

Report for Resolution

Report to Planning Applications Committee
Date 03 July 2014
Report of Head of Planning Services
Subject 14/00555/MA Site Of 118 Magdalen Road Norwich NR3
4AN

Item
5(5)

SUMMARY

| | | |
|---|--|------------------------------------|
| Description: | Material amendments to approved plans and details of previous permission 10/02009/F 'Mixed development comprising of: 1 No. small retail unit, 3 No. two bed terraced houses, 2 No. two bed apartments, 6 No. one bed apartments and ancillary works.' | |
| Reason for consideration at Committee: | Objection | |
| Recommendation: | Approve | |
| Ward: | Sewell | |
| Contact Officer: | Mr John Dougan | Planner (Development) 01603 212504 |
| Valid Date: | 18th April 2014 | |
| Applicant: | KD Impex Ltd | |
| Agent: | Parson & Whittlely Ltd | |

INTRODUCTION

The Site

Location and Context

1. The site is currently vacant and secured following the demolition of the Elm Tavern public house. The site has been cleared and levelled although site levels do vary and the site is slightly higher to surrounding garden and amenity spaces to the north/west. The north boundary of the site is adjacent to a footpath route which serves shops and flats along Magdalen Road. Immediately outside of the site on Magdalen Road is a bus stop. This part of the Magdalen Road/Lawson Road area has controlled on-street parking.
2. Buildings within the area are predominantly two storeys in scale. Magdalen Road itself is characterised by domestic scale buildings set back from the roadway with front garden spaces. The shops to the north of the site are slightly larger 2 storey buildings and generally sited at the back of footpath and are historic corner shop units.

Constraints

3. The site falls within the Magdalen Road local retail centre as defined on the Local Plan Proposals Map (policy SHO3 and SHO12). The Sewell conservation area is located further to the north of the site along Magdalen Road.

Planning History

4/1998/0731 - Alterations to rear elevation to provide access to patio (APCON - 05/10/1998)

09/00347/DEM - The demolition of The Elm Tavern, 118 Magdalen Road. (APPR - 12/05/2009)

10/01084/F - Mixed development of 12 No. flats, 2 No. houses and a 52.6m² retail unit with associated site works. (REF - 25/10/2010)

10/02009/F - Mixed development comprising of: 1 No. small retail unit, 3 No. two bed terraced houses, 2 No. two bed apartments, 6 No. one bed apartments and ancillary works. (APPR - 21/02/2011)

13/01663/D - Details of Conditions 3 and 10: External materials; Condition 4: Levels; Condition 5: Landscaping; Condition 12: Site access and Conditions 14 and 16 (part i and ii only): Contamination and ground conditions of previous permission 10/02009/F 'Mixed development comprising of: 1 No. small retail unit, 3 No. two bed terraced houses, 2 No. two bed apartments, 6 No. one bed apartments and ancillary works.' (APPR - 05/12/2013)

13/01794/NMA - Removal of communal drying area and relocation of cycle store. Removal of mid-terrace parapet wall detail to the roof of Block A. Omission of metal gates to the entrance doors of Block A. Re-configuration of roof of Block B. North west boundary wall to be demolished and reconstructed - non-material amendment to previous planning permission 10/02009/F. (REF - 22/11/2013)

4. Application 13/01663/D discharged a series of conditions relating to materials, levels, landscaping, site access and contamination / ground stability issues.
5. It is understood that works have commenced on site in implementing the original approval (10/0200/F) and various conditions discharged (13/01663/D).
6. Since starting the works, the applicant sought guidance from the local planning authority on the acceptability of a series of non-material and material amendments to the original approval. They were advised that these amendments would need to be assessed as part of new variation of condition application.

Equality and Diversity Issues

There are no significant equality or diversity issues.

The Proposal

7. An application has been submitted to vary condition 2 of the original approval (10/02009/F).
8. The description and key elements of the original approval will remain the same including a 1 no. retail unit, 3 no. two bed terraced houses, 2 no. two-bed apartments and 6 no. one bed apartments.
9. The current application does not seek to alter the above components. Nor does it wish to alter the general arrangement being block a fronting Magdalen Road and block b to

the rear and the parking turning area to the centre of the development. An additional parking space is proposed.

10. The scale and proportions of each of the blocks is also broadly similar except that the height of block b is increasing from 6.8 metres to 7.5 metres. The footprint of this block has also been altered to include a straight frontage instead of the approved stepped frontage.
11. The other variations are outlined in page 2 of the applicant's planning statement. The key changes (those not considered to be non-material) are summarised as follows:

Omit the masonry communal cycle stores and replace with a single prefabricated cycle store

Provision of revised access to the rear of plot 10

Omit the bin/cycle stores serving the retail unit and replace with a timber cycle shed and yard

Replace the boundary wall fronting Magdalen Road with a picket fence

Omit the arch feature over the vehicle underpass to the rear of block A

Amend arch feature over vehicular access to block A

Simplification of the fenestration and detailing to block A and B

Change window specification from composite aluminium / timber to upvc

Change specification of roof tiles to Block B from clay pan-tiles to concrete pan-tiles

Omit the communal drying area as the flats will be provided with washer dryers.
Area to revert to soft landscaping

Reconstruct north-west boundary wall following inspection by a structural engineer

12. In response to officer concerns about the impact of block b on the residential amenity of the neighbouring properties to the north and south, the applicant has submitted revised plans on 23rd June.

Representations Received

13. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 4 letters of representation have been received citing the issues as summarised in the table below.
14. Revised plans were submitted on 23rd June. An additional period of consultation was not required as the changes were considered to result in a positive change in terms of the residential amenity of adjoining properties and were similar to what was already approved in the previous application.

| Issues Raised | Response |
|---|---|
| Overdevelopment of the site | Paras 18, 19 and 30 - 31 |
| Concern about the potential overlooking from the 1st floor window above the retail unit to terrace of 126a Magdalen Road | Paras 23 - 24 |
| I hope the development has sufficient parking as the area is already overcrowded by cars | See paras 48 - 52 |
| It is important that the works are in accordance with the plans | See recommendation section of the report – condition 2. |
| The current development is considered to be an improvement, particularly the planting to the frontage | Noted |
| Some additional garden space to the frontage would have been beneficial, mirroring that of the properties on the other side. | Noted |
| The area does not need another shop | See paras 18 - 21 |
| The two-storey proposal is inkeeping with the area. | Noted |
| I trust the development will not cut out light getting to the cottages opposite | See para 29 |
| I prefer the previous plans as they have a better attention to detail and an asset to the street e.g. balcony features and larger windows | See paras 30 - 47 |
| The previous approval is more in keeping with the grade listed properties opposite | See paras 30 - 47 |
| The previous approval had a more pleasing symmetry which looked more attractive and mirrored the terracing of on the opposite side of the street. | See paras 30 - 47 |
| I don't like the awning which seems to extend beyond the shop over the neighbour property | See para 43 |
| The removal of the pitched roof is a positive | Noted |

Consultation Responses

15. Transportation – No objection

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

National Planning Policy Framework:

- Statement 6 – Delivering a wider choice of high quality homes
- Statement 7- Requiring good design
- Statement 11- Conserving and enhancing the natural environment

Relevant policies of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2011

- Policy 2 – Promoting good design
- Policy 3 – Energy and water
- Policy 4 – Housing delivery

Relevant saved policies of the adopted City of Norwich Replacement Local Plan 2004

- HBE12 – High quality of design, with special attention to height, scale, massing and form of development
- EP16 Water conservation
- EP22 – High standard of residential amenity
- TRA6 – Parking standards (maximum)
- TRA7 – Cycle parking standards
- TRA8 – Servicing provision

Other Material Considerations

- Written Ministerial Statement: Planning for Growth March 2011
- Emerging policies of the forthcoming new Local Plan (submission document for examination, April 2013):

Development Management Policies Development Plan Document – Pre-submission policies (April 2013).

- DM2 - Ensuring satisfactory living and working conditions
- DM3 - Delivering high quality design
- DM7 - Trees and development
- DM12 – Ensuring well planned housing development
- DM28 – Encouraging sustainable travel
- DM30 – Access and highway safety
- DM31 – Car parking and servicing

Procedural Matters Relating to the Development Plan and the NPPF

The Joint Core Strategy and Replacement Local Plan (RLP) have been adopted since the introduction of the Planning and Compulsory Purchase Act in 2004. With regard to paragraphs 211 and 215-216 of the National Planning Policy Framework (NPPF), both sets of policies have been subjected to a test of compliance with the NPPF. The 2011 JCS policies are considered compliant, but some of the 2004 RLP policies are considered to be only partially compliant with the NPPF, and as such those particular policies are given lesser weight in the assessment of this application. The Council has also reached submission stage of the emerging new Local Plan policies, and considers most of these to be wholly consistent with

the NPPF.

Policy DM2 is subject to a single objection raising concern over the protection of noise generating uses from new noise sensitive uses, this is not relevant here and therefore significant weight can be given to policy DM2.

Policy DM3 has several objections so only limited weight can be applied. However, paragraph 216 of the NPPF does state that where there are unresolved objections, the less significant the unresolved objections, the greater the weight that may be given. With this in mind, no objection has made to local distinctiveness. Therefore significant weight can be applied to this element of the policy.

Policy DM12 has several objections so only limited weight can be applied. However, paragraph 216 of the NPPF does state that where there are unresolved objections, the less significant the unresolved objections, the greater the weight that may be given. With this in mind, no objection has made to matters relating to character and amenity of the area so significant weight can be applied to these elements.

Policy DM30 is subject to an objection relating to the provision of accesses, it is considered that limited weight be given to this policy.

Policy DM31 is also subject to objections relating to car parking provision and existing baseline provision of car parking in considering applications it is considered that limited weight should be given the car parking standards of this policy at the present time with substantive weight to the other matters.

Housing supply

The Joint Core Strategy and Replacement Local Plan (RLP) have been adopted since the introduction of the Planning and Compulsory Purchase Act in 2004. With regard to paragraphs 211 and 215-216 of the National Planning Policy Framework (NPPF), both sets of policies have been subjected to a test of compliance with the NPPF. The 2011 JCS policies are considered compliant, but some of the 2004 RLP policies are considered to be only partially compliant with the NPPF, and as such those particular policies are given lesser weight in the assessment of this application. The Council has also reached submission stage of the emerging new Local Plan policies, and considers most of these to be wholly consistent with the NPPF. Where discrepancies or inconsistent policies relate to this application they are identified and discussed within the report; varying degrees of weight are apportioned as appropriate.

The NPPF states that where a 5 year land supply cannot be demonstrated, applications for housing should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up-to-date. In the light of the recent appeal decision on part of the former Lakenham Cricket Club it has been established that the Norwich Policy Area (NPA) is the relevant area over which the housing land supply should be judged. Since the NPA does not currently have a 5 year land supply, Local Plan policies for housing supply are not up-to-date. As a result the NPPF requires planning permission to be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the NPPF indicate development should be restricted".

The lack of an adequate housing land supply is potentially a significant material consideration in the determination of the proposals for housing. This is likely to considerably reduce the level

of weight that can be attributed to existing and emerging Local Plan policies which restrict housing land supply, unless these are clearly in accordance with specific restrictive policies in the NPPF. In this case there are no such policies that restrict housing land supply.

Principle of Development

16. The site is in an accessible location with access to public transport, cycle routes and shops and services within the local retail centre. It will also contribute to the city housing stock.
17. The principle of the key elements of the original approved scheme comprising a 1 no. retail unit, 3 no. two-bed terraced houses, 2 no. two bed apartments and 6 no. one-bed apartment has already been approved.
18. The current application does not seek to alter the above components. Nor does it wish to alter the general arrangement being block A fronting Magdalen Road and block B to the rear and the parking turning area to the centre of the development. Similarly, the scale and proportions of each of the blocks is also similar to that of the original approval.
19. The merits of the original scheme have already been deemed to be acceptable, being analysed with the previous delegated officer report dated 18 February 2011 (10/02009/F).
20. Therefore, the only issues under consideration are whether or not the changes outlined in paragraphs 9 – 12 are of an appropriate design, scale and layout which is sympathetic to the character and local distinctiveness of the area; is sympathetic to the amenities of neighbouring properties; provides satisfactory access and parking and the provision of appropriate landscaping.

Impact on Living Conditions

Overlooking

21. There are no new windows proposed to sensitive areas to the rear. In fact, the reduction in size of many of the windows and deletion of the Juliet balconies will reduce the degree of overlooking compared to what was originally approved.
22. Specifically, in relation to the concerns raised by no.126 about the overlooking of their rear terrace. This window is being reduced in size and the Juliet balcony removed. This change coupled with the fact that this window does not directly overlook their terrace will mean that no significant loss of privacy will result.

Overbearing and overshadowing

23. It is acknowledged that scale and proportions of the rear block will change, including an increase in height from 6.8 metres to 7.5 metres.
24. In the previous application concern was raised with the agent regarding the impact that block B may have upon the neighbouring properties on Waterloo Road and 1 Taylor Court. Due to the distances involved and the changes in level, it was felt that the block could be overbearing and could potentially result in overshadowing, loss of light and overlooking to the neighbouring properties. In that application, the agent agreed to

reduce the height of the roof, providing a section drawing to show its relationship with the adjoining properties on Waterloo Road and the possible line of overshadowing. In that application, it was concluded that the applicant had satisfactorily demonstrated that the impact upon the living conditions of the neighbouring properties is acceptable and is not unusual in such an urban location.

25. The applicant has agreed to reduce the height of the ridge from 7.7 metres to 6.8 metres and also slightly move the footprint of unit 9 to what was originally approved. This means that the current proposal will not result in any additional impacts in respect of overbearingness and overshadowing to the key receptors to the north and south.
26. The revised plans were received on 23rd June. An additional period of consultation was not required as the changes were considered to result in a positive change in terms of the residential amenity of adjoining properties.
27. A resident from one of the cottages on the opposite side of the road expressed concern about loss of light. The scale and profile of block A remains unchanged to what was previously approved is very similar to those of adjoining properties. This factor coupled with the separation distance will mean that the development will not result in significant loss of light to the properties opposite.

Scale, design and layout

28. The development as a whole was already deemed to be sympathetic to the character of the area in the previous approval. Whilst the site is not within a conservation area, the street does contain a relatively consistent line of terraced properties and listed buildings which play a positive role in the area's character. It is acknowledged that the proposal does not replicate the listed buildings on the opposite side of the road. However, the profile and scale of block A is still considered to be similar to the other predominant examples in the wider area, ensuring that the development sits sensitively in the street scene and not significantly affect the setting of the listed buildings.
29. The footprint and layout of the development is essentially the same as what has already been approved resulting in a development which is proportionate to the size of the plot, providing adequate levels of parking, turning, landscaping and private amenity space for the residents.
30. The scale and footprint of block A will remain unchanged, from what has already been approved. However, B has been changed to include a more conventional flat frontage instead of the staggered frontage and is 0.7 metres higher.
31. Whilst this increase will appear minimal, it does make the roof structure appear a little top heavy and making the building appear more overbearing from the perspective of adjoining properties.
32. The staggered frontage to block B would have been the desired option. However, as the building is to the rear of the site, the change will be less visible in the street scene, meaning the impact on character of the area will be minimal. The applicant has also agreed to lower the height of the ridge by 0.7 metres, in effect replicating what has already been approved.

33. The revised access arrangement to the rear of unit 10, together with the use of tarmac instead of paving slabs is considered to be acceptable as it will be relatively hidden from public view.
34. The replacement of the bin and cycle storage to the rear of the retail unit will have a negligible effect on the appearance of the scheme. The timber alternative is deemed to be adequate, with the yard having adequate space for bin storage. However further details of the timber cycle storage will be required.
35. The omission of the communal drying area for units 4 – 8 is not ideal as it means that those occupants will not have access to external drying areas. That being said, the agent has confirmed that those units will have access to washer / dryer facilities within their respective dwellings. The upshot of this is that the area in question will become an communal area of open space
36. The amendment to the arch feature to the frontage and its omission from the rear elevation of block A is considered to be acceptable. This is due to the revised arrangement which simplifies the frontage of the group to be more reflective of the roof profile of the neighbouring properties being sympathetic to the visual amenities of the street scene.
37. It is acknowledged that the new frontage to Magdalen Road will have an entrance door removed. Whilst the front doors help provide movement to the street scene, the frontage will still have 2 no entrance doors serving the dwellings and a door serving the retail unit. This will mean that the revised scheme will still deliver a degree of movement and vitality to the street scene.
38. Replacing the brick wall with a picket fence is considered to be a positive change, allowing the landscaping in the small front gardens to be visible, helping soften the appearance of the built form when viewed from the streets.
39. It is understood that the proposal now includes the demolition and re-construction north-west boundary using combination of conventional brick and close boarded fencing. It is worth noting that the current permission had a condition (9) imposed to ensure that the wall was re-instated to an appropriate standard. This was due to parts of the wall containing some materials taken from the city.
40. The site is not within a conservation area, nor is the wall listed. Nevertheless, the detailing proposed for the replacement wall is considered to be rather unimaginative and that other more sympathetic alternatives are considered achievable such as a flint/brick combination. It is therefore considered that the proposed wall detail is not acceptable, but not itself significant enough to warrant refusing the application. It is therefore recommended that further details be secured by condition.
41. The awning above the retail unit is similar to what has already been approved in the previous application. It is of a scale and design which is subordinate to the main façade, ensuring that it will be sympathetic to the appearance of the block A and the visual amenities of the street scene. However, in the interests of clarity, it is recommended that a condition be imposed, seeking samples of the materials used in the awning and associated cladding.
42. Many of the other changes will include the simplification of the fenestration to the front and rear of each of the blocks including the provision of white Upvc windows instead of

aluminium / timber framing. The reduction in size of the windows and deletion of the Juliet balconies are considered to be sympathetic to the appearance of the scheme and the visual amenities of the street scene.

43. It is noted that the applicant is of the view the use of this type of white Upvc window will not compromise the appearance of the development as the site is not within a conservation area and that cost savings such as these are needed to deliver a viable scheme.
44. The above argument is not fully accepted due to the developments close proximity to grade 2 listed building and the Sewell Park Conservation area. Similarly, reducing cost cannot be a sole reason for accepting a less appropriate solution. Discussions with the Council's conservation officer indicate that there are other Upvc solutions which may be available and cost effective.
45. Weighing up the above factors, further details relating to the type of window is considered necessary and reasonable on this occasion, ensuring that the detailing of the development is sympathetic to the surrounding context. Furthermore, clarification of details (including samples) relating to the type of brick and tile are also considered to be necessary to make sure that the scheme delivers in appropriate impact.

Transport and Access

Vehicular Access and Servicing

46. This aspect of the original approval remains relatively unchanged.

Car Parking

47. The revised development will include 12 no. parking spaces, one more than what was already approved under the original scheme. Whilst 11 spaces is considered to be sufficient for a development of this size, the additional of one more space is not considered to be significantly at odds with parking policy.
48. The Local highway authority deems this arrangement to be acceptable.

Cycling Parking

49. The robust cycle storage previously located to the south of unit 9 and to the west of unit 2 was originally deemed to be an adequate provision which would enhance the cycling experience for residents and encourage sustainable modes of transport.
50. The revised arrangement comprises a single communal storage solution to the west of unit 2. It is regrettable that a less robust cycle storage solution has not been proposed, especially in light of the provision of an additional parking space. That being said, the revised arrangement is still considered acceptable providing a degree of covered storage within a visible and accessible part of the site.

Other matters

Site Contamination and Remediation

51. The previous approval was subject to an application to discharge conditions 3 and 10: External materials; Condition 4: site levels; Condition 5: Landscaping; Condition 12: Site access and Conditions 14 and 16 (part i and ii only): Contamination.
52. The details submitted were deemed to be acceptable to discharge the above

conditions. With this in mind, it is considered that any new permission need not have any conditions relating to the above, but instead include the approved details as part of this application.

Trees and Landscaping

Loss of Trees or Impact on Trees

53. The tree and landscaping provision within the site is broadly similar to what was already approved in the recent discharge of condition application.
54. However, the revised scheme does include a slight change to the landscaping arrangement to the south west corner of the site due to the increase in parking and removal of the communal drying area discussed earlier in the report.
55. It is regrettable that the above revisions include the removal of a tree which would have helped soften the appearance of the parking / turning area from the perspective of the new occupants. The agent has confirmed that the reason for this is because that lack of future maintenance of the tree in the future would mean that it would overshadow the ground floor window of the nearby flat. However, as the area which was formally to be used a drying area will now contain a similar tree, the loss of tree is on balance considered to be acceptable.

Local Finance Considerations

56. Under Section 143 of the Localism Act the council is required to consider the impact on local finances, through the potential generation of grant money from the New Homes Bonus system from central government. The completion of new dwellings would lead to grant income for the council. This must be balanced however with the other key consideration of residential amenity as outlined above.

Planning Obligations

57. The original approval was subject to a section 106 agreement to pay to the City a Transport Contribution. This obligation has now been fully discharged and therefore there is no need for a legal agreement on any approval.

Equality and Diversity Issues

58. None

Conclusions

59. The principle of acceptability of such a development has already been established in the previous approval. The revisions contained in this application are considered to be of a scale, design and layout which are sympathetic to the visual amenities of the street scene and wider character of the area.
60. The development will not result in significant loss of amenity of any neighbouring

properties.

61. The revised layout is considered to provide adequate levels of landscaping, parking, turning for residents.
62. Other matters related to contamination, stability and site levels have already been addressed in the recent discharge of condition application. With this in mind, it is considered that any new permission need not have any conditions relating to the above, but instead include the approved details as part of this approval..
63. Details relating to the boundary wall and external materials can be secured by condition.

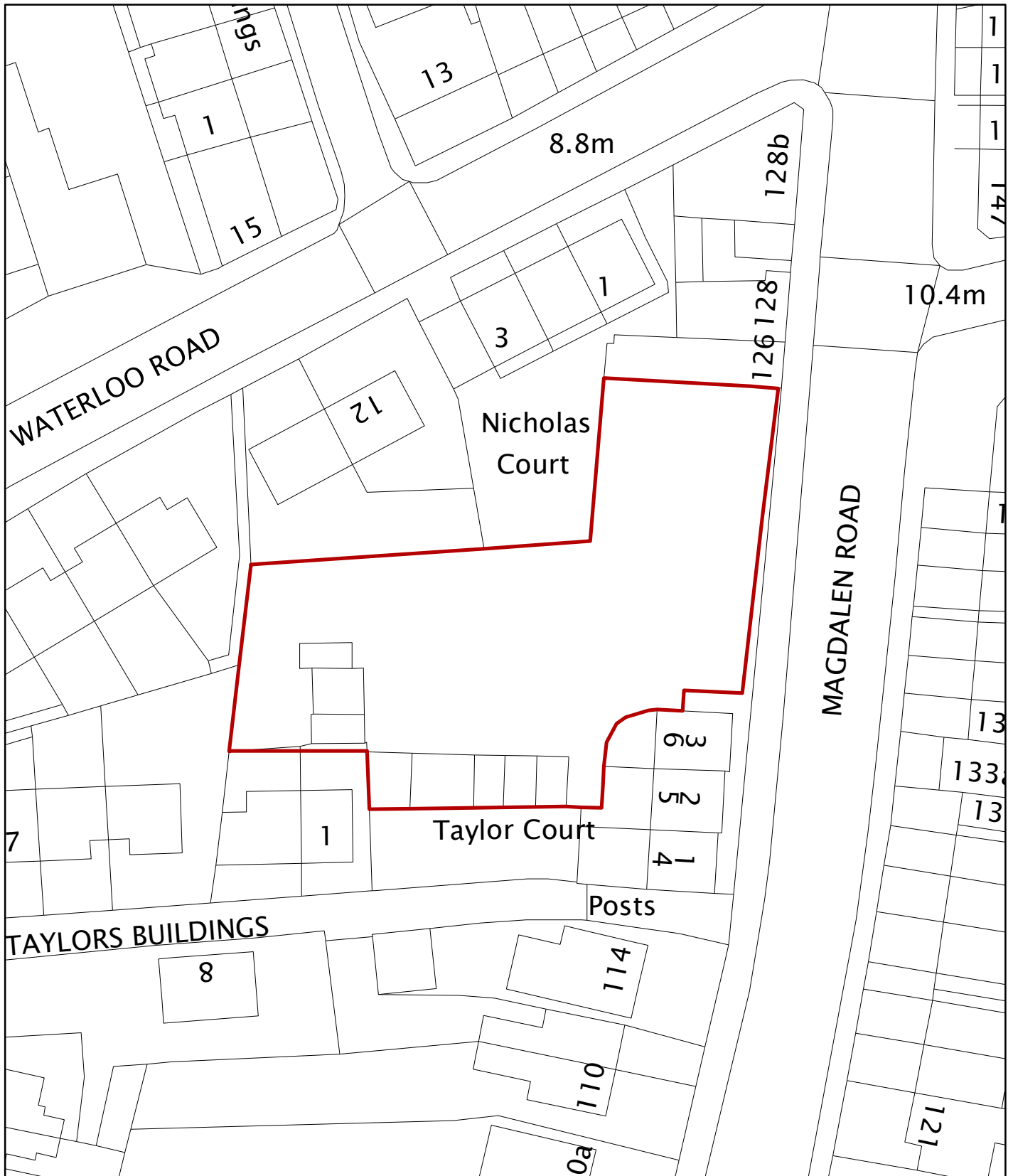
RECOMMENDATIONS

To approve Application No (14/00555/MA at site of 118 Magdalen Road, Norwich) and grant planning permission, subject to the following conditions:-

1. Time limit
2. In accordance with the approved plans
3. Details of the timber cycle storage to the rear of the retail unit
4. Details of boundary wall treatment
5. Details and samples of external materials (windows, bricks, roof tiles and shop frontage)
6. Implementation of landscaping.

Article 31(1)(cc) 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 the application has been approved subject to appropriate conditions and for the reasons outlined above.



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Planning Application No 14/00555/MA

Site Address Site of 118 Magdalen Road

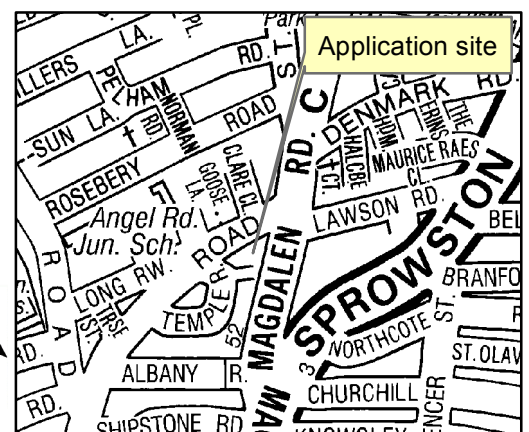
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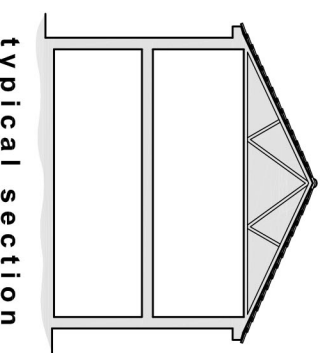
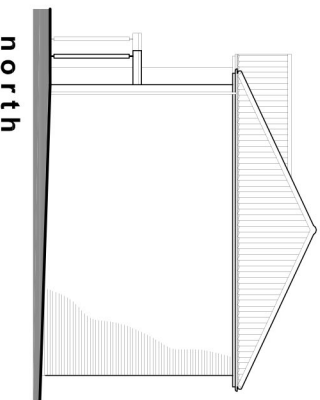
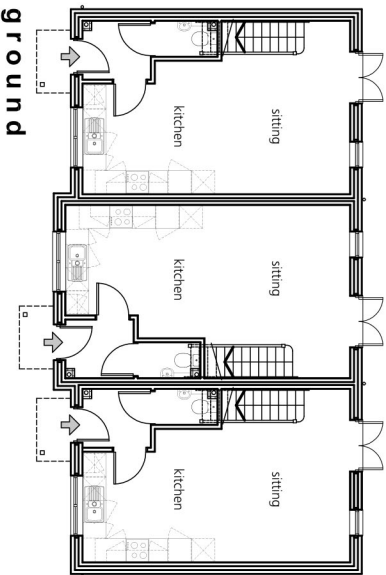
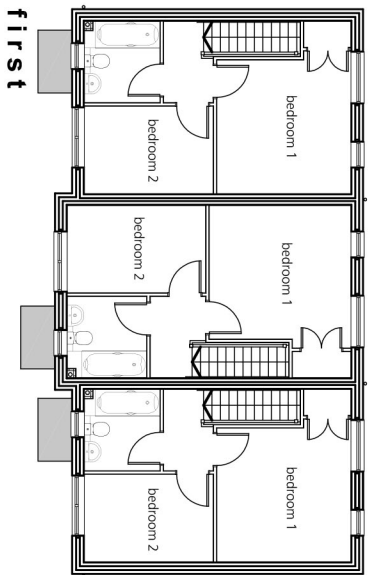
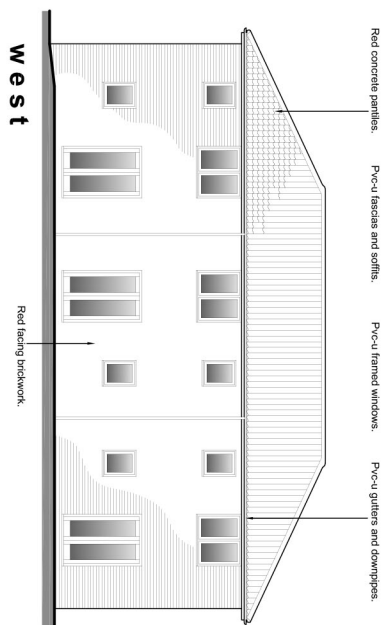
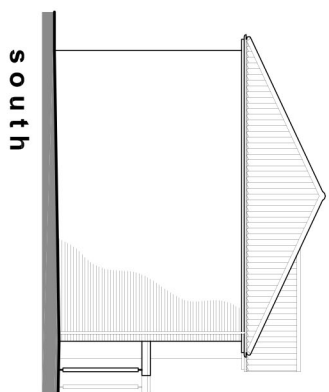
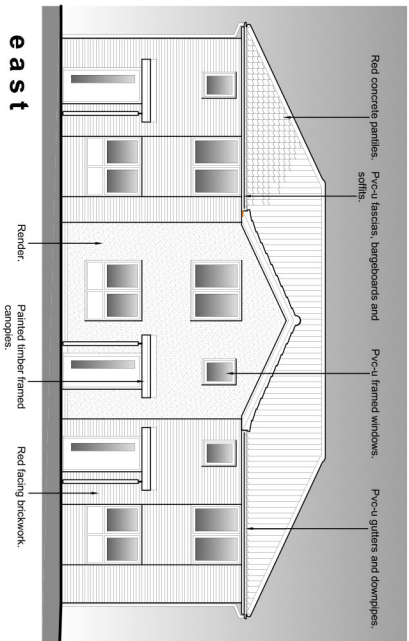
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NORWICH
City Council

PLANNING SERVICES





**floor plans, elevations
and section**
(scale 1:100)

Project :
Residential Development,
Former Elm Tavern Site,
118 Magdalen Road,
Norwich NR3 4AN.

Client :
KD Implex Ltd.

Title :
Block B

Date : 23.06.14
Revision Details :
A - floor pitch reduced from 30 to 25 degrees.

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