

Planning Applications Committee: 8th May 2014

Updates to reports

Application no: 13/01296/F and 13/01297/L Gladstone House, 28 St Giles Street.

Item 4(1) Page 21

Additional consultation response (English Heritage):

An additional consultation response has been received from English Heritage. English Heritage stating that the substance of previous advice submitted on the 4th November does not change but making some additional comments which are summarised below:

It was understood that during the development of the design an alternative location for the platform lift was proposed that might have allowed the service stair to be retained. We recommend the Council gives further consideration to this possibility before granting permission for the proposal.

The details of improving the acoustic performance of Gladstone House for its new use, which we queried in our letter, have still not been finalised. The project architect reported that the introduction of suspended ceilings, which would probably have the most pronounced visual impact, is unlikely to be required. This is encouraging, but a condition should be placed on any permission to approve details of the acoustic improvements and harmful alterations to the building avoided.

Setting the above issues aside, we remain of the view that the while the new use for Gladstone House is not in principle objectionable the application contains proposals that are harmful to the significance of the building in terms of paragraphs 132 and 134 of the National Planning Policy Framework, particularly the removal of the service stair and erection of the Garden Space building. We would accept that the proposed writers' center might deliver public benefit in terms of paragraph 134 of the NPPF and that this should be weighed against the harm. Unless your Council is satisfied that there is a clear and convincing justification for the harm and that the harm is outweighed by the public benefits the application should be refused.

Response:

With regard to the removal of the secondary stair this has been clarified with English Heritage who indicated on 7th May that they have misunderstood the issue and wish to retract this comment. They have now confirmed that they regard the alternative location for the platform lift previously considered to be more harmful to the listed building.

On the acoustics point the views are noted but it is considered the proposed solution is rather weaker and less clear than the approach taken in the report (see paragraph 39 of the report and further covered by informative 9 of 13/01297/L) that makes clear that no physical acoustic attenuation measures can be undertaken without express consent.

The final point reiterates previous comments and are noted.

Additional letters of representation:

A petition has also been submitted with the signatures of 321 members of the public objecting to the proposal and states:

“We, the undersigned, strongly object to the planning applications Ref.Nos: 13/01297/L & 13/01296/F. We say Gladstone House should be sympathetically restored without removing or tampering with original features. We say “NO” to a twenty first century folly – the auditorium must not be built.”

Six additional letters of representation have been received. Five of these letters object to the proposal with one in support.

The additional letters raise and reiterate many issues already addressed in the report and are not in need of further discussion. Issues in need of further clarification are summarised below:

1) Role of the Council in the application has again been questioned. The Council is accused of entering into an agency agreement with the applicant and acting unlawfully by not referring the listed building application to the Secretary of State.

Response:

Legal advice has been sought on this matter and can be summarised as follows:

“This is not an application by the Council nor by someone acting (in relation to the making of the application) as agent for the Council under instructions from the landowner to make the planning application. The applicant wishes and needs to make the application because it desires the potential planning permission for its own sake and benefit”

This point is also responded to in the third paragraph on page 26 of the committee report. The recommendation allows the Secretary of State three weeks to decide whether to call in the application.

2) Will writers want to stay in the spooky annexe? – Gladstone House will be empty overnight. Writers would need laundry and other facilities not currently catered for.

Response:

Not a significant issue. The apartments are not to be leased or sold as separate dwelling units and stay will be temporary. The facilities indicated on the plans are adequate for this purpose.

An email has also been received questioning whether proper notice was served on the tenants of Gladstone House (Pellcomp).

Response:

However, multiple letters of representation have been submitted by the director of Pellcomp who has purported to respond for this company. The purpose of the notification requirements is to ensure that people are made aware of planning applications and can then look at them and comment on them. Comments have been received on behalf of Pellcomp and there has been no prejudice.

Application no: 14/00224/MA 19 Leopold Road, Norwich, NR4 7AD**Item 4(3) Page 87****Additional representation:**

1 additional e-mail has been received from a previous objector to the scheme.

Issues raised	Response
The date and time for the Planning Committee meeting concerned within the web area of "committee meetings" does not turn up any details of the application or the officers' recommendations	The reports are not necessarily uploaded to the website at precisely the same time of neighbours being notified of the meeting. The website has been checked and a link has been sent to the neighbour concerned.
Whatever gets put up is going to be architectural rubbish. The façade ought to be pretty well an exact copy of that of the existing terrace to create a harmonious whole. But it won't be... It will be dreary, dull and derivative and will do nothing to enhance the road's appearance. Rather have the car lot, and so would those of my neighbours that I have asked.	See paragraphs 15, 16 and 26 of report

Application no: 13/01873/F 1 and 2 Holmwood Rise

Item 4(6) Page 129

Additional information submitted:

A tree protection plan has been submitted which is considered acceptable. It will be included in the presentation.

Response:

Recommended to change condition 3 to read:

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.

Application no: 14/00030/F Fieldgate, Town Close Road

Item 4(7) Page 137

Correction to report:

Paragraph 16 of the report sets out that all windows on the east elevation are to be obscure glazed and fixed. This should have stated that the two windows to the bedroom will be obscure glazed and fixed and the high level window to the bathroom will be obscure glazed. Condition 6 also to be amended accordingly.

Application no: 13/01540/VC Land and Buildings on the North East Side of King Street

Item 4(8) Page 151

Additional letter of representation:

An additional letter has been received from a resident who had previously objected to the proposals. This has been sent to all members of the committee and a response provided direct by planning officers. The letter principally raises concern over being advised that there would not be an opportunity to speak at the 08 May meeting and that this affects human rights or residents of Reads Mill. The letter also raises concern over the lack of

enforcement action against non-compliance with the condition to date and that the human rights act has not been considered in taking enforcement action.

Response: The application was deferred at 03 April committee meeting in order to clarify a legal matter on the scope of enforcement action should members resolve to refuse the application. Members of the public had opportunity to speak at the April meeting. Public speaking at the meeting is at the discretion of the Committee Chair.

The Human Rights Act is a key element which underpins the whole planning process and due regard needs to be taken of it in all decision making. It is referred to on page 20 of the papers.

Planning enforcement action is discretionary and local planning authorities should act proportionately in responding to suspected breaches of planning control. Planning authorities are required to consider the expediency of taking such action and there is no policy to enforce all breaches of condition. In this case at no point to date have officers considered it expedient to take formal enforcement action, this is because either officers have been seeking to negotiate a satisfactory way forward outside of formal enforcement action or it has been considered appropriate to await the outcome of a pending planning application (being application 12/01120/VC and its subsequent appeal or the current pending application).

Should members of the committee resolve to refuse the application for the revised mooring proposals then they may also consider the taking of enforcement action to remedy the breach of condition. Any enforcement action would need to be considered taking into account the Human Rights Act. The likely enforcement action in this case would be the service of a breach of condition notice on the appropriate body (developer/management company/freeholder as appropriate) rather than the individual flat leaseholders to seek compliance with condition 9 of permission 04/00274/F by implementation of the scheme agreed via the mooring details submitted under reference 10/01696/D. It is not considered that such a decision to seek compliance with a condition which existed before residents at Read Mills purchased their properties would in any way impact on their rights or obligations and neither would it impact on the rights of other third parties.

Further representation:

Cllr Ben Price has forward comments on certain parts of the committee report on behalf of a local resident. The comments are summarised below:

- Paragraph 6 – the inspector noted that there will need to be "carefully configured moorings on the river frontage" in order to avoid "unacceptable levels of noise or disturbance, or compromise the privacy or security of residents", the proposed situation will do exactly the opposite.
- Paragraph 10 - The fire officer went on to say: "If the moorings were long term and likely to attract the type of boats moored further up the

river, I may have concerns regarding stored LPG cylinders, fire fighter access". He recognises that the frequent flouting of those rules on the opposite bank could transfer to the Reads Mill bank.

- Paragraphs 11 and 15 - policy sets out a requirement for provision of public moorings and appropriate bankside access at Cannon Wharf within 50m of Novi-Sad Bridge, the original position satisfies this whilst the new position is at least 70m away.
- Paragraph 16 – ‘Both sets of mooring posts would be located adjacent to undercroft parking, above which are residential apartments.’ This is exactly the objection to the proposed site.
- Paragraph 19 - ‘(assuming no unauthorised use)’: the record on this stretch of river strongly suggests this is unreasonable and would be the responsibility of the landowner to police
- Paragraph 20 - The Broads Authority have stated that restricting the use of the moorings to demasting only would be “impractical (and difficult to enforce)”
- Paragraph 23 - ‘the applicant proposes to secure the mooring area with 6ft wrought iron fencing to improve security on the site.’ The current railings do absolutely nothing of the sort. On the contrary they simply increase the ability of intruders to access the balconies and establish an attractive area (for those coming off the river) which is not accessible at all by residents. If the application is agreed the requirement to install railings along the bank will be very effective.
- Proof that the major reason for the applicant wanting to avoid placing them in the original position 1.5 m from the bank is cost. They made the following comment during the appeal process “The original scheme was for mooring points within the river channel; this proved to be unreasonably cost”.

Response

The comments are noted and the concerns relating to amenity and security are considered in the committee report.

Consultation comments are summarised within officer reports with full comments available online. Paragraph 15 of the officer report details the distance each proposed mooring is from the nearest bridge. The fire officer’s full comments are copied below, it is noted that his last sentence is not specific and does not refer to moorings on the opposite side of the river, it is understood that this comment is likely to refer to permanent residential boats further up the river.

“I’ve had look on site and can see no issues with this proposal”.

The moorings are far enough away from the car park vents and face of the flats, that they do not present an increased risk a of fire spreading between and endangering the occupants. Additionally as moorings will be for temporary use only the boats will be licensed and hence subject to the boat safety inspections etc.

If the moorings were long term and likely to attract the type of boats moored further up the river, I may have concerns regarding stored LPG cylinders, fire fighter access etc.”

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Updates to reports – Part 2

Application no: 13/01928/F: Land and buildings rear of and including 293-293A Aylsham Road, Norwich.

Item 4(2) Page 75

Proposed changes to recommended conditions:

Change: It is proposed to merge Condition 8 (*‘There shall be no use of the comparison goods floorspace separately from that of the main retailer or as a separate unit / via a separate entrance’*) with Condition 6 (*‘There shall be no future subdivision of the retail store into smaller units’*) for clarity and to avoid repetition of intent.

Reason: The expanded Condition 6 will therefore ensure both that the foodstore is sequentially appropriate to the Aylsham Road shopping centre’s position in the retail hierarchy, and ensure the development does not allow any new, separate comparison goods store on site which might be said to have traffic impacts, or a retailing impact on the district centre different to that considered as part of the main foodstore scheme, and would not allow diversion of trade away from the existing shops without having first understood its retail impact by having a specific assessment. For context, Condition 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’*) only defines how much ‘ancillary’ comparison goods space is considered acceptable.

This would accord with the objectives of the NPPF, saved policies SHO3, SHO12, TRA3 and TRA5 of the adopted City of Norwich Replacement Local Plan, policies 12 and 19 of the adopted Joint Core Strategy for Norwich, Broadland and South Norfolk (2014), and the principles of emerging policy R23 of the submitted local plan for Norwich.

Changes: The following are changes to contamination requirements.

- Condition 4 – amend to require works of the contamination remediation strategy agreed by 12/00441/D to be completed in respect of **both** sub-soil / near-surface contamination, **and** groundwater / floating product / dissolved phase contaminants.

- Condition 15 – delete part (b) '*requirement for long-term monitoring of subsoil contamination*', for clarity because this is covered by the retained Condition 17(a) '*long-term monitoring requirements*'.
- Condition 18 (remediation strategy for groundwater) – delete parts (a), (b), (c) and (d) and replace with the need to submit and agree with the LPA and Environment Agency a Detailed Quantitative Risk Assessment (DQRA) and any consequential remediation method statement for works required only relating to the DQRA (and a verification plan for those works), in addition to the works within the remediation method statement approved by 12/00441/D.
- Condition 19 (verification of groundwater treatment) – amend to ensure the works demonstrate completion of the groundwater remediation from condition 4 **and** any additional remediation needed from amended condition 18, and submit a verification report **and** any additional verification report from amended condition 18.

Reason: The changes recommended are proposed following a review of the Environment Agency's advice and the works already undertaken by the applicant / site owners.

(NB – following removal of condition 8, the listed conditions 9-36 are re-numbered accordingly, to become 8-35).
