



Planning applications committee

10:00 to 13:40

29 October 2015

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

Apologies: Councillor Blunt

1. Declarations of interest

There were no declarations of interest.

2. Minutes

RESOLVED to approve the minutes of the meeting held on 1 October 2015.

3. Tree Preservation Order 2015, City of Norwich no 481, 99 Christchurch Road, Norwich, NR2 3NG

(The following members of the committee had attended the site visit to 99 Christchurch Road which had been held before the meeting at 9:00: Councillors Sands, Herries, Brociek-Coulton, Button, Carlo, Jackson, Neale and Peek.)

The council's tree consultant presented the report with the aid of plans and slides. During the presentation the tree consultant advised members that the recommendation was to confirm Tree Preservation Order 2015, no 481, without modifications, but the committee could decide to modify the order to exclude either of the trees, or not to confirm it. He explained the methodology he had used to make his assessment and that he considered that both the trees covered in the order were in good condition and had a reasonable life expectancy.

The adjacent neighbour (no 101 Christchurch Road) and one of the co-owners of no 99 Christchurch Road addressed the committee and outlined their objections to the confirmation of the order. This included their concern that the maintenance of the trees would not alleviate their concerns about overshadowing or the effect of debris from the trees, including toxins from the walnut tree which prevented certain plants growing around the trees. The owners had recently purchased the property and during the process had checked that none of the trees were covered by a tree preservation order. The council's consultant had made his assessment on 21 May 2015 after their offer on the house had been accepted. The owners considered that the removal of the trees would allow for the planting of replacement trees and other plants; and for an existing beech tree to thrive.

During discussion, the tree consultant referred to the report and answered members' questions. This included advice that a mature beech tree would be a large specimen. The committee noted the sun path across the three gardens and that the garden of no 99 was in shade until the late afternoon. The "jungle" of vegetation under the trees demonstrated that light filtered through. Members were advised that the walnut tree had leaf blotch which occurred during wet/damp summers. It was not a fatal condition but caused defoliation and walnuts would be useless in the year of infection. The committee noted that a tree preservation order could secure the replacement of the trees and that without one the council had no authority to require the owners to replace the trees.

Discussion ensued in which members commented on the proposal. Some members were of the view that the trees were in the wrong place but, as a member pointed out, the Order was required to ensure the replacement of the trees and give some control over the species of replacement trees. Another member suggested that the removal of the trees would enhance the owners' enjoyment of their garden and that the replacement of the trees with more suitable species would be preferable. Other members noted the preservation of the trees contributed to biodiversity. A member pointed out that the trees were visible from the road and did not overshadow the garden of no 101.

Councillor Brociek-Coulton moved and Councillor Peek seconded that Tree Preservation Order, City of Norwich, no 481 was confirmed with a modification to exclude T2, walnut tree because of its condition which was likely to continue given the shady aspect of the garden and its location: and to preserve T1, the Scot's pine only. On being put to the vote with 3 members voting in favour (Councillors Brociek-Coulton, Peek and Sands) and 9 members voting against (Councillors Herries, Carlo, Henderson, Button, Lubbock, Jackson, Neale, Woollard and Bradford) the motion was lost.

Councillor Bradford moved and Councillor Lubbock seconded that Tree Preservation Order, City of Norwich, no 481 was not confirmed because the trees were not suitable for the location and that the owners had shown a willingness to replace the trees with appropriate species. It was therefore-

RESOLVED, on the chair's casting vote, with 6 members voting in favour of the proposal to not confirm the order (Councillors Sands, Bradford, Button, Lubbock, Peek and Woollard) and 6 members voting against the proposal (Councillors Herries, Carlo, Henderson, Brociek-Coulton, Jackson and Neale), to not confirm Tree Preservation Order 2015, City of Norwich, no 481 – 99 Christchurch Road, Norwich, NR2 3NG.

4. Application no 15/00689/F - Car Park adjacent to 6 Albion Way, Norwich

The senior planner (development) presented the report with the aid of plans and slides. She referred to the supplementary report of updates to reports and said that there was no need for an evacuation plan, given the scale of floor space and level of risk, and therefore condition 7, as set out in the main report, was no longer required.

During discussion the senior planner, together with the planning team leader (inner), referred to the report and answered members' questions. This included an explanation that the plans indicated seating at both ends of the proposed units to show that the potential use of either unit was flexible but only one of the units would be A3 (restaurant and café) and the other A1 (retail). Members also sought clarification of transport matters and noted that the proposal would not reduce car parking spaces for the disabled.

Discussion ensued on the developer's contribution of £13,000 towards improvements to bus services. Members considered that there needed to be improved signage and information available for bus users. The committee was advised that there were proposals to reroute buses through Geoffrey Watling Way.

Councillor Bradford expressed concern that the number of car parking spaces would be reduced. The chair pointed out that the reduction in car parking spaces amounted to around 5% of the current provision.

RESOLVED, with 11 members voting in favour (Councillors Sands, Herries, Button, Brociek-Coulton, Carlo, Henderson, Jackson, Lubbock, Neale, Peek and Woollard) and 1 member abstaining from voting (Councillor Bradford) to approve application no. 15/00689/F - Car Park adjacent to 6 Albion Way, Norwich and grant planning permission subject to the completion of a satisfactory legal agreement to secure payment of a commuted sum to fund measures to improve the accessibility of the site by other modes of transport and subject to the following conditions:

1. Standard time limit;
2. In accordance with plans and details;
3. Use restrictions – A3 use of no more than 139sqm / - all floorspace, removal of permitted development rights for changes of use;
4. Contamination - stop work if unknown contamination encountered;
5. No piling unless details approved – to include contamination risk assessment and where necessary remediation;
6. Finished floor level to reduce risk of flooding;
7. Detailed landscape proposals including - landscape management;
8. Provision of servicing facilities and cycle parking.

Article 32(5)

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.

5. Application no 15/01091/F - Briar Chemicals Ltd, Sweet Briar Road, Norwich, NR6 5AP

The senior planner (development) presented the report with the aid of plans and slides.

During discussion the senior planner referred to the report and answered members' questions which include clarification that construction vehicles would enter the site

from the north and therefore avoid using the bridge and confirmation that landscaping conditions ensured the retention of hedgerows and small trees that formed the boundary of the site.

Members considered that the solar panels would provide an opportunity for increased biodiversity on the site. The committee also discussed the issues surrounding the applicant's contribution to sports provision in the area and that the sports facilities on the site were no longer in use or suitable for other parties to use. A member said that the proposed development would help sustain chemical production on the site and remain competitive.

RESOLVED, unanimously, to approve application no. 15/01091/F - Briar Chemicals Ltd, Sweet Briar Road, Norwich NR6 5AP and grant planning permission subject to the completion of a satisfactory legal agreement or unilateral undertaking for a contribution of £15,000 towards football pitch improvements and changing room facilities at Sloughbottom Park and subject to the following conditions:

1. Standard commencement time limit;
2. Temporary consent for 30 years. All materials and equipment to be removed and land restored to its former condition in accordance with a scheme of work to be approved by the local planning authority;
3. Not less than 12 months prior to temporary consent expiring or the cessation of electricity production from the solar panels, a scheme of works of the decommissioning of the solar farm shall be submitted.
4. In accordance with plans;
5. Tree survey, arboricultural implications assessment and tree protection plan to be submitted and approved prior to development commencing;
6. Additional landscaping and biodiversity plan to be submitted prior to development commencing.
7. No external lighting unless a scheme is agreed.

Informatives:

1. Construction hours

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 and has approved the application subject to appropriate conditions and for the reasons outlined in the officer report.

6. Application no 14/01574/NF3 - 38 - 64A Argyle Street, Norwich, NR1 2DA

The planning team leader (inner) presented the report with the aid of plans and slides and pointed out that the proposed demolition and landscaping should not preclude future housing development on the site.

During discussion the planning team leader referred to the report and answered members' questions. Members were advised that the site would be top-soiled and turfed. Members concurred that there should be a condition to ensure that demolition waste materials were recycled. The planning team leader explained the

arrangements to conserve the bat habitat and provide bat boxes under licence from Natural England. Members also considered that there was potential to develop the site for housing but the council could consider other uses, such as allotments, in the future.

Members welcomed the proposal to improve the appearance of the site.

RESOLVED, unanimously, to approve application no. 14/01574/NF3 - 38 - 64A Argyle Street, Norwich, NR1 2DA and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Development in accordance with arboricultural impact assessment, method statement and tree protection plan;
4. Materials from the demolition to be reused and recycled;
5. Submission of a bat mitigation strategy;
6. Details of number, type and location of bat boxes to be submitted and agreed;

Informative

1. Construction working hours;
2. Need for a bat mitigation licence and legal responsibility to protect bats.

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 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 at this point and reconvened with all members present as listed above.)

7. Application no 15/01156/F and 15/01157/L - 31 St Stephens Square, Norwich, NR1 3SS

The planner (development) presented the report with the aid of plans and slides. He also referred to the supplementary report of updates to reports which was circulated at the meeting and contained a summary of further correspondence from the adjacent neighbour and the officer response.

The adjacent neighbour addressed the committee and outlined their objections to the proposal which included concern about the calculation of the height of the extension; objecting to the design and its contribution to the heritage of the building, suggesting that a flat roof would be preferable; and concern that the extension because of its design would be detrimental to their amenity and that of the whole terrace.

The applicant said that the extension would provide a ground floor toilet and extend the ground floor of the house to meet the family's future needs. They had met with the council's design and conservation officer to discuss the application and to ensure that the design was sympathetic to the heritage of the building. He explained that

the extension could be built under permitted development rights if it was 14 cm shorter and the roof height could be higher than that proposed. The applicant said that they would instruct a structural engineer and ensure that the building was fully compliant with building control regulations.

During discussion the planner, together with the planning team leader (inner), referred to the reports and responded to the comments made by the speakers and answered members' questions, including the clarification that the height of the extension was measured from inside the application site. In reply to a question from Councillor Brociek-Coulton, the committee was advised that the planner had made an adequate assessment of the objections to the proposal from the photographs supplied by the adjacent neighbour and by viewing the site from Crooks Place. The proposal could be allowed under permitted development rights if it was shorter by 15 cm, and the impact on amenity could not be refused under listed building consent.

RESOLVED, with 11 members voting in favour (Councillors Sands, Herries, Button, Bradford, Carlo, Henderson, Jackson, Lubbock, Neale, Peek and Woollard) and 1 member voting against (Councillor Brociek-Coulton) to approve:

- (1) application no. 15/01156/F - 31 St Stephens Square Norwich NR1 3SS and grant planning permission subject to the following conditions:
 1. Standard time limit;
 2. In accordance with plans;

Informative:

Considerate construction

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 in the officer report.

- (2) listed building consent application no. 15/01157/L - 31 St Stephens Square Norwich NR1 3SS and grant planning permission subject to the following conditions:
 1. Standard time limit;
 2. In accordance with plans;
 3. Repair any damage to listed building within 3 months;
 4. Notwithstanding what is shown on the plans, details of materials.

Reason for approval: While there are elements of less than substantial harm, the level of harm is relatively low and the extension represents a logical evolution of the listed building as a private residential property. It is of sympathetic scale, form and detail and within the context of the considerably more inappropriate surrounding developments, this is a suitable addition. Where there is harm, for instance through loss of fabric, it has been reduced to an acceptable level. Accordingly the

development is in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.

8. Application no 15/01382/F - Aldwych House, 57 Bethel Street, Norwich, NR2 1NR

The planner (development) presented the report with the aid of plans and slides. He also referred to the supplementary report of updates to reports which was circulated at the meeting and contained a suggested amendment to the informative which made it clear that this application related to the roof-lights only.

A Bethel Street resident, whose apartment overlooked the roof of Aldwych House, outlined her concerns that the construction did not comply with existing planning permission and that her view of the Cathedral of St John the Baptist was impeded by two of the sky-lights. She had spoken to the contractors and understood that the roof-lights were to make the single bedroom flats more habitable

The agent explained that the development had changed ownership in January of this year. The application was retrospective and would enhance and improve the living conditions of future residents of the flats. One roof-light had been rotated and lowered as far as possible for maintenance and to function properly.

During discussion the planner, together with the planning team leader (inner), referred to the reports and answered members' questions. During discussion members commented on prior approval for office buildings to be converted into residential use and the limitations of local planning authorities to control the standard of housing. Members were assured that the council's private sector housing would ensure that such residential units were habitable.

Discussion ensued in which it was noted that a private view of a heritage asset was not given the same weight as the public one. Members were advised that the resident only objected to the roof-lights shown as A and B on the plan. The committee discussed the public view from Bethel Street showing that the roof-lights projected from the roof and obstructed the view of the cathedral.

Councillor Jackson moved and Councillor Neale seconded that the application be refused on the grounds that was unacceptable because it had an overbearing impact on a heritage asset (the Cathedral of St John the Baptist) and its effect on the character of the conservation area, and to grant authority to the head of planning services to instigate enforcement action. Officers advised members to consider the amenity value of a raised roof-light in front of the view of the cathedral from street level and weigh this against the benefits to future residents of the development. Members suggested the applicant could modify the proposal and address the implications of the roof-lights A and B, in particular. Councillor Lubbock spoke against the motion and pointed out that members were considering the harm to the conservation area from two roof-lights.

RESOLVED, with 11 members voting in favour (Councillors Sands, Herries, Button, Bradford, Brociek-Coulton, Carlo, Henderson, Jackson, Neale, Peek and Woollard) and 1 member voting against (Councillor Lubbock) to:

- (1) refuse application no 15/01382/F - Aldwych House, 57 Bethel Street, Norwich, NR2 1NR was unacceptable because the roof-lights projected above the roofline and impacted on the view of the Cathedral of St John the Baptist and to ask the head of planning services to provide the reasons for refusal in planning terms;
- (2) authorise enforcement action to remove the unauthorised projecting roof-lights

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

The roof lights by virtue of their height and location would protrude into the skyline when viewed from Bethel Street in front of the Cathedral Church of St John The Baptist, a grade I listed building. This would lead to less than substantial harm to the appearance of the Conservation Area. This has been balanced against the amenity benefits to the future occupiers of the flats at Aldwych House, however this is not considered to outweigh the harm to the Conservation Area. The development is 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 and DM9 of the Norwich Development Management Policies Local Plan (adopted 2014).

(Councillor Herries left the meeting at this point and Councillor Lubbock left the meeting during the following item)

9. Application no 15/01381/F - Aldwych House, 57 Bethel Street, Norwich, NR2 1NR

The planner (development) presented the report with the aid of plans and slides. He also referred to the supplementary report of updates to reports, which was circulated at the meeting and contained an amendment to the informative set out in the report to clarify the scope of the planning application and additional information about the design of the stair tower.

During discussion the planner referred to the report and answered members' questions.

RESOLVED with 8 members voting in favour (Councillors Sands, Brociek-Coulton, Button, Henderson, Jackson, Neale, Peek and Woollard), 1 member voting against (Councillor Bradford) and 1 member abstaining from voting (Councillor Carlo) to approve application no. 15/01381/F - Aldwych House 57 Bethel Street Norwich NR2 1NR and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Details of canopy (including materials, section, finish/colours etc)

4. Within 1 month of the date of this decision the section of wall extending 2m in length from the rear elevation of 12 Chapel Field North shall be rebuilt to its original height.

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 at the pre-application stage the application has been approved subject to appropriate conditions and for the reasons outlined in the officer report.

Informative:

The planning permission relates only to the changes to the entrance canopy and the western boundary wall as shown on the submitted plans and specified in the conditions. This permission does not infer approval for those other potentially unauthorised elements, for instance:

- the works to the projection on the flat roof adjacent to the stair tower (assumed to be the lift motor housing);
- the two windows in the mansard on the north east corner;
- This also applies to the various apparent discrepancies on the plans, including on the front elevation;
- the changes to the stair tower, including the different design and position of the windows (as well as those on the adjacent side elevation).

These elements listed are not shown on the plans approved through 14/00630/F and given they are not included in the description of this particular proposal no assessment has been made of their acceptability. For the avoidance of doubt the approved drawings on this decision notice will explicitly delete these elements and focus solely on what has been applied.

(Councillor Carlo left the meeting at this point.)

10. Application no 11/02236/F - Land adjacent to Novi Sad Bridge, Wherry Road, Norwich

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

RESOLVED unanimously to approve changes to the S106 agreement relating to consent no (11/02236/F Land adjacent to Novi Sad Bridge Wherry Road Norwich) comprising the following:

1. The replacement of the occupation trigger point for the viability review to occur at 35 months instead of 30 months post-implementation.

11. Performance of the development management service; progress on appeals against planning decisions and planning enforcement action for quarter 2, 2015-16 (1 July to 30 September 2015)

The planning team leader (inner) presented the report.

During discussion a member expressed regret that despite the concerns of local residents, the appeal against the committee's decision to refuse application no 13/01540/VC, land and buildings on the north east side of King Street, had been allowed. Members also noted that the appeal against the refusal for planning permission and listed building consent for demolition of rear outbuildings and the extension and construction of four two bedroom flats at 148 Magdalen Street had been dismissed.

The committee was advised that the planning team leader (outer) was holding meetings with the Norwich Family Life Church to resolve the outstanding issues regarding its accommodation and pending enforcement action.

RESOLVED to note the report.

CHAIR