



**Planning applications committee**

**09:30 to 13:10**

**10 August 2017**

Present: Councillors Driver (chair), Ackroyd (substitute for Councillor Wright), Button (from middle of item 3 below), Carlo, Bradford, Jackson, Malik, Peek, Sands (M) (from middle of item 5 below) and Woollard

Apologies: Councillor Maxwell (vice chair), Henderson and Wright

**1. Declarations of interest**

Councillor Button declared an interest in item 13, Enforcement case 17/00076/ENF – 1A Midland Street, Norwich, on her arrival at the meeting, because she knew the owner of the business and had discussed it with residents.

**2. Minutes**

**RESOLVED** to agree the accuracy of the minutes of the meeting held on 13 July 2017.

**3. Application no 16/01052/F - 4 - 6 Mason Road, Norwich, NR6 6RF**

(Councillor Button did not take part in the decision making because she had not been present at the start of the item.)

The planning team leader (outer area) presented the report with the aid of plans and slides. Members were advised that the applicant would be submitting a further application for the authorisation of external lighting.

During discussion the planning team leader referred to the report and answered members' questions. Members were assured that environmental protection considered that noise levels were acceptable, given its proximity to the outer ring-road provided the premises were managed in accordance with an agreed management plan and that external doors were kept closed. The cost of sound proofing the roof was too significant for a temporary use of five years. The committee also noted that the entire congregation of 1,000 people was unlikely to attend the building at the same time and, although not a planning consideration, there were plenty of doors for escape in case of fire. The church had provided reasonable projection to meet its targets to raise funds to relocate to the Heartsease Lane site within five years. The church made a big contribution to the local community.

**RESOLVED**, with 7 members voting in favour (Councillors Driver, Malik, Ackroyd, Carlo, Jackson, Peek and Woollard) and one member abstaining (Councillor Bradford) to approve application no. 16/01052/F - 4 - 6 Mason Road Norwich NR6 6RF and grant planning permission subject to the following conditions:

1. Temporary permission for 5 years and use to revert to B1 at this time or upon cessation of use.
2. Development to take place in accordance with plans;
3. No use of the premises outside of the hours of 08.00-22.00 Monday to Saturday or outside of the hours 08.00-20.00 on Sundays.
4. Within one month of the date of this permission details of covered and secure cycle parking to be submitted for approval and installed within one month of date of approval and retained for the duration of the use.
5. Travel information plan to be submitted for approval and made available and updated for the duration of the use.
6. No loudspeaker, amplifier, relay or other audio equipment shall be installed or used outside the building.
7. Amplified music and sound within the premises to be managed in accordance with the approved Music Break-out assessment and Management Plan.
8. No activities or events to take place outside the building except between the hours of 18.00-21.00 on Fridays.

**4. Application no 17/00754/VC – McDonalds, Delft Way Norwich, NR6 6BB**

The planner<sup>1</sup> presented the report with the aid of plans and slides.

During discussion the planner referred to the report and answered members' questions. The police had not been consulted but the council did not have any records of anti-social behaviour being reported at this site. Members asked questions about the detailed planning history of the site and the planner noted that application no 11/01652/VC had been refused because the applicant had not provided a noise assessment at the time and therefore had been unable to demonstrate the impact on nearby residents.

**RESOLVED**, unanimously, to approve application no. 17/00754/VC - McDonalds, Delft Way, Norwich, NR6 6BB and grant planning permission subject to the following conditions:

1. Standard time limit;
2. The operation of the site shall be in accordance with Noise Assessment ref LA/1347/01R/ML 14-0167-43 R01 received on 3rd May 2017 and retained thereafter.

**5. Application no 17/00865/F - 8 Aldryche Road, Norwich, NR1 4LE**

(Councillor Sands did not take part in the decision making because he had not been present at the start of the item.)

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

A neighbour commented that other residents had not seen the site notices or were aware that the committee was considering the application at this meeting. She then outlined her objections to the proposal which included: that a self-contained residential unit could not be compared with garden sheds in the surrounding

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<sup>1</sup> References to "planner (career grade)" have been corrected to "planner" 13/09/17

gardens; concern that the applicant's intention was that the house would become a house-in-multiple occupation or that the unit would be an Airbnb rental; concern about the poor maintenance of the main property and fencing; impact on her amenity through loss of privacy and concern about the future use of the building and its access in general and by emergency vehicles.

The applicant addressed the committee and explained the family planned to move back into the house, after a short period of renting it out, and that the proposed self-contained annexe was to provide accommodation for grandparents when visiting to help with childcare.

During discussion the planner, together with the planning team leader (outer area), referred to the report and answered questions. The site was not in a conservation area or a listed building and site notices were not required. Immediate neighbours had been notified by letter. The primary function was a residential dwelling house and therefore the owner could rent out rooms or space without prior permission. It would not be reasonable to add a condition to prevent the annexe being rented out for an Airbnb. The applicant had said that the purpose of the annexe was to provide accommodation for visiting family members and this was ancillary to the main dwelling. Emergency access was covered by building control. Access was currently through the main house or garage. The applicant could remove the garage and erect gates under permitted development rights. The council could enforce the planning permission if the annexe was used as a separate dwelling if there was evidence from neighbour reports or council tax records.

**RESOLVED**, with 8 members voting in favour (Councillors Driver, Button, Malik, Ackroyd, Carlo, Peek, Woollard and Bradford) and 1 member voting against (Councillor Jackson) to approve application no. 17/00865/F - 8 Aldryche Road, Norwich, NR1 4LE and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. The annexe should be used as ancillary to the main dwelling only.
4. Details of surface water drainage measures to be provided prior to first occupation.

#### Article 35(2) statement

The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations, following negotiations with the applicant and subsequent amendments the application has been approved subject to appropriate conditions and for the reasons outlined in the officer report.

#### **6. Application no 17/00850/F - 54 Gertrude Road, Norwich, NR3 4SF**

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

During discussion the planner, together with the planning team leader (outer area), referred to the report and answered members' questions. Members commented on the long gardens and noted the subdivision of the adjacent plot and sought reassurance that adequate biodiversity measures were in place to compensate the loss of the wild garden area.

Councillor Bradford, Crome ward councillor, welcomed the application and an opportunity to tidy up the land and provide additional housing on Gilman Road but cautioned against any development on the opposite side of the road which would encroach onto Mousehold Heath.

Councillor Jackson said that he considered that the loss of garden space was unacceptable. The planning team leader (outer area) said that the principle of residential development had been accepted at this location. The garden was long, not used for domestic purposes and was not in an area protected for wildlife. There was no loss of light or overlooking to properties in Gertrude Road. The design of the building was similar in style to the adjacent property on Gilman Road which was currently undergoing construction.

**RESOLVED**, with 8 members voting in favour (Councillors Driver, Button, Malik, Ackroyd, Peek, Sands, Woollard and Bradford) and 2 members voting against (Councillors Carlo and Jackson) to approve application no. 17/00850/F - 54 Gertrude Road, Norwich, NR3 4SF and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Water efficiency;
4. Energy efficiency;
5. Sustainable drainage;
6. Bin/bike stores;
7. Landscaping scheme;
8. Biodiversity enhancing measures.

#### Article 35(2) statement

The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations, following negotiations with the applicant and subsequent amendments the application has been approved subject to appropriate conditions and for the reasons outlined in the officer report.

#### **7. Application no 17/00590/F - 65 Elm Grove Lane, Norwich, NR3 3LF**

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

During discussion, in which the planner referred to the report and answered members' questions, it was noted that houses in the area were of different styles and that the proposal significantly altered the appearance of the former vicarage but was not detrimental to the amenity of the area. A member commented that the proposal would improve the appearance because he considered the building looked "tired and dated". The committee also noted that a Juliette balcony could be installed under permitted development. The council's tree protection officer had confirmed that the development could be carried out without any damage to the trees.

**RESOLVED**, unanimously, to approve application no. 17/00590/F - 65 Elm Grove Lane Norwich NR3 3LF and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. In accordance with AIA/AMS;
4. Pre-construction site meeting;
5. Obscure glazing to West facing dormer.

#### Article 35(2) statement

The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations, following negotiations with the applicant and subsequent amendments the application has been approved subject to appropriate conditions and for the reasons outlined in the officer report.

#### Informative

1. Works to trees applications should be submitted for maintenance works.
2. Applicant should be aware of relevant protection of biodiversity legislation.

#### **8. Application no 17/00734/F 15 Mount Pleasant, Norwich, NR2 2DH**

The planner presented the report with the aid of plans and slides. She referred to the supplementary report of updates to reports, which was circulated at the meeting, and pointed out that the report template should have been amended to "Report of director of regeneration and development".

During discussion the planner, together with the planning team leader (inner area), referred to the report and answered members' questions. A member noted that the Norwich Society or the council's design and conservation officer had not commented on this application. The planner confirmed that the design and conservation officer had looked at the application but had not considered that it warranted any comments as the design and material match the existing building. The removal of one tree was considered to be insufficient to harm the amenity of the area and would still retain the "greenery" from the streetscene. It was not reasonable or appropriate to ask the applicant to change the design from a gable pitched roof to a green one.

Councillor Ackroyd pointed out that Newmarket Road was very busy and that construction traffic should be managed so as not to impede traffic. Members of the committee concurred that an informative should be given to the applicant to ensure the management of construction vehicles.

Councillor Jackson said that having visited the site he could not agree with the tree officers' assessment and that he considered the trees very important to the streetscene and that the loss of tree, T3, would have a significant impact. He also considered that the design was not sensitive to the conservation area and the character of the buildings. He moved that the application be refused on these grounds. The planning team leader (inner area) said that the tree officer was satisfied with the retention of two of the trees. This application had less impact on the conservation area than a neighbouring property where in 2012, the committee had approved an extension to the boundary of property which had set a precedent. There was no seconder.

The planner assured members that the tree protection officer was satisfied with the information provided by the applicant to ensure that the retained trees were not damaged by the development.

**RESOLVED**, with 8 members voting in favour (Councillors Driver, Button, Malik, Ackroyd, Peek, Sands, Woollard and Bradford), 1 member voting against (Councillor Jackson) and 1 member abstaining from voting (Councillor Carlo) to approve application no. 17/00734/F 15 Mount Pleasant, Norwich, NR2 2DH and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Materials to be submitted before construction begins;
4. Pre-construction site meeting and submission of further details;
5. Provision of site monitoring;
6. Arboricultural works to facilitate development.
7. Works on site in accordance with Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan.

#### Article 35(2)

The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations and has approved the application subject to appropriate conditions and for the reasons outlined in the officer report.

#### Informative

1. Considerate Constructors

#### **9. Application no 17/00587/F - 5 Nutfield Close, Norwich, NR4 6PF**

(The correct plans for this report had been published on the website, circulated to members in advance of the meeting and available at the meeting.)

The planner presented the report with the aid of plans and slides. He referred to the supplementary report of updates to reports which was circulated at the meeting and contained a further condition to ensure that the annexe was not occupied as a separate dwelling.

Councillor Lubbock, Eaton ward councillor, addressed the committee on behalf of a near neighbour and other residents, whose concerns included: the effect of the building on rain water drainage and clarification required on the intended use of the self-contained rooms. Residents were also concerned about the retrospective application. She had suggested the condition that the use of the annexe was ancillary to the main dwelling house because residents were very concerned about an increase in traffic in this small close.

During discussion, the planner and the planning team leader (inner area) referred to the report and responded to the issues raised by Councillor Lubbock and members' questions. Members considered the layout for the rooms and expressed concern that there was no direct access from the new units to the main house. The

committee was advised that the applicant could use the annexe for any C3 use and that the condition proposed would ensure that it was not used as separate dwellings.

Discussion ensued in which members expressed concern about the practicality of having a self-contained bedroom for a person with dementia with no access to the rest of the household or the carer. The access between the boundary fence and the annexe was only a metre and members expressed concern that it would be difficult to access with a wheelchair. A member considered that the property was contrary to DM2 and was not satisfied that the self-contained dwelling was for the intended purpose. Members were advised that meals for the family member in need of care would be made in the main kitchen. The self-contained unit, with kitchen facilities, was intended to give the carer independence. Members considered that the lack of internal doors was impractical for the purpose stated by the applicant. A member suggested that the council had a duty of care to ensure that the facilities were suitable for the intended use.

Councillor Sands moved and Councillor Woollard seconded that consideration of this retrospective application should be deferred to allow further discussion with the applicant about the provision of internal doors to the main house, and it was:.

**RESOLVED**, unanimously, to defer consideration of application no. 17/00587/F - 5 Nutfield Close, Norwich, NR4 6PF and ask the head of planning services to discuss access from the main house to the extension with the applicant.

#### **10. Application no 17/00341/F - 441 Unthank Road, Norwich, NR4 7QN**

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

A proxy speaking on behalf of neighbours who lived opposite to 441 Unthank Road addressed the committee and outlined their concerns. They were concerned about loss of privacy from the increased roof height of the proposed extension and glazing which they considered was disproportionate and this modern feature was out of character to the surrounding area. This view was supported by 11 other residents. The adjacent neighbour commented on the lack of consultation on the revised plans, that it would have an overbearing on her property and a detrimental impact on the conservation area. She said that they required information about the dimensions of the proposal as the plans showed the development only 1.6 metres from their boundary. Councillor Lubbock, Eaton ward councillor, referred to the residents' objections and said that, contrary to paragraph 25 of the officer's report, she considered that the glazing would cause significant harm to the conservation area. She would have liked to see a better quality design which included better energy efficiency such as a heat pump.

During discussion the planner referred to the report and responded to the issues raised by the speakers and answered members' questions. The applicant would be required to provide a block plan to include precise detail of the development on the boundary. Members were advised that the glazing was a contemporary take on the existing architecture and there were no proposals to introduce a mezzanine floor. There had been no specific sunlight analysis as the property did not meet the requirement for this because of the large distances involved between properties and the relatively small scale of the development.

Councillor Jackson pointed out that the fact that the conservation area had not had an appraisal made it very difficult to assess the impact that this proposal would have on it. This application was finely balanced but in this case it was acceptable because the building line was well back from the road. He commented that the solar gain from the large windows could make the room uncomfortably warm from solar gain.

**RESOLVED**, unanimously, to approve application no 17/00341/F - 441 Unthank Road, Norwich, NR4 7QN and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Samples of external materials to be submitted for approval.

#### **11. Application no 17/00903/F - 463 Sprowston Road, Norwich, NR3 4EB**

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

During discussion, the senior planner referred to the report and answered members' questions. She confirmed that there would be no change to the access. Members sought information about the operation of the refrigeration plant and noted that it would kick in and out when not needed.

Councillor Sands said that he could not support the application because of the noise from the plant and the impact that it could have on residents. He did not consider the extension to be necessary.

**RESOLVED**, with 9 members voting in favour (Councillors Driver, Button, Malik, Ackroyd, Carlo, Jackson, Peek, Woollard and Bradford) and 1 member voting against (Councillor Sands) to approve application no. 17/00903/F - 463 Sprowston Road, Norwich, NR3 4EB and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Extension to enclosure to be constructed to match existing. If different specification is required then details to be approved.
4. No use of the new plant until measures set out within the noise impact assessment have been carried out.

Informative:

This approval only allows for changes to the refrigeration plant. It does not allow for any other changes shown by the approved plans.

Article 32(5) statement

The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations and has approved the application subject to appropriate conditions and for the reasons outlined in the officer report.

(Councillor Ackroyd left the meeting at this point.)



**12. Application no 17/00988/F - George Hotel, 10 Arlington Lane, Norwich, NR2 2DB**

The planner presented the report with the aid of plans and slides. He referred to the supplementary report of updates to reports which was circulated at the meeting and contained a summary of four additional representations objecting to the application. As the plant had already been installed, the first condition "standard time limit" in the recommendation should be removed as it was not applicable.

Discussion ensued in which the planner together with the planning team leader (outer area) referred to the report. Members considered that the soft landscaping adjacent to the installed plant was important and would provide screening to improve the visual impact from Albert Terrace. The committee concurred with the suggestion for an additional condition to secure planting within the next available planting season and a five year management plan to maintain the soft landscaping.

**RESOLVED**, unanimously, to approve application no. 17/00988/F - George Hotel, 10 Arlington Lane, Norwich, NR2 2DB and grant planning permission subject to the following conditions:

1. In accordance with plans;
2. All hard and soft landscaping works shall be carried out in accordance with the details as specified on this decision, including the planting plans. The landscaping of these areas of the site shall be made carried out at the first available planting season. All hard and soft landscaping works shall thereafter be retained as such. The management of the landscaping shall commence immediately after planting. If within a period of FIVE years from the date of planting, any tree or plant (or any tree or plant planted in replacement for it) is removed, uprooted or is destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted at the same place no later than the end of the first available planting season (October-March inclusive), unless the local planning authority first gives its written consent to any variation.

**13. Enforcement Case 17/00076/ENF – 1A Midland Street, Norwich**

(Councillor Button having declared an interest in this application left the meeting at this point.)

The planner presented the report with the aid of plans and slides. He referred members to the supplementary report of updates to reports which was circulated at the meeting and contained a summary of a letter received from the agents acting on behalf of David Utting Ltd, the company operating at the premises at 1A Midland Street. The planning team leader (inner area) said that the solicitor's letter had been received late yesterday. A retrospective planning application had been submitted for consent for the two spray booths. It was his view that this did not alter the recommendation in the report before the committee and therefore enforcement action could be authorised, but should it be required, no action would be taken whilst the retrospective planning permission was being processed.

The applicant's legal representative then addressed the committee and displayed plans and outlined the issues set out in the letter which was summarised in the supplementary report. The company had received grants from the Local Enterprise Partnership and had created new jobs for young people. The company was under the impression that the "temporary" development was regarded as permitted development and questioned the council's motives in considering enforcement action. The committee was asked to let the retrospective planning application take its course and not to take enforcement action which would be challenged.

The planning team leader (inner area) and the planner referred to the reports and responded to the issues that had been raised by the speaker. They explained the reasons for recommending enforcement action in this case. Members were advised that third parties had brought the matter of the buildings and that the vehicular access created obstructions in the highway to the attention of the council.

Discussion ensued in which Councillors Bradford, Malik and Sands expressed concern that this was an established local business and more information should be provided before a decision which could jeopardise its business was taken. A site visit was suggested. The chair pointed out that the site was visible from the street. Other members considered that the application for retrospective planning permission needed to be assessed but that there was potential risk from the obstruction of the highway and therefore authorisation of enforcement action was appropriate. It would depend on the outcome of the planning application process whether enforcement was carried out or not. Councillor Sands moved and Councillor Bradford seconded that further consideration of this case be deferred to allow for negotiation with the owner and his legal representation on the long term plans. On being put to the vote with 3 members voting in favour (Councillors Malik, Sands and Bradford) and 5 members voting against (Councillors Driver, Carlo, Jackson, Peek and Woollard) the motion was lost.

The chair then moved the recommendations as set out in the report and it was:

**RESOLVED**, with 5 members voting in favour (Councillors Driver, Carlo, Jackson, Peek and Woollard) and 3 members voting against (Councillors Malik, Sands and Bradford) to authorise enforcement action to secure the removal of the two fabrication units / buildings and the ancillary works which enable revised access to the site Enforcement Case 17/00076/ENF – 1A Midland Street, Norwich; including the taking of direct action which may result in referring the matter for prosecution if necessary.

CHAIR