



**Planning applications committee**

**10:20 to 12:40**

**12 July 2018**

Present: Councillors Driver (chair), Maxwell (vice chair), Brociek-Coulton, Malik, Peek, Raby, Sands (M), Stutely, Trevor and Wright

Apologies: Councillors Bradford, Henderson and Ryan

**1. Declarations of interest**

Councillor Driver, as chair of Norwich in Bloom, and Councillor Brociek-Coulton, as secretary of Norwich in Bloom, declared pecuniary interests in item 4 (below), Application no 18/00672/VC - Notcutts Garden Centre, Daniels Road, Norwich, NR4 6QP, because the owner of the site was a major sponsor of Norwich in Bloom. They left the room during consideration of this item and did not participate in the determination of the application.

Councillor Peek declared a pre-determined view in item 5 (below) Application no 17/02024/F - Bowthorpe Road Methodist Church, Bowthorpe Road, Norwich, NR5 8AB, because in his capacity as Wensum ward councillor he would speak as member of the public and then leave the room during the committee's debate and determination on the application.

Councillor Malik asked that it be recorded that as a ward councillor for Nelson ward he had discussed the Application no 18/00168/F - Site North of 2 Wellington Road, Norwich ( item 6 below) with constituents but did not have a predetermined view.

**2. Minutes**

**RESOLVED** to approve the accuracy of the minutes of the meeting held on 14 June 2018.

**3. Application no 18/00004/F - 161 Oak Street, Norwich, NR3 3AY**

The senior planner (development) presented the report with the aid of plans and slides. During the presentation she referred to the supplementary report of updates to reports which was circulated at the meeting and contained a summary of a further representation in support of the application from a business located in the Great Hall and, following further comment from the applicant, changes to the proposed conditions 13, 18 and condition 31 (not condition 27 as stated in the supplementary report) relating to the construction method statement,

At the chair's discretion the planning agent and a representative on behalf of the applicant addressed the committee to provide an explanation of the specific

circumstances of this application relating to the viability assessment and that the owner of the site was prepared to develop the site as a “legacy to the city”. The proposal included family houses and affordable housing units, and was a unique opportunity to regenerate this area of the city, adjacent to a conservation area.

During discussion the senior planner and the area development manager (inner) referred to the report and answered members’ questions. This included clarification on the developers’ contributions. The S106 would secure the two affordable housing units. Members were also advised that this was a one-off development by an owner who had already invested a lot of money to ensure the development as a legacy for the city. The development would be liable to a community infrastructure levy which could not be used to provide affordable housing.

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

Discussion ensued in which members commented on their disappointment that the level of affordable housing that could be provided on this site was only 5 per cent. A member commented on the design and welcomed the “zig-zag” roof of the elevation beside the river which reflected the site’s industrial heritage. Some members welcomed the proposed scheme which would bring forward a vacant brownfield site for development, provide family housing with car parking spaces, and open up the riverside walk.

Councillor Malik expressed concern that he considered that the issues raised by Historic England had not been adequately addressed. He was also concerned about the small percentage of affordable housing that would be provided through the proposed development of this site.

**RESOLVED**, with 9 members voting in favour (Councillors Driver, Maxwell, Wright, Brociek-Coulton, Trevor, Sands, Raby, Stutely and Peek) and 1 member voting against (Councillor Malik) to approve application no. 18/00004/F - 161 Oak Street Norwich NR3 3AY, and grant planning permission subject to the completion of a satisfactory legal agreement to include provision of affordable housing and subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Details of:
  - (a) Bricks, roofs, zinc cladding, render, steps;
  - (b) Doors and windows (including depth of reveal, details of heads, sills, lintels and glazing);
  - (c) external flues, mechanical ventilation, soil/vent pipes and their exit to the open air;
  - (d) eaves and verges;
  - (e) rainwater goods (to be cast iron or aluminium);
  - (f) balustrades and associated fixings;
4. Sample panel of the facing brickwork (showing colour, texture, facebond and pointing);
5. HA1 Access for recording (to allow for a full photographic survey of the remains of the historic Maltings to be carried out);

6. Removal or permitted development rights for boundary treatments, outbuilding and extensions;
7. Landscaping details including soft landscaping, hard landscaping, boundary treatments, implementation programme and management details.
8. Heritage interpretation.
9. Archaeology – development to take place in accordance with WSI. No occupation until the site investigation and post investigation assessment has been completed in accordance with the details set out within the WSI.
10. Archaeology – stop works if unidentified features revealed.
11. Works to be carried out in accordance with the Ecological method statement
12. Small mammal access.
13. Site clearance to take place outside the main nesting seasons for birds in accordance with the proposed ecological method.
14. Biodiversity mitigation programme to be agreed (including details of bird and bat boxes).
15. Details of glazing to townhouses (to minimise light).
16. Contamination.
17. Unknown contamination.
18. Piling shall take place in accordance with a piling method statement to be agreed.
19. Imported materials.
20. External lighting.
21. Slab level details.
22. Renewable energy details.
23. Water efficiency.
24. Development to be undertaken in accordance with approved Flood Risk Assessment. Mitigation measure shall be fully implemented prior to occupation.
25. No development shall take place until detailed design of a surface water drainage scheme has been agreed. The approved scheme shall be implemented prior to first occupation.
26. Finished floor levels to be a set no lower than 5.40 metres above Ordnance Datum (AOD).
27. Details of car parking (including electric charging points), cycle storage, bin storage and collection points.
28. No occupation until the vehicular and pedestrian accesses have been constructed and made available for use..
29. Riverside walk to be open 24/7.
30. Car parking management to be carried out in accordance with the car parking management strategy.
31. Construction method statement should be implemented in accordance with the approved details.
32. In accordance with AIA, TPP and AM.

#### Informatives

1. Car free housing.
2. Construction working hours.
3. Site clearance and wildlife.
4. Planning obligations.
5. Street naming and numbering.
6. An environmental permit for flood risk activities may be required if any works will be in, under, over or within 8 metres from the River Wensum.

7. Conditions 3(b) requires details of the windows. This should include details of glazing to show how this accords with the mitigation measures set out within the noise impact assessment.

#### 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.

#### 4. **Application no 18/00672/VC - Notcutts Garden Centre, Daniels Road, Norwich, NR4 6QP**

(Councillors Driver and Brociek-Coulton having declared an interest in this application left the meeting at this point. Councillor Maxwell, vice chair, was in the chair for this item.)

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

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

**RESOLVED**, unanimously, to approve application no. 18/00672/VC - Notcutts Garden Centre, Daniels Road, Norwich, NR4 6QP and grant planning permission subject to the following conditions:

1. Restate existing use condition 1 A) to F) as existing, with G) varied as proposed:  
'Within the area hatched blue on drawing. No. GNR005.41.1406 rev C for the sale of plants, goods and equipment related to the main uses of the site as a garden centre, and/or the sale of convenience food products, and for use as an upholsterers, including retail sales area and associated workshop'.
2. Hand tools only, unless details of plant and machinery first agreed in writing with the Local Planning Authority.

#### Article 31(1)(cc) 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 recommended approval of the application subject to appropriate conditions and for the reasons outlined in the officer report above.

(Councillors Driver and Brociek-Coulton were readmitted to the meeting. Councillor Driver resumed the chair.)

**5. Application 17/02024/F - Bowthorpe Road Methodist Church, Bowthorpe Road, Norwich, NR5 8AB**

(Councillor Peek, having declared a predetermined view, addressed the committee as a member of the public and then left the meeting. He did not take part in the determination of the application.)

The area manager development (outer) presented the report with the aid of plans and slides. During the presentation he referred to the supplementary report of updates to reports which was circulated at the meeting and contained a further letter of representation from the resident of 302 Bowthorpe Road and the officer response.

The neighbour of the house to the rear of the site addressed the committee and outlined his frustration that the error in building the church closer to the boundary of his house persisted resulting in overshadowing of the garden and house. The proposal did not rectify this breach in planning consent as it did not lower the roof. He said that he considered that the planning officers and developers were not giving sufficient consideration to his concerns about the impact. (A slide viewed from the resident's conservatory and a plan demonstrating the impact on the resident's house from the over shadowing from the church building was displayed during his speech.) Councillor Peek, Wensum ward councillor, addressed the committee and referred to the history of the application. The new church building had been built closer to the boundary of 10 Old School Close and construction had continued despite the error being identified and that this would have an impact on the neighbouring property. The proposal did not amend the design to reduce the height of the building or amend the roof type to mitigate this error. He considered that the constructors had disregarded building consent by installing the wrong external lighting on the site.

The agent addressed the committee in response to the comments made. He explained that the site location plan had been correct but that there was an error in one of the other drawings and as a consequence the church was now closer to the boundary. The daylight assessment had been carried out accurately with the use of lasers to scan the surrounding buildings and demonstrated that the building resulted in a negligible loss of daylight to the adjacent properties. Consideration had been made to installing a hipped roof but this would not result in a noticeable effect to the neighbouring properties in relation to BRE guidelines on overshadowing. He confirmed that the correct car parking lighting would be installed; that the fencing damaged in construction could be replaced and that a higher fence could be installed to address concerns about overlooking from the additional window. He explained that consideration could be given to soft landscaping or fencing the car park at the front of the building, but its current open plan served the congregation well and deterred anti-social behaviour.

During questions from members, the area development manager (inner) and the planner, referred to the report and answered questions. They confirmed that there would be a significant impact on the property to the north of the site, reducing the level of daylight from 98 per cent to 54 per cent, which was still within the BRE guidelines. The planner said that the slide taken from the neighbour's conservatory was dated 26 November and had been taken prior to his visit to the site. The developers could have been served with a temporary stop notice but this would not have mitigated the harm because the roof had already been put on the building. Members noted that the design of the building was as approved but that due to the

error in the drawing it had been built only 4.5 metres from the boundary of the property to the north of the site. A member commented that the church had not taken into consideration the impact that this mistake had on its neighbour. Members considered that a hipped roof or lowering the height of the building could mitigate the loss of light to the neighbouring property and noted that although it was a finely balanced case, the current proposal retained a building which overshadowed and was overbearing to the property to the north.

The area development manager (inner) explained the options available to members if the application was refused and the practicality of ensuring that enforcement action was carried out within a reasonable timescale.

Councillor Sands moved and Councillor Maxwell seconded that the application be refused on the grounds that its proximity to the property to the north of the site caused overshadowing and was overbearing creating a negative impact on the neighbour's amenity; and to authorise enforcement action to amend the roof space to make alterations to the approved plan to replace the roof with a hipped roof, and that the alterations were to be undertaken within 3 months of the issue of the notice.

**RESOLVED**, unanimously, to:

- (1) refuse application no 17/02024/F - Bowthorpe Road Methodist Church, Bowthorpe Road, Norwich, NR5 8AB, because of the impact of its proximity to the property to the north of the site causing a detrimental impact on the amenity due to overbearing and overshadowing, and to ask the head of planning services to provide the reasons for refusal in planning policy terms;

(Reasons for refusal as subsequently provided by the head of planning services,

1. The proposed development would result in an unacceptable impact on the amenity of the neighbouring property to the north of the site at 10 Old School Close by way of loss of light and overshadowing of primary living spaces. Consequently, the proposal fails to meet the requirements set out in Policy DM2 of the Development Management Policies Local Plan 2014 and paragraphs 9 and 17 of the NPPF. It is not considered that the harm to the amenity of the neighbouring property is outweighed by the benefits of the proposal.
  2. The development as constructed by virtue of its scale and proximity to the northern boundary results in an overbearing relationship which has an unacceptable impact on the outlook of 10 Old School Close. Consequently, the proposal fails to meet the requirements set out in Policy DM2 of the Development Management Policies Local Plan 2014 and paragraphs 9 and 17 of the NPPF. It is not considered that the harm to the amenity of the neighbouring property is outweighed by the benefits of the proposal.)
- (2) authorise the head of planning services to seek enforcement action to rectify the unauthorised breaches to the planning consent as follows:

- (a) removing the external lights in the car park and installing the lighting that had been approved;
- (b) replacing the pitched roof with a hipped roof;
- (c) install a fence to mitigate the concerns about overlooking from the new window

(Councillor Peek was readmitted to the meeting at this point.)

## **6. Application no 18/00168/F - Site North of 2 Wellington Road, Norwich**

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

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

**RESOLVED**, with 9 members voting in favour (Councillors Driver, Maxwell, Wright, Brociek-Coulton, Trevor, Sands, Malik, Stutely and Peek) and 1 member voting against (Councillor Raby because of his concerns about the impact that the extension would have by overshadowing the adjacent garden) to approve application no. 18/00168/F - Site North of 2 Wellington Road Norwich and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Materials;
4. Bin and bike stores;
5. Landscaping including biodiversity enhancements;
6. In accordance with AIA;
7. Mitigatory tree planting;
8. Removal of PD rights;
9. SUDS;
10. Water efficiency;
11. Bird nesting season.

### Informative

1. Parking permits.
2. Protected species.
3. Considerate construction.
4. Works to the highway.
5. Bins.
6. Addressing.

## **7. Application no 18/00574/F - 62 Eaton Road, Norwich, NR4 6PR**

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

Councillor Lubbock, Eaton ward councillor, spoke on behalf of the immediate neighbours and outlined their objections to the proposed extension, which included concern that the extension would block light to their study and stairwell and that the

use of cedar cladding was an inappropriate material for Eaton Road. She referred to a house further down Eaton Road which had Red Cedar cladding and showed a slide to demonstrate how it looked in the streetscene. If the development was to go ahead the applicant would require access from the neighbouring property which the neighbour had stated would not be forthcoming.

The planner referred to the report and answered questions. She confirmed that similar cladding had been used for an extension further down the street and that there was a mixture of houses in the vicinity. She also answered questions about the proximity to the boundary and confirmed that the extension would be in line with the existing garage and 30 to 40 cm from the boundary of the property.

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

Councillor Sands commented that the view from the neighbour's study would be that of a blank wall. Councillors Brociek-Coulton and Wright concurred with his concern that the proposed extension's proximity to the boundary and scale of development were considered to be unacceptable.

**RESOLVED** with 7 members voting in favour (Councillors Driver, Maxwell, Trevor, Raby, Malik, Stutely and Peek) and 3 members voting against (Councillors Sands, Brociek-Coulton and Wright) to approve application no. 18/00574/F - 62 Eaton Road, Norwich, NR4 6PR and grant planning permission subject to the following conditions:

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

#### **8. Application no 18/00713/F - 144 North Park Avenue, Norwich, NR4 7EQ**

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

During discussion the planner referred to the report and answered members' questions. He explained that the proposed extension was 0.6 metres outside the threshold for permitted development without requiring planning permission. In reply to a member's question, members were advised that covenants preventing the removal of the back wall were a civil matter and outside the remit of the committee. Members were also advised that the applicant had commenced work prior to planning permission being granted but did so at their own risk and would be liable to rectify the works at their own cost. A member commented that if the house was to be let to students there was a limited time to carry out the works before the next term. Members also sought confirmation that the dwelling would remain as a small house in multiple occupation (HMO) and that this application did not alter the room layout for the rest of this 3 bedroom house with one communal bathroom.

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

Councillor Stutely said that although he was not generally in favour of HMOs in ex-local authority houses, he considered that this extension was acceptable and that

there was potential to for this house to be converted back to a family house in the future.

**RESOLVED**, unanimously, to approve application no. 18/00713/F - 144 North Park Avenue Norwich NR4 7EQ and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Limit on number of occupants and property to remain in C3/C4 use.

## **9. Enforcement Case 17/00068/ENF – 1 Magdalen Street**

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

During discussion the area development manager (inner), together with the assistant conservation and design officer, referred to the report and answered members' questions. There was an approved list of colours for paintwork on listed buildings or in conservation areas, dependent on the age of the building and character of the area. There was no dispute that the paint work had been well executed but that the dark colours chosen by the owner were considered to be unsuitable for this nineteenth century shop front and would have a detrimental effect on the listed building and surrounding buildings in the conservation area.

During discussion Councillor Malik said that he considered that the appearance of no 1 Magdalen Street was acceptable and that as the building was in good repair, he questioned the need for enforcement action in this instance. Other members concurred with this view. The chair expressed concern that unless enforcement action was taken it could lead to a precedent and undermine the ability for the council to protect the characteristics of listed buildings and conservation areas. He therefore supported the officer recommendation.

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

**RESOLVED** with 7 members voting in favour (Councillors Driver, Maxwell, Wright, Brociek-Coulton, Raby, Stutely and Peek) and 3 members voting against (Councillors Malik, Sands and Trevor) to authorise enforcement action against the repainting of the front elevation of the listed building, and to require the perpetrator to:

1. return the property to its former state; or
2. repaint the front elevation of the Building in accordance with the scheme approved via Listed Building Consent reference 17/01635/L.

**10. Performance of the development management service; progress on appeals against planning decisions and planning enforcement action for quarters 3-4 2017-18 and quarter 1 2018-19 (October 2017-June 2018)**

The area development manager (outer) presented the report, and together with the area development manager (inner), answered members' questions. This included an explanation for the delay in processing enforcement notices due to staffing resources which would be reviewed, and an explanation that there was no limit to the number of times an applicant whose application was dismissed at appeal could submit a new planning application.

During discussion members also asked questions about the outcome of specific enforcement cases where notice had been given. The area development manager (inner) advised members that the residential use of the basement at 17-19 Castle Meadow had ceased but the owners had failed to restore access to the basement from the rest of the building or remove the kitchen and bathroom from the basement by the 6 July deadline for compliance with the enforcement notice. Members were also advised that the appeal against the enforcement notice for 1A Midland Street had been withdrawn.

**RESOLVED** to note the report.

CHAIR