



PLANNING APPLICATIONS COMMITTEE

Date: **Thursday 6 March 2014**

Time: **10.15am** (Site visits to Quebec Road at 9am and Gladstone House, Upper St Giles at 9.45am – see details below)

Venue: **Mancroft room, City Hall**

COMMITTEE MEMBERS:

Councillors:

Bradford (chair)
Gayton (vice chair)
Ackroyd
Blunt
Brociek-Coulton
Button
Grahame
Jackson
Little
Neale
Sands (S)
Storie

FOR FURTHER INFORMATION PLEASE CONTACT -

Committee officer: Jackie Rodger
Tel. No: 01603 212033
E-mail: jackierodger@norwich.gov.uk

Democratic services
City Hall
Norwich
NR2 1NH

AGENDA

Page No.

Site visit - Application no 13/01964/F Land adjacent to 25 and 27 Quebec Road, Norwich, NR1

Members who wish to attend the site visit are requested to meet at **9am** at the gate to the site between nos 25 and 27 Quebec Road, Norwich.

Ward councillors and interested members of the public are also welcome to attend.

Site visit - Application no 13/01296/F Gladstone House, 28 St Giles Street, Norwich, NR2 1TQ

Members who wish to attend the site visit are requested to meet at **9.45am** at the rear of Gladstone House, Upper St Giles. Ward councillors and interested members of the public are also welcome to attend.

(The committee will then return to City Hall in time for the commencement of the formal committee meeting at 10.15am in the Mancroft room.)

1. Apologies

2. Declarations of interest

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

3. Minutes **5**

To agree the accuracy of the minutes of the meeting held on 6 February 2014.

4. Planning applications and enforcement **23**
(Report of the head of planning services)

Purpose - To determine the current planning applications as summarised on pages **17 - 19** of this agenda.

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 10am 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 10.15am
- 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 1pm and 2pm if there is any remaining business.

26 February 2014



If you would like this agenda in large print, audio, Braille, alternative format or in a different language, please call Jackie Rodger, Senior committee officer on 01603 212033 or email jackierodger@norwich.gov.uk

Access



Ramps and automatic entrance doors are provided for wheelchairs and mobility scooters at the Bethel Street entrance for access to the main reception and lifts to other floors.

There are two lifts available in City Hall giving access to the first floor committee rooms and the council chamber where public meetings are held. The lifts accommodate standard sized wheelchairs and smaller mobility scooters, but some electric wheelchairs and mobility scooters may be too large. There is a wheelchair available if required.



A hearing loop system is available.

Please call Jackie Rodger, Senior committee officer on 01603 212033 or email jackierodger@norwich.gov.uk in advance of the meeting if you have any queries regarding access requirements.



PLANNING APPLICATIONS COMMITTEE

9.30am to 1.25pm

6 February 2014

Present: Councillors Bradford (chair), Gayton (vice chair), Ackroyd, Blunt, Brociek-Coulton, Button, Grahame, Henderson (substitute for Councillor Neale), Jackson, Little, Sands (S) and Storie

Apologies: Councillor Neale

1. DECLARATION OF INTERESTS

There were no declarations of interest.

2. MINUTES

RESOLVED to approve the minutes of the meeting held on 9 January 2014.

3. APPLICATION NO 13/01928/F LAND AND BUILDINGS REAR OF AND INCLUDING 293 - 293A AYLSHAM ROAD, NORWICH

The senior planner (development) circulated the supplementary report of updates to reports and said that the council had received a number of late objections since the agenda had been published and that these were set out in the supplementary report of updates to applications which was circulated at the meeting.

(The meeting was adjourned to enable the committee members to read the supplementary report of updates to applications. The meeting was then reconvened.)

The senior planner (development) presented the report with the aid of plans and slides, and referred to the supplementary report of updates to applications. Members were asked to note the recommended changes to the recommendations as set out in the supplementary report, with a further additional recommendation (v) to delegate to the head of planning services, in consultation with the chair and vice-chair, to determine the opening and servicing hours of the store, following consultation with environmental health services.

A local resident addressed the committee and outlined his objections to the proposed store which included: concern that there would be increased traffic on Aylsham Road which he considered would exacerbate problems on the road specifically at the junctions with Woodcock Road and Mile Cross Road; the lack of a pedestrian crossing; and that the notices for the application had not been displayed.

The representative of a local trader and owner of two properties in the area said that the proposal to move the car park barrier closer to the road had overcome his objection that its location would disturb his tenants. He stated that supported condition 7 and considered that the operating hours and delivery hours should not be extended. He requested that the committee considered imposing a condition on the permission to restrict Morrison's from having an in-store bakery because it would affect his family business.

The agent spoke on behalf of the applicant and said that that 85% of local residents surveyed had approved of the scheme which would improve the street scene and increase the focus on the district centre. The store would compete with a national supermarket chain which overtraded by 25% over its benchmark. The store would increase footfall to the Aylsham Road shops and 21 of the shops, including the bakery, had signed support for the increased parking spaces provided on the stores car park. The district centre would become more vibrant and benefit the independent retailers and Lidl's.

The senior planner referred to the report and responded to the issues raised by the speakers. He confirmed that the statutory site notices had been displayed. He advised members that in planning terms it would be unreasonable to condition that the store did not have an in-store bakery. Members were also advised that the applicant's request for increased opening and delivery hours and accompanying additional noise survey / statement had not been received in time to allow consideration by environmental health colleagues in advance of the meeting, and as it had not been considered in the supplementary report of updates to applications; the senior planner suggested that a resolution could allow the head of planning services and head of citywide services to agree if an extension to those proposed in the conditions would be acceptable. The senior planner also referred to the extensive correspondence of the past week between the applicant and Environment Agency regarding contamination treatment at the site and confirmed that the new development would need to be responsible for treating contamination as part of its own scheme rather than relying on the work undertaken as required by previous permissions at the site.

The committee considered that the opening and servicing hours should be as set out in condition 7 of the main report. Members also noted that the applicant could apply for a variation of this condition which would allow due consideration by the public.

Discussion ensued in which the senior planner, together with the planning development manager, answered member's questions in relation to the following issues: highways and traffic implications, landscaping, the position of the car park barrier, car parking, deliveries and the service area. Members were also advised that the wider proposed redevelopment site known as allocation R23 in the un-adopted emerging local plan was earmarked for mixed use development and that this application would not compromise the future development of 100 dwellings on the north part of the aforementioned pending allocation, and would allow for pedestrian flow across the site. The senior planner explained the proposed junction designs into and exiting the site. Members expressed concern about pedestrian safety and convenience crossing the site entrance to the store and considered it necessary to require a new condition to be used for the southern access into the site to be built with both the pedestrian refuge as shown and a new raised table crossing continuation of the pavement. Members also considered that a condition should be added to ensure that when the north part of the site was developed there should be

no obstructions to cycle and pedestrian access from Woodcock Road, which the senior planner confirmed should be possible given that the adjoining car park servicing the office was also within the applicant's / application site owner's control. The committee noted that if the Environment Agency provided adverse comments regarding contamination on the site then conditions 13, 14 and 15 would be brought back to the committee for consideration, as proposed in the updates to committee report.

RESOLVED, with 10 members voting in favour (Councillors Bradford, Gayton, Ackroyd, Button, Brociek-Coulton, Blunt, Little, Sands, Storie and Henderson) and 2 members abstaining (Councillors Grahame and Jackson) to approve Application No. 13/01928/F: Land and buildings rear of and including 293-293A Aylsham Road, Norwich, and grant planning permission, subject to:

- (1) the completion of a satisfactory S106 agreement by 25 February 2014, to include the provision of contributions to street tree provision and maintenance and (subject to Resolution (4) below, the use of a Travel Plan performance bond to the value of £75,000), and
- (2) the following conditions:
 1. Development to commence within 3 years;
 2. Development to be in accordance with the approved plans and documents;

Operations of the store

3. The development shall provide a maximum of 2,117sq.m. net retail floorspace, of which no more than 423sq.m. / 20% floorspace shall be used for comparison goods sales, whichever is the greater;
4. There shall be no future subdivision of the retail store into smaller units;
5. There shall be no mezzanine floorspace added to the store, even through the usual permitted development allowance of 200sq.m;
6. There shall be no use of the comparison goods floorspace separately from that of the main retailer or as a separate unit / via a separate entrance;
7. Opening hours restriction of 0700 – 2300 hours Monday – Friday, and 0900 – 1800 Saturday, and 1000 – 1700 Sundays and Public Holidays, and outside of those times there should be no trolley manoeuvring or other servicing in the general car park;
8. No servicing and reversing alarms to be used on delivery and servicing vehicles, and details of reverse warning system to be agreed by the LPA prior to first use;
9. All engines to be switched off in delivery / servicing vehicles and auxiliary motors (e.g. on fridges) when vehicles are stationary;
10. Loading and servicing to only take place in the designated delivery yard accessed from the northern access route only, and all deliveries and loading to take place directly into the delivery bay collection area, unless otherwise agreed in writing by the LPA;
11. No deliveries to the store (with the exception of daily newspapers), nor refuse disposal from the store to take place outside the hours of 0700-2000 Monday – Saturday, and 1000-1700 hours on Sundays / Bank Holidays.
12. Upon first use of the store, the Travel Plan to be implemented and carried forward.

Prior to commencement of development

13. In relation to the decontamination of groundwater, subject to there being no objections being received from the Environment Agency, a scheme for contamination investigation, remediation scheme, and verification plan to be agreed, with investigations to continue consequent to that;
14. In relation to the decontamination of groundwater, subject to there being no objections being received from the Environment Agency, a scheme for contamination monitoring and maintenance details to be agreed;
15. In relation to the decontamination of groundwater, subject to there being no objections being received from the Environment Agency, a condition will be used for ensuring precautionary contamination measures will be in place for use in the event of discovering unknown contamination on site;
16. Landscape plan and planting and irrigation details to be agreed and provided. Landscape plans shall include a revised position of the car park entrance barrier being brought towards the entrance to adjoin the first of the parking spaces shown on the layout plan;
17. Landscape management details to be agreed;
18. Biodiversity and ecology enhancement measures to be agreed and provided, based on the recommendations of the submitted ecological proposals;
19. Details of materials and substation materials to be agreed;
20. Details of solar panels to be agreed;
21. Boundary treatments to be agreed;
22. A scheme for fire hydrants to be agreed;

Prior to first use of the site

23. Contamination remediation verification details to be submitted and agreed;
24. Submit and agree a revision to on-street parking controls (including more double-yellow lining to prevent on-street parking causing congestion) and relocation of the existing bus stop, and provide thereafter;
25. Agree details of an enhancement to the safety of the existing pedestrian refuge crossing south of the site, and provide thereafter;
26. Agree details of the southern access into the site to be built with both the pedestrian refuge and a new raised table crossing continuation of the pavement, and provide thereafter;
27. (a) Agree details of providing an access route from Aylsham Road to the north of the site to serve pedestrians and cyclists arising from the proposed allocation site R23 mixed use development, (b) such land as may be needed shall be reserved thereafter and not used for new development unless any amendment thereto is first agreed in writing with the Local Planning Authority;
28. Notwithstanding the details shown on submitted plans, the development needs to provide the two new access details in accordance with new detailed access plans to be agreed, and make the associated application for street works and highway control to Highways;
29. CCTV positions, detail, appearance and their field of view to be agreed and installed;
30. External lighting scheme to be agreed and installed, including being wildlife-friendly and compatible with neighbouring residential amenity;
31. Employee cycle store design and security lighting to be agreed and installed;
32. Visitor / shopper cycle rack designs to be agreed and installed;
33. The type and location and noise characteristics of any plant and machinery to be agreed prior to installation and use of the premises;

34. No extract, ventilation or flue equipment to be installed without prior agreement of the machinery, acoustic performance and location of such units, and noise minimisation details to be agreed.
35. Car park management plan to be agreed and implemented thereafter, to include a minimum 3 hours free car parking for the public available irrespective of shoppers' patronage.
36. Agree a servicing and refuse management plan.
37. Travel plan to be commenced and operated upon first use of the development.

Informative Notes

1. Soakaway and sustainable drainage system advice;
2. General security advice from the police re: car parking, building fabric, glazing, lighting and bollard / access gate designs;

Article 31(1)(cc) 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, including extensive discussions, negotiations and amendments at the pre-application stage, the application has been approved subject to appropriate conditions, fulfilment of the Section 106 legal agreement, and for the reasons outlined in the planning applications committee report.

- (3) where a satisfactory S106 agreement is not completed prior to 25 February 2014, that delegated authority be given to the Head of Planning Services to refuse planning permission for Application No. 13/01928/F: Land and buildings rear of and including 193-193A Aylsham Road, Norwich, for the following reason:

In the absence of a legal agreement or undertaking relating to the provision of street trees and a travel plan bond arrangement (if necessary subject to resolution (4) below), the proposal is unable to provide the necessary street trees to replace those lost as part of the development and to form part of the streetscape landscaping required to make the scheme acceptable and as such is contrary to saved policies NE4, NE9, (TRA12) and HOU6 of the adopted City of Norwich Replacement Local Plan (November 2004) and policies 4 and 11 of the adopted Joint Core Strategy (March 2011).

- (4) to authorise the head of planning to resolve the issue of the travel plan performance bond referred to in paragraph 1.31 of the supplementary report of updates to applications by either the inclusion in a Section 106 agreement or via an additional planning condition, following further discussions with Norfolk County Council.

4. APPLICATION NO 12/01598/VC WENTWORTH GARDENS, (SITE OF FORMER CIVIL SERVICE SPORTS GROUND, WENTWORTH GREEN)

The senior planner (development) presented the report with the aid of plans and slides, and referred to the supplementary report of updates to applications which was circulated at the meeting and contained a change to the recommendations in the main report, including the recommended authority be granted for use of planning enforcement proceedings. Members were advised that the supplementary report

also considered a variation to the conditions to the planning permission approved in principle by the committee in February 2013 but had not been issued.

A resident of Wentworth Gardens, who was also a resident's representative on the management board, said that the residents would be liable for the cost of the tree maintenance. The revised S106 agreement should retain the developer's obligations to pay for the trees. The planning development manager said that this was a valid point and suggested that the committee received a further report on the management of the tree belt and other financial arrangements previously required by the S106 agreement so that the developer fulfilled its obligations.

Councillor Lubbock, Eaton ward, spoke about the complex nature of the site and that the management company was expected to look after the maintenance of the site on the residents' behalf and therefore residents would be affected by the proposals to vary the conditions. She expressed concern that the residents had not been informed and that the developer had not fulfilled its obligations in regard to drainage and the provision of play equipment.

Councillor Wright, Eaton ward, raised concerns on behalf of a resident about highway safety on Wentworth Green due to restricted visibility because of the fence on the corner of Turnberry Road, being particularly hazardous to children walking to school and exacerbated by parked cars. There was also concern that the developer was being "let off the hook" from their responsibilities.

Discussion ensued in which the senior planner, principal transportation planner and the planning development manager referred to the reports and answered members' questions. The senior planner confirmed that he had hand-delivered letters to all new homes when the application was originally validated in late 2012 but some residents may have arrived since then. Members were advised that the council's intention was that the new roads would be adopted. The Highways Agency could not adopt the roads because the drainage system took surface water and until the government addressed this situation the roads would not be adopted. The principal transportation planner also stated that the visibility at the Turnberry Road junction was more than adequate without the fence.

RESOLVED, unanimously, to approve application no 12/01598/VC: Wentworth Gardens, site of former Civil Service Sports Ground, Wentworth Green, Norwich, and its subsequent changes to the anticipated Section 106 Agreement, and grant planning permission, subject to:

- (1) the conditions outlined in the committee approval of 14 February 2013 and an additional condition as follows:

"There shall be no occupation of the final dwelling to be occupied within the development until appropriate signage has been installed to the cross-site pedestrian and cycle route in accordance with details of signage location and design, to be first submitted to and agreed in writing by the Local Planning Authority, and shall be retained as such thereafter."

- (2) request the head of planning services to report on the impact of the completion of a satisfactory S106 agreement to vary the terms of the

original planning permission 07/01018/F as required for variation of conditions application 12/01598/VC including the obligations set out in the committee approval of 14 February 2013, with amendments to highways works and drainage maintenance sums as set out in the report of 6 February 2014, for the reasons given in the planning applications committee approval of 14 February 2013, and subject to further consideration at a future committee meeting;

- (3) authorise officers to proceed with issuing a planning enforcement notice if (a) alterations are not made to bring the fences erected to the west and east of the Turnberry Junction into permitted development, or (b) planning permission is refused if an application(s) is made for the fences to be retained in its existing position and form.

5. APPLICATION NO 13/01964/F LAND ADJACENT TO 25 - 27 QUEBEC ROAD, NORWICH

The planner (development) presented the report with the aid of plans and slides. The applicant had submitted a sun path analysis which was displayed to the committee showing the sun's path at various times of the day in April, June and September. There had been a number of late representations and a summary of these and the officer response were set out in the supplementary report of updates to reports. Members were advised that there had been concerns about ground stability but this site had not been identified as such.

A resident of Primrose Road addressed the committee and said that he had submitted one of the late representations summarised in the supplementary report. A copy of a plan attached to his representation was displayed at the meeting. He outlined his objections to the application and said that there had not been a site notice. He pointed out that the site was on a plateau and higher than the surrounding houses and asked the committee to undertake a site visit.

In reply to a question from the chair the resident said that another resident had not been able to stay for the item but that he considered that all of his points had been covered.

A resident whose partner had submitted a late representation said that they were concerned that the new properties would overlook into their child's bedroom and that the development would change the quality of their life, with light and noise being a problem. She outlined her objections to the proposal and pointed out the difference in height of her garden and the development site and her concerns that the concrete support wall at the end of her garden would not be structurally sound to withstand the construction of the development. The site was not viable for development and was out of character of the surrounding properties.

The applicant spoke in support of the development and said that it was a secluded site of 1.25 acres. There had been two houses on the site in the early twentieth century, in the same configuration as the proposed development. The site was in a sustainable location and would provide two dwellings which contributed to the gap in the five year land supply. The applicants had worked with the planners to minimise the impact of the development on the surrounding properties.

The planner referred to the report and addressed the issues raised by the speakers. He said that he did not consider that overlooking was an issue. The council did not have a statutory duty to place site notices as the location of the development site was not in a conservation area and did not affect either of the two adjacent conservation areas. Neighbours to the site had been notified by letter.

The chair proposed and seconded by the vice-chair, that the item be deferred to enable the committee to undertake a site visit for further information. One member suggested that the quality of the slides was sufficient to determine the application.

RESOLVED, with 11 members voting in favour (Councillors Bradford, Gayton, Ackroyd, Blunt, Brociek-Coulton, Button, Grahame, Henderson, Jackson, Sands (S) and Storie) and 1 member voting against a site visit (Councillor Little) to defer consideration of application no 13/01964/F Land adjacent to 25 - 27 Quebec Road, Norwich, to enable the committee to undertake a site visit on 6 March 2014 at 9am and to consider the application at the committee meeting later that day.

6. APPLICATION NO 13/02009/F 514 EARLHAM ROAD, NORWICH, NR4 7HR

The planner (development) presented the report with the aid of plans and slides. She said that the revised plans were a better design and that the issue of access was not relevant to the application for an extension and car port.

The neighbour to this site addressed the committee and with the aid of slides showed his concerns about the fence which had been erected without permission. He also expressed concern that the applicants used two accesses to their property, including one to his property, damaging the grass verge. There had been no fence at the property for 10 years. He suggested that the pre-existing 2m dwarf wall should be reinstated and in keeping with the property. He also displayed a letter from a council officer in 2002 regarding enforcement action against the neighbouring property for accessing their property by crossing the grass verge.

The applicant said that the fence had been reduced to 1m in height following emails from the planning officer and that they were waiting for the contractor to reduce the height of the posts. The house was a family home and the extension was to accommodate its growing needs. The house had been in her partner's family for some time and the double gateway had been there when the house had been purchased. They avoided driving over the verge and were in discussions with the council to have the path widened. Delivery and service vehicles used the driveway, often to deliver to houses on the other side of the road.

During discussion the planner and the planning development manager answered members' questions and explained that there was no suggestion in the proposal to change the access arrangements and that the issue of access, the fence and gate were a separate issue. Members sought clarification on the self-contained annex in the building and what the intention of the applicants was in relation to the use of the building once it had been extended. The committee was advised that the proposal was for family use and that the definition of a house in multiple occupation was a dwelling of more than 6 occupants who were not related to each other. The internal use of rooms in a house did not require planning permission.

Discussion ensued in which members noted that the car port was not on the side of the “official” access and considered that the access was relevant to this application. The planning development manager said that if the applicants had been using both accesses for over 10 years, they would have permitted use by default. Members considered that they needed to know more information about the access before they could determine the application.

The chair moved and vice chair seconded that the application be deferred to a future meeting for further information on the access arrangements to the site and enforcement action taken by the council.

RESOLVED with 10 members voting in favour (Councillors Bradford, Gayton, Ackroyd, Blunt, Brociek-Coulton, Button, Grahame, Henderson, Sands, and Storie) 1 member voting against (Councillor Little) and 1 member abstaining (Councillor Jackson) to defer consideration of the application no 13/02009/F 514 Earlham Road, Norwich, NR4 7HR and ask the head of planning services to revise the report and provide information on the issue of access and the enforcement history.

7. APPLICATION NO 13/02028/F 154, GIPSY LANE, NORWICH, NR5 8AZ

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

RESOLVED, unanimously, to approve subject to the following conditions:

1. Time limit
2. In accordance with plans
3. Provision of cycle and refuse storage as shown on plans
4. Details of water conservation
5. Sound-insulating ventilators to front and side elevation to be approved by LPA
6. Materials to match existing

Informatives:

1. Refuse and recycling bins for residential development.
2. Vehicle crossovers/dropped kerbs.
3. Permeable hardstanding.
4. Underground utilities.
5. Street naming and numbering.

8. APPLICATION NO 13/02089/VC THREE SCORE SITE LAND SOUTH OF CLOVER HILL ROAD NORWICH

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

RESOLVED. unanimously to approve application no (13/02089/VC Three Score Site Land South Of Clover Hill Road Norwich) and grant planning permission, subject to:

- (1) the completion of a satisfactory deed of variation under S106 to link the completed S106 agreement for the original outline consent 12/00703/O to this new varied consent; and
- (2) subject to the re-imposition of all conditions other than 8, 10, 28 and 47 from the original outline consent 12/00703/O (note a variation of condition application cannot grant an extension of time so the time limit condition will be reworded so that the expiry dates are the same as the original consent 12/00703/O); and
- (3) subject to the following varied conditions:
 - (a) Condition 8 varied to read – “No development relating to the provision of the accesses and spine road shall take until details of the design, construction and surfacing of the spine road (as detailed in the approved drawings listed under condition 2) base carriageway have been submitted to and approved in writing with the Local Planning Authority. The spine road shall be provided in full accordance with the agreed details prior to the first occupation of any dwelling on the site.”
 - (b) Condition 10 varied to read – “No development relating to the provision of the accesses and spine road shall take place until details of any lighting to the accesses and spine road, including temporary lighting proposed to the base spine road (as detailed in the approved drawings listed under condition 2) have been submitted to and agreed in writing with the Local Planning Authority. The information shall include the lighting to be used its location and hours of use. The lighting shall be provided in full accordance with the agreed details.”
 - (c) Condition 28 varied to read – “No later than 6 months following commencement of development (as notified under condition 48) of any phase agreed under condition 14 details of the design, construction and surfacing of roadways, footpaths and cycleways for that phase shall be submitted to and approved in writing by the Local Planning Authority. The roadways, footpaths and cycleways shall be constructed in full accordance with the approved details.”
 - (d) Condition 47 varied to read – “No later than 6 months following commencement of development (as notified under condition 48) of any phase agreed under condition 14 details for the provision of fire hydrants for that phase shall be submitted to and agreed in writing by the Local Planning Authority. The details shall provide for one hydrant per fifty dwellings on a 90mm main and one hydrant on a minimum 150mm main for the care facility and shall include a plan of the hydrants locations and associated infrastructure. No occupation of any part of the development hereby approved shall take place until the hydrant serving that part of the development has been provided in full accordance with the approved details. The hydrants shall be retained as such thereafter.”
- (4) A new condition (which will be no. 48) which reads “No development of any phase as agreed under condition 14 shall take place until details of the commencement date of that phase have been provided in writing to the Local Planning Authority. The development shall commence on the notified commencement date unless the Local Planning Authority is first notified of any variation in writing.”

**9. PERFORMANCE OF THE DEVELOPMENT MANAGEMENT SERVICE,
OCT-DEC 2013 (QUARTER 3, 2013-14)**

The planning development manager presented the report. Members noted that the performance data was positive and the result of improvements to processes to speed up the early stages of processing; good quality pre-application advice and improved information on the website and more effective ways of working.

RESOLVED to:

- (1) thank the officers for contributing to the improved performance of the planning development control service;
- (2) note the report.

**10. PERFORMANCE OF THE DEVELOPMENT MANAGEMENT SERVICE:
APPEALS – 1 OCTOBER TO 31 DECEMBER 2013 (QUARTER 3 2013 TO
2014)**

During discussion a member suggested that information about appeals should be placed on the council website. Members also noted that the developers could appeal to the high court if the Planning Inspectorate turned down an appeal. Members were advised that the council did not have any control as to when the Inspectorate would consider an appeal.

RESOLVED to note the report.

**11. PERFORMANCE OF THE PLANNING ENFORCEMENT SERVICE,
OCTOBER TO DECEMBER 2013 (QUARTER 3, 2013-14)**

The planning development manager pointed out that this was the first performance report for the planning enforcement service as requested by members of the committee.

During discussion a member suggested that there should be further information in the report to explain the reasons for a case to be closed down. Members also noted that enforcement action could be a lengthy process.

RESOLVED to note the report.

CHAIR

Applications for submission to planning applications committee

ITEM

6 March 2014

4

Item No.	Case Number	Page	Location	Case Officer	Proposal	Reason for consideration at Committee	Recommendation
4(1)	13/01964/F	23	Land adjacent to 25-27 Quebec Rd	Kian Saedi	Erection of 2 No. semi detached three bedroom dwellings.	Site visit	Approve
4(2)	13/01296/F 13/01297/L	39	Gladstone House, St. Giles St.	Kian Saedi	Conversion to the National Centre for Writing (Class Sui Generis), including minor changes to main house, substantial rebuilding of the annexe and a new garden extension.	Objections	Approve
4(3)	13/01636/F	83	Castle Mall	Caroline Dodden	Alterations to Castle Mall entrance at Back of The Inns (revised scheme).	Previously considered at committee.	Approve
4(4)	13/02031/R M	93	Three Score	Mark Brown	Reserved matters for part of permission 12/00703/O for the erection of a care village comprising 80 apartment dementia care and 92 flat housing with care scheme.	Previously considered at committee. Objections.	Approve.
4(5)	14/00028/VC	115	Barrett Road	John Dougan	McDonalds – variation of condition to allow 24 hour trading	Objections	Approve
4(6)	13/01483/A 13/01481/A 13/01484/A	125	Sweet Briar Road between Drayton Road and Hellesdon Hall Road	John Dougan	1 no. non illuminated hoarding 1 no. non illuminated hoarding 1 no. non illuminated hoarding and 2 no. non illuminated directional totem signs	Implications of prosecution and enforcement action as on highway and council owned	Refuse and take enforcement action up to and including prosecution.

Item No.	Case Number	Page	Location	Case Officer	Proposal	Reason for consideration at Committee	Recommendation
						land.	
4(7)	13/02051/F	143	Former Wellesley First School Wellesley Avenue North	Lee Cook	Siting of a temporary pharmacy on site whilst construction of permanent pharmacy is completed	Objections	Approve temporary for 18 months
4(8)	13/01982/F	151	Aldi, 463 - 503 Sprowston Road Norwich	Lee Cook	Erection of metal steps to the south elevation emergency exits and provision of 1.8m fence to the southern boundary.	Objections	Refuse; contact applicant/agent to encourage further discussion; authorise enforcement action
4(9)	13/01639/M A	159	NR1 development, Geoffrey Watling Way, Norwich City Football Club, Carrow Road,	Rob Parkinson	Amendments to 7th storey within Blocks 3 and 4, and changes to ground floor layouts of all Blocks 1 - 6, of the NR1 development,	Objections	Approve
4(10)	13/02087/VC and 13/02088/VC	181	Ashman Bank and Allison Bank and NR1 dev. Geoffrey Watling Way, Norwich City Football Club, Carrow Rd	Rob Parkinson	Changes to the requirements for providing a Riverside Walk, landscaping and utilities connections around the existing residential developments, through an application for Variation of Condition 12: Provision of 4/2002/1281/O. Changes to the requirements for	Changes to planning committee decision and planning obligations.	Approve.

Item No.	Case Number	Page	Location	Case Officer	Proposal	Reason for consideration at Committee	Recommendation
					providing a Riverside Walk, landscaping and utilities connections around the ongoing residential developments through an application for Variation of Condition 6: Landscaping; Condition 10: Underground Utility Routes and Condition 12: Riverside Walk, of planning permission 06/00012/VC		
4(11)	13/02009/F	205	514 Earlham Road	Lara Emerson	Erection of single and first floor extensions and car port	Previously considered at committee Objections	Approve

Enforcement Reports:

Item No.	Case Number	Page	Location	Case Officer	Breach	Reason for consideration at Committee	Recommendation
4(12)	EH13/36490	213	514 Earlham Road	Richard Divey	Unauthorised erection of fence and gates.	Previously discussed at committee as part of application no. 13/02009/F	Note report.

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
Date 6 March 2014
Report of Head of planning services
Subject 13/01964/F Land Adjacent to 25 - 27 Quebec Road
Norwich

Item
4(1)

SUMMARY

Description:	Erection of 2 No. semi detached three bedroom dwellings.
Reason for consideration at Committee:	Objection. Application taken to 6 February committee, but deferred for a site visit. This report takes account of the late representations made following the drafting of the 6 February report.
Recommendation:	Approve
Ward:	Thorpe Hamlet
Contact Officer:	Mr Kian Saedi Planner 01603 212524
Valid Date:	20 December 2013
Applicant:	Mr Anthony Hudson
Agent:	Mr Matthew Griggs

INTRODUCTION

The Site

Location and Context

1. The site is accessed via Quebec Road and located between Thorpe Ridge and Thorpe Hamlet conservation areas. The site is surrounded by residential properties with the exception of the William IV Public House which neighbours the site to the east.
2. The level of the land drops steeply to the north and west of the site and the site is currently vacant and characterised by overgrown vegetation. OS maps dating from 1885 indicate that there were previously two buildings on the plot, which were likely to have been demolished around the latter half of the 20th century.
3. The site is covered by an area Tree Preservation Order (TPO).

Planning History

4. No relevant planning history.

Equality and Diversity Issues

There are no significant equality or diversity issues.

The Proposal

5. The proposal is for the erection of two no. semi-detached 3-bedroom dwellings.

Representations Received

6. Adjacent and neighbouring properties have been notified in writing. Letters of objections have been received from eleven persons (including Cllr Price) citing the issues as summarised in the table below.

Issues Raised	Response
Loss of light	Par. 13, 19, 39
Access	Par. 21-22 & 24
Overlooking/loss of privacy	Par. 10-12 & 17-18,
Loss of trees	Par. 30-32
Over dominant building	Par. 18-19, 39
Out of scale development	Par. 18-19
Poor design	Par. 18-20 & 32
Ground stability	Par. 26
Loss of view and property value	Par. 14
Drainage/Flood risk	Par. 21 & 26
Land ownership	Par. 34-36
Site notices	Par. 37
Light pollution and noise pollution from new dwellings.	Par. 16
Danger of cars overrunning into neighbouring gardens	Par. 25
Impact upon the highway	Par. 24
Drawings submitted with the application are economical when portraying the relationship between existing properties and the proposed dwellings.	Par. 38 and 39
Inadequate sun path study	Par. 13
Conditions should stipulate that hedging should not be removed and replaced as necessary and that an additional 1.8 metre high boundary fence must be erected to determine the boundary line.	Par. 10 & 32
The statement 'previously developed land' needs to be substantiated and put into context.	Refer to the site "Location and Context" section of the report

Consultation Responses

7. Comments of internal consultees are discussed within the body of this report.

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

National Planning Policy Framework:

- Section 4 – Promoting sustainable transport
- Section 6 – Delivering a wide choice of high quality homes
- Section 7 – Requiring good design
- Section 10 – Meeting the challenge of climate change, flooding and coastal change
- Section 11 – Conserving and enhancing the natural environment
- Section 12 - Conserving and enhancing the historic environment

Relevant policies of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2014

- Policy 2 – Promoting good design
- Policy 3 – Energy and water
- Policy 4 – Housing delivery
- Policy 6 – Access and transportation
- Policy 11 – Norwich City Centre
- Policy 20 - Implementation

Relevant saved policies of the adopted City of Norwich Replacement Local Plan 2004

- NE3 - Tree protection, control of cutting and lopping
- NE8 - Management of features of wildlife importance and biodiversity
- NE9 - Comprehensive landscaping scheme and tree planting
- HBE12 - High quality of design in new developments
- EP16 - Water conservation and sustainable drainage systems
- EP18 - High standard of energy efficiency in new developments
- EP22 - High standard of amenity for residential occupiers
- HOU13 – Proposals for new housing development on other sites
- TRA5 - Approach to design for vehicle movement and special needs
- TRA6 - Parking standards - maxima
- TRA7 - Cycle parking standards
- TRA8 - Servicing provision

Development Management Policies Development Plan Document – Pre-submission policies (April 2013).

DM1 Achieving and delivering sustainable development – **Significant weight can be applied.**

DM2* Ensuring satisfactory living and working conditions – **Significant weight can be applied.**

DM3* Delivering high quality design – **Only limited weight can be applied.**

DM7 Trees and development – **Significant weight can be applied.**

DM9 Safeguarding Norwich's heritage – **Significant weight can be applied.**

DM12* Ensuring well-planned housing development – **Significant weight can be applied.**

DM28* Encouraging sustainable travel – **Significant weight can be applied.**

DM30* Access and highway safety – **Only limited weight.**

DM31* Car parking and servicing – **Significant weight can be applied.**

DM33 Planning obligations and development viability – Significant weight can be applied.

Supplementary Planning Documents and Guidance

Trees and Development (Adopted September 2007)

Other Material Considerations

The Joint Core Strategy and Replacement Local Plan (RLP) have been adopted since the introduction of the Planning and Compulsory Purchase Act in 2004. With regard to paragraphs 211 and 215-216 of the National Planning Policy Framework (NPPF), both sets of policies have been subjected to a test of compliance with the NPPF. Both the 2011 JCS policies and the 2004 RLP policies above are considered to be compliant with the NPPF. The Council has now submitted the emerging Local Plan policies for examination and considers most of these to be wholly consistent with the NPPF.

The NPPF states that where a 5 year land supply cannot be demonstrated, applications for housing should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up-to-date.

In the light of the recent appeal decision on part of the former Lakenham Cricket Club it has been established that the Norwich Policy Area (NPA) is the relevant area over which the housing land supply should be judged.

Since the NPA does not currently have a 5 year land supply, Local Plan policies for housing supply are not up-to-date. As a result the NPPF requires planning permission to be granted unless:

- "Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits ... or
- Specific policies in the NPPF indicate development should be restricted".

The lack of an adequate housing land supply is potentially a significant material consideration in the determination of the proposals for housing. This is likely to considerably reduce the level of weight that can be attributed to existing and emerging Local Plan policies which restrict housing land supply, unless these are clearly in accordance with specific restrictive policies in the NPPF. In this case this means that policy HOU13 of the Local Plan can be given no weight in the determination of this application.

Principle of Development

Policy Considerations

8. New housing development is considered against statement 6 of the National Planning Policy Framework and policy 4 of the Joint Core Strategy. In accordance with the National Planning Policy Framework and local planning policies, the proposal promotes the redevelopment of previously developed land in an accessible location with good access to local shops and bus routes which serve the City Centre.

Impact on Living Conditions

9. The proposed dwellings must be assessed both in terms of the quality of living being provided for both prospective residents at the site and also the potential implications of the new development upon those residents currently occupying properties in the vicinity of the site.
10. Both properties feature balconies on the south-west elevation along with a glazed frontage at first floor level. The layout of the site provides sufficient distance from the property immediately to the west (number 27 Quebec Rd) to minimise the opportunity for overlooking from the proposed balconies. The land drops abruptly at the boundary with 27 and such is the set back nature of the proposed dwellings that the line of view into the neighbouring garden is restricted. Any overlooking onto the neighbouring property (number 27) is further restricted by existing mature tree growth on the boundary and the applicant proposes to introduce native hedging, which, once established, will provide an additional source of natural screening between the two sites. Landscaping details will be conditioned and will include the need to submit detail of boundary treatments. Appropriate boundary treatment will be assessed to ensure that an adequate private environment is provided for both the proposed dwellings and neighbouring properties.
11. The staggered nature of the development and distance between neighbouring properties also mean that overlooking from the balconies is limited and not significant enough to detrimentally affect the living conditions of those properties located along Primrose Road.
12. Overlooking from the south-west elevation has already been discussed but it is considered that all other windows on the property have been sensitively designed and positioned as not to carry any significant potential for overlooking, which might otherwise harm the privacy of neighbouring properties. The two dwellings are situated centrally on the site and the proposed layout achieves sufficient separating distance from neighbouring properties to avoid any significant overlooking issues. Oblique views onto the rear of properties along Quebec Road will be possible from the first floor windows located on the north-east elevation, but again, the separating distance between properties and proposed landscaping on the boundary will help avoid any significant issue of overlooking.
13. The application is supported with a sun-path analysis which illustrates the extent to which the proposed development will increase overshadowing onto neighbouring properties. This will be presented at committee for members to see in more detail, but in summary, any increase in overshadowing predominantly affects the garage and parking area located to the north of the site and does not result in any significant increase in overshadowing to the rear gardens and habitable rooms of properties located along Quebec Road. The sun-path study is considered satisfactory for the purposes of this application.
14. Objections have been received regarding views that might be affected by the proposed development. Whilst the design of the scheme can be considered in relation to its impact upon the skyline, loss of view cannot feature as a material planning consideration. The potential impact upon the development upon house prices in the surrounding area also cannot be considered material to the assessment of the application.

15. Each proposed dwelling features a balcony and benefits from ample garden space at both front and rear. Any planning permission will be conditioned to ensure that the external areas of the site are landscaped to a high standard to ensure that an attractive living environment is provided as well as ensuring that the scheme relates well to the surrounding built and natural environment. Both dwellings satisfy internal space standards set out in policy DM2 of the emerging Development Management Plan and the installation of rooflights will ensure that the living rooms and kitchens located at first floor level will ensure high levels of daylighting and thermal insulation.
16. Potential light pollution and noise from the new dwellings is not considered to represent a significant issue.
17. It is therefore considered that the scheme provides for a high standard of living conditions for both prospective and neighbouring residents in accordance with saved policy EP22 of the adopted Local Plan.

Layout, Scale and Design

18. The layout of the site provides for adequate external space for future occupants as well as providing good levels of outlook. The two dwellings are positioned centrally on the site and provide sufficient separating distance between neighbouring properties to prevent any sense of overbearing and minimise issues of overlooking. The layout of the site also provides an adequate turning area in the forecourt area, which is essential for allowing vehicles to enter and leave the site safely in a forward gear. Both dwellings feature side passages allowing easy access to rear gardens where refuse is also proposed to be stored.
19. The two properties have been stepped in order to break the overall mass of the development. Roofs have also been pitched away from properties on the north and south boundaries of the site which has assisted in minimising any impact of overshadowing and potential sense of overbearing. The layout, scale and massing of the site is therefore considered to be acceptable and does not result in the development being over dominant in any way.
20. The site is located between two conservation areas, but such is the surrounding built/ natural environment that the proposed dwellings will only be visible from glimpsed views in the surrounding area. The proposed dwellings are of a contemporary design, but the proposed materials are considered acceptable for the local area. Red brick is predominant and the black pantiles should help to break up the red brick walls of the buildings. The timber boarding and glazed upper floor frontage will also help to break up the elevations of the buildings as well as providing visual interest to the scheme. Further detail of materials and windows/doors will be conditioned to ensure that the development integrates positively and sensitively with the surrounding context of the site. Subject to conditions therefore, it is considered that the proposal accords with the NPPF, policy 2 of the JCS and saved policy HBE12 of the adopted Local Plan.

Transport and Access

21. Vehicular access is provided from Quebec Road via a relatively steep access road leading into the site. The scheme provides for an adequate parking forecourt that provides sufficient turning space for cars to enter and depart the site in a forward gear, which will ensure that cars can safely enter onto the highway. It is recommended that a non-slippery material be used for the access slope and any hard-surfacing must also be permeable to ensure satisfactory drainage at the site. These matters will be ensured by condition.
22. Parking provision is compliant with the maximum standards set out in Appendix 4 of the adopted Local Plan and the parking forecourt benefits from a natural source of surveillance provided from the ground floor bedroom windows and glazed first floor frontage.
23. The applicant has indicated that cycle parking will be provided from the side alleys running alongside each dwelling. It is considered that cycle parking would be better suited in the rear gardens of the two proposed dwellings where a dual functioning cycle/bin storage unit could be installed integral to the site. This will ensure that the side access is free from obstruction in order to allow for the ease of collection of bin receptacles, and that cycle storage is both secure and covered. Conditions are suggested to ensure adequate provision of refuse/cycle storage.
24. The impact of the new dwellings upon the highway is likely to be negligible. The proposal will not increase traffic volume on the highway to any discernible degree and access to the site is pre-existing with double yellow lines and a dropped kerb already installed.
25. One objector has raised the potential danger of cars failing to stop and overrunning into neighbouring properties. The Council's Highways has raised no objection to the proposal and this issue is considered more a matter of driving proficiency rather than a significant planning consideration.

Environmental Issues

26. Concern has been raised regarding the ground stability of the site and potential for inadequate drainage from the site following the construction of the two dwellings. The site is not recognised as an area susceptible to subsidence as identified in saved policy EP2 of the adopted Local Plan. The matter of ground stability is therefore not material to the assessment of this application. Although not a standard course of procedure, CNC Building Control have been consulted informally following concern raised by a member of the public. It was confirmed that ground stability would form part of the assessment of the scheme to satisfy Building Regulations.
27. There are no records to show that the buildings previously built on the site were of any significance and there are no identified archaeological implications associated with the development.
28. The applicant has included an energy statement setting out the intended water efficiency measures to be incorporated into the scheme. Policy 3 of the JCS requires that all residential development achieve Code for Sustainable Homes level

4 for water on adoption. Any planning permission will be conditioned to ensure that an assessment is performed by a qualified code assessor and results submitted to the Council for approval prior to first occupation of the dwellings.

29. The scheme is not required by policy to provide any level of on-site renewable energy production. The applicant has nevertheless proposed to install photovoltaic panels on each of the south facing roofs of the dwellings in order to help the scheme achieve an overall level 3/4 Code for Sustainable Homes. This is welcomed and will reduce the reliance of the development upon carbonised sources of energy.

Trees, Landscaping and Ecology

30. In order to facilitate the development a number of trees are to be removed. Several of these trees are known as U category trees, which means they are unsuitable for retention due to either being dead or presenting a safe useful life expectancy of less than 10 years. Several other trees, especially those located further within the site are to be removed due to being located in the proposed footprint of the built development. These trees are known to be C category trees which are identified as being of such quality and value that are least suitable for retention.
31. The Council's Tree Protection Officer has reviewed the application and is satisfied with the proposal provided that planning permission can be conditioned to require full compliance with the submitted Arboricultural documentation.
32. The development will sit within much of the existing green edge of the site and will carry the potential for any landscaping scheme to enhance the amenity value and biodiversity on site. The applicant has indicated that native hedging will be planted around the site, which will act to both mitigate the loss of some of the trees as well as providing a natural form of boundary treatment and screening from surrounding properties. It will also be important to ensure a suitable mix of hard/soft landscaping at the front of the property in order to achieve a satisfactory appearance of the development. It is suggested to condition planning permission to require a detailed landscaping scheme to be submitted for approval prior to works commencing. The landscaping scheme shall include the requirement to submit details of boundary treatments.
33. The ecology on site has been assessed for the presence of any protected species and any associated measures that may be necessary to ensure protection. A strong potential for breeding birds and hedgehogs to be present on site has been reported. It is recommended that any clearance should take place outside of the bird breeding season (1 March to 31 August) in order to protect any birds from the destruction of their nests. A number of measures are also recommended in Section 6 of the Ecological Survey and full compliance with this survey will be required by way of condition.

Other Matters

Land ownership:

34. There has been question raised regarding the land ownership of the strip of land running along the north boundary of the site with numbers 29, 29a and 30 Quebec Road. The applicant has indicated that the area of land is in their ownership and

have confirmed via an email sent in on 28 January 2014 that this is the case as they understand it.

35. An objector has also stated that the agent has declared that they are the owner of the land included within the site rather than the applicant. The agent is acting on behalf of the applicant and has correctly declared their role on the Certificate of Ownership section of the application.

36. Any further matter of land ownership would constitute a civil matter rather than one to be considered under this application.

Site notices not erected:

37. One objector has stated that a site notice should have been erected and displayed. It is not compulsory for site notices to be erected where applications for proposed development are submitted. The site is not located within a conservation area, neither was it considered that the proposal would affect the character of the conservation areas in the surrounding area.

Drawings are economical in portraying the relationship between existing properties and the proposed dwellings:

38. Sufficient information has been submitted to enable an assessment of the application to be made. It is suggested that a condition be added to require finished floor levels of the proposed dwellings to be submitted to the local planning authority for approval in order to ensure that the height of the dwellings is acceptable with regards to their relationship with surrounding properties.

39. Condition 9 has been added to the wording of the previous committee report to address a neighbour concern regarding the relationship of the proposed development with surrounding properties to ensure that there is adequate control of the height of the new building.

Local Finance Considerations

40. The proposal would, if approved, result in additional Council Tax revenue for the council and new homes bonus and under section 143 of the Localism Act the council is required to consider the impact of new development proposals on local finance. However, it is also important to take into account other material considerations in assessing the merits of proposals, which in this case include the location of residential development, impact on residential amenities, design, transport and environmental considerations, amongst other things.

41. The proposed development of the site by the erection of three new dwellings is CIL liable and would be charged at a rate of £75 per sq.m of internal floorspace being created.

Conclusions

42. The proposal delivers two units of housing on previously developed land in an accessible location with good access to local shops and bus routes which serve the City Centre. The design, scale and layout of the development is such that the

proposal will not result in any significant harm to the living conditions of neighbouring properties surrounding the site and the design of the dwellings is considered to relate positively to the surrounding context of the site. Sufficient turning space has been provided to allow safe vehicular access and egress from the site and adequate cycle/refuse storage will be ensured by condition. The development carries a number of implications for the ecology of the site, but provided that works to the site are carried out in accordance with the recommendations set out in the supporting arboricultural and ecological assessments the biodiversity interest of the site can be protected and enhanced. Subject to the imposition of conditions, the proposal is considered acceptable and will provide for much needed housing in this part of the city.

RECOMMENDATIONS

To approve application ref. 13/01964/F (Land adjacent to 25-27 Quebec Road) and grant planning permission subject to the imposition of the following conditions:

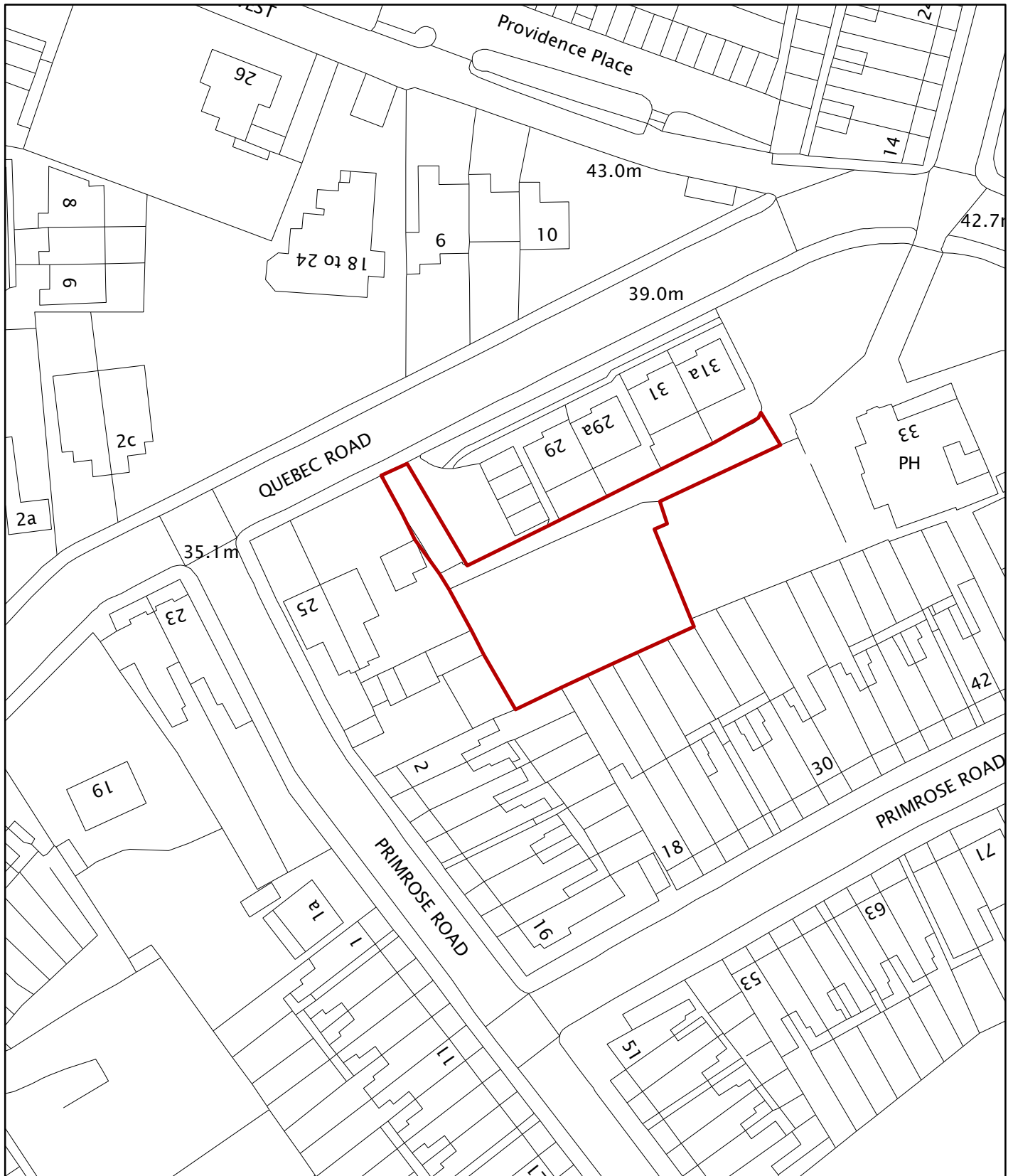
- 1) Commencement of development within three years from date of approval;
- 2) Development in accordance with plans;
- 3) Details of facing and roofing materials, joinery, photovoltaic panels and any boundary treatments;
- 4) Details of hard and soft landscaping, planting and biodiversity enhancements;
- 5) Full compliance with arboricultural documentation;
- 6) Full compliance with the summary recommendations made in section 6 of the Ecological Survey;
- 7) Details of cycle/refuse storage;
- 8) Water efficiency;
- 9) Finished floor levels

Article 31(1)(cc) Statement:

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

The following informatives should be added to any consent:

- 1) Considerate construction and timing to prevent nuisance
- 2) Site clearance to have due regard to minimising the impact on wildlife.
- 3) The new build floorspace created in this proposal is liable for the Community Infrastructure Levy (CIL). When the last of the pre-commencement conditions is approved you will receive a Liability Notice from the Council (Charging Authority) setting out what the charge will be. The relevant forms and guidance can be found on the Planning Portal website at www.planningportal.gov.uk.
- 4) Refuse and recycling bins for residential development:
All bins to be purchased by the applicant prior to occupation, in agreement with Norwich City Council city wide services department.
Customer Contact Team: 0344 980 3333 or info@norwich.gov.uk
- 5) Properties will not be eligible for on street parking permits
- 6) Permeable hardstanding:
Any hardstanding to be of a permeable material
<http://www.norwich.gov.uk/Planning/Pages/Planning-PavingFrontGardens.aspx>
- 7) Street naming and numbering:
Contact Kay Baxter at Norwich City Council, tel 01603 21 2468
(Mons & Tuesdays only)



© Crown Copyright and database right 2014. Ordnance Survey 100019747.

Planning Application No 13/02089/VC

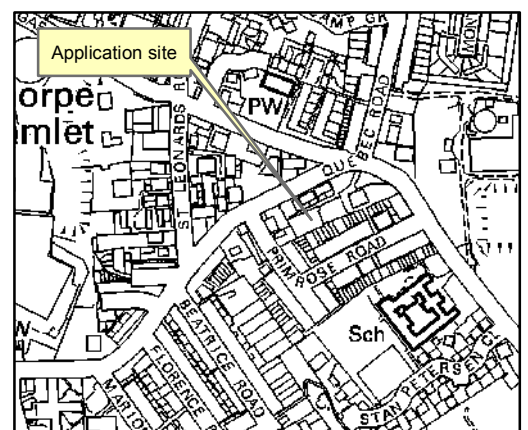
Site Address Land adjacent to 25-27 Quebec Road

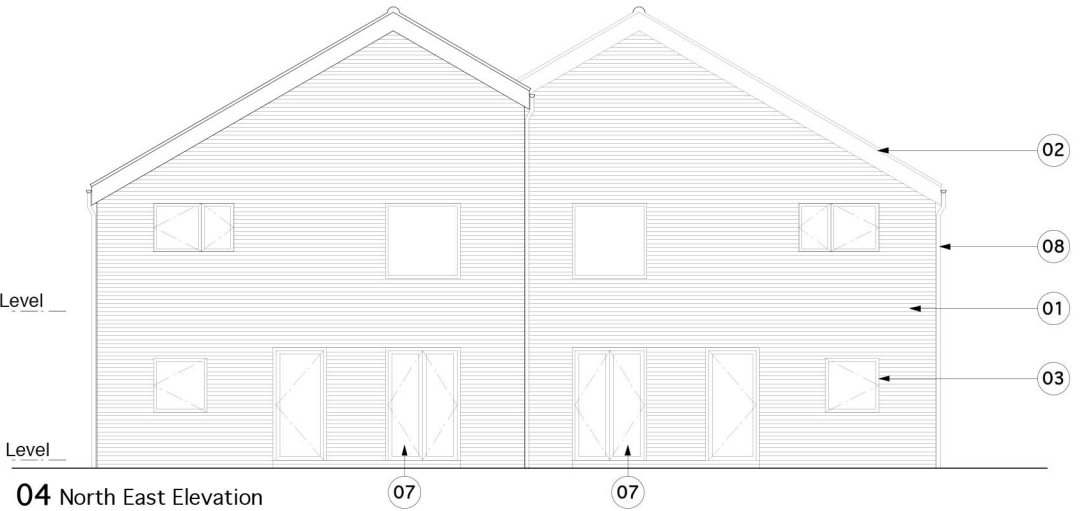
Scale 1:750



NORWICH
City Council

PLANNING SERVICES

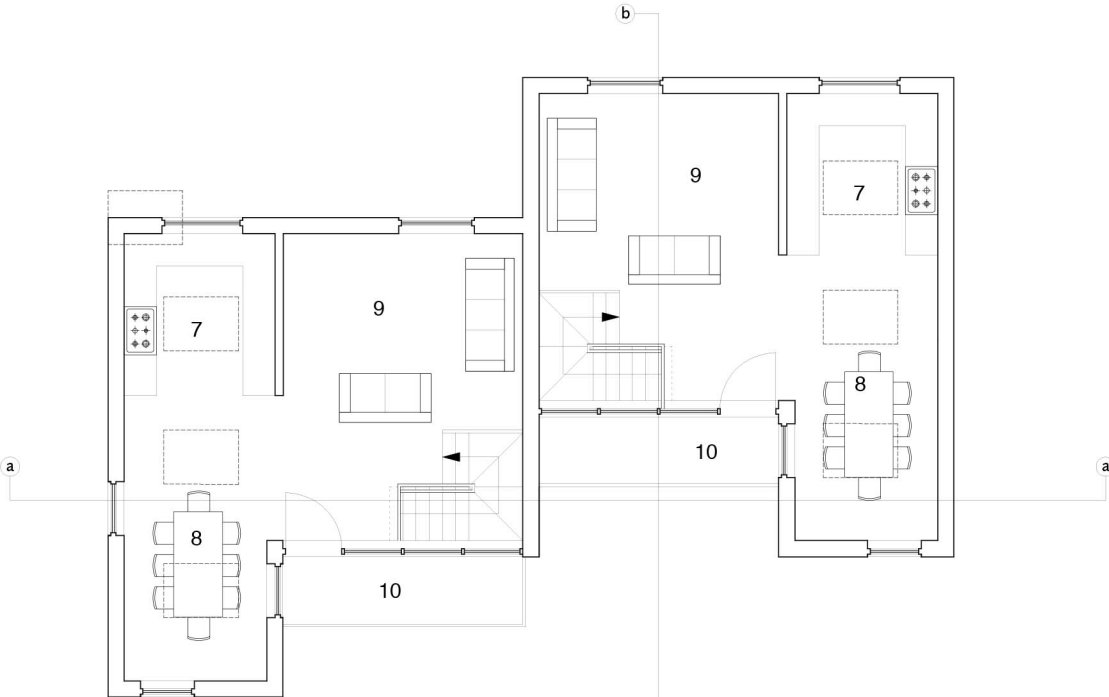




- Key:**
1. Red brick
 2. Black pantile roof
 3. Metal frame window, powder coat finish
 4. Timber door with side light
 5. External balcony with glass balustrade
 6. Metal framed glazed door and glazing
 7. Metal framed glazed doors
 8. Aluminium gutters and downpipes
 9. Vertical timber boarding
 10. Rooflights
 11. Solar PV panels



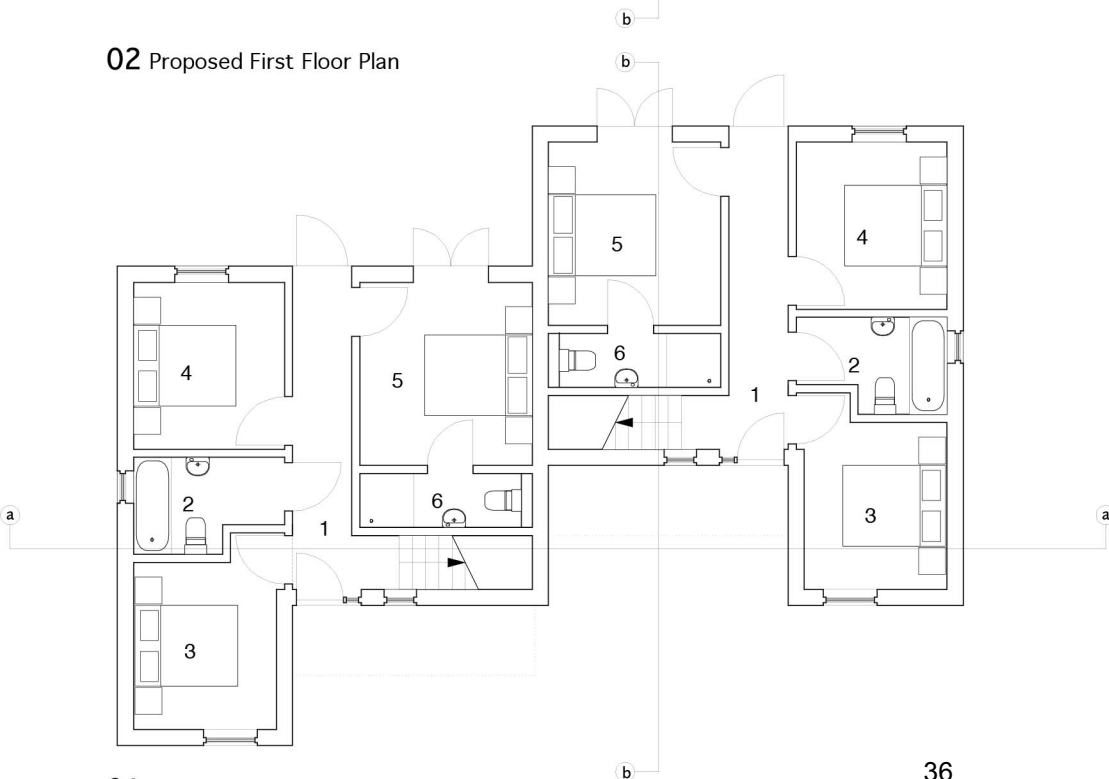
status		PLANNING		HUDSON Architects	
revisions				9-10 Redwell Street Norwich NR2 4SN tel 01603 766 220 fax 01603 430 469 www.hudsonarchitects.co.uk info@hudsonarchitects.co.uk	
P1	29.11.13	Issued for Planning;			
				job 2 DWELLINGS QUEBEC ROAD	
				LAND OFF QUEBEC ROAD	
				address NORWICH, NORFOLK	
				dwg title PROPOSED ELEVATIONS	
				scale 1:100@A3 date MAY 2013	
QUE		P-03		P1	
job reference		drawing number		revision	
Do not scale off dimensions. Check all dimensions on site and report any apparent discrepancy immediately. This drawing is copyright.					



02 Proposed First Floor Plan

First Floor Key:

- 7. Kitchen
- 8. Dining
- 9. Living
- 10. External balcony



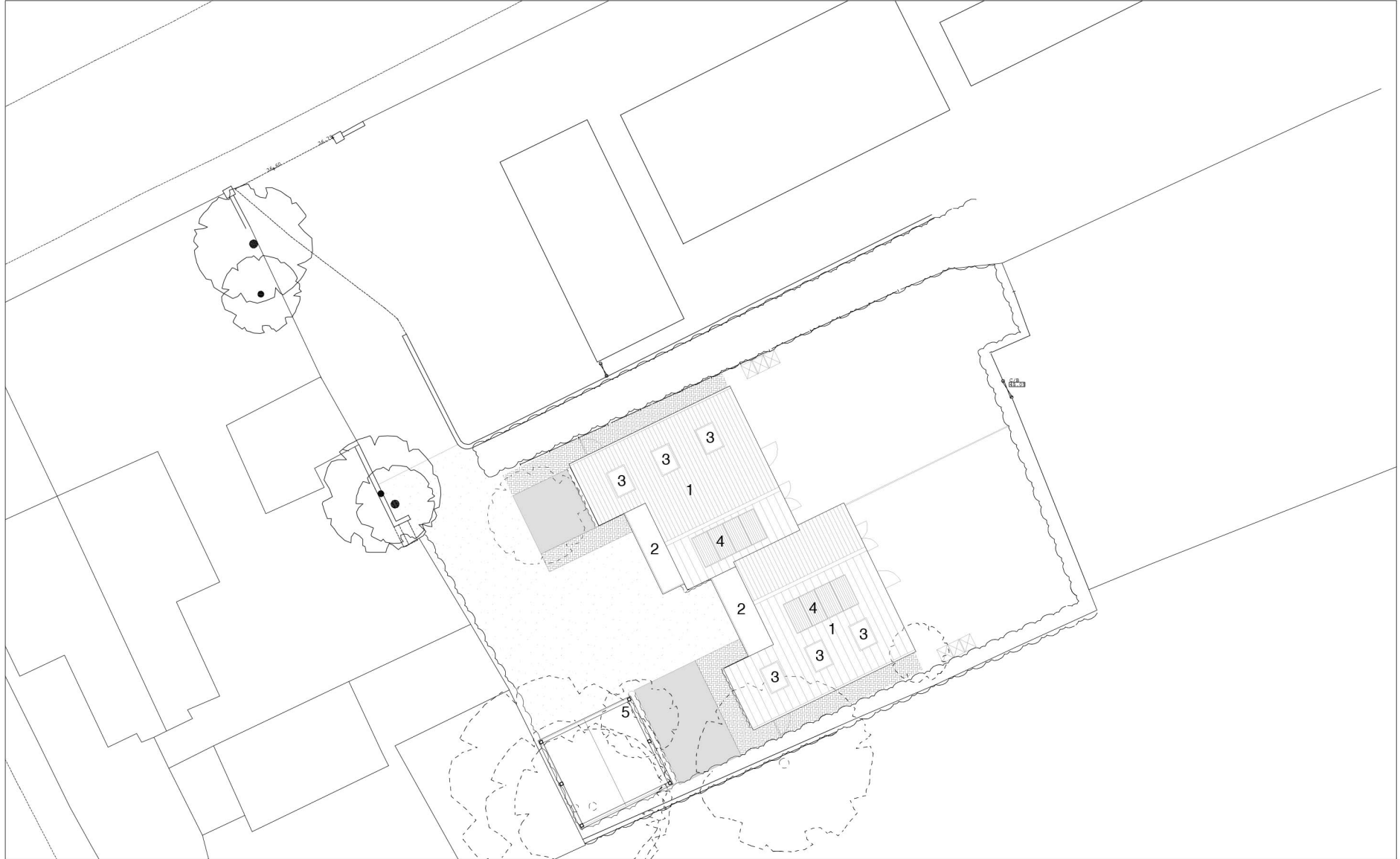
01 Proposed Ground Floor Plan

Ground Floor Key:

- 1. Entrance Hall
- 2. Bathroom
- 3. Bedroom 3
- 4. Bedroom 2
- 5. Master Bedroom
- 6. Master Ensuite



status		PLANNING		<div>HUDSON Architects</div> <div>9-10 Redwell Street Norwich NR2 4SN tel 01603 766 220 fax 01603 630 469 www.hudsonarchitects.co.uk info@hudsonarchitects.co.uk</div>	
revisions					
P1		29.11.13	Issued for Planning;		
		job 2 DWELLINGS QUEBEC ROAD			
		LAND OFF QUEBEC ROAD			
		address NORWICH, NORFOLK			
		dwg title PROPOSED FLOOR PLANS			
		scale 1:100@A3		date MAY 2013	
		QUE		P-02	
		job reference		drawing number	
				P1	
				revision	
Do not scale off dimensions. Check all dimensions on site and report any apparent discrepancy immediately. This drawing is copyright.					



Key:

1. Black pantile roof
2. External balcony with glass balustrade
3. Rooflights
4. Solar PV panels to south facing roofs
5. Timber post and beam car port



status		PLANNING		<div>HUDSON Architects</div> <div>9-10 Redwell Street Norwich NR2 4SN tel 01603 766 220 fax 01603 430 469 www.hudsonarchitects.co.uk info@hudsonarchitects.co.uk</div>	
revisions					
P1	29.11.13	Issued for Planning;			

job		2 DWELLINGS QUEBEC ROAD	
		LAND OFF QUEBEC ROAD	
address		NORWICH, NORFOLK	
dwg title		PROPOSED ROOF PLAN	
scale		1:200@A3	date SEPT 2013
QUE		P-05	
job reference		drawing number	
		revision	
Do not scale off dimensions. Check all dimensions on site and report any apparent discrepancy immediately. This drawing is copyright.			



Key:

1. Existing crossover point
2. Existing access to garage block and up to site
3. Existing garage block
4. 2no. parking spaces with timber beam & block carport to define parking area
5. Mix of hard/soft landscaping

6. Bin store for 3no. 240 litre bins
 7. Rear garden
 8. Free draining gravel/ shingle
 9. Paving
 10. Proposed shrubs and foliage approximately 1100mm high
 11. Proposed native hedging
 12. Non-slip free draining surface
 13. Refuse collection point
- Note: Bicycle storage to side alleys



Site Boundary



Existing Right of Way/
Sloped access



Areas of paving

38

status		PLANNING		HUDSON Architects	
revisions				9-10 Redwell Street Norwich NR2 4SN tel 01603 766 220 fax 01603 630 469 www.hudsonarchitects.co.uk info@hudsonarchitects.co.uk	
P1	29.11.13	Issued for Planning;		job 2 DWELLINGS QUEBEC ROAD	
				LAND OFF QUEBEC ROAD	
				address NORWICH, NORFOLK	
				dwg title PROPOSED SITE PLAN	
				scale 1:200@A3 date MAY 2013	
				P-01	
QUE		drawing number		P1	
job reference				revision	
Do not scale off dimensions. Check all dimensions on site and report any apparent discrepancy immediately. This drawing is copyright.					

Report to Planning applications committee
Date 6 March 2014
Report of Head of planning services
Subject 13/01296/F Gladstone House 28 St Giles Street Norwich
NR2 1TQ

Item
4(2)

SUMMARY

Description:	Conversion to the National Centre for Writing (Class Sui Generis), including minor changes to main house, substantial rebuilding of the annexe and a new garden extension.
Reason for consideration at Committee:	Objection
Recommendation:	Approve
Ward:	Mancroft
Contact Officer:	Mr Kian Saedi Planner 01603 212524
Valid Date:	27 September 2013
Applicant:	Mr Chris Gribble
Agent:	Mr Robert Sakula

INTRODUCTION

The Site

Location and Context

1. The site is located on the south side of St Giles Street adjacent to the St Giles entrance to the Police Station car park and in front of houses of Old Barley Market located at the rear.
2. Gladstone House is a Grade II listed Georgian property understood to have been built in 1785-90. The house was occupied by a series of notable Norwich figures until its use as a Liberal Club between 1890-1967, from which came its current name after William Ewart Gladstone who was British Prime Minister in 1890. Norwich City Council are the current freeholders of the building and have rented the property out as offices since 1968 leading to the present day. During this time two major refurbishments have taken place, both of which have involved structural alterations although the plan form and architectural detailing the property is still of some status and refinement, highly characteristic of the period in which it originated.
3. Gladstone House previously formed part of row of Georgian townhouses running to the east, which were demolished in the 1930s to make way for City Hall. The rear garden of Gladstone House was previously much larger and stretched to Bethel Street, but much of it has now been lost to development including the Fire Station in the 1930s and more recently the housing development at Old Barley Market.
4. The site is located within the City Centre Conservation Area and within the Cultural and Civic Centre of the City Centre. The site is also located within an Area of Main Archaeological Interest.

Planning History

4/1989/0519 - Internal alterations to provide new disabled toilet and stair and internal repairs.
(APCON - 12/07/1989)

Equality and Diversity Issues

The proposal incorporates an emphasis on providing inclusive access. Level access is provided from the rear and a platform lift is proposed to provide access across all floors and to the writers in residence apartments. WCs for disabled users will be provided in all levels of the main building.

The Proposal

5. The proposal is for the conversion of Gladstone House to the National Centre for Writing (NCW) (Class Sui Generis), including minor changes to main house, new garden extension, demolition and substantial rebuilding of the rear annexe and boundary walls. The NCW will provide teaching and conference spaces, offices, storage, a café, private basement bar, ancillary shop, garden auditorium events space, platform lift to all levels, two writers in residence apartments and new WCs.
6. The applicant states that it will be a new organisation to lead the UK's literature sector, with links to other organisations internationally and to enhance Norwich's status as England's first UNESCO City of Literature.

Representations Received

7. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 81 letters of representation have been received citing the issues as summarised in the tables below.
8. 47 letters of objection from 43 persons raising the following points

Issues Raised	Response
Harm to the listed building	Par. 44-45, 48-65 & 81-89
Loss of the rear garden at the detriment of the character of the listed building	Par. 64-65 & 82-89
Overdevelopment	Par. 69
Harmful to the setting of the listed building	Par. 46, 70-80 & 81-83
Internal alterations are harmful to the listed building	Par. 53-59 & 81-89
Poor design of the auditorium/overbearing	Par. 39, 67-69 & 78-79
Disturbance from plant/machinery	Par. 25
Lack of clarity regarding opening hours and nature of events taking place on site	Par. 25, 27-29 & 36
Noise disturbance	Par. 22-36, 67 & 69
Light pollution	Par. 109
Overlooking	Par. 37-38
Inadequate consultation	Par. 117
Noise and smell from toilets	Par. 30
Smoking and associated disturbance to neighbouring properties	Par. 115
Party wall with properties at the rear, encroachment into the gardens of neighbouring properties and loss of light from the height of the wall	Par. 118
Poor access	Par. 90-91 & 93-97
Refuse storage/removal may be problematic	Par. 101
Proposal will increase traffic levels and result in congestion	Par. 90 & 92-97
Inadequate parking in the area	Par. 90 & 100
Norwich has many other venues that could be utilised	Par. 65
Concerns regarding the financing of the project	Par. 120
Loss of offices	Par. 19-21
Poor security	Par. 109
Loss of trees	Par. 110-111
Potential loss of value to neighbouring properties	Par. 119
Inadequate provision loading/unloading/delivery facilities	Par. 99

A 35 page submission from a local resident complementing the other objections and 17 page submission from the company currently occupying the offices at Gladstone House raise the following points. Comments on each point are alongside:

a. Need for all the facilities at one venue not justified, each component should be looked at on its individual merits – The applicant has set out justification for why the facilities have been concentrated at the site within the Addendum to Design and Access Statement document, received 04 February 2014.

- b. Comments on the applicant's legal status and partnerships – Not a planning matter.
- c. The applicant's pre-application consultation was flawed and biased - No comment. Not investigated - the Council's own consultations allow adequate opportunities for public comment.
- d. The description wording is misleading – Considered satisfactory and the plans are clear.
- e. No mention of external lighting CCTV – See par. 98 & 109.
- f. More than 50 per cent of the site is in use as offices (applicant's documents are in error) – No comment as not a significant planning issue.
- g. Some trees /shrubs in neighbouring gardens would be affected – see par.110-111.
- h. Trade effluent question on form is incorrect – Not significant. Trade effluence not identified as a concern.
- i. Queries the number of jobs on the form and which is false and misleading – This is not a significant issue.
- j. Front door is not suitable as a fire exit - Building Regulations matter.
- k. Potential light pollution from skylight above lift shaft – Not a significant issue.
- l. Key decorative elements in rooms should be restored – Cannot be required.
- m. Lack of details of re-wiring, changes to door swings – The information provided by the applicant is acceptable and further detail is conditioned.
- n. Impossible to assess how the writer's spaces will be used – The information provided by the applicant is acceptable
- o. Concern about basement speakeasy use – The use of the basement bar will be subject to conditions controlling amplified sound equipment and also hours of operation. The conditions are considered sufficient for avoiding any disturbance to neighbouring properties. The applicant has set out in the Management Plan that the basement bar will only be open to people associated with the writers centre and not the public. Compliance with the Management Plan shall be conditioned.
- p Lack of technical details of PV panels – see par. 106.
- q Lack of details of signage - Not needed at this stage.
- r. Changes to south elevation are harmful to listed building – see par. 60-62, 64-65 & 81-89.
- s. Lack of details of floodlighting – Lighting scheme is conditioned.
- t. Shop will attract additional visitors and aggravate potential nuisances – Not considered a significant issue, see par.28.
- u. High occupancy of all rooms will have adverse implications – See par.30.
- v. The writers in residence studios should be treated as normal dwellings – The units are not considered to be appropriate for general usage and need to be conditioned appropriately (condition 25 of full app).
- w. Access to studios is only via spiral staircase, potential nuisance and overlooking, could be used as a smoking area – See par.38 and condition 15 of full app.
- x. Studios could revert to other uses in the future – This would need planning permission
- y. Additional windows will overlook properties – See par. 37 & 38.
- z. Ivy is inappropriate – Landscaping condition will ensure suitable planting species.
- aa. The auditorium is on land that the applicant state is in poor condition – Not a significant consideration.
- bb. View from seating area is only of part of south elevation. See par. 78-80.
- cc. Potential noise pollution from undercroft, PA and heat vents, but no details of heating facilities- See par. 24-25 re noise and conditions 5-8 of full app. Heating details not necessary at this stage.
- dd. Although auditorium can be blacked out it is not a guarantee that this will happen and could cause light pollution – Not a significant matter
- ee. As access to auditorium could be independent it should be classed as D" use- the proposal is a sui generis mixed use - Categorisation of different elements of the building would be inappropriate as it will operate as one entity.
- ff. Lack of detail of green roof, if a sprinkler is used it could harm neighbours in windy weather,

could create damp – Technical details are a matter for Building Regulations. Height of roof is referred to in par. 69.

gg. Noise from garden – see par. 22-36.

hh. Condition required for no smoking in courtyard – The applicant has stated no smoking in the courtyard area within the Management Plan. Compliance with the Management Plan is conditioned.

ii. 2m wall to east will block view of Gladstone House if a piazza were to be created on existing police car park – It is considered that in such an inner city location it is to be expected that views from the surrounding area onto the heritage asset will be restricted to a certain degree. The setting of the principal front elevation remains unaffected by the proposal and the ability to experience the rear elevation of Gladstone House will be continued by public access to the auditorium and remaining rear external space following the proposed development.

jj. Noise and smells from sanitary block – Not considered a significant matter. Will have to meet Building Regulations standards

kk Lack of WC provision – Building Regulations matter.

ll. Location of waste store and times of collection – Waste store is indicated on plans and the Management Plan and associated plan ref.101 /* [received 28 January 2014] indicates collection details. Delivery and collection hours are restricted by condition.

mm. Concern about use of proposed rear passage and security risk – The rear passage is for emergency exit and access to the auditorium undercroft only.

nn. New wall on boundary – Legal and ownership issues – Private matter, not planning consideration.

oo. New wall on boundary will restrict light and if lit will cause light pollution – Lighting scheme will be conditioned and the rear boundary wall with The Old Barley Market is not at a height much greater than the existing rear boundary treatment.

pp. Concern about drainage –Building Regulations matter.

qq. Loss of garden and impact on birds – see par. 112-113.

rr. Smokers could congregate on alley way and impede access – Noted

ss. No details of security camera- See par. 109.

tt. Precise uses of the building are not clear – The information provided is satisfactory.

uu. Noise issues from the building – see par. 22-36.

vv. Lack of independence of the applicant's heritage report, it includes tendentious philosophical questions and is superficial - The report is satisfactory and has been assessed by officers and English Heritage.

ww. Many detailed points about the Travel Plan, its inaccuracies and errors – The report is satisfactory and the issues have been assessed and approved by transport officers. Compliance with the Travel Plan is conditioned.

xx. Doubts about how the Travel Plan will be communicated to users and will be lip service only – The proposals are satisfactory and compliance with the Travel Plan will be conditioned.

yy. Disabled persons access is only paid lip service, there is no dedicated parking, need for dropped kerbs, access path is narrow and difficult to use, conflicts of movement in rear garden, poor links to disabled toilets, no dedicated wheelchair spaces in auditorium, inadequate facilities for staff, and visiting artists and inadequate evacuation information. The facilities provided are adequate. Emergency evacuation and WC provision are matters for Building Regs/Fire Officer, although it should be noted that the applicant has provided toilets at every level. Dedicated auditorium wheelchair spaces are indicated on the plans.

zz. 13 pages of notes highlighting policies in the NPPF, JCS and Local Plan are included. The significant and relevant policies and emerging policies are referred to in the report and the analysis of the issues is throughout the report.

aaa. Views must be taken into account from the side alley – see par. 74, 77 & 79-80.

bbb. External alterations and auditorium will obscure the view onto the rear elevation of Gladstone House and harm the listed building – see par. 74-80.

ccc. Inadequate access to the site – see par. 93-97.

ddd. Alternative locations are available that wouldn't damage the heritage of the city – see par. 65.

35 letters of support have been received from 35 persons raising the following points:
Issues Raised
Promotion of cultural diversity
Educational benefits
Enhance Norwich's literary status and reputation,
The NCW will benefit tourism
Very accessible location
Enhance the vibrancy and reputation of the city
Benefits to the local community of all ages
It will create new employment and attract local and national talent to the city
Benefit to Norwich's creative/arts economy
It will support creative writing, especially amongst the young, and it will encourage creative writers to stay in Norwich when they reach adulthood
Help improve literacy levels amongst the young
Benefit to the longer term conservation of the building
Build on Norwich's status as a UNESCO City of Literature
Bring a fine historic building into public use
Enhance the built environment of the city
Opportunity to engage with young people across the country
Greater number of people will be able to enjoy the heritage asset
The proposals will help bring the best international writers and translators to the city
A number of writers have reflected on how the Writers' Centre Norwich have assisted them in their literary advancements and how the NCW will help enable similar levels of support to be extended to many more people
Norwich currently lacks sufficient number of venues for literary events
Boost to the vitality of the city
Literary facilities are currently centralised in London

Consultation Responses

9. English Heritage: Accepted that the proposed writers centre might deliver a public benefit in terms of paragraph 134 of the NPPF and this should be weighed against the harm. However, the lack of clear and convincing justification for some of the proposals, the lack of information concerning others and harm to the listed building from the proposed alterations means we would recommend the application is refused. On balance the harm

to Gladstone House is not considered to amount to “substantial” in terms of the NPPF.

10. The Georgian Group: Proposed alterations to the rear elevation will harm the character and symmetry of the elevation, the removal of the service staircase would be damaging to the listed building’s significance, the auditorium would have a negative impact upon the setting of the listed building and impact upon the house’s significance. The proposed alterations would, in their totality, cause an unacceptable level of damage to the historic fabric and significance of the listed building. If the application is not amended then planning permission should be refused.
11. Norwich Society: We are in favour of this careful refurbishment of Gladstone House to its new use, including the remodelling of the annexe. However, we have reservations about the siting and visual impact of the auditorium. Controlling noise and light emitted from it and the courtyard will be difficult and require very careful detailing and control to mitigate nuisance to neighbours. Issue of public access on the east boundary needs immediate resolution to ensure effective and safe access. Recommended that both applications be deferred into solutions to the issues have been explored.
12. Historic Environment Services: No objections to the scheme subject to the imposition of conditions requiring compliance with a written scheme of investigation and potentially reporting and archiving of results if archaeological remains are uncovered. It is also suggested that photographic survey be conditioned to add to the Historic Environment Record (HER).
13. Norfolk Constabulary: Whilst the proposal will enhance security of the site in some areas, several recommendations are made that could further enhance security.
14. Norfolk Fire and Rescue Service: No objections provided that the proposal meets necessary Building Regulations requirements.

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

National Planning Policy Framework:

- Section 1 – Building a strong, competitive economy
- Section 4 – Promoting sustainable transport
- Section 7 – Requiring good design
- Section 10 – Meeting the challenge of climate change, flooding and coastal change
- Section 11 – Conserving and enhancing the natural environment
- Section 12 - Conserving and enhancing the historic environment

Relevant policies of the adopted Joint Core Strategy (JCS) for Broadland, Norwich and South Norfolk 2014

- Policy 1 – Addressing climate change and protecting environmental assets
- Policy 2 – Promoting good design
- Policy 3 – Energy and water
- Policy 5 – The economy
- Policy 6 – Access and transportation
- Policy 8 – Culture, leisure and entertainment
- Policy 11 – Norwich City Centre
- Policy 20 - Implementation

Relevant saved policies of the adopted City of Norwich Replacement Local Plan 2004

NE9 - Comprehensive landscaping scheme and tree planting
HBE3 – Archaeology assessment in Area of Main Archaeological Interest
HBE8 - Development in Conservation Areas
HBE9 – Development affecting Listed Buildings
HBE12 - High quality of design in new developments
EP16 - Water conservation and sustainable drainage systems
EP18 - High standard of energy efficiency in new developments
EP22 - High standard of amenity for residential occupiers
TVA1 – Proposals for new visitor attractions - access
TVA4 – Proposals for visitor attractions with priority areas and sequential approach
EMP3 – Protection of small business units and land reserved for their development
TRA3 – Modal shift measures in support of NATS
TRA5 - Approach to design for vehicle movement and special needs
TRA6 - Parking standards - maxima
TRA7 - Cycle parking standards
TRA8 - Servicing provision
TRA12 – Travel Plans for employers and organisations in the city

Supplementary Planning Documents and Guidance

City Centre Conservation Area Appraisal (September 2007)

Other Material Considerations

Emerging DM Policies (submitted for examination):

The Joint Core Strategy and Replacement Local Plan (RLP) have been adopted since the introduction of the Planning and Compulsory Purchase Act in 2004. With regard to paragraphs 211 and 215-216 of the National Planning Policy Framework (NPPF), both sets of policies have been subjected to a test of compliance with the NPPF. Both the 2011 JCS policies and the 2004 RLP policies above are considered to be compliant with the NPPF. The Council has now submitted the emerging Local Plan policies for examination and considers most of these to be wholly consistent with the NPPF. Weight must be given to the emerging Local Plan and relevant policies are listed below for context although none change the thrust of the current Local Plan policies discussed in the main body of this report:

DM1 Achieving and delivering sustainable development

DM2* Ensuring satisfactory living and working conditions

DM3* Delivering high quality design

DM9 Safeguarding Norwich's heritage

DM17 Supporting small business

DM28* Encouraging sustainable travel

DM30* Access and highway safety

DM31* Car parking and servicing

* These policies are currently subject to objections or issues being raised at pre-submission stage and so only minimal weight can be applied in particular instances. However, the main thrust of ensuring adequate design and amenity is held in place through the relevant Local Plan policies listed above.

Principle of Development

Policy Considerations

15. In its primary spatial planning objectives the Joint Core Strategy seeks to promote culture as an aid to developing the economy, stimulating further regeneration and increasing sustainable tourism. Norwich is identified as the 'cultural capital' of East Anglia and this role is sought to be enhanced by the proposed development.
16. Joint Core Strategy policy 5 seeks expansion of, and access to, further and higher education provision and policy 8 promotes development for new or improved facilities that support the arts as well as development that provides for local cultural and leisure activities. The proposed conversion would go some way in realising these objectives.
17. The NCW establishes a partnership between Writers' Centre Norwich and the University of East Anglia (UEA). The proposed educational/leisure offer of the NCW and partnership with the University are considered likely to chime positively with the aforementioned policy objectives of the Joint Core Strategy.
18. The City of Norwich Replacement Local Plan 2004 encourages the development of additional visitor attractions provided that regard is had for traffic and environmental considerations. Gladstone House is located within the Civic Centre of the City, which is identified as an appropriate location for new visitor attractions under saved policy TVA4 of the Local Plan.
19. Policy 5 of the Joint Core Strategy, saved policy EMP3 of the Local Plan and policy DM17 of the emerging Development Management Plan seek to retain a suitable supply of smaller employment sites across the City and saved policy EMP3 specifies that development proposals involving the loss of office space will only be permitted where the developer can demonstrate that there is no evidence of a demand for small office units in the Norwich area which would justify the retention of the land/premises for that purpose.
20. The 'report on potential and demand for office use' indicates that Gladstone House is not recognised as ideally suited for office use due to its arrangement, specification and lack of parking. The 'Roche' report identifies that an extensive supply of vacant office space exists in the vicinity of the application site, offering a wide choice for potential occupiers across a range of sizes and locations. The existing offices at Gladstone House are not fully occupied and the proposed use will generate employment at the site, whilst having a minimal impact upon the supply of office space in the surrounding area. For the associated public benefits of the proposal, the site is considered optimal in terms of offering a sustainable and accessible location.
21. The loss of the office space is therefore considered justified in accordance with policy 5 of the JCS, EMP3 of the adopted Local Plan and policy DM17 of the emerging Development Management Plan, which can be ascribed significant weight in the absence of objections at pre-submission stage.

Impact on Living Conditions

Noise and Disturbance

22. Immediately to the south of the site are houses within the Old Barley Market. The rear gardens of a row of terraces within the Old Barley Market border the application site and at their closest, have rear faces located approximately 4.2 metres from the rear face of the

proposed garden auditorium. Given the sensitivity of nearby uses therefore, it is essential that the potential for noise spillage from the Writers' Centre is adequately mitigated against.

23. Whilst noise disturbance from the site as whole has been considered, the most likely sources of noise that could affect the surrounding environment have been identified as the garden auditorium, the courtyard space, the café and the basement bar. These areas are located adjacent to the Old Barley Market and have greater potential for activities that may result in noise disturbance.
24. The garden auditorium will be able to hold up to a hundred people and will provide a main events space for the NCW. The auditorium will feature an acoustically tuned ceiling and incorporate a PA system and ventilation system located in the undercroft. Condition 4 (full app) is proposed to require detail of any sound amplification to be submitted to the local planning authority prior to installation allow the sound level to be set appropriately. This will consequently limit the nature of activities that will be able to take place within the auditorium. In addition, the Management Plan states that after 21:00 hours, the side passageway shall be for disabled egress only with the exit point otherwise provided from the front entrance door facing St Giles Street. This will help reduce disturbance to neighbouring properties following evening events.
25. Conditions 5-8 (full app) are proposed to ensure no use of any ventilation and plant and machinery to be used until detail has been submitted to the local planning authority for approval. This will enable the specification, location of flues, sound enclosing insulation and anti-vibration mountings to be controlled by the Council's Environmental Protection Officers to ensure that there are no implications for the amenity of neighbouring properties.
26. The public entrance point to the site is to be provided from the side passageway running along the east boundary of the site and the courtyard will be the first area that people enter. The courtyard area will also provide seating and tables and is likely to serve as an area where people congregate before and after events in the auditorium. The potential for noise disturbance from people talking is most apparent from this area of the site. The noise report submitted with the application identified that the auditorium building will by its very physical presence provide a screen that will help reduce lower the levels of noise and intelligibility of voices to the nearby houses located to the south. Even so, the opportunity for noise disturbance from activities in the courtyard is still likely to significant and it will therefore be necessary to control the activities taking place on site.
27. Opening hours will be restricted so that the NCW shall not be open to the public, trading, nor have members of the public, as guests on the premises after 22:30 hours and before 07:00 hours on any day. The applicant has also set out a management plan that involves removing seating from the courtyard area by 22:00 hours and an hour before the commencement of an event in the auditorium. This is likely to discourage people from lingering in the courtyard area. Indoor areas will always be open for people to wait in prior to an event in the auditorium, doors and windows to the courtyard will be closed during events and there will be no amplified music or performances allowed in the courtyard area. It is considered that with appropriate use of conditions the potential for noise disturbance emanating from the courtyard area can be satisfactorily limited.
28. The café is to be located at the south-west ground floor room of Gladstone house and on the ground floor of the annexe, which will be re-opened to connect to the main building. The café will also incorporate a small shop/reception and this should be regarded as the most publically accessible aspect of the scheme. Compliance with opening hour

restrictions and controls on amplified sound equipment will ensure no noise disturbance to adjacent dwellings.

29. In discussions with the applicant it has become apparent that the intention is for the basement bar to remain a private area restricted to members or people affiliated with the Writers' Centre. In any case, noise egress from the basement area has not been identified as an issue of concern within the noise impact assessment. Natural ventilation is provided through ground floor windows and as with the areas forming the application, opening hours would be restricted to no later than 22:30 hours and no audio equipment shall be used without details first being authorised by the local planning authority.
30. As part of the management plan the applicant also proposes to restrict numbers on the site to no more than 140 at any one time. Limiting numbers on site will further reduce the potential for noise disturbance to the surrounding environment. Potential for noise and odour nuisance from the sanitary block is not considered a significant matter and will also have to meet Building Regulations standards.
31. The management plan also includes a series of servicing measures that will be employed in order to prevent disturbance to residents at the Old Barley Market. Bins will have rubber wheels, will be removed for collection via the garden and not via the emergency exit behind the garden auditorium and no bottle recycling will take place between 18:00-09:00 hours on any day. Delivery and collection hours will also be restricted by condition.
32. The writers in residence will have a swipe card to enter the main building and will not therefore need to use the fire escapes to enter and exit the apartments unless in case of emergency. Writers in residence who use wheelchairs would access the main building through the courtyard. In avoiding use of the fire escape, the noise disturbance to the neighbouring properties at the rear will be minimised.
33. The ancillary shop will be subject to the same opening hour restrictions as the premises as a whole.
34. It is proposed that a condition be imposed upon any planning permission to require full compliance with the management plan in order to enable numbers to be controlled on site as well as minimising noise disturbance to neighbouring properties.
35. In order to protect the residential amenity of neighbours in the vicinity of the site it is suggested that an informative be added to restrict building works to between 08:00-18:00 Mondays to Fridays and 09:00 to 13:00 Saturdays with no works on Sundays or public holidays.
36. The proposal includes several elements and the Sui Generis use class is considered appropriate as the NCW will operate as a single entity. The aforementioned matters to be conditioned will adequately limit the activities that can take place on site in the interests of protecting the general amenities of the surrounding area.

Overlooking

37. The proposal includes two writers' in residence apartments to be located at the existing first, and extended second floor of the annexe. The separating distance between the rear faces of the annexe and nearest dwelling at the Old Barley Market is approximately 18 metres. Each apartment features a narrow, horizontal rear facing window, but both are to

be obscure-glazed to remove any potential for overlooking. Windows on the west facing elevation of the annexe will only afford oblique views onto the Old Barley Market and views from the first floor apartment would in any case largely be obscured by the auditorium.

38. The external spiral staircase leading from the rear of both apartments is for fire escape only and at all other times access and egress is provided through the main building. It is proposed that a condition be imposed to ensure use of the spiral staircase is for fire exit only and that the associated landings at each level shall not be used for recreational purposes.

Overshadowing and overbearing effects

39. Such is the orientation of the site and scale of existing development that the erection of the auditorium will have negligible impact upon overshadowing to the rear gardens of Old Barley Market. The roof of the auditorium has been designed to start at a lower pitch closer to the boundary with the Old Barley Market. Overshadowing from the auditorium will not increase beyond that already caused by the existing boundary wall and Gladstone House itself.

Design, Conservation and Impact on Listed Building

Historical context and listed status of Gladstone House:

40. Some of the history of Gladstone House is referred to in paragraphs 2-3. It is Grade II Listed. From 1967 up until now, the premises has been used as offices, which has brought several changes to the building.
41. The property originally formed part of a terraced row of Georgian townhouses but the properties to the east were demolished to make way for the City Hall complex and this led to windows being inserted into the east elevation of the building. Most significantly, the majority of the rear garden of Gladstone House has been lost to the development of the fire station and houses at Old Barley Market. Over two thirds of its length and a greater proportion of area (the garden was wider further away from the house) have been lost in total.
42. The house itself has also been subject to a series of alterations over the years. Most notably, the lower part of the original secondary staircase has previously been removed until its modern replacement in 1990, various room openings have been changed with several partitions added at second floor level, ground and first floor principle rooms have been opened up before being reinstated again in 1990 and a number of original fittings and fixtures have been lost. Despite this, Gladstone House remains impressive and a house still of considerable status, retaining much of its plan form and architectural detailing.
43. The listed building description is very brief but makes reference to some of the architectural detailing in the elevation. The sash windows, cornices, fanlight, rubbed brick arches and central door detailing are mentioned as is the "fine main staircase". It is considered that the remaining features of most significance include the front and rear elevations of the building, the largely retained plan layout of internal rooms and the main central staircase.
44. The proposal involves several elements that will undoubtedly affect the fabric of the listed building and its setting. The NPPF is clear that in assessing the impact of development

upon the significance of a designated heritage asset, “great weight” should be given to the asset’s conservation and that greater weight should be given to assets of greater importance. It also sets out that any harm or loss to a heritage asset should require a clear and convincing justification.

45. The NPPF also differentiates between “less than substantial harm” and “substantial harm to or loss of” designated heritage assets and the acceptability of a development proposal is assessed under different parameters in relation to the level of harm caused to the heritage asset. The level of harm and assessment of this harm is discussed later in this report.

46. The annexe extension and works proposed in the rear garden of Gladstone House will also have an impact upon the setting of the listed building. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that regard should be made to the desirability of preserving the building or its setting or any features of special or architectural interest that it possesses. The NPPF defines the setting of the building as:

“The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.”

This is echoed in the NPPF which requires that local planning authorities should assess the significance of a heritage asset that may be affected by a proposal including by development that affects the setting of a heritage asset. The impact of the proposal upon the setting of the listed building is again discussed later in this report and considerable weight and importance is given to the desirability of preserving the heritage asset and its setting.

47. Saved policy HBE9 of the adopted Local Plan requires that alterations to a listed building be considered in relation to the special architectural/historical interest of the building, the significance of the alteration to the viability of the use of the building and the design of the extension/alteration and its sensitivity to the character of the building.

Impact of the proposal on the listed building itself:

48. To facilitate the conversion of Gladstone House a number of alterations to the fabric are proposed that will have varying degrees of impact upon the character, appearance and significance of the listed heritage asset.

Providing the main entrance from the South and splitting the south external doorway in two with both leaves opening inwards:

49. It is proposed to have the main entrance from the South rather than from the front entrance from St Giles Street although the front entrance will be available for use by members of staff and for the principal egress after evening events. This is regrettable insofar as the main staircase will not be enjoyed upon entering the site and also carries the potential for increased pedestrian traffic along what is a narrow side passageway (discussed in more detail in access section of report).

50. The applicant has made clear an inclusive design has been a key priority for the scheme. Level access is enabled at the South entrance to the site and similar provision would not be possible from St Giles Street such is the stepped level of Gladstone House and limited

width of the pavement. The opportunity for having a dual entrance to the site available to the public from both rear and front was discussed with the applicant, but was discounted on the ground that in doing so would effectively relegate disabled users to access the site from the rear, thus disaggregating them from other users.

51. It is understood that staff occupying the existing offices prefer to utilise the rear entrance rather than the St Giles entrance and this access arrangement will largely remain the same, albeit with a greater number of people likely to be visiting the site. Having the principal access from the rear is not therefore considered harmful to the listed building.
52. The existing rear door will be retained but will be split in two and reconfigured to open inwards. This is a response to pre-application advice to not have an outward opening door which would be more susceptible to weather exposure and deterioration. Details of the door will be conditioned to ensure the appearance and finishing is of an acceptable standard.

Insertion of a platform lift in place of the secondary stairwell and installation of disabled toilets adjacent to the lift at each level:

53. The secondary staircase is not entirely original with the ground to first floor having been removed in 1890 to make way for a bar associated with Gladstone Club and which was only reinstated during the considerable programme of works undertaken for the offices in 1990, which also involved the installation of a disabled toilet at ground floor level. However, the removal of some of staircase will harm original fabric of the listed building and remove an illustration of the social history and status of the building. The Heritage Impact Assessment (HIA) states that the staircase is not a good design example, but recognises a level of harm to the building that should require justification.
54. The platform lift and disabled toilets will make disabled provision and access possible across all floors. The applicant asserts that the lift is necessary to keep with the principles of inclusive access and that the funders and users of the NCW would not accept the absence of a lift.
55. It is accepted that the lift will disrupt the original fabric of the building and that the disabled WC will intrude into one of the principal rooms on each floor. However, the rooms that the toilets will intrude into do not appear to retain their original proportions and layout. This is apparent in both the north-west ground floor and first floor rooms.
56. English Heritage point towards the fact that the proposed WC will encroach into the ground floor north western room and bring a wall closer to the chimney breast, but this room does not retain its original proportions following the removal of the bar and replacement with secondary staircase in 1990, when a wall was built across the room. The change in original room proportions are also apparent in the corresponding first floor room, which is understood to have previously been converted to toilets in 1990 before reverting back to a single room in the late 1990s. It is therefore considered that the rooms affected by the installation of the platform lift and toilets are the least significant of the principal rooms at first and second floor level respectively and that the installation of the lift is justified in terms of balancing the aforementioned disruption to the listed building with the public benefit of providing inclusive access throughout the building.

Openings are proposed in the spine wall between the east rooms in the ground and first floors, widening of the opening at basement level and potentially raising the height if the

basement door if the levelling of the floor means that headroom must be recovered:

57. The HIA indicates that both the ground and first floor eastern rooms have previously had openings formed between them before being closed up in 1990. The re-opening of these principal rooms will therefore affect what is essentially modern fabric and this element of the proposal is not therefore considered objectionable or harmful to the original fabric of the building. Tri-fold doors are proposed to be installed between the openings and details would be conditioned accordingly.
58. The basement area is of far lesser significance to the upper floors of Gladstone House and the proposed alterations are minimal. The floor appears to have already undergone some modification in places and its levelling will have no discernible impact upon the character or significance of the listed building. The opening between the eastern basement rooms already exists, but will be widened as part of the proposals. The height of basement doors will only need to be increased if the levelling of the floor means that headroom needs to be recovered. It is suggested that a condition be added to require the making good of any works and details of the doors will be required in the event that the height needs to be increased.

The annex will be made accessible from the ground floor south-west room:

59. The small room which currently serves as a cupboard is proposed to be opened up to provide direct communication with the annex, which was previously opened up by the Gladstone Club to connect with the annex before being closed again by the City in 1968 when they acquired the house. The alteration will not therefore result in harm to the original fabric of the listed building and will allow the café to occupy the ground floor of part of both the main building and annex.

The two sash windows to the south-west ground floor room are to be modified to provide doorways to the courtyard:

60. The proposal involves the modification of two original sash windows to provide doorways to the courtyard. The modification will involve removing masonry from the below the windows and installing inward opening timber half-doors below. The removal of the masonry would result in loss to historic fabric and the timber gates would not replicate the existing masonry plinth. When closed however and in terms of appearance in the elevation, both windows will remain unaltered apart from the cills which will be lost. The cills are understood to be replacements of 1990.
61. This element of the proposal will change the appearance of the rear elevation of Gladstone House and will result in harm to the character of the listed building through the loss of original fabric. However, the degree of harm is considered to be reduced by the careful design of the new doors, further detail of which will be conditioned, and the changes that have already taken place to other ground floor windows, which mean that the rear elevation of Gladstone House is already asymmetrical with the cill height of the eastern rear ground floor windows already lower than the two sash windows to be altered.
62. The applicant has argued that the door openings are essential for the safe and free movement of people during peak times at the site and that this represents both a public benefit and a key component to the viability of the use that justifies the harm.

Annex alterations and relocation of the tripartite sash window:

63. The red brick annex is much later in construction (19th Century) than the main building. The inside of the annex has undergone a series of alterations and exhibits a modern form internally, which is of little historical merit. The internal alterations will not therefore harm the annex building. The tripartite window is understood to date from the 1950s and will be relocated to the first floor. The annex is not mentioned within the listed description for Gladstone House and the window relocation is not considered to harm the significance of the heritage asset.

Loss of the remnant garden space:

64. The impact of the proposed auditorium is discussed later in the report but the loss of the remnant garden will also have an impact upon the character of the listed building. The large majority of the garden has now been lost to development but the remaining space nevertheless reads as a garden, albeit a small one. The proposed development will result in further loss to the garden and will leave only a small courtyard area, which is likely to be much more urban in form, especially when considering the increased enclosure from the additional storey to the annex. The existing character of Gladstone House will consequently be changed and the loss of the garden can therefore be considered harmful to the listed building. This view is shared by English Heritage.
65. The applicant has set out justification for why the auditorium is needed on site, and thus, why the loss of the remnant garden will be necessary in the Addendum to the Design and Access Statement [received 04 February 2014]. This essentially serves to explain that concentrating facilities on site is likely to be necessary for the viability and successful operation of the NCW.

The design of the auditorium and annex extension:

66. The second floor annex extension will feature a mansard roof, lead clad roof, facing pantiles and matching brickwork on the chimney stack. Although, as already mentioned, the extension will further enclose the courtyard area, the height of the annex will only increase by 1.4 metres and the extent of the enclosure will not therefore be so severe to be regarded as overbearing. Further detail of materials will be conditioned but those indicated on the plans are considered acceptable in principle and will not harm the character of the listed building.
67. The auditorium has been purposefully designed to open up views onto the rear face of Gladstone House as well as concentrating the height of the building away from the houses at the rear in order to minimise residential amenity implications. The auditorium will feature raked seating and will hold approximately 100 people. The garden building is adjoined to a lobby area that connects with the café servery where access is then provided to the emergency fire staircase associated with the writer in residence's flats and toilet/refuse storage area in the south west corner of the site.
68. The auditorium features timber slatted panels at the rear and a green roof with lead edgings. A detailed landscaping scheme will be conditioned and will include detail of the green roof to ensure suitable species and maintenance for its survival. The sides and front of the auditorium will be glazed to allow views onto the rear face of Gladstone House as well as the landscaped areas and lobbies to the side of the building.

69. The auditorium is significant in size, reaching approximately 5.5m at the apex of the roof and the glazed frontage only 6.5m from the rear elevation of Gladstone House. This will undoubtedly change the character of Gladstone House by placing a contemporary piece of architecture so close to the listed building. The impact upon the proposed development upon the setting of the listed building is discussed later in this report but the design of the auditorium itself is considered to be of a high standard and will add interest to the site. In being designed around providing views onto the attractive rear façade of Gladstone House and minimising impact upon neighbouring properties, it is considered that on balance, the auditorium is respectful to its setting. Following pre-application advice, the height of the auditorium has been reduced. The scale, massing and form of the building responds positively to what is a highly constrained and sensitive site and is not considered an overdevelopment of the site. Therefore, whilst the loss of the remnant garden is considered harmful to the character of the listed building, the design of the annex extension and auditorium is considered acceptable and in accordance with saved policies HBE9 and HBE12 of the adopted Local Plan. The impact of the auditorium upon the setting of the listed building is discussed in the following section of the report.

Impact of the proposal on the setting of the Listed Building and character of the Conservation Area:

70. In addition to considering the impact of the development upon the historical interest of the building itself, due regard must also be had to the impact of the proposal upon the setting of the listed building and character of the conservation area and particular, the desirability of preserving the building or its setting or any features of special or architectural interest that it possesses

Setting when viewed from St Giles Street:

71. The building can be appreciated from St Giles Street and contributes to views of both the City Hall Clock Tower and St Giles Church, both of which are identified in the City Centre Conservation Area Appraisal. The proposals do not affect these aspects of the setting and the impact the front elevation has upon the character of the conservation area.

72. The rear elevation of Gladstone House is not visible from St Giles Street and although the garden is visible from glimpsed views, it does not make any positive contribution to the setting of the listed building, the character of the conservation area or the character of the St Giles street scene.

73. The proposed auditorium will be visible from St Giles Street when looking towards St Giles Church from between City Hall and Gladstone House. From this position the auditorium will read as a glazed, lightweight structure, subservient to Gladstone House. It is considered that given the its architectural interest, when viewed from St Giles Street the auditorium may enhance the character of the conservation area and improve views from what is currently a rather bland east elevation of Gladstone House. The glazed frontage of the auditorium will also reflect views of the rear elevation of Gladstone House so may actually enhance the setting of the listed building by improving the capacity to experience the rear elevation from new positions.

Setting when viewed from the side and rear of Gladstone House:

74. Although substantially diminished in its original size, the rear garden permits the ability to see the full rear elevation of Gladstone House as it was originally intended to be viewed. The rear elevation can also be viewed from the rear of some of the properties in the Old

Barley Market, parts of the side passageway linking Bethel Street to St Giles Street and from windows in the rear of the Police Station and City Hall.

75. Standing from the boundary wall with the Old Barley Market, the depth of the garden measures approximately 15m currently, although some of this space is taken up by vegetation at the rear of the garden. The auditorium will leave an open space approximately 6.5m in depth of what will essentially become an urban courtyard rather than a garden. There is no recognition of the importance of this view either in the City Centre Conservation Area Appraisal or in the listing description of the building, but consultee responses suggest three main reasons why the rear garden is important to the setting of Gladstone House, which can be summarised as follows:
- Firstly, the rear garden allows the rear elevation of Gladstone House to be viewed and appreciated;
 - Secondly, the garden was intended to be viewed by occupants from principle upper floor windows;
 - Thirdly, the garden acts as an important remnant of what was once a particularly important aspect of the original property.
76. The ability to view and appreciate the rear elevation is considered the most salient with regards to why the rear garden is important to the setting of the listed building. Views out of the principal upper floor windows are not considered important to the setting of the listed building and this is made more apparent by the fact that it is no longer possible to gain an impression of the former scale of the garden given its considerable loss over the years to development.
77. Views from the remaining courtyard onto the rear elevation will be restricted by virtue of being so close to the building. Private views from the Old Barley Market will also be restricted to part of the first floor and above. From the side passageway it will be necessary to advance beyond the garden building to gain a view of the rear elevation and even then the view will be from a more oblique angle than at present where the opening in the side boundary wall is greater than will be the case following the proposed development. It is clear that the proposed development will alter the way in which the rear elevation of Gladstone House is experienced and enjoyed, but it is not considered that the loss of the garden will remove the ability to view the full rear elevation from ground floor level as suggested by English Heritage.
78. It is clear that the garden auditorium has been designed to exploit views of the rear elevation of Gladstone House through the angle of the roof, glazed frontage and seating layout. The first row of seats is approximately 9.5m from the rear elevation of the main building and from this position a full view of the rear elevation will be possible. The proposed section drawing (ref.121) indicates that a full view of the rear elevation to eaves level will be possible from the front two rows of seats, a view of the majority of the second floor would be possible from the third row with views of the rear elevation becoming more obscured until the back row (sixth) where views are afforded onto the first floor rear elevation and below.
79. The auditorium has been designed to draw particular attention to a feature of the building, the setting of which has been compromised by historic developments and is somewhat underappreciated at present. Certain views of the rear elevation will be restricted and so there will be a degree of harm to the setting of the listed building from the rear, but the ability to experience the rear elevation of Gladstone House will still be possible from within the auditorium building, although to varying degrees depending on seating/standing position. On balance therefore, it is considered that the harm to the setting of the listed

building when viewed from the rear is marginal.

80. Although the contribution that setting makes to the significance of an asset does not depend on there being public rights or ability to access that setting, the proposal will have the effect of improving public access to the rear of the site. The applicant has confirmed that they intend to host heritage open days at the NCW when the auditorium will be open for members of the public to access outside times when events are being held [see email from Mr Chris Gribble dated 01 January 2014]. It is proposed to add a condition requiring a more detailed scheme for how the NCW will enable public access to the auditorium outside of events taking place. This is regarded as a material consideration of the proposal and one that can also be a public benefit in terms of widening the opportunity to experience the heritage asset.

Consideration of the level of harm to the significance of the heritage asset:

81. In considering both the harm of the proposal upon the listed building itself and the impact of the proposal upon the setting of the listed building, it is necessary to evaluate the level of harm to the heritage asset in order to make an assessment against the tests of the NPPF.
82. As already discussed in the report, it is considered that the proposal will result in some degree of harm to the listed building, namely a) the setting of the listed building when viewed from the rear; b) the change to the character of the rear of the property through the loss the area of the remnant garden; c) the internal alterations proposed for the building and d) the external alterations to the rear elevation of the building.
83. It is not considered that any of these elements individually or cumulatively amount to “substantial harm or total loss” to the designated heritage asset, which is clearly distinguished from “less than substantial harm” in the NPPF. With regard to a) the setting of the listed building when viewed from the rear is not mentioned in the City Centre Conservation Area Appraisal and the rear setting has already been considerably adversely affected by previous development. The proposal will also retain the ability to experience the rear elevation and may even be considered to enhance the opportunity to do so through the careful design of the auditorium and public access to the site; b) the rear garden does not add a great deal to the historic significance of the site and is not mentioned in the listing description of Gladstone House and the proposals will re-establish a greater use of the rear of the site in association with the main building; c) the internal alterations do not have a significant impact upon any element of the building that are included within the listing description and harm to the proportion of rooms is limited to those principal rooms of lesser importance and d) the harm from the external alterations to the rear elevation are reduced by the careful design of the new doors, details of which will be conditioned, and the changes that have already taken place to other ground floor windows. The rear two sash windows themselves will also be retained with only the cills, which are understood to be 1990 replacements, and masonry below being lost.
84. It is therefore considered that the proposed works would amount to “less than substantial harm” to the designated heritage asset, and this view is shared by English Heritage.
85. It should be noted though that just because it is concluded that the degree of harm can be described as “less than substantial” does not mean that this degree of harm amounts to a less than substantial objection to the grant of planning permission. Both the NPPF and recent court decision ruling (BARNWELL MANOR WIND ENERGY LTD v (1) EAST NORTHAMPTONSHIRE DISTRICT COUNCIL (2) ENGLISH HERITAGE (3) NATIONAL

TRUST (4) SECRETARY OF STATE FOR COMMUNITIES & LOCAL GOVERNMENT (2014) have been clear on this point. Paragraph 132 of the NPPF requires, as heritage assets are irreplaceable, any harm or loss to require “clear and convincing justification”. Considerable importance and weight should be attached to the desirability of preserving the character and setting of the listed building when carrying out the balancing exercise.

86. The proposed writers’ centre may be regarded as benefitting the public in terms of establishing a cultural/educational use with associated public facilities including the café.
87. Par.134 of the NPPF requires that where “less than substantial harm” is proposed, this should be weighed against the public benefits of the proposal including securing the optimal viable use of the heritage asset. National Planning Practice Guidance states the optimum viable use as the one that causes least harm to the significance of the heritage asset, not just through initial changes but also with regard to future wear and tear and additional changes. The use should be viable for the future conservation of the heritage asset.
88. In consideration of the “less than substantial” harm being made to the heritage asset and justification for the alterations in terms of their role in delivering the public benefits of the proposal, it is considered that the conversion to the NCW will represent an optimal viable use. The proposal utilises all areas of the building and will restore original room layouts and features. The proposal will also involve refurbishing the inside of the annex, which is currently in some state of neglect. Many areas of the site that are underused will be brought back into use and this will benefit the longer term conservation of the building as a whole. It is difficult to envisage such a high level of investment would be supported for many other uses in the current market that would be acceptable in planning terms. The Roche ‘report on potential and demand for office use’ would further support this position insofar that it identifies that Gladstone House is not ideal for office use because of its specification, arrangement and lack of parking. The proposal would also facilitate public access to the listed building and make greater use of what is currently underused garden space. This would accord with par.137 of the NPPF in terms of taking advantage of opportunities to better reveal or enhance the significance of heritage assets.
89. On balance it is considered that notwithstanding the considerable importance attached to preserving the character and setting of the listed building that sufficient justification has been provided in this instance bearing in mind the overall scale of harm to the listed building, its significance, the carefully considered design proposed and the public benefits associated with the use.

Transport and Access

Transport, Access and Servicing Assessment

90. In principle the proposal is for the NCW is acceptable in this city centre location. The site has no car parking and this encourages the use of existing parking provision in the surrounding area as well as sustainable transport modes. It is easily accessible by public transport, being located a brief walk from many bus stops serving the wider area and is also located in walking/cycling distance from the main train station. The site is well served by public car parking facilities with St Giles car park located directly opposite the site and St Andrews car park nearby.
91. St Giles Street currently features a dropped kerb adjacent to the vehicular entrance to the Police Station.

92. The Transport Statement submitted with the application summarises that the demands arising from the proposed development will not have a significantly adverse impact upon the surrounding transport network and that the proposal fully supports the Government's adopted policy objective to promote travel by sustainable forms of transport.
93. The development does propose primary access from the rear of the building which will be provided from the narrow side passageway connecting Bethel Street with St Giles Street, which is land owned by Norwich City Council. The side passageway will serve as primary access to the multi-functional property although staff will have access to the front entrance. This arrangement is much the same as existing and is understood that staff currently occupying the offices at Gladstone House enter the site from the rear rather than from the St Giles Street front entrance.
94. Whilst the management plan seeks to restrict numbers on site to no more than 140 at any one time, the number of people using the site will potentially be far greater than at present, especially during event times. It is therefore likely that congestion along the side passageway will be more of an issue than at present. The passageway is 80cm in width at its narrowest point and generally 95cm for most of its length. The side passageway therefore offers a 'single file route'. It is not possible to widen the route.
95. However, whilst the arrangements are less than ideal, it is difficult to envisage how the access arrangements of the passageway could be improved. Beyond the passageway to the east is a drop down where the ramped vehicular access to the Police station is located. It would not therefore be possible to widen the passageway at this point. The option of modifying and setting back the boundary wall has also been explored which could provide a 'passing point' for pedestrians. However, such work would have a detrimental impact upon the character of the listed building and would further reduce the remaining garden space at the site. It would also not fully solve the issue of congestion.
96. The width of the side passageway would not satisfy the DfT Inclusive Mobility standard of one metre, but wheelchair access is possible to the site as tested by the applicant and as experienced during the site visit undertaken during the assessment of the application. The proposal significantly improves disabled access within the building and the widening of the side entrance will improve wheelchair access from the side passageway to a minor degree.
97. Assessment of public safety risk would be a matter considered under Building Regulations. Norfolk Fire and Rescue Service have raised no objections to the proposal.
98. Any lighting of the passageway would fall under the lighting scheme which would be required by condition.
99. Gladstone House is serviced via St Giles Street, a one way street with on-street loading and pay and display car parking bays. The NCW would be subject to the existing peak hour loading ban adjacent to Gladstone House. The applicant will be advised by way of an informative that the vehicle access to the Police lower ground car park shall not be used for purposes of loading.
100. Existing cycle parking facilities in the surrounding area are already nearing full capacity during weekday daytimes although there is under use in the evening. The Council's Highways Officer has assessed the application for the level of cycle provision required for the conversion. Such is the limited amount of space at the rear of the building that it has

not been possible to provide on-site cycle parking provision for staff and visitors. On the basis of the proposed use and anticipated maximum users on site, it is suggested that a minimum of 10 cycle stands be provided off-site. Cycle provision will be secured by way of a Grampian Condition requiring that there be no occupation of the proposed NCW until 10 new cycle stands have been provided off-site in the near vicinity.

101. Refuse storage has been proposed at the rear of the site and the Management Plan indicates that collection will be arranged by a private contractor who will have access to the site before being returned to their positions after they have been emptied. Although wheeling the bins along the side passageway is not ideal, there is no other viable solution. Returning the wheelie bins to the rear courtyard area will prevent the possibility of obstruction on St Giles Street and will also prevent obstruction of the Police car park entrance.
102. The Council's Highways Officer has confirmed their satisfaction with the Travel Plan and it is suggested that a condition be added to require compliance with the Travel Information Plan in the interests of publicising and promoting sustainable travel to and from the site.
103. Subject to conditions therefore, it is considered that the transport and highways implications of the proposal are acceptable with regard to saved policies TRA3, TRA5, TRA6, TRA7, TRA8 and TRA12 of the adopted Local Plan.

Environmental Issues

Archaeology

104. The site is located within an area of Main Archaeological Interest and the proposed works will involve elements of ground disturbance, especially with regard to the erection of the garden auditorium. The Council's archaeology advisor has raised no objections to the scheme subject to the imposition of conditions requiring compliance with a written scheme of investigation and potentially reporting and archiving of results if archaeological remains are uncovered. It is also suggested that photographic survey be conditioned to add to the Historic Environment Record (HER).

Energy Efficiency and Renewable Energy

105. Policy 3 of the JCS requires that development proposals involving over 1000 sq.meters of non-residential floorspace include sources of renewable energy or low carbon energy, providing at least 10% of the scheme's expected energy requirements. The opportunity for providing such sources of on-site renewable energy are heavily constrained by the significance of the heritage asset and desire to avoid harm to the listed building. The applicant has set out a series of measures in the Design and Access Statement that are intended to improve the energy efficiency of the building, including low energy lighting, improved insulation and water saving sanitary fittings and appliances.
106. It is proposed to install photovoltaic panels to the south facing slope of the north-most dual pitched roof on the main building, where they will be almost entirely obscured from view by the roof in front and behind and where the maximum amount of solar radiation will be captured. It is proposed that a condition be added to any permission requiring a scheme for the PV panels to be submitted to the local planning authority for approval to ensure that the panels are acceptable in design, location and specification. It is highly unlikely that the PV panels will satisfy the 10% requirement, but it is considered that the applicant has taken every available measure to provide renewable energy on site.

Sustainable Construction

107. The applicant has indicated that construction materials will be locally and sustainably sourced.

Water Conservation

108. The applicant has indicated that water saving sanitary appliances and taps will be fitted in order to promote water efficiency. Green water recycling will be incorporated in the form of water butts for garden use.

Lighting and CCTV

109. The applicant has indicated the intention to install external lighting at the site although further detail is not provided. Planning consent would be conditioned to require a detailed lighting scheme to be submitted to the local planning authority for approval. It is also apparent that during the consultation undertaken by the applicant, the issue of CCTV was raised by an interested party. The applicant has responded that CCTV will form part of a later design stage. Norfolk Constabulary have not highlighted any need for the NCW to provide CCTV and state that the proposal will improve security at the site by creating a more secure boundary and providing natural surveillance through the wrier in residence's apartments. It is not therefore deemed necessary to impose a condition requiring CCTV installation but any such installation would require a separate planning application to be submitted at a future date, which would be assessed on design grounds.

Trees and Landscaping

Loss of Trees or Impact on Trees

110. The proposal involves the removal of two Leylandi trees in the rear garden to make way for the auditorium. Following discussions with the Council's Tree Protection Officer it has been determined that the loss of the trees can be mitigated for by the replanting of a street tree in the surrounding area. A Grampian Condition will be added to require a scheme to be agreed and replacement tree to be replanted within 12 months of the implementation of the proposal.

111. There are not considered to be any trees or hedges in the rear gardens of the adjacent properties that will either influence the development or form an important part of the local landscape.

Landscaping

112. Whilst the loss of the garden and green space is regrettable, the quality of the existing garden and planting is low and the area is underused. Plans show that the site will be planted in areas to side and front of the auditorium as well as the auditorium being fitted with a green sedum roof. It is suggested that a condition be imposed upon planning consent requiring a detailed landscaping scheme for both soft and hard landscaping to be submitted to the local planning authority for approval. The scheme would also include detail on the green roof in order to ensure appropriate species and maintenance for its survival.

Ecology

113. There is a small possibility that bats may be roosting in the roof of the annex to be demolished. If bats were discovered during works then the applicant would be required by cease works and seek advice from Natural England before any further works could commence. In order to avoid disturbance to birds that may be roosting in the trees on site, any felling should be undertaken between October and early March. An informative will be added to remind the applicant if the need to address both of these matters.

Local Finance Considerations

114. The new build floorspace created in this proposal is liable for the Community Infrastructure Levy (CIL) by virtue of the floorspace of the new build elements of the scheme exceeding 100 sq. metres. However, the Sui Generis use of the auditorium is more akin to a D1 use for which the CIL charge is set at £0. The floorspace of the annex extension would not exceed 100 sq. metres. Therefore the proposal will not be required to contribute a CIL charge.

Other

115. Under the management plan smoking will not be permitted within the site or on the narrow side passageway. Smoking would therefore have to take place in the surrounding area. This is not ideal and in very extreme cases where considerable people desired to smoke at the same time, could lead to obstruction on St Giles Street. However, such a scenario is not considered likely to occur with any frequency that could establish a significant issue of concern. Preventing smokers from using the site would also be beneficial in terms of minimising an additional source of disturbance to neighbouring properties.

116. The applicant has indicated that the writers in residence apartments are only to be used by writers visiting the NCW. It is suggested that a condition be imposed preventing the apartments from being sold or leased as separate units of living accommodation and limiting the occupancy to persons linked to the operation of the NCW. This is because the apartments have not been assessed by the normal standards expected for a dwelling house. For example, the apartments provide no external amenity space.

117. Several objectors have questioned the extent to which the applicant has consulted with the public contrary to that declared by the applicant. This has not been investigated but it is considered that the Council's own consultation process has allowed for adequate opportunities for public comment.

118. The rear boundary wall between the application site and Old Barley Market remains unaltered, although excavation works would be taking place near to the foundation level of the wall. The Party Wall Act may be relevant here but is separate to planning permission and does not form a material consideration in the assessment of this application.

119. An objector has raised the possibility of the proposal having a negative impact upon the value of properties located to the rear of the site. This is not a material planning consideration.

120. The financing of the project is not a material planning consideration.

Conclusions

121. In arriving at the recommendation for approval of the application for conversion of Gladstone House to a National Writers' Centre, a finely balanced assessment of the particulars of the application has been undertaken. The principle of the conversion is considered to be acceptable with notable benefits in terms of strengthening the cultural status of Norwich and promoting development that supports the arts and educational provision. A wide and high quality provision of vacant office space has been demonstrated to exist in the surrounding area to justify the loss of the office space in this particular location.

Whilst the proposal carries implications for the amenity of surrounding properties, the design of the scheme and imposition of conditions are considered to adequately mitigate against any significant impacts of noise and disturbance

Considerable weight and importance has been given to the desirability of preserving the heritage asset and its setting. The proposal will result in a certain degree of harm to the listed building and will also affect the setting of the designated heritage asset. This harm is considered to amount to “less than substantial harm”, which is a view shared by English Heritage. However, even this level of harm should not be regarded lightly – clear and convincing justification is required and considerable weight should be attached in the balancing exercise to the desirability of preserving the heritage asset and its setting. In this instance it is considered that the applicant has set out sufficient justification for the proposed alterations and although the setting of the listed building from the rear will be compromised, the ability to experience the rear elevation of Gladstone House will not be lost, with views of the entire elevation still possible from certain positions within the auditorium. In opening up public access to the rear garden, the opportunity to experience the heritage asset is likely to be enhanced.

The application will benefit the public in terms of opening access to the listed building, improving access within the listed building and providing a prestigious cultural/educational facility in a highly accessible location within the City Centre. The proposal will also utilise all areas of Gladstone House as well as bringing life to what is a much underused garden space at present. In the current economic climate it is difficult to envisage a similar level of investment being proposed for many other planning uses in this location that might be considered acceptable. With the “less than substantial harm” to the listed building considered to be adequately justified by the applicant and the investment and use of the heritage asset that is being proposed, the conversion of Gladstone House to the NCW is considered to constitute an optimal viable use and is likely to secure the long-term use of the building. It is considered that sufficient justification has been provided for the “less than substantial” harm to the listed building and that this harm is necessary in realising the optimum viable use.

Access to the site is not ideal but is considered workable. The scheme is car free and located in a highly accessible location in the City Centre. The proposal is commendable in promoting inclusive access throughout the site.

The recommendation of approval has had due regard to Sections 1, 4, 7, 10, 11 and 12 of the National Planning Policy Framework (March 2012), Policies 1, 2, 3, 5, 6, 8, 11 and 20 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (2014), saved policies NE9, HBE3, HBE8, HBE9, HBE12, EP16, EP18, EP22, TVA1, TVA4, EMP3, TRA3, TRA5, TRA6, TRA7, TRA8 and TRA12 of the City of Norwich Replacement Local Plan (2004), relevant policies of the Development Management Policies Development Plan Document – Pre submission (April 2013) and all other material considerations.

RECOMMENDATIONS

- (1) To approve application no 13/01296/F, Gladstone House, Upper St Giles, Norwich, and grant planning permission subject to the following conditions:-
1. Standard time limit
 2. Development to be in accordance with plans
 3. No works shall take place on the site in pursuance of this permission until the following details have submitted to and agreed in writing with the local planning authority:
 - (a) details of all external joinery [to include the proposed main and service gates to the garden east wall, the proposed inward opening doors and split cill below 2 No. ground floor rear elevation windows of 28 St Giles Street, and all new external doors] to include depth of reveal, details of heads, sills and lintels, elevations at a scale of not less than 1:20 and horizontal/vertical frame sections (including sections through glazing bars) at not less than 1:2;
 - (b) details of proposed roof lights: round roof lights over proposed outdoor toilets (6 No.); and roof lights over lift shafts (2 No.) which should be flush fitting 'conservation' type roof lights;
 - (c) details of external flues, background and mechanical ventilation, soil/vent pipes and their exits to the open air;
 - (d) large scale details of proposed eaves and verges at a scale not less than 1:20;
 - (e) details of external decoration to render, joinery and metalwork;
 - (f) details and samples of external roofing materials (to inc. lead) including manufacturer, product name and colour;
 - (g) details and samples / sample panels of; brick, bond, pointing style, mortar mix and coping detail for: proposed garden south and east walls; new brickwork to south and west elevations of 'Annexe' building; new elements of brickwork to east wall of 'Annexe' building (inc. rubbing brick flat arch lintels over new 1st floor windows); and brickwork to proposed auditorium building and outdoor toilets & bin store buildings.
 - (h) details of rainwater goods (see informative for further detail)
 - (i) full details of the proposed external spiral staircase to 26 St Giles Street
 - (j) details of proposed Photovoltaic Panels – (to include sections (to show slim profile and flush fitting), roof attachment details, trade literature / images and structural calculations (to show that the historic roof (including any historic timber structural members) is capable of withstanding the proposed load).
 - (k) details of the proposed new garden walls (to east and south boundaries).
 4. No installation of any amplified sound equipment shall take place within the application premises unless details of the maximum noise levels, expressed in dB LAeq (5 minute) and measured at a point 2 metres from any loudspeaker forming part of the amplification system, have first been submitted to and approved in writing by the Local Planning Authority. Thereafter the maximum noise levels from any amplified sound equipment within the premises shall not exceed those approved at any time.
 5. No extract ventilation system shall be installed or erected on the site unless in accordance with a detailed scheme that has been submitted to and approved in writing by the local planning authority. The detailed scheme shall include the position of ventilation flue outlet points and the type of filtration to be installed and used in the premises in pursuance of this permission, together with a schedule of maintenance. No use of the premises as hereby permitted shall take place unless the approved

- scheme has been installed and is operational and thereafter it shall be retained in full accordance with the approved details and the maintenance of the extract ventilation system shall be carried out in accordance with the scheme as agreed.
6. No development shall take place until a scheme specifying the maintenance schedule for the approved extract ventilation or fume extraction system specified in document/ drawing ref. [] has been submitted to and agreed in writing with the Local Planning Authority. Following installation, the maintenance of the system shall be carried out in accordance with the scheme as agreed.
 7. The installation of any plant or machinery on the premises shall be in accordance with a scheme approved by the Council as Local Planning Authority for the reduction, where necessary, of the level of noise and vibration emanating from the premises.
 8. No use of any plant or machinery shall take place on the premises unless it has been adequately enclosed with sound insulating material, and also mounted in such a way which will minimise transmission of structure borne sound, in accordance with a scheme to be first approved in writing by the local planning authority.
 9. No loudspeaker, amplifier, relay or other audio equipment shall be installed or used outside the building.
 10. No use of the premises as the National Centre for Writing unless in full compliance with the approved Management Plan
 11. No use of the premises as the National Centre for Writing shall take place until sound insulation measures have been installed in accordance with a scheme to be submitted to and agreed in writing by the local planning authority and shall be retained as such thereafter. The scheme shall satisfy the standards set out in par.5.1 of Section 5 of the Acoustic Assessment report ref.10872/1 [received 08 August 2013]
 12. No use of the premises as the National Centre for Writing until a scheme for how the NCW will enable public access to the auditorium outside of events has been submitted to and approved in writing by the local planning authority. The auditorium shall thereafter be open to the public in accordance with the approved scheme.
 13. The premises which form the subject of this permission shall not be open to the public, trading, nor have members of the public, as customers or guests on the premises with the exception of overnight guests staying in the two writers in residence apartments, after 22:30 hours and before 07:00 hours on any day.
 14. No trade deliveries or collections including trade waste shall take place between the hours of 19:00hrs and 07:00hrs Monday to Saturday. There shall be no trade deliveries or collections on Sundays or Bank or Public Holidays.
 15. The spiral staircase shall only be used for purposes of emergency exit from the writers in residence apartments and the respective doors leading from the apartments to the staircase landing shall be designed to a standard to be submitted to and approved in writing by the local planning authority prior to installation.
 16. No use of the development hereby approved shall take place until details have been submitted to and agreed in writing by the local planning authority of all external lighting for the site, including any security or other intermittent lighting. Such details shall include specifications for the lighting proposed, its location and position within the site, height and levels of illumination proposed. The details shall also specify that any external lighting includes cowling, or other similar device, to ensure that the lighting only illuminates the site directly. The development shall be carried out in accordance with the details as agreed and retained as such thereafter.
 17. No development shall take place in pursuance of this permission until a detailed landscaping scheme has been submitted to and agreed in writing with the Local Planning Authority (to include both soft and hard landscaping detail)
 18. Scheme to be agreed and replacement tree to be replanted off-site within 12 months of the implementation of the proposal.

19. No development until 10 cycle stands have been provided off-site in accordance with a scheme to be agreed with the local planning authority
20. The Travel Information Plan shall be made available in accordance with the Plan as agreed and, once made available, shall be maintained thereafter in accordance with the agreed details.
21. Archaeology: No development until a written scheme of investigation has been submitted to and agreed in writing by the local planning authority.
22. Archaeology: Demolition/development in accordance with the written scheme of investigation
23. Archaeology: No occupation until site investigation and post investigation assessment completed
24. No development shall take place in pursuance of this permission until exact details for the provision of the renewable energy measures [photovoltaic panels] have been submitted to and agreed in writing by the local planning authority. No occupation of the development shall take place unless the renewable energy measures have been provided in full accordance with the agreed details and thereafter managed and retained.
25. The writers in residence apartments shall not be sold or leased as separate dwelling units

Informatives:

- 1) Vehicle access to Police lower ground car park shall not be used for purposes of loading/unloading
- 2) Loading restrictions adjacent to Gladstone House
- 3) Bins to be purchased by the applicant prior to occupation
- 4) No eligibility for on-street parking permits
- 5) Cycle stands and paving scheme – all costs to be met by applicant
- 6) Street naming and numbering enquiries
- 7) If any bats are discovered, all works should cease and advice be sought from Natural England before re-commencing
- 8) Restricted building working hours
- 9) Any signage must be the subject of an additional application for advertisement consent

(2) To approve application no 12/01297/L and grant listed building consent subject to the following conditions:

1. Standard time limit
2. Development to be in accordance with plans
3. No works shall take place on the site in pursuance of this permission until the following details have submitted to and agreed in writing with the local planning authority:
 - (a) details of all internal joinery [to include proposed bi-fold doors for spine walls, and proposed double doors adjacent to basement staircase], at a scale of not less than 1:20 and horizontal/frame sections at not less than 1:2;
 - (b) details of proposed levelling of basement floor (to produce level access);
 - (c) details of proposed internal service routes and re-wiring;
 - (d) schedule of internal finishes to walls, ceilings and floors;
 - (e) details of proposed alterations to hinging / opening direction of historic doors
 - (f) details of proposed alterations to 1790s splayed plinth course limestone capstones to the plinth of the rear elevation
 - (g) details of any secondary glazing proposed for the sash windows of 28 St Giles Street elevations at a scale of not less than 1:20 and horizontal/vertical frame sections (including sections through glazing bars) at not less than 1:2;

The development shall be carried out in accordance with the detail as approved.

4. The developer shall afford reasonable access to a historic building consultant to allow for a full photographic survey [to include: the 1790 service staircase (all floors of the staircase, associated service corridors with timber panelled walls and historic roof light above); full rear elevation as viewed from end of garden; and detail of 1790s rear ground floor sash windows and limestone plinth detail below - to be converted to sashes with gates below] on site to be carried out before and during the course of works hereby approved. No works shall take place until details of the consultant, the type and manner of access to be provided, the level of survey proposed and the submission and presentation of the survey results have been agreed in writing with the local planning authority and the works shall be carried out in accordance with those details as approved.
5. The demolition of: (a) the 1790 brick work and 1790s splayed plinth course limestone capstones to the plinth of the rear elevation below the rear ground floor sash windows of 28 St Giles Street; (b) the removal of the tripartite sash window from the ground floor east elevation of 26 St Giles Street; (c) the demolition of portions of the spine walls of the basement, ground floor and first floor of 28 St Giles Street; (d) the demolition of part of the basement hallway wall 28 St Giles Street (e) the demolition of the 1790s service stairwell (f) The demolition of any elements of the south and west elevations of 26 St Giles Street, shall be carried out by hand *[by hand-held tools]* only and the works shall provide for the retention and storage for re-use of *[bricks for any 'making-good' the rear elevation brickwork of 28 St Giles Street and east elevation of 26 St Giles Street and the re-use of the tripartite sash window at first floor on east elevation of 26 St Giles Street]*.
6. The demolition hereby permitted shall not take place until a contract for carrying out the works of redevelopment on the site has been made and planning permission granted for the redevelopment for which the contract provides. Evidence of this contract shall be provided to and approved in writing by the local planning authority prior to any demolition being undertaken
7. Any damage caused to the listed buildings (28 & 26 St Giles Street) by the works hereby approved shall be made good in accordance with a scheme first submitted to and agreed in writing by the local planning authority and the making good in accordance with the scheme as agreed shall take place within three months of the approval of the scheme.
8. No works shall take place on the site in pursuance of this consent until a detailed scheme of work outlining the proposed measures of protection for the following features, which shall enable them to remain undisturbed in their existing position and fully protected during the course of the work on the site, has been submitted to and approved in writing by the local planning authority:
 - (a) The 1790 mahogany staircase (ground, first and second floor) and panelled mahogany dado (up to first floor)
 - (b) The 1790 service flight of the main staircase (ground floor to basement)
 - (c) 1790s Timber ceiling joists in basement
 - (d) 1790s splayed plinth course limestone capstones to the plinth of the rear elevation
 - (e) Sash windows and timber shutters,
 - (f) Internal doors, door cases and fan lights
 - (g) External door cases (2 No.)
 - (h) External stone steps to the front porch of 28 St Giles Street
 - (i) Internal stone steps and stone flags within the front vestibule
 - (j) Fireplaces
 - (K) Timber panelling, dados, skirting, ceiling roses and cornices

- (l) Any historic floorboards and or parquet flooring
- (m) historic floor finishes such as pammments, quarry tiles and floor bricks

The development shall be carried out in accordance with the details as approved.

9. No works shall take place on site until a structural engineer's report, setting out the nature of and suggested remedial work to *(a)Install photovoltaic panels on the historic roof structure (b)Remove the historic cast iron structural support pillar adjacent to the foot of the basement stairwell (c)Remove the 1790s service stairwell and install a platform lift and (d)Remove the 1790s masonry from below two of the 1790s ground floor rear sash windows (e)Remove portions of the spine walls at basement, ground floor and first floor (f)remove part of the basement hallway wall to 28 St Giles Street (g)Remove / re-build the south and west walls of the 26 St Giles Street, whilst providing structural support for the historic east elevation of the same building (h)Remove the large tripartite sash window from the ground floor of the east elevation of 26 St Giles Street and install it in the first floor of the same elevation,* is submitted to and agreed in writing by the local planning authority. All works shall be carried out in accordance with the report as agreed.
10. No works to treat or prevent damp, rot or timber infestations shall be undertaken until a specification has been submitted to and agreed in writing with the local planning authority. All works on site shall be carried out in accordance with the specification as agreed.
11. No works to remove paint (or staircase surface finishes) internally or clean the building externally shall take place until:
 - (a) a specification outlining the proposed methodology has been submitted to and agreed in writing by the local planning authority; and
 - (b) a sample area showing the proposed paint removal or level of clean has been agreed in writing with the local planning authority.
 All such works on site shall be in accordance with the details as agreed.
12. No works to repoint the external brickwork or stonework shall take place until:
 - (a)details of the extent of repointing have been submitted to and approved in writing by the local planning authority; and
 - (b) a sample panel of not less than 1 metre square to show the proposed mortar composition and colour and the method of pointing has been prepared on site, inspected and approved in writing by the local planning authority.
 All such works shall be carried out in accordance with the details as agreed.
13. (a) No works shall take place on site until details of any proposed methods of fire protection, sound proofing and insulation for the walls, floors, ceilings and doors, including 1:5 sections through walls and ceilings, 1:20 elevations of doors and 1:2 scale moulding sections have been submitted to and agreed in writing by the local planning authority.
 - (b) All existing original doors shall be retained and where they are required to be upgraded, no such upgrading shall take place until a schedule and specification of works has been submitted to and agreed in writing by the local planning authority.
 - (c)Self-closing mechanisms, if required, shall be of the concealed mortice type.
 - (d) All works of fire protection, sound proofing and insulation shall be carried out in accordance with the details as agreed.

Informatives:

- 1) Double opening 'doors' below ground floor sash windows on rear elevation of No.28 to be inward opening (as annotated on 'Proposed South Elevation' plan and in the Design & Access Statement), not outward opening as shown on 'Proposed Ground Floor' plan).
- 2) Baby Changing Facilities (a wall-mounted hinged table and nappy bin) should be

- provided within a ground floor disabled toilet, as a minimum.
- 3) Any signage (internal or external) would need to be applied for in a separate Listed Building consent and/or Advert consent.
 - 4) Any secondary glazing would need to be applied for in a separate Listed Building consent
 - 5) Historic floor, ceiling and wall finishes on all four floors of 28 St Giles Street should be retained as existing.
 - 6) All new brickwork to 26 St Giles Street to match the brickwork of 28 St Giles Street.
 - 7) Rainwater goods shall be cast iron for 26 & 28 St Giles Street, and cast iron or cast aluminium for the new auditorium building.
 - 8) Fireproofing – Any fireproofing measures would need to be applied for in a separate Listed Building Consent application. The applicant is advised that there may be limitations to what alterations can be made to the listed building in order to achieve this, for instance all historic doors will need to be retained (including the less architecturally ‘sophisticated’, but equally historically interesting and important 1790s two panelled ‘service’ doors on the second floor and any historic doors to the basement).
 - 9) Acoustics - The Acoustics Assessment (17.07.2013) submitted by the applicant mentions a number of potential physical interventions for acoustic attenuation measures for 28 St Giles Street. Any such measures will require a separate Listed Building Consent, as they have not been included in the current application. Any such LBC should include a full Acoustics Survey of the listed house, so that the need for such interventions can be demonstrated.

The applicant should be advised that some of the physical alterations mentioned in the acoustics assessment, already submitted, may not be appropriate for this Listed Building. The advice below (provided by the Conservation & Design Officer on 6.11.13), identifies specific areas of the acoustics assessment that need further investigation in a Full Acoustics Survey and that may not be permissible within 28 St Giles Street, in any future LBC application:

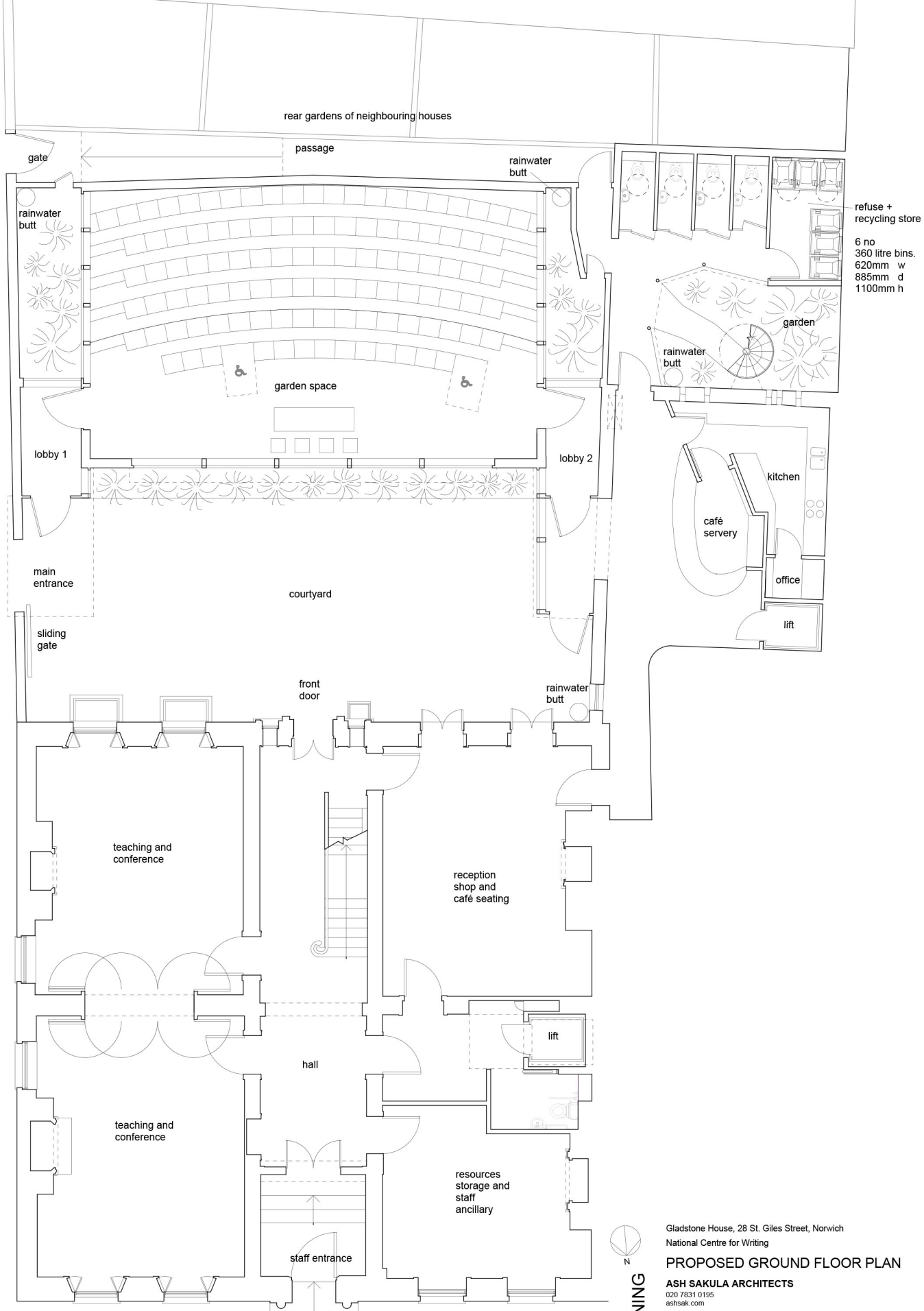
‘Sound Insulation’ requirements identified by the applicant in the acoustics assessment, for which detailed plans and a Full Acoustics Survey would be required, before they could be assessed:

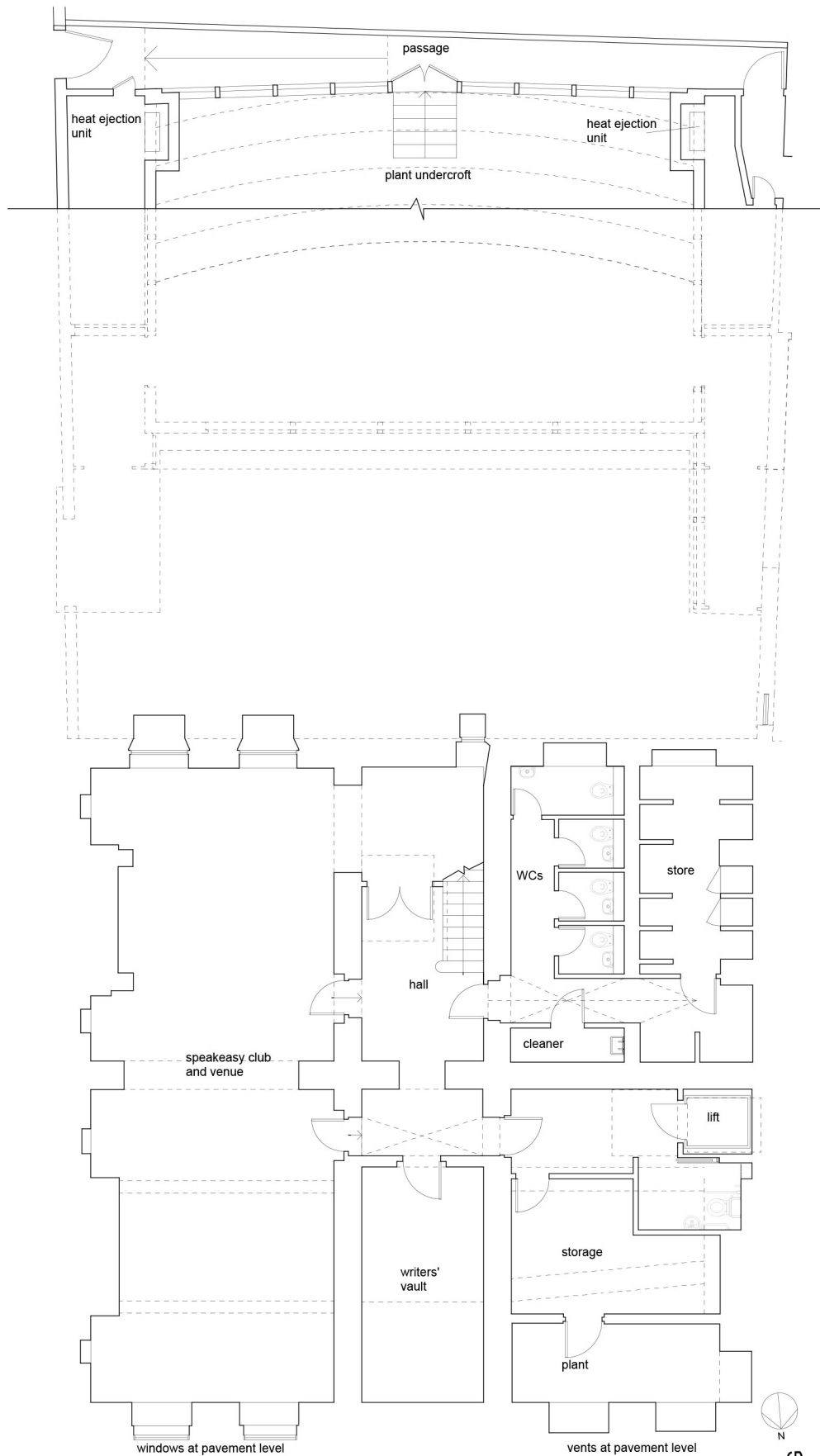
- Non-opening front windows with secondary glazing and mechanical ventilation or acoustically attenuated ventilators – *Limitations – secondary glazing may be possible, but mechanical ventilation may be too damaging to fabric.*
- Floor/ceiling sound insulation – *Limitations - some of the rooms are thought to have parquet flooring, most ceilings have ceiling roses and cornices.*
- Basement wall insulation - *Limitations - vaulted brickwork walls/ceilings, wall mouldings and historic door cases.*
- New solid wooden close-fit doors and seals to seminar rooms, offices and writers spaces – *Limitations – All historic doors must be retained, there may or may not be limited scope for adaptations to upgrade.*

‘Acoustic Absorption’ requirements identified by the applicant in the acoustics assessment, for which detailed plans and a Full Acoustics Survey would be required, before they could be assessed:

- Wall panels, suspended absorbers (from ceilings), sound curtains/drapes on walls – *Limitations – potential damage to interiors and detrimental effect on historic and architectural character of the listed building (especially for suspended absorbers from ceiling).*
- The annexe part of the proposed café is identified as needing ‘significant areas of

acoustically absorbent finishes to control reverberant noise levels' – *There are few constraints in the annexe, but there are limitations to providing the same level of acoustic absorption in the café room within 28 St Giles Street with sash/doors open all the time.*





Gladstone House, 28 St. Giles Street, Norwich
National Centre for Writing

PROPOSED BASEMENT FLOOR

ASH SAKULA ARCHITECTS

020 7831 0195
ashsak.com

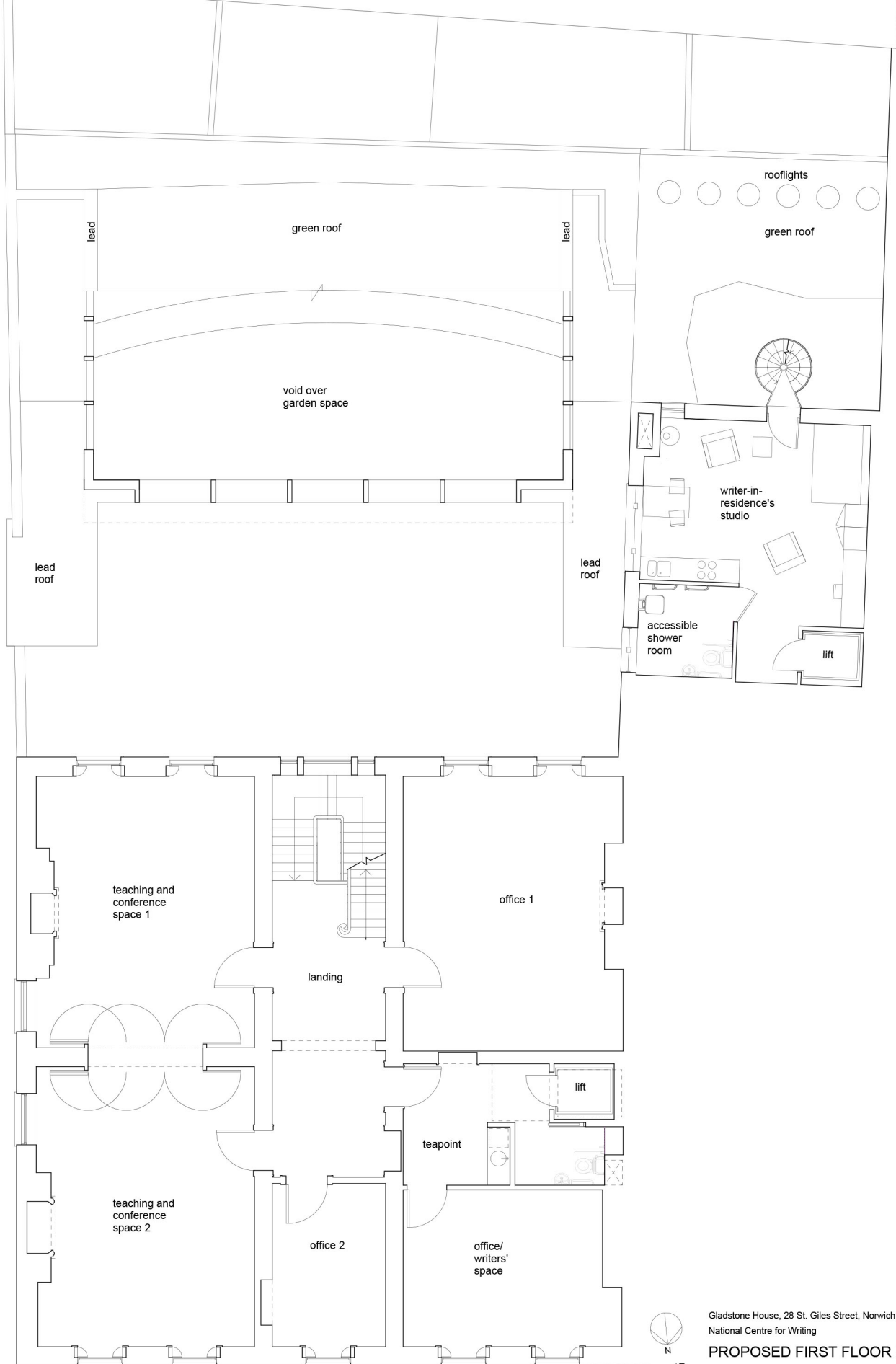
Scale 1/100 @ A3

06 August 2013

WCN

102 /*

PLANNING



Gladstone House, 28 St. Giles Street, Norwich
National Centre for Writing

PROPOSED FIRST FLOOR PLAN

ASH SAKULA ARCHITECTS
020 7831 0195
ashsak.com

Scale 1/100 @ A3

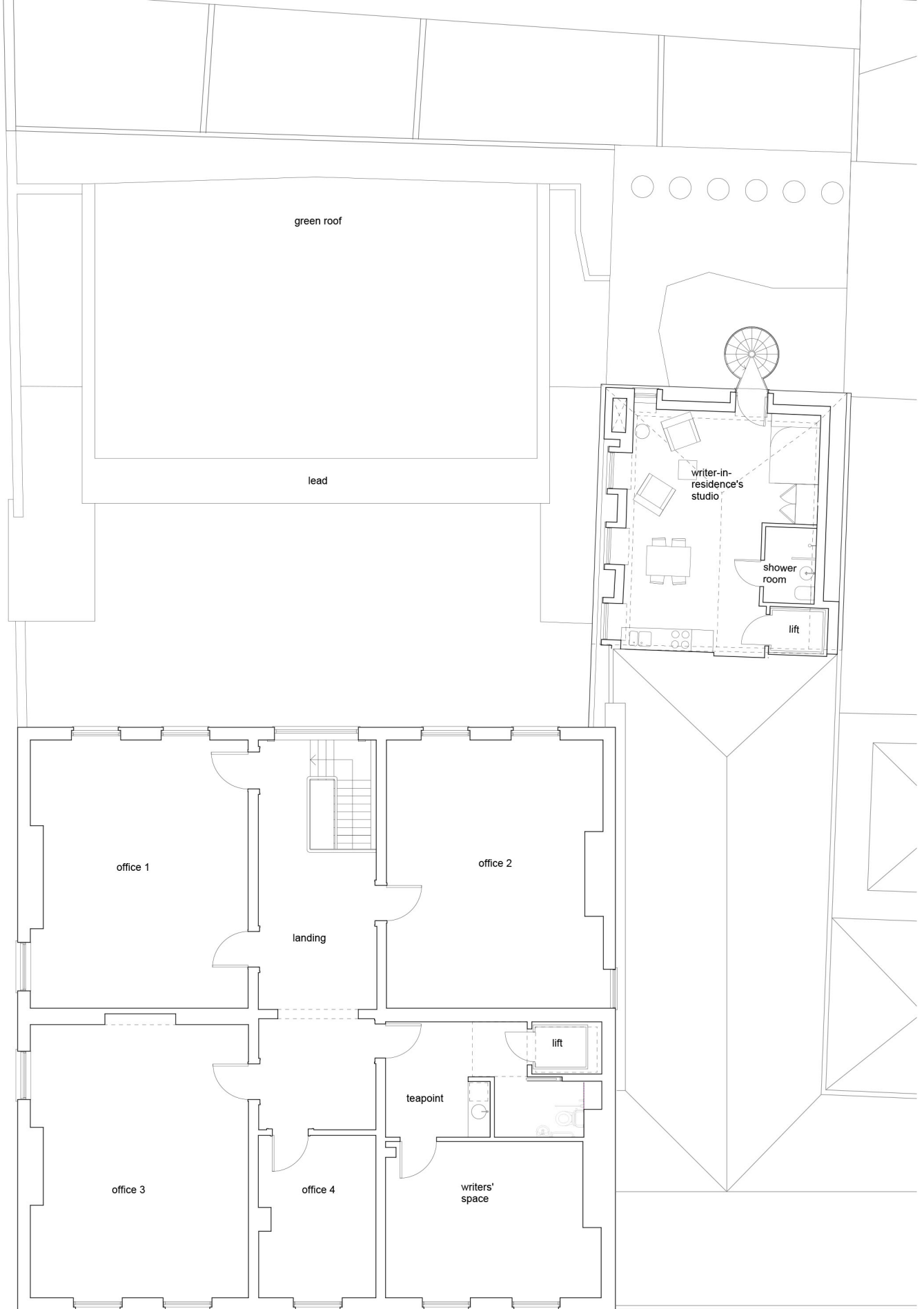
06 August 2013

WCN

103

/*

PLANNING



Gladstone House, 28 St. Giles Street, Norwich
National Centre for Writing

PROPOSED SECOND FLOOR PLAN

ASH SAKULA ARCHITECTS

020 7831 0195

ashsak.com

Scale 1/100 @ A3

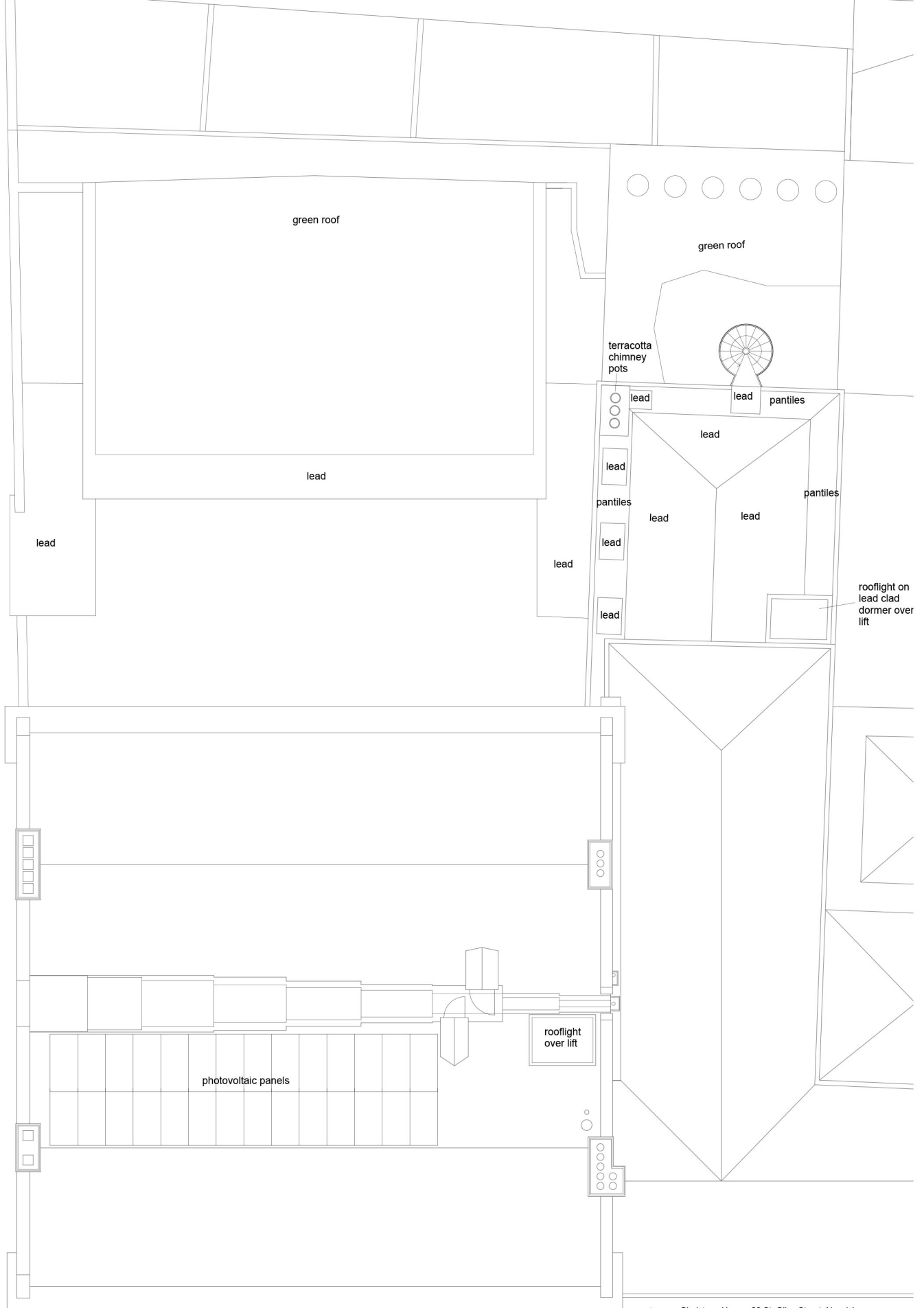
06 August 2013

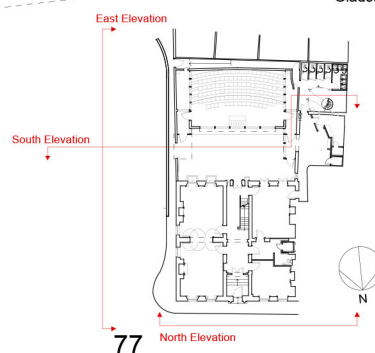
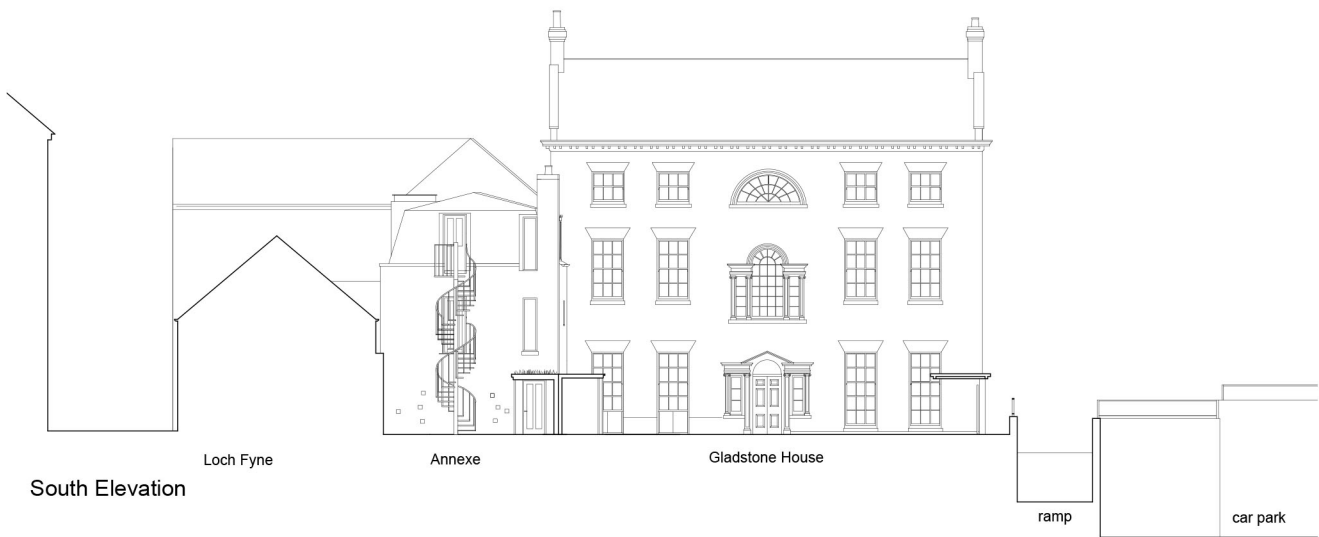
WCN

104

/*

PLANNING





Gladstone House, 28 St. Giles Street, Norwich
National Centre for Writing

PROPOSED CONTEXT ELEVATIONS

ASH SAKULA ARCHITECTS

020 7831 0195

ashsak.com

Scale 1/200 @ A3

06 August 2013

WCN

111

/*

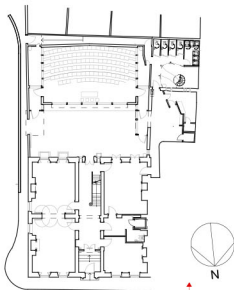
PLANNING

Note
No changes proposed to North Elevation.



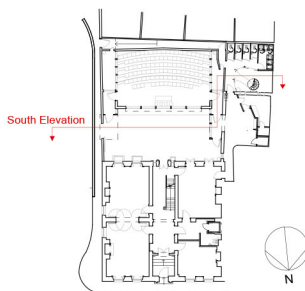
Gladstone House
28 St. Giles Street

Loch Fyne Restaurant
30-32 St. Giles Street



KEY

- 1 Matching brickwork
- 2 Pantiles
- 3 Lead
- 4 Obscured glass fixed light, precast concrete sill
- 5 Obscured glass fixed light in lead clad dormer
- 6 Painted timber batten FR door
- 7 Painted timber half glazed door in lead clad dormer, obscured glass
- 8 Lead clad dormer housing lift, rooflight over
- 9 FR glass brick fixed lights
- 10 Timber fully glazed door
- 11 Green roof supported on painted steel tubular supports
- 12 Glazed lobby, glazed door, lead roof
- 13 Lead roofed entrance, oak sliding gate
- 14 Inward-opening painted timber half doors below retained existing sash window
- 15 Existing single leaf door restored to inward opening double leaf
- 16 Sage green painted metal helix stair



Gladstone House, 28 St. Giles Street, Norwich
National Centre for Writing
PROPOSED SOUTH ELEVATION

ASH SAKULA ARCHITECTS
020 7831 0195
ashsak.com
Scale 1/100 @ A3

06 August 2013

WCN

113 /*

PLANNING

KEY

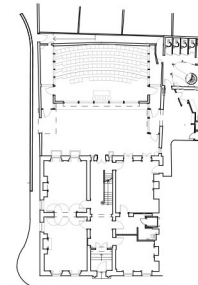
- 1 Matching red brick wall, brick coping
- 2 Naturally finished oak sliding gate
- 3 Lead roofed porch
- 4 Naturally finished oak gate
- 5 Existing brick wall remains unaltered
- 6 Green roof with lead edgings

Note

Side elevation of Gladstone House unaltered.



East Elevation



Gladstone House, 28 St. Giles Street, Norwich
National Centre for Writing

PROPOSED EAST ELEVATION

ASH SAKULA ARCHITECTS
020 7831 0195
ashsak.com

Scale 1/100 @ A3

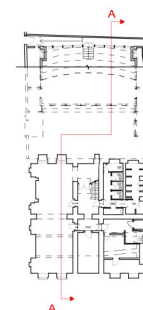
06 August 2013

WCN

114 /*

KEY

- 1 Matching brickwork
- 2 Double glazed white painted casement window in lead-clad dormer
- 3 Lead
- 4 Pantiles
- 5 Existing ground floor window and sill relocated to first floor. Matching rubbed brick flat arch over
- 6 New white painted window in existing opening
- 7 Existing brickwork
- 8 Existing window retained
- 9 Lead roof
- 10 Glazed screen
- 11 Terracotta chimney pots
- 12 Photovoltaic panels
- 13 New openings
- 14 Matching brick garden wall, brick-on-edge coping



Gladstone House, 28 St. Giles Street, Norwich
National Centre for Writing

PROPOSED SECTION AA

ASH SAKULA ARCHITECTS
020 7831 0195
ashsak.com

Scale 1/100 @ A3

06 August 2013

WCN

121

/*

PLANNING

Report to Planning applications committee
Date 6 March 2014
Report of Head of planning services
Subject 13/01636/F Castle Mall Norwich

Item
4(3)

SUMMARY

Description:	Alterations to Castle Mall entrance at Back of The Inns including new design of entrance and alterations to access arrangements (Revised scheme).
Reason for consideration at Committee:	Previously considered at committee
Recommendation:	Grant planning permission
Ward:	Mancroft
Contact Officer:	Mrs Caroline Dodden Planner 01603 212503
Valid Date:	18th October 2013
Applicant:	InfraRed UK Retail Nominee3 Ltd and InfraRed UK Retail Nominees
Agent:	GL Hearn

INTRODUCTION

The Site

Location and Context

1. The Back of the Inns forms part of the Primary City Centre retail area and falls within the St Stephens character area of the City Centre Conservation Area. This area contains the majority of the large department stores within the primary retail area and is therefore a busy pedestrian environment.
2. Completed in 1993, the Castle Mall scheme redeveloped large parts of the city centre, in particular parts of the historic Timberhill and cattle market. Castle Mall was at the time unique for being largely underground, on the site of the outer bailey of Norwich Castle. The scheme won the Silver Jubilee Medal of the Royal Town Planning Institute and the Major Centre Award from the British Council of Shopping Centres.
3. The Back of the Inns entrance, at the junction with White Lion Street, is one of the main entrances to Castle Mall. The City Centre Conservation Appraisal identifies the entrance as having a positive frontage and the clock tower as being a local landmark.
4. The architecture of the entrance is distinctive. A large glazed entrance with decorative glazing bars in a distinct design sits elevated and set back from the brick elevations of the clock tower to the south and the frontage to the north. A series of columns and steps provide access to the Mall with two ramps, one on either side of the entrance. A number of shops both within the Mall, and outside it, face this entrance.

Constraints

5. This is an area with a tight urban feel and an historic street pattern which should be respected in any development proposal.

Topography

6. The access into the Mall slopes down over a series of steps and ramps. A ramped access needs to be retained, and preferably enhanced, in any development proposals.

Relevant Planning History

13/00460/F - Alterations to Castle Mall entrance at Back of The Inns including new shopfront and alterations to access levels. Refused at Planning Applications Committee, 18 June 2013.

13/00499/A - Display of: 1) 1 No. internally illuminated fascia sign; 2) 1 No. fascia incorporating individually pinned internally illuminated letters. Refused at Planning Applications Committee, 18 June 2013.

13/01637/A - Display of 2 No. internally illuminated fascia signs (on north and west elevations of the existing tower). Approved, December 2013.

13/01638/F – Erection of infill extension at unit entrance. Approved, December 2013.

The Proposal

7. The proposal seeks to implement a significant remodelling of the Castle Mall entrance at the Back of the Inns by providing a new contemporary entrance feature and improving access arrangements.
8. The lower floor of the existing glazed entrance would be removed and the central glazed gable would be wrapped in coloured vinyl and over-clad with a faceted aluminium façade with a Norwich textile inspired fret cut pattern. This new façade would have a full height LED wall, which would illuminate it from behind. The height of the proposed central section would be approximately 10 metres and approximately 6 metres wide.
9. The two rear facades would be over clad in powder coated aluminium panels overlaid with a smaller scale textile pattern.
10. The four existing entrance columns would be replaced with internally illuminated columns with stainless steel bases. The entrance steps would be removed and a gradient created with contrasting granite paving. New frameless glass doors are also proposed.
11. The original drawings submitted removed the four high level clocks and two decorative coat of arms from the clock tower. Current details leave the four high level clocks and coat of arms intact. The only proposed change to the clock tower would be the installation of two signs, for which separate advertisement consent has been sought (ref: 13/01637/A).

Representations Received

12. Advertised on site and adjacent and neighbouring properties have been notified in writing of the revised proposal. To date, one letter of representation has been received citing the issues as summarised in the table below.

13.

Issues Raised	Response
Believes that buildings should be allowed to flex, but imaginatively and sympathetically, which is not the case with the proposal.	Paragraphs 23 - 28
The variation respects neither the height nor the scale needed for satisfactory reconciliation between new and old.	Paragraphs 23 - 28
An alternative approach put forward, which keeps the part of the top gable, would not do quite so much damage to the overall composition.	This relates to an informal scheme created by the original architect of Castle Mall that does not form part of the application submission.
The wrapping of the whole centre section is crude and unacceptable, being out of kilter with the existing building and it will look immediately dated.	Paragraphs 23 - 28

Consultation Responses

14. **Transportation:** No objection on transportation grounds. The sloped entrance to the Castle Mall is welcome for disabled access and pedestrian flow especially for evacuation events and decongestion of Back of the Inns.

15. **The Norwich Society:** No revised comments have been received to date. It is noted that the society did not support the previous entrance feature, commenting that applying a folded perforated metal screen to part of the total façade would not respect the scale and materials of the full Castle Mall entrance on this streetscape and that the shape of the entrance feature would clash with the clear statement of the tower as viewed from the Back of the Inns.

16. **Historic Environment Service:** No archaeological implications.

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

National Planning Policy Framework (NPPF):

Statement 1 – Building a strong, competitive economy

Statement 2 – Ensuring the vitality of town centres

Statement 7 – Requiring good design

Statement 12 - Conserving and enhancing the historic environment

Relevant policies of the adopted Joint Core Strategy for Broadland, Norwich and

South Norfolk 2014 (JCS)

Policy 2 – Promoting good design

Policy 5 – The economy

Policy 6 – Access and transportation

Policy 11 – Norwich City Centre

Policy 20 – Implementation

Relevant saved policies of the adopted City of Norwich Replacement Local Plan 2004

HBE3 – Archaeology assessment in Area of Main Archaeological Interest

HBE8 - Development in Conservation Areas

HBE12 - High quality of design in new developments

TRA26 - Design and materials in streetscape

Supplementary Planning Documents and Guidance

City Centre Conservation Area Appraisal, September 2007

Other Material Considerations**Development Management Policies Development Plan Document – Pre-submission****policies (April 2013)**

DM3 Delivering high quality design*

DM9 Safeguarding Norwich's heritage

DM16 Employment and Business development*

DM30 Access and highway safety

* Limited weight may be applied alongside existing development plan depending on circumstances of the case

Written Ministerial Statement: Planning for Growth March 2011

Background

A previous planning application, ref: 13/00460/F, for this Castle Mall entrance included a new high level glazed frontage. This application was refused, against officer recommendation, at the Planning Applications Committee in June 2013.

With different architects on board a pre-application enquiry for a new entrance feature was submitted to the Planning Department in September 2013, which included a pre-application presentation to the Planning Applications Committee on 10 October 2013.

Members will recall the current application being presented to the Planning Applications Committee in December 2013. The committee voted to defer the application to allow further negotiations to take place between the officers, Agents and Applicants with regard to the overall design of the proposed front entrance.

After discussions took place, three concept entrance designs were worked up. These have been included in the revised Design and Access Statement. After further negotiations and revisions, the favoured design of the proposed entrance feature is before you today for your consideration.

Principle of Development

Policy Considerations

Procedural Matters Relating to the Development Plan and the NPPF

17. The Joint Core Strategy and Replacement Local Plan (RLP) have been adopted since the introduction of the Planning and Compulsory Purchase Act in 2004. With regard to paragraphs 211 and 215-216 of the National Planning Policy Framework (NPPF), both sets of policies have been subjected to a test of compliance with the NPPF. The 2011 JCS policies are considered compliant, but some of the 2004 RLP policies are considered to be only partially compliant with the NPPF, and as such those particular policies are given lesser weight in the assessment of this application. The Council has also reached submission stage of the emerging new Local Plan policies, and considers most of these to be wholly consistent with the NPPF. Where discrepancies or inconsistent policies relate to this application they are identified and discussed within the report; varying degrees of weight are apportioned as appropriate.
18. Of particular relevance to the proposal are Paragraph's 60 and 64 of the National Planning Policy Framework. Paragraph 60 states that planning decisions should not attempt to impose architectural styles or particular tastes, but it is, however, proper to seek to promote or reinforce local distinctiveness.
19. Policy 2 of the JCS and Local Plan Policies HBE8 and HBE12 seek to achieve all development to be designed to the highest possible standards and in particular, that proposals respect local character and distinctiveness.

Design and Impact on Conservation Area

20. The Castle Mall dates from the early 1990s and is a post-modern style of design typical of the 80's and early 90's period. A considerable effort was put into the design of the mall, which was unique for being mainly underground, on the site of the former castle bailey.

21. There are four main entrances to the Mall at the Back of the Inns, Timberhill, Castle Meadow and Cattlemarket Street. Each entrance differs slightly in its character and form in response to the local context of the street/area upon which they open out onto.
22. This revised proposal includes a significant remodelling of the Back of the Inns entrance, which falls within the St. Stephens character area of the city centre conservation area. The part of the Back of the Inns close to the Castle Mall entrance is characterised by relatively functional, low status buildings of humble design (with the exception of the Royal Arcade). More recent buildings are also of no significant architectural merit, with the exception of the Castle Mall. It was praised at the time of completion for achieving a unified and coherent architectural form on a constrained site. As this part of the city was relatively devoid of architectural note and poor in townscape quality, the clock tower was designed to provide a very prominent and legible landmark, which also provides an important function and interest in the wider townscape with its clock faces.
23. The revised proposal has sought to take on board the concerns raised about the previous entrance design. Consequently, the proposed entrance feature has a simpler overall shape, which maintains a better relationship with the existing design of the building.
24. The central feature would project approximately one metre from the face of the existing façade, where a lower lip would extend out further. Therefore, the entrance would be more prominent when viewed from White Lion Street and the Back of the Inns, but not to the detriment of the existing clock tower, which would be retained as the clear focal point in surrounding street views, due to its position and height.
25. The proposed entrance feature would sit just above the ridge of the existing glazed gable and just wider than it on either side. Therefore, it is considered that the change in overall scale is insignificant, when compared to the existing central glazed structure.
26. The details of the revised design are more convincingly connected to Norwich's textile heritage, where the folded façade has been influenced by the shapes created by a loom's construction and the fret cut pattern is inspired by textiles contained within the Norwich pattern book.
27. The retention of the four high level clocks and two Castle Mall motifs on the clock tower is welcome as these are important and visible landmark features.
28. The narrowing and re-cladding of the four entrance columns and removal of the entrance steps are also considered to be positive aspects of the proposal as they will improve pedestrian access and enhance the attractiveness of the shopping centre.

Sustainability

29. The architect has stated that it is the aspiration, where possible, to use re-cycled aluminium for the façade. Once in place, the aluminium façade has a long and durable life expectancy that, being lightweight and malleable, means that it is the ideal material for the proposed fret work, which also reduces the need for a heavy structural frame.

Local Finance Considerations

29. There are no direct financial considerations as a result of the proposal. However, the importance of the overall investment and upgrading works to Castle Mall is acknowledged.

Equality and Diversity Issues

30. Significant alterations are proposed to the access to Castle Mall. There are currently a series of four columns and steps with two ramps on either side of the entrance.

31. The proposed re-configuration of the entrance is considered to be acceptable with regard to access and is considered to meet the requirements of the NPPF, policy 6 of the JCS and emerging local plan policy DM30.

Conclusions

32. The remodelling of the lower level, notably the “opening up” and other design changes to the ground floor pedestrian environment are welcomed and would be an improvement on the existing situation.

33. It is considered that the revised contemporary entrance would provide a visually interesting feature that would maintain a better relationship with the existing design of Castle Mall, whilst providing a positive contribution to the streetscene and the wider city centre conservation area.

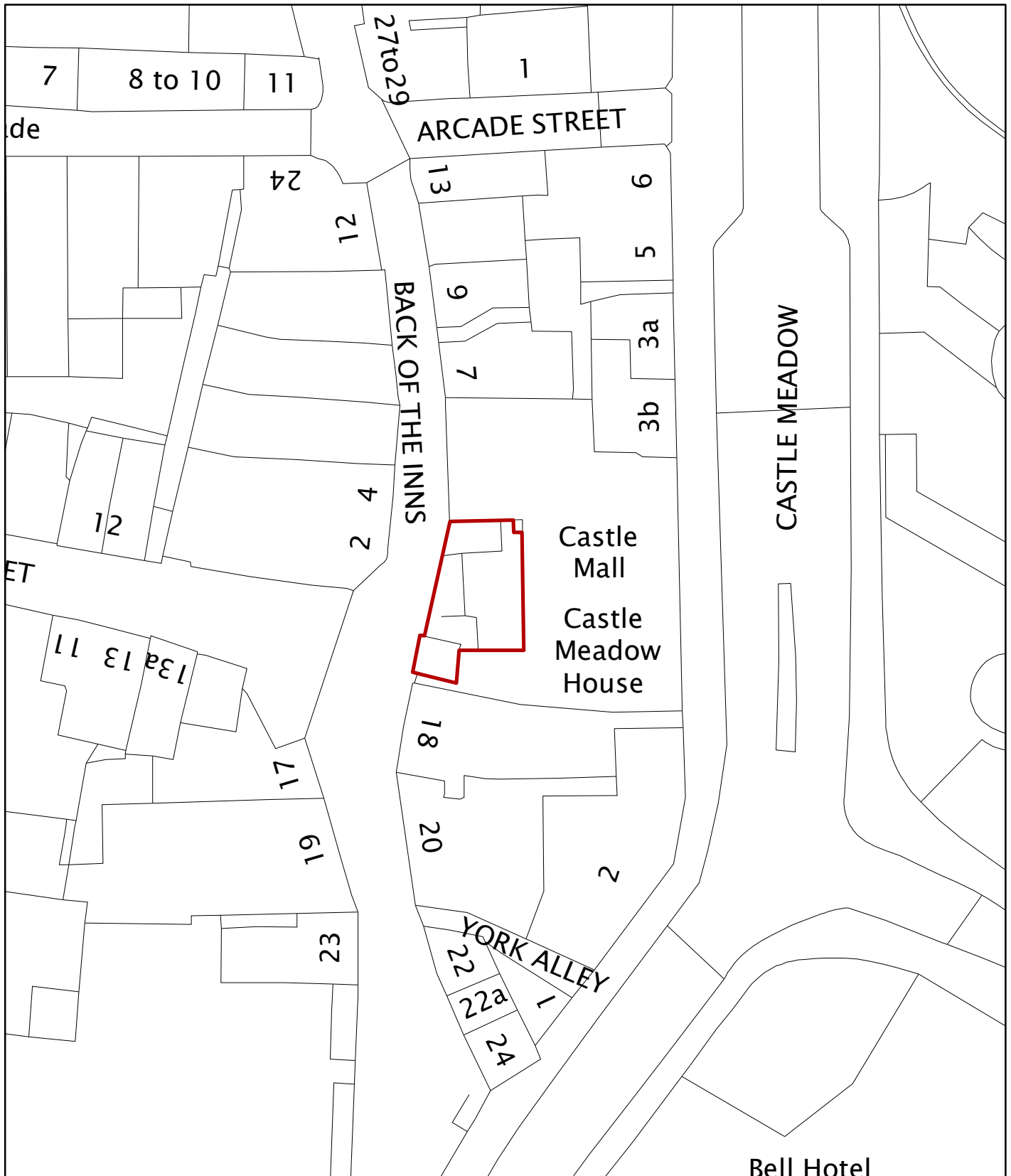
RECOMMENDATIONS

To grant planning permission for Application No 13/01636/F at the Castle Mall entrance, Back of the Inns subject to the following conditions:-

1. Commencement of development within three years.
2. In accordance with the details and drawings submitted with the application
3. Details of all materials including;
 - a. Fret cut aluminium and rear panels
 - b. Paving to the new entrance to include details of the materials, including manufacturers name and product code (if applicable), details of the colour, finish and any application of anti-slip coating
 - c. New doors to include details of materials, colour, finish and any incidental details such as door furniture, stall risers etc
 - d. LED lighting specification
4. Construction management plan to include the following:
 - a. Details of how waste will be stored and removed from site
 - b. Details of how deliveries will be made to the site
 - c. Storage of materials
 - d. Provision of pedestrian routes past and through the site (if appropriate)

Article 31(1)(cc) Statement:

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



© Crown Copyright and database right 2014. Ordnance Survey 100019747.

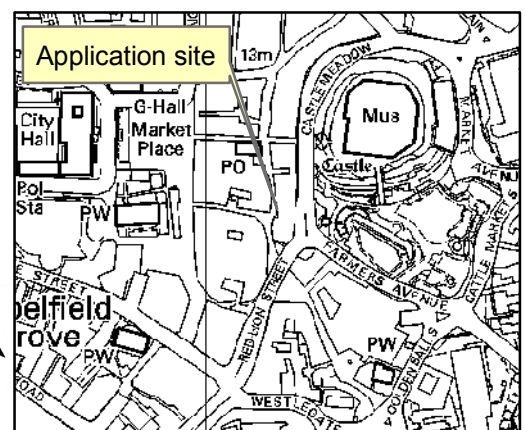
Planning Application No 13/016836/F
 Site Address Castle Mall, Back of the Inns

Scale 1:500



NORWICH
 City Council

PLANNING SERVICES



Report to Planning applications committee
Date 6 March 2014
Report of Head of planning services
Subject 13/02031/RM Three Score Site Land South Of Clover Hill
Road Norwich

Item
4(4)

SUMMARY

Description:	Reserved matters of appearance, landscaping, layout and scale for part of permission 12/00703/O for the erection of a care village comprising 80 apartment dementia care and 92 flat housing with care schemes, provision of associated landscaping, car parking, open space and infrastructure.
Reason for consideration at Committee:	Objection and Council owned site
Recommendation:	Approve subject to conditions
Ward:	Bowthorpe
Contact Officer:	Mark Brown Planning Team Leader 01603 212505
Valid Date:	13th December 2013
Applicant:	Norse Care
Agent:	NPS Property Consultants Ltd

INTRODUCTION

The Site & Background

1. Outline planning consent was granted in July 2013 for redevelopment of the Three Score site at Bowthorpe with up to 1000 homes, including affordable housing, care home, a new village centre including at least one local shop, public open space and associated roads and infrastructure. The consent was granted following the completion of a legal agreement and the resolution of planning applications committee to approve the application on 14 March 2013. The committee report and minutes of that meeting are available at the link below: <http://www.norwich.gov.uk/CommitteeMeetings>
2. The site is predominantly uncultivated grass land and forms the last area of undeveloped land within Bowthorpe as it was initially envisaged in the 1970's. A full description of the site and its constraints along with a planning history is given within the committee report for the outline application. These have not materially changed since that report was written.
3. The redevelopment of the site will come forward in a number of phases and each phase will require reserved matters consent. This application relates to the first phase and is proposed to be a care facility located to the northeast of the site to the north of the plantation tree belt.

Equality and Diversity Issues

4. There are no significant equality or diversity issues relating to the matters to be agreed. It should be noted that whilst the intended use is for a specific age of occupier, there is nothing to prevent a different demographic of occupier for the flats or the care home.

The Proposal

5. The proposals is for an 80 apartment dementia care and 92 flat housing with care scheme to the northeast of the site occupying block 5 and part of block 4 within the block layout approved at outline stage.
6. The scheme is arranged around a central 'village square' with the main entrance area which includes a reception, small hairdressers, shop, day care suite and open plan café dining area with a lounge, back of house facilities and offices. To the south of this village square is the dementia care element arranged in a perimeter block with a central secure garden. The dementia care elements consist of en-suite rooms with shared lounge and dinning areas.
7. The housing with care elements run along the northern boundary of the block in two wings one to the west of the central access area and the other to the northeast. These benefit from a south facing aspect facing towards the tree belt in the centre of the wider site. The housing with care consists of individual 1 and 2 bed flats although there are some small communal areas.
8. The dementia care block is 2 storeys in height and the housing with care is 3 storeys in height with the exception of a small section to the northeast which is 2 storey flat roof terrace. The village square is single storey. Although the topography of the plot falls steeply to the south the finished floor levels remain the same throughout the site for ease and practicality. The does result in effectively retaining lower ground floors to the south of the dementia care and western housing with care blocks which will be visible from the footpaths to the south.
9. A central community green space is located in front of the entrance which would provide an area of public open space and a focal point for the surrounding blocks. The roads around this are proposed to be a shared surface to promote pedestrian and cycle priority. The route to the north of the green space being the main route past the site to future development blocks and the route to the south being predominantly for access to the care facility with car parking and cycle parking in front of the entrance.
10. Vehicular access to the site will be from the spine road which runs through the site to the west. The spine road has full consent granted at outline stage and is not being considered here. There will be a temporary construction access for the development from Clover Hill Road utilising an existing bell mouth. This is proposed to be turned into a cycle/pedestrian only access to the site following construction and until such time as the adjacent block area redevelopment.
11. Further lay-by parking is proposed in front of the northeast housing with care block with private parking areas to the northeast and to the east of the dementia care block. This car park also provides the main servicing point for the scheme and is

also where bin storage is located. To the south and east of the development a cycle and pedestrian footpath is also being provided, this will ultimately link up with a network of such routes around the wider Three Score development site.

12. Large areas of private landscaping are proposed to the south of the main development. There are three areas (in addition to the secure garden and public community green space mentioned earlier) a 'woodland pasture' to the southwest which includes the majority of the sites surface water drainage infrastructure and is also intended to be more rural in character retaining the existing attributes of the site, a 'housing with care communal garden' to the centre of the site which is more of a usable amenity space for residents and a 'housing with care wildlife garden' to the northeast corner which falls somewhere between the previous two in terms of usability for residents and its biodiversity value.
13. There is also a strip of land between the cycle/pedestrian path to the west and south of the site and the woodland beyond which is included in the landscaping of the scheme and is to be managed to retain its rural character.

Representations Received

14. Advertised on site and in the press. Contributors to the outline application have been notified and 6 site notices were erected around the site. Two letters of objection have been received one from a nearby resident and ecologist and the other from buglife the objections cite the issues as summarised in the table below.

Issues Raised	Response
Raise concern that the impact on invertebrates has been inadequately assessed to date.	See paragraphs 53-68
Concern that 90% interest for invertebrates on site will be lost and the current mitigation will not compensate for this at all.	See paragraph 55
There is limited alternative habitat nearby for invertebrates.	See paragraphs 55, 56, 57, 59, 62 and 64.
Recommend an invertebrate survey is undertaken for the whole site, the site is potentially of very high value and subdivision distorts the true value of the site and does not provide a true assessment of impacts.	See paragraphs 56 and 57
The invertebrate survey undertaken provides a snapshot in time and will have missed many of the species that are active in either early or late summer.	See paragraphs 56 and 57
The invertebrate surveys show a rich assemblage of species with 10% of recorded species being of conservation concern.	See paragraph 55
The landscaping proposals do not offer meaningful habitat, however the ecology report has good recommendations which	See paragraphs 57 – 61

need to be fully incorporated into the proposals.	
Incorporating the ecology survey recommendations across the site will provide some invertebrate focused habitat but the site will no longer be able to support its current levels of invertebrate diversity.	See paragraphs 57 - 68
Offsite compensation options should be reviewed and the contributions could be made to the Norfolk Biodiversity Offsetting Pilot. Compensatory habitat of considerable value with long term management is needed to mitigate the proposals.	See paragraphs 62 – 64
Concern over the consultation arrangements for the application.	See paragraph 80

Consultation Responses

15. Anglia Water – no response

16. CPRE – no response

17. Colney Parish Council – no response

18. English Heritage – the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

19. Environment Agency – advise that there is insufficient information to agree the surface water drainage scheme at this stage.

20. Environmental Health – no comments

21. Fire officer – no response

22. Local highway authority – no response

23. Natural England – the proposals is unlikely to affect any statutorily protected sites or landscapes. In terms of protected species they refer to their standing advice. The authority should ensure it has sufficient information to understand the impact of the development on any nearby local nature reserve or local wildlife site. Their response promotes securing biodiversity enhancements as part of the development and makes general comments about enhancing landscapes.

24. NHS Norfolk – no response

25. Norfolk County Planning Obligations – no response

26. Norfolk Constabulary – confirm that the applications have had pre-application discussions with the constabulary and wish to achieve secure by design accreditation, they make comments in the main entrance access control, the need for external security lighting and 24 hour internal lighting of communal areas.

27. Norfolk Historic Environment Service – no response

28. Norfolk Wildlife Trust – note the submission of ecology reports and the associated mitigation measures recommended and that the mitigation measures for invertebrates in the original environmental statement were inappropriate. They recommend the mitigation measures in the most recent ecology report be conditioned and that a conservation land management plan should also form a condition of any consent.

29. Norwich CCG – no response

30. South Norfolk Council – no response

31. UK Power Ltd – no response

32. Yare Valley Society – no response

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

National Planning Policy Framework:

- Presumption in Favour of Sustainable Development
- Ensuring the Vitality of Town Centres
- Promoting Sustainable Transport
- Delivering a Wide Choice of Quality Homes
- Requiring Good Design
- Promoting Healthy Communities
- Meeting the Challenge of Climate Change, Flooding and Coastal Change
- Conserving and Enhancing the Natural Environment
- Conserving and Enhancing the Historic Environment
- Facilitating the Sustainable Use of Minerals

Relevant policies of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2011

- Policy 1: Addressing climate change and protecting environmental assets
- Policy 2: Promoting good design
- Policy 3: Energy and water
- Policy 4: Housing delivery
- Policy 6: Access and transportation
- Policy 7: Supporting communities
- Policy 9: Strategy for growth in the Norwich Policy Area
- Policy 12: The remainder of the Norwich urban area, including the fringe parishes
- Policy 19: The hierarchy of centres
- Policy 20: Implementation

Relevant policies of the adopted Norfolk Minerals and Waste Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2011

- CS16 - Safeguarding mineral and waste sites and mineral resources

Relevant saved policies of the adopted City of Norwich Replacement Local Plan

2004

- NE1 Protection of environmental assets from inappropriate development
- NE2 Woodland protection
- NE4 Street trees to be provided by developers
- NE7 Protection of locally designated sites of nature conservation interest
- NE8 Management of features of wildlife importance and biodiversity
- NE9 Comprehensive landscaping scheme and tree planting
- HBE4 Other locations of archaeological interest
- HBE8 Development in Conservation Areas
- HBE9 Listed Buildings and development affecting them
- HBE12 High quality of design, with special attention to height, scale, massing and form of development
- EP1 Contaminated land and former landfill sites – evaluation and treatment prior to permission
- EP5 Air pollution emissions and sensitive uses
- EP16 Water conservation and sustainable drainage systems
- EP17 Protection of watercourses from pollution from stored materials, roads and car parks
- EP18 High standard of energy efficiency for new development
- EP20 Sustainable use of materials
- EP22 High standard of amenity for residential occupiers
- SHO3 Locational conditions for new retail development – sequential test
- HOU5 Accessibility for wheelchair users
- HOU6 Contribution to community needs and facilities by housing developers
- HOU8 Committed housing development sites
- SR1 Minimum standards for provision of open space
- SR2 Provision within each sector of the City
- SR4 Provision of open space to serve new development
- SR5 Allocation of specific areas for open space
- SR7 Provision of children's equipped playspace to serve development
- SR10 Bowthorpe Southern Park and Bawburgh/Colney Lakes areas
- SR11 Riverside Walks – agreement with developers to provide/maintain
- SR12 Green Links network, including provision by developers
- TRA3 Modal shift measures in support of NATS
- TRA5 Approach to design for vehicle movement and special needs
- TRA6 Parking standards – maxima
- TRA7 Cycle parking standard
- TRA8 Servicing provision
- TRA10 Contribution by developers to works required for access to the site
- TRA11 Contributions for transport improvements in wider area
- TRA12 Travel Plans
- TRA14 Enhancement of the pedestrian environment and safe pedestrian routes
- TRA15 Cycle network and facilities
- TRA16 Public transport measures to increase efficiency and attractiveness

All policies in the adopted local plan have been assessed for their compliance with the NPPF. In terms of this application none of the relevant policies have been deleted as a result of this process.

Policies HBE4, HBE9 and EP5 have been assessed as partially compliant with the

NPPF. In relation to HBE4 the policy does not have NPPF paragraph 132 caveat that in exceptional circumstance development that does not meet the normal archaeological requirements may be permitted. With HBE9 the NPPF sets a stronger requirement in relation to listed buildings in a poor state of repair and with EP5 the focus of policy EP5 is on mitigating the impact of pollution-causing development and does not fully take into account the impacts of locating other forms of development close to existing sources of air pollution. None of these matters are considered to have any material impact on the assessment of the application in question.

All other adopted local plan policies used in the assessment are considered to be consistent with the NPPF.

Emerging policies of the forthcoming new Local Plan (submission document for examination, April 2013)

Site Allocations Development Plan Document – Pre-submission policies (April 2013) –

- R41: Three Score, Bowthorpe

Development Management Policies Development Plan Document – Pre-submission policies (April 2013).

- DM1 Achieving and delivering sustainable development
- * DM2 Ensuring satisfactory living and working conditions
- * DM3 Delivering high quality design
- DM4 Providing for renewable and low carbon energy
- * DM6 Protecting and enhancing the natural environment
- DM7 Trees and development
- * DM8 Planning effectively for open space and recreation
- DM9 Safeguarding Norwich's heritage
- * DM11 Protecting against environmental hazards
- * DM12 Ensuring well-planned housing development
- * DM15 Safeguarding the city's housing stock
- * 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

* These policies are currently subject to specific objections or issues being raised at pre-submission stage which could be relevant to this application and so only minimal weight has been applied in its content. However, the main objectives of ensuring appropriate design, protecting amenity and ensuring safe passage around and within a development and prioritising pedestrian and cycle passage remains in place through Local Plan policies HBE12, TRA3, TRA5 and TRA8.

Supplementary Planning Documents and Guidance

- Energy Efficiency and Renewable Energy SPD Adopted 2006
- Green Links and Riverside Walks SPD Adopted 2006
- Trees and Development SPD Adopted 2007
- Accessible and Special Needs Housing SPD Adopted 2006

Other Material Considerations

- The Localism Act 2011 – S143 Local Finance Considerations

Procedural Matters Relating to the Development Plan and the NPPF

The Joint Core Strategy and Replacement Local Plan (RLP) have been adopted since the introduction of the Planning and Compulsory Purchase Act in 2004. With regard to paragraphs 211 and 215-216 of the National Planning Policy Framework (NPPF), both sets of policies have been subjected to a test of compliance with the NPPF. The 2011 JCS policies are considered compliant, but some of the 2004 RLP policies are considered to be only partially compliant with the NPPF, and as such those particular policies are given lesser weight in the assessment of this application. The Council has also reached submission stage of the emerging new Local Plan policies, and considers most of these to be wholly consistent with the NPPF. Where discrepancies or inconsistent policies relate to this application they are identified and discussed within the report; varying degrees of weight are apportioned as appropriate.

Principle of Development

33. The principle of the wider redevelopment including the provision of a care facility has been approved at outline stage via reference 12/00703/O. There is a need for reserved matters to be broadly in accordance with the parameters agreed at outline stage.
34. The main difference between the proposals and the masterplan is the relocated of the route between block 4 and 5 (see plan appended to this report) which has the effect of making block 5 larger and block 4 smaller. This is considered to remain broadly in accordance with the outline parameters, and importantly retains a route down to the eastern end of the tree belt and the open space (OS2 referred) to the north of the block.
35. The outline parameters approved a care facility on the site and identified to be located in block 5. In terms of the proposed use class the 80 bed dementia care element and associated village square are considered to fall under use class C2 (residential institutions) whereas the 92 flat housing with care scheme is considered to fall under use class C3 (dwellings) as they are effectively self contained flats in blocks and could be in theory be operated independently of the facilities in the village square and dementia scheme. The 92 flats would therefore contribute to C3 housing supply.
36. A small shop and hairdressers are included within the village square, whilst this was not envisaged within the outline parameters they are extremely small 18.5m² and 30m² respectively. They are primarily intended to serve the care facility and visitors to it and given their small size can be considered to be ancillary to the C2 use. The café and dinning areas are also considered to be ancillary to the C2 use.
37. The reserved matters have been screened under the EIA regulations as a subsequent application within the terms of the regulations (being subsequent to the approved outline consent which was subject to an environmental statement). The likely environmental effects of the subsequent application were considered as was the environmental information already before us and it was not considered necessary to request a further environmental statement for this application.

Layout & Scale

38. The layout and scale of the development is described under the proposal section above. The layout preserves the spirit of the master plan in terms of key routes around the site and linkages between green spaces. The layout makes the most of the south facing aspect whilst providing a defined frontage to the estate roads to the north. The entrance is located adjacent to the green space which provides a hub of activity adjacent to this area. The layout also largely retains a more rural character for the area to the southern and eastern boundaries adjacent to the woodland.
39. In terms of scale the dementia care block is two storeys in height, it comes closer to the south-western side of the block, although is still well separated from the tree belt. Given the topography of the site it will be raised above ground level and appear more like a three storey block from the footpath to the south of the site. Although this is considered to be acceptable in principle. The housing with care elements are three storeys and the height is again considered to be acceptable. The housing with care elements will appear as large blocks from the northern frontage although effort has been made to break up this mass.
40. Views of this phase of the development will be limited from the south due to the tree belt. There is an existing break in the tree belt where power lines run. When the spine road is provided a new opening is to be made in the tree belt and the power cables will be placed underground and the existing opening replanted. Therefore in the short term there may be limited views of this phase from the Yare Valley to the south, however in the long term it will be fully screened by the tree belt. Generally views of this phase will be extremely limited from outside the wider site and are likely to be limited to glimpses from breaks in the bunding adjacent to Clover Hill Road. The scale of the proposals is considered to be acceptable.

External Appearance

41. The housing with care scheme, with the exception of a small two storey flat roof element to the northeast takes a three storey pitched roof form with more contemporary details, finished in render with recessed balconies and some vertical emphasis and rhythm provided by downpipes and hoppers. The two storey element is to be finished in brickwork as is the dementia care scheme which is also flat roof. The dementia care block does not have external balconies, however the mass is broken up by small recesses in the elevations providing small corner windows to each room. This should have the effect of maximising the views to the tree belt to the south. Large two storey glazed openings are provided to the living areas to the southern corner and southwest elevation, again this helps to break up the elevation and maximise views to the south.
42. The main entrance is single storey and glazed with a projecting canopy. The approach to elevational treatment has evolved during the pre-application process and is now considered to balance the need for a practical footprint whilst avoiding a bland institutional appearance.
43. The materials and finishes will be key to the quality of the final product and therefore it is suggested that finer details and materials be subject to condition.

Landscaping

44. The landscaping of the site can be divided up into six distinct areas which provide different functions, these being the community garden and the hard landscaping around the frontage of the development; the housing with care communal garden; the housing with care wildlife garden and neighbouring parking areas; the secluded garden; the woodland pasture and finally a buffer to the south and east between the private boundary of the scheme and the woodland beyond. Each area serves a different function and is described and assessed in more detail below.
45. The community garden forms a public space to the frontage of the development and creates a focal point for the surrounding blocks. The area is to retain the existing grassland nature of the site using the existing topsoil to retain its seed bank albeit with new ornamental tree planting around its boundaries. Benches are provided to all some recreational use. The roads and pathways around this space are to be a raised home zone area differentiated with block paving. The exact details of materials, kerb details and measures to prevent vehicles encroaching on the green space would need to be agreed via condition.
46. The housing with care communal garden, provides a functional amenity space in the centre of the development, the area is secure in the centre of the site and is predominantly to be laid to lawn. The details for this area are considered to be acceptable.
47. The housing with care wildlife garden is located around the eastern end of the development and forms the edge of the site. Following negotiations it is to be defined by a 1.2m high boundary vertical bar fence with a ditch along its perimeter to imitate a typical rural estate feature but also provide added security whilst avoiding this part of the development appearing too institutional and defensive. The edges are to be planted with a mixture of ornamental and native species and in the northeast corner is a swale for surface water drainage. Some areas are to be restored by replacing existing topsoil to retain the seed bank and provide mitigation for invertebrates as detailed in the ecology sections below. The area includes two car parking areas linked by an access road where kerb details or other boundary treatments will need to be agreed to ensure cars do not encroach on the green space.
48. The secluded garden is located in the centre of the dementia care block and would therefore be hidden from public view. It forms a secure formal open space for use by dementia care residents.
49. The woodland pasture is located to the southwest corner of the site and incorporates the majority of the surface water drainage infrastructure. It is to be more rural in character, retaining existing topsoil in the centre with new planting around its edges and where necessary around the infiltration and balancing ponds. It will provide for informal accompanied recreation. The area is to be enclosed by a 1.8m high vertical bar fence and whilst this is considered to be relatively defensive given its height it is acknowledged that there is at least need for perceptive security of the area for residents and it will at least allow views through to the open space beyond. The treatment will also allow access for small mammals. The exact elevation detail of this fence will be vitally important to get

right. It will need to balance security requirements whilst not appearing to suburban given the location adjacent to the woodland.

50. The woodland buffer forms an area between the private confines of the site and the tree belt to the south and Bunkers Hill Wood to the east. A shared pedestrian and cycle path runs along this part of the site just beyond the fencing of the site separated by a short mown strip to prevent shrubs overhanging the pathway in the future. To the south and east of the cycle path the existing vegetation is to be retained. This is to assist in retaining the existing seedbank for invertebrate mitigation. The management of the area will be agreed via a condition on the outline consent but will need to take account of the overhead power lines which run down this western boundary of the site.
51. Limited details of external lighting have been provided with the application. Condition 19 of the outline planning consent requires details of lighting of public spaces. There will also need to be a condition on this consent for details of private areas as well given their relationship with the woodland to the south and east. Lighting for security and safety will need to be carefully balanced against the ecological implications to avoid excessive lighting to south and east boundaries which are used as bat foraging corridors and also the woodland pasture, wildlife garden and community garden to avoid impact on invertebrates. Lighting in these areas may need to be fitted with UV shielding to minimise the impact on invertebrates.
52. In sum the soft landscaping details submitted are considered to be acceptable, and in terms of hard surfacing and boundary treatments, the principles outlined are acceptable subject to further specific details.

Ecology

53. The concerns raised by both objectors to the scheme raise concern over the impact on invertebrates. At outline stage it was acknowledged that the proposals would result in habitat loss for invertebrates and considered the impact on the ecology of the site in general it was acknowledged that even after mitigation and enhancement the impact would be minor negative. This was balanced against the need to provide housing and ultimately the development was approved.
54. The outline consent required further ecology surveys to be submitted with reserved matters applications for each phase to ensure that information was up to date and to influence further mitigation measures which could be secured at reserved matters stage based on the information within those additional surveys.
55. An ecology assessment and specific invertebrate assessment has been submitted with the reserved matters application. In addition a further ecology assessment and invertebrate survey relating to the southern third of the wider Three Score site is in the public domain. Both surveys were undertaken in 2013 and show similar results. They identify that the site is important for its dry open flower rich grassland habitats which support important open habitat invertebrate assemblages which are in favourable condition. This includes a number of species of conservation concern. The survey to the southern third of the Three Score site identified the fauna of regional and national significance, the report of the ecology consultancy relating to the application site being considered for this phase

suggests that the assemblages may be considered to be of national importance although suggests this may be an overestimate and is considered to be of County/Regional value. Specifically for the area surveyed for this reserved matters application 115 species were identified of which 13 are of conservation concern, the report acknowledges that surveys earlier in the year would likely have identified further species of conservation concern.

56. The surveys conducted to date do not cover the entire development site granted at outline stage, circa 45% of the site has been subject to an invertebrate survey to date. There is no requirement under the outline consent to undertake a full site survey. Nevertheless it must be acknowledged that a whole site survey is best practice and is the only way of painting a full picture of species richness. It can reasonably be assumed that a full site survey and a survey during the spring (the above surveys were undertaken later in the season) would identify further species of conservation value and confirm the sites importance.
57. It is considered that the surveys which have been undertaken one to the south and the other to the north of the site, give a fair picture of the habitat which is fairly consistent over the remaining parts of the site and it is not considered that a full site survey is likely to significantly influence the mitigation measures which are available and which could be reasonably secured under this reserved matters application.
58. At this stage it is considered that appropriate landscaping and landscape management is the most appropriate form of mitigation available. The ecology consultancy report offers a number of recommendations in terms of mitigation via landscaping proposals and these are acknowledged by one of the objections as needing to be implemented. Through discussion the landscaping and management proposals have been amended to incorporate these recommendations and a supplementary report by the ecology consultancy has confirmed that the revised proposals incorporate the concepts of the mitigation proposals necessary to help to support the invertebrate species identified.
59. In particular a key requirement of the revised landscaping proposals is to maintain excavated topsoil in a condition which retains the seedbank, so that it can be re-used on parts of the development site. A methodology for this is provided within the supplementary report and it is recommended that this methodology be a condition of any consent. It is also relevant to note that the wider development is to be phased over a considerably period of time and therefore it will be possible for the re-colonisation of this first phase by the assemblages in question. In addition some areas of grassland are indicated for protection during construction operations and a detailed method statement for the protection of these areas should form a condition of any consent.
60. Such an approach to landscaping can clearly be phased out across the rest of the site, which includes large areas of open space, although it is acknowledged that this will not fully mitigate the impact of the wider redevelopment, which will have the effect of removing much of the habitat and potentially will destroy the integrity of the site as a whole providing habitat for invertebrates.
61. Norfolk Wildlife Trust has suggested a conservation management plan for the site. This could identify the broad goals for landscape management of the site to aid habitat creation for invertebrates, identify the management needed to achieve this

and provide for monitoring. This would stand alongside the landscape management plan but provide direct input from a suitable ecologist. This has also been recommended as part of the ecology consultancies reports. In the circumstances such mitigation is considered appropriate and necessary.

62. Off-site mitigation has been suggested to overcome the loss of habitat for invertebrates. Off-site biodiversity mitigation did form part of the outline planning application albeit the specific mitigation suggested at that stage was not aimed at invertebrates. These off site improvements were secured via financial contributions under the S106 agreement being the sums of £57,000 towards Bunkers Hill Wood, £66,500 towards Earlham and Bowthorpe Marshes and £93,500 towards Bowthorpe Historic Park (there was also a Yare Valley contribution although this would not support biodiversity enhancements as it was secured for the purposes of improving recreation pathways). On receipt of the funds the landscape enhancement schemes would be designed in detail and at this stage it is considered that officers can endeavour to seek that these schemes seek to enhance the habitat for invertebrates in the area.
63. At outline stage it was suggested that improvements to the southern boundary of the site could provide some mitigation for invertebrates and this was secured via condition 22. The most recent round of invertebrate surveys have criticised the specific mitigation proposed for this area in the original environmental statement, however given that the specific details are to be agreed via condition 22 the specific details can be influenced at a later date to ensure that appropriate mitigation for the invertebrates in question is provided.
64. The above off-site matters are not secured via this consent and it is acknowledged that they would not go so far as to provide for the appropriate management of a similar site via the Norfolk Biodiversity Offsetting pilot and therefore necessarily fully mitigate the impact of the wider development. It is however not considered reasonable in the context of the current reserved matters and in the light of those matters secured via the outline consent to require such further off-site improvements.
65. Turning to the NPPF and specifically paragraph 118 this details that if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. It also states that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.
66. In this case it must be acknowledged that the site has outline planning consent for the development in question and indeed is an allocated site which is fundamental to the delivery of housing in the Norwich policy area. Turning to the reserved matters in question it is considered that via the landscaping proposals the application goes as far as can reasonably be required to secure further mitigation at this stage. In the light of the information available relating to invertebrates it should be possible to secure further off-site mitigation via the measures secured under the outline consent as detailed above.
67. The harm resulting from the approval of the reserved matters in question is not

considered to constitute significant harm in the context of the NPPF and the habitat in question is not considered to be irreplaceable in the context of the examples given.

68. Turning to the other flora and fauna identified through the ecology report, most of these matters have been addressed and conditioned at the outline stage, this includes conditions for clearance to avoid harm to nesting birds, reptile relocation (given the transient nature of reptiles identified at outline stage), provision of bat and bird boxes and lighting details. Boundary treatments to allow access for small mammals and reptiles is also recommended within the ecology consultancies report and has been considered here as part of the landscaping proposals.

Amenity

69. The site is detached from any neighbouring residential premises and therefore no impact on neighbour amenity is expected as a result of these proposals. The impact of traffic movements from the development on residential amenity was fully considered at outline stage and it is not considered necessary to revisit this issue as part of the reserved matters for this phase.
70. In terms of future residents of this phase the internal space standards are considered to be acceptable and there is sufficient external amenity space in various forms for the residents of the development.

Arboricultural Implications

71. The only arboricultural implications relate to the cycle/pedestrian footpath to the western boundary and where this joins Clover Hill Road. The buildings are well beyond the route protection areas of trees albeit the arboricultural implications assessment submitted suggests protective fencing adjacent to the tree belt and bunkers hill wood to prevent construction activities encroaching on this area. This should be conditioned. There is a need to condition further arboricultural information for the area where the cycle/pedestrian footpath passes through the northern boundary to connect to Clover Hill Road, the details and method statements for this should form a condition of any consent.

Parking and Servicing

72. Parking levels for the site are within maximum parking standards. Visitors parking is provided at the access and via lay-by provision to the north of the housing with care block. Two areas of off-street parking are provided one providing 24 spaces and the other 22 spaces to the northeast and centre of the site respectively. The level of parking is considered acceptable, car ownership for the specific end user identified is not considered to be high. Occupation by a different end user is considered unlikely. The car parking is reasonably well screened by landscaping. The parking areas also provide access for servicing of the development and includes a substation, sprinkler tank store and bin store. A further service access is provided to the northeast corner to provide access to a lower ground floor plant room.
73. Cycle parking does not meet minimum standards, however the specific intended end user is not likely to require normal levels of cycle parking. Space for 14 visitor

cycles is indicated at the entrance with space for a further 14 spaces within the development adjacent to one of the car parks, predominately for staff. Notwithstanding this information it is suggested that the exact number and design be agreed via condition.

Energy Efficiency

74. Condition 44 of the outline consent requires a sustainable construction and renewable energy scheme for each phase which maximises sustainable construction so far as viable and practicable and provides for a minimum of 10% decentralised renewable and/or low carbon sources and demonstrates if this can be exceeded. This is to be agreed via an application to discharge the details of condition 44. Condition 45 of the outline consent requires dwellings commenced prior to 01 January 2015 to achieve a water consumption rate of no more than 105 litres per person per day, equivalent to Level 4 of the Code for Sustainable Homes for water usage (after 2015 this lowers to 80 litres per person per day in line with JCS policy 3).
75. The applicants have detailed that the proposals are to be designed and constructed to achieve BREEAM very good standard. The building is designed to utilise standard components with off site fabrication to minimise waste and energy in the construction process. The envelope generally seeks to maximise passive gain and materials are to be sourced locally where possible. In terms of low carbon and renewable technologies, a phase wide combined heat and power plant with photovoltaic panels is to be utilised. This will deliver significant savings particularly for the housing with care flats compared to individual heating systems for each flat.

Local Finance Considerations

76. Under section 143 of the Localism Act the council is required to consider the impact on local finances. It is a material consideration when assessing this application. The benefits from the finance contributions for the council however must be weighed against the above planning issues. In this case the financial considerations include council tax and new homes bonus. The development is not CIL liable as detailed below.

Planning Obligations & CIL

77. Relevant planning obligations have been secured via a S106 agreement linked to the outline planning consent. These include commuted sums to off-site improvements of open space including Bunkers Hill Wood, Earlham and Bowthorpe Marshes, Bowthorpe Historic Park and the Yare Valley. Education contributions, library contributions, transport contributions and affordable housing. The Bunkers Hill Wood contribution (£57,000) is linked to the commencement of development in blocks 4, 5 or 7 and therefore will be payable on commencement of this phase. There will also be a transport (£25,957.80 index linked) and library contribution (£5,520.00 index linked) payable for this phase for the housing with care element only, no other contributions are triggered by this phase.

78. The outline consent was granted before the adoption of CIL and therefore the scheme is not CIL liable.

Other Considerations

79. It is relevant to note that a number of material considerations and policy issues have been considered at the reserved matters stage, these include surface water drainage, archaeology, contamination, wider transport implications including access, travel planning and public transport, road traffic noise, fluvial flood risk, provision of open space and off-site improvements. Many of these matters are subject to conditions on the outline consent. These matters have been considered by officers and it is not considered that further detailed assessment of them is required as part of this reserved matters application. It is not considered that the approval of the reserved matters will have particular implications on these matters or prevent feasible design of necessary infrastructure to be agreed via condition (e.g. such as surface water drainage infrastructure).
80. One objector has raised concern over consultation arrangements advising that he was only aware of the proposals by seeing a site notice near the site. All those who contributed to the original outline consent have been written to and site notices have been erected around the site. The application has also been advertised in the local press. This goes beyond legislative requirements and the Council's own policy on consultation procedures.
81. At the last planning applications committee, members resolved to approve a number of minor variations to conditions on the outline consent under application reference 13/02089/VC subject to a S106 deed of variation. It is expected that the deed will be completed imminently and the variations approved. It is recommended that this variation of condition application number be added to the description of this application before issuing any consent to ensure clarity and consistency regarding which consents are being implemented. It is not considered that this would materially prejudice the interests of any parties.

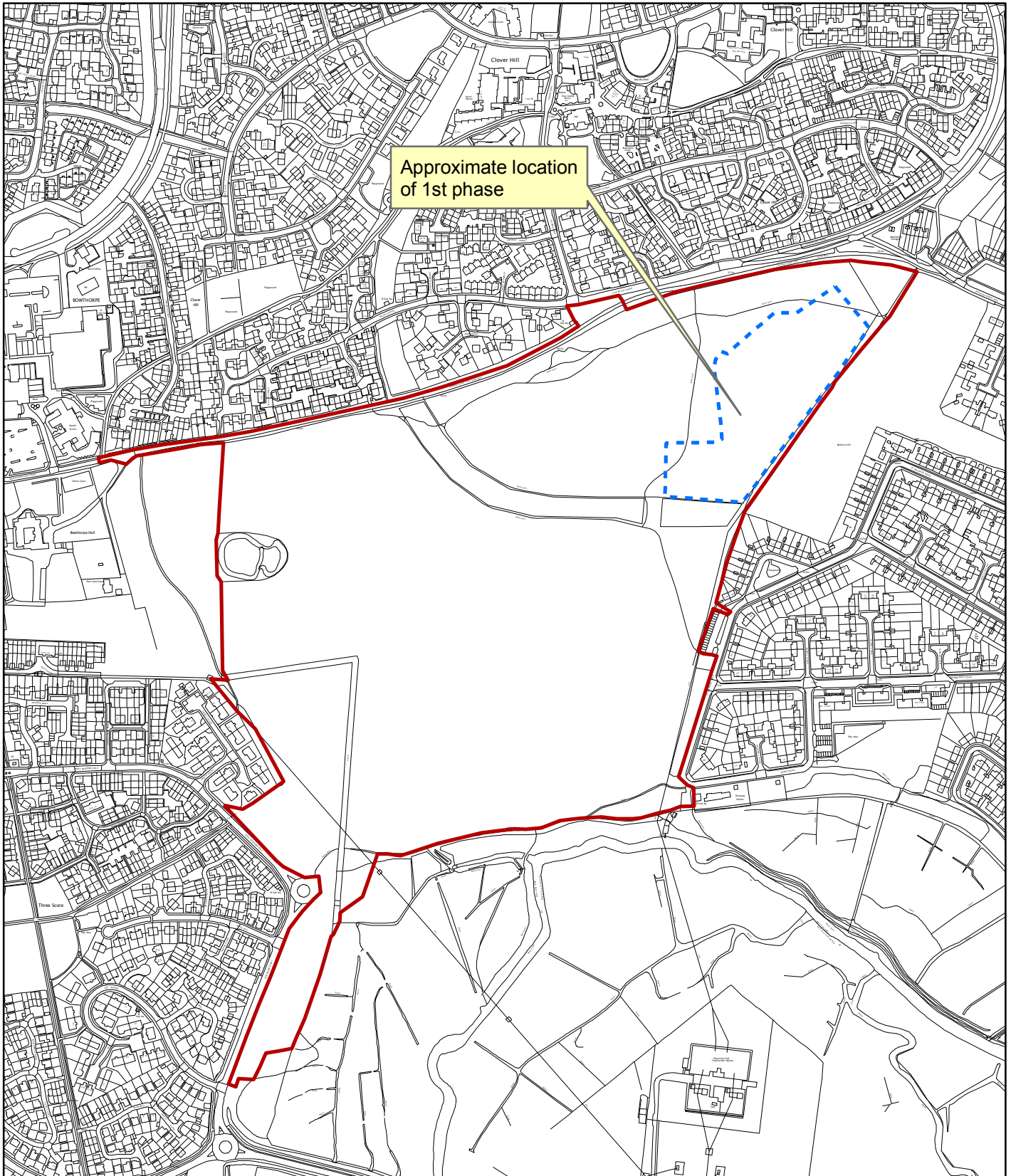
Conclusions

82. The principle of development has been accepted as part of the outline consent. This case relates to the reserved matters of layout, scale, external appearance and landscaping for the first phase of development being a care facility to the northeast corner of the site. The main issue in the determination of the reserved matters application has been the landscaping details and the ecological implications of the proposals as discussed in this report. With regard to the landscaping details subject to the further detailed information secured by the recommended conditions below this is considered to be acceptable. Turning to ecology, it is acknowledged as it was at outline stage that the impact on invertebrates will not be fully mitigated, however subject to the further ecological mitigation measures discussed in this report it is considered that proposals and recommended mitigation measures go as far as can reasonably be required in the context of the reserved matters in question. The recommendation is therefore to approve the application subject to the conditions outlined in the recommendation below.

RECOMMENDATIONS

To approve Application No (13/02031/RM Three Score Site Land South Of Clover Hill Road Norwich) and grant planning permission, subject to the following conditions:-

1. Landscaping in accordance with the plans submitted and further landscaping details to be agreed including:
 - levels, kerbs, measures to prevent vehicles entering open/green space, boundary treatment elevations, lighting details of private areas (public areas covered by condition 19 of the outline consent), hard surfacing materials.
2. Details of materials including:
 - Bricks, render, tiles, columns to entrance, eaves detail of entrance canopy, windows, rainwater goods, external walls of lower ground supporting structures, bargeboard, curtain walling, substation/bin/sprinkler store details.
3. Cycle parking stand specification, numbers and location;
4. Construction access to be closed off before occupation and details of access, temporary boundary treatment to either side of temporary foot/cycle path, realignment of pavement on Clover Hill Road and restrictive access barriers;
5. Details of the cycle/foot path access to the west of the site onto Clover Hill Road including the link to the existing pavement, further AIA and AMS for the access and restrictive access barriers;
6. Tree protection in accordance with the AIA
7. Method for removal, storage and re-use of topsoil in full accordance with supplementary ecology statement;
8. Method statement for the protection of the grassland areas indicated to be protected during development to be submitted and agreed, including details for restoration should the areas be impacted during construction activity.
9. Conservation (ecology) management plan for the site.



© Crown Copyright and database right 2014. Ordnance Survey 100019747.

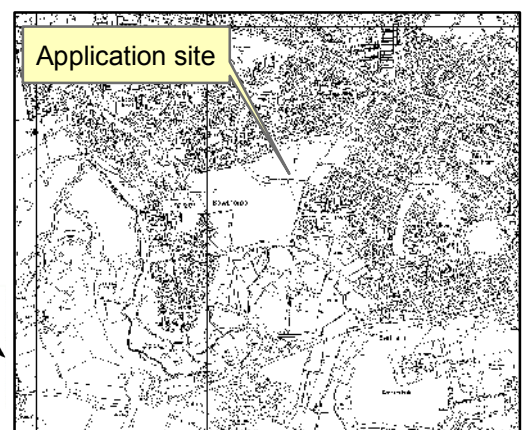
Planning Application No 13/02031/RM
Site Address Three Score

Scale 1:6,000



NORWICH
City Council

PLANNING SERVICES











Report to Planning applications committee
Date 6 March 2014
Report of Head of planning services
Subject 14/00028/VC McDonalds 162 Barrett Road NR1 2RT

Item
4(5)

SUMMARY

Description:	Variation of condition 10 of previous planning permission 4/1995/0003 to allow 24 hour trading 7 days per week for both the restaurant and drive-thru
Reason for consideration at Committee:	Objections
Recommendation:	Approve
Ward:	Lakenham
Contact Officer:	Mr John Dougan Planner 01603 212504
Valid Date:	9 th January 2014
Applicant:	McDonald's Restaurants Limited
Agent:	Savills (UK) Limited

INTRODUCTION

The Site

Location and Context

1. This application relates to the McDonalds Restaurant and Drive-through at 162 Barrett Road, which is immediately adjacent to a BP petrol station. There are small commercial units to the north and residential dwellings to the east of the site. The restaurant is situated close to the northern side of the Outer Ring Road junction with Hall Road.

Planning History

4/1995/0003/F - Demolition of existing PH and construction of petrol filling station and restaurant. Approved February 1995.

09/01100/F - Reconfiguration of drive through lane. Approved December 2009.

09/00731/F - Erection of extension and change to elevations including removal of light beams and dormers from roof and drive through booth and landscaping/ external lighting arrangements. Approved October 2009.

11/00936/VC - Variation of condition 10 of previous planning permission 4/1995/0003 to allow (a) restaurant opening hours between 5am and 11pm and (b) 24 hour opening of the drive through take-away facility. Refused August 2011.

13/01024/VC - Variation of condition 10 of previous planning permission 4/1995/0003 to allow 24 hour trading 7 days per week for both the restaurant and the drive-thru. Withdrawn July 2013.

Equality and Diversity Issues

There are no significant equality or diversity issues.

The Proposal

2. Condition 10 of the original approval (4/1995/003/F) stated that the restaurant the subject of this permission shall not be open before 8am or after 11pm on any day.
3. The application proposes that this condition be varied to allow the restaurant and drive-thru to operate 24 hours per day and 7 days per week.
4. It is also proposed to replace the existing air handling and extraction units with quieter models.

Representations Received

5. 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

Issues Raised	Response
Late night noise from users of the car park and customers on foot.	See paragraphs 15-29
Would attract people leaving pubs and clubs.	See paragraphs 15-29
Pollution from idling cars.	See paragraph 31
Smell from the premises.	See paragraph 30
Increased litter.	See paragraphs 28 and 29
Health implications of fast food.	See paragraph 32
Additional traffic.	See paragraphs 35-37
Concern over staff parking inappropriately in the surrounding area.	See paragraph 38
Concern over cumulative impacts, with petrol station and if the proposals for ASDA on Hall Road go ahead.	See paragraphs 33-34
Why can are they allowed to continue to apply.	The previous application in 2013 was withdrawn. There is nothing to prevent an applicant from resubmitting the application.
Devaluation of property.	This is not a material planning consideration.

6. In addition two letters have also been received from Simon Wright MP enclosing some of the above objections and raising concerns that McDonalds has made the application and the disturbance this could cause to nearby residents. The letters

request that their concerns be taken into account and responded to.

Consultation Responses

7. Transportation – no comments to make
8. Fire officer – No objection, they make reference to a revised petroleum license and the conditions attached to it which require McDonalds co-operation and requires closure of the accesses and car parks at the site whilst a petroleum delivery takes place.
9. Environmental health - If the conditions set out in the management plan are adhered too and the recommendations set out in the noise impact assessment are implemented then I consider that the opening of McDonalds at 162 Barrett Road Norwich, should not have a detrimental impact on the amenity in term of noise nuisance.

According to Environmental Health records there has been one formal noise complaint relating to the McDonalds site in February 2007 relating to delivery noise, refuse collections, cars revving and bad language of users of the restaurant.

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

National Planning Policy Framework:

Paragraphs 9 and 17 – Amenity

Statement 1 Building a strong a competitive economy

Relevant policies of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2011

Policy 5 the economy

Relevant saved policies of the adopted City of Norwich Replacement Local Plan 2004

EP22 High standard of amenity for residential occupiers

EMP2 Growth of existing businesses

TRA8 – Provision in development for servicing

Other Material Considerations

Written Ministerial Statement: Planning for Growth March 2011

Emerging policies of the forthcoming new Local Plan (submission document for examination, April 2013):

Development Management Policies Development Plan Document – Pre-submission policies (April 2013).

DM2 - Ensuring satisfactory living and working conditions

DM24 – Hot food takeaways

DM30 – Access and highway safety

DM31 – Car parking and servicing

Procedural Matters Relating to the Development Plan and the NPPF

The Joint Core Strategy and Replacement Local Plan (RLP) have been adopted since the introduction of the Planning and Compulsory Purchase Act in 2004. With regard to paragraphs 211 and 215-216 of the National Planning Policy Framework (NPPF), both sets of policies have been subjected to a test of compliance with the NPPF. The 2011 JCS policies are considered compliant, but some of the 2004 RLP policies are considered to be only partially compliant with the NPPF, and as such those particular policies are given lesser weight in the assessment of this application. The Council has also reached submission stage of the emerging new Local Plan policies, and considers most of these to be wholly consistent with the NPPF.

Policy DM2 is subject to a single objection raising concern over the protection of noise generating uses from new noise sensitive uses, this is not relevant here and therefore significant weight can be given to policy DM2. There are no objections to policy DM24 and therefore significant weight can be given to this policy. Policy DM30 is subject to an objection relating to the provision of accesses, it is considered that limited weight be given to this policy. Policy DM31 is also subject to objections relating to car parking provision and existing baseline provision of car parking in considering applications it is considered that limited weight should be given the car parking standards of this policy at the present time with substantive weight to the other matters.

Principle of Development

Policy Considerations

10. The site is an established fast food outlet with restrictive operating hours. There is no principle policy objection to the proposals; indeed the NPPF supports sustainable economic growth. In this case therefore the main issues to consider are neighbour amenity implications, anti-social behaviour, health implications and transport implications including the ability to safely service the petrol station.

Background to Former Applications

11. It should be noted that there was a previously refused application to increase the hours of operation (11/00936/VC), which was refused for the following reasons:
 - The proposed variation of the opening hours of the restaurant and the drive through facility would have a significant detrimental impact upon the living conditions of the nearby residents by virtue of noise pollution and disturbance at anti-social hours.
 - The proposed variation of the opening hours to allow a 24 hour opening of the drive through facility would be detrimental to the safe operation of the unassisted tanker deliveries by reason of the restricted shared access and resultant site security problems.
12. On examination of that application there was insufficient supporting evidence to justify that the additional hours would not have a significant additional adverse impact on the amenities of the nearby residential properties or the safe operation of the BP service station.
13. In 2013 the applicant submitted a similar application and was advised by officers

that in the absence of any further supporting material or changed circumstances the decision would likely be the same as in the 2011 case. The applicant subsequently withdrew the application.

14. Subsequent to this the applicant commissioned the services of an acoustic consultant to undertake a noise impact assessment, create a site management plan and embarked on discussions with the fire officer in developing an operations plan for petroleum deliveries to the petrol station.

Neighbour Amenity

Noise

15. The applicant has conducted a noise impact assessment (NIA) and submitted this with the application. This assesses the noise implications of the fixed roof top plant, use of the car park and use of the drive through facility.
16. The key receptors are considered to be the residential properties to the east and northeast all of which have external amenity areas next to the car parking and/or drive through areas of the site. With particular consideration given to the closest properties being no.160 Barrett Road and 32-42 Randolph Road.
17. It should be noted that the site already has consent to operate the restaurant and drive-thru and parking areas between the hours of 0800 and 2300. The additional hours occur over the night time period between 2300 and 0800 and therefore it is impact during these hours which is assessed.
18. The noise assessment has assessed the roof top plant in line with BS4142 (rating industrial noise) against background noise levels and noise from the car park and drive through against ambient noise levels.
19. In terms of development plan policy EP22 requires a good level of amenity for existing residential occupiers, emerging policy DM2 requires development to prevent noise disturbance and DM24 details that hot food takeaways will be permitted where there are no unacceptable environmental effects which could not be overcome via condition and the proposal has safe and convenient access and would not be detrimental to highway safety. The policy details that development will be subject to conditions on hours where necessary to protect the amenities of surrounding occupants. The policy relates to applications such as this seeking the relaxation of restrictive conditions.

Noise – Roof Top Plant

20. In relation to the plant noise environmental health had advised that the plant noise should be 10dB below background noise levels over the night time period. The existing plant did not meet these criteria and therefore the application includes the replacement of the kitchen extract system and air-handling units with new quieter models to meet this requirement. Subject to the replacement of this plant it is not considered that there would be any adverse impact to neighbouring properties as a result of noise from the plant. It is recommended that the replacement of the plant form a condition of any consent.

Noise – Car Park

21. Turning to the car park, it is difficult to determine the exact level of noise emitted

from the car park as every activity and occasion could generate different levels of noise. The noise consultant's observation of the site and of similar restaurants indicate that there are generally no significantly noisy activities during early morning, late evenings or overnight night periods. They are also of the opinion that a typical early morning customer is on their way to and from work and tends not to linger on the site and the majority of overnight customers are taxis, shift and emergency service workers so are similarly brief in their time on site.

22. The NIA considers normal customer use of the car park and concludes that the overall noise generated by use of the car park is predicted to be at worst 10dB less than the quietest existing ambient conditions. Maxima levels are predicted to be generally lower than current impulsive noise events. At 160 Barrett Road the slamming of car doors may be audible at certain quiet times of the night, but this is unlikely to be disturbing within the context of existing ambient conditions.
23. This considers normal use and it is acknowledged that there may be events of anti-social behaviour including bad language, revving of cars and loud music which would cause annoyance to nearby residents. It is not considered that such events can reasonably be predicted or assessed as part of the NIA and therefore to tackle these events the applicant has submitted a management plan which covers a number of matters and is discussed further under the anti-social behaviour section below.

Noise – Drive Through

24. The key noise emitters from the drive through are generated by the customer order display (COD) intercom and vehicles using the drive-thru area.
25. The conclusion of the assessment found that the noise from the use of the COD is predicted to be well below the quietest night-time ambient level at the receptor facades during 24 hour trading, not having an adverse impact on any of the receptor facades at any time. However, the noise consultant recommended that the 'night time' volume setting for the COD intercom could be switched on, reducing its noise levels and that this be automatically set to operate between midnight and 0600.
26. The assessment concluded that the level of noise emitted from cars using the drive-thru would not have an adverse impact on any identified receptors at any time.
27. In sum the NIA is considered to be appropriate and confirms that normal use of the premises should not give rise to unacceptable noise impact.

Anti-social behaviour

28. The applicant has identified anti-social behaviour as a concern of local residents and has submitted a management plan which deals with these matters. In particular this details the following:
 - (a) Litter collection in the surrounding area at least three times a day, the first at 6am and last at 11pm;
 - (b) Shift managers provided with conflict resolution training so that they can deal with anti-social behaviour and advised to actively engage with customers who may be creating noise or displaying anti-social behaviour, or where health and safety is an issue to engage with the police for

- support;
- (c) To keep a log of any events;
- (d) Taking action as a result of external complaints and looking for ways to tackle it, including liaising with the Council and police and taking witness statements where necessary;
- (e) Signage requesting customers be respectful;
- (f) Setting the intercom at a lower level at night time;
- (g) CCTV monitoring of the car park and monitoring any anti-social behaviour;

29. It is recommended that the measures in the management plan form a condition of any consent. It is not considered that further mitigation is available and subject to the implementation of the management plan it is not considered that a reason for refusal along the lines of the proposals causing anti-social behaviour could be substantiated.

Odour

30. The proposals would extend the period for cooking on the premises and therefore extraction will be in use for a longer period. No significant odour issues have been identified with the existing operation and it is noted that the applicant is proposing to upgrade the extraction system. In the circumstances it is not expected that any significant impact on amenity would occur as a result of odour.

Air pollution

31. It is acknowledged that idling vehicles emit fumes from their exhausts which in certain environments can lead to significant pollution. The site is not in an air quality management zone and the levels of vehicle movements during the night would not be expected to generate any significant levels of pollution which could give rise to harmful levels of emissions.

Health Considerations

32. Health considerations have been found elsewhere to be a material planning consideration, for example where the proposals are close to schools and the local authority have policies in place relating to this matter. In this case the authority has no such existing or emerging policies on the matter, the proposed hours are in any case outside the hours of operation of nearby schools. It is therefore not considered that a refusal on the basis of the health implications of allowing extended fast food facilities could be upheld.

Cumulative impacts

33. The adjoining petrol station is open 24 hours per day. On examination of the representations it is evident that some of the nearby residents are of the view that some of the noise and anti-social behaviour was being emitted from the petrol station and the main road. In addition concern has been raised over the cumulative impact and possible increase in activity in the area should the proposals for ASDA at the Bally Shoe Factory site on Hall Road come forward.

34. In this regard it is acknowledged that the area to the east of the site is residential in character however it is also located on the Outer Ring Road with uses in the wider area being varied. This does result in greater activity and road traffic noise and generally higher background and ambient noise levels than might be considered elsewhere in the city and these have been factored into the above assessments. It is not considered that these other uses and approvals considered cumulative would materially alter the assessment made here.

Highways, access and servicing

35. Discussions with the Fire Officer indicate that the 24 hour operation of the site would not compromise the safe refuelling of the petrol station subject to the procedures agreed at the licensing consent.
36. Any traffic movements associated with the use of the site between the hours of 11pm and 8am cannot be considered to be significant in the context of the existing hours of operation. Movements are likely to be less compared to peak traffic during the day and therefore the access is suitable and there are no significant concerns over highway safety.
37. The management plan submitted indicates that deliveries to the restaurant will be limited to between 5am and 10pm and refuse collections limited to between 6am and 10pm. Environmental Health has recommended a restrictive condition preventing deliveries between 7pm and 7am. However given that there are no restrictions on existing delivery operations at the site under its current consent it is not considered that it would be reasonable to now impose such a condition.
38. In terms of parking, the site has sufficient capability to accommodate the reduced demand for staff and customer parking during these evening hours. Staff choosing to park their cars elsewhere is outside planning control.

Local finance considerations

39. The proposals are not considered to give rise to any particularly local finance considerations.

Conclusions

40. On the basis of the noise impact assessment submitted it is not considered that there would be any significant impact on the amenities of neighbouring residents as a result of normal use of the hot food takeaway. Subject to compliance with the management plan it is not considered that the operator has provided adequate mitigation for anti-social behaviour and it is considered that a refusal along these lines would be extremely difficult to uphold. Regard has also been given to odour, air pollution, health considerations, cumulative impacts and access and servicing of the site and the neighbouring petrol station however none of these matters are considered to give rise to significant demonstrable harm as such it is recommended that the application be approved subject to the conditions outline in the recommendation below.

RECOMMENDATION

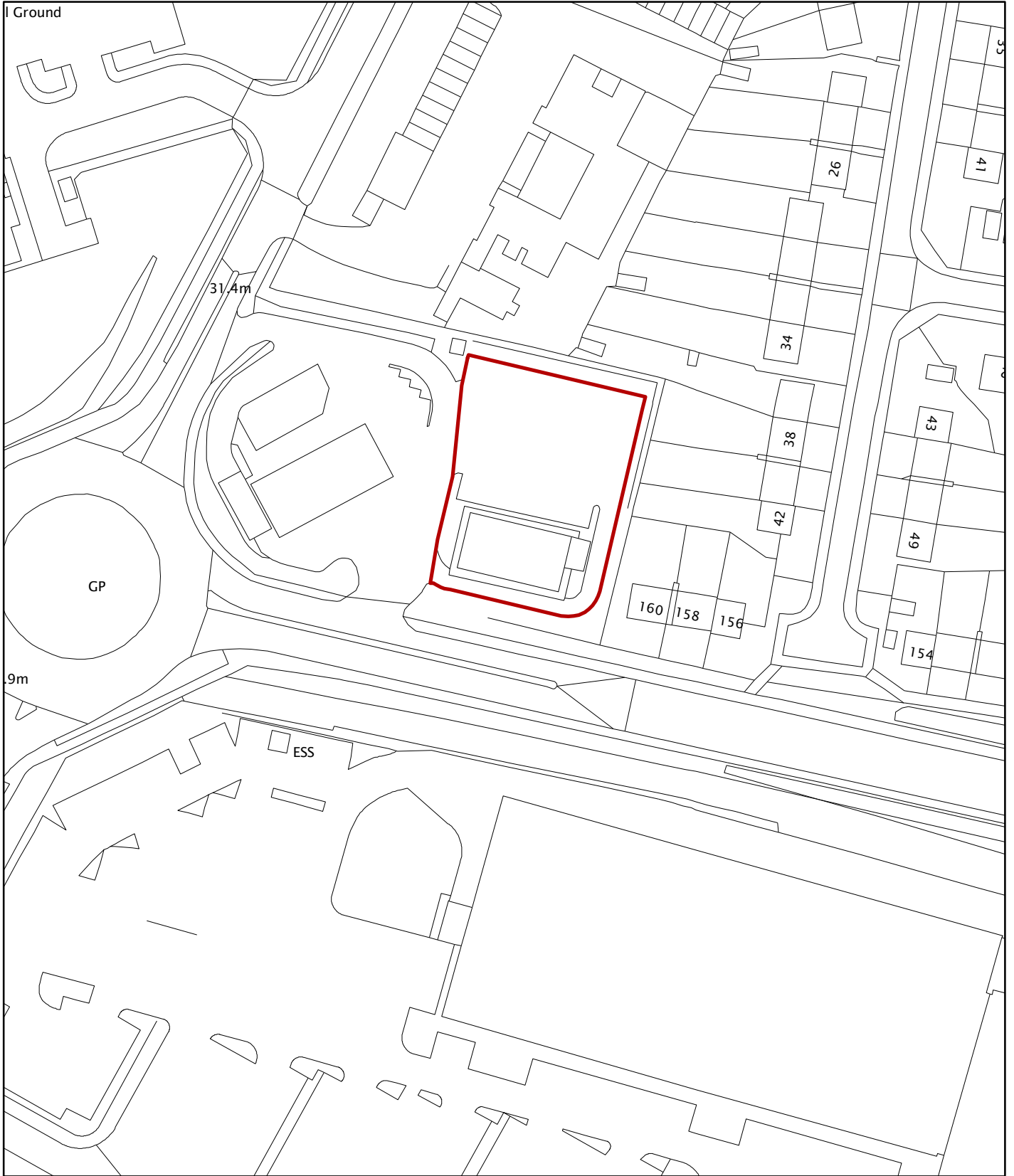
To approve application no.14/00028/VC at McDonalds, 162 Barrett Road and grant planning permission, subject to the following conditions:-

1. Standard time limit
2. In accordance with the approved plans
3. Replacement of roof top plant in accordance with the Noise Impact Assessment;

4. Compliance with the management plan in terms of litter collection, noise and disturbance management and CCTV operation.

Article 31(1)(cc) Statement

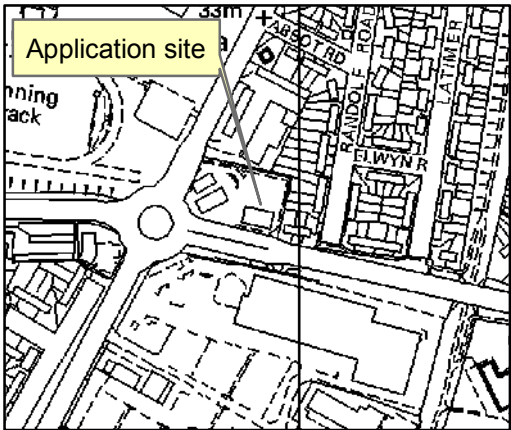
The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations, following negotiations with the applicant during the previously withdrawn application (13/01024/VC) including provision of appropriate supporting information (noise impact assessment and site management plan), the application has been approved subject to appropriate conditions and for the reasons outlined above.



© Crown Copyright and database right 2014. Ordnance Survey 100019747.

Planning Application No 14/00028/VC
 Site Address McDonalds
 Barrett Road

Scale 1:1,000



NORWICH
 City Council
 PLANNING SERVICES



Item
4(6)

The Sites

Location and Context

4. The three application sites front Sweet Briar Road (A140), which forms part of the main outer ring road of Norwich. This forms part of the Major road network (TRA18).
5. A key characteristic of the stretch of road running from Drayton Road through to Dereham Road is that it is lined with mature trees which have the effect of providing an attractive and leafy feel as one travels along the road.

13/01483/A (site 1)

6. The unauthorised hoarding, supporting structure and advert commands a very prominent position on the busy traffic lighted Drayton Road, Sweet Briar Road intersection. It is set back from the main road on a sloping piece of verge which is under the ownership of the Highway authority. It is 12.5 metres long and approximately 5 metres high at its highest point.
7. Directly to the rear of the structure lies a belt of mature trees which act as significant screening between the ring road and the Sweet briar industrial estate to the south. The site is designated as being a prime employment area (EMP4). It is also designated as being part of a green link network (SR12).
8. Directly opposite the site is the ASDA supermarket, the CarShop to the east and Sweet Briar retail park. There are a series of flags to the Carshop boundary with street trees to its frontage. The frontage to the Sweet briar retail park also has significant planting in the form of mature trees and hedging. It is noted that the intersection represents a transition point between the leafy character of Sweet Briar Road and the generally built environment of Boundary Road to the east.
9. The structure is at least in part on highway land.

13/01481/A (site 2)

10. This comprises a 6.4 metre long hoarding, supporting structure and advert located approximately 50 metres north of the Hellesdon Hall Road intersection positioned on the verge at a distance of 2-3 metres from the back of the footpath.
11. The hoarding and its associated supporting structure lies on the edge of land designated as being woodland (NE2) with groups of trees with Tree preservation orders (TPO) on them. It is also designated as being part of green link network (SR12).
12. The predominant characteristic of this area is that of a road defined by belt of mature trees to each side of the road, having the effect of screening the industrial estate and providing a pleasant leafy feel to both pedestrians and vehicle users of the ring road.
13. It is understood that the structure is on private land.

13/01484/A (Site 3)

14. The unauthorised hoarding, supporting structure and advert is 12.5 metres long and is positioned behind a knee rail which separates a sloping embankment from the rear of the pedestrian footway.
15. The predominant characteristic of this area is that of a road defined by belt of mature trees to each side of the road, having the effect of screening the industrial estate and providing a pleasant leafy feel to both pedestrians and vehicle users of the ring road.
16. The hoarding and its associated supporting structure is set within the edge of land designated as being woodland (NE2). It is also designated as being part of a green link network (SR12).
17. It is understood that the structure is primarily on council owned land.

Site 4 (no advert application submitted)

18. There is a further sign to the south of site 2 12.5 metres long and positioned on private land. No application has been submitted for this sign and enforcement are

currently investigating if this has deemed consent, it is in a similar location to the sign refused and dismissed at appeal under reference 03/00236/A.

Planning History

19. 97/0804/A – Erection of three advertisement hoarding on Sweetbriar Road/Drayton Road (REF 18.12.97). This application was of a similar scale and position to the application for site 1 being refused for the following reasons (a) The scale and location having a detrimental impact on the highway safety of a major light controlled intersection (b) The scale and location in an area characterised as being a landscaped verge with a backdrop of trees also forming part of a designated green link network would adversely impact on the amenity of this area. (Site 1)
20. There was no appeal to the above decision
21. 03/00236/A – Retrospective application for the erection of a non-illuminated 96 sheet advertising hoarding (REF 02.12.03). This application for a sign 12.5 metre long. The above refusal went to appeal and was dismissed on the grounds of the panel being detrimental to the interests of amenity (DISMISSED 31.03.04). (Site 4)
22. It is understood that following the appeal decision the panel was removed. However, some time after that a further unauthorised panel was erected in its place.

Equality and Diversity Issues

23. There are no significant equality or diversity issues.

The Proposal

13/01483/A - (site 1)

24. To remove the existing unauthorised sign and erect an 8.3 long sign set on a feathered edge plinth, the sign being a total height of approximately 4.8 metres above ground level. The sign will be non-illuminated.

13/01481/A - (site 2)

25. To retain a 6.4 metre long hoarding/advertisement.

13/01484/A - (site 3)

26. To remove the 12.5 metre structure/advert and erect a new 8.3 metre hoarding some 5 metres to the east. The application also includes the provision of two totem signs for small adverts for occupiers of the industrial estate.

Consultation responses

Site 1

27. **Strategic highway authority** – Objection on the grounds that the sign is an unacceptable distraction. The County Council does not allow any advertising on the Strategic Road Network except for small authorised signage with planning permission.
28. **Local highway authority** – Objection on the grounds of amenity and highway safety. The sign would cause a distraction to motorists. Similarly, no dedicated waiting facility for maintenance vehicles serving the advertisement hoarding could also have a detrimental impact on highway safety. The sign has been erected on highway land without the consent of the Highway Authority.
29. **Tree officer** – The nature of the securing foundation is of concern being so close to trees. This should have some arboricultural input in terms of the potential impact on

the roots.

30. **Conservation and design** – Whilst the size of the sign is to be reduced, it will still be a very visible and dominant feature that by its very nature will attract attention amongst its surroundings. The sign detracts from the landscaping which is the main feature softening the edges of the junction. Since it bears no relationship to the gateway characteristics of the junction, there is no justification for its presence in urban design terms. I therefore recommend refusal.

Site 2

31. **Strategic highway authority** – No objection
32. **Local highway authority** – Objection on the grounds of amenity and highway safety. The sign would cause a distraction to motorists. Similarly, no dedicated waiting facility for maintenance vehicles serving the advertisement hoarding could also have a detrimental impact on highway safety. The sign has been erected on highway land without the consent of the Highway Authority. However, they conclude that the impact would be less compared with site 3.

Site 3

33. **Strategic highway authority** – Objection – The proposed signs would add to the distraction of highway users on this busy and important traffic route. This is likely to result in driver hesitation and sudden vehicle slowing manoeuvres which in turn would lead to the deterioration of the efficiency of the through road as a traffic carrier and be detrimental to highway safety.
34. **Local highway authority** – Objection – The proposal would have an adverse impact on amenity and highway safety.
35. **Tree officer** – The nature of the securing foundations so close to trees is of concern. This should have some arboricultural input in terms of the potential impact on the roots.

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

National Planning Policy Framework:

Statement 7 – Requiring good design

Statement 11 – Conserving and enhancing the natural environment

Relevant policies of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2011

Policy 1 – Addressing climate change and protecting environmental assets

Policy 2 – Promoting good design

Policy 6 – Access and transportation

Relevant saved policies of the adopted City of Norwich Replacement Local Plan 2004

HBE12 – High quality design with special attention to height, scale, massing and form.

SR12 – Green links

NE3 – Tree protection control of cutting, lopping etc

NE2 – Protection of woodland

EMP4 – Policy for prime employment areas

TRA5 – Approach to design for vehicle movement and special needs

TRA8 – Provision for servicing

TRA18 – Major road network

Other Material Considerations

Emerging policies of the forthcoming new Local Plan (submission document for examination, April 2013)

Written Ministerial Statement: Planning for Growth March 2011

Development Management Policies Development Plan Document – Pre-submission policies (April 2013).

DM3 - Delivering high quality design

DM7 – Trees and development

DM30 – Access and highway safety

DM31 - Car parking and servicing

Procedural Matters Relating to the Development Plan and the NPPF

The Joint Core Strategy and Replacement Local Plan (RLP) have been adopted since the introduction of the Planning and Compulsory Purchase Act in 2004. With regard to paragraphs 211 and 215-216 of the National Planning Policy Framework (NPPF), both sets of policies have been subjected to a test of compliance with the NPPF. The 2011 JCS policies are considered compliant, but some of the 2004 RLP policies are considered to be only partially compliant with the NPPF, and as such those particular policies are given lesser weight in the assessment of this application. The Council has also reached submission stage of the emerging new Local Plan policies, and considers most of these to be wholly consistent with the NPPF. Where discrepancies or inconsistent policies relate to this application they are identified and discussed within the report; varying degrees of weight are apportioned as appropriate.

Principle of Development

Policy Considerations

36. The National Planning Policy Framework states that poorly placed adverts can have a negative appearance on the built and natural environment. Advertisements should be subject to control only in the interests of amenity and public safety, taking into account of cumulative impacts.
37. Whilst some objections have been received on certain criteria of emerging policy DM3, a degree of weight can still be given to the remaining criteria, particularly the one which states that proposals should respect, enhance and respond to the character and local distinctiveness of the area.
38. Other key considerations include the fact that all of the application sites are located on a strategic 'A' class road. Therefore, it is important to consider highway safety implications of the signage.
39. Emerging policy DM30 has received an objection from the County highway authority so no weight can be applied. Whilst an objection has been received on policy DM31, it only relates to certain aspects of the policy and not the part relating to servicing.
40. Significant weight can be given to policy DM7 as no objections have been received.

Site 1

Amenity

41. There are no residential properties so the key issue is the development's impact on the amenity and character of the area.
42. It is important to note that the site commands a prominent setting on a location which is a key entrance point to the city, defined by the mature street trees to either side of the road and the bank of mature woodland between the ring road and the Sweet briar industrial estate.
43. Whilst there are other examples of signs on the intersection, they are in a more planned arrangement (set behind street trees) such as those displayed on the Car Shop site and with a completely different backdrop to the application site which is set against a bank of mature trees which forms part of green link which aims to safeguard and enhance natural features of importance.
44. It is acknowledged that a reduction in size will reduce the impact on the character of the area. However, the sheer size and elevation of both the existing and proposed sign is at odds with the soft landscaping to the rear which plays an important function in defining the edge and entrance to the City of Norwich and enhancing the green links network.
45. It may be argued that there are other unauthorised signs in the wider area. However, these may well be subject to possible enforcement action by the council in the future.
46. The approval of such a proposal or indeed the retention of the existing sign could also act as a precedent for signs of a similar scale further along Sweet Briar Road leading down to Dereham Road, further eroding the character of this part of the ring road which currently has some pleasant landscaping in the form of mature trees which help define the boundary of the City.
47. The structure is in very close proximity to the bank of mature trees to its rear, so any works associated with the construction of the sign could have a detrimental impact on the health of those trees which play an important contribution to the visual amenities of the street scene and the green links network. No arboricultural information has been provided to demonstrate that they will be protected. Were approval recommended this could potentially be overcome via condition.
48. The intersection has undergone some recent changes which have improved the setting and entrance to the city including built/landscaping enhancements to the Carshop site and junction improvements which have included the introduction of soft landscaping to improve safety to each of the slip lanes.
49. Regularising such a structure and advert is considered to be a backwards step. Therefore the scale and location of the existing and proposed structure and advert in an area characterised as being a landscaped verge with a backdrop of trees also forming part of a designated green link network would adversely impact on the amenity of this area.

Public safety

50. It is acknowledged that a sign of this scale has been located in this location for a reasonable period of time. It could therefore be argued that if the Highway Authority considered it to be an unacceptable distraction to road users they should have used their highways powers to secure its removal, this matter is picked up further in the enforcement sections below.
51. Nevertheless the fact that the Strategic Highway Authority consider the sign as resulting in an unacceptable distraction on a Strategic Road Network on a busy intersection must be given significant weight.
52. The local highway authority have raised concerns that there is no dedicated waiting facility available for vehicles maintaining the advert, meaning vehicles may have to park on a very busy main road. Such a scenario could cause further distraction to vehicles entering the intersection or using the slip lanes, increasing the chances of collision. The scale of this impact is reduced by the fact that the frequency of any maintenance is not likely to be high and in reality it is expected that such vehicles would temporarily park up on the verge.

Site 2

Amenity

53. The unauthorised sign is highly visible in the street scene due to the stark contrast of the structure relative to the soft landscaping of the mature trees. That being said, due to it being in line with the bank of trees, it is less prominent to the other unauthorised signs on the nearby Hellesdon Road / Hall Road intersection to the south.
54. A key concern is that retention of the sign along with the other unauthorised adverts, would have a cumulative effect of further eroding the character of this part of the ring road which currently has some pleasant landscaping in the form of mature trees and green link network along the ring road.
55. On examination of the appeal decision for a 12.5 metre hoarding/advert 25 metres to the south, it is evident that the inspector described the road as being open and almost of a semi rural character with grassed verges and a light screen of trees to the south west. The inspector also added that the appeal site is within a pleasant and more substantial tree belt, designated as a group Tree Preservation Order, bordering the main road to the east. In addition, it was observed that the greenery around the junction complements other roadside 'green space' helping to relieve any intrusion from the city's commercial fringe. In keeping with this welcome greenery, the permitted commercial profile of the area is low-key rather than assertive.
56. The observations drawn by the inspector about the character of the area contributed to a conclusion that such a large advertisement would be a substantial roadside element emphasised by its forwards siting and shallow display alignment to the carriageway, allowing for a fairly long range of visibility, the freestanding panel creating a discordant and unduly assertive feature within the tree belt, in a position effectively divorced from any commercial activity. The overly large and poorly sited panel therefore crudely disrupts the amenity value of the trees and imposes itself unduly on the wider landscape setting of this strategically important

route around the city.

57. It is acknowledged that the current application is substantially shorter at 6.4 metres compared to the one dismissed at appeal and sits more parallel with the road and tree belt.

58. Whilst the above may be the case, the structure is still at odds with the soft landscaping to the rear, all of which is considered to be a backwards step which would contribute to cumulative incremental erosion of the green links network and leafy character of the area.

59. The structure is in very close proximity to the bank of mature trees to its rear (some of which had TPO status), so any works associated with the future maintenance of the sign could have a detrimental impact on the health of those trees which play an important contribution to the visual amenities of the street scene and the green links network. Were approval recommended this could potentially be overcome via condition.

Public safety

60. The strategic highway authority has no objection.

61. The local highway authorities are of the view that the advert would cause distraction to motorists having an adverse impact on highway safety.

62. The lack of a dedicated waiting area could also have the effect of causing an obstruction which could increase the changes of further driver distraction whilst approaching the intersection. On the basis of all of the above, the highway authority consider that the sign and activities associated with its maintenance could result on a detrimental impact on highway safety.

63. However, they do concede that the impact is less compared to the impacts associated with site 4.

64. Given the relationship of the advert with the road and being some distance from the intersection, it is concluded that the impact on the advert on public safety would not be significant.

Site 3

Amenity

65. The conclusions made by the planning inspector are considered relevant for the current advert. See paragraphs 55-56.

66. It is acknowledged that a reduction in size of the unauthorised 12.5 hoarding/sign to a 8.3 metre long structure will reduce the impact on the character of the area. However, the sheer size and elevation of both the existing and proposed sign would still be at odds with the soft landscaping to the rear which plays an important function in contributing to the leafy character of the area which is designated a green links network.

67. The structure is in very close proximity to the bank of mature trees to its rear so any works associated with erection of the new sign or future maintenance could have a detrimental impact on the health of those trees which play an important contribution to the visual amenities of the street scene and the green links network. No arboricultural information has been provided to demonstrate that they will be

protected. Were approval recommended this could potentially be overcome via condition.

68. Two totem signs are also proposed as part of this application either side of the Junction of Hellesdon Hall Road. These are smaller signs 1.5m wide and are proposed to detail the names of occupiers of the industrial estate. Given their smaller scale and the fact that they are proposed to relate directly to the industrial estate the signs are considered to be acceptable. It is recommended that a condition of any consent is that they only provide advertising for premises located and operating from the industrial estate.

Public safety

69. The highway authority state that the sign would cause distraction to cars approaching the intersection.
70. It is acknowledged that a sign of this scale has been located in this location for a considerable period of time. It could therefore be argued that if the Highway Authority considered it to be an unacceptable distraction to road users they should have enforced by the Highway Authority using the Highways Act 1980. This is discussed further in the enforcement sections below.
71. Whilst there may be a certain logic to this argument, the local planning authority is presented with a formal application and must be mindful of the impact of developments and the potential for harm to public safety.
72. The fact that the Strategic Highway Authority view the sign as resulting in an unacceptable distraction on a Strategic Road Network on a busy intersection must be given significant weight.
73. The local highway authority have raised concerns that there is no dedicated waiting facility available for vehicles maintaining the advert, meaning vehicles may have to park on a very busy main road. Such a scenario could cause further distraction to vehicles entering the intersection or using the slip lanes, increasing the chances of collision. The scale of this impact is reduced by the fact that the frequency of any maintenance is not likely to be high and in reality it is expected that such vehicles would temporarily park up on the verge.

Planning enforcement options

74. It is possible to prosecute for any unlawful display of adverts under section 224 of The Town and Country Planning Act 1990. However such action potentially only results in the removal of the advert and not the structure it is attached to. Enforcement action against the structure can only be taken by means of an enforcement notice under section 172 of the Act or a section 225A notice, described further below.
75. New powers inserted by the Localism Act under section 225A of The Town and Country Planning Act 1990 provide for the Local Planning Authority to remove structures used for the unauthorised display of adverts subject to first serving a removal notice. This provides for the Local Planning Authority to physically remove the structure and potentially recover the costs of doing so.

76. The head of planning currently has delegated powers to take all forms of enforcement action with the exception of the approval of the service of an enforcement notice under Section 172 of the Town and Country Planning Act 1990 (and certain provisions in relation to listed buildings which are not relevant here).
77. Sites 1, 2 and 3 are all displaying advertisements and are not considered to benefit from deemed consent. The structures are also considered to be operational development and have been erected within the last ten years without the grant of planning consent.
78. Enforcement officers are currently investigating if site 4 has deemed consent due to the length of time it has been in place. The sign is in a similar location to the sign refused (retrospectively) and dismissed at appeal under reference 03/00236/A, however there is some evidence that the sign was removed and replaced after the appeal decision. At this stage authorisation is not sought to serve an enforcement notice under section 172 for this sign, however officers may test the case by action under section 224 in the first instance.
79. It is considered that site 1 is at least in part located on adopted highway and therefore could be removed by highways. The unauthorised sign adjacent to site 3 is on Council owned land and therefore could be removed by the Council as land owner. Property services have confirmed that they have not given any consent to the display of the sign and are not receiving any income from it.
80. Taking action on these signs and structures under section 225A or 172 would result in the serving of notices on the highway authority and the Council as land owner and as such it is recommended that the committee formally request that the Head of Development Services investigate the matter and seek the removal of the signs using other powers under the Highways Act as any such action falls outside of the Committee's remit..
81. The recommendation is that powers be given to the Head of Planning to take enforcement action to secure the removal of the signs and associated structures at sites 1, 2 and 3 including the serving of an enforcement notice under section 172 and the taking of direct action including prosecution if necessary. However prior to taking any further action on sites 1 and 3 it is recommended that the committee formally request that the Head of City Development Services take action to seek the removal of the signs as this would seem to be the most appropriate option.

Conclusions

82. Whilst each of the four sites are not identical, by virtue of the scale and location of the proposal in the context of the existing environment, the advertisements would be overly prominent and appear out of keeping having a detrimental impact on the visual amenities of the street scene. The totem signs are relatively small scale and will not have a significant detrimental impact on the visual amenities of the street scene.
83. It is considered that the signs on sites 1 and 3 would result in a significant detrimental impact on highway safety of a busy intersection on a Strategic A Class Road.

84. It is recommended that the proposed signs be refused for the reasons outline in the recommendations below and that delegated authority be given to the Head of Planning to take appropriate enforcement action to seek the removal of existing signs as per the recommendations below.

Recommendations

Site 1

- (1) refuse planning permission for Application No (13/01483/A Land to the south side of the junction of Boundary Road, Drayton Road and Sweet Briar Road) for the following reason(s):-
 1. The advertising hoarding by reason of its size, position and location would be overly prominent and an inappropriate form of advertising which would have a negative impact on the appearance of the environment and would detract from the character of the adjacent landscape belt to the detriment of the visual amenity of the surrounding area. The advertising hoarding would therefore be contrary to the objectives of paragraph 67 of the National Planning Policy Framework, policy 2 of the Joint Core Strategy for Broadland, Norwich and South Norfolk 2011, saved policies HBE12 of the adopted City of Norwich Replacement Local Plan 2004 and emerging policy DM3 of the Development Management Policies DPD Regulation 22 submission document, 2013.
 2. Given the size and location of the advertising hoarding on an important junction in the strategic highway network it is considered that the sign presents an unacceptable distraction to road users and could have a significant detrimental impact on the highway safety of a busy intersection in the strategic road network. The advertising hoarding would therefore be contrary to paragraph 67 of the National Planning Policy Framework 2012 and policy 6 of the Joint Core Strategy for Broadland, Norwich and South Norfolk 2011.
- (2) authorise the Head of Planning services to secure the removal of the advert and associated structure at site 1 including the serving of an enforcement notice under section 172 of The Town and Country Planning Act 1990 and the taking of legal proceedings, including prosecution if necessary.
- (3) request the Head of City Development Services to seek the removal of the sign given its location on highways land.

Site 2

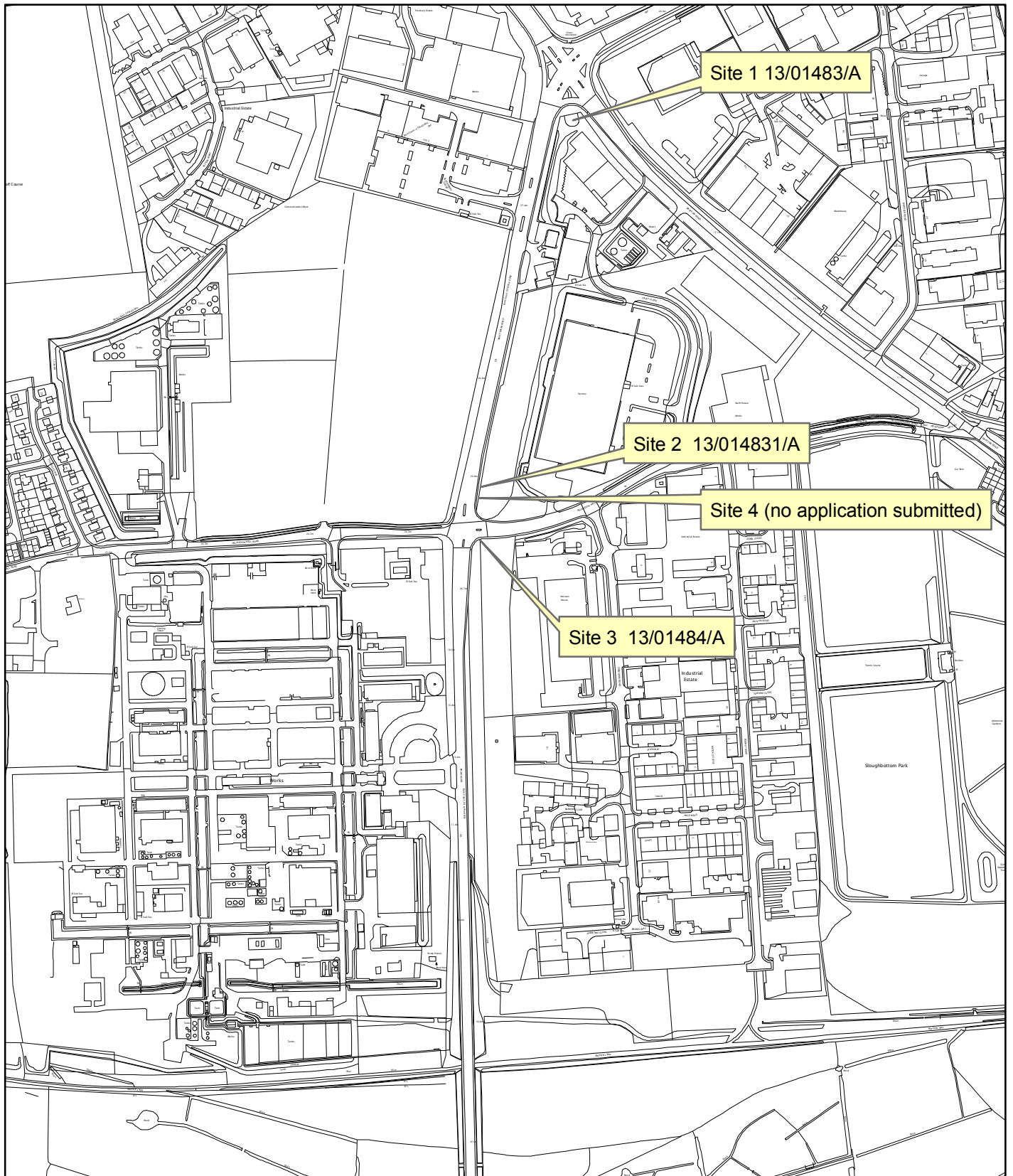
- (1) refuse planning permission for Application No (13/01481/A Land north of junction between Hellesdon Hall Road and Sweet Briar Road) for the following reason(s):-
 1. The advertising hoarding by reason of its size, position and location would be overly prominent and an inappropriate form of advertising which would have a negative impact on the appearance of the environment and would detract from the character of the adjacent landscape belt to the detriment of the visual amenity of the surrounding area. The advertising hoarding would therefore be contrary to the objectives of paragraph 67 of the National Planning Policy Framework, policy 2 of the Joint Core Strategy for Broadland, Norwich and South Norfolk 2011, saved policies

HBE12 of the adopted City of Norwich Replacement Local Plan 2004 and emerging policy DM3 of the Development Management Policies DPD Regulation 22 submission document, 2013.

- (2) authorise the Head of Planning services to secure the removal of the advert and associated structure at site 2 including the serving of an enforcement notice under section 172 of The Town and Country Planning Act 1990 and the taking of legal proceedings, including prosecution if necessary.

Site 3

- (1) part refuse planning permission for Application No (13/01484/A Land at junction of Hellesdon Hall Road and Sweet Briar Road) for erection of a 64 sheet advertising panel on the south side of the junction the following reason(s):-
 1. The advertising hoarding by reason of its size, position and location would be overly prominent and an inappropriate form of advertising which would have a negative impact on the appearance of the environment and would detract from the character of the adjacent landscape belt to the detriment of the visual amenity of the surrounding area. The advertising hoarding would therefore be contrary to the objectives of paragraph 67 of the National Planning Policy Framework, policy 2 of the Joint Core Strategy for Broadland, Norwich and South Norfolk 2011, saved policies HBE12 of the adopted City of Norwich Replacement Local Plan 2004 and emerging policy DM3 of the Development Management Policies DPD Regulation 22 submission document, 2013.
 2. Given the size and location of the advertising hoarding on an important junction in the strategic highway network it is considered that the sign presents an unacceptable distraction to road users and could have a significant detrimental impact on the highway safety of a busy intersection in the strategic road network. The advertising hoarding would therefore be contrary to paragraph 67 of the National Planning Policy Framework 2012 and policy 6 of the Joint Core Strategy for Broadland, Norwich and South Norfolk 2011.
- (2) part approve planning permission for Application No (13/01484/A Land at junction of Hellesdon Hall Road and Sweet Briar Road) for the erection of two totem signs either side of the junction subject to the following conditions:
 1. Five standard conditions required to be imposed by the advertisement regulations;
 2. The development to be in accordance with approved plans;
 3. The signs shall provide advertising for businesses located on the sweet briar industrial estate only.
- (3) authorise the Head of Planning services to secure the removal of the existing advert and associated structure at site 3 including the serving of an enforcement notice under section 172 of The Town and Country Planning Act 1990 and the taking of legal proceedings, including prosecution if necessary.
- (4) request the Head of City Development Services to seek the removal of the sign given its location on council owned land.



© Crown Copyright and database right 2014. Ordnance Survey 100019747.

Planning Application No 13/01483/A & 13/01481/A
& 13/01484/A

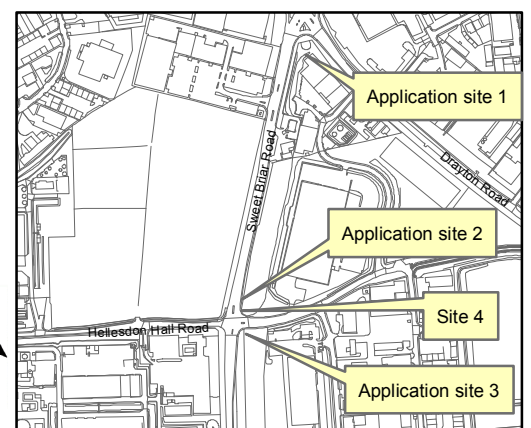
Site Address Sweet Briar Road

Scale 1:5,782



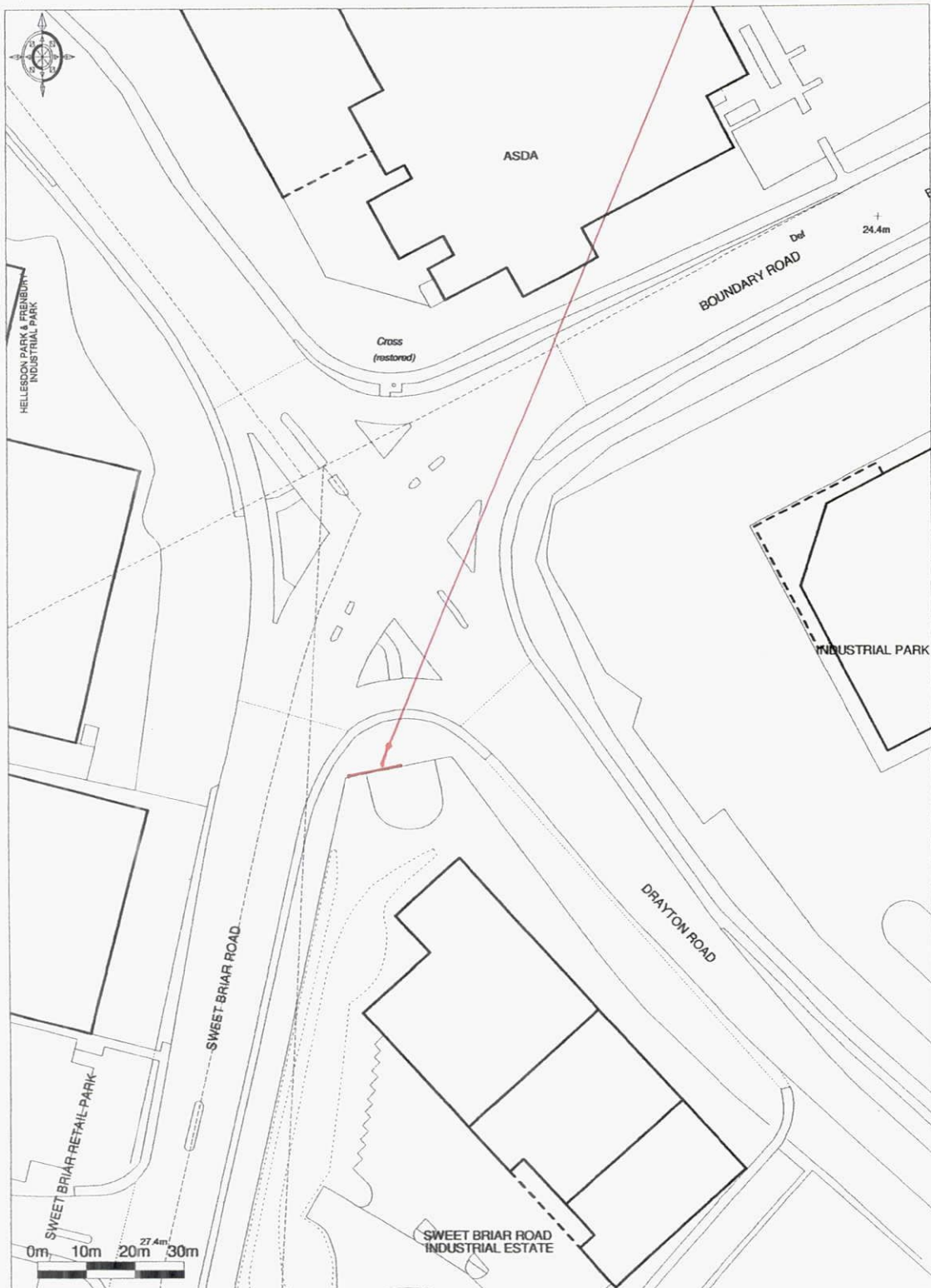
NORWICH
City Council

PLANNING SERVICES



Sweet Briar Road/Drayton Road, Norwich.

LOCATION OF EXISTING 96 SHEET PANEL
PROPOSED TO REDUCE IN SIZE TO 64 SHEET



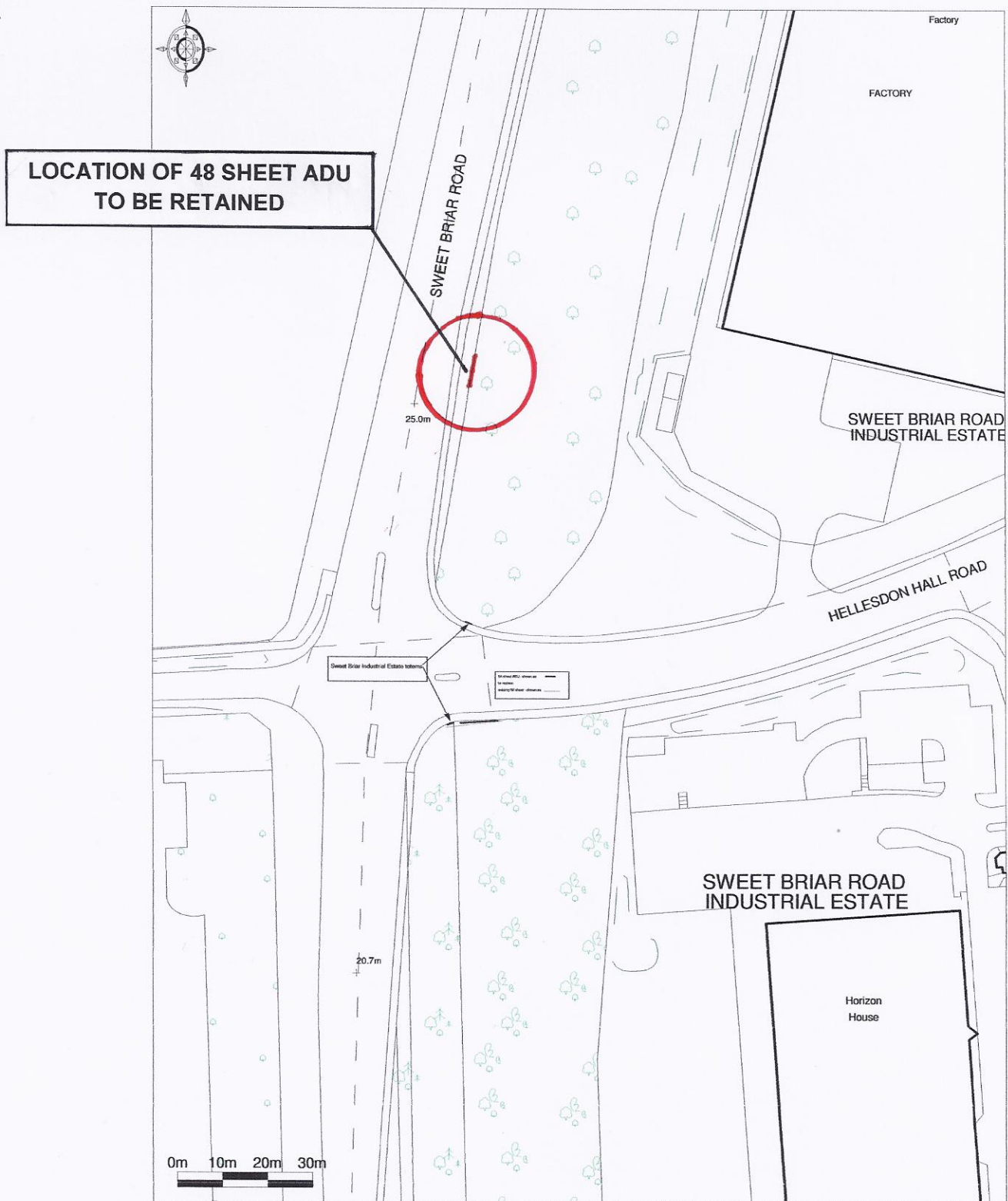
Ordnance Survey © Crown Copyright 2013. All rights reserved.
Licence number 100023432. Plotted Scale - 1:1250

Drawing No. RM/013.1052/01

July 2013

Sweet Briar Road Industrial Estate, Sweet Briar Road/Hellesdon Hall Road, Norwich.

Proposed Estate Totems + ADU



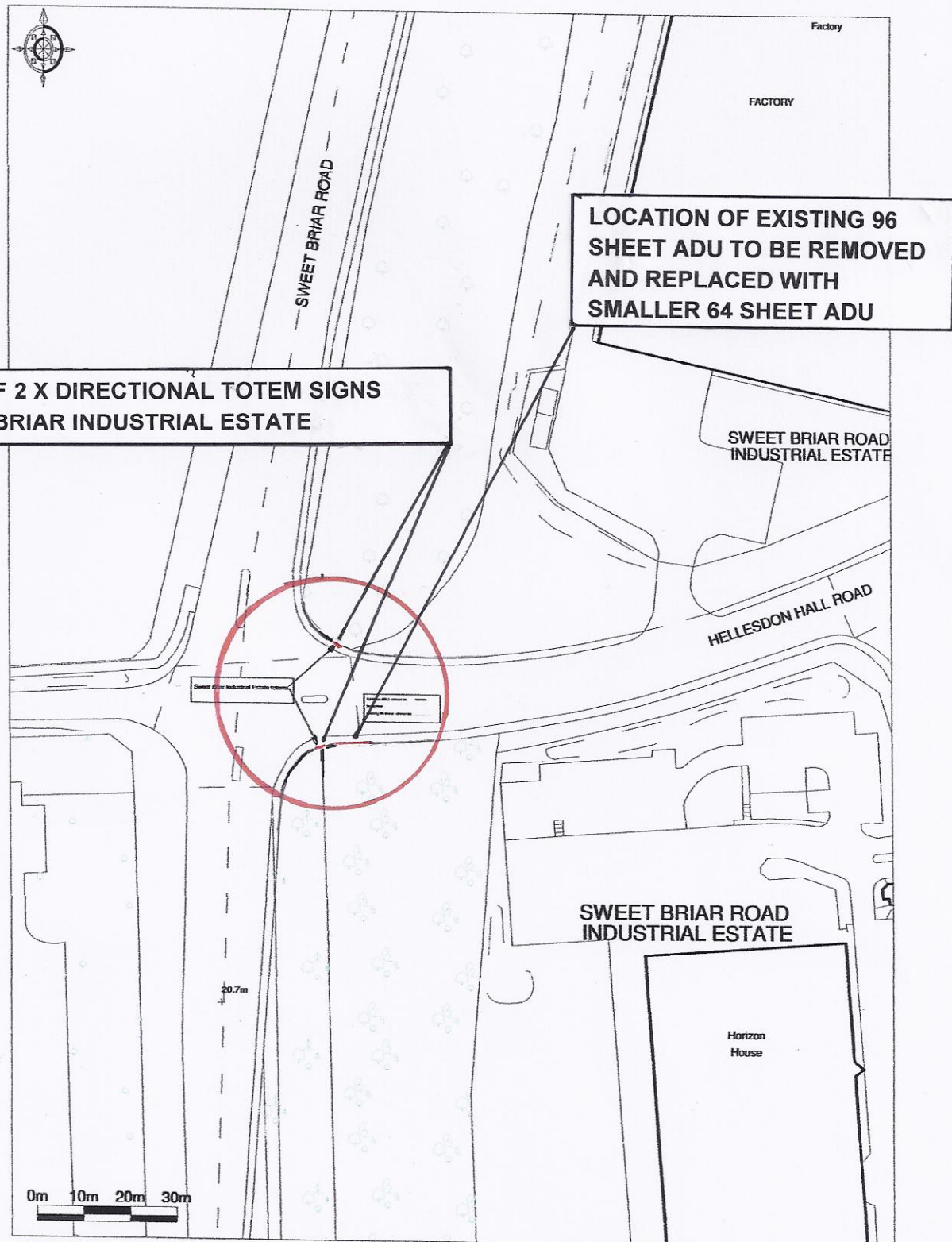
Ordnance Survey © Crown Copyright 2013. All rights reserved.
Licence number 100022432. Plotted Scale - 1:1250

Drawing No. RM/013.1051/01

August 2013

Sweet Briar Road Industrial Estate, Sweet Briar Road/Hellesdon Hall Road, Norwich.

Proposed Estate Totems + ADU



Ordnance Survey © Crown Copyright 2013. All rights reserved.
Licence number 100022432. Plotted Scale - 1:1250

Drawing No. RM/013.1051/01

August 2013

Report to Planning applications committee
Date 6 March 2014
Report of Head of planning services
Subject 13/02051/F Former Wellesley First School Wellesley
Avenue North Norwich NR1 4NT

Item
4(7)

SUMMARY

Description:	Siting of a temporary pharmacy on site whilst construction of permanent pharmacy is completed.
Reason for consideration at Committee:	Objection
Recommendation:	Approve
Ward:	Crome
Contact Officer:	Mr Lee Cook Senior Planner 01603 212536
Valid Date:	04 January 2014
Applicant:	Property Partnerships (Isle of Man) Ltd
Agent:	Iceni Developments Ltd

INTRODUCTION

The Site

Location and Context

1. The site is located at the corner of Wolfe Road and Wellesley Avenue North and was formerly used as Wellesley Avenue first school. The school was closed in August 2008 as part of a reorganisation of Norwich schools and school aged pupils locally now attend Lionwood Infant School on Telegraph Lane East and Lionwood Junior School in new building on the south side of Wolfe Road opposite the application site. The former school building has now been demolished.
2. The area as a whole is characterised by a mix of styles of building and uses. School buildings are to the south, a small group of retail uses and a pub are located to the west on Quebec Road and the remainder of the area is predominantly residential in use. Plumstead Road just to the north of the site is a main arterial route in and out of Norwich. Further to the east on Plumstead Road is a district centre retail area. A further local centre retail area is located at the Ketts Hill roundabout to the west.

Constraints

3. There are no site specific policies within the proposals map to the Adopted Local Plan; however, the Green Links Network (SR12) and Strategic Cycle Network (TRA15) run along Wolfe Road and return down Wellesley Avenue North to the south of the site. The site also contains a number of trees and landscape features.

Topography

4. The site lies within the area at the top of the river valley and is relatively flat. The site itself has some minor variations in level between different site surfacing.

Planning History

5. Re-use or redevelopment of the site or parts of the site has been discussed since the closure of the school building. Application **12/01016/F** for the construction of a medical centre (Class D1), Pharmacy (Class A1) and 14 No. residential dwellings (Class C3) with access road off Wellesley Avenue North was agreed by Members of Planning Applications Committee on 20th September 2012 and subsequently approved subject to a S106 agreement on 7th March 2013. Application **12/01997/DEM** – for the demolition of former school premises was approved 30th November 2012.

Equality and Diversity Issues

6. Various issues relating to the development are reviewed below. The proposals for a temporary pharmacy pending the delivery of the new medical centre should help delivery of services to the local community however there are not considered to be significant equality or diversity issues.

The Proposal

7. The application is for the siting of a temporary pharmacy on site whilst construction of permanent medical centre and pharmacy is completed.

Representations Received

8. Adjacent and neighbouring properties have been notified in writing. 2 letters of representation have been received citing the issues as summarised in the table below.
- 9.

Issues Raised	Response
Concern that approved development will not be committed to and other uses will appear on site.	Paras 14, 15, 16
Increased traffic flows from pharmacy will lead to additional highway hazards within the area which already suffers from high car speeds and parking issues.	Paras 20, 21

Consultation Responses

10. Norfolk Constabulary: No objection in principle; have made requests for revisions to type of site hoarding/fencing being provided, security of the building and prevention of overnight storage of medicines on site.
11. Transportation Officer: No objection in principle.

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

National Planning Policy Framework:

Statement 1	Building a strong, competitive economy
Statement 2	Ensuring the vitality of town centres
Statement 8	Promoting healthy communities
Statement 11	Conserving and enhancing the natural environment

Relevant policies of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2011

Policy 5	The economy
Policy 7	Community facilities
Policy 9	Strategy for growth in the Norwich Policy Area
Policy 12	Urban renewal
Policy 19	The hierarchy of centres

Relevant saved policies of the adopted City of Norwich Replacement Local Plan 2004

AEC2:	Local Community facilities
EP22:	Amenity
NE9:	Comprehensive landscaping scheme and tree planting
TRA6:	Parking standards – maxima
TRA7:	Cycle parking standards
TRA8:	Servicing standards

Supplementary Planning Documents and Guidance

Trees and Development SPD – September 2007

Other Material Considerations

Written Ministerial Statement: Planning for Growth March 2011

The Localism Act 2011 – s143 Local Finance Considerations

Development Management Policies Development Plan Document – Pre-submission policies (April 2013).

Please note that these policies were submitted to the Planning Inspectorate on 17th April 2013. After this time some weight can be applied to these policies. Some policies subject to objections have not been included in this list as these issues are unlikely to be resolved within the time frame of the application, and therefore should not be given much weight.

DM1	Achieving and delivering sustainable development
*DM2	Ensuring satisfactory living and working conditions
*DM6	Protecting and enhancing the natural environment
DM7	Trees and development
DM18	Promoting and supporting centres
DM28	Encouraging sustainable travel
*DM31	Car parking and servicing

* These policies are currently subject to specific objections or issues being raised at pre-submission stage which could be relevant to this application and so only minimal weight has been applied in its content. However, the main objectives of ensuring appropriate design, amenity, parking and servicing remain in place through Local Plan

policies EP22, NE9, TRA6, TRA7 and TRA8.

Principle of Development

Policy Considerations

Procedural Matters Relating to the Development Plan and the NPPF

12. The Joint Core Strategy and Replacement Local Plan (RLP) have been adopted since the introduction of the Planning and Compulsory Purchase Act in 2004. With regard to paragraphs 211 and 215-216 of the National Planning Policy Framework (NPPF), both sets of policies have been subjected to a test of compliance with the NPPF. Both the 2011 JCS policies and the 2004 RLP policies above are considered to be compliant with the NPPF. The Council has also reached submission stage of the emerging new Local Plan policies, and considers most of these to be wholly consistent with the NPPF. Where discrepancies or inconsistent policies relate to this application they are identified and discussed within the report; varying degrees of weight are apportioned as appropriate.
13. The site is located outside of any defined centres. The criteria for new retail uses should be assessed sequentially with retail being located in or next to defined centres before out of centre locations are considered. The site is however sited between a district and a local centre, but as it is clearly detached from the centre but within the urban area it is considered to be out of centre.
14. When considering if this location is acceptable for new retail, the scale of the proposed use, site history or the previous use should be considered. The unit is relatively small and given the high density of surrounding residential dwellings it is highly likely the main source of trade will be from local residents. Further to this the previous application approved for the site was for a new medical centre and pharmacy. The agent has indicated that the temporary pharmacy now proposed would be to ensure implementation of the site licence which has been secured for the new facility and in effect to secure an early presence on site for the new permanent facilities.
15. A temporary permission has been sought which in terms of timescales for retention of the facility on the site will tie into the existing permission which expires in 2016. The agent has advised that it is hoped that works will commence on site in 2014 with an 11 month build programme and an 18 month period has been requested to site the temporary building. Given these specific circumstances it would therefore be very difficult to support a recommendation of refusal on the basis of the site being out of centre or an inappropriate location for a retail unit.

Other Material Considerations

16. If the temporary nature of the use is tied in with a construction programme for the delivery of the main development on site then the other main issues to address would be amenity, access/parking, security, tree protection and ensuring that its position is not prejudicial to the delivery of the main buildings/development.

Impact on Living Conditions

Noise and Disturbance

17. The portakabin is sited fairly central to the Wellesley Avenue north frontage of the site which is away from adjoining residential gardens but is visible from the fronts of properties opposite. The use would entail relatively low levels of disturbance, with the likely sources of noise originating from deliveries and customers outside of the new unit. To enable construction of the remainder of the site any deliveries or parking would be along the existing road and involve parking activity typical of the area. Whilst it is recognised that the site had a previous use as a school, the

pharmacy and construction programme is likely to lead to more activity along the road.

18. The agent has indicated that the pharmacy will be open between 08:00 hours and 18:30 hours Monday to Friday and 09:00 hours to 13:00 hours on Saturday and having regard to its close proximity to the surrounding residential uses leads to it being considered reasonable to condition the hours of opening and delivery to those applied for above only to help further limit potential disturbance within the area.

Site security

19. Norfolk Constabulary has suggested removal of medicines from the site overnight and better visibility through any site hoardings. The agent has confirmed that the pharmacy will have 2.4m high fence/gates around it, CCTV and a monitored alarm. The Controlled Drugs Cabinet will be fixed to standards which are acceptable to the NHS for this type of accommodation. The windows will have grills over them and have toughened glass. The compound will be illuminated at night and mesh-weld fencing will be used to aid security. On balance the updated information provided by the agent should ensure a safe operation of the site and subject to a condition requiring details of site lighting to avoid any amenity impacts the scheme is considered to be acceptable.

Transport and Access

Car Parking, Vehicular Access and Servicing

20. The proposed uses with the earlier application were considered suitable for this location in transportation terms and the orientation of the medical centre enables easy access on foot and cycle to and from Wellesley Avenue North. The transport statement submitted with that application indicates that the likely use of the site for the medical centre would not result in an increase in peak hour traffic movements compared to its previous use. Additional highway improvements were also agreed as part of the scheme to help control parking within the area.
21. The transportation officer has confirmed that he has no objections on transportation grounds for this new temporary development. The unit is sited within that part of the site to be provided for residential development north of the new site access road. As such the temporary position will not prevent construction of the medical centre and roadway or interfere with potential operation and storage space required for construction activities within the site. This should help reduce impacts on Wellesley Avenue North. Whilst the temporary pharmacy unit will be on the footprint of one of the new dwellings the phasing of works on site should not be prejudiced by this and the temporary building should be removed in time to allow site completion.

Cycling Parking

22. There is space within the secure compound for visitors to the pharmacy to safely park or secure bicycles and given the nature of the use as such it is not considered necessary to require additional facilities on site.

Trees and Landscaping

Loss of Trees or Impact on Trees

23. A small grouping of trees central to the site have already been removed but this work is factored within the submitted arboricultural information. It is noted that the majority of the existing trees on the site, especially the prominent row of limes, oak and plum trees, which enhance the character of the area, will all be retained as part of the re-development. As part of the main construction activity on site all the tree

protection measures discussed in the arboricultural report must be implemented to safeguard the site's current tree stock; re-planting proposals should also be carried out to make good the negative ecological impact of the removal of a small number of existing trees, and landscaping and other tree protection conditions are imposed on the earlier permission.

24. The location and impacts on trees has been factored in as part of assessing the siting of the temporary pharmacy and forming its new enclosure. The measures proposed should not interfere with the agreed methods of tree protection or impact on adjacent trees along Wellesley Avenue North.

Local Finance Considerations

25. Under section 143 of the Localism Act the council is required to consider the impact of new development proposals on local finance. The temporary nature of the development means that there are no criteria to trigger discussion about CIL requirements. The proposal would, if approved, have an impact on Business Rates revenue for the Council. It also remains important to take into account other material considerations in assessing the merits of proposals, which in this case include the provision of facilities to serve the locality, impacts on residential amenities, security, transport and environmental considerations, amongst other things.
26. As part of the earlier application a s106 agreement was signed in order to secure benefits towards affordable housing, open space and play equipment, street trees and transport Improvements within the area. This remains in place and is unaffected by this temporary use of a small part of the site.

Equality and Diversity Issues

Age

27. The site has been vacant for a number of years and the facilities previously in place relocated to other sites nearby. It is proposed to redevelop the site with a medical centre and permanent pharmacy in the long term which is likely to be of particular benefit to both the younger and older ends of the population spectrum. In this instance, therefore, it is considered that the temporary facility will help provide short term facilities and satisfactory commencement of the main development on site and would not have an unacceptable impact on people of a particular age group within the community.

Disability

28. The proposals would provide accessible facilities and a pharmacy located within an accessible location within a predominantly residential area.

Conclusions

29. The proposal is considered to be an appropriate temporary use for this site, which although located outside of an existing centre is in a highly accessible location and the nature of the precise use proposed would complement the surrounding predominantly residential area and tie in with the delivery of the earlier permission for a medical centre and permanent pharmacy on this site.
30. Subject to conditions limiting the length of time when the unit can be on site, details of site lighting and restricting the delivery and opening times of the pharmacy the development is considered to meet relevant policy requirements and is recommended for approval.

RECOMMENDATIONS

To approve Application No 13/02051/F Former Wellesley First School Wellesley Avenue North Norwich NR1 4NT and grant temporary planning permission, subject to the following conditions:-

1. limit to 18 months use of the site only and making good on removal of building
2. development to be carried out in accord with drawings and details supplied
3. limit on hours of opening and delivery 08:00 hours and 18:30 hours Monday to Friday and 09:00 hours to 13:00 hours on Saturday only
4. details of site lighting to be agreed prior to first use


Article 31(1)(cc) 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 application and pre-application stage the application has been approved subject to appropriate conditions and for the reasons outlined within the Committee report with the application.



DRAWN	AUTHORISED	DATE	SCALE AT A1
RS	RS	03.02.14	1:100
PROJECT NO.		DRAWING NO.	REV
121200		CL-500	P1

PRELIMINARY

 SAFETY, HEALTH AND ENVIRONMENTAL INFORMATION BOX
NOTES: THIS DRAWING IS TO BE READ IN CONJUNCTION WITH THE RISK REGISTER PRODUCED FOR INCLUSION IN THE HEALTH AND SAFETY PLAN. THE HAZARDS NOTED ARE IN ADDITION TO THE NORMAL HAZARDS AND RISKS FACED BY A COMPETENT CONTRACTOR WHEN DEALING WITH THE TYPE OF WORKS DETAILED ON THIS DRAWING.

CONSTRUCTION RISKS

- LIVE SERVICES EXIST ON SITE - REFER TO UNDERGROUND SERVICE SURVEY, BUT BE AWARE THIS MAY NOT BE EXHAUSTIVE.
LIVE TOLL DRINK CROSSES SITE - CONTAMINATION POTENTIAL
DIELECTRIC TEST - RISK OF NEEDLES
PNEUMATIC TEST - RISK OF EXTERIOR AND INTERIOR UNKNOWN
INDICATED ON PLAN OPPOSITE AND SAFETY DRAWING - RISK OF 3RD VIOLOS (TDO)
PRIMARY SCHOOL OPPOSITE AND LOCATED UP RESIDENTIAL AREA
ENVIRONMENTAL TESTING INDICATES TYPICALLY ELEVATED CONCENTRATIONS OF HYDROCARBONS (PAH'S)
SOFT AREAS MAY REMAIN FROM DEMOLITIONS STAGE

MAINTENANCE/CLEANING RISKS

- SOFT AREAS MAY REMAIN - ALL ARISINGS TO BE COMPACTED DURING BACKFILL.
- ENVIRONMENTAL TESTING INDICATES LOCALISED ELEVATED CONCENTRATIONS OF HYDROCARBONS (PAH's)

DEMOLITION RISKS

- **N/A**

NOTE:

7. DC

2. THIS PRICING IS TO BE READ IN CONJUNCTION WITH ALL RELEVANT STRUCTURAL ENGINEER'S DRAWINGS AND DETAILS, THE SPECIFICATION FOR THE WORKS, THE RELEVANT ARCHITECT'S DRAWINGS AND ANY OTHER SPECIALIST'S DRAWINGS.
3. THE PRINCIPAL CONTRACTOR IS TO PROVIDE FULLY DESIGNED PROPPING/SUPPORTING TO FACILITATE THE WORKS. ALL PROPPING & BRACING IS TO BE ADEQUATELY FOUNDED TO ENSURE THE STABILITY/INTEGRITY OF THE EXISTING/PROPOSED STRUCTURES &/OR EARTHWORKS IS MAINTAINED.

- 4 THIS DOCUMENT HAS BEEN PREPARED IN ACCORDANCE WITH THE SCOPE
OF POSSIBLE CONCILIATION APPOINTMENT WITH ITS CLIENT AND IS
SUBJECT TO THE TERMS OF THAT APPOINTMENT. POSSIBLE CONCILIATION
ACCEPTS NO LIABILITY FOR ANY USE OF THIS DOCUMENT OTHER THAN BY
AND PROVIDED ON A "WIRELESS" BASIS. IT IS NOT TO BE PREPARED
AND PROVIDED ON A "WIRELESS" BASIS. IT IS NOT TO BE PREPARED
5 ANY DISCREPANCIES FOUND ON THIS OR ANY OTHER DRAWINGS ARE TO BE
6 THIS DRAWING IS BASED ON A TOPOGRAPHICAL SURVEY CARRIED OUT BY
12/04/06 AND PLANNING DRAWINGS BY ARCHITECT JAMES TOLLY
PARTNERSHIP.

7. DIMENSIONS ARE STATED IN MILLIMETERS UNLESS SHOWN OTHERWISE. CHANGES ARE STATED IN METERS. LEVELS ARE IN METERS AND RELATIVE TO AN ARBITRARY DATUM FROM TOPOGRAPHICAL SURVEY DRAWINGS.
8. DIMENSIONS AND CO-ORDINATES SHOULD NOT BE SCALED FROM THIS DRAWING, IF IN DOUBT PLEASE ASK.
9. THE CONTRACTOR IS TO VERIFY THE ACCURACY OF INFORMATION PROVIDED BY OTHERS.

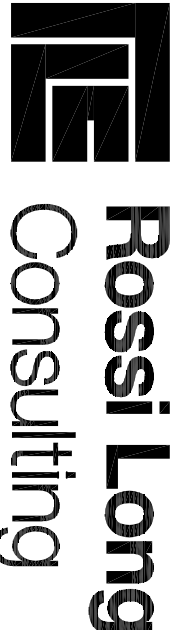
10. EXISTING PUBLIC UTILITY SERVICES AND PRIVATE APPARATUS ARE NOT NECESSARILY ALIEN SHOWN ON THIS DRAWING. THE CONTRACTOR SHALL LIAISE WITH THE APPROPRIATE UTILITY PROVIDER TO DETERMINE PRECISELY WHERE ON THE EXISTING SERVICES ARE LOCATED. SERVICES SHALL BE LOCATED AND MARKED OUT ON SITE PRIOR TO ANY EXCAVATION WORK BEING COMMENCED.
11. ALL EXISTING SERVICES, SEWERS AND DRAINS INDICATED ON THIS AND ANY OTHER RELATED DRAWINGS ARE SHOWN ONLY INDICATIVELY, AND SHALL HAVE THEIR POSITION AND LEVEL, CONFIRMED ON SITE BY THE CONTRACTOR.

12. THE PROPOSED ACCESS ROAD IS TO BE OFFERED FOR ADDITION TO NORFOLK COUNTY COUNCIL UNDER A SECTION 38 AGREEMENT.
13. ALL HIGHWAY WORKS SHALL BE CONSTRUCTED FULLY IN ACCORDANCE WITH NORFOLK COUNTY COUNCIL'S SPECIFICATION, CONTAINED IN THEIR PUBLICATION 'ESTATE DESIGN GUIDE - ROAD CONSTRUCTION AND STREET LIGHTING SPECIFICATION AUGUST 2007' AND THE HIGHWAYS AGENCY SPECIFICATION. THE CONTRACTOR SHALL LAISE WITH NORFOLK COUNTY COUNCIL'S HIGHWAYS INSPECTOR WITH REGARD TO INSPECTIONS AT THE APPROPRIATE STAGES OF THE WORKS.

PRELIMINARY DRAWING

THIS DRAWING IS FOR PRELIMINARY PURPOSES ONLY AND MUST NOT BE READ AS A CONSTRUCTION ISSUE. IT INDICATES DESIGN INTENT ONLY AND IS SUBJECT TO AMENDMENT DURING FINAL DESIGN DEVELOPMENT.

P1	PRELIMINARY ISSUE.	06.02.14	RS	RS
REV	DESCRIPTION	DATE	BY	AUTH



16 Meridian Way, Norwich, Norfolk, NR7 0TA

T: 01603 706 420 F: 01603 706 421 www.rosslong.co.uk

CLIENTI

2 MERIDIAN WAY, NORWICH, NR7 0TA

YARE VALLEY MEDICAL CENTRE

TEMPORARY PHARMACY G.A.
GENERAL ARRANGEMENT

Report to Planning applications committee
Date 6 March 2014
Report of Head of planning services
Subject 13/01982/F 463 - 503 Sprowston Road Norwich

Item
4(8)

SUMMARY

Description:	Erection of metal steps to the south elevation emergency exits and provision of 1.8m fence to the southern boundary.
Reason for consideration at Committee:	Objection
Recommendation:	Refuse permission; contact applicant/agent to encourage further discussion; consider options for enforcement action
Ward:	Catton Grove
Contact Officer:	Mr Lee Cook Senior Planner 01603 212536
Valid Date:	07 December 2013
Applicant:	Aldi Stores Ltd
Agent:	The Harris Partnership Ltd

INTRODUCTION

The Site

Location and Context

1. The site is located on the east side of Sprowston Road towards the junction with the outer ring road. The site has been vacant for a number of years, with previous applications for a retail unit and housing submitted on the site.
2. A full site description is given in the original application report (13/00208/F which can be found here:
<http://www.norwich.gov.uk/CommitteeMeetings/Planning%20applications/Document%20Library/156/REPPlanning511300208F463503SprowstonRoad20130418.pdf>
3. The only significant change to the site since the last report was made is the construction of the retail store.
4. With specific reference to this current application, the land around 461 Sprowston Road contains residential units to the south of the site which face onto Sprowston Road, along with workshop buildings on an un-adopted track to the south of the site.

Constraints

5. The site is adjacent to the Sprowston Road/Shipfield local centre. The site forms part of housing allocation HOU12 B38 under the City of Norwich Replacement Local Plan and proposed allocation R12 under the Site Allocations Plan. There is one protected tree on site to the south adjoining Anthony Drive (ref. TPO.215).

Topography

6. The land to the east of the site is elevated, leading to residential development along Windmill Court and Anthony Drive. As indicated above, the site of the former windmill (41

Windmill Court) is elevated compared to the rest of the site. Land along the north of the site is also elevated compared to land to the south of the site. The track adjacent to the side access slopes up from Sprowston Road.

Planning History

7. See main committee report 18th April 2013 for site history and details of the latest application 13/00208/F which gained delegated authority to approve at the committee meeting subject to a s106 agreement and was approved on 11th June.2013.
8. Application 13/00976/D for the discharge of conditions 3a), 4), 6), 10), 17), 19), 20), 22), 31), 34), 35) and 39) of previous planning permission 13/00208/F was approved on 6th December 2013.
9. Application 13/01609/VC for variation of Condition 8 - surface treatment of the access track to the south of the application site and to the north of 461 Sprowston Road providing a pedestrian link from Anthony Drive to Sprowston Road of previous planning permission 13/00208/F was approved on 19th December 2013.

Equality and Diversity Issues

There are some equality or diversity issues. These are discussed further in the report.

The Proposal

10. The application is for a minor material amendment to permission 13/00208/F comprising of replacing the ramps to the south elevation emergency exits with metal steps and erection of 1.8m fence to the southern boundary. Works to install the steps has already taken place.

Representations Received

11. Advertised on site and in the press. Interest groups, adjacent and neighbouring occupiers have been notified in writing. 2 letters of representation have been received citing the issues as summarised in the table below.

12.

Issues Raised	Response
Have a problem with this as it contravenes the building egress regulations. The replacement of a ramp with steps makes egress in a wheelchair impossible.	Paras 19 to 33
This is more than a minor material amendment. It is the removal of a ramp in favour of steps and this contravenes Part B Fire regulations for egress. B1 General Provisions :- "5.32 Final exits should not present an obstacle to wheelchair users and other people with disabilities etc..... This also contravenes the Equality Act.	Paras 19 to 33

Consultation Responses

13. CNC Building Control: have visited the property, met the duty manager and walked the escape routes. The exits where Aldi have changed the external escape route from a ramp to steps only effects staff. They are from the staff room, toilets & office and the warehouse; as the layout plan. As far as the public are concerned they would not have access to these exits and any wheelchair bound shopper would be able to escape via the signed exits and make their way to safety without any additional assistance from staff (provided they can propel themselves). There is no problem as far as the public are concerned.... At present no wheelchair bound staff are employed. Due to the nature of the work in the warehouse it is unlikely any wheelchair bound person would be working in that area. There is a possibility however that a wheelchair bound person could be employed in the office and or on the tills. When staff are in the public areas they would have adequate escape provisions, it would only be the staff areas where additional provisions would need to be in place. ... As long as they do not employ any wheelchair bound staff the provisions are adequate for the current arrangements. By signing up to making changes in the future, should the situation alter they have some insurance against any discrimination claim being brought against them. ... You have the upper hand in as much as the original approved details show full compliance, whoever they employ whereas the amendment would not be suitable without future work being undertaken.... In addition should the premises change hands and or the internal layout alter bringing into play the stepped exit routes as part of the public's means of escape it would not be appropriate without additional works being undertaken.
14. Fire Service: For clarity, the Means of escape is to be managed by the Responsible Person of the business, and the compliance with Building regs for new build will be the building control (or Approved Inspector). This is essentially a planning matter, and in the presence of Nadia's comments hopefully demonstrates the general view of the City Council how they will consider the application.
15. Norfolk Constabulary: No comments

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

For National Planning Policy Framework;
Relevant policies of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2011;
Relevant Saved Policies of the adopted City of Norwich Replacement Local Plan 2004;
Supplementary Planning Guidance, Supplementary Planning Documents;
Other Material Considerations;
Development Management Policies Development Plan Document – Pre-submission policies (April 2013);
Site Allocations Development Plan Document – Pre-submission policies (April 2013).
Development Management Policies Development Plan Document – Pre-submission policies (April 2013); and
Procedural Matters Relating to the Development Plan and the NPPF.

See main committee report 18th April 2013.

Principle of Development

16. The application seeks a minor material amendment to the scheme under Section 73 of the Planning Act by way of varying condition 6 ii) L relating to details of landscaping as imposed on application 13/00208/F. The condition states that no development shall take place until details have been agreed. Such MA applications normally seek to vary conditions relating to the agreed development drawings on the permission. These types of application related specifically to a details/drawing condition are determined before commencement or completion and seek to give options as to which permission could be implemented. However; as well as the works being undertaken the development appears completed and shop unit is occupied. This is confirmed by the application form. The situation is further complicated by the issuing of an additional planning permission under application 13/01609/VC and approval of details under application 13/00976/D which has approved all landscaping details including ramps to the two fire escapes concerned and boundary treatments.
17. It is noted that the scale and nature of the works is not sufficient to render the whole development as being unauthorised and that a lawful development has primarily taken place although possibly in breach of some site details information. These points do; however, raise questions about the application as submitted. The application is also one which is not explicitly asking for development of land without complying with conditions of a previous permission or importantly has not been submitted under section 73A of the Act for retrospective permission for works already carried out which would be a more appropriate vehicle to determine the works applied for.
18. Given that the works applied for have taken place (likely as stated on the application form before the submission of the application) as such it is not considered possible to determine the application favourably under the terms of section 73 of the Act. In a similar case recently the Inspectorate considered the use of Section 73A rather than Section 73 to determine an appeal case at King Street. It is therefore considered appropriate to proceed to consider the application along these terms. Issues related to the stepped access are considered below. The proposed alternative fence is considered to have limited visual or amenity impacts within the area.

Equality and Diversity Issues

Disability

19. The Equality Act came into effect in 2010 and the public sector Equality Duty came into force on 5 April 2011. The latter duty means that public bodies have to consider all individuals when carrying out their day-to-day work – in shaping policy, in delivering services and in relation to their own employees.
- It also requires that public bodies:
- have due regard to the need to eliminate discrimination prohibited under the Act;
 - advance equality of opportunity; and
 - foster good relations between different people when carrying out their activities.
20. Having due regard to the need to advance equality of opportunity involves considering the need to:
- remove or minimise disadvantages suffered by people due to their protected characteristics;
 - meet the needs of people with protected characteristics; and
 - encourage people with protected characteristics to participate in public life or in other activities where their participation is low.

21. Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to – (a) tackle prejudice, and (b) promote understanding. Fostering good relations involves tackling prejudice and promoting understanding between people who share a protected characteristic and others.
22. The result of the actions taken as part of the works to form two emergency exits with steps rather than ramps as incorporated within this application has an impact upon the relevant protected characteristic under the Act of disability and to a lesser extent age. As information it is recognised that the Act includes requirement that steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.
23. Within the assessment of this application the weight given to the Equality Duty, compared to other factors, will depend on how much that function affects discrimination, equality of opportunity and good relations and the extent of any disadvantage that needs to be addressed. Guidance suggests that public bodies should take a proportionate approach when complying with the Equality Duty – in practice, this means giving greater consideration to the Equality Duty where a function or policy has the potential to have a substantial effect on discrimination or equality of opportunity for the public, and less consideration where the potential effect on equality is slight.
24. Although the works have been carried out and are technically incapable of further assessment under this application it is appropriate to highlight at this time the impacts of the scheme of works undertaken could disadvantage people due to their protected characteristics e.g. appropriate disabled access.
25. Comments by the Fire Officer indicate that the final decision is a matter for the planning service as they consider that there is a technical compliance with legislation controlling means of escape from a building. Comments from CNC Building Control again highlight technical compliance but they do raise comment on the long term suitability of the operation and compliance of the escape should circumstances change in terms of employees working for the company within this building.
26. In particular they advise that as far as the public are concerned they would not have access to these exits and any wheelchair bound shopper would be able to escape via the signed exits and make their way to safety without any additional assistance from staff (provided they can propel themselves). In terms of the rear exits changing from a ramp to steps means a wheelchair bound member of staff would need assistance to get to a place of safety once they leave the building and arrive at the top of the external exit steps. Provided there is a process in place to safeguard the wheelchair users and provide a place of relative safety (refuge point) the final evacuation can be a managed process. The process would need to include, as part of the evacuation plan; checking the refuge(s) and the ability to assist people to a place of safety.
27. At present no wheelchair bound staff are employed. There is a possibility however that a wheelchair bound person could be employed. When staff are in the public areas they should have adequate escape provisions, it would only be the staff areas where additional provisions would need to be in place.
28. With the type of construction they have it would be easy to alter the platform and move the

steps to achieve an enlarged platform at the top of the steps to act as a refuge. This would need to be in place before any wheelchair bound member of staff took up employment. Their evacuation plan would need to include provision to identify anyone using the refuge and have the ability to then assist them to a place of safety from one or both exits. Alternatively they could replace the metal steps with a metal ramp or a landscaped ramp could be constructed as the original proposal.

29. If their access statement is amended to cover these points and acknowledge that the changes would be put in place prior to any wheelchair bound employee taking up employment it would satisfy the requirements of the regulations. As long as they do not employ any wheelchair bound staff the provisions are adequate for the current arrangements.
30. The original approved details show full compliance whoever is employed whereas the amendment would not be suitable without future work being undertaken. Should the premises change hands and or the internal layout alter bringing into play the stepped exit routes as part of the public's means of escape it would not be appropriate without additional works being undertaken.
31. There is, therefore, some doubt about the suitability of the means of escape. Further information would not be required now due to the technical nature of compliance which has been confirmed but information may be needed in the future should circumstances change. A decision in planning terms; however, would need to be made at the time of considering a planning application rather than under a regime of ongoing re-consideration of site circumstances unless it was deemed reasonable to impose a condition on the grant of any planning permission requiring updated details over time. Due to the physical nature of the works this is unlikely to be acceptable as compliance could require removal of the steps and introduction of a ramp over time which would in effect change the nature of development being proposed and affect the Council's ability to lawfully determine such details applications under the Planning Act.
32. The applicants are an independent company with their own set circumstances for complying with the Equality Act. They do not have a public duty in terms of compliance with the Equality Duty. However; within the Council's scope is the requirement to foster good relations including tackling prejudice and promoting understanding between people who share a protected characteristic and others. In the circumstances of this particular development it would be reasonable for the planning service to write to the applicant setting out the above points to suggest to the applicant that they try to seek a resolution to objections raised by third parties to this application.

Conclusions

33. In terms of procedure the application is being determined under S73A of The Town and Country Planning Act. The consultation arrangements have been consistent with this and it is not considered that this would prejudice any interests and would not alter the development for which consent is being sought.
34. The scheme for replacement steps has been considered having regard to the requirements of the Equality Act and appropriateness of providing suitably designed and detailed emergency escape and access to the building. A suitable means of providing ramped access/egress along this side of the building has previously been agreed and details approved under applications 13/00208/F and 13/00976/D. Concerns have been

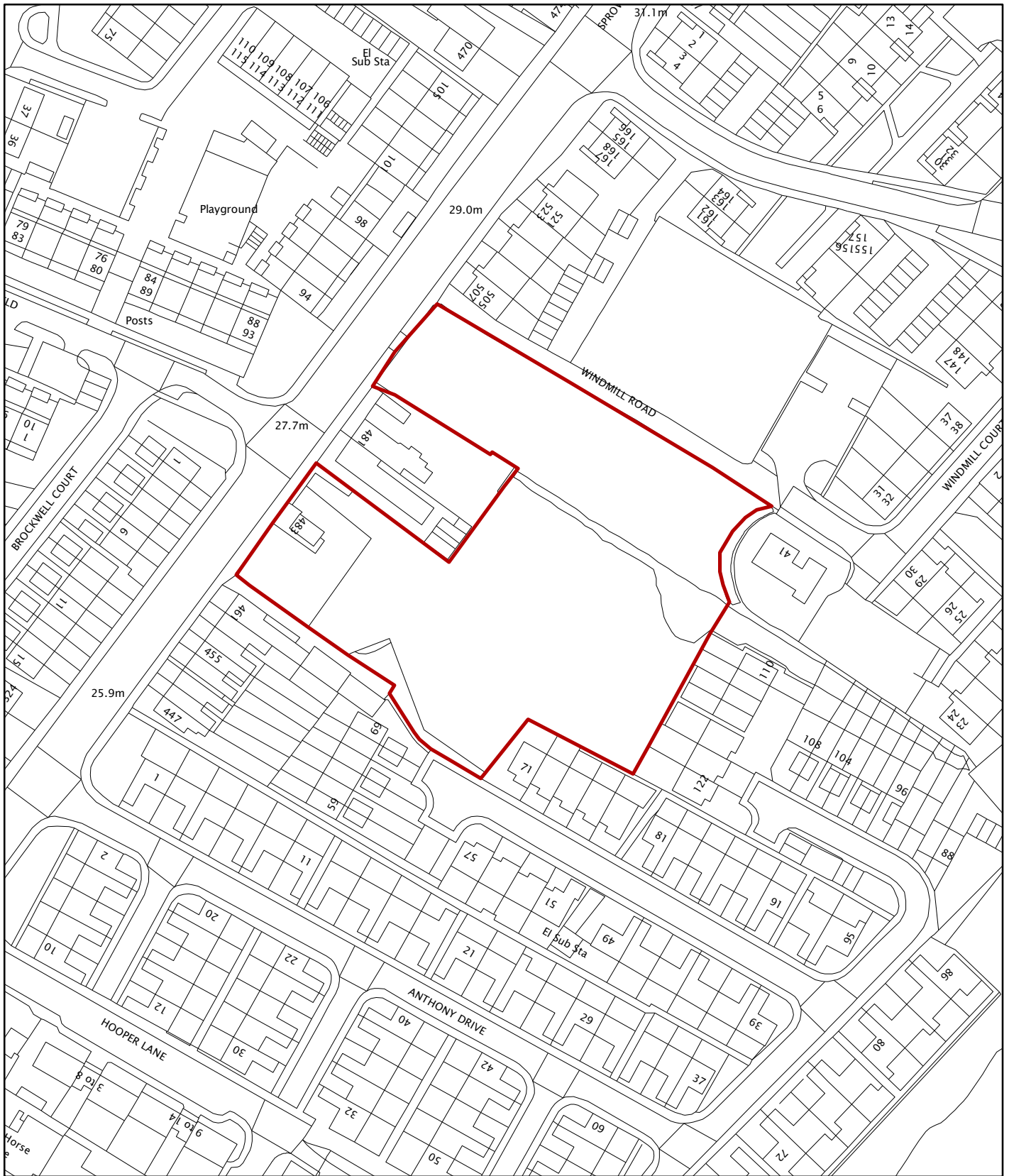
expressed that the scheme as submitted provides a less than adequate alternative and is therefore considered to be an inappropriate form of emergency escape and access to the building

35. Should it be possible to determine the application under section 73 it should also be noted that the application is not accompanied by a deed of variation to the section 106 agreement attached to the earlier permission 13/00208/F.

RECOMMENDATIONS

To:-

- (1) refuse planning permission for Application No 13/01982/MA 463 - 503 Sprowston Road Norwich for the following reason:-
 1. The scheme for replacement steps has been considered having regard to the requirements of the Equality Act and appropriateness of providing suitably designed and detailed emergency escape and access to the building. A suitable means of providing ramped access/egress along this side of the building has previously been approved. Concerns have been expressed that the scheme as submitted provides a less than adequate alternative and is therefore considered to be an inappropriate form of emergency escape and access to the building.
 2. The application is not accompanied by a deed of variation to the section 106 agreement attached to the earlier permission 13/00208/F and does not make appropriate provision for planning obligations related to this development.
- (2) authorise the Head of Planning Services, in consultation with the chair, to write to the applicant/agent to encourage further discussion with interest groups and others to seek to facilitate an alternative form of emergency access to this side of the building
- (3) authorise enforcement action to secure the removal of the unauthorised steps and replacement with ramps as approved and the taking of legal proceedings, including prosecution if necessary.



© Crown Copyright and database right 2013. Ordnance Survey 100019747.

Planning Application No 13/01982/F

Site Address 463-503 Sprowston Road

Scale 1:1,250



NORWICH
City Council

PLANNING SERVICES



Report to Planning applications committee
Date 6 March 2014
Report of Head of planning services
Subject 13/01639/MA NR1 development
 Geoffrey Watling Way, Norwich City Football Club,
 Carrow Road, Norwich, NR1 1JE.

Item
4(9)

SUMMARY

Description:	Amendments to the massing, designs and increased floorspace to 7th storey within Blocks 3 and 4, and changes to ground floor layouts of all Blocks 1 - 6, of the NR1 development, as alterations to existing planning permission 10/01107/RM 'Reserved Matters for the access, appearance, landscaping, layout and scale of the second phase of the residential development (174 residential units) for outline planning permission 4/2002/1281/O 'Replacement of South Stand (8000 seats), new corner stand (1500 seats), hotel, decked car park and residential development with associated highway works.'	
Reason for consideration at Committee:	Objection	
Recommendation:	Approve	
Ward:	Thorpe Hamlet	
Contact Officer:	Rob Parkinson	Senior Planning Officer 01603 212765
Valid Date:	6th November 2013	
Applicant:	Mr Mark Edmonds	
Agent:	Mr Richard Abbott	

INTRODUCTION

The Site

Location and Context

1. The site concerns the NR1 Riverside Heights development of apartments on the south side of Geoffrey Watling Way at the football club area, Carrow Road, and to the north of the River Wensum. The NR1 apartments are those flats currently under construction, east of the adjoining Ashman Bank and Allison Bank apartment blocks, and west of the existing gravel car park known as Carrow Quay.
2. Within the development under construction, the proposed amendments concern Blocks 3 and 4, being the two blocks in the middle of the site, bordered by Block 1 and 2 to the west and Blocks 5 and 6 to the east.

Planning History

3. The proposals for the NR1 residential development were first approved through planning permission **10/01107/RM** and consideration by the planning applications committee on 14 October 2010, with an update on 21 December 2010 and 17 May 2012.

Previous committee reports, minutes and addendums are available at:

<http://www.norwich.gov.uk/CommitteeMeetings/Pages/CouncilMeetingsFor2014.aspx>

4. The Carrow Works (Unilever and Britvic) factory site is the closest neighbour on the south of the river. The Norwich City Football Club 'triangle car park' is to the north. The site is not within a conservation area but the Bracondale Conservation Area is to the south beyond the river. The site is level but Bracondale Ridge rises to the south.

5. The planning history for the Riverside Heights land can be summarised as:

4/2001/0564/O – the first principle of residential development with associated highway works was **approved in 2002**.

4/2002/1281/O – A revised application for the principle of residential development of the site was approved at the same time as works to replace the south stand and provide the hotel at the football club (**approved 2003**).

4/2002/1282/RM – These were the first detailed proposals, showing apartment blocks along the riverside, from Carrow Bridge to the eastern edge of the current site. These were Reserved Matters subsequent to the outline planning permission of 4/2002/1281/O, and were also **approved in 2003**. The first two blocks of apartments with their undercroft parking have been built under this permission for 330no. apartments with associated access, parking and landscaping. Of the 330 apartments permitted, 186 have been built in the first two blocks (Blocks A and B).

06/00012/VC – This permission approved a masterplan and revised the approach to the whole football club site's development, introducing the idea of decked car parking flats proposals immediately north of this site. The scheme was **approved in March 2008**. The current reserved matters application is the only scheme to be brought forward since 2008.

10/01107/RM - Reserved Matters for the access, appearance, landscaping, layout and scale of the revised design of the second phase of the residential development (174 residential units) for outline planning permission (App. No. 4/2002/1281/O) 'Replacement of South Stand (8000 seats), new corner stand (1500 seats), hotel, decked car park and residential development with associated highway works'. **Approved in October 2012**.

12/02263/D - Details of: Condition 3 - Phasing plan arrangements; Condition 6 (a) and (b) - Landscape scheme and maintenance proposals; Condition 7 - Car Club car parking space provision; Condition 8 - Cycle and refuse storage and car parking; Condition 11 - Brown roofs and biodiversity enhancement; Condition 12 - Water efficiency measures; Condition 13(b) - Photovoltaic panels and on-site energy generation; Condition 14(c) - Surface water drainage management and maintenance; Condition 15(a) - Flood defence wall for blocks 1, 2 and 3; Condition 16 - Flood risk evacuation plan; and, Condition 17(b)

- Full Travel Plan, of planning permission 10/01107/RM 'Reserved Matters for the access, appearance, landscaping, layout and scale of the revised design of the second phase of the residential development (174 residential units) for outline planning permission (App. No. 4/2002/1281/O) 'Replacement of South Stand (8000 seats), new corner stand (1500 seats), hotel, decked car park and residential development with associated highway works'. **(Pending Consideration)**.

6. The adjoining gravel car park site to the east –

This also has planning permission for residential development of 250 apartments in six blocks fronting an extension of Geoffrey Watling Way; these were permitted through Outline permission 11/02104/O on 28th June 2013, with details approved through Reserved Matters permission 13/01270/RM on 05th November 2013.

11/02104/O - Outline application with full details of access for residential-led development of between 200 and 250 No. residential flats (Use Class C3) and 140 car parking spaces with commercial office space (Class B1a), groundsman's facilities (Class B8), community uses (Class D1/D2) and associated works including Riverside Walk and access road. **Approved in June 2013.**

13/01270/RM - Reserved Matters with full details of external appearance, landscape, layout and scale of development, to provide 250 No. residential flats (Class C3), 113sqm offices (Class B1a), 279sqm groundsman's facilities (Class B8), and 401sqm of flexible office space (Class B1a) and community uses (Class D1/D2) with 126 No. parking spaces, associated highways works and provision of a Riverside Walk, consequent to previous outline planning permission 11/02104/O 'Outline application with full details of access for residential-led development of between 200 and 250 No. residential flats (Class C3) and 140 No. car parking spaces with commercial office space (Class B1a), groundsman's facilities (Class B8), community uses (Class D1/D2) and associated works including Riverside Walk and access road'. The proposals include details for approval of Conditions 1(a), 1(b), 2(b), 3, 4(a), 4(b), 4(c), 5, 6, 7, 8(a), 8(b), 12, 20, 22(a), 22(b), 22(c), 22(e), 25, 26, and 30(a) of outline planning permission 11/02104/O applicable to the form of development as proposed in these Reserved Matters. **Approved in November 2013.**

7. In addition, proposals are currently under consideration relating to the timescales for delivery and design requirements of the Riverside Walk and landscaping areas around the football club area. These are also considered at today's planning committee, as below.

13/02087/VC - Changes to the requirements for providing a Riverside Walk, landscaping and utilities connections around the existing residential developments in the vicinity of the football club, through an application for Variation of Condition 12: Provision of Riverside Walk; Variation of Condition 21: Hard and Soft Landscaping details; and, Condition 25: Underground Utility Routes, of previous planning permission 4/2002/1281/O affecting The Jarrold Stand, N_P Stand, Ashman Bank and Allison Bank: 'Replacement of South Stand (8000 seats), new corner stand (1500 seats), hotel, decked car park and residential development with associated highway works.' **(Pending consideration)**.

13/02088/VC - Changes to the requirements for providing a Riverside Walk, landscaping and utilities connections around the ongoing residential developments in the vicinity of

the football club, through an application for Variation of Condition 6: Hard and Soft Landscaping; Condition 10: Underground Utility Routes and Condition 12: Provision of a Riverside Walk, of previous planning permission 06/00012/VC affecting The Jarrold Stand and the Riverside Heights / NR1 development: 'Variation of Condition 2: Approval of Master Plan for previous outline planning permission 4/2002/01281/O 'Replacement of South stand (8000 seats), new corner stand (1500 seats), hotel, decked car park and residential development with associated highway works'. **(Pending consideration)**.

8. There are no extant permissions in place for the triangle car park to the north of NR1.

Equality and Diversity Issues

There are no significant equality or diversity issues.

The Proposal

9. This report addresses only the relatively minor changes of circumstance in the development proposal and updates to the policies of the development plan which have changed and apply to the scheme.
10. The proposals are to make minor modifications to the ground floor car parking and cycle storage layout across the whole development, and make changes to the elevations and layout of the top two storeys (6th and 7th floors) of Blocks 3 and 4. The elevation changes introduce a coloured cladding band as well as a revised form and detailing to that approved for the 6th and 7th floors.
11. Any permission issued through this Minor Material Amendment procedure would have the effect of creating a new planning permission, so the NR1 development would be subject to the conditions and implications of this planning permission, although the principle has already been accepted. Changes in this revised scheme comprise:
 - The 6th and 7th floors at Blocks 3 and 4 are changing internally from what was originally approved, by swapping the bedrooms and bathrooms of the top floor duplex units from the 6th floor up to the 7th floor, and moving the kitchen and living rooms from the 7th floor to the 6th floor.
 - The 6th floor at Blocks 3 and 4 which was originally wider (at front [road] and back [river]) becomes narrower, and the 7th floor which was narrower becomes wider. The small increase in floor area of the 7th floors is no wider than the floors below at 1st-5th floors.
 - The balconies to floors 6 and 7 change in their arrangement, discussed further below.
 - Parking at Block 1 is changed slightly; it was originally permitted with 18 spaces, now it is proposed with 16 spaces.
 - Refuse and cycle storage and car parking arrangements around the rest of the ground floor remain the same in quantity but with a slightly revised arrangement.

Representations Received

12. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 1 letter of representation has been received from a resident of the

adjoining Block 5, citing the issues as summarised in the table below.

Issues Raised	Response
Any increased height to the building would block the evening sun received to flats at Block 5, and would not be acceptable.	There is no increase to the overall height of either block. See paragraphs 11, 20 and 23.
The 7th floor balcony on the south elevation will affect the light/sun received by the neighbouring balcony in block 5, as looking at the plans the position of the balcony is very close to the line of the evening sun in the summer.	There is not an unacceptably detrimental loss of light or overshadowing as a result of these proposals. See paragraphs 18-20.
Had the design or parking arrangement changes been known about before purchase this would have affected residents' decisions on buying flats in the NR1 scheme.	There are no planning policy requirements on the applicant to carry out pre-application public consultation although this is strongly encouraged by the Statement of Community Involvement. Property prices and publicity of possible future changes to agreed proposals are not material planning considerations. The correct publicity has been provided by the LPA from the point of the application being validated.

Consultation Responses

13. Broads Authority – No objection to these changes. None of these changes materially alter the scheme in terms of its effects on the Broads environment or Executive Area. The Broads Authority's concerns about the original proposals were addressed within application 10/01107/RM.

14. Environmental Health – no comments.

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

15. There have been no changes to the adopted development plan since the Planning Committee last considered the 'parent' planning application 10/01107/RM in May 2012, so for the purposes of brevity the policies listed below are those relevant only to the changes to design, parking, refuse and cycle store layouts, and consequent residential amenity. The committee reports for permission 10/01107/RM detail the full range of policies taken into account in the original permission.

National Planning Policy Framework (NPPF) (March 2012):

Paragraph 14 – Presumption in favour of sustainable development

Paragraphs 203-206 – Planning conditions and obligations

Section 6 – Delivering a wide choice of high quality homes

Section 7 – Requiring good design

Section 12 - Conserving and enhancing the historic environment

Policies of the Joint Core Strategy for Broadland, Norwich and South Norfolk (Adopted January 2014*) (*previous interim adoption March 2011)

Policy 2 – Promoting good design
Policy 4 – Housing delivery
Policy 6 – Access and transportation
Policy 12 – Remainder of Norwich area

Relevant saved policies of the adopted City of Norwich Replacement Local Plan 2004

HBE12 - High quality of design in new developments
EP22 - High standard of amenity for residential occupiers
TRA3 – Modal shift measures in support of NATS
TRA5 - Approach to design for vehicle movement and special needs
TRA6 - Parking standards - maxima
TRA7 - Cycle parking standards
TRA8 - Servicing provision
TRA9 – Car free housing - criteria

Other Material Considerations

Written Ministerial Statement: Planning for Growth March 2011
The Localism Act 2011 – s143 Local Finance Considerations.
Statement of Community Involvement (March 2010)

Emerging policies of the forthcoming new Local Plan (submission document for examination, April 2013):

Development Management Policies Development Plan Document – Pre-submission policies (April 2013).

DM1 Achieving and delivering sustainable development
* **DM2** Ensuring satisfactory living and working conditions
* **DM3** Delivering high quality design
DM9 Safeguarding Norwich's heritage
* **DM12** Ensuring well-planned housing development
DM13 Communal development and multiple occupation
* **DM30** Access and highway safety
* **DM31** Car parking and servicing
DM32 Encouraging car free and low car housing
DM33 Planning obligations and development viability

Site Allocations Development Plan Document – Pre-submission policies (April 2013).

CC17: Land adjoining Norwich City Football Club, Kerrison Road

Procedural Matters Relating to the Development Plan and the NPPF

The Joint Core Strategy and Replacement Local Plan (RLP) have been adopted since the introduction of the Planning and Compulsory Purchase Act in 2004. With regard to paragraphs 211 and 215-216 of the National Planning Policy Framework (NPPF), both sets of policies have been subjected to a test of compliance with the NPPF. The 2011 JCS policies are considered compliant, but some of the 2004 RLP policies are considered to be only partially compliant with the NPPF, and as such those particular policies are given lesser weight in the assessment of this application.

The Council has also reached submission stage of the emerging new Local Plan policies, and considers most of these to be wholly consistent with the NPPF. Where discrepancies or inconsistent policies relate to this application they are identified and

discussed within the report; varying degrees of weight are apportioned as appropriate.

* In the case of emerging policies DM2, DM12 and DM31 only limited weight has been applied due to policies being subject to likely alteration before adoption. In the case of policies DM3 and DM30, only very minimal weight has been attributed to their use due to objections being raised to their current proposed use. However, their objectives are already addressed by adopted policies HBE12 & TRA5.

Principle of Development

16. Policy Considerations

The principle of the development has already been accepted through the approval of permission 10/01107/RM. No changes to national or local policy have occurred since then to give cause to reconsider this. The policies of the emerging development management plan and site allocations plan promote residential development at this site subject to an acceptable design and appropriate amenity considerations.

Housing Proposals

17. Housing Numbers, Density and Affordable Housing

There are no changes to the number of homes within the development. The 8no. flats being reconfigured in this development were originally 2no. 2-bed and 6no. 3-bedroom flats and will remain that way. The changes result in the bedroom accommodation moving from 6th floor to 7th floors, and the kitchen/living rooms moving from 7th floor to 6th floor. None of the units are affordable housing (which is all within Block 1) so housing needs are not affected.

Impact on Living Conditions

18. Noise and Disturbance

The increased size of balconies would not automatically lead to increased use or noise from the balcony activities because the number of rooms and residents will not change.

19. Overlooking and Loss of Privacy

The arrangement of windows does not change, save for their use at different levels. There may be some change in outlook for residents of the adjoining blocks but the activity and any overlooking reduced for one level of neighbours would only be transferred to the other, and there is no overall increase in overlooking or loss of privacy. Although some balconies increase in their floor areas, they remain enclosed by the use of vertical cladding to the sides of the balconies so that effectively the shell of the building remains as approved and opportunities to view other neighbours are as they were originally.

20. Overshadowing and Overbearing Nature of Development

Blocks 3 and 4 are the only blocks with 7 storeys and the proposed thinner form of the 6th storey will only increase the outlook and potential amount of low-elevation winter light that would reach the residents of the same levels on adjoining Blocks 5 and 6 which could have its winter south-west light affected most. The proposed extension to the south-facing elevation of the 7th floor on Block 4 would extend further than the previous scheme (becoming 18m south from the front ground level façade rather than the previous 17m) and the distance between the facing elevation of Block 4 and the 6th floor balcony in Block 5 reduces from 13.5m to 12.5m. However, the reduced distance and sense of 'overhanging' and any discernable loss of light is still considered acceptable given the separation distance and the orientation of the balcony for which a predominantly south-west facing orientation is mostly unhindered, and the fact that late afternoon low level

light would be affected in winter months only at a time when use of the balcony is reduced.

Design

21. Layout

The internal layout changes will provide better amenity for future residents. In terms of north-south layout, the sixth floor will become narrower but have a deeper balcony to north and south; the seventh floors becomes deeper by extending north and south. None of the changes extend the block perimeters further than the facades of lower floor levels.

Balconies are rearranged as follows: At the sixth floor the west-facing balcony on Block 3 is removed and the north-facing balcony is extended to its full width, and on Block 4 the north facing balcony is extended to its full width. At the seventh floor the previous full length balconies on all sides of both Block 3 and 4 are removed and replaced with a full length south-facing balcony on Block 3, a half-length west-facing balcony on Block 3, and a half-length north-facing balcony on Block 4.

22. Form

The NR1 development has already received a Norwich Society award for its designs and there are no objections to the revised form of the development in urban design or conservation terms. The alteration to the massing to 'lift' the six floor and place what was the smaller rooftop 7th storey below will add interest to the design and fits well within the 'zig zag design' of the articulation of the wider block and floor levels. The colour addition is an important feature in site identity.

23. Height and scale

The overall height of the development does not change and the design approach will reduce any sense of bulk or uniformity within the existing development. It is worth noting that originally the taller height of the two blocks was introduced in response to the Council's Design and Conservation Officers' suggestions that doing so would create some variety in the height of the blocks; this revised arrangement improves upon that by articulating the exterior and making the upper storeys more distinctive, as described at paragraph 22 above.

24. Conservation Area – Impact on Setting

There will be no impact on the conservation area as views towards and from the Bracondale Ridge are not affected. The new designs will add interest and variety to this urban area.

Transport and Access

25. Vehicular Access and Servicing

Accesses to the car parks are unaffected by these proposals.

26. Car Parking

Parking levels reduce by two cars in Block 1 only, and the site is easily accessible enough to public transport, the city centre and shopping facilities at Riverside for this not to be a problem. Cycle storage is retained and provided in secure facilities on good cycle links.

Local Finance Considerations

There are no changes to finance considerations arising from these proposals. The

scheme will not increase floorspace and will not be affected by the Community Infrastructure Levy.

Planning Obligations

27. The planning obligations required from the various previous planning permissions will remain relevant and a Section 106A Deed of Variation will be used to bring those obligations into this permission. The applicant has already agreed to a draft of this.

EIA Development

28. The Material Amendment application under a Section 73 'variation of condition' procedure would constitute an urban regeneration project under 'Schedule 2' of the Environmental Impact Assessment regulations of 2011. Therefore the proposal is required to be screened as to whether it would become EIA development. The screening opinion adopted by the LPA is that the changes to the façade, ground floor layout and the amendments to 6th and 7th floors do not constitute EIA development so the application does not require an Environmental Assessment.

Conclusions

29. The development will not have an unacceptable detrimental impact on neighbouring residential amenity, and will provide acceptable conditions for future residents of the new blocks, and improved accessibility and layout of the car parking and cycle and refuse stores. The design change enhances the overall scheme and promotes this area of the city and its ongoing regeneration. Subject to details required within conditions already approved under permission 10/01107/RM and details approval 12/02263/D, the modifications presented within this scheme are acceptable and should be approved.

RECOMMENDATIONS

To approve Application No 13/01639/MA at the NR1 development, Geoffrey Watling Way, Norwich City Football Club, Carrow Road, Norwich, NR1 1JE, and grant planning permission, subject to:

- (1) the completion of a satisfactory Section 106A Deed of Variation legal agreement by 07th March 2014 to include amendments to the definition of development, the planning permission concerned and to the amended timescales for development phasing, and subject to the following conditions:

1. The development shall be begun by 05th October 2015;
2. The development shall be carried out in accordance with the application forms, plans and details originally approved in permission 10/01107/RM and as amended by this planning permission 13/01639/MA, and shall include the same finished floor levels and energy efficiency features previously approved;
3. The phasing of the development shall be as per the details within approval 12/02263/D;
4. (a) – site contamination remediation shall be as per permission 10/01107/RM; (b) contamination remediation shall be agreed prior to first occupation of blocks 3 and 4;
5. Car park ventilation shall be provided as per permission 10/01107/RM;
6. Landscaping shall be provided, maintained and managed as per the details

approved within 12/02263/D and the landscaping areas for each block shall be provided prior to first occupation of the final dwelling to be occupied in each block, with the entire scheme landscaping provided no later than first occupation within Block 4;

7. Car club space provision and retention shall be as per details approved in 12/02263/D;
8. Cycle and refuse storage shall be provided for each block in the positions shown within the approved ground floor layout plan of permission 13/01639/MA and to the specifications shown within the approved details 1ithin 12/02263/D;
9. Acoustic defence glazing, ventilation and balustrade details shall be provided to the specifications set out within Condition 9 of permission 10/01107/RM;
10. The materials used in the development shall be as set out in Condition 10 of permission 10/01107/RM as amended by the additional details of this permission 13/01639/MA;
11. The development shall be constructed using the brown roofs and features agreed under details within 12/02263/D;
12. The development shall be constructed using the water efficiency measures agreed under details approval 12/02263/D;
13. (a) The development shall be constructed using the energy efficiency measures approved by permission 10/01107/RM; and (b) shall include the photovoltaic panels installed at Block 1 as per the details approved within 12/02263/D, and shall be managed and retained as such thereafter;
14. The development shall be built using the surface water drainage strategy details approved within permission 10/01107/RM, and shall include an oil separator, and shall be managed and maintained in accordance with the details approved within 12/02263/D;
15. (a) Blocks 1, 2, 3 and 4 shall be built to include the flood defence retaining wall details as approved under the details approved by 12/02263/D; and (b) Blocks 5 and 6 shall be built using the flood defence retaining wall details approved within 10/01107/RM;
16. The development shall provide the necessary flood defence measures as required by Condition 16 of permission 10/01107/RM, and the Flood Warning and Evacuation Plan shall be provided to all residents prior to the first occupation of each dwelling;
17. There shall be no occupation of Blocks 3 and 4 until the Travel Plan approved through details approval 12/02263/D has been implemented and made available to all residents, based on the Travel Plan agreed by 10/01107/RM.

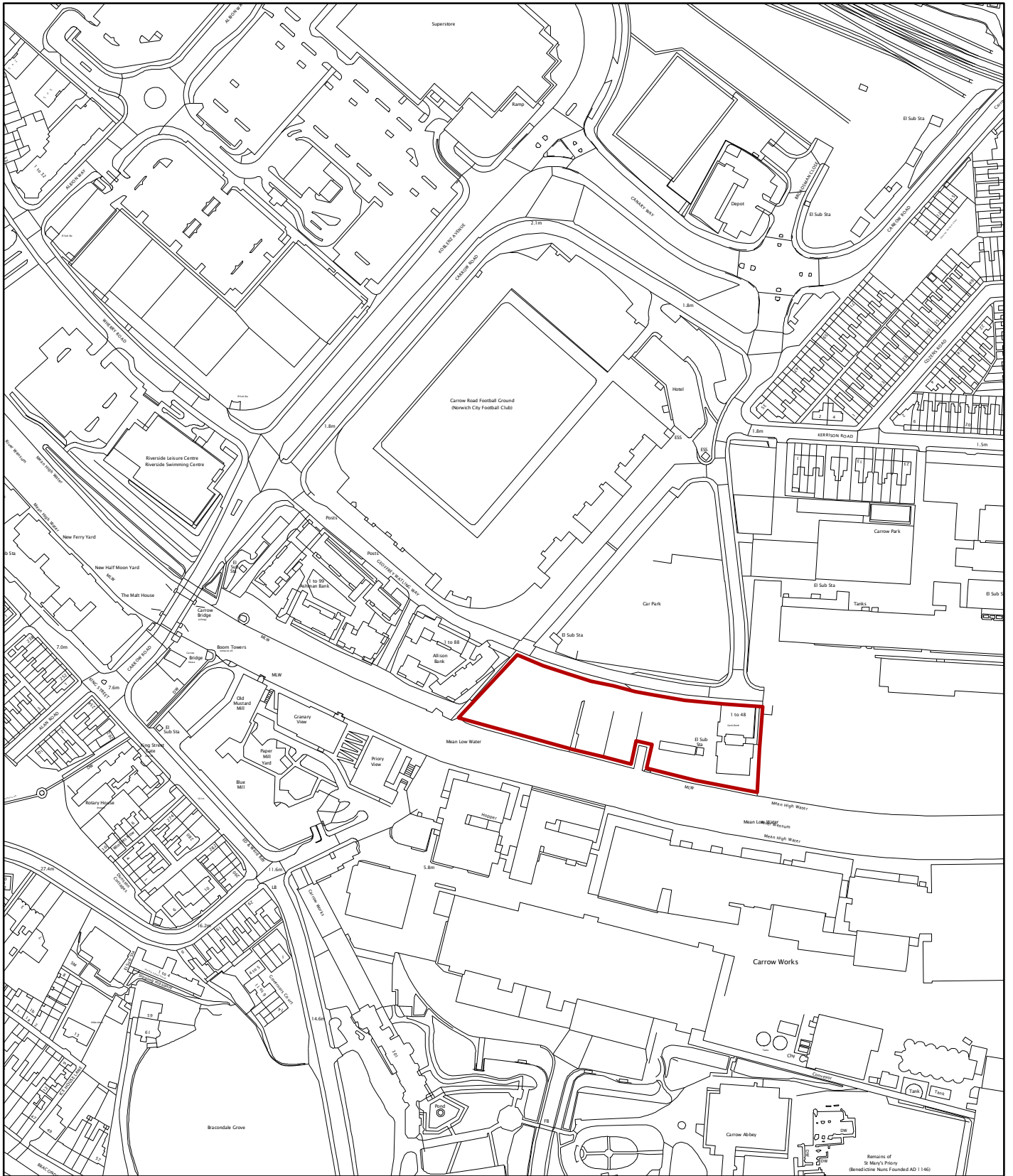
Informative Notes:

1. Noise mitigation advice for residents;
2. Updated advice on relevant conditions of previous consents;
3. Travel Plan advice;
4. Planning obligations advice;
5. Good practice advice for construction.

(2) where a satisfactory S106A Deed of Variation not completed prior to 08th March 2013, that delegated authority be given to the Head of Planning Services to refuse planning permission for Application No 13/01639/MA at the NR1 development, Geoffrey Watling Way, Norwich City Football Club, Carrow Road, Norwich, NR1 1JE, for the following reason:

In the absence of an agreed amendment to the Section 106 Agreement associated with

the original permission 10/01107/RM, the consequent release of a new planning permission taking effect over both the outstanding and existing parts of the NR1 development would not be subject to the necessary or relevant planning obligations associated with the original permission and as such the development would not provide for affordable housing, transport improvement measures, sustainable transport features, or library enhancements, and as such would be contrary to Policy 4 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk (2014), and saved policies HOU6, TRA11 and TRA12 of the adopted City of Norwich Replacement Local Plan (2004) and the objectives of the National Planning Policy Framework.



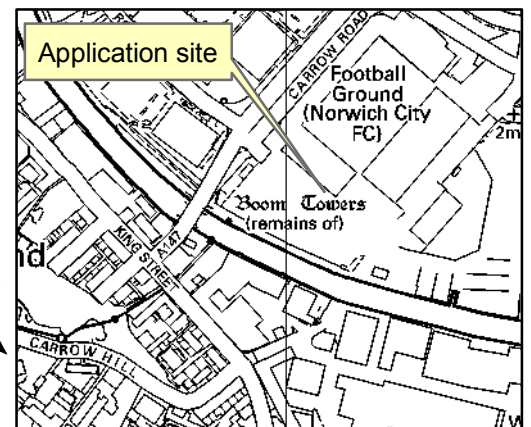
© Crown Copyright and database right 2014. Ordnance Survey 100019747.

Planning Application No 13/01639/MA
 Site Address NR1 Development
 Geoffrey Watling Way
 Norwich City Football Club
 Carrow Road
 Scale 1:3,000



NORWICH
 City Council

PLANNING SERVICES





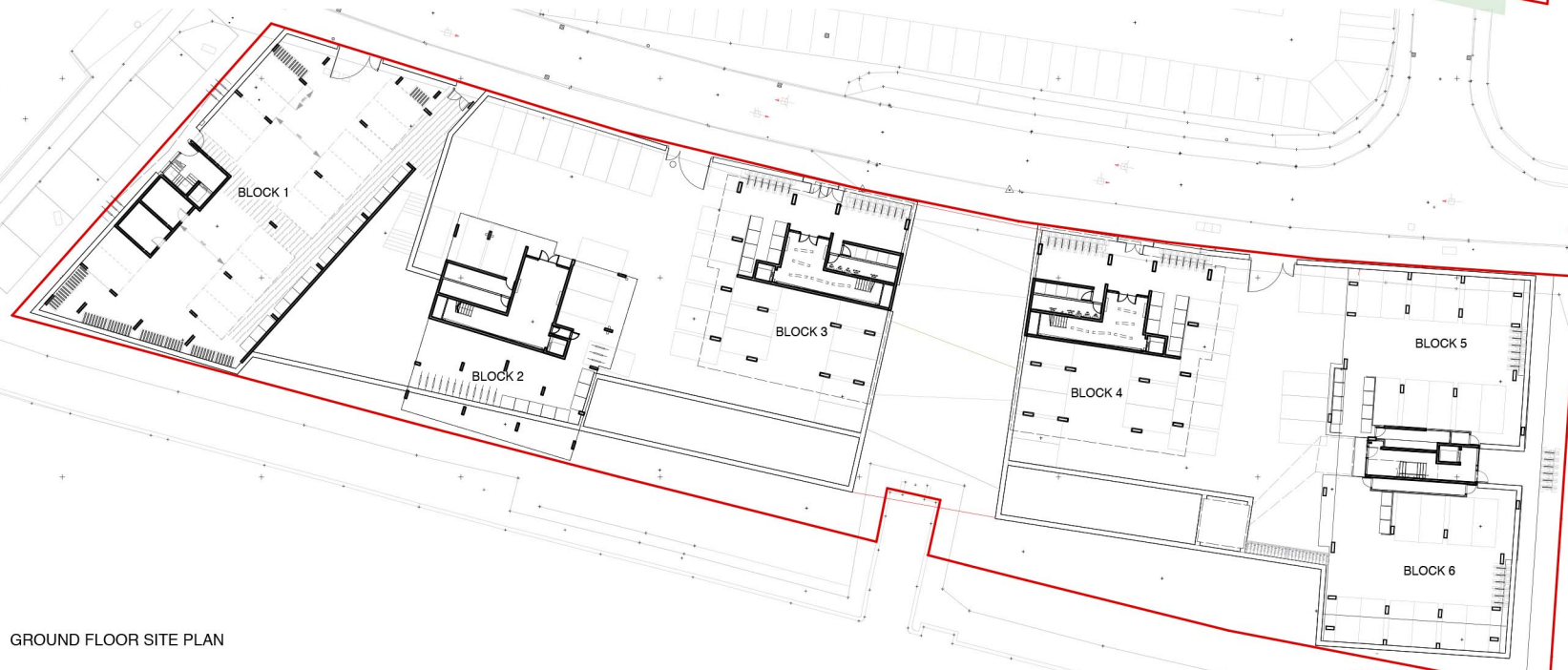
BLOCK 3

BLOCK 4



BLOCK 3

BLOCK 4

[illegible]



BLOCK 3

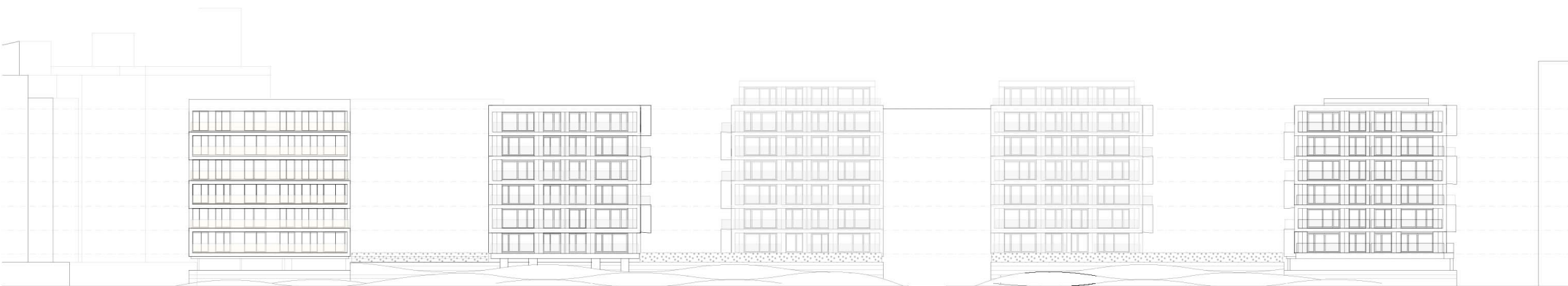
BLOCK 4



BLOCK 3

BLOCK 4





EXISTING BLOCK B

NR1 BLOCK 1

NR1 BLOCK 2

NR1 BLOCK 3

NR1 BLOCK 4

NR1 BLOCKS 5 & 6

PROPOSED
BROADLAND
HOUSING
DEVELOPMENT

RIVER ELEVATION



NR1 BLOCKS 5 & 6

NR1 BLOCK 4

NR1 BLOCK 3

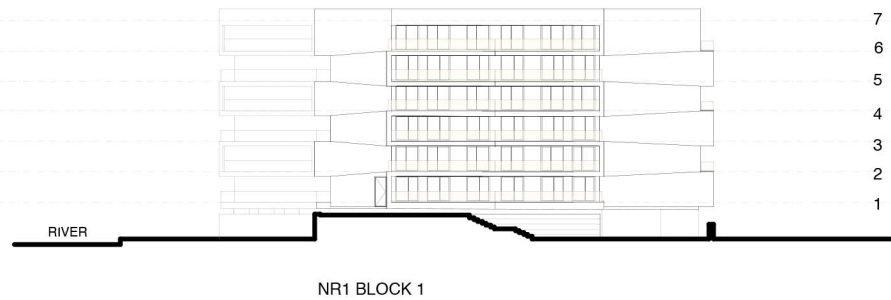
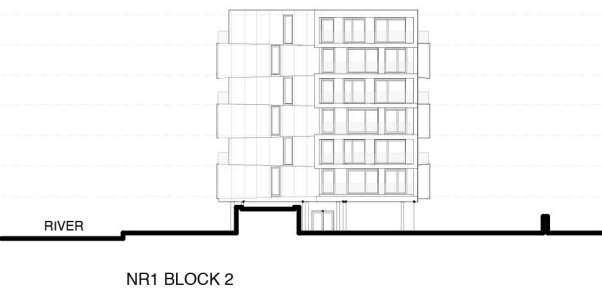
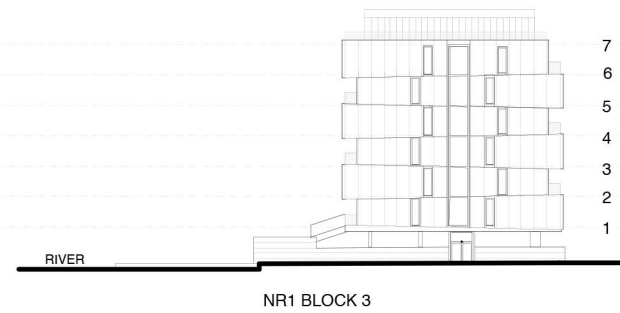
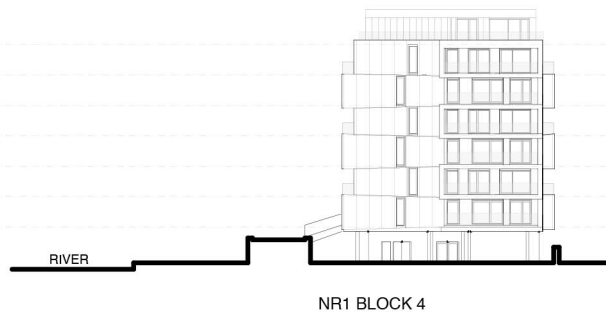
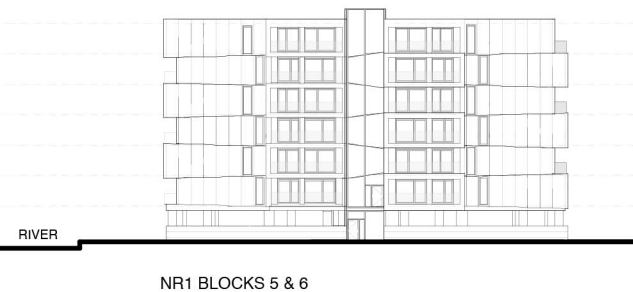
NR1 BLOCK 2

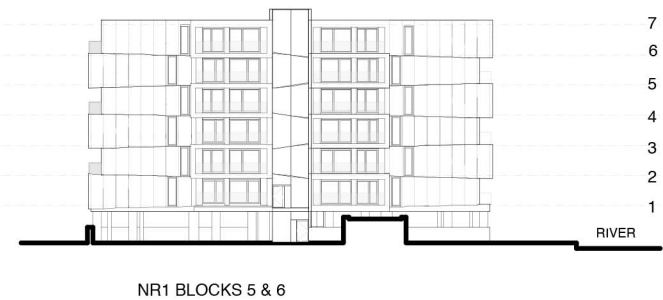
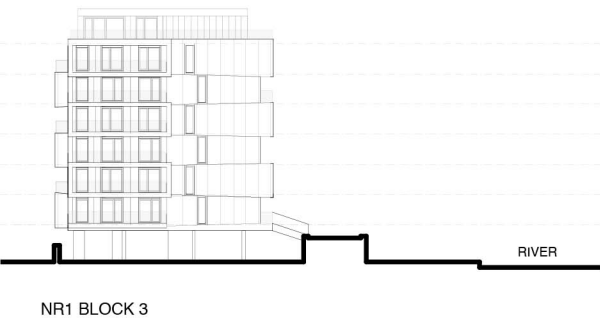
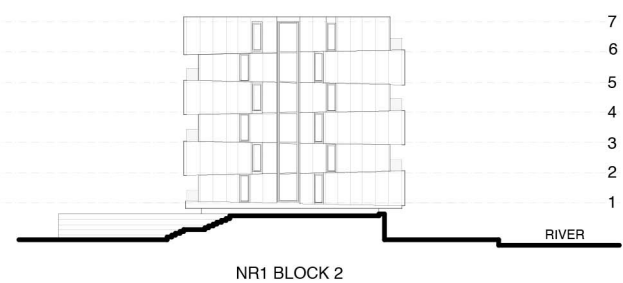
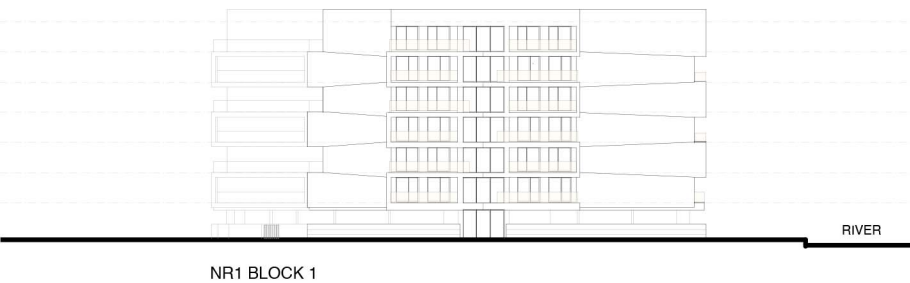
NR1 BLOCK 1

EXISTING BLOCK B

PROPOSED
BROADLAND
HOUSING
DEVELOPMENT

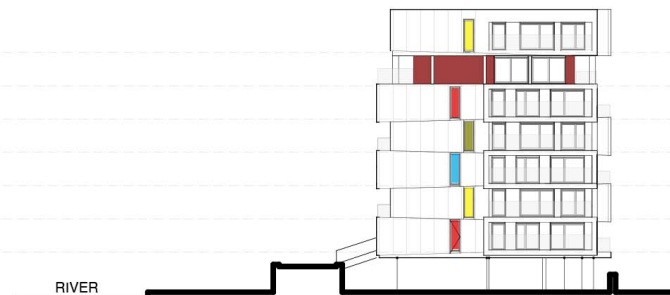
STREET ELEVATION







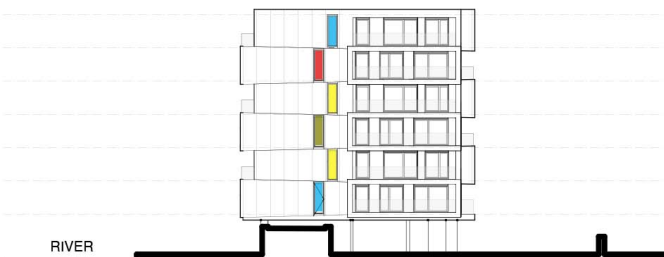
NR1 BLOCKS 5 & 6



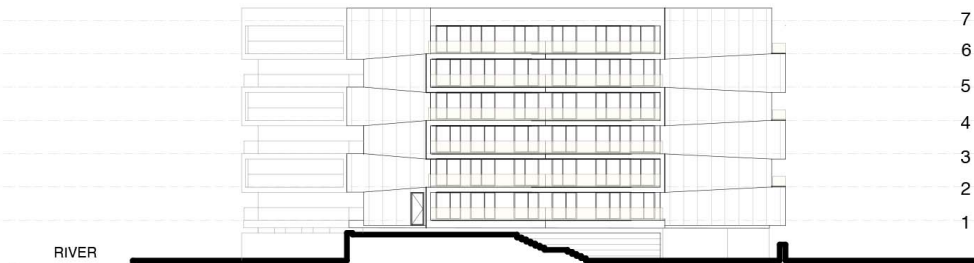
NR1 BLOCK 4



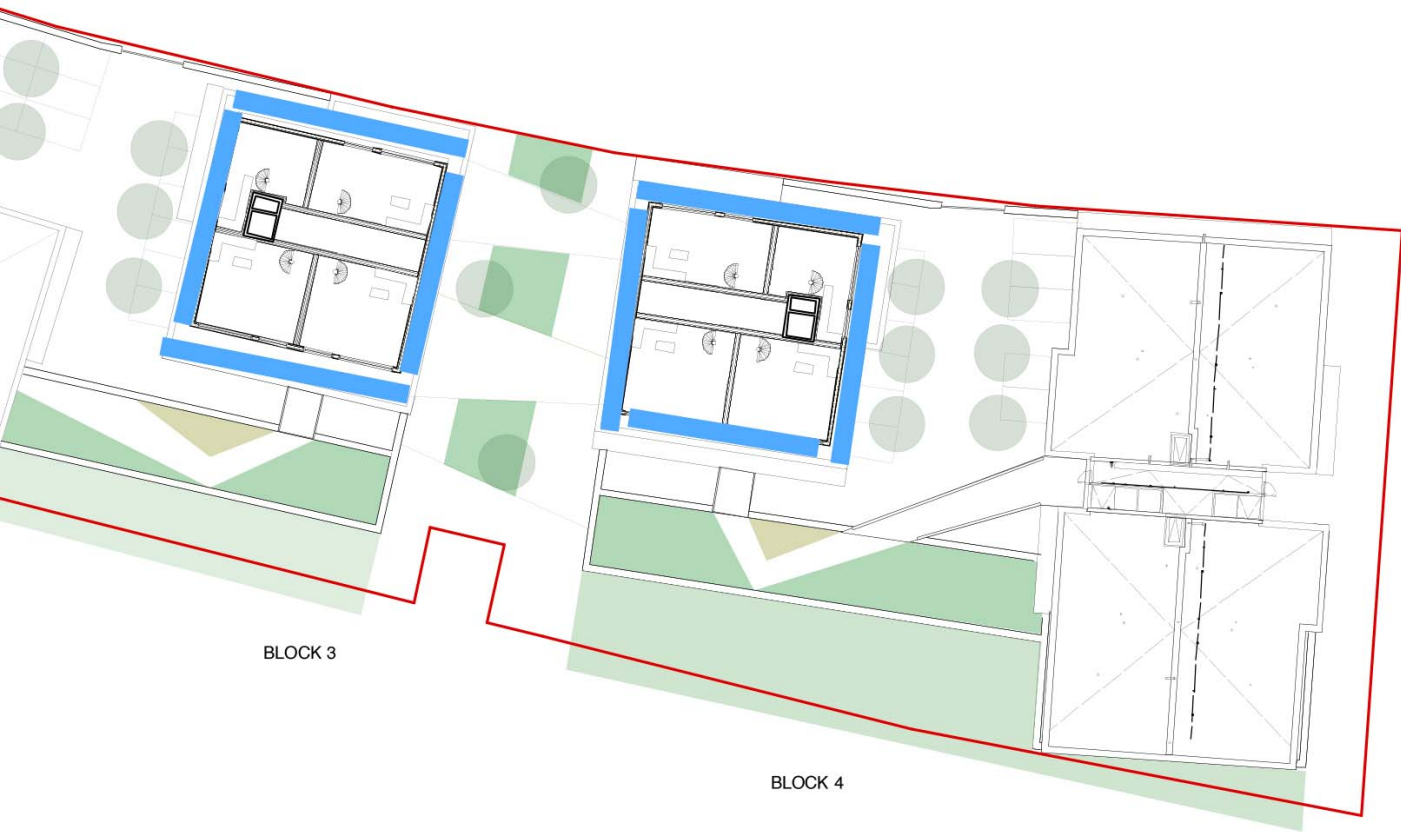
NR1 BLOCK 3



NR1 BLOCK 2



NR1 BLOCK 1



BLOCK 3

BLOCK 5

BLOCK 6

BLOCK 4



BLOCK 3

BLOCK 5

BLOCK 6

BLOCK 4
179



Report to Planning applications committee
Date 06 March 2014

Report of Head of planning services

Subject 13/02087/VC and 13/02088/VC:
Norwich City Football Club, Geoffrey Watling Way and
Carrow Road, Norwich, NR1 1JE.

Item
4(10)

SUMMARY

Description:	<p>13/02087/VC: Changes to the requirements for providing a Riverside Walk, landscaping and utilities connections around the existing residential developments in the vicinity of the football club, through an application for Variation of Condition 12: Provision of Riverside Walk; Variation of Condition 21: Hard and Soft Landscaping details; and, Condition 25: Underground Utility Routes, of previous planning permission 4/2002/1281/O affecting The Jarrold Stand, N&P Stand, Ashman Bank and Allison Bank: 'Replacement of South Stand (8000 seats), new corner stand (1500 seats), hotel and residential development along the north bank of the River Wensum only, with associated highway works.'</p> <p>13/02088/VC: Changes to the requirements for providing a Riverside Walk, landscaping and utilities connections around the ongoing residential developments in the vicinity of the football club, through an application for Variation of Condition 6: Hard and Soft Landscaping; Condition 10: Underground Utility Routes and Condition 12: Provision of a Riverside Walk, of previous planning permission 06/00012/VC affecting The Jarrold Stand and the Riverside Heights / NR1 development: 'Variation of Condition 2: Approval of Master Plan for previous outline planning permission 4/2002/01281/O 'Replacement of South stand (8000 seats), new corner stand (1500 seats), hotel and residential development along the north bank of the River Wensum only, with associated highway works'.'</p>
Reason for consideration at Committee:	Planning Obligation requirements – alterations to original terms and conditions as approved by planning committee.
Recommendation:	Approve.
Ward:	Thorpe Hamlet
Contact Officer:	Rob Parkinson Senior Planning Officer - 01603 212765
Valid Date:	24th December 2013
Applicant:	Mr Jamie Arnall, Norwich City Football Club.
Agent:	Mr Iain Hill, Ingleton Wood LLP.

INTRODUCTION

The Site

Location and Context

1. Both applications concern the area of- and around- the Norwich City Football Club, including the housing developments north of the River Wensum (Ashman Bank, Allison Bank and the NR1 development), the triangle-shaped car park to the east of the football stadium Jarrold Stand, the Holiday Inn hotel, the Geoffrey Watling Way road running north-south from Kerrison Road and east-west from Carrow Road in front of the N&P stand, and the area of riverbank on the north side of the River Wensum.
2. Neighbours to the south of the river are the residents of Paper Mills Yard and the Carrow Works (Unilever and Britvic) factory site. The riverside retail park and swimming pool adjoin the site to the west, the residents of the Harbour Triangle to the north-east and the spaces for sport and gravel car park of Carrow Quay to the east. The site is not within a conservation area but the Bracondale Conservation Area is to the south beyond the river. The site is level but Bracondale Ridge rises to the south.

Planning History

3. The Riverside Walk, landscaping and road construction around the site have all been required to be featured within the residential developments at the site since the first permission of 2002, and most recently the extension of time for the residential development of the area through approvals under permission 06/00012/VC in 2008. Their non-provision since 2008 has been reluctantly tolerated on the understanding that alternative housing development schemes have been in gestation since then, most latterly through the NR1 development.
4. The original outline planning permissions required all reserved matters applications to be submitted to the LPA for approval within three years of the date of each outline consent permission, and subsequently were required to be implemented within two years of that permission (or five years of the outline consent, whichever was the later). Reserved Matters applications were approved for the housing provided or underway, for the hotel and for the stadium expansion (see 'planning history').
5. However, no Reserved Matters proposals were submitted for the triangle car park pursuant to either outline planning permission, and therefore no 'live' permissions are in place on that site. Accordingly, the descriptions of the new permissions created by these applications are revised to remove reference to the former decked car park or residential developments proposed on the triangle car park. Even though no 'commencement date' condition will be used on either new permission as all development is underway or complete, this shall not infer any resurrection of the previously-expired consents on the triangle car park. An Informative Note will make this clear.
6. However, it has been considered unacceptable to allow any further delays to their provision because of the need to provide necessary facilities for residents of the NR1 scheme and to provide connections to the approved Carrow Quay

residential scheme. The Carrow Quay development itself will not be allowed to be occupied until a suitable standard of road, riverside walk and landscaping is provided on the football club site. A recommendation to approve the use of planning enforcement measures is included here.

The detailed planning history at the site arises from the following applications:

4/2001/0564/O – the first principle of residential development with associated highway works was **approved in 2002**.

4/2002/1281/O – A revised application for the principle of residential development of the site was approved at the same time as works to replace the south stand and provide the hotel at the football club (**approved 2003**).

4/2002/1282/RM – These were the first detailed proposals, showing apartment blocks along the riverside, from Carrow Bridge to the eastern edge of the current site. These were Reserved Matters subsequent to the outline planning permission of 4/2002/1281/O, and were also **approved in 2003**. The first two blocks of apartments with their under-croft parking have been built under this permission for 330no. apartments with associated access, parking and landscaping. Of the 330 apartments permitted, 186 have been built in the first two blocks (Blocks A and B).

4/2002/1283/RM - Redevelopment of South Stand (8000 seats) and new infill corner stand (1500 seats). Part condition 1 & 15 of Outline Planning Permission No. 4/2002/1281/O). Approved May 2003; this concerned the Jarrold Stand and corner of the N&P stand.

4/2002/1284/D - Condition 26(a) : Details of alignment of access road for previous permission 4/2002/1281/O. Approved July 2003, but the road is not yet constructed to this route.

4/2003/0685 - Development of site with 148 bedroom hotel with associated access, car parking and landscaping. (Conditions 1 & 15 of Outline Planning Permission No. 4/2002/1281/O). This was approved in October 2003.

03/00333/D - Condition 3(d): Phasing plan for previous outline planning permission 4/2002/1281/O. Approved April 2004, showing construction of the Riverside Walk in a sequential form following residential construction of Ashman Bank, Allison Bank and beyond.

03/00370/D - Condition 3(e) : Landscape Master Plan and Condition 21: Details of hard and soft landscaping for previous outline planning permission 4/2002/1281/O. These were approved in December 2004 but were never progressed.

05/00077/D - Condition 12: Details of Riverside Walk and associated works for previous planning permission 4/2002/1281/O. This was approved in February 2006 but was never progressed.

06/00012/VC – This permission approved a masterplan and revised the approach to the whole football club site's development, introducing the idea of decked car parking flats proposals immediately north of this site. The scheme was **approved in March 2008**. The current reserved matters application is the only scheme to be

brought forward since 2008.

06/00891/D - Condition 26a: access road alignments; Condition 26b: surface treatment; Condition 26c levels; Condition 26g: traffic control measures, for previous planning permission 4/2002/1281/O. These details were refused in June 2008 because insufficient detail was provided. The details were never reconsidered and remain outstanding, and the road remains unfinished and not built to an adoptable standard.

10/01107/RM - Reserved Matters for the access, appearance, landscaping, layout and scale of the revised design of the second phase of the residential development (174 residential units) for outline planning permission (App. No. 4/2002/1281/O) 'Replacement of South Stand (8000 seats), new corner stand (1500 seats), hotel, decked car park and residential development with associated highway works'.
Approved in October 2012.

13/01639/MA - Amendments to the massing, designs and increased floorspace to 7th storey within Blocks 3 and 4, and changes to ground floor layouts of all Blocks 1 - 6, of the NR1 development, as alterations to existing planning permission 10/01107/RM 'Reserved Matters for the access, appearance, landscaping, layout and scale of the second phase of the residential development (174 residential units) for outline planning permission 4/2002/1281/O 'Replacement of South Stand (8000 seats), new corner stand (1500 seats), hotel, decked car park and residential development with associated highway works.' **Pending consideration** at this planning committee meeting.

There are no extant permissions in place for the triangle car park to the north of NR1.

The adjoining gravel car park site to the east also has planning permission for residential development of 250 apartments in six blocks fronting an extension of Geoffrey Watling Way; these were permitted through **Outline permission 11/02104/O approved on 28th June 2013**, with details approved through **Reserved Matters permission 13/01270/RM on 05th November 2013**. These consents both required the Riverside Walk and Geoffrey Watling Way to be extended eastwards from the NR1 site towards the ATB Lawrence Scott Electromotors site, and included details showing the likely provision of street trees along the north of Geoffrey Watling Way, and landscaping either side of the Riverside Walk to the south.

Equality and Diversity Issues

There are no significant equality or diversity issues.

The Proposals

7. 13/02087/VC – Variations to certain conditions of the original planning permission 4/2002/1281/O affecting Ashman Bank and Allison Bank, as below:
 - Condition 12 - to introduce revised specifications for the Riverside Walk design, and specifically remove existing references to requiring a minimum width of the landscaped area, footpath / cycleway and capability for use by vehicles.

- Condition 21 – to revise the timeframe for submission of landscape scheme details, to allow the works to the area to be lawful rather than in breach of the existing condition.
 - Condition 25 – to revise the timeframes and requirements of utility services and tree planting to ensure both can be accommodated landscaping and road construction.
8. 13/02088/VC - Variations to certain conditions of the planning permission 06/00012/VC affecting the NR1 development, as below:
- Condition 6 - to revise the timeframe for submission of landscape scheme details, to allow the works to the area to be lawful rather than in breach of the existing condition.
 - Condition 10 - to revise the timeframes and requirements of utility services and tree planting to ensure both can be accommodated landscaping and road construction.
 - Condition 12 - to introduce revised specifications for the Riverside Walk design, and specifically remove existing references to requiring a minimum width of the landscaped area, footpath / cycleway and capability for use by vehicles.
9. It should be noted that any permission(s) issued through these Variation of Condition applications would have the effect of creating a new planning permission(s), so the NR1 development would be subject to the conditions and implications of this planning permission, although the principle has already been accepted.
10. For illustrative context only, some of the possible design details for the road, landscaping and riverside walk areas have been provided by the applicant for the purposes of demonstrating that some progress is being made in fulfilling these requirements. As drafted, the Riverside Walk designs show a path of at least 2.6m width in certain places, capable of cyclist use (although the formal anticipated cycle route is expected to be to the north of the flats), areas of tree planting north of the flats, proposals for a shared-surface adopted road, some landscaping of the road edges and some indicative proposals for hard landscaping outside the Jarrold Stand. These plans are included at the end of this report.
11. Some of these areas are in different ownerships but notice has been served on all owners and all parties are aware of the proposals, and any land transfers as necessary are progressing. The Council, for example, is the freehold owner of the majority of the Riverside Walk from Carrow Bridge behind Allison Bank and Ashman Bank, ending at the NR1 development site.

Representations Received

12. Both applications have been advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. No letters of representation have been received for either application.

Consultation Responses

13. **Broads Authority** – The Broads Authority (BA) welcomes the use of a condition which allows provision of moorings at a date to be agreed with the LPA, and welcomes alterations to the timeframe for delivering the riverside walk and landscaping scheme, as both will ensure there are formal requirements for providing moorings and their delivery in a high quality design.
14. The BA requests that details are required for agreeing specifications of mooring locations, designs and specifications of visitor and demasting moorings. The Broads Authority as Navigation Authority supports the provision of visitor moorings, as already required by the Section 106 Agreements, and supports additional navigation benefits such as demasting moorings downstream of Carrow Bridge and canoe launching facilities or a small slipway in the old boatshed dyke (next to the NR1 development).
15. The BA requests that in the final landscaping scheme there are minimal trees planted which could overhang the navigation area, although existing trees should be retained where possible. The BA is not supportive of floating riparian planters without first approving precise details of their fixings to the bank. Hard landscaping should match treatments on adjoining sites and provide relevant interpretation of historic features. Soft landscaping should use native trees and shrubs which provide for the ecological corridor.

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

Theoretically the principle of residential development on the unfinished NR1 development site is open to consideration through this variation to the terms of the NR1 'parent' permission. However, there have been no changes to the adopted development plan since the Planning Committee last considered the principle of residential development under application 10/01107/RM in May 2012, so for the purposes of brevity the policies listed below are those relevant only to the changes to the riverside walk, residential amenity, road designs, landscaping and street tree provision and layouts. The committee reports for permission 10/01107/RM detail the full range of policies taken into account in the original permission.

National Planning Policy Framework (NPPF) (March 2012):

Paragraph 14 – Presumption in favour of sustainable development

Paragraphs 203-206 – Planning conditions and obligations

Section 6 – Delivering a wide choice of high quality homes

Section 7 – Requiring good design

Section 8 – Promoting healthy communities

Section 10 – Meeting the challenge of climate change, flooding and coastal change

Section 11 – Conserving and enhancing the natural environment

Policies of the Joint Core Strategy for Broadland, Norwich and South Norfolk (Adopted January 2014*) (*previous interim adoption March 2011)

Policy 1 – Addressing climate change and protecting environmental assets

Policy 2 – Promoting good design

Policy 6 – Access and transportation

Policy 7 – Supporting communities
Policy 11 – Norwich City Centre
Policy 12 – Remainder of Norwich area
Policy 18 – The Broads
Policy 20 - Implementation

Saved policies of the adopted City of Norwich Replacement Local Plan (2004):

NE1 – Protection of environmental assets from inappropriate development
NE4 – Street trees to be provided by developers
NE9 - Comprehensive landscaping scheme and tree planting
HBE1 – Protection of Scheduled Ancient Monuments
HBE12 - High quality of design in new developments
EP22 - High standard of amenity for residential occupiers
HOU6 – Contribution to community needs and facilities by housing developers
HOU9 – Sites allocated for mixed use development including housing (Allocation A42)
HOU12 – Sites allocated for housing development (Allocation B48)
HOU13 – Proposals for new housing development on other sites
SR11 – Riverside Walks – agreement with developers to provide / maintain
SR12 – Green Links network, including provision by developers
TRA3 – Modal shift measures in support of NATS
TRA5 - Approach to design for vehicle movement and special needs
TRA10 – Contribution by developers for works required for access to the site
TRA14 - Enhancement of the pedestrian environment and safe pedestrian routes
TRA15 - Cycle network and facilities
TRA26 - Design and materials in streetscape
CC14 – Land adjoining the Football Club – mix of uses and conditions

Supplementary Planning Documents and Guidance

Green Links and Riverside Walks (Adopted December 2006)

Other Material Considerations

Written Ministerial Statement: Planning for Growth March 2011.
The Localism Act 2011 – s143 Local Finance Considerations.

Emerging policies of the forthcoming new Local Plan (submission document for examination, April 2013):

Development Management Policies Development Plan Document – Pre-submission policies (April 2013).

DM1 Achieving and delivering sustainable development
* **DM2** Ensuring satisfactory living and working conditions
* **DM3** Delivering high quality design
* **DM6** Protecting and enhancing the natural environment
DM7 Trees and development
* **DM8** Planning effectively for open space and recreation
DM9 Safeguarding Norwich's heritage
* **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

Site Allocations Development Plan Document – Pre-submission policies (April 2013).

CC17: Land adjoining Norwich City Football Club, Kerrison Road

Procedural Matters Relating to the Development Plan and the NPPF

The Joint Core Strategy and Replacement Local Plan (RLP) have been adopted since the introduction of the Planning and Compulsory Purchase Act in 2004. With regard to paragraphs 211 and 215-216 of the National Planning Policy Framework (NPPF), both sets of policies have been subjected to a test of compliance with the NPPF. The 2011 JCS policies are considered compliant, but some of the 2004 RLP policies are considered to be only partially compliant with the NPPF, and as such those particular policies are given lesser weight in the assessment of this application.

The Council has also reached submission stage of the emerging new Local Plan policies, and considers most of these to be wholly consistent with the NPPF. Where discrepancies or inconsistent policies relate to this application they are identified and discussed within the report; varying degrees of weight are apportioned as appropriate.

* In the case of emerging policies DM2, DM3, DM6, DM8, DM12, DM28, DM30 and DM31 only limited weight has been applied due to policies being subject to likely alteration before adoption. In the case of policies DM3 and DM30, only very minimal weight has been attributed to their use due to objections being raised to their current proposed use. However, their objectives are already addressed by adopted policies HBE12 & TRA5.

Principle of Development

Policy Considerations

16. The landscaping and riverside walk construction are fundamental elements of the residential development of the football club area and essential features for promoting recreation and tourism in Norwich.
17. The principle of the ongoing residential development on the NR1 site has already been accepted through the approval of permission 10/01107/RM. No changes to national or local policy have occurred since then to give cause to reconsider this. The policies of the emerging development management plan and site allocations plan promote residential development at this site subject to an acceptable design and appropriate amenity considerations, and provision of the Riverside Walk and

Other Material Considerations – EIA Development

18. The applications made under a Section 73 'variation of condition' procedure would constitute an urban regeneration project under 'Schedule 2' of the Environmental Impact Assessment regulations of 2011. Therefore the proposals are required to be screened as to whether they would become EIA development. The screening opinion adopted by the LPA is that the changes to the landscaping and riverside walk provision, and the amendments to timing of their delivery, do not constitute EIA development so the applications do not require an Environmental Assessment.

Housing Numbers, Density and Affordable Housing

19. There are no changes to the number of homes within the developments already built, approved or under construction, all the sites necessary affordable housing contribution is all proposed within NR1 Block 1 which will have access to the riverside walk.

Impact on Living Conditions

Noise and Disturbance

20. The use of the riverside for recreation and commuting will increase the noise experienced by residents on the south elevations of the housing schemes, but this is a small likelihood of nuisance and is outweighed by the health and recreation benefits for all residents and the city as a whole.
21. The new road to the north of the flats will be adopted and allow access to the Carrow Quay site and beyond but car use is actually low in these flatted developments, many of the homes are actually car-free, parking is limited, and the Geoffrey Watling Way route will eventually be controlled by a bus gate so will not become a 'rat-run' once the bus gate is installed and the Old Carrow Road along the western elevation of the stadium is closed. As such although bus traffic will increase the road traffic noise from commuters and residents will be lower than originally expected, and is considered an acceptable level given the high standards of acoustic protection included in the glazing of the flats.

Overlooking and Loss of Privacy

22. The riverside walk will pass alongside the ground floor car parks so avoid loss of privacy.

Transport and Access

Vehicular Access and Servicing

23. Access to the flats will be improved by the provision of an adopted road, and the drafted designs show that there needs to be no changes to car park accesses or loading areas. The areas around the stadium which are currently used for occasional servicing and loading are likely to retain an area of on-street servicing but designs will be worked-up by conditions.
24. Along the Riverside Walk, the existing condition 12 of permission 4/2002/1281/O requires the route to "...include a surfaced footpath-cycleway of not less than 3.75m constructed to adoptable highway standards and capable of withstanding use by vehicles...".
25. Whilst the Highway Authority has confirmed the emerging proposals would provide an adequate pedestrian route with access by cyclists if necessary, it should be noted that "use by vehicles" in the current condition does not necessarily extend to being a route over which heavy-duty service vehicles can travel to maintain the adjoining flats.
26. Although the applicant suggests the route designs will allow access by Land Rover or similar vehicle for path maintenance, the Council as landowner is concerned that the design needs to be able to accommodate more substantial vehicles, plant and machinery as may be required to maintain the existing blocks of flats. It is not considered unreasonable to expect this, given the scale of the flats and the need for periodic maintenance, and it would not be

acceptable to finance repairs to the Riverside Walk by public expense when repairs arise from maintenance of the flatted development.

27. It is therefore proposed to insert a new condition into the permission to require the path and riverside walk landscaping to be built to a specification suitable for use by service vehicles, plant and machinery, in accordance with details to be agreed by the Council. Further, as is already required by the Section 106 Agreement, there shall be no use of the path for service vehicles unless first agreed in advance by the Council as Local Planning Authority.

Cycle Routes and Pedestrian Links

28. Cycling will be greatly enhanced along Geoffrey Watling Way by designs including defined edges to the roads and a surface appropriate for shared use. The bus gate will prevent use by 'rat-run' cars and promote efficient commuting to the city. This is a strategic cycle route and will be able to link (via the riverside walk provided within the Carrow Quay development) to the National Cycle Route 1 at Trowse once the approved bridge to the Deal Ground is constructed.
29. Pedestrians will be encouraged to use the footpath along the riverside. Draft designs suggest this will also be much more amenable to recreation use. Cyclists will be discouraged from using the riverside route in this site given the narrower footpaths and the restriction of the bridge, but nevertheless the design will need to accommodate their use.
30. By imposing conditions to require construction of the Riverside Walk and the adoptable element of the Geoffrey Watling Way, the increasing residential population of the area will be served with the necessary recreation and access corridor to the city at the earliest feasible opportunity, to rectify a situation which has been outstanding for close to 10 years since construction of the first flats at the site.

Lighting and CCTV

31. Planning conditions will determine that the landscaping designs can be more closely aligned with the required specifications of the existing associated Section 106 Agreements. However, there will be a requirement for ducting to be installed for the Council to provide lighting along the riverside walk at a future date.

Trees and Landscaping

Loss of Trees, Impact on Trees and Replacement Planting

32. The landscaping proposals will need to remove some dead, dying or weak trees currently within the riverbank south of Ashman Bank and Allison Bank. Their loss will be compensated for through the increased provision of trees along the river, with details requiring an increased presence of native and river species and an equivalent replacement of biomass and biodiversity. The river's edge is an important Green Link biodiversity, bird and bat corridor which is identified in the Local Plan and shall be required to be extended further east to connect to the Carrow Quay development and beyond towards the Broads.

Street Trees and Landscaping around the Stadium

33. Street Trees are required for all developments with at least a 10m frontage to a highway (public or not). The road has not been constructed to adoptable standard yet, but due to use of piling and ground stabilisation techniques the corridor of adopted carriageway has been built to a construction type which precludes trees being placed within the carriageway or footpaths themselves. This is regrettable but an acknowledged constraint, and means that trees need to be provided in the landscaping areas either side of the adopted shared surface / footpaths.

34. Although some utilities and construction of service runs alongside the roads may hinder tree planting, the proposed revised planning conditions will ensure that at whatever cost and design the trees can be provided to create an avenue along Geoffrey Watling Way extending from Carrow Road, past Allison Bank, Ashman Bank and NR1, to connect to Carrow Quay development. This is to the benefit of all residents and the urban forest. The emerging landscaping detail proposals show that it is feasible to provide street trees on either side of the carriageway to the south of the N&P Stand, although most are shown outside the residential apartments of Ashman Bank and Allison Bank.

35. It should be noted that not all the elements of landscaping across the whole site are likely to be delivered at the same time. Given the short period of time available for construction around the stadium, i.e. during the close-season between May and August, the most pressing need is for the applicant to deliver the Riverside Walk and the construction of the adopted highway route. The following proposed timescales should be workable within a construction programme that fits around the football close-season, but this may be subject to confirmation and possible revision prior to the Committee meeting:

- May – August 2014: Provide the Riverside Walk outside Ashman Bank, Allison Bank and NR1, and construct all the Geoffrey Watling Way roadway to public adoptable standard.
- By 1st May 2015: Provide Mooring points and facilities required by planning obligations, in time for the start of the first summer holidaying season after the Broads Authority's 2014 review of navigation assets (discussed at paragraphs 45-46).
- May – August 2015: Provide hard landscaping and street trees and soft landscaping either side of the Geoffrey Watling Way adopted road alongside the N&P Stand and corner stand, and to the north of Ashman Bank and Allison Bank (this would include landscape and infrastructure works outside the shop, continuing behind the stand (Yellows entrance / Delias entrance etc.) to the start of the ticket office).
- May-August 2017 (at the earliest, with any amended date to be first agreed in writing by the LPA): Provide a landscaping scheme to the area outside the Jarrold Stand and provide trees adjoining the adopted highway next to the triangle car park north of the road outside the NR1 development (the details of which shall be agreed in advance as they will be expected to relate to any future development options on the car park).

36. The Football Club have suggested that this non-highway landscaping may only be possible in the close-season of 2016, the reason being one of capital fund restrictions preventing delivery in 2015. However, the landscaping has been outstanding for so many years and the increasing number of residents in the area have not benefitted from the landscaping they expected from the original planning permissions. As such, the outlook and amenity for residents, and the character of the area, have all been compromised by the landscaping non-provision to date, and it is not considered reasonable to allow any further delay.
37. In the interests of pragmatism and flexibility to the applicant (as required by the NPPF), it is therefore considered necessary to secure landscaping at the earliest opportunity whilst respecting the constraints of the construction programme and football season limitations; as such the proposed new conditions will require non-highway landscaping outside the N&P stand, Ashman Bank and Allison Bank to be provided by 1st August 2015.
38. The original wider schemes for residential development also included a requirement for landscaping of the area outside the Jarrold Stand on the east side of the stadium. Details of landscaping around this part of the stadium should be linked to whatever form of development may come forward on the 'triangle' car park, although the car park site does not have any redevelopment permissions in place at the moment and has not been subject to formal proposals since the collective proposals of 2006.
39. The Club suggest that redevelopment (subject to planning) should be possible by 2017. Assuming this will prove possible, it is considered appropriate to delay the Jarrold Stand landscaping and provision of street trees along the south of the car park until this time. It is regrettable that there should be further delay of an additional 3 years on top of the delay already experienced, particularly as the residents of the NR1 development will not benefit from the trees required to the north of their flats. However, it could prove equally abortive to expect trees to be provided in a year's time if they would only experience construction conflicts two years later. Although temporary landscaping measures could be provided in the area, it is considered unlikely to be successfully integrated and look out of place with the existing surface car park behind. A clause would be available for the Club to negotiate any further postponement if the car park site development timescales required.
40. The timescales for provision set out at Paragraph 35 need the most pressing matters to be provided as immediately as possible, i.e. in 2014 and 2015, but allow flexibility for the remaining matters to coincide with whatever development proposals may come forward on the existing 'triangle car park'. As no planning permissions exist on that site at the current time, further clarity may be offered through the emerging local plan policy or Club's initiative once the planning policy situation becomes a bit clearer.

Navigation and riverside recreation

Works to the River bank

41. The residential redevelopment of the football club area was originally only considered acceptable if the works included strengthening, stabilisation, protection and enhancement of the riverbank edges. This is particularly relevant where the riverbank edges are currently weak around the Boom Tower and

outside Ashman Bank and Allison Bank to the riverbank are required in particular to stabilise the currently poorly-defended bank between Carrow Bridge and the NR1 development, and protect the Scheduled Ancient Monument Boom Tower. Although the precise extent of works needed are currently unclear, these works shall continue to be required for provision at the earliest opportunity, i.e. by August 2014 as is indicated to be planned-for by the applicant. Moorings shall be provided consequent to the river bank works.

42. For the avoidance of doubt, a new condition will include the requirement to agree engineering works to the riverbank prior to completion of the riverside walk, which itself is required by August 2014, unless a variation to that date is agreed otherwise in writing by the LPA. It is considered necessary, reasonable, appropriate and relevant to the development to ensure that riverbank works are still provided as part of the redevelopment of the football club site as was originally intended; notwithstanding the prolonged non-provision to date, the requirements must remain in force for the reasons of both the safety of users of the riverside walk, for purposes of providing a suitable navigational channel for river users, for securing the future of the boom tower, and for providing a suitable area of recreational public open space for both residents of the development and the public at large.
43. It is acknowledged that a balance will have to be found between securing financing its delivery and reducing the public expense of long-term maintenance by the Council as freehold owner of the river bank, but the costs of such engineering are reported to be much less now than was the case when the works were originally required.

Moorings and associated facilities

44. The Section 106 Agreements in place currently require moorings for boats to be provided in the Riverside Walk scheme, along with associated safety chains, ladders, fendering and works to the river bank to facilitate moorings and make the bank safe for general amenity, footpath provision, recreation and river navigation.
45. The Broads Authority was not party to the original Section 106 Agreements and therefore has no responsibility from it, so there are no budget allocations for the delivery or maintenance of moorings or other navigation features. However the Broads Authority is currently undertaking a major review of its assets and a strategic review of mooring provision generally in the Broads during 2014. This application to delay the implementation of the planning conditions with regard to the Riverside Walk will enable the Broads Authority to give consideration as to whether, from a strategic perspective, the Authority would be able to play a role in the ongoing management of the navigation benefits associated with the Riverside Walk.
46. The Broads Authority is supportive of urban moorings in principle. Whilst the Broads Authority conduct their audit of moorings and possible management of such facilities, it is considered appropriate to delay the agreement of the specification of the provision of moorings and such features until the start of the summer in 2015 (1st May 2015) to allow management, design and specification to be clarified in the interim

Local Finance Considerations

47. The developments are not increasing the floorspace of development around the Club, so are not liable to make payments under the Community Infrastructure Levy, nor other rates.

Planning Obligations

48. The planning obligations required from the various previous planning permissions' Section 106 Agreements will remain relevant, and so some Section 106A Deed of Variation agreements will be used to bring those obligations into this permission. The applicant has already agreed to this principle.

Conclusions

49. The proposed amendments to conditions of the original consents as described at paragraphs 5 and 6 will allow the outstanding matters of landscaping and delivery of the Riverside Walk to be lawfully constructed within timescales of a new planning permission. The revised terms of the condition will ensure the construction specifications are more flexible in terms of the designs which already exist within the obligations currently in the Section 106 Agreements. They will also introduce more precise requirements for the Walk, riverbank and moorings construction and long-term durability.
50. The landscaping to the north of the existing flats and around the stadium will all be delivered to timescales and construction works which are more pragmatic and which take account of the existing services in the area, whilst the adopted road will be required to be provided at the earliest opportunity. As such the proposals should bring certainty and timely amenity benefit to residents, river users, and the city's riverside walk environment commensurate with ongoing residential expansion in the area.

RECOMMENDATIONS

Recommendation 1.

To approve Application No 13/02087/VC at Norwich City Football Club, Geoffrey Watling Way and Carrow Road, Norwich, NR1 1JE, and grant planning permission, subject to:

(1) the completion of a satisfactory Section 106A Deed of Variation legal agreement before 26 March 2014 to include obligations of the original consents with the necessary amendments to the definition of development, the planning permission concerned and to the amended timescales for provision of the varied riverside walk, landscaping and tree provision, riverbank works and mooring elements, and subject to a revised list of planning conditions to be tabled within the 'late items' report to committee on the day of the meeting.

(2) where a satisfactory S106 agreement is not completed prior to 26th March 2014, that delegated authority be given to the Head of Planning Services to refuse planning permission for Application No 13/02087/VC at Norwich City Football Club, Geoffrey Watling Way and Carrow Road, Norwich, NR1 1JE, for the following reason:

In the absence of an agreed amendment to the Section 106 Agreement associated with the original planning permission 4/2002/1281/O, the consequent release of a new planning permission taking effect over the site would not be subject to the necessary or relevant outstanding planning obligations associated with the original permission and as such the development would not provide the outstanding bus shelter contribution for promoting sustainable transport and improved public transport links, riverside walk and landscaped setting, television reception survey and remediation of faults, traffic control measures during development, transport contribution, section 106 monitoring contribution, affordable housing, transport improvement measures, sustainable transport features, or library enhancements, and as such would be contrary to Policies 4, 6, 11, 12 and 20 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk (2014), and saved policies HBE12, NE9, EP22, SR11, SR12, HOU6, HOU9, HOU12, TRA3, TRA10, TRA11, TRA12, TRA14, TRA15, TRA16 and CC14 of the adopted City of Norwich Replacement Local Plan (2004) and the objectives of the National Planning Policy Framework.

Recommendation 2.

To approve Application No 13/02088/VC at Norwich City Football Club, Geoffrey Watling Way and Carrow Road, Norwich, NR1 1JE, and grant planning permission, subject to:

(1) the completion of a satisfactory Section 106A Deed of Variation legal agreement before 26th March 2014 to include obligations of the original consents with the necessary amendments to the definition of development, the planning permission concerned and to the amended timescales for provision of the varied riverside walk, landscaping and tree provision, riverbank works and mooring elements, and subject to a revised list of planning conditions to be tabled within the 'late items' report to committee on the day of the meeting.

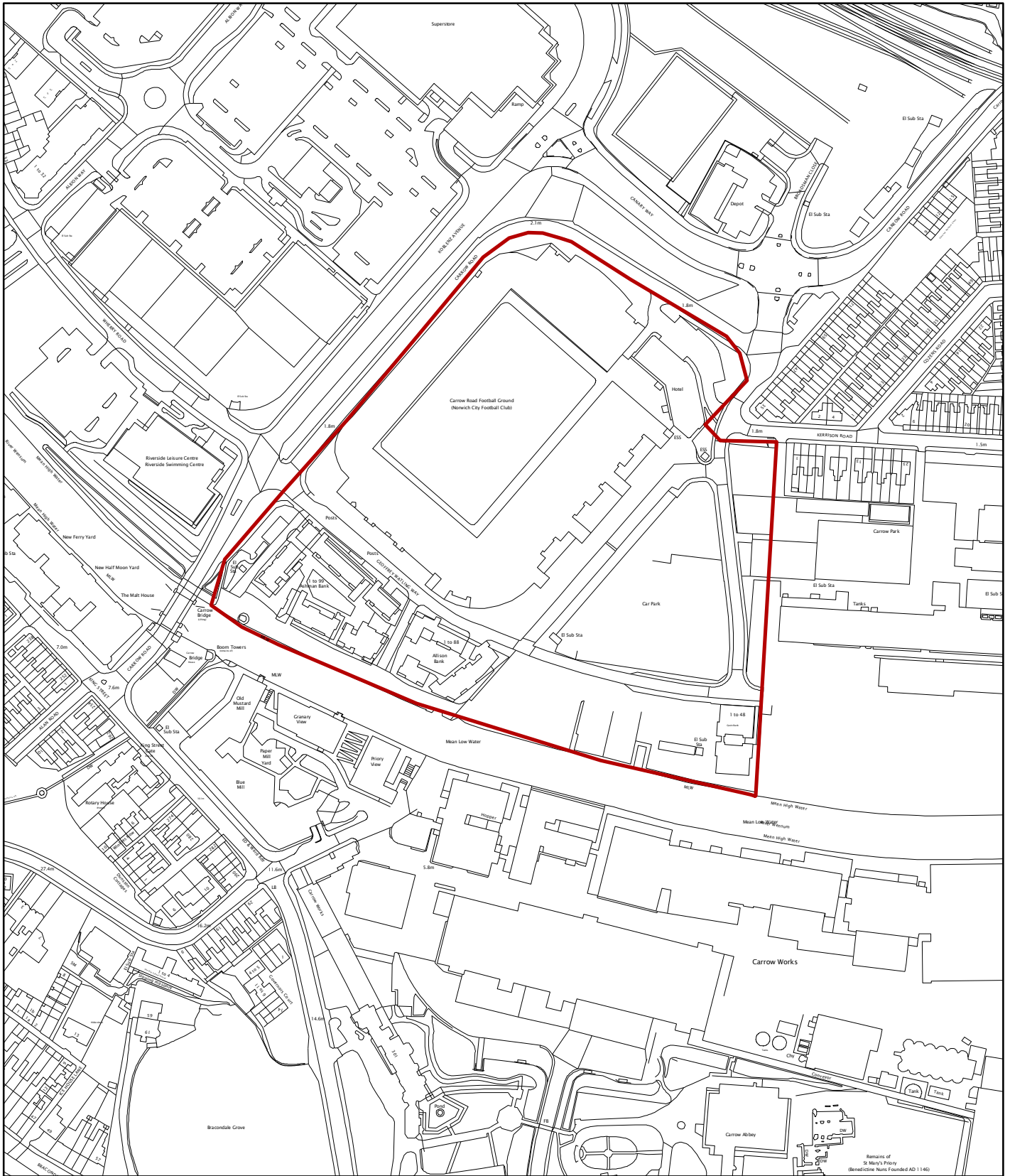
(2) where a satisfactory S106 agreement is not completed prior to 26th March 2014, that delegated authority be given to the Head of Planning Services to refuse planning permission for Application No 13/02088/VC at Norwich City Football Club, Geoffrey Watling Way and Carrow Road, Norwich, NR1 1JE, for the following reason:

In the absence of an agreed amendment to the Section 106 Agreement associated with the original planning permission 06/00012/VC, the consequent release of a new planning permission taking effect over the site would not be subject to the necessary or relevant planning obligations associated with the original permission and as such the development would not provide the outstanding bus shelter contribution for promoting sustainable transport and improved public transport links, riverside walk and landscaped setting, television reception survey and remediation of faults, traffic control measures during development, transport contribution, section 106 monitoring contribution, affordable housing, transport improvement measures, sustainable transport features, or library enhancements, and as such would be contrary to Policies 4, 6, 11, 12 and 20 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk (2014), and saved policies HBE12, NE9, EP22, SR11, SR12, HOU6, HOU9, HOU12, TRA3, TRA10, TRA11, TRA12,

TRA14, TRA15, TRA16 and CC14 of the adopted City of Norwich Replacement Local Plan (2004) and the objectives of the National Planning Policy Framework.

Recommendation 3.

To authorise enforcement action and the taking of legal proceedings, including prosecution if necessary, against any breaches of conditions relating to either the construction or timely delivery of (i) the provision of the Riverside Walk, (ii) provision of the Geoffrey Watling Way road and footpaths to adoptable standards, (iii) provision of landscaping alongside the road and outside flats and the football stadium, (iv) provision of public demasting and short-stay moorings, and (v) provision of appropriate riverbank works.



© Crown Copyright and database right 2014. Ordnance Survey 100019747.

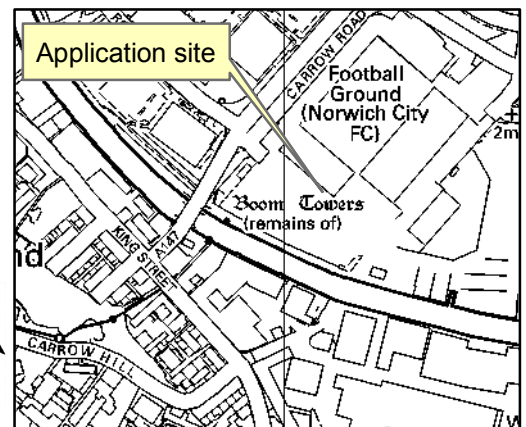
Planning Application No 13/02087/VC & 13/02088/VC
 Site Address Ashman Bank and Allison Bank
 and NR1 Development
 Geoffrey Watling Way
 NCFC Carrow Road
 1:3,000

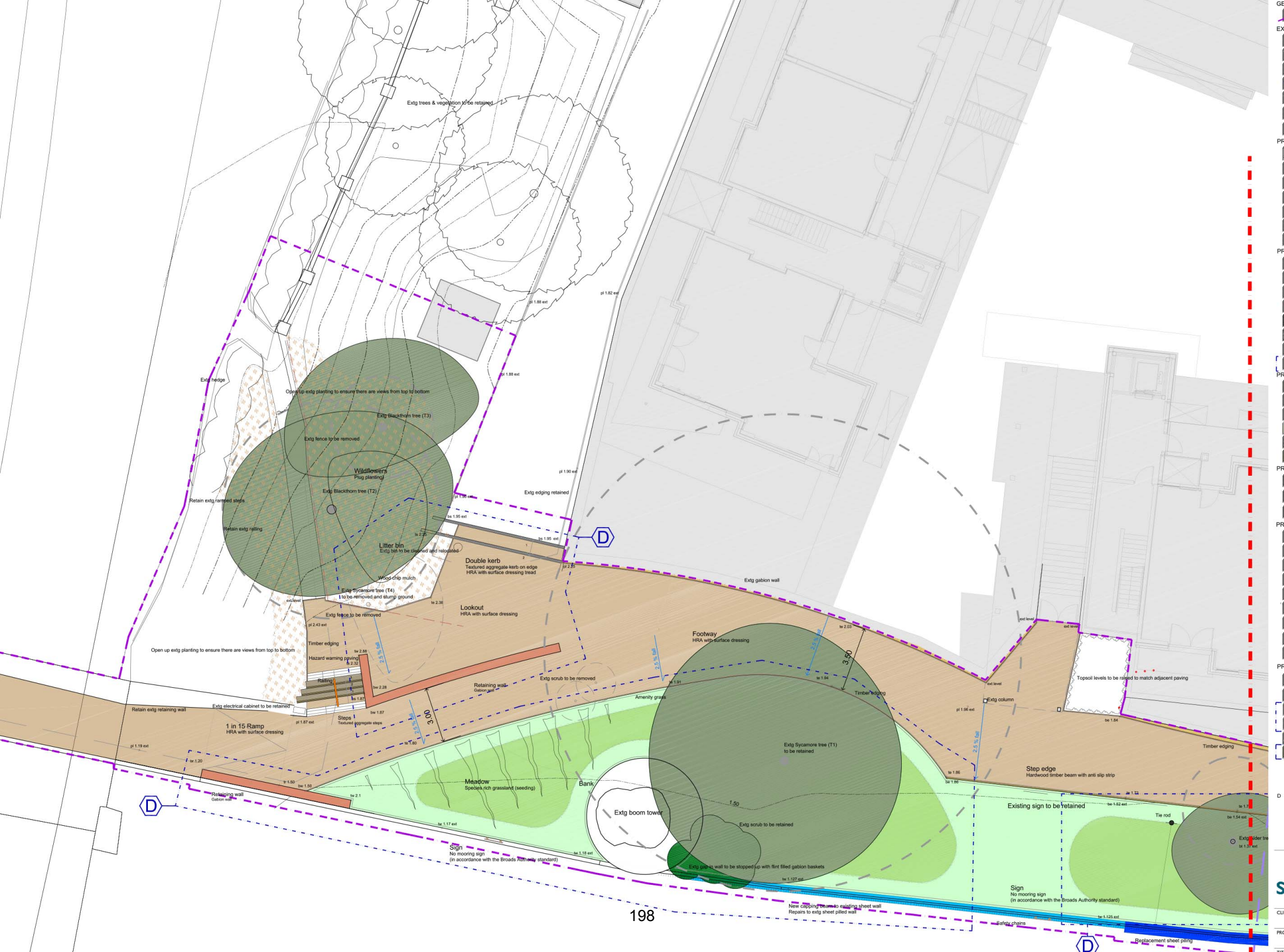
Scale



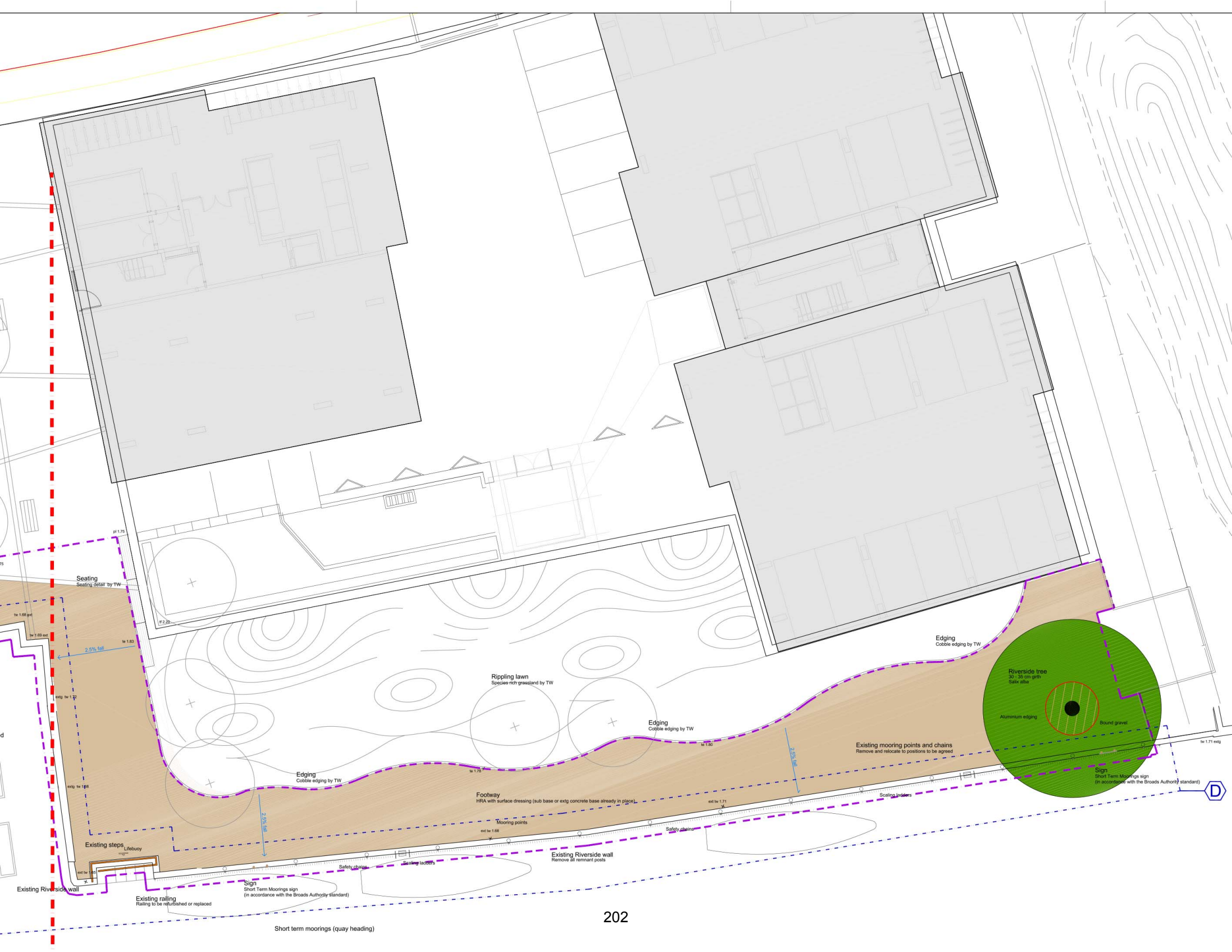
NORWICH
 City Council

PLANNING SERVICES













Report to Planning applications committee
Date 6 March 2014
Report of Head of planning services
Subject 13/02009/F 514 Earlham Road Norwich NR4 7HR

Item
4(11)

SUMMARY

Description:	Erection of single and first floor extensions and car port.
Reason for consideration at Committee:	Objections
Recommendation:	Approve
Ward:	University
Contact Officer:	Lara Emerson Planner 01603 212257
Valid Date:	10th December 2013
Applicant:	Mr Mike Peters
Agent:	Mr Neil Withington

INTRODUCTION

Background

1. This application was previously considered at Planning Applications Committee on 6th February 2014. The decision was deferred with a request for a revised report providing information on the issue of access and the enforcement history. In response to this request, the following three paragraphs will provide further information on several issues raised at the previous Planning Applications Committee.
2. A 2m high fence and gates were erected without permission in mid December 2013. The council has requested an application on several occasions. However to date no application has been submitted. The fence panels have been reduced to 1.1m in height but the fence posts remain at a higher level and at the time of writing this report the gates have been removed. This matter is dealt with by a separate report regarding enforcement action.
3. Vehicular access to the property is gained through double gates on the left and right hand side of the property's frontage (albeit those gates don't currently have consent as detailed above). Evidence suggests that access has been gained across the whole frontage for 10 years or more without any formal enforcement action being taken in which case the access to the highway becomes lawful and no enforcement action for the creation of a new access to the highway can be taken.
4. The existing property is in use as a single dwelling house (use class C3) and the proposals do not change this. As such, the application must be considered on that basis.
5. Permitted development rights provide for a change of use from class C3 to class C4 (a house in multiple occupation with 3-6 unrelated residents) but a change of use to a house in multiple with more than 6 residents (sui generis) would require a planning

application. Neither a C4 nor a sui generis use is proposed here.

The Site

Location and Context

6. The site is located on the southern side of Earlham Road which is located to the west of the city.
7. At this point, Earlham Road is very wide and is lined with mature trees and a deep grass verge on both sides. The area is predominantly made up of detached and semi-detached residential dwellings set well back from the road. Most of the houses near to this property are of a matching and distinctive 1930s style.

Constraints

8. There are no planning constraints on the site.

Planning History

4/1997/0684 - Erection of single storey side and rear extensions (Refused 30/10/97)

4/1997/0907 - Erection of single storey rear extension. (Approved 31/12/97)

4/2001/1080 - Single storey side extension and conservatory to the rear. (Approved 21/06/02)

13/01888/F - Erection of single and first floor extensions and car port. (Withdrawn 28/11/13)

NB: the current application is a revised scheme which has been amended to be more acceptable in design terms following advice from the planning officer

Equality and Diversity Issues

There are no significant equality or diversity issues.

The Proposal

9. The proposal is for the erection of a first floor extension to the western side of the property and the erection of a small single storey extension and a covered car port along the eastern side of the property.
10. The first floor extension creates 2 additional bedrooms and a bathroom. It will be flush with the existing building line and will have a dual pitched roof with a total height of 7m and an eaves height of 4.7m (below the ridge and eaves heights of the existing dwelling). It is to be built over an existing ground floor extension which provides self-contained accommodation and was permitted in 2001. The first floor extension hereby proposed is to be accessible from the main dwelling and not from the self-contained ground floor side extension. Additional windows are proposed for the front and rear elevations on the first floor extension. Materials are all to match existing.
11. The single storey extension is located to the west of the site and has a footprint of 2.5m by 3.2m. It has a lean-to roof with a total height of 4.5m and a ridge height of 2.5m. Materials are all to match existing.

12. The car port is constructed of exposed beams with a pantile roof and is set back a distance of 0.35m from the main building line.

Representations Received

13. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 3 letters of representation from 2 individuals have been received citing the issues as summarised in the table below.

14.

Issues Raised	Response
The proposed car port is on the west side of the property which cannot be considered acceptable	Paragraph 25
Access to the property is currently used in an illegal way by driving over the grass verge resulting in damage to the grass verge and tree roots	Paragraph 24
Access should not be gained from the neighbouring driveway and a 2 nd driveway should instead be applied for	Paragraph 24
Increased density of occupation may lead to increased parking requirement. Access is not properly addressed on the application form	Paragraph 24
A 2m high fence has recently been erected on the front boundary	Paragraph 23 This does not form part of the application. The erection of the fence requires planning permission which has not been sought or obtained. The applicant has been made aware that a planning application is required. This issue is dealt with separately under an enforcement report.

Consultation Responses

15. No internal or external consultations have been undertaken.

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Policy:

National Planning Policy Framework:

Statement 6 – Delivering a wide choice of high quality homes

Statement 7 – Requiring good design

Relevant policies of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2011:

Policy 2 – Promoting good design

Policy 12 – Remainder of Norwich area

Relevant Saved Policies of the adopted City of Norwich Replacement Local Plan 2004:

HBE12 - High quality of design

EP22 – Protection of residential amenity

Principle of Development

Policy considerations

16. The key policy considerations are Replacement Local Plan policy HBE12 which relates to design and policy EP22 which relates to the protection of residential amenity.

Impact on Living Conditions

Loss of Privacy

17. The first floor extension, with windows on the rear elevation, will create more opportunity for overlooking the neighbouring garden at 512 Earlham Road. However, this is not considered reason enough for refusal given the distance and the fact that there are already windows facing in this direction and no sensitive spaces will be overlooked.

Loss of Light and Outlook

18. There is no concern regarding loss of light or outlook.

Impact of Additional Accommodation

19. The extensions proposed here would turn this 3 bedroom dwelling into a 6 bedroom dwelling. The plans indicate that these extra bedrooms would be used for further accommodation incidental to the enjoyment of the dwelling house, rather than for any business use or as a separate unit of accommodation (as has previously been the case) and the application is being considered under such an assumption.

Design

Form, Scale and Height

20. It is important that any extensions to the property appear subservient to, and do not dominate, the existing dwelling. The previous scheme (13/01888/F) was of a design that was inappropriate in terms of its scale.
21. The ridge height of the first floor extension has been lowered and the car port has been set back from the main building line. As such, the extensions are now considered to appear subservient to the existing dwelling and the proposals are considered acceptable in design terms subject to the use of matching materials as recommended to be conditioned.

Transport and Access

Vehicular Access and Car Parking

22. This increase in accommodation will potentially lead to an increase in the level of traffic and parking requirements. The front of the property currently has space for the parking of approx 4 cars (plus a space which will be created with the erection of the car port) which is considered sufficient.

Other Matters Raised

23. The recently erected 2m+ high fence does not form part of this application and will be considered under a future application.
24. 2 letters of representation cite the alleged mis-use of driveways over the grass verge from Earlham Road. This application does not indicate that access from Earlham Road is to be altered. As such, it is assumed that vehicular access to the property is

gained from the designated access-way leading to the left of the house. A future application for the recently erected fence may dispute this and therefore this issue surrounding access will be dealt with separately at a later date.

25. The car port is located on the right hand side of the property. It has been raised that this suggests access will be gained through the right hand gate. It appears possible for a car to drive in through the left hand gate and across the front curtilage in order to access the car port. In any case, it would appear that vehicular access has been gained across the whole frontage for 10 or more years, and as such this has become lawful.

Equality and Diversity Issues

26. There are no significant equality or diversity issues.

Conclusions

27. It is considered that the design is in keeping with the property and that the proposal is unlikely to have an adverse impact on the amenities of the immediate neighbours or the wider area. As such the proposal accords with the criteria set out within policies HBE12 and EP22 of the City of Norwich Replacement Local Plan and policy 2 of the Joint Core Strategy.

RECOMMENDATIONS

To approve application 13/02009/F and grant planning permission, subject to the following conditions:

- 1) Time limit.
- 2) In accordance with plans.
- 3) Materials to match existing property.



© Crown Copyright and database right 2014. Ordnance Survey 100019747.

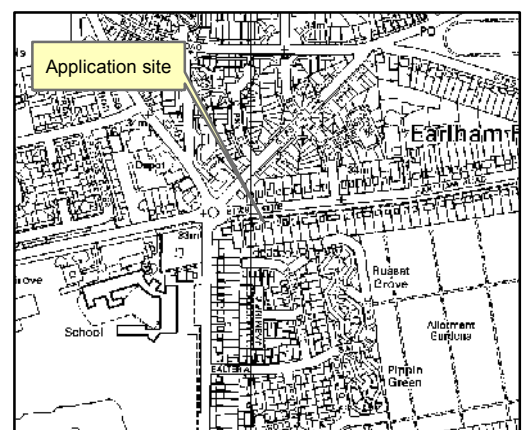
Planning Application No 13/02009/F
Site Address 514 Earham Road

Scale 1:1,000



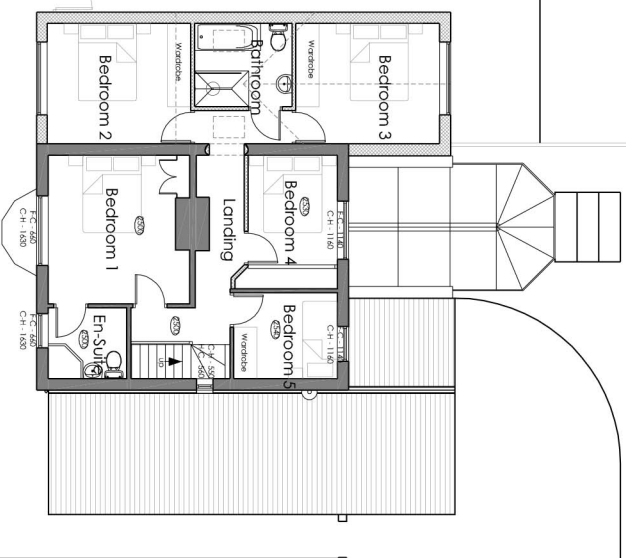
NORWICH
City Council

PLANNING SERVICES





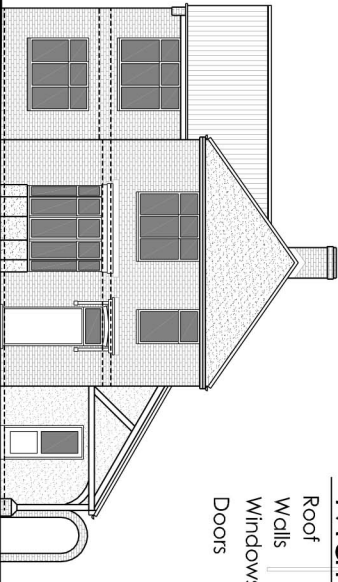
Ground Floor Plan



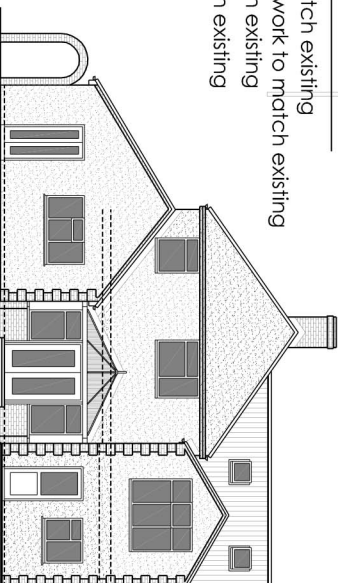
First Floor Plan

Materials

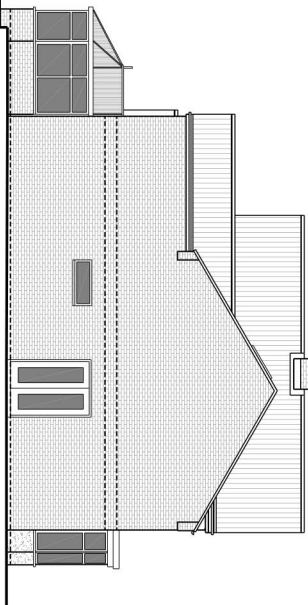
- Roof : Pan Tiles to match existing
- Walls : Render & Brickwork to match existing
- Windows : UPVC to match existing
- Doors : UPVC to match existing



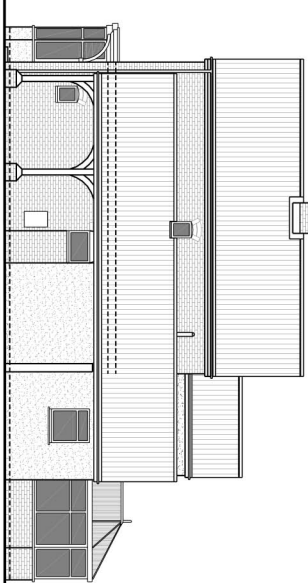
North Elevation



South Elevation



East Elevation



West Elevation

Revisions

Rev A - 05/12/13 -
Planning A1s

Proposed Plans &
Elevations

Alterations to Fair
View, 514 Earlham
Road, Norwich
for Mike Peters

October 2013
Scale: 1:100 @ A2
13-002-14A

Report to Planning applications committee

Item

6 March 2014

Report of Head of planning services

4(12)

Subject Enforcement Case EH13/36490 – 514 Earlham Road, Norwich NR4 7HR

SUMMARY

Description: Unauthorised erection of fence along front boundary fronting Earlham Road. The fence panels currently stand at 1.1m high but the fence posts stand at 1.85m high. The gates have been removed.

Reason for consideration at Committee: No enforcement action recommended.

Recommendation: Given the removal of the gates and reduced height of the fence not to take formal enforcement action at this time.

Ward: University

Contact Officer: Richard Divey

INTRODUCTION

The Site and Context

1. The property is a detached two-storey residential dwelling with side and rear extensions sitting within a wide plot. The site is located on the southern side of Earlham Road which is located to the west of the city.
2. At this point, Earlham Road is very wide and is lined with mature trees and a deep grass verge on both sides. The area is predominantly made up of detached and semi-detached residential dwellings set well back from the road. Most of the houses near to this property are of a matching and distinctive 1930s style and have small 0.5-1m high walls along their front boundaries.

Planning History

4/1997/0684	Erection of single storey side and rear extensions (Refused 30/10/97)
4/1997/0907	Erection of single storey rear extension. (Approved 31/12/97)
4/2001/1080	Single storey side extension and conservatory to the rear. (Approved 21/06/02)
13/02009/F	Erection of single and first floor extensions and car port. (Pending decision)

Purpose

3. The front boundary treatment does not fall within permitted development rights since it fronts a highway and stands at more than 1m in height (see The Town and Country Planning Act (General Permitted Development) Order, Part 2, Class A.1 1995 (as amended)).
4. A planning application for the fence has been requested several times but has not come forward. However in recent weeks the fence has been lowered and the gates removed. The gate posts remain (see photos on display at committee).
5. The report seeks a committee decision on whether to take any enforcement action.
6. Whilst this matter would normally be dealt with under delegated powers, these powers are discretionary and this report is being brought before the planning applications committee given the concerns raised by members in considering a related application (13/02009/F) at the last committee.

Breach

7. The erection of fences and gates is considered to be operational development for which planning permission would be required under section 171A(1)(a) of the Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991). The erection of the fence and gate posts falls outside of The Town and Country Planning (General Permitted Development) Order 1995 (as amended) which allow for boundary treatments up to 1m in height adjacent to the highway.
8. Norwich City Council has photographic and written evidence that the above breach of planning control has occurred within the last four years and is not therefore immune from enforcement action. At the time of writing this report the gates had been removed and the fence lowered to 1.1m in height. The fence posts are 1.85m in height and the boundary treatment incorporates an evergreen hedge behind the fence.
9. For information the need for consent for a vehicular access to the frontage has also been investigated. Evidence suggests that access has been gained across the whole frontage for 10 years or more without any formal enforcement action being taken in which case the access to the highway becomes lawful and no enforcement action for the creation of a new access to the highway is possible.

Relevant Planning Policies

National Planning Policy Framework

Statement 7 – Requiring Good Design

Paragraph 207 – Enforcement

Relevant policies in the Joint Core Strategy for Broadland, Norwich and South Norfolk (Adopted March 2011)

Policy 2 – Promoting good design

Policy 6 – Access and transportation

Relevant policies in the City of Norwich Replacement Local Plan – saved policies (Adopted November 2004)

HBE12 – High quality of design in new developments

TRA5 – Design for vehicle movement

TRA14 – Enhancement of the pedestrian environment

Emerging Development Management Policies

DM3 – Delivering high quality design

DM30 – Access and highway safety

DM31 – Car parking and servicing

Procedural Matters Relating to the Development Plan and the NPPF

10. The Joint Core Strategy and Replacement Local Plan (RLP) have been adopted since the introduction of the Planning and Compulsory Purchase Act in 2004. With regard to paragraphs 211 and 215-216 of the National Planning Policy Framework (NPPF), both sets of policies have been subjected to a test of compliance with the NPPF. The 2011 JCS policies are considered compliant, but some of the 2004 RLP policies are considered to be only partially compliant with the NPPF, the policies, referred to in this case, are considered to be compliant with the NPPF. The Council has also reached submission stage of the emerging new Local Plan policies, and considers most of these to be wholly consistent with the NPPF.

Assessment

11. In determining if it is appropriate to take enforcement action it is necessary under section 172 of The Town and Country Planning Act to consider if it is expedient to issue an enforcement notice, having regard to the provisions of the development plan and to any other material considerations.
12. Paragraph 207 of the NPPF details that enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control.
13. It follows that if planning permission would otherwise be granted for the development which has taken place that it is not likely to be expedient to taken enforcement action.
14. In the circumstances of this case the fence is only just above permitted development allowances and in practice is not considered to have a

materially different impact to a 1m high fence which would be permitted development. Indeed there are likely to be large numbers of similar fences which just exceed permitted development allowances in the city.

15. In relation to the timber posts, it is noted that neighbouring properties also have brick piers extending higher than 1m in height and although the substantial timber posts are different in appearance to the brick piers commonly seen in the area it is not considered that these are harmful to either highway safety or the visual amenities of the area.
16. The gates have been removed and therefore at the time of writing this report there is no breach in respect of the gates. Should the gates be re-erected and exceed the height of the neighbour fence, the case would be reviewed.

Equality and Diversity Issues

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

Conclusions

18. It is not considered that the development would be harmful to either highway safety or the visual amenities of the area and therefore it is not considered expedient to take enforcement action in this case.

Recommendations

That the report is noted and that no enforcement action is taken in respect of this enforcement case EH13/36490 – 514 Earlham Road, Norwich NR4 7HR.



© Crown Copyright and database right 2014. Ordnance Survey 100019747.

Planning Application No Enforcement
Site Address 514 Earham Road

Scale 1:1,000



NORWICH
City Council

PLANNING SERVICES

217

