



PLANNING APPLICATIONS COMMITTEE

10.00am to 1.00pm

9 June 2011

Present: Councillors Bradford (chair), Gee (vice chair), Banham, Gayton, Kendrick, Little, Offord, Stammers (substitute for Councillor Haynes) and Wright (substitute for Councillor Lubbock)

Apologies: Councillors Ackroyd, Haynes, Lubbock and Sands (S),

1. MINUTES

RESOLVED to agree the accuracy of the minutes of the meeting held on 19 May 201, subject to the following amendments in relation to item:

- (1) 6, Application nos 11/00283/F and 11/00284/L 9-11 Upper King Street, Norwich, NR3 1RB, resolution, noting that Councillor Offord voted against approving the application and therefore to delete "abstaining" and replace with "voting against";
- (2) 7, Application no 11/00472/U 10 Castle Street, Norwich, NR2 1PD, to delete the final paragraph before the resolution and replace with the following:

"The head of planning services referred to the report and explained that although the application was in the primary retail area its sensitivity may be regarded as less than other retail frontages. The impact of the proposal in retail terms was uncertain but may be broadly akin to that associated with an A3 use and the shop front would be retained."

2. APPLICATION NO 11/00663/F, LARCH HOUSE, 12A BRANKSOME ROAD, NORWICH, NR4 6SN

The planner (development) presented the report with the aid of slides and plans. Further representations had been received in response to a letter from the applicant's builder to neighbours and the issues raised were detailed in the report of late additions to reports that was circulated at the meeting. Photographs showing the site both before and after the construction of the garage, provided by neighbouring residents, were circulated and displayed to members of the committee.

A local resident then addressed the committee and outlined his objections to the recommendation. He considered that the application was retrospective; that the agreement between the local planning authority and the applicant had been broken

and that he preferred the plans that had been approved planning permission. He also said that he was dissatisfied with the way that the council had dealt with the application.

The builder acting for the applicant explained that the construction of the roof to a 45° pitch had been a genuine mistake for which he apologised. He had made the assumption that the roof pitch would match the applicants' house and other buildings in the area. When this error had come to the attention of the applicants, the builder had written to the neighbours and painted a white line on the garage to show the difference in the roof height had the pitch been at 35° which given the significant distance did not effect the light of the neighbouring properties.

During discussion the planner and the planning development manager answered concerns raised by Councillors Gee and Wright about the intended use of the garage by referring to paragraph 11 of the report. The use of outbuildings for incidental or ancillary use to the main residential dwelling was standard practice and for a condition to be placed on the planning permission to restrict it to garage use, members would need to articulate why it was unacceptable for the residents to use the garage in this way. There was adequate provision for parking and therefore a condition relating to occupation giving as a reason the need to protect parking provision was not a justifiable reason in planning terms.

Members concurred with Councillor Little that planning permission should be subject to an additional condition to protect the hedgerow at the southern boundary.

Discussion ensued in which some members considered that the sky lights should be obscured glass to prevent overlooking of the neighbouring properties, particularly if the trees were cut back. Councillor Bradford moved and Councillor Gayton seconded that a condition should be added to the recommendation to approve the application to require the use of obscured glass in the sky lights.

RESOLVED, on the chair's casting vote, with 5 members voting in favour (Councillors Bradford, Gayton, Banham, George and Wright) and 5 members voting against (Councillors Kendrick, Gee, Little, Offord, Stammers) to include an additional condition to require the use of obscured glass in the sky lights, subject to planning permission being granted.

RESOLVED with 9 members voting in favour (Councillors Bradford, Gayton, Banham, George, Kendrick, Gee, Little, Offord and Stammers) and 1 member voting against (Councillor Wright) to approve Application No 11/00663/F, Larch House, 12a Branksome Road, Norwich, and grant planning permission, subject to the following conditions:

1. Standard time limit;
2. Development in accordance with the submitted plans;
3. Facing and roofing materials to match dwellinghouse;
4. Obscured glass to be used in the sky lights;
5. Compliance with AIA and Tree Protection Plan of previous application (09/00572/F);
6. Maintenance of a hedgerow to the south east boundary of the site.

Informative: Planning permission would be required to convert the garage to a use other than uses incidental to or ancillary to the main residential use of the dwelling

(Reasons for approval: The decision has been made with particular regards to saved policies HBE12, EP22 and NE3 of the adopted City of Norwich Replacement Local Plan and policy 2 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk. Having considered relevant policy and other material considerations, it is considered that the garage is of good design and will not have an adverse impact on the neighbouring properties. Subject to a condition ensuring the protection of the trees and hedges on site for the duration of the development, the proposals will not have any significant arboricultural implications.)

3. APPLICATION NO 11/00675/C 111 NEWMARKET ROAD, NORWICH, NR2 2HT

The planner (development) presented the report with the aid of slides and plans. She referred to the report of late additions to reports that was circulated at the meeting, and said that the proposal involved the loss of around 1.5m of the original wall. The loss of this short length of wall was considered acceptable and as set out in the planning inspector's report (appended to the main report on the agenda) was considered to represent a small proportion of the remaining original wall and could not be considered to make other than a small contribution to the conservation area.

RESOLVED to forward to National Planning Unit with recommendation to approve, subject to the following conditions: -

1. Commencement within three years
2. In accordance with plans
3. No demolition to take place until contract is in place for the construction of the dwelling and driveway
4. All works to be carried out in full compliance with the Arboricultural Implications Assessment (AIA) dated 18 May 2011 and Appendices 1 to 6 of that document approved under permission 10/00563/F (Appeal ref: APP/G2625/A/10/2133082)
5. No work to take place until condition 7 of permission 10/00563/F (Appeal ref: APP/G2625/A/10/2133082) has been formally discharged by the Local Planning Authority. The tree protective barriers shall be carried out in accordance with approved specification and methodology.

(Reasons for approval: The decision has been made with particular regards to saved policies HBE8 and HBE12 of the adopted City of Norwich Replacement Local Plan, policies 1 and 2 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk, Planning Policy Statement 5 and all material planning considerations. The demolition of part of the wall by means of its location on the north east side of the site will not have an adverse effect on the character of the Newmarket Road Conservation Area.)

**4. APPLICATION NOS 11/00160/F, 11/00161/F, 11/00162/O, 11/00163/C:
ANGLIA SQUARE INCLUDING LAND AND BUILDINGS TO THE NORTH
AND WEST ANGLIA SQUARE, NORWICH**

The head of planning services gave a detailed presentation of the report with the aid of slides and plans and answered members' questions.

The agent for the scheme addressed the committee outlining the reasons for the revised applications, which included the downturn in the economy reflected in the difficulty to obtain bank loans without pre-let retail and business units; fall in demand for privately owned city centre apartments; and rising costs for construction for the previous scheme making it unviable. There was commitment to take the project forward and the phased development proposed had been agreed with the district valuer. There was also a financial imperative to complete the remaining phases of the scheme as soon as possible. There had been further public consultation in September 2010 and it was a question of balancing the needs of the cycling lobby with pedestrians and other users and ensuring that the levels of energy efficiency were financially viable.

Discussion ensued in which the head of planning services answered members' questions on the phasing of the scheme and the differences of the proposed applications from the extant planning permission. A district heating system, fuelled by renewable energy sources, had been considered but had been discounted because its operation would be too onerous on the store operator and could complicate the viability of the whole development. The Joint Core Strategy had not been adopted until March 2011 and therefore there was no policy basis during the design stage to require higher energy standards.

Councillor Gayton called on the scheme to be progressed as soon as possible. He pointed out that Anglia Square served a large population to its north. There was a need for a food store at the centre and the scheme would improve access to the square and would make it less intimidating at night.

Councillor Little expressed concern that if later phases of the scheme were not realised retail outlets would be opened up in less sustainable locations. The head of planning services said that the demolition and infrastructure in the early phases would mitigate this as there was a financial imperative to complete the scheme. Councillor Gee expressed concern about the need to pre-let retail units to secure funding and that there was a chance that an increase in retail units in Anglia Square would be detrimental to shops in Magdalen Street and the surrounding area. The head of planning services said that a retail impact assessment had been conducted as part of the background documents for the Joint Core Strategy and the application and that it showed the proposal could lead to increased footfall in Magdalen Street.

Councillor Little referred to the concerns raised in relation to cycling provision. The head of planning services said that agreement had not been reached and that a compromise for public access for cyclists through the square for a 6 month trial basis was being considered. The overall scheme would be much more pedestrian and cyclist friendly than is currently the case. Members were divided about the loss of Anne's Walk as it was considered by some that it was a gateway to Magdalen Street.

During discussion, Councillor Stammers and Offord said that 10% energy efficiency was not satisfactory and should be increased to at least Code for Sustainable Homes Level 3 standards and that the applicant should provide further information on the costs and viability of doing so.

Members also discussed the design of the scheme. Sovereign House had been a flagship building for the city and its replacement should also be of a similar standard. The head of planning services pointed out that Sovereign House had been unoccupied for many years and the development needed to have a sustainable use.

Members noted that the affordable housing element would be in phase 1. The head of planning services said that the element of affordable housing had increased in percentage terms because there was less private housing. Members welcomed the demolition of the multi-storey car park. Councillor Gee queried the need for car park provision for residents given the move to car-free housing in the city centre.

During discussion some members considered that they needed further information on elements of the scheme and in particular cycling proposals and energy efficiency standards. Councillor Little moved and Councillor Stammers seconded to approve the principle of the application; request additional information on the cycling proposals; energy efficiency levels and the costs to bring this up to Code for Sustainable Homes Level 3; lower levels of housing proposed and the landscaping; and to defer for consideration at a future meeting of the committee.

RESOLVED with 4 members voting in favour (Councillors Gee, Little, Offord and Stammers) and 6 members voting against (Councillors Bradford, Gayton, Banham, Kendrick, Wright and George) not to defer consideration until a future meeting for the reasons as minuted above, therefore the amendment was lost.

Further discussion ensued where some members requested that the application be progressed as soon as possible and considered how this could be achieved. Councillors George moved and Councillor Kendrick seconded the recommendations as set out in the report.

RESOLVED with 6 members voting in favour (Councillors Bradford, Gayton, Banham, Kendrick, Wright and George) and 4 members voting against (Councillors Gee, Little, Offord and Stammers) that delegated powers be given to the Head of planning (in consultation with the chair and vice chair) to approve planning applications 11/00160/F, 11/00161/F, 11/00162/O and Conservation Area Consent 11/00163/C subject to:

- (a) Amendments being received to satisfactorily address the points raised relating to design and cycle parking;
- (b) A further period of formal consultation to relevant bodies, including advertisement in the press and on-site, regarding the amendments described in (a) above;
- (c) Consideration of any comments received by the Head of Planning (in consultation with the Chair and Vice Chair);

- (d) The completion of a satisfactory planning obligation to include the provision of:
- 49 units of affordable housing, at a tenure mix of 85% social rent and 15% intermediate tenure;
 - agreement for continued rights of public access into and across the Square for pedestrians and cyclists;
 - financial contributions to cover the necessary changes to Traffic Regulation Orders required to facilitate the scheme;
 - education contributions (£160,000);
 - off-site public open space and childrens play provision contributions (£20,000);
 - off-site landscaping and public realm enhancement contributions (£111,750);
 - off-site tree planting contributions (£8,250);
 - transportation contributions for Vehicle Messaging Systems and construction of the Edward Street bus interchange and associated facilities (£185,000);
 - travel plan monitoring contributions (£500 per year) from the first occupation of any element of the development until two years after the final occupation of the last element of the development;
 - community facilities contributions (£40,000);
 - phasing plan and inter-phase design and landscape requirements; and,
 - appropriate inclusion of an overage clause requiring a financial reappraisal (to be paid for by the applicant) on completion of the phases of development, with appropriate adjustments to the above contributions to be made towards the policy-compliant expected amount.

Subject to conditions and Reasons for Approval (to be distributed at the Committee meeting) and as may be amended by the Head of Planning (in consultation with the Chair and Vice Chair) because of consequential changes pursuant to amended information from the applicant or issues raised by third parties.

5. SITE VISIT – NEW VEHICULAR ACCESS TO EATON PARK – APPLICATION NO 11/00244/F

RESOLVED to undertake a site visit in respect of Application No 11/00244/F – New vehicular access to Eaton Park at 9.15am on 30 June 2011.

CHAIR