

Report to Planning applications committee

Item

16 April 2015

Report of Head of planning services

Subject Application no: 15/00245/O - 161 Oak Street
Norwich NR3 3AY

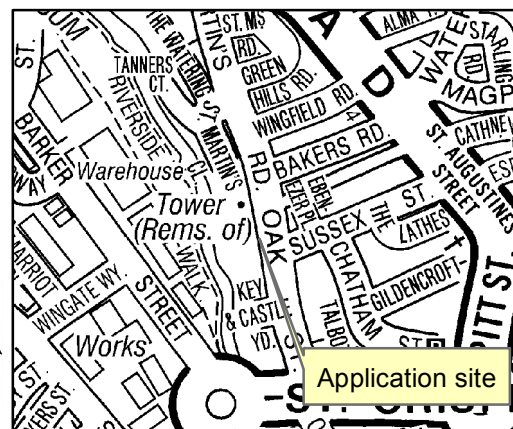
Reason for referral Objections

4(B)

Ward:	Mancroft
Case officer	Tracy Armitage - tracyarmitage@norwich.gov.uk

Development proposal		
Outline application for demolition of existing buildings and erection of 27 flats and houses including means of access only.		
Representations		
Object	Comment	Support
4		

Main issues	Key considerations
1 – Principle of residential development	Whether the proposed residential use of this employment generating site is acceptable
2 – Type and mix of residential	Whether the mix and type of dwellings proposed are appropriate in this location
3 – Design considerations	Whether the design is acceptable within the context of the Conservation Area and the river Wensum
4 – Noise from adjacent businesses	Whether the new occupiers will enjoy satisfactory levels of amenity
5 – Flood risk	Whether the site will be safe from river and surface water flooding
6 – Biodiversity	Impact on bats and opportunities for enhancements
7 - Access and parking	Whether the access is adequate to serve the needs of future development
8 - Contamination	Pollution risk to ground water and river
Expiry date	27 May 2015
Recommendation	Approve, subject to conditions and a S106 Obligation



The site and surroundings

1. This 0.38 hectare site is currently occupied by an architectural salvage/reclamation company, a number of vehicle repair businesses and a hot food outlet. The site fronts onto Oak Street and slopes markedly westwards down to the River Wensum. There are currently two points of access from Oak Street providing access to the various business premises and to the rear of adjoining dwellings. There are a number of existing single storey buildings on the site in use for a variety of business purposes and extensive areas of external storage.
2. The site is bounded to the north by residential properties, whilst commercial uses are dominant to the south and opposite the site on the eastern side of Oak Street.

Constraints

3. City Centre Conservation Area - Northern Riverside character area
4. The Great Hall, a Grade II listed building, is located to the south of the site
5. Remnant of the city wall/tower dating to medieval times is located to the north of the site – Scheduled Ancient Monument
6. Flood Risk Area: Flood zone 2
7. County Wildlife site on opposite side of the River Wensum – Train Wood
8. Area of Main Archaeological Interest

Relevant planning history

9. No recent planning history. Current proposals were subject to pre-application discussions with planning officers.

The proposal

10. The application seeks outline permission for the erection of 27 dwellings on the site following the demolition of existing buildings. Apart from access, all other matters relating to scale, appearance, layout and landscaping are reserved for future consideration. A number of technical reports have been submitted along with a Design and Access Statement and a Concept Plan which sets key design parameters for future development.

Summary information

Proposal	Key facts
Scale	
Total no. of dwellings	27 – min of 50% family houses
No. of affordable dwellings	33%, subject to future viability
No. of storeys	2 – 3.5 storeys
Density	71 dwellings per hectare
Transport matters	
Vehicular access	From Oak Street
No of car parking spaces	Indicative parking ratio – less than 1:1
No of cycle parking spaces	Policy compliant levels
Servicing arrangements	On site

Representations

11. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. Three letters of representation have been received, one of which is St Augustine's Community Together Residents' Association, citing the issues as summarised in the table below. All representations are available to view in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Issues raised	Response
Pre-application consultation was not satisfactory and the wider community was not invited to take place	The submitted Statement of Community Involvement indicates that a public consultation event was held on 15 th December 2014 following a total of 500 leaflets being distributed to surrounding properties
Narrowing of Oak Street could create bottle neck and divert traffic onto adjacent streets	The indicative plans illustrate highway works and a build- out into Oak Street. Although the local highway engineer would wish to see highway enhancement these would not be allowed if they were to cause an obstruction as currently shown. Works enhancing the appearance of the street including tree planting will be subject to

Issues raised	Response
	approval at a later stage.
Height of proposed development out of scale with surrounding buildings and landscape setting of Train Wood/Wensum Park	See Main Issue 3
Parking level should be a minimum of 1 space per dwelling	See Main issue 6
Oak Street more suited to commercial use	The site has been allocated for residential redevelopment for a number of years
Riverside location – unsuitable for young families	Native planting is proposed adjacent to the river – this will provide a level of natural protection to the river's edge.

Norwich Society - No objection but feel strongly that the design of the street scene is not in harmony with the adjacent Great Hall – elevations need to be more imaginative.

Consultation responses

12. 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

13. No objection in principle, subject to an outline/concept plan setting clear design parameters for future development. Plan should secure shared access along the route of 'Little Buck Yard', riverside walk, height and development frontages and environmental improvements to Oak Street.

Historic England

14. No objection in principle but consider the scale of building fronting Oak Street should correspond to the scale of historic housing close by and that the building should 'turn the corner'. Design of the northern section should specifically ensure that the setting of the scheduled ancient monument is enhanced.

Environmental protection

15. No objection subject to the imposition of conditions to ensure that contamination and noise impacts are addressed and mitigated

Environment Agency

16. Formal final consultation response is awaited at the time of writing of this report but the EA have advised that they have no objection in principle subject to the imposition of conditions relating 1) final SW scheme to include pollution prevention,

2) protection of the Wensum during demolition/construction 3) buffer zone/undisturbed river margin.

Highways (local)

17. No objection - proposed road and turning head is acceptable and could be adopted by the Highway Authority. Recommends shared surface treatment and appropriate highway enhancements to Oak Street frontage be secured.

Housing strategy

18. No objection – Development triggers an affordable housing requirement and that 33 % of the total building mix would be sought. At the design stage consideration should be given minimising landscape /communal space maintenance costs for the RP

Landscape

- 19.No objection in principle – support the broad mass and location of development . Recommends naturalised treatment to the river frontage and riverside walk and small areas of individually/privately owned green space for properties fronting the river - excessive subdivision should be avoided. Scope for tree planting within the site and need to ensure appropriate planning and surface treatment of amenity space and communal areas.

Norfolk historic environment service

- 20.No objection subject to imposition of standard archaeological conditions

Natural areas officer

- 21.No objection subject to conditions securing biodiversity enhancements associated with the river corridor, bats and small mammals.

Tree protection officer

- 22.No objection subject to conditions ensuring appropriate protection and construction methods in the vicinity of existing trees on the river frontage.

Assessment of planning considerations

Relevant development plan policies

23. 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
- JCS3 Energy and water
- JCS4 Housing delivery
- JCS6 Access and transportation
- JCS11 Norwich city centre

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

- LU3: Residential development

- OSN2 : land at 123 – 161 Oak Street

25. 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
- DM4 Providing for renewable and low carbon energy
- DM5 Planning effectively for flood resilience
- DM6 Protecting and enhancing the natural environment
- DM7 Trees and development
- DM9 Safeguarding Norwich's heritage
- DM11 Protecting against environmental hazards
- DM12 Ensuring well-planned housing development
- DM13 Communal development and multiple occupation
- DM17 Supporting small business
- 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

Other material considerations

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

- NPPF0 Achieving sustainable development
- NPPF6 Delivering a wide choice of high quality homes
- NPPF7 Requiring good design
- NPPF10 Meeting the challenge of climate change, flooding and coastal change
- NPPF11 Conserving and enhancing the natural environment
- NPPF12 Conserving and enhancing the historic environment

27. Supplementary Planning Documents (SPD)

- Affordable housing SPD adopted 2015

Case Assessment

28. 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

29. Key policies and NPPF paragraphs – JCS 4, OSN3, DM12, NPPF paragraphs 49 and 14.
30. The site forms approximately one half of an area of land allocated for housing under Policy OSN2 of the Northern City Centre Area Action Plan (NCCAAP). The site has been allocated for housing for a substantial number of years, the designation pre-dating the current NCCAAP. The principle of residential redevelopment of this non-designated employment land is therefore firmly established and indeed this site is one of a number specifically identified in the northern city centre for re-development to support broad environmental, economic and social regeneration objectives.
31. Policy OSN2 includes a number of specific requirements relating to the development of this allocation, these matters are considered in the paragraphs below. It is stated that development will:
- provide a minimum of 55 dwellings
 - include an extension to the riverside walk
 - be designed to enhance the setting of the Great Hall and City Wall
 - provide environmental improvements on Oak Street.
32. The allocation as a whole is in multiply landownership and occupied by numerous existing businesses. Although it would be preferable for the whole allocation to be planned and developed at the same time, in this case the principle of phased delivery is considered acceptable, provided: it is clear that the proposals would not compromise the development of the remainder of the site; and living conditions in the interim would provide an acceptable level of amenity.

Main issue 2: Mix and type of residential

33. Key policies and NPPF paragraphs – JCS2, DM3, LU3, DM12 NPPF paragraphs 9,17, 56 and 60-66.
34. Policy LU3 requires in this part of the Action Plan area that residential development should include at least 50% of units designed as suitable for occupation by a family with children. Although permission is being sought for 27 dwellings, the precise mix of dwellings on this site is reserved for future consideration. The proposed number of dwellings is consistent with Policy OSN2 and results in a density which would be commensurate with a scheme delivering a mix of dwelling types ie family houses and flats. The submitted Concept Plan indicates that a minimum of 50% of the proposed dwellings would be houses and this plan, if approved, would provide certainty over the broad mix of dwellings on the site. The proposal is therefore considered to be in accordance with policies LU3 and DM12.
35. Development of this scale triggers a requirement for a proportion of the dwellings to be affordable. In accordance with JCS 4, 33% of the units would need to be affordable with approximately 85%: social rented and 15% intermediate tenures. In accordance with para. 25 of the Affordable Housing SPD, outline planning applications should as a minimum secure the full affordable housing provision in

accordance with JCS policy 4. This will be secured through a S106 Obligation which will require a proportion of all of the proposed dwelling types to be affordable.

Main issue 3: Design

36. Key policies and NPPF paragraphs – DM9, NPPF paragraphs 128-141.

37. The detailed design of the scheme is not for approval at this stage but information has been submitted both within the Design and Access Statement and on the accompanying Concept Plan which indicates broad design principles. Given the characteristic of the site and the sensitivities of the surroundings it is considered necessary to agree such broad design parameters at this stage in order to ensure that an appropriate form of development comes forward in future reserved matters applications.

38. The Concept Plan indicates the following:

- Development fronting Oak Street, max. height x 2.5 storeys
- Development fronting the R. Wensum – set back a min of 15m, max. height 3-3.5 x storeys
- Riverside Walk set in natural green corridor
- A corner ‘Malthouse’ building, max. height 3-3.5 storeys
- Access from Oak street: re-establish historic lane ‘Little Buck Yard’ providing public access to the river
- Development fronting ‘Little Buck Yard’ - max. height x 2.5 storeys
- Internal layout to provide for a mix of private/communal amenity space and parking

39. These design principles reflect pre-application advice provided by the council which highlighted the character and appearance of this part of the Conservation Area/ the River Wensum corridor and the heritage considerations relating to the historic use of the site and the setting of listed buildings/monuments close by. The design parameters seek to ensure that development is appropriate in form and scale to the context/topography of the site and that specific opportunities associated with the location influence the design approach. These opportunities include the re-establishment of historic building lines, historic routes (Little Buck yard), creation of historic forms of development (site of the former Steward & Patterson’s malthouse), provision of a new section of riverside walk and environmental improvements of the river corridor. The quantum of development and range of heights indicated are considered appropriate for this location and respond to both the scale of buildings in the vicinity and drop in levels across the site. The proposed scale of development reflects the supporting text of the site specific policy OSN2 and the requirement to have positive regard to the setting of the Great Hall to the south and the remnants of the city wall/tower to the north.

40. Historic England do not object to the application but have in particular indicated that development on Oak Street should be guided by the rhythm and traditional form of

historic houses on Oak Street and that opportunities should be taken to improve access to and appreciation of the remnant of city wall/tower to the north. It is considered that the Concept plan provides sufficient control to enable these matters to be addressed at reserved matters stage.

41. The proposed broad development approach would not prejudice the future development of the southern half of the allocation. The re-establishment of Little Buck Yard provides a focus for the whole allocation providing access and the opportunity for frontage development.
42. The Concept plan is based on sound contextual analysis and provides robust design parameters to guide the detailed design of a housing scheme for the site. Parameters are consistent with ensuring development complies with the design objectives in the local plans and DM6 and DM9 of securing enhancements of the natural environment and heritage assets.

Main issue 4 : Noise from adjacent businesses

43. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
44. A Noise Assessment has been submitted which identifies two sources of noise potentially impacting future residents of the site – traffic noise associated with Oak Street and noise associated with industrial and commercial activities located to the south of the site. In relation to the former the council's Environmental Protection officer has indicated that careful building layout design and the use of specified glazing and ventilation will allow suitable internal noise levels to be achieved.
45. In relation to the second source, there is the probability that noise from adjacent industrial activities will affect the outside amenity spaces of the proposed development. Adjacent uses include an end of life vehicle operation which is licenced by the Environment Agency to depollute and dismantle vehicles. This site has a poor visual appearance. The Noise Assessment demonstrate that this activity does not produce constant high levels of noise but short bursts, confined mainly to daytime weekday and Saturday mornings. This operation is located on the southern half of the residential allocation but at this stage it is unclear whether the site will come forward for residential redevelopment or over what timescale. However, the council's Environmental Protection officer has indicated that building layout could assist in mitigating the noise impact on amenity spaces, along with the 2.5m acoustic fence proposed in the Noise Assessment. On this basis and the imposition of suitable planning conditions, no objection on the basis of noise is raised.
46. In terms of general amenity, the proposed density of development offers scope for adequate separation distances to be achieved, for adequate outlook, privacy and access to both private and/or communal amenity areas.

Main issue 5: Flood risk

47. Key policies and NPPF paragraphs – JCS1, DM5, NPPF paragraphs 99 -106
48. The site is shown to be located predominantly in Environment Agency Flood zone 2 (medium risk of flooding) with the far extremities of the site shown to be in flood zone 1 (low risk of flooding). The NPPF and DM 5 requires inappropriate development in areas at risk of flooding to be avoided by directing development

away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk

49. The northern city centre is a key regeneration in the city and this site has been identified as suitable for residential development through its allocation. The principle of development in this flood susceptible location has therefore been established and there is no policy requirement for the sequential test to be applied. In these circumstances the prime consideration is whether the development has been designed to ensure safety and that the impact of flooding is minimised.
50. A flood risk assessment has been submitted with the application which considers the precise nature and extend of flood risk and recommends measures to ensure that the development is safe over its lifetime. The natural slope of the site offers protection to the eastern portion of the site and it is proposed to ensure that where necessary finished floor levels of the dwellings are set at height above the 1:100 years + Climate change flood level. This requirement along with the foul drainage strategy will raise the floor level of development fronting the river by approximately 0.5 storeys. The design of the detail scheme will need to ensure that this does not detract from the appearance of the development and any use of the void is for non-habitable and is flood resilient in construction.
51. The FRA also includes an assessment of surface water runoff rates and proposes a strategy for future management. The site lies within a Ground Water Protection Zone where it is necessary to ensure that pollution risks to ground water are minimised. Given the existing and historic commercial use of the site, ground conditions and the shallow level of the water table, infiltration surface water disposal is neither recommended nor feasible. It is therefore proposed to direct surface water from impervious surfaces to an attenuation storage feature with regulated discharge into the R Wensum via an existing outfall. This approach is considered acceptable in principle and matters of detailed specification and future management and maintenance will need to be agreed through a suitable planning condition.

Main issue 6: Biodiversity

52. Key policies and NPPF paragraphs – JCS1, DM6, NPPF paragraph 118.
53. The site is currently intensively used for commercial purposes but the location of the site adjacent to the River Wensum and opposite a County Wildlife Site, Train Wood, increase the likelihood that the site is used by wildlife, particularly bats. An Ecological Survey has been undertaken which established that the site is generally of low ecological value, although the mixture of buildings and tall walls around the site together with materials scattered around the area, provide suitable habitat for nesting birds and potentially bats. The investigations found no bat roosts on the site but nocturnal surveys found low levels of foraging and commuting by common pipistrelle, soprano pipistrelle, noctule and myotis bats. High activity levels of noctule bat were observed over the river with a potential roost within trees on within Train Wood.
54. The current site is environmentally poor and the residential scheme which proposes the formation of a green corridor along the river frontage provides substantial scope for biodiversity enhancement. The parameters plan indicates the river fronting development set back by a minimum of 15m and space either side of a new section of riverside walk for natural low maintenance planting. Given the proximity of the

river channel any works within this area will need to be carefully designed and constructed in order to ensure that the riverine environment is not directly or indirectly adversely affected. Following an initial objection from the Environment Agency the applicant has submitted a Briefing Note which provides further information about the extent to which development of the site would require works close to the river. The Environment Agency has now confirmed that subject to an inclusion of a buffer zone and the imposition of conditions that they have no objection to development of this site.

55. On this basis the proposed design/landscape approach to the river frontage is strongly supported. Additionally there is scope to provide further ecological enhancement elsewhere on the site through the placing of bird and bat boxes/access tiles on the new building facing west and north and through the provision of tree planting both within the site and on Oak Street.

Main issue 7: Access and parking

56. Key policies and NPPF paragraphs – JCS6, DM7, DM28, DM30, DM31, NPPF paragraphs 17 and 39.
57. Access to the site is a matter for full approval at this stage. Principal access to the site is proposed in a location to the south of the site. The proposed road type and point of access would be capable of serving future development of the southern portion of the allocation. The new shared surface access would also enable public access to the river frontage and to the new section of the riverside walk. The right of way from Oak Street to the site and the rear of no 163/165 is retained and this would have the ability to function as a potential secondary access. In addition in accordance with DM7, given the site has a frontage of more than 10m, street trees are proposed on the Oak Street frontage, these would be secured as part of a highway enhancement scheme. The Council's Highway Engineer has indicated that these access arrangements and works are acceptable and will also facilitate safe access for servicing purposes
58. A low car development is indicated, with private parking for houses and communal parking serving flatted properties. This level of parking is consistent with DM32 and acceptable for edge of city centre sites which offer scope for future residents to travel to work and everyday services/facilities by sustainable means.

Main issue 8: Contamination

59. Key policies and NPPF paragraphs – DM11, NPPF paragraphs 120-122.
60. The site has a long history of commercial use including historic use as a boat yard and a malt house and current use as a reclamation yard and for vehicles repairs. The use of the site and the surrounding area results in a high Likelihood that areas of the site may be impacted by soil contamination. In addition heavy bombing during WW2 and the underlying geology raise additional risks related to unexploded bombs and natural ground gas.
61. The Environment Agency have advised that the River Wensum is currently classified as 'less than good ecological potential and heavily modified' and that a key objection is the restoration and enhancement of the water body. The redevelopment of the site for residential purposes offers the potential for an environmentally

preferable land use to the existing but the construction phase poses risks of contaminants being mobilised. A Phase 1 desk Top Report has been submitted which recommends a site investigation strategy; this includes intrusive investigation and laboratory testing of material. Environmental Protection and the Environmental Agency have recommended a number of detailed planning conditions to ensure that appropriate remediation works are carried out and verified in order to ensure that ground water and the adjacent water course are protected from pollution and that public health is safeguarded.

Compliance with other relevant development plan policies

62. 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
Water efficiency	JCS 1 & 3	Yes subject to condition

Other matters

63. The following matters have been assessed and considered satisfactory and in accordance with relevant development plan policies, subject to appropriate conditions and mitigation: archaeology and trees.

Equalities and diversity issues

64. There are no significant equality or diversity issues.

S106 Obligations

65. A S106 Obligation is necessary to ensure the provision of affordable housing; right of access to the river /riverside walk; and provision and long term maintenance of the riverside walk. The applicant is in agreement to these matters being secured and a formal legal agreement is at draft stage.

Local finance considerations

66. 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.

67. 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.

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

Conclusion

69. 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. 15/00245/O - 161 Oak Street Norwich NR3 3AY and grant planning permission subject to the completion of a satisfactory legal agreement to include provision of affordable housing/riverside walk/public access rights and subject to the following conditions:

1. Standard time limit for outlines;
2. In accordance with plans/details;
3. Contamination conditions required by EA
4. Flooding and surface water mitigation/management
5. Archaeological investigation/monitoring
6. % Lifetime homes
7. Water and energy efficiency
8. Access details/provision
9. Noise mitigation

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 the application has been approved subject to appropriate conditions and for the reasons outlined in the officer report.

SCHEDULE		type	storeys	GIA (m ²)	number	cp spaces
1	flat	-	46.2	3	0.5 (communal)	
2	flat	-	56.8	6	0.5 (communal)	
2	flat	-	62.4	2	1	
3	house	2.5	98.6	8	1	
4	house	3	107.9	7	1 gar	
4	house	23	102	1	1 gar	

REV	DATE	DESCRIPTION	DRAWN	CHECKED BY

Revisions

PLANNING

Chaplin Farrant Limited
Michael Greengrass Ltd
 51 Varnmouth Road
 Norwich
 NR7 6ET
 Tel 01603 700000
 Fax 01603 700001

Site Plan

DRAWING

4730 PROJECT REF:

51
DRAWING NO.

270314

6

04/20/2019 BY

