Report to	Planning applications committee	Item
	12 October 2017	
Report of	Head of planning services	
Subject	Application no 17/00361/U - 60 St Faiths Lane, Norwich, NR1 1NN	4(b)
Reason for referral	Departure from development plan & objections	

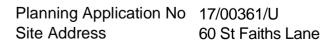
Ward:	Thorpe Hamlet	
Case officer	Joy Brown - joybrown@norwich.gov.uk	

Development proposal			
Change of use to 41 no. residential apartments (Class C3).			
Representations			
Object Comment Support			
0	3	1	

Main issues	Key considerations
1 Principle of development	Residential development adjacent to the
	Late Night Activity Zone.
2 Amenity	Noise, internal space standards, external
	amenity area
3 Design	Impact on streetscene and conservation
	area
4 Transportation	Car free development, bike storage and
	servicing
5 Energy and water	10% renewables
6 Floodrisk	Development within floodzone 2
7 Affordable housing	Viability
Expiry date	10 August 2017 (extension of time
	19 October 2017)
Recommendation	Approve subject to completion of a
	satisfactory legal agreement and conditions



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Scale

1:1,000





**PLANNING SERVICES** 



# The site and surroundings

- 1. The site is situated on the south side of St Faiths Lane and is a former four storey office building which has since been converted to an aparthotel. The main block fronts onto St Faiths Lane with a further block located to the southeast, enclosing a rear courtyard located centrally within the site. The rear courtyard can be accessed via an alleyway between 58 and 60 Prince of Wales Road.
- 2. The surrounding area is mixed in terms of its uses. Within close proximity to the site are offices, retail units, restaurants, bars and residential properties. The site is situated adjacent to a housing development (Prospect Place). This residential development comprises of two and three storey town houses which front both St Faiths Lane and Cathedral Street.

# Constraints

3. The site is situated within the City Centre Conservation Area and the Area of Main Archaeological Interest. The site is situated adjacent to the Late Night Activity Zone.

# **Relevant planning history**

Ref	Proposal	Decision	Date
07/01411/F	Change of use from office use B1 to 47 apart-hotel C1 use, replacement of windows and erection of bin store.	APPR	12/05/2008
12/00549/F	Conversion of offices (class B1) to 47 unit apart-hotel (class C1), including the erection of bin store.	APPR	28/06/2012
12/02063/D	Details of Condition 4: Bin store foundations; Condition 5: External colour finish of bin store; Condition 6: 5 Secure cycle parking spaces; Condition 7: Provision of single fire hydrant; Condition 8: Flood response plan; Condition 10: Scheme for generating a minimum of 10% of the predicted energy requirement; Condition 11: Water conservation measures; Condition 14: Window systems and Condition 15: Access and room layout for impaired mobility of previous permission 12/00549/F 'Conversion of offices (class B1) to 47 unit apart-hotel (class C1), including the erection of bin store.'	PART	21/12/2012

Ref	Proposal	Decision	Date
13/00246/D	Details of Condition 7: Fire hydrants; Condition 10: On-site renewable energy generation; Condition 14: Window and ventilation details on the west, south or south-west facades; Condition 16: External lighting and Condition 17: Landscaping, of previous permission 12/00549/F. 'Conversion of offices (class B1) to 47 unit apart-hotel (class C1), including the erection of bin store.'	APPR	31/05/2013

# The proposal

- 4. The application seeks a change of use for the premises from an aparthotel to residential. The building was converted to an aparthotel under planning application ref: 12/00549/F. As part of this permission condition 3 stated that the accommodation should be used for hotel (C1) use and should not be used as a second home or for the sole or main residence of the occupiers. The reason for this condition was that the application had been assessed on a C1 basis rather than on the basis of permanent residential accommodation. Without carrying out a full assessment it was considered that the proposal could result in a substandard level of residential amenity for future occupiers if people resided on the premises long term.
- 5. The applicant has set out within the planning statement that since planning permission was granted in 2012 the demand for very short stay lets is lower than anticipated, whilst there is a strong demand for longer stays. The proposal therefore seeks to change the use of the premises from an aparthotel (use class C1) to serviced apartments (use class C3). The intention is for the building to remain in a single ownership as a single block of serviced apartments that will be privately let to serve the business community as well as to provide short term lets associated with business or tourism use. However, should planning permission be granted it would be possible for the units to be sold off separately.
- 6. The application as submitted was for the conversion of the premises from 47 aparthotel units to 43 no residential units. The number of units was to be reduced by five through the combination with adjacent units in order to create larger apartments and then increase by one through the conversion of an existing redundant storage space. However throughout the process of assessing the application the number of units has been further reduced to 41in order to address the officer's concern regarding the size of some of the smaller units. All two bedroom units have also been changed to one bedroom units in order to meet space standards.

- 7. The proposal also includes a number of alterations which include the following:
  - (a) The replacement of windows on the north and east elevations
  - (b) The provision of a bike store
  - (c) Upgrading of the front and rear doors
  - (d) Provision of additional lighting
  - (e) The rear gate will be fitted with a combination lock
  - (f) The perimeter wall will have a fence panel added to increase the height to 1.8m.

#### **Summary information**

Proposal	Key facts
Scale	
Total no. of dwellings	41 (33 x one bedroom units, 8 x studio apartments)
No. of affordable dwellings	Affordable housing contribution of £107,086.19 (33% policy compliant scheme would result in a payment of £697,977.60).
Total floorspace	1,949 sqm
No. of storeys	Four
Transport matters	
Vehicular access	None
No of car parking spaces	0
No of cycle parking spaces	20
Servicing arrangements	5 x 1,100 litre general waste bins, 3 x 1,100 litre recycling bins. A private contractor will collect the bins and this will be from Prince of Wales Road.

# Representations

8. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 4 letters of representation have been received citing the issues as summarised in the table below. All representations are available to view in full at <a href="http://planning.norwich.gov.uk/online-applications/">http://planning.norwich.gov.uk/online-applications/</a> by entering the application number.

Issues raised	Response
With a few minor exceptions (occasional night time noise, litter) the aparthotel has not had a disruptive effect on the area and we see no reason why the conversion to residential should alter this situation. Therefore we support the application subject to the windows being replaced and a sign promoting the use of the rear secondary access between 11pm and 7am.	See main issue 2.

# **Consultation responses**

9. Consultation responses are summarised below the full responses are available to view at <u>http://planning.norwich.gov.uk/online-applications/</u> by entering the application number.

# **Design and conservation**

10. No comment

# Norfolk Fire and Rescue Service

11. Additional works will be required to convert this from an aparthotel to residential. The owners should be made aware that if planning permission is granted then a new application to Building Control will be necessary.

# **Environmental protection**

12. The acoustic report shows that the noise levels in the flat tested are acceptable. Other flats must have windows of the same standard to be acceptable. Acoustic trickle ventilation will be required so that trickle ventilation can be used without opening a window. An informative should also be attached to any permission regarding measures designed to control noise.

# Highways (local)

13. No objection in principle. The traffic generation associated with the existing and proposed use is likely to be similar.

# Norfolk police (architectural liaison)

14. The proposal should help to rejuvenate this large structure which is showing signs of neglect and misuse. No objection to the application however a number of recommendation have been made as it is important that the developers upgrade the physical and internal security of the building and boundary treatments to afford its residents adequate security. Full details of the suggested measures can be found on public access.

## **City wide services**

15. 5 general waste bins and 3 recycling bins should be provided. The only issue with the private waste collections is when the residents realise that they are paying twice and not actually getting a service from the Council.

## Private sector housing

16. No comment received

## **Environment Agency**

17. No comment received

## **Anglian Water**

18. No comment received

# Assessment of planning considerations

# Relevant development plan policies

- 19. 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
  - JCS5 The economy
  - JCS6 Access and transportation
  - JCS8 Culture, leisure and entertainment
  - JCS9 Strategy for growth in the Norwich policy area
  - JCS11 Norwich city centre
  - JCS20 Implementation

# 20. 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
- DM9 Safeguarding Norwich's heritage
- DM11 Protecting against environmental hazards
- DM12 Ensuring well-planned housing development
- DM13 Communal development and multiple occupation
- DM23 Supporting and managing the evening and late night economy
- 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

• DM33 Planning obligations and development viability

# Other material considerations

- 21. 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
  - 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
- 22. Supplementary Planning Documents (SPD)
  - Affordable housing SPD adopted March 2015

# **Case Assessment**

23. 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 polices 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

- 24. Key policies and NPPF paragraphs DM12, DM13, DM23, NPPF paragraphs 49 and 14.
- 25. The application seeks the change of use from an aparthotel to residential and therefore policy DM12 and DM13 are of particular relevance. As set out within policy DM12, residential development (whether by new build or conversion) will not be permitted where it is within or immediately adjacent to the Late Night Activity Zone. The site abuts the LNAZ to the south so the principle of converting the premises to residential does not accord with this policy. Due to the proposal being contrary to this policy, under Norwich City Council's scheme of delegation the case should be referred to planning committee.
- 26. In this particular case, although the principle of the conversion does not accord with policy DM12 it is considered that the applicant has demonstrated that the noise concerns can be overcome and a satisfactory living environment can be created for future residents of the site (see main issue 2) and therefore it is not considered that the application should be refused automatically due to the proximity to the Late Night Activity Zone. Furthermore although policy DM23 also restricts the provision of residential uses within and in close proximity to late night uses; this policy does say that residential uses should not be permitted where the impact from noise would be such that it would have an unacceptably harmful impact on living and/or

working conditions for future occupants. This would suggest that where noise and structural transmissions would not create a harmful impact upon the living conditions of future residents, residential may be acceptable.

27. Furthermore the proposal will provide 41 residential units in a sustainable location which will help contribute towards Norwich's housing supply.

#### Main issue 2: Amenity

28. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.

#### Impact upon neighbouring residents

29. As the proposal is for the change of use of an existing building and does not include any new window openings or extensions it is not considered that the proposal will impact upon the living conditions of neighbouring residents, taking into consideration overlooking, overshadowing or loss of light. The main issue to consider is potential for increased noise and disturbance. In this particular instance it is considered that the change of use may result in less noise and disturbance to local residents due to the residents being less transient. It is suggest that a condition is attached to any future permission requiring a sign to be displayed on the rear pedestrian access from Prince of Wales Road encouraging the use of the secondary access after 23:00 and before 07:00 in order to minimise the impact upon residents of St Faiths Lane and Cathedral Street.

#### Living conditions for future residents

- 30. The proposal is for 8 no. studio apartments and 33 no. one bedroom flats of which four will be duplexes spread over two floors. Policy DM2 of the local plan is of particular relevance as this seeks to ensure that the proposal provides a satisfactory living condition for future occupiers of the site. As part of this it is important that adequate internal space is provided and the policy sets out indicative minimum guidelines for internal space standards, which have now been superseded by national space standards. The space standards set out that 1 bedroom, 1 person, 1 storey dwellings should have a minimum floorspace of 37 sqm and 1 bedroom, 2 person, 2 storey dwellings should have a minimum floorspace for 58 sqm.
- 31. The application as submitted included a number of units that fell short of these standards and the applicant has subsequently amended the proposal to address officer's concerns. This involved combining units and reducing two bedroom units to one bedroom units.
- 32. There are still five units which do not meet the national standards which are units 8 (studio), 11 (one bedroom), 16 (studio), 18 (studio), 37 (studio). Unit 11 is 2 sq m under the standards, units 8, 16 and 18 are 6 sq m under and unit 37 is 4 sq m under. For each of these units the applicant will provide a dedicated storage space of 6 sq m which although will not provide useable living space will reduce pressure on the small units.
- 33. The supplementary text to policy DM2 does set out that there is scope to relax the standards on a case by case basis if there are exceptional conservation or regeneration benefits. In this particular case, given that the majority of units meet the standards and given that the proposal is for a conversion rather than a new

build which will help rejuvenate this buildings, on balance it is considered that the proposal is acceptable and will provide adequate internal space to meet the needs of future residents.

- 34. Due to the location adjacent to the Late Night Activity Zone, noise disturbance is a key consideration. As part of the application an acoustic report was submitted which shows that the noise levels in the flat tested are acceptable. This flat has double glazed windows which were replaced as part of the previous application. It is important that all flats have windows of the same standard and therefore details of windows should form a condition of any future consent. It will also be necessary that all flats have mechanical ventilation as well as acoustic trickle ventilation again which can be secured by condition. This will mean that residents have the choice of opening windows, trickle ventilation or mechanical ventilation.
- 35. It is considered that the existing openings will provide sufficient light and ventilation for the properties.
- 36. There are some open spaces near the site; however they are not adjacent to the site and immediately accessible and therefore they will have reduced value for the future occupiers of the site. A small communal external amenity space already exists and although it is small for 41 units, it does provide somewhere for residents to sit outside should they wish to. Furthermore all apartments will either be one bedroom or studio apartments and therefore are unlikely to attract families. On this basis it is considered that the space is of sufficient size.

#### Main issue 3: Design

- 37. Key policies and NPPF paragraphs JCS2, DM3, NPPF paragraphs 9, 17, 56 and 60-66.
- 38. The proposal involves very few external alterations and will therefore have minimal impact upon the streetscene or the conservation area. The proposal does include new windows and the upgrading of the doors which will help improve the appearance of this building. The provision of a bike store, bin store and the increased boundary treatment are all situated to the rear of the site so will not be visible from the highway.

#### Main issue 4: Transport

- 39. Key policies and NPPF paragraphs JCS6, DM28, DM30, DM31, NPPF paragraphs 17 and 39.
- 40. The site is situated within a central, sustainable location. It is well served by buses, is in close proximity to the train station and is situated on the green pedalway. All of the residential units will be car free which is supported by policy DM32 of the local plan.
- 41. The application includes the provision of 10 no Sheffield Stands which will provide 20 cycle parking spaces. Although this does not accord with policy, which would require 1 space per property, it is considered an appropriate level due to the central location. Provision of additional cycle storage is likely to result in a significant oversupply and as a result reduce the amount of external amenity space available to residents.

42. With regards to bin collection, the applicant has confirmed that this will be carried out by a private contractor as is the case currently. This is considered to be a suitable arrangement as the private contractor will collect the bins from Prince of Wales Road and the collection will be weekly. This will need to form a condition of any future consent as Council collections will be problematic as due to the proximity of the bins to the highway and as fortnightly collection may require additional bins which will further reduce the amount of external amenity space for residents.

## Main issue 5: Energy and water

- 43. Key policies and NPPF paragraphs JCS3, DM1, NPPF paragraphs 94 and 96.
- 44. Policy 3 of the Joint Core Strategy sets out that residential developments of 10 units or more should provide at least 10% of the scheme's expected energy requirement through decentralised and renewable or low carbon energy. As part of the previous scheme to convert the office accommodation to an aparthotel, condition 10 required details of the measures to achieve this. Details were submitted under condition 10 of the previous consent and the report showed that 14 x south facing solar thermal panels would achieved a 10% energy saving. It is my understanding that this was never implemented. Therefore a condition should be attached to any future permission requiring a scheme. Due to the orientation, positioning and style of the building, it will be possible to include energy efficiency and renewable energy measures without having a detrimental impact upon the visual appearance of the building or conservation area.
- 45. Policy 3 of the Joint Core Strategy sets out that all residential development should reach Code for Sustainable Homes level 4 for water. The applicant has submitted a water calculator which shows the total water consumption to be 87.83 litres per person per day. This falls well within the maximum consumption of 105 litres per person per day. The majority of taps, WCs and appliances will remain as is.

#### Main issue 6: Flood risk

- 46. Key policies and NPPF paragraphs JCS1, DM5, NPPF paragraphs 100 and 103.
- 47. The site is situated within flood zone 2 and therefore a flood risk assessment has been submitted with the planning application. This details that the proposal would be safe to both people and property. As part of the report the applicant has submitted a flood response plan which should ensure the safety of residents in the event of a flood. The proposal is not subject to the sequential test as the proposal is for a change of use. The Environment Agency has not commented on the application.

#### Main issue 7: Affordable housing viability

- 48. Key policies and NPPF paragraphs JCS4, DM33, NPPF paragraph 50.
- 49. Policy 4 of the Joint Core Strategy sets out that on sites for 16 dwellings or more, 33% should be affordable. In this instance it was considered that it would be unlikely that a registered provided would find the units attractive so it was felt that the most appropriate way forward would be an off-site contribution.
- 50. Based on the calculation within the Affordable Housing SPD a policy compliant scheme would result in a contribution of £697,977.60. The applicant has however

submitted an open book viability assessment to demonstrate that this level of contribution would render the scheme unviable. Based on the figures submitted within the assessment it was shown that the proposed change of use would result in a deficit of -  $\pounds$ 562,913.81 and therefore the applicant has suggested that they cannot provide any off site contribution.

- 51. Norwich City Council's Senior Housing Development Officer has reviewed the assessment and considered that the costs and fees were reasonable and generally it was also considered that the sales figures were reasonable. However it was felt that the existing land value was too high and therefore advice was sought from the District Valuer on this sole issue. The District Valuer felt that the existing room rates were optimistic taking account of the specification of the subject rooms and following their own research into the existing value of the aparthotel, valued the site at £670,000 lower than the applicant. This would give a surplus of £107,086.19 for the change of use (after developer profit). The applicant has subsequently agreed to an affordable housing contribution of £107,086.19. As per the advice within the affordable housing SPD this would be subject to a review within 12 months if development as not commenced and a review after 30 months if development is not complete.
- 52. Based on the above it is considered that the proposal accords with policy 4 of the Joint Core Strategy.

## Compliance with other relevant development plan policies

53. 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	No – see main issue 4
Car parking provision	DM31	Yes
Refuse Storage/servicing	DM31	Yes subject to condition
Energy efficiency	JCS 1 & 3	Yes subject to condition
	DM3	
Water efficiency	JCS 1 & 3	Yes
Sustainable urban drainage	DM3/5	Not applicable

#### Equalities and diversity issues

54. There are no significant equality or diversity issues.

## S106 Obligations

55. An off-site contribution towards affordable housing would be secured though a s106 agreement. This would be a contribution of £107,086.19.

## Local finance considerations

- 56. 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.
- 57. 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.
- 58. In this case local finance considerations are not considered to be material to the case.
- 59. The development would not need to pay CIL as the building is currently in use and the proposal does not involve any additional floorspace.

# Conclusion

- 60. The site is situated adjacent to the Late Night Activity Zone where residential is not normally permitted. However in this particular instance it has been demonstrated that the noise concerns can be overcome and a satisfactory living environment can be created for future residents of the site and therefore it is not considered that the application should be refused automatically due to the proximity to the Late Night Activity Zone. Furthermore five of the 41 units do not meet national space standards; however given that the proposal is for a change of use and that the existing layout of the rooms would appear to provide reasonable living conditions it is considered in this instance that the proposal is acceptable.
- 61. In addition it is considered that the proposal has the potential to reduce noise and disturbance to neighbouring residents and through replacing the windows on the St Faith's Lane frontage it also has the potential to enhance the appearance of the building. The cycle storage and bin collection arrangements are satisfactory and although the proposal will not provide 33% affordable housing due to the site not being attractive to registered providers and due to viability, it will provide an off-site contribution of £107,086.19 which will help contribution to the provision of affordable housing elsewhere within the city.
- 62. Therefore although the proposal represents a departure from policy due to the application seeking to provide residential adjacent to the Late Night Activity Zone, it has been concluded that there are no material considerations that indicate that it should be refused. Therefore the recommendation is one of approval.

# Recommendation

To approve application no. 17/00361/U - 60 St Faiths Lane, Norwich, NR1 1NN and grant planning permission subject to the completion of a satisfactory legal agreement to include provision of affordable housing and subject to the following conditions:

- 1. Standard time limit;
- 2. In accordance with plans;
- 3. Details of bin store and bike store to be agreed and provided prior to occupation
- 4. Bin collection in accordance with approved refuse and servicing statement. Arrangement to continue in perpetuity unless otherwise agreed in writing
- 5. Restricted hours of bin collection
- 6. No occupation until alterations to boundary treatment have been carried out, combination lock installed, doors upgraded, new lighting installed in accordance with site plan.
- 7. Details of windows
- 8. Details of mechanical ventilation
- 9. Details of scheme to achieve 10% renewable
- 10. Sign relating to rear entrance to be installed prior to occupation

#### Informative:

- 1) The applicant should be made aware that an application to building control should be submitted for the change from an aparthotel to residential and all requirement of the building regulations should be met.
- 2) This property is in a situation with significant background noise arising from nearby uses. Norwich City Council has therefore included measures designed to control noise in the planning permission for this property. These requirements are to provide approved acoustic glazing and passive/forced acoustic ventilation and other noise mitigation measures. The use of these will be taken into account by Norwich City Council when investigating any complaint of noise nuisance from an occupier of these dwellings.
- 3) No parking permits
- 4) Permission is subject to s106 agreement

# 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, following negotiations with the applicant and subsequent amendments the application has been approved subject to appropriate conditions and for the reasons outlined in the officer report.



5. The trade button needs to remain for the intercom to call the builder or concierge who will remain.

6. The front doors to each apartment are already compliant.
7. Fire exit push button door

 Fire exit push button door releases linked into the fire alarm are already fitted.

 A video entry phone with vandal resistant external panel will be fitted with handsets in each apartment.

11. internal lighting is already on infrared sensors.

15. Climbing aids on the external side of the wall will be removed.

