

## Report for Resolution

**Report to** Planning Applications Committee  
**Date** 17 May 2012  
**Report of** Head of Planning Services  
**Subject** **12/00276/F** Westlegate House 14 - 18 Westlegate, 20 Westlegate, Car Park Rear Of 14 - 18 Westlegate And Lion And Castle Yard, Timberhill Norwich  
**12/00277/L** 20 Westlegate, Norwich, NR1 3LR  
**12/00319/C** Former Club Building And Part Internal Car Park Structure Rear Of 14 - 18 Westlegate, Norwich

Item  
**5(1)**

### SUMMARY

<b>Description:</b>	<p><b>12/00276/F:</b> <u>Westlegate House, 14 - 18 Westlegate:</u> Demolition of part of existing A3 restaurant use (128sqm) and new extension (75sqm) at ground and first floor level. Demolition of existing club building and internal car park to the rear of Westlegate House and redevelopment with new car park structure containing 20 No. car parking spaces with access from Lion and Castle Yard and erection of 1 No. 2 storey, 3 bedroom C3 residential dwelling above. Change of use of B1 offices over floors 3 to 11 inclusive (1551sqm) of Westlegate House tower to 11no. C3 residential flatted dwellings (8 No. 3 bedroom, 3 No. 2 bedroom). Addition of 2.5 storeys to tower building to form 2 No. 3 bed C3 residential flatted dwellings.</p> <p><u>20 Westlegate:</u> Demolition of rear extension and erection of new extension to existing A3 restaurant/café at ground and first floor level to form an additional 83sqm of restaurant/café floorspace. Change of use of 37sqm of first floor A1 retail floorspace (hairdressers) to A3 restaurant/café use to be used in conjunction with the ground floor use. Replacement of 2 No. timber shopfronts.</p> <p><u>Timberhill:</u> Erection of building fronting onto Timberhill to reinstate frontage at numbers 27 - 29 to include A1 retail unit at ground floor (154sqm) and 3 No. 2 bedroom C3 flatted dwellings at first and second floor level.</p> <p><u>Land to rear of numbers 27 - 29 Timberhill:</u> Erection of 2 No. 3 storey, 3 bedroom C3 residential townhouses at Lion and Castle Yard.</p>
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	<p><b>Public Realm Improvements:</b> New pedestrian link to be formed between Westlegate and Timberhill via Lion and Castle Yard with new surface treatment, stepped and ramped accesses and landscaping.</p> <p><b>12/00277/L:</b> <u>20 Westlegate:</u> Demolition of rear extension and erection of new extension to existing A3 restaurant/café at ground and first floor level to form an additional 83sqm of restaurant/café floorspace.</p> <p>Change of use of 37sqm of first floor A1 retail floorspace (hairdressers) to A3 restaurant/café use to be used on conjunction with the ground floor use.</p> <p>Internal and external alterations to facilitate change of use and new extension.</p> <p>Replacement of 2 No. timber shopfronts.</p> <p>Re-thatching of roof of main building.</p> <p>Works required facilitating the physical connection to number 31 Timberhill.</p> <p><b>12/00319/C:</b> Demolition of two storey former club building and part internal car park structure connected to and at the rear of Westlegate House.</p>
<b>Reason for consideration at Committee:</b>	Major Development Objections Obligations requirements
<b>Recommendation:</b>	APPROVE subject to the signing of a Section 106 Agreement by not later than the 30 <sup>th</sup> June 2012 and subject to the conditions as outlined in this report.
<b>Ward:</b>	Mancroft
<b>Contact Officer:</b>	Miss Sarah Platt      Senior Planning Officer - Development Management 01603 212500
<b>Valid Date:</b>	8th February 2012
<b>Applicant:</b>	FW Properties Ltd
<b>Agent:</b>	Lanpro

## INTRODUCTION

### The Site

#### Location and Context

1. The application site is located in the heart of the city centre on the North side of Westlegate. To the East lies the All Saints Centre based in the All Saints Church which is Grade I Listed and the rear of retail properties fronting Timberhill, many of

which are also Grade II Listed. Further to the north-east is the St John's Timberhill Church, also Grade I Listed. To the North lies the rear of retail properties fronting Timberhill with residential dwellings to be found on the upper floors. Situated to the west is the rear of Barclay's Bank and other retail and restaurant properties fronting Red Lion Street. Immediately to the west and adjoining the site is Peacock Yard, currently used for car parking associated with Barclay's Bank and providing access to Bank House, a single residential dwelling. To the south are retail units situated on Westlegate.

2. Westlegate and Timberhill both form part of the Primary Retail shopping area and are included in the same defined shopping frontage of Timberhill & Westlegate. Whilst Timberhill is defined as a retail frontage, Westlegate, on the North side, is identified as a frontage where non-retail uses will be accepted. Timberhill is a shared surface street with pedestrian priority and directly opposite the site is one of the main entrances to Castle Mall. Westlegate is a heavily trafficked one way city centre road. The wider area is part of the City Centre Conservation Area, is within an area of main archaeological interest and is part of the City Centre Leisure Area.
3. The application site forms part of a larger site allocated under saved policy SHO6 for retail development in a wider mixed use scheme. The policy states that retail development will be permitted providing that the net retail floorspace does not exceed 1500sqm and that a pedestrian route between Timberhill and Westlegate is provided. The emerging Draft Site Allocations Document forming part of the Local Development Plan also sees this wider site allocated for predominantly retail uses at ground floor with offices and residential above, although little weight can be given to the allocations of this document as it is not an adopted part of the local plan. The site is also within the St Stephens Street Area Outline Masterplan Area and is identified as having a negative impact on the Conservation Area with the tower in particular being out of scale and context with the surrounding buildings. The Masterplan identifies that the site could be used for retail with residential above with a new pedestrian link provided between Westlegate and Timberhill (as in current saved policy SHO6).
4. The application site has four major components for consideration under these 3 applications; Westlegate House comprising the tower building, podium and club building to the rear; 20 Westlegate, a Grade II Listed 16<sup>th</sup> century building; the Timberhill surface car park, and; the public realm improvements. The applications also seek various demolitions to facilitate the new development.
5. Westlegate House was constructed in around 1960-1961 and is a large, modern building. Its existing height makes this building a significant landmark on the Norwich City skyline, albeit one considered as negative as a result of the building's vacancy and poor state of repair. The building has three very distinct components; the tower itself and associated stair tower, comprising 11 storeys (including the ground floor), a three storey 'podium' building fronting Westlegate and the rear club building (proposed for demolition). The tower has been vacant for approximately 15 years but still retains an electricity sub station in the basement which serves the St Stephens Street area.
6. 20 Westlegate is a two storey Grade II Listed 16<sup>th</sup> Century building, currently used as a café/restaurant (Use Class A3). The building is characterised by its thatched roof and small scale. The front of the building is painted render with a large glazed shopfront installed in the early 1960s. To the rear is a large single storey extension,

also built in the 1960s. The rear extension is red brick and flat roofed and is visually discordant with the existing listed building to which it is attached and results in a negative visual impact on the wider area.

7. The surface car park off Timberhill is the result of demolitions carried out to facilitate the building of Westlegate House in the early 1960s and has probably been in existence since this time. As such, the use as a car park is considered to be lawful in planning terms. The site has been empty ever since despite numerous attempts to gain planning permission for development. This site represents a significant disruption to the building line and defined retail frontage on Timberhill resulting in a negative visual impact on the street scene and wider Conservation Area.
8. The existing pedestrian access route through the site is badly surfaced, poorly lit and indirect and as such is underused, unattractive and potentially unsafe. There are some positives to note and some features of the public realm which are worthy of retention; the cobbles on Lion and Castle Yard, the sloped access route providing level access and the sense of enclosure felt predominantly around number 20 Westlegate, which still follows a historic street pattern.

### Topography

9. The site sees a rise in land levels from Westlegate to Timberhill of nearly 4m.

### Summary Planning History

**14-18 Westlegate (Westlegate House):** The tower was originally built under planning permission **22826** in 1959 with permission for use as shops, showrooms and offices. A three storey extension was approved to the rear under application reference **24732** (1961). Alterations to the basement and ground and first floors for use as a restaurant were approved under application reference **28380** (1964). The rear Businessman's club was approved under application reference **31276** (1966). A new entrance was laid out in addition to improvements to the courtyard and reception area under application reference **80/0722/F** (1980). The restaurant (McDonalds) that was still in existence at the time of the closure of the building was granted consent under application **81/1299/F** (1982) with associated air handling plant and fume extraction equipment. In addition, the same permission allowed the change of use of part of the first floor from a shop (hairdressing salon) to staff accommodation, plant storage and offices. These areas were subsequently changed to offices under planning permission **88/1008/F** (1985). The building is currently made up of the following uses: Basement (Plant and machinery in the form of an electrical substation serving St Stephen's Street area and other equipment as associated with the upper floor uses); Ground and first floors (restaurant/café - A3); Second floor to eleventh floor (offices - B1); Club building to rear (leisure use - D2) with associated car parking for whole building. The building has been vacant for around 15 years. The exact date of vacancy is unclear as the ground and first floors were used after the vacancy of the upper floors.

**20 Westlegate:** Under application reference **23411** (1960) a single storey extension was permitted to the rear of the premises. This is the extension still in place today. The use of the premises changed from being a shop (A1) to a bank (A2) under application **27998** (1963) and a new wrought iron screen was installed under application **31835** (1960). The first floor changed its use to hairdressers under application **38679** (1971). The current café/restaurant was approved under application **97/0233/U** (1997).

**27-29 Timberhill (surface car park):** Conservation Area Consent was granted for the demolition of 27-29 Timberhill under application reference **24850** back in 1961. The site has been empty ever since. Under application reference **32668** (1963) an application for the erection of 2 shops with storage space over was refused on the basis that the site was being prepared for comprehensive redevelopment and the development of this site in isolation would be premature and may prejudice the wider regeneration proposals. Less than 12 months later under permission **35163** (1968) the erection of 2 shops with offices over was approved. These developments were never implemented and the site has remained empty since the demolition works. The car park has likely been in operation since the demolition of 27-29 Timberhill.

It is worth noting that this site was part of the wider Castle Mall development granted permission under application **82/0972/O** (1982) and was owned by the same company (Friends Provident) until sold to the current land owner.

10. A full planning history is available to view on the application file.

### Equality and Diversity Issues

There are no significant equality or diversity issues.

### The Proposal

11. The three applications seek consent for:

- the demolition of the existing rear club building to the rear of Westlegate House and the demolition of the existing single storey extension to the rear of number 20 Westlegate;
- the re-development of the tower building with the erection of 2 additional storeys to provide an A3 restaurant at ground and first floor with 14no residential apartments above on floors 2 to 13, with associated bin and cycle storage and car parking for 20 cars; the erection of a new rear extension to 20 Westlegate to provide an additional 83sqm of café/restaurant floorspace (A3) and change of use of the upper floor hairdressing salon (A1) to an A3 use to compliment the remainder of the premises, and;
- the erection of a new three storey building on the land currently used as a surface car park consisting of retail floorspace at ground floor and 3no residential flats above and 2no three storey townhouses to the rear.

### Representations Received

12. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 6 letters of representation have been received in respect of the Full Planning Permission, 1 letter of representation has been received in respect of the Listed Building Consent in addition. These cite the issues as summarised in the table below. No letters of representation have been received in respect of the Conservation Area Consent.

13.

Issues Raised	Response
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<p>The proposed development will afford great views but what about car parking? Will new tenants not be allowed cars? Please do not alter the frontage of Cassaccio's (20 Westlegate). It is a shame the same tenants cannot be retained. If it was up to me Westlegate House would be bulldozed. The transformation shown in the papers looks as bad as it does now.</p>	<p>See paragraphs 108-110, 85-92, 30-39 and 79-81</p>
<p>This empty building has been a constant embarrassment for Norwich. The proposals to add floors to this already dominant building are worrying. What happens in the future when the building loses whatever exclusivity the developer now promises? Are we left with a taller eyesore in the centre of Norwich which has again fallen out of favour? Shouldn't we learn from the lessons of the past?</p>	<p>See paragraphs 75-76</p>
<p>We, the owners of 31 Timberhill, are concerned about the loss of light to the retail area of our premises as a result of the excessive height [of the Timberhill building]. In addition, there is a window on the rear gable which will be totally obscured. The roofline of the building fronting Timberhill is incongruous. Whilst a pastiche may not be required in this development, this scheme is detrimental to the aesthetic value of this conservation area. There are other modern buildings in the immediate vicinity (Abode) which follow the roofline, perhaps this development should follow this as a template? Our delicate fragile timber framed building will be overpowered by the new modern structure.</p>	<p>See paragraphs 68-70 and 94</p>
<p>In general we are pro the development, but we do not feel the plans as submitted are right for the area and would have a detrimental impact on our business and property. Our main concern is the building which faces onto Lion and Castle Yard, fronting Timberhill. It is extremely tall (almost twice the height of our property) and extremely close, making Lion and Castle Yard feel like an alley. This will block out all our sunlight. The demolition and re-construction we are concerned will damage our property. The roofline hits our property and the garage door will block views of the historic flint wall and look awful. Our property does not sit on foundations and any works below ground may cause structural damage to our property. We also run a beauty salon and the actual construction of this development will have a detrimental impact on our business.</p>	<p>See paragraphs 68-70, 73-76, 95-97 and 56</p>
<p>The building proposed on the Timberhill car park will be out of scale and character with the nearby properties, infringe rights of light and have a negative impact on the long term preservation of the listed buildings. The construction will have a negative</p>	<p>See paragraphs 68-70, 73-76, 95-97, 107, 54-55, 104, 131, 81, 96, 65 and 107</p>

impact on existing tenants during construction and the potential impact of future lettings. The height and mass of the Timberhill building will dwarf the Listed Buildings (being 3.5 storeys tall and 4m away from 2-4 Lion and Castle Yard): Lion and Castle Yard will lose its open aspect and overshadowing will lead to quicker deterioration of the listed building due to damp. The building will be out of character with the surrounding area. The existing buildings currently step down in height towards the yard. The proposed location of refuse bins will have a detrimental impact on the new public area on the day of collection.

Same objector, after revisions received:

We note that the Timberhill building and town houses have been reduced in height and this change addresses most of our previous concerns. However we do still have some valid observations:

- 1) Safe access to our property during construction: we request that site access is reconsidered to avoid potential damage to the listed building and to ensure the safety of patrons leaving the premises;
- 2) Safe access to our property after completion: We are disappointed to see Lion and Castle Yard is not being widened and a footpath installed to ensure safe pedestrian access;
- 3) Loss of active frontage to Lion and Castle Yard: The plans for the rear of 27-29 Timberhill now show a storage area rather than an office/retail unit. These changes are at odds to creating a lively and attractive pedestrian area.
- 4) Poor detailing and finishes to south elevation of 27-29 Timberhill: The high wall and projecting brick header wall will be at risk of graffiti. Perhaps more glazing to add surveillance could be used?
- 5) Visual impact and quality of the roller shutter adjoining 2-4 Lion and Castle Yard: The proposed roller shutter will be out of character. Also, operation of this shutter may result in noise disturbance for current tenants.
- 6) Loss of privacy to rear of 2-4 Lion and Castle Yard: We believe that this accommodation will have an impact on our privacy and levels of light reaching the rear of our property.
- 7) Location of refuse bins on Lion and Castle Yard: We are concerned that the proposed collection point for bins will impede access and have a detrimental impact on the environment and our tenant's business image. It seems inevitable that given the width of the access that the bins will become an obstacle or nuisance to traffic and pedestrians.

**The Norwich Society:** The Staircase tower should still be taller than the rest of the building to give shape and proportion. The extra storeys as proposed change the proportion and scale; despite the extra height the building looks stubby. The new 'crown' is not a successful addition for this reason it needs some kind of emphasis and stepping back from the main elevations. We feel that more consideration should be given to the height, scale, and massing of the proposed tower (HBE12), particularly the staircase tower. In addition, the balconies on the NW and NE facades are not visible from Westlegate. It is unfortunate that the podium is horizontally divided by uses so that different façade treatments are visible on the Westlegate elevation. A unified glazed elevation would be preferable. A more adventurous approach to colour and materials of the cladding should be sought. This development could be more iconic and representative of modern day architecture techniques as a result. We strongly favour the saving and restoring of the shields and flint work panels on the west façade if possible: they appear in fairly good condition. Could there be a planning condition to ensure their retention? The loss of light to the business premises at 2-4 Lion and Castle Yard is not a problem and in some ways gives a better aspect and more secure enclosed space.

After revisions received: While the society is generally supportive of the plans to restore the tower, there is some concern that due attention has not been paid to the panels (shields and flint work). These are not in poor condition and the panel is clearly defined and separate from the other surfaces to be re-faced. We believe this panel was designed by the architect who had an interest in local history and the shields were made at City College. We respectfully ask the developers to retain this feature which is emblematic of the period in which the building was designed.

See paragraphs 73-76, 79-81, and 101-102

**Norwich Cycling Campaign:** We support the development but we object to 1:1 car parking provision and believe that given the central location this application ought to be able to meet saved policy TRA9 (Car Free Housing). We are also concerned that car movements in Lion and Castle Yard will have a negative impact. It would be helpful if a bike gutter could be incorporated into the steps forming the new pedestrian link. We object to the reduction in cycle parking from local plan standards. The proposed 835sqm of retail/restaurant space should require 17 spaces (9 stands). In addition parking for visitors to the residential dwellings is required. The 5 stands

See paragraphs 108-114



provided are well below required provision. The existence of cycle parking provision elsewhere should not affect the requirement for this development. The site abuts three of the Core Cycle Network routes and we comment that this fact could be included in the proposed Travel Plan.	
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## Consultation Responses

14. **Natural Areas Officer:** It appears, from the survey provided, that bats have not been using these buildings for roosting purposes and report covers what actions should be taken in the event of any bats actually being found during demolition/construction works. The applicants could usefully incorporate a small number of the artificial bat roosting facilities suggested in the report into this development.

**Landscape:** The design and access statement refers to the aspirations of the St Stephens St Masterplan, 'incorporation of development of finer scale and grain should be explored.' Given that the proposed scale of the development the latter becomes increasingly significant.

The new public realm space creates a courtyard building rather than a courtyard space and it is clearly stated that the function of the area created is as a 'space to pass through rather than a space in which people are encouraged or expected to remain for a time'.

This design aim and the proposals submitted represent a huge missed opportunity. Indeed looking at the vehicle tracking provided the whole width of the upper part of new yard will be required by vehicles for access to the car park.

With this in mind a shared used surface is a practical approach but the use of small scale concrete paving across this whole area does not represent 'finer scale and grain' public realm. The cycle stands placed under the one proposed tree could be used through the shared use space to provide a refuge for pedestrians and to dictate vehicle routes rather than cluttering the only area that will be vehicle free on the upper yard level.

The aim for the new yard area is to create a 'moment of generosity in the public realm' this is not achieved by creating restricted and undefined spaces. A more useable flight of access steps would encourage pedestrians to use the link which is the main aspiration. A more attractive entry from Westlegate encourages use rather than the constrained entry illustrated in the elevations.

There seems to be no aspiration to develop and capitalise on the spaces which could be created. The proposed extension to the café unit could be linked to a new space accessed by a generous and staggered row of steps with the opportunity to create an outdoor seating area in a sheltered space set within a green walled courtyard. Instead of which we have an steep flight of steps with no landing accessing a small area surrounded by blank walls with a glimpsed view to a single tree adjacent to the entrance to the car park?

Upon receipt of revisions: There has been very little change to the proposals other than the wider entrance on the approach to the new steps form Westlegate, as such my earlier comments are still relevant.

15. **Arboricultural Officer:** So long as the church wall of the All Saints Church is retained and unaffected, no comments.

16. **Transportation:** Uses: No objection in principle to the conversion of the tower, or the redevelopment of the area around it. The proposed uses are acceptable in transport terms

Public Realm: The proposed enhancement of the public realm to Lion and Castle Yard, the new link to Westlegate and the rationalises public spaces will be a significant improvement, providing a much improved pedestrian link from Timberhill to the centre of Westlegate, with a much improved active frontage through most of its length. Whilst I would prefer not to have steps on the new link, this is unavoidable, and there is level access available too, via the route by the churchyard. It is not practically possible to make this link without the use of steps, and its provision is a very significant improvement in terms of permeability.

The creation of the public spaces will require some rationalisation of existing adopted areas with some areas 'stopped up' and others dedicated as highway. In addition, the applicant will need to enter into agreements with us under sections 38, 278 and 177 of the highways act to achieve the necessary access and licences for any buildings that will overhang the highway. I do not foresee any particular problems in achieving these (although the stopping up is in the hands of the Secretary of State, and not me!), and the applicant is aware of the need for them. We will, of course, need to agree a detailed scheme for the landscaping of these areas.

Access: The low level of traffic movement associated with this development will be acceptable within a shared surface environment. The visibility from Lion and Castle Yard is acceptable, given the primarily pedestrianised nature of Timberhill. I think, given the number of traffic movements expected, that the chances of any conflict within the yard are fairly low, but it is possible for two vehicles to pass within the yard and car park, if a little awkward. I think this is acceptable given that it is not likely to happen very often.

Parking: Cycle parking is probably OK. The space available is a little tight, but with a suitable racking system, I think it should be possible to accommodate the necessary 17 cycles (the houses have their own stores).

I remain slightly sceptical about the car park rack system. In principle the 'independent space' system looks OK, but I am not convinced that the double stack units are appropriate for a multi-use car park. There is room within the car park for the lower car to wait whilst the upper car gets in/out, but would probably only work if both spaces were allocated to a single flat. I am concerned that there will be issues if the systems fail. There is no alternative parking provision in the area, and we are not in a position to offer any 'emergency' solution. Occupiers will need to understand that there only alternative option will be paying for public car parking is the system fails. Permit parking is not available in this area.

Refuse storage and collection: The bin store is adequately sized, although not ideal for collection purposes. I appreciate, however, that placing it in the preferred location for that purpose would have an inappropriate impact on the principal frontages to the new public spaces. The purposed solution is acceptable.

Transport Contributions: In principle, a limited transport contribution would be required for the residential elements of this scheme. The improvements in the existing public realm proposed, however, are clearly of a greater value, and I do not propose to ask for any additional contributions.

17. **Design and Conservation:** Westlegate House: Podium: The tower has a three-storey podium which relates well to the scale of surrounding buildings with its distinctive frame around the first and second floors. I am therefore pleased to see that this element has been retained. [Minor amendments to the proposed glazing within this podium was requested]. The simple glazed shopfront at ground floor level works well but in order to improve the setting of the adjacent listed no. 20 the corner of the shopfront should be cut back with a chamfer.

Tower: The current proposals add two additional storeys to the tower and re-clad it. The building is currently an eye-sore, primarily due to its height in combination with the poorly maintained cladding-system. The refurbishment of the building and its re-use is therefore beneficial in principle. The original design concept appears to have changed since initial discussions. It was intended to create a translucent / iridescent effect which would work to reduce the visual impact of this particularly tall building. The colour scheme [now revised] could have a rather chequer-board appearance. Unfortunately within this context, which is particularly sensitive, this is not appropriate. I would like to see a return to a more subdued colour scheme that will reduce the visual impact of the tower. A mock up of a section of the walling containing all of these elements will need to be considered prior to approval being granted for this element. It is proposed that the brick stair tower is painted. I would prefer to see the unpainted brick finish retained. Two additional storeys are proposed in order to improve the proportions of the building. However the Visual Impact Assessment demonstrates that the additional storeys have the least impact when viewed from close to the tower (viewpoints 1 and 2 and to some extent 4). However, it is considered that from further afield the impact is greater. The building will become quite a dominant feature in certain parts of the conservation area, such as the market place and Castle Meadow, whilst from further afield on Mousehold Heath it will rise above the Norwich Union buildings which it currently blends in with to rival the Castle and other city landmarks as a feature on the city's skyline. It is however recognised that this is not an entirely new development and the existing structure is certainly detrimental to the part of the city centre in its more immediate vicinity. Any harm needs to be weighed against the wider benefits of the application. I would suggest that there are ways in which the harm caused by the application can be reduced thereby ensuring that the benefits of the scheme outweigh the negatives. [Amendments to the scheme with regards to the shields, the position and visual impact of fume and flue and other plant were requested].

Club building and link: [Minor amendments to the scheme with regards to the position of the roller shutter to the car park entrance, and the visual impact of the development on the adjacent Listed Building were requested].

Town houses: The relatively simple and contemporary town house design works well in this position and should bring life into this part of the site which will be beneficial. [Minor amendments to the projection of the jetty were requested].

Timberhill / Lion and Castle Yard: This long-term vacant site is currently detrimental to this part of the conservation area, leaving an unsightly gap in the otherwise positive street frontage along Timberhill. The proposal will therefore be beneficial in

providing a frontage to Timberhill and the scale of the proposals facing Timberhill relate well to the predominantly three storey elevations along the street. [Amendments with regards to the stall riser and window details and timber cladding were requested].

The ground level along Lion and Castle Yard slopes significantly away from Timberhill. Could the building be stepped down along its Lion and Castle Yard elevation? This would reduce its visual impact and potential overshadowing of the buildings opposite. A reduction in the height of this element would certainly be beneficial.

Landscape:

- The creation of the route through the site should be beneficial.
- I would like to see the retention and re-use of the granite setts on Lion and Castle Yard where such a treatment is appropriate to the setting of the listed buildings. The landscaping in this area should provide a French drain immediately adjacent to the listed buildings. A concrete band is shown running across Lion and Castle Yard near to the entrance of nos. 2-4. It doesn't appear to align with the entrance bay and it should be widened to accommodate this.
- Details of lighting should be conditioned.
- In line with Local Plan Policy TVA8, if the archaeological investigation uncovers something of 'significant heritage interest', heritage interpretation may be required. Details would need to be agreed and it may be that it could be incorporated into the landscaping.

On the Listed Building Consent: The alterations proposed are accepted in principle. A number of minor amendments and additional information was requested which has subsequently been supplied and subject to conditions, the proposals are considered to be acceptable. The Conservation & Design officer's comments are included in the main body of the report.

Upon receipt of revisions: Generally the revisions have improved the scheme and in particular the issues previously raised regarding the townhouses and buildings fronting Timberhill / Lion and Castle Yard have largely been resolved. The changes to the colours and materials for the cladding system should make the tower less conspicuous, therefore reducing the impact of the additional height proposed. However, samples are still required in order to fully assess this. [Additional areas for clarification were requested]

18. **Environmental Health:** Noise: The Environmental Noise Assessment provided by Loven Acoustics (reference LA/1205/01bR/ML) deals primarily with ambient noise, which is dominated by road traffic noise. In the absence of detail over the likely commercial uses on the ground and first floors of Westlegate House this approach is acceptable. I consider that issues associated with the commercial uses can be covered by conditions. The same applies to the proposed commercial use at 20 Westlegate. Various recommendations are made for the domestic areas of the development that are broadly acceptable. The glazing specification quoted to achieve the internal noise levels of the residential units is acceptable. Acoustic ventilation of varying performance is recommended for the different areas of the tower and other blocks, and this is also acceptable. No mention is made in the report of the new build dwellings on the land to the rear of 27 – 29 Timberhill. The rear of these dwellings will face directly on to the proposed new extension to the

rear of 20 Westlegate (which will be commercial). I consider that it may also be prudent to incorporate acoustic ventilation to all habitable rooms to the rear façade of these buildings therefore.

The report notes that the proposed south and west facing balconies on the tower will marginally exceed (by 1dB) the WHO recommended criteria for serious annoyance for outside spaces with no mitigation in place. However, a degree of mitigation will be provided by the installation of glass panels to the sides of the balconies.

The addition of individual air source heat pumps to the balcony areas of each apartment is acceptable. The units are relatively quiet and the noise levels will be at or below the background noise levels during the night.

In order to lessen any potential nuisance impact from the various commercial uses on the residents, I also think it would be prudent to restrict the hours of operation of all of these uses in the development.

**Air Quality:** The air quality statement by Create Consulting Engineers Ltd (ref PL/CS/P12-334/01) assesses the potential impact on air quality of the development, and also the potential impact of the ambient air quality on the development. This is the recommended approach. The report concludes that the proposed development will not detrimentally affect the local air quality. I agree that due to the small number of vehicle movements etc, the impact is likely to be insignificant. In terms of the suitability of the location for the proposed use, the report concludes that it is suitable due to the height and setback of the domestic dwellings from the road. This suggestion is likely to be true since pollutant concentrations decrease rapidly with distance from the source.

Finally, there may be some localised dust emissions during construction and I will suggest an advisory note to address this.

- 19. Housing (Strategy):** JCS Policy 4 seeks the provision of 33% affordable housing with approximate tenure mix of 85% social rented and 15% intermediate tenures, which in this case would equate to 6 units comprising 5 social rent and 1 intermediate tenure.

There is an issue with the deliverability of affordable housing on this site in terms of attracting a registered provider of affordable housing (RP) to take on the affordable units due to the size and high service charges.

Following a viability assessment verified by the district valuer the site can only support a total of £225,000 towards S106 obligations.

It is recommended that any approval on this basis include provisions within the S106 agreement for an overage clause which seeks to claw back lost obligations where reality is better than predicted in the viability assessment. This would operate to claw back 50% of any profit in excess of 20% of the gross development value up to a cap set via the total commuted sum.

- 20. Norfolk Constabulary:** The Design and Access Statement does not demonstrate how crime prevention measures have been considered in the design of the proposal and how the design reflects the attributes of safe and sustainable places:

- There is a lack of natural surveillance over the public realm (Lion and Castle Yard, around the base of Westlegate House and around 20 Westlegate) from 'active' rooms – rooms such as kitchens and living rooms. This is not to deny that the potential for spotting activity in the street from a bedroom window does not exist, but such potential is considerably lower than that from a room used for most daytime activity, which in practice also extends into the late evening. The ground and first floor windows of the residential properties overlooking this area are bedroom and bathroom windows, the proposed 'active' rooms are all at second floor level or higher and I suggest occupants are unlikely to regularly look down into the public realm below.
- Footpaths should be open to view and should not run immediately next to doors and windows. Buffer zones should be created to separate a path from a building elevation. In particular the positioning of ground floor windows in the two townhouses directly to the rear of number 20 Westlegate is vulnerable to crime and ASB.
- The levels of lighting for this proposal are not specified. Good levels of lighting, in conjunction with 'natural surveillance' have been proven to act as a deterrent against a person's intent on unlawful activity. Uneven lighting can produce areas of shade and increase the opportunity for persons to evade detection. A uniform spread of white light conforming to BS5489 should be installed, this should not cause light pollution. 24 hour internal lighting to communal areas within blocks of flats to include all communal entrance halls, lobbies, landings and corridors, stairwells, garaging facilities and all entrance/exit points should be installed.
- Every effort must be made to prevent unauthorised access into the car park. Therefore an access control system must be applied to all pedestrian and vehicular entrances. Inward opening automatic gates or roller grilles must be located at the building line to avoid the creation of a recess. They must be capable of being operated remotely by the driver whilst sitting in the vehicle, the operation speed of the gates or shutters shall be as quick as possible to avoid tailgating by other vehicles.
- Internal communal bicycle stores within blocks of flats must have no windows and be fitted with a secure door set certificated to PAS24:2007 or WCL1, fitted with automatic closing and an automatic deadlocking lock with internal thumb turn, knob or handle in order that these places are only accessible to the residents. The locking system must be operable from the inner face by use of thumb turns to ensure that residents are not accidentally locked in by another person. The store must also be provided with stands with secure anchor points or secure cycle stands.
- Recent research suggests that cyclists should be encouraged to lock both wheels and the crossbar to a stand rather than just the crossbar and therefore a design of cycle stand that enables this method of locking to be used is recommended.
- Individual front doors and communal entrance doors must be certified to PAS24-1:2007 and PAS 23-1:1999. Communal doors must also be fitted with automatic closing and an automatic deadlocking lock with internal thumb turn, knob or handle. External entry should be restricted to those with a key, key code or

other access control media.

- Any glass fitted in any door or door surround should be laminated to a minimum thickness of 6.4mm in order to prevent entry being gained by smashing glass. Windows should be specified to meet BS7950 with any ground floor or vulnerable windows being fitted with laminated glass to 6.4mm.
- Communal post boxes must incorporate a design feature that prevents the removal of mail through a delivery slot and the access door for mail collection must be lockable.

21. **Heritage Environment Service:** Please attach standard condition CH2 to any permission if granted.

22. **Council for British Archaeology:** No comments

23. **Society for the Protection of Ancient Buildings:** The SPAB does not object to the demolition of the 1960s rear extension to the Listed Building and supports the proposals to improve the general area around the building, including the creation of a pedestrian lane way between 20 Westlegate and Westlegate House. We are broadly supportive of the design of the new extension. We agree with English Heritage that the rear stair enclosure should be retained and despite alterations that have occurred over the history it represents a significant element of the existing listed building and we are pleased to see that the final design recognises this. While the new extension is to the rear of the building, the proposed changes to the surrounding pedestrian area will mean that 20 Westlegate will in future be seen in the round. The SPAB is pleased that the architectural language of the proposed new extension is a contemporary one. The proposed pitched roof is sensitive to the surrounding site and the form reflects the context in which the building stands. We hope that the design of the proposed extension will create a sympathetic and harmonious new element within the historic setting.

Our principle concern is the proposed treatment of 20 Westlegate's existing historic fabric. The application lacks the details drawings necessary to assess the impact of the proposed internal alterations. We would like to see cross-sectional drawings which demonstrate the junction between the new and old elements of the building.

**Ancient Monuments Society:** We wish to defer to the Twentieth Century Society on the revitalisation of Westlegate House. With regards to 20 Westlegate, we are impressed with the way in which the scheme has evolved through pre-application discussions between planning officers, English Heritage and the applicant and we feel that the submitted design is a great improvement with the pitched roof wing offering a witty and elegant solution to the extension.

24. **Norfolk Fire and Rescue Service:** We require an additional hydrant to serve the above development. The hydrant should be capable of delivering a minimum 20L of water per second. We request that a condition to this effect is applied to any approval with an informative advising that the developer is responsible for any costs associated with this.

25. **English Heritage:** This development is in a sensitive location in the centre of Norwich and, due to the height of Westlegate House, has the potential to affect the setting of a number of heritage assets in the vicinity. We agree with the Masterplan that this is a negative landmark, out of scale and character with its surroundings

and we would therefore prefer to see a comprehensive redevelopment of this site that would include the replacement of Westlegate House with a more appropriately scaled structure. However, we acknowledge that the existing structure represents a significant amount of embodied energy and that, as part of the need to address climate change, the retention and conversion of Westlegate House represents a 'greener' solution. The proposals will offer improved permeability and improvements to public realm and extensions. They had some specific concerns on the originally submitted scheme.

**Westlegate House:** The proposals include the addition of two floors. The existing tower has ungainly proportions in some views and the provision of the extra floors will improve the overall appearance and proportions of this building in close views. However, Westlegate House is also a feature of the Norwich Skyline and the extra height will make it more prominent in longer views. It therefore has the potential to impact on the wider setting of important historic assets such as the Castle, though whether the changes are sufficient to result in harm to those assets is less clear cut. Tall buildings in close proximity to such strategic and historic buildings where they rival for visual supremacy will potentially harm the significance and the increased prominence of Westlegate tower is therefore a concern. However, the harm to these assets may be offset by the improvements to the overall appearance of the building. The refurbishment of the tower will include the replacement of the curtain walling with a new cladding system. We welcome this change and the opportunities for variation provided through the inset bays. However, we would recommend the use of a mock up to fully understand the appearance of the materials proposed and how they will catch and reflect light when used at high level.

27-29 Timberhill: Supportive of the principle to infill this area and we agree that the scale of the proposals is appropriate. We previously expressed concern with regards to the 'saw tooth' profile of the roof facing onto Timberhill. We acknowledge that the design has been developed and the recessed upper floor is an improvement but we still have concerns about the shallow mono-pitched roof to the corner unit. The asymmetry of this element is at variance to the historic built forms.

20 Westlegate: The existing rear extension is of no architectural or historic merit and we have no objection to its demolition or replacement. At pre-application stage we expressed concern at the loss of the stair enclosure and we had concerns about the form and massing of the proposed rear extension. A more appropriate and traditional form and massing is now proposed but which is expressed in a contemporary manner which is welcomed. We have no objection to the use of zinc cladding but request that consideration is given to running seams in the cladding to the roof from ridge to eaves to introduce a subtle variation between roof and walls.

Public Realm: Welcome the improved permeability, however the loss of the existing granite setts within Lion and Castle Yard is a matter of regret and the treatment of the public realm represents a lost opportunity. A revised treatment incorporating the imaginative re-use of the salvaged setts has potential to deliver further enhancement of the public realm.

Broadly support this proposal which will deliver enhancement to the wider Conservation Area. The additional two floors will improve the overall proportions and appearance of the tower and provide a more architecturally resolved termination. This enhancement will, on balance, offset any harm to the setting of adjacent assets (e.g. the Castle) but this should not be regarded as a precedent for



other tall structures within the city skyline. Appropriate conditions should be applied to ensure the cladding system is appropriate. We request some review of the Timberhill building and re-use of the granite setts within Lion and Castle Yard.

Upon receipt of revisions: The amendments primarily affect the proposals for 27-29 Timber Hill and the Public Realm (Lion and Castle Yard) and therefore our comments in respect of Westlegate House and 20 Westlegate will remain as set out in my letter of 12th March 2012.

27-29 Timberhill: As set out in my previous letter, English Heritage is again supportive of the principle to infill the frontage of the site where it faces onto Timberhill, and we agree that the scale of the proposals for this part of the site is appropriate. The revised design now proposes a contemporary design with a flat roof. Within paragraph 131 of the new NPPF local planning authorities are asked to consider the desirability of new development making a positive contribution to local character and distinctiveness. In narrow historic street, and where traditional buildings have a pitched roof set parallel to the street, the eaves line is visually of greater significance than the roof. For that reason I believe the current proposal will sit better in the streetscape than the previous design with its shallow mono-pitch roof. I also read the cantilevered upper floors as a contemporary reinterpretation of jettied upper floors frequently found on timber-framed buildings in historic parts of Norwich, and is appropriate to this context.

Public Realm: In my previous letter I welcomed the improved permeability that the scheme provided, but regretted the loss of the existing granite setts within Lion and Castle Yard. The revised proposals for the public realm, which now retain these setts, is therefore to be welcomed.

Recommend that the application is now determined in accordance with national and local planning policy and on the basis of advice from your own conservation specialists.

As stated in our previous advice, if the City Council is minded to approve the application the consent for two additional floors to Westlegate House should not be regarded as a precedent for other tall structures within the setting of the Castle. There are issues surrounding the detailing of the cladding to the tower which can only be resolved through a large-scale mock-up, and again if the application is to be approved we would recommend appropriate conditions to provide for this. )

26. **Twentieth Century Society:** Westlegate House does have some architectural merit in that it was Norwich's first purpose built tower block to the designs of John Chaplin. It has a sleek glazing system and a robust formal composition of a brick tower and glazed counterpart. We are intrigued by the distinctive sculptural panel running up the brick tower and consider it merits further investigation into who designed it and the materials used. We would encourage the developer to incorporate this panel into the new development.
27. **Design Review Panel: 10<sup>th</sup> November 2011:** Whilst demolition of the tower may have been championed in the past this is not financially feasible due to the sub-station. The Panel welcomed the retention of the tower seeing it as a part of Norwich's heritage in its own right with the potential to provide an attractive landmark. The vertical extension is not yet fully resolved. Extra height will improve the proportions and that the design from all sides should be considered given its visual prominence. Innovative sustainable solutions for the cladding and glazing

should be sought. A contemporary design to the extension to 20 Westlegate is an appropriate approach. The roofline to the proposed Timberhill building (saw-tooth profile) is awkward and needs re-considering. The improvements to the public realm are welcomed. The panel considered that scheme had the potential to be a catalyst for regeneration in the wider area providing the scheme was of a high quality.

**28. Design Review Panel: 12<sup>th</sup> January 2012:** The cladding approach has been progressed with a layered glass and mesh overlay approach. The panel asked that the mesh colour be given careful consideration. The mineral washing of the brickwork would add an aesthetic quality across the scheme. The Panel noted the stair tower and main tower are to be the same height but noted that the need for depth through use of balconies should extend to the upper floors. The use of colour to the cladding to avoid a monochrome appearance was welcomed. Concern was expressed at the use of Air Source Heat Pumps and thought that solar panels may be a better approach. The panel requested that the energy strategy be given more thought. The amended roofline to Timberhill was welcomed but more definition to the corner was needed. The 'tightening' of the public realm to the rear of 20 Westlegate was welcomed although thought to the 'functionality' of the restaurant use was needed to ensure the listed building was not harmed by virtue of flues etc. The Panel felt that the treatment of the public realm needed careful thought with vistas being created with public sculpture included. The lighting strategy would be key to the success of the scheme.

## **ASSESSMENT OF PLANNING CONSIDERATIONS**

### **Relevant Planning Policies**

#### **National Planning Policy Framework:**

- Statement 1 – Building a strong, competitive economy
- Statement 2 – Ensuring the vitality of town centres
- Statement 4 – Promoting sustainable transport
- Statement 6 – Delivering a wide choice of high quality homes
- Statement 7 – Requiring good design
- Statement 11 – Conserving and enhancing the natural environment
- Statement 12 - Conserving and enhancing the historic environment
- Statement 13 – Facilitating the sustainable use of materials

#### **Relevant policies of the adopted East of England Plan Regional Spatial Strategy 2008**

- SS1 - Achieving Sustainable Development
- SS6 – City and Town Centres
- T14 - Parking
- ENV3 - Biodiversity and Earth Heritage
- ENV6 - The Historic Environment
- ENV7 - Quality in the Built Environment
- WAT1 – Water Efficiency
- NR1 - Norwich Key Centre for Development and Change
- ENG1 – Carbon Dioxide Emissions and Energy Performance
- WM6 - Waste Management in Development

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

Policy 1 – Addressing climate change and protecting environmental assets  
Policy 2 – Promoting good design  
Policy 3 – Energy and water  
Policy 4 – Housing delivery  
Policy 5 – The economy  
Policy 6 – Access and transportation  
Policy 9 – Strategy for growth in the Norwich Policy Area  
Policy 11 – Norwich City Centre  
Policy 20 - Implementation

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

NE8 – Biodiversity and Wildlife Management  
NE9 - Comprehensive landscaping scheme and tree planting  
HBE3 – Archaeology assessment in Area of Main Archaeological Interest  
HBE6 – Protection of mediaeval street network  
HBE8 - Development in Conservation Areas  
HBE9 – Development affecting Listed Buildings  
HBE12 - High quality of design in new developments  
HBE13 – Protection of major views and height of buildings  
EP6 – Air Quality Management Areas  
EP10 – Noise protection between different uses  
EP18 - High standard of energy efficiency in new developments  
EP20 - Sustainable use of materials  
EP22 - High standard of amenity for residential occupiers  
TVA8 - Heritage interpretation  
EMP3 – Protection of small business units and land reserved for their development  
SHO3 – Locational conditions for new retail development – sequential test  
SHO6 – Retail development at Westlegate/Timberhill  
SHO9 – Retail development contributions to enhancement of public facilities in the area  
SHO11 – Changes of use in retail frontages in Secondary and Large District Centres  
HOU2 – Mix of Uses including housing on sites in city centre  
HOU5 - Accessible housing  
HOU13 – Proposals for new housing development on other sites  
SR7 – Provision of children’s equipped playspace to serve development  
TRA5 - Approach to design for vehicle movement and special needs  
TRA6 - Parking standards - maxima  
TRA7 - Cycle parking standards  
TRA8 - Servicing provision  
TRA11 – Contributions for transport improvements in the wider area  
TRA12 – Travel Plans for employers and organisations in the city  
TRA14 - Enhancement of the pedestrian environment and safe pedestrian routes

## **Supplementary Planning Documents and Guidance**

Energy Efficiency and Renewable Energy (Adopted December 2006)  
Open Space and Play Provision (Adopted June 2006)  
Transport Contributions (January 2006)  
City Centre Conservation Area Appraisal (September 2007)  
Interim Statement on the off-site provision of affordable housing – 14<sup>th</sup> December 2011  
St Stephens Area Outline Masterplan

**Other:** Written Ministerial Statement (March 2011) on **Local Finance Considerations**

## Introduction

29. The submitted proposals for the redevelopment of Westlegate Tower are interesting in nature and represent the first attempt to bring development of this type to Norwich.
30. There are aspects of the proposed development that are contrary to established policies and which would represent a diversion from what would normally be sought from a redevelopment scheme in this area. In particular, the tower itself is retained (and increased in height) rather than demolished, existing office space is proposed for conversion to residential with no provision for other office accommodation made elsewhere on the site, and no provision for affordable housing is made within the development.
31. However, it should also be recognised that the scheme is in accordance with other aspects of planning policy and achieves certain desirable outcomes. The re-instatement of the street frontage on Timberhill, development on an underused surface car park, improvements to an existing listed building fronting Westlegate through removal and replacement of previous unsympathetic alterations, and creation of a new improved pedestrian link and public realm between Westlegate and Timberhill.
32. Additionally, there is the impact of the re-cladding of the tower and its increase in height which, on balance, is regarded as having a positive impact on many short and middle range views when compared to the current situation. However, there may be a marginal adverse impact on a number of longer distance views.
33. It should be noted that because of the nature of the issues raised and the lack of clear cut policy in support of the redevelopment as proposed that the balance of these arguments is by no means clear cut. However, officers are of the view that following an exhaustive process sufficient information has been provided to justify the departures from policy and the material advantages of the scheme appear to outweigh its disadvantages. Therefore this application is recommended for approval.
34. As a starting point in considering this application Officers would have preferred to see a comprehensive redevelopment of the area and Westlegate Tower itself being demolished. However, it would appear that such a form of development is not likely to be delivered in the short to medium term due to viability issues. There are a number of exceptional factors which effectively preclude this from happening. In particular the presence of an electricity sub-station (which serves a sizeable part of the City Centre) in the basement of the tower which would massively increase costs of demolition and any rebuild. Therefore it has been established that the tower is to remain.
35. As a result of the retention of the tower being accepted consideration has been given to possible different uses of the tower and particularly to whether it would be possible to retain office accommodation in this location. However, it has been shown that due to the current condition of the tower, the considerable costs of refurbishment, and the limited demand for office floorspace of this nature this is not going to be viable in current market conditions.
36. Therefore it would appear that unless a residential led conversion scheme is

considered acceptable it is likely that the tower would remain standing and unused, gradually deteriorating for the foreseeable future.

37. Once the principle of a residential led conversion has been accepted then the nature of the conversion proposed is logical. Again under normal circumstances a larger number of smaller residential units would have been favoured. However, this would have involved the subdivision of each of the floors of the tower which would in turn increase costs and create significant problems with technical requirements such as building regulations and fire control measures.
38. In short, officers consider that it has been adequately demonstrated that unless the residential conversion of the existing tower is allowed there is no other foreseeable way of delivering the redevelopment of the tower and the area around it and delivering public realm enhancements set out in the St Stephen's Area Outline Masterplan.

## **Principle of Development**

### **Policy Considerations**

#### Principle of Residential:

39. Saved local plan policies HOU2 and HOU13 are the principle policies against which an assessment of the residential aspects of the application should be made. Policy HOU13 allows for residential development on sustainable located sites such as this in principle subject to a number of criteria. Saved policy HOU2 seeks a mix of uses including housing on City Centre sites. The site is allocated under saved policy SHO6 which seeks a mixed use scheme with retail and residential.
40. The mix of uses proposed is considered acceptable for this site and the city centre location and as such saved policy HOU2 is considered to be met. The site is highly sustainable and of an appropriate density for a city centre location, equating to 126 dwellings per hectare. Whilst this is relatively low, and indeed the allocation for the site seeks a density of 200 dwellings per hectare, the environmental benefits of the re-use of Westlegate House rather than demolition are considered to outweigh the requirement for a higher density in this location.
41. The provision of retail and restaurant uses will be discussed below.

#### Loss of Offices:

42. The National Planning Policy Framework has a clear direction in its statement that 'Planning policies should avoid the long term protection of sites allocated for employment use [and] where there is no reasonable prospect of a site being used for ... the allocated use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities'.
43. The loss of the large amount of office accommodation in the city centre is also important to consider in relation to saved policy EMP3 of the Local Plan. Policy EMP3 requires that development resulting in the loss of office accommodation will only be permitted where retaining the business in situ would be significantly detrimental to the amenities of adjoining occupiers, prevent or delay the beneficial development of land allocated for other purposes or would compromise the regeneration of the wider area, or; where it can be demonstrated that there is no evidence of a demand for such units which would justify the retention of the land/premises for that use.

44. It is considered that the loss of these offices and conversion to residential will facilitate the regeneration of the wider area, bringing much needed investment into this city centre location which has been vacant and semi-derelict for a number of years. It is expected that the comprehensive regeneration proposed under these applications will act as a catalyst for the regeneration of Westlegate as a whole and secure investment to bring forward such projects as the pedestrianisation of Westlegate and improved pedestrian routes and shopping facilities in the Timberhill area also.
45. Current office market information supplied by Bidwells and Savills in support of the application suggests low rental values and an overall low demand for particular types of second-hand office accommodation in the city centre and in locations such as Westlegate House. The viability assessment of the scheme suggests that Westlegate House is considered to offer poor, inflexible and small floor format space and its use as offices is not considered to generate the returns necessary to make a scheme retaining and upgrading the existing office space viable. This has been verified by the District Valuer upon review of the viability assessment submitted. In addition to this, the submitted viability assessment has an outline of costs for refurbishment of the building to meet current fire safety standards for office accommodation. This is considered to be extremely high totalling some £2.8m (£1400.00 p/sqm). The costs of demolition have also been supplied and the resulting requirement to re-locate the existing substation in the basement of the tower building. The costs of this would equate to approximately £1.2m.
46. It is considered that these factors will all weigh against the viability and practicability of an office-led scheme and in terms of saved local plan policy EMP3 the loss of the offices can be accepted on the basis of the evidence supplied.

Principle of retail:

47. The site is within the City Centre Primary Retail Area and leisure area and as such saved policy SHO3 also applies for the new retail elements of the scheme. The sequential test finds this location acceptable. The site is within the primary retail area of the city centre and since the applications propose town centre uses the objectives of the National Planning Policy Framework to promote competitive and viable town centres and saved local plan SHO3 are considered to be met.
48. Saved policy SHO6 sees this site allocated for retail development, as part of a mixed use scheme, providing that the net retail does not exceed 1500sqm. The scheme sees an additional 154sqm of retail floorspace added on the Timberhill frontage. Timberhill is within the defined frontage of the primary retail area and the reinstatement of a retail frontage on this long derelict and vacant site is considered to be a positive outcome of the scheme proposals. The sequential test approach of saved policy SHO3 is considered to be met and the proposals considered acceptable.
49. In addition, a further 85sqm of A3 floorspace is proposed as an extension at the rear of 20 Westlegate and the change of use of the upper floors from a hairdressers (use class A1) to provide an additional 37sqm is also proposed. The extension to 20 Westlegate is considered acceptable. The north side of Westlegate is defined as a frontage where non-retail uses will be accepted and given that the premises is already operating under an A3 use class the extension to further aid the attractiveness and useable space of this unit is considered to benefit the vitality and

viability of the wider street scene. Saved policy SHO11 states that the beneficial use of upper floors of premises will be permitted where the use proposed is compatible with surrounding uses. The use of the 37sqm of the upper floors of 20 Westlegate as part of the existing A3 use is considered acceptable and in accordance with policy requirements.

#### Demolitions:

50. The scheme sees two areas of demolition proposed; the 'club' building to the rear of Westlegate House and the 1980s extension to the rear of 20 Westlegate. The 'club' building is an integral part of Westlegate House but is largely obscured from view when looking at the site, save for when approaching via the existing pedestrian route from Timberhill. The loss of this part of the building is not considered to have a detrimental impact on the Conservation Area as this section of the wider building has no architectural merit or historical significance. Its loss will bring about the regeneration of Lion and Castle Yard to provide better designed buildings with uses giving rise to improved natural surveillance and a sense of place and space.
51. The demolition of the 1980s single storey extension to the rear of 20 Westlegate is considered to be a positive outcome of the development proposals. This extension is visually incongruous in the wider area and has a detrimental impact on the character of the Listed Building to which it is attached.
52. The loss of these two buildings is considered to be acceptable and to accord with the objectives of saved policy HBE8 to improve the character and appearance of the wider Conservation Area. In addition, their loss facilitates the wider regeneration of the area which is considered to enhance the street scene and the setting of the adjacent listed buildings.

#### **Other Material Considerations**

53. Whilst a Construction statement has been submitted with the application this is not considered sufficient for the purposes of the application. The document details briefly the scope of the works and construction methodology but does not provide any detail on the proposed methodology for demolition. An indicative site layout including areas for storage and entrances and exits for construction traffic is included in the submitted construction statement but this indicates access to the site immediately adjacent to several Listed Buildings and over the pedestrian access to the existing business premises. This is not considered acceptable and if accepted would give rise to the serious potential for harm to these listed buildings. There is no information on the proposed phasing of demolitions and construction in order for use to control the provision of the public route as a policy priority for this scheme.
54. In light of this, a condition requiring a full deconstruction/demolition and construction methodology, to include full phasing and site access and egress layout plans will be conditioned on any approval.
55. In addition, concern has been raised by the tenants and owners of 2-4 Lion and Castle Yard with regards to the potential for structural damage to this listed building. The building at 2-4 Lion and Castle Yard is not believed to have any significant foundations which would withstand any works in the immediate vicinity. The developer has agreed with the owner of this building to carry out a 'schedule of condition' to record the current structural state of the building and a further study post works. Any repairs needed as a result of any structural damage, depending on the severity, may require Listed Building Consent, An informative to advise the

developer of this will be applied to the Listed Building Consent if approved.

## **Amenity**

### **Noise and Disturbance**

56. Saved policy EMP10 seeks all development proposals for conversion of existing premises or new development providing residential accommodation above, below or sharing a party wall with other uses to provide a high standard of sound insulation affording adequate protection between the two conflicting uses in order to prevent potential noise nuisance to residents. Saved policy EP22 of the local plan also seeks a high standard of residential amenity including the avoidance of noise pollution.
57. There are potentially several instances where noise pollution may occur as a result of these proposals; as a result of plant and machinery associated with 20 Westlegate; as a result of plant and machinery associated with the ground and first floor restaurant of Westlegate House; road traffic noise from Westlegate to the 4 residential properties at second floor level fronting Westlegate, and; as a result of the installation of the air source heat pumps.
58. With regards to the issues of potential noise pollution from plant and machinery and fume and flue extraction equipment associated with the commercial areas of the proposed development, it is considered that the imposition of conditions at this stage is sufficient to ensure that the potential for noise disturbance can be mitigated adequately. Details of the position, manufacturer's details and specification (including size and noise levels) and sound mitigation and attenuation reduction measures required to minimise the potential for noise disturbance will all be included in the condition. Separate conditions will be applied to both 20 Westlegate and Westlegate House with regards to plant and machinery and fume and flue extraction and in addition the hours of deliveries will also be conditioned.
59. The Environmental Noise Assessment submitted with the application makes several recommendations for the domestic areas of the development. The proposed glazing specification is considered acceptable but details will be conditioned to ensure that the chosen glass colouration is compatible with the required acoustic specification. Different areas of the tower and other blocks it is recommended have acoustic ventilation of varying performances, depending on location, for example, the 4no residential flats at second floor level overlooking Westlegate will require a high level of ventilation to those on the rear north elevation to mitigate traffic noise. It should be conditioned that the glazing specification and acoustic ventilation specification as outlined in the submitted Noise Assessment is adhered to. Each of the residential elements will not be permitted to be occupied until such time as the habitable rooms have been provided with sound insulating ventilators to be agreed by the local planning authority to ensure noise pollution is successfully ameliorated.
60. It should be noted that the Environmental Noise Assessment states that the balconies on the south and west facing elevations will exceed the recommended World Health Organisation (WHO) Guidelines by 1dB, taking them into the criteria for 'serious annoyance for outside spaces with no mitigation'. However, it is the considered opinion of Environmental Health colleagues that a small degree of mitigation will be provided in the installation of the glass balustrades to the sides of the balconies. This 'barrier' will be most effective when users of the balconies are seated, and it is not unreasonable to assume that, given the size of the balconies,



this will be most of the time. The noise assessment report also argues that the benefit of this outside seating space and private amenity area outweighs the disturbance or the surrounding environment. Indeed, saved policy EP22 requires a level of private amenity space and given the city centre location it is considered acceptable that some amenity space, albeit slightly compromised, is better than no provision. In addition, with future proposals to make Westlegate a pedestrian only environment, the current levels of noise will potentially be reduced in the future.

61. The Air Source Heat Pumps are proposed to be positioned on each balcony for each flat. Whilst some information has been submitted with regards to a specification of this plant with some indicative noise levels, a condition for full details will be applied to any approval granted. Whilst there is the potential for these units to create some noise disturbance, the indicatively submitted information suggests that these units emit such low levels of noise that any effects would only be felt by the occupiers of the flats which the unit serves, as such, the occupiers are in control of the operation and levels of noise of the air source heat pumps and will have the ability to control any disturbance by switching the units off.
62. It is also recommended that in order to reduce any potential impact from the various commercial uses on future residents, the hours of operation of each commercial premise is restricted to not open past midnight.
63. It is accepted that there will inevitably be some issues of noise during construction of the proposed development if granted approval. This is considered unfortunate but unavoidable given the close proximity of other premises to the application site. An informative note will be added to any permission granted to advise the developer to register on the considerate constructor's scheme.

#### **Overlooking and Loss of Privacy**

64. Concern has been raised with regards to the potential for loss of privacy and overlooking of the rear of 2-4 Lion and castle Yard. It is considered that the proposed development has been sited so as to achieve maximum natural surveillance of the new public spaces without imposing unacceptable overlooking to existing dwellings or business premises within the immediate locality. It should be noted that 2-4 Lion and Castle Yard is a business premises and as such does not require the same levels of privacy as a residential dwelling, albeit direct overlooking, given the nature of the business operation at the premises, is undesired, the levels of overlooking resulting from the proposed development are considered acceptable.
65. The proposals are considered to be in accordance with the objectives of saved policy EP22 of the local plan.

#### **Amenity Space**

66. With regards to the amenity of future residents of the site, the flats in the tower block are very large at some 145sqm per dwelling. All other residential accommodation is considered to be of a sufficient and acceptable standard. Each property, whether in the tower, townhouses or flats, has its own private terrace and this is considered to be sufficient and a positive aspect of the scheme. As also discussed in paragraph 61, whilst the levels of noise to some of these terraces is technically considered 'excessive' the benefits of having such provision are considered to outweigh the harm from noise sources, such as traffic. It should also be noted that emerging traffic management proposals may reduce this noise in the future.

## **Overshadowing and Overbearing Nature of Development**

67. Concerns have also been raised with regards to the overshadowing resulting from the proposed development to both numbers 31 Timberhill and 2-4 Lion and Castle Yard. It should be noted that whilst loss of light is a material consideration, both these properties, and indeed others in the immediate vicinity, have benefitted from increased light levels due to the vacant nature of the surface car park on Timberhill. Whilst both properties will experience some reduction in natural light levels, the reinstatement of a retail frontage to Timberhill, the reinstatement of the historic street pattern and the wider regeneration of this site are all considered to outweigh the loss of light to these commercial premises. Significant revisions to the application scheme have been submitted and re-consulted on which have seen a reduction in height of the Timberhill building and the two townhouses to the rear in order to ameliorate as far as possible the reduction in light levels to both 31 Timberhill and 2-4 Lion and Castle Yard. It is considered that the revised scheme, whilst still resulting in some reduction in natural light, is of a high quality design, which respects and enhances the appearance of the street scene and wider Conservation Area and as such, on balance, is considered acceptable.
68. It is not considered that the minimal loss of natural light and overshadowing created as a result of these development proposals will increase the potential for damp and speedier deterioration of the listed building at 2-4 Lion and Castle Yard. Indeed the public realm improvements are incorporating a French Drain outside the terrace of properties on the north side of Lion and Castle Yard to help alleviate existing issues with poor drainage and damp in these properties.
69. Again, the proposals are considered to be in accordance with the objectives of saved policy EP22 of the local plan.

## **Design**

### **Layout**

70. Saved policy HBE6 of the local plan states that where the historic street network is lost, redevelopment schemes will be sought which reinstate the most important routes and historic frontages, if appropriate and practical within the nature of modern development. The application proposals seek to reinstate the historic street pattern of Lion and Castle Yard and the street frontage to Timberhill. As such, it is considered that the proposals are in accordance with the objectives of this policy and are acceptable.
71. In addition, the layout has been formed to some extent through the provision of 'active' frontages to the internal spaces within the new yard area. The rear and side elevations of 20 Westlegate have large areas of glazing in order to promote natural surveillance and encourage the visibility of activity within the new pedestrian routes. Whilst the Police's comments have been noted with regards to the ground floor of the townhouses, the originally submitted layout has been retained as the amenity of these two residences will be improved with the main habitable rooms being provided above ground floor. A number of terraces and windows of residential dwellings overlook the internal spaces of Lion and Castle Yard to improve natural surveillance and give a feeling of security and overlooking. This is considered to be an acceptable approach and will ensure that the new pedestrian route is perceived to be safe and much improved from the existing situation.

### **Form, Scale, Massing and Height**

72. There are three elements of the scheme which require consideration of the form, scale massing and height proposed: Westlegate House and the additional two

storeys proposed; the new building to Timberhill and the rear extension of 20 Westlegate. Each of these will be considered in turn.

73. Westlegate House: The existing Westlegate House is identified as being a negative landmark in the city centre conservation area and in the skyline. The refurbishment and re-cladding of this building is considered to be beneficial in principle and to improve the visual appearance of this building, not only in close range views, but also in strategic and long range views. However, care must be taken to ensure that any new cladding system does not detract from the appearance and setting of adjacent historic and strategic building on the city's skyline.
74. Two additional storeys are proposed to the height of the existing tower in order to improve the proportions of the building and create an elegant termination. A Visual Impact Assessment has been submitted with the application and this indeed demonstrates that the additional height will have the least impact when the tower is viewed in close proximity and that there will be a minimal impact on the immediately adjacent buildings by virtue of the additional height. However, the impact on strategic views and long range views of the tower will be where the greater impact is felt, and in particular the significantly increased visibility of the tower in the night time skyline.
75. As a result of the increased height Westlegate tower will become a more prominent feature in the city's skyline and will be more readily visible from the Market Place, Gaol Hill, the Castle Mound, Castle Meadow and from long range views such as Mousehold Heath. However, by virtue of the towers position within a cluster of buildings on the cityscape, the towers additional height is actually considered to give some interest to this group, providing a more interesting skyline. It is not considered that the increase in height will result in the tower detracting from or competing with the more visually prominent historical, ecclesiastical and civic buildings which make up the current cityscape.
76. Timberhill: The new building fronting Timberhill has undergone significant revisions to address issues of overbearing design and excessive height. As such, the revised scheme sees a building with varying heights, stepping down in height towards the internal area of Lion and Castle Yard. The issues of loss of light to existing residential and business premises has been reduced to an acceptable level where it is considered that whilst some loss of natural light will result, this is not significant enough to warrant a refusal of the application. The form represents a modern infill development in the historic streetscape of Timberhill, which although contemporary in appearance, reflects the form of adjacent listed building, replicating features such as shopfronts and stall risers but with a modern design. Such an approach is considered acceptable as it will bring visual cohesions to the development of the whole site. The proposals are considered to be acceptable and in accordance with saved policies HBE8 and HBE12 of the local plan and policy 2 of the Joint Core Strategy.
77. 20 Westlegate and All Saints Church: As stated in paragraphs 85 to 92, the form and scale of the proposed extension to 20 Westlegate is considered to be acceptable and to accord with saved policy HBE9 of the local plan. Further, the additional height of Westlegate tower needs consideration in terms of its impact on the setting of these 2 listed buildings. The tower currently dominates 20 Westlegate and the All Saints Church and indeed the additional height could be seen to add to

that sense of domination. However, it is considered that the additional height of the tower improves the proportions of the building and in turn reflects the proportions and vertical emphasis of the All Saints Church tower. With regard to 20 Westlegate, this small scale building is still somewhat dwarfed but the greater sense of space around the building through the creation of the new public route will give this smaller building more presence in the street scene.

### **Appearance and cladding**

78. One of the most important issues is the appearance of the proposed development. A number of materials are indicatively proposed across the site and it is recommended that conditions are applied as appropriate to any approval granted in order that appropriate materials are utilised site wide. Some materials are being used in specific way, for example, projecting header brickwork and perforated brickwork. This has been intentionally done in locations where the development is either at risk of graffiti or needs visually 'lightening' in terms of its bulk. This approach is considered to have been used successfully throughout the scheme achieving a delineation of private and semi-private spaces, and adding a visually interesting termination to aspects of the building which might otherwise appear quite bland.
79. The most significant change within the development proposals is the curtain walling glazed system to be used on the tower building which will have an impact, not only on the immediate locality but on the views of this building from long ranges.
80. Indicative materials have been provided to give an idea of the approach being taken. A mixture of muted greys, tinted glazing, fritted glass (partially obscured/patterned) and dark grey back painted glass is proposed, alongside the aluminium mesh and mineral painted brickwork. The palette of materials is broadly considered acceptable with each element being used across the wider site in differing ways to bring texture to the scheme. These indicative materials are considered acceptable and will add a reflective quality to the curtain walling which will in turn reduce the visual dominance of the tower building in the cityscape. However, as these materials are indicative only a condition requiring a large scale mock up, to be viewed on site, of all materials proposed within the curtain walling system is recommended to be applied to any approval granted to include final details for the colours proposed.

### **Building for Life**

81. The proposal has been assessed against the Building for Life criteria and scores 15.5 points which achieves a silver rating. Policy 2 of the Joint Core Strategy requires that all new development achieve at least 14 points against these criteria. As such the proposals are considered to accord with the policy requirements. Although this is a relatively low score, the site constraints and retention of the tower building have somewhat reduced the capabilities of the site to achieve a higher rating. The scheme has scored well for 'character' using existing buildings and the topography of the site to the maximum potential to provide a coherent and well structured layout. The scheme has not scored so well on 'Design and Construction' but as stated above, the retention of the tower building and 20 Westlegate does limit the abilities of the scheme to score marks higher than those achieved.

### **Listed Building – Impact on Setting**

82. Saved local plan policy HBE9 requires that alterations and extensions to Listed Buildings are carried out in a sensitive manner, with particular regard to the special architectural and historical significance of the building, and securing a viable use of the existing building. It is considered that any detrimental impact on the character or fabric of the building arising as a result of poor development is unacceptable and

will not be permitted. In addition, any development in the locality of existing Listed Buildings must also respect the setting of these buildings and the choice of materials and design should be respectful where new development would have a visual impact on adjacent Listed Buildings.

83. There are a number of issues which need to be considered: the impact of the proposed extension on 20 Westlegate; the impact on the adjacent Church as a result of the extension to 20 Westlegate; the impact of the development on Timberhill on adjacent listed buildings; the impact on 2-4 Lion and Castle Yard as a result of the development on the Timberhill car park and at the base of the tower, and; the impact of the increased height of the tower on the immediate and wider surroundings.
84. 20 Westlegate: 20 Westlegate is one of only 4 thatched Listed Buildings within the city centre. It is Grade II Listed and dates back to the late 16<sup>th</sup>/ early 17<sup>th</sup> Century. In the immediate vicinity of this building are numerous other listed buildings (Grade II) and 2 Grade I Listed Churches. As well as alterations to the main building, the demolition of the 20<sup>th</sup> century extension is proposed and its replacement with a new extension on the same footprint.
85. Internally the building has undergone numerous changes to facilitate the conversion from an Inn to a bank, to a shop and to the current restaurant/café use. A flat roof modern extension was added resulting in the loss of most of the original rear wall of the building. Minor internal alterations are proposed to facilitate the current use and the new extension proposed including the removal of suspended ceilings and areas of boxing in and around original fireplaces. These works are likely to result in repairs being required and as such a condition is proposed to be attached requiring a schedule of repairs and methodology to be agreed prior to any works being carried out. These internal alterations, together with the opening up of the first floor to allow the original historic floor plan to be read will be hugely beneficial not only for the building in terms of being able to read the history of the building but also in terms of the usability of the space. It is believed that there is a basement of some significance which is currently blocked up and a condition will be applied to ensure that investigative works will be done to open this out and record any historical significance.
86. The proposed new shopfront and side windows are considered to improve the front façade of the building and bring surveillance to the new pedestrian route from Westlegate.
87. Heritage interpretation is already provided on the front façade of this building in the form of two signs offering interpretation on the history of Westlegate in general and on the history of number 20 Westlegate as a public house; The Barking Dickey. A condition is recommended to be applied to any permission to ensure that this is removed, retained and replaced upon completion of the works.
88. Re-thatching of the roof is proposed as part of this application which is welcomed and a condition is recommended to be applied to any permission requiring a methodology and details of the type of thatch to be used to be agreed before any works are carried out.
89. There is an existing basement underneath the premises which is currently blocked up due to the prevalence of asbestos. The historic nature of this basement is

unknown and as such it is considered prudent to attach a condition to any permission granted to ensure that a full survey of the basement area is to be carried out in order that if it is found to be of historical significance it can be retained and repaired and any features recorded appropriately.

90. The most significant change to the listed building is the extension to the rear proposed following demolition of the existing modern flat roof extension. As outlined in paragraph 100, the loss of the existing extension is considered to be acceptable. The form and scale of the proposed extension reflects that of the existing Listed Building and will be read as a subservient extension with an obviously contemporary treatment. A single material (zinc shingle cladding) is proposed for both the walls and pitched roof with wide picture windows to the street elevations and in the roof to allow for views into and out of the building to significant viewpoints, for example, the tower of All Saints Church and Westlegate Tower. Details will be conditioned on any approval for details of the windows and a sample of the cladding in order to ensure they are appropriate for the development.
91. English Heritage is supportive of this aspect of the proposals and considers the extension to be a significant improvement on the existing situation. The proposals are considered to be in accordance with the policy objectives of saved policy HBE9 and to be appropriate and acceptable subject to conditions.
92. The setting of the adjacent All Saints Church: In addition to the above, it is important to consider the setting of other adjacent Listed Buildings as a result of these proposals. Immediately adjacent is the Grade I Listed Church of All Saints. Specific regard has been taken to ensure that when passing through the site the views of the church tower are visible, thus aiding legibility, and that once inside the premises, roof lights are positioned so as to afford specific views of the tower. The materials proposed are considered to bring quality to the scheme design without appearing to give the extension too high a status when considered against the Listed Building to which it is attached and the adjacent Church.
93. Impact of the new frontage on Timberhill and adjacent listed buildings: The proposed infill development fronting Timberhill is considered to result in a positive impact on the Conservation Area and on the adjacent Listed Buildings. The new frontage, which replaces a frontage lost in the early 1960s will re-create the original street pattern and bring activity to this currently vacant and derelict site. The roofline has been amended to a flat roof design. Given that the building must address two frontages; Timberhill and Lion and castle Yard, a roofline purely addressing Timberhill was visually awkward and difficult to achieve with the orientation for the upper floors. A flat roof approach has been taken to show an obviously modern addition to the frontage, which reflects the scale and proportions of adjacent buildings but with a clearly modern approach to the roofline. The resulting frontage is considered acceptable and not to result in any visually detrimental impact to the street scene or adjacent Listed Buildings.
94. 2-4 Lion and Castle Yard: The scheme also sits in close proximity to number 2-4 Lion and Castle Yard, a small two storey thatched cottage on the northern side of Lion and Castle Yard. The revised scheme sees the building fronting Timberhill as having varying heights as it moves further into Lion and Castle Yard to mitigate any loss of light and overbearing impact on the existing listed buildings. This stepping down in height towards the internal area of Lion and Castle Yard is considered acceptable and to reflect the stepping down of the existing properties whilst still

creating a sense of enclosure common of the historic street pattern. The new development at the base of the tower to create the 'courtyard house' dwelling has been stepped back away from the main elevations of this listed building in order that the new development will visually recede when the two buildings are viewed together. Whilst the scale of the new building is somewhat larger than the existing listed building, this is a tight urban environment and some level of compromise to achieve a high quality development on this long vacant site has to be made. The proposals are not considered to adversely affect the setting of the adjacent listed buildings, be it the Grade I Listed Church or the numerous listed buildings on the periphery of the application site so as to render the applications refusable.

95. Concern has been expressed about the installation of the roller shutter door to the car parking area and its proximity to the adjacent Listed Building. Whilst the police have requested that there is no recessing of such a roller shutter so as to avoid the potential for anti-social behaviour, a notional recess of 300mm is to be provided so as to ensure the visual impact of the roller shutter is reduced when sited adjacent to the listed building. The materials are to be conditioned in order to ensure that they sit as comfortably visually with the Listed Building as possible. Some indicative materials have been proposed which emulate the brick patterning of the Listed Building which is considered acceptable but final details are to be agreed. In addition, the condition will also require details of acoustic mountings in order to ensure that there is no sounds transmission through to the Listed Building at 2-4 Lion and Castle Yard.
96. An informative note will be added to any approval granted explaining that if works are required to other Listed Buildings as a result of any approval granted, for example, the physical attachment to number 31 Timberhill and the blocking up of modern window to the rear gable, that separate Listed Building Consent will be required for these works and that applications should be submitted as required in due course.
97. Impact of additional height: The impact of the additional height of the tower building on the setting of nearby strategic and historic building is discussed in paragraph 73-78.

### **Conservation Area – Impact on Setting**

98. Saved policy HBE8 of the local plan states that development within the Conservation Area should meet a number of criteria relating to the acceptability of demolition, conservation and retention of features which contribute to the area's character, and the appropriateness of design which respects the form and character of the area's development.
99. With regards to the demolition of the club building to the rear of Westlegate House and the 1980s extension to the rear of 20 Westlegate, the loss of these two incongruous and non-significant existing extensions is considered acceptable. Neither building has a positive impact on the Conservation area or the buildings to which they are attached, and their loss is considered to facilitate the regeneration of the wider area. The policy states that a scheme for comprehensive re-development should be made in addition to plans for demolition and in this case the proposed new buildings to replace these existing ones are considered acceptable. The new Courtyard House building to the rear of Westlegate House is considered to be acceptable. Whilst it will be one storey taller than the existing building, it will form a visual link between the tower and the Listed Buildings fronting Lion and Castle

Yard, stepping down in height to join these two significantly different areas of development and providing enclosure to the yard area. The differing heights and materials proposed will add visual interest and are considered acceptable in principle subject to conditions requiring full details and samples.

100. The Norwich Society have commented specifically on the need to retain and re-use the shields and decorative flint work panels which are positioned on the south west facing façade of the existing stair tower. Whilst saved policy HBE8 does require features which contribute positively to the Conservation Area's character to be protected, it is not considered that the retention of the shields and flint work in this instance is necessary. Not only would they not sit comfortably visually with the proposed development, the shields represent a phase of the building's "life", although after research by the developer no evidence has been found to ascertain the historical or architectural significance of the shields and flint work. The retention of this feature in situ is not considered to be prudent however it is recommended that a condition requiring a photographic recording of the shields and flint work to be submitted to the Heritage Environment Record is applied to any permission granted as it is recognised that there are many people interested in this decorative panel from a social perspective.
101. The developer has advised in writing that every effort will be made to remove the shields and flint work panels as carefully as possible and that any which are successfully removed whole will be made available for members of the public and local community groups.

## **Transport and Access**

### **Vehicular Access, Pedestrian Access and Servicing**

102. It is considered that there will be relatively low traffic movements associated with the application proposals, and the expected levels are considered acceptable with a shared surface environment such as this, especially given the limited room and pedestrian nature of the immediate locality. The visibility from Lion and Castle Yard is acceptable and the chance of conflict between cars and pedestrians is low. It is possible for two cars to pass one another in the yard and car park, if a little awkward, but this is considered acceptable given the low number of movements.
103. Concern has been raised by the owner of number 2-4 Lion and Castle Yard with regards to the safety of patrons of the business leaving the premises and stepping out into the street. A specific footpath has been requested by owners of buildings immediately abutting the application site and a desire expressed for Lion and Castle Yard to be widened. The public realm proposals, although indicative, show a shared surface approach being taken with differing surface treatments for vehicle and pedestrian areas. This is an approach which has been well executed elsewhere in the city and given the very limited space (23m) from the turning into the yard from Timberhill to the entrance to the car park it is not expected that vehicles will reach any significant speed. In addition, given the prevalence of pedestrians expected in the area as a result of the provision of a high quality route, car movements are expected to be slow.
104. With regards to pedestrian access, the proposed enhancement of the public realm to Lion and Castle Yard, including the provision of the new link from Westlegate to Timberhill and the rationalisation of public spaces will be a significant improvement in the area, providing a much needed link with active frontages along most of its length (residential accommodation entrances, A3 uses and existing business premises). Whilst there is concern with regards to the stepped access from Westlegate, this is unavoidable due to land levels and the link cannot



practicably be provided without steps. It is proposed to retain the existing access to allow a long ramped access to and through the site ensuring access for all. The provision of this link is considered to accord with saved local plan policy SHO6, current and future site allocations and the St Stephens Area Outline Masterplan.

105. An informative note will be placed on any approval granted to advise the applicant that given the creation of the public spaces proposed, rationalisation of the existing adopted areas with some areas 'stopped up' and others dedicated as 'highway' will need to occur under Highways Legislation.
106. With regards to servicing, the bin stores proposed are adequately sized although not ideal for collection purposes, specifically the residential dwellings in the tower. However it is agreed that placing the bin stores for the tower dwellings in the preferred location (within 5m of Timberhill highway) is neither feasible nor practical and would have an inappropriate impact on the principle frontages to the new public spaces. Concern has been raised with regards to the impact on access and visual amenity of the area and indeed it is accepted that when positioned on the highway on the day of collection the refuse bins for the residential dwellings in the tower will have an impact on the access and visual quality of the area. However, the submitted refuse and servicing statement submitted with the application confirms that the bins will only be placed on the highway on the day of collection and returned to the store once emptied by the building management company. A condition will be placed on any permission granted to ensure compliance with this refuse strategy, and whilst this is not ideal it is the best solution given the site constraints.

### **Car Parking**

107. Saved local plan policy TRA6 requires car parking in accordance with the standards as set out in Appendix 4 of the local plan. The shop and restaurant uses proposed are proposed without parking facilities which is considered acceptable and in accordance with the policy. The residential elements will see 20 car parking spaces proposed. There are a number of car parking spaces already provided on site and given the size of the dwellings proposed in Westgate Tower it is considered acceptable for a number of spaces to be retained in accordance with saved policy TRA8 of the local plan. Appendix 4 of the local plan states that in the city centre 1 and 2 bed units will have 1 space with 3+ bed units having 1.25 spaces per unit. The provision of 20 car parking spaces to serve the residential development is slightly under the maximum provision (22 spaces) is considered acceptable.
108. There are some concerns with regards to the proposed car park 'rack' system. There are two racks for car parking: one side has 2 'dependent' racks, the other 3 'independent' racks. The independent racks work on the basis of a lift system: A 'rack' is selected and the lift system moves up and down to enable the car to exit. The 'dependent' racks operate also on a lift basis, however if the car on the upper level is required, the car on the lower level also has to exit to allow the car above to lower. In principle the independent space system is acceptable but the double stack units may give rise to some issues. There is room within the car park for the lower car to wait whilst the upper car gets out of their space but this would only really work if both spaces were allocated to a single dwelling. There may also be arising issues if the system fails. Whilst the use of this system is questionable, the provision of parking on this site, given the size of the units and the potential future occupiers, is required and to reduce the provision away from standards in the local

plan is not considered acceptable. An informative note will be placed on the decision if granted approval that Norwich City Council are not in a position to offer any 'emergency solution' and that if the system fails the only alternative option for occupiers of the dwellings with parking spaces will be to pay for public car parking. Permit parking is not available in this area.

109. However, the proposals are broadly in accordance with the objectives of saved local plan policy TRA6 and are considered acceptable.

### **Cycling Parking**

110. Saved local plan policy TRA7 requires cycle parking to be provided in accordance with local plan standards as set out in Appendix 4. This requires that new dwellings have provision for 1 cycle space per dwelling and provision for visitors in the immediate vicinity.

111. The 14no. residential dwellings proposed in Westlegate Tower are served by 18no

112. cycle parking spaces in an enclosed, secure facility on the ground floor. This is considered to be sufficient to meet the requirements of the policy in terms of provision for residents and visitors. The 2no. townhouses and the 3no. flats above the retail unit fronting Timberhill are also served by enclosed and secure cycle storage achieving 1no cycle space per dwelling. 5no. cycle parking stands, achieving 10no. spaces are to be provided immediately outside the entrances to these residential units, achieving sufficient provision to meet the policy requirements.

113. With regards to the restaurant units, the restaurant in Westlegate House is an existing use and as such additional cycle parking cannot be required. The restaurant unit at 20 Westlegate is being extended but there is considered to be sufficient provision in the immediate locality to cater for the demands of this unit. The new retail unit (154sqm) is required by the policy to provide 2no staff cycle parking spaces, for which there is considered to be sufficient room within the premises to provide this, and 1 cycle space per 50sqm (in this case 3) within the shopping area. There is extensive provision on Westlegate, All saints Green and outside the entrance to Castle Mall, all close to the application site.

114. The cycle parking provided under this application is considered to be in accordance with the policy requirements of saved local plan policy TRA7.

### **Travel Plan/Travel Information Plan**

115. Whilst the scheme proposals do not trigger the need for a Travel Information Plan (TIP) under saved policy TRA12 of the local plan, the applicants have submitted a TIP for both the residential and commercial aspects of the scheme. Both of these documents are considered acceptable and a condition will be applied to any approval granted in order to ensure compliance with the TIPs.

## **Environmental Issues**

### **Air Quality**

116. Saved policy EP6 of the local plan states that where an Air Quality Management Area has been declared, development which may have an impact on air quality will be required to take account of the action plan for that area.

117. The site is within the boundary of a recently extended Air Quality Management Area which, when formally declared, would cover the whole of the city centre. This does not mean that air quality is necessarily poor with in the vicinity of the site or in the centre as a whole, but rather that the site falls within a wider area in which there may be potential for particular concentrations of airborne pollutants arising in one locality ("hot spots") due to traffic congestion or other factors.
118. With regards to air quality there are two aspects for consideration; the impact of the development on the surrounding air quality, and the positioning of sensitive receptors into an area where air quality may be reduced due to heavy traffic congestion. The application has an Air Quality Statement submitted in support which assesses these two points. This is considered to be the recommended approach and has been advocated by Environmental Health.
119. The report concludes, and it is agreed that due to the small number of vehicle movements as a result of the proposed development, there is not likely to be a significant impact on air quality as a result of the development.
120. With regards to the issue of introducing sensitive receptors into an area of diminished air quality, the report concludes that due to the height and setback of the domestic dwellings from the road, the site is suitable for residential conversion. It is the considered view of Environmental Health Officers that given pollutant concentrations decrease rapidly with the distance from the source, that the report is agreed and that the introduction of sensitive receptors in this location is acceptable.
121. It is the Council's intention to consolidate the 4 existing Air Quality Management Areas (AQMA's) into one larger area. This new area will incorporate Westlegate. However, it should be noted that not all areas within AQMA's will necessarily exceed the objectives for determining an AQMA if no sensitive receptors exist in that area at present. A future assessment of the area, if the new AQMA is formally adopted, would be made by Environmental Health. Again, the desired pedestrianisation of Westlegate would alleviate any potential air quality issues.
122. There may be some localised dust emission during the demolition and construction phases of the development. An informative note recommending compliance with the considerate constructor's scheme will be applied to any decision if granted approval.

### **Archaeology**

123. Some archaeological works have been completed back in 2002 but these are not considered sufficient to negate the need for further works. It is recommended that a condition requiring a programme of archaeological works, in accordance with a written scheme of investigation, which is then implemented and reported on and publicised should be applied to any approval.

### **Energy Efficiency and Renewable Energy**

124. Policy ENG1 of the East of England Plan requires demonstration that 10% of a development's required energy is provided through on-site renewable or decentralised low carbon sources of energy and this requirement is carried forward in the adopted Joint Core Strategy, policy 3. The submitted Energy Efficiency Statement identifies the available technologies and provides an assessment of the most practicable and efficient for this development. The report and additional information submitted concludes that 12.48% of the developments expected energy requirements can be provided by the Air Source Heat Pumps (based on technical

modelling). Certain aspects of the submitted information would need to be clarified and certain specific information would be required via conditions. However, it is considered that the submitted information provides sufficient detail to allow the determination of the application in accordance with policy requirements and the proposals are considered acceptable subject to conditions.

### **Water Conservation**

125. No Water Efficiency Strategy/Statement has been submitted with the application to detail how the development will be compatible with the Code for Sustainable Homes Level 4 for water efficiency for either the residential or commercial parts of the development scheme. As such, conditions will be placed on any permission granted to ensure that a full Code for Sustainable Homes assessment which relates to each dwelling and each commercial premise which confirms that the development has been constructed in accordance with Level 4 of the Code for water usage is to be submitted to the Local Planning Authority and agreed. This is required to ensure that the development proposals are in accordance with policy 3 of the Joint Core Strategy.

### **Landscaping & Ecology**

#### **Public Realm Improvements**

126. Saved policy NE9 of the local plan requires a comprehensive landscaping plan except where a wholly building-dominated design approach is appropriate. Such schemes should seek to enhance the appearance and character of the built and natural environment.

127. Given the city centre location and the reinstatement of the historic street pattern and 'yard' areas, a soft landscaping scheme is not considered suitable. As such, the indicative landscaping scheme as submitted with the application proposes a predominantly hard landscaped scheme using high quality materials to enhance the appearance of the spaces with the provision of a single tree or public art sculpture as the focal point of Lion and Castle Yard. A full scheme with full details of the materials proposed and samples, including the design of any proposed 'public art' will be conditioned on an approval if granted but the principle of such a proposition is accepted.

128. The scheme aims to reinstate the historic street pattern of the 18<sup>th</sup> and 19<sup>th</sup> Centuries and create an attractive and direct pedestrian route through from Westlegate to Timberhill, currently missing and much needed. The requirement for such a route is identified as a need in both saved local plan policies, the site allocations, both current and future and the St Stephens Area Outline Masterplan. The new buildings have been sited to create attractive frontages and ensure overlooking of the public realm to provide natural surveillance. The existing route is to be retained to ensure a level access through the spaces.

129. The indicative materials proposed are considered acceptable and have taken reference from the City Council's Streetscape Design manual. Full details will be conditioned on any approval granted to ensure that the materials are right for the area and will both enhance the streetscape and achieve the high quality public realm required to meet policy objectives. In addition, a lighting strategy will be conditioned to be drawn up in conjunction with Norfolk County Council and their contractors for installation and maintenance. A condition will be applied to any permission granted.

130. It is considered that there are elements of the scheme which could be improved upon; the cycle stands could be used to delineate shared spaces, rather than cluttering up the only car free area of the yard, the use of 'seats' near the car park entrance; the extensive use of exposed aggregate concrete, especially where adjacent to Listed Building. However, it is considered that these elements which are perhaps not quite as successful as they could be can be negotiated under a condition and are not sufficient reason to recommend refusal of the scheme.
131. It is noted that whilst a pedestrian route is being created, this is not considered to be an area for spending time in, but rather passing through to other areas which are designed more for the purposes of public use and activity, such as the open space outside the entrance to Castle Mall. As such, and subject to conditions, the proposals are considered to be acceptable and in accordance with the objectives of saved policy NE9.

### **Ecology**

132. With regards to ecology, the site in its current state has no particular features that would support wildlife, and given the city centre location and the development proposals being mainly building-dominated there is little scope to enhance biodiversity or require improvements. A Bat Survey has been commissioned but no evidence of habitation found within the site boundary. It has been requested by the Natural Areas Officer that some form of artificial bat roosting facilities are incorporated into this development scheme given the extent of the works being carried out which will make this easy to incorporate and taking into consideration the prevalence of bats within the city centre. The creation of new habitats is encouraged and a condition is recommended to be applied to any permission granted. As such, the proposals are considered to be in accordance with saved policy NE8 of the local plan.

### **Local Finance Considerations**

133. The Localism Act 2011 amended S70 of the Town and Country Planning Act 1990 to require local planning authorities to have regard to local finance considerations in the determination of planning applications, alongside the development plan and other material considerations
134. In the case of these 3 applications, if granted approval they would return Council Tax receipts, Business rates receipts and New Homes Bonus.

### **Planning Obligations**

135. In order to be policy compliant the proposals trigger the requirements for a number of things to be provided for.
136. Most significantly the proposals would trigger affordable housing under Joint Core Strategy policy 4 at a rate of 33% with a split of 85% social rented and 15% intermediate tenures. This would equate to 6 affordable units, comprising 5 social rent and 1 intermediate tenure. The policy allows for the proportion of affordable housing to be sought to be reduced and the balance of tenures amended where it can be demonstrated that site characteristics, including infrastructure provision, together with the requirement for affordable housing would render the site unviable in prevailing market conditions, taking account of the availability of public subsidy to support affordable housing. This policy is in place to deliver the objectives at

national and regional level to achieve viable development which achieves a mix of housing, including affordable housing, which meets market needs and helps to create mixed communities.

137. As members will be aware that since this JCS policy was adopted the City Council has also endorsed an interim statement on affordable housing which would be given weight in the determination of planning applications. The statement, among other things sets out circumstances where the provision of a financial contribution to allow affordable housing to be provided offsite may be acceptable. These circumstances include:

- “On small to medium sites with exceptional factors which would not be attractive to RPs (evidence of this will be required), such as inappropriate floor areas or high service charges, and where it is capable of using contributions in lieu to deliver more affordable units off-site than would have been provided on-site (or the same number of units but in a form that better meets established local needs) elsewhere in the local area.”

138. Although this site at 19 units is towards the upper end of where it is considered reasonable to apply such an approach. Colleagues in strategic housing have confirmed that by virtue of the nature of the development proposed there is no reasonable prospect of getting the interest of Registered Providers in the development and therefore are supportive of a contribution being sought for off-site provision. Under the methodology set out in the interim note the total off site commuted sum towards affordable housing for a scheme of this size and location would be £871,326.18.

139. In addition to affordable housing the proposals would also trigger the following contributions to meet policy requirements:

- A Contribution of £5361 under local plan policy TRA11 to the city wide transport improvement programme;
- A contribution of £40,096 under saved local plan policy SR7 towards the provision/improvement and maintenance of children’s equipped playspace. The nearest location for monies to be spent is in the Castle Gardens, although this is not technically for children’s equipped playspace as the works would involve improvements to the theatre space. The nearest play area, and therefore the most likely to be used by residents is at Chapelfield Gardens which has recently been upgraded.

### **Development Viability and Deliverability of Affordable Housing**

140. The applicant has made a case that all planning obligations which would normally be sought would render the development unviable and has submitted a viability assessment to support this.

141. This assessment is commercially sensitive but has been agreed as technically robust following externally verification by the District Valuer (DV). It is agreed by the DV that the report does demonstrate that the development would be unviable if the total value of contributions were sought. Indeed, it suggests that in order to remain viable the development would only be able to support a fraction of the level of contribution due.

142. In the light of this information the outline of a section 106 has been agreed

between the Head of Planning and the applicant. It has also been discussed with the portfolio holder who has indicated he is content with this. This approach sees a total contribution being made towards policy requirements of £225,000 which is only about a quarter of the total level of contributions sought (£916,783). Even at this level it should be noted that the applicant has agreed to accept that the valuation be based on a level of return below that which would normally be expected from a development of this nature (13.5%-14%).

143. It should also be noted that because of the nature of this development it is particularly difficult to reliably value. There is no established market in the City Centre for flats of the floorspace proposed and the extent that the views on offer from the upper floors will inflate sales prices is yet to be seen. It is possible that the sales value per square metre will considerably exceed other development values achieved in the City.

144. Because of the uncertainty about the eventual sales values that will be generated by the development it is important to include a robust overage mechanism in the legal agreement allowing the value of contributions foregone to be recouped if development values exceed those projected in the original viability assessment. In this case the developer has agreed to the inclusion of an overage clause in the S106 agreement allowing for the Council to reclaim half of any profit made over 21% up to a cap of the £691,783 contributions foregone.

145. With regard to the expenditure of the contributions which have been negotiated it is suggested that the majority be directed to the provision of affordable housing in the City Centre (£179,543). The remaining £45,457 that arises from the policy requirements for transportation and children's playspace, in view of the nature of the development proposed (which is considered unlikely that will be attractive to families with young children) it is proposed that this sum is made available to fund other transportation and public realm enhancements in the local area and this is acknowledged as desirable by the developer. However, if this sum is not able to be spent within a period of 5 years then the legal agreement would allow it to be spent on the provision of affordable housing. This approach has been suggested to enable the development to contribute further to the regeneration of the St Stephen's area, specifically to fund improvements in Westlegate itself, further improving the link between Westlegate and the new public realm being created by this development, but acknowledges that this sum may be insufficient to deliver the improvements sought if it is not able to be pooled with other sources of funding and thus allows it to be re-directed if this other funding is not forthcoming.

## **Conclusions**

140. The proposals provide for a comprehensive mixed use redevelopment scheme of a long vacant brownfield site within the city centre, providing an appropriate mix of retail, residential and complementary uses appropriate to the centre's position in the retail hierarchy. The scheme has a distinct contemporary character, which despite the prevalence of Listed Buildings in the immediate locality, is considered acceptable and not to result in any detrimental visual impact on the character of the street scene or wider Conservation Area. The additional height is one of the main considerations of the development's design but this is not considered to result in any visual harm to the setting and appearance of the historic and strategic heritage

assets such as the Castle, Cathedrals and various civic buildings already visible on the city's skyline. Rather the additional height is considered to give some interest to a cluster of buildings already visible on the skyline but not to the extent that this new form detracts from or competes with the more visually prominent and important buildings which make up the current cityscape. The layout of the site is considered to be acceptable and will reinstate the historic street pattern and introduce a new high quality pedestrian connection from Westlegate to Timberhill. Sufficient provision is made for parking, cycle parking, residential amenity and servicing to serve the needs of the development. Whilst some impact on the existing amenity of neighbouring premises will result from these proposals, these are not considered to be significant so as to warrant refusal of the scheme.

141. One of the main considerations of this application has been the viability of the scheme and the resulting provision of affordable housing. A viability assessment has been undertaken by the applicant which has been verified by the District Valuer. As a result a commuted sum to provide off-site affordable housing provision is offered, with an overage clause in a S106 agreement to claw back any additional profit over 21% of the gross development value up to a cap set via the total commuted sum. On balance, given the wording of policy 4 of the Joint Core Strategy and the interim statement on the off-site provision of affordable housing as agreed by the Council, the desirability to redevelopment this long standing vacant and semi-derelict site, the site's prominence in the streetscape and townscape of the Conservation Area, the need for market housing and the promotion of economic activity in the nation Planning Policy Framework and the acceptability of the proposals in all other respects, it is considered that the proposals are acceptable in this case subject to the provisions secured via a S106 agreement and the conditions imposed.
142. Internally the building at 20 Westlegate has undergone numerous changes to facilitate the various conversions that the building has already gone through and as such some of the historic fabric has already been lost. The proposals see minor internal works including the opening up of floor plans, exposure of original fireplaces and removal of modern ceilings. The opening up of the first floor to allow the original historic floor plan to be read will be hugely beneficial not only for the building in terms of being able to read the original floor plan of the building but also in terms of the usability of the space. The proposed new shopfront and side windows are considered to be acceptable and will improve the front façade of the building and bring surveillance to the new pedestrian route from Westlegate.
143. The most significant change to 20 Westlegate is the extension to the rear proposed following demolition of the existing modern flat roof extension. The existing extension is not considered to be of any historical or architectural merit and is considered to have a visually detrimental impact on the character of the listed building to which it is attached and the wider Conservation Area and the setting of adjacent listed building. Its loss is therefore considered to be acceptable. The form and scale of the proposed extension reflects that of the existing Listed Building and will be read as a subservient extension with an obviously contemporary treatment. A single material (zinc shingle cladding) is proposed for both the walls and pitched roof with wide picture windows to the street elevations and in the roof to allow for views into and out of the building to significant viewpoints. The design and form is considered to be acceptable and subject to compliance with the conditions imposed on this decision, the materials proposed are also considered acceptable.



144. Specific regard has been taken to ensure that when passing through the site the views of the church tower of All Saints Church are visible, thus aiding legibility, and that once inside the new extension to the rear of 20 Westlegate, roof lights are positioned so as to afford specific “picture windows” of the tower. The materials proposed have been chosen to afford quality to the scheme design without appearing to give them too high a status when considered in the context of adjacent Listed Buildings. The scheme also sits in close proximity to 2-4 Lion and Castle Yard and 31 Timberhill and the new development has either been stepped back away from the main elevation or designed so as to reflect the scale and height of these listed buildings in order that the new development will sit comfortably when these buildings are viewed together. Whilst the scale of the new building is somewhat larger than the existing listed buildings surrounding the application site, this is a tight urban environment and some level of compromise to achieve a high quality development on this long vacant plot has to be made. The proposals are not considered to adversely affect the setting of the adjacent listed buildings

145. The existing building to the rear of 14-18 Westlegate is not considered to be of any historical or architectural quality, nor is it considered to have a positive impact on the Conservation area or the surrounding buildings. In addition, its loss is considered to facilitate the regeneration of the wider area and bring forward a comprehensive redevelopment scheme for this long vacant part of the city centre. Policy HBE8 states that a scheme for comprehensive re-development should be made in addition to plans for demolition and in this case the proposed new buildings to replace those existing are considered acceptable. The new Courtyard House building to the rear of Westlegate House is considered to be acceptable and to sit visually comfortably with the proposals for the rest of the tower premises and adjacent Listed Buildings.

## RECOMMENDATIONS

To approve application **12/00276/F** Westlegate House, 14-18 Westlegate; 20 Westlegate; Car Park rear of 14-18 Westlegate and Lion and Castle Yard, Timberhill, Norwich, and grant planning permission, subject to:

- (1) The completion of a satisfactory S106 agreement by 30 June 2012 to include the provision of;
  - Payment of the sum of £179,543.00 for the provision of off-site affordable housing payable upon occupation of the 10<sup>th</sup> residential unit within the development scheme.
  - Payment of the sum of £45,457.00 under saved local plan policy SHO9 towards public realm improvements within an 800m radius of the application site, payable upon occupation of the 5<sup>th</sup> dwelling within the development scheme, to be able to be diverted to the provision of affordable housing if no public realm improvements are forthcoming within a period of 5 years of the date of this permission;
  - An overage provision to claw back 50% of any profit in excess of 21% of the gross development value up to a cap set via the total commuted sum of £691,783.18,

and subject to the following conditions:

- 1) Standard 3 year time limit;
- 2) In accordance with the drawings and details submitted;
- 3) Details of a phasing scheme for the development, and compliance with that phasing scheme as agreed;
- 4) No occupation of any dwellings within the tower until such time as the pedestrian route from Westlegate to Timberhill is provided and the works to the Listed Building at 20 Westlegate have been completed in full;
- 5) Details of a deconstruction and construction method statement to cover all demolition works and including details of site layout during construction to include details of access, areas of storage and waste management etc;
- 6) Removal of permitted development rights to sub-divide the A1 retail unit to Timberhill;
- 7) Details of a lighting strategy to include details of all lighting including specifications, details of position, illuminance levels etc;
- 8) Details of a programme of archaeological mitigatory work, to be implemented and specifying post excavation assessment, analysis, archiving and publication of results.
- 9) Water efficiency measures (residential)
- 10) Water efficiency measures (commercial)
- 11) Details for the provision of fire hydrants;
- 12) If 1 year or more elapses between permission being granted and the currently submitted survey work for presence/absence of protected species having been undertaken, a new full survey will be undertaken to establish the presence/absence of protected species.
- 13) A minimum of 3 artificial bat roosting facilities as suggested in report ref [ECO2810.BatReport.vf] shall be installed across the application site;
- 14) Details of the public realm improvements/hard landscaping, including cycle parking stands, street furniture including benches, bollards, litter bins, public art, paving materials, to include samples and details of colour and manufacturer, handrails to publically accessible routes, and details of how any existing materials are to be removed and re-used;
- 15) Details of any soft landscaping, including street trees;
- 16) Details of cycle parking for all residential elements;
- 17) Cycle parking and car parking facilities to be provided and available for use prior to first occupation of any dwelling within the development scheme;
- 18) Compliance with Refuse and Servicing Strategy as outlined in the Design and Access Statement [February 2012];
- 19) Details of materials to include:
  - a. Mineral paint – sample to show colour(s) (including a RAL ref or other appropriate colour ref), texture and finish and specification to include details of maintenance requirements,
  - b. All glazed balustrades, to include specification of materials and elevation drawings (scale 1:20) and section drawings of any fittings;
  - c. All new shopfronts to include details of materials, elevation drawings (scale 1:20), sections (scale 1:10) to include details of transoms, mullions and glazing bars, and details of new stall risers at:
    - i. 14-18 Westlegate;
    - ii. 20 Westlegate (front, side and rear);
    - iii. 27-29 Timberhill;
  - d. Details of the curtain walling to include samples of all panels, details of the colour (including a RAL ref or other appropriate colour ref), a specification of the acoustic and U Value properties of the curtain

walling system as a whole, details of the joints including materials and colouration.

- e. Details of all new external windows and doors across the whole site for all commercial and domestic premises to include details of materials, colour (including a RAL ref or other appropriate colour ref), finish, elevation drawings (scale 1:20) and sections (scale 1:10) detailing all transoms, mullions and glazing bars and the position of any trickle vents or acoustic sealed vents;
  - f. Details of the mesh panels, to include a sample, details of the colour (including a RAL ref or other appropriate colour ref),
  - g. Details of the roller shutter to the car park entrance, to include a sample, details of the colour (including a RAL ref or other appropriate colour ref), details of acoustic mountings so as to prevent noise and vibration transmission to adjacent properties;
  - h. Details of all bricks (where left un-painted), including manufacturer and colour/type reference), mortar mix, bond type, and a sample of each brick type;
  - i. Details of all timber cladding, to include details of any treatments (varnish, stain etc), colour (including a RAL ref or other appropriate colour ref), a sample and details of orientation and visual appearance when constructed (e.g. spaced, overlapping, perforated etc);
  - j. Details of any proposed security shutters to any commercial premises within the development scheme, including a sample, details of perforation, colour (including a RAL ref or other appropriate colour ref), finish and material proposed;
  - k. Details of all copings to include a sample and details of colour (including a RAL ref or other appropriate colour ref), and finish;
  - l. Details for the signage for 'Westlegate House' to include position, size, any illumination including details of levels and method of illumination, and details of fixings, details of materials,
  - m. Details of zinc shingle cladding to 20 Westlegate to include sample, details of colour and finish, a section drawing showing the roof vent and gutter details (scale 1:10), details of seams and joins, including a mock up (to be provided with the sample) and details of the anti-graffiti coating;
  - n. Details of the screening to the Air Source Heat Pumps on each balcony, to include a sample, details of the materials, colour (including a RAL ref or other appropriate colour ref);
- 20) A photographic and written record of the shields and decorative flint panels on the south western elevation to be submitted to and approved by local planning authority before any removal or demolition works, and to be submitted to the Heritage Environment Record.
- 21) Details of the physical connection to number 31 Timberhill to include a method statement, elevation drawings and section drawings (where appropriate);
- 22) Obscure glazing to be provided on every window serving a bathroom on the first 4 floors of any part of the development scheme;
- 23) Details of the building envelope construction to achieve adequate sound attenuation;
- 24) No occupation of any dwellings within Westlegate House until habitable rooms have sound-insulating ventilators installed;
- 25) Details of installation of plant and machinery at 14-18 Westlegate

- 26) Details of installation of fume and flue extraction equipment at 14-18 Westlegate
- 27) Restricted hours of trade deliveries to 14-18 Westlegate
- 28) Details of installation of plant and machinery at 20 Westlegate
- 29) Details of installation of fume and flue extraction equipment at 20 Westlegate
- 30) Restricted hours of trade deliveries to 20 Westlegate
- 31) No occupation of any dwellings within 27-29 Timberhill or the 2 no townhouses at the rear of 27-29 Timberhill until habitable rooms have sound-insulating ventilators installed;
- 32) Details of schedule of maintenance for all plant and machinery and fume and flue extraction equipment across the whole site.
- 33) Details of sound insulation measures to be applied to floors between the A3 on the ground and first floors of Westlegate House and the residential dwellings above;
- 34) No amplified music in the A3 unit at 14-18 Westlegate until details of the amplification system including maximum noise levels has been submitted and agreed;

**Informatives:**

- 1) Considerate constructors scheme;
- 2) Asbestos disposal guidance;
- 3) Building regulations compliance required for Fire Regulations;
- 4) Developer to meet costs of fire hydrant installation;
- 5) A copy of all plans and documents should be submitted to the Heritage Environment Record;
- 6) Prospective purchasers to be advised of no emergency parking provision should the car parking stacking system fail.
- 7) Public Highways Works Guidance;
- 8) The developer will be expected to enter into an agreement with the Highway Authority under Sections 38, 278 and 177 of the Highways Act to achieve the necessary access and licences for any buildings that will overhang the highway.
- 9) If the permitted development change to A1 is made in any of the A3 units within the scheme, planning permission and potentially LBC where applicable will be required for any change back to an A3 use;
- 10) If any tree roots are found, all works should cease and the Tree Officer at Norwich City Council should be contacted immediately.
- 11) The comments as submitted by Norfolk Constabulary give advice on the standards to which the development should be constructed. These comments should be adhered to where possible in order to achieve the highest possible standards of safety for future occupiers;
- 12) Any signage required for any of the commercial premises or the entrance signage for the residential dwellings shown indicatively in these application proposals will require Advertisement Consent and advice should be sought from the local planning authority.
- 13) If during the works, in particular the removal of roofs, any protected species are encountered, works will stop immediately and Natural England should be contacted to establish appropriate mitigation measures prior to works recommencing.

**Reasons for approval:**

- 1) The decision has been made with particular regard to statements 1, 2, 4, 6, 7, 11, 12 and 13 of the National Planning Policy Framework, policies SS1, SS6, T14, ENV3, ENV6, ENV7, WAT1, NR1, ENG1 and WM6 of the East of

England Plan (May 2008), policies 1, 2, 3, 4, 5, 6, 9, 11 and 20 of the Adopted Joint Core Strategy for Broadland, Norwich and South Norfolk (March 2011) and saved policies NE8, NE9, HBE3, HBE6, HBE8, HBE9, HBE12, HBE13, EP6, EP10, EP18, EP20, EP22, TVA8, EMP3, SHO3, SHO6, SHO9, SHO11, HOU2, HOU5, HOU13, SR7, TRA5, TRA6, TRA7, TRA8, TRA11, TRA12 and TRA14 of the City of Norwich Replacement Local Plan (Adopted Version November 2004).

The proposals provide for a comprehensive mixed use redevelopment scheme of a long vacant brownfield site within the city centre, providing an appropriate mix of retail, residential and complementary uses appropriate to the centres position in the retail hierarchy. The scheme has a distinct contemporary character, which despite the prevalence of Listed Buildings in the immediate locality, is considered acceptable and not to result in any detrimental visual impact on the character of the street scene or wider Conservation Area. The additional height is one of the main considerations of the developments design but this not considered to result in any visual harm to the setting and appearance of the historic and strategic heritage assets such as the Castle, Cathedrals and various civic buildings already visible on the city's skyline. Rather the additional height is considered to give some interest to a cluster of buildings already visible on the skyline but not to the extent that this new form detracts from or competes with the more visually prominent and important buildings which make up the current cityscape. The layout of the site is considered to be acceptable and will reinstate the historic street pattern and introduce a new high quality pedestrian connection from Westlegate to Timberhill. Sufficient provision is made for parking, cycle parking, residential amenity and servicing to serve the needs of the development. Whilst some impact on the existing amenity of neighbouring premises will result from these proposals, these are not considered to be significant so as to warrant refusal of the scheme.

One of the main considerations of this application has been the viability of the scheme and the resulting provision of affordable housing. A viability assessment has been undertaken by the applicant which has been verified by the District Valuer. As a result a commuted sum to provide off-site affordable housing provision is offered, with an overage clause in a S106 agreement to claw back any additional profit over 21% of the gross development value up to a cap set via the total commuted sum. On balance, given the wording of policy 4 of the Joint Core Strategy and the interim statement on the off-site provision of affordable housing as agreed by the Council, the desirability to redevelopment this long standing vacant and semi-derelict site, the sites prominence in the streetscape and townscape of the Conservation Area, the need for market housing and the promotion of economic activity in the nation Planning Policy Framework and the acceptability of the proposals in all other respects, it is considered that the proposals are acceptable in this case subject to the provisions secured via a S106 agreement and the conditions imposed.

- (2) where a satisfactory S106 agreement is not completed on or before the 30<sup>th</sup> June 2012, that delegated authority be given to the Head of Planning Services to refuse planning permission for application number **12/00276/F** Westlegate House, 14-18 Westlegate; 20 Westlegate; Car Park rear of 14-18 Westlegate and Lion and Castle Yard, Timberhill, Norwich, for the following reason:

- 1) In the absence of a legal agreement relating to the provision of contributions for improvements in the public realm, provision of affordable housing via a commuted sum and agreement to an overage clause to claw back any profit over 21%, the proposals is considered to be contrary to saved policies SHO9 of the Adopted City of Norwich Replacement Local Plan (Adopted Version November 2004) and policy 4 of the Adopted Joint Core Strategy for Broadland, Norwich and South Norfolk (March 2011).

To approve application **12/00277/L** 20 Westlegate, Norwich, and grant Listed Building Consent, subject to the following conditions:

- 1) Standard 3 year time limit;
- 2) In accordance with the drawings;
- 3) A schedule of all works to the Listed Building at 20 Westlegate;
- 4) A schedule of any works required to either 2-4 Lion and Castle Yard and/or 31 Timberhill, where physical connections are being made, or works are required as a result of damage during demolition or construction;
- 5) Submission of all approved plans and the Heritage Statement submitted in support of the application to the Heritage Environment Record;
- 6) A full basement investigation and survey in number 20 Westlegate. Details of any works to the basement to be submitted and approved in writing prior to the commencement of works. The survey and a full photographic record should be submitted to the Heritage Environment Record;
- 7) All existing Heritage Interpretation Plaques to be removed and stored off site during demolition and construction works and to be replaced, to an agreed position, with the LPA once works are completed;
- 8) Details of the style, position, route of wiring, and fixings of the proposed street light on the east elevation to number 20 Westlegate;
- 9) Details of the proposed thatch, including reed type and origin, design of thatch roof and ridge, and a method statement detailing removal of the existing thatch and re-thatching;
- 10) Details of the zinc shingle cladding on the new extension to the rear of 20 Westlegate including a sample, and a seam/join detail (scale 1:20);
- 11) Details of the ridge vent and concealed guttering to the new extension to the rear of 20 Westlegate;
- 12) Details of all new joinery (windows/doors and shopfronts) in the existing Listed Building at 20 Westlegate and the proposed new rear extension;
- 13) Details of any external redecoration to the listed building to be agreed, to include details of colour, finish and materials, e.g. new render;
- 14) Any damage incurred as a result of the implementation of this permission to be made good within 3 months of completion of the development scheme;

Informatives:

- 1) Any works required to either 2-4 Lion and Castle Yard or 31 Timberhill, or both, as a result of works being carried out to implement this approval or the implementation of permissions granted under application numbers 12/00276/F and/or 12/00319/C may require Listed Building Consent. Advice should be sought from Design & Conservation prior to any works being carried out.

Reasons for Approval:

- 1) Internally the building has undergone numerous changes to facilitate the various conversions that the building has already gone through and as such some of the historic fabric has already been lost. The proposals see minor internal works including the opening up of floor plans, exposure of original fireplaces and removal of modern ceilings. The opening up of the first floor to allow the original historic floor plan to be read will be hugely beneficial not only for the building in terms of being able to read the original floor plan of the building but also in terms of the usability of the space. The proposed new shopfront and side windows are considered to be acceptable and will improve the front façade of the building and bring surveillance to the new pedestrian route from Westlegate. These proposals are considered to be in accordance with the objectives of statement 12 of the National Planning Framework, policy ENV6 of the East of England Plan (May 2008), and saved policy HBE9 of the City of Norwich Replacement Local Plan (Adopted Version November 2004).
- 2) The most significant change to 20 Westlegate is the extension to the rear proposed following demolition of the existing modern flat roof extension. The existing extension is not considered to be of any historical or architectural merit and is considered to have a visually detrimental impact on the character of the listed building to which it is attached and the wider Conservation Area and the setting of adjacent listed building. Its loss is therefore considered to be acceptable. The form and scale of the proposed extension reflects that of the existing Listed Building and will be read as a subservient extension with an obviously contemporary treatment. A single material (zinc shingle cladding) is proposed for both the walls and pitched roof with wide picture windows to the street elevations and in the roof to allow for views into and out of the building to significant viewpoints. The design and form is considered to be acceptable and subject to compliance with the conditions imposed on this decision, the materials proposed are also considered acceptable. The proposals are therefore considered to be in accordance with the objectives of statement 12 of the National Planning Framework, policy ENV6 of the East of England Plan (May 2008), and saved policy HBE9 of the City of Norwich Replacement Local Plan (Adopted Version November 2004).
- 3) Specific regard has been taken to ensure that when passing through the site the views of the church tower of All Saints Church are visible, thus aiding legibility, and that once inside the new extension to the rear of 20 Westlegate, roof lights are positioned so as to afford specific “picture windows” of the tower. The materials proposed have been chosen to afford quality to the scheme design without appearing to give them too high a status when considered in the context of adjacent Listed Buildings. The scheme also sits in close proximity to 2-4 Lion and Castle Yard and 31 Timberhill and the new development has either been stepped back away from the main elevation or designed so as to reflect the scale and height of these listed buildings in order that the new development will sit comfortably when these buildings are viewed together. Whilst the scale of the new building is somewhat larger than the existing listed buildings surrounding the application site, this is a tight urban environment and some level of compromise to achieve a high quality development on this long vacant plot has to be made. The proposals are not considered to adversely affect the setting of the adjacent listed buildings but are considered to be in accordance with the objectives of statement 12 of the National Planning Framework, policy ENV6 of the East of England Plan (May 2008), and saved policy HBE9 of the City of Norwich Replacement Local Plan (Adopted Version November 2004).

To approve application **12/00319/C** Former club building and part internal car park structure, rear of 14-18 Westlegate, Norwich, and grant Conservation Area Consent, subject to the following conditions:

- 1) Standard 3 year time limit;
- 2) In accordance with the drawings submitted;
- 3) Contract for bona-fide redevelopment to be submitted before any demolition works occur;
- 4) Methodology for demolition, to include details of how waste will be removed from site, storage of waste materials on site if required, control of dust emissions and noise reduction measures and any required additions to the building such as scaffolding;

Reasons for Approval:

- 1) The existing building to the rear of 14-18 Westlegate is not considered to be of any historical or architectural quality, nor is it considered to have a positive impact on the Conservation area or the surrounding buildings. In addition, its loss is considered to facilitate the regeneration of the wider area and bring forward a comprehensive redevelopment scheme for this long vacant part of the city centre. Policy HBE8 states that a scheme for comprehensive redevelopment should be made in addition to plans for demolition and in this case the proposed new buildings to replace those existing are considered acceptable. The new Courtyard House building to the rear of Westlegate House is considered to be acceptable and to sit visually comfortably with the proposals for the rest of the tower premises and adjacent Listed Buildings. The proposals are therefore considered to be in accordance with the objectives of saved policy HBE8 of the City of Norwich Replacement Local Plan (Adopted Version November 2004).