NORWICH City Council

**Minutes**

**Planning applications committee**

**09:30 to 13:05** **13 July 2017**

Present: Councillors Driver (chair), Maxwell (vice chair), Button, Carlo, Bradford, Henderson, Jackson, Malik, Peek, Woollard and Wright

Apologies: Councillor Sands (M)

## 1. Declarations of interest

Councillor Wright declared a pecuniary interest in item 4 (below), Application no 17/00737/F - Norwich High School for Girls 95 Newmarket Road, Norwich, NR2 2HU as director of a company providing a service to the school.

Councillor Jackson said that he had spoken to residents as ward councillor for Mancroft ward about application no 6 (below), Enforcement Case 17/00026/ENF – 21-23 St Benedicts Street, Norwich, NR2 4PF but he did not have a pre-determined view.

It was noted that all councillors had received communications from residents opposing application no 15/01928/F – St Peters Methodist Church, Park Lane. Councillor Malik, Nelson ward councillor, confirmed that he did not have a pre-determined interest but had spoken to residents about the proposal.

## 2. Minutes

**RESOLVED** to agree the accuracy of the minutes of the meeting held on 15 June 2017.

## 3. Application no 15/01928/F - St Peters Methodist Church, Park Lane, Norwich, NR2 3EQ

The planner (development) gave a detailed presentation of the report with the aid of plans and slides. He also referred to the addendum to the report, which had been circulated to members in advance of the meeting at the request of the planning solicitor, and the supplementary report of updates to reports which was circulated at the meeting. This included further objections to the scheme because of flood risk, an explanation on the calculation of the affordable housing element and a revised reason for refusal to include reference to policy DM33 of the Local Plan

The committee was addressed by 13 speakers comprising: local residents; a representative of West Parade Residents' Association; a former county councillor, Andrew Boswell; and, Councillor Schmierer, substituting for Councillor Tim Jones, Nelson ward councillor, who was unable to attend the meeting to speak on behalf local residents. The issues raised included: a suggestion that the viability

assessment should be applied more robustly and that £624,000 contribution to affordable housing could be achieved; concern that unit CH9 would cause loss of light and amenity to the residents of Doris Road and the overbearing nature of the development would cause loss of light to habitable rooms in 77 and 79 Park Lane, and that loss of light and amenity should be a reason for refusal; the church and its extensions were not of architectural merit, local listing should be revoked and the buildings should be demolished which would open up the site for a better solution for housing, including some social housing; that the site was overdeveloped and blocked light within it and had no outdoor amenity space which would affect the amenity of future residents; concern about increased traffic and highway safety at the junction outside the church; that there would be increased demand for parking and an impact on residents in the area; and, concern about drainage issues and flash flooding.

The applicant spoke in support of the application. The applicant had engaged with community consultation and the scheme was designed by an architect experienced in church conversions. The site was on a sustainable location with good transport links and access to car clubs. The development would reverse the building's decline and provide good quality homes. She also referred to the viability assessment.

In reply to a member's question, the senior planner referred to the reports and explained that the viability assessment was based on current market values.

During discussion, in which the senior planner and the planning solicitor answered members' questions, the committee considered whether the issues of overlooking and loss of amenity to the neighbouring residents had been addressed sufficiently. The use of obscure glass as mitigation of overlooking would impact on future occupiers of the flats. The senior planner referred to the report and said that there would be no significant loss of light or outlook resulting from this development and that he did not consider that this was a reason for refusal. Councillor Jackson moved and Councillor Carlo seconded an amendment for an additional reason for refusal to be on the grounds of loss of light, outlook and amenity to the residents of 77 and 79 Park Lane and Doris Road contrary to policy DM2. On being put to the vote with 5 members voting in favour (Councillors Jackson, Carlo, Henderson, Wright and Woollard) and 6 members voting against (Councillors Driver, Maxwell, Bradford, Malik, Peek and Button) the amendment was lost.

A member said that she was concerned that three of the units in the scheme would be below the national space standard.

The chair then moved the recommendation as amended in the supplementary report, and it was:

**RESOLVED,** unanimously, to refuse application no 15/01928/F - St Peters Methodist Church, Park Lane, Norwich, NR2 3EQ for the reason as follows:

> "The proposal fails to meet the requirement for affordable housing either through on-site provision or through the provision of a commuted sum towards off-site provision of a level which has been independently assessed to be viable for the proposed scheme. Notwithstanding the fact that a five year land supply for housing cannot currently be demonstrated within the Norwich Policy Area, the shortfall in affordable housing provision associated with the

proposal represents an adverse impact that would significantly and demonstrably outweigh the benefits of the proposal when assessed against the NPPF as a whole. The proposal therefore fails to represent sustainable development in the context of paragraph 14 of the National Planning Policy Framework and conflicts with the requirements of policy 4 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (2011, amendments adopted 2014), policy DM33 of the Development Management Policies Local Plan 2014 and guidance within paragraph 50 of the National Planning Policy Framework."

## 4. Application no 17/00737/F - Norwich High School for Girls 95 Newmarket Road, Norwich, NR2 2HU

(Councillor Wright having declared a pecuniary interest left the room at this point.)

The senior planner (development) presented the report with the aid of slides and plans and referred to the supplementary report of updates to reports which was circulated at the meeting, which included a correction to the report and a summary of additional information received from the applicant. The summary information table in the main report was incorrect and should reflect that under the proposal there will be an increase in cycle parking provision by four. The applicant had submitted additional landscaping details, an arboricultural method statement and tree protection plans. The proposed conditions 8 and 10 should be amended accordingly.

Councillor Lubbock on behalf of local residents, together with a representative of the neighbourhood watch, addressed the committee and outlined their objections as follows: disappointment at the timing of the application because of pending proposals to remove the traffic lights on Christchurch Road: the impact the proposal would have on the highways and traffic safety; that the proposal required a breach of an historic flint wall, the removal of the four mature trees; and that the school could manage its travel arrangements without causing an adverse effect on the Grade II listed building and the conservation area and environment.

The applicant and agent, sharing the time allocated to them, addressed the committee and spoke in support of the application outlining the benefits of the scheme which would improve student safety which outweighed the impact to the conservation area. Parents would be discouraged from using the new egress at peak times. The applicant would provide significant planting and other environmental measures, such as bat boxes.

The senior planner, together with the planning team leader (outer area), referred to the report and answered members' questions. Members were advised that the applicant was collating information about its travel needs but a travel plan was not a condition of planning consent. The applicant was looking at using park and ride and encouraging cycling to the school. Officers were satisfied that the school could manage traffic movements on the site and was looking at other travel measures as part of its travel plan review. The traffic regulation order would need to be carried out prior to the commencement of the works. The works to the wall would be by hand to minimise damage.

Councillor Carlo said she could not support the application for the reasons given by Councillor Lubbock. The school needed to have a proper travel plan in place and should explore other options that did not require a breach of the wall and the loss of mature trees.

**RESOLVED**, with 5 members voting in favour (Councillors Peek, Malik, Maxwell, Driver and Bradford), 3 members voting against (Councillors Jackson, Henderson and Carlo) and 2 members abstaining (Councillors Button and Woollard) to approve application no. 17/00737/F - Norwich High School for Girls, 95 Newmarket Road, Norwich, NR2 2HU and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Bricks, mortar, design of brick piers, specification/design of access gates in accordance with submitted details.
4. Demolition of wall to be carried out by hand.
5. Any damage caused to the building or curtilage listed wall shall be made good;
6. Stop work if unidentified features revealed;
7. Traffic Regulation Order;
8. Landscaping details in accordance with the submitted plans;
9. External lighting not to be used after 22:00 hours and before 06:00 hours on any day.
10. Tree protection measures shall be in accordance with the approved aboricultual method statement and tree protection plans.
11. No-dig methods.
12. Mitigatory replacement tree planting.
13. Bat boxes to be installed in accordance with details submitted
14. Mitigation measures set out within section 9.3 of the ecology report and enhancement measures set out within section 9.4 of the ecology report shall be adhered to.

Suggested Informatives

1. Listed building consent is required for works to the boundary wall.

Article 35(2) statement
The local planning authority in making its recommendation has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations, following negotiations with the applicant and subsequent amendments at the pre-application stage the application has been approved subject to appropriate conditions and for the reasons outlined in the officer report

(Councillor Wright was readmitted to the meeting at this point.)

## 5. Application No 17/00357/F - St Stephens Tower, St Stephens Street, Norwich

The planning team leader (inner area) presented the report with the aid of plans and slides. He referred to the supplementary report of updates to reports which contained summaries of consultation responses to the amended plans and the

officer response. The recommendation had been amended because the applicant had submitted an acceptable unilateral undertaking to provide just over £80,000 prior to commencement of development and two conditions relating to construction management and the provision of a fire hydrant had been added.

During discussion the planning team leader referred to the report and answered members' questions. The materials used would need to comply with building regulations. Members were advised that there were good cycle and bus links to the University of East Anglia. However the development could meet the demand for student accommodation from other higher educational establishments in the city. Residential use of the building would mean that the lights were more prominent at night but this would not be particularly intrusive.

Discussion ensued in which members welcomed the proposal which added to the creation of a "village approach" in the city centre providing a mix of residential and businesses. A member said there was a caveat to this approach and that members would need to ensure that development had sufficient infrastructure to support this growth in future years.

**RESOLVED**, unanimously, to approve application no. 17/00357/F – St Stephen's Tower, St Stephen's Street, Norwich and grant planning permission subject to the terms of the submitted unilateral undertaking and subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Details of materials;
4. Details of hard and soft landscaping and management thereof;
5. Provision of cycle parking;
6. Further details of surface water drainage;
7. Arrangements for managing arrivals and departures at beginning and end of academic terms;
8. Details of a scheme to mitigate impacts of air quality on bus station side of the development upon residents;
9. Details of a scheme to mitigate the impacts upon residents of noise from the service yard;
10. Water efficiency;
11. Energy efficiency.
12. Details of and management of access through to bus station;
13. Details of and management arrangements for streetscape improvements to from building access to Surrey Street.
14. The scheme shall be carried out in accordance with the submitted construction management plan;
15. A fire hydrant shall be provided in accordance with the submitted details.

Article 35(2) statement
The local planning authority in making its recommendation has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations, following negotiations with the applicant and subsequent amendments at the pre-application stage the application has been approved subject to appropriate conditions and for the reasons outlined in the officer report.

## 6. Enforcement Case 17/00026/ENF – 21-23 St Benedicts Street, Norwich, NR2 4PF

The planner (development) presented the report with the aid of plans and slides. He referred to the supplementary report of updates to reports and explained that Broadland Housing had confirmed that the courtyard was not used by residents other than as a fire escape. It had been closed off because of antisocial behaviour.

The applicant attended the meeting and explained the circumstances for the breach of planning permission.

Discussion ensued in which the planner and the planning team leader (inner area) referred to the report and answered members' questions. The purpose of the report was to seek authority to take enforcement action. The council had received a complaint from a member of the public which needed to be resolved. Officers would liaise with the applicant to resolve the issue and only resort to enforcement action if this was not successful. Members noted that whilst the courtyard was not used for amenity purposes there was an adjacent roof garden to the premises.

**RESOLVED,** unanimously, to authorise enforcement action to secure the removal of the unauthorised Mechanical extraction and ventilation plant and associated flue; including the taking of direct action may result in referring the matter for prosecution if necessary.

## 7. Enforcement Case 1700078ENF 10 Ruskin Road, Norwich

The planning team leader (outer area) presented the report with the aid of plans and slides.

During discussion the planning team leader referred to the report and answered members' questions. He explained that enforcement action would require the owner to remove the extension and restore the building to its original state. A member expressed concern that students would be without accommodation. The committee was advised that this was not a planning matter but that officers did liaise with colleagues in the private sector housing. The building works would be carried out in the summer vacation.

Members considered that the extension was over prominent and had been built on to an existing extension.

**RESOLVED,** unanimously, to authorise enforcement action to secure the removal of the unauthorised extension, and authorise enforcement action to secure the conversion of the garage back to its authorised use as incidental / ancillary storage space to the main dwelling; including the taking of direct action which may result in referring the matter for prosecution if necessary.

## 8. Enforcement Case 17/00028/ENF – 2 Field View, Norwich, NR5 8AQ

The planning team leader (outer area) presented the report with the aid of plans and slides.

**RESOLVED,** unanimously, to authorise enforcement action to secure the cessation of the unauthorised change of use of the former garage to an office and return it back to its authorised use as incidental / ancillary to the dwelling known as no. 2 Fieldview, and to secure the cessation of the unauthorised use of the dwelling known as no. 2 Fieldview as a sui generis HMO including the taking of direct action which may result in referring the matter for prosecution if necessary.

## 9. Enforcement Case ref. 17/00112/ENF – 2B Lower Goat Lane, Norwich, NR2 1EL

The planning team leader (outer area) presented the report with the aid of plans and slides.

**RESOLVED,** unanimously, to authorise enforcement action to require the applicant to either carry out alterations to the ensure the HMO is laid out in accordance with the permission granted under application reference 16/00695/U, or to return the property to its condition before the works were carried out, including the taking of direct action may result in referring the matter for prosecution if necessary.

CHAIR