

Report to Planning Applications Committee
 9 August 2018
Report of Head of planning services
Subject Application no 18/00642/F - The Boars Head Yard and
 1-17 Westlegate Norwich NR1 3ST
Reason for referral Departure from development plan

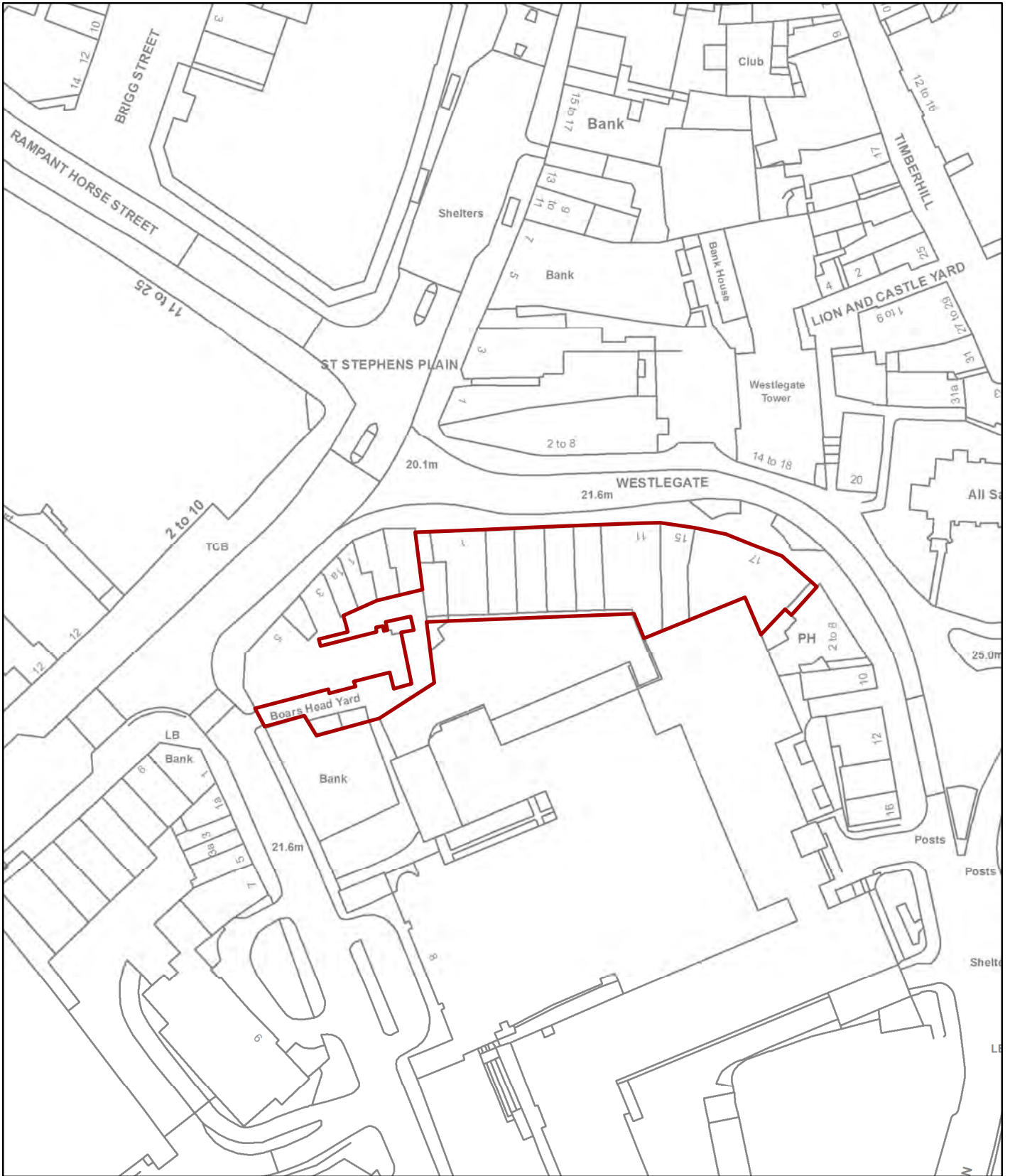
Item

4(a)

Ward	Mancroft
Case officer	Lara Emerson - laraemerson@norwich.gov.uk

Development proposal		
Upward extension to provide 9 residential dwellings (Class C3) within two new storeys, the change of use of one retail unit (Class A1) to provide access to residential units, provision of bin and cycle storage and exterior alterations to the building facade, windows, doors and roof.		
Representations		
Object	Comment	Support
1	2	0

Main issues	Key considerations
1. Principle of development	<ul style="list-style-type: none"> - Compatibility with site allocation - Loss of retail space - Principle of residential development
2. Design and heritage	<ul style="list-style-type: none"> - Additional storeys - Façade treatment and materials - Design of ground floor entrances
3. Amenity	<ul style="list-style-type: none"> - Amenity of future residents in terms of internal and external space, light, outlook and privacy, noise - Amenity of surrounding occupants
4. Transport	<ul style="list-style-type: none"> - Sustainability of location and appropriateness of car free development - Bicycle storage provision - Refuse storage provision and collection arrangements
Expiry date	14 August 2018
Recommendation	APPROVE



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Planning Application No - 18/00642?F
 Site Address - Westlegate
 Scale - 1:1,000



NORWICH
 City Council

PLANNING SERVICES



The site and surroundings

1. The Westlegate building is a four storey building which runs along the south side of Westlegate. The topography of the area is such that the ground slopes down from east to west, meaning that the eastern end of the building has one fewer storey.
2. The building falls within the main retail centre of Norwich, with the area being occupied almost exclusively by retail uses at ground floor. Westlegate itself has recently undergone extensive public realm improvements which have created an attractive pedestrianised shopping street linking St Stephens Street to All Saints Green. The upper floors of the building are currently offices which have been vacant for a number of years. The upper floors have recently been granted prior approval for conversion to residential dwellings.
3. The buildings sit within the St Stephens Character Area of the City Centre Conservation Area. There are a number of important heritage assets around the site, and indeed the Boars Head itself is locally listed. The most significant heritage asset in the vicinity is the Grade I listed All Saints Church which sits within a mature churchyard designated as Open Space at the top of Westlegate. Other listed buildings close to the site are 20 Westlegate and 10-16 All Saints Green.
4. The site is designated as follows:
 - St Stephens Area Masterplan Boundary
 - Allocated Site (CC28)
 - City Centre Regeneration Area (Policy DM5)
 - City Centre Conservation Area (Policy DM9)
 - Area of Main Archaeological Interest (Policy DM9)
 - Area for Increased Car Parking (Policy DM29)
 - Primary Retail Frontage Zone - Primary Rest (Policy DM20)
 - Primary Retail Area (Policy DM18, DM20)
 - City Centre Retail Area (Policy DM18, DM20)
 - Office Development Priority Area (Policy DM19)
 - City Centre Parking Area (Policy DM29)

Relevant planning history

5.

Ref	Proposal	Decision	Date
18/00651/PDD	Change of use from office (class B1(a)) to dwellinghouses (class C3) to provide 40 apartments.	Prior approval granted	19/07/2018

The proposal

6. The proposal is to erect two additional floors on the Westlegate building. Access to the upper floors of the Westlegate building would be gained through a vacant retail unit at 9 Westlegate. The building would also be given a new façade treatment. Cycle and refuse storage are proposed to be accommodated within the ground floor and the rear yard accessed from Surrey Street. A number of green roofs are proposed. The proposals have been subject to extensive negotiations at pre-application and

application stage and it should be noted that the applicant has engaged proactively with the local community prior to the submission of this application despite there being no policy requirement to do so.

Summary information

Proposal	Key facts
Scale	
Total no. of dwellings	9
No. of affordable dwellings	0
No. of storeys	2 additional (total 6)
Appearance	
Materials	Brick slips, render
Energy and resource efficiency measures	Water efficiency measures secured by condition
Transport matters	
No of car parking spaces	None - car free development
No of cycle parking spaces	12
Servicing arrangements	Via Surrey Street

Representations

7. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 2 comments have been received relating to construction disturbance. 1 letter of objection has been received from the Norwich Society stating "We approve these plans in principle but more work is needed on the St Stephen's/Westlegate elevations at their junction. A more sensitive design is needed." Please note that this comment relates to the original proposals which have since been revised. All representations are available to view in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Consultation responses

8. 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

9. Following considerable negotiation and subsequent amendments, I am satisfied that the updated scheme has satisfactorily addressed the criticisms of the aesthetic quality of the proposed Westlegate façade.

Environmental protection

10. The report clearly shows a requirement to operate with closed windows and forced air ventilation. If the scheme shows that the air intake for this ventilation is from the rear or top of the building then that would be an appropriate method of ensuring that

air quality issues are dealt with. I suggest that the scheme is conditioned so that compliance with this is an ongoing requirement to prevent the introduction of opening windows in the facade facing the road. I am satisfied that the development will not affect the use of the pub.

Highways (local)

11. No objection on highway/transportation grounds.
12. Cycle storage is acceptable in principle. Details of the cycle parking product are required.
13. A construction management plan will need to consider demolition/construction traffic associated with the site and how the impact on Surrey Street/St Stephens/Westlegate can be minimised; in particular for buses on trafficked roads, and pedestrians on all roads, especially Westlegate.
14. These properties will not have on-street parking permit entitlement, and in effect will be car free development. Should residents wish to garage a vehicle they will need to make their own private arrangements e.g. renting a garage from the council or other parking provider.

Biodiversity and Ecology

15. The buildings have been given a visual inspection and been assessed as having low bat roosting evidence/potential. Unfortunately no desk top study has been undertaken. No further survey work has been suggested. However given the location and nature of the building this level of assessment is acceptable.
16. Current roosting opportunities for bats at the site and within the immediate area are currently limited, and as such consideration should be given to the provision of bat roosting opportunities within the new build, in the form of bat bricks/tubes/roost units. Two new roosts should be provided within the development as a whole, details of which should be informed by an ecologist. Please request this via condition.
17. The proposed green roof is welcomed, and details of the planting should include wildlife friendly plants. Presumably this can be included within a landscape condition.
18. Please remind the applicant of their responsibilities regarding disturbance of wildlife via an informative.

Citywide Services

19. Following negotiations and amendments it was agreed that bins will not be able to be dragged the required distance by council refuse workers. Alternative arrangements have been proposed by the applicant involving a private management company or private refuse collections. Full details should be requested via condition.

Assessment of planning considerations

Relevant development plan policies

20. 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
- JCS3 Energy and water
- JCS4 Housing delivery
- JCS5 The economy
- JCS6 Access and transportation
- JCS9 Strategy for growth in the Norwich policy area
- JCS11 Norwich city centre
- JCS19 The hierarchy of centres

21. 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
- DM9 Safeguarding Norwich's heritage
- DM12 Ensuring well-planned housing development
- DM13 Communal development and multiple occupation
- DM18 Promoting and supporting centres
- DM20 Protecting and supporting city centre shopping
- DM28 Encouraging sustainable travel
- DM31 Car parking and servicing
- DM32 Encouraging car free and low car housing

22. Norwich Site Allocations Plan and Site Specific Policies Local Plan adopted December 2014 (SA Plan)

- CC28 Land and buildings at the junction of St Stephens Street and Westlegate

Other material considerations

23. Relevant sections of the National Planning Policy Framework July 2018 (NPPF)

- NPPF2 Achieving sustainable development
- NPPF5 Delivering a sufficient supply of homes
- NPPF7 Ensuring the vitality of town centres
- NPPF9 Promoting sustainable transport
- NPPF11 Making effective use of land
- NPPF12 Achieving well-designed places
- NPPF14 Meeting the challenge of climate change and flooding
- NPPF14 Conserving and enhancing the natural environment
- NPPF15 Conserving and enhancing the historic environment

Case Assessment

24. 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

25. Key policies and NPPF paragraphs – DM12, DM13, DM20, CC28, NPPF5, NPPF7, NPPF11.
26. The building forms part of the land allocated as site CC28 within the Site Allocations and Site Specific Policies Local Plan (2014). This allocation acknowledges the potential for the development of this site to contribute to the regeneration of the wider area and recommends that the locally listed Boars Head be retained while the Westlegate “negative building” potentially be demolished. The allocation goes on to recommend that the office spaces should ideally be refurbished, but that other main town centre uses compatible with the area, such as hotel uses, may also be appropriate on upper floors. The site is allocated for mixed use development of up to four storeys. The upper floors of the existing building have already been granted prior approval for conversion to dwellings. The St Stephens Area Masterplan acknowledges the contribution that residential development could bring to the vitality, viability and regeneration of the area.
27. The scheme does not seek to demolish the Westlegate building, but rather to add additional storeys (bringing it above the suggested 4 storeys). This conflict with policy (along with other policy conflicts discussed within this report) will need to be outweighed by significant benefits in order to be considered acceptable. It is worth noting that paragraph 118 of the NPPF makes specific reference to supporting residential upward extensions to make efficient use of land:

“Planning... decisions should... support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well-designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers.”

28. In order to provide stairs and lift access to the upper floors, the proposals include the conversion of the retail unit at 9 Westlegate to an entrance to the residential units above. 9 Westlegate has been vacant for a number of years, and the applicant has submitted a report prepared by a surveyor who sets out why the unit is particularly unattractive to tenants. The conversion of ground floor retail units to residential within the Primary Retail Area is contrary to policies DM12, DM18 and DM20. While it is recognised that residential development would encourage footfall in the area and the overall development would bring the long term vacant office floor space back into use, officers have been keen to explore alternative layouts

which would allow the retail unit to be retained. At the request of officers, the applicant has provided thorough justification setting out the reasons why 9 Westlegate is the only viable entrance for the upper floor residential units. Other entrances cannot be utilised for various reasons relating to disabled access and fire safety. Policy DM12 states “Residential development will be permitted except where it... involves the conversion of non-residential floorspace at ground floor level within the primary or secondary retail area or a district or local centre (Policies DM20 or DM21 will apply)”. The harm caused by the loss of a retail unit on this important city centre shopping street must be considered to be outweighed by significant benefits in the form of provision of new dwellings and the upgrading of the building’s façade.

29. Finally, the provision of residential dwellings must be assessed against policy DM12 which supports sustainable residential developments but sets out a number of important considerations. Each of the relevant points are listed and discussed below.

“Residential development will be permitted except where it... is on land specifically designated for non-residential purposes in this plan or the Site allocations plan”

30. In this case the site allocation suggests that the upper floors should be used for office or hotel use. However, the majority of the development is being brought about through permitted development and any use other than residential would be difficult to accommodate within the same building.

“Proposals should provide for a mix of dwellings, in terms of size, type and tenure...”

31. The proposed development includes a variety of sizes of residential units ranging from studio flats to two bed apartments. The scheme is not required to include affordable housing since only 9 dwellings are proposed.

“Proposals should achieve a density in keeping with the existing character and function of the area...”

32. The proposal creates a residential development at a density of 75 dwellings per hectare which is considered appropriate in this city centre location.
33. The principle of this development is considered appropriate, subject to the specification of a design that delivers significant improvements to the existing building and other detailed matters which are discussed below.

Main issue 2: Design and heritage

34. Key policies and NPPF paragraphs – JCS2, DM3, DM9, CC28, NPPF12, NPPF15.
35. The CC28 site allocation recognises that the Westlegate building is identified as a negative building within the St Stephens Character Area Appraisal. The site allocation goes on to suggest that the Westlegate building could be demolished and rebuilt up to 4 storeys. The St Stephens Area Masterplan also states that “The character of Westlegate is adversely affected by the large scale office building with its extensive, uniform façade that looms over the southern side of the street”.

36. The allocation suggests that the demolition and replacement of this unattractive building would have external design benefits and may also create a better ground floor retail offering and improved internal spaces on the upper floors. However, the proposal includes the retention of the Westlegate building and the provision of 2 additional storeys (making the building 6 storeys in total), which does not accord with the site allocation. The benefits of the scheme, such as the improvements to the design of the facade, must be considered to outweigh any harm caused by the increase in height. The City Centre Conservation Area Appraisal includes Strategic Policy 1.2 which states that the recladding of negative buildings may be more appropriate than their demolition in areas identified as 'Significant' (such as the St Stephens Character Area). The Appraisal also includes Strategic Policy 2.2 which states that in 'Significant' areas, the careful siting of taller buildings may be appropriate in certain locations, but that the impact on views and the setting of listed buildings will need to be considered. Paragraph 118 of the NPPF makes specific reference to supporting residential upward extensions above commercial or residential buildings to make efficient use of land.
37. Through negotiations between officers and the applicant, a positive design has been secured which removes the concrete fins and introduces a renewed brick treatment, a rendered fifth storey and metal mansard top floor. The building appears well balanced and is not dominated by the upper floors when viewed from the street. The variation in materials, along with design details such as protruding bricks and soldier courses helps to break up the mass of the building and tie it in with high-quality local examples of architecture. The stairway feature extends from the ground to the top of the building, adding interest, marking the entrance and bringing life to the street at night time through vertical glazing.
38. The overall design is considered to enhance the appearance of this building and the wider conservation area, and is supported by the Design and Conservation Team Leader. In addition, through careful use of massing and materials, the upper floors have been designed in such a way so as to minimise any impact on designated and undesignated heritage assets, and to appear subservient to the main part of the building.

Main issue 3: Amenity

39. Key policies and NPPF paragraphs – DM2, DM12, DM13, NPPF12.
40. Policy DM2 seeks to secure developments which provide satisfactory living conditions. The internal space provided to the flats within the additional storeys is sufficient to accord with the minimum floorspace requirements set out within the national space standards. The flats are afforded with sufficient internal light, outlook and privacy. Most of these flats are also provided with some form of external amenity space which adds to the standard of amenity afforded to future residents.
41. Being in a busy city centre location, there are a number of noise sources in the vicinity of the site including St Stephens Street, which is a major bus route, and the rear service yard, which serves the ground floor retail units within the Westlegate building and the Boars Head. There is also an attached pub, the Pig and Whistle, which sometimes offers live music. Noise assessments have been undertaken which demonstrate that the proposed flats will be adequately protected from noise (and poor air quality) through the use of non-opening windows fronting Westlegate and forced air ventilation. Full details of such features will be required via condition.

42. DM2 also seeks to protect the operations of neighbouring businesses. The additional storeys have been designed to have windows facing towards the north, which helps to avoid overlooking between the new flats and the existing offices to the south. The scheme will not cause any overshadowing to the existing office building due to the orientation of the site.
43. Neighbours have commented that the construction of the development should be managed in such a way so as to minimise disturbance to local residents. A construction management plan should be secured by condition, and a considerate construction informative is also recommended.

Main issue 4: Transport

44. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF9.
45. The site is sustainably located close to bus routes, cycle routes and the wide array of facilities that the city centre has to offer. A car free development is therefore considered appropriate in this case.
46. The site has a limited amount of space within a service yard which is accessed from Surrey Street and provides access to the rear of the retail units on Westlegate and St Stephens Street. Sufficient cycle storage and refuse storage are provided within this area as well as within the ground floor area. Refuse is to be collected from Surrey Street but since the drag distance would be greater than 10m, a management company will either arrange for bins to be presented on Surrey Street on collection day, or a private contractor will be used for all bin collections. Full details will be required via condition.

Compliance with other relevant development plan policies

47. The table below indicates the outcome of the officer assessment in relation to other relevant development plan policies.

Requirement	Relevant policy	Compliance
Water efficiency	JCS1 and JCS3	Yes subject to condition
Sustainable urban drainage	DM5	Yes subject to condition
Biodiversity	DM7	Yes subject to condition

Equalities and diversity issues

48. There are no significant equality or diversity issues.

Local finance considerations

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

Conclusion

50. The proposed development presents a number of benefits such as provision of new homes, refurbishment of a vacant building which is identified as a 'negative building' within the Conservation Area Appraisal and an efficient use of land. This benefits are considered to outweigh the identified conflicts with policy (additional storeys, loss of a retail unit).
51. The development is in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.

Recommendation

To approve application no. 18/00642/F - The Boars Head Yard and 1-17 Westlegate Norwich NR1 3ST and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;

Pre-commencement conditions:

3. Construction management plan to be agreed;

Pre-installation conditions:

4. All external materials to be agreed;
5. Acoustic windows and forced air ventilation - scheme to be agreed;

Pre-occupation conditions:

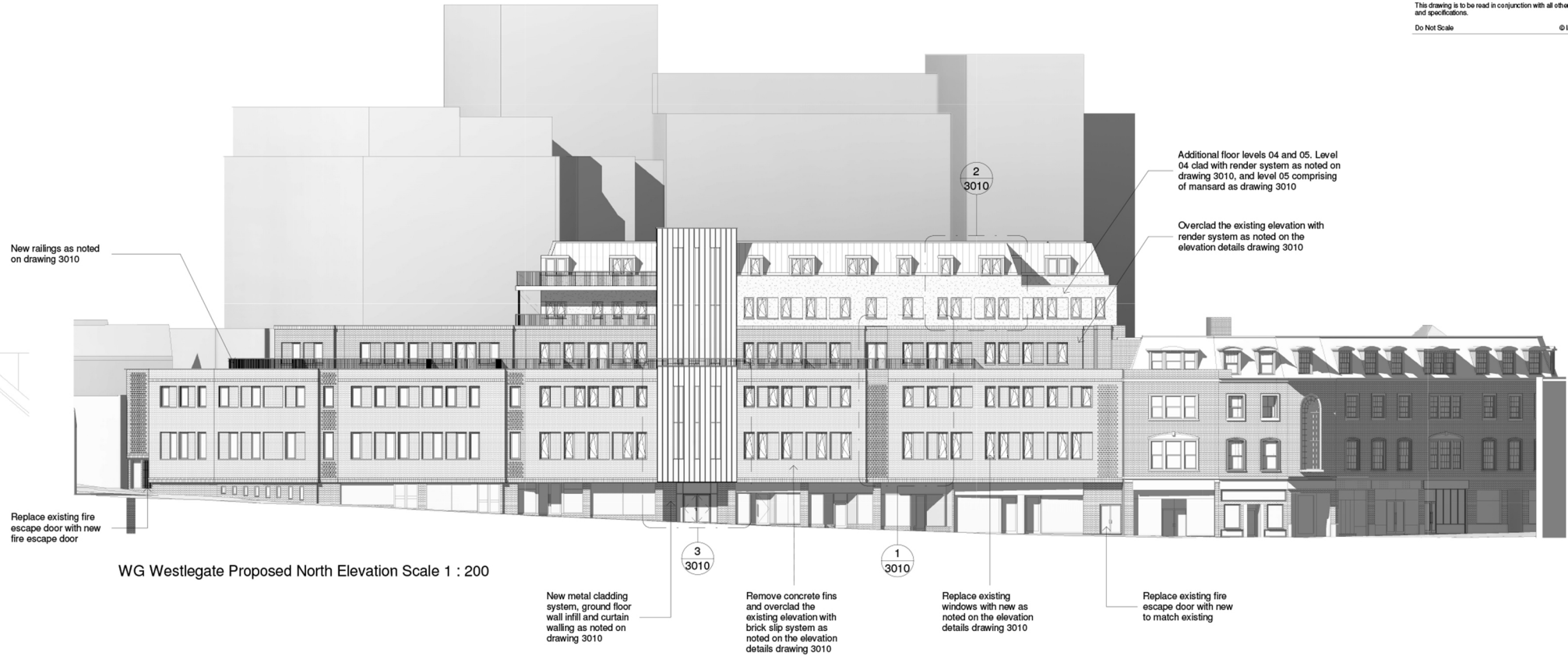
6. Details of green roofs and two bat roosts - details to be agreed;
7. Cycle parking - details to be agreed;
8. Refuse collection arrangements - details to be agreed;

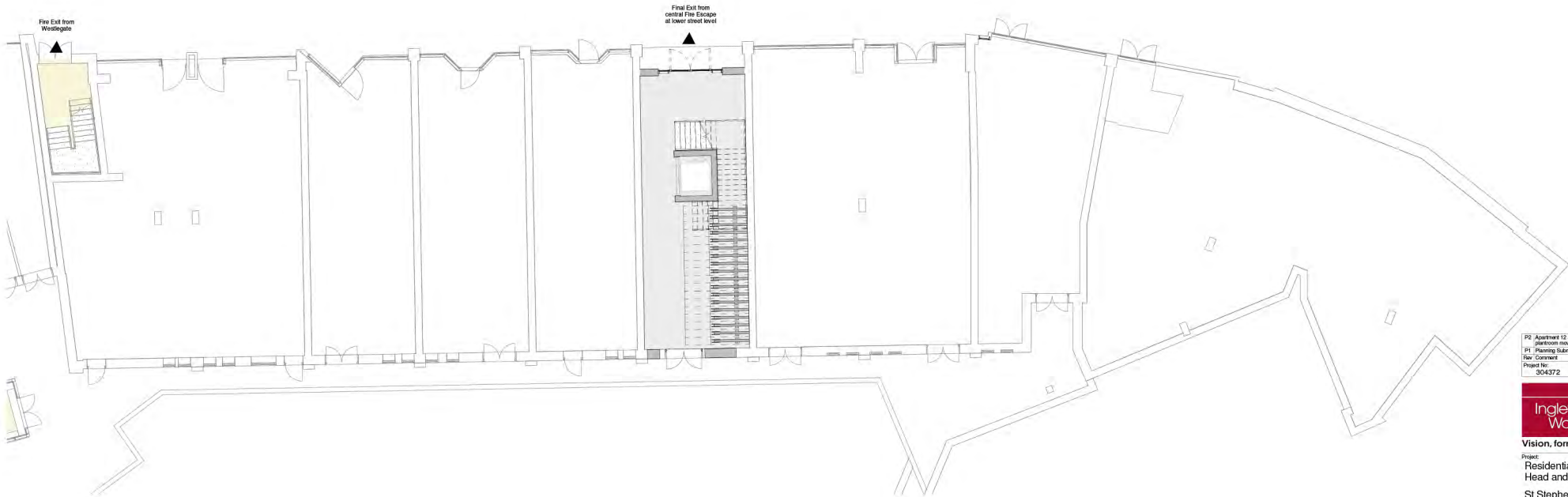
Compliance conditions:

9. Water efficiency for residential properties.

Informatives:

1. No parking permit entitlement;
2. Remind applicant of responsibilities with regards to disturbance of wildlife;
3. The council encourages considerate construction.





Fire Exit from Westgate

Final Exit from central Fire Escape at lower street level

P2 Apartment 12 amended to studio and platform moved to the rear	11.07.18	JB	DF
P1 Planning Submission Issue	25.03.18	JB	DF
Rev Comment	Date	Clk	Apr
Project No: 304372	Scale @ A1: 1 : 100	Drawn By: Author	

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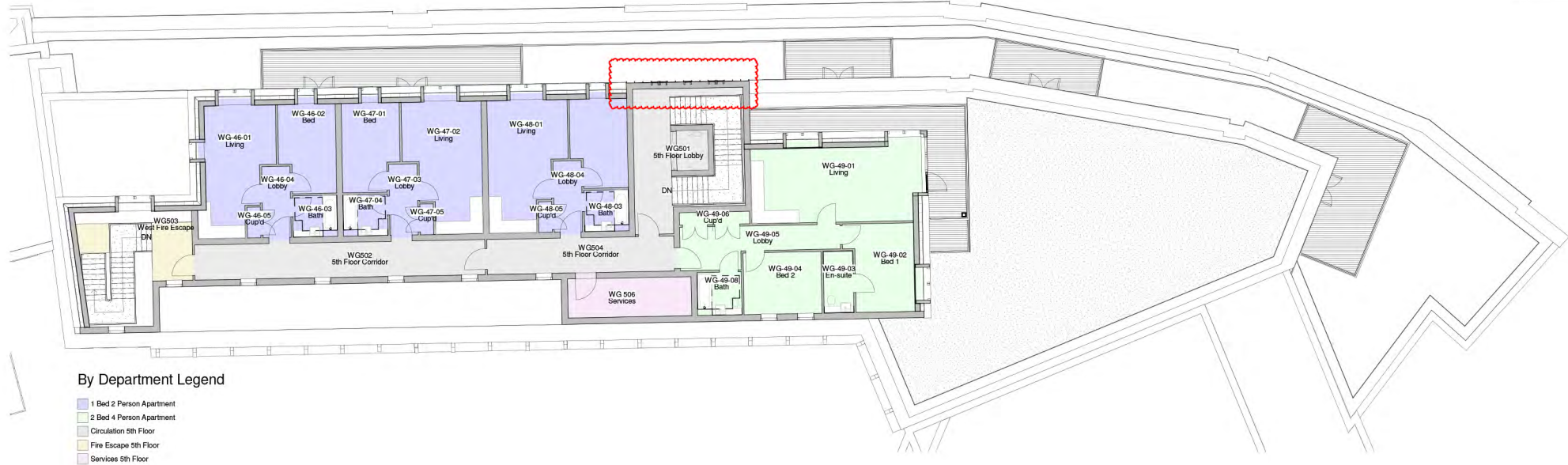
Vision, form and function
 Project:
 Residential Development Boars Head and Westgate
 St Stephens Street & Westgate

Client:
 Title:
 FA-WG-Proposed Floor Plans

Drawing Number:
 304372-IW-XX-XX-DR-A-3004

Status: D5	Purpose of Issue: PLANNING	Revision: P2
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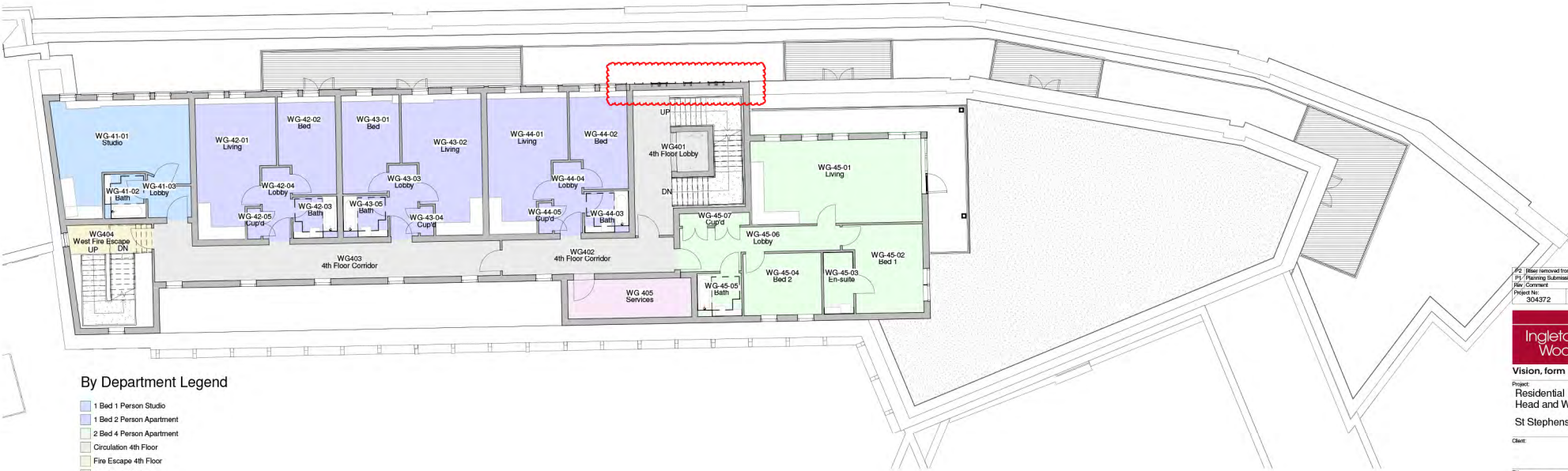
WG-FA Level 00 Proposed Scale 1 : 100



By Department Legend

- 1 Bed 2 Person Apartment
- 2 Bed 4 Person Apartment
- Circulation 5th Floor
- Fire Escape 5th Floor
- Services 5th Floor

WG-FA Level 05 Proposed Scale 1 : 100



By Department Legend

- 1 Bed 1 Person Studio
- 1 Bed 2 Person Apartment
- 2 Bed 4 Person Apartment
- Circulation 4th Floor
- Fire Escape 4th Floor
- Services 4th Floor

WG-FA Level 04 Proposed Scale 1 : 100

IFC	Revised from final elevation	11.07.18	AB	DF	
PI	Planning Submission Issue	23.05.18	AB	DF	
Rev.	Comment	Date	CHK	APP	
Project No.	304372	Scale @ A1:	1 : 100	Drawn By:	MM

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Project:
Residential Development Boars Head and Westlegate
St Stephens Street & Westlegate

Client:

Title:
FA-WG-Proposed Floor Plans

Drawing Number:	304372-IW-XX-XX-DR-A-3006
Sheet:	D5
Purpose of Issue:	PLANNING
Revision:	P2