

Planning Applications Committee

12 March 2009

Agenda Number:	B1
Section/Area: I	INNER
Ward:	MANCROFT
Officer:	Gary Howe
Valid Date:	29 June 2007
Application Number:	07/00587/F
Site Address :	Land At The Corner Of St Saviours Lane And Blackfriars Street Norwich Norfolk
Proposal:	Redevelopment of site with 52 apartments; 6 town houses; 4 live/work units; 203 square metres of B1/A2 office uses in two, three, four and five-storey buildings with associated open space, vehicle access, car parking and refuse/cycle storage (Revised Scheme).
Applicant:	Gladedale (Anglia) Limited
Agent:	James Baisley

Background

Members will recall that this application was taken to Committee on 19 June 2008 when it was resolved to approve the development subject to the imposition of a number of planning conditions, which included additional conditions relating to the use of obscure glazing and energy efficiency measures as set out in the report, and the successful completion of a Section 106 Agreement. A copy of the original report is attached to this report as an Appendix.

Despite best endeavours, unfortunately to date the Legal Agreement remains outstanding and as there is a commitment to clearing the backlog of older applications before April, it is necessary to bring the planning application back to committee seeking a resolution for delegated powers to refuse planning permission should the Agreement remain unsigned prior to 27 March 2009.

Recommendation

If a section 106 agreement or satisfactorily worded undertaking is not completed prior to 27 March 2009 that delegated authority be given to the Head of Planning and Regeneration Services to refuse planning permission for the following reason:

1. In the absence of a legal agreement or satisfactory undertaking relating to the provision of affordable housing, children's play and open space provision and transportation contributions the proposal is contrary to saved policies HOU4, HOU6, SR4, SR7 and TRA11 of the adopted City of Norwich Replacement Local Plan.

References

Report and minutes of Planning Applications Committee 19 June 2008.

APPENDED REPORT

Planning Applications Committee

19 June 2008

Section B

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Ward:	Mancroft
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Applicant:	Gladedale (Anglia) Limited
Agent:	Bidwells

THE SITE

The application site is situated on the corner of St Saviours Lane and Blackfriars Street. It is opposite St Saviours Church to the north and the Smurfit Kappa factory to the east. The site backs on to the rear of properties which front Magdalen Street to the west, including Gurney House which is a grade II* Listed Building. The site is within the City Centre Conservation Area.

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RELEVANT PLANNING HISTORY

Planning permission was granted on 14th January 2004 (App. No. 4/2003/0240/F) for 'redevelopment of site to provide two - four storey office building (class B1) and 10 homes with associated parking areas' on the Hi Tech House site. This permission is still live. Conservation Area Consent was granted for the demolition of the factory building on 23rd December 2003 (App. No. 2/2003/0239/C) and this has subsequently been carried out. On 1st December 2003 planning permission (App. No. 4/2003/0618/F) was granted for three flats and maisonettes (in a two storey block) on the land between Hi Tech House and Gurney House. This permission is also still live.

THE PROPOSAL

The proposal consists of the redevelopment of site with:-

- 52 apartments;
- 6 town houses;
- 4 live/work units;
- 203 square metres of B1/A2 office uses in two, three, four and five-storey buildings;
- associated open space, vehicle access, car parking and refuse/cycle storage

SUPPORTING DOCUMENTS

- Arboricultural Implication and Method Statement (October 2007)
- Design and Access Statement (Revised March 2008)
- Financial Appraisal (May 2007)
- Flood Risk Assessment (January 2007)
- Geotechnical (Contamination) Report (May 2007)
- Energy Efficiency and Environmental Statement (May 2007)
- Noise Assessment (October 2007)

CONSULTATIONS

The original (29th June 2007) and revised (25th March 2008) proposals were advertised in the press, on site and adjacent occupiers notified.

Quality Panel Comments: The Panel liked the scheme. The environmental features and the architecture refer to the previous industrial use are especially welcomed. When it is submitted as a planning application there will need to be more contextual information relating to the scale of the new build surroundings. The Panel would encourage the architect to consider whether there is too much uninterrupted brickwork and whether the ground floor window openings could be larger while ensuring security through a defensive measure like shuttering.

In addition, consultations have also taken place with the following bodies:-

- English Heritage
- Environment Agency
- Anglian Water
- Broads Authority

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- Norfolk Landscape Archaeology
- Norfolk County Council (Strategic Planning)
- Norfolk County Council (Highways)
- Norfolk County Council (Obligations)
- Environmental Health

A summary of the replies to consultations is set out in Appendix 1 and 2 (copies of the letters will be available at the meeting).

PLANNING CONSIDERATIONS

Relevant Government Guidance:

PPS1 – Delivering Sustainable Development
PPS3 – Housing
PPG13 – Transport
PPG15 – Planning and the Historic Environment
PPG16 – Archaeology and Planning

Relevant East of England Plan Policies:

T14 - parking standards.
ENG1 - carbon dioxide emissions and energy performance.
WM6 - waste management in development.

Relevant Saved City of Norwich Replacement Local Plan Policies:

HOU9 A48 – Allocated of Hi Tech House site (part of the whole) for mixed use housing and office development (20 dwellings)
HOU18 – development of multi-occupied dwellings
HOU4 - affordable housing
HOU6 – requirements on housing development
HBE3 – archaeological interest in AMAI
HBE8 – development in Conservation Area
HBE12 – high quality of design
EP1 – contaminated land
EP18 – energy efficiency
EP12 – development at risk of flooding
SR4 – provision of open space to serve developments
SR7 – children’s playspace for new housing development
TRA5 – design to avoid domination by private car
TRA6 – parking standards
TRA7 - cycle parking standards.

Relevant Supplementary Planning Documents:

Open space and play provision
Transport Contributions
Energy efficiency and renewable energy
Trees and development

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Affordable Housing

Regeneration and Land Use

Site Specific Policy HOU9 A48 of the Local Plan promotes this site primarily for housing but in a mix with offices (A2 or B1). This scheme is consistent with this policy in that it provides for 52 apartments with 6 town houses and 4 live/work units together with offices accommodation at the corner of St Saviours Lane and Blackfriars Street amounting to 203 sq. metres. The site is also contained within the Northern City Centre Area Action Plan (Preferred Options Report Nov. 2007). It also promotes the site for a mix of employment and housing (policy WW4).

Noise Pollution

The application site is close to the Inner Ring Road (Magdalen Street Flyover) and opposite the existing industrial premises occupied by the Smurfit Kappa factory which produces cardboard packaging on a 24 hour basis. Whilst this business is an important employer within the City Centre it is known to generate some noise from machinery within the factory combined with noise from loading operations and HGV traffic movements. The location of the proposed offices at the corner of the site has been planned to act as a buffer to potential noise and the applicants have undertaken a noise assessment which suggests that the residential properties which front St Saviours Lane and Blackfriars Street should be provided with sound-insulating ventilators for when windows are closed. This would then bring them within the Council's adopted internal noise criteria.

Affordable Housing

It has been accepted that the application site suffers from a number of constraints. Policy HOU9 A48 recognises demolition (contamination in the building and land from previous uses) and highway improvements that would justify a reduction from the normally expected percentage of affordable housing. Policy HOU4 of the Local Plan suggests that in negotiating an element of affordable housing that the site size, suitability and economies of provision will be taken into account. The applicants have produced a financial appraisal of the viability of the proposed scheme (given the accepted constraints) which has been assessed by officers in Housing and Asset and City Management. They have concluded that the proposal could offer ten rented and two shared ownership units which represents a figure of 19%. The applicants have agreed to this figure and it is considered that this will need to be dealt with via a Section 106 Agreement.

Energy Efficiency

The applicants have submitted an Energy Efficiency Statement as required by policy EP18 of the Local Plan and the associated SPD. It suggests that the scheme uses good orientation to reduce the need for artificial lighting and take advantage of balconies and living rooms with south and westerly aspect to maximise passive solar gain in winter. Approximately 26% of the external walls are orientated within 30% of south. As well as reducing heat loss through design and materials the applicants propose to install thirty solar thermal panels to supply approximately 28% of the hot water demand. The remainder to be via low NOx boilers. Timber will be sourced from certified responsible

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forests. A rainwater harvesting system is also to be installed to collect and store roof run-off to be re-used to flush toilets and irrigate landscaped areas.

Overall the applicants aim to achieve the 'very good' EcoHomes rating which compares approximately to the Code of Sustainable Homes Level 3 standard.

Urban Design

The application site is within the Colegate area in the Norwich City Centre Conservation Area Appraisal. Although now demolished, the former Hi Tech House building would have represented a negative feature within the appraisal area. The site sits opposite the large frame Smurfit Kappa factory building which contrasts with the small scale of St Saviours Church to the north and the Council housing on the corner of Blackfriars Street and Fishergate to the south. Gurney House is a grade II* listed building situated near to the western boundary.

Design Approach

In design terms the approach by the applicants architect has been to recreate the St Saviours and Blackfriars Lane elevations with a building which has a strong industrial form, replicating former factories in the area. In particular the use of the saw tooth roof form is typical in other areas in Norwich and overall it is considered that the building will make a positive statement in the conservation area, although much will depend upon detailing. In terms of materials, the external street elevation will involve the use of vertical hung brick slips above a strong dark ground floor plinth with simple powder coated aluminium windows (some with aluminium outward opening insulated doors). Internally to the site, vertical stained weatherboard cladding is proposed, again with simple powder coated aluminium windows and doors and coloured fritted glass balconies. The roof will be of standing seam metal. The overall approach is supported by Quality Panel who saw an earlier informal submission.

Massing and Height

The relative height of the buildings (2-5 storeys) proposed has to some extent been dictated by the earlier scheme approved for the site in 2003 which included a two-four storey office building and ten residential units. Although of a similar height, the design of the current scheme is considered to be more innovative with a roof form which is more interesting and less dominant than the earlier scheme. In accordance with my suggestions, the block (block E) adjacent to the Council properties (6-8 Blackfriars Street) has been reduced to two storeys in order to sit visually more comfortably in the street scene.

Layout

The scheme effectively creates two distinct courtyards within the site. One is served via Blackfriars Street through a clear opening with mostly integral ground floor entrances and garages. The other courtyard off St Saviours Lane, through an 'industrial' height opening, leads to more integral garages together with a green communal amenity area. The scheme has been amended (25th March 2008) from that originally submitted to provide greater amenity space in this location. The revisions included amending the T shaped block (block F) which extends westwards near to the boundary with Gurney

APPENDED REPORT

House so as to avoid disturbing the roots of the trees in the adjoining gardens. The revision includes installing frosted glazing on the three-storey end elevation which faces west which will reduce loss of privacy into the rear gardens of the adjoining properties. There is now approximately 25 metres between the end of this block and the nearest point of Gurney House which is considered to be acceptable.

Transportation

Generally the site is situated in a highly sustainable location, close to the City Centre for walking and cycling and on a bus route. As has already been mentioned the scheme would see two vehicular access points to the site, one off St Saviours Lane and the other via Blackfriars Street. There would be no vehicular access to Thompson's Yard.

Car/Cycling Parking

Car parking for the development is provided within the two courtyards via integral garages or within dedicated covered car parking spaces. There are 46 car parking spaces for the 62 residential units which represents approximately a 75% provision. There is no objection to this ratio as it is below the maximum car parking standards set out in policy TRA6 and Appendix 4 of the Local Plan. Covered and secure cycle parking is also provided in accordance with policy TRA7 of the Local Plan. Refuse storage facilities are also provided in accordance with my suggestions.

Transportation Contribution

The development will attract a transportation contribution in accordance with policy TRA11 of the Local Plan, although it is accepted that the figure will need to take into account the floors pace of the previous HI Tech House building. This may need to be proven via the submission of a transportation statement. The contribution will need to form part of a Section 106 Agreement. In any event it is felt most appropriate to direct the improvements towards pedestrian paving around the site which may be able to be included as part of the development contract.

Landscaping, Open Space and Trees

The scheme includes a communal green amenity space within the two courtyards which has been increased in size as a result of the revisions (25th March 2008). The increased area includes an additional green amenity strip on the western boundary with the rear of the properties which front onto Magdalen Street. This also has the affect of protecting the tree roots of the six principle trees in the neighbouring properties. It is considered that there is sufficient amenity space to serve the development. Many of the flats which are internal to the courtyards have small balconies and others have rooftop terraces with views out of the site. There will need to be conditions relating to tree protection and the submission of a detailed landscaping scheme.

In terms of open space and playspace provision, it has been accepted that this will need to be provided offsite via a contribution and will need to be dealt with within a Section 106 Agreement.

Representations

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The representations are summarised in Appendix 1 which is attached. I will report the representation in more detail at the meeting with an assessment of their impact and any mitigation measures.

Conclusions

These proposals are consistent with government guidance in PPS's 1 and 3, particularly regarding the regeneration of 'brownfield' sites. The scheme is also consistent with the site specific policy in the Local Plan and the emerging policies in the Northern City Centre Action Area Plan.

RECOMMENDATIONS

APPROVE subject to:-

- The signing of a Section 106 Agreement to include the following:-

Affordable Housing
Open Space and Playspace Contribution
Transportation Contribution

and

- Conditions relating to the following:-
 - 1) Commencement within 3 years;
 - 2) Submission of samples of materials
 - 3) Boundary treatment;
 - 4) Prior approval of details:-
 - Roof, eaves and verge, water goods;
 - Windows, doors, balconies, balustrades, décor panels;
 - Shopfront treatment to the offices;
 - Solar panels, rainwater harvesting
 - 5) Sound Insulation to units fronting St Saviours/Blackfriars Street;
 - 6) Flood risk – finished floor levels;
 - 7) Flood risk – materials;
 - 8) Surface water disposal;
 - 9) Surface water - maintenance scheme;
 - 10) Contamination – soil;
 - 11) Contamination – methods statement;
 - 12) Pollution prevention;
 - 13) Surface water drainage;
 - 14) Fire Hydrant;
 - 15) Archaeological Agreement;
 - 16) Archaeological investigation, excavation or recording;
 - 17) Cycle/refuse storage provision details
 - 18) Tree Protection;
 - 19) Landscaping planting and site treatment scheme;
 - 20) Maintenance of landscaping;
 - 21) Plant and machinery details;
 - 22) Fume/Flu details.

**Application No. 07/00587/F Land at the Corner of St Saviours Lane
& Blackfriars Street.**

Letters of Representation – Neighbours and General Public

Date	Name/ Location	Comments
13/07/2007	Smurfit Kappa	General objection on grounds that NCCAAP objectives are not satisfied. Also, wish for detailed consultation over potential impact on business.
RESPONSE TO ORIGINAL SCHEME		
09/08/2007	1 Gurney Court	General approval of development but objection to scale and potential security issues regarding access.
19/08/2007	4 Gurney Court	Welcomes the proposal but have objections regarding amenity, light, streetscape and loss of privacy. Further issues with security and preservation of an existing wall not shown on plans.
28/08/2007	2 Gurney Court	7 Page document including historical and photographic evidence supports redevelopment of area, but opposes the scale, access, loss of amenity and potential pollution of the proposal and the affect it will have on the amenity of Gurney Court.
30/08/2007	Cllr Adrian Ramsay	Comprehensive list of objections comprising of over-dominant structure, scale, parking, traffic and environmental factors.
04/10/2007	19 Stacy Road	Objection to aesthetics of proposed development, believes any new build in the North City should be in character with historical Norwich.
REVISION OF PLANS 25/03/2008		
02/05/2008	6 Blackfriars Street	Objection to scale of proposed plans. Feels anything above 2 floors will cause loss of too much daylight.
05/05/2008	1 Gurney Court	Overall support of the development but remains opposed to the scale and the access through Thompson's Yard as a security issue.
06/05/2008	2 Gurney Court	Broadly welcomes the proposals and generally pleased with the revised plan. Maintains concern over scale, amenity and access.
08/05/2008	4 Gurney Court	General support following revised plans, opposed only to the height of the development affecting privacy in. Requested clarification of Thompson's Yard access and windows facing Gurney Court
29/05/2008	Smurfit Kappa	Reviewed revised drawings and maintain formal objection. (13/07/2007)

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Letters of Representation – Statutory Agencies

Date	Name/ Location	Comments
RESPONSE TO ORIGINAL SCHEME		
11/08/2007	The Norwich Society	Consider redevelopment admirable but have reservations over scale, loss of light and lack of privacy.
23/08/2007	Central Norwich Citizens' Forum	General approval of application, suggestion of adjusting scale to sympathise with adjacent buildings.
23/08/2007	Environment Agency	Objection on the basis of the site being at risk of flooding. Consequently problems with pollution, contamination and drainage.
24/08/2007	Environment Agency	Further to letter of 23/08/2007 would not object provided the following conditions are attached to any consent: 1. Floor levels set no lower than 3.0mAODN. 2. Building to be constructed in flood proof materials. 3. Surface water disposed of via infiltration system. 4. Dev. Enters into a legal agreement with LPA to implement scheme for future maintenance of drainage system.
29/08/2007	Broads Authority	No objection raised
05/09/2007	Norfolk Landscape Archaeology	Impose conditions prior to development: 1. Programme of archaeological evaluation to be submitted to and approved by LPA. 2. Results submitted to LPA 3. Programme of archaeological mitigatory work to be submitted to and approved by LPA.
10/09//2007	English Heritage	Leave decision to Local Authority.
12/09/2007	Anglian Water	Drainage conditions recommended 1. Details of drainage to be submitted to and approved by LPA. Drainage works to be constructed in accordance with approved plans. 2. No development until details of surface water attenuation have been submitted to and approved by LPA and consultation with AW.
24/09/2007	Environment Agency	Objection (23/08/2007) to be removed provided a comprehensive set of conditions are adhered to. Exhaustive list, additional to letter

Appendix 2

		(24/08/2007). See File.	
15/10/2007	The Norwich Society	Comments unchanged from 11/08/2007 despite revision of plans. Major concerns: scale of development and 'Block G.'	
27/11/2007	Arboricultural Development Control	Arboricultural Implications Assessment has required level of detail and is satisfactory should the developer comply with conditions imposed by both the AIA and Tree Protection Plan	
REVISION OF PLANS 23/05/2008			
24/04/2008	Central Norwich Citizens' Forum	Full support of many aspects of the proposal – Massing, aesthetics, external space, design and amenity.	
29/04/2008	Environment Agency	Reviewed revised drawings and have no further comments. Previous comments reiterated.	
14/05/2008	The Norwich Society	<p style="text-align: center;">In summary,</p> <ol style="list-style-type: none"> 1. 'It should be mandatory for re-submissions to provide information outlining the reasons for and nature of the changes.' 2. Total objection to impact of 'Block F' on the national historical importance of Elizabeth Fry and Harriet Martineau's birthplace. 3. Continue request for the reduction of one storey overall and concern that 5-storey block to Blackfriars is overbearing. 4. Apparent contradiction between plan and elevation – solid wall and frosted windowed wall 	

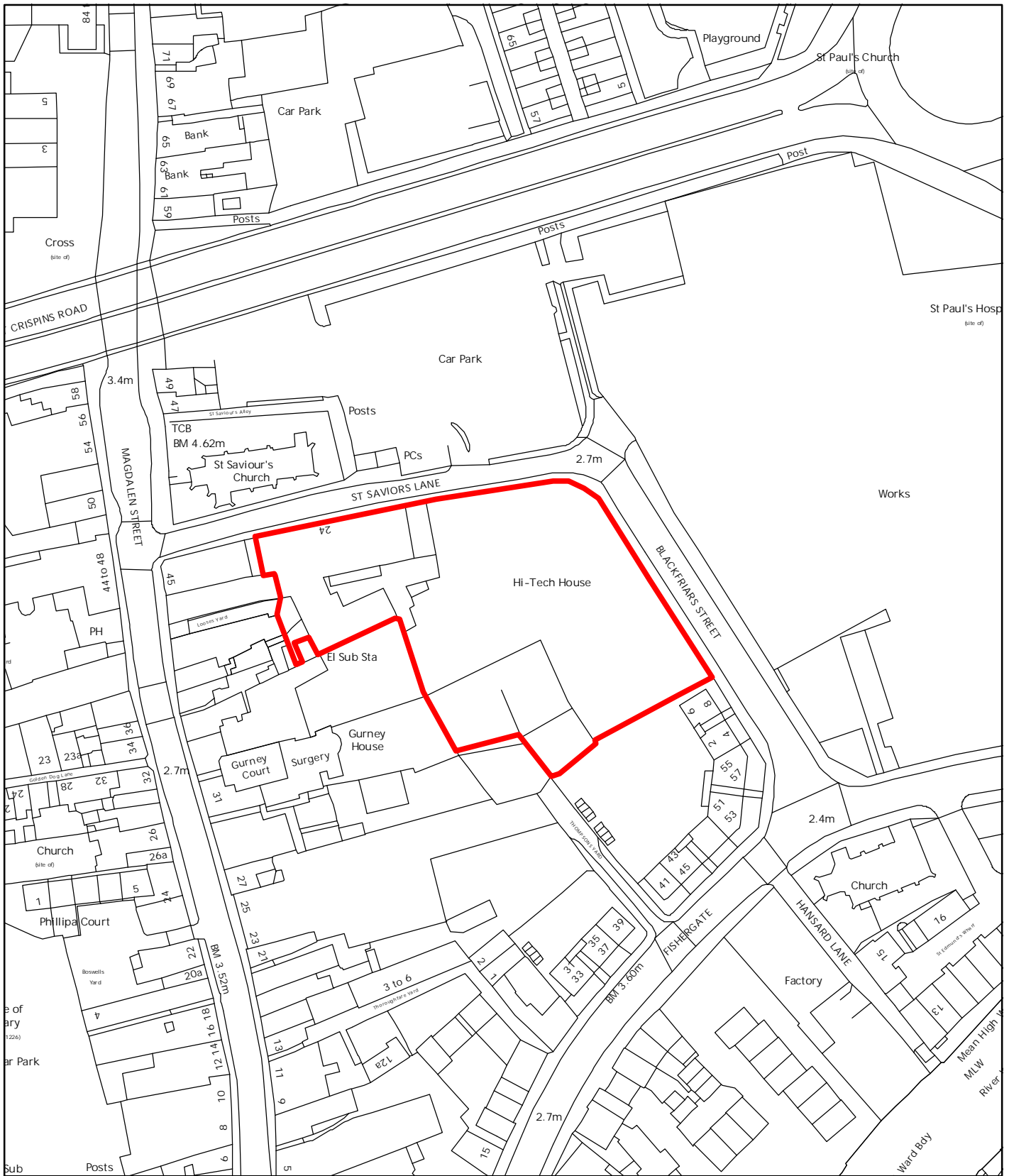
APPENDIX 3:

Summary of consultation responses and representations received

Issue	Consultee	Comments
Policies in Northern City Centre Action Area Plan	Smurfit Kappa	Smurfit Kappa are concerned that the proposal would not satisfy the objectives and principles of the NCCAAP. It is felt that this proposal will deliver a mixed use scheme and provide for some employment via the office element (203sq.m. of B1 offices + live work units) proposed. This will have the effect of regenerating the areas physical environment and meeting the objectives of policy WW1 in the NCCAAP.
Inappropriate Scale, Excessive height	Norwich Society, Cllr. Ramsay and two residents	Quality Panel considered that the scale of the proposal was acceptable in the area. Also the previously approved scheme on the site involved a two-four storey office building of a much more solid design (see comparison drawing P24 rev.D). Also the highest element is five storeys which is on Blackfriars Street which has a width of 7 metres plus 2.5 metre wide pavements to each side. Given this scenario it is not considered excessive. The revisions (25/03/2008) reduce the height of the end of block D (to four storeys) and block E (to two storeys) to give a more harmonious relationship adjacent to the social housing on Blackfriars Street.
Affect of block F on setting of Gurney House	Norwich Society	Block H (now removed by revisions 25/03/2008) was located closer to the boundary with Gurney Court and extended to a greater width. There is now a distance of at least 25 metres between the end of block F and the nearest point of Gurney House which is considered acceptable.
Loss of privacy/overlooking	Three residents in Gurney Court	The T shaped block G has been removed by revision (25/03/2008) and block F now offers a single three-storey gable to Gurney Court which is 25 metres from the nearest point of Gurney House. The number of windows on the elevation which faces Gurney Court has been reduced to six and they are all to be of obscured glazing which will need to be conditioned.

Loss of light	Norwich Society Two residents in Gurney Court	The garden of Gurney Court contains a number of large trees which do have the effect of reducing natural daylight into the windows of the east facing residential properties. This situation would not be affected by the proposal as the nearest block is some 25 metres away from Gurney House but it is true that some direct sunlight from the east will be lost.
Impact of access via Thompson's Yard	Three residents in Gurney Court.	The applicant has confirmed that there will be no vehicle or pedestrian access from the site onto Thompson's Yard.
Limited size of amenity area	Cllr Ramsay	The communal amenity space within the courtyards has been increased as a result of the revisions (25/03/2008) and is considered to be acceptable. A condition will require the submission and implementation of a suitable landscaping scheme. Also many of the flats have the benefit of either a balcony or a rooftop terrace.
Excessive on-site car parking	Cllr Ramsay	The proposal provides for 46 car parking spaces for 62 residential units which represents a 75% provision. The parking guidelines under policy TRA6 in the Local Plan allow up to 100% provision or 1:1. There needs to be a condition to ensure that the spaces are only used for the residential occupiers of the site.
Trees	One resident in Gurney Court	The applicants have submitted an arboricultural assessment which shows that as a result of the removal of block G in the revision (25/03/2008) the tree roots within the neighbouring property will not be harmed by the proposals.
Inappropriate character of design	Member of Public	Quality Panel and many other interested parties have applauded the design which seeks to interpret in a modern way the strong industrial character of former factories in Norwich. However it is true that the success of the scheme will depend on good detailing when it is built.
Loss of rear garden wall	One resident in Gurney Court	There is no intension to loose existing boundaries walls unless there is a need for repairs. There is a condition requiring details to be submitted and approved.
Concern about noise from Blackfriars/St Saviours Lane	Cllr Ramsay	The applicants have submitted a noise assessment report which identifies noise from the Smurfit Kappa factory and the Inner Ring Road as the principle producers of background noise. The flats which front Blackfriars Street and St Saviours Lane will in addition to double glazing also be fitted with sound insulating ventilators. Environmental Health considered this to be an acceptable mitigation strategy and this will need to be the subject of a condition.
Construction	Two residents in	The hours within which construction work is allowed

Duration and access for construction via Thompson's Yard	Gurney Court	on a site is controlled by Environmental Health and their legislation. I will liaise with them to try to reassure the residents on this point. There could be a clause in the Section 106 Agreement which stipulates no access to the site for construction purposes from Thompson's Yard.
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Planning Application No- 07/00587/F

Site Address - Land at the corner of St Saviours Lane and Blackfriars Street

Scale - 1:1250



NORWICH
City Council

DIRECTORATE OF REGENERATION
AND DEVELOPMENT

