

Report to Planning applications committee
13 August 2020

Report of Area development manager

Subject Application nos 19/01801/F – Land adjacent to St Faiths House, Mountergate, Norwich, NR1 1QA

Reason for referral Objections

4(f)

Ward	Thorpe Hamlet
Case officer	Lara Emerson - laraemerson@norwich.gov.uk

Development proposal		
Demolition of warehouse buildings and construction of boundary wall, secure boundary fence and associated remediation works.		
Representations		
1 st consultation		
Object	Comment	Support
3	1	0
2 nd consultation		
Object	Comment	Support
1	1	0

Main issues	Key considerations
1. Design & Heritage	Loss of industrial buildings, gap site in conservation area, boundary treatments, impact on listed buildings.
2. Biodiversity	Impact on biodiversity.
Expiry date	30 July 2020 (extended from 22 April 2020)
Recommendation	Approve



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Planning Application No 9/01801/F
Site Address Land to rear of St Faiths House
Mountergate
Scale 1:500



NORWICH
City Council
PLANNING SERVICES



The site, surroundings and constraints

1. The site is located on the east side of Mountergate close to its junction with Rose Lane. To the north of the site is a small modern 2 storey office building surrounded by a small car park. To the east is a portion of a hotel car park, a riverside park and the River Wensum. To the south of the site is St Faiths House itself which is in use as offices and is Grade II listed. Further south is the private road known as Baltic Wharf and a 3 storey modern office block. To the west of the site is Weavers House which is a Grade II listed building which has recently been converted to 3 flats. On the opposite side of Mountergate is the new Rose Lane car park.
2. The site contains a number of industrial warehouse buildings which have been vacant for many years and are identified as negative buildings within the King Street Character Area Appraisal. The site can be accessed from Mountergate and from Baltic Wharf.
3. Other designations include:
 - (a) The site is allocated within the Norwich Site Allocations Plan (2014) as part of strategic site CC4.
 - (b) City Centre Regeneration Area (Policy DM5)
 - (c) City Centre Leisure Area (Policy DM18, DM23)
 - (d) Area of Main Archaeological Interest (Policy DM9)
 - (e) Office Development Priority Area (Policy DM19)
 - (f) City Centre Parking Area (Policy DM29)

Relevant planning history

Reference	Description	Decision	Date
18/00062/F	Demolition of existing commercial buildings and redevelopment of site to include construction of 17 no. dwellings and commercial ground floor fronting Mountergate. Conversion and change of use of St Faiths House to 5 no. residential flats (Class C3) (revised scheme).	Withdrawn	09/09/2019
18/00063/L	Alterations to St Faiths House to facilitate the conversion to residential units.	Withdrawn	09/09/2019
19/01802/L	Demolition of warehouse buildings and construction of boundary wall, secure boundary fence and associated remediation works.	Approved	24/02/2020

The proposal

4. Demolition of warehouse buildings and construction of boundary wall along Mountergate, secure boundary fence around the rest of the site and associated

remediation works. The wall would vary in height (due to land levels) from 1.75m to 1.92m.

5. A listed building consent application has already been approved for these works (necessary since it is likely that one of the warehouse buildings attaches to the rear of the listed St Faiths House).

Representations

6. The application has been advertised on site and in the press, and adjacent and neighbouring properties have been notified in writing. 4 letters of representation were received during the original consultation period citing the issues as summarised in the table below.

Issues raised	Officer Response
<p>I support the application for the demolition of the fire damaged, dilapidated warehouse and the tidying up of the surrounding area.</p> <p>The derelict buildings that face onto Mountergate would be a welcome removal.</p> <p>There is nothing wrong with the demolition of the sheds.</p>	<p>Support noted.</p>
<p>The application does not state how the land space created by the demolition will be utilized.</p> <p>The land needs to be used for social housing or a homelessness shelter.</p> <p>It is likely that this is a precursor to an application for a large development to the hotel, which would not be in keeping with the character of Mountergate.</p>	<p>See Main Issue 1: Design & Heritage.</p> <p>Note that the application is for demolition only.</p>
<p>We have blocked drains at St. Faiths House and cannot access the main drain as it is within the large adjoining shed.</p>	<p>This matter is not relevant to the planning application, but it has been passed on to the applicant.</p>
<p>I am concerned the main building does not appear to have been inspected for bats.</p>	<p>A further ecology survey has since been carried out and the results submitted to us. See Main Issue 2: Biodiversity.</p>
<p>I would be concerned if any clearance works were to happen during bird nesting season.</p>	<p>See Main Issue 2: Biodiversity.</p>
<p>Site traffic movements on a junction with restricted visibility onto Mountergate is a concern for those travelling on Mountergate.</p> <p>The Baltic Wharf/Mountergate junction is dangerous, especially for vulnerable road users such as cyclists, and the addition of yet further traffic movements on an already visually obstructed junction is undesirable.</p>	<p>The proposal involves sealing off the site. There would be no additional traffic generation. Traffic movements during demolition are discussed within paragraph 49 below.</p>

7. Following a period of negotiation between the case officer, consultees and the applicant, and the submission of more comprehensive ecology reports, a second neighbour consultation was undertaken. 2 letters of representation were received during this second consultation period which raised largely the same issues as those summarised above, plus the additional matter below.

Issues raised	Officer Response
Concern about safe removal of asbestos within the buildings.	See paragraph 50.

Consultation responses

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

Design and conservation

9. The principle of demolition is acceptable in this particular case due to the quality of the buildings and the known issues around squatting and arson (although clearly I would prefer this to come forward as part of a comprehensive redevelopment scheme).
10. I would like to see details of the wall (brick type, elevations, brick bond etc). Ideally something low in height & with some interest such as brick pillars & a traditional brick bond & product spec.
11. The applicant would be required to carry out any necessary repairs to the listed building following demolition so they might want to consider ownership/party wall matters.

Historic England

12. This application proposes the demolition of existing commercial buildings on a site in the conservation area adjacent to two grade II listed buildings. We are concerned this would leave an undeveloped 'gap' site which would result in harm to the historic significance of the listed buildings and conservation area in terms of the National Planning Policy Framework. We would not support the application, but recommend the Council seek a scheme for redevelopment of the site or establish a legal agreement restricting implementation of the demolition until such a scheme is agreed before approving these works.

Environmental Protection

13. After some negotiation regarding asbestos contamination and the submission of a revised Demolition Method Statement, the application is considered acceptable.

Transport

14. No objection on highway grounds.

Historic Environment Services

15. Condition demolition to slab level only.

Ecology

16. Comments upon initial receipt of the application:
17. The letter dated 21st February from James Blake associates represents an opinion following an external building inspection. As such I don't feel it can be given significant weight. Suitably qualified Ecologists may have undertaken the inspection but the conclusions may not be based on sufficient evidence.
18. It is not entirely clear which building or buildings were inspected as the letter refers to one building whereas it is proposed to demolish 2 buildings on the site. Judging from the site location map (Appendix A), I assume that the building on the Mountergate street frontage was inspected. If so, it would clearly be necessary to also consider the other building.
19. It is also not clear what extent of internal inspection of the building was actually possible or achieved.
20. The letter does not include any reference to desktop study to check records of local bat sightings.
21. The conclusion of the letter is that The majority of the building is considered to have a 'negligible' potential for bats with a section to the south west considered to have a 'low' bat roost potential. This may be the case. However, I do not feel that the letter provides sufficient information to enable a planning decision to be made.
22. My concern is based on:
 1. The proximity of the river; the site is within 200m of the Wensum which is a bat feeding and movement corridor.
 2. The timescale over which the buildings have been derelict.
 3. The lack of information/inspection of the buildings.
23. The letter suggests that the morning of the demolition a dusk emergence and dawn re-entry survey should be conducted which should be followed by a soft demolition supervised by a bat licenced ecologist. This approach also concerns me as (apart from the seeming impossibility of conducting a dusk survey in the morning) if such a survey revealed the presence of bats it may mean the building has a roost. In this case continuing immediately with demolition would risk harm to bats and thereby contravene legislation. I agree that an emergence/re-entry survey is needed, but this should take place before any demolition is permitted. I suggest that a survey is undertaken soon (weather/season is approaching optimal period) and a report on the survey should be submitted for our consideration. We would then have better information on a protected species before making a decision.
24. Demolition Management Strategy Addendum does not include any references to ecological requirements. The applicant should be asked to arrange for their

Ecological and Demolition consultants to co-ordinate the inclusion of ecological checks into the Demolition strategy and Method Statement.

25. Method Statement Section 2.1 Regulations. This should include relevant Wildlife legislation as outlined in the Bat letter.
26. 14.1 Demolition sequence does refer to Ecology works (tbc) - but this clearly needs working up with input from the Ecological consultant. These documents need revising and resubmitting.
27. From the Method Statement, it appears that the site would be levelled using existing spoil and compacted. Over time the site will be colonised by plants, invertebrates etc. and develop into habitat with biodiversity increasing over time. At some point, it seems likely that the site would be redeveloped. If as is equally likely, the intervening period lasts for several years there may be opportunities for ecological enhancement; for example small mammal access in the perimeter fencing/walls.
28. I also suggest that it would be worth exploring advanced planting and ecological features to establish green infrastructure between the river and Mountergate along fringes of the site, and that this could be covered by a legal agreement. This would represent mitigation for having an empty site in the city centre for the foreseeable future which would otherwise be surrounded by fencing and be contributing little to the ecology or streetscape.
29. Suggested Conditions:
 - BI4 Small mammal access
 - BI3 Bird Nesting Season.
30. We may need to consider other conditions if the bat emergence/re-entry survey reveals the presence of bats.
31. I'm not sure that the previous survey does give enough assurance as it was carried out on 6th Feb 2018. Best practice is not to rely on surveys that are more than 2 years out of date, plus the condition of the buildings seems to have deteriorated since then. From google streetview it looks like windows have gone missing which might have allowed bat access.
32. I don't think we would be asking them for much more in terms of survey than what their Ecology consultants are recommending. The survey just needs to be brought forward so that we can see the results before making a decision.
33. *Final comments after submission of full bat survey report:*
34. The revised Bat survey has been carried out by suitably qualified Ecologists. The conclusions are essentially that there is a likely absence of a bat roost within the buildings on site, and that works can proceed with no negative impacts on bats predicted. These conclusions are accepted.
35. The revised Demolition Method Statement (11May2020) now includes a section on Ecology works (p21). However this does not mention bird nesting and at p31

Ecology works are described as TBC if required. Bird nesting should obviously be included as I understand that the applicants are keen to proceed and we are within the bird nesting season.

36. James Blake Associates undertook a bird nesting check as outlined in their letter 27 April 2020. It noted a large number of feral doves and pigeons with numerous active nests, and recommended that a second nesting check should be undertaken immediately (within 48 hours) prior to demolition. This information should be included in the Demolition Method Statement and reinforced by Condition BI3 Bird Nesting Season.

Assessment of planning considerations

Relevant development plan policies

37. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
 - JCS2 Promoting good design
38. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
 - DM1 Achieving and delivering sustainable development
 - DM2 Ensuring satisfactory living and working conditions
 - DM3 Delivering high quality design
 - DM6 Protecting and enhancing the natural environment
 - DM9 Safeguarding Norwich's heritage
 - DM11 Protecting against environmental hazards

Other material considerations

39. **Relevant sections of the National Planning Policy Framework February 2019 (NPPF):**
 - Section 12 Achieving well-designed places
 - Section 15 Conserving and enhancing the natural environment
 - Section 16 Conserving and enhancing the historic environment

Case Assessment

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

Main issue 1: Design & Heritage

41. Key policies and NPPF paragraphs – JCS2, DM3, DM9, NPPF sections 12 and 16.
42. The proposed demolition of these warehouse buildings would result in an empty area of land which is undesirable in any case, and especially when considering the site's context within a conservation area and adjacent to two listed buildings. However, in this case the King Street Character Area Appraisal has identified these buildings as making a 'negative' contribution to the conservation area, and their demolition would open up views to both listed buildings. In addition, the buildings are in a very bad condition and therefore difficult to secure from break-ins. There have been instances of arson, which is obviously undesirable in structures which are attached to a listed building. This makes the situation more urgent and although the site is likely to come forward for comprehensive redevelopment in the near future, the demolition of these buildings is considered acceptable in the short term.
43. The boundary treatments to Scandic House and Baltic Wharf are proposed to remain as existing (brick/block walls). The car park boundary is proposed to be secured with a boundary fence, which is considered acceptable in this less sensitive location. The frontage on Mountergate is proposed to be secured with a brick boundary wall. This is considered to be the least harmful option, as long as the wall has some interest. Full details will be required by condition.
44. Overall, the proposal would lead to less than substantial harm to the conservation area and the setting of St Faiths House and Weavers House but the public benefits of securing the site are considered to outweigh this harm. However, it is essential that the boundary treatments are constructed as proposed without leaving the site exposed once the building is demolished. This can be secured by a suitably worded condition.
45. Since the site sits within an area of high archaeological significance it is necessary to restrict demolition to slab level only.

Main issue 2: Biodiversity

46. Key policies and NPPF paragraphs – DM3, DM8, NPPF sections 8, 12 & 15.
47. The buildings are derelict and close to the River Wensum which is a known bat feeding corridor. A full bat survey has now been submitted and the conclusions are essentially that there is a likely absence of a bat roost within the buildings on site, and that works can proceed with no negative impacts on bats predicted. These conclusions have been accepted by the council's ecologist.
48. The largest building to be demolished accommodates quite a number of bird nests, so it is essential that works are not carried out during the bird nesting season (March – August) unless an ecologist confirms that this is acceptable. A bird nest check should be carried out within the 48 hours leading up to demolition regardless of the time of year. Conditions are recommended to this effect.

Other matters

49. The proposed works would not generate any long term traffic implications, but there would be some implications during the demolition works themselves. The applicant

has submitted a demolition method statement which sets out that it is anticipated that the works would take 8 weeks, and that traffic would enter and exit via the existing site access on Baltic Wharf, accompanied by a banksman. The method statement also sets out various appropriate ways that the works would be controlled to limit noise and dust to surrounding properties.

50. An informative is recommended which reminds the applicant of their responsibilities in safely removing asbestos from the site, and the Demolition Method Statement sets out a method which is acceptable to the council's Environmental Protection Officer.

Equalities and diversity issues

51. There are no significant equality or diversity issues.

Local finance considerations

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

Conclusion

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

Recommendation

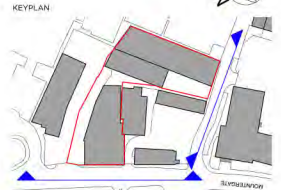
To approve application no. 19/01801/F – Land adjacent to St Faiths House, Mountergate, Norwich, NR1 1QA and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Details of wall to be submitted prior to relevant works;
4. No site clearance during bird nesting season;
5. Small mammal access;
6. Demolition to slab level only;
7. Construction of approved boundary treatments within 6 months of the completion of demolition works.

Informative:

1. Asbestos regulations

REV.	DATE	AMENDMENT
P01	20/01/2020	ISSUED FOR INFORMATION



CLIENT

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PROJECT
83 MOUNTERGATE, NORWICH

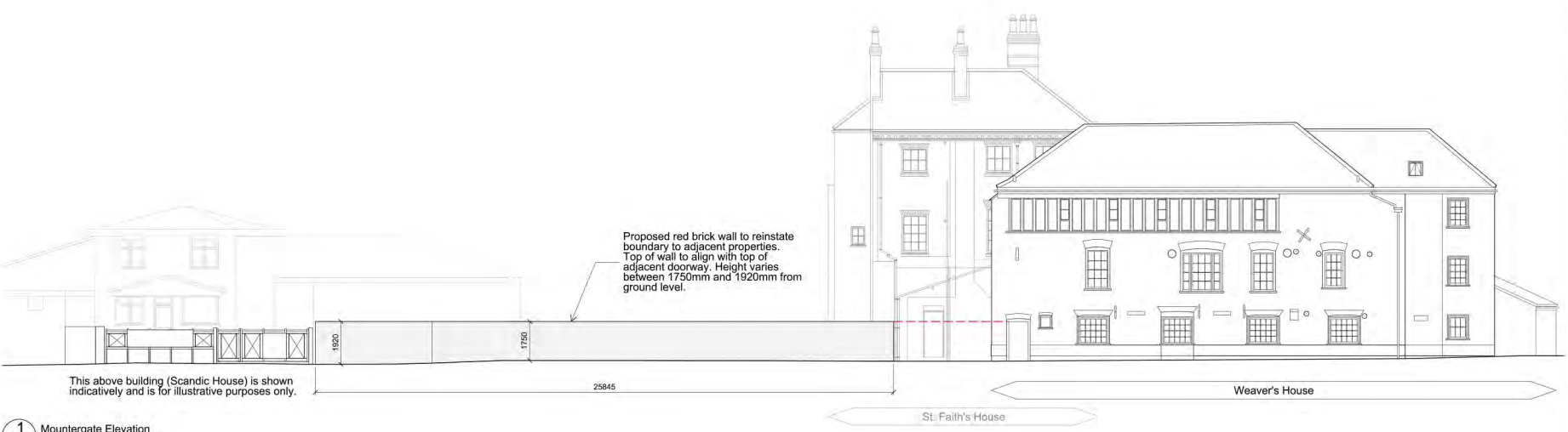
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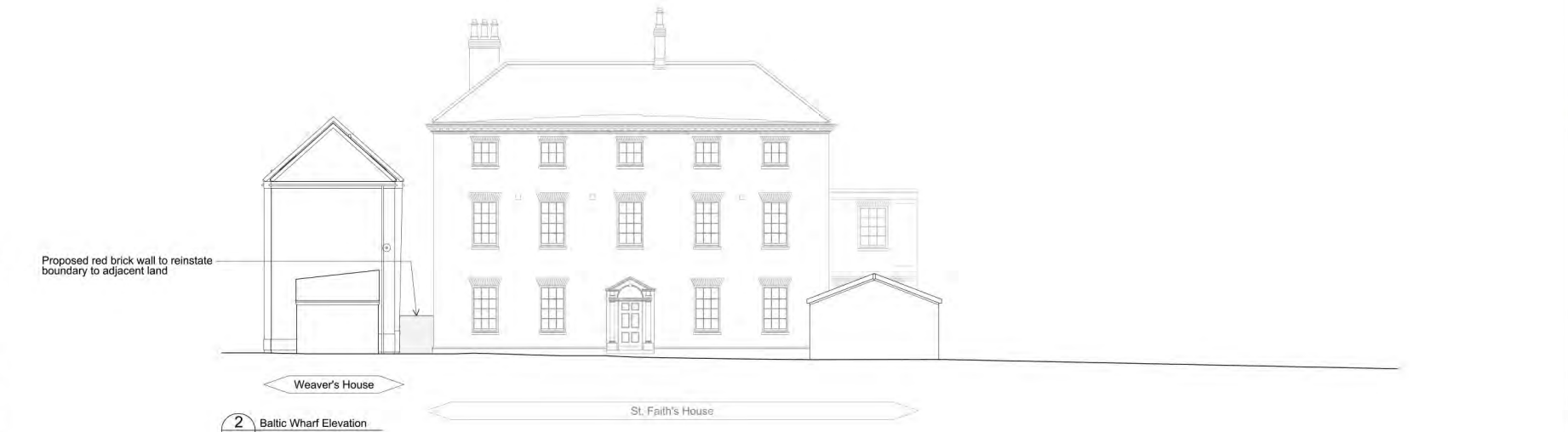
STATUS
S2 INFORMATION

DRAWING NO.
6150 - SRA-XX-XX-SK-A-0261

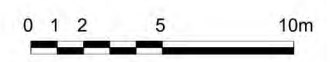
REV.
P01



1 Moutergate Elevation

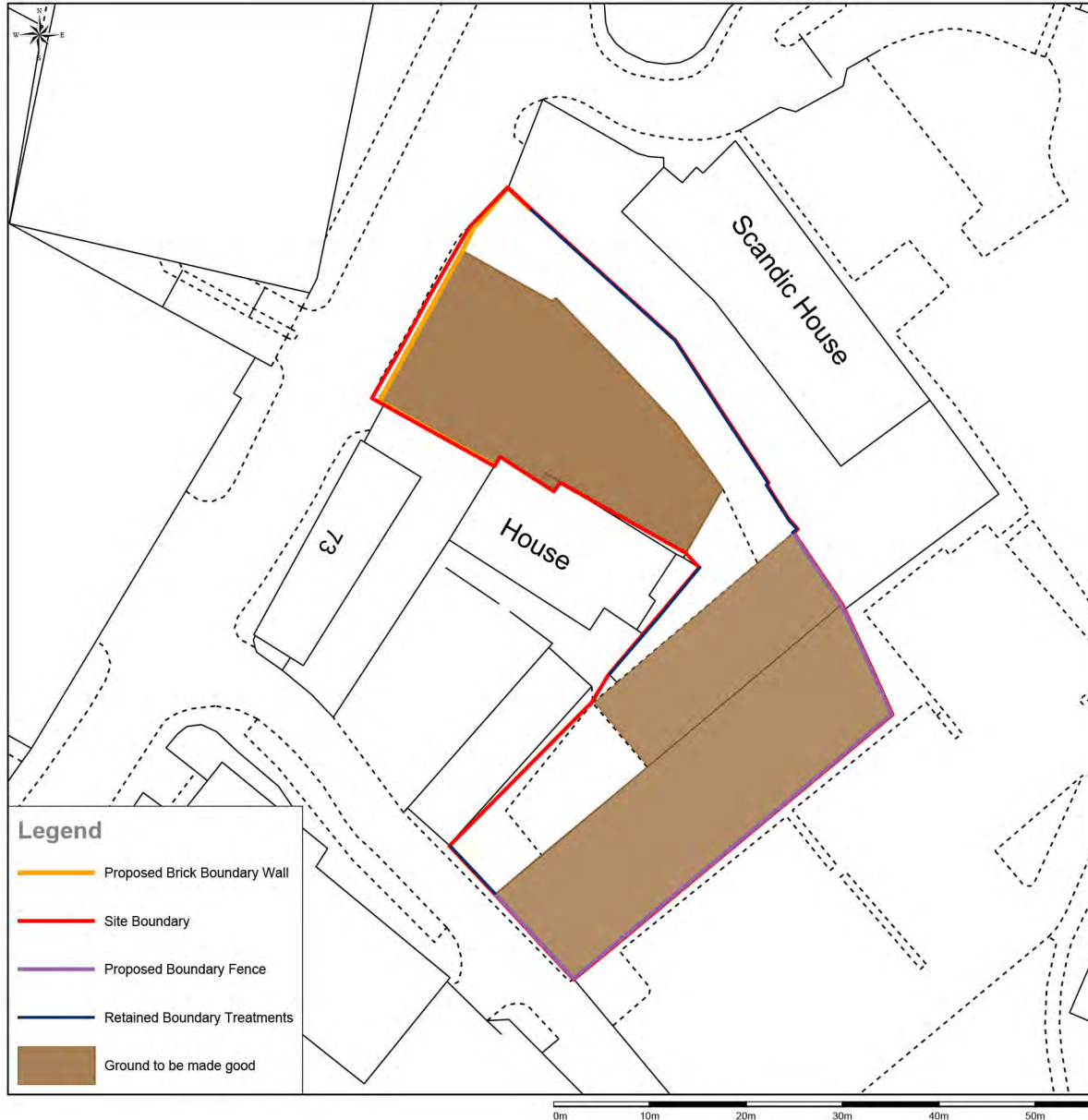


2 Baltic Wharf Elevation



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Printed: 21/01/2020

Proposed Site Plan (Drawing Reference Ref: 003)



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