

Planning Applications Committee: 12th September 2013

Updates to reports for consideration.

Application no: 13/01152/F & 13/01153/L: Hellesdon House, Hellesdon Mill Lane

Item 5 (1)

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Amendments to committee report:

The following condition is requested to be added to application 13/01152/F: Removal of permitted development rights in relation to erection of fences, walls and means of enclosure on the site.

Also all references to enabling the refurbishment of the water tower should refer to enabling refurbishment of the water tower with attached stables and separately listed stables attached to the main dwelling.

A minor correction to the committee report is that the separately listed stables attached to the main dwelling have four stable bays, not three as noted in the report.

In paragraph 42 the new dwelling needs to be detached from the main listed house to ensure the character and setting of the listed building is retained.

Application no: 13/00852/U: The Old Saddlery, Bluebell Road

Item 5 (2)

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Additional representation received:

Two additional representations received raising concerns over impact on highways, the need for the nursery and competition to other nurseries.

The applicant has submitted a supporting statement to reiterate the positive impacts of an educational use the proposed change of use would provide.

Response:

Highway impact is covered in paragraphs 27 to 40 of the report.

The need for the nursery is not a consideration that is required to be demonstrated under current planning policies. Competition is also not an issue covered by planning law.

Other matters:

The signage at the entrance to the nursery is also to include a white dashed line to identify to road users that pedestrians and cyclists will be using and passing by the entrance to the site. This is recommended to be added to condition 5 in the report.

Application no: 13/01122/O: 76 St Clements Hill

Item 5 (3)

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Additional representation received:

a) A response has been received from the Norwich Society reiterating their objections to the previous scheme including highway safety, surface materials of access track and concerns over design.

b) A further representation based on an earlier objection submitted. Predominantly raises concerns that the committee report does not deal with the original objections. Officers' view is that the concerns have been addressed in the report. However the objector clearly disagrees with the conclusions in the report. For clarity we would make the following comments as a result of this further representation below.

c) A petition signed by 132 people was also submitted.

Response:

a) See paragraphs 35 to 40, 33 to 34 and 28 to 34 respectively in committee report.

b) Response to issues raised as follows:

- In relation to the motion for the council to formulate policy of garden development, no policy has been put in place. Planning applications committee also cannot formulate policy, only apply policy to applications. The planning application can only be determined on the adopted and emerging policies, of which none relate to garden development. If the local plan is absent or silent on an issue, applications must be determined on policies within the National Planning Policy Framework (NPPF). The NPPF does not contain any policies preventing development on garden land.
- The impact on the development on the conservation area has been considered as required by Section 72 of The Planning (Listed Building and Conservation Areas) Act 1990. This states "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area". Although no reference to the statute is made in the report, the provisions of this have been considered in the report.

- To address concerns for potential overlooking it is suggested that Members may wish to consider adding a condition to remove permitted development rights for alterations to the roof to form rooflights (Class B) and dormer windows (Class C).
- The use of Compulsory Purchase powers by the council to deliver housing is a matter outside of this planning application. The delivery of housing in relation to the Site Allocations Plan was also raised (see paragraph 18 of the committee report in relation to this). The determination of this application cannot be delayed on the basis of these objections.
- The issues raised on the change of use from offices to residential units were covered in paragraphs 18 and 13 to 17 of the committee report respectively.
- The issue of sustainable development has been covered in paragraph 17 of the report.

c) Noted

Application no: 13/00970/F and 13/00971/L: Site at All Saints Green, Winnalls Yard and Queens Road

Item 5 (4)

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Additional representation received: One additional representation has been submitted by the operators of the bus station, who are strongly opposed to the creation of a pedestrian access onto the bus station land, as permission for access over our land has not been sought, or given.

In terms of consultation - the application form has confirmed that Norfolk County Council (as owners of the site), via Norfolk Property Services, had been notified of the application in advance of its submission. In addition, the LPA ensured the planning application was advertised and the Manager of the bus station was written to specifically on 25th June to invite their comments on the application. Throughout the application's consideration officers passed on the (informally-made) concerns of the operators on to the agent advised the agent to ensure contact is made with the operators.

Regarding the objection – the management's concerns that rights of access should not be assumed to be possible are legitimate (the bus station is not technically public highway). Ultimately this is not a planning matter however, and remains a civil issue to be resolved prior to the site's use. Ideally, the applicant and bus station operators would come to an arrangement to allow both cycling and walking into the site via the bus station (see Informative Note 1), but if this isn't possible there are suitable alternatives for access via Winnalls Yard which should become adopted highway or at least remain in the

applicant's control. The parties have since discussed this and resolved the issues.

Additional information received:

Winnals Yard landscaping and future adoption

The applicant has agreed to the need for adopting Winnals Yard and installing street trees as part of a shared surface design to show priority for pedestrians and cyclists over vehicles, and for providing the car club space. Draft plans have been submitted but as yet the final design for enabling adoption is not agreed, although the work has proven that the right design can be achieved so the scheme is acceptable in principle. A condition is proposed (no.11) to agree these and the requirement to secure planning obligations was anticipated through either a Section 106 Agreement or Unilateral Undertaking or alternative mechanism which will ensure the street trees can be maintained publically within the adopted highway. (See para. 140).

The applicant has confirmed a preference for the street trees to be included in the public highway and maintained at public expense, albeit with costs met initially by the applicant.

Therefore, it is proposed that a Grampian-style condition be available to be used if planning obligations are not pursued, to agree the means of providing street tree maintenance prior to commencement of development. This would be an amendment to Condition 11 of 13/00970/F, along such lines as "prior to commencement to agree a scheme for adoption and mechanisms for securing maintenance of street trees if provided in the designs". Such 'mechanism' might the transfer of funds to the Council at the equivalent street tree rate.

Travel Plan and Car Restrictions

Committee report paragraphs 116-117 (Travel Plan) and Condition 10 discuss how the Travel Plan will be bolstered by imposing restrictions on car use and ownership by students. This has now been incorporated in a draft Tenancy Agreement which gives sufficient confidence that cars should not be used by students so parking should not be a problem either at the site or in nearby areas.

The draft Tenancy Agreement (section 7) is binding on students and states:

The Tenant will:

- 7.13 Not park any car or other motorised vehicle at/within the grounds of the Development nor have daily usage or ownership of a private motor vehicle during the Residential Period.

The Tenant should be aware that the Landlord or the Management Company may clamp illegally parked vehicles and they will be released only upon payment of a release fee.

- 7.15 It is understood that any student (tenant) must not leave or park or permit to be left or parked so as to cause any obstruction in or on any

approach roads or passageways adjacent or leading to the Property any motor car, motor cycle or other vehicle belonging to or used by the Tenant or by any of their friends, servants or visitors.

- 7.16 It is further understood that as the development is 'car free' and any Tenant accepting the offer of a place within the development must not at any time have use of a car or other motorised vehicle whilst resident in the development. **Any student who is found to be in possession of a car/vehicle in Norwich will be in breach of their tenancy agreement and will be subject to immediate termination of their tenancy.** This will be subject to regular monitoring.
- 7.17 In the event of temporary car/vehicle use including car hire - **any student must not attempt to park the vehicle within a 1 mile radius of the development, except if hired from the Norfolk Car Club** and parked in the designated space at the development.

Consequently, this will be required as a feature of the Travel Plan (condition 10) and will replace a need to discourage car use by providing an actual car to the car club.

Travel Plan and Bike Hire

Further to paragraph 117, the applicant has also shown how Brompton bikes might be hired from the site, using the Brompton Bike Dock system of secure storage and remote hiring. This will be a great addition to the scheme. The numbers of bikes, the size of the store, its design and its position on the site are as yet unknown and will need future agreement, by condition, perhaps as a feature within the design of Winnals Yard (condition 11).

Design changes / clarifications

Window reveals - The applicant has pointed out that in some earlier drawings some window reveals are not clear. Revised plans show the large windows to communal rooms being flush to the facing brickwork, with bedroom windows being recessed by a c.250-300mm deep reveal. These variations give added texture and interest to the large elevations and help provide a sense of animation. In responding to the surrounding, reveals were often used on listed buildings and help reduce the dominance of a building.

Bus Station elevation – The applicant has added three windows to the ground floor next to the entrance facing the bus station. These are seen in a revised elevation (and already existing in plan form).

Winnals Yard entrance – The applicant has pointed out that they have no control over the wall along the south side of Winnals Yard, and therefore any suggestions to amend or demolish part of the wall would be impossible to implement. This was included at Condition 11(b) but should now be removed.

Lighting – (Paragraph 64) The applicant has provided illustrations for how their schemes elsewhere have used bright interior decor to enliven a building, even in heritage settings; an example from Camberwell has been provided. This will not replace any lighting scheme requirements (condition 19) nor require opaque glazing, but does help illustrate the building's performance.

Anglian Water – (Paragraph 33) They have since confirmed there is no objection to the proposed sustainable drainage system.

Letters of support – (Para.15) The applicant has asked that the proposals have also been welcomed by the UEA and NUCA, although both letters were received prior to the application being submitted.

Interest for uses at 50 All Saints Green – The applicant has confirmed there is formal interest from representatives of the Sainsbury's Centre for Visual Arts on behalf of Sainsbury's Centre, for re-using 50 All Saints Green once restored (as alluded to at paragraphs 91 and 97).

This is considered to add even more weight to the recommendation to approve the demolition and require the restoration of 50 All Saints Green prior to first occupation of the student block. It gives more confidence that the building is able to be reused even with a curtilage which is 'public' (and in fact that would be beneficial to its use), so alleviating some of the concerns of English Heritage. It does not remedy the Victorian Society's formal objection to their demolition, but it does show how the principle building can benefit.

Resolution – The resolution should be amended slightly, as below:

- 13/00970/F Condition 10 – Require formal use of car restrictions in Tenancy Agreement.
- 13/00970/F Conditions 9 and 11 – Require inclusion of Brompton Dock storage facility in layout and design to be agreed, if this materialises.
- 13/00970/F Condition 11 – Require agreement of landscaping and highways works at Winnals Yard prior to commencement of development, to include agreeing a scheme for adoption and the means of providing street tree maintenance if provided in the designs.
- The need for a s106 agreement may not be necessary as a result.
- 13/008970/F Condition 11(b) – remove the need to alter the south wall.
- 13/00970/F - Change the description of the proposal to include possible D2 use at 50 All Saints Green, to accommodate Condition 3.

Application no: 13/01002/F: 5, Kinver Close

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Representation from Councillor:

- Paragraphs 14 and 15 which deal with loss of light do not mention that the rear 2m of the garden of 7 Mile End Close is used as a sun terrace.

- Suggests that the ridge height be brought down to the same level as the boundary fence.

Response:

- 7 Mile End Close has a garden that measures 35m long by 12m wide. Therefore a great deal of amenity space will be totally unaffected by this proposal. Much of the sun terrace is already shaded by several large tree canopies.
- If the ridge of the timber store were to be reduced in height to the same level as the boundary fence, this would constitute a reduction of approx 1.5m, resulting in a reduction of head height from 2.3m to 0.8m. The timber store would become unusable and as such this would be an unreasonable request.

Application no: 13/01313/NF3: 23, 27 and 29 Trory Street

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Further representation:

One additional letter from an existing objector:

- a) It appears that the status of this part of Norwich as a conservation area is slowly being eroded in a way that is diminishing the whole purpose of retaining the period character of these properties, by – for example – the use of materials that are not original to the street.
- b) Despite no direct information, several people have complained [to the objector] that they see the City applying conservation commitment/regulations more strictly to private owners than to the City's own properties. This would be/is clearly most unfair.

One letter of objection from County Councillor:

- Trory Street is covered by conservation regulations and the rules should be equally applied to privately owned and local authority housing in that area.

Response: Covered in response to points a and b below.

One new letter of support:

- The timber on these windows are completely rotten and have woodworm
- They rattle during the winter time due to shrinkage
- They do not retain any heat during the cold periods, hence an increase in energy bills

- They produce condensation in all weathers - therefore they always produce black fungi no matter how often you clean them or paint them.
- The surrounding wall around the window is also damp.
- There is increase of noise pollution from the local pub, especially at weekends

Response to objection

- a) The introduction of the Article 4 direction on 6 June 2011 is intended to reverse this erosion of the character of the properties and therefore conservation area. The direction is designed to remove the householder Permitted Development rights for window replacements that would otherwise apply in a conservation area. In the case of Trory Street the specifics of the window design (i.e. traditional opening methods, style of Georgian bars, etc) are considered more important than the choice of materials when determining the impact on character. A timber window does not have an inherently acceptable design just because it is timber just as a PVC window is not automatically detrimental to the character of the street scene because it is PVC. The importance of the specifics of design is played out in the application process (as a result of the Article 4) for each case. This is demonstrated by the acceptable PVC sash windows recently installed at 58 Unthank Road (13/00264/F) [photographs of which will be attached in the presentation].
- b) This application has to be determined on its merits. It is not considered that differential standards are being applied to properties based on their ownership.

There are a number of private dwellings that have either changed their windows from wood/metal to PVC or have been advised that the approach could be successful [see 58 Unthank Road above]. This is dependent on the quality of PVC window specified and the details being ironed out through the application process. Council and private owned alike, each Article 4 house must go through the same process to determine the proposal's impact upon the character to which the direction relates.

Application no: .
