



PLANNING APPLICATIONS COMMITTEE

10.00 a.m. – 11.45 a.m.

22 October 2009

Present: Councillor Bradford (Chair), Llewellyn (Vice-Chair), Banham, Driver, George, Jago, Lubbock, Stephenson and Wiltshire (from end of item 3)

Apologies: Councillors Lay and Little

1. MINUTES

RESOLVED to agree the accuracy of the minutes of the meeting held on 1 October 2009, subject to deleting Councillor Driver's name from the members listed as present.

2. APPLICATION NO 09/00721/VC DOWSON FIRST SCHOOL AND MILE CROSS MIDDLE SCHOOL VALPY AVENUE, NORWICH

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

RESOLVED to approve Application No 09/00721/VC Dowson First School and Mile Cross Middle School Valpy Avenue, Norwich and grant planning permission, subject to:

- (1) the completion of a satisfactory Deed of Variation to the S106 Agreement by 1 December 2009 to include the revised version of planning permission reference 08/01313/F and subject to the following conditions:
 1. To accord with the approved plans
 2. Materials
 3. Landscaping
 4. Historic reference
 5. Surface water drainage
 6. Highway/footpath surfacing
 7. Provision of north/south footpath link
 8. Energy efficiency
 9. Availability of roads and footpaths for future residents

10. Availability of service areas and car parking for future residents
11. Availability of cycle/refuse storage for future residents
12. Provision of Solar Panels
13. Fire Hydrant provision
14. Protection of existing trees
15. Remediation Strategy

(Reasons for approval: Taking into account PPS1, PPS22, East of England Plan policies ENG1, ENV7 and saved policies HBE8, HBE12, EP18 and EP22 of the City of Norwich Replacement Local Plan (adopted 2004), the supporting information supplied with the planning application and all material considerations, it is considered that the scheme is acceptable in terms of energy efficiency, and design and the alteration to the approved scheme as proposed, compared to the previous approval, would have only a limited but acceptable impact on the amenities of the Conservation Areas and neighbouring properties and can therefore be supported.)

- (2) where a satisfactory S106 agreement is not completed prior to 1 December 2009 that delegated authority be given to the Head of Planning Services to refuse planning permission for Application No 09/00721/VC Dowson First School And Mile Cross Middle School Valpy Avenue Norwich for the following reason:

The development would not meet the saved policy requirements of HOU6 of the City of Norwich Replacement Local Plan (adopted 2004) as it would not adequately contribute to the provision of community needs and facilities.

(Councillor Lubbock left the room at this point.)

3. APPLICATION NO 09/00735/VC HALL ROAD RETAIL PARK AND BALLY SHOES SITE HALL ROAD, NORWICH

The Senior Planner (Development) presented the report with the aid of slides and plans, and pointed out that with regard to condition 11, reference to block E should be deleted. The Senior Planner answered members' questions.

During discussion Councillor Driver welcomed the scheme and considered that the later opening of the food store would deter antisocial behaviour on the car park. Councillor Stephenson regretted the loss of a large retail unit which would reduce the variety of retail opportunities at the site and make it less interesting and helpful to residents.

RESOLVED to approve Application No 09/00735/VC, Hall Road Retail Park And Bally Shoes Site Hall Road and grant planning permission, subject to:-

- (1) referral of the application to the government office under the Town and Country Planning (Consultation) (England) Direction 2009; and
- (2) completion of a deed of variation to relate the S106 agreement for 08/00319/O to this application 09/00735/VC; and
- (3) the amended conditions:

3 – The development hereby permitted shall be carried out and completed in accordance with the parameters plan (drawing number BNY - SA 08 2006 Rev A08) received by the Local Planning Authority on 27 August 2009, the application form and plan (drawing number BNY- SA 08 2004 Rev A03) received by the Local Planning Authority on 28 March 2008 and, so far as they relate to matters of access, plans (drawing numbers 0582/66C, 0582/66D, 0582/66E, 0582/66F, 0582/66G and 0582/69D) received by the Local Planning Authority on 24 November 2008 unless otherwise first agreed in writing by the Local Planning Authority.

6 – The maximum floor space of any A1 retail unit (as defined by the Town and Country Planning (Use Classes) Order 1987 as amended) within Block F as shown on the approved parameters plan (as detailed in condition 3) shall not exceed 500sqm net.

7 – The maximum comparison (as defined by PPS6) A1 retail floor space (as defined by the Town and Country Planning (Use Classes) Order 1987 as amended) within Block D as shown on the approved parameters plan (as detailed in condition 3) shall not exceed 1,360sqm net.

8 – The maximum convenience (as defined by PPS6) A1 retail floor space (as defined by the Town and Country Planning (Use Classes) Order 1987 as amended) within Block D as shown on the approved parameters plan (as detailed in condition 3) shall not exceed 3,174sqm net.

11 – A minimum of 60% of the combined total frontage of Blocks D and F (defined as the north elevation of block D and the south and east elevations of block F) as shown on the approved parameters plan (as detailed in condition 3) shall be in A1 retail use (as defined by the Town and Country Planning (Use Classes) Order 1987 as amended).

19 – No trading shall take place from Block D until Block F as shown on the approved parameters plan (as detailed in condition 3) has been externally completed in accordance with details submitted under condition 2 of this consent (for the avoidance of doubt this does not include the provision of any specific shop front or advertisements of any tenant of block F).

- (4) the re-imposition of all un-amended conditions from the previous consent 08/00319/O; and,
- (5) the following additional condition:
 - The ground floor retail unit within Block D as shown on the approved parameters plan (as detailed in condition 3) shall not be sub-divided and shall be used as a single retail unit.

(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 Norfolk Structure Plan and 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, as amended by the deed of variation, that the proposals are inline with the provisions of the Development Plan establishing a new district centre within the existing network, offering better access to services, facilities and employment.)

- (6) where a satisfactory S106 agreement is not completed prior to 1 December 2009 that delegated authority be given to the Head of Planning Services to refuse planning permission for Application No 09/00735/VC for the following reason:

In the absence of a legal agreement or undertaking relating to the provision of affordable housing, open space, children's play space, education contributions, library contributions, transportation contributions and highway improvements the proposal is contrary to saved policies HOU4, HOU6, HOU13, SR4, SR7, TRA3, TRA10 and TRA11 of the adopted City of Norwich Replacement Local Plan Adopted Version (November 2004), saved policy T2 of the adopted Norfolk Structure Plan (October 1999), policy NR1 of the adopted East of England Plan (May 2008), PPS1, PPS3, PPS6 and PPG13.

(Councillor Lubbock was readmitted to the meeting. Councillor Wiltshire was admitted to the meeting.)

4. APPLICATION NO 09/00792/U LAND BETWEEN GREYFRIARS ROAD AND ROSE LANE ROSE LANE, NORWICH NR1 1PN

The Planner (Development) presented the report with the aid of slides and plans. Members were advised of a further reason for refusal (written copies were circulated at the meeting) and that on the advice of the Solicitor (Planning) the wording for the resolution relating to enforcement action had been amended.

RESOLVED to:-

- (1) refuse planning permission for Application No 09/00792/U Land Between Greyfriars Road and Rose Lane Rose Lane and grant planning permission subject to the following reasons:
1. The proposed temporary car park would undermine the transportation strategy for Norwich to promote a shift of modal choice from the car to walking, cycling and public transport and as such would be contrary to saved policies TRA3, TRA21 and TRA24 of the City of Norwich Replacement Local Plan (Adopted Version November 2004) and the objectives of PPS1, PPG13 and the Norwich Area Transportation Strategy (October 2004).

2. The proposed temporary car park would have a visually negative impact on the character of the surrounding City Centre Conservation Area contrary to saved policy HBE8 of the adopted City of Norwich Replacement Local Plan, policy ENV7 of the East of England Plan and the objectives of PPG15.
 3. The proposed temporary car park would have a negative impact on the living conditions of residents in the nearby flats and would be contrary to saved policy EP22 of the adopted City of Norwich Replacement Local Plan and the objectives of PPG24;
 4. The site is allocated for mixed use development and it is considered that the granting of a change of use to a car park, even on a temporary basis, would be contrary to saved policies EMP 16 and HOU9 of the City of Norwich Replacement Local Plan (Adopted Version November 2004), policy NR1 of the East of England Plan, and the objectives of PPS1 and PPS3 and would be prejudicial to the re-development of this site.
- (2) authorise the service of an enforcement notice and any other enforcement action, including prosecution, under the Town and Country Planning Act 1990 needed to secure the cessation of the unauthorised use: Period for compliance to be 7 days.

5. APPLICATION NO 09/00475/F 67 GROVE ROAD, NORWICH NR1 3RL

The Planner (Development) presented the report with the aid of slides and plans, and read out a letter of objection received from a local resident. The objections included the following: the verbal response from neighbours and the Grove Road row of shops ranges from opposition to indifference with the Trafford Arms Pub and the Little Red Roaster coffee shop being the most concerned; there was no indication of what type of hot food takeaway was being proposed and there were several types of takeaway in the area already; the litter bins were situated outside Tesco Express, which would be unlikely to be used as too far away from the shop and there were no litter bins in the car park.

Discussion ensued in which Councillors Driver and Jago opposed the proposal for the change of use on the grounds that they considered that there were too many takeaways in the area and that this was another non-retail use. Councillor Lubbock spoke in support of the recommendation because it was within the Council's policy threshold of no more than 40% of retail units being for non-retail use in a district centre. She said that there should be a clear message to the public that this was the Council's policy. The Planner confirmed that it would be hard to sustain refusal for this application as there would be less than 40% non-retail units in the Grove Road local centre. Members considered that the Council should review the policy and therefore that the Local Development Framework Working Party should be asked to look at it and make recommendations to the Executive.

Councillor Driver moved and Councillor Jago seconded that the proposed change of use from class A2 to class A5 be refused as it was a non-retail use.

RESOLVED, with 2 members voting in favour (Councillors Driver and Jago) and 7 members voting against (Councillors Bradford, Banham, Lubbock, Llewellyn, Stephenson, George and Wiltshire) the amendment to refuse the application was lost.

The Chair then moved the recommendations of the report.

RESOLVED, with 7 members voting in favour (Councillors Bradford, Banham, Lubbock, Llewellyn, Stephenson, George and Wiltshire), 0 members voting against and 2 members abstaining (Councillors Driver and Jago) to:-

- (1) approve Application No 09/00475/F 67 Grove Road and grant planning permission subject to the following conditions:-
 1. Standard time limit.
 2. Drawings as included on the decision notice.
 3. Opening Hours: Not before 11:00hrs or after 23:00hrs Sunday to Thursday and not before 11:00hrs or after 24:00hrs Friday and Saturday.
 4. Maintenance of the filtration system for the extraction system.

(Reasons for approval: -

The change of use hereby permitted is not considered to be out of scale with the Local centre of Grove Road. The proportion of retail to non-retail will still be within acceptable levels and the use permitted is considered to add positively to the vitality and viability of the area. Therefore the proposal is considered to be in accordance with PPS6, policies SS6 and NR1 of the East of England Plan (May 2008) and saved policy SHO15 of the City of Norwich replacement Local Plan (Adopted Version November 2004).

There is not considered to be any detrimental impact on residential amenity through noise or smell pollution and there is already sufficient litter provision in close proximity to the application site and there will be no visual harm caused through the addition of the extraction chimney and cowl as there are no long range views towards the application site. Therefore the proposals are considered to be in accordance with the objectives of PPG24, policy ENV7 of the East of England Plan (May 2008) and saved policies HBE12, EP22 and SHO22 of the City of Norwich Replacement Local Plan (Adopted Version November 2004).)

- (2) ask that the Head of Planning Services notes that the request to review the policies SHO12 and SHO15 in relation to the proportion of retail and non-retail use in Local Centres as part of the Local Development Framework.

6. APPLICATION NO 09/00644/F 60 - 62 PRINCE OF WALES ROAD NORWICH NR1 1LT

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

During discussion members expressed concern that the applicant had gone ahead with the construction works without planning permission despite officer and advice from the agent not to do so. It was noted that the repairs had been carried out in a sensitive manner.

RESOLVED to:-

- (1) approve Application No 09/00644/F 60 - 62 Prince Of Wales Road and grant planning permission subject to the condition outlined below:

1. In accordance with the drawings on the decision notice.

(Reasons for Approval: The removal of the existing shop front is considered to have a positive impact on the existing building. Original and historical architectural features will be revealed giving the building a more positive frontage. There is considered to be a positive impact on the wider conservation area through the enhancement of this shop front. Therefore the proposals are considered to be in accordance with PPS1, PPS1 Annex, policy ENV7 and SS6 of the East of England Plan (May 2008) and saved policies HBE8 and HBE12 of the City of Norwich Replacement Local Plan (Adopted Version November 2004).)

- (2) ask the Head of Planning Services to write to the applicant to confer the Committee's disapproval regarding the application being made retrospectively and the works being carried out without permission.

7. APPLICATION NO 09/00672/F 1 ALBEMARLE ROAD NORWICH NR2 2DF

The Planner (Development) presented the report with the aid of slides and plans. She explained that the report should be in the name of the Director of Regeneration and Development because the Head of Planning Services had a personal interest in this application and had not been involved in it.

RESOLVED to approve Application No 09/00672/F and grant planning permission subject to the conditions as outlined below:

1. Standard time limit;
2. In accordance with the drawings approved on the decision notice;
3. Materials to match existing, including bricks, roof tiles, new windows and doors and rain water goods, and;
4. Upon Mrs Y Barnett's discontinuance of residence at the premises, the use shall be discontinued and returned to residential.

8. ENFORCEMENT ACTION: LAND AT BARTRAM MOWERS, BLUEBELL ROAD, NORWICH, NR4 7QS

The Planning Enforcement Officer presented the report with the aid of slides and plans, and proposed, following advice from the Solicitor (Planning) that the resolution be amended as the wording in the report was too proscriptive. Members were advised that because of the fine weather this year the site had been used in excess of 40 days of use for the launch of hot air balloons.

Councillor Lubbock said that the launch of the hot air balloons had to be regulated. The main problem for local residents was that the launch of the balloons was early in the morning (6.00 a.m.) and as the balloons left the slope of the site became level with houses. The noise of the balloons disturbed people's pets.

RESOLVED to authorise enforcement action, including prosecution, under The Town and Country Planning Act 1990 (As Amended) to secure the cessation of use of the land as a launch site for hot air balloons beyond the 28 days permitted by the Town and Country Planning (General Permitted Development) Order 1995 (as Amended).

9. APPLICATION NO 09/00752/F 40 UPTON CLOSE NORWICH NR4 7PD

The Planner (Development) presented the report with the aid of slides and plans. She said that the Tree Protection Officer confirmed that there would be no adverse Arboricultural impact on the site provided that the application was subject to a condition to ensure that an Arboricultural method statement was provided which would protect the appropriate trees and replace those that were removed.

RESOLVED to approve Application No (09/00752/F 40 Upton Close) and grant planning permission, subject to the following conditions:-

1. Standard time limit.
2. In accordance with submitted plans and details.
3. Materials to match the existing building (bricks and roof tiles).
4. Window on the south east elevation to be obscure glazed and no other windows to be inserted on that elevation.
5. Replacement mitigation planting details to be submitted and approved scheme implemented.

(Reasons for approval: The decision to grant planning permission has been taken having regard to PPS1, East of England Plan policy ENV7 and Saved Local Plan Policies HBE12, NE8, TRA5, TRA6 and EP22 of the City of Norwich Replacement Local Plan Adopted Version 2004 and to all material planning considerations. The principle of the proposed extension to the existing dwelling and the creation of an additional access point to the site are considered acceptable. It is considered that the design details of the scheme meet the criteria of HBE12 and the creation of the additional point of access is acceptable in relation to TRA5. Furthermore, the proposal would not result in a detrimental impact in terms of loss of amenity to neighbouring properties and as such can be considered to meet the criteria of saved policy EP22. It is considered that the loss of the trees on site can be effectively mitigated by replacement planting.)

**10. PERFORMANCE OF THE DEVELOPMENT MANAGEMENT SERVICE:
APPEALS 1 JULY 2009 TO 30 SEPTEMBER 2009**

The Planning Team Leader (Development) presented the report and together with the Solicitor (Planning) answered questions.

RESOLVED to note the report.

CHAIR