Report to	Planning Applications Committee	**Item**
Date	2 October 2014	4E
Report of	Head of Planning Services	
Subject	Applications nos 14/00987/MA and 14/01077/L Land Bounded By Pigg Lane, Palace Street And Bedding Lane Including 1- 2 St Martin At Palace Plain Norwich	

SUMMARY

Description:	**14/00987/MA** Material amendments [re-advertised for revised design] to planning permission 08/00712/F 'Demolition of workshops and redevelopment of site to provide two, three storey office buildings (Class B1); conversion of 1-2 St Martin at Palace Plain to offices (Class A2/B1); provision of associated car parking.' **14/01077/L** Erection of two storey side extension [revised design].
Reason for consideration at Committee:	Major Development Objection
Recommendation:	Approve
Ward:	Thorpe Hamlet
Contact Officer:	Mr James Bonner Planner 01603 212542
Valid Date:	1st August 2014
Applicant:	
Agent:	Mr Mark Nolan

INTRODUCTION

The Site

Location and Context

1. This application relates to the eastern part of the former Bussey and Sabberton garage site and 1-2 St. Martin at Palace Plain, the listed building on the corner of Palace Street and Bedding Lane. The site was formerly home to workshop buildings which have since been demolished (implementing 08/00712/F). Associated is the listed building consent (08/00718/L) which has also been implemented. To the south the site abuts Centenary House, a three storey office occupied by the Probation Service. To the west and north are residential properties accessed off Joseph Lancaster Way. To the east the site faces the Wig and Pen Public House at 6 St Martin at Palace Plain.

Constraints

2. The site is within the City Centre Conservation Area. 1-2 St Martin at Palace Plain is grade II listed, as is the neighbouring row of 6-10 to the east, including the Wig and Pen (No.7 is II*).

3. The site is within a main area of archaeological interest and the land is contaminated.

Planning History

4/1992/0252 - Demolition of existing garage and redevelopment of site by the erection of three storey office courtyard scheme with basement car park and four residential units. Former Bussey &Sabberton site. (REF - 04/06/1992)
05/01232/L – Alterations to flank wall to allow the demolition of the remainder of the former car showroom – Approved.
07/01449/F - Demolition of workshops and redevelopment of site to provide three storey offices (Class B1); conversion of 1-2 St Martin at Palace Plain to offices (Class A2/B1); provision of associated car parking. (WITHDN - 29/04/2008)
07/01450/L - Alteration to 1-2 St Martin At Palace Plain and works to facilitate link to new three storey office. (WITHDN - 25/04/2008)
08/00067/C - Demolition of workshop to rear of 1-2 St Martin At Palace Plain (WITHDN - 21/08/2008)
08/00711/C - Demolish existing workshop and replace with new office building. (APPR - 08/10/2008)
08/00712/F - Demolition of workshops and redevelopment of site to provide two, three storey office buildings (Class B1); conversion of 1-2 St Martin at Palace Plain to offices (Class A2/B1); provision of associated car parking. (APPR - 08/10/2008)
08/00718/L - Alteration to 1-2 St Martin At Palace Plain and works to facilitate link to new three storey office. (APPR - 09/10/2008)
09/00216/D - Condition 2: Schedule of repairs and Condition 4: Scheme demonstrating that the alterations can be carried out sympathetically of previous listed building consent: (App. No. 08/00718/L) 'Alteration to 1-2 St Martin At Palace Plain and works to facilitate link to new three storey office'. (APPR - 14/09/2009)
11/00909/D - Details of (part) condition 4(1) - contamination site investigation scheme; 4(2) - contamination remediation measures risk management and (part) condition 15 a)- archaeological first written scheme of investigation for previous planning permission (App. No. 08/00712/F) 'Demolition of workshops and redevelopment of site to provide two, three storey office buildings (Class B1); conversion of 1-2 St Martin at Palace Plain to offices (Class A2/B1); provision of associated car parking'. (APPR - 08/09/2011)
14/01015/NMA - Addition of condition requiring development to be built in accordance with approved plans of previous planning permission 08/00712/F 'Demolition of workshops and redevelopment of site to provide two, three storey office buildings (Class B1); conversion of 1-2 St Martin at Palace Plain to offices (Class A2/B1); provision of associated car parking'. (APPR - 25/07/2014)

Equality and Diversity Issues

There are no significant equality or diversity issues.

The Proposal

4. The application proposes several amendments to the originally approved scheme 08/00712/F), which was described as:

    - demolition of vacant former workshop buildings fronting Bedding Lane;
    - conversion of 1-2 St Martin at Palace Plain to offices (Class A2/B1);
    - redevelopment of the frontage facing Bedding Lane with a three-storey office (Class B1);
    - erection of a linked three-storey office building (Class B1) fronting Joseph Lancaster Way;
    - provision of associated cycle and car parking with new vehicle access onto Joseph Lancaster Way.

5. The two three-storey buildings were previously intended to be two separate but physically attached buildings. For the purposes of the report the one facing Bedding Lane will be referred to as unit 1 and the one facing Joseph Lancaster Way unit 2. The prospective tenant seeks to occupy both and changes to the approved plans are needed to link the two buildings as a single unit. Also included are a number of amendments the tenant requires for their operation within the office block. The changes can be summarised as:

    - a two-storey extension to 1-2 St Martin at Palace Plain;
    - changes to unit 2 (Joseph Lancaster, north west elevation) to facilitate changes in floor levels to allow run through between units 1 and 2. To include:
        - raising of eaves by 0.45m and reduction of pitch to 22.5°
        - raising of ground and first floor windows by 0.375m and second by 0.525m
        - replacement of ground floor entrance door with window (changing reception to office space)
        - omission of escape door and reduction of recess between units 1 and 2
        - several changes to internal courtyard including alterations to windows on all floors (including raising of heights) and introduction of new service door
    - changes to unit 1:
        - On north west elevation – second floor window head raised by 0.75m
        - at second floor on the corner with Joseph Lancaster Way and Bedding Lane there will be two infills (9.5sqm and 9.7sqm)

- second floor extension of 4.1sqm on internal courtyard and introduction of new door and windows at ground floor

- at roof level the external appearance of the plant area will be changed to timber effect cladding.

Representations Received

6. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. Two letters of representation have been received, citing the issues as summarised in the table below.

7.

Issues Raised	Response
1. Design could lead to a tunnel effect on narrow roads with loss of natural light to several buildings 2. Proximity of offices to residential flats may lead to loss of privacy/overlooking 3. Roads in the area are very narrow so access for developers and new tenants will bring conflict	See paragraphs 15-18. See paragraphs 12-14. See paragraph 25.
Poor foundations led to height of adjacent completed offices being significantly higher, impacting on view of Cathedral. This concern is raised again. Concern over impact on raised eaves on residents. Some issues with status of Joseph Lancaster Way.	The point has been raised with the agent who claims this will not be an issue. Any materially different deviations from the plans will require a new application. Amenity – see paragraphs 11-18. Road – see paragraph 26.

Consultation Responses

8. **Archaeology** – three standard conditions to be attached.

9. **Norwich Society** – no comments [*in reference to LBC*]

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

National Planning Policy Framework:

Statement 1 – Building a strong, competitive economy
Statement 2 – Ensuring the vitality of town centres
Statement 4 – Promoting sustainable transport
Statement 7 – Requiring good design
Statement 10 – Meeting the challenge of climate change, flooding and coastal change
Statement 12 – Conserving and enhancing the historic environment

Relevant policies of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2014

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

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

HOU9 A17 – Site Specific (Mixed Use Including Housing)
CC5 – North Centre/St Andrews Area
HBE3 – Area of Main Archaeological Interest
HBE8 – Development in Conservation Areas
HBE9 – Listed Buildings
HBE12 – High quality of design, with special attention to height, scale, massing and form of development
EP16 – Water conservation and sustainable drainage systems
EP18 – High standard of energy efficiency for new development
EP20 – Sustainable use of materials
EP22 – High standard of amenity for residential occupiers
EMP1 – Small Scale Business Development
HOU9 – Mixed use site allocations
TRA3 – Norwich Area Transport Strategy
TRA6 – Parking standards
TRA7 – Cycle parking standards
TRA8 – Servicing provision

Supplementary Planning Documents and Guidance

City Centre Conservation Appraisal (September 2007)

Other Material Considerations

Written Ministerial Statement: Planning for Growth March 2011

Development Management Policies Development Plan Document – Pre-submission policies (April 2013)

DM1 – Achieving and delivering sustainable development
*DM2 – Ensuring satisfactory living and working conditions
*DM3 – Delivering high quality design – *Only limited weight can be applied.*
DM9 – Safeguarding Norwich's heritage
*DM16 – Employment and business development – *Only limited weight can be applied.*
*DM19 – Encouraging and promoting major office growth
*DM28 – Encouraging sustainable travel
*DM30 – Access and highway safety – *Only limited weight can be applied.*
*DM31 – Car parking and servicing

Procedural Matters Relating to the Development Plan and the NPPF

The Joint Core Strategy and Replacement Local Plan (RLP) have been adopted since

the introduction of the Planning and Compulsory Purchase Act in 2004. With regard to paragraphs 211 and 215-216 of the National Planning Policy Framework (NPPF), both sets of policies have been subjected to a test of compliance with the NPPF. The 2014 JCS policies are considered compliant, but some of the 2004 RLP policies are considered to be only partially compliant with the NPPF, and as such those particular policies are given lesser weight in the assessment of this application. The Council has also reached submission stage of the emerging new Local Plan policies, and considers most of these to be wholly consistent with the NPPF. Where discrepancies or inconsistent policies relate to this application they are identified and discussed within the report; varying degrees of weight are apportioned as appropriate.

* - some of the policies have objections but unless stated, some weight can be attached given they are broadly supported by the direction of the relevant existing policies.

Principle of Development

Policy Considerations

10. The principle of the original scheme has already been accepted through 08/00712/F and 08/00718/L (both approved by committee October 2008). To be assessed in this application are the proposed changes to the approved schemes and whether they have an acceptable impact with regards the relevant concerns, which are principally amenity, design and heritage impacts.

Impact on Living Conditions

Noise and Disturbance

11. The increase in floorspace is fairly minor and there are already two terrace areas on the approved plans. The changes are unlikely to have a noticeable increase in noise or disturbance.

Overlooking / Loss of Privacy

12. The second floor extension and the changes to the windows facing Joseph Lancaster Way are likely to have the biggest impact given the proximity to the residential flats opposite (~7m). The extension replaces a terrace which itself presents overlooking issues and so the perceivable impact is fairly low. Similarly for the extension facing out onto the other corner (onto rear of Wig and Pen) the same can be said.
13. Although the windows are increasing in height which may slightly increase the opportunities for overlooking, compared to what is approved the impact will be minimal as it will be by the replacement of a reception with office on the ground floor.
14. The internal courtyard changes do not present any significant issues for direct overlooking into the adjacent offices.

Overshadowing / Loss of light

15. With the relatively small distance involved, the approved three storey building is likely to have an impact on direct overshadowing of the south-facing habitable windows of the flats on Joseph Lancaster Way.

16. Increasing the eaves height by 0.45m (to a total height of 9.9m) is likely to exacerbate this overshadowing from the start of the day towards early to mid-

afternoon and would be worse in winter months with the sun lower in the sky. However this would be the case with the approved and buildable scheme and while the raised eaves would increase the overshadowing, it is unlikely to be to the extent that would cause an appreciable increase in harm to the occupiers of the flats.

17. Similarly the approved development will lead to some loss of light for the properties and increasing the eaves will worsen this slightly given the additional visible sky being occupied by the development. The actual amount of daylight lost when comparing the proposed scheme against what can be built is not likely to be severe and is helped slightly by the reduction in the pitch.

Overbearing Nature of Development

18. Again, the close proximity of the buildings creates issues for loss of outlook. These issues already exist on the approved plans and compared to this, the amendments are unlikely to cause significant harm to the amenity that the neighbouring occupiers could reasonably expect to enjoy. This includes consideration of the 'tunnel effect' raised now and during the original application. Filling in the corner at second floor level will not have an appreciable effect on the building feeling overly dominant.

Design

19. The various changes to the windows, doors and roof of unit 2 are visually acceptable when compared to what was approved. The most visible extensions at second floor level will have a minor influence on the 'tunnel effect' issue but given their position and scale it will not significantly alter the perception of mass of the building to the degree it would cause harm to the street scene or the nearby heritage assets.

20. Timber effect louvers are intended mask the plant on unit 1 and the applicant was asked to amend this from the metal looking ones first submitted as they felt uncharacteristically industrial. The proposed material should not look out of place despite their relative prominence but a condition will be attached requiring further detail to ensure they are sympathetic to the character of the area.

21. One of the biggest design concerns relates to the two storey extension to the south west of 1-2 St Martin at Palace Plain, which the potential tenant feels is critical to their use of the building. The originally proposed structure utilised a traditional design with sloping roof that lay awkwardly on the catslide roof of the listed building. This was considered to potentially cause unacceptable harm to the structure and a revised design was submitted which provided a more lightweight, contemporary addition. Its shallower pitch metal roof causes no significant harm to the fabric of the listed building and the valley gutter will be visible and accessible from the terrace in order to address potential damp concerns.

22. The extension will be slightly visible from Palace Street but given the size of the adjacent Centenary House, it is such a narrow view that it is difficult to argue that the addition would cause unacceptable detriment to the setting of the grade II listed building. This solution was reached in agreement with the design and conservation officer and it is considered a fair compromise that has minimised harm to an acceptable level. This should be ensured through the imposition of conditions

requiring further detail on the proposed materials.

Listed Building - Internal

23. The plans submitted originally showed internal partitions on the first floor of 1-2 St Martin at Palace Plain to provide soundproof meeting rooms. These plans indicated the partitions extending all the way to the underside of the roof which would have been detrimental to the character of the listed building as well as potentially damaging to its fabric. The applicant has stated this work is due to be done by a different contractor and so explicit reference to it has been replaced on the plans by an indicative layout. A condition is recommended for the listed building consent to (notwithstanding what is shown on the plans) require further details of the internal layout to be submitted.

Conservation Area and Listed Buildings – Impact on Setting

24. Cumulatively the changes do not have an adversely detrimental impact upon the setting of the on-site listed building or those adjacent. When seen against what was approved in 2008 there is also no appreciable harm caused to the character of the wider conservation area.

Transport and Access

Transport Assessment

25. The increase in floorspace has no material impact on the transport assessment of the previous application and the same conditions will be attached including the need for a Travel Plan and details of cycle provision.

26. Joseph Lancaster Way is not adopted but it is understood there were plans to apply for adoption some years ago. Like the development in question, this is likely to have been impacted by the recession and whether the road is adopted in future or not is up to the landowner. If it were it would still be required to go through the same rigorous process it would have before and so works may or may not be needed to meet the required standards. As the road remains private residents will need to check any agreements with the management company with regards future potential costs.

Environmental Issues

Site Contamination and Remediation

27. Some of the conditions from the previous permission have been approved. They will be reattached to ensure compliance with the details approved as well as requiring details of those not approved.

Archaeology

28. Similarly to contamination there are outstanding conditions which will need to cover the new extension now alongside the existing scheme.

Energy Efficiency and Renewable Energy

29. The approved scheme preceded current policy requiring 10% renewable energy provision but the scheme did include solar panels for heating hot water. The agent has suggested that the new scheme will replace these with PV panels which should produce the same amount of renewable energy benefits and has agreed for this to be conditioned. They are likely to be on the internal courtyard facing south east.

Local Finance Considerations

30. The amendment affects an application approved prior to the implementation of CIL and therefore the development is not liable.

Conclusions

31. Despite some initial concern over the introduction of an extension adjacent to 1-2 St Martin at Palace Plain, its design has been amended to provide an addition that is acceptable given its relative lack of visibility and the lack of harm to its fabric. Overall the changes are fine in visual terms and will not have a detrimental impact on the setting of the on-site and nearby statutory listed buildings, the street scene or the character of the wider conservation area.

32. The changes will have some minor but acceptable impacts on overlooking and loss of outlook but the main impact comes from overshadowing and loss of light to the properties along joseph Lancaster Way. These are two issues that existing on the approved scheme and although the changes will worsen the situation slightly, it is not to a degree that could be considered to be adversely detrimental to the amenity of those living opposite. Overall, when comparing the original scheme to this amended scheme, the changes do not raise any new issues that would cause unacceptable harm and so the application is recommended for approval as it accords with the policy objectives of the National Planning Policy Framework, policies 1, 2, 3, 5, 6, 11 and 20 of the Joint Core Strategy for Broadland, Norwich and South Norfolk 2014, saved policies HOU9, CC5, HBE3, HBE8, HBE9, HBE12, EP16, EP18, EP20, EP22, EMP1, TRA6, TRA7 and TRA8 of the City of Norwich Replacement Local Plan (Adopted Version November 2004) and other material considerations.

RECOMMENDATIONS

Planning Permission and Listed Building Consent

To approve:-

(1) Application No (14/00987/MA Land Bounded By Pigg Lane Palace Street And Bedding Lane Including 1- 2 St Martin At Palace Plain) and grant planning permission, subject to the following conditions:-

1. In accordance with the approved plans;
2. External materials;
3. Details to be agreed (including windows, doors, eaves detail, canopies, details of the glazed link, car park treatment, bin storage details; new extension and louvers);
4. Groundwater contamination mitigation (parts 1 and 2 in accordance with 11/00909/D);
5. Attenuation of any increased public surface water provision;
6. Heritage Interpretation;
7. Cycle Parking and bin storage;
8. Travel Plan;
9. Landscaping, planting, site treatment;

10. Car parking and cycle parking to be provided and available for use prior to first occupation of Bedding Lane office;
11. Plant and machinery details;
12. Fume and flue outlet points details;
13. Details of energy conservation and efficiency measures to be submitted;
14. Details of renewable energy technologies to be used;
15. Archaeology

Article 31(1)(cc) Statement
The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations, following negotiations with the applicant and subsequent amendments the application has been approved subject to appropriate conditions and for the reasons outlined in the officer report.

(2) Application No (14/01077/L 1-2 St Martin at Palace Plain) and grant listed building consent, subject to the following conditions:

1. In accordance with the approved plans;
2. Schedule of repairs in accordance with details agreed in 09/00216/D;
3. Listed building protection measures
4. Works to remove floors or ceilings to be done with agreed structural solution details in 09/00216/D;
5. Schedule of repairs in accordance with details agreed in 09/00216/D;
6. Details of internal partitions and joinery.