

**Planning applications committee****10.15am to 12.30pm****3 July 2014**

Present: Councillors Gayton (chair), Sands (M) (vice chair following election), Blunt, Bradford, Boswell (from end of item 4, below), Button, Grahame, Herries, Jackson, Neale and Woollard

Apologies: Councillor Ackroyd

**1. Commencement of meeting time**

The chair explained that there had been a discrepancy between the times published on the council's website and the printed agenda. Therefore, to ensure that no agents, applicants or members of the public were disadvantaged the meeting had been put back to the time published on the website.

**2. Appointment of vice chair**

**RESOLVED** to appoint Councillor Sands (M) as vice chair of the committee for the ensuing civic year.

**3. Declaration of interests**

Councillors Boswell and Jackson declared a predetermined view in application nos 14/00528/U and 14/00527/U Castle Mall (item 5 below) in that as local members they had supported constituents in opposing the proposals. They would speak on behalf of local residents and then leave the room. Councillors Herries and Woollard also declared a predetermined view as they had signed petitions opposing the proposals and supporting the retention of a walk-in health centre in the city centre. (Councillor Button subsequently declared a predetermined view in these applications when she joined the meeting at the end of item 4.)

Councillor Grahame stated that she did not have a predetermined view in applications nos 14/00528/U and 14/00527/U Castle Mall and that she would be approaching the application with an open mind. She pointed out that there was new information regarding the application.

Councillor Blunt said that as a local member he had advised a constituent regarding application no 14/00613/O, land between 335 and 337 Dereham Road (item 8) by referring them to the county councillor for the division and therefore did not have a predetermined view on the application.

#### 4. Minutes

**RESOLVED** to approve the minutes of the meeting held on 5 June 2014.

#### 5. Application no 14/00445/F Old School Court, Bracondale, Norwich

The planning development manager referred to the supplementary report of updates to reports which was circulated at the meeting and said that officers were discussing amending the proposals in the light of a consultation response.

**RESOLVED** to defer consideration of application no 14/00445/F Old School Court, Bracondale, to a future meeting.

#### 6. Application nos 14/00528/U Level 2 and 14/00527/U Level 4 (and parts of levels 3 and 5)

(The chair agreed that because the applications were closely linked the reports would be considered together as one item but each application would be considered separately in its own right.)

(Councillors Boswell, Button, Herries, Jackson and Woollard having declared a predetermined view in this item and did not take part in the determination of the item. Councillors Boswell and Jackson had indicated that they would speak as local members.)

The head of planning services introduced the reports with the aid of plans and slides and referred to the supplementary report of updates to reports, which was circulated at the meeting and summarised a further letter of objection to application no 14/00527/U. The committee was advised that there was a factual error on the plan showing the location of the application site 14/00527/U, which for clarification was on level 4 and parts of levels 3 and 5, and should include the photographic unit fronting Timber Hill. Late on the previous day, the council had received a letter from the practice manager of Timber Hill Walk-in and Health Centre, on behalf of Norwich Practices Limited (NPL) withdrawing its objections to the proposals and confirming that following further discussions with Infrared (the landlord for Castle Mall) terms were being agreed for a planned withdrawal of the health centre from the Castle Mall and to allow for a new health centre to be developed nearby in separate premises in the city centre. NPL was therefore prepared to support the proposals. The committee was advised that there were other objections which would need to be considered notwithstanding the late representation that had been received

The practice manager, Timberhill Walk-in and Health Centre, addressed the committee and confirmed the contents of his letter and added that the applications were still relevant as the practice did not want to prevent the option of using the other unit in the mall.

Councillors Boswell and Jackson addressed the committee on behalf of their constituents in Nelson and Mancroft wards and the wider community, and pointed out that the letter from the NPL withdrawing its objections did not remove concerns about the relocation of the health facility and where it would be in the vicinity. They asked the committee to defer consideration of the applications for further information

on this issue. The considered that the current information did not comply with National planning policy framework (NPPF), paragraph 70.

The Castle Mall centre manager addressed the committee in support of the applications and said that the six new eateries would regenerate the mall and create 120 new jobs whilst preserving 170 other jobs of people working in the mall. The proposals made sense of the zones in the mall and the provision of a health centre on level 2 adjacent to the post office would create a community hub.

The asset manager for Infrared (owner of the Castle Mall) outlined the business reasons for the reconfiguration of level 4 to provide 6 eateries which would complement the cinema on level 5. He referred to the application for the change of use of the unit on level 2 to a health facility and that a 10 year lease for the unit had been offered which would be fitted out with no cost to the public purse.

(Councillors Boswell, Button, Herries, Jackson and Woollard left the meeting at this point.)

The head of planning services referred to the report and pointed out that regard had been given to the NPPF. He then answered members' questions about access by emergency vehicles to the medical centre if it was relocated to the lower floors and access by the public when the retail units were closed. There was a lift from the car park. There was adequate level access with two entrances at street level to level 2. Members were advised that the discussion between third parties was commercial and not a matter for the planning authority. It was unreasonable for the planning authority to require the landlord to provide the service. A member suggested that there should be a condition to ensure that there was adequate signage to the mall. Members were advised that it would be reasonable to expect that the landlord would ensure this was provided and therefore a condition would not be necessary.

Councillor Neale moved, seconded by Councillor Grahame, that consideration of application no 14/00527/U Level 4 (and parts of levels 3 and 5) should be deferred for further information on the relocation of the health centre which was an "essential asset" for the city and that it was not the right time to make a decision on this proposal. The head of planning services advised that the information was unlikely to be forthcoming and the applicant could appeal on the grounds of non-determination of the application within the statutory timescale. On being put to the vote, with 2 members voting in favour (Councillors Neale and Grahame), 2 members voting against (Councillors Gayton and Sands) and 2 members abstaining (Councillors Blunt and Bradford) and with the chair casting his vote against, the motion to defer consideration of the application was lost.

The committee then voted on the recommendations contained in the report.

**RESOLVED:**

- (1) unanimously, to approve application no 14/00528/U and grant planning permission, subject to the following conditions:-
1. commencement of development within three years.
  2. in accordance with approved plans and details.

3. The health centre hereby permitted shall not be open to patients or clients at any time when the main mall car park accessed from Market Avenue is closed.
4. The unit shall only be used as a health centre and for no other use within the D1 use class.
5. Should the health centre vacate the premises, the unit shall revert to retail use (class A1).

Article 31(1)(cc) Statement

The local planning authority in making its decision has had due regard to paragraph 187 of the National planning Policy Framework as well as the development plan, national planning policy and other material considerations and has approved the application subject to appropriate conditions and for the reasons outlined in the officer report.

(2) with 3 members voting in favour (Councillors Gayton, Sands and Bradford), 0 members voting against, and 3 members abstaining (Councillors Blunt, Grahame and Neale) to approve application no 14/00527/U and grant planning permission, subject to the following conditions:-

1. Commencement of development within three years.
2. Development in accordance with approved plans and drawings.
3. Submission of details of plant and machinery.
4. Submission of details of extract ventilation.
5. Closed to the public between the hours of 00:00 hours and 07:00 hours on any day.

Article 31(1)(cc) statement

The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations and has approved the application subject to the appropriate conditions and for the reasons outlined in the officers report.

(Councillors Boswell, Button, Herries, Jackson and Woollard were readmitted to the meeting at this point.)

**7. Application no 14/00555/MA site of 118 Magdalen Road, Norwich, NR3 4AN**

The planning team leader (development) presented the report with the aid of plans and slides and referred to the supplementary report of updates to reports which was circulated at the meeting and contained further clarification to paragraphs 10, 23 and 30 of the report relating to the ridge height of block B.

Discussion ensued in which the planning team leader referred to the report and answered members' questions.

**RESOLVED**, unanimously, to approve application no 14/00555/MA at site of 118 Magdalen Road, Norwich, and grant planning permission, subject to the following conditions:-

1. Time limit;
2. In accordance with the approved plans;
3. Details of the timber cycle storage to the rear of the retail unit;
4. Details of boundary wall treatment;
5. Details and samples of external materials (windows, bricks, roof tiles and shop frontage);
6. Implementation of landscaping.

Article 31(1)(cc) Statement

The local planning authority in making its decision has had due regard to paragraph 187 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 the application has been approved subject to appropriate conditions and for the reasons outlined above.

(The committee had a short break at this point.)

**8. Application no 14/00169/F Land adjacent to 36 Sunningdale, Norwich**

The planning team leader (development) presented the report with the aid of plans and slides. He referred to the report and answered members' questions in relation to the neighbour's concern about loss of light; and, explained that the construction method would protect the roots of the oak tree.

**RESOLVED** with 10 members voting in favour (Councillors Gayton, Sands, Blunt, Button, Boswell, Grahame, Herries, Neale, Woollard and Bradford) and 1 member voting against (Councillor Jackson) to approve application no 14/00169/F land adjacent to 36 Sunningdale and grant planning permission, subject to the following conditions:-

1. Time limit.
2. In accordance with the approved plans.
3. Submission of samples.
4. Details of landscaping.
5. Submission of details of water conservation measures.
6. In accordance with the arboricultural method statement and tree protection plan and TPP tree protection plan.
7. Pre-commencement meeting and arboricultural supervision.
8. Appropriate condition in accordance with the recommendations of the natural areas officer.

Article 31(1)(cc) Statement

The local planning authority in making its decision has had due regard to paragraph 187 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 the application has been approved subject to appropriate conditions and for the reasons outlined above.

## 9. Application no 14/00613/O Land between 335 and 337 Dereham Road

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

A relative of the adjacent neighbour at 337 Dereham Road and Councillor Morgan, Wensum division, as proxy for the neighbour, outlined the objections to the proposed development which included: concern about loss of light and amenity; that the original developer's intention was not to build on the land as the house at 337 faced onto it; that development on the site would be overbearing and create a tunnel between the front door of 337 and the fence. The committee was advised that the resident of 337 had cultivated the land for over 50 years and about the treatment that she had received from the county council in terminating the lease.

The agent spoke on behalf of the applicant and explained that the leader of the county council had written to the family to explain the reasons for the sale of the land. The proposal would provide an additional house in a sustainable location. He said that 337 Dereham Road would not be overlooked as it was not proposed to have windows on the first floor of that side of the new dwelling.

Discussion ensued in which the planner and the planning development manager referred to the report and answered questions and explained that the application was for outline planning permission. Members were advised that there would need to be a further application for reserved matters before the site could be developed which could be dealt with under delegated powers unless the number of objections received or a member request met the criteria for the committee to determine the application.

Councillor Blunt moved and Councillor Neale seconded that the application be refused because of the overbearing nature of the proposed development on 337 Dereham Road. They also expressed concern about the insensitive way the agent had treated the leaseholder. The planning development manager said that the application was for the principle of a dwelling on the site and that it could be set further back than indicated on the plans. The distance of the dwelling from the boundary was a consideration for reserved matters. Councillor Jackson pointed out that the reasons for refusal were not defensible and that it was not possible when determining an outline planning application to dictate conditions for reserved matters. The committee concurred with a proposal from Councillor Grahame that if the application were to be approved an additional informative were added to propose that the dwelling was situated with careful regard to the proximity of 337 Dereham Road.

On being put to the vote the motion to refuse application no 14/00613/O was lost with 3 members voting in favour of refusal (Councillors Blunt, Boswell and Neale) and 7 members voting against (Councillors Gayton, Sands, Button, Herries, Jackson, Woollard and Bradford) and 1 member abstaining (Councillor Grahame).

The chair then moved the recommendations in the report with the additional informative as proposed by Councillor Grahame.

**RESOLVED**, with 7 members voting against (Councillors Gayton, Sands, Button, Herries, Jackson, Woollard and Bradford), 3 members voting in favour of refusal (Councillors Blunt, Boswell and Neale) and 1 member abstaining (Councillor

Grahame) to approve application no 14/00613/O at land between 335 and 337 Dereham Road and grant planning permission, subject to the following conditions:

1. Standard time limit for outline application.
2. No development until approval of reserved matters including appearance, landscaping, layout and scale.
3. Development in accordance with plans in respect to access.
4. Water conservation.
5. No development in pursuance of this permission until an AIA has been submitted and approved in writing by the local planning authority.
6. Details of secure cycling storage and refuge storage.

Informatives:

1. Refuse and recycling bins to be purchased by applicant with agreement from the council's citywide services.
2. Any hard standing to be of a permeable material.
3. Street name and numbering enquiries.
4. Construction working hours.
5. The application is for outline permission only. No permission is granted for specific layout or design of the development. However, a single-storey or more than two-storey property is unlikely to be considered an acceptable design as it would be out of character with the surrounding area. Careful consideration should also be given to the distance between the proposed dwelling and number 337 Dereham Road in order to avoid any sense of overbearing. Further submission of reserved matters is required

#### **10. Application no 14/00733/F 117, George Borrow Road, Norwich, NR4 7HX**

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

In reply to a member's question she advised the committee that planning permission was not required for multiple-occupation of up to six individuals.

**RESOLVED** with 9 members voting in favour (Councillors Blunt, Button, Boswell, Grahame, Herries, Jackson, Neale, Woollard and Bradford) and 2 members abstaining (Councillors Gayton and Sands) to approve application no 14/00733/F for 117 George Borrow Road and grant planning permission, subject to the following conditions:

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

Chair