

## Report for Resolution

**Report to** Planning Applications Committee  
**Date** 14 October 2010  
**Report of** Head of Planning Services  
**Subject** 10/01294/F Site At Rear Of 67 - 69 Magdalen Street  
Norwich NR3 1AA

**Item**  
**5 (4)**

### SUMMARY

<b>Description:</b>	Redevelopment of site with four-storey building to provide 10 flats (eight x 1 bed; two x 2 bed) with deck car park (six cars) plus cycle/motor cycle parking and bin storage.	
<b>Reason for consideration at Committee:</b>	Objection	
<b>Recommendation:</b>	Approve subject to a S106 Agreement and conditions	
<b>Ward:</b>	Mancroft	
<b>Contact Officer:</b>	Miss Sarah Platt	Planning Officer 01603 212500
<b>Valid date:</b>	11th August 2010	
<b>Applicant:</b>	Mr Martin Mooney	
<b>Agent:</b>	Mr William Ellis	

### INTRODUCTION

#### The Site

##### Location and Context

1. The application site can be found to the east side of Magdalen Street and to the rear of the properties at numbers 67-69. The site is accessed from Magdalen Street down a small alleyway adjacent to numbers 65 and 67, or via the rear from Peacock Street or through the surface car park underneath the fly over. Adjacent to the North is Roys superstore, to the south lies the surface car park underneath the fly over and the rear of the bank and retail units fronting Magdalen Street. To the east is a residential street of terraced dwellings.
2. The site falls within the Anglia Square character area of the City centre Conservation Area, and as such is characterised as having low significance. The area is dominated by 20<sup>th</sup> Century commercial development following the comprehensive re-development of the 1970s. The townscape is very poor in some areas although both Magdalen Street and St Augustines Street are two of the oldest streets in the city and date back to the Saxon times. The only positive building groups in this area are those situated on the east side of Magdalen Street which are generally 18<sup>th</sup> and 19<sup>th</sup> Century red brick with slate or pantiled roofs and up to 3 storeys in height. These buildings are also locally listed. Their impact visually is somewhat undermined by the large Roys store in the middle which has a particularly negative impact when viewed from Willis Street, Peacock Street and St Crispins Road (The Inner Ring Road). Where the fly over crosses Magdalen Street it

provides useful shelter for bus passengers and small market stalls, otherwise this area, and the area to the rear of the properties at 59 to 75 Magdalen Street is unattractive and unused. The surface areas of car parking further reduce the townscape quality of the area providing no enclosure to the street and allowing localised views of the rear elevations of properties.

### **Constraints**

3. Within the City Centre Conservation Area, Anglia Square Character Area.

### **Planning History**

4. Planning permission was granted in 2005 under application reference 05/00479/F for Development of site with a 2/5-storey building to provide seven residential units. This permission has since expired and the works have not been implemented.
5. In 2005 under application reference 05/01117/F Permission was granted for an additional flat (unit 8) in addition to the previous planning permission, reference number 05/00479/F. This permission has now also expired.

### **The Proposal**

6. The proposal is for re-development of the site with a four storey building to provide 10no flats (8no. 1 bed and 2no. 2 bed) with associated car, motorbike and cycle parking and refuse storage.

### **Representations Received**

7. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. No letters of representation have been received.

### **Consultation Responses**

8. The Norwich Society has commented that whilst development of this area is welcomed, this is a highly visible area, and they consider four storeys to be too high, and out of scale with Magdalen Street. They also consider the designs to be ugly, and they comment that the car parking seems unusable.
9. Anglain Water has no objections to the proposed scheme. They have provided 4 informative statements to be applied to the decision notice in the event of an approval. These will be applied as requested.
10. Norfolk Landscape Archaeology have requested a condition to secure the implementation of a programme of mitigatory archaeological works but raise no objections to the application. An appropriate condition, as agreed with Norfolk Landscape Archaeology will be applied to the decision notice in the event of an approval.

# **ASSESSMENT OF PLANNING CONSIDERATIONS**

## **Relevant Planning Policies**

### **Relevant National Planning Policies**

PPS1 – Delivering Sustainable Development

PPS3 – Housing

PPS5 – Planning for the Historic Environment

PPG13 - Transport

### **Relevant Local Plan Policies**

#### **City of Norwich Replacement Local Plan 2004**

HBE3 – Area of Main Archaeological Interest

HBE8 – Development within a Conservation Area

HBE12 – High Quality of Design

HBE13 – Protection of Major Views and Heights of Buildings

HBE19 – Design for Safety and Security including Minimising Crime

EP18 – High Standard of Energy Efficiency in New Development

EP22 – High Standard of Residential Amenity

HOU13 – Proposals for New Housing Development on Other Sites

TRA5 – Approach to Design for Vehicle Movement and Special Needs

TRA6 – Parking Standards

TRA7 – Cycle Parking Standards

TRA8 – Servicing Provision (Including refuse)

TRA11 – Contributions for Transport Improvements in the Wider Area

### **Supplementary Planning Documents and Guidance**

City Centre Conservation Area Appraisal (September 2007) – Anglia Square Character Area

Transport Contributions (Draft for Consultation January 2006)

## **Principle of Development**

### **Policy Considerations**

11. In addition to National policy in PPS1, Saved Local Plan policies HBE8 and HBE12 seek a high standard of design in new development which respects and complements the character of the street scene, surrounding uses and Conservation Area. Saved policy HBE13 also states that the design of new buildings must pay careful attention to the need to protect and enhance major views looking into and out of the City Centre, which are of special townscape importance. The location, height, mass and form of new development should be designed in order to protect the quality and character of views.
12. PPS3 outlines the Governments objectives for the promotion of new housing stating that new housing should provide a wide choice of high quality homes designed and built to a high standard, both affordable and market housing, to address the requirements of the community. Housing should help create sustainable, inclusive, mixed communities, in all areas, urban and rural, and should offer a good range of community facilities with access to jobs, key services and infrastructure.
13. PPS3 also reiterates the principles of PPS1 and seeks a high quality in the design of new housing which in turn contributes to the creation of sustainable communities. The policy also states that design which is inappropriate in its context or which fails to take the

opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.

14. PPS5 is also relevant to this application. Conservation Areas are designated under this PPS as 'Designated Heritage Assets' and as such are afforded protection under policy HE9 of the PPS. The Policy states that 'There should be a presumption in favour of the conservation of designated heritage assets and the more significant the designated heritage asset, the greater this presumption should be. Significance can be harmed or lost through alteration of the heritage asset or development within its setting'. There are considered to be two levels of harm; total loss or significant harm, and harm. Sub policy HE9.4 states that where a proposal has a 'harmful impact' on the significance of the heritage asset, which is less than significant harm, local planning authorities should;
  - weigh the public benefit [...] against the harm;
  - (ii) recognise that the greater the harm to the significance of the heritage asset, the greater the justification will be needed for any loss'.
15. Saved policy HOU13 of the Local Plan outlines the criteria against which proposals for housing on non-allocated sites will be assessed. These are;
  - Appropriate arrangements for vehicular access should be made;
  - An appropriate density;
  - Provision of a private garden or public amenity space around the dwellings;
  - Good accessibility to local shops, employment areas, a District Centre and a bus route;
  - There should be no detrimental impact on the character and amenity of the surrounding area;
  - A range of types and styles of housing should be provided, and;
  - Proposals should enable the regeneration of historic buildings or other buildings in the vicinity.
16. Saved Local Plan policy EP22 states that a high quality of residential amenity should be achieved in new development, including the avoidance of noise, light, and air pollution and ensuring no loss of privacy or issues of overlooking arise from development proposals.
17. Saved Local Plan policy HBE3 states that new development, which may disturb remains below ground, will be permitted within the Area of Main Archaeological Interest unless the proposal is supported by an appropriate assessment of the archaeological significance of the site, and if necessary, a programme of archaeological work in accordance with that assessment.
18. Saved Local Plan policy TRA11 seeks a contribution by developers to the City-wide transport infrastructure programme in line with the guidance as provided in the Transport Contributions SPD (Draft for Consultation January 2006).

## **Housing Proposals**

### **Housing Numbers and Density**

19. The proposal will result in 10 new dwellings made up entirely of flats which does not provide for a varied range and type of housing but is considered acceptable for this location and size of site. The application does not meet the threshold for the provision of affordable housing and therefore no affordable units are proposed. The density of the development is considered acceptable and the increase in unit size from the previous permission (8no flats) is considered justified given the excellent access to public transport and facilities that this site provides.

### **Impact on Living Conditions**

#### **Overlooking, Loss of Privacy, Overshadowing and Overbearing Nature of Development**

20. The proposals are not considered to give rise to any issues of overlooking loss of privacy or overshadowing either to other dwellings within the development or existing developments in the area. At the closest point the proposed development will be 4.5m from the rear elevation of 67-69 Magdalen Street. There is an existing access door to the rear of 67-69 Magdalen Street; it is proposed that this door is blocked up with the existing window removed and a velux added into the roof. The previous applicant on the 2005 permissions is the owner of numbers 67-69 Magdalen Street and the agent of this application has expressed that he is happy for the works to be carried out. An informative can be placed on any approval that the proposed works to the lean-to at the rear of 67-69 Magdalen Street require separate planning permission.

## **Design**

### **Layout**

21. The previous 2005 applications saw a much more modern approach taken to the development of this site. The principle of a 4 storey building on this site has been set by these previous approvals, however, the original applications used Mansard roofs and glass blocks to reduce the scale, minimise the height of the development on the southern most boundary and minimise the visual impact of the development when viewed from a distance. This application seeks to achieve the same broken up appearance but with a more traditional design.
22. Works were due to commence on the previously approved development including the retention of the existing brick/flint wall on the southern boundary with the original scheme seeing the upper floors of the development built off the top of this remaining wall. Various structural difficulties were advised by a professional Structural Engineer as a result of these proposals which rendered the development impossible to build. As a result a new design had to be found. These new proposals form the basis of this application and have been the subject of extensive negotiation between Planning Officers, Design & Conservation Officers and the applicant.
23. The application before members sees the retention of the brick/flint wall on the southern boundary with the new building line set behind, but up to it. Amendments to the internal layout have been made which now allow for the provision of 10 flats on the site with associated car, motorcycle and cycle parking in a ground floor basement. The proposals see the 10 flats arranged over 3 floors in addition to the ground floor basement access from Peacock Street through the car park, with those flats on the top floors being within the roof space in order to reduce the height of the overall development. There is an internal courtyard on the roof of the ground floor parking area, and a balcony at second and third floor levels around a void over the internal terrace. All flats have direct access to these terraces and Flat 1 benefits from a private balcony area in addition.

### **Form**

24. The development comprises of two blocks, linked at the eastern boundary of the site. The two blocks enclose the space to form the terrace and internal courtyard within and provide a clear boundary line to the adjacent car park and other buildings. This is synonymous of other developments in the area, for example, Zipfels Court, where courtyard development, as would have been historically prevalent in this area, is being re-developed to the rear of the Magdalen Street retail frontage.
25. Elements of the design lend itself to other developments in the near vicinity, for example at Philippa Court in Boswells Yard, with fenestration patterns being simple with large areas of glazing and brick arches above the windows to give a small amount of detail but add interest to the overall appearance of the building. The tall dormers reflect the myriad of roof heights and gable end pitches on the rear of 67 and 69 Magdalen Street and add interest and visual breaks to what would otherwise be a large expanse of roof.
26. The ground floor basement is proposed to have blind windows in order to echo the fenestration patterns of the upper floors and add a visual break to the ground floor elevation treatment.
27. Since the building is of a relatively simple design, much of the finished appearance will depend on good detailing and the materials to be used. As such conditions will be required for many of the final finishes, to include; external elevation treatments including bricks,

timber cladding and render, verge and eaves detailing, rainwater goods, dormer design, external joinery including all new doors and windows, roof tiles, solar panels, balcony balustrades, car park entrance gates, and any repairs or works to the existing brick/flint wall on the Southern boundary of the site.

### **Scale**

28. The proposed form of the development sees a 3½ storey building, which is lower than previously approved schemes and is considered acceptable. Immediately adjacent to the north is the side elevation wall of Roys Superstore which is identified as a negative building in the City Centre Conservation Area Appraisal. These proposals will see the majority of this wall removed from view when approaching on foot from either Peacock Street or through the surface car park underneath the fly-over, or from the fly-over itself. The development proposed is considered to be in keeping with the character and appearance of the surrounding area and to be an improvement on an already negative visual aspect.
29. Policy D2.2 of the City Centre Conservation Area Appraisal for the Anglia Square Character Area states that large scale buildings are appropriate near the ring-road. Given the sites proximity to the St Crispins Road fly-over, and the existing negative visual aspect of the immediate locality, the scale is considered appropriate.

### **Height and Density**

30. As stated previously, the 2005 approved schemes saw a development of 4 storeys in height adjoining the Roys Superstore. The existing buildings fronting Magdalen Street are 3 storeys and it is noted in the Conservation area Appraisal that this is historically accepted in this vicinity. It is therefore not considered that the addition of another ½ a storey under these proposals gives rise to concerns regarding height.

### **Conservation Area – Impact on Setting**

31. The proposals, having taken on board the comments of Planning Officers and Design & Conservation Officers on previous submissions, are not considered to give rise to any detrimental impact to the wider Conservation Area. The proposals will utilise an under used and unattractive area of the Anglia Square Character Area and improve the visual appearance of the area when viewed from St Crispins Road, Peacock Street, Willis Street or from the surface car park underneath the fly-over.

### **Transport and Access**

#### **Vehicular Access and Servicing**

32. Vehicular and servicing access to the site is across the established car park on Peacock Street.

#### **Car Parking**

33. Car parking to acceptable levels has been provided on site in the ground floor basement with space for 6 no cars. The layout of the car parking area is a little tight but re-organisation would require a complete re-design of the rest of the building as the internal staircase would be required to move. It is considered that this is overly onerous for the applicant to do given that the requirements of policy TRA6 has been met. On balance it is not considered that this is sufficient reason to recommend a refusal and the proposals are therefore recommended for approval. It is also proposed that there is an electric vehicle recharging facility provided within this area.

### **Cycling Parking**

34. Acceptable levels of cycle parking have been achieved with space for 15 plus cycles in a covered and secure area. Therefore the proposals are considered to be in accordance with the policy requirements.

## **Environmental Issues**

### **Archaeology**

35. The applicant submitted a copy of an Archaeological evaluation of the site carried out in 2008. This document details that archaeological remains dating back to the 12<sup>th</sup> and 13<sup>th</sup> centuries, overlain by later medieval and post-medieval deposits were uncovered. The site is also believed to contain a large quantity of early medieval pottery which suggests occupation, if not on this site, then close by. After consultation with Norfolk Landscape Archaeology, an appropriate condition has been requested and should be imposed on any approval.

### **Energy Efficiency and Renewable Energy**

36. The site is considered to be in a highly sustainable location with regular bus links to the wider City area available in the immediate locality at Anglia Square. The proposals seek to add solar panels on the south facing roof slope of the northern block.

## **Planning Obligations**

### **Transport Improvements**

37. The proposals would trigger a transportation contribution under saved local plan policy TRA11 of £2,821.50. This would need to be secured via a planning obligation.

## **Conclusions**

38. The proposed development is considered acceptable by virtue of its scale, height, form and design. The design takes references from other developments in the vicinity and incorporates these in a sympathetic manner. The visual appearance of this currently unattractive area will be improved through these proposals and the height of the building will not harm any strategic views into or out of the city. There are not considered to be any detrimental impacts on the Conservation Area as a result of these proposals.
39. There are not considered to be any issues of detriment to adjacent residential dwellings in terms of loss of privacy or increased potential for overlooking. The layout of the proposed development is also considered to result in sufficient residential amenity for the future occupiers of the flats.
40. Sufficient refuse and cycle storage can be found on site and the car parking facilities are considered adequate, if a little tight in terms of manoeuvring. On balance it is not considered that the minor problems with the parking provision are sufficient to warrant a refusal of the proposals.
41. The development will provide much needed housing in the Anglia Square area and is considered to be of a sufficient density and number so as to fulfil the criteria of saved Local Plan policy HOU13.
42. Subject to the imposition of conditions listed within the recommendation below the proposals are considered to be acceptable and meet policy requirements.



## **RECOMMENDATIONS**

APPROVE Planning Permission subject to:

(1) the completion of a satisfactory S106 agreement by 10<sup>th</sup> November 2010 to include the provision of contributions to transportation and subject to the following conditions and informative notes:

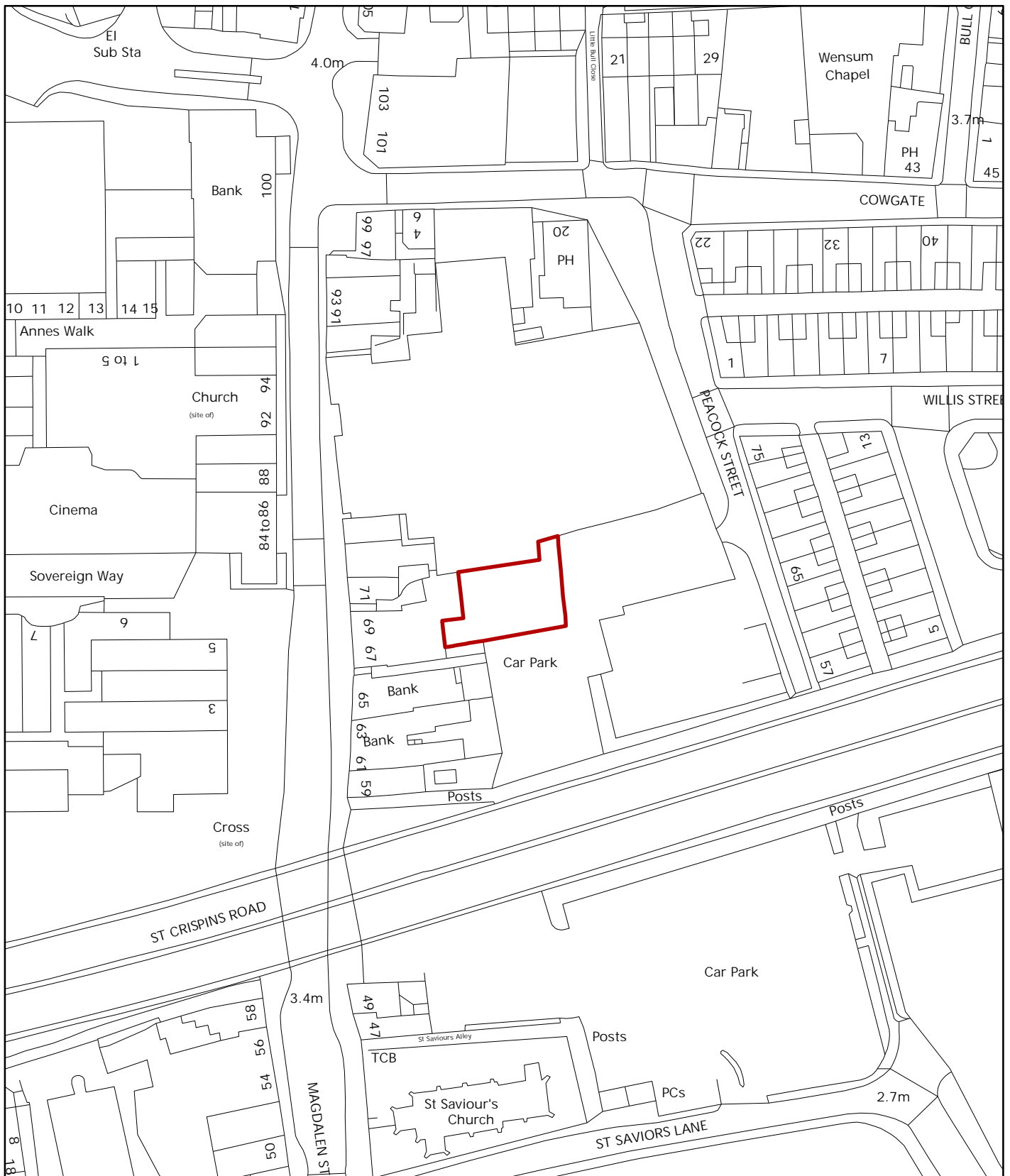
Conditions:

1. Standard time limit;
2. In accordance with the drawings and details as submitted;
3. Implementation of a programme of archaeological mitigatory work in accordance with a written scheme of investigation;
4. Submission of the following details:
  - a. external elevation treatments including bricks, timber cladding and render;
  - b. verge and eaves detailing;
  - c. rainwater goods;
  - d. dormer design;
  - e. external joinery including all new doors and windows;
  - f. roof tiles;
  - g. solar panels;
  - h. balcony balustrades;
  - i. car park entrance gates, and;
  - j. any repairs or works to the existing brick/flint wall on the Southern boundary of the site.
5. Provision of refuse and cycle stores prior to first occupation.

REFUSE Planning Permission:

(2) where a satisfactory S106 agreement is not completed prior to 10<sup>th</sup> November 2010 that delegated authority be given to the Head of Planning Services to refuse planning permission for Application No (10/01294/F, Site to the rear of 67-69 Magdalen Street, Norwich, NR3 1AA) for the following reason:

1. In the absence of a legal agreement or undertaking relating to the provision of a transportation contribution the proposal is contrary to saved policies TRA11 of the adopted City of Norwich Replacement Local Plan.



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Planning Application No - 10/01294/F  
 Site Address - Site at Rear of 67-69 Magdalen Street  
 Scale - 1:1,000



**NORWICH**  
 City Council

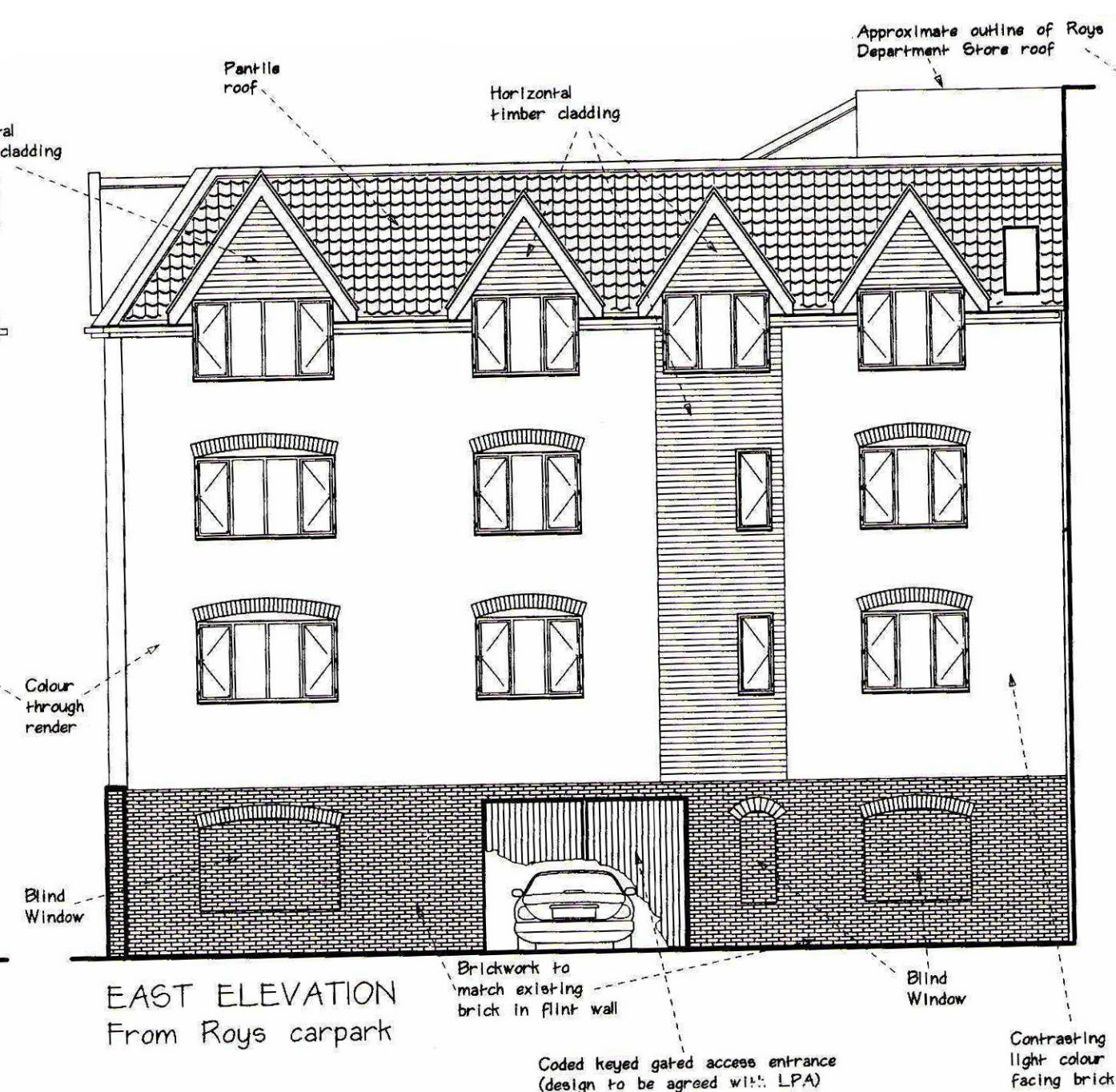
PLANNING SERVICES



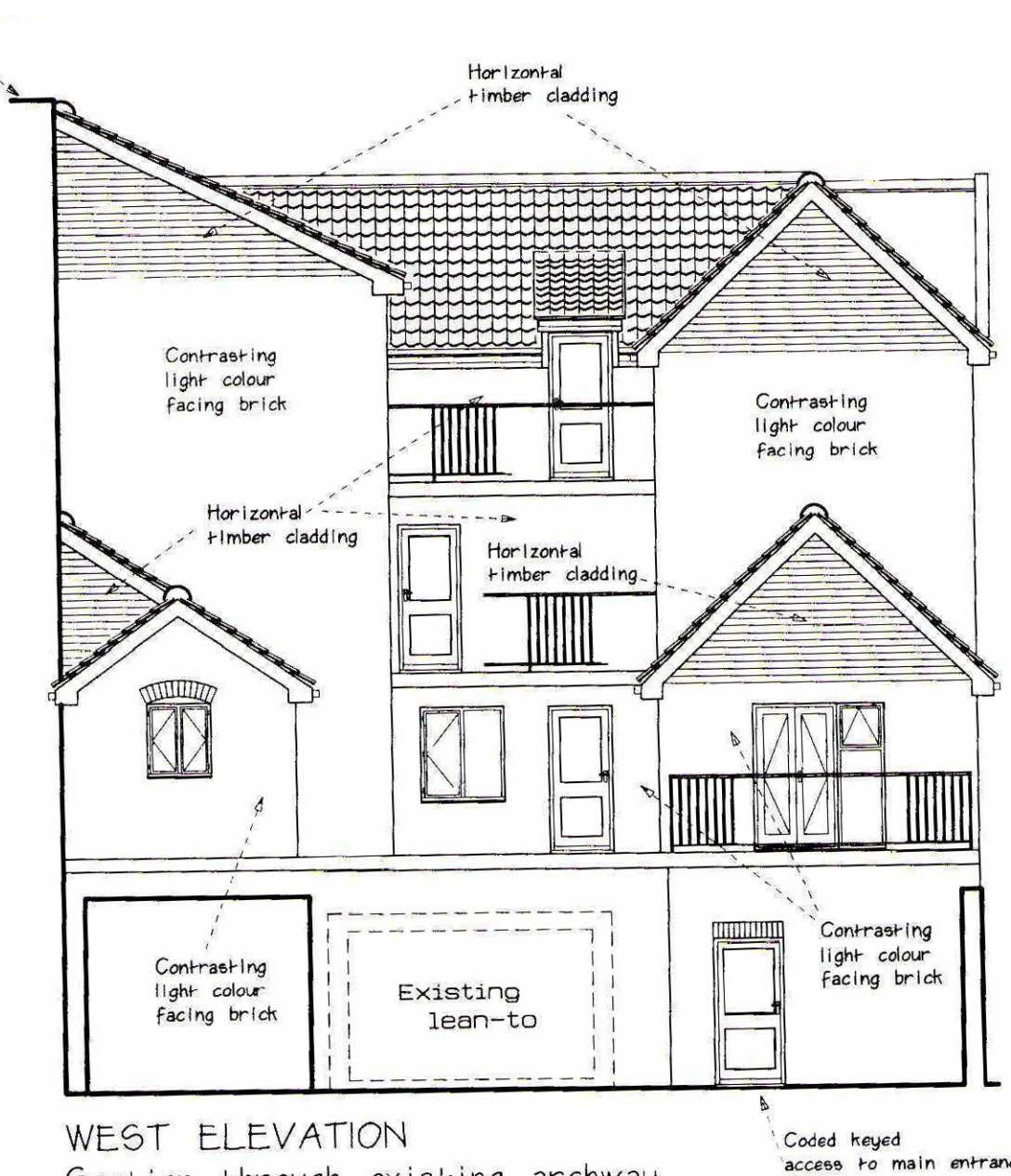




SOUTH ELEVATION

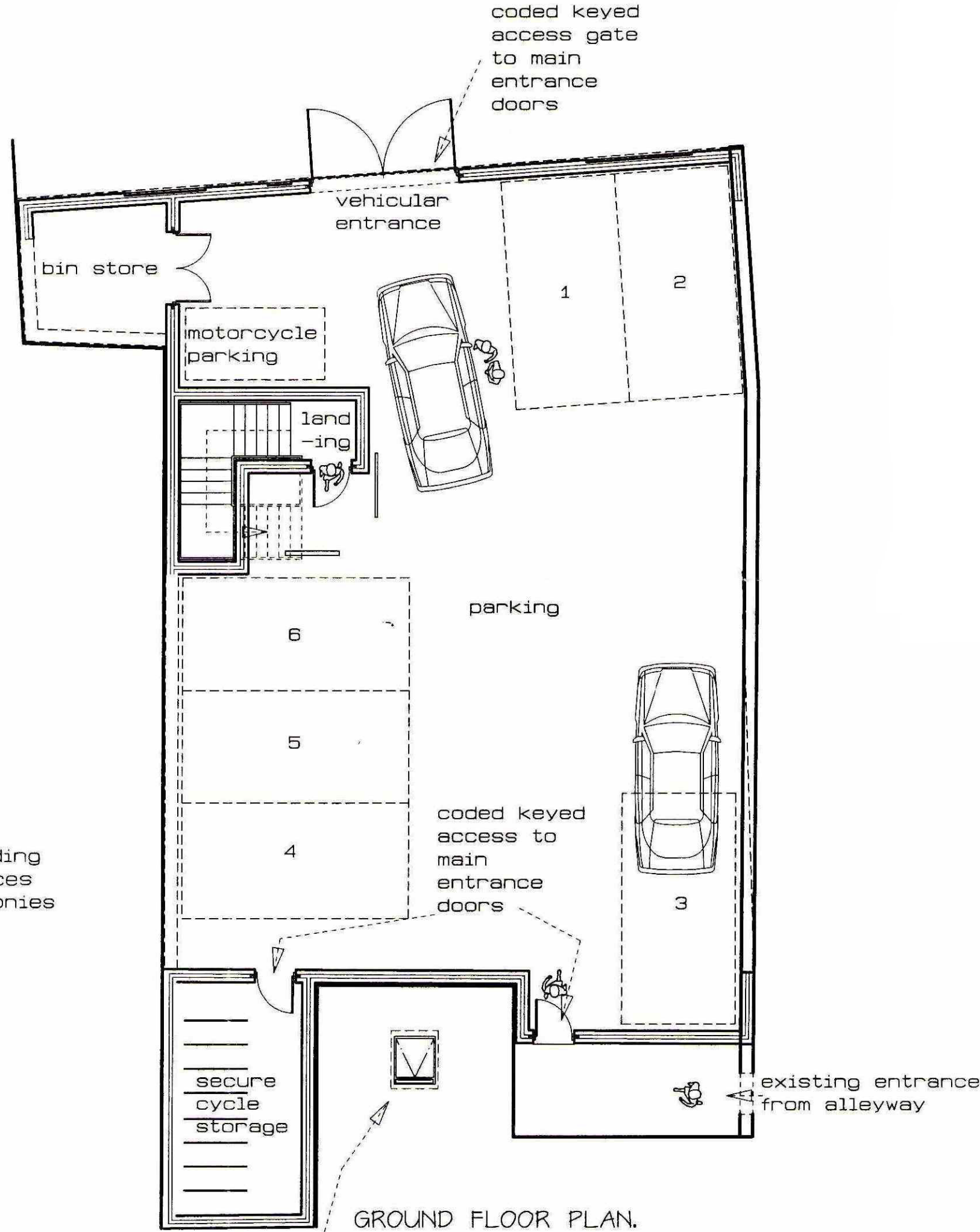
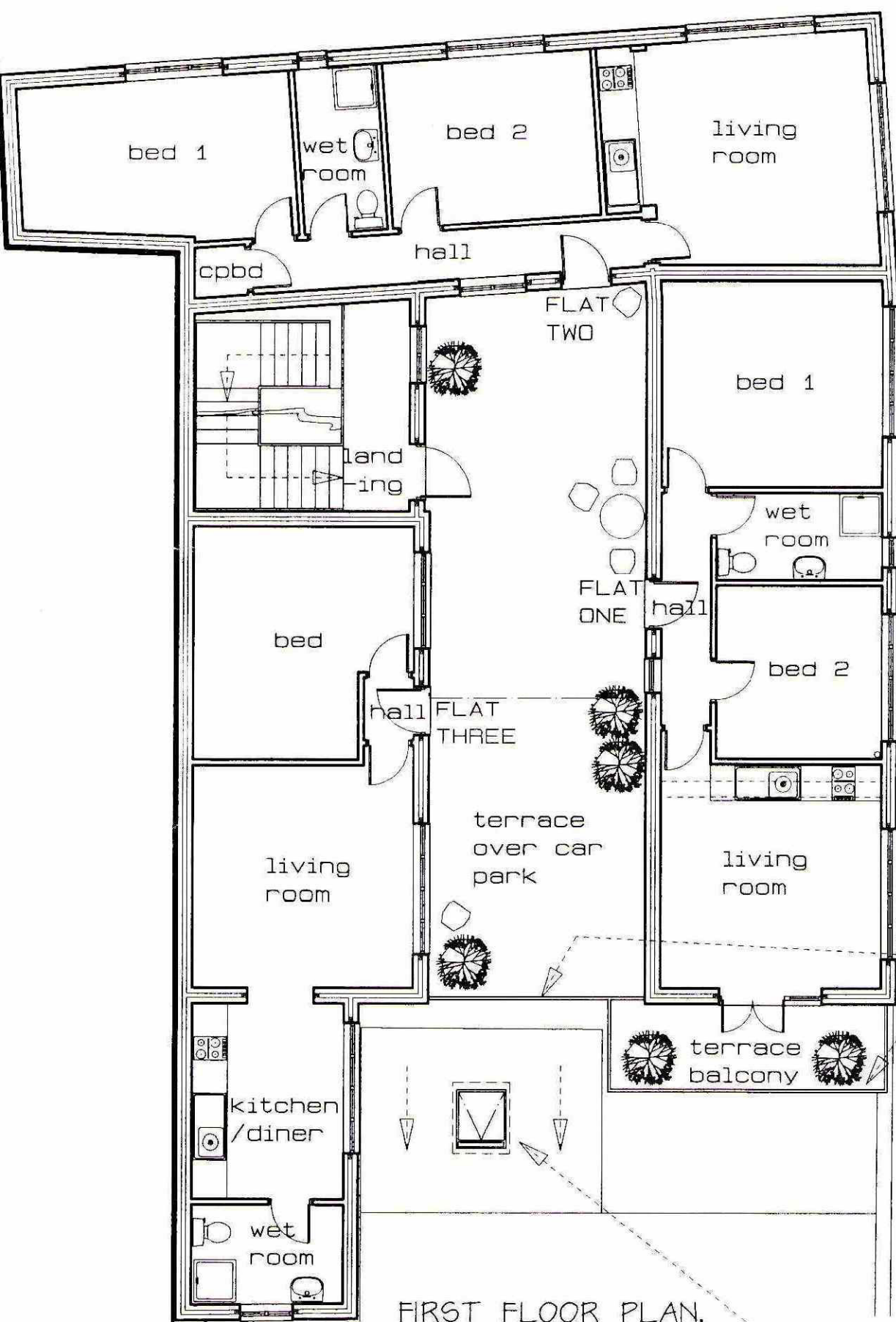


EAST ELEVATION  
From Roys carpark



WEST ELEVATION  
Section through existing archway  
from Magdalen Street





Roof window to be installed in existing kitchen roof to replace existing ground floor window



