



Planning applications committee

10:45 to 13:35

13 January 2022

Present: Councillors Driver (chair), Button (vice chair), Bogelein, Champion, Everett, Giles, Grahame, Maxwell, Peek, Sands (M), Stutely (to end of item 7 below) and Thomas (Va)

Apologies: Councillor Lubbock

1. Declarations of interests

There were no declarations of interest.

2. Minutes

RESOLVED to approve the accuracy of the minutes of the meeting held on 9 December 2021.

3. Application no 21/01361/F Construction of 7no. dwellings, with associated infrastructure works, on land adjacent 29 Ketts Hill, Norwich

The planner (case officer) presented the report with the aid of plans and slides.

The chair drew members' attention to the supplementary report of highlights to reports, which was circulated at the meeting and contained a correction to paragraph 83 of the report by inserting "not" before "be harmed".

At the chair's discretion, the planning team leader read out a statement on behalf of the resident of the nearest neighbouring dwelling. The resident's objections to the scheme related to the issues set out in paragraphs 89 and 90 of the officer's report and her concerns that the proposed scheme would be detrimental to her residential amenity of her home and garden, due to loss of light, loss of privacy and overlooking, and that this was exacerbated by moving the scheme 2.5 metres closer to her home. She considered that the "Right to Light" report was inaccurate as measurements had been taken from the top and not the middle of windows and that the windows most affected were habitable rooms. The resident also expressed concern that there was no indication in the report of how long the build would take.

The agent referred to the report and said that there would be no significant loss of privacy to the neighbouring property, pointing out that there would also be landscaping as part of this scheme. In order to secure funding from the government's Rough Sleeper Initiative, the development would need to commence in February 2022. The scheme was a unique opportunity to use this funding to provide housing for less fortunate people.

During discussion, the planner referred to the report and answered members' questions. Members were advised that the garden spaces would not be fully private because the pathway was in the optimal location due to the differing levels and to provide level access to the back doors of the proposed terraced houses. Members also sought an explanation on the contamination method statement. The site had a former use as a car park and to prevent potential exposure to contaminants from oil or petrol, the garden areas would be laid with a membrane and clean soil. The committee was advised that there would be further discussions with the applicant to ensure that the landscaping scheme would meet the policy requirements for equivalent biomass replacement and biodiversity gain, including replacing the trees that were lost with different species that had a broader canopy. Members were advised that tree protection orders could be a possibility. The planner confirmed that members of the public could use the pathway that linked the bakery and hairdressers on Ketts Hill with parking at Spitalfields.

In reply to concerns raised by two members, the planner said that officers would ensure that the landscaping scheme was policy compliant through the discharge of conditions.

The chair moved and the vice chair seconded the recommendations in the report.

Councillor Bogelein said that it was difficult to vote on this application because members lacked information on the replacement of trees, biomass and biodiversity loss, and that whilst it would be dealt with by officers, members might not be in agreement.

RESOLVED with 9 members voting in favour (Councillors Driver, Button, Peek, Giles, Everett, Maxwell, Stutely, Sands and Thomas) and 3 members abstaining from voting (Councillors Bogelein, Grahame and Champion) to approve application 21/01361/F Construction of 7no. dwellings with associated infrastructure works on land adjacent 29 Ketts Hill, Norwich and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Agreement of landscape scheme to incorporate replacement tree planting and subsequent implementation and maintenance;
4. Compliance with construction management plan;
5. Arboricultural works to facilitate development;
6. Works on site in accordance with arboricultural impact assessment, method statement and protection plan;
7. Compliance with remediation method statement and subsequent verification;
8. Works outside bird nesting season;
9. Noise protection to building envelope;
10. Noise mitigation measures to windows facing Ketts Hill;

11. Details of renewable energy prior to installation;
12. Bat and bird boxes provided prior to first occupation;
13. No external lighting other than in accordance with submitted details;
14. Small mammal access gaps in fencing;
15. Provision of surface water drainage and subsequent maintenance;
16. Vehicular access, car and cycle parking and refuse storage provided prior to first occupation;
17. Unknown contamination;
18. Imported material;
19. Bathroom windows to be obscure glazed;
20. Removed permitted development rights for extensions;
21. Water efficiency.

4. Application no 21/01105/F – 81 Park Lane, Norwich, NR2 3EL

The planning team leader presented the report with the aid of plans and slides. She referred to the supplementary report of updates to reports that was circulated at the meeting and available on the council's website. The supplementary report contained a summary of three further letters of objection and the officer response, and as an appendix, a late representation from the Norwich Society confirming that the society objects to the proposal.

The committee was addressed by two residents of Maida Vale, and Councillor Carlo who also read out a statement on behalf of a resident who was unable to attend the committee meeting. Their objections included concern that the proposed building would be over intensification of the use of the site and therefore detrimental to the amenity space available to the occupants of the flat and the café as an outdoor seating area. The bin storage facilities were considered to be inadequate to provide for the size and number of bins required for the residential use, café and commercial unit on the site, and concerns that these would encroach onto the street. (During the speeches, a resident displayed pictures demonstrating the size of the bins, which had been emailed to members the previous evening.) Space for the cycle storage was also considered to be inadequate. The Norwich Society shared residents' concerns about the rebuilding of the brick wall, on the approach to Maida Vale, which was protected by a restricted covenant, and residents considered that it would be detrimental to the identity of the conservation area and streetscene, and contrary to policy DM7. The proposal removed a garage and exacerbated concerns about parking in the area. There were concerns that new unit and intensive use of the site would contribute to drainage issues in the area, particularly as the impact of the emerging development at St Peters Church, Park Lane, was unknown. There was concern that the new commercial unit would be used for residential or a commercial use that generated noise and waste. Residents said that neighbours had not been informed of the second consultation by the council. Residents were also concerned about noise and disruption during the construction of the development, particularly to the neighbours of the adjoining terrace property.

The agent spoke on behalf of the applicant in support of the application. He confirmed that the café was not licensed for outdoor use of this space. The proposal was for a small-scale unit, not much larger than the existing garage, and would not result in additional traffic as the site was on a good transport network or contribute to existing concerns about car parking in the area. In relation to construction, the unit would be modular, delivered via Avenue Road, and would not require storage of

materials on site. The usage class of the new building was for “commercial” in loose terms, and it was proposed for use a professional or start up business. This was a corner plot, and the proposed use was not out of keeping for the conservation area as there were other similar developments in the vicinity. The proposal was to retain the lower part of the brick wall and replicate or reuse the bricks. Commenting on provision for bins, he referred to the officer’s report, and commented that it was unlikely that the new unit would produce toxic waste. Permission to use the outdoor space had been given to the previous operators of the café as a personal favour. The café did not currently use the outdoor space.

The planning team leader said that any reference to other uses within the report was misleading and that there was a condition attached to this planning application to restrict use to Class E, office use only. Regarding the two-week consultation period (3 to 17 December 2021), letters had been sent to 60 local residents and there had been no further response. It was usual to discharge construction management plans through condition. Members were also advised that the restrictive covenant was a civil matter and therefore not a material planning consideration.

During discussion, the planning team leader and the area development manager, referred to the report and presentation, and answered members’ questions. The applicant would need to enter into a party wall agreement with the adjoining neighbours and building consent would be subject to building control regulations. The pedestrian entrance to the rear yard had been requested by the applicant and would create no issues in terms of car parking. Members also sought clarification of the variation in the footprint of the existing garage and the proposed office unit.

The chair moved and the vice chair seconded the recommendations in the report.

Several members commented in support of the application and noted that there were other buildings in commercial use in this area.

A member asked whether the committee could request a condition that would limit the uses on the site which would generate noise and disturbance to other users of the site and nearby residents. The planning team leader said that the proposed use of the commercial unit was for office uses and therefore noise generating uses were already restricted. The committee could however restrict the hours of use of the office unit.

During discussion other members commented on the intensive use of the small yard. A member commented that the footprint of the new unit was an increase of one-third (from 18 square metres to 29 square metres) and the bin and cycle storage facilities were inadequate for the three uses on this site. Members also noted the opposition of the Norwich Society to the rebuilding of the wall. Members were advised that the wall was in a conservation area and the only restriction in planning terms was that its height must not be increased.

The area development manager advised the committee that it could request additional conditions that would require the applicant to submit details of final arrangements for bin storage for approval; limit the hours of use of the office unit; and prevent the placing of tables and chairs in the courtyard. Discussion ensued in which members concurred with conditions to limit the hours of use of the office unit to those of the café use (08:00 to 20:00 on weekdays) and request details of the

refuse bin storage. Members considered that licensing regulations could mitigate noise from use of the courtyard by the café and that this planning application should not deny the operators of the café seeking the use of tables and chairs in the future, especially during a pandemic

The committee moved to the vote on the recommendations contained in the report and with the two additional conditions relating to the local planning authority having approval of the bin storage arrangements and limiting the use of the office unit to those of the café opening times.

RESOLVED with 8 members voting in favour (Councillors Driver, Peek, Giles, Button, Everett, Maxwell, Sands and Thomas) and 4 members voting against (Councillors Grahame, Champion, Bogelein and Stutely) to approve application no. 21/01105/F – 81 Park Lane, Norwich NR2 3EL and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Details of materials to be agreed;
4. Construction management plan to be agreed;
5. Water efficiency measures to be agreed;
6. Full details of cycle storage and refuse storage to be agreed;
7. Restriction on uses (Office; Class E (g) (i) only);
8. Under no circumstances should this property be used for residential purposes.
10. Use of the office unit to be from 08:00 to 20:00 Monday to Friday, and 10:00 to 16:00 on Saturday

Informative notes:

1. The applicant is advised of the benefit of reworking the vehicle crossover to standard asphalt.
2. Works to the highway require separate consent.

(The committee adjourned for a short break at this point and reconvened with all members listed above as present in attendance.)

5. Application nos 21/01524/F, 21/01532/A, Telephone Box Adjacent to 195 and 197 Plumstead Road, Norwich

The planning team leader presented the report with the aid of plans and slides.

Councillor Maxwell, as ward councillor for Crome Ward, said that she was concerned that the “No right turn” sign in the car park would be obstructed by the “BT Street Hub”. There had been some near miss accidents, particularly as the painted sign on the road had not been replaced. Members noted that highways had not commented on this application but also expressed concern about the highway safety for pedestrians.

The planning team leader and area development manager explained the material planning considerations that should be taken into account when determining this planning application and application for advertising consent.

In reply to a member's suggestion, the area development manager said that the council as local planning authority could request that the applicant shared data collected on air quality, pedestrian movements, traffic and other environmental factors with the council for its own use as mitigation for the collection of data from individuals.

Councillor Maxwell moved and Councillor Stutely seconded that the application be deferred to a future meeting as members were not satisfied that the county council's highways officers had been consulted properly on this application given the concerns about the "No Right Turn" sign.

A member commented that the street hub should be relocated so that it did not obstruct the sign.

Another member said that the report lacked clarity about the energy use of these street hubs.

RESOLVED with 11 members voting in favour (Councillors Peek, Graham, Giles, Champion, Button, Bogelein, Everett, Maxwell, Stutely, Thomas and Sands) and 1 member voting against (Councillor Driver) to defer consideration of Application nos 21/01524/F, 21/01532/A, Telephone Box Adjacent to 195 and 197 Plumstead Road, Norwich, to allow for further information and a response from highways.

(The committee adjourned to allow the officers to review the next two agenda items.)

6. Application no 21/01530/F, 21/01535/A, Telephone Box outside 1 Brigg Street, Norwich

The area development manager said that as no comments had been incorporated into the report from highways and, that whilst an assumption could be made that highways had not intended to comment where it had no objections, the application should be deferred to a future meeting for an explicit response.

RESOLVED unanimously to defer consideration on Application no 21/01530/F, 21/01535/A, Telephone Box outside 1 Brigg Street, Norwich to allow for further information.

7. Application no 21/01606/F, 21/01610/A, BT Kiosk South East of Barn Road Car Park, St Swithins Road, Norwich

The planning team leader presented the report with the aid of plans and slides. Members were advised that although the street hub would be situated on a path, it was still part of the highways. There had been a highways response on these applications.

The chair moved and the vice chair seconded the recommendations in the report.

During discussion members were advised that wider discussion about the implications arising from the installation of BT street hubs (for instance, data mining) was outside the remit of this committee and that the committee should consider the applications as presented in the report and plans. The committee was looking at the structure of the street hubs and land use for advertising under the terms of the Town and Country Planning Act. The ethics of businesses tapping into individual's Wifi were covered by electronic communications regulations and was not a land use issue.

Councillor Stutely moved and Councillor Champion seconded that the applicant should provide data collected on air quality, pedestrian movements, traffic and other environmental factors with the council for its own use, as mitigation for any identified harm. The area development manager said that conditions had to be reasonable and could be subject to appeal. A condition attached to the full planning application to require the applicant to share data could be considered as acceptable. On being put to the vote the motion was carried unanimously.

A member commented that as well as the highways issues, she considered that Wifi data mining was an amenity issue. She also expressed concern that there was no information on the energy usage of these units and assessment of the impact that it would have on wildlife. The area development manager acknowledged that the report covered the impact of the hubs on the streetscene but did not include information on energy use as part to the assessment of the full planning application.

Councillor Grahame moved and Councillor Sands seconded that the motion be deferred for further information on energy usage to be provided and on being put to the vote the motion was:

RESOLVED, unanimously,

- (1) to ask for a condition requiring the applicant to share data collected on air quality, pedestrian movements, traffic and other environmental features with the council;
- (2) unanimously to defer consideration on Application 21/01606/F, 21/01610/A, BT Kiosk South East of Barn Road Car Park, St Swithins Road, Norwich, to allow for further information on energy usage.

(Councillor Stutely left the meeting at this point.)

8. Application no 21/01670/F - 29 Robin Hood Road, Norwich, NR4 6BS

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

In reply to a question, the area development manager confirmed that the application had been brought to committee because the applicant was employed by the council in accordance with the committee's scheme of delegations. Members were advised that there were similar extensions to other dwellings in the vicinity which improved the use for of the buildings as family homes.

RESOLVED unanimously to approve application no. 21/01670/F - 29 Robin Hood Road Norwich NR4 6BS and grant planning permission subject to the following conditions:

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

CHAIR