

Planning Applications Committee: 22 September 2016

Updates to reports

Application 15/01928/F Item 1(A)

Late Representations

Since the publication of the committee report, Ten additional letters of representation have been received objecting to the proposals as well as three letters on behalf of Cllr Boswell and Cllr Jones, which are intended to provide evidence addressing the viability assessment, right to light and flood risk in a critical drainage catchment.

One of the letters challenging the accuracy of the viability assessment has been submitted by the owner of several properties along Doris Road.

The following issues have been raised in the additional representations but are considered to have already been addressed in the report to committee:

- Loss of light
- Noise disturbance, especially from roof terraces
- Loss of privacy/overlooking
- Harm to neighbouring amenity in general
- Poor living conditions for future residents
- Inadequate provision of green space
- Inadequate provision of external amenity space
- Overdevelopment of the site
- Out of scale development
- Poor design
- Lack of social housing
- Harm to highway safety, especially at the junction with Mill Hill Road
- Inadequate parking
- The viability assessment is inaccurate

Additional issues raised in representation

St Peter's is listed for its amenity value and not for its architectural merits. The plans preserve the architecture but loss all amenity

St Peter's is locally listed and the listing description is set out in paragraph 2 of the report. The listing cites both architectural and community benefits of the building as relevant to its value.

The loss of the community use is discussed under Main Issue 1 – "Principle of loss of community use"

Inappropriate housing for families, older people and disabled people

The proposal provides a good mix of dwelling, including 2-bed, 3-bed and 4-bed units which would be appropriate for family occupation.

Unfortunately it has not been possible to provide disabled access to many of the units, given the levels on site. However, three of the units are being designed to be wheelchair accessible/adaptable, with level access provided at ground floor.

The cycle way will be compromised

It is not considered that the proposal will compromise the cycle way in any way.

Issues raised by Cllr Boswell and Cllr Jones:

Right to light

The councillor response is noted but the daylighting and overshadowing impacts of the development are not considered to be significant. Members are still referred to the officer response provided within the report to committee under Main Issue 4.

Flood risk in a critical drainage area

A late objection has been submitted by Norfolk County Council as Lead Local Flood Authority (LLFA), which is summarised below:

“We object to this planning application in the absence of an acceptable Flood Risk Assessment (FRA) / Drainage Strategy relating to:

- The development changing vulnerability categories from less (a community building) to More Vulnerable (Housing) is at risk of flooding from surface water which has not fully been assessed.
- National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) has not been followed to show how the most vulnerable elements of the development has been placed in areas of lowest flood risk on the site.

We will consider reviewing this objection if the following issues are adequately addressed.

- The current FRA uses strategic information and a further detailed site specific assessment of the risk of surface water flooding (depth, velocity and hazard) is recommended. This would inform mitigation on the site with a review of all mitigation strategies including avoidance. Where necessary this would include a review of the building layouts to ensure that more vulnerable development (housing) is not located in Flood Zone 3 (i.e. the 1 in 100 year plus an allowance for climate change of surface water flooding). We would recommend that any site specific assessment consider the new climate change allowances issued by the Environment Agency (up to 40%). The FRA may also choose to provide justification as to why more vulnerable development has been placed in areas at high risk of flooding and why this cannot be avoided (the first option in the hierarchy for development in areas at risk of flooding).”

Having reviewed the objection submitted by the LLFA, the officer recommendation is one of approval subject to the additional information being provided and subject to the objection submitted by the LLFA being withdrawn. In this event the application would be determined under delegated powers.

In the event that the LLFA maintain the objection then the application would need to be brought back to a future committee meeting.

The LLFA do not consider condition 10 to be appropriate and so the recommendation also includes the deletion of this condition.

Viability assessment

The applicant's viability information has been assessed independently by the District Valuer. Their assessment has been further verified by the council's Senior Housing Development Officer and is considered to be acceptable. Planning permission will be subject to a legal agreement securing a commuted sum to be paid towards off-site provision of affordable housing. The legal agreement will also secure a review mechanism to allow further review of viability of development has not commenced within 12 months of planning permission being granted.

The council's Senior Development Officer has reviewed the response by Cllr Boswell and Cllr Jones and a summary of their comments is provided below. They will also be summarising their comments to members at the committee meeting.

Additional Consultation Response

The Council's Senior Housing Development Officer has provided a response to the viability assessment offered by Cllr Boswell and Cllr Jones in response to the one submitted by the applicant. His comments are summarised below:

1. The affordable housing SPD states:- *'It is important to recognise that a viability assessment represents a snapshot of development viability at a particular moment in time, and is based upon the best available up to date information at that point. As a result, the assumptions within the viability assessment could change'*. The viability appraisal assessed by the DV is dated March 2016 and whilst house prices may have changed since this date the appraisal is a snapshot at the time of application. (Rightmove show an increase of 6% in prices in Norwich in the past 12 months, the Cllr's quote 13.2% increase in east of England which tends to be higher due to Cambridge)
2. I note that the Cllr's assessment has focused on the sales values only element of the viability appraisal. It should be noted that a number of development costs are linked to GDV as a percentage so should GDV increase so will some of the costs.

3. The DV has challenged some of the assumptions made by the applicant and in some cases reviewed costs downward.
4. Whilst the applicant has not provided evidence of the comparison valuations the DV states in their report that they have carried out their own detailed research. In my experience they do extensively look at the types and locations of similar properties in order to assess viability. It should be noted that this area is a high value area due to purchasers wanting Victorian terrace properties. There is very little new-build data in the locality to show there would be a premium for this.
5. I note that the comparison properties that the Cllrs have put forward as examples are all 2/3/4 bedroom houses in the area. This development is predominantly flats and so this may not be the most appropriate comparison. Looking at Rightmove I note the following prices for flats in the area:-
 - a. 2-Bed 2nd floor flat Mill Hill Road currently being marketed for £159,950. The floor plans show that this is in the region of 65-70m² so would equate to £2,285 - £2460 per m².
 - b. 1-Bed flat sold on Mill Hill Road for £131,000 in May 2016. No floor plans were available but working on an average 45-50m² this would equate to £2,620 - £2,911 per m²
 - c. 2-Bed flat on College Road sold in Feb 2016 for £200,000, No floor plans available but working on an average of 65-70m² this would equate to £2,857 - £3,076 per m²
6. In light of the above I feel that the DV's independent assessment is a fair reflection of the likely sales values for the development.
7. The applicant has indicated that they are seeking offers from Registered Providers for the in-site affordable housing. In my opinion it is unlikely that a RP will take a small number of flats within a development such as this. The affordable housing SPD makes it clear that where no RP will take on the units it is appropriate to seek a commuted sum.
8. Within the S106 I would look to secure the affordable housing commuted sum that has been assessed as viable, but also to insert a clause that where no development has commenced within 12 months a further review of viability be carried out to seek an additional contribution up to the maximum commuted sum of £624,310.40.

Correction in report

- Para.121. Whilst the majority of units do satisfy national space standards and provide generously sized living units, three units in the Church Hall building fall short of satisfying national spaces standard. Two of these units fall only marginally short by 2 sq.metres and the remaining unit (CH10), falls short by 7 sq.metres. Given that this shortfall applies to only three units and that the majority of units in the development satisfy space standards, the scheme is considered to offer a satisfactory standard of amenity to future occupants.

Revised recommendation

To approve application no. 15/01928/F - St Peters Methodist Church Park Lane Norwich NR2 3EQ and grant planning permission subject to the completion of a satisfactory legal agreement to include provision of affordable housing and viability review mechanism and subject to the objection received from the LLFA being withdrawn. In light of the objection received from the LLFA, the recommendation is also to delete recommended condition #10.