



PLANNING APPLICATIONS COMMITTEE

9.30am to 1.25pm

6 February 2014

Present: Councillors Bradford (chair), Gayton (vice chair), Ackroyd, Blunt, Brociek-Coulton, Button, Grahame, Henderson (substitute for Councillor Neale), Jackson, Little, Sands (S) and Storie

Apologies: Councillor Neale

1. DECLARATION OF INTERESTS

There were no declarations of interest.

2. MINUTES

RESOLVED to approve the minutes of the meeting held on 9 January 2014.

3. APPLICATION NO 13/01928/F LAND AND BUILDINGS REAR OF AND INCLUDING 293 - 293A AYLSHAM ROAD, NORWICH

The senior planner (development) circulated the supplementary report of updates to reports and said that the council had received a number of late objections since the agenda had been published and that these were set out in the supplementary report of updates to applications which was circulated at the meeting.

(The meeting was adjourned to enable the committee members to read the supplementary report of updates to applications. The meeting was then reconvened.)

The senior planner (development) presented the report with the aid of plans and slides, and referred to the supplementary report of updates to applications. Members were asked to note the recommended changes to the recommendations as set out in the supplementary report, with a further additional recommendation (v) to delegate to the head of planning services, in consultation with the chair and vice-chair, to determine the opening and servicing hours of the store, following consultation with environmental health services.

A local resident addressed the committee and outlined his objections to the proposed store which included: concern that there would be increased traffic on Aylsham Road which he considered would exacerbate problems on the road specifically at the junctions with Woodcock Road and Mile Cross Road; the lack of a pedestrian crossing; and that the notices for the application had not been displayed.

The representative of a local trader and owner of two properties in the area said that the proposal to move the car park barrier closer to the road had overcome his objection that its location would disturb his tenants. He stated that supported condition 7 and considered that the operating hours and delivery hours should not be extended. He requested that the committee considered imposing a condition on the permission to restrict Morrison's from having an in-store bakery because it would affect his family business.

The agent spoke on behalf of the applicant and said that that 85% of local residents surveyed had approved of the scheme which would improve the street scene and increase the focus on the district centre. The store would compete with a national supermarket chain which overtraded by 25% over its benchmark. The store would increase footfall to the Aylsham Road shops and 21 of the shops, including the bakery, had signed support for the increased parking spaces provided on the stores car park. The district centre would become more vibrant and benefit the independent retailers and Lidl's.

The senior planner referred to the report and responded to the issues raised by the speakers. He confirmed that the statutory site notices had been displayed. He advised members that in planning terms it would be unreasonable to condition that the store did not have an in-store bakery. Members were also advised that the applicant's request for increased opening and delivery hours and accompanying additional noise survey / statement had not been received in time to allow consideration by environmental health colleagues in advance of the meeting, and as it had not been considered in the supplementary report of updates to applications; the senior planner suggested that a resolution could allow the head of planning services and head of citywide services to agree if an extension to those proposed in the conditions would be acceptable. The senior planner also referred to the extensive correspondence of the past week between the applicant and Environment Agency regarding contamination treatment at the site and confirmed that the new development would need to be responsible for treating contamination as part of its own scheme rather than relying on the work undertaken as required by previous permissions at the site.

The committee considered that the opening and servicing hours should be as set out in condition 7 of the main report. Members also noted that the applicant could apply for a variation of this condition which would allow due consideration by the public.

Discussion ensued in which the senior planner, together with the planning development manager, answered member's questions in relation to the following issues: highways and traffic implications, landscaping, the position of the car park barrier, car parking, deliveries and the service area. Members were also advised that the wider proposed redevelopment site known as allocation R23 in the un-adopted emerging local plan was earmarked for mixed use development and that this application would not compromise the future development of 100 dwellings on the north part of the aforementioned pending allocation, and would allow for pedestrian flow across the site. The senior planner explained the proposed junction designs into and exiting the site. Members expressed concern about pedestrian safety and convenience crossing the site entrance to the store and considered it necessary to require a new condition to be used for the southern access into the site to be built with both the pedestrian refuge as shown and a new raised table crossing continuation of the pavement. Members also considered that a condition should be added to ensure that when the north part of the site was developed there should be

no obstructions to cycle and pedestrian access from Woodcock Road, which the senior planner confirmed should be possible given that the adjoining car park servicing the office was also within the applicant's / application site owner's control. The committee noted that if the Environment Agency provided adverse comments regarding contamination on the site then conditions 13, 14 and 15 would be brought back to the committee for consideration, as proposed in the updates to committee report.

RESOLVED, with 10 members voting in favour (Councillors Bradford, Gayton, Ackroyd, Button, Brociek-Coulton, Blunt, Little, Sands, Storie and Henderson) and 2 members abstaining (Councillors Grahame and Jackson) to approve Application No. 13/01928/F: Land and buildings rear of and including 293-293A Aylsham Road, Norwich, and grant planning permission, subject to:

- (1) the completion of a satisfactory S106 agreement by 25 February 2014, to include the provision of contributions to street tree provision and maintenance and (subject to Resolution (4) below, the use of a Travel Plan performance bond to the value of £75,000), and
- (2) the following conditions:
 1. Development to commence within 3 years;
 2. Development to be in accordance with the approved plans and documents;

Operations of the store

3. The development shall provide a maximum of 2,117sq.m. net retail floorspace, of which no more than 423sq.m. / 20% floorspace shall be used for comparison goods sales, whichever is the greater;
4. There shall be no future subdivision of the retail store into smaller units;
5. There shall be no mezzanine floorspace added to the store, even through the usual permitted development allowance of 200sq.m;
6. There shall be no use of the comparison goods floorspace separately from that of the main retailer or as a separate unit / via a separate entrance;
7. Opening hours restriction of 0700 – 2300 hours Monday – Friday, and 0900 – 1800 Saturday, and 1000 – 1700 Sundays and Public Holidays, and outside of those times there should be no trolley manoeuvring or other servicing in the general car park;
8. No servicing and reversing alarms to be used on delivery and servicing vehicles, and details of reverse warning system to be agreed by the LPA prior to first use;
9. All engines to be switched off in delivery / servicing vehicles and auxiliary motors (e.g. on fridges) when vehicles are stationary;
10. Loading and servicing to only take place in the designated delivery yard accessed from the northern access route only, and all deliveries and loading to take place directly into the delivery bay collection area, unless otherwise agreed in writing by the LPA;
11. No deliveries to the store (with the exception of daily newspapers), nor refuse disposal from the store to take place outside the hours of 0700-2000 Monday – Saturday, and 1000-1700 hours on Sundays / Bank Holidays.
12. Upon first use of the store, the Travel Plan to be implemented and carried forward.

Prior to commencement of development

13. In relation to the decontamination of groundwater, subject to there being no objections being received from the Environment Agency, a scheme for contamination investigation, remediation scheme, and verification plan to be agreed, with investigations to continue consequent to that;
14. In relation to the decontamination of groundwater, subject to there being no objections being received from the Environment Agency, a scheme for contamination monitoring and maintenance details to be agreed;
15. In relation to the decontamination of groundwater, subject to there being no objections being received from the Environment Agency, a condition will be used for ensuring precautionary contamination measures will be in place for use in the event of discovering unknown contamination on site;
16. Landscape plan and planting and irrigation details to be agreed and provided. Landscape plans shall include a revised position of the car park entrance barrier being brought towards the entrance to adjoin the first of the parking spaces shown on the layout plan;
17. Landscape management details to be agreed;
18. Biodiversity and ecology enhancement measures to be agreed and provided, based on the recommendations of the submitted ecological proposals;
19. Details of materials and substation materials to be agreed;
20. Details of solar panels to be agreed;
21. Boundary treatments to be agreed;
22. A scheme for fire hydrants to be agreed;

Prior to first use of the site

23. Contamination remediation verification details to be submitted and agreed;
24. Submit and agree a revision to on-street parking controls (including more double-yellow lining to prevent on-street parking causing congestion) and relocation of the existing bus stop, and provide thereafter;
25. Agree details of an enhancement to the safety of the existing pedestrian refuge crossing south of the site, and provide thereafter;
26. Agree details of the southern access into the site to be built with both the pedestrian refuge and a new raised table crossing continuation of the pavement, and provide thereafter;
27. (a) Agree details of providing an access route from Aylsham Road to the north of the site to serve pedestrians and cyclists arising from the proposed allocation site R23 mixed use development, (b) such land as may be needed shall be reserved thereafter and not used for new development unless any amendment thereto is first agreed in writing with the Local Planning Authority;
28. Notwithstanding the details shown on submitted plans, the development needs to provide the two new access details in accordance with new detailed access plans to be agreed, and make the associated application for street works and highway control to Highways;
29. CCTV positions, detail, appearance and their field of view to be agreed and installed;
30. External lighting scheme to be agreed and installed, including being wildlife-friendly and compatible with neighbouring residential amenity;
31. Employee cycle store design and security lighting to be agreed and installed;
32. Visitor / shopper cycle rack designs to be agreed and installed;
33. The type and location and noise characteristics of any plant and machinery to be agreed prior to installation and use of the premises;

34. No extract, ventilation or flue equipment to be installed without prior agreement of the machinery, acoustic performance and location of such units, and noise minimisation details to be agreed.
35. Car park management plan to be agreed and implemented thereafter, to include a minimum 3 hours free car parking for the public available irrespective of shoppers' patronage.
36. Agree a servicing and refuse management plan.
37. Travel plan to be commenced and operated upon first use of the development.

Informative Notes

1. Soakaway and sustainable drainage system advice;
2. General security advice from the police re: car parking, building fabric, glazing, lighting and bollard / access gate designs;

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. Following negotiations with the applicant and subsequent amendments, including extensive discussions, negotiations and amendments at the pre-application stage, the application has been approved subject to appropriate conditions, fulfilment of the Section 106 legal agreement, and for the reasons outlined in the planning applications committee report.

- (3) where a satisfactory S106 agreement is not completed prior to 25 February 2014, that delegated authority be given to the Head of Planning Services to refuse planning permission for Application No. 13/01928/F: Land and buildings rear of and including 193-193A Aylsham Road, Norwich, for the following reason:

In the absence of a legal agreement or undertaking relating to the provision of street trees and a travel plan bond arrangement (if necessary subject to resolution (4) below), the proposal is unable to provide the necessary street trees to replace those lost as part of the development and to form part of the streetscape landscaping required to make the scheme acceptable and as such is contrary to saved policies NE4, NE9, (TRA12) and HOU6 of the adopted City of Norwich Replacement Local Plan (November 2004) and policies 4 and 11 of the adopted Joint Core Strategy (March 2011).

- (4) to authorise the head of planning to resolve the issue of the travel plan performance bond referred to in paragraph 1.31 of the supplementary report of updates to applications by either the inclusion in a Section 106 agreement or via an additional planning condition, following further discussions with Norfolk County Council.

4. APPLICATION NO 12/01598/VC WENTWORTH GARDENS, (SITE OF FORMER CIVIL SERVICE SPORTS GROUND, WENTWORTH GREEN)

The senior planner (development) presented the report with the aid of plans and slides, and referred to the supplementary report of updates to applications which was circulated at the meeting and contained a change to the recommendations in the main report, including the recommended authority be granted for use of planning enforcement proceedings. Members were advised that the supplementary report

also considered a variation to the conditions to the planning permission approved in principle by the committee in February 2013 but had not been issued.

A resident of Wentworth Gardens, who was also a resident's representative on the management board, said that the residents would be liable for the cost of the tree maintenance. The revised S106 agreement should retain the developer's obligations to pay for the trees. The planning development manager said that this was a valid point and suggested that the committee received a further report on the management of the tree belt and other financial arrangements previously required by the S106 agreement so that the developer fulfilled its obligations.

Councillor Lubbock, Eaton ward, spoke about the complex nature of the site and that the management company was expected to look after the maintenance of the site on the residents' behalf and therefore residents would be affected by the proposals to vary the conditions. She expressed concern that the residents had not been informed and that the developer had not fulfilled its obligations in regard to drainage and the provision of play equipment.

Councillor Wright, Eaton ward, raised concerns on behalf of a resident about highway safety on Wentworth Green due to restricted visibility because of the fence on the corner of Turnberry Road, being particularly hazardous to children walking to school and exacerbated by parked cars. There was also concern that the developer was being "let off the hook" from their responsibilities.

Discussion ensued in which the senior planner, principal transportation planner and the planning development manager referred to the reports and answered members' questions. The senior planner confirmed that he had hand-delivered letters to all new homes when the application was originally validated in late 2012 but some residents may have arrived since then. Members were advised that the council's intention was that the new roads would be adopted. The Highways Agency could not adopt the roads because the drainage system took surface water and until the government addressed this situation the roads would not be adopted. The principal transportation planner also stated that the visibility at the Turnberry Road junction was more than adequate without the fence.

RESOLVED, unanimously, to approve application no 12/01598/VC: Wentworth Gardens, site of former Civil Service Sports Ground, Wentworth Green, Norwich, and its subsequent changes to the anticipated Section 106 Agreement, and grant planning permission, subject to:

- (1) the conditions outlined in the committee approval of 14 February 2013 and an additional condition as follows:

"There shall be no occupation of the final dwelling to be occupied within the development until appropriate signage has been installed to the cross-site pedestrian and cycle route in accordance with details of signage location and design, to be first submitted to and agreed in writing by the Local Planning Authority, and shall be retained as such thereafter."

- (2) request the head of planning services to report on the impact of the completion of a satisfactory S106 agreement to vary the terms of the

original planning permission 07/01018/F as required for variation of conditions application 12/01598/VC including the obligations set out in the committee approval of 14 February 2013, with amendments to highways works and drainage maintenance sums as set out in the report of 6 February 2014, for the reasons given in the planning applications committee approval of 14 February 2013, and subject to further consideration at a future committee meeting;

- (3) authorise officers to proceed with issuing a planning enforcement notice if (a) alterations are not made to bring the fences erected to the west and east of the Turnberry Junction into permitted development, or (b) planning permission is refused if an application(s) is made for the fences to be retained in its existing position and form.

5. APPLICATION NO 13/01964/F LAND ADJACENT TO 25 - 27 QUEBEC ROAD, NORWICH

The planner (development) presented the report with the aid of plans and slides. The applicant had submitted a sun path analysis which was displayed to the committee showing the sun's path at various times of the day in April, June and September. There had been a number of late representations and a summary of these and the officer response were set out in the supplementary report of updates to reports. Members were advised that there had been concerns about ground stability but this site had not been identified as such.

A resident of Primrose Road addressed the committee and said that he had submitted one of the late representations summarised in the supplementary report. A copy of a plan attached to his representation was displayed at the meeting. He outlined his objections to the application and said that there had not been a site notice. He pointed out that the site was on a plateau and higher than the surrounding houses and asked the committee to undertake a site visit.

In reply to a question from the chair the resident said that another resident had not been able to stay for the item but that he considered that all of his points had been covered.

A resident whose partner had submitted a late representation said that they were concerned that the new properties would overlook into their child's bedroom and that the development would change the quality of their life, with light and noise being a problem. She outlined her objections to the proposal and pointed out the difference in height of her garden and the development site and her concerns that the concrete support wall at the end of her garden would not be structurally sound to withstand the construction of the development. The site was not viable for development and was out of character of the surrounding properties.

The applicant spoke in support of the development and said that it was a secluded site of 1.25 acres. There had been two houses on the site in the early twentieth century, in the same configuration as the proposed development. The site was in a sustainable location and would provide two dwellings which contributed to the gap in the five year land supply. The applicants had worked with the planners to minimise the impact of the development on the surrounding properties.

The planner referred to the report and addressed the issues raised by the speakers. He said that he did not consider that overlooking was an issue. The council did not have a statutory duty to place site notices as the location of the development site was not in a conservation area and did not affect either of the two adjacent conservation areas. Neighbours to the site had been notified by letter.

The chair proposed and seconded by the vice-chair, that the item be deferred to enable the committee to undertake a site visit for further information. One member suggested that the quality of the slides was sufficient to determine the application.

RESOLVED, with 11 members voting in favour (Councillors Bradford, Gayton, Ackroyd, Blunt, Brociek-Coulton, Button, Grahame, Henderson, Jackson, Sands (S) and Storie) and 1 member voting against a site visit (Councillor Little) to defer consideration of application no 13/01964/F Land adjacent to 25 - 27 Quebec Road, Norwich, to enable the committee to undertake a site visit on 6 March 2014 at 9am and to consider the application at the committee meeting later that day.

6. APPLICATION NO 13/02009/F 514 EARLHAM ROAD, NORWICH, NR4 7HR

The planner (development) presented the report with the aid of plans and slides. She said that the revised plans were a better design and that the issue of access was not relevant to the application for an extension and car port.

The neighbour to this site addressed the committee and with the aid of slides showed his concerns about the fence which had been erected without permission. He also expressed concern that the applicants used two accesses to their property, including one to his property, damaging the grass verge. There had been no fence at the property for 10 years. He suggested that the pre-existing 2m dwarf wall should be reinstated and in keeping with the property. He also displayed a letter from a council officer in 2002 regarding enforcement action against the neighbouring property for accessing their property by crossing the grass verge.

The applicant said that the fence had been reduced to 1m in height following emails from the planning officer and that they were waiting for the contractor to reduce the height of the posts. The house was a family home and the extension was to accommodate its growing needs. The house had been in her partner's family for some time and the double gateway had been there when the house had been purchased. They avoided driving over the verge and were in discussions with the council to have the path widened. Delivery and service vehicles used the driveway, often to deliver to houses on the other side of the road.

During discussion the planner and the planning development manager answered members' questions and explained that there was no suggestion in the proposal to change the access arrangements and that the issue of access, the fence and gate were a separate issue. Members sought clarification on the self-contained annex in the building and what the intention of the applicants was in relation to the use of the building once it had been extended. The committee was advised that the proposal was for family use and that the definition of a house in multiple occupation was a dwelling of more than 6 occupants who were not related to each other. The internal use of rooms in a house did not require planning permission.

Discussion ensued in which members noted that the car port was not on the side of the “official” access and considered that the access was relevant to this application. The planning development manager said that if the applicants had been using both accesses for over 10 years, they would have permitted use by default. Members considered that they needed to know more information about the access before they could determine the application.

The chair moved and vice chair seconded that the application be deferred to a future meeting for further information on the access arrangements to the site and enforcement action taken by the council.

RESOLVED with 10 members voting in favour (Councillors Bradford, Gayton, Ackroyd, Blunt, Brociek-Coulton, Button, Grahame, Henderson, Sands, and Storie) 1 member voting against (Councillor Little) and 1 member abstaining (Councillor Jackson) to defer consideration of the application no 13/02009/F 514 Earlham Road, Norwich, NR4 7HR and ask the head of planning services to revise the report and provide information on the issue of access and the enforcement history.

7. APPLICATION NO 13/02028/F 154, GIPSY LANE, NORWICH, NR5 8AZ

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

RESOLVED, unanimously, to approve subject to the following conditions:

1. Time limit
2. In accordance with plans
3. Provision of cycle and refuse storage as shown on plans
4. Details of water conservation
5. Sound-insulating ventilators to front and side elevation to be approved by LPA
6. Materials to match existing

Informatives:

1. Refuse and recycling bins for residential development.
2. Vehicle crossovers/dropped kerbs.
3. Permeable hardstanding.
4. Underground utilities.
5. Street naming and numbering.

8. APPLICATION NO 13/02089/VC THREE SCORE SITE LAND SOUTH OF CLOVER HILL ROAD NORWICH

The planning team leader (development) presented the report with the aid of plans and slides.

RESOLVED. unanimously to approve application no (13/02089/VC Three Score Site Land South Of Clover Hill Road Norwich) and grant planning permission, subject to:

- (1) the completion of a satisfactory deed of variation under S106 to link the completed S106 agreement for the original outline consent 12/00703/O to this new varied consent; and
- (2) subject to the re-imposition of all conditions other than 8, 10, 28 and 47 from the original outline consent 12/00703/O (note a variation of condition application cannot grant an extension of time so the time limit condition will be reworded so that the expiry dates are the same as the original consent 12/00703/O); and
- (3) subject to the following varied conditions:
 - (a) Condition 8 varied to read – “No development relating to the provision of the accesses and spine road shall take until details of the design, construction and surfacing of the spine road (as detailed in the approved drawings listed under condition 2) base carriageway have been submitted to and approved in writing with the Local Planning Authority. The spine road shall be provided in full accordance with the agreed details prior to the first occupation of any dwelling on the site.”
 - (b) Condition 10 varied to read – “No development relating to the provision of the accesses and spine road shall take place until details of any lighting to the accesses and spine road, including temporary lighting proposed to the base spine road (as detailed in the approved drawings listed under condition 2) have been submitted to and agreed in writing with the Local Planning Authority. The information shall include the lighting to be used its location and hours of use. The lighting shall be provided in full accordance with the agreed details.”
 - (c) Condition 28 varied to read – “No later than 6 months following commencement of development (as notified under condition 48) of any phase agreed under condition 14 details of the design, construction and surfacing of roadways, footpaths and cycleways for that phase shall be submitted to and approved in writing by the Local Planning Authority. The roadways, footpaths and cycleways shall be constructed in full accordance with the approved details.”
 - (d) Condition 47 varied to read – “No later than 6 months following commencement of development (as notified under condition 48) of any phase agreed under condition 14 details for the provision of fire hydrants for that phase shall be submitted to and agreed in writing by the Local Planning Authority. The details shall provide for one hydrant per fifty dwellings on a 90mm main and one hydrant on a minimum 150mm main for the care facility and shall include a plan of the hydrants locations and associated infrastructure. No occupation of any part of the development hereby approved shall take place until the hydrant serving that part of the development has been provided in full accordance with the approved details. The hydrants shall be retained as such thereafter.”
- (4) A new condition (which will be no. 48) which reads “No development of any phase as agreed under condition 14 shall take place until details of the commencement date of that phase have been provided in writing to the Local Planning Authority. The development shall commence on the notified commencement date unless the Local Planning Authority is first notified of any variation in writing.”

**9. PERFORMANCE OF THE DEVELOPMENT MANAGEMENT SERVICE,
OCT-DEC 2013 (QUARTER 3, 2013-14)**

The planning development manager presented the report. Members noted that the performance data was positive and the result of improvements to processes to speed up the early stages of processing; good quality pre-application advice and improved information on the website and more effective ways of working.

RESOLVED to:

- (1) thank the officers for contributing to the improved performance of the planning development control service;
- (2) note the report.

**10. PERFORMANCE OF THE DEVELOPMENT MANAGEMENT SERVICE:
APPEALS – 1 OCTOBER TO 31 DECEMBER 2013 (QUARTER 3 2013 TO
2014)**

During discussion a member suggested that information about appeals should be placed on the council website. Members also noted that the developers could appeal to the high court if the Planning Inspectorate turned down an appeal. Members were advised that the council did not have any control as to when the Inspectorate would consider an appeal.

RESOLVED to note the report.

**11. PERFORMANCE OF THE PLANNING ENFORCEMENT SERVICE,
OCTOBER TO DECEMBER 2013 (QUARTER 3, 2013-14)**

The planning development manager pointed out that this was the first performance report for the planning enforcement service as requested by members of the committee.

During discussion a member suggested that there should be further information in the report to explain the reasons for a case to be closed down. Members also noted that enforcement action could be a lengthy process.

RESOLVED to note the report.

CHAIR