



MINUTES

## Planning applications committee

09:30 to 14:30

8 January 2015

Present: Councillors Gayton (chair), Sands (M) (vice-chair), Ackroyd, Blunt, Boswell (to end of item 6, other council business), Bradford (to end of item 6, other council business), Button, Herries, Grahame, Jackson, Neale and Woollard

### 1. Declaration of interests

There were no declarations of interest.

### 2. Minutes

**RESOLVED** to approve the minutes of the meeting held on 4 December 2014.

### 3. Application no 14/01521/F Fishmarket and 69 - 75 Mountergate, Norwich

The planning team leader (development) presented the report with the aid of plans and slides and referred to the supplementary report of updates to reports, which was circulated at the meeting. A letter of support had been received from the Trustees of the Great Hospital who owned the adjacent site and considered that the proposed development would regenerate the area. Members were also advised of an amendment to paragraph 58, to replace “east” with “west”. Members were advised that this was a finely balanced decision and that on balance officers considered that the benefits of the scheme narrowly outweighed the harm to heritage assets and the objections of English Heritage which had been given significant weight in the assessment. The applicant had submitted an indicative plan which appeased concern that the development would prejudice development of the rest of the site.

In reply to a question from the a King Street resident, the planning team leader referred to the report and explained that the planning application comprised demolition of buildings on site, erection of a multi-storey car park and commercial floor space which could be used for either financial and profession services (class A2), restaurant and café (class A3) or business (class B1) uses.

The King Street resident, together with two other local residents and the secretary of the King Street community group and Councillor Price, local member for Thorpe Hamlet Ward, addressed the committee, with their objections to the scheme. These included objections to the café and business units and how the application was presented on the council’s website; objections to the demolition of the Fishmarket as a heritage asset and loss of workshops suitable for creative businesses; concern about the impact of traffic queueing for the new car park on the road network and that the access/egress to the multi-storey car park was opposite the junction at the

entrance to the car park of the Nelson Premier Inn; that the multi-storey was in the wrong place, not required, and could be counter-productive to regeneration; that there was already regeneration taking place in the area without this development; that the proposal was a finely balanced one and would be detrimental to the conservation area and the adjacent Weavers house; and, that the toilet facilities required a noise assessment.

The client property and parking manager, on behalf of the applicant (Norwich City Council), spoke in support of the application and referred to the independent consultant's business case showing that the car park would be economically viable; that this proposal would open up the site for further development and benefit people living, working and visiting the city.

The planning team leader referred to the report and commented on the issues raised by the speakers. Members were advised that the council had already made the decision to fund the scheme, subject to planning consent and therefore it was not an issue for this committee to take into consideration. The principal planner (transportation) referred to the report and commented that there would not be an increase in car park spaces in the city overall, that the scheme was in line with proposals being brought forward as part of the Norwich area transportation strategy (NATS) and that Rose Lane would become two-way in the near future; the multi-storey car park was in the right location and had separate entrance and exit which were not directly opposite the access/egress of the car park of the Premier Inn.

The planning team leader and the principal planner (transportation) referred to the report and answered members' questions. Members sought clarification on air quality; the case for economic regeneration and that the scheme would not prejudice further development of the site. Members were advised that whilst other workshop facilities and business units were available in the city these were some distance from the application site.

Following discussion, some members were minded to refuse the application on the grounds that the scheme was not in the spirit of the NATS, as it was providing short-stay car parking some distance from the shopping centre and 300 extra car parking spaces. Members were advised that the NATS capped the total number of car parking spaces at 10,000 and therefore temporary surface car parks would be closed, allowing better use of these sites, and ensuring that there was no increase in car parking spaces across the city. Members also considered that there was no evidence that the scheme would increase economic regeneration and on heritage grounds did not comply with policies CC4 and DM9. Some members took the view that the Fishmarket built in 1913 was not intended to be retained for ever and that the quality of the workshop facilities was poor and that other facilities were available in the city. Also members noted that the consolidation of car parking spaces would prevent people driving around the city looking for a space in the surface car parks.

Councillor Boswell moved and Councillor Jackson seconded that the application be refused on heritage grounds as the loss of the Fishmarket and the location of the multi-storey car park would be detrimental to the conservation area, adjacent listed buildings and contrary to policies CC4 and DM9 and that the proposals would have a negative impact on the local highway and that the provision of a car park conflicted with policies to promote non-car modes of transport. Members were advised that

the heritage aspect was well documented in the report but the provision of 300 extra car parking spaces did not conflict with the NATS or breach the National planning policy Framework and therefore did not constitute grounds for refusal. On being put to the vote, with 4 members voting in favour of refusal (Councillors Boswell, Jackson, Grahame and Neale), 7 members voting against refusal (Councillors Gayton, Sands, Ackroyd, Button, Herries, Woollard and Bradford) and 1 member abstaining (Councillor Blunt) the proposal to refuse the application was lost.

The chair then moved the recommendations in the report.

**RESOLVED**, with 8 members voting in favour (Councillors Gayton, Sands, Ackroyd, Blunt, Button, Herries, Woollard and Bradford) and 4 members voting against (Councillors Boswell, Grahame, Jackson and Neale) to approve application no. 14/01521/F 69 - 75 Mountergate and Fishmarket, Norwich and grant planning permission subject to the conditions listed below:

1. Standard time limit;
2. In accordance with plans;
3. No demolition to take place unless contracts for redevelopment are secured;
4. Closure of existing Rose Lane car park prior to opening and details of temporary hoarding;
5. Details of external materials including samples, cladding panel details, details of doors and windows and the folding screen to the external toilets;
6. Details of any signage proposed;
7. Photographic record of Fishmarket;
8. Removal and storage of the plaque and reinstatement within a larger piece of heritage interpretation to be agreed;
9. Landscaping details;
10. Car park not to open until it is providing information to and is fully connected to the car park variable messaging system;
11. Full details of highways works to be agreed and implemented including implementing a traffic regulation order to remove existing on-street car parking adjacent to the site;
12. Disabled and electric charging provision;
13. Car park tariff to be set and provisions for review;
14. CCTV details and provision;
15. Provision of refuse storage area for commercial floorspace;
16. Provision of photovoltaic panels;
17. Compliance with the demolition method statement;
18. Mitigation measures for construction dust suppression to be implemented.

Article 31(1)(cc)

The local planning authority in making its decision 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 and has approved the application subject to appropriate conditions and for the reasons outlined in the officer report.

(The committee adjourned for a short break and reconvened, with all members listed as present above, at 11:40.)

#### **4. Application no 14/01094/F - 117-127 Trinity Street, Norwich, NR2 2BJ**

The senior planner (development) presented the report with the aid of plans and slides. He referred to the supplementary report of updates to reports, which was circulated at the meeting and pointed out that Anglian Water would support the application provided that there was a sustainable drainage system on site. This would be addressed by conditions. Additional conditions were recommended to ensure that demolition of the existing apartments would not take place until a contract for the redevelopment of the site and construction of the proposed new flats had been agreed; and to address concerns from the residents of neighbouring properties to prevent any further windows being installed in the proposed scheme in the future and to screen the balconies. The supplementary report also advised members of typographical errors in paragraphs 61 of the main report (to replace 1.56m with 1.55m) and 70 (replace 1.6m with 1.7m). The applicant had also submitted a revised plan applicant on 7 January 2015 which amended the proposed elevations on plan PL03 from version C to version D and were advised that the only change was the position of the boundary wall between 1 Essex Street and the rear block of the new development, due to an original drafting error. The distance of the closest part of the development from the boundary wall remained at 1.55m as shown on the layout plan, and the overall separation distance between the two rear walls of house and flats remained at 8.7m.

A resident representing the Trinity Street residents' association, a local resident and Councillor Haynes, local member for Town Close Ward, addressed the committee and outlined their objections to the scheme. This included concern that the development contravened policy DM2 and did not protect the character and amenity of the area; that the rear block would be too tall and too close and be overbearing to neighbouring properties and overshadow the rear gardens of properties in Essex Street; that English Heritage should have been asked for comments as the proposed development was in, would adjoin or would affect a conservation area and would obscure views of Holy Trinity Church; some of the flats were below the minimum size set out in the policy; concern about an increase in traffic movements; and, that building works could lead to subsidence.

The agent replied on behalf of the applicant and spoke in support of application explaining that the effect of overshadowing would be minimal and that the balconies would be screened and not overlook neighbouring properties; there would be landscaping to screen the development, and that three of the flats were slightly smaller than the policy standard with 15% as lifetime homes. The design of the buildings was in keeping with the façade of houses in Trinity Street. The senior planner referred to the report and responded to the issues raised by the speakers. The sun modelling report was displayed to the committee and members were advised that discrepancies identified within the report were likely to be evident because the modelling took into account the intensity of the light.

The senior planner and the planning development manager then answered members' questions.

During discussion a member welcomed the redevelopment of the site but it was suggested that the replacement building should be an improvement on the demolished building. Some members considered that the rear block was too

overbearing for the site and it was important that residents of the neighbouring properties could enjoy their gardens particularly in the summer months. The committee considered that there were good elements to the scheme such as the under-croft parking and provision of amenity space for the residents. The senior planner demonstrated the impact on the conservation area and design of the area and explained that although one particular view of the church would be lost from Unthank Road, the defined views within the conservation area appraisal, and other long views, would not be harmed. The planning development manager also explained that concern for the internal space standards provided might not be an appropriate reason for refusal as the properties which were below the minimum size for two-bedroom properties could be marketed as properties with one bedroom and a study.

The committee then considered that the application should be refused. Councillor Neale moved and Councillor Sands seconded that the application be refused because the scale and mass of the rear building would have an overbearing effect on the neighbouring properties in Essex Street. One member said that he did not consider that there were sufficient grounds to refuse the application on the basis of overshadowing and loss of sunlight having taken into account the angle of the sun as shown on the sun modelling plan.

**RESOLVED**, with 7 members voting in favour of refusal (Councillors Neale, Sands, Boswell, Ackroyd, Woollard, Grahame and Herries) and 5 members voting against refusal (Councillors Gayton, Blunt, Button, Jackson and Bradford) to refuse application no 14/01094/F - 117-127 Trinity Street, Norwich, NR2 and to ask the head of planning to provide the reasons in planning policy terms.

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

By virtue of the height and scale of the three storey elements, in combination with the mass and proximity of the two storey elements of the development next to the site's boundaries with residential dwellings to the rear of the site, the scheme presents an unacceptable design which creates an overbearing form with a harmful effect on the amenity and outlook of neighbouring properties on Essex Street, contrary to the objectives of paragraphs 9, 17 and 58 of the National Planning Policy Framework (NPPF), and adopted policies DM2, DM12(b) and DM13 of the Norwich Development Management Policies Local Plan (2014), and to refuse the application is consistent with paragraph 64 of the NPPF.)

#### Article 31(1)(cc) Statement

The local planning authority in making its decision 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. Although a scheme had been proposed and revised during pre-application discussions with the local planning authority, and a formal submission had also been further modified following the initial formal public consultation, and had been given a recommendation for approval by officers, the elected members considered for the reasons outlined above that on balance and in light of the above policies that the application was not acceptable. The applicant is advised that no further planning fee would be payable for any resubmission for development of the same character or description on the same site

and by the same applicant within 12 months of the date of this refusal. The applicant is also advised of the Council's pre-application service, further details of which can be found at the following web link:

<http://www.norwich.gov.uk/Planning/pages/Planning-Pre-ApplicationAdviceService.aspx>

## **5. Application no 14/01450/O rear of 16 and 17 The Hedgerows**

The planner (development) presented the report with the aid of plans and slides. He referred to the supplementary report of updates to reports which was circulated at the meeting and said that the applicant had confirmed that the application was for outline planning permission for a residential dwelling for family use (C3).

Two local residents addressed the committee and outlined their concerns about increased traffic and hazard to other road users; concern that the applicant did not intend the new dwelling to be used as a family home because it was adjacent to two houses in multiple occupation (HMOs) which were let to students and that there would be an increase in noise levels; that the scheme undermined the master plan for the area and was detrimental to its character; was contrary to NPPF 24 and DM3 and it would set a precedent for other piecemeal developments.

The agent said that he had nothing further to add to the officer report which recommended that the application was approved.

The planner referred to the report and replied to the issues raised by the speakers. He referred to an aerial view of the area and pointed out that there were no uniform plots and that the gardens were of different sizes and shapes. Members were advised that consideration for outline planning permission was for the principle of development and that the design of the dwelling was indicative and would be subject to approval at the reserved matters stage.

Discussion ensued in which Councillor Sands, local member for Bowthorpe Ward, said that he considered that Bowthorpe had been designed with three distinct areas. The Hedgerows was characterised by decent sized houses with gardens. This proposal was considered to be detrimental to the area and would change its fundamental nature. The community was concerned about access to the site and road safety. He pointed out that thousands of new homes would be constructed in the area at Three Score and the principle of a dwelling on the application site was not acceptable.

Councillor Sands proposed that the application was refused because the development would result in too cramped a form of development on the site and the single storey dwelling was out of keeping with the surrounding large family houses with generous garden space to the south of Beloe Avenue. He considered that the development contradicted the NPPF and local development management policies. Councillor Boswell seconded the proposal and said that the council should establish a policy for developments in gardens. The planner presented the members' reasons for refusal in policy terms.

The planning development manager cautioned that in the view of the council officers the proposal was acceptable and said that under permitted development rights an

ancillary building or out-building of a similar size to the proposed dwelling could be built on the site.

**RESOLVED**, with 8 members voting in favour of refusal (Councillors Sands, Boswell, Ackroyd, Blunt, Button, Grahame, Jackson and Woollard), 2 members voting against refusal (Councillors Neale and Bradford) and 2 members abstaining (Councillors Herries and Gayton) to refuse application no 14/01450/O rear of 16 and 17 The Hedgerows for the following reasons:

“A dwelling on the this site would result in a cramped form of development which would relate poorly to the density and layout evident on the southern side of Beloe Avenue being large detached dwellings on generous plots. The proposal would therefore have a detrimental impact on the character of this area. It is therefore contrary to paragraphs 58 and 64 of the NPPF and policies DM3 and DM12 of the Development management policies document 2014.”

**6. Application no 14/00920/F 63-67 Prince of Wales Road and 64-68 Rose Lane, Norwich, NR1 1PT**

The planning development manager introduced the report. The planner (development) presented the report with the aid of plans and slides and explained that the recommendation to refuse retrospective planning permission and authorise enforcement action to remove the unauthorised outside seating area would reduce noise and disturbance for people attending the Islamic Centre and neighbouring residents.

The secretary of the King Street community group and a local resident spoke in support of the officer recommendation and said that they were pleased to see the council reducing noise and disturbance in this area.

**RESOLVED**, unanimously, to

- (1) refuse application no. 14/00920/F - 63 - 67 Prince Of Wales Road And 64 – 68 Rose Lane Norwich NR1 1PT and refuse planning permission for the following reason:

In the absence of a supporting noise impact assessment covering the rear external seating/smoking area, it has not been demonstrated that the proposal would not have a significantly detrimental impact on the residential and general amenities of the nearby and adjoining residential accommodation and adjoining Islamic centre contrary to policies DM2, DM11 and DM23 of the Norwich Development Management Policies Local Plan, adopted December 2014.

- (2) authorise enforcement action under section 172 of the Town and Country Planning Act 1990 (as amended) to secure the cessation of the unauthorised use of the external seating/smoking area and the taking of legal proceedings, including prosecution if necessary.

#### Article 31(1)(cc) statement

The local planning authority in making its decision 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. The proposal in question is not considered to be acceptable for the reasons outlined above. In addition, it should be noted that the local planning authority 'In addition, it should be noted that the local planning authority requested an additional acoustic report, which the applicant declined to submit.

(The committee adjourned for lunch at this point. Councillors Boswell and Bradford left the meeting on other council business. The committee reconvened with the following members present: Councillors Gayton, Sands, Ackroyd, Blunt, Button, Herries, Grahame, Jackson, Neale and Woollard.)

#### **7. Application no 14/01655/F - 180 Angel Road Norwich NR3 3JD**

The planning development manager presented the report with the aid of plans and slides. He pointed out that the applicant had amended the plans and the proposal was considered satisfactory.

**RESOLVED**, unanimously, to approve application no. 14/01655/F - 180 Angel Road Norwich NR3 3JD and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Materials to match

Informatives:

1. Community infrastructure levy.

#### Article 31(1)(cc) statement

The local planning authority in making its decision 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 and has approved the application subject to appropriate conditions and for the reasons outlined in the officer report.

#### **8. Application no 14/01383/F - 6 Branksome Road, Norwich, NR4 6SN**

The senior planning technical officer presented the report with the aid of plans and slides. He said that the applicant had revised the scheme and reduced its size so it was in keeping with the scale of the house and neighbouring properties.

**RESOLVED**, unanimously, to approve application no. 14/01383/F - 6 Branksome Road Norwich NR4 6SN and grant planning permission subject to the following conditions:

1. Commencement within 3 years.



2. In accordance with plans.

Article 31(1)(cc) statement

The local planning authority in making its decision 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 and post-application stage the application has been approved subject to appropriate conditions and for the reasons outlined in the officer report.

**9. Application no 14/01382/F - St Clements Nursing Home, 170 St Clements Hill, Norwich NR3 4DG**

(The incorrect plan had been attached to the report. The correct plans were circulated at the meeting and had been published on the website with the documents for the meeting.)

The planner (development) presented the report with the aid of plans and slides. The proposal addressed the main concerns of the previous application and had minimised the potential for overlooking and loss of outlook and the amenity impacts were considered to be acceptable

**RESOLVED**, unanimously, to approve application no. 14/01382/F - St Clements Nursing Home 170 St Clements Hill Norwich NR3 4DG and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Provision of 6 cycle storage spaces. Details to be agreed pre-commencement
4. Obscure glazing to be installed and retained in accordance with drawing 1490.12.6B
5. In accordance with AIA
6. In accordance with Travel Plan
7. Landscaping to be in accordance with drawing 1490.12.3A and retained as such

Article 31(1)(cc) statement

The local planning authority in making its decision 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 and post-application stage the application has been approved subject to appropriate conditions and for the reasons outlined in the officer report.

**10. Application no 14/01660/F - 114 Cambridge Street, Norwich, NR2 2BE**

The planner (development) presented the report with the aid of plans and slides, and together with the planning development manager answered members questions.

During discussion members considered that the design was unattractive and noted that although it was not visible from a public space, it was visible from the rear of the surrounding terraced houses. Members considered that it was harmful to the appearance and out of keeping with the extensions to the rear of the neighbouring properties. Members asked if planning permission would have been granted if the applicant had made an application for the current design. Members noted that the structure was made of plastic and that it had passed building regulations. The officers said that the materials used and the flat roof would not have been encouraged.

Councillor Neale moved and Councillor Ackroyd seconded that the application be refused because of the adverse visual impact on the neighbouring properties and detrimental effect on the character of the area, the design and form of the extension, comprising a flat roof and choice of materials, was incompatible with the terraced house and surrounding properties. Members also wanted to authorise enforcement action.

**RESOLVED**, with 9 members voting in favour of refusal (Councillors Gayton, Sands, Ackroyd, Blunt, Button, Herries, Grahame, Neale and Woollard) and 1 member abstaining (Councillor Jackson) to:

- (1) refuse application no 14/01660/F - 114 Cambridge Street, Norwich, NR2 because of the adverse visual impact on the neighbouring properties and adverse effect on the character of the area, the design and form of the extension, comprising a flat roof and choice of materials, was incompatible with the terraced house and surrounding properties and to ask the head of planning services to provide the reasons for refusal in planning policy terms.
- (2) authorise enforcement action under section 172 of the Town and Country Planning Act 1990 (as amended) to secure the demolition of the unauthorised first floor rear extension and the taking of legal proceedings, including prosecution if necessary.

**11. Application no 14/01588/D: Norwich International Airport (NIA), Amsterdam Way, Norwich NR6 6JA**

The planning team leader (development) presented the report with the aid of plans and slides. He explained that the timetable for the relocation of the engine testing facility had slipped and the council was seeking authorisation to take out enforcement action to ensure it did not slip further.

**RESOLVED**, unanimously, to:

- (1) refuse planning permission for application no 14/01588/D for the following reasons: "The continued delay in implementation of the noise mitigation measures granted as part of planning permission 12/01172/F would result in unacceptable noise disturbance to surrounding residential occupiers, to the detriment of their residential amenity. This would be contrary to Development Management Local Plan Policies DM2 and DM11".

- (2) authorise enforcement action under section 187A of the Town and Country Planning Act 1990 (as amended) to require compliance with condition 3 of permission 12/01172/F within a set timescale, including prosecution if necessary.

**12. Tree preservation order no 468: confirmation.**

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

**RESOLVED**, unanimously, to confirm Tree Preservation Order [TPO], 2014. City of Norwich Number 468; Orchard Place Estate, [off Fifers Lane]- Dowding Road, Taylors Lane, Mallory Road, Dakota Drive, Douglas Close and Old Blenheim Way, Norwich, with modifications.

CHAIR