

Planning Applications Committee

11th December 2008

Section B

Agenda Number:	B3
Section/Area: I	Inner
Ward:	Mancroft
Officer:	Gary Howe
Valid Date:	10th May 2008
Application Number:	08/00490/F
Site Address :	Lind BMW Site Ber Street (84-110 & 147-153 Ber Street) & Mariners Lane Car Park, Mariners Lane Norwich NR1 3ES
Proposal:	Demolition of garage building and redevelopment of sites for the erection of 151 flats (50 x one-bedroom, 4 x studio, 79 x two bedroom and 18 x three bedroom apartments) with 148 basement car parking spaces and secure cycle storage .
Applicant:	Mr Graham Dacre
Agent:	Les Brown Associates

THE SITE

This application site is made up of an amalgamation of four former distinct sites. Up until 2005, three of the sites made up the Lind BMW garage premises. The fourth site relates to the Council's former Mariners Lane car park site. This has

subsequently been sold to the applicant. All four sites are within the City Centre Conservation Area.

84-104 Ber Street

This part of the application site is located on the northeast side of Ber Street. It consists of a former petrol filling station forecourt and workshop. Immediately adjacent to this site to the northwest and northeast are residential properties accessed from Horns Lane.

106-120 Ber Street

This part of the site relates to the former 'Rover' garage, showroom and workshop premises located opposite the Horse and Dray Public House. It is described as a negative building in the Ber Street character area of the Norwich City Centre Conservation Area Appraisal.

147-153 Ber Street

This separate part of the application site is located on the southwestern side of Ber Street, surrounded on two sides by Notre Dame School.

Mariners Lane car park site

This part of the application site is to the southwest at a much lower level. There is access to the site from Mariners Lane

All the sites are within City Centre Conservation area and the Ber Street character area of the Norwich City Centre Conservation Area Appraisal.

PLANNING HISTORY

84-104 Ber Street

In July 2001 planning permission was granted, for a temporary three-year period, to use the whole site for 'display and sale of motor cycles, use of garage forecourt for standing of vehicles awaiting repair/service or collection following repair/service in association with existing garage premises'. This permission expired on 19th July 2004. Planning permission was refused for 'Change of use from workshop and showroom to retail (Class A1)' on 27th April 2006. Planning Permission (05/01199/U) was granted on 16th February 2006 for the site to be use for a temporary period (to expire on 17th August 2007) for contract car parking for Archant Ltd.

106-120 Ber Street

This premises was originally occupied by the 'Rover' car franchise up until about the beginning of the 1990's. In October 1992 planning permission was granted for 'Alterations and extension to existing garage, increased showroom space, parts dept. and extra customer parking' for H E Averill & Sons Ltd under the 'BMW' car franchise. In April 1993 they also received the benefit of planning permission for the 'Provision of first floor accommodation under existing canopy', which provided for additional showroom space. Planning permission (05/01200/U) was granted for 'Change of use from part garage showroom and workshop to offices (Class B1) on 19th June 2006. This planning permission has not yet been implemented.

147-153 Ber Street

In 1994 'Lind' received the benefit of planning permission for 'Change of use from sale of caravans to display and sale of cars'. The site was then used up until 2005 for the sale of second hand BMW cars.

Planning permission (05/01197/U) was granted on 27th April 2006 for 'Change of use to educational use (class D1) to include classrooms, playground and staff parking. This planning permission has not been implemented.

Recent History

On 2nd August 2007, conservation area consent (05/00281/C) was granted for 'Demolition of existing showrooms, offices and workshops'.

On 30th July 2007, planning permission was refused (05/00282/F) for 'Demolition of garage building and redevelopment of sites for the erection of 164 flats (56 x one-bedroom, 106 x two bedroom and 2 x three bedroom apartments) and 167 car parking spaces for the following reasons:-

1. That the proposal fails to comply with policies HOU12A34, HOU4 or HOU6 of the Replacement Local Plan for the provision of affordable housing as part of the development or provide a sufficiently clear and reasoned case to demonstrate why a lower proportion of affordable housing than 30% should be provided as part of a viable development.
2. The proposal by reason of its excessive height, massing and form on the east side of Ber Street would detract from the townscape of the street and this part of the City Centre Conservation Area and be contrary to policies HBE8 and HBE12 of the City of Norwich Replacement Local Plan (Adopted November 2004).
3. The proposal by reason of its height, scale and lack of architectural variety would detract from a principle long distance view of the slopes of Rouen Road and therefore be contrary to the aims of policy HBE13 of the City of Norwich Replacement Local Plan (Adopted November 2004).

4. The height, scale massing and form of the building is excessive in relation to its surroundings and in particular in relation to nearby residential properties and is therefore contrary to policy EP22 of the City of Norwich Replacement Local Plan (Adopted November 2004).

5. The applicants have failed to provide sufficient information in order to demonstrate the Councils Energy Efficiency policy (EP18), Ground Stability policy (ER2) and Contamination policy (EP1) have been complied with.

THE PROPOSAL

It is proposed to demolish the garage buildings and erect 151 flats in the following blocks: -

- a 3 storey block (block A) fronting Ber Street – 22 flats (13 x two bed, 9 x one bed);
- a 3-4 storey block (block B at rear of block A – 15 flats (10 x two bed, 5 x one bed);
- a 3-5 storey block (block C) fronting Ber Street – 33 flats (4 x three bed, 12 x two bed, 15 x one bed, 2 x studios);
- a 3-5 storey block (block D) fronting Ber Street – 41 flats (4 x three bed, 20 x two bed, 15 x one bed and 2 x studios);
- a 4 storey block (block E) fronting Ber Street – 28 flats (2 x three bed, 26 x two bed);
- a 3-4 storey block (block F) at the rear of block C – 11 flats (7 x one bed, 4 x two bed);
- 148 basement car parking spaces and secure cycle storage
- new vehicle access off north-east Ber Street (for 101 cars);
- existing access off Mariners lane (for 24 cars);
- new access off south-west Ber Street (for 42 cars)

CONSULTATIONS

Advertised in press, on site and adjacent occupiers informed: Four letters of objection on the following grounds: -

- Concern about height/location of buildings causing loss of daylight and direct sunlight;

- Concern about height, massing and scale being too great on Ber Street leading to it being detrimental to the character of the area and the nearby listed buildings;
- Consider density is too high;
- Not considered to be a high standard of design;
- Encroachment of buildings on to the existing highway;
- Proposed changes to street parking may block access to existing yards;
- Concern about noise pollution during construction;
- Will increase pressure on street car parking in the area;
- Loss of natural habitat for wildlife;
- Access at rear will reduce security

Norwich Society: The buildings on the smaller (west) site are acceptable, though a little too high; larger (east) site there exists the issue of building on a prominent ridge on the Norwich skyline; previous scheme was considered too high and though proposal is lower and stepped back, is still too high especially viewed across city and can be seen as overbearing; adjacent development below Foulgers Opening is an example of how building on a steeply sloping site can dominate the landscape from below.

Norfolk Landscape Archaeology: Have received archaeological Desktop Study; site is of high interest; due to the proposed basement car park, will require conditions seeking an archaeological excavation on the whole site prior to any development works commencing.

English Heritage: No objections.

Environment Agency: Point out that the eastern area of the site is situated upon a major aquifer of high leaching potential formerly with filling station, vehicle maintenance and repairs elevating the potential for contamination of the groundwater. A site study investigation report has been prepared and the agency raises no objections provided any planning permission includes a condition to deal with any risks associated with contamination.

County Council Highways: The development will provide benefits to this section of Ber Street with the proposals to narrow the road and improve parking and pedestrian safety; there is unlikely to be a material impact on the strategic highway network and therefore there is no highway objection to this application provided that transportation contributions are sought as per the Local Plan.

County Council Obligations: No requirement.

Central Norwich Citizens Forum: Generally very impressed with scheme however have concerns about the ramp widths and gradients to basement car parks.

Quality Panel: (15/01/2007) The scheme has developed positively since the earlier withdrawn scheme. The Panel supports the massing, which reflects the topographical characteristics of the land better. The long-views of the scheme across the valley are also supported. The Panel's major reservation concerns the treatment of the Ber Street elevation of the long east blocks. On the basis of the preliminary information shown it is not sufficiently distinctive or bold. This could be achieved by dividing it into three or four separate buildings. The exclusively residential ground floor frontage will be deadening and another use should be introduced over at least part of the ground floor to enliven it. The tree planting proposals undermine the character of the street, which has always been wide and without trees.

PLANNING CONSIDERATIONS

Relevant National Planning Policies

PPS1	Delivering Sustainable Development
PPS3	Housing
PPS6	Planning for Town Centres

Relevant East of England Plan policies

SS1	Achieving Sustainable Development
SS2	Overall Spatial Strategy
H1	Regional Housing Provision: - 33,000 dwellings in Norwich Policy Area 2001-2021, of which 14,100 in Norwich City
H2	Affordable Housing
E5	Regional structure of town centres
ENV7	Quality in the Built Environment
ENG1	CO ₂ emissions and Energy Performance
NR1	Norwich Key Centre for Development and Change

Relevant Local Plan Policies

Relevant Replacement Local Plan Policies

HOU2 – Mixed Development in City Centre
HOU5 – Accessible and Special Needs
HOU6 – Other requirements for housing development
HOU12 A34 Minimum Density of Housing
HOU13 - Other proposals for housing development
HBE3-4 - Archaeological Investigation
HBE8 - Development in Conservation Areas
HBE12 – High Quality of Design
HBE13 - Height of Buildings and Corridors of Vision

EP1 - Contaminated Land
EP2 - Ground Conditions
EP18 - Energy Efficiency
EP22 - General Amenity Considerations
SR4 - Open Space to serve new development
SR7 - Children's Play Space
NE9 - Landscaping Schemes
TRA11 - Transportation Contributions
TRA15 - Cycle Networks

Supplementary Planning Guidance

Energy Efficiency and Renewable Energy
Open Space and Play Provision
Heritage Interpretation
Trees and development

Introduction

The layout, massing, height and design of this scheme are the result of extensive negotiations between officers and the applicant's agent following the earlier refusal of planning permission. The refusal centred on concerns that the height, scale massing and form of the previously proposed buildings was considered to be excessive in relation to its surroundings, the nearby residential properties, detrimental to townscape and 'principle' long distance views from the other side of the river valley.

Land Use/Policy

The northern part of the main site (84-104 Ber Street) is allocated for housing in policy HOU12 A34. The southern part (106-120 Ber Street)(the Mariners Lane car park site) and 147-153 Ber Street are not allocated for housing. The Replacement Local Plan policies include an assumption that windfall sites not identified in Local Plans will come forward for housing, and promote the City Centre as the best location for such sites. Under the Replacement Local Plan policies the minimum density for housing development in Norwich is 40 dwellings per hectare. The proposed density is higher at approx. 83/ha. High densities are encouraged in sustainable City centre sites subject to applying basic criteria concerning design, access and residential amenity and other relevant policies such as those concerning height, scale, massing (policy HBE12) and protecting major views and heights of buildings (policy HBE13).

Affordable Housing

There is no overall site specific target for affordable housing as the majority of the site is not allocated (Policy HOU6) however the target would be to achieve 30%

of which 25% should be rented and 5% shared ownership. The applicant has indicated his willingness to enter in a Section 106 Agreement on this basis.

Open Space and Play

Also covered by policies HOU6 in terms of community/recreational facilities is the need to provide for open space and children's equipped play space as sought under policies SR4 and SR7. Whilst it is accepted that on-site provision is not practicable, commuted payments in lieu of provision on site towards upgrading the Argyle Street play area or to establish a new site for both in the King Street area should be sought. The applicant has again expressed a willingness to agree to a commuted sum for open space and play.

This will also need to be dealt with via a Section 106 Agreement.

Energy Efficiency

The applicants have submitted an Energy Efficiency Statement as required by policy EP18. The applicants propose to reduce operational energy by using improved thermal efficiency (walls, windows, roof), reduce air permeability and reduce thermal bridging. They propose to reduce energy demand by using energy efficient boilers, 'A' rated fridge/freezers, washing machines/dishwashers. Natural lighting has been enhanced by unit layout and window sizes whilst artificial lighting is to be via energy efficient fittings and PIR movement sensors in common areas. Code for Sustainable Homes Level 3 is to be used to achieve efficiencies in water use.

Land Stability

The application site is located on an area of possible former chalk workings. Policy EP2 suggests that development will only be permitted if 'appropriate tests are carried out to establish the stability of the ground and the results are submitted with a planning application'. In this instance it is considered acceptable to require this information by way of a condition attached to any subsequent planning permission

Contamination

The application site is also known to be on the site of a former petrol filling station. It is likely that remediation works will be required (Policy EP1). A Site Study Investigation Report has been undertaken to establish the level and types of contaminants and this has been considered by the Environment Agency. They have accepted the findings of the report but require further investigation to be undertaken prior to any commencement and this can be dealt with through the use of suitable conditions.

Conservation/Urban Design

In urban design and conservation terms the Council is supportive of this new scheme which seeks to redevelop these prominent City centre sites, particularly as it could act as a catalyst for regeneration and promote vitality in the Ber Street area; result in the rebuilding of part of a fragmented section of the Ber Street frontage and provide new energy efficient homes.

As has already been mentioned, the application site is made up of four former sites and one, (147-153 Ber Street) is situated on the southwest side of Ber Street. The design approach to this site remains more traditional in character, relating well to the existing building forms on this side of Ber Street and to some of the more historic buildings to the rear of the site at Notre Dame School. It effectively involves a range of building at the front and rear of the site, creating a decked landscaped courtyard in the middle, under which the car parking is provided. The car parking is accessed via a ramp up to Ber Street. As can be seen from the consultation responses, this has generated no adverse comment and is considered to be an acceptable solution.

In terms of the new proposals on the larger site, officers are supportive of the design approach in general which is contemporary in nature, a view which has also been taken by Quality Panel and Norwich Society in their comments. Overall the new proposal has been reduced by one storey and the top two floors have been set back from the street frontage to reduce the 'effect' of the height. Taking the four key townscape issues, which were previously considered to be problematic and which now have been overcome are as follows: -

Building Heights along Ber Street

Ber Street currently suffers from a lack of definition and enclosure due to the empty sites and buildings that are generally too small for the width of the street. The applicant's architects have created enclosure by designing buildings that are on average between three and five storeys in height. The juxtaposition with the existing two and three storey buildings on the southwest side of Ber Street has been improved by lowering the blocks to no more than five storeys. Also, the southerly extension to block C has been redesigned next to the small buildings (two storeys) on the corner of Mariners Lane and Ber Street, so that there is a more gradual step in height..

Roofscape in long views

The site runs along the ridge above the river valley and is seen prominently on the skyline. The photomontages (from Clarence Harbour bridge and St Johns Hill) included in the Design and Access Statement provide reassurance that the buildings will enhance the view. Classically picturesque views of buildings on hill-sides rely on a layering of buildings from different eras and different styles and roof forms building up to a culminating high point. It is considered that the proposed development now produce this effect. The previous tower feature which was a concern, has been completely removed from the skyline.

Architectural Variety

The proposed development occupies a combined street length of some 170 metres. There was a concern that this demands a variety of architectural approaches within and between blocks to avoid a monotonous appearance. The applicants have created architectural variety between block D and E using modulation of height combined with recession and projection of the building lines and changes in material between timber, render and glazing.

Courtyards and spaces between the blocks

The layout of the new residential blocks at the rear of the site have been aligned at right angles to Ber Street and stepped down towards the ridge. This has had the effect of opening up space between the blocks creating green courtyards with views through from Ber Street.

General Amenity

The general layout of the new blocks (on the main site) have been designed to reduce the impact of this proposal on the amenity of the nearby residential properties, particularly those below the site off Horns Lane but also in respect of the former Chapel building. The accommodation to the rear of the main site has been stepped down in line with the existing topography so as to integrate it with the low rise properties below. Block F which is the nearest to the properties on Horns Lane is some 18 metres away. The stepped buildings are designed to include 'green' terraces which should help with the perceived issue of loss of privacy. There should not be an issue with loss of light. The Chapel occupies a site to the south of blocks C and F which is in the region of 5.5 metres below ground level on the main application site. Blocks C and F are further to the north than in the previously refused scheme with a 15 metre green landscaped area in between. On this evidence it is considered that the proposals will not significantly harm the amenity of the existing residential premises.

Transportation

In transportation terms the scheme would involve the need for some re-alignment of the footway on Ber Street which would mean altering the Traffic Regulation Order to accommodate the existing on-street parking; improve visibility from the ramped car park exits (as recommended by County Highways); to visually narrow the street to reduce speeds and provide informal crossing points. These suggested works have not as yet been worked up but would need to be financed in lieu of a transportation contribution under policy TRA11. A formal scheme would need to be the subject of a condition and a contribution or works made part of a Section 106 Agreement. The applicants have also shown on their scheme, facilities for refuse collection via storage in the car parking basement.

Trees

The east boundary of the main site abuts a linear group of mature trees on land owned by the Council as part of the Horns Lane residential scheme. The trees act as an important green link which separates the application site from the residential properties that are at a much lower level. They also provide some natural habitat for birds and other animals and are visually important when this ridge is viewed from locations on the other side of the valley. Because the trees are so close to the boundary with the application site the applicants have been asked to produce an Arboricultural Implications Study and this has been assessed. There are no significant arboricultural implications (the scheme involves the removal of 5 self sown sycamores and 5 young sorbus from the site) apart from the removal of a street tree and to ensure the protection of retained trees on the Council owned land. There will need to be a condition to protect the roots of these trees during construction.

One tree (Sycamore) originally proposed to be removed is on the boundary with the former Chapel off Mariners Lane. The occupiers of the converted Chapel have requested that the tree (No. 23) is retained and this has been agreed with the applicants.

Despite the reservations of Quality Panel concerning the inclusion of street trees in Ber Street it is felt that there could be some merit in incorporating some tree planting in the highway improvements scheme when it is submitted under suggested condition no 8. Policy NE4 of the local plan supports this view.

Conclusion

This scheme involves the redevelopment of a 'brownfield' site in a sustainable location and which makes efficient use of land. It is located within close walking distance of the City Centre and public transport links. It is considered that this proposal should be supported.

RECOMMENDATIONS

APPROVE PLANNING PERMISSION subject to the signing of a S106 agreement to include:-

- a transportation contribution or equivalent highway works as set out in an approved scheme;
- affordable housing provision on site;
- child play space contribution;
- open space contribution;
- funding alterations to TRO on Ber Street;

- heritage interpretation

and appropriate conditions including the following:

1. Commencement within 3 years;
2. Samples of materials (including colours);
3. Boundary walls and fences;
4. Prior details to include
 - a) vehicle access points
 - b) cycle stands
 - c) refuse storage
 - d) windows, doors, eaves, railings, balconies
 - e) ventilation features, external stairs
5. Land Stability;
6. Contamination;
7. Archaeology;
8. Prior to commencement to seek approval of a scheme to include highway improvements (along the principles indicated on the drawing) and to implement prior to first occupation;
9. Car parking to be used by residents only;
10. Tree Protection on adjacent site;
11. Landscaping/planting/site treatment works (including planted terraces);
12. Replacement tree planting;
13. Maintenance of planting;

Reasons for Approval:

The decision to grant planning permission has been taken having regard to saved policies HOU2, HOU5, HOU6, HOU12 A34, HOU13, HBE3-4, HBE8, HBE12, HBE13, EP1, EP2, EP18, EP22, SR4, SR7, NE9, TRA11, TRA15 of the City of Norwich Replacement Local Plan (Adopted November 2004) and policies SS1, SS2, H1, H2, E5, ENV7, ENG1 and NR1 of the East of England Plan and all material considerations.

