



Planning applications committee

09:40 to 13:35

14 February 2019

Present: Councillors Driver (chair), Maxwell (vice chair), Bradford, Button, Peek, Raby, Ryan (to end of item 10 below), Sands (M), Stutely, Trevor (to the end of item 3, below) and Wright

Apologies: Councillors Henderson and Malik

(The chair asked that the committee had 10 minutes to read the supplementary report of updates to reports which was circulated at the meeting. A large number of representations had been received overnight. The commencement of the meeting was therefore adjusted accordingly.)

1. Declarations of interest

Councillor Ryan referred to item 3 (below), Application no. 18/00372/O - Norwich Community Hospital, Bowthorpe Road, Norwich, NR2 3TU, and said that, as a cabinet member he had attended a presentation on proposals for Norwich Community Hospital, but he did not have a pre-determined view.

2. Minutes

RESOLVED to approve the accuracy of the minutes of the meetings held on 10 January 2019.

3. Application no 18/00372/O - Norwich Community Hospital, Bowthorpe Road, Norwich, NR2 3TU

The senior planner 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 summarised an additional representation from a resident of Holly Drive expressing concern about ground stability and amenity; and comments and illustrations from residents which would be considered later in the meeting.

Three residents of Merton Road and one resident from Holly Drive addressed the committee and outlined their objections to the planning applications. Two residents welcomed the development of the hospital site which would benefit both local residents and the wider community. However, there was concern that the extensive chalk workings constrained the development of the site, particularly the north east of the site which was currently used as a car park. A petition signed by 41 residents objecting to the proposals had been submitted. Residents were concerned that the extent of the former marl pit was not known and the adits and roundabouts were poorly mapped but, as evidenced, extended to under Merton Road and Holly Drive.

Water entering the chalk aquifer made the ground unstable and drainage increased the risk of ground collapse. There had been a fatal ground collapse in Merton Road in 1936 resulting in two deaths and another one in October 1987. One of the residents showed the extent of the underpinning that had been necessary for her house on the even numbered side of Merton Road. Tunnel collapses in the chalk workings had been filled with loose material over the years and was likely to be contaminated with asbestos and other materials. Residents were concerned that the conditions had not changed from 1936 and there was the same potential for fatalities from unstable ground conditions, and called for the car park site not to be developed as part of this scheme. There had been tunnel collapse in 2007 (the resident from Holly Drive apologised for putting 2009 in her statement) and occupants had only moved back into the flats in the last 12 months. Residents also expressed concern about the impact of the height and mass of buildings on the north east and east of the site. Three to four storey buildings were considered too high and would be detrimental to residents properties adjacent to the hospital site in terms due to overshadowing, loss of sunlight for the majority of the year and because and the proximity, loss of privacy. Councillor Carlo, Nelson ward councillor, reiterated the points made by the residents and referred to the petition from 41 residents considered about the proposal and the threat that construction would have on the stability of the ground. She asked the committee to give consideration to not permit the building of the four storey care home on the car park site at the north east of the site. The applicant had not been aware of the extent of the chalk workings until residents had written in. She suggested that the applicant should be required to provide a communications strategy to ensure that residents were kept informed about the extent of the ground survey works.

The applicant representing the NHS Trust explained that the current hospital site was ineffective and costly to maintain. He explained that the proposal was to phase the development to provide the new hospital to ensure the continuance of services and then start on the redevelopment of other parts of the site. He explained that there would be no development of the site until further investigation works had been carried out and the works were viable. This was an outline planning application.

The senior planner, referred to paragraph 78 of the report and condition 4, and commented on the issues raised by the speakers. He said that the first phase would comprise a geo-technical report before development took place. There needed to be further information before any part of the site was excluded from development. This was an outline planning application. Reserve matters would come back to committee. He suggested that members considered Councillor Carlo's request for a further condition to require the applicant to submit a communications strategy.

Discussion ensued in which the senior planner and the area development manager (outer) referred to the report and answered members' questions. Members were advised that the commencement of the geo-thermal testing would depend on the NHS Trust and when it had funding in place. The survey could take several months. A communications strategy would ensure that local residents were kept informed during this process and could help reduce their anxiety. The length of time that it would take would be dependent on the amount of testing that was required and could be weeks or months. In reply to a question, the senior planner said that he was not aware that any radar interferometry testing was planned for this site. He explained how the details of surface water drainage, testing for contamination and that if contamination was found, the ground would be capped off and the surface

treatment, such as two metres of top soil, would be suitable for the user group of that part of the site. Members were also advised that no development could be carried out on the site without the investigations being carried out; and were referred to the key condition 4 and conditions 30 to 36, as set out in the report. The committee noted that it had the option of refusing this application, but were advised of the difference between a full planning application and outline planning application. There would be a further opportunity for members of the public to comment on the applications for reserved matters. Proposals at this stage would be dependent on the outcome of the initial surveys. Members were advised that it was not crucial at this stage to determine the definition of “key workers” in relation to affordable housing. Affordable housing would be required under the S106 legal agreement in line with policy but at the reserved matters stage, the criteria and details could be changed and the policy requirement agreed at the outline planning consent stage could be varied, dependent on the proposals coming forward.

The chair moved and the vice chair seconded the recommendations as set out in the report and as amended by the addition of a condition relating to a communications strategy.

During discussion, Councillor Raby explained his reasons for not supporting the application given the concerns about the ground instability and records of subsidence in Merton Road and Holly Drive and the immediate area. Other members pointed out that this was an outline planning application and approval of it would enable some development of the hospital site to go ahead, which was a much needed facility. Residents could be assured that once the further geo-technical surveys had been carried out any development coming forward at reserved matters would be appropriate to the ground conditions. Members noted that this process was stressful for residents and that a communications strategy was important to ensure that all parties were informed of progress.

RESOLVED, with 10 members voting in favour (Councillors Driver, Maxwell, Wright, Trevor, Button, Stutely, Sands, Ryan, Peek and Bradford) and 1 member voting against (Councillor Raby) to approve application no. 18/00372/O - Norwich Community Hospital, Bowthorpe Road, Norwich, NR2 3TU and grant planning permission subject to the completion of a satisfactory legal agreement to include provision of affordable housing, permissive access across parts of the site and as relevant highway improvements and access to / improvements to woodlands park and subject to the following conditions:

1. Standard time limit;
2. Reserved matters to relate to appearance, landscaping, layout and scale;
3. In accordance with plans;
4. Prior to submission of any reserved matters application, details of a masterplan and phasing scheme (informed by geo-technical, surface water drainage, landscape and ecology strategies) for all parts of the site unless as varied on agreement in line with any subsequent reserved matters application and such masterplan shall include details of landscaping strategy including green infrastructure provision and ecological enhancements including enhancement or changes to Woodlands Park and an Ecological Mitigation Programme;
5. Limit of uses permitted as part of the development;

6. Control on maximum permitted floor-space areas for A1 retail and B1 office uses;
7. No use of A1 retail and B1 office uses until agreed hospital and care facilities are provided / brought into use on site or in line with any agreed phasing plan;
8. Details of heritage interpretation;
9. Details of floor slab levels unless included within any agreed reserved matters application;
10. 10% of dwellings on the site to be designed to lifetime homes / accessible, adaptable standard;
11. Details of electric vehicle charging points; car parking; cycle storage; and bin stores provision unless included within any agreed reserved matters application;
12. Details of site management for parking/access;
13. Details of highway design works;
14. No occupation until the appropriate traffic regulation orders have been implemented;
15. Construction management plan; parking; wheel washing etc.;
16. Details of interim travel plan for each agreed phase;
17. Details of travel plan;
18. Details of disabled access into buildings unless included within any agreed reserved matters application;
Conditions related to tree protection –
19. Pre-construction site meeting and submission of further details for each agreed phase;
20. Details of Siting of services and no-dig methods unless included within any agreed reserved matters application;
21. Details of Arboricultural works to facilitate development for each agreed phase;
22. Supplementary AMS to be provided arising from conditions above;
23. Details of AIA, AMS and TPP for each agreed phase and works on site in accordance with agreed documents;
24. Maintenance of protection of areas;
25. Details of provision and maintenance of low or zero carbon technologies / renewable energy sources;
26. Water efficiency measures to comply with latest standards for residential elements;
27. Details of Water efficiency measures for commercial / hospital elements;
28. Details of fire hydrants required to service the site including the new hospital, residential care home, extra care flats, key workers flats and commercial/admin block unless included within any agreed reserved matters application;
29. Details of foul water strategy;
30. Details of surface water scheme and management strategy;
31. Compliance with the surface water drainage system and future maintenance of;
32. No drainage systems for infiltration of surface water drainage into the ground is permitted other than with express consent of Local Planning Authority;
33. Piling or any other foundation designs using penetrative methods shall not be permitted other than with express consent of the local planning authority;
34. Details of any archaeological work and written scheme of investigation;
35. Details of Geo-technical sub-soil investigations including site area and adjacent parking and residential areas;

36. Details of ground stability mitigation works including site area and adjacent parking and residential areas;
37. Details of Site contamination investigation and assessment;
38. Details of contamination verification plan and long-term monitoring and maintenance plan in respect of contamination;
39. Cessation of works if unknown contaminants found and submit details of remediation;
40. Details of testing and/or suitable compliance of all imported material prior to occupation;
41. Details of any plant and machinery;
42. Details of fume extraction systems;
43. Details of glazing and ventilation systems; compliance with the recommendations of submitted noise report.
44. Communications strategy to be agreed.

Informatives

1. Considerate constructors;
2. Dealing with asbestos;
3. Note of ground conditions;
4. Impact on wildlife – protected species;
5. Landscape management plan;
6. Landscape schedule of maintenance operations;
7. Note of TPO;
8. Highways contacts, street naming and numbering, design note, works within the highway etc.;
9. Environment Agency guidance;
10. Anglian Water guidance;
11. Norfolk police (architectural liaison) guidance.

(Councillor Trevor left the meeting at this point.)

4. Application no 18/01865/F - 2 St Martins Close, Norwich, NR3 3HB

The planner presented the report with the aid of plans and slides.

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

RESOLVED, unanimously, to approve application no. 18/01865/F - 2 St Martins Close Norwich NR3 3HB and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. No extraction or ventilation to be installed unless first agreed;
4. Parking, cycle parking and bin storage to be provided prior to first occupation;
5. Landscaping to be completed and maintained;
6. Water efficiency;
7. Maximum of ten occupants;
8. Layout to be maintained as approved.

5. Application no 18/01205/F and 18/01206/L – Former Bethel Hospital, Bethel Street

The planner presented the report with the aid of plans and slides. She referred to the supplementary report of updates to reports which was circulated at the meeting comprising a late representation from Councillor Schmierer, Mancroft ward councillor, objecting to the use of the courtyard, expressing amenity of the future occupants and concern about potential flooding of the basement. These issues were addressed in the main report.

Two Bethel Street residents addressed the committee and outlined their concerns that the use of the courtyard would be detrimental to the neighbouring properties surrounding the courtyard because the screening would block light to four windows of a principle living room, residents would be subjected to noise and disturbance from the occupants of the proposed flat using the courtyard and overlooking; and, there was no provision for bin storage. The bedroom in the basement would be prone to flooding. The residents considered that the use should remain as an office rather than residential. The courtyard was poorly maintained. Councillor Fullman spoke on behalf of Councillor Smith (Mancroft ward councillor) who was concerned about the use of the courtyard garden for residential use and the impact that this proposal would have on the existing residents.

The planner, together with the area development manager (inner) referred to the report and answered members' questions. This included clarification of the different uses of the building and outside spaces, and that residential uses already existed elsewhere on the site. This courtyard was owned by a third party and had established office use but was not currently in use. Members also expressed concern about the use of the basement and were assured that building control would ensure that it met fire regulations. Members were advised that this was a relatively small flat and at 57 square metres was slightly below the national space guideline. It was noted that the proposal would change the use of an office into residential and that it was surrounded by residential units in this part of the former hospital site. In reply to members concern about the state of parts of the listed building, the area development manager (inner) said that separate to this application there was a process in place to force the owner to carry out improvements and maintenance. The chair moved and the vice chair seconded the recommendations as set out in the report.

Discussion ensued in which some members expressed concern about the negative impact that this proposal would have on the existing residents. They considered that the use of the courtyard would not be the same for residential use, where access would be to the courtyard at all times, than if the premises remained in office use. However other members considered that an office could have commercial uses out of office hours and could be just as noisy. Some members expressed concern about the use of the basement for a bedroom for health reasons because they considered it would be a damp space. It was suggested that it was a balanced decision on heritage grounds because of the use of the sun-pipe in the courtyard. During discussion a member suggested that a better solution for this application would be to change the internal layout of the building. However members were advised that this would cause more harm to the heritage of the building and that they could only determine the application before them. One member said that there if this application was not approved this part of the building would remain unused. The

area development manager (outer) said that the best way to maintain a building was to ensure that it was used. Members were advised that the existing use was office use and that no further planning permission would be required if it were to be used as an office. Other members who supported the application appreciated the current residents' concerns but considered that the use of the courtyard as a residential garden was acceptable and noted that the surrounding neighbours had access to outdoor space.

On being put to the vote the recommendation to approve application numbers 18/01205/F and 18/01206/L and grant planning permission and listed building consent was lost with 4 members voting (Councillors Driver, Maxwell, Button and Ryan) in favour and 6 members voting against (Councillors Wright, Raby, Stutely, Sands, Peeks and Bradford).

Discussion ensued on the reasons for refusing the planning application. The area development manager (inner) advised against refusing the listed planning consent. English Heritage had not objected to the proposal for the sun-pipe and the changes to the fabric of the building were minimal. Reconfiguring the internal walls would be more damaging to the fabric of this listed building. Members referred to one of the speakers' living room and considered that light from the courtyard was poor and that a screen outside the window would make it even darker. Councillor Raby moved and Councillor Wright seconded that application no 18/01205/F former Bethel Hospital, Bethel Street be refused because the use of the courtyard for a garden would be detrimental to the existing residents causing overlooking and noise nuisance, and that steps to mitigate this would block sunlight from the windows of a habitable room; and secondly, that there would be poor amenity for the future residents of the proposed residential unit in that it would be overlooked, and the basement would be dark and damp. On being put to the vote it was:

RESOLVED:

- (1) with 7 members voting in favour (Councillors Wright, Raby, Stutely, Sands, Ryan, Peek and Bradford), 2 members voting against (Councillors Driver and Maxwell) and 1 member abstaining (Councillor Button) to refuse Application no 18/01205/F– Former Bethel Hospital, Bethel Street, because it would be detrimental to the amenity of the neighbouring residents and to future residents (as minuted above) and to ask the head of planning services to provide the reasons for refusal in policy terms.

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

1. The proposed development would result in an unacceptable impact upon the residential amenity of neighbours as a result of the use of the courtyard in association with the proposed dwelling, in particular upon 9 Little Bethel Court, by virtue of associated noise, overlooking and overshadowing from the proposed landscaping. The proposal would therefore conflict with DM2 and DM3 of the Norwich Development Management Policies Local Plan (adopted 2014).
2. The proposed development would result in an unacceptable level of amenity for the future occupiers of the proposed dwelling by virtue of the significant amount of accommodation provided via a basement for a relatively small

dwelling. The proposal would therefore conflict with DM2 and DM3 of the Norwich Development Management Policies Local Plan (adopted 2014).

(The chair moved and the vice chair seconded that the listed building consent be approved.)

(2) with 8 members voting in favour (Councillors Driver, Maxwell, Wright, Button, Sands, Ryan, Peek and Bradford) and 2 members abstaining (Councillors Raby and Stutely) to approve Application no 18/01206/L – Former Bethel Hospital, Bethel Street,

1. Standard time limit
2. Approved plans;
3. Details to be submitted (to include:- basement treatment, sun-pipe housing, details of infilling of doorway between G26 and G30; details of infilling of existing access to basement; new stair; cable runs and utilities installations)
4. Listed Building – making good.

6. Application no 18/01265/F - 56 Wolfe Road, Norwich, NR1 4HT

The area development manager (outer) presented the report with plans and slides. He referred to the supplementary report of updates to reports which was circulated at the meeting and summarised objections to the revised plans and the officer's response.

During discussion the area development manager (outer) referred to the report and answered members' questions about the design and insertion of an additional window, to allow a new wall, and that the proposal was to render the external wall.

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

A member commented that the applicant had amended the plans in mitigation of neighbours' concerns

RESOLVED, unanimously, to approve application no. 18/01265/F - 56 Wolfe Road Norwich NR1 4HT and grant planning permission subject to the following conditions:

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

7. Application no 18/01095/F - 56 Caernarvon Road, Norwich, NR2 3HX

The planner presented the report with plans and slide.

The planner referred to the report and answered members' questions. The dormer window was outside permitted development rights because it was too close to the eaves. Members commented on the appearance of the partially built dormer window and said that it would be preferable if it had matched the existing roof tiles. The

planner said that a flat roof was required to make the room in the eaves habitable, obscure glazing stickers were a condition and that means of escape and the use of safety glass would be covered by building regulations.

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

During discussion members commented that this was a retrospective planning application and that they would have preferred the dormer to be more sympathetic to the colour of the roof tiles. Members noted that there were similar examples of dormer windows in the city.

RESOLVED, unanimously, to approve application no. 18/01095/F - 56 Caernarvon Road Norwich NR2 3HX and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Obscure glazing stickers;
4. Rear doors to pivot inwards;
5. Flat roof cannot be used as a balcony.

8. Application no 18/01884/F 41 Broadhurst Road, Norwich, NR4 6RD

The planner presented the report with the aid of plans and slides.

The planner referred to the report and answered members' questions. He confirmed that the proposal did not include a new access. The existing garage was to be used for leisure purposes. Members expressed some concern that the extension was too close to the boundary of the site. The planner boundary treatment was important.

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

During discussion members noted that the houses in the neighbourhood were of different designs and that this extension would not look out of place and was a good use of the site.

RESOLVED, unanimously, to approve application no. 18/01884/F – 41 Broadhurst Road, Norwich NR4 6RD and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Details of boundary treatment.

9. Application no 18/01678/F - 142 Beloe Avenue, Norwich, NR5 9AQ

The planner presented the report with the aid of plans and slides. He explained that originally a large dormer window had been included in the proposal but this had been

removed. Permitted development rights for dormer windows had been removed in Bowthorpe.

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

Councillor Sands, Bowthorpe ward councillor, said that the proposed extension would improve the general floor layout of the ground floor.

RESOLVED, unanimously, to approve application no. 18/01678/F - 142 Beloe Avenue, Norwich, NR5 9AQ and grant planning permission subject to the following conditions:

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

10. Application no 18/01413/F 156 Thorpe Road, Norwich NR1 1TJ

The planner presented the report with the aid of plans and slides. He pointed out a correction to paragraph 45 of the report and said that the side facing roof windows were over 2.3 metres above floor level. He referred to the supplementary report of updates to reports which was circulated at the meeting and contained a further representation from an existing objector who was unable to attend the meeting.

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

Councillors Stutely and Raby said that they would vote against this application because the extension was too large and they considered that the concerns raised by the adjacent neighbours had not been addressed.

RESOLVED, with 8 members voting in favour (Councillors Driver, Maxwell, Wright, Button, Sands, Ryan, Peek and Bradford) and 2 members voting against (Councillors Raby and Stutely) to approve application no. 18/01413/F – 156 Thorpe Road, Norwich NR1 1TJ and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Details of cycle provision.

(Councillor Ryan left the meeting at this point.)

11. Application no Application no 16/01889/O - Land West of Eastgate House, 122 Thorpe Road, Norwich

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

A member commented that he was disappointed that this application had come back to committee because when it was determined on 8 November 2018, he had considered it a good application that complied with the 33 per cent affordable housing allocation.

RESOLVED, unanimously, to:

- (1) approve application no. 16/01889/O - Land West of Eastgate House, 122 Thorpe Road, Norwich and grant planning permission subject to the completion of a satisfactory legal agreement to include provision of affordable housing and subject to the following conditions:

1. Standard time limit for submission of reserved matters
2. In accordance with plans
3. Energy efficiency
4. Water efficiency
5. Surface water drainage scheme
6. Unexpected contamination
7. Details of bin and cycle storage
8. Imported topsoil and subsoil
9. Slab levels
10. Construction method statement.
11. Provision of additional fire hydrants.

Or

- (2) where the legal agreement is not completed within three months of the date of this meeting to refuse application no. 16/01889/O - Land West of Eastgate House 122 Thorpe Road Norwich for the following reason:

The proposal fails to provide a mechanism to secure the delivery of affordable housing and is therefore contrary to the provisions of policy DM33 of the Norwich Development Management Policies Plan (2014), policy 4 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (2011, amendments adopted 2014) and guidance within paragraphs 62 and 64 of the National Planning Policy Framework (2018). The benefits of the proposal would not outweigh the clear conflict with policy.

CHAIR