

Report to Planning applications committee
Date 14 March 2013
Report of Head of planning services
Subject 12/01356/ET and 12/01357/L Ferry Lane Garages The Close Norwich

Item
5(3)

SUMMARY

Description:	12/01356/ET - Extension of time of planning permission 04/00453/F 'Conversion of former garages to offices accommodation (Class B1) new rear extension; new garage; external improvements at front of garages'.	
	12/01357/L - Alterations and additions to garages to facilitate conversion to offices and garages.	
Reason for consideration at Committee:	Objection	
Recommendation:	APPROVE with conditions and subject to the signing of a deed of variation.	
Ward:	Thorpe Hamlet	
Contact Officer:	Miss Sarah Platt	Planning Officer - Development Management 01603 212500
Valid Date:	30th June 2012	
Applicant:	Mr Neil Parsons (Chapter Steward)	
Agent:	Mrs Melanie Hey	

INTRODUCTION

The Site

Location and Context

1. The application site is to the north side of Ferry Lane between the Norwich Lower School playing field and Brown's Meadow car park, opposite 4 residential dwellings. The buildings form a range of single and one and a half storey buildings which are Grade II Listed. The site is set within the Cathedral Close character area of the City Centre Conservation Area which is identified as having a very high significance and where this frontage is identified as having a positive floorscape and frontage. The lower school playing field and a small area of the application site is within the functional floodplain (1 in 10 year flood risk) (Zone 3b). The whole application site is within the 1 in 100 year flood risk area (Zone 2).
2. The buildings were originally built as stables and coach houses but are now used as a series of garages for residents of The Close, There is a former changing rooms associated with the lower school at the western end of the range and a converted flat at the other. The roof is in a poor state of repair with a few holes and some of the windows at first floor level are in need of repair with broken panes.

Planning History

3. In 2007 under application reference 04/00453/F, planning permission was granted for the conversion of the garages to office accommodation (Class B1), with a new rear extension and associated external works. In 2005 under application 04/00454/L the associated Listed Building Consent was also granted permission.
4. The applications were the subject of discussion for an extended period of time with regard to the process of determination and decision, hence the long delay between the committee resolution to approve both applications on the 30th June 2005 and the issuing of the decisions in August 2007 (04/00453/F) and July 2005 (04/00454/L).
5. The applications were both granted with a 5 year period for implementation. The application for the extension of time was received and valid within the deadline for implementation and an accompanying Listed Building Consent was also submitted.

Equality and Diversity Issues

There are no significant equality or diversity issues.

The Proposal

6. Application 12/01356/ET seeks an extension of time to planning permission 04/00453/F for the conversion of the former garages to office accommodation (Class B1), new rear extension, new garage and external improvements at the front of the garages.
7. Application 12/01357/L seeks alterations and additions to the garages o facilitate the conversion to office accommodation.

Representations Received

8. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 12 letters of representation have been received, from 7 interested parties, citing the issues as summarised in the table below.
- 9.

Issues Raised	Response
The use of the garages will increase noise and nuisance to this residential area. Office development is out of keeping with the character of the area.	Paragraph 21
There will be a substantial increase in traffic movements in the Cathedral Close, both vehicular and cycle. Cyclists already do not observe the 10mph speed limit and adding further cycles and traffic to this area will be dangerous. The original application was granted subject to the submission of plans relating to traffic management which should be carried over if any approval is granted.	Paragraphs 27-36
The residents who use these garages for	This is not a material planning

storage will have to find alternative storage and parking.	consideration
The garages were the stables for The Close and any development, no matter how sympathetic, will ruin the appearance and history of these buildings. The positioning of cycle stands outside the premises will also be unsightly and encourage cycle use.	Paragraphs 23-26
There are a number of vacant office units in the city so the need for more is questionable.	Paragraphs 15-19
Privacy to the residential dwellings opposite would be adversely affected.	Paragraph 22
Policy TRA12 was not correctly assessed under the original application and a Transport Assessment was not required. Why?	Paragraphs 27-36

Consultation Responses

10. Natural Areas Officer – A bat survey was conducted in 2012 following my advice but no evidence was found that bats were roosting. However, given the building form and the state of the roof (with many holes) it is conceivable that bats may use this range of building in the future. I therefore recommend that if site works do not commence within 1 year of the previous survey, that a further survey is carried out and submitted to the local authority. A lighting strategy will also be required to ensure that lighting does not impact negatively on wildlife.
11. Environment Agency – Our previous advice on the original permission is still valid and relevant. The conditions we requested on the original permission should be carried over.
12. English Heritage – No objections.
13. Heritage Environment Service – No objections. Please carry all conditions from the original permission.
14. Local Highway Authority – No objections. There have been no substantive changes to Transport Policy since the original application was determined.

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

National Planning Policy Framework:

- Statement 1 – Building a strong, competitive economy
- Statement 4 – Promoting sustainable transport
- Statement 7 – Requiring good design
- Statement 10 – Meeting the challenge of climate change, flooding and coastal change
- Statement 11 – Conserving and enhancing the natural environment
- Statement 12 - Conserving and enhancing the historic environment
- Statement 13 – Facilitating the sustainable use of materials

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

- Policy 1 – Addressing climate change and protecting environmental assets
- Policy 2 – Promoting good design
- Policy 3 – Energy and water
- Policy 5 – The economy
- Policy 6 – Access and transportation
- Policy 11 – Norwich City Centre
- Policy 20 - Implementation

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

- NE3 - Tree protection, control of cutting and lopping
- NE9 - Comprehensive landscaping scheme and tree planting
- HBE2 – Protection of standing remains in Cathedral Precinct and other priority areas
- HBE3 – Archaeology assessment in Area of Main Archaeological Interest
- HBE8 - Development in Conservation Areas
- HBE9 – Development affecting Listed Buildings
- HBE12 - High quality of design in new developments
- EP22 - High standard of amenity for residential occupiers
- EMP1 - Small scale business development
- EMP16 – Office development – sequential test and criteria
- 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
- TRA26 - Design and materials in streetscape

Supplementary Planning Documents and Guidance

- City Centre Conservation Area Appraisal (September 2007)

Other Material Considerations

- The Localism Act 2011 – s143 Local Finance Considerations

Principle of Development

Policy Considerations

15. The application is for an extension of time to the previous permission 04/00453/F. The principle of the re-use of these dilapidated listed buildings was previously accepted and the sequential test under saved policy EMP16 was passed, subject to the requirement for conditions requiring a Travel Plan under saved policy TRA12.
16. Paragraph 23 of the Government Guidance document '*Greater Flexibility for Planning Permissions*' states that in the assessment of applications for extensions of time of previous approvals, the development will by definition have been judged to be acceptable in principle. The focus of local authorities should therefore be on development plan policies and material considerations which have changed significantly since the grant of planning permission. The main issues to assess in this case are changes in policy or changes in circumstances since the original approval.
17. The Joint Core Strategy for Broadland, Norwich and South Norfolk (JCS) has been adopted and the National Planning Policy Framework (NPPF) has replaced former planning policy statements and guidance. A number of the policies in these two new policy statements continue the direction of previous policy and in this case support the re-use of Listed Buildings, provision of new offices facilities within the city centre and promote good design and sustainable methods of travel. The changes in policy are

not considered to have any material affect on the assessment of the proposals in terms of their acceptability in principle.

18. Under JCS policy 3 the proposals would trigger the requirement for maximisation of water efficiency. This can be secured via a new condition.
19. The principle of office development in this area is considered to be acceptable and in accordance with the objectives of the NPPF, policies 5 and 11 of the Joint Core Strategy for Broadland, Norwich and South Norfolk and saved local plan policies EMP1 and EMP16 of the City of Norwich Replacement Local Plan (Adopted Version November 2004).

Other Material Considerations

20. Issues of trees, flood risk, and archaeology were all considered under the original application. There have been no substantive changes to policy since the original determination. As such, any required conditions will be re-imposed on any new permission granted.

Impact on Living Conditions

Noise and Disturbance

21. Concerns have been raised with regards to the noise and disturbance such a use would result in. This was considered under the original application and whilst it was accepted that undoubtedly there would be some change in the character of the area due to the commercial uses proposed, the refurbishment of the Listed Buildings and the generally quiet nature of offices was not considered to be a sufficient reason to refuse the application. Conditions as imposed on the original permission will be carried to any extension of time permission, if granted consent.

Loss of Privacy

22. Concerns have been raised with regards to loss of privacy of existing residents following the conversion to offices. At the nearest point the proposals are 11.0m apart. Whilst this separation distance (11.9m) is less than that recommended in the Building Research Establishment (BRE) guidance, which recommends a separation distance of 21m between residential dwellings with elevations with habitable room windows facing one another. This development seeks conversion to offices, not residential, is within a Conservation Area and seeks to re-use and restore existing Listed Buildings, thereby improving the street scene and character of the wider area. There are very few sites within the City Centre where a separation distance of 21m could feasibly be achieved and in addition, the offices are unlikely to be used late into the evening or overnight when residential dwellings are usually used most intensively. It is not considered that the privacy and amenity of the neighbouring residents will be detrimentally affected as a result of these proposals.

Design

23. Several changes to the building are proposed:
 - One new garage to the western gable of the building is proposed, along with electricity meter cupboards and gas meters. Two existing garages at the eastern end of the building will be retained (these, and the new garage, will be for the sole use of residents of The Close);
 - The disused platform to the rear elevation (north) will be replaced by a new two storey extension to provide office accommodation;
 - A new bin enclosure will be provided to the east gable end;
 - Timber louvered screens will be added to each gable end, behind which the air cooling units are indicatively proposed to be positioned;
 - The ridge height will be raised by 60mm to allow for new insulation in the roof;
 - New paving areas to the front elevation to ensure levels access for those with

impaired mobility and cycle stands for 24 cycles are to be provided within the front paved areas, and;

- Additional external lighting (indicative proposals).

24. These changes replicate the changes as made under the original planning permission and Listed Building Consent. The design approach was accepted at the time of the original application and is still considered to be acceptable, subject to conditions requiring details.

Listed Building – Impact on Setting

25. The proposed conversion is considered to bring back into a viable use these dilapidated Listed Buildings, ensuring their maintenance and repair for the future. There is considered to be minimal impact on the fabric and architecturally important features of this building as a result of the proposals and the new rear extension is not considered to have a detrimental visual impact to the appearance of the listed building in wider views. Therefore, the proposals are considered to be in accordance with the objectives of the NPPF, JCS and saved local plan policy HBE9.

Conservation Area – Impact on Setting

26. It is considered that the appearance of the building will be improved in the street scene and wider Conservation Area as a result of the proposed alterations. The buildings are in need of repair and restoration and appear shabby in the street scene. These proposals will bring about the immediate and long-term maintenance, improving the street scene and the appearance of this range within the wider Conservation Area and particularly in longer views from the River Wensum and Riverside Walk. Therefore the proposals are considered to be acceptable, to represent good design and to be in accordance with the objectives of the JCS and saved local plan policies HBE8 and HBE12.

Transport and Access

Transport Assessment

27. Significant Concerns have been raised with regard to the transport impact of these proposals. In addition, the approach to the assessment of traffic impact under the original application. The original full planning permission was approved by planning applications committee in June 2005 but the decision was not issued for a little over 2 years following delays with the signing of the S106 agreement for transport contributions. A decision was issued in August 2007. No Judicial review of the application determination was ever lodged. The decision is lawful and extant.
28. Cycle parking provision is considered to be in accordance with saved local plan policy criteria in TRA7 with 24 spaces being provided. Appendix 4 of the local plan states that operational car parking will be provided in line with the maxima criteria. No car parking is provided for with this application and the local highway authority accepts this approach given the high levels of cycle parking provided with the application, cycle parking provision in the immediate area and the highly sustainable location of the development proposals.
29. Saved local plan policy TRA11 requires contributions from developers for B1 office development over 200sqm and saved local plan policy TRA12 requires a Travel Plan for office developments over 500sqm.
30. Given the size of the development proposal and the existing car movements resulting from the 13 no garages, if fully in use, then the number of additional traffic movements at peak hour is 4 no. which equated to £10,000 in the earlier permission..
31. Under the current Transport Contributions SPD formulae, this now equates to a contribution of £15,200 (4 x £3,800). A deed of variation to secure this contribution has been drafted and agreed by all signatories.
32. These funds will be put towards the Greater Norwich Cycle Network, specifically

- improvements on the pink pedal way between St Andrews Plain and Bishopgate.
33. A Transport Assessment and Travel Plan were not required under the original application submissions as the development. Conversion of 851sq.m. of garages to office accommodation did not meet the thresholds for provision of such documentation. However, at the time of the original assessment, as with this application, the issues of potential traffic increase was the subject of much representation and as such the applicants submitted a car parking and traffic management statement relating to the application site.
 34. The content of this traffic management plan is agreed by the local highway authority and in addition the applicants have also submitted a Travel Information Plan which directs staff and visitors to information on more sustainable methods of transport.
 35. It is considered that the Travel Information Plan submitted with the application and the transport contribution of £15,200 to be used to make improvements to the city centre cycle network, are sufficient to address the increases in traffic movements as a result of this development. Therefore, the requirements of saved local plan policies TRA11 and TRA12 are considered to be met and the proposals are considered acceptable. The local highway authority has verbally confirmed they are happy with this approach.
 36. The condition of the original permission requiring a Travel Plan will not be carried through to any decision notice as a Travel Information Plan has been submitted with the application and is considered sufficient for the scale of development proposed.

Environmental Issues

Energy Efficiency and Renewable Energy

37. JCS policy 3 has been introduced since the original application determination. The proposals do not meet the thresholds for requiring sources of decentralised and renewable or low carbon energy to provide 10% of the schemes energy requirements. However, the submitted the Energy Conservation statement details how the energy requirements of Building regulations will be met, taking into account the Listed status of the building. Mechanical cooling systems are required by the letting agents so conditions requiring full details are recommended to be attached to the planning permission if granted approval and details of the service ducts and internal fittings is recommended to be attached to the Listed Building Consent, if granted approval.

Water Conservation

38. JCS policy 3 also requires the development to maximise water efficiency. As such a condition will be attached to any approval granted.

Local Finance Considerations

39. The Localism Act 2011 amended S70 of The Town and Country Planning Act 1990 to require local planning authorities to have regard to local finance considerations in the determination of planning applications, alongside the development plan and other material considerations.
40. In this case the proposals if implemented would pay business rate receipts.

Conclusions

41. Circumstances have not materially changed since the grant of the original permission. The use of this range of buildings as offices has been accepted in principle and subject to the conditions as outlined below the extension of time period for implementation of the original permission is considered to be acceptable. In addition,

the proposals do not represent any detrimental impact to the Listed Building or wider Conservation Area. Rather the dilapidated building will be repaired and restored and the use proposed will secure the immediate and future maintenance of the building. The alterations proposed do not substantially impact on the character or fabric of the Listed Building but respond sympathetically to its existing character.

RECOMMENDATIONS

To approve Application Nos 12/01356/ET and 12/01357/L (Ferry lane Garages) and grant planning permission and Listed Building Consent, subject to the signing of a deed of variation to link this permission to the original S106 agreement to secure the following contributions:

a) a Transport contribution of £15,200, and;
subject to the conditions as outlined below (modified from the original permission to make them more robust):

12/01356/ET

- 1) Standard time limit (3 years)
- 2) In accordance with the drawings and details
- 3) Water efficiency
- 4) Further bat survey required if works do not commence within 1 year of the submitted and approved survey P2060.1.0
- 5) Lighting Strategy
- 6) Details of materials to be used in construction of external walls
- 7) Details of materials including windows, roof windows, doors, shutters and frames, louvers, security alarms, new boundary treatments
- 8) The garages shown on plan reference 03.88 10 D shall be used only by residents of The Close and their bona fide guests;
- 9) Submission parking/ cycle/ bin storage details
- 10) Landscaping details to be agreed
- 11) Trees - Siting of services
- 12) Trees - Arboricultural site brief
- 13) Trees - Supplementary AMS to be provided
- 14) No external storage of materials
- 15) Details of flood proofing measures
- 16) Archaeology – Written statement of investigation
- 17) Archaeology – works in accordance with WSI
- 18) Archaeology - No occupation until site investigation and post investigation assessment completed
- 19) Archaeology Stop works if unidentified features revealed
- 20) NON-INDUSTRIAL - Details of ventilation and extraction to be submitted
- 21) Maintenance of ventilation and extraction
- 22) Restrictions on amplified noise

Informatives:

- 1) Any new signage will require Advertisement Consent
- 2) Construction working hours
- 3) Site Clearance and Wildlife

Reasons for approval:

Circumstances have not materially changed since the grant of the original permission. The use of this range of buildings as offices has been accepted in principle and subject to the conditions as outlined below the extension of time period for implementation of the original permission is considered to be acceptable.

Therefore the proposals are considered to be in accordance with the objectives of the NPPF, policy 1, 2, 3, 5, 6, 11 and 20 of the Joint Core strategy for Broadland, Norwich and South Norfolk (March 2011) and saved policies NE2, NE9, HBE2, HBE3, HBE8, HBE9, HBE12, EP22, EMP1, EMP16, TRA5, TRA6, TRA7, TRA8, TRA12 and TRA26 of the City of Norwich Replacement Local Plan (Adopted Version November 2004)

And thereafter to delegate authority to the Head of Planning to approve or refuse the application if the Deed of Variation is not signed by the 31st March 2013.

12/01357/L

- 1) Standard time limit (3 years)
- 2) In accordance with details and drawings as submitted
- 3) Details of mechanical ventilation systems and internal ducts and fittings.
- 4) Details of internal joinery and internal openings/blockings
- 5) Schedule of repairs
- 6) Making good any damage

Informatives:

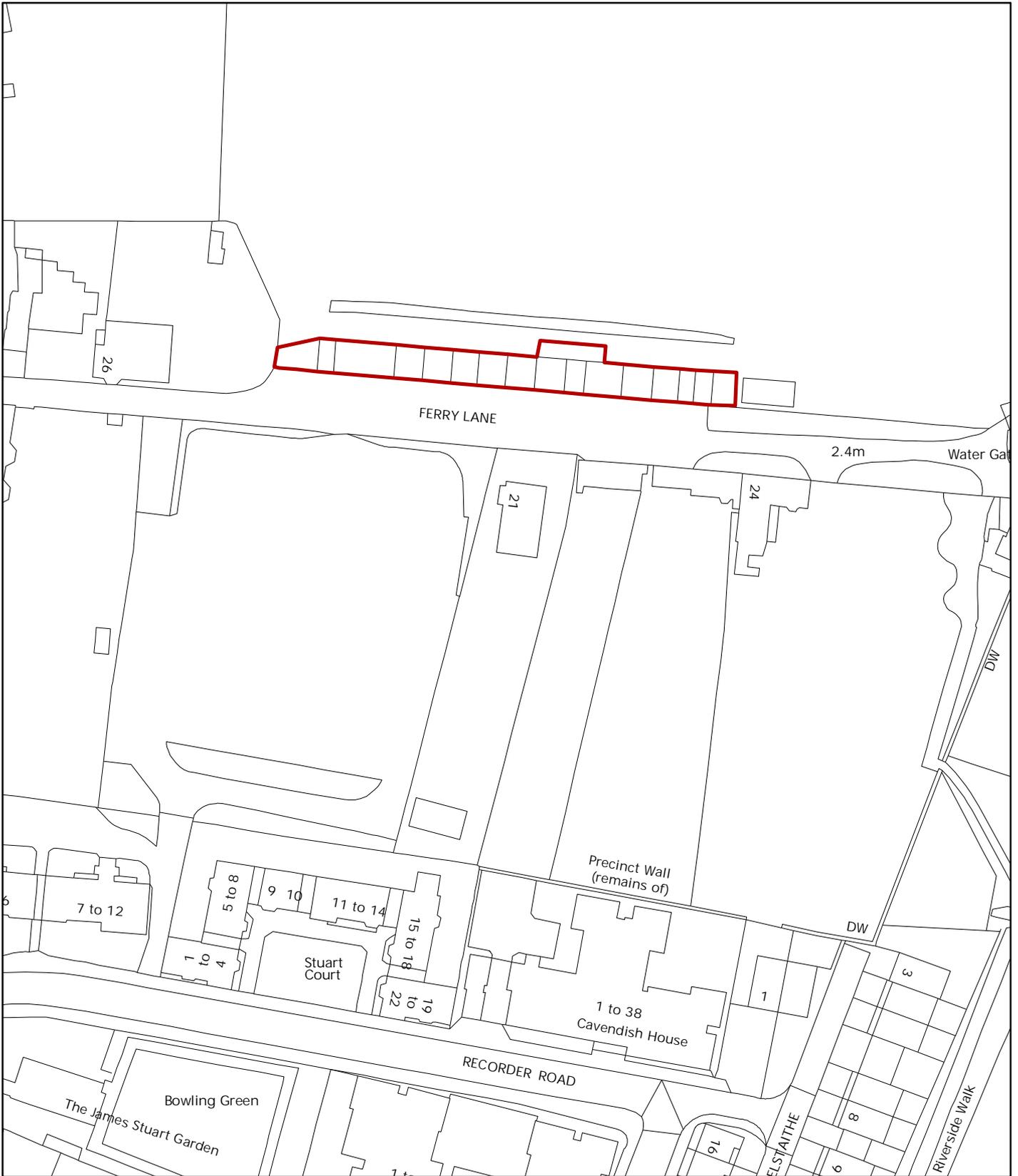
- 1) Listed building consent – other works

Reasons for approval:

The proposals do not represent any detrimental impact to the Listed Building or wider Conservation Area. Rather the dilapidated building will be repaired and restored and the use proposed will secure the immediate and future maintenance of the building. The alterations proposed do not substantially impact on the character or fabric of the Listed Building but respond sympathetically to its existing character. Therefore the proposals are considered to be in accordance with the objectives of the NPPF, and saved policies HBE8, HBE9 and HBE12 of the City of Norwich Replacement Local Plan (Adopted Version November 2004)

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 the application has been approved subject to appropriate conditions and for the reasons outlined above.



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Planning Application No 12/01356/ET & 12/01357/L
 Site Address Ferry Lane Garages The Close
 Scale 1:1,000



NORWICH
City Council

PLANNING SERVICES



