



PLANNING APPLICATIONS COMMITTEE

9.00 a.m. – 1.20 p.m.

2 July 2009

Present: Councillors Bradford (Chair), Banham, Jago (not on site visit), Little, Lubbock (not on site visit), Stephenson and Wiltshire (not on site visit)

Apologies: Councillors Llewellyn (Vice-Chair), Driver, George and Lay

1. SITE VISIT – 100 POTTERGATE

The Committee undertook a site visit in respect of Application Nos 09/00146/F and 09/00148/L – 100 Pottergate.

2. DECLARATIONS OF INTEREST

Councillor Little declared a personal interest in item 13 below, Application No 09/00243/F – Land at Brazen Gate because he was on the committee of the Friends of Lakenham Way.

3. MINUTES

RESOLVED to approve the minutes of the meeting held on 11 June 2009.

4. APPLICATION NOS 09/00146/F AND 09/00148/L – 100 POTTERGATE

The Planner (Development) presented the report with the aid of slides and plans. Additional photographs of the site were circulated at the meeting.

A local resident then addressed the Committee outlining his objections to the proposed dormer window. The gable retained its original lathe and plaster. He suggested that the extension had been built in the 19th century rather than as stated in the report, 20th century, and that the western most gable at 106 Pottergate had been replaced in the 1950s as it had been bombed in the Second World War. The roofline was unique and its symmetry should be kept intact.

A representative of the Norwich Society then addressed the Committee and said that the design for the dormer window was of a sympathetic design. However the Society strongly objected to the proposal as the roofs of the main elevation was one roof space. This was unusual in Norwich and the proposal was inappropriate.

In response to member's questions, the Planner said that she had advised by officers in Design and Conservation that the rear extension was 20th Century.

Councillor Little, referred to the site visit and pointed out that there was not a complete view the roof line from the ground. He said that he took on board the comments of that had been made at Committee and of HEART, but the symmetry of the roof was not an issue such as in a Georgian terrace and that part of the charm of Pottergate was the element of its 'randomness'.

RESOLVED with 3 members voting in favour (Councillors Bradford, Stephenson and Little), 1 member voting against (Councillor Banham) and 3 members abstaining (Councillors Jago, Lubbock and Wiltshire, having either been absent from the previous meeting and/or the site visit) to approve:-

(1) Application No 09/00146/F – 100 Pottergate and grant planning permission subject to the following condition:-

1. Standard time limit.

(Reasons for Approval: The installation of the proposed dormer window will not have a detrimental impact on the existing building, adjacent properties or wider conservation area. Therefore the proposals are considered to be in accordance with policy ENV7 of the East of England Plan (May 2008) and saved policies HBE8 and HBE12 of the City of Norwich Replacement Local Plan (Adopted Version November 2004).)

(2) Application 09/00148/L – 100 Pottergate and grant listed building consent, subject to the following conditions

1. Standard time limit.

(Reasons for Approval: The installation of the proposed dormer window will not have a detrimental impact on the listed building, adjacent properties or wider conservation area. Therefore the proposals are considered to be in accordance with PPG 15, policies ENV6 and ENV7 of the East of England Plan (May 2008) and saved policies HBE8, HBE9 and HBE12 of the City of Norwich Replacement Local Plan (Adopted Version November 2004).)

5. APPLICATION NO 09/00341/F – NORWICH COMMUNITY HOSPITAL, BOWTHORPE ROAD

(Councillor Stephenson, having declared a prejudicial interest stood down from the Committee and took no part in the debate or voting on this item.)

The Senior Planner (Development) presented the report with the aid of slides and plans and together with the Planning Development Manager answered questions. One further representation had been received from a resident in Merton Road complaining that demolition works had been taking place for 2 months and that work often commenced at 7.45 a.m. Members were advised that this was an

Environmental Health matter but members could impose a construction method statement as a condition of approval.

Councillor Stephenson addressed the Committee and concurred that the demolition works were very loud and that there was a lack of sensitivity for the needs of local residents. The application was valid and needed to go ahead. However the site was close to a Roman cemetery and a detailed archaeological dig was required before construction works began. Given the issues of subsidence and concerns about flooding in the area she suggested that rain water collected.

(Councillor Stephenson then left the meeting.)

Discussion ensued in which members stated a preference that works started on the site at the later time of 8.00 a.m. Monday to Friday and 8.30 a.m. on Saturdays, and that construction works were prohibited on Sundays. Details would need to be agreed with the applicant but there also should be flexibility to allow for caretakers to open a building for instance. Members were also advised that the proposal for a medical facility on the site was continuing an existing use and therefore did not set a precedent of departing from the Local Plan. There was scope for housing on the site if required.

RESOLVED to approve Application No 09/00341/F – Norwich Community Hospital, Bowthorpe Road and grant planning permission subject to:-

- (1) no material objections being received in writing to the proposal departing from the City of Norwich Replacement Local Plan 2004 by 8 July 2009;
- (2) the inclusion of conditions covering the following:
 1. Commencement within 3 Years.
 2. Pre commencement-External Materials.
 3. Pre commencement-Archaeological evaluation.
 4. Pre commencement Hard and soft landscaping.
 5. On going maintenance of landscaping features.
 6. Plant /machinery.
 7. To be built In accordance with approved plans and Planning Statement.
 8. Pre commencement –Surface water details.
 9. Pre commencement- Foul water details.
 10. Pre commencement -Energy efficiency details.
 11. Protecting green link /strategic cycleway paths.
 12. Pre commencement- Boundary treatment to car park area.
 13. Pre commencement -Refuse and bin storage details.
 14. Pre commencement- External lighting.
 15. Pre commencement – Construction Method Statement.

(Reasons for Approval: Although a departure from the Local Plan, nonetheless the principle is acceptable given that delivery of housing elsewhere on the site should not be compromised. This is reinforced by the fact that the provision of health care facilities does actually deliver another policy aim contained within the Local Plan.

As far as the detailed design is concerned it is considered that the scheme is acceptable given its relationship with its surroundings. It is considered that the

scheme is acceptable taking into account all material considerations and as it does not materially compromise national regional and saved Local Plan policies HOU11 (B17), TRA15 and TRA16 and furthermore conforms with the aims of saved Local plan policies NE3, EP1, EP2, AEC4, HBE4, HBE5, HBE12, SR12 and TRA15.)

(Councillor Stephenson was readmitted to the meeting at this point.)

6. APPLICATION NO 09/00208/F – LAND SOUTH OF BURNET ROAD, SWEET BRIAR ROAD INDUSTRIAL ESTATE

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

During discussion members welcomed improvements to the entrance to Marriott's Way and expressed views that the boundary fencing should be sympathetic. Members were advised that concerns related to inconsiderate and unauthorised parking in Burnet Road were unlikely to be exacerbated by the development proposed, which had a low requirement for staff parking and sufficient space on site to accommodate that required.

RESOLVED, with 5 members voting in favour (Councillors Bradford, Banham, Lubbock, Stephenson and Wiltshire) and 2 members abstaining (Councillors Jago and Little) to approve Application No 09/00208/F – Land South of Burnet Road, Sweet Briar Road Industrial Estate and grant planning permission subject to the following conditions:-

1. Commencement of development within three years.
2. Details of boundary fencing to be submitted.
3. Details of any plant and machinery to be submitted and approved.
4. Noise levels along the northern and eastern site boundary shall not exceed 65dBA (15 mins).
5. Details to be submitted and approved to ensure that all surface water is contained within the site boundary.
6. Submission of a landscaping scheme.
7. No development shall take place until a method for mitigating the transport impact of the development has been submitted to and approved by the Council.
8. Details of parking and cycle storage submitted and approved.

Informative: No encroachment of plant, vehicles or materials within the County Wildlife site to the south.

(Reasons for Approval: The recommendation has been made having regard to Saved Local Plan Policies NE7, NE9, EMP4, EP5, TRA6, TRA7, TRA8 and TRA11 and all other material considerations. It is considered that the development of the site for the storage and distribution of materials and siting of ground bays and loading equipment for a concrete batching business is acceptable on this established industrial estate and subject to conditions, would not be detrimental to the amenities of neighbouring businesses and would not have a significant detrimental impact on the nearby Site of Special Scientific Interest or County Wildlife Site.)

7. APPLICATION NO 09/00334/U – 191 MILE CROSS LANE

The Planning Team Leader (Development) presented the report with the aid of slides and plans and together with the Planning Development Manager answered questions. She referred to a letter from the owner of the property in support of the application stating that the historic use of the property was for sale and hire of video and associated electronic equipment; that more recent use was by Constitution Motors and that retail was an essential part of that business; that under Local Plan policy EMP5 the sale of large items (e.g. exhausts and tyres) appeared to be permitted and that tiles were also a large commodity suitable for sales to an edge of centre location. EMP5 also refers to car showrooms and states that these are inconsistent with the character of employment areas but the proposed use is more in line with the policy and would generate less traffic. (Copies of the letter were circulated to members.)

The owner of the property addressed the Committee in support of the application and said that the property had been used for retail for a number of years and that refusal of this application put the applicant's business at stake. The applicant then addressed the Committee and said that the change of use was important for him to continue to trade. In response to a question and at the Chair's discretion the applicant informed the Committee that he had looked for other sites but other units such as those on Fifers Lane were too large. This site was ideally positioned for the business. Tiles were large heavy items and vehicles could pull up into the site without causing traffic problems.

Discussion ensued in which members considered how the applicant would need to prove the sequential test of considering other sites. Members were advised that officers had not held discussions with the applicant before submitting the application. The policy was detailed in the report and the site had been used as a car showroom. The site was on the corner of the employment area which was to the east and south of it, with neighbouring retail outlets for bulky goods and close to residential properties.

Councillor Bradford moved and Councillor Lubbock seconded that the application be approved subject to conditions.

RESOLVED to approve Application No 09/00334/U – 191 Mile Cross Lane and grant planning permission subject to:-

- (1) the following conditions:-
 1. Commencement within 3 years.
 2. Existing parking & servicing areas to be retained.
 3. Use of showroom for the sale, display and storage of tiles or other similar DIY materials or bulky goods only and not general retail sales.
- (2) ask the Head of Planning and Regeneration Services to provide the reasons for approval in policy terms.

(Reason for Approval: The location of the site adjacent to the Outer Ring Road, between existing similar uses and on the edge of the General Employment Area, together with the previous use of the premises for retail purposes and the applicant's need to relocate an existing business is considered sufficient justification to approve the development notwithstanding Saved Local Plan Policy EMP5 and taking into account all material considerations.)

8. APPLICATION NO 09/00411/U – UNIT 2, DENMARK OPENING, SPROWSTON ROAD

The Planning Team Leader (Development) presented the report with the aid of slides and plans, and answered members' questions. She pointed out that Councillor Brociek-Coulton, Ward Councillor for Sewell Ward, had circulated further comments to all members of the Committee (copies of which were available at the meeting.) Members were advised that the applicant would be required to submit a floor plan indicating where a maximum of two cars could be worked on at any one time and where other cars could be stored within the unit. Denmark Opening had recently been resurfaced and although the double yellow lines had yet to be reinstated, it was understood that when they had been, any parking on the southern side of Denmark Opening would be subject to parking enforcement. Members were advised to approve the application subject to amending the conditions as the first one was no longer required.

Representations were made by a local business person and a resident of Layson Drive, who also spoke on behalf of 3 other residents, expressing concern about the effect of the change of use on other businesses; exacerbation of traffic congestion and concern that access could to emergency vehicles could be impeded and noise from the garage would be a nuisance to residents.

During discussion members considered the parking and noted that there was a problem of parking enforcement in the vicinity and considered the requirement for a floor plan to demonstrate that there was room in the unit for cars to be stored.

RESOLVED with 5 members voting in favour (Councillors Bradford, Lubbock, Stephenson, Little and Wiltshire) and 2 members against (Councillors Jago and Banham) to approve Application No 09/00411/U – Unit 2, Denmark Opening, Preston Road, subject to the following conditions:-

1. Within one calendar month of the permission being granted a layout plan shall be submitted and approved detailing vehicle repair area.
2. Restriction of use of repair workshop to two vehicles being worked on.
3. Restriction of hours – shall not be open before 08:00 hours or after 18:00 hours Monday to Saturday and not at all on Sundays.
4. Paint spraying to be restricted within building and fume produced shall be filtered or treated in accordance with a scheme to be approved.
5. Details of any plant and machinery to be submitted and approved.
6. Details of any fume extraction system to be submitted and approved.

(Reasons for Approval: The recommendation has been made having regard to Saved Local Plan Policies EMP1, EP22 and TRA6 and all other material

considerations. On balance it is considered that the proposed change of use to a car repair workshop and ancillary first floor office is acceptable and subject to conditions would not have a significant detrimental impact on traffic generation or the amenities or nearby residential properties or businesses.)

9. APPLICATION NO 09/00366/F – 28 OSBORNE ROAD

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

Councillor Stephenson concurred with the Norwich Society's view that the extension would disrupt the symmetry of the building.

RESOLVED with 5 members voting in favour (Councillors Bradford, Banham, Lubbock, Little and Wiltshire), 1 member voting against (Councillor Stephenson) and 1 member abstaining (Councillor Jago) to approve Application No 09/00366/F – 28 Osborne Road and grant planning permission subject to the following conditions:-

1. Commencement within 3 years.
2. Facing and roofing materials to match existing.

(Reason for Approval: The decision is made with regard to policy HBE12 of the City of Norwich Replacement Local Plan Adopted Version November 2004 and all material considerations. The high quality materials and design are in keeping with the houses in the locality, and will not have an adverse impact on the visual and residential amenities of the area.)

10. APPLICATION NO 09/00401/F – 13 -21 STAFFORD STREET

The Planning Team Leader (Development) explained that there was a discrepancy between the location plan submitted with the application and the site plan. Therefore the application should be deferred to the next meeting in order to allow the applicant to rectify the discrepancy in the plans and for further notification to be given to neighbouring residents.

RESOLVED to defer consideration of Application No 09/00401/F – 13 – 21 Stafford Street to the next or a future meeting of this Committee.

11. APPLICATION NO 09/00292/F – COLMAN HOSPITAL, UNTHANK ROAD

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

RESOLVED to approve Application No 09/00292/F – Colman Hospital, Unthank Road and grant planning permission subject to the following conditions:-

1. Temporary for 5 years.
2. Submission of Interim Travel Plan within 3 months of permission.
3. Submission of a FTP within 12 months.
4. Pre commencement: soft landscaping details, pruning/ removal/ replanting and implementation/ maintenance timetable.

5. Root Protection.
6. Restricted to Staff Use only.

(Reasons for approval: It is considered that, although the expansion of car parking on the site could be considered to conflict with national and local policies, the facility proposed would meet an identified need to support the continued effective operation of a valuable community facility and, by restricting the permission granted to a temporary one, would enable the applicant to undertake and implement a Travel Plan for the site within the 5 year period of consent granted.

The scheme as submitted is also considered acceptable as the method of construction proposed would, in the main, ensure that existing trees will not be affected and supplementary tree planting will be undertaken, providing for, in the longer term, the preservation and enhancement of the area.

Therefore the proposal is considered acceptable in relation to National, Regional and Saved Local Planning Policies: HBE8, SR3, AEC2 and TRA3, TRA6, TRA7 and TRA12 and all other material planning considerations.)

12. APPLICATION NO 09/00374/F – 119 PLUMSTEAD ROAD

The Senior Planner (Development) presented the report with the aid of slides and plans. (Photographs and copies of the elevations and floorplans were circulated at the meeting.) He reported that 3 letters of objections had been received from residents in Aberdare Court, since the report had been written, raising the following concerns: increased traffic flows; that the height of the proposed houses would result in residents in Aberdare Court being overlooked; blocking out sunlight and their views of the trees and shrubs of the gardens in Plumstead Road.

One of the residents then addressed the Committee outlining her objections to this and the earlier application on the grounds of increased traffic on Plumstead Road and circulated copies of the current view from her kitchen and another showing a computer generation of how the development could effect her view. She suggested that a solution would be to build bungalows similar to those in Borrowdale Drive.

Discussion ensued in which members gave consideration to the height of the proposed development in relation to adjacent property and the distance between it and the existing houses in Aberdare Court and surroundings.

RESOLVED to Approve 09/00374/F – 119 Plumstead Road and grant planning permission subject to the following conditions:-

1. 3 year time limit.
2. Pre commencement-external materials.
3. Pre commencement- hard and soft landscaping.
4. Pre commencement-boundary treatment (including requirement for boundary treatment on frontage)
5. Pre commencement- bin and cycle storage details.
6. Pre commencement- pruning of tree and hedge.
7. No development within RPA.

8. Pre occupation-access and parking to be laid out and made available for use including identifying individual parking spaces.
9. Retain obscure glazing on rear elevation at first floor level.

(Reasons for approval: It is considered that the layout, scale and design of the proposed development respects the amenities and site surroundings and in so doing, conforms to the aims of national regional and saved policies HBE12, EP22, HOU13, TRA6, TRA7 and TRA8 of the City of Norwich Replacement Local Plan 2004.)

13. APPLICATION NO 09/00243/F – LAND AT BRAZEN GATE/SOUTHWELL ROAD

The Planning Development Manager presented the report.

RESOLVED, with 6 members voting in favour (Councillors Bradford, Jago, Banham, Stephenson, Lubbock and Wiltshire) and 1 member abstaining (Councillor Little) to approve Application No 09/00243/F – Land at Brazen Gate/Southwell Road and grant planning permission subject to the following conditions:-

1. Temporary for 3 years;
2. Submission of an ITP Within 3 months;
3. Submission of a full travel plan within 12 months;
4. Personal to Aviva;
5. Allow public use of the facility subject to the following restrictions:
 - (a) any time between 20 October and 10 January;
 - (b) agreement of tariffs which favour the use of short stay car parking over long stay car parking;
 - (c) availability on days when Norwich City Football Club First Team have fixtures at Carrow Road.

(Reasons for approval: Linked to the applicant's commitment to provide a Full Travel Plan within 12 months of the date of permission, it is considered that a further temporary permission for a 3 year period would not be contrary to national, regional and saved Local Plan policies TRA3, TRA6, TRA12 and TRA21. This takes into account the unusual circumstances relating to the scale of the undertaking and the complexity of steering through a FTP for such a major large local employer and is based on the applicant's commitment to the pursuit and delivery of alternative and more sustainable modes of transport for their employees.)

(The Chair, Councillor Bradford, left the meeting at this point. Councillor Lubbock in the Chair.)

14. DELEGATIONS OF POWERS AND OPTIONS FOR THE TIMING OF COMMITTEE

The Planning Development Manager presented the report and together with the Head of Planning and Regeneration Services answered questions. An amendment to paragraph 12 (1) of the report had been reworded for clarity by deleting the first two paragraphs and inserting:-

- (1) approval of major* developments if there is one or more objection raising from material planning issues or if the proposal would represent a serious departure from the development plan.

* major is defined by central government as applications for 10 or more dwellings, outline applications for residential development on sites over 0.5ha, or offices, research, industrial, warehousing or retail development over 1,000 sq m or 1ha for outline applications.'

A representation received from Councillor Holmes, commenting on the report and expressing concern that the proposals reduced the effectiveness of members of the public and elected members engaging in the planning process because of the need to meet the targets specified by the Government, was circulated to members.

Discussion ensued in which members considered that it would be preferable for non-major applications to be considered at Committee where there were two rather than three objections. Members were advised that the recommendation to reduce the period of members' call in from 21 days to 14 days was to ensure that applications were considered within the timescale. Members then discussed how Ward Councillors were notified of planning applications list and the practicality of submitting a call in within 14 days. Members also considered the recommendation that petitions should have 50 signatures and it was noted that it was in line with the requirements of the Council's constitution (Appendix 1), and it was suggested that it was rare to receive a petition without letters from individual objectors. Members were advised that it was recommended that if one objection was raised for a major application it would be considered at Committee because the development would have a greater impact on the city than minor applications and therefore appropriate for members to be involved.

Discussion ensued on the need to communicate the changes of delegation to other members of the Council and the public. It was suggested that letters of notification needed to have a cross reference to the Committee's Scheme of Delegations to officers. Members were advised that the Executive would be considering Planning Service Improvements at its meeting on 8 July 2009 and subject to approval the standards would be implemented and monitored from 1 September 2009. It was suggested that this Committee reviewed its Code of Conduct and Delegations each year for implementation in the autumn. Publicity would be arranged to coincide with the changes.

Members also considered the timing of meetings and it was suggested that no decisions should be taken until the outcome of a customer survey were known with a view to implementing any changes in the next Civic Year.

RESOLVED to:-

- (1) agree the delegation arrangements as set out in paragraph 12 (as amended above) subject to amending (2) (a) by reducing the number of objections from neighbours/and of other third parties citing material planning issues from 3 to 2;

- (2) implement the changes in the Committee's Scheme of Delegations from 1 September 2009 and review it at the end of 6 months;
- (3) in future years review the Scheme of Delegations and Code of Conduct annually;
- (4) publicise the changes to the Scheme of Delegations on e-Councillor in conjunction with a press release on the changes to planning standards as agreed by the Executive;
- (5) agree to review the timings of Committee meetings following the outcome of the customer survey.

CHAIR