

Planning Applications Committee: 14 March 2019

Updates to reports

Applications: 18/1286/F and 18/01287/L

Address: Barrack Street Development Site, Barrack Street,

Item no: 4(a)

Pages: 21-110

Additional representations:

Two further representations have been received as follows:

1. "I understand there is a plan to demolish the John Jarrold Print Museum and that it will be discussed at the planning committee on Thursday 14th March. Please would you do anything you can to prevent demolition of this treasured museum."
2. "Details: I have just seen on a museum web site you are planning to redevelop the site containing the Jarrold Print museum is there no way the museum could be saved I was lucky to find out about the existence of the museum making it possible to visit the site IT MUST BE SAVED for future generations. Next steps: Find a space somewhere to house the museum AS YOU MUST KNOW IT DOES NOT TAKE UP MUCH SPACE".

Officer comments: Both comments suggest the museum is to be lost in its entirety and the 2nd representation makes specific reference to finding a new space for the museum, which is included in this application.

During the 2nd period of consultation a total of 59 representations were received (not 54 as reported in the committee report). Three of the representations object to the loss of the museum, one of the representations sets out that they welcome the overall plans but comment that there has been no update on saving the two unlisted cottages (67 and 69 Barrack Street) which they feel at least the frontage should be retain and the fifth representation supports the application and feels that the proposal is of good design with the heights of the buildings respecting nearby listed buildings and feels that the new River Lane makes a feature of the city wall and provides play space and open space.

Officer comments: These additional representation raise no issues that have not been responded to within the report.

Conditions and informatives:

It is proposed to remove condition 24 relating to the bird nesting season and instead include this as an informative as this is covered by other legislation.

It is proposed that an informative is put on any future consent setting out that condition 31 (riverside walk) does not create a public right of way. It is also proposed

that an informative is places on any consent setting out that condition 34 (maintenance of new roads) does not require the adoption of the proposed streets.

S106 agreement:

S106 will show which routes the public can access along.

Both the Savills and DV viability appraisals are based on the first sales of phase 1 being in month 24 with site purchase being month 1, demolition and site preparations being months 1 to 9, construction of phase 1 being months 10 to 23. It is therefore proposed that the review mechanism trigger points are changed so that a review is undertaken if there has been no occupation within a further 36 months from commencement rather than 24 months as set out within the report.

CIL

The CIL calculation has been revised to take into consideration the block which will be affordable rent/shared ownership and the revised calculation is £1,743,425.

Application: 18/00962/O
Address: St Peters Methodist Church
Item no: 4(b)
Pages: 111-152

Additional representations:

1)

Dear Planning Councillors,

Reference: 18/00962/F

Site Address: St. Peters Methodist Church, NORWICH, NR2 3EQ

I objected to this application when it was first submitted in July 2018, and I am objecting

again now, as below.

1 OBJECTION 1: LIGHT STEALING

1 I appeal to you as Planning Councillors to look at paragraphs 128 and 129 of your agenda carefully. [REDACTED], has found a serious flaw

in the daylight calculations which the planning inspector refused to allow to be tabled

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due to the timetabling of the appeal. Paragraph 129 states the issue. Please consider it

in these simple terms below and take a common-sense view on it.

2 Unit CH9 places a new building structure, a complete storey being added to the 3Dprofile

of the building, to the south and south west of 79, Park Lane. The Daylight software package calculates that there is more daylight at number 79 with the new building structure than without it. The consultant claims that this is due to software rounding errors.

3 I am a computer scientist with 35 years' experience in the industry including at UEA: I

am very familiar with software rounding errors. I do not accept that this explanation from the consultant is credible. It would be possibly credible if a small structural change was made like a small wall.

4 However, we are talking about a new storey being added to part of the building, and it

is simple not credible that more daylight can be calculated with this new structure between 79, Park Lane and the sun. The error reported points almost certainly to a misconfiguration of the software as [REDACTED] originally suggested. I ask you to put on your “common sense” hats, and not to accept this spurious explanation from the consultant.

5 The model now needs to be independently reviewed – a safe planning decision cannot

be made until this is done.

6 **Further, there is another problem not previously reported.** I reproduce one of the daylight “overshadowing” drawings from the Daylight Report (revision B, July 2016).



7 This shows shadowing from the St Peters complex at June 21st 1700. The line of the

shadow can be seen to be parallel to the ridge of St Peters church. This ridge is nearly

on an west-east axis (the west end gable is actually slightly more towards north than south, so the alignment is slightly more than 270°, c. 272° W. However, using the data

tables <https://www.timeanddate.com/sun/uk/norwich?month=6&year=2019>, the sun is

262° W at 1700 on June 21st. This suggest that the alignment of the drawings may not

be completely accurate, and may be out by up to c.10°. As the height of the sun also varies during the day, this also affects where the shadowing of unit CH9 occurs.

8 Residents have never accepted that the modelling of the daylight and sunlight represents the actual impacts on neighbouring homes, nor that the modelling is technically accurate. **Crucially, it has never been independently reviewed.** Once again, residents and councillors are expected to accept in paragraphs 128 and 129, the

explanation of the consultant who did the modelling. The consultant is both the gamekeeper

and the poacher in this scenario, and it can only be resolved satisfactorily by an independent review of the modelling.

9 I urge you to defer this application whilst an independent review is made of the daylight and sunlight modelling. This has been a very serious issue for residents, and, as planning councillors, you should act to insist that the modelling is correct, and not accept the explanations that you have been given.

2 FLOODING

10 The LLFA, once again, objects to the application without an acceptable Flood Risk

Assessment (FRA) / Drainage Strategy for the lower lying properties (bullet 51). The question is what is an acceptable FRA? In bullet 53 the LLFA rightly rejects the applicant using a “1 in 30 years” event for their modelling, stating that “1 in 100 years”

in the required standard.

11 However, recent research has shown that “1 in 100 years” is no longer a trusted measure. Current projections of “1 in 100 years” flooding events are out of date with events on the ground. Evidence is that 1 in 100 years events, as currently calculated, are very optimistic compared the actual extreme weather events that we are seeing. Storm Desmond in 2015, was a 1 in 1300 year event and it has blown the credibility of

relying on current projections, and models, to determine what a “1 in 100 year” is.

12 This is currently being reviewed by the Government scientists at the Centre for Ecology

& Hydrology (CEH), Wallingford. Following an FoI that I made, the Director of CEH, Dr Lisa Stewart has advised me that they are currently recalibrating the model which projects these events for the UK (so what is a 1 in 100 year event will change to reflect

an increase in flooding events on the ground more correctly ie less optimistically). I append my FoI response from CEH, Wallingford in Appendix A which explains this.

13 Therefore, currently the LLFA are not securing the design of this development against

realistic projections of future rainfall events from the latest. This is actually a problem for every planning application - a generic issue – in Norwich and Norfolk with its flat landscape and prone of flooding.

14 Whilst this new information is an issue with the LLFA objection and the Council’s proposed mitigation of it by a condition at paragraph 147, it is also an issue for the fact

that the development is in the Critical Drainage Catchment CDA3. Residents downstream of the development have persistently and consistently raised concerns with

the Council about potential flooding of their properties, and the inadequacy of the Victorian drainage system.

15 I urge the committee to defer this application, pending further consultation with the

LLFA on the new evidence presented here by me: that Government scientists are recalibrating their model of projecting flooding events (and the probabilities of 1 in 100

years events). The current model is too optimistic given recent events on the ground.

The LLFA should review both:

a) whether the applicant’s Flood Risk Assessment is viable for meet a planning condition, given it is premised on out of date flood modelling (and frequency of 1

in 100 events)

b) whether there should be a moratorium on developments in the CDA3 area given increasing extreme weather events, and the current review of the situation by the Government.

3 OBJECTION 3: HIGH DENSITY, NO GREEN SPACE, POOR QUALITY OF LIFE FOR FAMILIES AND CHILDREN

I express very significant concern if a development of this nature were to be introduced

into our local area. The development does not offer good quality of life amenity – particularly to any families that were to move in. In particular:

there is a high density- 43 close-packed bedrooms over 4 floors;

this is associated poor design with many of the units shoehorned into the existing big buildings, leaving “dark and dingy” living spaces, lacking natural light;

there is a total lack of green space, gardens or play areas which makes the development totally unsuitable for most families;

it is also a misnomer, in this sense, to refer to some of the units as family town houses.

16 On the latter two points, it is increasingly accepted that outdoor play is very important

of children’s psychological wellbeing and development. Children who play outside develop better language skills, are fitter, and have fewer behavioural problems. The current scheme could restrict and damage children’s potential this way, and the refusal

should be upheld.

4 OBJECTION 4: LACK OF ENVIRONMENTAL VISION

17 There has been no clear environmental vision in this application or in 15/01928/F. The

developers provide for minimal tokenistic solar panels. The Council has recently accepted that we are living through a Climate Emergency (although they haven’t declared it by formally motion). In response to this emergency, we need at every decision to ensure the best environmental design – much, much greater provision of renewable energy on site, and strong insulation measures could be provided in the application. It simply does not go nearly far enough.

5 COMMUNITY VIEWS

18 Finally, it should be noted that residents are keen for a suitable development to come

forward for this site. All are agreed that the current situation of a decaying building in our neighbourhood is not good for anyone. As one key objector has already written to

the Planning Inspectorate “*we need housing here, but good housing to fit with the existing community*”.

19 The best way forward is for the application to be refused on the above grounds which

will allow for new proposals for the site to come forward.

6 CONCLUSION

20 I object to the application on these grounds:

light stealing from neighbouring properties– the need for an independent review of

the daylight and sunlight calculations and model;

flooding– the need to review both the applicants Flood Risk Assessment and

allowing any development in CDA3 area, given the Government have identified that the current projections for Flood Risk Estimation are flawed and being reviewed;

high density, no green space and poor quality of life housing;

lack of environmental vision.

21 The potential to fully demolish the site and then develop high quality eco-design housing that would be both a landmark, locally and nationally in innovative planning, is

now compelling. The Council must now seriously consider alternatives proposed for the site by the community which address quality of life and environmental vision.

APPENDIX A:

EIR request dated 23/08/18

Flood Estimation Handbook (FEH) and FEH13 rainfall depth-duration-

frequency model

Clarification of request

Following [REDACTED] on 4 September 2018, we understand that [REDACTED] enquiry relates specifically to the use of the FEH13 rainfall depth-duration-frequency (DDF) model for the design of flood and drainage infrastructure such as stormwater detention ponds. He is asking how regularly the model is updated and when the next review will take place. He confirmed that when he refers to the Flood Estimation Handbook (FEH), he means the DDF models that form only a relatively small part of the FEH methods and not the FEH statistical and rainfall-runoff methods.

FEH13 is not actually an edition of the handbook but a revision of the original rainfall DDF model (now known as FEH99) which is detailed in Volume 2 of the FEH (Faulkner, 1999).

Response

The Flood Estimation Handbook (IH, 1999) represents the outcome of a five-year research programme to develop and implement a set of generalised procedures for rainfall and flood frequency estimation in the UK. The five-volume handbook gives details of the underlying research, which is wide-ranging and statistically complex. In the years since its first publication, the methods, together with the data and software products necessary for applying them, have been subject to further development and refinement. These developments have mostly been funded by Defra and the Environment Agency through the Joint Defra / Environment Agency Flood and Coastal Erosion Risk Management (FCERM) Programme, although CEH National Capability funding from the Natural Environment Research Council has also contributed to the research.

A key aim of CEH's ongoing FEH research programme is to respond to user needs and feedback on the application of the various methodologies to real world problems. This is perhaps most relevant to the flood frequency estimation methods, which require a great deal of expert judgement in their application. There is currently no formal timetable for updates to the FEH flood or rainfall frequency methods, but feedback from the wide user base is used to inform the research programme.

There are many scientific papers relating to flood estimation using FEH methods which are all in the public domain. The FEH13 DDF model (see clarification above) was originally developed as part of a Defra-funded project on long return period rainfall, the final report of which is available online: <http://evidence.environmentagency.gov.uk/FCERM/en/Default/FCRM/Project.aspx?ProjectID=FF9A346A-3C9B-484C-8CF4-F83604439457&PageId=a0fe6dfc-506a-452c-9bff-a7ec06b4e6b0>

Other relevant publications are included in the reference list below.

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The final development and generalisation of the FEH13 DDF model was funded by CEH and model outputs are available through CEH's FEH Web Service (<https://fehweb.ceh.ac.uk>).

Following on from the extreme rainfall events and floods experienced in Cumbria in winter 2015-16, current research is recalibrating the FEH13 DDF model using daily and hourly annual maximum rain gauge data up to and including 2015. If this is found to have a substantial effect on the frequency estimates (for example, the 1-in-100-year rainfall of 1-day duration) in the region, it is likely that a recalibration of the model using updated annual maxima throughout the UK will be recommended. In this case, the

revised model estimates would be rolled out through the FEH Web Service. CEH is not responsible for recording and analysing extreme weather events. This is mainly carried out by the UK Met Office and the Environment Agency. Therefore we do not routinely investigate the return periods of recorded events. The blog post referenced in the enquiry led to a report on the floods in the north-west of England, published as part of an occasional series of outputs of the National Hydrological Monitoring Programme which documents major contemporary hydrological events (<https://www.ceh.ac.uk/sites/default/files/2015-2016%20Winter%20Floods%20report%20Low%20Res.pdf>).

References

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- Prosdocimi, Ilaria; Stewart, Elizabeth J.; Vesuviano, Gianni. (2017) A depth–duration–frequency analysis for short-duration rainfall events in England and Wales. Hydrology Research, 48 (6). 1624-1638. <https://doi.org/10.2166/nh.2017.140>
- Stewart, EJ; Jones, DA; Svensson, C; Morris, DG; Dempsey, P; Dent, JE; Collier, CG; Anderson, CA (2013) Reservoir Safety - Long Return Period Rainfall. Final report (two volumes). Defra/EA FCERM R&D Programme.
- Stewart, EJ; Morris, DG; Jones, DA and Gibson, HS (2012) Frequency analysis of extreme rainfall in Cumbria, 16-20 November 2009. Hydrology Research, 43 (5). 649-662. [10.2166/nh.2012.033](https://doi.org/10.2166/nh.2012.033)
- Stewart, Elizabeth J; Morris, David G; Jones, David A; Svensson, Cecilia (2012) A new FEH rainfall depth-duration-frequency model for hydrological applications. In: Moore, Robert J.; Cole, Steven J.; Illingworth, Anthony J., (eds.) Weather radar and hydrology. Wallingford, UK, International Association of Hydrological Sciences, 638-643. (IAHS Publication, 351).

2)

Re St Peter's Park Lane 18/00962/F

on the following grounds

1. The developer's affordable housing contribution is unacceptably low.

The planning officer report to the planning committee on 13 July 2017 concerning an identical application (5/01928/F)

recommended an affordable contribution of £507,108 in lieu of on-site affordable housing provision based on a revised viability calculation.

Because the applicant only offered a commuted sum of £371,800, the committee refused the application.

The applicant is now seeking approval of a identical scheme and offering a derisory £167,172 commuted sum for affordable housing.

If the Council approves the application, it will lose Norwich £350,000 for affordable housing.

Updated planning policy guidance on viability which accompanies the updated NPPF recognises that a developer profit figure lower than 20% may be more appropriate in consideration of delivery of affordable housing. The commuted sum on offer should be recalculated on the basis of 15% – 17.5% developer profit and not on 20%.

2. Increased risk of surface water flooding. The local lead flood authority has objected due to the potential risk of rapid inundation from surface water for units CH1, CH2 and CH3. The Council proposes planning conditions which it says would mitigate against flood risk. However, news on the science of climate change grows worse with every passing month. As a result, further increases in rainfall intensity leading to rapid inundation by surface water can be anticipated in the future and put the lives of any occupants at risk.

3. Loss of daylight and sunlight and overshadowing of numbers 77 and 79 Park Lane and 2,4 ,6 and 8 Doris Road. The residents are fearful about the impact of proposed unit CH9 (2-storey addition of top of the 2-storey flat-roof extension) on their quality of life. The Council should not accept the reassurance from the applicant who lacks expertise on the subject and has a vested interest. The Council ought to proceed on a precautionary basis and listen to the residents who will be directly affected.

Two additional representations have been received but do not raise any comments which have not been considered previously and are addressed in the report.