

**Report to** Planning applications committee

**Item**

14 May 2015

**Report of** Head of planning services

**Subject** Application no 04/00605/F - St. Anne's Wharf, King Street, Norwich

**4(B)**

**Reason for referral** Amendment to S106 Planning Obligation requirements

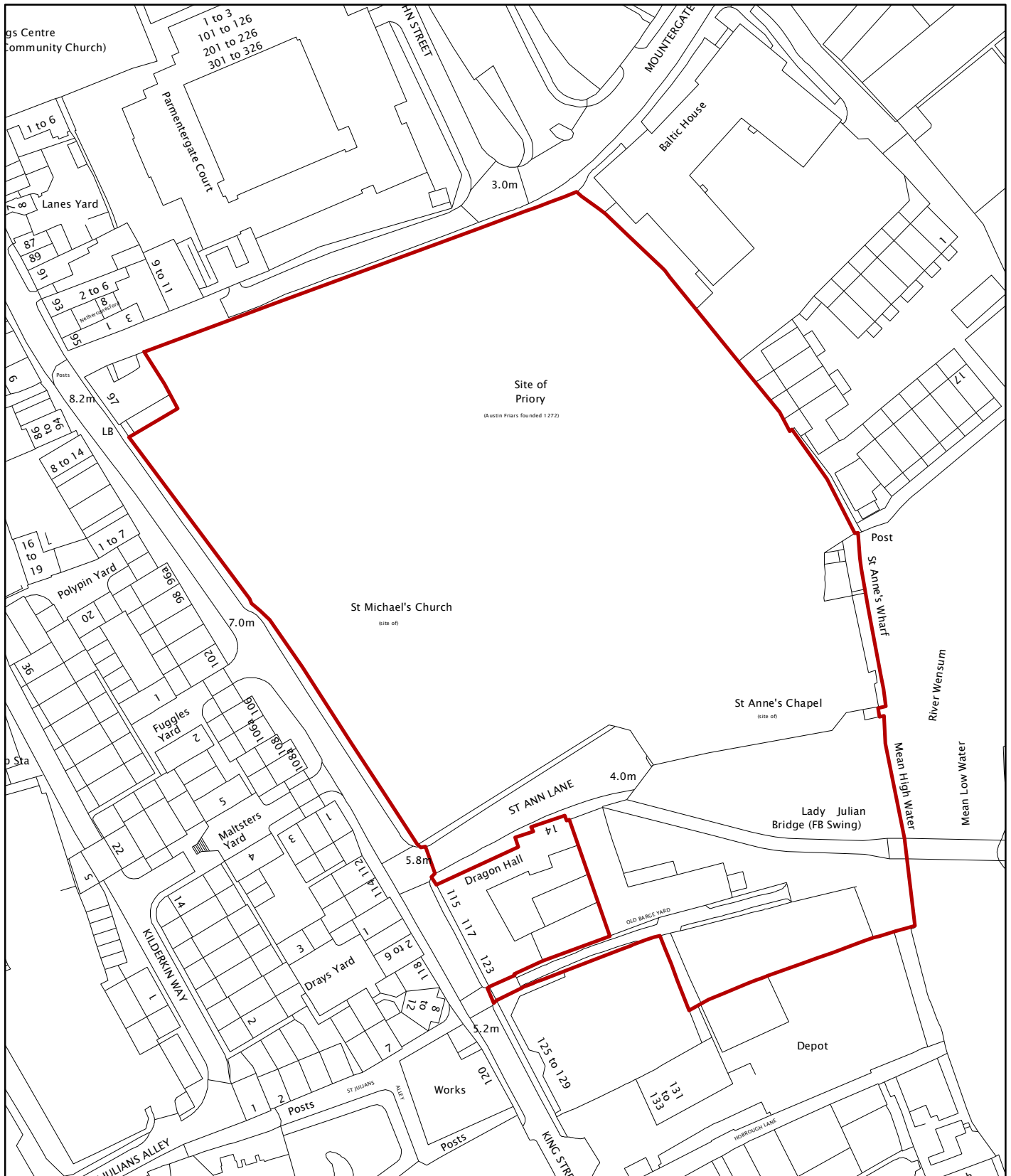
**Applicant** Orbit Homes (2020) Limited

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<b>Ward:</b>	Thorpe Hamlet
<b>Case officer:</b>	Tracy Armitage - tracyarmitage@norwich.gov.uk

Development proposal
Variation of S106 Obligation in relation to application ref: 04/00605/F (approved - 16 March 2006) for the following development:  The demolition of existing buildings to slab level and the development of the following mixes; <ul style="list-style-type: none"><li>• 437 residential units ,2128 sq m of A1,A2 , A3 and D2 uses(max.2000 sq m A1);</li><li>• the provision of 305 car parking spaces;</li><li>• riverside walkway;</li><li>• public open space and hard and soft landscaping including external lighting , seating, bollards, walkways, cycle paths, steps and ramps, internal access roads, delivery bays, boundary enclosure;</li><li>• new vehicle and pedestrian and cycle access points, alteration of existing access points and associated infrastructure works.</li></ul>

Main issues	Key considerations
S106 Obligation	Whether the changes allow for the full obligation requirements secured in 2006 to be delivered by the development
Recommendation	Approve changes to the S106 Obligation, following the granting of planning permission and listed building consent for works to Howard House



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Planning Application No 04/00605/F

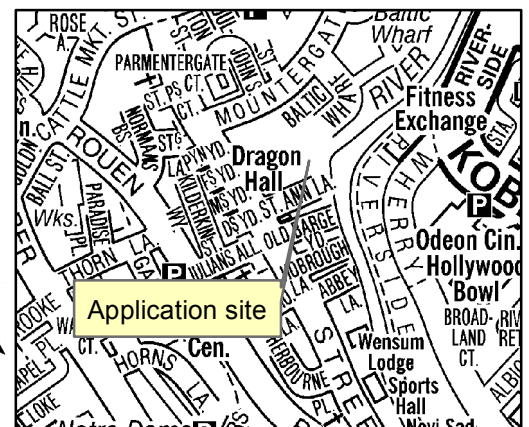
Site Address St Anne's Wharf, King Street

Scale 1:1,250



**NORWICH**  
City Council

PLANNING SERVICES



## The Site, background and Proposal

1. St Anne's Wharf is a 2.07 hectare site with boundaries fronting onto King Street, Mountergate and the River Wensum. The site was last used by Grand Metropolitan as a brewery distribution depot up until 1992 and a concrete batching plant, by RMC Group Plc until November 2002. Since that date the land has been identified as a strategic brownfield regeneration site and currently forms a highly visible derelict site within the South city centre regeneration area. Planning permission (ref: 2004 /00605/F) was approved in March 2006 for the comprehensive redevelopment of the site subject to planning conditions and a S106 Obligation.
2. The committee report as well as the signed S106 Obligations are available at the link below by entering reference 04/00605/F  
<http://www.norwich.gov.uk/Planning/Pages/PublicAccess.aspx>
3. City Living and Anglia Projects & Development commenced development of the approved scheme in early 2009. At that time buildings on the site were demolished, extensive works to remediate contamination was undertaken and the bridge (Lady Julian) was constructed with the assistance of public funding. Subsequently work on site ceased when the developers went into administration and ownership of the site transferred to the administrators/bank. Following a prolonged period of marketing the site was sold to Orbit Homes Ltd in November 2014.
4. The new owners intend to re-start work on building out the approved development scheme. The Section 106 Obligation which forms part of the planning approval requires updating to reflect current circumstances and the developers revised phasing plans. Revisions to the S106 require the formal agreement of Norwich City Council, as Local Planning Authority and a signatory of the original legal agreement.

## Assessment of planning considerations

### Relevant development plan policies

5. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
  - JCS4 Housing delivery
  - JCS5 The economy
  - JCS6 Access and transportation
  - JCS11 Norwich city centre
6. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
  - DM1 Achieving and delivering sustainable development
  - DM8 Planning effectively for open space and recreation
  - DM9 Safeguarding Norwich's heritage
  - DM12 Ensuring well-planned housing development
  - DM13 Communal development and multiple occupation
  - DM28 Encouraging sustainable travel
  - DM30 Access and highway safety
  - DM31 Car parking and servicing
  - DM32 Encouraging car free and low car housing

- DM33 Planning obligations and development viability
7. **Norwich Site Allocations Plan and Site Specific Policies Local Plan adopted December 2014 (SA Plan)**
- CC6 St Anne's Wharf and adjoining land

#### **Other material considerations**

8. **Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**
- NPPF0 Achieving sustainable development
  - NPPF6 Delivering a wide choice of high quality homes
  - NPPF12 Conserving and enhancing the historic environment
9. Supplementary Planning Documents (SPD)
- Affordable housing SPD adopted March 2015

#### **Variation of Planning Obligations Revised Phasing Plan**

10. In 2006 the developers indicated that they would construct the development in two large phases (Phase 1 and 2). In 2009 a Deed of Variation agreed a revised phasing plan – this identified seven phases (1, 2A, 2B, 3, 4, 5, 6). The new owners have indicated that they intend to construct the development in seven phases but in a revised sequence to that currently approved. The table below indicates the revised sequence.

<b>Agreed phasing</b>	<b>Proposed phasing</b>
1 Riverside embankment and footbridge abutment	1 This phase is complete
2A Podium construction	2A Podium construction
2B Mountergate sector (NE)	2B Mountergate sector (NE)
3 Mountergate (NE) King St (N) sector	3 Riverside sector
4 King Street (S) sector	4 Mountergate (NE) King St (N) sector
5 Old Barge yard sector	5 King Street (S) sector
6 Riverside sector	6 Old Barge yard sector

11. The revised sequence allows for the construction operations and associated traffic to be efficiently managed and for each completed phase to be effectively occupied. These revised arrangements are considered to be acceptable.

## Revised Obligations

12. The table below summaries the existing Obligation requirements and proposed changes. An explanation for each change is provided.

Obligation	Existing requirement		Proposed change	
<b>Public open space</b>	Phased payments to Norwich City Council for public open space improvements (within city centre): <ul style="list-style-type: none"> <li>- Play space capital contribution £144,960</li> <li>- Play space maintenance contribution £144,960</li> <li>- Open space capital contribution £ 87,375</li> <li>- Open space maintenance contribution £ 87,375</li> </ul>		Simplify payment structure to amalgamate sums. Expenditure within city centre.  Allow 5 years from receipt of last payment for expenditure on capital works/ 15 years for maintenance.  Allow flexibility for Norwich City Council to agree expenditure ( a proportion) on-site to deliver substantially enhanced on-site public open space provision.	
<b>Commercial unit restriction</b>	Not to use any of the commercial units for any other purpose unless a lack of demand is demonstrated		No change	
<b>Permissive/ pedestrian routes</b>	Maintain and allow pedestrian access		No change	
<b>Bridge contribution</b>	Various provisions subject to Deed of Variation in 2009		These obligations have been fully discharged	
<b>Highway works</b>	<b>Works</b>	<b>Timescale</b>	<b>Works</b>	<b>Timescale</b>
	Construct Old Barge Yard and St Anne's Lane improvements	Prior to occupation of any Free Market Dwelling in phase 2 (original phasing plan)	Construct Old Barge Yard, St Anne's Lane improvements and complete 2 <sup>nd</sup> section of the riverside walk	Prior to occupation of any Free Market Dwelling in phase 6
	Construct King Street improvements and Riverside Walk	Prior to occupation of 300 <sup>th</sup> free market dwelling	Construct King Street improvements	Prior to occupation of any Free Market Dwelling in phase 5

Obligation	Existing requirement		Proposed change	
	Construct East Street	Prior to substantial completion of the development	Construct East Street and 1 <sup>st</sup> section of riverside walk	Prior to occupation of any Free Market Dwelling in phase 4
<b>Howard House</b>	To complete the Howard House Works in accordance with the Howard House permissions before completion of Phase 1 of the Development (original phasing)		Howard House permissions referred to in the S106 have expired. Applications 15/00479/F and 15/00480/L have now been received.  To complete the Howard House works in accordance with Howard House new permissions before the occupation of any dwelling in Phase 2B	
<b>Affordable Housing</b>	Provision of on-site affordable housing – 41 dwellings These are identified in Part 1 of schedule 10  In the event of grant funding an additional 16 units (identified in Part 2 of schedule 10)		Deletion of reference to additional 16 units - Government grant funding for affordable housing is no longer available  Insertion of new part 1 schedule - reflecting a change in the location of one of the affordable units	

### Howard House

13. A key requirement of the S106 is for the development to include works to Howard House - a grade II\* listed building located in the North-West corner of the site. Howard House is an important architectural and historic building which is currently in a very poor condition, having been vacant for a substantial number of years and been subject to a period of rapid deterioration associated with water ingress. In recent years the condition of the building has been stabilised through the installation of supporting scaffolding and a temporary protective roof. Securing substantial remedial works to Howard House and the conservation and restoration of significant features of the building is a key objective. The current S106 Obligation requires 'approved works' to Howard House to be completed prior to completion of phase 1 (original phasing) of the development. The 'approved works' are described as being in accordance with applications 2003/0132/F and 2003/0133/L.
14. The 2003 permissions for Howard House expired in 2010. The new owners of the site have submitted replacement applications for works to Howard House in order that this planning obligation requirement can be met. These applications (15/00479/F and 15/00480/L) include;
  - Demolition of modern extensions - dating from the 20<sup>th</sup> century

- Works to make the premises structurally sound and watertight: replacement roof timbers; restore roof cover; strengthening of purlins and rafters; provision of lateral restraint straps to floors and ceilings; stitching of external walls and cracks – use of steel Helibars
- Restoration of original internal fabric and features: including 16C staircase, floors, walls, panelling, ceilings and plaster work
- External landscaping

15. At the time of writing of this report these applications are being assessed and it is likely that revised plans will be necessary to ensure that the works secure and preserve features of special architectural or historic interest of the listed building and facilitate the building being used for office use purposes. These plans once approved will constitute the works that will need to be completed prior to the occupation of any dwelling in phase 2B – Phase 2B being the first phase in which dwellings are constructed. Bearing in mind the length of time that will be necessary to carry out the specialist works to Howard House, this timescale is considered reasonable and satisfactory.

### **Equalities and diversity issues**

16. There are no significant equality or diversity issues.

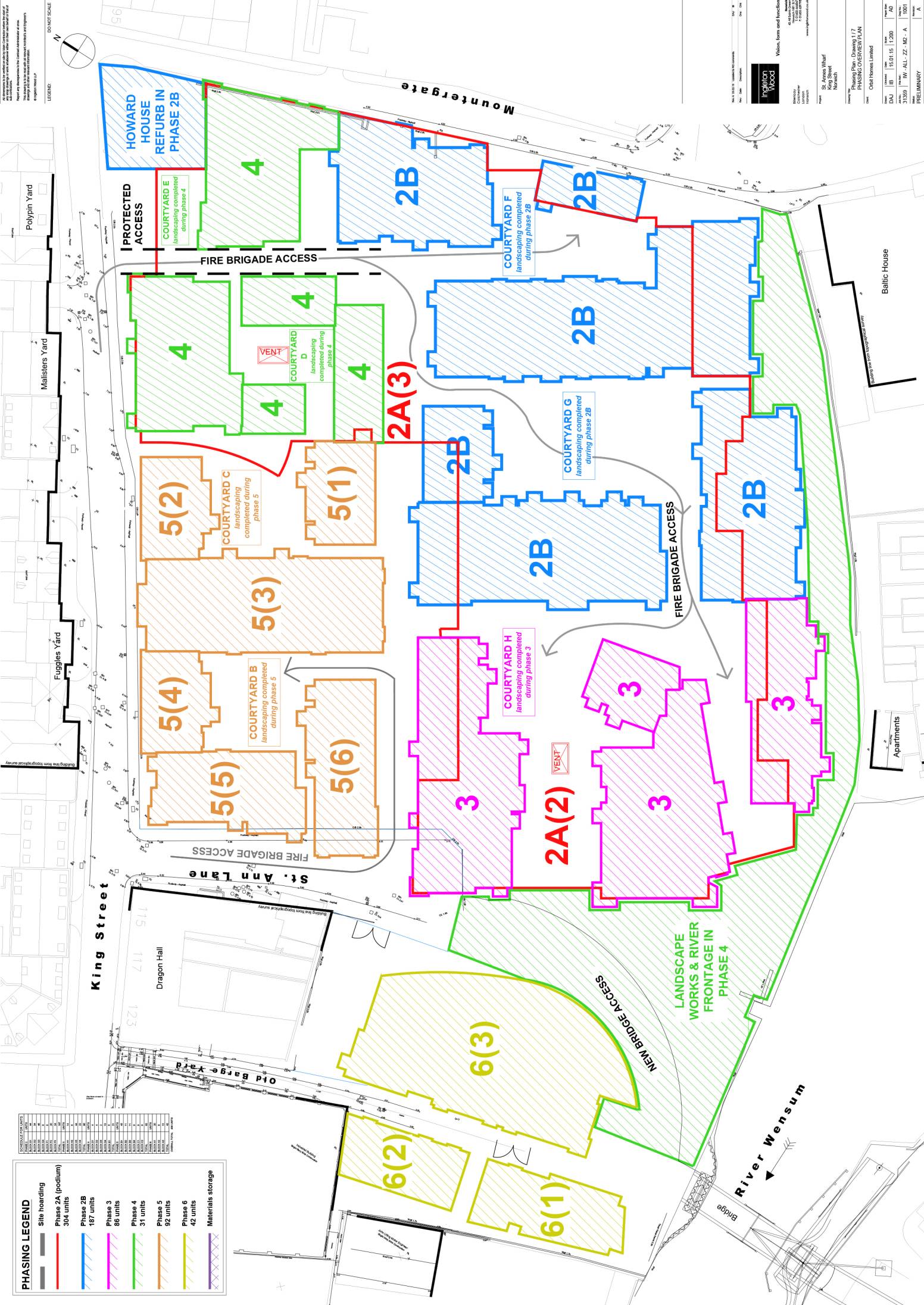
### **Conclusion**

17. The proposed amendments to the S106 Obligation are considered necessary to ensure that the full obligations are met in a timely manner as the development is constructed. Importantly the restoration of Howard House a grade II \* listed building, currently on the Buildings at Risk Register and the delivery of affordable housing are secured in the early phases of the development. Where flexibility has been introduced in relation to open space and play, this is considered acceptable and will allow for improvements to both the quality and quantity of provision within this part of the city centre.

### **RECOMMENDATIONS**









To approve changes to the S106 agreement relating to planning reference no 2004/00605/F ( St Anne's Wharf, King Street, Norwich) following the granting of planning permission and listed building consent for works to Howard House.





SCHEDULE FOR UNITS	
PHASE 1	UNITS
8,000,001	14
8,000,002	34
8,000,003	48
8,000,004	9
8,000,005	8
8,000,006	20
8,000,007	16
8,000,008	16
TOTAL	165
PHASE 2	UNITS
8,000,009	14
8,000,010	6
8,000,011	44
8,000,012	22
8,000,013	88
8,000,014	22
TOTAL	236
PHASE 3	UNITS
8,000,015	4
8,000,016	3
8,000,017	13
8,000,018	31
8,000,019	31
8,000,020	48
8,000,021	48
8,000,022	11
8,000,023	11
8,000,024	9
8,000,025	9
8,000,026	27
8,000,027	27
TOTAL	200
PHASE 4	UNITS
8,000,028	20
8,000,029	13
8,000,030	45
TOTAL	78

### PHASING LEGEND

	Site hoarding
	Phase 2A (podium) 304 units
	Phase 2B 187 units
	Phase 3 86 units
	Phase 4 31 units
	Phase 5 92 units
	Phase 6 42 units
	Materials storage

Drawing Title	Phasing Plan - Drawing 1/7				
	PHASING OVERVIEW PLAN				
Client	Orbit Homes Limited				
Contract	DAJ	Checklist	IB	Date	15.01.15
Job No.	31369	Rev No.	NW - ALL - ZZ - M2 - A		
Scale	1:1000				