

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

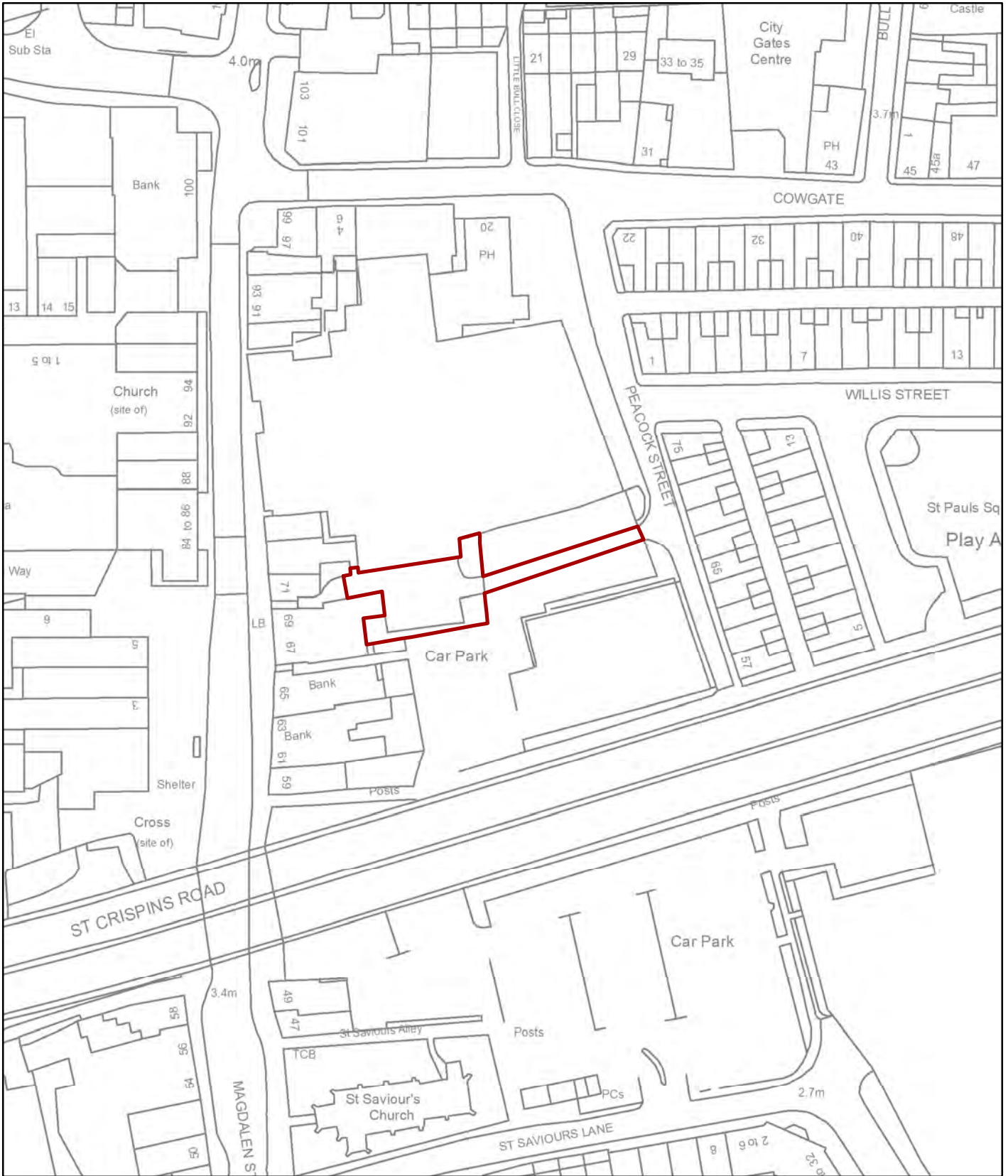
4(b)

Reason for referral Objections

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

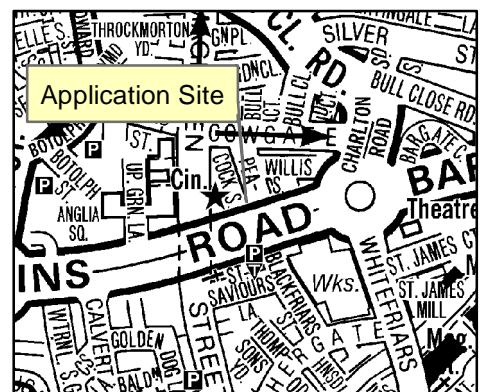


© Crown Copyright and database right 2020. Ordnance Survey 100019747.

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



NORWICH
 City Council
 PLANNING SERVICES



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)

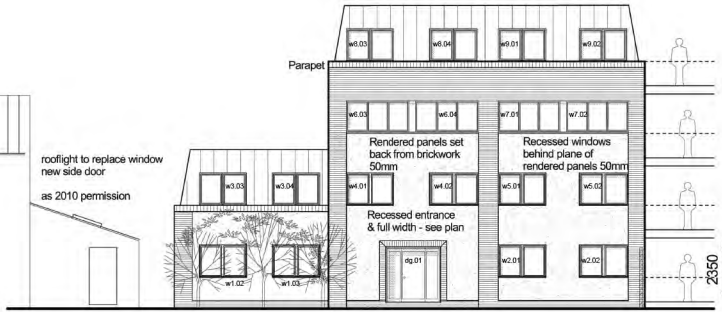
Mansard Roof
 Black Eternit Slate

ROYS (dotted)

ROYS

Heritage pallet Render
 Soldier Courses Feature Brickwork

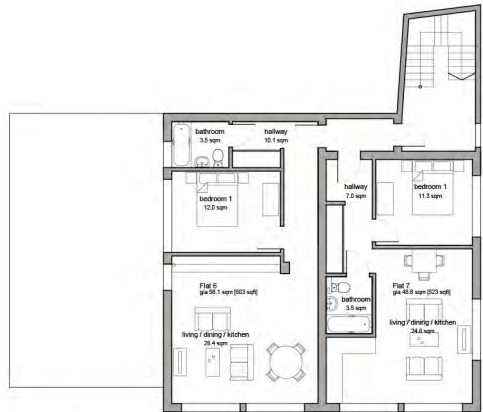
Brown powder coated window and door frames



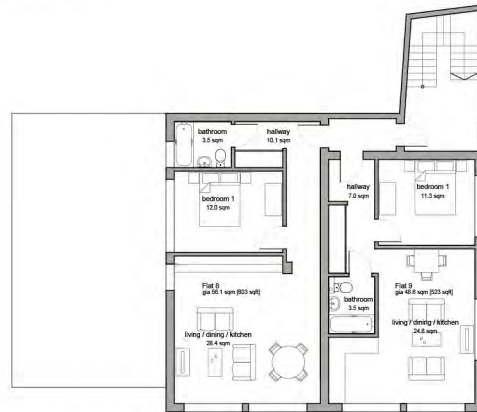
South Elevation 1:100

East Elevation 1:100

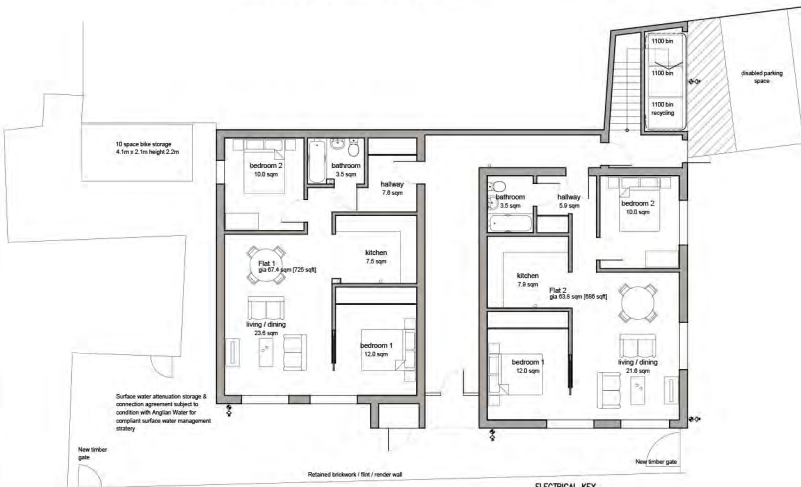
West Elevation 1:100



Proposed Flats 6-7 Second Floor Plan 1:100



Proposed Flats 8-9 Third Floor Plan 1:100

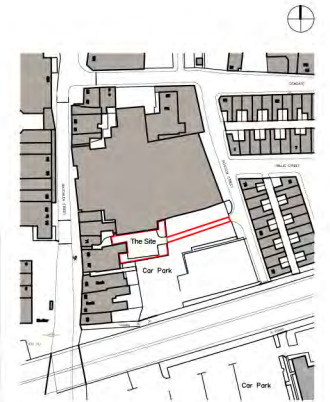


Proposed Flats 1 & 2 Ground Floor Plan 1:100

ELECTRICAL KEY
 SWHT FITTINGS
 CONCRETE WALL WITH REINFORCING BARS
 MODULATED GIB WITH 50mm INSULATION

Schedule

Schedule	Beds/Person	Internal Fl. Area sqm [sq ft]
Flat 1	2b/2p	67.4 (725)
Flat 2	2b/2p	63.8 (690)
Flat 3	1b/2p	51.2 (551)
Flat 4	1b/2p	44.5 (479) studio flat
Flat 5	1b/2p	48.0 (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)



location plan 1:1250

Date	Revision	Description	Drawn	Checked
10.10.19	C	Existing disabled parking bay indicated. Bin doors altered to roller shutter	smg	PNW
08.11.19	B	Amended to show location	smg	PNW
10.10.19	A	Amended to accord with Norwich City Council registration letter point 1	smg	PNW

peterwellsarchitects
 office firm, 16thvingham, wycollridge, suttonville, IP13 7RA - 01728 745306 - info@peterwellsarchitects.co.uk

Project: **67-69 Magdalen Street, Norwich NR3 1AA**

Disc Title: **Proposed Floor Plans & Location Plan**

Client: **Norson Construction Group** Disc Status: **Planning**

Date: **July 2019** Scale: **1:100, 1:1250 @ A1** Disc No.: **PW1029_P10** Revision: **C**

©2019 Peter Wells Architects. This drawing was prepared for the Client, Project 67-69 Magdalen Street and the project is the Property. Peter Wells Architects undertakes no responsibility for anyone who uses this drawing for any other purpose than that intended. This drawing is to be read in conjunction with all relevant drawings and specifications. All rights reserved. 01728 745306. 100% ARCHITECTURAL RECORDS. 100% WELL & ARCHITECTS