



Planning applications committee

09:40 to 12:00

8 December 2022

Present: Councillors Driver (chair), Sands (M) (vice chair), Bogelein, Champion (from item 3), Davis, Grahame, Peek, Sands (S), Thomas (Vi), and Thomas (Va)

Apologies: Councillors Lubbock, Stutely and Young

1. Declarations of interests

Councillor Davis declared a predetermined view in item 5 (below) Application no 22/01301/F - 44 York Street, Norwich, NR2 2AW, as ward councillor.

Councillor Sands (S) declared an other interest in item 5 (below) Application no 22/01301/F - 44 York Street, Norwich, NR2 2AW, as she new the applicant through her work at a school.)

(Later in the meeting, Councillor Sands (M) declared an other interest in item 4 (below), Application no 22/01374/F - 3 Gateley Gardens, Norwich, NR3 3TU because during the discussion on this item it became apparent that he knew the spokesperson speaking on behalf of residents.)

2. Minutes

RESOLVED to approve the accuracy of the minutes of the meetings held on 13 October 2022.

3. Application no 21/01694/MA St Peters Methodist Church, Park Lane

(Councillor Champion joined the meeting during the committee's consideration of this item.)

The planner (case officer) presented the report with plans and slides. The committee was advised that the planning application was for amendments to the approved scheme to convert three historic buildings into 20 dwellings.

During discussion the planner referred to the report and answered members' questions with regard to the proposal. Members were advised that the application was for all of the proposed amendments. The assessment of some elements was more favourable than others but on the whole the application was considered acceptable. Members sought clarification that the stairs to the roof terrace would be

covered by building regulations. The developer would determine how the 11.1 per cent of solar energy was distributed. The boundary issues between no 79 Park Lane and the development site were a civil matter under the Party Wall Act. The proposal to render the round window was for fire safety because there needed to be solid partitions between loft spaces so was the best option. The remainder of the window below would be obscure glazed.

In reply to a member's question, the planner explained the constraints of the conversion of historic buildings, rather than new build, reduced the opportunities to maximise residential amenity. There would be some diminishment of residential amenity resulting from these amendments, with some loss of light and outlook. Members were advised that some of the loss of amenity was due to structural issues being discovered during the construction, such as the loss of the terrace on the south elevation.

The planner confirmed that in relation to the S106 agreement, there had been a viability review undertaken earlier in the year which did not find any additional surplus to contribute to affordable housing within the terms of the agreement.

In reply to a member's question, the planner explained that the rear extension was a contemporary design approach. It was acceptable as it was to the rear of the buildings.

The chair moved and the vice chair seconded the recommendations in the report.

During discussion, members welcomed the retention of the stained-glass window in its original location and the features of the "Gothic", stone tracery windows. Members also considered that the developer had taken care to match the new brick work and mortar with the original materials. Members also liked the use of zinc on the rear extension and considered that it did not detract from the impact of the original historic buildings.

A member said that she disagreed with other members that the loss of residential amenity through the proposed removal of roof lights from the plans and the use of obscure glazed windows with restricted opening and considered that this was not acceptable as it would have a greater detrimental effect on residents than the original, approved scheme. Another member commented that the reasons for the proposed changes to the original planning application had occurred during construction and therefore she would support the proposed changes acknowledging that there was a loss of residential amenity.

RESOLVED, with 8 members voting in favour (Driver, Sands (M), Sands (S), Bogelein, Thomas (Vi), Thomas (Va), Peek and Grahame) and 1 member abstaining (Councillor Davis) (Councillor Champion having been excluded from voting because he had joined the meeting during the item) to approve application 21/01694/MA, St Peters Methodist Church, Park Lane and grant planning permission subject to the following conditions:

1. In accordance with plans;
2. In accordance with previously approved phasing plan;
3. Construction in accordance with approved method statement;

4. Detailed drawings and details of colour and finish of timber window frames to church hall east elevation to be agreed prior to use on site;
5. Mortar on church hall east elevation to be tinted as agreed prior to first occupation;
6. Bat loft to be implemented in accordance with section 9 of the Bat Survey and Assessment and bat boxes to be installed prior to first occupation of church and thereafter retained;
7. Surface water drainage scheme to be implemented and thereafter maintained as agreed;
8. Hard and soft landscaping scheme to be implemented prior to first occupation of each phase and thereafter maintained;
9. Solar panels to be made operational prior to first occupation of each phase and thereafter retained;
10. Heritage interpretation scheme to be implemented prior to occupation of each phase and thereafter maintained;
11. Obscure glazing and restrictors on windows to be implemented prior to first occupation and thereafter retained;
12. Noise attenuation to units C2, C5, C7, C8, CH7 and CH8;
13. Water efficiency;
14. Refuse and cycle storage provided prior to first occupation of each phase;
15. Refuse storage and collection to be managed as proposed.

4. Application no 22/01374/F - 3 Gateley Gardens, Norwich, NR3 3TU

(Councillor Sands (M) declared an interest in this item.)

The planner (case officer) presented the report with the aid of plans and slides. He advised members that the description of the planning application referred to the use of the property as a small HMO (house in multiple occupation) and explained that this was allowed under permitted development. Planning permission was only required for large scale HMOs of 7 or more bedrooms. Members were also advised that the property to the side was no. 4 Gateley Gardens and that the side windows of this property either served a secondary living space (hallway, stairs) or in the case of the kitchen, was a secondary window. The council had been advised that there had been an issue with the letters to objectors, which had omitted the details of the committee meeting, and letters had been resent. The supplementary report of updates to reports, circulated at the meeting, contained a correction to the report to accurately record that this application was in Catton Grove. During the presentation, the planner also corrected an issue with the numbering of the 'Main Issues' within the report's table of representations.

A spokesperson addressed the committee on behalf of 10 residents of Gateley Gardens and Woodcock Road and highlighted their objections to the proposed extension. These included their concern about loss of privacy and light to the adjacent neighbour and overshadowing to the gardens of other properties, road safety from increased vehicular traffic, particularly for children and older people, and due to the bend in the road; disruption from the construction for night workers; concern about exacerbating existing parking problems and that parking could prevent access from emergency vehicles; and additional pressure on the water drainage system. Residents were concerned that an HMO would devalue their properties, rental properties were not permitted under the deeds, and that their Human Rights had not been considered. The residents at no 4 were upset by the

impact that the proposal would have on them. All of the residents in the cul-de-sac had objected to this proposal.

Councillor Kendrick, Catton Grove ward councillor, addressed the committee and said that the HMO would have an impact on the whole community. Regarding planning issues, he referred to no 4 and the loss of light to the hallway and kitchen from the proposed extension due to its close proximity and urged the committee to refuse the application.

The planner commented that this was a household planning application and therefore parking was not part of the application. The change of use from a residential dwelling to an HMO was allowed under permitted development rights. Drainage and loss of property values were private matters.

The planner and the area development manager, using slides, explained that the extension of no 3 would not result in a significant loss of outlook for no 4. The most significant change would be from the landing window. The hallway and landing were non-habited spaces. The kitchen of no 4 had a side window and a large window at the rear.

Members of the committee then asked questions of the planner, area development manager and the planning team leader. The committee was advised that a sunlight survey had not been required but that officers were experienced and considered that the loss of sunlight to the gardens on the opposite side of the cul-de-sac was not significant. The properties were 20 metres from the application property. The assessment was made on the difference between a two storey extension from a single one. Shadows were longest in the early morning and evening and therefore unlikely to reach these properties outside these times. The residents at no 4 would have some loss of outlook as part of the sky would no longer be visible but they would not lose daylight.

A member suggested that to alleviate parking the front garden wall should be removed and it used for the parking. The officers explained that they could not require this because the application was for an additional bedroom and not an HMO, which was permitted under permitted development rights. The application included a cycle store. Transport officers had been consulted and suggested that the front garden could be used for parking. Members were advised that any contradiction to the deeds prohibiting renting out properties, was not a planning matter. Conditions attached to planning consent needed to be reasonable and appropriate to the planning application, in this case a two-storey extension to a residential dwelling.

In reply to a question, the area development manager confirmed that the application was before the committee for determination because it had been called in by the ward members. It was a household application and had it not been called in would have been determined by officers under the committee's scheme of delegations.

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

Discussion ensued in which a member explained that the planning application needed to be determined with regard to material planning considerations and that it was not possible to reject an application because they did not agree with it or like it.

Therefore, they could not take into considerations that had been raised such as house prices or in this case parking. A refusal of the application would be appealed by the applicant and won on appeal.

Members commented on the effect that HMOs have on local communities and noted that this was experienced across the city. The council was aware of this issue.

A member suggested that to ameliorate the parking issues, the committee should request that the applicant is asked to consider removing the front garden wall to provide off-road parking. It was agreed that an informative be added to advise the applicant to consider the transport officer's comments. A member said that families with adult children also had issues with parking their cars and that this application was no different.

RESOLVED, with 9 members voting in favour (Councillors Driver, Sands (M), Sands (S), Bogelein, Champion, Thomas (Vi), Thomas (Va), Davis and Grahame) and 1 member abstaining (Councillor Peek) to approve application no. 22/01374/F – 3 Gateley Gardens Norwich NR3 3TU and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Biodiversity enhancement.

Informative:

The applicant is invited to consider the comments submitted by the local highway authority, Norfolk County Council which advises that the current parking provision on site is increased. For a small-scale house of multiple occupation of five bedrooms, parking for three cars, and provision for 5 cycles in secure and covered storage is recommended. Parking spaces should be laid out, demarcated, levelled, surfaced and drained retained thereafter available for that specific use prior to first use of the HMO, permeable surfacing is recommended. The local highway authority should be contacted should a vehicle crossover be required across the footway.

(The committee adjourned for a short break at this point.)

5. Application no 22/01301/F - 44 York Street, Norwich, NR2 2AW

(Councillor Davis had declared a predetermined view in this item. Councillor Sands (S) had declared an interest in this item.))

The planning team leader presented the report with the aid of plans and slides. There were no updates to the report. She explained that it had been called in for determination by the committee by a ward councillor. A dormer window would be allowed under permitted development rights and did not create any significant overlooking.

Councillor Oliver, Town Close ward councillor, addressed the committee and outlined the concerns of the residents objecting to the design of the extension and

use of a dormer window as being out of keeping with the area and concerns about overlooking. She welcomed the proposal to install bird boxes, if the application were approved, but asked that consideration be made to review the use of materials for the extension.

The applicant addressed the committee in support of the application. The extension was to provide an additional bedroom for a family member. The family was currently using the front room on the ground floor as a bedroom. Other houses had similar zinc cladding in the area.

(Councillor Davis left the meeting at this point.)

The planning team leader replied to a member's question and explained that the safety of the large dormer window would be subject to building regulations.

The chair moved and Councillor Sands (S) seconded the recommendations as set out in the report.

Discussion ensued. A member said that he considered the use of zinc was a good choice as it would weather to a slate grey colour.

RESOLVED, unanimously, to approve application 22/01301/F - 44 York Street, Norwich NR2 2AW and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Installation of Bird Box.

Informative:

IN27 – Protected Species.

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

6. Application no 22/00579/F 11 Dowding Road, Norwich, NR6 6DD

The planner (case officer) presented the report with the aid of plans and slides. She referred to the supplementary report of updates to reports and said that it was proposed to amend condition 4. to include two bat boxes as well as two bird boxes.

The area development manager said that the application had been called in to the committee for determination because an objection had been received from a member of the planning team. Under the committee's scheme of delegations, the application would normally be determined under delegated authority by officers.

The chair moved and the vice chair seconded the recommendations as set out in the report and with the amendment to condition 4 as set out in the supplementary report.

In reply to a member's question, the planner said that a water butt was not specified as surface water mitigation but there would be further discussion and measures would be signed off by the planning authority.

RESOLVED, unanimously, to approve application 22/00579/F 11 Dowding Road, Norwich, NR6 6DD and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans.
3. Any works affecting the roof shall not take place on site within the bird nesting season 1st March – 31st August inclusive, unless it has been demonstrated by a suitably qualified ecologist that the works will not have any detrimental impacts on protected species including nesting birds and such confirmation has first been provided to and approved in writing by the local planning authority.
4. With the exception of any demolition, site clearance works, archaeological work, tree protection works, ground investigations and below ground works no development shall take place in pursuance of this permission until the details for the provision of at least 2 bird boxes, one of which must be integral to the building, and 2 bat boxes have been submitted to and agreed in writing with the Local Planning Authority. The details shall include the number, location and design of the bird and bat boxes as well as a timetable for their provision on site. The development shall be carried out in full accordance with the agreed details and timetable and the bird and bat boxes shall be retained for the lifetime of the development.
5. With the exception of any demolition, site clearance works and below ground works, no development shall take place until details of mitigation measures to manage surface water run-off has been submitted to and agreed in writing with the local planning authority. The agreed mitigation measures shall be installed prior to the first use of the development and shall be retained thereafter.

Informative

It is possible that the site to which the application relates is occupied by Protected Species under Schedules 1 and 5 of the Wildlife and Countryside Act 1981 (amended). Should a Protected Species be found, works should stop immediately, and the developer needs to seek the advice of a suitably qualified ecological consultant and/or the relevant statutory nature conservation organisation.

CHAIR