



Planning applications committee

9:30 to 13:00

9 August 2018

Present: Councillors Maxwell (vice chair in the chair), Button (substitute for Councillor Driver), Malik, Peek, Raby, Ryan (left the meeting during item 9), Stutely, Trevor and Wright

Apologies: Councillors Driver (chair), Bradford, Brociek-Coulton, Henderson and Sands (M)

1. Declarations of interest

There were no declarations of interest.

2. Minutes

RESOLVED to approve the accuracy of the minutes of the meeting held on 12 July 2018.

3. Application no 18/00642/F - The Boars Head Yard and 1-17 Westlegate, Norwich, NR1 3ST

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

The planner referred to the report and answered members' questions. A member referred to the concerns about noise from traffic and suggested that the occupiers of the proposed flats might want to open windows particularly in the evenings when it was a "ghost town" in that part of the city. The planner referred to the noise impact assessment and said that to reduce levels of noise it was proposed that the windows would be non-opening window with vents as was commonplace in the city. The flats were near busy bus routes. The acoustic windows would be at the rear of the building.

The chair moved and Councillor Button seconded the recommendations as set out of the report.

During discussion members welcomed the proposal which would improve the appearance of Westlegate and the conservation area and provide residential accommodation in the city centre.

RESOLVED, unanimously, to approve application no. 18/00642/F - The Boars Head Yard and 1-17 Westlegate, Norwich, NR1 3ST and grant planning permission subject to the following conditions:

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

Pre-commencement conditions:

3. Construction management plan to be agreed;

Pre-installation conditions:

4. All external materials to be agreed;
5. Acoustic windows and forced air ventilation - scheme to be agreed;

Pre-occupation conditions:

6. Details of green roofs and two bat roosts - details to be agreed;
7. Cycle parking - details to be agreed;
8. Refuse collection arrangements - details to be agreed;

Compliance conditions:

9. Water efficiency for residential properties.

Informatives:

1. No parking permit entitlement;
2. Remind applicant of responsibilities with regards to disturbance of wildlife;
3. The council encourages considerate construction.

4. Application no 18/00503/O - St Peters Methodist Church Park Lane, Norwich, NR2 3EQ

The planner gave a power point presentation of the issues common to both application nos 18/00503/O - St Peters Methodist Church Park Lane, Norwich, NR2 3EQ and 18/00504/O - St Peters Methodist Church Park Lane, Norwich, NR2 3EQ. Members were advised that they would need to consider each application on its own merits.

The planner presented the report and presented the plans specific for this outline application with access from Avenue Road. She referred to the supplementary report of updates to reports, which was circulated at the meeting, and contained a summary of a late representation from a resident and the officer response.

A member of the public commented on the applications and said that 95 per cent of local residents supported the proposal to demolish the church and accepted that there was a need to provide housing on this site. The proposal did not provide any affordable housing either on the site or as a commuted sum for provision elsewhere. However, the proposal did not mitigate the loss of the community facility which had been used by groups for fitness, badminton, scouting and guiding, Boys Brigade, drama and church activities. The building was not "lovely" and the development could include some community asset such as a community garden or space. Although the proposal was on the right lines there was insufficient clarity of the detail of the development and demolition of the existing buildings could be a possibility.

A resident and former county and city councillor addressed the committee and said he supported the proposed reasons for refusing the applications. This application (no 18/00503/O) was the closest to what residents had indicated that they would like to see on the site but he considered that there were two additional reasons for refusal: that the plans did not indicate a green space or play area; and, that the proposal did not aspire to a high environmental vision. He suggested that this could include the

use of solar photovoltaic panels on the six terrace houses located in Avenue Road and four in Park Lane. He also advocated the complete demolition and loss of a heritage building could be balanced by an architecturally innovative design providing a landmark for community unity, not necessarily through a building on the site but providing a public space and seating so that people could rest on their way into the city. He also suggested a commuted sum to provide affordable housing.

The third speaker addressed the committee and outlined his concerns in relation to the drainage in the area and the ability of combined sewers in this area of predominantly Victorian housing to deal with an attenuation of down flow through frequent surcharging sewage on to the ground.

The applicant spoke in support of the proposed development and explained that this application and the next one would provide options for full demolition or partial demolition of the buildings on the site in response to the comments from local residents. This application would provide up to 10 dwellings on the site. The design would harmonise with the local setting and provide much needed housing. The dwellings would have gardens and there would be general parking at the rear of the site and the access would be situated as far from the junction as possible.

The planner, together with the area development manager (outer), then referred to the report and answered members' questions in relation to surface water drainage and affordable housing provision. The planner had not sought further information on the layout of the dwellings on the site which could range from 8 to 10 units because of the other reasons for the application being unacceptable were considered to be insurmountable. The applicant had not provided sufficient information to justify the demolition of the existing buildings on the site to outweigh the harm to the conservation area.

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

Discussion ensued in which members commented on the church building and its function as a community facility for various groups and activities in the past and the need to provide some community asset on this site. Some members said that they were not adverse to demolition of the church but that it needed to be balanced by a strong application in terms of sustainable energy and design. A member suggested that the proposal was "not quite there yet" and expressed concern that there was a lack of social housing provision on this site and that there could be more than 10 houses on the site. House prices would be high in this location.

Councillor Malik, as Nelson ward councillor, thanked the officers for working with the applicants on this application which was "moving in the right direction". He pointed out that local residents had raised no major objections to the demolition of the church and buildings on the site and he supported the proposal for seating, which had first been suggested as part of the Pedalways consultation in the area.

RESOLVED, unanimously, to refuse application no. 18/00503/O - St Peters Methodist Church Park Lane Norwich NR2 3EQ; for the following reasons:

1. The demolition of St Peters Methodist Church, the church hall and Boy's Brigade building would result in the total loss of a non-designated heritage

asset and less than substantial harm to the significance the of the Heigham Grove Conservation Area. This loss of and harm to the significance of heritage assets has not been justified nor is it demonstrably outweighed by any public benefits from the redevelopment of the site that it would facilitate. This loss and harm is therefore unacceptable and contrary to paragraphs 192, 193, 196 and 197 of the Revised National Planning Policy Framework (2018) and Policy DM9 of the adopted Development Management Policies Local Plan 2014.

2. Insufficient information has been submitted to demonstrate whether it is feasible for the site to deliver up to ten dwellings within the constraints of the site in a manner which: preserves and enhances the character and appearance of the Conservation Area; avoids the areas of highest risk of surface water flooding, provides any necessary mitigation measures and an appropriate surface water drainage scheme with acceptable run-off rates; protects the amenity of neighbouring occupiers; and, provides a high standard of amenity for future occupiers. It has not therefore been satisfactorily demonstrated that the proposal complies with Policies JCS1 and JCS2 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2011, as amended 2014, Policies DM2, DM3, DM5, DM11 of the adopted Development Management Policies Local Plan 2014 and paragraphs 127, 130, 155, 157, 163, 165, 180 and 193 of the Revised National Planning Policy Framework (2018).
3. The application proposes up to ten dwellings with no provision for affordable housing either on-site or through a financial contribution and it has not been demonstrated that providing this would cause the development to be unviable. The proposal is therefore contrary to Policy JCS4 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2011, as amended 2014, Policy DM33 of the adopted Development Management Policies Local Plan 2014 and paragraph 63 of the Revised National Planning Policy Framework (2018).

Article 35(2) Statement

The local planning authority in making its decision has had due regard to paragraph 38 of the Revised National Planning Policy Framework as well as the development plan, national planning policy and other material considerations. The proposal in question is not considered to be acceptable for the reasons outlined above. The local planning authority has advised the applicant of alternatives which may be acceptable.

5. Application no 18/00504/O - St Peters Methodist Church, Park Lane, Norwich, NR2 3EQ

(The planner had given a power point presentation of the issues common to both application nos 18/00503/O - St Peters Methodist Church Park Lane, Norwich, NR2 3EQ and 18/00504/O - St Peters Methodist Church Park Lane, Norwich, NR2 3EQ at the start of the above item.)

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

Speakers for the previous item confirmed that the issues that they had raised in relation to application no 18/00503/O (as minuted above) were also applicable to this application.

The applicant for the site addressed the committee in support of the application which had been made in response to feedback on the earlier application. This application was a middle-ground between the two other applications and would retain the 1939 church building and key heritage assets, whilst demolishing other buildings to make room for garden and play amenity space on the site and parking.

Discussion ensued in which the planner answered a question from a member about the purpose of the applications made in response to the previous planning consultation with a view to developing this site.

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

RESOLVED, unanimously, to refuse application no. 18/00504/O - St Peters Methodist Church Park Lane Norwich NR2 3EQ; for the following reasons:

1. The demolition of the church hall and Boy's Brigade building would cause less than substantial harm to the significance of the Heigham Grove Conservation Area. This harm to the significance of a designated heritage asset has not been justified nor is it demonstrably outweighed by any public benefits from the proposed development. This harm is therefore unacceptable and contrary to paragraphs 192, 193 and 196 of the Revised National Planning Policy Framework (2018) and Policy DM9 of the adopted Development Management Policies Local Plan 2014.
2. The application proposes up to ten dwellings with no provision for affordable housing either on-site or through a financial contribution and it has not been demonstrated that providing this would cause the development to be unviable. The proposal is therefore contrary to Policy JCS4 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2011, as amended 2014, Policy DM33 of the adopted Development Management Policies Local Plan 2014 and paragraph 63 of the Revised National Planning Policy Framework (2018).

Article 35(2) statement

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(The committee had a short break at this point. The committee then reconvened with all members listed above as present.)

6. Application no 17/01338/F - Marwood Group Ltd, Diamond Road, Norwich, NR6 6AW

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

During discussion the area development manager (outer) answered questions about the use of the storage racks and confirmed that environmental protection considered that there were no noise implications from this application. In reply to a member's question, the area development manager (outer) said that a height limit for stacking the top rack would be difficult to enforce as the stock would be regularly moved. It was not reasonable to add a condition on times that the racking system could be used because the premises was already operational.

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

RESOLVED, unanimously, to approve application no. 17/01338/F - Marwood Group Ltd, Diamond Road, Norwich, NR6 6AW and grant planning permission subject to the following conditions:

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

7. Application no 18/00835/F - 4 Nasmith Road, Norwich, NR4 7BJ

The planner presented the report with plans and slides. There had been two objections regarding general concern about houses in multiple-occupation (HMO). It was not clear what the previous use had been but the applicant intended to rent it out as a family dwelling.

During discussion members considered that the proposals would improve the house and noted their preference for the house to be used for family use rather than as an HMO. A member suggested that the bathroom on the ground floor between the reception rooms could indicate the potential use of the house as an HMO for student rent.

RESOLVED, unanimously, to approve application no. 18/00835/F - 4 Nasmith Road Norwich NR4 7BJ and grant planning permission subject to the following conditions:

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

8. Application no 18/00796/VC - 7 Dowding Road, Norwich, NR6 6DD

The planner presented the report with plans and slides, and referred to the supplementary report of updates to reports which was circulated at the meeting and contained revised wording for paragraphs 16 and 25 of the main report to reflect the changes to the National Planning Policy Framework and revised plans to reflect revised plans and correct a typing error.

RESOLVED, unanimously, to approve application no. 18/00796/VC - 7 Dowding Road, Norwich, NR6 6DD and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Provision of bin and cycle storage
4. Development to meet Part G of Building Regulations
5. Provision of SUDS for new dwelling
6. Materials to match main dwelling
7. In accordance with AIA
8. Pre-commencement tree site visit
9. Details of boundary treatments and landscaping including biodiversity enhancing measures
10. Removal of PD rights for extensions and hard surfacing

(The committee then adjourned at 11:05 and reconvened at 11:45 with all members listed above as present.)

9. Enforcement Case 18/00003/ENF – Land at Holt Road, Norwich

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

The senior planner gave a detailed presentation of the report with the aid of plans and slides.

The occupier of the site addressed the committee. The site was unauthorised for residential use but he had tried to make a planning application to change the use. He was registered for council tax and had a postal address at the site. He explained his personal circumstances for wanting to live on the site with only his wife and family, in preference to other options. He then referred to the issues raised by the case officer and said that:

- the hard standing had always been on the site;
- replacing the fencing was not a problem, it could be lowered or a hedge could be planted (though the fence was required for the family's horses, goats and dogs);
- there was noise from the airport but it was about quality of life and there were problems with rats at Swanton Road, the Roundwell site was adjacent to a busy road, the Bedfordshire site was adjacent to train tracks and at Ipswich the travellers' site was under electricity power cables.
- it was important to access the site from the road – whether it was used for employment or residential there would need to be access to the site, pointing out that Trott's had similar access further down Holt Road.

During discussion the senior planner and the area development manager (outer) referred to the report and answered members' questions. The site was not on council owned land. The occupier said that he owned the site but ownership of the site was not a material planning consideration. Registration of land for council tax purposes and setting up a postal address were separate processes from the land registry and were not material planning matters. The senior planner then explained

the options that were available to members in seeking enforcement as set out in the report. Members noted the council's obligation to provide suitable sites for Gypsies and Travellers and were advised that the additional provision of pitches at the Swanton Road travellers' site had been delayed due to a legal dispute but were expected to be available in around 12 months' time. There could be a mechanism for reporting back to members if there was no alternative provision available for the family in 18 months' time, when the enforcement notice would need to be complied with.

The senior planner then answered members' question about the number of complaints about the residential use of the land and concerns about the suitability of the site and the issues of noise from the airport and access, including confirmation that the children were home schooled. A complaint had been received from the owner of the site to the south who objected in principle to its change of use to a traveller site. Members were advised that access from the rear to the site was not easily available and that highway access improvements were likely to be difficult to secure in contrast to the recent planning approval for the commercial property further down the road. The site currently lacks a water supply and sewerage facilities.

The chair moved and the Councillor Button seconded the recommendations in the report.

Discussion ensued in which several members said that they considered that the wrong approach was being recommended. Whilst some members considered that the noise from the airport would be incompatible with raising children others noted that people lived in the flight path of Heathrow airport. A member said that the site was designated for employment and airport expansion and was not suitable for residential use because of its proximity to the airport. He agreed that if houses were not suitable for the site it was not suitable for the family to live here. Other members considered that the site suited the family and measures could be taken to improve the site to make it more acceptable. Commercial development along the Holt Road could mean that a pavement was introduced in the future and lower speed limits could be introduced to improve highway safety.

The senior planner suggested that there were a number of viable options; the committee could approve the recommendation to take enforcement action which would come into effect in 18 months' time; take no action for 12 months and review the situation again subject to the occupier looking at alternative land availability in the meantime; and, to under-enforce the breaches of planning use by requiring the occupier to take certain measures such as improving the boundary treatment; provision of a form of sanitation; restriction of commercial activity taking place on the site; and improvements to the access to highways standards. The area development manager (outer) also said that he suggested that if under-enforcement was used the occupier would be served a notice allowing the family to continue living on the site but restricting residential use to the small area at the front of the site and retaining the rest for grazing. The planting of a hedge would be an improvement to the visual amenity of the site from the road. Highways would be consulted on improving access to the site.

The chair then suggested withdrawing the motion to approve the recommendations as set out in the report and defer further consideration of this item for further information on under-enforcement. They were advised by the area development

manager (outer) that it would be helpful if members could firstly vote on the original recommendation as this would give officers a steer regarding the preferred route of under-enforcement. (Councillor Ryan had left the meeting at this point.) On being put to the vote the committee unanimously rejected the recommendation to take enforcement action requiring the use of the land to cease with compliance in 18 months.

The chair then moved and Councillor Button seconded that further consideration of this item should be deferred until the next meeting to enable officers to consider measures of under-enforcement and report the case back to a future meeting with recommendations on what measures should be requested whilst allowing the occupiers to remain on the land.

RESOLVED, unanimously, to defer consideration of Enforcement Case 18/00003/ENF – Land at Holt Road, Norwich, for further information on measures which could be requested as part of the favoured approach of under-enforcement.

CHAIR