

**Report to** Planning applications committee

**Item**

11 February 2016

**Report of** Head of planning services

**Subject** Application no15/01906/U - St Michaels Church,  
Oak Street, Norwich, NR3 3AE

**4(g)**

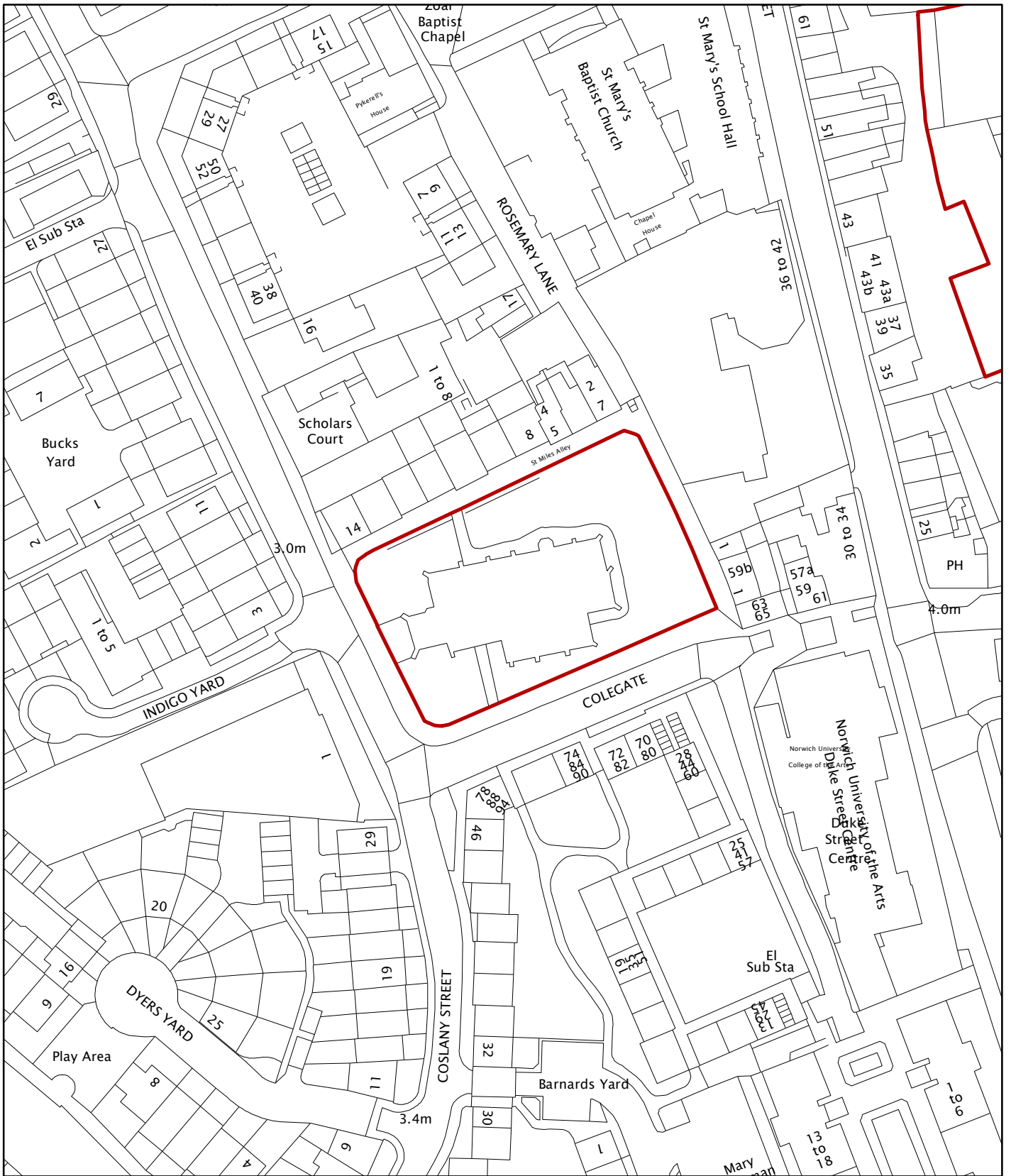
**Reason  
for referral** Objections

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<b>Ward:</b>	Mancroft
<b>Case officer</b>	Caroline Dodden - carolinedodden@norwich.gov.uk

<b>Development proposal</b>		
Change of use to circus including training and rehearsal (Sui Generis).		
<b>Representations</b>		
Object	Comment	Support
8		10

<b>Main issues</b>	<b>Key considerations</b>
1 Principle of development	Acceptability of use at the proposed location and loss of community facility (D1)
2 Amenity	Impact on nearby residents
3 Transport	Parking and servicing
<b>Expiry date</b>	11 February 2016
<b>Recommendation</b>	Approve



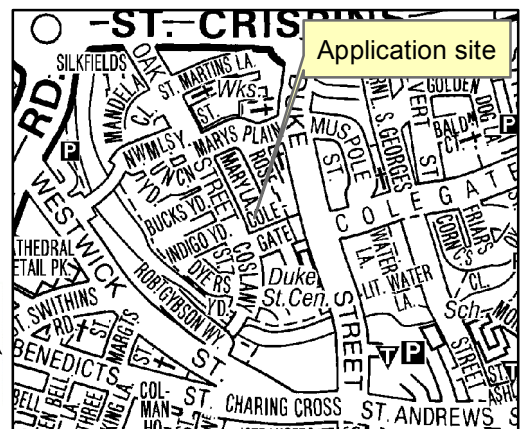
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Planning Application No 15/01906/U  
 Site Address St Michael's Church  
 Oak Street

Scale 1:1,000



**NORWICH**  
 City Council  
 PLANNING SERVICES



## The site and surroundings

1. St. Michael's church is located on the northeast corner of Colegate and Oak Street. Pedestrian footpaths surround the grounds of the church, which includes St.Miles Alley to the north of the site.
2. The character of the area is largely residential with dwellings overlooking the site from all directions, but there is a couple of nearby commercial premises at 1 and 1A Oak Street (and 63 Colegate). In addition, the former Bentley garage site at 36-42 Duke Street is located close to northeast corner of the application site.

## Constraints

3. The Michael's church is a grade I listed building and there are a number of grade II listed buildings nearby, at 1 St Miles Alley , 2 - 9 St Miles Alley and Regency House, Duke Street.
4. The church is located within the Colegate characterisation zone of the city centre conservation area and identified as a local landmark within the city centre conservation area appraisal. Its grounds are formally identified as open space, which is characterised by a grassed area with trees located along the eastern side of the church.
5. On the Norwich Local Plan Policies Map the site falls within in an area of main archaeological interest, the city centre parking area, an area for reduced parking and a city centre regeneration area.
6. The site also falls within Flood Zone 2.

## Relevant planning history

7.

Ref	Proposal	Decision	Date
950340/U	Change of use from martial arts centre (Class D2) to exhibition centre with ancillary administration and education offices (Class D1).	Approved	June 1995
14/00119/U	Change of use from exhibition centre (Class D1) to gym and training area for wrestlers (Class D2).	Withdrawn	19/03/2014

## The proposal

8. To change the use of the premises to a circus for training, rehearsals, classes and occasional performances (Sui generis use class). The proposal is for the relocation of an existing circus company, known as Lost In Translation.

## Summary information

<b>Proposal</b>	<b>Key facts</b>
<b>Operation</b>	
Opening hours	<b>8:00am – 9:00pm on any day</b>
<b>Transport matters</b>	
Vehicular access	<b>No off-site access</b>
No of car parking spaces	<b>No off-site provision</b>
No of cycle parking spaces	<b>Not known – condition proposed to agree provision</b>
Servicing arrangements	<b>No off-street loading/unloading available – see Transport paragraphs</b>

## Representations

9. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. Adjacent and neighbouring properties have been notified in writing. Six letters of representation have been received; two of the representations are from a group of 4 households, giving a total of 8 households citing the issues as summarised in the table below. All representations are available to view in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

<b>Issues raised</b>	<b>Response</b>
Exacerbating existing on-street parking problems and increased levels of traffic to the area.	Paragraphs 18-22
Concerns about levels of noise from inside and outside the church from the increased activity and from amplified music in what is a largely residential area. Particular concern about increased noise levels at night, when area is quiet.	Paragraphs 36-42
Concern about levels of light	Paragraph 41
Concern about the number of performances the circus would wish to hold at the church.	Paragraphs 36-42
Concerns about where refuse storage will be located, what the loading arrangements will be and the likely increase in generation of	Paragraphs 46-48

Issues raised	Response
rubbish.	

## Consultation responses

10. 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

11. The change of use into a circus training studio is an interesting and innovative use for this significant grade I listed building. The current initial proposals are to erect a scaffold structure which will be completely temporary and not affixed to any historic fabric.
12. The principle of this change of use is acceptable in conservation and design terms however some additional conditions should be added to the approval to ensure the protection of historic features.

### Environmental protection

13. The main concern is the break-out of noise from the premises affecting local residents and businesses. To some extent this has been addressed in the Noise Management Plan that has been submitted with the application.
14. The proposed hours of operation and delivery/set take down hours are acceptable and can be detailed in a condition. The submitted Noise Management Plan in its entirety will help minimise noise break out and general noise disturbance resulting from activities at the application site. Therefore, it is recommended that either the complete Noise Management Plan is included as part of any decision notice or the information contained therein is incorporated into conditions.
15. In addition to good management practices, a more comprehensive noise condition is considered necessary to ensure adequate protection from noise break-out. A condition should also be included that no performances with amplified music are to be conducted outside the church.
16. In terms of possible light pollution, it is recommended that an advisory note makes reference to the potential for light pollution given the large church windows and that we would advise consideration is given to this.

### Environment Agency

17. The built footprint will remain the same, therefore, there is no increase in vulnerability at the site and the flood risk to the development and off site remains the same at the current risk. The development lies outside of the 1 in 100 (1%) annual probability even with climate change flood extent.

## Highways (local)

18. The proposed development is suitable in transportation terms for this accessible city centre location, there is ample car parking within the city centre and bus, cycle/walking provision for good access to the site in its role as a training centre and performance venue.
19. Parking permits would not be issued to the Applicants and so any staff or visitor parking would need to be accommodated within on street pay and display parking or in the St Andrews Multi Storey car park. Waiting restrictions in the locality ensure that all parking is managed and subject to civil parking enforcement.
20. Some internal cycle storage is proposed, although no additional provision is detailed; adequate cycle parking is an essential requirement for staff or patrons. Refuse storage is likely to be minimal, but could be greater when events are held and refreshments sold when a café bar is established in the future.
21. The proposed Travel Information Plan is helpful and acceptable.
22. Whilst nearby residents have stated that there is an existing parking problem in the area, it is considered that the lack of off-street parking and servicing should not prevent the church from being re-used, as this issue would not alter for any potential occupier of the church building.

## Norwich Society

23. We welcome this proposal and use of this very important City church. We have some reservations about the likely noise generated during performances but these are outweighed by bringing the building back into use. There should be parking restrictions in front of the west door to retain the architectural integrity of the church and courtyard.

## Assessment of planning considerations

### Relevant development plan policies

24. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
  - JCS1 Addressing climate change and protecting environmental assets
  - JCS7 Supporting communities
  - JCS8 Culture, leisure and entertainment
  - JCS11 Norwich city centre
25. **Northern City Centre Area Action Plan adopted March 2010 (NCCAAP)**
  - ENV1 – Climate change mitigation and adaptation
26. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
  - DM1 Achieving and delivering sustainable development
  - DM2 Ensuring satisfactory living and working conditions
  - DM5 Planning effectively for flood resilience
  - DM9 Safeguarding Norwich's heritage
  - DM22 Planning for and safeguarding community facilities

- DM28 Encouraging sustainable travel
- DM31 Car parking and servicing

### **Other material considerations**

#### **27. Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**

- NPPF0 Achieving sustainable development
- NPPF2 Ensuring the vitality of town centres
- NPPF4 Promoting sustainable transport
- NPPF10 Meeting the challenge of climate change, flooding and coastal change
- NPPF12 Conserving and enhancing the historic environment

### **Case Assessment**

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

#### **Main issue 1: Principle of development**

29. Key policies and NPPF paragraphs – DM18, DM22, JCS7, NPPF paragraph 70.
30. Paragraph 70 of the NPPF states that planning policies and decisions should plan positively for the provision and use of shared space, community facilities (such as cultural buildings) and other local services to enhance the sustainability of communities and residential environments.
31. Under policy DM18, the proposed use is considered to be a main town centre use, as defined in the NPPF and as such, its proposed location within the city centre is considered to be acceptable and would enhance the range of community/ cultural facilities available within the city centre.
32. Policy DM22 seeks to protect community facilities. It is understood that the previous use as an exhibition centre (Inspire Discovery Centre) closed in early 2011. Therefore, given that the premises has been vacant for five years and that the proposed use would entail educational training/ classes as part of its function, it is considered that the proposed change of use would not be contrary to aims of policy DM22.
33. St. Michael's church has an existing authorised use as D1 use (as an exhibition centre) with ancillary offices, which was granted in 1995. It is noted that the proposed training and workshop elements of the circus could operate under the current permission, as non-residential training centres fall within the D1 use class.
34. It is the performance side of the proposed use that changes the overall function of the proposal, which requires planning permission for a sui generis use by

encompassing a training facility, providing workshops and occasional performances.

### **Main issue 2: Amenity**

35. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
36. The main issue raised by nearby occupiers relates to the increase in noise inside and outside the premises, particularly in the evening. In this regard, policy DM2 states that development will not be permitted where it would not result in an unacceptable impact on the amenity of the area or the living or working conditions or neighbouring occupants. Regard is given to such matters as noise, odour, vibration and artificial light.
37. A Noise Management Plan has been submitted detailing the proposed hours of operation and use of amplified music for each function. In addition, the Applicant has held a small open event at the church for local residents. As a result of the residents feedback, the Applicant has revised their proposed hours of operation to between 8:00am and 9:00pm on any day.
38. The circus company is an existing operation. The church would be largely used as a rehearsal space during the day and used for evening classes in the evenings and at weekends. The initial intention is to hold approximately 14 professional shows and 3 amateur performances at the church per year (the majority of the performances would be over the Christmas period). Members of the public would enter and exit the church through existing doors on the south side.
39. Advice from the Environmental Protection team indicates that whilst noise is inevitable, planning conditions could be attached to control the level of noise and other matters such as when set take downs are carried out.
40. The Applicants sound engineer has undertaken a number of sound measurements, both internally and externally, to ascertain whether the proposed noise levels proposed by the Environmental Protection team could be met. The Applicant has concluded that their day to day activities and occasional performances could be undertaken within the parameters of the proposed condition.
41. In addition, the Applicant is investigating the potential of erecting free standing frames to enable fabric to be positioned in front of the windows, which would also aid with potential light pollution.
42. Whilst an increase in noise is inevitable, this needs to be set against the current authorised use of the building as an exhibition centre and given the limited number of professional performances proposed it is considered that the imposition of conditions would adequately manage this. As such, the impact on nearby residents from potential noise disturbance would not be significant enough to warrant refusal of the proposal.

### **Main issue 3: Transport**

43. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF paragraphs 17 and 39.
44. Being in the city centre, the location of the proposed facility is considered to be



sustainable, within walking distance of many bus stops and the train station. In addition the site is located approximately 300 metres from St. Andrews multi-storey car park and there is on-street parking bays located on Colegate, adjacent to the church and additional on-street parking can be found near St. Mary's works to the north of the site.

45. A small area within the church has been allocated for cycle storage. Given the sensitivity of this grade I listed building and its churchyard it is considered that the provision of an external cycle store is unlikely to be acceptable. Consequently, any additional cycle parking space would need to be catered for inside the church. The details of this could be the subject of a condition, to ensure adequate provision.
46. Servicing is proposed to take place from the north side of the building. The Noise Management Plan sets out delivery and loading/unloading hours, which are considered to be acceptable and align with the general hours of operation proposed.
47. Refuse and recycling bins would be stored on the north side of the building, as arranged for the previous use.
48. The constrained nature of the site means that service vehicles would need to be positioned on the street. The Noise Management Plan confirms that the main packing and unpacking would be carried out inside the church with only essential items unloaded outside. It is proposed to attach a condition to ensure the Noise Management Plan is adhered to.

#### **Compliance with other relevant development plan policies**

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

<b>Requirement</b>	<b>Relevant policy</b>	<b>Compliance</b>
Cycle storage	DM31	<b>Yes in part, subject to condition</b>
Car parking provision	DM31	<b>No – constrained by being a grade I listed building and associated churchyard.</b>
Refuse Storage/servicing	DM31	<b>Yes, subject to condition</b>

#### **Other matters**

50. The following matters have been assessed and considered satisfactory and in accordance with relevant development plan policies, subject to appropriate conditions and mitigation:
51. The site falls within Flood Zone 2, which means the land has between a 1 in 100 and 1 in 1,000 annual probability of flooding from the river Wensum. The proposed use would remain in the same 'more vulnerable' category classification and as such, there would be no increase to the flood risk of the building.

52. Given the historic nature of the building, a number of physical measures, such as removable door barriers, would not be appropriate to flood proof the building. However, a flood evacuation plan would be drawn up and can be a matter for a planning condition.
53. The application does not involve physical alterations to the building and the equipment inside would be freestanding structures. A condition is proposed to ensure that the historic fabric of the building is protected.

### **Equalities and diversity issues**

54. There are no significant equality or diversity issues.

### **Local finance considerations**

55. 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.
56. 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.
57. In this case local finance considerations are not considered to be material to the case.

### **Conclusion**

58. Whilst there are some concerns about the potential noise and servicing of the premises, it is considered that these matters are outweighed by the proposed positive use of this historic building, where its use for circus training/ classes and occasional performances would benefit and enhance the local area and the wider population of Norwich.
59. The development is in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.

### **Recommendation**

To approve application no. 15/01906/U - St Michaels Church Oak Street Norwich NR3 3AE and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. The use hereby approved shall operate in accordance with the Noise Management Plan.
4. Amplification equipment to be submitted and agreed. The system shall be designed to ensure that noise levels from the premises do not exceed 45dB at 63Hz Centre Band Frequency (CBF), 40dB at 125Hz CBF and NR30 over the

frequency range from 250Hz to 8KHz as measured at a position 1 metre outside any noise sensitive premises.

5. No performances with amplified music shall take place outside the application building.
6. The use hereby approved shall not be open to members of the public between 21:00hrs and 08:00hrs on any day.
7. Any damage caused to the building by the use hereby approved shall be made good in accordance with a scheme first submitted to and agreed in writing.
8. Within one month of the occupation of the development a flood warning and evacuation plan shall be submitted to and agreed in writing.

### **Article 35(2) statement**

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