



Planning applications committee

10:30 to 13:10

11 July 2019

Present: Councillors Driver (chair), Maxwell (vice chair), Bogelein, Button, Huntley, Lubbock, Peek, Neale, Sands (M), Sarmezey, Stutely, Utton and Wright

Apologies: Councillor Ryan

(All members listed as present above had attended the site visit to Norwich School at 9:00 that morning except Councillor Utton who declared an interest in the item.)

1. Declarations of Interest

Councillor Utton declared a pre-determined view in relation to item 3 (below), Applications 19/00381/L and 19/00403/F - Norwich School Refectory, The Close, Norwich, NR1 4DD because he had objected to the planning application. He would speak as a member of the public and then leave the room during the committee's determination of the application.

Councillor Stutely advised that he had spoken to residents in his role as ward council in relation to item 4 (below) Application no 19/00291/F - Fieldgate, Town Close Road to provide advice but he was not pre-determined.

Councillor Utton declared an 'other' interest in item 6 (below) Application no 19/00440/MA - St. Anne's Wharf, King Street, Norwich in that he was a member of Kings Street Resident's Association.

2. Minutes

RESOLVED to approve the accuracy of the minutes of the meeting held on 13 June 2019, subject to the following amendments in relation to item 3, Application no 18/011190/O – The Bungalow, Eaton Chase, Norwich, NR4 7QW, second paragraph:

Concern about noise and congestion in Ryrie Court from construction traffic and that if Ryrie Court has to close, many residents would not be able to access the nearest bus stop; that members visited Blakeney Court

should read:

Concern about noise and congestion in Ryrie Court from construction traffic and **if access from Pettus Road to Ryrie Court closed**, many residents would not be able to access the nearest bus stop; that members visited Blakeney **Close**

3. Application nos 19/00403/F and 19/00381/L - Norwich School Refectory, The Close, Norwich, NR1 4DD

(Councillor Utton had declared a pre-determined view in this item. He did not take part in the determination of this application.)

The planner 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, containing a summary of an additional 5 letters of representation and a revised tree planting scheme and additional consultation response. The revised tree planting scheme provided technical corrections and extra detail on planting plans. It included a written response from the council's Landscape Architect which concluded that whilst provision for compensatory planting had been made due to the remoteness of the majority of the planting it did not account for the loss of an important tree/ tree group in the city centre.

The planner said the officer recommendation was to approve, it was a finely balanced recommendation. It balanced the community benefit, (Norwich School's community outreach programme, the opening up of views of heritage assets), against the significant impact on the townscape and biomass caused by the loss of trees. It was a scheme featuring high quality design and building specification and on balance officers had found in favour of the scheme but it was for members to determine the application.

Councillor Utton addressed the committee with his objection, he noted that the council was not following their own policies and the application was counter to planning objectives DM1, DM6 and DM7. In the current situation with concern mobilising around a climate change emergency how could it be said that the protection of trees and air quality was less important than other considerations. To be a low carbon healthy city was the strategic direction of the council and this application went against that.

The applicant, the headmaster for the Norwich School addressed the committee, the status quo was not tenable, and the buildings on site were not functionally fit for purpose. The process of bringing the application to committee had taken three years and looked at many alternatives to achieve the best option. The loss of twelve trees on site was to be regretted. That number of trees would be replaced onsite and a greater number off site at land available to the school. The design of the new refectory was to a high specification, it was energy efficient, and the opening up of a gate into the precinct wall would reduce vehicular movements. The landlord of the site supported the application, there were no objections received from Historic England. The new building would be available for community groups and charitable enterprises to rent on a pro bono or reduced rate. This would open up access to and appreciation of the heritage assets on site.

Alex Ivey, a volunteer at a local charity 'Friend Indeed' which aimed to tackle social isolation by providing an opportunity for children and older people to interact addressed the committee. The charity had been operating for 18 months during which period the Norwich School had supported them. The charity held two inter-generational sports days at the school. The use of the school provided a great opportunity and its use as a community resource should be recognised as part of the application.

The area development manager (inner) introduced the council's landscape architect and lead arboricultural officer and advised they were available to answer committee member's questions. In response to a member question the planner advised an archaeological report would be prepared if the application was approved as part of the conditions. Discussion ensued regarding the removal of trees at the site. The lead arboricultural officer said it was difficult to establish the age of the London Plane tree on the site, it was shown on historical maps from the 1800s. She explained the tree would not have self-seeded but would have been planted as part of a considered plan. In terms of the life cycle of a London Plane tree there was an existing tree at Ely cathedral which had been established as being there since 1500s. As regards the discrepancy in the categorisation of the London Plane tree on site which was covered by a Tree Preservation Order (TPO) the lead arboricultural officer said it was clear the tree meet the higher category. Early in the application process the applicant had raised the issue of the tree's roots being compromised, explorations around the roots since conducted found them to be fine. She advised that trees were only categorised on developments and it was not possible to say how many category A trees there were in the city.

In response to a member's question regarding building around the London Plane tree the planner said the preferred option was to retain the trees on site but a number of constraints existed, the electrical sub station and the historic buildings surrounding the site. The roots of the trees precluded the development.

The landscape architect said the indicative planting scheme for trees to be replaced within the precinct was for trees 12-14cm in girth, approximately 5-10 years in age with one larger tree of 18-20cm girth. The planting plan for the trees located offsite was detailed in the report but consisted of trees largely 12-14cm in girth at a height of 3m. In response to a member question on mitigation measures regarding the removal of the trees on site, the planner directed the committee to paragraph 123 of the report. In response to a member question regarding the council assisting with the finding of land in the city centre for the replacement planting of trees, the planner said the council's parks and opens spaces team were not resourced to find council land for replanting of trees in the city centre. The area development manager (inner) said the future maintenance of large number of trees would then fall to the council. The replanting off site would be included as part of a S106 agreement, the trees included as part of the conditions of the agreement would be protected for 40 years. If the school sold the land the new owner would be bound by that agreement.

(Councillor Utton left the meeting at this point.)

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

Members expressed concern about the removal of the London Plane tree which was protected by a TPO and the resulting loss of bio-mass in the city centre. Members considered the application was finely balanced and weighed up the benefit of the facility to the school and wider community, high quality design of the build against the impact on the streetscape and loss of bio-mass.

Councillor Stutely said that the committee should have regard to policy DM7 and he could not vote in favour of the application.

On being put to the vote with 5 members voting in favour (Councillors Driver, Lubbock, Maxwell, Peek and Sands (M)) and 6 members voting against (Councillors Bogelein Button, Huntley, Neale, Sarmezey and Stutely) the motion to approve Application no 19/00381/F - Norwich School Refectory, The Close, Norwich, NR1 4DD was lost.

Councillor Bogelein then moved a recommendation, seconded by Councillor Button, to refuse the application due to the loss of trees and the, impact on biodiversity, visual amenity and harm to the conservation area; and it was:

RESOLVED with 6 members voting in favour (Councillors Bogelein Button, Huntley, Neale, Sarmezey and Stutely) and 5 members against (Councillors Driver, Lubbock, Maxwell, Peek and Sands (M)) to refuse Application no 19/00381/F - Norwich School Refectory, The Close, Norwich, NR1 4DD due to the loss of trees and the, impact on biodiversity, visual amenity and harm to the conservation area; and to ask the head of planning services to provide the reasons for refusal in policy terms.

The chair moved the recommendation, as set out in the report, in relation to application no 19/00403/L, seconded by the vice chair.

On being put to the vote with 5 members voting to approve (Councillors Driver, Lubbock, Maxwell, Peek and Sands (M)) and 6 members voting against (Councillors Bogelein Button, Huntley, Neale, Sarmezey and Stutely) the motion to approve Application no 19/00381/L - Norwich School Refectory, The Close, Norwich, NR1 4DD was lost.

Councillor Bogelein moved a recommendation seconded by Councillor Button to refuse the application 19/00381/L due to the lack of a clear and convincing justification in the absence of a redevelopment scheme.

RESOLVED with 6 members voting in favour (Councillors Bogelein, Button, Huntley, Neale, Sarmezey and Stutely) and 5 members voting against (Councillors Driver, Lubbock, Maxwell, Peek and Sands (M)) to refuse approval for Application no 19/00381/L - Norwich School Refectory, The Close, Norwich, NR1 4DD due to the lack of clear and convincing justification in the absence of a redevelopment scheme and to ask the head of planning services to provide the reasons for refusal in policy terms.

(The committee adjourned for a short break at this point. The committee reconvened with all members as listed above and Councillor Utton was readmitted to the meeting at this point.)

4. Application no 19/00291/F - Fieldgate, Town Close Road, Norwich, NR1 4DD.

The area development manager (inner) advised that the officer recommendation had changed from to approve the application to a recommendation to defer consideration of the item to a later committee. He referred to the supplementary report of updates to reports, which was circulated at the meeting, containing a summary of an additional 2 letters of representation, a further letter from a previous objector and a letter and heritage statement from two consultants acting on behalf of a neighbour. He said the heritage statement at 28 pages raised a number of issues which needed

to be addressed in greater detail than in the updates report. Deferral was recommended in order to give time for a response to be completed.

RESOLVED, unanimously, to defer consideration of Application no 19/00291/F - Fieldgate, Town Close Road, Norwich, NR1 4DD to a later committee.

5. Application nos 18/01681/F and 18/01682/L - 58 Bracondale, Norwich, NR1 2AP.

The planner 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 and contained an amendment to the report.

Members discussed the fact that residents of new dwellings were not entitled to parking permits and how this was conveyed to them. The planner advised that if the application was approved one of the conditions of approval would be a management plan and this would require the parking terms to be made clear in any leases or tenancies. In response to a member question on the tower the planner advised that it had no services connected to it.

The chair moved the recommendations seconded by the vice chair.

RESOLVED, unanimously, to approve:

(1) application no. 18/01681/F - 58 Bracondale Norwich NR1 2AP and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Details of any extract and ventilation prior to installation
4. Bin and cycle storage provided prior to occupation
5. Parking layout demarcated prior to occupation
6. Management plan for garden area agreed prior to occupation and compliance for lifetime of development
7. Work in accordance with tree method statement
8. Tree protection
9. Prior to the occupation of any of the flats, the works to the tower shall be completed in accordance with 18/01682/L
10. Use of tower incidental to the enjoyment of 'Flat 2' only and no use as a separate dwelling
11. Water efficiency
12. Requirement that the garden should not be sub-divided and the removal of permitted development rights to erect boundary treatments other than those shown on the approved plan.

(2) application no. 18/01682/L - 58 Bracondale Norwich NR1 2AP and grant listed building consent subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Any damage to be made good as agreed with LPA
4. Repair and making good to match adjacent work

5. Features not previously identified to be retained and reported to LPA
6. Demolition of front boundary wall to be undertaken by hand and salvageable bricks re-used
7. Details of: all new windows; bi-fold door; rooflights; tower roof; guardrail replacement staircase to tower; blocking up openings; service provision; waste water management; fire proofing; thermal and/or acoustic protection/insulation, any new electric fitting or appliance in tower; and, stud work.
8. Internal door schedule
9. Full schedule of repairs to tower
10. Management plan
11. Historic building recording

Informatives

1. Further works may need listed building consent
2. Retention of fabric
3. Works to trees in Conservation Area
4. New dwellings not entitled to parking permits

Article 31(1)(cc) statement

The local planning authority in making its decision has had due regard to paragraph 38 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 to propose a use for the tower and reduce the alterations to the house and tower, the applications are recommended for approval subject to appropriate conditions and for the reasons outlined in the officer report.

6. Application no 19/00440/MA - St. Anne's Wharf, King Street, Norwich.

(Councillor Utton had declared an interest in relation to this item).

The area development manager (inner) presented the report with the aid of plans and slides. He referred to the supplementary report of updates to reports, which was circulated at the meeting, containing a further representation from the Norwich Society withdrawing their objection to the application following a visit to the scheme and two further conditions were recommended.

A member asked if the social housing provision at the scheme was affected by the revisions within the application, the area development manager (inner) advised that it was not.

The area development manager (inner) explained that as planning consent had already been granted the consideration of this variation was constrained by the original consent which had been granted. Conditions that were more onerous than in the original consent could not be added to the variation.

The chair moved the recommendations, as set out in the report and as amended in the supplementary update report, seconded by the vice chair.

RESOLVED, with 10 members voting in favour (Councillors Driver, Maxwell, Bogelein, Button, Huntley, Lubbock, Neale, Peek, Sands (M) and Sarmezey), 1 member voting against (Councillor Utton) and 1 member abstaining from voting (Councillor Stutely) to approve Application no 19/00440/MA - St. Anne's Wharf, King Street, Norwich and grant planning permission subject to the following conditions and deed of variation of the S106 obligation. Conditions imposed in relation to 04/00605/F and 16/01893/VC are re-imposed and modified to take account of conditions already discharged and the new details approved.

1. In accordance with plans;
2. Materials (other)
3. Approved window and balcony system and plan
4. Phasing plans
5. Development in accordance with approved energy efficiency measures
6. Archaeology for blocks A1, A2, A3, E1, F1, F2, F G1, G2, G3, G4, H1, H2, H3, H4.
7. Updated Archaeology information for blocks B1, B2, B3, B4, C1, C2, D1, D2, D3, D4.
8. Unexpected contamination
9. Imported topsoil and subsoil
9. Hard and soft landscaping – approval and implementation
10. Replacement of trees/shrubs
11. Plant and machinery
12. Management Agreement:
 - (a) a restrictive servicing arrangement to take place outside the hours of 1030 to 1630 on any day;
 - (b) servicing vehicles to travel in a clockwise direction from Mountergate (adjacent Baltic House) through to King Street (via St Anne Lane);
 - (c) maintenance of the landscaping and planted areas;
 - (d) cleaning of litter from the permissive and pedestrian routes;
 - (e) telecommunications, communal satellite and terrestrial aerials arrangements for the development.
12. Agreement of flues, extraction, ventilation or filtration equipment in relation to A3 uses
13. No materials shall be kept, deposited or stored in the open
14. Agreement and implementation of refuse and cycle storage areas
15. There shall be no amplified sound in any of the restaurants (Class A3) or retail (Class A1) units before the Local Planning Authority has agreed details
16. Servicing areas shall be clearly marked, and available for use
17. Restricted goods - retail units
18. Parking details to be agreed
19. The Riverside Walk and other permissive and pedestrian routes shall be constructed and provided in accordance with a scheme to be first approved by the Local Planning Authority and shall thereafter be permanently retained.
20. Street lighting in accordance with approved details.
21. Nest boxes for birds and bats
22. Interpretation of archaeological investigation/ former Synagogue Street; the sacrifices of Corporal Day VC.
23. Fire Hydrants
24. Travel plan
25. Directional signage.
26. Landscaping and layout details of courtyard D to be agreed.

27. Specification of windows facing King Street to be agreed to ensure adequate soundproofing.

Article 32(5) statement

The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Framework as well as the environmental information submitted, the development plan, national planning policy and other material considerations, following negotiations with the applicant and subsequent amendments to the Environmental Statement the application has been approved subject to appropriate conditions outlined above.

7. Application no 18/01058/F - Land Rear of 50 to 54 Gertrude Road, Norwich, NR3 4SF

The planner 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, and contained a summary of additional comments received and the officer response.

A local resident addressed the committee, the area was run down and development was welcome. However, suggestions made to mitigate the overall appearance of the development had been dismissed by the planner. The local resident said the planning department had an inconsistent approach to planning applications and considered the dimensions and design of the new development was out of keeping with existing properties in the area.

In response to the local resident's comments and a member's question the planner advised that the plans received were drawn by an architect and were accurate.

In response to a member's question the planner advised the development boundary closest to Mousehold Heath would have a green boundary treatment which could include screens and hedging. The detail of construction including fire retardation of walls would be covered under building regulation legislation as a separate matter to the planning process.

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

RESOLVED, unanimously, to approve application no 18/01058/F - Land Rear of 50 to 54 Gertrude Road, Norwich, NR3 4SF and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Details of materials;
4. Landscaping scheme – to include details of hard surfaces, lighting, green roofs, boundary treatments, biodiversity mitigation and tree replacement;
5. Surface water drainage details;
6. Construction management plan;
7. In accordance with ecology report;
8. Bird nesting season;
9. Water efficiency;

10. Removal of permitted development rights for rear extensions, outbuildings, porches, boundary treatments.

8. Application no 19/00119/F - 120 Earlham Green Lane, Norwich, NR5 8HF

The area development manager (outer) presented the report with the aid of plans and slides. He referred to the supplementary report of updates to reports, which was circulated at the meeting, and contained an update on materials to be used in the build.

In response to a member question the area development manager (outer) advised the dormers in the application were a similar size to others already present in other properties in the street as set out in the report.

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

RESOLVED, unanimously, to approve application no 19/00119/F - 120 Earlham Green Lane, Norwich, NR5 8HF and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Use as a C3 dwelling house or C4 small scale HMO only.

9. Application no 19/00491/F - 65 Cunningham Road, Norwich, NR5 8LX

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

In response to member's questions the area development manager (outer) said whilst the application resulted in a loss of garden space, there was still a significant garden left.

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

RESOLVED, unanimously, to approve application no 19/00491/F - 65 Cunningham Road, Norwich, NR5 8LX and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Section 75 compliance / use as a C3 dwelling house or C4 small scale HMO only.

CHAIR