

Report to Planning applications committee

Item

29 October 2015

Report of Head of planning services

Subject Application no 14/01574/NF3 - 38 - 64A Argyle Street,
Norwich, NR1 2DA

Applicant Norwich City Council

Reason Significant departure from development plan

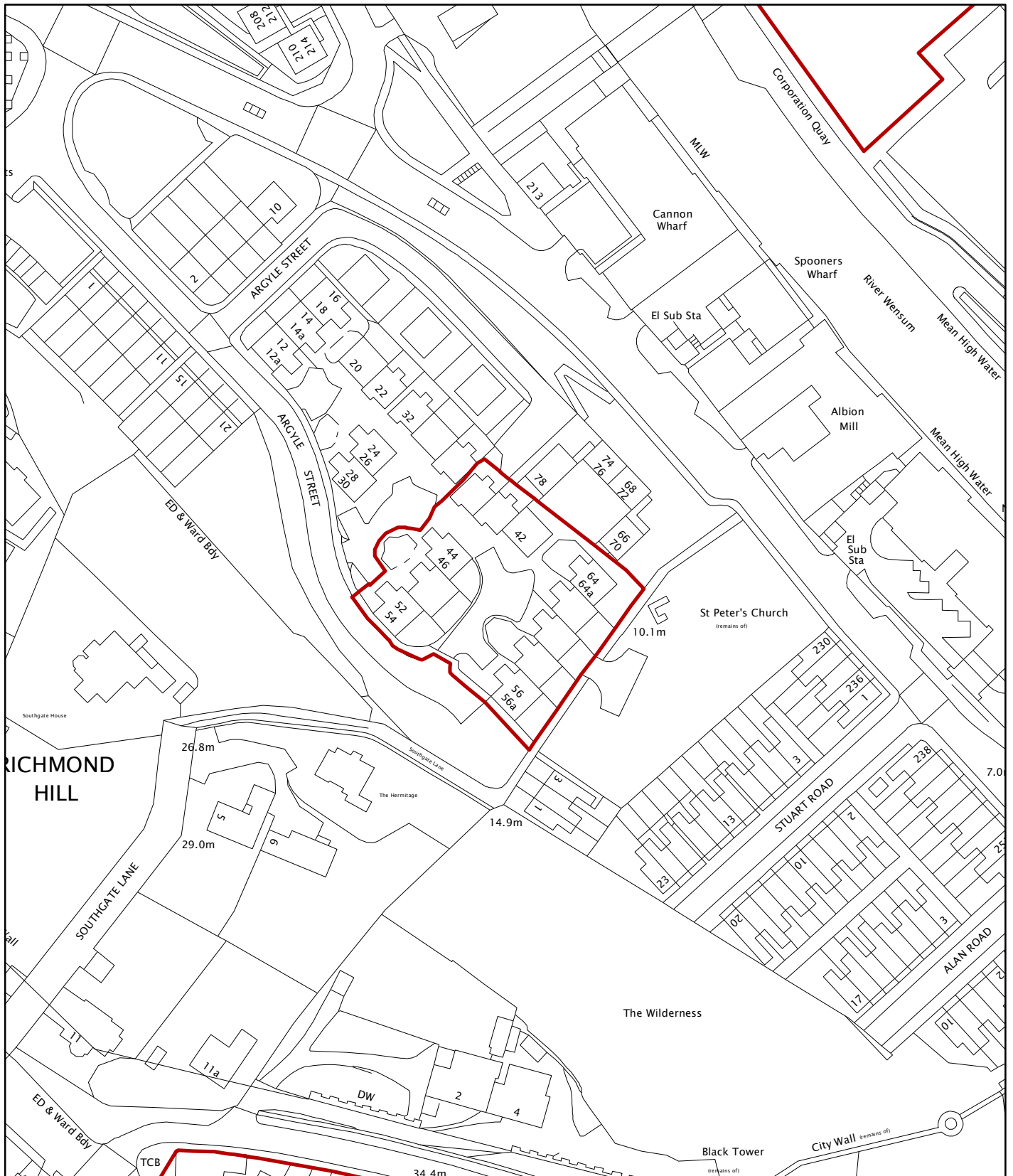
for referral City council application and site

4(D)

Ward:	Thorpe Hamlet
Case officer	Caroline Dodden - carolinedodden@norwich.gov.uk

Development proposal		
Demolition of 19 No. dwellings (38 to 64A inclusive, evens) Argyle Street.		
Representations		
Object	Comment	Support
0	0	0

Main issues	Key considerations
1 Principle of demolition	Loss of residential dwellings.
2 Site remediation	Landscaping and biodiversity mitigation .
3 Trees	Protection of existing trees.
4 Amenity	Residential amenity during demolition.
Expiry date	Extended to 5 November 2015
Recommendation	Approve



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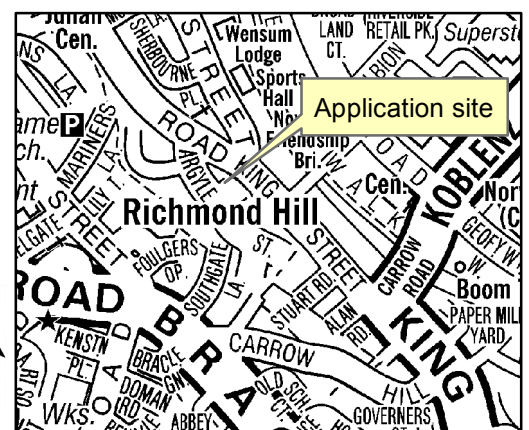
Planning Application No 14/01574/NF3
Site Address 38-64A Argyle Street

Scale 1:1,250



NORWICH
City Council

PLANNING SERVICES



The site and surroundings

1. No's 38 to 64A Argyle Street are a group of 19 no. 1980's vacant dwellings arranged around a vehicular access located off the northeast side of Argyle Street.
2. There is existing housing to the northwest and northeast of the site, the latter being at a significantly lower level. A children's' play area is located within the remains of St. Peter Southgate Church and its former churchyard to the southeast, which is accessed from Southgate Lane.
3. There are three Victorian terraced houses, which face the end of Argyle Street close to the southern corner of the site.
4. There are a number of existing trees within and adjacent to the site.

Constraints

5. The properties fall within the City Centre Conservation Area and are part of the King Street characterisation area.
6. Two areas of identified open space are situated to the southwest and southeast of the site. The former is part of the Ber Street wooded ridge and the latter is designated urban green space within which lies the remains of St. Peter Southgate Church (grade II listed) and its former churchyard.
7. The site is identified for housing development ref: CC11: Land at Argyle Street, within the Site allocations and site specific policies plan 2014.
8. The site falls within Source Protection Zone 1, designated to protect water supplies and therefore the water environment is particularly vulnerable in this location.

Relevant planning history

Ref	Proposal	Decision	Date
83/0026/SU	Redevelopment of site by the erection of 26 dwellings and provision of 19 car parking spaces.	Approved	January 1985

The proposal

9. To demolish 19 no.dwellings - being 3 bungalows (no's 38, 40 and 42) and 16 two storey flats (no's 44-54 and 56-64A).

Representations

10. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. No letters of representation have been received.

Consultation responses

11. 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.

Environmental protection

12. Requests an informative is attached regarding construction working hours.

Highways (local)

13. No objection on highway grounds. Recommends that the demolition work is subject to an informative regarding considerate construction.

Natural areas officer

14. As it has been demonstrated that bats are present in the area and using some of the existing buildings for roosting, compensatory roosting facilities should be provided.

Tree protection officer

15. The submitted tree protection plan is acceptable and therefore there are no objections to the proposed demolition works provided the work is carried out in accordance with this.

Assessment of planning considerations

Relevant development plan policies

16. **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
 - JCS2 Promoting good design
 - JCS4 Housing delivery
 - JCS11 Norwich city centre
17. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
- DM1 Achieving and delivering sustainable development
 - DM2 Ensuring satisfactory living and working conditions
 - DM3 Delivering high quality design
 - DM6 Protecting and enhancing the natural environment
 - DM7 Trees and development
 - DM11 Protecting against environmental hazards
 - DM15 Safeguarding the city's housing stock
18. **Norwich Site Allocations Plan and Site Specific Policies Local Plan adopted December 2014 (SA Plan)**
- Policy CC11: Land at Argyle Street – housing development

Other material considerations

19. Relevant sections of the National Planning Policy Framework March 2012 (NPPF):

- NPPF0 Achieving sustainable development
- NPPF6 Delivering a wide choice of high quality homes
- NPPF10 Meeting the challenge of climate change, flooding and coastal change
- NPPF11 Conserving and enhancing the natural environment

Case Assessment

20. 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 policies 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

21. Key policies and NPPF paragraphs – DM15, NPPF paragraph 14.
22. Policy DM15 states that development resulting in the loss of existing housing will only be permitted in certain circumstances where there would be overriding gain in terms of sustainability, conservation, regeneration or community benefits or where there would be a net improvement in the standard of housing through upgrading, replacement or reconfiguration.
23. The properties form a U shape on the site and were built on the edge of what was an old kiln. In addition, the properties were built on poorly compacted ground, which together meant that within a very short space of time an increasing number developed severe cracking. As a result of various structural surveys by City Engineers over a number of years it was clear that the subsidence problems were of a significant level both internally and externally. On this basis, the Executive Committee took the decision in 2009 that it was uneconomic to continue to repair the dwellings and that the site should be put forward for redevelopment.
24. All the dwellings have been empty for some time and the site has been secured with fencing and gates.
25. Due to the significance of the subsidence issues affecting this site, no replacement housing is being proposed as part of this application. This is contrary to Policy DM15, but given the extenuating circumstances outlined above, it is considered that the principle of demolishing the existing houses is acceptable.

Main issue 2: Site remediation

26. Key policies and NPPF paragraphs – JCS1, DM3, DM6, NPPF paragraphs 9, 17, 118 and 121.

27. The site currently has hoarding style fencing to the northwest and southwest boundaries, with a gate providing vehicular access adjacent to Argyle Street. It is proposed to remove these and install bollards to both the northwest and southwest boundaries at intervals of approximately 1.5 metres and install a secure swing barrier to maintain vehicular access to the existing paved vehicular access area. It is proposed to grass the remainder of the site once the dwellings have been demolished.
28. As such, the site will largely become a green amenity space, which would complement the nearby open space and wooded ridge.
29. An ecology report has revealed that a small bat roost was discovered within no.60A Argyle Street. This has been identified as a small summer roost and therefore mitigation is proposed in the form of avoiding summer demolition works, checking no use before demolition and sealing entrance routes as well as having the works monitored by a licensed ecologist. Compensation is proposed in the form of a small number of bat boxes on suitable existing trees. Further details of both mitigation and compensation would be required via a planning condition.

Main issue 3: Trees

30. Key policies and NPPF paragraphs – DM7, NPPF paragraphs 128-141.
31. There are a number of existing trees on and adjacent to the site. These are not protected by a Tree Preservation Order but do have the benefit of some protection from being located within the city centre conservation area.
32. The Arboricultural Implications Assessment (AIA), Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) submitted are considered to be acceptable in relation to protecting the existing trees during demolition works. This matter would be the subject of a planning condition to ensure compliance.

Main issue 4: Amenity

33. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
34. Internal advice from both Environmental Protection and Local Highway teams have requested an informative should be attached to a planning approval to ensure that consideration is given to the adjacent residents of Argyle Street and Southgate Lane during demolition works.

Equalities and diversity issues

35. There are no significant equality or diversity issues.

Local finance considerations

36. 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.
37. 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.

38. In this case local finance considerations are not considered to be material to the case.

Conclusion

39. Although the proposed demolition works are not in accordance with the requirements of the National Planning Policy Framework and the Development Plan, given the exceptional circumstances relating to the significant subsidence issues of the site it has been concluded that the proposed demolition of the dwellings separate from any redevelopment proposals is acceptable in this particular case.

Recommendation

To approve application no. 14/01574/NF3 - 38 - 64A Argyle Street Norwich NR1 2DA and grant planning permission subject to the following conditions:

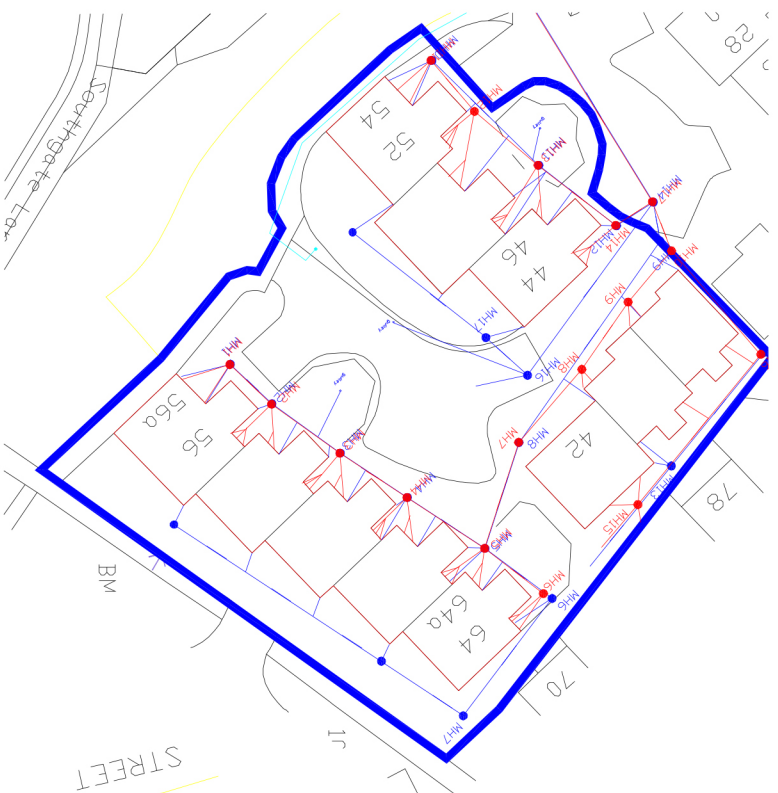
1. Standard time limit;
2. In accordance with plans;
3. Development in accordance with AIA, AMS and TPP;
4. Submission of a bat mitigation strategy;
5. Details of number, type and location of bat boxes to be submitted and agreed;

Informative

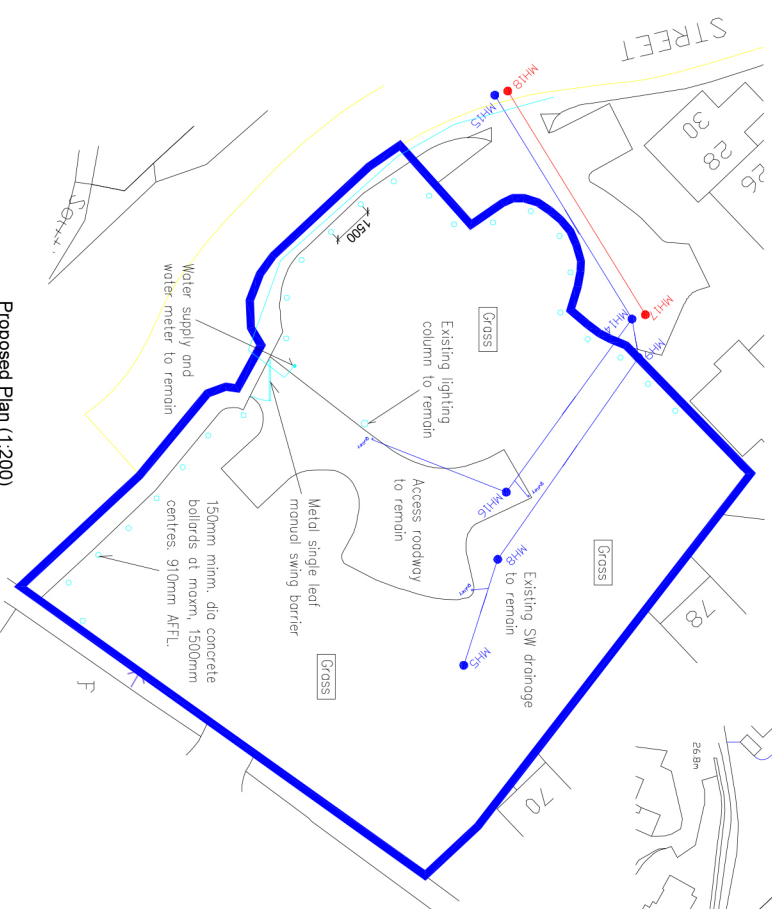
1. Construction working hours;
2. Need for a bat mitigation license and legal responsibility to protect bats.

Article 35(2) statement

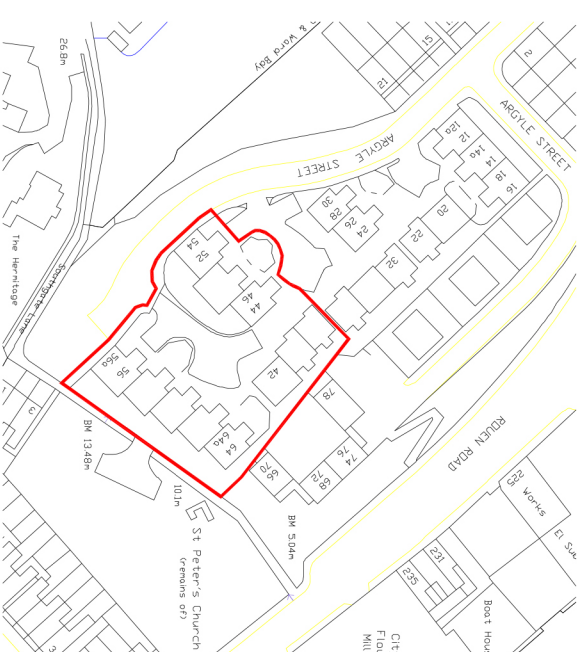
The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations and has approved the application subject to appropriate conditions and for the reasons outlined in the officer report.



Existing Site Plan (1:200)




Proposed Plan (1:200)



Location Plan (1:1250)

REVISION/	DATE	CHANGED BY	DATE
SCALE	SMA		

PURPOSE OF ISSUE			
THE SERVICE CODE			
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PROPERTY, PLANNING AND MANAGEMENT SERVICES NORWICH CITY COUNCIL		PROJECT Agyle Street (38 to 64A inc.) Demolition of Dwellings	
TITLE		Site & Location Plans	

SCALES	DATE	DRAWN	CHECKED
FA/SHOWN	10 October 2014	P. Woodard	
PROJECT NO.	DRAWING FIELD	UNIQUE IN	REV/COORD