

**Report to** Planning applications committee

**Item**

29 October 2015

**Report of** Head of planning services

**Subject** Application no 15/01381/F - Aldwych House, 57  
Bethel Street, Norwich, NR2 1NR

**Applicant** Aldwych Developments Ltd

**Reason  
for referral** Objection

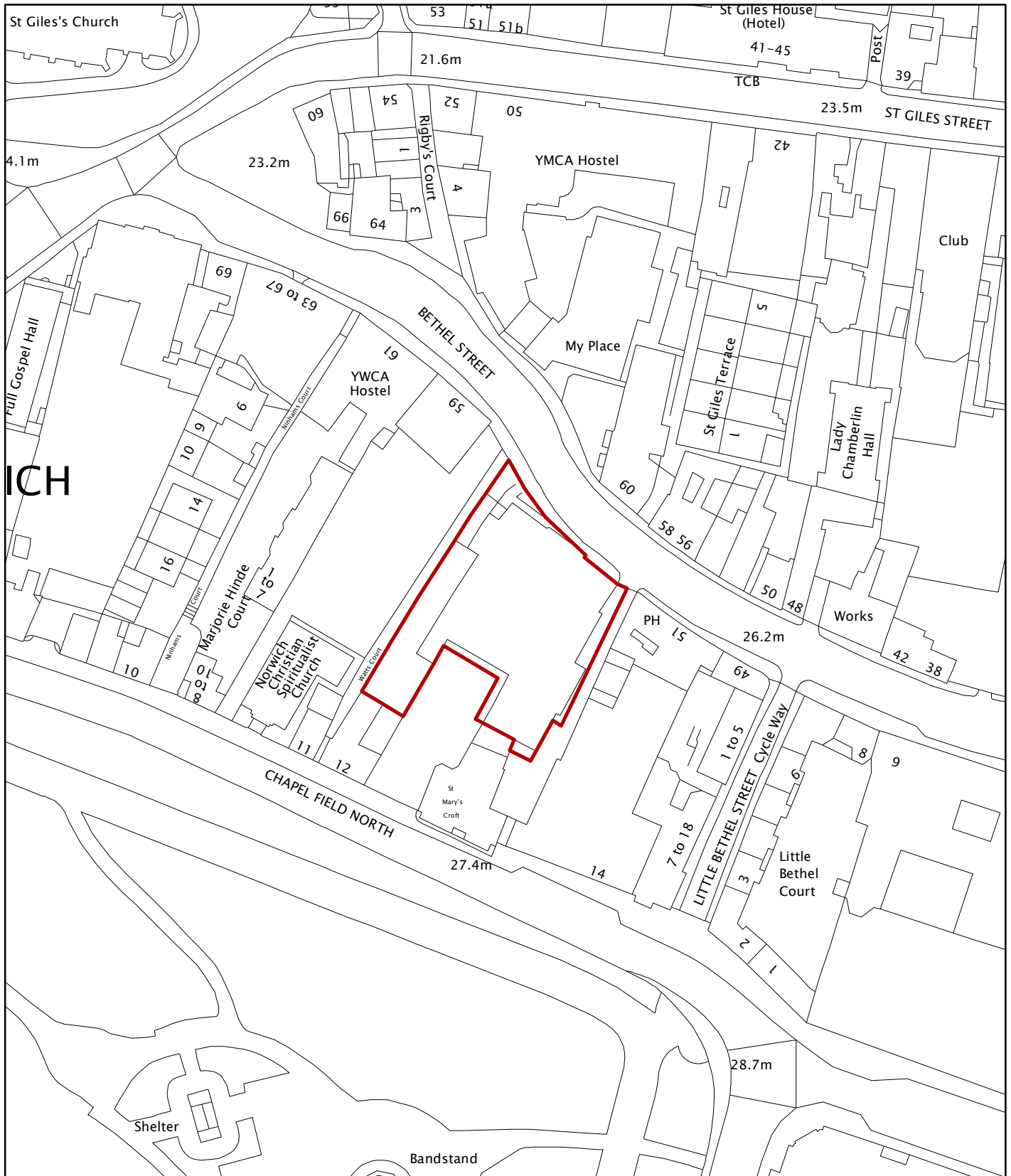
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|                     |   |
|---------------------|---|
| <b>Ward:</b>        | Mancroft  |
| <b>Case officer</b> | James Bonner - <a href="mailto:jamesbonner@norwich.gov.uk">jamesbonner@norwich.gov.uk</a> |

| Development proposal   |         |         |
|--|---------|---------|
| Inclusion of sun tubes (retrospective); reduction in height of western boundary (retrospective) wall and redesigned entrance canopy. |         |         |
| Representations  |         |         |
| Object   | Comment | Support |
| 2  |         |         |

| Main issues           | Key considerations  |
|-----------------------|---|
| 1 Design              | Impact on street scene and character of conservation area |
| 2 Crime and Security  | Impact on safety of neighbouring property                 |
| 3 Amenity             | Impact on privacy; increase in noise                      |
| <b>Expiry date</b>    | 16 November 2015  |
| <b>Recommendation</b> | Approve   |



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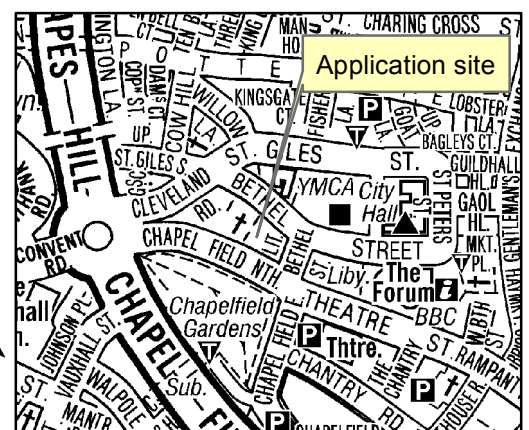
Planning Application No 15/01381/F  
 Site Address Aldwych House  
 57 Bethel Street

Scale 1:1,000



**NORWICH**  
 City Council

PLANNING SERVICES



## The site and surroundings

1. Aldwych House is located at number 57 on the south side of Bethel Street. It is a C20th building with a distinct 2 storey frontage element identified as having a positive frontage within the conservation area. The rear part of the building has a mansard roof and is two to three storeys in height plus basement area. Pedestrian and limited vehicular access to the site is provided from Bethel Street via an access area adjoining a side alley Watts Court at the west of Aldwych House which links through to Chapelfield North. To the south is Chapelfield Gardens.
2. Prior approval was granted in February 2014 to convert the office space into 18 residential flats (13/02084/PDD). In September 2014 committee approved alterations to the roof and a second floor extension to create an additional 4 flats (14/00630/F). A further prior approval application for 48 flats was approved in November 2014 (14/01472/PDD).
3. Works are well underway on-site and it appears that the full permission and latter prior approval are the permissions that have been implemented, meaning a total number of 52 dwellings are being developed. It has become apparent over the summer that a number of aspects of the conversion and associated construction have been done without the benefit of planning permission. To date this is understood to include:
  - The lowering in height of the western boundary wall (but not the canopy and wall supporting it) [the subject of this permission, 15/01381/F];
  - 46No. 'suntubes' on the main flat roof [also within 15/01381/F];
  - 5No. rooflights on the main flat roof [subject of 15/01382/F]
  - Additional window on the second floor on the rear (south) elevation [subject of 15/01380/F]. *NB: since the scaffolding has been taken down it is clear that at least three other windows have been installed that are larger than those approved through 14/00630/F. As the description and proposed plans for 15/01380/F does not make this clear, revised drawings and re-consultation will be required. No decision will be made on this until this new consultation period has happened.*
  - There is a larger square projection on the northern end of the flat roof, which is near the other rooflights but is clearly different in design and is not included on the proposed plans. No mention of this was made until raised by an objector. Given the timing this is not included within any of the current proposals.
  - In addition there are number of pre-commencement conditions which have not been formally discharged [since submitted and pending consideration 15/01384/D].
4. Informal negotiations have been taking place since this was raised by a member of the public which have led to the currently submitted applications. The proposals are understood to be split into three separate applications as a result of the applicants' agent assessment of risk or chance of approval.

## Constraints

5. While not listed, the building is within the City Centre conservation area, to which the frontage positively contributes to. There are a number of important buildings nearby including the Coach and Horses to the east and 12 Chapel Field North and St Marys Croft to the south, all grade II listed buildings.

## Relevant planning history

6.

| Ref          | Proposal  | Decision               | Date       |
|--------------|---|------------------------|------------|
| 12/01319/U   | Change of use of ground floor from offices (Class B1) to storage (Class B8).  | Approved               | 07/09/2012 |
| 13/02084/PDD | Change of use from offices (Class B1a) to 18 No. flats (Class C3a).   | Prior approval granted | 06/02/2014 |
| 14/00630/F   | Alterations to roof and rear second floor extension to create 4 No. apartments and external alterations to the building including new window openings (Revised plans and description).  | Approved               | 11/09/2014 |
| 14/01462/D   | Details of conditions 3 a) external facing and roofing materials, 3 b) external decoration to render, joinery and metalwork, 3 c) large scale details of proposed eaves and verges, 3 d) all external joinery, 3 e) proposed roof lights and condition 8 archaeology of planning permission 14/00630/F. | Approved               | 04/02/2015 |
| 14/01472/PDD | Change of use and conversion of offices (Class B1) to provide 48 No. flats (Class C3).  | Prior approval granted | 26/11/2014 |
| 15/01380/F   | Inclusion of second floor rear window (retrospective).  | Pending consideration  |            |
| 15/01382/F   | Inclusion of additional roof lights (retrospective).  | Pending consideration  |            |
| 15/01384/D   | Details of Condition 3a: render; Condition 4: cycle storage, bin stores; Condition 5: landscaping and Condition 7: external flues of previous planning permission 14/00630/F.   | Pending consideration  |            |

## The proposal

7. Retrospective permission is sought for 46No. suntubes on the roof of the building. Permission is also sought for the removal of the existing canopy at the front and its replacement with a new canopy. Also proposed is the reduction in height of the wall to 1.8m along the western boundary of the site with Watts Court. Since applying for this the majority of the wall has already been reduced so this aspect is retrospective also.

## Representations

8. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. Two letters of representation have been received 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.

| Issues raised   | Response   |
|---|--|
| Concern over works being carried out to wall without permission – potential ‘fait accompli’ situation.  | Members are advised to consider the proposals in the same manner as if the proposals were not retrospective. Should members move to refuse the application they would also need consider enforcement action.   |
| Concern for people walking onto now lower wall and enter backyard. Feeling on vulnerability given previous vandalism. Some security, e.g. railings and spikes needed. | Crime and security – see main issue 3.   |
| Concern raised over planting.   | This is being addressed through the landscaping details in 15/01384/D.   |
| If reducing the wall was important why not include it within original application? Ad hoc solution unacceptable.  | It is understood that ownership of the building has changed but speculation over why this was not included is not part of this assessment. Issues pertinent to changes are addressed in main sections.   |
| Wall provides privacy and noise reduction for neighbours from high density flats and associated impact, e.g. bins and bikes in small yard                             | Amenity – see main issue 2.<br><br>The high density flats are a result of central government’s relaxation of planning rules which allowed conversion of offices to flats with only consideration on flooding, transport and contamination. This ‘prior approval’ process allows for no assessment on the living standards of future or neighbouring occupiers. |

## Consultation responses

9. 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

10. No comments to make.

### Norfolk police (architectural liaison)

11. Security to 12 Chapel Field North has been compromised by reduction in height of wall. Whilst the wall is may be 1.8 metres at the Bethel Street end the change in height as you ascend along Watts Court sees a height of approximately 1.5 metres by the time you get to the rear of 12 Chapel Field North. It would be a relatively easy step up onto the wall and along the rear retaining wall to facilitate access to the rear of 12 Chapel Field North. The lead (regularly stolen due to its high scrap value) on top of the retaining wall is also vulnerable as it can be easily reached from the top of the reduced height wall.
12. Recommendation wall is rebuilt to its original height for the first 1.5/2m from the rear of 12 Chapel Field North. Some form of rotating wall topping would also enhance security.
13. The rest of the wall should either rake or step to maintain a minimum height of 1.8 metres from the Public Footpath. Alternatively the wall could be topped with robust vertical bar railings or weldmesh fencing to maintain the original overall height (any fence topping should be positioned at the front of the wall to frustrate climbing). These measures will prevent persons climbing over the wall and dropping down into the parking area.

## Assessment of planning considerations

### Relevant development plan policies

14. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
- JCS1 Addressing climate change and protecting environmental assets
  - JCS2 Promoting good design
  - JCS7 Supporting communities
  - JCS11 Norwich city centre
15. **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
  - DM9 Safeguarding Norwich's heritage
  - DM11 Protecting against environmental hazards

## **Other material considerations**

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

- NPPF0 Achieving sustainable development
- NPPF7 Requiring good design
- NPPF8 Promoting healthy communities
- NPPF12 Conserving and enhancing the historic environment

## **Case Assessment**

17. 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.
18. Given the wall is above 2m in height and is within a conservation area the proposed demolition is considered 'development' and 'relevant demolition'. As such planning permission is required and failure to obtain planning permission for the demolition is a criminal offence. There is no in principle policy objection to the proposals, the acceptability will be subject to considerations on the design and heritage, amenity and crime and safety issues.

## **Main issue 1: Design and heritage**

19. Design key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 9, 17, 56 and 60-66. Heritage key policies and NPPF paragraphs – DM9, NPPF paragraphs 128-141.
20. The existing wall prior to unauthorised demolition was between ~2 and 2.5m high. It is of no particular architectural or historical significance. On such a narrow alleyway this has a fairly imposing effect and did not represent good design. Taking the majority of the wall down to 1.8m is a visual improvement and there are considered to be no adverse implications for the setting of any nearby statutory listed buildings or the character of the wider conservation area.
21. One significant improvement that this reduction is considered to bring is to increase levels of natural surveillance over the alleyway, which currently feels shut-off and dominated by the towering wall. The increase in perception of personal safety for people walking along here is a considerable benefit.
22. At the time of writing the works to the canopy have not been undertaken but the proposals shown are visually acceptable. The height, position and scale are largely the same, with the new canopy being steel and glass as opposed to the current timber with brick support. The existing Aldwych House sign provides some minor contribution to the building's character and although it will be removed, an etched glass sign above the entrance door will replace it. In reality the majority of the contribution comes from the presence of the canopy itself and so its suitably retained replacement raises no issues for the street scene or significance of the

various heritage assets. Further detail of the design, including colour and sections, can be secured via condition to ensure this.

23. The suntubes are small domes on the roof to allow for additional light to reach the second floor. Photographs on the presentation will demonstrate their visual appearance and extent. They are not visible from the street level and have a minimal impact on the visual amenity of the area and as such are considered to be acceptable.

## **Main issue 2: Amenity**

24. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
25. The lowering of the wall will have some impact on neighbouring amenity through the reduction in the amount of noise it may block. The noise is primarily going to be from residents using the rear yard for storing bicycles, using the bins and probably the largest potential nuisance, from the moving of bins on collection day (the bin store is proposed along the wall). The majority of this noise is from normal residential use, albeit a relatively dense one, and its main impact is clearly going to be the fact that 52 flats will share such a small space. Given the height of the eastern and southern boundary walls of the rear yard of Aldwych House (>3m) any noise is likely to bounce around and escape upwards into the wider environment anyway. One important thing to note is that increased visibility of the source of the noise is likely to increase the perception of the disturbance. By improving the design and the perception of safety in the alleyway then this increase in noise is an inevitable by-product. An assessment of the planning merits must be made on this basis and this is addressed later in the report. Given the space constraints and the amount of refuse and cycle storage required there is very little room left to use as amenity space and it is unlikely to be regularly used for this purpose. The type, duration and frequency of the noise coming from the yard is unlikely to be of sustained nuisance and so the reduction in the height of the wall is not considered to cause adverse amenity impacts which outweigh the other benefits of the proposal.
26. Another concern raised by a neighbouring occupier is the loss of privacy. The distance between the neighbouring occupiers and the windows of Aldwych House are generally around 21m and over. The reduction in height of the wall does make the use of the rear yard more apparent but this does not raise significant issues for overlooking.
27. One of the principal reasons for reducing the height of the wall is thought to be the improvements to light levels reaching the windows on the lower floors flats of Aldwych House. Light levels will be poor and this is as a result of trying to cram too many flats into too small of a space, for instance those with single aspects towards the tall western boundary. Without any previous control when accepting the principle of the density and layout of 48 flats, the planning system must still take into account the living conditions of those occupiers, as absurd as that may sound in principle. As far as the planning system is concerned these flats have permission and if the occupants' living conditions can be improved without causing adverse impacts elsewhere, then this ought to try and be achieved. This is of course where the balancing exercise must take place. In this case it is considered the benefits to occupier amenity and design outweigh the relatively small amount of disturbance to surrounding occupiers.

### **Main issue 3: Crime and safety**

28. Key policies and NPPF paragraphs – JCS2, JCS7, DM3, NPPF paragraphs 58 and 69
29. The reduction in height has given rise to the perception of increased risk of being victim to crime, e.g. from somebody climbing up and over onto the property backing onto the site. Following consultation with the police this has been confirmed as a plausible threat, even if only for the lead at the rear. It has been recommended that the wall be rebuilt to its original height for the 2m extending from the rear elevation of 12 Chapel Field North. This has been agreed as acceptable by the applicant and this can be ensured through condition.
30. Other mitigation measures have been suggested, for instance a rotating wall topper. This is not considered to represent a satisfactory design solution within a conservation area and is not recommended. Other measures such as railings are unlikely to further improve security without bring very substantial in size may otherwise just give an intruder something to hold onto when climbing. The other solution is spikes, which would have to be along the top of the wall and would be likely to pose unnecessary risk of harm to unsuspecting passers-by running their hand along the wall. In reality, with a 2m section rebuilt to the original height closest to number 12, the risk of increased crime is relatively low as it is offset by the large increase in number of active windows on the rear elevation of Aldwych House, substantially increasing natural surveillance to the rear of the houses and the alley itself. This is considered to be beneficial to public safety.

### **Equalities and diversity issues**

31. There are no significant equality or diversity issues.

### **Local finance considerations**

32. 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.
33. 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.
34. In this case local finance considerations are not considered to be material to the case.

### **Conclusion**

35. While there are some issues relating to amenity impacts on neighbouring occupiers and the increased perception of crime risk, these impacts are relatively low and are considered to be outweighed by the proposal's benefits to design, occupier amenity and the increase in perception of public safety within the alleyway. The development is therefore 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. 15/01381/F - Aldwych House 57 Bethel Street Norwich NR2 1NR and grant planning permission subject to the following conditions:

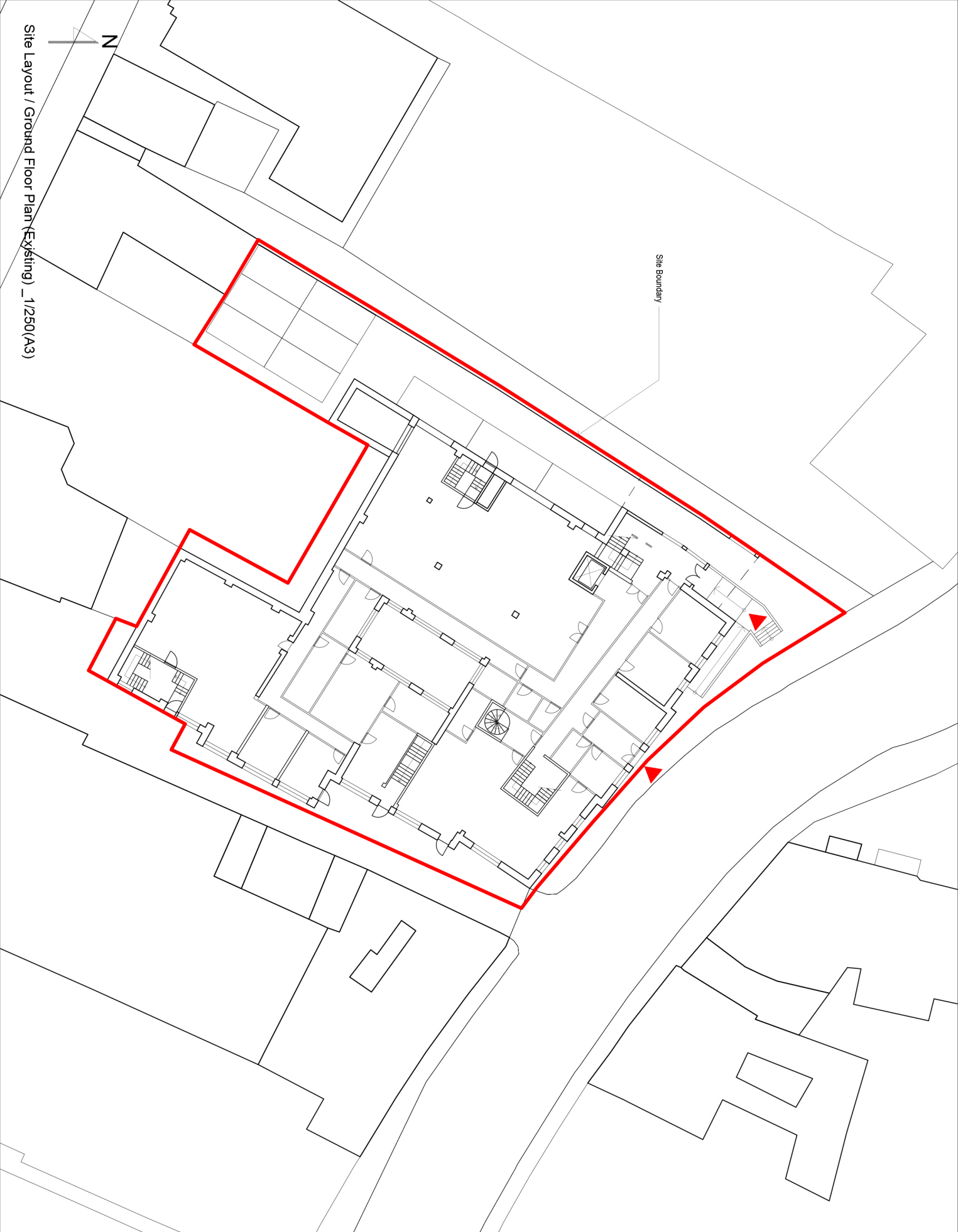
1. Standard time limit;
2. In accordance with plans;
3. Details of canopy (including materials, section, finish/colours etc)
4. Within 1 month of the date of this decision the section of wall extending 2m in length from the rear elevation of 12 Chapel Field North shall be rebuilt to its original height.

## **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 at the pre-application stage the application has been approved subject to appropriate conditions and for the reasons outlined in the officer report.

## **Informative:**

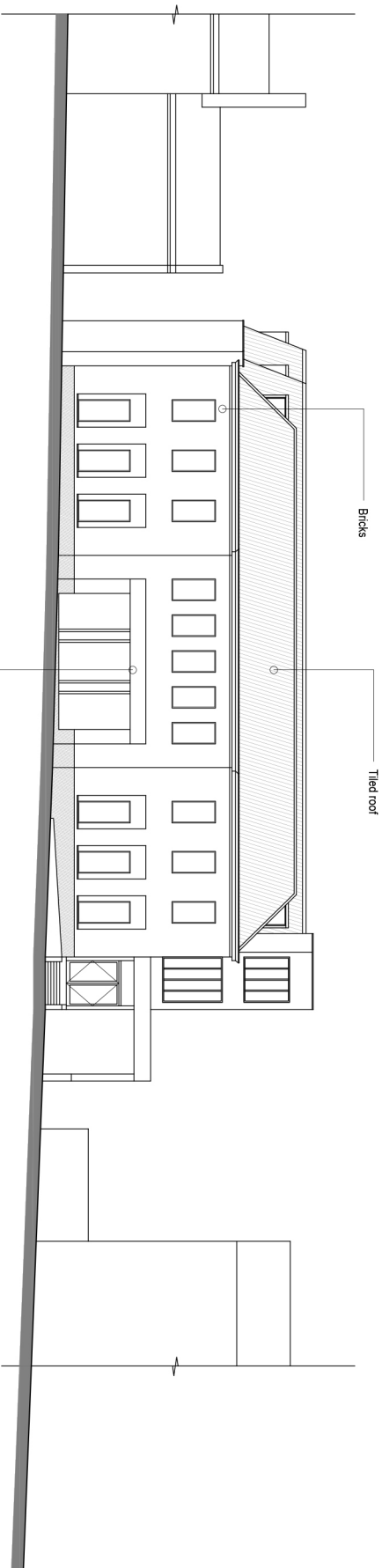
The planning permission relates only to the changes to the entrance canopy and the western boundary wall as shown on the submitted plans. This permission does not infer approval for those other potentially unauthorised elements, for instance the works to the projection adjacent to the stair tower, assumed to be the lift motor housing. This also applies to the various apparent discrepancies on the plans, including on the front elevation: the two windows in the mansard on the north east corner; the changes to the stair tower, including the different design and position of the windows (as well as those on the adjacent side elevation); and the large distance shown on the section projecting from the east elevation. None of these elements are shown on the plans approved through 14/00630/F and given they are not included in the description of this particular proposal no assessment has been made of their acceptability. For the avoidance of doubt the approved drawings on this decision notice will explicitly delete these elements and focus solely on what has been applied for.



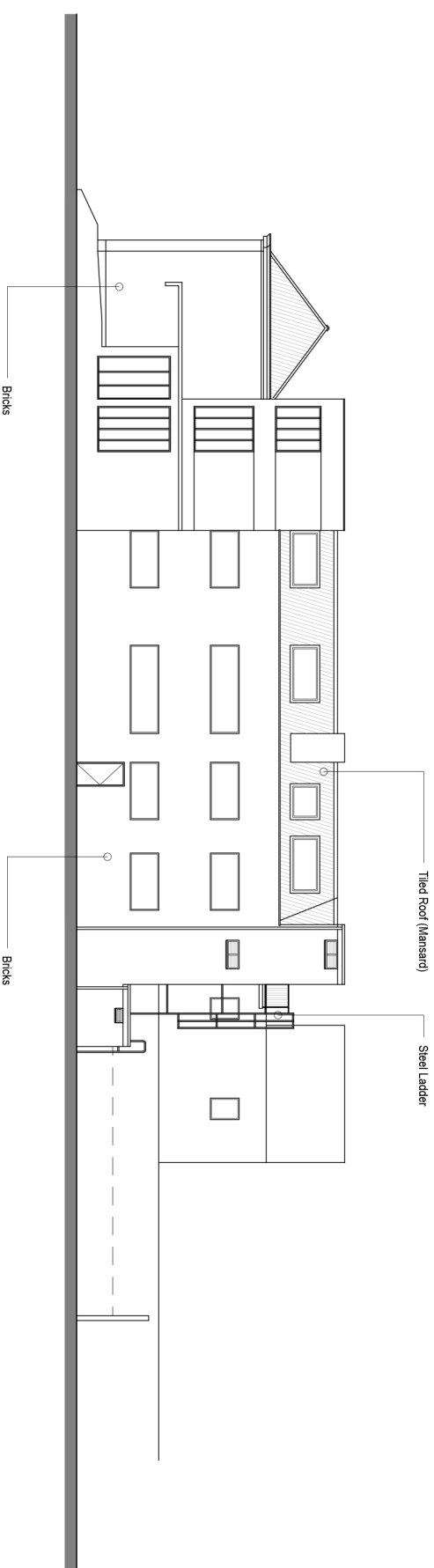
PROJECT TITLE  
**Aldwych House**  
PROJECT NUMBER  
**FOR001-0306**  
DRAWING TITLE  
**Site Layout / G. Floor Plan  
(Existing)**

DRAWING NUMBER  
**11** REV.  
**-**

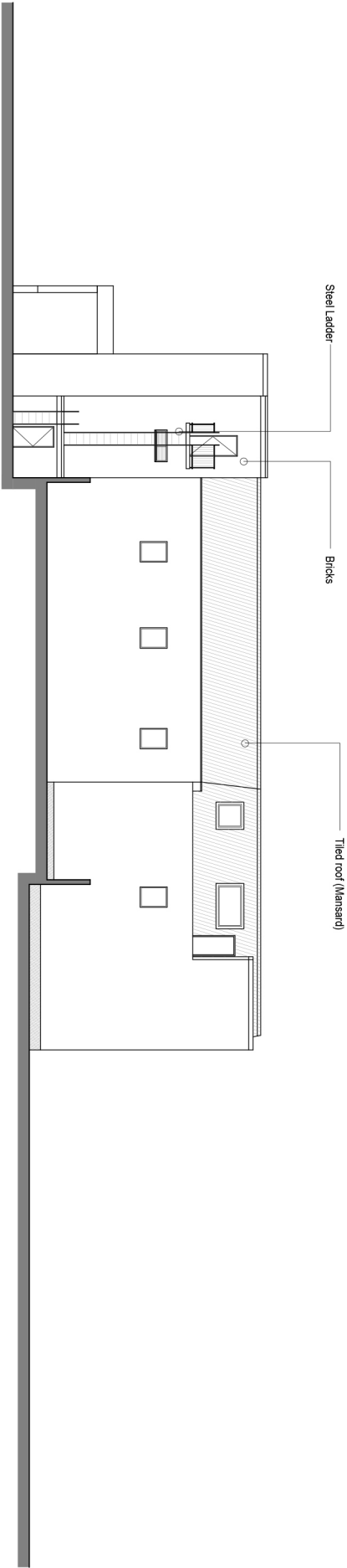
SCALE  
**1/250 (A3)**  
DATE  
**11/12/2013**  
DRAWN BY  
**J.S. LEE**



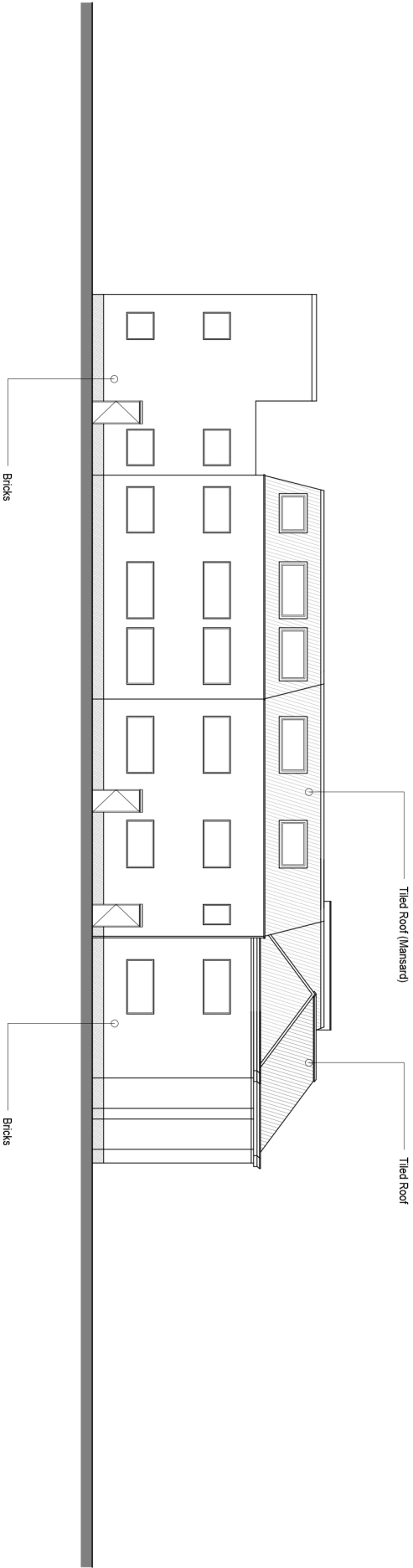
Elevation A \_1/200 (A3) (Bethel Street Facade)



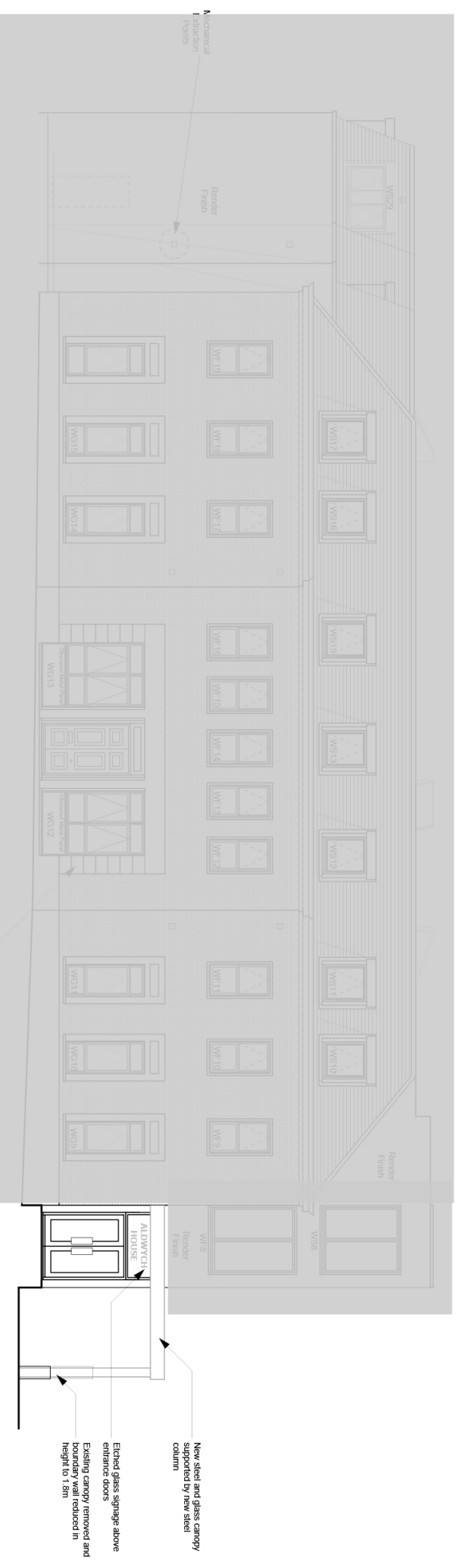
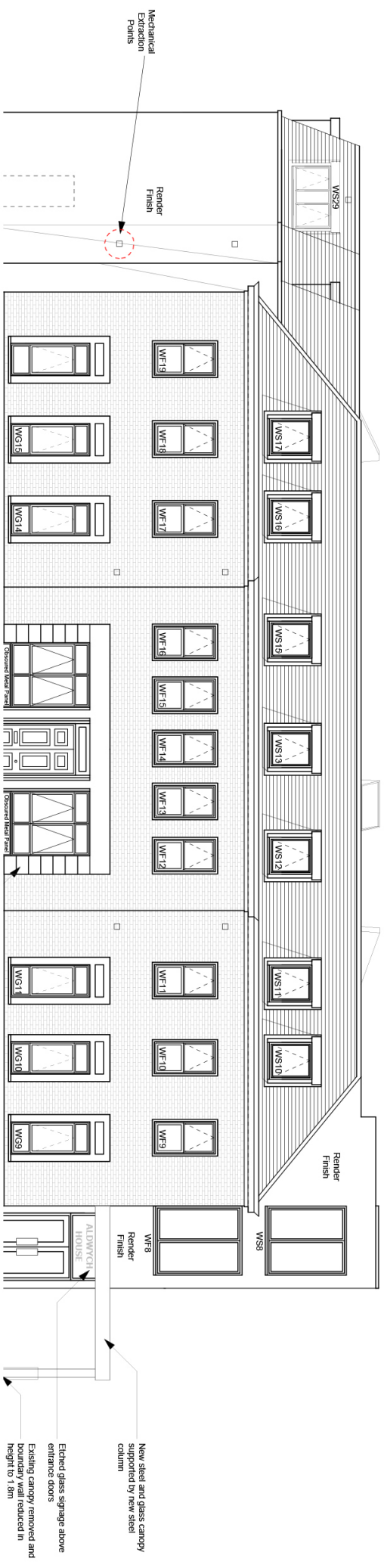
Elevation B \_1/200 (A3) (Watts Court Side)



Elevation C\_1/200 (A3) (Chapel Field North)



Elevation D\_1/200 (A3) (Coach & Horses Pub side)



Proposed Front Elevation 1:100 @ A2

Area tinted grey not part of application



## GENERAL NOTES

All dimensions are to be checked on site before commencement of works.

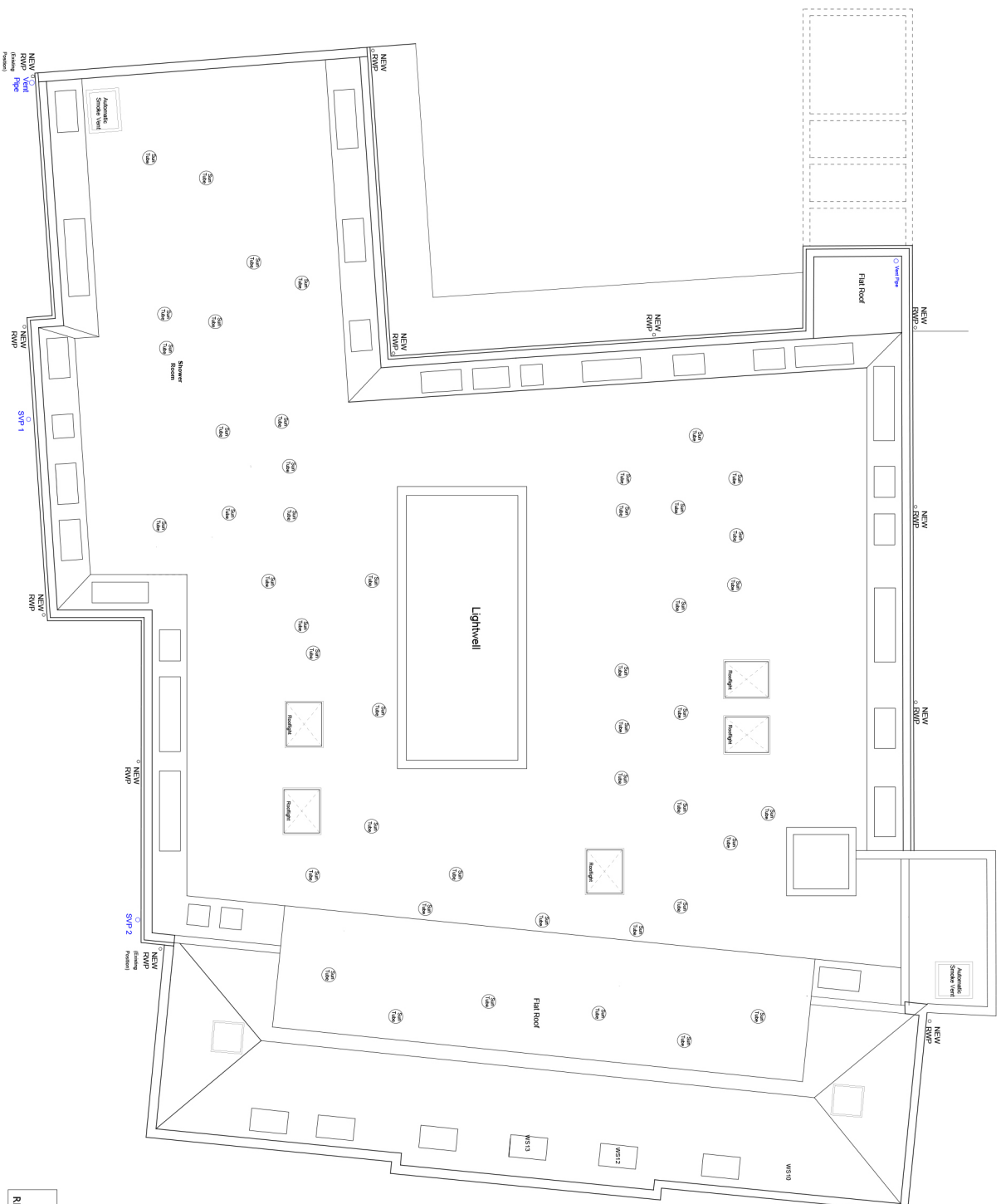
All sizes and dimensions to any structural elements are indicative only. See structural engineer's drawings for actual sizes/dimensions.

Sizes of and dimensions to any service elements are indicative only.

See service engineer's drawings for actual sizes/dimensions.

This drawing to be read in conjunction with all relevant Architect's drawings, specifications and other consultants' information.

**DO NOT SCALE FROM THIS DRAWING**



**Proposed Roof Plan 1:100 @A2**



| REV: | DATE: | DESCRIPTION: |
|------|-------|--------------|
|------|-------|--------------|

|          |   |           |          |
|----------|---|-----------|----------|
| PROJECT: | Aldwych House, 57 Beetham Street, Norwich NR2 1NR |           |          |
| CLIENT:  | Aldwych Developments Ltd                          |           |          |
| DRAWING: | Proposed Roof Plan                                |           |          |
| SCALE:   | 1:100 @A2   | DRAWN:    | RL       |
| DATE:    | Jul-15  | CAD FILE: | 1035-005 |
| STATUS:  | Construction                                      |           |          |

DRAWING NO: 1035-005      REV: \*