



Planning applications committee

9:30 to 13:35

13¹ September 2018

Present: Councillors Driver (chair), Maxwell (vice chair), Bradford, Brociek-Coulton, Malik, Peek, Raby (from item 3), Ryan (to the end of item 10), Sands (M), Stutely, Trevor (to the end of item 10) and Wright

Apologies: Councillor Henderson

1. Declarations of interest

Councillors Driver, Raby and Wright declared an other interest in item 3 (below), Application no. 18/00534/F - The Cock Long John Hill, Norwich, NR1 2LY because they were members of the Campaign for Real Ale (CAMRA) but had not individually commented on the application.

Councillor Malik declared a predetermined view in item 7 (below) Application 18/00112/F - Land between 18 and 20 West Parade, Norwich, because in his role as Nelson ward councillor he had met with residents and supported their objections to the proposal.

Councillors Brociek-Coulton and Driver declared an other interest in item Enforcement Case 16/00167/ENF – Café Britannia, Britannia Road, Norwich. Britannia Barracks because they were secretary and chair of Norwich in Bloom which was given free use of rooms for its committee meetings. Councillor Maxwell, Crome ward councillor and chair of the Mousehold Heath Conservators, declared a pre-determined view in that she was representing local residents. Councillor Bradford declared an other interest in that he was a member of the Mousehold Heath Conservators.

Councillors Malik and Stutely referred to item 10 (below), Enforcement Case 17/00151/ENF – 137 Unthank Road, Norwich and asked that it be recorded that they had met with residents and the owner of 137 Unthank Road in their capacity as ward councillors but did not have a predetermined view on this enforcement case.

2. Minutes

RESOLVED to approve the accuracy of the minutes of the meeting held on 9 August 2018.

¹ Date corrected – approved planning applications committee 11 October 2018

3. Application no 18/00534/F - The Cock Long John Hill, Norwich, NR1 2LY

(Councillors Driver and Wright had declared an interest in this item. Councillor Raby declared an interest when he arrived at the meeting. Councillor Raby having arrived after the start of the presentation on this item could not participate in the debate or determination of the application.)

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

During discussion the planner referred to the report and answered members' questions. She confirmed that the building had been designated as an asset of community value after it had been purchased by the current owners.

Councillor Stutely said that he considered that the community should have had the opportunity to lease the premises before it was developed. The planner also answered members' questions on the viability of the premises as a public house.

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

Councillor Driver, Lakenham ward councillor, said that it was a shame that this public house by the river had been lost. It was no longer a viable business and local people had not patronised it. Councillor Wright said that it was a balanced decision and that whilst the loss of a public house was regrettable, there was a need for more housing.

RESOLVED with 10 members voting in favour (Councillors Driver, Maxwell, Bradford, Brociek-Coulton, Malik, Peek, Ryan, Sands, Trevor and Wright) and 1 member voting against (Councillor Stutely) (Councillor Raby not being present for consideration of the entire item abstained) to approve application no. 18/00534/F - The Cock Long John Hill, Norwich, NR1 2LY as a departure to the development plan and grant planning permission subject to the following conditions:

1. Standard time limit
2. In accordance with plans
3. Construction environment management plan
4. Landscaping scheme
5. Biodiversity enhancements
6. Lighting scheme
7. Management plan for landscape corridor
8. Water exclusion strategy measures
9. Flood response plan
10. Surface water management plan
11. Minimum finished floor level
12. Written scheme of archaeological investigation
13. Heritage interpretation measures
14. Arboricultural site brief
15. Arboricultural site meeting and further details
16. Arboricultural supervision
17. Materials to be used in external alterations to pub to match existing
18. Provision of parking and servicing prior to first occupation
19. Water conservation

20. Remove permitted development rights – boundary treatments

21. Remove permitted development rights – curtilage buildings

Informative Notes

1. Construction management
2. Section 38 highways agreement
3. Protected species

Article 31(1)(cc) statement

The local planning authority in making its decision has had due regard to paragraph 38 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 some subsequent amendments, the application is recommended for approval subject to appropriate conditions and for the reasons outlined in the officer report.

4. Application no 18/00961/NF3 - 78 Cadge Road, Norwich, NR5 8DG

The planner 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.

During discussion members noted that the loss of a takeaway food retail shop was acceptable because it was not in a local centre and that there was a local centre in the vicinity which offered services including a fish and chip shop.

Councillor Sands said that he welcomed the development as there was a shortage of single bedroom flats and this provided an option for people to move from two bedroom properties where they were liable to pay the “bedroom tax” to move.

RESOLVED, unanimously, to approve application no. 18/00961/NF3 - 78 Cadge Road Norwich NR5 8DG and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Materials to match;
4. Landscaping scheme;
5. Bin and cycle storage;
6. Water efficiency;
7. Tree protection provision for the street tree.

Article 31(1)(cc) statement

The local planning authority in making its decision has had due regard to paragraph 38 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 recommended for approval subject to appropriate conditions and for the reasons outlined in the officer report.

5. Application no 18/01130/F - 26 Vulcan Road South, Norwich, NR6 6AE

The planner 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.

RESOLVED, unanimously, to approve application no. 18/01130/F - 26 Vulcan Road South, Norwich, NR6 6AE and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Design of screen;
4. Full details of holding water tank, including capacity, overflow and interceptors.

Article 31(1)(cc) statement

The local planning authority in making its decision has had due regard to paragraph 38 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations, the application has been recommended for approval subject to appropriate conditions and for the reasons outlined in the officer report.

6. Application no 18/00861/NF3 - Site of Proposed Communal Heating Plant, Barnards Yard, Norwich

The planner 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.

Discussion ensued in which the planner referred to the report and answered members' questions. The proposal was for a temporary arrangement to locate the heating system in a shipping container. Members sought confirmation that the unit would be on hard standing (two car park spaces) and that there was insulation to prevent noise. Members were advised that environmental protection officers did not object to the proposal. The planner explained that a temporary solution to the location of the communal heating plant was necessary as the residents of Barnards Yard would be without heating over the winter. Members concurred that there should be a noise condition to mitigate the impact of the relocated plant.

During discussion, Councillor Wright commented that the report lacked information about the plant, its impact and the fuel that would be used. The area development manager (inner) explained the reasons for the relocation of the plant and that it was gas fuelled. Other members considered that a decision should not be delayed to a future meeting as this was a temporary measure which would help the residents.

The chair then moved the recommendations as set out in the report with the additional condition to control the noise of the plant.

RESOLVED with 11 members voting in favour (Councillors Driver, Maxwell, Raby, Brociek-Coulton, Malik, Trevor, Ryan, Sands, Stutely, Peek and Bradford) and 1 member abstaining from voting (Councillor Wright) to approve application no. 18/00861/NF3 - Site of proposed Communal Heating Plant Barnards Yard Norwich and grant planning permission subject to the following conditions:

1. Temporary consent for 18 months from the date of decision;
2. In accordance with plans;
3. Dimensions of structure limited to: 6.06m in length, 2.44m in width and 2.6m in height;
4. Sound insulation measures to be agreed.

7. Application 18/00112/F - Land between 18 and 20 West Parade, Norwich

(Councillor Malik had declared a predetermined view in this item. He therefore left the meeting whilst the committee debated the issue and did not take part in the determination of the application.)

The planner presented the report with the aid of plans and slides. During her presentation she referred to the supplementary report of updates to reports which summarised a further response from a resident on the amended plans and confirmation from Norfolk Fire and Rescue service that it had no comments to make on this application.

The adjacent neighbour (no 18 West Parade) addressed the committee and outlined her objections to the proposed development, which included: that the scale of the development; concern that the arboricultural assessment was incorrect; loss of light to an attic bedroom (a photo of the room was displayed), and that no daylight assessment had been provided by the applicant, that the gap between the houses was too close and out of character for the streetscene. A representative of the West Parade Residents' Association spoke on behalf of residents and outlined their objections to the scheme. These included concern for the potential use of the building to be a house in multiple occupation and calling on restricted hours during construction. A resident living opposite to the application site, also addressed the committee. He said that he did not object to the principle of development on this site and considered a single house "ideal". He considered that the two semi-detached houses were too wide for this site; created a "mini-terrace" effect which was out of keeping with neighbouring houses and was concerned about the parking arrangements and that there was not sufficient room for a hedge at the front of the property.

Councillors Malik and Carlo, Nelson ward councillors, addressed the committee and outlined their concerns. Councillor Malik said that the proposal was an overdevelopment of the site and expressed concern that the applicant had not supplied information about loss of light to the garden and a habitable room of no 18. He referred to local planning policy and called on members to reject the application and said that residents had indicated that a single house would be acceptable. Councillor Carlo said that housing development on this site was acceptable but this application was too large and over-development of the plot. The area was in a conservation area, with locally listed buildings in the vicinity. The semi-detached

houses and narrow gaps between the adjacent buildings created a continuous “wall” whereas there were significant gaps between most of the buildings in West Parade. The trees had been wrongly named on the plans.
(Councillor Malik left the meeting at this point.)

The planner referred to the report and commented on the issues raised by the speakers. She pointed out that there were other plots of a similar size further down West Parade, a variety of house types including semi-detached, and that she considered that semi-detached houses on this site was not out of character. Planning consent was subject to landscaping details being agreed including the boundary treatments. The bedroom of no 18 met BRE guidelines. The roofline had been amended to a hip roof. All developments in the street were at least two storeys high and a single storey building would be out of character. She confirmed that there was mitigation against potential flood risk and that the council’s arboricultural officer had confirmed that the plans showed the correct location of the trees.

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

During discussion, the planner and the area development manager (inner) referred to the report and answered members’ questions. The planner confirmed that the reference in paragraph 28 to the number of bedrooms for the proposed dwellings should be corrected to three. She also answered questions on the topography of the site in relation to drainage, and confirmed the resident of no 18’s assertion that the trees had not been measured from her property but that the arboricultural officer was content with the measurements of the trees and the arboricultural report submitted by the applicant. Members were advised that the proposed dwellings could become houses in multiple-occupation under permitted development rights. There were no restrictions on any other house in the street. Members were advised that chalk workings were not an issue with this site.

Discussion ensued in which members expressed concern that this proposal for two semi-attached houses was over development of the site and would have a negative impact on the character of West Parade. Members also commented on the negative impact that this proposal would have on the adjacent property (no 18) and the terraced building effect that a continuous row of buildings would have on the character of West Parade. The chair and vice chair having listened to the views of members withdrew the motion to approve. Councillor Sands moved and Councillor Wright seconded a motion to refuse the application on the grounds that the proposed development of two dwellings was too wide for the site and its proximity to the neighbouring properties and lack of gaps between buildings would be detrimental to the character of the conservation area and West Parade. Members were advised that loss of light to the property would be less sustainable than other reasons for refusal.

RESOLVED with 10 members voting in favour (Councillors Sands, Wright, Driver, Maxwell, Raby, Brociek-Coulton, Ryan, Stutely, Peek and Bradford) and 1 member voting against (Councillor Trevor) to refuse application no. 18/00112/F - Land between 18 and 20 West Parade, Norwich because it was over development of the site and detrimental to the amenity of the character of the conservation area and West Parade and to ask the head of planning services to provide reasons for refusal in planning policy terms.

(Reasons for refusal as subsequently provided by the head of planning services:

1. **Over development of the site²:** The proposed development by virtue of the number of dwellings, the width of the plot and proximity of the units to the boundaries of the site would be inconsistent with the character of the area and would result in less than substantial harm to the character of the conservation area contrary to sections 12 and 16 of the NPPF and policies DM3, DM9 and DM12 of the adopted Development Management Policies Local Plan 2014.
2. **Detrimental to the amenity of the character of the conservation area and West Parade:** The proposed development by virtue of the number of dwellings, the width of the plot and proximity of the units to the boundaries of the site would be inconsistent with the character of the area and would result in less than substantial harm to the character of the conservation area contrary to sections 12 and 16 of the NPPF and policies DM3, DM9 and DM12 of the adopted Development Management Policies Local Plan 2014.

(The committee adjourned for a short break at this point. Councillor Malik was readmitted to the meeting. With the exception of Councillor Raby all members listed were present.)

8. Application no 18/01013/F - 60 Borrowdale Drive, Norwich, NR1 4NS

(Councillor Raby having arrived after the start of the presentation on this item could not participate in the debate or determination of the application.)

The planner presented the report with plans and slides. There had been no objections to the proposed extension.

RESOLVED, unanimously, to approve application no. 18/01013/F - 60 Borrowdale Drive, Norwich, NR1 4NS and grant planning permission subject to the following conditions:

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

9. Application no 18/01025/F - 1 Leopold Close, Norwich, NR4 7PR

The planner presented the report with plans and slides.

An immediate neighbour addressed the committee and outlined her objections to the scheme displayed with pictures taken from her property. She referred to covenants on the land restricting further development and that when she had purchased her house had not expected this garden space to be developed. Her objections to the proposal included the development would reduce the ratio of garden to footprint from

² Headings inserted into the reasons for refusal – approved planning applications committee
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3:1 to 1:1 and was not in character with surrounding houses; that it would cause overshadowing of adjacent gardens; and would exacerbate car parking.

Councillor Lubbock, Eaton ward councillor, addressed the committee on behalf of local residents who opposed the proposed development. This included concerns that this was overdevelopment of a small site and would compromise the amenity of the neighbouring properties; and, that a single storey building would be more appropriate than a chalet building, that to egress the site drivers would need to back out into traffic, and there was no light assessment, and recommending specific hours of construction.

The planner, together with the area development manager (outer), referred to the report and responded to the issues raised by the speakers and answered members' questions. The issue of the covenant was a civil matter and separate from the planning process. There was a mixture of housing types in Leopold Road and a chalet bungalow was considered appropriate. In terms of construction practice, it would be difficult to enforce for a small single dwelling scheme. It was proposed that there would be a landscaping scheme which would include biodiversity enhancements including bird and bat boxes. A member said that whilst he was not opposed to the proposal, it would have been improved if it was turned round on the site.

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

Councillor Wright expressed concern about the impact of the proposed access, which was situated on a bend, would be a hazard to pedestrians as this was a major pedestrian and cycle route to the CNS and other schools in the vicinity. He was also concerned that the covenant was established to preserve the gardens and the character of the area. Councillor Stutely said that he was opposed to the application because the proposed development was too large for the site and a smaller property with a front entrance would be more acceptable.

RESOLVED with 9 members voting in favour (Councillors Driver, Maxwell, Raby, Malik, Trevor, Ryan, Sands, Peek and Bradford) and 3 members voting against (Councillors Wright, Brociek-Coulton and Stutely) to approve application no. 18/01025/F - 1 Leopold Close Norwich NR4 7PR and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Details of materials;
4. Bins and bike storage;
5. Landscaping scheme including biodiversity enhancements;
6. SUDS;
7. Water efficiency.

10. Enforcement Case 17/00151/ENF – 137 Unthank Road, Norwich

The planner presented the report with plans and slides.

A local resident, who was also vice president of the Norfolk Association of Architects, addressed the committee and outlined his support for enforcement action but pointing out that this needed to replace the tiles with slate and the correct materials for the windows and shop front, as the building had a detrimental impact on the conservation area. Councillor Davis, Town Close ward councillor, spoke in favour of demolishing the building and that she considered the building to be “garish” and out of character of the surrounding buildings. Councillor Carlo, Nelson ward councillor, said that the building was a “curious eyesore” and out of character with the predominantly Victorian buildings. She also considered that the building should be demolished as this would send a message to developers not to breach planning conditions.

The planner, together with the area development manager (outer), referred to the report and commented on the issues raised by the speakers and answered members’ questions. Members were advised that 137 Unthank Road was not in the conservation area. The breach in conditions could be addressed by improving the appearance of the front and side elevations of the building. Members were cautioned against demolition as any enforcement action could not require the site to be redeveloped and might result in the plot becoming an empty site that was not redeveloped for years.

The chair moved and vice chair seconded that enforcement action should be authorised to serve a breach of condition notice as recommended in the report.

During discussion a member asked whether the flat above the shop was lived in. The planner said that the owners were in the process of moving into the flat when she last visited to take measurements. She explained that the flat was for members of the applicant’s family to live in. Demolition would mean that the family became homeless.

Members were advised that the applicant had failed to agree materials with officers as part of the original planning permission. The applicant had now got a structural engineer to submit revised plans detailing the changes that could be made to the building to bring it in line with the proposal that was previously granted planning permission. It was not a timber frame building and it would not be practical to remove the front wall as the first floor rested on the lintel. Members noted that the works to resolve the breaches of planning conditions would include painting the front and sides of the building and would replicate painted brick work on adjacent buildings.

During discussion members expressed their dissatisfaction with the appearance of the building and that the development had not been carried out in accordance with the conditions of the planning permission. The committee considered the proposed enforcement action and whilst some members would have preferred demolition to ensure that the building was fully aligned with the approved plans, they were concerned about displacing the residents of the flat and the potential for the site to become derelict. Members were advised that an enforcement notice requiring demolition could be appealed by the applicant. It was advised that there was no

right of appeal against a breach of condition notice. The area development manager (outer) pointed out that compliance to the conditions, 2, 3 and 5 of the approved permission would redress the breaches to the façade of the shopfront. Members were also advised that action should be proportionate and not contravene Article 8 of the Human Rights Act. The breach of condition notice would set out what the applicant had to do and the timeframe in which works should be undertaken, and officers would monitor progress. Members considered that the works should be carried out within a reasonable timescale.

Councillor Trevor expressed concern that the under-enforcement for this breach in planning conditions could set a precedent to other applicants.

RESOLVED, with 11 members voting in favour (Councillors Driver, Maxwell, Raby, Wright, Brociek-Coulton, Malik, Ryan, Sands, Stutely, Peek and Bradford) and 1 member voting against (Councillor Trevor) to authorise enforcement action up to and including prosecution in order to secure compliance with conditions 2, 3, 4 and 5 of permission 16/00759/F through the:

- (1) carrying out of works on site to ensure the building is constructed in accordance with the submitted revised plans to bring the development in line with the approved scheme under 16/00759/F; and,
- (2) submission of an appropriate landscaping scheme which was required under condition 5 of permission 16/00759/F.

(Councillors Ryan and Trevor left the meeting at this point.)

11. Enforcement Case 16/00167/ENF – Café Britannia, Britannia Road, Norwich

(Councillors Brociek-Coulton, Bradford and Driver had declared an interest in this item. Councillor Maxwell had declared a pre-determined view in this item and left the room during the item and before the debate and determination of the request for enforcement action.)

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

The residents of nos 1 and 7 Britannia Road addressed the committee and outlined their concerns about the impact of the café on residents. One resident said that Option B to close the café would be preferable but failing that Option C with a new entrance would be acceptable. Their concerns included: that the commercial activities were not a social enterprise ancillary to the prison and that the proposed opening hours were the current opening hours; that access to the café should be moved away from the adjacent house; that the car-parking and noise from café patrons had caused unacceptable levels of anxiety and stress to the residents. The second resident expressed concern about the parking congestion on Britannia Road which he attributed to the café, that there was a problem with speeding vehicles and that that visitors and dog walkers found it difficult to park at the Britannia Road car park.

The director of the Britannia Enterprises confirmed that the café was part of the social enterprise which was core to the prison's rehabilitation programme. Britannia

Enterprises would be happy to put the required measures in place. The car park was free and therefore used by people who walked into the city as well as other leisure users. Visitors to the café were asked to be considerate of residents and no alcohol was sold on the premises. As part of the prison, the Minister of Justice considered that the operation of the café is a workshop and does not require planning permission.

(Councillor Maxwell left the meeting at this point.)

The senior planner referred to the report and responded to the issues raised.

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

Discussion ensued in which members considered moving the access to the café, recognising the need for level access for wheelchair users and pushchairs. A member pointed out that disabled access was currently through the back of the café. Members were advised that officers would do the best that they could do to achieve disabled access from the front of the building. Some concern was expressed that moving the access would require a breach in the wall in front of Britannia Barracks which was a Grade II listed building. A member suggested that the design of the new entrance should be subject to planning permission. The planner said that the wall was not listed and the design and conservation officer had been consulted.

Members were also advised that Britannia Café was central to the operations of Britannia Enterprises as it provided the core training for its other outlets. The use of the building was therefore considered acceptable by the majority of members. Members noted that the café was not operational after 22:00 and that hours of operation would need to be taken into account for any future licensing applications. The committee also sought further information about parking on the street and were advised that cars parked at 7:30 indicated some commuter parking rather than visitors to the café which was not open at that time. It was not reasonable to expect the social enterprise to fund measures to improve parking. Members were advised that for security reasons, there was not access from the road at the rear of the café.

During discussion members concurred that there should be a new entrance to the café and that once open the current gate adjacent to no 1 Britannia Road should be closed off.

Councillor Bradford, Crome ward councillor and member of Mousehold Heath Conservators, said that he considered that the café had become too large a commercial concern with a large annual turnover. The Britannia Road car park had always been free of charge and historically had been used by visitors to the heath.

RESOLVED, with 8 members voting in favour (Councillors Driver, Raby, Wright, Brociek-Coulton, Malik, Sands, Stutely and Peek), 1 member voting against (Councillor Bradford) to agree that the operation of the café is acceptable subject to authorising enforcement action, up to and including prosecution, and to serve a notice which will allow the current uses to continue, providing the following measures are complied with:

- (1) The provision of a new pedestrian entrance, closer to the front door of the café and better positioned for the car park, reducing the flow of people using

the entrance next to no. 1 Britannia Road and therefore reducing the impact in terms of noise and privacy on the occupier of that property. It is recommended that this should be installed and opened within 12 months of the date of the enforcement notice, to allow sufficient time for the access to be designed and constructed, given that it involves work to a curtilage listed wall.

- (2) The installation of cycle parking at a suitable location within the site, to encourage alternative modes of transport and reduce parking pressure. This should be provided within 12 months of the date of the notice.
- (3) A restriction on opening hours so that the uses may operate between the hours of 07.30 and 22.00 on any day. This is a standard requirement to protect the amenity of neighbouring occupiers given the location of the site within a residential area. It is recommended that this restriction comes into effect 28 days following the serving of the notice.
- (4) A restriction on the ability to change use without applying for planning permission. Current permitted development rules allow cafes to change use to a range of different uses such as a hotel, residential school, or temporarily to an office or shop. There are further permitted development rights that could apply to the shop. It is recommended that a restriction is applied allowing the premises to be operated as a café, shop, and function rooms, within the current areas of the building(s) only and with no change of use permitted without formal planning approval, as a number of potential uses that might otherwise be permitted development may be considered unacceptable in this location. This restriction should come into effect 28 days after the serving of the enforcement notice.

CHAIR