

Planning Applications Committee
11th June 2009
Section B

Agenda Number:	B1
Section/Area:	Inner
Ward:	Mancroft
Officer:	Mark Brown
Valid Date:	24th April 2009
Application Number:	09/00182/O
Site Address:	The Talk and 114 Oak Street Norwich Norfolk
Proposal:	Proposed redevelopment of site with 58 No. dwellings comprising 32 three bedroom townhouses, 2 bedsits, 2 three bedroom apartments, 17 two bedroom apartments, 5 one bedroom apartments including car parking, amenity areas, bin and cycle
Applicant:	MR D Howard & Mr J Fisher
Agent:	Anglia Design LLP

THE SITE

The application site is located between Oak Street and Chatham Street and is currently occupied by 'The Talk' nightclub on the northern half of the site and a warehouse depot to the southern side. The southern boundary is marked by Jenkins Lane, Gildencroft and surrounding residential properties are located to the east. The site is located within the City Centre Conservation Area.

PLANNING HISTORY

06/00841/C – Demolition of The Talk Night Club Building and 114 Oak Street. Application withdrawn on 31 July 2007.

06/00842/F – Redevelopment of site with 1 four bedroom townhouse; 18 three bedroom townhouses; 36 two bedroom apartments; 3 one bedroom apartments (Total 58 units) with associated car parking, amenity areas, bin storage and cycle storage. Application withdrawn on 31 July 2007.

07/00876/C – Demolition of the existing buildings at 113 Oak Street (The Talk Nightclub) and 114 Oak Street (warehouse depot). Application not determined and subsequent appeal dismissed on 03 November 2008.

07/00877/F – Redevelopment of the site with 58 dwellings comprising 34 three bedroom townhouses; 2 bedsits, 2 three bedroom apartments; 16 two bedroom apartments; 4 one bedroom apartments including car parking, amenity areas, bin and cycle storage. Application refused on 13 May 2008 and subsequent appeal dismissed on 03 November 2008.

THE PROPOSAL

The proposal is for the demolition of all existing buildings on the site and redevelopment of the site with 58 dwellings comprising 32 three bedroom townhouses, 2 bedsits, 2 three bedroom apartments, 17 two bedroom apartments and 5 one bedroom apartments with associated car parking, amenity areas, bin and cycle storage. The proposed dwellings range in height between 2 and 2½ storeys.

Vehicular access is proposed via Chatham Street with two pedestrian routes through the site, one through the centre and one on the southern boundary along Jenkins Lane which is proposed to be widened.

The application has been submitted in outline form with matters of landscaping reserved.

BACKGROUND

This application is a resubmission of two previous applications received in August 2006 (06/00842/F) and July 2007 (07/00877/F). The 2007 application went to committee with a recommendation for approval on 08 May 2008 where members moved and resolved to refuse the application due to the generation of additional vehicular traffic on Chatham Street which was considered to be harmful to pedestrian and cycle safety and the residential amenities of nearby residents. As the S106 agreement had not been completed at this time the lack of such an agreement or undertaking formed a second reason for refusal.

The application subsequently went to appeal and was determined on 03 November 2008. The appeal was dismissed but only on the second reason for refusal. The first reason for refusal was not upheld by the inspector who concluded that the impact on residents and safety in Chatham Street would not be so severe to warrant dismissing the appeal.

This resubmitted application is almost identical to the appealed application. It is submitted in outline form with matters of landscaping reserved. The only change is to the northeast corner of the site where due to not being able to identify title to a small piece of land the site and red line have been reduced slightly. This has resulted in two townhouses being reduced in size and

turned into two flats and five parking spaces being lost from this corner of the site.

CONSULTATIONS

Advertised on site, in the press and adjacent neighbours notified. No representations received.

Norwich Society: We applaud the attempt to replicate historic Norwich building types, the generous scale of the dwellings and the provision of a considered landscape design. We are however concerned about the impact of the additional traffic on Oak Street in light of future developments and changes to the road layout in that area.

Norfolk Landscape Archaeology: No objection subject to conditions requiring archaeological investigations.

Environment Agency: No Response

Anglia Water: No Response

County Council: Require contributions towards Primary School Education facilities in the area.

PLANNING CONSIDERATIONS

Relevant National Planning Policy
PPS1 – Delivering Sustainable Development
Supplement to PPS1 – Planning and Climate Change
PPS3 – Housing
PPG13 – Transport
PPG15 – Planning and the Historic Environment
PPG16 – Archaeology and Planning

Relevant East of England Plan Policies:
WM6 – Waste Management in Development
ENV6 – The Historic Environment
ENV7 – Quality in the Built Environment
ENG1 – Carbon Dioxide Emissions and Energy Performance

Relevant Saved Norfolk Structure Plan Policies:
T2 – Transport – New Development

Relevant Local Plan Policies:
NE9 – Comprehensive Landscaping Scheme
HBE3 – Area of main archaeological interest
HBE8 – Development in Conservation Areas
HBE12 – High Quality Design
HBE19 – Design for Safety and Security
EP1 – Contaminated Land

EP16 – Water conservation
EP18 – Energy Efficiency
EP20 – Sustainable Materials
EP22 – Amenity
HOU4 – Affordable Housing
HOU5 – Accessibility
HOU6 – Community Needs and Facilities
HOU7 – Phasing of new Housing Development
HOU13 – New Housing
HOU18 – Construction of new flats
SR4 – Open Space
SR7 – Children's Equipped Playspace
TRA5 – Design for Vehicle Movement
TRA6 – Parking Standards
TRA7 – Cycle Standards
TRA8 – Servicing
TRA9 – Car Free Housing
TRA14 – Enhancement of the Pedestrian Environment

Supplementary Planning Documents (SPD)
Open Space and Play SPD (adopted June 2006)
Transport Contributions SPD (draft for consultation January 2006)
Energy Efficiency and Renewable Energy SPD (adopted December 2006)
Affordable Housing SPD (adopted December 2007)

Northern City Centre Area Action Plan, Preferred Options Report, November 2007:

The emerging plan contains policies that, once adopted, would support redevelopment of the Talk Nightclub for a minimum of 40 dwellings to provide at least 50% of units as family housing, with a pedestrian/cycle link between Oak Street and Gildencroft Park.

Principle

The proposal is in line with government policy in PPS1, the overarching policy statement which aims to ensure that planning promotes sustainable development and PPS3 which promotes the sustainable location of new housing. It complies with national policy in that it is for housing development on a brownfield site at an appropriate density in an urban area with good access to public transport, local services and facilities.

In terms of local policy the principle of housing development in this location is acceptable and in line with saved policy HOU13 of the adopted City of Norwich Replacement Local Plan.

The site is also allocated within the preferred options report for the Northern City Centre Area Action Plan for residential development.

Layout and Design

The proposals in terms of their layout and design have been subject to extensive negotiations. The proposals as now submitted create a perimeter block to the south of the site with amenity, servicing and parking areas in the centre and a row of dwellings along the north with amenity areas to the rear. Further consideration to the central amenity areas is given below.

The appearance of the buildings has been greatly improved, the proposed development now uses a wide range of materials and a more varied architectural vocabulary, with buildings of different heights and roof pitches. However in order to ensure that this is a success samples of all materials and details of decoration will need to be approved via condition. It is considered that the proposals would considerably enhance the appearance of the site within the City Centre Conservation Area.

Residential Amenity

The main consideration with reference to the levels of amenity provided to future occupiers is the amount of external private/communal amenity space. It is considered that the levels of private external amenity space are below that which would normally be desirable, furthermore no public open space or play space has been provided on site. However, the site is directly adjacent to the facilities at Gildencroft and is in a well served central location within the city and on balance this is considered acceptable.

Potentially the central blocks G and D could have been reduced in scale to offer a greater external amenity area in the centre of the site. However, the central blocks do serve an important role of overlooking the centre of the site and their removal would create a less defined public space.

In order for the external spaces to work well a high standard of both soft and hard landscaping will be essential, these matters are reserved and will be the subject of a reserved matters application. Jenkins Lane to the south is adopted, the proposals involve the widening of this Lane and details for the repaving will need to be agreed via a condition.

A small pedestrian route is marked on the plans to run to the rear of the properties to the north of the site. This route is marked as public, however, given that there are other routes through the site which follow desire lines, it is not considered that this would be a safe route through the site, but would be appropriate as a private access to rear gardens, although for security reasons should be gated and details of gates agreed via condition.

With reference to neighbouring properties, the proposals have been well designed and relate well to adjacent sites. The proposals are designed in order to avoid any significantly detrimental overlooking or overshadowing and are considered to be acceptable.

Transportation

Vehicular access to the site is proposed off Chatham Street. The central layout allows for a servicing and turning area for refuse vehicles. In transport terms the scale of this development is considered to be relatively minor and is likely to generate in the region of 200 vehicle movements per day which equates to one vehicle movement every 7 minutes. It is not considered that these levels of movements would result in a detrimental impact on the amenity of nearby residents on Chatham Street.

In relation to pedestrian and cycle safety, most vehicles exiting the site will be turning to the north to access the rest of the City via Sussex Street. The main pedestrian and cycle route across the site is on the southern boundary. It is therefore not considered that there would be any conflict between vehicle movements on the site and pedestrian and cycle movements.

35 parking spaces are proposed for the 58 dwellings on the site, this level of parking is within the maximum threshold set by policy TRA6 and is considered to be acceptable in this location. The new road will be subject to a traffic regulation order which will be secured via the S106 agreement. The development would not be included in the permit parking scheme and will therefore not put additional pressure on permit parking in the surrounding area.

It should also be noted that the existing operations on site utilize accesses from both Oak Street and Chatham Street and that the footway to Chatham Street will be improved.

The proposals provide one secure and covered cycle parking space for each property in line with policy TRA7, although the details of the design of the external stores will need to be agreed via condition.

Environmental Considerations

The site is located within a sustainable location with excellent links to public transport, employment areas and the City Centre. A BREAAm ecohomes preassessment has also been undertaken which gives an estimated rating of between 'very good' and 'excellent'. The statement also identifies the need to provide 10% of the sites energy from decentralised and renewable or low carbon sources and identifies that this would be achieved via 32 ground to water heat pumps in each of the 32 townhouses. The energy efficiency statement estimates cuts in carbon emissions by 28% and cuts in energy use across the site from the grid of 35%. Full details of the provision should be a condition of any consent.

With reference to contamination, a desk study submitted with the application has identified that there are potential contaminants present on the site. Whilst a response has not yet been received from the Environment Agency this application is identical in terms of contamination to the previous application. The Environment Agency objected to the previous application, requesting an

intrusive investigation be carried out in order to fully identify the contamination on the site and detail mitigation measures. This matter was raised by the Environment Agency during the course of the appeal and it was concluded that this matter could be dealt with via condition and would not be a reason to prevent redevelopment. It is therefore recommended that any permission be subject to contamination conditions.

Planning Obligations

In relation to planning obligations the proposals would trigger the following requirements which would need to be secured via a S106 prior to a decision being made:

- Affordable housing:
 - 30% of the total making 17 units affordable to be transferred to a registered social landlord as required by saved policy HOU4.
- Child Play Space:
 - Contribution for 85 child bed spaces £93,840 as required by saved policy SR7.
- Open Space:
 - Contribution for 58 units £27,318 as required by saved policy SR4.
- Transport Contribution:
 - Contribution for 58 units £16,365 as required by saved policy TRA11.
- On Street Parking Controls:
 - Contribution for a traffic regulation order and associated signing and lining.
- Education Requirements:
 - County Council education contribution for 9 places at Magdalen Gates Primary School £104,796 as required by saved policy HOU6.

Conclusion

The site is a brownfield site in a central location within the Northern City Centre. The redevelopment of the site for residential is considered to be acceptable in principle and in line with the Development Plan and Central Government Guidance. There is a lack of private amenity space within the site, however given the sites location and the proximity of the Gildencroft facilities this is considered acceptable. The proposals will enhance this part of the City Centre Conservation Area and provide much needed public links from Oak Street towards the St Augustines Area. Subject to the S106 requirements listed above and the conditions listed below the proposals are considered to be acceptable and the recommendation is therefore to approve.

RECOMMENDATION

- (1) Approve planning permission subject to the completion of a satisfactory Section 106 Agreement to include affordable housing, provision of contributions to child play space, open space, transportation

contributions, education, on street parking controls and subject to the following conditions:

- Standard reserved matters time limit;
- Reserved matters to relate to landscaping;
- Removal of residential permitted development rights;
- Submission of the following details:
 - i. Samples of all external materials;
 - ii. Colour and finish of renders;
 - iii. Material, finish and colour of rainwater goods;
 - iv. Sections through external joinery, including windows, doors and bin store doors;
 - v. Details of external bike stores.
- Details of secure gates to be provided at the entrances to the pathway to the rear of plots 9 – 18;
- Details of new surfacing and lighting to Jenkins Lane to be provided and implemented;
- Foul and surface water conditions as required by Anglian Water;
- Bin and cycle stores to be provided prior to first occupation and not to be used for any other purpose;
- Archaeological investigation, evaluation and mitigation;
- Full details for the provision of 10% of the sites energy from renewable or low carbon sources;
- Further land contamination details in the form of a preliminary risk assessment and site investigation scheme;
- Details on monitoring, maintenance and any contingency action to be carried out on site for site contamination;
- If further contamination found details to be submitted to the Local Planning Authority and remediation methods to be agreed.

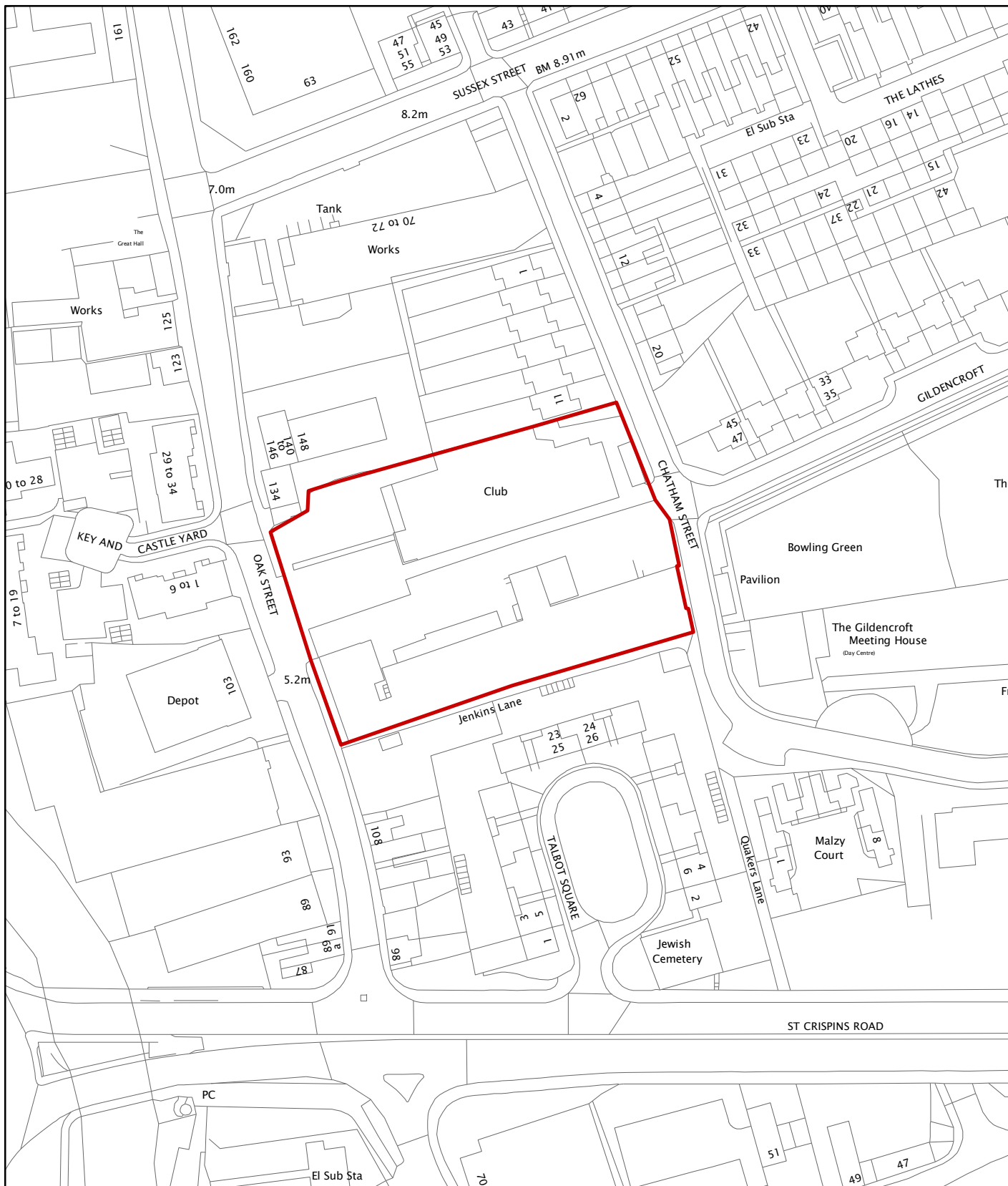
(2) If a satisfactory Section 106 Agreement is not completed prior to 24 July 2009 that delegated authority be given to the Head of Planning and Regeneration Services to refuse planning permission for the following reason:

- In the absence of a legal agreement or undertaking relating to the provision of affordable housing, children's play provision, public open space, transportation contributions, on street parking controls and education contributions the proposal is contrary to saved policies HOU4, SR7, SR4, TRA11 and HOU6 of the adopted City of Norwich Replacement Local Plan.

Reason for Recommendation (1):

The recommendation has been made with regard to the provisions of the development plan, so far as material to the application including policies ENV6, ENV7, ENG1 and WM6 of the adopted East of England Plan, saved policy T2 of the adopted Norfolk Structure Plan, saved policies NE9, HBE3, HBE8, HBE9, HBE12, HBE19, EP1, EP16, EP18, EP20, EP22, HOU4, HOU5, HOU6, HOU7, HOU13, HOU18, SR4, SR7, TRA5, TRA6, TRA7, TRA8, TRA9 and TRA14 of the adopted City of Norwich Replacement Local

Plan, PPS1, Supplement to PPS1, PPS3, PPG13, PPG15, PPG16 and other material planning considerations. The proposal is for the redevelopment of a brownfield site with residential development in a central sustainable location. The proposal accords with the development plan for the area and with Central Government Guidance. Subject to the conditions listed the proposals are considered to be acceptable.



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Planning Application No- 09/00182/O

Site Address - The Talk and 114 Oak Street, Norwich

Scale - 1:1,250



NORWICH
City Council

DIRECTORATE OF REGENERATION
AND DEVELOPMENT

