



PLANNING APPLICATIONS COMMITTEE

10am to 1.30pm

23 August 2012

Present: Councillors Bradford (chair), Ackroyd, Blunt (substitute for Councillor Howard), Gee, Kendrick, Little, Neale, Rogers and Stonard

Apologies: Councillors Howard, Lay, Sands (M) and Sands (S)

1. DECLARATIONS OF INTEREST

The solicitor (nplaw) advised members of their obligations under the new code of conduct in relation to the disclosure of pecuniary interests.

2. MINUTES

RESOLVED to agree the accuracy of the minutes of the meeting held on 19 July 2012.

3. APPLICATION NO 12/00744/U 10 WEST PARADE, NORWICH, NR2 3DW

The planner (development) presented the report with the aid of plans and slides. She also referred to the supplementary report of updates to reports that was circulated at the meeting. In response to a request for clarification, the planner, together with the planning development manager, explained that the application was for a self contained flat within a residential dwelling. Members were advised that it was not an application for a commercial property. The application was for a self-contained flat, and it was irrelevant whether it was let for short or longer stays. It could be considered similar to a holiday let in a dwelling house.

A resident, also speaking on behalf of his immediate neighbours, pointed out that there had been 14 letters of objection to the proposal and summarised the objections which included that it was inappropriate to sub-divide a large family home; contrary to planning policies and detrimental to the conservation area; and concern about road safety. Another resident said that he was opposed to the proposal and that it would be detrimental to the unique character of West Parade and lead to a loss of a sense of community in the street.

Discussion ensued in which the planner, together with the planning development manager, referred to the report and answered members' questions. Planning

permission was not required to turn a dwelling house into a small scale bed and breakfast or to let out a room. A member expressed concern that this proposal was similar to second homes and that its use for short-term lets would undermine the community.

During discussion members considered that they needed more information about the relevant legislation, case law and planning policies which supported this application as a residential rather than for commercial use before they could determine the application. The planning development manager said that it was clear that this application was for residential and not commercial use.

Councillor Little proposed and Councillor Neale seconded that consideration of application no 12/00744/U 10 West Parade should be deferred to allow for members to be provided with further information on legislation, case law and planning policy in relation to dwellings and holiday accommodation/serviced apartments/bed and breakfast establishments in order for the committee to make an informed decision on this application.

RESOLVED with 6 members voting in favour (Councillors Little, Neale, Rogers, Gee, Stonard and Blunt), 2 members voting against (Councillors Kendrick and Ackroyd) and 1 member abstaining (Councillor Bradford) to defer consideration of application no 12/00744/U 10 West Parade, to allow for members of the committee to be briefed on the legislation, case law and policy background relating to dwellings and holiday accommodation/serviced apartments/bed and breakfast establishments.

4. APPLICATION NO 12/01350/F 3 POPLAR AVENUE, NORWICH, NR4 7LB

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

During discussion the planner referred to the report and answered members' questions.

The planning development manager noted members' requests for copies of elevations and appropriately sized plans to be circulated to members with the agenda for the meeting in future. However he stated that this was often difficult to do because of the vagaries of copy quality and scanned images.

Councillor Little requested that a condition be applied for a replacement tree to mitigate against the loss of a smaller tree on site.

RESOLVED with 8 members voting in favour (Councillors Bradford, Ackroyd, Kendrick, Little, Neale, Rogers, Stonard and Blunt) and 1 member abstaining (Councillor Gee, not having been in the room for the entire item) to approve application no 12/01350/F 3 Poplar Avenue, Norwich, NR4 7LB, and grant planning permission subject to the following conditions:

1. Standard time limit.
2. In accordance with plans.
3. Prior approval of details.
4. In accordance with Arboricultural Implications Assessment.
5. Provision of site monitoring.
6. Arboricultural supervision.

7. Siting of services.
8. Protection of root protection areas.
9. Mitigatory replacement tree planting.

(Reasons for approval: The decision is made with regard to policies NE3, NE8, HBE12 and EP22 of the City of Norwich Replacement Local Plan, policies 1 and 2 of the adopted Joint Core Strategy March 2011 and all material considerations. The design, scale, form and materials used for the rear extension will provide a contemporary addition to the existing dwelling and will not have a significant adverse impact on the amenity of neighbouring residents by virtue of the distance in between the extension and neighbouring dwellings, or the adjacent protected tree through the proposed construction methods that will protect the roots of this tree.)

Informative:

1. Tree protection barriers.

5. APPLICATION NO 12/01164/F 86 ST CLEMENTS HILL, NORWICH, NR3 7LB

The planner (development) presented the report with the aid of plans and slides and referred to a further representation and the response as set out in the supplementary report of updates to reports which was circulated at the meeting. Members noted that the proposed width of the extension was 4.8m not 4.3m as stated in the main report and the plans had been amended.

The daughter of the immediate neighbour addressed the committee and outlined her father's concerns about the proposed extension, which included concern that it would block the light to the parts of the house that he lived in and that his garden would be ruined during the construction. Photographs taken from the kitchen and garden were displayed. Another neighbour then addressed the committee and pointed out that, whilst she and her husband had not objected to the previous planning application; they considered that the scale of the current proposal was too large and that the use of slate tiles was inappropriate. Councillor Barker, Sewell ward councillor, then spoke in opposition to the proposal and said that it would be detrimental to the neighbouring property and that the previous application had been acceptable. He suggested that the committee undertook a site visit.

During discussion the planner and the planning development manager referred to the report and answered members' questions. The committee was advised that the applicant required the roof height for a garden room and that slate tiles were being used to reduce the pitch of the roof and the ridge height. Members expressed concern that the proposed extension would overshadow the adjacent property at 88 St Clements Hill. During discussion a motion for the committee to undertake a site visit which had been moved by Councillor Ackroyd and seconded by Councillor Kendrick but was then withdrawn.

Councillor Little then moved and Councillor Stonard seconded that the application be refused because of loss of amenity and loss of light to the adjacent property, and taking into account the material planning consideration that the neighbour at 88 St Clements Hill had mobility problems and was restricted to part of the house which would be most affected by overshadowing.

RESOLVED with 7 members voting in favour of refusal (Councillors Bradford, Ackroyd, Little, Rogers, Gee, Stonard and Blunt) and 2 members voting abstaining because they considered that they had insufficient information (Councillors Kendrick and Neale) to refuse application no 12/01164/F, 86 St Clements Hill, Norwich, NR3 7LB on the grounds of loss of amenity and light to the property at 88 St Clements Hill and taking into account the material planning considerations of the mobility problems of the immediate neighbour and the restricted use of his home which would be most affected by the overshadowing and to ask the Head of planning services to provide the reasons for refusal in policy terms.

(Reasons subsequently provided by the Head of planning services:

1. The proposed extension would have an overbearing impact to neighbouring residents and lead to a loss of outlook from the ground floor rooms of 88 St Clements Hill which are used by the neighbouring resident who has reduced mobility restricting their use of other rooms in the dwelling, by virtue of the height of the eaves and ridge, the length of the extension and the close proximity to neighbouring windows at 88 St Clements Hill. The development would therefore be contrary to saved policy EP22 of the adopted City of Norwich Replacement Local Plan (November 2004).
2. The proposed extension would lead to a loss of daylight and direct sunlight to the ground floor rooms and rear garden of 88 St Clements Hill which are used by the neighbouring resident who has reduced mobility restricting their use of other rooms in the dwelling, by virtue of the height of the eaves and ridge, the length of the extension, the siting of the extension on the boundary with 88 St Clements Hill and the close proximity to neighbouring windows at 88 St Clements Hill. The development would therefore be contrary to saved policy EP22 of the adopted City of Norwich Replacement Local Plan (November 2004))

**6. APPLICATION NO 12/01178/F STORE AND PREMISES THE LOKE
DEREHAM ROAD, NORWICH, NR5 8QG**

The senior planner (development) presented the report with the aid of plans and slides and answered members' questions.

RESOLVED to approve application no 12/01178/F Store and premises, The Loke, Dereham Road, Norwich, NR5 8QG and grant planning permission subject to the following conditions:

1. Standard time limit.
2. In accordance with plans.
3. Hard and soft landscaping, including use of permeable paving.
4. External facing materials and boundary treatments.
5. Refuse and cycle storage implemented as shown on plans.
6. Water efficiency to Code for Sustainable Homes Level 4.
7. Construction method statement.
8. Existing contamination – submission of details prior to development.
9. Existing contamination – submission of verification report prior to first occupation.
10. Unknown contamination.

11. Imported ground materials (topsoil and subsoil).
12. Ground conditions – submission of engineering solution following investigation.

(Reasons for approval:

1. The decision is made with regard to policies NE8, NE9, HBE12, EP1, EP2, EP3, EP16, EP17, EP22, EMP3, HOU13, TRA6, TRA7 and TRA8 of the City of Norwich Replacement Local Plan, policies 1, 2, 3, 4, 6, 9 and 12 of the adopted Joint Core Strategy March 2011 and all material considerations.
2. The residential development of the former industrial site will be of benefit to the character and appearance of the residential area and less likely to lead to noise disturbance to adjacent residents than the former use. The design, scale, form and choice of materials of the new dwellings do not detract from the character and appearance of the existing residential properties in the wider area and or have a significant adverse impact on the amenities of existing neighbouring residents by virtue of the distance to neighbouring properties and appropriately located windows to avoid significant overlooking.
3. The additional dwellings and resultant traffic movements and parked cars will not have a detrimental affect to the appearance of the streetscape or highway safety due to the small increase in traffic movements and car numbers on the access road, with the additional two parking spaces in excess of the parking standards providing a compromise to address potential parking on the access road.)

Informative:

1. Construction working hours.
2. Asbestos.
3. Bins to be purchased from council prior to occupation.
4. Awareness of site clearance impacts between March and September to protect nesting birds.

7. APPLICATION NO 12/01384/L EARLHAM HALL, EARLHAM ROAD, NORWICH, NR4 7TJ

The senior planner (development) presented the report with the aid of plans and slides and answered members' questions.

A member expressed concern that the committee needed a general overview of the plans for Earlam Hall so that individual planning applications could be considered in context. Members noted that the window could be reinstated in the future and that the proposals allowed access for people with disabilities.

RESOLVED to refer application no 12/01384/L Earlam Hall, Earlam Road, Norwich, NR4 7TJ to the Secretary of State with a recommendation to grant consent subject to the following conditions:

1. Standard time limit
2. In accordance with plans
3. Details of fixing and retention of window and shutters as part of fabric of building
4. Details of:
 - (a) Making good of exposed brickwork and area
 - (b) Joinery
 - (c) Recording of building during works

(Reason for approval: The window is to be retained within the space to that previously used at the Hall, and the extent of the works is kept to a minimum in terms of removing other historic fabric. The proposed works would improve accessibility and reception space at the main new entrance area on the east side of the Hall. The improvements to the area will also help in terms of managing the building. The proposed scheme thereby creates a more viable option to access issues than other possible alternative alterations within this space. Subject to conditions it is considered that the proposal accords with the criteria set out within policies HBE8, HBE9 and HBE12 of the City of Norwich Replacement Local Plan and policies 1 and 2 of the Joint Core Strategy and statement 12 of the NPPF "conserving and enhancing the historic environment".)

8. APPLICATION NO 12/01245/F 126 CAMBRIDGE STREET, NORWICH, NR2 2BE

(Councillor Gee left the meeting during this item.)

The planning development manager presented the report with the aid of plans and slides. He referred to the supplementary report of updates to reports which contained the details and responses of two further representations that had been received.

A member of the public who was in the process of purchasing property on Trinity Street outlined her objections and that of the current tenants to the proposal which she considered would increase shadowing of the garden and rear bedroom/study because of its height and length.

The agent then addressed the committee and explained that the 1970's extension was in poor state of repair. He pointed out that the proposed extension would not add to shade in December because of the position of the sun.

During discussion members the planning development manager answered questions. Members noted that the other houses in the terrace had rear extensions but that unlike 126 Cambridge Street the rear of the house did not back onto the gardens in Trinity Street.

Councillor Little moved and Councillor Rogers seconded that the application be refused because it was contrary to policy EP22, had a detrimental impact on the adjoining terrace house and the properties in Trinity street causing loss of day light; was overbearing in its height, scale and mass and would reduce the amenity space in the rear garden of the property.

RESOLVED with 5 members voting in favour of refusal (Councillors Ackroyd, Little, Neale, Rogers and Blunt) and 3 members voting against (Councillors Bradford, Kendrick and Stonard) to refuse application no 12/01245/F 126 Cambridge Street, Norwich, NR2 2BE on the grounds that would be detrimental to the amenity of the adjoining terrace house and the properties in Trinity Street, that it would cause loss of day light to these properties, was overbearing in height, scale and mass and would reduce the amenity space in the rear garden of the property and to ask the Head of planning services to provide the reasons for refusal in policy terms.

(Reasons for refusal as subsequently provided by the Head of planning services:

1. The proposed single and two storey extensions are considered to be excessive in terms of height, scale and massing and as such result in an overbearing nature of development to adjacent dwellings on Cambridge Street and dwellings fronting Trinity Street. In addition, the proposed extensions would cause overshadowing to the rear gardens and rear habitable rooms of properties fronting Trinity Street by virtue of the height and massing of the proposed extensions. The proposed development is therefore considered to result in harm to the amenity of neighbouring properties contrary to saved policy EP22 of the City of Norwich Replacement Local Plan (2004).
 2. The proposed single and two storey extensions will result in the rear garden of 126 Cambridge Street being reduced in size to a point where it is no longer considered to be providing a sufficient area of private amenity space for the occupiers of the application dwelling. As such the proposals are considered to be contrary to saved policy EP22 of the City of Norwich Replacement Local Plan (2004).
9. **APPLICATION NO 10/01107/RM LAND KNOWN AS RIVERSIDE HEIGHTS, GEOFFREY WATLING WAY (NORWICH CITY FOOTBALL CLUB), CARROW ROAD, NORWICH, NR1 1JE**

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

RESOLVED:

- (1) to amend the terms of agreement, relating to application 10/01107/RM at Norwich City Football Club, Carrow Road, Norwich, NR1 1JE as agreed at planning applications committee on 17 May 2012, by the terms as specified in paragraph 6 of the report and reproduced below:
 - Block 1 shall include 54 Affordable Housing Units which shall be provided as Affordable Rented Housing.
 - The Owner [the developer/applicant] shall not occupy or permit the occupation of any dwelling in Blocks 2, 3, 4 or 6 prior to the completion of the frame and external envelope of Block 1.
 - The Owner shall not occupy or permit the occupation of any dwelling in Blocks 2, 3 or 4 or more than 12 units in Block 6 until the Affordable Housing Units have been completed and transferred to a Registered Provider.

- The owner shall not commence construction of Blocks 3 or 4 until the Affordable Housing Units have been completed and transferred to a Registered Provider.
 - The owner shall not carry out any construction works to Block 2 beyond its groundworks (such as drainage and contamination works) and foundations until the frame of Block 1 has been completed, and thereafter shall not carry out any works beyond the construction of the frame of Block 2 (and shall not include any works to the external envelope of Block 2) until the external envelope and cladding of Block 1 has been completed.
- (2) in the event that completion of a satisfactory Section 106 Agreement is not achieved by 30 September 2012, to include affordable housing provision, sustainable transport measures and library contributions as appropriate, to delegate authority to the head of planning services to:
- (a) refuse application 10/01107/RM at Norwich City Football Club, Carrow Road, Norwich, NR1 1JE, for the following reason:
- In the absence of a satisfactory legal agreement or undertaking relating to the provision of affordable housing, sustainable transport measures and library contributions the proposal is contrary to policy 4 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (March 2011), and saved policies TRA11 and HOU6 of the adopted City of Norwich Replacement Local Plan (November 2004);
- (b) to delegate authority to the head of planning services to commence enforcement action proceedings against the unauthorised construction of the first parts of the development currently underway.

10. APPLICATION NO 07/01018/F 'WENTWORTH GARDENS', SITE OF FORMER CIVIL SERVICE SPORTS GROUND, WENTWORTH GREEN, NORWICH

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

RESOLVED to agree a deed of variation to the Section 106 Agreement attached to planning permission 07/01018/F, to allow the provision of 75% social rented housing and 25% intermediate tenure housing (instead of 25% shared ownership housing). Within the 25% intermediate tenure, all dwellings could comprise shared equity housing to be made available to those on the waiting list of the council's official intermediate tenure 'zone agents' for the area. The approval is subject to those shared equity units being made available on a 75%/25% equity share, whereby dwellings are marketed and sold at 75% of the open market value, with the remaining 25% equity in the property being transferred to the city council. No 'staircasing' (purchasing extra equity) would be allowed within the first 5 years of occupation, and any capital raised as a result of 'staircasing' after this initial 5 years will be re-invested by the council in delivery of further affordable housing elsewhere.

11. APPLICATION NO 11/02097/H CROPSCIENCE UK LTD, SWEET BRIAR ROAD, NORWICH, NR6 5AP

The senior planner (development) presented the report with the aid of plans and slides, and answered questions.

Councillor Blunt asked about the notification and said that former Wensum Ward councillors had been interested in this application. The senior planner explained that the Environment Agency's report had been available on the council's website in February and the Health and Safety Executive's report had not been received until 2 August and ward councillors had been emailed the reports on 13 August 2012. There had been no third party representations. The company had wanted a decision before September 2012.

RESOLVED to approve application no 11/02097/H at Bayer CropScience, Sweet Briar Road, Norwich and grant hazardous substance consent, subject to the following conditions:

1. The Hazardous Substances shall not be kept or used other than in accordance with the application particulars provided in Form 1, nor outside the area(s) marked for storage of the substance(s) on the plan which formed part of the application.
2. The flashpoint of Gas Oil / diesel shall be greater than 55°C.

(Reasons for approval: The proposed variations to the existing Hazardous Substance Consent on the site are considered unlikely to result in any significant increase in risk to human health or the environment and would not conflict with any existing or proposed use of the site or the land around the site. Therefore, subject to the imposition of conditions as recommended by the HSE, it is considered that the grant of consent is acceptable and in accordance with the relevant policies of the NPPF, policy NR1 of the East of England Plan 2008, policies 1, 5 and 12 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2011, saved policies EP3, EP5, EMP7 and NE7 of the City of Norwich Replacement Local Plan 2004 and policies DM11 and DM16 of the development management policies development plan document – regulation 19 pre-submission consultation draft 2012.)

12. UNOPPOSED BUSINESS

RESOLVED two hours having passed since the start of the meeting, to accept the following items which were for information only as unopposed business.

13. APPLICATION NO 12/00961/F CAR PARK REAR OF 5 - 11 CATHEDRAL STREET, NORWICH

RESOLVED as unopposed business to note that a report will be submitted to a subsequent committee.

**14. PERFORMANCE OF THE DEVELOPMENT MANAGEMENT SERVICE,
APRIL -JUNE 2012 (QUARTER 1, 2012-13)**

RESOLVED, as unopposed business, to note the report.

**15. PERFORMANCE OF THE DEVELOPMENT MANAGEMENT SERVICE:
APPEALS: 1 APRIL 2012 – 30 JUNE 2012 (QUARTER 1 2012 - 2013)**

RESOLVED, as unopposed business, to note the report.

CHAIR