



NORWICH
City Council

Planning applications committee

Date: Thursday, 10 January 2019

Time: 09:30

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

Committee members:

Councillors:

Driver (chair)

Maxwell (vice chair)

Bradford

Button

Henderson

Malik

Peek

Raby

Ryan

Sands (M)

Stutely

Trevor

Wright

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Democratic services

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Agenda

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1 Apologies

To receive apologies for absence

2 Declarations of interest

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

3 Minutes

To approve the accuracy of the minutes of the meetings on 6 December 2018 and 13 December 2018.

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4 Planning applications

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

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

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

Please note:

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

Summary of planning applications for consideration **21 - 22**

Standing duties **23 - 24**

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4(b) Application no 18/01524/F - Mary Chapman Court, Norwich **49 - 88**

4(c)	Application no 18/01377/VC - 174 Aylsham Road, Norwich NR3 2HJ	89 - 98
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	Application no 18/01430/F - 373 Bowthorpe Road, Norwich, NR5 8AG	149 - 158
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Date of publication: **Wednesday, 02 January 2019**

Planning applications committee
9:40 to 16:00
6 December 2018

Present: Councillors Driver (chair), Maxwell (vice chair), Bradford, Button, Malik, Peek, Raby, Ryan, Sands (M), Stutely, Trevor and Wright

Apologies: Councillors Henderson

1. Chair's announcements

The chair explained the procedures for the meeting to consider Application no 18/00330/F - Anglia Square which had been submitted by Weston Homes and Columbia-Threadneedle. He introduced the members of the committee, the head of planning and senior planner, who would be presenting the report, and the other officers available to answer specific questions, together with the district valuer and the deputy monitoring officer. Notice was given that the meeting was being filmed and recorded.

2. Declarations of interest

Councillor Stutely declared an other interest in item 3 (below), Application no 18/00330/F - Anglia Square including land and buildings to the North and West Norwich, because his website design company hosted a website for a community group website on a paid basis. As host he had no control or interest in the content of the group's website.

Councillor Raby declared an other interest in item 3(below), Application no 18/00330/F - Anglia Square including land and buildings to the North and West Norwich, as a member of the Norwich Society, but had not participated in the Society's response to the planning consultation and was a director of the Norwich Preservation Trust which had specific interests in historic sites.

3. Application no 18/00330/F - Anglia Square including land and buildings to the North and West Norwich

The head of planning services introduced the report and thanked everyone who had engaged in the planning process. He explained that the committee could approve the application but that it was subject to a possible call-in from the Secretary of State if approved and a decision notice could not be granted until that process was complete. If the committee were to refuse the application then a formal notice of refusal could be issued within a few days.

The senior planner referred to the supplementary report of updates to the report, which was circulated at the meeting. This contained: a summary of 10 further letters of objection referring to issues already addressed in the main report; a letter

concerned about the loss of trees and the officer response, and a representation in support of the application. The report also included a further condition to restrict no more than 75 per cent of residential parking spaces in Block A to be used by residents of that block. The senior planner also said a further letter had been received overnight from the Norfolk Branch of the Campaign to Protect Rural England (CPRE) restating its objection. The senior planner explained that the objection from the CPRE was included within the summary of representations (set out in paragraph 37 of the main report) and she clarified that an objection from this body had been received.

The senior planner presented the report with the aid of plans and slides. The head of planning services referred to paragraph 570 of the report and explained that the statement that “no weight” be attached to the viability was erroneous. The statement related to the potential Housing Infrastructure Funding alone and not to other financial considerations. The head of planning then presented the Conclusions and Striking Balance section of the report.

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

A total of 17 objectors addressed the committee and outlined their objections to the proposed scheme. The Cathedral, Magdalen and St Augustine’s Forum, Historic England and the Norwich Society were included in these speakers. The other speakers ranged from residents and people who worked in the area; two former city councillors; a former MP, and the chair of the Norwich Conservative Federation. The speakers called on the committee to refuse the application. The issues raised included: concern about the impact of the development on the thriving artistic and creative community and local businesses that would need to be relocated because of the development which was considered contrary to the council’s 2040 Vision to encourage social enterprise and entrepreneurs; that there should be more affordable housing; that 3 bedroom family homes were needed rather than 1 or 2 bedroom apartments; that the proposals for the tower and multi-storey blocks were overbearing and too dense for the site and would be detrimental to the historic setting of the city; that the tower was out of keeping for Norwich and could set a precedent for other applications across the city; that the city had a relatively low skyline and that the massing of this development was out of scale in relation to other developments in the city; that the visual impact of the tower would adversely affect the view of the cathedral, castle and City Hall; concern about the scheme being delivered in its entirety in the current economic climate; that residential accommodation in tower blocks had been discredited in recent years and was considered detrimental to community cohesion; that the internal layout of the apartments were impractical to live in; that the access to the flats was unsatisfactory and would require going down long corridors with shopping and had no storage for buggies; that some flats were single aspect and could be dark; that there would be a wind tunnel effect between the blocks; concern that later phases of the development would be detrimental to the outlook of the earlier phases; that the proposed scheme was not the only viable alternative that could be considered for this site; that there was no economic case for this proposal; the development would destroy the vibrant and diverse community of Anglia Square; that the proposals would not improve the current Anglia Square and that a better proposal could come forward which reflected the historic nature of the city and neighbouring streets.

(The head of planning services interjected after the Norwich Society's representative had commented to explain that the officer report had been misquoted. He explained that the "indisputable truth" quoted from paragraph 369 of the report was a reference to the fact that the tower would help people orientate around the city rather than the tower being a requirement of the development as had been suggested.)

Councillors Smith and Schmierer, Mancroft ward councillors, addressed the committee and spoke against the proposal. Councillor Smith said that Anglia Square currently met the needs of the local community as a social hub and trading centre and that the proposed scheme, with its high rise flats, would diminish the community. She also questioned the viability of the scheme without public funding and the risk that later phases of the development would not be completed and whether the proposed car parking arrangements would work. Councillor Schmierer strongly objected to the proposed scheme which he considered to be contrary to local planning policies and harmful to the historic character of the city, and said that there needed to be redevelopment of the site but that a scheme which met the needs of local residents was what Norwich deserved.

A representative of Surrey Chapel spoke in support of the application which would provide a replacement building for the chapel to use for worship and its community activities; and which he considered to be a unique opportunity to regenerate the city.

(The committee adjourned for lunch at this point. The committee reconvened at 13:30 with all members listed above as present.)

The vice chair of the Magdalen Street Area and Anglia Square Traders Association spoke in support of the application. He pointed out that the multi-storey car park had not been operational for several years. Anglia Square, and its low cost retail offer, would cease to exist without redevelopment.

A representative of Columbia Threadneedle commented in support of the application, which was the culmination of 4 years work with its partners, Weston Homes, the city council and stakeholders. He said that the mixed use district centre and new homes would benefit the local community. The public squares and cafes strategically placed would attract independent retailers as well as national or multi-national retailers. The phasing of the development would mean that the artists currently in Gildencroft would not need to be relocated for as long as possible. There would be the least possible disruption for traders during the construction. There was an opportunity to use the land under the flyover with pop up stores to ensure vibrancy during the works. Columbia Threadneedle and Weston Homes had a shared vision and he confirmed that the scheme was deliverable.

The chairman and managing director of Weston Homes referred to the company's reputation for delivering difficult schemes in the south east of England. He outlined elements of the scheme which would open up the site, provide better links to the town centre and remove the undercroft levelling out the ground level. He referred to the viability of the scheme which had been assessed by the district valuer and Homes England. He explained the phasing for the delivery of the scheme which included moving 4 electricity substations and would include the whole site to ensure that car parking was available throughout. He confirmed that there would be lifts available in all residential properties with more than two storeys and that there would be CCTV and sprinklers in all apartments. There were no single aspect apartments

facing north. The development would provide an opportunity for construction jobs in the Norwich area and would include training opportunities. (The chairman also referred to a poll in the local press.)

The head of planning and the senior planner referred to the report and responded to the issues raised by the speakers. It was not proposed to redevelop Gildencroft until the 4th stage of the development. This would give the artists and opportunity to look for alternative work spaces. There were a number of units in the development which were suitable for a wide range of uses including B1, small scale studios or creative workspaces. In relation to comments that the massing would create a fortress effect, the senior planner commented that the proposal would improve the permeability of the site, with routes north/south (providing a new link into the city centre) and east/west through the site, with clear views and wide pavements and remove the overhanging structures. The squares would be in public use during the daytime and evening and the entry points would be wide, safe and inviting.

The head of planning services displayed slides demonstrating the visual impact of the proposed development from various viewpoints across the city. He said that in his judgement the benefits of the scheme had been played down by some of the respondents in respect of the impact to heritage assets. In relation to concern that the tower would set a precedent in the city, the head of planning services said that each application was considered on its own merit. He considered that the refurbished Westlegate Tower and the new student accommodation blocks at All Saints Green and Queens Road had contributed to the skyline of the urban environment and that these had been the decision that members of the committee had made, notwithstanding objections. The senior planner responded to the issues about liveability and said that not all apartments were single aspect and some but not all apartments were accessed by long corridors depending on location. There were some clusters of smaller groupings of apartments. All dwellings met national space standards and had access to outside amenity space or roof gardens. The scheme would increase vibrancy as future residents could walk into the city and shop locally. The head of planning services said that the proposal did meet local housing needs. There was demand for 1 to 2 bedroom flats to meet the needs of the general population with a good coexistence of professional and older people. The senior development officer (strategic housing) confirmed that there was an overwhelming need for 1 bedroom dwellings with 647 registered in the NR3 post code area. The head of planning services referred to the issue of risk of non-completion and said that it would take several years to build out the scheme. The council had applied for a grant from the Housing Infrastructure Fund (HIF) to help the deliverability and cash flow of the development. The private sector developer took the risk but would not take this without some prospect of financial return. Compulsory purchase of the site had been considered but the council did not have the finance or skills to take this risk and as such it might fail. Finally the head of planning services referred to the chairman and managing director's comments about the poll in the local press and advised members that this was not a material planning consideration.

The head of planning services and the senior planner referred to the report and the presentation and answered members' questions.

Members sought confirmation that that external cladding would conform to Building Regulations and noted that the applicant had and that the applicant had a policy of

fitting sprinklers to all dwellings over two storeys high. The senior planner confirmed that all apartments met minimum space standards. The commencement of the scheme could be in the late summer or autumn 2019 but this would depend on the length of time that the call-in by the Secretary of State took. There would be a very detailed construction management plan in place. Members also sought reassurance about the retail aspects of the development. A member also asked about archaeological surveys and was advised that it was not anticipated that there would be any significant findings that would cause substantial delay. In response to a member's suggestion that energy statement could be more ambitious, the senior planner explained that the energy efficiency exceeded minimum policy requirements and that district heating schemes had been considered by the applicants but had been discounted because these had proven problematic elsewhere.

The head of planning services answered a number of detailed questions on the viability of the scheme and developer contributions. The majority of dwellings were flats, with a few town houses. To do otherwise would likely mean that densities would be insufficient to overcome the infrastructure problems for developing this site. Members were advised that the consideration of Community Infrastructure Levy (CIL) exceptional circumstances relief (ECR) was a separate issue and not part of this planning application. The policy on CIL ECR agreed at council on 27 November 2018 was not specific to this application and members of the committee who had voted at council were not predetermined when an application for CIL ECR was considered at committee. It was the officers' view that the development would not overload the local infrastructure and that the doctor's surgery and school would have capacity for the additional need from the development. Affordable housing and the green infrastructure contribution would be secured through the S106 agreement. In reply to another member of the committee, the senior planner said the doctors' surgery was relocating irrespective of the outcome of this planning application and had the capacity for future residents from the development. There was no justification to seek funding through the application. The head of planning services explained that the current policy for CIL excluded health provision and this would be considered the preparation of the emerging Greater Norwich Local Plan due for adoption in 2021. The senior planner said that there were several points during the construction of the scheme where viability and affordable housing provision would be reviewed.

In reply to a member's question, the district valuer answered questions about the viability assessment process. He said that the costs of delivery were low compared to benchmarks but that the applicant could make savings because of the scale of the project. No information was redacted from his viability assessment except officer contact details in line with Civil Service practice.

For clarification, the senior development officer (strategic housing) reiterated the statistics for housing need that she had quoted earlier in the meeting. She explained that there were 4,000 people on the council housing list in total and that 2,500 required 1 bedroom flats. In the NR3 postcode, there were 647 people requiring 1 bedroom flats.

The principal planner (transport) answered questions on the proposals for highways improvements which would assist bus operators and passengers going to Anglia Square and Magdalen Street. Together with the head of planning and senior planner, he confirmed that the public car parking spaces should not exceed the

target for the city as a whole because this scheme replaced an existing multi-storey car park and level surface car park and other temporary car parks elsewhere in the city would cease to operate during the phasing of the development.

In reply to a question the head of planning services confirmed that there was potential to provide council homes on nearby sites, including surface car parks in the council's ownership and this potential had been recognised in the council's bid for HIF funding. The regeneration of Anglia Square would generate confidence in the market.

In response to further questioning from members, the head of planning services and the senior planner explained that the Design Review Panel for the South East was a peer group that challenged emerging development proposals during the planning process. Changes had been made to the design proposed in response to the comments from the panel. However the comment that the density of the development was more suitable for a location such as central London was a matter of opinion.

In response to the impact on the heritage of the city, the head of planning services said that heritage must always be included in the assessment of a planning application. In his view the harm to the skyline of the city in these exceptional circumstances did not outweigh the benefits that this development would bring.

(The chair called for an adjournment on the completion of members' questions. The committee reconvened with all members above listed as present.)

The chair moved and the vice chair seconded the recommendations as set out in the report with the additional condition as set out in the supplementary report of updates to reports.

Discussion ensued in which several members commented on the application.

Those members who were minded to refuse the application stated their concerns about that design of the scheme. Members cited the lack of affordable housing which was below policy and concern about the viability of the scheme. A member considered that there were anomalies in the report and that objections to the scheme had not been adequately addressed. A member said that it was false to suggest that this was the only scheme that would come forward and that there could be something better. The scheme repeated errors in the original Anglia Square plan. A member commented on the transport and traffic impact of the scheme. Members also commented on the design, density and scale of the development and that they had taken into consideration the representations from the Norwich Society and Historic England.

Several members referred to the run-down state of Anglia Square and the benefits that regeneration of the area this scheme would bring to the area and the city as a whole. A member referred to the history of the site and said that it was better to accept 10 per cent affordable housing than to have no development on the site and achieve nothing. The scheme would provide an economic boost to the city. Members commented that Anglia Square had once been thriving but that had changed in recent years, exacerbated by the Stationery Office vacating Sovereign House. The design of the square had led to antisocial behaviour in its dark alley

ways. Anglia Square was considered a “blight” and in need of regeneration which would benefit the community and the city.

The chair moved and the vice chair seconded a procedural motion for a recorded vote and on being put to the vote it was carried.

RESOLVED, with 7 members voting in favour (Councillors Driver, Maxwell, Bradford, Button, Peek, Ryan, Sands) and 5 members voting against (Councillors Malik, Raby, Stutely, Trevor and Wright) to approve application no. 18/00330/F - Anglia Square, including land and buildings to the north and west, and, subject to the outcome of the referral of the application to the National Casework Unit, to grant planning permission, subject to the completion of a satisfactory legal agreement to include provision of affordable housing and matters listed in para. 565 and subject to the following conditions:

Detailed element - Block A and tower	
1	Standard timescale
2	In accordance with approved plans
3	No implementation of tower until approval of reserved matters for block E/F
4	Materials and detailed drawings - (a) external flues/vents; (b) external decoration and patterning to brickwork, render, joinery and metalwork; (c) external materials (e.g. bricks, metal cladding of the upper level and rooftop plant, window frames, doors, rainwater goods, balcony balustrades, car park ventilation panels, green vegetated walls) (d) brick bond and mortar;(e) large scale cross-sectional plans showing depth of window reveals, depth of recesses offering vertical subdivisions in the facade bays and the projection of balconies(e) shopfront components
5	Detailed landscape scheme - public realm and highway; Full details of hard and soft landscaping, (including play trail artistic elements and heritage interpretation) (prior to commencement of above ground construction works)
6	Public car park management Plan ; tariff; variable message signing, provision for disabled drivers and EVCPs (prior to commencement of that use)
7	Within 2months of first use of the MSCP the public (including contract) parking use of the surface level parking shall cease (this does not preclude the use of this parking for operational parking associated with the construction phase)
8	No more than 75% of residential parking spaces in block A shall be available for use by residents of that block.
Outline	
8	Time limit – Outline elements: access, layout, scale, external appearance,

	landscaping
9	Details outline – in accordance with details including parameter plans
10	Reserved matters to include –Blocks E/F and G/H parking monitoring data , Block B updated air quality assessment, Block G/H (formation of new access from St Crispins Road detailed AIA and AMS
All phases	
11	Maximum quantum - Housing - 1250, Flexible commercial – 11000sqm, Hotel – 11,350sqm Cinema – 3400sqm, sui-generis up to 250sqm; Public car park – 600 car spaces, 24 motorcycle spaces; Other parking maximum of 950 car parking spaces for Use Classes C1 / C3 / B1 / D1, (of which maximum of 40 spaces for C1/B1/D1)
12	In accordance with phasing plan or any other revised phasing plan agreed by the local planning authority
13	Prior to the commencement of any demolition works for each phase a demolition statement shall be submitted to and approved in writing by the local planning authority. The plan shall include a detailed methodology for the retention and protection of the retained frontages during the construction phase and be substantiated by a structural engineer's report. In the case of phase 1 the statement shall include works and arrangements in relation to 100 Magdalen Street
14	No demolition of Surrey chapel until practical completion of block C
15	No occupation of block E/F until demolition of Sovereign House
16	No demolition of 43-45 Pitt Street until a contract or sub-contract for carrying out the structural works of redevelopment on the site has been made and reserved matters approved for block E/F
17	Prior to the commencement of each phase submission and approval of Construction Traffic Management Plan and Access Route.
18	Details of highway scheme to be submitted and approved (prior above ground construction) i
19	Highway works to be completed in accordance with phasing plans to be submitted and approved
20	Edward Street Works to be completed (improved cycle route) prior to the commencement of above ground works block A
21	Prior to commencement of each phase – submission and approval of construction and environmental management plan (CEMP)

22	Archaeological written scheme of investigation - prior any works which break ground
23	Stop works if unidentified archaeological features revealed
24	Contamination conditions recommended by Environment Agency – conditions in relation to site investigation (including asbestos survey), remediation, verification and long term monitoring - relate to individual phases. (prior to any works which break ground)
25	The submission of a Desktop Study for unexploded ordinance (UXO) for the application site /evaluation of the implications upon the future use of the application site.
26	Stop works if unknown contamination detected
27	No infiltration without consent
28	Piling method statement for each phase – submission and agreement prior to piling operations commencing
29	All imported topsoil and subsoil for use on the site shall either (a) be certified to confirm its source and that it is appropriate for its intended use or (b) in the absence of suitable certification, analysis of the imported material will be required along with evaluation against the derived assessment criteria for this site. No occupation of the development shall take place until a copy of the certification has been submitted to the Local Planning Authority.
30	Detailed drainage conditions recommended by lead flood authority scheme – submission and approval (prior to works breaking ground)
31	Submission and approval of flood proofing measures
32	Submission and approval of flood warning and evacuation plan
33	Fire hydrants - details for each phase to be submitted and approved prior to any works which break ground
34	Secure by design – prior to commencement of above ground construction works each Phase submission of crime prevention strategy including details related to access to the residential element, front door servicing/emergency vehicle access, the commercial units and areas of car parking within each Phase
35	Further noise and air quality surveys shall be undertaken prior to the commencement of development for each Phase in accordance with schemes to be first approved in writing by the LPA
36	Air quality mitigation measures shall be submitted to and approved by the Local Planning Authority prior to the commencement of development for each Phase
37	The submission of acoustic surveys and approval of proposed mitigation measures (inclusion of details of sound attenuation between commercial spaces and adjoining dwellings, trickle vents, mechanical ventilation, glazing etc.) resulting in an attenuation to an internal level of 30dB at night, 35dB

	during daytime for habitable rooms, shall be submitted to and approved by the Local Planning Authority prior to the commencement of development for each Phase set out in Plan A02-P2-400 Rev A
38	Accessible/adaptable homes - 10% dwellings (applicable to market and affordable separately)
39	Water Efficiency – residential – 110l/person/day water efficiency
40	Water Efficiency - commercial - scheme for each phase prior to first occupation
41	Air Source Heat Pumps scheme for the Commercial and Retail Space, including the Hotel and Cinema shall be submitted for each phase, prior to first occupation of that phase (achieve the predicted generation level set out in approved Energy Statement).
42	External lighting scheme to be submitted and approved for each phase prior to first occupation of that phase – scheme should have regard to biodiversity consideration and air traffic safety
43	Travel plan (commercial) prior to occupation each phase
44	Travel plan (residential) prior to occupation each phase
45	Monitoring scheme – for car/cycle parking to be agreed with LPA – prior to first occupation
46	EVCP scheme for each phase to be submitted/approved/available for use prior to first occupation
47	The residential car parking shown on the approved plans within the development hereby permitted shall be used only for the residents and visitors of that development and for no other purpose, including public, commuter or contract parking
48	Full details of cycle and bin storage (residential) for each phase to be submitted to and approved - provision prior to first occupation each phase
49	Full details of cycle and bin storage (commercial) for each phase to be submitted to and approved - provision prior to first occupation each phase
50	Delivery and Servicing management plan - submitted and approved for each phase prior to first occupation
51	Provision of litter bins and waste collection facilities
52	The A3 and A4 premises which form the subject of this permission shall not be open to the public, trading, or have members of the public, as customers or guests, on the premises before 7am; or after midnight; Friday – Sunday or before 7am or after 11.30 Monday-Thursday unless otherwise agreed in writing with the Local Planning Authority. No cinema screening to commence

	after 00:30
53	Odour/fumes - Before the any A3 or A4 use hereby permitted commences, a scheme shall have been submitted to and approved in writing by the Local Planning Authority for the effective control of fumes and odours from the premises
54	All external plant /machinery /equipment – full details to be approved prior to installation designed/selected (or attenuated) to be 5dB below the existing background level.
55	Telecommunication strategy
56	PD removal Part 16 GPDO telecommunications
57	Phase 1 of the development shall include provision of a single food store unit at least 800sqm GIA. Notwithstanding the provisions of section 55(2)(a) of the Town and Country Planning Act 1990 or the Town and Country Planning General Permitted Development Order 2015 (or any Act or Order revoking and re-enacting that Act or Order, with or without modification), the food store hereby permitted shall have a net sales area not exceeding [number] square metres, of which not more than 20% shall be used for the sale of non-convenience goods, where convenience goods are defined as everyday essential items, including food, drinks, newspapers/magazines and confectionery
58	The proposed total 9780 sqm GIA of flexible floorspace would include a minimum of 1500sqm (GIA) of A3/A4 uses. These uses (min of 75%) shall be centred around the new 'leisure' square (as identified on plan ref. Retail Strategy – Ground floor plan) and not exceed a total 3500sqm (GIA)
59	Phase 3 of the development shall include a replacement cinema
60	The floorspace identified on plan ref Retail Strategy – Ground floor plan shall include a minimum of 5 units less than 150sqm GIA and 5 units less than 250 sqm GIA
61	PD restriction for the creation of mezzanines
62	PD restrictions changes of use - Part 3 Class A – Restaurants, cafes or takeaways to retail (limit in leisure square?) Class M – Retail and specified sui generis uses to dwellinghouses Class O – Offices to dwelling houses
63	Scheme /arrangements for shop mobility facility/service
64	Anglia Square Public Space strategy - management and maintenance arrangement including: signage; use of spaces by public and tenants; security; event /noise management

Informatives, including:

Norwich airport information relating to procedure for crane notification

None of the development (business or residential) will be entitled to on-street parking permits offered by the council.

Article 35(2) Statement

The local planning authority in making its decision has had due regard to paragraph 38 of the National Planning Policy Framework as well as the development plan, national planning policy, Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations) and the Conservation of Habitats and Species Regulations 2017 and other material considerations, following negotiations with the applicant and subsequent amendments the application has been approved subject to appropriate conditions and for the reasons outlined in the officer report.



Minutes

Planning applications committee

09:30 to 10:20

13 December 2018

Present: Councillors Driver (chair), Maxwell (vice chair), Bradford, Button, Malik, Peek, Raby, Ryan, Sands (M), Stutely, Trevor and Wright

Apologies: Councillors Henderson

1. Declarations of interest

Councillor Sands asked that it was recorded that in relation to Item 3 (below), Application nos 18/01591/MA and 18/01586/RM - Three Score Site Land South of Clover Hill Road, Norwich, he was ward councillor for Bowthorpe Ward but did not have a predetermined view on this application.

2. Minutes

RESOLVED to approve the accuracy of the minutes of the meeting held on 8 November 2018.

3. Application nos 18/01591/MA and 18/01586/RM - Three Score Site Land South of Clover Hill Road, Norwich

The senior planner presented the report with the aid of plans and slides. He explained that there had been one objection to the proposal from someone who had general concerns about the this development.

Councillor Sands, Bowthorpe ward councillor, said that he supported the proposal and liked the look of the balconies. However, the main concern of the residents of The Meadows was that access would be restricted by construction traffic. The senior planner confirmed that there was a construction management plan in place and confirmed that he would raise the issue of construction traffic blocking access to The Meadows with the developers.

Councillor Button, Bowthorpe ward councillor, said that she considered that private gardens would be better maintained than a communal garden. She also considered that the design changes would not affect the level of affordable housing that this scheme delivered or the amount of Passivhaus dwellings.

Discussion ensued in which the senior planner and the area development manager (outer) referred to the report and answered members' questions. Members were advised that it was not uncommon for developers to bring back applications at later stages of the development to make changes to design details and that lessons had been learnt during the first phase of the development. Members also sought reassurance that there were adequate play facilities and school provision in the vicinity.

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

During discussion members commented on the loss of the communal garden, and a member regretted the replacement of the “J” house types, but in general, appreciated that this was part of a scheme which provided 33 per cent affordable housing and Passivhaus type houses and therefore these changes were considered acceptable.

The chair commented that he was disappointed about the removal of the communal gardens. Whilst he noted that it was necessary to have passageways to access the rear gardens and that this was a feature across the whole of the scheme, he did have a concern about security.

RESOLVED, unanimously, to approve:

- (1) application no. 18/01591/MA – Three Score site land south of Clover Hill Road, Norwich, and grant planning permission subject to the following conditions:
 1. In accordance with plans;
 2. Landscaping in accordance with the plans submitted
 3. Details of materials for amended designs including: Bricks, render, tiles, windows, rainwater goods, balconies and soffits, roof terrace screens.
 4. Tree protection in accordance with the AIA.
 5. Conservation (ecology) management to take place in accordance with approved plan.
 6. Details of updated surface water drainage plan to reflect amendments to be submitted for approval.
 7. Unexpected contamination
 8. No infiltration of surface water into the ground without express consent of the local planning authority.

- (2) application no. 18/01586/RM - Three Score Site Land South of Clover Hill Road, Norwich and grant planning permission subject to the following conditions:
 1. Standard time limit;
 2. In accordance with plans;
 3. Landscaping in accordance with the plans submitted
 4. Details of materials including: bricks, render, tiles, windows, rainwater goods, soffits;
 5. Method for removal, storage and re-use of topsoil in full accordance with supplementary ecology statement approved as part of application ref. 15/00298/RM;
 6. Conservation (ecology) management to take place in accordance with approved plan;
 7. Surface water drainage plan to be submitted for approval;
 8. Unexpected contamination;
 9. No infiltration of surface water into the ground without express consent of the local planning authority.

Article 35(2) Statement:

The local planning authority in making its decision has had due regard to paragraph 38 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations and has approved the application subject to appropriate conditions and for the reasons outlined in the officer report.

4. Application no 18/00014/F - 183 Newmarket Road, Norwich, NR4 6AP

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

In reply to a question from the chair, the planner explained that it was not possible to assess an application on the impact that it might have on future developments.

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

During discussion members welcomed the application which was considered to be sympathetic to the surrounding area. Members noted that there was a tree protection plan and a landscaping condition to secure replacement tree planting. A member said that he regretted the loss of the oak tree.

RESOLVED, unanimously, to approve application no. 18/00014/F - 183 Newmarket Road Norwich NR4 6A, and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. In accordance with AIA/AMS/TPP;
4. No dig methods;
5. Arboricultural supervision;
6. Details of materials;
7. Landscaping;
8. SUDS;
9. Water efficiency;
10. Bin and bike storage
11. No development in bird nesting season.

CHAIR

Summary of planning applications for consideration

Item 4

10 January 2019

Item No.	Application No.	Location	Case officer	Proposal	Reason for consideration at committee	Recommendation
4(a)	18/00956/F	Land under flyover, Magdalen Street Norwich	Tracy Armitage	Installation of pre-fabricated shipping containers to provide flexible commercial uses (Classes A1, A3, A4, A5, B1) at ground and first floor level with associated plant, event space, market stalls, toilets, ancillary management and storage facilities, with associated means of access, landscaping and other associated work, external stairs and a lift facilitating access to first floor and up to a first floor mezzanine level to 1-6 Sovereign Way, for a temporary period of 10 years.	Objections	Approve
4(b)	18/01524/F	Mary Chapman Court, Duke Street	Lara Emerson	Demolition of student accommodation block, erection of new build academic and residential accommodation for Norwich University of the Arts, including works to riverside walk and other associated external works.	Objections	Approve
4(c)	18/01377/VC	174 Aylsham Road	Lara Emerson	Variation of Condition 8 of previous permission 17/01329/F to allow the petrol filling station to be open permanently 24hrs, 7 days a week.	Objections	Approve
4(d)	18/01402/VC	286 Dereham Road	Maria Hammond	Variation of the wording of condition 3 of permission 11/00071/U to allow use of the premises as a place of worship.	Objections	Approve

Item No.	Application No.	Location	Case officer	Proposal	Reason for consideration at committee	Recommendation
4(e)	18/01453/U	547 Earlham Road	Charlotte Hounsell	Change of use to bed and breakfast.	Objections and councillor call in	Approve
4(f)	18/01278/U	4 Fieldview	Charlotte Hounsell	Retrospective change of use from dwelling (Class C3) to HMO for up to 7 persons (Sui Generis).	At head of planning's discretion	Refuse
4(g)	18/01016/U	2 Fieldview	Rob Webb	Retrospective change of use to 7 bedroom HMO (Sui Generis)	Objections	Approve
4(h)	18/01430/F	373 Bowthorpe Road	Stephen Polley	Single storey front extension.	Councillor call in	Refuse
4(i)	TPO2018	74 Upper St Giles Street	Mark Dunthorne	Confirmation of TPO	Objections	Confirm order

STANDING DUTIES

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

Equality Act 2010

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

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

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

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

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

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

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

Crime and Disorder Act, 1998 (S17)

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

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

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

Natural Environment & Rural Communities Act 2006 (S40)

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

Planning Act 2008 (S183)

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

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

Article 8 – Right to Respect for Private and Family Life

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

Report to Planning applications committee

Item

10 January 2019

Report of Head of planning services

Subject Application no 18/00956/F - Magdalen Street,
Norwich

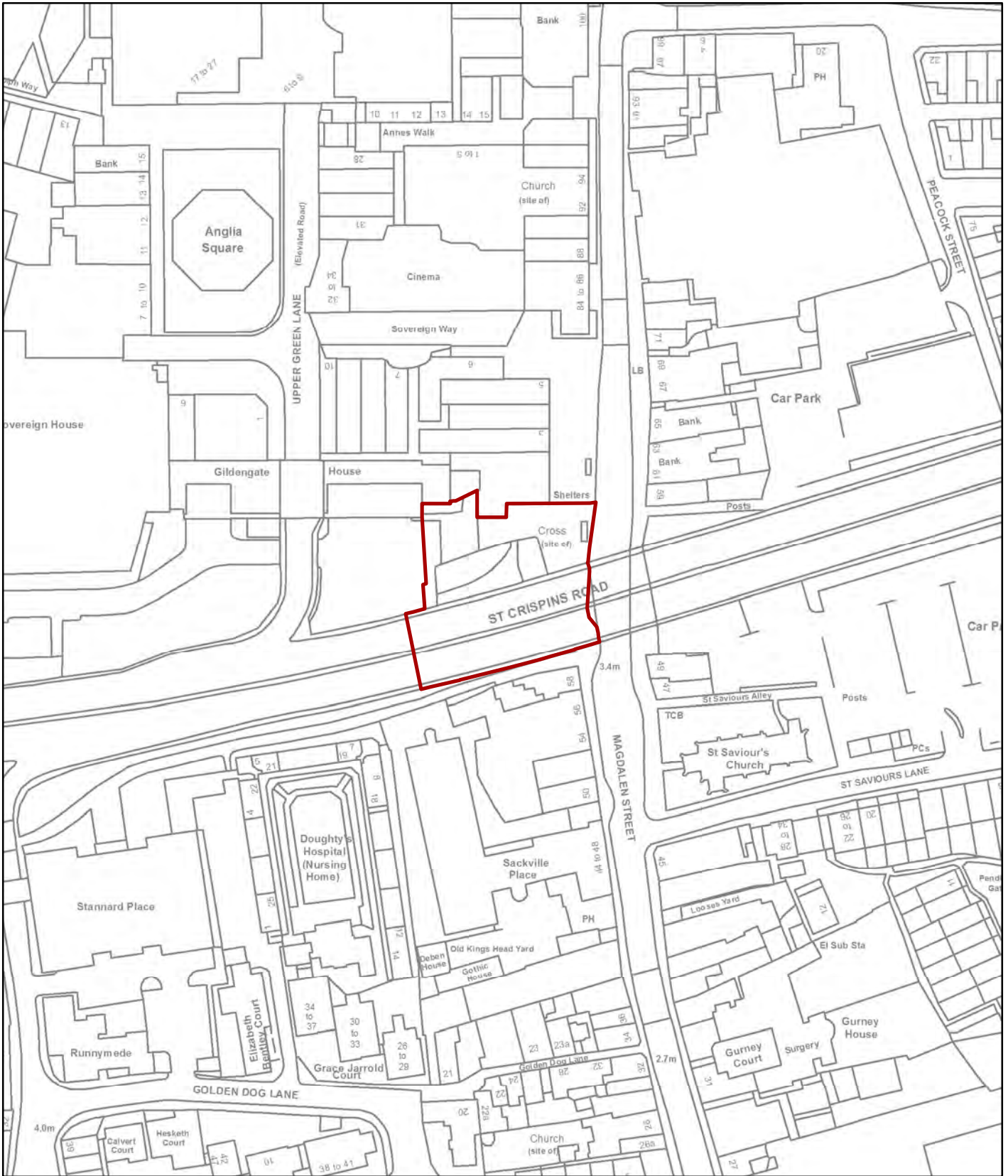
**Reason for
referral** Objection

4(a)

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

Development proposal		
Installation of pre-fabricated shipping containers to provide flexible commercial uses (Classes A1, A3, A4, A5, B1) at ground and first floor level with associated plant, event space, market stalls, toilets, ancillary management and storage facilities, with associated means of access, landscaping and other associated work, external stairs and a lift facilitating access to first floor and up to a first floor mezzanine level to 1-6 Sovereign Way, for a temporary period of 10 years.		
Applicant		
Columbia Threadneedle		
Representations		
Object	Comment	Support
4	-	1

Main issues	Key considerations
1 Principle of development	Suitability of the site for development
2 Mix of uses	Scale of proposed main town centre uses
3 Design and heritage impact	Appearance and character of the development within the conservation area
4 Landscape and public realm	Appearance and character of the development within the conservation area
5 Amenity	Impact of the development on the amenity of residents living in the vicinity
6 Management and security	Crime and anti-social behaviour considerations
7 Flood risk and drainage	Surface water flooding
Expiry date	Extension of time agreed
Recommendation	Approve, subject to the imposition of planning conditions



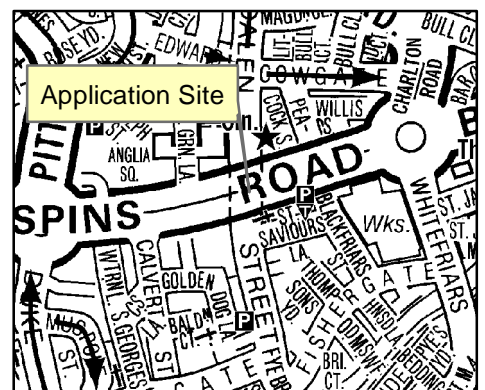
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Planning Application No 18/00956/F
 Area beneath the flyover
 Site Address Magdalen Street
 Scale 1:1,250



NORWICH
 City Council

PLANNING SERVICES



The site and surroundings

1. The application site is situated on the western side of Magdalen Street and comprises land both under and to the north of the St Crispins Road flyover. The site extends to approximately 0.16 hectare and predominantly comprises derelict open land used for car parking.
2. The surrounding area is predominately characterised by retail and other commercial uses. To the immediate north of the application site is Gildengate House, a 6-storey building with a ground floor service yard and car parking. Much of the building is currently occupied as artist studios. The service yard (west of the application site) caters for the occupants of Gildengate House as well as the shop units along Sovereign Way. Elephant Walk footway bounds the site to the south. Doughty's Hospital, a sheltered housing complex backs on to Elephant Walk. Additionally there are a number of residential flats above shops fronting Magdalen Street.

Constraints

- City Centre Conservation Area – (Anglia Square character area)
- Listed buildings – St Saviour's Church (grade I), Doughty's Hospital (grade II*), 47-49 Magdalen Street (grade II) and 59, 65 Magdalen Street (locally listed)
- Anglia Square, Magdalen Street, St Augustine's Street Large District Centre
- Area of Archaeological Importance
- Flood zone 1
- Critical drainage area

Relevant planning history

3. No previous planning application for this site.

The proposal

4. The application seeks 10 year temporary planning consent for the siting of 19 pre-fabricated shipping containers. The containers collectively amount to a total floor area of 292 sqm, of which 266 sqm is proposed as lettable space for uses within the use classes A1, A3, A4, A5 and B1. The remaining 26 sqm of floorspace includes a public toilet and lobby area for an access lift. The lift provides access to a veranda proposed at roof level and to first floor containers which are proposed stacked above the containers beneath.
5. The containers are proposed distributed across the site, arranged to enclose a space from which customers would access the commercial units. In addition the space is intended to be multi-functional public space and includes landscape features, seating and space for events and market stalls.
6. It is stated in the submitted Planning Statement that the '*temporary nature of the proposal can be described as a 'meanwhile use' which refers to the short-term use of vacant and/or under-utilised spaces and transforming them into vibrant and innovative destinations, often acting as a signal of, or catalyst for, the wider improvement of an*

area.' It is further stated that whilst 'separate from the redevelopment proposals for Anglia Square (LPA reference 18/00330/F) there is a clear interrelationship, and the temporary development will bridge the gap between that scheme (subject to the grant of planning permission) and Magdalen Street south of flyover.'

Summary information

Proposal	Key facts
Scale	
Nature of development	Total no. of 19 shipping containers
Total floorspace	292sqm
No. of storeys	1-2 storeys Access to the first floor of existing retail premises fronting Magdalen Street (1-5 Sovereign Way) will be created from the upper level
Uses	
Floorspace	Flexible use A1, A3, A4, A5 and B1. Maximum 50% of the space (or 133 sqm) food and beverage uses. Public toilets Four permanent market pitches
Openspace	Multi-functional entertainment space – including stage area, seating and landscaping
Appearance	
Materials	40ft and 20ft 'High Bay' ISO shipping containers Pre-fitted and adapted as 'Box shops' All will have either fully glazed double doors or fixed glazed panels
Colour	Painted finish – Red, dark grey and cream text
Operation	
Trading hours	0700 – 21.30 Sun – Wed 07.00 – 22.30 Thurs – Sat
Ancillary plant and	Required in relation to hot food uses

equipment	
Transport matters	
No of car parking spaces	None
No of cycle parking spaces	Provision for 10
Servicing arrangements	Via rear service yard and direct from Magdalen Street

Representations

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

Issues raised	Response
The development will result in unacceptable noise disturbance – impact on the amenity of local residents in particular elderly residents living close to the site	Main issue 5
Impact of lighting from the site on residents living in the vicinity of the site	Main issue 5
Events and proposed drinking establishments will result in an increase in anti-social behaviour	Main issue 5 and 6
Design is unacceptable and fails to reflect the local vernacular and the history of the area	Main issue 3
Proposed food premises will have an adverse impact on existing businesses on Magdalen Street	Main issue 2
Insufficient space created for large festival events	The proposal includes an open space which can be used flexibly for a wide range of events. The space includes an upper level and can be enlarged by removing tables and bench seating
Impact on archaeology	See 'other issues'
Proposes public toilets should include baby changing and disabled facilities	At the time of writing the report this has been raised with the applicant.

Consultation responses

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

Design and conservation

9. The space underneath Magdalen Street flyover has been a neglected void cutting a tear in the heart of the street ever since the flyover was built. It looks ugly and affects the perception of street users who are less likely to venture north beyond the flyover.
10. The council has attempted to make better use of the land in the past but all attempts have failed. One important reason for this is the difficulty of creating a successful space with necessary service access when using only the land owned by the council directly underneath the flyover. The present proposal extends beyond the council's land to include land to the north owned by Colombia Threadneedle, which creates the opportunity for an ambitious project that will transform the quality of the space.
11. The proposal cleverly deploys repurposed shipping containers to create a memorable and uncompromisingly urban setting for socialising, eating, drinking and buying local products. The two storey elements create a sense of overlooking and theatre in the space, the graphics help to cement its identity as a youthful and lively place and the lighting will give the space a delightful feel at night.
12. By bringing life and colour to a neglected space it will enhance the character of the conservation area. The development will be within the setting of listed buildings at 47-49 Magdalen Street and St Saviour's Church, which are almost opposite the site. The setting is seriously harmed currently by the empty spaces under the flyover that strand 47-19 Magdalen Street as a remnant of the street between the church and the flyover. By filling one side of the street it will help to re-establish street continuity and will hopefully stimulate the improvement of the space on the east side of the street too. Although the proposal is bold and modern this is the necessary and inevitable consequence of the need to physically fit the immediate surroundings under the flyover and will not detract from the listed buildings.

English Heritage

13. Supported as a temporary development: This application concerns an area of presently unused land below and adjacent to St Crispin's Road flyover, an elevated section of the 1960s inner ring road that passes through the medieval centre of Norwich. That period of development also saw the creation of Anglia Square, a large retail, leisure and office complex which is immediately adjacent to the application site. Anglia Square has been the subject of plans for wholesale redevelopment for many years during which time the City Council have encouraged prospective developers to bring the land under and next to the flyover into the development brief.

14. This is an aim Historic England very much support. The flyover has a significant impact on historic Magdalen Street. Although it does not physically divide the two parts of the Street in the way surface sections of the inner ring road have other historic routes the space under it is an unused and quite unappealing strip of ground which discourages pedestrians from venturing further from the city centre. A positive use of this space which would link the two parts of the Street, even for the temporary period proposed by this application, is therefore to be encouraged.
15. The proposed development would feature a mixture of retail and event space formed by pre-fabricated containers on two levels with lift and stair access to an upper deck. As a permanent solution this is perhaps not a design which reflects the historic character of the surrounding conservation area but as an initiative to show how an initially unappealing space can be brought into positive use it is to be supported, providing it would not constrain options for the future redevelopment of the wider Anglia Square site in a way which would be appropriate to the conservation of the historic environment

Environmental protection

16. No objection subject to the imposition of conditions controlling hours of operation and noise mitigation measures.

Highways (local)

17. No objection. The site is located adjacent to the proposed redevelopment site of Anglia Square that functions as a Large District Centre, its location on Magdalen Street affords a high degree of accessibility by bus, walk and cycle modes of travel. As part of the Transforming Cities Fund, the bus stops on either side of the road are planned to form a 'mobility hub' where interchange with new express buses and local buses are intended to improve public transport services, the new bus network is planned for implementation within five years from now, which will further enhance the sustainability of the site in terms of travel choices. Should trips by car be necessary, local car parks are available nearby. The site is also on the Pedalway cycle routes via Magdalen Street, the provision of cycle stands is welcome. Conditions are recommended: Construction Management Plan.

Highways (strategic)

18. No objection.

Norfolk historic environment service

19. The applicants are proposing an attenuation tank so a Programme of Archaeological Mitigatory Work is required. Recommend imposition of standard condition.

Norwich Society

20. We support this initiative and hope it will be of benefit to the local community.

Norfolk police (architectural liaison)

21. The plans provide a novel and interesting use of space. This positive initiative is encouraged but the site will need to be firmly managed so that the space doesn't attract undesirable/anti-social behaviour.

Assessment of planning considerations

Relevant development plan policies

22. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
- JCS2 Promoting good design
 - JCS5 The economy
 - JCS6 Access and transportation
 - JCS7 Supporting communities
 - JCS8 Culture, leisure and entertainment
 - JCS11 Norwich city centre
 - JCS19 The hierarchy of centres
23. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
- DM1 Achieving and delivering sustainable development
 - DM2 Ensuring satisfactory living and working conditions
 - DM3 Delivering high quality design
 - DM5 Planning effectively for flood resilience
 - DM9 Safeguarding Norwich's heritage
 - DM11 Protecting against environmental hazards
 - DM18 Promoting and supporting centres
 - DM21 Protecting and supporting district and local centres
 - DM23 Supporting and managing the evening and late night economy
 - DM24 Managing the impacts of hot food takeaways
 - DM28 Encouraging sustainable travel
 - DM29 Managing car parking demand in the city centre
 - DM30 Access and highway safety
 - DM31 Car parking and servicing

Other material considerations

24. **Relevant sections of the Revised National Planning Policy Framework 2018 (NPPF):**
- 2 Achieving sustainable development
 - 6 Building a strong, competitive economy
 - 7 Ensuring the vitality of town centres
 - 8 Promoting healthy and safe communities
 - 9 Promoting sustainable transport
 - 11 Achieving well designed spaces
 - 14 Meeting the challenge of climate change, flooding and coastal change
 - 16 Conserving and enhancing the historic environment

25. Planning Documents
 - Anglia Square Planning Guidance Note (2017) (ASPGN)

Case Assessment

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

Main issue 1: Principle of development

27. Key policies and NPPF sections – JCS 11 and ASPGN.
28. The area underneath the flyover comprises vacant, underutilised land which blights the local street scene and the appearance and character of the city centre conservation area. The enhancement of this area for the benefit of local residents is a long-standing aspiration of the city council. The land provides the opportunity to improve the appearance and function of this part of the Large District Centre and to reconnect both ends of Magdalen Street through the provision of an active use. Such benefits would positively support policy 11 of the JCS and the achievement of identified regeneration objectives for the Northern City Centre.
29. The land beneath the flyover is owned by Norwich City Council. Norfolk County Council, as highway authority, own the flyover bridge structure itself. There are substantial safeguarding restrictions associated with the flyover which act to constrain permanent development on this land. These restrictions include the requirement to allow access to the flyover for both general and emergency repair and for no development/ feature to be attached to the structure.
30. Many ideas have been proposed for use of the area under the flyover over past years, ranging from provision of an active frontage by infilling the space with buildings, provision of market stalls, a landscaped open space with seating and interactive lighting, and use as an open air cinema. The Northern City Centre Area Action Plan (NCCAAP) proposed that the area under the flyover to the west of Magdalen Street be landscaped up to the buildings of Anglia Square with provision for some market style stalls to be located here. Planning permission granted in 2013 (planning ref: 11/00160/F) for the redevelopment of Anglia Square made provision for a commuted sum to improve the area under the flyover to the west of Magdalen Street through enhancements to the public realm and inclusion of an element of informal open space. Furthermore planning application 18/00330/F proposing the comprehensive mixed use development of Anglia Square (considered by Planning Applications Committee 6 December 2018 - resolution to approve) includes a similar S106 requirement.

31. The Anglia Square Planning Guidance Note (ASPGN) (adopted March 2017) indicates that the development of the wider Anglia Square should facilitate the enhancement of land under the flyover to the west of Magdalen Street and detailed exploration of an appropriate scheme will be necessary. The ASPGN states a scheme should deliver a high quality urban environment in this area which will benefit the businesses in Anglia Square and the local community, ensuring a vibrant use for this space which reflects the character of the local area.
32. The proposed scheme includes Norwich City Council owned land and adjacent privately owned land to the north. The development is being promoted and would be funded by Columbia Threadneedle, the owners of the Anglia Square Shopping Centre. The development is proposed to be self-funding over the 10 year life of the project. The applicant has indicated in the submitted Planning Statement that:

'Whilst separate from the redevelopment proposals for Anglia Square (LPA reference 18/00330/F) there is a clear inter-relationship [with that development], and the temporary development will bridge the gap between that scheme (subject to the grant of planning permission) and Magdalen Street south of [the] flyover... The temporary development will provide an exciting 'meanwhile use' at a vacant and under-utilised site, whilst the Anglia Square redevelopment proposals are brought forward (subject to the grant of planning permission). The proposal will revitalise the area where Magdalen Street passes under the St Crispin's Road flyover; offering adaptable units and multi-functional entertainment space, generating activity and providing unique opportunities for local businesses and groups.'
33. A scheme which secures the enhancement of this area and delivers benefits to both the local community and district centre would meet a long standing objective of the council and as such would be positively supported.

Main issue 2: Proposed mix of uses.

34. Key policies and NPPF section : JCS19, DM18, NPPF section 7
35. The application proposes a total of 266 sqm. of flexible commercial floorspace for use within classes A1, A3, A4, A5 and B1. Such uses are defined by the NPPF as main town centre uses. Policy DM18 is permissive of such uses within designated centres which form the hierarchy of centres defined by JCS 19. The site lies within the boundary of the Anglia Square, Magdalen Street and St Augustine's Street large district centre where main town centre uses of a scale appropriate to the centre's position within the hierarchy are acceptable. By virtue of the total quantum of commercial floorspace and the size of the individual 'box shops', the scale of proposed main town centre uses is considered appropriate to the character and function of this large district centre location. Furthermore the size and format of the container units will create commercial floorspace likely to be well suited to independent retailers and small scale existing and startup businesses. Such commercial premises and businesses would be complementary to the existing centre and support wider regeneration objectives for the northern city centre by creating opportunities for business and employment growth.
36. In the accompanying Planning Statement it is stated that the applicant will work proactively with existing businesses, the local community and Norwich City Council to attract as many 'local tenants' to the scheme as possible. In the event of

planning permission being approved it is recommended that a planning condition be imposed requiring a lettings strategy to be agreed with the local planning authority which seeks to positively support the use of floorspace by small scale businesses and retailers, including start-ups.

37. It is proposed that up to 50% of the floorspace would be for food and drink uses. This is a relatively high percentage and limits the number of units that would be available for A1 retailing and workspace. However, the applicant has indicated that additional pop up market stalls would be available for traders and that this level of provision is considered necessary to both support the viability of the scheme and to promote the function of the location as a socialising space during both the daytime and evening.
38. The proposed public realm/events space is a significant element of the concept. The area under the flyover has in the past been used by the community, including as a venue for the Magdalen Street festival. The layout of the scheme seeks to create a semi-permanent outdoor space which can be used for a wide range of uses including: by businesses (top up and seasonal market stalls), by the public as a covered seating area and for public events and activities. The food and beverage uses are proposed to promote dwell time and generate a level of activity which will create vibrancy. The applicant has stated that the *'scheme will provide a hub for the local community to engage with and enjoy'*. There is reference to a regular events programme being developed which will be implemented by the applicant's event management team. It is stated that the programme will be largely influenced by local demand and ideas from the community. The emerging programme includes reference to: 'low level' activities (i.e. Sunday Brunch Club, sunrise workout, yoga classes, school holiday kids workshops); festivals (i.e. Vegan, Chinese New Year, Oktoberfest); markets (i.e. artisan and Christmas) and performance/live screenings (Open mic comedy nights, summer screenings). This range of events has the scope to benefit both the local community and the existing local businesses on Magdalen Street through raising the profile of the location and drawing additional visitors to the district centre.
39. On this basis, the flexibility being sought for up to 50% of the commercial floorspace to be used for food and beverages uses is considered acceptable. However, in order to promote the balanced and mixed use function of this location it is considered necessary to restrict the amount of floorspace that could be occupied by A4 uses (public houses, wine bars or other drinking establishments). A high proportion of bars would establish this location as an outdoor drinking venue and shift the character of the development from a mixed community hub to night time leisure. This would not meet the broader aspirations for this location and would raise concerns over the impact of the development on the character and amenity of the area. Therefore in the event of planning permission being approved it is recommended that a planning condition be imposed limiting A4 uses to no more than 20% of the floorspace and to no more than two of the proposed container units.
40. Subject to the conditions referred to in para 36 and 39 it is considered that the development in terms of mix of uses and function will positively support the vitality and viability of the Anglia Square, Magdalen Street and St Augustine's Street large district centre.

Main issue 3: Design and heritage impact

41. Key policies and NPPF paragraphs – JCS2, DM3, DM9, NPPF sections 11 and 16
42. The application site is located with the City Centre Conservation Area and forms a part of the street setting of a number of statutory and non-statutory listed buildings. The design and conservation manager has commented “*that the space underneath Magdalen Street flyover has been a neglected void cutting a tear in the heart of the street ever since the flyover was built. It looks ugly and affects the perception of street users who are less likely to venture north beyond the flyover*”.
43. The scheme includes the resurfacing of the site and the placement and stacking of repurposed shipping containers. The visual effect is an uncompromising urban development and one which contrasts with the surrounding historic townscape. The upended container (serving as a lift shaft to the upper floors), the forward projection of a container over the street and the use of limited but bold colour paint pallet, will act to accentuate this contrast still further. The scheme will be transformative both during the daytime and at night when lighting is proposed illuminating the containers, the enclosed space and the flyover super structure.
44. The shipping containers are positioned to enclosure outdoor shared space. Entry to this space will be possible via four access points, two from Elephant Walk and two from Magdalen Street. This creates a high degree of permeability enabling pedestrians to enter and pass through the site. With the exception of one shipping container fronting Magdalen Street, access to all other units and the public toilets will be from within this space. This approach has the advantage of focusing activity within the enclosed space promoting lively and positive use of this shared space. Furthermore it provides the opportunity for access to be managed in the evening and prevented overnight. The ability to restrict access at certain times of the day is considered necessary to effectively manage anti-social behaviour. Therefore although the design approach has the disadvantage of to some degree disconnecting the proposed shared space from the street, this approach is considered justified.
45. Notwithstanding this, it is considered necessary to ensure a high degree of physical and functional connection between the development and use of Magdalen Street by shoppers and the wider community. It is important that the space should feel public and not become partitioned and exclusive to the customers of the development. It is therefore recommended that in the event of planning permission being approved that planning conditions by imposed requiring unrestricted access during the daytime, and the agreement of a strategy relating to the terms of use of the space. The latter should positively promote the use of the outdoor area as a public space and its use for community events and activities.
46. The design and conservation manager has commented that the two storey elements create a sense of overlooking and theatre in the space, the graphics help to cement its identity as a youthful and lively place. By bringing life and colour to a neglected space it will enhance the character of the conservation area. The development will be within the setting of listed buildings at 47-49 Magdalen Street and St Saviour’s Church, which are almost opposite the site. Currently the setting of these heritage assets is harmed by the empty spaces under the flyover. By filling one side of the street it will help to re-establish street continuity and potentially provide the stimulus

for the improvement of the space on the east side of the street. Although the proposal is bold and modern, the design approach is considered an acceptable response to the constraints imposed by the site and the necessity for a temporary form of development. Both Historic England and the Norwich Society are supportive of the scheme as a temporary form of development of the site. Historic England have commented that *'as an initiative to show how an initially unappealing space can be brought into positive use it is to be supported.'* They further advise that as a temporary installation they do not consider it would result in harm to the significance of the conservation area.

Main issue 4: Landscaping and open space

47. Key policies and NPPF sections – DM3, DM8, NPPF section 11.
48. The proposals include a public realm scheme. The existing aggregate surface under the flyover is relatively flat except for a few local areas of ponding. These will be smoothed out and surfaced with tarmac which will be painted with a number of bold graphic overlays.
49. Soft landscaping is proposed in locations which will receive good sunlight and rainwater. Planters are proposed along the Elephant Walk boundary and in the sector of the site to the north of the flyover structure at both ground floor and upper level. The Design and Access statement indicates that the proposed planting would include 70:30 split between perennials and evergreens giving year round interest. Multi-stem Paper Bark Maple trees (*Acer griseum*) are proposed at ground floor level.
50. Street furniture is proposed and intended to emulate the 'rough and ready', semi industrial nature of the scheme so that a robust suite of furniture elements requires minimal maintenance or upkeep. The furniture suite includes handrails / balustrading powder coated matt black, bespoke long tables and benches constructed from timber scaffold planks. It is proposed that galvanised steel 'eurobin' type bins will be used for refuse collection within the site and opaque water butts will be utilised for tree planters.
51. The public realm proposals include a comprehensive lighting scheme. This comprises suspended festoon lighting (zig – zagging across the open area); linear lighting to define particular features; red wash lighting to accentuate the up-ended container; and projector lighting to illuminate the underside of the flyover structure. The lighting intensity of each has been specified to minimise light spill and ingress to neighbouring properties. The highway authority has raised no objection to the lighting levels proposed.
52. The proposed landscape approach is considered acceptable. The hard and soft landscaping proposals along with the lighting scheme, will create significant visual interest and contribute to the distinctive urban character of the development.

Main issue 5: Amenity

53. Key policies and NPPF paragraphs – DM2, DM11, NPPF section 11.

54. Policy DM2 seeks to protect neighbouring occupiers from development which would have an unacceptable impact on amenity levels. Noise, light and odour are included within the scope of the policy. As referred to in para 38 of the report a significant feature of the proposal is the creation of an outdoor space capable of being used throughout the day and evening for a range of activities and events. These activities will draw members of public to this location and the range of events proposed would at times include the production of audio sound. Furthermore A3 and A5 uses are proposed within the range of uses sought and as such hot food would be produced on the site.
55. The application site is located within a large district centre and the surrounding area is characterised by a mix of land uses. Included within the mix are residential properties, in particular a sheltered housing scheme which backs on to Elephant Walk (Doughty's Almshouses) as well as residential properties, above commercial premises located on Magdalen Street. A representation to the application has been received from the charitable trust providing services at Doughty's Almshouses. They raise concerns that evening music events would have an unacceptable impact on the ability of the elderly residents to enjoy a peaceful night sleep.
56. In relation to noise, the applicant has provided additional information relating to hours of use of the box park and the likely type and frequency of events. In terms of hours, the application seeks core opening trading hours of 7am to 9.30pm Sunday – Wednesday and 7am to 10.30pm Thursday to Saturday. An Environmental Noise Assessment has been submitted and a Noise Propagation Assessment undertaken. These reports include an assessment of current background noise levels in the vicinity of the site, predicted noise levels associated with the proposed range of events and the likely audible level of noise in the location of closest residential properties.
57. The noise assessments have established that existing daytime background noise levels in the vicinity of the site are relatively high due largely to the volume and type of vehicles (i.e. including buses) using adjacent roads (Magdalen Street and the inner ring road). During these times when background levels are high, noise generated from within the site would be substantially masked, reducing the risk of noise disturbance of the wider area. During the evening, traffic flows along both Magdalen Street and the ring road reduce, at these times background noise levels are less constant and lower. Given the mix of uses in the locality of the site and the proximity of residential occupiers the site is considered unsuitable as a location for an established outdoor music and entertainment venue, hosting regular acts and performances into the late evening. This would create an unacceptable risk in terms of noise being generated at a level and frequency that would cause nuisance and disturbance to local residents.
58. The applicants have indicated that it is not the intention to promote the location as a drinking /entertainment venue. They have stated that for most of the year the focus of the outdoor area programme would be day time events. However, they have indicated that they would wish to promote more frequent evening events during the summer months (i.e. open mic nights, summer film screenings) and at certain times of the year i.e. bonfire night and New Year's Eve. They have also indicated they are seeking the flexibility for background music to be played. To facilitate these uses the submitted Noise Assessment suggests a number of mitigation measures including: the use of acoustic barriers; the use of a sound system which distributes

sound across the space by using a series of small speakers; and the use of sound system noise limiters.

59. In terms of supporting the function of the district centre and the expansion of leisure opportunities, it is considered beneficial to allow some flexibility for the proposed outdoor area to be used for a range of uses and at different times of the day. The applicant has indicated agreement to the imposition of a condition which would require, unless otherwise agreed by the council, events and the use of the amplified sound system to end no later than 9.30pm. The council's Environmental Protection Officer has reviewed the noise reports and the proposed mitigation measures. He has indicated that subject to the use of the space being firmly managed in the manner proposed, noise levels would be of a level to not have an unacceptable impact on the amenity of neighbouring residents.
60. In terms of odour, the applicants have submitted an extraction strategy for the site. This relates to containers to the north of the flyover which would be reserved for food uses. The strategy includes the fitting of individual kitchen extract system along with individual ducts which run in parallel to the rear of the containers. The Environmental Protection Officer has indicated that the details are considered satisfactory and recommends in the event of planning permission being approved a condition requiring the provision and maintenance of the system to ensure that odour and fumes are satisfactorily managed.

Main issue 6: Site management and security

61. Key policies and NPPF sections: DM3, NPPF section 11.
62. DM3 requires developments to be designed to minimise opportunities for crime, disorder and anti-social behaviour.
63. Crime data provided by Norfolk Constabulary indicates that Anglia Square and Magdalen Street present as two of three hotspots for the area. Recorded incidents include shop lifting and violence against person offences. Intelligence relating to drug possession and supply has doubled in 2017-2018. The Norfolk Constabulary have indicated that new and positive initiatives for this site are to be encouraged but that the space will require very firm management to ensure that the risk of criminal and antisocial behaviour is minimised. Their response to the application includes reference to the management/security of the space at all times of the day; lighting and the use of vandal proof materials.
64. It is stated in the Supporting Planning Statement submitted with the application that the proposed site layout and number/location of entrances has been heavily influenced by the site management strategy and security considerations. It is proposed that during the day time, access to the site will be possible through four access points, allowing the public to freely enter and pass through the site. After 6pm it is proposed that access will be restricted to the one primary access from Magdalen Street, allowing for closer monitoring. When the box park premises are closed it is proposed that the perimeter of the site will be secured preventing access into the open area.

65. The applicant has confirmed that it is proposed that the scheme will be managed by a dedicated on-site manager who would be part of the wider team currently running the existing Anglia Square centre. Their duties and responsibilities will include:
- Tenant liaison
 - Controlling tenant behaviour on-site
 - Security contractor liaison
 - Cleaning contractor liaison
 - Ensuring the site opens and closes on time
 - Health and safety, fire and other regulation compliance
66. The applicant proposes that after 6pm and for larger daytime events the site will have dedicated security.
67. The height and design of the perimeter fence has been specified to minimise the risk of unauthorised access to the site. Furthermore the siting of the first floor shipping containers has had regard to the possibility of access being gained from the flyover. The street furniture has been specified to be robust and the lighting scheme will allow for clear visibility across the site.
68. On this basis it is considered that the design of the scheme has sought to satisfactorily minimise opportunities for crime, disorder and anti-social behaviour. It is recommended that in the event of planning permission being approved proposed management arrangements for the site are secured through the imposition of a planning condition.

Main issue 7: Flood risk and drainage

69. Key policies and NPPF sections – JCS1, DM5, NPPF section 11.
70. The site is currently open and undeveloped and comprises areas of hard standing and loose gravel. Around half on the application site is covered by the flyover structure and therefore sheltered from rainfall. It is proposed that the entire site would be surfaced using asphalt. The draft drainage strategy indicates that the site is unlikely to be suitable for an infiltration system given expected level of ground water and the proximity of the site to the flyover structure and foundations. It is therefore proposed that runoff from the asphalt would be stored in an underground attenuation tank, located to the north of the flyover, before discharging into the public sewer. The attenuation tank has been sized to achieve a 40% betterment.
71. The site is located entirely within Flood Zone 1 and therefore deemed to be at a low risk of fluvial and tidal flooding.
72. The site is in a Critical Drainage Area. The Flood Risk from Surface Water mapping indicates that the risk of surface water flooding is medium/high. This is most likely due to the presence of the Dalymond ditch, a “lost” river which is likely to have been incorporated into the public sewer networks. A Flood Risk Assessment has been submitted with the application. This indicates that the surface water flow path from Anglia Square to the west and from Magdalen Street to the east converge at the application site, due to the low-lying land beneath the flyover, before flowing south. The existing site is therefore prone to surface water flooding due to water passing through the site and this risk will continue. Depending on the scale of the flood

event the depth of flooding on the site would range from 0.22m (1: 30 event) to depth exceeding 1.0m in an extreme event (1:100 + 40% climate change). In these extreme events, water depth would be categorised as significant and hazardous. The applicant has indicated that given the temporary nature of the development and the need to provide reasonable access to the shipping containers that it is not considered feasible to raise the containers above flood level. However, the flood risk assessment recommends a number of mitigation measures, including:

- Boundary fences / gates to allow water to continue to pass through the site
 - The fitting of attenuation tank alarm systems which would be triggered when tanks fill to 60% of their capacity.
 - Externally fitted flood warning sensors - triggered when flood water reaches 0.15m above ground level.
 - Public evacuation procedure in the event of an alarm being triggered
 - Fittings and fixtures of the commercial units to be specified having regard to flood resilience.
73. Given the scale and temporary duration of the development these mitigation measures are considered acceptable. In this case flood risk needs to be balanced against the benefits of promoting the active use of this empty and unattractive site. In the event of planning permission approved it is recommended that drainage details and flood mitigation measures are secured through the imposition of planning conditions.

Other issues:

Contamination

74. There is some risk that the area may be subject to localised pockets of contamination. A planning condition is recommended to address this risk.

Archaeology

75. The site lies within the defined area of archaeological interest. Historic Environment Services have recommended that imposition of standard archaeological conditions requiring a Programme of Archaeological Mitigatory Work.

Compliance with other relevant development plan policies

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

Requirement	Relevant policy	Compliance
Cycle storage	DM31	Yes subject to condition
Car parking provision	DM31	Not applicable

Requirement	Relevant policy	Compliance
Refuse Storage/servicing	DM31	Yes subject to condition

Equalities and diversity issues

77. There are no significant equality or diversity issues.

Local finance considerations

78. Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are defined as a government grant or the Community Infrastructure Levy.

79. Whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision on the potential for the development to raise money for a local authority.

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

Conclusion

81. The development is in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise. The proposal constitutes a novel and beneficial form of development. The development supports the achievement of a number of planning objectives by: improving the appearance of an neglected and highly visible part of the conservation area; supporting the viability and vitality of the large district centre through establishing a distinctive/ new destination and improving the opportunities for improved leisure and social interaction within this part of the northern city centre.

Recommendation

To approve application no. 18/00956/F - Magdalen Street Norwich and grant planning permission subject to the following conditions:

1. Temporary time limit - 10 years;
2. Remediation Plan – scheme for the site following the cessation of the temporary use.
3. In accordance with plans;
4. Prior to commencement requirement for Archaeological Mitigation Strategy;
5. Prior to commencement detailed surface water drainage scheme;
6. Stop work if unknown contamination found;
7. Agreement of detailed landscape scheme - hard, soft and features;
8. Full details: noise mitigation measures (to include site sound system/noise limiter);
9. Full details: flood mitigation including evacuation plan;

10. Provision of extraction scheme – maintenance/management arrangements to be secured;
11. Site management plan to be agreed – to include detailed site management/ maintenance arrangements of the public realm and structures; public access arrangements; leasing strategy; community access arrangement; site security and management; events strategy.
12. Limit 50 % of total floorspace for food and beverage uses: A4 limit 20% no more than two containers;
13. Trading hours – Sun to Wed 07:00 – 21:30; Thurs to Sat 07:00 – 22.30;
14. No entertainment/event /use of amplified sound system after 21:30 on any day;
15. Flexibility for up to 12 later events a year with the prior written approval of the local planning authority;
16. Provision of public cycle parking.

Article 35(2) statement

The local planning authority in making its decision has had due regard to paragraph 38 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations, following negotiations with the applicant and subsequent amendments the application has been approved subject to appropriate conditions and for the reasons outlined in the officer report.

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 - THE BDP BOX SERIES OF DRAWINGS
 - THE PROJECT CON DESIGN REGISTER

NOTES

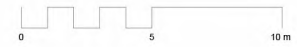
- Key
1. Retail Container Unit
 2. Elevator
 3. Asphalt surface
 4. 2.4m high timber slat boundary fence
 5. Paper Bark Maple trees in raised planters
 6. Long benches and seating
 7. Floor graphics
 8. Staircase
 9. Flyover Structural column
 10. Location for temporary market stalls
 11. Stage made from timber scaffold planks
 12. Gidgangle House Service Yard
 13. Galvanised steel 'Armo' vehicle barrier and 2.4m steel perimeter fence
 14. Under the Flyover back of house service and storage area
 15. Shrub planting in raised timber planters
 16. Existing footpath surface retained
 17. WCs
 18. Timber plank terrace
 19. Steel Pergola over terrace
 20. Catenary Lighting

A Test floor outdoor lengths reduced to satisfy Highways W1 AP 08/10/18
 BDP comments
 Issued for Planning LC ME 22/06/18
 Author: [redacted] Date: [redacted]
 Checker: [redacted] Date: [redacted]



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PROJECT		SCALE
UNDER THE FLYOVER		@ A1
DRAWING		
FOR PLANNING		1:100
DRAWING NO.		
P2008239 - Public Use		22/06/18
DRAWING TITLE		
PR Masterplan - Combined Floors		
DRAWING NO.		
BDP-90L-003		A





Key

- Retail/ F&B
- Terrace

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- SPECIFICATIONS & REPORTS
- THE CDM DESIGN RISK REGISTER
- THE CDM RISK REGISTER
- THE CDM RISK REGISTER

NOTES

B	First floor contains reduced in length to satisfy highway	III	AP	09/10/18
A	Issued for Planning	LC	MC	22/06/18
	First Issue	LC	MC	13/06/18



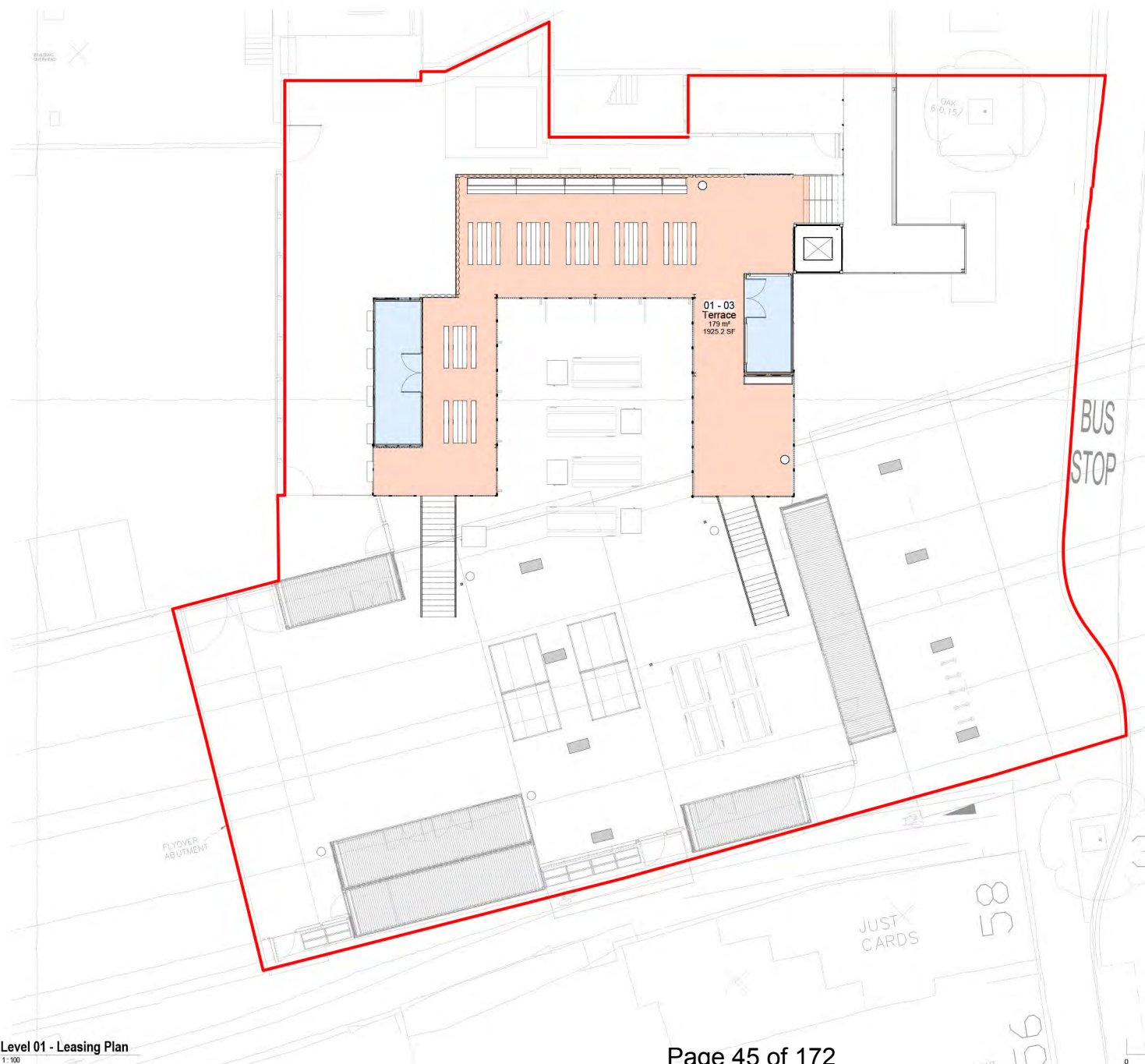
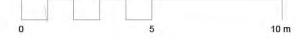
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UNDER THE FLYOVER

FOR PLANNING
 P2008239 Public Use
 L01 First Floor Plan

SCALE	@ A1
SCALE	1 : 100
DATE	13/06/18
REVISION	B

BDP-20A-002



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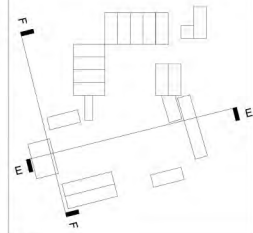
Material Key

1. Steel High bay ISO shipping container painted (Basalt Grey RAL 7012) with red (RAL 3020) and cream (RAL 1015) UHF graphics applied. Paint colours for reference, not definitive, to be confirmed by client.
2. Profiled metal cladding to match aesthetic of a shipping container (Red RAL 3020)
3. PPC Aluminium external double door system with clear double glazing (Basalt Grey RAL 7012)
4. PPC Aluminium window system, with clear double glazing (Basalt Grey RAL 7012)
5. Scaffold plank floor finish on timber joist floor structure.
6. Balustrades Type 1: Key Clamp System, Galvanneal finish
7. Balustrades Type 2: Key Clamp System, Galvanneal finish
8. Spirit Flex Banner System, with graphic grey, red and cream applied. (Basalt Grey RAL 7012)
9. Cycle Hoops (Basalt Grey RAL 7012)
10. Low level bespoke planters constructed from scaffold planks
11. Steel Access Stairs in Galvanneal Finish with Key Clamp Balustrade
12. Asphalt surface treatment with painted graphic overlay
13. Bespoke Security Gates and fencing. Scaffold Planks with 100mm spacing, with Aluminium frame (Basalt Grey RAL 7012)
14. Timber 'Market style' stalls
15. External timber and steel benches.
16. Steel frame structure to support cantilever and mezzanine level
17. Lift
18. Projecting shop signage. Metal. (Basalt Grey RAL 7012)
19. Water container
20. Pergola terrace structure. Steel I beams. (Basalt Grey RAL 7012) with red graphic applied.



1 Proposed Section E-E
1:100

B	First floor containers reduced in length to satisfy Highway Constraints	WA	AP	08/10/18
A	Issued for Planning	LC	ME	22/06/18
	Final Issue	LC	ME	13/06/18

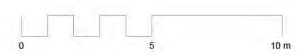


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PROJECT UNDER THE FLYOVER		SCALE	@ A1
REASON FOR PLANNING		SCALE	1:100
P2008239 Public Use		DATE OF ISSUE	13/06/18
SECTIONS SHEET 3		NO.	B
PROJECT NO. BDP-21A-004			



2 Proposed Section F-F
1:100



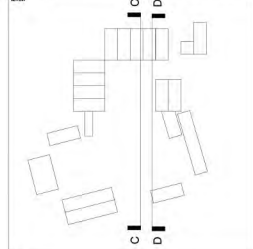
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 - THE PROJECT CON DESIGN REGISTER

NOTES

Material Key

- Steel 'high bay' ISO shipping container painted (Basalt Grey RAL 7012) with red (RAL 3020) and cream (RAL 1015) UHF graphics applied. Paint colours for reference, not definitive, to be confirmed by client.
- Profiled metal cladding to match aesthetic of a shipping container (Red RAL 3020)
- PPC Aluminium external double door system with clear double glazing (Basalt Grey RAL 7012)
- PPC Aluminium window system, with clear double glazing (Basalt Grey RAL 7012)
- Scoffold plank floor finish on timber joist floor structure.
- Balustrades Type 1 Key Clamp System, Galvanneal finish
- Balustrades Type 2 Key Clamp System, Galvanneal finish
- 'Spinn Flex' Banner System, with graphic grey, red and cream applied. (Basalt Grey RAL 7012)
- Cycle Hoops (Basalt Grey RAL 7012)
- Low level bespoke planters constructed from scaffold planks
- Steel Access Stairs in Galvanneal Finish with Key Clamp Balustrade
- Asphalt surface treatment with painted graphic overlay
- Bespoke Security Gates and fencing, Scaffold Planks with 100mm spacing, with Aluminium frame (Basalt Grey RAL 7012)
- Timber 'Market style' stalls
- External timber and steel benches
- Steel frame structure to support cantilever and mezzanine level
- Lift
- Projecting shop signage, Metal (Basalt Grey RAL 7012)
- Water container
- Pergola terrace structure: Steel I beams, (Basalt Grey RAL 7012) with red graphic applied.

B	First floor containers reduced in length to satisfy Highway constraints	WA	AP	08/10/18
A	Island for Planting	LC	ME	22/08/18
	First Issue	LC	ME	13/06/18



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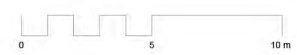
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DRAWING TITLE		Sections Sheet 2	
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DATE PLOTTED		13/06/18	
DRAWN BY		BDP-21A-003	
CHECKED BY		B	



1 Proposed Section C-C
1:100



2 Proposed Section D-D
1:100



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NOTES

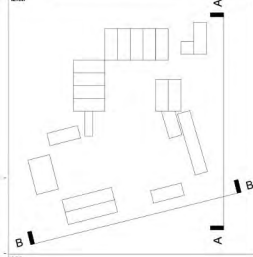
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- PPC Aluminium window system, with clear double glazing (Basalt Grey RAL 7012)
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- Balustrades Type 2: Key Clamp System, Galvanised finish
- Spiral Flex Banner System, with graphic grey, red and cream applied. (Basalt Grey RAL 7012)
- Cycle Hoops (Basalt Grey RAL 7012)
- Low level bespoke planters constructed from scalld planks
- Steel Access Stairs in Galvanised Finish with Key Clamp Balustrade
- Asphalt surface treatment with painted graphic overlay
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- Timber 'Market style' stalls
- External timber and steel benches
- Steel frame structure to support cantilever and mezzanine level
- Lift
- Projecting shop signage. Metal. (Basalt Grey RAL 7012)
- Water container
- Pergola terrace structure. Steel I beams. (Basalt Grey RAL 7012) with red graphic applied.



2 Proposed Elevation A-A Madgelen Street
1:100

B	First floor containers reduced in length to satisfy Highway Comments	WB	AP	08/10/18
A	Board for Planning	LC	ME	22/06/18
	Final Issue	LC	ME	13/06/18



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Project No:		UNDER THE FLYOVER	
Drawing No:		FOR PLANNING	
Drawing Title:		P2008239 Public Use	
Drawing Date:		13/06/18	
Drawing Scale:		1:100	
Drawing No:		BDP-21A-001	
Drawing Sheet:		B	



1 Proposed Elevation B-B Elephant Walk
1:100



Report to Planning Applications Committee

Item

10 January 2019

Report of Head of Planning Services

Subject Application no 18/01524/F - Mary Chapman Court,
Norwich

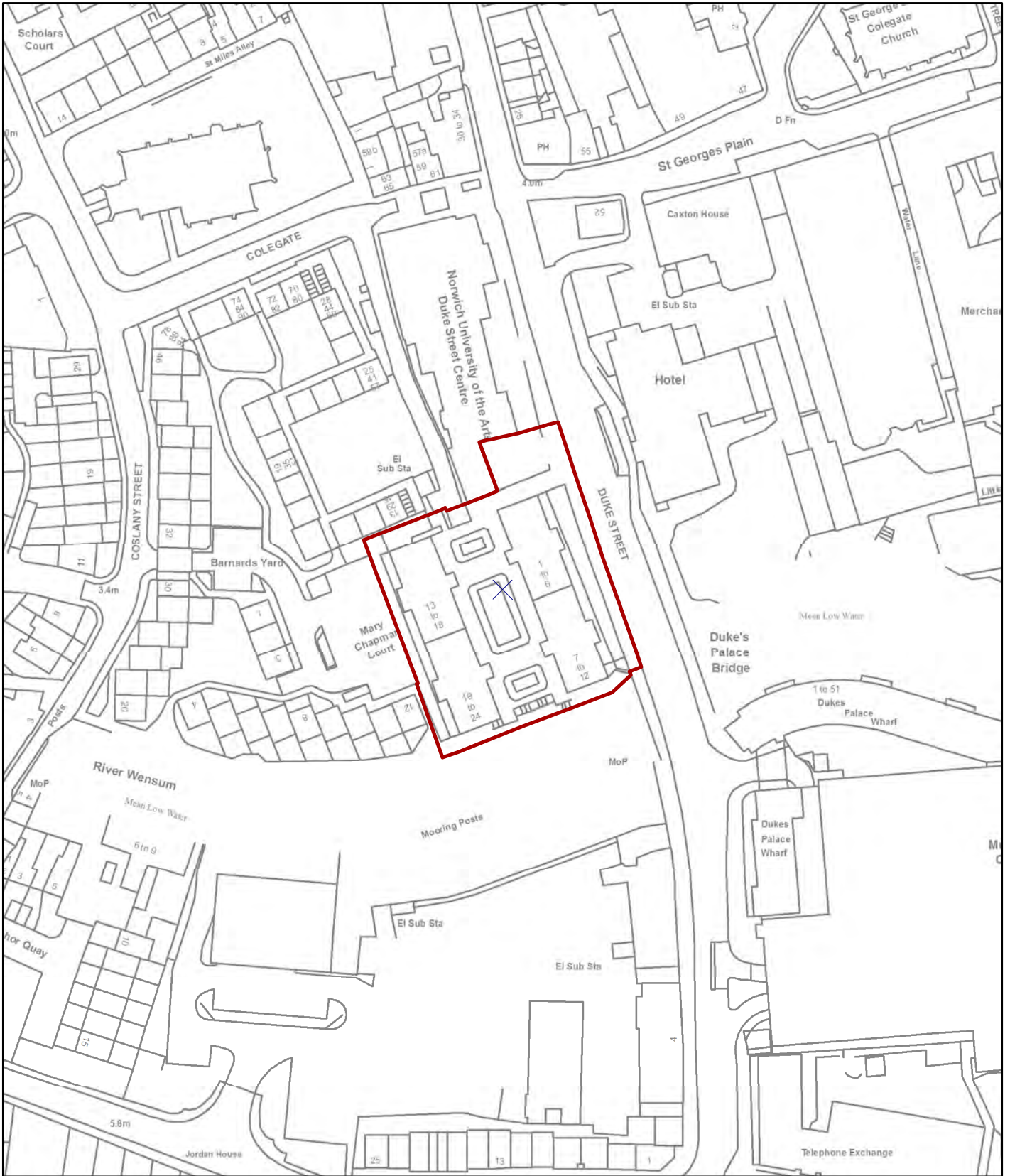
4(b)

**Reason
for referral** Objections

Ward	Mancroft
Case officer	Lara Emerson - laraemerson@norwich.gov.uk
Applicant	Angela Robson, Norwich University of the Arts

Development proposal		
Demolition of student accommodation block, erection of new build academic and student residential accommodation for Norwich University of the Arts, including works to riverside walk and other associated external works.		
Representations		
Object	Comment	Support
18	1	2

Main issues	Key considerations
1. Principle of development	Demolition of existing student accommodation buildings. Provision of educational facilities, student accommodation and public open space.
2. Design & heritage	Height, mass, form & detailing. Impact on heritage assets including conservation area.
3. Amenity	Impact on outlook, light levels and privacy to neighbours. Amenity for future occupants.
4. Landscape, trees & open space	Design of open space, treatment of riverside walk, existing and proposed trees, management and maintenance.
5. Transport	Suitability of location, cycle parking, pedestrian and cycle routes, refuse storage and collection, car free development.
Expiry date	18 January 2019 (extended from 10 January 2019)
Recommendation	Approve



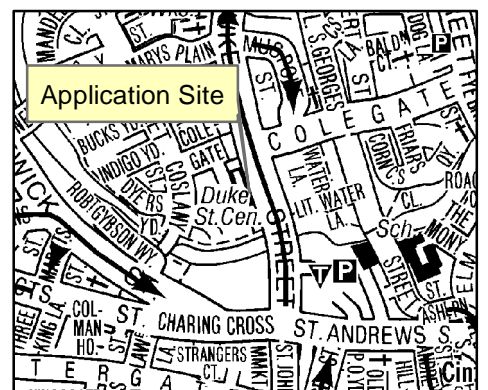
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Planning Application No 18/01524/F
 Mary Chapman Court
 Site Address Duke Street
 Scale 1:1,250



NORWICH
 City Council

PLANNING SERVICES



The site and surroundings

1. The site is located on the western side of Duke Street and on the northern bank of the River Wensum, adjacent to Dukes Palace Bridge.
2. To the north of the site is a two-storey Norwich University of the Arts (NUA) building, known as the Duke Street Building, which houses the university library and teaching spaces. To the west of the site is the three-storey Barnard's Yard housing estate.
3. On the opposite side of the river to the south of the site is the vacant Dukes Wharf site which currently stands at 5 storeys (but has had a consent for an additional 2 storeys although this has now lapsed). On the opposite side of Duke Street to the east of the site is a hotel car park which is currently the subject of a separate planning application for a student accommodation block and is also the subject of an appeal following refusal of a previous application also for student accommodation.
4. The site itself is currently occupied by two three-storey student accommodation buildings constructed of concrete breeze blocks which provide a total of 119 student rooms. The blocks run north-south and the space between is a large area of concrete hardstanding, interrupted by some planting and voids which allow viewing of the underground car park which stretches beneath the whole site. A riverside walk runs along the southern edge of the site, forming the last section from New Mills to Duke Street. This section of the riverside walk provides poor access to cyclists and those less physically able since it is narrow and includes two flights of steps to reach Dukes Palace Bridge which is raised above the level of the site.

Constraints

5. The site sits within the Northern Riverside Character Area of the City Centre Conservation Area and adjacent to the Colegate Character Area. The NUA building to the north of the site is locally listed. There are no other designated heritage assets within the immediate vicinity of the site, but there are numerous listed bridges and buildings within a 100m radius.
6. The site sits within one of the city's designated Regeneration Areas, an Area of Main Archaeological Interest, Flood Zone 2 and the Critical Drainage Catchment Area.
7. There is a large London Plane tree situated at the south-west corner of the site.

Relevant planning history

8. None.

The proposal

9. The proposal is for the demolition of the existing student accommodation blocks and the erection of a new building comprising a lower ground and ground floor of educational facilities (lecture theatre, teaching spaces, offices) and six floors of student accommodation above (100 student rooms).

10. The proposal also includes the provision of a new public open space beside the river, an enhanced riverside walk with ramped access to Duke Street, a new 'student square' between this building and the Duke Street Building to the north, green roofs across the site and a service yard utilising existing access from Colegate.

Summary information

	Existing	Proposed
Scale		
Total no. of student rooms	119	100
Total floorspace	4540m ²	4410m ²
No. of storeys	3	7 (with a lower ground floor visible from the riverside walk)
Appearance		
Materials - walls	Concrete breeze blocks	Red brick with a metal ground floor colonnade
Materials - roofs	Concrete tiles	Mixed sedum green roofs & single ply membrane
Materials - windows	Brown PVC	Metal with projecting box shades
Landscaping	Concrete walkways and low level planting	Open space to the south and north with seating steps, trees and new planting
Operation		
Employees	4 full-time	8 full-time (plus visiting lecturers)
Opening hours	N/A	Educational facilities: Mon-Thurs 08:30-21:00 Fri 08:30-17:00 Sat 09:00-17:00 Sun Closed
Ancillary plant and equipment	Underground/in stores	Roof mounted and hidden from view
Renewable energy	None	Air source heat pumps generate 20.5% of the building's total energy usage
Water efficiency measures	Unknown	Reduced flow water fittings to be used throughout the development
Transport matters		
Vehicular access	Via Colegate	None (except for servicing)
No of car parking spaces	72	0
No of cycle parking spaces	0	30 secure & covered for resident students and staff 36 visitor spaces on Sheffield stands
Servicing arrangements	Via Duke Street	Via Colegate

Representations

11. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 2 letters of support have been received (including one from the Norwich Society), which praise the design and proposed use of the development. 1 comment has been received, which comments on issues with the current use of the site. 18 letters of objection have been received citing the issues as summarised in the table below.

Issues raised	Response
The building is too tall in design terms	See Main Issue 2: Design & Heritage
The proposed height may set a precedent for a tall building on the adjacent Premier Inn Car Park site and the Dukes Wharf site	Each planning application is assessed on its merits.
The development will lead to additional traffic generation	See Main Issue 5: Transport
Additional cyclists and pedestrians on Duke Street will lead to traffic accidents	See Main Issue 5: Transport
Construction traffic may unsettle a temperamental water pipe in Barnard's Yard	This planning application is unlikely to impact the stability of this water pipe since access roads are already subject to vehicular use.
Concerns about noise disturbance during the construction phase	See Main Issue 3: Amenity
Loss of light to flats within Dukes Palace Wharf	See Main Issue 3: Amenity
Loss of outlook to flats within Dukes Palace Wharf	See Main Issue 3: Amenity
Resident students will disturb neighbours and misbehave	See Main Issue 3: Amenity
The open space fronting the river will attract anti-social behaviour	See Main Issue 3: Amenity
Concerns about management of the student accommodation and open space	See Main Issue 3: Amenity
There are not enough trees proposed within the development, and the proposed trees will not be able to be cultivated due to light levels	See Main Issue 4: Landscaping, trees and open space
The building could negatively impact biodiversity	See paragraph 92 which relates to biodiversity.

Consultation responses

12. 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

13. *No comments at this stage.*
14. No comments received on application. Comments from pre application discussions as follows.
15. We generally welcome the redevelopment of this site and recognise the real opportunity there is to provide a high quality, purpose-built art school and student accommodation and a better landscaped publically accessible riverside walk fronting the river. However, we remain concerned as to how the proposed building will physically and visually integrate into its surroundings.
16. The low 2 storey street frontage sharply rises to 7 storeys, then drops to a single porte-cochère to address the street and river and the river frontage remains at 5 storeys. This building has a strong visual presence and independent identity; it is questionable as to whether it takes sufficient opportunities to harmonise with the neighbouring historic environment. In order to sit more comfortably within the existing context, we suggest the following amendments:
 - Bring building forward to sit directly on the river bank
 - More consistent building height
 - Richer architectural detailing
 - Removal of roof top clutter
 - Heritage interpretation
 - Careful selection of red brick product and landscaping materials

Historic England

17. *No objection.*
18. This application proposes the development of student accommodation and teaching facilities in Norwich conservation area on a prominent site beside the River Wensum. We consider the proposals are broadly acceptable, but the creation of public open space between the new building and the river should be given further consideration. We would prefer the building to be set closer to the river, which would reduce the area of public open space.

Environmental protection

19. *No comments received.*

Environment Agency

20. *No objection. Conditions recommended.*
21. We have inspected the application and have no objection to the proposals if a number of planning conditions are applied relating to prevention and remediation of contamination,

Highways (local)

22. *No objection. Conditions recommended.*

23. No objection in principle on highway grounds. It is appreciated that the applicant's pre-application engagement with the council has successfully informed the submitted scheme with a number of highway suggestions having been incorporated. A dropped kerb would be helpful for cyclists to access the cycle racks from Duke Street. A number of informatives recommended advising the applicant of the various consents required for works within the highway.

Landscape

24. *No objection. Conditions recommended.*
25. The redevelopment of this site including high-quality public realm, external student areas, riverside walk with associated publicly accessible space, and improved street frontage is welcomed. Following clarifications and negotiations, the proposal is considered acceptable in landscape terms.

Norfolk Historic Environment Service

26. *No objection. Conditions recommended.*
27. The archaeological desk-based assessment submitted with the current planning application recognises that as a result of its location the proposed development site has a high potential to contain heritage assets with archaeological interest dating from the Late Anglo-Saxon period onwards. If planning permission is granted, we therefore ask that this be subject to a programme of archaeological mitigatory work.

Norfolk police (architectural liaison)

28. *No objection.*
29. Detailed comments on security features to be included within the proposed development. Following clarification around the provision of barriers along the riverside, the proposal is considered acceptable.

Natural areas officer

30. *No objection.*
31. No further surveys are required.
32. The proposals have not taken sufficient opportunities to provide ecological enhancement commensurate with the ecological importance of the river. Amendments including marginal aquatic planting along the river frontage, and additional tree planting along the river edge and within courtyard to north should be considered. Proposed lighting may pose a risk to protected species (bats) and protected habitat (River Wensum). The development would pose risks to the river and bats at the demolition and construction stages which should be mitigated.

Tree protection officer

33. *No objection. Conditions recommended.*
34. The proposed tree removals T4, T5, T6, are not significant specimen trees and adequate replacement planting is illustrated.

Citywide Services

35. There is no issue with a collection vehicle accessing Colegate but they will have to reverse down the road to get to the bin store. There are two access points from Barnard's Yard on to this part of Colegate and I would recommend the commercial waste collector would employ a reversing assistant to guide the vehicle down. If it is not possible to have an additional crew member I would recommend the commercial waste collector carries out a risk assessment to ensure they can reverse safely.

Broads Authority

36. *No objection.*
37. Comments made relating to the riverside walk, signage and surface treatments.

Anglian Water

38. *No objection.*
39. Anglian Water has reviewed the submitted documents in reference to FRA 7.10/ 7.11 and supporting drainage drawings, and can confirm that these are acceptable to us based on a connection to manhole 9854 at 5.6l/s. We require these documents to be listed as approved plans/documents if permission is granted. Suggest informative relating to the Anglian Water assets located on the site.

Parks & Open Spaces

40. *No objection.*
41. The improved accessibility of the walk is greatly received. Negotiations & clarifications have led to design changes which allow the riverside walk to remain under City Council responsibility without increasing liability or maintenance expenditure.

NHS England

42. *No objection.*

Lead Local Flood Authority

43. *No objection. Conditions recommended.*

Following an initial objection due to a lack of information on surface water management, additional information was requested and received from the applicant. The Lead Local Flood Authority has now confirmed that it is satisfied with the proposals subject to the imposition of a condition requiring additional information on the sustainable urban drainage proposals.

Norfolk County Council Bridges

44. *No objection.*
45. Following clarifications, the proposals appear to have no impact on the stability of the river wall or the adjacent bridge structure.

Norfolk Fire & Rescue Services

46. *No objection.*

Assessment of planning considerations

Relevant development plan policies

47. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted 2011 (amendments 2014) (JCS)**

- JCS1 Addressing climate change and protecting environmental assets
- JCS2 Promoting good design
- JCS3 Energy and water
- JCS5 The economy
- JCS6 Access and transportation
- JCS7 Supporting communities
- JCS9 Strategy for growth in the Norwich policy area
- JCS11 Norwich city centre

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

- DM1 Achieving and delivering sustainable development
- DM2 Ensuring satisfactory living and working conditions
- DM3 Delivering high quality design
- DM4 Providing for renewable and low carbon energy
- DM5 Planning effectively for flood resilience
- DM6 Protecting and enhancing the natural environment
- DM7 Trees and development
- DM8 Planning effectively for open space and recreation
- DM9 Safeguarding Norwich's heritage
- DM13 Communal development and multiple occupation
- DM18 Promoting and supporting centres
- DM22 Planning for and safeguarding community facilities
- DM28 Encouraging sustainable travel
- DM30 Access and highway safety
- DM31 Car parking and servicing
- DM32 Encouraging car free and low car housing

Other material considerations

49. **Relevant sections of the National Planning Policy Framework 2018 (NPPF)**

- 2 Achieving sustainable development
- 5 Delivering a sufficient supply of homes
- 7 Ensuring the vitality of town centres
- 8 Promoting healthy and safe communities
- 9 Promoting sustainable transport
- 12 Achieving well-designed places
- 14 Meeting the challenge of climate change, flooding and coastal change
- 15 Conserving and enhancing the natural environment
- 16 Conserving and enhancing the historic environment

50. **Supplementary Planning Documents (SPD)**

- Open space & play space SPD adopted October 2015
- Trees, development and landscape SPD adopted June 2016
- Heritage Interpretation SPD adopted December 2015

Case Assessment

51. 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

52. Key policies – DM13, DM22, NPPF Sections 5 & 8.

53. The existing student accommodation buildings contribute negatively to the character and appearance of the conservation area and are identified as negative buildings within the Northern Riverside Character Area Appraisal. The loss of these poor quality buildings is therefore accepted as being the most appropriate way to redevelop this site.

54. The proposals involve the provision of student accommodation. Since the site is already used for student accommodation there can be no objection to this use of the site. In fact, the site currently provides 119 student bedrooms and the proposed development provides 100, so there is a loss of 19 student bedrooms. The site sits in a sustainable city centre location, in very close proximity to the various buildings which form the NUA campus and within easy walking distance to all other local facilities and public transport routes. The proposal satisfies the criteria for student accommodation set out within DM13, as discussed in more detail in the sections below.

55. The proposals also include the provision of educational facilities. The applicant has submitted statements which argue that NUA is in need of extra teaching spaces, especially large spaces, in order to deliver their current programme of courses. The university currently relies on rental of other spaces in order to hold sessions over a certain size. The flexibility of these new spaces may also allow them to enhance their educational offerings in future. The proposed educational facilities comprise:

- An adaptable double height lecture theatre which can be arranged to provide tiered lecture-style seating for 300 students or a state-of-the-art performing arts theatre space.
- Two large teaching spaces.
- A large foyer, staff offices and other ancillary spaces.

56. Educational development must be assessed against policy DM22. Parts a) and b) relate to avoiding adverse traffic implications, which are addressed within Main

Issue 5, below. Parts c) and d) relate to the effective use of existing educational sites and ensuring that there is sufficient accommodation to support students. In this case, it has been demonstrated that NUA are currently lacking sufficient teaching spaces and that this development will prevent the need for them to continue to rent spaces elsewhere in the city. A significant number of new student bedrooms have been given consent in recent years across the city which would go some way to accommodate increases in student numbers. However, studies carried out by the Council indicate that there is still capacity for additional purpose built student accommodation, particularly when it is directly associated with an education provider, such as NUA. The provision of high quality educational facilities is considered to enhance the city's thriving student scene which is accompanied by considerable economic benefit.

57. The Northern City Centre Area Action Plan (2010) is no longer in force, but within it the Mary Chapman Court site was allocated. The allocation included demolition of the existing buildings, provision of housing and the allocation also highlighted the opportunity to enhance the riverside walk and provide open space next to the river. While the proposed scheme is for student accommodation rather than residential dwellings, the scheme does accord with the design principles of this allocation and contributes to the wider regeneration aims of the area action plan. It is worth noting that the area action plan has lapsed and no longer forms part of the development plan.
58. Paragraph 20 of the Planning Practice Guidance - Housing Need Assessment states that authorities need to plan for sufficient student accommodation whether it consists of communal halls of residence or self-contained dwellings, and whether or not it is on campus. It goes on to state that encouraging more dedicated student accommodation may provide low cost housing that takes pressure off the private rented sector and increases the overall housing stock. As part of the ongoing housing supply monitoring within Greater Norwich, student accommodation is counted at a rate of 2.5 student bedrooms equals 1 dwelling. Subject to the detailed matters discussed in the sections below, the principle of this development is considered acceptable, especially given the significant public benefit brought about by the provision of new high quality educational facilities, public open space and an accessible riverside walk.

Main issue 2: Design & Heritage

59. Key policies – JCS2, DM3, DM9, NPPF Sections 12 & 16.
60. The site is visible from Dukes Palace Bridge immediately adjacent to the site; St Georges Bridge downstream; and from the River Wensum itself. Due to the natural break in development to the south and east, the site forms a prominent corner within the City Centre Conservation Area, adjacent to the locally listed NUA Duke Street Building and with statutorily listed buildings being located further afield on Colegate and St George's Plain. There is the opportunity to provide a bold and inspiring development on this site, but also the need to provide a contextual development which responds to the historic and natural environment and enhances this part of the conservation area.
61. The proposed form of development rises to 7 storeys fronting Duke Street, with a lower ground floor visible from the riverside walk. The building steps down to the west where it has 5 storeys adjacent to the Barnard's Yard development, and to the

north where it has 2 storeys adjacent to the NUA Duke Street Building. The building is set some 18m away from the river frontage to provide an area of public open space. Page 8 of the applicant's Design & Access statement demonstrates the heights of other buildings around the site. Other buildings range from 3 to 6 storeys tall, with a mezzanine in the top floor of Dukes Palace Wharf building adding a 7th storey. When measured from Duke Street, the proposed building stands at 22m tall at its highest point with the tallest existing building in the vicinity being the 21m tall Dukes Palace Wharf. The Eastern Electricity Board site was granted consent in 2015 for an additional 2 storeys which would take its height up from 19m to 25m (this consent has now lapsed). The node formed by the River Wensum passing under Duke Street offers the opportunity for a collection of well-designed taller buildings. Subject to the assessment of impacts on daylight/sunlight (see Main Issue 3, below), the proposed height is considered to be appropriate in this context in design and heritage terms.

62. There is a two storey element of the proposal which stretches along Duke Street adjacent to the NUA building. This lower element serves to a) respect the horizontal proportions of the NUA building; and b) allow the point building to rise above in a meaningful way. The building drops down to 5 storeys where it faces the Barnard's Yard development which allows the building to interact better with the lower three-storey terraced flats located there.
63. The applicant alludes to industrial warehouse forms within their application as a reference for this form of development. When comparing the proposed development to such buildings (i.e. the Eastern Electricity Board building opposite), it is clear that there are key design differences here such as an irregular fenestration pattern, an irregular roof height and a significant set-back from the river. There are, however, some features which could be said to take reference from warehouse architecture such as a long narrow building form facing the river, use of red brick and the inclusion of a 'chimney' at the north-eastern corner of the building. The resulting modern/industrial hybrid building is considered to positively respond to the context of the riverside industrial buildings and wider conservation area, whilst also creating a bold modern building which successfully signifies the status of the university and marks the regeneration of this site and northern city area.
64. Some aspects of the proposed design add interest to the building and make reference to the site's historical use as the Barnard, Bishop & Barnard Ironworks foundry which was located here for over 100 years. A metal colonnade is proposed at ground floor level, perforated brick detailing on various elevations, and the projecting windows are proposed to include an etched pattern taken from the work of Barnard, Bishop & Barnard.
65. The current form of development on the site allows for views from Colegate down to the river. However, the height of the bank here prevents the water itself from being visible, so the view is instead of the Eastern Electricity Board building opposite. Such views towards the river are highlighted as being worthy of retention within the City Centre Conservation Area Appraisal. This view would be entirely blocked by the proposed development but in this case, the other benefits of the scheme are considered to outweigh this lost view.
66. Historic England has commented that it would be preferable from a heritage point of view for the building to immediately abut the river. However, this would lead to the

loss of the open space and would also affect sunlight/daylight levels for the student rooms and adjacent sites.

67. The site sits in the Area of Main Archaeological Interest and has the potential to contain some important remains. A written scheme of investigation would be required to accompany the development of the site and ensure any remains are recorded.
68. Overall, the proposed building is considered to respond well to the surrounding built and natural environment and to enhance the character of this part of the City Centre Conservation Area.

Main issue 3: Amenity

69. Key policies – DM2, DM11, NPPF Section 12.
70. The site sits amongst some sensitive uses - specifically the Barnard's Yard housing development to the north-west and the Dukes Palace Wharf development to the south-east. There are also some less sensitive uses around the site - a hotel to the north-east, a university building to the north and a vacant office block to the south.
71. The impact of the proposed development on neighbouring buildings has been assessed through use of a daylight and sunlight study which follows the Building Research Institute (BRE) guidelines. The study concludes that there will be an adverse impact on 7 of the 327 windows assessed. Three of these windows serve a hotel lobby (window references 244, 247 & 248 within the study), which is not considered a sensitive use so this is not a particular concern.
72. Two of the affected windows serve bedrooms within Barnard's Yard (window references 2 & 3). The proposed development brings the Vertical Sky Component for these windows down from 31.7% to 25.2% (ratio 0.79) and from 33.8% to 26.3% (ratio 0.78) respectively. The benchmark is a ratio of no lower than 0.8. It is considered in this case that the impacts are very marginal and that the use of these rooms does not warrant as much protection as, say, living rooms.
73. The final two windows which are identified as being adversely impacted are on the ground and first floor of the Dukes Palace Wharf development (window references 304 & 305). The windows are recessed at the back of deep balconies so the amount of sky visible from the windows is already low. The development serves to reduce the amount of visible sky from 7.1% to 5.0% (ratio 0.70) and from 8.0% to 6.0% (ratio 0.75) respectively. Given the overall level of compliance and the other benefits of the scheme, this impact is not considered significant in this case.
74. Thirteen windows serving flats within Barnard's Yard are actually shown to experience an improvement in levels of daylight and/or sunlight as a result of the proposed development, since the existing blocks stand at 3 storeys tall and are built very close to these residential windows.
75. Officers agree with the conclusions of the report which state that the development will have a high level of compliance with the BRE guidelines and that the marginal impacts on daylight and sunlight should not warrant refusal of the application.
76. The existing form of development on the site leads to poor outlook for residents within certain flats within Barnard's Yard. It is acknowledged that the proposed

development stands taller than the existing blocks, but since the development is pulled away from the sensitive northern boundary officers consider that the development may serve to improve outlook for a number of residential windows within Barnard's Yard. Given the distance between this site and Dukes Palace Wharf, it is not considered that there will be any considerable impact on outlook to these flats.

77. A number of objectors have raised concerns about noise and anti-social behaviour from the student residents or users of the riverside open space. Firstly, it is worth pointing out that the site is already in use as student accommodation, so the principle of this use of the site has already been established. Norwich University of the Arts (NUA), who intend to retain ownership and management of the building and the area of open space, have stated within their application that they are committed to providing on-site management staff and contact details for neighbours. Further details of these management arrangements will be requested via condition.
78. The council's landscape officer has reviewed the open space from a security perspective and has offered assurance that the space has been designed in such a way so as to deter anti-social behaviour and disturbance through street furniture selection and by providing natural surveillance.
79. Future occupants of the proposed student accommodation are provided with sufficient light, outlook, privacy and access to outdoor amenity space. The student accommodation is well equipped with on-site staff, laundry rooms and communal study areas.
80. A construction management plan is requested via condition to agree access routes, site compound layout and hours of operation etc during demolition and construction. This will help to protect neighbours from noise and disturbance during the demolition and construction phases.

Main issue 4: Landscaping, trees and open space

81. Key policies – DM3, DM8, NPPF Section 12 & 15.
82. The proposal includes:
 - An 18m x 35m open space adjacent to the river, treated mainly with buff coloured herringbone paving with terrace seating, trees and low level planting.
 - A 2.5m wide enhanced riverside walk providing ramped and level access up to Duke Street with new railings along the river frontage.
 - A small 'student square' to the north of the site between the proposed building and the adjacent NUA Duke Street Building.
 - Mixed sedum roofs on the 2 storey parts of the development.
 - Three street trees on Duke Street.
 - The loss of three trees of low quality (Category C).

83. The provision of a substantial area of open space next to the river is a significant benefit of the scheme. This is an opportunity which was highlighted as a driver of regeneration within the (now lapsed) Northern City Centre Area Action Plan. The space has been well designed to offer a comfortable and accessible public space. Policy 15 of the recently adopted River Wensum Strategy (RWS) mentions the need to increase green infrastructure and areas of open space within the river corridor.
84. Policy 3 of the RWS emphasises the need for accessibility improvements along the riverside walk, and this stretch was specifically identified within an audit of the entire walk. The walk is narrow and there are currently two sets of steps which prevent access to those less able and also to cyclists. The enhancement of the riverside walk is another key benefit of the scheme.
85. The management and maintenance of the open spaces and riverside walk has formed an important point of discussion between officers and the applicant. It has been agreed that the open spaces are managed and maintained by NUA and that the riverside walk will continue to be managed by the city council. The Parks & Open Spaces team have had sight of the specification of the paving and are satisfied that the changes will not lead to any increased pressure on maintenance budgets.
86. Full landscaping details, including management and maintenance arrangements, will be agreed via condition.

Main issue 5: Transport

87. Key policies – JCS6, DM28, DM30, DM31, NPPF Section 9.
88. The site is sustainably located close to the city centre and public transport routes. The proposal is for car free development with 30 secure covered cycle spaces and 36 spaces on Sheffield stands. This level of provision is considered sufficient in this location, especially since the site is proposed to accommodate NUA students whose campus buildings are no more than a 5 minute walk away. A dropped kerb is proposed on Duke Street to provide cyclists with easy access to the site.
89. Refuse storage is within a small servicing yard at lower ground floor level and collection is via a small lane to the south of Colegate, which is currently used for refuse collection from both Barnard's Yard and Mary Chapman Court. As long as refuse workers use a reversing operator, this is considered acceptable.
90. There is a loading bay proposed for Duke Street which would provide an area for deliveries and for student drop off/pick up at the beginning and end of the academic year. Full details of these arrangements are required by condition, as it will be important that this part of the highway network is not obstructed. The site currently provides an east-west pedestrian connection along its southern boundary (the riverside walk) and a north-south connection from Colegate, through Barnard's Yard, through the site and down to the river. Both of these routes involve steps and the north-south connection, in particular, is not obvious to the passer-by. The proposed development enhances the east-west connection (as discussed in Main Issue 4 above) but removes the north-south connection. In this case, the overall benefits to landscape and connectivity are considered sufficient to outweigh the

loss of this route. The riverside walk can still be accessed through Barnard's Yard, via a walkway along the site's western boundary.

Other matters

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

92. Biodiversity

The site has been assessed by an ecologist, with specific interest in bats using the site. No evidence of bat roosts was seen, and overall likelihood of bats using the site is considered to be low. All roof spaces will need to be inspected again prior to demolition. The proposal includes 8 built in bat boxes. Specifications and locations will be requested by condition.

93. Renewable energy

The application includes provision for air source heat pumps which would generate 20.5% of the building's total energy usage. This exceeds policy requirements.

94. Water efficiency

Details have been submitted specifying reduced flow water fittings which are to be used throughout the development to maximise water efficiency.

95. Flood risk & surface water management

The site would be vulnerable to flooding in 'extreme' events up to and including the 1 in 1000 year event. The applicant will be required to provide a Flood Response Plan that identifies roles and responsibilities for the safe evacuation of the premises in such a situation. The application is accompanied by a surface water management plan, which has been deemed sufficient by the Lead Local Flood Authority.

96. Contamination

Due to the previous use of the site as a factory, the ground beneath the site has the potential to be contaminated, as identified within the applicant's Phase 1 contamination assessment. Subject to the imposition of a number of conditions, the Environment Agency is satisfied in this regard.

Equalities and diversity issues

97. There are no significant equality or diversity issues. The development provides a riverside walk which makes the route available to people of all abilities for the first time.

Local finance considerations

98. 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

99. Whilst causing minimal harm to the setting of the Conservation Area and to the amenity of nearby residents, the proposals result in a number of significant benefits:

- The demolition of buildings identified as negative within the City Centre Conservation Area Appraisal
- Provision of a bold and inspirational new building to mark this prominent corner plot and enhance the character and appearance of the surrounding conservation area
- Provision of educational facilities, which have been shown to be essential to the university
- Provision of public open space
- Provision of an enhanced riverside walk

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

Recommendation

To approve application no. 18/01524/F - Mary Chapman Court Norwich and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Materials to be agreed;
4. Landscaping scheme to be agreed, including demarcation of ownership boundary;
5. Heritage interpretation scheme to be agreed;
6. Details of bicycle storage to be agreed;
7. Refuse collections to take place with use of a reversing assistant;
8. Details of dropped kerb;
9. Street trees to be provided;
10. Travel plan to be shared;
11. Written scheme of investigation to be submitted;
12. Site management plan to be agreed, including arrangements for student drop off & pick up, provision of CCTV;
13. Construction method statement;
14. Contamination preliminary risk assessment to be submitted;
15. Stop works if unknown contamination found;
16. No drainage to the ground without express consent;
17. No piling without express consent;

18. Flood warning and evacuation plan to be submitted;
19. SUDS implementation;
20. Ecological mitigation measures to be implemented in accordance with report;
21. Specification and locations of 8 bat boxes to be agreed;
22. No site clearance during bird nesting season without express consent;
23. All boundary treatments to include small mammal access;
24. Lighting scheme to be submitted (to protect wildlife and light the open space);
25. In accordance with Arboricultural Impact Assessment;
26. Renewable energy to be provided in accordance with Design & Access Statement.

Informatives:

1. Caution must be exercised when demolishing buildings on the site due to the slight possibility that bats may be present. Further inspection of the loft spaces at the site should be carried out prior to demolition. If any bats are found on site during site clearance, works should stop immediately and a licenced bat ecologist must be contacted.
2. The Landscape Management Plan will be expected to set out the overall objectives of a landscape scheme and the steps (e.g. legal arrangements including ownership and management responsibilities, planned maintenance tasks, phased works, monitoring procedures etc.) that will be taken after implementation to ensure that the scheme becomes successfully established and reaches maturity.
3. Construction working hours & considerate construction.
4. Asbestos to be dealt with as per current government guidelines.
5. A planning brief for the archaeological Written Scheme of Investigation will be provided by Norfolk County Council, Historic Environment Service.
6. The loading bay will require a 'loading only' restriction to be established with associated signage. This will entail a Traffic Regulation Order fee of £1995 plus any signage/post costs
7. The costs involved in the relocation of any street furniture (such as road signs or street lights) need to be met by the applicant.
8. Street naming and numbering; the council has a statutory responsibility with regard to postal addressing, if a building name is required to be used formally please contact us for advice.
9. As the footway will need to be reconstructed to ensure it is strengthened for vehicular use and repaved for an embedded loading bay this will require a S278 agreement.
10. A 30 year maintenance fee is applicable for each street tree (payable via the S278 agreement).
11. Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.



3D VIEW - Looking North-West

- 08/10/18 Issued for Planning		client Norwich University of the Arts	PL-601
		job Duke Street Riverside	
		address Duke Street, Norwich NR3 3DX	- <small>revision</small>
		site AS PROPOSED 3D VIEW - SOUTH	
		scale Not to Scale	<small>Do not scale off dimensions. Check all dimensions on site and report any discrepancies immediately. This drawing is copyright.</small>



3D VIEW - Looking South down Duke Street

- 08/10/18 Issued for Planning		client Norwich University of the Arts	PL-602
		job Duke Street Riverside	
		address Duke Street, Norwich NR3 3DX	DKR job code
		AS PROPOSED	status PLANNING
		site 3D VIEW - NORTH	Do not scale off dimensions. Check all dimensions on site and report any discrepancies immediately. This drawing is copyright.
		scale Not to Scale	

BARNARDS YARD

SOUTH WEST

NORTH

- KEY:
- 01 Communal Courtyard
- 02 Student Accommodation
- 03 Riverside Walk
- 04 Refuse Store
- 05 Electricity Substation
- a Planting / Grass
- b Void below
- c Bollards
- d Podium (Asphalt)

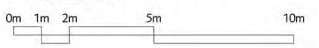
RIVER WENSUM

COLEGATE / HOPPERS YARD

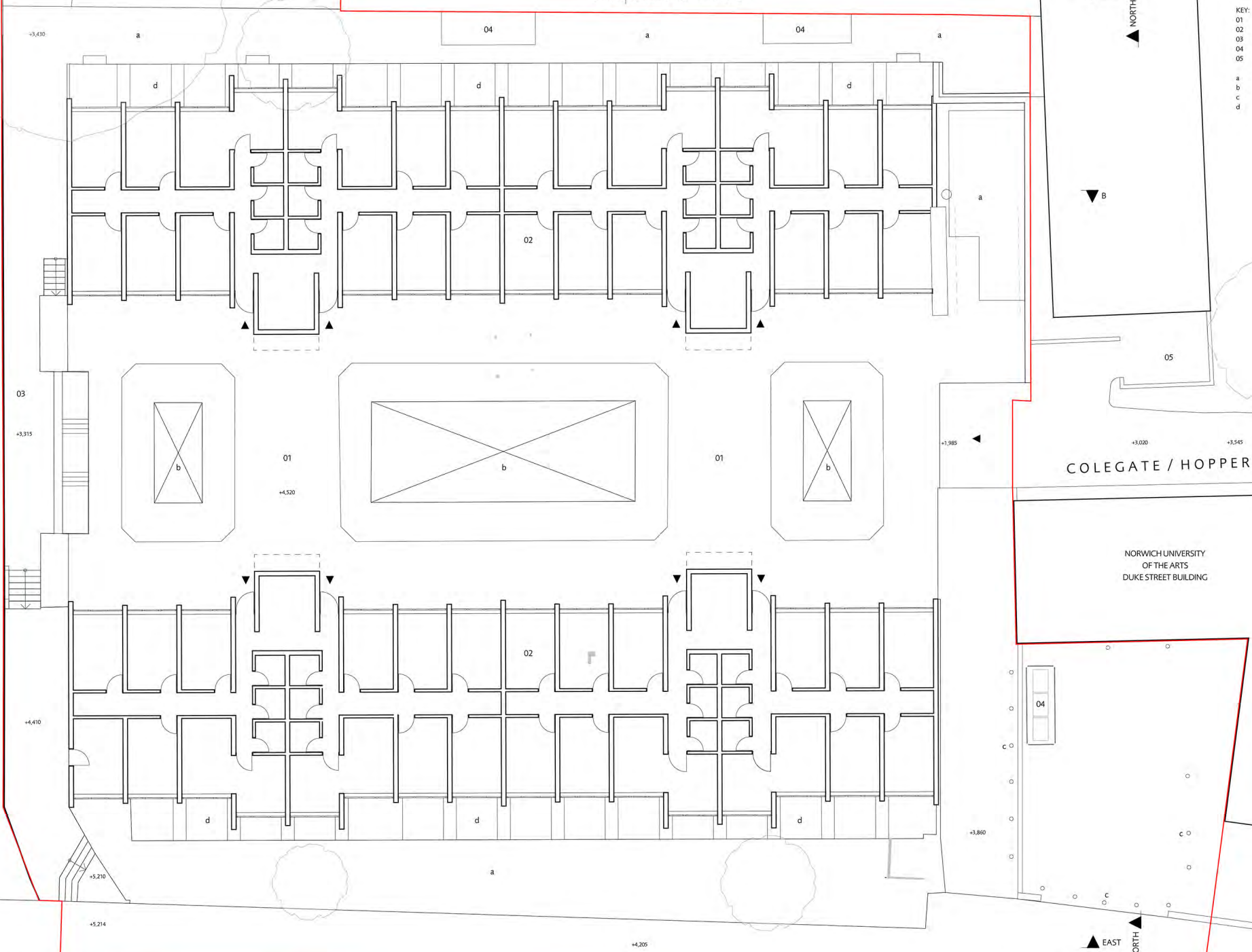
NORWICH UNIVERSITY OF THE ARTS
DUKE STREET BUILDING

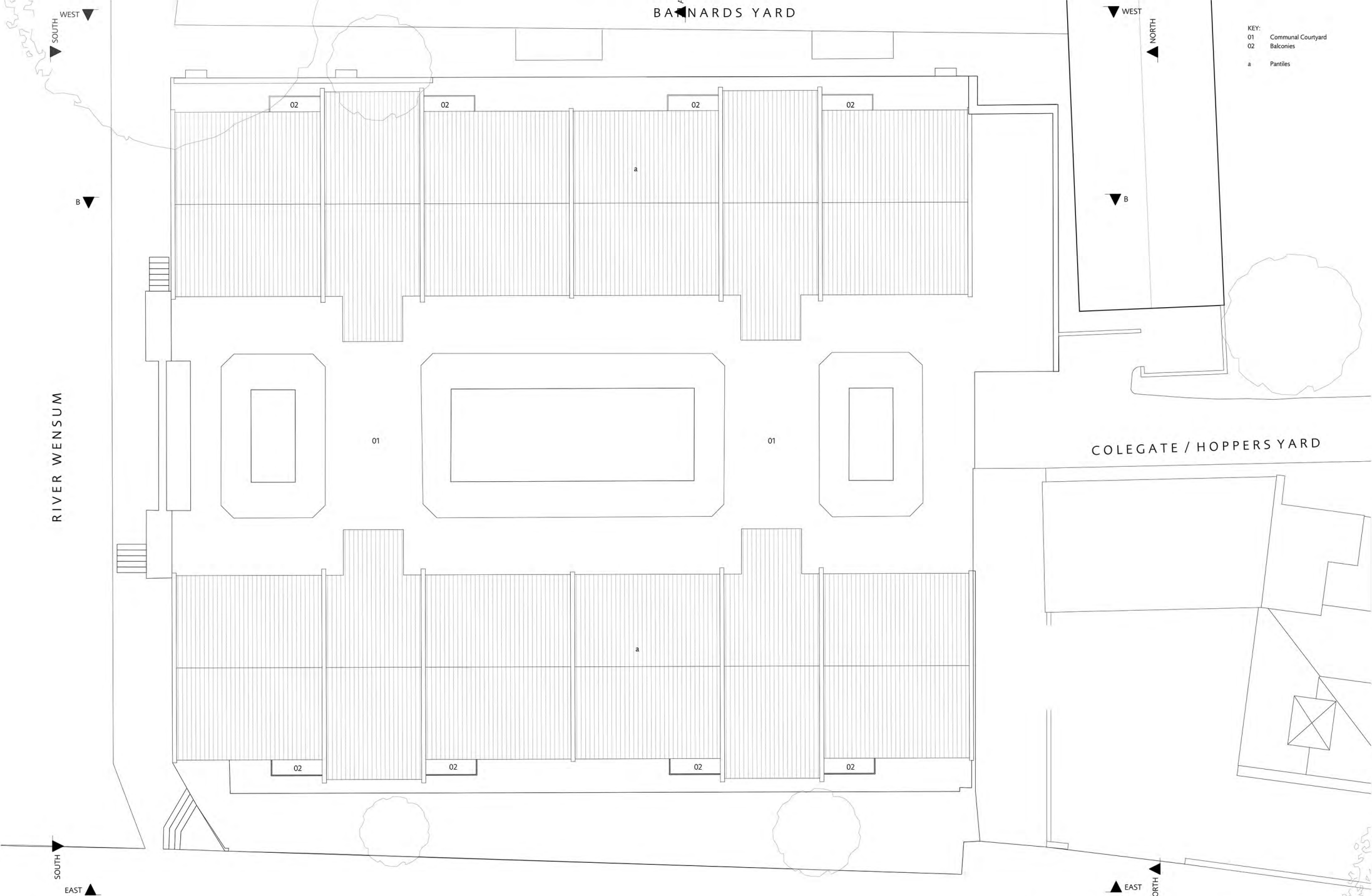
DUKE STREET

TYPICAL FLOOR PLAN
1:100 scale @ A1



08/10/18 Inset for Planning	Norwich University of the Arts	EX-100
Duke Street Riverside		
Duke Street, Norwich		
103 325		
AS EXISTING	DKR	
THE TYPICAL FLOOR PLAN	PLANNING	
scale 1:100 (BA1) / 1:200 (BA3) - 08/10/18		
HUDSONArchitects		





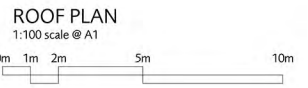
KEY:
 01 Communal Courtyard
 02 Balconies
 a Partiles

RIVER WENSUM

BARNARDS YARD

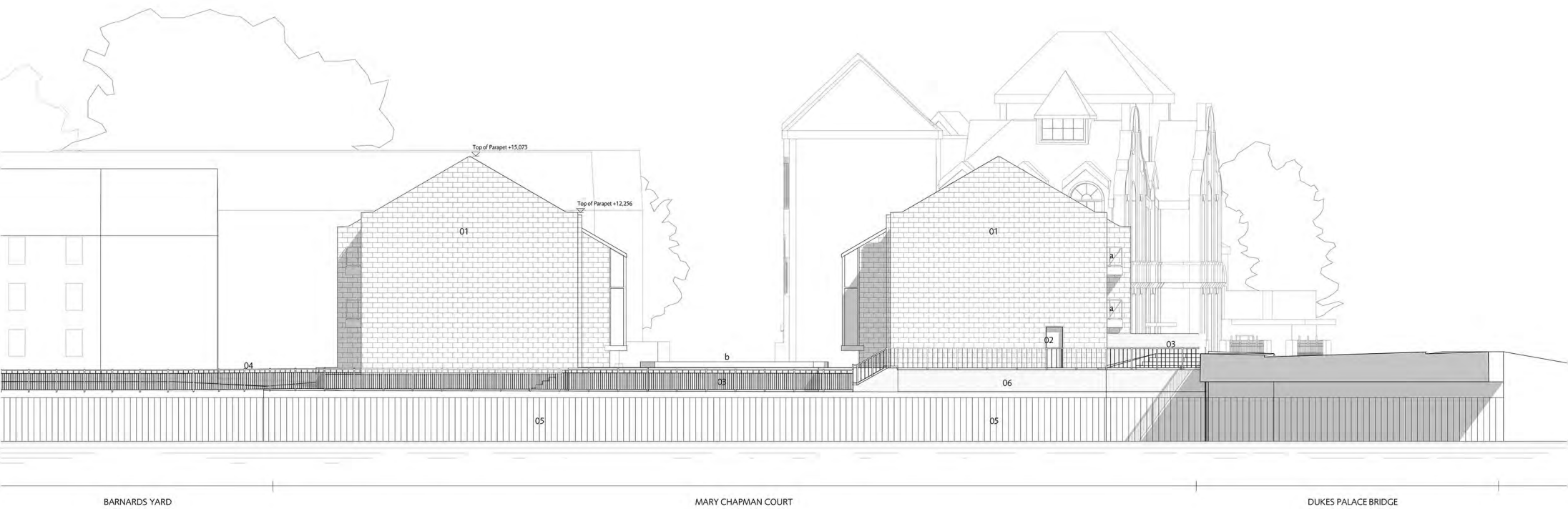
COLEGATE / HOPPERS YARD

DUKE STREET

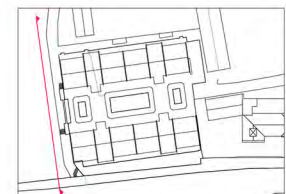
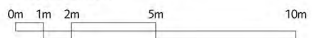


08/10/18 Issued for Planning Hudson Architects	01 Norwich University of the Arts	EX-110
	02 Duke Street Riverside	
	03 Duke Street Norwich	04 DKR
	05 AS EXISTING 06 THE ROOF PLAN 07 1:100 (BA1) / 1:200 (BA3) 08/10/18	08 PLANNING

- KEY:
- 01 Facing Blockwork
 - 02 uPVC Door / Window
 - 03 Galvanised metal railing
 - 04 Painted metal balustrade
 - 05 Metal sheet pile river wall
 - 06 Brickwork
- a Balconies
b Community courtyard

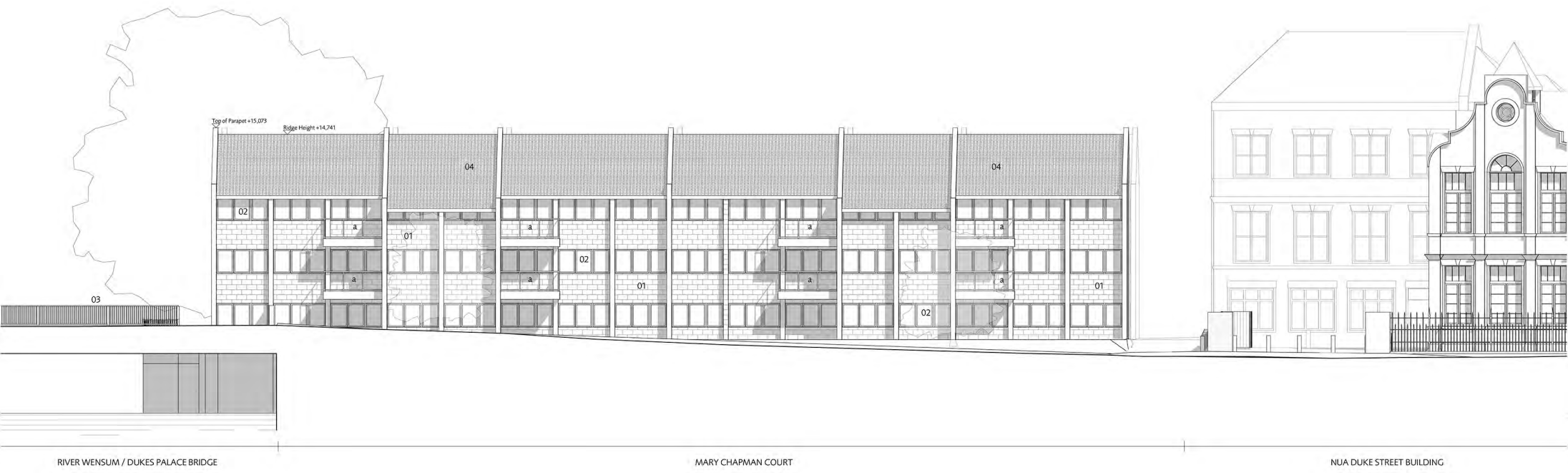


SOUTH ELEVATION
1:100 scale @ A1



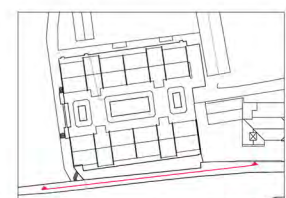
08/10/18 Issued for Planning		Newark University of the Arts		EX-203
Dukes Street Riverside		Dukes Street Riverside		
M31 303		Dukes Street, Newark		DKR
AS EXISTING		AS EXISTING		
SOUTH ELEVATION		SOUTH ELEVATION		PLANNING
Scale 1:100 (A1) / 1:200 (A3) Issue 08/10/18		Scale 1:100 (A1) / 1:200 (A3) Issue 08/10/18		
HUDSONArchitects		HUDSONArchitects		

- KEY:
- 01 Facing Blockwork
 - 02 uPVC Doors / Windows
 - 03 Painted Metal Balustrade
 - 04 Parapets
 - a Balconies



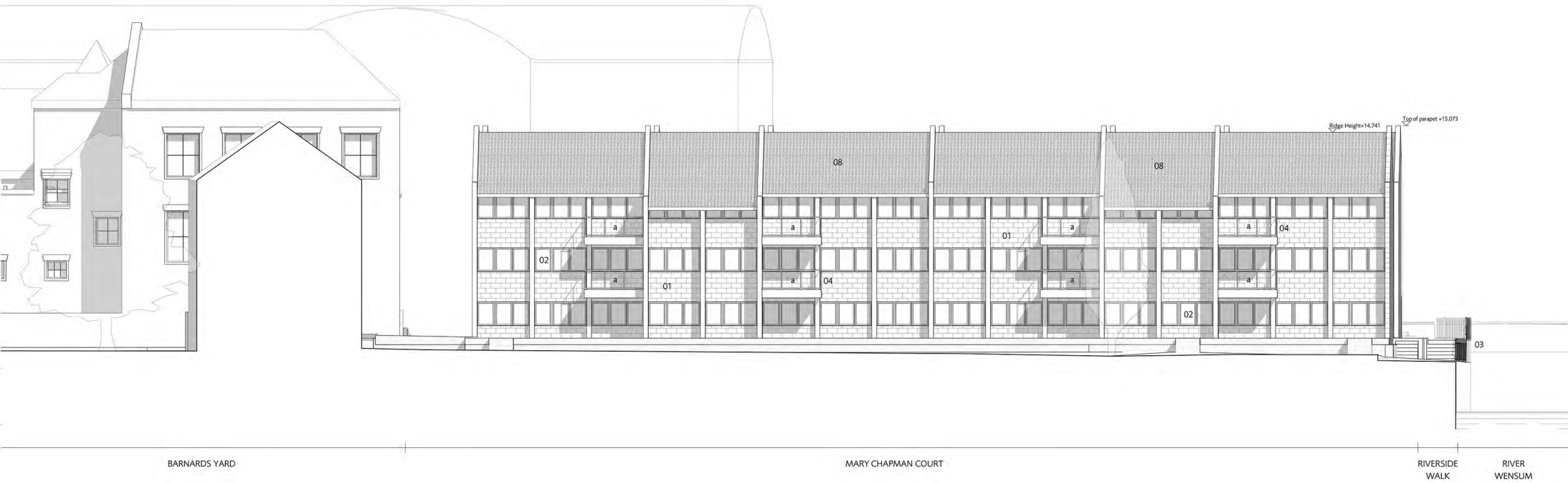
EAST ELEVATION
1:100 scale @ A1

0m 1m 2m 5m 10m



08/10/18 Issued for Planning		Network University of the Arts		EX-204
Dukes Street Riverside		Dukes Street, Norwich		
AS EXISTING		AS EXISTING		DATE: DKR
HUDSONArchitects		PLANNING		SCALE: 1:100 (A1) / 1:200 (A3) DATE: 08/10/18

- KEY:
- 01 Facing Blockwork
 - 02 uPVC Door / Window
 - 03 Galvanised metal railing
 - 04 Painted metal balustrade
 - 06 Metal sheet pile river wall
 - 08 Pantiles
 - a Balconies



WEST ELEVATION
1:100 scale @ A1

0m 1m 2m 5m 10m

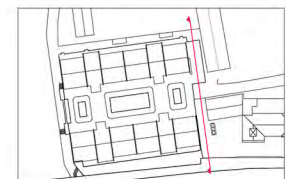
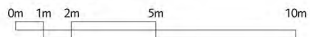


08/10/18 Issued for Planning		Client: Norwich University of the Arts		EX-205
Location: Duke Street Riverside		Project: DKR		
Architect: HUDSONArchitects		Drawing: AS EXISTING		Title: PLANNING
Scale: 1:100 (A1) / 1:200 (A3)		Date: 08/10/18		

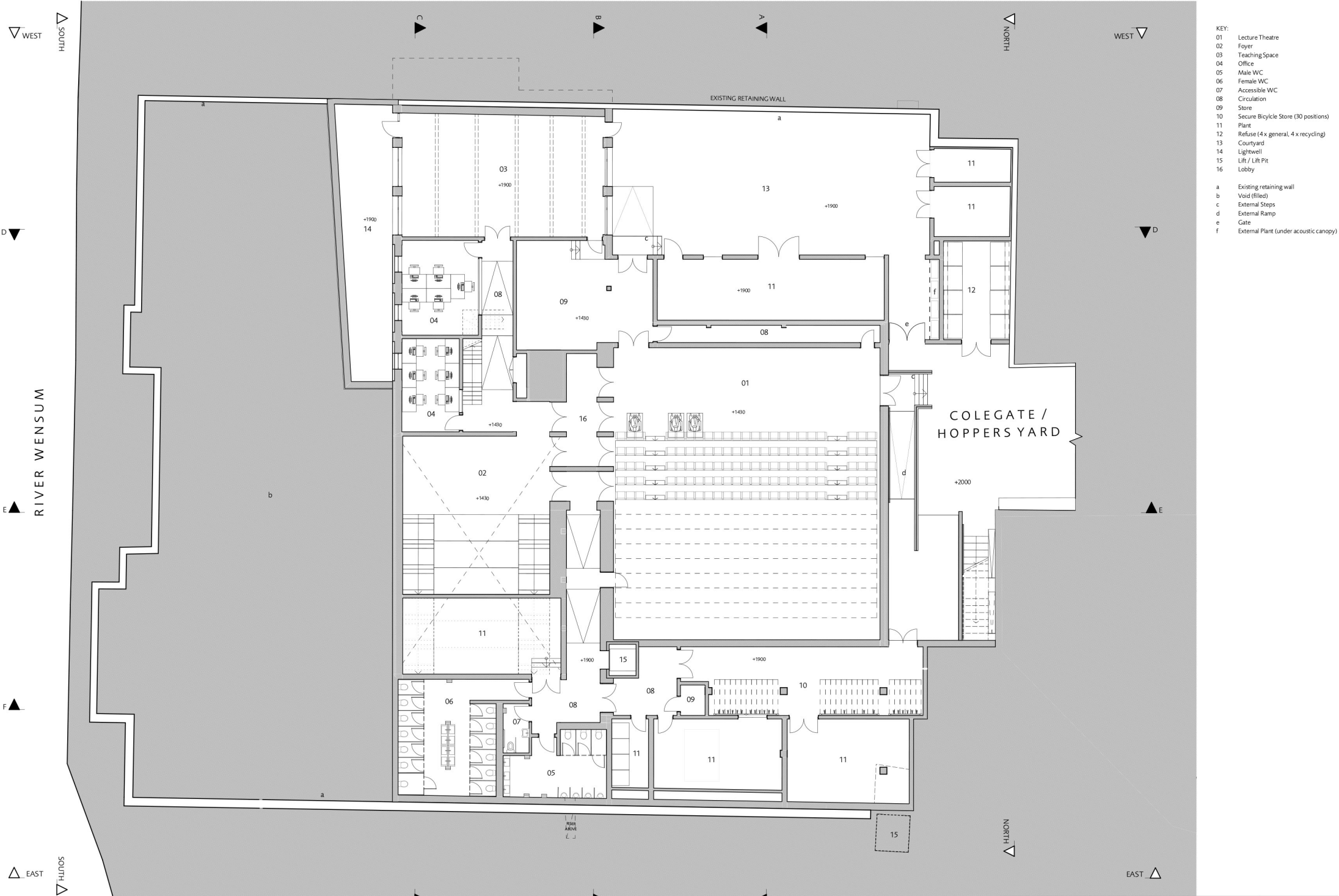
- KEY:
- 01 Facing Blockwork
 - 02 Outline of Existing Electricity Building
 - a Balconies
 - b Community Courtyard
 - c Entrance to Underground Carpark
 - d Outline of Existing Electricity Building



NORTH ELEVATION
1:100 scale @ A1



08/10/18 Issued for Planning		Newark University of the Arts		EX-206
Duke Street Riverside		Duke Street, Newark		
143 302		DKR		PLANNING
AS EXISTING		AS EXISTING		
NORTH ELEVATION		NORTH ELEVATION		
1:100 @A1 / 1:200 @A3		08/10/18		HUDSONArchitects



- KEY:
- 01 Lecture Theatre
 - 02 Foyer
 - 03 Teaching Space
 - 04 Office
 - 05 Male WC
 - 06 Female WC
 - 07 Accessible WC
 - 08 Circulation
 - 09 Store
 - 10 Secure Bicycle Store (30 positions)
 - 11 Plant
 - 12 Refuse (4 x general, 4 x recycling)
 - 13 Courtyard
 - 14 Lightwell
 - 15 Lift / Lift Pit
 - 16 Lobby
- a Existing retaining wall
 b Void (filled)
 c External Steps
 d External Ramp
 e Gate
 f External Plant (under acoustic canopy)

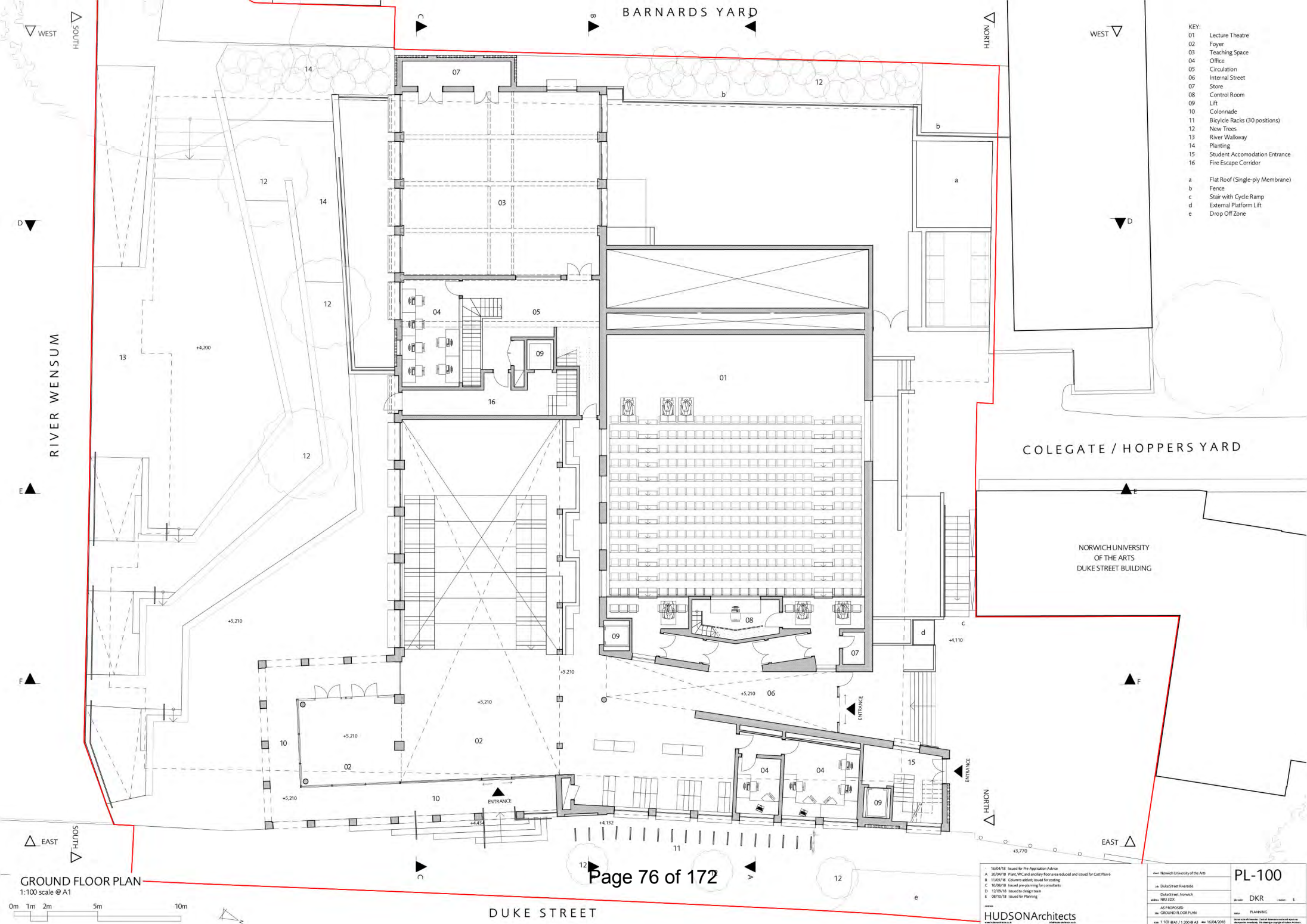
LOWER GROUND FLOOR PLAN
 1:100 scale @ A1



16/04/18 Issued for Pre-Application Advice
 A 20/04/18 Plans, WC and ancillary floor area reduced and issued for Cost Plan 6
 B 11/05/18 Columns added; issued for costing
 C 10/08/18 Issued pre-planning for consultants
 D 10/08/18 Issued for design team
 E 06/10/18 Issued for Planning

HUDSONArchitects

Client: Norwich University of the Arts	Project: PL-099
Location: Duke Street, Norwich	Architect: DKR
Scale: 1:100 (BA1) / 1:200 (BA3)	Date: 16/04/2018



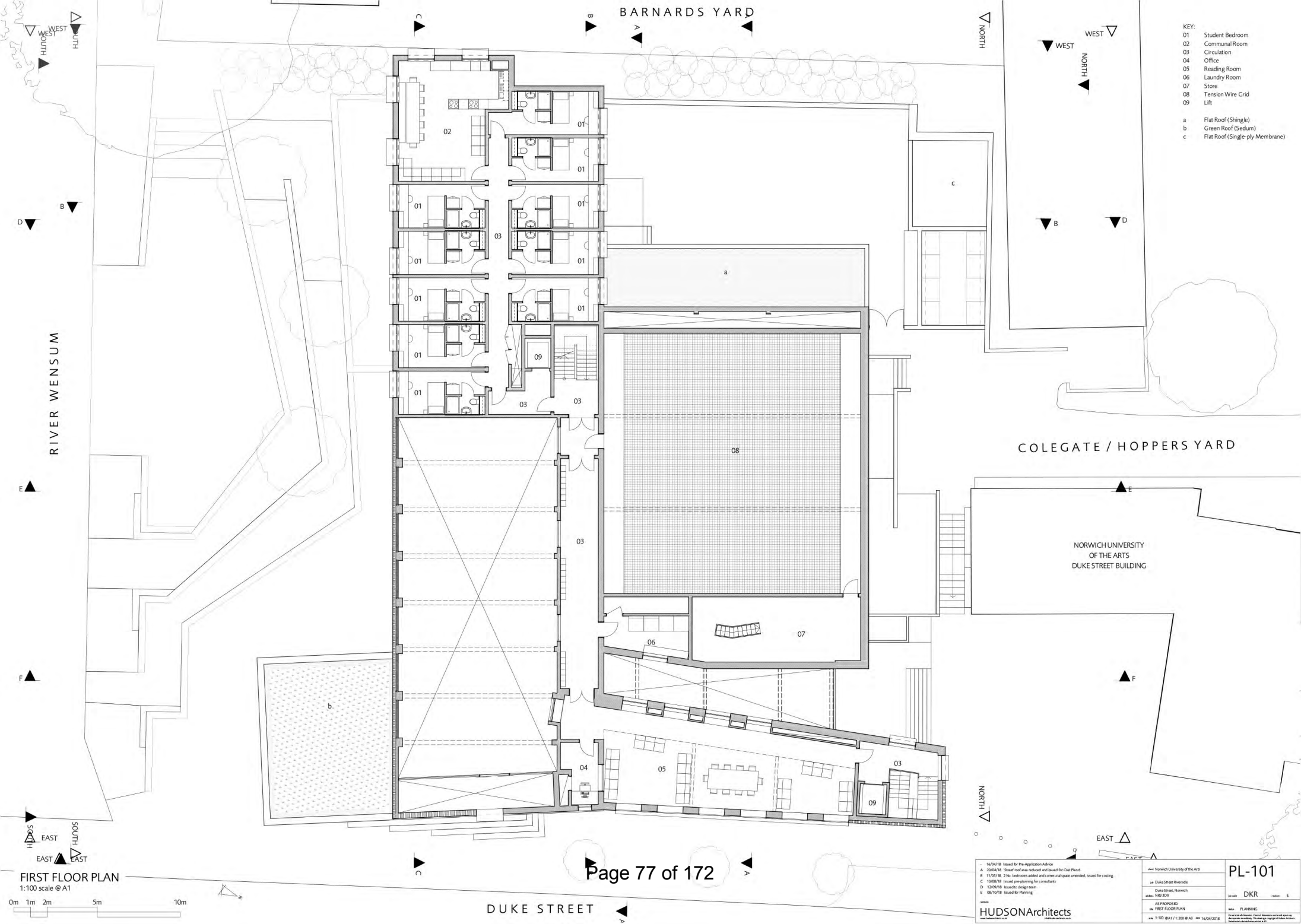
- KEY:
- 01 Lecture Theatre
 - 02 Foyer
 - 03 Teaching Space
 - 04 Office
 - 05 Circulation
 - 06 Internal Street
 - 07 Store
 - 08 Control Room
 - 09 Lift
 - 10 Colonnade
 - 11 Bicycle Racks (30 positions)
 - 12 New Trees
 - 13 River Walkway
 - 14 Planting
 - 15 Student Accommodation Entrance
 - 16 Fire Escape Corridor
- a Flat Roof (Single-ply Membrane)
 - b Fence
 - c Stair with Cycle Ramp
 - d External Platform Lift
 - e Drop Off Zone

GROUND FLOOR PLAN
1:100 scale @ A1



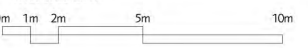
DUKE STREET

<ul style="list-style-type: none"> - 16/04/18 issued for Pre-Application Advice A 20/04/18 Plans, W/C and ancillary floor areas reduced and issued for Cost Plan 6 B 11/05/18 Columns added issued for costing C 18/06/18 issued pre-planning for consultants D 12/07/18 issued to design team E 06/10/18 issued for planning 	<p>Client: Norwich University of the Arts</p> <p>Site: Duke Street Riverside</p> <p>Project: Duke Street, Norwich</p> <p>Scale: 1:100</p> <p>AS PROPOSED</p> <p>NO. GROUND FLOOR PLAN</p> <p>Scale: 1:100 (A1) / 1:200 (A3) Rev: 16/04/2018</p>	<p>PL-100</p> <p>Client: DKR</p> <p>Scale: E</p> <p>Phase: PLANNING</p> <p>Author: HUDSONArchitects</p>
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- KEY:
- 01 Student Bedroom
 - 02 Communal Room
 - 03 Circulation
 - 04 Office
 - 05 Reading Room
 - 06 Laundry Room
 - 07 Stone
 - 08 Tension Wire Grid
 - 09 Lift
- a Flat Roof (Shingle)
- b Green Roof (Sedum)
- c Flat Roof (Single-ply Membrane)

FIRST FLOOR PLAN
1:100 scale @ A1



DUKE STREET

<ul style="list-style-type: none"> - 16/04/18 issued for Pre-Application Advice A 20/04/18 'Stone' roof area reduced and issued for Cost Plan 6 B 11/05/18 'Stone' bedrooms added and communal space removed, issued for costing C 18/06/18 issued pre-planning for consultants D 12/08/18 issued to design team E 06/10/18 issued for flooring 	<p>Norwich University of the Arts</p> <p>Duke Street Riverside</p> <p>Duke Street, Norwich</p> <p>NR3 2SE</p>	<p>PL-101</p> <p>DKR</p> <p>E</p>
<p>AS PROPOSED</p> <p>ISSUE: FIRST FLOOR PLAN</p> <p>SCALE: 1:100 (A1) / 1:200 (A3)</p> <p>DATE: 14/04/2018</p>	<p>PLANNING</p> <p>1:100 (A1) / 1:200 (A3)</p> <p>DATE: 14/04/2018</p>	<p>HUDSONArchitects</p> <p>14/04/2018</p>



- KEY:
- 01 Student Bedroom
 - 02 Communal Room
 - 03 Circulation
 - 04 Lift
 - 05 Accessible Bedroom
- a Flat Roof (Shingle)
 - b Green Roof (Sedum)
 - c Lift Over-run
 - d Access Hatch
 - e Glazed Roof
 - f Plant
 - g Flat Roof (Single-ply Membrane)

THIRD FLOOR PLAN
1:100 scale @ A1

0m 1m 2m 5m 10m

<ul style="list-style-type: none"> - 16/04/18 Issued for Pre-Application Advice A 20/04/18 'Steel' roof area reduced and issued for Cost Plan B 11/05/18 '21st' bedrooms added and external space reworked, issued for costing C 18/06/18 issued pre-planning for consultants D 12/07/18 Issued to design team E 06/10/18 Issued for planning 	<ul style="list-style-type: none"> site Norwich University of the Arts site Duke Street Riverside client Duke Street, Norwich architect HUDSON ARCHITECTS 	<p>PL-103</p> <p>client DKR</p> <p>architect HUDSON ARCHITECTS</p>
<p>AS PROPOSED</p> <p>site THIRD FLOOR PLAN</p> <p>scale 1:100 (A1) / 1:200 (A3) date 14/04/2018</p>	<p>HUDSONArchitects</p> <p>www.hudsonarchitects.co.uk</p>	<p>PLANNING</p> <p>www.planningportal.gov.uk</p>

DUKE STREET



- KEY:
- 01 Student Bedroom
 - 02 Communal Room
 - 03 Circulation
 - 04 Lift
 - 05 Accessible Bedroom
- a Flat Roof (Shingle)
 - b Green Roof (Sedum)
 - c Lift Over-run
 - d Access Hatch
 - e Glazed Roof
 - f Plant
 - g Flat Roof (Single-ply Membrane)

FOURTH FLOOR PLAN
1:100 scale @ A1

DUKE STREET

<ul style="list-style-type: none"> - 16/04/18 Issued for Pre-Application Advice A 20/04/18 "Steep" roof area reduced and issued for Cost Plan 6 B 11/05/18 "110; bedrooms added and communal space re-arranged; issued for costing C 18/06/18 Issued pre-planning for consultants D 12/08/18 Issued to design team E 06/10/18 Issued for planning 	<ul style="list-style-type: none"> at Norwich University of the Arts at Duke Street Riverside Duke Street, Norwich NR3 2SE 	<p>PL-104</p> <p>at DKR</p> <p>at PLANNING</p>
<p>AS PROPOSED</p> <p>at FOURTH FLOOR PLAN</p> <p>at 1:100 (A1) / 1:200 (A3) 14/04/2018</p>	<p>HudsonArchitects</p>	<p>at HudsonArchitects</p>



- KEY:
- 01 Student Bedroom
 - 02 Communal Room
 - 03 Circulation
 - 04 Lift
 - 05 Accessible Bedroom
 - 06 Cleaners Cupboard
- a Flat Roof (Shingle)
 - b Green Roof (Sedum)
 - c Lift Over-run
 - d Access Hatch
 - e Glazed Roof
 - f Plant
 - g Flat Roof (Single-ply Membrane)
 - h Guarding

FIFTH FLOOR PLAN
1:100 scale @ A1

- 16/04/18 issued for Pre-Application Advice	Client: Norwich University of the Arts	PL-105
A 20/04/18 "No standard room removed, store and aspect of area reduced and issued for Cost Plan 6"	Architect: HudsonArchitects	
B 11/05/18 "No. windows added, issued for costing"	Site: Duke Street Riverside	Client: DKR
C 18/06/18 "Issued pre-planning for consultants"	Client: Duke Street Riverside	Client: E
D 12/08/18 "Issued to design team"	Client: HUDSON ARCHITECTS	
E 06/10/18 "Issued for planning"		
AS PROPOSED	Project: PLANNING	
Rev: FIFTH FLOOR PLAN	Scale: 1:100 (A1) / 1:200 (A3)	Date: 14/04/2018
HUDSONArchitects		

DUKE STREET

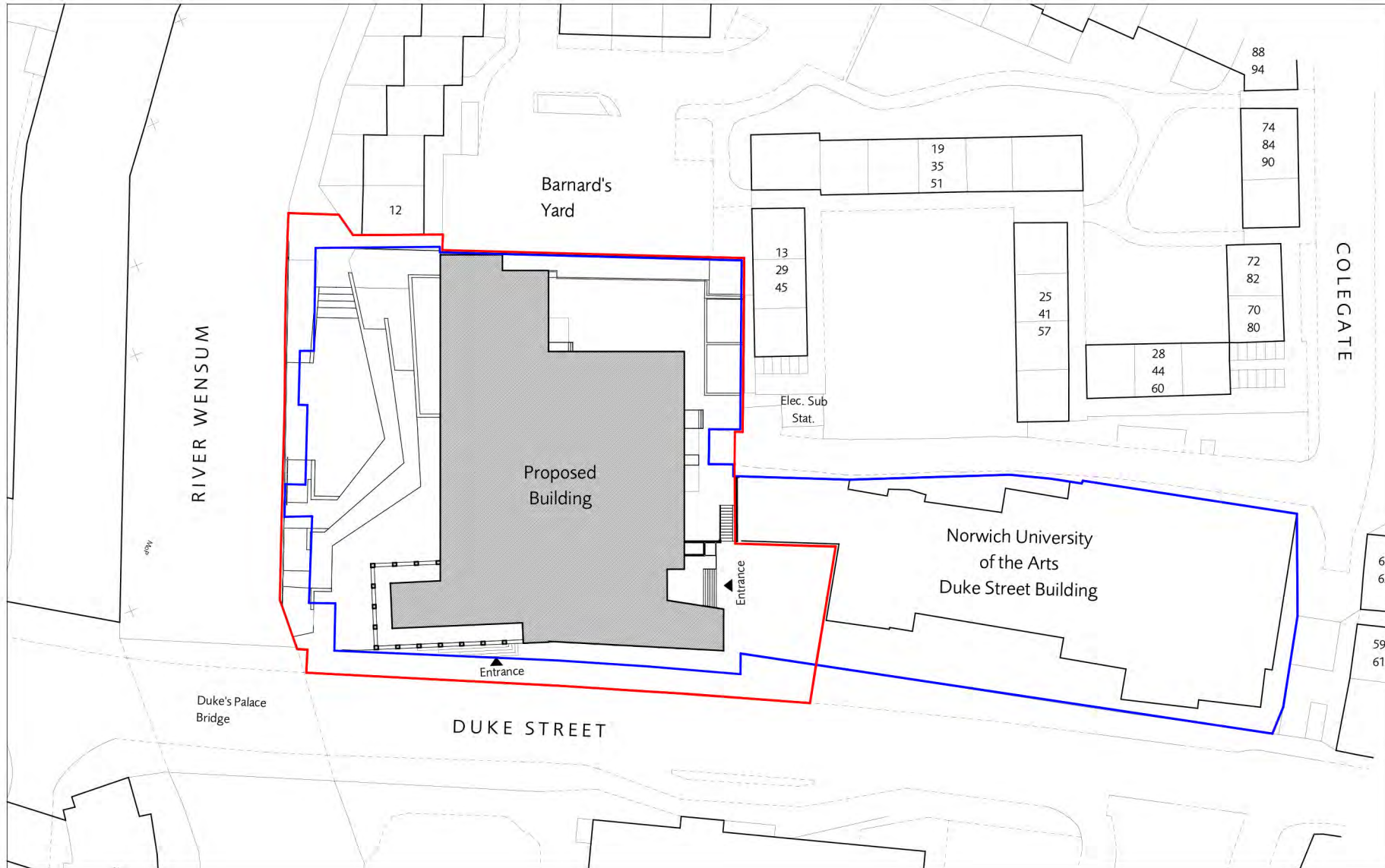


- KEY:
- 01 Student Bedroom
 - 02 Communal Room
 - 03 Circulation
 - 04 Lift
 - 05 Accessible Bedroom
 - 06 Cleaners Cupboard
-
- a Flat Roof (Shingle)
 - b Green Roof (Sedum)
 - c Lift Over-run
 - d Access Hatch
 - e Glazed Roof
 - f Plant
 - g Flat Roof (Single-ply Membrane)
 - h Guarding

SIXTH FLOOR PLAN
1:100 scale @ A1

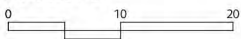
<ul style="list-style-type: none"> A 16/04/18 Issued for Pre-Application Advice B 20/04/18 100% residential room removed, store and street roof area reduced and issued for Core Plan 6 C 11/05/18 100% residential added, issued for costing D 18/06/18 100% residential pre-planning for consultants E 12/08/18 Issued to design team F 06/10/18 Issued for planning 	<ul style="list-style-type: none"> Client: Norwich University of the Arts Site: Duke Street Riverside Design: Duke Street Norwich Scale: 1:100 	<p>PL-106</p> <p>Author: DKR</p> <p>Checker: E</p>
<p>AS PROPOSED</p> <p>Scale: 1:100 (BA1) / 1:200 (A3)</p> <p>Date: 14/04/2018</p>	<p>Phase: PLANNING</p> <p>Scale: 1:100 (BA1) / 1:200 (A3)</p> <p>Date: 14/04/2018</p>	<p>HudsonArchitects</p> <p>www.hudsonarchitects.co.uk</p>

DUKE STREET



BLOCK PLAN AS PROPOSED

1:500@A3



- Ownership boundary
- Site boundary

- 16/04/18 Issued for Pre-Application Advice A 08/10/18 Issued for Planning	client: Norwich University of the Arts		PL-002
	job: Duke Street Riverside	DKR A <small>jobcode revision</small>	
	Duke Street, Norwich address: NR3 3DX		
	AS PROPOSED site: BLOCK PLAN AS PROPOSED		status: PLANNING
	scale: 1:500@A3		<small>Do not scale off dimensions. Check all dimensions on site and report any discrepancies immediately. This drawing is copyright.</small>

HUDSONArchitects

+44 (0)1603 766 220 www.hudsonarchitects.co.uk info@hudsonarchitects.co.uk

- KEY:
- 01 Powder coated capping
 - 02 Powder coated aluminium fixed double glazed windows
 - 03 Protruding metal window reveal
 - 04 Windowless wall opening
 - 05 Pushed-in brick texture panel
 - 06 Hit & miss brick panel with glazing behind
 - 07 Brise soleil
 - 08 Full height glazing with sliding doors and top hung opening sections
 - 09 Red brick
 - 10 Metal clad colonnade with laser etched detailing
 - 11 Metal finish external door
 - 12 Plant on roof (not visible from street level)
 - 13 Bicycle racks (30 positions)
 - 14 Removable bollards

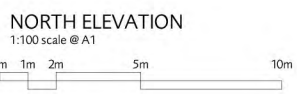
--- Outline of existing building



10/06/18 Based on pre-planning for consultants A 08/10/18 Issued for Planning		PL-204	
see Norwich University of the Arts		see DKR	
see Duke Street Riverside		see A	
see NUA 202		see PLANNING	
see EAST ELEVATION		see PLANNING	
see 1:100 (A1) / 1:200 (A3)		see 10/08/2018	
HUDSONArchitects			

- KEY:
- 01 Powder coated capping
 - 02 Powder coated aluminium fixed double glazed windows
 - 03 Protruding metal window reveal
 - 04 Steel and glass balustrade
 - 05 Pushed-in brick texture panel
 - 06 Hit & miss brick panel with glazing behind
 - 07 Fair-faced concrete
 - 08 Full height glazing with sliding doors and top hung opening sections
 - 09 Red brick
 - 10 Powder coated aluminium glazed double doors
 - 11 Metal finish external door
 - 12 Plant on roof (not visible from street level)
 - 13 Platform Lift
 - 14 Metal balustrade / fence

--- Outline of existing building



10/06/18 Issued pre-planning for consultants A 06/10/18 Issued for Planning		North University of the Arts Duke Street Riverside Duke Street, Norwich NR1 2DE		PL-206 DKR A	
HUDSONArchitects		AS PROPOSED NORTH ELEVATION 1:100 @ A1 / 1:200 @ A3 10/08/2018		PLANNING <small>Copyright reserved. No part of this document may be reproduced without the prior written permission of Hudson Architects. The design copyright for this drawing is held by Hudson Architects.</small>	

- KEY:
- 01 Powder coated aluminium fixed double glazed windows
 - 02 Powder coated aluminium fixed double glazed windows
 - 03 Protruding metal window reveal
 - 04 Powder coated aluminium double glazed windows with parallel opening panel
 - 05 Pushed-in brick texture panel
 - 06 Hit & miss brick panel with glazing behind
 - 07 Brise soleil
 - 08 Full height glazing with sliding doors and top hung opening sections
 - 09 Red brick
 - 10 Metal clad colonnade with laser etched detailing
 - 11 Metal finish external door
 - 12 Powder coated aluminium side hung window
 - 13 Plant on roof (not visible from street level)

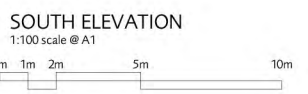
--- Outline of existing building



BARNARDS YARD

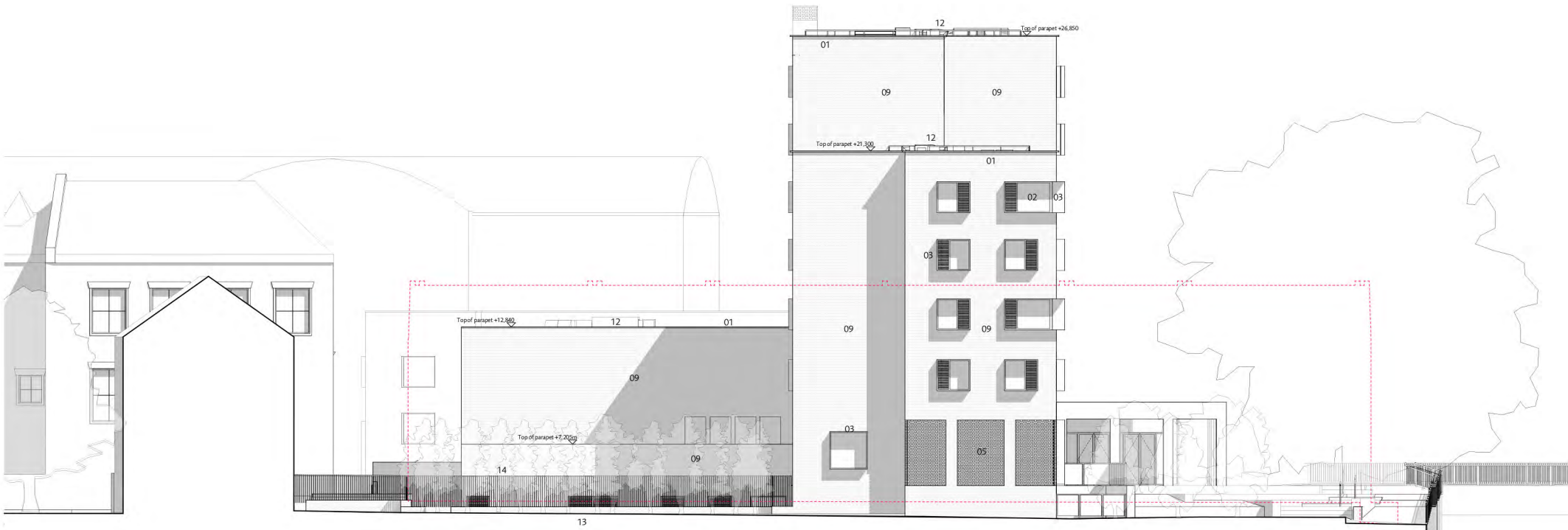
PROPOSAL

DUKE STREET



10/06/18 Issued pre planning for consultants A 08/10/18 Issued for Planning		PL-203 DKR A
Hudson Architects 100/101 Duke Street, Norwich NR1 2JX		
AS PROPOSED SOUTH ELEVATION 1:100 @ A1 / 1:200 @ A3 10/08/2018		PLANNING <small>For circulation only. Not for construction or other purposes. The design copyright is reserved by Hudson Architects. All rights reserved.</small>

- KEY:
- 01 Powder coated capping
 - 02 Powder coated aluminium fixed double glazed windows
 - 03 Protruding metal window reveal
 - 04 Steel and glass balustrade
 - 05 Pushed-in brick texture panel
 - 06 Hit & miss brick panel with glazing behind
 - 07 Brise soleil
 - 08 Full height glazing with sliding doors and top hung opening sections
 - 09 Red brick
 - 10 Metal clad colonnade with laser etched detailing
 - 11 Metal finish external door
 - 12 Plant on roof (not visible from street level)
 - 13 Existing brick retaining wall
 - 14 Metal balustrade / fence
- Outline of existing building



BARNARDS YARD

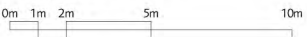
PROPOSAL

RIVERSIDE WALK

RIVER WENSUM



WEST ELEVATION
1:100 scale @ A1



10/06/18 based pre planning for consultants A 08/10/18 issued for Planning		see Norwich University of the Arts see Duke Street Riverside see Duke Street, Norwich see N33 30E see AS PROPOSED see WEST ELEVATION see 1:100 @ A1 / 1:200 @ A3 see 10/08/2018	
HUDSONArchitects		see DKR	PL-205 see PLANNING

Report to

10 January 2019

Report of

Head of Planning Services

Subject

Application no 18/01377/VC - 174 Aylsham Road, Norwich NR3 2HJ

Reason for referral

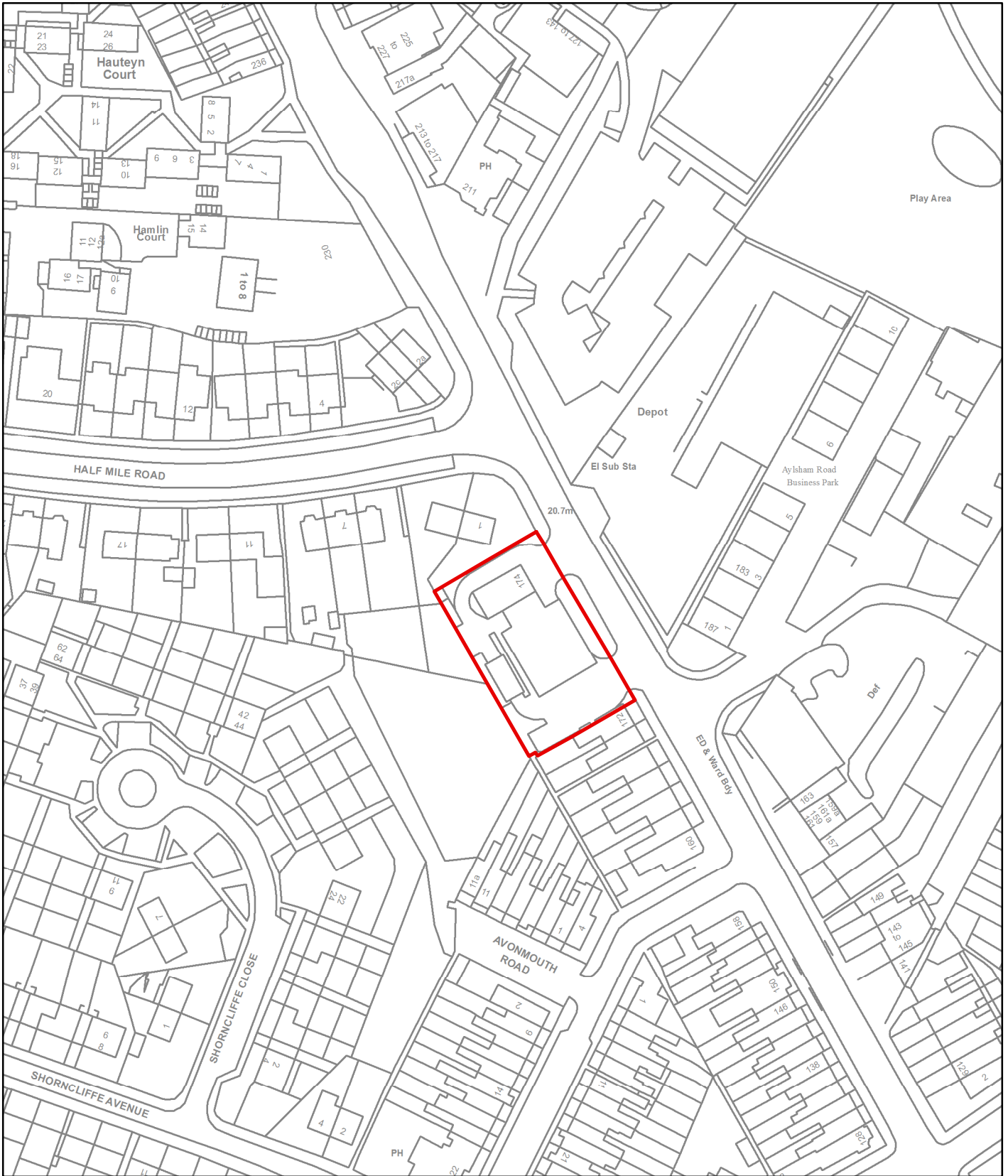
Objections

4(c)

Ward	Mile Cross
Case officer	Lara Emerson - laraemerson@norwich.gov.uk
Applicant	Motor Fuel Group Ltd

Development proposal		
Variation of Condition 8 of previous permission 17/01329/F to allow the petrol filling station to be open permanently 24hrs, 7 days a week.		
Representations		
Object	Comment	Support
8	0	0

Main issues	Key considerations
1. Amenity	Noise, disturbance, anti-social behaviour.
Expiry date	16 January 2019 (extended from 14 November 2018)
Recommendation	Approve



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Planning Application No 18/01377/VC

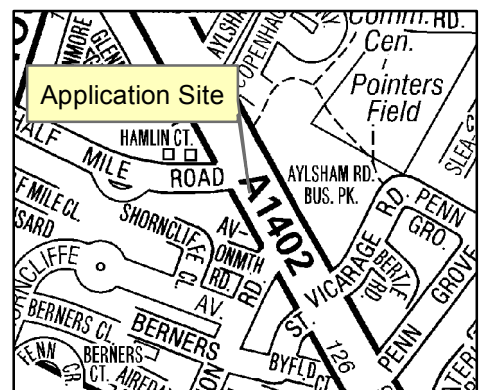
Site Address 174 Aylsham Road

Scale 1:1,250



NORWICH
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PLANNING SERVICES



The site, surroundings & constraints

1. The site sits on the west side of Aylsham Road within the Mile Cross ward to the north of the city. The site is occupied by a petrol station and small retail store.
2. The site borders with residential properties to the north (Half Mile Road), south (Aylsham Road) and west (Avonmouth Road).
3. The site sits within the Critical Drainage Area.

Relevant planning history

Ref	Proposal	Decision	Date
4/1988/1385	Two internally illuminated fascia signs.	Refused	22/12/1988
4/1988/1386	One internally illuminated gantry sign.	Refused	22/12/1988
4/1988/1340	Demolition of existing buildings and construction of new petrol filling station, tank farm, forecourt canopy car wash and shop.	Refused	22/12/1988
4/1988/1341	Demolition of existing buildings and construction of new petrol filling station, tank farm, forecourt canopy car wash and shop.	Refused	22/12/1988
4/1989/1388	1, Non-illuminated fascia signs on canopy. 2, Illuminated totem sign.	Approved	01/02/1990
4/1989/1420	Redevelopment of existing petrol filling station and workshops with construction of new petrol filling station, convenience store, enclosed car wash and screen.	Approved	26/04/1990
4/1989/1421	Redevelopment of existing petrol filling station and workshops with construction of new petrol filling station, convenience store, enclosed car wash and screen.	Approved	26/04/1990
4/1992/0936	Two illuminated fascia signs and one internally illuminated pole variable price sign.	Approved	27/01/1993
4/2000/0170	Replacement internally illuminated shop fascia sign and pole sign; two poster boards and monolith sign.	Approved	15/05/2000
16/01008/F	Retention of ATM.	Approved	31/08/2016
16/01009/A	Display of 1 No. internally illuminated ATM fascia with blue LED halo illumination to ATM surround.	Approved	16/09/2016
17/01130/VC	Removal of Condition 6: The premises the subject of this permission shall not open before 0700 hours or after 2300 hours on any day of planning permission 4/1992/0549/F.	Approved	20/09/2017
17/01329/F	Single storey north, east and west extension to retail store. Demolition of car wash and reconfiguration of site.	Approved	08/12/2017

Ref	Proposal	Decision	Date
17/01989/D	Details of condition 3: noise monitoring of planning permission 17/01130/VC (of previous planning permission 4/1992/0549/F).	Approved	16/01/2018
18/00086/D	Details of Condition 3: landscaping; Condition 4: contamination report; Condition 5: bicycle parking; Condition 7: noise report of previous permission 17/01329/F.	Approved	26/03/2018

The proposal

4. The site is operating under the permission granted by application 17/01329/VC. Condition 8 attached to this consent allows the petrol filling station to operate 24 hours a day for a period of 12 months, subject to a number of limits. One of these limits is that after the 12 month period the hours of opening revert to 7.00am to 11.00pm unless a planning application is submitted and approved allowing a longer period of opening. The application being considered by committee is such an application and seeks to allow the petrol station to continue to operate 24 hours a day on a permanent basis.

Representations

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

Issues raised	Response
Noise from traffic, customers and tannoy	See Main Issue 1: Amenity
Anti-social behaviour	See Main Issue 1: Amenity
Light disturbance	See Main Issue 1: Amenity
Traffic	The extended opening hours are not considered to lead to a significant increase in traffic.

Consultation responses

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

NCC Environmental protection

7. Following on from discussions around the method and results of the Noise Impact Assessment, the final Noise Impact Assessment has been confirmed as being appropriate. Suggest that use of the tannoy is restricted during the night for ease of reference for the operator.

NCC Transport

8. No objection on highway grounds.

Assessment of planning considerations

Relevant development plan policies

9. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
- DM1 Achieving and delivering sustainable development
 - DM2 Ensuring satisfactory living and working conditions
 - DM11 Protecting against environmental hazards

Other material considerations

10. **Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**
- Section 12 Achieving well-designed places
 - Section 15 Conserving and enhancing the natural environment

Case Assessment

11. 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, 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: Amenity

12. Key policies and NPPF paragraphs – DM2, DM11, NPPF Section 5.
13. The site is located in a residential area with 172 Aylsham Road and 1 Half Mile Road being the closest dwellings. The gable end wall of 172 Aylsham Road immediately abuts the site on its southern boundary, and the garden has a high brick wall and fence running along the boundary. 1 Half Mile Road is 3m from the northern site boundary and has a 1.8m high fence running along the boundary between its garden and the application site.
14. The site must therefore operate in such a way so as not to cause significant detriment to the amenities of surrounding residential occupants.
15. The site currently is permitted to operate for 24 hours with no restrictions between 7.00am-11.00pm and with the following restrictions between 11.00pm and 7.00am:
- (a) There shall be no customer access to the shop, and all sales shall take place at the night pay hatch;
 - (b) There shall be no use of the fuel pumps other than those on the two pump islands closest to the shop;
 - (c) There shall be no use of external lighting except the recessed lights set within the underside of the canopy above the two active pump islands;
 - (d) There shall be no use of the vacuum, air or water facilities; and

- (e) There shall be no deliveries to the site.
16. 24 hour opening is restricted to a 12 month period after opening. The applicant now proposes to make the 24 hour operation of the site permanent.
 17. A Noise Impact Assessment accompanies the application and assesses the acoustic impacts of the 24 hour use of the site and concludes that it does not cause harm to the amenities of local residents over and above the surrounding noisy environment (specifically vehicular traffic on Aylsham Road). Essentially, when measured in October 2018 the noise recorded at the site averaged 72dB with measured events ranging from 67-85dB. These recordings were similar to the recordings taken in March 2018, prior to the site being redeveloped and beginning to be operated 24 hours a day.
 18. The council has received a number of Environmental Health complaints and objections to this planning application which focus on the use of the loudspeaker system at night. Following discussions with the applicant, it became apparent that the loudspeaker had been accidentally left in the 'on' position so that neighbours could hear members of staff talking at the till during the night. This issue has now been rectified and the noise impact assessment confirms that there will be no further use of the system during the night except in the event of an emergency (i.e. a situation that poses an immediate risk to health, life, property, or the environment). For clarity, it is proposed that this is added to the condition which restricts activities during the hours 11.00pm-7.00am.
 19. The other issues raised within objections are considered to have been sufficiently covered by condition 5 below which restricts activities and operations during the hours 11.00pm-7.00am and, with one addition, replicates the restrictions on the current permission.

Equalities and diversity issues

20. There are no significant equality or diversity issues.

Local finance considerations

21. 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.

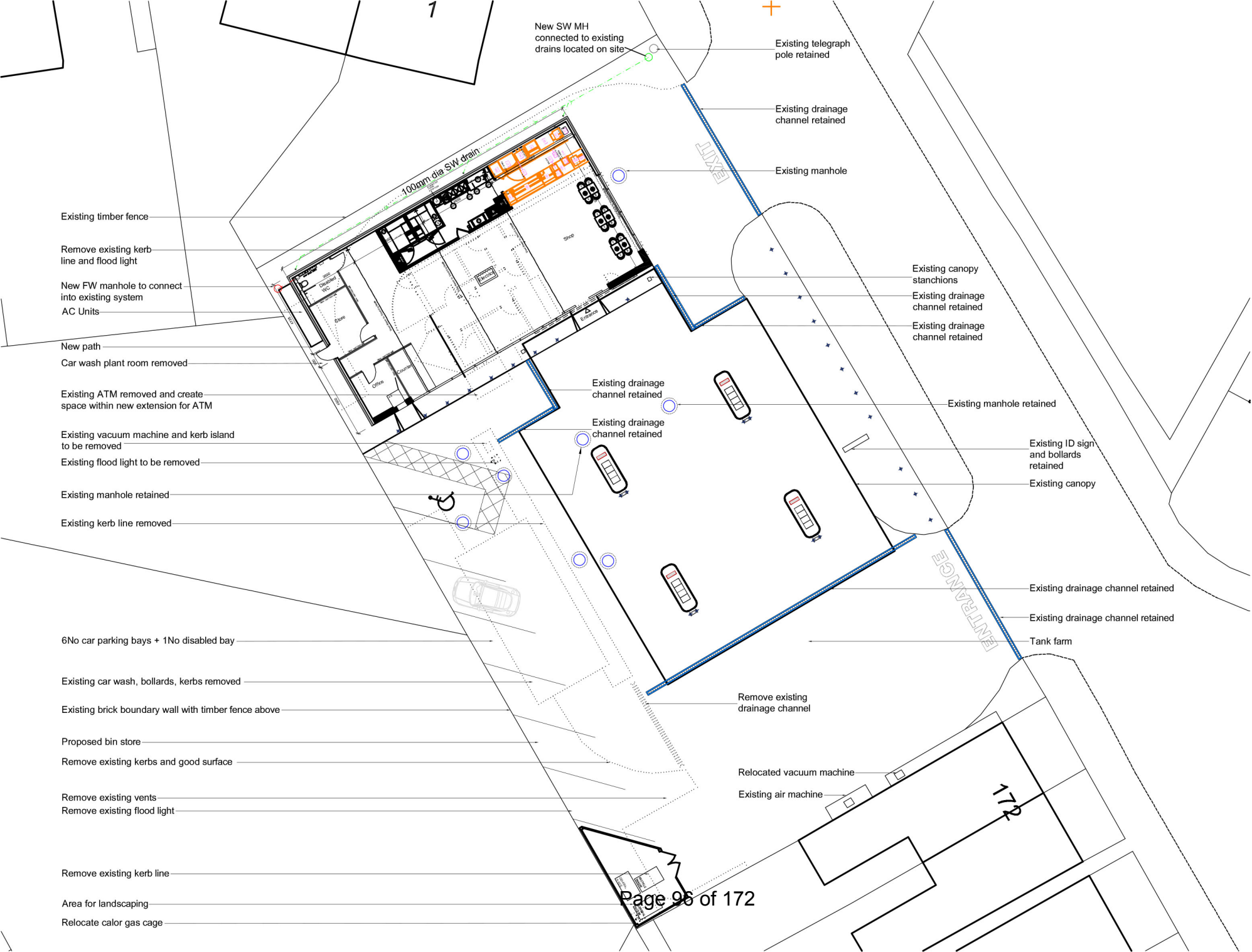
Conclusion

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

Recommendation

To approve application no 18/01377/VC - 174 Aylsham Road, Norwich, NR3 2HJ and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. In accordance with the landscaping details approved within application 18/00086/D, all hard and soft landscaping works shall be retained in perpetuity and shall be managed and maintained as set out within condition 3 of 17/01329/F.
4. The bicycle parking details approved within application 18/00086/D shall be retained in perpetuity.
5. Between the hours of 11pm and 7am on any day:
 - (a) There shall be no customer access to the shop, and all sales shall take place at the night pay hatch; and
 - (b) There shall be no use of the fuel pumps other than those on the two pump islands closest to the shop; and
 - (c) There shall be no use of external lighting except the recessed lights set within the underside of the canopy above the two active pump islands; and
 - (d) There shall be no use of the vacuum, air or water facilities; and
 - (e) There shall be no deliveries to the site.
 - (f) There shall be no use of the loudspeaker except in the case of an emergency (i.e. a situation that poses an immediate risk to health, life, property, or environment).



Existing timber fence

Remove existing kerb line and flood light

New FW manhole to connect into existing system
AC Units

New path
Car wash plant room removed

Existing ATM removed and create space within new extension for ATM

Existing vacuum machine and kerb island to be removed
Existing flood light to be removed

Existing manhole retained

Existing kerb line removed

6No car parking bays + 1No disabled bay

Existing car wash, bollards, kerbs removed

Existing brick boundary wall with timber fence above

Proposed bin store

Remove existing kerbs and good surface

Remove existing vents
Remove existing flood light

Remove existing kerb line

Area for landscaping

Relocate calor gas cage

New SW MH connected to existing drains located on site

Existing telegraph pole retained

Existing drainage channel retained

Existing manhole

Existing drainage channel retained

Existing drainage channel retained

Existing canopy stanchions
Existing drainage channel retained
Existing drainage channel retained

Existing manhole retained

Existing ID sign and bollards retained
Existing canopy

Existing drainage channel retained

Existing drainage channel retained

Tank farm

Remove existing drainage channel

Relocated vacuum machine

Existing air machine

C	22.11.17 JET WASH BAY REMOVED
B	14.11.17 JET WASH BAY REVISED
A	10.11.17 PARKING BAYS REVISED

REVISIONS

CLIENT MFG LTD

PROJECT FS217
BP BROADSIDE SERVICE STATION,
174 AYLSHAM ROAD,
NORWICH,
NR3 2HU

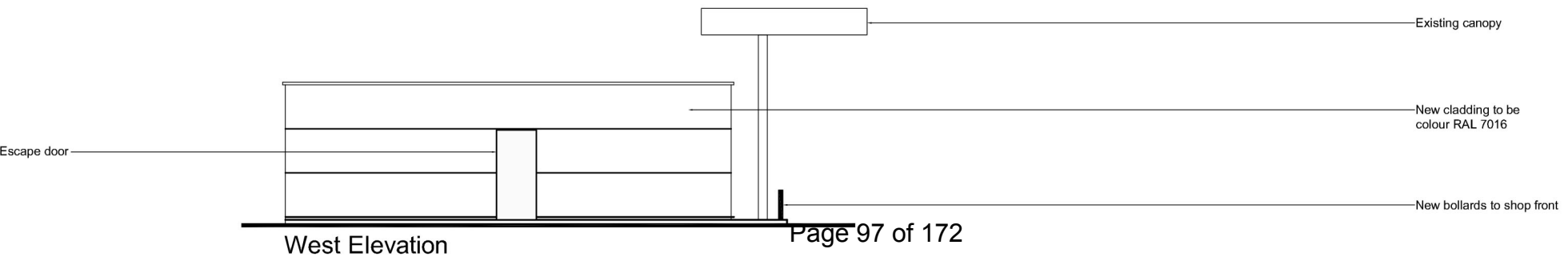
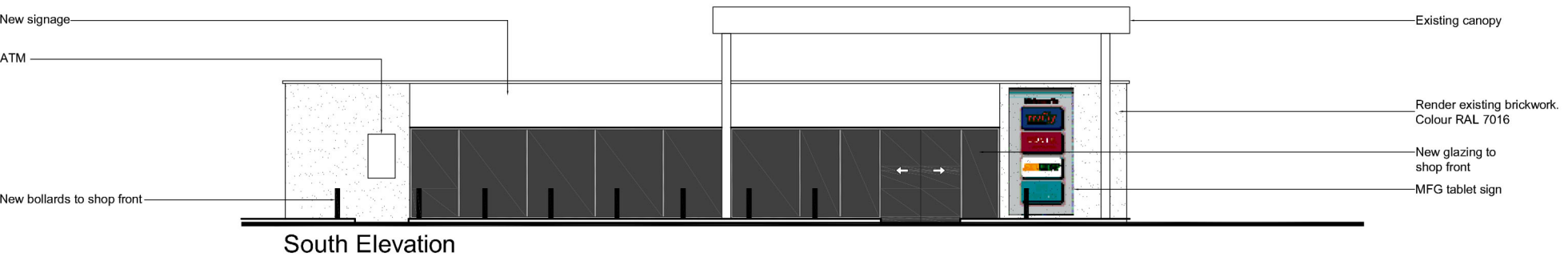
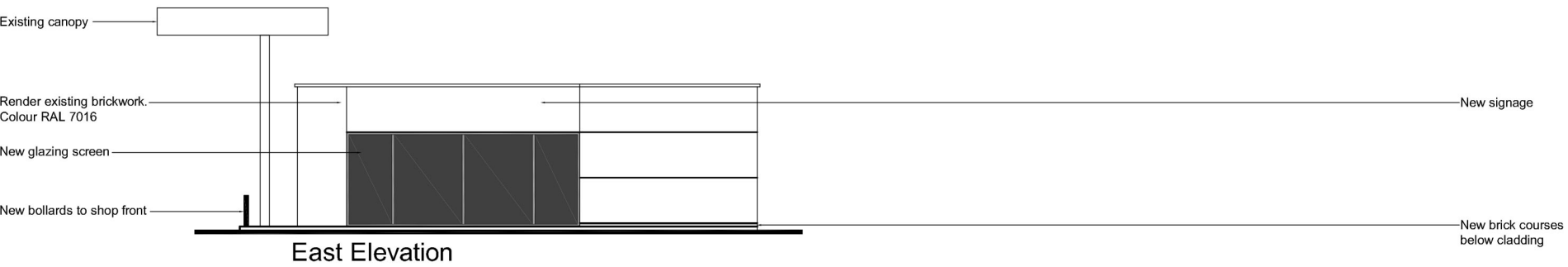
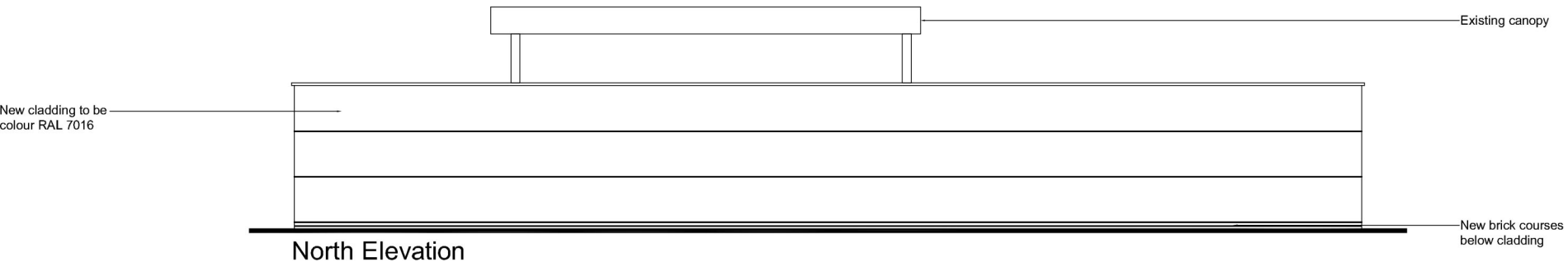
TITLE PROPOSED SITE PLAN

DATE 31.07.17

SCALE 1:200 @ A3

JOB ID 1507

DWG 6c



A 04.12.17
ELEVATIONS REVISED

REVISIONS

CLIENT MFG LTD

PROJECT FS217
BP BROADSIDE
SERVICE STATION,
174 AYLSHAM ROAD,
NORWICH,
NR3 2HJ

TITLE PROPOSED
ELEVATIONS

DATE 16.08.17

SCALE 1:100 @ A3

JOB ID 1507

DWG 7a

Report to Planning applications committee

Item

10 January 2019

Report of Head of planning services

Subject Application no 18/01402/VC - 286 Dereham Road,
Norwich, NR2 3UU

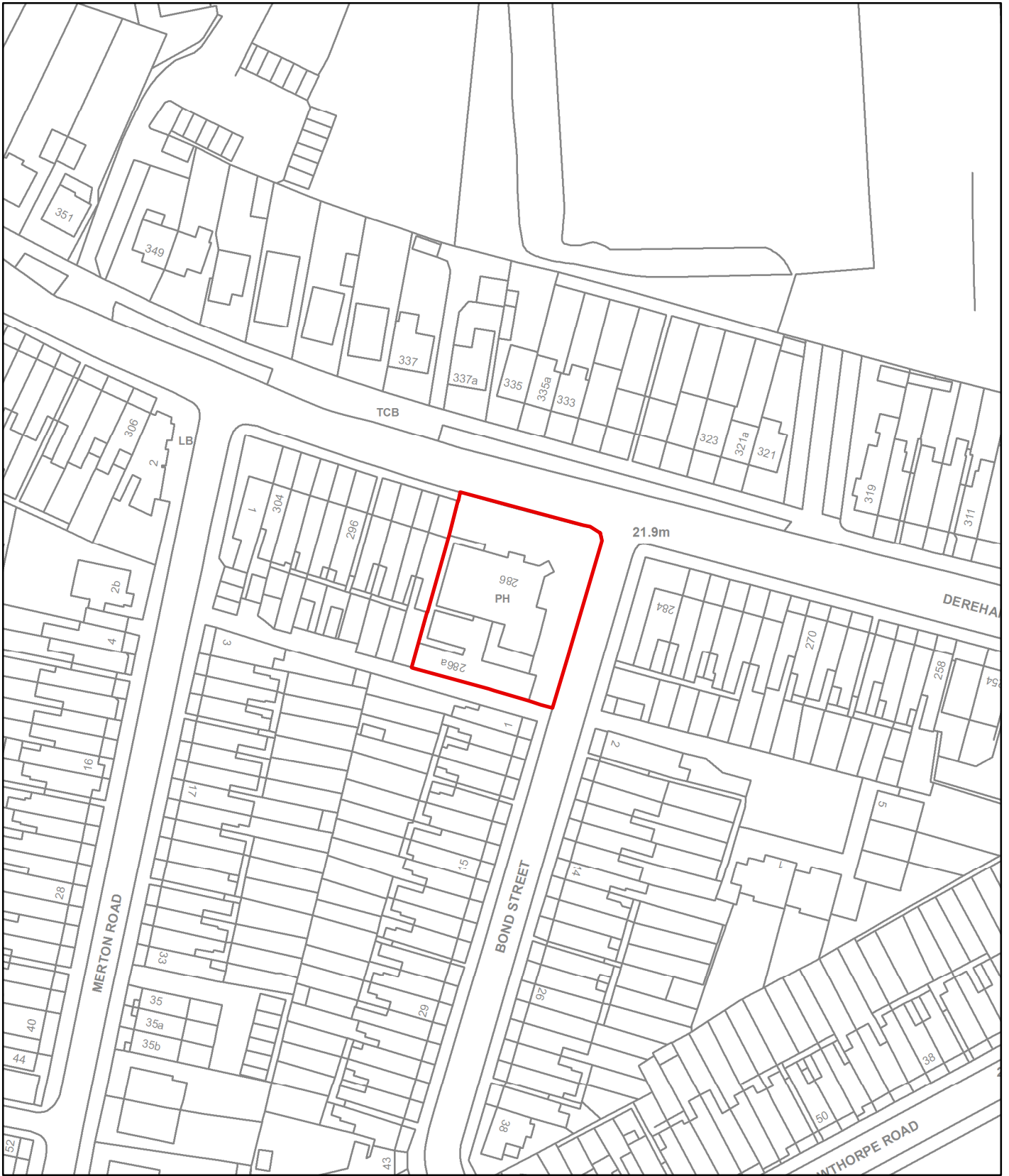
4(d)

**Reason
for referral** Objections

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

Development proposal		
Variation of the wording of condition 3 of permission 11/00071/U to allow use of the premises as a place of worship.		
Representations – see further detail in report		
Object	Comment	Support
67	3	56

Main issues	Key considerations
1	Principle of use for worship
2	Transport
3	Amenity
Expiry date	15 January 2019
Recommendation	Approve



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Planning Application No 18/01402/VC

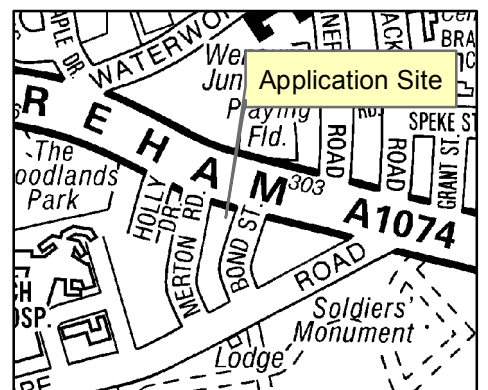
Site Address 286 Dereham Road

Scale 1:1,000



NORWICH
City Council

PLANNING SERVICES



The site and surroundings

1. The site consists of the former Queen Charlotte pub at the corner of Dereham Road and Bond Street to the west of the city. It is a detached two storey, locally listed building with single storey extensions and outbuildings to the rear. In 2011, following closure of the pub, planning permission was granted for use as a community centre and it remains in this use.
2. Seventeen off street parking spaces exist along the Dereham Road and Bond Street frontages with cycle stands also provided. On street parking along the surrounding roads is not permit controlled and the area is otherwise residential, characterised by Victorian and later terraces.
3. Internally the building offers two large rooms of approximately 80 square metres each; one on each floor. Other smaller rooms and outbuildings provide ancillary spaces and uses.

Constraints

4. The building is locally listed and not in a defined centre.

Relevant planning history

- 5.

Ref	Proposal	Decision	Date
11/00071/U	Change of use from public house (Use Class A4) to general use for community and charitable use (Use Class D1) with minor internal alterations.	Approved	14/04/2011
11/01464/F	Render replacement works.	Approved	26/10/2011
11/01471/F	Erection of single storey extension within rear courtyard to house additional toilet facilities.	Approved	12/10/2011
12/00006/F	Extensions and alteration to the building including: <ol style="list-style-type: none"> 1. Extension of outbuilding to create office; 2. Extension of main building to create permanent retail area; 3. Retrospective application for replacement windows on rear elevation of main building with UPVc windows; and 4. Retrospective application for reinstatement of original front window of main building with UPVc window. 	Approved	11/04/2012
12/01257/U	Change of use of part of outbuilding to provide a retail area for sales of light refreshments to existing community centre.	Approved	21/08/2012

Ref	Proposal	Decision	Date
12/02254/D	Details of condition 4 - amplified sound equipment, condition 6 - travel information and condition 9 - external lighting and security measures of planning permission 12/01257/U 'Change of use of part of outbuilding to provide a retail area for sales of light refreshments to existing community centre'.	Approved	31/01/2013
16/00426/VC	Variation of condition 4 of previous permission 11/00071/U, to increase permitted opening hours to allow later opening up to 3 hours after sunset for a temporary period each year during Ramadan up until 2022.	Approved	12/05/2016
16/00896/D	Details of Condition 9: Management Plan of previous permission 16/00426/VC.	Approved	30/06/2016

The proposal

6. The use of the building as a community centre was approved in 2011 (11/00071/U) subject to a number of conditions including condition 3:

“The use of the premises hereby approved shall be limited to use only as a community centre, with ancillary creche, play group or day nursery and education use only and for no other use (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order (with or without modification). For the avoidance of doubt, no use of the premises as a place of worship, clinic, health centre, art gallery, museum, library, law court or non-residential education and training centre shall take place without further permission being granted.

Reason:

To ensure that the use of the premises does not result in detriment to local amenities and living conditions and to ensure that any variation to the use proposed as part of the use hereby approved is subject to the control of and full assessment by the local planning authority.”

7. This condition has been applied on subsequent permissions which have made minor alterations to the site.
8. The application proposes varying the wording of this condition to explicitly include use as a place of worship. The following amended condition wording is proposed in the application:

“The use of the premises hereby approved shall be limited to use principally as a community centre, with ancillary creche, play group or day nursery, place of worship and education use only and for no other use (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument

revoking and re-enacting that Order (with or without modification). For the avoidance of doubt, no use of the premises as a clinic, health centre, art gallery, museum, library, law court or non-residential education and training centre shall take place without further permission being granted.”

9. The existing permissions for the site are also subject to a number of other conditions, including restrictions on opening times and the use of amplified sound. This application proposes retaining these conditions as existing.

Representations

10. Adjacent and neighbouring properties have been notified in writing. Two letters of representation have been received during the consultation period citing the issues as summarised in the table below. All representations are available to view in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Issues raised	Response
Unsociable hours of morning prayer before 7am. People and arriving and leaving close together, loud noise from car doors closing, building alarm, car alarms and also in warmer weather you hear noise from inside the building due to the windows being open.	See main issue 3
The building is already being used as a place of worship. It's called 'Norwich Central Mosque'.	Noted. The name does not necessarily reflect the use in planning terms.
Parking on Bond Street is absolute chaos whenever this building is in use; cars double parked, side roads blocked, and no consideration is given to local residents.	See main issue 2
I have zero faith in the planning process as the conditions of the original application are being flagrantly ignored, with zero interest from the council.	See main issue 1

11. Subsequent to the formal consultation process, an anonymous third party circulated a flyer in the local area entitled 'Does Norwich need a mosque here?'. This encouraged objections to the application on the basis of: congestion and parking; character of the area; and, disturbance.
12. The following responses were received subsequent to the circulation of that flyer and after the consultation period has closed:

Object	Comment	Support
65	3	56

13. In addition, a number of representations were received which gave no reason for the objection or support, were anonymous or, regrettably, made defamatory or offensive comments. In accordance with the Council's policy, these shall not be taken into consideration.

14. The responses which can be taken into account raise the following issues, although it should be noted they were largely made on the misapprehension the application proposes use of the building as a mosque or a new building for a mosque:

Issues raised	Response
Insufficient on-site parking	See main issue 2
Parking havoc on a Friday lunchtime	See main issue 2
Exacerbate existing on-street parking problems, including from use by staff and visitors to the Community Hospital	See main issue 2
Highway safety	See main issue 2
Existing traffic problems will be exacerbated	See main issue 2
Inappropriate to residential area	See main issue 1
Will change the character of the area	See main issue 1
Noise and disturbance, including from calls to prayer, loud speakers, manoeuvring cars and prayer times at unsociable hours	See main issue 3
Health considerations from increased traffic and disturbance at night	See main issue 3
Woods in surrounding area provide a haven for wildlife	It is not considered wildlife would be any more affected than local residents.
Area is overcrowded	See main issues 1 and 3
Viable employment land	The site is not and has not been in employment use.
Will affect culture and cohesion of area	See main issues 1 and 3
Circumstances have not changed since the original decision	Noted.
No need for a mosque	Noted – comments have been received to the contrary – although it is not considered that there would be a need in planning terms to demonstrate there is a need for the use proposed.
It ruins the look of the area	No external changes are proposed to the building and it has not changed in appearance since its use as a pub.
Existing planning permission has been abused	See main issue 1
Increase in crime and risk to personal safety	See main issue 2
Vital cultural resource	Noted
There was more disturbance when the building was a pub and music venue and that was accepted	See main issue 3
This is a thriving and busy community. Will bring diversity and encourage tolerance. It would be a gain for the immediate and greater Norwich community.	Noted.

Issues raised	Response
Good for building to have useful community purpose	Noted.
It is on a main road so access is straightforward, it is in walking distance from the city centre and there is a regular bus route along Dereham Road	See main issue 2
Parking is only used for a short period, mainly on a Friday	See main issue 2
Not enough mosques in Norwich, there is a need for a place for worshippers to practice their faith. Beneficial to have a place to worship and gather. Closure would be a big struggle for the Muslim community.	Noted – comments have been received to the contrary – although it is not considered that there would be a need in planning terms to demonstrate there is a need for the use proposed.
Calls for prayer can only be heard inside the building	See main issue 3
Everyone has the right to worship freely	See Equality and Diversity Issues
Giving permission for worshipping in this community centre does not mean any change in the aims, scope or objectives of the NNMA activities	Noted.
Disturbance is no worse than the multitude of churches and cathedrals in the city	See main issue 3

Consultation responses

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

Highways (local)

16. No objection on highway grounds.
17. In many ways a public house with music events shares similarities with a place of worship in that it can attract bursts of traffic at off peak times. The premises have a limited number of parking spaces on site, the majority of additional parking is found on adjacent streets.
18. The local area is not within a Controlled Parking Zone and parking is unrestricted, although there are waiting restrictions at junctions which are sufficient. There are no plans to install a CPZ in this area for the foreseeable future as there has not been popular support for such restrictions.
19. It is essential that the premises has a robust travel plan to ensure that visitors try to reduce car traffic and parking. Ideally there would be car sharing, and use of walking, cycling and local bus services.

Assessment of planning considerations

Relevant development plan policies

20. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
 - JCS6 Access and transportation
 - JCS7 Supporting communities
 - JCS8 Culture, leisure and entertainment

21. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
 - DM1 Achieving and delivering sustainable development
 - DM2 Ensuring satisfactory living and working conditions
 - DM18 Promoting and supporting centres
 - DM22 Planning for and safeguarding community facilities
 - DM30 Access and highway safety
 - DM31 Car parking and servicing

Other material considerations

22. **Relevant sections of the National Planning Policy Framework July 2018 (NPPF):**
 - NPPF2 Achieving sustainable development
 - NPPF7 Ensuring the vitality of town centres
 - NPPF8 Promoting healthy and safe communities
 - NPPF9 Promoting sustainable transport
 - NPPF15 Conserving and enhancing the natural environment

Case Assessment

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

Main issue 1: Principle of development

24. Key policies and NPPF paragraphs – DM18, DM22, NPPF sections 7 and 8

25. The existing condition concerning the use of the premises was applied for the reasons outlined in paragraph 6 above and because the application was for a D1 use. The D1 use class includes a range of non-residential institution uses, many of which would represent a different character of use with different impacts to the community centre and charitable use that was specifically proposed. Given the circumstances of the site in a residential area with limited off-street parking, the impacts of other D1 uses would require careful consideration here so it was considered necessary for this condition to restrict the use to a community centre so

any change to another D1 use would require consideration through a planning application. Other D1 uses include places of worship.

26. The application for community centre use was made by the Norwich and Norfolk Muslim Association. It was understood at the time of the application that the community use of the building by the Association would inherently involve some acts of worship taking place here. Officers made their recommendation to the Planning Committee to approve the application on this understanding and worded condition 3 accordingly.
27. The Association have occupied the premises since 2012 and continue to do so. There has been no change in the nature of their use over this period and this application does not propose any changes to the nature of activities going forward. The centre provides social and educational activities for the local Muslim community, including weekly Arabic and religious education lessons and regular family gatherings. There are also spaces for spontaneous gatherings and refreshments and games are provided. Five daily prayers are a feature of Islam and therefore it has always been understood that acts of prayer and worship would take place when prayer times coincide with other activities within the building. The only regular event which is specifically for worship is the main Friday prayer that occurs around lunchtime.
28. The application proposes varying the wording of the condition to remove what the applicant interprets to be a restriction on the use of the premises for prayer activities and confirm that this is permitted as an ancillary use. The applicant considers the wording “no use of the premises as a place of worship” can be interpreted to prohibit any prayer activity here and they consider this has created some confusion and objections locally from neighbours who consider these activities to represent a breach of condition.
29. The Council has received complaints to this effect in the past and after appropriate investigation these concluded that the use of the premises remained as a community centre, any worship was strictly ancillary to this, and no breach of condition had taken place.
30. The application proposes amending the wording of the condition to retain the principal use as a community centre. As this is already permitted, the principle of this does not need to be reconsidered.
31. The addition of a place of worship to the permitted uses should be considered with regard to Policy DM22. This policy permits and encourages new and enhanced community facilities where they contribute positively to the well-being and social cohesion of local communities. Preference is given to locations within or adjacent to centres.
32. As this is an existing facility which is proposed to be enhanced, it is not necessary to consider the location. However it should be noted that whilst it is not within a defined centre, it is in a sustainable location well-served by public transport.
33. With regards the contribution it would make to the well-being and social cohesion of local communities, the representations received offer diverse views on this point, but include identification of a need for this facility by the Muslim community. It must be considered that any permission would be for use as a place of worship by any

religion and is not specific to either the Norwich and Norfolk Muslim Association (NNMA) or Islam more generally. Places of worship are key community facilities which offer significant opportunities to support the well-being and social cohesion of communities. With particular reference to the NNMA's use of the building, they provide open days for the local community and frequently host school visits to promote integration with the local community and understanding of Islam.

34. The application seeks only to include worship in the permitted uses of an existing building already in community use. Places of worship, especially on street corners, are characteristic of the Victorian development outside the city centre and it is not considered the scale and intensity of the use would either change or detrimentally affect the character of the area. The proposal is therefore considered acceptable in accordance with Policy DM22.
35. Whilst the applicant has proposed wording which would list 'place of worship' as an ancillary use, having discussed this with them it is considered the balance between community and worship uses is more equal. It is therefore proposed to amend the wording of the condition as follows (amendments from original underlined):

The use of the premises hereby approved shall be limited to use only as a community centre and place of worship, with ancillary creche, play group or day nursery and education use only and for no other use (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order (with or without modification). For the avoidance of doubt, no use of the premises as a clinic, health centre, art gallery, museum, library, law court or non-residential education and training centre shall take place without further permission being granted.

36. It would remain the case that sole use of the premises as a place of worship would require a further planning application. Representations have been made on the misunderstanding that the application is for sole use as a mosque. This is not the case, the extant permitted use as a community centre will continue with worship as an integral and complementary activity and any new permission will not be solely for Islamic worship.

Main issue 2: Transport

37. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF section 9
38. Many of the objections received have focussed on the highway and parking impacts of the proposal. The centre benefits from 17 parking spaces on site and the surrounding roads are not subject to permit restrictions. In addition, it is within 100 metres of a bus stop with a frequent service to and from the city centre and beyond.
39. It is appreciated that Bond Street is relatively narrow and cars park on both sides, partly on the pavement. At busy times this will mean that spaces to park and also pass are limited. Merton Road is restricted to access only and therefore only residents and their visitors should park here. Some representations have observed that on street parking in the area of the site is also used by staff and visitors to the Community hospital which is permissible as this is not a controlled parking zone.

40. The Friday lunchtime prayer attracts the largest attendance and a site visit at this time observed that the on-site parking was fully occupied as was much of the closest on street parking, but there was no significant congestion around the site and or conflict between users. This event lasts for approximately one hour, once a week and other events are generally less frequent and less well attended, other than during the month of Ramadan.
41. Accordingly, there is no objection to the proposal on highway grounds. The existing permissions require compliance with a travel information plan and it is considered appropriate to require this to be updated to encourage use of transport other than private car.

Main issue 3: Amenity

42. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 127 and 180
43. The application site is in a densely developed residential area which is sensitive to intense, loud and disruptive uses (although it is noted the premises was formerly a pub and music venue). Accordingly, the original permission for the community centre is subject to a number of conditions to mitigate unacceptable amenity impacts, including opening times from 07:00 to 23:00 (with a later exception for Ramadan), no use of external amplified sound and compliance with agreed sound equipment within the building, including a requirement for doors and windows to remain closed when it is in use.
44. Objections to the proposal raise concerns about the amenity impacts from use of the building as a mosque, including broadcasting of calls to prayer and holding prayers five times a day from dawn to dusk. This is not proposed.
45. The proposal is to retain the existing conditions, compliance with which will mean there are no greater sound impacts than existing or amenity impacts at unsociable hours. Previous alleged breaches of conditions have been investigated appropriately and during the course of this application the applicant has been reminded of the requirement to comply with these conditions. It is also noted the centre has recently installed air conditioning to ensure there is no need for windows or doors to be open when amplified sound is in use.
46. The previous permission which allows for later opening during Ramadan is subject to a plan to manage the amenity and transport impacts of this busier period and it shall also be necessary to require this to be updated by condition in conjunction with the updated travel plan.
47. Some representations consider the proposal would result in greater incidences of crime and threats to personal security, however these are unsubstantiated and the centre has CCTV cameras on the Bond Street and Dereham Road frontages which should help deter crime. As noted in the assessment above, places of worship have the opportunity to promote social cohesion and integration and the NNMA undertake work to do so.
48. The proposal to vary the condition to include a place of worship as part of the permitted use is therefore not considered to result in any significant additional amenity impacts over and above the existing use, subject to re-imposing the existing conditions managing opening times and use of amplified sound.

Accordingly it is not considered there would be any additional or unacceptable health impacts.

Compliance with other relevant development plan policies

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

Requirement	Relevant policy	Compliance
Cycle storage	DM31	As existing
Car parking provision	DM31	As existing
Refuse Storage/servicing	DM31	As existing

Equalities and diversity issues

50. As an application to include place of worship as one of the permitted uses of a building, any permission granted would permit any religion, or even a range of religions, to use it and it has been assessed accordingly.
51. The proposal has been assessed with regard to the Equality Act 2010, which identifies religion as a protected characteristic, and Article 9 of the Human Rights Act 1998 which protects the freedom of thought, conscience and religion.

Local finance considerations

52. 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.
53. 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.
54. In this case local finance considerations are not considered to be material to the case.

Conclusion

55. This application proposes amending an existing condition which allows for use of the site as a community centre to include use as a place of worship. This is proposed in order to give the NNMA assurance that any worship which takes place is an authorised activity. It is not intended to make any change from the existing use of the building, intensify the use or use the building solely as a place of worship.

56. The proposal is considered as an enhancement of an existing community facility which would positively contribute to the well-being and social cohesion of the local community. Whilst it is appreciated that this is a densely developed residential area, it is proposed to continue to operate the centre in accordance with the existing conditions which manage its use and impacts. Accordingly it is not considered that explicitly allowing worship use would result in any significant additional amenity impacts.
57. At peak times, the on-site parking is insufficient to accommodate all visitors and it is appreciated that the on street parking around the site is intensively used by residents and other visitors. The proposal is, however, not considered to unacceptably exacerbate this or result in any detrimental highway impacts. An updated travel information for users of the centre will help promote visits by means other than private car.
58. As well as varying the wording of the use condition to allow use as a community centre and place of worship, it is necessary to re-state all previous conditions from the original permission, as also amended by subsequent permissions.
59. The development is in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.

Recommendation

To approve application no. 18/01402/VC - 286 Dereham Road Norwich NR2 3UU and grant planning permission subject to the following conditions:

1. In accordance with plans;
2. The use of the premises hereby approved shall be limited to use only as a community centre and place of worship, with ancillary creche, play group or day nursery and education use only and for no other use (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order (with or without modification). For the avoidance of doubt, no use of the premises as a clinic, health centre, art gallery, museum, library, law court or non-residential education and training centre shall take place without further permission being granted.
3. The use of the premises which form the subject of this permission and which are outlined in red on the location plan shall not take place between the hours of 2300 hours and 0700hours on any day, except during the Ramadan period when the use shall cease not later than 3 hours after sunset, or 23:00 whichever is the later.
4. No loudspeaker, amplifier, relay or other audio equipment shall be installed or used outside the building.
5. No installation of any amplified sound equipment shall take place within the application premises unless details of the maximum noise levels, expressed in dB LAeq (5 minute) and measured at a point 2 metres from any loudspeaker forming part of the amplification system, together with details of any noise limiting devices, such as a microphone controlled sealed noise limiting device, have first been submitted to and approved in writing by the Local Planning Authority. Thereafter the maximum noise levels from any amplified sound equipment within the premises shall not exceed those approved at any time. No amplified music shall

be played on the premises unless the doors and windows to the premises remain closed.

6. No use shall take place other than in accordance with the hereby approved travel plan dated March 2016.
7. No external lighting or security measures, including CCTV if required, shall be used or installed on the premises unless in accordance with a scheme which has first been submitted to and approved in writing by the local planning authority. Any measures as approved and installed shall be retained thereafter.
8. No fixed plant or machinery shall be installed on the site unless in accordance with a scheme which has first been submitted to and approved in writing by the local planning authority.
9. Within three months of the date of this permission:
 - (a) provision shall be made for travel information to be publicised to staff and potential future users of the premises; and
 - (b) the details of this provision, including the different methods to be used for publicity and the frequency of review shall be submitted to and approved in writing by the local planning authority; and
 - (c) the travel information shall be made available in accordance with the provision as agreed.

This information shall include details of the public transport routes and services available within half a mile walking distance of the site, cycle parking provision and facilities for cyclists on site and any other measures which would support and encourage access to the site by means other than the private car.

10. Within three months of the date of this permission, an up to date management plan shall be submitted to and agreed by the local planning authority to include measures to minimise impacts upon the surrounding area, in particular in terms of noise and car parking. The use shall be operated in accordance with the approved management plan thereafter.

Article 31(1)(cc) statement

The local planning authority in making its decision has had due regard to paragraph 38 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations and has approved the application subject to appropriate conditions and for the reasons outlined in the officer report.

Report to Planning applications committee

Item

10 January 2019

Report of Head of planning services

Subject

Application no 18/01453/U - 547 Earlham Road Norwich
NR4 7HW

4(e)

Reason

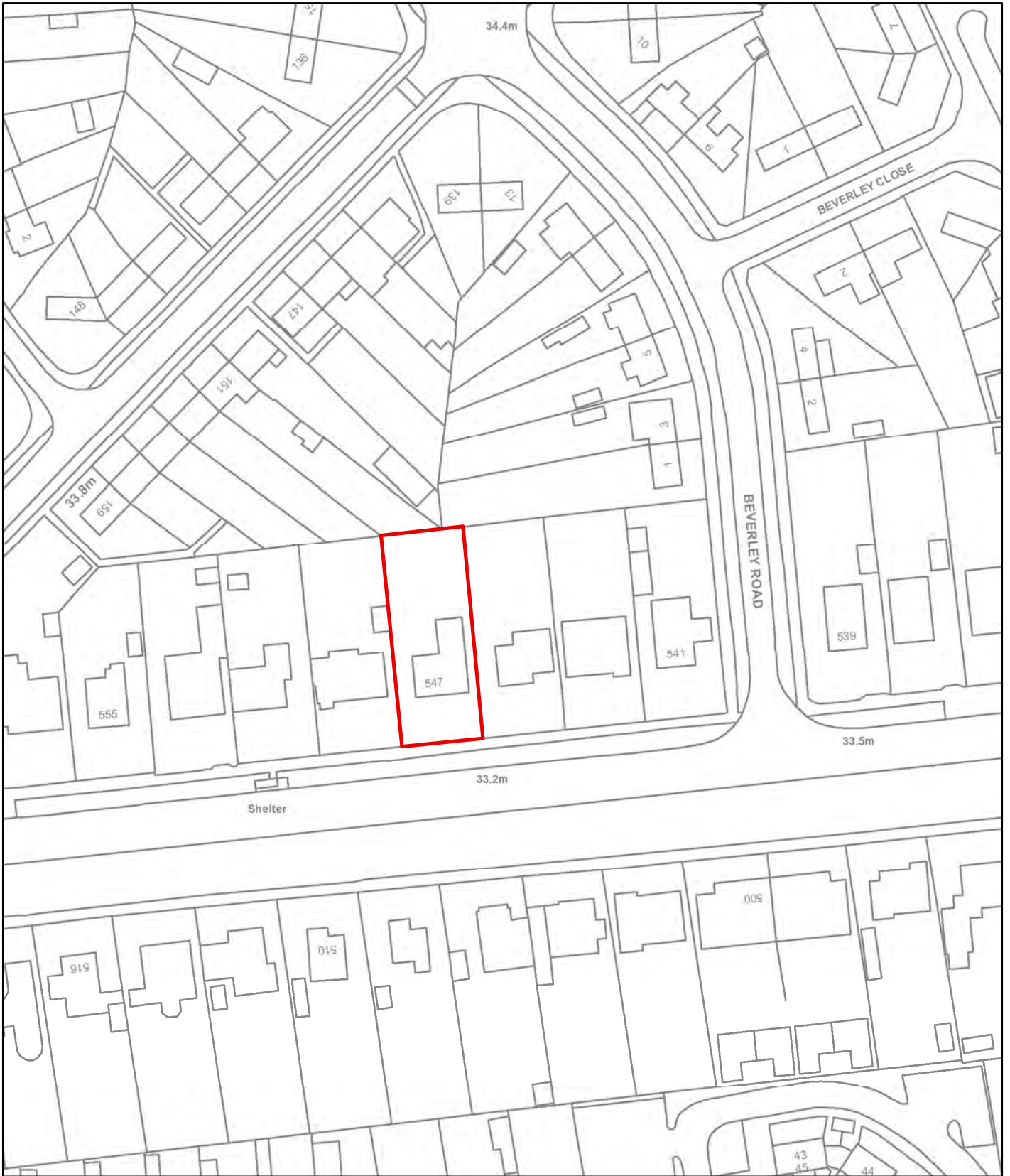
for referral

Objections and councillor call in

Ward:	Wensum
Case officer	Charlotte Hounsell - charlottehounsell@norwich.gov.uk

Development proposal		
Change of use to bed and breakfast.		
Representations		
Object	Comment	Support
6	2	1

Main issues	Key considerations
1	Loss of housing, principle of B&B
2	External alterations
3	Future occupier and neighbouring amenity
4	Parking and servicing
Expiry date	29 November 2018
Recommendation	Approve



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Planning Application No 18/01453/U

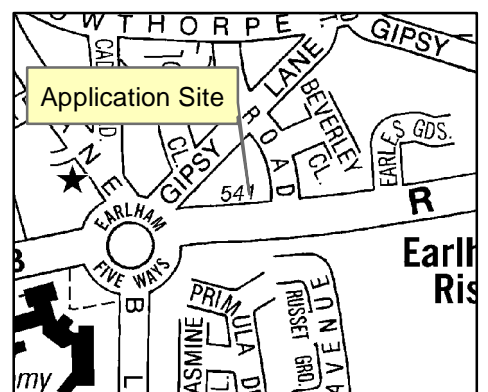
Site Address 547 Earlham Road

Scale 1:1,000



NORWICH
City Council

PLANNING SERVICES



The site and surroundings

1. The subject property is located on the North side of Earlham road, West of the city centre. The detached two storey dwelling is constructed of painted render to the front and a pantile roof. The property has previously been extended at ground and first floor at the rear of the property. A metal staircase exists on the exterior of the building and connects the first floor to the garden area. To the front of the property is a large gravel driveway and access is provided along the Western elevation to the garden at the rear. There are a number of trees located along the rear boundary. The surrounding area is largely characterised by detached residential properties, however there are other uses (such as B&Bs, dentists etc.) in the vicinity.

Relevant planning history

2.

Ref	Proposal	Decision	Date
4/1989/0072	Erection of two storey extension at side and rear of dwelling.	Approved	08/05/1989
4/1989/1328	Change of use from dwelling to bed and breakfast (Class C1).	Refused	04/01/1990
15/00197/F	Demolition of 545 and 547 Earlham Road. Erection of Bed and Breakfast accommodation (Class C1) and two flats (Class C3).	Approved	21/05/2015

The proposal

3. The proposal is for the change of use from a 7 bedroom residential dwelling to a 5 bedroom bed and breakfast (B&B) plus 1 staff bedroom.
4. The proposal does not involve any external alterations to the building.

Summary information

Proposal	Key facts
Scale	
Total no. of rooms	5 bedrooms plus 1 staff bedroom
Total floorspace	Approx. 193m² – No change from existing
No. of storeys	2 storey – No change from existing
Appearance	
Materials	As existing – no external alterations proposed
Transport matters	
Vehicular access	Extant access to Earlham Road
No of car parking spaces	4 spaces provided on existing driveway
No of cycle parking spaces	To be secured by condition
Servicing arrangements	To be secured by condition

Enforcement Matters

5. 547 Earlham Road is also the subject of a current enforcement case. It was reported to the Council that a restaurant was being run from the premises and that advertisements have been erected at the property.
6. Several of the letters of representation submitted for this current planning application raised concerns with regard to the operation of the restaurant at the site and the erection of illuminated signage.
7. Members should also be aware that certain types of advertisement require specific advertisement consent. In this case, the signage erected at the site does not benefit from this consent and therefore forms part of the investigation of the enforcement case. Should the application for the B&B be granted, it is reasonable to expect the owner would want some form of signage to identify the business. The acceptability of the current signage will be reviewed following determination of this application. Any future application for signage at the B&B would be assessed on its merits and would need to have regard for impacts upon visual amenity and highway safety.
8. The Council is currently investigating the suspected breach above. However, members should be aware that the enforcement matters as outlined above are separate from the application under consideration. The existence of an enforcement case which is under investigation does not preclude the committee from considering this planning application. The application for the B&B use should therefore be assessed on its merits and in isolation from the enforcement case.

Representations

9. Adjacent and neighbouring properties have been notified in writing. 10 letters of representation have been received, 6 in objection, 2 comments and 1 in support, citing the issues as summarised in the table below. All representations are available to view in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.
10. It should be noted that a number of these representation raised concerns with regard to the enforcement matters highlighted above. These concerns have been registered to the enforcement case. The matters summarised below relate to the planning application only.

Issues raised	Response
No objection to use as B&B. There is a need for this type of use.	See Main Issue 1
Approval of the application would set a precedent	See Main Issue 1
Out of keeping with residential character	See Main Issue 1
Concerned that granting this consent would mean the property is more likely to turn into student accommodation	See Main Issue 1
The existing extension is too large for the plot	See Main Issue 2
Concerned regarding cooking smells from the property	See Main Issue 3

Issues raised	Response
Outdoor areas could be used as smoking/seating areas at unsociable hours	See Main issue 3
Traffic and disturbance would occur at all hours	See Main Issues 3 and 4
Increase in traffic, noise and air pollution	See Main Issues 3 and 4
Introduction of parking to the rear of the site would cause disturbance from noise, headlights, fumes etc.	See Main Issues 3 and 4
Unsuitable parking arrangements	See Main Issue 4
Clarity needed on number and location of refuse arrangements	See Main Issue 4
The building to the rear appears to cross neighbouring boundary	See Other Matters
Concerns regarding the provision of a bar within the premises	See Other Matters

Consultation responses

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

Environmental protection

12. No comments received.

Highways (local)

13. No objection on highway grounds. The extant means of access to Earham Road is adequate. There is adequate space on site for some parking, and space for bin storage. I would recommend a bike store is provided for the benefit of staff and visitors. The property is not located within a Controlled Parking Zone, parking nearby on street is unrestricted except where there are double yellow lines

Norfolk police (architectural liaison)

14. No comments received.

Assessment of planning considerations

Relevant development plan policies

15. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
- JCS1 Addressing climate change and protecting environmental assets
 - JCS2 Promoting good design
 - JCS5 The Economy
16. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
- DM1 Achieving and delivering sustainable development

- DM2 Ensuring satisfactory living and working conditions
- DM3 Delivering high quality design
- DM15 Safeguarding the city's housing stock
- DM18 Promoting and supporting centres
- DM28 Encouraging sustainable travel
- DM30 Access and highway safety
- DM31 Car parking and servicing

Other material considerations

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

- NPPF2 Achieving sustainable development
- NPPF7 Ensuring the vitality of town centres
- NPPF8 Promoting healthy and safe communities
- NPPF9 Promoting sustainable transport
- NPPF12 Achieving well-designed places

Case Assessment

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

Main issue 1: Principle of development

19. Key policies and NPPF paragraphs – DM15, DM3, NPPF7.
20. The proposal involves the change of use of a dwelling to B&B accommodation. Policy DM15 seeks to protect the loss of existing housing, permitting development only where it involves exceptional benefits to sustainability which clearly and justifiably outweigh the loss of housing; or overriding conservation or regeneration benefits; or an overriding community gain through the provision or enhancement of community facilities; or a net improvement in the standard of housing.
21. In this instance, the existing dwelling is the owner's main residence. It has been confirmed that the owner would continue to live at the property, using it as their primary residence should permission be granted. In addition, the submitted plans indicate a staff bedroom would be located at the ground floor of the building. Therefore, in this instance, the proposal is not considered to constitute a loss of housing in accordance with policy DM15, as the primary residence for the owner would still be provided on site.
22. A B&B may strictly be considered as a main town centre use. Ordinarily, main town centre uses are only permitted within defined centres within the City unless the application is accompanied by a sequential assessment to justify an alternative location, as outlined in policy DM18. However, the definition of a main town centre use within the NPPF refers specifically to hotels. The impacts of a modest B&B as

proposed in this application are considered to be relatively minor compared with a large scale hotel. Therefore, in this instance it is not considered necessary, nor proportionate to request the submission of a sequential test.

23. The agent has provided information to justify the location of the proposal. The site is located on one of the main arterial roads into the City Centre, which is well-served by public transport. Local amenities are close by to the site, such as convenience stores, and UEA is within walking/cycling distance. Therefore, this is considered a sustainable and convenient location for a B&B. It should be noted that there are a number of other small B&B premises located along Earlham Road.
24. Members should also note that application 15/00197/F previously granted consent for a B&B and residential accommodation on the site of 545-547 Earlham Road.
25. Several representations were concerned that the approval of the scheme would set a precedent for additional B&Bs in the area and would also mean that the property is more likely to turn into student accommodation. This application is for the change of use to a B&B at this particular address. The determination of this application cannot consider any potential future applications. Furthermore, any other applications (for B&B use or student accommodation) would be assessed on their own merits at the time of their submission.
26. Concerns were also raised that the use of the property as a B&B would be out of keeping with the residential character of the area. However, the proposed B&B is modest in size with a small number of bedrooms. The use of the property would be for temporary residential accommodation. Therefore the activities at the site are considered to be consistent with those associated with a standard residential dwelling. It is acknowledged that the intensity of the use of the site is increased as a B&B compared with a dwelling, however the impacts upon the surrounding area are considered to be acceptable, subject to the below assessment.

Main issue 2: Design

27. Key policies and NPPF paragraphs – JCS2, DM3, NPPF 8 and 12.
28. There are no external changes proposed to the building and therefore the proposal is not considered to be detrimental to the appearance of the surrounding area.
29. Concerns were raised that the existing extension is oversized for the property and the plot. From Council records it appears that a two storey extension was granted permission in 1989. In addition, no further extensions are proposed at the property. Therefore this matter is not considered further.

Main issue 3: Amenity

30. Key policies and NPPF paragraphs – DM2, NPPF paragraphs 8 and 12.
31. Guests of the proposed B&B would benefit from a good standard of amenity with en-suite rooms, suitable outlook and use of ample outdoor space.
32. Concerns were raised that the increased occupancy of the site would result in disturbance to neighbours through additional traffic, parking being located at the rear of the site and the use of outdoor areas by guests at unsociable hours.

33. Officer's also raised concern with regard to the location of parking to the rear of the site and considered that this would be harmful to neighbouring amenity and would be a departure from the pattern of surrounding development. Revised plans have been submitted removing the parking area from the rear. It is recommended that a condition to restrict use of the rear of the site for parking is added. Further assessment on parking provision is provided in Main Issue 4.
34. Although the proposal is of a modest scale and activities at the site will be residential in character, it is acknowledged that the intensity of the use of the site would increase. There is the potential for the additional trips to and from the site, as well the use of outdoor spaces to cause disturbance to the neighbouring dwellings. Therefore, it is considered appropriate to include a condition requiring the submission of a management plan which would be required to highlight how arrivals/departures and outdoor spaces would be properly managed. Furthermore, a condition should be included to restrict the hours of refuse collection and deliveries.
35. Concerns were also raised that there would be additional odour pollution from cooking smells from the site. Given the modest size of the proposal, any odour pollution is considered to be minimal. However, a condition should be included requiring details of any extract ventilation etc. that may be required at the site in order that any impacts from odour or noise can be assessed appropriately. Existing extraction is of a domestic nature only.

Main issue 4: Transport

36. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF paragraphs 9 and 12.
37. Concerns were raised that the proposed scheme would not provide for sufficient car parking on site. The submitted site plan shows that 4 parking spaces can be provided within the existing front driveway. Additional parking provision was shown at the rear of the site, however this was removed on officer request due to amenity concerns. Maximum car parking standards for a B&B is for 3 spaces for every 4 bedrooms. Therefore 4 parking spaces for a 5 bedroom (plus one staff bedroom) B&B is considered appropriate.
38. In addition, the parking standards indicate that reduced parking provision can be considered where on-street parking is unrestricted. In this case on street parking is not restricted. The property is also located along a main bus route and within walking/cycling distance of nearby amenities. The Transportation officer has also not objected to the proposal.
39. Concerns were also raised that the proposal did not provide details of refuse storage and collection arrangements. These details should be secured by condition.
40. The Transportation officer has requested that cycle parking is provided on site. These details should be secured by condition.

Compliance with other relevant development plan policies

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

Requirement	Relevant policy	Compliance
Cycle storage	DM31	Yes subject to condition
Car parking provision	DM31	Yes
Refuse Storage/servicing	DM31	Yes subject to condition

Other matters

42. Concerns were raised that an outbuilding within the rear garden of the site appears to cross the boundary of the property. Land ownership queries are a civil matter and not a material planning consideration. Therefore this issue has not been considered further.
43. Representations also raised concern with the provision of a bar area within the dining room area of the B&B. The provision of a bar area inside the building for use by B&B guests is considered acceptable on the basis that it would be in use by the B&B guests only. Any concerns relating to the wider use of the bar area by the public form part of the enforcement case, is currently under investigation and does not form part of the assessment of the application for the B&B. Concerns relating to permission to sell alcohol on the premises is a licensing issue and not a material planning consideration.
44. No further information is required regarding the protection of trees in this case as they are located along the rear of the site adjacent to the boundary fence and there are no external works proposed.

Equalities and diversity issues

45. There are no significant equality or diversity issues.

Local finance considerations

46. 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.
47. 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.
48. In this case local finance considerations are not considered to be material to the case.

Conclusion

49. The proposed B&B would not result in an overall loss of housing as it would continue to provide accommodation for the owner. The site location is considered suitable for a B&B given that it is located along a main arterial road into the city and has good links to UEA and sustainable transport networks. The use of the B&B is

considered to be in keeping with the residential character of the area, however it is acknowledged that the intensity of the use of the site would increase. The proposal can accommodate an appropriate level of parking on site. Therefore, subject to the imposition of appropriate conditions, the proposal is considered acceptable.

Recommendation

To approve application no. 18/01453/U - 547 Earlham Road Norwich NR4 7HW and grant planning permission subject to the following conditions:

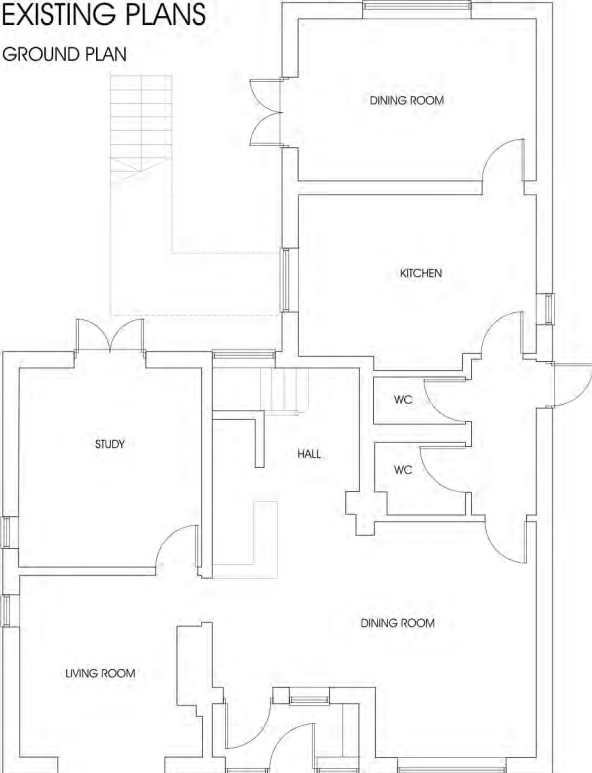
1. Standard time limit;
2. In accordance with plans;
3. Details of any extraction/mechanical ventilation;
4. Hours for refuse collection and deliveries;
5. Submission of management plan;
6. Bin and bike stores;
7. No use of the rear curtilage for car parking;
8. Use of the premises shall be as a B&B.

Article 35(2) statement

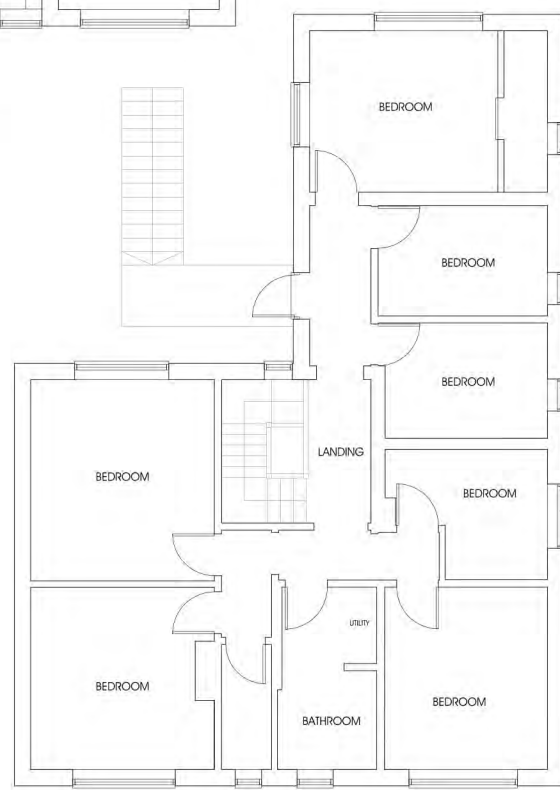
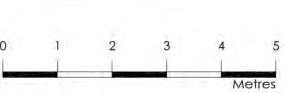
The local planning authority in making its decision has had due regard to paragraph 38 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations, following negotiations with the applicant and subsequent amendments the application has been approved subject to appropriate conditions and for the reasons outlined in the officer report.

EXISTING PLANS

GROUND PLAN

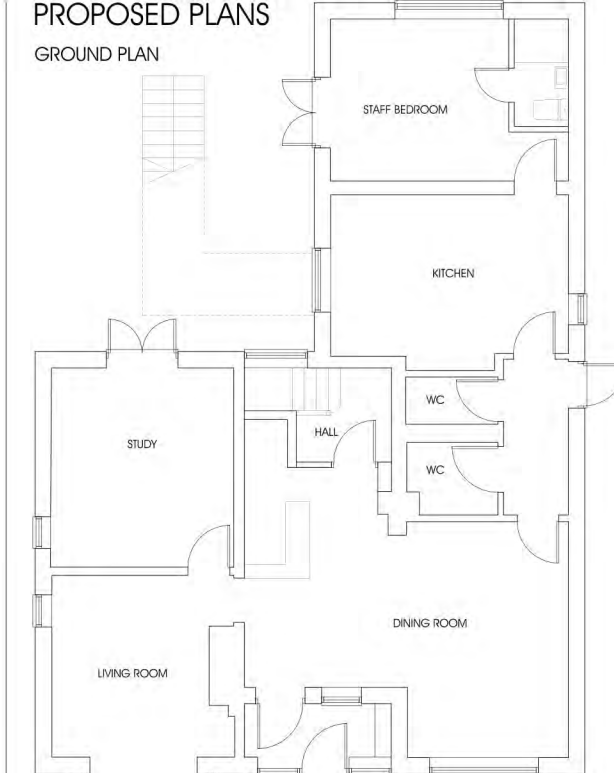


1ST FLOOR PLAN

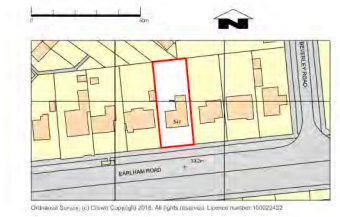
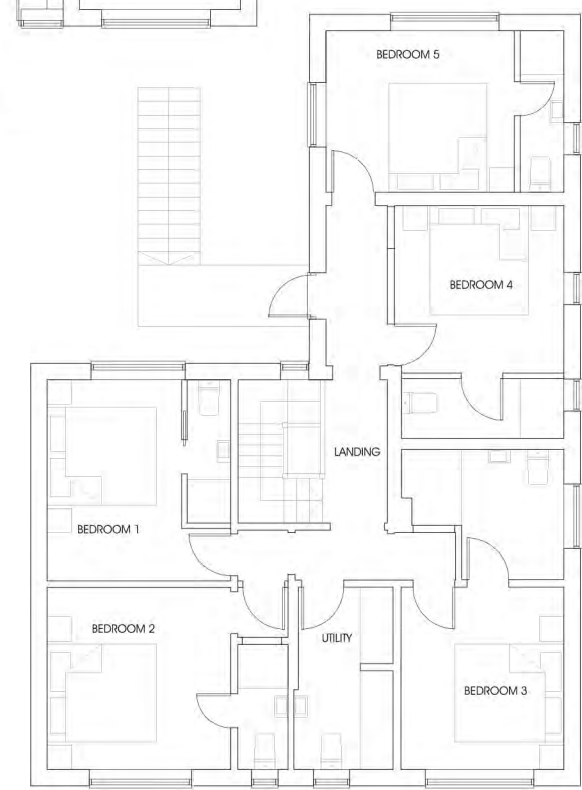
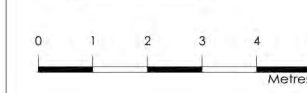


PROPOSED PLANS

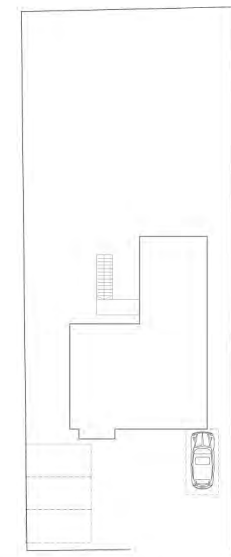
GROUND PLAN



1ST FLOOR PLAN



EXISTING SITE LOCATION PLAN 1:1250



EXISTING & PROPOSED SITE PLAN 1:200

REV DATE DESCRIPTION
AD Architects
 30 ROBIN HOUSE NEWCOURT ST LONDON NW6 7AD
 TEL 020 77229558 www.angliadesign.co.uk
 11 CHARING CROSS NORWICH NR2 4AX
 TEL 01 603 666576 mail@angliadesign.co.uk

JOB TITLE	547 EARLAM ROAD, NORWICH NR4 7HW
CLIENT	MIR WILLIAMS
DWG STAGE	PLANNING
DWG TITLE	EXISTING & PROPOSED PLANS
SCALE	1:50 @ A1
DATE	SEPT 18
DRAWING NO	NS-4196-100
REV	B

Report to Planning applications committee

Item

10 January 2019

Report of Head of planning services

Subject Application no 18/01278/U - 4 Fieldview, Norwich, NR5
8AQ

4(f)

**Reason
for referral** At officers discretion

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

Development proposal		
Retrospective change of use from dwelling (Class C3) to HMO for up to 7 persons (Sui Generis).		
Representations		
Object	Comment	Support
3	0	0

Main issues	Key considerations
1	Principle of development
2	Design
3	Amenity
4	Transport
Expiry date	29 November 2018
Recommendation	Refusal



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Planning Application No 18/01278/U

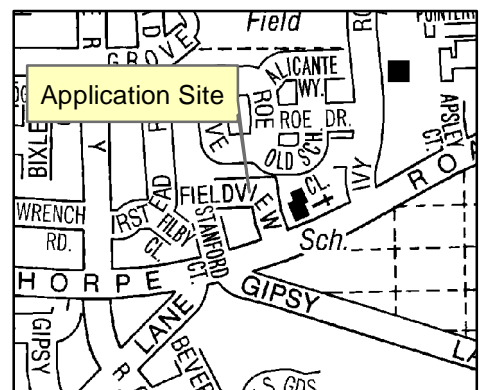
Site Address 4 Fieldview

Scale 1:1,000



NORWICH
City Council

PLANNING SERVICES



The site and surroundings

1. The site is no. 4 Fieldview, a property within a cul-de-sac off Bowthorpe Road in the west of the city, close to Norwich Cemetery. It comprises a semi-detached house which has been extended to the rear and via a loft conversion. The site is surrounded by further residential development.
2. The property is surrounded by residential development, and it is understood that no.s 2 and 3 Fieldview are also occupied by students.
3. There are no local plan designations affecting the site.

Relevant planning history

4.

Ref	Proposal	Decision	Date
13/00329/F	Demolition of existing garage and car port and erection of single storey side and rear extension with conservatory.	Approved	03/05/2013

The proposal

5. Retrospective planning permission is sought for the change of use from a C3 residential dwelling to a 7 bedroom large house of multiple occupation (HMO).

Representations

6. Adjacent and neighbouring properties have been notified in writing. 3 letters of representation have been received citing the issues as summarised in the table below. All representations are available to view in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Issue	Response
Concern about the number of HMO's that are now on Fieldview.	See main issue 1 & 2
Given that there will be seven otherwise unrelated occupants, the number of comings and goings will be greater, including those by private car and taxi, as will the number of separate social events, delivery of meals and other purchases, and people visiting for other reasons. This increase in activity will have a significant impact as a result of increased noise and disturbance.	See main issue 2

Issue	Response
The development increases the likelihood of cars parking on-street in a constrained cul-de-sac.	See main issue 4
Vehicles are regularly parked across the pavement to the detriment of pedestrians (particularly vulnerable age groups) and access by emergency vehicles.	See main issue 4
The two end to end parking spaces are inadequate and will result in vehicle movements and on-street parking.	See main issue 4

Consultation responses

7. No consultations were undertaken.

Assessment of planning considerations

Relevant development plan policies

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

- JCS1 Addressing climate change and protecting environmental assets
- JCS2 Promoting good design
- JCS6 Access and transportation
- JCS12 The remainder of the Norwich urban area including the fringe parishes

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

- DM1 Achieving and delivering sustainable development
- DM2 Ensuring satisfactory living and working conditions
- DM3 Delivering high quality design
- DM12 Ensuring well-planned housing development
- DM13 Communal development and multiple occupation
- DM15 Safeguarding the city's housing stock
- DM30 Access and highway safety
- DM31 Car parking and servicing

Other material considerations

10. **Relevant sections of the National Planning Policy Framework August 2018 (NPPF):**

- NPPF2 Achieving sustainable development
- NPPF4 Decision making
- NPPF5 Delivering a sufficient supply of homes

- NPPF10 Meeting the challenge of climate change, flooding and coastal change
- NPPF11 Making effective use of land
- NPPF12 Achieving well-designed places

Case Assessment

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

Main issue 1: Principle of development

12. Key policies and NPPF paragraphs – DM12, DM13.
13. Policy DM13 of the Development Management Policies sets out that proposals for the conversion of existing buildings to larger HMO's will be permitted where they achieve a high standard of amenity and living conditions for existing and future residents and would not result in an unacceptable impact on the living and working conditions of neighbouring occupiers. In addition to this, proposals should be consistent with the overall spatial planning objectives set out in the development plan, have no detrimental impacts on the character and amenity of the surrounding area, and should contribute to achieving a diverse mix of uses within the locality.
14. These matters are assessed within the following sections of this report.

Main issue 2: Amenity

15. Key policies and NPPF paragraphs – DM2, DM11, NPPF chapter 12.

Amenity for current and future occupiers

16. The property is two-storey semi-detached property, with a loft conversion, and has 7 bedrooms, bedrooms ranging in size. Four are ~12sqm, two ~9sqm but one is below 6sqm and is therefore below the 6.51 square metres necessary as part of a HMO licensing requirement for this type of property. The property has a toilet and shower room on the ground floor and a separate family bathroom on the second floor with an en-suite to the attic room. A kitchen/dining room and separate lounge are provided on the ground floor and are of a reasonable size.
17. Externally, there is a private rear garden which is small in comparison to other properties in the surrounding area due to the size of the rear extension.
18. The smallest room measures 5.9sqm on the submitted plans, nationally described space standards seek single bedrooms of 7.5m² and new licensing regulations which came into force on 01 October 2018 require rooms to be not less than 6.51 square metres. The Licensing of HMO Regulations 2018 are considered to be a

material consideration in this case. Although the internal living space is reasonable given the small size of the bedroom in question and the limited external amenity space the proposal is not considered to provide suitable living accommodation for seven occupants as proposed.

Amenity for neighbouring occupiers

19. Concerns have been raised about impact from comings and goings associated with the development and the increased numbers of HMO's operating within the cul-de-sac generally. Fieldview is a small residential cul-de-sac comprising of a mixture of small semi-detached houses and bungalows and 4 Fieldview was originally a relatively modest three-bed semi-detached dwelling which has been subsequently extended through a loft conversion and single storey extension. Although three properties are known to be HMO's the majority are understood to be C3 residential dwellings occupied by single households.
20. Given that there are seven otherwise unrelated occupants, it is considered that, the number of comings and goings are increased compared with a family dwelling, including those by private car and taxi, as will the number of separate social events, delivery of meals and other purchases, and people visiting for other reasons. It is considered that this increase in activity is likely to have had a significant impact as a result of increased noise and disturbance. The number of occupants is significantly greater than might be expected in what was originally a relatively small three bed family dwelling. There are not considered to be any mitigating factors in this case which would minimise this impact on neighbouring properties and all activity would be focused to the front of the property where there is a driveway providing two/three parking spaces (in tandem).
21. With regard to the cumulative impact, regard is had to the fact that in terms of its occupation, the property at no. 3 Fieldview appears to be lawful in planning terms, as it is understood to be occupied by no more than 6 unrelated individuals. The impacts of no. 2 Fieldview will be assessed on its merits, on the basis of its own layout and facilities.
22. On balance given the size of the plot in question and its relationship to neighbouring properties, the proposal is considered to cause significant harm to residential amenity for occupants of nearby dwellings in terms of noise, and general disturbance. Therefore the development does not accord policies DM2 and DM13. These include provisions to protect residential amenity in terms of noise disturbance, and to ensure that larger HMOs do not have an unacceptable impact on the living conditions of neighbouring residential occupiers.

Main issue 3: Impact on the character of the area

23. Key policies and NPPF paragraphs – JCS2, DM1, DM3, NPPF chapter 12.
24. No external alterations are proposed to the property and therefore it is not considered that there would be any material impact on the physical character of the area.

Main issue 4: Transport and servicing

25. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF chapter 12.

26. Fieldview is a small cul-de-sac providing access to 21 properties, there are no restrictions to on-street parking however available parking space is limited to a degree by private driveways. All driveways on the close have off-street parking providing space for between 2-4 cars. The site itself has space for 2/3 cars to park off-street albeit they are in tandem. Officer visits to the close have not identified any particular on-street parking issues which are seen in other parts of the City and therefore whilst it is acknowledged that a large HMO in this location may increase demand for on-street parking it is not considered in this case to be a ground to refuse planning consent.
27. Concern has been raised in relation to parking on the pavement. Fieldview is wide enough for cars to park fully on the road and allow other cars to pass and therefore whilst this is unfortunate, it is not something which can be controlled through the planning process.
28. A shed is provided at the front of the property for cycle parking. There is adequate space within the curtilage of the property to provide bin storage which can easily be presented and collected from the street.

Equalities and diversity issues

29. There are no significant equality or diversity issues.

Local finance considerations

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

Conclusion

33. The application seeks retrospective permission for the change of use of a residential dwelling to a sui generis HMO to accommodate 7 people. This is a finely balanced case and whilst the parking arrangements are considered to be marginally acceptable it is considered that the proposal would have an unacceptable impact on neighbouring residents through noise and disturbance in what is a relatively quiet residential cul-de-sac. The amenity of future residents would also not be acceptable given the size of one of the bedrooms. Therefore the development does not accord policies DM2 and DM13. These include provisions to protect residential amenity in terms of noise disturbance, and to ensure that larger HMOs do not have an unacceptable impact on the living conditions of neighbouring residential occupiers.

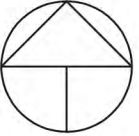
Recommendation

To refuse application no. 18/01278/U - 4 Fieldview Norwich NR5 8AQ for the following reasons:

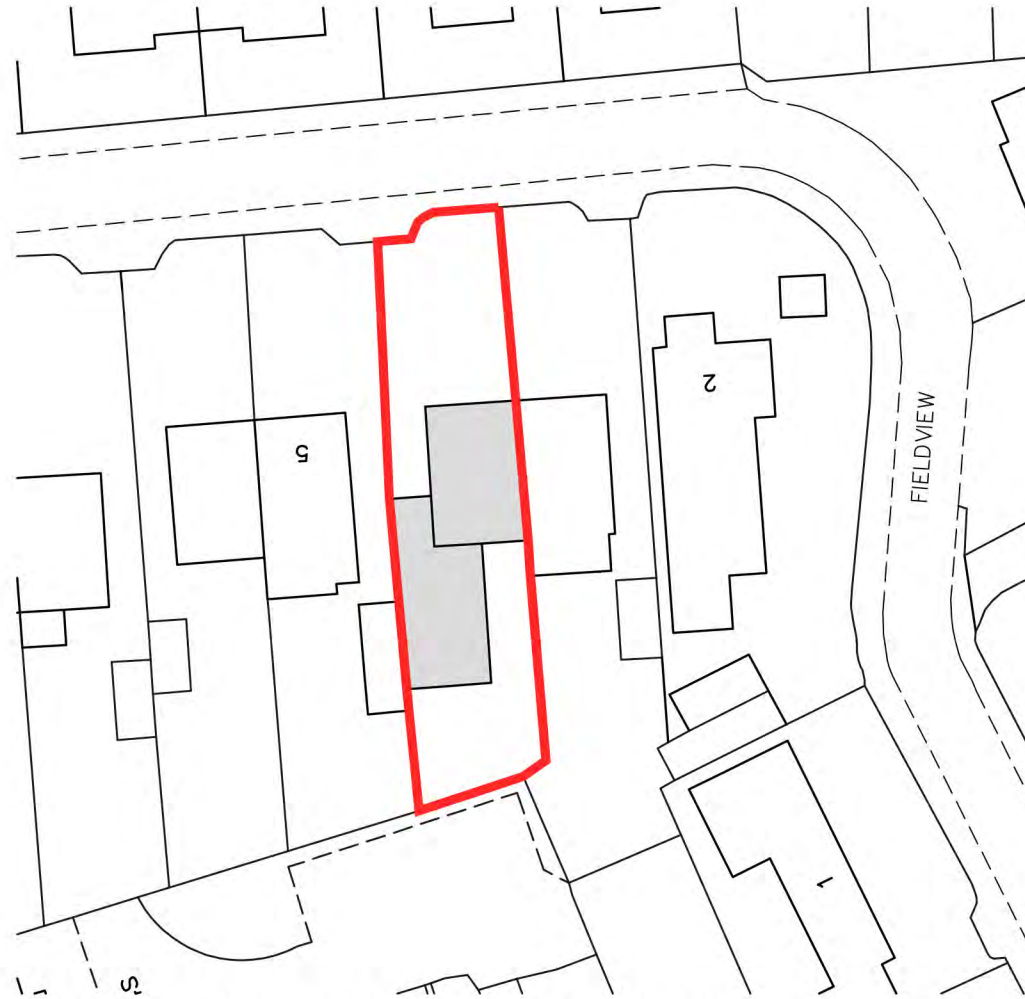
1. The proposed development by virtue of the number of occupants, the character of the local area, the size of the property and its relationship to neighbouring properties would cause significant harm to the residential amenity for occupants of nearby dwellings in terms of noise, and general disturbance. The development does not accord with development plan policy in terms of Policies DM2 and DM13 of the Development Management Policies Local Plan 2014. These include provisions to protect residential amenity in terms of noise disturbance, and to ensure that larger HMOs do not have an unacceptable impact on the living conditions of neighbouring residential occupiers.
2. The property provides 7 bedrooms of which one is below nationally described space standards for single bedrooms and is also below minimum space requirements within the Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018, both are considered to be material considerations in this case. Policy DM2 and DM13 of the Development Management Policies Local Plan 2014 require a high standard of amenity for future occupiers and although the internal living space is reasonable, given the small size of the room in question and the limited external amenity space the proposal is not considered to provide suitable living accommodation for seven occupants and is therefore contrary to the above referenced policies.

Article 35(2) Statement:

The local planning authority in making its decision has had due regard to paragraph 38 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations. The proposal in question is not considered to be acceptable for the reasons outlined above.

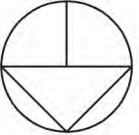


NORTH

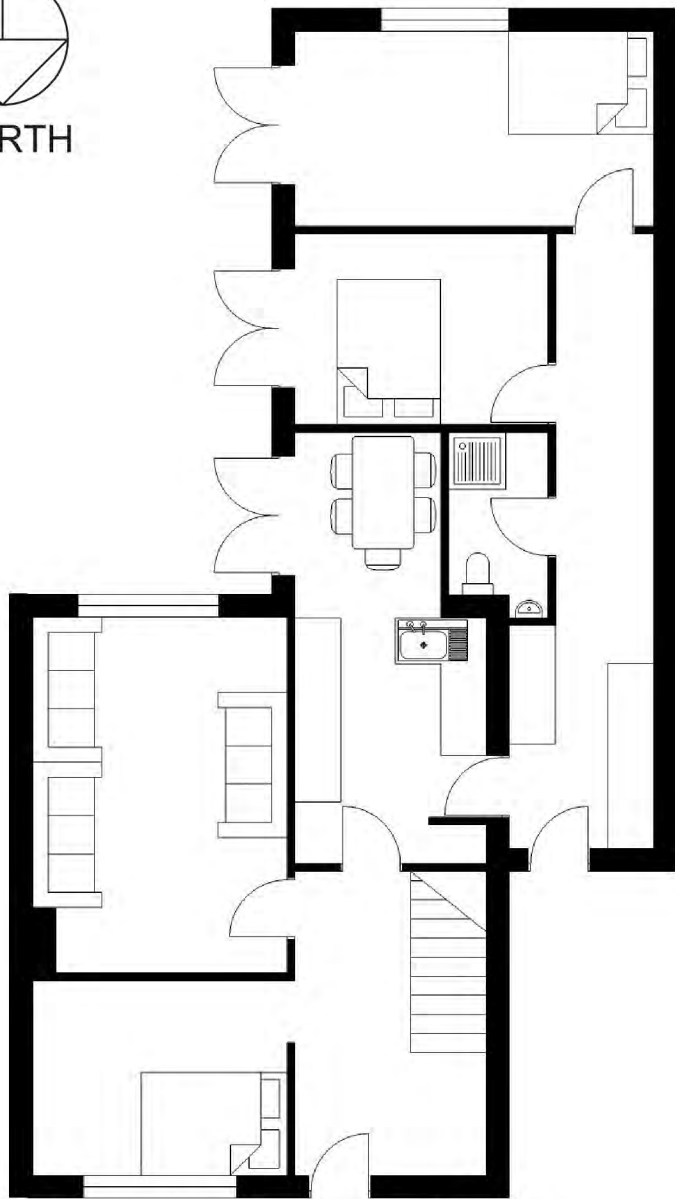


EXISTING AND PROPOSED SITE BLOCK PLAN
(no development proposed)

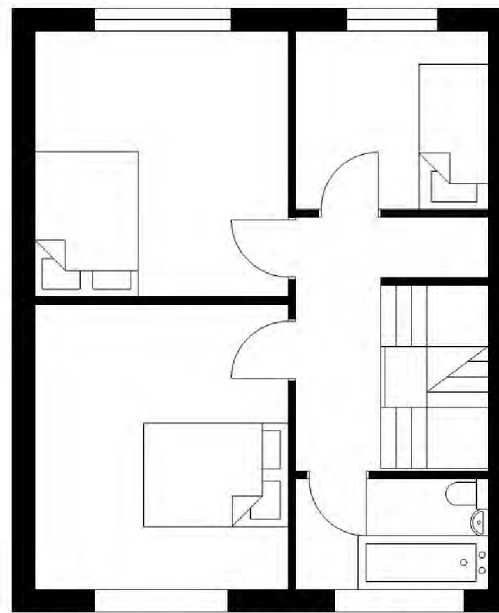




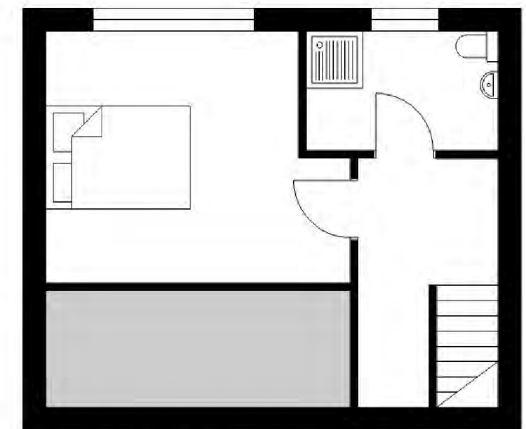
NORTH



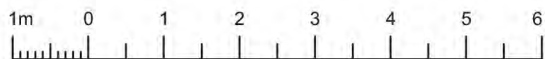
Existing and proposed ground floor plan
(no development proposed)



Existing and proposed first floor plan
(no development proposed)



Existing and proposed second floor plan
(no development proposed)



Report to Planning applications committee

Item

10 January 2019

Report of Head of planning services

Subject Application no 18/01016/U - 2 Fieldview, Norwich, NR5
8AQ

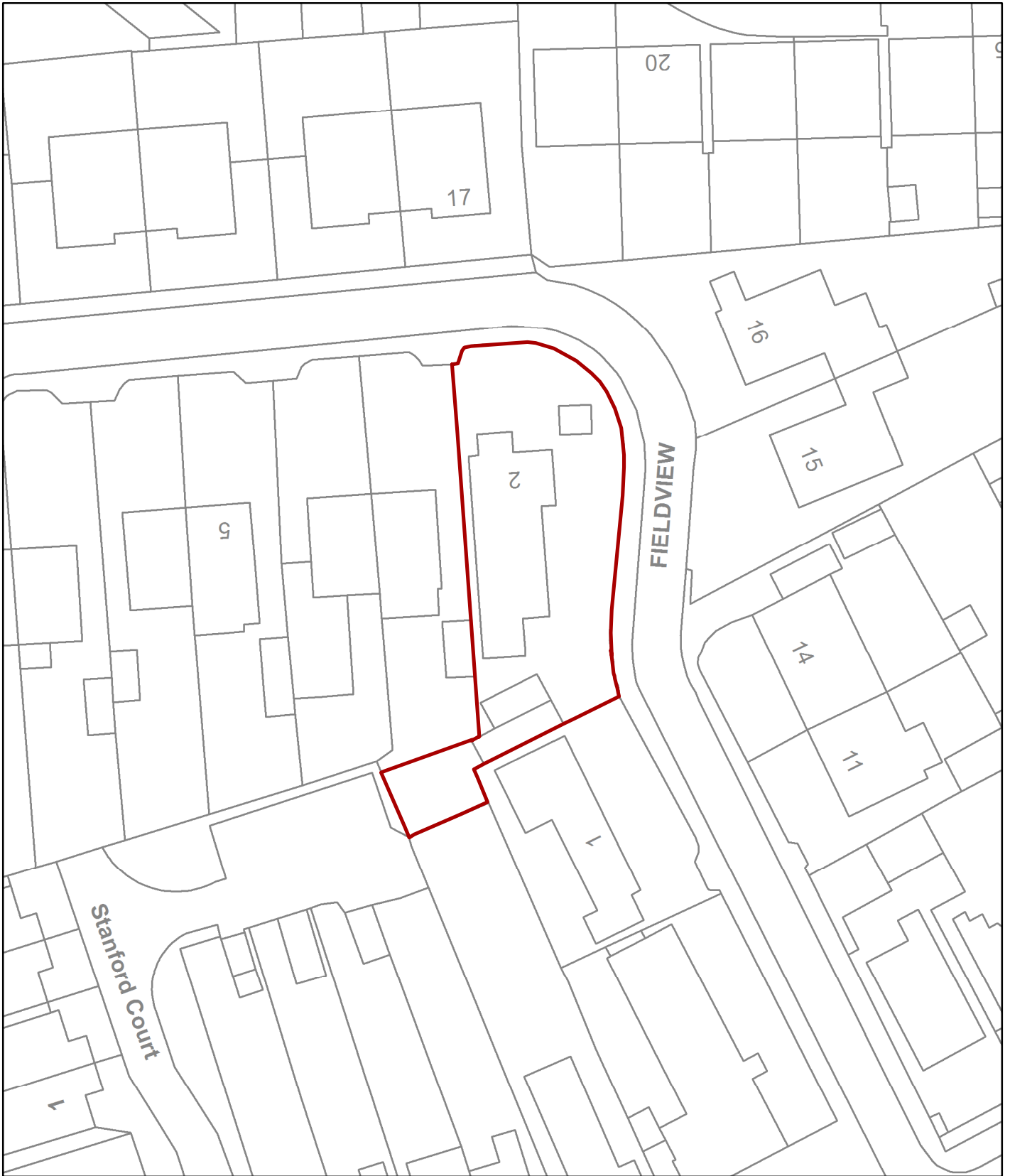
4(g)

**Reason
for referral** Objection

Ward:	Wensum
Case officer	Robert Webb - robertwebb@norwich.gov.uk

Development proposal		
Retrospective change of use to 7 bedroom HMO (Sui Generis)		
Representations		
Object	Comment	Support
6	0	0

Main issues	Key considerations
1	Principle of development
2	Design
3	Amenity
4	Transport
Expiry date	30 August 2018
Recommendation	Approval



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Planning Application No 18/01278/U

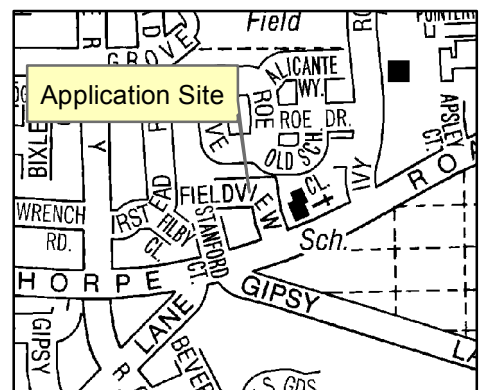
Site Address 2 Fieldview

Scale 1:500



NORWICH
City Council

PLANNING SERVICES



The site and surroundings

1. The site is no. 2 Fieldview, a property within a cul-de-sac off Bowthorpe Road in the west of the city, close to Norwich Cemetery. It comprises a detached house, a single storey outbuilding which was previously a garage with associated driveway, and a front, side and private rear garden. The site is surrounded by further residential development.
2. The property is surrounded by residential development, and it is understood that no.s 3 and 4 Fieldview are also occupied by students.
3. There are no local plan designations affecting the site.

Relevant planning history

4.

Ref	Proposal	Decision	Date
06/01211/F	Conservatory to side.	Approved	29/12/2006
18/01030/F	Sub-division of plot, conversion of existing garage and outbuilding into a standalone residential unit (Class C3) and rear single storey extension.	Withdrawn	26/11/2018

The proposal

5. Retrospective planning permission is sought for the change of use from C3 residential dwelling to a 7 bedroom large house of multiple occupation (HMO). It is understood that the property has been operating in such a way since 2012.

Representations

6. Adjacent and neighbouring properties have been notified in writing. 6 letters of representation have been received citing the issues as summarised in the table below. All representations are available to view in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Issue	Response
Concern about the number of HMO's that are now on Fieldview.	See main issue 1 and 2
The loss of the rear garden has resulted in clothes drying provision being provided in the front garden which is unsightly.	See main issue 2 and 3

Issue	Response
Fieldview used to be a quiet oasis but conversion to HMO's by absent landlords means that our road is being turned into a free for all car park.	See main issue 2
Concern that late night noise levels will increase. In the past we have had late night music, shouting and drunken behaviour coming from Fieldview.	See main issue 2
The application does not make it clear that the cycle shed was erected without planning permission. The loss of the garage resulted in the need for the shed which is unsightly.	See main issue 3
The development increases the likelihood of cars parking on-street which can cause an obstruction to reversing bin lorries.	See main issues 3 and 4
The application does not make it clear that a new vehicular access was formed.	See main issue 4
Vehicles are regularly parked across the pavement to the detriment of pedestrians (particularly vulnerable age groups).	See main issue 4

1 letter received in response to application revisions. Comments as follows:

Issue	Response
It is unfortunate that the application form has not been updated to recognise the changes.	The council would not normally require a new application form where an application is amended during the course of the application process. A decision can be made on the basis of the information shown on the revised plans and the approved plans could be conditioned as part of any planning approval.
Given that there will be seven otherwise unrelated occupants, the number of comings and goings will be greater, including those by private car and taxi, as will the number of separate social events, delivery of meals and other purchases, and people visiting for other reasons. I believe this increase in activity will have a significant impact as a result of	See main issue 1.

Issue	Response
increased noise and disturbance.	
Concerns about the visual appearance of the timber shed and washing line.	See main issue 2.
<p>The current proposals would appear to make effective use of the "garages" and two related parking spaces rather difficult for the tenants and could cause their intended future use to be questioned. By constructing an eyesore 1.8m fence where indicated, security oversight of the two parking spaces from the dining room / kitchen / lounge will be denied.</p> <p>The fence also prevents easy access to the parking spaces from the property.</p>	See main issue 3.
Concerns raised about the new vehicle access which has been created and the extent of the dropped kerb.	See main issue 4.

Consultation responses

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

Highways (local)

8. No objection in principle on highway grounds. The proposal for a HMO seeks conversion of an extant dwelling with associated provision of a new vehicle access to two parking spaces with associated bin and bike store. The recently constructed parking space will require a dropped kerb, please advise the applicant to apply for technical approval using the form at www.norwich.gov.uk/droppedkerbs
9. As there is an extant vehicle crossover for the neighbouring property and there have been no recorded injury accidents, we will not object on highway grounds as this is a low traffic cul de sac road.

Assessment of planning considerations

Relevant development plan policies

10. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
- JCS1 Addressing climate change and protecting environmental assets
 - JCS2 Promoting good design
 - JCS6 Access and transportation

- JCS12 The remainder of the Norwich urban area including the fringe parishes

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

- DM1 Achieving and delivering sustainable development
- DM2 Ensuring satisfactory living and working conditions
- DM3 Delivering high quality design
- DM12 Ensuring well-planned housing development
- DM13 Communal development and multiple occupation
- DM15 Safeguarding the city's housing stock
- DM30 Access and highway safety
- DM31 Car parking and servicing

Other material considerations

12. Relevant sections of the National Planning Policy Framework August 2018 (NPPF):

- NPPF2 Achieving sustainable development
- NPPF4 Decision making
- NPPF3 Supporting a prosperous rural economy
- NPPF5 Delivering a sufficient supply of homes
- NPPF10 Meeting the challenge of climate change, flooding and coastal change
- NPPF11 Making effective use of land
- NPPF12 Achieving well-designed places

Case Assessment

13. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant development plan policies are detailed above. Material considerations include policies in the National Planning Framework (NPPF), the 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

14. Key policies and NPPF paragraphs – DM12, DM13.
15. Policy DM13 of the Development Management Policies sets out that proposals for the conversion of existing buildings to larger HMO's will be permitted where they achieve a high standard of amenity and living conditions for existing and future residents and would not result in an unacceptable impact on the living and working conditions of neighbouring occupiers. In addition to this, proposals should be consistent with the overall spatial planning objectives set out in the development plan, have no detrimental impacts on the character and amenity of the surrounding area, and should contribute to achieving a diverse mix of uses within the locality.

16. These matters are assessed within the following sections of this report.

Main issue 2: Amenity

17. Key policies and NPPF paragraphs – DM2, DM11, NPPF chapter 12.

Amenity for current and future occupiers

18. The property is two storey and has 7 bedrooms, all of which are larger than the 6.51 square metres necessary as part of a HMO licensing requirement for this type of property. It has a toilet and shower room on the ground floor and a separate family bathroom on the second floor, and a kitchen, lounge and dining room/conservatory on the ground floor. The property is a larger dwelling than some others in the close.
19. Externally, there is a private rear garden sited behind the garage and also a side and front garden. There is a brick outbuilding which was formerly a garage. This has been converted into a room which contains a toilet and kitchenette and is currently used for storage by the landlord. There is a garden shed to the side of the property which is used for bike storage by the occupants. There are two points of vehicle access and space for up to four cars to be parked.
20. It is considered that some improvements are required to the external areas to make the development acceptable in planning terms. These include the following:
- (a) Improved landscaping of the rear garden to make it more usable for the occupiers;
 - (b) Provision of an access gate in the fence between the rear parking area and the garden to allow easy access between the parking area and the house;
 - (c) Additional planting within gaps in boundary of front garden to improve screening and boundary treatment.
21. The applicant has agreed to make these changes and a condition is recommended to secure submission of a landscaping scheme within 2 months and implementation of this within 4 months of the approval of the scheme.
22. Subject to the imposition of and compliance with such a condition the development would be acceptable in terms of amenity for current and future occupiers and the proposal would meet the requirements of policies DM12 and DM13 in this regard.

Amenity for neighbouring occupiers

23. Concerns have been raised about impact from comings and goings associated with the development and the increased numbers of HMO's operating within the cul-de-sac generally. Fieldview is a small residential cul-de-sac comprising of a mixture of small semi-detached houses and bungalows and 2 Fieldview is the only two storey detached property within the cul-de-sac and sits on a larger plot than most. Although three properties are known to be HMO's the majority are understood to be C3 residential dwellings occupied by single households.
24. Given that there are seven otherwise unrelated occupants in the property, it is considered that compared with a family dwelling, the number of comings and goings will have increased, including those by private car and taxi, as will the

number of separate social events, delivery of meals and other purchases, and people visiting for other reasons. It is considered that this increase in activity, particularly when combined with the other HMO's adjacent is likely to have had a significant impact as a result of increased noise and disturbance.

25. However, the site is larger than many other properties in the street and it is possible to secure two access points to the dwelling via condition which will spread the impact between the two road frontages which will go some way to limiting those impacts in this particular case. In addition to this it is noted that the property is detached, has a reasonable sized garden space surrounding the property and a sufficient level of off-road parking available. This means that issues which can cause problems with HMO's in residential areas, such as noise and an increase in on-street parking are to large extent mitigated by the layout and characteristics of the property.
26. The condition seeking the improvement of the rear garden will assist in providing a more useable private amenity space that will reduce pressure on the front garden in terms of recreational use. The two vehicular access points will to an extent spread activity of comings and goings between the two road frontages of the property.
27. With regard to the cumulative impact, regard is had to the fact that in terms of its occupation, the property at no. 3 Fieldview appears to be lawful in planning terms, as it is understood to be occupied by no more than 6 unrelated individuals. The impacts of no. 4 will be assessed on its merits, on the basis of its own layout and facilities. For the reasons described above, whilst it is recognised that some additional impacts may result from the property being operated as a sui generis HMO compared to a C3 dwelling house, the particular layout of no. 2 in combination with the recommended conditions will ensure that amenity impacts are mitigated to an acceptable level.

Main issue 3: Impact on the character of the area

28. Key policies and NPPF paragraphs – JCS2, DM1, DM3, NPPF chapter 12.
29. Since 2012, when the use as an HMO commenced, some changes to the external appearance of the property have taken place. These include the erection of a timber shed in the front/side garden and alterations to the front elevation of the brick outbuilding, where a garage door was removed and replaced with a uPVC front door and window.
30. An objector has cited the presence of the timber shed and also a washing line in the front/side garden as being unsightly. The timber shed has previously been the subject of an enforcement investigation and is considered acceptable given its small scale and due to the partial screening provided by existing trees and shrubs on the boundary. The application proposes to enhance the planting on the boundary further which will assist in terms of increased screening. The siting of a washing line does not require planning permission, but this will also benefit from increased screening if planning permission is granted.
31. A 1.8m close boarded timber fence has been erected in the front garden between the conservatory and the former garage/outbuilding. The applicant has stated that this fence provides increased privacy to the conservatory, which is accepted. An objector has stated the fence is an eyesore and makes access to the parking area

difficult. In responding to this, it is considered that the fence is permitted development, and in any event is acceptable in terms of its appearance. The applicant has agreed to insert a gate in the fence to improve accessibility and this will be secured by condition.

32. Overall the development is considered acceptable in terms of its impact on the character of the area, and additional planting to further improve boundary screening will be secured by condition.

Main issue 4: Transport and servicing

33. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF chapter 12.
34. Fieldview is a small cul-de-sac providing access to 21 properties, there are no restrictions to on-street parking however available parking space is limited to a degree by private driveways. All driveways on the close have off-street parking providing space for between 2-4 cars. Officer visits to the close have not identified any particular on-street parking issues which are seen in other parts of the City and therefore whilst it is acknowledged that a large HMO in this location may increase demand for on-street parking it is not considered in this case to be a ground to refuse planning consent.
35. There is space for four cars to park on the site in two separate locations within the curtilage of the property. There is also a shed which is used for the storage of cycles. This is considered an acceptable level of parking provision for the size of the development and no objection is raised by the transport officer. A new vehicle access has been formed at the front of the property and an application is required for a dropped kerb in this location in association with the access. A condition is recommended securing the provision of this and a further condition ensuring the retention of the parking spaces and cycle store for the purposes of the occupiers of the HMO is recommended. Subject to these conditions it is considered that the parking and transport arrangements are acceptable.
36. Concern has been raised in relation to parking on the pavement. Fieldview is wide enough for cars to park fully on the road and allow other cars to pass and therefore whilst this is unfortunate it is not something which can be controlled through the planning process.
37. There is adequate space within the curtilage of the property to provide bin storage which can easily be presented and collected from the street.

Other matters

38. The former garage was previously the subject of an enforcement complaint regarding an alleged conversion to a residential use. Whilst it was confirmed that the building was not being occupied for residential purposes, authority was granted by planning committee in July 2017 to ensure that the building was retained for purposes ancillary to the main property.
39. The current application results from discussions that have taken place with the owner of the property since that time which have sought to resolve the issue of the

change of use and the use of the outbuilding, and the application seeks to regularise the current situation. For the avoidance of doubt, the use of the outbuilding for storage by the landlord is not considered to result in a material change in the use of the property and no planning harm is considered to arise from this.

40. Alongside this application a further application was submitted for the subdivision of the plot and conversion of the former garage and extension to provide a separate dwelling unit. That application was withdrawn following the advice of the planning officer, due to concerns that it would represent an overdevelopment of the plot and be harmful to the amenities of the area. The current application was subsequently amended to include all of the land within the curtilage of no. 2 Fieldview and has been assessed on this basis.

Equalities and diversity issues

41. There are no significant equality or diversity issues.

Local finance considerations

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

Conclusion

45. The application seeks retrospective permission for the change of use of a residential dwelling to a sui generis HMO to accommodate 7 people. The site has been operating in this way since 2012. It is recognised that the change of use will have resulted in additional impacts on other residents in the street, particularly when combined with the two adjacent properties which are also operating as HMO's.
46. Whilst the case is considered to be finely balanced, given the particular characteristics of the property and subject to the implementation of measures secured by the imposition of the recommended conditions, the development would provide for an acceptable level of amenity for occupiers and the impacts on neighbouring occupiers would be mitigated to an acceptable level. On this basis the application is recommended for approval.

Recommendation

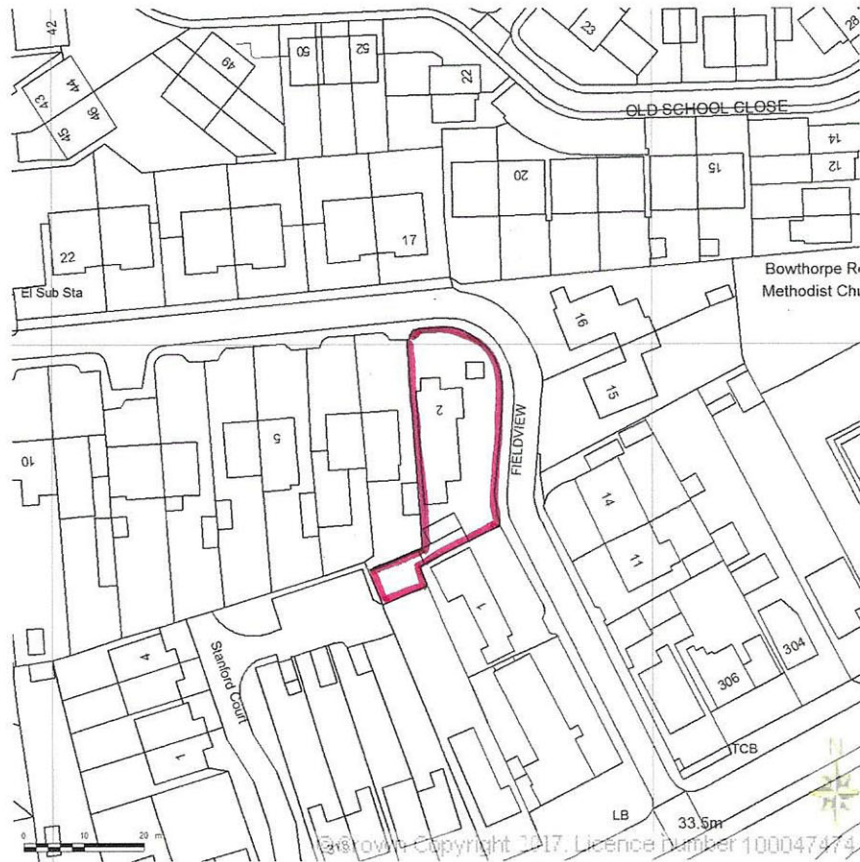
To approve application no. 18/01016/U - 2 Fieldview Norwich NR5 8AQ and grant planning permission subject to the following conditions:

1. In accordance with plans;
2. Dropped kerb to be provided next to parking area on northern side of property within 6 months of decision.
3. Landscaping scheme to be submitted within 2 months of decision to details of improvements to rear garden and insertion of gate in fence next conservatory. Approved details to be implemented within 3 months of approval of details and rear garden to be made available and retained as such in perpetuity.
4. Vehicle and cycle parking retained for use of the occupants in accordance with plan
5. Brick outbuilding (former garage) not to be used for sleeping accommodation;
6. Development to be occupied by no more than 7 permanent residents.

Article 35(2) Statement:

The local planning authority in making its decision has had due regard to paragraph 38 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations and has approved the application subject to appropriate conditions and for the reasons outlined in the officer report.

**SITE LOCATION PLAN
AREA 2 HA
SCALE 1:1250 on A4
CENTRE COORDINATES: 620264, 308785**



**Supplied by Streetwise Maps Ltd
www.streetwise.net
Licence No: 100047474
07/11/2018 16:48**

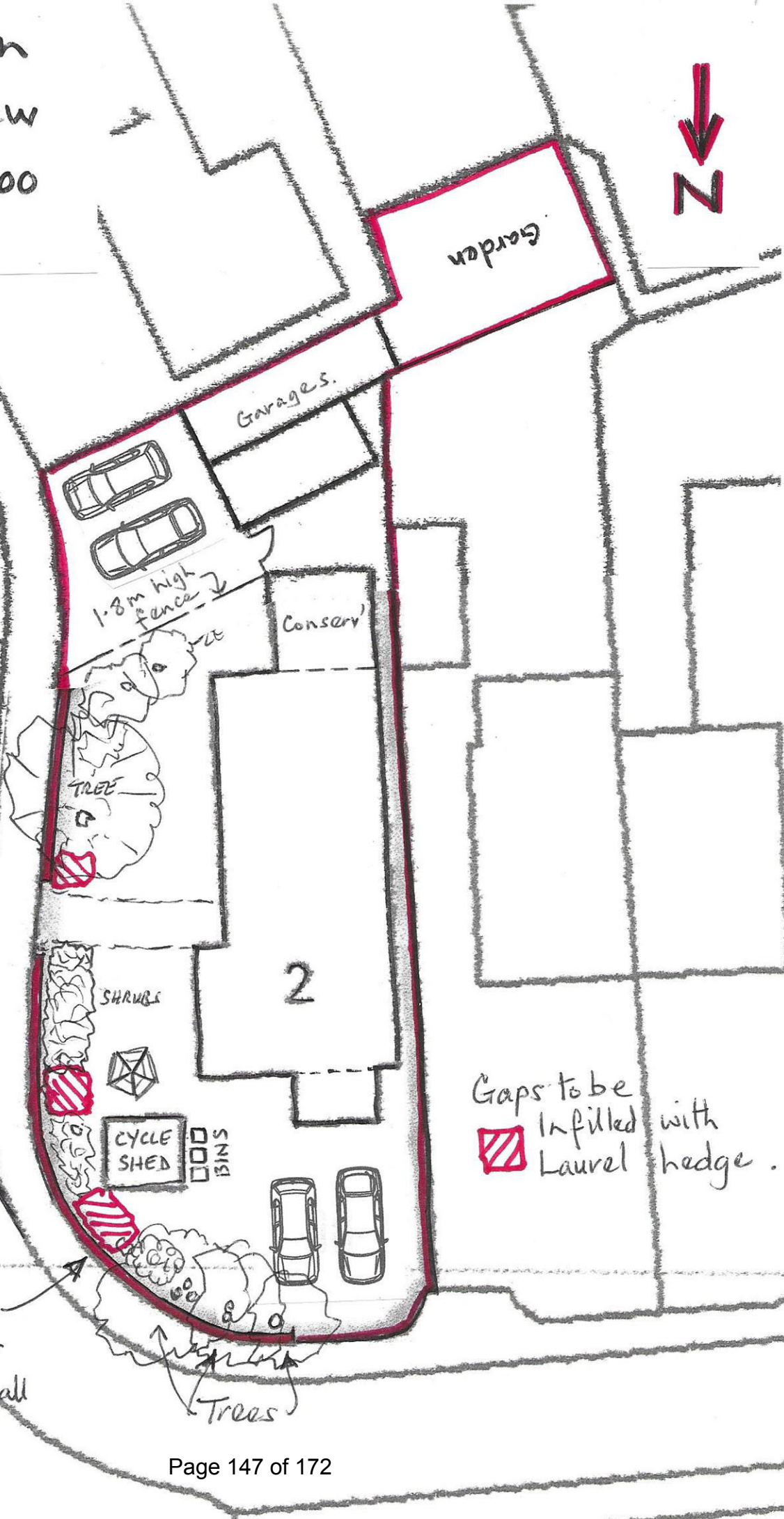
**Site Location Plan
2 Fieldview, Norwich,
Norfolk, NR5 8AQ.**

Block Plan
2 Fieldview
Scale 1:200

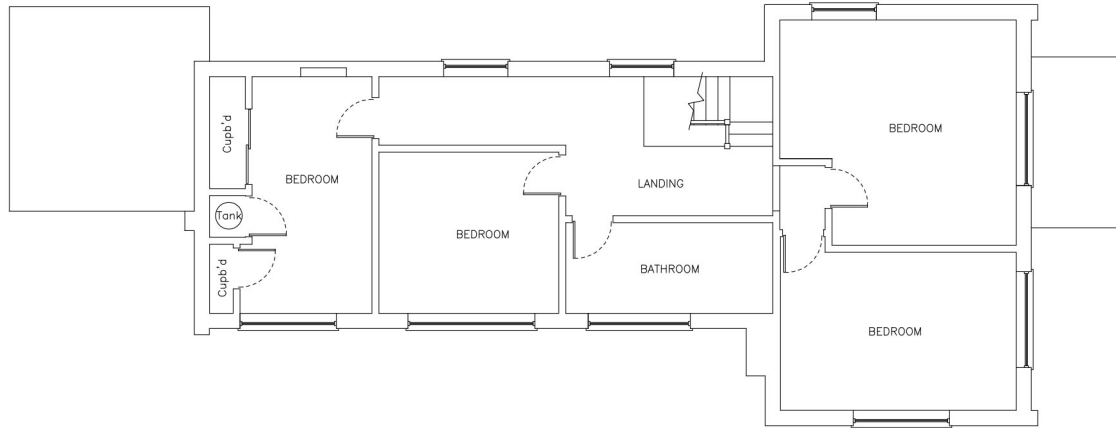


FIELDVIEW

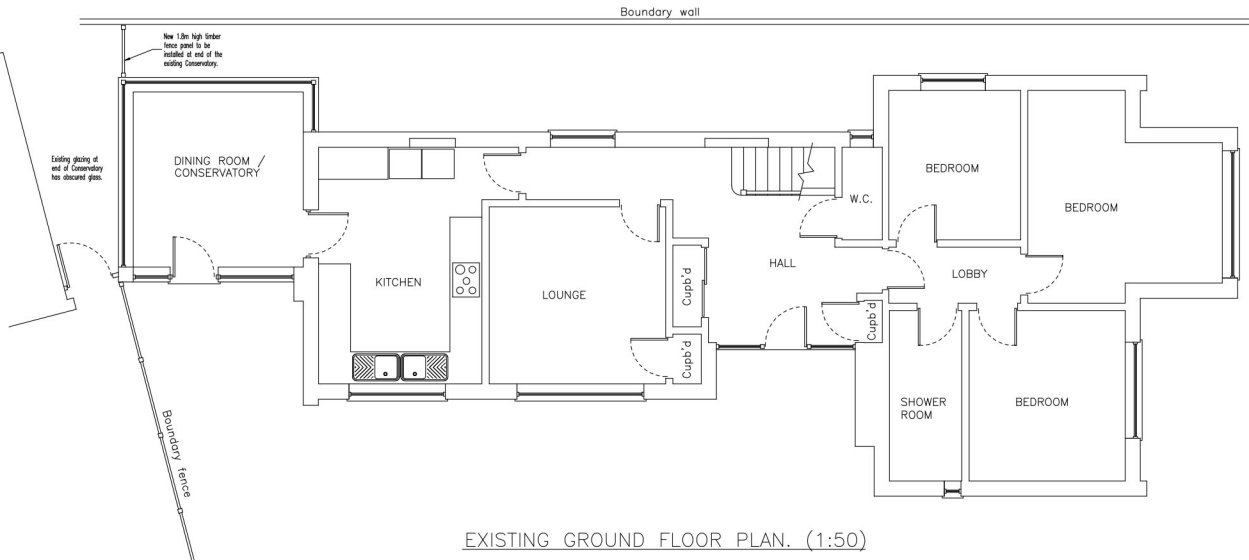
900 mm high
brick/timber
boundary wall
(existing).



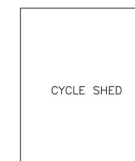
Gaps to be
Infilled with
Laurel hedge.



EXISTING FIRST FLOOR PLAN. (1:50)



EXISTING GROUND FLOOR PLAN. (1:50)



Rev	Description	By	Chk	App	Date

gs designs



35 Spynood
 Norwich
 NR5 8AQ
 Tel: 07788 568185
 gsd@gsdesigns.co.uk

Project:
**2 FIELDVIEW
 NORWICH,
 NR5 8AQ.**

Drawing Title:
**EXISTING FLOOR PLANS
 PLANNING DRAWING**

Scale at A1	Drawn By	Date	Checked By	Date	Approved By	Date
1:50	GR	AUG-2017				
Project No.	Office	Type	Drawing No.		Revision	
1738	N	S	01		-	

APPROVAL INFORMATION TENDER CONTRACT PLANNING

Report to Planning applications committee

Item

10 January 2019

Report of Head of planning services

Subject Application no 18/01430/F - 373 Bowthorpe Road,
Norwich, NR5 8AG

4(h)

**Reason
for referral** Called in by an elected member

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

Development proposal		
Single storey front extension.		
Representations		
Object	Comment	Support
0	0	0

Main issues	Key considerations
1 Design	The impact of the proposed development on the prevailing character of the subject property and surrounding area.
2 Amenity	The impact of the proposed development on the residential amenities of neighbouring properties and the occupiers of the subject property.
Expiry date	17 January 2018
Recommendation	Refuse



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Planning Application No 18/01430/F
373 Bowthorpe Road

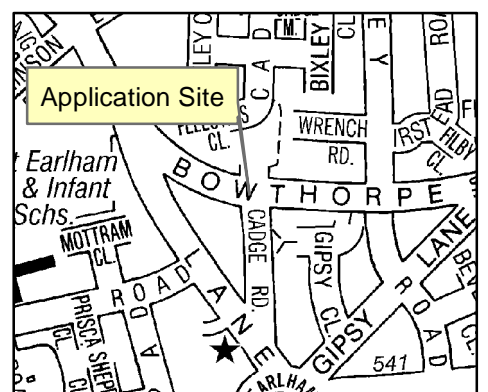
Site Address

Scale 1:500



NORWICH
City Council

PLANNING SERVICES



The site and surroundings

1. The site is located to the south-west of the Bowthorpe and Cadge Roads crossroads, to the west of the city. The subject property is a two-storey end of terrace dwelling constructed circa 1930 as part of a wider council housing development. The site is formed from a corner plot within a prominent location with a matching property located on the opposite side of the road. The site features a front garden area, driveway to the side a small wedge shaped rear garden.
2. The site is bordered by the adjoining dwelling to the west, no. 375 Bowthorpe Road and no 27. Cadge Road to the south a recently constructed two storey end of terrace dwelling. The site boundaries are marked by a low picket fence to the front. The prevailing character of the surrounding area is predominantly residential with many properties having been constructed at the same time as part of a wider housing development.
3. It is noted that no. 371 Bowthorpe Road, a property of the same design located opposite the application site has constructed a similar front extension already. The extension was considered by way of a planning application in 2006 ref. 06/00979/F. The officer at the time recommended that the application was refused because of the harm it would have on the appearance and character of the building and wider street scene. The application was however approved by the members during the planning applications meeting. The property opposite is surrounded by a high hedge which largely screens the front extension.

Relevant planning history

4. There is no relevant planning history on this site.

The proposal

5. The proposal is for the construction of a single storey extension to the front of 373 Bowthorpe Road. The proposed 9.7m x 3.8m single storey extension is to be constructed across the majority of the front elevation. The design features a simple sloping roof measuring 2.4m to the eaves and 3.2m to the highest part.
6. The proposed extension is to be constructed using matching materials including painted render, red coloured pantiles and white coloured windows and doors.
7. The proposal seeks to create an additional bedroom, enlarged kitchen and living room.

Representations

8. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. No letters of representation have been received.

Consultation responses

9. Consultation responses are summarised below the full responses are available to view at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.
10. Cllr. Peek has requested that this application is referred to the committee for determination given the particular circumstances of the applicant.
11. Norwich Society: The proposed front addition is cumbersome, especially in this crossroads location.

Assessment of planning considerations

Relevant development plan policies

12. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
 - JCS1 Addressing climate change and protecting environmental assets
 - JCS2 Promoting good design
13. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
 - DM1 Achieving and delivering sustainable development
 - DM2 Ensuring satisfactory living and working conditions
 - DM3 Delivering high quality design

Other material considerations

14. **Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**
 - NPPF12 Conserving and enhancing the historic environment

Case Assessment

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

Main issue 1: Design

17. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 9, 17, 56 and 60-66.

18. The site is located within a prominent location and is open on all sides with only the small picket fence marking the boundary. The subject property having been constructed as part of a wider housing development is a key constituent property within the surrounding area of Bowthorpe and Cadge Roads as well as Fellowes Close.
19. The area is characterised by terrace and semi-detached dwellings of a consistent form. A prevailing characteristic is that terraces in the area are splayed at road junctions, typically with relatively open frontages.
20. The proposed extension will have a significant impact on the character and appearance of the subject property and surrounding area by virtue of its scale and siting to the frontage of the property. The scale of the 3.8m deep extension will also appear to be out of proportion with the original dwelling which measures approximately 4.3m in depth, effectively giving the appearance of doubling the size of the footprint. It is considered that by virtue of the location and scale of the extension it will conflict with the prevailing character of the area.
21. It is noted that the neighbouring property located on the opposite side of Bowthorpe Road has constructed a similar extension. It is also therefore noted that the front boundary of no. 371 is marked by a tall mature hedge which effectively screens the extension from view. The proposed extension by contrast will be clearly visible.

Main issue 2: Amenity

22. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
23. The proposal will have a limited impact on the residential amenities of neighbouring residential properties by virtue of its siting, design and scale. The proposed extension will not result in harm being caused by way of overshadowing, overlooking or loss of outlook.
24. The proposal will result in an enlarged and improved internal living space to meet the need of the current occupiers of the subject property, whilst maintaining sufficient external amenity space.

Other matters

25. The applicant has provided a supporting statement outlining that the proposed extension is required in order for the current occupiers to better care for their two sons diagnosed with autism. It is noted that they currently share a bedroom as a result of the lack of space within the property. The layout of the site and location of sewers have resulted in the applicant asserting that the only viable design is that which is proposed. The applicant has also stated that he recently purchased the property under the Right to Buy Scheme on the assumption that an extension similar to that in situ at no. 371 would be approved. Members can give weight to these personal circumstances and will need to weigh these considerations in the planning balance. This is considered further in the conclusion of this report.

Equalities and diversity issues

26. The applicant has advised that the extension is to facilitate improved accommodation for his sons who share a protected characteristic under the equality act. Section 149 of the Equality Act 2010 requires that the Council must in the

exercise of its functions, have due regard to the need to eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by this Act, advance equality of opportunity between people who share a relevant protected characteristic and those who do not and foster good relations between people who share a relevant protected characteristic and those who do not. In addition section 49A of the Disability Discrimination Act 1995 requires that every public authority shall in carrying out its functions have due regard to the need to promote positive attitudes towards disabled persons and the need to encourage participation by disabled persons in public life.

27. The decision as recommended in this report would not compromise either of the above duties, members will need to weigh the benefits of the proposal to the future occupiers of the property against the identified harm of the extension to the character of the surrounding area.

Local finance considerations

28. 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.
29. 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.
30. In this case local finance considerations are not considered to be material to the case.

Conclusion

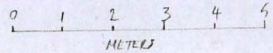
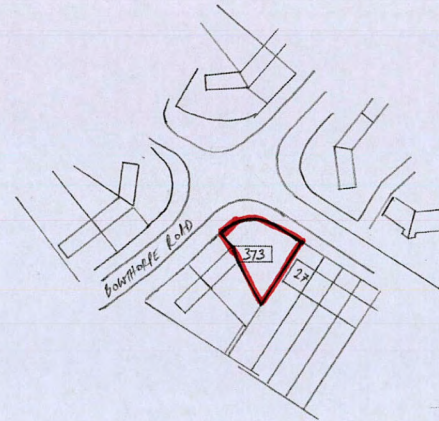
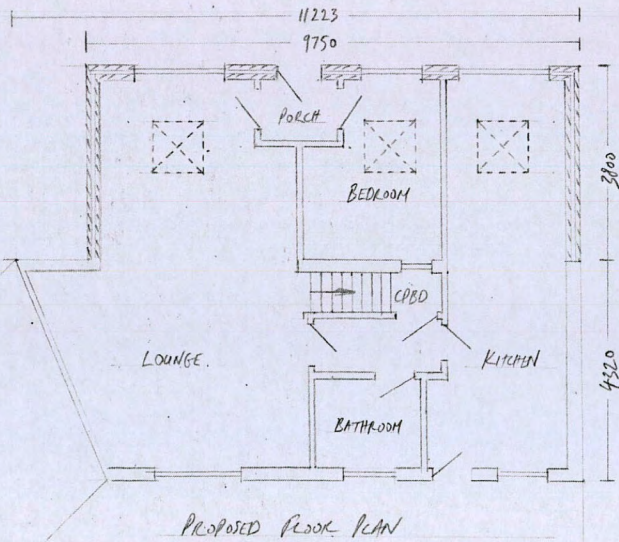
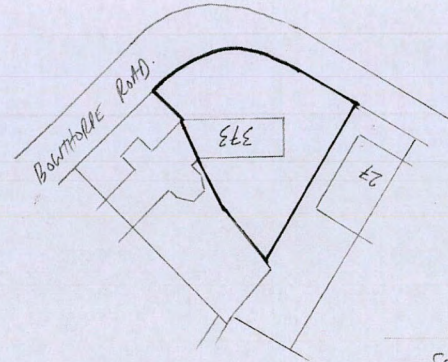
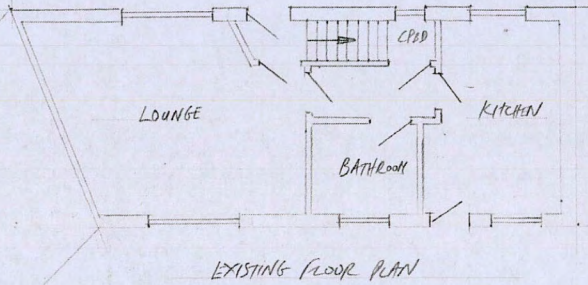
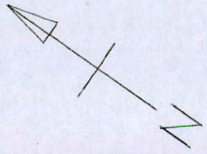
31. The area is characterised by terrace properties of a consistent form and layout. A prevailing characteristic of the area is properties which face at 45 degrees to road junctions. The property in question is a corner plot and the proposed extension will have a significant impact on the character and appearance of the subject property and surrounding area by virtue of its scale and siting to the frontage of the property. This harm should be weighed against the benefits of the proposal to the current and future occupants taking account of the particular circumstances of the applicant as identified within this report.
32. On balance the harm to the character of the area is considered to outweigh the benefits of the proposal and therefore the recommendation is to refuse the application.

Recommendation

To refuse application no. 18/01430/F - 373 Bowthorpe Road Norwich NR5 8AG for the following reason:

1. The area is characterised by terrace and semi-detached dwellings of a consistent form. A prevailing characteristic is that terraces in the area are splayed at road junctions, typically with relatively open frontages. The proposed extension by

virtue of its location to the front of the property and its size will have a significant impact on the character and appearance of the subject property and surrounding area contrary to policy DM3c) of the adopted Development Management Policies Local Plan 2014.



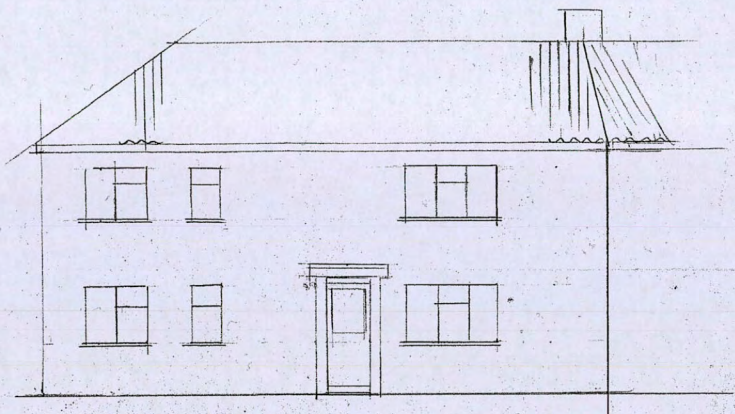
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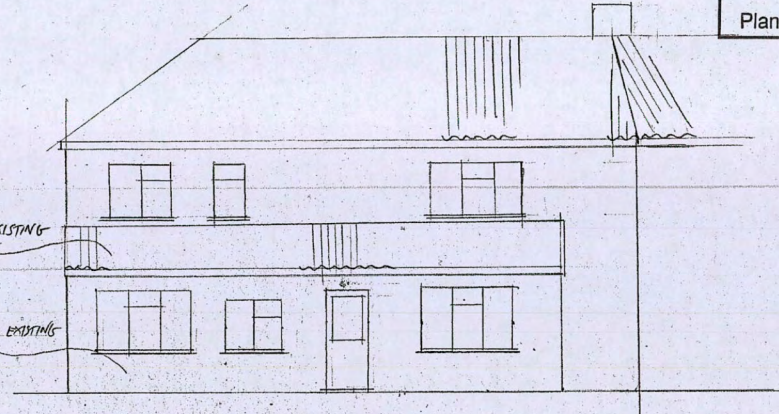
SHEET 2 OF 2

18/01430F

Norwich City Council
02 OCT 2018
Planning Services



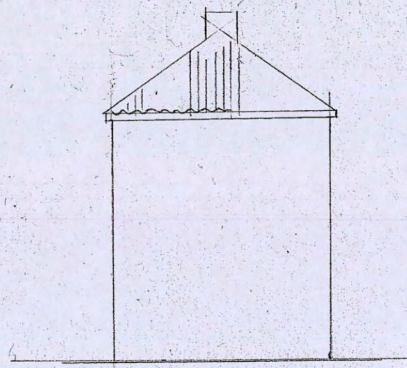
EXISTING NORTH EAST ELEVATION



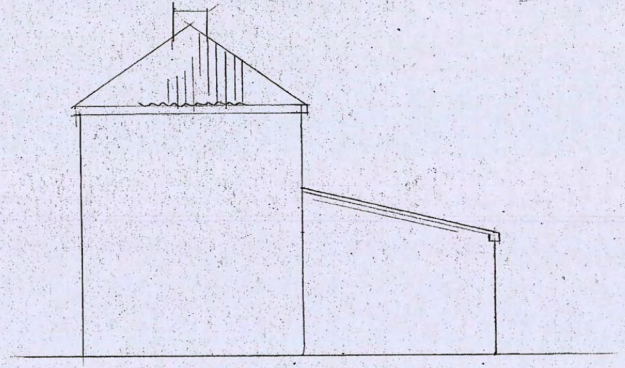
TILES TO MATCH EXISTING

RENDER TO MATCH EXISTING

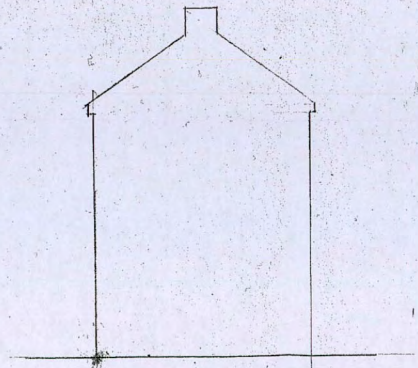
PROPOSED NORTH EAST ELEVATION



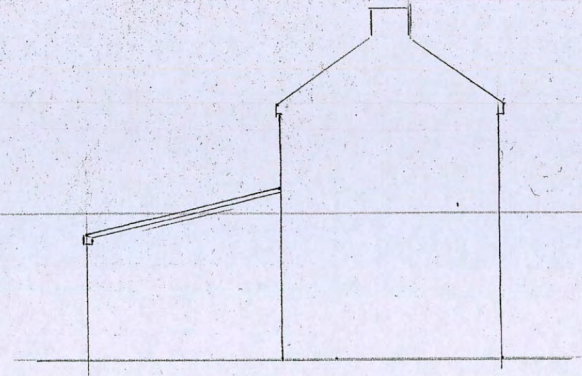
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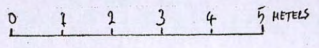
PROPOSED SOUTH EAST ELEVATION



EXISTING NORTH WEST ELEVATION



PROPOSED NORTH WEST ELEVATION



SCALE 1:100 AT A3.

DATE

SHEET 1 OF 2.

Report to Planning applications committee
10 January 2019

Item

Report of Head of planning services

Subject Tree Preservation Order [TPO], 2018. City of Norwich
Number 541; 74 Upper St. Giles Street, Norwich, NR2 1LT

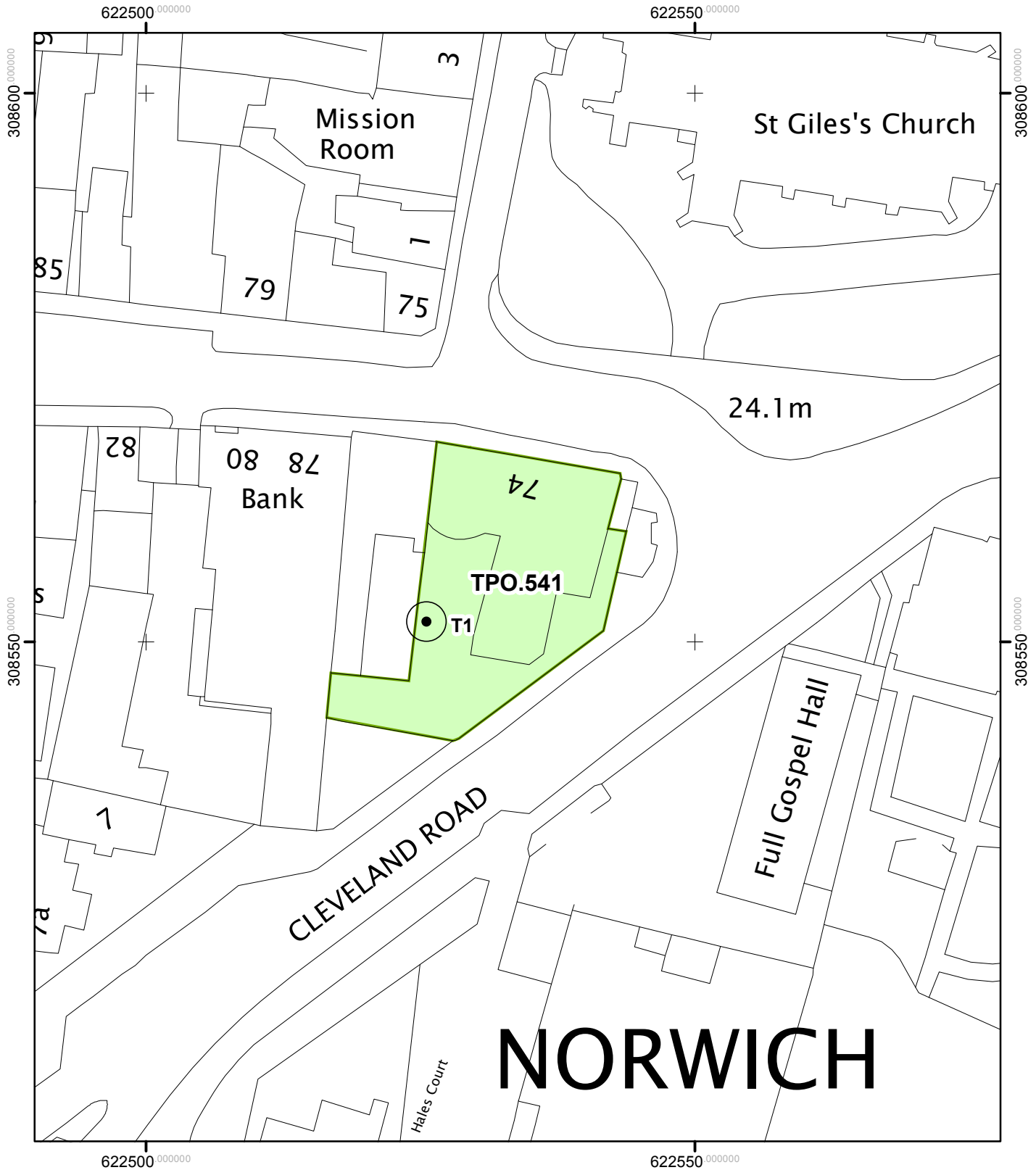
4(i)

Reason for referral Representations for, and objections to, confirmation of
Tree Preservation Order 541

Ward:	Mancroft
Case officer:	Mark Dunthorne, arboricultural officer markdunthorne@norwich.gov.uk

Proposal		
To confirm Tree Preservation Order 2018, City of Norwich Number 541, 74 Upper St. Giles Street, Norwich, NR2 1LT, without modifications.		
Representations		
Object	Comment	Support
1	0	0

Main issues:	Key considerations:
1 Amenity	Level of amenity for residents of/visitors to, Norwich city centre
2 Climate change	Trees increase resilience to climate change
3 Air quality	Trees improve air quality
4 Biodiversity & wildlife	Trees aid biodiversity and wildlife
TPO Expiry date	1 February 2019
Recommendation	Confirm TPO 541 without modifications



PLANNING SERVICES

Norwich City Council, City Hall,
Norwich, NR2 1NH
Telephone 0344 980 3333

Date : 30/07/2018

Scale : 1:500

Drawn by : SRB



Introduction

1. A conservation area application was received in June 2018, requesting consent to reduce the height of a lime tree from 15m to 10m, and reduce the width from 6m to 3m. The reasons given by the applicant for this reduction were that the tree was too large and that it was overhanging the neighbour's garden.
2. The location of the tree is shown on the attached plan.

The site, surroundings and content

3. The lime tree is situated in the rear garden of no.74 Upper St Giles St, close to the boundary wall, adjacent to no.76A.
4. This application follows a previous application requesting consent to pollard a near-by sycamore tree at the same address. Consent was granted to pollard the sycamore, as, although the specification was considered quite severe, the tree did not merit TPO status and was largely obscured from public view by the lime tree. Therefore the poor aesthetic quality of the tree, as a result of the pruning, would have little effect on the amenity of the area.
5. The proposed pruning of the lime tree, however, would not only have a direct detrimental effect on the tree itself (and amenity of the area), but would also give greater exposure to the poor quality sycamore.
6. The council's arboricultural officer visited the site and assessed the tree. It was felt that the specifications given in the application were too severe, unnecessarily damaging the tree, and diminishing its value. The assessment involved using the nationally recognised Tree Evaluation Method for Preservation Orders (TEMPO), which has the following classifications:

TEMPO score:	TEMPO Decision guide
0 - 11	Does not merit a TPO
12 -15	TPO defensible
16 - 25	Definitely merits TPO

The assessment resulted in a score of 17 for the tree, indicating that a Tree Preservation Order was definitely merited. City of Norwich no. 541 Tree Preservation Order, 2018: 74 Upper St. Giles St, Norwich, NR2 1LT, was served on 1 August 2018.

7. Tree Preservation Order (TPO) no 541 is provisionally in effect from 1 August 2018 until 1 February 2019, 6 months from the date on which it was served.
8. During this period the council gives consideration as to whether the Order should be confirmed, that is to say, whether it should take effect formally. Before this decision is made, the people affected by the Order have a right to make objections or other representations about any trees covered by the Order. The council received one objection from the next door neighbour, at 76A Upper St. Giles.

9. The council's standing orders require that when an objection to an Order is received, a report must be presented to planning committee before the Order is confirmed. The processing of this TPO was before the implementation of changes to the committee's delegations and therefore subject to determination by the committee.
10. Notice of the new Order (along with a letter of explanation) was served on the owner of the property, on the neighbouring properties, and on interested parties.

Representations

11. Full details of the representation are available on request.
12. The issues set out in the representation, and the responses from the arboricultural officer are summarised below:

Representation	Response
<p>The tree has a disease, causing a black powder to appear on the leaves, which then falls onto the paving at 76A. When wet, the paving becomes slippery.</p> <p>The tree should either be pollarded or cut down.</p>	<p>No diseases were apparent at the time of inspection. This is likely to be a condition called sooty mould (not a disease), caused by feeding aphids creating honeydew. Fungi then grows on the honeydew, resulting in the sooty mould. This has no real significance in terms of tree health.</p> <p>Objects/surfaces coated in sooty mould, can simply be washed with soapy water.</p> <p>The pruning specified in the application (and the request to either pollard or remove the tree, as cited in the letter of objection) is considered a disproportionate response to what is a common situation.</p> <p>It is the view of the officer that the amenity value of the tree, in its current form, and the contribution it makes to the area, outweighs the reasonable burden it places on the resident to clean her paving.</p>
<p>The tree is extremely tall and too close. If we had strong winds it would come crashing down into my bedroom and bathroom.</p>	<p>The tree is not extremely tall. No defects were found at the time of inspection that would suggest that the tree is vulnerable to failure in strong winds.</p>

Main issues

Issue

13. The negative impact the unnecessary pruning will have on the value of the tree, and the contribution it makes to the street scene. The potential lack of concealment of, what is considered to be, an unattractive adjacent tree.

Conclusion

14. The objection to the Order has been taken note of, and whilst officers appreciate the issues and concerns raised, it is their opinion that the tree should be protected to ensure future retention in its current form. Solutions to address the issues/concerns raised which may benefit the objector, may include the removal of the adjacent poor quality sycamore (for which, consent would be granted), or, at an appropriate point in the future, a more sympathetic pruning specification for the lime.

Recommendation

To confirm Tree Preservation Order [TPO], 2018. City of Norwich Number 541; 74 Upper St. Giles Street, Norwich, NR2 1LT, without modifications.



NORWICH
City Council

Please ask for:

4 Interested Parties

Mark Dunthorne
Arboricultural officer (TPO)
Tel: 01603 212426
Email: planning@norwich.gov.uk
Date: 1 August 2018
Our reference: 18/00541/TPO
Please quote this when contacting us.

Dear Sir/Madam

TOWN & COUNTRY PLANNING ACT 1990 (as amended).
TOWN & COUNTRY PLANNING (Tree Preservation) (England) REGULATIONS 2012

CITY OF NORWICH TREE PRESERVATION ORDER NUMBER 541

Location: 74 Upper St Giles Street Norwich NR2 1LT

Description: Tree Preservation Order, 2018 City of Norwich Number 541, 74 Upper St Giles Street Norwich NR2 1LT

I enclose a formal notice advising you that the Council has made a Tree Preservation Order at the above address. It is necessary for me to notify the owner/occupier of the land in question and any other adjoining residents and interested parties of the making of the order. A copy of the Order is enclosed.

As you will see from the Notice, you may make written representations or objections in respect of the Order within a period of 28 days from the serving of this Notice. Any objections should be sent to the case officer named above to planning@norwich.gov.uk or the address below. Please be aware that your comments (including your name and address) will be available as public information. Therefore, please do not include any sensitive information and you may choose to provide your comments as an attachment if corresponding by email and exclude your signature.

I would be most grateful if you could give me the name and address of any other person(s) you know who may have an interest in the premises which belong to or are associated with you.

Yours sincerely

Mark Dunthorne
Tree Protection Officer
Norwich City Council



NORWICH
City Council

Please ask for:

Mark Dunthorne

Arboricultural officer (TPO)

Tel: 01603 212426

Email: planning@norwich.gov.uk

Date: 1 August 2018

IMPORTANT – THIS COMMUNICATION MAY AFFECT YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990 (as amended).

TOWN & COUNTRY PLANNING (Tree Preservation) (England) REGULATIONS 2012

TREE PRESERVATION ORDER 2018

THE CITY COUNCIL OF NORWICH NUMBER 541

ADDRESS:

74 Upper St Giles Street
Norwich
NR2 1LT

DESCRIPTION: Tree Preservation Order, 2018 City of Norwich Number 541, 74 Upper St Giles Street Norwich NR2 1LT

DATE: 1 August 2018

THIS IS A FORMAL NOTICE to let you know that on 1 August 2018, the Council made the above Tree Preservation Order.

A copy of the Order is enclosed. In simple terms, it prohibits anyone from cutting down, topping or lopping any of the trees described in the Schedule and shown on the map without the Council's consent. More information on Tree Preservation Orders can be found on the government's Planning Practice Guidance website:

<http://planningguidance.communities.gov.uk/blog/guidance/tree-preservation-orders/>

The Council has made the Order to protect the amenity of the area.

The Order took effect, on a provisional basis, on 1 August 2018. It will continue in force on this basis for a further 6 months until the Order is confirmed by the Council, or if the Council decide not to confirm the order, the date on which the Council decide not to confirm the order, whichever occurs first.] The Council will consider whether the Order should be confirmed, that is to say, whether it should take effect formally. Before this decision is made, the people affected by the Order have a right to make objections or other representations about any of the trees, groups of trees or woodlands covered by the Order.

If you would like to make any objections or other comments, we must receive them in writing by 30 August 2017 (28 days after the date of the notice). Your comments must

comply with Regulation 6 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012, a copy of which is provided overleaf. Please send any comments by email to **planning@norwich.gov.uk** or to the Tree Protection Officer, Norwich City Council, City Hall, St Peter's Street, Norwich NR2 1NH. All valid objections or representations are carefully considered before a decision on whether to confirm the Order is made. The Council will write to you again when that decision has been made. In the meantime, if you would like any further information or have any questions about this letter, please contact the officer named above.

Yours sincerely

A handwritten signature in black ink that reads "G Nelson". The signature is written in a cursive style with a large initial "G".

Graham Nelson
Head of Planning Services

Copies of this letter have been sent to:

Name: Mr Andy Dyble	Address: 74 Upper St Giles Street Norwich NR2 1LT
Name: Mr Bradley Allen	Address: B Allen Tree Services 9 Hall Close Bodham Holt NR25 6PW
Name: The Owner/Occupier	Address: 76 Upper St Giles Street Norwich NR2 1LT
Name: The Owner/Occupier	Address: 76A Upper St Giles Street Norwich NR2 1LT

Copy of Regulation 6 of The Town and Country Planning (Tree Preservation)(England) Regulations 2012

Objections and representations

6.—(1) *Subject to paragraph (2), objections and representations—*

(a) shall be made in writing and—

(i) delivered to the authority not later than the date specified by them under regulation

5(2)(c); or

(ii) sent to the authority in a properly addressed and pre-paid letter posted at such time that, in the ordinary course of post, it would be delivered to them not later than that date;

(b) shall specify the particular trees, groups of trees or woodlands (as the case may be) in respect of which such objections and representations are made; and

(c) in the case of an objection, shall state the reasons for the objection.

(2) The authority may treat as duly made objections and representations which do not comply with the requirements of paragraph (1) if, in the particular case, they are satisfied that compliance with those requirements could not reasonably have been expected.



FORM OF TREE PRESERVATION ORDER

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

THE CITY OF NORWICH TREE PRESERVATION ORDER NUMBER 541

The City Council of Norwich, in exercise of the powers conferred on them by Section 198 of the Town and Country Planning Act 1990 hereby make the following Order –

Citation

1. This Order may be cited as Tree Preservation Order, 541
City of Norwich, 74 Upper St Giles Street Norwich NR2 1LT

Interpretation

2.
 1. In this Order “the authority” means the City Council of Norwich.
 2. In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3.
 1. Subject to article 4, this Order takes effect provisionally on the date on which it is made.
 2. Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—
 - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of, any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

DATED this 1 August 2018

Signed on behalf of the City Council of Norwich:

A handwritten signature in black ink that reads "G Nelson". The signature is written in a cursive style with a large initial "G".

Graham Nelson
Head of planning services

Authorised by the Council to sign in that behalf

SCHEDULE

Article 3
SPECIFICATION OF TREES

Trees specified individually
(encircled in black on the map)

Reference on Maps	Description	Situation
T1	1 x Lime	Adjacent Western boundary parallel to southernmost elevation of building.