

Report to Planning applications committee

Item

11 January 2018

Report of Head of planning services

Subject Application no 16/01950/O - St Mary's Works, Duke Street, Norwich, NR3 1QA

Reason for referral Objections / major scheme

4(d)

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

Development proposal			
Outline planning application to include the demolition of office/workshop buildings; part demolition/part retention, conversion and extension of St Mary's Works building and redevelopment of the site to provide circa 151 residential units (Use Class C3); circa 4,365sqm office floor space (Use Class B1a); circa 3,164sqm hotel and ancillary restaurant facility (Use Class C1); circa 451sqm retail (Use Class A1/A5); circa 57sqm gallery space (A1/D1); circa 120 parking spaces and associated landscaping works'			
Representations			
Consultation	Object	Comment	Support
Feb	17		5
Aug	9	1	
Dec	3		

Main issues	Key considerations
1 Principle of development	Suitability of the location for the proposed mix of uses
2 Affordability housing	Affordable housing viability
3 Design and heritage	Scale of development and impact on historic assets
4 Landscaping and open space	Adequacy of open and greenspace provision
5 Amenity	Impact of the development on existing residents and level of proposed amenity for future residents
6 Trees	Impact on trees within graveyards
7 Transport	Access and parking strategies
8 Energy	Measures to combat climate change
9 Flooding	Flood protection and management
10 Contamination	Remediation and risk to ground water
Expiry date	Extension agreed
Recommendation	Approve, subject to S106 and conditions



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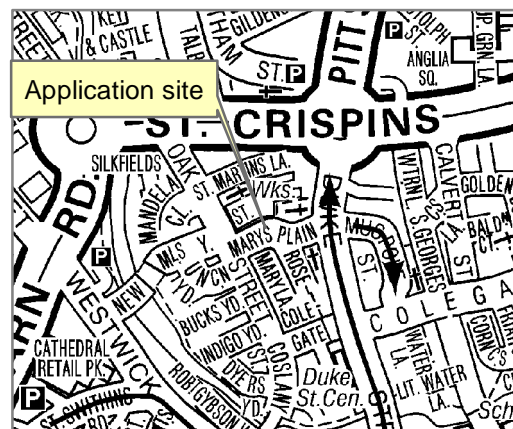
Planning Application No 16/01950/O
 Site Address St Mary's Works

Scale 1:1,250



NORWICH
 City Council

PLANNING SERVICES



The site and surroundings

1. The application site is located to the south of the inner ring road, bounded by Oak Street, Duke Street, St Martin's Lane and St Mary's Plain. The site area is approximately 1.8ha and includes the former St Mary's works site, the churches and church yards of St Mary's and St Martin's At Oak and the adopted roads of St Martin's Lane and St Mary's Plain. Approximately 1.1ha of the site is in the applicant's ownership and formal notice has been served on Norwich City Council as the owners of the churches. Both churches are now in commercial use.
2. The St Mary's works site comprises a number of buildings ranging in height from one to four storeys. The buildings historically have been in commercial use but are now only partially occupied on short leases by a range of businesses. The building fronting Oak St and Mary's Plain dates to the early 20C and was purpose built as a shoe factory for Sexton, Son & Edward Ltd. This L shaped building is locally listed and has a distinct Neo-classical style. The street facing facades of this building are identified in the Colegate Conservation Area Appraisal as positive frontages. Other buildings on the site are more modern and utilitarian. Spaces between the existing buildings are used for surface level parking accessed via Duke Street.
3. Existing buildings in the north-western quarter of the site directly abut the church yard to St Martin's at Oak. This flint medieval church is in use as a music academy but the grounds are disused, neglected and attract antisocial behaviour. There are a number of mature trees within the church yard and within that of St Mary's church yard, located in the south-east quarter of the site. St Mary's has a distinct circular tower, one of only three in the city and is in used as a book depository. The church yard is enclosed with railings and gated with no formal public access. Both of these churches are Grade I listed buildings.
4. The site is located within a mixed use area of the city centre. There are a number of residential properties located close to the site fronting the local highway network enclosing the site. Non-residential uses include offices within St Crispins House to the east, the Norwich central Baptist Church and Zoar Baptist chapel to the south and a doctors' surgery, commercial uses and public house to the west.

Constraints

- City Centre Conservation Area – Site fall across two character area: Colegate and Anglia Square.
- Former shoe factory – locally listed, identified as positive frontage
- Listed buildings adjacent/close to the development site:

St Martin's At Oak and St Mary's - Grade 1 listed churches

Folly House and Pineapple House on St Martin's - Grade II listed

Pykerells House, Rosemary Lane Grade II*

7 & 9 Rosemary Lane - Grade II vaulted undercroft

30-34 Duke Street

57, 59 & 61, 67, 69-89 Duke Street

- Locally listed

Zoar Baptist chapel and Norwich Central Baptist church

St Mary's School Hall Duke Street Norwich

43, 45, 47-49, 51- 55 Duke Street

- Area of archaeological interest
- Flood risk – zone 2
- Western sector of the site within critical drainage area
- Parking control area

Relevant planning history

Ref	Proposal	Decision	Date
13/01685/F	Construction of 8 No. two bedroom apartments on roof at second and third floors of former shoe factory building with access stairwells, demolition of single storey commercial extensions at rear of factory building and creation of car parking spaces. Change of use of existing first floor from D2 (assembly and leisure) to B1(a) (office).	WITHDN	18/02/2014

The proposal

5. The application is Outline. The following elements of the scheme are for approval at this stage:
 - Mix and quantum of development
 - Layout (siting of the buildings only – not internal layout of floorspace)
 - Scale
 - Access

6. Appearance and landscaping are reserved matters. However, given the scale of the development, location within a designated conservation area and proximity to listed buildings, a Design Code has been requested and submitted. This document is for approval at this stage and describes for each of the proposed buildings; design principles, roof form, elevational treatment including architectural detailing; balconies; doors; windows; cill; and eaves details.
7. The proposal includes substantial demolition of the two storey locally listed former shoe factory building. Detailed plans (floor plans and elevations) have been submitted for this part of the scheme. The scheme proposes a new three storey building constructed behind the retained street fronting facades of the factory building. The additional storey is proposed set back from the retained parapet. All other buildings on the site are proposed for demolition. A number of these buildings currently enclose the southern and eastern boundary of St Martin's churchyard.
8. A mixed use re-development scheme is proposed including residential dwellings, office space, hotel accommodation and small scale retail uses. Summary details are set out in the table below.
9. The Planning Statement says that the applicant, Architekton 'is committed to urban regeneration, maximising the use of brownfield sites to energise cities through the creation of ... new communities where people can live, work and socialise'. The scheme seeks to restore the former shoe factory which frames the site, respect and integrate the churches of St Mary's and St Martin's into the development and to regenerate the former industrial quarter into a future creative hub for the city.
10. Members may recall that in 2016 the Princes Foundation was involved in facilitating a design exercise for this site which involved consultation and engagement with the local community. This formed part of the Princes Foundation BIMBY initiative (Beauty in My Back Yard) which seeks to involve the local community in influencing the type and appearance of new development in their area.

Summary information

Proposal	Key facts
Scale	
Total no. of dwellings	<p>Approximately 151 residential units including a small number of live work units</p> <p>Indicative mix</p> <p>16 – 1 bed</p> <p>65 - 2 bed</p> <p>70 – 3 bed</p> <p>A mix of flats and houses is indicated. Blocks B, C, D are suitable for family housing – 25 units in total.</p>

Proposal		Key facts	
Residential density		137 dwelling per hectare	
No. of affordable dwellings		Min. of 4 on site or commuted sum for off-site provision. Subject to further review at reserved matters stage and part way through the delivery of the development	
Total office floorspace (B1a)		4365sqm	
Total hotel floorspace (C1)		3164sqm including ancillary restaurant use	
Total retail floorspace (A1/A5)		451sqm	
Other uses		Gallery (A1) 57sqm	
Block Ref.	Proposed use	Proposed appearance/architect-ural style	No of storeys Max height
A & B	Residential /commercial	Former shoe factory	3 13.35m -15.16m AOD
C	Residential	Townhouses	3 (+ structure on roof to provide access to garden) 14.10m – 16.30m AOD
D	Residential	Townhouses	3 (+ structure on roof to provide access to garden) 14.10m – 16.30m AOD
E	Residential	Factory/warehouse	4 (top floor set back) 14.05-18.59m AOD
F1	Residential	Factory/warehouse	4 (top floor set back) 14.05-18.59m AOD
F2	Residential	Mews	2 10.55m AOD
G	Residential	Georgian townhouses	4 (top floor set back) 14.91m -18.40m AOD

Proposal		Key facts	
H	Residential	Georgian townhouses	4 (top floor set back) 14.91m -18.40m AOD
I	Residential /retail	Factory	5 (top floor set back) 17.90m – 20.30m AOD
J	Residential	Factory	7 (top floor set back plus basement parking) 24.95m – 27.13m AOD
K	Office/hotel/ residential	Factory	9 (top floor set back plus basement parking) 31.15m – 33.45m AOD
L	Office/residential	Factory	6 (top floor set back plus basement parking) 21.85 – 24.90m AOD
Appearance			
Materials		Brick, render, glazed brick, metal, weather boarding	
Operation			
Ancillary plant and equipment		In designated basement and ground floor rooms	
Transport matters			
Vehicular access		Main access from Duke Street (reconfigured existing access) – this provides access to basement parking facility and delivery area No egress on to Duke Street (other than taxis). All traffic to exit the site via St Martin’s Lane Enlarged turning facility on St Martin’s Lane Development is designed to be car free at surface level. Dropping off to be permitted.	
No of car parking spaces		115 – in basement car park • 86 residential spaces (within basement car park) • 25 for hotel/office use • 2 ECP + 2 accessible spaces	

Proposal	Key facts
	Approx. 4 accessible spaces at surface level
No of cycle parking spaces	370 spaces
Servicing arrangements	<p>Fire tender vehicles, refuse collection and service vehicles can access from Duke Street or St Martin's Lane.</p> <p>Basement parking area to act as a service route for bin and delivery lorries associated with the blocks above.</p> <p>Surface level service route identified through the site to provide access to communal refuse collection points and for delivery vehicles.</p>

Representations

11. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. Three consultations have been undertaken as the scheme has been revised. A total of 20 contributors have made representations, 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.
12. Representations received in February 2017 included two from Councillors Fullman and Jackson. Councillor Fullman raised concerns over the original height of block K (10 stories high) and the overshadowing of listed buildings and has made no further comments to either of the revised schemes. Councillor Jackson also raised an objection at the first stage of consultation on a number of grounds including: impact on amenity of existing and future residents and impact of the development on the conservation area and listed assets. This comment was updated following the receipt of revised plans in August, in which improvements to the scheme, including the reduction in the proposed number of dwellings were acknowledged. He stated that although the development is considerably denser than much of the surrounding housing developments off Oak Street this should be weighed against the viability of the scheme - if a reduction in housing numbers will prevent the developer from providing affordable housing then he does not object on this ground. Design concerns over the façade to the end of St Martin's Lane and the larger blocks are referred to along with the need for reserved matters applications to secure appropriate detailed designs. At the time of writing this report no further update has been received from Councillor Jackson in response to the current scheme.

Issues raised	Response
<p>Traffic</p> <p>Route through the site could be used as rat run.</p> <p>St Martin's Lane too small to absorb increase in traffic</p> <p>Traffic hazard</p> <p>Detrimental to air quality</p> <p>Any changes to St Mary's Plain - will impact on local access and parking</p>	<p>Main matter 7</p> <p>Para.25</p> <p>No changes are proposed to St Mary's Plain, although this may be a future location for a car club parking bay.</p>
<p>Impact on character of local area</p> <p>Not in keeping with the existing character or function of the area.</p> <p>The proposed density and masses are not in keeping with recent regeneration of the wider area.</p> <p>Buildings are too tall and too close together</p> <p>Tall buildings will dominant the views from Duke Street, Pitt Street and St. Crispin's.</p> <p>Overpower and overshadow churches</p> <p>Out of scale with listed Pineapple House and Folly House (47-49 St Martin's Lane)</p> <p>Loss of human scale along St Martin's Lane</p> <p>Significantly harmful to the character of the neighbourhood, overall sense of place and the historic buildings which enhance the beauty of the locality</p>	<p>Main matter 3</p>
<p>Impact on residential amenity</p> <p>Loss of outlook, increased overshadowing, noise generation and vibration</p>	<p>Main matter 5</p>
<p>Amenity – future residents</p> <p>The lower flats will have little natural light, and probably no direct sunlight.</p>	<p>Main matter 5</p>

Issues raised	Response
<p>Lack of recreational open space</p> <p>No certainty that agreement can be secured to allow public access to church yards.</p> <p>Overshadowing of public squares</p> <p>Lack of children's play</p> <p>Access to graveyards would reduce their integrity</p> <p>Objection to removal of church railings</p>	<p>Main matter 4</p> <p>This is not proposed - Lost boundary of St Martin's Boundary would be replaced</p>
<p>Impact on listed buildings</p> <p>The proposed development does not promote or maximise opportunities to enhance the significance of heritage assets and promote the importance of the historic environment.</p> <p>Nos. 47 and 49 St Martin's Lane, are degraded by being significantly overshadowed by the 10, 8 and 7 storey tower blocks which this development would see surrounding them.</p>	<p>Main matter 3</p>
<p>Need for low cost social housing that is rented affordably to local families</p>	<p>Main matter 2</p>
<p>Geotechnical Issues</p> <p>Piling – potential hazard in terms of contamination, high water table and undermining of listed buildings</p>	<p>Main matter 10</p>
<p>Designing out crime</p> <p>More houses and/ or private gardens or shared courts would create a greater sense of commitment and 'ownership' and natural oversight/policing</p> <p>Concern over safety of walkways between blocks</p>	<p>The scheme has been designed to create public and semi-private spaces and routes. Ground floor windows and the activity associated with the mix of uses will provide a degree of surveillance</p>
<p>Traffic Noise impact on congregation - Zoar Strict Baptist Chapel</p>	

Issues raised	Response
Construction disruption	A Construction Management Plan will be a requirement for development of this scale.
Parking Strategy Insufficient parking which may lead to illegal parking on double yellow lines that pose a hazard. Lack of provision for parking for elderly and/or disabled people. Lack of visitor parking Result in shortage of parking for existing users eg – churches.	 Provision has been made within the scheme Visitors will need to use public parking spaces available in this part of the city
Unsuitable location for hotel	Para. 80
Increased pressure on GP services	
Comments in support This area of Norwich is in need of investment Will support the growth of a number of exciting, creative businesses Allow for better conditions for existing businesses Create a safer neighbourhood for those working and living in the area Improved surveillance of church yards Improved integration of the churches into the community Proposed plans would bring much needed high quality, housing, business space, tourism and investment into this part of the city.	

Consultation responses

13. 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.

Anglia Water

14. The foul drainage from this development is in the catchment of Whitlingham Trowse Water Recycling Centre that will have available capacity for these flows.
15. Foul Sewage network - Development may lead to an unacceptable risk of flooding downstream. A drainage strategy will need to be prepared in consultation with Anglian Water to determine mitigation measures. We will request a condition requiring the drainage strategy covering the issue(s) to be agreed.
16. Surface Water Disposal. The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. The surface water strategy/flood risk assessment submitted originally with the planning application was unacceptable. We would therefore recommend that the applicant needs to consult with Anglian Water and the Lead Local Flood Authority (LLFA). This has now taken place. We request a condition requiring a drainage strategy covering the issue(s) to be agreed.

Design and Conservation

17. The full comments can be viewed on <http://planning.norwich.gov.uk/online-applications/>. These include a full assessment of the impact of the development on the heritage assets and a Building for Life Assessment. Conclusions are set out below.
18. The works will result in some 'enhancements' and 'improvements' to the character and appearance of City Centre conservation area in that the works will reintegrate and re-connect this largely under-used brownfields site back into the city providing a new mixed use development with new landscaped areas of public open space flanked by characterful buildings that take design cues from the locality.
19. The setting of adjacent heritage assets will be altered significantly by the proposals. In some cases, the setting of the heritage assets will be vastly improved through the development of lower scale contextual buildings (Blocks C, G and H, F1 and F2) and new landscaping works/public open space. In other cases, the setting of adjacent heritage assets will be harmed. No's 47 & 49 St Martin's Lane and No's 67, 69-89 Duke Street and to a lesser extent St Mary's Coslany and St Martin in the Oak Church will be caused 'less than substantial harm' to their setting as a result of the height/scale of blocks L,K and J.
20. Generally, however the works are considered to meet with the requirements of Local Plan policies Norwich Local Plan, Local Development Policies DM1: Achieving and delivering sustainable development, DM3: Design principles and DM9: Safeguarding Norwich's heritage. As well as the relevant sections of the 'management and enhancement sections' of the conservation character area appraisals. As well as the requirements of paragraph 134 of the NPPF which states, '*Where a development proposal will lead to less than substantial harm to the significance of a designated*

heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use'.

Economic Development

21. The proposals for this site will deliver much needed high quality homes, workspace and hotel amenities driving the creation of new businesses, knowledge jobs and stimulating further investment and regeneration in neighbouring sites. The vision for the whole site is one of quality which is sensitive to heritage of buildings on the site and those nearby. This is welcomed in such a high profile and visible location. Proposals for hotel development on the corner of St Crispins Road and Duke Street will be welcomed by tourism and leisure sector representatives as there is a recognised shortage of 4*+ hotel beds in the city. As such, a new quality hotel will support growth in visitor numbers.

Historic England

22. We have considered this application in terms of national policy and are concerned that there is insufficient detail to satisfy paragraph 128 of the NPPF which requires applicants to submit sufficient information to allow an assessment of the impact of proposed development on designated heritage assets. Based on the information available we are concerned that the scale of buildings K and J exceeds historic buildings in the immediate conservation area, the form of roof extension to St Mary's works is overly bulky and that buildings G and H would not deliver the full measure of enhancement to the setting of St Mary's church the scheme has the potential for because of the monolithic nature of a large terrace of building of uniform height and form. This could result in harm to the heritage assets in terms of paragraphs 132 and 134 of the NPPF and not conserve the setting in terms of paragraph 137. We believe these issues can be resolved by amended and more detailed design and possibly the reduction in height of buildings K and J. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 6, 7, 14, 17, 128, 132, 134 and 137 of the NPPF.

Environmental protection

23. No objection subject to the imposition of appropriate conditions
24. Air quality - The predicted NO₂ levels of 36µg/m³ on both Duke Street & St Crispin's are close to the national air quality objective of 40µg/m³. Nonetheless, as the levels are still predicted to be below the objective level, and despite the development lying within the Norwich AQMA, I feel there is no requirement for non-opening windows on facades overlooking St Crispins or Duke Street. However, given the fact that the levels are predicted rather than measured and that they are nonetheless high, I would recommend no trickle vents in any windows opening out onto St Crispin's and Duke Street. If trickle vents must be included, I recommend the glazing be conditioned to ensure windows are fully maintained.
25. In addition, the report concludes the development will not have a significant impact on the current NO₂ levels.

26. Noise – I recommend the glazing specification outlined in the Sharps Redmore Noise Report dated 7 November 2017, Project no. 1616171 be included as a condition in order to protect residents from traffic and plant noise.

Environment Agency

27. No objection to the proposal, subject to the imposition of condition relating to contaminated land, ground water protection, express consent for piling and infiltration SUDs.

Highways (local)

28. No objection on highway or transportation grounds. The proposed development of this brownfield site offers significant benefits for the regeneration of this part of the city centre. As explained by the Transport Statement I concur that overall there will be a decrease in traffic trips in comparison with the lawful uses of the site. For this reason the strategic Highway Authority (Norfolk County Council) do not require any modification to junctions with the inner ring road. The proposed means of access and movement strategy associated with the proposed development are acceptable in all regards.
29. The site is in a highly accessible location by all modes of transport given its proximity to the inner ring road, walking distance to bus services at Anglia Square and cycling network provision that will be improved by a planned at grade crossing at St Crispins Road to replace the extant subway.
30. The overall mix, density of uses and layout of the development are suitable for the site and relates well to its context allowing a high degree of permeability along defined internal streets that will help to integrate the development into the neighbourhood. Generally the development achieves a good degree of defensible public and private spaces that helps to ensure secure by design. The proposed security measures to control vehicular access to the lower parking deck using roller shutters is welcome, and will help to keep this space secure by design.
31. The use of controlled access points within the site will help to ensure that extraneous traffic across the site is eliminated i.e. rat running between Duke Street and Oak Street. Only traffic that has reason to enter the site will be allowed to do so. This helps to ensure that traffic levels on St Martin's Lane are kept to an acceptable level for the benefit of those who live and work there.
32. The provision of vehicular and cycle parking for the development is acceptable overall. Parking management arrangements will need to be controlled by planning condition.
33. It has been agreed as part of the negotiations that overall the site roads and spaces will be retained by the freeholder, and not subject to adoption by the Highway Authority. It will be essential that public access is safeguarded in perpetuity using a suitable condition in a S106 agreement. Also the site will not have any publicly maintained street lighting, so again a lighting scheme will be required to ensure the public spaces are adequately lit. The paving and landscaping of the site access roads and spaces should be subject to condition
34. Recommend conditions relating to construction method statement. S38/s278 agreements will be necessary for all works within the highway.

Historic Environment Services

35. The proposed development site lies within the walled area of the medieval city and is bounded to its north and south by the modern graveyards of two medieval churches (St Martin at Oak and St Mary Coslany). A limited archaeological evaluation carried out at the site in 2007 revealed medieval rubbish and quarry pits sealed beneath a possible cultivation soil of 15th-16th century date. Although no human remains associated with St Martin's and St Mary's churches (the graveyards of which may have been larger in the medieval period) were encountered in the evaluation, this may reflect the position of the trial trenches and potential exists for burials to be present within the boundary of the proposed development site. There is a high potential that further heritage assets with archaeological interest (buried archaeological remains) will be present at the proposed development site and that the significance of these would be adversely affected by the proposed development. If planning permission is granted, we therefore ask that this be subject to a programme of archaeological mitigatory work in accordance with *National Planning Policy Framework* para.
36. In this case the programme of archaeological mitigatory work will commence with additional informative trial trenching to determine the scope and extent of the further mitigatory work that may be required (e.g. preservation *in situ* through foundation design, an archaeological excavation or monitoring of groundworks during construction). A brief for the archaeological work can be obtained from Norfolk County Council Historic Environment Service. We advise that the additional trial trenching is carried out at an early stage in the preparation of the reserved matters details so that the results can be fully considered in the design process for the proposed new buildings.

Housing strategy

37. I have reviewed the proposed Heads of Terms and confirm that they match the aspirations for the affordable housing scheme based upon the viability assessments provided by the developer and the DVO. Whilst it is disappointing that only a low level of affordable housing can be provided, this needs to be weighed up against the wider regeneration of this site and the potential for improved publically accessible amenity space and the creation of jobs this development will provide.
38. The affordable housing SPD states 'Provision of affordable housing on-site is the city council's preferred approach, and is also the preference set out in government guidance.' To this end I believe as discussed the preferred option should be for on-site delivery of 4 x 1-bed flats to help meet the highest identified housing need. Where it can be shown that no RP is willing to take on the dwellings we would then accept the alternative option of the commuted sum at a minimum benchmark level of £353,324.
39. I welcome the review of viability at reserved matters stage and at a stage during construction and as discussed agree that the amount of on-site provision or commuted sum can only be revised upwards at these review stages.

Landscape

40. Tree planting in the main squares can be developed as part of a SUDS proposal for the whole scheme with rain garden features rather than green engineered tree pits.

We have a standard detail for trees in hard paving requiring below ground crates, watering and tree pit details – this is an expensive solution and could be removed if trees were planted into self-sustaining rain garden features serving the large areas of hard paving.

41. The use of rain garden features could be extended through other areas of the site such as the new church link. A generous pedestrian link is created with views at either end of the churchyards. This should be treated as a green route. The use of integrated landscape features along the link would enhance the connection between St Martin's and St Mary's churchyard and provide a human scale to the space.
42. The visuals of the entrance from Duke Street also show trees and other landscape features. These should be located to be viewed from the entrance, drawing pedestrians towards the square and adding interest to the street scene.
43. The design of the courtyard gardens 3 and 4 show an interesting emerging design with broad seating walls linking to individual properties and the central green courtyard areas serving the wider community.
44. The landscape strategy plan should be revised to:
 - Use the trees and garden spaces to create a series of focal views linking the different areas on site. (see black arrows on plan)
 - Green route between the two churchyards – critical in creating a green corridor through the site.
 - Maximise opportunities for on street tree planting – providing softening/greening element both at street level and when viewed from above.
 - Where possible extend the soft landscape beyond the footprint of the buildings (community garden areas) to establish point of orientation and destination green spaces on site.
 - Hard landscaping details to be resolved but can be agreed on condition
45. Subject to these changes being made the landscape strategy for the site is considered acceptable.

Biodiversity comments

46. The proposals would involve demolition of several existing derelict buildings, the main concern is the protection of bats. The submitted survey report found no evidence of bats within any of the buildings although there were suitable access points, and bats may potentially be present in nearby buildings e.g. the 2 adjacent churches. No other protected species are present on the site. However, if demolition works occur within the bird breeding season, it is recommended that the buildings are checked for nesting birds.
47. Existing habitat on the site is limited with very little vegetation is present. The 2 churchyards are isolated habitat which include significant mature trees and have biodiversity potential which is limited by their physical isolation within a dense built up area.
48. The most significant opportunity for enhancing biodiversity which the site and development could offer would be the linkage of the 2 isolated churchyards. Linking

the 2 churchyards is recommended by the Ecology reports and could be achieved by landscaping, in particular tree planting along the proposed north-south street. A green infrastructure link should also be considered in terms of sustainable drainage, street level planting and roof gardens/terraces.

49. Increased lighting levels on the developed area will potentially affect bat commuting routes. In order to reduce the impact of lighting on bats consideration should be given to limiting proposed external lighting, and to opportunities for reducing the level of existing lighting for example by using glazing with light-reducing film.
50. I fully support the recommendations of the Bat and Protected Species Survey and request that the mitigation and enhancement recommendations are incorporated into the proposals. At reserved matters stage the applicants should be advised that an ecological mitigation and enhancement strategy would be needed.

Norfolk county planning obligations

51. Education - Taking into account the other developments in this area of Norwich, a total of 343 dwellings (including the St. Mary's Works site) would generate an additional 90 primary age children, an additional 59 high school (11-16) age children and an additional 6 Sixth form (16-18) age children. Although there is spare capacity at high school level, there is insufficient capacity at Magdalen Gates Primary School to accommodate the children generated by these developments. It is expected that the funding for additional places if necessary would be through CIL as this is covered on the District Council's Regulation 123 list.
52. Fire – Dwellings: With reference to the proposed development, taking into account the location and infrastructure already in place, our minimum requirement based on 168 no. dwellings would be 2 fire hydrants. Commercial & Hotel: With reference to the proposed development, taking into account the location and infrastructure already in place, our minimum requirement for the hotel and office space would be 2 hydrants on a minimum 125mm main. If the overall height of any building exceeds 18m the provision of a dry fire main may be required. The positioning of hydrants to service any taller blocks of flats must meet the requirements of Building Regulations Approved Document B volume 2 sections 15 & 16 (Fire Hydrants / water supplies and Vehicle access).

County Council Lead Flood Authority

53. The Outline Planning Drainage Statement listed a number of possible drainage schemes that could be applied in this development. A workable drainage strategy has been proposed and incorporated runoff being stored in attenuation tank and permeable paving with further discharge to the Anglian Water sewer. The site area is partially located within a critical drainage catchment. The applicant has given a consideration to integrate such SuDS features as brown/green roofs, permeable paving, rain water harvesting into the proposed development (in line with Policy DM1 sustainability and DM5 flooding of the Norwich City Council Local Plan). The applicant stated that these measures are considered to be suitable for site. Therefore, we would expect these elements to be incorporated to the drainage scheme at the detailed design stage. The applicant has now demonstrated a workable drainage scheme supported by appropriate information to demonstrate that there will be no flooding in the 1 in 100 year critical rainstorm event plus climate change.

54. We have no objection subject to recommended conditions.

Norwich Society

55. We wholeheartedly approve of the very well thought out proposals which if executed will regenerate a run-down area of Norwich.

Tree protection officer

56. The development at St Mary's works will have a direct impact on the usage of the two adjacent churchyards, St Mary's and St Martin's. Currently there is limited public access and so some trees have been retained in the churchyards that would not be appropriate to retain with higher use of the site. Some removal work will be required at St Mary's, T11 a large mature ailanthus tree and its associated suckers G2. A large wingnut tree T9, and its associated suckers T8. There is also a juniper tree T14, at the southern boundary edge that is damaging the rails and although not directly associated with the development, would be beneficial to the site to be removed. Tree pruning work will also be required to reduce overhanging branches from the northern boundary edge of St Mary's.

57. At St Martin's, again, there are no specified tree protection measures, however, the demolition of the adjoining buildings to the east and south will leave the site open and trees and ground vulnerable to construction activities. Adequate tree protection measures should be implemented in this area to include ground protection, construction exclusion zone while demolition is underway and tree protection fences once the demolition has taken place.

58. Due to the numbers of trees being removed in St Mary's churchyard adequate replacement planting should be sought to mitigate their loss and be planted in line with landscape plans.

59. I am aware that currently the developer is proposing a management company to be responsible for the future maintenance of the churchyard, to ensure ongoing governance of the trees in the areas we will be serving a Tree Protection Order on all trees in both churchyards for their ongoing protection.

Assessment of planning considerations

Relevant development plan policies

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

- JCS1 Addressing climate change and protecting environmental assets
- JCS2 Promoting good design
- JCS3 Energy and water
- JCS4 Housing delivery
- JCS5 The economy
- JCS6 Access and transportation
- JCS7 Supporting communities
- JCS8 Culture, leisure and entertainment
- JCS9 Strategy for growth in the Norwich policy area
- JCS10 Locations for major new or expanded communities in the Norwich policy area

- JCS11 Norwich city centre

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

- DM1 Achieving and delivering sustainable development
- DM2 Ensuring satisfactory living and working conditions
- DM3 Delivering high quality design
- DM4 Providing for renewable and low carbon energy
- DM5 Planning effectively for flood resilience
- DM6 Protecting and enhancing the natural environment
- DM7 Trees and development
- DM8 Planning effectively for open space and recreation
- DM9 Safeguarding Norwich's heritage
- DM11 Protecting against environmental hazards
- DM12 Ensuring well-planned housing development
- DM13 Communal development and multiple occupation
- DM16 Supporting the needs of business
- DM17 Supporting small business
- DM18 Promoting and supporting centres
- DM19 Encouraging and promoting major office growth
- DM20 Protecting and supporting city centre shopping
- DM21 Protecting and supporting district and local centres
- DM28 Encouraging sustainable travel
- DM30 Access and highway safety
- DM31 Car parking and servicing
- DM32 Encouraging car free and low car housing
- DM33 Planning obligations and development viability

Other material considerations

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

- NPPF0 Achieving sustainable development
- NPPF1 Building a strong, competitive economy
- NPPF2 Ensuring the vitality of town centres
- NPPF4 Promoting sustainable transport
- NPPF6 Delivering a wide choice of high quality homes
- NPPF7 Requiring good design
- NPPF8 Promoting healthy communities
- NPPF10 Meeting the challenge of climate change, flooding and coastal change
- NPPF11 Conserving and enhancing the natural environment
- NPPF12 Conserving and enhancing the historic environment

63. Supplementary Planning Documents (SPD)

- Landscape and Trees (June 2016)
- Heritage Interpretation (Dec 2015)
- Affordable housing (March 2015)
- Open space & play space (Oct 2015)

Case Assessment

64. 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

65. Key policies and NPPF paragraphs – JCS 11, NPPF paragraphs 17.
66. The proposal is a mixed use scheme which includes residential, commercial, retail and hotel uses. The St. Mary's Works site was previously allocated in the Northern City Centre Area Action Plan for a mixed development, comprising housing, commercial and a possible hotel. This development plan expired in spring 2016 and has not been replaced. The site therefore represents an unallocated brownfield site within the city centre. JCS 11 identifies the northern city centre as an area for comprehensive redevelopment to achieve physical and social regeneration objectives. JCS 11 seeks to reinforce the vibrancy and role of the city centre through development which results in the: enhancement of the historic environment; strengthened cultural /visitor offer: expansion of the employment function through the provision of high quality office premises and the provision of high density mixed housing.
67. The broad mix of proposed uses directly supports the achievement of these multiple strategic objectives and the core aims of the NPPF which include: the effective re-use of previously developed land and mixed use developments which deliver wide benefits.

Residential

68. Key policies and NPPF paragraphs – DM12, JCS 4 NPPF paragraphs 49 and 14.
69. Policy DM12 sets out the principles for all residential development and circumstances where such development would be resisted. None of the stated exceptions relate to this site. The site is within the built up area of the city and as such the principle of residential development is acceptable.
70. The site is currently partially occupied by a range of commercial businesses and DM17 and DM19 guard against the loss of such uses. However, the existing premises are fragmented and require substantial modernisation. Significantly the application proposes a substantial element of new B1(a) floorspace. Therefore any short term loss of employment space would be addressed through the provision of accommodation which better meets the needs of future commercial tenants. Furthermore the comprehensive re-development of the whole site allows for re-use of this brownfield site to be optimised, for the site to be planned to accommodate a broad mix of beneficial uses and for the appearance of the site and the environs to be improved.

71. The NPPF and the Housing White Paper (2017) both emphasise: the national need to boost housing supply; for local planning authorities to be ambitious and innovative as possible to get homes built in their area and; for as much use as possible to be made of previously development land. In the case of this site, there is no adopted development plan policy which restricts the principle of residential development. The site is brownfield and in a highly sustainable location. The number of new homes proposed (151) is capable of making a significant contribution to the housing requirement of the NPA and meeting a significant element of housing need derived from the city's growing population within the city centre itself. The number of new homes capable of being delivered through development of this site is therefore a significant material planning consideration and capable of being afforded significant weight in the planning balance.
72. The Council can only demonstrate a 4.7 year supply of housing land within the Norwich Policy Area, somewhat below the five year requirement set out in paragraph 47 of the National Planning Policy Framework (the Framework). Paragraph 49 of the Framework states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. This triggers the tilted balance for decision-making set out in paragraph 14 of the Framework whereby permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole or specific policies in the NPPF indicate development should be restricted. The concluding section of this report includes an assessment of the development in the context of paragraph 14.

Office development

73. Key policies JCS5, 11 , DM19, and NPPF paragraph 17, 18, 20 and 21
74. As referred to in para. 67, JCS 11 identifies the city centre as the main focus for office development. Para. 19.1 of the DM plan states that the 'promotion of new high quality office development and protection of a supply of suitable business floorspace in sustainable and accessible locations is a crucial element of the city council's development strategy for Norwich'. In particular the retention of a substantial office employment base in the city centre is considered critical to maintaining the long-term viability and vitality of the city as a retail and visitor destination and a major employment hub. Both these objectives align with the NPPF's emphasis on sustainable development, supporting the needs of business and protecting town centres.
75. The application proposes circa 4365sqm of office space across two locations within the site: the ground and first floor of the former shoe factory building fronting St Mary's Plain and within a purpose built mixed use building fronting St Crispins. The submitted Planning Statement refers to the floorspace as providing flexible office accommodation in a range of units from incubator spaces aimed at supporting new businesses, to larger spaces suitable for more established firms. Reference is made to the new work space including an affordable incubator workspace in the former shoe factory aimed at creative and tech businesses that are either just starting up or are seeking to grow. It is worthy of note that the applicant also owns the St George's Works site on Muspole Street, which in the last year has been successfully promoted as a flexible office space location. It is therefore very

encouraging that the applicant's proposal for new build B1a is based on this success and demonstrates future confidence in Norwich as a business location.

76. A further point of note is the link the applicant is proposing between the St Mary's development and a related scheme in London. The applicant, Architekton, also has a mixed development site in Spitalfields, a 10 min walk away from London Liverpool Street Station. The applicant intends to link this site to St Mary's, as a sister hub for business development and networking.
77. This link, along with the quantity and type of office floorspace proposed, creates favourable conditions for promoting new business growth and employment creation as a direct outcome of this development. The applicant has provided the following information regarding employment generation:

Phase 1:

Office: - approx. **241 jobs**

Hotel: - approx. **20 jobs**

Retail - approx. **20 jobs**

Phase 2:

Office: - approx. **94 jobs**

Total : 355 jobs

78. The office space component of the scheme represents the most significant proposal for new build B1a floorspace within Norwich city centre in the last 5 years. The success of St Georges Works and the applicant's confidence in investing in new office provision, is a very positive signal of an upturn in the demand for workspace, of the right type, in Norwich city centre. The council's economic officer has commented that the proposal will result in the creation of new businesses, knowledge jobs and stimulate investment and regeneration in neighbouring sites. JCS11 and DM19 strongly support the principle of new office development in the city centre and in this case the type and quality of provision has the scope to strengthen the employment function of the northern city centre and Norwich. The quantity and type of new B1a floorspace proposed; the potential number and quality of related jobs and the scope for the development to act as a catalyst to further investment within the northern city centre, are significant economic benefits deliverable by the proposed development and capable of being afforded substantial weight in the consideration of this planning application.

Hotel

79. Key policies JCS 8, 11, DM20 and NPPF para 23.
80. JCS 11 promotes development which enhances the role of Norwich as a regional centre including as a cultural centre and a visitor designation. Hotel uses directly support this role. The NPPF classifies hotels uses as 'main town centres uses' where by preference should be given to accessible sites that are well connected to town centres. The St Mary's site is sited inside the inner ring road and within a convenient walking distance of the city centre and its associated services, facilities and attractions. DM18 supports the location of hotel uses within the city centre and as such the principle of a hotel on this site is in accordance with the relevant development plan policies.

Retail

81. Key policies JCS 11, 19, DM 18, 20 and NPPF paragraph
82. The application proposes circa 450 sqm of retail floorspace, fronting a new commercial square proposed in the centre of the site. The ground floor use plan indicates the floorspace divided across a small number of units which are intended to support the mixed use function of the development as a place to live, work and stay. The proposal specifies a mix of retail uses including A1 and A3 cafes/restaurants. Such uses are classified as town centre uses and DM18 indicates that within the city centre, such uses should be located within the designated primary or secondary shopping areas. The site is not located within either of these areas nor within the large district centre of Anglia Square located to the northwest.
83. The application has been accompanied by a retail statement providing an analysis of the type and character of retail proposed and assessing whether a sequentially preferable site is available. The statement indicates that the retail floor space would be provided across a minimum of three retail units and is proposed to meet the needs of a small, highly localised catchment ie predominantly the new residential and business communities and tourists using the hotel. It therefore suggests that the floorspace is associated with the operational needs of the mix of proposed uses and an integral part of the wider development.
84. In terms of the consideration of sequentially preferable sites, the retail use has consequentially not been disaggregated and suitable sites for the whole development have been assessed and found to be unavailable. This approach assumes that even within the city centre, the operation of workplaces and hotels is dependent on co-located retail uses. This position is not accepted, as it is clear that this situation is not represented across the city centre as a whole and yet businesses succeed. However, the applicant's case that a small amount of retail development will assist in creating conditions in which a new community can be established '*where people can live, work and socialise*' is quite compelling. Having regard to the amount of floorspace proposed and the ability to restrict the amount of retail and size of units through the imposition of planning conditions, it is considered the provision will be of a scale and character not to compete or harm the function or the primary /secondary shopping areas of the city centre of the adjacent large district centre of Anglia Square. On this basis the retail component of the scheme is considered to comply with the relevant policies of the local plan

Main issue 2 : Design and heritage

85. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 9, 17, 56 and 60-66.
- Key policies and NPPF paragraphs – DM9, NPPF paragraphs 128-141
86. The site is prominently located with frontages onto two primary road corridors. In addition the site given its size, represents a significant and highly visible redevelopment site within the city centre conservation area. There are a number of listed and locally listed buildings within and in close proximity to the site. Design matters are therefore central to the consideration of this planning application along with the extent to which the scheme positively responds to the historic environment,

the character of the area and its sense of place. Policies DM3 and DM9 are therefore key policies against which the development should be assessed.

87. The site falls within two character areas of the city centre conservation area, Colegate and Anglia Square. The conservation area appraisal (CAA) identifies the Colegate character area as HIGH heritage value and significance, with a very high concentration of historic buildings, high presence of features from historical periods and high townscape / landscape quality, very high quality of details and relative few negative features. Management and Enhancement guidance for this area includes the following objectives: -
- Reinstatement building lines (*B2.2*)
 - Retention and refurbishment of large scale industrial buildings, e.g. factories where possible (*E4*)
 - New large scale development should take its design cue from traditional factory forms (*D1, D2.2, E1.2*)
88. The north-east sector of the application site forms part of the Anglia Square Character Area which is identified as being of LOW heritage value and significance dominated by late C20 commercial developments, industrial units and surface car parking. Management and Enhancement guidance for this area indicate that large scale buildings are appropriate near the Ring-Road (*D2.2*)
89. The scheme has been subject to extensive discussion and negotiation between council officers and the applicant, at both pre-application and application stage, and this has resulted in a number of substantial design changes and revisions. The application is supported by a Design and Assess Statement which sets out how the scheme has evolved and the design principles which have guided the design approach. Stated design principles include :
- Scheme which includes mixed use buildings to create a vibrant and distinct new quarter of central Norwich
 - New buildings which respond to Norwich local character through form, proportion and materiality.
 - Buildings of mixed typologies – responding to the mix of building types within the Colegate conservation area which include Georgian town houses and industrial buildings
 - Creation of a new landmark on the northeast corner balancing out the roundabout and marking the gateway from the city centre
 - Creation of a new pedestrian route connecting the two churches of St Martin's and St Mary's
 - Layout which creates a permeable network of connected public and semi private spaces
90. These principles have led to a design approach which proposes a total of 13 buildings, varying in height and taking reference from built forms, architectural styles and materials found within the Colegate Conservation Area. Buildings vary in height from 2 to 9 storeys. The scheme seeks to create a gradual transition from lower buildings in the western sector of the site, to larger more industrial buildings in the middle and eastern sectors.
91. The tallest building blocks I (5 storey), J (7 storey), K (9 storey) and L (6 storey) are grouped in the north eastern sector of the site. Block K is proposed as the corner

focal building and along with L and J front the St Crispins/Duke Street frontage. These blocks are proposed as mixed use buildings and would be the location for the hotel, most of the office floorspace and the retail units. Residential flats contribute to the mix of uses in these blocks. The spaces created between these blocks are designed to act as publically accessible squares from which the commercial uses would be accessed and onto which associated activity could take place i.e. outside cafe and socialising space.

92. With the exception of two floors of block A, the remaining blocks are residential. These lower blocks (2-4 storeys), comprising of a mix of flats and houses, are grouped around semi private spaces and streets which have been designed to be car free. Fronting the boundaries of the two Grade I listed churches, 3 and 4 storey residential blocks are proposed, whilst a continuous 2 – storey mews terrace is proposed on the southern side of St Martin's Lane facing the listed building opposite.
93. It is proposed that the locally listed former shoe factory fronting St Mary's Plain/Oak Street is substantially demolished apart from the existing principal facades. The new building constructed immediately behind this façade would be one storey higher than the existing, the additional storey being in the form of a mansard roof set back behind the parapet level of the retained facade. The lower two floors of the St Mary's Plain fronting block (A) are proposed for office use whilst the remainder of the L shaped block would be divided into residential units. Units created in the Oak Street block are designed to be attractive as live – work units. Full details of the proposed works to the existing factory building have been provided.
94. Historic England have indicated that the principle of adding height to this existing building is acceptable but have indicated that a simpler new flat roof form would be less bulky and more sympathetic. However, the council's design and conservation officer has commented that the re-built form will be generally harmonious with the principal building. Great care will need to be taken in selecting the appropriate materials for the 'new build' elements to ensure that they match/harmonise with the existing aesthetic/materials. The footprint of the factory block will largely stay the same and the height will remain below the height of the adjacent church round tower. The works are on-balance considered acceptable and will allow for the continued viable use of the site, whilst ensuring that the setting of adjacent heritage assets is maintained.
95. Representations received to the wider scheme have raised objections to the height and massing of the development and the density that this creates. The tallest blocks are a particular focus of comment along with the relationship of these blocks with each other and with the surrounding streets/ townscape.
96. **Blocks C, D and F2.** The 3 storey town houses grouped to the rear of the L shaped shoe factory block respond well to the height and form of adjacent buildings. Those fronting St Martin's are set back from the church boundary by approx. 2.4m and subject to the approval of high quality architectural treatment at reserved matters stage, provide the potential to establish a strong built interface with this Grade I listed building. The proposed two storey mews style block on the southern side of St Martin's lane respond to the height of existing buildings on the northern side, including the two Grade II listed buildings. This relationship is considered appropriate and will assist in establishing a stronger built cohesion to this historic lane.

97. **Blocks F1, E and I** located either side of the central route linking the two churches vary in height from 4 - 5 storeys. The positioning of the blocks, the variation in height and the width of the route (approx. 8m) will allow for the creation of a new street through the development linking the two historic churches. The taller blocks within this street are sufficiently set back from St Martin's Lane and the two churches to not have a direct association.
98. **Blocks G and H** - West of the central street the blocks step up in height. These taller blocks sit behind and would be visible above two x 4 storey blocks (G and H) which front St Mary's Alley. When the application was first submitted Historic England commented that the level of detail provided with this outline application and in particular for these two blocks, did not meet the requirements of para 128 of the NPPF and allow for the full and proper assessment of the impact of this level of development on St Mary's church (Grade I). To address similar concerns of officers the applicant was requested to provide a Design Code and this has now been submitted covering the whole site and forms part of the application. The function of the Design Code is to provide a greater level of information about the form and appearance of development and to allow greater control over detailed architectural appearance of the blocks to be submitted at reserved matters stage. With reference to the Design Code, blocks G and H will have front doors and principal elevations fronting onto St Mary's Alley addressing and framing St Mary's church.
99. It should be noted that Historic England remain concerned that blocks G and H will be experienced as single masses, overly uniform in appearance. They consider this uniformity to be undesirable and not reflective of the character and appearance of Colegate conservation area. On this basis they indicate the proposal does not deliver the full measure of enhancement to the setting of the church for which the development has potential.
100. However, the council's conservation and design officer has commented that the two blocks will appear as two characterful 'terraces' (each split into 3-4 vertical subdivision) and exhibit 'narrow plot widths' and a 'tight urban grain' reflective of the wider Colegate character area. The Design Code provides assurance that variation in appearance of the two terraces can be secured and a strong/positive visual association with the church created. The detailed design of these blocks will be controlled as a reserved matter in order to ensure that the works will preserve the setting of the listed buildings and the character and appearance of the conservation area.
101. **Blocks I, J, K and L** step up markedly behind G, H and F2 and will be visible from longer views within the conservation area. At 5-9 storeys these blocks will be higher than existing buildings on the site and those in the immediate vicinity. The Design Code proposes a Victorian, Edwardian factory typology for each of these blocks, a response to the Colegate CAA which indicates that new large scale development should take its design cue from traditional factory forms.
102. Block K the tallest block fronts the St Crispins /Duke Street road frontages. Significantly this sector of the site is located within the Anglia Square character area of the city centre conservation area. As referred to in para. 89 the Anglia Square CAA indicates new large scale buildings are appropriate near the ring road. Long sections of the St Crispins Road frontage illustrate that in the context of St Crispins House and Cavell House, blocks K and L are not out of scale. The highest point of block K is 33.45m (AOD) compared to the St Crispins at 30m (highest point) and

Cavell House at 29.5m (highest point). It should also be noted that a current application ref 17/01391/F for St Crispins House proposes the conversion and vertical extension of this office building to form student accommodation.

103. DM3 identifies St Crispins roundabout as a 'gateway' and allows for landmark buildings where they are of exceptional quality and where they help define or emphasise the significance of the gateway. The submitted Design Code describes Block K as being brick built in a factory form, with architectural features designed to be proportionately large. The block would be designed to have 'architectural clarity' and include repeated horizontal bays, divided vertically into base, middle and top, a solid base and parapet. These parameters are an appropriate basis for a detailed design of a landmark building to be agreed at reserved matters stage.
104. Historic England (HE) have indicated that these corner blocks are of height greater than buildings found in this part of the Colegate conservation area and Block K in particular could detract from nearby historic buildings. They state that stepping of block L to six storeys will reduce the overall massing and help this part of the site relate better to the listed buildings to its west. However, they indicate that the stepping of block J does not create a comparable level of modulation. They go on to suggest a possible reduction in the height of blocks K and J.
105. Officers have considered this response but consider there is a policy context to justify new taller buildings in this sector of the site and a landmark building in this location, signifying the 'gateway' and the development itself as a new mix use quarter. The council conservation and design officer has advised that notwithstanding this policy context, the heights and scale of these larger blocks and their impact upon the character and appearance of the Colegate character area and the setting of adjacent listed buildings needs to be considered. The height and form of these blocks have been reduced following Officers advice to sit more comfortably in the existing townscape and the design code sets out that these larger blocks will take design cues from traditional factory forms that exist in the locality. Whilst this will temper the resulting impacts upon the setting of numerous adjacent heritage assets and the character and appearance of the conservation area (Colegate) itself, there will still be some 'harm' caused. In accordance with the requirements of Chapter 12, paragraph 134 of the NPPF, this 'harm' will need to be considered against the resulting 'public benefits' that the development will bring.

Heritage Impact assessment

106. St Martin's at Oak Church (Grade I): The development will result in the opening up and reintegration of the church into the townscape and the restoration of the church boundaries. This will allow people to better experience this Grade I listed building. Subject to the detailed design being agreed, these works combined will serve to enhance the setting of this listed building and the character and appearance of the conservation area.
107. St Mary's Church (Grade I): The development will result in the opening up and reintegration of the church into the townscape allowing people to better experience this Grade I heritage asset. The development will alter the general 'low level' character of this part of the conservation area and the setting of this listed building. However, owing to the distance between this property and the larger blocks, J, K and L – the overall impact will be limited and certainly less than substantial.

108. Pykerells House on RoseMary's Lane (Grade II*) The development will alter the general 'low level' character of this part of the conservation area and the setting of this listed building. However, owing to the distance between this property and the larger blocks, J, K and L – the overall impact will be limited and less than substantial.
109. 47 – 49 St Martin's Lane (Folly House and Pineapple House). St Martin's Lane is reintegrated back into the historic townscape with a new linear north to south connection made across the site, linking the two listed churchyards. New views of 47 St Martin's Lane will be opened up in the townscape with its gable end terminating the view along the linear pathway looking north, with the tower of St Mary's framed by development to the south. The connection and associated landscaping works will better reveal the significance of the heritage asset and improve upon the existing setting. Blocks F2 immediately adjacent the listed building to the south will be of a similar scale to the listed building, respecting the scale of the listed building taking a modest 'cottage' or 'mews house' style form. To the east, the scale of the buildings will rise dramatically with Block K rising to 8 storeys (plus a set back roof storey). The disparity in heights and scale between the listed building Block K and St Martin's Lane will be tempered by the drop in building height as it approaches St Martin's Lane. The height will drop to 5 storeys (plus roof addition) at Block L. The design code confirms that the western elevation to Block L will be a formal frontage, classically detailed in order to ensure that the view along St Martin's Lane to the east will be attractively terminated. The listed buildings will be celebrated in the townscape and allowing more people to view and enjoy them. The proposed improvements to the St Martin's churchyard will also help to improve the setting of the listed buildings.
110. The proposed buildings of height will undoubtedly affect the setting of 47-49 St Martin's. Block L (6 storey), with block K behind, will terminate St Martin's Lane and be viewed in the context of much lower, modest buildings. However, similar relationships, although less marked, do exist elsewhere in the conservation area – where domestic and factory buildings co-exist. This change in the setting of 47-49 St Martin's also needs to be considered in the context of the current situation: in which the church and lane are largely cut off from the surroundings townscape; where existing low level industrial buildings fail to provide an attractive setting to the listed buildings; and where a disparity already exists between the lane character and the ring road.
111. The proposed development provides the opportunity for St Martin's Lane to be reconnected into the historic townscape and for listed building (the church and 47-49 St Martin's lane) to be better revealed and appreciated. The works will result in some 'harm' and some 'enhancements' to the setting of the listed building. This harm is considered to be 'less than substantial' and will need to be assessed in accordance with the requirements of Chapter 12, paragraph 134 of the NPPF, this 'harm' will need to be considered against the resulting 'public benefits' that the development will bring
112. Nos. 67, 69 -89 Duke Street: The proposals would see the development of larger Blocks J and K in close proximity on the corresponding side of Duke Street. The proposed development of Block G and H and enhancements to the St Mary's Churchyards, as well as the new commercial units to the base of Block I will all help to improve and enliven the character and appearance of the conservation area and the setting of No.69-89 Duke Street. However, the disparity in height between the

buildings within the neighbouring Anglia Square Conservation Area to the north and Colegate Conservation Area to the south will be further exacerbated through the proposed development of blocks J and K. The impact of this development will be tempered somewhat through their proposed architectural treatment and materials employed taking characterful factory/industrial forms, but the disparity in scale and height will remain. In conclusion, the works will result in some 'harm' and some 'enhancements' to the setting of the listed building. This harm is considered to be 'less than substantial' and will need to be assessed in accordance with the requirements of Chapter 12, paragraph 134 of the NPPF, this 'harm' will need to be considered against the resulting 'public benefits' that the development will bring.

113. 57, 59 & 61 Duke Street and locally listed non-designated assets. Very limited low level impact given separation distance and intervening heritage assets which obscure direct views.

Design and heritage impact conclusion

114. Relative to the surrounding area the height, number and proximity of proposed blocks results in a high density urban form of development. However, the proposed height of development is considered justified in design terms. The proposed larger scale buildings seek to achieve 'factory forms' akin to the architecture of the existing red brick Norvic factory on Colegate or St James Mill on Whitefriars. This typology along with those proposed for lower blocks directly respond to the characteristics of the Colegate conservation area. The detailed design of elevations will be secured by reserved matters, but the design code helps to alleviate design and heritage concerns in respect of the proposed developments impact upon the setting of adjacent heritage assets
115. The layout, although 'tight' creates a high degree of permeability allowing freedom of movement across the development, for the linking of the historic churches and for a number of positive views to be established. These include N-S views of St Mary's church tower and 47-49 St Martin's Lane and a view of St Martin's church between blocks F2/I and B and D. The streets, being designed to be car free provide the opportunity to be landscaped accordingly. The spaces, although enclosed by tall buildings, have a clear defined function and given the scale and mix of uses should function as active and interesting spaces. The proposed form and mix of development provides scope for the creation of a new development with a strong and defined character and sense of place. This conclusion is supported by a Building for Life Assessment which has been carried out for this development. Building for Life 12 (BfL 12) is the industry standard for assessing the quality of place making. Developments are scored against 12 criteria using a traffic light scoring system. The proposed development scores strongly, achieving 11 green and 1 amber results
116. The council's design and conservation officer has advised that the development will result in some 'enhancements' and 'improvements' to the character and appearance of City Centre conservation area in that the works will reintegrate and re-connect this largely under-used brownfields site back into the city providing a new mixed use development with new landscaped areas of public open space flanked by characterful buildings that take design cues from the locality.
117. The setting of adjacent heritage assets will be altered significantly by the proposals. In some cases, the setting of the heritage assets will be vastly improved through the

development of lower scale contextual buildings (Blocks C, G and H, F1 and F2) and new landscaping works/public open space. In other cases, the setting of adjacent heritage assets will be harmed. No's 47 & 49 St Martin's Lane and No's 67, 69-89 Duke Street and to a lesser extent St Mary's Coslany and St Martin in the Oak Church will be caused 'less than substantial harm' to their setting as a result of the height/scale of blocks L,K and J.

118. Generally, however the works are considered to meet with the requirements of Local Plan policies Norwich Local Plan, Local Development Policies DM1: Achieving and delivering sustainable development, DM3: Design principles and DM9: Safeguarding Norwich's heritage. As well as the relevant sections of the 'management and enhancement sections' of the conservation character area appraisals. As well as the requirements of paragraph 134 of the NPPF which states, *"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefit."*
119. Public benefits include the re-integration and enhancement of the church yards of St Martin and St Mary's into the local townscape; the replacement of low quality buildings with a high quality distinct new urban quarter and the delivery of high quality homes and jobs. These public benefits outweigh the less than substantial harm caused in accordance with paragraph 134 of the NPPF. On this basis the proposed design and impact of development is in accordance with adopted development plan policies and the local planning authority duties under S66(1) and S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Main issue 4: Landscaping and open space

120. Key policies and NPPF paragraphs – DM3, DM8, NPPF paragraphs 9, 17 and 56.
121. Key policies and NPPF paragraphs – JCS1, DM6, NPPF paragraph 118.
122. DM 3 requires all new development to make appropriate provision for both the protection of existing and the provision of new green infrastructure as an integral part of the overall design which complements and enhances the development. This includes careful consideration to the choice of hard and soft landscaping and the use of boundary treatments to clearly define public and private space. Furthermore DM8 requires that development on sites not already identified in the Site allocations plan which involve the development of 100 dwellings and above to provide for informal publicly accessible recreational open space on-site as an integral part of the overall design and landscaping of the development.
123. This is an outline application and detailed landscape matters are reserved for future consideration. However, a landscape strategy plan has been submitted which sets out how the development will meet the requirements of DM3 and DM8. The strategy includes:
- Improvements to the church yard of St Martin's at Oak including the provision of a new boundary treatment and managed public access to the green space
 - Improvements to the church yard of St Mary's including tree management works, new seating and managed public access to the green space.
 - Creation of a public square between blocks I, L and J – hard and soft landscaped space with seating

- Creation of a semi – public space between J, K and L – to serve outside needs of the office/hotel campus
- Network of streets designed to be low car/car free. High quality shared surfaces are proposed with margins for low level planting (in pots/troughs). Streets between blocks A, B and D would be suitable for play.

124. The adopted Open space and play space SPD indicates that in most circumstances the open space and playspace needs of new development should normally be provided on site. On windfall sites, a greenspace target of no less than 20% of the total site area is indicated along with play provision commensurate with the form of development proposed. In this case a high density urban form of development is proposed and the inclusion of a 20% sector of the site as greenspace would both compromise the mix of city centre uses and scheme viability.

125. Given that the church yards of St Martin's and St Mary's are directly impacted by the development, officers have negotiated schemes which would both enhance the quality of these green spaces and also secure public access. Currently this part of the city is relatively poorly served by recreational open spaces and both churches include greenspace to which access is restricted. In the case of St Martin's At Oak this results in ongoing misuse and anti-social behaviour. Both church yards have attractive qualities and securing access would increase the opportunities for peaceful recreation for both existing and future residents. Preliminary schemes have been prepared for both church yards which would allow for this function along with the enhancement of the setting of the two Grade I listed buildings. Both church yards are in the ownership of Norwich City Council and early engagement with the relevant stakeholders has established support for the principle of public access being secured. The applicant has agreed to a S106 Obligation which would secure commuted sum payments to Norwich City Council to fund schemes for both churchyards and to secure future management and maintenance arrangements.

126. The landscape strategy for the site itself is broadly supported. The approach seeks to:

- Use the trees and garden spaces to create a series of focal views linking the different areas on site.
- Create a green route between the two churchyards
- Maximise opportunities for on street tree planting – providing softening/greening element both at street level and when viewed from above.
- Where possible extend the soft landscape beyond the footprint of the buildings (community garden areas) to establish point of orientation and destination green spaces on site.

127. This approach should secure the creation of high quality public/semi private spaces and streets which along with the buildings will contribute to the appearance and character of the new urban quarter. At reserved matters stage a biodiversity strategy will be required to ensure that enhancements are embedded into the landscape design'

128. On this basis the development is in accordance the DM3, 6 and 8 of the adopted development plan.

Main issue 5 Affordable Housing Viability

129. Key policies and NPPF paragraphs – JCS4, DM33, NPPF paragraph 50.

130. For residential proposals of this scale, JCS 4 seeks to achieve a proportion (33%) of affordable homes. On the basis of 151 dwelling this equates to 50 affordable units. The delivery of affordable housing is a core planning objective. The NPPF requires local authorities to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive, and mixed communities. It is stated that where there is a demonstrated need for affordable housing, policy should seek to deliver on site provision, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and the agreed approach contributes to the objective of creating mixed and balanced communities.

131. The Affordable Housing SPD indicates that Outline planning applications should as a minimum secure the full affordable housing provision in accordance with JCS policy 4. It states that the overall numbers to be provided with, if possible, an indicative tenure mix, dwelling sizes, types and proposed location should be outlined. Any subsequent reserved matters applications can review the affordable housing provision and tenure mix. In the case of this application sufficient details have been provided to enable earlier consideration of development viability, to establish the level of compliance with JCS affordable housing requirements.

The applicant has submitted a Development Viability Appraisal (DVA) which sets out development costs and values and examines the scope for affordable housing to be delivered as part of this mixed use scheme. The appraisal takes account of predicted CIL costs of approx. £841,000 and S106 costs associated with St Mary's and St Martin's churchyard projects (£296,962). The appraisal shows that profit (as a % of costs) would be 7.76% if a 33% level of affordable housing was to be sought. The DVA also includes a second modelled scenario in which a sum of £353, 234 is identified as an affordable housing contribution. This second scenario delivers a profit level of 18.18% (on costs). The level of contribution provides the scope for the delivery of approximately 4 x 1 bed affordable units on site.

132. The viability appraisal has been referred to the District Valuation Office (DVO) for independent review. This has included scrutiny of the costs and development values used in the appraisal, including the existing use value applied to the site. The DVO identified a minor difference in development costs, although this is explained by the outline stage of the scheme and a full construction costs schedule not being available. The DVO assessment is broadly consistent with that provided by the developer and shows that with policy compliant levels of affordable housing, profit levels would result in development not being viable. The DVO independent assessment of the second scenario has applied a profit level of 20% (on value) for the residential and 17.5% (on value) for the commercial and this shows a small development deficit of £95000.

133. The National Planning Policy Framework states that viability should consider "competitive returns to a willing landowner and willing developer to enable the development to be deliverable." It is stated that this return will vary significantly between projects to reflect the size and risk profile of the development and the risks to the project. It is therefore advises that a rigid approach to assumed profit levels should be avoided. The DVO generally adopt a profit level of 20% (on value) based on their experience across a wide range of schemes and projects. In this case the

applicant has agreed to accept 18.18% on costs profit (equivalent to 15.38% on value) in order to allow the development to contribute to the delivery of affordable housing and funding of the church yard schemes. Given this profit level is below the DVO recommended target level, seeking a higher level of affordable housing would substantially compromise the delivery of the scheme.

134. With a view of maximising affordable housing, officers have considered whether S106 monies identified for the church yard projects should be diverted to meeting housing need. The Affordable Housing SPD indicates that this process of prioritisation should be undertaken where development is not viable with the full range of planning obligations. The St Martin's works are essential to make the development acceptable in planning terms and therefore are considered necessary. Existing buildings on the site currently form the boundary of this Grade I listed building. The demolition of these buildings will require a new interface between the site and the church to be created and a securable boundary. These works will additionally assist in addressing the current neglected condition of this green space and misuse by drug users.
135. The St Mary's Works include tree works which are necessary to make the blocks G and H acceptable in planning terms and allow the creation of a positive frontage facing the Grade I listed church/associated green space. In addition development provides the opportunity to secure managed public access to this green space which does not exist at present. The green space will serve the recreational needs of the development as well as the local community, which is relatively poorly served at present. The transfer of future maintenance responsibility (for both church yards) would be a saving to Norwich City Council. The heritage and public benefits of the St Mary's Works relative to the level of s106 contribution are considered significant. The equivalent sum (£154 662) used to addressing affordable housing need would deliver less wider public benefit.
136. On this basis a sum of £353, 234 is judged to the viable level of affordable housing deliverable by this development. This is well below the JCS 4 target level and for a development of this scale raises concerns about achieving inclusive and mixed communities. However, it is recognised that mixed developments of this type include a range of uses which generate a range of market values. In Norwich the value of office and hotel floorspace is lower than residential and this is reflected in the development value of the whole scheme. In the case of this site, a mixed use site is positively supported by JCS11 and the developer has demonstrated a positive commitment to investing in development which is designed to contribute to both the economic and social fabric of Norwich. The economic benefits of the proposed development in terms of business growth and employment generation are substantial and there is significant scope for this to support and facilitate the wider regeneration of the northern city centre. These economic benefits of the proposed development need to be weighed against the failure of the scheme to deliver a mix of housing tenure.
137. The form and quality of this development has the potential to deliver a vibrant new mixed use quarter and raise investor confidence in future values. There is the prospect that the development itself may achieve values that exceed existing local market values which have informed the DVA. It is therefore recommended that at this outline stage a S106 Obligation is sought to:

- Secure a minimum affordable housing contribution of 4 x 1 bed flats (affordable rent) or where a RP cannot be secured, payment of a commuted sum of a min £353,324
- In accordance with the SPD, secure a review of development viability and affordable housing level at reserved matter stage, when full detailed development costs are available
- In accordance with the SPD, secure development viability reviews in the event of the development not being delivered within an agreed timescale.
- Given the phased delivery of the development, secure a review of development viability and affordable housing level following the occupation of Phase 1 to allow development value to be verified. Any increase in viable affordable housing level to be secured through a commuted sum payment.

138. This approach allows the council to secure a minimum level of affordable housing and enables for this to be increased if development viability improves. The NPPF positively promotes the re-development of brownfield sites and states that local planning authorities should take a flexible approach in seeking levels of planning obligations and other contributions to ensure that the combined total impact does not make a site unviable. In this case the economic benefits of the mixed scheme carry substantial weight and potentially would not be delivered if a higher level of affordable housing was to be sought.

Main issue 6 : Amenity

139. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.

140. Policy DM2 seeks to ensure satisfactory living conditions for existing neighbours affected by impacted by the development as well as satisfactory levels of amenity for new residents

Impact on existing occupiers:

141. An assessment has been submitted of internal and external daylight amenity. A vertical sky component (VSC) assessment has been undertaken to examine the impact of the new development on adjacent residential and commercial buildings. The assessment compares proposed VSC figures to existing and calculates a value which indicates the level of change (Times Former Value TFV). Guidance indicates that where the TFV is less than 0.8 (TFV), the loss of daylight is likely to be significant and noticeable. The assessment reviewed 60 existing windows facing the development site and the TFV for all exceeded 0.8. The six windows of no 47 St Martin's Lane, the closest residential property to the site, achieved values ranging between 0.81 – 1.02 (4 >0.9). The daylight Sunlight assessment concludes that all 60 windows fully comply with BRE criteria for VSC and that no significant adverse impacts on sunlight and daylight levels will arise as a result of the development.

142. The outlook from windows facing the site will change substantially particularly for residential in properties on Duke Street and St Martin's Lane. However, the design approach for St Martin's in particular has sought to mitigate this change in short distance views by proposing two storey houses fronting the street. The development will step up in height further along St Martin's Lane and with

increasing depth into the site. The configuration of Block L (6 storey), proposed as a mix use block, is likely to necessitate St Martin's Lane facing windows (separation distance 24m). This along with the increase in traffic using the lane will change the character of this location for local residents. The location will be busier, more public and feel more connected to and part of the city centre. The layout of the development deliberately seeks to re-integrate St Martin's Lane into the urban grain of this part of the city. Although activity will increase, levels will be compatible with a city centre location and generally more concentrated within the site and along the Crispins Road frontage. In addition although traffic using St Martin's Lane will increase, vehicle movements will remain at a comparatively low level (peak 8-9 am - 38 total traffic movements). The submitted Noise Assessment indicates that the development will result in additional traffic noise in this location. However given the ambient noise level, created by St Crispins, the increase in noise would not be significant.

143. Given the central location of the site neither the proposed increase in traffic noise levels nor the increased level of overlooking are considered sufficient to justify the refusal of planning permission on these grounds.

Future residents:

144. A mix of dwelling types is proposed including 1, 2 and 3 bed flats and family housing. Although internal floor layouts are not for approval at this outline stage the blocks have been sized to enable dwellings to meet Nationally Described Standards and for 10% of the dwellings to meet Accessible and adaptable dwellings standards.
145. An indicative aspect plan has been submitted indicating that the configuration of blocks will allow most dwellings to be dual aspect. This allows internal layout of rooms to be designed to take advantage of the most favourable light and outlook conditions. In order to assess daylight amenity to new units an Average Daylight Factor (ADF) assessment has been undertaken. This assessment is often used for major developments where the actual size of rooms may not yet be known. Minimum target levels are set for different room types - kitchens (2%), living rooms (1.5%) and bedrooms (1%). Nineteen locations within the development were identified for testing. 'Worst -case' locations were selected, including north facing facades and facades facing blocks located to the south. Of the sample rooms assessed 8 fell short of targets, for certain room types. However, in these locations there is scope at reserved matters stage, to ensure that room layout take account of light levels and where there are limitations, for larger window sizes to be specified. Across the development as a whole the layout allows for satisfactory internal amenity levels (light and outlook) to be achieved. Notwithstanding this, it should be noted that this is a high density scheme and that the size and proximity of blocks will create a residential quarter which will feel distinctively urban in character. Internal daylight, outlook and privacy will therefore not be at optimal levels but at a level which is considered acceptable for residents selecting a city centre location to live.
146. A noise assessment has been submitted. This includes assessing the impact of traffic noise on the new development, specifically new residential occupiers. The assessment indicates that the proposed dwellings fronting St Crispins, Duke Street and St Martin's Lane will be subject to traffic noise impact but this is capable of being adequately mitigated through the specification of suitable glazing systems.

The council's environmental protection officer has reviewed the assessment and is satisfied that the recommended measures would result in satisfactory living conditions for residents.

147. Furthermore an Air Quality Assessment has been submitted. This includes an assessment of current and predicted NO₂ levels. This shows predicted NO₂ levels of 36mg/m³ on both Duke Street & St Crispin's. Although elevated, these levels do not exceed the national air quality objective of 40mg/m³ and as such the council's environmental protection officer has advised that mitigation measures are not justified. However, she has advised although there would be no requirement for non-opening windows she would recommend that trickle vents are avoided where windows open out onto St Crispin's and Duke Street.

148. In terms of private amenity space the scheme proposes the following options:

- Blocks A and B - private balcony/roof terraces
- Blocks C and D - private roof gardens / use of communal garden
- Blocks F1 and E - private roof terraces/use of communal garden
- Block I - communal court yard
- Blocks G and H - private terrace
- Blocks J, K and L- external terrace top floor only

149. This strategy result in a satisfactory level of provision of external amenity space for the majority of the proposed dwellings. In the mixed use blocks J and K, apart from the top floor flats, remaining flats would not have access to private outdoor amenity space. However, the scope to make provision for these units is constrained by the proximity of these units to the proposed commercial floorspace, road noise and the incompatibility of projecting balconies with the proposed factory building typology. In these circumstances the absence of private amenity space for these particular flats is considered acceptable.

Main issue 6: Trees

150. Key policies and NPPF paragraphs – DM7, NPPF paragraphs 109 and 118.

151. There are no existing trees on land in the applicant's ownership. However, a large number of trees are located within the application boundary, within the two church yards and on the highway verge. An Arboricultural Impact Assessment has been submitted with the application.

152. St Mary's church yard supports the greatest number of trees with most grouped adjacent to the northern boundary with St Mary's Alley. The group includes wingnut, cherry, oak, hawthorn and tree of heaven. These trees, along with three lime trees within the adjacent highway, are prominent in views within this part of the conservation area and form part of the verdant setting of the medieval church. The limes are particularly visible in long views along Duke Street, given that one markedly leans across the highway.

153. The application proposes two residential blocks (G and H) facing St Mary's Alley, with principal elevations facing south towards the church. In order to create a satisfactory relationship between the existing trees and the windows serving the new development, thinning and pruning works are proposed. Thinning works will include the removal of a large wingnut (13m – T9) which substantially overhangs St Mary's Alley and an associated large multi-stemmed sucker (T8) growing against the church railings. Left in place these trees would be in very proximity close to the first, second and third storey windows of block H and cause damage to the cast iron railing of the Grade I listed church. This relationship is considered unacceptable and would be problematic to address through tree management works without creating an unbalanced/lopsided canopy. Wingnut is a large, vigorous tree species originating from Asia, known to grow to considerable height and have a vigorous suckering habit. The Council Arboricultural officer does not object to the removal of the two trees particularly in the context of securing a group of native trees capable of more effective management.
154. In addition the Council Arboricultural officer has recommended removal of T11, a tree of heaven (Ailanthus) located within the western sector of the grave yard. This is the tallest tree (16m) within the church yard and contributes substantially to mature tree coverage in this part of the conservation area. However, the tree shows clear signs of rot which given the immense size of the tree raises health and safety concerns. It should be noted that Ailanthus is a non-native fast growing deciduous species originating from Northern China. The species has a vigorous suckering habit and because of the height to which they can grow are best suited to open parkland situations. On the basis that the development is seeking to secure public access to this green space it is recommended that the tree should be removed on safety ground and replaced with a more suitable species which would in the long term secure the visual and biodiversity qualities of this urban green space.
155. Less extensive tree works are proposed within the St Martin's At Oak grave yard. The application proposes residential blocks facing the church but given the extent of set back from the boundary, only modest management through pruning is required.
156. All of the trees referred are on land in the ownership of Norwich city council and identified for improvement as part of this development. The S106 commuted sums include the cost of tree works and replacement tree planting. Future management of the trees would fall under the responsibility of a future site management company with the oversight of the council.

Main issue 7: Transport

157. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF paragraphs 17 and 39.
158. A Transport Statement and Travel Plan have been submitted in support of the application. This confirms that the proposed vehicular access for the site will be maintained from Duke Street and that new egress points will be introduced to provide exits from the development onto St Martin's Lane. This removes the need for traffic to exit the site onto Duke Street, close to the congested St Crispins junction (existing situation). Access controls are proposed to restrict general traffic movement across the site i.e to prevent the route acting as a rat run. The St

Martin's Lane access is also proposed as a secondary inbound access for disabled parking, fire tender vehicles, refuse collection and deliveries.

159. The development is highly permeable and includes a number of cross routes which connect the development into the surrounding road network. All routes would be publically accessible to pedestrians and cyclists. The routes are designed to be shared spaces and, with the exception of a small number of accessible parking bays, will be free of car parking. Tracking drawings and servicing plans have been submitted demonstrating that the principal routes are suitable to provide access for emergence, refuse collection and delivery vehicles.
160. A total of 115 car parking spaces are proposed within a semi basement undercroft located beneath blocks J, K and L. An automated car stacking system is proposed to maximise the capacity of the undercroft. Most spaces (86) would be dedicated to residential use and provision would also be made for accessible parking spaces and EVCPs. The proposed residential parking provision equates to a ratio of 62% and is below the maximum 1:1 parking level set out in DM3. However, this is a highly sustainable location and in terms of promoting sustainable development, DM32 would support low/zero parking. This was raised with the developers at an early stage. However, they have indicated that given the size of proposed dwellings (mostly 2-3 bedroom) and the bespoke nature of the development, parking at the proposed level is necessary to secure residential values to make the development viable. The undercroft parking facility and the resulting car free streets/spaces benefit good place making and provides the opportunity for the basement servicing of the commercial uses. The approach involves significant development costs in terms of excavation and stacker parking infrastructure. However, it should be noted that the viability report provided with the application, indicates most of the undercroft costs will be recovered in development values. On this basis, along with the place making benefits of removing car parking from street level, this form and level of parking provision is considered acceptable.
161. The development triggers a requirement for provision of car club space/s. This is secured through a S106 payment based on the number of dwellings proposed. The St Mary's Plain frontage of the site would be particularly suitable for this purpose.
162. The basement parking level would also provide approximately 25 parking spaces to serve the needs of the office and hotel uses. This level of provision is considered acceptable and falls below the maximum levels for these uses set out in DM31.
163. The layout plan indicates eight large bike stores to serve the needs of the mixed development. The stores are secure and fully integrated into the design of the development. A total of 370 secure cycle parking spaces is proposed in accessible location across the site. In addition public bike stands within the public spaces would be secured at reserved matters stage.
164. The local highway authority has indicated that they have no objection to the proposed development. They have commented that the Transport Statement indicates that overall there will be a decrease in traffic trips in comparison with the lawful uses of the site. On this basis the Strategic Highway Authority (Norfolk County Council) do not require any modification to junctions with the inner ring road but have requested the improvement of the existing cycle lane on the roundabout frontage. They have indicated that St Martin's lane is suitable for traffic generated

by the development and confirmed that they are satisfied with the proposed level of car and bike parking.

165. The transportation impacts of the development are acceptable and planning conditions are recommended to secure necessary works within the highway and on site management of parking and access arrangements.

Main issue 8: Energy

166. Key policies and NPPF paragraphs – JCS3, DM1, NPPF paragraphs 94 and 96.

167. JCS 3 requires development of this scale to include sources of ‘decentralised and renewable or low carbon energy to provide at least 10% of the schemes expected energy requirements and demonstrate whether or not there is viable and practicable scope for exceeding this level.

168. The energy strategy applies the concept of fabric first, passive design and proposing efficient mechanical and electrical systems. In terms of renewables or low carbon energy sources a number of options have been appraised:

- Option 1 - Circa 900sqm photovoltaic panel plus 300m² of solar hot water – this would provide 13.3% of site energy
- Option 2 - 120kw biomass boiler in energy centre – this would provide 28% of site energy
- Option 3 – 120kw combined heat and power (CHP) engine in an energy centre - this would provide 28% of the site energy

169. The preferred option will be determined at reserved matters stage when the detailed internal layout of blocks and external appearance of the blocks is agreed. This will allow the visual impact of the various options to be fully assessed.

170. Subject to detailed design, the proposal is considered to be capable of complying with the requirements of JCS 3 and DM1.

Main issue 9: Flood risk

171. Key policies and NPPF paragraphs – JCS1, DM5, NPPF paragraphs 100 and 103.

172. The site falls with EA zone 2 and as such at medium risk of fluvial flooding. In addition the corner of the site falls with the critical drainage area for surface water flooding.

173. A flood risk assessment has been submitted. This indicates that the 1:100 years plus climate change flood level for the Wensum is 3.65m AOD and that on this basis the minimum finished floor level of the development should be set at 3.95m AOD. This minimum is achieved across all the residential and commercial floorspace which would therefore be safe in a 100 year flood risk event. The basement car park is set below this minimum flood level and as such would be at risk of flooding. The parking level varies from 650cm – 2950cm AOD. Flood resilient measures will therefore be necessary, along with the need for early evacuation in the event of a flood warning. These measures and procedures are capable of being secured through planning conditions.

174. A drainage strategy has been submitted and reviewed by the Lead Flood Authority. 300mm above this level. The Outline Planning Drainage Statement listed a number of possible drainage schemes that could be applied in this development. A workable drainage strategy has been proposed and incorporates runoff being stored in attenuation tank and permeable paving with further discharge to the Anglian Water sewer. The site area is partially located within a critical drainage catchment. The applicant has given a consideration to integrate such SuDS features as brown/green roofs, permeable paving, rain water harvesting into the proposed development (in line with Policy DM1 sustainability and DM5 flooding of the Norwich City Council Local Plan). The applicant has now demonstrated a workable drainage scheme supported by appropriate information to demonstrate that there will be no flooding in the 1 in 100 year critical rainstorm event plus climate change.

Main issue 10: Contamination

175. Key policies and NPPF paragraphs – DM11, NPPF paragraphs 120-122.

176. A desk based assessment and phase 2 intrusive investigation have been undertaken to assess ground conditions and levels of contamination.

177. Soil chemical analysis revealed that the made up ground across the site were not suitable to be exposed in residential garden areas due to elevated levels of PAH compounds and Lead. Further assessment will be required in areas of gardens and soft landscaping in order to design a suitable remediation scheme. In such locations top soil cover systems are likely to be required.

178. The site is underlain by a secondary A aquifer (alluvium) followed by a principal aquifer (chalk) designated as a source protection area. The Environment Agency have indicated that further analysis will be necessary to characterise the risk the development poses to ground water. They have therefore recommended conditions requiring this to be under and for piling and infiltration SUDs to be subject to approval to allow water quality issues to be addressed.

179. The council Environmental Protection Officer has raised no objection to the development of this site subject to planning conditions require further risk assessment and remediation works.

Compliance with other relevant development plan policies

180. 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
Refuse Storage/servicing	DM31	Yes subject to condition/No - expand/Not applicable
Water efficiency	JCS 1 & 3	Yes subject to condition/No - expand/Not applicable

Other matters

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

Equalities and diversity issues

182. There are no significant equality or diversity issues.

S106 Obligations

183. The applicant has agreed to entering into a S106 Obligation with the council to secure the following:

- Affordable Housing –

Minimum affordable housing contribution:

Option 1 (preferred option) - on site provision of a minimum of 4 x 1 bed affordable rent flats, or

Option 2 - commuted sum for off-site provision min £353,324

Viability benchmarks to be fixed – to include existing use value and developer profit

Further viability review: as set out in para. 138

- Other Commuted sums -

St Martin's church yard scheme - £142,300. Maintenance and management arrangement to be agreed and secured

St Mary's church yard scheme - £154,662. Maintenance and management arrangement to be agreed and secured

Car club contribution - £100 per dwelling

184. The S106 Obligation is necessary to ensure the development complies with policy requirements of the adopted development plan and to mitigate the impact of the development on Grade I Listed buildings. The obligation is required to make the development acceptable in planning terms and therefore meets the tests for such agreements set out in the NPPF.

Local finance considerations

185. 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.

186. 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.

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

Conclusion

188. The site currently constitutes under utilised brownfield land located within part of the northern city centre identified by JCS11 for comprehensive regeneration. The proposed development directly supports the achievement of key regeneration objectives. These include economic objectives of building a strong, responsive and competitive economy for the city of Norwich. Development of the scale proposed will: benefit the construction industry; support the growth of new businesses and the creation of new jobs and support the local economy through the spending of future residents, works and visitors. This level of economic benefit is significant, substantial and capable of stimulating business confidence and further investment in other sites with the regeneration area.

189. Social objectives of supporting strong, vibrant and healthy communities are additionally directly supported. The proposed 151 new dwellings will make a significant contribution to the supply of new homes. Future occupiers will have access to new jobs created through the development and those within the city centre a short walk from the site. The proposed mix of uses is capable of creating a vibrant new quarter with a strong sense of identity. The development will allow for investment in the church yards of St Martin's and St Mary's, facilitating public access to semi-natural green space which are re-integration into the urban fabric.

190. Furthermore environmental objectives of protecting and enhancing the natural and historic built environment are supported. The site is within the city centre conservation where there is a high concentration of listed and locally listed buildings. The existing low level industrial buildings currently fail to provide an attractive setting to these heritage assets and St Martin's Lane and St Martin's church (Grade I) in particular is disconnected and poorly revealed. The proposed improvement works to the historic churchyards and the new pedestrian/cycle route in the form of a linear pathway connecting the two churches will improve the character and appearance of this part of the conservation area. No. 47 & 49 St Martin's Lane will be better revealed and celebrated in the townscape being the terminating view of this linear pathway (to the north). The development will create a distinct and highly visible new quarter, the Design Code providing assurance of high quality materials and an appearance responsive to the conservation area setting. These benefits outweigh the less than substantial harm resulting from the taller buildings included within the scheme.

191. On the basis of these economic, social and environmental benefits the proposed scheme complies with JCS 11 and DM1 planning principles of achieving and delivering sustainable urban redevelopment. In making a planning judgement on the scheme the weight to attributed to each of these sustainability benefits is considered substantial. The development fails to deliver affordable housing at JCS4 target levels, or close to it. However, the applicant has demonstrated to the satisfaction of the DVO, that to do so would make development unviable. Failure of development to provide a meaningful level of affordable housing is a policy consideration which carries significant weight. However, in the planning balance this shortfall in the

scheme needs to be weighed against the broad regeneration benefits of this mixed development. The proposed new offices will make a significant contribution to the provision of category A B1a floorspace in the northern city centre, supporting both business growth and high quality job creation. This will directly support the economic objectives of the council to strength the role of Norwich as an employment centre of regional significance. The outcome of withholding planning permission on affordable housing grounds would be the lost opportunity to secure the delivery of the most significant new office scheme in the city in the last 5 years and the creation of circa 355 new jobs. This benefit, along with the social-environmental benefits outlined above, demonstrably weigh in favour of the granting of planning permission.

192. Furthermore in the context of an absence of a 5 year land supply this tilted balance for decision making is further reinforced. On the basis of the assessment set out in the report there are no specific policies in the NPPF which indicate development should be restricted and benefits of the development outweigh identified adverse impacts. In these circumstances the NPPF indicated that new residential development should be approved to contribute directly to the achievement of housing targets

193. 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. 16/01950/O - St Mary's Works Duke Street Norwich and grant planning permission subject to S106 Obligation securing matter set out in para 139 of this report and the following conditions:

1. Standard time limit Outline;
2. Details (Outline) - Reserve matters to include landscaping (including biodiversity strategy, external lighting), appearance (in accordance with Design Code), internal layout of development (to include measures to control noise/air quality).
3. Details highway works - including waiting restriction review (St Mary's Plain)
4. Details (Blocks A and B) external materials, architectural detailing, new windows and doors etc- (details and samples), external vents, rainwater goods.
5. Phasing plan
6. Construction management plan including Air Quality & Dust Management Plan
7. Demolition plan - including Details of all temporary works necessary to ensure the structural stability of the retained sections/elevations of St Mary's Works (former shoe factory)
8. Temporary boundary enclosure of St Martin church yard
9. Tree protection measures
10. Archaeology (WSI)
11. Full contamination condition
12. Infiltration of surface water drainage into the ground requirement for express written consent
13. Piling or any other foundation designs using penetrative methods requirement for express written consent
14. Unknown contamination
15. Imported soil
16. Fire Hydrant provision
17. Assessable and Adaptable dwelling standards

18. Water efficiency (residential and commercial)
19. SUDs - as required by LFA
20. Flood finished floor level of development
21. Flooding - proofing, warning, evacuation
22. Travel plan - non- residential uses
23. Parking control/management
24. Provision of EVCPs
25. Provision of bin and cycle stores
26. Access controls
27. Flexible use of retail floor space
28. Limitation: no single retail unit to exceed 200sqm
29. Withdraw PD rights office – to residential conversion

Informatives

1. No parking permits
2. Community infrastructure levy.
3. Street naming and numbering contacts
4. The innovative use of mechanically stacked car parking is acceptable. However, should this system be rendered unusable for any reason the council is under no obligation to facilitate provision of alternative parking provision.

Article 35(2) statement

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



Unit 22 11-29 Fishion St
London E1 6YX
+44 (0) 20 7547 6750
bulld@architecton.uk
www.architecton.uk

No: SMW-ATN-XX-XX-DR-A-01107

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ST MARY'S WORKS

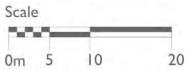
PROPOSED BLOCK PLAN

St Crispins Rd

St Martin's Lane

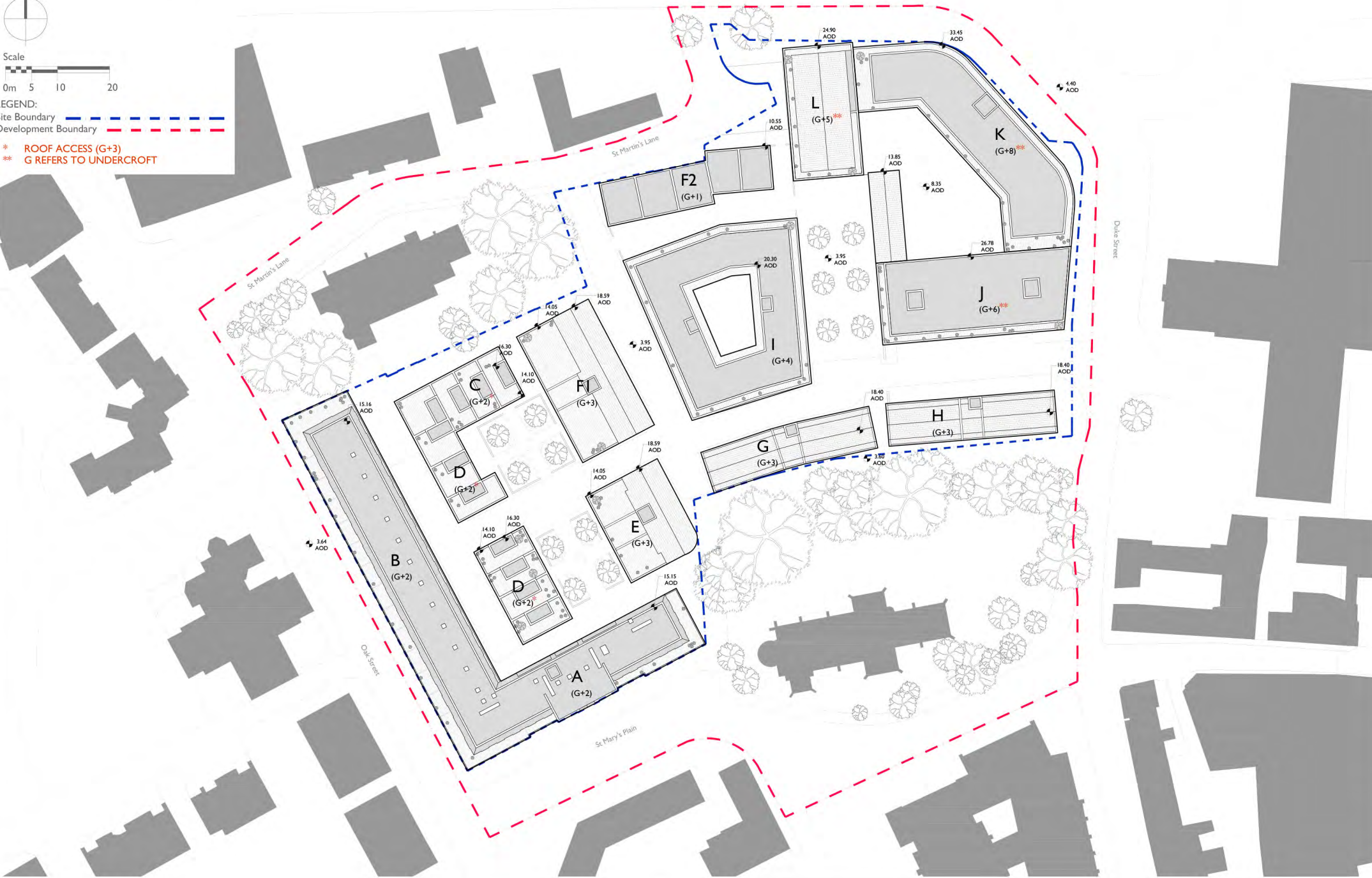
Duke Street

St Mary's Plain



LEGEND:
Site Boundary
Development Boundary

* ROOF ACCESS (G+3)
** G REFERS TO UNDERCROFT





ST MARY'S WORKS

PROPOSED MEANS OF ACCESS

RESIDENTIAL ACCESS

- Access Control Point (bollards with Passcode/ Fob / Site Management)
- Access Control Point (Garage Door/Shutters - Secure by design compliant)
- Main Access Route and Parking
- Temporary Access for Drop Offs
- Undercroft Parking



TAXI ACCESS

- Access Control Point (bollards with Passcode/ Fob / Site Management)
- Access Control Point (Garage Door/Shutters - Secure by design compliant)
- Taxi route option 1
- Taxi route option 2



VISITOR ACCESS

- Access Control Point (bollards with Passcode/ Fob / Site Management)
- Access Control Point (Garage Door/Shutters - Secure by design compliant)
- Main Access Route and Parking
- Access for Drop Offs
- Undercroft Parking



DELIVERY ACCESS

- Access Control Point (bollards with Passcode/ Fob / Site Management)
- Access Control Point (Garage Door/Shutters - Secure by design compliant)
- Route
- Drop off zone 1
- Drop off zone 2



FIRE TENDER ACCESS

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- Access Control Point (Garage Door/Shutters - Secure by design compliant)
- Fire tender access route



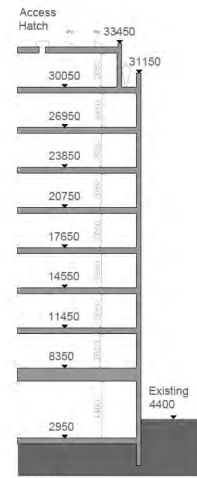
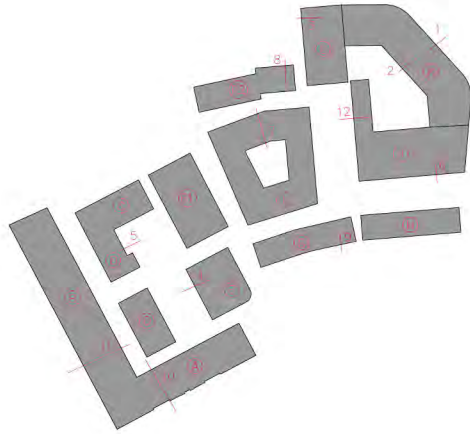
ACCESS CONTROL

- Access Control Point (bollards with Passcode/ Fob / Site Management)
- Access Control Point (Garage Door/Shutters - Secure by design compliant)

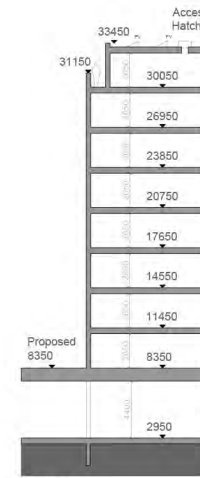


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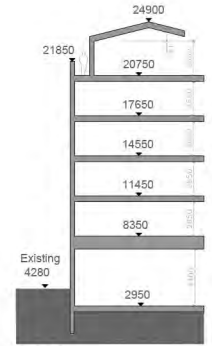
PROPOSED SECTIONS



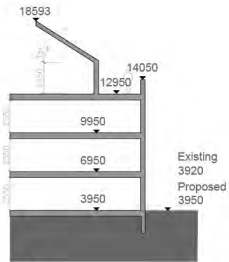
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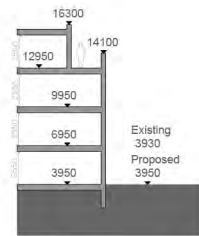
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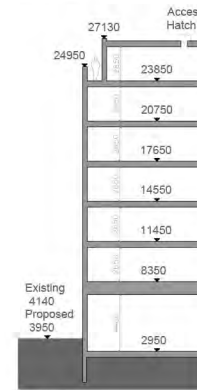
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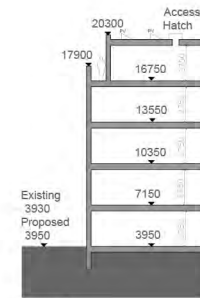
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Block E/F1



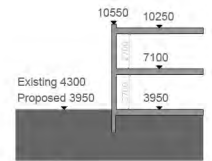
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Block C/D



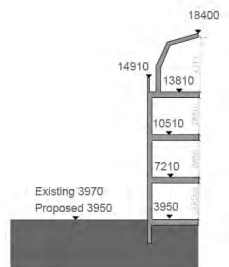
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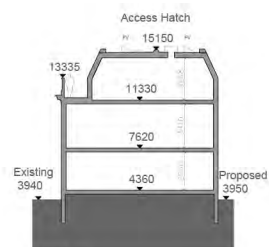
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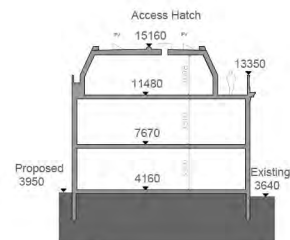
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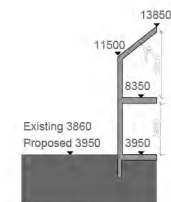
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Block G/H



Section 10
Block A



Section 11
Block B



Section 12
Gallery

ST MARY'S WORKS

PROPOSED SECTION 1 OF 2

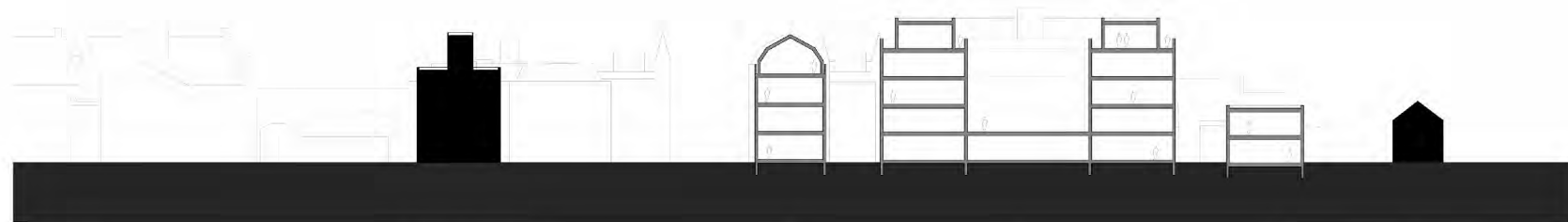
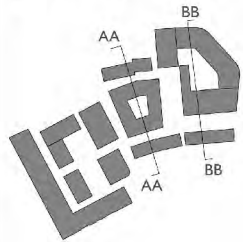
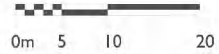


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SECTION AA

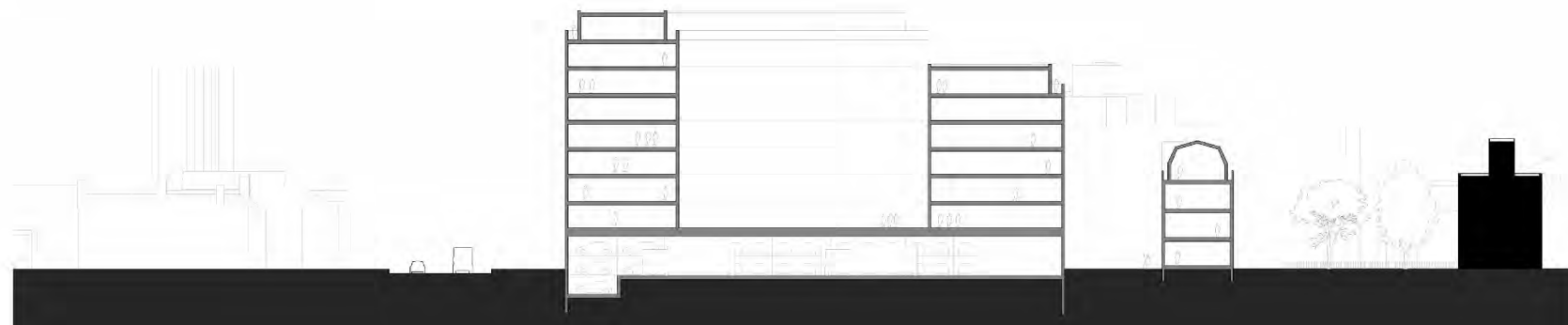
ST MARYS CHURCH

G

I

F2

47,
ST.MARTINS LANE



SECTION BB

I

G

ST MARYS CHURCH

ST MARY'S WORKS

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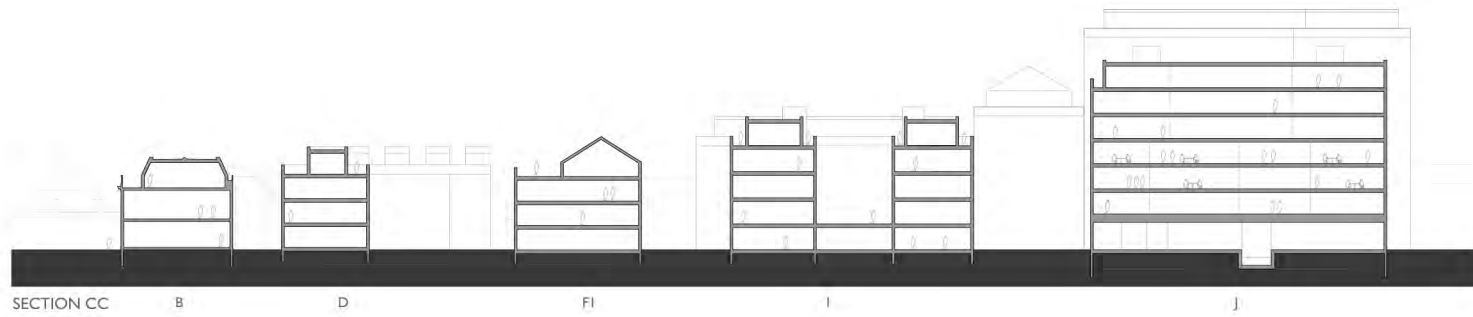
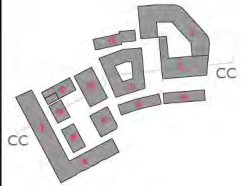
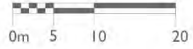
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Unit 22 11-29 Pasham St
London E1 6PL
444 06 26 7547 6782
hull@architects.co.uk
www.architects.co.uk



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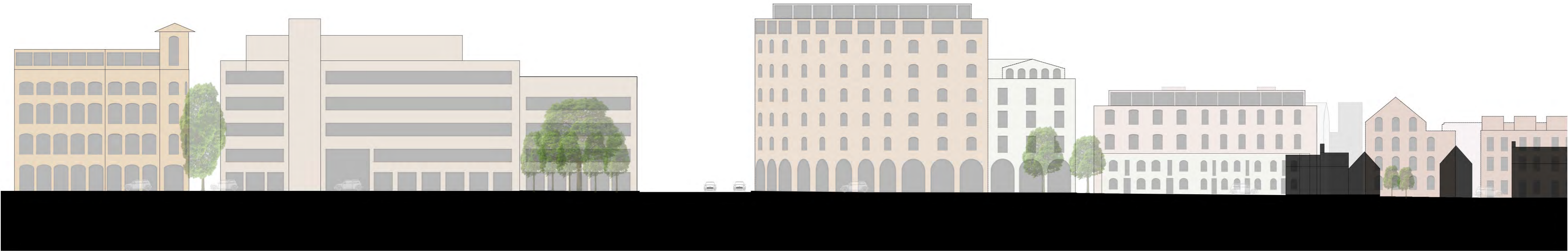
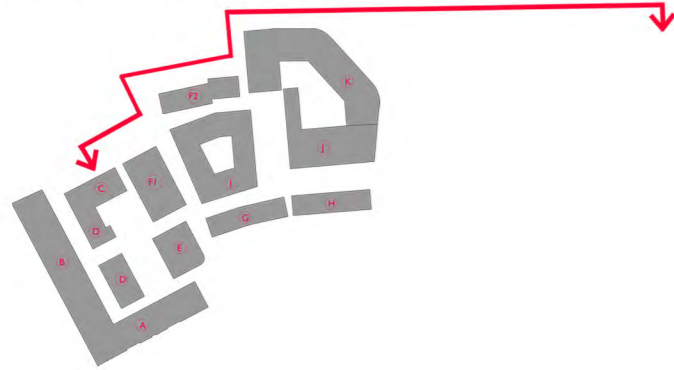
ST MARY'S WORKS

ST CRISPINS LONG ELEVATION



Unit 2.2 11-29 Fashion St
London E1 6PX
+44 (0) 20 7247 6760
build@architekt.uk
www.architekt.uk

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Unit 22 11-29 Fishion St
London E1 6PX
+44 (0) 20 7547 6760
build@architecton.uk
www.architecton.uk

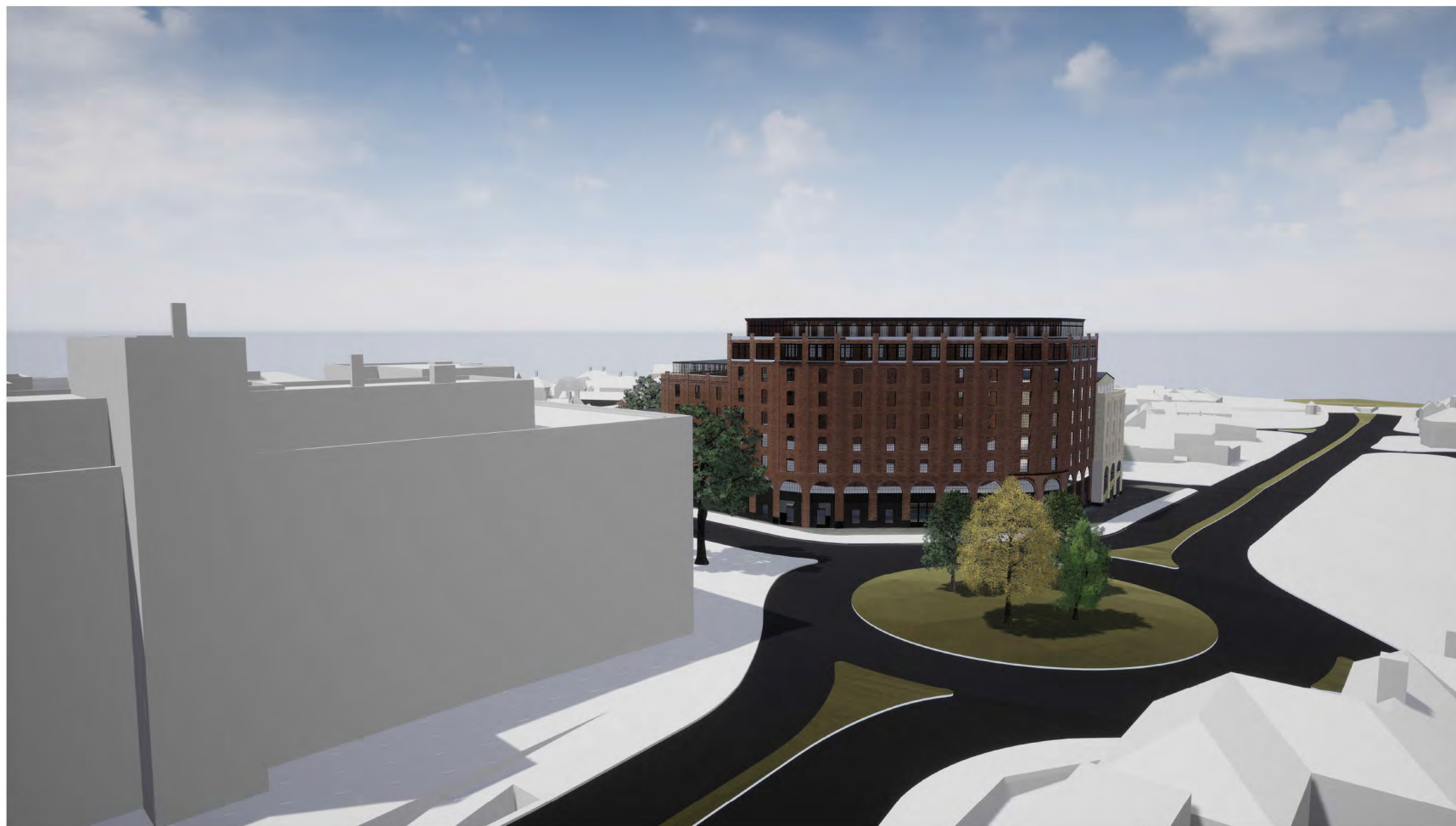
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ST MARY'S WORKS

PROPOSED VIEW 08





Unit 22 11-29 Fashion St
London E1 9PX
+44 (0) 20 7547 6760
hello@architecton.uk
www.architecton.uk

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ST MARY'S WORKS

PROPOSED VIEW 02





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London E1 6PX
+44 (0) 20 7547 6760
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ST MARY'S WORKS

PROPOSED VIEW 05





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London E1 6PL
+44 (0) 20 7547 6760
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ST MARY'S WORKS

PROPOSED VIEW 14



ST MARY'S WORKS

PROPOSED ELEVATIONS



Unit 2.2 11-29 Fashion St
London E1 6PQ
+44 (0) 20 7247 6760
build@architecton.uk
www.architecton.uk

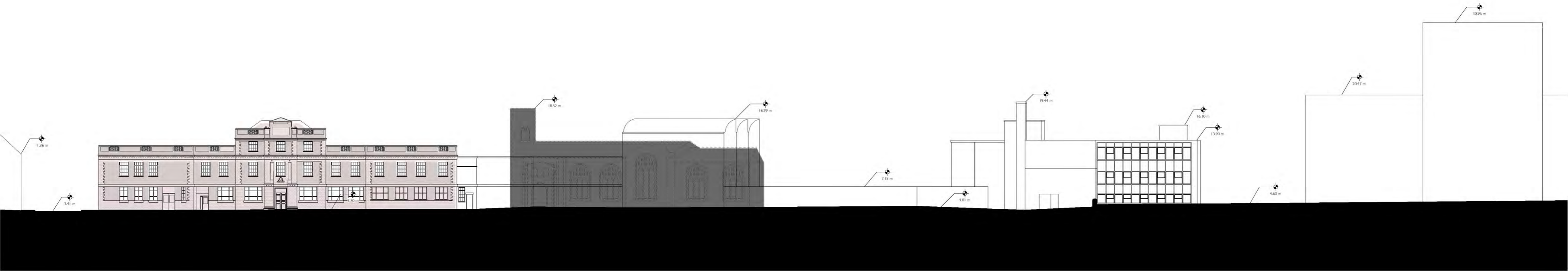
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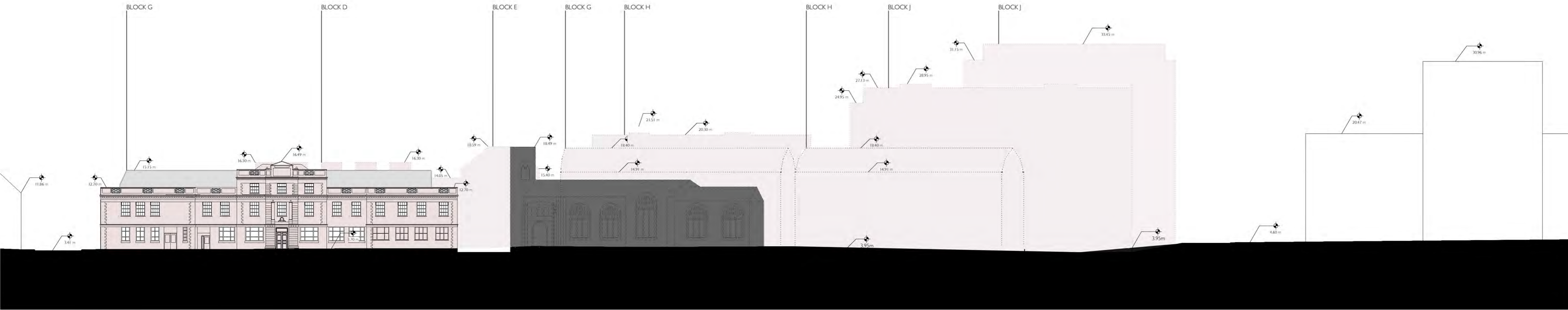
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ALL SPOT ELEVATION HEIGHTS ARE A.O.D OF 3.95m



ST MARY'S PLAIN - EXISTING ELEVATION



ST MARY'S PLAIN - PROPOSED ELEVATION

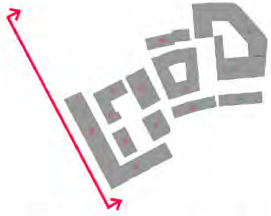


Unit 22 11-29 Finsbury Sq
London EC2A 1JF
+44 (0) 20 7247 6710
info@architects.co.uk
www.architects.co.uk

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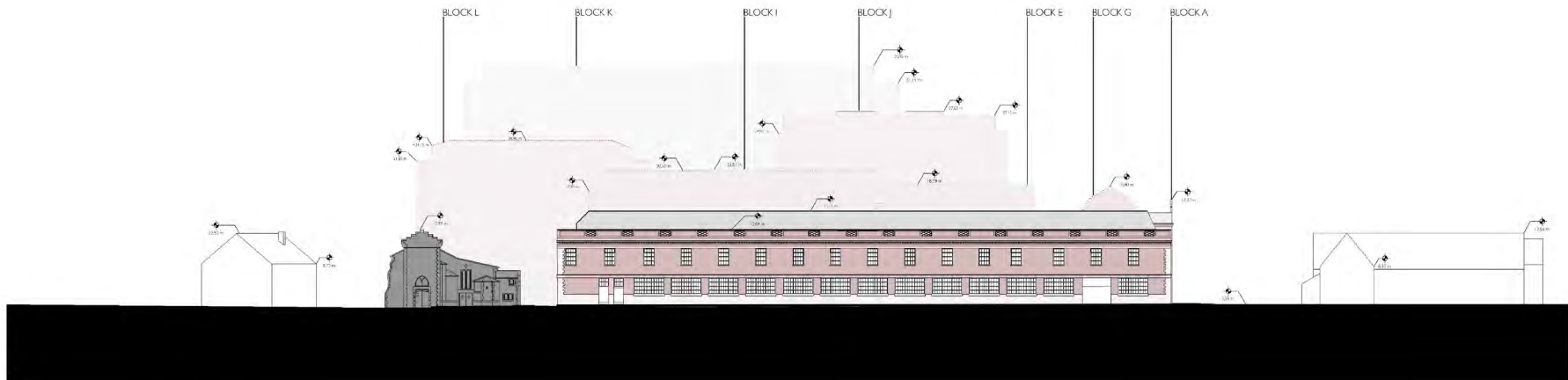
PROPOSED ELEVATIONS



ALL SPOT ELEVATION HEIGHTS ARE A.O.D LEVEL OF 3.95m



OAK STREET - EXISTING ELEVATION



OAK STREET - PROPOSED ELEVATION