



PLANNING APPLICATIONS COMMITTEE

10am to 11.35am

19 April 2012

Present: Councillors Bradford (chair), Gee (vice-chair), Ackroyd, Banham, Gayton, Kendrick, Little, Offord and Sands (S)

Apologies: Councillors Haynes, George and Lubbock; and Councillor Stammers who was due to substitute for Councillor Haynes

1. MINUTES

RESOLVED to agree the accuracy of the minutes of the meeting held on 29 March 2012.

2. APPLICATION NO 12/00143/ET AND 12/00144/ET DEPOSITORY BUILDING PART LION HOUSE AND PART SEYMOUR HOUSE MUSPOLE STREET, NORWICH

The senior planner (development) presented the report with the aid of plans and slides. Members were advised that it was recommended that the approval of the extension of time period for commencement of development was subject to the completion of a Deed of Variation to link the original S106 agreement with these applications.

A local resident then addressed the committee and pointed out that he had received only two days notice that the committee would be considering these applications today. He outlined his objections to the proposal which he had raised when the application was considered in November 2008 and 2001 which included concerns about loss of light to his two storey dwelling.

The planning development manager explained that the objections raised by the speaker had been considered when the original planning application had been determined. He apologised to the member of the public for the late notice of the committee date which due to an administrative error, interested parties had not been contacted until two days before the committee. He confirmed that all parties had subsequently been contacted.

The senior planner referred members to the following extract from the report to the planning applications committee on 13 November 2008, relating to the concerns about overlooking of adjacent properties:

“Secondly the new link building, as described above has been set back at third floor level in order to attempt to overcome objectors concerns. The ground floor of this building is a bike store on the same line of the existing building and is not considered to have a significant impact on neighbour amenity. The upper three levels are residential. The total height of the link building is 12m, the first and second floor of which are set back 11m from the rear wall of the nearest property on Duke Street and 8m from the rear garden boundary. At second floor this is set back a further 2m to 13m and 10m respectively.

The existing building in this location is approximately 8.5m tall other than a small section which is single storey at a height of approximately 4.5m and set back 8m from the rear wall of the nearest property on Duke Street and 5m from the rear garden boundary.

Thirdly the phase 2 proposals which propose to replace the existing offices to the rear of Seymour House. These will be in the same line as the existing offices in this location, it is accepted as offices they would be rarely used at weekends or evenings and therefore the current extent of overlooking is limited at this time.

It is considered that the proposals will inevitably increase the level of overlooking to the buildings to the rear of Duke Street and would have some impact on the levels of morning sunlight received by properties on Duke Street. In relation to loss of morning light it is considered that whilst there is an increase in height the new build elements are set back far enough to ensure that this impact is not significantly detrimental to render refusal.”

Discussion ensued in which the senior planner answered members' questions.

RESOLVED,

(1) to approve Application No 12/00143/ET Extension of time period for the commencement of development for previous planning permission 08/00866/F 'Redevelopment of site to provide 47 No. apartments and 10 No. houses with associated works including enhancement of external areas and provision of formal parking areas. (Amended Design)' and grant planning permission, and subject to the following conditions:-

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
2. No part of phase 2 shall be implemented prior to the completion of phase 1, which shall be implemented in full accordance with the approved phase 1 drawings, unless otherwise agreed in writing by the Local Planning Authority. Phase 2 shall be implemented in full accordance with the approved phase 2 drawings unless otherwise agreed in writing by the Local Planning Authority.

3. The development hereby permitted shall not commence until the following samples have been submitted to and agreed in writing by the Local Planning Authority:
- (a) Bricks (including details of manufacturer and name of brick, details of the brick bond, mortar mix and a sample);
 - (b) Roof tiles, including details of the manufacturer and tile name and a sample;
 - (c) Metal Cladding;
 - (d) Tile Cladding.

The development shall thereafter be carried out in full accordance with the agreed details and retained as such in perpetuity.

4. The development hereby permitted shall not commence until precise details including colour and finish of the following have been submitted to and agreed in writing by the Local Planning Authority:

- (a) metal roofing;
- (b) glass balustrade;
- (c) render;
- (d) timber cladding;
- (e) rainwater goods;
- (f) ground floor grilles to cycle and car parking areas;

The development shall thereafter be carried out in full accordance with the agreed details and retained as such in perpetuity.

5. The development hereby permitted shall not commence until precise details including large scale drawings (1:10/1:20) of the following have been submitted to and agreed in writing by the Local Planning Authority:

- (a) timber porches;
- (b) windows;
- (c) doors;
- (d) access;
- (e) gates;
- (f) balconies;
- (g) north lights.

The development shall thereafter be carried out in full accordance with the agreed details and retained as such in perpetuity.

6. The development hereby permitted shall not commence until a scheme for the provision and implementation of landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following elements:

- (a) planting plans including details of the genera, species, provenance, number and size of new trees and shrubs at the time of their planting;
- (b) details of planting handling standards and soil amelioration;
- (c) details of all hard landscaping, including surface materials, boundary treatments, external lighting and furniture;
- (d) an implementation timetable;
- (e) a management and maintenance plan including details of irrigation and formative pruning;

The scheme as approved shall be carried in full accordance with the agreed details and timetable for implementation unless otherwise agreed in writing by the Local Planning Authority.

7. The development hereby permitted shall not commence until exact details for the provision of the solar thermal and photovoltaic panels in both phase 1 and phase 2 of the development have been submitted to and agreed in writing with the Local Planning Authority. The details shall include:

- (a) the average annual energy production of the proposed panels per square metre, gross;
- (b) the total area of panels proposed;
- (c) a plan of the panels location;
- (d) a section through the panels;
- (e) installation of any associated equipment;
- (f) the future operation and management of the panels;
- (g) the estimated annual carbon emissions and energy consumption for the site based on BRE benchmark data.

The panels shall be provided in full accordance with the agreed details prior to the first occupation of any residential unit in each phase.

8. The development hereby permitted shall not commence until a scheme for on-site historic interpretation has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include details of the content, numbers and locations of historic interpretation signs to be erected. The scheme as agreed shall be implemented in full within six months of the first occupation of any part of the development.

9. No development shall take place within the site until the applicant, or their agents or successors in title, has:
 - (a) caused to be implemented a programme of archaeological evaluation in accordance with a first written scheme of investigation which has been submitted to and approved in writing by the local planning authority; and
 - (b) submitted the results of the archaeological evaluation to the local authority; and
 - (c) secured the implementation of a programme of archaeological mitigatory work in accordance with a second written scheme of investigation which has been submitted to and approved in writing by the local planning authority.

The programme shall cover both phases 1 and 2 of the development and include post excavation assessment, analysis, archiving and publication of results, unless otherwise agreed in writing with the local planning authority prior to the commencement of the programme.

10. No development shall take place within the site in pursuance of this permission until the following components of a scheme to deal with the risks associated with contamination of the site have each been submitted to and approved, in writing, by the local planning authority as necessary:

- 1) A preliminary risk assessment which has identified:
 - a) all previous uses
 - b) potential contaminants associated with those uses
 - c) a conceptual model of the site indicating sources, pathways and receptors
 - d) potentially unacceptable risks arising from contamination at the site;
 - 2) If the preliminary risk assessment identifies a potential unacceptable risk from contamination, a site investigation scheme, based on the preliminary risk assessment, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;
 - 3) A written report containing the site investigation results and the detailed risk assessment of the risk to all receptors that may be affected and, based on these, if required, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
Any works on site shall be in accordance with the scheme as approved and any changes to any of the details specified above would require the further express consent of the local planning authority.
11. No occupation of the development hereby approved shall take place until a verification plan and a proposed monitoring, maintenance and contingency plan have been submitted to and agreed in writing by the local planning authority. The verification plan shall provide details of the data that has been collected in order to demonstrate that the works set out in remediation strategy referred to in condition 10 above are complete and shall identify any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The proposed monitoring, maintenance and contingency plan shall identify how these requirements will be met.
 12. If, during development, contamination not previously identified is found to be present, then no further development shall be carried out in pursuance of this permission until a scheme has been submitted to and approved by the council as Local Planning Authority detailing how this contamination shall be dealt with in accordance with the remediation scheme as set out above. Only when evidence is provided to confirm the contamination no longer presents an unacceptable risk, can development continue.
 13. All imported topsoil and subsoil for use on the site shall be certified to confirm its source and that it is appropriate for its intended use. No occupation of the development shall take place until a copy of the certification has been submitted to the Local Planning Authority.
 14. The development hereby permitted shall be constructed with a minimum finished floor level set to 3.70mAOD.

15. Prior to the commencement of development a scheme for the provision and implementation of water, energy and resource efficiency measures, during the construction and occupational phases of the development shall be submitted to and agreed, in writing, by the Local Planning Authority. The scheme shall include a clear timetable for the implementation of the measures in relation to the construction and occupancy of the development. The scheme shall be constructed and the measures provided and made available for use in accordance with such timetables as may be agreed.
16. Prior to the commencement of development, a scheme for the provision and implementation of foul water drainage shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall be constructed and implemented in full before any discharge is generated.
17. No development shall commence on site until schemes for phase 1 and 2 of the development have been submitted for the provision of one fire hydrant (served by mains water supply) for every 50 dwellings forming part of the development and no dwelling shall be occupied in each phase until the hydrants have been provided in accordance with the schemes as approved to the satisfaction of the Council in consultation with Norfolk Fire Service.
18. Prior to the first occupation of phase 1 of the development hereby permitted, all secure cycle parking and refuse stores for phase 1 as indicated on approved drawing no. 30616 001(P1) C shall be provided in full and made available for use by future residents. Prior to the first occupation of phase 2 of the development hereby permitted, all secure cycle parking and refuse stores for phase 2 as indicated on approved drawing no. 30616 001(P2) D shall be provided in full and made available for use by future residents.
19. The development hereby approved shall be designed and built to achieve a water consumption rate of no more than 105 litres per person per day, equivalent to Level 4 of the Code for Sustainable Homes for water usage. No occupation of any of the dwellings shall take place until confirmation from a code assessor that the development has been designed to meet levels 3/4 of the Code for Sustainable Homes (or an equivalent level which may replace that Code) and which confirms that the development has been constructed in accordance with Level 4 (or equivalent) for water usage has been submitted to and agreed in writing by the Local Planning Authority. All completed water conservation measures identified shall be available for use prior to first occupation, and shall thereafter be permanently retained.
20. No development shall commence until a surface water strategy/flood risk assessment has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the surface water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

Informative:

1. You are advised that the council expects the following measures to be taken during any building operations to control noise, pollution and parking:
 - (a) Work that is audible beyond the site boundary shall only be carried out between 7.30am and 5.30pm Monday to Friday, between 7.30am and 1.00pm Saturday and not at all on Sundays or Bank Holidays;
 - (b) The quietest available items of plant and machinery shall be used on site. Where equipment such as generators are necessary, they should be enclosed to reduce noise levels, if applicable.
 - (c) Deliveries shall only be received within the hours detailed in (a) above.
 - (d) Adequate steps shall be taken to prevent dust-causing nuisance beyond the site boundary. Such steps include the use of hoses to damp down stockpiles of materials, which are likely to generate airborne dust, to damp down during stone/slab cutting; and the use of bowsers and wheel washes;
 - (e) There shall be no burning on site;
 - (f) Only minimal security lighting shall be used outside the hours stated above; and
 - (g) Building materials and machinery shall not be stored on the highway and contractors' vehicles shall be parked with care so as to not cause an obstruction or block visibility on the highway.

Any divergence from these recommendations should be referred to the council's environmental protection team (or highways team for matters which may affect highway safety) for approval.

The council also recommends membership of a scheme, such as the Considerate Constructors Scheme.

2. Contaminated soil that is excavated, recovered or disposed of, is controlled waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:
 - i) Duty of Care Regulations 1991
 - ii) Hazardous Waste (England and Wales) Regulations 2005
 - iii) Waste Management Licensing Regulations 1994 (as amended)
 - iv) Pollution Prevention and Control Regulations (England and Wales) 2000
 - v) Landfill (England and Wales) Regulations 2002

It should be ensured that all contaminated materials are adequately characterised chemically and physically, and that the permitting status of any proposed off site operations is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

3. Anglia Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively

adoptable highways or public open space. If this is not practicable then the applicant will need to ask for assets to be diverted under Section 185 of the Water Industry Act 1991 or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

4. There is insufficient water resource capacity to supply this development. However, in line with national and regional government policy Anglia Water would wish to see measures taken by the developer to ensure that buildings are constructed to high water efficiency standards. This can be achieved through the design of efficient plumbing systems and the installation of water efficient fixtures and appliances in line with the Code for Sustainable Homes. This will minimise the growth in demand for water from the new development and help to ensure the sustainable use of our regions water resources.
5. The development can be supplied from the network system that at present has adequate capacity. The developer may wish to submit a formal requisition for a water supply main under Section 41 of the Water Industry Act 1991 or enter into an agreement to lay the main ready for adoption by us under Section 51A of the Act.
6. The foul flows from the development can be accommodated within the foul sewerage network system that at present has adequate capacity. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise then of the most suitable point of connection.
7. The development can be accommodated within the public surface water network system which at present has limited capacity. The developer should notify Anglia Water of its intention to connect to the public surface water sewer under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection and the maximum rate of discharge which should be made. Attenuation may be required and this could affect the site layout.
8. The foul drainage from this development will be treated at Whitlingham Sewerage Treatment Works that at present has available capacity for these flows.
9. Please note that the onus is on the developer to install fire hydrants during construction to the satisfaction of Norfolk Fire Service and at no cost to the authority.

(Reasons for approval:- The decision has been made with particular regard to the National Planning Policy Framework, Policies ENV6 and ENV7 of the East of England Plan (May 2008), policies 1, 2, 3, 4 and 6 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (March 2011) and saved policies NE9, HBE3, HBE8, HBE12, EP1, EP16, EP18, EP22, HOU6, HOU8, Sr4, SR7, TVA8, TRA5,

TRA6, TRA7, TRA8 and TRA11 of the City of Norwich Replacement Local Plan (Adopted Version November 2004).

Having considered all of the above and other material planning considerations it is considered that subject to the conditions listed and the contents of the S106 agreement that the proposals are an appropriate redevelopment of a central Brownfield site in a sustainable manor which would enhance the surrounding Conservation Area. In terms of neighbour amenity, on balance, it is considered that when weighed against the other merits of the development as a whole, the impact would not be so detrimental to make the application unacceptable.

The implications of new development plan policies contained within the Joint Core Strategy have been considered and they do not have significant implications on the principle of the development or the acceptability of the development proposed. Any new arising policy requirements are considered to have been met by these proposals. Given that the proposals have previously been considered to be acceptable and there have been no material changes in circumstances on site since this time, it is considered that the extension of time for implementation is acceptable.)

(2) to approve Application No 12/00144/ET, Extension of time period for previous conservation area consent 08/00867/C 'Demolition of modern extensions to Lion House and Seymour House and demolition of single storey detached buildings to east of site.' and grant conservation area consent, subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of THREE years from the date of this permission.
2. The phase 1 demolition (as detailed on approved drawing number 30616 102(P1)) hereby permitted, shall not be implemented until one of the following has been submitted to and agreed in writing by the Local Planning Authority:
 - a) details of bonafide contractual arrangements for the redevelopment of the site with a start date no later than 6 months from the implementation of the phase 1 demolitions; or
 - b) details for interim remediation and landscaping of the site, including boundary treatments.

Any landscaping and remediation measures agreed under b) above shall be implemented in full within three months of the demolition or such further period which may be agreed in writing with the Local Planning Authority.

The phase 2 demolition (as detailed on approved drawing number 30616 102 (P2)) hereby permitted, shall not be implemented until details of bonafide contractual arrangements for the redevelopment of

the site with a start date no later than 6 months from the implementation of the phase 2 demolition.

3. The conservation area consent hereby permitted shall not be implemented until a full written and photographic record of the historic door on the east elevation of the derelict single storey building to east of the site has been submitted to and agreed in writing by the Local Planning Authority.
4. Any damage to the adjacent buildings Lion House and Seymour House as a result of the demolition shall be made good within 3 months of the demolition to the written satisfaction of the Local Planning Authority.

(Reasons for approval: The recommendation has been made with regard to the provisions of saved policy HBE8 of the City of Norwich Replacement Local Plan (Adopted Version November 2004) and the National Planning Policy Framework and other material planning considerations, it is considered that subject to the conditions as listed and the redevelopment of the site, the demolition is considered acceptable.)

- (3) approval is subject to the completion of a Deed of Variation to link the original Section 106 agreement with the extension of time permission by 15 May 2012, and if the Deed of Variation is not completed prior by that date, to delegate refusal to the head of planning services.

3. APPLICATION NO 12/00234/F 213 KING STREET NORWICH NR1 2BU

The planning development manager presented the report with the aid of plans and slides.

A local resident addressed the committee with her objections to the roof light and her concerns that her first floor apartment would be overlooked.

The planning development manager said that the roof light was 2.2m from the floor and therefore above head height. The view from it would therefore be limited and the issue was more likely to be the view into the bathroom from the surrounding flats. It would be hard to justify that the window harmed the amenity value of the neighbouring properties.

During discussion members expressed concern that the developers had installed the window without listed building consent but were advised that this was not the case. There was general consensus that obscuring the window would be a good compromise. Members questioned why the side window had been blocked out and were advised that the skylight was the sole means of daylight to the bathroom of the property. Velux windows were not available with obscure glass and therefore a film could need to be used to obscure the glass.

The senior planner (development) explained the reasons for the two cancelled planning applications earlier this year. One of the applications was for minor matters which were subsequently considered to be too detailed for that type of application and necessitated a full planning application. The other was an application that had been registered twice in error.

Discussion then ensued on the access to the fire escape and the additional car parking spaces. Councillors Little and Gee expressed concern that this application exceeded the maximum parking provision for a dwelling of this size and was contrary to policy when the intention for the development of 213 King Street was that it should be a car free development. The cottage at 213 King Street was allocated a parking space on the main car park for the development but it was understood that a potential purchaser had requested a car parking space adjacent to the property. The planning development manager and the senior planner (development) referred to paragraph 31 of the report and advised members that the parking provision for the whole development at Cannon Wharf was below the parking standards and therefore on balance it would be difficult to defend refusal of this application as contravening the policy. There was the possibility that, at appeal, an inspector might consider the council's actions unreasonable in refusing this application.

Councillor Little moved and Councillor Gee seconded that the application be refused on the grounds that the additional parking space exceeded the maximum parking provision for a property of its size and contravened planning policy, and that the premises had good access to sustainable transport routes.

RESOLVED,

- (1) with 7 members voting in favour of refusal (Councillors Gayton, Banham, Sands, Little, Gee, Offord and Ackroyd) and 2 members against refusal (Councillors Bradford and Kendrick) to refuse application no 12/00234/F, 213 King Street, Norwich, NR1 2BU, on the grounds listed above and to ask the head of planning services to provide the reasons for refusal in policy terms;
- (2) to authorise enforcement action to remove the tarmac laid for the parking spaces and to take the necessary legal proceedings.

(Reasons for refusal as subsequently provided by the head of planning:

The site is located in an accessible location within Norwich City Centre with good access to non-car modes of transport. The car parking numbers proposed exceeds the maximum parking levels for a property of this size within the City Centre and the proposal is therefore contrary to saved policy TRA6 of the adopted City of Norwich Replacement Local Plan and the objectives of paragraph 39 of the National Planning Policy Framework.)

4. APPLICATION NO 12/00419/F 27 GROSVENOR ROAD, NORWICH, NR2 2PY

RESOLVED, having considered the report of the head of planning services, to approve application no 12/00419/F 27 Grosvenor Road, Norwich, NR2 2PY, (conversion of loft to habitable space including the construction of a rear dormer and velux window, 2 No. front velux windows and wrought iron fence and gate) and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;

3. Details of materials;
4. Details of profile of casement window in dormer;

Informative note: Rooflights should be flush fitting 'conservation' type rooflights.

(Reason for approval: The decision is made with regard to policies HBE8, HBE12 and EP22 of the City of Norwich Replacement Local Plan Adopted Version November 2004, the adopted Joint Core Strategy March 2011 and all material considerations. The dormer window and railings are of good design in the context of the locally listed building and the wider Heigham Grove Conservation Area and will not have an adverse impact on the amenity of neighbouring properties through overlooking by virtue of the distance to the nearest residential property and small scale of the dormer window on south roof slope.)

5. NATIONAL PLANNING POLICY FRAMEWORK – AMENDMENTS TO THE WORDING OF DECISIONS NOT YET ISSUED

The planning development manager presented the report and answered questions.

RESOLVED to delegate to the head of planning services the agreement of amendments to previous decisions of the planning applications committee (as set out in Appendix 1 of the report) relating to the reasons for conditions and the reasons for approval and to delete references to cancelled documents and replace with the National Planning Policy Framework.

CHAIR