



MINUTES

PLANNING APPLICATIONS COMMITTEE

10.00 a.m. –11.10 a.m.

1 October 2009

Present: Councillor Llewellyn (Vice-Chair in the Chair), Banham, Driver, Little, Lubbock, Stephenson and Wiltshire

Apologies: Councillors Bradford (Chair), Driver, George and Lay

1. MINUTES

RESOLVED to agree the accuracy of the minutes of the meeting held on 10 September 2009.

2. APPLICATION NO 09/00504/U – 7 CASTLE STREET, NORWICH, NR2 1PB

The Planner (Development) presented the report with the aid of slides and plans, and together with the Senior Planner (Development) answered members' questions. Members were advised of a minor change to the reasons for approval.

The applicant addressed the Committee in order to confirm that the takeaway restaurant would be ancillary to the rest of the Thai Wellbeing business and would not be used for any other type of takeaway.

During discussion members supported the proposal provided that conditions relating to the permission being personal to the applicant and condition 4 were in place. Councillor Lubbock said that she did not want to see an empty shop.

RESOLVED to approve Application No. 09/00504/U, 7 Castle Street, and grant planning permission, subject to the following conditions:-

1. Standard time limit.
2. Restriction of opening hours to 0900-2000 on any day.
3. Permission personal to the applicant - permission ceases to have effect and use reverts to A1 retail if he ceases to operate from the premises.
4. Removal of permitted development rights to restrict use of the premises to a hot food takeaway (use Class A5) and prevent use for any other purpose.
5. Details of waste storage areas.
6. Development to accord with submitted plans.

(Reasons for approval (as amended):- Following careful consideration and negotiation with the applicant, it is considered that the change of use as proposed can be accepted, subject to the imposition of appropriate restrictive planning conditions. Thus conditioned, the development would not materially affect the character and appearance of the locally listed premises and, in offering a business model whose characteristics are broadly consistent with the retail function of the area, would contribute positively to the retail character, vitality and viability of Castle Street whilst also assisting in the expansion of a related local business. It would not undermine the objectives of the City of Norwich Replacement Local Plan to protect the retail function of the primary shopping area, nor would it jeopardise the city council's planning strategy for the central shopping area as a whole.

In reaching the decision to recommend approval, account has been taken of national planning policy (Planning Policy Statements 1 and 6), regional planning policy (adopted East of England Plan policies SS2, ENV6 and ENV7), the City Centre Conservation Area Appraisal and the following saved policies of the City of Norwich Replacement Local Plan (Adopted November 2004): HBE8, EMP2, SHO10 and SHO22.)

3. APPLICATION NO 09/00663/F KINGSLEY HOUSE, 2A UPPER KING STREET, NORWICH, NR3 1HA

The Planner (Development) presented the report with the aid of slides and plans, and together with the Senior Planner (Development) answered members' questions, including explaining the visual relationship between the application site and the neighbouring office premises at number 4 Upper King Street. Members were advised that condition 8 was no longer required as the new staircase was for general use rather than fire escape purposes. Also under condition 3, details were also required of the decking; design and details of the awning; and materials and details of the stair enclosure.

In response to a question, members were advised that the skylights which had been necessary when the space below was used for an office would not be essential in a night-time drinking situation. During discussion members considered the use of the awning and plans were circulated showing the extent of the roof terrace. The applicant confirmed that he had been advised by Environmental Health about the use of the awning and that it would be sufficiently ventilated.

RESOLVED to approve Application 09/00663/F, Kingsley House, 2a Upper King Street and grant planning permission, subject to the following conditions and reasons:-

1. Standard time limit.
2. Restriction on hours of use of the outdoor drinking terrace to coincide with the opening hours of the main bar – no use beyond 12 midnight.
3. Submission of the following details:
 - (a) design and materials of new roller shutter doors to first floor bar area;
 - (b) design details of ground floor fire exit door and stair enclosure;
 - (c) details of materials of stair enclosure;
 - (d) details of any external lighting/heating equipment to be installed on the proposed drinking terrace;

- (e) details of decking;
- (f) design and details of awning.
- 4. All first floor windows fronting the proposed drinking terrace to be kept closed at all times.
- 5. Doors giving access and egress for customers to the proposed drinking terrace (with the exception of the roller shutter doors to the first floor bar) shall be fitted with automatic closers and shall not be propped or fixed open.
- 6. No amplified sound system to be installed or live entertainment to take place on the drinking terrace.
- 7. Submission of details of amplified sound system to be installed within the area of the first floor bar.
- 8. New staircase from drinking terrace to be used for emergency escape purposes only.
- 9. Development to accord with submitted plans.

(Reasons for approval:- Following careful consideration and negotiation with the applicant and assessment of the relevant issues, it is considered that the proposed development can be accepted, subject to the imposition of appropriate restrictive planning conditions. Thus conditioned, the drinking terrace would not materially affect the amenity and outlook or the living conditions of existing and proposed residential occupiers or have a seriously detrimental impact on the working conditions of commercial office users in the area. The proposals are appropriate to the character and appearance of the premises and would not materially affect the character and appearance of the City Centre Conservation Area.

In reaching the decision to recommend approval, account has been taken of national planning policy (Planning Policy Statement 1 and Planning Policy Guidance Notes 15 and 24), regional planning policy (adopted East of England Plan policies ENV6 and ENV7), the City Centre Conservation Area Appraisal and the following saved policies of the City of Norwich Replacement Local Plan (Adopted November 2004): HBE8, HBE12, AEC1, EP18 and EP22.)

4. APPLICATION NO 09/00572/F BRANKSOME LODGE, 12 BRANKSOME ROAD, NORWICH, NR4 6SN

The Senior Planner (Development) presented the report with the aid of slides and plans. It was explained that the report at paragraph 11 was incorrect in that the extension was originally 1.15 metres closer to the tree and was now 650mm closer to the tree than the earlier 2009 permission and that the window had not changed in size. Two further letters of representation had been received and these were read out. The first from a resident at 17 Sunningdale whose objection to the application was that the current application was for a house, garage and storage building etc. when the original had been for a bungalow; and that the house would overlook the resident's garden and block light. The second objection was from a resident at 5 Fulford Close whose concerns were the size of the proposed house; larger extension and impact on outlook and privacy. Concern was also raised about the pollarded trees and impact on the neighbour. Also the poor state of repair of the leylandi hedge and fencing; and how this would impact on the resident's garden. The neighbour felt that this should be subject to condition. The Senior Planner then explained that a Tree Preservation Order had been placed on the site in August 2009 and although awaiting final confirmation the trees that were subject to

the order were protected. The pollarded trees were not considered worthy of protection and had not been included in the order and the means of pruning had been seen as the best solution given the history of the tree.

Councillor Lubbock then read out an email from a resident of 15 Sunningdale, who was unable to attend the meeting. The resident objected to the large size of the proposed property; considered that the neighbour had been coerced into pollarding the poplar trees and concerns about trees being felled; that the conifer hedging would be replaced with beech trees and that falling leaves would be a problem and that 7 households in the vicinity had also voiced concerns about the application.

(Councillor Lubbock then left the meeting at this point.)

The applicant then responded and said that he had no intention of removing the hedging or removing the trees, which was one of the reasons that he had bought the plot.

The Senior Planner then responded to questions from members. Referring to paragraph 11 of the report, he said that moving the building to the point where it would be 1.15 metres closer to the tree could be done following the construction of the approved scheme within permitted development rights and in effect the applicant could if the application was turned down extend the building on the original application and still be nearer the tree. It was considered that there would be no adverse impact on the protected tree from the revised layout or on the amenity of the neighbouring properties from the revised first floor windows of the proposed house.

RESOLVED to approve Application No 09/00572/F, Branksome House, 12 Branksome Road, and grant planning permission, subject to the following conditions:-

1. Commencement of development within three years
2. Development to be in accordance with submitted plans and details
3. Development to be carried out using agreed facing materials
4. Pre commencement -hard and soft landscaping and maintenance to be agreed
5. Protection of trees during construction
6. Compliance with AIA
7. Retention of existing landscaping (hedges and trees)
8. Permeable access to be laid out before occupation
9. Pre occupation garage to be constructed
10. Pre commencement -refuse storage details and location to be agreed.
11. Pre commencement –details of boundary treatment.

(Reasons for approval: The decision has been made with due regard having been paid to saved Policies NE3, EP22 and HOU13 of the City of Norwich Replacement Local Plan Adopted Version 2004 and policy ENV7 of the East of England Plan, May 2008, and all material considerations. The siting of a two storey detached dwelling and garage in this location accords with the aims of PPS1 and 3 and will not unduly affect the amenities of the surrounding area or protected trees within the site. Furthermore, the form of build respects the character of surrounding properties in the vicinity.)

CHAIR