



## PLANNING APPLICATIONS COMMITTEE

10am to 1.30pm

8 November 2012

Present: Councillors Bradford (chair), Sands (M) (vice chair), Ackroyd, Blunt, Gee, Howard, Kendrick, Little, Neale, Sands (S), Storie and Stonard

### 1. MEMBERSHIP

The chair welcomed Councillor Blunt to his first meeting as a member of the committee.

### 2. QUESTION TO THE CHAIR

Councillor Neale asked the chair the following question:

"A recent comment was made in the local press by a senior cabinet member questioning the capability of newly elected councillors to have the knowledge to carry out their roles on committees - " Unfortunately there are many new members on the city council ..... meaning there is a lot for them to learn and understand"<sup>1</sup>. These remarks not only question my competence but also bring the credibility of the whole committee into question. Could the chair give me and my fellow newly elected councillors his vote of confidence that our ability to perform our roles on this committee is adequate?"

The chair thanked Councillor Neale for his apposite question and said that he considered that there was an element of subjectivity within the planning process when determining planning applications. Members might have an allegiance to a political party which influenced their views and opinions, but the committee itself was not political. Each member of the committee was there to represent the people of Norwich. The committee was a balance of experienced and newer members, and received training on planning issues, and had access to advice from the planning officers and a solicitor. He assured members of the public that all members of the committee were "adequate" for the job and that members approached each planning application with an open mind.

### 3. DECLARATION OF INTERESTS

Councillor Stonard declared a non-pecuniary interest in application no 12/01348/F – 102 Prince of Wales Road in that he lived in the vicinity.

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<sup>1</sup> Reference Evening News, 12 October 2012, letters' page regarding a recent planning application.

#### **4. MINUTES**

**RESOLVED** to approve the minutes of the meeting held on 18 October 2012, subject to recording that the meeting commenced at the later time 10.45am.

#### **5. APPLICATION NO 12/01598/VC SITE OF FORMER CIVIL SERVICE SPORTS GROUND, WENTWORTH GREEN, NORWICH**

The planning development manager informed the committee that the applicant had submitted significant changes to the landscaping element of this proposal and that there would need to be further consultation with local residents before the planning application could be determined.

**RESOLVED** to defer consideration of application no 12/01598/VC site of former civil service sports ground, Wentworth Green, Norwich and note that there will be a revised report to a future meeting of the committee.

#### **6. APPLICATION NO 12/01348/F 102 PRINCE OF WALES ROAD NORWICH NR1 1NY**

(Councillor Stonard had declared a non-pecuniary interest in this item.)

The planning development manager presented the report with the aid of plans and slides. A further letter of representation had been received from the owners of the adjacent building at 100 Prince of Wales Road. This was summarised in the supplementary report of updates to reports which was circulated at the meeting. The issues raised had been addressed in the main report and would be addressed by the proposed conditions.

Councillor Grahame, Thorpe Hamlet ward councillor, addressed the committee on behalf of the many local residents who were opposed to the change of use of this building and concerned that it could eventually become an A4 drinking establishment.

The planning development manager referred to the report and answered members' questions and responded to the issues raised by the speaker. Members expressed concern that restaurant use could lead to it becoming a drinking establishment and were advised that a further application would be required if the applicant or any future owner wished to change the use of this building to a drinking establishment (A4 use). Members also noted that for restaurant use a high level of amplified sound was not required. The solicitor advised members on the access and said that the site owner would need to negotiate with each party to change the easements to secure the right of way in the alley way. During discussion members sought clarification on the meaning of a sequential test and discussed the changes to the design of the front of the building.

**RESOLVED** to approve application no 12/01348/F, 102 Prince of Wales Road, Norwich, and grant planning permission for the change of use to A1, A2 or A3 subject to the following conditions:

1. Standard 3 year time limit;
2. Development to be carried out in accordance with the approved plans;

3. Details of shopfront
4. Provision of refuse storage prior to first use;
5. Provision of cycle storage prior to first use;
6. Water efficiency;
7. Details of amplified sound equipment;
8. Premises not to be open to public between 00.01 to 08.00 on any day;
9. No trade deliveries or collection before 07.00 or after 19.00 on any day;
10. Fire exit doors marked on plan CAS001/0223 – 01a shall only be used for exiting the premises in an emergency. Servicing shall be carried out via the doors marked 'service';
11. The external area at the rear of the site as shown on plan CAS001/0223 – 01a shall not be used by customers, staff, guests of the premises, or other members of the public, with the exception of exit in the case of emergency, or for servicing.
12. Removal of permitted development rights of upper floors to residential;
13. No plant or machinery unless in accordance with an approved scheme;
14. No extract ventilation or fume extraction system unless in accordance with an approved scheme.
15. The use of the premises as a restaurant/café shall not take place until a mechanical ventilation system has been installed in accordance with a scheme first to be submitted to and agreed by the council.

Informative: Premises not eligible for business permits.

(Reasons for approval: The decision has been made with particular regard to the National Planning Policy Framework, policies 2, 3, 5 and 11 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk March 2011, saved policies HBE8, HBE12, EP10, EP22, EMP3, SHO3, SHO9, SHO22, TRA7 and TRA8 of the adopted City of Norwich Replacement Local Plan November 2004 and all material considerations. The loss of office accommodation at ground floor level and the proposed A1, A2 or A3 is considered acceptable in this city centre location. The servicing and cycle parking arrangements are considered satisfactory and the proposed changes to the front and rear elevation will not have a detrimental impact on the character and appearance of the conservation area. Subject to compliance with the conditions imposed, it is not considered that the proposals would have a significant detrimental impact on the amenity of neighbouring residential or commercial properties.)

## **7. APPLICATION 11/01074/F, SITE OF FORMER 18 PENN GROVE, NORWICH**

The planning development manager presented the report with the aid of plans and slides and said that a further representation had been received which was detailed in the supplementary report of updates to reports.

A member of the public spoke in support of the application which would improve the appearance of the site.

The agent then addressed the committee and said that the applicant had worked closely with the planning officers on an acceptable proposal for the development of this brownfield site. He said that it had not been possible to identify a registered

social landlord who was willing to take on the management of the two flats on this site.

During discussion members considered the viability of affordable housing on this site and the arrangements to claw back funding should there be an increase in property prices. Members also sought reassurance that the paving would be permeable and would be covered by the landscaping condition.

**RESOLVED** to approve application no11/01074/F Site of Former 18 Penn Grove, Norwich and grant planning permission, subject to the completion of a satisfactory S106 agreement to include the provision of an overage provision to claw back 50% of any profit in excess of 17.5% of the gross development value up to a cap set via the total commuted sum (£120,902.25) and subject to the following conditions:

1. Standard 3 year time limit;
2. Development to be carried out in accordance with the approved plans;
3. Details of all external materials including samples and large scale section drawings of render, roofing materials, windows, doors, balconies and rainwater goods
4. Hard and soft landscaping details, boundary works and landscape management plan
5. Details for the provision of photovoltaic panels;
6. Details and provision of refuse storage;
7. Details and provision of cycle storage;
8. Car parking areas prior to the first occupation.
9. No occupation until the approved boundary treatments have been erected.
10. Details of the proposed finished floor levels of the building and the existing site ground levels.
11. Full details of design, location, orientation and level of illuminance (in Lux) of external lighting.
12. Water efficiency
13. Obscure and fixed windows to remain so in perpetuity
14. Detailed scheme for site access, dropped kerb and finish of the public footpath on Penn Grove in the area of the vehicle crossover.

(Reasons for approval: The decision has been made with particular regard to the National Planning Policy Framework, policies ENV7, ENG1, WAT1 of the adopted East of England Plan Regional Spatial Strategy May 2008, policies 2, 3, 4, 12 and 20 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk March 2011, saved policies NE9, HBE12, EP22, HOU13, HOU18, TRA6, TRA7 and TRA8 of the adopted City of Norwich Replacement Local Plan November 2004, local finance considerations and other material considerations.

The proposal provides for the residential redevelopment of a vacant brownfield site in an accessible location. The contemporary design relates well to the neighbouring properties and the shallow curved roof helps reduce the overall mass of the block to an acceptable level. It is not considered that the development will have a significantly detrimental impact upon the living conditions of neighbouring residents taking into consideration loss of light, overshadowing and overlooking and it is considered that the proposal creates an acceptable living environment for future occupants at the

site. The vehicular access, car parking, cycle parking and bin storage arrangements are acceptable.

One of the main considerations in this case has been the viability of the proposals and ability of the scheme to provide for affordable housing. Viability appraisals of the scheme have been undertaken which have demonstrated that the affordable housing contribution which would normally be sought would render the development unviable.

On balance, given in particular the wording of Joint Core Strategy policy 4 which allows for lesser provision of affordable housing where the scheme is found to be unviable, the desirability of redeveloping this brownfield site which has been vacant for a considerable period of time, the acceptability of the proposals in all other respects, the need for market housing as identified by Joint Core Strategy 4 and the emphasis on bringing forward housing development within the National Planning Policy Framework, it is considered that the proposals are acceptable in this case. The proposals are therefore considered acceptable subject to the provisions secured via S106 agreement and the conditions imposed.)

**8. APPLICATION NO 12/00215/ET 131 - 133 KING STREET, NORWICH, NR1 1QE**

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

Members discussed the viability of smaller sites and the need to kick start development in this area. It was also noted that one or two units of affordable housing were difficult to manage for registered social landlords. The committee noted that Councillor Bremner, the cabinet member for environment and development had been consulted and supported the approach the officers recommended.

**RESOLVED** to approve application No 12/00215/ET 131-133 King Street, Norwich and grant an extension of time to the previous consent 07/00412/F, subject to the following conditions (as per the original consent but re-worded to ensure they are robust, and any newly required conditions) and subject to the signing of a S106 by 31 December 2012 or to delegate authority to the head of planning services to approve or refuse the application after this date:

1. Standard Time limit.
2. Submission of external materials for approval.
3. Submission of details for approval – windows, doors, eaves, shopfront, balustrade etc.
4. Provision of open space, children's play area and landscaped areas.
5. Hours of operation of A3 premises.
6. Restrictions on amplified noise.
7. Nest box provision.
8. Details of ventilation and extraction.
9. No external storage.
10. Existing contamination – submission of details prior to development.
11. Existing contamination – submission of verification report prior to first occupation.

12. Unknown contamination.
13. Finished floor level.
14. Flood proofing measures for A3 use and basement car parking areas.
15. Flood defence wall details.
16. Flood evacuation plan for A3 use and basement car parking areas.
17. Flood warning notices details
18. Removal of permitted development rights for porches, extensions or ancillary buildings.
19. Sustainable urban drainage – scheme to be designed.
20. Basement car park design and full surface water drainage details.
21. Renewable Energy measures – details to be agreed.
22. Archaeology – Written scheme of investigation (WSI).
23. Archaeology – demolition/development in accordance with WSI.
24. Archaeology – No occupation until site investigation and post investigation assessment completed.
25. New Housing – Water efficiency.
26. Commercial – Water efficiency.
27. In accordance with details submitted.

(Reasons for approval:

1. The decision to grant planning permission has been taken having regard to saved policies CC11, CC12, HOU9 A12, HOU2, HOU4, SR5.7, SR11, HBE3, HBE8, EP1, EP10, EP22, TRA5, TRA6, TRA7, TRA11, TRA15, TRA8 of the City of Norwich Replacement Local Plan (Adopted November 2004), policies 2, 3, 4, 6 and 20 of the Adopted Joint Core Strategy for Broadland, Norwich and South Norfolk (March 2011), policies SS1, SS6, T14, ENV6, ENV7, ENG1 and WAT1 of the East of England Plan (May 2008) and the objectives of the National Planning Policy Framework, and all material considerations.
2. The proposals provide for the residential redevelopment of a vacant brownfield site in an accessible city centre location. One of the main considerations in this case has been the viability of the proposals and inability of the scheme to provide for affordable housing. On balance, given in particular the wording of JCS policy 4 which allows for lesser provision of affordable housing where the scheme is found to be unviable; the desirability of redeveloping this brownfield site which has been vacant for a considerable period of time; the sites prominence in the townscape; the acceptability of the proposals in all other respects, and; the need for market housing as identified by JCS policy 4, it is considered that the proposals are acceptable subject to the recommended S106 provisions. The proposals are therefore considered to be in accordance with the objectives of the NPPF and policy 4 of the Joint Core strategy for Broadland, Norwich and South Norfolk (March 2012).)

**9. APPLICATION NO 12/01155/F CHALK HILL WORKS, 21 ROSARY ROAD, NORWICH, NR1 1TD**

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, which was circulated at the meeting. This referred to the withdrawal of a representation as the applicant had agreed to the recommended actions in relation to bats and the tunnel, and the entrance to the tunnel was no longer part of a private garden.

During discussion members were advised that the site was proposed to no longer be employment land and was now designated for residential use on the emerging site allocation and site specific policies document. Members also expressed concern about the low percentage of affordable housing on the site when there was a desperate need for it. Assurance was given to the committee that the tunnel entrance would be grilled to prevent children accessing it but that this would not hinder bats from entering the tunnel.

**RESOLVED** to approve application no 12/01155/F Chalk Hill Works, 21 Rosary Road, Norwich, NR1 1TD and grant planning permission, subject to:

- (1) the completion of a satisfactory S106 agreement to include the provision of four affordable housing units, overage clause, street trees and TRO costs, and
- (2) the following conditions:
  1. Commencement within 3 years;
  2. In accordance with drawings;
  3. Samples of all materials;
  4. Landscaping scheme (including larger trees on the south-eastern part of the site) and maintenance;
  5. Boundary treatments;
  6. Prior approval of details (lighting, verges, eaves, guttering);
  7. Fire Hydrant;
  8. Heritage Interpretation;
  9. Contamination strategy if any found during construction;
  10. Strategy for dealing with surface water disposal;
  11. Recommendations of Bat report to be followed;
  12. Water Efficiency;
  13. Implementation of energy efficiency facilities;
  14. Four spaces for visitors only within the square;
  15. Refuse and cycle storage facilities provided in accordance with details;
  16. Tree management (of wooded ridge) in accordance with the AA, AMS and TPP;
  17. Scheme to manage the communal spaces including the area of bat tunnels.

Informatives:

1. No access to permit parking;
2. Anglian Water information;
3. Good construction practice.

(Reasons for approval (subsequently provided by the head of planning services):  
The proposed development of the site is in line with the aims of the National Planning Policy Framework, East of England Plan, Joint Core Strategy for Broadland, Norwich and South Norfolk and saved policies of the Replacement Local Plan. The proposed development would provide good quality family housing to a good design including some affordable housing whilst minimising the impacts on biodiversity. The decision to grant planning permission has been taken having

regard to saved policies NE2, NE3, NE4, NE8, NE9, HBE4, HBE12, HBE13, EP1, EP18, EP19, HOU6, HOU13, SR7, TRA6, TRA7, TRA8, TRA11 and TVA8 of the City of Norwich Replacement Local Plan (Adopted November 2004), policies 2, 3, 4, 6 and 20 of the Adopted Joint Core Strategy for Broadland, Norwich and South Norfolk (March 2011), policies ENV6, ENV7, ENG1 and WAT1 of the East of England Plan (May 2008) and the objectives of the National Planning Policy Framework, and all material considerations.)

**10. APPLICATION NO 12/01759/F REAR OF 126/128 WATERLOO ROAD, NORWICH, NR3 3HZ**

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 summarised the response to a complaint that had been received about land ownership issues and the request from two of the Sewell ward councillors requesting that the committee undertook a site visit before determining this application. The planner also pointed out that the applicant had submitted a detailed arboricultural statement.

A local resident then addressed the committee and outlined his objections to proposal which included concerns about the boundary and land ownership; reiterating the request for the committee to undertake a site visit and expressing concerns that screening would be removed and overlooking of neighbouring properties.

The applicant said that he was in discussions with NPS regarding the purchase of the piece of land and that the proposal was to build a bungalow which he considered would not overlook the adjacent properties in Jolly Gardens Court.

The planner (development) and the planning development manager explained about the access and egress to the site and answered questions on car parking.

Councillor Sands (S) moved and Councillor Howard seconded that the committee conducted a site visit before determining the application to allow for the committee to gain more information on access and highways issues in relation to this application.

**RESOLVED** with 7 members voting in favour (Councillors Sands (M), Ackroyd, Howard, Storie, Stonard, Blunt and Sands (S)) voting in favour and 5 members voting against (Councillors Bradford, Little, Gee, Kendrick and Neale) to undertake a site visit at 9am on 6 December 2012 to enable the committee to gain information on access and highways issues.

**11. APPLICATION NO 12/01933/F 140 CONSTITUTION HILL, NORWICH, NR3 4BB**

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

Discussion ensued in which Councillors Neale and Sands (S) objected to the design of the proposed rear building and suggested that it had no synergy with the existing locally listed public house.



**RESOLVED** with 9 members voting in favour (Councillors Bradford, Sands (M), Ackroyd, Little, Howard, Gee, Kendrick, Stonard and Blunt), 2 members voting against (Councillors Sands (S) and Neale) and 1 member abstaining (Councillor Storie) to approve application no 12/01993/F at 140 Constitution Hill, Norwich and grant planning permission, subject to the following conditions:-

1. Standard time limit.
2. In accordance with plans.
3. Prior approval of details for external materials and joinery details for windows.
4. Water conservation to Code for Sustainable Homes Level 4.
5. Landscaping details, management and maintenance – including boundary treatments, screening for refuse/cycle storage, permeable hard surfacing and planting details (including replacement trees).
6. Refuse, cycle storage and parking laid out as per approved plans.
7. Details of mechanical ventilation system for noise attenuation purposes.

(Reasons for approval: The decision is made with regard to policies NE8, NE9, HBE12, EP10, EP16, EP22, SHO21, HOU13, HOU15, HOU18, TRA5, TRA6, TRA7 and TRA8 of the City of Norwich Replacement Local Plan, policies 1, 2, 3, 4, 6, 9 and 12 of the Joint Core Strategy (2011), statements 4, 6, 7, 8, 10, 11 and 12 of the National Planning Policy Framework (2012) and all material considerations. The benefit of reusing a vacant building and providing two additional homes outweighs the loss of the public house use. The contemporary design of the proposed new development complements the existing more traditional appearance for the former public house and that the proposal is unlikely to have an adverse impact on the immediate neighbours or wider area by virtue of the orientation and distance to the nearest residential dwellings and use of appropriate landscaping around the site).

## **12. ENFORCEMENT CASE 11/00239/BPC/ENF – 1 FOSTER ROAD, NORWICH, NR3 3PN**

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

Councillor Kendrick welcomed the proposal to take enforcement action to remove this large structure from a front garden which he considered was an eyesore to other local residents.

**RESOLVED** to authorise enforcement action up to and including prosecution in order to secure the removal of the unlawful structure (car port for the storage of motor vehicles / caravans).

## **13. PERFORMANCE OF THE DEVELOPMENT MANAGEMENT SERVICE: APPEALS: 1 JULY TO 30 SEPTEMBER 2012 (QUARTER 2 2012 - 13)**

**RESOLVED**, having considered the report of the head of planning services, to note the report.

CHAIR