

## AGENDA ITEM NO: 8/2(b)

<b>Parish:</b>	<b>King's Lynn</b>	
<b>Proposal:</b>	<b>Conversion of first floor and extension to create second floor to create six flats, including alterations and demolition</b>	
<b>Location:</b>	<b>Royal British Legion 33 - 39 Tower Street King's Lynn Norfolk</b>	
<b>Applicant:</b>	<b>Mrs M J Guest</b>	
<b>Case No:</b>	<b>15/00613/F (Full Application)</b>	
<b>Case Officer:</b>	<b>Mr C Fry Tel: 01553 616232</b>	<b>Date for Determination: 11 June 2015 Extension of Time Expiry Date: 6 July 2015</b>

**Reason for Referral to Planning Committee** – Referred to Committee by the Planning Control Manager.

### Case Summary

The application site lies within an area defined as Built Environment Type C and the St Margaret's Conservation Area of King's Lynn.

The existing building has single and two storey elements and has been used by the Royal British Legion as a Social Club at ground floor and offices above.

The proposal seeks consent for alterations and extensions to create 6 flats above the social club.

### Key Issues

Impact upon the Conservation Area and listed buildings  
Amenity Issues  
Flood Risk  
Highway Safety  
Other Material Considerations

### Recommendation

**APPROVE**

## THE APPLICATION

The application site lies within Built Environment Type C and the St Margarets Conservation Area according to Local plan Proposals Maps for King's Lynn

The site is on the eastern side of the southern section of Tower Street. The site contains a building that essentially has two elements. The original part of the building is two storey, and there is a flat roof addition to the rear of the building that flanks Regent Way. The building is rendered and painted.

The building at ground floor has been used by the Royal British Legion as a social club and the first floor has been used as offices.

The proposal seeks to provide 6 flats through alterations and extensions to the building. The original part of the building will have a second floor constructed from zinc and the flat roof element of the building will have first and second floor additions. The first floor will be rendered and painted and the second floor constructed from zinc. Windows will be same style as those found in the existing. The flats will benefit from a communal amenity area and flat 5 will have its own terrace area.

No change of use is proposed at ground floor.

## **SUPPORTING CASE**

The application has been support by a planning statement:-

- 33-39 Tower Street was, from its construction in the 1950s until about the late 1970s/early 1980s, a printing works and stationer's.
- The ground floor of the unit is essentially one unit and the Tower Street entrance-lobby/stairs to the first floor is the other.
- The ground floor has been used by the British Legion as a social club and the first floor for office accommodation.
- The site at 33-39 Tower Street sits at the corner of Tower Street and Regent Way. It is within easy walking distance of the town centre but is also, in reality, on the edge of it and in the secondary sub-division of the retail zone.
- The area demonstrates a mixed useage
- Conversion to residential use can offer opportunities that are supported by government in an attempt at introducing residents to urban areas
- The proposal is to convert the present upper office area into 2 residential flats and add four more new flats on 2 levels in what would effectively become a three storey building that incorporates a balcony to the higher Tower Street end unit –the additions being achieved with a lightweight timber-or steel-framed structure. All six flats would be served by the present Tower Street entrance-lobby and common stairs with a further flight added from first to second floor. It is also intended to refurbish the old work's goods-lift by installing a passenger version and extend the shaft to the new second floor, which will increase access – especially for disabled users.
- A single storey, first floor link would be built over the RBL clubroom to the eastern two flats, themselves also built over the club.
- A private amenity area has been incorporated at first floor level, to which all residents would have equal and easy access.
- The Strategic Housing Land Availability Assessment of 2011 identifies the need for smaller sized properties in the borough.
- No parking is required to be provided on site given the other modes of sustainable transport available.
- The scale of the proposal here is relatively modest. Comparisons with the two-storey, parapet-roofed building at the southern end of Tower Street occupied by Fenton's is worthwhile but the raised structure at 33-39 Tower Street will be set back and so again dominance is muted.
- The gap at first/second floor level in the north elevation also helps to ameliorate any sense of massing in a street elevation that is, in any case, punctuated by spaces. There is no horizontal creep.
- The two main elevations – north to Regent Way and west to Tower Street – are predominantly rendered. In a bid to liven up the building it is proposed to clad the

second floor level in zinc, to reflect the clean-metallic lines of the multi-storey carpark. The lower floors will be rendered to match the existing.

- Other alterations include the reinstatement of the art-deco parapet and add a glass balustrade behind to guard the balcony.
- Access to the building will remain as existing – from Tower Street into the entrance-lobby. The lobby will also contain areas for bins and cycle-storage.
- The site lies within Flood Zone 1 (little or no risk). As there is by definition, no sleeping accommodation at ground floor level-all flats being above this – no FRA has been formulated. In any event, existing floor levels cannot be altered.

## PLANNING HISTORY

12/00827/A: Application Permitted: 24/08/12 - Advertisement Consent: 1 x fascia sign

11/01905/CU: Application Permitted: 19/01/12 - Change of use to D1 to accommodate office/classroom based education/training use

11/01655/LDE: Non-determined Invalid now returned: 09/03/12 - Certificate of lawful development - Use of site as D1

11/00728/F: Application Permitted: 23/06/11 - Replacement of first floor windows and door

2/99/1442/CU: Application Permitted: 20/12/99 - Change of use from retail to office and storage

2/96/1410/CU: Application Permitted: 10/12/96 - Change of use from retail to bistro (class A 3)

2/96/0962/F: Application Permitted: 30/08/96 - Installation of front door and pedestrian access to property for use as a restaurant including railings (amended access)

2/96/0601/CA: Application Permitted: 04/07/96 - Incidental demolition in connection with creation of new door and pedestrian access to unit

2/96/0600/F: Application Permitted: 04/07/96 - Installation of front door and pedestrian access to property for use as a restaurant including railings

2/96/0072/CU: Application Permitted: 13/03/96 - Change of use from retail unit to restaurant

2/95/1439/F: Application Permitted: 28/11/95 - Display of 6 painted boards

2/95/0038/CU: Application Permitted: 27/02/95 - Change of use of unit to coffee shop

2/94/0790/CU: Application Permitted: 10/07/94 - Change of use of light industrial units/workshop to two retail units

## RESPONSE TO CONSULTATION

**Conservation Officer: NO OBJECTION** The building is in a prominent corner location within the conservation area and is falls within the scope of the THI project. Whilst the property is kept in good repair it has little presence and is somewhat overpowered by the bulk of the Kwik-fit building which sits directly next to the flat roofed part of 33-39 emphasising its “squatness”. Overall I would therefore suggest that its impact on the character of the conservation area can only be described as neutral at best.

The addition of this well designed and detailed second floor will give the building more height/bulk and therefore more impact The stepped parapet detailing is reminiscent of what previously existed in the 1970s when it was occupied by Watts & Rowe Printers and Stationers and the proposal to clad the new section in zinc is a modern twist which will sit comfortably against the adjacent buildings. It will partially obscure views of St Margarets Minster & Greyfriars Tower but I do not think that it is sufficient to cause harm to either their setting of the character of the Conservation Area. On the other hand the proposal delivers public benefit and therefore accords with the requirements of the NPPF.

**Conservation Areas Advisory Panel: COMMENTS:** The Panel consider the proposal was acceptable and did not object to the suggested materials of zinc or render.

**Historic England: NO OBJECTION** The application site is currently occupied by a part single storey, part two storey structure initially constructed as a printing works and stationers. The fabric is constructed of structural steel beams, columns and loadbearing masonry walls, which are rendered. This, along with its flat roof, do not contribute positively to the Conservation Area in its current form. The building has most recently been used by the Royal British Legion and lettable office space.

Views to St Margaret's Church towers, grade I listed, to the west and glimpses of the High Street to the south are available from the site, but are limited. The Large industrial structures immediately around the site convey a variety of uses and building styles which, again, do not contribute positively to the conservation area. Greyfriars Tower, grade II\* listed, is in close proximity to the development site, although this is not visible from the site, nor do the proposals have an effect on the setting of it, due to the substantial properties immediately adjacent.

The alterations proposed vary the external appearance, but most substantially include for an additional storey clad in zinc. This is a design response to the brief, but does not have a negative impact on the conservation area. The use of a modern material would not sit uncomfortably within this specific area, and a good quality development could provide some enhancement to the conservation area. The vertical extension will be visible, but will not deflect existing views to important features such as Greyfriars Tower to the south or Church to the west.

The National Planning Policy Framework identifies protection and enhancement and established a presumption in favour of substantial development in the planning system (paragraphs 6,7,14). Good design is a key part of sustainable development, and the Government attaches great importance in it (paragraph 56). The NPPF also states that the significance of listed buildings and conservation areas can be harmed or lost by alteration to them or development in their setting (paragraph 132) and that the conservation of assets (in this case King's Lynn Conservation Area) is a core principle of the planning system (paragraph 17).

We have considered the current proposals in light of this government policy and relevant Historic England guidance. The proposals will have an impact on the conservation area, but in this instance will not detract from its quality and therefore are in accordance with paragraphs 56 and 17 of the NPPF. Good design should allow for quality detailing and use of high quality materials, which would be expected in the conservation area.

The principle and design of the proposals are acceptable and we do not have any objections. If minded to approve, it should be noted that the council should ensure proper conditions which require good quality materials and detailing to be attached.

**Environmental Health & Housing – Community Safety Neighbourhood and Nuisance: NO OBJECTION** - subject to condition

**Environmental Health & Housing – Environmental Quality: NO OBJECTION** subject to condition.

**Emergency Planner: NO OBJECTION** - subject to condition

**Norfolk Constabulary: NO OBJECTION**

## **NCC Highways: NO OBJECTION**

### **REPRESENTATIONS**

**Cllr Bambridge** has commented in support of the application:-

The development would provide much needed accommodation in the town. Town Centre accommodation helps reduce anti-social behaviour. The flats would have lifts to the higher floors which would benefit the elderly and the position would give the residents easy access to town centre shops including a supermarket as well as to amenity spaces like The Walks and St James Swimming Pool. The exterior design blends well into the original design of the existing building. This, along with the Townscape Heritage Initiative which will bring improvements to the fabric of nearby buildings, can only enhance this part of town which is busy walkthrough from the Friars and South Lynn. I support the application

### **NATIONAL GUIDANCE**

National Planning Policy Framework – sets out the Government's planning policies for England and how these are expected to be applied.

National Planning Practice Guidance - Provides National Planning Practice Guidance, in support of and in addition to the NPPF

### **PLANNING POLICIES**

The King's Lynn and West Norfolk Local Plan (1998) contains the following saved policies that are relevant to the proposal:

**4/21** - indicates that in built-up areas of towns or villages identified on the Proposals Map as Built Environment Type C or D development will be permitted where it is in character with the locality.

### **LDF CORE STRATEGY POLICIES**

**CS03** - King's Lynn Area

**CS08** - Sustainable Development

**CS09** - Housing Distribution

**CS10** - The Economy

**CS11** – Transport

**CS12** - Environmental Assets

### **SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PRE-SUBMISSION DOCUMENT**

**DM1** – Presumption in Favour of Sustainable Development

## **DM17 - Parking Provision in New Development**

## **DM15 – Environment, Design and Amenity**

### **OTHER GUIDANCE**

Conservation Area Character Statement.

### **PLANNING CONSIDERATIONS**

The main planning considerations in regards to the application are:-

- Impact upon the Conservation Area and Customs House
- Amenity Issues
- Flood Risk
- Highway Safety
- Other Material Considerations

#### **Principle of Development**

The proposal involves additions and alterations to 33-39 Tower Street, King's Lynn to create 6 flats at first and second floor level. This will involve the loss of office space in the town centre. Whilst Policy CS10 of the Local Development Framework Core Strategy seeks to retain land or premises currently or last used for employment purposes, it is considered that the loss of office space can be accepted in the town centre. Residential uses in town centres can also contribute to their vibrancy.

The ground floor of the building which has been used as a social club is retained (Sui-generis use).

#### **Impact upon the Conservation Area**

The application site is within the King's Lynn Conservation Area and in the vicinity of the St James Street THI area. The nearest listed building is 29 Tower Street. The Conservation Area and listed buildings are defined as 'designated heritage assets' by the NPPF. Distant views are also afforded of St Margaret's Church, Grade I listed building, to the West whilst Greyfriars tower, a grade II\* listed building to the west, is not seen in context with the site.

The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) places statutory duties upon Local Planning Authorities. In determining applications that affect a Listed Building or its setting Section 66(1) states that the Local Planning Authority 'shall have special regard to the desirability of preserving the building or its setting'. In determining applications that affect Conservation Areas, Section 72 of the act, requires the LPA to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area when determining applications affecting buildings or land within the Conservation Area or its setting.

In addition, Paragraphs 126-131 of the of the National Planning Policy Framework (NPPF) refer to the need for Local Planning Authorities to take into account the need to sustain and enhance the significance of heritage assets. The intent of these paragraphs is to ensure that new development makes a positive contribution to local character and distinctiveness, and pays regard to heritage assets.

The impact upon heritage assets includes any contribution made to their significance by their setting. The National Planning Policy Guidance refers to the setting as: “the surroundings in which an asset is experienced, and may therefore be more extensive than its curtilage”. The NPPF, specifically paragraph 136, states that: “local planning authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably”.

At a local level, specifically in relation to Heritage Assets, Policy CS12 seeks to protect and enhance the historic environment, identifying the crucial role played by the historic environment in delivering environmental quality and well-being.

Policies CS03, 08 (Core Strategy) and DM15 (of the Draft Submission Development Management Policies Pre-submission Document) refer to the general requirements of good design such as: scale, height, massing, materials and layout of the development needing to be appropriate in a given context.

The St Margaret's Conservation Area Character Statement does not make particular reference to this building but describes the immediate area. Regent Way, to the west of the site, is said of been created in the 1960's following the demolition of St James House. The Kwik Fit building to the south of the site, the tallest building adjacent to the site, was constructed in 1908. The view to the east on Tower Street is described as being rather bleak. As the Conservation Area Character Statement states, the northern end of Tower Street is more rewarding.

The building comprises of two distinct elements. The original element that fronts Tower Street is two storey in scale and likely to have been constructed in the 1950's. The second element of the building is a later flat roof addition to the rear. The ground floor has been used by the Royal British Legion as a social club and the first and second floors used as office accommodation.

English Heritage has commented, in regards to the character of the building “as being single storey, part two storey structure constructed as a printing works and stationer's. The fabric is constructed of structural steel beams, columns and loadbearing masonry walls, which are rendered. This along with its flat roof, do not contribute positively to the Conservation Area in its current form.”

The Conservation Officer comments that the building has little presence in the Conservation Area and is somewhat overpowered by the Kwik-fit building which sits directly next to the flat roofed part of 33-39 Tower Street emphasising its squatness. The officer suggests that the building's impact on the character of the Conservation Area can only be described as neutral at best.

The proposal seeks alterations and extensions to the building to create 6 flats all accessed from Tower Street. The ground floor will retain its permitted use. With the exception of removing the fire escape staircase there will be no external changes at ground level to the building.

The two storey element of the existing building will have an additional floor, stepped in on all elevations. The additional storey will be clad in Zinc. Other alterations to the original part of the building include, reinstating on the west elevation a parapet wall similar to that which was once on the west elevation of the building. Behind the parapet detailing, balustrading with glass insets enclose a roof terrace area. The first floor and proposed second floor of the original building will provide 4 flats.

Two storeys will be added over the flat roof rear element at the rear of the building, to provide 2 flats. These flats will be accessed by a single storey linking corridor, from the existing first floor element the building. The single storey addition is stepped back from the north elevation to facilitate a private amenity area. The first floor additions on the rear will be rendered with the second floor being clad in zinc to tie in with the second floor addition over the original element of the building.

Fenestration style is of similar style and proportion to the existing.

The height of the building will be no taller the adjacent buildings and does not compete in scale with the Kwik Fit building. The use of zinc is a contemporary design solution, and the agent says it has drawn reference from the use of modern materials in the St James Multi Storey carpark structure.

The extensions and alterations to this building will undoubtedly make it more prominent in the Conservation Area than it is at present.

The Conservation Officer comments that the scheme is well designed and the second floor will give the building more height/bulk and therefore more impact. The stepped parapet detailing is reminiscent of what previously existed in the 1970s when it as occupied by Watts & Rowe Printers and Stationers and the proposal to clad the new section in zinc is a modern twist which will sit comfortably against the adjacent buildings.

The Conservation Areas Advisory Panel had no objection to the proposal nor specifically the use of zinc and render.

Historic England has commented that “views to St Margaret’s Church towers, grade I listed, to the west and glimpses of the high street to the south are available from the site, but are limited. The large industrial structures immediately around the site convey a variety of uses and building styles which, again, do not contribute positively to the development site, although this is not visible from the site, nor does the proposals have an effect on the setting of it, due to substantial properties immediately adjacent”. Historic England also state that the use of zinc “...does not have a negative impact on the conservation area. The use of modern material would not sit uncomfortably within this specific area, and a good quality development could provide some enhancement to the conservation area. The vertical extension will be visible, but will not deflect existing views to important features such as Greyfriars Tower to the south or Church to the west.”

Paragraph 132, of the National Planning Policy Framework, requires when “considering the impact of a proposed development on the significance of a designated heritage asset weight should be given to the asset’s conservation”. In this context it is considered that whilst the building will be more prominent it will enhance the character of the building and this part of the conservation area. Historic England do not object and the Conservation Officer and Conservation Areas Advisory Panel both support the scheme; as such the proposal is considered to satisfy paragraph 132 and s. (66) and (72) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

### **Amenity Issues**

Paragraph 17 and 56 of the National Planning Policy Framework requires existing and future occupiers of land and buildings to have a good standard of amenity. The layout of the buildings as submitted had four windows, two windows to flat 3 and two windows to flat 4 being directly opposite the kwik fit building. This would have promote a poor standard of living, as to benefit from sunlight would have been difficult given the height of the kwik fit building. An amended plan is to be submitted in late correspondence, with two of the

bedroom windows being located on the south elevation of the building provide a better standard of living and a sunpipe to the middle bedroom of flat 4 improves the standard of living in this particular room. Whilst the middle bedroom of flat 3 will still have little sunlight this is not considered to be detrimental enough to warrant a refusal of the application.

The upper floors of the Kwik fit building are vacant and there are no windows in the gable end of the adjoining building. The windows on the front elevation and the balcony area will look towards the first floor of the building opposite. The windows to the flats on the Regent Way elevation look towards the service yards of the buildings in the northern section of Tower Street. All of these relationships are considered to be acceptable.

The scale of the resultant building is considered to cause minimal impact upon neighbour amenity. It has to be expected that there are close relationships between properties in the town centre.

The communal amenity area over the flat roof element of the building can lead to occupiers of the flats looking into habitable room windows of flats 2 and 3. However the purchasers of these flats will be aware of this relationship.

The Environmental Health and Housing – CSNN team has no objection subject to a sound insulation condition which protects the future occupiers of the flats from being disturbed from the activities at ground floor.

### **Flood Risk**

The site lies within an area designated as Flood Zone 1 with habitable accommodation on the first and second floors in a breach model area of 0 -0.25m above ground level. Consequentially the proposal does not cause flood risk issues.

The Emergency Planner requests that future occupiers of the dwellings sign up to the Environment Agency Floodline Warnings Direct (FWD) service – this can be an informative attached to the decision notice. The requirement for a flood evacuation plan is not considered to be necessary or enforceable in terms of paragraph 005 of the National Planning Practice Guidance.

### **Highway Safety**

The Highways Officer has no objection to the scheme. No on-site parking is required as the site is located in the town centre.

### **Other Material Considerations**

The Environmental Health and Housing – Environmental Quality has no objection to the application subject to conditions in relation to asbestos.

## **CONCLUSION**

The main issue for consideration here is the impact of the proposed development upon the Conservation Area. The current building is not significant in the Conservation Area and can be described as a neutral contributor to the character of the Conservation Area. The additions and extensions to the building will make it more prominent, but will not harm the wider Conservation Area, and indeed could be argued to enhance it.

Historic England, the Conservation Officer, Conservation Areas Advisory Panel have no objection to the scale of the extensions and the scheme in general. This is given weight by officers and the proposal is considered to preserve the character of the Conservation area in accordance with section 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

The proposal is not considered to cause any detrimental impact upon neighbour amenity such that it would warrant a refusal of the application. There is no objection on highway grounds given the central location, and all other issues can be dealt with by condition.

The proposal therefore complies with paragraphs 17, 56, 64 of the National Planning Policy Framework and policies CS03, 08, 09, 10, 11, 12 of the Local Development Framework Core Strategy and Policy DM 15 of the Draft Development Management Plan.

## **RECOMMENDATION:**

**APPROVE** subject to the imposition of the following condition(s):

- 1 Condition The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition The development hereby permitted shall be carried out in accordance with the following approved plans:-
  - Floor Plans as Proposed drawing no.1878-5 dated March 2015 received 16th April 2015
  - Proposed Elevations drawing no.1878-6 B dated March 2015 received 30th April 2015
  - Building sections as proposed site and location plans drawing no.1878-7 received 16th April 2015
- 2 Reason For the avoidance of doubt and in the interests of proper planning.
- 3 Condition Prior to occupation of the scheme hereby permitted, a detailed scheme for the sound insulation of the building shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved before the development is occupied and thereafter retained and maintained.
- 3 Reason In the interests of the amenities of the locality in accordance with the principles of the NPPF.
- 4 Condition Prior to the commencement of the development hereby approved, a survey specifying the location and nature of asbestos containing materials and an action plan detailing treatment or safe removal and disposal of asbestos containing materials shall be submitted to and approved by the local planning authority. The details in the approved action plan shall be fully implemented and evidence shall be kept and made available for inspection at the local planning authority's request.
- 4 Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried

out safely without unacceptable risks to workers, neighbours and other offsite receptors. This needs to be a pre-commencement condition given the need to ensure that contamination is fully dealt with at the outset of development.

- 5 Condition Prior to first occupation of the development hereby approved evidence of the treatment or safe removal and disposal of the asbestos containing materials at a suitably licensed waste disposal site shall be submitted to and approved by the local planning authority.
- 5 Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, and to ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of land after remediation.
- 6 Condition No development shall take place on any external surface of the development hereby permitted until samples of the materials to be used in the construction of the external surfaces of the building(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 6 Reason To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.
- 7 Condition Notwithstanding the approved plans, details of the following items at scale of 1:20, or as otherwise specified, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development:-
  - i) detailed drawing of all new or replacement joinery works involving windows.The development shall be carried out in accordance with the agreed details.
- 7 Reason In the interests of safeguarding the amenity of the Conservation Area in accordance with the principles of the National Planning Policy Framework.