



PLANNING APPLICATIONS COMMITTEE

10.00 a.m. to 1.15 p.m.

23 April 2009

Present: Councillors Bradford (Chair), Llewellyn (Vice-Chair), Banham, Driver, George, Lay, Lubbock, Stephenson and Wiltshire

Apologies: Councillors Bearman and Little

1. MINUTES

RESOLVED to approve the minutes of the meeting held on 2 April 2009, subject to the inclusion of the following additional item:-

'MINUTES

RESOLVED to approve the minutes of the meeting held on 12 March 2009.'

2. APPLICATION NO 09/00035/F – SITE OF PROPOSED RESIDENTIAL CARE HOME, IVY ROAD

The Senior Planner (Development) presented the report with the aid of slides and plans, and explained that this was a revised application.

RESOLVED, with 8 members voting in favour (Councillors Bradford, Lay, Lubbock, Banham, Stephenson, George, Wiltshire and Driver) and 1 member abstaining (Councillor Llewellyn), to approve Application No 09/00035/F – Site of proposed Residential Care Home, Ivy Road and grant planning permission, subject to the following conditions:-

1. Commencement of development within three years.
2. Details of sample materials.
3. Details of external lighting; windows and ventilation systems.
4. Details of car parking, cycle storage, bin stores.
5. Details of boundary treatment, walls and fences.
6. Details of landscaping, planting and site treatment works.
7. Landscape maintenance.

8. Details, installation and maintenance to ensure that at least 10% of its energy requirement is achieved through decentralised and renewable or low-carbon sources.
9. Tree Protection Scheme prior to commencement.
10. Details of scheme of supervision for tree protection.
11. Plant and machinery.
12. Details of fume and flue.
13. Restriction on use to care home only.

(Reasons for approval:- The redevelopment of this site to provide a care home has previously been accepted in principle. The proposed development would also retain the previously approved employment uses and principle of providing ancillary facilities and appropriate landscape space. The development would relate well to surrounding area and builds on the ongoing regeneration of the former school site. The proposed revised scheme is considered acceptable and would represent an appropriate form of redevelopment for the site, which would not have a detrimental impact on the living conditions of neighbouring residents and would result in an acceptable form, design and layout of development that would be in keeping with the surrounding character of the area and meet the relevant criteria of the saved Replacement Local Plan policies, central government guidance and the policies of the East of England Plan.

The proposals are therefore considered to meet the relevant criteria of PPS1 and PPS3, East of England Plan Policies ENG1, ENV7 and WM6 and accord with saved Replacement Local Plan Policies NE8, NE9, HBE12, HBE19, EP16, EP18, EP20, EP22, EMP1, HOU11, HOU19, SR12, TRA6, TRA7 and TRA8 of the City of Norwich Replacement Local Plan, Adopted Version, November 2004 and to all other material considerations.)

3. APPLICATION NO 09/100196/U – SECURICOR OMEGA EXPRESS SECURICOR LTD, CONCORDE ROAD

The Senior Planner (Development) presented the report with the aid of slides and plans.

In response to a members' question, the agent said that the adjacent premises was used for distribution type warehouse.

RESOLVED to approve Application No 09/100196/U – Securicor Omega Express Securicor Ltd, Concorde Road and grant planning permission subject to the following conditions:-

1. Commencement of development within three years.
2. Details of any plant and machinery to be submitted.
3. Details of any extract ventilation or fume extraction system.
4. Any paint spraying shall be carried out within the building.

(Reasons for approval: The proposed change of use to storage and repair of vehicles is considered to be an appropriate use on this General Employment Area in line with Saved Local Plan Policies EMP2 and EMP5 of the City of Norwich

Replacement Local Plan (Adopted Version November 2004), where the use would not have a significant impact on the amenities of the neighbouring commercial units.)

4. APPLICATION NO 08/01108/F – LAND AND BUILDINGS REAR OF 4-8 BER STREET

The Senior Planner (Development) presented the report with the aid of slides and plans, and explained that the site's red line had been amended removing properties fronting Ber Street and the notice served on owners had been amended following receipt of title information for purposes of the S106 agreement. The application had been revalidated and consulted on, the alterations were procedural and there were no changes to the development proposed. The revised plan was shown on page 48 of the agenda. In response to a member's question, the Senior Planner said that the access to the site in the current proposals was between numbers 6 and 8 Ber Street and remained the same as the previous approved application for this site.

RESOLVED, with 8 members voting in favour (Councillors Bradford, Lay, Lubbock, Banham, Llewellyn, Stephenson, George and Wiltshire) and 1 member abstaining (Councillor Driver), to:-

- (1) approve Application No 08/01108/F – Land and Buildings Rear of 4-8 Ber Street and grant planning permission, subject to:
 - (a) the completion of a satisfactory S106 agreement by the 15 June 2009 to include the provision of contributions to child play space, transportation contributions and maintenance of communal areas; and
 - (b) subject to the following conditions:
 1. Standard time limit.
 2. Details of development phasing plan.
 3. Details of all external facing materials including:
 - (a) Window frames;
 - (b) Doors;
 - (c) Balconies;
 - (d) Sun screens;
 - (e) Rainwater goods;
 - (f) Mortar mix;
 - (g) Eaves, verges and fascia boards.
 4. Samples of materials including:
 - (a) Facing bricks;
 - (b) Roof material;
 - (c) Wall cladding;
 - (d) Render.
 5. Details of all boundary treatments, fences and gates on site, including details of security measures to prevent the misuse of the residential amenity area to the north east of the site.
 6. Details of the precise size, location and elevation treatment of separate bin stores for commercial and residential elements, to be provided prior to first occupation.

7. Details of covered and secure cycle parking structures, to be provided prior to first occupation.
8. Hard and soft landscaping details for each phase of the scheme as agreed under condition 2, indicating ground surface treatments throughout site and all planting details.
9. Replace any trees/plants from the approved landscaping scheme that die within five year period.
10. Archaeological Evaluation.
11. Further geo-environmental survey required to establish the exact ground conditions underneath the site and actions required remove the identified storage tank.
12. Further site contamination report, including sub-surface and surface level contaminants.
13. Details of the number, location, specification and provision of air source heat pumps.

(Reasons for approval:-The recommendation has been made with regard to the provisions of the development plan, so far as material to the application including policies ENV6, ENV7, ENG1 and WM6 of the adopted East of England Plan (May 2008), saved policies NE9, HBE3, HBE8, HBE9, HBE12, HBE19, EP1, EP2, EP16, EP18, EP22, HOU1, HOU2, HOU6, HOU13, EMP1, SRA7, TRA3, TRA5, TRA6, TRA7, TRA8 and TRA11 of the City of Norwich Replacement Local Plan (November 2004), PPS1, Supplement to PPS1, PPS3, PPG13, PPG15 and PPG16.

Having considered all of the above and other material planning considerations it is considered that subject to the conditions listed and the contents of the S106 agreement that the proposals are an appropriate redevelopment of a central brownfield site in a sustainable manor which would enhance the surrounding Conservation Area. The proposal includes a suitable mix of uses and subject to the conditions listed will provide satisfactory amenity space, cycle parking, car parking and bin storage facilities as well as appropriate renewable energy provision.)

- (2) where a satisfactory S106 agreement is not completed prior to 15 June 2009 that delegated authority be given to the Head of Planning and Regeneration Services to refuse planning permission for Application No 08/01108/F – Land and Buildings Rear of 4-8 Ber Street the following reason:

In the absence of a legal agreement or undertaking relating to the provision of children's play space and transportation contributions the proposal is contrary to saved policies SR7, TRA11 and HOU6 of the adopted City of Norwich Replacement Local Plan, Adopted Version (November 2004).

5. APPLICATION NO 09/00210/F – NORTH BUILDINGS, ARMES STREET

The Senior Planner (Development) presented the report with the aid of slides and plans. Two further representations had been received since the publication of the report. The Norwich Society had appreciated the constraints of this site and the simplicity of the solution, but sought the opportunity for a more contemporary design. The other was a letter of objection from a nearby resident raising a number of matters which were not material planning considerations, but also commenting on

the concerns over the safety of the intended resident and emergency access, and the loss of parking. In response, the Senior Planner (Development) said that the proposed driveway was 3.1m wide at its narrowest point which was sufficient for emergency access and that loss of parking was addressed in the committee report.

A representative of the local tenants and residents association, acting as proxy for an objector, addressed his concerns and that of other local residents, in particular, to loss of parking spaces and emergency vehicle access.

The agent then had an opportunity to respond and referred to the parking survey results which showed that the parking spaces currently available were underused.

Councillor Lubbock spoke in support of the application and said that it was the best use of a difficult piece of land to develop, constrained as it was by trees, and that the provision of housing for a disabled person should be given greater priority over parking, of which there was ample provision in the area.

During discussion members were advised that the resident of the proposed bungalow could use an assisted collection of refuse and recycling bins. There was no public right of way through the site because it was enclosed. Members were assured that there would be adequate parking on the site and in the vicinity. The design for the building incorporated a car port and there was a large turning area near the bungalow.

RESOLVED 8 members voting in favour (Councillors Bradford, Lay, Lubbock, Banham, Llewellyn, Stephenson, Wiltshire and Driver) and 1 member abstaining (Councillor George), to approve Application No 09/00210/F – North Buildings, Armes Street, subject to the following conditions:-

1. Standard time limit.
2. Details of tree protection barriers to be submitted and an arboricultural method statement submitted.
3. Bin stores to be provided prior to first occupation;
4. Details of boundary treatments and landscaping to be submitted.

(Reason for approval:-The recommendation has been made with regard to the provisions of the development plan, so far as material to the application including policy WM6 of the adopted East of England Plan (May 2008), saved policies NE9, HBE3, HBE12, EP18, EP22, HOU13, TRA5, TRA6, TRA7 and TRA8 of the City of Norwich Replacement Local Plan (November 2004), PPS1, Supplement to PPS1, PPS3 and PPG13. The proposed development involves the provision of a single bungalow on a brownfield site in a relatively central location. It is not considered that the retention of the informal parking areas on the site is appropriate and the proposed development is considered to represent a more sustainable use of the site.)

6. APPLICATION NO 09/00013/A – NORWICH CITY COLLEGE, IPSWICH ROAD

The Team Leader (Development) presented the report with the aid of slides and plans and together with the Planning Development Manager answered questions.

During discussion some members considered that four new notice boards was excessive and would add to a proliferation of signs at the front of the College site. It was suggested that the new signs should be placed near to existing signs. Discussion ensued on the proposals to illuminate the signs and the use of the notice boards. Councillor Stephenson said that the proposed redevelopment of the site might mean that the position of the notice boards would not be appropriate. Consideration was given to whether the consent should be temporary or permanent. Concern was also expressed about the effect of the illuminated signs on traffic and that the signs should be controlled and limited. Members were advised that it was recommended that consent was conditional on agreement on the method of illumination.

Councillor Driver welcomed the proposals and pointed out that students walked up and down the stretch of Ipswich Road in front of the College and that the need for illuminated signs was reasonable when taking into account that it was dark early in winter.

RESOLVED, on the Chair's casting vote, with 4 members voting in favour (Councillors Bradford, Lay, George and Driver), 4 members voting against (Councillors Lubbock, Banham, Stephenson and Wiltshire) and 1 member abstaining (Councillor Llewellyn) to approve Application No 09/00013/A – Norwich City College, Ipswich Road and grant advertisement consent, subject to the following conditions:-

1. Standard advertisement conditions.
2. Precise details of method of illumination to be submitted and agreed.
3. Colour of frames to match railings unless otherwise agreed by the LPA.

7. APPLICATION NO 09/00060/F – 183A – NEWMARKET ROAD

The Team Leader (Development) presented the report with the aid of slides and plans, and together with the Planning Development Manager answered members' questions.

Councillor Lubbock, in her capacity as Ward Councillor for Eaton Ward, referred to the site history and said that there had been concern from local residents that the building was being used as a dental surgery with no-one living there, that trees had been removed from the site and that the scale of the dental practice was kept at an acceptable level. Members were advised that the conditions could be enforced and it was suggested that the recommended condition 4 be amended to inspect the appointment books to monitor the usage of the surgery.

The agent, at the Chair's discretion, responded on behalf of the applicant. She explained the use of the two surgeries with one being used for recovery purposes. The dentist resided at the property and part of the proposals was to extend the accommodation so that he could continue to live there. The practice was a private practice with no more than two patients an hour and there was plenty of parking spaces available. The previous planning permission was for a much larger building than the present application.

Discussion followed in which Councillor Lubbock said that she was comforted that the use of the surgery would be at a low level and that the mixed use of the building was compatible with the surrounding residential area.

The Chair then moved the recommendations with the proposed amendment to condition 4 relating to the addition of the inspection of appointment books.

RESOLVED to approve Application No 09/00060/F - 183A Newmarket Road and grant planning permission, subject to the following conditions:-

1. Standard 3 year time limit.
2. Details of external materials to be submitted and approved.
3. Floorspace of dental surgery element not to exceed two treatment rooms, one clean room and a reception area occupying a total area of not more than 95 sq.m. with the remainder of the property to have a residential use.
4. The dental surgery element to employ no more than two employees on site at any one time of whom only one can be a dental surgeon and that the appointment books be subject to inspection.
5. Surgery hours of use to be Monday-Friday 9.00 a.m. to 5.00 p.m.
6. Use as a mixed use dental surgery/residential dwelling only.
7. Parking and turning facilities to be provided.
8. Cycle parking and storage facilities to be provided.

(Reasons for approval: Taking into account the location of the site, the size of the plot and the scale of the proposed alterations, extensions and uses, the proposal is considered to be an acceptable mixed use in this instance and one that, subject to the imposition of appropriate conditions, would not have a detrimental impact on the character or appearance of the Conservation Area, on highway safety or on the living conditions of neighbouring residents.

The development is therefore considered acceptable and to have met the relevant criteria of PPS1, PPG4, East of England Plan policy ENV7, and saved policies HBE8, HB12, HOU16, EMP1, AEC2 and EP22 of the City of Norwich Replacement Local Plan 2004 and all material considerations.)

8. APPLICATION NO 09/00194/U – FIRST FLOOR, 77 PRINCE OF WALES ROAD

The Planner (Development) presented the report with the aid of slides and plans. Two further letters of objection had been received and the issues raised were the same as those addressed in the report. Eight further letters of support had been received including one from the Norwich City Licensing Forum and the Hotel Nelson, where the applicant had secured 5 parking spaces in the car park. The Planner together with the Planning Development Manager responded to questions on the report.

A representative of the Hackney Trade Association, pointed out that the lay-bys were used for pay and display parking between 7.30 a.m. and 9.00 p.m. and therefore could not be used by private hire vehicles without restriction. He then outlined the

Association's opposition to the change of use of the premises to a taxi private hire office, which included the same reasons for opposing the applicant's previous application for 58 Prince of Wales Road and that kerbside parking spaces could not be guaranteed and that the premises was not DDA compliant. Another objector said that he was concerned with the proliferation of bars and night clubs that the use of these premises for taxi hire would cause obstructions on the pavement and make dispersal more difficult. A representative of Unite (Transport and General Workers) reiterated his members' objections and their concern about the problem of parking in Prince of Wales Road and the impact that it would have on the operation of hackney taxi drivers.

The Chairman of the Central Norwich Citizens' Forum said that the Forum supported this application and expressed concern that the Council's Community Safety Officer suggestions for dispersal were a departure from agreed policy and could result in more disturbance to local residents. A local business man, operating in Prince of Wales Road said that he fully supported this application and that it offered better security, toilet facilities (preventing urinating in public spaces) and a safe place for people to wait for taxis.

The applicant then addressed the Committee and explained that since submitting the application there had been two new bars opening in the vicinity. He explained that his firm was already picking up fares and dropping off fares in Prince of Wales Road. The use of the premises would provide a safe place for people to wait, with facilities, using a ticket numbering system displayed in the waiting room and escorting people to their taxis by a marshal. Five parking spaces had been secured at the Hotel Nelson.

Discussion ensued on the lack of compliance of the premises for disabled access. The Planner advised members of the legal requirements for disabled access and that there were no significant grounds for refusal of this application. It was not possible to achieve disabled access at this premises, but there was provision for disabled people to wait downstairs and there would be door staff present. A management plan for the operation of the business was suggested as an additional condition.

Discussion ensued in which the issues of parking and public safety were discussed. Councillors Stephenson and Llewellyn spoke in support of the scheme, which would provide a safe place for people to wait and toilet facilities. The lack of disability access was not sufficient grounds for refusal and the management of the office would ensure that people did not congregate on the pavement.

Councillor Lubbock moved and Councillor Driver seconded that the application be refused on the grounds that there was no specific parking associated with the office and that this would result in double parking and be detrimental to highway safety; and that the use of the office as a taxi base would cause people to congregate on the street when in the interests of community safety, it was better to disperse people away from Prince of Wales Road as soon as possible.

The Planning Development Manager pointed out that the grounds for refusal of the applicant's previous application had not been on the grounds of public safety and to do so would be inconsistent and difficult to justify at appeal.

The amendment was then moved:-

RESOLVED, with 3 members voting in favour of refusal (Councillors Bradford, Lubbock and Driver) and 5 members voting against (Councillors Lay, Stephenson, Llewellyn, George and Wiltshire) and 1 member abstaining (Councillor Banham), the amendment to refuse Application No 09/00194/U – First Floor, 77 Prince of Wales Road, on the grounds of highway safety and public safety was lost.

The Chair then moved the recommendations, with the additional condition for a management plan.

RESOLVED, with 5 members voting in favour (Councillors Lay, Stephenson, Llewellyn, George and Wiltshire) , 3 members voting against (Councillors Bradford, Lubbock and Driver) and 1 member abstaining (Councillor Banham) to approve Application No 09/00194/U – First Floor, 77 Prince of Wales Road and grant planning permission, subject to the following conditions:

1. Standard time limit.
2. Installation of CCTV cameras to National Security Inspectorate criteria.
3. Whenever the premises are open for business all doors shall remain open and public access will not be restricted into the waiting areas for customers of the service.
4. All public facilities will remain accessible at all times whilst the premises are in operation.
5. The applicant to provide a management plan for the operation of the business.

(Reasons for approval: The decision to grant planning permission has been taken having regard to national policy PPS6, PPG4, PPG13 and PPG24, policy ENV7 of the East of England Plan and saved policies AEC1, EP22, HBE8, EMP1 and CC9 of the City of Norwich Replacement Local Plan (Adopted Version November 2004).

The change of use is considered acceptable adjacent to the Late Night Activity Zone as a related use to the night time economy. It is not considered that the use would have a detrimental impact on highway or community safety.)

9. APPLICATION NO 09/00186/F – 112 MAGDALEN ROAD

The Planning Development Manager said that a letter had just been received which suggested that the description of this application was misleading and could be misinterpreted to believe that the application related to one dwelling when in fact it was for two. He therefore suggested that the item be deferred to the next meeting to allow for further consultation.

The Chair said that it was important that the Committee did not make an unsound decision and that the item should be deferred. He apologised to the member of the public who had taken time off to attend the meeting and would therefore be inconvenienced.

RESOLVED to defer consideration of Application No 09/00186/F – 112 Magdalen Road to the next meeting to ensure that all interested parties are aware of that the application refers to two dwellings.

10. APPLICATION NOS 09/00178/F AND 09/00183/L – 2 THE CRESCENT, CHAPEL FIELD ROAD

The Team Leader (Development) presented the report with the aid of slides and plans and circulated a copy of the drawing showing the proposed building in colour. The Team Leader and the Planning Development Manager answered questions.

A proxy for the resident of the neighbouring property highlighted his objections to the proposal which included the height of the extension and the effect on the boundary wall. Councillor Jeraj, Ward Councillor for Town Close, also raised the issue of the neighbour's concerns about drainage from the extension roof.

The agent then spoke in support of the proposals and explained: the choice of a very modern design to make a positive contribution to the listed building; how the drainage worked; that the extension would not encroach the open space of the neighbouring property and that the proposals for the boundary wall could be modified with the use of plain brick.

During discussion members considered the visual impact from the neighbouring property and the effect it would have on the boundary wall. Members were advised that condition 3 could be amended to include details to be submitted on the extension and its relationship with the adjoining boundary wall.

RESOLVED, with 8 members voting in favour (Councillors Bradford, Lubbock, Banham, Stephenson, Llewellyn, George, Wiltshire and Driver) and 1 member voting against (Councillor Lay) to:-

- (1) approve Application No 09/00178/F - 2 The Crescent and grant planning permission, subject to the following conditions:-
 1. Three years for commencement.
 2. Details of materials to be submitted and approved.
 3. Specific details of the linking of extension to house and relationship to the adjoining boundary wall.

(Reasons for approval: The decision is made with regard to policies HBE8, HBE9 and HBE12 of the City of Norwich Replacement Local Plan Adopted Version November 2004 and all material considerations. The extension is of an acceptable scale, design and massing and would not have a detrimental impact on the residential amenity of the neighbouring properties, and will enhance the character of the City Centre Conservation Area.)

- (2) approve Application No 09/00183/L – 2 The Crescent and grant listed building consent, subject to the following conditions:
 1. Three years for commencement.

2. Details of materials to be submitted and approved;
3. Specific details of the linking of extension to house and relationship to the adjoining boundary wall.

(Reason for approval: The decision is made with regard to policy HBE9 of the City of Norwich Replacement Local Plan Adopted Version November 2004 and all material considerations. The extension is of an acceptable scale and design, with high quality materials and in keeping with the special character of this Grade II listed building.)

(Councillor George left the meeting at this point.)

11. APPLICATION NO 09/00127/F – 2 THE AVENUES

The Team Leader (Development) presented the report with the aid of slides and plans.

RESOLVED to approve Application No 09/00127/F – 2 The Avenues and grant planning permission, subject to the following conditions:

1. 3 years time limit.
2. Roofing materials to match existing roof.

(Reason for approval: The decision is made with regard to policy HBE12 and EP22 of the City of Norwich Replacement Local Plan Adopted Version November 2004 and all material considerations. The dormer and velux windows will not have an adverse impact on the visual and residential amenities of the area because of their high quality materials and positioning on the building, which will give no overlooking to adjacent properties.)

12. APPLICATION NO 09/00160/F – 175 COLLEGE ROAD

The Team Leader (Development) presented the report with the aid of slides and plans. Members were advised that planning permission for the removal of the chimney stack was not required.

RESOLVED to approve Application No 09/00160/F – 175 College Road and grant planning permission, subject to the following condition:-

1. Three years for commencement.

(Reason for approval: The decision is made with regard to policy HBE12 of the City of Norwich Replacement Local Plan Adopted Version November 2004 and all material considerations. The roof dormer will be in keeping with the character of the existing house, and together with the high quality materials, the dormer is considered to be acceptable.)

**13. PERFORMANCE OF THE DEVELOPMENT MANAGEMENT SERVICE –
JANUARY – MARCH 2009 AND MEMBER TRAINING PLAN**

The Planning Development Manager presented the report and together with the Head of Planning and Regeneration Services answered members' questions. Members were advised that the problem of the back log of major applications that had not been completed within 13 weeks was being managed and should be on target for next year. This included threatening refusal if section 106 agreements were not signed within a set period.

Members noted the Council was winning 75% of planning appeals and that only one of the Committee's decisions had been overturned at appeal. The Planning Development Manager said since the publication of the report the Planning Inspectorate had dismissed the appeals for 10 Barnard Road, 64 St Benedict's Street and 284 Dereham Road.

RESOLVED to:-

- (1) note the report;
- (2) ask members to advise the Head of Planning and Regeneration Services of any suggestions for future training needs.

CHAIR