



## MINUTES

### PLANNING APPLICATIONS COMMITTEE

**10.00 a.m. – 1.35 p.m.**

**10 September 2009**

**Present:** Councillors Bradford (Chair), Llewellyn (Vice-Chair), Banham, Driver, George, S Little, Lubbock (to end of item 5), Stephenson and Wiltshire (from middle of item 2)

**Apologies:** Councillors Lay and Jago

#### **1. MINUTES**

**RESOLVED** to agree the accuracy of the minutes of the meeting held on 20 August 2009.

#### **2. APPLICATION NO 09/00320/F - LAND ADJACENT TO AND WEST OF VULCAN HOUSE VULCAN ROAD, NORWICH**

(Councillor Wiltshire arrived during this item.)

The Senior Planner presented the report with the aid of slides and plans, and pointed out two textual amendments to the report. In relation to the first sentence of paragraph 2, the word 'north' should be inserted after 'the' and before 'west of a Bus Repair garage' and inserting the words 'approximately 250m away to the south west of industrial units' and deleting 'to the south of an industrial unit', so it reads:-

'It is located to the west of the bend where Vulcan Roads North and South converge behind and to the north west of a Bus Repair garage operated by the same applicants, approximately 250m away to the south west of industrial units and to the north of a container storage compound.' (Plans showing the location were circulated at the meeting.)

In relation to the second sentence of paragraph 9, the words 'the industrial estate' should be inserted after the word 'alongside'. Members were also advised that officers were using a new template and that the report had been reformatted and some references to paragraph numbering were now incorrect.

Late representations had been received from: a resident in Waldamar Avenue registering the following concerns: that approval was a foregone conclusion; that there would be light and diesel pollution; that the planting would not be an effective

barrier to prevent noise and that the applicant's rejection of relocating to the Airport Industrial Estate where there were no residential properties and could not be too far out as the Airport Park and Ride was situated there and one from Hellesdon Parish Council reiterating its original objection to the amended scheme.

Councillors Adams and Balcombe, representing residents of the Hellesdon Ward of Broadland District Council, then addressed the Committee with their objections to the scheme as set out in the report. These included the proposals were contrary to planning policy and reference to a similar application turned down at appeal; assurances from the applicants that reversing bleeps would be deactivated would not be allowed on health and safety grounds; and that the noise testing had taken place on a Saturday.

A resident then addressed the Committee and set out his objections to the application and said that the site generated noise from 5.30 a.m. to midnight with vehicle movements and engines running whilst vehicles were cleaned.

The agent then spoke in response and pointed out that Environmental Health officers of both Broadland District Council and the City Council had agreed that there would be no 'material impact on residential amenities' and that the measures being undertaken would mitigate any concerns. The comments about an application elsewhere were not relevant as there was no precedent in planning legislation. Buses were cleaned at the garage and not on the site.

Considerable discussion ensued in which the Senior Planner, together with the Head of Planning and Regeneration Services, the Planning Development Manager and the Environmental Health Officer answered questions. Members were advised that the applicants had put forward the suggestion of deactivating alarms whilst reversing and that they would have checked this out with the appropriate regulator.

A motion to refuse the application was moved by Councillor Little and seconded by Councillor Driver. In seeking advice on the potential reasons for refusal the Head of Planning and Regeneration Services advised that in view of other planning decisions and the nature of the relevant policies that refusal citing employment policies would be difficult to sustain and in order to do so, members would have to take the view that the use proposed was not ancillary to the bus depot operating elsewhere on the same industrial estate. He therefore advised that if members considered refusal to be justified that this should be restricted to residential amenity grounds alone; and that it would have to be made clear why this detrimental impact would occur (noise, dust, light etc). Members were also advised that if the application was refused members would need to decide on whether to require enforcement action to be taken and, if so, what timescale be given to this. The motion was withdrawn by Councillor Little following the discussion of potential reasons for refusal and possible measures to mitigate disturbance to neighbours. Members were advised that specific information could be sought relating to the deactivation of reversing alarms in relation to whether this was legal and the health and safety implications.

Councillor Little pointed out that, because of the constraints of the site, the bus company could not provide a late night bus service.

**RESOLVED**, with 5 members voting in favour (Councillors Banham, Lubbock, Stephenson, Llewellyn and Little), 3 members voting against (Councillors Bradford, George and Driver) and 1 member abstaining (Councillors Wiltshire, having been absent from the room for part of the item) to approve application no 09/00320/F Land Adjacent to and West of Vulcan House, Vulcan Road North, Norwich and grant planning permission subject to:

(1) conditions covering the following matters:-

1. design details to be submitted, approved and commenced within an agreed timetable covering precise details of:
  - (a) Precise details of acoustic fencing
  - (b) Palisade and boundary fencing
  - (c) Bunding
  - (d) Landscaping ( including Method Statement)
  - (e) Trees to be removed
  - (f) Installation of bird and bat boxes
  - (g) Permanent lighting
  - (h) CCTV
  - (i) Cycle Storage
  - (j) Secure cabinet(for supervisor)
  - (k) Hard surfacing
  - (l) Drainage
  - (m) Electricity Sub Station
  - (n) Speed restriction signage
2. Within a timetable to be agreed the following structures shall be removed from the site:
  - (a) electricity generator;
  - (b) Temporary lighting;
3. Hours of operation of: Use(Site opening no earlier than 05.45 am and closing no later than 20.45hours, buses leaving no earlier than 06.00 and arriving no later than 20.30 arriving and no use on Sundays or Bank holidays), Lighting (05.40 till 20.50);
4. Earliest buses to leave and arrive to be located in identified bays 1-12only;
5. Root Protection Area identified and maintained during construction;
6. Protective fencing for planting;
7. Landscaping timetable, schedule, maintenance, replacement as necessary;
8. Site Management Plan;
9. Ancillary to bus garage use;
10. Development to accord with amended plans.

(2) that the decision notice is not granted until the Head of Planning and Regeneration Services receives confirmation from the Environmental Health Service that the deactivation of vehicle reversing alarms is legal and acceptable from a Health and Safety perspective and if an adverse response is received to report back to this Committee.

(Reasons for approval: Following negotiation and the constructive input of the respective Environmental Health Services of Broadland District and Norwich City Councils, it is considered that the development as proposed, subject to the imposition of appropriate planning conditions, will not materially undermine the amenities of the adjacent residential area. It will also encourage a sustainable alternative mode of transport to use of the motor car and being ancillary to the main bus depot/repair garage use located at Vulcan Road South on the same industrial estate it complies with Council Policy. In coming to this conclusion national, regional and the following saved policies from the City of Norwich Replacement Local Plan (2004) EMP2, EMP5, EP22 and TRA16.)

(The Committee had a short adjournment before reconvening.)

**3. APPLICATION NO 08/00491/F - GARDEN LAND REAR OF 148 -162 NELSON STREET NORWICH**

(Councillor Little declared a personal interest at the start of this item as the agent was known to him.)

The Planning Development Team Leader presented the report with the aid of slides and plans, and answered questions on the report.

Councillor Holmes, Ward Councillor for Mancroft Ward, then addressed the Committee outlining concerns of residents about loss of amenity and the use of Edward Gambling Court for access.

The agent then responded and explained that there would be a seating area provided and that the new access was required as there would be wall through the site separating the different housing types. The unsightly rendered wall would be replaced with a brick one.

**RESOLVED** to approve Application No 08/00491/F - Land to rear 148-162 Nelson Street, Norwich, and grant planning permission, subject to the following conditions:-

1. Standard time limit (3 years)
2. In accordance with submitted plans and details
3. Compliance with AIA
4. Hard and soft landscaping details to be submitted and implemented, with maintenance and replacement planting
5. Materials to be agreed
6. No windows to be inserted to the first floors of the properties other than as shown on the approved details
7. Amenity space, car and cycle parking and bin storage areas to be provided prior to first use of the flats
8. No development to take place until the developer has submitted a scheme detailing the provision of the remaining amenity space for the existing units adjoining the site and has implemented this scheme and provided the parking and access as shown on the approved plan
9. Access to be constructed and completed prior to first use of the flats
10. No development to take place until the developer has secured the provision of a waiting restriction to prevent obstruction of the access to the site

Informatives:

11. Access crossover to be constructed to County Council standard
12. Developer to be advised to consider the use of droppable bollards within the details of car parking provision on site

(Reasons for approval: The proposal is considered acceptable in principle and would result in the more efficient use of a currently underused piece of land. The details of the scheme indicate that, subject to conditions, the impact of the proposals on the living conditions of neighbouring residents and on the character and the visual amenities of the area would not be detrimental and that adequate access and servicing arrangements and amenity space would be provided. The density and mix of units proposed is considered appropriate for this site and the design of the scheme is considered to be in keeping with the local area. The proposal is unlikely to have an adverse impact on the preserved trees adjoining the site and the energy efficiency measures proposed are welcome. The development is therefore considered to meet the requirements of policies ENV7 & WM6 of the East of England Plan and saved policies HOU13, HOU18, NE3, HBE3, HBE12 and EP22 of the City of Norwich Replacement Local Plan 2004 and all other material considerations.)

**4. APPLICATION NO 09/00634/F - LAND ADJACENT TO 73 OAK STREET NORWICH**

The Planner presented the report with the aid of slides and plans and answered members' questions.

**RESOLVED** to approve 09/00634/F – Land adjacent to 73 Oak Street and grant planning permission, subject to the following conditions:-

1. Standard time limit;
2. Standard drawings condition
3. Development will be in accordance with the submitted and approved drawings;
4. The smoking shelter shall not be erected prior to the ground levelling works being completed;
5. Before the use commences the fence on the West elevation will be treated to improve resistance to the transmission of sound;
6. There will be no amplified or acoustic music in the beer garden at any time;
7. Hours of use will be restricted to not before 11:00hrs and not after 22:30hrs.
8. Prior to the first use, a flood evacuation plan shall be submitted and agreed.
9. Details of: a) fencing, including stain colour.

(Reasons for approval: The development hereby permitted is not considered to have a detrimental impact on residential amenity, the street scene or wider conservation area. Every effort has been made to achieve a high quality design which will bring a derelict area of land into constructive use. The proposals are considered to be in accordance with PPS1, PPS1 Annex and PPS25, policy ENV7 of the East of England Plan (May 2008) and saved policies HBE3, HBE8, HBE12 and EP22 of the City of Norwich Replacement Local Plan (Adopted Version November 2004).)

## 5. APPLICATION NO 09/00608/F - 10 STEPPING LANE NORWICH

The Senior Planner presented the report with the aid of slides and plans. He read out a letter on behalf of a resident of Scoles Green, who was present at the meeting, and whose letter made the following objections to the scheme: the proposed roof was flat which was not in character with local domestic properties (other flat roofs in the area being on commercial properties) and that a tiled pitched roof was more desirable; the end wall of the proposed property which would abut 6 Scoles Green would have an effect on the existing courtyard due to the loss of sunlight and visual intrusion.

The owner/architect of the property then spoke in support of the application and explained that the roofs in the street 'stepped down' and the choice of a flat roof.

In response to a further question from the objector in relation to the courtyard, members were advised that a daylight analysis study had been conducted

**RESOLVED** to approve application no 09/00608/F – Land adjacent and west of 10 Stepping Lane, Norwich and grant planning permission subject to the following conditions:-

1. Standard time limit;
2. The following details to be submitted:
  - (a) Samples of bricks and mortar;
  - (b) Details of the patterned/recessed brick panel walls
  - (c) Details of the coloured panels adjacent to the windows;
  - (d) Colour of windows;
  - (e) Colour and finish of timber cladding and doors;
  - (f) Boundary treatments to the front of the property including gates, walls;
  - (g) Driveway surface material.
3. Archaeological condition.

(Reasons for approval:- The proposal has been considered with regard to policies WN6 and ENV6 of the adopted East of England Plan, saved policies NE9, HBE3, HBE8, HBE12, HBE19, EP18, EP22, HOU13, TRA6, TRA7 and TRA8, of the City of Norwich Replacement Local Plan, PPS1, PPS3, PPG13, PPG15, PPG16 and other material planning considerations.

The proposed development will provide for a new dwelling on a sustainably located site within the City Centre. Subject to the conditions listed below and given the character of this part of the Conservation Area, it is considered that the proposed design is acceptable and would not have a significant detrimental impact on the character or appearance of the surrounding Conservation Area. The proposals are likely to have some impact in terms of amenity to adjacent properties, however, having considered the particular merits of this case it is not considered that there would be a significant detrimental impact in terms of amenity. On balance it is considered that the proposals are in line with development plan policies.)

(Councillor Lubbock left the meeting at this point.)

## **6. APPLICATION NO 09/00596/F - 82 DEREHAM ROAD NORWICH**

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

**RESOLVED** to approve application 09/00596/F and grant planning permission, subject to the following conditions:-

1. Standard time limit;
2. Standard drawings condition;
3. Materials to match the existing materials (bricks and roof tiles);
4. All first floor windows on a side elevation will be obscure glazed.

Informatives: The 2 no parking spaces to the rear should be formed from a permeable surface. If a hard standing area is to be formed you may require planning permission and should contact the Planning Authority for confirmation of any requirements.

(Reasons for approval: The rear extension hereby permitted will have a positive impact on the street scene by virtue of its high quality design. There is not considered to be any detrimental impact on neighbouring amenity. Therefore the proposals are considered to be in accordance with PPS1 and PPS1 Annex, policy ENV7 of the East of England Plan (May 2008) and saved policies HBE12 and EP22 of the City of Norwich Replacement Local Plan (Adopted Version November 2004).)

## **7. 09/00563/F - 13 MOORLAND CLOSE NORWICH**

The Planning Development Team Leader presented the report with the aid of slides and plans, and pointed out an amendment to paragraph 3 that 'west' and 'east' had been transposed and the sentence should read:

'The proposal is for a two storey side extension to the east side of the property and a single storey side extension to the west side of the property.'

**RESOLVED** to approve Application No (09/00563/F 13 Moorland 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 materials (bricks and roof tiles)
4. All first floor windows on a side elevation to be obscure glazed.

(Reasons for approval: The decision to grant planning permission has been taken having regard to Saved Local Plan Policies HBE12 and EP22 of the City of Norwich Replacement Local Plan Adopted version 2004 and to all material planning considerations. The proposal is of an acceptable scale, design and massing and will not unduly affect the amenities of the surrounding area.)

## **8. APPLICATION NO 09/00569/F - 279 AYLSHAM ROAD NORWICH**

The Planning Development Team Leader presented the report with the aid of slides and plans, and advised members that the period of consultation did not expire until

the following day and therefore the recommendation should be for approval subject to no adverse comments raising additional issues being received.

**RESOLVED**, with 7 members voting in favour (Councillors Bradford, Llewellyn, Banham, Driver, George, Little and Wiltshire) and 1 member abstaining (Councillor Stephenson) to approve Application No 09/00569/F – 279 Aylsham Road, Norwich and grant planning permission, subject to

(1) the following conditions:-

1. Commencement within 3 years.
2. In accordance with submitted plans.
3. Car parking to be laid out and available before use commences.

(2) no adverse representations raising new issues being received before the close of the consultation period.

(Reasons for approval: The decision is made with regard to saved policies HBE12, SHO12, TRA6, TRA7 and TRA8 of the City of Norwich Replacement Local Plan Adopted Version November 2004 and all material considerations. The change to the shop front and external alterations will not have an adverse impact on the street scene, nor the area as a whole as the existing car parking area will have an improved layout for car and cycle parking, and the shop front will be of a high quality of materials and design.)

## **9. APPLICATION NO 09/00306/NF3 - 57-67 (ODDS) COWGATE NORWICH**

The Senior Technical Officer presented the report with the aid of slides and plans and together with the Senior Planner answered members' questions. Members were advised that the replacement windows were part of a wider scheme to achieve the Decent Homes Standard.

**RESOLVED**, with 6 members voting in favour (Councillors Llewellyn, Banham, Driver, George, Little and Wiltshire) and 2 members voting against (Councillors Bradford and Stephenson) to approve Application No 09/00306/NF3 - 57-67 (odds) Cowgate Norwich and grant planning permission subject to the following conditions:-

1. Standard time limit;
2. Standard drawings condition.

(Reasons for approval: It is considered that the replacement windows will not have a detrimental impact on the building, street scene or wider Conservation Area. Therefore the proposal is considered to be in accordance with PPS1 and PPS1 Annexe; policy ENV7 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).)

CHAIR