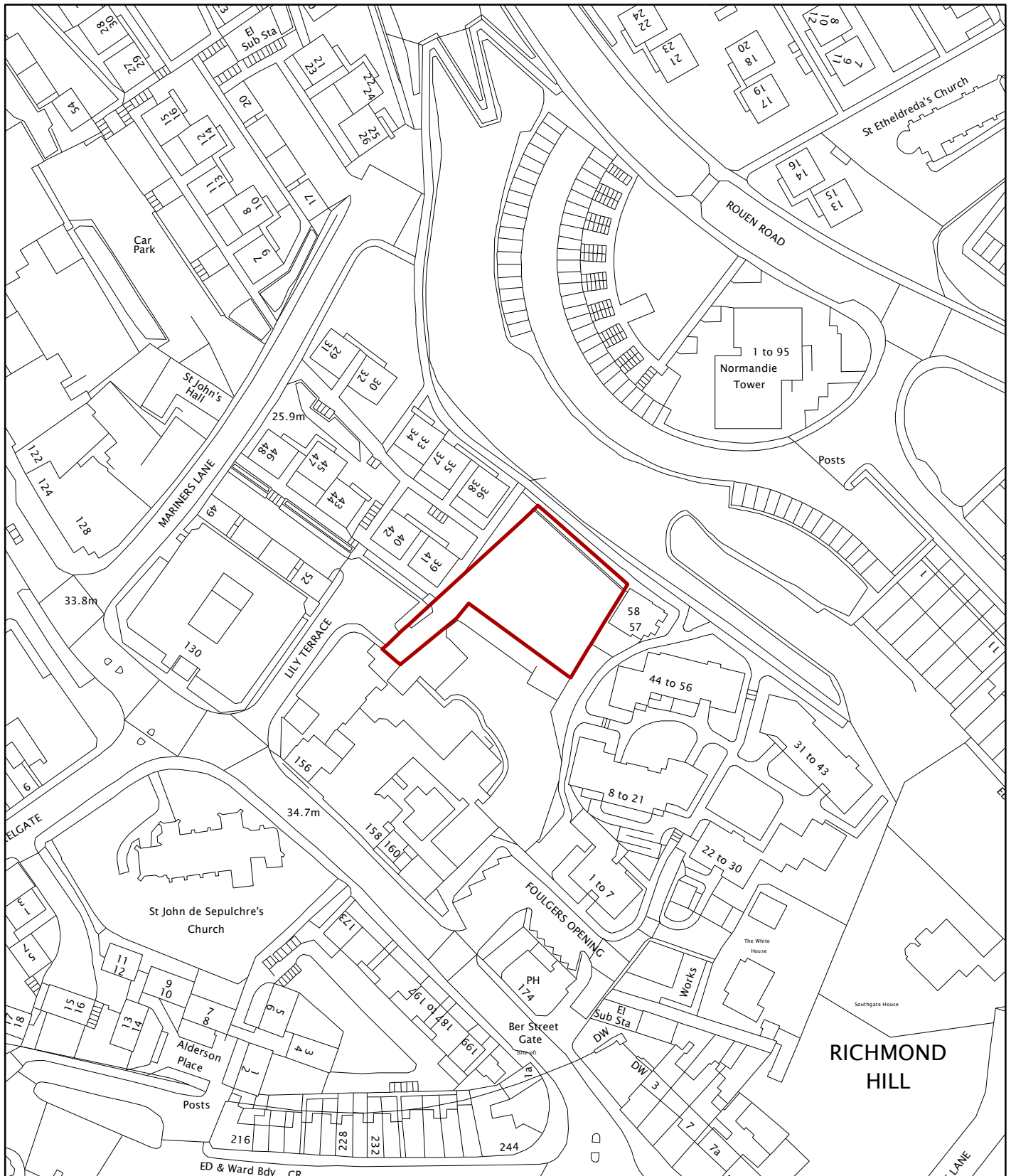


Report to	Planning applications committee	Item
Report of	9 February 2017	
Subject	Head of Planning Services	
Reason for referral	Application no 16/01574/O - Land at Lily Terrace, Norwich	4(a)
	Objection	

Ward:	Mancroft
Case officer	Lara Emerson - laraemerson@norwich.gov.uk

Development proposal		
Outline application for the development of 5 no. townhouses.		
Representations		
Object	Comment	Support
4	0	0

Main issues	Key considerations
1. Principle of development	Principle of residential development on the site.
2. Design & heritage	Form; mass; impact on listed buildings; impact on conservation area.
3. Amenity	Loss of outlook privacy and light to neighbours; noise; amenity of future residents.
4. Trees	Loss of two trees; protection of trees to be retained.
5. Access, parking & servicing	Access to new dwellings; loss of communal car park; number of car parking spaces provided to new dwellings; refuse arrangements.
Expiry date	9 February 2017
Recommendation	Approve



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Planning Application No 16/01574/O

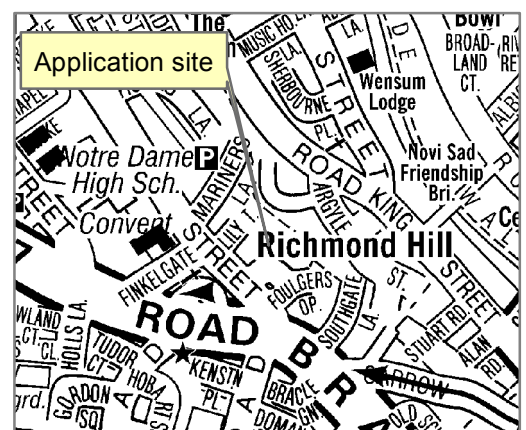
Site Address Land at Lily Terrace

Scale 1:1,250



NORWICH
City Council

PLANNING SERVICES



The site, surroundings and constraints

1. The site is currently a private car park which is situated behind two blocks of flats known as Ber House and Bixley House. The car park is accessed off Lily Terrace which is a small access road leading from Ber Street.
2. The site sits within a predominantly residential area, although a number of commercial uses exist on Ber Street. To the south-east of the site there are a number of 2-4 storey residential blocks accessed from Foulgers Opening, to the north-west of the site there are a number of two storey residential properties accessed from Lily Terrace, and to the south-west of the site there are two further blocks of residential flats which front Ber Street. To the north-east of the site there is a steep wooded bank which separates the site from Normandie Tower on Rouen Road.
3. The topography of the area is such that the land slopes down from the south to the north. As such, the properties accessed from Foulgers Opening and Ber Street are on higher ground, while the existing properties accessed from Lily Terrace are on slightly lower ground, and Normandie Tower is at a considerably lower ground level.
4. The area is occupied by a wide variety of building types, styles and ages. The area is historically sensitive and forms part of the City Centre Conservation Area (Ber Street Character Area). Ber House and Bixley House (also known as 156 and 158 Ber Street) are both Grade II listed. However, it is their frontages facing Ber Street which are of most historic value as 158 Ber Street has had significant modern extensions which dominate the rear of the properties. 160 Ber Street is also Grade II listed but cannot be viewed from the site. However, these historic features are coupled with a number of more modern developments on the remaining three sides of the application site.
5. The site sits within the Area of Main Archaeological Interest and there are a number of 'find spots' near to the site on Ber Street and Mariners Lane. Historic maps show that the site has not been developed since at least the mid eighteenth century and the site has not been landscaped as part of the adjacent wooded ridge.
6. There are currently a number of trees on and adjacent to the site. Within the site two individual trees and one group of trees are covered by Tree Protection Orders (TPOs). To the rear of the site, the steep bank which separates the site from Normandie Tower on Rouen Road forms part of the 'wooded ridge' which offers ecological and recreational benefits.

Relevant planning history

7.

Ref	Proposal	Decision	Date
16/00743/TPO	Lime: Dismantle to ground level and replant with same.	Part approved/ part refused	07/06/2016

The proposal

8. The proposal is for the erection of five 4-storey townhouses. The properties each have 3 bedrooms, Juliet balconies to the rear, integral garages and small rear gardens. The properties are constructed of brick with dual-pitched pantiled roofs.
9. The plans have been amended slightly during the course of the application to allow for the removal of the existing access gate to allow easy access to the site for the various users (residents, users of the car park, services etc).

Summary information

Proposal	Key facts
Scale & Appearance	
Total no. of dwellings	5
No. of affordable dwellings	0
Total floorspace	760m²
No. of storeys	4
Max. dimensions	11.4m tall 4 storeys
Density	52 dwellings per hectare
Materials	Red clay facing brick, slate roof, grey aluminium doors and windows (to be agreed by condition)
Transport matters	
Vehicular access	From existing access on Lily Terrace
No of car parking spaces	1 integral garage per dwelling
No of cycle parking spaces	Not detailed at this stage (details to be requested by condition)
Servicing arrangements	Refuse to be collected from Lily Terrace either inside or outside of the entrance

Representations

10. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing.
11. Four letters of representation have been received 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
Loss of communal car parking spaces	See paragraph 48.
Concerns that the management company will continue to lease the car parking spaces to non-residents, creating a lack of parking for residents.	See paragraph 48.
Concerns about loss of access to the car park during construction of the dwellings.	This is a private matter to be addressed between the management company and anyone who leases the car parking spaces.
Questions about how the maintenance funding for the existing gate will be divided between the existing and new residents.	The application has been amended to remove the gate from the entrance. The funding of any maintenance costs is a private matter to be addressed by the management company and any other interested parties.
Concerns over additional noise from the gate if it is the only access point for the new dwellings.	The application has been amended to remove the gate from the entrance.
Concerns about how services such as the Royal Mail will access the new dwellings via the locked gate.	The application has been amended to remove the gate from the entrance.
Devaluation of properties following loss of car parking	This is not a material planning consideration and cannot be taken into account in the assessment of this proposal.

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.

NCC Design and conservation

13. No objection. Conditions recommended.
14. The development constitutes 'less than substantial harm' to the heritage assets but this harm is considered to be outweighed by the need to provide housing in this substantial location. Due to a number of nearby archaeological finds, the site may well have archaeological value. Request material samples by condition.

NCC Highways

15. *Verbal comments 19th Jan 2017*
16. No objection.
17. Existing flats are eligible for on-street parking permits and there are a number of council garages available nearby. Recommend a condition to obtain a management agreement for the retained car parking. A pin entry system to operate the access gate would be preferable in terms of providing access for refuse collection. A large

communal bike store (for the existing and new dwellings) could be provided on site to alleviate pressure on car parking.

NCC Landscape

18. Landscape is a reserved matter and will be dealt with via a separate reserved matters application. The Landscape Officer has offered some advice to the applicant in the preparation of the landscaping scheme.

NCC Tree protection officer

19. No objection.
20. The loss of the two trees on the northwest boundary is acceptable and replacement planting is considered unnecessary. Satisfied that the trees covered by TPOs will be adequately protected.

NCC Environmental Services

21. *Verbal comments 24th and 25th January 2017*
22. No objection.
23. Waste collection would be from just inside or just outside the entrance to the site.

Norfolk County Council Historic Environment Service

24. No objection. Recommended conditions.
25. The site is likely to contain well-preserved archaeological remains. A written scheme of archaeological investigation should be requested by condition.

Assessment of planning considerations

Relevant development plan policies

26. **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
 - JCS11 Norwich city centre
27. **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
 - DM6 Protecting and enhancing the natural environment
 - DM7 Trees and development
 - DM9 Safeguarding Norwich's heritage

- DM12 Ensuring well-planned housing development
- DM28 Encouraging sustainable travel
- DM30 Access and highway safety
- DM31 Car parking and servicing

Other material considerations

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

- NPPF0 Achieving sustainable development
- NPPF4 Promoting sustainable transport
- NPPF6 Delivering a wide choice of high quality homes
- NPPF7 Requiring good design
- NPPF8 Promoting healthy communities
- 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

29. Supplementary Planning Documents (SPD)

- Landscape & Trees SPD adopted June 2016

Case Assessment

30. 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

31. Key policies and NPPF paragraphs – DM12, NPPF paragraphs 49 and 14.
32. Paragraph 14 of the NPPF emphasises there should be a presumption in favour of sustainable development and that local planning authorities should positively seek opportunities to meet the development needs of their area, unless any adverse impacts would significantly and demonstrably outweigh the planning benefits. In this case, the most recent Housing and Economic Availability Assessment has identified a pressing need for housing land within the Norwich Policy Area within which this site falls.
33. The most relevant policy for assessing the principle of residential development is policy DM12. The proposed development has been assessed against this policy and it is considered that each of the relevant criteria is satisfied in this case.
34. The site sits within a predominantly residential area and as such a residential development is considered appropriate in this location. The site is in a highly

sustainable location being in close proximity to the city centre and with public transport routes nearby.

35. The principle of residential development is considered acceptable on the site.

Main issue 2: Design & heritage

36. Key policies and NPPF paragraphs – JCS2, DM3, DM9, NPPF paragraphs 9, 17, 56, 60-66 and 128-141.
37. The site is fairly well screened on all sides and the proposed development would only be easily viewable from private properties and from Lily Terrace itself. Nevertheless, the site is in a sensitive historic setting as it is adjacent to a number of listed buildings and important landscape features.
38. There are a number of buildings which are tall and/or on higher ground around the site, most notably the 2, 3 and 4 storey buildings on Ber Street and Foulgers Opening. As such, the proposed 4 storey properties will not appear excessively dominant or overbearing in this location. The visual impact of the proposed development is softened by the use of traditional materials, the gap between properties 2 and 3 and the use of a sloping roof. The overall height and form of the proposed townhouses is considered to be appropriate.
39. The tall and narrow 'townhouse' design creates a modern and high density scheme. Accompanied with traditional features such as timber sash-style windows, stone cills and pantiled roofing, the development is considered to be visually appropriate within this mixed setting.
40. It is important in this case that the materials are carefully considered and as such, a condition is recommended to request samples of materials to be approved by the council before development commences.
41. The site sits within the Area of Main Archaeological Interest and there are a number of 'find spots' near to the site on Ber Street and Mariners Lane. Historic maps show that the site has not been developed since at least the mid eighteenth century and the site has not been landscaped as part of the adjacent wooded ridge. As such, there is a high potential for archaeological remains to exist below the site and a condition is recommended which requires an archaeological scheme of investigation.

Main issue 3: Amenity

42. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
43. The first issue to consider is the impact of the proposed development on the amenity of nearby residents. Any loss of light, outlook or privacy to neighbouring residential properties is minimised by:
- a) The positioning of the proposed dwellings on the site so that they are not immediately adjacent to neighbouring buildings to the south-east or the north-west; and
 - b) The careful placing of the windows mainly on the front and rear. Only two small windows are sited on each of the side elevations. A condition is recommended

which requires these side-facing windows to be obscure glazed and non-opening (except at 1.7m above floor level) to prevent overlooking.

44. The second issue to consider is the amenity afforded to occupants of the proposed development. The properties are each afforded adequate internal living space of 152m² which exceeds the minimum space standards set out within policy DM2. Each property also benefits from a small rear garden. Properties 2 and 3 have side-facing windows at 1st and 2nd floor level which directly face each other. A condition is recommended which requires these side-facing windows to be obscure glazed and non-opening (except at 1.7m above floor level) to prevent overlooking.
45. It is considered that the proposed development would adequately protect the amenity of adjoining occupiers and would offer adequate living conditions to future occupants.

Main issue 4: Trees

46. Key policies and NPPF paragraphs – DM7, NPPF paragraphs 109 and 118.
47. The proposed development involves the loss of two trees which are self-set specimens located against the north-west boundary wall. The tree officer is content with the removal of these two trees as they are considered to be low-value and in poor condition.
48. The trees which are to be retained on site and those which are located nearby on neighbouring land are to be protected during construction. The tree officer is happy that the submitted Arboricultural Report satisfactorily addresses this issue and as such, a condition is recommended to ensure that all work is carried out in accordance with this submitted report.

Main issue 5: Access, parking & servicing

49. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF paragraphs 17 and 39.
50. All four of the objections to this application relate to the loss of parking for the existing residents of Ber House and Bixley House, which has historically been provided through the leasing of parking spaces within this car park. However, a number of spaces are to be retained within the car park which it is understood that the existing residents will have the opportunity lease, and in addition the residents of these existing flats are eligible for on-street parking permits and there a number of council garages available to rent nearby.
51. The proposed dwellings are to be provided with 1 car parking space each (within the integral garage) which accords with the parking standards set out in Policy DM31 and Appendix 3.
52. There is sufficient space within the application site to provide the required cycle storage as set out within DM31 and Appendix 3 (secure storage for 2 cycles per dwelling). A condition is recommended to require additional details of cycle storage.
53. There is adequate space for the storage of bins to the front or to the rear of the properties. Refuse can be collected from the site entrance on Lily Terrace.

Other matters

54. As set out in JCS Policy 3, the development is required to meet Code for Sustainable Homes Level 4 for water efficiency. A condition is recommended to require the development to be built to this standard.
55. In order to satisfy Policy DM5, sustainable drainage should be incorporated within the development. At this stage, we are not considering landscape since this matter has been reserved to be considered at a later date. However, a condition is recommended which requests details of the proposed sustainable drainage scheme.

Equalities and diversity issues

56. There are no significant equality or diversity issues.

Local finance considerations

57. 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.
58. 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.
59. In this case local finance considerations are not considered to be material to the case.
60. The development is not liable for payment of a Community Infrastructure Levy at this stage since this is an outline application.

Conclusion

61. As set out in the preceding paragraphs, the proposed development provides 5 well-designed dwellings in a highly sustainable location with minimal impacts on the surrounding heritage and landscape assets or on the amenity of neighbours.
62. 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. 16/01574/O - Land at Lily Terrace, Norwich and grant planning permission subject to the following conditions:

1. Standard time limit (TL3);
2. In accordance with plans (AC3);
3. Materials to be agreed (DE2);
4. Details of cycle parking (CP3);
5. Sustainable drainage scheme (FW3);
6. Archaeological written scheme of investigation (AH1);

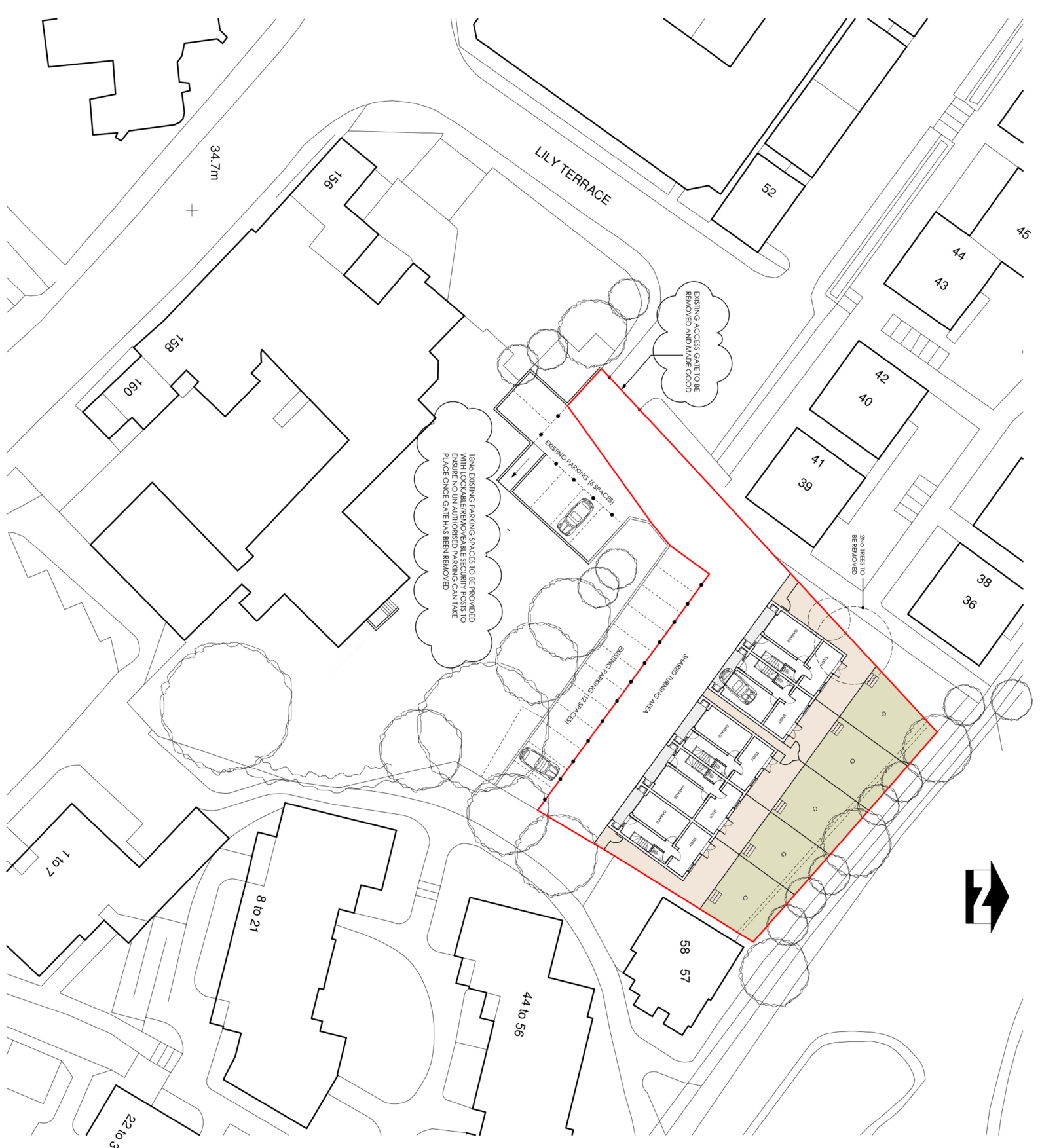
7. Obscure glazing (DE12);
8. In accordance with Arboricultural Report (TR7);
9. Water efficiency (FW1);

Informatives:

1. Transport
The development will not be eligible for parking permits
Street naming and numbering
2. Considerate Construction Scheme

Article 31(1)(cc) 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.



34.7m

LILY TERRACE

156

52

44

43

45

42

40

41

39

38

36

158

160

18m EXISTING PARKING SPACES TO BE PROVIDED WITH LOCKABLE/REMOVABLE SECURITY POSTS TO ENSURE NO UN AUTHORISED PARKING CAN TAKE PLACE ONCE GATE HAS BEEN REMOVED

EXISTING PARKING (6 SPACES)

EXISTING ACCESS GATE TO BE REMOVED AND MADE GOOD

2/3 TREES TO BE REMOVED

SHARED TURNING AREA

EXISTING PARKING (6 SPACES)

58 57

44 to 56

8 to 21

1 to 7

22 to 3

