

Planning Applications Committee

11 December 2008

Agenda Number:	B4
Section/Area:	INNER
Ward:	THORPE
Officer:	Mr Mark Brown
Valid Date:	16th September 2008
Application Number:	08/00935/O
Site Address:	29 - 31 Bishop Bridge Road, Norwich
Proposal:	Outline application for the erection of 19 residential units (13 three-storey townhouses and 6 apartments).
Applicant:	Valhalla (UK) Limited
Agent:	Acanthus WSM Architects

THE SITE

This application relates to a site on the east side of Bishop Bridge Road situated between Egyptian Road and the gasholder. A small section of the rear of the site is within the Thorpe Hamlet Conservation Area. The site is a housing allocation site in the adopted City of Norwich Replacement Local Plan (saved policy HOU12 C31).

PLANNING HISTORY

The box and barrel works site has been vacant for many years. In 2000 an application was submitted to redevelop the whole site as doctor/nurses accommodation but was withdrawn prior to determination. In 2005 an application for the redevelopment of the site with 56 dwellings was refused. In May 2006 planning permission was granted for the whole site to be redeveloped with 24 two bedroom flats (all outside the gasholder consultation zone). An application for a further 14 units to the front of the site was submitted in 2006, subsequently refused in May 2007 and an appeal dismissed in April this year.

THE PROPOSAL

The application is for outline planning consent including matters of access, layout and scale with appearance and landscaping reserved. The proposal is for the erection of 19 residential units. A block of 6 apartments to the west of the site fronting onto Bishop Bridge Road and 13 three-storey townhouses to the rear. Access to the site is proposed from the same location as approved in May 2006, to the southwest corner of the site, although the internal configuration is different under this revised application. The access road runs along the southern boundary of the site before turning north and ending near the northern boundary of the site in order to provide potential for future access to the Egyptian Road site to the north.

CONSULTATIONS

Neighbours: Advertised on site, in the press and adjacent neighbours notified. One letter received from the representatives of the new owners of the adjacent site to the north at Egyptian Road. This letter raises concerns over the new access into their site, that the exact position of this access should be the subject of consultation and that there is a ransom strip into their site.

County Council Highways: No objections subject to an amended visibility splay to provide a 4.5x distance and conditions for cycle and car parking to be provided prior to occupation.

Environment Agency: No objection subject to contamination conditions

Health and Safety Executive: Object to the application on health and safety grounds due to the proximity of proposed residential dwellings to the Hazardous Site at Bishop Bridge Road North Gasholder.

Norwich Society: Full advantage is not being taken of this key riverside site with the woodland of Ketts Heights to the rear.

PLANNING CONSIDERATIONS

Relevant National Planning Policy

PPS1 – Delivering Sustainable Development
Supplement to PPS1 – Planning and Climate Change
PPS3 – Housing
PPG13 – Transport
PPS22 – Renewable Energy
PPS23 – Planning and Pollution Control

Relevant East of England Plan Policies:

ENV7 – Quality in the built environment
ENG1 – Carbon dioxide emissions and energy performance

WM6 – Waste Management in Development

Relevant Local Plan Policies:

Adopted City of Norwich Replacement Local Plan Saved Policies:

HOU6 – Contribution to community needs and facilities by housing developers

HOU12 C31 – Sites allocated for housing development

NE2 – Woodland protection

NE9 – Comprehensive landscaping scheme and tree planting

HBE8 - Development within conservation areas

HBE12 – High quality of design

EP1 – Contaminated Land

EP3 – Health and Safety

EP16 – Water conservation and sustainable drainage systems

EP18 – High standard of energy efficiency for new development

EP22 – High standard of amenity for residential occupiers

SR4 – Provision of open space to serve new developments

SR7 – Provision of children’s equipped playspace to serve development

TRA5 – Approach to design for vehicle movement and special needs

TRA6 – Parking standards – maxima

TRA7 – Cycle parking standard

TRA8 – Servicing provision

TRA11 – Contributions for transport improvements in wider area

Principle

This site, together with the adjoining land at Egyptian Road was first identified for residential development in a planning brief adopted in 1995. Although superseded by more recent policies, this document set out certain criteria which remain fundamental to the redevelopment of these sites. In particular there is a requirement that this entire corner site will ultimately be accessed from a single new access from Bishop Bridge Road and at this time Egyptian Road will be closed off. The Egyptian Road site is allocated separately under the Local Plan.

The former Box and Barrel site is designated as a housing allocation site in the Local Plan and Policy HOU12 (C31) suggests that the site could achieve a minimum of 30 dwellings. The proposal is for 19 units giving a density of 53 dwellings per hectare, however, given that this is primarily a housing development (as opposed to flatted) and given the constraints of needing access to the adjacent site, the 35m exclusion zone of the gasholder and the woodland to the rear of the site this is considered to be an appropriate density.

Layout and Scale

The layout of the site is significantly influenced by the need to locate the access to the south of the site in order to provide maximum distance from the Ketts Hill Roundabout and the need to access the site to the north whilst retaining

significant turning space for refuse lorries. The terraces are orientated to face onto this access Road.

To the rear of the site is woodland which is kept outside the sites boundaries. Within the site there are a number of smaller trees which are to be removed and replaced. It is considered that this would be acceptable subject to conditions were the recommendation to approve the application.

The scale of the proposed properties at three storeys is considered acceptable particularly as the permission of May 2006 approves significantly bulkier buildings rising to five storeys in height. By necessity some buildings are situated quite close to the northern boundary of the site but not to an extent which it is considered would prejudice any future proposals to develop the adjoining land.

Matters of appearance and landscaping are reserved.

Access

The access point onto Bishop Bridge Road is as per that approved under the May 2006 permission and this has now been constructed. During the course of the application the flats facing onto Bishop Bridge Road have been set back to ensure a 4.5m 'x' distance on the visibility splay.

Internally the access to the Egyptian Road site has moved further east compared to that approved under the May 2006 permission. In relation to the concerns raised by the land owner of the Egyptian Road site. The plans have clearly provided potential for future access to the Egyptian Road site. It is not considered that the location proposed for this access would prejudice the development potential of that site.

In terms of the ransom strip, the access road to the northern Egyptian Road site does not extend to the boundary, creating a ransom strip of land which gives the developers of the site the subject of this application a key to the exploitation of the development potential of the adjoining land, which may be a valuable commodity.

This is undesirable if this restricts the implementation of housing development on the Egyptian Road site which is allocated as such under saved policy HOU12 A9. However, there is extensive case law on this matter, the general view of which is that it is not proper to insist that the road extends to the boundary or to impose a condition to require an owner to provide vehicular access to adjoining premises and nor should planning powers be exercised in a way which removes or diminishes ransom value.

It is only appropriate to ensure that the ability of future access to the site is possible and that, financial matters aside, this does not prejudice the future development of the site. Were the recommendation to approve, it would be

possible to negotiate with developers under the S106 agreement to seek a beneficial agreement on the matter of ransom value, but it would not be reasonable to withhold permission because of a developers refusal to give up an element of the value of his property.

It would also be possible, were the recommendation to approve, to condition that the strip of land in question is safeguarded for future access to adjoining land, this would not require construction of the link section of road, but would prevent that piece of land being used or sold off for any other use.

Health and Safety

As residential development is proposed within a 35m exclusion zone of the Bishop Bridge north gasholder, there is an objection to the proposals from the Health and Safety Executive. This is on the grounds of the possibility of a major accident at the installation which could result in the risk of harm to people at the proposed development.

For maintenance reasons, the site is not currently in use for storage of Natural Gas. It is possible for the Authority to revoke this Hazardous Substances Consent although the authority would need National Grids consent in order to do this. National Grid has been formally approached to ascertain their future intentions for the site. Currently it is understood that they are considering their options but that the site could be used for storage again in future. On this basis the site must be considered as any other active hazardous substance site.

In terms of this application, while there remains a consent for the storage of Natural Gas on the site it is considered that the Authority is not in a position to grant permission for development within the 35m exclusion zone.

The applicant has indicated that they would be happy to accept a Grampian condition restricting occupation of the development until the hazardous substances consent on the adjacent site is revoked. It is important to note the Health and Safety Executives objection is based on substantive grounds as opposed to technical and having considered relevant advice and case law on this matter it is not considered that such a condition would be appropriate in this instance and that such a condition could have further negative implications.

Planning Obligations

The application triggers a number of items which would need to be secured via a S106 agreement or undertaking as follows:

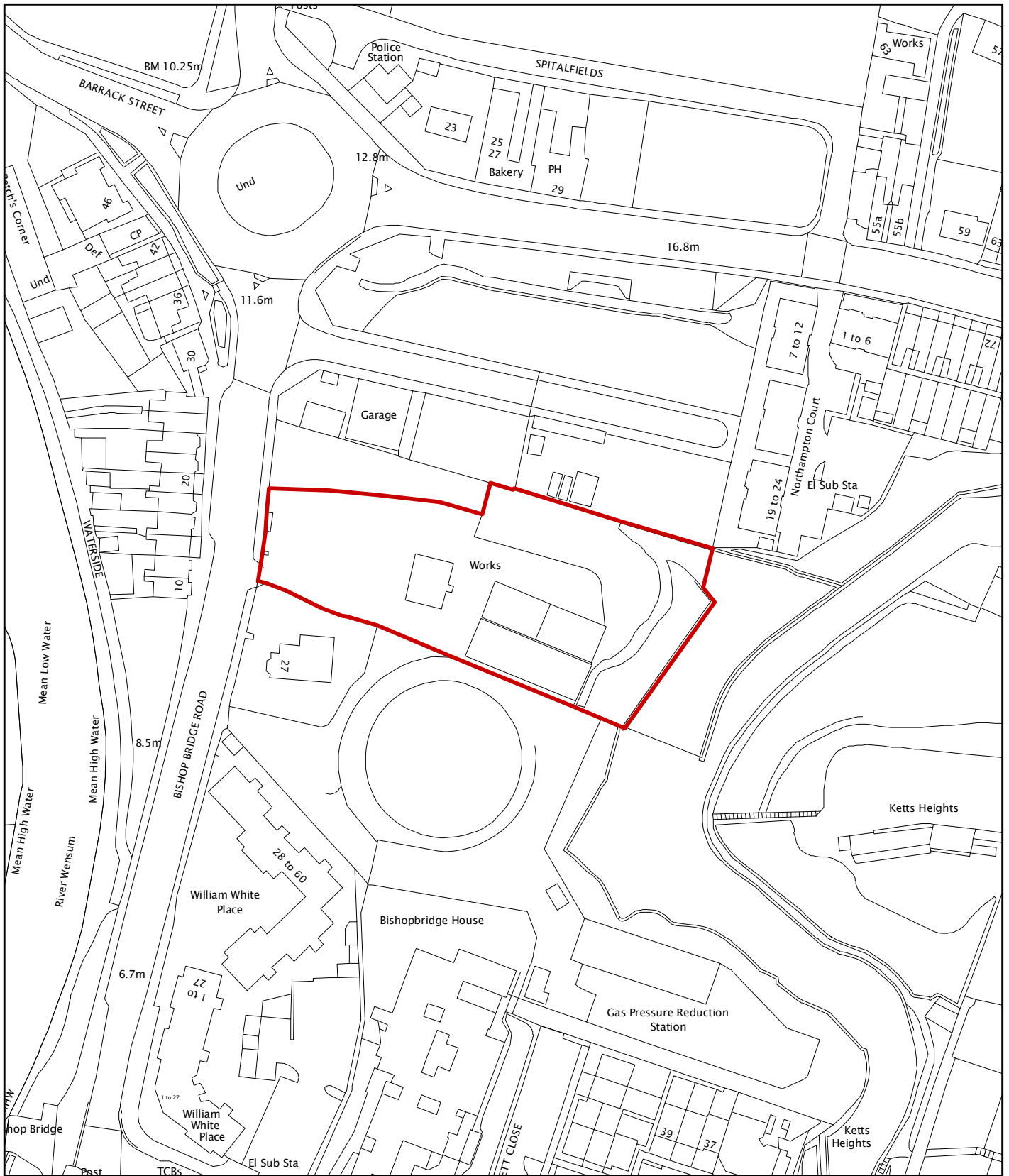
- A contribution towards children's play space of £1,104.00 per child bed space.
- A transportation contribution of £5,360.85

The above contributions would be triggered on the occupation of each phase. The applicant has indicated acceptance of the above however no S106 has been entered into and therefore the application should also be refused on the basis of a lack of such an agreement or undertaking.

RECOMMENDATIONS

Planning Permission be REFUSED for the following reasons:

1. The proposal includes residential development within the inner consultation distance of the Major Hazard Site at Bishop Bridge Road (North) Gas Holder. On the grounds of the possibility of a major accident at the installation, it is considered that there is the risk of harm to people at the proposed development and as such the proposals are contrary to saved policy EP3 of the adopted City of Norwich Replacement Local Plan.
2. In the absence of a legal agreement or undertaking relating to the provision of children's play space and transportation contributions the proposal is contrary to saved policies SR7, TRA11 and HOU6 of the adopted City of Norwich Replacement Local Plan.



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 Scale - 1:1250



NORWICH
City Council

DIRECTORATE OF REGENERATION
AND DEVELOPMENT

