



Planning applications committee

10:00 to 13:25

8 October 2020

Present: Councillors Driver (chair), Maxwell (vice chair), Bogelein, Button (to middle of item 2), Lubbock, Neale, Peek, Ryan, Sands (M), Sarmezey and Stutely

Apologies: Councillor Huntley

1. Declarations of interest

Councillor Lubbock declared a predetermined view in item 3 (below) Application no 19/00911/F – Bartram Mowers Ltd, Bluebell Road, Norwich in that she had made representations objecting to the proposal and would be representing residents who had opposed the proposal. She would address the committee and then leave the meeting, taking no part in the determination of the application.

2. Minutes

RESOLVED to approve the accuracy of the minutes of the meeting held on 10 September 2020.

3. Application no 19/00911/F - Bartram Mowers Ltd, Bluebell Road, Norwich, NR4 7LG

(Councillor Lubbock had declared a pre-determined view in this item and left the meeting before the committee debated and determined the application.)

(Councillor Button left the meeting during this item due to technical problems with the internet connection.)

The senior planner presented the report with the aid of plans and slides. She referred to the supplementary report of updates to the reports which was circulated at the meeting and contained corrections to paragraphs 100 and 116 of the report.

Councillor Lubbock addressed the committee as Eaton Ward councillor and on behalf of the residents of Daisy Hill Court, and summarised her objections to the proposal as follows: that the proposed social housing block of 14 flats was detrimental to the amenity of the residents of Daisy Hill Court (blocking sunlight and daylight, and views of the Yare Valley and that eight home owners' outlook would be replaced by a brick gable wall of the new block); that residents of Daisy Hill Court

had bought their flats with the understanding that the second phase of development would consist of one storey bungalows; and that the proposal was contrary to the council's development management policies DM2 and DM3 and the position of the affordable housing block was unacceptable and should be refused. In addition, Councillor Lubbock raised concerns about the: adequacy of the car parking provision; safety of the access to plots near the main access from the site to Bluebell Road; that construction vehicles should not park on the public highway (causing congestion); querying the management of the public open space and responsibility for maintenance of bins and benches; and suggesting that the developers provide seating at the bus stops adjacent to the site.

The daughter-in-law of a resident of Daisy Hill Court also addressed the committee on her behalf. She outlined her mother-in-law's objections to the proposed new block which was considered to be contrary to policy DM2, causing overshadowing, loss of light and outlook to the residents of Daisy Hill Court. She referred to the masterplan and that in the second phase, there should be no large apartment blocks except for the care home in the far corner of the 1.4 hectare site. The proposed apartment block was only 10.4 metres away from Daisy Hill Court. If the step down between buildings was so critical it should have been identified at the masterplan stage and during phase one of the development. She commented on the impact of the apartment block would have on the elderly residents who had bought their homes with the understanding that there was a planning application for bungalows on the adjacent site. There had been no meeting between the site owners and the residents to discuss the proposals.

The agent responded to the issues raised and addressed the committee in support of the application. She confirmed that her client was in agreement that seats at the bus shelter could be secured through the S106 agreement and that the construction management plan would ensure that construction vehicles did not park on the highway. Her client had engaged with the local community, city council and statutory consultees in bringing forward this proposal for 50 retirement dwellings, with social housing. The height of the proposed apartment building had been reduced following consultation. The second phase of the development, as set out in the masterplan, provided a new pedestrian link with Bluebell Road and the Yare Valley. She explained the transition between phase one and two of the development; that the design of the development was sensitive to the landscape; and, there was a generous amount of public space. The scheme provided supported housing for older people; freed up houses in the housing market and reduced reliance on inpatient health care.

(Councillor Lubbock left the meeting at this point.)

The area development manager (inner) and the senior planner addressed the issues raised by Councillor Lubbock. The agent had indicated that the applicant would be amenable to the provision of seats at the bus stop and this could be added to the S106 agreement. A construction management plan was a condition of the proposed planning consent and there was no need to add another condition to ensure that construction vehicles were not parked on the public highway. The senior planner referred to the report and site plans, and explained that there was allocated parking spaces for each bungalow and flat on the site, additional parking on the driveways to some of the bungalows and eight visitor parking spaces. She also referred members to the comments from highways and said that the traffic movements on this site

would be low and potential conflict would be unlikely to occur because of the low trip generation. The management of the open space was around 17.5 hectares of land was managed by the landowner to a high level of stewardship in agreement. The long term management of the land has been secured by the legal agreement in perpetuity and the arrangement would fall on the applicants to ensure arrangements for Strawberry Fields and the public open space coming forward in phase two. The area development manager (inner) referred to the actual wording of policy DM2 and pointed out that whilst (a) and (b) was relevant, the preamble to the policy suggested that some impact might be acceptable. A copy of the masterplan was displayed to members to demonstrate that two to three storey buildings had been agreed as acceptable in phase two. In answer to a member's question, the area development manager (inner) said that the masterplan had been in the public domain when the planning application for phase one had been submitted.

The senior planner and the area development manager (inner) referred to the report and answered members' questions. This included clarification of the planning history of the site and the current application for phase two development. Officers had negotiated with the applicant to improve the transition between phases one and the lower density development of phase two. The apartment block of 14 affordable housing units provided this interface with Daisy House Court. A further reduction in the height of the proposed apartment block would reduce the number of affordable housing units and might not be feasible for the registered social landlord to manage. The committee asked questions about the impact of the apartment block on the amenity of the residents of Daisy Hill Court. The details of the assessment for affordable housing was set out in the report. In reply to a member's question, the senior planner confirmed that viability assessments were published on the council's website with the other documentation for the planning application. The block of affordable housing units was "tenure blind" as it was designed to the same high standard as the rest of the development. Members also sought clarification on the pedestrian and cycle access and the management of the open space. The issue of tree management from the first phase was subject to the previous planning consent, was not part of this planning application and could be addressed through enforcement. In respect of the landscaping and the proposal for climbing plants on the gable wall of the proposed apartment block, officers said that there were species of climbing plants that would grow to the full height of the gable as evidenced by climbing plants on other buildings in the city. Members were shown on the plans the locations of electric charging points for vehicles. Most of the bungalows had garages where there would be a charging point, but there were electric charging pedestals in the parking bays on the highway and two outside the pavilion. The open space would be protected from further development by current planning policies and this planning consent. A condition of the planning consent was that the accommodation was for people aged 55 and over, and flats would be sold on that basis. A member asked for assurance that the building regulations would ensure that the buildings were properly equipped to ensure the safety of infirm people in the event of a fire when the lifts could not be used. It was also noted that there would be no shop on the site, but that it was within easy access of the Eaton shopping district centre.

During this discussion a member referred to the pavilion plans and pointed out that there were no toilets for users of the pavilion. The officers said that they would raise this with the applicant. The agent subsequently confirmed that toilet facilities could be installed in the pavilion.

The chair moved and the vice chair seconded the recommendations as set out in the report.

Discussion ensued in which members commented on the planning application.

A member said that he was concerned about the existing residents and that they had been misled about the second phase of the development. He suggested that there was scope to redesign the apartment block by amending its orientation, redesigning the gable and varying the height from 3 to 2 storeys and changing the pitch of the roof. Another member said that whilst it was a good scheme, the proposed block of 14 affordable housing units was at the detriment of the existing residents and that she could not support it. Members also commented that the developers had not taken the opportunity to increase the use of percentage of renewable energy on the site and install solar panels on the bungalows.

Members commented on the need for accommodation for people aged 55 and over and that the scheme was in a good location of the city, adjacent to the Yare Valley and in easy access of Eaton Village Centre and Eaton Park. There was a shortage of bungalows for older people who were looking to downscale. The scheme would free up housing for younger people on the housing market. It provided 14 units of affordable housing.

Councillor Stutely queried the viability assessment and said that if the committee was minded to approve the application then the affordable housing apartment block should be provided in the first stage of the construction. Officers advised that this would be unlikely to be viable. The sale of units early on in the construction provided the funding for the infrastructure on the site, including the affordable housing. Members agreed (by consensus) that the committee's desire for the affordable housing to be provided early on in the construction would be noted and conveyed to the applicant.

The chair then moved the committee, seconded by the vice chair, to the vote on the recommendations contained in the report and formalising the agent's confirmation that toilets would be provided in the pavilion, the prohibition of construction traffic parking on the highway and enhancements to bus stop(s) on Bluebell Road, which could include the provision of seating and shelters, as part of the S106 agreement.

Councillors Neale and Bogelein said that they could not vote in favour of this application because of the location of the proposed block of 14 affordable units and its relationship and impact on the amenity of the residents of Daisy Hill Court. The applicant should be invited to submit a revised application which addressed these concerns.

RESOLVED, with 6 members voting in favour (Councillors Driver, Maxwell, Sands, Peek, Ryan and Sarmezey) and 3 members voting against (Councillors Neale, Stutely and Bogelein) to approve application no. 19/00911/F - Bartram Mowers Ltd Bluebell Road Norwich NR4 7LG and grant planning permission subject to the completion of a satisfactory legal agreement to include obligations referred to in paragraph 166 and improved bus stop facilities on Bluebell Road, and subject to the following conditions:

1. Standard time limit;

2. In accordance with plans (subject to the revised plans for the pavilion to include provision for toilet facilities);
3. Restriction – over 55s;
4. Construction Management Plan – (including arrangements for construction parking and prohibit construction traffic parking on the highway)(Pre-commencement)
5. Protection - Tree protection/method statement/monitoring;
6. Protection - Nesting birds;
7. Contamination investigation/remediation(pre-commencement);
8. Stop work – unknown contamination;
9. Imported material – certification;
10. SUDs scheme (pre-commencement);
11. Stop work - unidentified archaeology;
12. Highway: Bluebell Road access - detailed scheme for the first 10m vehicular/pedestrian/cyclist access;
13. Materials - full details (including privacy screens);
14. External lighting - full details;
15. Fabric first/PVs – full details;
16. Fire hydrants – full details;
17. Implementation - approved landscape scheme;
18. Implementation – approved ecological mitigation/enhancements;
19. Implementation - approved phase 2 river walk enhancements;
20. Implementation - approved parking and servicing arrangements;
21. Implementation - approved EVCPs;
22. Provision – small mammal access;
23. Comply - water efficiency requirement 110l/person/day;
24. Comply - 10% accessible/adaptable homes;
25. Restriction - PD removal – front boundary treatments.

Informative:

1. Advise the applicant that affordable housing to be provided at the earliest opportunity in the construction process.

(The committee adjourned for a short break. The committee reconvened with the following members present: Councillors Driver, Maxwell, Bogelein, Lubbock (readmitted to the meeting at this point), Neale, Peek, Ryan, Sands, Sarmezey and Stutely.)

4. Application no 20/00741/VC - Mary Chapman Court, Norwich

The area development manager (inner) presented the report with the aid of plans and slides. He referred to the supplementary report of updates to reports which contained a summary of Norfolk County Council's highways' objection to the proposal and the officer response. The county council's objection was due to resource implications, rather than health and safety, but the Norwich University of the Arts would be responsible for the maintenance of the planters and trees.

In reply to a member's question, the senior planner said that the species of trees would be a London plane tree and the other Beech trees suitable for growing in a

planter. As part of the management condition the university would be required to replace the trees if necessary.

Members of the committee considered that the proposal was a good solution but expressed concern about the county council's comments and hoped that it was not indicative of the council's general approach to street trees.

A member noted the species of trees to be planted but said that he considered citrus or fruit trees would have been a good choice outside a university and should be considered in future. Another member also referred to the use of "living" planters for consideration in future applications of this type.

The chair moved and the vice chair seconded the recommendations contained in the report.

RESOLVED, unanimously, to approve application no. 20/00741/VC - Mary Chapman Court Norwich and grant planning permission subject to the following conditions:

1. Development to commence within 3 years of original consent;
2. In accordance with plans;
3. Materials as per those agreed;
4. Landscaping scheme to be installed and maintained as agreed;
5. Heritage interpretation scheme to be agreed;
6. Details of bicycle storage to be agreed;
7. Refuse collections to take place with use of a reversing assistant;
8. Details of dropped kerb;
9. Trees to be provided within the highway as agreed;
10. Travel plan to be shared;
11. To be carried out in accordance with the written scheme of investigation;
12. Site management plan to be agreed, including arrangements for student drop off & pick up, provision of CCTV;
13. Construction method statement to be adhered to;
14. Contamination preliminary risk assessment;
15. Stop works if unknown contamination found;
16. No further drainage to the ground without express consent;
17. No further piling without express consent;
18. Flood warning and evacuation plan to be adhered to;
19. SUDS implementation;
20. Ecological mitigation measures to be implemented in accordance with report;
21. Specification and locations of 8 bat boxes as per agreed details;
22. All boundary treatments to include small mammal access;
23. Lighting scheme to be submitted (to protect wildlife and light the open space);
24. In accordance with Arboricultural Impact Assessment;
25. Renewable energy to be provided in accordance with Design & Access Statement.

Informatives:

1. Construction working hours & considerate construction.
2. Asbestos to be dealt with as per current government guidelines.
3. A planning brief for the archaeological Written Scheme of Investigation will be provided by Norfolk County Council, Historic Environment Service.

4. The loading bay will require a 'loading only' restriction to be established with associated signage. This will entail a Traffic Regulation Order fee of £1995 plus any signage/post costs.
5. The costs involved in the relocation of any street furniture (such as road signs or street lights) need to be met by the applicant.
6. Street naming and numbering; the council has a statutory responsibility with regard to postal addressing, if a building name is required to be used formally please contact us for advice.
7. As the footway will need to be reconstructed to ensure it is strengthened for vehicular use and repaved for an embedded loading bay this will require a S278 agreement.
8. The applicant will need to cover the maintenance of the trees located on the highway and apply for a licence. Alternatively, a 30 year maintenance fee is applicable for each street tree (payable via the S278 agreement). Please contact developerservices@norfolk.gov.uk for more information.
9. Anglian 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 sewers will need to be diverted at the developers cost 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.

5. Application no 20/00267/VC - Land at Dowding Road, Taylors Lane and Douglas Close, Norwich

The area development manager (outer) presented the report with the aid of plans and slides.

The area development manager (outer) referred to the report and together with the planner, answered members' questions. The replacement of the cherry trees that had died would be secured through a tree preservation order. In reply to a member's question regarding compensation for the loss of biodiversity, the area development manager (outer) confirmed that potentially the council could try to secure this based on the original scheme but that the proposal was essentially a pragmatic approach to resolve the issue of the wildflower areas not being managed properly and the resource implications for the local planning authority in enforcing the landscaping conditions.

The chair moved and the vice chair seconded the recommendations contained in the report.

During discussion members expressed concern that the proposal was to remove the wildflower areas and reduce biodiversity on the site. Members noted that the developers did not own the open spaces which were in a different ownership, and that there could be miscommunication with the contractors about the maintenance of the wildflower strips. The chair suggested that the wildflower areas needed to be replanted as they appeared to have been in several years. The areas of wildflowers should be larger not just strips. He also suggested that a community group might be

interested in taking over the maintenance and that it worked in other wards. Members suggested either a commuted sum or the land being handed over to the community to maintain it. Another member suggested that the areas of wildflower planting should be larger.

The committee considered that there should be enforcement. The area development manager (outer) said that it did take a lot of resources to enforce. An enforcement notice was served a couple of years ago and the wildflower areas replanted. Despite some compliance there were still residents reporting concerns about the maintenance. The handing over of the area from the owner to a community group was something that could be explored. If the application was turned down and officers would need guidance on the enforcement action. The council did not have the resources to assist the landowner with the management of the landscaping. He also considered from discussions with residents and the owners that they were reluctant to take on any additional costs.

The chair and the vice chair withdrew their recommendation and moved and seconded that the application be refused on the grounds of loss of ecological enhancements to the site and loss of biodiversity.

RESOLVED, unanimously, to refuse application no 20/00267/VC - Land at Dowding Road, Taylors Lane and Douglas Close, Norwich on the grounds that the variation would result in the loss of ecological enhancements to the site and the loss of biodiversity, and to ask the area development managers to provide reasons for refusal in policy terms.

(Reasons for refusal in policy terms as subsequently provided by the area development manager:

“The proposed revised landscape management plan would result in the loss of ecological enhancement of the site, contrary to Policy JCS1 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk (adopted March 2011, amendments adopted January 2014), Policy DM6 of the Development Management Policies Local Plan 2014 and paragraph 170 of the National Planning Policy Framework (2019).”

(Members then discussed the options for enforcement with the area development manager (outer) and planner in order to give a steer on how to progress. An enforcement notice would require the landowner to comply with the approved landscape management plan and reinstate the wildflower areas that had been removed. The officers could explore with the landowner another option that did not replace all the areas that had been removed but created a wildlife area which would be easier to maintain, for instance at the corner of Taylors Lane, or the landowner could pay a commuted sum. Depending on the outcome of the discussions with the landowner there could be a further report to committee for members to consider.)

CHAIR