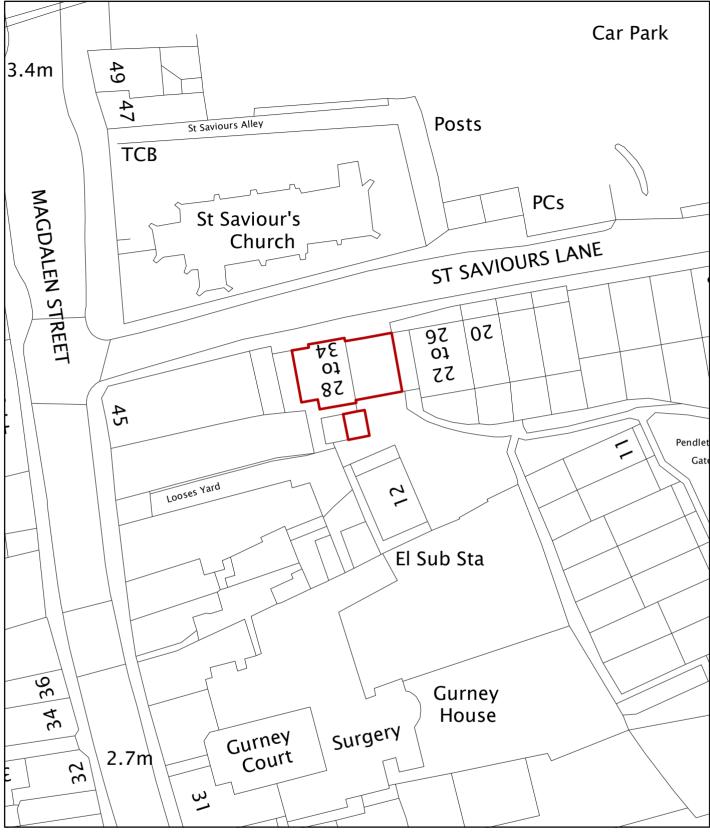
Report to	Planning applications committee	ltem
	26 November 2015	
Report of	Head of planning services	
Subject	Application no 15/01449/F - Land at the corner of St Saviours Lane and Blackfriars Street, Norwich	4(A)
Reason for referral	Departure from development plan	

Ward:	Mancroft
Case officer	James Bonner - jamesbonner@norwich.gov.uk

Development proposal		
Conversion of offices (Class B1) to 4 No. flats (Class C3).		
Representations		
Object	Comment	Support
1		

Main issues	Key considerations
1 Principle of development	Loss of office space; provision of new housing
2 Affordable housing	Viability of wider scheme; provision of affordable units
3 Amenity	Occupier amenity (internal space standards; noise)
Expiry date	10 December 2015
Recommendation	Approve subject to S106 agreement



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Planning Application No 15/01449/F Site Address Land at the

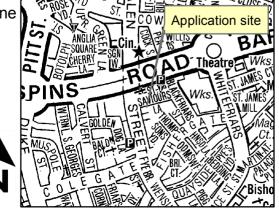
Land at the corner of St Saviours Lane and Blackfriars Street

Scale

1:500







The site and surroundings

- 1. The application affects the office space in former Hi-Tech House site on the corner of St Saviours Lane and Blackfriars Street. The floorspace is in the far western corner of St Saviours Lane, directly opposite St Saviours Church. For a full site history see the original report for the site's redevelopment (10/00907/F), which was described:
 - 16 one and two bedroom flats;
 - 21 three and four bedroom town houses;
 - 201.75 square metres of B1/A2 office uses in two, three, four and five-storey buildings;
 - associated amenity space, vehicle accesses, car parking and refuse/cycle storage.
- 2. This development has been 'completed' with the dwellings being sold and occupied. The office space remains open plan but it is not furnished or even finished to the degree it would appear as office space.

Constraints

3. Within the city centre conservation area; opposite grade I listed church. Smurfit Kappa factory is to the east, which operates on a 24 hour basis. The site is within flood zone 2 and has had issues of contamination in the past (now resolved).

Relevant planning history

4.

Ref	Proposal	Decision	Date
07/00587/F	Redevelopment of site with 52 apartments; 6 town houses; 4 live/work units; 203 square metres of B1/A2 office uses in two, three, four and five-storey buildings with associated open space, vehicle access, car parking and refuse/cycle storage (Revised Scheme).	Approved	29/10/2009
10/00907/F	Redevelopment of site to provide for 37 No. dwelling units (16 No. one and two bedroom flats and 21 No. three and four bedroom townhouses) with offices (201.75sqm) and associated car parking spaces.	Approved	22/03/2012
13/02097/F	Erection of automated gates at two entrance/exit points.	Approved	25/04/2014

Ref	Proposal	Decision	Date
15/00481/F	Conversion of new office building to 4 No. flats.	Refused	18/08/2015

The proposal

- 5. Proposed is the change of use of the office space (Use Class B1a) to four one bedroom flats (Class C3). A similar proposal was refused in August on the basis of the following reasons for refusal:
 - (1) Insufficient information has been provided to demonstrate that there is no possibility of reusing or redeveloping the allocated office space for similar or alternative business uses; and that a) the site or premises is no longer viable, feasible or practicable to retain for business use; or b) retaining the business in situ would be significantly detrimental to the amenities of adjoining occupiers, would prevent or delay the beneficial development of land allocated for other purposes or would compromise the regeneration of a wider area; or c) there would be an overriding community benefit from a new use which could not be achieved by locating that use in a more accessible or sustainable location. In the absence of this information the proposal is contrary to DM17 of the Norwich Development Management Policies Local Plan (adopted 2014) and the strategic aims of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk (adopted March 2011, amendments adopted January 2014) which aims to support the needs of small, medium and start-up businesses (policies 5 and 11).
 - (2) As part of the site's original redevelopment a lower affordable housing contribution was accepted given the scheme demonstrated a lack of viability with the full JCS4 requirement of 33%. This provision of office space informed the viability assessment to some degree and as the development of the employment use has not been completed, separating this floorspace from the rest of the scheme is considered artificial subdivision of the site. In the absence of a draft/completed S106 agreement or undertaking, or an updated viability assessment which demonstrates why further affordable housing cannot be provided, the proposal is contrary to DM33 of the Norwich Development Management Policies Local Plan (adopted 2014) and JCS4 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk (adopted March 2011, amendments adopted January 2014).
- 6. Follow this refusal discussions have taken place with the applicant who has indicated that the Registered Provider currently on-site is willing to take on two of these four proposed flats. This current application has therefore put a greater emphasis on the provision of two affordable flats in order to overcome the previous reasons for refusal.
- 7. No external changes are proposed.

Summary information

Proposal	Key facts
Scale	
Total no. of dwellings	4
No. of affordable dwellings	2
Total floorspace	161.89sqm
No. of storeys	3
Transport matters	
Vehicular access	Via Blackfriars Street or St Saviours Lane. This part of the development would primarily use St Saviours Lane.
No of car parking spaces	2 (the original scheme afforded 2 spaces to the offices; there are also 32 parking spaces for the other 37 residential units)
No of cycle parking spaces	As per commercial provision in store – 6 spaces shown
Servicing arrangements	Communal bin store in courtyard

Representations

8. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. No letters of representation have been received [*NB: the Norwich Society objected to the previously refused and materially unchanged scheme – see below*].

Consultation responses

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

Design and conservation

10. No comments.

Environmental protection

11. [*From previous scheme*] No comment. The site has already been remediated and the building envelope has been treated to reduce noise intrusion from road traffic etc.

Environment Agency

12. [*From previous scheme*] Covered by Flood Risk Standing Advice – no comments to make. Surface water management is a matter for the lead local flood authority.

Highways (local)

13. [*From previous scheme*] No objection providing bin and bike storage is adequate. Flats would not be eligible for on-street parking permits.

Norfolk historic environment service

14. No archaeological implications.

Norwich Society

15. [*From previous scheme*] We are disappointed that this office space is now being divided into such small flats.

Private sector housing

16. [From previous scheme] No comment.

Assessment of planning considerations

Relevant development plan policies

- 17. 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
 - JCS3 Energy and water
 - JCS4 Housing delivery
 - JCS5 The economy
 - JCS6 Access and transportation
 - JCS9 Strategy for growth in the Norwich policy area
 - JCS11 Norwich city centre
 - JCS20 Implementation

18. Northern City Centre Area Action Plan adopted March 2010 (NCCAAP)

- LU1 Mixed use development to promote regeneration and a distinctive identity
- LU3 Residential Development high density 15% for family occupation
- MV1 Sustainable Transport promote pedestrian and cycle facilities by contributions
- TU1 Design for the historic environment plot widths, building lines, scale, proportions, street widths and materials – City Centre Conservation Appraisal key tool
- ENV1 High Standard of Energy Efficiency
- WW1 Land west of Whitefriars mixed use redevelopment

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

• DM1 Achieving and delivering sustainable development

- DM2 Ensuring satisfactory living and working conditions
- DM5 Planning effectively for flood resilience
- DM12 Ensuring well-planned housing development
- DM13 Communal development and multiple occupation
- DM17 Supporting small business
- 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

- 20. Relevant sections of the National Planning Policy Framework March 2012 (NPPF):
 - NPPF0 Achieving sustainable development
 - NPPF1 Building a strong, competitive economy
 - NPPF4 Promoting sustainable transport
 - NPPF6 Delivering a wide choice of high quality homes
 - NPPF10 Meeting the challenge of climate change, flooding and coastal change

21. Supplementary Planning Documents (SPD)

• Affordable housing SPD adopted 11 March 2015

Case Assessment

22. 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

- 23. Residential: Key policies and NPPF paragraphs DM12, DM13, JCS4 and 11, NPPF paragraphs 49 and 14.
- 24. Loss of office space: Key policy DM17, JCS5 and 11.
- 25. The principle of residential use on this site in general is accepted; however the allocation on the site specifically included the requirement for a mix of uses including office employment. It should be noted that this allocation (WW1) in the Northern City Centre Area Action Plan referred to the wider site which included the much larger proportion of the currently occupied Smurfit Kappa site to the east and the car park to the north. As previously discussed, it is considered practical to suggest that the loss of this small proportion of office space could be made up in the development of the rest of the site if and when it comes forward. However in

assessing it against DM12(c) the loss of the offices would still be contrary to policy given the scheme was assessed and approved on the basis of there being a proportionate mix of uses as required in the site allocation. As the offices have not been substantially completed or occupied it is difficult to argue that this aspect of the permission has been implemented and that a new chapter of the site's planning history has begun. For the same reason there is no permitted development right to convert the offices to residential through the prior approval process.

26. It may be possible to justify the loss of offices on the basis of the relatively small provision being more beneficial as part of a larger cluster elsewhere in the site, however its loss would still have to be justified against DM17, which states:

Sites and premises providing for small and medium scale businesses will be safeguarded for class B business uses and other economic development purposes. Proposals leading to the loss of suitable sites or premises which are used by, or available for, such businesses will be permitted where the possibility of reusing or redeveloping the site or premises for similar or alternative business purposes has been fully explored and it can be demonstrated that there is no demand for small and medium scale business units in the area; and

- (a) the site or premises is no longer viable, feasible or practicable to retain for business use; or
- (b) retaining the business in situ would be significantly detrimental to the amenities of adjoining occupiers, would prevent or delay the beneficial development of land allocated for other purposes or would compromise the regeneration of a wider area; or
- (c) there would be an overriding community benefit from a new use which could not be achieved by locating that use in a more accessible or sustainable location.
- 27. Of particular interest for this proposal is the need to demonstrate that there is a lack of demand for the units. The previously refused scheme included a letter from a surveyor stating their negative opinion on the potential for the offices to be successfully let. This letter was not accepted as a satisfactory justification and a more detailed report has been provided for the current proposal. It cites several factors as to why the offices space itself is not attractive, as well as evidence showing how the general picture in the centre of Norwich is one of oversupply and lack of demand for 'poor secondary' offices as this space is designated, although it is keen to note that supply is lessening as a result of a number of large offices being converted to residential through the prior approval process.
- 28. Although it is accepted there is an oversupply of 'secondary poor' office space in the city and that this particular space has its shortcomings, it should be noted that the report itself is not without faults, for instance it underplays its potential to serve as relatively cheap office space in a fairly central location with dedicated car parking. There are limited direct comparisons made to similar spaces which have been difficult to let. One of these is the first floor of 3 St James Court which is a larger space where the landlord has apparently shown a willingness to subdivide for smaller occupiers. This is not a fair comparison given it is more expensive grade A space and no meaningful comparison can be made on size and rent. The other comparison is the ground floor of St James Mill which has been available since 2014 this is a grade I listed building, which although is a potentially large

constraint, partitions have been granted listed building consent in the past. This could be a fairer comparison but no evidence has been provided to show what size the office(s) are, how much they were marketed at, what any offers were and how this is comparable to the application site.

29. The report lacks any suggestion of how much this application office space would potentially be marketed for, but the most glaring omission is the fact that the space has not been formally marketed at all. There is no evidence which suggest an absence of reasonable interest, even if it demonstrated that the interest was at an unfeasibly low rate. This is the evidence required to establish a lack of demand. For this reason the proposal is still contrary to DM17, although in contrast to the previous refusal the decision is considered to be tipped in favour of approval by the formal inclusion of two affordable units. This balancing exercise is set out in the conclusion.

Main issue 2: Affordable housing

- 30. Key policies and NPPF paragraphs JCS4, DM33, NPPF paragraph 50.
- 31. The original scheme (10/00907/F) was approved on the basis of providing 13.5% affordable housing on-site because the 33% required through JCS4 made it unviable alongside the playspace (£75K), education (£93K) and transportation (£10.5K) contributions. Part of this justification for not providing more affordable housing is the inclusion of the lower value office space, although nothing in this current application or the previous refusal has suggested what impact this had. In this current application the provision of two of the four units as affordable has been made more formal with the submission of a draft s106 agreement. The current onsite Registered Provider (RP) is to take on the two larger units on the basis of 'Affordable Rent', i.e. subject to rent controls that require a rent of no more than 80% of the local market rent. The rest of the affordable units within the development (one three bedroom house and four 2 bedroom flats) are social rented.
- 32. As stated in the adopted affordable housing SPD it is current practice to accept affordable rent dwellings only where a developer can provide evidence that social rent is unviable or where evidence is provided that RPs will not accept social rented dwellings. The applicant has stated that the RP will only take on the two units as affordable rented and not social rented due to budget constraints. While social rented would be preferable, this is still by definition affordable housing and the provision of the one bedroom flats further improves the site's mix of affordable dwellings, which is clearly a positive. The inclusion of these two additional units is considered to adequately satisfy the previous questions of viability and potential under-provision of affordable housing.

Main issue 3: Amenity

- 33. Key policies and NPPF paragraphs DM2, DM11, NPPF paragraphs 9 and 17.
- 34. The original scheme for the wider site was subject to conditions requiring compliance with the recommendations of an Adrian James acoustic report dated 2007. Since completion it has been established that the works have been carried out with the recommendations of a subsequent Adrian James acoustic report dated 12 March 2014. This suggests deviations from the mitigation measures suggested in the 2007 report, including alternative insulation and alternative acoustic trickle

vents. Titon SF sound attenuator vents V75 with standard canopy have been installed in the dwellings within the wider development as well as the office windows affected here. This has been verified by visiting the site and Environmental Protection are satisfied that this will deliver the necessary internal noise levels as required by the original acoustic report. The agent has confirmed that these measures have been installed but a condition is recommended to ensure continued compliance with this most recent acoustic report, which should allow for satisfactory living conditions.

- 35. The internal floorspace of the two affordable units are 45.3sqm two of the units are smaller (35.6sqm) than the thresholds set out in DM2 (37sqm). As of 1 October 2015 these space standards have since been replaced by the new national standard for internal space, which sets out minimum space as 37sqm plus 1sqm of in-built storage (the flats have bathrooms rather than shower rooms, hence the lower requirement). Attempts have been made to revise the layouts to afford the smaller flats a bit more room. However the position of the separating Party Wall on both floors sits where there is a break in the separating floors. The cavity sits over the break and helps with the acoustic separation between the flats. Moving the partition may lead to two marginally larger flats but may worsen the acoustic protection between the flats and may increase the difficulty in meeting Part E of the Building Regulations.
- 36. It should be noted that while important, these figures are largely indicative and given there are reasonable levels of daylight and outlook, as well as a communal external amenity space in the courtyard, this is unlikely to represent unacceptable living conditions for the occupiers which could substantiate refusal against DM2. The policy suggests that the case for relaxing these standards can be based on 'exceptional conservation or regeneration benefits'. The provision of additional housing, particularly the securing of affordable housing, is considered to be a regeneration benefit which outweighs the relatively low level of harm to occupier amenity.
- 37. These additional units would not have an appreciable impact upon the amenity of any neighbouring occupiers.

Compliance with other relevant development plan policies

38. 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
Energy efficiency	JCS 1 & 3 DM3	Yes subject to condition

Requirement	Relevant policy	Compliance
Water efficiency	JCS 1 & 3	Yes subject to condition
Sustainable urban drainage	DM3/5	Not applicable

Other matters

- 39. The following matters have been assessed and considered satisfactory and in accordance with relevant development plan policies, subject to appropriate conditions and mitigation:
 - Contamination this has been addressed as part of the previous application.
 - Archaeology as above.
 - Transportation cycle parking and refuse storage for the office were shown on the previous scheme's approved plans. There are no concerns with this arrangement for the four dwellings and any approval would be subject to conditions. The previous plans indicated two car parking spaces would be reserved for the office space and it is assumed this would transfer to the residential use. This raises no issues.

Equalities and diversity issues

40. There are no significant equality or diversity issues.

S106 Obligations

41. Any approval would be subject to a S106 agreement to secure the two largest units are affordable social rented dwellings.

Local finance considerations

- 42. 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.
- 43. 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.
- 44. In this case local finance considerations are not considered to be material to the case.
- 45. The conversion to residential is liable for CIL at ~£85 per square metre. The floorspace belonging to the affordable units is eligible for affordable housing relief.

Conclusion

- 46. While the loss of the office space is regrettable, particularly as it has not been established whether there is genuine demand for it, this must be balanced against the provision of much-needed housing. The inclusion of two additional affordable flats is a substantial improvement over the previous refusal and this weighs heavily in the proposal's favour.
- 47. Although there is a strategic need for smaller scale employment sites (JCS5 and 11), there is also a very clear need for more housing (JCS4 and 11). There is a potential risk that undergoing a full marketing exercise for 6 to 9 months may end up with the same conclusions as the surveyor's assessment, by which time the Registered Provider may have lost interest in taking on the units. In contrast there is no doubt that additional affordable housing is and still will be required. Even working with the assumption that this floorspace can and will be used for its originally intended employment use, the conclusion of this assessment is that the provision of the additional dwellings is considered to outweigh the loss of the employment use.
- 48. While mixed-use developments are desirable in city centre locations such as this it has to be noted that this particular employment use does feel slightly tacked-on to the residential development. The wider allocation can in theory provide a much more plausible employment use within a larger mixed-use development. Although this proposal is technically contrary to the site's allocation this is not considered to outweigh the benefits of the proposal.
- 49. Whilst there are minor issues for occupier amenity as a result of the relatively small floorspace provided within the non-affordable flats, qualitatively speaking the flats are of fine with good shared amenity space. Any shortcomings are outweighed by the provision of the affordable units. As there are no outstanding concerns with regard amenity or transportation 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. 15/01449/F - Land at the corner of St Saviours Lane and Blackfriars Street, Norwich 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. The acoustic measures set out in the Adrian James Technical Acoustic Report dated 12 March 2014 shall be carried out and retained as such.
- 4. Refuse and cycle storage shall be provided prior to occupation and retained as such in line with approved plans.

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 at the pre-application stage insert if necessary the application has been approved subject to appropriate conditions and for the reasons outlined in the officer report.

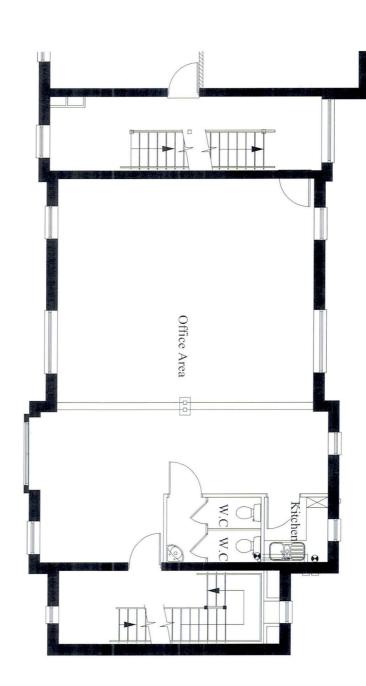


EXISTING FIRST & SECOND FLOOR PLAN

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CORPORATE RESOURCES



GROUND FLOOR PLAN

Bin Store

Bin Store

Hallway

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FIRST FLOOR PLAN - RESIDENTIAL

OB Kitchen

Lounge

3175

Bedroom

Shower

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Landing

2794

Hall

Bedroom

3968

Lounge

Kitchen

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FLOOR AREA =34.6m²

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Bath.

FLOOR AREA =45.3m²

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3303

4264

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Hall

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SEPERATING FLOOR/E.FS-2 See Robust Details for full specification and installation details. Instalation required 100mm Celotes fitted below. Internal finish to be moisture resistant 22mm OSB flooring on 300mm. Steel Lattice Joist ceiling finished with 15mm plasterboard with 3mm skin coat ready for decoration Internal finish to be moisture resistant 22mm OSB flooring on 300mm. Steel Lattice Joist ceiling finished with 15mm plasterboard with 3mm skin coat ready for decoration

INTERNAL PARTITIONS Internal partitions to be 90mm steel stud in accordance with Vision built design details. Partition to be finished both sides with 1 layer of 15mm Gyproc Soundbloc plasterboard

NOTES

PARTY WALL/ E-WS-1 Internal faces of the steel stud with a 50mm cavity to accomodate one layer of 50mm (min.) unfaced mineral wool batts (density 33-60 kg/m³). Both sides to be finished in 2no. 15mm Gyproc Soundbloc plasterboard or similar (min. total nominal mass per unit area 22kg/m³). Cut floor deck 50mm wide to form cavity on party wall - Check with engineer All joints to be staggered. See Robust Details for full specification and installation details.

BLACKFRIARS NORWICH,NORFOLK

CONSTRUCTION Planning Supervisors and Principal Contractors: roungs has reviewed the design for this scheme and has conclude a work would be outside the knowledge of a competent Contractor spulation 13(1) requires Designens (including Contractors who carr is user cleans of their duces with respect to health and safety under poroved Code of Practice, which gives practical guidance on thos proved Code of Practice, which gives practical guidance of the proved Code of Practice, which gives practical guidance of the information contact the local Health and Safety Executive office. vOTES: All workmanship is to be in accordance with the latest that recommendations define quality of finished work.

CONSTRUCTION [DESIGN AND MANAGEMENT] REGULATIONS: tote to Clients:

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visits are to be installed and fixed in strict accordance with the Manufacturers instructions, with the nents of the relevant Bithish Board of Agrement Certificate, the relevant British Standard applicable to that and the section of BS 8000 applicable to that tracket.



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NOTES: All workmanship is to be in accordance with the latest that recommendations define quality of finished work.

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BLACKFRIARS NORWICH,NORFOLK

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SECOND FLOOR PLAN - RESIDENTIAL

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Bath.

FLOOR AREA =45.3m²

FLOOR AREA =34.6m²

Hall

Bedroom

Lounge

Kitchen

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|∩∰ Kitchen

Lounge

Bedroom

Shower

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Landing

Hall

SEPERATING FLOOR/EFS-2 See Robust Details for full specification and installation details. 75mm acoustic batten, 19mm plank + 22mm Chipboard Internal finish to be moisture resistant 22mm OSB flooring on 300mm. Steel Lattice Joist ceiling finished with 15mm plasterboard with 3mm skim coat ready for decoration.

NOTES