



# NORWICH City Council

**Committee name:** Planning applications

**Committee date:** 11/04/2024

**Report title:** Application no 23/01598/F, 15 St Margarets Street  
Norwich NR2 4TU

**Report from:** Head of planning and regulatory services

## OPEN PUBLIC ITEM

### Purpose:

To determine:

**Application no:** 23/01598/F

**Site Address:** 15 St Margarets Street Norwich NR2 4TU

**Decision due by:** 17/04/2024

**Proposal:** Replacement of existing workshop to create pottery studio, first floor work space and associated outbuilding/landscape works.

**Key considerations:** Principle of loss of existing and replacement; Design; Heritage impacts; Amenity; Transport; Flood risk; Trees; Biodiversity; Contamination

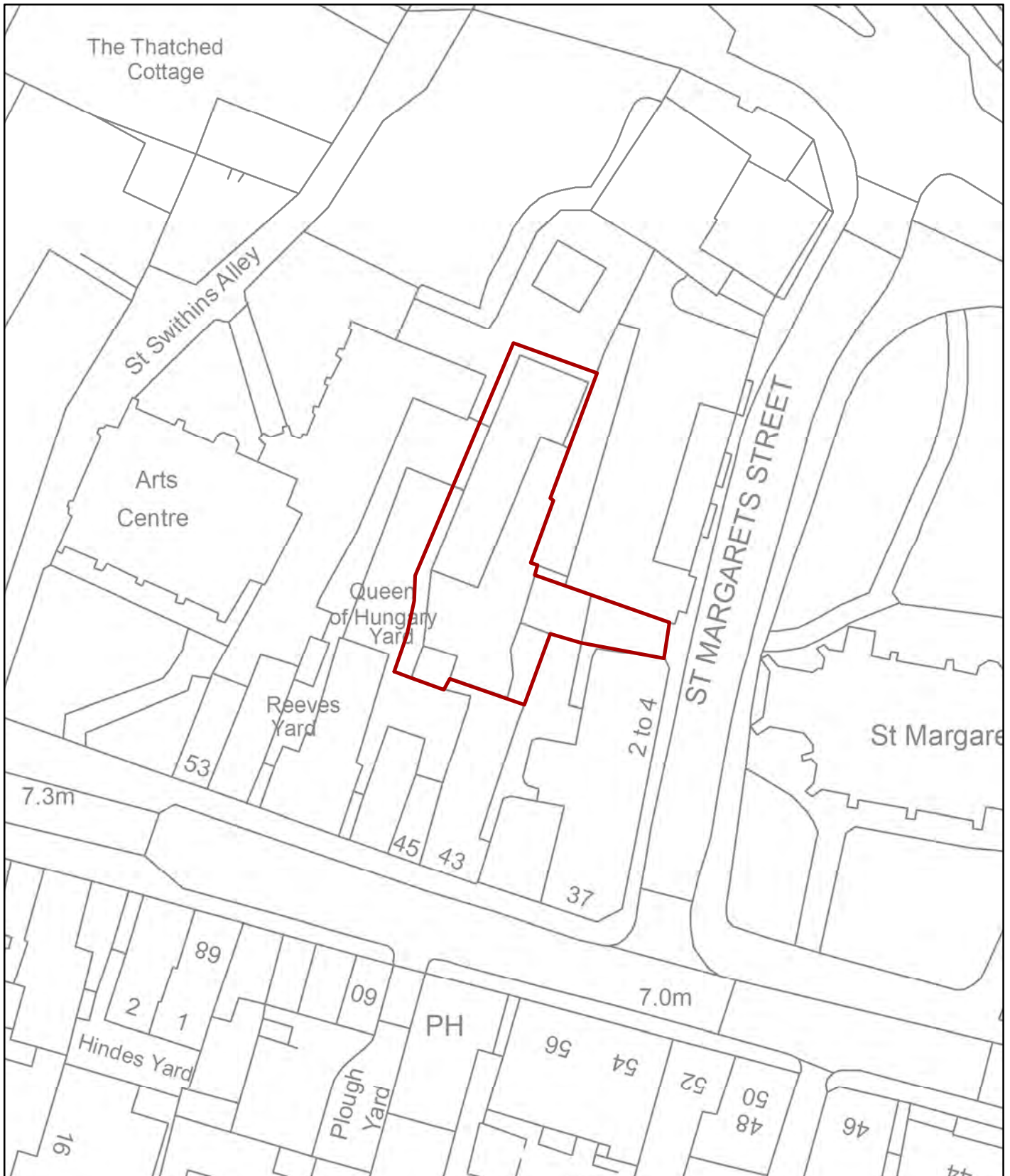
**Ward:** Mancroft

**Case Officer:** Maria Hammond

**Applicant/agent:** Mr James Wreford & Mr Ned Davies/Studio Drake Ltd.

**Reason at Committee:** Objections

**Recommendation:** It is recommended to approve the application for the reasons given in the report and subject to the planning conditions set out in paragraph 129 of this report, and grant planning permission.



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Scale: 1:500

Planning Application No: 23/01598/F  
 Site Address: 15 St Margarets Street  
 Norwich



**NORWICH**  
 City Council  
 PLANNING SERVICES

## **The site and surroundings**

1. This 0.02ha site is located behind residential and retail units facing on to St Benedicts Street and St Margarets Street. The site is in light industrial use and is essentially landlocked with no direct street frontage. Access to the site is gained via a private right of way over neighbouring land to St Margarets Street and across Queen of Hungary Yard which is a dead end adopted highway that connects to St Benedicts Street.
2. There are existing single storey buildings on the site. The largest building is approximately 20 metres in length and forms the boundary of the site with Norwich Arts Centre (St Swithins Church) to the west. This is constructed of timber boarding under a corrugated sheet roof. Smaller scale outbuildings abut the southern and southeastern boundary of the site.
3. Residential dwellings are located around the site, including on the upper floors of buildings fronting St Benedicts Street and within The Hines that runs along the eastern boundary and fronts St Margarets Street.
4. A change in level exists between the site and St Margarets Street. Site level is approximately one storey higher than street level and an undercroft car park to The Hines sits at this lower street level with a retaining wall along the eastern site boundary.
5. The south-west boundary of the site abuts Queen of Hungary Yard which is accessed via a narrow entrance from St Benedicts Street. The yard is adjacent to private amenity space understood to be used by the occupiers of 49 St Benedicts Street.

## **Constraints**

6. In terms of heritage and policy constraints, the site is within the Elm Hill and Maddermarket character area of the City Centre Conservation Area and adjacent to the grade I listed St Swithins Church (Norwich Arts Centre), grade II listed 45, 47 and 49 St Benedicts Street and locally listed 43, 51 and 53 St Benedicts Street. Across St Margarets Street is the grade I listed St Margarets church.
7. The two churches are identified as landmark buildings in the Conservation Area Appraisal and there is a positive frontage along St Benedicts Street. A mid twentieth century mixed use building on the corner of St Margarets Street is identified as a negative building in a prominent position.
8. The site is also within the area of main archaeological interest, a critical drainage catchment, city centre leisure area and city centre parking area. The site lies adjacent to the secondary retail area of the city centre.
9. The site is also constrained by its landlocked situation surrounded by residential, commercial and night-time uses, changes in level relative to neighbouring sites and adjacent trees.

## **Relevant Planning History**

10. The records held by the city council show the following planning history for the site.

Case no	Proposal	Decision	Date
16/01936/F	Demolition of existing light industrial building and construction of 3 No. dwellings.	Approved	18/01/2018
23/00173/F	Conversion of existing workshop to create pottery studio, first floor work space and associated outbuilding/landscape works.	Withdrawn	14/04/2023

## The Proposal

11. The existing workshop building is proposed to be replaced with a new building on a similar footprint to this. It would be single storey in height at the northern end and then step up to two storey over the main body of the building that would be 1.5 metres narrower. At the southern end there would be a 2 metre deep first floor terrace accessed from double doors in the south elevation gable.
12. The ground floor would offer a single open plan workshop space with WC. The first floor is proposed to be a single studio space.
13. Externally, two outbuildings are proposed to replace existing/historic structures. One in the southwest corner would house an electric kiln, the other in the southeast corner would have an office space and store.
14. The courtyard space at the southern end of the site between the buildings would be finished in cobbles. A new gate in the boundary to Queen of Hungary Yard would provide retained pedestrian access into this space.
15. Three air source heat pumps are proposed: two against the southern boundary and one to the east.
16. A pottery studio is proposed to occupy the building. Artists using the studio space would have access 7am to 11pm (amended from 24/7) and classes and opening to the public would end by 9pm.

## Summary of Proposal – Key facts:

17. The key facts of the proposal is summarised in the tables below:

Scale	Key Facts
Total floorspace	Total 206 square metres (existing is 129 square metres)
No. of storeys	One and two storeys
Max. dimensions	Main building: 22 metres long, 7.15 metres wide and 6.8 metres high. Kiln outbuilding: 3.5 metres by 3.6 metres and 2.9 metres high Office/store: 6 metres by 3.75 metres and 2.9 metres high

Appearance	Key Facts
Materials	Red brick, clay pantiles to main building and flat sedum roofs to outbuildings

Construction	Wooden and steel frames
Energy and resource efficiency measures	Three air source heat pumps

<b>Operation</b>	<b>Key Facts</b>
Opening hours	7am to 11pm
Ancillary plant and equipment	Electric kiln within outbuilding with small scale extractor fan

<b>Transport Matters</b>	<b>Key Facts</b>
Vehicular access	As existing from St Margarets Street.
No of car parking spaces	One to be used as loading bay
No of cycle parking spaces	Cycle store
Servicing arrangements	Refuse store within site. Servicing via St Margarets Street.

## Consultation responses

18. 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.

## Representations

19. Adjacent and neighbouring properties have been notified in writing. Six letters of representation were received in response to the original consultation raising the issues as summarised in the table below:

Issues raised	Response
Loss of light, suggest it has been underestimated by the applicant	See main issue 4.
Loss of outlook	See main issue 4.
Loss of privacy	See main issue 4.
Obstruct view	See main issue 4.
Two storey inappropriate. Size and scale relative to available space.	See main issues 2 and 4.
Noise from air source heat pumps	See main issue 4.
Negative visual impact, disproportionate building crammed into small space	See main issues 2 and 4.
Impact on backdrop of medieval buildings	See main issue 3.
Loss of view of St Giles church	See main issues 3 and 4.
Extra particulate matter and dispersal of smoke from woodburner. Fire risk to neighbouring buildings. Not required in addition to air source heat pumps.	Woodburner removed in subsequent amendments.
Storage, quality and frequency of deliveries of fuel.	See main issues 4 and 5.
Extraction filtration to avoid discharge of dust?	See main issue 4.
24 hour a day use close to neighbours' bedrooms. Staff supervision 24/7?	See main issue 4. Operating hours revised to 7am to 11pm.

<b>Issues raised</b>	<b>Response</b>
Noisy gathering on terrace.	See main issue 4.
Unspecified frequency and duration of pop-up events. Will they be licenced?	See main issue 4.
Use of highway loading bay and impact of construction traffic.	See main issue 5.
Noise and dust during constriction.	See main issue 4.
No prior neighbour consultation	The applicants advise they have been in discussion with neighbours since first occupying the site. There is no form requirement for pre-application consultation on a scheme of this size.
Potential future residential use	This is not proposed and the application must be determined as a proposal for a pottery studio.
Suggest compromise of single storey building with same height and footprint as existing.	The application must be determined as submitted.
Right to Light Act	This is a private legal matter.

20. Subsequently, re-consultation on revised plans which omitted the woodburner, relocated the air source heat pumps and revised the construction management plan received five representations citing the following issues.

<b>Issues raised</b>	<b>Response</b>
25 degree light aspect does not compensate or establish suns declination throughout year. Loss of light.	See main issue 4.
Top of single storey roof section higher than top of second floor windows to apartments. Will completely block light.	See main issue 4.
Not suitable for a quiet residential area. Building would be close to bedrooms.	See main issue 4.
Dark grey roof oppressive.	See main issues 2 and 4.
Loss of view.	See main issue 4.
Air source heat pumps remain of great concern -not moved far enough away, sound will bounce off walls. Should switch off all three at night.	See main issue 4.
Noise from metal bike locks at night	See main issue 4.
External light impacts.	See main issue 4.
Questions on construction management plan.	See main issues 4 and 5.
24 hours not reasonable.	See main issue 4.
Concerns about service of notice on landowners and tenants.	The necessary procedures have been followed.
Good to see woodburner removed.	Noted.
Reserve right to complain and request amendments at cost to Council and owners if noise and light reduces existing	Noted. Planning policies require new development to mitigate the effects upfront.

## **Statutory and non-statutory consultees**

### **Design and Conservation (Norwich City Council)**

21. The building lies within the 'Elm Hill and Maddermarket' Character Area of the City Centre Conservation Area, one of the most attractive in the city with a grid of intimate streets and lanes running north-south and linked by more major routes running east-west, the line of which dates back to Roman times. This particular character area also contains Tombland, the site of an Anglo-Saxon marketplace, which forms the centre-point between City centre and Cathedral. For these reasons, it has been deemed desirable to preserve or enhance the character and appearance of this area. Local Plan Policy DM9 substantiates this requirement for development to respect the character and appearance of Conservation Areas.
22. The Character Area of 'Elm Hill and Maddermarket' is considered to be of 'Very High Significance'; the Site is in close proximity to five Grade II listed buildings, the Grade I listed 14th-century St Margaret's Church and Norwich Arts Centre (Church of St Swithin). St Margaret's Street consists of a mixture of 20th century flats and mid-19th century houses and adjoins St Benedict's Street containing alleys leading to historic 'Yards' of the city. The area was cleared due to many properties compulsorily purchased being deemed 'slums' in the 20th century, and rebuilding is present in the form of concrete 1960s units opposite St Margaret's Church.
23. The proposal seeks to replace an existing single-storey building with a two-storey pottery studio space with kiln, and re-purpose the existing landscape. A thoughtful, comprehensive and detailed statement of historic significance of the Site, including records-office plans of the two-storey properties and shared toilet facilities that once stood on the site has been submitted by the applicant for consideration.
24. The area encompassing Queen of Hungary Yard has historically had a high density of housing, and this proposal would use the existing footprint where previous dwellings stood before the slum clearances in the mid-twentieth century. The removal of asbestos from the existing roof (which is not in an optimum state of repair) would be advised. Removal of plastic guttering on the roof of the Site would be advisable, and replacement with a higher quality cast iron alternative, to retain character. Retention of the brickwork walls and the Victorian outbuilding/outdoor toilet must be incorporated into the design, conserving historic fabric and maintaining character and social history of the Site. Coherence in design would be reached through following the line of the brick outbuilding along the wall to the east of the established Sumac tree, and would avoid digging foundations that might interfere with its root system.
25. The design has been revised to propose a two-storey development. From a Conservation and Design perspective, a single-storey building would be more sympathetic to the scale and massing of the area, but two-storey buildings are not out of scope due to their presence in the skyline of this area in the Victorian period. It is however paramount that the roofing materials used are of high quality to not adversely impact the views across from the Grade I Listed St Margaret's Church to Norwich Arts Centre (formerly St Swithin's Church, also Grade I Listed). The 'Very High' Significance of the Elm Hill and Maddermarket Conservation Area necessitates that any proposed demolition within that area is justified with exacting evidence; this should consist of proof of the building

being irreparably damaged or in a state of decay that it would not be feasible to retrieve any valuable historic features from. The presence of asbestos is a valid reason for re-roofing in this instance.

26. The Site has retained in its outbuildings some Victorian brickwork, which along with the adjoining walling, should be retained and reintegrated into a revised design for the garden space of the development. Should any unique or significant historic fabric be exposed during these works, a heritage professional should be consulted immediately, and works must not continue until approval has been given.

**Conclusion:**

27. The finish of all elevations of the building should be sympathetic to the historic nature of the Queen of Hungary Yard, and its immediate neighbouring Grade I Listed churches and Grade II Listed buildings.
28. It is not acceptable to demolish or remove the brick-built outbuilding (a remnant of the historic Queen of Hungary Yard and its close-knit communal social history). The structure could be re-used as a garden folly or provide privacy between the site and adjacent neighbours; the retention of traditional red brickwork and making good is advised.
29. It is acceptable to erect a single storey OR two-storey pitched roof development on the foundations of the historic Queen of Hungary Yard, as there was precedent of high-density two-storey housing in this location in the Victorian period.
30. It is acceptable to replace the roof of the main workshop building which is currently not fit for purpose due to containing asbestos. The replacement roofing materials should be of an acceptable dark-grey or Welsh blue slate (natural reclaimed slate could be an option, but not synthetic) that would integrate with the existing churches and surrounding listed buildings. Traditional black cast iron guttering could be used to provide character to the proposed building, replacing the plastic guttering in a poor state of repair.
31. Black cast iron metal railings should be considered in the design details in order to maintain historic character and reference the Victorian housing that was present on this site prior to the clearances. This would tie back to the guttering and present cohesion of design.
32. Aluminium windows would not be acceptable at this Site in this location. Painted timber window frames in a traditional style (such as casement or sash) to suit the 'Elm Hill and Maddermarket' Character Area and solid timber stable doors would provide welcome character features to the development and minimise the impact of the new build on the Conservation Area.
33. A RAL colour number must be submitted to the Conservation and Design team for approval prior to any external paintworks commencing. This is due to the property's location in the City Centre Conservation Area.

**Environmental Protection (Norwich City Council)**

34. Concerns regarding any unknown contamination potentially from fuel storage, and I will recommend that a condition is attached that covers this.



35. I noted the asbestos reports along with the consignment note for its removal from site; therefore I do not require any further information or conditions for this.
36. I have seen the specifications for the vent from kiln as part of the planning application, this shall vent into the yard. I have no concerns or conditions to add in respect to this.
37. Demolition/construction work: they shall be mindful of creating dust as close to residents and not to burn on site. The application specifies working hours of 9am to 5pm Monday to Friday. I shall require a construction working hours informative note.
38. If the ASHP are installed in these locations and the location A switches off at 11pm I have no further objections to the ASHPs. Wondered if we can add a condition to confirm that shall be installed in accordance with the submitted details and operated within these time frames.

Highways (local highways authority) (Norfolk County Council)

39. The application will convert an extant building and provide additional space for a small pottery workshop. There is no objection to the principle of the proposed development.
40. The premises has vehicular access via St Margarets Street to a single parking space, there are adequate waiting restrictions to protect access at all times. There is a separate walking route to the premises via the Queen of Hungary Yard that has an alleyway and some land that is adopted highway, within the site it will be necessary to 'stop up' the highway status of land within the applicant's walled site. Stopping up must be successfully obtained prior to the commencement of construction and will necessitate a public utilities search to understand if any underground services are affected by the proposal.
41. No part of the development may overhang the adopted part of Queen of Hungary Yard, and the gate must open inwards to the site as it is shown on the plan.
42. It is understood that a revised Construction Traffic Management Plan has been submitted and that the cycle store has been relocated within the site, both matters are satisfactory.
43. For adhoc use of the loading bay, this can be managed by the applicant as required, we do not wish to require the bay to be suspended using a temporary traffic regulation order and do not wish to require use of hoarding as there is insufficient space to do so.
44. According to local policy, the premises will not be entitled to on-street parking permits. Any visitors by car can make use of on-street pay and display bays on adjacent streets or use the St Benedicts Street pay and display car park under the student halls nearby.
45. Your authority may wish to consider provision of EV chargepoints or external lighting for the walking route via Queen of Hungary Yard e.g. wall mounted motion sensitive.

46. Should your Authority be minded to approve the application I would be grateful for the inclusion of the following conditions and informative note on any consent notice issued;-

- No part of the proposed structure shall overhang or encroach upon highway land
- Provide proposed on-site car and cycle store
- Construction Traffic Management Plan
- The proposed boundary wall to Queen of Hungary Yard shall not encroach upon extent of the part of the yard that is adopted highway.
- No works shall commence on site until such time as a Stopping Up Order has been granted
- Informative: The imposition of the above condition does not in any way infer that Norfolk County Council, as Local Highway Authority, will support a formal application for a Stopping Up Order.

### **Historic England**

47. The site is surrounded by various heritage assets including, and pertinent to Historic England's statutory remit, Norwich Arts Centre (Formerly Church of St Swithin) which lies to the west, and the Church of St Margaret which lies to the west. Both buildings are listed at grade I, placing them within approximately the top 2.8 percent of listed buildings in the country. There are also a pair of grade II listed buildings to the south of the site which front onto St. Benedict's Street, and the site also falls within the Norwich City Centre Conservation Area.

48. The existing buildings date from the 1960s and are of no architectural or historic interest. We therefore have no objection to their demolition. The proposed replacement building is traditional in form and in its palette of materials and we consider that it is of a scale and architectural design that is sensitive to and appropriate to its context as is demonstrated in the illustrations and sectional drawings contained in the Design and Access Statement.

49. We have reviewed the application in terms of the above policy and we are satisfied that the proposal would not result in harm to the significance of those heritage assets identified above.

50. Historic England has no objection to the application on heritage grounds. We consider that the application meets the requirements of the NPPF, in particular paragraph numbers 7, 8, 195.

51. In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. And section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

## **Norfolk Historic Environment Service (Norfolk County Council)**

52. In this case the programme of archaeological mitigatory work will commence with informative trial trenching to determine the scope and extent of any further mitigatory work that may be required (e.g. an archaeological excavation or monitoring of groundworks during construction). We suggest that conditions are imposed.

## **Tree Protection Officer (Norwich City Council)**

53. No objections from an arboricultural perspective. Condition works on site in accordance with AIA/AMS/TPP would be appropriate. I do have concerns that the fence would be moved to create more working space though. Could we ask that this is monitored?

## **Assessment of Planning Considerations**

### **Relevant Development Plan Policies**

#### **54. Greater Norwich Local Plan for Broadland, Norwich and South Norfolk adopted March 2024 (GNLP)**

- GNLP2 Sustainable Communities
- GNLP3 Environmental Protection and Enhancement
- GNLP6 Economy (including retail)
- GNLP7.1 Growth in the Norwich Urban Area and fringes

#### **55. 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
- DM5 Planning effectively for flood resilience
- DM6 Protecting and enhancing the natural environment
- DM7 Trees and development
- DM9 Safeguarding Norwich's heritage
- DM11 Protecting against environmental hazards
- DM17 Supporting small business
- DM18 Promoting and supporting centres
- DM20 Protecting and supporting city centre shopping
- DM28 Encouraging sustainable travel
- DM30 Access and highway safety
- DM31 Car parking and servicing

Other material considerations

#### **56. Relevant sections of the National Planning Policy Framework December 2023 (NPPF):**

- NPPF2 Achieving sustainable development
- NPPF4 Decision-making
- NPPF6 Building a strong, competitive economy
- NPPF7 Ensuring the vitality of town centres

- NPPF9 Promoting sustainable transport
- NPPF11 Making effective use of land
- NPPF14 Meeting the challenge of climate change, flooding and coastal change
- NPPF15 Conserving and enhancing the natural environment
- NPPF16 Conserving and enhancing the historic environment

## **Case Assessment**

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

### **Main Issue 1. Principle of development**

58. Key policies and NPPF paragraphs – GNLP6, GNLP7.1, DM17, DM18, NPPF sections 6 and 7.

59. The site has previously been occupied for light industrial (Class E(g) (iii)) uses, including car radio repairs, and is currently used as a pottery studio.

60. It is proposed to replace the existing workshop building with a new purpose built pottery studio. In principle this is considered a Class E(g) (iii) use for “industrial purposes which can be carried out in any residential area without causing detriment to the amenity of the area”, subject to amenity considerations below.

61. The development would have six studios for artists to rent and artists would also have residencies and memberships for use of the facilities. There would be two full-time members of staff managing the business.

62. Pottery classes would be offered to the general public two to three times a week with up to 12 people at a time and pop up events for sales and exhibitions with an estimated capacity of 15-30 people would take place on an *ad hoc* basis. These classes and events are considered ancillary to the main studio use on the scale identified in the application.

63. As there would be no loss of the existing business use, the principle accords with Policy DM17. This location within the secondary retail area of the city is also considered appropriate in principle for classes and events open to the general public.

64. Subject to assessing that the industrial processes would not cause detriment to the amenity of the area and the other detailed matters below, the proposal is acceptable in principle.

### **Main Issue 2. Design**

65. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 131-140.

66. The siting of the replacement building would occupy a similar footprint (approximately 10 square metres larger) to the existing and reflect the footprint of a residential terrace that occupied the site until slum clearance in 1937. Within the constraints of the site layout, there is limited scope to arrange the footprint differently and reflecting the existing building position and retaining an open courtyard to the south is considered appropriate.
67. The scale and form of the existing building is subservient to all the surrounding buildings which extend up to four storeys above street level (lower than the ground within the site). The proposed building would be taller than the existing and have a staggered roof line. There would be a dual-pitched single storey roof over the northernmost section for a length of 7.3 metres before rising 1 metre to a two storey height over the remainder of the building. At the southernmost end, there would be a first floor terrace area enclosed by a balustrade. Many of the representations have raised concern about the impact of the scale and particularly height of the building in close proximity to neighbouring dwellings on two sides and heritage assets surrounding the site.
68. This is a constrained and essentially landlocked site with sensitivities on all sides. There has been a previous permission to redevelop the site with a terrace of three dwellings of up to two storeys (16/01936/F). This permission has not been implemented and the time to do so has expired. There has not been in substantial change in local or national policy since it was approved nor has there been any significant change to the site and its surroundings. That approved scheme therefore represents a material consideration of some weight in the determination of this application.
69. As noted in the Conservation and Design Officer response above, it is considered that this site, given the surroundings and historic context, as well as the previous permission, can accommodate either a single or two storey building. It is appreciated that a lower building would have less visual, heritage and amenity impact and would be the preference for neighbouring occupiers, however the application must be determined as submitted.
70. In terms of design, dropping the roof height towards the northern end and incorporating a terrace at the southern end reduces the overall mass and responds to the more open setting at the northern end of the site. Whilst it is appreciated there would be a substantial increase above the existing (from 3.3 metres maximum to 6.8 metres maximum), the overall height would remain subservient to the surrounding buildings and this is considered an appropriate relationship on this landlocked site.
71. Whilst the site is surrounded by more substantial buildings, it is not entirely hidden from views. The vehicular access from St Margarets Street gives a glimpsed view into the site and to St Swithins Church beyond. From the north on St Swithins Street the site sits at an elevated position above the road level and can be seen between The Hines and St Swithins Church. Queen of Hungary Yard is a public space and the building would directly abut this area. The heritage impacts from important viewpoints are assessed below, but in design terms it is considered that the building, by virtue of its scale, form and design, would sit relatively quietly in this context when seen in those public views.
72. The dual-pitched roof form positively responds to the surroundings, as would the red brick and tiled roof. The detailed design incorporates recessed brick

panels at first floor level suggesting blocked up historic windows and parapets to the gables which add interest. It is appreciated that the Conservation and Design Officer would prefer to see timber, rather than aluminium windows and doors, and slates instead of clay pantiles. Aluminium windows have previously been approved on the site and are not considered wholly unacceptable, subject to ensuring the frames have a slim profile and create a high quality finish.

There are a mix of roof finishes surrounding the site: The Hines and buildings along St Benedicts Street have red pantiles; St Swithins Church has lead, zinc and plain tiles over different areas; and, the mixed use building at the road junction has a dark tiled roof behind a parapet. A tiled roof to the new building would be an enhancement compared to the existing corrugated sheet roof and the precise tile to be used, whether slate or pantile, should be agreed by condition. Subject to agreeing the precise materials and finishes, the proposal can achieve a high design quality.

73. The two outbuildings would be subservient in scale, especially in height with flat green roofs, and reflect the positions of historic outbuildings within the site. A landscape scheme for boundary treatments, hard surfaces and incorporation of some soft landscaping should be secured by condition to ensure there is a comprehensive high quality approach to all aspects of the development.
74. Overall, it is considered that the design is relatively simple, responsive to its surroundings and of a high quality for its proposed light industrial use. The scale must be carefully considered in terms of the heritage and amenity impacts.

### **Main Issue 3.        Heritage**

75. Key policies and NPPF paragraphs – JCS2, DM9, NPPF paragraphs 200-213
76. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 place a statutory duty on the local authority to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. Case law (specifically *Barnwell Manor Wind Energy Ltd v East Northamptonshire DC* [2014]) has held that this means that considerable importance and weight must be given to the desirability of preserving the setting of listed buildings and conservation areas when carrying out the balancing exercise.
77. The Elm Hill and Maddermarket Conservation Area Appraisal records how courtyards accessed from narrow alleys and passageways are evident in this part of the city. The applicant's have established that the site was occupied a modest terrace of housing typical of Norwich yards until it was cleared as part of the wider slum clearance across the city in the 1930s. The position set back from the roads, surrounded by buildings and with access between these buildings retains the characteristics as a secondary yard space behind more prominent and more substantial road fronting buildings.
78. Historic England have confirmed that the mid-twentieth century workshop building is of no architectural or historic interest and it is not considered to make any positive contribution to the character of the area so there is no objection to its removal. The proposal represents an opportunity for a more sympathetic development that can enhance the area.

79. In the Conservation Area Appraisal, the domestic scale of buildings and close grain of the character are also highlighted as positive characteristics to be retained and respected in new development. In this respect, the proposed building can be considered broadly domestic in scale, however the footprint is relatively large for a building in a single use in this area and less reflective of the closer grain of smaller units in separate occupation. As a replacement of an existing building with a design approach that draws on the historic buildings on the site, this is not unacceptable or harmful to the Conservation Area.
80. The siting retains an open courtyard space to the southern end of the site that goes some way to protecting the setting of the rear of the listed and locally listed buildings that front St Benedicts Street. In two of the corners of this space, dilapidated historic outbuildings would be replaced. Whilst the retention of this historic fabric in the new development would be welcomed in principle, this is unlikely to be feasible and the removal of these outbuildings was accepted as part of the previous permission on the site.
81. St Swithins Church, a grade I listed building, is the most significant heritage asset affected by the proposal and the new building would sit within approximately 1.5 metres of the gable to the Edwardian vestry towards the northern end of the site. On the previous withdrawn application (23/00173/F) for a fully two storey building, Historic England were “particularly concerned about the potential impact the proposed two-storey contemporary development would have on views of the grade I listed St Swithin’s”.
82. In response, this application has revised the scale of the building by reducing the height to single storey closest to the vestry, reducing the two storey eaves height and simplifying the overall form. Further assessment of the significance of heritage assets has also informed the design and supported the application. Historic England are satisfied that this revised proposal is of a scale and architectural design that is sensitive and appropriate to its context and note that the building is traditional in its form and palette of materials. As such, they consider that the proposal would not harm the significance of the surrounding listed buildings or City Centre Conservation Area.
83. Representations have raised concern about the impact on heritage assets and loss of or harm to views of historic landmark buildings. Private views from the windows of neighbouring properties cannot be taken into account, but there are public views across the site, particularly from St Swithins Road and Queen of Hungary Yard where views of the towers of St Swithins, St Margarets and St Giles churches can be seen on the skyline. It is not considered the building would be so tall as to block any important views nor harm the setting of these grade I listed churches.
84. To summarise, it is acknowledged that the proposal would change the setting of the heritage assets but the proposal has been designed in sympathy with the historic context. Any harm to heritage assets is limited and, subject to agreeing high quality materials and finishes, the proposal can take the opportunity to enhance the contribution the site makes to the Conservation Area.
85. Due to the historic significance of the area, there is potential for archaeological remains so it shall be necessary to agree appropriate investigation by condition.

#### **Main Issue 4.       Amenity**

86. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 8, 135, 191 and 193.
87. Representations on the application raise concerns and objections about the impacts on residential amenity in various respects.
88. Loss of light is a common concern as the flats within The Hines to the east and northeast of the site have windows to habitable rooms at first, second and third floor levels. Many of these windows are to bedrooms (which may also be used as home offices) and their orientation means they receive direct sunlight above the existing roofscape through the afternoon and evening. Due to the site level being at approximately first floor level in The Hines, the proposed increase in height could affect the amount of daylight and sunlight to these upper floor windows.
89. Section drawings have been submitted which illustrate a 25 degree line from the centre of various first floor windows. In accordance with Building Research Establishment guidance, any building that does not extend above this line is “unlikely to have a substantial effect on the diffuse skylight enjoyed by the existing building”. This is an established method of assessing whether there is likely to be any harmful impact and, if it suggests there is, further detailed analysis should be undertaken.
90. The drawings illustrate that the ridges of the building would remain just below this line directly opposite each of the assessed windows and therefore it must be concluded that the height of and distance to the building would mitigate any ‘substantial effect’ on skylight. That is not say that there would be no loss of light. It is acknowledged that the development would have a greater impact than the existing, but the impact on neighbouring occupiers at The Hines and other neighbouring dwellings does not justify further detailed analysis and would not be unacceptable with regards Policy DM2.
91. Whilst views would alter, it is also not considered that the additional impacts of the proposed new building would be so significant on the outlook from neighbouring dwellings as to unacceptably harm amenity. A representation has also raised concern about the impact on light to and views from the Arts Centre’s nearest internal and external spaces. It is appreciated there would be impacts in this direction but not to the extent that working conditions of occupiers or the operation of the Arts Centre would be unacceptably harmed.
92. The east elevation facing The Hines would not have any first floor windows and it is not considered the seven rooflights along this roofslope would create any direct overlooking or unacceptable loss of privacy.
93. Use of the first floor terrace on the south elevation has potential to generate overlooking and disturbance to neighbouring occupiers, particularly to the south. This is, however, a modest area (substantially reduced in scale from application 23/00173/F) which the applicants have said they intend to use as an external drying space. At two metres deep, it is not considered likely to be used so intensively as to result in any unacceptable amenity impacts.
94. In response to initial objections about the inclusion of a woodburner and position of three air source heat pumps against the eastern boundary, the



application has been revised. The woodburner has been omitted and two of the heat pumps have been relocated to the southern boundary. Specifications and noise data for the heat pumps have been submitted and Environmental Protection are satisfied there would be no unacceptable noise impacts, subject to the unit on the eastern boundary being switched off overnight from 11pm. A condition to secure this and operation in accordance with the submitted details is considered necessary to ensure there are no unacceptable noise impacts from these units.

95. In terms of general noise and disturbance, it is noted that the pottery does not use any substantial or noisy equipment. A domestic style extractor fan is proposed to one of the outbuildings to provide ventilation for an electric kiln. Any additional plant or industrial processes added over the lifetime of the development could harm residential amenity, so a condition requiring prior agreement shall be necessary.
96. A late amendment to the proposal has reduced the proposed hours the studio would be available to private potters from 24/7 to 7am to 11pm. This is considered more reasonable in close proximity to neighbouring dwellings and the 11pm closure coincides with the timing necessary for the air source heat pump and the Arts Centre is not permitted to open after midnight. Classes and other activities open to the general public are proposed to run 9am to 9pm and it is also considered necessary to manage these timings by condition to ensure that larger groups of people accessing, using and departing the site do not create any unacceptable disturbance at anti-social hours. Details of external lighting should be agreed by condition to ensure this has no harmful impact at night.
97. A construction method statement has been submitted which proposes only carrying out work 9am to 5pm Monday to Friday and includes measures to limit the impacts of demolition, deliveries, material storage and waste removal. This is acceptable to Environmental Protection and compliance should be secured by condition.
98. The proposed building is considered to provide acceptable working conditions for future occupiers and subject to conditions on operating and opening hours, use of the air source heat pumps and installation of any additional plant, it is not considered the proposal would result in any impacts on the amenity of neighbouring occupiers that would be unacceptable or substantiate a refusal of planning permission.

## **Main Issue 5.       Transport**

99. Key policies and NPPF paragraphs – GNLP2, GNLP4, DM28, DM30, DM31, NPPF paragraphs 8, 114-117.
100. The development would make use of the existing vehicular access from St Margarets Street to one parking space and pedestrian access would also be possible through Queen of Hungary Yard. The Highway Authority have no objection to this.
101. Assessment of a previous withdrawn application found that part of the land within the existing boundaries of the site is adopted public highway. An application has been made to the Secretary of State to 'stop up' this highway land within the site and remove the highway rights over it. No development

(other than demolition) that may be approved could commence until a stopping up order has been granted and a condition should specify this.

102. Provision of one parking space to serve the business is complemented by a cycle store. Standards require seven cycle spaces for a development of this size, however the available space is constrained. The design of a store which maximises the available space should be agreed by condition as should provision of electric vehicle charging.

103. Given the constraints of the site and local highway network, the applicants have included construction traffic management arrangements in their construction method statement. Following amendments in response to initial comments, this is acceptable in principle to the Highway Authority and can be secured by condition.

#### **Main Issue 6. Flood risk**

104. Key policies and NPPF paragraphs – JCS1, DM5, NPPF paragraphs 165-175.

105. The site is in a critical drainage catchment where new development should mitigate and, where practicable, have a positive impact on flood risk.

106. It is not considered the development would increase the risk of flooding and a detailed scheme to ensure surface water drains as sustainably as possible should be agreed by condition.

#### **Main Issue 7. Trees**

107. Key policies and NPPF paragraphs – JCS1, DM7, NPPF paragraph 180

108. There are no trees within the site. Protective fencing is proposed around the working area outside the building to contain demolition and construction activity away from the adjacent trees on neighbouring land. Conditions requiring that this fencing is provided and works monitored shall be necessary.

#### **Main Issue 8. Biodiversity**

109. Key policies and NPPF paragraphs – JCS1, DM6, NPPF paragraph 8, 180, 185-187.

110. The construction and materials of the existing building are not considered to offer any significant potential to protected species and an informative note can advise of what action to take if anything is found during demolition.

111. Biodiversity enhancement can be achieved through new soft landscaping and other habitat features. Agreement and provision of these should be secured by condition.

#### **Main Issue 9. Contamination**

112. Key policies and NPPF paragraphs – DM11, NPPF paragraphs 189-190.

113. The past use of the site is not considered to present any significant risk of contamination, but a condition is considered necessary in case any unforeseen contamination is found.

114. Asbestos has previously been removed from the building in accordance with the relevant regulations.

**Main Issue 10. Nutrient Neutrality**

115. Assessment of Impacts under the Conservation of Habitats & Species Regulations 2017 (as amended)

Site Affected: (a) Broads SAC/Broadland Ramsar  
(b) River Wensum SAC

Potential effect: (a) Increased nitrogen and phosphorus loading  
(b) Increased phosphorous loading

The application represents a 'proposal or project' under the above regulations. Before deciding whether approval can be granted, the Council as a competent authority must determine whether or not the proposal is likely, either on its own or in combination with other projects, to have any likely significant effects upon the Broads & Wensum SACs, and if so, whether or not those effects can be mitigated against.

116. The Council's assessment is set out below and is based on advice contained in the letter from Natural England to LPA Chief Executives and Heads of Planning dated 16th March 2022.

117. (a) Broads SAC/Broadland Ramsar

- i. Does the plan or project create a source of water pollution or have an impact on water quality (e.g. alters dilution)? AND
- ii. Is the plan or project within the hydrological catchment of a habitats site which includes interest features that are sensitive to the water quality impacts from the plan or project?

Answer: NO

The proposal does not:-

- Result in an increase in overnight accommodation in the catchment area of the SAC;
- By virtue of its scale, draw people into the catchment area of the SAC
- Result in additional or unusual pollution to surface water as a result of processes forming part of the proposal.

Consequently, the proposal would not result in an increase in nutrients flowing into the SAC in the form of either nitrogen or phosphorous.

Conclusion: It is not necessary to carry out an assessment under the Habitats regs.

118. (b) River Wensum SAC

- i. Does the plan or project create a source of water pollution or have an impact on water quality (e.g. alters dilution)? AND
- ii. Is the plan or project within the hydrological catchment of a habitats site which includes interest features that are sensitive to the water quality impacts from the plan or project?

Answer: NO

The proposal does not:-

- Result in an increase in overnight accommodation in the catchment area of the SAC;
- By virtue of its scale, draw people into the catchment area of the SAC
- Result in additional or unusual pollution to surface water as a result of processes forming part of the proposal.

In addition, the discharge for the relevant WwTW is downstream of the SAC.

Consequently, the proposal would not result in an increase in nutrients flowing into the SAC in the form of either nitrogen or phosphorous.

Conclusion: It is not necessary to carry out an assessment under the Habitats regs.

### **Equalities and diversity issues**

119. There are no equality or diversity issues. Level access is proposed.

### **Local finance considerations**

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

121. In this case local finance considerations are/are not considered to be material to the case.

### **Human Rights Act 1998**

122. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.

## **Section 17 of the Crime and Disorder Act 1998.**

123. Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to grant planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community.

## **Planning Balance and Conclusion**

124. The application proposes the replacement of an existing building for a light industrial use. It is within a constrained landlocked site surrounded by highly sensitive heritage assets and residential occupiers.

125. The larger scale of the building would have greater impacts than the existing, however none of these impacts individually or cumulatively are considered so substantial as to result in unacceptable harm to the amenity of neighbouring occupiers.

126. Managing the hours that the studio can be used and accessed by the public and the use of plant is considered necessary to ensure the operation of the site does not unacceptably harm residential amenity.

127. It is considered that the proposal has been designed with sensitivity to the historic significance of the area and would enhance the contribution the site makes to the Conservation Area without harm to the setting of listed and locally listed buildings. A high quality finish can be ensured with agreement of appropriate materials and landscaping.

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

## **Recommendation**

129. To approve application 23/01598/F 15 St Margarets Street Norwich NR2 4TU and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Archaeological investigation;
4. No development (other than demolition) may commence until a stopping up order has been granted;
5. Compliance with construction management plan;
6. Tree protection;
7. Arboricultural monitoring;
8. Surface water drainage to be agreed;
9. Materials and design details to be agreed;
10. Landscape scheme including external lighting details and biodiversity enhancements to be agreed;
11. Cycle store design to be agreed;
12. Unknown contamination;
13. Parking, EV charging and bin storage provided prior to first occupation;

14. Air source heat pumps to operate in accordance with submitted specifications;
15. No use of air source heat pump on eastern boundary 11pm to 7am;
16. No new external plant without agreement;
17. Open to the public 9am to 9pm only;
18. Private use 7am to 11pm only;
19. No encroachment on public highway;
20. High speed broadband connection.

### **Informative Notes**

1. Event licences may be required.
2. Protected species.
3. Highway Authority response does not infer they will support stopping up order.

**Appendices:** None

**Contact officer:** Planner

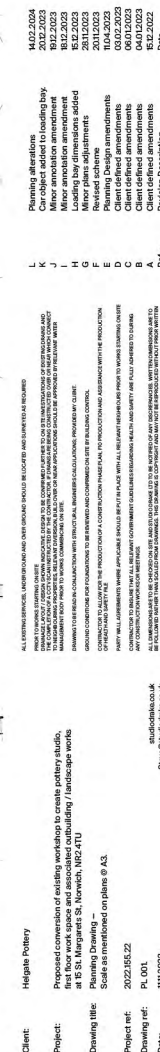
**Name:** Maria Hammond




**Telephone number:** 01603 989396

**Email address:** [mariahammond@nowich.gov.uk](mailto:mariahammond@nowich.gov.uk)



If you would like this agenda in an alternative format, such as a larger or smaller font, audio or Braille, or in a different language, please contact the committee officer above.



 Proposed walls.  
 Line of historic structure -  
 used to guide and inform  
 the proposed arrangement.  
 Boundary line shown  
 dotted.



Ground floor plan — 1.50

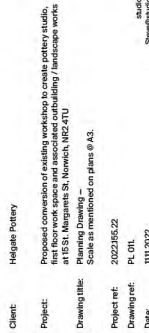




Studio  
Drake

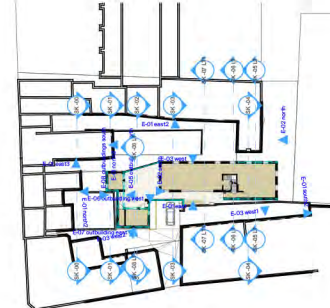


- 1- Red facing brickwork
- 2- Clay pantile roof
- 3- Timber or Aluminium windows and doors
- 4- Brickwork corbeling to gable
- 5- Sedum or single ply membrane flat roof
- 6- Existing retaining wall
- 7- Metal slat balustrade
- 8- Metal slat fencing
- 9- Timber fencing (natural)
- 10- Natural clay tile cill to window [where shown]
- 11- Aluminium guttering, Lindab galvanised half round [deep flow]
- 12- -
- 13- Roof light
- 14- Hidden gutter
- 15- Blind / bricked recess

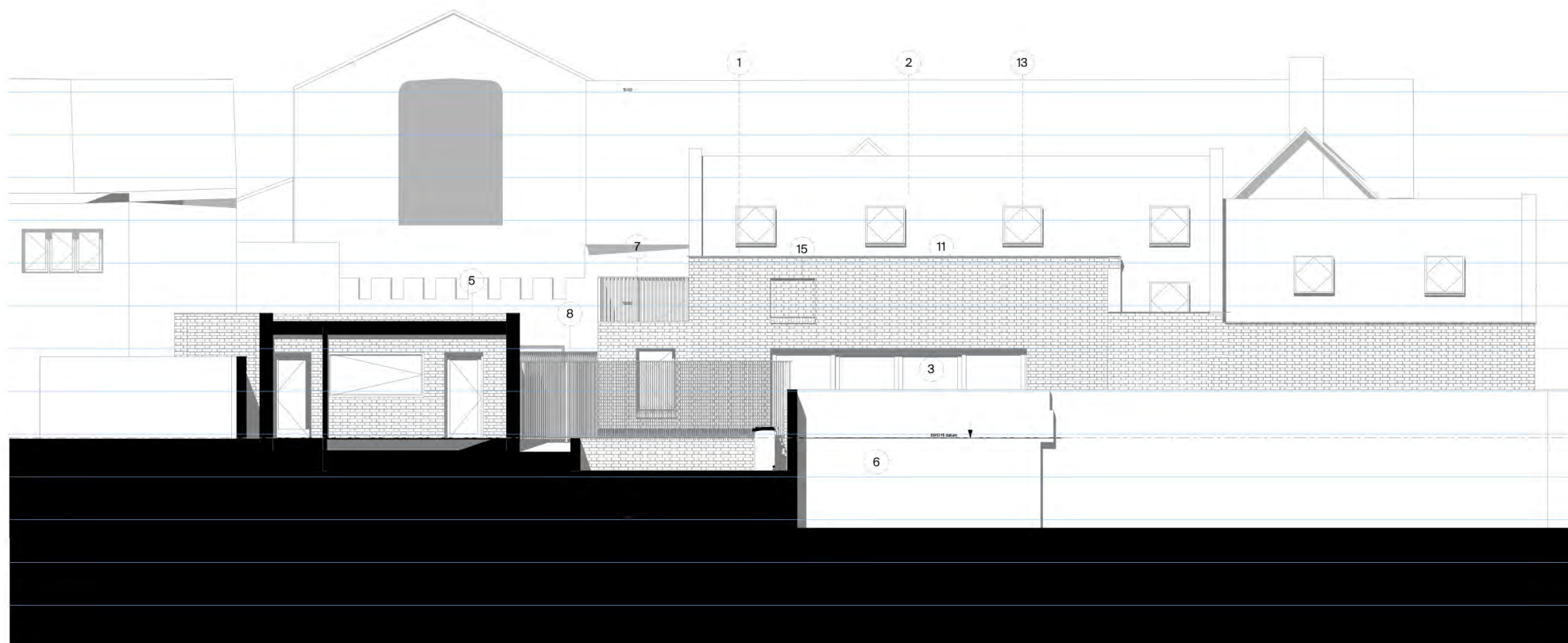
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Drawing key –  
1.500



Client: Helate Pottery

**Project:** Proposed conversion of existing workshop to create pottery studio, first floor work space and associated outbuilding / landscape works

[illegible]

Project ref:	2022/365.22
Drawing ref:	P. 012
Date:	11.01.2022
Author:	studio@stake.co.uk
Ref:	Stake/2022/365.22/012

14.02.2024

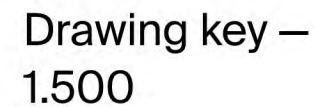
	Date -
Planning alterations	14.02.2024
Minor plans adjustments	28.01.2023
Revised scheme	20.11.2023
Planning Design amendments	11.04.2023
Client defined amendments	03.02.2023
Client defined amendments	06.01.2023
Client defined amendments	04.01.2023
Client defined amendments	15.12.2022
Revision Description -	

ry studio,  
ape works

Client:	Helgate Pottery
Project:	Proposed conversion of existing work first floor work space and associated at 15 St. Margarets St, Norwich, NR2 4
Drawing title:	Planning Drawing – Scale as mentioned on plans @ A3.
Project ref:	2022165.22
Drawing ref:	PL 012
Date:	11/11/2022

East elevation – 1.50

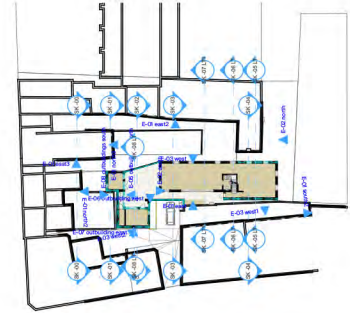
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[illegible]



## Materials key —

- 1 – Red facing brickwork
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Drawing key –  
1.500

Project:	£100,000,000 on 01/01/2022	100000000
Drawing title:	Final floor response area calculated calculating / final floor areas at 15 St Margaret's, Norwich, NR2 1XJ	100000000
Drawing title:	Scaling as mentioned on plans at A3	100000000
Project ref:	2022/156/22	100000000
Drawing ref:	P 104	100000000
Drawn:		100000000
14/02/2022	Planning alterations	H
21/01/2023	Minor plans adjustments	G
10/01/2023	Revised drawings	F
10/01/2023	Revised drawings amendments	E
03/02/2023	Client defined amendments	D
06/01/2023	Client defined amendments	C
04/01/2023	Client defined amendments	B
15/02/2022	Client defined amendments	A

West elevation — 1.50

