



Planning applications committee

9:30 to 13:10

12 November 2020

Present: Councillors Driver (chair), Maxwell (vice chair), Bogelein, Button, Lubbock, Neale, Oliver (substitute for Councillor Huntley) (to end of item 5 below), Peek, Sands (M) (to end of item 4 below), Sarmezey and Stutely

Apologies: Councillors Huntley and Ryan

1. Declarations of interest

Councillor Lubbock declared a predetermined view in item 4 (below) Application no 20/00896/F - Barclays Bank PLC, 6 Church Lane, Norwich, NR4 6NZ because as Eaton Ward councillor she had objected to the proposal and represented the views of and other residents. She would speak on their behalf and then leave the room, taking no part in the determination of the application.

Councillor Lubbock declared a predetermined view in item 5 (below) Application no 20/00407/F – 1 Christchurch Court, Christchurch Road, Norwich, NR2 2AG as Eaton Ward councillor she had made objections to the proposal and had called-in the application for determination by the committee.

Councillor Lubbock declared an other interest in item 6 (below) Update on kitchen extraction situation at the Strangers Club, 22-24 Elm Hill, as a director of the Norwich Preservation Trust. It was noted that this report was for information only and not determination.

2. Minutes

RESOLVED to approve the accuracy of the minutes of the meeting held on 8 October 2020.

3. Application nos 20/00808/F – Norwich School Refectory, The Close, Norwich, NR1 4DD, and 20/00809/L – Precinct Wall, Palace Street, Norwich

The senior planner presented the report with the aid of plans and slides. A petition had been received that now had 1,010 signatures, objecting to the proposal. The contents of the petition was summarised in the supplementary report of updates to reports that was circulated at the meeting and available on the council's website. The supplementary report also contained a summary of two further letters from an

objector and a letter from a supporter of the scheme. Questions received from a member of the committee, in advance of the meeting, and the officer response were also summarised in this report.

Councillor Price, Thorpe Hamlet ward councillor, addressed the committee on behalf of local residents and his fellow councillors, and outlined their objections to the proposed scheme. The application should be rejected because there was a lack of material difference between it and the previously rejected application. The loss of these mature trees would have a significant impact on biodiversity and the micro-habitats could not be recreated by replanting and would be lost. It was estimated that only 1 per cent of trees in the city centre exceeded a height of over 25 m making the TPO protected London Plane tree, at over 30m in height, an important tree. The 2040 Vision was committed to improving air quality in the city. The London Plane was particularly adaptable at reducing particulates. The application was contrary to DM7 and did not meet the criteria. The trees were in good condition and valued at £330,000 but in terms of biodiversity, priceless. The loss of these trees was not unavoidable and the applicant could consider other options. The revised plans did not reduce the harm to the heritage assets and was contrary to DM9. The future of this London Plane tree could set a precedent for other developments in the city.

A local resident addressed the committee and said that whilst the applicant justified the need to replace the dining facilities, there was no justification for the additional six classrooms. The Norwich School had been expanding since the 1990s and had increased the number of students on its roll, when it went coeducational and more recently, taking children from the age of four. It had outgrown its medieval site. The threat to biodiversity during the current climate emergency should not be underestimated. Over 1,000 people had signed the petition to take a stand. He urged members to reject this application.

The applicant, the head teacher of the Norwich School, addressed the committee in support of the application. He referred to the report and said that the height of the London Plane was 23 m not 35 m and explained that the increases in the school numbers was in the lower school, which was on a different site with its own dining arrangements. He referred to the refusal of the previous application and said that the scheme before the committee was a more deliverable scheme that was better for the school, city and the environment, had received positive feedback during the consultation and was recommended for approval by officers. The proposal would replace a prefabricated building and provide facilities for 1,200 students and teachers, and be available for community use, was well placed for a conference centre for partnership education and opened up the Bishop's Palace. It was a complicated site and there was no viable alternative layout that met the required footprint of a 21st century kitchen and dining room. It was regrettable that the arboricultural landscape would be affected and 12 trees lost, including the protected London Plane tree. The tree protection order had only been placed on the tree in 2018 during the first stages of the proposed development. He referred to the changes to the application to address the reasons for refusal of the previous application. This included the additional tree planting of 700 native species trees, comprising 21 trees on the site, including a significant Oak tree and a replacement London Plane tree, and over 60 trees in the Cathedral precinct and wider city centre, 20 of which had already been planted, and sustainable energy enhancements that included a green roof. The percentage of net biodiversity gain was ahead of the

requirements of the nascent Environment Bill. The biomass assessment was at the time of planting and this would improve over the years. It was a unique opportunity to demonstrate that development could improve the environment. In terms of visual amenity the overall consideration was that it would be improved, including the view of the oak tree viewed from Palace Street and the overall green canopy of the existing clusters of trees.

The area development manager (inner) commented on issues raised by the speakers. The additional tree planting proposed in this application was a material difference to the previous application to address the reason for refusal. He reminded members that each application was determined on its individual merits and that this application would not set a precedent for trees to be lost to development. The applicant proposed the erection of a teaching block and paragraph 130 of the report addresses the second speaker's concern about the school's development and provision of classrooms. The replacement planting was compensatory, rather than mitigatory and recognised the harm caused by the removal of 12 trees. The height of the London Plane tree had been reassessed by an arboriculturist, using robust methodology, and officers were comfortable with the assessment that its height was 23m not 35m, as in previous assessments.

During discussion, the senior planner and the area development manager (inner), referred to the report and the presentation, and answered members' questions. In response to a member's suggestion that the Norwich Society might have an interest in this application, the area development manager (inner) advised members that all representations on a planning application were presented to the committee and it was for members to consider what weight should be given to them. A member sought clarification on the biodiversity percentage gain as there were inconsistencies between officers in the report. The senior planner said that there were some inconsistencies in the Environment Bill policy and that an agreed metric was not yet in place. She confirmed that despite the methodology this application would appear to satisfy the net gain of 10 per cent required by the policy which was measured at the point of planting. Members were advised that the applicant's arboriculturist considered that building around the London Plane was not an option and that the tree was "unlikely" to survive. Following a suggestion from a member it was agreed that if approved an informative could be added to the planning consent to request that the timber of the felled trees was used. The committee also noted that the removal of Lime trees in Tombland as part of a highways scheme was completely unrelated to this application. Members were advised to focus on the impact of the development on this site and that it was a matter of judgement whether the development proposal was appropriate to the site. Officers were satisfied that within The Close, there were no other sites available to the applicant.

A member asked how this application addressed the issue of visual amenity and whether the planting of the oak tree would mitigate the loss of 12 trees and the impact to the conservation area. The senior planner said that the only material difference was the oak tree and this made a marginal difference to the improvement of that view. With regard to the conservation area officers had been keen to direct planting within the conservation area to improve the visual amenity surrounding the site as well as on the site itself. Members were also advised that the planting was "compensatory" and did not mitigate the harm to the conservation area. It added other trees within the conservation area but did not mitigate the harm to that part of it.

In reply to a member's question, officers explained that in 2018, a tree preservation order (TPO) had been served on the London Plane tree because it was threatened by development and was the most significant tree in that group. The other trees were protected by virtue of being in a conservation area. This protection did not mean that it could never be removed or have maintenance works but brought it within a broader regulatory framework. The replacement planting would be protected by the S106 agreement applied to the planting and some of the trees would also be protected by virtue of being within a conservation area. Applications for works to those trees within the conservation area would need be made to the council and at that point an assessment of the tree's value would be made and an individual tree preservation order could be considered. The trees planted outside of the urban area would have less impact on the air quality within the city centre but would contribute to overall the air quality around the urban area. The trees planted in the city centre would have a direct effect on air quality. At the time of planting, the replacement trees within the city centre alone would not have the same biomass as the trees that were to be felled.

In response to a member's question regarding the detail of the school's community engagement and benefit to the city as a whole, the committee was referred to the supplementary report of updates and the councillor's second question and response regarding the school's community engagement and proposed use of the conference facility. Details of the school's current charitable outreach programme was set out in Appendix 1 and Schedule 2 of the applicant's planning statement. The facilities would allow the school to expand its outreach programme to charitable groups, including the letting of facilities for free or at reduced rates. As a condition of this planning consent the school would be committed to working with the officers to agree the details of the use of the facilities by community and charitable groups. There would be control through the planning system to ensure that the community benefit was continued going forward. Members were also referred to the report and the member question contained in the supplementary report regarding the rationale for the new refectory and the continued use of the site as a school. In land use terms the use of the site as a school was considered beneficial.

The landscape architect, together with the senior planner, then answered questions on the trees and biodiversity. This included an explanation of the use of a planter to protect the tree roots of the London Plane to ensure that the tree would thrive and confirmation that the planter would essentially be a raised bed rather than a standalone planter. It was explained that the categorisation of the trees related to the condition of the tree rather than the species. The categorisation ranged from A to U and had been assessed by experts based on how healthy the tree was and whether it was likely to thrive. The replacement trees could therefore not be categorised at this stage. In reply to a question where a member referred to the Woodland Trust website, the landscape architect said that the best estimate for the life expectancy of this London Plane tree was 40 plus years, based on the condition of the tree and what was known about the species, subject to there not being a disease specific to this species.

A member asked whether the tree should be offered the same protection that Islington council did for a London Plane in Arlington Square. The area development manager (inner) said that the importance of the trees was not being trivialised and the report set out a balanced assessment for members to take into consideration when determining these applications.

In response to a further question on the school relocating to an alternative site, the area development manager (inner) referred to the response to another member earlier in the meeting and said that members needed to take into consideration the proposal that was before them.

The chair agreed to take the recommendations set out in the report separately and therefore moved and the vice chair seconded the recommendation (set out in the report under (2)) to approve application no 20/00808/F.

During a lively debate, the committee discussed the planning application.

Members minded to refuse the application explained their reasons. This included scepticism that the applicant had overstated the community use of the facilities and that members were not convinced that a larger space would increase usage by community or charitable groups and that there were alternative community spaces close by. The tree officer, ward councillors and residents, including the people who had signed the petition, had all objected to the removal of the trees, particularly the 200 year old London Plane tree, and that it was contrary to planning policies DM1, DM3, DM7 and DM9 and the National Planning Policy Framework (NPPF). The level of biodiversity net gain had not been fully assessed and 10 per cent would be required under the provisions of the Environment Bill without the removal of 12 trees. A member of the committee suggested that the focus of the debate should be on how this application addressed the issues of biodiversity, its visual impact and the harm to the conservation area which had led to the refusal of the previous application. The replacement of the trees was not considered to fully compensate for the trees that were being removed. The visual harm to the conservation area was not addressed adequately. Members noted that the replanting was “compensatory” rather than in mitigation for the harm it caused. A member also took into account the impact on air quality and the reduced biomass that would be caused by the loss of these mature trees. A member suggested that if the school needed to expand it should relocate to one of its other sites.

The chair and members who supported the application welcomed the additional planting of trees around the Cathedral Close, Great Hospital, the lower school playing field and the lower and upper parts of The Close. Of the 12 trees that were to be felled the London Plane was the best specimen with the others not being in particularly good condition. The London Plane was not a native specimen and had a limited lifespan. The proposed building was of high quality and replaced a prefabricated building. The new refectory and additional classrooms would be an improved facility for the children at this school. All schools evolved and recently the committee had approved new facilities for the City of Norwich School. The school was an asset to the city and provided educational facilities for a range of children, including those with learning difficulties. The applicant had demonstrated commitment with the enhanced tree planting scheme that was before the committee. It was also considered that the London Plane tree was in the wrong location and that its replacement would be an improvement. The removal of the trees would open up views of the Cathedral spire and the Bishop’s Palace. Air quality in the city centre was part of a wider issue and could not be blamed on the loss of these trees. The relocation of the school outside the city centre was not considered sustainable, particularly if it was to one of its greenfield sites out of the city centre.

On being moved to the vote, with 5 members voting in favour (Councillors Driver, Maxwell, Button, Lubbock and Sands) and 6 members voting against (Councillors Bogelein, Oliver, Neale, Peek, Sarmezey and Stutely) the motion to approve application no. 20/00808/F - Norwich School Refectory, The Close, Norwich, NR1 4DD was lost and the application not determined.

The committee then discussed the reasons for refusal. During the discussion members confirmed that the revised application did not address the concerns as stated in the previous application and did not compensate for the harm caused to the conservation area.

Councillor Bogelein moved and Councillor Neale seconded that the application should be refused for the reasons given below and on being put to the vote it was:

RESOLVED:

- (1) with 6 members voting in favour (Councillors Bogelein, Oliver, Neale, Peek, Sarmezey and Stutely) and 5 members voting against (Councillors Driver, Maxwell, Button, Lubbock and Sands) to refuse application no. 20/00808/F - Norwich School Refectory, The Close, Norwich, NR1 4DD for the following reason:

The application involves the loss of twelve valuable trees from the city centre. The loss of these trees would lead to a significant impact on biodiversity and visual amenity which cannot be suitably compensated for via an off-site planting scheme such as that which is proposed. The proposals would also cause less than substantial harm to the conservation area. The council does not consider that that this less than substantial harm is sufficiently outweighed by the public benefits of the scheme proposed. The application is therefore contrary to policies DM1, DM3, DM6, DM7 and DM9 of the Norwich Development Management Policies 2014 and paragraphs 170, 175, 196 of the National Planning Policy Framework 2019.

(The area development manager (inner) advised members that following this decision the following application should be refused as causing less than substantial harm to the conservation area without the justification of an approved redevelopment scheme.)

Councillor Neale moved and Councillor Stutely seconded that application no 20/00809/L - Norwich School Refectory, The Close, Norwich, NR1 4DD be refused for the reasons used on the previous application and as proposed above.

- (2) with 6 members voting in favour (Councillors Bogelein, Oliver, Neale, Peek, Sarmezey and Stutely) and 5 members voting against (Councillors Driver, Maxwell, Button, Lubbock and Sands) to refuse application no. 20/00808/F - Norwich School Refectory, The Close, Norwich, NR1 4DD for the following reason

The application would cause less than substantial harm to the heritage asset. In the absence of an acceptable redevelopment scheme that necessitates the proposed works there is no clear and convincing justification for this less than

substantial harm. The application is therefore contrary to local policy DM9 of the Norwich Development Management Policies 2014 and paragraph 194 of the National Planning Policy Framework 2019.

(The meeting adjourned for a short break and reconvened at 12 noon, with all members listed above as present.)

(Councillor Lubbock, by way of a personal explanation, apologised for using the word “ridiculous” during the debate on the above item and for any offence this might have caused to other members.)

4. Application no 20/00896/F - Barclays Bank PLC, 6 Church Lane, Norwich, NR4 6NZ

(Councillor Lubbock had declared an interest in this item. She left the meeting after addressing the committee and did not take part in the determination of this application.)

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

Councillor Lubbock, Eaton Ward councillor, addressed the committee with her objections, and on behalf of the neighbouring residents, the wider Eaton community and all the Eaton councillors. These objections included: concerns about the scale and massing of the proposed development; the impact on the daylight and amenity to the residents of Tamarind Mews; that the density of the scheme was contrary to DM21; that Church Lane was a busy road and that the additional traffic movements and cars reversing onto it would cause chaos; suggesting that the determination of the application be deferred for a detailed highways road safety survey to be carried out and that it would affect phasing of traffic lights in Eaton. She called for members to refuse the application. There should be a more sympathetic design for the scheme and the houses should be two storey, and she pointed out the concerns about road safety.

The agent spoke on behalf of the applicant and said that this scheme provided four dwellings on a vacant site, there had been good technical advice from the council officers, and there were no objections from statutory consultees. The design of the dwellings provided an attractive frontage and was in keeping with the area and consideration had been made to ensure there was no impact on the amenity of the residents of Tamarind Mews and the adjacent businesses. The applicant had provided a daylight/sunlight analysis and there was no significant impact on neighbouring houses and businesses from the proposed 2.5 storey dwellings. The county council had requested that the parking was at the front of the houses and there would be fewer traffic movements from the residents than from the site when it was a bank.

(Councillor Lubbock left the meeting at this point.)

During discussion the area development manager (outer) and the senior planner referred to the report and answered members' questions. This included confirmation that there had been a daylight/sunlight assessment and its conclusion was that there would not be an unacceptable impact on the amenity of neighbouring properties.

Officers did not negotiate the use of air source heat pumps because there was no policy requirement for a development of this size but the applicants had proposed it. Whilst members needed to consider the plans before them, it was likely that an alternative proposal with the houses facing away from Church Lane had been discounted as they would then be closer to Tamarind Mews. Members were shown on a satellite map that the development site was a distance from the junction and that there was a 20 mph speed limit on the road. An alternative access was also ruled out as the grass boundary was not in the applicant's ownership. Members were also advised that the development should be built out in accordance with the plans and would be subject to planning enforcement. Members also sought clarification that occupants would need to reverse into the parking spaces at the front of the properties and that under the National Planning Policy Framework (NPPF) a refusal on highways grounds would be unlikely to be upheld.

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

During discussion members commented on the proposal. Members considered that the development was good use of a vacant site and that it would improve its appearance. A member had reservations about the density of the development and that the houses would have tiny gardens. Another member said that he hoped that air source heat pumps were installed and that solar panels also provided. Members also noted that Church Lane had changed over the years and that this proposal could enhance it.

RESOLVED, unanimously, to approve application no. 20/00896/F - Barclays Bank PLC, 6 Church Lane, Norwich, NR4 6NZ and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. No removal of hedgerows and trees within bird nesting season, unless first checked by ecologist;
4. Construction method statement to be agreed;
5. Tree protection;
6. Materials to be agreed;
7. Landscape scheme to be agreed – including tree replacement, cycle and refuse storage, external lighting, biodiversity enhancements and small mammal access gaps ;
8. Detailed scheme for vehicular crossing, including relocation of streetlight and sign;
9. Parking to be provided prior to first occupation;
10. Water efficiency;
11. Commercial unit to be used for Class E uses, excluding (g)(ii) research and development and (iii) industrial processes;
12. Commercial unit not to be open to the public 22:00 to 07:00;
13. No amplified sound;
14. No plant, ventilation or extraction to be installed, unless first agreed.

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

(Councillor Sands left the meeting at this point.)

5. Application no 20/00407/F – 1 Christchurch Court, Christchurch Road, Norwich, NR2 2AG

(Councillor Lubbock had declared an interest in this item. She left the meeting after the presentation of the report and did not take part in the determination of this application.)

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

(Councillor Lubbock left the meeting at this point.)

The area development manager (outer) referred to the report and answered members' questions. He referred to the owner's circumstances and said that the purpose of the planning application was to extend the house for use as a family home. The cost of the remodelling, location and internal layout, did not suggest that the applicant intended the property to be used as a house in multiple occupation (HMO). There was no legislation or policy basis to prevent this C3 dwelling becoming a small HMO, however it would require planning permission if it were to become a large HMO.

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

During discussion members noted that there was room for the extension on this large site. A member commented that they were impressed by the neighbourliness the applicant had demonstrated in submitting the revised plans and given the close proximity of the houses.

RESOLVED, unanimously, to approve application no. 20/00407/F - 1 Christchurch Court, Christchurch Road, Norwich, NR2 2AG and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. In accordance with AIA, AMS and Structural assessment.

(Councillor Oliver left the meeting at this point.)

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

6. Update on kitchen extraction situation at the Strangers Club, 22-24 Elm Hill

(Councillor Lubbock had declared an interest in this item.)

The area development manager (inner) presented the report. He advised members that the applicants had submitted a planning application and listed building consent application which would most likely be presented to the committee for consideration in January 2021.

RESOLVED to note the contents of the report.

CHAIR