

Planning applications committee**9:30 to 12.10****10 December 2020**

Present: Councillors Driver (chair), Maxwell (vice chair), Bogelein, Button, Lubbock, Neale, Oliver (substitute for Councillor Huntley), Peek, Sands (M), Sarmezey and Stutely

Apologies: Councillors Huntley and Ryan

1. Declarations of interest

Councillor Lubbock declared an other interest and predetermined view in item 3 (below), Application nos 20/01291/F and 20/01295/L – Strangers Club 22-24 Elm Hill Norwich NR3 1HG, as a director and trustee of the Norwich Preservation Trust. She would speak on the item and then leave the meeting, taking no part in the determination of the applications.

Councillor Peek declared a pre-determined view in item 5 (below), Application no 20/01232/F - Vikings Venture Scout Hut, Adjacent to 420 Dereham Road, Norwich, NR5 8QQ, as he had objected to the proposal and would be speaking on behalf of residents in his capacity as the local member for Wensum ward, and then leave the meeting, taking no part in the determination of the application.

2. Minutes

RESOLVED to approve the accuracy of the minutes of the meeting held on 12 November 2020, subject to the following amendment to item 3, Application nos 20/00808/F – Norwich School Refectory, The Close, Norwich, NR1 4DD, and 20/00809/L – Precinct Wall, Palace Street, Norwich, paragraph 6, second sentence, to the insertion of an explanation for the member's question regarding the Norwich Society's interests, in that the applicant's agent, Lanpro, is listed, as one of its supporters on the society's website.

3. Application nos 20/01291/F & 20/01295/L – Strangers Club 22-24 Elm Hill, Norwich, NR3 1HG

(Councillor Lubbock had declared a predetermined view in this item.)

The area development manager (inner) presented the report with the aid of plans and slides. He also referred to the supplementary report of updates to reports, which had been circulated before the meeting and available on the council's website and said that a further condition to the proposed listed building consent was recommended relating to the external appearance of the extract grill.

Councillor Lubbock addressed the committee in her capacity as a trustee and director of the Norwich Preservation Trust. She said that the trust was pleased to support the current application, subject to conditions. The trust was investing in the adjacent property at nos 26-30 Elm Hill. The trust considered that the grease on the wall was a fire-risk and that it was vital that it was addressed as soon as possible. The decommission and removal of the existing extractor system should also be expedited. The trust was, therefore, asking for the removal of the flue and the repair of the hole in the wall, with a fire proofed material, within 6 weeks and only when this was completed could the new west facing flue be installed.

The applicant addressed the committee and confirmed that the Strangers Club accepted the conditions recommended by the officers. It would not be possible to conform with the 6 week timeframe proposed by the trust as the scheme would need building regulation approval and consent from the landlord, as well as contracting out to a contractor. The existing extractor system was not illegal, having been fitted before 1968, and it would be unreasonable not to use the kitchen until the new system had been installed. The hole in the wall was a former window and would be repaired and boarded with stainless steel to prevent fire. The grease on the wall was not related to the current system. The sooner the new system was in place any potential fire risk would be reduced from the installation of the stainless steel board.

(Councillor Lubbock left the meeting at this point.)

The area development manager (inner) responded to the issues raised by the speakers. He pointed out that Norwich Preservation Trust's condition was not reasonable and that a planning condition could not require one party to carry out works to another party's property. The damage to the neighbouring property was a private matter between the parties. However, in this instance, the council was the landlord of both properties and therefore could influence the timescale for carrying out any remedial works in this capacity. The threat of fire was exaggerated; the officer noted that the fire officer had not objected to the previous proposal. It was also important that the sequence of events in terms of the installation of the flue that was the subject of these applications and the removal of the unauthorised flue allowed current use of the Grade II* listed Strangers Club to continue and the sequence of events proposed by the trust was unreasonable as the kitchen would be out of use. The recommended conditions as set out in the report and supplementary report, had been agreed by the conservation officer.

During discussion the area development manager (inner) referred to the reports and answered members' questions. He explained the issue of planning consent was not the end of the process. The applicant would require building control approval, landlord consent and to tender for contractors. The timescale for a discharge of conditions application was 8 weeks. Members were advised not to add a timeframe for the completion of the sequence of events imposed by the conditions. The proposed condition 4, proposed completion of the repair to the hole within 3 months of the installation of the new system would suffice. It was noted that the applicant

was keen to proceed with implementing the proposed scheme as soon as possible. The Norwich Preservation Trust proposed to take on the lease of 22-26 Elm Hill from the council and invest in it as a building at risk. All parties had an interest in the resolution of the repair and it was considered that this could be achieved in the first quarter of 2021, without resorting to enforcement action, which could result in an appeal and ultimately take longer to resolve. It was also noted that refusal of these applications would not be in the best interest of both listed buildings. A refusal and subsequent appeal could take 6 to 8 months for an outcome to be obtained. Members were informed that during further investigation, the hole in the wall, where the existing extractor system was, had formerly been a window. The officers also confirmed that there were no residences that would be affected by the new flue and that a carbon filter was incorporated into the extractor system.

The chair moved and the vice chair seconded the recommendations as set out in the report, with the additional condition summarised in the supplementary report.

Discussion ensued in which members commented that the applicant had revised the scheme within short timeframe and resolved the issues members had raised. Members noted that the remedial works to the wall would be pursued by negotiation and asked that an update on progress was reported to the April meeting of the committee.

RESOLVED, unanimously, to:

- (1) approve application no. 20/01291/F – Strangers Club 22-24 Elm Hill Norwich NR3 1HG and grant planning permission subject to the following conditions:
 1. Standard time limit;
 2. In accordance with plans.
- (2) approve application no. 20/01295/L – Strangers Club 22-24 Elm Hill Norwich NR3 1HG and grant listed building consent subject to the following conditions:
 1. Standard time limit;
 2. In accordance with plans;
 3. Repairs schedule to be submitted;
 4. Timing of works to require removal of existing extract system and making good the hole within 3 months of completion of the new system.
 5. Any damage made good;
 6. Repairs to match adjacent work;
 7. Works to stop if any historical features uncovered;
 8. Demolition/dismantling to be carried out by hand.
 9. Prior to the commencement of relevant works, full details of the external appearance of the extract grill shall be submitted to and approved by the council as local planning authority. Such details shall include details of materials, colour and projection. The works shall be carried out in accordance with the details as agreed.
- (3) ask the area development manager (inner) to report back to the April committee meeting on the progress of the remedial works to the wall.

(Councillor Lubbock was admitted to the meeting at this point.)

4. Application no 20/00422/F - Thorpe Motor Company, 32 - 36 Harvey Lane, Thorpe St Andrew, Norwich, NR7 0DH

The planner presented the report with the aid of plans and slides. She also referred to the supplementary report of updates to reports, circulated in advance of the meeting and available on the council's website, confirming that Broadland District Council's planning committee had approved the application, subject to conditions and a S106 agreement for off-site provision, which was a material planning consideration for this committee.

During discussion the planner, together with the area development manager (inner) referred to the report and answered members' questions. The S106 was required by the Broadland District Council's policies for formal recreation facilities and green infrastructure. Members were also interested in the procedural arrangements for a piece of land that crossed district council boundaries. If this committee refused consent, then the part of the development within the city council's boundary, proposed for vehicle access and bin and bike stores, would not have permission. Broadland District Council was waiting for the city council to determine the application before it could proceed with issuing the determination notice and draft the S106 agreement.

RESOLVED, unanimously, to approve application no. 20/00422/F - Thorpe Motor Company 32 - 36 Harvey Lane Thorpe St Andrew Norwich NR7 0DH and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Landscaping scheme
4. Implementation of landscaping scheme
5. Archaeological work to be agreed
6. Highway access
7. Visibility splays
8. Provision of parking
9. Highway improvements offsite
10. Highway improvements offsite – implementation
11. Contaminated land investigation
12. Implementation of remediation
13. Contaminated land during construction.

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

5. Application no 20/01232/F - Vikings Venture Scout Hut, Adjacent to 420 Dereham Road, Norwich, NR5 8QQ

(Councillor Peek had declared a predetermined view in this item.)

The area development manager (inner) presented the report with the aid of plans and slides. He also referred to the supplementary report of updates to reports which contained a summary of the letter and other documents that had been sent to

members of the committee by a resident who objected to the application, the officer response and a full copy of the planning inspector's appeal decision.

Councillor Peek addressed the committee as a ward councillor for Wensum ward and on behalf of the residents of Dell Crescent. He said that he would not read out the letter from the resident in Dell Crescent as it was summarised in the updates report and members had each received a copy. He then outlined the objections to the proposed scheme which included concern about traffic flow in the Dell Crescent which was a cul-de-sac, with parking along one side of the road, and concerns about access and that the proposal would exacerbate current problems of parking, which was worse at night. He also referred to the unstable ground conditions on this site and that the council had dealt with the subsidence in 1990, making it unsuitable for development. He called on the committee to refuse this application.

(Councillor Peek left the meeting at this point.)

The area development manager (inner) referred to the report and answered members' questions and explained that in making a decision on this application members needed to be mindful of the planning history of the site. This was similar to the application that the committee had refused in 2014 but which had been allowed at appeal. The inspector had looked at the two main issues for refusal: land stability and traffic flow. The officer view was that there had been no change in circumstances since the inspector's decision in 2016. The ground stability report conducted in 2007 was still relevant and the site was unchanged. It was an infilled chalk pit that would require specific construction methods, and potentially, there were tunnels to the edge of the site. The site could be developed. Members were referred to the planning inspector's appeal decision, attached to the supplementary report of updates reports, which provided the inspector's conclusion on the reasons for refusal, including land stability and traffic flow. The inspector had concluded that Dell Crescent was very short and therefore traffic speeds would be low and unlikely to cause highways issues. There were no highways grounds for refusal. Officers advised that, in their view, the highway conditions had not changed.

During discussion a member suggested that the developers should ensure that local councillors and residents were kept informed during the construction and that this would provide reassurance during the piling. This had been required as part of the community hospital scheme in his ward.¹ The area development manager (inner) agreed that this could be incorporated into the condition relating to the construction method statement requiring the developer to keep residents and local councillors informed of the stages of the construction, particularly to provide reassurance about the timing and extent of the piling. In reply to a member's question, the area manager development (inner) explained that there were two safeguards in place to ensure the safety of the ground conditions: the construction method statement and building regulations. The applicant would be in breach of conditions if the agreed construction method statement was not adhered to. Members were also advised that a structural engineer had certified the 2007 ground stability report, and that the construction methods would follow best practice and minimise the risk of vibration and transmission to neighbouring properties. Members were also advised that a

¹ The committee agreed a condition for a communications strategy following the representation from a ward councillor (planning applications committee 14 February 2019). (Agreed amendment to minutes, planning applications committee, 14 January 2021.)

satisfactory ground water survey had been carried out as part of the site investigation survey.

In reply to members' questions, the area development manager (inner) advised members that the committee needed to determine the application before them. The applicant did not own the land in front of the flats. In response to a question about access from Dell Crescent, he advised that there was a steep drop which would mean that ramps would be required.

During further questions the area development manager confirmed that the requirement for there to be a lift depended on the number of storeys in the flats and was a matter for the building regulations. There was accessible access to the ground floor flats. In reply to a member's question relating to parking and an increase in car ownership, the area development manager referred to the report and the planning inspector's report and said that the proposal complied with the council's policy and had good sustainable transport links. The impact of parking on residential amenity would be a new reason for refusal that had not been raised in relation to the previous planning application. A member suggested that the proposal was overdevelopment of the site. The area development manager pointed out that this was the same scheme as the one overturned at appeal by the planning inspector and over-development should not be considered as a reason for refusal.

The chair and vice chair moved the recommendations as set out in the report, with the addition to condition 9 relating to the construction method statement and community liaison. Discussion ensued in which some members commented on the constraints of voting on this application given the planning inspector's appeal decision notice. Members were advised that the appeal decision was a material consideration to this planning application.

The chair said that he was minded to refuse this application on highways grounds. He considered that there could be access to this site from Dereham Road because of the new roundabout and road layout scheme that had been implemented. The area development manager (inner) pointed out that there needed to be consistency in the reasons for refusal and whilst there had been changes to Dereham Road, the proposed access from Dell Crescent was not unsafe. Access from Dereham Road was not part of this proposal. Other members disagreed with the planning inspector's report. A member suggested that the proposed scheme only provided 8 parking spaces which was inadequate for the number of new dwellings and would exacerbate problems of on-street parking in Dell Crescent. The number of on-street parking spaces would also be reduced by two by the provision of the access. The planning inspector had not inspected the site at night when there were more cars parked and the issues had not been addressed in the decision notice. A member suggested that the appeal decision had been wrong "on all counts". Dell Crescent was only 4.3 m wide and refuse vehicles would need to reverse in or out of it. The site was on unstable ground and had previously supported a wooden scout hut. He suggested that the developer sold the land for a nominal sum for a community project. Other members agreed with this suggestion.

The area development manager (inner) advised members of the reasons that the planning inspector had considered when overturning the planning appeal and pointed out that reasons for refusal needed to be evidenced and defensible. In reply to a member's comment, the area development manager (inner) said that 8 cars on

the proposed site had been considered by the planning inspector at the appeal hearing. The member said that it would not just be 8 cars as new residents would have visitors or other cars, increasing the number of cars parked in Dell Crescent, and there was a safety issue in that it made access more difficult for emergency and refuse vehicles. The area development manager referred members to paragraph 12 of the planning inspector's appeal decision where they addressed highway safety and made the observation that emergency vehicles could pass. A member referred to climate change and increased rain fall in the last few years and considered that this should be grounds for refusal as there had been an increase in voids and sink holes. In reply to a member's question whether parking could be a defensible reason, and taking up a point made earlier by another member, the area development manager explained that, where the committee had refused HMOs, there were highway safety reasons which was not the case with this application. He advised against refusing this application. It had been to appeal and he did not agree that there had been any changes to land stability or highways safety, or other reasons, that were defensible. He considered that the increase in on-street parking and consequent loss of residential amenity as a result was a weak reason for refusal and that the situation had not changed materially in the last 4 years.

On moving to the vote, with 1 member voting in favour (Councillor Lubbock), 6 members voting against (Councillors Driver, Maxwell, Oliver, Sands, Sarmezey and Stutely), and 3 members abstaining from voting (Councillors Bogelein, Button and Neale), the motion to approve application no. 20/01232/F was lost and the planning application was not determined.

Councillor Stutely moved and Councillor Sands seconded that the application should be refused on the grounds of increased pressure on parking and loss of residential amenity and highway safety. Councillor Stutely considered that parking issues in Dell Crescent provided sufficient grounds for refusal and pointed out that the planning inspector had not carried out his site inspection in the evening when there were more vehicles parked and the amenity and safety issues were exacerbated. A proposal to add a side note to the refusal was advised against by the area development manager.

Councillors Bogelein and Neale explained that they would be abstaining from voting because the reasons given for refusal were not material planning considerations.

RESOLVED with 7 members voting in favour (Councillors Driver, Maxwell, Button, Oliver, Sands, Sarmezey and Stutely), 1 against (Councillor Lubbock) and 2 members abstaining from voting (Councillors Bogelein and Neale) to refuse application no. 20/01232/F - Vikings Venture Scout Hut Adjacent To 420 Dereham Road Norwich NR5 8QQ on the grounds of increased parking, loss of amenity to residents and associated highways safety, and to ask the area development manager (inner) to provide the reasons in planning policy terms.

(Reasons for refusal as subsequently provided by the area development manager (inner):

The proposed development of 8 new dwellings with creation of a new vehicular access via Dell Crescent with on-site car parking spaces limited to 8 spaces will lead to increased pressure on on-street car parking along Dell crescent which together with increased vehicular movements in this area will

result in a consequent adverse impact on residential amenity and road safety contrary to Policy JCS2 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2011, as amended 2014, Policies DM2 and DM30 of the adopted Development Management Policies Local Plan 2014 and paragraphs 8, 108 and 110 of the National Planning Policy Framework (2019).)

CHAIR