

Report to Planning applications committee

Item

9 February 2017

Report of Head of planning services

Subject Application no 16/01268/F - Merchants Court, St Georges Street, Norwich

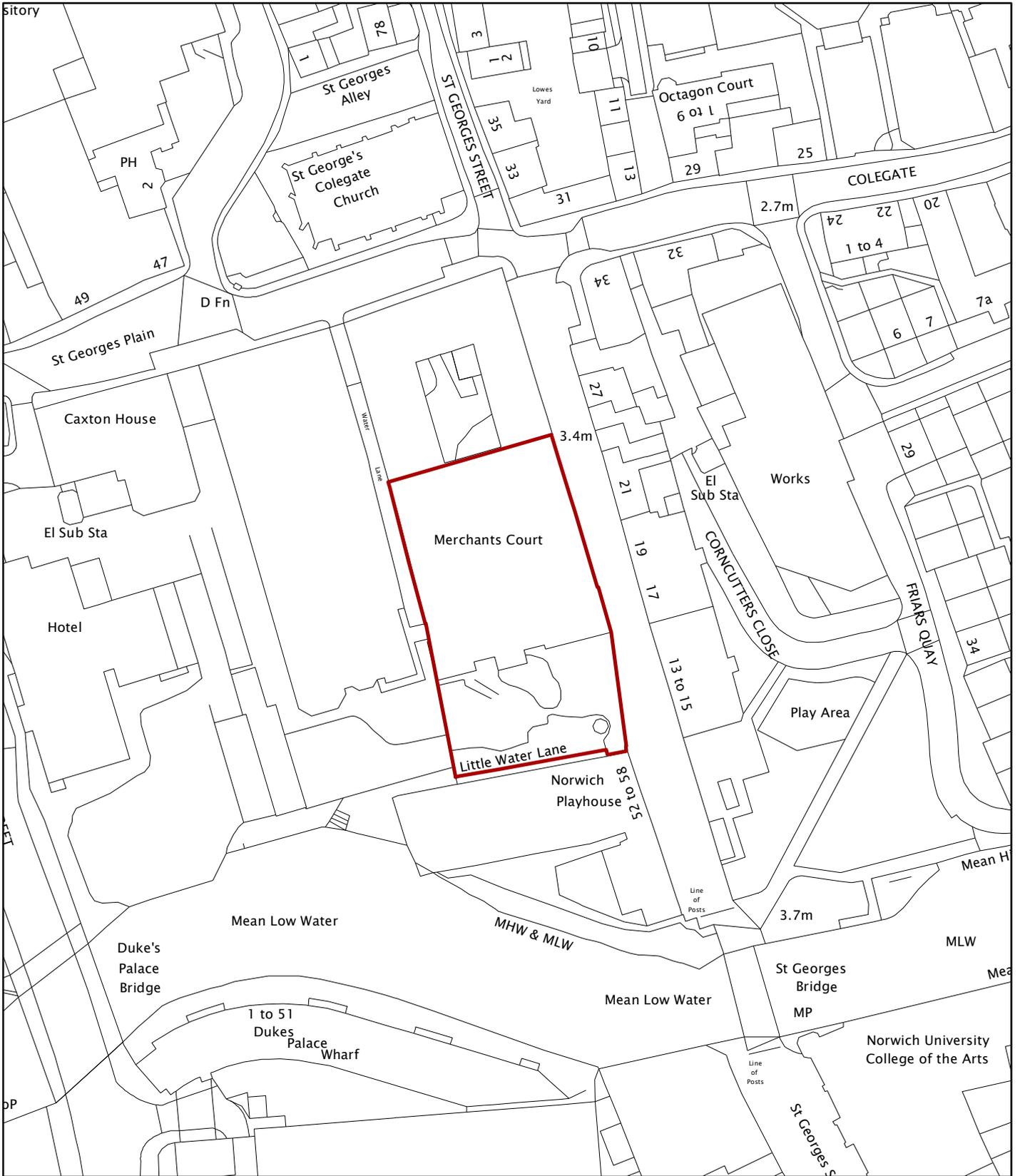
4(c)

Reason for referral Objection

Ward:	Mancroft
Case officer	Tracy Armitage - tracyarmitage@norwich.gov.uk

Development proposal		
3 No. penthouse apartments, bin stores, car parking, cycle provision and external canopy.		
Representations		
Object	Comment	Support
4	-	-

Main issues	Key considerations
1 Principle of development	Residential development in the city centre
2 Design	Alterations to the building
3 Amenity	Amenity of future and surrounding residents
4 Access, parking	Impact of trees and public realm
Expiry date	15 November 2016
Recommendation	Approve



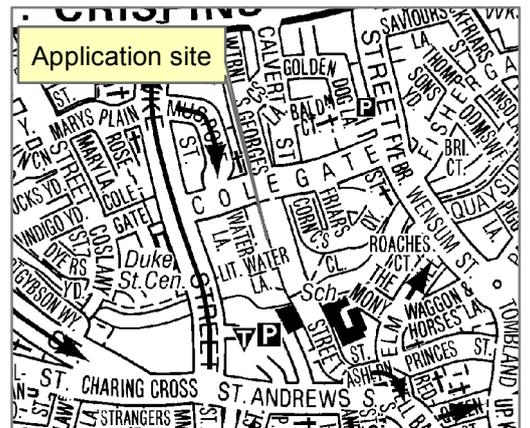
© Crown Copyright and database right 2017. Ordnance Survey 100019747.

Planning Application No 16/01268/F
 Site Address Merchants Court
 St Georges Street

Scale 1:1,000



NORWICH
 City Council
 PLANNING SERVICES



The site and surroundings

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. The Jane Austen Free School is 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.

Constraints

- City centre conservation area
- Locally listed building
- Area of main archaeological interest
- Trees

Relevant planning history

Ref	Proposal	Decision	Date
4/1994/0954	Conversion of ground floor shops (Class A1) and courtyard into offices (Class B1), change of use of two shop units to restaurant (Class A3) and external alterations.	APCON	04/10/1996
4/1995/0540	Formation of car park entrance	INSFEE	27/07/1995
4/1999/0190	Condition 4: details of plant and machinery for previous planning permission 4940954/F.	APPR	16/03/1999

Ref	Proposal	Decision	Date
11/00477/F	Installation of air conditioning condenser units at front of building and change of use of ground floor from office (Class A2) to consulting rooms (Class D1).	APPR	16/06/2011
13/01034/F	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.	APPR	23/08/2013
13/01037/PDD	Change of use of first and second floors from commercial to residential to provide 17 No. apartments.	AEGPD	09/08/2013
15/01540/F	New vehicle access route to Merchants Court Car Park from St Georges Street.	APPR	08/09/2016
16/01285/PDD	Change of use of first and second floors from commercial (Class B1(a)) to residential (Class C3) to provide 17 No. apartments.	AEGPD	25/10/2016

The proposal

6. The application is for the extension of the building to create a third floor. The works include the reconfiguration and alteration of the existing roof, which currently comprises multiple pitched roofs, arranged around a central atrium. The change to the external appearance of the building is that the overall height of the roof is raised by approximately 0.8m, rooflights are inserted and three external terrace areas created. The section of the building containing the existing lift would also increase in height by 2.3m to accommodate the lift accessing the third floor. Within this new floor 2 no. three bedroom flats and 1no. two bedroom flat would be created. The proposal is identical to the scheme for which planning permission was approved in 2013 (planning ref the 13/01034/F).
7. In addition the proposal includes the reconfiguration of the existing car park area to provide: 7 car parking spaces, cycle and bin storage and revised landscaping. Since planning permission was previously approved in 2013, the establishment of a primary school on the adjacent site has closed vehicular access to this parking area. Planning permission was approved by virtue of application ref: 15/01540/F for a new access to the car park from St Georges Street. This approved access has yet to be provided and identical arrangements are indicated as part of the proposed scheme.

8. The ground floor of the building is proposed to be retained as offices. The first and second floor have approval to be converted to 17 residential flats. These are not subject to this planning application as permitted development rights 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 16/01285/PDD (and previously 13/01037/PDD).

Representations

9. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. Four letters of representation have been received (as a result of two consultations) citing the issues as summarised in the table below. All representations are available to view in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Issues raised	Response
<p>Provision of access:</p> <p>Increase in traffic of St Georges Street to detriment of pedestrians and cyclists and contrary to initiatives of the council for this street</p> <p>Loss of trees, shrubs, seating and planters</p> <p>Traffic - result in noise and pollution to the detriment the amenity of residents</p>	<p>The access has planning permission by virtue of 15/01540/F approved 08/09/16.</p> <p>This application includes the approved access layout and details.</p> <p>Matters in relation to traffic along St Georges Street, loss of trees were considered previously.</p> <p>This application provides the opportunity for landscape improvements which were not secured previously see</p>
<p>Arboricultural Impact Assessment (AIA) not up to date</p>	<p>A revised AIA has been submitted</p>
<p>Over development of the site</p>	<p>This is a city centre site and a highly sustainable location. The additional three dwellings is not considered to result in overdevelopment</p>
<p>Access to Water Lane should be retained</p>	<p>This is retained.</p>
<p>Transport Statement (TS) out of date</p>	<p>The TS previously submitted in support of the 2013 application was resubmitted with this application. An update was not considered necessary given the scale of the development and level of likely traffic generation.</p>

Consultation responses

10. Consultation responses are summarised below:

- Environment Agency – no objections in principle; advise use of flood risk standing advice.
- Local Highway Authority – no objection subject to conditions regarding bike storage; considerate construction.
- Environmental Health – no objections in principle - subject to conditions regarding plant noise mitigation.
- Tree Protection Officer - concurs with updated AIA and method statement. Stresses the importance of complying with it.

Assessment of planning considerations

Relevant development plan policies

11. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**

- JCS1 Addressing climate change and protecting environmental assets
- JCS2 Promoting good design
- JCS3 Energy and water
- JCS4 Housing delivery
- JCS6 Access and transportation
- JCS9 Strategy for growth in the Norwich policy area
- JCS10 Locations for major new or expanded communities in the Norwich policy area
- JCS11 Norwich city centre

12. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**

- DM1 Achieving and delivering sustainable development
- DM2 Ensuring satisfactory living and working conditions
- DM3 Delivering high quality design
- DM5 Planning effectively for flood resilience
- 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
- DM31 Car parking and servicing
- DM32 Encouraging car free and low car housing

Other material considerations

13. Relevant sections of the National Planning Policy Framework March 2012 (NPPF):

- NPPF0 Achieving sustainable development
- NPPF1 Building a strong, competitive economy
- NPPF2 Ensuring the vitality of town centres
- NPPF4 Promoting sustainable transport
- NPPF6 Delivering a wide choice of high quality homes
- NPPF7 Requiring good design
- NPPF10 Meeting the challenge of climate change, flooding and coastal change
- NPPF11 Conserving and enhancing the natural environment
- NPPF12 Conserving and enhancing the historic environment

14. Supplementary Planning Documents (SPD)

- Trees, development and landscape SPD

Case Assessment

15. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant development plan policies are detailed above. Material considerations include policies in the National Planning Framework (NPPF), the Councils standing duties, other policy documents and guidance detailed above and any other matters referred to specifically in the assessment below. The following paragraphs provide an assessment of the main planning issues in this case against relevant policies and material considerations.

Main issue 1: Principle of development

16. Key policies and NPPF paragraphs – DM12, NPPF paragraphs 49 and 14.
17. The proposed residential development in this location would be on previously developed land in an accessible and central location. The proposal would maximise the use of the existing building and comply with the criteria for new residential development set out in DM12

Main issue 2: Design

18. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 9, 17, 56 and 60-66.
19. The proposed alterations to the roof would largely retain the existing roof slope/roof form and the 0.8m increase in height will have minimal visual impact. The height of the existing lift shaft roof would increase and this would be visible from St Georges Street. However, this feature would remain lower than the main building fronting onto St Georges Street and as such the overall scale and form of this component would be acceptable. A condition is recommended for external materials to be agreed to ensure a good quality to the appearance of the new development.
20. In addition although the proposed new roof lights are numerous, they are well spaced and set back in a position where they will not be highly visible to the

surrounding area. The use of a suitable conservation style roof light will ensure a satisfactory visual overall appearance.

21. The terraced areas do not project but are inset into the new roof slope. This minimises the visibility of these features and the risk of any overlooking towards adjacent properties.
22. Additional roof lights 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 roof lights would be to flats permitted under the prior approval application as referred to above. The provision of roof lights 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 roof lights would be at high level there is considered to be an acceptable level of amenity for future residents of the flats.

Main issue 3: Amenity

23. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
24. 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 roof lights and terraces. There may be limited views when standing on the edge of the terrace area to neighbouring dwellings, but the existing roof slope leads to the terraces being recessed to a certain degree that would prevent most overlooking.
25. 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. In addition 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
26. Noise from adjacent uses and its impact on the amenity level of future occupiers is also a consideration. Proposed windows serving the dwellings are at sufficient height or facing away from the potentially noisy uses of the Playhouse theatre to the south, wine bar and restaurant to the north and the free school to the west, so as to not have any significant noise disturbance to future residents of these three flats
27. The outlook from the proposed flats would be provided through rooflights and the terrace areas. 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.
28. The residents of the three penthouse flats would have access to private external amenity space provided by the terraces.

Main issue 4: Heritage

29. Key policies and NPPF paragraphs – DM9, NPPF paragraphs 128-141.
30. 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.
31. 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
32. 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.
33. The proposals entail the loss of a glazed roof lantern to create the internal atrium, and 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.
34. The reconfigured car park provides the opportunity for the improvement of this existing unkempt area of the site. The new planting areas provide the opportunity for increased shrub and tree planting, enhancing the landscape setting of the building and appearance of the site within wider conservation. A condition is recommended for landscaping and the detailed appearance of the cycle and bin stores to be agreed to ensure a good quality to the appearance of the new development.

Main issue 5: Access, parking and servicing area

35. Key policies and NPPF paragraphs – JCS6, DM3, DM7, DM28, DM30, DM31,
36. An existing car park providing approximately 7 spaces it located to the south of the Merchants Court building. The forecourt space is landscaped, includes an electricity substation and provides an informal pedestrian route between St Georges Road and Water Lane. The proposed scheme retains: the existing parking spaces (to serve the parking needs of the whole building; the substation and indicates vehicular and pedestrian access from St Georges Street in the precise form approved under application 15/01540/F.
37. The northern section of the existing forecourt is reconfigured to provide a new ramped access, secure cycle parking and bin storage. Pedestrian access across the site is maintained. The proposed arrangements retain existing planting areas along the Play House boundary and raised beds in the NE corner of the site. New planting areas are created either side of the new ramp and at the eastern end of the parking row. These provide scope for additional soft planting and small tree planting, improving the public realm quality of the area.

38. The application has been supported by an Arboricultural Impact Assessment (AIA) which covers both the access and car park arrangements. The new access requires the removal of a category B tree (Honey locust) and an area of shrubbery located in a section of raised planter (which includes a young Rowan). Additionally the formation of the access route encroaches under the canopy of a mature London Plane, a prominent/significant tree within the Conservation Area. Planning permission for this access was granted in 2016 following protracted negotiations over the detailed design of the external works and confirmation that a no-dig construction approach was feasible. It is recommended that similar planning conditions attached to 15/01540/F are re-imposed to ensure that the access is implemented in strict accordance with the previously agreed details and method statements. This application provides the opportunity to secure the creation of additional and renewal of soft planting areas within the parking area. The AIA proposes 7 new trees of compact/fastigiata habit. The precise species and specification of these would be subject to a landscaping condition - but species such as crab apple and witch hazel have been suggested by the applicant.
39. Subject to the imposition of necessary planning conditions the parking and landscaping proposals are considered acceptable.

Compliance with other relevant development plan policies

40. A number of development plan policies include key targets for matters such as parking provision and energy efficiency. The table below indicates the outcome of the officer assessment in relation to these matters.

Requirement	Relevant policy	Compliance
Cycle storage	DM31	Yes subject to condition
Car parking provision	DM31	Yes subject to condition
Refuse Storage/servicing	DM31	Yes subject to condition

Other matters

41. The following matters have been assessed and considered satisfactory and in accordance with relevant development plan policies, subject to appropriate conditions and mitigation: List relevant matters.
42. **Flood risk** - 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. A number of mitigation measures are outlined in the flood risk assessment accompanying the application, including the need for an evacuation plan. A condition is recommended to cover mitigation measures.

43. **Protected species**-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.
44. **Archaeology**-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.

Equalities and diversity issues

45. There are no significant equality or diversity issues.

Local finance considerations

46. Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are defined as a government grant or the Community Infrastructure Levy.
47. Whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision on the potential for the development to raise money for a local authority.
48. In this case local finance considerations are not considered to be material to the case.

Conclusion

49. 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. 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. The proposed development would have external private amenity space along with adequate cycle storage and refuse storage and some car parking. The access and parking arrangements are considered satisfactory subject to appropriate tree protection measures and landscaping enhancement.
50. The development is in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.

Recommendation

To approve application no. 16/01268/F - Merchants Court St Georges Street Norwich 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. Arboricultural Implications Assessment/AMS
7. Landscaping – including permeable paving
8. Removal of vegetation outside of bird nesting season
9. Approval and provision of secure cycle storage
10. Details of location, size and appearance of refuse store
11. Archaeology – works to stop if artefacts uncovered
12. Water conservation for new dwellings
13. Flood warning and evacuation plan
14. Additional noise survey to assess appropriate noise attenuation around plant and mechanical ventilation to flats where required
15. Provision for public access across the site from St Georges Street to Water Lane
16. Relocation of lamp post

Article 35(2) 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 in the officer report.

- 1) ALL DIMENSIONS ARE IN METRES AND LEVELS IN METRES UNLESS OTHERWISE STATED.
- 2) TOPOGRAPHICAL SURVEY INFORMATION FROM GREENHATCH DRAWING No. 21630_OGL_REV1 RECEIVED ON THE 31/03/2015.
- 3) TO BE READ IN CONJUNCTION WITH 9174-C-1001, C1002, C1004, C1005 AND C1006.

LEGEND

- PERMEABLE REGULAR PIPORA CONCRETE BLOCK PAVING (PENNANT GREY COLOUR TO MATCH EXISTING COLOUR ON DISABLED BAY)
- BUFF CONCRETE FLAG PAVING TO MATCH EXISTING
- MARSHALLS TEGULA COBBLES SETT PAVING TO MATCH EXISTING ON DISABLED PARKING BAY
- CHARCOAL CONCRETE TEXTURED EDGING TO MATCH EXISTING ON PARKING BAYS
- 100mm YELLOW LINING FOR DISABLED BAY AND 4-WAY
- EXISTING HIGHWAY BOUNDARY
- PROPOSED PLANTER BRICKWALL TO MATCH EXISTING
- REMOVAL BOLLARDS
- FIXED BOLLARDS
- RELOCATED STREET LIGHTING COLUMN



B	12.01.17	Re-issue	EJW
A	10.01.17	Amendments to car bays and planting	EJW
Rev:	Date:	Details:	By: Chk:

EngineRoom

EngineRoom
Unit E, Bristol Court
Marlesham Heath
Betts Avenue
Ipswich IP5 3RY

Client / Location: Willmott Dixon
Car Park Access Saint Georges Street
Norwich

Drawing: **Proposed General Arrangement**

Scale:	Date:	Drawn:	Check:
1:100 @ A1	25.11.16	EJW	
Job No:	Dwg No:	Rev:	
1601024	300	B	

Notes:

ER 2026 / 115

1:100 @ A1

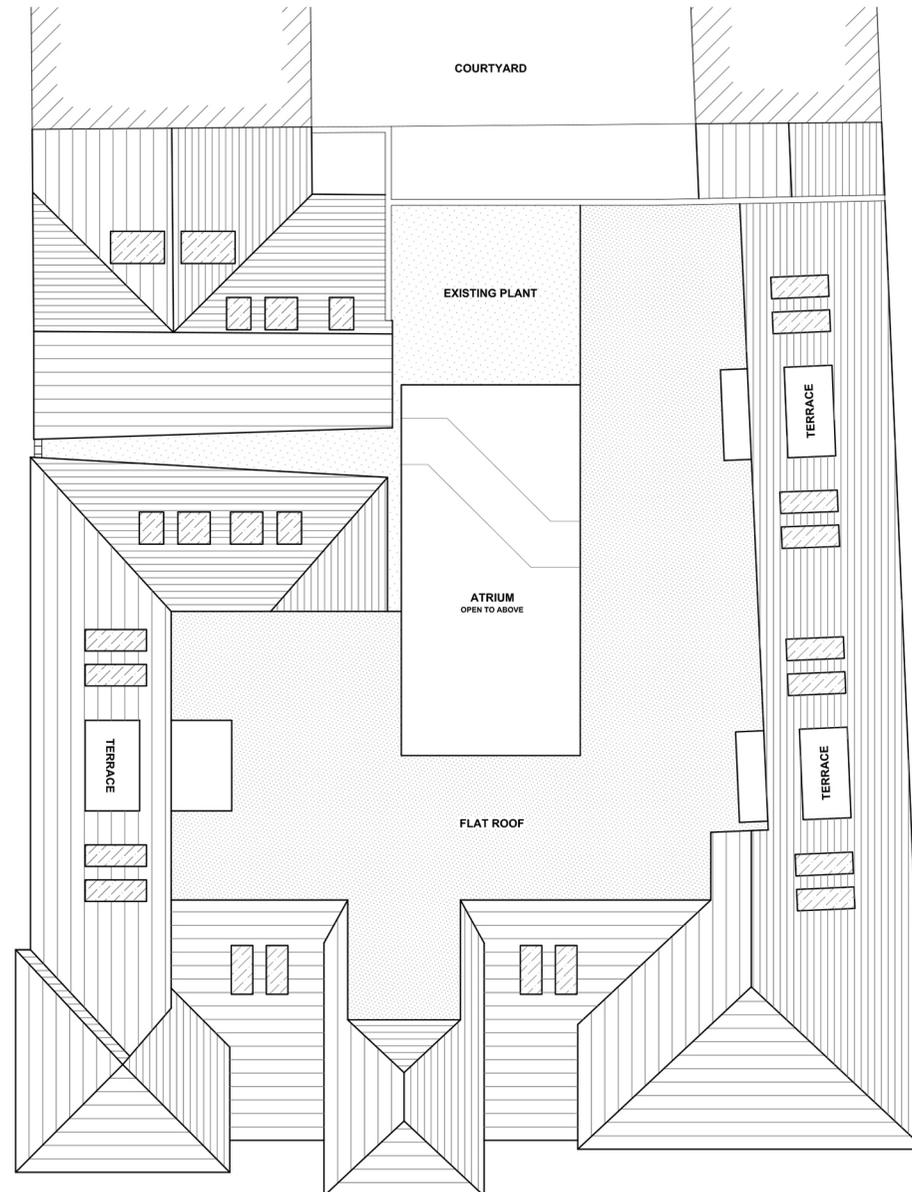
1:200 @ A3

Do not scale to ascertain dimensions.

Figured dimensions and levels should be verified by the Contractor on site before construction.

Copyright for all designs and drawings in whole or in part shall remain with the designers in accordance with The Copyright Act.

These floors are unaffected by this application. Any works indicated are covered under a separate full plans application.



Rev: | Date: | Details: | By: | Chk:

EngineRoom

EngineRoom
Unit E, Bristol Court
Martlesham Heath
Betts Avenue
Ipswich IP5 3RY

PLANNING

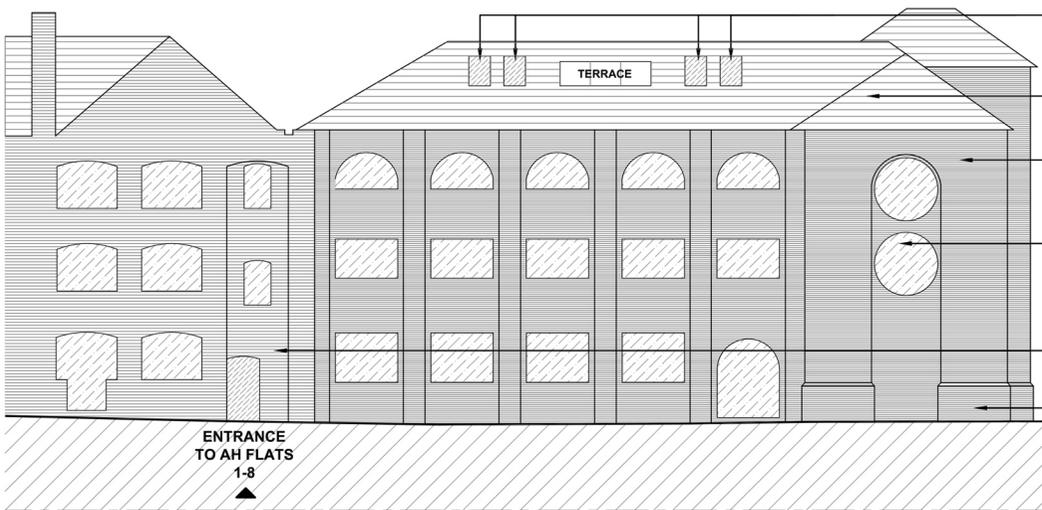
Client / Location:
Residential Development
Merchant's Court
Norwich, NR3 1AG

Drawing:
**Proposed Third Floor
and Roof Plan**

Scale: 1:100 @ A1 | Date: 01/13 | Drawn: EJP | Check: PB

Job No: ER 2026 | Dwg No: 115 | Rev:

© EngineRoom. This site block is 100mm wide. Do not scale.

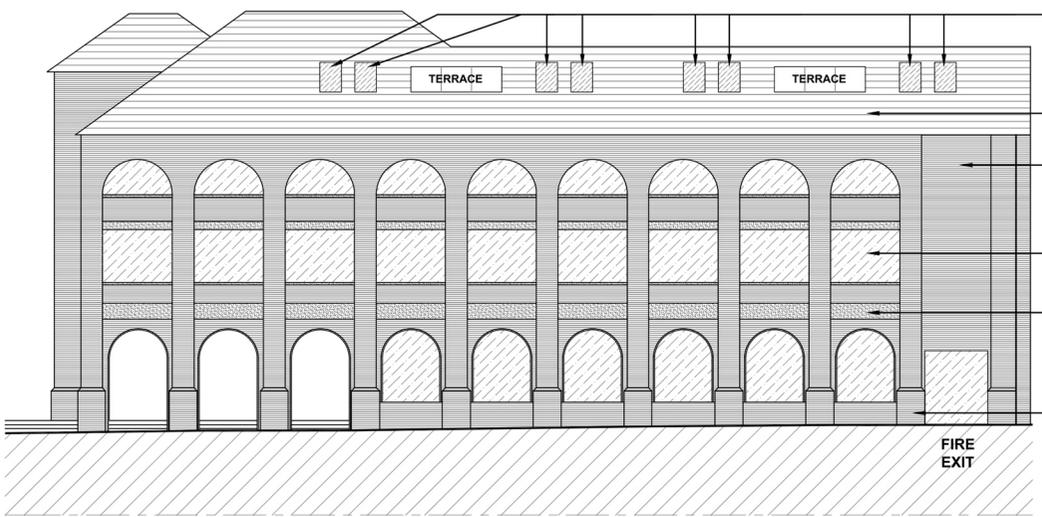


WEST ELEVATION



SOUTH ELEVATION

Floors subject to this application are indicated. Any works indicated to other floors are covered under a separate full plans application.



EAST ELEVATION

Rev:	Date:	Details:	By:	Chk:
EngineRoom				
EngineRoom Unit E, Bristol Court Martlesham Heath Betts Avenue Ipswich IP5 3RY				
PLANNING				
Client / Location:				
Residential Development Merchant's Court Norwich, NR3 1AG				
Drawing:				
Proposed Elevations				
Scale:	Date:	Drawn:	Check:	
1:100 @ A1	01/13	EJP	PB	
Job No:	Dwg No:	Rev:		
ER 2026	117			
<small>© EngineRoom. This site block is 100mm wide. Do not scale.</small>				



Notes:

ER 2026 / 116

1:100 @ A1

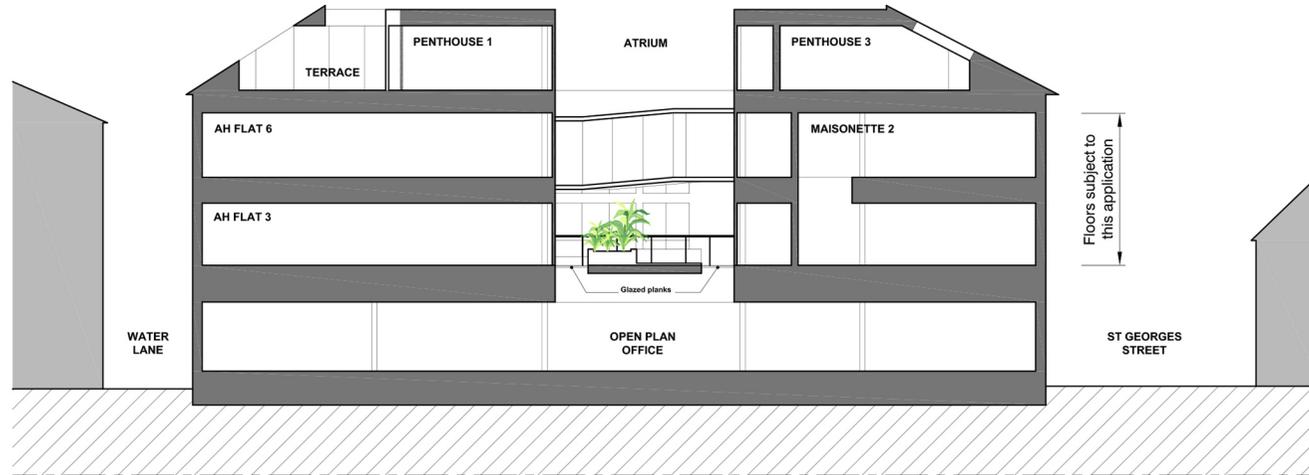
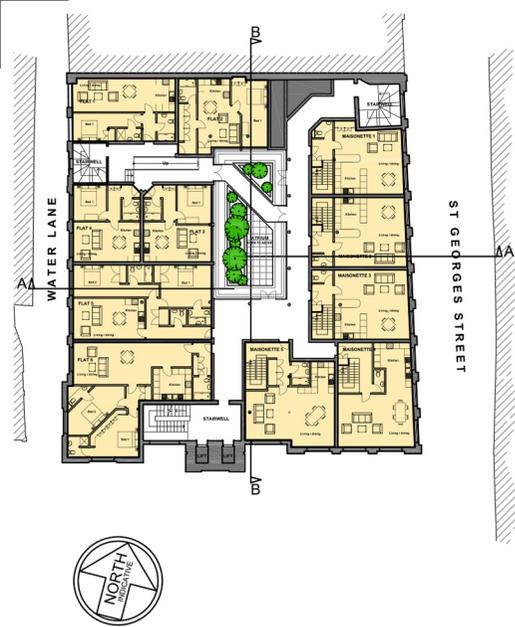
1:200 @ A3

Do not scale to ascertain dimensions.

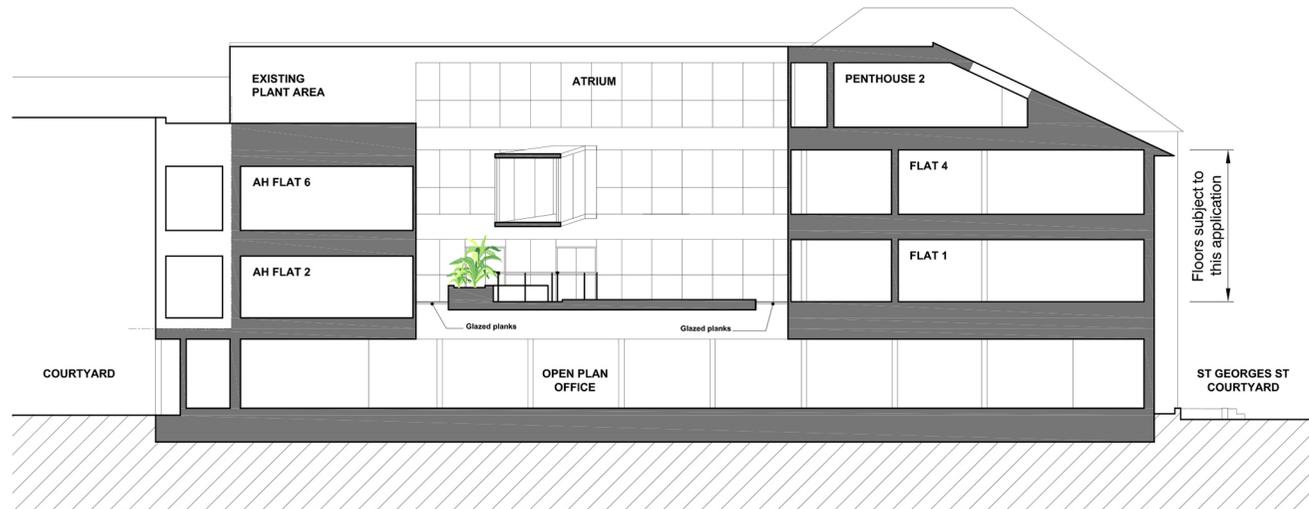
Figured dimensions and levels should be verified by the Contractor on site before construction.

Copyright for all designs and drawings in whole or in part shall remain with the designers in accordance with The Copyright Act.

Floors subject to this application are indicated. Any works indicated to other floors are covered under a separate full plans application.



SECTION A



SECTION B

Rev: | Date: | Details: | By: | Chk:

EngineRoom

EngineRoom
Unit E, Bristol Court
Martlesham Heath
Betts Avenue
Ipswich IP5 3RY

PLANNING

Client / Location:
Residential Development
Merchant's Court
Norwich, NR3 1AG

Drawing:
Proposed GA Sections

Scale: 1:100 @ A1 | Date: 01/13 | Drawn: EJP | Check: PB

Job No: ER 2026 | Dwg No: 116 | Rev:



© EngineRoom. This site block is 100mm wide. Do not scale.