



**PLANNING APPLICATIONS COMMITTEE**

**11.15am to 1.20pm**

**1 March 2012**

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

Apologies: Councillors Lubbock

**1. DECLARATION OF INTERESTS**

Councillor Little declared a pre-determined view on item 5(4) because he had been acquainted with the applicants through his work as a councillor on an unrelated matter.

**2. MINUTES**

**RESOLVED** to agree the accuracy of the minutes of the meeting held on 9 February 2012.

**3. JOINT CORE STRATEGY**

(The chair agreed to take the following statement as an urgent item.)

The head of planning services updated members on the judgement received on the legal challenge to the Greater Norwich Development Partnership's (GNDP) Joint Core Strategy (JCS), and confirmed that the majority of the adopted JCS was unaffected by the Judge's decision. The Judge had upheld part of the challenge relating to the procedures undergone in relation to the north-east growth triangle. The relevant parts of the JCS dealing with the north-east growth triangle would be remitted back to the pre-submission stage in the plan preparation process. The GNDP would prepare a revised sustainability appraisal to explain how the process by which the north east growth triangle had been chosen as the major growth location and also would consider alternative growth locations to the north east growth triangle. The judgement did not affect the NDR (Northern Distributor Road) or housing numbers outside parts of Broadland. Growth in Norwich and South Norfolk, as set out in the adopted JCS was unaffected by the decision, but the uncertainty created by the situation in the Broadland part might be considered material to the determination of planning applications within the city, and members would be advised on a case by case basis if this were considered to be the case.

The head of planning services said that there were no material considerations arising from the ruling that should impact significantly on any of the planning applications to be considered at this meeting.

**RESOLVED** to note.

**4. APPLICATION NO 11/02192/C PUBLIC CONVENIENCE ST SAVIOURS LANE NORWICH**

The planning development manager presented the report with the aid of plans and slides and explained that permission was being sought because the building was in a conservation area. The decision to close the facility had been made following the budget consultations last summer and was not within the remit of this committee.

During discussion the council's facilities and building maintenance manager said that the public conveniences would not close until 1 April 2012 to give members of the public a month's notice. In response to questions, the planning development manager said that if approval for conservation area consent was granted it would not be valid until the response from English Heritage on whether the building should be listed or not had been received.

Councillor Gayton moved and Councillor Bradford seconded that the committee deferred determining this application until the response from English Heritage had been received.

**RESOLVED** with 9 members voting in favour (Councillors Bradford, Banham, Gayton, Sands, Offord, Gee, Haynes, Ackroyd and George) and 2 members voting against deferral (Councillors Kendrick and Little) to defer consideration of application no 11/02192/C Public Convenience St Saviours Lane, Norwich, until a response had been received from English Heritage on whether the building should be listed.

**5. APPLICATION NO 11/00376/F CLARENCE HARBOUR COURT, CARROW ROAD NORWICH NR1 1JF**

The senior planner (development) presented the report with the aid of plans and slides.

A resident from Cozens Road addressed the committee with her concerns about the development of the site and the management of it and the adjacent passageway. Photographs were displayed. A resident from Clarence Harbour Court also addressed the committee with concerns about the bin storage and parking provision on the site and the need to make the site secure.

The agent then responded to the issues raised and said that the successful completion of the development would make it secure and tidy.

The senior planner (development) referred to the report and responded to the issues raised and answered members' questions. During discussion members considered that the landscaping conditions should be enforced. There was consensus from members to a suggestion from Councillor Little that security gates should be fixed half way under the carriageway so that vehicles can turn in and wait for the gates to open without impeding other traffic, pedestrians and cyclists.

Discussion ensued in which Councillor Gee expressed concern about the lack of affordable housing provision on the site. Councillor Sands said that she considered that the provision of 8 parking spaces was insufficient for 12 residential units.

**RESOLVED**, with 9 members voting in favour (Councillors Bradford, Kendrick, Banham, Gayton, Little, Offord, Haynes, Ackroyd and George) and 2 members voting against (Councillors Sands and Gee) to:

(1) to approve application no 11/00376/F (Clarence Harbour Court, Carrow Road) and grant planning permission, subject to the completion of a satisfactory Section 106 agreement by 16 March 2012 to include the provision of contributions for sustainable transport to the value of £3,385.80 and subject to the following conditions:

1. Standard time limit
2. In accordance with the drawings;
3. Details of:
  - a. Materials, including bricks, roof tiles etc;
  - b. Window and door joinery;
  - c. Positions of boiler flues and downpipes and colour and finishes;
  - d. New gates, and the a security gate to be placed halfway through the carriageway arch;
  - e. Bollards;
  - f. External lighting, including position, specification and times and illuminance levels.
  - g. Solar panels, including sections.
4. Compliance with the submitted AIA and all details contained therein;
5. Details of a landscaping scheme including boundary treatments (including provision of hedgehog holes), planting schedule and hard landscaping materials for the whole site, including land outlined in blue on the site location plan;
6. Maintenance of the landscaping;
7. Replacement planting if plants die within 5 years;
8. Details of a scheme to deal with contamination of the site, including:
  - a. Preliminary risk assessment;
  - b. A site investigation scheme;
  - c. Site investigation results;
  - d. A verification plan
9. A verification report demonstrating completion of the works set out in the approved remediation strategy shall be agreed by the LPA, including results of sampling and monitoring, demonstrating the remediation criteria have been met.
10. Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan. On completion, a final report demonstrating all long-term site remediation criteria have been met and documenting any decision to cease monitoring.
11. If any previously unidentified contamination is found, then all works shall cease until the developer has submitted an amendment to the remediation strategy detailing how any contamination will be dealt with.
12. Contaminated land details to be provided if contamination found during development works;

13. Certification of imported topsoils and subsoils
14. Windows of any habitable rooms shall be insulated to provide protection from traffic noise;
15. External lighting shall be positioned as sensitively as possible to residential amenity.
16. No dwellings shall be occupied until the works have been carried out in accordance with the surface water strategy.
17. Bird nesting boxes should be provided prior to first occupation;
18. Cutting back of any vegetation should be done outside of bird breeding season;
19. Cycle parking to be provided prior to first occupation
20. Car parking across the whole site, including land outlined in blue on the site location plan, shall be demarcated and laid out in accordance with the site plan for this scheme and the original planning permission for the remainder of the site.

Informatives:

1. Dust emissions should be reduced as far as possible;
2. Construction site noise shall be mitigated to appropriate times.
3. The sewerage system has available capacity at present but the applicant should contact Anglian Water in any case.
4. A Foundations Works Risk Assessment shall be undertaken where necessary.
5. Adjacent to an air quality management area.
6. Future occupiers would not be eligible for parking permits.

(Reasons for approval: The principle of redevelopment for housing has been accepted by virtue of previous consents on this site and the design and appearance of the proposed development responds sensitively to its surroundings and provides a high quality of development design. The layout, scale and massing of the development is considered appropriate and responds well to the complex topography of the site. Whilst the proposed density is much higher than the existing density of the surrounding area it is considered that the sensitive design and location of the buildings reduces the impact of the new development on neighbours. The proposals are therefore considered to be in accordance with the objectives of PPS1, policies 2 and 4 of the Joint Core Strategy (Broadland, Norwich and South Norfolk March 2011) and saved policies HOU13 and HBE12 of the City of Norwich Replacement Local Plan (Adopted Version November 2004) and all other material considerations.

The design of the development has been significantly altered in order that there is no overlooking of properties fronting Cozens Road along the eastern boundary of the site. In addition, it is considered that there is sufficient distance between the existing terraced housing on Cozens Road and Hardy Road and the proposed new townhouses and flat block to ensure no unacceptable loss of light or loss of privacy. The proposals are therefore considered to be in accordance with saved local plan policy EP22 of the City of Norwich Replacement Local Plan (Adopted Version November 2004) and all other material considerations.

Subject to compliance with condition on this permission there are not considered to be any arising issues of noise disturbance which would have a detrimental impact on

the amenity of future occupiers of the proposed dwellings or on the amenity of neighbouring residential dwellings. Therefore the proposals are considered to be in accordance with the objectives of PPG24 and saved policy EP22 of the City of Norwich Replacement Local Plan (Adopted Version November 2004) and all other material considerations.

8 car parking spaces are provided for the proposed 12 dwellings, representing a beneficial reduction over maximum car parking standards (low car housing). Whilst it is accepted that the scheme will generate some parking pressure, the surrounding area is permit parking only which should ensure that there is no knock-on impact on parking for residents in neighbouring streets. In addition, the reduction in car parking on site delivers compensatory benefits in terms of substantially increased shared amenity space for the flatted block and a private defensible amenity space for each townhouse. Therefore the proposals are considered to be in accordance with the objectives of PPG13, policy 6 of the Joint Core Strategy (Broadland, Norwich and South Norfolk March 2011) and saved policies TRA5 and TRA9 of the City of Norwich Replacement Local Plan (Adopted Version November 2004) and all other material considerations

Cycle parking is being provided on a 1:1 basis in covered and secure areas appropriate for the individual townhouses and the flatted block. Whilst individual storage areas would be preferable for the flats, in practical terms this is not feasible and the shared facility is considered acceptable. The proposals are therefore considered to be in accordance with the requirements of saved policy TRA7 of the City of Norwich Replacement Local Plan (Adopted Version November 2004) and all other material considerations.

The proposed refuse storage areas and servicing access is considered acceptable and will bring wider benefits in the surrounding area with the widening of the pedestrian access route through from Carrow Road to Cozens Road and Hardy Road at the rear of the site. Therefore the proposals are considered to be in accordance with the objectives of saved policy TRA8 of the City of Norwich Replacement Local Plan (Adopted Version November 2004) and all other material considerations.

The application adequately demonstrates how the development will provide for a high standard of energy efficiency and meet the requirements of policy to provide at least 10% of its energy through the use of solar panels. Further, it has been demonstrated that the installation of such panels will not adversely affect the character or appearance of the development and subject to conditions requiring details of the solar panels, the proposals are considered to be in accordance with the objectives of PPS1, ENG1 of the East of England Plan (May 2008), policy 3 of the Joint Core Strategy (Broadland, Norwich and South Norfolk March 2011) and saved policy EP18 of the City of Norwich Replacement Local Plan (Adopted Version November 2004) and all other material considerations.

Subject to compliance with conditions it is considered that there will be no detrimental impact on the existing 18 Lime trees proposed to be retained on site. These trees are protected by a Tree Preservation Order (TPO) but it is not considered that these development proposals will have any detrimental impact on their well-being. Therefore the proposals are considered to be in accordance with

saved policy NE3 of the City of Norwich Replacement Local Plan (Adopted Version November 2004) and all other material considerations.))

- (2) where a satisfactory S106 agreement is not completed prior to 16 March 2012 that delegated authority be given to the head of planning services to refuse planning permission for application number 11/00376/F (Clarence Harbour Court, Carrow Road) for the following reasons:

In the absence of a legal agreement or undertaking relating to the provision of a transportation contribution the proposal is contrary to saved policy TRA11 of the adopted City of Norwich Replacement Local Plan.

## **6. 11/02236/F LAND ADJACENT TO NOVI SAD BRIDGE WHERRY ROAD NORWICH**

The senior planner (development) presented the report with the aid of plans and slides.

A member of the public then addressed the committee with his objections to the proposed development and an additional suggestion that consideration be given to carrying out a wind assessment on the impact of this development. He suggested that a consequence of the building would be to create a wind tunnel given the conditions arising from the tall buildings and the proximity of the Novi Sad bridge and the river which could be hazardous to pedestrians and cyclists.

A resident of Sidestrand then addressed the committee with her concerns about the height of the building; that the design was not in keeping with adjacent buildings and that the applicants had not included residents in the pre-application consultation.

The agent then responded to the issues raised and said that the development would not prejudice or impede the view of landmarks from the neighbouring properties. Whilst not compromising on the design, the proposed development was not as high as the previous permission and had fewer units.

The senior planner referred to the report and together with the head of planning services responded to the issues raised and members' questions. There were policies in the Local Plan that related to the aerodynamic issue of the effect of high buildings. He pointed out that this could be a material consideration, although suggested that given the height of the buildings, which generally in an urban context was not significant, it would be unlikely that any impact would be so significant so as to warrant refusal of the application.

Members asked questions on the affordable housing arrangements and were advised that it had not been possible at this stage to identify a registered social landlord who would be interested in taking on affordable housing units at the site. On the basis of this and given that it might not be possible to deliver affordable housing on site; a commuted sum had been suggested. It was also pointed out that the site had been vacant for some time.

Councillor Little suggested that it would be aesthetically pleasing if there were coloured elements introduced into the design which would complement the riverside location.

Councillor Bradford moved and Councillor Little seconded that the application should be approved subject to the requirement that an assessment of the development and aerodynamic considerations to the satisfaction of the head of planning services.

**RESOLVED** to approve Application No 11/02236/F Land Adjacent to Novi Sad Bridge Wherry Road, Norwich and grant planning permission subject to delegating to the head of planning services the power to issue the consent, subject to the head of planning services being satisfied that there are no concerns regarding the development and aerodynamic considerations; and subject to:

(1) the completion of a satisfactory S106 agreement to include the provision of:

- a. Provision of 5 social rented properties on site at a value of £1000/m<sup>2</sup> to a registered provider. If following an extensive exercise of trying to attract a registered provider at/above or extremely close to this rate, to the agreement of the Local Planning Authority, no registered provider is found an off site commuted sum of £546,000.00 is paid on 1st occupation;
- b. An overage provision to claw back 50% of any profit in excess of 20% of the gross development value up to a cap set via the total commuted sum. Where 5 social rented dwellings are provided on site the cap would be £1,359,593.40, where the commuted sum is paid the cap would be £1,218,418.10.
- c. Contribution of £18,621.19 under local plan policy TRA11 to the city wide transport improvement programme;
- d. Contribution of £33,990.00 under local plan policy SR4 towards the provision/improvement and maintenance of publically accessible open space;

(2) the following conditions:

1. Standard 3 year time limit;
2. Development to be carried out in accordance with the approved plans;
3. Details of all external materials including samples and large scale section drawings;
4. Landscaping details, maintenance and management arrangements;
5. Details for the provision of photovoltaic panels;
6. Details of CCTV system;
7. Provision of refuse storage;
8. Details and provision of cycle storage;
9. In accordance with the the flood risk assessment, including finished floor levels and compensatory flood plain storage;
10. Flood warning and response plan;
11. Details of surface water drainage strategy;
12. Details for the provision of fire hydrants;
13. Details of the vehicle crossover.

(Reasons for approval: The decision has been made with particular regard to policies ENV6, ENV7, ENG1, WM6, NR1 of the adopted East of England Plan Regional Spatial Strategy May 2008, policies 1, 2, 3, 4, 7, 11, 18 and 20 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk March 2011, saved policies NE9, HBE4, HBE12, HBE13, HBE14, EP1, EP16, EP17, EP18, EP20, EP22, HOU2, HOU6, HOU13, AEC1, SR4, SR7, SR11, SR12, TRA5, TRA6, TRA7, TRA8, TRA9, TRA11 and TRA15 of the adopted City of Norwich Replacement Local Plan November 2004, local finance considerations, PPS1, PPS3, PPS23, PPG13, PPG24, PPS25 and other material considerations.

The proposals provide for the residential redevelopment of a vacant brownfield site in an accessible City Centre location. The proposals have a distinctive contemporary character and architectural style which is considered to be acceptable given the mixed character of surrounding development. The proposals height would not obstruct any significant building within any identified corridor of vision, it would however help to balance the riverscape of the two banks and help to define the streetscape around Novi-Sad bridge. The layout of the site is considered to be efficient given the fairly high density of the proposals and satisfactorily provides for the necessary parking, servicing and amenity requirements of the site. Whilst the proposals would have some implications on the amenity of neighbouring properties, the impact is not considered to be significant and not considered to warrant refusal of the application.

One of the main considerations in this case has been the viability of the proposals and ability of the scheme to provide for affordable housing. Viability appraisals of the scheme have been undertaken and the level of affordable housing reduced to reflect these. On balance, given in particular wording of joint core strategy policy 4 which allows for lesser provision of affordable housing where the scheme is found to be unviable, the desirability of redeveloping this brownfield site which has been vacant for a considerable period of time, the sites prominence in the townscape, the acceptability of the proposals in all other respects, the need for market housing as identified by joint core strategy 4 and the emphasis on promoting economic activity and bringing forward housing development within the draft National Planning Policy Framework, it is considered that the proposals are acceptable in this case. The proposals are therefore considered acceptable subject to the provisions secured via S106 agreement and the conditions imposed.)

## **7. APPLICATION NO 11/02238/F 86 NETHERWOOD GREEN NORWICH NR1 2JG**

(Councillor Little having declared a pre-determined view on this application left the meeting after speaking and did not take part in the determination of this item.)

The senior planning technical officer presented the report with the aid of plans and slides and referred to an additional response received from Councillor Little in support of the application and as set out in a supplementary report circulated at the meeting.

Councillor Little spoke in support of the application.



(Councillor Little left the room at this point.)

**RESOLVED** to approve application No 11/02238/F 86 Netherwood Green and grant planning permission, subject to the following conditions:-

1. The development must be begun within three years of the date of this permission.
2. The development hereby approved shall be carried out in accordance with the plans and details as specified on this decision notice.
3. The materials to be used shall be in accordance with the plans and details as specified on this decision notice

(Reasons for approval: The decision has been made with particular regards to saved policies HBE12 and EP22 of the adopted City of Norwich Replacement Local Plan and policy 2 of the Joint Core Strategy, Planning Policy Statement 1 and Diversity and Equality in Planning- A good practice guide. Having considered relevant policy and other material considerations, it is considered that the extension is of acceptable design and will not have a significant adverse impact on the neighbouring properties. The proposal will significantly improve the living accommodation for the applicant's family especially bearing in mind the specific needs relating to the applicant's disability.)

(Councillor Little was readmitted at this point.)

#### **8. APPLICATION NO 11/02232/T SITE NORTH EAST OF CRINGLEFORD BRIDGE EATON STREET NORWICH**

The planning development manager presented the report with the aid of plans and slides. A general briefing note on the installation of broadband cabinets would be available for all members of the council on e-councillor.

**RESOLVED** to approve application number 11/02232/T and grant prior approval subject to the following informative note:

Informative:

Operations on site shall take place in complete accordance with the guidelines as detailed in the NJUG Guidelines: The Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees.

#### **9. PERFORMANCE OF THE DEVELOPMENT MANAGEMENT SERVICE: APPEALS: 1 OCTOBER TO 31 DECEMBER 2011 (QUARTER 3: 2011 – 2012)**

The planning development manager presented the report. Members were advised that following the Planning Inspectorate determination to allow the appeal in the case of Cordova Buildings, Starling Road, officers would be unlikely to recommend a similar pragmatic approach which considers the use of shorter time limits unless written confirmation was provided by the applicant. In such cases it would be more likely that the proposal was recommended for refusal or the applicant would be required to robustly demonstrate viability.

**RESOLVED** to note the report.

CHAIR