1 retail unit to a restaurant, A3 use class. The proposal includes alterations to the internal layout, most notably the provision of two new toilets and a store room. Externally, the shopfront glazing is to be replaced with toughened glass and a number of doors are to be blocked up to the rear. At present, there is not a tenant in place to operate the proposed restaurant. As such, the application assess the principle of the change of use and associated alterations only.

Representations

9. 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
The proposed change of use will result in an increase in car parking problems within the area	See main response 4.
The proposed change of use may result in disturbance being caused from noise and odour.	See main response 3.

Consultation responses

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

Design and conservation

11. 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.

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)**
- JCS2 Promoting good design
 - JCS5 The economy
 - JCS6 Access and transportation
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
 - DM9 Safeguarding Norwich's heritage
 - DM21 Protecting and supporting district and local centres
 - DM30 Access and highway safety
 - DM31 Car parking and servicing
 - DM32 Encouraging car free and low car housing
14. **Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**
- NPPF0 Achieving sustainable development
 - NPPF1 Building a strong, competitive economy
 - NPPF7 Requiring good design
 - 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: Principle of development

16. Key policies and NPPF paragraphs – DM21, JCS19, NPPF sections 5 and 11.
17. The proposed development involves the change of use of an established A1 use class retail unit to a restaurant, A3 use class. At present, there are no firm plans for a particular tenant to move into the unit. As such, the proposal is considering the principle of the change of use and the associated alterations only. The site is located within a defined local retail centre made up of fifteen units.
18. The principle assessment is against policy DM21 which seeks to manage the uses within district centres and states that appropriate supporting services will be encouraged and permitted subject to a number of criteria. In this instance criterion e) must first be considered. The proposed development is in accordance with criterion e) as it does not result in the percentage of A1 retail uses at ground floor level within the local centre falling below the required threshold of 60%. The proposed change of use will result in the percentage of A1 retail uses at ground floor level falling from 73.3%% at present to 66.6%.
19. With regard to the remaining criterion within policy DM21:
 - a) The scale of the proposed development is consistent with the position of the centre within the hierarchy of centres set out in JCS policy 19. The proposed development is therefore considered to comply with criterion a);
 - b) 185 Drayton Road has been vacant for a number of years and as such can be considered to fail to contribute to the vitality and viability of the district centre. The proposed change of use will result in the creation of a new A3 use class restaurant open between the hours 0800 – 1600 Monday to Saturday. The hours of use are considered to be consistent with the prevailing use of the district centre and can therefore be considered to contribute positively to the vitality and viability of the centre.
 - c) The impacts of the proposed development on the residential amenity, traffic and environmental impacts of the area are not considered to be significant and are assessed in detail in the sections below;
 - d) The proposal introduces an A3 unit into a parade which currently lacks any A3 uses.

f) The proposed development is considered to comply with criterion f) as the proposal does not involve the loss of a main food store serving the centre.

20. When considering the criteria set out within policy DM21, it can be considered that the proposed change of use complies with policy DM21.

Main issue 2: Design and Heritage

21. Key policies and NPPF paragraphs – JCS2, DM3, DM9, NPPF paragraph 9, section 12.
22. The proposed external alterations will have a limited impact on the character and appearance of the subject property as they are of a small scale and largely repairing or replacing existing features. The changes to the front elevation will have a limited impact and result in no significant changes to the overall appearance of the unit from occurring.
23. The original shop front which contributes positively to the character of the conservation area is to remain in place following the replacement of the main glazing unit.

Main issue 3: Amenity

24. Key policies and NPPF paragraphs – DM2, DM11, NPPF section 127.
25. The proposed change of use is likely to have only a limited impact on the amenity of neighbouring residential occupiers. The proposed hours of use are within typical daytime working hours.
26. The proposed change of use does not include the provision of any extraction or ventilation equipment. Should any extraction equipment be required in the future, it will have to be assessed by way of a separate application. Such an application will require the submission of technical information relating to noise and odour.

Main issue 4: Transport

27. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF section 9.
28. The proposed development does not include any changes to the current parking or access arrangements. There are spaces marked out for the parking of approximately thirteen cars in front of the unit, with further spaces also in place on the opposite side of the road. Currently, there are no restrictions on the amount of time cars can be parked in the spaces. Spaces are for the use of visitors to the retail units as well as occupants of the flats above. The centre also includes a number of Sheffield style cycle stands.
29. The proposed change of use is likely to result in a small increase in the volume of cars visiting the centre, by virtue of a currently vacant unit being brought into use. It is not however considered that the current situation will be significantly altered by way of a substantial increase in the volume of cars visiting the centre. The site is located within a sustainable location, close to bus stops, cycle routes and numerous

pedestrian routes. As such, it is anticipated that a significant number of visitors the unit will travel by means other than a private car.

30. The existing rear yard provides space for the provision of 2 no. 1100L bins.

Equalities and diversity issues

31. There are no significant equality or diversity issues.

Local finance considerations

32. 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.
33. 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.
34. In this case local finance considerations are not considered to be material to the case.

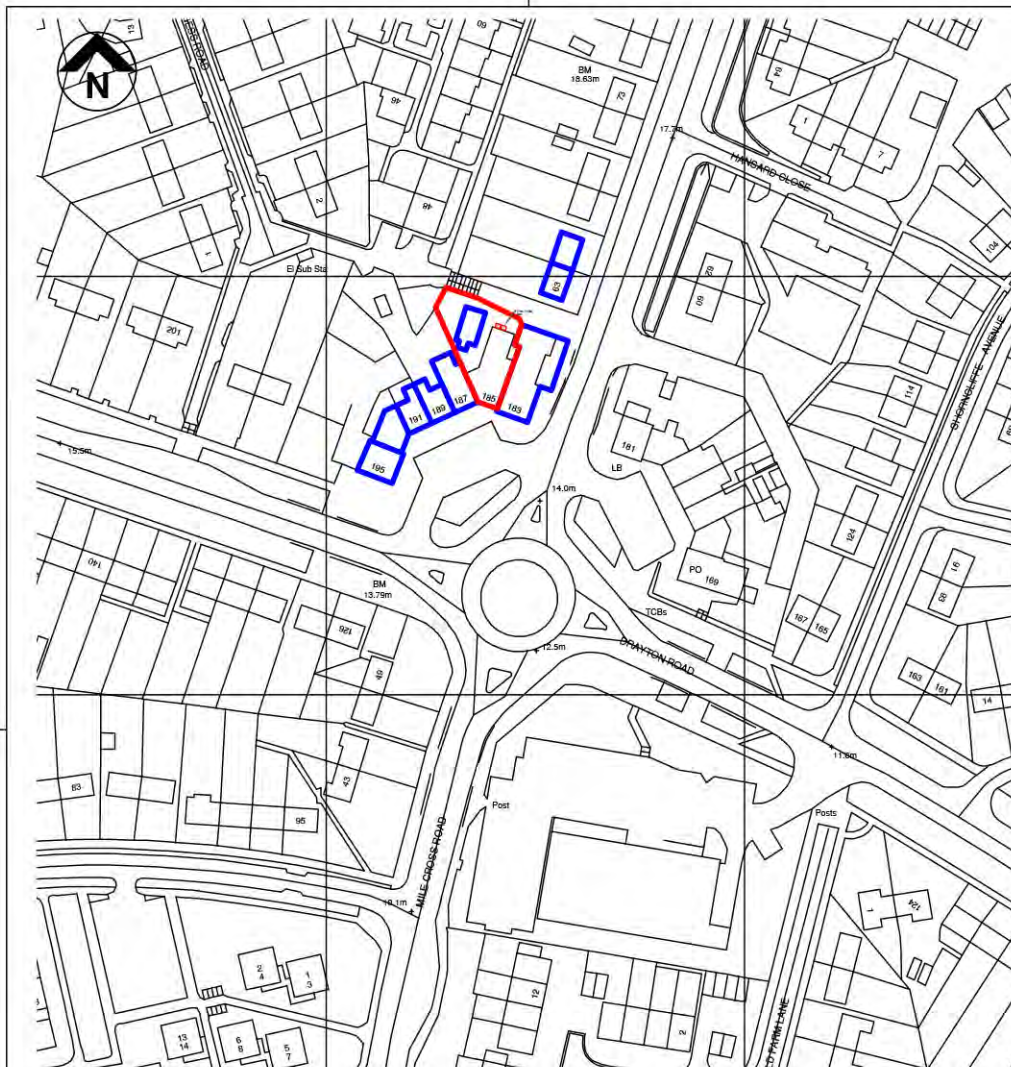
Conclusion

35. The proposed change of use is considered to contribute positively to the vitality and viability of the district retail centre by providing a use for a vacant unit.
36. The proposed external alterations will have a limited impact on the appearance of the unit and will not result in harm being caused to the character of the locally listed buildings or surrounding conservation area.
37. The proposed change of use is not considered likely to result in harm being caused to neighbouring residential occupiers by way of noise or odour.
38. 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

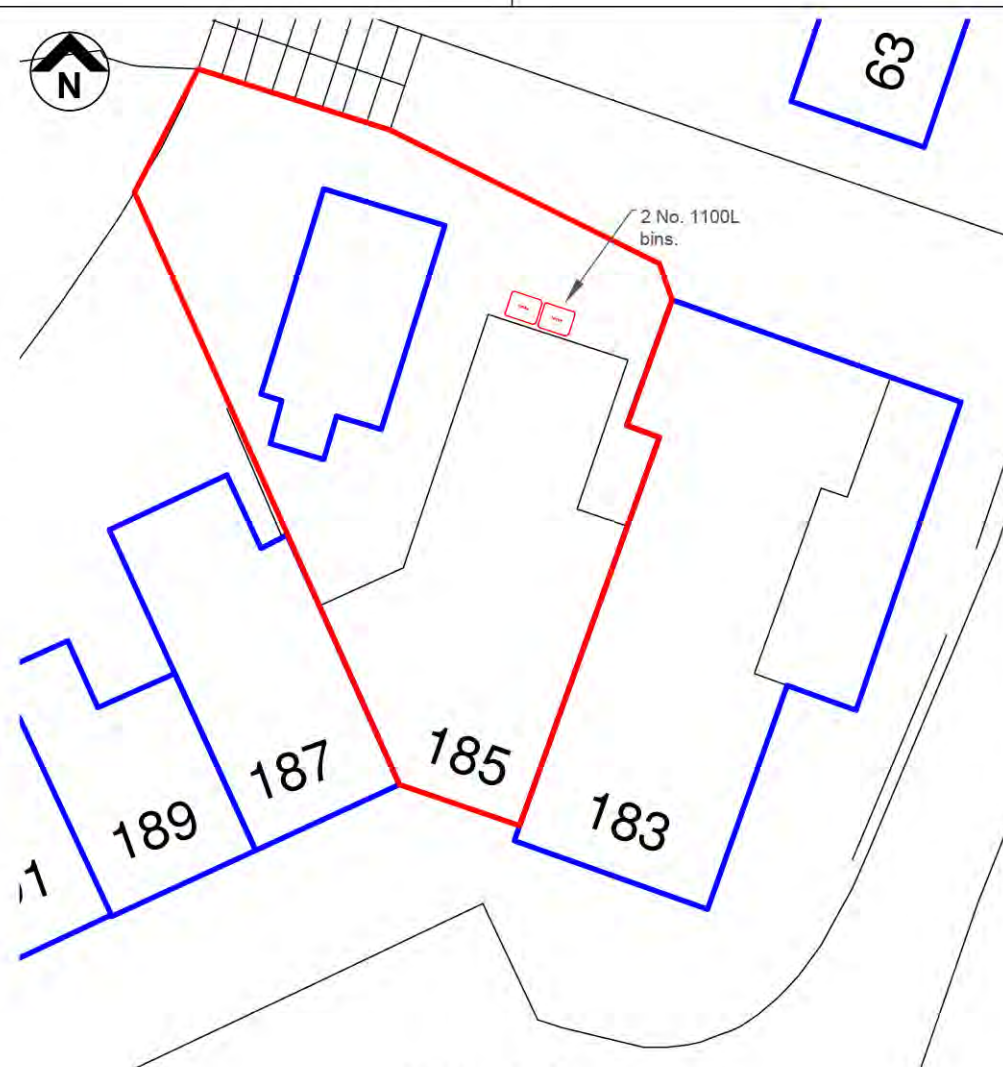
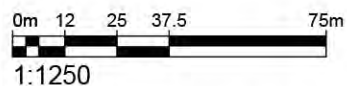
To approve application no. 19/01374/NF3 - 185 Drayton Road Norwich NR3 2PG and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. No installation of extraction equipment / ventilation unless details are first agreed.



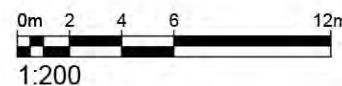
Location Plan

Scale: 1:1250



Site Plan

Scale: 1:200



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SHEET SIZE

A3

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ORDNANCE SURVEY LICENCE NUMBER 100022264

FIRST ISSUE					
P1					
COMMENT					
REV	DRAWN	DATE	CHECKED	DATE	APPROVED

CLIENT
NORWICH CITY COUNCIL

PROJECT
Void Shop Refurbishments

TITLE
**185 Drayton Road
Location & Site Plan**

Page 170 of 192



NPS Property Consultants Ltd
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SCALES	DISCIPLINE	PROJECT NUMBER
As Shown	GENERAL	24-01-00154
DRAWING NUMBER		REV CODE
NPS-DR-Z-(10)-001		P 1
STATUS CODE	PURPOSE OF ISSUE	DRAWN
S0	PRELIMINARY	RW

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The contractor must check and verify all site and building dimensions, levels, utilities and drainage details and connections prior to commencing work. Any errors or discrepancies must be notified to NPS Norwich Ltd immediately.

Do not scale from this drawing.

This drawing must be read in conjunction with the full specification.

Door Height (mm)

D1 - 2140
D2 - 1975
D3 - 1958
D4 - 1976
D5 - 1973
D6 - 2159
D7 - 2397
D8 - 2130

LEGEND:

Windows

F-C = floor to cill
C-H = cill to head

Ceilings
 (2.32) = floor to ceiling height
 SUS = suspended ceiling
 PLAS = plaster

Beams
BML = Level at underside of beam
BMH = Floor to u/s beam

PAST ISSUE							
P1							
COMMENT							
REV	DIAGRAM	DATE	CHECKED	DATE	APPROVED	DATE	



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PROJECT

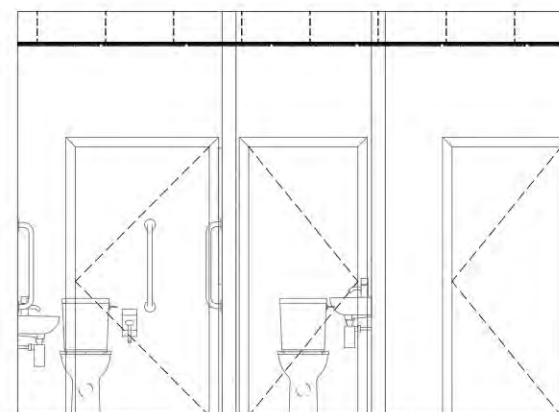
Void Shop Refurbishments

TITLE
185 Drayton Road
Proposed Layout

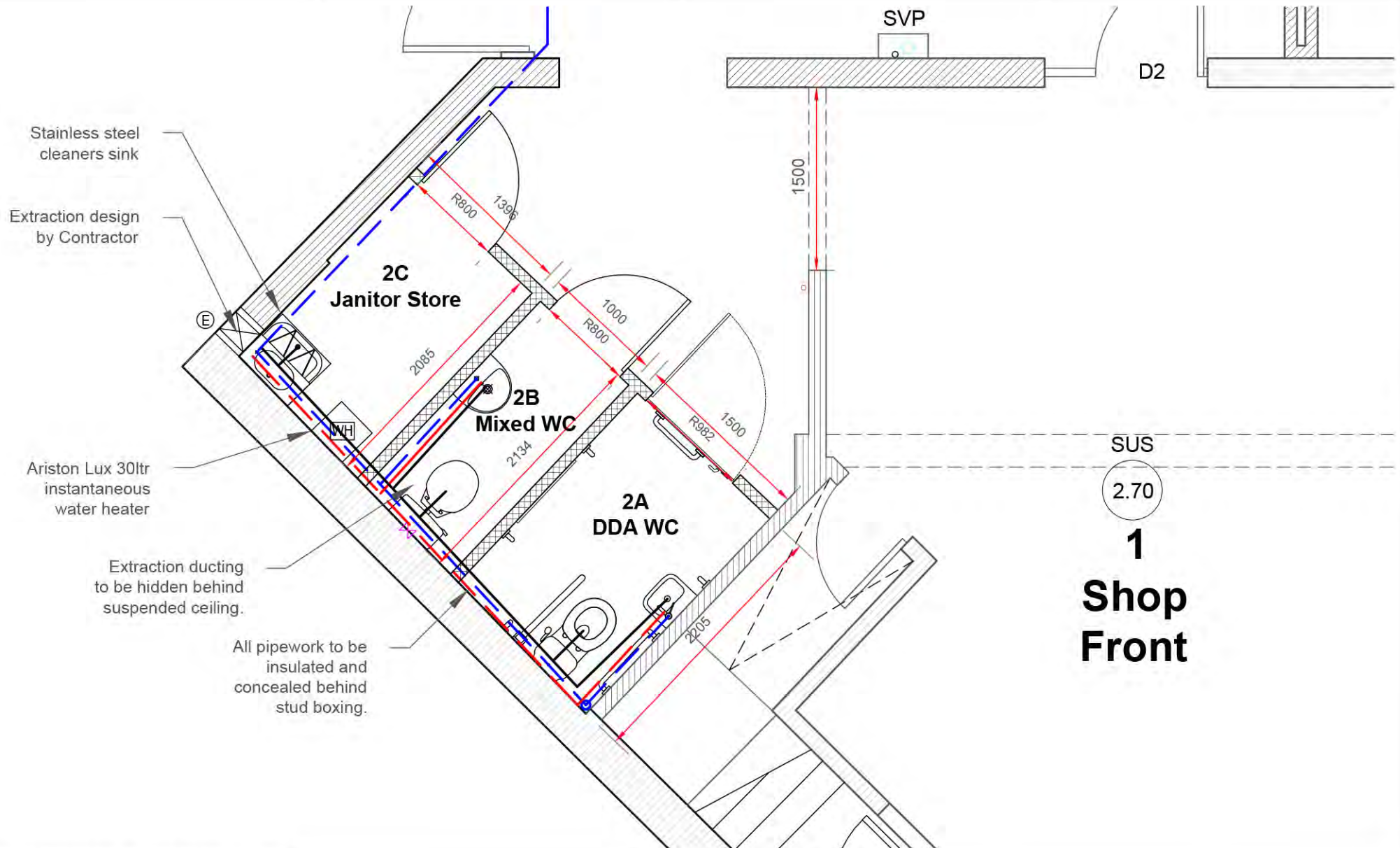
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As Shown	GENERAL	24-1-00154
DRAWING NUMBER		REV CODE
NPS-DR-Z-(40)-001		P1
STATUS CODE	PURPOSE OF ISSUE	DRAWN BY
D2	TENDER	RW



Proposed Elevation
Scale 1:20



Section A-A
Page 172 of 192
Scale 1:20



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FIRST ISSUE						
P1						
COMMENT						
REV	DRAWN	DATE	CHECKED	DATE	APPROVED	DATE

CLIENT
NORWICH CITY COUNCIL

PROJECT
Void Shop Refurbishments

TITLE
**185 Drayton Road
Room 2, 2A, 2B, 2C
Layout**

Page 173 of 192

nps group

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SCALES	DISCIPLINE	PROJECT NUMBER
1:30	GENERAL	24-1-00154
DRAWING NUMBER		REV CODE
NPS-DR-Z-(40)-002		P 1
STATUS CODE	PURPOSE OF ISSUE	DRAWN
D2	TENDER	RW

Report to	Planning applications committee	Item
	14 November 2019	
Report of	Area development manager	5
Subject	Performance of the development management service; progress on appeals against planning decisions and updates on planning enforcement cases.	

Purpose

This report updates members on the performance of development management service; progress on appeals against planning decisions and progress on planning enforcement action.

Recommendation

To note the report.

Corporate and service priorities

The report helps to meet the corporate priorities people living well, great neighbourhoods, housing and environment and inclusive economy.

Financial implications

There are no direct financial implications arising from this report.

Ward/s: All wards

Cabinet member: Councillor Stonard

Contact officers

Mark Brown, Development Manager (Outer)	01603 212542
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David Parkin, Development Manager (Inner)	01603 212505
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Background documents

None

Report

Background

1. On 31 July 2008 the planning applications committee considered a report regarding the improved working of the committee which included a number of suggested changes to the way it operates. In particular it suggested performance of the development management service be reported to the committee and that feedback from members of the committee be obtained.
2. The committee has also asked to be informed on the outcome of appeals against planning decisions and enforcement action.
3. The last performance report was presented to committee on 09 May 2019.

Performance of the development management service

4. The cabinet considers quarterly reports which measure the council's key performance targets against the council's corporate plan priorities. The scrutiny committee considers the council's performance data regularly throughout the year and will identify any areas of concern for review.
5. This report will only highlight trends or issues that should be brought to the attention of the planning applications committee for information.
6. In quarter one of 2019-20, 163 applications out of 181 decisions were dealt with by officers (a delegation rate of 90 per cent) and 18 applications were dealt with by committee.
7. For quarter two 2019-20, 186 applications out of 204 were dealt with by officers (a delegation rate of 91 per cent) and 18 applications were dealt with by committee.
8. For the 2018-19 year in total the delegation rate was 90%, this compares to a delegation rate of 91.4% in 2017-18, 86.4% in 2016-17 and 90.6% in 2015-16.

Appeals

9. There are currently 19 pending planning appeals as listed within the appendix to this report.
10. Since the last performance report 9 appeals have been dismissed, three have been cancelled or withdrawn and 2 appeals have been allowed. One appeal has been part allowed and part dismissed.
11. A brief summary of the appeals which have been dismissed is provided below:

a) 9 Normans Buildings – Demolition of existing workshop and redevelopment of the site to provide 4 No. town house – Delegated refusal

A former planning permission was granted at appeal relating to this site in 2016 for four one bed apartments. This appeal related to the refusal of a revised scheme with increased height providing for 4 town houses.

The main issues in the appeal were the effect on the setting of the Grade I listed St Peter Parmentergate Church and the character and appearance of the Conservation Area; the living conditions of neighbouring residents; and the living conditions of future residents of the proposed houses.

On the first issue the inspector considered that the proposed building would be closer to the road than the existing workshop and considerably taller and as a result would intrude on views of the Church Tower from Normans Buildings and along the section between Raleigh Court and Scoles Green. Whilst the trees would limit this impact this would only be the case when in full leaf and the proposal would require some pruning of the trees to facilitate development. As such the inspector concluded that the proposal would have a negative effect on the setting of the listed church and the character and appearance of the conservation area including trees, where the public benefits would not outweigh the harm to the significance of these designated heritage assets.

On the second issue the inspector concluded that given the height and proximity of the proposed building to neighbouring properties it would have a negative effect on the outlook of neighbouring residents.

On the third issue the inspector considered that the new houses would have a poor level of light and outlook given the northern orientation and relationship with trees and given the internal layout of the proposed houses which differed materially from the earlier scheme.

The inspector took account of housing supply and the benefits of housing provision but determined that the harm would clearly and demonstrably outweigh these moderate benefits, however given the harm to designated heritage assets the presumption in favour of sustainable development would not apply.

b) 18 Brentwood – Fell 4x Scots Pine – Delegated part approval / part refusal

The appeal related to a proposal to fell 4 scots pines which are protected by a TPO. The inspector considered that the trees contributed to the character of the area and there was no evidence that they were diseased or lacked structural integrity. The appellants case was on the basis of 'liveability issues' resulting from the trees at the rear of a short garden. The inspector considered that the pines did not cast heavy shade and their canopies are raised sufficiently to allow outlook beyond the dwelling's rear boundary. The inspector concluded that there was no justification for the pines' removal. The inspector also noted that the pines predated the dwelling and that the limitations of the TPO should have been apparent when the appellant elected to move to the property.

c) 21 Sotherton Road – Single storey extension with associated alterations to create 7 bed large HMO (Sui Generis) – committee refusal.

The main issues for the appeal were the effects on the living conditions of neighbouring dwellings with particular regard to noise and general disturbance and the impact on highway safety.

The inspector considered that the proposal for a seven-bedroom HMO within a quiet suburban cul-de-sac would result in a significant increase in noise and disturbance compared to the existing three-bedroom family dwelling, which would harm the living conditions of the occupants of No. 19 which has an entrance door in close proximity and, to a lesser extent, other residents in the cul-de-sac.

Secondly, the inspector considered that it has not been demonstrated that the parking demands of the appeal scheme could be accommodated on the constrained site served off a shared driveway, which would result in pressure for on-street parking for occupants and visitors. Combined with anticipated increased vehicle movements this would increase congestion and obstruction of the road and pavement within the cul-de-sac, reducing safe movement and visibility for drivers and pedestrians.

The inspector goes on to suggest that even in the absence of a five year supply of deliverable housing sites and the 'tilted balance' of paragraph 11 of the NPPF engaged the adverse impacts of the proposals would outweigh any planning benefit associated with additional housing capacity and dismisses the appeal.

d) 2 Edgeworth Road – Single storey rear extension and change of use from dwellinghouse (Class C3) to 7 bedroom HMO (Sui Generis) – delegated refusal.

The main issues for the appeal were the effects on the living conditions of neighbouring properties in terms of noise and general disturbance and the impact of traffic generation and parking. The inspector noted during the site visit that some of the internal and external alterations had already taken place, however the rear extension had not commenced and not all of the bedrooms were inhabited.

The inspector considered that the proposed development would result in up to seven unrelated occupants, markedly intensifying the level of activity at the property compared to a dwelling/house. Due to the modest rear garden sizes and proximity of neighbouring properties this would likely result in significant harm to the living conditions of the occupants of neighbouring dwellings in respect of noise and general disturbance. In addition, seven unrelated occupants will likely result in a relatively high level of car ownership compared to the previous use of the site as a family dwelling. The development would likely result in more car movements, and more cars required to be parked than can be accommodated within the single remaining parking space on the appeal site. This would be likely to lead to significant increases in pressure upon parking on surrounding streets and be likely to result in conditions significantly harmful to highway interests in terms of parking demand.

e) 22 North Park Avenue – Single storey rear extension and change of use to 7 bed HMO (Sui Generis) – Delegated refusal

An appeal against the refusal of consent for an extension to an existing six bedroom HMO and increase in scale by one bedroom. The main issues for the appeal were the effects on the living conditions of neighbouring properties in terms of noise and disturbance and the effect of the proposed development on the character and appearance of the area. The inspector considered that by increasing the occupancy of the appeal site, the level of activity at the property would be increased above that of a typical residential dwelling and the position and proximity of surrounding

dwellings would likely have a significant adverse impact in terms of noise and disturbance on neighbouring occupants.

The character and appearance issues surrounding the loss of grass verge required to create a wider vehicle cross-over was not something that the inspector considered to be readily noticeable in this location due to the number of cross-overs already present and therefore the inspector did not consider the proposals to result in harmful impacts upon the character and appearance of the area.

The inspector therefore dismissed the appeal solely in relation to the harmful impacts on living conditions of neighbouring properties.

f) 36 Primula Drive – Change of use and conversion of garage to 10 bed HMO (Class Sui Generis) – Delegated refusal

The main issues for the appeal were, whether acceptable living conditions could be provided for existing and future residents, the effects on the living conditions of neighbouring properties in terms of noise and disturbance and whether the arrangements for car parking to the frontage would harm the character and appearance of the area.

The inspector considered the proposed layout to be sub-standard as a result of the lack of communal space provision for the number of occupants proposed and poor levels of amenity, overall, failing to provide acceptable living conditions for occupants. The inspector considered that the proposal would have a harmful effect on the living conditions of the occupants of the adjacent neighbouring residential property, No 35 Primula Drive, with particular reference to noise and disturbance as a result of external activity within the rear garden area and comings and goings at the frontage of the property at the intensity proposed. On the final point the large area of hard standing to the frontage to provide 6 parking spaces, although not out of character with the area would have potential for a significant level of additional parking on the hard standing in comparison with other properties, cluttering the frontage and providing an unattractive appearance in a prominent corner position, detracting from the overall quality of the area. The inspector found the car parking arrangements on the site to be unsuitable.

g) 11 Press Lane – First floor front, side and rear extensions and separation of single dwelling into 2 No. dwellings. New wall cladding, doors and windows – Delegated refusal

The main issues for the appeal were the effect of the proposal on the character and appearance of the dwelling and the streetscene and whether adequate living conditions could be provided for the occupants of the proposed two bedroom dwelling, with regard in particular to outlook and natural light.

The inspector considered that the extensions would overwhelm the property at the front and rear due to their bulk, height and overall mass and would add significantly to the scale of built development at the appeal site. Also, the use of narrow vertical windows and vertical timber boarding would appear at odds with the neighbouring property and with the streetscene generally. Overall, the extensions would appear incongruous and unsympathetic to the existing building and to the streetscene. In

addition the subdivision of the site would lead to a cramped and congested entrance to the site, resulting in a form of development which is harmful to the character and appearance of the existing dwelling and the street scene. The appeal was therefore dismissed on the impact of the proposal on the character and appearance of the dwelling and the streetscene alone.

On the second matter of adequacy of living conditions the inspector concluded that although outlook and levels of natural light to the kitchen area of the proposed two bedroom dwelling would be restricted, the main aspect of the dwelling would be towards the rear garden and together with the dual aspect of the open plan ground floor area would not be unacceptably harmful to living conditions of proposed occupants.

h) Land Adjacent To Former Shoemaker PH Enfield Road – Construction of building containing eighteen student flats with new refuse compound – Delegated refusal

The main issues for the appeal were;

- 1) The effect of the proposed development on the character and appearance of the area,
- 2) Whether the proposed development should make provision for affordable housing,
- 3) The effect of the proposed development on the living conditions of future occupants, with particular regard to outlook, light, and internal and external living space,
- 4) Whether the proposal would increase flood risk, and
- 5) Whether the proposal would make adequate provision for refuse storage and collection.

Although the four storey height of the proposed building would have a unifying 'bookend' effect in combination with four storey elements on adjacent development, the inspector concluded that the scale of the proposed building would result in a stark interface with Twenty Acre Wood public open space, which would harm the character and appearance of the area.

On the matter of affordable housing provision the inspector concluded that the proposed development has sufficient characteristics of C3 accommodation, such as self-containment, physical separation and lack of management and operation arrangements with existing Shoemaker Court student accommodation complex adjacent, for affordable housing requirements to apply. The proposal does not make provision for affordable housing and as such conflicts with development plan policy in this regard.

In respect of future occupants, the inspector found that the proposal would not provide sufficient internal living space and demonstrably certain access to sufficient outdoor amenity space. The proposal would have a minor adverse effect in terms of outlook of one of the units. It would not provide sufficient adaptable accommodation. The absence of harm in respect of receivable light would not outweigh the combined harm to living conditions of future occupants.

On the matter of increased downstream flood risk the inspector concluded that it is not guaranteed that the proposed drainage approach would be practicable or

effective and therefore it could not be demonstrated that the proposal would not give rise to increased flooding downstream.

On the matter of adequacy of refuse storage and collection facilities the inspector concluded that this had also not been demonstrated.

In overall conclusion although the scale of development would give rise to substantial benefits in terms of housing supply and choice of accommodation and economic benefits during and after construction, these would not outweigh the significant identified harm.

i) Land Between 18 And 20 West Parade – 2 No. three bedroom dwellings with new access, parking, amenity spaces and landscaping – Committee refusal

The main issues for the appeal were whether the proposed development would preserve or enhance the character and appearance of the Heigham Grove Conservation Area and the effect of the proposal on the living conditions of the occupants of No.18 West Parade, with regards overbearing and light issues.

The inspector highlights the significance of the conservation area being an exemplification of 19th century development, with West Parade characterised by medium sized houses set within fairly tight plots with high hedges, railings and walls defining boundaries, with existing trees remaining important landscaping features, which together with boundary hedgerows, low garden walls and railings contributing to attractive street views.

The inspector identifies a separation gap between buildings and their side site boundaries at least at first-floor level and in some cases at ground floor level also as being a prevailing and distinctive characteristic of West Parade which results in a spaciousness, with regular gaps between buildings contributing to the character of the conservation area.

The proposed location of the full depth of the substantial two-storey core of the new building flush with the site's southern side boundary, without a separation gap, would result in a continuity of built mass from the proposed dwellings to the dwellings at No.20 West Parade which would be discordant with the prevailing separation pattern and the somewhat narrow gap between the two-storey northern side elevation of the proposed building and the boundary with No.18, would result in the proposed development appearing 'shoehorned' into the site.

In addition the openness of the proposed double-width parking bays, fronting onto the street, would be contrary to the prevailing use of various front boundary shrubs, trees and walling to soften the visual impact of parking and protect the front garden character of the street adding to the proposal's discordance with the prevailing distinctive character of the area.

He concludes on the first matter that the proposal would result in harm to the character and appearance of the conservation area which would be significant, relative to the site and the immediate surroundings of the proposal. However, this would constitute less than substantial harm to the significance of the conservation area as a whole. The public benefits in terms of contribution to local housing supply

and benefits to the local economy do not outweigh the great weight given to the conservation of the conservation area and the less than substantial harm to its significance, the proposed development would fail to preserve or enhance the conservation area.

On the second matter, the inspector found that the proposal would be detrimental to the living conditions of occupants of No.18 in terms of the substantial mass of the building being overbearing and detrimentally restricting light to an attic bedroom window of the neighbouring property at No.18 West Parade.

The inspector concludes that even in the absence of a five year supply of deliverable housing sites and the 'tilted balance' of paragraph 11 of the NPPF engaged the adverse impacts of the proposals would significantly and demonstrably outweigh benefits associated with additional housing capacity and dismisses the appeal.

12. A brief summary of the appeals which have been part allowed and part dismissed is provided below:

a) 80 Cambridge Street – Single storey extension, 1 No. bay window and loft conversion with dormer windows – Delegated refusal

The application was refused due to the impact of the changes to the roof and dormer window which were considered to be harmful to the character of the conservation area. This heritage impact was therefore the main issue in the appeal. The proposals included raising the eaves and height of the roof as well as a number of dormer windows. Given the uniformity of terrace roofs in the area the inspector considered that the roof extensions would appear incongruous and prominent in the street scene causing harm to the conservation area which was not outweighed by any benefits of the proposal. The refusal did not raise objection to the bay window and single storey extension and the inspector considered them to be acceptable and divisible from the changes to the roof. As such a split decision was made whereby the inspector allowed the single storey extension and bay window but, dismissed the appeal and upheld the council's decision with respect to the changes to the roof.

13. A brief summary of the appeals which have been allowed is provided below:

a) 18 The Crescent – Roller shutter doors in garage doorway and re-forming car port roof – Delegated refusal

The application related to the installation of a roller shutter door and alterations to a car port to the rear of 18 The Crescent which is the end property to the southeast corner of The Crescent adjacent to Chapelfield Road. The refusal was on the basis that the alterations would harm the setting and significance of the grade II listed dwelling and result in a commercial character to the rear Loke. The inspector gave weight to the existing character of the rear boundaries of other properties along the Loke which have varying roof heights and types/materials of doors. The inspector considered that the roller shutter door would be large and utilitarian but no more so than others on the Loke. The inspector considered that it would still be possible to define and differentiate the historic workshop and courtyard in views of the Loke. Ultimately the inspector considered that there would not be harm to the listed building as a result of the alterations.

b) Car Park Adjacent To Sentinel House 37 – 43, Surrey Street – Redevelopment of site to provide 252 student bedroom development with associated access and landscaping – Committee refusal

There is some history to this site as follows:

- Members refused a scheme for a 285 bed development on the site in December 2017 on the basis of impact on the amenity of properties at Carlton Terrace and Sentinel House and on the impact of the development on the conservation area. This decision was appealed.
- Prior to the appeal relating to the 2017 decision being determined a revised scheme for a 252 bed development was submitted and also refused in June 2018. This scheme was refused in June 2018 on the basis of impact on the amenity of properties at Carlton Terrace and on the impact of the development on the conservation area. Due to changes in the scheme and unlike the 2017 decision it was not refused on the basis of impact on the amenity of properties at Sentinel House.
- In August 2018 the appeal decision relating to the first 2017 decision was received. The appeal was dismissed on the basis of the impact of the proposal on the amenity of properties in the recently converted Sentinel House. The inspector did not uphold the other two reasons for refusing the scheme, being impact on the amenity of Carlton Terrace and impact on the conservation area.

Although the second decision was not refused on the basis of harm to the amenity of properties at Sentinel House the inspector gave regard to the earlier appeal decision and also considered this matter. The inspector concluded that there would be a degree of harm in terms of outlook from Sentinel House, however, in terms of loss of light, given that the height along this elevation had reduced the inspector did not find that this impact was any longer a ground on which to dismiss the appeal.

The inspector agreed with the earlier inspector with respect to the impact on Carlton Terrace and the Conservation Area concluding that there was not harm.

In making a balanced decision the inspector did not consider that the harm in terms of outlook from Sentinel would significantly and demonstrably outweigh the benefits of the scheme and therefore the scheme was allowed.

Enforcement action

14. All items that have been referred to committee or where committee has required enforcement action to take place, since April 2013 are listed in appendix 2 with an updated on the current status. Items are removed once resolved and the resolution has been reported to committee.
15. At the committee meeting of 11 October 2018 members approved a revised scheme of delegation which provided delegated powers for the issue of enforcement notices. Going forward therefore enforcement notices which have been issued will be included on the table so that members are aware of action which has been taken.

Appendix 1 – Current Appeal Cases and Decisions

Pending Planning Appeals and Recent Appeal Decisions								
Application Ref.	PINS Ref.	Address	Proposal	Type of Appeal	Start Date	Decision	Decision Level	Officer
18/00006/REF Application No. 17/01136/L	APP/G2625/Y /18/3197928	18 The Crescent	Roller shutter doors in garage doorway and re-forming car port roof.	Written Reps	19/02/2019	Allowed	Delegated	Maria Hammond
18/00018/REF App no 18/00102/F	APP/G2625/ W/18/320740 8	9 Normans Buildings	Demolition of existing building and erection of a two storey building comprising 4 No. apartments.	Written Reps	19/02/2019	Dismissed	Delegated	Joy Brown
18/00021/TA1 App No 18/00836/TPO	APP/TPO/G2 625/6903	18 Brentwood	4x Scots Pine - fell.	Written Reps	16/08/2018	Dismissed	Delegated	Mark Dunthorne
18/00022/REF App No 17/02024/F	APP/G2625/ W/18/320978 7	Bowthorpe Road Methodist Church	New church hall	Written Reps	07/06/2019	Decision awaited	Committee	Stephen Polley
18/00026/REF App No 18/00437/F	APP/G2625/ W/18/321100 4	Car Park Adjacent To Sentinel House 37 - 43 Surrey Street	Redevelopment of site to provide 252 student bedroom development with associated access and landscaping.	Written Reps	01/05/2019	Allowed	Committee	Joy Brown
18/00027/REF App No 18/00544/F	APP/G2625/ W/18/321226 4	21 Sotherton Road	Single storey extension with associated alterations to create 7 bed large HMO (Sui Generis).	Written Reps	09/04/2019	Dismissed	Committee	Stephen Polley
18/00028/REF App No 18/00521/F	APP/G2625/ W/18/321496 2	Land Adjacent To Former Shoemaker PH Enfield Road	Construction of building containing eighteen student flats with new refuse compound.	Written Reps	09/04/2019	Dismissed	Delegated	Maria Hammond
18/00030/ENFPLA Enf Ref 15/00046/CONSR V/ENF	APP/G2625/C /18/3217628	13 Magdalen Street	Removal of six number single glazed, vertical sliding sash windows of white painted timber construction and the installation of PVC-u double glazed casement windows	Written Reps	21/08/2019	Pending	Delegated	Samuel Walker

Pending Planning Appeals and Recent Appeal Decisions

Application Ref.	PINS Ref.	Address	Proposal	Type of Appeal	Start Date	Decision	Decision Level	Officer
19/00001/REF App No 18/00112/F	APP/G2625/ W/18/321906 0	Land Between 18 And 20 West Parade	2 No. three bedroom dwellings with new access, parking, amenity spaces and landscaping.	Written Reps	09/04/2019	Dismissed	Committee	Katherine Brumpton
19/00002/ENFPLA Enf Ref 18/00052/ENF	APP/G2625/C /19/3219894	2 Quebec Road	Alteration of the flat roofed side extension not in accordance with 17/00095/F.	Written Reps	27/08/2019	Pending	Delegated	Lara Emerson
19/00003/TA1 Ref. 18/01769/TPO	APP/TPO/G2 625/7343	3 The Crescent	Oak (T1): Fell.	Written Reps	01/05/2019	Pending	Delegated	Mark Dunthorne
19/00004/REF App No. 18/01721/F	APP/G2625/ W/19/322303 3	2 Edgeworth Road	Single storey rear extension and change of use from dwellinghouse (Class C3) to 7 bedroom HMO (Sui Generis).	Written Reps	01/05/2019	Dismissed	Delegated	Charlotte Hounsell
19/00005/REF App No. 18/00979/F	APP/G2625/ W/19/322408 4	22 North Park Avenue	Single storey rear extension and change of use to 7 bed HMO (Sui Generis).	Written Reps	18/04/2019	Dismissed	Delegated	Stephen Polley
19/00006/REF App No. 18/01478/F	APP/G2625/D /19/3224347	80 Cambridge Street	Single storey extension, 1 No. bay window and loft conversion with dormer windows.	Written Reps	24/04/2019	Part allowed / part dismissed	Delegated	Stephen Little
19/00007/CALLIN App No. 18/00330/F	APP/G2625/V /19/3225505	Anglia Square	Part Full/Outline application for the comprehensive redevelopment of Anglia Square	Public Inquiry - Called in application	21/03/2019	Pending	Committee	Tracy Armitage
19/00008/ENFPLA Ref No. 18/00016/ENF	APP/G2625/C /19/3225581	Bowthorpe Road Methodist Church	Appeal against Enforcement Notice for the construction of a church hall	Written Reps	07/06/2019	Decision awaited	Committee	Stephen Polley
19/00009/ENFPLA Ref No. 19/00034/ENF	APP/G2625/C /19/3225666	4 Fieldview	Appeal against Enforcement Notice for operating as a 7 bed HMO at 4 Fieldview	Written Reps	07/06/2019	Decision awaited	Committee	Charlotte Hounsell
19/00010/REF App No. 18/01892/F	APP/G2625/ W/19/322621 4	11 Press Lane	First floor front, side and rear extensions and separation of single dwelling into 2 No. dwellings. New wall cladding, doors and windows.	Written Reps	25/04/2019	Dismissed	Delegated	Charlotte Hounsell
19/00011/ENFPLA Ref No. 18/00052/ENF	APP/G2625/C /19/3219895	2 Quebec Road	Appeal against Enforcement Notice for alteration of the flat roofed side extension not in accordance with planning permission 17/00095/F.	Written Reps	27/08/2019	Decision awaited	Delegated	Lara Emerson

Pending Planning Appeals and Recent Appeal Decisions

Application Ref.	PINS Ref.	Address	Proposal	Type of Appeal	Start Date	Decision	Decision Level	Officer
19/00012/ENFPLA Ref No. 17/00190/ENF	APP/G2625/C /19/3227490	16 Lushington Close	Appeal against Enforcement Notice for the erection of a single storey rear extension at 16 Lushington Close without planning permission.	Written Reps	Withdrawn	Withdrawn	Delegated	Stephen Polley
19/00013/TA1 Ref. No. 19/00268/TPO	APP/TPO/G2 625/7430	31 Roe Drive	2no. Lime (G7): Reduce height from 70ft to 50ft or reduce by 3m.	Written Reps	21.05.2019	Pending	Delegated	Mark Dunthorne
19/00014/REF Ref. No. 18/01583/U	APP/G2625/ W/19/323103 5	36 Primula Drive	Change of use and conversion of garage to 10 bed HMO (Class Sui Generis).	Written Reps	24.06.2019	Dismissed	Delegated	Charlotte Hounsell
19/00015/REF Ref. No. 19/00307/L	APP/G2625/Y /19/3232169	8 Hardy Road	Internal alterations to living space and kitchen including removal of separating wall.	Written Reps	12.08.2019	Pending	Delegated	Chris Brownill
19/00016/ENFPLA Ref. No. 18/00149/ENF	APP/G2625/C /19/3233542	8 Marston Lane	Erection of fence	Written Reps	Awaiting Start Date	Pending	Delegated	Stephen Polley
19/00017/REF Ref. No. 19/00679/F	APP/G2625/ W/19/323386 7	Pump House East of 85 Hall Road	Conversion to dwelling (Class C3) and single storey side extension.	Written Reps	Withdrawn	Withdrawn	Delegated	Maria Hammond
19/00018/ENFPLA Ref. No. 18/00003/ENF	APP/G2625/C /19/3233917 and 3233918	Plane View Holt Road	Unauthorised caravan and other development	Written Reps	Awaiting Start Date	Pending	Committee	Rob Webb
19/00019/ENFPLA Ref. No. 18/00068/ENF	APP/G2625/C /19/3234468	Land at corner of Sweet Briar Road and Hellesdon Hall Road	Unauthorised Bill Board	Written Reps	Cancelled	Cancelled	Delegated	Charlotte Hounsell
19/00020/REF Ref. No. 19/00540/F	APP/G2625/D /19/3234926	155 Christchurch Road	Loft Conversion	Written Reps	09.09.2019	Pending	Delegated	Charlotte Hounsell
19/00021/TA1 Ref. No, 19/00853/TPO	APP/TPO/G2 625/7568	380C Unthank Road	Deodar Cedar (G1): Remove.	Written Reps	27.08.2019	Pending	Delegated	Mark Dunthorne
19/00022/REF Ref. No. 18/01801/F	APP/G2625/ W/19/323683 1	18 Earlham Green Lane	Rear annexe and change of use to HMO (Class Sui Generis) (Retrospective).	Written Reps	04.10.2019	Pending	Delegated	Steve Polley
19/00023/REF Ref. No. 19/00063/U	APP/G2625/ W/19/323687 4	36 Primula Drive	Change of use and conversion of garage to 8 bed HMO (Class Sui Generis).	Written Reps	04.10.2019	Pending	Delegated	Charlotte Hounsell

Pending Planning Appeals and Recent Appeal Decisions

Application Ref.	PINS Ref.	Address	Proposal	Type of Appeal	Start Date	Decision	Decision Level	Officer
19/00024/REF Ref. No. 19/01059/F	APP/G2625/ W/19/323792 8	Pump House East of 85 Hall Road	Conversion to dwelling (Class C3) and single storey side extension.	Written Reps	Awaiting Start Date	Pending	Delegated	Maria Hammond
19/00025/TA1 Ref. No. 19/01140/TPO	APP/TPO/G2 625/7638	67 Mill Hill Road	2no. Lime (T1 & T2): Fell and remove additional 1m stump, replace with 1no. tree of smaller species.	Written Reps	09.10.2019	Pending	Delegated	Mark Dunthorne
19/00026/REF Ref. No. 19/01048/F	APP/G2625/D /19/3239070	7 Violet Road	Second Storey Rear Extension	Written Reps	Awaiting Start Date	Pending	Delegated	Steve Polley

Enforcement Action Update on Enforcement Notices					
Case Ref.	Location	Development	Date referred to committee	Current Status	Lead Officer
13/02087/VC & 13/02088/VC	Football ground & adjacent flatted development	River bank, landscaping, street trees, etc	6 March 2014 & 08 December 2016	Revised landscaping proposals and timeframes for provision were agreed at the committee meeting of 08 December 2016. The decision has not yet been issued due to difficulties in agreeing wording of the Section 106 agreement. Despite the above the first phase of landscaping works along Geoffrey Watling Way have been undertaken. Riverside works which were required were undertaken this year. Other works have been delayed in part by recladding works related to the NR1 blocks. The matter is still moving forward and a revised timetable for remaining works is to be agreed.	Tracy Armitage
17/00076/ENF	1A Midland Street	Erection of two fabrication units and associated works	10 August 2017	The enforcement notice was appealed. By negotiation, an extension to the compliance period was agreed until the end of October. The spray booths have been removed through the implementation of an earlier consent. This has now been resolved and will be closed.	David Parkin
17/00157/ENF	5 Nutfield Close	Subdivision of dwelling to create four residential units	12 October 2017 & 12 April 2018	The enforcement notice was served on 11 December 2017. At the meeting on 12 April 2018 members resolved to withdraw the above notice and issue a revised notice requiring the implementation of revised approval for two residential units on the site (permitted via reference 18/00005/F). The former notice was withdrawn and new notice served on 22 May. The notice required the property to change into two dwellings by 22 February 2019. The latest discussions with the owners indicate that they may now wish to convert the unit back to a single dwelling. Certain internal works have taken place however a further visit is required to consider if a further revised notice is required.	Stephen Polley
15/00046/CON SRV/ENF	13 Magdalen Street	Removal of timber sash windows and installation of uPVC windows.	12 April 2018	Notice served 19th November 2018 and subsequently appealed. Appeals started 21 August, awaiting decision.	David Parkin
17/00068/ENF	1 Magdalen Street	Painting of listed building without consent	12 July 2018	Enforcement notice served 12 July 2018, this notice has now been complied with.	Lara Emerson

Enforcement Action Update on Enforcement Notices

Case Ref.	Location	Development	Date referred to committee	Current Status	Lead Officer
18/00003/ENF	Land at Holt Road, Norwich	Siting of residential caravan.	09 August 2018 & 11 October 2018	Enforcement notice was served on 05 July 2019 with a 12 month compliance period following consideration at the June Planning Committee. This notice has been appealed and a start date is awaited.	Rob Webb
17/00151/ENF	137 Unthank Road	Construction of building not in accordance with approved plans and pre-commencement conditions that have not been discharged.	13 September 2018	The enforcement notice for the main works to the building has been served on 19 November 2018 and has been complied with. A further notice requiring the undertaking of landscaping works was served on 05 June 2019 requiring landscaping works to be undertaken. Whilst the compliance period has passed works are being undertaken on site (currently to the rear). The situation is being monitored.	Charlotte Hounsell
16/00167/ENF	Café Britannia, Britannia Road	Without planning permission the change of use of the land to café (A3), shop (A1) and function rooms (D1).	13 September 2018	The use has now ceased and as such there is no longer a planning enforcement issue.	Rob Webb
18/00052/ENF	2 Quebec Road	Development not in accordance with planning permission 17/00095/F.	08 November 2018	Notice issued requiring compliance with approved plans. Notice takes effect on 08 January with 180 day compliance period. Notice appealed via written representation route, start date was 27 August 2019 decision is awaited.	Lara Emerson
18/00016/ENF	Bowthorpe Road Methodist Church	Erection of church hall without consent (not in accordance with approved plans)	12 July 2018	Notice served requiring alteration to the roof. This notice has been appealed and a decision is awaited.	Stephen Polley
19/00034/ENF	4 Fieldview	Operating as a 7 bedroom HMO without consent.	10 January 2019	Notice served requiring use to revert to C3/C4 by mid August. The notice has been appealed and a decision is awaited.	Charlotte Hounsell
16/00095/ENF	145 Hall Road	Erection of two storey extension.	Delegated	Notice served requiring demolition of an unauthorised two storey extension or implementation of a revised single storey extension which has been granted consent. Compliance is required by March 2020.	Rebecca Prideaux
17/00190/ENF	16 Lushington Close	Rear extension	Delegated	A notice was served requiring removal of the extension due to impact on neighbours. A revised proposal has now been approved. The notice is therefore to be withdrawn and reserved requiring the alternative proposal to be implemented.	Stephen Polley

Enforcement Action Update on Enforcement Notices

Case Ref.	Location	Development	Date referred to committee	Current Status	Lead Officer
18/00068/ENF	Land North Side Of Junction With Sweet Briar Road Hellesdon Hall Road	Erection of billboard.	Delegated	Notice served for the removal of an unauthorised billboard. The notice has been complied with.	Maria Hammond
18/00069/ENF	Land at junction of Boundary Road, Drayton Road and Sweet Briar Road	Erection of billboard.	Delegated	Notice served for the removal of an unauthorised billboard. The notice has not been complied with and further action is being considered.	Maria Hammond
18/00136/ENF	20 Beatty Road	Outbuilding possibly being used for business use.	Delegated	Notice served requiring use to cease. The notice has been complied with.	Charlotte Hounsell
18/00149/ENF	8 Marston Lane	Erection of fencing to front of property	Delegated	A notice has been served requiring removal of 2m fencing to the front of the property, the notice has been appealed and a start date is awaited.	Stephen Little
18/00202/ENF	70 Vincent Road	Erection of fence adjacent public footpath over 1m tall.	Delegated	Notice served requiring removal of fence by 25 November 2019.	Stephen Little
19/00050/ENF	1 Wheeler Road	External alterations to dwellinghouse and boundary treatments including erection of fence and gate.	Delegated	Notice served requiring boundary fence and gates to be reduced in height with compliance date of 03 August 2019. The fence has been reduced in height but we have asked for the fence posts to also be reduced in height.	Stephen Little
19/00083/ENF	2 Somerleyton Street	Breach of conditions of permission 17/01515/F	Delegated	Breach of condition notice served requiring compliance with conditions relating to cycle storage, bin storage, site management plan, landscaping, security and materials. The notice requires implementation of various works on site by 02 October 2019. Most works have been undertaken we are just waiting for bin stores to be completed before closing the case.	Lara Emerson
19/00091/ENF	10 Brigg Street	Unauthorised installation of shopfront and adverts.	Delegated	Enforcement notice served requiring removal of the unauthorised shop front by 01 February 2020. An application for a revised shop front is expected shortly.	Lara Emerson
19/00132/ENF	8 Weston Road	Installation of large front fence.	Delegated	Enforcement notice served requiring removal of a tall fence by 20 October 2019. The notice has been complied with.	Stephen Little
19/00144/ENF	Former Eastern Electricity Board Site Duke Street	Unauthorised use of the site as a car park.	Delegated	Breach of condition notice served requiring the car park use to cease by 17 September 2019. The notice has not been complied with. Further discussions are taking place with the landowner before taking further action.	Lara Emerson

