



NORWICH City Council

Committee name: Planning applications

Committee date: 15/01/2026

Report title: 4 Fishers Lane, Norwich

Report from: Head of planning and regulatory services

OPEN PUBLIC ITEM

Purpose:

To determine:

Application no: 24/00126/F

Site Address: 4 Fishers Lane Norwich

Decision due by: 15/01/2026

Proposal: Demolition of existing vacant 2 storey workshop and erection of 2 x 2-3 storey dwellings with separate access.

Key considerations: Principle of development, Design and heritage, Impact on the residential amenity of adjoining residents and businesses.

Ward: Mancroft

Case Officer: Tracy Armitage

Applicant/agent: Purcell Architecture Limited

Reason at Committee: Objections received

Recommendation:

It is recommended to **APPROVE** the application for the reasons given in the report and subject to the planning conditions set out at the end of this report, as well as an Unilateral Undertaking in relations to RAMS tariff and confirmation that sufficient credits have been purchased to mitigate the impact of the development on protected sites.

The site and surroundings

1. The site comprises an existing vacant commercial/workshop building fronting onto, and accessed from, Fishers Lane. The building is a two-storeys high with a flat roof with an external staircase. It has a rendered outer leaf wall with horizontal runs of fixed metal windows and casement windows of various ages. The flat roof is a slim construction with a felt covering.
2. The existing building occupies most of the application site, apart from a small area of undeveloped land between the building and the highway boundary. The building is located within a shared yard over which the applicant has rights of access. The yard provides access to several neighbouring buildings. These include to the north, 6a and 6b Fishers Lane, a 2012 residential development comprising two 3 x storey dwellings. Occupiers of these dwellings have parking spaces within the yard. To the east are premises that largely comprise commercial outriggers to premises fronting St Giles Street. Occupiers of these premises have rights of access across the yard and make use of it for parking. To the south, the workshop abuts buildings that front St Giles Street. These buildings comprise ground floor retail with residential uses at 1st floor level and above. A flat on the upper floors of 37 St Giles is accessed via an external staircase abutting the south boundary of the application site. This staircase provides access to first floor level and allows for access to this flat and to a residential property at 2a The Stables. Both dwellings have first floor outdoor amenity space in this location.
3. Fishers Lane is a cul-de-sac accessed from Pottergate, with pedestrian access through to St Giles Street. Along this lane buildings previously in commercial use have been converted to residential, including Vantage House (5 storey) and Shibleys Court (2 storey).

Constraints

4. The site is located in the City Centre Conservation area (St Giles Character Area).
5. No 2a Fishers Lane and buildings fronting St Giles Street (no 29-45) are Statutorily Listed Buildings. The listing extends to outrigger additions.

Relevant Planning History

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

Case no	Proposal	Decision	Date
4/1993/0564	Alterations to building including replacement of flat roof with pitched roof, creation of new front entrance and demolition of front boundary wall	APCON	03/12/1993

The Proposal

7. The application seeks planning permission for the demolition of the existing vacant building and the construction of two dwellings within a single 2-3 storey building.

Summary of Proposal – Key facts:

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

Scale	Key Facts
Total no. of dwellings	2
No. of storeys	2-3

Appearance	Key Facts
Materials	Brick, render, slate tiles
Energy and resource efficiency measures	To be conditioned

Transport Matters	Key Facts
Vehicular access	N/A
Car parking	Zero car parking
Cycle parking	4 spaces within integrated store
Servicing arrangements	On plot

Representations

9. Adjacent and neighbouring properties have been notified in writing of the original application and of amended plans. A total of 10 letters of representation were received following the first consultation and an additional two to the amended scheme citing the issues as summarised in the table below:

Issues raised	Response
Disruption, noise and dust arising from demolition and construction. Yard is in daily use for parking and pets. Building operations will cause significant access issues within the yard. Impact on both adjacent residents and the operation of adjacent business. Specialist work undertaken in the rear workshop space could be severely disrupted	A planning condition requiring a Construction Environmental Management Plan is proposed.
Impact on residential amenity – contrary to Policy DM2 Properties to the north: Loss of privacy of internal living space and external space. The proposed third floor would be above the current skyline and thereby blocking	See Main Issue 3

Issues raised	Response
<p>light to the ground floor all year round and to the second floor during Winter.</p> <p>Properties to the south: Overshadowing of courtyards. External stair access will be darkened /potential damp. Reduction in natural light.</p> <p>The loss of light that would occur as a result of the increase in storeys at the top of the hill of Fisher's Lane would be detrimental to properties at the base of the hill on Pottergate.</p>	
<p>Restrict owners' ability to install PV panels.</p>	<p>Not a material planning issue</p>
<p>Impact of existing parking on proposed ground floor windows and amenity.</p>	<p>See Main Issue 3</p>
<p>Yard and access</p> <p>Development relies on access through the yard to enter one property and for bin storage for both.</p> <p>Question of access rights for a new replacement residential building</p> <p>Existing yard can be congested with parked cars making navigation problems for future residential potentially difficult. Security concerns and possible damage to vehicles.</p>	<p>This is a civil issue</p>
<p>Design and heritage impact (DM3, DM9)</p> <p>Overdevelopment and negatively impact on listed building nearby</p> <p>The line of sight of roofline and upper stories of the rear elevation of Georgian properties on St Giles would be lost (Grade II and II* listed)</p> <p>Three storey development incongruous</p> <p>Proposed building would heavily dominate its surroundings</p> <p>Possible impact on basement crypt under property on St Giles Street</p>	<p>See Main Issue 2 – the issue of the extent of the crypt would be included with the scope of the Archaeological WSI (required by condition)</p>

Issues raised	Response
<p>Proximity of the development to the listed Georgian properties</p> <p>The proposals would add to the already over-dominant and unappealing character of the flatted development opposite and cause a claustrophobic atmosphere in the lead into an alleyway and daunting environment</p>	
<p>Lack of parking - There would be increased demand in an already over-crowded area for parking. This would extend to occupants of the proposed new building and their visitors, which would substantially increase the number of car-users in a yellow-lined narrow street (Fisher's Lane) which is not designed for this kind of usage.</p>	<p>The development is car free and new occupiers would not be eligible for residential parking permits</p>

Representation from Cllr Schmierer to scheme first submitted and request for call in to committee:

I just wished to register my opposition to the proposals to demolish the two storey workshop at 4 Fishers Lane and its replacement a with 3 storey development with separate access. I have had a look around the site and agree that it does have potential to be developed into either a city centre town house or potentially two flats with a single entrance point on Fishers Lane. The current proposals are not however, acceptable in my mind and do not comply with our development policies. I feel the proposals would contradict policy DM2, which deals with “amenity” and covers such things as loss of light, overlooking, overshadowing, etc. The proximity to both the homes opposite at 6a and 6b Fishers Lane as well as to the residential properties above the shops on St Giles Street mean that they would suffer a considerable loss of amenity and be affected by a loss of outlook and would be overshadowed as well as overlooked.

There are also issues contradicting policies in DM3 within this proposal. I fear the planned development would negatively impact the “local distinctiveness and character” of this historic area of the city. Furthermore, the “height scale and massing” is simply too large for the footprint of the site. As already alluded to, given the sensitive nature of the heritage of St Giles area, it would contravene policy DM9 which deals with the “historic environment and heritage assets”. The plans certainly do not enhance the historic environment and heritage assets and in my mind are an attempt to build as much in as small a space as possible and should be rejected.

Finally, there are also issues with access to the site, especially at the rear with shop and other homes using that area. These I suppose could be dealt with through certain planning conditions, but again it does seem that the current proposals with the two dwellings in a three storey building are quite unsuitable, hence my objection. I know several of the residents there have also expressed

their concerns, and it wouldn't surprise me if several more put forward similar objections going forward.

As I have always said, I welcome the development of any unused bit of brownfield land in the city, but it needs to be done in a way that respects the heritage of the area and the needs of the community it finds itself. I fear that this proposal fails in both regards.

Consultation responses

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

Statutory and non-statutory consultees

Design and Conservation (Norwich City Council)

11. Included with assessment section of the report

Highways (local highways authority) (Norfolk County Council)

12. We have reviewed the submitted plans, carried out a site visit and do not wish to raise an objection.

13. The development does not provide on-site car parking and according to local policy will not be entitled to on-street parking permit entitlement. As city centre dwellings there is a range of travel options and car free development is acceptable.

14. A shoe drain is shown discharging onto Fishers Lane; this is contrary to the Highways Act 1980 and is not acceptable for public safety reasons (ice causing a slip hazard for pedestrians). The applicant should ensure this discharges into site drainage with agreement of Anglian Water or another solution and not discharge onto the highway or into a highway drain.

15. The applicant has not researched the highway boundary or proposing any highway improvement such as provision of a kerbed edge to facilitate drainage of water away from the building edge. According to our records it seems that the highway boundary is contiguous with the proposed building edge, during construction it is advised that this boundary is marked out to prevent encroachment.

16. I am able to comment that in relation to highways issues only, as this proposal does not affect the current traffic patterns or the free flow of traffic, that Norfolk County Council does not wish to restrict the grant of consent. Should your Authority be minded to approve the application I would be grateful for the inclusion of the following condition(s) and informative note(s) on any consent notice issued: No encroachment upon the highway; prior to commencement marking out of highway boundary

Norfolk Historic Environment Service (Norfolk County Council)

17. The proposed development site is located within the historic core of the medieval walled city of Norwich. There is potential for previously unidentified

heritage assets with archaeological interest (buried archaeological remains) to be present within the current application site and that their significance would be affected by the proposed development.

18. If planning permission is granted, we therefore ask that this be subject to a programme of archaeological mitigatory work in accordance with National Planning Policy Framework (2024), Section 16: Conserving and enhancing the historic environment, para. 211.
19. In this case the programme of archaeological mitigatory work will commence with informative trial trenching to determine the scope and extent of any further mitigatory work that may be required (e.g. an archaeological excavation or monitoring of groundworks during construction).
20. We suggest that the imposition of a planning condition to secure this.

Assessment of Planning Considerations

Relevant Development Plan Policies

21. Greater Norwich Local Plan for Broadland, Norwich and South Norfolk adopted March 2024 (GNLP)

- GNLP1 Growth Strategy
- GNLP3 Environmental Protection and Enhancement
- GNLP5 Homes
- GNLP7.1 Growth in the Norwich Urban Area and fringes

22. Norwich Development Management Policies Local Plan adopted December 2014 (DM Plan)

- DM1 Achieving and delivering sustainable development
- DM2 Ensuring satisfactory living and working conditions
- DM3 Delivering high quality design
- DM9 Safeguarding Norwich's heritage
- DM12 Ensuring well-planned housing development
- DM28 Encouraging sustainable travel
- DM29 Managing car parking demand in the city centre
- DM30 Access and highway safety
- DM31 Car parking and servicing
- DM32 Encouraging car free and low car housing

Other material considerations

23. Relevant sections of the National Planning Policy Framework 2023 (NPPF):

- NPPF2 Achieving sustainable development
- NPPF3 Plan-making

- NPPF4 Decision-making
- NPPF5 Delivering a sufficient supply of homes
- NPPF7 Ensuring the vitality of town centres
- NPPF9 Promoting sustainable transport
- NPPF11 Making effective use of land
- NPPF12 Achieving well-designed places
- NPPF15 Conserving and enhancing the natural environment
- NPPF16 Conserving and enhancing the historic environment

24. Supplementary Planning Documents (SPD)

- Affordable housing SPD adopted March 2015
- Main town centre uses and retail frontages SPD adopted Dec 2014
- Open space & play space SPD adopted Oct 2015
- Landscape and trees SPD adopted June 2016
- Heritage interpretation adopted Dec 2015

25. Advice Notes and Guidance

- Internal space standards information note March 2015

Case Assessment

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

Main Issue 1. Principle of development

27. Key policies and NPPF paragraphs – GNLP1, GNLP5, GNLP7.1, DM12, NPPF Paragraph 11 and Section 5.

28. The site constitutes a brownfield site within Norwich City Centre. The site is not allocated for development in the Greater Norwich Plan. From a housing delivery perspective, dwellings on the site would constitute a minor windfall site in the event of development being approved. GNLP 1 sets out the development strategy for Greater Norwich to meet the requirement for new homes for the period 2018 -2038. The strategy includes new housing on small and windfall sites. GNLP5 seeks to address the need for homes for all sectors and that new

homes provide a good quality life in mixed and inclusive communities. In relation to the city centre GNL 7.1 states *that development in the city centre will provide a high density mix of employment, housing, leisure and other uses. Intensification of uses within the city centre to strengthen its role as a main regional employment, retail, cultural and visitor centre, providing a vibrant and diverse experience for all, will be supported.*

29. In relation to small scale development the GNL strategy complies with the NPPF, which in paragraph 73 states that policies and decision taking should support the development of windfall sites giving great weight to the benefits of using suitable small and medium sized sites within existing settlements for homes. The NPPF recognises that these sites are important for small and medium enterprise housebuilders to deliver new homes and are often built-out relatively quickly. Furthermore in relation to making effective use of land, it is stated in paragraph 125(c) of the NPPF and decisions should *give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.*
30. Norwich City Council is currently unable to demonstrate a five-year housing land supply as required by the National Planning Policy Framework (NPPF). This engages the presumption in favour of sustainable development, as outlined in paragraph 11(d) of the NPPF. In such circumstances, planning permission should be granted unless:
- i. the application of policies in this NPPF that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
31. Protected areas and assets referred to in paragraph 11(d)(i) include, but are not limited to, habitat sites, designated Sites of Special Scientific Interest and designated heritage assets (as outlined in footnote 7 of the NPPF). In this case, the proposal seeks to meet its obligations under the Habitat Regulations in relation to GIRAMS and nutrient neutrality through securing mitigation, which will be covered in more detail later in the assessment.
32. The following sections of this report provide an assessment of the proposal against existing planning policy, guidance and other material considerations. The Conclusion will determine whether in terms of heritage impact there is a strong reason for refusing the development under paragraph 11(d)(i). Where this is not the case the Conclusion sets out an overview of the benefits and harmful impacts identified through the assessment, including in the context of sustainable development as set out in the NPPF with reference to the three dimensions (economic role, social role and environmental). This informs the planning balance, which paragraph 11(d) requires to be 'tilted' in favour of sustainable development.

33. Policy DM12 sets out the principles for all residential development, including specific locations (exceptions) where the principle of residential development would not be supported. None of these exceptions apply to the application site. The policy includes requirements for all residential development, in summary criteria a) -f) require:
- a) development should not compromise the delivery of wider regeneration proposals and should be consistent with the overall spatial planning objectives for sustainable development
 - b) proposals should have no detrimental impacts upon the character and amenity of the surrounding area (including open space and designated and locally identified natural environmental and heritage assets) which cannot be resolved by the imposition of conditions
 - c) proposals should contribute to achieving a diverse mix of uses within the locality
 - d) Proposals should provide for a mix of dwellings, in terms of size, type and tenure
 - e) proposals should achieve a density in keeping with the existing character and function of the area, taking account of the significance of heritage assets where relevant and the proximity to local services, and/or public transport routes.
34. In relation to a), the development would support the wider regeneration objective for the city centre by delivering housing on an existing vacant brownfield site. In relation to b) and e), the impact of the development on designated heritage assets is assessed under Main Issue 2. In relation to c), residential development would positively contribute to the mix of uses within the city centre. In relation to d), the scheme comprises 1 x one bed house and 1 x two bed house with a study, would contribute to the choice of new homes within the city centre where flats are the main new dwelling type.
35. In terms of housing delivery, the proposed two dwellings would support the objective of making effective use of brownfield sites in the city centre for beneficial uses and contribute to addressing the need for new homes at a time of a deficiency in the 5 year land supply. Given the number of dwellings proposed moderate weight can be attributed to these benefits in the planning balance.

Main Issue 2. Design and Heritage

36. Key policies and NPPF Sections – GNLP3, DM3, DM9, NPPF Section 12 and 16.
37. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 place a statutory duty on the local authority to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and to pay special attention to the desirability of preserving or enhancing the character or

appearance of conservation areas. Case law (specifically *Barnwell Manor Wind Energy Ltd v East Northamptonshire DC* [2014]) has held that this means that considerable importance and weight must be given to the desirability of preserving the setting of listed buildings and conservation areas when carrying out the balancing exercise.

38. The existing warehouse building is not statutorily listed nor recorded on the Local List for Norwich as it is not considered as having sufficient local architectural or historic heritage value to warrant its inclusion on the list. The building is a rendered, flat roofed, utilitarian, two storey structure likely dating to the 1950's. The warehouse features slim profile crittal windows, some casements and other fixed ribbon windows. Whilst not of great architectural merit, the retained window frames and styles, and interesting, cantilevered side profile provide some interest. It was last used in 2001 in conjunction with 6 Fishers Lane for a light industrial use. The building is currently in a dilapidated condition, principally due to neglect and a lack of maintenance and repair. The existing building is considered to have a neutral impact on the character and appearance of the conservation area.
39. The building occupies a plot of land, that is accessed via a gated entry from Fishers Lane, a minor road to the north of St Giles Street. The site lies within the City Centre Conservation Area, an area of over 230 hectares of special architectural and historic interest, the character and appearance of which it has been deemed desirable to preserve or enhance; Local Plan Policy DM9 requires development to respect the character and setting of Conservation Areas. Within the extent of the City Centre Conservation Area, there exist several distinct Character Areas. The site lies within the defined St. Giles Character Area of the City Centre Conservation Area. The St. Giles Character Area is of high conservationsignificance; the area has a concentration of historic buildings with a significant number of these being statutorily or locally listed structures. The area evidences a high instance of features from historical periods and retains some clear evidence of historic street patterns and views of City landmarks. The area evidences a generally consistent use of diverse and high-quality building materials, architectural details and surface treatments.
40. The site lies within the setting of a number of listed buildings, principally: 35 St Giles Street (Grade II*), 37 St Giles Street (Grade II), 39 St Giles Street (Grade II), and 41-43 St Giles Street (Grade II*).
41. The detailed design of the proposed new build development has been subject to negotiation and revision at both pre-application and application stage. Discussions have focused on achieving a development which, in accordance with DM9, has regard to the historic environment and takes account of the contribution heritage assets make to the character of the area and sense of place.
42. Following this dialogue the final appearance of the proposed building responds to the previous non-domestic use of the site; the form and character of other industrial buildings on Fishers Lane (in particular Shibleys Court); and the design of 6a/b Fishers Lane which includes a setback storey. Taking a cue from Shibleys Court, the building incorporates an asymmetrical, saw-tooth roof form and large format timber windows, particularly on the north facing elevation. In terms of materials, a palette of slate, brick and render is proposed picking up on the mix in the immediate vicinity of the site. This broad design approach

responds positively to the characteristics of the historic setting and provides the scope for a new building in this location which would reinforce character and sense of place.

43. Compared to the existing building, the proposed building has a maximum height of three rather than the current two storeys. According to the Design and Access Statement the proposed building *is largely single aspect with indents at the second floor levels that breaks down the mass and provides amenity space in a similar way to No.6 albeit at a smaller scale*. The existing mono-pitch warehouse varies in height between approximately 5.1-5.4 m. The proposed indented design results in the height of the new building varying: 2.77m (single storey element fronting Fishers Lane, 5.6m (top of two storey flat roof element fronting Fishers Lane), 7.2 m (ridge of sawtooth above two storey element, eaves 5.6m) and 9.3m (ridge of sawtooth roof above three storey element, eaves 7.8m)(all approximate measurements). The application as first submitted included a more substantial three storey element. Although buildings of this scale form part of the character of Fishers Lane and this part of the conservation area, officers raised concerns over the initial scheme on two grounds in particular. Firstly, the building blocked views of the northern gable and second floor window of 2a Fishers Lane (forms part of the statutory listing of 39 St Giles Street). Secondly the relationship of the upper floors to properties on St Giles Street, which take access from Fishers Lane and have external amenity space at first floor level. The amended scheme seeks to maintain 1x 2bed and 1x3bed units and to address these concerns through setting the taller element of the scheme back from Fishers Lane thereby maintaining views of the gable end of 2a Fishers Lane and positioning the tallest part of the development in a way to reduce the degree of obstruction of the adjacent first floor amenity space. The applicant has indicated that for the development to be viable two dwellings of the size described are necessary.
44. The impact of the scheme on residential amenity is assessed in paragraphs 50-60. In heritage terms the council's Conservation and Design Team Leader has made the following comment on the amended scheme *'in terms of its materials palette and overall design, these [changes] have gone some way to addressing previous concerns, with a welcome design change that allows the window at the rear elevation of the Grade II Listed 39 St Giles Street to continue to be read in its entirety.'* He goes on to observe *'From the entrance of Vantage House on Fishers Lane some views are afforded of the rear upper-level windows of the Grade II* Listed 35 St Giles Street; however, these views when taken from the Fishers Lane highway itself show the rear windows of 35 St Giles occluded by the existing building, this situation would undoubtedly be exacerbated by the three storey nature of the development, the height of the development at its central aspect, would also likely intrude into the roofscape across 37 to 39 St Giles Street. Whilst acknowledging that the development would only affect the rear, less sensitive aspect, of the Listed Buildings, the potential intrusions into the rear roofscape and the impact on the setting of the Listed Buildings remain a concern.*
45. In conclusion, the council Conservation and Design Team Leader states that *'the principal of development at the site is acceptable, as is the overall design and materiality of the scheme. The proposed new dwellings are not considered to cause harm to the character and appearance of the Conservation Area. However, a concern remains that the height of the development, in its three-storey central aspect, would have an unnecessary, negative impact on the*

roofscapes of rear elevations of Listed Buildings fronting onto St Giles Street thereby negatively impacting their setting’.

46. Having regard to this identified impact, in NPPF terms, the Conservation and Design Team Leader has indicated that the proposed development would result in less than substantial harm to the setting and therefore significance of the designated assets at 35 -39 St Giles Street. He indicates the level of harm this represents is at the low end of less than substantial.
47. The extent of harm could be mitigated through the reduction in height of the development but in this case the applicant has advised that a two-storey development would not be viable to develop on this site. Paragraph 212 of the NPPF states that when considering the impact of a proposed development on the significance of designated heritage assets, great weight should be given to the asset’s significance. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
48. Paragraph 215 states *‘Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use’*. This public benefit balance is carried out in the conclusion of the report.
49. The Conservation and Design Team Leader recommends a condition to secure a building recording survey should consent be granted. However, given the fact that the existing building has little architectural merit and has only a neutral impact on the character of the conservation area, such a condition would not meet the test of necessity set out in the NPPF and is therefore not included in the recommendation.

Main Issue 3. Amenity

50. Key policies and NPPF Section – DM2, DM11, NPPF Section 12.
51. DM2 states that development will be permitted where it would not result in an unacceptable impact on the amenity of the area or the living or working conditions or operations of neighbouring occupants.
52. The application both as first submitted and amended has been subject to neighbour representation, in particular from residents and businesses adjoining the site. Amendments have sought to address neighbours’ concerns by: reducing the extent of the third storey element; reduced height of the development on the Fishers Lane frontage, removal of second floor external amenity spaces and the relocation of living/kitchen rooms from first to ground floor.
53. In terms of neighbours living in the vicinity of the site these include the residents to the north of the site 6a and 6b Fishers Lane and to the south, The Stables 2a Fishers Lane and residential accommodation above 35 and 37 St Giles Street.
54. The development is designed with a principal elevation facing north towards the shared yard and 6a and 6b Fishers Lane. The approved floorplans for this adjoining development indicate ground floor open plan living/kitchen

accommodation (dual aspect), first floor bedrooms (with balcony) and a second floor roof terrace with a conservatory/study. The main living accommodation for both new properties (unit 1 and 2) is located at ground floor level with large windows maximising daylight. Bedrooms are located at first floor and second floor level. Both first floor bedrooms are dual aspect, unit 1 with 2 x windows facing Fishers Lane and in the case of unit 2, 1 window facing west. Unit 1 has a first floor terrace facing the street. The shared yard approximately 10m in width would separate the development and the block comprises 6a and 6b. The relationship although close, is not considered unsatisfactory for this tight grained part of the city centre. The main living room windows being located at ground floor level facing the active/shared yard will limit the sense of direct intrusion. The development will increase the sense of enclosure and shorten outlook from upper floor windows and balconies but the existing buildings on the site and fronting St Giles Street already constrain the space and levels of daylight and sunlight. In comparison to the existing warehouse building the additional height of the proposed development will have worsening effect but limited by the reduction in extent of the third-floor element and by the prevailing height of properties on St Giles Street.

55. Properties to the south, comprise The Stables, 2a Fisher Lane and residential dwellings above 35 and 37 St Giles Street. The Stables and no 37 are both accessed via an external staircase which abuts the southern boundary of the application site. The staircase provides access to a flat first floor roof level from which both properties have access doors. The external space at this level is subdivided, the majority in use by the occupiers of No 37 as a garden terrace. The Stables has an enclosed courtyard sized space with raised planters and a small garden table and chairs. The rear elevation of no 35 St Giles faces the larger outrigger on the ground floor of that property with an open view between the existing building on the application site and the workshop buildings to the east. The southern elevation of the proposed development is blank (apart from a single roof light) and therefore the development will not result in direct overlooking of these spaces. The primary impact is the height of the development on the boundary of the terrace and outlook from north facing habitable windows.
56. Currently a timber fence, topped with trellis (approx. 2.0m) delineates the northern boundary of the terrace. The development would introduce 2 -3 storey development adjacent to this boundary. The eaves of the two storey elements would be approximately 1.4m above terrace level, below the current fence level, the sawtooth roof sloping up to a height of 3.0m (approximately 1.0m above the current fence), at a distance of approximately 4.0m from the boundary. The eaves of three storey element would be approximately 3.6m above terrace height (approximately 1.6m above the fence), the sawtooth roof sloping up to a height of 5.1m (approximately 3.1m above the fence) at a distance of approximately 4.0m from the boundary).
57. In terms of assessing the impact of this relationship, the rear elevation of the proposed building will increase the degree of enclosure of the adjacent first floor external space. Given the orientation, overshadowing impact would be limited. In terms of the terrace serving the property at 37 St Giles Street, the three storeys would extend across approximately 1/3 of the width, 2 storey the remainder. Outlook from windows on the rear elevation of both no 37 and 35 St Giles Street and from the terrace would be changed, but not fully obstructed, with more open views of sky above the two storey element and in the case of

no 35 St Giles Street the existing gap. At terrace level The Stables faces east, with the only window facing the application position on the gable referred to above. The three-storey element would be located to the north of the small courtyard, reducing the daylight/quality of the space and outlook.

58. To the east of the site are commercial buildings used in association with the jewellery store on St Giles Street. A first floor bedroom window faces towards these premises providing the potential for overlooking of workspace. In the event of planning permission being approved it is recommended that obscure glazing of this window is secured through the imposition of a planning condition.
59. In terms of the amenity for future residents. Both units exceed nationally described technical housing standards and all rooms have a good level of fenestration. Privacy levels would be limited to a degree by the proximity of adjacent buildings. The ground floor in particular interfaces directly with the shared yard and the building would lack a private curtilage. However, the yard space is not public, and future occupiers would have full knowledge of the relationship and matters of ownership and control. Activity in the yard/parking would be evident in outlook from ground floor windows but there would be scope for obscuring/etching of lower panes, providing a degree of privacy. One of the units (unit 1) would have a private amenity, in the form of a first floor balcony facing Fishers Lane. Unit 2 would have none. Although the development provides for very limited amount of external amenity space, this is not unacceptable for schemes that seek to make efficient use of constrained, brownfield, city centre sites.
60. In conclusion, negative impacts on residential amenity have been identified. However, the amendments made to the scheme have mitigated adverse impact on residential amenity to an acceptable level particularly in the context of the desirability of making use of an underutilised site in the city centre for beneficial use.

Main Issue 4. Transport

61. Key policies and NPPF Sections – GNLP2, GNLP4, DM28, DM30, DM31, DM32 NPPF Section 9.
62. The proposed development is car free. DM32 encourages car free development within the city centre primary retail area and on sites which are within controlled parking zones. The site is in a controlled parking zone and is centrally located in close proximity to shops, day to day services and public transport. Future residents of the development would not be eligible to on-street parking permit entitlement.
63. Cycle parking (x 4 spaces) is proposed within an integrated store within the building.
64. The Highways Authority have raised no objection to no car park provision given the city centre location and access available to a range of travel options. They comment on the details in relation to drainage and highway boundary but confirm they do not wish to restrict the grant of planning permission subject to the imposition of a number of planning conditions.

Main Issue 5. Energy and water efficiency

65. Key policies and NPPF Sections – DM1, GNLP2, NPPF Section 14.
66. GNLP 2 requires development to provide for the use of sustainable energy. As external space is limited, the applicant has indicated that mechanical ventilation and heat recovery units as a main means of heating the spaces as the external envelope will meet current Buildings Regs standards which are sufficiently effective for very little heating to be required.
67. The DAS indicated that all services will employ water saving devices, lighting will use LED fittings and generally the energy consumption of the properties will be very low.
68. Subject to a planning condition requiring compliance with Building Regulations part G (amended 2016) water efficiency higher optional standard the proposed development complies with relevant GNLP policies.

Main Issue 6. Landscaping, open space and biodiversity

69. Key policies and NPPF Sections – GNLP2, GNLP3, DM3, DM6, DM8, NPPF Section 15.
70. The existing building occupies almost the entirety of the application site. Notwithstanding the application being submitted prior to the introduction of mandatory biodiversity the site is entirely sealed and would be exempt. The proposed development occupies the entirety of the cleared site offering no scope for landscaping.
71. The existing building has been surveyed and found to have negligible bat roost potential and no actual evidence was found of bats using it. The Bat Survey report identifies the opportunity for enhancing the bat roost potential of the development through the installation of integral or external bat roosts. Two suitable locations have been identified. A planning condition is recommended to agree the details of the box and secure installation.

Main Issue 7. Contamination

72. Key policies and NPPF Sections – DM11, NPPF Section 15.
73. There are no known contamination hazards. A planning condition is recommended requiring development to stop in the event of contamination not previously identified being found.

Main Issue 8. Nature conservation – Impact on protected sites

74. Key policies and NPPF paragraphs – GNLP3, NPPF section 15.
75. In accordance with Natural England's guidance on nutrient neutrality, the proposed development falls within the Broads Special Area of Conservation (SAC) catchment and has the potential to contribute to increased nitrate and phosphate loading. To mitigate this impact, the applicant has provided information which confirms that they are looking to secure credits through Norfolk Environmental Credits to offset the development's nutrient output, ensuring no adverse effect on the integrity of the Broads SAC.

76. Norwich City Council, as the competent authority, has reviewed the submitted evidence and completed a Habitats Regulation Assessment which has been referred to Natural England for consultation. Natural England do not object to the proposals subject to appropriate mitigation being secured. A summary of their response can be seen in the consultations section above or in full on the council's public access website.
77. As the competent authority, Norwich City Council have determined the quotation provided by Norfolk Environmental Credits aligns with the number of credits required for the site, as illustrated in Stage 4 of the Norfolk Budget Calculator. This is deemed suitable at this stage to refer the application to planning applications committee for consideration and a resolution to determine. However, a decision will not be issued until the applicant demonstrates that mitigation credits have been purchased in full, thus demonstrating that the application is nutrient neutral at the point of granting consent. This is therefore compliant with the requirements of Natural England.
78. Green Infrastructure and Recreational impact Avoidance and Mitigation Strategy (GIRAMS) is a county-wide strategy designed to mitigate the recreational impacts of new residential development on protected habitats across Norfolk. It ensures compliance with the Conservation of Habitats and Species Regulations 2017 by funding measures that manage visitor pressure on sensitive sites. All qualifying developments are required to contribute a set tariff per dwelling, which supports the delivery of green infrastructure and visitor management initiatives. The Council is applying this tariff in line with adopted policy GNLP3. The RAMS tariff along with a contribution towards the enhancement of Gertrude Road greenspace will be secured under the terms of a legal agreement which will be completed upon resolution to determine by members at committee.

Compliance with other relevant development plan policies

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

Requirement	Relevant policy	Compliance
Cycle storage	DM31	Yes subject to condition
Car parking provision	DM31	Not applicable
Refuse storage/servicing	DM31	Yes subject to condition
Energy efficiency	GNLP2	Yes subject to condition
Water efficiency	GNLP2	Yes subject to condition
Sustainable urban drainage	DM3 & DM5	Yes subject to condition

Equalities and diversity issues

80. There are no equality or diversity issues.

Local finance considerations

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

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

Human Rights Act 1998

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

Section 17 of the Crime and Disorder Act 1998.

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

Planning Balance and Conclusion

85. In undertaking the planning balance and in the absence of a 5 Year land supply, it is necessary to first determine whether paragraph 11d)i. applies and whether policies in the NPPF that protect areas or assets of particular importance provide a strong reason for refusing the development proposed. In accordance with paragraphs 192 -195 of the NPPF the impact of development on sites protected under the Habitat Regulation has been satisfactorily mitigated through the securing of: credits to make the development nutrient neutral; and mitigation to address potential increased visitor pressure.

86. In relation to designated heritage assets to which paragraph 11d)i. also applies, the proposal is judged not to result in substantial harm to the significance of any designated heritage asset identified in the report. Less than substantial harm has been identified to the significance of 35 and 37 St Giles Street, extent of harm assessed at the low end. Paragraph 212 of the NPPF requires great weight to be given to the conservation of designated heritage assets; the more important the asset, the greater the weight should be. Paragraph 213 of the NPPF states any harm to, or loss of, the significance of a designated heritage asset (including from development within its setting) requires clear and convincing justification. In accordance with paragraph 215 of the NPPF this

identified harm has been weighed against the public benefits of the proposal which include:

- i. increase the choice and supply of homes available within Norwich
- ii. make efficient use of land for homes within the built-up area
- iii. Car free development, promoting modal shift and sustainable living
- iv. Removal of a dilapidated building from the conservation area
- v. Heritage benefit - replacement building is high quality and in terms of design and appearance responds positively to the conservation area
- vi. Construction of the development will support the small and medium enterprise builders and or and local supply chain

87. In applying the NPPF paragraph 215 balance, it is judged that the harm to the significance of the above noted heritage assets is outweighed by the identified public benefit. There is no strong reason for refusing the development on this ground nor on the grounds of impact on protected areas, therefore paragraph 11d) applies and the presumption in favour of sustainable.

88. Although the Council cannot demonstrate a five-year supply of housing, at 4.85 years, the shortfall is minor. However, it remains the case that paragraph 11 d)ii requires planning permission to be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination. In terms of the overarching objectives of sustainable development as defined in the NPPF, public benefit vi) would support the attainment of the economic objective, i) social benefits and ii), iv), and v) environmental objectives. With regard to the particular key policies set out in para. 11d ii, this is a highly sustainable brownfield site and the application proposes well designed new homes, which meet an identified housing need. Paragraph 125 c) of the NPPF states decision makers should give substantial weight to the use of brownfield sites for new homes unless substantial harm would be caused. Harmful impacts have been identified in the form of impact on designated heritage assets and on residential amenity and as such the proposal does conflict with some adopted policies (DM2 and DM9). However, none of these impacts has been judged to cause substantial harm nor considered sufficiently adverse to significantly and demonstrably outweigh the benefits that the development would deliver.

Recommendation

To **APPROVE** application no. 24/00126/F – 4 Fishers Lane, Norwich and grant planning permission subject to:

- Unilateral Undertaking in relation to the payment of a RAMS tariff; and
- To receipt of confirmation of purchase of nutrient neutrality mitigation credits specific to the impacts of the development prior to any decision being issued.

and subject to the following conditions

1. Standard time limit;
2. In accordance with plans;
3. Construction management plan
4. The extant highway boundary shall be marked out on site prior to commencement of construction of any part of the development fronting the highway.
5. No works above slab level shall commence on site unless otherwise agreed in writing until detailed drawings for the off-site highway improvement works have been submitted to and approved in writing by the Local Planning Authority.
6. Archaeology Written Scheme of Investigation
7. Stop Work if Unidentified Features Revealed
8. Unknown Contamination
9. External materials – including balcony
10. External lighting
11. Obscure Glazing
12. Water efficiency
13. Provision of broadband
14. Provision of cycle/bin storage
15. No part of the development (including rainwater downpipe) to overhang the highway
16. Restriction of PD rights – no insertion of windows/roof alterations

Informatives

Car free housing/parking permits

Asbestos

Site clearance and wildlife

Appendices: None

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