NORWICH City Council

MINUTES

Planning applications committee

09:45 to 13:35 **3 September 2015**

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

Apologies: Councillors Herries (vice chair), Lubbock, Peek and Neale

1. Declarations of interest

Councillor Brociek-Coulton declared a predetermined view in item 5 (below), Application no 15/00485/F - Baptist Chapel, Silver Road, Norwich, NR3 4TE because she was secretary to the Sewell Community Group who had objected to the proposal. She stated that she would address the committee and then leave the room during the consideration of this application.

Councillor Jackson also declared an other interest in item 5 (below), Application no 15/00485/F - Baptist Chapel, Silver Road, Norwich, NR3 4TE, because of the commercial interests of his employer and would leave the room during the consideration of this application.

2. Minutes

RESOLVED to approve the minutes of the meeting held on 6 August 2015.

3. Application nos 15/00273/F & 15/00274/L - 191 King Street, Norwich, NR1 2DF

The senior planner (development) presented the report with the aid of plans and slides. She also referred to the supplementary report of updates to reports which was circulated at the meeting and pointed out a correction to the report to replace the word ‘mitigate’ with ‘militate’ in the last sentence of first paragraph on page 35 of the agenda and proposing to add a further planning condition to the recommendation for application no 15/00273/F, to add a condition to require provision of electric charging point.

The senior planner, together with the conservation and design officer and the planning team leader (outer area), referred to the report and answered members’ questions. A member questioned the use of the site and suggested that development costs would be reduced if the buildings were moved out of the flood plain and a surface car park provided. Members were advised that the basement car park would serve the function of containing flood water and protect the rest of the site from

flooding. Therefore, the value of the flats would be reduced if the car park element was removed from the scheme. In reply to a member's question, the senior planner gave assurance that the historic archway would be retained in-situ. The conservation and design officer explained the detail of the listed building consent application. The flint wall would be retained. The development would bring a vacant site into use.

During discussion members commented on the proposed bridge tower and its function as a marker building to distinguish the different character of the more commercial style. Members considered the comments from the Norwich Society and were advised that the society had not commented on the revised plans. The applicant was aware that Historic England had advised that the bridge tower should be reduced by one storey. The applicant had not revised this element and members were advised that the removal of a storey would affect the viability of the development. The conservation and design officer said that her main concern had been the mass of the tower and that by removing one storey the building would be more squat and out of proportion.

The senior planner explained the mechanism for assessing the viability of proposals which included consideration of land sales and market values. Some members expressed regret that the development would not support any affordable housing.

Councillor Jackson said that he considered that there was overdevelopment of the site and that he was opposed to the design of the development, which he considered was overdevelopment of the site and out of character with the traditional building form of King Street, south of the bridge, and that the fenestration, use of gable ends of the former public house should be retained. The Novi Sad Bridge acted as the point of transition in the King Street street scene and that the proposed bridge tower moved this further up the street. He referred to the comments of Historic England considered that the proposal was contrary to paragraphs 64, 132 and 134 of the National planning policy framework (NPPF). Councillor Jackson said that he would move to refuse the application and this would be seconded by Councillor Carlo. In response, the senior planner referred to the report and said that the design approach for the development of this site had been based on sound analysis of its environment and historical context. She pointed out that the Novi Sad Bridge was new and provided an artificial point of transition in the street scene which could be moved further south. The scheme was of a similar scale to the existing and proposed developments on the other three quadrants of the bridge.

Councillor Jackson said that he considered that application no 15/00273/F should be refused on heritage grounds that it was contrary to policy and not sensitive to the King Street conservation area and that the massing and height did not sufficiently reflect the historic form. Secondly he considered that the design approach did not enhance the area.

(The committee adjourned to enable the mover and the seconder to discuss the grounds for refusal with the planning team leader. The committee then reconvened with all members listed above present.)

The chair advised the committee that a proposal that the motion be withdrawn so that the committee could consider deferring further consideration of the application had been refused.

Discussion ensued on the grounds for refusal. The planning team leader, following his discussion with the mover and seconder of the motion to refuse application no 15/00273/F confirmed that their objections to the scheme applied to the design approach for the whole scheme and not for particular elements of the design, ie the bridge tower. The rationale for the taller buildings and the density of development on the site was considered to be inappropriate for the site and overdevelopment. It was considered harmful to the character of the area and low rise buildings would have been more appropriate in the setting. Councillor Jackson confirmed that his objections were to the full application and not the listed building consent. Councillor Carlo said also said that she considered the development to be overdevelopment when compared to the adjacent buildings and that the relationship to the river would be lost, and was not sensitive to the adjacent listed building or the character of the conservation area.

Councillor Jackson moved and Councillor Carlo seconded that application no 15/00273/F be refused planning permission on the grounds that its scale, layout, height and massing would be too dense and dominant for the character of the surrounding area (King Street, the Novi Sad bridge and the river) and that it would be detrimental to the character and appearance of the conservation area and setting of the adjacent listed building.

RESOLVED, with 4 members voting in favour of refusal (Councillors Carlo, Jackson, Henderson and Bradford), 3 members voting against refusal (Councillors Blunt, Maxwell and Woollard) and 4 members abstaining from voting (Councillor Sands, Ackroyd, Button and Brociek-Coulton) to refuse application no 15/00273/F - 191 King Street, Norwich, NR1 2DF, on the grounds minuted above and to ask the head of planning services to provide the reasons for refusal in policy terms.

(Reasons for refusal, as subsequently provided by the head of planning services: The proposed development, by reason of its layout, height, scale and massing would be unduly dense, and visually dominant form of development, with buildings of excessive mass and scale adjacent to both King Street, Novi Sad Bridge and the River Wensum. As such the proposals would represent an inappropriate overdevelopment of the site, which would detract from the character and appearance of the conservation area, and the setting of the adjacent listed building. The proposals are therefore contrary to policies DM3 (Delivering high quality design), DM9 (safeguarding Norwich's heritage) and DM12 (Ensuring well-planned housing development) of the Norwich Development Management Policies Local Plan 2014, and paragraphs 9, 17, 56, 60-66, 132, 134 and 137 of the National Planning Policy Framework.)

The committee then considered the listed building consent application. Members were advised that the listed building application was specific to the full planning application. An informative would be given to explain this to the applicant.

RESOLVED unanimously to refuse application no application no 15/00274/L - 191 King Street, Norwich, NR1 2DF, because the associated planning application had

been refused and to ask the head of planning services to provide the reasons in planning policy terms.

(Reasons for refusal as subsequently provided by the head of planning services: The proposal includes part demolition of the listed building in order to facilitate the comprehensive development of the whole site. It would be inappropriate to grant listed building consent in absence of an associated planning permission for the proposals, as in the absence of such a consent the proposals could have the potential to detract from the setting of the listed building. As such the proposals would be contrary to policy DM9 (safeguarding Norwich's heritage) of the Norwich Development Management Policies Local Plan 2014.)

4. Application no 15/00635/F - 46 St Giles Street Norwich NR2 1LP

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

During discussion the planner explained the proposals for the layout of the basement and confirmed that it would be used for storage by the occupants of the ground floor flat. In reply to a question, the planner referred to the report and apologised that the landscaping condition referred to in paragraph 33 had been omitted from the recommendations at the end of the report.

RESOLVED, unanimously, to approve:

(1) application no 15/00635/F - 46 St Giles Street Norwich NR2 1LP and grant planning permission subject to the completion of a satisfactory legal agreement to include an affordable housing viability review mechanism should the scheme not be commenced within 12 months and occupied within 24 months and subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Details of:
    (a) The ventilation system and a scheme of maintenance;
    (b) Secondary glazing to all habitable rooms fronting St Giles Street.
4. The development shall be carried out in accordance with the Written Scheme of Investigation and other archaeological details agreed through 14/01776/D unless otherwise agreed I writing with the local planning authority;
5. Site investigation and post investigation assessment in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition 4. The approved Wilson Compton Associates heritage report shall also be submitted to the Historic Environment Service.
6. Details of:
    (a) bicycle storage and parking for residents and visitors to the site; and
    (b) servicing, including waste and recycling bin storage.
7. Water efficiency measures
8. Details of landscaping.

Informative notes:
1. Refuse and recycling;
2. Properties will not be eligible for on-street parking permits;
3. Street naming.

Article 35(2) statement:
The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations, following negotiations with the applicant and subsequent amendments at the application and pre-application stage, the application has been approved subject to appropriate conditions and for the reasons outlined in the officer report.

(2) application no 15/00636/L - 46 St Giles Street Norwich NR2 1LP and grant listed building consent subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Details of materials;
4. Making good any damage to listed building.

Reason for approval:
The works required to subdivide the property into seven flats does cause some less than substantial harm to the listed building, although this is of a very minor scale and is certainly justified by the other positive changes to the building, including bringing the heritage asset into a long-term viable use. This and the provision of additional housing supply are clearly identifiable public benefits and any of the fairly limited shortcomings with regards amenity and transport are justified for the same reasons. Subject to conditions the proposals are considered to be acceptable. The development is in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.

Informative note:
This consent relates only to the works specifically shown and described on the approved drawings. All other works, the need for which becomes apparent as alterations and repairs proceed, are not covered by this consent and may require a further specific consent. Details of any other works, submitted as part of a further application for listed building consent if required, should be submitted to the local planning authority and approved before work continues.

5. Application no 15/00485/F - Baptist Chapel, Silver Road, Norwich, NR3 4TE

(Councillor Jackson, having declared an interest, left the room at this point. Councillor Brociek-Coulton, having declared a pre-determined view, remained in the room during the presentation, addressed the committee and then left the room during the committee's determination.)

The planning policy team leader (projects) presented the report with the aid of plans and slides. She also referred to the supplementary report which was circulated at

the meeting and contained amendments to the officer recommendation and conditions; and summarised the content of the only letter of representation received in response to the consultation on the revised proposals which stated that there was no objection and that there did not appear to be any “likelihood of overlooking”.

Councillor Brociek-Coulton, local member for Sewell ward/division and secretary of the Sewell Community Group, expressed the concern of local residents that this scheme to develop six apartments would exacerbate concerns about traffic safety in the area and pressure on parking spaces.

(Councillor Brociek-Coulton left the meeting at this point.)

In reply to a member’s suggestion that the developer contributed to a car club, the planning team leader (development) (outer area) said that although this was an interesting idea the council had no specific policies to support it. The scheme was a relatively small one and complied with the council’s parking standards. It was acceptable to have a car free development in this location.

RESOLVED, unanimously, to approve application no. 15/00485/F - Baptist Chapel Silver Road, Norwich, NR3 4TE and grant planning permission subject to the completion of a legal agreement to secure the item referred to in paragraph 59 of the report and subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Details of landscaping (including permeable paving);
4. Details of south elevation windows, including obscure glazing to new windows.
5. Water efficiency to meet 105 litres per person per day
6. Details of materials including glazing detail, doors, and bricks;
7. Details of PV panels;
8. Details of cycle parking on Silver Road frontage, and provision prior to occupation;
9. Details of refuse storage and provision prior to occupation;
10. Undertake historic building assessment and photographic record prior to commencement, and record building in Historic Building Record;
11. Compliance with the submitted AIA/AMS.

Informative Notes:
Considerate construction

Article 35(2) Statement
The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations, following negotiations with the applicant and subsequent amendments, the application has been approved subject to appropriate conditions and for the reasons outlined in the officer report.

(Councillors Jackson and Brociek-Coulton were readmitted to the meeting at this point.)

6. Application no 15/00875/F - 3A Pettus Road, Norwich, NR4 7BU

The planner (development) presented the report with the aid of plans and slides, and answered a member's question on the materials to be used for the roof.

RESOLVED, unanimously, to approve application no 15/00875/F - 3A Pettus Road Norwich NR4 7BU and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans.

Informative:
1. Construction working hours.

Article 35(2) statement
The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations and has approved the application subject to appropriate conditions and for the reasons outlined in the officer report.

7. Tree Preservation Order [TPO], 2015 City of Norwich Number 481; 99 Christchurch Road, Norwich NR2 3NG

The planning development manager introduced the report but explained that the report author, the council's tree consultant, was not available to attend the meeting. He pointed out that the six month period in which the order could be confirmed would not expire until next month and therefore the committee could defer consideration of the order to the next meeting.

The planning team leader presented the report and explained that the confirmation of a tree preservation order would not prevent maintenance works being carried out to the trees.

One of the owners of the property addressed the committee and explained that he and his partner objected to the confirmation of the order. He said that they were both interested in increasing the biodiversity of the garden to support birds and bats. He said that both trees were overgrown, created shade and produced debris. The walnut tree was infected with fungus. The Scots pine created a "dead area" where nothing grew. He questioned the objectivity of the tree assessment and whether the tree consultant had visited the site. He explained that as owners they loved trees but wanted to replace these trees with more appropriate species suitable for the garden.

The neighbour of the house opposite addressed the committee with her objections to the proposal which included: her assertion that the trees were not visible from the road; that the detritus from the trees was detrimental to biodiversity and plants failed to thrive under the Scots pine tree, and that there was no need for this tree

preservation order as the Scots pine should be removed and the walnut tree was near the end of its life.

The chair suggested that the committee might consider deferring a decision on the confirmation of this tree preservation order to the next meeting. He pointed out that it was evident from the papers that the tree consultant had visited the site and made a detailed assessment of the trees. During discussion a member said that she had seen the trees from the surrounding public highway. Members also noted that although the characteristic Scots pine tree had a high canopy it created acidity in the soil. Some members considered that they had insufficient information and that there should have been a presentation at the meeting.

The chair moved and Councillor Henderson seconded that the committee deferred further consideration to enable the committee to conduct a site visit, and receive a full presentation at committee and information on the options available to the committee in confirming or modifying the tree preservation order.

RESOLVED, with 8 members voting in favour of deferral (Councillors Sands, Ackroyd. Button, Brociek-Coulton, Carlo, Jackson, Henderson, and Bradford), 2 members voting against deferral (Councillors Maxwell and Woollard) and 1 member abstaining from voting (Councillor Blunt) to defer further consideration of Tree Preservation Order, Tree Preservation Order [TPO], 2015 City of Norwich Number 481, to enable members of the committee to undertake a site visit on Thursday, 1 October 2015 at 9:00 before considering the item at the committee meeting later that morning.

8. Application no 15/00612/O - 85B Lawson Road, Norwich, NR3 4LE

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

During discussion the planner, together with the planning team leader, referred to the report and answered members' questions. Members were advised that cantilever piling would be used during construction to prevent damage to the council owned street trees. The window affected by the development was in a commercial property (no 85 Lawson Road) and served the stairwell of that property. There had been no objections received from this property. The committee noted that the applicant could not proceed without consent from the owner of no 85. Members were also advised that the design details of the development would be considered at reserved matters stage.

RESOLVED, with 10 members voting in favour (Councillors Sands, Ackroyd, Blunt, Bradford, Brociek-Coulton, Carlo, Henderson, Jackson, Maxwell and Woollard) and 1 member abstaining (Councillor Button) to approve application no. 15/00612/O - 85B Lawson Road, Norwich, NR3 4LE and grant planning permission subject to the following conditions:

1. Standard time limit for outline application;
2. No development until approval of reserved matters including appearance, landscaping, layout, access and scale;
3. No development shall take place in pursuance of this permission until sectional

4. drawings illustrating finished floor levels of the proposed dwellings in the
5. context of the surrounding natural and built environment have been submitted
6. to and agreed in writing by the local planning authority. The development shall
7. then be carried out in accordance with the details as approved;
8. Detailed scheme to manage surface water run-off;
9. Details of secure cycling storage and refuse storage;
10. Development to be carried out in accordance with the submitted arboricultural information;
11. Water conservation;
12. Removal of permitted development rights.

Informatives:

1. Construction working hours.
2. Neither dwelling will have entitlement to on street parking permits.
3. The applicant is reminded of the mitigation measures set out in section 3.6.9 of the approved AIA to improve the liveability of the terraced property.

Article 35(2) statement
The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations, following negotiations with the applicant and subsequent amendments the application has been approved subject to appropriate conditions and for the reasons outlined in the officer report.

9. Application no 15/00997/F - Utilities Site and Deal Ground, Norwich

The planner (policy) presented the report with the aid of plans and slides and explained that a site visit was proposed for members of the planning committees of the city council and the Broads Authority.

During discussion the planning development manager answered questions and explained that the site was difficult to access and was on private land. It was regrettable that members of the public would not be able to attend. However, ward councillors had been invited to attend.

RESOLVED, unanimously, to undertake a site visit on 2 October 2015, jointly with members of the Broads Authority planning committee, in advance of the application being determined at a future meeting of the planning committees of Norwich City Council and the Broads Authority.

10. Application no 15/00744/F - 24 Eaton Street, Norwich, NR4 7LD

The planner (development) presented the report with the aid of plans and slides. He also referred to the supplementary report of updates to reports circulated at the meeting, which contained a summary of additional representations and the officer response.

During discussion the planner referred to the report and explained that the council's private sector housing team would ensure that the accommodation was safe for its occupants. A condition had been included in the recommendations to ensure that the residential accommodation should be used for C3 (residential) or C4 (standard

house in multiple occupation) use classes. If more than seven unrelated adults were to occupy the accommodation, ie a large house of multiple occupation, then it would need to be reassessed.

Councillor Ackroyd, as local member for Eaton ward, pointed out that this was a busy traffic area and that there was another car park opposite.

RESOLVED, unanimously, to approve application no. 15/00744/F - 24 Eaton Street, Norwich, NR4 7LD and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans
3. For the avoidance of doubt – the residential accommodation shall only be used within the C3 and C4 use classes.
4. Details of materials and paint.
5. Details of the following:
6. Layout of the parking and turning and method of marking
7. Cycle and bin storage compound
8. Bin collection area
9. Hard and soft landscaping
10. Details of noise insulation
11. Details of noise and litter mitigation strategy

Informative
1. Use of the premises within the C3 and C4 use classes
2. Alterations in accordance with Building regulations
3. The Council's private Sector Housing team have stated that the areas identified as living room and playroom shall not be used as sleeping accommodation. Should, this be the case it is likely that a prohibition order may have to be served preventing the use of these rooms for sleeping. Given the previous poor management of the property the private sector housing team would also need to make regular unannounced inspections to make sure that the property was being managed in accordance with the management regulations.

Article 35(2) Statement
The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations, following negotiations with the applicant and subsequent amendments the application has been approved subject to appropriate conditions and for the reasons outlined in the officer report.

CHAIR