



Planning applications committee

09:30 to 13:50

11 January 2018

Present: Councillors Driver (chair), Maxwell (vice chair)(to end of item 5 below), Bradford, Button, Carlo, Henderson, Jackson, Malik, Peek, Sands (M) (to end of item 4 below), Woollard and Wright

1. Declarations of interest

Councillor Maxwell declared a pecuniary interest in item 6 (below), Application no 16/01936/F - 15 St Margarets Street, Norwich, NR2 4TU because she lived adjacent to the proposed development. She also declared a predetermined view in item 7 (below), Tree Preservation Order [TPO], 2017. City of Norwich Number 530; Petrol Filling Station, Plumstead Road, Norwich, NR1 4JT, because in her capacity as ward councillor for Crome ward she had spoken about it to residents and neighbours.

Councillor Button declared a predetermined view in item 3 (below), Application no 17/01762/F - Freed Man PH, 112 St Mildreds Road, Norwich, NR5 8RS, because in her capacity as ward councillor for Bowthorpe ward, she had worked with local residents who had made representations as part of the planning consultation.

Councillor Jackson declared a predetermined view in item 5 (below), Application no 16/01950/O - St Mary's Works, Duke Street, Norwich, NR3 1QA, as ward councillor for Mancroft ward, had submitted representations to the scheme and spoken about the proposal with local residents and neighbours.

Councillor Wright declared a predetermined view in item 5 (below), Application no 16/01950/O - St Mary's Works, Duke Street, Norwich, NR3 1QA, because he had discussed the proposal with local residents/businesses before becoming a member of this committee.

Councillor Bradford, ward councillor for Crome Ward, explained for clarification that he did not have a predetermined item in item 7 (below), Tree Preservation Order [TPO], 2017. City of Norwich Number 530; Petrol Filling Station, Plumstead Road, Norwich, NR1 4JT.

2. Minutes

RESOLVED to agree the accuracy of the minutes of the meeting held on 14 December 2017.

3. Application 17/01762/F - Freed Man PH, 112 St Mildreds Road, Norwich, NR5 8RS

(Councillor Button having declared an interest in this item left the meeting at this point and did not take part in the determination of the application.)

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, and recommended an informative relating to the site layout taking into Anglian Water's assets in the vicinity and advising members that an additional letter of representation had been received from the Friends of West Earlham Woods highlighting the need to ensure that the trees at the rear of the site were protected.

Discussion ensued in which the area development manager (inner) referred to the report and answered members' questions regarding the design, density of the site, access and proposals to protect the trees. In reply to a question, the area development manager (inner) explained that the arboricultural officer had visited the site and considered that the trees to the rear of the property did not merit a tree protection order, either individually or as a group. Preservation of the trees could be achieved by condition. There was soft landscaping on the site and the hard standing was at the rear and front of the property. The decking was to provide an outside amenity space for the future residents. A green roof was not part of the proposed design and requiring one would have implications on the design. There was an opportunity to increase biodiversity through the landscaping condition.

Councillor Sands, as local member for Bowthorpe Ward, said that he was concerned that there was no parking provision associated with this application. Students did bring cars with them to university and would park on the highway, as would their visitors. This would exacerbate existing pressure on parking spaces and would be detrimental to highway safety, particularly near the blind bend at St Audreys Road. The area development manager (inner) referred to the section on Transport as set out in paragraphs 64 to 68 of the report. The reasons for the refusal of the previous application were on grounds unrelated to transport. The transport implications for this application were considered acceptable and the location sustainable and appropriate for student accommodation.

The chair moved and the vice chair seconded the recommendations as set out in the report and the informative as set out in the supplementary report. Discussion ensued.

Councillor Jackson said that he would be voting against the recommendations because of his concern about the over intense development of the site; concern about the effectiveness of the communal room which he considered should be further back from the boundary to allow natural light in; and concern about the lack of parking which could lead to neighbourhood disputes and that the site was not on a direct public transport link.

In response to a member's question regarding controlled parking, the transportation planner said that the student accommodation would be considered as a business and therefore the tenants would not be eligible for resident parking permits

During discussion members commented on the scheme. There was agreement that members preferred this development to the conversion of family homes for student accommodation. Members were advised that the travel plan would stipulate that there was no provision for cars on the site. Members considered whether this was practical with Councillor Sands cautioning that there was a real problem in the area from student parking from blocked driveways and that the travel plan was advisory and could not be enforced. He considered that this overdevelopment of the site would exacerbate this and that students should be required to sign a declaration that they would not bring cars to university.

Speaking in favour of the application, the chair pointed out that the former public house had been vacant for several years and that it was in a sustainable location for student accommodation. Councillor Wright said that he supported the chair's view that on balance the benefits of the scheme outweighed the negatives and that he was satisfied with the officer's response about the controlled parking zone.

RESOLVED with 9 members voting in favour (Councillors Driver, Maxwell, Carlo, Herries, Wright, Malik, Peek, Woollard and Bradford) and 2 members voting against (Jackson and Sands) to approve application no. 17/01762/F - 112 St Mildreds Road, Norwich, NR5 8RS and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Materials to be agreed;
4. Landscaping including bird & bat boxes;
5. Details of cycle storage & refuse storage;
6. Submission of travel plan;
7. Detailed design for dropped kerbs in the highway;
8. Two street trees;
9. Surface water drainage scheme;
10. External lighting scheme;
11. Further bat survey prior to works commencing;
12. Sound insulation of plant and machinery;
13. Side facing windows to be obscure glazed;
14. Water efficiency.

Informative:

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers' cost under Section 185 of the Water Industry Act 1991, or in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

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

4. Application 17/01602/F - 81 Rose Lane, Norwich, NR1 1DJ

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

(As the application was before the committee because of wider concerns, the applicant had been invited to speak at the committee but had declined the invitation.)

The area development manager (inner) referred to the report and answered members' questions. He pointed out where there was some existing soft landscaping on the site but said that increasing the provision could reduce the outside play space. Members were advised that though there were sites that could be considered as preferable, the committee needed to make a decision based on the application before it which was operating as a school at this location under prior approval. Members sought further information about the operation of the travel plan and provision for dropping off nursery pupils at the school.

The chair moved and the vice chair seconded the recommendations as set out in the report. During discussion members commented on the appropriateness of the location for a school at the corner of Rose Lane and Prince of Wales Road and the practicality of dropping off and collecting pupils and moving children to outdoor space. Councillor Sands said that he considered that the educational trust should consider expanding at its other sites rather than increasing the number of pupils at this site where there was insufficient outdoor play provision. Several other members said that they considered that the former office block was an unsuitable location for a school. A member expressed concern about air pollution from busy traffic affecting young children. A member commented that there was a school in Great Yarmouth of a similar size and town centre location which operated successfully with the same number of pupils as proposed in this application. The chair withdrew his motion to approve the application.

Councillor Sands moved and Councillor Carlo seconded that the application be refused on the following grounds: that capacity of the school would be doubled and was overintense use of this site with lack of play space, poor air quality and concerns about the transport plan. The area development manager advised members that the National Planning Policy Framework guidance was supportive of this kind of development and cautioned members that it was likely that the application would be lost at appeal as it met the government's criteria. He also pointed out that if the application were refused then members would need to consider enforcement action for the cessation of the current use. Councillor Malik referred to several policies in the Joint Core Strategy and Local Plan (JCS2, 6, 7 and 9, DM 2, 3, 22, and 30) and said that these demonstrated the unsuitableness of this location. In reply to a members' question Councillor Sands said that the free school in Surrey Street was single form intake and in a different location. He was opposed to the expansion at this site because it would be detrimental to the health and physical development of the pupils. Members discussed the pupil numbers and having checked with the applicant, were advised that the current number of pupils in the school was 107 primary school pupils and 67 pupils in the nursery. Members commented that the current pupils were happy at the school and that its closure would cause disruption to the 174 pupils. However, other members expressed concern about increasing the capacity by a further 50 percent and the impact that this would have on the pupils. On being put to the vote to refuse the application for the grounds minuted above and

associated enforcement action, the motion was lost on the chair's casting vote, with 6 members voting in favour of refusal (Councillors Sands, Carlo, Henderson, Malik, Peek and Woollard) and 6 members voting against (Councillors Driver, Maxwell, Button, Jackson, Wright and Bradford).

The chair then moved the recommendations in the report, seconded by the vice chair and it was:

RESOLVED, on the chair's casting vote, with 6 members voting in favour (Councillors Driver, Maxwell, Button, Jackson, Wright and Bradford) and 6 members voting against (Councillors Sands, Carlo, Henderson, Malik, Peek and Woollard) to approve application no. 17/01602/F - 81 Rose Lane Norwich NR1 1DJ and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Colour of windows;
4. Noise management plan for the use of the play area;
5. Cycle and refuse details.

(The committee adjourned for a short break. Councillor Sands left the meeting at this point.)

5. Application no 16/01950/O - St Mary's Works, Duke Street, Norwich, NR3 1QA

(Councillors Jackson and Wright have declared an interest in this item stepped down from the committee, spoke as members of the public and then left the room. They did not take part in the determination of the application.)

The senior planner presented the report with the aid of plans and slides, which included a digital image video of the proposed development. She advised members that Councillor Jackson had asked for clarification regarding paragraph 12 of the report, and read out the following statement on his behalf:

"The sentence about me withdrawing my original objection is ambiguous. I objected to the original scheme based on it being severe overdevelopment of the site. A slightly less intense form of development was then proposed in revised plans. Despite still being concerned about the scale of development, I withdrew my objection on that ground because I was keen to ensure that the development would be able to provide the appropriate level of affordable housing."

(During the presentation it was necessary to pause the proceedings because Councillor Maxwell needed to leave the room for a moment and the officers and members remained silent until she was readmitted to the meeting.)

The senior planner referred to the supplementary report of updates to reports which was circulated at the meeting which contained summaries of a further letter of support and an objection about the assessment of affordable housing, and the officer's response. She also explained that the community infrastructure levy (CIL)

for this development had been reviewed and the estimated figure was now £997,792. She advised members of an additional two planning conditions if members were minded to approve the application.

The resident of one of the two listed buildings referred to in the report, addressed the committee with the aid of plans and expressed his concern about the impact of blocks F2 and K9 on his property. He considered that these blocks were too dominant for the historic nature of the area. The objector who had raised the issues relating to affordable housing, as summarised in the supplementary report, addressed the committee. He said that he welcomed the scheme to regenerate the city which would benefit the built environment. However, he was concerned about the low level of affordable housing which he considered was contrary to the local policy.

Councillor Jackson, councillor for Mancroft Ward, said that he had attended the developer's "Beauty in My Backyard" consultation event and regretted he could not support this application to regenerate the site as he was concerned about the viability assessment for affordable housing, which he considered could not be set at outline planning stage and that the proposed level was contrary to the Joint Core Strategy (JCS4). Councillor Jackson also referred to the council's affordable housing supplementary planning document and considered that at this stage a S106 agreement should be signed requiring 33 per cent affordable housing given the outline nature of the proposal. He also expressed concern that the report did not provide sufficient information about the viability assessment. Residents were concerned about the impact on car parking in the area.

Councillor Wright said that he was not opposed to development on this site but that he considered block K to be too overbearing. He pointed out that as custodians of the city, members should take a long term view of development in the city centre. He considered that the development should be redesigned.

A tenant of St Martin's Church addressed the committee in support of the application and said that she worked for a small arts association working with young people. She welcomed the proposed scheme which would have a positive impact on the existing vacant site where there was currently antisocial behaviour. The development would enhance business relationships, provide the facility of a social club and maintain the churchyards.

The applicant addressed the committee and spoke in support of the application. The development required £80 million investment and would create jobs in the knowledge based economy, with 250 businesses on a waiting list for good quality development on a brownfield site in the heart of the city. Members would have an opportunity to review the affordable housing at the reserved matters stage and on completion but it was important to give a reasonable return to the investors. He pointed out that as well as the affordable housing contribution, CIL (community infrastructure levy) was estimated at approximately £1 million and there was a commitment to enhance the churchyards. The development of this site would act as a catalyst for other investment in the city such as Anglia Square.

The senior planner referred to the report and responded to the issues raised by the speakers. She also referred to policy JCS4 and the council's affordable housing supplementary planning document and said that the delivery of affordable housing

was a core planning objective which the council was committed to deliver where it could and where it was viable to do so. The proposal to reduce the level of affordable housing was based on the independent viability assessment and compliant with the policy. Members would have an opportunity to review the affordable housing element at the reserved matters stage. The final level would be considered when the development was part way through construction.

(Councillors Jackson and Wright left the meeting at this point.)

Discussion ensued in which the senior planner together with the area development manager (inner) and the conservation and design officer, referred to the report and answered members' questions. Members were advised that 25 parking spaces had been identified for the commercial use, which included the hotel and office space. Parking for residential parking was not a policy requirement at this location. In reply to a question the area development manager (inner) explained that affordable housing was defined in the NPPF and that it was offered to people on the council's waiting list identified as being in housing need. The conservation and design officer confirmed that she had met with Historic England on site and discussed the proposals. Members were also advised that the development plan policy promoted mixed development, including three bedroom dwellings, on this site. Members also sought clarification on access to the site and the assessment of affordable housing. The senior planner said that whilst she did not consider the level of affordable housing from this development would reach the target level of 33 per cent, the cost schedules for the development would be assessed and reviewed at reserved matters stage and property values would be assessed and reviewed following the occupation of a proportion of the dwellings in phase 1 and the affordable housing contribution varied if necessary. However, by setting the level of affordable housing at this stage meant that it could not fall below the level set. The site was a complex brownfield site which included the retention of the façade of the shoe factory, addressing drainage issues, protecting the historic buildings and had been assessed independently by the District Valuer. The development would be subject to a development management plan. In reply to a members' question that office space was unnecessary given its proximity to St Crispin's, members were advised that this was poor quality and unsuitable for modern requirements. The area development manager (inner) explained the need to agree the S106 obligation at this stage and cautioned against refusal to defer consideration of affordable housing to reserved matters because members would need to make a realistic decision based on the viability assessment. Members were also advised that CIL was a mandatory contribution from the developer and could not be committed to affordable housing. The area development manager (inner) explained that a profit margin of £11 million was reasonable. The margins had been reduced.

The chair moved the recommendations set out in the report seconded by the vice chair. Discussion ensued. The chair spoke in support of the application which he considered could become of historic interest in the future and that the creation of jobs outweighed any concerns about the level of affordable housing. He asked the developers to consider using local trades for the construction. Other members also spoke in favour of the proposal which would regenerate the site, create jobs and good quality housing and attract further investment.

Councillor Malik said that he considered that four affordable housing units for a development of this size was "obscene". Councillor Carlo said that the gap in

provision of affordable housing would not be achieved and that the committee should make a stand to ensure that provision was policy compliant with JCS4. Councillor Henderson concurred with the concerns about the affordable housing viability assessment and expressed concern about the need to provide more housing in the city.

RESOLVED with 6 members voting in favour (Councillors Driver, Maxwell, Button, Peek, Woollard and Bradford) and 3 members voting against (Councillors Carlo, Henderson and Malik) to approve application no. 16/01950/O - St Mary's Works Duke Street Norwich and grant planning permission subject to S106 Obligation securing matter set out in para 139 of this report and the following conditions:

1. Standard time limit Outline;
2. Details (Outline) - Reserve matters to include landscaping (including biodiversity strategy, external lighting), appearance (in accordance with Design Code), internal layout of development (to include measures to control noise/air quality).
3. Details highway works - including waiting restriction review (St Mary's Plain)
4. Details (Blocks A and B) external materials, architectural detailing, new windows and doors etc- (details and samples), external vents, rainwater goods.
5. Phasing plan.
6. Construction management plan including Air Quality and Dust Management Plan
7. Demolition plan - including Details of all temporary works necessary to ensure the structural stability of the retained sections/elevations of St Mary's Works (former shoe factory)
8. Temporary boundary enclosure of St Martin church yard
9. Tree protection measures
10. Archaeology (WSI)
11. Full contamination condition
12. Infiltration of surface water drainage into the ground requirement for express written consent
13. Piling or any other foundation designs using penetrative methods requirement for express written consent
14. Unknown contamination
15. Imported soil
16. Fire Hydrant provision
17. Assessable and Adaptable dwelling standards
18. Water efficiency (residential and commercial)
19. Sustainable urban drainage system details - as required by the lead local flood authority
20. Flood finished floor level of development
21. Flooding - proofing, warning, evacuation
22. Travel plan - non- residential uses
23. Parking control/management
24. Provision of electric vehicle charging points
25. Provision of bin and cycle stores
26. Access controls
27. Flexible use of retail floor space
28. Limitation: no single retail unit to exceed 200sqm
29. Withdraw permitted development rights for office – to residential conversion.

- 30. Control of extraction/vents and plant;
- 31. Hours restriction for retail/café uses – 07:00 to 23:30.

Informatives

- 1. No parking permits.
- 2. Community infrastructure levy.
- 3. Street naming and numbering contacts.
- 4. The innovative use of mechanically stacked car parking is acceptable. However, should this system be rendered unusable for any reason the council is under no obligation to facilitate provision of alternative parking provision.

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.

(The committee adjourned for a short break. Councillor Maxwell left the meeting at this point having declared a predetermined view in two of the remaining items. Councillors Jackson and Wright were readmitted to the meeting.)

6. Application no 16/01936/F - 15 St Margarets Street, Norwich, NR2 4TU

(Councillor Maxwell having declared a predetermined view had left the meeting and was not present for this item.)

The senior planner presented the report with the aid of plans and slides. She referred to the supplementary report of updates to reports and pointed out that references in paragraphs 2 and 44 to the numbers for the flats at 37 St Benedicts Street should read nos 1 to 8 as opposed to 2 to 4a. The revised plans addressed the issues raised in objection to the scheme and the proposal was considered to be acceptable. A member also pointed out an error in paragraph 55 and it was clarified that the proposal was for three dwellings, each with two bedrooms.

During discussion, the senior planner referred to the report and answered members' questions. In reply to a member's question about the status of the informative regarding noise from the Norwich Art Centre, the senior planner said that environmental protection officers had made a noise assessment and that measures had been put in place for future occupation of the dwellings, which should be adhered to by residents. Members also sought further information about the access to this constrained site, noting that secondary access was not required.

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

Discussion ensued in which a member pointed out the importance of the construction management plan for this constrained site surrounded by other buildings. Councillor Jackson said that he objected to the proposal because despite the changes the proposed development would have a considerable impact on its immediate neighbours and would be detrimental to the conservation area, changing the status of Queen of Hungary Yard and impacting on the garden at no 49.

RESOLVED with 10 members voting in favour (Councillors Driver, Button, Henderson, Wright, Malik, Peek, Woollard and Bradford) and 2 members voting against (Councillors Carlo and Jackson) to approve application no. 16/01936/F - 15 St Margarets Street Norwich NR2 4TU, and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Construction Management Plan;
4. Utilities - routing plans;
5. Scheme for the protection of existing structures: graffiti wall, boundary wall; with the Hines, outrigger to 47 St Benedicts;
6. Archaeology;
7. Tree protection;
8. Submission/approval of all external materials – including windows (all aluminium powder coated windows; rainwater goods, vents etc);
9. Additional details - design and material of all gates; constructions details material junctions; hard landscaping;
10. Permitted Development restriction - changes to external facades;
11. Obscure glazing where shown;
12. External lighting to be approved;
13. Provision of noise mitigation measures
14. Provision of Drainage Strategy
15. Provision of cycle and refuse facilities
16. Water efficiency measures

Informatives:

1. This development will not be entitled to on-street parking permits
2. Noise - as advised by environmental protection officer

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.

7. Tree Preservation Order [TPO], 2017. City of Norwich Number 530; Petrol Filling Station, Plumstead Road, Norwich, NR1 4JT

(Councillor Maxwell having declared a predetermined view had left the meeting and was not present for this item.)

(The plans and appendices for this report were set out on the supplementary agenda which had been circulated to members in advance of the meeting.)

The arboricultural officer presented the report with the aid of plans and slides.

A representative of the Valley Side Road Residents' Association addressed the committee and summarised their concerns about the trees which included: concerns that these were the wrong type of trees for the location; that the leaves and debris from the trees created a hazard on the pavements, with one serious casualty reported; that the leaves blocked drains and that leaf fall affected the efficiency of a soakaway installed by Anglian Water in the 1980s; that there were fewer crows nesting in the trees than in the past, and that the Silver Birch had caused damage to a bungalow. Another resident from Lloyd Road addressed the committee to advise them of an incident where a tractor and trailer had got caught in a branch and caused a gridlock and concern that low branches from the trees would cause lorries to block the road, preventing access for emergency vehicles for several hours.

The arboricultural officer responded to the issues raised and said that a TPO would not prevent the owner of the petrol station maintaining the trees in a safe manner. Members were advised that the branches could be pruned to ensure that there was a satisfactory height for vehicles to pass.

Councillor Bradford, Crome Ward councillor, said that the Valley Side Road was steep and leaves congregated in the angles of the pavement. He considered that members could have benefited from a site visit.

The chair moved and Councillor Button seconded the recommendations in the report. A member pointed out that he had checked alternative routes and that there was an access via Hilary Avenue. Councillor Bradford said that opposite the trees was a hazardous corner. In reply to a question from the chair, the arboricultural officer said that the city council would arrange to clear the leaves. Members of the public could contact the council through its website:

<https://www.norwich.gov.uk/reportastreetissue> .

RESOLVED with 8 members voting in favour (Councillors Button, Carlo, Henderson, Jackson, Wright, Malik, Peek and Woollard) and 2 members against (Councillors Driver and Bradford) to confirm Tree Preservation Order [TPO], 2017. City of Norwich Number 530; Petrol Filling Station, Plumstead Rd, NR1 4JT, without modifications.

8. Application no 17/01558/F - Land East of 14 Dowding Road, Norwich

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

During discussion the planner together with the area development manager (outer) referred to the report and answered members' questions. They explained that the roads around the site acted as a shared space. The green verge which had been negotiated as part of the application would be protected from any form of development by condition 10 (removal of permitted development rights)

RESOLVED, unanimously, to approve application no. 17/01558/F - Land East of 14 Dowding Road, Norwich and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Materials:
4. Energy and water efficiency;
5. Bin and bike stores;
6. In accordance with arboricultural impact assessment/arboricultural method statement/tree protection plan;
7. Landscaping including boundary treatments and biodiversity enhancing measures;
8. Sustainable drainage system;
9. Provision of parking prior to occupation;
10. Removal of permitted development rights.

9. Performance of the Development Management Service: Progress on Appeals Against Planning Decisions; and, Planning Enforcement Action for Quarters 1-4 2016-17 and Quarters 1-2 2017-18 (April 2015 to September 2017)

The area development manager (outer) presented the report and answered members' questions on individual cases. Members were advised that there was an appeal process against enforcement action. The committee also noted that if an applicant was successful at a planning appeal costs might be awarded against the council. However, in rare cases the council could be awarded costs such as in the case of Sweet Briar Retail Park where the application had been refused because of lack of an arboricultural impact assessment (AIA). At appeal the applicant produced an assessment and although the appeal was allowed, the council was awarded costs.

Members were also referred to appendix 1 of the report and advised that the applicant had withdrawn the appeals in respect of Franchise House, 56 Surrey Street.

RESOLVED to note the report.

CHAIR