



**Planning applications committee**

**9:30 to 13:00**

**11 October 2018**

Present: Councillors Driver (chair), Maxwell (vice chair), Bradford, Brociek-Coulton, Button (substitute for Councillor Trevor), Malik, Peek, Raby, Ryan, Sands (M), Stutely (from end of item 2) and Wright

Apologies: Councillors Henderson and Trevor

**1. Declarations of interest**

Councillor Wright declared a pecuniary interest in item 11 (below), Prospect House Development Brief, as a shareholder in Archant, the site owner.

**2. Minutes**

**RESOLVED** to approve the accuracy of the minutes of the meeting held on 13 September 2018, subject to:

- (1) correcting the date to 13 September 2018;
- (2) in respect of the resolution for Item 7, Application no 18/00112/F - Land between 18 and 20 , West, Norwich, for clarification as the reasons for refusal in policy terms subsequently provided by the head of planning services are identical for both of the reasons given by the committee, inserting the committee's reasons as a heading.

**3. Application no 18/00973/F - Union Building 51 - 59 Rose Lane, Norwich**

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

In reply to a member's question, the planner explained that this application to extend the outside seating area would not require additional transport measures as these had been adequately addressed when the premises became a restaurant, under application no 16/00129/F.

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

**RESOLVED**, unanimously, to approve application no. 18/00973/F - Union Building 51 - 59 Rose Lane Norwich, and grant planning permission subject to the following conditions:

1. In accordance with plans;
2. Only to be open between 7am-midnight;

3. Acoustic barrier and amplification equipment as set out within the noise impact assessment to be retained in perpetuity and not to be modified without express consent;
4. No plant to be installed without consent.

**4. Application no 18/01065/F - Paston House 11 - 13 Princes Street, Norwich, NR3 1AZ**

The area development manager (inner) presented the report with the plans and slides. He referred to the supplementary report of updates to report which was circulated at the meeting. The applicant had submitted details of cycle parking and a waste management plan which were considered acceptable.

During discussion the area development manager (inner) referred to the report and answered members' questions. The applicant had removed the proposed car lift and parking element from the application, however, objections to this had not been withdrawn. Members were advised that should the car lift be installed it would be subject to planning enforcement. Access to the cycle parking would be off Princes Street. There was a car club parking bay in nearby Redwell Street. The units complied with minimum space standards.

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

A member commented that it was disappointing that this was a retrospective application. Members agreed that a strong message should be given to developers to ensure that they applied for planning consent prior to development.

**RESOLVED**, unanimously, to approve application no. 18/01065/F - Paston House 11 - 13 Princes Street Norwich NR3 1AZ and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. No plant or machinery;
4. Details of cycle parking;
5. Bin storage to be provided prior to occupation;
6. Waste Management Plan;
7. Water efficiency.

Informatives:

No parking permits

Article 35(2) statement

The local planning authority in making its decision has had due regard to paragraph 38 of the National Planning Policy Framework (2018) 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 approved subject to appropriate conditions and for the reasons outlined in the officer report.

**5. Application no 18/00639/F and 18/00640/L- 45 - 51 London Street, Norwich, NR2 1HX**

The planner presented the report with the aid of plans and slides. She also referred to the supplementary report of updates to reports which was circulated at the meeting and contained a summary of the conservation and design officer's consultation response.

The planner referred to the report and answered members' questions. She explained that the listed building status constrained the measures that could be taken to make the building Disability Discrimination Act (DDA) compliant. It was not possible to extend the lifts and disabled access would be limited to the ground floor. There were private dining rooms in the basement and first floor which would not be accessible for people in wheelchairs. She explained that because of the constraints of the building there would be baby changing facilities in the accessible ground floor WC and an ambulant user WC based in the basement. Members were advised that the applicant had requested a wooden floor in the Banking Hall and that it would not be original as the floor appeared to have been originally tiled. The current carpet tiles would be lifted to examine the underlying floor covering as part of the material details condition. Members were also advised that the signage would be subject to a separate planning application. Environmental protection officers had advised on the proposed opening times for the restaurant which would be between 07:00 to 23:00.

The chair commented that the vault did not have any windows. The planner explained that as Bedford Street was on a slope, the fire escape access for the basement would therefore be through the existing door onto Bedford Street.

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

Members welcomed the proposal but regretted the loss of a banking facility. The proposal would ensure that this listed building would not remain vacant but put to good use. A member thanked the applicant for the front ramp and said that the provision of changing places should be encouraged. A member said that it was a shame that the lift could not be made to be DDA compliant.

**RESOLVED**, unanimously, to approve:

- (1) application no. 18/00639/F - 45 - 51 London Street Norwich NR2 1HX and grant planning permission subject to the following conditions:
  1. Standard time limit;
  2. In accordance with plans;
  3. Heritage Interpretation;
  4. Not open to public between 07:00 to 23:00;
  5. Restricted delivery hours (07:00 to 19:00);
  6. Submission waste disposal details;
  7. Construction method statement.
  
- (2) application no. 18/00640/L - 45 - 51 London Street Norwich NR2 1HX and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Details of the ramp to be submitted;
4. Details of the ground floor flooring to be submitted;
5. Any damage made good;
6. Localised repair and making good to retained fabric;
7. Any archaeological, architectural and/or historic features not previously identified

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 and has approved the application subject to appropriate conditions and for the reasons outlined in the officer report.

**6. Application no 18/01177/F - 9 Clabon Second Close, Norwich, NR3 4HQ**

The planner presented the report with the aid of plans and slides. During the presentation, the planner referred to the supplementary report of updates to reports which was circulated at the meeting, and said that an additional elevation drawing had been received that better illustrated the relationship with the neighbouring property. Members were also advised that other houses in the area also been extended.

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

**RESOLVED**, unanimously, to approve application no. 18/01177/F - 9 Clabon Second Close Norwich NR3 4HQ and grant planning permission subject to the following conditions:

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

**7. Application no 18/01154/F - 2 Mornington Road Norwich NR2 3NB**

The planner presented the report with the aid of plans and slides. He referred to the supplementary report of updates to reports which was circulated at the meeting. The outbuilding was not to be removed but it was proposed that it was refigured to cause less harm to the adjacent listed terrace. The committee should also consider authorising enforcement action. Members were also advised that the plans on page 81 of the agenda papers related to another application for this site and had been attached to the report in error.

Councillor Malik, Nelson ward councillor, said that he was not predetermined in this case. He referred to the planning history of the site and said that the applicant had now submitted an application. However, before the March 2018 meeting of the committee, the applicant but had not been notified by officers that the council was seeking enforcement action at that meeting. He considered that the applicant had submitted a planning application to refigure the outbuilding and it was therefore not

necessary for the committee to authorise enforcement action. The area development manager (outer) confirmed that procedures had subsequently been reviewed to ensure that when enforcement was being considered and that the relevant parties were notified.

In reply to a question from Councillor Malik, the area development manager (outer) said that due to changes in Data Protection legislation, letters or comments where the correspondent could be identified, were no longer published on the website but could be made available to interested parties on request.

Discussion ensued in which the planner referred to the report and answered members' questions relating to the height of the fencing and the reduced impact that it would have on the adjacent terrace.

The chair moved and the vice chair seconded the recommendations as revised above.

The area development manager (outer) explained that members were being asked to authorise enforcement action to reconfigure the outbuilding at this stage because there was no guarantee that the applicant would start the building work and would avoid the necessity of bringing a further report to a future meeting of the committee seeking authority for enforcement action.

**RESOLVED**, unanimously, to:

- (1) approve application no. 18/01154/F - 2 Mornington Road Norwich NR2 3NB and grant planning permission subject to the following conditions:
  1. Standard time limit;
  2. In accordance with plans;
  3. Outbuilding to be painted / stained prior to use.
  
- (2) authorise enforcement action up to and including prosecution in order to:
  1. secure the reconfiguration of the existing outbuilding as per drawing no 872/11;
  2. making good of the highway;
  3. removal of all demolished materials from site;
  4. provision of a replacement 1.5m high fence/gates.

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

## **8. Enforcement Case 18/00003/ENF – Land at Holt Road, Norwich**

The senior planner presented the report with the aid of plans and slides. He explained that the officer recommendation remained that the land use was not acceptable and that enforcement action should be taken, as set out in the appended report to the committee on 9 August 2018, but acknowledged that members of the committee might be minded to under enforce the breach in planning consent and require a number of measures to overcome the primary planning concerns.

The resident addressed the committee. He said that the gate was 12 metres from the highway and opened inwards. It was not necessary to move the fence back or reduce its height as it would be screened by the hedge. He also commented that he had cleared the rubbish and queried the veracity of the newspaper report that his horses had escaped.

During discussion the senior planner, together with the area development manager (outer), referred to the report, and replied to the resident's comments and members' questions. The gate was in excess of the highways requirement but the condition was to ensure that the gate was at least 5 metres from the carriageway and highway verge and not breached in the future. The proposal to reduce the fence was to improve its appearance whilst the hedge was established. There was damage to the left hand side of the fence. The escape of the animals was not a planning matter for the members to take into consideration but it was practice to report all comments received to the committee. Members were advised that the site was not registered with the Land Registry and its boundaries were dependent on the adjacent sites. Reference could be made to highways adoption plans to ascertain the extent of the grass verge. Councillor Maxwell said that she considered that the site was not suitable for a residential dwelling given its location and proximity to the airport.

During discussion the committee sought further information about under-enforcement and the list of conditions as set out in paragraph 4 of the report. In reply to a question the senior planner said that there was no indication when the additional pitches at the Swanton Road site would become available.

The chair and vice chair moved the recommendations to take out enforcement action to secure the cessation of the use of the site, deferred for 18 months, as set out in the report to the committee dated 9 August 2018 and appended to the report as appendix A.

Discussion ensued in which members commented that they would prefer under enforcement, as set out in paragraph 4 of the report. This was a unique case and there were no other sites currently available for this family. A member said that the committee should have regard to the Human Rights Act. Councillor Ryan said that this case highlighted the under provision of sites for the Traveller and Gypsy community in the Norwich area and that specific sites were preferable than granting permission for small sites in an adhoc fashion. The site was not suitable for a residential dwelling. The chair pointed out that the city council had a better record of providing sites for the Traveller and Gypsy community than many district councils. He agreed to withdraw his motion having listened to members of the committee.

The chair then moved the recommendations as set out in paragraph 4 of the report, though suggesting in his opinion that it was not necessary to reduce the height of the fence which could be stained a darker colour to be make it less obtrusive. Councillor Brociek-Coulton seconded the motion.

During discussion on the treatment of the fence a member suggested that it would weather naturally. The committee considered that the fence should be maintained to ensure that animals could not get on to the road or adjoining land and the site should be kept clean and tidy to avoid danger to aircraft from rubbish blowing around. Several members considered that under enforcement would be a good compromise.

Councillor Wright said that he was minded to support the officer's original recommendation.

Following further conversation, the chair agreed to delete paragraph (d) *A requirement to set the boundary fence back by 2m and reduce its height to no higher than 1.8m* from the list of measures contained in his motion, and not requiring the fence to be either stained or painted. On being put to the vote it was:

**RESOLVED** with 8 members voting in favour (Councillors Brociek-Coulton, Button, Raby, Malik, Sands, Peek, Stutely and Bradford), 3 members voting against (Councillors Maxwell, Wright and Ryan) and 1 member abstaining from voting (Councillor Driver, because he considered that the fence should be stained), to approve an enforcement notice that will require the following measures (for the reasons as set out in paragraph 4 (a), (b), (c), (e) and (f) of the report):

1. A requirement that the site be occupied for residential purposes by the particular individual concerned and his immediate family only and should the family cease to occupy the land for residential purposes the use of the land for residential purposes shall cease and all caravans and portaloos shall be removed from the land.
2. A requirement that no more than two caravans be stationed on the land for the purposes of residential occupation.
3. A requirement to limit the extent of the residential curtilage to a defined area close to Holt Road. No caravans shall be sited outside of this area.
4. A requirement to plant a hedge along the frontage of the boundary to screen the fence
5. A requirement to ensure that any access gates shall be hung to open inwards, set back, and thereafter retained a minimum distance of 5 metres from the near channel edge of the adjacent carriageway.

## **9. Enforcement Case 18/00080/ENF – 15 Suckling Avenue, Norwich, NR3 2SY**

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 importance of Suckling Avenue as the gateway to the Mile Cross Estate, the first purpose built council estate in Britain. The cycle shed was considered to be obtrusive and detrimental to the street scene. Members noted that it was possible to store bicycles at the rear of the property.

**RESOLVED** to authorise enforcement action up to and including prosecution in order to secure removal of bike shed/shed.

## 10. Review of the scheme of delegation

The area development manager (inner) presented the report.

During discussion the area development manager (inner) and the area development manager (outer) referred to the report and explained the rationale behind the proposed changes to the committee's delegations. Several members expressed their concern that the democratic process was being removed from the determination of enforcement cases, smaller household applications, tree preservation orders and the timing of the receipt of objections. Members were advised that there was member call-in and, where the case was controversial, officers would refer applications/cases to be determined by the committee rather than determined under delegated powers. The amended delegations would allow the committee more time to consider significant planning applications and would reduce officer time in the production of reports.

**RESOLVED** with 7 members voting in favour (Councillors Driver, Maxwell, Ryan, Button, Peek, Stutely and Bradford) and 5 members voting against (Councillors Wright, Brociek-Coulton, Raby, Malik and Sands) to approve, for use with immediate effect, the changes to the scheme of delegation as summarised in this report and as set out below:

### **A. Planning applications, conservation area applications, listed building applications and hazardous substances consent applications**

All applications will be determined by the head of planning services with the exception of the following:

(1) approval of major<sup>1</sup> planning applications if:

- (a) subject to one or more objection raising material planning issues provided that said objections are received within the statutory consultation period or, in the case of revised plans, any subsequent formal consultation period; or
- (b) the proposal would represent a serious departure from the development plan.

(2) approval of non-major<sup>2</sup> applications if:

- (a) subject to two or more objections from neighbours and/or other third parties citing material planning issues provided that said objections are received within the statutory consultation period or, in the case of revised plans, any

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<sup>1</sup> major is defined by central government as applications for 10 or more dwellings, outline applications for residential development on sites over 0.5ha, or offices, research, industrial, warehousing or retail development over 1,000 sq m or over 1ha for outline applications.

<sup>2</sup> the opposite of major as defined above.



subsequent formal consultation period;

(b) there is a petition signed by 50 or more local residents (identically worded letters will be treated as a petition); or

(c) the proposal would represent a significant departure to the approved development plan.

(3) Where a member of the city council requests, within 14 days of the publication of the weekly lists, and an appropriate planning justification is made, that the application be referred to the committee for decision.

(4) Applications submitted by a member of the city council, a member of staff employed in the planning service or who works in a professional capacity in a field closely related to the planning service or their immediate family defined as husband / wife / partner / son / daughter / mother / father / brother / sister /and equivalent in-laws as either applicant or agent.

## **B. Prior notifications**

All applications will be determined by the head of planning services with the exception of the following:

(1) In the case of telecoms cabinets, masts or antennae under Part 25 of The Town and Country Planning (General Permitted Development) Order 2015 as amended which are subject to two or more objections from neighbours and/or other third parties citing issues of siting and/or appearance (these being the only matters for which prior approval is required) that the head of planning's decision must be subject to consultation with the chair and vice chair of the planning applications committee if one or more ward councillors so request within 21 days of advertisement, neighbour consultation or publication of the weekly list.

## **C. Planning enforcement**

All decisions will be made by the head of planning services.

## **D. Tree Preservation Orders (TPOs) and applications for tree works in conservation areas or protected by TPOs**

All decisions will be made by the head of planning services with the exception of:

(1) The confirmation of a tree preservation order served where there are 5 or more objections to that order **unless** the order relates to a site upon which there is an existing order.

## **E. Applications for Permission in Principle and for Technical Details Consent**

All decisions will be made by the head of planning services.

**F. Other**

Any Items which the director of regeneration and development considers appropriate to refer to the planning applications committee.

**11. Prospect House Development Brief**

(Councillor Wright having declared an interest in this item below left the meeting at this point.)

The design, landscape and conservation manager presented the report.

Discussion ensued in which the design, landscape and conservation manager, together with the area development manager (inner), referred to the report and the development brief, and answered members' questions.

Members considered that it was important for the local economy to retain good quality office space on the site as well as providing new homes. A member said that he had worked in Prospect House and that it was not a functional building. No timetable had been given for the vacation of the building but members expressed an aspiration that Archant would remain on the site in the new office space.

Discussion ensued on the heights of the buildings and members noted the sloping aspect of the site. Members also noted that there would be one bedroom apartments which would be for the general housing market and social housing, and were not intended for student accommodation with shared communal areas. The proposal was for a high quality development with a range of heights and pedestrian routes through the site.

Members were advised that the development plan took into account the application of affordable housing.

**RESOLVED**, unanimously, to approve the Prospect House development brief as attached to the report as appendix 1.

CHAIR