



PLANNING APPLICATIONS COMMITTEE

9.30am to 2.10pm

8 May 2014

Present: Councillors Bradford (chair), Gayton (vice chair), Ackroyd, Blunt, Brociek-Coulton, Button, Grahame, Gihawi (substitute for Councillor Sands (S)), Jackson, Little, Neale and Storie

Apologies: Councillor Sands (S)

1. SITE VISIT TO GLADSTONE HOUSE, 28 ST GILES STREET, NORWICH, NR2 1TQ

Members of the committee (as listed present above) undertook a site visit to Gladstone House, 28 St Giles Street, Norwich, before the start of the committee meeting at 9am.

2. DECLARATION OF INTERESTS

Councillor Brociek-Coulton declared an other interest in item 5, Application no 13/01928/F land and buildings rear of and including 293 - 293A Aylsham Road Norwich, as the council's appointed member of the Broads Authority.

3. MINUTES

RESOLVED to approve the minutes of the meeting held on 3 April 2014.

4. APPLICATION NOS 13/01296/F AND 13/01297/L GLADSTONE HOUSE, 28 ST GILES STREET, NORWICH, NR2 1TQ

The head of planning services introduced the report and referred to the controversy of the application and pointed out that some of the issues that were controversial did not relate to planning matters. There were three points of the process which members should be aware of.

Firstly, the city council as local planning authority could lawfully determine both applications. The applicant was Ash Sakula Architects on behalf of the Writers' Centre Norwich, a literature development agency and registered charity. The council was a minority funder of the charity and appointed an observer to its board. There was no agency agreement. The council owned the freehold of Gladstone House which was leased to the charity on a long term lease similar to that for the Britons Arms, Elm Hill. There had been a suggestion that because of the council's involvement it could not determine the listed building consent and that the applicant

was a mere agent of the council. Legal advice had been sought and it was clear that there was no agency agreement. The applicant had made the application for its own sake and benefit and was not acting on instructions from the council. The regulations were clear and the council had no discretion but to determine the application itself rather than being required to refer it to the Secretary of State to determine it. Furthermore there was no duty to refer the application to the Secretary of State because it was not a Grade II* listed building nor did it involve significant demolition. This was somewhat irrelevant, however, as the National Planning Case Work Unit had requested that the Secretary of State would like an opportunity to call in the applications should the council approve planning permission, which had been accepted. Therefore the recommendation was to approve the applications subject to giving the Secretary of State three weeks in which to call it in before any planning consents were released.

The head of planning services said that the planning application had been subject to extensive consultation which began at the end of September 2013. He explained the reasons for the applications being deferred from committee on 6 March 2014 and 3 April 2014. He confirmed that the proper notice had been served on 9 April 2014 and consultation had closed on 7 May 2014. All the representations received to 28 April 2014 had been summarised in the main report and those received after that date had been summarised in the supplementary report of updates to reports (which was circulated at the meeting). He considered that the consultation had been thorough and that there had been sufficient opportunity for people to submit representations.

In response to the complaint that the comments from the conservation and design officer had been ignored, the head of planning services said that the comments were available on the council's website as part of the planning consultation and although part of the planning service, conservation and design was a consultee. The conservation and design officer had viewed the proposals to the Grade II building as "substantial harm"; however there was disagreement between officers and the head of planning services had taken the overall view that the degree of harm amounted to "less than substantial harm". All the comments of the internal planning services were available on the council's website. These had not been ignored and, in part, had informed the report and the proposed conditions but on this key point had not been accepted.

The planner (development) officer presented the report with the aid of plans and slides. The head of planning services then referred to the report and presented the issues relating to listed buildings as set out in paragraphs 15 to 17, *Statutory duties relating to listed buildings, setting of listed buildings and conservation areas*, and the sections of the report under the heading, *Design, conservation and impact on listed building*. He advised members that if their conclusion was that the proposal would cause "substantial harm or total loss of" designated heritage assets, in accordance with the National Planning Policy Framework (NPPF); then they should refuse the applications. However he considered that the proposal would cause "less than substantial harm" to the listed building and that the applicant had given "clear and convincing justification" for the proposals and that this view was shared by English Heritage. The proposal to remove the 220 year old secondary staircase would cause some harm but was not the most significant feature of the building and should be weighed against the installation of a platform lift, allowing disabled access to all floors of the building and opening up the building to public use. The removal of brick work on the rear elevation would cause some harm to the fabric of the building but

was relatively minor and necessary to allow circulation to the court yard space and the café. He advised members that the most contentious part of the scheme was the proposal for the auditorium to the rear of the building and the loss of garden space. The garden was now only 15% to 20% of the original size that had comprised an orchard and bowling green. The view to the rear elevation had been harmed when the garden had been developed for the fire station in the 1930s and more recently, Old Barley Market. Whilst the loss of a private view was not a material planning consideration, it was worth noting that the garden building would disrupt the view of Gladstone House from the houses in Old Barley Market. The applicant's justification for the auditorium was that it was intended to use the building to stage showpiece events and was critical to the centre's operation. Members were also advised that the level of investment in the building that the proposal would deliver was unlikely to be matched by any other alternative proposed use that could be realistically envisaged at the current time.

Five members of the public then addressed the committee and outlined their objections to the proposals, which included: concern that the change of use was for an elite group; concern about emergency egress/access from the rear building; that access through the passageway was inadequate; that there had been no traffic impact survey in St Giles Street; that the auditorium was too large and overbearing; 321 people had signed a petition to object to the proposals; lack of publicity in the press about the proposals; that there should be the planning applications should be for Gladstone House and separate planning permission sought for the auditorium; that the auditorium is unnecessary and that there were alternative, underused venues, for events that the centre could use; that the harm to the building would be "significant" and that other buildings should be considered first, such as brownfield sites and derelict sites with land available for parking; and that the scheme should be redesigned by a local architect. There was some support for a nationally acclaimed writers' centre in Norwich.

A representative on behalf of the Norwich Society said that it supported the proposals in principle. The society would have preferred the front door to be used as the main entrance to the building [rather than encouraging access via the side and rear]. There were concerns about the narrow access on the east boundary. The auditorium would be overbearing and detract from the views of the rear elevation of Gladstone House. The society recommended that the committee deferred consideration of the proposals and that the architect redesigned the scheme.

Five people spoke in support of the application, including the writer of the original bid for funding and the chair of the Writers' Centre Norwich. The chair advised the speakers, in support of the application, that the committee would only take account of material planning considerations when making its assessment of the applications and to address their comments accordingly. The comments included: the value of the national centre and funding to the vitality of the city; that the location was perfect, situated in the arts and cultural quarter of the city and that the auditorium would provide a purpose-built venue for intimate events; the annex would provide accommodation for writers in residence; that the centre had funded local schools to provide books and would provide jobs for local people; the facility would provide public access to enjoy the listed building; that the garden of the building had already been reduced to 20% of its original size and that the proposals would therefore not harm it; and that, once operating, the centre would attract visitors nationally and internationally and could host literacy festivals, which would contribute to the vitality of the city.

The applicant then spoke in support of the application which had been developed over three years and explained that a key part of the development was to make the building sustainable. Other sites would not help deliver the ambition of the project. The scheme would allow public access to the building which was currently not available.

The head of planning services and the planner referred to the report and responded to the issues that had been raised by the speakers. A sequential test, looking at alternative venues, had not been a requirement for this application. Some of the issues surrounding emergency access would be dealt with under building regulations. The fire service had been consulted and was content with the safety of the access arrangements. There had been no traffic survey and it had not been required. The site was in a central location and the applicant had submitted a transport strategy. It was not possible to provide level access to the front entrance and therefore the applicant was keen to promote inclusive access to the building from the rear which was suitable for wheelchair users.

Discussion ensued in which the head of planning services, the planner and the planning solicitor (nplaw) referred to the report and answered members' questions. When commenting on the application members stated that, whilst they welcomed the funding of an international writers' centre in the city, their concern in assessing the applications was on the material planning considerations and their role as a member of the committee independent from the council's other involvement with the charity.

Members were advised that the architect's model was to scale and had been displayed at public consultation meetings. A member suggested that to mitigate concern about noise people should be prevented from congregating in the courtyard after 10pm. Members were advised that the management plan stipulated that external furniture would be removed from the courtyard after 10pm in order to discourage people from congregating in this area and that egress would be through the building and out the front door, except for disabled users. The management plan could be amended further to discourage people from congregating in the courtyard and members suggested that officers could discuss this with the applicant. There was a no smoking policy on the entire site. The adjacent Loch Fyne restaurant had a late night seating area and 10.30pm was not considered too late for this location. The auditorium itself would act as a noise buffer to the courtyard. Members were also advised that the "speakeasy" and the teaching/conference rooms could not deliver the same use as the proposed auditorium. There would be no more than 140 people on site. One member pointed out that the auditorium had only two spaces for wheelchair users. The "speakeasy" was not a public facility unlike the café and would provide a facility for users of the centre. A member was advised that condition 4 of the listed building consent contained provision for a photographic record of the building in its current state to be retained.

During discussion members considered the use of the narrow passageway. It was suggested that at present people used the opening in the side wall of the garden of Gladstone House to pass other pedestrians. It was noted that the times that it was its busiest, such as at the end of a performance at the theatre, most users were going in the same direction. The doorway was slightly recessed and would provide some scope for people to pass each other when it was closed but significantly more when it was open. The passageway might be widened as part of any future redevelopment

of the rear of City Hall but there were no plans for this at present and pinch points would remain where walls could not be moved.

The chair asked whether it was possible to separate out consideration of the proposals for the house and annexe from the development in the rear garden. The head of planning services advised that members should consider the applications in its entirety. The noise assessment was predicated on the baffling effect that the garden building would provide. The majority of the committee considered that the proposals for the house and annex were not controversial and that the applicant had provided justification for the "harm" to the listed building. However there was more concern about the impact of the garden auditorium.

Discussion ensued. A member pointed out that concerns about noise generated from the development and the amenity of the residents should be considered in the context of the location and other restaurants and premises operating in the area. Members were advised that the location was in the heart of the art and culture zone in the city's development plan to maximise the use of the city centre. There were parking controls in place and the change of use would enhance and not detract from the city's vitality. The majority of members welcomed the proposed use and its benefits to the city but noted that consideration of the application should be on its planning merits.

A member suggested that the auditorium could be sunk into the ground in order to reduce its impact and that he was not convinced that technical and accessibility issues could not be overcome. Some members considered that the design was a good structure, with the glass complementing the older buildings and facilitating a good view of the rear elevation of Gladstone House. Other members held reservations about the form and design of the building, which they considered to be detrimental to the setting of the listed building. The head of planning services and the planning solicitor advised members that if they were minded to refuse the application they should give some indication to the applicant as to whether it was the particular design or the principle of the auditorium development that was unacceptable. Members were advised against deferring consideration of the application. Several members considered that the principle of the proposal was acceptable except for the current design of the auditorium, which was considered to be overbearing and over-development. Other members were supportive of the proposal with some regret about the shading to the courtyard. One member considered that the structural changes to the listed building and the construction of the auditorium were inappropriate and unacceptable.

Councillor Neale proposed and Councillor Grahame seconded that planning permission and listed building consent should be refused on the grounds of the unacceptable detailed design of the auditorium building in the garden which, in terms of its scale and height would harm the character and setting of Gladstone House, without sufficiently clear and convincing reasons to justify such harm having been put forward by the applicant which in policy terms contrary to paragraphs 32 and 34 of the NPPF. On being put to the vote with 5 members voting in favour of refusal (Councillors Ackroyd, Brociek-Coulton, Grahame, Jackson and Neale) and 7 members voting against (Councillors Bradford, Gayton, Blunt, Button, Gihawi, Little and Storie) the motion was lost.

Councillor Gayton, the vice chair, then moved, seconded by Councillor Button, that the recommendations contained in the report, subject to requesting the head of

planning services to negotiate with the applicants to amend the management plan further to discourage use of the courtyard after 10pm.

RESOLVED with 8 members voting in favour (Councillors Bradford, Gayton, Blunt, Button, Gihawi, Grahame, Little and Storie), 3 members voting against (Councillors Ackroyd, Brociek-Coulton and Jackson) and 1 member abstaining (Councillor Neale) that:

- (1) Subject to receiving confirmation from the Secretary of State on whether he wishes to call in the application, or, if no confirmation has been received within three weeks of the committee resolution of the application, to approve application no 13/01296/F and grant planning permission subject to the following conditions:-
 1. Standard time limit.
 2. Development to be in accordance with plans.
 3. No works shall take place on the site in pursuance of this permission until the following details have been submitted to and agreed in writing with the local planning authority:
 - (a) details of all external joinery [to include the proposed main and service gates to the garden east wall, the proposed inward opening doors and split cill below 2 No. ground floor rear elevation windows of 28 St Giles Street, and all new external doors] to include depth of reveal, details of heads, sills and lintels, elevations at a scale of not less than 1:20 and horizontal/vertical frame sections (including sections through glazing bars) at not less than 1:2;
 - (b) details of proposed roof lights: round roof lights over proposed outdoor toilets (6 No.); and roof lights over lift shafts (2 No.) which should be flush fitting 'conservation' type roof lights;
 - (c) details of external flues, background and mechanical ventilation, soil/vent pipes and their exits to the open air;
 - (d) large scale details of proposed eaves and verges at a scale not less than 1:20;
 - (e) details of external decoration to render, joinery and metalwork;
 - (f) details and samples of external roofing materials (to inc. lead) including manufacturer, product name and colour;
 - (g) details and samples / sample panels of; brick, bond, pointing style, mortar mix and coping detail for: proposed garden south and east walls; new brickwork to south and west elevations of 'Annexe' building; new elements of brickwork to east wall of 'Annexe' building (inc. rubbing brick flat arch lintels over new 1st floor windows); and brickwork to proposed auditorium building and outdoor toilets & bin store buildings.
 - (h) details of rainwater goods (see informative for further detail)
 - (i) full details of the proposed external spiral staircase to 26 St Giles Street
 - (j) details of proposed Photovoltaic Panels – (to include sections (to show slim profile and flush fitting), roof attachment details, trade literature / images and structural calculations (to show that the historic roof (including any historic timber structural members) is capable of withstanding the proposed load).
 - (k) details of the proposed new garden walls (to east and south boundaries).
 4. No installation of any amplified sound equipment shall take place within the application premises unless details of the maximum noise levels, expressed in dB LAeq (5 minute) and measured at a point 2 metres from any loudspeaker forming part of the amplification system, have first been submitted to and

approved in writing by the Local Planning Authority. Thereafter the maximum noise levels from any amplified sound equipment within the premises shall not exceed those approved at any time.

5. No extract ventilation system shall be installed or erected on the site unless in accordance with a detailed scheme that has been submitted to and approved in writing by the local planning authority. The detailed scheme shall include the position of ventilation flue outlet points and the type of filtration to be installed and used in the premises in pursuance of this permission, together with a schedule of maintenance. No use of the premises as hereby permitted shall take place unless the approved scheme has been installed and is operational and thereafter it shall be retained in full accordance with the approved details and the maintenance of the extract ventilation system shall be carried out in accordance with the scheme as agreed.
6. No development shall take place until a scheme specifying the maintenance schedule for the approved extract ventilation or fume extraction system specified in document/ drawing ref. [] has been submitted to and agreed in writing with the Local Planning Authority. Following installation, the maintenance of the system shall be carried out in accordance with the scheme as agreed.
7. The installation of any plant or machinery on the premises shall be in accordance with a scheme approved by the Council as Local Planning Authority for the reduction, where necessary, of the level of noise and vibration emanating from the premises.
8. No use of any plant or machinery shall take place on the premises unless it has been adequately enclosed with sound insulating material, and also mounted in such a way which will minimise transmission of structure borne sound, in accordance with a scheme to be first approved in writing by the local planning authority.
9. No loudspeaker, amplifier, relay or other audio equipment shall be installed or used outside the building.
10. No use of the premises as the National Centre for Writing unless in full compliance with the approved Management Plan
11. No use of the premises as the National Centre for Writing shall take place until sound insulation measures have been installed in accordance with a scheme to be submitted to and agreed in writing by the local planning authority and shall be retained as such thereafter. The scheme shall satisfy the standards set out in par.5.1 of Section 5 of the Acoustic Assessment report ref.10872/1 [received 08 August 2013]
12. No use of the premises as the National Centre for Writing until a scheme for how the NCW will enable public access to the auditorium outside of events has been submitted to and approved in writing by the local planning authority. The auditorium shall thereafter be open to the public in accordance with the approved scheme.
13. The premises which form the subject of this permission shall not be open to the public, trading, nor have members of the public, as customers or guests on the premises with the exception of overnight guests staying in the two writers in residence apartments, after 22:30 hours and before 07:00 hours on any day.
14. No trade deliveries or collections including trade waste shall take place between the hours of 19:00hrs and 07:00hrs Monday to Saturday. There shall be no trade deliveries or collections on Sundays or Bank or Public Holidays.
15. The spiral staircase shall only be used for purposes of emergency exit from the writers in residence apartments and the respective doors leading from the

apartments to the staircase landing shall be designed to a standard to be submitted to and approved in writing by the local planning authority prior to installation.

16. No use of the development hereby approved shall take place until details have been submitted to and agreed in writing by the local planning authority of all external lighting for the site, including any security or other intermittent lighting. Such details shall include specifications for the lighting proposed, its location and position within the site, height and levels of illumination proposed. The details shall also specify that any external lighting includes cowlings, or other similar device, to ensure that the lighting only illuminates the site directly. The development shall be carried out in accordance with the details as agreed and retained as such thereafter.
17. No development shall take place in pursuance of this permission until a detailed landscaping scheme has been submitted to and agreed in writing with the Local Planning Authority (to include both soft and hard landscaping detail)
18. Scheme to be agreed and replacement tree to be replanted off-site within 12 months of the implementation of the proposal.
19. No development until 10 cycle stands have been provided off-site in accordance with a scheme to be agreed with the local planning authority
20. The Travel Information Plan shall be made available in accordance with the Plan as agreed and, once made available, shall be maintained thereafter in accordance with the agreed details.
21. Archaeology: No development until a written scheme of investigation has been submitted to and agreed in writing by the local planning authority.
22. Archaeology: Demolition/development in accordance with the written scheme of investigation
23. Archaeology: No occupation until site investigation and post investigation assessment completed
24. No development shall take place in pursuance of this permission until exact details for the provision of the renewable energy measures [photovoltaic panels] have been submitted to and agreed in writing by the local planning authority. No occupation of the development shall take place unless the renewable energy measures have been provided in full accordance with the agreed details and thereafter managed and retained.
25. The writers in residence apartments shall not be sold or leased as separate dwelling units
26. (a) No development shall take place, including any works of demolition, in pursuance of this permission until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority.
(b) The approved Statement shall be adhered to throughout the construction period.
(c) The Statement shall provide for:
 - (i) the parking of vehicles of site operatives and visitors;
 - (ii) loading and unloading of plant and materials;
 - (iii) storage of plant and materials used in constructing the development;
 - (iv) the erection and maintenance of security hoarding, including decorative displays and facilities for public viewing, where appropriate;
 - (v) wheel washing facilities;
 - (vi) measures to control the emission of dust and dirt during construction; and

(vii) a scheme for recycling/disposing of waste resulting from demolition and construction.

Informatives:

1. Vehicle access to police lower ground car park shall not be used for purposes of loading/unloading.
2. Loading restrictions adjacent to Gladstone House.
3. Bins to be purchased by the applicant prior to occupation.
4. No eligibility for on-street parking permits.
5. Cycle stands and paving scheme – all costs to be met by applicant.
6. Street naming and numbering enquiries.
7. If any bats are discovered, all works should cease and advice be sought from Natural England before re-commencing.
8. Restricted building working hours.
9. Any signage must be the subject of an additional application for advertisement consent.

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 amendments the application has been approved subject to appropriate conditions and for the reasons outlined in the officer report.

(2) Subject to receiving confirmation from the Secretary of State on whether he wishes to call in the application, or, if no confirmation has been received within three weeks of the committee resolution of the application, to approve application no 13/01297/L and grant listed building consent subject to the following conditions:-

1. Standard time limit:
2. Development to be in accordance with plans:
3. No works shall take place on the site in pursuance of this permission until the following details have submitted to and agreed in writing with the local planning authority:
 - (a) details of all internal joinery [to include proposed bi-fold doors for spine walls, and proposed double doors adjacent to basement staircase], at a scale of not less than 1:20 and horizontal/frame sections at not less than 1:2;
 - (b) details of proposed levelling of basement floor (to produce level access);
 - (c) details of proposed internal service routes and re-wiring;
 - (d) schedule of internal finishes to walls, ceilings and floors;
 - (e) details of proposed alterations to hinging / opening direction of historic doors
 - (f) details of proposed alterations to 1790s splayed plinth course limestone capstones to the plinth of the rear elevation
 - (g) details of any secondary glazing proposed for the sash windows of 28 St Giles Street elevations at a scale of not less than 1:20 and horizontal/vertical frame sections (including sections through glazing bars) at not less than 1:2;

The development shall be carried out in accordance with the detail as approved.

4. The developer shall afford reasonable access to a historic building consultant to allow for a full photographic survey [to include: the 1790 service staircase (all floors of the staircase, associated service corridors with timber panelled walls and historic roof light above); full rear elevation as viewed from end of garden; and detail of 1790s rear ground floor sash windows and limestone plinth detail below - to be converted to sashes with gates below] on site to be carried out before and during the course of works hereby approved. No works shall take place until details of the consultant, the type and manner of access to be provided, the level of survey proposed and the submission and presentation of the survey results have been agreed in writing with the local planning authority and the works shall be carried out in accordance with those details as approved.
5. The demolition of: (a) the 1790 brick work and 1790s splayed plinth course limestone capstones to the plinth of the rear elevation below the rear ground floor sash windows of 28 St Giles Street; (b) the removal of the tripartite sash window from the ground floor east elevation of 26 St Giles Street; (c) the demolition of portions of the spine walls of the basement, ground floor and first floor of 28 St Giles Street; (d) the demolition of part of the basement hallway wall 28 St Giles Street (e) the demolition of the 1790s service stairwell (f) The demolition of any elements of the south and west elevations of 26 St Giles Street, shall be carried out by hand *[by hand-held tools]* only and the works shall provide for the retention and storage for re- use of *[bricks for any 'making-good' the rear elevation brickwork of 28 St Giles Street and east elevation of 26 St Giles Street and the re-use of the tripartite sash window at first floor on east elevation of 26 St Giles Street]*.
6. The demolition hereby permitted shall not take place until a contract for carrying out the works of redevelopment on the site has been made and planning permission granted for the redevelopment for which the contract provides. Evidence of this contract shall be provided to and approved in writing by the local planning authority prior to any demolition being undertaken
7. Any damage caused to the listed buildings (28 & 26 St Giles Street) by the works hereby approved shall be made good in accordance with a scheme first submitted to and agreed in writing by the local planning authority and the making good in accordance with the scheme as agreed shall take place within three months of the approval of the scheme.
8. No works shall take place on the site in pursuance of this consent until a detailed scheme of work outlining the proposed measures of protection for the following features, which shall enable them to remain undisturbed in their existing position and fully protected during the course of the work on the site, has been submitted to and approved in writing by the local planning authority:
 - (a) The 1790 mahogany staircase (ground, first and second floor) and panelled mahogany dado (up to first floor);
 - (b) The 1790 service flight of the main staircase (ground floor to basement);
 - (c) 1790s Timber ceiling joists in basement;
 - (d) 1790s splayed plinth course limestone capstones to the plinth of the rear elevation;
 - (e) Sash windows and timber shutters,
 - (f) Internal doors, door cases and fan lights;
 - (g) External door cases (2 No.);
 - (h) External stone steps to the front porch of 28 St Giles Street;
 - (i) Internal stone steps and stone flags within the front vestibule;
 - (j) Fireplaces;
 - (k) Timber panelling, dados, skirting, ceiling roses and cornices;

- (l) Any historic floorboards and or parquet flooring;
 - (m) historic floor finishes such as pammments, quarry tiles and floor bricks.
- The development shall be carried out in accordance with the details as approved.
9. No works shall take place on site until a structural engineer's report, setting out the nature of and suggested remedial work to *(a)Install photovoltaic panels on the historic roof structure (b)Remove the historic cast iron structural support pillar adjacent to the foot of the basement stairwell (c)Remove the 1790s service stairwell and install a platform lift and (d)Remove the 1790s masonry from below two of the 1790s ground floor rear sash windows (e)Remove portions of the spine walls at basement, ground floor and first floor (f)remove part of the basement hallway wall to 28 St Giles Street (g)Remove / re-build the south and west walls of the 26 St Giles Street, whilst providing structural support for the historic east elevation of the same building (h)Remove the large tripartite sash window from the ground floor of the east elevation of 26 St Giles Street and install it in the first floor of the same elevation*, is submitted to and agreed in writing by the local planning authority. All works shall be carried out in accordance with the report as agreed.
 10. No works to treat or prevent damp, rot or timber infestations shall be undertaken until a specification has been submitted to and agreed in writing with the local planning authority. All works on site shall be carried out in accordance with the specification as agreed.
 11. No works to remove paint (or staircase surface finishes) internally or clean the building externally shall take place until:
 - (a) a specification outlining the proposed methodology has been submitted to and agreed in writing by the local planning authority; and
 - (b) a sample area showing the proposed paint removal or level of clean has been agreed in writing with the local planning authority.

All such works on site shall be in accordance with the details as agreed.
 12. No works to repoint the external brickwork or stonework shall take place until:
 - (a) details of the extent of repointing have been submitted to and approved in writing by the local planning authority; and
 - (b) a sample panel of not less than 1 metre square to show the proposed mortar composition and colour and the method of pointing has been prepared on site, inspected and approved in writing by the local planning authority.

All such works shall be carried out in accordance with the details as agreed.
 13.
 - (a) No works shall take place on site until details of any proposed methods of fire protection, sound proofing and insulation for the walls, floors, ceilings and doors, including 1:5 sections through walls and ceilings, 1:20 elevations of doors and 1:2 scale moulding sections have been submitted to and agreed in writing by the local planning authority.
 - (b) All existing original doors shall be retained and where they are required to be upgraded, no such upgrading shall take place until a schedule and specification of works has been submitted to and agreed in writing by the local planning authority.
 - (c) Self-closing mechanisms, if required, shall be of the concealed mortice type.
 - (d) All works of fire protection, sound proofing and insulation shall be carried out in accordance with the details as agreed.

Informatives:

1. Double opening 'doors' below ground floor sash windows on rear elevation of No.28 to be inward opening (as annotated on 'Proposed South Elevation' plan and in the Design and access statement), not outward opening as shown on 'Proposed Ground Floor' plan).
2. Baby changing facilities (a wall-mounted hinged table and nappy bin) should be provided within a ground floor disabled toilet, as a minimum.
3. Any signage (internal or external) would need to be applied for in a separate Listed Building consent and/or Advert consent.
4. Any secondary glazing would need to be applied for in a separate Listed Building consent
5. Historic floor, ceiling and wall finishes on all four floors of 28 St Giles Street should be retained as existing.
6. All new brickwork to 26 St Giles Street to match the brickwork of 28 St Giles Street.
7. Rainwater goods shall be cast iron for 26 & 28 St Giles Street, and cast iron or cast aluminium for the new auditorium building.
8. Fireproofing – Any fireproofing measures would need to be applied for in a separate Listed Building Consent application. The applicant is advised that there may be limitations to what alterations can be made to the listed building in order to achieve this, for instance all historic doors will need to be retained (including the less architecturally 'sophisticated', but equally historically interesting and important 1790s two panelled 'service' doors on the second floor and any historic doors to the basement).
9. Acoustics - The Acoustics Assessment (17.07.2013) submitted by the applicant mentions a number of potential physical interventions for acoustic attenuation measures for 28 St Giles Street. Any such measures will require a separate Listed Building Consent, as they have not been included in the current application. Any such LBC should include a full Acoustics Survey of the listed house, so that the need for such interventions can be demonstrated. The applicant should be advised that some of the physical alterations mentioned in the acoustics assessment, already submitted, may not be appropriate for this Listed Building. The advice below (provided by the conservation and design officer on 6.11.13), identifies specific areas of the acoustics assessment that need further investigation in a full acoustics survey and that may not be permissible within 28 St Giles Street, in any future LBC application:

'Sound Insulation' requirements identified by the applicant in the acoustics assessment, for which detailed plans and a Full Acoustics Survey would be required, before they could be assessed:

- Non-opening front windows with secondary glazing and mechanical ventilation or acoustically attenuated ventilators – *Limitations – secondary glazing may be possible, but mechanical ventilation may be too damaging to fabric.*
- Floor/ceiling sound insulation – *Limitations - some of the rooms are thought to have parquet flooring, most ceilings have ceiling roses and cornices.*
- Basement wall insulation - *Limitations - vaulted brickwork walls/ceilings, wall mouldings and historic door cases.*
- New solid wooden close-fit doors and seals to seminar rooms, offices and writers spaces – *Limitations – All historic doors must be retained, there may or may not be limited scope for adaptations to upgrade.*

‘Acoustic Absorption’ requirements identified by the applicant in the acoustics assessment, for which detailed plans and a Full Acoustics Survey would be required, before they could be assessed:

- Wall panels, suspended absorbers (from ceilings), sound curtains/drapes on walls – *Limitations – potential damage to interiors and detrimental effect on historic and architectural character of the listed building (especially for suspended absorbers from ceiling).*
- The annexe part of the proposed café is identified as needing ‘significant areas of acoustically absorbent finishes to control reverberant noise levels’ – *There are few constraints in the annexe, but there are limitations to providing the same level of acoustic absorption in the café room within 28 St Giles Street with sash/doors open all the time.*

(The committee had a short break at this point.)

5. APPLICATION NOS 13/01540/VC LAND AND BUILDINGS ON THE NORTH EAST OF KING STREET, NORWICH

(Councillor Brociek-Coulton had declared an other interest in this item.)

The planner (development) presented the report with the aid of plans and slides. He referred to the supplementary report of updates to reports which was circulated at the meeting and contained a summary of an additional letter of representation and the officer response and details of comments from Councillor Price, Thorpe Hamlet ward councillor.

A member of the public spoke on behalf of residents of Spooners’ Row and outlined their concern that the proposed moorings would create problems with anti-social behaviour and security, whereas previously approved locations of the temporary moorings for de-masting were located 1.5m from the bank, in the river bank. These locations had been endorsed by the committee and the Planning Inspectorate on appeal and should be implemented, and therefore the committee should refuse the application.

Discussion ensued in which the planner, together with planning team leader, and the planning development manager referred to the report and answered members’ questions. Members considered that the original permission and the previously approved locations for the posts 1.5m into the river from the river bank had been upheld by the Planning Inspectorate on appeal and therefore should be implemented and enforced if necessary. The current proposal was considered to provide access to the riverbank which could lead to anti-social behaviour (noise, longer periods of mooring) and would be detrimental to the residents’ security by people climbing the grilles and fencing. The residents’ management committee could consider changing the fencing to increase security but this was outside the remit of this application. The committee considered that the revised proposals were unacceptable due to the security implications. Members considered that, given the breach of condition and the fact that an acceptable scheme had been agreed that it would be appropriate to take appropriate enforcement action to secure the implementation of the approved 2010 scheme. Financial reasons were not sufficient justification for the new

proposal. A member expressed concern that technical issues for installing mooring posts into the river bed had been overcome. Officers advised that they were not aware of any technical issues in the installation of the posts.

Councillor Gayton moved and Councillor Brociek-Coulton seconded that the application be refused because the proposed scheme would increase access to the bank and potentially lead to anti-social behaviour and be detrimental to the security of the adjacent flats and was therefore unacceptable. The planner suggested the wording for the refusal in policy terms which was accepted. Members concurred that subject to the committee voting for refusal, the chair would move that authority was given to undertake enforcement action to ensure the implementation of the mooring provision as set out in condition 9 of planning permission 04/00274F and the details agreed via 10/01696/D.

RESOLVED,

- (1) unanimously, to refuse application no 13/01540/VC land and buildings on the North east of King Street, Norwich:

“The layout of the proposed scheme for mooring provision would increase the potential for people to unlawfully access the site and engage in anti-social behaviour. The associated iron fencing provides a climbing aid to trespassers wishing to gain access to the balcony areas of the adjacent apartments and would harm security at the site. The proposed scheme for moorings is therefore considered unacceptable and would be contrary to the city council's duty to minimise the potential for crime, disorder and public nuisance as required by Section 17 of the Crime and Disorder Act 1998 as well as policy 2 of the Joint Core Strategy for Broadland, Norwich and South Norfolk 2014, emerging policy DM3 of the regulation 22 pre-submission Development Management Policies Development Plan Document 2013 and objectives of the NPPF.”

- (2) unanimously, to authorise enforcement action of planning condition 9 of planning permission 04/00274F (failure to provide moorings in accordance with scheme to be submitted and approved prior to first occupation of development) to secure the moorings scheme approved under detailed approval 10/01696/D and authorize the head of planning services to take legal proceedings, including prosecution if necessary.

(The committee adjourned for lunch at 12.50pm and reconvened at 1.30pm.)

6. APPLICATION NOS 14/00324/F AND 14/00332/L LAND TO THE REAR OF 39 UNTHANK ROAD, NORWICH

The planning development manager explained that it was proposed to defer consideration of this item due to an error in the consultation arrangements.

RESOLVED to defer consideration of application nos 14/00324/F and 14/00332/L Land to the rear of 39 Unthank Road, Norwich, to the next meeting.

7. APPLICATION NOS 13/01928/F LAND AND BUILDINGS REAR OF AND INCLUDING 293 - 293A AYLSHAM ROAD, NORWICH

(Councillor Neale declared that he would not take part in the determination of this item as he had not been present when the previous application had been considered by the committee.)

The senior planner (development) presented the report with the aid of plans and slides, and referred to the supplementary report of updates to reports which was circulated at the meeting, and asked members to note the changes to the conditions set out in this report. Members were advised that consequential changes to the numbering of the conditions.

RESOLVED unanimously (with Councillor Neale not participating in the voting for the reasons stated above) to approve Application no 13/01928/F: Land and buildings rear of and including 293-293A Aylsham Road, Norwich, and grant planning permission, subject to:

(1) the completion of a satisfactory S106 agreement by 23 May 2014, to include the provision of contributions to street tree provision and maintenance, and a Travel Plan performance bond to the value of £75,000, and subject to the following conditions:

Implementation and construction requirements

1. Development to commence within 3 years;
2. Development to be in accordance with the approved plans and documents;
3. Tree protection measures required during development;
4. Construction works on the foodstore shall not commence until the sub-soil / near-surface contamination, and groundwater / floating product / dissolved phase contamination within the site has been remediated and treatment has been completed in accordance with the measures set out within the remediation method statement report AFH/10.042/OPPCond11/RMS/Rev01 (dated and received 06 September 2012 and as approved through application 12/00441/D), to the written approval of the Local Planning Authority in consultation with the Environment Agency, unless otherwise first agreed in writing by the LPA.

Operational requirements of the supermarket / foodstore

5. The development shall provide a maximum of 2,117sq.m. net retail floorspace, of which no more than 423sq.m. / 20% floorspace shall be used for comparison goods sales, whichever is the greater;
6. There shall be no future subdivision of the retail store into smaller units, and the comparison retail floor space provided shall not be accessed separately to the convenience floor space, nor shall it be operated by a different retailer to that of the convenience floor space, and nor shall it be operated separately to the convenience floor space;
7. There shall be no mezzanine floorspace added to the store, even though the usual permitted development allowance of 200sq.m;
8. Opening hours restriction of 0700 – 2300 hours Monday – Friday, and 0900 – 1800 Saturday, and 1000 – 1700 Sundays and Public Holidays, and outside of those times there should be no trolley manoeuvring or other servicing in the general car park;

9. No servicing and reversing alarms to be used on delivery and servicing vehicles, and details of reverse warning system to be agreed by the LPA prior to first use;
10. All engines to be switched off in delivery / servicing vehicles and auxiliary motors (e.g. on fridges) when vehicles are stationary;
11. Loading and servicing to only take place in the designated delivery yard accessed from the northern access route only, and all deliveries and loading to take place directly into the delivery bay collection area, unless otherwise agreed in writing by the LPA;
12. No deliveries to the store (with the exception of daily newspapers), nor refuse disposal from the store to take place outside the hours of 0700-2000 Monday – Saturday, and 1000-1700 hours on Sundays / Bank Holidays.
13. Upon first use of the store, the Travel Plan to be implemented and carried forward.

Details to be agreed prior to commencement of development

14. Contamination of subsoil - there shall be no commencement of the development hereby permitted until the details of a verification plan intended to confirm the completion of the remediation method statement in relation to sub-soil / near-surface contaminants (as required by Condition 4 of this permission) and implemented thereafter.
15. Contamination of subsoil – contamination works to be completed and a verification report based on Condition 15 shall be submitted to and approved in writing by the LPA in consultation with the Environment Agency. Details to include results of sampling and monitoring agreed by Condition 14 pursuant to the remediation method statement required by Condition 4.
16. Contamination of subsoil – (a) a long-term monitoring system agreed for near-surface/sub-soil contamination shall be agreed and commenced, (b) monitoring reports shall thereafter shall be supplied; (c) on completion of monitoring, a final report shall be submitted and approved.
17. Contamination of groundwater / floating product / dissolved phase – (a) a Detailed Quantitative Risk Assessment (DQRA) of the remaining groundwater / floating product / dissolved phase contamination to be agreed; (b) a remediation strategy scheme consequent to any contamination or residual risk as required relating to the outcome of the agreed DQRA required by Condition 17(a) to be agreed; (c) a verification plan to confirm completion of any remediation strategy required by Condition 17(b) to be agreed;
18. (a) a verification plan to be agreed detailing how verification reports shall demonstrate completion of the remediation works for groundwater / floating product / dissolved phase contamination as required by Condition 4 and Condition 17(b), which shall provide details of the data that will be collected in order to demonstrate that the works set out in the Condition 4 remediation strategy, and any additional works as may be required by Condition 17(b), are complete. (b) the verification reports to be approved, to include sampling and monitoring as agreed by Condition 17(c);
19. Contamination of groundwater / floating product / dissolved phase – (a) a long-term monitoring system shall be agreed; (b) monitoring reports shall thereafter be supplied; (c) on completion of monitoring, a final report shall be submitted and approved.
20. General contamination – A precaution measure used to agree a scheme for remediation of in the event of discovering any unknown contamination;
21. Surface water drainage scheme to be agreed and provided;

22. Landscape plan, boundary treatments, tree planting and irrigation details to be agreed and provided, and landscape management details to be agreed;
23. Biodiversity enhancement measures to be agreed and provided;
24. Details of materials of the supermarket to be agreed;
25. Details of the materials of the substation and sprinkler tanks to be agreed;

Details to be agreed and provided prior to first use / occupation

26. Details of solar panels to be agreed and provided thereafter;
27. A scheme for fire hydrants to be agreed and provided thereafter;
28. Submit and agree a revision to on-street parking controls (including more double-yellow lining to prevent on-street parking causing congestion) and relocation of the existing bus stop, and provide thereafter;
29. Highways and access works to be designed in detail, to be based on the designs shown on approved plan 12/239/TR/004 Revision H, dated 24.04.2014 and received 01.04.2014): (a) enhanced safety of the existing pedestrian refuge crossing south of the site; (b) providing the southern access into the site featuring both a pedestrian refuge and a 'raised table' crossing; and (c) the raised reinstatement of the footpath and a shared-surface access drive from Aylsham Road into the north of the site for servicing and delivery vehicles;
30. (a) An access scheme to be designed for serving allocated housing site R23 to the north; (b) such land to be reserved for that future access thereafter.
31. CCTV positions, detail, appearance and their field of view;
32. External lighting scheme, including being wildlife-friendly and compatible with neighbouring residential amenity;
33. (a) Employee cycle store and security lighting, and (b) Visitor / shopper cycle racks;
34. Car parking management plan to include a minimum 3 hours free car parking for the public irrespective of shoppers' patronage;
35. There shall be no installation of any plant or machinery, flues or fume extraction or ventilation equipment until the type and location and noise characteristics are agreed;

Informative notes

1. Planning obligation and Section 106 Agreement advice;
2. CIL advice;
3. Tree protection measures advice;
4. Sustainable urban drainage system advice from the Environment Agency;
5. Design advice from Norfolk Constabulary;
6. Fire hydrant advice from the fire protection officer;
7. Construction good practice advice.

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 amendments, including extensive discussions, negotiations and amendments at the pre-application stage, the application has been approved subject to appropriate conditions, fulfilment of the Section 106 legal agreement, and for the reasons outlined in the planning applications committee report.

- (2) if a satisfactory S106 agreement is not completed prior to 23 May 2014, that authority be given to the Head of Planning Services to refuse planning permission for Application No. 13/01928/F: Land and buildings rear of and including 193-193A Aylsham Road, Norwich, for the following reason:

In the absence of a legal agreement or undertaking relating to the provision of street trees and a travel plan bond arrangement, the proposal is unable to provide the necessary street trees to replace those lost as part of the development and to form part of the streetscape landscaping required to make the scheme acceptable, and is unable to ensure the scheme will fulfil its travel plan requirements to ensure the scheme is as sustainable as possible and able to satisfactorily promote travel to the site via non-car means of transport, and as such is contrary to saved policies NE4, NE9, TRA12 and HOU6 of the adopted City of Norwich Replacement Local Plan (2004) and policies 4 and 11 of the adopted Joint Core Strategy (2014).

8. APPLICATIONS NOS 14/00224/MA 19 LEOPOLD ROAD, NORWICH, NR4 7AD

The planning team leader (development) presented the report with the aid of plans and slides and referred to the supplementary report of updates to reports as a further representation had been received from an objector.

Members sought clarification that the building line would be in line with the adjacent terraced buildings. It was noted that there would be on-street parking.

RESOLVED unanimously to approve Application No 14/00224/MA 19 Leopold Road Norwich NR4 7AD and grant planning permission, subject to the following conditions:-

1. Commencement of development by 20th June 2015;
2. Development to be in accord with drawings and details;
3. Details of facing and roofing materials; boundary treatment, walls and fences; external lighting; joinery and glazing to rear of unit 1;
4. Details of cycle storage, bin stores;
5. Details of off-site highways works;
6. Details of Landscaping, planting and site treatment works;
7. Water efficiency measures;
8. Site contamination investigation and assessment to be carried out and if contamination is found a scheme of remediation and mitigation to be agreed and carried out. Should during development, contamination not previously identified be found development is to cease pending details to deal with contamination;
9. Details of contamination verification report; and
10. Monitoring and maintenance of contamination and implementation of any contingency action required.

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 amendments at the application stage the

application has been approved subject to appropriate conditions and for the reasons outlined within the committee report for the application.

Informatives

Considerate construction and timing to prevent nuisance;

Protection suggested in relation to gas ingress;

Materials removed from site should be classified and disposed of at suitable licensed facilities.

9. APPLICATION NO 14/00477/F 9 ELLA ROAD, NORWICH, NR1 4BP

The planner (development) presented the report with plans and slides, including an aerial view of the site.

The adjacent neighbour addressed the committee outlining his concerns regarding the development which comprised: concerns about overlooking and overshadowing of his property and loss of privacy; that the changes to the roof, gutter and windowsill would require access from his property; and that the site was too small for the proposed development.

The agent spoke on behalf of the applicant (the owner of 7 Ella Road) and said that the proposal had been redesigned to mitigate the neighbour's concerns. The side windows were for light rather than ventilation and it would be possible to change the design of the guttering so that it was "secret" or enclosed.

The planner informed the committee that the side windows would be obscure glazed and were fixed. There were no windows on the side of the detached property at no 9 Ella Road. He proposed that there was an additional condition to ensure that the guttering was hidden as proposed by the agent.

RESOLVED with 11 members voting in favour (Councillors Bradford, Gayton, Ackroyd, Blunt, Button, Gihawi, Grahame, Jackson, Little, Neale and Storie) and 1 member voting against (Councillor Brociek-Coulton) to approve 14/00477/F 9 Ella Road and grant planning permission, subject to the following conditions:-

1. STLC (3 years).
2. In accordance with the approved plan.
3. Detail of the guttering to be agreed.
4. External facing materials.
5. Landscaping.
6. Bin and cycle store details.
7. Side windows fixed shut and obscure glazed.
8. Removal of permitted development rights.
9. Water conservation.

Informatives

1) CIL

2) Considerate Construction

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 amendments at the pre-application stage the application has been approved subject to appropriate conditions and for the reasons outlined in the officer report.

10. APPLICATION NO 13/01873/F 1 AND 2 HOLMWOOD RISE, NORWICH, NR7 0HJ

The planner (development) presented the report with the aid of plans and slides. He referred to the supplementary report of updates to reports which was circulated at the meeting. A tree protection plan had been submitted which was considered acceptable. The officers recommended that condition 3 was amended as set out in the supplementary report.

During discussion the planner answered questions and showed the location of the driveway of the adjacent property in Stanley Avenue, 20m from the proposed development.

RESOLVED, unanimously, to approve Application No 13/01873/F and grant planning permission, subject to the following conditions:-

1. Standard time limit (3 years).
2. In accordance with the approved plans.
3. No works shall take place on site prior to the installation of the protective tree barriers in line with the tree protection plan received 29 April 2014. These barriers shall be maintained during the course of works on site. No unauthorised access or placement of goods, fuels or chemicals, soils or other materials shall take place inside the barrier.

Informatives:

1. Considerate construction
2. CIL

11. APPLICATION NO 14/00030/F FIELDGATE TOWN, CLOSE ROAD, NORWICH, NR2 2NB

The planning development manager presented the report with the aid of plans and slides. Members were advised that the supplementary report of updates to reports which was circulated at the meeting contained a correction to paragraph 16 of the main report, which should state that the two windows to the bedroom would be obscure glazed and fixed, and the high level window to the bathroom would be obscure glazed. Condition 6 would therefore need to be amended.

RESOLVED, unanimously, to approve Application No 14/00030/F Fieldgate, Town Close Road and grant planning permission, subject to the following conditions:-

1. Standard time limit
2. In accordance with plans
3. Weatherboarding and windows in accordance with details submitted
4. Details of roofing materials and facing brick prior to commencement

5. Details of Air Source Heat Pump (including noise levels)
6. The two windows to the bedroom will be obscure glazed and fixed, and the high level window to the bathroom will be obscure glazed.
7. In accordance with AIA (including replacement planting)

Informatives:

1. Development is CIL liable
2. Protective fencing for trees

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 amendments the application has been approved subject to appropriate conditions and for the reasons outlined in the officer report.

12. GARY HOWE, PLANNING TEAM LEADER (DEVELOPMENT)

RESOLVED to record the committee's gratitude to Gary Howe for his contribution to the work of the committee and his long service with the council's planning services and to wish him well on his retirement after 42 years' service.

CHAIR