

clearthinking

COMMERCIAL PROPERTY ADVICE



SUPPORTING PLANNING STATEMENT

Town and Country Planning Act 1990
Planning and Compulsory Purchase Act 2004
Localism Act 2011

Proposal: Demolition of the wall structure.

Land at: Jewson, Newmarket Road, Cringleford, Norwich, NR4 6UE.

On Behalf Of: Saint-Gobain Building Distribution Ltd (parent company of Jewson).

Prepared By:

Chris Hammersley

Harris Lamb | Grosvenor House | 75-76 Francis Road | Edgbaston | Birmingham B16 8SP

Telephone: 0121 455 9455 Facsimile: 0121 455 6595 E-mail: chris.hammersley@harrislamb.com

Job Ref: P1847 Date: 2 July 2021

SUPPORTING PLANNING STATEMENT

JEWSON, NEWMARKET ROAD, CRINGLEFORD, NORWICH, NR4 6UE

Main Contributors

Chris Hammersley

Issued By

Signature:



Print Name: CHRIS HAMMERSLEY

Date: 02/07/2021

Approved By

Signature:



Print Name: PATRICK DOWNES

Date: 02/07/2021

CONTENTS

1.0 INTRODUCTION

2.0 DESCRIPTION OF SITE AND SURROUNDING AREA

3.0 DESCRIPTION OF PLANNING APPLICATION PROPOSAL

4.0 RELEVANT PLANNING POLICY CONSIDERATIONS

a. Development Plan Policy

b. Relevant National Policy Guidance

5.0 CASE FOR THE APPLICANT

6.0 CONCLUSIONS

1.0 INTRODUCTION

- 1.1 This Supporting Planning Statement (**'SPS'**) has been prepared by Harris Lamb Planning Consultancy (**'HLPC'**) on behalf of Saint-Gobain Building Distribution Ltd, the parent company of Jewson (**'the applicant'**) to support a planning application at Jewson, Newmarket Road, Cringleford, Norwich, NR4 6UE, for the demolition of the wall structure.
- 1.2 There are two problems on site concerning the existing wall which forms the shared boundary with Jewson to the rear of this site, including:
- The existing wall is deteriorating badly, although the wall has not been deliberately neglected.
 - The existing wall is causing security issues and crime for the Jewsons site.
- 1.3 The applicant sought pre-application advice from the Council concerning the proposal to demolish the entire dilapidated wall, maximum height of 1.85m within the industrial estate in the conservation area, and its replacement wall with approximately 20m linear blockwork with render finish and cap brick, 1.6m height.
- 1.4 The initial pre-application response confirmed that the proposal would require planning permission. A further pre-application response (19/05/21), states the Conservation Officer has been to site and comments, as follows: *'The wall is behind a converted barn so is not visible from the street and is not noted in the conservation area appraisal as a wall of townscape value. Having said that the area is noted for its flint and brick walls, and there is a wall along the west boundary to the neighbouring house. One section has failed at B on the plan and is cracked at point A (with reference to a wall condition report submitted with the pre-application). The wall has galvanised spiked railing on top which continues along the entrance gates. An ideal option would be to rebuild the sections at A and B, repair the rest and keep it, but if the applicant is going to demolish then it is felt that Council would be*

hard pressed to resist that but would look to get a better result than the applicant's suggestion which is a block wall with a rendered finish. The Council would prefer a flint and brick wall but definitely a face brick wall.'

- 1.5 According to Part 2 (Minor Operations), Class A – gates, fences, walls etc of the General Permitted Development Order, the replacement wall with approximately 20m linear blockwork with render finish and cap brick, 1.6m height (as suggested in the pre-application proposal) would amount to permitted development. Accordingly, clarification of the need for planning permission was sought.
- 1.6 A third pre-application response from the Conservation Officer comments, as follows: *'The wall and any metal railing affixed to it if the total height is more than 2 metres in height, should be treated as one structure for the purposes of planning legislation and therefore planning permission is needed to demolish it. Permission would not be needed to rebuild the wall if under 2m in height.'*
- 1.7 The fall-back position is planning permission would not be required for the demolition of the entire wall and any metal railing affixed to it if it is less than two metres in height, as follows: Planning permission is only required for "relevant" demolition. Under section 196D of the T&CP Act 90, certain buildings are excluded from the definition of "relevant" demolition, including those to which section 74 of the Planning (LB & CA) Act 90 does not apply. Section 74 of the Act shall not apply to: (b) any gate, wall, fence or means of enclosure which is less than one metre high where abutting on a highway (including a public footpath or bridleway), waterway or open space, or less than two metres high in any other case.
- 1.8 The metal railing is a separate (later) addition to the wall.
- 1.9 It is arguable that the removal of the metal railing would mean that planning permission would not be required for its demolition. However, for the sake of good order the Applicant is submitting the application for planning

permission for the proposed works. The fall-back position remains a material consideration, as is referred to in Section 5 below.

2.0 DESCRIPTION OF SITE AND SURROUNDING AREA

- 2.1 The wall relates to an area of land within the industrial site and is located to the rear of the building next to the Jewsons entrance. The land is commercial and used for parking cars related to the use of the commercial premises. The building at the front of the application site and wall are both designated heritage assets by virtue of their location within a Conservation Area. The Jewson premises and yard fall outside of the designated heritage asset.
- 2.2 The wall forms the shared boundary with Jewson to the rear of this site. The wall is within the sight lines from the rear of the designated heritage asset building. However, the industrial estate nature of the surroundings is the context in which the existing and replacement wall would be seen. The existing wall is low in height and is not visible in views from outside the application site and is not noticeable in streetscape (the Conservation Area). See, Paragraph 1.4 above, which confirms the Council's view of this point.
- 2.3 The wall cannot be seen from the nearby house, no.11 Newmarket Road. The conservation area contains 9 listed buildings. However, no.11 Newmarket Road is not a listed building,

3.0 DESCRIPTION OF PLANNING APPLICATIONS PROPOSAL

3.1 The proposal is for the demolition of the wall structure.

3.2 In terms of the overall size of the industrial estate the wall is relatively short in length. The wall is also low in height, 1.6m in height along most of its length and a maximum of 1.85m in height. The existing 2.4m high galvanised palisade fence to the rear of the wall is to be retained.

4.0 RELEVANT PLANNING POLICY CONSIDERATIONS

a. Development Plan Policy/other documents

- 4.1 The South Norfolk Local Plan (2015) and Greater Norwich Joint Core Strategy (2011) form the development plans for the area.

South Norfolk Local Plan (2015)

- 4.2 Policy DM 4.10 (Heritage Assets) requires heritage assets (including their settings) to be protected, conserved, and enhanced.

Greater Norwich Joint Core Strategy (2011)

- 4.3 The Joint Core Strategy forms part of the South Norfolk Local Plan. Objective 9, Policy 1) require heritage assets (including their settings) to be protected, conserved, and enhanced.

- 4.4 Appendix 3 refers to 'saved' policies of South Norfolk Local Plan. However, these 'saved' policies make no reference to heritage assets.

Cringleford Neighbourhood Development Plan (2013-2026)

- 4.5 In this case, the relevant part of Policy GEN2, states: Both the NPPF and the Joint Core Strategy (2011 Objective 9, Policy 1) require heritage assets (including their settings) to be protected, conserved, and enhanced. Future development proposals must pay special attention to these policies, especially where development could affect the Conservation Area and identified significant buildings outside it.....

- 4.6 In this case, the proposal would not affect the identified significant buildings and their settings outside the Conservation Area named in Policy GEN 3 as shown on the proposals map.

Emerging Greater Norwich Local Plan (Review of the Greater Norwich Joint Core Strategy adopted 2011)

- 4.7 Adoption is timetabled for November 2022.

Cringleford Conservation Area Character Appraisal and Management Plan (2014)

- 4.8 The conservation area contains 9 listed buildings. There are a number of buildings which, though not listed, are considered to be of townscape significance. This includes the converted barn building next to the Jewsons entrance which contribute to the townscape quality. Buildings of both categories are shown on the map in Appendix 2 and scheduled in Appendix 6.

- 4.9 Appendix 4 refers to relevant 'saved' policies of the South Norfolk Local Plan: IMP 15 (Setting of Listed Buildings), IMP16 (Demolition in Conservation Areas), IMP18 (Development in Conservation Areas).

b. Relevant National Policy Guidance

- 4.10 Section 16 of the NPPF require heritage assets (including their settings) to be protected, conserved, and enhanced. I refer, in particular, to Paragraphs 194, 196 and 201 of the NPPF.

5.0 CASE FOR THE APPLICANT

5.1 The main issues are:

- Whether the wall within the industrial estate makes a positive contribution to the significance and setting of the conservation area. If it does not, then the application does not require justification.
- Whether the limited harm or loss caused by the proposal to the character and appearance of the Conservation Area can be outweighed by the public benefits and other factors in favour of the proposal.

5.2 The wall and the converted barn building next to the Jewsons entrance are designated heritage assets by virtue of their location within a Conservation Area. However, the wall is not visible from public vantage points as is confirmed by the Council's Conservation Officer (see, paragraph 1.4 above).

5.3 From the evidence available, including Cringleford Conservation Area Character Appraisal and Management Plan (July 2014), which states: *'the converted barn building next to the Jewsons entrance contribute to the townscape quality'*, the applicant considers that the significance of the converted barn building next to the Jewsons entrance is mainly experienced in views from the road. The wall appears to play no role in the public realm and, therefore, does not make a positive contribution to the appearance and character of the conservation area.

5.4 Section 72(1) of the Planning (LB&C) Act 1990, states: *'the local planning authority, in considering whether to grant planning permission for development in a Conservation Area must give 'special attention' (great weight) to the desirability of preserving or enhancing the character and appearance of that area. In this context, the fact that the wall has no material role in terms of views in the conservation area is a material consideration to be answered in the planning balance.'*

- 5.5 Para 201 of the NPPF, states: *‘Not all elements of a Conservation Area.....will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area.....should be treated either as substantial harm under paragraph 195, or less than substantial harm under Paragraph 196, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area.....as a whole.’*
- 5.6 Para 196, states: *‘Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.’* However, as set out above, the Act requires special attention (great weight) be paid to the desirability of preserving and enhancing (not harming) the character and appearance of the Conservation Area.’
- 5.7 *Para 194 of the NPPF, states: ‘Any harm to, or loss of, the significance of a designated heritage asset (....., or from development within its setting), should require clear and convincing justification.....’*
- 5.8 The local planning authority should identify and assess the particular significance of any heritage asset that may be affected by development including its setting.
- 5.9 The Council’s Conservation Officer pre-application response, states *“the wall is behind a converted barn so is not visible from the street and is not noted in the Council’s conservation area appraisal as a wall of townscape value. Nor is the wall mentioned in the South Norfolk Local Plan. Having said that the area is noted for its flint and brick walls, and there is a wall along the west boundary to the neighbouring house.”*
- 5.10 The industrial estate nature of the surroundings is the context in which the replacement wall would be seen. The wall cannot be seen from the nearby house, no.11 Newmarket Road (not listed).

- 5.11 A condition report accompanied the pre-application and is submitted with the current application (copy attached). The report says the wall needs repairing and will deteriorate further unless works are undertaken. The Council's conservation officer acknowledges that one section has failed at B on the plan, and is cracked at point A.
- 5.12 The Council's conservation officer pre-application response says an ideal option would be to rebuild the sections at A and B, repair the rest and keep it, but if the applicant is going to demolish then it is felt that the Council would be hard pressed to resist it.
- 5.13 The wall proposed to be removed is low in height and is one small part of the Conservation Area. Cars are parked in front of wall which screen views of the wall and therefore the structure is not highly visible in views to those coming to and from the site.
- 5.14 The wall is not a positive feature in the conservation area. Therefore, its demolition does not require justification. Even if there is harm or loss to the character and appearance of the conservation area, then it is less than substantial and public benefits and other relevant factors are set out below.
- 5.15 The proposal would bring public benefits, as follows:
- The existing wall is deteriorating badly, although the wall has not been deliberately neglected. The existing wall is also causing security issues for the Jewsons site. A replacement wall would greatly improve the security of the business and reduce thefts from the site and the area which is a public benefit (designing out crime of the development plan and NPPF).
 - The very poor condition of the wall is clear to see and is borne out by the inspection carried out for the applicant. A condition report confirms the wall needs repairing and will deteriorate if its neglected (copy attached). The Council's conservation officer pre-application response acknowledges that one section has failed at B on the plan, and is

cracked at point A. The owner needs a modern replacement which will be long lasting and suitable for designing out crime.

5.16 Other relevant factors giving weight, as follows:

- The wall has not been deliberately neglected. Therefore, weight can be attached to the condition of the structure in determining whether it can be demolished (see, Para 191 NPPF).
- The applicant considers the cost of repair and maintenance of the wall would be unviable and disproportionate to the limited scale of the harm to both the significance of the building (designated heritage asset) and in the context of an industrial estate. The conservation officer pre-application response says an ideal option would be to rebuild the sections at A and B, repair the rest and keep it, but if the applicant is going to demolish then it is felt that the Council would be hard pressed to resist it.

6.0 CONCLUSIONS

- 6.1 The Cringleford Conservation Area Character Appraisal and Management Plan (July 2014), states the converted barn building next to the Jewsons entrance contribute to the townscape quality. Therefore, the applicant considers that the significance of the converted barn building next to the Jewsons entrance is mainly experienced in view from the road. The Council's conservation officer pre-application response says the wall is behind a converted barn so is not visible from the street and is not noted in the Council's conservation area appraisal as a wall of townscape value. As a result, and in the context of the dilapidated wall within an industrial estate, the applicant considers the existing wall and metal railing affixed to it does not make a positive contribution to the significance and setting of the conservation area. Therefore, the application does not require justification.
- 6.2 Failing this, the applicant considers the development proposal will lead to less than substantial harm or loss to the significance of a designated heritage asset. The application is justified by virtue of the limited scale of any harm or loss caused to the character and appearance of the Conservation Area is clearly outweighed by the public benefits and other factors in favour of the proposal, in accordance with Local Plan Policy DM 4.10 (Heritage Assets) of the South Norfolk Local Plan (2015), objective 9, Policy 1) of the Greater Norwich Joint Core Strategy (adopted 2011), Policy GEN2 of the Cringleford Neighbourhood Development Plan (2013-2026), and the NPPF.
- 6.3 Accordingly, it is considered that planning permission should be granted, subject to condition(s).

clearthinking

commercial property advice



COMMERCIAL AGENCY



PROJECT
MANAGEMENT



BUILDING
CONSULTANCY



PROFESSIONAL
SERVICES



LAND & DEVELOPMENT



CORPORATE
SUPPORT



VALUATION



INVESTMENT



RATING



PLANNING
CONSULTANCY



PROPERTY
MANAGEMENT