

Planning Applications Committee  
29 January 2009

<b>Agenda Number:</b>	<b>B3</b>
<b>Section/Area:</b>	INNER
<b>Ward:</b>	Mancroft
<b>Officer:</b>	Jo Negus
<b>Valid Date:</b>	6th November 2008
<b>Application Number:</b>	08/01108/F
<b>Site Address :</b>	Land And Buildings Rear Of 4 - 8 Ber Street Norwich
<b>Proposal:</b>	Demolition of existing workshops and erection of 200sqm office building and 14 No. 2 bed flats with associated car parking, cycle storage and landscaping.
<b>Applicant:</b>	<b>Petros</b>
<b>Agent:</b>	<b>Bidwells</b>

## THE SITE

The site is located to the rear of Ber Street, in between the buildings fronting Ber Street to the west of the site and Prospect House to the east of the site. The land to the south of the site is relatively undeveloped and until recently was in use for the sale of garden merchandise. The Woolpack Inn public house and surrounding car parking is located to the north of the site. There are some mature trees on the border of the site in the Woolpack Inn car park area. Both Prospect House and the buildings that form 4-8 Ber Street are currently in commercial use. The site is also used as a private car park.

The site is adjacent to the junction of Golden Ball Street, Ber Street and All Saints Green, with a pedestrian crossing directly adjacent to the site. Access to the rear of the site is through an archway between 6 and 8 Ber Street.

The site is located in the City Centre Conservation Area, the Main Area of Archaeological Interest and the City Centre Leisure Area. The site was the subject of an Informal Planning Brief, which provided suggestions for the type of development that could be suitable on the site. The adjacent site of Prospect House has been identified for mixed use redevelopment including a hotel under saved policy TVA5.3 of the local plan. The land to the south has been allocated for housing, which under policy HOU9.4A recommends 30 dwellings with a mix of retail, office or leisure uses. The buildings that form numbers 4 and 8 Ber Street are Grade II listed buildings and the Woolpack Inn to the north of the site a locally listed building.

## **PLANNING HISTORY**

There is no recent relevant planning history in relation to this proposal, except the associated Conservation Area Consent for the demolition of the sheds and outbuildings to the rear of the site (08/01109/C approved on 7<sup>th</sup> January 2009). This was granted approval as the visual impact of the removal of the buildings was considered to be minimal on the City Centre Conservation Area, by virtue of the location of the buildings behind 4-8 Ber Street.

Previous planning history of the site indicates the use of the land as a petrol filling station, taxi garage and lock up garages, which were approved on 14<sup>th</sup> August 1952 under application 17688.

## **THE PROPOSAL**

The proposal is to redevelop the land to the rear of 4 to 8 Ber Street with a 200sqm office building and 14 two-bed flats with associated car parking, cycle storage and landscaping.

## **CONSULTATIONS**

The application was advertised on site and in the press, two letters of representation have been received which raise concerns over the design of the scheme in relation to the adjacent listed buildings and Conservation Area, the car parking and access on site, the ground conditions with regards to mining activities, and the loss of car parking that is currently on the site.

**Norwich Society:** Raised concerns over the access to and from the site, the parking layout within the site and the quality of design of the elevations.

**Norfolk Landscape Archaeology:** No objection to the development, subject to the imposition of a condition for archaeological works.

**Environment Agency:** No objection subject to the imposition of conditions and informative notes.

## **PLANNING CONSIDERATIONS**

### **Relevant National Planning Guidance:**

Planning Policy Statement 1 – Delivering Sustainable Development

Planning Policy Statement 1 – Planning and Climate Change – Supplement to PPS1

Planning Policy Statement 3 – Housing

Planning Policy Guidance 15 – Planning and the Historic Environment

Planning Policy Guidance 16 – Archaeology

### **Relevant East of England Plan Policies:**

ENV6 – The Historic Environment

ENV7 – Quality in the Built Environment

ENG1 – Carbon Dioxide Emissions and Energy Performance

WM6 – Waste Management in Development

### **Relevant Local Plan Policies:**

NE9 – Comprehensive landscaping scheme and tree planting

HBE3 – Archaeological Interest in the Area of Main Archaeological Interest

HBE8 – Development in Conservation Areas

HBE9 – Listed Buildings

HBE12 – High quality design

HBE19 – Design for safety and security including minimising crime

EP1 – Contaminated land and former landfill sites

EP2 – Ground conditions for development

EP16 – Water Conservation and Sustainable Drainage Systems

EP18 – High standard of energy efficiency for new development

EP22 – High standard of residential amenity

HOU1 – Provision of new housing to meet needs and monitoring

HOU2 – Mix of uses including housing on sites in the City Centre

HOU6 – Contribution to community needs and facilities by housing developers

HOU13 – Proposals for new housing

EMP1 – Small Scale Business Development

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

TRA3 – Modal shift measures in support of Norwich Area Transport Strategy

TRA5 – Approach to design for vehicle movement and special needs

TRA6 – Parking standards maxima

TRA7 – Cycle parking standards

TRA8 – Servicing Provision

TRA11 – Contributions for transport improvements in wider area

### **Relevant Supplementary Planning Documents and other policy documents:**

Transport Contributions (Draft for Consultation, January 2006)

## Introduction

The proposal is to redevelop the land to the rear of 4-8 Ber Street for a mixed use, to include residential and office development. The proposed redevelopment is for two blocks, one solely residential and the second residential with 200sqm of office space. Concerns have been raised over the scale, massing and form of the development, access to the site and the ground conditions. The report will consider each of these points but at the time of the report being written no finalised S106 had been received for the site. As such the recommendation is to refuse if no S106 agreement is received by the determination date of the application.

## Principle of redevelopment of the site

The site is brownfield and located within the City centre, as such the principle of redevelopment is acceptable and in accordance with Planning Policy Statement (PPS) 1 and PPS3. The site has a mix of uses including residential, which is a requirement of policy HOU2 of the local plan. Policy HOU13 requires the development to have a suitable layout, design and vehicle access, be above 40 dwellings per hectare in density, provide adequate private amenity space around dwellings, have good accessibility to local shops and employment, have no detrimental impact on the character of the area, provide a range of types and sizes of dwellings and enable the regeneration of historic or other buildings in the area. The proposal is considered to generally be in accordance with this policy. Only flats are provided on the site but due to the small area of the site it is not considered feasible to provide a range of different housing types. The principle for redevelopment as residential is considered to be acceptable it would not result in a detrimental impact on the character or amenity of the surrounding area.

In relation to the office uses proposed, this is considered to be acceptable in principle under saved policy EMP1 of the Local Plan given the sites central location.

The redevelopment would result in the loss of the current use of the site as an informal car park which is utilised by the Taxi office that occupies 6 Ber Street. There has been an objection from the Taxi operator on the grounds of the loss of this parking area to the rear. In terms of planning policy, there is no requirement for the retention of the car park to the rear or indeed the taxi office itself. The redevelopment and provision of residential and office uses in the City centre is considered preferable to the current uses on the site and it is not considered that the redevelopment would prejudice any alternative use for 6 Ber Street in the future.

### Design, scale, form and layout

The proposals on the site have been designed considering the Informal Planning Brief. This brief covers the development of land to the rear of 4 to 24 Ber Street. As such any development on this application site should not prejudice the future development of the remainder of the site. The result is proposed development along the north and east boundaries, with a courtyard area in the centre of the site.

The scheme has been the subject of pre-application discussions. During these discussions the issues of the elevational treatment and the layout of the development have been discussed. The results were improvements in the elevation treatment that lead to a greater distinction between the office and residential development, the reduction in the perceived height of the development through the materials used for the fourth floor and a revised parking and access layout that provided a functioning parking area that was more pedestrian friendly. Car parking and bins have been removed from the rear of the listed building they were considered to harm the character and setting of the listed buildings.

In term of massing, whilst the buildings remain relatively tall in comparison to the surrounding area, they are set back and increase in height towards the rear of the site and, as such they will not be visible within the streetscene. There is sufficient space between the blocks and the rear of the listed building. Although the curtilage is being densely developed, historic photos show that Ber Street was built up with numerous outbuildings arranged in a fairly random manner in rear plots, so this is not out of character with this part of the conservation area.

Conditions would be required on any consent relating to materials, detailing and all hard and soft landscaping.

### Amenity and site safety

The surrounding uses of the site are predominantly commercial with some residential at first and second floor level. The windows on 6 Ber Street are high level windows and so the likelihood of overlooking is low. The only window on 4 Ber Street would not be overlooked as the adjacent proposed office elevation would have no windows. The residential amenity of these dwellings is therefore not considered to be significantly adversely affected.

The design of the proposed development faces all primary living areas into the centre of the site, with non-habitable rooms such as kitchens and bathrooms facing north and east to preserve the amenity of future residents of the development and adjacent properties. The residential dwellings will benefit from an outdoor amenity area to the north east of the site. Concerns have been raised over the security of this area. A condition is recommended to ensure the area is secure with access only to the residents of the adjacent dwellings.

## Highways

The site is located on the junction of Golden Ball Street and Ber Street, with pedestrian and vehicle access to the site through an archway between 4 and 6 Ber Street. Concerns were raised at the pre-application stage over the safety of this junction if the proposed development were constructed. In response to this the applicant has produced a transport assessment and £4000 under the S106 agreement has been allocated towards the widening of the pavement and relocation of the adjacent traffic lights/pedestrian crossing. This would improve the visibility when exiting the site. Supporting information has been submitted detailing that there have been no accidents recorded in the last 36 months. The proposed use of the site would however reduce the numbers of cars on the site and lead to an improved situation compared to what is currently on site. The proposed access, whilst not ideal is therefore considered to be adequate and to be further improved with the contribution of £4,000 to highway works.

## Bin storage and cycle storage

The bin storage for residential units is indicated to the south of the site to the rear of 8 Ber Street and an area for the offices to the northwest corner of the office block. Five 1100 litre bins would be required for the residential units. Limited details on the bin stores have been provided and therefore exact details of the size, location and elevation treatment should be conditioned.

Cycle storage has been indicated on site for both the residential dwellings and the office space. The cycle storage would have to be covered and secured to meet the requirements of the local plan, and as such a condition has been recommended to ensure details are provided of these structures.

## Renewable Energy

The development is over 10 dwellings and as such under policy ENG1 of the East of England Plan requires 10% of the yearly energy demand to be produced from renewable or low carbon, decentralised sources. An Energy Efficiency Statement has been submitted with the application indicating that through the use of air source heat pumps 18.8% of the sites energy can be provided. Other technologies including biomass boilers, wind turbines, ground source heat pumps, passive solar panels and photovoltaic solar panels have been considered but the air source heat pumps are considered the most feasible. A condition has been recommended to provide further details of the exact number, location and specification of the air source heat pumps.

## Trees

A tree constraints report has been submitted with the application to assess the impact of development on trees on adjacent sites close to the sites north and

eastern boundaries. Further to the receipt of the tree report it is considered that there are no significant arboricultural implications with regards to the proposed development and the trees on the adjacent site to the north east of the site.

### Archaeology

The site is located in the Area of Main Archaeological Interest under the adopted local plan. An initial archaeological assessment of the site has been completed, which has indicated there are medieval remains underneath the site. A condition has been recommended to ensure that necessary investigation, evaluation, mitigation and recording is carried out prior to any development commencing on site.

### Site contamination and land stability

A site contamination study has been conducted and the results submitted with the application. The results indicated that levels of lead, arsenic and Poly Aromatic Hydrocarbons (PAHs) were elevated above the guidance levels. The Environment Agency responded on this report stating that a survey should also be carried out for Volatile Organic Compounds (VOCs) and further investigative work should be carried out with regards to the impact on aquifers, the ground conditions under the existing buildings on site to be removed and into the removal of the storage tank and associated pipe works under the site. As such a condition has been recommended to ensure these investigations and recommendations take place.

There is evidence to suggest that the site contains a storage tank underground and that within the area mining activities may have occurred. The planning history of the site indicates that a petrol filling station was granted approval in 1952, which may account for the storage tank. A geo-environmental report was submitted with the application but this was based on a 3-storey development. It is recommended that a further geo-environmental report is produced with regards to the proposed 4-storey development and to investigate the ground underneath the floor slab of the existing building and deep exploratory holes to investigate the possibility of flint mining underneath the site. A condition has been recommended to address this issue.

### Section 106 Agreement

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 £15,456
- A transportation contribution of £3,950.00

The funds from the transport contribution are to be used towards improving the junction at Golden Ball Lane and Ber Street, through pavement widening and the associated pedestrian crossing relocation.

As the S106 agreement has not yet been completed the recommendation is to refuse if no satisfactory S106 agreement is received by the expiry date of the application.

### Conclusion

The application is considered to be acceptable in principle, with the mixed use on this City Centre site. The design, siting, massing and form are also considered acceptable in this location, with sufficient distance given between the adjacent listed buildings to prevent a significant adverse impact on the character and setting of the listed buildings. The highways issues raised are to some degree mitigated by the allocation of £4,000 for road improvement works adjacent to the site should this development come forwards. The application is therefore considered acceptable subject to the conditions listed below. However, in the absence of a finalised S106 agreement for this site the recommendation is two-fold; delegated powers to approve if the S106 agreement is finalised by the expiry date for the application or delegated powers to refuse if no S106 agreement is in place.

### **RECOMMENDATIONS**

- (1) approve planning permission subject to the completion of a satisfactory S106 agreement by the 05 February 2009 to include the provision of contributions to child play space, transportation contributions and maintenance of communal areas and subject to the following conditions:
  1. Standard time limit;
  2. Details of development phasing plan;
  3. Details of all external facing materials including:
    - a. Window frames;
    - b. Doors;
    - c. Balconies;
    - d. Sun screens;
    - e. Rainwater goods;
    - f. Mortar mix;
    - g. Eaves, verges and fascia boards
  4. Samples of materials including:
    - a. Facing bricks;
    - b. Roof material;
    - c. Wall cladding;
    - d. Render;
  5. Details of all boundary treatments, fences and gates on site, including details of security measures to prevent the misuse of the residential amenity area to the north east of the site;



6. Details of the precise size, location and elevation treatment of separate bin stores for commercial and residential elements, to be provided prior to first occupation;
  7. Details of covered and secure cycle parking structures, to be provided prior to first occupation;
  8. Hard and soft landscaping details for each phase of the scheme as agreed under condition 2, indicating ground surface treatments throughout site and all planting details;
  9. Replace any trees/plants from the approved landscaping scheme that die within five year period;
  10. Archaeological Evaluation;
  11. Further geo-environmental survey required to establish the exact ground conditions underneath the site and actions required remove the identified storage tank;
  12. Further site contamination report, including sub-surface and surface level contaminants;
  13. Details of the number, location, specification and provision of air source heat pumps;
- (2) b) Where a satisfactory S106 agreement is not completed prior to 05 February 2009 that delegated authority be given to the Head of Planning and Regeneration Services to refuse planning permission for the following reason:

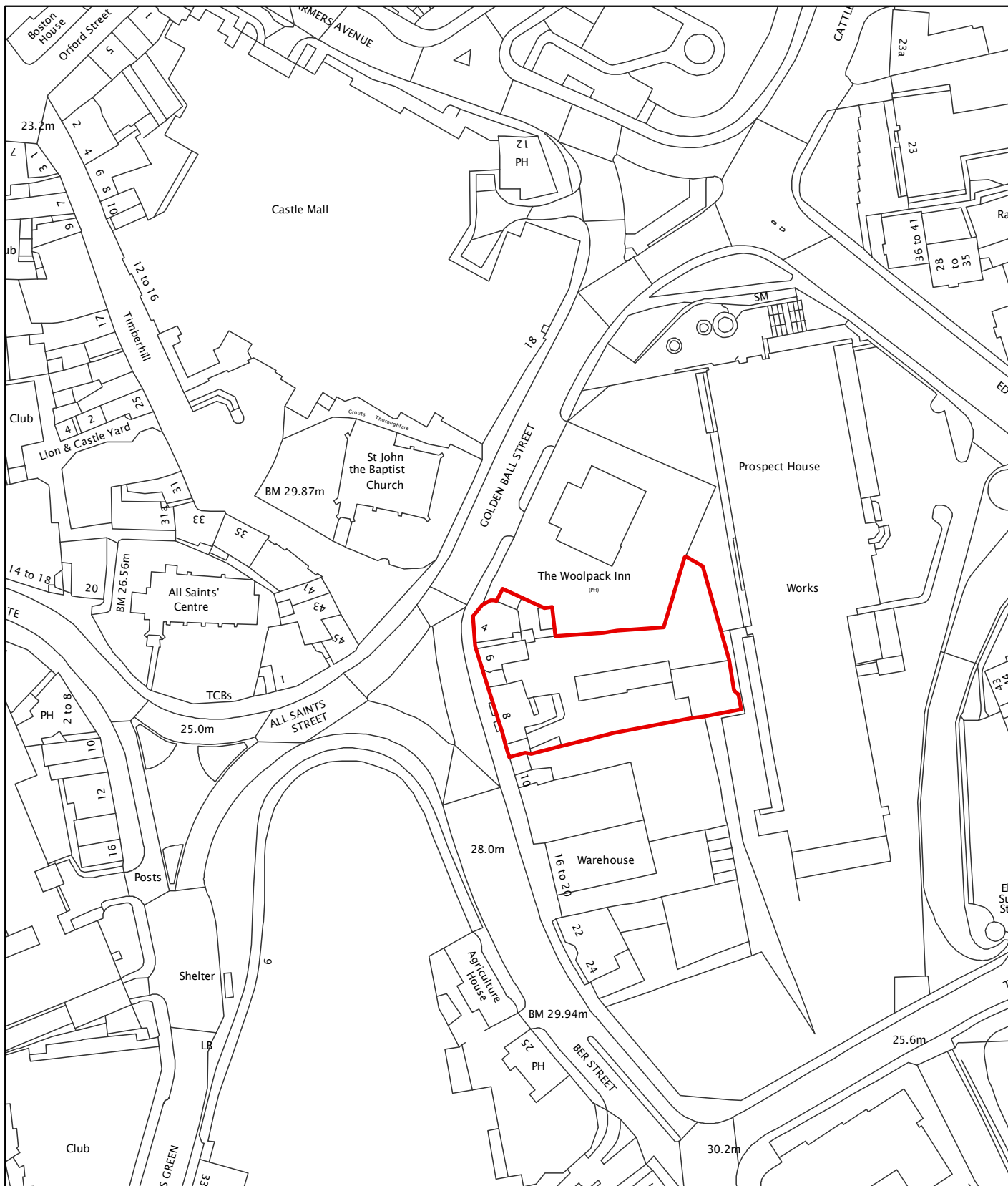
In the absence of a legal agreement or undertaking relating to the provision of children's play space and transportation contributions the proposal is contrary to saved policies SR7, TRA11 and HOU6 of the adopted City of Norwich Replacement Local Plan, Adopted Version (November 2004).

**Reason for recommendation a):**

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 (May 2008), saved policies NE9, HBE3, HBE8, HBE9, HBE12, HBE19, EP1, EP2, EP16, EP18, EP22, HOU1, HOU2, HOU6, HOU13, EMP1, SRA7, TRA3, TRA5, TRA6, TRA7, TRA8 and TRA11 of the City of Norwich Replacement Local Plan (November 2004), PPS1, Supplement to PPS1, PPS3, PPG13, PPG15 and PPG16.

Having considered all of the above and other material planning considerations it is considered that subject to the conditions listed and the contents of the S106 agreement that the proposals are an appropriate redevelopment of a central brownfield site in a sustainable manor which would enhance the surrounding Conservation Area. The proposal includes a suitable mix of uses and subject to the conditions listed will provide satisfactory amenity space, cycle parking, car

parking and bin storage facilities as well as appropriate renewable energy provision.



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Planning Application No- 08/01108/F

Site Address - Land & buildings at rear of 4-8 Ber Street, Norwich

Scale - 1:1250



**NORWICH**  
City Council

DIRECTORATE OF REGENERATION  
AND DEVELOPMENT

