NORWICH City Council

Minutes

Planning applications committee

09:30 to 13:00 **14 December 2017**

Present: Councillors Driver (chair), Maxwell (vice chair), Bradford, Button, Carlo, Henderson, Jackson, Lubbock (substitute for Councillor Wright) (to end of item 6), Malik (to end of item 6), Peek, Sands and Woollard (to the end of item 3 below)

Apologies: Councillor Wright

1. Declarations of interest

Councillor Lubbock declared a predetermined view in item 4 (below), Application no 17/01180/F - 171 Newmarket Road, Norwich, NR4 6AP because in her capacity as Eaton Ward councillor she had spoken to the applicant and neighbours.

2. Minutes

RESOLVED to agree the accuracy of the minutes of the meeting held on 9 November 2017.

3. Application no 17/01295/F - Car Park adjacent to Sentinel House 37 - 43 Surrey Street, Norwich

The senior 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. Norfolk County Council, as the strategic highway authority, had raised no further objections or issues on the revisions to the scheme provided its previous comments were carried forward. Broadland Housing had been unable to send its executive director to attend the meeting and had provided a written statement which was reproduced in full in the supplementary report.

Three local residents addressed the committee, and together with Councillor Schmierer, ward councillor for Mancroft ward, outlined their objections to the proposed scheme. This included concerns that the proximity to adjacent buildings, size of the footprint and scale of the development was overdevelopment of the site; that it would be detrimental to the amenity of residents of Carleton Terrace aby blocking sunlight to internal rooms and balconies; that the site allocation for the scheme was for mixed development of offices and had potential to provide 40 family homes, that residents had not opposed student accommodation at All Saints Green or adjacent to the bus station residents but had concerns about increasing studentification and the intensity of this development. The main concern was that the scheme was contrary to the Local Plan and development management policies DM2, DM3, DM9 and DM13. There was also concern that the size and massing of the design was inappropriate for its location situated within the historic character of the area of All Saints Green and adjacent to Carleton Terrace.

The agent addressed the committee and said that the applicant had worked with the council on a scheme to provide student accommodation in a high quality development, in a sustainable location on a brownfield site. The changes made to the proposal mitigated the concerns raised. The proposal would release housing for the private housing market and contribute to the five year housing land supply.

The senior planner and the area development manager (inner) referred to the report and answered members' questions. Committee noted that the accommodation was not associated with any specific higher education establishment. The applicants would require further planning permission for a change of use if the building was not let out to students. It was proposed that there would be a manager on site. Use of the roof terrace between 22:00 to 8:00 would be a breach of the planning consent. The senior planner and the area development manager (inner) explained that the proposal was considered acceptable despite being contrary to the Local Plan. The site had been vacant for several years and since the Local Plan had been agreed the government had amended permitted development rights for change of use from office space to residential and changing needs meant that there was no longer a requirement for large concentrations of office floor space on one location. Members were advised that the master plan for the site was indicative.

At the vice chair's request, the senior planner referred to the report and displayed the daylight/sunlight analysis and explained that the height of the proposed building had been reduced. Several flats at the rear of Carleton Terrace already had reduced daylight views (as demonstrated by the vertical sky component calculations) due to the use of canopies on the building. Therefore although the proposed development would have some impact the failure to meet BRE standards was due to the canopies and not the development itself.

A member suggested that the removal of the roof terrace element of the scheme to prevent noise and overlooking of the residents at Carleton Terrace. The senior planner said that the roof terrace would provide an important amenity for the student tenants. The size of the roof terrace had been reduced in the planning and as the distance was 37m from Carleton Terrace, it was not considered to be a problem in terms of significant overlooking. Members were advised about the proposed mitigation to address concerns about overlooking and noise as set out in the report. A member commented that 15 flats within the new development would be compromised by the use of privacy screens.

A member asked for an explanation of the officer's statement that there was a lack of detailed information about the need for student accommodation. The senior planner said that there was a student needs survey underway. She pointed out that if the development was no longer required for student accommodation then there would need to be a further application for change of use which would allow minimum space standards to be met through, for example, the merging of rooms. The area development manager said that although there had not been a full assessment on student accommodation needs, there was good information to support the expectation that student numbers would increase and there was a significant gap in provision.

The chair moved and the vice chair seconded the recommendations as set out in the report. Discussion ensued. Several members spoke against the officer recommendation to approve because they considered the scheme was contrary to

several policies in the local development plan and it was not in accordance with the site specific policy. The proposal was viewed as being overdevelopment because the site allocation for the site provided for only 40 dwellings and the proposed development did not include the public car park on Queen's Road, which forms part of the allocation. A member also pointed out that there was an assumption that students living in houses in multiple-occupation (HMOs) would prefer purpose built accommodation. The development was considered to be overbearing and double the height of the adjacent buildings. Members commented on the size and mass of the proposed development and its overbearing impact on the adjacent buildings of Carleton Terrace and Sentinel House, and the historic character of the adjacent buildings in the area. Members commented that there was a need for social and family housing but student accommodation was being developed because it was more lucrative. In contrast the chair spoke in support of the application. A member said that the senior planner had made a very good presentation and that she welcomed any improvement to the view from Queens Road. However she was concerned about the impact of the scheme on the City Centre Conservation Area. The block adjacent to Sentinel House was particularly overbearing and inappropriate for the medieval city centre. The site and adjacent Sentinel House was a very large area of student accommodation and there needed to be more flexibility. The area development manager (inner) referred to the report and said that the case for departure from the Local Plan was acknowledged and there was a need for student accommodation. He cautioned members against voting for refusal on the grounds because the policy was contrary to CC29 because the site master plan was indicative. The daylight / sunlight assessment showed a marginal decrease to a small number of flats in Carleton Terrace. On being put to the vote it was:

RESOLVED, with 4 members voting in favour (Councillors Driver, Maxwell, Button and Peek), 7 members voting against (Councillors Carlo, Henderson, Jackson, Lubbock, Sands, Woollard and Bradford) and 1 member abstaining (Councillor Malik) the proposal to approve the officer recommendation as set out in the report was rejected.

Councillor Sands moved and Councillor Jackson seconded that the application be refused. Discussion ensued on the reasons for refusal in terms of policy and focusing on the size and scale of the development and its impact on the amenity of the residents of Carleton Terrace and the historic buildings in the vicinity, particularly Ivory House and the conservation area. Members did not object to the provision of student housing and indicated that it was acceptable at this site but that they considered that the scale, height and mass of the proposed development was not. Members commented that the proposal did not make the best use of this large site and that there should be more landscaping to create an outside space. Members were advised that part of the site covered by CC29 was owned by the county council and indications were that it was currently unavailable for sale to the developer. On being put to the vote it was:

RESOLVED, with 8 members voting in favour (Councillors Carlo, Henderson, Jackson, Lubbock, Sands, Malik, Woollard and Bradford), 2 members voting against (Councillors Driver and Maxwell) and 2 members abstaining (Councillors Button and Peek) to refuse to grant planning permission for application no. 17/01295/F - Car park adjacent to Sentinel House 37 - 43 Surrey Street, Norwich on the grounds that the height and massing of the proposed development did not respect the amenity of the residents of Carleton Terrace and Sentinel House, and that the height and

massing was out of character and takes reference from Sentinel House and Norfolk Tower which are negative buildings within the conservation area rather than respecting the character of nearby heritage assets; and to ask the head of planning to provide reasons in planning policy terms.

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

1. By virtue of the height and mass of the proposed building and the degree of separation between the proposed and neighbouring buildings, the proposal will have a detrimental impact on the existing residents of Carlton Terrace, the future residents of Sentinel House and the future residents of the development due to loss of light, loss of privacy due to over-looking and an overbearing relationship. The development would therefore not accord to policy DM2 and DM12 of the Norwich Development Management Policies Local Plan (adopted 2014).

2. The scale, height and mass of the proposed development fails to respect the character of the adjacent non designated heritage asset of Carlton Terrace and other historic buildings in the conservation area and instead takes reference from Sentinel House and Norfolk Tower which are buildings identified within the Norwich City Centre Conservation Area Appraisal as being negative. The development therefore results in less than substantial harm to the non-designated heritage assets and to the conservation area and would therefore not accord with policy DM3 and DM9 of the Norwich Development Management Policies Local Plan (adopted 2014), policies 1 and 2 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (adopted 2011, amendments adopted 2014) and sections 7 and 12 of the National Planning Policy Framework (adopted 2012).)

(The committee adjourned for a short break. The committee reconvened with all members listed above as present with the exceptions of Councillor Woollard who left the meeting at this point and Councillor Lubbock who had declared an interest in the following item.)

4. Application no 17/01180/F - 171 Newmarket Road, Norwich, NR4 6AP

(Councillor Lubbock having declared a predetermined view was not present during the consideration or determination of this application.)

The planner presented the report with the aid of plans and slides. The plans had been amended so that the sole access to the site would be from Newmarket Road.

Four residents addressed the committee and outlined their objections to the proposed new dwelling which included: concern about its height, design and that the use of slate was inappropriate; that the scale and size was too large for the site; the proposal was contrary to policies DM2 and DM3 and would adversely impact on the amenity of the neighbouring residents, causing loss of privacy and sunlight from the adjacent garden; suggestion that the house should be sunken into the ground to reduce impact; that this garden development would create a precedence; and concern about access. (Two of the speakers produced photographic images to illustrate their comments.)

The applicant responded and spoke in support of the application. He explained the reasons for the application and their desire to remain in the area and build a sustainable and high quality house which was more appropriate for their needs. He referred to the report and the support from the statutory consultees and said that several neighbours had provided letters of support for the proposed application.

The planner referred to the presentation and showed slides to demonstrate the view from the adjacent gardens and the distances and mature landscaping which showed the negligible harm to the amenity of the neighbouring properties. He explained that the proposal for the residents and visitors to this new dwelling was that they would not access or egress the site from The Loke, which was in private ownership. This did not remove the rights of existing residents who used The Loke for access. The area development manager (outer) said that if the residents used The Loke it would be breach of the planning permission and subject to enforcement.

Members then asked questions of the planner, who referred to the report and the presentation slides to demonstrate the distances and view from neighbouring properties and the variety of design of existing dwellings in the area. The planner advised members to consider whether the new dwelling would cause significant harm to the neighbours. The new dwelling would be 25 metres away from secondary living space (garage and utility rooms) of no 424.

Councillor Carlo commented that the council did not have a policy on developments on garden land and that it made it difficult for the council to assess planning applications. She suggested that the landscaping should be maximised and a hedge rather than a board fence be used.

Councillor Sands said that he did not object to the design but considered that the position of the proposed dwelling on the site was in the wrong position and should be moved further south. He considered that the committee should defer consideration to resolve this issue.

RESOLVED, with 8 members voting in favour (Councillors Driver, Malik, Button, Henderson, Jackson, Malik, Peek and Bradford), and 1 member voting against (Councillor Sands) and 1 member abstaining (Councillor Carlo) to approve application no. 17/01180/F - 171 Newmarket Road, Norwich, NR4 6AP and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Sole access to be via the existing driveway only / no vehicle access via The Loke;
4. Details of hard and soft landscaping and planting

5. Arboricultural Supervision;
6. Works in accordance with AIA / AMS;
7. Water efficiency;
8. Surface water drainage.

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

5. Application no 17/01535/F - 25 Pitchford Road, Norwich NR5 8LQ

The planner presented the report with plans and slides.

Two residents addressed the committee and outlined their concerns about the proposal. This included the concern that this would be another house in multiple occupation (HMO) and that the extension was detrimental to the character of the area and would obscure views of the wooded area, and concern about noise from the future residents and exacerbated pressure on parkin. One resident pointed out that no 25 Pitchford Road was not an existing HMO and until recently had one resident.

The applicant was present but chose not to address the committee.

The planner apologised that in his assessment of the property he had misunderstood the use of the property and confirmed that it had been unoccupied following the passing of the previous owner. He referred to the report and responded to the issues raised by the speakers and, and together with the area development manager (outer) answered members' questions. Members were advised that the sale of the garage space was not material to the planning application.

Discussion ensued in which members expressed concern about the loss of family accommodation to HMOs. Members were advised that the sale of the garage space was not material to the planning application. Councillor Button, Bowthorpe ward councillor, said that there were proposals for a controlled parking zone in the area.

Councillor Sands, Bowthorpe ward councillor, said that he was concerned that a seven bedroomed HMO was too large for this location and the large extension was overdevelopment of the site. He was aware that similar applications for extensions for family use had been refused previously.

RESOLVED, with 9 members voting in favour (Councillors Driver, Maxwell, Button, Carlo, Jackson, Malik, Lubbock, Peek and Bradford) and 2 members voting against (Councillor Sands and Henderson) to approve application no. 17/01535/F - 25 Pitchford Road, Norwich, NR5 8LQ and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Limit the number of occupants to no more than seven and retain the kitchen and dining rooms for use by the occupants;
4. Operations in accordance with AIA/AMS;
5. Cycle / bin storage to be installed prior to occupation;
6. Landscaping details.

6. Application no 17/01452/F - 15 Wordsworth Road, Norwich, NR5 8LW

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

During discussion the planner, together with the area development manager (outer), referred to the report and answered members' questions. This included assurance that the extension must comply with building regulations.

Councillor Sands spoke of his concern about this application for a large HMO and asked whether the drains would need to be moved. Members were advised that all the bedrooms had an en-suite but drainage would be considered under building regulations.

RESOLVED, with 10 members voting in favour (Councillors Driver, Maxwell, Button, Carlo, Henderson, Jackson, Lubbock, Malik, Peek and Bradford) and 1 member voting against (Councillor Sands) to approve application no. 17/01452/F - 15 Wordsworth Road Norwich NR5 8LW and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Limit the number of occupants to no more than seven and retain the kitchen and dining rooms for use by the occupants;
4. Landscaping details.
5. Cycle / bin storage details / to be installed prior to occupation.

(Councillor Malik left the meeting at this point.)

7. Tree Preservation Order [TPO], 2017. City of Norwich Number 523; 32 Leopold Road, Norwich, NR4 7PJ

(Councillor Lubbock left the meeting during this item.)

The arboricultural officer presented the report with the aid of plans and slides. He referred to report and answered members' questions. He confirmed that a Sycamore tree had been removed which had triggered concern that the remaining tree needed protection. The tree, which was probably self-seeded, was at the end of a long garden and would shade part of the gardens but not the house. A member said that the Sycamore trees were important for food for wildlife.

The chair said that he considered that the tree should have been removed when it was younger and was in the wrong place.

A member referred to the arboricultural officer's assessment of the tree and said that a tree preservation order did not preclude works to the tree if required.

RESOLVED, with 8 members voting in favour (Councillors Maxwell, Bradford, Button, Carlo, Henderson, Jackson, Peek and Sands) and 1 member voting against (Councillor Driver) to confirm Tree Preservation Order [TPO], 2017. City of Norwich Number 523; 32 Leopold Road, NR4 7PJ, without modifications.

8. Tree Preservation Order [TPO], 2017. City of Norwich Number 524; The Moorings, Norwich.

The arboricultural officer presented the report with the aid of plans and slides. He referred to report and answered members' questions.

The chair said that he considered that the trees were an important part of the development at the Moorings

RESOLVED, unanimously, to confirm Tree Preservation Order [TPO], 2017. City of Norwich Number 524; The Moorings, without modifications.

9. Tree Preservation Order [TPO], 2017. City of Norwich Number 526; To the front of North Earlham Stores, 308 Bowthorpe Road, Norwich, NR5 8AB

The arboricultural officer presented the report with the aid of plans and slides. He referred to report and answered members' questions. He explained the reasons for the concern that these street trees needed protection.

RESOLVED, unanimously, to confirm Tree Preservation Order [TPO], 2017. City of Norwich Number 526; Land In Front of 308 Bowthorpe Road, NR5 8AB without modifications.

CHAIR