



**Planning applications committee**

**10:00 to 12:30**

**11 June 2015**

Present: Councillors Herries (vice chair, following appointment) (in the chair), Ackroyd (substitute for Councillor Lubbock), Blunt, Bradford, Brociek-Coulton, Button, Carlo, Henderson (substitute for Councillor Neale), Jackson, Maxwell (substitute for Councillor Sands (M)), Peek and Woollard

Apologies: Councillors Sands (M) (chair), Lubbock and Neale

**1. Appointment of vice chair**

Two nominations were received for vice chair, Councillors Herries and Jackson and on being put to the vote it was:

**RESOLVED** to appoint Councillor Herries as vice chair for the ensuing civic year.

**2. Declarations of interest**

Councillor Blunt declared an other interest in item 4 (below), Application no 15/00159/F - 9 Normans Buildings, Norwich, NR1 1QZ as vice chair of the Norwich Historic Churches Trust and had a pre-determined view of the application. He would leave the meeting during the committee's debate and determination of the application.

Councillor Herries declared an other interest in item 4 (below) Application no 15/00159/F - 9 Normans Buildings, Norwich, NR1 1QZ as she represented the council as a member of the Norwich Historic Churches Trust.

**3. Minutes**

**RESOLVED** to approve the minutes of the meeting held on 14 May 2015, subject to noting that a formatting issue had resulted in duplication of the title of item 3, Application no 15/00121/F – The Blackdale Building, Bluebell Road, Norwich, NR4 7LN, and therefore to delete the duplicated text and note that subsequent items will be renumbered.

**4. Application no 15/00159/F - 9 Normans Buildings, Norwich, NR1 1QZ**

(Councillor Herries had declared an interest in this meeting. Councillor Blunt, having declared an other and predetermined view in this item, remained in the room during

the presentation and for the public speakers, and then left the room during the members' determination and did not take part in the voting.)

The planning development team leader (inner area) presented the report with the aid of plans and slides. He referred to the supplementary report of updates to reports, which was circulated at the meeting, and said that it contained summaries of further representations from Historic England, an additional letter of representation objecting to the loss of the business unit and additional information from the applicant, and the officer response. The Norwich Historic Churches Trust had also submitted a representation which was summarised in the updates report and raised issues which had been addressed in the main committee report.

A representative of the Norwich Historic Churches Trust addressed the committee and outlined the Trust's objections to the scheme, which was considered to be detrimental to the historic listed church and churchyard and concern that the construction of the development would puncture the churchyard wall.

The agent on behalf of the applicant responded and said that the building had been designed to be as unobtrusive as possible so as not to spoil the view from the churchyard. He pointed out that residential properties looking out to the churchyard enhanced the security of the public space.

(Councillor Blunt left the meeting at this point.)

Discussion ensued in which the planning development team leader (inner area) referred to the report and answered questions. He confirmed that the proposed building would be 1 metre higher than the existing building. Officers had discussed with the applicant the possibility of a single storey building of two residential units but there was a question of viability issues with the site, although no such evidence had been provided by the applicant. The provision of one cycle stand per residential unit complied with the council's policy. The applicant had provided an arboricultural assessment which showed that there would be no impact from the ground works on the trees. The trees were owned by the city council and were in need of maintenance and it was suggested that crown lifting would be appropriate. The applicant would need to discuss this with the city council's property services.

During discussion a member referred to the updates report and said that he considered that the viability of the site for small business use should be explored further. He pointed out that new technology had changed the use of small business premises and that there was potential for these to co-exist with residential use. Members also expressed concern that detrimental impact that the two storey building would have on the churchyard and neighbouring properties. Members also were concerned that there would be potential amenity issues for future residents because of the small windows allowing limited daylight and lack of outdoor space. There was also potential for conflict with future residents to object to the trees.

Councillor Jackson moved and Councillor Carlo seconded that the application be refused on the grounds that the proposed building was overbearing and would have a detrimental impact on a heritage asset, the Grade I St Peter Parmentergate Church and churchyard, that the proposal would provide poor amenity for future residents and was contrary to the council's development management policies, and

that insufficient information had been provided to justify the loss or alternative use of the site for business use.

**RESOLVED**, unanimously, to refuse Application no 15/00159/F - 9 Normans Buildings, Norwich, NR1 1QZ , on the grounds that it would cause less than substantial harm to the heritage asset which was not outweighed by public benefits of the scheme, will provide poor amenity to future residents and that insufficient information had been provided to justify the loss or alternative use of the site for business, and to ask the head of planning services to provide the reasons for refusal in planning policy terms.

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

1. Insufficient information has been provided to demonstrate that there is no possibility of reusing or redeveloping the site or premises for similar or alternative business use. This is contrary to DM17 of the Norwich Development Management Policies Local Plan (adopted 2014) and the strategic aims of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk (adopted March 2011, amendments adopted January 2014) which aims to support the needs of small, medium and start-up businesses (policies 5 and 11).
2. The design of the north elevation fails to respect, enhance or respond to the character and distinctiveness of the churchyard setting. Exacerbated by the mass of the building and need to remove large sections of the boundary wall, this adversely detracts from the setting of the grade I listed church, churchyard and conservation area, causing less than substantial harm to the character of the heritage assets. Considerable weight and importance should be attached to this harm, which is not considered to be outweighed by the public benefits the scheme brings, principally through the additional supply of housing. The proposal is therefore contrary to paragraph 134 of the National Planning Policy Framework, policy 2 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk (adopted March 2011, amendments adopted January 2014) and policies DM3, DM9 and DM12 of the Norwich Development Management Policies Local Plan (adopted 2014).
3. The majority of the habitable rooms proposed will be over-reliant on the north-facing windows facing the churchyard, which will be further compromised by the three mature trees in close proximity. The limitations this would have on the natural light levels reaching the habitable rooms would give rise to unacceptable living conditions, particularly when combined with the poor outlook when the trees are in-leaf. This is compounded by the lack of any private or semi-private outdoor amenity space. As such the development does not provide a sufficiently high standard of amenity for future occupiers, which would undermine the day to day living conditions for those residents. As mitigation of this harm is unachievable through condition, the development is contrary to policy DM2 of the Norwich Development Management Policies Local Plan (adopted 2014) and the objectives of the National Planning Policy Framework paragraphs 9 and 17.)

(The committee had a short adjournment at this point. The meeting reconvened and

Councillor Blunt was readmitted to the meeting.)

**5. Application no 15/00317/F - Montpellier House, Judges Walk, Norwich, NR4 7QF**

The planning development team leader (outer area) 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 six further representations had been received and the officer response, and that there was an amendment to the text in paragraph 1 of the main committee report.

The resident of 1 Judges Walk addressed the committee and outlined his objections to the scheme which included concern about the size and mass of the proposed scheme, its design and the proximity to the boundary with his property and that it would have a detrimental effect on the outlook from his premises.

The applicant addressed the committee in support of the application and produced a crude scaled model of the proposed extensions to Montpellier House and its location in relation to the neighbouring properties. The bedrooms of the current bungalow were overlooked from the neighbours and the alterations sought to address this and introduce a private courtyard. He pointed out that there was a large garden and that the revised design would still have a much smaller footprint than the surrounding houses. Much of the extension was to the front of the building. The roof height had been reduced to minimise its impact on the neighbouring properties with an increase of only 2ft on the existing roof height. The applicants were willing to soften the appearance with appropriate landscaping.

The planning development team leader (outer area) referred to the report and answered members' questions. He confirmed that the applicant would need to provide details of materials for agreement with the planning officers. He explained that this was an extension to an existing building and that in order to relocate the building away from the boundary of 1 Judges Walk, it would have been necessary to demolish it and rebuild it more centrally on the site but this could have had an impact on Newmarket Road. Members were advised that it was conditioned that materials needed to be agreed with the applicant before construction.

During discussion a member commented that extension of the bungalow was constrained by its proximity to the boundary with the neighbouring property. A member pointed out that the current building had very little architectural merit but it was disappointing that the drawings of the proposed scheme did not provide more detail. A member suggested that the applicant provided bat boxes and that to increase the amenity of the neighbourhood the flat roof could be a green (sedum) roof. The planning development team leader (outer area) confirmed that an ecological report had been received and that proposed enhancements, such as a bat box, had been incorporated into the conditions for the planning permission. He suggested that the proposal for a green roof could be explored with the applicant but could not be a requirement.

**RESOLVED**, unanimously, to approve application no. 15/00317/F - Montpellier House, Judges Walk, Norwich NR4 7QF and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Removal of permitted development rights (alterations to the roof and insertion of windows at first floor level);
4. Details of materials;
5. Works in accordance with the approved arboricultural method statement (AMS);
6. Submission of supplementary AMS;
7. Details of retained and supplementary boundary treatment to the north and west.
8. Works to be undertaken in accordance with the recommendations of the ecology report
9. Details of bat roosts and supplementary tree planting.

Article 35(2) 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 the application has been approved subject to appropriate conditions and for the reasons outlined above.

#### **6. Application no 15/00003/F - 145 Earlham Road, Norwich, NR2 3RG**

The chair pointed out that the reasons for this application being considered at committee was due to objections and that the report author had not removed the other standard reasons for referral to committee.

The planner (development) presented the report with the aid of plans and slide. He referred to the supplementary report of updates to reports, which was circulated at the meeting, which contained a summary of an additional letter of representation objecting to the proposal and the officer response. Members were advised that works, under permitted development rights, had commenced on no 147 Earlham Road and that the front garden of both 145 and 147 had been cleared of vegetation. Therefore the planner was proposing condition 3 be amended to require the applicant to include soft landscaping at the front of the no 145 Earlham Road

Councillor Carlo, local member for Nelson Ward, said that she considered that a bed and breakfast establishment was acceptable in this location and that she welcomed the amendment to the conditions to require the replacement of the vegetation removed as part of the works as it was important to maintain the green corridor. The planner explained that the condition only applied to no 145 Earlham Road but it was hoped that the applicant could be encouraged to replace the vegetation in the front garden of no 147 as well.

**RESOLVED**, unanimously, to approve application no. 15/00003/F - 145 Earlham Road, Norwich, NR2 3RG and grant planning permission subject to the following conditions:

1. Standard time limit;

2. In accordance with plans;
3. Details including new windows and doors (to illustrate the coverage of obscure glazing where relevant), new boundary fence and the 'green fence' and soft landscaping to be submitted to the local planning authority for prior approval.
4. Submission of parking/ cycle/ bin storage details;
5. Restricted delivery hours.

Article 35(2)(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 the application has been approved subject to appropriate conditions and for the reasons outlined in the officer report.

**7. Enforcement Case 13/00237/BPC/ENF – 9 Edward Jodrell Plain, Norwich, NR2 2TD**

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

**RESOLVED**, unanimously, to authorise enforcement action Enforcement Case 13/00237/BPC/ENF – 9 Edward Jodrell Plain, Norwich, NR2 2TD to secure the cessation of the unauthorised house in multiple occupation (sui generis use) and return the property back to its authorised residential (Class C3/C4) use; including the taking of direct action that may result in referring the matter for prosecution if necessary.

**8. Planning applications committee – 14 May 2015 (updates report)**

**RESOLVED** to note that following the committee meeting held on 14 May 2015, the University of East Anglia had provided a written response to members' questions about the fuel type being used for the biomass which serves its campus and further information about accommodation, access and escape routes (which is set out in the supplementary report of updates to report).

CHAIR