



**Planning applications committee**

**10:00 to 14:05**

**13 August 2020**

Present: Councillors Driver (chair), Maxwell (vice chair), Button, Grahame (substitute for Councillor Bogelein), Huntley, Lubbock, Neale, Oliver (substitute for Councillor Sands (M)) Peek (to end of item 8 below) Sarmezey and Stutely

Apologies: Councillors Bogelein, Sands (M), Ryan and Utton

**1. Declarations of interest**

Councillor Sarmezey declared a pecuniary interest in item 4 (below) Application no 20/00568/F - Garages in front of 24 - 26 Leopold Road, Norwich and item 5 (below) Application no 20/00630/MA - 1 Leopold Close, Norwich, NR4 7PR because she was a local resident.. She would therefore leave the meeting during consideration of these applications.

Councillor Lubbock declared a pre-determined view in items 5 (below) Application no 20/00630/MA - 1 Leopold Close, Norwich, NR4 7PR, and item 9 (below) Application no 20/00024/F - 174 Newmarket Road, Norwich, NR4 6AR because she had called in the applications and would be speaking on behalf of residents objecting to the proposals as ward councillor and then leave the meeting during the consideration of these applications.

Councillor Lubbock also declared a pecuniary interest and a predetermined view in item 7 (below) Application nos 19/01488/F & 19/01487/L – Strangers Club, 22-24 Elm Hill, Norwich, NR3 1HG, as a director of the Norwich Preservation Trust., representing the council. She would therefore leave the meeting during the deliberation of these applications.

**2. Minutes**

**RESOLVED** to approve the accuracy of the minutes of the meetings held on 9 July 2020.

**3. Application no 19/01147/F - Land for Storage and Premises Opposite 153 Holt Road, Norwich**

The area development manager (outer) presented the report with the aid of plans and slides.

During discussion, the area development manager (outer) and the senior planner referred to the report and answered members' questions. This included clarification of the access and transport issues; landscaping and use of hardstanding; the use of an interceptor to prevent silt and oil entering surface water drainage and the hours of operation. Members were advised that a second access via Gambling Close was outside the applicant's control as land connecting the application site and Gambling Close was in different land ownership. There would be no right turn into the site so as not to cause obstruction to the flow of traffic. The proposed use of the site for a depot would generate fewer vehicle movements than a housing development on the site. The Anglian Water comment had been received when there was an expectation that all surface water would go to foul drainage.

During the discussion a member pointed out that the Yellow Pedalway should be a continuous cycle way and asked who would have priority at the access to the site. Members noted that the volume of vehicles would not be great but that these were large vehicles that would be turning into the site and considered that cyclists should have priority. Members were advised that the committee could give an indication of its preferred option of priority to cyclists at the access to this site for consideration by the county council's highways department, as and when the proposed cycleway was extended. The senior planner explained that the shared crossing point would be a dropped kerb one but no detailed drawings were available at present. Discussion ensued in which it was pointed out that continuous cycleways should have consistent access priorities and that it was unusual for cyclists to have priority. It would be confusing to cyclists if the access at this site was in the only one on the cycleway with this priority and not others. Cycling organisations should be consulted. Councillor Neale said that on the continent the priority on continuous cycleways was for cyclists and moved that condition 16 should state the committee's preference for cyclists to have the priority which should be considered by the county council's highways service when drawing up the plans for the consultation on the extension of the cycleway. Councillor Stutely seconded the proposal. On being put to the vote it was unanimous and the amendment to condition 16 agreed accordingly.

The chair moved and the vice chair seconded the proposals as set out in the report as amended above

**RESOLVED**, unanimously, to approve application no. 19/01147/F - Land for storage and premises opposite 153 Holt Road, Norwich, and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Use of site restricted to vehicle hire only;
4. Site not to open to the public (except for the purposes of returning hire vehicles only) outside of the hours 07.30-20.00 Monday to Saturday, with no opening on Sundays or public holidays;
5. No servicing or repair of vehicles or pressure washing of vehicles shall take place outside of the hours 07.30-18.30 Monday to Saturday and not at all on Sundays or public holidays;
6. No machinery or power tools to be operated outside the building except for the purpose of maintenance of land or buildings;
7. No loudspeaker or audio equipment to be used outside of any building;

8. Pressure washing of vehicles restricted to the pressure wash area as identified on the plan;
9. Front doors to the workshop to remain closed while work in the workshop takes place;
10. No external lighting, other than security lighting to be used outside of the hours 07.00-23.00 on any day;
11. Access to the site to be via main access only and all other access shall be permanently closed, and the highway verge shall be reinstated in accordance with a scheme to be agreed;
12. Gradient of vehicle access not to exceed 1:12 for the first 15 metres into the site as measured from the carriageway;
13. Prior to commencement of use any access gates/bollard/chain or other means of enclosure shall be hung to open inwards, set back and thereafter retained a minimum distance of 15 metres from the near channel edge of the adjacent carriageway. Any sidewalls/fences/hedges adjacent to the access shall be splayed at an angle of 45 degrees from each of the outside gateposts to the front boundary of the site;
14. Details of one electric vehicle charging point, cycle, motor cycle parking and bin stores to be approved and then provided in accordance with the approved details and retained thereafter for the duration of the use;
15. No works shall commence on site until a construction management plan has been submitted including details of any cranes, construction worker parking and wheel cleaning facilities;
16. No commencement of development until a detailed scheme for the off-site improvement works (access and pedestrian improvements) have been submitted and approved. Where a cycleway is in existence on the east side of Holt Road those details shall include provisions for cycle priority over the accessway. Prior to the commencement of the use permitted the improvement works shall be implemented in accordance with the approved details;
17. Prior to commencement submission and approval of an Archaeological Written Scheme of Investigation;
18. Prior to construction of building, materials to be approved;
19. Prior to their installation details of solar array including a glint and glare assessment;
20. Installation of drainage strategy in accordance with approved details before site first brought into use;
21. Supplementary landscaping details;
22. Prior to commencement submission of a construction environment management plan (CEMP);
23. No tree/hedgerow removal during bird nesting season.

**4. Application no 20/00568/F - Garages in front of 24 - 26 Leopold Road, Norwich**

(Councillor Sarmezey having declared an interest in this item left the meeting at this point.)

The area development manager (outer) presented the report with the aid of plans and slides.

In reply to questions the area development manager (outer) referred to the report. Members were advised that the roof-light was to provide natural light into the hallway, and that only two of the existing garages were in use as garages, the rest were being used for storage.

The chair moved and the vice chair seconded the proposals as set out in the report.

Councillor Lubbock, Eaton Ward councillor, commented that she considered that the proposed single storey building was incongruous on the street scene and that a chalet bungalow would be more in keeping with the height of the adjacent building.

During discussion other members commented that the design was poor, with little outdoor space, but there were other bungalows towards the Newmarket Road end of the street. Members of the committee also took into consideration that the site was occupied by dilapidated garages and the provision of a single storey dwelling was better use of the site.

**RESOLVED**, with 7 members voting in favour (Councillors Driver, Maxwell, Huntley, Grahame, Neale, Button and Peek), 1 member voting against (Councillor Lubbock) and 2 members abstaining (Councillors Oliver and Stutely) to approve application no. 20/00568/F – Garages in front of 24 - 26 Leopold Road, Norwich and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Hard and soft landscaping to be agreed;
4. Surface water drainage to be agreed;
5. Biodiversity enhancements to be agreed;
6. Bin and cycle storage to be provided prior to first occupation;
7. Unknown contamination;
8. Imported topsoil;
9. Water efficiency;
10. Remove permitted development rights for extensions, roof additions and roof alterations

Informatives:

1. Construction working hours and practices.
2. Site clearance and wildlife.

#### **5. Application no 20/00630/MA - 1 Leopold Close, Norwich, NR4 7PR**

(Councillor Sarmezey having declared an interest in this item was not present at the meeting. Councillor Lubbock had declared a predetermined interest in this item, addressed the committee in her capacity as ward councillor and then left the meeting, taking no part in the determination.)

The area development manager (outer) presented the report with the aid of plans and slides. He also referred to the supplementary report of updates to reports which had been circulated prior to the meeting and available on the website, which contained a summary of a further representation.

Councillor Lubbock, Eaton ward councillor, addressed the committee with her reasons for calling in the application for a committee decision and her concern that the applicants had made changes to the planning consent which had only been brought to the attention of the council by the neighbours and had an impact on their amenity.

(Councillor Lubbock left the meeting at this point.)

During discussion the area development manager (outer) referred to the report and answered members' questions. The report sought to regularise the amendments to the approved plans. He explained that quite often during the construction of a building it was necessary to amend approved plans, for instance the roof height to achieve internal floor to ceiling measurements, and that this required for the amendments to be agreed with the local planning authority. The changes made by the applicant in this case were not considered to be detrimental to the amenity of the neighbouring properties. The half hip roof was aesthetic rather than for technical reasons and as south facing did not impact on the amenity of the neighbours. The additional 40 cm roof height did not affect the view of the property opposite. Members were advised of the actions available to the council and that if the committee were to refuse this retrospective application, enforcement action could be taken to change the building back to the approved plans.

The chair moved and the vice chair seconded the recommendations as set out in the report.

During discussion members expressed their frustration with developers and builders who did not adhere to agreed plans and planning consent. The applicant should have sought agreement on the amended plans before construction. Members did not consider that the removal of the half hip roof was a minor amendment as stipulated in the report and were concerned that neighbours had been denied an opportunity to comment on this amendment to the design.

Several members were minded to refuse the application and seek full enforcement. It was considered to be an intentional unauthorised development. The applicant could come back with amendments if this application was refused. Members were advised that there should be material planning grounds for refusal which were subject to appeal by the applicant. Others considered that the cosmetic changes to the approved plans were acceptable and did not adversely affect the amenity of the neighbours. However, they considered a strong message should go out to the applicant that construction that was not in accordance with approved plans was not acceptable.

**RESOLVED** with 4 members voting in favour (Councillors Driver, Maxwell, Peek and Oliver), 3 members voting against (Councillors Huntley, Stutely and Neale) and 2 members abstaining from voting (Councillors Grahame and Button), to approve application no. 20/00630/MA - 1 Leopold Close Norwich NR4 7PR and grant planning permission subject to the following conditions repeated from the previous permission and varied to reflect the amendments hereby made:

1. In accordance with plans;
2. No occupation until cycle and refuse storage provided;
3. Hard and soft landscaping to be completed and maintained as agreed;

4. No occupation until surface water drainage completed and thereafter maintained as agreed;
5. Water efficiency.

(Councillors Sarmezey and Lubbock were readmitted to the meeting at this point.)

#### **6. Application no 20/00631/F - 149 Lincoln Street, Norwich NR2 3JZ**

The area development manager (outer) presented the report with the aid of plans and slides.

The chair moved and the vice chair seconded the recommendations as set out in the report.

Councillor Neale, Nelson ward councillor, commented that he regretted the loss of a retail unit but appreciated that a proposed retail use was unlikely to happen. He was concerned about the number of houses in multiple occupation (HMOs) in the area. The area development manager (outer) said that all residential C3 properties could be used for small HMOs but conversion to a larger HMO would require further planning permission.

**RESOLVED** with 10 members voting in favour (Councillors Driver, Maxwell, Button, Huntley, Lubbock, Neale, Oliver, Peek, Sarmezey and Stutely) and 1 member voting against (Councillor Grahame) to approve application no. 20/00631/F - 149 Lincoln Street Norwich NR2 3JZ and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans.

(The committee took a 10 minute comfort break at this point and reconvened with all members listed present, as above.)

#### **7. Application nos 19/01488/F & 19/01487/L – Strangers Club, 22-24 Elm Hill, Norwich, NR3 1HG**

(Councillor Lubbock had declared a pre-determined view and an interest in this item. During the item she indicated that she would like to speak on the item and the chair at his discretion gave permission for her to address the committee.)

The area development manager (inner) presented the report with the aid of plans and slides. He also referred to the supplementary report of updates to reports which had been circulated before the meeting and published on the website.

In accordance with the public engagement procedures approved at the last meeting, the area development manager (outer) read out statements received from Norwich Preservation Trust (NPT) and the applicants, the Strangers' Club. Copies of the statements were published on the council's website and circulated in advance of the meeting.

At the chair's discretion, Councillor Lubbock addressed the committee as a director of the NPT and the Trustees, whose aim was to restore historic buildings. No 26-28

Elm Hill was at risk and it was not viable to restore the building if permission was granted for this application. NPS, Brian Ayers and the Norwich Society had expressed concern that the proposed flue and baffle would continue to cause significant harm to the wall of no 26-28, even with regular maintenance. NPT was in discussion with the Strangers' Club regarding an alternative solution for the flue on the western elevation and members should therefore refuse or defer consideration of these applications.

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

The area development manager (inner) commented on the responses to the issues raised in the statements and by the speaker. He said that the fire service had no objection to the proposed flue or considered it a fire risk. With regard to residential amenity, the council had no recorded complaints from occupiers of 26-28 Elm Hill about noise or cooking smells emanating from the adjoining property. It was also an exaggeration to say that the flue was the reason the property at 26-28 was on the at-risk register as there were other contributing factors. A maintenance regime was proposed to ensure that the baffle was kept clean. The alternative solution for the flue had not been presented to officers who took the view that as there was already a hole in the wall, the proposal to replace the existing system in this location was the least harmful to the fabric of the Grade II\* listed building. There had been no objections from Historic England, the statutory consultee on listed building consent applications for Grade II\* listed building applications, or the council's conservation officer.

During discussion the area development manager (inner) and the senior planner referred to the report and answered members' questions. Members were advised that there was nothing to contradict the applicant's explanation of the hole and the extraction system being installed in 1965 and subsequently replaced in 1994 and 1996. In response to a question the area development manager (inner) explained the operation of the baffle plate which would reduce and disperse the deposit of fats/oils and grease. The gap between the buildings did not preclude access for maintenance of the extractor system, though it did make it difficult and it was possible that scaffolding would be required. Consent for this planning application was conditional on a regular maintenance programme and would be subject to planning enforcement. Members were advised that the window of no 26-28 immediately opposite the extractor unit was not in residential use. The property had been vacant for several years' but the ground floor had been in retail use with the top floor as residential. Members were advised that the arrangement between the council and the applicants as its tenants was not a planning consideration. The proposal was as set out in the report. It was an improved extractor system that did not require the running of pipes to the roof, causing harm to the structure of the building, and a flue near the top floor residential unit of the adjacent building. It would improve rather than perpetuate the current situation by reducing the harm to the adjacent building. The system would reduce but not eliminate harm to the opposite wall. Members were also advised that as the hole had been made in the wall of nos 22-24 around 1965, it was therefore immune from enforcement and would be subject to negotiation on material if it was proposed to fill it in. Historic England was understood to prefer the proposed solution because it would cause the least harm to the fabric of the building.

The chair moved and the vice chair seconded the recommendations as set out in the report.

During discussion it was clear that members were minded to vote against the application and considered that there could be a better alternative to this proposal. Members believed that the historic damage to the wall caused when the original extractor was fitted would not have received planning permission if an application was made today. The extractor system would not eliminate pollutants and there was concern that in the constrained space there would not be adequate dispersal of the fumes and that it was contrary to the Building Regulations.

Members also expressed concern that no 26-28 had no viable use if these applications were approved. The proposed width of the gap between the buildings would constrain the ability to maintain the extractor system and would not materially improve the situation or outweigh the harm caused to the historic building. A member expressed concern that the harm to the adjacent building outweighed the applicant's requirement for an extractor fan in this location and advocated full enforcement to put right the damage to the historic fabric of the building. Another member said that he would be willing to consider the applications before the committee provided the applicant could provide satisfaction that all options for a better solution had been considered first.

The chair, with the agreement of the vice chair, withdrew the motion to approve and moved, seconded by the vice chair, that the planning application and listed building consent be refused.

Discussion ensued on the grounds for refusal. Members were concerned that the applicant had not demonstrated that other viable options for the proposal were being considered. The area development manager (inner) advised that it was not practical to run a pipe to the roof from the current location of the extractor unit because of the overhanging roofs and it would also pass close to the top floor windows of no 26-28 which are in residential use. He also advised against using the constraints of the space between the buildings making it impossible to maintain the extractor system as a reason for refusal because it would be unreasonable to preclude a further application for an extractor fan in this location if it were the only solution.

During further discussion members were keen to ensure that an alternative proposal from the applicant would be referred to the committee for determination. Members also indicated that this should be within a satisfactory timescale. The area development manager (inner) said that officers would engage with the applicant outside the meeting that day and cautioned imposing a timescale of 3 months for enforcement as negotiations for an historic building would take time. The area development manager (outer) also pointed out that the applicant could appeal the decision of the committee and that there could be no enforcement whilst this was pending. Members also needed to be aware that Historic England and the conservation officer considered the proposal acceptable. In reply to a member's question as to how the committee could monitor progress, the area development manager (inner) said that the performance reports to committee would include a report on this proposal. Councillor Stutely moved, seconded by the chair, to ask the area development managers to include a progress report on the enforcement action in the performance reports to committee.

**RESOLVED**, unanimously, to:



- (1) refuse application no 19/01487/F – Strangers Club, 22-24 Elm Hill, Norwich, NR3 1HG and application no. 19/01488/L – Strangers Club 22-24 Elm Hill Norwich NR3 1HG for the following reasons given below, and to ask the area development manager to provide reasons for refusal in planning policy terms:
  - (a) that the proposal to replace the extracting system by installing an additional mesh filter within the system and a baffle outside makes it difficult to maintain the buildings and causes direct harm to the Strangers Club. The reduction in the deposition of fat, oil and grease on to 26-28 Elm Hill is not considered to outweigh the harm caused.
  - (b) the applicant has failed to demonstrate that alternative solutions have been considered,
- (2) agree that further applications from the applicant in respect of 22-24 Elm Hill will be referred to the committee for determination;
- (3) ask the area development managers to report progress on enforcement in the quarterly performance reports to committee.

Reasons for refusal subsequently provided by the area development manager (inner):

*The proposed alterations to the extract system, in particular the introduction of the baffle plate and associated attachments, will protrude further into the confined space between the two Grade II\* listed buildings. It will make maintenance of both buildings more difficult to the detriment of the designated heritage assets and will cause direct harm to the character of the Grade II\* listed Strangers Club. Whilst the introduction of the baffle plate and the extra filter will reduce to some degree the deposition of fatty deposits on to the wall of the Grade II\* listed 26-28 Elm Hill the benefit of so doing is outweighed by the harm caused in the process particularly as the applicant has failed to demonstrate to the satisfaction of the local planning authority that other, less harmful solutions are not available. The proposal therefore causes less than substantial harm to the adjacent heritage asset, and this harm is not outweighed by public benefit. The proposal is therefore contrary to policy DM9 of the Development Management Policies Local Plan and to paragraphs 192-196 of the National Planning Policy Framework 2019.*

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

#### **8. Application no. 19/01801/F – Land adjacent to St Faiths House, Mountergate, Norwich, NR1 1QA**

The area development manager (inner) presented the report with the aid of plans and slides. He also referred to the supplementary report of updates to reports which was circulated in advance of the meeting and published on the website and contained a response to the applicant's statement.

A statement had been received from the applicant which had been circulated in advance of the meeting and published on the website. The statement was read out to the committee.

During discussion the area development manager (inner) referred to the report and answered members' questions. This included an explanation of the planning history of the site and confirmation that the principle of the demolition of the building had been agreed. The building would deteriorate further if it could not be demolished until a development scheme came forward. This application did not link the demolition to a replacement scheme. Members were advised that the landowner's costs to maintain the safety of the site was not a material planning consideration.

The chair moved and the vice chair seconded the recommendations as set out in the report.

During discussion members took into consideration the anti-social behaviour and drug use in the building. Its demolition would mean that people were less inclined to engage in this behaviour on the site. Councillor Stutely indicated that he wanted to move a motion to refuse this application and not permit demolition until a development scheme came forward, but this was not supported by any other members.

**RESOLVED** with 9 members voting in favour (Councillors Peek, Driver, Neale, Grahame, Button, Maxwell, Sarmezey, Huntley, Lubbock), no members voting against and 2 members abstaining from voting (Councillors Stutely and Oliver) to approve application no. 19/01801/F – Land adjacent to St Faiths House, Mountergate, Norwich, NR1 1QA and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Details of wall to be submitted prior to relevant works;
4. No site clearance during bird nesting season;
5. Small mammal access;
6. Demolition to slab level only;
7. Construction of approved boundary treatments within 6 months of the completion of demolition works.

Informative:

1. Asbestos regulations

(Councillor Peek left the meeting at this point.)

## **9. Application no 20/00024/F - 174 Newmarket Road, Norwich, NR4 6AR**

(Councillor Lubbock had declared a pre-determined view, addressed the committee and did not take part in the determination of the application.)

The area development manager (outer) presented the report with plans and slides. He also referred to the supplementary report of updates to reports, which was circulated at the meeting and published on the website, and clarified that the

proposed consulting rooms would be ancillary to the main house and proposing an additional condition requiring compliance with the arboricultural method statement (AMS) submitted with the planning application.

Councillor Lubbock, Eaton ward councillor, addressed the committee on behalf of local residents. The neighbours wanted the information on the tree planting scheme to be shared with them so that they could be aware of the location and types of trees to be planted and to check if the plan was carried out. The neighbours were also concerned that the swimming pool, although enclosed in a brick building, would create noise from the plant and this would affect the amenity of their quiet garden.

The area development manager (outer) confirmed that the information on the tree planting would be shared with the neighbouring residents on request.

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

During discussion the area development manager referred to the report and answered members' questions. This included clarification that the previous owners had removed the trees and the current owner was appealing the tree replacement order, which sought a more substantial planting than the three trees that had been removed. The swimming pool would be a substantial distance from the neighbouring property. It ranged from 3.2 metres to 6 metres from the western boundary of the property. Members were also advised that the use of the consulting rooms were to facilitate home working for the booked patients and was considered ancillary to the house. Planning permission for change of use would be required if the practice was to increase and would be subject to planning enforcement.

The chair moved and the vice chair seconded the recommendations as set out in the report.

During discussion members considered the concerns that the applicants might be seeking to expand the practice from their home but were satisfied that if this was the case it would be subject to planning enforcement or a further planning application for change of use. Members noted that the consulting rooms were separated from the swimming pool by doors and that the swimming pool was for the use of the family rather than patients.

**RESOLVED**, unanimously, to approve application no. 20/00024/F - 174 Newmarket Road, Norwich, NR4 6AR and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Replacement tree planting plan, which will be made available on request to interested parties;
4. Tree planting in accordance with the Arboricultural Method Statement (AMS) submitted with the application.
5. Site levels;
6. Swimming pool / GP business to remain ancillary in use.

(Councillor Lubbock was readmitted to the meeting.)

## 10. Application no 20/00497/F - 6 Aylsham Crescent, Norwich, NR3 2RZ

The area development manager (outer) presented the report with the aid of plans and slides.

During discussion the area development (outer) referred to the report and answered members' questions confirming that the proposed change of use from financial services (C2) to a café/takeaway (A3/A5) was not contrary to policy and would contribute to the viability of the shopping parade. The unit had been vacant for 8 years and it was hoped that from this change of use, it could be brought into use.

Discussion ensued in which members considered that there were too many takeaways in this parade. The chair said that he objected to the change of use and would vote against it as there were too many takeaways. A member suggested that a café could form a community hub where people met. A member pointed out that there were concentrations or hubs of takeaways on busy roads such as Dereham Road. Consideration would need to be made to ensure adequate litter bins and management of the area.

The chair moved and the vice chair seconded the recommendations as set out in the report.

**RESOLVED**, with 9 members voting in favour (Councillors Stutely, Neale, Grahame, Button, Maxwell, Sarmezey, Oliver, Huntley, and Lubbock) and 1 member voting against (Councillor Driver) to approve application no. 20/00497/F - 6 Aylsham Crescent, Norwich, NR3 2RZ and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Hours of use of business restricted to between 8am and 10pm;
4. Anti-vibration mountings;
5. Details of ventilation and extraction to be submitted.

### Informative

1. Asbestos

CHAIR