



**PLANNING APPLICATIONS COMMITTEE**

**10am to 1.20pm**

**29 March 2012**

Present: Councillors Bradford (chair), Gee (vice-chair) (to end of item 8), Ackroyd (to end of item 7), Banham, Gayton, Haynes, Kendrick, Little, Lubbock (to end of item 5) and Offord

Apologies: Councillors George and Sands (S)

**1. MINUTES**

**RESOLVED** to agree the accuracy of the minutes of the meeting held on 1 March 2012.

**2. NATIONAL PLANNING POLICY FRAMEWORK (NPPF)**

(The chair agreed to take this as an urgent item)

The planning development manager reported that the government's National Planning Policy Framework (NPPF) was published on 27 March 2012 with immediate effect. He referred to the supplementary report "Updates to reports for consideration" circulated at the meeting and pointed out that the NPPF was a material consideration when determining planning applications. The report outlined the changes relevant to each application under consideration by the committee at this meeting. (Copies of the NPPF were also circulated to members.)

**3. APPLICATION NO 11/00691/O SCHOOL GROUNDS AND GAMES COURT SEWELL PARK COLLEGE, WALL ROAD, NORWICH**

(Councillor Little declared a personal interest in this item as a member of Norfolk County Council.)

The senior planner (development) presented the report with the aid of plans and slides and referred to the supplementary report "Updates to reports for consideration" that was circulated at the meeting. Members were also advised that the reference to the current building regulation requirements, in paragraph 55 of the main report, should read 125 litres per person per day and that it was considered that it would be reasonable to require the development to meet the additional sustainable homes Code 4 requirement of 105 litres per person per day to meet the Joint Core Strategy (JCS) policy requirement..

A resident of Wall Road addressed the committee and outlined his concerns to the development relating to density, increased traffic and traffic congestion.

The agent referred to the report and advised the committee that the community use agreement had been signed off

During discussion the senior planner referred to the report and, together with the planning development manager, answered members' questions.

Discussion ensued in which Councillor Lubbock suggested that it made sense to install water butts during construction and that the S106 agreement transport contributions should be used to further the council's corporate plan objective of implementing 20mph zones in all residential areas of the city. Officers advised against being too prescriptive on the water efficiency measures to be used to achieve the sustainable homes code 4 standard. Members concurred with the proposal that the transport contributions could be used for a 20mph speed limit. Councillor Little expressed concern that the use of S106 transport contributions for a 20mph speed limit would reduce funding available for cycling improvements. Officers advised the committee that the S106 agreement negotiations were well advanced but the transport contributions could be applied flexibly to further 20mph speed limits as well as other measures to encourage cycling and pedestrians.

Councillor Lubbock moved and Councillor Ackroyd seconded that a requirement to install water butts be added to the condition 12, water efficiency. On being put to the vote it was:

**RESOLVED** with 5 members voting in favour (Councillors Ackroyd, Lubbock, Little, Offord and Gee) and 4 members voting against (Councillors Bradford, Gayton, Banham and Kendrick, on the grounds that they were not adverse to water butts but considered that it should be at the discretion of the applicant and it was not necessary to impose by condition) and 1 member abstaining (Councillor Haynes) to stipulate that water butts must be fitted as part of the development.

The chair then put the recommendations contained in the report as amended above to the vote.

**RESOLVED** with 9 members voting in favour (Councillors Bradford, Little, Gayton, Banham, Kendrick, Offord, Gee, Ackroyd and Lubbock) and 1 member abstaining (Councillor Haynes) to approve Application No 11/00691/O School Grounds and Games Court, Sewell Park College, Wall Road, Norwich and grant planning permission, subject to:

- (1) the completion of a satisfactory S106 agreement by to include the provision of contributions to open space provision and play equipment/space provision (either on site /on and off site by way of space/equipment provision or contributions); education contribution; library contribution; transportation contribution (cycling/pedestrian improvements or speed limit reduction); and on-site affordable housing requirement (at 33% of dwelling units (85% social rented and 15% intermediate tenure))
- (2) the following conditions:

1. Application for the approval of reserved matters to be made not later than 3 years from date of permission;
2. Commencement of development 2 years from the date of approval of the reserved matters to be approved;
3. Matters to relate to layout, appearance, scale and landscaping;
4. Matters to include details of planting and site treatment works;
5. Landscape maintenance;
6. Matters to include details of Facing and Roofing Materials; Boundary treatments, walls and fences; external lighting; biodiversity enhancements;
7. Details of car parking, cycle storage, bin stores, access road surface, pedestrian links;
8. Detail of arboricultural information;
9. Compliance with AIA, AMS and Tree Protection Scheme implemented prior to commencement;
10. Retention of tree protection;
11. Provision and maintenance of renewable energy sources;
12. Water efficiency including water butts;
13. Submission of noise report;
14. Noise protection measures to be installed;
15. Site contamination investigation and assessment to be carried out and if contamination is found a scheme of remediation and mitigation to be agreed and carried out. Should during development, contamination not previously identified be found development is to cease pending details to deal with contamination;
16. Control on any imported materials;
17. Archaeology - site monitoring/supervision/recording of information;
18. Removal of PD rights for houses;
19. Limited to development parameters set out in D&A.

**Informatives:**

Considerate construction and timing to prevent nuisance;

Materials removed from site should be classified and disposed of at suitable licensed facilities;

Site clearance to have due regard to minimising the impact on wildlife.

(Reasons for approval: The development of the site for residential dwellings would contribute to the overall delivery of housing in Norwich and as considered against the Joint Core Strategy Policy 4, would provide for a 33% provision towards affordable housing (4 no. affordable units in total) which would contribute specifically to the promotion of affordable housing in Norwich. The provision of alternative green space is delivered through removal of buildings within an adjoining site and access ensured through use of a community use agreement for the remodelled space. The scheme provides adequate and safe access into the site for both the school use and future residential development. Subject to submission of reserved matters and conditions, parking and servicing space is capable of being provided with ease of use for future residents.

The proposed development, subject to submission of reserved matters and conditions, could be well integrated with the surrounding development in form and layout and would make good use of this urban site. Individual layout of blocks can be achieved with regard to amenity and safety issues in the area for existing residents and subject to conditions could also be designed to limit amenity impacts for future residents of the scheme. The site area allows for sufficient space for protection of existing trees around the site and possibilities for further landscape and biodiversity enhancement to improve the amenity of the area. The scheme also provides for appropriate provision and/or contributions to provide open space provision and play equipment/space provision (either on or off site by way of space/equipment provision or contributions); education contribution; library contribution; transportation contribution; and on-site affordable housing to meet local requirements and to make suitable improvements in the area

The decision has been made with particular regard to the National Planning Policy Framework; policies ENV7, ENG1, H2, T14 and WM6 of the East of England Plan 2008; policies 1, 2, 3, 4, 6, 7, 9 and 20 of the Joint Core Strategy (March 2011); and saved policies EP1, EP16, EP17, EP18, EP20, EP22, SR3, SR7, SR12, HBE12, HOU6, HOU13, HOU18, NE8, NE9, TRA5, TRA6, TRA7, TRA8, TRA10, TRA11 and TRA18 of the City of Norwich Local Plan (Adopted Version 2004) and to all material planning considerations.)

#### **4. APPLICATION NO 12/00231/VC WORKSHOP CAFE BAR 53, EARLHAM ROAD, NORWICH, NR2 3AD**

The planner (development) presented the report with the aid of plans and slides and referred to the supplementary report of "Updates to reports for consideration". Members were advised of a further letter of representation which added further weight to the objections already received. The planning solicitor had recommended that condition 3 be amended to clarify the times that the forecourt could be used. The agent had also confirmed that the use of the forecourt to 9.30pm was acceptable to the applicant.

A resident speaking on behalf of several neighbours then addressed the committee. She read out extracts from the letter of representation, on behalf of the owner of the adjacent property who was unable to attend in person, and also referred to the concerns of four other residents which included loss of amenity and that 8pm was late enough.

The agent in response confirmed that the 9.30pm condition was acceptable to his clients. He advised the committee that there had been no reports of anti-social behaviour or noise disturbance during the trial period. The use of the land was a planning matter but the management of it was regulated by the Licensing Act 2003.

The planner (development) confirmed that the council had not received any complaints about the use of the forecourt at these premises. The planner, together with the planning development manager, then answered members' questions.

During discussion some members expressed concern about the affect of the extending the use of the forecourt to 9.30pm on the adjacent properties. Councillor

Little expressed concern about noise disturbance after 8pm for families with young children in particular. Other members considered that 9.30pm was reasonable, there were no planning grounds to refuse the application and the management of the facilities would be regulated under the Licensing Act 2003.

Councillor Little moved and Councillor Ackroyd seconded that the application be refused on the ground of noise disturbance to neighbours.

**RESOLVED**, with 4 members voting in favour (Councillors Little, Gayton, Offord and Ackroyd) and 5 members voting against (Councillors Bradford, Kendrick, Haynes, Gee and Lubbock) and 1 member abstaining (Councillor Banham) the amendment was lost.

The chair then moved the officer's recommendations as set out in the reports with the amendment to condition 3 as set out in the supplementary report.

**RESOLVED** with 6 members voting in favour (Councillors Bradford, Kendrick, Haynes, Offord, Gee and Lubbock), 3 members voting against (Councillors Little, Gayton and Ackroyd) and 1 member abstaining (Councillor Banham) to approve Application No 12/00231/VC, The Workshop, 53 Earlham Road and grant planning permission, subject to an amended condition 3 and the following conditions being re-applied from the earlier permission (App. No. 10/01590/VC):-

1. The operation of any takeaway food service conducted on the premises shall be limited to the hours of 09:00 (9am) to 20:00 (8pm) on weekdays.
2. The use hereby authorised shall be limited to the hours 09:00 (9am) to 23:00 (11pm) on each day of the week.
3. Notwithstanding Condition 2 above, the forecourt shall not be used as part of the restaurant before 9am (09:00 hours) or after 8pm (20:00 hours) on any day of the week, except that the forecourt may be used as part of the restaurant between 9am (09:00 hours) and 9:30pm (21:30 hours) on any day from 1 April to 30 September in any year."
4. The extract ventilation and fume extraction system and sound insulation measures shall be retained in accordance with the details approved under Application No. 4890260/D on 20 March 1989.
5. The installation of any further plant or machinery on the premises shall be in accordance with a scheme approved by the Council for the reduction, where necessary, of the level of noise and vibration emanating from the premises.

(Reasons for approval: The decision to approve this variation of condition application (as amended to allow for the forecourt to be used as part of the restaurant until 09.30pm (2130 hours) between 1 April and 30 September in any year), has been taken having regards to the NPPF, saved policies EMP2, EP22 and TRA14 of the City of Norwich Replacement Local Plan (adopted November 2004), policy 12 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (Adopted March 2011) and all material planning considerations. The variation as amended will not have a significantly detrimental impact upon the living conditions of neighbouring residents whilst bringing additional flexibility and greater custom to this successful, popular and socially responsible local business, thus complying with the provisions of the adopted development plan and with all other material considerations.)

(The committee adjourned for a short break at this point and then reconvened.)

## 5. APPLICATION NO 11/02192/C PUBLIC CONVENIENCE ST SAVIOUR'S LANE, NORWICH

The planning development manager presented the report with the aid of plans and slides and referred to the supplementary report of "Updates to reports for consideration". English Heritage had provided a response and considered that might be a considered for local listing but did not fulfil the criteria for listing in a national context.

A representative of the church and member of the Friends of the Norwich Historic Church Trust said that whilst she understood that the building was being closed because of financial pressure, she would prefer it not to be demolished so that when funding became available the public conveniences could be put back into use,

The facilities and building maintenance manager on behalf of the council (the applicant) said that previous experience showed that unused buildings were subject to vandalism and anti-social behaviour, incurring costs to maintain it. There were facilities only a few minutes' walk away.

During discussion the planning development manager answered members' questions. Discussion ensued in which members discussed further development proposed under the Northern City Centre Action Plan and existing provision of public conveniences and considered "mothballing" the building until such time as the could be reopened. Councillor Little said that he considered that the demolition of the building would be beneficial aesthetically to the neighbouring church and reminded the committee that they were not voting on the use of the building. Conversely other members considered that the building was significant and contributed to the amenity of the adjacent, grade 1 listed church and the conservation area and its demolition would harm the setting of the adjacent church. The planning development manager advised members to consider whether the demolition of the building would be detrimental to the conservation area and the setting of the church. Councillor Bradford moved and Councillor Gee seconded that the application be refused on these grounds.

**RESOLVED** with 8 members voting in favour (Councillors Bradford, Gayton, Banham, Haynes, Offord, Gee, Ackroyd and Lubbock) and 2 members voting against (Councillors Little and Kendrick) to refuse Application No 11/02192/C Public Convenience, St Saviour's Lane, Norwich, on the grounds that the building is significant and contributes to the amenity of the adjacent, grade 1 listed church building and the conservation area and its demolition would be harmful to the conservation area and the setting of the church, and to ask the head of planning services to provide the grounds for refusal in policy terms.

(The head of planning services subsequently provided the following reasons for refusal:

It is considered that St Saviours Public Convenience building makes a significant and positive contribution to the character and appearance of the Conservation Area and the setting of the Grade I listed church and it's loss would be harmful to the character and appearance of the City Centre

Conservation Area, the setting of St Saviours Church and be contrary to Section 12 of the National Planning Policy Framework (2012) and saved policies HBE8 and HBE9 of the City of Norwich Replacement Local Plan (2004).)

(Councillor Lubbock left the meeting at this point.)

**6. APPLICATION NO 11/02156/F ARCHWAY BETWEEN 11 TO 14 AND 15 - 18 PEEL MEWS AND ARCHWAY BETWEEN 4 TO 8 AND 9 TO 16 MULBERRY CLOSE, NORWICH**

The planning development manager presented the report with the aid of plans and slides and referred to the supplementary report of "Updates to reports for consideration".

**RESOLVED** to approve Application No 11/02156/F (Archway Between 11 To 14 And 15 - 18 Peel Mews And Archway Between 4 To 8 And 9 To 16 Mulberry Close Norwich) and grant planning permission, subject to the following conditions:

1. Time Limit (Full);
2. In accordance with the details submitted (Full);
3. No installation until either a Stopping Up Order or Gating Order is obtained.

(Reasons for approval: The 2 alleyways to Mulberry Court and Peel Mews are not major thoroughfares. Their primary purpose is for local residents to access these developments. An alternative route via Coslany Street across and across to Oak Street via St Miles Bridge is available nearby and offers an acceptable alternative walking route, meaning that there is very little or nil detriment to pedestrians to access the site via alternative routes. The proposed design of the gates incorporates elements of the design of the existing split barriers and is considered to sit comfortably with the appearance of the existing building and will not appear out of place in the wider street scene or Conservation Area. The application includes details of the type of mountings that will fix the gates to the walls and these include acoustic rubber spacing blocks to ensure that any vibration does not transmit through the building structure. In addition, a rubber strip buffer will be placed on the edge of the opening section of the gate so that when it closes it also has a buffer. A hydraulic self closer is proposed to ensure that the gates close slowly and automatically thereby reducing the potential for any harsh closing. The proposals are therefore considered to be in accordance with the objectives of the National Planning Framework, policies ENV6 and ENV7 of the East of England Plan (May 2008), policies 2 and 6 of the Adopted Joint Core Strategy for Broadland, Norwich and South Norfolk (March 2011) and saved policies HBE8, HBE12, EP22 and TRA14 of the City of Norwich Replacement Local Plan (Adopted Version November 2004).)

**7. APPLICATION NO 12/00113/F – CHISWICK HOUSE, 3 CHRISTCHURCH ROAD, NORWICH**

The planning team leader (development) presented the report with the aid of plans and slides and referred to the supplementary report of "Updates to reports for consideration". She advised members of an amendment to the report, paragraph 16, to delete '...existing extension....resulting...' and to replace it with '....existing

extension to provide a new food store/freezer area, a laundry, two new bathrooms and three new toilets, resulting....'. Members were recommended to approve the application subject to an additional condition requiring details of proposed water conservation measures to be submitted and agreed and an informative to confirm that the developer will give appropriate notice of intent to the council of any works to the trees on the site.

During discussion the planning team leader answered members' questions.

**RESOLVED** to approve Application No 12/00113/F at Chiswick House, 3 Christchurch Road 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. The internal alterations shall be completed prior occupation of the extended bedroom accommodation.
4. Conservation design detailing.
5. Submission of a revised AIA and tree protection plan.
6. Provision of cycle storage.
7. Provision of a Travel Information Plan.
8. Tree felling and shrub work outside bird breeding season.
9. Submission of details regarding choice of species, location and aftercare arrangements for tree planting.
10. Details of water conservation measures to be submitted.

Informative:

1. The applicant is advised of the need to ensure that the trees specified in the AIA which are proposed to be removed on site for arboricultural and health and safety reasons are subject to an inspection by a qualified bat specialist to establish whether or not bats are roosting in the trees prior to any work to the trees taking place. Bats are a protected species under the Conservation of Habitats and Species Regulations 2010 and, if present, further advice should be sought from Natural England and licence requirements established.
2. The removal of the trees on site is not required as a result of the development and the developer is advised of the need to give appropriate notice of intent to the council prior to carrying out works to trees on the site.

(Reasons for approval:

1. The principle of the expansion of an existing business and provision of a residential care service to the community is considered to be compliant with policies 5 and 7 of the Joint Core Strategy 2011 and saved policies EMP2 and HOU19 of the City of Norwich Replacement Local Plan 2004.
2. The amended design and its position relative to public views is considered to represent a design improvement which complements the architectural form of the locally listed building and the character of the conservation area in compliance with policy 2 of the Joint Core Strategy 2011 and saved policies HBE8 and HBE12 of the City of Norwich Replacement Local Plan 2004.



3. The design and location of the single storey extension relative adjoining properties and existing boundary treatment will not lead to undue loss of outlook for adjoining properties or result in overshadowing or reduction in daylight to the amenity space of those adjoining properties in compliance with saved policy EP22 of the City of the Norwich Replacement Local Plan 2004.
4. The existing on/off site parking, access to public transport and servicing arrangements together with the imposition of conditions will ensure efficient operation of the site and reduce the reliance on the car in compliance with policy 1 of the of the Joint Core Strategy 2011 and saved policies TRA3, TRA6, TRA7 and TRA8 of the Norwich Replacement Local Plan 2004.
5. The tree protection works are considered to be achievable subject to conditioning an amended Arboricultural Implications Assessment and Tree Protection Plan in compliance with saved policy NE3 of the City of Norwich Replacement Local Plan 2004.
6. Conditioning tree felling outside the bird breeding season and requiring further details relating to species of the replacement trees will ensure that the development is compliant with policy NE8 of the City of Norwich Replacement Local Plan 2004.)

(Councillor Ackroyd left the meeting at this point.)

#### **8. APPLICATION NO 12/00314/A – 24 CITY ROAD, NORWICH, NR1 3AJ**

The planning team leader (development) presented the report with the aid of plans and slides and referred to the supplementary report of “Updates to reports for consideration”.

**RESOLVED** to approve Application No 12/00314/A and grant advert consent at 24 City Road, Norwich, NR1 3AJ, subject to the following conditions:-

1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
2. No advertisement shall be sited or displayed so as to –
  - a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
  - b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
  - c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
3. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
5. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair the visual amenity.

(Councillor Gee left the meeting at this point.)

## **9. WAFOU, 15 PRINCE OF WALES RD , NORWICH**

The environmental protection officer presented the report with the aid of plans and slides and referred to the supplementary report of "Updates to reports for consideration".

**RESOLVED** to authorise enforcement action to secure the cessation of the unauthorised use of the premises (Wafou, 15 Prince of Wales Road, Norwich) as a (Class A4) Drinking Establishment and the taking of legal proceedings, including prosecution and the use of a stop notice if necessary.

## **10. DELEGATION OF POWERS FROM PLANNING APPLICATIONS COMMITTEE**

The planning development manager presented the report.

Discussion ensued and members considered that options (b) and (c) addressed the issues would be appropriate. However members suggested that "cabinets" be inserted into the list of telecommunications apparatus that a ward councillor could request that the head of planning services consults the chair and vice chair before determining the application.

**RESOLVED** to confirm the delegation arrangements in Appendix 1 of the report, and grant delegated powers to the head of planning to determine all applications where 2 or more objections are received after the relevant cut-off date for inclusion on the agenda, and where there is not a scheduled committee meeting within 54 days of receipt of the application (to allow for 2 days for a decision to be communicated to the applicant); and in the case of telecoms cabinets, masts or antennae only that the head of planning's decision must be subject to consultation with the chair and vice chair of the planning applications committee if one or more ward councillors so request within 21 days of advertisement, neighbour consultation or publication of the weekly list.

CHAIR