

## Report for Resolution

**Report to** Planning Applications Committee  
**Date** 29 July 2010  
**Report of** Head of Planning Services  
**Subject** 10/01081/U 4 - 6 Mason Road Norwich NR6 6RF

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**Item**  
**5(2)**

### SUMMARY

**Description:** Change of use from general industrial (Class B2) to place of worship (Class D1), non-residential education centre (Class D1) and associated office space (Class B1).  
**Reason for consideration at Committee:** Member's Request  
**Recommendation:** Refuse  
**Ward:** Catton Grove  
**Contact Officer:** Ms Anne Napier Planning Development Team Leader  
**Valid date:** 10 June 2010  
**Applicant:** Pastor Trevor Pimlott, Norwich Family Life Church  
**Agent:** Mr Mark Nolan, Chaplin Farrant Ltd

### INTRODUCTION

#### The Site

##### Location and Context

1. The application relates to the use of industrial premises on the west side of Mason Road situated within a designated employment area south of the outer ring road (Mile Cross Lane). Mason Road forms a cul-de-sac in use by the commercial units along its length. The wider area is also commercial in use although residential properties are located in the slightly wider area of Curtis Road to the west, Weston Road to the east and Baxter Court to the south.
2. The site is designated as a general employment area (saved policy EMP5) in the City of Norwich Replacement Local Plan Adopted Version, November 2004. Mile Cross Lane forms part of the major road network (policy TRA18).

##### Planning History

3. Although there is no recent formal planning history on the Mason Road site, it may be useful to outline the recent planning history in respect of the Family Life Church.
4. Members may recall that the Family Life Church, which is some 40 years old, was based at Heartsease Lane from 1996 to 2006, until the church building was destroyed by fire. Following this event, the church operated from Drayton until 2009.

An application 09/00249/F for a temporary church at the Heartsease site was refused permission by committee on 11<sup>th</sup> June 2009. However, members encouraged the applicant to enter into discussions with officers to help deliver a permanent solution on that site.

5. Following discussion, an application at the former MFI premises on Barker Street was granted permission for a temporary change of use from retail (Class A1) to place of worship (Class D1) including pre-school facilities; youth services; cafeteria; coffee shop/bookshop and offices (ref. 09/01239/F). This was a temporary permission linked to the phased development of a permanent church building at the Heartsease site. The applicant states that, despite taking up occupation for the church at Barker Street, the premises were then sold and the church was asked to move out. Since the earlier refusal in June last year, no scheme has come forward for the development of the Heartsease site.
6. There is no recent formal planning history on the Mason Road site, although an informal approach to the Council was made on 26<sup>th</sup> April 2010 about 4-6 Mason Road questioning whether the premises would be suitable for the current unauthorised activities. Following consultation, the enquirer was advised on 6<sup>th</sup> May against pursuing the acquisition of the premises due to policy, community access, highway and amenity issues. The Planning Service was informed of a press release on 21<sup>st</sup> May concerning the use of premises on Mason Road for the church and an officer visited on 23<sup>rd</sup> May and noted the unauthorised activity along Mason Road. At the time this involved the use of the building itself and a number of other sites for overspill parking. It is understood that the use of additional sites for parking has now ceased, although this has not been verified in person.
7. Members will recall that the matter of enforcement was considered at the meeting of the Committee on 10 June, just prior to which an application had been submitted seeking permission for the use of the site. Members authorised enforcement action and the taking of legal proceedings, including prosecution, to secure the cessation of use of 4-6 Mason Road as a church and community facility and the use of land at Mason Road for car parking associated with that use (sites as shown on the site plan attached to the committee report), should the current planning application be refused or withdrawn.

## **Constraints**

8. The site is located within an established industrial estate and existing commercial and industrial uses adjoin the site. A pedestrian route exists which links the south part of the Mason Road industrial estate to Baxter Court. The application site premises is located towards the north part of Mason Road. Within the wider area, residential properties exist within Curtis Road, Weston Road and Baxter Court, for example.

## **The Proposal**

9. The application seeks temporary permission for three years for the use of the existing B2 industrial building with ancillary offices as a church, pre-school facility, youth centre, cafeteria and community outreach base with ancillary offices.
10. Supporting documentation has been submitted with the application which details the church's attempts to reinstate a facility at the Heartsease Lane site following the

fire in 2006. The loss of the former MFI building earlier this year led to the church relocating to this site in advance of securing planning permission in order to provide a base for their activities to continue.

11. In addition to the Sunday services for worship, which attract some 300-400 members of the congregation, the church also runs a Friday evening Youth Service (with approx. 90 members and 20 staff) and wishes to relocate the existing pre-school facility from Heartsease Lane to Mason Road (which accommodates 45 children in 2 sessions Monday-Friday with some 10 staff). In addition to these activities, the church operates a number of outreach ministries at various locations but predominantly within the Heartsease area and also wishes to run a cafeteria from the Mason Road premises for members of the congregation and visitors. There are 12 people employed by the church in an administrative role, who would also be based at the Mason Road premises. The office accommodation exists at present, the remaining floorspace within the building would be further subdivided internally to create the individual areas required for the various activities proposed to operate on site.
12. The site is entirely hard-surfaced externally and it is estimated by the church that this would provide parking for some 55 cars. In addition to this, cycle parking would be provided within the building. External space would be allocated for bin storage, a compost bin and outdoor and covered play space for the pre-school children, although the details of this provision have not been shown.
13. In order to assist their congregation, including young people and the elderly, in accessing the site and to limit the demand for parking on site, the church intends to operate a shuttle coach and minibus on Friday evenings and Sundays from the Heartsease site and to also encourage car sharing.

## Representations Received

14. Adjacent and neighbouring properties have been notified in writing. One letter of representation has been received citing the issues as summarised in the table below.
- 15.

| Issues Raised   | Response                           |
|---|------------------------------------|
| Viewed policy comments on website, objection raised did not relate to comments in consultation response | See policy section of report below |

## Consultation Responses

16. **Norfolk County Council as Strategic Highway Authority** – the traffic generated is mainly outside of the strategic network peak hours, the impact on the strategic network at critical times would be minimal – no objection.
17. **Norwich Society** – A positive use for an empty building providing essential facilities for the Church.
18. **Transportation** – Due to the nature of the use, no objection in terms of traffic

impact. The use of the building has three elements – the worship activity on a Sunday, the weekday usage during the day and in the evenings.

In terms of accessibility, advice in PPG13 indicates that travel intensive uses should be located in highly accessible locations (such as the City Centre). However, the nature of the use as proposed indicates that intensive use would only operate once a week, which suggests that a city centre use may not make the best use of the space available, unless a suitable building could be found, e.g. a redundant church. Due to the widespread congregational base, the only effective alternative mode to the car is likely to be public transport, which is limited on a Sunday.

In terms of the weekday uses, these would be best suited in locations close to the communities that they serve. Although the current community served is primarily located within Heartsease, the application is for the use and not the user, and the site is located in relatively close proximity to a number of other residential areas, including Mile Cross, Catton and Hellesdon. The site is accessible on both bike and foot from these areas, however it is cut off from most of that catchment by the Aylsham Road and the Outer Ring Road which would reduce its accessibility, particularly to the younger age group. It would be better in transport terms if facilities such as those proposed were in the heart of the communities that they are intended to serve.

However, this assessment is made on the assumption that the building is used in the relatively non-intensive way outlined in the Design and Access Statement, with most of the building empty for most of the time. If it were the case that the use intensified and courses and conferences were held in the buildings on a regular basis, the use could move towards being travel intensive. In these circumstances, the location would be increasingly inappropriate in transport terms and a city centre location increasingly necessary.

The level of car and cycle parking detailed is adequate for day to day needs, although the 80 cycle spaces aren't shown and there is some doubt as to whether the 55 car parking spaces identified would be adequate on a Sunday, given the lack of reasonable alternatives or a Travel Plan.

Conclusion, therefore, is subject to an appropriate Travel Plan and provided the low intensity of use suggested in the application can be guaranteed, refusing the application on Transport grounds is difficult to sustain. The intensity of the use is such that other uses should take preference for city centre sites and this particular location does have some merit in terms of local accessibility.

**19. Environmental Health** – no comments received to date.

# **ASSESSMENT OF PLANNING CONSIDERATIONS**

## **Relevant Planning Policies**

### **Relevant National Planning Policies**

PPS1 Sustainable development and climate change

PPS4 Economic Growth

PPG13 Transport

PPG18 Enforcing planning control

PPS22 Renewable Energy

PPG24 Noise

### **Relevant Structure Plan Policies**

#### **Norfolk County Structure Plan 1999**

T.2 Transport – new development

### **Relevant Local Plan Policies**

#### **City of Norwich Replacement Local Plan 2004**

HBE12 High quality of design

HBE19 Design for safety and security

EP18 High standard of energy efficiency for new development

EP22 High standard of amenity for residential occupiers

EMP5 General employment areas

EMP19 Education and training establishments

AEC2 Local Community facilities in centres

TRA6 Car parking standards (maxima)

TRA7 Cycle parking standards

TRA8 Servicing provision

TRA12 Travel Plan

### **Supplementary Planning Documents and Guidance**

Transportation

## **Principle of Development**

### **Policy Considerations**

20. Replacement Local Plan policy AEC2 promotes the location of community facilities such as this type of proposal in local/district centres and the city centre. Should there be no suitably sized sites available in a centre, a sequential test should be undertaken, taking into account the level of accessibility by alternative travel mode, i.e. walking, cycle and public transport for the catchment population.
21. The sequential test that has been undertaken does not appear to have assessed the level of accessibility in comparing various sites, but rather the relative costs, size and availability of premises. The report relates mainly to industrial premises, with some schools included, but with no evidence that any assessment has been made to the potential availability of redundant existing community facilities or other types of buildings, such as churches.
22. The proposed site is within the General Employment area defined by Local Plan policy EMP5. Whilst Policy EMP5, as now influenced by PPS4, does not absolutely preclude this type of development in an industrial estate, it requires evidence that:
  - the proposal would not take the proportion of B1, B2 and B8 uses below 50% of the developed area of the estate
  - there is no suitable site of appropriate size to accommodate such a use in a local/district centre or the city centre.
23. The Greater Norwich Employment Sites and Premises Study provides evidence to support the need to retain employment sites in employment uses to meet the significant job growth requirements in the area.
24. However, the newly published PPS4 gives more emphasis to allowing “economic development” rather than just traditional B class employment on industrial estates. Given the proposed D1 use (both place of worship and education centre) offers 22 full time and part-time employment opportunities in an approx. 0.4 hectare site, it could be argued that the employment density (approx 55 jobs/ha) is similar to that created by B2 and B8 type uses. Further assessment of the calculations used and the evidence base for those calculations has not been undertaken.
25. However, despite creating some employment opportunities, the proposal is considered not to be a suitable use in an employment area, as there is a real need to retain such sites for uses which generate significant employment opportunities. The site is also considered as an inappropriate location for this type of facility under AEC2 as it is not within a local or district centre or the city centre. Furthermore, no sequential test has been undertaken in terms of the level of accessibility offered by the application site.

### **Other Material Considerations**

26. The applicant requests that a temporary permission for three years be granted. This would be to allow time for the applicants to draw up a scheme, gain approval and relocate their activities back to the Heartsease site.
27. However, it should be noted that the applicants propose to buy the current site should permission be granted and, despite the refusal in June last year, no further

proposals have been put forward for a re-development of the Heartsease site.

28. Whilst this can be partly explained by the applicants' desire to secure a base for their activities in the short-term and a focus of energy and resources into achieving that, it is nonetheless indicative of the difficulties that may arise should a short-term temporary permission be granted.
29. Guidance on the use of conditions is quite clear. Permission should normally only be restricted by a temporary condition if the local planning authority wishes to allow a limited period of time to assess the impact of a proposed use or where circumstances are known to be likely to change in the foreseeable future, such that the granting of a permanent permission would not be appropriate.
30. Whilst the full impact of the proposal has not been assessed, as all the various activities have not, as yet, transferred to the site, it has nonetheless been operating on site since May. Consequently, although there are concerns about the nature of the use in this location (see below) it is not thought appropriate to recommend the granting of a temporary permission in this instance.
31. Furthermore, although clear assurances have been provided by the church of their intention to relocate, there is no evidence that this will happen within a given period of time – for example, there is no planning permission in place for a new building, contracts have not been signed for its construction etc.
32. In these circumstances, it is difficult to see what, in planning terms, is likely to change within the next three years which would justify the granting of a temporary permission in this instance. On that basis, if temporary permission is granted as requested, it would be difficult for the planning authority to refuse a request to renew that permission in three years time as it is unlikely that there would have been a material change in circumstances sufficient to warrant a different outcome to an application.
33. Members are also reminded that the application seeks permission for the use and not the user. Therefore, it is important to assess the proposal on whether the use in this location is an appropriate one. For the reasons set out below, your officers have concluded that it is not and it is not considered that these concerns could be overcome by the granting of a temporary permission.

## **Impact on Living Conditions**

### **Noise and Disturbance**

34. The site is located within an industrial estate but is also within relatively close proximity to a number of residential properties. The activities that take place on the industrial estate tend to occur during the normal working week. In the evenings and at weekends the level of activity generated by the existing uses is relatively low.
35. Whilst residents living close to the site will experience a certain level of noise and disturbance associated with their proximity to the industrial estate, this is not likely to occur at evenings and weekends.
36. The application building itself is a functional industrial building with little or no sound insulation. Although no complaints are known to have been received to date about this site, it is also known that the full range of activities is not currently operating

from the site. The youth service on a Friday evening currently attracts some 90 people. Although amplified music is played, previously this Friday evening activity on the Heartsease site also included live music and attracted some 200 people attending.

37. Although it is proposed that this activity will only take place for a limited period of time on a Friday evening, given the variety and nature of different uses proposed within the building, it would be difficult to restrict the use to only that level of activity should permission be granted. It would be possible therefore, for circumstances to change and for this type of use of the premises to occur at other times beyond that currently envisaged in the applicants' supporting documents.
38. In the absence of a detailed noise assessment and proposals to provide noise insulation or attenuation within the building, it is considered that it has not been demonstrated that this type of use would not result in noise and disturbance to nearby residents.

## **Design**

### **Layout**

39. The site is developed so that the building is set back within the site and sited close to the western boundary. The area to the east of the site is hard surfaced and provides for car parking. To the south of the site, are concertina doors which would provide access to the youth facility. There is also space within the site to park a minibus between the elevation of the building and the southern boundary of the site.
40. To the north end of the building are a canopy and redundant large scale plant and machinery. This area currently provides parking for the coach and an area to store the bins. The adjacent unit to the north has air conditioning units on the boundary of the site. It is this area of the site that the applicants have identified as suitable for the outdoor play space for the pre-school.
41. Although the building itself could be subdivided into the different uses proposed, it is not clear how these various uses would operate successfully in relation to each other and to uses around the site. Although space exists externally to provide parking for some 55 cars, it has not been demonstrated how these spaces would operate with the need to provide parking and access for the minibus and coach; where the 80 cycle spaces would be provided within the building; where and how the refuse and recycling bins or compost bin would be located; and nor how the children's outdoor play space could be adequately and appropriately accommodated within the site.
42. In the absence of such details, it is considered that it has not been demonstrated that the use of the building as proposed would be able to operate effectively with adequate parking and servicing space and suitable and appropriate outdoor play space.



## **Transport and Access**

### **Transport Assessment**

43. The comments received from the County Highway Authority and this Council's Transportation team indicate that the proposal is considered unlikely to cause problems to the surrounding highway network in terms of traffic impact.
44. However, concerns have been raised about the accessibility of the site by means other than the car, due to the location of the site in close proximity to the Outer Ring Road and Aylsham Road and outside of an established centre.
45. Furthermore, the comments received suggest that this may be an appropriate use of the site in transport terms provided that the use of the site is no more intensive than proposed.
46. In respect of the comments provided, it is considered that it would be impossible to restrict the level of activity on site to that currently proposed, due to the nature and type of the various uses concerned. Consequently, it would be possible for circumstances to change and for the intensity of the use to be much higher than is currently suggested. In these circumstances, the use would not be an appropriate one for this site and should be located in a much more easily accessible location which currently attracts or is designed to accommodate large numbers of people visiting the area on a regular basis.

### **Cycle Routes and Pedestrian Links**

47. As stated above, the location of the site is such that although it would be possible to cycle or walk to the site, it is considered unlikely that large numbers of people would do so. Although located in relatively close proximity to residential areas, the site is separated from those areas by main distributor roads carrying large volumes of traffic which are unlikely to be attractive to people to cycle or walk along for any distance, especially young people.
48. Although a pedestrian route into the site is available from the southern end of the industrial estate, this is some 400m from the premises and is unlikely to be attractive to pedestrians in the evenings and weekends when the other premises on the estate are closed. At those times, when the main usage of the application premises is proposed, the route would take pedestrians through an empty industrial estate where there are unlikely to be other people in the area. It is considered that this would make the route less likely to be used, particularly in the winter, due to the potential for or fear of crime occurring.
49. Therefore, even if it were possible to limit the intensity of the use to that currently proposed, it is not considered that the site is in a location which would encourage pedestrian or cycle access and it is unlikely that large numbers of people would access the site by means other than by car.

### **Cycle Parking**

50. Although the transport statement has identified a need, based on the level and type of use proposed, for some 80 spaces, the scheme does not indicate where these covered and secured spaces would be located. Although the building is currently capable of accommodating this level of cycle parking, it has not been clarified how

this would be provided when the building is fully operational.

51. The submitted documentation indicates that the cycle parking could be accommodated within the youth service part of the building. However, it is not clear how this would be accessed during the youth activities which would take place and what the potential implications would be for this element of the proposal. If there were lots of activity with people leaving and arriving during the evening and accessing the site via the concertina doors, this may impact on the use of the site and its potential to cause problems of noise and disturbance to others.

### **Travel Plan**

52. No travel plan has been provided as part of the submission. It has been recommended that, if permission is granted, the preparation and submission of a travel plan in accordance with policy should be conditioned.

### **Environmental Issues**

53. As indicated above, there are a number of concerns about the appropriateness of this site for the use proposed. Partly, these relate to the possible impacts of the use on others around the site, but also to the conditions that would be experienced by the end users of the site.
54. The use of the site as a church and for community and educational use may cause problems in terms of noise and disturbance to others. However, being located within an established industrial estate, is also considered likely to cause problems to the applicants themselves.
55. The existing uses immediately around the site are industrial or commercial and generate a certain amount of noise, activity, dust and disturbance associated with uses of this type. This tends to occur during the weekday at the times when the application indicates the pre-school facility would be operational.
56. It is considered that it has not been demonstrated that this location would be able to provide an acceptable or adequate outdoor environment for this type of use on site without resulting in conflict with the other established uses around the site.

### **Energy Efficiency and Renewable Energy**

57. Following the revocation of the East of England Plan, policy ENG1 which required 10% renewable energy provision for proposals of this scale is no longer applicable. An energy statement has been submitted with the application which indicates the following: due to the temporary nature of the proposals, no large scale measures are proposed, although the heating system will be zoned to enable the discrete uses in different parts of the building to be heated separately; waste will be minimised in fitting out the building; energy efficient lighting will be used and activated by movement sensors; an appropriate boiler will be specified; water conservation measures will be installed; materials from renewable sources will be used and existing substandard equipment will be replaced with A\* energy rated components.

## **Trees and Landscaping**

58. Two trees are situated on the eastern boundary of the site. It is not proposed that these will be affected by the proposals. No other landscaping is proposed.

## **Planning Obligations**

59. Due to the nature of the use proposed, the applicants have indicated that the level of use of the site as proposed would not result in additional peak hour movements on the surrounding highway network compared to the previous industrial use of the building. Consequently, the applicants consider that a transport contribution is not necessary.

## **Conclusions**

60. In conclusion, it is considered that the use of this site as a place of worship, a community facility and educational centre with ancillary cafeteria would be contrary to the duties of the Council under the Crime and Disorder Act 1998 and the Equalities Act 2006 and contrary to PPG13 and saved policies EMP5, HBE19 and AEC2 of the City of Norwich Replacement Local Plan 2004 (CNRLP). The use of the site would result in a loss of employment space within an established industrial estate which would not be adequately compensated for by the employment generated by the proposal. It would also result in the creation of a community facility and use which would attract large numbers of people to the site, in a location not within an existing district or local centre, on a site where access by means other than by car would be difficult to encourage or facilitate for many potential future users of the facility. Furthermore, in the absence of realistic measures to control the intensity of the use of the site, it is considered that the proposal should not be considered as a non-travel intensive use as the level of usage may change over time. Consequently, it is considered that it has not been adequately demonstrated that the site represents a suitable location for a use of this type or that a more accessible location is not available or desirable.

61. In addition to the above concerns, it is also considered that inadequate details have been provided to demonstrate that the use of the site as proposed would not result in problems of noise and disturbance to nearby residents, contrary to saved policy EP22 of the CNRLP. It is also considered that the proposals as submitted do not demonstrate that the layout proposed would create an environment on site of the quality considered appropriate or desirable for the community and pre-school facilities proposed or provide for appropriate cycle parking, refuse and recycling storage arrangements contrary to saved policies AEC2, HBE12, TRA7 and TRA8 of the CNRLP.

62. Finally, it is not considered that the above concerns could be overcome by the grant of a temporary permission. Although the applicants have suggested that it is their intention to relocate to their Heartsease site within three years, there is no contractual commitment to do this, no proposals have come forward since the previous refusal in 2009 and the timescales indicated could be altered by circumstances beyond the applicants' control. In such a situation, it would be difficult for the planning authority to resist a request to renew a temporary permission if there had been no material change in circumstances. Similarly, the grant of permission in this case could create a precedent which would potentially

make it more difficult to resist similar proposals from other faith groups or community facilities within industrial units elsewhere or on this site in the future.

## **RECOMMENDATIONS**

### **Refusal**

To refuse planning permission for Application No 10/01081/U 4-6 Mason Road, Norwich, for the following reason(s):-

1. The use as proposed is considered contrary to PPG13 and saved policies EMP5, HBE19 and AEC2 of the City of Norwich Replacement Local Plan as it would result in a loss of employment land within an established industrial estate and result in a use of the site which would attract large numbers of people to a location not within an existing local or district centre and where most users of the facility, by virtue of the characteristics of the site location, would not be likely to access the site by means other than by car.
2. The details submitted do not adequately demonstrate that the use proposed would be appropriate within the surrounding environment and, in the absence of such details, it is considered that the proposal could result in problems of noise and disturbance to nearby residents, a poor quality environment for the users of the community and pre-school facilities and inadequate or inappropriate cycle parking and refuse and recycling storage arrangements, contrary to saved policies EP22, AEC2, HBE12, TRA7 and TRA8 of the City of Norwich Replacement Local Plan 2004.



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Planning Application No 10/001081/U

Site Address Family Life Church, Mason Road

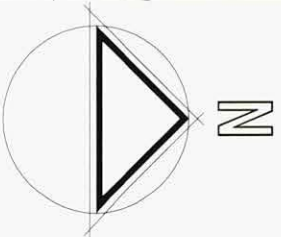
Scale - 1:1,903



**NORWICH**  
City Council

PLANNING SERVICES





SITE PLAN - EXISTING 1:500

SITE PLAN - PROPOSED 1:500



Organisational Development  
0 2 JUN 2010  
Post Room

Organisational Development  
0 1 JUN 2010  
Planning Description

| REV       | DATE | DESCRIPTION | DRAWN | CHECKED BY |
|-----------|------|-------------|-------|------------|
| Revisions |      |             |       |            |

planning

**Chaplin Farrant Limited**  
Norwich Family Life Church  
Temporary Church  
4 Mason Road  
Norwich

**Site Plan**  
Existing and Proposed  
4038

**Site Plan**  
Existing and Proposed  
4038

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4038

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