



**PLANNING APPLICATIONS COMMITTEE**

**10.00 a.m. to 1.25 p.m.**

**14 May 2009**

Present: Councillors Bradford (Chair), Llewellyn (Vice-Chair), Bearman, Driver, George, Lay, Little (from item 4), Lubbock, Stephenson and Wiltshire

Apologies: Councillor Banham

**1. MINUTES**

**RESOLVED** to approve the minutes of the meeting held on 23 April 2009.

**2. APPLICATION NO 08/01304/F – SUSSEX HOUSE, SUSSEX STREET**

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

**RESOLVED** to:-

- (1) approve Application No 08/01304/F – Sussex House, Sussex Street and grant planning permission subject to the completion of a satisfactory Section 106 Agreement by 17 July 2009 to include the provision of contributions to child play space, transportation contributions, ensuring public access and maintenance of communal areas and subject to the following conditions:
  1. Standard time limit
  2. Samples of:
    - a) bricks
    - b) mortar
    - c) roof tiles
    - d) timber cladding panels
    - e) render
    - f) metal-clad balcony details
  3. Details in plan form of:
    - a) Windows
    - b) Doors
    - c) Fascia boards and eaves
    - d) Solar panels
  4. Written details of:

- a) Rainwater goods
5. Precise details of new opening in wall adjacent to St Martins at Oak Wall Lane to be submitted:
  6. Repairs to Oak Wall to be agreed
  7. Archaeological investigations;
  8. Compliance with the Tree Protection Plan and Arboricultural Method Statement
  9. Hard and soft landscaping scheme, including details of bollards to block pedestrian route through site to vehicles;
  10. Replace any trees/plants from the approved landscaping scheme that die within five year period
  11. Details of maintenance of public landscaped areas;
  12. Path provided and retained through site as indicated on site layout plan.
  13. Further land contamination details in the form of a preliminary risk assessment and site investigation scheme.
  14. Details on monitoring, maintenance and any contingency action to be carried out on site for site contamination ;
  15. If further contamination found details to be submitted to the Local Planning Authority and remediation methods to be agreed.

(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 policies ENV6, ENV7, ENG1 and WM6 of the adopted East of England Plan (May 2008), saved policies NE9, HBE3, HBE8, HBE9, HBE12, HBE19, EP1, EP16, EP18, EP22, HOU1, HOU6, HOU13, SR7, 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 Brownfield site in a sustainable manor which would enhance the surrounding Conservation Area. The proposal includes a suitable use and subject to the conditions listed will provide satisfactory amenity space, site layout, car parking and bin storage facilities as well as appropriate renewable energy provision.)

- (2) if a satisfactory Section 106 Agreement is not completed prior to 17 July 2009 delegate authority to the Head of Planning and Regeneration Services to refuse planning permission for 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).

### 3. APPLICATION NO 09/00186/F – 112 MAGDALEN ROAD

The Planning Development Manager presented the report with the aid of slides and plans. The application which had been deferred from the last meeting to enable the description of the development to be amended to accurately reflect the application proposals. Neighbours and those who had made representations were then re-notified and although informed that the application would be considered at this meeting could make comments up until 18 May 2009. Three additional representations had been received (one of which was from the re-notification process) and issues not listed in the report related to:

- the visual impact of the dwelling to the rear;
- the width of Taylor's Buildings as an access and its suitability to serve additional dwellings;
- the impact of the additional vehicular use on pedestrian use;
- adequacy of parking proposed;
- loss of trees and shrubs and consequent impact on the bird population;
- whether the proposal was contrary to policy due to the design of the dwelling to the rear and the amount and location of amenity space available;
- request for members of the Committee to conduct a site visit.

The Norwich Society had submitted a comment relating to the small cloakroom window next to the front door in house type B which upset its symmetry, but welcoming the use of black-glazed pantiles in house type A. The concerns raised about the proposal largely related to the house proposed to the rear of the existing rather than the one adjacent and fronting Magdalen Road. The scale and design of the house to the rear was considered to be in keeping with the character of the buildings in the surrounding area. Issues related to overlooking could be overcome by the imposition of a condition relating to obscure glazing in the west elevation. The Transportation Officer had no objections to the parking arrangements, which had been amended since the application was first submitted, and was satisfied that the scheme was unlikely to cause problems to highway safety for vehicles or pedestrians. CityCare had confirmed that there were no recent problems with refuse of recycling collections from this site. Consideration had been given to direct access from Temple Road into the site without accessing from Taylor's Buildings but this could result in less satisfactory arrangement for servicing the application site and could potentially cause problems for bin collection as neighbouring residents currently leave bins for collection in this location. The Tree Officer had been consulted about the trees and was satisfied with the proposals. The proposal would result in the loss of trees or shrubs and would impact on habitat but the overall benefits of redevelopment of the site outweighed this loss. A landscaping condition was recommended and would enable suitable replacement planting on the site. It was also noted that the current situation was that the site could be cleared without requirement of permission or subject to controls.

A letter received from County Councillor Ward (Sewell Division) was circulated to members at the Committee meeting regarding the narrowness of the lane and suggesting that access for one of the new houses on Taylors Building could be from the gateway and using the existing dropped kerb on Temple Road.

A resident living adjacent to the site then addressed the Committee outlining his objections to the scheme. These included: the lack of parking provision and amenity

space for family homes; that the proposals were contrary to policy; that his property was overlooked by property B and that the orientation of the proposed buildings was erroneous; difficulty of access from a narrow road and concerns about servicing the properties.

The Planning Development Manager responded to the issues raised and pointed out that the applicant's drawings initially had the wrong north point and therefore some of the references in the report to points of the compass might be incorrect as the report was initially drafted on the basis of the earlier plans.

Councillor Lay asked questions about the access to the site, in particular to emergency and refuse collection vehicles.

**RESOLVED** with 7 voting in favour (Councillors Bradford, Lubbock, George, Bearman, Llewellyn, Stephenson and Driver) and 2 members voting against (Councillors Lay and Wiltshire) to approve Application No 9/00186/F – 112 Magdalen Road and grant planning permission subject to:-

- (1) no new material planning issues being raised prior to the expiry of the publicity period on 18 May 2009;
- (2) to the following conditions:
  1. Three year time limit.
  2. Details of materials to be agreed.
  3. Windows at first floor level in the west elevation of the dwelling to the north shall be obscure glazed.
  4. PD rights removed for additional windows or other opening constructed at first floor level or above in any elevation of the dwelling to the north.
  5. Details of hard and soft landscaping to be submitted.
  6. Implementation and maintenance of hard and soft landscaping works
  7. Walls and fences erected prior to occupation.
  8. Car parking areas and bicycle and refuse bin storage to be provided before occupation.
  10. Vehicular access on Magdalen Road stopped up before occupation.

(Reason for approval: The decision is made with regard to policies HBE12, EP22, HOU13, TRA6, TRA7 and TRA8 of the City of Norwich Replacement Local Plan Adopted Version November 2004 and all material considerations. The development will provide additional dwellings on this large garden, and the dwellings will have minimal adverse impact on the nearby residential properties because of their orientation, good quality materials, size and scale on the land that is currently used for a garden.)

(Councillor Little was admitted to the meeting at this point.)

#### 4. APPLICATION NO 08/01203/F – LAND AT 2 TO 3 ST CLEMENTS HILL

The Senior Planner (Development) presented the report with the aid of slides and plans, and together with the Principal Planner Transport answered questions.

A member of the public then addressed the Committee endorsing the comments of the Norwich Society and pointing out that he would prefer affordable housing on the site; that the Victorian and Edwardian character of the area be retained and that this was an important industrial site. He also referred to concerns about the impact on traffic and car parking in Oak Street and St Augustine's Street and concerns about the late receipt of plans.

The agent responded in support of the application and said that it was a well conceived scheme which would enhance the conservation area.

Discussion ensued in which members were advised that the plans received the previous day related to the use of bollards along the front of the site to prevent parking. Other issues relating to the use of materials would be dealt with by condition and an archaeological survey of the site would also be conditioned. Members were also advised that concurrent to this application was the implementation of a improvements to the junction at St Clement's Hill and Denmark Road.

Councillor Lubbock welcomed the development of this Brownfield site which would remove the informal car park near the junction and provide 7 new dwellings.

**RESOLVED** to approve Application No 08/01203/F – Land at 2 to 3 St Clements Hill and grant planning permission subject to the following conditions:

1. Commencement of development within three years.
2. Pre-commencement- Details of external materials.
3. Pre-commencement- Hard and soft landscaping and maintenance.
4. Pre-commencement-Scheme of archaeological investigation.
5. .Pre-commencement- Surface water drainage details.
6. Pre-occupation –refuse and cycle storage area to be constructed and made available for use.
7. Pre-occupation – bollards to be installed.
8. Pre- commencement-Boundary treatment details including bollards.
9. Pre-occupation –Roads and footways constructed.
10. Pre- commencement- Contamination.

(Reason for approval: The scheme is considered to be acceptable in terms of layout, scale and design, and both preserves and enhances the Conservation Area in which the site is located whilst also respecting existing development adjacent to the site, and thus accords with the following saved policies from the City of Norwich Replacement Local Plan 2004: HBE4 and HBE8, EP20 and EP22, TRA6, TRA7, TRA8 and TRA14 together with relevant national and regional policies and all material considerations.)

## 5. APPLICATION NO 09/0087/F – 136 DEREHAM ROAD

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

County Councillor Boswell (Nelson Division) addressed the Committee and whilst welcoming that the application was car free and had a travel plan attached in line with local businesses, expressed concern that the current use of the site was unacceptable. He therefore asked that planning permission be granted on condition that works commenced within one year and that the leyandii hedge be protected.

The agent responded and said that the owner had leased the land for temporary use whilst the application was going through the planning process.

Discussion ensued in which members were advised that boundary treatment could be conditioned. The Principal Planner (Transport) explained that there would be some vehicular access to the site and the relocation of the bus stop on the Dereham Road and the realignment of the pavement would not be an issue. The bus shelter would remain in the same location. Members discussed the suggested condition of commencing work within one year but were advised that the alterations to the bus stop would need to take place before construction on the site took place. If this condition was imposed the applicant could then renew the application for planning permission in a year, thus delaying works. It was noted that the government were reviewing the standard 3 years and considering extending it to 5 years.

Discussion ensued in which members discussed the car club.

**RESOLVED** to approve Application No 09/0087/F – 136 Dereham Road and grant planning permission, subject to the submission of an acceptable unilateral undertaking ensuring support for a car club by future residents and the imposition of conditions covering the following:

1. Standard 3 year time limit for commencement.
2. Pre-commencement-Details of external materials, eaves and verges, additional fittings (e.g. gas boxes)and external/security lighting.
3. Pre-commencement –Hard and soft landscaping and maintenance; including minor artifacts and structures (e.g. sheds).
4. Pre-commencement-Surface water drainage details.
5. Pre- commencement-Interim Travel Plan.
6. Post occupation (1 year) Full Travel Plan.
7. Pre- commencement- 1:500 scale details of bus cage and re-engineered footpath and timetable for completion and TRO agreed.
8. Pre- occupation - completion of approved details under 7) above.
9. Pre –occupation –details of self closing gates and appropriate locking system to side passageways gates.
10. Pre-commencement- Contamination Desk Top Study and mitigation as necessary.
11. Pre- commencement –details of 1)sound insulation measures to doors and windows on frontage and 2) acoustic ventilation.
12. Pre commencement-details of any external proposed plant and machinery in connection with crèche use.
13. Boundary treatments to be agreed.

(Reasons for approval:- It is considered that the scheme is acceptable in terms of the mix of uses proposed, layout, scale and design. It will also revitalise an under-used brownfield site in a sustainable location thus according with the following saved policies from the City of Norwich Replacement Local Plan 2004: AEC3, AEC7,HBE12, EMP1,EP1, EP22,HOU13, TRA3, TRA6, TRA7, TRA8 and TRA9, together with relevant national and regional policies and all material considerations.)

**6. APPLICATION NO 09/00261/O – ST MICHAELS CHURCH HALL,  
HELLESDON ROAD**

The Senior Planner (Development) presented the report with the aid of slides and plans. He reported that further representations had been received which included objections to the application with regard to the car parking arrangements on the site; that the number of proposed residential units was overdevelopment of the site; retention of conifers and the hedgerow; concerns that the neighbouring houses would be overlooked or would look on to a brick wall and whether the housing would be social housing. The issue of the ownership of the proposed housing was not a planning consideration. Members were advised of the response to these were addressed in the report that the proposals were an outline planning permission at this stage.

Two neighbouring residents then addressed the Committee outlining their objections to the scheme, which included noise; overdevelopment not in keeping with the area and unnecessary given the current economic climate; concerns about loss of the grassed area and local habitat and the effect this would have for the view from their residences; security of the area; design and layout close to existing houses; car parking arrangements with cars being parked near to back gardens of existing houses and the residents' enjoyment of their gardens.

The agent then responded and said that the current use of the site for a church hall was underused and costly to maintain. The existing streetscene would be maintained. The orientation of the properties was to make best use of solar thermal panels. The development of the site would provide start-up family homes, close to local facilities.

During discussion members were advised that car parking at the front had not been looked but could be considered if practical and that the preservation of trees and boundary management could be conditioned. Members were advised that the removal of conifers from the site had not been part of this planning application and had been removed previously.

Discussion ensued in which some members expressed concern about the layout of the site and that car parking arrangements should be moved to the front so as to minimise the impact on the neighbours' residential amenity. Councillor Lubbock pointed out that the proposed development was not too dense and that people would want parking spaces adjacent to their homes. Some members were also concerned about the loss of 'habitat' and that a biodiversity study would be required. Councillor Wiltshire considered that if boundary treatment was a condition the hedgerow would prevent noise pollution from cars. The Planning Development Manager advised members that moving the car park could be a condition but that car parking at the front would affect the streetscene. The site was well managed and as a mown grassed area was unlikely to have much biodiversity. It was therefore unreasonable

to impose that approval be subject to a biodiversity study. Members were also reminded that the current application was for outline planning permission.

Councillor Driver moved and Councillor Little seconded that the application be refused on the grounds that the layout with car parking to the rear would impact on the amenity value of neighbouring residents whose gardens backed onto the site and that there should be a biodiversity study.

**RESOLVED** with 5 members voting in favour of refusal (Councillors Lay, Llewellyn, Stephenson, Driver and Little), 4 members voting against (Councillors Bradford, Lubbock, George and Wiltshire) and 1 member abstaining (Councillor Bearman) to refuse Application No 09/00261/0 – St Michaels Church Hall, Hellesdon Road and ask the Head of Planning and Regeneration Services and to ask the Head of Planning and Regeneration to draft reasons for refusal on the grounds that the proposed layout for the site impacts on the amenity value for local residents and that a biodiversity study is required.

(Reasons for refusal subsequently provided by the Head of Planning and Regeneration Services: The layout of the development is considered to be unacceptable with regard to the highway access and parking arrangements serving the proposed plots no.'s 4,5 and 6 at the rear of the site, providing a relatively heavily engineered solution which could give rise to possible noise and disturbance to adjacent residential properties. In so doing the scheme would conflict with the aims of saved policy EP22 'High Standard of Amenity for Residential Occupiers' contained within the City of Norwich Replacement Local Plan 2004.

The proposed development is considered to be unacceptable in so far as it has not been established whether or not matters of wild life importance are likely to be affected; thus conflicting with the aims of policy NE8 of the City of Norwich Replacement Local Plan 2004 and PPS 9 Biodiversity and Geological Conservation.)

## **7. APPLICATION NO 09/00086/U – 10 SPROWSTON ROAD**

(Councillor George was out of the room for part of this item.)

The Planning Development Manager presented the report with the aid of slides and plans.

A proxy for an objector to the scheme addressed the Committee and asked that approval could be given subject to cars not being allowed to park in the driveway.

In response members were advised that the use of the rear garage was used for the shop and that it was not part of the application. In terms of safety any vehicles going through the passage would be travelling at a very slowly.

**RESOLVED**, with 8 members voting in favour (Councillors Bradford, Lubbock, Lay, Wiltshire, Bearman, Llewellyn, Stephenson, Driver and Little) and 1 member abstaining (Councillor George who was out of the room for part of the item) to approve Application No 09/00086/U – 10 Sprowston Road and grant planning permission subject to the following conditions:-

1. Commencement of development within three years.



(Reasons for approval:-The change of use from a shop with residential accommodation to one residential dwelling with ancillary garage/store is considered to be acceptable having had regard to Saved Local Plan Policies HOU15 and EP22 of the City of Norwich Replacement Local Plan (Adopted Version November 2004) and all other material considerations. The change of use to a single dwelling would not be detrimental to the residential amenities of the neighbouring properties.)

#### **8. APPLICATION NO 09/00197/U – 75 PRINCE OF WALES ROAD**

The Planner presented the report with the aid of slides and plans. No further representations had been received.

**RESOLVED** to approve Application No 09/00197/U – 75 Prince of Wales Road and grant planning permission subject to the following conditions:-

1. Standard time limit.
2. Sound proofing measures.
3. Opening hours restriction in line with the approved licensing application:  
The premises shall be shut between the hours of 07:00 and 08:00 hrs on any day.
4. Control of amplified sound.
5. Details of fume/flue outlets.
6. Plant and machinery.

(Reasons for approval: The change of use hereby permitted is not considered to have a detrimental impact on the wider conservation area as it is located within the City Centre Leisure Area. There will be minimal impact on residential amenity which can be further mitigated through additional sound proofing measures. Therefore the proposals are considered to be in accordance with PPS6 and saved policies AEC1, HBE8, EP10 and EP22 of the City of Norwich Replacement Local Plan (Adopted Version November 2004).)

#### **9. TREE PRESERVATION ORDER 2008, THE CITY OF NORWICH NUMBER 430 – GRASS VERGE AT KETT'S TAVERN P.H. AND KETT'S HILL BAKERY, NORWICH**

The Tree Preservation Officer presented the report with the aid of slides, plans and an aerial view showing the site. There had been one objector to the tree preservation order and two emails in support of confirming the order.

Councillor Offord, Ward Councillor for Thorpe Hamlet Ward, spoke in support of the order.

During discussion members considered that, as the land had formerly been under the Council's ownership, it would not have been unreasonable to place a tree preservation order on the land before it was sold.

**RESOLVED** to confirm Tree Preservation Order 430 – Grass verge at Kett's Tavern P.H. and Kett's Hill Bakery, Norwich.

**10. TREE PRESERVATION ORDER 2008, THE CITY OF NORWICH NUMBER 428 – ADDRESS NOS 53 AND 57 THE AVENUES, NORWICH, NR2 3QR**

The Tree Preservation Officer presented the report with the aid of slides, plans and an aerial view showing the site. There had been one letter of objection and it was pointed out that a tree preservation order did not preclude tree management. Members were advised that the tree preservation order had been placed on the trees following an enquiry about a covenant in a garden. The Tree Protection Officer had visited the site and noted that both trees were of value.

**RESOLVED** to confirm Tree Preservation Order 428 - Address Nos 53 And 57 The Avenues, Norwich.

CHAIR