



PLANNING APPLICATIONS COMMITTEE

10.00am to 12.05pm

19 January 2012

Present: Councillors Bradford (chair), Councillors Gee (vice chair), Ackroyd, Gayton, Haynes, Kendrick, Little, Lubbock and Stammers (substitute for Councillor Offord)

Apologies: Councillor Banham, George, Sands (S) and Offord

1. IMPLICATIONS OF THE LOCALISM ACT 2012

The planning solicitor (nplaw) advised members on S25 of the Localism Act 2012 in relation to pre-determination and advised members that they must still approach a decision with an "open mind".

The planning development manager referred to S143 of the Localism Act which came into effect on 15 January 2012. Planning authorities would have to have regard to the development plan, any local finance considerations (eg grants from the government, payment of community infrastructure levies) when determining planning applications. The committee needed to be aware of these provisions but it did not directly affect any of the applications being considered at this meeting.

2. MINUTES

RESOLVED to agree the accuracy of the minutes of the meeting held on 1 December 2011.

3. APPLICATION NO 11/01893/VC FIRST AND SECOND FLOORS OF 13 AND 15-21 DOVE STREET, AND FIRST AND SECOND FLOORS OF 2-4 LOBSTER LANE, NORWICH NR2 1DE

The senior planner (development) presented the report with the aid of plans and slides. She referred to the supplementary report of updates to reports which was circulated at the meeting and said that further representations had been received.

A representative of the Religious Society of Friends (Quakers), a Norwich resident and Councillor Grahame, ward councillor for Thorpe Hamlet Ward, addressed the committee and outlined their objections to the proposed variation in hours and the inappropriateness of the club in Dove Street and the impact that it had on people using the street to attend the Friends' Meeting House and shops.

Councillor Grahame, with the permission of the chair, made some general points about the lap dancing industry and referred to the club's procedures for customer behaviour at the club.

The senior planner and the solicitor responded to the issues raised. The applicant was seeking to increase the hours of operation by 1 hour earlier and 1 hour later. A separate application to increase the opening hours to 6am was not considered to be unlikely to be supported by the police or officers. The applicant would also require planning permission if it was their intention to extend the business into the neighbouring premises. The club was discreet with only a door at street level and blocked off windows on the first floor. It was advertised by A-boards which were only on the street during its opening hours. The operation of the dancers' code of conduct was a matter for licensing and was not material to this application. There were no current applications for other premises to become lap dancing clubs.

Discussion ensued in which the senior planner answered members' questions on the report. Members sought confirmation that the earlier opening hours would not conflict with retailers opening later into the evening. The solicitor advised members that it would not be feasible for the committee to propose a change to the hours of operation as stated in the application. The senior planner said that the applicant had originally requested that the hours of operation be extended from midday to 4am and had amended the application to 7pm following the officer's advice. Members regretted that the premises was not in the night-time economy but noted that it had operated as a lap dancing club for 8½ years. In response to a question, the senior planner advised members that similar lap dancing clubs in the night time economy zone had more relaxed hours of operation than the hours requested by the applicant. However the majority of members concurred with the view of the police that 6am in this location was too late in the morning for the club to operate.

RESOLVED with 6 members voting in favour (Councillors Bradford, Gayton, Kendrick, Stammers, Little and Lubbock) and 3 members voting against (Councillors Ackroyd, Haynes and Gee) to approve the variation of condition application no11/01893/VC subject to the following conditions being re-applied from the original permission (11/00222/U):

1. The change of use of the second floor of 2-4 Lobster Lane from a restaurant (use class A3) to a Lap Dancing Club (Sui Generis) as shown on plan no. G/100/07 must be implemented not later than the 21st June 2014.
2. The development hereby approved shall be carried out in accordance with the plans and details as specified on this decision notice.
3. The door to Lobster Lane shall only be used for fire exit purposes and shall not be used in any way or at any time for entry or exit other than in an emergency.
4. The premises the subject of this permission shall not be open to the public between the hours of 04:00hrs and 19:00hrs on any day.

The following elements were all conditioned under the original application (11/00222/U) but still require compliance in order to make this application acceptable, and subsequent to the meeting the head of planning services agreed the following condition:

“The permitted maximum noise levels agreed under conditions 5a and 7a of planning permission 11/00222/U (as varied by this permission) shall not be exceeded at any time, the management scheme as agreed under conditions 5b and 7b of planning permission 11/00222/U (as varied by this permission) with specific regard to the management of the installed amplification system shall be accorded with in perpetuity unless otherwise agreed in writing with the Local Planning Authority, and there shall be no alteration to the amplified sound equipment as agreed by condition 7c of planning permission 11/00222/U (as varied by this permission) without the prior written agreement of the Local Planning Authority.”

(Reasons for Approval:

1. The sui generis use of the upper floors of numbers 13 and 15-21 Dove Street and the first and second floor of 2-4 Lobster Lane has been operating for some time and is considered to be complementary to the wider evening economy offer in the City Centre and its location is considered sustainable given the excellent public transport links and cycle parking provision in the immediate area. The location also offers discretion for its patrons given its position in a relatively quiet area of the city during the later times of the evening, and such a use is not considered to have any detrimental impact on the character of the City Centre Conservation Area.

Despite the location being outside the defined Late Night Activity Zone where such uses would normally be directed, the proposals are not considered in principle to lead to any unacceptable detrimental impacts on nearby residential amenity or neighbouring commercial uses, as the use of conditions will ensure the impacts of the extended boundaries will be contained and any fear of crime should not spread into the surrounding area and as such subject to the conditions imposed there are not considered to be any arising issues of loss of amenity to any neighbouring premises as a result of this permission.

Therefore the proposals are considered to be in accordance with the objectives of PPS4 and PPG24, policies SS1, SS6 and ENV7 of the East of England Plan (May 2008), Policies 2, 6, 7 and 11 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk (March 2011), and saved policies SHO11, TRA3, TRA5 and EP22 of the City of Norwich Replacement Local Plan (Adopted Version November 2004).

2. It is considered that it has been sufficiently demonstrated to the satisfaction of officers and the Police Authority that the extension of operational hours of the application premises will not result in a detrimental impact on the living conditions of nearby residents and that given the previous history of the application site and its operations in terms of reported incidents involving the Police, it is not considered that there will be an increase in the potential threat of crime and disorder to the public as a result of an acceptance of this proposal. This is a one-

off case where the owner/manager of the club has been able to clearly demonstrate that there is no detrimental impact. In addition, and due to the location of the premises in a quiet back street in the city centre, the premises does not attract the large numbers of patrons associated with other premises of a similar nature within the Late Night Activity Zone. It is therefore considered that the proposals are in accordance with the objectives of PPG24, and saved policy EP22 of the City of Norwich Replacement Local Plan (Adopted Version November 2004). The Local Planning Authority's duty of care under Section 17 of the Crime and Disorder Act has also been taken into account and it is not considered that the proposed extension of operational hours of this premise will result in an increase in crime and disorder in the area.)

4. APPLICATION NO 11/01938/NF3 WATERLOO PARK ANGEL ROAD, NORWICH

The senior planner (development) presented the report with the aid of plans and slides. Since the report had been published there had been a further representation received from the Norwich Society welcoming the provision of these new facilities by the council and hoping that the Olympics would encourage public use. The Norwich Society also expressed concern about the supervision of the facilities which was a matter for the council's green spaces and not a material planning consideration.

RESOLVED to approve application no 11/01938/NF3, Waterloo Park Angel Road Norwich, and grant planning permission, subject to the following conditions:-

1. Standard time limit;
2. In accordance with submitted drawings and supporting documents;
3. The yew hedge to be provided prior to first use of the tennis courts;
4. Works to be carried out in full accordance with the arboricultural method statement and for the purposes of this statement the tree protection zone shall be the area between the most western fence and the new chain link fence inclusive of the area within which the new fence is located and the pea shingle path. No ground disturbance or storage of materials shall take place to the west of the existing chain link fence.

(Reasons for approval: The proposal would result in an appropriate and satisfactory form of development that would enhance the recreational and outdoor sporting facilities within the historic park. The level of harm to the heritage asset is considered to be less than substantial and when weighed against the public benefits of reintroducing the historic recreational facilities to this part of the park the proposals are considered to be acceptable. The proposal is not considered to have any significant detrimental impacts in terms of residential amenity. As such, the proposal is considered to comply with PPS1, PPS5 and PPG17; Sport England policy: 'A Sporting Future for the Playing Fields of England' (1997); policies ENV3, ENV6 and ENV7 of the east of England Plan 2008; policies 1, 2 and 7 of the Joint Core Strategy 2011; and policies NE1, NE8, NE9, HBE9, HBE12, EP22, SR3, SR8, SR12 and SR14 of the City of Norwich Replacement Local Plan Adopted Version, November 2004.)

5. APPLICATION NO 11/01983/F 120 EARLHAM ROAD, NORWICH, NR2 3HE

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

The applicant addressed the committee and explained that the windows had been on order since February 2011, but had not been installed earlier because the tradesman was sick. The applicant had also been under the impression that the Article 4 direction did not come into force until July 2011 and any infringement was unintentional.

During discussion members were advised that whilst refusal was being recommended it was not proposed to take enforcement action. The committee was advised of the consequences of this approach to the applicant and it was noted that the unauthorised use would become established after 4 years.

Councillor Kendrick expressed concern at the loss of the sash windows which he considered to be an important architectural feature of this nineteenth century terrace house.

RESOLVED:-

- (1) to refuse planning permission for application no 11/01983/F, 120 Earlham Road for the following reason(s):-

The installed windows due to their type, design and fitting are detrimental to the character or appearance of this locally listed building and the Conservation Area and result in harm to the setting of adjacent properties. The retrospective installation of the windows is therefore contrary to policy 2 of the adopted Joint Core Strategy 2011 and saved policies HBE12 and HBE18 of the City of Norwich Replacement Local Plan 2004.

- (2) with 8 members voting in favour (Councillors Bradford, Gayton, Stammers, Little, Lubbock, Ackroyd, Haynes and Gee) and 1 member voting against (Councillor Kendrick) not to take enforcement action.

6. APPLICATION 11/02134/F 17 BEATTY ROAD, NORWICH, NR4 6RQ

The planner (development) 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 set out the consultation response from the council's tree protection officer and two further representations from local residents. Members were advised that the tree protection officer was satisfied that there were no issues arising from the conifer on no 19's boundary by a condition attached to the planning permission.

RESOLVED to approve application no. 11/02134/F and grant planning permission, subject to the following conditions:-

1. Standard time limit (3 years).
2. The development to be carried out in accordance with the submitted plans and details.

3. Details of boundary treatment to the northern boundary to be submitted and approved
4. Details of construction/ arboricultural method statement to be submitted and approved;

(Reasons for approval:

1. The proposal's position, scale and profile in relation to the streetscape, adjoining properties, existing boundary treatment and the varied residential character evident in the area is considered to be acceptable in design terms in compliance with policy 2 of the adopted Joint Core Strategy 2011 and saved policy HBE12 of the City of Norwich Replacement Local Plan 2004.
2. The proposal's position, scale and profile in relationship to adjoining properties and existing boundary treatment would not lead to a significant loss of amenity in respect of overshadowing or overlooking to any adjoining property in compliance with saved policy EP22 of the City of Norwich Replacement Local Plan 2004.)

7. APPLICATIONS NOS 11/01686/NF3 239 ST LEONARDS ROAD, NORWICH, NR1 4JN, 11/01687/NF3 205 ST. LEONARDS ROAD, NORWICH, NR1 4JN AND 11/01688/NF3 131 ST. LEONARDS ROAD, NORWICH, NR1 4JN

The senior planning technical officer presented the report with the aid of plans and slides.

A representative of the Norwich Society, who was also resident in Thorpe Hamlet, addressed the committee with concerns about the proposed replacement windows. The flats were designed by the renowned architects, Tayler and Green, and should be conserved in its entirety as a rare example of their 1970's urban designs.

Discussion ensued in which the planning development manager and the senior planning technical officer answered questions on the report. Members noted that the application for window replacement in 2008 had been approved under officer delegation and given the architectural importance of the buildings should have been referred to the committee.

RESOLVED

- (1) to approve application number 11/01686/NF3, 239 St. Leonards Road and grant planning permission, subject to the following conditions:-
 1. Standard Time Limit: The development must be begun within three years of the date of this permission;
 2. The development hereby approved shall be carried out in accordance with the plans and details as submitted.

(Reasons for approval:

It is considered that in this case, although the style and openings of the new windows will vary from those originally installed following the Tayler and Green design, they will match more closely the windows in the rest of the

blocks of flats as approved under application number 08/00764/NF3 and as more recently installed. It is therefore considered that the replacement windows are acceptable in design terms, the security of the flats will be enhanced and the visual impact on the character and appearance of the designated heritage asset will be minimal. Therefore the proposals are considered to be in accordance with PPS1; PPS1 Annexe and PPS5; Policies ENV6 and ENV7 of the East of England Plan; Policy 2 of the Joint Core Strategy for Broadland, Norwich and South Norfolk 2011 and saved policies HBE8; HBE12 and HBE19 of the City of Norwich Replacement Local Plan (Adopted Version November 2004) and all material considerations.)

- (2) to approve application number 11/01687/NF3 (205 St. Leonards Road) and grant planning permission, subject to the following conditions:-
1. Standard Time Limit: The development must be begun within three years of the date of this permission;
 2. The development hereby approved shall be carried out in accordance with the plans and details as submitted.

(Reasons for approval: It is considered that in this case, although the style and openings of the new windows will vary from those originally installed following the Tayler and Green design, they will match more closely the windows in the rest of the blocks of flats as approved under application number 08/00764/NF3 and as more recently installed. It is therefore considered that the replacement windows are acceptable in design terms, the security of the flats will be enhanced and the visual impact on the character and appearance of the designated heritage asset will be minimal. Therefore the proposals are considered to be in accordance with PPS1; PPS1 Annexe and PPS5; Policies ENV6 and ENV7 of the East of England Plan; Policy 2 of the Joint Core Strategy for Broadland, Norwich and South Norfolk 2011 and saved policies HBE8; HBE12 and HBE19 of the City of Norwich Replacement Local Plan (Adopted Version November 2004) and all material considerations.)

- (3) to approve application number 11/01688/NF3 (131 St. Leonards Road) and grant planning permission, subject to the following conditions:-
1. Standard Time Limit: The development must be begun within three years of the date of this permission;
 2. The development hereby approved shall be carried out in accordance with the plans and details as submitted.

(Reasons for approval: It is considered that in this case, although the style and openings of the new windows will vary from those originally installed following the Tayler and Green design, they will match more closely the windows in the rest of the blocks of flats as approved under application number 08/00764/NF3 and as more recently installed. It is therefore considered that the replacement windows are acceptable in design terms, the security of the flats will be enhanced and the visual impact on the character and appearance of the designated heritage asset will be minimal. Therefore the proposals are considered to be in accordance with PPS1; PPS1 Annexe and PPS5; Policies ENV6 and ENV7 of the East of England Plan; Policy 2 of the Joint Core Strategy for Broadland, Norwich and South Norfolk 2011 and saved policies HBE8; HBE12 and HBE19 of the City of Norwich Replacement Local Plan (Adopted Version November 2004) and all material considerations.)

8. PLANNING ENFORCEMENT: APPLICATION NO 11/00217/VEPA/ENF - LAND BETWEEN GREYFRIARS ROAD AND ROSE LANE, NORWICH, NR1 1PN

The planning development manager presented the report with the aid of slides and plans. The solicitor advised deleting "under s172 of the Town and County Planning Act 1990" from the recommendation.

RESOLVED to authorise enforcement action to secure the cessation of the unauthorised use and the taking of legal proceedings, including prosecution if necessary.

9. PLANNING ENFORCEMENT: APPLICATION NO 11/00173/BPC/ENF - 27 WENSUM STREET, NORWICH, NR3 1LA

The planning development manager presented the report with the aid of slides and plans and together with the environmental protection officer, answered questions.

RESOLVED to authorise enforcement action to secure the removal of the air handling / conditioning unit from the North (side) elevation of 27 Wensum Street and undertake legal proceedings, including prosecution if necessary.

10. PLANNING ENFORCEMENT: 1 CITY ROAD, NORWICH, NR1 3AJ

The planning development manager presented the report with the aid of slides and plans.

Councillor Lubbock said that Councillor Fairbairn, ward councillor for Lakenham Ward, had reported that residents were concerned about the use of the site for hand car washing on this site and the effect that this had on road safety.

RESOLVED to authorise enforcement action to secure the cessation of the unauthorised use and the taking of legal proceedings, including prosecution if necessary.

11. APPEAL OF APPLICATION NO 11/01768/T PROPOSED TELE-COMMUNICATIONS MAST OPPOSITE 161B BOWERS AVENUE NORWICH

The planning development manager presented the report with the aid of slides and plans.

RESOLVED to note the report and that members have the opportunity to submit comments to the planning inspectorate by 10 February 2012.

**12. PERFORMANCE OF THE DEVELOPMENT MANAGEMENT SERVICE,
OCTOBER TO DECEMBER 2011 (QUARTER 3, 2011-12)**

The planning development manager presented the report. Major developments were taking longer to process due to concerns about viability in relation to section 106 agreements and affordable housing. Officers were therefore engaged in complicated negotiations to secure as much affordable housing as possible.

RESOLVED to note the report.

CHAIR