

Planning applications committee

Date: Thursday, 09 January 2020

Time: 09:30

Venue: Mancroft room, City Hall, St Peters Street, Norwich, NR2 1NH

Committee members:

Councillors:

Driver (chair)
Maxwell (vice chair)
Bogelein
Button
Huntley
Lubbock
Neale
Ryan
Peek
Sands (M)
Sarmezey
Stutely
Utton

For further information please contact:

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If you would like this agenda in an alternative format, such as a larger or smaller font, audio or Braille, or in a different language, please contact the committee officer above.

Agenda

Page nos

1 Apologies

To receive apologies for absence

2 Declarations of interest

(Please note that it is the responsibility of individual members to declare an interest prior to the item if they arrive late for the meeting)

3 Minutes

5 - 10

To approve the accuracy of the minutes of the meeting held on 19 December 2019.

4 Planning applications

Please note that members of the public, who have responded to the planning consultations, and applicants and agents wishing to speak at the meeting for item 4 above are required to notify the committee officer by 10:00 on the day before the meeting.

Further information on planning applications can be obtained from the council's website:

<http://planning.norwich.gov.uk/online-applications/>

Please note:

- The formal business of the committee will commence at 9.30;
- The committee may have a comfort break after two hours of the meeting commencing.
- Please note that refreshments will not be provided. Water is available
- The committee will adjourn for lunch at a convenient point between 13:00 and 14:00 if there is any remaining business.

Summary of planning applications for consideration

11 - 12

Standing duties

13 - 14

- | | | |
|-------------|--|----------------|
| 4(a) | Application no 1900875F - 82 - 96 Prince of Wales Road,
Norwich, NR1 1NJ | 15 - 44 |
| 4(b) | Application no 1901352F - Site at rear of 67 - 69
Magdalen Street, Norwich, NR3 1AA | 45 - 58 |

Date of publication: **Monday, 23 December 2019**

Planning applications committee**14:00 to 15:10****19 December 2019**

Present: Councillors Driver (chair), Bogelein, Button, Lubbock, Neale, Oliver (substitute for Councillor Maxwell), Peek, Ryan, Sands (M), Sarmezey, Stutely and Utton

Apologies: Councillors Maxwell (vice chair) and Huntley

1. Declarations of Interest

Councillor Bogelein declared a pre-determined view in item 5, Application no 19/01475/F – 213 Dereham Road, Norwich, NR2 3TE.

2. Minutes

RESOLVED to approve the accuracy of the minutes of the meeting held on 14 November 2019.

3. Application no 19/01280/F - Land Rear of 32 and 33 Cattle Market Street (accessed Via Three Tuns Court), Norwich

The planner presented the report with the aid of plans and slides.

An adjacent neighbour to the site addressed the committee. He said that the two previous applications had been rejected and thanked the applicant and case officer for reducing the proposed building to a single storey office reducing the impact of overlooking of his and the adjacent properties. The plot and its proximity to neighbouring buildings was not suitable for residential use and he asked that the committee considered no occupation in the building from 22:00 to 06:00.

The applicant explained that he had purchased the freehold of the court yard and accepted that the previous applications were too large. The proposal was for a ground floor studio/office which he intended to use as his own office. He did not object to the condition to restrict the use of the building for office use but would like to be able to work in it after 22:00.

The planner explained that there was a condition proposed to prevent the use of permitted development rights to convert the office to residential use as the site was not suitable for residential use. It had not been thought necessary to restrict the hours of office use. The planner then referred to the report and presentation and answered members' questions. The current use of 32/33 Cattlemarket Street was unknown. The proposed flat roof to the single storey office and step back from the ground floor window of 32/33 Cattle Market Street would mitigate concerns about the

development blocking light to this building. The planner also confirmed that the applicant intended to use the proposed building as an office and that B1 use also included light industrial use which was suitable for residential areas.

The chair moved and Councillor Button seconded the recommendations as set out in the report.

During discussion two members expressed concern that rather than considering the current use of the site as a waste of space it could be landscaped and used as a green space, which would enhance Connesford House and 32/33 Cattle Market Street. The locally listed property at 32/33 Cattle Market Street should be encouraged back into use. There was potential for the office space to change to residential use and the constrained site was not suitable for this. Other members considered that the proposed development was good use of space and replicated medieval development in this part of the city.

Discussion ensued in which members considered whether to restrict the hours of use of the proposed office, with some members suggesting that it would be up to the applicant to be respectful of the neighbours. Some members considered that the light industrial element use should be removed from the permission to protect the amenity of Connesford House and 32/33 Cattle Market Street. Councillor Neale moved and Councillor Bogelein seconded that light industrial be removed from the land use. It was noted that the applicant could apply in the future if the use of the building for light industrial was required. On being put to the vote, with 7 members voting in favour (Councillors Button, Bogelein, Lubbock, Neale, Sarmezey, Stutely and Oliver) and 5 members voting against (Councillors Driver, Peek, Ryan, Sands and Utton) the amendment to remove light industrial/research and development use from the B1 permitted use was accepted.

The chair then moved the committee to the vote and it was:

RESOLVED with 10 members voting in favour (Councillors Driver, Button, Neale, Peek, Ryan, Sands, Sarmezey, Stutely, Utton and Oliver) and 2 members voting against (Councillors Lubbock and Bogelein) to approve application no. 19/01280/F - Land Rear of 32 and 33 Cattle Market Street (accessed Via Three Tuns Court) Norwich and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Submission cycle and bin storage details;
4. Specified B1 office use only (removing light industrial/research and development use and permitted development rights to change to dwelling);
5. Materials;
6. Construction Management Plan;
7. Landscape.

4. Application no 19/01511/F - Garages adjacent to 83 Belvoir Street, Norwich

The planner presented the report with the aid of plans and slides.

The planner then referred to the report and answered members' questions. Members sought confirmation that there would be protective measures in place to ensure that the trees would be protected during the development. Members also sought details of the proposed biodiversity measures and boundary treatments as set out in condition 10. The measures were in accordance with the ecology report. In reply to a question, the planner confirmed that the land was owned by the city council but that the applicant was Orwell Housing Association. Floor space and room sizes were in accordance with the council's policy and national standards.

During discussion on the boundary treatments, members expressed a preference for hedging because it created greater biodiversity than panelled fencing and should have been proposed as part of the application. The council was working in partnership with the registered social landlord and should promote hedging. Members noted that the association's housing on the other side of the road had railings and hedging at the front. Two members expressed concern that hedging would make a difference for biodiversity and should be encouraged and that the city council had missed an opportunity to require it. The area development manager (outer) discouraged members from requiring a condition to be added to the planning consent and pointed out that whilst hedges were already proposed to the front, it would be more difficult to plant hedges on the southern boundary because of the limited width available. The planner said that the landscaping condition was subject to discussion with the applicants and members' preference for hedging would be part of the negotiations. (Following further discussion it was suggested that an informative be added to the planning consent to advise the applicant of the committee's preference for hedging.)

Discussion ensued on the merits of the scheme, members commented that it was an underused garage site, with an asphalt surface. The development would provide two affordable family homes with gardens, which would open up the biodiversity of the site. The boundary treatment could emulate that of the houses operated by the same housing association over the road.

Before going to the vote, the planner answered two questions from members. She confirmed that the games court was enclosed with a gate, but she could not confirm whether it was locked at certain times. The development of two houses was below the policy threshold to require the installation of solar panels.

RESOLVED, with 10 members voting in favour (Councillors Driver, Button, Bogelein, Peek, Ryan. Sands. Sarmezey, Ryan, Oliver and Utton) and 2 members voting against (Councillors Lubbock and Neale) to approve application no. 19/01511/F - Garages Adjacent 83 Belvoir Street, Norwich and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Contamination site investigation;
4. Previously unidentified contamination;
5. Compliance with AIA;
6. Arboricultural supervision;
7. Materials;
8. Landscaping;
9. Imported material;

10. Small mammal access in boundary treatments;
11. Biodiversity enhancement;
12. Drainage scheme;
13. Flood resilience/resistance measures;
14. Flood warning notices;
15. Water efficiency

(Following further discussion it was suggested that an informative be added to the planning consent to advise the applicant of the committee's preference for hedging.)

Informative

The committee requests the planner to advise the applicant of the committee's preference for the use of hedgerows as boundary treatments to be considered during the negotiation on the landscaping conditions.

5. Application no 19/01475/F; 213 Dereham Road, Norwich, NR2 3TE

(Councillor Bogelein having declared a pre-determined view left the meeting during the consideration of this application.)

The planner presented the report with the plans and slides. He confirmed that the application was for the extension of a family home. A Juliette balcony had been in the initial plans but had been removed in mitigation of overlooking of neighbouring gardens.

The chair moved and Councillor Button seconded the recommendations as set out in the report.

RESOLVED, unanimously, to approve application no. 19/01475/F – 213 Dereham Road, Norwich, NR2 3TE and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans.

(Councillor Bogelein was readmitted to the meeting at this point.)

6. Application no 19/01474/F; 337A Dereham Road, Norwich, NR2 3UT

The planner presented the report with the plans and slides. He explained that the description on the front of the report was incorrect and should be amended to "demolition of car port and extension to garden". The proposal was a variation of the original landscaping scheme. It was a councillor's application and there were no objections to the proposal.

RESOLVED, unanimously, to approve application no. 19/01474/F – 337A Dereham Road, Norwich NR2 3UT and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans.

CHAIR

09 January 2020

Item No	Application no	Location	Case officer	Proposal	Reason for consideration at committee	Recommendation
4(a)	19/00875/F	82 - 96 Prince of Wales Road	Rob Webb	Alterations and extensions, including additions of 4th and 5th floors, change of use from night club to a mixed use, including 49 dwellings with associated facilities.	Objection	Approve
4(b)	19/01352/F	Rear of 67-69 Magdalen Street	Lara Emerson	Construction of 9no. flats.	Objections	Approve

STANDING DUTIES

In assessing the merits of the proposals and reaching the recommendation made for each application, due regard has been given to the following duties and in determining the applications the members of the committee will also have due regard to these duties.

Equality Act 2010

It is unlawful to discriminate against, harass or victimise a person when providing a service or when exercising a public function. Prohibited conduct includes direct discrimination, indirect discrimination, harassment and victimisation and discrimination arising from a disability (treating a person unfavourably as a result of their disability, not because of the disability itself).

Direct discrimination occurs where the reason for a person being treated less favourably than another is because of a protected characteristic.

The act notes the protected characteristics of: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The introduction of the general equality duties under this Act in April 2011 requires that the council must in the exercise of its functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by this Act.
- Advance equality of opportunity between people who share a relevant protected characteristic and those who do not.
- Foster good relations between people who share a relevant protected characteristic and those who do not.

The relevant protected characteristics are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

The council must in the exercise of its functions have due regard to the need to eliminate unlawful discrimination against someone due to their marriage or civil partnership status but the other aims of advancing equality and fostering good relations do not apply.

Crime and Disorder Act, 1998 (S17)

- (1) Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its

various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

- (2) This section applies to a local authority, a joint authority, a police authority, a National Park authority and the Broads Authority.

Natural Environment & Rural Communities Act 2006 (S40)

- (1) Every public authority must, on exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.

Planning Act 2008 (S183)

- (1) Every Planning Authority should have regard to the desirability of achieving good design

Human Rights Act 1998 – this incorporates the rights of the European Convention on Human Rights into UK Law

Article 8 – Right to Respect for Private and Family Life

- (1) Everyone has the right to respect for his private and family life, his home and his correspondence.
- (2) There shall be no interference by a public authority with the exercise of his right except such as in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the rights and freedoms of others.
- (3) A local authority is prohibited from acting in a way which is incompatible with any of the human rights described by the European Convention on Human Rights unless legislation makes this unavoidable.
- (4) Article 8 is a qualified right and where interference of the right can be justified there will be no breach of Article 8.

Report to Planning applications committee

Item

9 January 2020

Report of Area development managers

Subject Application no 19/00875/F - 82 - 96 Prince of Wales Road
Norwich NR1 1NJ

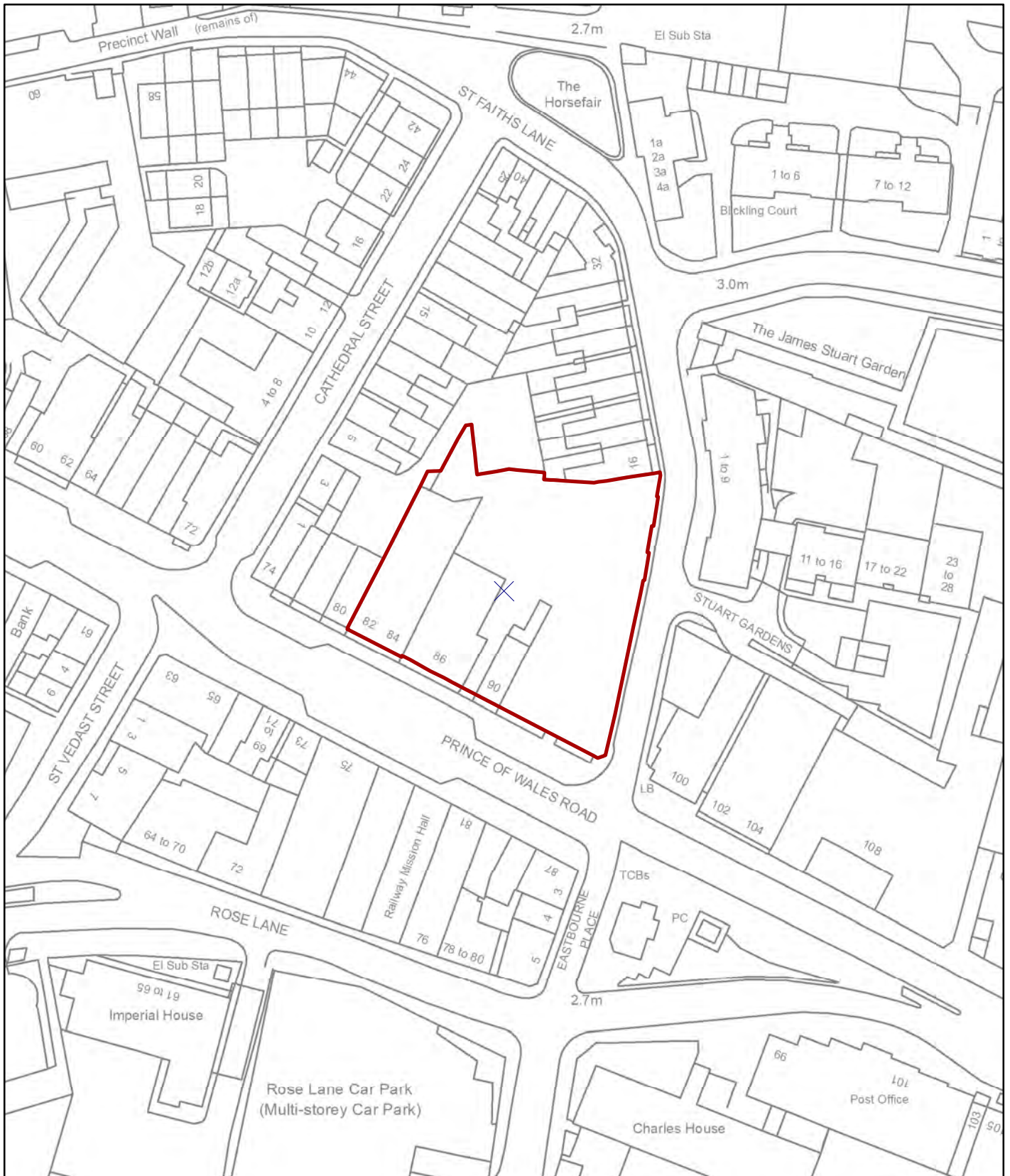
Reason for referral Objection

4(a)

Ward:	Thorpe Hamlet
Case officer	Robert Webb - robertwebb@norwich.gov.uk

Development proposal		
Alterations and extensions, including additions of 4th and 5th floors, change of use from night club to a mixed use, including 49 dwellings with associated facilities.		
Representations		
Object	Comment	Support
6	0	0

Main issues	Key considerations
1	Principle of development
2	Design
3	Heritage
4	Amenity
5	Transport and servicing
6	Energy and water efficiency
7	Flood risk
8	Biodiversity
9	Contamination
10	Archaeology
11	Affordable housing
Expiry date	14 February 2020 (agreed timescale)
Recommendation	Approval



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Planning Application No 19/01875/F
Site Address 82 - 96 Prince of Wales Road

Scale 1:1,000

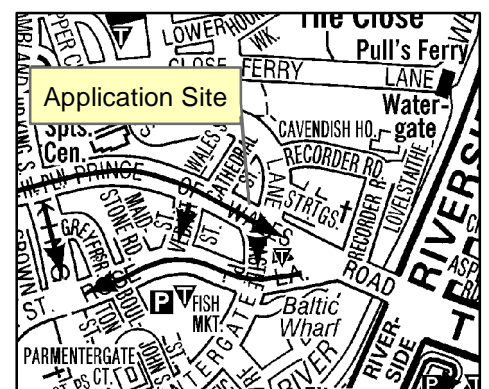


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PLANNING SERVICES



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The site and surroundings

1. The site is a building formerly occupied by Mercy nightclub, at 82-96 Prince of Wales Road, Norwich. The oldest parts of the building date from the 1890s, forming the first block of residential flats in Norwich, known as Alexandra Mansions, with shops on the ground floor. In 1923 the building was converted to a cinema, and this use continued until the late 1990s. In 2003 it reopened as Mercy nightclub, which operated until 2018.
2. The building is situated in a prominent location, on the main thoroughfare between the railway station and city centre. It is surrounded by commercial uses, including those related to the nighttime economy, together with shops, offices, and other services. There is residential development in close proximity, including on St. Faith's Lane and Cathedral Street, and further along on Prince of Wales Road in Grosvenor House.
3. The original 'Alexandra Mansions' part of the building is characterised by a highly attractive frontage on the upper storeys, featuring distinctive windows, balconies and decorative facades, with pitched pantile roofs, although it has suffered from a lack of maintenance and modern additions. The St. Faith's Lane frontage is similarly decorative and attractive, albeit this has been a dead frontage for many years due to the nightclub not making use of the windows and openings other than for servicing purposes. The ground floor level of the building facing Prince of Wales Road has suffered from significant alteration relating to the cinema and later the nightclub use, and this is not sympathetic to the character of the building. The rear of the building features a large extension formed of brick with corrugated roof which was originally the cinema auditorium, and later the main nightclub dancefloor with associated bars and seating.
4. There is a distinctive 'Regent's Cinema' protruding sign on the rear of the building, and beneath that is a Victorian terrace which adjoins the building and extends to the north along St. Faith's Lane. Also to the rear is a car park, and the rear gardens and yards of properties on St. Faith's Lane and Cathedral Street.

Constraints

5. The site is within the city centre conservation area, the Prince of Wales frontage part of the building is locally listed and the site is within a Late Night Activity Zone. It is also within an area of main archaeological interest.

Relevant planning history

6. The records held by the city council show the following planning history for the site:

Ref	Proposal	Decision	Date
4/1991/0010	Change of use from restaurant (Class A3) to ten-pin Bowling Alley (Class D2) with snack bar.	APCON	07/03/1991

Ref	Proposal	Decision	Date
4/1991/0656	Alterations to shop front.	APCON	19/11/1991
4/1991/0735	Variation of condition no.2; "The premises the subject of this permission shall not be open to the public on Sundays" for previous permission (app. no. 4910010/U) "Change of use from restaurant to Ten-Pin Bowling alley with snack bar"	APPR	07/11/1991
4/1991/0903	Demolition of chimney stacks at rear.	APCON	06/01/1992
4/1991/0949	One fascia level neon name sign to be positioned behind line of glass above entrance door.	TEMP	06/01/1992
4/1991/0952	Demolition of two, three storey extensions at rear of building and removal of roof from existing single storey building.	APCON	06/01/1992
4/1991/0935	Retrospective application for demolition of two, three storey extensions at rear of building and removal and replacement of roof on single storey structure at rear of building.	APCON	06/01/1992
4/1992/0651	Variation of Condition No.1.of planning permission 4910735/F to allow the premises to be open to the public untill 11pm Monday to Saturday and 10pm on Sunday.Also variation of condition No.2.of planning permissions 4901098/U and 4830295/U(revised)to allow the premises to be open to the public untill 11pm Monday to Saturday and 10pm on Sunday.	INSFEE	01/10/1992
05/00100/F	Change of use to (A3) restaurant/bar, external alteration includes installation of new shop front and railings.	APPR	15/08/2005
05/00973/VC	Removal of condition 2 of previous planning application 05/00100/F 'Change of use to restaurant/bar to allow 24 hour opening'.	REF	13/12/2005

The proposal

7. Permission is sought for the change of use, conversion and upward extension of the building to create 49 flats (1-3 bedroom), with two offices and a café on the ground floor. Communal facilities for the residential occupiers would be provided in the basement, including storage pods, a gym and cinema room. There would be parking for 19 cars on the ground floor at the rear of the building, accessed from St. Faith's Lane, alongside secure cycle parking and bin storage.
8. The residential properties would be formed within the upper floors of the building, with new and existing internal light wells providing natural light. New openings would be created in the side and rear of the building and on the St. Faith's Lane frontage. The upward extension of the rear of the building would provide a new fourth and fifth floor, where 4 penthouse flats would be accommodated. Some of the flats would benefit from balconies next to the internal light wells.
9. Two new separate offices would be accessed from the Prince of Wales Road frontage, alongside a café unit on the corner of the building. The existing nightclub frontage would be replaced with a matching brick façade, with new windows and doors and features of the original building restored where possible.

Representations

10. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 6 letters of representation have been received citing the issues as summarised in the table below. The comments were all based on the original submitted plans. A further consultation was carried out on the revised plans, to which no comments have been received at the time of writing. All representations are available to view in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Issues raised	Response
Many respondents welcome the principle of conversion from nightclub to residential/office/café. However concerns were raised regarding the original plans as set out below.	
Concerns about loss of light to properties on St. Faith's Lane caused by extensions 4 th and 5 th floor extensions.	See main issue 4
Concerns about overlooking and loss of privacy caused by new windows and balconies on rear (north) wall of development.	See main issue 4
Consider that shadow diagrams should be produced showing overshadowing impact during different seasons of the year.	See main issue 4

Issues raised	Response
Consider that a visual impact assessment should be provided	See main issue 2 and 3
Concerns about impacts on views of Norwich Cathedral.	See main issue 2 and 3
Concerns about impacts of the development on the appearance of St. Faith's Lane frontage, impact on conservation area and locally listed building.	See main issue 2 and 3
Concerns about lack of parking	See main issue 5
Policy does not meet policy requirement for affordable housing	See main issue 10
No community consultation carried out.	The application has been publicised by the city council.
Object to the proposed car park onto St. Faith's Lane due to the noise increase, which will negate recent improvements that have been gained from closing St. Faith's Lane to through traffic.	See main issue 5
Concerns that the proposed café will have a negative impact on The Feed social enterprise, which has a café in an adjacent building. Concerns about impacts on profits from increased completion and resultant impact on ability to help homeless people.	It is not the role of the planning system to regulate competition between similar businesses.

Following the receipt of amended plans, a further consultation was carried out with neighbours. No comments were received to this.

Consultation responses

11. 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.

Design and conservation

12. The advice of the conservation officer has been sought verbally during the application process. The restoration, enhancement and reuse of the building is supported and no objections are raised to the proposal.

Environmental protection

13. I have looked at the acoustic report and find that the acoustic measures for the residential uses are of a very good standard to prevent noise from the street and other local uses creating airborne noise from impacting on residents. Following a meeting on site I am satisfied that noise from the adjacent nightclub can be mitigated to an acceptable level.

Highways (local)

14. No objection on highway grounds. The development will not be entitled to on-street parking permits.

Historic England

15. Historic England has no objection to the application on heritage grounds. We consider that the application meets the requirements of the NPPF, in particular paragraph numbers 7, 8, 193, 194 and 196. In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. Your authority should take these representations into account in determining the application.

Norfolk county planning obligations

16. CIL contributions towards libraries and local green infrastructure sought.

Norfolk historic environment service

17. In some respects we concur with the conclusions of the archaeological desk-based assessment, but have noted some omissions within the document. In terms of below-ground archaeology the desk-based assessment identifies the application site as having high potential, but lacks specific detail on potential impacts. If planning permission is granted, we therefore ask that this be subject to a programme of archaeological work in accordance with National Planning Policy Framework 2019 paragraphs 199 and 189.

Norfolk police (architectural liaison)

18. Principle of the conversion supported, subject to detailed design measures being considered to reduce the potential for crime to occur, including keeping the proposed commercial and residential uses separate in terms of accesses.

Assessment of planning considerations

Relevant development plan policies

19. **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
- JCS5 The economy
- JCS6 Access and transportation
- JCS7 Supporting communities
- JCS9 Strategy for growth in the Norwich policy area
- JCS10 Locations for major new or expanded communities in the Norwich policy area
- JCS11 Norwich city centre
- JCS20 Implementation

20. 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
- DM5 Planning effectively for flood resilience
- DM6 Protecting and enhancing the natural environment
- DM9 Safeguarding Norwich's heritage
- DM11 Protecting against environmental hazards
- DM12 Ensuring well-planned housing development
- DM13 Communal development and multiple occupation
- DM16 Supporting the needs of business
- DM17 Supporting small business
- DM23 Supporting and managing the evening and late night economy
- DM28 Encouraging sustainable travel
- DM29 Managing car parking demand in the city centre
- DM30 Access and highway safety
- DM31 Car parking and servicing
- DM32 Encouraging car free and low car housing
- DM33 Planning obligations and development viability

Other material considerations

21. Relevant sections of the National Planning Policy Framework July 2018 (NPPF):

- NPPF2 Achieving sustainable development
- NPPF4 Decision-making
- NPPF5 Delivering a sufficient supply of homes
- NPPF6 Building a strong, competitive economy
- NPPF7 Ensuring the vitality of town centres
- NPPF8 Promoting healthy and safe communities
- NPPF9 Promoting sustainable transport
- NPPF11 Making effective use of land
- NPPF12 Achieving well-designed places
- NPPF14 Meeting the challenge of climate change, flooding and coastal change
- NPPF15 Conserving and enhancing the natural environment
- NPPF16 Conserving and enhancing the historic environment

22. Supplementary Planning Documents (SPD)

- Affordable housing SPD adopted March 2015
- Landscape and trees SPD adopted June 2016
- Heritage interpretation adopted Dec 2015

Case Assessment

23. 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

24. Key policies and NPPF paragraphs – JCS1, JCS4, JCS5, DM1, DM12, DM13, DM17, DM23, NPPF paragraphs 8, 10, 11, 59, 68, 80, 85, 121 and 117.
25. The site is previously developed land within Norwich city centre, and the building is suitable for conversion to a residential-led mixed use scheme. It is located within the late night activity zone, where under policy DM23 noise sensitive uses are not permitted where the impact of noise from late night entertainment use is shown to have an unacceptably harmful impact on living and/or working conditions for future occupants. The applicant has demonstrated that this would not be the case due to proposed mitigation measures.
26. The proposal would lead to the loss of a major nightclub facility, with its conversion to residential and office use having a positive impact on the local neighbourhood due to a reduction in late night noise and anti-social behaviour likely to have been associated with its former use. Further benefits would be realised in terms of improved safety and security for the local community from the occupation of a building which has been vacant for some time, including the creation of a more active frontage onto St. Faith's Lane.
27. The development would contribute towards local housing need, whilst local shops and other businesses would benefit from increased customers. Commercial uses would be maintained on the ground floor, with offices and a café proposed, which would assist in maintaining vitality and activity within the street scene of Prince of Wales Road. In addition, the proposal would result in the restoration, refurbishment, and enhancement of a locally listed building within the conservation area, providing it with a viable use for the future.
28. These are all strong material considerations which weigh in favour of the proposal, and the principle of development is considered acceptable, subject to an assessment of the relevant local and national planning policies as set out below.

.Main issue 2: Design

29. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 124-132.

30. In terms of external alterations to the existing building, the proposal would significantly enhance the existing frontage on Prince of Wales Road by refurbishing existing features and replacing the unattractive modern nightclub frontage with a more sympathetic matching brick façade, with new openings following the vertical emphasis of windows on the existing building to form a far more attractive frontage. Further enhancement would be carried out to the St. Faith's Lane façade, with the decorative façade restored and openings created sympathetically in terms of the historic design of the building. New windows would be formed on the side and rear of the premises, in appropriate locations, and existing upvc windows would be replaced with softwood casement windows in the style of the original windows.
31. Separate accesses would be provided for users of the office, café and residential parts of the building respectively from Prince of Wales Road, to avoid conflicts arising between different users and to maintain security. The design of internal corridors, balconies, and landscaped light well areas together with the shared facilities in the basement would help foster a communal feeling for occupiers of the residential properties, with the precise detail of the internal landscaping controlled by condition. Car parking, bin storage and cycle storage would be conveniently located on the ground floor, with multiple stairwells and lifts providing access to upper floors.
32. The rooftop extensions would be sited on the rear part of the building, which is less sensitive in heritage terms and generally not be visible from the principle Prince of Wales Road frontage, except when looking down St. Faith's Lane. The size and scale of the extension has been reduced following discussions with the applicant. The extensions would be set back from the outer walls of the current building, helping to reduce the impact, with the fifth floor further set back from the new fourth floor. Whilst they would be quite prominent in views from parts of St. Faith's Lane, and the car park and gardens to the rear of the building, they would not be particularly visible from most other parts of the locality due to the proximity of other buildings in the foreground. Careful consideration of the materials and discussions with the conservation officer has resulted in a combination of zinc and cedar cladding for the extension. The full details of materials, windows and doors would be controlled by condition.

Main issue 3: Heritage

33. Key policies and NPPF paragraphs – JCS2, DM9, NPPF paragraphs 184-202.
34. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 place a statutory duty on the local authority to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possesses and to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. Case law (specifically *Barnwell Manor Wind Energy Ltd v East Northamptonshire DC* [2014]) has held that this means that considerable importance and weight must be given to the desirability of preserving the setting of listed buildings and conservation areas when carrying out the balancing exercise.
35. The restoration, refurbishment and improvement of the existing external walls of the building is a clear enhancement of the locally listed building and Conservation Area.

36. A visual impact assessment has been undertaken and it has been demonstrated that the proposed rooftop extensions would not impede key views of Norwich Cathedral or Castle.
37. The rooftop extensions would introduce a significant new built form, which is not necessarily characteristic of the host building or prevailing character of the surrounding buildings, although there are other flat roof modern buildings and additions in the locality. Some harm would occur to the character of the Conservation Area, mainly affecting views from St. Faith's Lane towards the site. However this harm has been minimised with the amended plans which have set back and reduced the scale of the extensions. The harm is categorised as less than substantial, due to the limited viewpoints which would be affected and the status of the building, which is locally, and not statutorily listed.
38. Paragraph 196 of the NPPF sets out that in such instances where less than substantial harm would occur, the harm should be weighed against the public benefits of the proposal. In this instance there are multiple, significant benefits. This includes social benefits in terms of a reduction in noise and anti-social behaviour associated with the former use, the benefits of introducing new activity and vitality to a large vacant premises, and the provision of new housing in a sustainable location. Economic benefits would be achieved through the construction work itself and the availability of new office and café premises, as well as increased custom for local businesses from the new residents. Benefits to the historic environment would be realised through the restoration and improvement of the Prince of Wales and St. Faith's Lane frontages. These benefits are considered to far outweigh the less than substantial harm identified.
39. The development would preserve the setting of nearby listed assets including the Railway Mission Hall on Prince of Wales Road and Stuart Gardens.
40. A condition is recommended to secure the provision of heritage interpretation, relating to Alexandra Mansions and the former cinema use.

Main issue 4: Amenity

41. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 8 and 127.

Amenity for existing occupiers

42. Concerns have been raised by some local residents in terms of the potential for increased overshadowing and loss of privacy as a result of the proposal. In terms of loss of daylight and sunlight, the applicant has carried out a detailed assessment of the impact on all neighbouring windows and gardens that would be affected. They have used Building Research Establishment (BRE) guidance in doing so, calculating the Vertical Sky Component for daylight and the Annual Probable Sunlight Hours and Winter Probable Sunlight Hours for sunlight. The level of detail provided is more accurate and detailed than shadow diagrams, which have not been requested.
43. For daylight, the BRE recommendations are that the Vertical Sky Component measured at the centre of a window should be no less than 27, or if reduced to below this, no less than 80% of its former value. The report demonstrates that all of

the assessed windows meet the 80% criteria for daylight, and will therefore have no noticeable impact on neighbouring residents in terms of daylight.

44. For sunlight, the centre of each window should receive at least 25% of available annual sunlight hours and more than 5% during the winter months (September 21st to March 21st), and 80% of its former value. The report states that all windows would retain greater than 80% of their existing sunlight levels, which indicates that the impact of the development on sunlight levels would be minimal and acceptable in terms of BRE guidance.
45. In terms of gardens, the same “80%” rule is applied in terms of reduction of sunlight. The nearest garden on St. Faith’s Lane would retain 95% of its sunlight as a result of the development, with the other gardens retaining 100% of their existing sunlight levels on March 21st (the applicable test). The impact is therefore acceptable.
46. In terms of overlooking, steps have been taken during the application process to reduce the number of windows facing towards the rear of the development. It is acknowledged that the introduction of new windows in the side and rear elevations will increase the potential for overlooking and the feeling of being overlooked. A careful balance needs to be struck between minimising overlooking, whilst maintaining a good standard of outlook and daylight for the proposed flats. The solution that has been agreed is to have windows where the lower portion is obscure glazed, to minimise downward views but to allow views across the townscape to the north and of the sky. This is considered an acceptable compromise in terms of the benefits of the overall development.
47. Overall, whilst it is undeniable that some new impacts in terms of directly facing windows and overlooking would occur, this must be weighed against the significant benefits of the proposal, including to neighbouring amenity which would arise from the loss of the nightclub facility. It is considered that the correct balance has been struck and the scheme as a whole would keep neighbour impacts to a minimum whilst having an overall positive impact on the local environment, to the benefit of existing residents.

Amenity for future occupiers

48. All of the residential units would meet or exceed the national minimum space standards for internal floorspace. The built up nature of the site and proximity of neighbouring occupiers places constraints on the ability to provide external amenity space, although balconies on the rooftop and facing internal light wells have been provided where possible for a number of the flats. It is noted that the James Stuart Garden is very close by, and this would provide residents with the opportunity for outdoor relaxation, together with the nearby riverside path and associated seating areas.
49. In addition communal facilities including a gym, pool room and cinema room would be provided, and the site is in close proximity to a myriad of leisure and entertainment uses in the city centre and at Riverside. Levels of outlook and daylighting would generally be good for all of the flats, although some would suffer from a fairly restricted outlook due to their position within the development. This is somewhat inevitable given the constraints of the site, but on the whole amenity

levels for proposed occupiers are considered to range from very good to acceptable.

50. A noise assessment has been submitted which provides detail on mitigation of potential noise nuisance from the adjoining nightclub and activity on Prince of Wales Road. The measured levels have been assessed against the National Planning Policy Framework and currently available standards and guidance documents including World Health Organisation *Guidelines for Community Noise* (1999) and BS8233:2014 *Guidance on sound Insulation and noise*.
51. Noise from the adjacent bar at ground floor level has been considered. Recommendations to mitigate noise from the bar include splitting any structural connections while dividing the bar, apply independent linings to the rooms against the party wall and appropriate glazing (secondary glazing) to rooms overlooking the roof of the bar. Appropriate external and internal noise criteria have been considered to minimise adverse impacts on health and quality of life as a result of the new development. Appropriate mitigation measures have been outlined which should be developed during detailed design, including proprietary thermal double-glazing, secondary glazing and ventilation strategies.
52. The Environmental Protection Officer has confirmed that the proposed mitigation would be acceptable and no objections are raised. The precise details of the mitigation would be agreed by condition. Further conditions to safeguard residential amenity are proposed, including restricting the opening of the café between 22.00 and 06.00 hours, to safeguard residential amenity for future occupiers, control over any extract flues for the café use. Under local policy, 10% of the residential units should be built to lifetime homes (or equivalent) standard, and this will be secured by condition.

Main issue 5: Transport and servicing

53. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF paragraphs 8, 102-111.

The site is in a highly sustainable location, with good access to shops, services and employment locations within the city centre, and easy walking distance to the railway station. A large secure cycle store would be provided, together with 19 car parking spaces, including 3 electric vehicle charging points. This means that most flats would be car free, which is acceptable in this location. New residents and businesses would not be entitled to parking permits, including for visitors, which would minimise parking impact on surrounding streets. Rose Lane multi storey car park is in close proximity however, and would provide a useful facility for visitors and workers in the office and café. An internal bin store would be accessed from St. Faith's Lane which has been approved by Citywide Services. The Transport Officer raises no objections to the transport implications of the proposal.

54. Conditions are recommended to secure the provision of a dropped kerb to assist bin collections from St. Faith's Lane, to ensure the car park is solely used by residents of the site, and to ensure the submission of a construction management plan.

Main issue 6: Energy and water efficiency

- 55. Key policies and NPPF paragraphs –DM1, JCS3, NPPF paragraphs 8, 148, 151-154.
- 56. The existing building provides constraints on the types of renewable energy technologies that can be used, however it is considered that a 10% level of renewable energy (or equivalent carbon reduction) could be achieved. This matter would be controlled by condition. Water efficiency measures would be sought by condition.

Main issue 7: Flood risk

- 57. Key policies and NPPF paragraphs – JCS1, DM5, NPPF paragraphs 155-165.
- 58. The site is within flood zone 1 and therefore at the lowest risk of flooding from fluvial sources and there is no significant risk from surface water flooding. There would be no increase in terms of built footprint of the development, therefore the proposal would not increase flood risk to the surrounding area. Drainage would be to the main sewer, as per the existing situation. The proposal is considered acceptable in terms of flood risk.

Main issue 8: Biodiversity

- 59. Key policies and NPPF paragraphs – JCS1, DM6, NPPF paragraph 8, 170, 175-177.
- 60. The building has been assessed as being of low/negligible potential for bat roosts and a precautionary approach is recommended during the construction process. Nesting opportunities for birds were found to be limited, although some pigeons had managed to find their way into the upper storey. Recommendations for ecological enhancement including new habitat provision for swifts and other birds are considered suitable, the detail and provision of which would be sought by condition.

Main issue 9: Contamination

- 61. Key policies and NPPF paragraphs – DM11, NPPF paragraphs 178-179.
- 62. The previous uses of the site would suggest that ground contamination is unlikely, however a condition is recommended seeking investigation and remediation of any contamination that is discovered during construction.

Main issue 10: Archaeology

- 63. Key policies and NPPF paragraphs: JCS2, DM9, NPPF paragraphs 187, 189, 190
- 64. A desk study report has been submitted which confirms there is a high possibility of archaeological features being present beneath the site. Conditions are recommended to ensure appropriate investigation and recording of such features takes place during the development process.

Main issue 11: Affordable housing

65. Key policies and NPPF paragraphs – JCS4, DM33, NPPF paragraphs 57, 63 and 64.
66. The proposal relates to a large building which has been vacant for some time. As such it is eligible for vacant building credit, which is an incentive designed by government to encourage and enable the re-use of brownfield sites and bring vacant buildings back into use. The amount of vacant gross floorspace can be used as a 'credit' against the affordable housing requirement. Following the deduction of vacant building credit, a contribution of £327,999 plus administration fee is sought towards the off-site provision of affordable housing. This equates to a 5.3% provision of affordable housing. It would be secured via a section 106 legal agreement.

Other matters

67. A condition is recommended removing permitted development rights for the change of use of the offices and café, to ensure the commercial uses are maintained at the ground floor level, due to their contribution to the vitality of the street and city centre.

Equalities and diversity issues

68. There are no significant equality or diversity issues.

Local finance considerations

69. 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.
70. 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.
71. In this case local finance considerations are not considered to be material to the case.

Conclusion

72. The proposal would lead to the change of the use of the site to a mixed use development which would be a significant improvement to the amenity of the neighbourhood compared to the existing lawful use of a large nightclub, with its associated potential for noise and anti-social behaviour to occur. It would also lead to the occupancy of a building and site which has been vacant for some time, to the benefit of the vitality and safety of the area. It would deliver a substantial amount of new homes in a sustainable location, together with new offices and a café, and contribution towards the provision of affordable housing. There would be a notable improvement to the appearance of the locally listed building and wider conservation

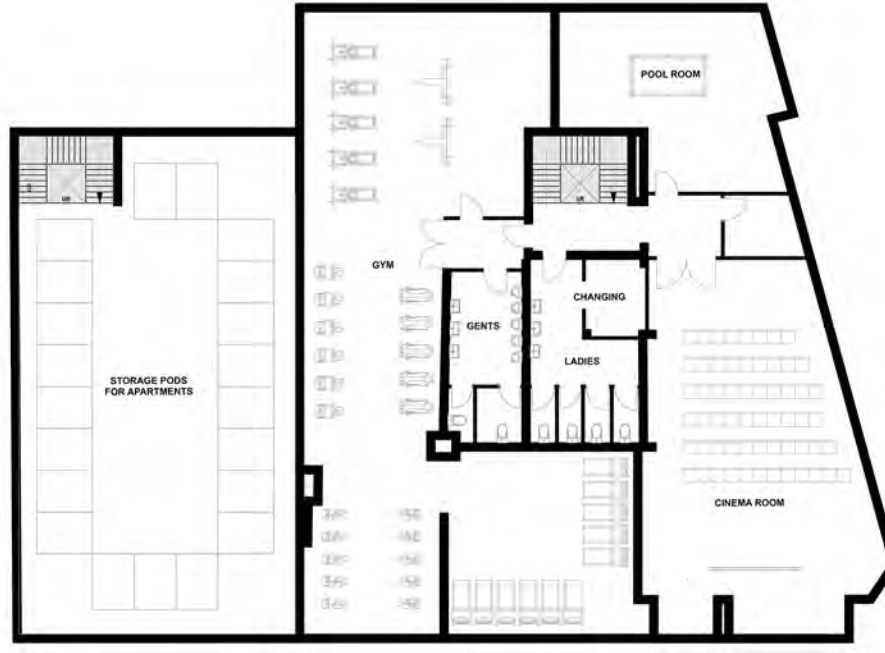
area, with the restoration and enhancement of the historic frontages on Prince of Wales Road and St. Faith's Lane.

73. These factors outweigh the negative aspects of the proposal, which includes a degree of less than substantial harm due to the rooftop extensions and alterations, and the impacts that would occur in terms of directly facing windows and increased overlooking compared to the existing situation. Steps have been taken to minimise these impacts as far as is practicable.
74. 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 reference 19/00875/F at 82-96 Prince of Wales Road and grant planning permission subject to the following conditions and completion of a Section 106 agreement to secure a contribution to affordable housing:

1. Standard time limit;
2. In accordance with plans;
3. External materials
4. Details of external joinery
5. Details of rear (north facing windows)
6. Lifetime homes/Accessible, adaptable dwellings
7. Removal of permitted development rights for change of use of office and café
8. Finished floor levels
9. Heritage interpretation
10. Renewable energy details
11. Water efficiency commercial and residential
12. Landscaping details
13. Residents parking only
14. Dropped kerb for bin store to be provided
15. Details of noise mitigation measures in accordance with approved report
16. Specification of extract system for car park
17. Café premises not to open between 22.00 and 07.00
18. Construction method statement
19. Archaeological written scheme of investigation
20. Stop work if unidentified features revealed
21. Ecological mitigation/enhancement details
22. Unknown contamination
23. Details of external flues/extract equipment



-01: BASEMENT
Scale: 1/100

Front ▲

Proposed (dark red) building/structure		14/1/15	2/1
PROPOSED REDEVELOPMENT OF FORMERLY MERCY NIGHTCLUB, PRINCE OF WALES, NORWICH, REGENT'S PLACE			
ESTATEDUCATION			
PLANNING DRAWING			
TBC	PL0001	A	



PLANNING DESIGN REVISION
PLANNING DESIGN REVISION

14.11.2019
05.12.2019

A
B

PROPOSED REDEVELOPMENT OF
FORMERLY MERCY NIGHTCLUB, PRINCE OF
WALES, NORWICH; REGENTS PLACE
ESTATEDUCATION

PLANNING DRAWING



TBC
PL 0002
B



PLANNING DESIGN REVISION	14.11.2019	A
PROPOSED REDEVELOPMENT OF FORMERLY MERCY NIGHTCLUB, PRINCE OF WALES, NORWICH, REGENTS PLACE		
ESTATEDUCATION		
PLANNING DRAWING		
TBC	10	PL 0003



03: SECOND FLOOR PLAN
Scale 1/100

Front

* Second Floor
Reference
On level to level

PROPOSED REDEVELOPMENT OF
FORMERLY MERCY NIGHTCLUB, PRINCE OF
WALES, NORWICH, REGENTS PLACE
ESTATEDUCATION

PLANNING DRAWING

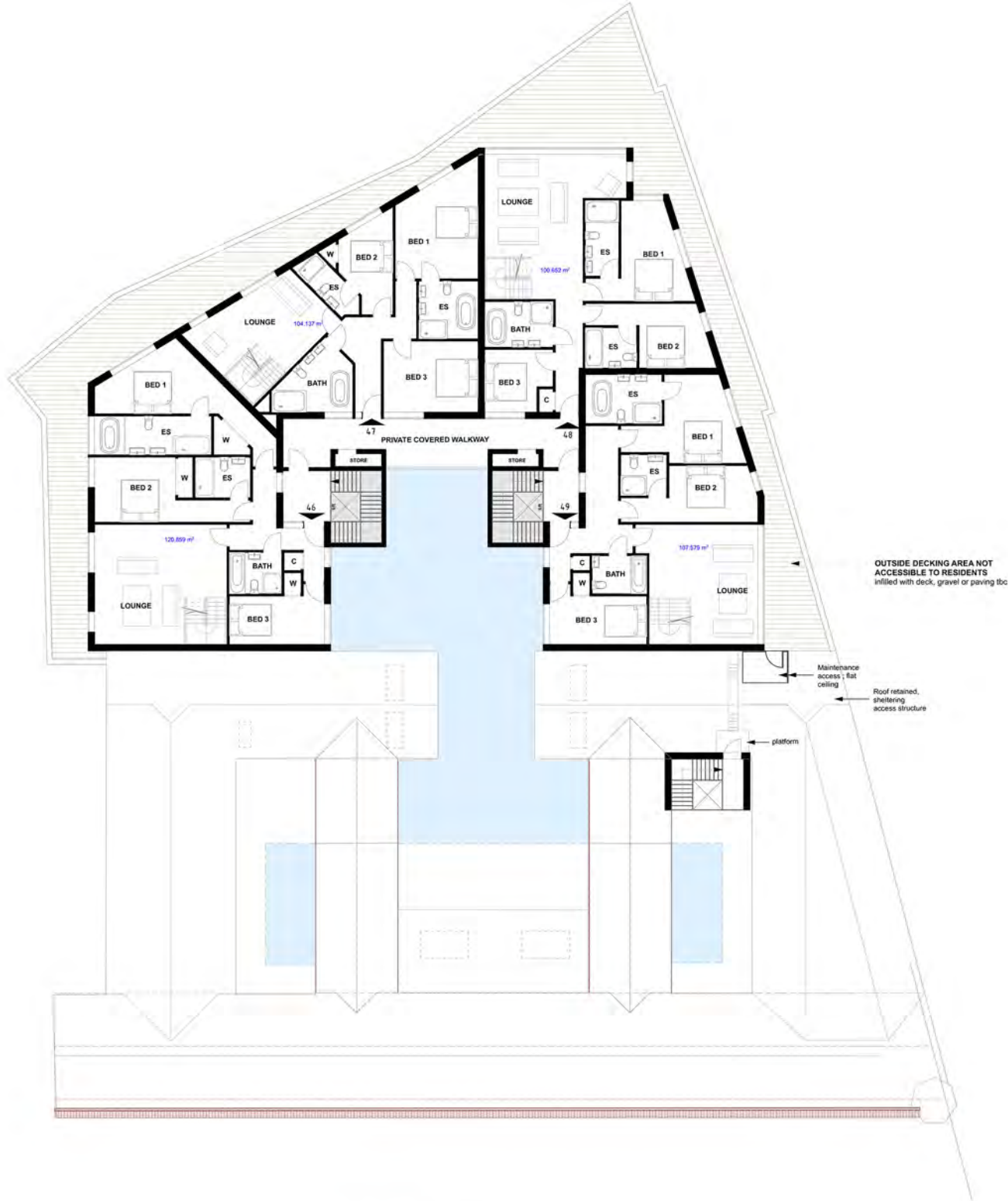




PROPOSED REDEVELOPMENT OF
FORMERLY MERCY NIGHTCLUB, PRINCE OF
WALES, NORWICH, REGENTS PLACE

ESTATEDUCATION
PLANNING DRAWING





04: FOURTH FLOOR PLAN

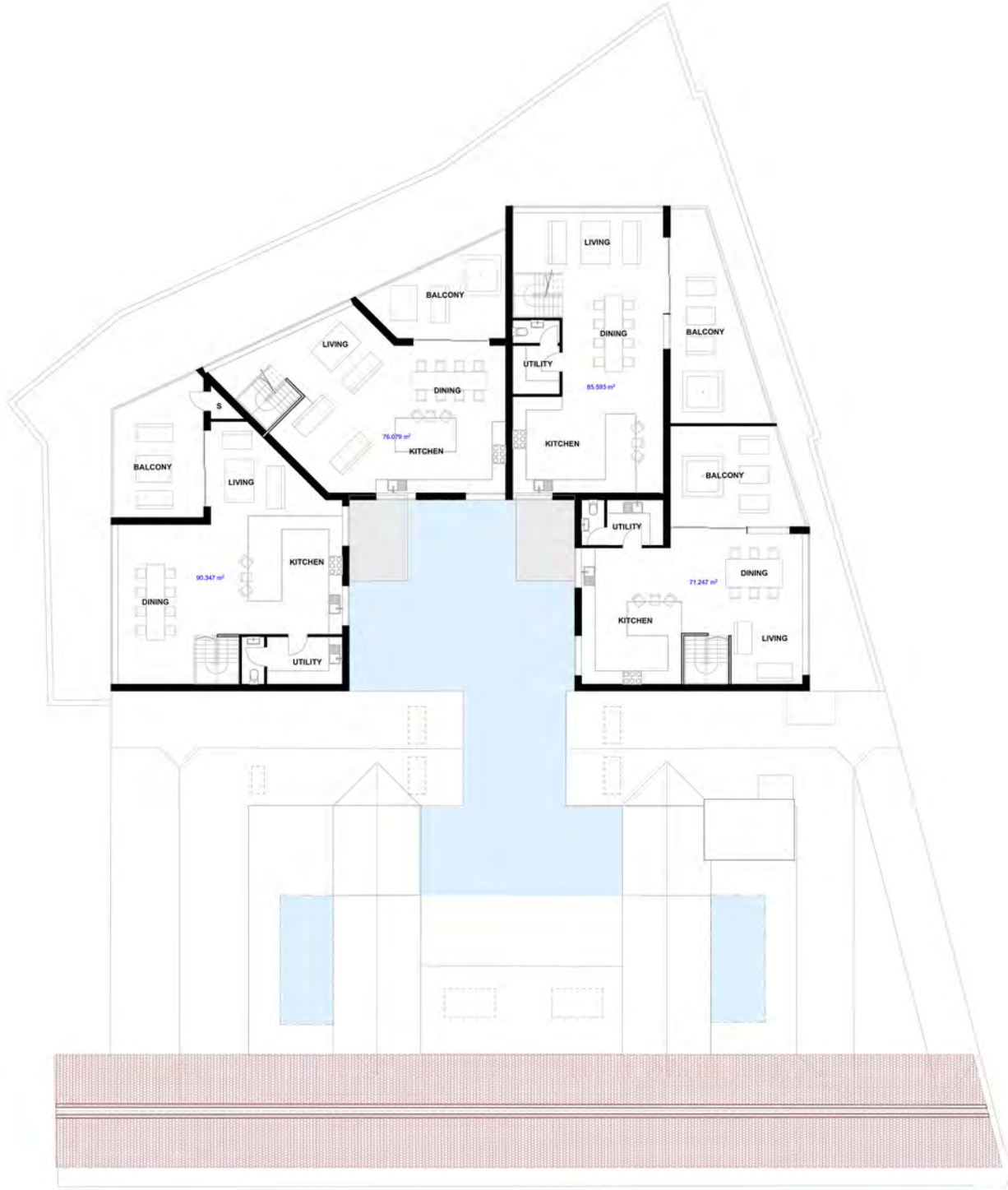
Front ▲

PLANNING DESIGN REVISION	15.10.2019	A
PLANNING DESIGN REVISION	14.11.2019	B
PLANNING DESIGN REVISION	21.11.2019	C

PROPOSED REDEVELOPMENT OF
FORMERLY MERCY NIGHTCLUB, PRINCE OF
WALES, NORWICH: REGENTS PLACE
ESTATEDUCATION

PLANNING DRAWING





05: FIFTH FLOOR PLAN

Front ▲

PLANNING DESIGN REVISION	15.10.2019	A
PLANNING DESIGN REVISION	14.11.2019	B
PLANNING DESIGN REVISION	09.12.2019	C

PROPOSED REDEVELOPMENT OF
FORMERLY MERCY NIGHTCLUB, PRINCE OF
WALES, NORWICH; REGENTS PLACE
ESTATEDUCATION

PLANNING DRAWING



- KEY
- 1 Red facing brickwork to match existing
 - 2 Light coloured render
 - 3 Architectural metalwork to be reconditioned and redecorated
 - 4 Cedar timber tongue and groove cladding
 - 5 Aluminium windows and doors to the ground floor
 - 6 Existing particle roofs to be retained and re-used
 - 7 Existing brickwork to be repaired
 - 8 Polycarbonate rain cladding
 - 9 Glass balustrade



SOUTH ELEVATION; PRINCE OF WALES

PLANNING DESIGN REVISION

14.11.2019

A

PROPOSED REDEVELOPMENT OF
FORMERLY MERCY NIGHTCLUB, PRINCE OF
WALES, NORWICH; REGENTS PLACE
ESTATEDUCATION

PLANNING DRAWING



- KEY
- 1 Red facing brickwork to match existing
 - 2 Light coloured render
 - 3 Architectural metalwork to be reconditioned and redecorated
 - 4 Cedar timber tongue and groove cladding
 - 5 Aluminium windows and doors to the ground floor
 - 6 Existing particle roofs to be retained and re-used
 - 7 Existing brickwork to be repaired
 - 8 Polycarbonate rain cladding
 - 9 Glass balustrade



PLANNING DESIGN REVISION	14.11.2019	A
PLANNING DESIGN REVISION	21.11.2019	B

PROPOSED REDEVELOPMENT OF
FORMERLY MERCY NIGHTCLUB, PRINCE OF
WALES, NORWICH; REGENTS PLACE

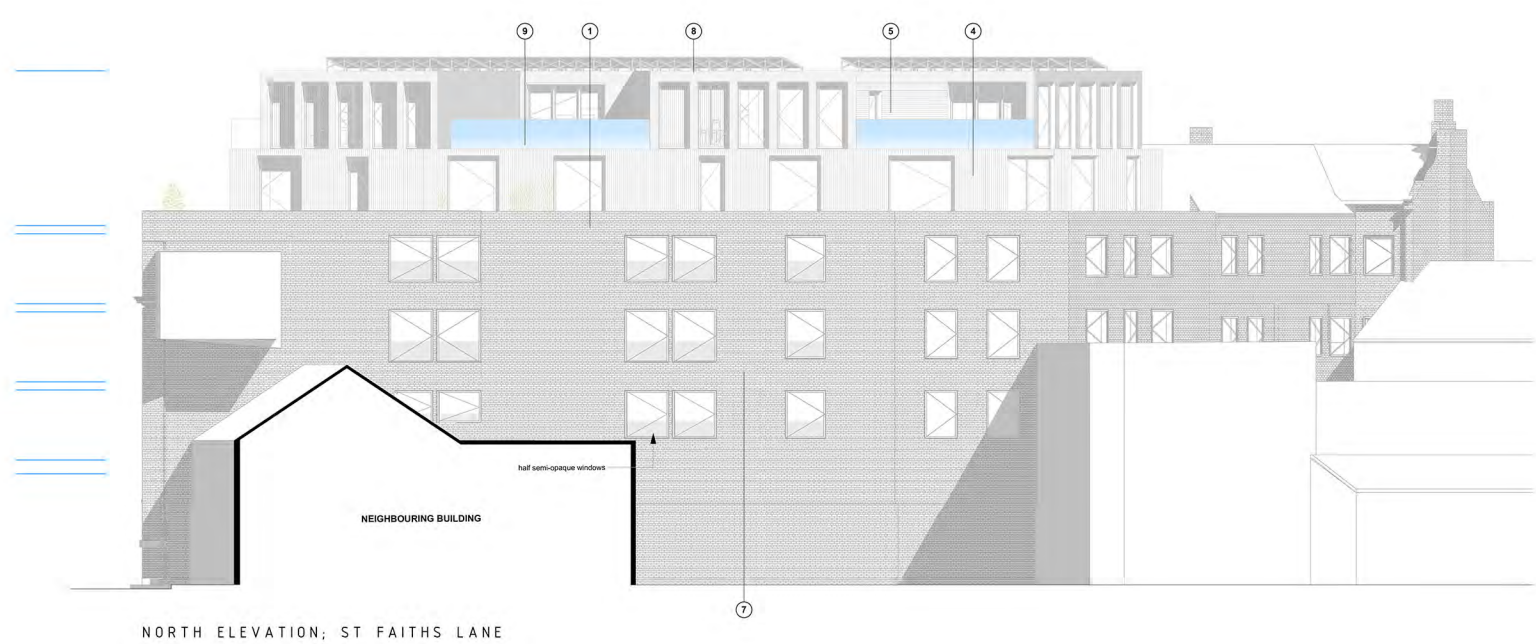
ESTATEDUCATION

PLANNING DRAWING



TBC	30	PL 0009	B
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- KEY
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 - 2 Light coloured render
 - 3 Architectural metalwork to be reconditioned and redecorated
 - 4 Cedar timber tongue and groove cladding
 - 5 Aluminium windows and doors to the ground floor
 - 6 Existing particle roofs to be retained and re-used
 - 7 Existing brickwork to be repaired
 - 8 Polycarbonate main cladding
 - 9 Glass balustrade



PLANNING DESIGN REVISION

14.11.2019

A

PROPOSED REDEVELOPMENT OF
FORMERLY MERCY NIGHTCLUB, PRINCE OF
WALES, NORWICH; REGENTS PLACE

ESTATEDUCATION

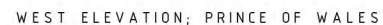
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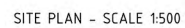


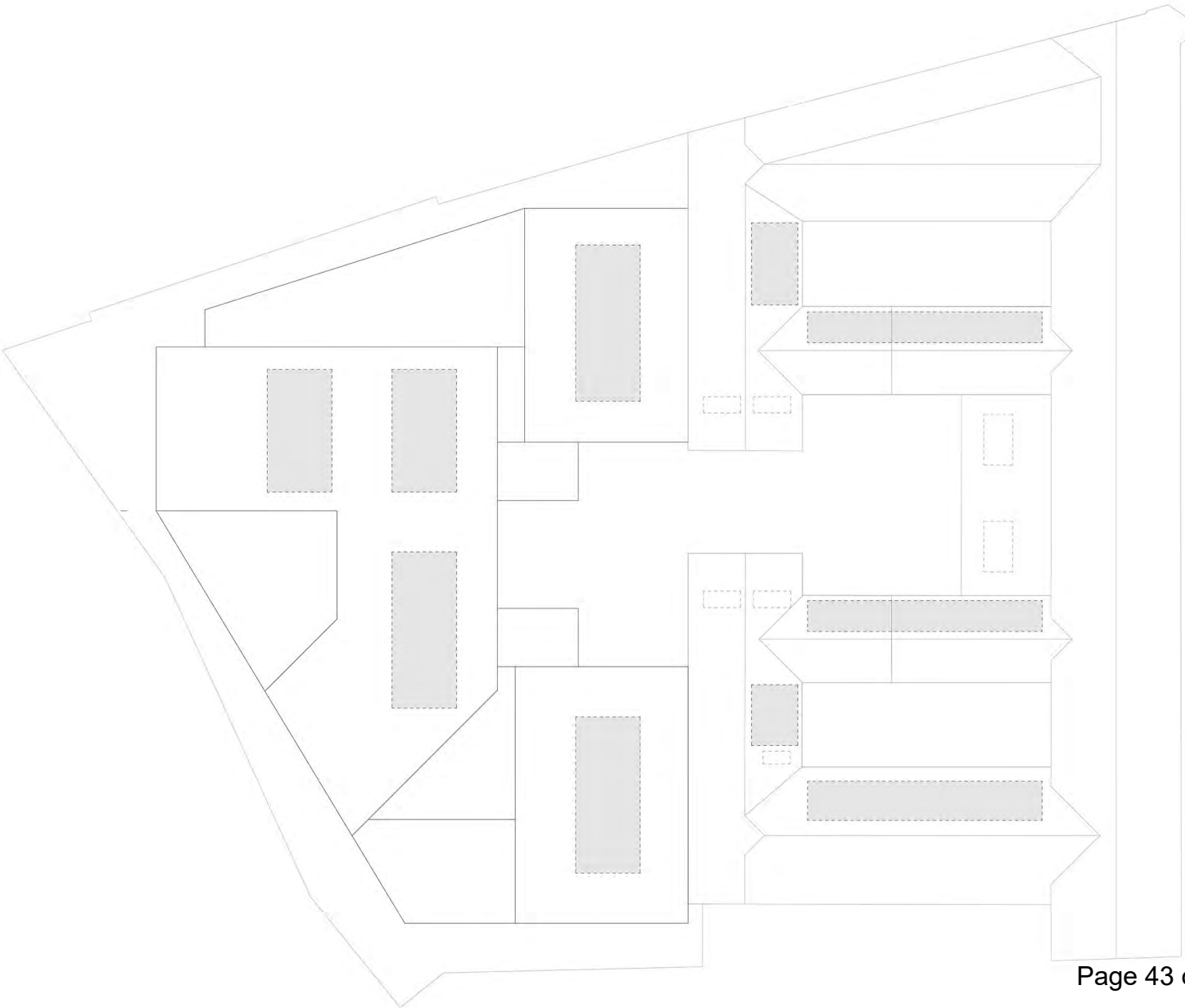
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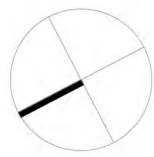
TBC 30 PL_0010 A







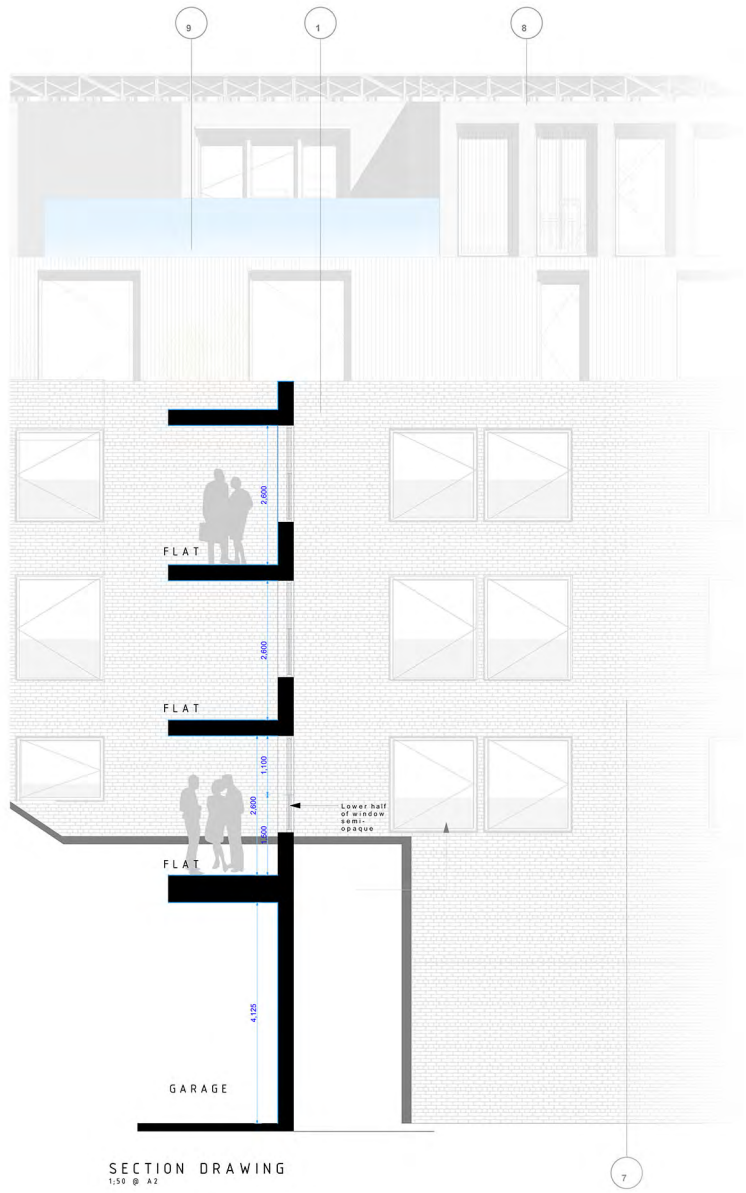
KEY
INTERNAL ACCESS PATH
PHOTOVOLTAIC SHOWN, plan area of
approx 150m²



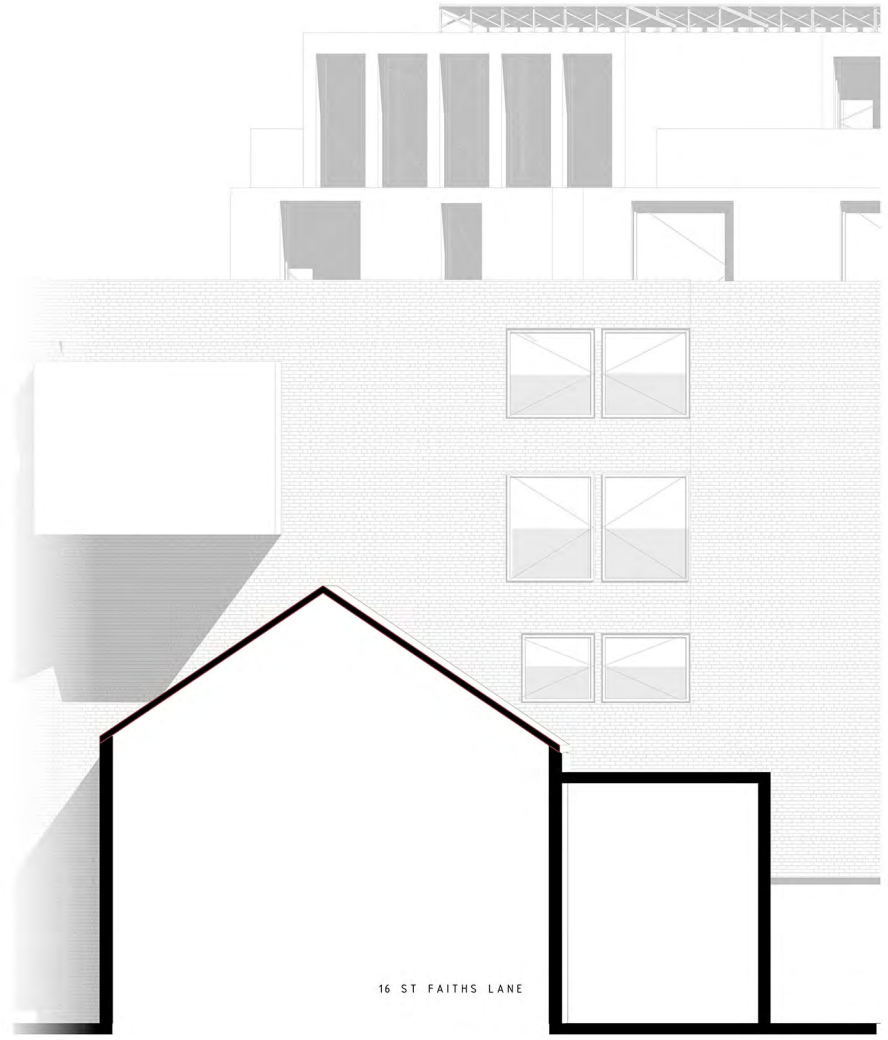
06: ROOF PLAN
Scale: 1:100

Front ▲

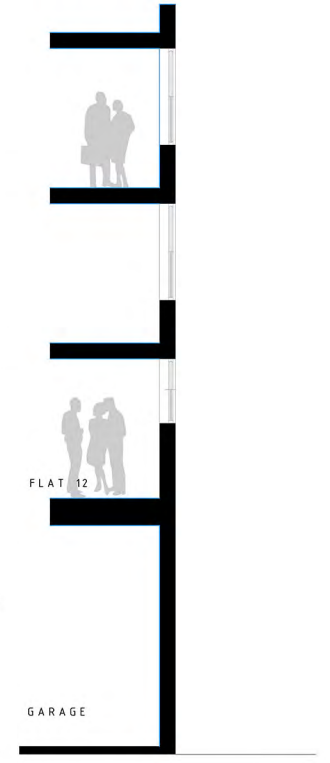
PLANNING DESIGN REVISION	14.11.2019	A
PROPOSED REDEVELOPMENT OF FORMERLY MERCY NIGHTCLUB, PRINCE OF WALES, NORWICH, REGENT'S PLACE ESTATEDUCATION		
PLANNING DRAWING ROOF PLAN		
TBC	50	PL 0013
		A



SECTION DRAWING
1:50 @ A2



PARTIAL ELEVATION;
showing connection to no.16 st faiths ln



SECTION DRAWING

PLANNING DRAWING
pl - 014

Amended due to planning comments	05/12/19	A
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PROPOSED REDEVELOPMENT OF
FORMERLY MERCY NIGHTCLUB, PRINCE OF
WALES, NORWICH; REGENTS PLACE
ESTATEDUCATION
PLANNING DRAWING
SECTIONAL DETAILING



3	14
TBC	SD PL 0014 A

Report to Planning Applications Committee

Item

9 January 2020

Report of Area Development Manager

Subject Application no 19/01352/F - Site at rear of 67 - 69
Magdalen Street, Norwich, NR3 1AA

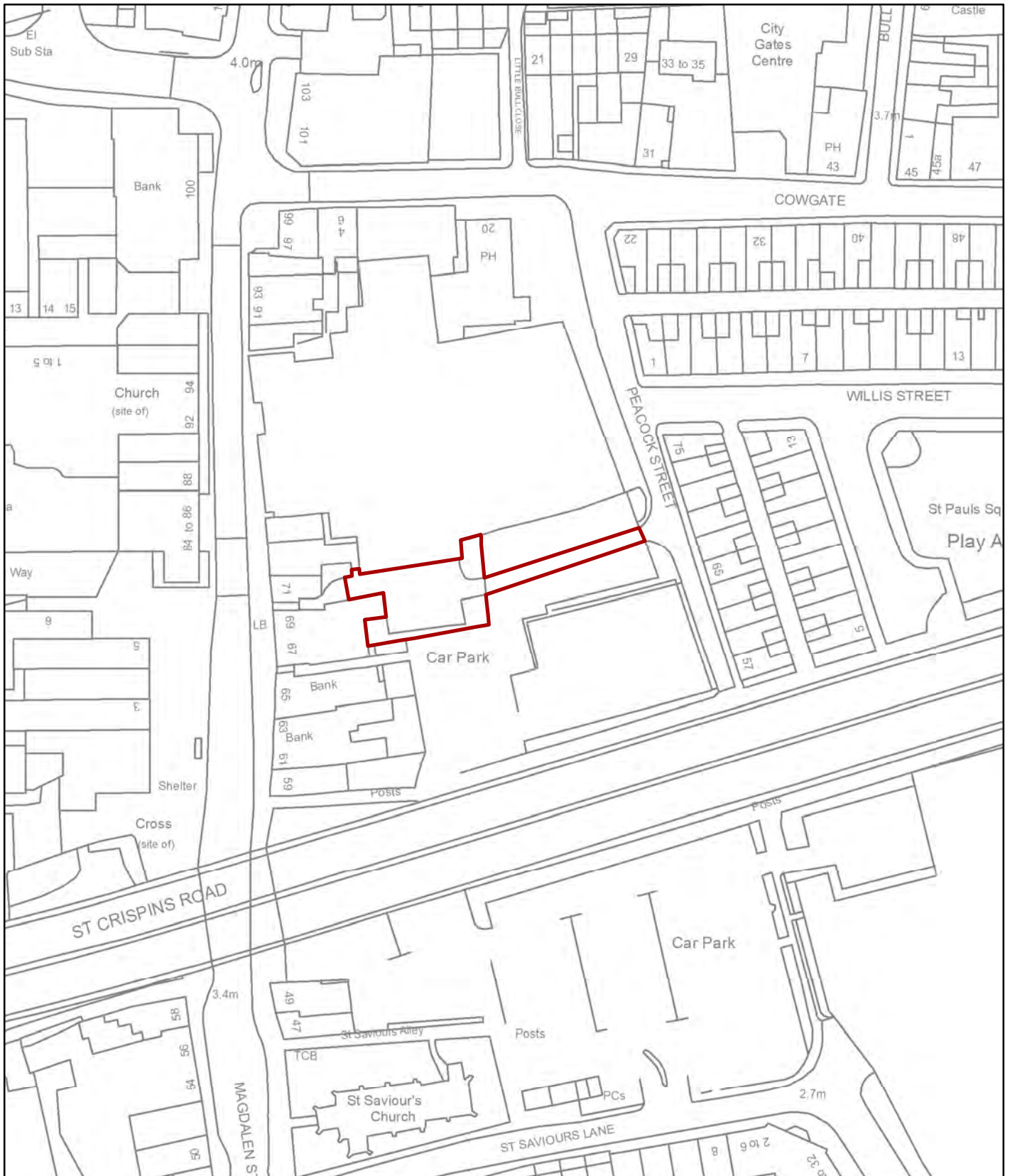
**Reason for
referral** Objections

4(b)

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

Development proposal		
Construction of 9no. flats.		
Representations		
Object	Comment	Support
3	0	0

Main issues	Key considerations
1. Principle of development	Principle of residential development on the site.
2. Design & heritage	Scale, form, detailing, impact on heritage assets.
3. Transport	Access, cycle parking, refuse storage and collection.
4. Amenity	Amenity of neighbours and future occupants.
Expiry date	17 January 2020 (extended from 10 December 2019)
Recommendation	Approve



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Planning Application No 19/01352/F
 Site Address Rear of 67-69
 Magdalen Street
 Scale 1:1,000

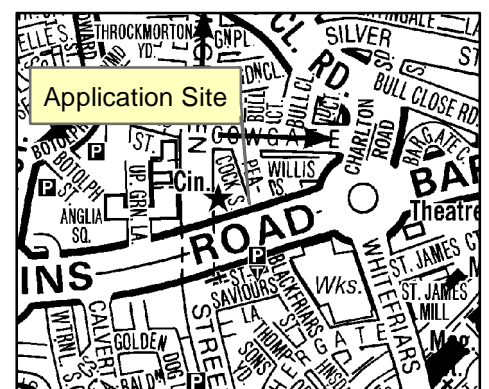


NORWICH
 City Council

PLANNING SERVICES



Page 46 of 58



The site, surroundings & constraints

1. The site is located to the rear of 67-71 Magdalen Street and is currently vacant, having last been used as a private car park. The site was granted outline planning consent for 9 flats in January 2018.
2. The eastern and southern boundary of the site directly abut a public car park owned and managed by Norwich City Council. The southern boundary is delineated by a high flint wall. The northern boundary consists of the high blank side façade of Roys' convenience store.
3. Properties on Magdalen Street are in a mix of uses including residential. There are a number of windows to residential properties facing the site both at ground and 1st floor level.
4. The site has no direct highway frontage. It is understood that the owner of the site has access rights over the adjacent car park land to access Peacock Street to the east.
5. The following constraints affect the site:
 - a) City Centre Conservation Area - Anglia Square character area
 - b) 67 – 73 Magdalen Street are locally listed
 - c) 75 Magdalen Street is Grade II listed
 - d) Area of Archaeological Interest
 - e) Anglia Square Large District centre.

Relevant planning history

Ref	Proposal	Decision	Date
4/2002/0346	Revision of Planning Permission 4/2002/0346/F (erection of six houses) to provide 3 additional parking spaces and increase height of units 3 and 4 from 2.5 to 3 storeys.	Approved	23/09/2002
4/2002/0344	Revision of Planning Permission 4/2002/0344/F (erection of four houses and four flats) to provide 2 additional parking spaces and increase height of rear block (flats 3 and 4) to 3 storeys.	Approved	23/09/2002
05/00479/F	Development of site with 2/5-storey building to provide seven residential units.	Approved	26/07/2005
05/01117/F	Additional flat (unit 8) for previous planning permission No. 05/00479/F.	Approved	29/12/2005
06/00694/F	Redevelopment of site with nine flats and two houses.	Withdrawn	18/09/2006
06/00949/F	Redevelopment of site with nine flats and two houses.	Refused	06/11/2006
10/01294/F	Redevelopment of site with four-storey building to provide 10 flats (eight x 1 bed;	Approved	08/11/2010

Ref	Proposal	Decision	Date
	two x 2 bed) with deck car park (six cars) plus cycle/motor cycle parking and bin storage.		
17/00714/O	Outline application including matters of access, appearance, layout and scale for construction of 9 flats.	Approved	09/01/2018

The proposal

6. Construction of nine 1- and 2-bedroom flats in a single block which varies in height from 2-4 storeys.
7. This is a full application for a development which is almost identical to that approved under 17/00714/O (which was outline consent but with only landscaping as a reserved matter). Extra information has been supplied with this application to avoid the need for some of the conditions applied to 17/00714/O.

Summary information

Proposal	Key facts
Scale & appearance	
Total no. of dwellings	9
No. of affordable dwellings	0
No. of storeys	2-4
Materials	Render & red brick walls; black slate roof; aluminium rainwater goods; aluminium windows and doors.
Transport matters	
No of car parking spaces	0
No of cycle parking spaces	10
Servicing arrangements	Private arrangement via adjacent car park

Representations

8. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 3 letters of objection have been received citing the issues as summarised in the table below.

Issued raised	Response
The site benefits from a right of way across the car park but they do not have the right for construction traffic and deliveries to stop and wait on the car park. Construction traffic would cause a hazard to the public. The developer could rent space on the adjacent car park to create a site compound to provide site offices and storage space for materials.	In relation to this matter, there have been no material changes to the proposed development, the site, or national or local policy since 17/00714/O was approved in January 2018.

Issued raised	Response
Residents would be in danger leaving the site at night.	In relation to this matter, there have been no material changes to the proposed development, the site, or national or local policy since 17/00714/O was approved in January 2018.
Overdevelopment	In relation to this matter, there have been no material changes to the proposed development, the site, or national or local policy since 17/00714/O was approved in January 2018.
The site should form part of a comprehensive redevelopment at the appropriate time rather than being developed in isolation. This development could limit future development of the car park (once Anglia Square is brought forward this site will be released for development). The proposed residential use of the site and windows directly facing onto adjacent land will sterilise the ability of the landowner to effectively develop the site. Rights to light of occupants of the applicants site will prevent development of any urban scale on the car park.	No planning application has been submitted or approved on the adjacent car park site. If any future development proposals were to be put forward, they would need to respond to the approved or implemented development of this site. Neither of the sites are allocated for development in the development plan and we cannot require them to be developed comprehensively.
The alterations included on the drawings to 67 may require a separate planning consent or a certificate of lawful use if possible under permitted development rights. I clearly have concerns that the development has a detrimental effect to the use of 67-69 without sufficient alterations being adequately completed.	Noted. The works to 67c Magdalen Street would again be required prior to commencement.
The revised scheme appears to have introduced an element of overlooking on the first floor with windows facing 67c.	All windows on the west elevation (facing 67c) would be required to be obscure glazed as per 17/00714/O.
The revised bin store position is detrimental to 67-69.	The plans initially submitted with this application indicated bins being stored externally. They have now been moved inside, as per the approved plans for 17/00714/O.
The proximity of the new building to the residents of 67-69 means it will be very noisy and dusty for a number of months and the working hours suggested are much longer than I believe to be typical and I feel are currently not acceptable.	The construction method statement indicates normal working hours: Monday-Friday 7.30-18.00 Saturday 8:00 -14:00 And sets out ways in which noise and dust would be controlled. The Environmental Protection team are satisfied that this adequately protects neighbour amenity.

Issued raised	Response
Some flats have limited windows and may require mechanical ventilation. I suspect that the ground floor flats have limited levels of natural daylight.	All flats have sufficient outlook, access to light and ventilation.
The bins, which had previously been out of the way beneath the stairwell within the drawings of the outline application, now occupy a considerable portion of the outdoor space, making this space useless for other amenity functions, such as drying clothes.	The plans initially submitted with this application indicated bins being stored externally. They have now been moved inside, as per the approved plans for 17/00714/O.

Consultation responses

9. 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.

Design & Conservation

10. The council's conservation officer had design input into the approved 17/00714/O scheme and considered the impact of the development on the historic environment. The comments on that application are summarised below.
11. The inclusion of a built element which distracts from the 3-storey blind brick wall of the modern store, by introducing frontage and variation would be beneficial to the wider setting. The proposed form, scale and orientation of the development is appropriate and the works as proposed will result a positive contribution to a conservation area.
12. Local policy requires new development to be respectful of the scale, mass and form of existing buildings. It should also be sympathetic to the distinctive character of an area. The proposed scheme has achieved this by utilising a 3-storey plus mansard roof form, whilst remaining subservient to the building heights fronting Magdalen Street. Proposed materials are sympathetic to the character of the area.
13. The design approach taken has chosen to reference the light industrial and commercial history of the area which is considered to be appropriate in this setting.
14. As the wider setting is an area of low significance local policy allows for a more contemporary approach regarding design and materials, suggesting that a contrast to the existing may be more appropriate than an exact match. A combination of brick and render, with slate roof is contextual to the setting and conditioning of exact specification and finish will allow for an appropriate contrast.
15. The existing flint wall on the southern boundary is to be retained and capable of being better revealed through the development.

Highways (local)

16. Notwithstanding the outline consent for residential use of the site, a number of concerns remain arising from the detailed design of the proposed residential building:
 - a) Vehicular access required during construction; for safe deliveries of construction materials.
 - b) Vehicular access required once occupied; for residents, deliveries, refuse collection or emergency services (turning movement has not been assessed).
 - c) Pedestrian safety of occupants leaving the site; stepping out directly into a car park.
 - d) Uncertainty about the lighting levels of the car park at night; safety for vehicles or pedestrians accessing the occupied building.
 - e) Insufficient evidence of firefighting access and facilities e.g. fire hydrant/access and turning requirements for fire tenders.
17. Recommendations for conditions should the application be considered for approval
 - a) That the applicant provides evidence of vehicular rights of access from the site to Peacock Street and agreement of how the vehicular access to Peacock Street will be managed when the site is occupied.
 - b) That arrangements are made with the council as car park operator for a safe vehicular access route and site compound.
 - c) That pedestrian safety measures are installed on the car park by the pedestrian entrances to the building i.e. robust wooden bollards with reflectors either side of the door/gate – with agreement of the car park operator.
 - d) That there is written agreement with services for access; i.e. Norfolk Fire and Rescue, and Norwich City Council city wide services who collect waste.
 - e) There is agreement by the applicant to provide a private refuse collector to collect waste if satisfactory arrangements cannot be made by Norwich City Council.
18. Informatives
 - a) These dwellings would not be entitled to on-street parking permits.
 - b) Public safety within the car park during construction will need to be safeguarded using suitable traffic management to facilitate access to Peacock Street.

Environmental Protection

19. The construction method statement has assessed the issues and has relevant controls, therefore no comments. Having looked at the scheme I can find no acoustic or air quality assessments, I would suggest that the applicant ensures that these

issues are dealt with to assure themselves that residents will be provided with good amenity for the use.

Citywide Services

20. Unfortunately Biffa won't be able to collect from the compound, it would have to be pulled out to either Magdalen Street, or Peacock Street. They cannot get their trucks into the car park, and wouldn't be allowed to empty the bins whilst in there. Sorry I can't be more positive, but it's a land-locked plot that they are building on.

Anglian Water

21. No comments.

Norfolk Historic Environment Service

22. Standard condition please.

Assessment of planning considerations

Relevant development plan policies

23. **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
 - JCS6 Access and transportation
 - JCS20 Implementation
24. **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
 - DM5 Planning effectively for flood resilience
 - DM9 Safeguarding Norwich's heritage
 - DM11 Protecting against environmental hazards
 - DM12 Ensuring well-planned housing development
 - DM18 Promoting and supporting centres
 - DM21 Protecting and supporting district and local centres
 - DM28 Encouraging sustainable travel
 - DM30 Access and highway safety
 - DM31 Car parking and servicing
 - DM32 Encouraging car free and low car housing

Other material considerations

25. **Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**
- NPPF2 Achieving sustainable development

- NPPF5 Delivery a sufficient supply of homes
- NPPF9 Promoting sustainable transport
- NPPF11 Making effective use of land
- NPPF16 Conserving and enhancing the historic environment

Case Assessment

26. 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 Policy Framework (NPPF), the council's 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

27. Key policies – DM12.
28. The site benefits from outline consent for 9 residential dwellings (17/00714/O), which is extant until January 2021. The proposals also accord with the relevant local policy DM12. Residential development is considered to be acceptable in principle.
29. It should also be noted that there is a history of consents for residential development on the site dating back to 2002. The principle of residential development on the land is therefore considered to be well established.

Main issue 2: Design & heritage

30. Key policies – JCS2, DM3, DM9.
31. The proposal is almost identical to the development as approved by 17/00714/O, being of a modern design and standing at 2-4 storeys with the top floor provided within a mansard roof. The inclusion of a built element which distracts from the 3-storey blind brick wall of the modern store, by introducing frontage and variation would be beneficial to the wider setting. The proposed form, scale and orientation of the development is appropriate and the works as proposed will result a positive contribution to a conservation area.
32. Additional information has been submitted regarding materials and the protection of the flint wall, which negate the need for some of the conditions which were previously imposed on the consent.
33. The application satisfies the council's duty to protect and conserve the conservation area. Any harm to the conservation area or nearby heritage assets is outweighed by the public benefit of providing 9 new dwellings in a sustainable location.

Main issue 3: Transport

34. Key policies – JCS6, DM28, DM30, DM31.

35. The transport impacts are identical to those of the approved scheme 17/00714/O now that the bin and bike storage arrangements have been brought in line with the previously approved plans. When consulted on the previous application, neither the Transport team nor Citywide Services objected as they have to this scheme.
36. The lawful use of the site is as a private car park, so this car-free development will lead to reduced traffic movements across the adjacent car park site. There will be some pedestrian and cycle movements, and occasional refuse collections. Refuse collections are required to be made via a private contractor due to the constrained nature of the site and difficulties that large council refuse vehicles would have in reaching the site.
37. The applicant has provided proof of a legal right of way over the adjacent car park, within a deed signed by the landowner and the city council. Officers are therefore satisfied that refuse collections are capable of being made by a private contractor.

Main issue 4: Amenity

38. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
39. The amenity afforded to neighbours and future occupants is essentially the same as within the recently approved scheme 17/00714/O.
40. The plans indicate changes to the rear elevation of no 69c Magdalen Street to provide a velux roof light and re-positioned doorway. These works are proposed to address the inter-relationship created by the development. The owner of no 69c has confirmed agreement to these works.
41. Notwithstanding these works the development will be visible and impact on the outlook from windows facing the site. The setting back of the development from the southern boundary and the setting in of the taller element provides a degree of separation and spacing to mitigate this proximity. The use of the mansard roof form and the minimising of eaves height reduce massing and use of render on these facing facades will assist in lightening the development. Proposed first floor windows facing the site serve a bathroom and kitchen and could be obscurely glazed to minimise overlooking.
42. Although the relationship created by the development will be relatively tight and compact it is not incompatible with the district centre location where densities are higher and the urban grain finer. Therefore although the amenity of residents will be affected by the development, the harm is not considered of a level to justify the refusal of planning permission on these grounds. This harm has been weighed against the regeneration benefits of developing an underutilised brownfield site for new housing.
43. In terms of the amenity of future residents. All of the dwellings meet national space standards for 1 and 2 bed flats respectively. 1 bedroom flats range from 48-56m² and 2 bedroom flats range from 63-67m². The dwellings would have a reasonable level of outlook and privacy. The ground floor flats, given the constraints of the site, would have lower levels of amenity compared to the flats on the upper floors. However, measures have been put in place to address these limitations. In particular the ground floor windows facing the car park are proposed at a high level to minimise the risk of disturbance from car park users.

44. Designated bin storage within the building is proposed along with bike storage in the rear yard area. The remainder of the site would be landscaped. Residents would have access to this semi-private space. No resident would have access to private amenity space but given the district centre location of the site this is considered acceptable.

Other matters

45. A number of other issues have been assessed as part of this application.

Requirement	Relevant policy	Compliance
Water efficiency	JCS 1 & 3	Yes subject to condition
Sustainable urban drainage	DM3 & 5	Yes subject to condition
Archaeology	DM9	Yes subject to condition
Contamination	DM11	Yes subject to condition

Equalities and diversity issues

46. There are no significant equality or diversity issues.

Local finance considerations

47. 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. 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. In this case local finance considerations are not considered to be material to the case.

Conclusion

48. 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. 19/01352/F - Site at rear of 67 - 69 Magdalen Street, Norwich, NR3 1AA and grant planning permission subject to the following conditions:

1. Standard time limit
2. In accordance with plans
3. Archaeology – standard condition
4. SUDS to be agreed
5. Works to 69c to be complete prior to commencement of works
6. Landscaping to be agreed
7. Refuse collection arrangements to be agreed
8. In accordance with construction method statement
9. Wall to be protected as per the submitted documents
10. Works to stop if previously unidentified contamination found

11. Water efficiency – standard condition
12. All windows on the west elevation to be obscure glazed
13. Refuse and recycling facilities to be provided and retained
14. External lighting to be installed as per the submitted documents
15. No microwave antenna to be installed without consent

Informatives:

1. CIL liable
2. No parking permits
3. Archaeological brief available from HES

ROYS (dotted)

Mansard Roof
Black Eternit Slate

ROYS (dotted)

ROYS

Heritage pallet Render
Soldier Courses Feature Brickwork

Brown powder coated window and door frames



South Elevation 1:100



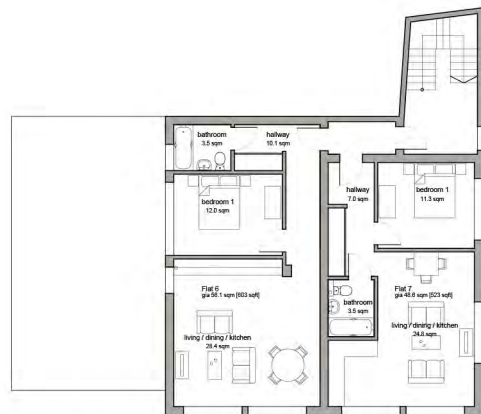
East Elevation 1:100



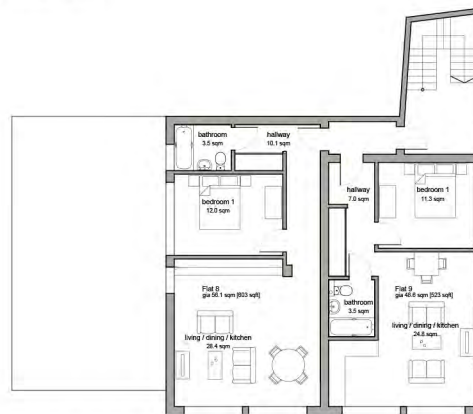
West Elevation 1:100

Schedule

Schedule	Beds/Person	Internal Fl. Area sqm [sq ft]
Flat 1	2b/4p	67.4 (729)
Flat 2	2b/4p	63.8 (690)
Flat 3	1b/2p	51.2 (551)
Flat 4	1b/2p	44.5 (479) studio flat
Flat 5	1b/2p	48.6 (523)
Flat 6	1b/2p	56.1 (603)
Flat 7	1b/2p	48.6 (523)
Flat 8	1b/2p	56.1 (603)
Flat 9	1b/2p	48.6 (523)



Proposed Flats 6-7 Second Floor Plan 1:100



Proposed Flats 8-9 Third Floor Plan 1:100



Proposed Flats 1 & 2 Ground Floor Plan 1:100



Proposed Flats 3-5 First Floor Plan 1:100



location plan 1:1250

10.10.19	C	Existing disabled parking bay indicated. Bin doors altered to roller shutter	eng	PN
09.11.19	B	Amended bin door location	eng	PN
10.10.19	A	Amended to accord with Norwich City Council registration letter point 1	eng	PN
Date	Revision	Description	Drawn	Checked

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Project:	67-69 Magdalen Street, Norwich NR3 1AA	Proj. Status:	Planning
Dwg. Title:	Proposed Floor Plans & Location Plan	Dwg. No.:	PW1029_P10
Client:	Norson Construction Group	Revision:	C
Date:	July 2019	Scale:	1:100, 1:1250 @ A1

