

Planning applications committee**9.30am to 12.35pm****7 August 2014**

Present: Councillors Gayton (chair), Sands (M) (vice chair), Ackroyd, Boswell, Bradford, Button, Henderson (substitute for Councillor Grahame), Herries, Jackson, Neale and Woollard

Apologies: Councillors Blunt and Grahame

1. Declaration of interests

Councillor Henderson declared a disclosable interest in item 11 (below) application no 14/00716/NR3 St James House, St James Close, Norwich, NR3 1NU, because she rented a garage at the site.

2. Minutes

RESOLVED to approve the minutes of the meeting held on 3 July 2014.

3. Application no 14/00818/VC Former Bally Shoe Factory Ltd, Hall Road, Norwich, NR4 6DP

The senior planner (development) 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 a late representation asking whether the proposed contribution of £20,400 was adequate mitigation for the removal of the community use clause from the S106 agreement and an update on the applicant's energy strategy.

During discussion the senior planner, together with the planning development manager, referred to the report and answered member's questions, which included an explanation on the access arrangements and the car park layout. A member said that it would have been helpful to have a plan showing the gradients of the site. At the invitation of the chair, the agent confirmed that the company had reduced its energy requirements in the two years since the original application was made. Although there was some regret that the higher percentage of renewable energy use could not be achieved, a member praised the applicant's energy strategy for its use of renewable energy generation technology. Members noted that local residents were keen to see this derelict site developed.

Discussion ensued on the proposed variation of the S106 agreement to remove community use provision for the use of the gym. Members sought assurance that the community would not miss out on funding. Councillor Herries proposed that the

applicant's contribution should be £55,000 paid over a five year period. The senior planner explained that the actual value of the community use clause in the S106 agreement could not be evaluated because it was dependent on the number of concessions taken up by the local community at the gym. The council's sports and equity development officer and neighbourhood team had considered the cost of delivering a health improvement programme at the new community centre which would have wider health and social benefits to the local community and considered that it could be delivered for £20,400 which the applicant had agreed to pay as a commuted sum. The programme was designed to be self-financing in future years. Members were advised that a larger commuted sum could be considered to be onerous on the applicant and would require further negotiation. Councillor Herries withdrew the proposal.

During discussion some members expressed concern about proposed change to the conditions to increase the proportion of the sales area for the sale of non- food items (comparison goods) to 40% and that the total floor space of the proposed supermarket exceeded the maximum set out in the revised policy. Councillor Neale said that he intended to abstain from voting for this reason.

RESOLVED with 7 members voting in favour (Councillors Gayton, Sands, Ackroyd, Button, Herries, Woollard and Bradford) and 4 members abstaining (Councillors Boswell, Jackson, Neale and Henderson) to approve application no 14/00818/VC Former Bally Shoe Factory Ltd, Hall Road, Norwich, NR4 6DP and grant planning permission, subject to:

(1) the completion of a Deed of Variation to agree changes to the S106 Obligation signed previously in relation to application ref:12/02003/F, to allow the payment of commuted sum for the resourcing of a health improvement programme

(2) the following conditions:

1. Non-standard time limit – 3 July 2016.
2. Development undertaken in accordance with approved plans and documents;
3. Phasing details.
4. Phasing of family pub – as agreed 14/00723/D
5. No subdivision of superstore;
6. Comparison retail not to be accessed separately to the convenience food store or run independently;
7. Net floor space within the ASDA store not to exceed 3,406sqm net (excluding the first floor cafe) and comparison floor space to be limited to 1,362sqm net;
8. Café to be provided at first floor level of the ASDA store
9. Details of the café glazing to be agreed;
10. Removal of permitted development rights for the insertion of a mezzanine floor within the ASDA store;
11. 'Retail units' to be A1, A2, A3 or A5 only/shall not be combined to form less than 4 units in total/at least 1 retained in A1 use and no more than 2 of each of A2, A3 or A5;
12. Community centre only to be used as a community centre;
13. Details of the ongoing management and maintenance of the community centre to be agreed;
14. The D2 'gymnasium' restricted to a D2 sports use;

15. Removal of permitted development rights at the restaurant/pub to change to A2;
16. No use of the public house between 00:01 and 06:59 on any day;
17. No use of the any hot food takeaway at the upper level of the retail units beyond 23:00 on any day (until 07:00 on the following day);
18. Business units only to be used for B1 or B8 use only;
19. Submission of landscaping details for each phase, including all hard and soft treatments, also including lighting plans and the provision of offsite landscaping on highway land/Landscaping to be maintained and any new trees/shrubs lost to be replaced;
20. Compliance with the submitted arboricultural statement and submission of further method statements to be agreed;
21. Root protection measures
22. Arboricultural details
23. Service/soak-away details
24. Agree details of materials including samples where necessary;
25. Agree details and provision of heritage interpretation;
26. Agree details and provision of bat and bird boxes;
27. Provision of access, parking and servicing areas;
28. Agreement of a construction traffic management plan and access route;
29. Provision of construction vehicle wheel cleaning facilities;
30. Provision of off-site highway improvement works;
31. Agree details of the interim travel plan;
32. Agree a full travel plan following occupation;
33. Details of any plant or machinery including details of noise mitigation;
34. Details of dust suppression;
35. Unloading of vehicles shall only take place directly to/from the designated delivery docking bay;
36. Delivery vehicle engines and refrigeration units fitted to delivery vehicles shall be switched off at all times when on site and stationary;
37. Contamination conditions for a scheme to deal with contamination
38. Contamination – verification stage;
39. Unknown contamination
40. Surface water pollution control
41. Surface water drainage
42. Scheme for water, energy and resource efficiency measures to be submitted in accordance with the energy efficiency statement and to additionally provide for photovoltaic panels on the community centre building and details of the provision of the sites energy from decentralised and renewable or low carbon sources.
43. Details of the design of the external veranda to the rear of the community centre.

4. Application no 14/00742/F 44A Mount Pleasant, Norwich, NR2 2DH

The planning development manager presented the report with the aid of plans and slides and answered a member's question on the design of the roof.

RESOLVED unanimously to approve 14/00742/F (44A Mount Pleasant) and grant planning permission, subject to the following conditions:-

1. Commencement of development within 3 years.

2. In accordance with the approved plans
3. External facing materials
 - (a) Brickwork (including sample panel)
 - (b) Render (including sample)
 - (c) Roof material (including sample)
 - (d) Chimney detail
 - (e) Window and door surrounds (including sample and scale drawings)
 - (f) Window and door joinery (including material, finish and scale drawings)
 - (g) Eaves detail (including material, finish and scale drawings)
 - (h) Rooflights specifications
 - (i) Dormer design and materials
 - (j) Landscaping
 - (k) Bin and cycle store details
 - (l) Side windows fixed shut and obscure glazed
 - (m) Water conservation

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

Informatives:

1. Considerate construction.
2. Community infrastructure levy.
3. Parking permits.
4. Permeable hardstanding.

5. Application no 14/00924/F 180 Angel Road, Norwich, NR3 3JD

The planning development manager presented the report with the aid of plans and slides. He explained that that in planning terms this was a finely balance proposal which would indubitably impact on the neighbouring properties.

The resident of the semi-detached property adjoining the applicant's addressed the committee and requested that slides and an image of a double decker bus to illustrate the mass and extent of the extension would have on his property and over shadow his mature garden. The resident of no 182 Angel Road also addressed the committee and outlined his concerns that the proposed extension would cause shadowing of his garden and that the view from his house would be of a large brick wall which he considered would be an eyesore.

During discussion the planning development manager answered members' questions. A member referred to the unusual position of the semi-detached dwellings which were set back from the line of houses and suggested that the applicant could consider extending to the front of the house instead of the rear. Members commented on the impact that the extension would have on the gardens of the neighbouring properties and that the brick wall would have an oppressive "prison like affect" on the garden of 182 Angel Road.

Councillor Sands moved and Councillor Ackroyd seconded that the application be refused on the grounds that the proposed extension, with regard to the dwelling's unusual location on the site, would cause loss of amenity, loss of daylight and that the size and mass of the extension would be overbearing.

RESOLVED to with 9 members voting in favour of refusal (Councillors Gayton, Sands, Ackroyd, Boswell, Button, Henderson, Herries, Woollard and Bradford) and 2 members voting against refusal (Councillors Jackson and Neale) to refuse application no 14/00924/F 180 Angel Road, Norwich, NR3 3JD on the grounds of loss of amenity to the neighbours and because of the size and mass of the extension would cause loss of day light and shadowing to the neighbouring properties, and to ask the head of planning services to provide the reasons in planning terms.

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

The proposed two storey extension by virtue of its height, depth and proximity to the boundary would result in a significant detrimental impact on the amenities of numbers 178 and 182 Angel Road. The proposal would have an overbearing impact on the outlook of number 178 Angel Road, particularly when viewed from the rear windows of 178 Angel Road, due to the proximity of the extension to the boundary and due to the height and depth of the extension. The proposal would also lead to loss of light, overshadowing and an overbearing effect to the rear garden of number 182 Angel Road due to the unusual set back of 180 Angel Road within its plot and due to the depth and height of the extension. The proposals are therefore contrary to saved policy EP22 of the adopted City of Norwich Replacement Local Plan (2004), policy DM2 of the emerging regulation 22 Development Management Policies Development Plan Document (2013) and paragraphs 9 and 17 of the National Planning Policy Framework (2012).

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. Whilst a scheme has been given a recommendation for approval by officers elected members considered for the reasons outlined above that on balance and in light of the above policies that the application was not acceptable

6. Application no 14/00673/U Notcutts Garden Centre, Daniels Road, Norwich, NR4 6QP

The planning team leader presented the report with the aid of plans and slides and answered a members' question about the access to the pre-school activity centre.

RESOLVED unanimously to approve application no 14/0000673/U at Notcutts Garden Centre, Daniel Road and grant planning permission, subject to the following conditions:-

1. Commencement of development within three years
2. The development approved shall be in accordance with the approved drawings, plans and details

3. Notwithstanding the provisions of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order, with or without modification), the premises, the subject of this permission, shall only be used as a pre-school children's activity centre (D2 use class) and for no other purposes including any other purpose in Class D2 of the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).
4. No use of the premises as a pre-school children's activity centre shall take place until:
 - (a) a Travel Information Plan has been prepared and submitted to and agreed in writing with the local planning authority. The Travel Information Plan shall:
 - (i) make provision for travel information to be publicised to staff and existing and potential future visitors to the site; and
 - (ii) specify the different methods to be used for publicity and the frequency of review; and
 - (b) the travel information has been made available in accordance with the Plan as agreed and, once made available, shall be maintained thereafter in accordance with the agreed review details.This information shall include details of the public transport routes and services available within half a mile walking distance of the site, cycle parking provision and facilities for cyclists on site and any other measures which would support and encourage access to the site by means other than the private car.

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

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

7. Application no 14/00683/O 36 Broadhurst Road, Norwich, NR4 6RD

The planning team leader presented the report with the aid of plans and slides and explained that the application was for outline planning permission.

An immediate neighbour to the proposal site addressed the committee and outlined his objections to the development. A number of plans, including one showing similar plots in Eaton Rise, and photos taken from his garden and dining room were displayed at the meeting to illustrate his concern that the new dwelling would be too close to his house and was atypical to the surrounding large family houses.

The architect spoke on behalf of the applicant and explained that the development was to provide a single storey one bedroom house for a family member. The application was for outline planning permission and the detail of the design would be considered at reserved matters. The family used the south side of the garden and did not use the proposed development site as garden space.

Discussion ensued in which members expressed concern that approving development on this garden site could establish a precedent. Members were advised that the National planning policy framework (NPPF) stipulated that local planning authorities should consider adopting policies to resist inappropriate development on garden land; however the council did not have a policy or an emerging policy to resist developments in gardens Councillor Jackson moved, but later withdrew, an amendment to refuse the development as overdevelopment because of the NPPF policy 58.

Discussion ensued in which Councillor Sands proposed, seconded by Councillor Ackroyd, that members deferred consideration of the application for officers to discuss with the applicant the possibility of moving the redline of the site closer to the house at 36 Broadhurst Road and making it possible to move the proposed single storey dwelling on the plot. Members were advised that the applicant could choose to amend the application site or leave the application unchanged.

RESOLVED, with 9 members voting in favour (Councillors Gayton, Sands, Ackroyd, Boswell, Button, Henderson, Herries, Woollard, and Bradford) and 2 members voting against deferral (Councillors Jackson and Neale), to defer consideration of application no 14/00683/O 36 Broadhurst Road, Norwich, NR4 6RD to allow for officers to discuss amendments to the scheme with the applicant.

8. Application no 14/00719/F 222 Sprowston Road, Norwich, NR3 4HT

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

A resident of Tillett Road East addressed the committee and outlined his objections to the proposed change of use which included noise, increased odour from cooking, pointing out that there was already a fish and chip shop and a food processing plant in nearby Denmark Opening, and pressure on parking spaces.

The current occupier of 222 Sprowston Road spoke in support of the application and said that he had traded from the premises for over 30 years and had never had a complaint about the fish and chip shop next door. There was parking to the rear and front of the property.

Discussion ensued in which the planner answered members' questions and members considered the hours of operation and that any subsequent licensing application would need to abide by the planning condition. Environmental health officers had recommended that the operational use should not be beyond 23.00 hours in line with World Health Organisation guidance for residential areas. Also the applicant would have been required to submit a noise impact assessment to open the premises after 23.00. Councillor Sands moved that condition 7 should be amended so that the premises operated until 21.00 hours (in line with the adjacent fish and chip shop) and be closed on Sundays. The amendment was not seconded and therefore failed.

RESOLVED, with 5 members voting in favour (Councillors Bradford, Woollard, Neale, Herries and Henderson) and 6 members abstaining (Councillor Jackson,

Button, Boswell, Ackroyd, Sands and Gayton), to approve application no 14/00719/F 222 Sprowston Road, Norwich, NR3 4HT, subject to the following conditions:

1. Standard time limit.
2. Development in accordance with plans.
3. Details of refuse storage and cycle parking.
4. Use of the residential space contained within the premises to remain ancillary to the use as a takeaway and shall only be occupied by those persons having a close connection with the takeaway within this address.
5. No use of extract ventilation plant and/or machinery shall take place on the premises unless and until it has been enclosed with sound-insulating/absorbing material and mounted in such a way which will minimise transmission of structure borne sound and will ensure that noise levels emanating from the application premises shall not exceed 45dB at 63Hz C.B.F., 40dB at 125Hz C.B.F. and NR30 over the frequency range from 250Hz to 8KHz as measured at a position 1 metre outside any noise sensitive premises and shall not exceed 37 Db AT 63Hz C.B.F., 30dB at 125Hz C.B.F and NR20 over the frequency range from 250Hz to 8KHz as measured inside any adjoining noise sensitive premises, in accordance with a scheme to be first approved in writing by the local planning authority and once enclosed, it shall be retained as such thereafter.
6. No extract ventilation or fume extraction system shall be installed or erected on the site unless in accordance with a detailed scheme that has been submitted to and approved in writing by the local planning authority. The detailed scheme shall include the position of ventilation, fume or flue outlet points and the type of filtration or other fume treatment to be installed and used in the premises in pursuance of this permission, together with a schedule of maintenance. No use of the premises as hereby permitted shall take place until the approved scheme has been installed and is operational and thereafter it shall be retained in full accordance with the approved details and the maintenance of the system, including any flue, shall be carried out in accordance with the scheme as agreed.
7. No operational use of the premises which form the subject of this permission and outlined in red on the approved location plan shall take place other than between the hours of 07:00 and 23:00 on any day.

Informatives:

1. Refuse and recycling bins for residential development: All bins to be purchased by the applicant prior to occupation, in agreement with Norwich City Council city wide services department. Customer Contact Team: 0344 980 3333, info@norwich.gov.uk Contact transport@norwich.gov.uk for the refuse guide for developers.
2. Street naming and numbering: Contact Kay Baxter at Norwich City Council, tel 01603 21 2468 (Mondays and Tuesdays only).
3. Cycle stands: covered and secure or freestanding stands ii) Sheffield Stand: Brushed stainless steel.

9. Application no 14/00713/NF3 Heartsease Towers Park, Sale Road, Norwich

The planner (development) presented the report with the aid of plans and slides and answered members' questions.

RESOLVED, unanimously, to approve application no 14/00713/NF3 Heartsease Towers Park, Sale Road, Norwich and grant planning permission subject to the following conditions:

1. Standard time limit.
2. Development in accordance with approved plans.
3. Landscaping (to include details of paving material and 'conservation cut')
4. Development in accordance with the arboricultural impact assessment.

10. Application no 14/00445/F - Old School Court Norwich

The planner (development) presented the report with the aid of plans and slides and referred to the supplementary report of updates to reports, circulated at the meeting, which contained a correction to the original report in that there were in fact two trees to be removed and replaced (T338 and T341) The supplementary report also summarised a further letter of representation from a previous objector and a proposal to amend condition 4 to require development to be carried out in accordance with the arboricultural impact assessment.

answered members' questions. She explained that the tree protection officer was satisfied with the proposed replacement of trees that were of "similar visual amenity" ie of the same size and amenity value of the tree that was being replaced, but not the same species.

RESOLVED unanimously to approve application 14/00445/F for Old School Court and grant planning permission subject to the following conditions:

1. Standard time limit.
2. In accordance with plans.
3. Materials to match.
4. Development to be carried out in accordance with the arboricultural impact assessment.

11. Application no 14/00716/NF3 St James House, St James Close, Norwich NR3 1NU

(Councillor Henderson, having declared an interest, left the meeting during consideration of this item.)

The planning development manager presented the report with the aid of plans and slides.

RESOLVED, unanimously, to approve application no 14/00716/NF3, St James House, St James Close and grant planning permission, subject to the following conditions:-

1. Standard time limit.
2. In accordance with plans.
3. Roofing materials of extension and brickwork where existing doors or windows are to be blocked up to match existing.
4. Details of timber cladding to bin store and extension to be agreed.
5. Bin store and scooter store to be provided prior to occupation of the units following the refurbishment.
6. Protective barriers to trees.
7. Details of landscaping to be agreed.
8. Water efficiency measures for flats 1 and 2.

Informatives

1. Community infrastructure levy.
2. Tree protection barriers.
3. New dwelling will not be eligible for parking permits.

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.

(Councillor Henderson was readmitted to the meeting at this point.)

12. Performance of the planning development management service, 1 April to 30 June 2014 (Quarter 1, 2014 to 2015)

The planning development manager presented the report and pointed out that performance was generally positive as a result of improvements to speed up processing applications. There had been a slight dip in the performance for minor applications due to a change in working practices which gave applicants an opportunity to amend a scheme to secure a satisfactory outcome rather than the being issued with a refusal, with the associated costs and delay to the applicants and officers in dealing with a re-submission.

RESOLVED to note the contents of the report.

13. Performance of the planning development management service, Appeals – 1 April to 30 June 2014 (Quarter 1, 2014-15)

The planning development manager presented the report and answered a member's question. No appeals had been upheld during the period.

RESOLVED to note the contents of the report.

14. Performance of the planning enforcement service, 1 April to 30 June 2014 (Quarter 1, 2014-15)

The planning development manager presented the report and answered members' questions. He explained that there could be a variety of reasons why no new formal action was instigated during this quarter, including successful negotiation of cases before formal action was necessary.

RESOLVED to note the contents of the report.

CHAIR