



PLANNING APPLICATIONS COMMITTEE

10.00 a.m. – 12.50 p.m.

29 January 2009

Present: Councillors Bradford (Chair), Llewellyn (Vice-Chair), Banham, Bearman, Collishaw, Driver, Lubbock and Stephenson

Apologies: Councillors George, Lay and Little (S)

1. PUBLIC QUESTIONS

Trafalgar Square

Councillor Bearman asked the following question:-

‘In September 2006 the neighbours of Allen & Bocking in Trafalgar Street asked me if I could help in their efforts to get the company to either remove or reduce in size the large sign which stands on the edge of their property at right angles to the road alongside the drive of number 4 Trafalgar Street. The owner does not have Planning Permission for this sign and it obscures the view of the pavement and road from number 4's drive thus making it hazardous to pedestrians using the footway, and cyclists and other vehicles using the road, when a vehicle is backing out of the drive. The owner was contacted by the Enforcement Officer in March 2007, when he claimed to be vacating the premises within 6 months so he was given leeway to do this. He has not vacated the premises, the sign is still there and the neighbours are getting increasingly annoyed. I have contacted the Enforcement officer about it several times since then, most recently in October last year when he said he would raise the issue at his next enforcement meeting. Whilst I appreciate that this is not a top priority for enforcement, it is of concern to the neighbours and has been going on for over 2 years so could you please advise me when it will be dealt with.’

The Planning Team Leader (Development) (Outer) made the following response:-

‘This is an ongoing enforcement matter. Information has just been received relating to ownership of the site, and now that this has been resolved, the matter will be able to be pursued. The Planning Enforcement Officer will visit the site again next week.’

In response to a supplementary question members were advised that it was necessary to establish ownership before enforcement took place and that members would be kept informed of the outcome.

2. MINUTES

RESOLVED to approve the accuracy of the minutes of the meeting held on 8 January 2009.

3. APPLICATION NO 08/00935/O – 29 – 31 BISHOP BRIDGE ROAD

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

During discussion members considered that it was important that development of the adjacent site to the north was not hindered by the provision of access and the issue of ransom value. Officers advised that whilst consent could not be withheld on this basis, discussions could be facilitated between the owners of the two sites. Members were also concerned that construction traffic did not exacerbate traffic conditions and that standard construction clauses form part of the S106 obligation. It was hoped that the fencing around the site would be tidied up.

Councillor Lubbock suggested that a possible use of the transportation funding could be used to establish a cycle hire scheme.

RESOLVED to approve Application No 08/00935/O – 29 – 31 Bishop Bridge Road and grant planning permission subject to:-

- (1) giving advance notice to the Health and Safety Executive allowing 21 days for their further consideration of the matter and allowing them to invite the Secretary of State to call-in the application;
- (2) the signing of a Section 106 to include children's play space and transportation contributions;
- (3) the following conditions:
 1. Standard time limit;
 2. Items of landscaping and appearance to be agreed under reserved matters applications;
 3. The strip of land between the access and the adjacent site to the north shall be safeguarded for future access to adjoining land and not be used for any other use;
 4. No development shall commence until the Hazardous Substance Consent on the adjacent gas holder site to the south has been revoked;
 5. Preliminary risk assessment, site investigation, options appraisal, remediation strategy and verification plan for contamination to be submitted;
 6. The development shall be carried out in full accordance with the arboriculture implications assessment, method statement and protection plan submitted with the application. A detailed scheme for

the replacement of trees and a detailed method statement for their planting shall be submitted prior to commencement.

7. Bin and bike stores to be provided prior to first occupation;
8. A scheme for the provision of 10% of the sites energy from renewable of low carbon sources to be submitted at reserved matters stage, to include full details of any implications on the external appearance.

(Reasons 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 of the adopted East of England Plan Regional Spatial Strategy, saved policies of the adopted City of Norwich Replacement Local Plan, relevant Planning Policy Guidance, Planning Policy Statements, Supplementary Planning Guidance and Supplementary Planning Documents.

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 central brownfield site in a sustainable manor. With particular reference to health and safety given the likely decommissioning of the gas holder, a Grampian condition restricting occupation of the development until the hazardous substances consent on the adjacent site is revoked is considered appropriate.)

4. APPLICATION NO 06/00964/F – 126 – 128 BARRACK STREET

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

Councillor Llewellyn suggested that since the approval had been granted in principle in 2006 the development should comply with the East of England Plan's minimum 10% target of energy from renewable energy or low carbon sources. Members were advised that under normal circumstances this would be a requirement of a new application. However in this case permission had been approved for the layout of the site and the application was before members because the conditions of the Section 106 agreement had been erroneous in relation to the planning obligations to secure an arrangement for future vehicular access to the adjoining site at 124 Barrack Street.

Councillor Llewellyn moved and Councillor Stephenson seconded that planning permission should be subject to a condition relating to an energy efficiency target of 10%.

RESOLVED, with 2 members voting in favour (Councillors Llewellyn and Stephenson), 4 members voting against (Councillors Bradford, Banham, Lubbock and Collishaw), and 2 members abstaining (Councillors Bearman and Driver) the amendment to impose a condition relating to a higher energy efficiency target was lost.

The Chair then moved the recommendations in the report.

RESOLVED, with 7 members voting in favour (Councillors Bradford, Banham, Llewellyn, Lubbock, Stephenson, Collishaw, and Driver) and 1 member abstaining (Councillor Bearman) to:-

- (1) approve Application No 06/00964/F – 126 – 128 Barrack Street and subject to the completion of a satisfactory Section 106 Agreement by 28 February 2009 to include the provision of contributions to child play space, and the following planning conditions:
 1. Commencement of development within 3 years;
 2. Details of boundary treatments including walls, fences;
 3. Submission of samples and details of materials of external materials;
 4. Provision and retention of access road and car parking prior to first occupation, to ensure the appropriate car parking layout and a means to make available a suitable access to the adjacent site, the land for which shall not be used for any other use;
 5. Submission of details of cycle parking and storage;
 6. Provision and retention of cycle parking;
 7. Details of landscaping scheme;
 8. Maintenance of landscaping;
 9. Sound insulation to habitable rooms facing barrack street and anchor close;
 10. Investigation and treatment of any site contamination;
 11. The development shall be constructed with a minimum finished floor level;
 12. Prior to development, a scheme for flood proofing measures shall be agreed and the development shall be carried out in accordance with the plans;
 13. A flood evacuation plan shall be submitted and agreed;
 14. Prior to development, a surface water drainage scheme shall be approved.

(Reasons for approval: The proposal will result in the satisfactory redevelopment of this commercial site and will enhance the visual and residential amenities of the area. Subject to the requirements of the conditions, the proposal will safeguard and enhance highway conditions on Barrack Street. Subject to the legal agreement, the proposal would contribute to the provision of children's play space in the area. As such, and subject to conditions, the proposal would comply with Policies HBE12, EP22, EMP3, HOU13, SR7, TRA6, TRA7 and TRA18 of the City of Norwich Replacement Local Plan, Adopted 2004.)

- (2) where a satisfactory Section 106 agreement is not completed prior to 28 February 2009, to delegate authority to the Head of Planning and Regeneration Services to refuse planning permission for Application No 06/00964/F – 126 – 128 Barrack Street for the following reason:-

In the absence of a legal agreement or undertaking relating to the provision of children's play space contributions, the proposal is contrary to saved policy SR7 of the adopted City of Norwich Replacement Local Plan, Adopted 2004.

5. APPLICATION NO 08/01108/F – LAND AND BUILDINGS REAR OF 4-8 BER STREET

The Planner presented the report with the aid of plans and slides. A further representation had been received from Savills, on behalf of Archant Limited raising concerns about the scale and height of the development in relation to Prospect

House and the listed building fronting Ber Street; vehicular access to the site; and ground conditions. Members were advised that these issues were addressed in the report. The Planner and the Planning Team Leader (Development) (Inner) answered members' questions.

During discussion members noted that Section 106 funding would contribute to highway improvements to improve the access to the site. Members considered the height and scale of the development in relation to other buildings and development in the area, with Councillor Driver expressing concern about the height of the buildings. Councillor Lubbock spoke in support of the application and considered that this was an important development on a Brownfield site.

RESOLVED, with 7 members voting in favour (Councillors Bradford, Banham, Bearman, Llewellyn, Lubbock, Stephenson and Collishaw) and 1 member against (Councillor Driver) to:-

- (1) approve Application No 08/01108/F – land and buildings rear of 4-8 Ber Street and grant planning permission subject to the completion of a satisfactory Section 106 agreement by 5 February 2009, to include the provision of contributions to child play space, transportation contributions and maintenance of communal areas, and subject to the following conditions:
 1. Standard time limit;
 2. Details of development phasing plan;
 3. Details of all external facing materials including:
 - a. Window frames;
 - b. Doors;
 - c. Balconies;
 - d. Sun screens;
 - e. Rainwater goods;
 - f. Mortar mix;
 - g. Eaves, verges and fascia boards
 4. Samples of materials including:
 - a. Facing bricks;
 - b. Roof material;
 - c. Wall cladding;
 - d. Render;
 5. Details of all boundary treatments, fences and gates on site, including details of security measures to prevent the misuse of the residential amenity area to the north east of the site;
 6. Details of the precise size, location and elevation treatment of separate bin stores for commercial and residential elements, to be provided prior to first occupation;
 7. Details of covered and secure cycle parking structures, to be provided prior to first occupation;
 8. Hard and soft landscaping details for each phase of the scheme as agreed under condition 2, indicating ground surface treatments throughout site and all planting details;
 9. Replace any trees/plants from the approved landscaping scheme that die within five year period;
 10. Archaeological Evaluation;

11. Further geo-environmental survey required to establish the exact ground conditions underneath the site and actions required remove the identified storage tank;
12. Further site contamination report, including sub-surface and surface level contaminants;
13. Details of the number, location, specification and provision of air source heat pumps.

(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, EP2, EP16, EP18, EP22, HOU1, HOU2, HOU6, HOU13, EMP1, SRA7, 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 central brownfield site in a sustainable manor which would enhance the surrounding Conservation Area. The proposal includes a suitable mix of uses and subject to the conditions listed will provide satisfactory amenity space, cycle parking, car parking and bin storage facilities as well as appropriate renewable energy provision.)

- (2) where a satisfactory Section 106 agreement is not completed prior to 5 February 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).

6. APPLICATION NO 08/01135/F – SITE OF FORMER STARTRITE SHOES LTD, CROME ROAD

Councillor Banham, on behalf of the Sewell Ward Councillors, said that some residents in Romany Road had not been notified about this amended planning application. The Senior Planner (Development) said that this issue had been raised earlier in the week and that it had been reported that two households had not received a letter. The distribution list held on file had been checked and letters had been sent to residents; there had been a site notice; and the application was advertised in the press. However the sending and receipt of consultation letters had been raised in relation to other applications and this issue was being investigated.

The Senior Planner then presented the report with the aid of slides and plans and explained that the revised application was for the redesign 10 dwellings and was the result of the downturn in the housing market. In response to a question members were advised that the situation regarding construction traffic from the site had been resolved and the foreman was monitoring all delivery vehicles entering and leaving the site and taking stringent action to ensure that the agreement regarding construction traffic was kept.

The Chair pointed out that Councillor Brociek-Coulton, in her capacity as Ward Councillor for Sewell Ward, had contacted the construction company regarding the construction traffic.

RESOLVED to approve Application No 08/01135/F – site of former Startrite Shoes Ltd, Crome Road and grant planning permission subject to a revision to the Section 106 agreement relating to 05/00569/F to ensure that the requirements imposed on the original permission remain in force and to the following conditions:

1. Standard time limit.
2. All conditions of previous permission reference 05/00569/F to apply where still relevant, including conditions relating to boundary treatment, bin storage, materials, landscaping and roads, parking areas and footpaths.
3. Development to ensure that at least 10% of its energy requirement is achieved through decentralised and renewable or low-carbon sources as required by policy ENG1 of the East of England Plan 2008.

(Reasons for approval: The proposed revisions are considered acceptable and would represent an appropriate form of redevelopment for the site, which would not have a detrimental impact on the living conditions of neighbouring residents and would result in an acceptable form, design and layout of development that would be in keeping with the surrounding character of the area and meet the relevant criteria of the saved Replacement Local Plan policies, central government guidance and the policies of the East of England Plan.

The proposals are therefore considered to meet the relevant criteria of PPS1 and PPS3, East of England Plan Policies ENG1, ENV7 and WM6 and save Replacement Local Plan Policies NE9, HBE12, EP1, EP2, EP16, EP18, EP22, HOU4, HOU5, HOU6, HOU12 B54, SR1, SR4, SR7, TRA3, TRA5, TRA6, TRA7 and TRA11 and all material considerations.)

7. APPLICATION NOS 08/01206/F AND 08/01209/F – 38 – 40 ASH GROVE AND LAND ADJACENT TO AND EAST OF 40 ASH GROVE

The Planning Team Leader (Development) (Inner) presented the report with the aid of slides and plans. Members were advised that there were two applications that were being taken together in the same report to avoid duplication. Three further letters of representation had been received. One was from a neighbour near to the application sites concerned at the impact of the proposals, the second was an additional letter from the adjacent neighbour, who was present at the meeting and had also circulated copies to the members of the Committee, concerned about the impact of the extension, and the other from Dr Ian Gibson MP, concerned about the size of the extensions and additional traffic generated from the development. These issues were addressed in the report. Copies of aerial photographs of Ash Grove were circulated at the meeting.

The neighbour of an adjoining property then addressed the Committee outlining her concerns about the two storey extension and the effect that it would have on her property and suggesting that the extension be a single storey one.

The applicant then addressed the Committee in support of his application and pointing out that one extra dwelling would not result in increased traffic; the removal of the hedgerow and its replacement with a close board fence was to provide security to the dwelling; and that a single storey extension would make the refurbishment of nos. 38 and 40 unviable and, should a two storey extension not be approved, it would lead to a need to demolish both the existing dwellings and to replace them with town houses. The new dwelling would complement the existing houses.

Councillor Bearman moved and Councillor Banham seconded that the Committee undertook a site visit before determining this application.

RESOLVED, with 3 members voting in favour (Councillors Bearman, Banham and Stephenson) and 4 against (Councillors Bradford, Lubbock, Collishaw and Driver) and 1 member abstaining (Councillor Llewellyn) the proposal to hold a site visit was lost.

During discussion members considered that the development was on the south facing side of the road and the proposals were acceptable. Members noted that there were other two-storey extensions on both sides of the road.

Councillor Stephenson said that she had reservations about the new build.

RESOLVED:-

- (1) with 7 members voting in favour (Councillors Bradford, Banham, Bearman, Llewellyn, Lubbock, Collishaw and Driver) and 1 member voting against (Councillor Stephenson) to approve Application No 08/01209/F – Erection of new dwelling on land adjacent to and to the east of 40 Ash Grove and grant planning permission subject to the following conditions:

1. Standard time limit for commencement (3 years).
2. Precise details of external facing materials to be submitted
3. Boundary treatments to be erected in accordance with submitted details prior to first occupation of the dwelling
4. Parking to be laid out and provided and cycle storage to be provided in accordance with precise details to be submitted prior to first occupation and retained thereafter
5. Hard and soft landscaping scheme for site frontage to be submitted and approved prior to commencement, scheme to be implemented and maintained.

(Reasons for approval: The development proposed is considered to represent a high quality of design that would reinforce and compliment the character and appearance of Ash Grove. The form, scale, height and mass of the proposal and the external materials proposed are considered to be acceptable and in keeping with the existing development in the vicinity of the site. Appropriate arrangements are considered to have been made for vehicular access and parking, together with adequate amenity space. Subject to the provision of suitable cycle storage and landscape treatments to the site frontage the proposals are considered acceptable and, due to the details of the submitted scheme, would not be detrimental to the character or appearance of the surrounding area or the living conditions and amenities of local residents. The proposals are therefore considered to meet the

relevant policy requirements of saved policies HBE12, HOU13, TRA6, TRA7 and EP22 of the City of Norwich Replacement Local Plan 2004.)

- (2) with 6 members voting in favour (Councillors Bradford, Llewellyn, Lubbock, Stephenson, Collishaw and Driver) and 2 members voting against (Councillors Banham and Bearman) to approve Application No 08/01206/F – Alterations and extensions at rear of adjoining dwellings at 38 and 40 Ash Grove subject to the following conditions:-
1. Standard time limit for commencement (3 years).
 2. Precise details of facing materials to be submitted.
 3. Parking to be laid out and provided and cycle storage to be provided in accordance with precise details to be submitted prior to first occupation of the dwelling as extended and retained thereafter.
 4. Hard and soft landscaping scheme for site frontage to be submitted and approved prior to commencement, scheme to be implemented and maintained.

(Reasons for approval: The development proposed is considered to represent a high quality of design that would reinforce and compliment the character and appearance of Ash Grove. The form, scale, height and mass of the proposal and the external materials proposed are considered to be acceptable and in keeping with the existing development in the vicinity of the site. Appropriate arrangements are considered to have been made for vehicular access and parking, together with adequate amenity space. Subject to the provision of suitable cycle storage and landscape treatments to the site frontage the proposals are considered acceptable and, due to the details of the submitted scheme, would not be detrimental to the character or appearance of the surrounding area or the living conditions and amenities of local residents. The proposals are therefore considered to meet the relevant policy requirements of saved policies HBE12, TRA6, TRA7 and EP22 of the City of Norwich Replacement Local Plan 2004.)

8. APPLICATION NO 08/00748/F – 1 CHRISTCHURCH ROAD

The Planning Team Leader (Development) (Outer) presented the report with the aid of slices and plans and answered questions.

RESOLVED, with 7 members voting in favour (Councillors Bradford, Banham, Bearman, Llewellyn, Lubbock, Collishaw and Driver) and 1 member abstaining (Councillor Stephenson) to approve Application No 08/00748/F – 1 Christchurch Road and grant planning permission subject to the following conditions:-

1. Standard time limit for commencement (3 years).
2. External materials to match the existing.
3. Use shall be made of the Abbey Pynford house-deck foundation as specified in the submitted AMS, unless otherwise prior agreement is obtained to an alternative method in writing with the local planning authority.
4. The construction of the development as approved shall ensure full compliance with the submitted AIA and associated TPP and AMS.
5. No works shall take place until a pre-development commencement meeting has taken place on site between the Council's Tree Protection

Officer, the developer and the developer's consultant arborist as stated in the submitted AMS.

(Reason for approval: It is considered that the extension proposed would relate positively to the design and appearance of the existing dwelling and complement the character of the Conservation Area. The height, scale, mass, form, choice of materials and design details are considered appropriate and would be in keeping with those of the existing dwelling. Due to the orientation of the proposal, its scale, mass and height and the distances involved, the extension is considered unlikely to have a material impact on the living conditions of the neighbouring resident. Subject to the development being carried out in accordance with the submitted AMS and additional tree protection conditions, the proposal is considered unlikely to have a detrimental effect on the preserved tree. The development proposed is therefore considered acceptable and to meet the relevant criteria of saved policies NE3, NE8, HBE8 and HBE12 of the City of Norwich Replacement Local Plan 2004.)

9. APPLICATION NO 08/01126/U – 8 MILE END ROAD

RESOLVED to note that this application had been withdrawn from the agenda and will be considered at the next meeting.

10. APPLICATION NO 08/01225/F – DIAL HOUSE, 131 DEREHAM ROAD

The Planner presented the report with the aid of slides and plans, and answered members' questions.

Councillor Driver expressed regret that this was another retail outlet changing its use to a food takeaway.

RESOLVED, with 6 members voting in favour (Councillors Bradford, Banham, Bearman, Lubbock, Stephenson and Collishaw) and 2 members voting against (Councillors Llewellyn and Driver) to approve Application No 08/01225/F – Dial House, 131 Dereham Road and grant planning permission subject to the following conditions:

1. Standard time limit.
2. Details of:
 - a. Hard and soft landscaping
 - b. Kerbing to new access point
 - c. Refuse Storage
 - d. Cycle Storage
 - e. Bin storage
 - f. Plant and Machinery
 - g. Details of extract ventilation or fume extraction systems
 - h. Insulation
 - i. Materials for new windows, doors, bricks etc.
3. Restriction on access gates.
4. New access construction.
5. Provision of parking and servicing areas.
6. Provision of drainage measures.
7. Installation of plant and machinery.
8. Restriction on hours of opening.

9. Protection of residential parking.

(Reasons for approval: The development hereby permitted meets the objectives of PPS1 and PPS3 and the requirements of saved policies HOU13 and HOU18 of the City of Norwich Replacement Local Plan (Adopted Version November 2004) by providing high quality, low density, and easily accessible housing.

The proposals are not considered to have a detrimental impact on the surrounding area. Residential amenity and issues of noise and litter have been overcome. Therefore, the proposals are considered to be in accordance with saved policies EP10, EP22, HOU13, HOU18 and SHO22 of the City of Norwich Replacement Local Plan (Adopted Version November 2004). The internal and external layout have been considered carefully and provide a high standard of design in accordance with policy ENV7 of the East of England Plan (May 2008) and saved policies HBE12, HOU13, HOU18 and NE9 of the City of Norwich Replacement Local Plan (Adopted Version November 2004). The access, parking and servicing facilities have been designed to remove access onto the main Dereham Road and laid out within the site in safe and sustainable locations. Therefore the proposals are considered to be in accordance with policies T6 and WM6 of the East of England Plan (May 2008) and saved policies TRA6, TRA7, TRA8, TRA18 and HOU13 of the City of Norwich Replacement Local Plan (Adopted Version November 2004).)

11. PERFORMANCE OF THE DEVELOPMENT MANAGEMENT SERVICE AND MEMBER TRAINING

The Planning Team Leader (Development) (Inner) presented the report and answered questions.

Members welcomed the improvement in the service and appreciated the hard work of officers in clearing the backlog of planning applications. Members requested further information regarding the reasons for applications not being determined within the statutory period and asked for a breakdown in future reports.

During discussion on training members considered that a session explaining the process for planning obligations and Section 106 funding should be arranged. It was considered that this would require a longer session than the usual one hour before Committee.

RESOLVED to:-

- (1) note the report;
- (2) record the appreciation of the Committee to the officers for the continuing improvement in performance;
- (3) ask the Head of Planning and Regeneration Services to provide a breakdown of the reasons for planning applications not being determined within the statutory period;
- (4) hold a training session for members on planning obligations and the process for Section 106 funding.

CHAIR