



PLANNING APPLICATIONS COMMITTEE

9.00 a.m. - 12.45 p.m.

2 April 2009

Present: Councillors Bradford (Chair), Llewellyn (Vice-Chair), Banham, Bearman, Driver, George (not present at site visit), S Little, Lubbock (not present at site visit), Stephenson (not present at site visit) and Wiltshire

Apologies: Councillor Lay

1. SITE VISIT TO 40 GERTRUDE ROAD

Members undertook a site visit in respect of Application No. 08/01035/F - 40 Gertrude Road.

2. COUNCILLORS WILTSHIRE AND COLLISHAW

The Chair said that Councillor Wiltshire had now replaced Councillor Collishaw as a member of the Committee. He welcomed Councillor Wiltshire to the Committee.

RESOLVED to record the Committee's thanks to Councillor Collishaw for her past service on the Committee.

3. DECLARATIONS OF INTEREST

Councillor S Little declared a personal interest in Application Nos. 08/01312/C and 08/01313/F - Dowson Road First School and Mile Cross Middle School as he knew the representative of the applicant attending the meeting for the item.

Councillors Banham, Bearman, Bradford and S Little declared personal interests in Application No. 08/01035/F - 40 Gertrude Road as members of the Mousehold Heath Conservators.

4. APPLICATION NO. 08/01035/F - 40 GERTRUDE ROAD

The Senior Planning Officer presented the report with the aid of displayed plans and photographs. A member said that whilst he was now satisfied that the current application would not have a detrimental impact on Mousehold Heath he would be concerned if development continued along the road.

The Senior Planning Officer pointed out however that each application would need to be considered on its individual merits.

RESOLVED, 7 members voting in favour (Councillors Bradford, Banham, Llewellyn, Wiltshire, George, S Little and Driver and none against with 2 abstentions (Councillors Stephenson and Bearman) to approve Application No. 08/01035/F subject to the following conditions:-

- (1) standard time limit of 3 years;
- (2) details of materials to be submitted and approved;
- (3) landscaping and border treatment plan to be submitted and approved;
- (4) cycle storage facilities to be approved, provided and retained;
- (5) refuse storage space to be provided sufficient to house 3 bins per property and to be manoeuvred along a path of at least 1m width;
- (6) car parking spaces to be retained in perpetuity.

(Reasons for approval - the decision to grant planning permission has been taken having regard to Saved Local Plan Policies HBE12, EP22, HOU13, TRA5, TRA6, TRA7 and TRA8 of the City of Norwich Replacement Local Plan Adopted Version November 2004 and to all material considerations. Subject to the above conditions, the building proposed is of an acceptable scale, design and massing and would not have a detrimental impact on the residential amenity of the neighbouring properties, and the residential density is suitable given the proposed design and proximity to local facilities).

5. APPLICATION NO. 09/00132/T - VERGE ADJACENT TO AND EAST OF DAIRY DEPOT EARLHAM GREEN LANE

The Planning Team Leader presented the report with the aid of displayed plans and photographs. She pointed out that as the mast was less than 15m high it had the benefit of permitted development. This meant that the Committee could only consider issues relating to siting and appearance.

She said that approximately 75 objections had now been received to the application together with a petition of approximately 48 signatures. She had also received one letter of support based on the level of service infrastructure required and another letter suggesting that the site was preferable to other more sensitive locations. She commented on the issues raised in the objections. She drew attention to information provided by the applicant in terms of the need for the installation. She also referred to alternative sites considered by the applicant. The mast had been designed to reflect existing street furniture in the area. Although the mast would be visible it was not directly overlooked. In the circumstances she was of the opinion that the siting and appearance were acceptable.

She commented on the recent appeal decision in respect of an application for a mast in Cunningham Road included with the agenda papers for information purposes. Each case had however to be considered on its individual merits.

Councillors Bremner, Blower and Makoff, Ward Councillors, all spoke against the application. They said that the proposed mast was ugly and there was no foliage or trees to help assimilate this into the street scene or screen the mast from the houses opposite. The location was also inappropriate adjacent to a footpath and cycleway. Councillor Makoff said that she was not convinced of the need for the mast. She

also considered that the public perception of health risks should be taken into account.

The Planning Development Manager reminded members that their consideration of this application was limited to matters of siting and appearance. In his view the siting adjacent to an industrial building was acceptable and it would be difficult to defend an appeal if the application was refused.

The Planning Team Leader then answered a number of questions about Planning Policy HBE20 relating to telecommunications development. Considerable discussion took place on the appearance and siting of the proposed installation. A member queried whether a 12m telegraph pole was necessary. The Planning Development Manager said however that smaller masts generally provided less coverage.

A member moved that the application should be refused for the following reason:-

"Bearing in mind the prominent position of the mast visible from long distances to the north and south along Earlham Green Lane and the absence of tree screening in the immediate vicinity the siting and appearance are unacceptable and harmful to the visual amenities of the area contrary to Policy HBE20".

6 members voted in favour of the motion (Councillors Banham, Llewellyn, Stephenson, S Little, Bearman and Driver and 2 against (Councillors Wiltshire and George) with 2 abstentions (Councillors Bradford and Lubbock) and it was

RESOLVED accordingly.

6. APPLICATION NO. 09/00054/F - WEST END RETREAT, BROWNE STREET

The Senior Planning Officer presented the report with the aid of displayed plans and photographs. He suggested that the requirement for a Section 106 Agreement should be included as a condition of any approval in order to avoid the need for a separate resolution to refuse the application in the event that this was not completed.

RESOLVED to approve Application No. 09/00054/F subject to appropriate conditions including the following:-

- (1) standard time limit;
- (2) no development shall take place until a Section 106 Agreement has been signed to secure the contribution of the costs of promoting a Traffic Regulation Order necessary to enable the required highway works,
- (3) submission of sample of materials;
- (4) provision car parking, cycle storage and refuse stores prior to first occupation;
- (5) obscure glazing to specific windows;
- (6) details of landscaping;
- (7) landscaping to be carried out within 6 months of the first occupation of any residential unit;
- (8) landscaping to be maintained and any new trees/shrubs lost to be replaced;
- (9) details of any fencing around the site and landscaped areas to be submitted and provided prior to first occupation;

- (10) scheme for the provision and implementation of surface water drainage to be submitted;
- (11) scheme for the provision and implementation of foul water drainage to be submitted;
- (12) scheme for the provision and implementation of measures to maximise water efficiency to be submitted.

(Reasons for approval - the recommendation has been made with regard to saved policies HBE12, HBE19, EP16, EP18, EP20, EP22, HOU1, HOU13, SR3, TRA6, TRA7, and TRA10 of the City of Norwich Replacement Local Plan (Adopted November 2004), policies T14, WM6 and ENV7 of the East of England Plan (adopted May 2008), national guidance PPS1, PPS3, PPG17 and all other material considerations. Given the poor quality of the existing greenspace, it is considered that the proposal is acceptable and in line with National and Development Plan Policy.

The proposed layout and design takes account of existing trees around the site and the relationship with adjacent housing and would be consistent with the relevant policies contained in the Replacement Local Plan. The requirements for transport infrastructure improvements created by the development can be adequately secured through a legal agreement between the Applicants and the Local Planning Authority.

The proposal is considered to make more efficient use of the land by introducing new residential units in line with policy guidance within PPS3 and provide sustainable development in line with policy guidance within PPS1. It is also considered that the proposals would enhance this part of the City and improve the buildings relationship with the surrounding public realm).

7. APPLICATION NOS. 08/01312/C AND 08/01313/F - DOWSON FIRST SCHOOL AND MILE CROSS MIDDLE SCHOOL, VALPY AVENUE

The Planning Team Leader presented the report with the aid of displayed plans and photographs. She said that an additional letter of representation had been received since the report had been written. This supported the principle of the application but raised concerns about the provision of 3 and 4 bedroomed houses and the impact of the children living in those houses on the local area.

She explained that the dual recommendation reflected the desire to determine the application within the statutory timescale. The Section 106 Agreement was however on the point of completion.

Councillor Morpew, Ward Councillor, spoke in support of the application. In reply to questions a representative of the applicant explained the background to the provision of the community room within the development and how it would be managed. The provision of this facility had been a condition of the land purchase from the County Council.

The Planning Team Leader answered questions about the proposed layout and design of the development.

RESOLVED to -

- (1) approve Application No. 08/01313/F subject to the completion of a Section 106 Agreement or satisfactorily worded undertaking by 13 April 2009 to include the provision of affordable housing, contributions to child play space, open space, transport, libraries and street trees and subject to the following conditions:-
1. standard three year time limit for commencement;
 2. pre-commencement details to be submitted and agreed including: external facing materials; eaves and verges; additional fittings e.g. gas boxes; external lighting;
 3. pre-commencement hard and soft landscaping details to be submitted and agreed including: levels, means of enclosure, hard surfacing materials, minor artefacts and structures (e.g. communal garden stores, screening for air source heat pumps) , proposed and existing functional services above and below ground (e.g. drainage, power, communication cables etc), planting plans, written specifications, schedules of plants, implementation programme and maintenance/replacement;
 4. pre-commencement details of historic interpretation & implementation to be submitted and agreed;
 5. pre-commencement details of surface water drainage to be submitted and agreed and subsequently implemented;
 6. pre-commencement details of roads, footways, including cross-overs and private access drives, parking and servicing areas, to be submitted and agreed;
 7. pre-commencement details of provision of north-south footpath link through the site ensuring access 24 hours per day and schedule of implementation to be submitted and agreed;
 8. pre-commencement specification details of air source heat pumps and solar panels to be submitted and agreed;
 9. pre-occupation roads and footways to be constructed in accordance with agreed details;
 10. pre-occupation accesses, on site parking, servicing, loading/unloading areas to constructed in accordance with agreed details;
 11. pre-occupation provision of cycle parking and bin storage and retention thereafter;
 12. pre-occupation air source heat pumps and solar panels to be installed and retained;
 13. pre-occupation details of provision of fire hydrants and timetable for installation to be submitted and agreed;
 14. tree protection during construction;
 15. contamination condition.

Informatives:

1. Asbestos survey advised
2. Demolition/ construction hours of operation to be agreed with Environmental Health

(Reasons for approval - the demolition of the existing buildings and the redevelopment of the site for housing is considered acceptable in principle and the design and layout of the development is considered an appropriate one that would preserve or enhance the character or appearance of the Conservation Area. The

proposals are considered to have adequately addressed the traffic and transportation impacts likely to rise from the scheme and have made acceptable provision for pedestrians and cyclists. The scheme has addressed the renewable energy requirements for such developments and has satisfactorily demonstrated that it is unlikely to cause detriment to the living conditions of future or nearby residents. The concerns in relation to trees have largely been addressed, subject to conditions and, whilst the landscaping scheme is not ideal, it is considered that, on balance, the concerns about this element of the scheme are not sufficient to outweigh the conclusions reached in relation to the overall merits of the development and that, on balance, the proposal is therefore considered acceptable. The development is considered to have met the relevant criteria of policies ENV7, ENG1, WM6 and NR1 of the East of England Plan and saved policies HOU1, HOU4, HOU5, HOU6, HOU13, HBE8, HBE12, SR4, SR7, SR12, EP1, EP16, EP17, EP18, EP22, TRA3, TRA5, TRA6, TRA7, TRA8, TRA10, TRA11, TVA8, AEC3, NE4 and NE9 of the City of Norwich Replacement Local Plan 2004 and all material considerations).

- (2) in the event that the Section 106 Agreement or satisfactorily worded undertaking is not completed prior to 13 April 2009, grant delegated authority to the Head of Planning and Regeneration Services to refuse Application No. 08/01313/F for the following reason:-

"In the absence of a legal agreement or undertaking relating to the provision of affordable housing, contributions to child play space, open space, transport, libraries and street trees as required by the saved policies HOU4, HOU6, SR3, SR7, NE4 and TRA11 of the City of Norwich Replacement Local Plan 2004."

- (3) approve Application No. 08/01312/C subject to the following conditions:-
1. standard three year time limit for commencement;
 2. no demolition to take place until a contract has been signed for the redevelopment of the site in accordance with a valid planning permission;
 3. removal of buildings under arboricultural supervision;
 4. contamination requirements.

(Reasons for approval - a full assessment of the merits of the existing buildings on site has been undertaken and, in view of the alterations made to them over time, their condition and visual appearance, their demolition is considered acceptable, subject to the suitable redevelopment of the site, and would not be detrimental to the character or appearance of the Mile Cross Conservation Area, subject to conditions requiring the removal of buildings under arboricultural supervision and relating to the potential contamination of the land. The proposal is therefore considered to meet the relevant criteria of saved policies HBE8, NE9 and EP1 of the City of Norwich Replacement Local Plan 2004 and all material considerations).

8. APPLICATION NO. 09/00123/F - STONES BISTRO, GROUND FLOOR, 68 LONDON STREET

The Senior Planning Officer presented the report with the aid of displayed plans and photographs. He said that one letter of representation had been received since the report had been written expressing concerns in terms of privacy, security, noise and

smell. This did not however affect his recommendation that the application should be approved.

RESOLVED to approve Application No. 09/00123/F.

(Reasons for approval - the development provides a necessary safety measure to ensure the continued use of the permitted and established use of the premises, and avoids detrimental impact on the character of the City Centre Conservation Area in accordance with City of Norwich Replacement Local Plan (Adopted 2004) policy HBE8).

9. APPLICATION NO. 09/00085/F - 3 KENNETT CLOSE

The Planning Team Leader presented the report with the aid of displayed plans and photographs.

RESOLVED to approve Application No. 09/00085/F subject to the following conditions:-

- (1) commencement of development within three years;
- (2) materials to match existing.

(Reasons for approval - the decision to grant planning permission has been taken having regard to Saved Local Plan Policies HBE12 and EP22 of the City of Norwich Replacement Local Plan Adopted Version November 2004 and to all material considerations. The two storey side extension is of an acceptable scale, design and massing and would not have a detrimental impact on the residential amenity of the neighbouring properties).

10. APPLICATION NO. 09/00062/F - BRANKSOME LODGE, 12 BRANKSOME ROAD

The Senior Planning Officer presented the report with the aid of displayed plans and photographs. He said that 3 of the 4 objectors had written further letters maintaining their objections following the further consultation on the amended window details. The distance from the rear of the proposed development to the nearest objector was however at least 40 metres.

RESOLVED, 9 members voting in favour (Councillors Bradford, Banham, Llewellyn, Wiltshire, George, S Little, Bearman, Driver and Lubbock) and 1 against (Councillor Stephenson) to approve Application No. 09/00062/F subject to the following conditions:-

- (1) commencement of development within three years of date of planning permission;
- (2) development to be carried out using agreed facing materials;
- (3) pre commencement -hard and soft landscaping and maintenance to be agreed;
- (4) protection of trees during construction and in accordance with AIA; and retention of existing landscaping(hedges and trees);
- (5) permeable access to be laid out before occupation;
- (6) pre occupation garage to be constructed;
- (7) pre commencement -refuse storage details and location to be agreed;

- (8) pre occupation approved refuse storage detail to be constructed;
- (9) pre commencement –details of boundary treatment.

(Reasons for approval - the decision is made with regard to Policies NE3, EP22 and HOU13 of the City of Norwich Replacement Local plan adopted version 2004 and all material considerations. The siting of a two storey detached dwelling and garage in this location will comply with PPS1 and 3 and will not unduly affect the amenities of the surrounding area. Furthermore the form of build respects the character of surrounding properties in the vicinity).

11. APPLICATION NO. 09/00083/A - 34 - 36 LONDON STREET

The Senior Planning Officer presented the report with the aid of displayed plans and photographs.

RESOLVED to approve Application No. 09/00083/A subject to the standard advert conditions.

12. APPLICATION NOS. 09/00119/F AND 09/00120/L – 45 - 51 LONDON STREET

The Senior Planning Officer presented the report with the aid of displayed plans and photographs. He said that he was satisfied that there would be no visual impact on the listed building.

RESOLVED to -

- (1) approve Application No. 09/00119/F subject to the standard time limit.

(Reasons for approval - the proposed replacement plant machinery and new guard railing is not considered to have an adverse impact on the character or setting of the City Centre Conservation Area, by virtue of the location of the replacement plant that is recessed within the flat roof of the building. The proposed development is therefore considered to be in accordance with saved policies HBE8 and HBE12 of the City of Norwich Replacement Local Plan, Adopted Version (November 2004), policy ENV7 of the East of England Plan (May 2008) and Planning Policy Guidance 15.

The proposed replacement plant machinery is not considered to have an adverse impact on any residential amenity by virtue of the fact that the replacement unit would be quieter than the existing unit and there are no noise sensitive premises immediately adjacent to the site. The proposed development is therefore considered to be in accordance with saved policy EP22 of the City of Norwich Replacement Local Plan, Adopted Version (November 2004)).

- (2) approve Application No. 09/00120/L subject to the standard time limit.

(Reasons for approval - the proposed replacement plant machinery for air conditioning and associated guard railing is not considered to have an adverse impact on the special architectural or historic interest of the listed building, by virtue of the minimal interference with the historic fabric and that the works would not be visible from street level. The proposed works are therefore considered to be in

accordance with saved policy HBE9 of the City of Norwich Replacement Local Plan, Adopted Version (November 2004), policy ENV6 of the East of England Plan (May 2008) and Planning Policy Guidance 15).

13. NOTIFICATION AND PUBLICITY OF APPLICATIONS

The Planning Development Manager presented his report and referred to the proposals for future notification and publicity for applications. He suggested that the proposals for neighbour notification should also include provision for consultation with anyone commenting previously if a similar application relating to substantially the same site had been made within the previous six months. A member referred to the need to consult with any people who have previously responded as well as standard consultees in the event of a substantial amendment to any application prior to determination.

RESOLVED to approve the criteria in the report relating to press, site notices and neighbour notification for use in publicising all applications received by the Council with effect from 6 April 2009 subject to the following paragraphs being included in the arrangements for neighbour notification:-

3a - If there has been an application on substantially the same site for a similar proposal within the previous six months then all third parties who previously commented will be notified by letter in addition to those listed in paragraph 3.

3b - In the event of a substantial amendment to any application prior to determination all neighbours will be re-notified as above together with any third parties who have previously responded.

CHAIR