

## Planning applications committee

**Date:** Thursday, 13 August 2020

**Time:** 10:00

**Venue:** Remote access

### Committee members:

#### Councillors:

Driver (chair)  
Maxwell (vice chair)  
Bogelein  
Button  
Huntley  
Lubbock  
Neale  
Ryan  
Peek  
Sands (M)  
Sarmezey  
Stutely  
Utton

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For information about attending or speaking at meetings, please contact the committee officer above or refer to the council's website

## **Agenda**

### **Page nos**

#### **4 Planning applications**

The attached reports comprise an updates report which summarises further correspondence received following the publication of the agenda for the committee and statements received in response of reports on the main agenda,

**Supplementary report - Updates to committee reports - planning applications committee 13 August 2020** **3 - 4**

**4(e) 4(e) Application nos 19/01488/F & 19/01487/L – Strangers Club, 22-24 Elm Hill - Statement 1 from Norwich Preservation Trust** **5 - 8**

**4(e) Application nos 1901488F & 1901487L – Strangers Club, 22-24 Elm Hill -Statement 2 from applicant** **9 - 10**

**4(f) 4(f) Application nos 1901801F – Land adjacent to St Faiths House, Mountergate - Statement from applicant** **11 - 12**

Date of publication: **Wednesday, 12 August 2020**

**Planning Applications Committee: 13 August 2020**  
**Updates to reports**

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**Application: 20/00630/MA**

**Address: 1 Leopold Close**

**Item no: 4(c)**

**Pages: 51-62**

**Additional letter of representation (second letter from contributor)**

Having had time to look at all previous documentation and to really consider the full ridge roof I object to this amendment. The building is too dominant and having a half hip roof would have gone some way to mitigate this. I can also see that changes have been made which go against the original agreement. From where we are it is a blot on the landscape. I urge the Planning Committee to take action against this and insist that reparation is made by the builder.

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**Application: 19/01801/F**

**Address: Rear of St Faiths House, Mountergate**

**Item no: 4(f)**

**Pages:**

**Additional point raised by agent**

The applicant's agent highlights within their statement (to be read out by officers to committee members) that the buildings are structurally unsound and dangerous and that demolition is necessary to protect the safety of the public (including those who attempt to illegally occupy the building). Officers accept that this situation would make the case more compelling for demolition, but since we haven't received any evidence to support this claim, we are unable to attach any significant weight to it. Our recommendation remains for approval.

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**Application: 20/00024/F**

**Address: 174 Newmarket Road**

**Item no: 4(g)**

**Pages: 107-116**

**Use of consulting room within the proposed extension**

The applicant via their agent has provided further detail regarding the future use of parts of the proposed extension. As noted within the report, the proposed extension includes a consulting room, waiting room and patient WC to be used by the applicants for visiting patients as they work as GPs. The applicants have confirmed

that they expect to have 'around two patients per day' attending their home surgery during normal working hours.

Working from home can be considered ancillary to the main use of the dwelling, the point at which there is a material change in use will vary on a case by case basis and will depend on a number of factors, such as if there are proposed to be any employees, if it is solely for the occupants, the floorspace taken up by the working from home use and if there are visiting members of the public and if so how many and the extent of impact on any working from home use. In this case officers are content that based on the information supplied the proposed use can be considered ancillary to the main use of the dwelling, this is on the basis that there is no indication that employees would operate from the property, given the overall scale of the dwelling the overall space taken up by a working from home function is minor, the applicants have indicated around two patients a day and given the size of the plot the impact of such visits would be relatively immaterial. A condition will make clear what the consent is permitting and an informative can be added to make clear the basis on which we have assessed the proposed use as being ancillary. Any intensification of the use may require further planning consent.

### **Additional Condition**

An additional condition is proposed to be added to ensure that trees on site are protected. The condition shall require compliance with the Arboricultural Method Statement (AMS) submitted with the application. This is in addition to the submission of a replacement tree planting condition.

### **Norwich Preservation Trust Objection**

These applications seek retrospective consent for a kitchen flue extractor unlawfully installed by the Stranger's Club at this Grade II\* Listed building. They were submitted only after NPT reported the matter on 28.03.2019 to Planning Enforcement and NPS as landlord's agent. No enforcement action was taken.

On 13.07.2016 NCC Cabinet agreed to transfer the neighbouring long-term vacant / part condemned Grade II\* listed 26-28 Elm Hill to the NPT on a long lease, thus enabling NPT to access grant funding not available to NCC to undertake the extensive repairs needed to bring No.26-28 back into use and remove it from Historic England's National Heritage at Risk Register.

Whilst NPT conducted a £22k Options Appraisal for the repair and re-use of 26-28 Elm Hill, a pungent frying odour within the building was traced to the Stranger's Club kitchen extractor which vents moisture and flammable fatty emissions into the 65cm space between the buildings and due to lack of air movement enters through the windows above. The emissions have also caused 26-28 Elm Hill structural damage (see photos).

There is only a 65cm gap between the buildings making scaffolding/maintenance access difficult even without the unlawful extractor taking up half the space.

As Planning failed to consult Norfolk Fire Service or the requisite National Amenity Societies, NPT brought the applications to their attention.

When it became evident that Planning would not recommend refusal or negotiate with the Strangers Club to relocate the extract to the open west side (away from 26-28 Elm Hill), NPT's Vice-Chair met with the Strangers Club's surveyor. A solution was found re-routing the flue internally and exiting west via the Stranger's modern brick rear lean-to. Historic England indicate that this alternative scheme would be acceptable if submitted, but Stranger's Club have failed to submit it for consideration.

Local Authorities have a duty to deal with planning and LBC applications at their own listed buildings as exemplars of good practice to other owners. It is important they don't offer lesser protection to their buildings than their listed status requires, and that the "special regard to the desirability of preserving the building" (S66 Planning (Listed Buildings and Conservation Areas) Act 1990), applies as it would if the listed buildings belonged to a member of the public.

Retrospective consent would regularise this unlawful development, which has significantly harmed and will continue (even with the proposed adaptations) to harm two nationally important Grade II\* listed buildings. The current fire risk posed to Stranger's Club, 26-28 Elm Hill and the rest of the timber framed terrace of Elm Hill is substantial. For these reasons the applications should be refused and planning enforcement action should be taken.

Whilst the flue remains in its current location, the persistent stench, fire risk and ongoing structural damage make 26-28 Elm Hill unfit for occupation. No developer will invest the required £500K to repair and return this Listed Building at Risk to beneficial use and the Council will have failed in its duty to preserve 26-28 Elm Hill.

**PHOTOS BELOW TO BE SHOWN TO COMMITTEE MEMBERS**

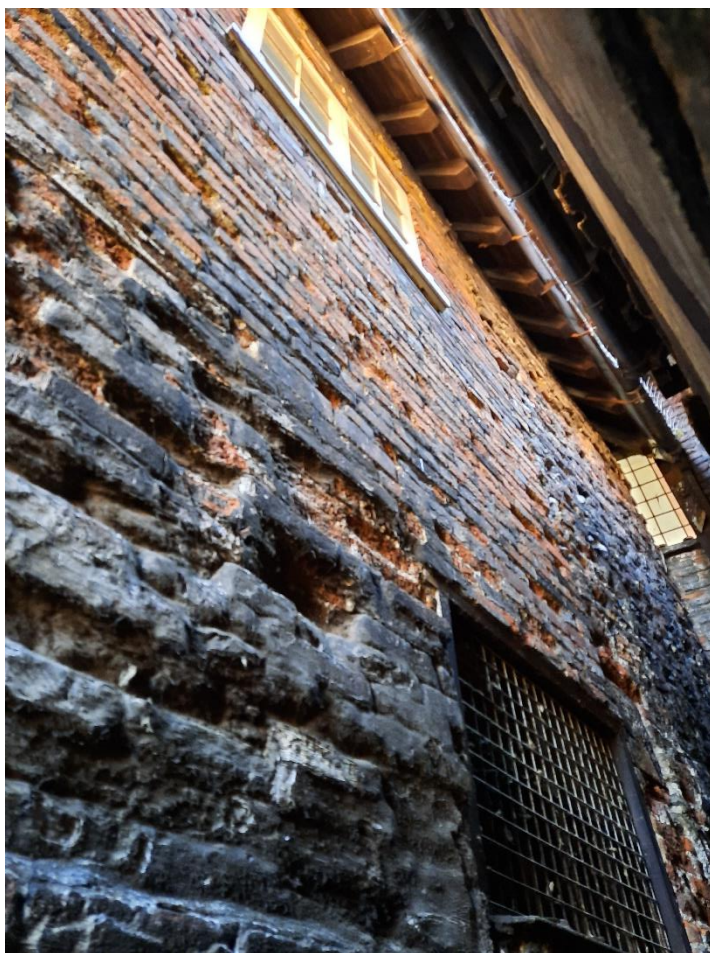


**Photo 1** - North elevation (looking from River) of 22-24 Elm Hill (right building) and 26-28 Elm Hill (left building) – showing the extremely narrow gap between the two buildings (into which the flue was unlawfully inserted) and the damaged and structurally compromised west wall of No.26-28.



**Photo 2** – On right of picture – Timber framed east elevation of the Stranger's Club with the unauthorised extract unit (fire risk) located directly below the C16th timber framed jetty beam. **On left of picture** - West elevation of 26-28 Elm Hill severely damaged by years of moist fatty flammable emissions in the enclosed gap between the buildings.

This image shows the extremely narrow gap between the buildings and the almost complete enclosure above by the abutting roof eaves. In the event of a deep fat fryer fire starting directly below the extract flue, there is a serious fire risk to both these Grade II\* listed buildings and the rest of Elm Hill timber framed terrace.

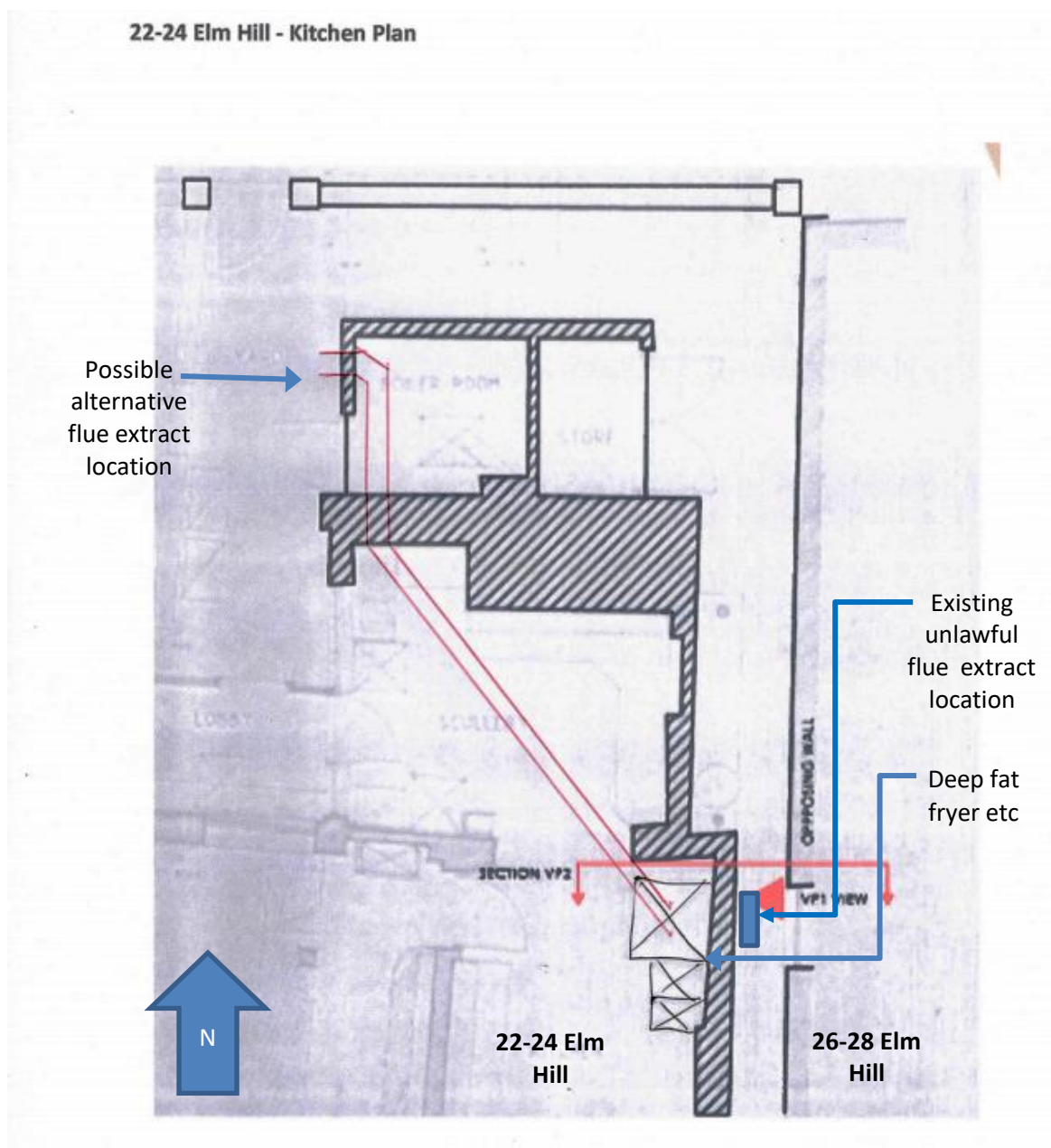


**Photo 3** – East elevation of 26-28 Elm Hill – Brickwork has been severely structurally damaged by the moist emissions from the kitchen flue unlawfully installed immediately opposite. Windows of 26-28 Elm Hill are directly above the extract, which makes them unopenable due to the stench of the deep fat fryer fumes. Even with the windows shut, the whole of 26-28 Elm Hill reeks with the fumes from the unlawful extract which permeate through the masonry when the extract is in use. This explains in part why 26-28 Elm Hill has remained untenanted for so many years and has ended up on the Historic England's National Heritage at Risk register, where it will remain whilst it is blighted by such offensive odours, fire risk and damage from the neighbouring flue extract.



**Photo 4** – Showing possible alternative location of flue extract on west elevation the Stranger's Club modern rear lean-to. The NCC could request that the Strangers Club submit such a proposal.

**Plan** - Sketch of the possible alternative route for the extract flue (which NCC could require the Strangers Club to submit instead of retrospectively approving the unlawful flue). The flue could be routed northwest internally (hung from the ceiling) and exit through the open west elevation of the modern lean-to, rather than emitting east direct from fat fryer into the enclosed space between Strangers club and 26-28 Elm Hill.



## **Item 4(e) Statement from applicant**

### **Application Nos 19/01488/F & 19/01487/L – Strangers Club, 22-24 Elm Hill, Norwich NR3 1HG**

Written Statement by the Strangers Club.

Thank you for the opportunity to submit a brief statement in support of our applications.

The Strangers' Club was formed in 1927 and leased in that year our then newly refurbished building from the City Council and our kitchen was installed. There are no records showing when an extraction system was first installed but the Club has a record of an extractor fan being in place in 1965. The extractor fan was upgraded in 1994 at the request of the City EHO and "tweaked" in 1996. In the 25 years following the upgrade there were no comments or complaints about our kitchen from the City Council or our neighbours until the end of last year when concerns of grease emissions, odours, noise and damage to the opposing wall were raised by NPS. This resulted in the Club discussing with the Council's officers various methods to overcome those concerns, resulting in the current applications.

In the meantime, the Club's Committee is particularly concerned at allegations that we have breached listed building controls and the applications are in part designed to remedy those allegations.

The officers' report to the Committee very fairly and comprehensively deals with all aspects of our current applications and we hope that the Committee will accept its recommendations and approve our applications.

12<sup>th</sup> August 2020





### APPLICATION REF:19/01801/F

We are extremely pleased to see that Planning Officers support the planning application which is recommended for approval.

Primarily, we consider it imperative to bring to Members attention the fact that the buildings are unsound and dangerous and present a health and safety risk to the public.

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### Health and Safety Risk

Whitbread acquired the buildings last year, which have been derelict for some time and used by trespassers and squatters for anti-social behaviour (including drug abuse). The properties have been subject to arson and vandalism and are structurally unsound and dangerous; access to the properties is now prohibited.

Whitbread has also received complaints from neighbouring residents concerning blocked drainage problems and the prevalence of rats within the buildings and has had to further remedy these nuisances

In order to safeguard the properties and public safety, Whitbread has put in place 24 hour security to prevent the properties from being illegally accessed and occupied. The security is costing Whitbread approximately £9,000 per month, which has been a significant expense as the application process has been lengthy. The immediate approval of the application would therefore assist to remove this financial burden which is not sustainable.

### Issues Addressed

All issues raised during the application process have been fully addressed as follows;

**Heritage** – The removal of the buildings are identified as a negative detractor to the Conservation Area. Their removal will enhance the Conservation Area and the setting of the listed buildings. The buildings also poses a fire risk to the listed buildings as illustrated by previous arson attempts.

**Future Development** – Whitbread are in pre-application discussions with the Council and Historic England about the comprehensive development of the site and wider area. An application will come forward for development in 2021.

**Construction Traffic** – The construction management strategy submitted with the application includes a traffic management section. Each traffic movement into and out of the site will be supervised by a vehicle marshal to ensure highway safety. This approach has been approved by NCC's highway officer. Whitbread have also engaged with the Baltic Wharf Residents representative.

**Bats and Birds** – Extensive surveys have been undertaken which have confirmed there are no bats on the site and a bird survey will be undertaken 48 hours before the demolition starts to ensure there are no nesting birds. If active nests are found then a 7m 'no works' zone will implemented until the young have fledged. Our ecologist will be on site to supervise the works.

**Removal of Asbestos** - Specialist contractors have been appointed to remove the asbestos. The contractor is fully trained in this area and have submitted a detailed method statement which is compliant with all regulations for its safe removal. This has been approved by NCC's Public Health Officer.

Given all these considerations; it is critical for planning permission to be granted for the demolition of the buildings. There are no other considerations under this application which should be given a higher priority.

We trust the application can be supported and granted permission.

