



**Planning applications committee**

**09:45<sup>1</sup> to 12:05**

**11 March 2021**

Present: Councillors Driver (chair), Maxwell (vice chair), Bogelein, Button, Grahame (substitute for Councillor Neale), Peek, Sands (M), Ryan, Sarmezey, Stutely and Wright (substitute for Councillor Lubbock)

Apologies: Councillors Huntley, Lubbock and Neale

**1. Declarations of interest**

There were no declarations of interest.

**2. Minutes**

**RESOLVED** to approve the accuracy of the minutes of the meeting held on 11 February 2021.

**3. Application no 20/01313/F - 418 Unthank Road, Norwich, NR4 7QH**

The planning team leader presented the report with the aid of plans and slides. He referred to the supplementary report of updates to reports, which had been circulated prior to the meeting, which contained a summary of a further letter of objection from an existing objector and the officers' response.

Councillor Lubbock addressed the committee as ward councillor and a local resident. She explained the reasons for calling in the application for consideration by the committee, which included: that the design of the proposed extension was detrimental to the conservation area, where for 100 years there had been regular spaces between the four Edwardian detached houses, and by infilling in the space up to the boundary would change the topography of the street scene and was contrary to policy DM9, as the proposal did not enhance the heritage assets of the conservation area; and that the extension built up to the boundary would have an overbearing impact on the residential amenity of the neighbouring property at no. 420, most significantly blocking daylight to internal rooms. The committee should refuse the application in favour of a more sympathetic development.

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<sup>1</sup> The start of the meeting was delayed due to technical issues.

The resident of no. 420 addressed the committee with their objections to the proposed extension which they considered would have an overbearing impact, loss of light and privacy on their property. With regard to the overbearing impact, the slope of the ground was significant, making the plans that had been provided misleading and incorrect. The height next to the boundary was 2.9m (or 9.5ft) and therefore a significant increase of 3.5ft in height right next to the fence. The extension would cause loss of light to their property and the neighbours disagreed with the officer's assessment on the effect on their residential amenity, as they would have an outlook on a 10.6m by 2.9m (35ft by 9.5ft) featureless, brick wall. This would shade two-thirds of the window at the back of their house, it was acknowledged that there were other windows to that room. However, it would mean that the room at the front would have no natural light and would require the use of electric lights when in use. With regard to privacy, because of the significant slope of the land, and as shown on the plans, the eye line from the French windows would be over the height of the fence into no. 420. He suggested that a better solution would be to push the extension back by 870mm, moving it back from the boundary by 1m, which would transform the impact on no. 420, whilst reducing the extension from 17.5ft to an acceptable 15ft.

The planning team leader commented that in relation to design, the applicant proposed to use traditional materials (Flemish brick and red pantiles) in keeping with the building. He referred members to the assessment of the proposed extension on the neighbouring property as set out in the report. The property at no. 418 already overshadowed no. 420 as it was to north-east but there was not sufficient loss of residential amenity to justify refusal of the application.

During discussion the planning team leader referred to the report and presentation and answered members' questions on the proximity of the proposed extension to the boundary of the property; confirming that the north-west and south-west elevations shown in the plans were labelled correctly; confirming that there would be some loss of light to the neighbour's side window; that assessment of the height of the rear of the extension was measured as 2.65m in the plans and that he did not recognise the neighbour's assessment of 2.9m; and that there would be no barrier to the wildlife corridor as there was a 2.5m gap in the boundary fence and gates at the side and front of the property.

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

**RESOLVED** with 10 members voting in favour (Councillors Driver, Maxwell, Bogelein, Button, Grahame, Ryan, Peek, Sands (M), Sarmezey and Stutely) and 1 member abstaining from voting (Councillor Wright) to approve application no. 20/01313/F - 418 Unthank Road Norwich NR4 7QH and grant planning permission subject to the following conditions:

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

#### **4. Application no 20/01095/F 6 Judges Drive, Norwich, NR4 7QQ**

The planning team leader presented the report with the aid of plans and slides. He referred to the supplementary report of updates to reports, which had been circulated prior to the meeting, which contained summaries of a letter of support, one letter from an existing objector and a further letter of objection, and the officer response.

A resident addressed the committee with his objections to the proposed summer house/shed which included: concern for the preservation of the wooded area and wildlife habitat (including muntjac, bats); that the applicant did not intend to preserve the natural woodland having applied to fell 7 trees and replace with fruit trees; that a summer house was unsuitable for storage of tools and concern that the structure would impact on the mature oak tree.

The next speaker said that she was a teacher, specialising in ecology, and spoke about the importance of the 150 year old natural woodland to mitigate air pollution in the city; that there was an intricate biodiversity supporting wildlife (squirrels and hedgehogs) and that fruit trees would not provide the same biodiversity to support wild birds.

The applicant addressed the committee in support of the application, during which images provided by the applicant of a summer house in the garden 70 years ago were displayed and other pictures depicting the clearance in the woodland on site of the proposed garden shed which would be “no bigger than a double bed”. He had health issues and a shed would mean that tools could be stored half way down the garden without having to carry them far to maintain the woodland. The applicant explained that he was putting in fruit trees because there were none in the garden at present. The design of the shed had been selected because it would be attractive and despite having windows would be as secure as a shed with a padlock.

During discussion, the planning team leader then answered questions from members of the committee and referred to the report and the presentation. The application was before the committee because there had been three objections, in accordance with its scheme of delegations. The committee was advised that tree works had been authorised by the tree officer as part of woodland management. This application did not require the removal of any further trees, and the shed would be surrounded by trees. A member suggested that there should be further information on the location of the trees that had been removed and the replacement planting. The area development manager confirmed that the woodland management had been subject to a tree preservation order application. The application before the committee was a separate from this and did not require the removal of any trees.

In reply to a question, the planning team leader confirmed that members could consider the natural areas officer’s suggestion that enhancements to the biodiversity of the natural habitat in mitigation to the proposed shed could be conditioned. Members were also advised that a condition could be added to ensure that the shed was used for storage purposes only to alleviate members’ concerns about the applicant’s intended use.

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

Discussion ensued in which members asked further questions regarding the size of the woodland and its preservation from being turned over to lawn, noting that the woodland had been breached when houses had been built on it. Members also noted that there was a garage within the curtilage of the premises which could be used for tool storage.

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

A member spoke in support of the application. The proposed shed was situated in a long garden and was a small attractive structure, in woodland. The porch area could provide shelter in rain. It was unlikely to be harmful to the mature oak tree. It was a condition that there would be no electricity supplied to the shed and therefore it would not be harmful to wildlife or create light pollution.

During discussion members considered additional conditions to mitigate concerns about the intended use of the shed and a member suggested that its use should be restricted so that no leisure use was allowed. The area development manager said that this would be over restrictive of an individual's use on their privately owned land and was not a land use as such. He also pointed out that it was not necessary to replicate the tree planting set out in the tree preservation order works, as these would be required and were subject to enforcement proceedings if not.

Councillor Bogelein moved and Councillor Wright seconded that the following additional conditions be applied: that the structure was only used for storage; and that biodiversity enhancements as suggested by the natural areas officers should be conditioned. (In response to the proposal of a third condition to add a time limit, the area development manager pointed out that it was already proposed as a standard condition for approval of the application.) On being put to the vote with 10 members voting in favour (Councillors Driver, Maxwell, Bogelein, Button, Grahame, Ryan, Peek, Sarmezey, Stutely and Wright) and 1 member abstaining from voting (Councillor Sands) the two conditions were approved.

Discussion ensued in which members commented on the application.

Members in support of the application took into account the size and layout of the garden, the size of the shed and that its location was practical for tool storage. The shed would be located on open ground within the woodland. The applicant wanted to restore the garden to how it was before.

Councillors Bogelein, Wright and Grahame explained that they would vote against the applications. Councillor Bogelein pointed out that the ownership of a natural woodland was a privilege and expressed concern about the use of the shed by the applicant. Councillor Wright concurred with this and also said that the woodland was the "lungs of the city" and should be left as it is whether in public or private ownership. Councillor Grahame said that the discussion on this item was worth it and that the preservation of woodland should not be trivialised.

On being moved to the vote, it was:

**RESOLVED**, with 8 members voting in favour (Councillors Driver, Maxwell, Button, Ryan, Peek, Sands, Sarmezey and Stutely) and 3 members voting against (Councillors Bogelein, Grahame and Wright) to approve application 20/01095/F at 6

Judges Drive, Norwich, NR4 7QQ and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. No installation of external lighting without permission.
4. The shed to be used for storage only.
5. Biodiversity enhancements as agreed with the natural areas officer.

(Councillor Maxwell left the meeting at this point.)

#### **5. Application no 20/01192/F – 80 Connaught Road Norwich NR2 3BS**

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

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

During discussion members considered that the proposal would enhance the appearance of the building and provide a café facility for local residents. Members considered that the operating hours of the café and the use of the decking, until 19:00 in the week and 22:00 on Thursdays, Fridays and Saturdays, was reasonable for a residential area.

**RESOLVED**, unanimously, to approve application no. 20/01192/F – 80 Connaught Road Norwich NR2 3BS, and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. No amplified music to be played outside the premises.

#### **6. Performance of the development management service; progress on appeals against planning decisions and updates on planning enforcement cases**

The area development manager presented the report and answered members' questions. Members agreed that a six monthly performance report would be useful.

During discussion members appreciated the work of the officer to address the backlog of outstanding planning enforcement cases. However members expressed concern that development control was adequately resourced to undertake planning enforcement and the issue should be brought to the attention of the cabinet. The area development manager advised members that the service was being restructured under a new head of planning and regulatory services. This would create efficiencies and make better use of resources that currently lie with other

departments, and should lead to a reduction of outstanding planning enforcement cases. A member pointed out that planning enforcement should be proactive. Another member said that part of the issue could be the current restrictions of the pandemic with officers redeployed for instance. Comparisons of performance on planning enforcement with other similar councils could support the committee's case for additional resources.

In reply to a member's question, the area development manager, explained that development control was no longer working as an outer and inner team, and the career progression meant there was a range of experience within the team to deal with all planning applications.

**RESOLVED** to:

- (1) note the report;
- (2) ask the area development manager to provide 6 monthly performance reports to the committee.

CHAIR