

Report to Planning applications committee

Item

17 December 2015

Report of Head of planning services

Subject Application no 15/01214/F - 61 Magdalen Street,
Norwich, NR3 1AA

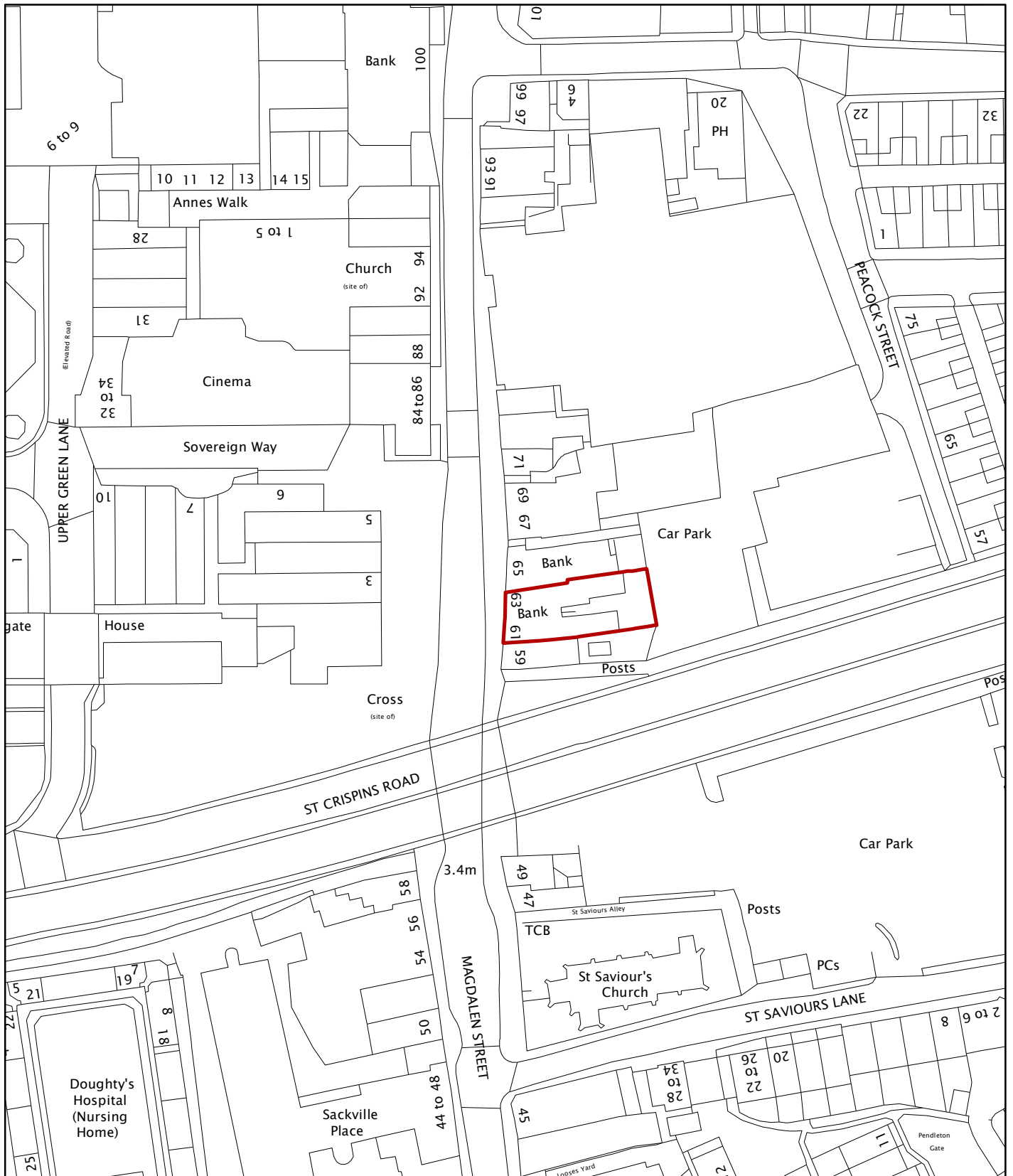
**Reason
for referral** Objections

4(J)

Ward:	Mancroft
Case officer	James Bonner - jamesbonner@norwich.gov.uk

Development proposal		
Extension to provide new second floor flat [revised location plan].		
Representations		
Object	Comment	Support
2		

Main issues	Key considerations
1 Amenity	Occupier amenity (noise, outlook); neighbouring amenity (overshadowing, loss of outlook/daylight)
2 Design and heritage	Visual impact; harm to conservation area and locally listed buildings
3 Flood risk	Safe egress in the event of fluvial and pluvial flood events
Expiry date	14 January 2016
Recommendation	Approve



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Planning Application No 15/01214/F

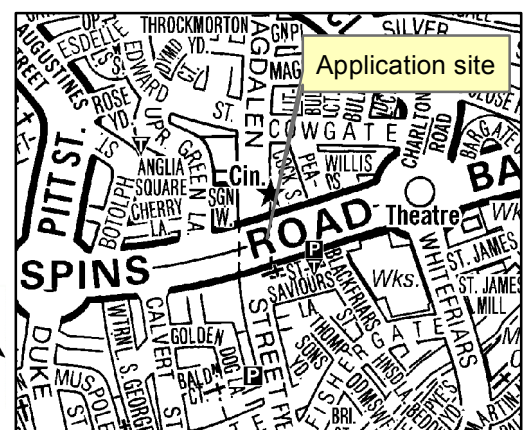
Site Address 61 Magdalen Street

Scale 1:1,000



NORWICH
City Council

PLANNING SERVICES



The site and surroundings

1. The addition is to the rear of 61 Magdalen Street (technically 61 to 63 on the OS map, considered as a single building all within the same ownership). On Magdalen Street the property is a convenience store at ground floor with residential flats above. At the rear there is a two storey flat roofed projection – the new dwelling is proposed above this.
2. The property has a shared yard backing onto St Saviours car park and the proposed flat is around the same height as the inner ring road flyover ~18m to the south.

Constraints

3. Although the 61-63 are not locally listed, the neighbours either side and further north are (Nos. 59, 65, 67-69 etc). Although there are statutory listed buildings nearby, none are near enough to be affected by this proposal.
4. The site is within the city centre conservation area. It is entirely within a critical drainage area and is partially within flood zone 2 – all of the yard and therefore the main escape is also within flood zone 2. The site is also within the Central Norwich Air Quality Management Area.
5. Within the Northern City Centre Area Action Plan (NCCAAP) the car park to the east of the site/north of the flyover is allocated for small business or service workshops (allocation PS1 – Peacock Street).

Relevant planning history

6.

Ref	Proposal	Decision	Date
4/1998/0701	Conversion of first and second floors to 3 one bedroom flats	Approved subject to condition	19/10/1998

The proposal

7. A one bedroom flat is proposed at second floor level, with a balcony at its eastern end fronting St Saviours car park. There is an external staircase within the rear yard which provides access to the building at first floor level. There is then an internal communal staircase which leads up to the second floor where an existing door provides access onto the flat roof. This will be used as the front door to the new flat.
8. The addition follows the footprint of the existing projection, extending 12.1m (14.9m to the end of the balcony) from the host building's gable.
9. There have been several revisions to the design to better reflect the host building. This is explored in main issue 2.

Summary information

Proposal	Key facts
Scale	
Total no. of dwellings	1
No. of affordable dwellings	0
Total floorspace	41sqm (plus 8.5sqm balcony)
No. of storeys	1 (at 2 nd floor)
Max. dimensions	2m high, 12.1m long, 4.35m wide
Appearance	
Materials	Render, others to be confirmed via condition
Transport matters	
Vehicular access	N/A
No of car parking spaces	0
No of cycle parking spaces	In rear yard – tbc
Servicing arrangements	In rear yard – tbc

Representations

10. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. The application has been re-consulted twice with the most recent period ending on the 16 December. As of 2 December two letters of representation have been received (one from Norwich Society) citing the issues as summarised in the table below. All representations are available to view in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number. Any additional letters of representation received after 2 December will be included on the Updates Report.

Issues raised	Response
Loss of privacy / overlooking; dominating effect of new flat	Amenity – see main issue 1.
Loss of use of outdoor space outside flat	Amenity – see main issue 1.

Issues raised	Response
Dominant on skyline, blocking views	Design and heritage – see main issue 2.

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.

Citywide services

12. Black sack refuse collection is appropriate.

Design and conservation

13. This is not an application that I intend to provide conservation and design officer comments on because it does not appear on the basis of the application description to require our specialist conservation and design expertise. This should not be interpreted as a judgement about the acceptability or otherwise of the proposal.

Environmental protection

14. I have scanned the report Noise Impact Assessment for the above application and it would appear that the calculated internal noise levels are acceptable, and the suggested mechanical ventilation seems reasonable. The use of the balcony does give cause for concern but again this would realistically be the only amenity space for the occupant(s) of this small flat.
15. Although, I am uncomfortable with the idea of a new residential unit of accommodation so close to what is and will continue to be a very busy road it would be very difficult to argue against it for reasons of potential noise disturbance given the proposed level of sound insulation of the building envelope.
16. If permission were to be granted for this development then it is essential to include an informative.

Highways (local)

17. No objection on highway/transportation grounds.

Norwich Society

18. We are opposed to this development which appears incorrectly identified on the location plan. The living conditions would be very unpleasant. [*location plan since amended and application re-advertised*]

Norfolk police (architectural liaison)

19. Recommending agent includes crime prevention measures.

Assessment of planning considerations

Relevant development plan policies

20. **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
 - JCS11 Norwich city centre
 - JCS20 Implementation
21. **Northern City Centre Area Action Plan adopted March 2010 (NCCAAP)**
 - LU3 Residential development
 - TU1 Design for the historic environment
 - ENV1 Climate change mitigation and adaption
22. **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
 - 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

23. **Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**
 - NPPF0 Achieving sustainable development
 - NPPF4 Promoting sustainable transport
 - NPPF6 Delivering a wide choice of high quality homes
 - NPPF7 Requiring good design
 - NPPF10 Meeting the challenge of climate change, flooding and coastal change
 - NPPF12 Conserving and enhancing the historic environment

Case Assessment

24. 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.

Principle of development

25. Key policies and NPPF paragraphs – DM12, Northern CC AAP LU3, NPPF paragraphs 49 and 14.
26. When assessed against DM12 and DM13 the principle of residential development is acceptable on this site, including the criteria in the second part of DM12 and subject to the other policy and material considerations detailed in the main issues below given that:
 - The site is not designated for other purposes;
 - The site is not in a hazardous installation notification zone;
 - The site is not in the late night activity zone;
 - It does not involve the conversion of high quality office space; and
 - It is not in the primary or secondary retail area or in a district or local centre.
27. Within the NCCAAP there is nothing explicitly precluding this type of development here, although it should be noted that the allocation at the adjacent site off Peacock Street (PS1) does state that housing would be inappropriate due to the proximity of the flyover and the blank elevation of Roys. A distinction can be made between a large ground floor site and a relatively small second floor addition and this is not considered to be an in-principle objection to residential use on the application site. Where there are clear issues (amenity, design), these are addressed in the relevant sections below.

Main issue 1: Amenity

28. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.

Occupier amenity

29. The most obvious concern for the living conditions of the occupier(s) of this proposed flat is the noise from the flyover given they will essentially be at the same level. Noise is also apparent from Magdalen Street, the car park and the two air conditioning units on the adjacent first floor flat roof of No.61 to the south. A noise impact assessment (NIA) has been provided which takes into account the potential disturbance from these sources. As noted in the NIA, windows and unattenuated ventilators are generally the weakest areas of sound insulation in a conventional façade. Opening windows will reduce the overall insulation to 10-15dB(A). In this position the NIA shows that the daytime noise levels are 68.7dB (averaged over 16hrs) and night-time 60.8dB (over 8 hours) with the highest measurement being 81dB at ~01:30am.
30. For this dwelling to achieve a satisfactory standard of living, internal noise should meet the following levels:

- daytime – 35dB (average over 16hrs);
 - night-time – 30dB in bedrooms only (average over 8hrs); and
 - night-time – 45dB in bedrooms only (maximum sound level).
31. On the basis of the drawings originally provided the NIA has calculated that the internal noise levels that can be achieved are:
- daytime – 32dB (average);
 - night-time – 25dB in bedrooms only (average); and
 - night-time – 45dB in bedrooms only (maximum sound level).
32. This is through the use of wall insulation, acoustic glazing and ventilators, which would allow the occupiers to keep the windows closed at night. Although the plans have been revised, the principle of the recommendations remains the same, for instance in the insulation and the extent of glazing. A condition is recommended to ensure compliance with the AIA and to secure precise details of the glazing and ventilators.
33. The balcony will provide some external amenity space, which for a one bedroom flat is in-line with DM2. External noise levels on the balcony will be ~68.7dB (averaged over 16 hours), which exceeds the World Health Organisation guidelines of 50dB for balconies, terraces and outdoor spaces. This is a desired level and it should be noted that many of the habitable rooms in existing flats around the area will exceed these noise levels. Given the internal noise levels will deliver adequate living conditions it is not considered that the relatively noisy balcony should be removed or considered a reason for refusal – its use is entirely optional and will still provide some external space and an exit from the building in an emergency.
34. Levels of daylight will be good given the majority of the windows are south-facing. Despite looking out onto the flyover, given the height the flat is at this allows for otherwise decent outlook not dissimilar to view across a typical roadside dwelling. At 41sqm internal floorspace exceeds the 37sqm plus 1sqm of storage as set out in the national standards and DM2. The balcony serves to provide adequate external space, although there could be understandable concerns about pollution. More formal publicly accessible green space is available ~100m to the east at St Paul's Square off Willis Street or at St Saviours churchyard ~50m to the south.
35. Although pollution may appear to be a potential concern, it does not appear to be any more of an issue than the existing flats nearby or the numerous properties directly adjacent to the city's ring roads. The conditioned ventilation system should allow for the internal areas to be liveable with the windows closed which may reduce the impact. As with noise, the balcony will provide issues but given its use is optional, this is not considered a reason to substantiate refusal.

Neighbouring amenity

36. The windows are positioned so as to not cause issues for direct overlooking. The biggest impact for direct overshadowing is to the properties to the east-facing windows on the properties to the north, for instance the rear windows above TSB.

Council tax records indicate that this space is vacant office and the size and type of the windows also suggests they do not serve a residential use. However there could be the potential for their change of use to residential in the future through permitted development rights, which should be considered. The actual impact is relatively minor and generally limited to before midday. This is acceptable. Given its scale the amount of daylight lost to nearby windows is unlikely to be severe. There is a roof lantern below where the balcony is proposed. Although this will be lost it appears that there is an additional window serving this room and so the impact is acceptable.

37. The new dwelling will not appear overly close to any windows and is not considered to appear as overly dominating in views from these windows. Although there is an existing door onto the flat roof, the space is not considered to be usable and formal external space given the lack of any balustrade or guarding. There continues to be some communal space for the existing occupiers within the ground floor rear yard or public space nearby as highlighted above. Accordingly there are no unacceptable impacts for neighbouring residents.

Main issue 2: Design and heritage

38. Key policies and NPPF paragraphs – JCS2, DM3, NCCAAP LU3 and TU1, NPPF paragraphs 9, 17, 56 and 60-66. Heritage key policies and NPPF paragraphs – DM9, NPPF paragraphs 128-141.
39. The addition will appear as very prominent in views such as Peacock Street and St Saviours car park but especially from the flyover. It is not particularly apparent in views from Magdalen Street given the lack of uninterrupted views due to the flyover. Where it is visible it is seen against the backdrop of the visually dominating Roys building. In those more conspicuous views, i.e. from the flyover, the development certainly adds bulk to an already fairly prominent and large two storey projection. Originally a flat roofed structure was proposed in timber cladding which would have appeared as especially incongruous. Revisions have sought to reduce this visual impact by emulating the roof pitch of the adjacent gable and dropping the ridge height to ensure subservience. Detailing has been simplified with windows to follow the rhythm of the fenestration below and render to be clearly distinctive from the existing building while hopefully breaking up its mass.
40. That being said it cannot be denied that due to its height attention will unavoidably be drawn to it. It is however clear from visiting the site that the sensitivity of this particular part of the conservation area is relatively low due to the flyover and the large blank expanse of the Roys building but also the numerous additions and incoherence at the rear of the Magdalen Street row. An argument could be made against worsening the current situation so it is accepted that this is a finely balanced decision. Although this will lead to additional bulk in a prominent position, the replacement of the existing roof with a more sympathetic pitched roof has some design merit and it is considered that this revised design will deliver another unit of much-needed housing without causing further harm to the significance of the locally listed buildings or the character of the wider conservation area. This would be dependent on securing a high standard of detail to ensure that this is done in a sensitive manner.

Main issue 3: Flood risk

41. Key policies and NPPF paragraphs – JCS1, DM5, NPPF paragraphs 100 and 103.
42. The entirety of the rear yard appears to be within flood zone 2 on some flood maps (Strategic Flood Risk Assessment for Norwich) whereas others it is not (the Environment Agency website). The SFRA is considered more accurate and this assessment assumes the proposed flat's access will be at risk from fluvial flooding, particularly when taking into account the effects of climate change. Although safe access and egress may not always be possible during an extreme flood event, the actual property is clearly not at risk. It is recommended a condition is attached to secure details of a flood warning and evacuation plan.
43. Environment Agency maps for surface water risk show the same area of ground floor of the site at high risk from surface water flooding. This type of pluvial flooding is harder to predict but again the level of risk to safety is relatively low providing the measures in the conditioned flood plan are adhered to, i.e. warning future occupiers to await instructions from emergency services and not to venture into flooded areas.
44. As the proposed development will not aggravate the issue of flooding, the development is acceptable in flood risk terms.

Compliance with other relevant development plan policies

45. A number of development plan policies include key targets for matters such as parking provision and energy efficiency. The table below indicates the outcome of the officer assessment in relation to these matters.

Requirement	Relevant policy	Compliance
Cycle storage	DM31	Yes subject to condition. No provision shown on plan but there is space within the yard.
Car parking provision	DM31	Yes – car free is acceptable.
Refuse Storage/servicing	DM31	Yes subject to condition. Refuse storage in rear yard.
Energy efficiency	JCS 1 & 3 DM3	Not applicable
Water efficiency	JCS 1 & 3	Yes subject to condition
Sustainable urban drainage	DM3/5	Not applicable

Equalities and diversity issues

46. There are no significant equality or diversity issues. Due to the lack of lift there will be no level access which is largely unavoidable in the context.

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.
48. 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.
49. In this case local finance considerations are not considered to be material to the case.

Conclusion

50. A flat in this position so close to the flyover has obvious issues for occupier amenity, principally from noise. The proposal has demonstrated that mitigation measures can reduce this internally to an acceptable level and this can be ensured via condition. Outlook, daylight and internal space standards are considered to be acceptable, although the provision of external space on the balcony will be subject to relatively high levels of noise, which is unavoidable but acceptable given the off-site public space nearby and the otherwise good internal living standards.
51. Proposed in such a prominent position the scheme has clear visual implications due to the potential bulk and mass added to an already significant rear projection. It will be apparent in a number of obvious views but its design has been revised to ensure it sits more sympathetically on the existing flat roof. Given the number of visually inappropriate developments surrounding the site the level of harm caused by this specific development to the character of the conservation area and the nearby non-designated heritage assets is relatively low. Notwithstanding this it is accepted there is some less than substantial harm. As per the NPPF this harm must be weighed against the public benefits of the proposal which in this case is the provision of an additional dwelling.
52. Given the relatively low level of harm and the adequate amenity levels the benefits are considered to outweigh the proposal's shortcomings, albeit the decision is finely balanced. Due to this and the lack of adverse harm to neighbouring occupiers the development is therefore 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. 15/01214/F - 61 Magdalen Street Norwich NR3 1AA and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. External materials;

4. In accordance with the AIA. Precise details of glazing (and balcony doors) and ventilation to be agreed (including maintenance);
5. Provision of bin and cycle storage;
6. Water efficiency measures;
7. Details of flood warning and evacuation plan

Informatives:

1. Future residents are advised that the Local Planning Authority recognises that communal external amenity spaces at the site may experience evening/night-time and weekend noise environments that are at, or in excess of, the World Health Organisation guideline level of 55dB for outdoor amenity areas. The decision to approve the application was made with this in mind and these are considered to be spaces where residents have a choice as to whether they wish to use them. The ability to control noise received in these areas is rather more limited than in dwellings and private outdoor spaces within the development where construction requirements are imposed.

2. Occupiers of these dwellings should be aware that these properties are in a location with a significant level of background noise arising from neighbouring industrial uses and traffic infrastructure. Norwich City Council has therefore included measures designed to control noise in the planning permission for these properties. The requirements to provide approved acoustic glazing which incorporates passive or forced acoustic ventilation and to provide an approved acoustic balustrade, together with the obligation to retain the acoustic glazing, ventilation and balustrade, will be taken into account by the Norwich City Council when investigating any complaint of noise nuisance from an occupier of this property.

3. Not eligible for parking permit

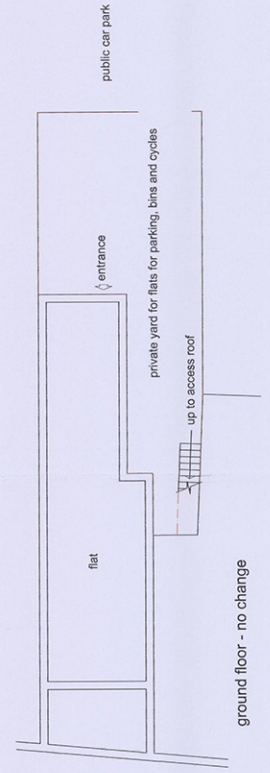
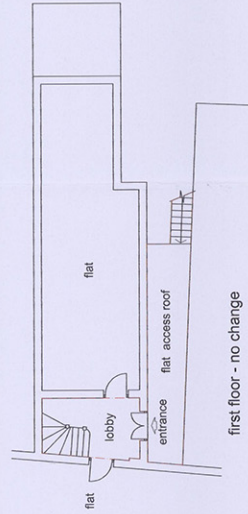
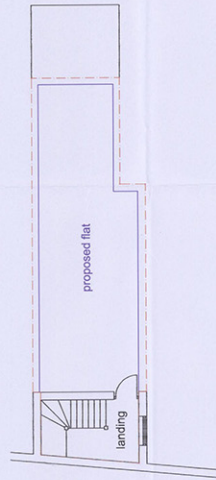
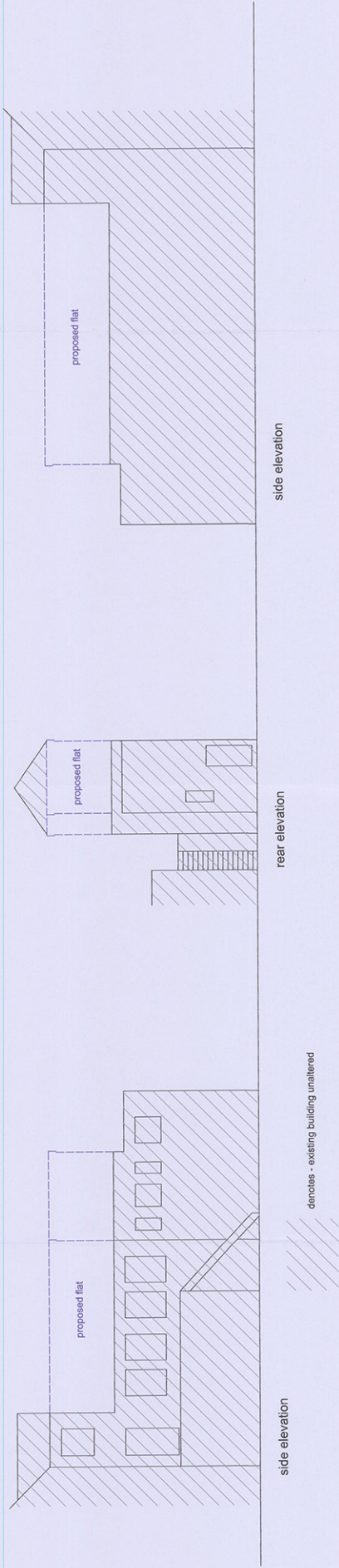
4. Street naming/numbering contact

5. Considerate construction

Article 35(2) statement

The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations, following negotiations with the applicant and subsequent amendments the application has been approved subject to appropriate conditions and for the reasons outlined in the officer report.

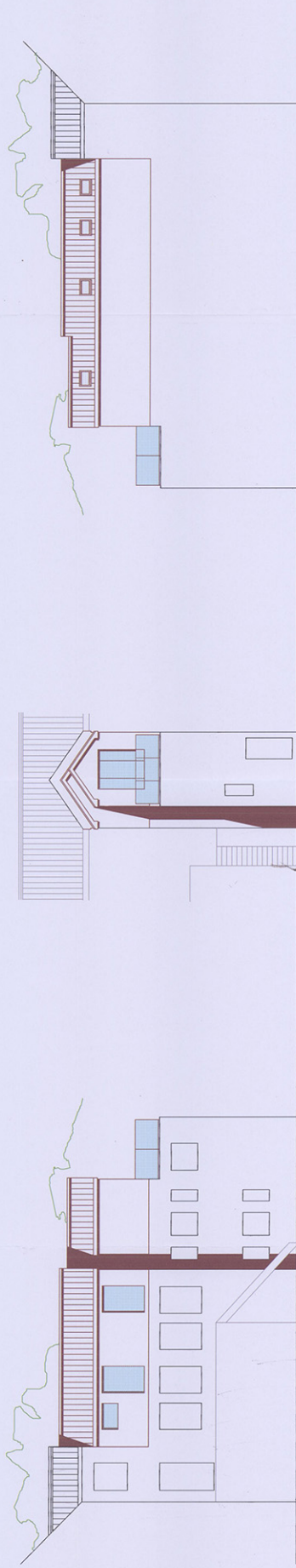
if in doubt ask ■ do not scale



existing retained
proposed

Client	Paul Holmes 61 Magdalen Street Norwich	Project	Proposed new flat
Drawing	updated planning	Dwg no	715 / 04
Date	05 / 09 / 15	Scale	1 : 100
			A1

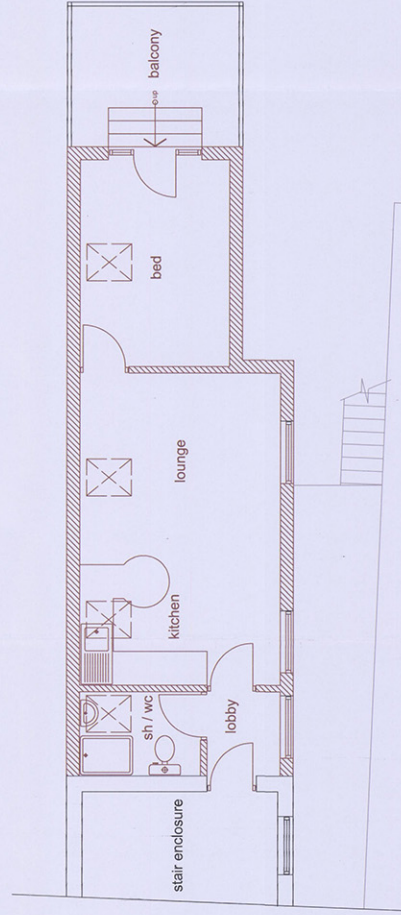
if in doubt ask ■ do not scale



side elevation (to flyover) 1 : 100 scale

rear elevation

side elevation



second floor plan 1 : 50 scale

Client	Project	Proposed new flat
Paul Holmes 61 Magdalen Street Norwich	revised planning	Dwg no 715 / 05
Date 08 / 10 / 15	Scale 1 : 50 / 1 : 100	Rev A1