

Planning Applications Committee: 13 July 2017

Updates to reports

Application: 15/01928/F – St Peter’s Methodist Church
Item: 4(a)

Correction: Paragraph 13 – Summary information table

The table incorrectly states that the applicant has agreed to enter into the S106 agreement to pay a commuted sum of £507,000. This is not the case and due to the applicant not agreeing to the commuted sum of £507,000 it is recommended to refuse the application rather than approve it. This issue is elaborated on further within the main report.

Additional representations:

A total of 18 additional representations have been received following the publication of the report. These letters all raise objections to the case.

The majority of issues raised reflect issues that have previously been raised, which are already addressed within the main report, but additional issues are discussed below:

- Fire prevention and emergency evacuation – have requirements for materials and escape been fully assessed?

The issue of fire safety and resistance is covered under the building regulations. However, fire escape has been considered during the assessment of the application, recognising the value to be had from designing out any issues out at an early stage. Only one risk area was identified in unit C5. This unit has now been provided with a secondary escape and the kitchen could easily be enclosed with the installation of a fire door to provide separation from the stairwell.

The fireproof attributes of materials used in the development is a matter for control under Building Regulations and is not a planning matter.

- Overlooking from the Church Hall building to the garden of 91 Mill Hill Road.

The conversion of the church hall would introduce windows to the east elevation of the building, which is currently characterised by a blank gable. There would be two bedroom windows installed at first floor level, but given the separating distances and angle of view to the surrounding area, there would be no significant degree of associated overlooking to neighbouring properties. The central window at first and second floor level relates to a stairwell where there would be less opportunity for overlooking.

- A letter of representation has been circulated to members by a contributor, citing the viability assessment and right of light issues in their objection. Both of these issues are discussed in more detail in the main report.

A further letter follows this and cites the council's Supporting Planning Document 'Affordable Housing SPD 2015'. The SPD sets out the methodology for calculating commuted sums in the event that a developer can demonstrate that affordable units cannot be provided on site. The equation is set out below:

"Total contribution due therefore equals to net internal floorspace of open market housing proposed x 0.30 (if 11-15 dwellings), or 0.33 (if 16 plus dwellings) x £1083.66. Plus flat fee of £1000 to cover legal charges associated with the land transfer."

In this instance the total contribution is therefore calculated as follows:

1743 sq.metres x 0.33 x £1083.66 =**£623,310.39** + (£1000 to cover legal charges)

However, this amount would only be required if calculated as viable to do so. In this case and as independently assessed by the DVS, a sum of £507,000 is calculated to be viable. In the event that planning permission was to be granted, a S106 agreement would need to be entered into. This would set out the requirement for the developer to pay the £507,000 commuted sum, but would also include a clause to review the viability in the event of development not commencing and units not being ready for occupation within an agreed period of time. The SPD affordable housing sum of £623,310.39 would be set as the ceiling figure in the event of the viability review clause being triggered and scheme being assessed as more viable at that point in time.

The SPD calculation does not alter the commuted sum amount detailed within the report to committee nor the final recommendation.

- A 10 page report has also been circulated to members which summarises some of the concerns raised in representation and by consultees and the extent to which the report to committee is regarded as addressing them.

Whilst the points raised in the report are noted, it is felt that the issues have adequately been addressed in the report to committee.

Reason for refusal:

The suggested reason for refusal is set out in the addendum report to committee which has previously been circulated to members. The reason is written as follows:

"The proposal fails to meet the requirement for affordable housing either through on-site provision or through the provision of a commuted sum towards off-site provision of a level which has been independently assessed to be viable for the proposed scheme. Notwithstanding the fact that a five year land supply for housing cannot currently be demonstrated within the Norwich Policy Area, the shortfall in affordable

housing provision associated with the proposal represents an adverse impact that would significantly and demonstrably outweigh the benefits of the proposal when assessed against the NPPF as a whole. The proposal therefore fails to represent sustainable development in the context of paragraph 14 of the National Planning Policy Framework and conflicts with the requirements of policy 4 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (2011, amendments adopted 2014) and guidance within paragraph 50 of the National Planning Policy Framework.”

Due to the applicant not agreeing to pay the independently assessed commuted sum, the proposal would also be contrary to policy DM33 of the *local plan*. The recommended reason for refusal is therefore revised as follows:

“The proposal fails to meet the requirement for affordable housing either through on-site provision or through the provision of a commuted sum towards off-site provision of a level which has been independently assessed to be viable for the proposed scheme. Notwithstanding the fact that a five year land supply for housing cannot currently be demonstrated within the Norwich Policy Area, the shortfall in affordable housing provision associated with the proposal represents an adverse impact that would significantly and demonstrably outweigh the benefits of the proposal when assessed against the NPPF as a whole. The proposal therefore fails to represent sustainable development in the context of paragraph 14 of the National Planning Policy Framework and conflicts with the requirements of policy 4 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (2011, amendments adopted 2014), policy DM33 of the Development Management Policies Local Plan 2014 and guidance within paragraph 50 of the National Planning Policy Framework.”

Application: 17/00737/F – Norwich High School for Girls, 95 Newmarket Road
Item: 4(b)

Correction:

It is stated within the summary information table that there is no change to the number of cycle parking spaces. This should be corrected to read that two Sheffield stands will be provided which will increase cycle parking provision by four.

Additional information received:

Additional landscaping details have been received which show full details of hard and soft landscaping. The proposal now provides 12 new trees to replace the four that will be lost. The trees along the new access road will help to soften the large area of hardstanding which will be created by the new roadway, parking area and pedestrian footpath. The details are considered acceptable and therefore it is proposed to reword condition 8 to read that the landscaping details shall be in accordance with the approved plan.

An Arboricultural Method Statement (AMS) and Tree Protection Plans (TPP) have also been submitted. Norwich City Council's tree officer is satisfied that the information will ensure the protection of all trees that are to remain. Therefore it is proposed to reword condition 10 to say that tree protection measures shall be in accordance with the approved AMS and TPP.

Application: 17/00357/F – St Stephen's Towers, St Stephen's Street
Item: 4(c)

The following consultation responses have been received to the amended plans:

Norwich City Council – Conservation & Design:

The design of the proposed development has been amended and improved following Officers advice. The proposed increase in the height of the towers has been reduced to a single storey, in order to reduce the impact of the works upon the setting of adjacent listed buildings and wider character and appearance of the conservation area. The proposed cladding and fenestration treatment has also be revised, it is now of a much lighter colouration to better harmonise with the brick utilised in the base of the building and that proposed for the infill extensions. The horizontal concrete banding which will help to temper the impact of the additional height and bulk somewhat.

The proposed demolition of existing red brick extensions/ancillary buildings is not opposed, the proposed yellow brick will better harmonise with the other contemporary development in proximity to the bus station.

The proposed construction of new infill extensions between and to the south of the towers will allow for the development to have a finer urban grain.

Whilst the proposed additional storeys will increase the visual impact of the existing negative building and landmarks somewhat and will create a greater disparity in heights between the contemporary/modern architecture and the neighbouring heritage assets, the proposed re-design and reduction in height of the towers helps to temper this impact.

It is considered that the single addition storey will have a negligible impact upon the setting of the adjacent Surrey House (Grade I) and Bignold House (Grade II*). The views of the new towers from Surrey Street from Norwich Free school and Thomas Ivory House (Grade II) will be altered and the development will have a much greater massing, but its more contemporary contextual appearance may help to offset the impact of this enlargement, somewhat.

The visual impact of the development from the castle mount will be negligible, and the single additional storey will allow the building to remain respectfully subservient. Now that the development has been reduced and amended, it will not impact greatly upon the townscape and wider character and appearance of the city centre conservation area.

The increased height and bulk of the towers may become evident above the ridgeline of the Chapel field development when viewed from Chapelfield Grove, which will have a disruptive impact upon the wider townscape, character of this part of the conservation area and wider setting of St Stephens church. It is acknowledged that this is not the most sensitive viewpoint within the conservation area however the works will fail to improve townscape character/ setting of the church in this respect.

It is unfortunate that the works will not result in improvements to the shopfronts along St Stephens (to which the towers are attached). It is also regrettable that the scheme offers no improvements to the east-west connection between St Stephens Street and the bus station. In this respect, the application fails to meet with the aims of the St Stephens Masterplan.

That said, it is acknowledged that the works will provide a new viable use to the disused site and will improve its general appearance. The applicants also offer some improvement works to the landscaping around the City Walls on Queens Street and to the paving/vehicular access to the bus station from Queens Street. It should also be acknowledged that the works will result in improvements to the existing street leading down to the application site and student accommodation entrance from Surrey Street. All of the detailed design of these improvement works should be controlled by a landscaping condition/ unilateral agreement with the Council. It should be noted that works in proximity to the city walls may require scheduled monument consent from Historic England.

It is imperative that the proposed landscape and setting improvement works and detailed design of the new conversion works and extensions are secured by this consent.

Norfolk County Council – Local Highways Authority: As I understand matters, the existing use of the building is B1 office space without any restriction in hours of operation. Whilst office workers generally work 9am to 5pm there is no restriction to ensure that happens. Accordingly, office workers would (at least in theory) have the propensity to walk through the service yard whilst deliveries are in progress in exactly the same manner as use by students would permit.

I also understand there are permitted development rights allowing the offices to be converted into residential use without formal planning permission. However, a standard residential unit would typically occupy more space than a student residence, hence student accommodation increases the number of units and residents likely to occupy over and above that of standard domestic.

The agent has attempted to make an argument that the number of office works would have been greater than the number of students and hence the number of pedestrian movements is therefore less under their proposal. I'm not entirely convinced by this particular argument. Whilst the number of office workers may well have been higher, it does not automatically follow that the number of movements would also be correspondingly higher.

Irrespective of the above, at the start and end of the academic year the nature/pattern of transport movements is significantly different with the "move in" and "move out" process by students being highly concentrated into a relatively short time frame. The agents have submitted a letter from CRM Students (the management company for the accommodation) setting out how they intend to manage this.

Ultimately, this will come down to effective traffic management and enforcement by your authority.

Taking all of the above points into account, on balance I no longer have an objection to this proposal as long as the proposed link between the bus station and the development is provided as shown within the submitted plans and documents. This link will help to improve pedestrian permeability with the city. However, little detail is shown as to how the link will be managed what signage will be required to support its use.

The agent has offered to produce a Public Realm Strategy Document to include management arrangements for public accessibility/ safety measures/ signage / and the precise location for the access gate which they indicate could be covered by condition. I have no objection subject to this being included within your conditions.

Historic Environment Services: The amended plans do not alter the comments originally made.

A 3rd party letter of **OBJECTION** has been received raising the following issues:-

- Concerned that the details shown on the submitted plans for improvements to the access with Surrey Street will restrict access for businesses that also require servicing access;
- Concerned that increased usage of the access by students and the general public will also have an adverse impact upon servicing and be potentially unsafe;
- Arrangements for pick up and drop off at the beginning and end of term.

Correspondence has also been received from the **APPLICANT** including:-

- Additional noise information;
- Unilateral undertaking; and
- Details of fire hydrant provision.

Officer comment:

The issues raised by the objector relate the detailed design of hard and soft landscape details for the access to Surrey Street. Notwithstanding the details shown on the submitted plans, the final details will be secured by condition 13.

The points raised by the County Council are covered in covered in conditions 5, 7 and 12; and in the unilateral undertaking.

The points raised by the Conservation and Design Team are covered by conditions 3, 4 and 13; and in the unilateral undertaking.

Notwithstanding the additional noise information submitted, condition 9 is still considered necessary.

Additional conditions:

Two additional conditions are recommended:-

14. The scheme shall be carried out in accordance with the submitted construction management plan;
15. A fire hydrant shall be provided in accordance with the submitted details.

Amended recommendation:

The unilateral undertaking that has been submitted is acceptable and provides for just over £80,000 for schemes on Queen's Road and Surrey Street, which would be provided prior to commencement of development.

The recommendation at the bottom of page 96 should be amended to read:

“To approve application no. 17/00357/F – St Stephen's Tower, St Stephen's Street, Norwich and grant planning permission subject to the terms of the submitted unilateral undertaking and subject to the following conditions:”

Application: 17/00737/ENF – 21-23 St Benedict's Street
Item: 4(d)

Correction:

The entrance to the flats is not via the courtyard as stated, it is via a door on the West elevation facing Maude Gray court.

Since publication of the enforcement report, the applicant has brought forward two potential proposals to address the current issue, this would require determination under a follow up planning application.

Broadland Housing – owner of this site has confirmed that the courtyard area is solely used as fire escape for flats & ground floor commercial units.