



Planning applications committee

10:00 to 13:40

10 February 2022

Present: Councillors Driver (chair), Button (vice chair), Bogelein, Champion, Giles, Grahame, Lubbock, Maxwell, Sands (M) (to end of item 5) and Sands (S) (substitute for Councillor Peek)

Apologies: Councillors Everett, Peek, Stutely and Thomas (Va)

1. Declarations of interests

Councillor Lubbock declared a pre-determined view in item 3 (below) Application no 20/01579/F - The Children's Centre, 40 Upton Road, Norwich, NR4 7PA, in that as ward councillor she had met with the developers and visited the site. She would speak as a member of the public and then leave the meeting, taking no part in the determination of the planning application.

The chair commented that he and several members of the committee had received email representations on items 3 (below) Application no 20/01579/F - The Children's Centre, 40 Upton Road, Norwich, NR4 7PA and 4 (below) Application no 21/00636/F - 11 Normans Buildings, Norwich, NR1 1QZ, from members of the public. He had received a telephone call (which later in the meeting he confirmed was in relation to 11 Normans Buildings) but had not engaged with the caller. These representations did not form part of the papers for consideration at this meeting. Members were asked to consider whether they had expressed a view to any interested parties and to declare a pre-determined view if it was appropriate.

2. Minutes

RESOLVED to approve the accuracy of the minutes of the meeting held on 13 January 2022¹.

3. Application no 20/01579/F - The Children's Centre, 40 Upton Road, Norwich, NR4 7PA

(Councillor Lubbock had declared a predetermined view on this item.)

¹ The year has been corrected to 2022 (post committee on 10 March when the minutes were approved.)

The senior planner (case officer) presented the report with the aid of plans and slides. She also referred to the supplementary report of updates to the report, circulated at the meeting and available on the council's website, which contained a representation from a member of the public who had a historical family connection with the site in support of the proposal, and a second representation relating to on-street parking in Unthank Road and the need for a Traffic Regulation Order to restrict parking for a greater length on the narrow section of road beyond Coach House Court.

Councillor Lubbock addressed the committee as a ward councillor and on behalf of the local members for Eaton and local residents in support of the application. The former NHS children's centre had been vacant for five years and there had been graffiti and fly-tipping on the site. The proposed development was served by frequent bus services on Unthank Road and Newmarket Road and accessible to local shops and facilities. She referred to the landscaping and said that there would be screening between the new dwellings and houses in Upton and Unthank Roads. She listed the beneficial aspects of this application which included provision of electric charging points, access to the car club, bringing back a brownfield site into use and provision of 23 new homes and a contribution to social housing, and enhancing the green infrastructure, whilst celebrating the historic interest in the site, by providing a butterfly garden to commemorate Margaret Fountaine.

The agent commented that the applicant had worked closely with officers to address the concerns of residents and the constraints of the site, and to bring forward a good scheme that brought a vacant building back into use which enhanced the conservation area. The developers were keen to deliver the scheme as soon as possible.

(Councillor Lubbock left the meeting at this point.)

The senior planner referred to the report and presentation and answered members' questions. This included confirmation that there would be one entrance/exit from Upton Road, in the same location and extended on both sides by removing the wall. Members were advised that this development was significantly under the policy threshold of 100 dwellings to require the applicant to mitigate overspill parking on the highway. Therefore a car club bay could not be secured as part of this planning application and an additional bay would need to be brought forward under a separate process. There was existing car club provision close to the site with a car club bay 100m away in Waldeck Road.

Regarding the affordable housing contribution, the senior planner and the area development manager confirmed that the proposed scheme was policy compliant and that the sum of £350k was in accordance with the schedule of payments for calculations for offsite provision for 3 units of affordable housing (Affordable Housing Supplementary Planning Document (SPD)) and index linked using BCIS (Building Cost Information Service) All-in-tender (which measures price movements in the construction industry). Colleagues in housing delivery had confirmed that the funding would deliver affordable housing in the city.

Members also sought confirmation that the flat roof on the southwest elevation, used to separate two rows of housing, was an acceptable design and that only a small element of it would be visible. Members were advised that a green roof or solar

panels had not been included in the proposals and there was no access to the flat roof. Officers could discuss the potential for a green roof with the applicant as part of the discharge of the detailed landscaping condition. Members were advised that the site was within a conservation area and that the trees were protected by this designation. The only vehicular access to the site would be via Upton Road with a cyclist/pedestrian access on Unthank Road, with the retention of the historic gate piers. There would be planting, where the wall was removed, around the widened entrance on Upton Road.

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

During discussion members had welcomed the proposed development which would remove the “unsightly 1950’s extension” and bring this brownfield site back into use. A member referred to the development as a “country estate within an urban setting” and suggested that nesting bricks were incorporated into housing and that external lighting was amber in consideration of nocturnal wildlife.

RESOLVED, unanimously, to approve application no. 20/01579/F - The Children’s Centre, 40 Upton Road, Norwich, NR4 7PA and grant planning permission subject to the completion of a satisfactory legal agreement to include provision of an off-site contribution towards affordable housing provision and subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. In accordance with the submitted FRA and Drainage Strategy and supporting drainage information;
4. Materials, including detailed sections of windows to be replaced within the main building, to be agreed;
5. Obscure glazing of selected windows within the main house (where identified to be necessary within Design Statement Addendum) to be agreed;
6. Demolition of parts of building only as identified on existing site plan;
7. Construction management plan including demolition method statement to be agreed;
8. Historic Building recording for elements to be demolished;
9. Contract for redevelopment to be shown to avoid demolition of structures with no subsequent redevelopment;
10. Any phasing of the development to be in accordance with submitted phasing plan with access, parking, servicing, drainage and landscaping relevant to that phase to be completed and made available prior to first occupation of the phase;
11. Construction to provide sound attenuation against external noise within specified limits;
12. Unknown contamination procedure;
13. Any imported topsoil to be certified;
14. Access widening to 4.5 metres;
15. No gating of vehicular accesses unless details have been agreed;
16. Scheme for cycle parking and refuse and waste storage and collection to be agreed;
17. Car, EV charge points, cycle parking and waste and recycling provision before first occupation;

18. Scheme for on-site construction worker parking to be agreed;
19. Construction traffic management plan including access route to be agreed;
20. Traffic regulation order for waiting restrictions in vicinity of the site to be promoted;
21. Arboricultural work to be carried out by qualified arborist, details to be provided;
22. No works within root protection areas without arboricultural supervision;
23. Works to be carried out in accordance with AIA/AMS/TPP;
24. No dig methods for new paths/driveways within RPA of trees;
25. Landscape scheme (including provisions for repair of existing boundary walls and gate piers, new boundary treatments & materials at vehicle entrance), mitigatory replacement tree planting & landscape management plan to be agreed;
26. Ecological mitigation programme in accordance with measures in ecology report to be agreed;
27. No site clearance within bird nesting season;
28. Small mammal access provision to be made;
29. External lighting to be agreed;
30. Details of provision of one fire hydrant to be agreed;
31. Precise details of 10% energy measures, their specification and location to be agreed;
32. Water efficiency measures to be provided;
33. 10% of dwellings are required to meet accessibility standard.

Informatives:

- Construction working hours.
- Asbestos.
- Highway boundary clarification.
- Protected species awareness.
- Anglian water informatives.

(The committee had a short break at this point to allow interested parties to leave the chamber. Councillor Lubbock was readmitted at this point. The committee reconvened with all members listed above as present.)

4. Application no 21/00636/F - 11 Normans Buildings, Norwich, NR1 1QZ

The senior planner (case officer) 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. This report recorded that the applicant had circulated a briefing note to members of the committee which did not contain any new information on the application. The report also summarised a further representation from a planning consultant acting on behalf of the operators and tenants of Rouen House that raised concerns that the application had been submitted without a Fire Statement. The officer response was summarised in the supplementary report. The proposed building, due to its height, number of storeys and proposed use as educational accommodation would require a Fire Statement and the Health and Executive to be a statutory consultee, under the provisions of the Town and Country Planning (Development Management Procedure and Section 62A Applications) (England) (Amendment) Order 2021 but this only applied to applications for planning permission made on or after 1 August 2021 and there was no provision in the revised legislation to apply this requirement to developers in retrospect. The

application was submitted on 6 May 2021. Norfolk Fire and Rescue Service was consulted and had raised no objections provided that it complied with current building regulations. In the light of the concerns raised, a further condition should be attached to the planning consent, relating to fire safety issues that were relevant to the proposed landuse.

A planning consultant, representing the operators and tenants of Rouen House said that there were no objections to the intended use of this proposal but their objections related to the overdevelopment of the site; the height and massing of the proposed building and its impact on the conservation area, which were supported by comments made by Historic England; the proximity to Rouen House, with only 9m separating the two buildings and concern about overlooking from the proposed building and that it was contrary to local planning policies DM1, 2, 3 and 13. He considered that given the height and proposed use of the building, fire safety should not be a condition and that the applicant should provide a fire safety statement in accordance with the revised legislation before the application could be determined.

Councillor Osborn, local member for Mancroft ward, addressed the committee on behalf of local residents and said that they did not object to the principle of development on this site. Their objections to the proposal included: that it was contrary to local planning policy DM2 and detrimental to amenity through loss of privacy and overlooking and would overshadow Morgan House and Rouen House (which included the NHS walk-in centre); was contrary to DM3 because of the height and mass of the proposed building and was incongruous to the significant heritage assets in the King Street area (contrary to DM9). There was also concern that this development would set a precedent for the re-development of Prospect House and high-rise buildings in the city. Residents were also concerned of an oversupply of purpose-built student accommodation in the city and that the building would be unnecessary.

The agent responded by explaining that the site was no longer viable for car sales at this location and that the operator had moved the business to sites at Vulcan Road and Mousehold Lane. The scale and mass of the proposed building reflected that of other buildings in the area and was considered acceptable. There had been public consultation, which included the Norwich Society, Historic England and the King Street Residents Group, and there were no objections to the proposed use as student accommodation. There was a shortfall of purpose-built student accommodation (PBSA) in the city. There was evidence of a shortage of studio style accommodation for mature and overseas students. The development was on a brownfield site and in accordance with national and local planning policies. The use of the site for a car sales showroom in a predominantly residential area had a negative impact on the social environment and this application would remove an incompatible land use. He referred to the design of the development and said that the roof heights stepped down and that daylight studies showed that impacts on residential amenity were acceptable. The Norwich Society had no objection to the proposal. The scheme had been brought forward in conjunction with a fire safety consultant and would be built out to exceed the Joint Core Strategy energy targets. The development would be managed by an experienced PBSA operator and aimed to be in operation in 2024.

The senior planner responded to the issues raised by the speakers. She reiterated that the applicant had not been required to submit a fire statement for this application

as it predated the legislation and there was no requirement to apply it retrospectively, but the proposed additional condition relating to fire safety (outlined in the supplementary report) should provide assurance to members that information around fire safety where it related to land use planning would be provided. The area development manager referred members to the legislation and the planning practice guidance and said that the building would need to comply with building regulations but that the condition would secure details that included arrangements for evacuation procedures and access to the building by the fire service. In reply to a member's question, the area development manager later confirmed that the need for sprinkler systems in kitchens and communal areas would be included as part of this information.

The senior planner, together with the area development manager, referred to the report and presentation and answered members' questions. This included confirmation that emergency vehicles could access the site from the roads servicing the area. Members were advised that in the event of an emergency there would likely be a muster/evacuation point outside the curtilage of the building. The use of the path on Stepping Lane was not considered to constitute a specific noise issue from this development. Members also sought clarification on the management of the accommodation and were advised that the students would be expected to adhere to tenancy rules and regulations and that it would be overseen by a management company. Clarification was provided that the "viability" of the accommodation set out in paragraph 61 was related to accommodation on smaller sites being able to support onsite management, rather than the financial viability of the development.

In reply to a question, the senior planner referred to the report and commented on the relationship of the development as a transition between the historic buildings on King Street and modern buildings of scale on Rouen Road. Historic England considered that the top storey should be removed but this would reduce the number of studios that could be provided and impact on the viability of the development. The development replaced a negative building in the conservation area. It complemented development on King Street and St Anne's Wharf, would improve the appearance of the site, and enhance the conservation area.

The senior planner and area development manager advised members that the accommodation was let throughout the year and that it was not expected that students would arrive or leave at the end of the term all at once. However, there would be a vehicular travel plan in place to manage students unloading or loading their luggage, as part of the management strategy.

Members were advised that any findings of the archaeological investigation would be reported back to the council through the discharge of conditions.

The senior planner confirmed that there was a typographical error on page 80 of the agenda papers, in that swift boxes and planting "will" be provided not "can" as set out in the report.

A member also sought confirmation that the provision of cycle storage was adequate for the future occupants of the development and was advised that the provision for 54 cycles met the parking standards and was more than identified to be required in the applicant's transport statement. The cycle storage would be provided as double racks and was internal to the development and therefore secure.

Members were advised that the studios that faced south or east would receive most light but there would also be adequate light levels to other elevations and at ground level.

The chair moved and the vice chair seconded the recommendations as set out in the report and the additional condition relating to fire safety as set out in the supplementary report of updates to reports.

Members who supported the application welcomed the provision of PBSA in the city centre and considered that it would be beneficial to the vitality of the city centre, and local shops and services. It was in a desirable location and the development would be car free. Many students were living away from home and needed the support of managed accommodation. Members also considered that in the long term, PBSA would reduce the number of family homes being converted into student houses in multiple occupation (HMOs). A member also welcomed that swift bricks would be incorporated into the building and that a green roof and heat pumps were part of the scheme. The city should welcome overseas students. There was evidence that the city needed more PBSA.

During discussion a member said that she noted that the developer had consulted with the community and subsequently modified the application. However, she considered that the height and massing did not enhance the conservation area and respect the heritage buildings in King Street. Another member said that she would vote against this application. This PBSA would not free up family homes because the rents were too high and post graduate students did not tend to live in student HMOs.

RESOLVED with 7 members voting in favour (Councillors Driver, Button, Champion, Grahame, Giles, Lubbock and Sands (M)), 2 members voting against (Councillors Bogelein and Sands (S)) and 1 abstention (Councillor Maxwell), to approve application no. 21/00636/F - 11 Normans Buildings Norwich NR1 1QZ and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. In accordance with the submitted FRA and Drainage Strategy and supporting drainage information;
4. Maximum of 141 residential units;
5. Upon first use the development shall be operated and managed in accordance with the Management Statement hereby approved;
6. Demolition to slab level then archaeological investigation to be agreed and carried out;
7. Materials to be agreed, including lighting, including area above Norwich Breweries War memorial;
8. Landscaping scheme incorporating ecological planting and details of green roofs and rainwater planters/rain gardens to be agreed;
9. Works to be carried out in accordance with ecological assessment recommendations;
10. Details of biodiversity enhancement measures as outlined in ecological assessment to be agreed;

11. Details of a scheme for the parking of cycles to be agreed (including product internal to building and visitor cycle parking arrangements to Normans Buildings frontage);
12. Construction management plan (including traffic management, site management, deliveries, construction parking, wheel washing, construction hours, noise and dust mitigation and any other mitigation) to be agreed;
13. For duration of construction, traffic to comply with construction management plan;
14. Off-site highway improvement scheme (footway reconstruction to full kerb height, reinstatement of waiting restrictions and provision of cycle channel alongside steps at Stepping Lane towards King Street) to be agreed;
15. Off-site highway improvements to be completed prior to first occupation;
16. Travel Information Plan (incorporating site Management Statement) to manage arrival and departure of students at start and end of academic year to be agreed prior to first occupation;
17. Full travel plan to be submitted during the first year of occupation based on framework travel plan. To be maintained and reviewed in accordance with the agreed details.
18. Works to be carried out in accordance with air quality report recommendations and mitigation measures;
19. Works to be carried out in accordance with noise report recommendations and mitigation measures;
20. Contamination site investigation to be agreed;
21. Unknown contamination procedure;
22. Any imported topsoil to be certified;
23. Precise details of 10% energy measures, their specification and location to be agreed;
24. Water efficiency measures to be provided;
25. Fire safety design principles, concepts and standards to be provided.

Informatives:

- Construction working hours.
- Works to public highway require agreement with Norfolk County Council.
- Travel plan agreement with Norfolk County Council.
- Clarification of boundary with public highway.
- No on-street parking permit entitlement.
- Protected species awareness.
- Anglian Water informatives

(The committee adjourned for a short break at this point. The committee reconvened at 12:30 with all members listed above as present.)

5. Application nos 21/01606/F, 21/0601/A, BT Kiosk South East Of Barn Road Car Park, St Swithins Road, Norwich

The planner (case officer) 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 recommendation that an additional condition be attached to the full planning application, requiring the applicant to share data collected on air quality, pedestrian movements, traffic and other environmental features with the council, reflecting the committee's discussion at the previous meeting.

Councillor Osborn, local member for Mancroft ward, addressed the committee and outlined the following objections to the proposal: concern about the ethics of advertising; that the proposal would increase light pollution and was detrimental to residential amenity, would exacerbate drug dealing and anti-social behaviour in the area, and was contrary to local planning policy DM2; that digital advertising was detrimental to the heritage of the mediaeval city centre and spoilt St Swithins as a gateway to the city; that the structure added to visual clutter and was detrimental to the highway safety of pedestrians and cyclists by acting as a distraction to drivers. The city already had free Wi-Fi and therefore that element of the proposal was unnecessary.

The planner, planning team leader and the area development manager referred to the report and presentation and answered members' questions. Members were advised that the proposal was for the replacement of a BT phone/advertising unit with a BT street hub of a similar size but with digital advertising and was considered suitable for this location. Members were also advised that the council motion on advertising (Council 29 June 2021) related to a strategy for advertising on council owned land and requesting that planning policy on advertising was reviewed as part of the development plan. Members therefore needed to take into consideration current planning policies and the provisions of the National Planning Policy Framework (NPPF) when determining the applications. There was no provision to control the contents of the advertising material except on sites that the council owned. There had been no objections from highways. The street hub would be located a distance from the highway, near a Beryl bike hub, and the digital advertising did not flash but faded away between advertisements.

The chair moved and the vice chair seconded the recommendations set out in the report with the additional condition relating to data sharing as set out in the supplementary report.

During discussion two members said that they were minded to vote against the application because they were concerned that the location was a busy shared space and that digital advertising would distract cyclists and pedestrians. Members were advised that the highways authority had not raised any concerns about the location of this street hub and there was no evidence that it would be a highways hazard. Other members expressed concern about the increase in street clutter and that it was detrimental to the amenity of the area. A member said that he considered that the street hub was "unpalatable" and "diminished" the amenity of this historic city. Another member noted that the council would be given a 5 per cent discount on advertising through the hubs and said that this did not outweigh the detrimental effect that these hubs would have on amenity.

Members who supported the application considered that the street hubs provided a useful service to people without access to a mobile phone for safety reasons. They also noted that the existing phone/advertising unit was illuminated and therefore did not increase street clutter or light pollution. The sharing of environmental data would assist the council in planning its service delivery. The change from illuminated signs to a digital display did not make a great difference and there were insufficient grounds for refusal.

The chair then put the recommendations to the vote and it was:

RESOLVED, with 6 members voting in favour (Councillors Driver, Button, Bogelein, Giles, Sands (S) and Lubbock), 3 members voting against (Councillors Grahame, Champion and Sands (M)) and 1 member abstaining (Councillor Maxwell) to approve:

- (1) application no. 21/01606/F, Telephone Box St Swithins Road, Norwich and grant planning permission subject to the following conditions:
 1. Standard time limit;
 2. In accordance with plans;
 3. The applicant to share data collected on air quality, pedestrian movements, traffic and other environmental features with the council.

Informative notes:

1. Highways informative 4: works to the public highway.

The chair then put the recommendation to approve the advertising consent (Application no. 21/0601/A, Telephone Box St Swithins Road) to the vote and it was with 4 members voting in favour (Councillors Driver, Button, Giles and Lubbock) and 6 members voting against (Councillors Grahame, Maxwell, Sands (M), Sands (S), Bogelein and Champion) the application was not determined.

The committee then considered the reasons for refusing the advertising consent with advice from officers on the material planning considerations for advertising consents. Following discussion, Councillor Bogelein moved and Councillor Maxwell seconded that the advertising consent should be refused because of the principle of the digital advertising and that the changing nature of the advertising would have an adverse impact on the visual amenity of the area. A suggestion that it would add to light pollution was not supported by other members because the current advertising was illuminated. On being put to the vote, it was:

RESOLVED, with 6 members voting in favour (Councillors Grahame, Champion, Bogelein, Sands (S), Sands (M) and Maxwell) and 4 members voting against (Councillors Driver, Button, Lubbock and Giles) to refuse Application no. 21/0601/A, Telephone Box St Swithins Road on the grounds that digital advertising is detrimental to visual amenity and to ask the head of planning and regulatory services to provide the grounds for refusal in planning policy terms.

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

“By virtue of the illumination and changing nature of the proposed digital advertisements, they are considered detrimental to the character of the immediate surroundings and to the overall character and appearance of the City Centre Conservation Area. Therefore, the proposal is considered contrary to policies DM3 and DM9 of the Development Management Local Plan (2014), Policy 2 of the Joint Core Strategy and paragraph 201 of the National Planning Policy Framework (2021).”

6. Application nos 21/01530/F, 21/01535/A, Telephone Box outside 1 Brigg Street, Norwich

(Councillor Sands (M) left the meeting during this consideration of this item.)

The planner (case officer) 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 recommendation that an additional condition be attached to the full planning application, requiring the applicant to share data collected on air quality, pedestrian movements, traffic and other environmental features with the council, reflecting the committee's discussion at the previous meeting.

In reply to a member's question, the planner confirmed that the current advertising structure was illuminated and comprised paper advertisements which were back lit.

The chair moved and the vice chair seconded the recommendations set out in the report with the additional condition relating to data sharing as set out in the supplementary report.

Discussion ensued in which members were advised that the location of the proposed street hub was in a busy retail area in the city centre and there would be a high level of illumination from shop fronts. Some members expressed concern about the detrimental street hubs would have on the historic city centre and whether there was a need for digital advertising. Others commented on the existing illuminated advertising structure and noted that shops could have digital advertising for their own goods and services in windows without permission. The planning team leader advised members that the maximum nighttime illumination would be 300 cd/2. Members were advised that the ethics of data collection and advertising content were regulated under other legislation and not material planning considerations.

RESOLVED:

- (1) with 7 members voting in favour (Councillors Driver, Button, Bogelein, Giles, Maxwell, Sands (S), and Lubbock) and 1 member voting against (Councillor Grahame) and 1 member abstaining (Councillor Champion) to approve Application no. 21/01530/F, Telephone Box outside 1 Brigg Street, Norwich and grant planning permission subject to the following conditions:
 1. Standard time limit;
 2. In accordance with plans;
 3. The applicant to share data collected on air quality, pedestrian movements, traffic and other environmental features with the council.

Informative notes:

1. Highways informative 4: works to the public highway.
- (2) with 6 members voting in favour (Councillors Driver, Button, Giles, Maxwell, Lubbock, and Sands (S)), 2 members voting against (Councillors Champion and Grahame) and 1 member abstaining (Councillor Bogelein) to approve

Application no. 21/01535/A, Telephone Box outside 1 Brigg Street, Norwich and grant planning permission subject to the following conditions:

1. No advert displayed without permission of owner;
2. No advert to obscure highway infrastructure/endanger pedestrians;
3. Advert to be maintained as not to impact visual amenity;
4. Advert should be maintained as not to endanger the public;
5. On removal, the site should not endanger the public or impact visual amenity;
6. Screens synchronised to multiple images do not change at different times;
7. Minimum display time set at 10 seconds;
8. Images should be static with no animation or moving images;
9. Maximum level of nighttime illumination should be set at 300 cd/2.
10. No audio output permitted.

7. Performance of the development management service; progress on appeals against planning decisions and updates on planning enforcement cases

RESOLVED, having considered the report of the Head of Planning and Regulatory Services, to note the report.

CHAIR