

**Report to** Planning applications committee

**Item**

12 November 2020

**Report of** Area development manager

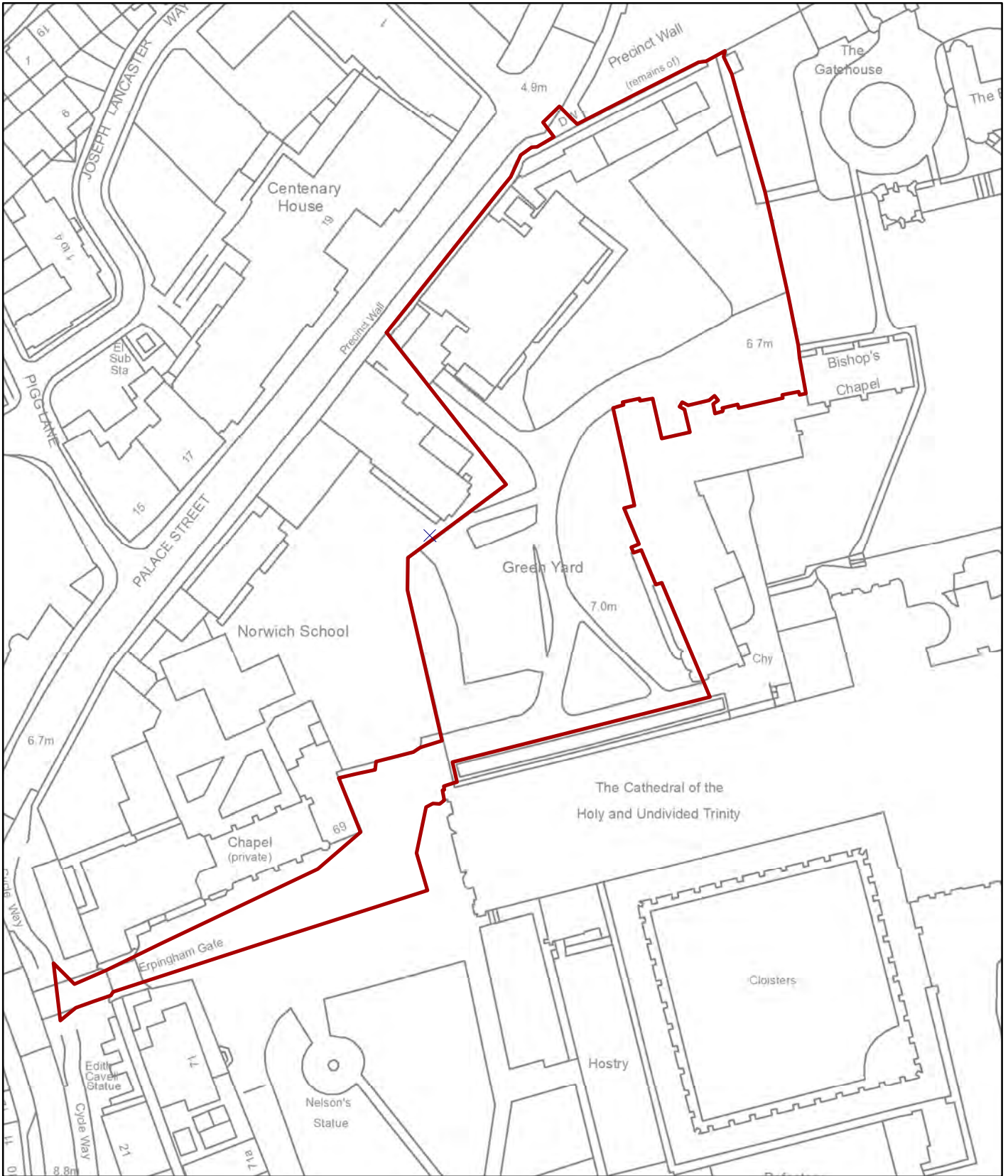
**Subject** Application nos 20/00808/F – Norwich School Refectory, The Close, Norwich, NR1 4DD, and 20/00809/L – Precinct Wall, Palace Street, Norwich

**4(a)**

**Reason for referral** Objections

<b>Ward</b>	Thorpe Hamlet
<b>Case officer</b>	Lara Emerson - <a href="mailto:laraemerson@norwich.gov.uk">laraemerson@norwich.gov.uk</a>

<b>Applicant</b>	Norwich School	
<b>Development proposal – 20/00808/F</b>		
Demolition of the existing school dining hall, adhoc structures, sheds and trees. Redevelopment of site for new dining and teaching facilities, with the provision of a new pedestrian and service access, landscaping, the relocation of an electricity substation and the provision of associated infrastructure.		
<b>Development proposal – 20/00809/L</b>		
Partial demolition and rebuilding works to reopen an historic filled-in opening within the Cathedral Precinct Wall, together with the provision of new surrounds to the opening, an entrance door and any associated repair works.		
<b>Representations</b>		
<b>Object</b>	<b>Comment</b>	<b>Support</b>
<b>16</b>	<b>0</b>	<b>36</b>
<b>Main issues</b>	<b>Key considerations</b>	
1. Principle of development	The need for development; site selection; loss of open space.	
2. Trees & biodiversity	Loss of trees; loss of habitat; replacement tree planting strategy; proposed biodiversity mitigation and enhancement.	
3. Heritage	Impact on listed buildings & scheduled ancient monuments; impact on conservation area; archaeology.	
4. Design	Layout, scale, form, detailing & materials of proposed development.	
<b>Expiry date</b>	20 November 2020	
<b>Recommendation for 20/00808/F</b>	Approve subject to the satisfactory completion of a legal agreement	
<b>Recommendation for 20/00809/L</b>	Approve	



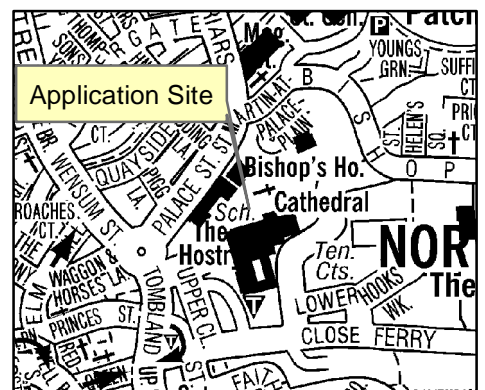
© Crown Copyright and database right 2020. Ordnance Survey 100019747.

Planning Application No 20/00808/F  
 Site Address Norwich School Refectory, The Close

Scale 1:1,000



**NORWICH**  
 City Council  
 PLANNING SERVICES





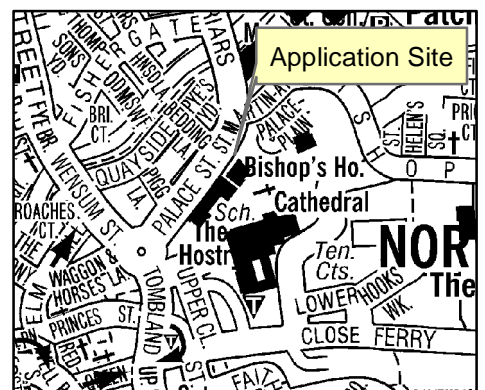
© Crown Copyright and database right 2020. Ordnance Survey 100019747.

Planning Application No 20/00809/L  
 Site Address Cathedral Precinct Wall, Palace Street

Scale 1:500



**NORWICH**  
 City Council  
 PLANNING SERVICES



## **The site and surroundings**

1. The site is part of the Norwich School site located within the Norwich Cathedral Precinct in Norwich City Centre.
2. The surrounding area is characterised primarily by historic buildings and landmarks of varying ages, materials, heights and styles, although there are also a number of more modern buildings in the vicinity. Prevailing materials are red brick, flint and stone.
3. The Cathedral precinct wall runs along the north of the site, separating it from Palace Street, Whitefriars and St Martin-At-Palace Plain. The land levels are such that the land is considerably higher on the application site than on Palace Street. As such, the wall appears taller when viewed from the street than it does when viewed from within the site itself. On the north side of the wall there is a group of mature trees situated within an area of lawn adjacent to the highway. Palace Street is made up of a mixture of historic buildings and more recent buildings (Centenary House on the north side, and some school buildings on the south side).
4. To the east of the site is the private residence known as the Bishop's House, along with substantial gardens and the gardener's residence which are separated from the site by a mature hedgerow.
5. To the south there is the Bishop's Palace which is used as teaching and library spaces by the Norwich School, and Norwich Cathedral sits just to the south of that.
6. To the west are more school buildings which stand at 2 and 3 storeys high and have 1 or 2 floors extending above the precinct wall. These buildings are mainly modern in design and surround a hard-surfaced playground to the south.
7. The area proposed for development is currently occupied by the school refectory which is of poor architectural quality and dates from the 1960s, an area of lawn, a number of mature trees, several sheds and informal car parking. The trees on the site range in height from 6m-23m and are clearly visible from Palace Street, Whitefriars and St Martin-At-Palace Plain despite being located beyond the precinct wall. The refectory is single storey and cannot be seen over the precinct wall. There is also an electrical substation located in the north-western corner of the site.
8. The site is accessed via The Close with the school gates being located just to the north of the Cathedral. The approach from the gates to the development site is via a tarmacked track lined by a number of trees and informal seating and bag storage areas. This area is included within the application site.

## **Constraints**

9. There are 12 mature trees located in the development area. 11 of these trees are protected by virtue of being situated within a conservation area, and the largest one is a London Plane tree directly protected via a Tree Preservation Order (TPO 538). Along the site's eastern boundary there is a hedgerow, and elsewhere on the site there are 9 trees which are proposed to be retained. The species and categories of 12 trees on the development site are listed below:

- 1 x London Plane, category B, covered by TPO reference 538
  - 2 x Lime, category C
  - 5 x Sycamore, category C
  - 1 x Cherry, category C
  - 1 x Holly, category C
  - 1 x Lawson Cypress, category C (to be removed for arboricultural reasons)
  - 1 x Sycamore, category U (to be removed for arboricultural reasons)
10. The site sits within the Cathedral Close Character Area within the City Centre Conservation Area. Within the Character Area Appraisal, the precinct wall is identified as an 'Important wall' and the trees on both sides of the wall are identified as 'Important trees'.
11. The site is surrounded by highly graded heritage assets including:
- Grade I listed Cathedral Precinct Wall (parts of which are also a Scheduled Ancient Monument)
  - Grade II\* listed Bishop Salmons Porch (also a Scheduled Ancient Monument)
  - Grade I listed Bishop's Palace
  - Grade II\* listed Bishop's Chapel
  - Numerous other listed buildings further from the application site on Palace Street and St Martin-At-Palace Plain
12. The site is also designated as follows:
- Area of Main Archaeological Interest
  - Open Space
13. The site has the potential to be contaminated due to land nearby previously being used for various historic industrial uses such as a garage and a gas works.

### Relevant planning history

Ref	Proposal	Decision	Date
07/00649/F	Erection of electricity sub-station.	Refused	21/08/2007
08/00958/F	Erection of a new building (electrical substation and switchgear room).	Approved	31/10/2008
09/00844/F	Extension of school refectory.	Withdrawn	28/04/2010

Ref	Proposal	Decision	Date
10/01092/F	Erection of new substation and switch gear building.	Approved	01/10/2010
10/01111/F	Erection of extension to school refectory.	Approved	12/10/2010
10/01975/D	Details of condition 3 - archaeological mitigatory work and condition 4 - (a) bricks, b) roof tiles, (c) external joinery, d) louvre doors of previous planning permission (App. No.10/01092/F) 'Erection of new substation and switch gear building'.	Withdrawn	27/01/2011
13/01816/D	Details of condition 3 - archaeological mitigatory work of previous permission 10/01092/F 'Erection of new substation and switch gear building.'	Approved	21/01/2014
18/01511/TCA	London Plane (T1): Remove.	Tree Preservation Order Served	15/11/2018
19/00381/L	Partial demolition and rebuilding works to reopen an historic filled-in opening within the Cathedral Precinct Wall, together with the provision of new surrounds to the opening, an entrance door and any associated repair works.	Refused	17/07/2019
19/00403/F	Demolition of the existing school dining hall, adhoc structures, sheds and trees. Redevelopment of site for new dining and teaching facilities, with the provision of a new pedestrian and service access, landscaping, the relocation of an electricity substation and the provision of associated infrastructure.	Refused	17/07/2019

14. Of particular relevance are the two applications from last year: 19/00403/F and 19/00381/L. These applications were for broadly the same development as the current applications and were refused for the reasons below. The current applications are supported by a more extensive on- and off- site tree planting strategy which is set out in paragraphs 153-159 of this report.

15. Application no 19/00403/F reason for refusal:

*The application involves the loss of twelve valuable trees from the city centre. The loss of these trees would lead to a significant impact on biodiversity and visual amenity which cannot be suitably compensated for via an off-site planting scheme such as that which is proposed. The proposals would also cause less*

*than substantial harm to the conservation area. The council does not consider that that this less than substantial harm is sufficiently outweighed by the public benefits of the scheme proposed. The application is therefore contrary to policies DM1, DM3, DM6, DM7 and DM9 of the Norwich Development Management Policies 2014 and paragraphs 170, 175, 196 of the National Planning Policy Framework 2019.*

16. Application no 19/00381/L reason for refusal:

*The application would cause less than substantial harm to the heritage asset. In the absence of an acceptable redevelopment scheme that necessitates the proposed works there is no clear and convincing justification for this less than substantial harm. The application is therefore contrary to local policy DM9 of the Norwich Development Management Policies 2014 and paragraph 194 of the National Planning Policy Framework 2019.*

17. As such, it is necessary to have these reasons for refusal in mind when assessing the current applications.

### **The proposal (20/00809/L)**

18. This application is identical to 19/00381/L which was refused last year because the wider redevelopment proposals within the full application were refused. The full reason for refusal can be found in paragraph 16 above.
19. This is an application for listed building consent relating to the demolition of a part of the Cathedral precinct wall and insertion of a door and door surround. The precinct wall is Grade I listed and parts of it are registered as a Scheduled Ancient Monument. The part of the wall for which the doorway is proposed shows signs of a previous doorway which has been infilled with a variety of materials. The application proposes an opening of 2m wide by 2.6m high, with an oak door and stone surround. The purpose of the new opening is to provide direct access from Palace Street to the application site to facilitate kitchen deliveries, refuse collections and student coach drop-off and pick-up.

### **The proposal (20/00808/F)**

20. The development itself is identical to application 19/00403/F which was refused last year with the reason for refusal relating to impacts on biodiversity, visual amenity and the conservation area (full reason for refusal in paragraph 15 above). The level of on-site and local tree planting has been significantly increased – more details below and in the Trees section of this report.
21. Following the refusal of last year's application, the applicant engaged in post-refusal discussions with officers, who required them to undertake a series of investigations:
- (a) Explore again the opportunity to develop on other sites.
  - (b) Incorporate some or all of the trees within the development.
  - (c) Move the most significant tree to a nearby location.
  - (d) Provide more planting on-site or in other nearby locations.

22. Having undertaken these investigations, the applicant presented the resultant scheme to members at an informal planning applications committee briefing in February 2020. That scheme is broadly similar to that which is included within this application. Option (a), above, is discussed under Main Issue 1: Principle of Development, and options b) to d) are discussed under Main Issue 2: Trees & Biodiversity.
23. This is an application for full planning permission relating to the construction of a new 800m<sup>2</sup> dining hall and kitchen, 6 classrooms and ancillary spaces (toilets, staff rooms, plant rooms). The development involves the demolition of the existing refectory building, the felling of 12 trees (including one which is protected via a TPO) and the insertion of a doorway through the Cathedral Precinct Wall. The trees identified for felling are listed below:
- 1 x London Plane, category B, covered by TPO reference 538
  - 2 x Lime, category C
  - 5 x Sycamore, category C
  - 1 x Cherry, category C
  - 1 x Holly, category C
  - 1 x Lawson Cypress, category C (to be removed for arboricultural reasons)
  - 1 x Sycamore, category U (to be removed for arboricultural reasons)
24. A phased approach to development is proposed, with the off-site replacement trees being planted first, the on-site trees then being felled and the new refectory building being built first on the space created by the felling of the trees and adjacent open space opposite the Bishop's Palace. Upon completion of the new refectory building, the old one will be demolished and the teaching block constructed on the space created adjacent to the precinct wall.
25. The proposed buildings are primarily for use by the school but the refectory doubles as a conference and concert hall and would be made available to external users outside of school time with community users given priority at charitable or discounted rates.
26. The single storey kitchen would be located adjacent to the precinct wall and would stand at approximately 4m in height. This part of the structure would have a green roof and would benefit from direct access for deliveries and refuse collection from Palace Street via the new doorway. Due to the variations in land level either side of the wall, a portion of the site adjacent to the wall would be dug out to a depth of approximately 1.6m to provide level access to a refuse storage area. The dining hall, which would step up in height to approximately 7m to provide additional internal ceiling height, would have a very shallow pitched roof and tall, heavily recessed windows facing towards the Bishop's Palace. The kitchen and dining hall combined would have a footprint of approximately 30m x 30m. The kitchen roof would sit at the height of the precinct wall, while the dining hall would extend above by approximately 3m. However, the dining hall is shown



to be separated from the wall by a distance of 11m so it would not be visible from street level.

27. The teaching block would provide 6 classrooms, a staff room and ancillary spaces arranged across two floors. This building would stand at approximately 8.4m in height and would run along the precinct wall, with the wall being visible within the building's ground floor corridor. The building would protrude above the wall by 4.5m for a length of 31m. This block would again have a very low pitched roof. The northern and eastern Palace Street elevations would be punctuated by windows, brick recesses and perforated metal panels. The teaching block would have a footprint of approximately 33m x 12m.
28. Materials across the development would be pre-cast constituted stone walls, buff facing brickwork, bronze coloured metalwork and lead-effect roofs.
29. The proposal also includes the re-landscaping of the space leading from the school gates at the south-west of the site adjacent to the cathedral to the proposed development, including the creation of a new outside lunch and play space, a formal lawn in the space left between the proposed development and the Bishop's Palace and the planting of 21 new trees including a London Plane in the southern part of the site and an English Oak within the formal lawn.
30. As mitigation for the loss of the 12 trees on the development site, the applicant has put together the following tree planting scheme. It should be noted that the previously refused scheme included 13 trees on site and 688 at Redmayne & Horsford, so the level of local replanting has been significantly improved upon.
  - 21 trees on site, including a London Plane and an English Oak.
  - 62 trees within the site's proximity, including 11 on the Lower School Playing Fields (Lime, Checker, Oak); 30 on the Great Hospital Meadow (Alder, Birch, Willow, Oak); 9 on the Lower Close (Tulip, Cherry, Ash); 11 on the Upper Close (Dogwood, Beech, Walnut, Ash); and 1 at Holland Court (Hornbeam).
  - 688 trees at two sites within the School's ownership: one at Redmayne Playing Fields; and one at Horsford (adjacent to the Northern Distributor Road). A native mix of species is proposed, along with some fruiting species (Birch, Maple, Hornbeam, Hawthorn, Beech, Whitebeam, Rowan, Lime, Oak, Bird Cherry, Dogwood Shrub, Hazel Shrub, Filbert Shrub, Crab Apple, Medlar and Plum).

## **Representations**

31. Application 20/00809/L was advertised on site and in the press on first receipt of the application. A number of the representations set out below referenced both applications numbers. Application 20/00808/F was advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. The consultation has attracted 14 letters of objection. The content of these objections is summarised below. The application has also attracted 36 letters of support, which highlight the school's pressing need for these facilities and praise the school's efforts in terms of tree planting, design and its links with the community and charitable groups.

<b>Issues raised</b>	<b>Response</b>
The development would cause unnecessary damage to archaeology	See Main Issue 3: Heritage
The insertion of a doorway into the precinct wall is harmful to heritage	See Main Issue 3: Heritage
The trees offer visual amenity to passers by	See Main Issue 2: Trees & Biodiversity
The loss of the trees will negatively impact upon biodiversity	See Main Issue 2: Trees & Biodiversity
The loss of the trees would reduce the city's biomass and ability to take in CO2 and will increase air pollution	See Main Issue 2: Trees & Biodiversity
The trees take in water during large downpours and the resultant floods could cause damage to listed buildings	A sustainable urban drainage system is proposed, and 771 trees are proposed to be planted.
The development should incorporate the trees	This option has been explored. See Main Issue 2: Trees & Biodiversity
The Norwich School should find another development site, they own plenty of land	This option has been explored. See Main Issue 1: Principle of Development

32. In addition to the 14 objections summarised above, the applications have attracted objections from Cllr Ben Price and Cllr Lesley Grahame, who reiterate many of the points above with specific reference to the loss of the trees and the associated impact on flood risk, wildlife, air quality, character of the area and listed buildings.

### **Consultation responses**

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

### **Design and Conservation (internal consultee)**

34. *No objection.*
35. The proposal has been subject to extensive pre-application consultation with the council's Design & Conservation Officers (amongst other internal and external consultees) for a number of years prior to the submission of last year's applications (19/00381/L & 19/00403/F). The design evolved considerably during those pre-application negotiations, and the final design submitted to the council within the pre-application discussions was essentially the same as that being considered through these current formal applications. The final comments from the Design & Conservation Officer concluded the following:

36. "The proposed application site is a particularly sensitive location, upon an area of open ground which has remained undeveloped for hundreds of years. The sense of openness and greenery contributes to the character and appearance of the conservation area and the setting of adjacent heritage assets. Any development upon the area proposed will result in some 'harm' to the character and appearance of the conservation area and setting of listed buildings as it will result in the loss of open space and greenery.
37. The applicants have heeded past pre-application advice in that they have lowered the overall height of development, broken the form down into two separate architectural elements and have shifted the bulk of the development away from the Bishop's Palace, closer to the precinct walls to align with the existing school development. This has in my view, reduced the potential harm to heritage assets. It is acknowledged that this scale and form is dictated by practicalities/function, but in order for this development to be considered acceptable and the 'harm' mitigated, this form needs to be tempered through careful, contextual design."

### **Environmental Protection (internal consultee)**

38. *The comments below were received in relation to the previous application 19/00403/F and the Environmental Protection Team has indicated that they should be applied again to this application.*
39. I note the information submitted by the applicant and request the following conditions regarding contaminated land:
- No development shall take place within the site in pursuance of this permission until a scheme to deal with the risks associated with contamination of the site has been submitted to and approved by the council.
  - If, during development, contamination not previously identified is found to be present, then no further development shall be carried out in pursuance of this permission.
  - All imported topsoil and subsoil for use on the site shall be certified.
40. I also request that an informative relating to the disposal of asbestos be applied to any approval.

### **Transport (internal consultee)**

41. *No objection.*
42. The proposed development proposals are suitable for the site and location within a highly accessible city centre location by a range of transport modes. The aspiration to remove operational vehicles from the Cathedral Close and opening up service access via the Precinct Wall to St Martin at Palace Plain is acceptable in principle. This will require the change of the bus parking bay to a Loading bay at any time to facilitate use by deliveries and refuse vehicles and allow for school buses to load passengers. It would be sensible if there was a dropped kerb to facilitate loading activity. There will need to be minor landscaping works to modify the raised verge adjacent to the new gateway to facilitate access, this is

in proximity to a street tree and may affect its root protection zone. A street bin will also need repositioning.

43. During the demolition and construction phase there may need to be hoardings and traffic management to facilitate access for HGVs and a crane that would require agreement with our Streetworks team, a Construction Management Plan will be required.
44. 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:
45. **SHC 24A variant**
46. Prior to the commencement of any works a Construction Traffic Management Plan and Access Route which shall incorporate adequate provision for addressing any abnormal wear and tear to the highway together with wheel cleaning facilities shall be submitted to and approved in writing by the Local Planning Authority together with proposals to control and manage construction traffic using the 'Construction Traffic Access Route' and to ensure no other local roads are used by construction traffic. Diversion of traffic and pedestrians and the use of hoardings may be required. Safety of pedestrians and cyclists adjacent to this working area are important site management considerations.
47. Reason: In the interests of maintaining highway efficiency and safety. This needs to be a pre-commencement condition as it deals with safeguards associated with the construction period of the development.
48. **SHC 24B**
49. For the duration of the construction period all traffic associated with the construction of the development will comply with the Construction Traffic Management Plan and use only the 'Construction Traffic Access Route' and no other local roads unless approved in writing with the Local Planning Authority.
50. Reason: In the interests of maintaining highway efficiency and safety.
51. **SHC 34**
52. No works shall commence on the site until a Traffic Regulation Order for the parking bay on St Martin at Palace Plain has been secured by the Local Highway Authority.
53. Reason: In the interests of highway safety. This needs to be a pre-commencement condition as the impact applies to traffic associated with both the construction phase and also daily running of the site.
54. **Inf. 2**
55. This development involves works within the public highway that can only be carried out by Norfolk County Council as Highway Authority unless otherwise agreed in writing.

56. It is an OFFENCE to carry out any works within the Public Highway, which includes a Public Right of Way, without the permission of the Highway Authority. Please note that it is the Applicants' responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council. Advice on this matter can be obtained from the County Council's Highway Development Management Group. Please contact [developerservices@norfolk.gov.uk](mailto:developerservices@norfolk.gov.uk).
57. If required, street furniture will need to be repositioned at the Applicants own expense.
58. Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, which have to be carried out at the expense of the developer.

### **Landscape Architect (internal consultee)**

59. Despite the conclusions of the Townscape Assessment, it is considered that effects on local townscape as a result of the loss of the tree group cannot be mitigated. It is noted that newly proposed planting in the 'knuckle' of the development will eventually be seen from the public realm, however, clearly will not provide the mature backdrop that currently exists from within and outside of the cathedral walls.
60. It is noted that there will be some improvement to the interior appearance of the site, however this will be at the expense of the mature trees, which currently make a positive and vital contribution to the [Conservation Area] character area both within the cathedral and the public realm.
61. Proposals for local compensatory replanting have improved from the previously refused scheme, including tree planting in the 'knuckle' of the development as well as elsewhere in the cathedral precinct and Hospital Meadow. It should however be noted that this planting cannot mitigate for the local townscape effects of the development, which is why it has been referred to as compensatory. Deliverability of this planting is also yet to be established.
62. When considering the application as a whole, with benefits and disbenefits to landscape in terms of visual amenity, townscape character and general landscape provision, it is evident that the applicant has gone to considerable effort to justify removal of the trees and offer alternative planting arrangements. Subject to deliverability, this scheme presents an improvement to the previously refused scheme offering tree planting locally within some areas which are currently publicly accessible, improving public benefit offer.
63. It is not uncommon for officers to request utilities information up front on high profile schemes and where we need to be assured of deliverability. This is particularly pertinent for the compensatory planting which offers some additional public benefit to the scheme when compared with the previously refused scheme.
64. Given the previous reason for refusal, and the subsequent fine balance of this proposal it is advised that the case officer seek additional information on the

deliverability of the compensatory planting scheme prior to making their recommendation. Otherwise, it is recommended that safeguards are put in place to ensure deliverability of planting ahead of any clearance works on site.

65. In landscape terms, the loss of important trees in such a location with unmitigable effects on immediate public realm cannot be supported. As a result of the development, the interior landscape of the site will be reconsidered to suit its new layout and intended purpose, and succession planting within the cathedral precinct will be facilitated. The case officer is advised that the submitted scheme is an improvement to the previously refused scheme and should they be minded to recommend [the application] for approval, it is advised that landscape condition LA1 be applied to the decision notice.
66. *NB: desktop utilities searches have now been submitted for all off-site tree planting areas, with no conflicts having been identified. According to the best available data, the off-site planting can therefore be considered deliverable. If any unexpected constraints are encountered upon planting, the s106 will allow a small amount of flexibility to allow exact locations to be amended, whilst maintaining the numbers/species/broad locations.*

#### **Natural Areas Officer (internal consultee)**

67. *No objection. Conditions recommended.*
68. *Initial comments:*
69. The Applicant's efforts to provide additional planting and to undertake the DEFRA Metric Tool calculations are appreciated. Although the Tool has not yet been fully introduced, its use to support the application is understandable. However, it is doubtful whether significant weight can be given to the results of this exercise. The various errors, assumptions and lack of appropriate categories for urban sites within the Tool have tended to result in an over-valuation of proposed habitats and an under-valuation of the existing habitat (mainly trees) on the site, leading to an overall Biodiversity Net Gain (BNG) score of 40% in which it is difficult to have a great degree of confidence. However, there may well be BNG in excess of the likely 10% requirement in the forthcoming Environment Bill.
70. The Tool provides an estimate of BNG in relation to habitat only. It does not consider ecosystem services and faunal benefits. There is therefore no quantitative assessment of these important factors available.
71. Good practice advice (noted in the EA) is as follows: Both quantitative and qualitative assessments should be used when designing, implementing, maintaining and monitoring biodiversity net gains to capture all aspects of biodiversity, and to avoid decisions being based purely on numbers". CIEEM, IEMA and CIRIA (2019) Biodiversity Net Gains – Good Practice Principles for Development Gain, A Practical Guide
72. It would therefore be helpful to have clarification and further information regarding ecosystem services and faunal benefits, together with the deliverability of off-site tree planting, the ecological value of the proposed green roof, locations for tree planting proposals for Cathedral Close, and off-site green infrastructure linkage.

73. *Additional comments upon receipt of additional information as requested:*
74. I am grateful for the clarifications contained in this report which are generally helpful.
75. The shortcomings of the DEFRA Biodiversity Net Gain metric are acknowledged and the previous claim of 40% net gain is not pursued. It is clarified that the possible 10% net gain relates to habitat only, with faunal and ecosystems services not included in the metric's assessment.
76. I would have no objection subject to further information to demonstrate the deliverability of on- and off-site tree planting, and amendment of the green roof specification to improve ecological functioning. I recommend the following conditions:
- In accordance with the mitigation and enhancement proposals included within the Ecological Assessment.
  - Lighting strategy based on the recommendations of the Lighting report
  - Construction management plan incorporating mitigation measures from the Ecological Appraisal
  - Further surveys: If more than 2 years elapse between the last bat survey work and any development works, a further survey of the trees with potential to support roosting bats should be undertaken prior to the commencement of works.
  - Independent Monitoring of Biodiversity Net Gain to ensure min. 10% is delivered.
77. *NB: desktop utilities searches have now been submitted for all off-site tree planting areas, with no conflicts having been identified. According to the best available data, the off-site planting can therefore be considered deliverable. If any unexpected constraints are encountered upon planting, the s106 will allow a small amount of flexibility to allow exact locations to be amended, whilst maintaining the numbers/species/broad locations.*

### **Tree Protection Officer (internal consultee)**

78. *Objection.*
79. Whilst I fully appreciate the enormous efforts the Norwich School has made in terms of addressing the issues leading to the refusal of the previous application, there remains a fundamental principle lying at the heart of this proposal; it raises a very simple question, 'Is it acceptable that a mature, healthy tree, with a remaining life expectancy of over 40 years, a valuable tree with the highest level of legal protection, can be chopped down (in a Norwich City Centre Conservation area), to make way for a dining hall?'
80. Please consider the following as the basis for my objection:
81. There are six magnificent trees on Gaol Hill and Gentlemen's Walk. Significant trees on many levels, important enough to feature in the Norwich 2040 City

Vision document (actually the only photograph of our city centre included in the publication), produced by Norwich City Council. These six trees:

- Are London Plane trees, the same as T7, the most prominent tree the Norwich School wishes to cut down, as part of this application.
  - Have a similar biomass to the 12 trees the Norwich School wishes to cut down as part of this application
  - Are located in the same city centre conservation area as the 12 trees the Norwich School wishes to cut down as part of this application.
82. The similarities between these six trees, and the trees threatened by this application, are relevant, the comparisons valid. My question then, would be, 'Would it be acceptable for these six trees to be cut down, only to be replaced with smaller specimens, some being planted 5 miles away?'
83. The first quote in the Norwich 2040 City Vision document is, 'A key thing for the future for Norwich and the world is about the environment and becoming more sustainable'. I submit that the approach of removing healthy, mature trees from the city centre, and replacing them with smaller specimens, is not a sustainable one, is at odds with the 2040 City Vision, and, if adopted, could result in a city centre devoid of mature specimens.
84. Large, mature trees offer unique ecological roles not offered by smaller specimens. For a functional urban forest there needs to be trees of all shapes and sizes. Norwich's tree population needs enough large and mature trees to deliver the widest possible range of environmental benefits. This is especially important within the city centre.
85. The Norwich City Centre Public Spaces Plan, sets out the council's approach to managing space within the city centre. In it, it says that we should be supporting the existing urban tree stock, not just planting new ones.
86. The arb (arboricultural) report submitted by The Landscape Partnership in support of this application gives the height of the mature plane as 23 metres. The arb report submitted by Ace of Spades, in support of the previous application (19/00403/F) gives the height of the same tree as 35 metres. Perhaps the tree has shrunk by 12 metres in the last couple of years, or, more likely, one of the reports is inaccurate. Not important in of itself, but it does raise questions concerning the accuracies of the reports, and the weight that should be given to them. The arb report supporting this current application also makes reference to a document (AAIS APN12), stating that, 'all new paving in areas which are currently soft landscape will be constructed using the guidance set out in APN12'. I would like to point out that APN12 was withdrawn, for review, in October 2019. The Arboricultural Association advises that other, more up to date sources of information should be used in order to ensure relevance. It worries me that, if this application is successful, contractors will be using an obsolete publication as a guide, which ultimately may cause harm to any trees that are lucky enough to be retained.



87. Inaccuracies regarding reports notwithstanding, it should be agreed that the London plane tree is a tall, impressive specimen. Thought, therefore, should be given to the following;
88. It is estimated that only 1% of the tree population within the wards of Mancroft, Thorpe Hamlet and Lakenham (the wards that make up the city centre conservation area) exceed a height of over 25 metres.
89. It is my view that we, as a city, would be heading in completely the wrong direction, and failing in our responsibilities as custodians of the natural environment, if we allow the loss of large specimens such as this.
90. Concerns over air quality in the city centre have been raised recently, with calls from across the political spectrum to do more to tackle pollution in the city.
91. The Norwich 2040 City Vision document also highlights the city's desire to combat climate change and promotes a city that has excellent air quality, 'using our local natural resources effectively'. Removing these trees is not using our local natural resources effectively.
92. The 12 trees that are threatened by this application provide a unique opportunity to address these issues. They make a considerable contribution in the battle to tackle poor air quality and pollution in this part of the city centre. The London plane is particularly adept at dealing with air pollution, significantly reducing particulate matter within its sphere of influence. This contribution would initially be lost, and ultimately reduced, if these trees were removed and replaced with smaller specimens.
93. The larger the canopy, the greater the beneficial effect. The consequences of waiting 100-150 years for replacement planting to attain a size that would have any sort of meaningful benefit in tackling this immediate issue could be harmful.
94. The importance of retaining large canopy trees is also obvious when dealing with the issue of a predicted temperature rise in the city centre over the next 30-40 years (the life expectancy of T7 is 40+ years).
95. It would be interesting to hear the views of Norwich City Council's Climate and Environment Emergency Executive Panel on this, and whether or not this application sits well with NCC's Environmental Strategy 2019-2025, 'to be recognised as one of the best councils in the country for delivering the ways in which we help address climate change'.
96. These are (mostly) wide-ranging arguments applied to a specific situation, an individual tree even. But the fate of this particular tree will stand as a benchmark, setting a precedent for all similar applications in the future. It will define how we, as a city, view our natural assets. Do we want to be a city that takes the view that trees such as this are a 'disposable' nuisance, readily discarded when 'they're in the way'? Or do we want to be another kind of city?
97. *NB: The technical issues with the arboricultural report highlighted by the tree officer in paragraph 86, above, have been clarified. The measurement of the London Plane was undertaken from 2 locations using a laser measure (which has the potential for inaccuracies of +/- 0.3m), and 23m is the best available measurement. There is no information within the previous tree report to explain*

*their method of measurement. The use of the AAIS APN12 guidance is noted to still be of relevance in this case. The replanting of circa 70 new trees within the area is noted to quickly reach the biomass lost and to exceed it within a relatively short space of time. This level of planting could not be secured were it not for this development.*

98. *The tree officer maintains their objection.*

## **Historic England**

99. *No objection.*

100. 20/00809/L: We have considered this application in terms of this policy and conclude that the creation of a new opening in the precinct wall would have a harmful impact on the historic significance of the listed buildings inside. However, we would consider the level of harm to be less than substantial in terms of the NPPF, paragraph 196. This paragraph states that the 'clear and convincing' justification for such harm could be found in the public benefit of the development. There is certainly some public benefit to be delivered by the improved facilities at the school of which the new opening is an integral part. We would not object in principle but would leave it to the Council to weigh this against the harm as required by the Policy and seek the required justification before determining the application.

101. Historic England has no objection to the application on heritage grounds. We consider that the application meets the requirements of the NPPF, in particular paragraph numbers 7, 8, 193, 194 and 196. In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas

102. 20/00808/F: We have given extensive pre-application advice to the applicants and several suggestions have been incorporated into the plans so that the dining hall would be less prominent in views from Palace Plain and is set away from the precinct wall. The teaching block will be a prominent feature of Palace Street but has the advantage of masking the end of the existing school buildings seen above the wall and responds to existing multi-storey development on the other side of the road. We are also of the view that the design of the new buildings is of some quality, although we have previously advised that fenestration or at least modelling of the facing brickwork would enliven the 'blind' northern elevations of these two buildings.

103. Despite these positive aspects of the scheme the development of the open space with the dining hall will result in the loss of a historically significant undeveloped space. It would also result in the loss of all the trees inside the wall, which make a positive contribution to the setting of the listed buildings and conservation area. As regards archaeology, the development would affect an area of considerable potential as it is not a space which has seen previous modern development.

104. We have considered this application in terms of this policy and conclude that the development of the new dining hall and resulting loss of trees would have a harmful impact on the setting and historic significance of several highly important listed buildings inside and outside the precinct wall as well as the conservation area. However, we would accept that the proposed design for this and the new teaching block is of good quality and could reduce the visual impact. We would consider the level of harm to be less than substantial in terms of the NPPF, paragraph 196. This paragraph states that the 'clear and convincing' justification for such harm could be found in the public benefit of the development. There is certainly some public benefit to be delivered by the improved facilities at the school, but we would leave it to the Council to weigh this against the harm as required by the Policy and seek the required justification before determining the application. Should consent be granted we would recommend the detailing of the northern elevations of the two buildings be considered, as noted above, as well as a very high quality of materials and detailing achieved through conditions placed on the consent.

### **Norfolk Historic Environment Service**

105. *No objection.*

106. 20/00809/L: Apply condition requiring programme of archaeological monitoring & recording (relate it specifically to the wall).

107. 20/00808/F: Apply standard conditions.

### **Environment Agency**

108. No comments.

### **Norfolk Constabulary Architectural Liaison**

109. *No objection.*

110. The comments provide various detailed recommendations from the Secured by Design guidance document 'Schools 2014'. It is important that access to enclosed spaces is restricted.

### **Norwich Society**

111. *No objection.*

112. 20/00808/F: We received a presentation about this scheme from Lanpro and were extremely impressed by the proposals and would like to express our strong and full support for the application. Regarding the landscaping, a huge amount of work has been put in by Liz Lake Associates, in mitigation of the removal of the protected tree. They have provided an exemplary approach to reducing any visual impact of the proposed works, including dedication of many historic buildings to receive new tree planting.

113. 20/00809/L: This is an integral part of the Norwich School proposals for which we have already sent our support, and therefore also support this proposal as a means of realising that project.

## **Anglian Water**

114. *No objection.*

115. Anglian Water request that an informative note is added to any permission stating that Anglian Water has assets close to or crossing the site.

116. The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is acceptable. We request that the agreed strategy is reflected in the planning approval.

117. Anglian Water request that a condition is applied to any permission requiring the surface water strategy to be carried out prior to the construction of any hard-standing areas.

## **Norfolk Fire & Rescue Service**

118. *No comments. The comments below were received in relation to the previous application 19/00403/F.*

119. The proposal will be required to meet the necessary requirements of the current Building Regulations 2000 - Approved Document B (volume 2 - 2006 edition amended 2007, 2010, 2013) as administered by the Building Control Authority.

120. Of particular note is the requirement to provide access for a pumping appliance to within 45m of all points on the building footprint. Taking into account the close proximity of the building to significant listed buildings, I recommend the installation of a fire suppression system to control any outbreak of fire, preventing it from spreading and becoming out of control.

## **Assessment of planning considerations**

### **Relevant development plan policies**

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

- JCS1 Addressing climate change and protecting environmental assets
- JCS2 Promoting good design
- JCS3 Energy and water
- JCS6 Access and transportation
- JCS7 Supporting communities
- JCS8 Culture, leisure and entertainment
- JCS11 Norwich city centre

#### **122. Norwich Development Management Policies Local Plan Dec 2014**

- DM1 Achieving and delivering sustainable development
- DM2 Ensuring satisfactory living and working conditions
- DM3 Delivering high quality design
- DM4 Providing for renewable and low carbon energy
- DM5 Planning effectively for flood resilience
- DM6 Protecting and enhancing the natural environment
- DM7 Trees and development
- DM8 Planning effectively for open space and recreation

- DM9 Safeguarding Norwich's heritage
- DM11 Protecting against environmental hazards
- DM22 Planning for and safeguarding community facilities
- DM28 Encouraging sustainable travel
- DM30 Access and highway safety
- DM31 Car parking and servicing
- DM33 Planning obligations and development viability

### **Other material considerations**

#### **123. Relevant sections of the National Planning Policy Framework 2019 (NPPF)**

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

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

- Landscape and Trees SPD adopted June 2016
- Heritage Interpretation SPD adopted December 2015

### **Case Assessment**

125. 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**

126. Whilst the principle of developing this site was not specifically referenced in the previous reason for refusal (application 19/00403/F), the loss of the trees which cover the development site formed the reason for refusal, so the principle of development was indirectly called into question. Following on from that refusal, the applicant engaged in discussions with officers, who required them to undertake a series of investigations, of which (a) is relevant to the principle of development. (b) to (d) are explored within Main Issue 2: Trees & Biodiversity, below.

(a) Explore again the opportunity to develop on other sites.

(b) Incorporate some or all of the trees within the development.

(c) Move the most significant tree to a nearby location.

(d) Provide more planting on-site or in other nearby locations.

127. Prior to the previous application, the applicant had undertaken a site selection exercise in order to find the best possible site for the proposed development. This exercise identified eight potential sites for the development, including the application site. The other seven options were ruled out for a variety of reasons including distance from campus, impact on recreational facilities, impact on heritage assets and the availability of land. However, given last year's refusal, officers asked the applicant to explore these options again, specifically a portion of the Lower School Playing Fields and land to the south of The Close.
128. The Norwich School do not own any land within the city centre (indeed they do not even own the application site), rather they lease land from the Dean and Chapter of Norwich Cathedral. The Dean has historically been resistant to development on the Lower School Playing Fields and to the south of The Close. However, given the difficulty of obtaining planning permission for the development on the application site, officers suggested that the first course of action should be to reopen these conversations since this would allow the 12 trees to be retained and may make the planning route much simpler. However, officers have had sight of letters from the Dean ruling out these as developable sites.
129. The application describes the pressing need for additional space within the dining hall and kitchen to accommodate the school's current pupil numbers (1,175). Many of the letters of support have noted the inadequacy of the current facilities. Indeed, the applicant has been engaged in many years of pre-application discussions with the council regarding the need for a new dining hall. The current dining hall was built in the 1960s when pupil numbers were 600, compared to the 1,175 currently attending the school. The existing kitchen, servery and dining hall measure approximately 550m<sup>2</sup>, while the proposed spaces measure approximately 800m<sup>2</sup>. It is accepted that this development is required for the ongoing operation of the school.
130. The application also proposes the erection of a teaching block to provide 6 classrooms and associated spaces. Again, the application documents set out the school's need for modern classrooms. The school is currently operating from several buildings within The Close, including a number of historic properties which are not fit for purpose in terms of space and IT provision. The school has also expressed a desire to provide a comprehensive development which avoids the need for additional future development within their highly constrained site, and this appears to be a sensible approach.
131. Given the lack of alternative sites, it is accepted that the applicant has genuinely exhausted other options. It is therefore concluded that this development is necessary and that this is the best available site for development.
132. The site is designated as Open Space within the Local Plan and therefore Policy DM8 applies. The designated area of Open Space stretches from the school's main gates in the south to Palace Street in the north and the Bishop's Gardens in the east. Since the site is not used for sport or recreation, it is the second part of DM8 which applies in this case:

*“...development leading to the loss of open space of whatever type (identified on the Policies map), will only be permitted where:*

- (a) the proposal would not cause significant harm to the amenity or biodiversity value of the open space; and*
- (b) an assessment shows that the site is no longer required for or is demonstrably unsuitable for its original intended purpose; and*
- (c) there is no viable or reasonably practicable means of restoring or re-using it for an alternative form of open space.”*

133. The proposals do not meet criterion (a) since the loss of the trees would cause significant harm to the visual amenity value of the space. Biodiversity has been adequately addressed (see Main Issue 2: Trees & Biodiversity). It doesn't appear that the applicant has undertaken any sort of assessment to argue that criteria b) or (c) are satisfied, and it is unlikely that a convincing argument could be made for either in this case. DM8 requires all three of these criteria to be satisfied, and so the proposals are contrary to this policy. The landscape and biodiversity impacts of the scheme are considered in more detail in the sections below.

134. Policy DM22 deals with development of community facilities, including educational facilities. The relevant part of the policy reads as follows:

*“Proposals involving the construction of new or replacement schools and other educational facilities, extensions to existing educational establishments and (where permission is required) changes of use for school or other educational and training purposes, will be accepted and permitted where:*

- (a) they would not undermine the objectives for sustainable development set out in policy DM1, in particular by increasing the need to travel by private car;*
- (b) they would not give rise to significant impacts on the environment, highway safety or traffic arising from locational constraints or the particular configuration of the site or premises which could not be overcome by the imposition of conditions;*
- (c) they would result in the efficient and effective use of existing school sites and/or an accessible distribution of school places or other educational opportunities;*
- (d) appropriate and adequate provision can be made for the residential accommodation needs of students (where required) in accordance with the criteria in policy DM13.*

*Particular support will be given to proposals which provide for the shared use of schools facilities by the wider community.”*

135. On balance, the proposals are considered to meet criterion (a), which refers to sustainable development, with specific reference to reducing car travel. The site is part of a wider school site which is in a very sustainable city centre location, where students and staff can travel by walking, cycling and public transport. Further, the development involves the loss of car parking facilities so that staff

and visitors to the school would be discouraged from travelling by car to the site. The school has very limited on-site parking and staff and visitors are instead encouraged to use alternative modes of transport. In terms of criterion b), the proposals do impact on the environment through the loss of trees and the loss of open space, but there are improvements to the school's highways impacts through the loss of car parking provision and the creation of a new access through the precinct wall. On balance, it is considered that criterion b) is satisfied. Criterion (c) is satisfied in the sense that the proposals pose an efficient use of a sustainably located city centre school site, but the development is unable to accommodate such intensification without causing considerable harm. Criterion d) does not apply since the proposals do not relate to further education. It is also worth noting the support within the policy for proposals which provide for the shared use of school facilities by the wider community, which is the case here. A condition is recommended to secure this community use. The condition would require the applicant to agree the hire costs, number of community hires per year and the types of community groups which would be sought. Overall, it is considered that Policy DM22 offers some support for the proposals.

136. The demolition of part of the listed precinct wall has been the subject of much debate, but given the evidence of previous disturbance within this part of the wall, and given that the proposal would remove some traffic from The Close, the principle of this work has been accepted as appropriate by key consultees. Further discussion on the acceptability of this aspect of the scheme can be found within the heritage section, below.
137. In summary, it is considered that this development is contrary to policy DM8 but finds some support in DM22. In cases where policies pull in different directions, the council may consider what other considerations are material to the determination of the application. In this case, these include the school's need for improved facilities and that this site has been selected as the best available option. Given the constraints on the site, any development here will inevitably cause harm to trees, biodiversity and heritage, and a remarkable design with exceptional public benefits is required to outweigh any such harm.

## **Main Issue 2: Trees & Biodiversity**

### ***Trees***

138. Outside the site boundary, there is a group of mature trees on the highway verge fronting Palace Street and St Martin-at-Palace Plain. It has been demonstrated that these trees can be adequately protected during the construction process, but that some pruning is necessary to facilitate the development and for good arboricultural management.
139. The development site itself is populated by a group of 12 trees, all of which would be felled to accommodate this development. Across the wider application site, a further 9 trees are to be protected during the course of construction and retained as part of the school's landscape. The species and categories of the trees posed for felling are listed below:
  - 1 x London Plane, category B, covered by TPO reference 538
  - 2 x Lime, category C



- 5 x Sycamore, category C
- 1 x Cherry, category C
- 1 x Holly, category C
- 1 x Lawson Cypress, category C (to be removed for arboricultural reasons)
- 1 x Sycamore, category U (to be removed for arboricultural reasons)

140. All of the category C and U trees have an estimated remaining lifespan of 20 years, while the London Plane has an estimated remaining lifespan of 40 years.

141. The largest of the trees posed for felling is the London Plane tree which the application states stands at 23m tall and forms part of a significant group along with the other trees on site which range in height from 6-18m. These trees make a significant contribution to the street scene and historic environment, have numerous environmental benefits, and offer considerable biodiversity value. In particular, the large London Plane plays an important ecological and environmental role within a densely developed city centre.

142. NB: There is a discrepancy between the tree report submitted with the previous application, which stated that the London Plane was 35m tall, and the tree report submitted with this application, which stated that the London Plane was 23m tall. The arboricultural consultants have submitted a robust statement explaining how they measured the tree and came to the 23m figure. The previous tree consultants did not provide any such explanation so the 23m figure is considered correct in this case.

143. The previous application (19/00403/F) was refused for reasons entirely relating to the loss of these trees, and the associated impacts on biodiversity, visual amenity and the conservation area. Following that refusal, the applicant engaged in post-refusal discussions with officers, who required them to undertake a series of investigations:

- Explore again the opportunity to develop on other sites.
- Incorporate some or all of the trees within the development.
- Move the most significant tree to a nearby location.
- Provide more planting on-site or in other nearby locations.

144. Paragraphs 127 to 131 in the Principle of Development Section of this report deal with (a), and explain how the school does not own any land within the city centre and is reliant upon its landlords (the Dean and Chapter of Norwich Cathedral) to allow development. No other sites are both available and suitable for development, and the applicant has made a convincing justification for the need for the proposed facilities.

145. Since option (a) had been discounted, the School moved on to option (b). They investigated the possibility of incorporating the London Plane tree into the development and presented a 'Tree Retention Feasibility Report' to officers,

which was prepared by a consortium of tree consultants, architects and engineers. However, given the services and foundations which are necessary below the school kitchen and refectory, and given the pruning that would be required and the lack of drainage to the tree roots, it is considered unlikely that such a large tree would survive having a building constructed around it. Further, there would be impacts on the design which would have a negative impact on heritage assets (i.e. pushing the bulk of the building towards the Bishops Palace). As such, option (b) has been discounted.

146. Since (a) and (b) have been discounted, the School moved on to option (c) and instructed an arboriculturalist to investigate the possibility of moving the tree to a nearby location. However, the moving of this large tree which is located in a constrained site would be unlikely to be successful and the arboriculturalists concluded that the risk of the tree dying would be high, and that a more guaranteed solution would be a substantive replanting scheme in the surrounding area.
147. With (a) to (c) discounted, the only option for the School is to provide more tree planting on-site and in the local vicinity. 13 trees were previously proposed for the site itself, and 688 at two sites in Broadland's area. The current proposal has increased on-site planting to 21 trees (including a large London Plane at the southern end of the site and a large Oak in the formal lawn, visible over the precinct wall upon planting), and also proposed 62 trees in the surrounding area, as well as the 688 in Broadland. The acceptability of these proposals is assessed below.
148. The local policy which deals with the loss of trees is DM7. The relevant part of that policy is quoted below:

*“Development requiring the loss of a protected tree or hedgerow (including preserved trees, protected hedgerows, trees in Conservation Areas, ancient trees, aged and veteran trees and trees classified as being of categories A or B in value), will only be permitted where:*

*(a) the removal of a tree or hedgerow will enhance the survival or growth of other protected trees or hedgerows; [or]*

*(b) it would allow for a substantially improved overall approach to the design and landscaping of the development that would outweigh the loss of any tree or hedgerow.*

*Where the loss of trees is accepted in these circumstances, developers will be required to provide at least equivalent replacement in terms of biomass. This should be provided on-site unless the developer can show exceptional circumstances which would justify replacement provision elsewhere.”*

149. In this case criterion (a) is not met. In terms of criterion (b), it has been demonstrated that development on this part of the site creates a coherent and practical layout that efficiently meets the school's needs. As set out above, the loss of the trees causes considerable harm in terms of the impact on the street scene and the loss of amenity in townscape terms as well as the loss of biomass and habitat, and whether the improved layout outweighs this harm needs to be considered in the planning balance.

150. The final part of policy DM7, quoted above, notes that *“developers will be required to provide at least equivalent replacement in terms of biomass”*. It goes on to state that any such replacement planting *“should be provided on-site unless the developer can show exceptional circumstances which would justify replacement provision elsewhere”*.
151. The first matter to consider is therefore the scale of tree planting required to equate to the biomass proposed to be lost. Biomass is defined as “the amount of living matter in a given habitat, expressed as the weight of organisms”. Calculating the biomass of the trees enables us to understand their ability to capture carbon. In this case, using a calculation method promoted by the Field Studies Council, the biomass of the 12 trees to be felled equates to 25.1 oven dried tonnes. Half of this biomass is within the London Plane tree. At the size new trees tend to be at the stage of planting (3-4m in height), this equates to 682 replacement trees. The council’s Parks & Open Spaces team have confirmed that the council does not have any land available for such a number of trees, nor the resources to buy land or staff such a project.
152. Policy DM7 highlights that it would be preferable to see replacement planting delivered on site, as this would ensure that the visual and biodiversity benefits are retained in the vicinity. The proposals include the planting of 21 trees on the site itself, and 62 trees nearby, with a further 688 trees proposed further afield.
153. There are 21 trees currently on the site, of which 12 trees are proposed to be felled and 9 are to be retained. The application is supported by a landscaping scheme which includes 21 new trees:
- 1 x London Plane in the southern part of the site, 10.5m tall on planting, growing to an estimated 21.5m at maturity;
  - 1 x English Oak within the formal lawn at the northern end of the site, 10.5m tall on planting (just about visible over the wall), growing to an estimated 21.5m at maturity;
  - 1 x Juneberry, 2.5m tall on planting;
  - 2 x Cherry, 2.5m tall on planting; and
  - 16 x Hornbeam, 3m tall on planting.
154. This level of on-site planting is reasonable given the scale of the development and goes a small way to mitigating the loss of biodiversity on the site itself. Oak trees are particularly beneficial for wildlife. The Oak tree has been located so that it is visible over the wall upon planting, although the level of greenery this single tree would offer is not comparable to the greenery which is posed to be lost. As such, impact on visual amenity and the conservation area (as highlighted within the reason for refusal) is still high and townscape impact would not be mitigated to any meaningful degree. The nearby planting of 62 more trees, however, goes some way to compensating for this harm.
155. The applicant has secured consent from two nearby landowners to plant 62 trees on their land, all of which are within the Cathedral Close Character Area of the City Centre Conservation Area:

- 11 on the Lower School Playing Fields (Lime, Checker, Oak);
- 30 on the Great Hospital Meadow (Alder, Birch, Willow, Oak);
- 9 on the Lower Close (Tulip, Cherry, Ash);
- 11 on the Upper Close (Dogwood, Beech, Walnut, Ash); and
- 1 at Holland Court (Hornbeam).

156. Most of these trees are located close to existing groups or belts of trees, so their visual impact may not immediately be noticed, but over time the planting of a significant number of trees in the vicinity will improve the health and resilience of the tree stock, helping to improve biodiversity and tackle air pollution. Being located within existing tree groups, most of the trees will have a limited impact upon views within the conservation area but will offer some enhancements. The landscape officer is supportive of this tree planting, which has helped them to remove their objection since the previous application.

157. The applicant owns two parcels of land which sit outside of the Norwich City Council administrative boundary (both within the Broadland District Council area) and for which a replacement tree planting strategy has been developed. A total of 688 trees and 126 hedging plants are proposed across the two sites. These sites, and details of the planting proposed, are described in more detail below.

158. The first site is known as Redmayne Playing Fields and located 2.5 miles from the application site (address Redmayne Playing Fields, North Walsham Road, Norwich, NR6 7JJ). This is a large site used by the Norwich School as additional playing fields. It is therefore largely open in character, with some mature trees in banks along the boundaries. The site sits just to the north of the Norwich suburban fringe, with a new housing development located to its south. To its north is the Norwich Rugby Club which forms part of an allocated housing site and has outline consent for housing development (known as the Beeston Park development). The Redmayne site is identified as a secondary green infrastructure corridor within Broadland's Growth Triangle Area Action Plan. A total of 223 trees are proposed for this site in two groups and along the site's eastern and northern boundaries. Following the advice of the council's landscape architect, the large tree species proposed for this site are Birch, Maple, Hornbeam, Hawthorn, Beech, Whitebeam, Rowan and Lime. 54 of the trees are proposed to be smaller fruiting species in order to increase the biodiversity value of the planting. Species include Hazel Shrub, Filbert Shrub and Buddleia.

159. The second site is farmland to the south of the village of Horsford which is located 4.5 miles from the application site (postcode NR10 3GL). The site stretches either side of the new Northern Distributor Road (NDR) and is currently untenanted. There are some trees and hedges along boundaries. Two areas of planting are proposed: one large group at the northern end of the site; and one strip along the site's western boundary, south of the NDR. In total, it is proposed that this site would accommodate 465 trees of varying species (Oak, Maple, Hawthorn, Bird Cherry, Rowan). 126 hedging plants are also proposed, in order to provide another habitat, join up green corridors and fit with the surrounding landscape context.

160. While these proposals will technically satisfy the final part of DM7, the locating of the majority of the replacement tree planting outside of the application site reduces the benefits. Nevertheless, the planting of a total of 771 trees, 83 of which are within the city centre, and many of which fit within a wider green infrastructure network, is a substantial undertaking which has clear and tangible benefits. These benefits are set to increase as the trees grow to maturity.
161. It has been agreed with the applicant that a legal agreement will be necessary to secure the planting and long-term retention of the trees, since they are essential to the acceptability of the scheme. The legal agreement would require the planting of all 750 off-site trees prior to the felling of the trees on the application site and the management and maintenance of those trees for 15 years (at which point they should be large enough to sustain themselves). The trees would then be required to be retained for a minimum of 25 years, which means the applicant would be legally obliged to retain the trees for a minimum of 40 years from commencement of development. This would exceed the anticipated lifespan of 11 of the 12 trees to be lost (20 years) and equal the anticipated lifespan of the largest tree, the London Plane tree.
162. Desktop utilities searches have been submitted for all off-site tree planting areas, with no conflicts having been identified. According to the best available data, the off-site planting can therefore be considered deliverable. If any unexpected constraints are encountered upon planting, the s106 will allow a small amount of flexibility to allow exact locations to be amended, whilst maintaining the numbers/species/broad locations.
163. The council's tree officer has maintained strong objections to these proposals and they rightly argue that the loss of such a significant city tree at a time of climate crisis is not a matter to be taken lightly. These trees are significant and irreplaceable assets to the city and their loss would cause considerable and long-term harm, not all of which is effectively compensated for via the tree planting strategy proposed.
164. However, officers would argue that the School has gone to significant effort to find planting sites closer to the application site, and that the submitted scheme would result in a net increase of 71 trees within the city centre and a net increase of 759 trees overall. The biomass to be lost through the felling of the 12 trees would be exceeded upon planting and would increase as the new trees grow, although it should be acknowledged that most of this would be located outside of the city centre.

### ***Biodiversity***

165. The site is within an urban location but the trees on site form part of the city's wider network of green links. By way of demolition, felling of trees, and the erection of buildings, the proposals have the potential to disturb wildlife and lead to a loss of habitat.
166. Paragraph 175 of the National Planning Policy Framework states: *"When determining planning applications, local planning authorities should apply the following principles: (a) if significant harm to biodiversity 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”.*

167. The applicant has submitted an ecology statement which confirms that the existing refectory building, set for demolition, does not have the potential to support any bat roosts. The trees, however, do have low bat roosting potential, and a low level of foraging and commuting activity has been recorded at the site. The natural environment also has the potential to support many other forms of wildlife such as birds and invertebrates. As such a number of protection measures are necessary before/during construction:

- Soft-felling of trees.
- Protection of hedges and walls during construction.
- A further bat survey will be necessary should any significant time elapse between consent and construction.
- Hedgehog checks and protection during site clearance and construction.
- No site clearance during bird nesting season

168. Several biodiversity mitigation and enhancement methods are to be required.

- Four bird and four bat boxes are proposed to be built into the fabric of the new buildings, with exact locations and specifications to be agreed via condition.
- Two hedgehog nesting houses to be installed in sheltered areas.
- A green roof is proposed to parts of the building covering a total area of 475m<sup>2</sup>, and a green wall is proposed along the eastern elevation. The applicant has agreed to provide an improved green roof which offers better ecological value to provide insect habitats and associated bat foraging.
- 21 trees are proposed for the application site, including an English Oak close to the trees to be lost, and a signature London Plane within the southern part of the site. These trees will provide some replacement habitat for birds, invertebrates and potentially bats.
- 62 trees are to be planted within the site's proximity, including 11 on the Lower School Playing Fields (Lime, Checker, Oak); 30 on the Great Hospital Meadow (Alder, Birch, Willow, Oak); 9 on the Lower Close (Tulip, Cherry, Ash); 11 on the Upper Close (Dogwood, Beech, Walnut, Ash); and 1 at Holland Court (Hornbeam).
- 688 trees and 126 hedging plants proposed to be planted at two off-site locations (as described in the final paragraphs of the trees section above). While the planting schedule offers some biodiversity benefits, it cannot directly mitigate the habitat lost on-site. The Redmayne site is on a designated green corridor and the identified sites connect well with existing tree banks so the addition of trees on this site, and to a lesser extent the Horsford site, will provide some meaningful biodiversity benefits. By including

fruiting trees and hedging, the tree planting schedule has been updated to boost the biodiversity benefits following comments from the council's Landscape Architect and Natural Areas Officer.

169. The upcoming Environment Bill sets out a plan for how to protect and improve the natural environment and includes a requirement for developments to demonstrate that they can achieve a 10% net gain in biodiversity. At the time of writing, the Bill has not been brought into law, and is currently at the committee stage at the House of Commons. The emerging Greater Norwich Local Plan indicates that this biodiversity net gain (BNG) will soon be a requirement within local policy. As such, it is considered reasonable to use BNG as a tool to indicate the possible biodiversity impacts of this development. The tool is currently in a crude form and the applicant acknowledges that it has a number of limitations, including the necessary assumptions which have to be made. Due to these limitations and assumptions, the applicant's ecologist has responded to several queries from the council's Natural Areas Officer, and the resultant agreed figure is a 10% biodiversity net gain on-site, with further biodiversity enhancements being delivered via tree planting within the city centre and at Redmayne and Horsford. The city centre tree planting will enhance local habitats and will likely benefit the same wildlife communities which currently use the site, while the planting at Redmayne and Horsford will have less of a direct benefit and will instead support different wildlife communities.
170. It should be noted that the council's natural areas officer maintained a strong objection to the previous application but is content that the current application satisfies national and local policies, as long as the tree planting is delivered.
171. In conclusion, it is considered that the loss of 12 trees will negatively impact upon local habitat but that the application includes a significant amount of habitat creation which adequately mitigates the loss.

### **Main Issue 3: Heritage**

172. The proposed development site is in a highly sensitive location in terms of buried archaeology, direct impact to listed buildings and the setting of historic buildings in the immediate vicinity and the wider setting of important historic buildings and spaces nearby. It should be noted that the existing refectory is of poor architectural quality and it contributes negatively to the surrounding heritage assets, albeit that it is relatively small and unassuming. Its removal would enhance the area, but any new development of this scale in this location is contentious and its impacts must be carefully managed.
173. The site is bounded on one side by the Grade II\* listed precinct wall at the point where this ancient boundary is at its most impressive and well preserved. The site is also in the centre of a group of historically and visually related historic buildings all of high significance with Norwich Cathedral itself rising behind the Bishop's Palace which stands at the south side of the site. The Palace is Grade I listed and is a large L-plan multi-phase building containing mediaeval and post-medieval elements. The side facing the proposed development site is tall and imposing, to some degree reflecting Victorian alterations and extensions to the building. Adjacent to the Palace is the Bishop's Chapel, which dates from 1661-76 but was built in a gothic style incorporating windows with unusual tracery. It is listed at Grade II\*. The chapel stands at the southern end of the former site of

Bishop Salmon's Hall, while Bishop Salmon's Porch, the only remaining portion of a medieval hall is at the northern end in the present Bishop's garden behind a hedge. The Porch is a Scheduled Ancient Monument, as is the Bishop's Gate on the precinct wall which can also be seen across the proposed development site.

174. The proposals have a direct physical impact on the listed precinct wall. The significance of this heritage asset is largely derived from its role as a continuous barrier between the Cathedral Precinct at the rest of the city, so the insertion of a doorway undermines this significance. However, the harm has been kept to a minimum by using a small opening with modest materials and simple details. The area posed for demolition shows signs of previous disturbance, which makes this an appropriate place for the opening to be inserted. It is recommended that a detailed record of the wall is kept on the Historic Environment Record. Historic England and the council's design and conservation officer do not object to the scheme and the proposal for the insertion of the doorway is a result of their lengthy guidance. Currently, the inside of the precinct wall cannot currently be accessed or viewed. The proposed development reveals views of the inside of the wall along the length of the teaching block, and as such its significance is better revealed and its setting is enhanced in some ways. The proposals amount to less than substantial harm as set out in the National Planning Policy Framework (NPPF). Paragraph 196 of the NPPF states that local planning authorities should weigh this harm against the public benefits of the proposal. In this case the public benefits include the provision of educational facilities, the availability of the space to community users and the opening up of views to other heritage assets (the Bishop's Palace and Norwich Cathedral).
175. Historic England have noted within their comments that they would have preferred additional intrusive investigations of the precinct wall to have taken place prior to the submission of the application, but deferred judgement on this to Historic Environment Services, who are satisfied with the level of detail supplied at this stage.
176. The loss of trees and the erection of buildings in this location also impacts on the setting of various other heritage assets. The impact on key heritage assets is assessed below.

### ***Bishop's Palace***

177. The principal effect on the setting of the Bishop's Palace will result from the reduced spatial separation currently afforded between the Palace and the existing refectory, alongside the loss of trees within its setting and the depth of views currently available from the grounds of the Bishop's Palace. The proposed refectory will push built form towards the northern elevation and reduce the level of historic open space as well as change the nature of available views to and from the Palace. The Oak tree which is proposed to be planted within the formal lawn would return a small amount of greenery to the views of the Palace (and the Cathedral, behind) from beyond the precinct wall.
178. However, the proposed scheme has been developed with significant input from council officers and Historic England and it is considered that its resultant design causes a low level of harm to the Palace and forms an intentional relationship with this important heritage asset. The new refectory will directly face towards the Bishop's Palace to create a strong mutually supporting interface. The proposed



landscape design has also been developed to improve the quality of space between the two buildings, as well as views between and towards each of the principal buildings – proposed and existing. The use of a single storey building will also ensure that the primacy of the Palace is not undermined. The teaching block has been located to the far north-western corner of the application site. This ensures that it relates more closely to the adjacent school buildings to its immediate west and reduces the potential effects of its height on the Bishop's Palace. Its location here also ensures that the negative effects on the setting of the Palace created by the presence of Centenary House outside the precinct on the opposite side of Palace Street are partially reduced by introducing a more sympathetic architectural intervention into views out of the application site. As the proposed buildings are also located to provide sufficient separation between them and the Palace the principal elevations from which the Palace's architectural interest can be appreciated and understood are largely sustained.

179. The proposals will therefore cause less than substantial harm to the significance of this heritage asset.

#### ***Bishop's Salmons Porch***

180. The siting of the new dining hall approximately 26m to the west of this heritage asset would be harmful, especially since its significance is derived somewhat from its association with the Bishop's Palace. The dining hall would interrupt views between the two assets, but it has been designed so as not to block them entirely. The proposals will therefore cause less than substantial harm to the significance of this heritage asset.

#### ***Bishop's Chapel***

181. Views of this heritage asset from the Bishop's Gardens will be affected by the construction of the refectory, but this harm is limited by the single storey height of the proposals and the use of a green wall along this elevation. The proposals are considered to cause less than substantial harm to the significance of this heritage asset.

#### ***Norwich Cathedral***

182. The Cathedral is separated from the application site by the Bishop's Palace but given its height and mass it is visible from within the site and forms one of the city's most prominent landmarks. Given its status as a landmark, the Cathedral's setting contributes greatly to the asset's significance. The felling of 12 trees on the application site and the development of the refectory and teaching block would change views of the Cathedral from Whitefriars and Palace Street. While the loss of trees would open up views of the Cathedral spire, it is considered that the existing trees contribute positively to this view but that the proposed development would be narrowly visible in this view and would provide a neutral contribution. The trees offer interest, richness and depth to this view, the loss of which would cause less than substantial harm to the significance of the heritage asset. The Oak tree which is proposed to be planted within the formal lawn would return a small amount of greenery to the views of the Cathedral from beyond the precinct wall.

### ***City Centre Conservation Area***

183. Since the kitchen and refectory are designed to be low and barely visible over the precinct wall, the impacts of the proposals on the wider conservation area are largely attributed to the loss of the trees and the construction of the teaching block.
184. Grouped with the highway trees to the north of the wall, the trees on the application site are identified as 'Important trees' within the Cathedral Close Character Area Appraisal. Despite being beyond the precinct wall, by virtue of their height and density, the trees add considerable interest to the street scene. The greenery can be seen from many angles and contributes to the softness of Palace Street, which would otherwise be quite a hard and imposing environment. The loss of the trees would cause less than substantial harm to the conservation area. The Oak tree which is proposed to be planted within the formal lawn would return a small amount of greenery to this view. Further, the other 20 trees proposed for the site itself and the 62 trees proposed for elsewhere in the City Centre Conservation Area would add to the greenery of the area. Most of the trees are proposed within existing groups or belts of trees, so the visual impact would be limited upon planting, but would offer some enhancement to the leafiness of the City Centre Conservation Area over time.
185. The first floor of the teaching block would be visible over the precinct wall, alongside the first and second floors of some of other school buildings. There is considerable historic precedent to development lining the inside of the precinct wall in this way, and the teaching block has been treated in contextual materials and in a modest way that does not detract from the street scene.
186. Overall, it is considered that the proposals cause less than substantial harm to the conservation area.

### ***Buried archaeology***

187. The site has significant potential for holding archaeological deposits, and the applicant's archaeological assessment notes that assets are likely to be found dating from the prehistoric period, Middle to Late Saxon and Late Medieval, of potentially regional significance. The site appears to have remained largely open ground since its integration into the precinct of Norwich Cathedral in about 1318, although the northern range of the Bishop's Palace appears to have extended into the site's north-eastern side. Historical map analysis and the geophysical survey results have identified the alignment of former 19th century garden features and carriageways of negligible significance. Due to the level of interference that the proposed piling would have with ground deposits, there will be a requirement for archaeological excavation and recording. Two archaeological trenches have been dug, investigated and the results are recorded within this application. Additional ground investigation was not possible at this stage due to the presence of tree roots and Historic Environment Services have confirmed that they are happy for further investigations to take place after consent is granted.

### ***Heritage conclusion***

188. In conclusion, the proposals cause less than substantial harm to a number of designated heritage assets and so the National Planning Policy Framework requires clear and convincing justification for such harm and requires the public benefits of the scheme to be weighed up against the harm. This balancing exercise is carried out within the concluding section of this report.

### **Main Issue 4: Design**

189. The existing refectory has no architectural merit and its loss is not objectionable.

190. The scale of the development is determined by the size of facility the school requires. A development of this scale on this tightly constrained and historically sensitive site requires very careful design.

191. Taking the teaching block first, it has been designed to hug the inside of the precinct wall following the pattern established by earlier developments. This is the part of the site which is capable of taking extra height. The teaching block stands at 2 storeys tall, alongside 2 and 3 storey school buildings and opposite a 3-storey office building (Centenary House). The teaching block is designed to have a very low pitched roof in order that it wouldn't be visible from ground level. The building has simple modern detailing with traditional materials (buff brick walls & lead effect roof). When viewed from Palace Street, the overall analysis of the teaching block is a subservient and elegant building which would enhance the street scene. Historic England has noted that the building will conceal the end of the Fleming Building adjacent, which has a rather bland elevation.

192. When viewed from within the application site, the teaching block has a colonnade on the ground floor and a consistent rhythm of windows above. The building has a modest modern appearance appropriate for its setting.

193. The refectory building has a much larger footprint but a lower height than the teaching block. It will have minimal impact on the street scene, being almost impossible to view over the precinct wall. From within the site, however, the refectory has a striking appearance with tall vertical windows with deep reveals fronting the Bishop's Palace. The building is to be built of reconstituted stone and have a lead-effect roof, reflecting the ecclesiastical architecture around the site. Compared to the highly detailed and diverse architecture of the Bishops Palace, the refectory will appear very simple and clean appearance so as not to detract from the prominence that the more elaborate Bishops Palace has.

194. The two blocks would each have their own distinctive architectural style, but matching materials would tie the development together. This comprehensive and high-quality design approach is considered the only acceptable way to design a development in such a sensitive location.

195. The simplicity and lack of clutter on these buildings are key to their acceptability, and as such the applicants have designated areas for plant, machinery and ventilation equipment that avoids the need for any rooftop plant. A condition is recommended which would require the applicants to agree any plant with the council prior to installation.

196. The refectory building is separated from the Palace by a formal lawn, replicating the gardens which appear to have previously occupied the site. The whole approach to the site from the school gates is set for re-landscaping to enable better use of the school's limited outside space, and to provide additional planting. It is considered that the open space created by the proposals is of a higher quality, than that which is lost, in terms of the ability for students and outside users to enjoy the space. A full landscape plan would be requested by condition.
197. In conclusion, it is considered that the design of the proposals is exceptional, as is necessary on such a sensitive site.

## **Other matters**

### ***Phasing***

198. In order to allow continuous operation of the school's dining facilities, the applicant is proposing a phased approach to development. Essentially this involves the new refectory being built before the current one (on the site of the proposed teaching block) is entirely demolished. The detailed phasing plan is set out below.
199. Phase 1A would be the felling of the trees and carrying out of the archaeological ground investigations on the eastern part of the site; Phase 1B would be the part demolition of the existing refectory building; Phase 1C would be the construction of the refectory building along with landscaping works between this building and the Palace; Phase 2A would commence once the new refectory was operational and would involve the demolition of the existing refectory and the carrying out of archaeological ground investigations on this part of the site; Phase 2B would be the construction of the teaching block; and finally Phase 2C would be the remaining landscaping works to the south of the site.
200. It should be noted that a legal agreement would require all of the off-site planting (within the Cathedral Close and the Great Hospital sites, and at Redmayne and Horsford) to be completed prior to the felling of any trees on the site (Phase 1A).

### ***Transport & traffic movements***

201. The site is in an accessible city centre location. The proposals do not provide for an increase in student or staff numbers and therefore there is no need to provide additional cycle or car parking. The insertion of a doorway in the precinct wall allows deliveries and refuse collections to be made from the loading bay on Palace Street. This, along with the removal of on-site car parking, would reduce the amount of traffic using Tombland and entering The Close via the Erpingham and Ethelbert gates.
202. As noted by the Fire and Rescue Service, since the site does not allow access to emergency vehicles, a fire suppression submission will be required by building control.
203. A construction method statement is required to manage traffic and construction activities. Works are required within the highway to make some small changes to the pavement configuration and to allow coaches to stop in the current loading bay.

### ***Amenity***

204. The proposals do not create any significant amenity impacts. A noise impact assessment has been submitted as part of the application but given the lack of residential neighbours (the closest being the Bishops House and gardener's residence), and the anticipated use of the school facilities, it is not considered necessary to restrict the hours of use or installation of amplification equipment. There are no significant impacts on loss of light, outlook or privacy.

### ***Refuse storage and servicing***

205. Refuse storage is at the rear of the kitchen, close to the proposed doorway through the precinct wall. Private refuse collections would be made via the new doorway, with refuse vehicles stopping in the loading bay on Palace Street. This is considered acceptable.

### ***Energy efficiency***

206. The applicant is proposing air source heat pumps to generate hot water for the development. The applicant's energy statement calculates that this will generate 12% of the development's energy requirements, which satisfies the 10% required by local policy.

### ***Water efficiency***

207. Details of water efficient fittings have been submitted with the application, satisfying local requirements.

### ***Sustainable urban drainage***

208. It is not considered appropriate to use point infiltration drainage as the primary method for the disposal of surface water due to risk of dissolution feature, soil contaminant mobilisation and archaeology. As there is no watercourse nearby the only feasible approach for discharging surface water is to connect into the Anglian Water surface water sewer to the north of the site.
209. In order to achieve a controlled discharge rate to the sewer, approximating 2l/s to replicate greenfield run-off rates and provide betterment over the existing situation, a significant volume of surface water attenuation storage is required. This will be provided within a sustainable drainage system (SuDS). It is proposed that this will comprise a blue/green roof over dedicated areas of the building.

### ***Contaminated land***

210. Acceptable subject to conditions relating to the monitoring of contamination as recommended by the council's environmental protection officer.

### **Equalities and diversity issues**

211. The application does not raise any significant equality or diversity issues.

## **S106 Obligations**

212. As set out in the final paragraphs of the tree section, above, the applicant has agreed to enter into a Section 106 agreement with the council to secure the planting and long term maintenance of the trees proposed for the Cathedral Close, Great Hospital, Redmayne and Horsford sites. The legal agreement will require:
- (a) The planting of all 750 off-site trees at Redmayne, Horsford, The Close and The Great Hospital prior to the felling of any of the trees on the application site.
  - (b) Intensive maintenance of the trees for a period of 5 years.
  - (c) Annual check-ups and maintenance for each tree for a further 10 years.
  - (d) No trees to be felled for a further 25 years.
213. This essentially ensures that the trees will be retained for a minimum of 40 years from the date the development commences. The maximum lifespan of the trees on the application site is 40 years.
214. The legal agreement will need to be signed by Norwich City Council, the Norwich School, all landowners and Broadland District Council (as the enforcing authority for the Redmayne and Horsford sites). All parties have confirmed that they are willing to sign such an agreement.
215. Desktop utilities searches have been submitted for all off-site tree planting areas, with no conflicts having been identified. According to the best available data, the off-site planting can therefore be considered deliverable. If any unexpected constraints are encountered upon planting, the s106 will allow a small amount of flexibility to allow exact locations to be amended, whilst maintaining the numbers/species/broad locations.

## **Local finance considerations**

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

## **Conclusion**

217. The proposals involve the loss of designated open space and twelve valuable trees which would cause harm to the city's townscape, to biodiversity, and to the city's air quality and overall environment. The proposals also cause less than substantial harm to a number of highly graded heritage assets.

218. An application for full planning permission, 19/00403/F, which was for the same development with less replacement tree planting, was refused last year for the following reason:

*“The application involves the loss of twelve valuable trees from the city centre. The loss of these trees would lead to a significant impact on biodiversity and visual amenity which cannot be suitably compensated for via an off-site planting scheme such as that which is proposed. The proposals would also cause less than substantial harm to the conservation area. The council does not consider that that this less than substantial harm is sufficiently outweighed by the public benefits of the scheme proposed. The application is therefore contrary to policies DM1, DM3, DM6, DM7 and DM9 of the Norwich Development Management Policies 2014 and paragraphs 170, 175, 196 of the National Planning Policy Framework 2019.”*

219. The associated listed building consent application (19/00381/L) was refused since it could not be realised without the full application being approved.

220. The assessment which must now be made, is whether the reason for refusal is adequately addressed. Specifically, the issues to consider are impact upon “biodiversity”, “visual amenity” and “harm to the conservation area” resulting from the loss of the trees. The reason for refusal notes that the off-site planting scheme proposed within the previous application did not suitably compensate against these three issues.

221. This application still involves the loss of those 12 trees, but the compensation provided is an improvement upon the previous application.

222. Considering “biodiversity”, the tree planting and other biodiversity measures proposed on-site and in the immediate area offer clear and tangible benefits which have allowed the council’s natural areas officer to remove their objection.

223. Considering “visual amenity”, the on-site tree planting (specifically the Oak tree) offers a limited amount of greenery to the street scene, but ultimately this view would still be harmed through the loss of the 12 trees.

224. Considering the “harm to the conservation area”, there are some benefits to be had from the planting of 21 trees on-site and 62 in the surrounding area, but as is noted above, the views over the precinct wall would still be harmed through the loss of the 12 trees.

225. Overall, the compensatory tree planting strategy just about allows the issues raised within the previous reason for refusal to be overcome.

226. The school occupies a tightly constrained historic site and has demonstrated that these facilities are necessary for the school’s ongoing operation. A number of alternative sites have been explored but no suitable sites have been found. The proposed scheme would support the development of the school and secure community access to the facilities.

227. This is a complex application on a particularly difficult site. The proposals would involve the loss of 12 valuable trees and would cause less than substantial harm to a number of designated heritage assets. 688 of the 771 replacement trees are proposed to be planted off-site at some distance from the application site which

lessens their ability to compensate for the visual and environmental impacts of the development.

228. The proposals are accompanied by public benefits including the provision of improved educational facilities, the availability of the space to community users and the planting of 83 trees in the city centre and 688 elsewhere. In order for the scheme to be considered acceptable, it is essential that the replacement trees are secured via a legal agreement and that the community benefits of the scheme are secured via a suitably worded condition.
229. This is a finely balanced recommendation and it is sensitive to the weight placed on the compensatory planting scheme and the securing of wider access to the facilities in the new refectory. Notwithstanding these, the proposals result in the loss of a large tree in the city centre and will have a significant impact upon the character of the immediate townscape. On balance, however, given the number of trees now proposed on the site itself and in close proximity, officers feel able to recommend approval subject to the conditions listed below and to the completion of a Section 106 agreement to secure the compensatory planting.
230. In conclusion, it is the wider public benefit and the high standard of design which are considered to outweigh the harmful elements of the scheme.

## **Recommendation**

To:

- (1) **APPROVE** application no. 20/00809/L - Norwich School Refectory, The Close, Norwich, NR1 4DD and grant listed building consent subject to the following conditions:

1. Standard time limit
2. In accordance with plans
3. Details & materials to be agreed, including samples
4. Method of repointing and mortar mix to be agreed
5. Full photographic survey to be undertaken prior to the commencement of works
6. Programme of archaeological monitoring & recording to be agreed
7. Any damage made to the listed building shall be made good in accordance with a scheme first submitted to and agreed in writing by the local planning authority

## **Informative:**

1. Only these works permitted

## **Reason for approval:**

The proposed insertion of an opening in the Cathedral Precinct wall will result in less than substantial harm to the listed structure. The insertion of the opening within an area shown to have experienced some disturbance and the use of simple designs and materials lessens this harm. In accordance with paragraph 196 of the NPPF, this harm must be weighed against the potential public benefits of the proposals. In this case it is considered that the improved for the school and the wider community marginally outweigh this harm. The proposed works are therefore considered to comply with the



National Planning Policy Framework, policies 1 and 2 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk (March 2011) and policies DM1, DM3 and DM9 of the Norwich Development Management Policies Local Plan (December 2014)

- (2) **APPROVE** application no. 20/00808/F - Norwich School Refectory, The Close, Norwich, NR1 4DD and grant planning permission subject to the completion of a satisfactory legal agreement to include provision of:
- (a) The planting of all 750 off-site trees prior to the felling of any of the trees on the application site.
  - (b) Intensive maintenance of the trees for a period of 5 years.
  - (c) Annual check-ups and maintenance for each tree for a further 10 years.
  - (d) No trees to be felled for a further 25 years.

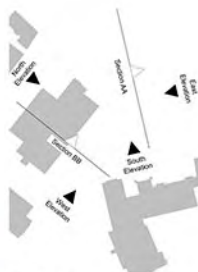
And subject to the following conditions:

1. Standard time limit.
2. In accordance with plans.
3. Details and materials to be agreed, including samples.
4. Letting schedule to be agreed (to include a list of dates when the buildings would be available for hire by external agencies and community groups; the types of agencies and groups that the spaces will be offered to; and a schedule of hire costs by agency type).
5. Landscaping details - detailed hard and soft landscape scheme for on-site works, including a lighting scheme to minimise disturbance to wildlife, and specification of green roof (to provide biodiversity benefits).
6. Works on site in accordance with AIA, AMS and TPP – soft felling of trees etc.
7. Protection of tree root areas.
8. Pre-construction site meeting between arborist and council's tree officer.
9. Biodiversity mitigation details to be agreed and installed prior to occupation - bat boxes, bird boxes, hedgehog nests.
10. No site clearance within bird nesting season.
11. Further bat survey if development does not commence within 2 years.
12. Biodiversity net gain to be monitored and reports available upon request.
13. Boundary treatments to include provision for small mammal access.
14. No commencement until TRO has been secured with highway authority and provisions put in place.
15. Refuse storage and collection arrangements to be agreed.
16. Archaeological written scheme of investigation to be agreed.
17. Construction method statement to be agreed, including reference to ecological protection measures.
18. No development shall take place within the site in pursuance of this permission until a scheme to deal with the risks associated with contamination of the site has been submitted to and approved by the council.
19. If, during development, contamination not previously identified is found to be present, then no further development shall be carried out in pursuance of this permission.
20. All imported topsoil and subsoil for use on the site shall be certified.

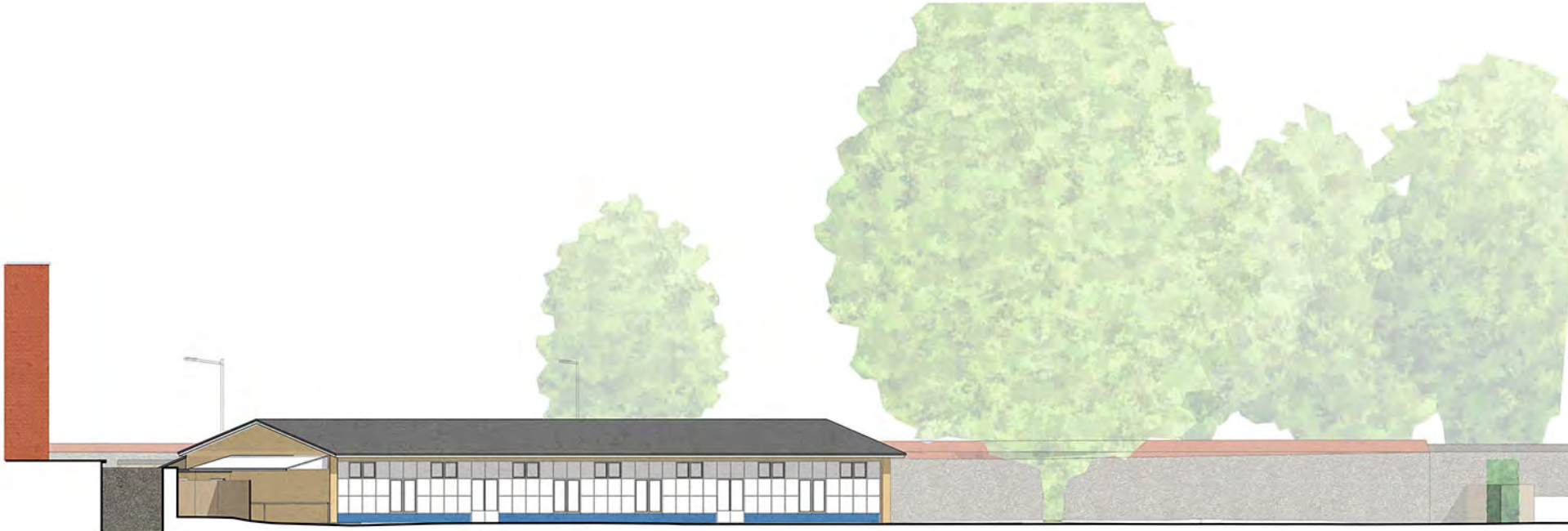
21. Security measures to be agreed prior to occupation including details of access routes and restrictions, CCTV and external lighting.
22. Heritage interpretation.
23. Development to comply with the submitted surface water drainage strategy.
24. Development to comply with the proposals for energy efficiency set out within the submitted energy statement.
25. Development to comply with the proposals for water efficiency set out within the submitted energy statement.
26. No plant and machinery to be installed without prior consent.

**Informatives:**

1. This permission is subject to a planning obligation entered into under legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990, as amended
2. Traffic Regulation Order (TRO) to be funded by the applicant. Works to the highway cannot take place without consent.
3. Anglian Water has assets close to or crossing the site
4. A Landscape Management Plan will be expected to set out the overall objectives of a landscape scheme and the steps including legal arrangements including ownership and management responsibilities, planned maintenance tasks, phased works, monitoring procedures
5. Asbestos should be handled and disposed of as per current Government guidelines and regulations
6. Clearance of the site should have due regard to the need to minimise the impact on wildlife
7. Archaeological brief to be provided by Historic Environment Services



Key Plan



South Elevation



East Elevation

Rev	Iss	Date	Revision

Scale 1:100

**lsi**  
ARCHITECTS

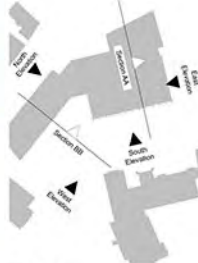
**NORWICH**  
 The Old Oak Hall  
 225, Lamb Market Street  
 Norwich NR1 3DT  
 +44(0)1603 809711

**LONDON**  
 Floor 2  
 89 St Crosswell Road  
 London EC1M 3PS  
 +44(0)20 774 1788  
[www.lsiarchitects.co.uk](http://www.lsiarchitects.co.uk)

Client: Norwich School  
 Project: Palace Lawn Redevelopment Proposals  
 Title: Existing General Arrangement Elevations  
 Sheet 01

Scale	@ A1	Date	Drawn
1:100		14.08.2018	DO

Revisibility	Purpose of issue	Rev
S2	Issued for Planning	P03
15191-LSI-PLD-ZZ-DR-A-1250		



Key Plan



West Elevation

Proposed signature Oak tree  
 (shown circa 10.5m at planting)



North Elevation

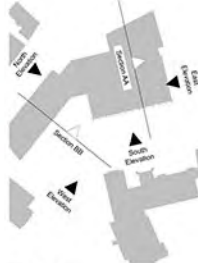
Rev	Iss	Date	Revision
1			

**lsi**  
 ARCHITECTS  
 NORWICH  
 The Old Oak Hall  
 215, South Market Street  
 Norwich NR1 3DT  
 +44(0)1603 809711  
 LONDON  
 Floor 2  
 80 St Crossroad Road  
 London EC1M 8PS  
 +44(0)20 774 1788  
 www.lsiarchitects.co.uk

Client: Norwich School  
 Project: Palace Lawn Redevelopment Proposals  
 Title: PLANNING Proposed Elevations (WIN)

Scale	Sheet	Date	Drawn
1:100	S2	11/03/2020	DO

Reliability	Purpose of issue	Issue No.	Rev.
S2	Issued for Planning	15191-LSI-PLD-ZZ-DR-A-1014	P01



Key Plan



South Elevation

Proposed signature Oak tree  
 (shown circa 10.5m at planting)



East Elevation

Rev	Iss	Date	Revision

Scale 1:100

**lsi**  
ARCHITECTS

**NORWICH**  
 The Old Oak Hall  
 225, South Market Street  
 Norwich NR1 3DT  
 +44(0)1603 809711

**LONDON**  
 Plot 2  
 89 St Crossland Road  
 London EC1M 7PS  
 +44(0)20 774 1788  
[www.lsiarchitects.co.uk](http://www.lsiarchitects.co.uk)

Client: Norwich School  
 Project: Palace Lawn Redevelopment Proposals  
 Title: PLANNING Proposed Elevations (SE)

Scale @ A1	Date	Drawn
1:100	11/03/2020	DO

Revisibility	Purpose of issue
S2	Issued for Planning

Number	Rev
15191-LSI-PLD-ZZ-DR-A-1013	P01



LSI Ref: 151914-S&PLD-00-DR-A-1004  
 15/03/2020 - 15/03/2020  
 The copyright of this drawing remains with LSI Architects. Design  
 and/or construction is not to be undertaken without the written consent  
 of LSI Architects. All rights reserved.  
 Drawing to be read in conjunction with the project specification.  
 Do not scale from this drawing for construction purposes.



**lsi**  
 ARCHITECTS  
 102 Old Street  
 25 Old Bailey  
 London EC1A 3DF  
 Tel: +44 (0)20 7460 1111  
 Fax: +44 (0)20 7460 1112  
 www.lsiarchitects.co.uk

Client: Norwich School  
 Project: Palace Lane Redevelopment Proposals  
 Title: PLANNING  
 Existing Ground Floor Plan

Scale: A4	Date: 15/03/2020	Drawn: DD
Author: BD	Project: Palace Lane	Issued for: Planning
Number: 151914-S&PLD-00-DR-A-1004		Revision: P01

LSI Ref: 15191LSLPLD00DRA-1001  
The copyright of this design remains with LSI Architects Design Ltd and may not be reproduced without their prior written consent. All rights reserved. This drawing is the property of LSI Architects Design Ltd. Any reproduction without their prior written consent is prohibited. Drawing to be used in conjunction with the project specification. Do not scale from this drawing for constructional purposes.

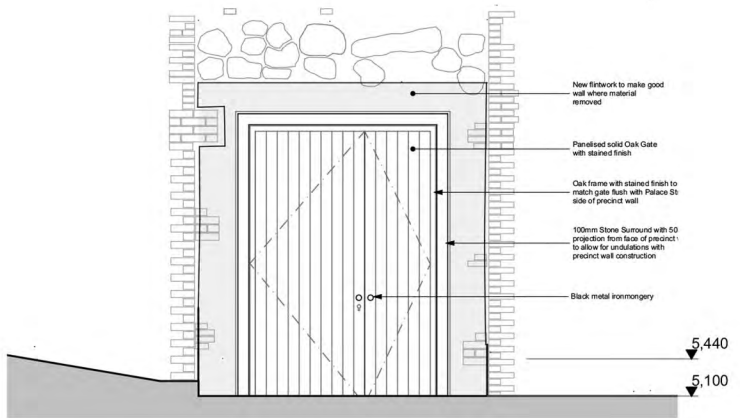
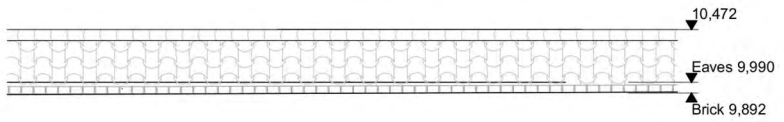


Client: Norwich School  
Project: Norwich School Learning Resource Centre  
Type: PLANNING  
Site Plan - Proposed

Drawn By	Date	Drawn
S2	10/02/2020	JRS

Quantity: 1  
Issued for Comment

15191LSLPLD00DRA-1003 | P01



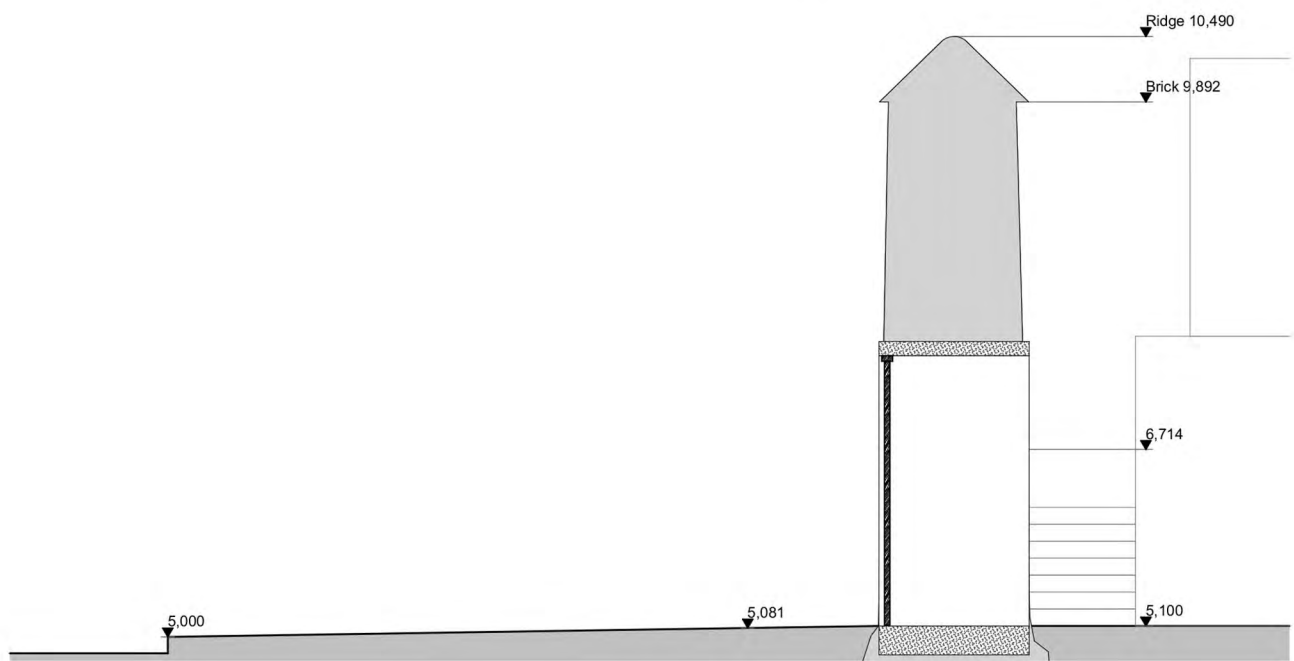
North Elevation (Part)

Refer to Fig 21 within Oxford Archaeology's 'Archaeological Evaluation and Photographic Building Survey Report'



Feature 15

South Elevation (Part)



Section AA

Rev	Int	Date	Revision

Scale 1:50

**lsi** ARCHITECTS

NORWICH  
 The Old Dairy Hall  
 23A Castle Meadow Street  
 Norwich NR1 3DY  
 +44(0)1603 800111

LONDON  
 Floor 2  
 50-54 Carknowell Road  
 London EC1A 9PS  
 +44(0)20 7278 1739  
 www.lsiarchitects.co.uk

Client  
 Norwich School  
 Project  
 Palace Lawn Redevelopment Proposals  
 Title  
 Listed Building Application  
 Precinct Wall - Elevations [Proposed]

Scale @ A3 1:50	Date 28.09.2018	Drawn MC
Subsity S2	Purpose of issue Issued for Planning	Rev POS
Identifier 15191-LSI-PLD-00-DR-A-1384		

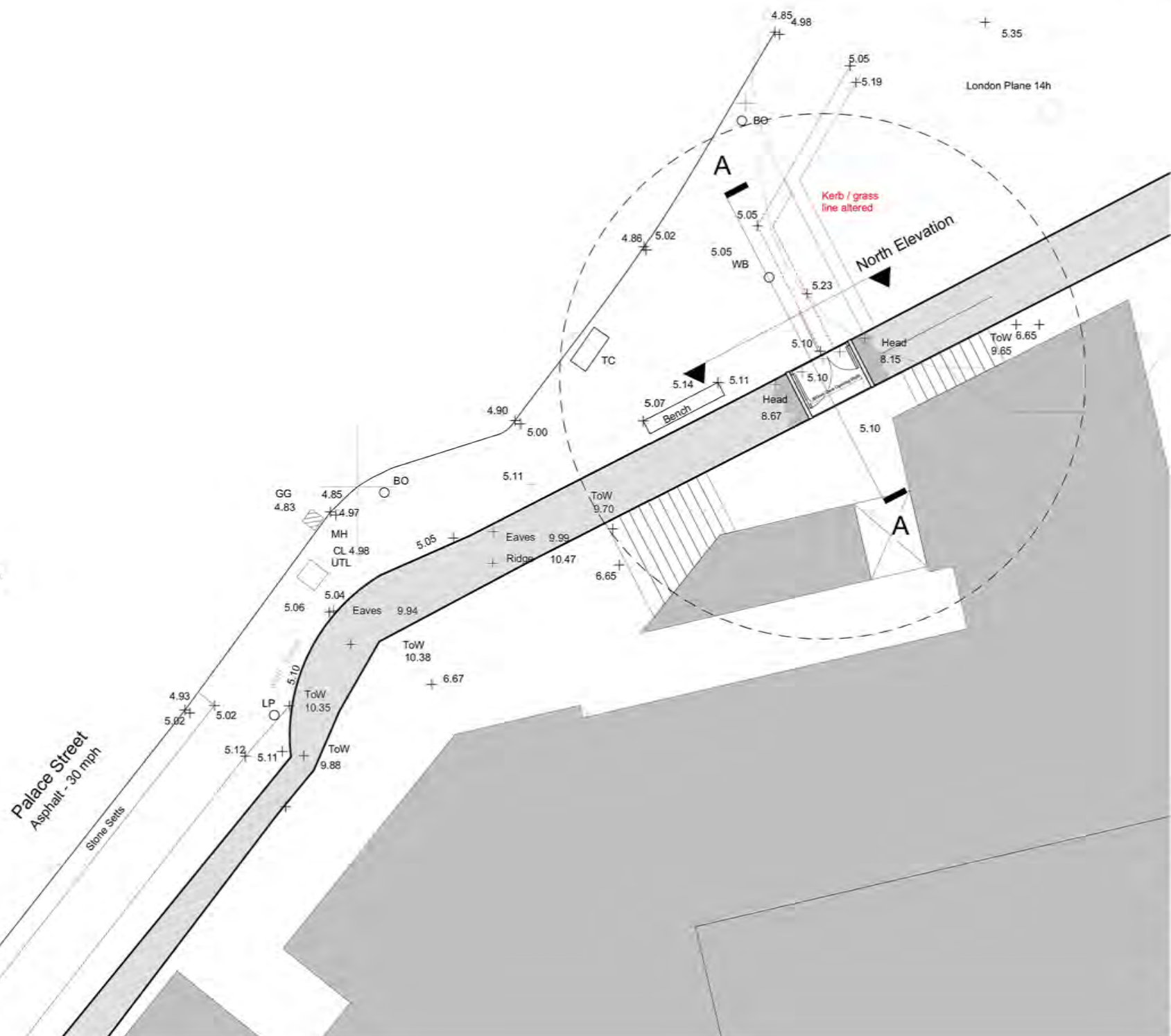




Palace Street  
 Asphalt - 30 mph  
 Stone Setts

London Plane 14h

North Elevation  
 Kerb / grass  
 line altered



Rev	Iss	Date	Description
1			

**lsi**  
 ARCHITECTS

15191-LSI-PLD-00-DR-A-001  
 15191 - Palace Lawn - 200 - 2016 - 2017  
 www.lsiarchitects.co.uk

Client: Norwich School  
 Project: Palace Lawn Redevelopment Proposals  
 Title: Listed Building Application  
 Project West - Plan (Proposed)

Scale @ A1	Date	Drawn
1:50	28.09.2016	MC

Subsidiary	Version of Issue
S2	Issued for Planning

15191-LSI-PLD-00-DR-A-1383 1/3