

Report to Planning applications committee
Date 15 August 2013
Report of Head of planning services
Subject 13/01034/F Merchants Court St Georges Street Norwich

Item
5(5)

SUMMARY

Description:	Reconfiguration of existing roof structure to erect 3 No. penthouse apartments. Reconfiguration of the external car park area to create refuse stores, car parking and cycle provision. Erection of new external canopy to residential entrance and addition of rooflights.
Reason for consideration at Committee:	Objection
Recommendation:	Approve
Ward:	Mancroft
Contact Officer:	Jo Hobbs Planner 01603 212526
Valid Date:	10th July 2013
Applicant:	Mr Kevin Boylan
Agent:	Mrs Patricia Bessey

INTRODUCTION

The Site

Location and Context

1. The site is located on St Georges Street to the north of the river Wensum in the city centre. Merchants Court forms a three storey office building which is a locally listed building, and is in the city centre conservation area. The site is currently in use as an office, although not all of the building is occupied.
2. There are a variety of other uses surrounding the site. The Playhouse bar and theatre are to the south of the site. There are offices directly adjacent to the west of Water Lane dividing the two sites. To the east of the site is a row of two storey buildings forming commercial uses at ground floor with storage and ancillary uses at first floor.
3. Directly to the north of the application site are other residential units known as Amelia House. Also within this building there is a restaurant and bar at ground floor and some other smaller commercial uses within the building.
4. The surrounding area contains a mix of buildings, including a number of older buildings including listed buildings forming 25 to 29 St Georges Street which are closest to the application site. The Playhouse bar and theatre is a locally listed building. The streets also retain the medieval street patterns through the area.
5. The site contains some trees and shrubs within the parking area to the south of the building. The site is also within flood zone 2, in the area of main archaeological interest, the city centre leisure area and visitor attraction area. The site is also

within the Northern City Centre Area Action Plan boundary. Within this plan St Georges Street is defined as a key cycle and pedestrian route through the area, the car park of the application site an existing public square and the nearby open space a proposed public square, and the view south along St Georges Street a strategic view. The site is also visible from the river Wensum which forms part of the Broads Authority area, which has national park status.

6. Within the emerging local plan policies the site also falls within the city centre regeneration area and an area for reduced parking.

Planning History

7. There is no planning history relating to new dwellings within this building. There is an associated application for the conversion of floor 1 and 2 of this building to residential. This has been approved under a prior approval process (reference 13/01037/PDD), further information is provided on this in the report below.
8. There are a number of previous applications on the site that indicate the current use as offices and previous attempts to demolish the former shoe factory and redevelop with offices and flats which were refused.

Equality and Diversity Issues

There are no significant equality or diversity issues. The new dwellings would be in an accessible location. All new dwellings would be subject to Building Regulations to ensure accessibility for disabled persons where possible.

The Proposal

9. The application is for the extension of the building to create a third floor. Within this new floor would be 2no. three bedroom flats and 1no. two bedroom flat.
10. The ground floor of the building is proposed to be retained as offices. The first and second floor are to be converted to 17 residential flats. These are not subject to this planning application as new regulations enable these to convert to residential without needing to apply for Full planning permission. Prior Approval is required, and has been approved under application 13/01037/PDD.
11. The only parts of the development that require planning permission are the external alterations to the building. In this instance it only includes alterations to the car parking area to provide refuse storage, cycle parking, a revised separate residential entrance, rooflights to second floor flats and the creation of three flats on the third floor as this area is not currently in office use and is a roof void.

Representations Received

12. 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.

Issues Raised	Response
Loss of light within building	Para 54
Water drainage off roof through building	Para 55
Loss of trees and shrubs	Paras 37 - 38
Noise from adjacent uses disturbing future residents of flats	Paras 45 - 47

Consultation Responses

13. Environment Agency – no objections in principle; advise use of flood risk standing advice. No additional comments.
14. Local Highway Authority – no comments received.
15. Natural Areas Officer – no objections subject to mitigation measures.
16. Environmental Health – no objections in principle but some concern over noise from nearby plant, but can be addressed through condition.

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

National Planning Policy Framework:

Statement 2 – Ensuring the vitality of town centres

Statement 4 – Promoting sustainable transport

Statement 6 – Delivering a wide choice of high quality homes

Statement 7 – Requiring good design

Statement 10 – Meeting the challenge of climate change, flooding and coastal change

Statement 11 – Conserving and enhancing the natural environment

Statement 12 - Conserving and enhancing the historic environment

Relevant policies of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2011

Policy 1 – Addressing climate change and protecting environmental assets

Policy 2 – Promoting good design

Policy 3 – Energy and water

Policy 4 – Housing delivery

Policy 6 – Access and transportation

Policy 9 – Strategy for growth in the Norwich Policy Area

Policy 11 – Norwich City Centre

Policy 18 – The Broads

Policy 19 – The hierarchy of centres

Policy 20 – Implementation

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

NE8 – Management of features of wildlife importance

NE9 - Comprehensive landscaping scheme and tree planting

HBE3 – Archaeological assessment in Area of Main Archaeological Interest

HBE8 – Development in conservation areas

HBE12 – High quality of design

EP10 – Noise protection between different uses

EP16 – Water conservation and sustainable drainage systems
EP18 – High standard of energy efficiency for new development
EP22 – High standard of amenity for residential occupiers
HOU18 – Conversion of larger properties to multiple occupation
TRA3 – Modal shift measures in support of NATS
TRA5 – Approach to design for vehicle movement and special needs
TRA6 – Parking standards
TRA7 – Cycle parking provision
TRA8 – Servicing provision
TRA26 – Design and materials in streetscape

Relevant policies of the adopted Northern City Centre Area Action Plan 2008

LU1 – Mixed use development to promote regeneration and distinctive identity
LU3 – Residential development
MV1 – Sustainable transport
PR1 – New squares
TU1 – Design for the historic environment
TU2 – Key landmarks and views
ENV1 – Climate change mitigation and adaption

Supplementary Planning Documents and Guidance

Trees and Development (Adopted September 2007)
Flood Risk and Development (Adopted June 2006)
City Centre Conservation Area Appraisal (September 2007)

Other Material Considerations

The Localism Act 2011 – s143 Local Finance Considerations
Written Ministerial Statement: Planning for Growth March 2011

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. Both the 2011 JCS policies and the 2004 RLP policies above are considered to be compliant with the NPPF. 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.

Emerging DM Policies

(Please note that these policies were submitted to the Planning Inspectorate on 17th April 2013. After this time some weight can be applied to these policies. Some policies subject to objections have not been included in this list as these issues are unlikely to be resolved within the time frame of the application, and therefore should not be given much weight.)

DM1 - Achieving and delivering sustainable development
DM2 - Ensuring satisfactory living and working conditions
DM3 - Delivering high quality design
DM4 - Providing for renewable and low carbon energy
DM6 - Protecting and enhancing the natural environment
DM7 - Trees and development

- DM9** - Safeguarding Norwich's heritage
- DM12** - Ensuring well-planned housing development
- DM13** - Communal development and multiple occupation
- DM28** - Encouraging sustainable travel
- DM29** - Managing car parking demand in the city centre
- DM30** - Access and highway safety
- DM31** - Car parking and servicing
- DM32** - Encouraging car free and low car housing

Principle of Development

Policy Considerations

17. The proposed residential development in this location would be on previously developed land in an accessible and central location. Whilst there are some policies to protect main town centre uses within the city centre, the proposed development within this application would only maximise the use of part of the building which is currently inaccessible and not used. The principle of development is therefore considered to be acceptable, whether in isolation with the existing offices retained or as part of the residential conversion explained in para 7.
18. The key considerations would be residential density, transport, access and provision of car parking, cycle storage and refuse storage, design and impact on designated heritage assets, impact on residential amenity of existing neighbouring residents and future residents of the flats, flood risk, impact on protected species and trees, landscaping, archaeology, water conservation and local finance considerations.

Transport and Access

Access

19. The proposed development would be within a building that is currently used for offices. The car parking for the offices is proposed to be used for the residential units. Given the existing commercial use of the building, the level of car trips would if anything reduce with the proposed use. The site is in a highly accessible location to the city centre which would reduce the need to travel to a certain degree.

Car Parking

20. It is proposed to add one parking space to provide 11 parking spaces in total. These spaces are not just to be used for the proposed three units, but all 20 (as previously noted, prior approval application 13/01037/PDD allowed 17 flats on the first and second floors) that will result in the building as a whole. To ensure that the flats within this application do not exceed the maximum parking standards a condition is recommended to ensure no more than 5 spaces are used in conjunction with the flats.

Cycling Parking

21. A cycle store for 20 bikes has been indicated on the site plan. This would be sufficient for the proposed units in the whole building. A condition is recommended for provision as such.

Servicing

22. A communal refuse store is proposed. The size of the store is nearly sufficient, although the depth may need to be increased to accommodate the 12no. 1100 litre bins. This store would serve the retained ground floor offices, 17 flats on the first and second floor along with the 3 flats proposed at roof level under this application. The refuse store would be large enough for all of these to store refuse.
23. The refuse store should also be within 5m of the public highway with level access to

enable collection. The store is as close to the nearest adopted road as possible with a level access route. The potential for the refuse store to be located further away from St Georges Street is being considered, with refuse collection from Water Lane. Either arrangement would be acceptable, subject to appropriate appearance of the refuse store within the streetscene on St Georges Street. A condition is recommended for the precise location, size and appearance of the refuse store to be agreed.

Housing Proposals

Residential density

24. The application is only for three additional units. However as has been mentioned, an additional application has also been approved through prior notification to convert the first and second floor to residential. As considered in the section below, a condition is recommended to ensure implementation of this scheme in terms of noise and ensure parking standards are not exceeded for the proposed dwellings. Therefore the residential density of the area includes the conversion of the first and second floor to residential.
25. Within policy 11 of the Joint Core Strategy and policies LU1 and LU3 of the Northern City Centre Area Action Plan (NCCAAP) there is a target to regenerate the area in a sustainable manner, providing 900 dwellings within plan period, with higher densities accepted in the city centre. The surrounding area is developed to a similar high density and so the proposed development would not be out of character. Provided that the considerations into amenity can be met below the density is considered acceptable.

Design and heritage assets

Scale, form and design

26. The proposals would lead to the reorganisation of the existing roofslope, increasing the height of the roofs running parallel to St Georges Street by 0.8m. The section of the building containing the lift would also increase in height by 2.3m to accommodate the lift to the third floor.
27. The alterations to the roofslope would largely retain the existing roof slope and design. The height of the lift roof would increase, and this would be visible from St Georges Street as a prominent feature with no windows. However, the development would only extend the existing section of the building housing the lift shaft, and this component would be lower than the section of the main building fronting onto St Georges Street. The overall scale and form of the building would therefore be acceptable. A condition is recommended for external materials to be agreed to ensure a good quality to the appearance of the new development.

Impact on conservation area and listed buildings

28. The building is locally listed and was previously in use as a shoe factory. The original factory building which does not form part of this application was constructed around the mid 19th century. The building was later extended south to form the application site. This was constructed between 1914 and 1928 according to historic maps. The southern elevation was subsequently altered in the 1970s.
29. The site is within the City Centre Conservation Area and within the accompanying appraisal it is identified within the Colegate Character Area. The character area is partly defined by large 19th century leatherworking factories
30. The industrial heritage of the area leads to taller buildings being in keeping with the scale and form of development. The conversion of the roof to additional living space would lead to a noticeable increase in height of the building, but not to a degree that would be out of character to the surrounding area. The overall scale and form of development is therefore considered to be acceptable.

31. The proposals also entail the loss of a pre-1927 glazed roof lantern to create the internal atrium, but to ensure a good quality design finish a condition is recommended for the fenestration and elevation treatment of these internal elevations and terraces. Details are also recommended to be conditioned for the location and type of any rainwater drainage goods and any ventilation mechanisms for new bathrooms and kitchens.

Other alterations to the building

32. To enable the conversion of the building there are also a number of rooflights proposed on existing second floor roofslopes to be retained or rearranged to the north west of the building. These rooflights would not be highly visible to the surrounding area, and provided conservation rooflights are used would be of acceptable appearance. A condition is recommended for details of these to be agreed.
33. A glazed canopy is also proposed over the new entrance to the residential area. The canopy would be of minimal intrusion to the appearance of the existing building and therefore considered acceptable. The precise appearance is recommended to be agreed through condition.

Residential amenity

Existing neighbouring residents

34. There are residential units on the south side of the river at some distance on Duke Street, but also in more close proximity there are residential units to the north of the site in Amelia House. These however are at a lower level than the proposed development at third floor and on the same building line as the proposed rooflights and terraces. There may be limited views when standing on the edge of the terrace area to neighbouring dwellings, but the existing roofslope leads to the terraces being recessed to a certain degree that would prevent most overlooking.
35. The additional height would not reduce outlook, daylight or direct sunlight for any adjacent neighbouring dwellings due to the absence within close vicinity of residential units, and the absence of south facing windows at roof level on Amelia House to the north.

Noise

36. There would also be significant separation of windows and terraces from neighbouring windows to reduce the potential for noise disturbance from the new residential use.
37. The new dwellings would need to meet building regulation standards for noise insulation. As there is a separate prior approval for the first and second floor to be used as residential. The potential for this prior approval not being implemented, and the first and second floor remaining as flats has been considered. This could result in noise from offices directly underneath the proposed three flats at third floor. Although a condition to ensure the dwellings came into use at the same time as this use is an option however building regulations would ensure any noise insulation is installed between the floors. The loss of office space in this location, which is currently occupied, would not be something promoted by planning policy and therefore no such condition is recommended.
38. The noise from adjacent uses is also of consideration. The key windows on the three flats would be at sufficient height or facing away from the potentially noisy uses of the Playhouse theatre and bar to the south and wine bar and restaurant to the north, to not have any significant noise disturbance to future residents of these three flats.

Future residents

39. The residents of the three penthouse flats would have access to terrace areas and

so some form of private outdoor amenity space. Further to this adequate space has been provided for refuse and cycle storage.

40. The outlook from these flats would be provided through rooflights and the terrace area. Whilst this is not ideal, in a city centre location of high density of development, this is considered to be a suitable solution. Mechanical ventilation may be needed for some bedrooms close to the proposed plant area, to ensure ventilation without noise disturbance at night time. Conditions are recommended for further noise surveys to be carried out to ensure adequate acoustic screening around the plant and mechanical ventilation where required to allow ventilation whilst windows are shut at noise sensitive hours such as night time. Rooflights facing south within the roofslope would be at a sufficient distance and change in level to separate the rooflights from potential sources of noise disturbance from the theatre and bar to the south. Although noise may be audible, this is unlikely to be significant enough to lead to an unacceptable noise disturbance to future residents.

Alterations to form flats at first and second floor

41. Additional rooflights are proposed to the north west of the building for the flats at second floor. These require full planning permission as they form external alterations to the building. These rooflights would be to flats permitted under the prior approval application as referred to above. The provision of rooflights would lead to the potential for overlooking from neighbouring uses, although the majority of windows would be at a lower level. However, given the distance of the majority of these to the neighbouring commercial windows and the fact the rooflights would be at high level there is considered to be an acceptable level of amenity for future residents of the flats.
42. The atrium area proposed will have glazing enabling views up to the flats. However, given the distance, angle and absence of windows there would only be overlooking when people are accessing their flats. This would not lead to a significant loss of privacy.

Environmental Issues

Flood risk

43. The site is located within flood zone 2. As all residential development is located on the third floor the risk of flooding only relates to the access and egress from the building. For this reason a sequential assessment to consider other sites is not considered to be reasonable or necessary, subject to the suggested conditions below. Further to this the new buildings of a cycle store and refuse store would only be a very small additional amount of built form within this flood zone. The proposal is therefore not considered to increase flood risk elsewhere.
44. A number of mitigation measures are outlined in the flood risk assessment accompanying the application. These include flood proof doors, registering properties for Flood Warnings Direct with the Environment Agency and an evacuation plan agreed by planning condition. Conditions are recommended as such to cover these mitigation measures.

Trees and landscaping

45. The proposal entails the removal of one small tree and some low-lying shrubs to remodel the car park to enable the car parking, cycle storage and refuse storage. The loss of any biomass should be replaced where possible. However, this site is very constrained and whilst the loss of biomass is regrettable replacement tree planting would not be possible.
46. The existing trees on the site to be retained form an important part of the streetscape along St Georges Street, providing a visual break and softening of the appearance of the development along the street. An arboricultural implications

assessment has been submitted detailing tree protection measures during works to the building. A condition is recommended to ensure full compliance with the report.

47. A landscaping condition is recommended however for the existing landscaped areas to be enhanced with improved planting where possible and hard landscaping to be permeable where possible.

Protected species

48. The likelihood of bats using the existing roof structure has been considered. No evidence of bats has been found within the building. As a precautionary measure a condition is recommended in line with the mitigation measures recommended in the submitted ecology report, to ensure removal of ridge tiles by hand in case any bats are encountered. An informative note is recommended to remind developers of the requirement to obtain a licence from Natural England if any protected species are encountered.
49. The proposals entail the removal of some vegetation as detailed above. This vegetation is fairly mature and could contain nesting bird species. A condition is therefore recommended that removal only occurs outside of bird nesting season unless first agreed with the council.

Archaeology

50. The site is within the area of main archaeological interest in the city centre. The only new buildings are the cycle store and refuse store. These are on areas of existing hardstanding and so it is likely that any artefacts would have already been disturbed and removed from the site. However, as the site is within the main area of interest a condition is recommended for works to stop if any artefacts are found.

Water Conservation

51. Given the scale of development the dwelling would not need to have on-site renewable energy provision. Water efficiency would need to meet Code for Sustainable Homes level 4 for water usage. A condition should be applied to any consent to ensure as such.

Local Finance Considerations

52. Under Section 143 of the Localism Act the council is required to consider the impact on local finances. It is a material consideration when assessing this application. The benefits from the finance contributions for the council however must be weighed against the above planning issues however.

Financial Liability	Liable?	Amount
New Homes Bonus	Yes	Based on council tax band. Payment of one monthly council tax amount per year for six years.
Council Tax	Yes	Band yet known
Community Infrastructure Levy	Yes	£29,025 (indexed)
Business Rates	No	-

53. Community Infrastructure Levy would be liable for the three flats as they are new development. The former use was roof void that was not accessible to useable by the previous office use. For that reason the development would be liable for CIL.

Other issues raised

54. The amenity of occupiers of the offices has been raised. This is not an issue that

can be taken into account under current planning policies. In any case the internal atrium could be blocked at any point without the need for planning permission. The maintenance of rooflights and glazing is a consideration to ensure the amenity of future residents (for example, adequate outlook and natural daylight), but again cannot be considered under current planning policies for occupiers of offices.

55. The removal of rainwater from the building is only a planning issue insofar as to the appearance of the rainwater goods. The capacity of these pipes and internal location within the building are not matters covered by planning law.

Conclusions

56. The proposed three flats at roof level would lead to an appropriate form and design of development that would be acceptable to the overall appearance of the existing building and streetscene in the context of the conservation area, given the existing large factory buildings that have been built in the area in the 19th century. The distance of the nearest residential units would ensure there is no significant loss of amenity from overlooking, outlook, loss of daylight or direct sunlight.
57. The proposed development would have external private amenity space along with adequate cycle storage and refuse storage and some car parking.
58. Subject to conditions relating to landscaping, car parking, protected species, archaeology, flood proofing and site evacuation, water conservation, external materials and details of alterations to the building, the development is considered to be acceptable.

RECOMMENDATIONS

To approve Application No 13/01034/F at Merchants Court, St Georges Street and grant planning permission, subject to the following conditions:-

- 1) Standard time limit
- 2) In accordance with plans
- 3) Approval of external materials of bricks, tiles, windows and doors
- 4) Details of internal elevations of the new atrium area and terraces
- 5) Details of rainwater goods types and locations, ventilation mechanisms and locations for bathrooms and kitchens, conservation rooflights and entrance canopy
- 6) Compliance with Arboricultural Implications Assessment
- 7) Landscaping – including permeable paving
- 8) Removal of vegetation outside of bird nesting season
- 9) No more than 5 car parking spaces to be used in conjunction with flat
- 10) Provision of cycle storage
- 11) Details of location, size and appearance of refuse store
- 12) Archaeology – works to stop if artefacts uncovered
- 13) Water conservation for new dwellings
- 14) Flood proofing measures
- 15) Flood warning and evacuation plan
- 16) Additional noise survey to assess appropriate noise attenuation around plant and mechanical ventilation to flats where required

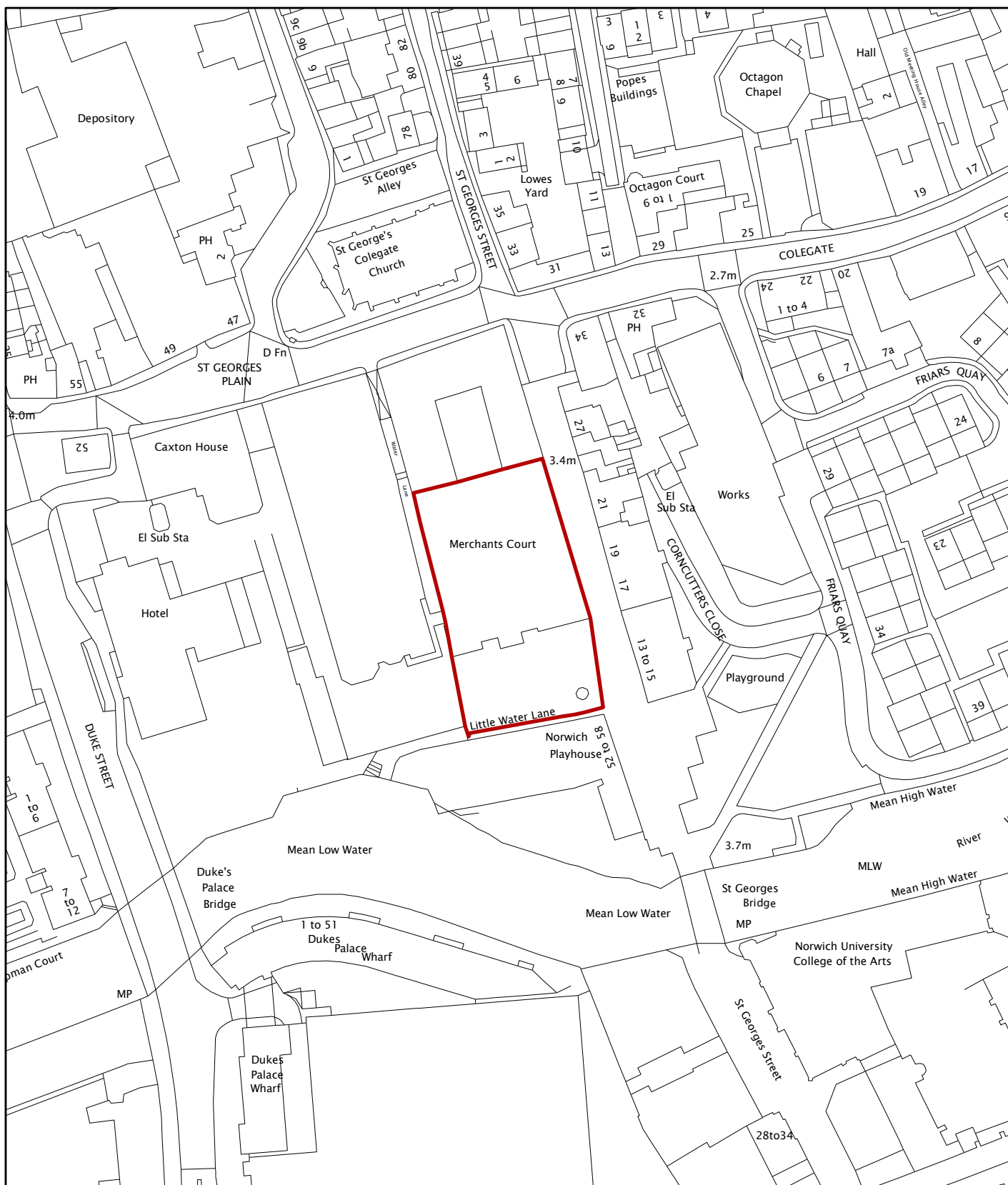
Article 31(1)(cc) Statement:

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 and has approved the application subject to appropriate conditions and for the reasons outlined above.)

Informative Note:

- 1) Requirement for protected species licence
- 2) Tree protection barriers



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Planning Application No 13/01034/F

Site Address

Merchants Court, St Georges Street
Norwich NR3 1AB

Scale

1:1,250



NORWICH
City Council

PLANNING SERVICES

