

Report to Planning applications committee
Date 4 September, 2014
Report of Head of planning services
Subject Application no 14/00911/F Former chapel to the rear of the Theatre Royal, Chantry Road.

Item
4.1

SUMMARY

Description:	Demolition of the building known as The Chapel, and erection of 4-storey (1,080sqm) 80-114 seat auditorium and performance venue with education and skills training centre for the theatre (sui generis mixed use), with ancillary workshop, storage and office space.	
Reason for consideration at Committee:	Objections Major Development	
Recommendation:	Approved	
Ward:	Mancroft	
Contact Officer:	Rob Parkinson	Senior Planning Officer 01603 212765
Valid Date:	8th July 2014	
Applicant:	The Theatre Royal	
Agent:	Mrs Isabel Lockwood, Bidwells	

INTRODUCTION

The Site

Location and Context

1. The 'Chapel' building is a grey-brick, stone-gable building on the north side of Chantry Road within the demise of the Theatre Royal. It comprises the original Sunday School building with south-facing gable, and on the west elevation within the car park are the remains of a tower which originally connected the Sunday school to the main large church which stood on the car park site until its demolition in the 1970s. The northern elevation includes the remains of a historic brick and flint wall. Since its use as a Sunday School ended with the church's demolition in 1972, the building has been used as a studio theatre / rehearsal / classroom building, and is currently being used as a store and workshop for the Theatre's scenery makers.
2. Neighbouring the Chapel to the west is the Chantry Road 15-space public car park and, beyond, Chapelfield East and Chapelfield Gardens with its line of mature trees running along Chapelfield East. Northwest, adjoining the site is 17 Chapelfield East, the Ishan mosque and Islamic centre, and its neighbour 15 Chapelfield East, a building in community use. To the north is the Theatre Royal's 17-space private car park, and beyond, the 4-5 storey offices of Dencora House. Northeast and east

is the Theatre Royal itself which rises to 5-6 storeys, with 'back-of-house' service yard and additional parking at the rear next to the Chapel. To the south are the 4-5 storey neighbouring residential flats of the Chapelfield development and Intu Chapelfield's service yard on the corner of Chapelfield East.

3. The site is within the City Centre Conservation Area, within which Chapelfield Gardens is a Grade II listed Historic Park. This is also part of the city's Area of Main Archaeological Interest. The Chapel itself is a historic building dating from 1863 when it was built as an extension to an adjoining church built in 1857. It is neither listed nor locally-listed. There is a mix of heritage buildings and modern development of notable scale in this part of the city centre. Immediate neighbours include the 3-storey 15 Chapelfield East community centre which is a Grade II listed building; 17 Chapelfield East (1-2-storey Victorian gabled building) which is locally-listed, and, on the eastern side of the main Theatre Royal, the Assembly House is both a Grade I listed building and Ancient Scheduled Monument. The site is also within the field of view of a Corridor of Vision from Chapelfield West towards Chantry Road (defined by policy HBE13) which should be considered in the proposals.
4. Chantry Road falls within the existing Replacement Local Plan's designation of a City Centre Leisure Area (policy AEC1) and Visitor Attraction Area (policy TVA4). The general area of Chantry Road, Chapelfield Gardens, Theatre Street and Bethel Street is also identified as the Cultural and Civic Centre within the Local Plan (policy CC3).
5. Chapelfield East and Theatre Street are part of the Strategic Cycle Network. The current highways works underway are part of the Chapelfield East project which will see Chantry Road unaffected but by closing Little Bethel Street to vehicles two-way traffic along Theatre Street will allow cars coming into the city centre only as far as the large Chantry Car Park, so access and egress will only be possible from Chapelfield North.

Constraints

6. The site itself includes a row of lime trees to the north, and a sycamore to the west. The northern wall of the building is considered a historic asset, possibly dating from C16th.

Topography

7. Levels change by almost 1m, sloping down from Chantry Road to the north (car park).

Planning History

04/00124/C - Demolition of existing Studio Theatre. (Approved - 21/05/2004).

04/00126/F - Redevelopment of site with three storey building incorporating recording studios, teaching facilities and associated office space. (Approved - 21/05/2004).

05/00030/D - Conditions 9 and 10 of permission 04/00126/F: Completion of archaeological investigation of site. (Approved 01/02/2005). **05/00504/D** - Condition 4 of permission 04/00124/C: Contractual arrangements to redevelop site. (Application cancelled 04/01/2007).

Equality and Diversity Issues

There are significant equality or diversity issues; the new building will be fully accessible to disabled persons with a lift access to upper floors, The new leisure and education venue will further opportunities for all sectors of the community to actively engage in culture and theatre.

The Proposal

8. The redevelopment scheme proposes complete demolition of the existing workshop and stores building, and redevelopment of the site with a flat-roof 4-storey auditorium studio theatre and rehearsal space, with replacement workshop facilities and additional office space. It extends north into the Theatre's car park, as it has a larger footprint than the existing building, and there would be a consequent loss of 5 car parking spaces in the theatre royal's car park, retaining 12 spaces overall. The current proposals are taller and larger than the scheme previously approved in 2004.
9. The new building comprises the ground floor auditorium with capacity for 114 seats, positioned to the south against Chantry Road, with workshop and storage on the northern side next to the car park. The first floor contains stores and dressing rooms, but has little activity due to the high-ceiling auditorium. The second floor contains theatre-size rehearsal room, training room and lobby, and the third floor hosts office space, kitchen and plant rooms. With the main entrance lobby and full-height stair-core being on the east elevation, there is a direct relationship with the Theatre Royal and a visible sense of activity addressing Chantry Road when viewed from the east / outside the Assembly House or Chapelfield. A full-height glazed fire escape / secondary stairwell is on the west elevation overlooking the Chantry Road car park. The design is blocky, taking reference from the Chapelfield scale, and uses similar contemporary materials and treatments.
10. The applicant currently runs 'Theatre School' classes for young people at the Garage venue on Chapelfield North; these are on Saturdays and the Autumn 2014 timetable provides for 5no. 1hr / 1.5hr classes at a time throughout the day, hosting 382 pupils. It is proposed to use this new development as an Education, Training And Skills Centre (ETASC) to expand the classes on offer at the Garage; it is anticipated that classes will initially start by providing additional space for 222 students on Saturdays, in addition to providing a venue for school events and

studio theatre productions.

Representations Received

11. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 1 letter of representation has been received raising both support and concerns, citing the issues as summarised in the table below. In addition, Environmental Health and Transport colleagues experience a number of conflicts between the Theatre Royal's servicing and delivery activities and the impacts from congestion and noise on residents of the Chapelfield flats.
12. Members should note that the application is currently subject to additional public consultation because the initial consultation was found to advertise an inaccurate description of the proposals (note, no new or revised information has been submitted). This additional 21-day public consultation period expires on 10th September; Members are requested to note that any resolution to approve the application will be subject to the need to allow the consultation period to expire and reconsider any additional material objections if needs be. This is clarified in the recommendation at the end of this report.

Issues Raised	Response
<p>Objections:</p> <ul style="list-style-type: none"> • Noise - Concern around the noise created in addition to the existing activities of the theatre, when noise can start at 10pm and last until 8am. It is requested that demolition and construction should not be allowed to coincide with successive theatre servicing during the early hours. • Traffic – Concern for the impacts on congestion and vehicle and pedestrian safety from the construction, the ETASC venue's loading as well as the Theatre, Chapelfield deliveries and general servicing on Chantry Road. • Road safety and parking – the existing on-street parking is lost to delivery vehicles and the narrow road is blocked to fire engines for example. • Construction dust will be a neighbour nuisance. 	<p>See paragraphs 27-33.</p> <p>See paragraphs 63-67.</p> <p>See paragraphs 27-33.</p> <p>See paragraph 31.</p>
<p>Support:</p> <ul style="list-style-type: none"> • the principle of the new facility is acceptable. 	<p>See paragraph 24.</p>

Consultation Responses

13. **English Heritage** – The existing building should be considered a non-designated heritage asset. Its demolition does cause harm to the character and appearance of the city centre conservation area but public benefits of the proposal could outweigh the harm.
14. **Norfolk Historic Environment Service** – Do not accept the findings of the Heritage Impact Assessment, and consider that it does not give appropriate consideration to the importance of the building and its former boundaries including an existing 16th century wall. As such the decision should give more weight to the

value of the historic wall at the rear (north) of the existing building. Ultimately the removal causes harm to the conservation area. If the benefits of the development outweigh the harm of the loss of heritage then conditions should be used to require site investigation and photographic recording, and appropriate evaluation of any archaeological remains found at the site.

15. **Environmental Health Officer** – There are no objections in principle. The submitted noise assessment has shown that disturbance from noise from rehearsals and plant/machinery should not be caused. Conditions on a permission should require noise emissions to not exceed the tested levels. An informative note should provide guidance on construction practice to minimise nuisance from noise, working times and dust control.
16. **Environment Agency** – The existing and former uses could present a contamination risk. The development is acceptable but a condition should be used for precautionary contamination treatment.
17. **Local Highway Authority** – No objection subject to the need to enhance cycle parking on site and provide the travel plan suggested. 22.8.14 – The revised car park and cycle store provision is much improved and meets the appropriate standards.
18. **Tree Protection Officer** – No objection. Conditions are required to minimise harm to protected trees through compliance with submitted Arboricultural Impact Assessment.
19. **Ecology Officer** – The building appears unlikely to house roosting bats. The development is acceptable subject to conditions requiring an additional bat survey if not commenced after two years, and to include bird nesting boxes within the development design.
20. **Travel Plan Officer** – There are no substantive commitments to providing a Travel Plan as yet, but the guidelines in the template Framework Travel Plan will provide a sufficient basis from which to use planning conditions to require an Interim Travel Plan followed by appropriate travel pattern surveys and subsequent Full Travel Plan.
21. **County Council Strategic Highway Authority** – No comments to make.
22. **The Theatres Trust** – Support. The Theatre Royal has a considerable reputation for its youth work and education programme, which enables the young people of Norwich and Norfolk to learn theatre skills and develop an understanding of theatre, and expanding the education programme is supported. The facility is a simple but effective flexible performance space to help training, and provides good sized rehearsal room, practical training area, break out spaces, dressing rooms, toilet facilities and offices, and is fully accessible. Both the ETASC and Theatre Royal will complement each other but work safely and independently, and the function of the workshop area is safely separated from the main activities of the ETASC building.

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

National Planning Policy Framework (NPPF) (March 2012):

Paragraph 14 – Presumption in favour of sustainable development

Paragraph 17 – Conserve heritage assets in a manner appropriate to their significance

Paragraphs 203-206 – Planning conditions and obligations

Section 1 – Building a strong, competitive economy

Section 2 – Ensuring the vitality of town centres

Section 4 – Promoting sustainable transport

Section 7 – Requiring good design

Section 8 – Promoting healthy communities

Section 10 – Meeting the challenge of climate change, flooding and coastal change

Section 11 – Conserving and enhancing the natural environment

Section 12 - Conserving and enhancing the historic environment

Section 13 – Facilitating the sustainable use of materials

Policies of the Joint Core Strategy for Broadland, Norwich and South Norfolk (Adopted January 2014*) (*previous interim adoption March 2011)

Policy 1 – Addressing climate change and protecting environmental assets

Policy 2 – Promoting good design

Policy 3 – Energy and water

Policy 5 – The economy

Policy 6 – Access and transportation

Policy 7 – Supporting communities and protecting quality of life

Policy 8 – Culture, leisure and entertainment

Policy 9 – Strategy for growth in the Norwich Policy Area

Policy 11 – Norwich City Centre

Policy 20 - Implementation

Saved Policies of the Adopted City of Norwich Replacement Local Plan (November 2004):

NE3 - Tree protection, control of cutting and lopping

NE9 - Comprehensive landscaping scheme and tree planting

HBE3 – Archaeology assessment in Area of Main Archaeological Interest

HBE7 – Evaluation of standing archaeology and significant buildings

HBE8 - Development in Conservation Areas

HBE9 – Development affecting Listed Buildings

HBE12 - High quality of design in new developments

HBE13 – Gateways and strategic corridors of vision

EP1 - Contaminated land

EP16 - Water conservation and sustainable drainage systems

EP17 –Protection of watercourses from pollution from stored material, roads & car park

EP18 - High standard of energy efficiency in new developments

EP22 - High standard of amenity for residential occupiers

TVA1 – Proposals for new visitor attractions - access

TVA4 – Proposals for visitor attractions with priority areas and sequential approach

TVA8 - Heritage interpretation

AEC1 – Major art and entertainment facilities – location and sequential test

TRA3 – Modal shift measures in support of NATS
TRA5 - Approach to design for vehicle movement and special needs
TRA6 - Parking standards - maxima
TRA7 - Cycle parking standards
TRA8 - Servicing provision
TRA12 – Travel Plans for employers and organisations in the city
CC3 – Cultural and Civic Area – appropriate uses

Supplementary Planning Documents and Guidance

City Centre Conservation Area Appraisal (September 2007)
Statement of Community Involvement (July 2013)

Other Material Considerations

Written Ministerial Statement: Planning for Growth March 2011
The Localism Act 2011: Local financial considerations

Emerging policies of the forthcoming new Local Plan:

Development Management Policies Development Plan Document – Pre-submission policies (April 2013).

DM1 Achieving and delivering sustainable development

* **DM2** Ensuring satisfactory living and working conditions

* **DM3** Delivering high quality design

DM7 Trees and development

DM9 Safeguarding Norwich's heritage

* **DM22** Planning for and safeguarding community facilities

* **DM23** Supporting and managing the evening and late night economy

* **DM28** Encouraging sustainable travel

* **DM30** Access and highway safety

* **DM31** Car parking and servicing

Procedural Matters Relating to the Development Plan and the NPPF

The Joint Core Strategy and Replacement Local Plan (RLP) have been adopted since the introduction of the Planning and Compulsory Purchase Act in 2004. With regard to paragraphs 211 and 215-216 of the National Planning Policy Framework (NPPF), both sets of policies have been subjected to a test of compliance with the NPPF. The 2011 JCS policies are considered compliant, but some of the 2004 RLP policies are considered to be only partially compliant with the NPPF, and as such those particular policies are given lesser weight in the assessment of this application.

The Council has also reached examination stage of the emerging new Local Plan policies, and considers most of these to be wholly consistent with the NPPF. Where discrepancies or inconsistent policies relate to this application they are identified and discussed within the report; varying degrees of weight are apportioned as appropriate.

*In the case of emerging policies DM2, DM3, DM22, DM23, DM28, DM30 and DM31 these are afforded only very limited weight due to being subject to objections before, and possible modifications after, the examination stage. Their objectives are however consistent with saved Local Plan adopted policies HBE12, EP22, AEC3, AEC1, TRA3, TRA5, TRA6, TRA7 and TRA8.

Principle of Development

Policy Considerations

23. Demolition of the existing building is discussed in further detail below, but the regrettable loss of the building has already been approved in principle in 2004 as a means to facilitate redevelopment. In summary, in the context of the NPPF and development plan, the benefits of the new use mean the demolition is still considered acceptable on balance.
24. The principle of the new development is also acceptable. The use is a 'main town centre' use within the guidance of the NPPF, and is particularly supported in this Cultural and Civic Centre of the city centre through Local Plan policies TVA4 and CC3 as a cultural facility and tourist attraction. As an art and entertainment, and later evening use, this is an appropriate location for a leisure facility, as set out in policy AEC1.
25. In planning use terms, the building has characteristics of a mix of both D1 'Non-Residential Institutions' Use Class (the classroom facilities) and a sui generis theatre Use Class (the auditorium) within the Town and Country Planning (Use Class) Order 1987 [as amended]. The workshop and stores and offices are considered ancillary to the main activities. As a hybrid of uses it is considered that the whole development should be categorised as 'sui generis' ('a class of its own') and therefore need permission to revert to alternative uses even if other possible permitted development changes exist for other similar use class types.

Other Material Considerations

26. There are no transportation concerns to necessitate any restriction on numbers of students or visitors to the auditorium, and all the emerging Local Plan policies are supportive of the principle of the new use.

Impact on Living Conditions and Neighbouring Amenity

Noise and Disturbance and Hours of Use

27. Amplified noise emissions should not exceed the Council criteria levels of 45dB at the Chapelfield flats, and plant and machinery noise should not exceed the lowest background noise levels during hours of operation. A noise assessment has shown how the scheme's design will operate within the specified noise limits, to the Environmental Health Officer's satisfaction. The assessment has shown that a maximum likely noise emission of 91dB in the auditorium and 80dB in the rehearsal studio will be sufficiently attenuated by the building and neighbours' standard double glazing to mean the emissions fall within the Council's standard, even if both the auditorium and the rehearsal studio are used simultaneously.
28. Although the building is of standard construction, both auditorium and rehearsal space will be well insulated internally to prevent interference, and the ventilation systems will have acoustic attenuation meaning that emissions through the ventilation system is negligible
29. To ensure there are acceptable levels of amenity for residents, permission would use conditions requiring amplified noise emissions to not exceed the Council criteria levels of 45dB at the Chapelfield flats, and to ensure maximum music levels

of 91dB in the auditorium and 80dB in the rehearsal studio are not exceeded.

30. In terms of plant and machinery, the development's air handling units are contained within the third floor plant rooms and exhaust through the roof cowlings. The noise assessment found that the lowest existing background noise levels at the flats and the mosque are usually higher than the predicted plant noise but aims to keep plant noise below the lowest background noise levels during hours of operation, which should be possible by using appropriate acoustic attenuators and systems maintenance to remove tonal noise, buzzes and rattles. This will be secured by planning condition.
31. An informative note should also provide guidance on construction practice to minimise nuisance from noise, working times and dust control.
32. Given the above assessment, despite the application suggesting that hours of opening would be 08:30 – 17:30, with only occasional later uses, it is actually considered reasonable and not detrimental to allow general extended hours in this location. To be consistent with the remainder of the city centre leisure area and to promote viable use it is considered acceptable to allow hours of use and servicing to be 08:00 – 00:00 on any day.

Noise from Loading / Servicing

The proposed centre would not host touring productions with large amounts of scenery like the main Theatre does, so loading operations would be considerably smaller in scale and likely take place during opening hours. Planning conditions will prevent servicing of the ETASC building between 0000 and 0800 to avoid the hours already used by the Theatre for its biggest productions, but that would in practice be a sensible management of logistics anyway. Daytime deliveries will not create significantly more noise in addition to that linked to the existing activities of the theatre, Chapelfield and Assembly House, but conditions can be used to require engines to be turned off when loading for the limited number of HGVs visiting the site.

Overlooking and Loss of Privacy

33. The new building will be provide viewing points within 15m of the façade of the single-aspect Chapelfield flats, although most flats are 20-25m away with oblique views only. Many of the flats' windows are either bathroom, kitchen or curtained habitable room windows. The closest 15m separation distance is not an unreasonable proximity, and the nature of the development's activities mean the opportunities for overlooking and loss of privacy are relatively limited, and further mitigated by using brise soleil.
34. Other than the secondary staircase on the west elevation, there are only two small high level windows to the second-floor rehearsal room, and one top-floor office window with a view over the neighbouring mosque. As the mosque's courtyard is only a circulation space and occasional leisure area, and the low boundary wall enables views into the site from the Chantry Road car park anyway, there are not considered to be any detrimental losses of privacy.

Loss of Light and Overshadowing

35. Being to the north of its residential neighbours, there should be consideration of the loss of light and overshadowing impact on the single-aspect Chapelfield flats. The siting of the building means there is no direct loss of light to habitable rooms, as these are slightly off-set eastwards from the building's position. There will be no overshadowing of these.
36. A shadow study has been provided which shows an early morning impact on the neighbouring Ishan mosque, when in April between 9-11am the external courtyard and south and east-facing windows will be lost to shadow. A site visit and liaison with the mosque (15.8.14) revealed that the courtyard is used for circulation between external showers and the main prayer room, and the windows serve the high-ceilinged ground floor main hall and kitchen and counselling room at the rear. There are periodic prayers throughout the day, from dawn until dusk, and there are occasional outdoor activities, but there is no residential nor permanent workplace use. As such the very short-term loss of light in the earliest part of the day is considered an acceptable consequence.

Overbearing Nature of Development

37. The new building will be some 2.5 storeys higher than ground level of the mosque and extend halfway across the rear of the site. The mosque's rear curtilage is, however, already enclosed by a covered pagoda in front of its line of external showers and toilets used for pre-prayer cleansing and is infrequently used. Despite the building being only 1.2m from the boundary the relationship is softened by the presence of the sycamore tree and lime trees will help minimise any sense of the new building feeling overbearing.

Design

Layout and Form

38. The building's siting keeps to the same existing shape but extends the original footprint of the chapel 1.5m east and by some 6m north into the car park. As a result the west elevation sits closer to the Chantry Rd car park but does not prevent car parking there, and the 4-storey northeast corner will be within 1.2m of the boundary wall with 17 Chapelfield East. By having the workshop and store area to the north there are practical connections and separate door to the rear of the Theatre. Overlooking of the car park is provided by thin vertical windows to the workshop, which provides informal surveillance and is welcomed..
39. The building's materials are a successful contemporary mix but make reference to both the design of Chapelfield's flats and other surrounding older red-brick buildings. With the glazed stairways being encased by a patinated copper or similar cladding system it provides an impression of a pop-out area similar to those of the flats opposite; this metal cladding should echo both the red brick and dark timber cladding of Chapelfield. A solid band of ground-floor level dark grey brick provides solidity and grounding around the building, approximately 2.2m high. Brise soleil on the southern elevation helps reduce glare from the glazing, and provides some reduction in potential overlooking.
40. The remainder of the building is mostly white render, which is also consistent with

the approach of Chapelfield and ensures the building is distinct from the heritage buildings adjacent, especially in views from the west. Any potentially overbearing scale of the building is lessened by introducing relief into the extensive render, using cladding bands and an interesting collage of cladding squares, back-lit panels and windows on the west elevation. This design approach is welcomed as a means to enliven the conservation area and the corner of Chapelfield East. It ensures the building reflects the neighbouring developments and avoids diminishing the qualities of the neighbouring locally-listed and listed buildings to the west.

41. The south-eastern corner and elevation provide the entrance and lobby. Being glazed, there is both activity and design interest around the reception space, and creates a visual link from east-west which helps address the fact that by necessity the auditorium's design has a blank façade against the pavement on the south elevation.
42. The building necessitates the loss of 3 private parking spaces, so the car park is reconfigured and includes some cycle parking in an enclosed facility.

Scale and Impact on Street Scene

43. The site has a complex relationship between neighbouring buildings. Being relatively thin but quite tall, and stand-alone, the proposed scale can match that of Chapelfield, Dencora House and the Theatre Royal, but being so close to the road means it is potentially very prominent in views. In addition, in views from the north-west at one of the main entrances into Chapelfield Gardens, the development should ensure it does not dwarf or impose itself on the 3-storey listed, and 2 storey locally-listed, buildings of 15-17 Chapelfield East. Nor should its position close to the road cause the massing to affect the setting of the Assembly House in views from the west.
44. In long views eastwards from Chapelfield Gardens, the scale of the building (14.5m high from ground level) will help screen or reduce the sheer bulk of the Theatre Royal's very large and prominent parabolic roof which is 24m high and has an uncomfortable relationship to the red brick of the theatre below. There are no existing views of the Assembly House which are not already blocked by the Chapel. The west elevation will address the current gap in the street scene, giving a presence to the corner where the car park diminishes the townscape. The overall effect on the street scene is beneficial; the new building will provide much better continuity of scale along Chapelfield East, linking the 15m height and mass of Chapelfield with that of the 15m high Dencora House and buildings fronting Theatre Street.
45. In both east and west views, the building is complementary to Chapelfield's scale and design, and helps frame Chantry Road by providing a better balance to the street, doing so rather more successfully than the current low level chapel which appears out of place within the taller buildings. The third / top storey is set-back from both front and rear elevations, so the overall scale appears reduced. There will be some loss of view west-wards towards the historic Chapelfield Gardens, but the existing view is only available because there is such an absence of street-

fronting development and an excess of low-profile car parking / service yards. The overall enhancement offered by bringing some presence to the street frontage is considered to outweigh the loss of existing glimpsed views of trees seen above the rear of 15-17 Chapelfield East.

46. Wide-angle views from the south will not really be available, but the overall flow of building heights along Chantry Road will remain undulating and the development will draw attention away from the Theatre's bulk.

Impact on Setting of Listed and Locally-Listed Buildings

47. If viewed from Chapelfield East and towards the corner with Theatre Street the combination of the height of Dencora House and the angle of view would be such that the listed and locally-listed buildings on the street remain the focus of attention. The building is a maximum 43.8m AOD high; in views from Chapelfield East in front of the heritage buildings, the set-back of the third storey and the pitched roof of the locally listed mosque (40.1m AOD) mean that the new development is in fact not seen.

48. From the rear, the four-storey building will be within 6.6m of the 2-storey pitched roof gable elevation of the rear of the locally-listed Ishan Mosque. This could look uncomfortable when viewed from the north and the Theatre car park, but the retained row of lime trees softens this and gives a sense of separation between heritage and modern buildings.

49. The listed building of 15 Chapelfield East has a very shallow depth with a large rear curtilage, so from the car park is not read alongside this building at all, and the impact would be screened by the mosque. Neither the Assembly House nor 15-17 Chapelfield East will be dwarfed by this building.

Conservation Area – Demolition and Impact on Conservation Area

50. Notwithstanding the fact that the Chapel is neither listed nor locally-listed, the loss of the historic building will cause a loss of heritage interest at the site, and diminish the heritage value of this part of the city centre. Despite that, the building in itself is of poor quality, has little architectural merit and its main interest comes from the fact that it stands so much apart from the surrounding buildings. Sadly, much of the original Sunday School building has been removed and it retains little identity from the original design. Only the southern and northern façades are really recognisable from the original building, but the north is not widely seen and the retained southern façade has been neglected and fallen into disrepair and the remainder of the building is also beyond feasible economic repair. As the heritage interest of the site arose from the fact that it was built as an annex / extension to the grand Romanesque church of 1857, since-demolished, there is little meaningful heritage value in trying to convert or retain parts of the building and nor is it feasible, practicable nor economically viable to do so.

51. The Historic Environment Service has identified the loss of the building and its C16th historic wall on the northern elevation as being detrimental. The building's

architectural details are rudimentary and not rare by any means, but it does have historical significance just because of its age, and the Historic Environment Service consider the current building offers a positive contribution to the conservation area through both a physical manifestation of the past use of the area and also by offering relief and variety to the scale of the Chapelfield and Theatre Royal buildings. Similarly the north elevation flint and brick wall that bisects the site and provides a border to the adjacent car park is of some significance, dating from c.1500s.

52. The applicant has assessed the significance of the building in terms of its contribution to the Conservation Area, using advice within the guidance offered by the English Heritage document 'Conservation Principles, Policies and Guidance' (2008). The applicant suggests the building can be said to fall within the description of 'low' value:

- *Low: "An aspect of value that will make a slight (yet noteworthy) contribution to the significance of a place. In material terms it will still add something to heritage values, although this contribution may have been compromised by loss or uniformed interventions. A greater capacity for enhancement exists than for medium or high value [assets], although a low designation does not necessarily mean that the feature is expendable..."*

53. The Historic Environment Service does not agree with this assessment and believe it should attract a higher value. For comparison, the "medium" rating is described as:

- *Medium: "An aspect of value that will have some cultural importance and will make a modest contribution to the significance of a place. In material terms they will play an important role in conveying the heritage values."*

54. In my view this is a "low value" building. This is considered to be the appropriate rating because it is an ancillary building which is now in poor condition and is neither architecturally remarkable nor unusual as a building of its time. Other than the date stone, it has no cultural importance, and having lost its 'parent building' and many of its defining features, there is little heritage value conveyed.

55. With this in mind, in terms of the principle of demolition, in line with NPPF para 138, the loss of a building which makes a positive contribution to the significance of the conservation area and the removal of the historic wall should be treated as either substantial harm under NPPF paragraph 133 or less than substantial harm under paragraph 134. The NPPF makes clear at para 132 that the degree of 'weight' given to the asset's conservation should be proportionate to its importance as a heritage asset, and at para 138 the significance of the asset should take into account its contribution to the conservation area. In this instance there are two heritage assets to be considered; the non-designated (i.e. non-listed or locally-listed) building and curtilage wall, and the designated conservation area. For context, the City Centre Conservation Area Appraisal makes reference to Chantry Road (significance within the Civic Character Area) and its streetscape only in relation to having a positive vista towards Chapefield Gardens, (although it does identify the Theatre Royal as being an unattractive negative landmark).

56. Harm to the building and wall through complete demolition is significant, so creates a 'high adverse' impact on these non-designated assets. Although altered and even given its state of disrepair it does currently make some positive contribution to the conservation area and it is acknowledged that its demolition will remove the last marker of the original chapel and its larger complex of Victorian buildings. However, there is little harm to the conservation area as a whole as a result of its loss because there is minimal obvious remaining heritage value in the site and its surroundings, and there is minimal impact on the setting of neighbouring locally-listed and listed buildings. The positive vista will be framed by the new development and streetscape will be reinforced and given activity.
57. Adopted Local Plan policy HBE8 allows demolition only if there is a high standard of redevelopment and there is little or no existing contribution to the area's character, and where all efforts have been made to retain or conserve historic features. Subsequent redevelopment must be both respectful and sympathetic to the form and character of the area, and show a high design quality (also policy HBE12). Emerging local plan policy has more emphasis on understanding unidentified heritage assets (policy DM9), and should perhaps be given appropriate consideration because it sets out some defining factors (DM Appendix 7), but even so the building would still be considered of low value and the benefits of the new building outweigh its loss.
58. With appropriate recording of the building and provision of some heritage interpretation on site, there are opportunities to identify the former significance of the building. Overall, as discussed above, the redevelopment will bring benefits to the conservation area which compensates for the harm caused by the building's removal, and the public benefits from the new facility will substantially outweigh the minimal impact on the conservation area.
59. Harm to the historic north wall is also significant as the vast majority of its length will be removed (the retained length is still to be confirmed). This wall could date from the 16th Century, and could have been a remnant of a building within the grounds of a substantial former historic house, but this is conjecture based on interpretation of historic plans and assessing the characteristics of the bricks. Having been repaired many times, there is little aesthetic merit and the assessment of 'low-medium value' is considered appropriate. Without many firm details regarding the origins of the wall, and without any further remaining buildings for it to relate to, and given that the wall is neither particularly visible nor notably different to other historic walls, it is not considered appropriate to assign much weight to its significance based on the contribution it makes to the conservation area.
60. Although the in-principle approval of the demolition has already once been approved (albeit in 2005) since then the national policy position has given more appreciation to 'non-designated' heritage assets. In recognition of this, some other options for the design have been considered through pre-application discussions, but trying to salvage either the building or the brick wall is not practical and it may look out of place and contrived to seek its retention without other context on the site. In line with NPPF para 136, the demolition must, however, be preceded by appropriate recording of the building and integration of the existing date stone as a heritage marker close to the entrance, and must be followed immediately by redevelopment, to avoid creating a detrimental vacant site in a relatively prominent

location. Conditions will require heritage interpretation, building recording, and a contract for redevelopment to be in place prior to commencement of demolition.

61. In summary, the overall impact on the conservation area is one of benefit. Chantry Road currently feels neglected as all buildings back onto it, so the new design animates the street and gives surveillance to the through-link with the Theatre Royal. Despite the loss of the non-designated heritage asset the subsequent redevelopment with a high quality replacement design will be complementary to its surroundings. By providing scale and an interesting design the development will animate the area and reduce the impact of negative buildings, leading to an enhancement of the conservation area as a whole.

Transport and Access

Transport Assessment and Travel Plan

62. The use is appropriate to the location in transport terms and the increase in visitors to the site by car is expected to be minimal due to the age of students and the inconvenience of driving to Chantry Road, a dead-end. As a result of the current highway works in the area there will be two-way car and bus access along Chapelfield North, but the locational access constraints of the site should ensure the venue is best served by non-car modes. The loss of 5 car private / staff car parking spaces is mitigated by the proposed much improved layout and the enhanced cycle provision for both new and existing visitors and staff, and the benefits of the travel plan will minimise the need for car journeys.

63. The initial forecasts for student attendance suggest the same character of travel patterns as currently take place to the Garage. There is no need to encourage drop-off by identifying a specific 'drop-off location', but a condition will be used to ensure the Theatre Royal's doors on Theatre Street are open when the ETASC building is open, to allow car or coach drop-off in the existing bays on Theatre Street. No parking is provided on site for students or visitors, and linked trips will likely be the most common pattern of travel.

64. A Travel Plan will be provided by the applicant. There remain some areas which the applicant needs to address before the Travel Plan is considered acceptable, so the submission acts as a 'framework' against which future travel plan measures can be committed to and costed-up from. Conditions will secure an agreed interim travel plan, with appropriate travel pattern surveying and financial commitments, before a Full Travel Plan is finally agreed shortly after commencement of operations.

Vehicular Access and Servicing

65. No new access is necessary. The traffic impact from servicing this venue is considered minimal when most facilities will be provided on site already in the workshop / store. Although there are some parking issues experienced by neighbours at the moment these are largely due to the technicalities of traffic enforcement. A planning condition will require loading from within the Theatre's service yard at all times.

Cycle Routes and Pedestrian Links

The existing pedestrian link from Chantry Road to Theatre Street through the Theatre will not be affected, but is the logical expected route for students who might be dropped-off on Theatre Street (see para 63). The siting of the south elevation is actually set back slightly from the current footprint, so the pavement will widen a little, particularly if the existing street lamp column is relocated.

Cycling Parking and Car Park Layout

66. The application must promote cycle access and the best way to do that is to ensure that cycle stores are sufficient in number, secure and covered, accessible to the building, and overlooked by users of the centre. The initial proposals did not originally meet this criteria, but since then the necessary quota of stands has been proposed (15 covered stands, plus improved provision for existing staff). In addition the subsequently-revised car park layout will ensure appropriate safe and convenient cycle storage is provided on site, some of which will benefit the existing Theatre staff also, for example by providing two specific cycle lockers for staff. The new layout also provides much safer and clearer car parking as well as a built-in clear access to the rear of 15 Chapelfield and a disabled car space.

Environmental Issues

Site Contamination and Remediation

67. The Environment Agency is satisfied that precautionary measures can be used to treat any potential contamination. Groundwater should be protected by pollution control systems.

Waste Management

68. Refuse is collected and stored as per the current Theatre Royal operations and the development will create only a minimal increase in the amount of refuse generated.

Flood Risk and Surface Water Drainage

69. The site is outside fluvial flood risk areas and so will need to only achieve at least 150mm height above the existing ground level of the car park and landscaping for Building Control. An existing surface water soakaway on site will provide the necessary drainage, and the car park area will be changed to become permeable paving, so improving the situation. Conditions will require sustainable drainage and pollution control systems.

Archaeology

70. Conditions will ensure appropriate pre-construction investigation and evaluation.

Energy and Water Efficiency and Renewable Energy

71. The proposal will include photovoltaic panels mounted on the flat roof, which is the most feasible system. The energy efficiency report expects the PV system to provide c.93 panels to provide up to 15.3% of the development's required energy demand. This is in addition to the benefits included in an energy-efficient design, so is acceptable, and exceeds the JCS Policy 3 requirement and makes significant reductions in CO₂. Water is saved through low-flow appliances, leak detection systems and supply sensors.

Trees and Landscaping

Loss of Trees or Impact on Trees

72. The City Centre Conservation Area Appraisal identifies the trees to the west of the building as being important, but these are the trees along the southern side of the Chantry Rd car park and are not affected by this proposal. The more significant row of lime trees to the north are unaffected by this proposal, though two smaller trees will be lost from against the boundary wall with 17 Chapelfield East, but they make no meaningful contribution to the surrounding landscape or conservation area. A landscaping scheme will be required but there may be little scope to replace lost trees, so shrub planting might need to be used instead, to help distinguish car park boundaries for example.

Ecology

Ecology will be enhanced through a landscaping scheme (which can minimise loss of biomass and enhance biodiversity) and incorporating bird boxes in the new building. Although bats are not found to be present at the moment, protection will be offered through conditions requiring an additional survey to account for potential re-occupancy.

Local Finance Considerations

73. The development will be liable to make CIL payments of £25/sq.m. in accordance with the city's charging schedule for the parts of the development which fall exclusively into the theatre-type sui generis use 'with characteristics akin to assembly and leisure i.e. nightclubs, amusement centres and casinos'. This is the auditorium room, rehearsal room and set workshop and stores, totalling 366sq.m.. When a reduction of 231sq.m. is applied, to account for the floorspace of the existing workshop / store being demolished, this leads to a net chargeable area of 135sq.m. which equates to a CIL liability of £3,375, increased to £3,570.87 when indexing is calculated.

74. However, as a charity the Theatre Royal may be eligible for exemption or relief from making the CIL payment if they meet the criteria below for charitable relief:

1. The claimant must be a charitable institution.
2. The chargeable development must be used wholly or mainly for charitable purposes and it must be occupied by or under the control of a charitable institution.
3. The claimant must own a material interest in the relevant land. The claimant must not own the interest jointly with a person who is not a charitable institution.
4. The granting of mandatory relief would not constitute a state aid.

A claim for relief must be made prior to the commencement of development and the proposals will be liable to CIL until such time as the application for relief is accepted in accordance with Regulation 43 of the Community Infrastructure Levy (Amendment) Regulations 2014.

75. It is unclear whether such development would pay business rates, but there would be a net increase in overall chargeable floorspace area of 850sq.m.

Conclusions

76. The principle is acceptable and encouraged in this part of the city centre, and as a site it is a highly appropriate location for linked trips and successful functioning in relation to similar nearby uses. The loss of the building is regrettable but acceptable given the public benefits that will outweigh the limited value of the heritage asset which is unfeasible for reuse given its deteriorating condition and impractical layout. The design is successful in fitting in with the surroundings and will make a positive contribution to the conservation area, enhancing the street scene and potentially improving the setting of the nearby heritage buildings. Neighbouring amenity will be preserved by planning conditions.

RECOMMENDATIONS

Subject to not receiving any further letters of representation raising new or additional issues before 11th September 2014, to approve application no. 14/00911/F at former Chapel to the rear of the Theatre Royal, Chantry Road, Norwich, NR2 1RL, and grant planning permission, subject to the following conditions:-

Conditions:

1. Standard time limit for commencement of development (inc. demolition).
2. Development shall be in accordance with the approved plans and details.
3. There shall be no demolition until the contract for redevelopment has been secured.
4. No demolition until a full building record and photographic survey has been agreed and submitted to the Historic Environment Record.
5. No demolition until archaeological monitoring has been secured through an approved Written Scheme of Investigation to be first agreed, to include appropriate evaluation of any archaeological remains found at the site.
6. (a) If development does not commence by 1st April 2016 a further bat presence survey shall be undertaken and submitted to the LPA.
(b) If the further bat presence survey reveals bats use the site as a roosting location there shall be no commencement of demolition or construction until a scheme for appropriate mitigation has been agreed in writing by the LPA, and undertaken as per the approved details.
7. No construction works until details are agreed for external materials (including bricks, cladding, roofing, fascias, eaves, brise soleil and render) with samples, position and appearance of services, flues and vents, soil pipes and rainwater goods, glazing, doors, surrounds and reveals, and details that show internal services do not appear within views through the glazed areas.
8. Details of at least 4no. bird boxes to be provided within the new development for swifts, within the brickwork on either east, west or south-facing elevations, to be above 4m in height and ideally not above a window.
9. A landscaping scheme to be provided including planting and maintenance plan and pavement restoration including street lamp relocation.
10. Surface water drainage scheme to be agreed, and hard landscaping shall demonstrate the necessary permeability for surface water drainage based on the submitted report.

11. Car park pollution to be prevented through appropriately designed control measures.
12. Development to be as per the AIA and use tree protection fencing.
13. Precautionary contamination condition during development.
14. Date stone preservation details - extraction, cleaning, protection and relocation details to be agreed and carried out.
15. Heritage interpretation within the building or its external design, to record the significance of the site as a complex of former Victorian buildings and larger church, and to include the historic wall.
16. No use until the PV system and water efficiency measures have been installed and made operational as per the submitted energy efficiency report.
17. No use until cycle storage has been provided and the car park laid out in accordance with design / spec details and as per the revised site layout plan DR-A-0002 Rev P3, to provide 15 covered cycle stands and 12 car park spaces including disabled parking.
18. Details of amplified music noise limitations, to ensure music shall not exceed 91dB in the auditorium and 80dB in the rehearsal studio, and therefore avoid exceeding the Environmental Health noise limit criteria.
19. Details of noise attenuation on plant and machinery within the development, to keep plant noise below the lowest background noise levels during hours of operation.
20. Hours of use – no use during 0000 and 0800 hours on any day.
21. Servicing / loading shall not take place during 0000 and 0800 hours on any day and during such activities the HGV engines shall be turned off and loading / unloading shall only take place within the theatre's service yard.
22. The building shall be used only as an auditorium and performance venue with education and skills training centre for the theatre (sui generis mixed use), with ancillary workshop, storage and office space and for no other use (except any ancillary use).
23. No installation of additional plant, machinery, extracts and ventilation gear without prior approval of the LPA.

Article 31(1)(cc) 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 at the pre-application stage the application has been approved subject to appropriate conditions and for the reasons outlined in the officer report to planning committee.

Informative Notes:

1. Bird protection advice.
2. Construction good practice.