

Report for Resolution

Report to Planning Applications Committee
Date 8 April 2010
Report of Head of Planning Services
Subject 09/01433/VC Land And Garages North West Side Of
Magpie Road Norwich

Item
5(1)

SUMMARY

Description:	<p>(Amendment to rear window details of approved scheme) - Variation of Condition 11 of previous planning permission 08/00827/F 'Demolition of 11 garages and redevelopment of site to provide 11 No. family houses and associated parking (revised scheme).' from:</p> <p>'the windows to bedroom 3 of house type 3B5P shall be fitted with obscure glass only and designed and installed in accordance with details to be first approved in writing by the Local Planning Authority and thereafter retained as such. There shall be no additional window or other opening constructed at first floor level or above in any elevation of the development hereby approved facing existing properties on Starling Road without the prior written permission of the local planning authority' to:</p> <p>'the north facing windows to bedroom 3 of house type 3B5P shall be non opening and fitted with obscure glass only and thereafter retained as such. There shall be no additional window or other opening constructed at first floor level or above in any elevation of the development hereby approved facing existing properties on Starling Road without the prior written permission of the local planning authority'.</p>
Reason for consideration at Committee:	Objection
Recommendation:	Approve
Ward:	Sewell
Contact Officer:	Mr Lee Cook Senior Planner 01603 212536
Valid date:	27th January 2010
Applicant:	Flagship Housing Group
Agent:	Reynolds Jury Architecture

INTRODUCTION

The Site

Location and Context

1. The site is located to the north of Magpie Road and lies at the multi exit road junction at the southern end of Aylsham Road. To the east is the junction with Starling Road and Magpie Road. Residential properties run to the north of the site along Starling Road and opposite along the southern side of Magpie Road. Overall the immediate area is mixed in character with a variety of retail and commercial uses in the area surrounding the site.
2. The site is now undergoing development following planning approval in 2009 and the units affected by the previous condition 11 are now constructed in part and views from the window openings and potential impacts are easier to assess.

Constraints

3. The site is an allocated housing site and additionally is covered by a TPO to protect trees on site.

Planning History

07/01303/F - Erection of 7 no. three-storey houses and 6 no. two-storey houses with associated car parking and other additional external works. (WITHDN - 21/08/2008)

08/00827/F - Demolition of 11 garages and redevelopment of site to provide 11 No. family houses and associated parking (revised scheme). (APPR - 20/03/2009)

09/00550/D - Condition 7: details of compliance with Arboricultural Implications Assessments; Condition 8: details of protective fencing; Condition 11: details of rear windows to house type 3B5P; Condition 13: details of scheme to deal with site contamination; Condition 14: details of the renewable energy technologies; Condition 15 a) and b): details of programme of archaeological evaluation for previous planning application (08/00827/F) 'Demolition of 11 garages and redevelopment of site to provide 11 No. family houses and associated parking (revised scheme)'. (PCO -)

4. Condition 11 was imposed on application to protect local residents from potential overlooking from the rear bedroom to plots 8, 9, 10 and 11. During negotiation on the scheme the buildings here were moved away from the side boundary and pedestrian entrance to the dwellings enhanced.

The Proposal

5. The bedrooms affected by the condition have two windows. One small non-opening window which faces north and a main window which faces east. It is now suggested that rather than requiring obscure glass to both windows that this is limited to just the small window.

Representations Received

6. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 1 letter of representation has been received citing the issues as summarised in the table below.

Issues Raised	Response
Owner of adjoining property comments – this development has significant impact on our tenants in Starling Road and in particular No. 20. The planning committee clearly appreciated this when granting permission and imposed the obscure glass condition. There has been no change in circumstances to support removal of this condition.	Paras 8 to 12

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

Relevant National Planning Policies

PPS1 Delivering Sustainable Development

PPS3 Housing

Relevant Local Plan Policies

City of Norwich Replacement Local Plan 2004

EP22: High standard of amenity for residential occupiers

HOU13: Proposals for new housing development on other sites

Principle of Development

Policy Considerations

7. During negotiation assessment was made on the impact of the scheme and compliance with policy. The suggested change would be in accordance with policies EP22 and HOU13 of the Adopted Local Plan.

Impact on Living Conditions

Assessment under application 08/00827/F

8. Changes were made to the original scheme to minimise any impact on amenity for existing residents adjoining the site. Following a detailed assessment of shadow predictions from the eastern terrace and building relationships this terrace was sited to increase the distance from the shared boundary with 20 Starling Road, the roofscape was also altered to reduce overshadowing. It was felt that whilst the proposed development would inevitably alter the view for residents whose houses looked onto the site, any impact on privacy, overlooking and overshadowing would be limited because of the changes made and distance between the buildings and the proposed development would not have any significant impact on the amenities of adjacent properties. Due to the difficulty in assessing the proposed site levels following clearance of the garages and relationships to existing dwellings and windows condition 11 was imposed to protect amenity.

Overlooking and Loss of Privacy

9. The condition in effect controls the window glazing and detailing to bedroom 3 of Plots 8 to 11. This bedroom is a single room measuring approximately 3.5m x 2.3m and has two windows. The small north facing window is non-opening. The main side window is opening and faces immediately onto a flat roof to the store and entrance at ground floor. The side window also has the ability to view the rear of No. 20 Starling Road and some of the adjoining properties along this road.
10. Information about the view from each of these side windows has been supplied by the agent and distances calculated between the individual windows and the rear on No. 20 Starling Road. From this information it is clear that there will be no impact from the window

at plot 11 which faces mainly towards the side of No. 20 and the roadway. The view is quite angled at plot 10 and distances would be 11.5m between buildings.

11. There is a significant distance building to building for plot 8, 23 metres, and plot 9, 16.5 metres. The distance and angle of view between the dwellings in the area and the use of the window related to a small bedroom would not result in any significant impact on amenities. This type of building relationship is typical of urban development.

Conclusions

12. The variation of condition 11 would accord with the nature of the development as now built and resultant relationship between buildings following site clearance and in design and use of clear glazing to the side windows would not have any significant impact on the amenities of adjacent properties.

RECOMMENDATIONS

To approve Application No 09/01433/VC and grant planning permission, subject to the following conditions:-

1. Those conditions as previously imposed on application 08/00827/F which are still relevant.
2. Revised condition 11 to now read:
“the north facing windows to bedroom 3 of house type 3B5P shall be non opening and fitted with obscure glass only and thereafter retained as such. There shall be no additional window or other opening constructed at first floor level or above in any elevation of the development hereby approved facing existing properties on Starling Road without the prior written permission of the local planning authority”

Reasons for approval:

The proposed development overall complies with to policies EP16, EP18, EP20, EP22, HOU6, HOU12, HOU13, HBE3, HBE12, NE9, SR7, TRA5, TRA6, TRA7, TRA8, TRA11 and TRA14 of the City of Norwich Local Plan (Adopted Version 2004) and policies ENG1, ENV7, H2 and WM6 of the East of England Plan, May 2008. Variation of condition 11 would accord with the nature of the development as now being built and the resultant relationship between buildings following site clearance. In design and use of clear glazing to the side window the proposed change would not have any significant impact on the amenities of adjacent properties. The decision has been taken having regard to policies EP22 and HOU13 of the City of Norwich Local Plan (Adopted Version 2004) and to all material planning considerations.



Organisational Development
14 JAN 2010
Post Room

Schedule of Accommodation

- 6no 6P4B houses
- 1no 7P5B house
- 4no 5P3B houses

REDUCED

NOTE
Trees not felled by work to be protected during demolition and construction. No materials or machinery to be stored under canopy.
LP = Lamp Post

H	14.01.09	SB	30Ap & 50Ap houses adapted to move site further south away from boundary.
O	01.12.08	SB	External stone to 50Ap houses increased to correct size. Adjacent steps amended to suit.
P	27.11.08	SB	3-storey houses back to previous location. Cycle track added as approved by Town Officer & Highways Dept.
E	09.10.08	ASMR	Industry houses moved 1m to south-west with stone and boundary fence changed.
D	26.09.08	ASMR	Terraces moved 1m to south with stone and boundary fence changed.
C	21.07.08	SB	Amendments to pathways, area to 2-storey houses added, sewer notes added.
B	14.07.08	ASMR	Isolation removed, scale changed to 1:200.
A	2.07.08	ASMR	Chimney stacks adjusted. Landscape changes, stones enlarged & repositioned.
REVISION	DATE	DRAWN	DESCRIPTION
CLIENT	Flagship HQ		
PROJECT NAME	Magpie Road North		
DRAWING TITLE	Proposed Scheme 5		
	Site layout		
DRAWING SCALE	1:200 @ A1	DRAWN BY	ML/AMR
		DATE	6 Jun 08
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INCORPORATING VERNING, HASTINGS & NORTON CHARTERED ARCHITECTS			
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Planning Application No - 09/01433/VC

Site Address - Land and garages North West side of Magpie Road

Scale - 1:1,250



NORWICH
City Council

PLANNING SERVICES

