



**Planning Applications Committee**

**09:30 to 12 noon**

**14 December 2023**

**Present:** Councillors Driver (chair), Sands (M) (vice chair), Calvert, Champion, Hoechner, Lubbock, Peek, Price (from item 3 below), Prinsley, Sands (S) and Young

**Apologies:** Councillors Thomas (Va) and Thomas (Vi)

**1. Declarations of interests**

Councillor Peek declared a pecuniary interest in item 3 (below) Application no 23/00843/F – Site Adjacent to 99-105 Netherwood Green, because he was employed by St Martin's Housing Trust. Councillor Peek left the meeting during the consideration of this item and did not take part in the determination of this item.

**2. Minutes**

**RESOLVED** to approve the accuracy of the minutes of the meeting held on 9 November 2023.

(Councillor<sup>1</sup> Peek left the meeting at this point.)

**3. Application no 23/00843/F – Site Adjacent to 99 – 105 Netherwood Green, Norwich**

**Proposal:** Proposed development of garage site into 4 No. self-contained modular flats with associated landscaping.

(Please note that there are a couple of incorrect references in the report. Where the text refers to the site adjacent to 133 Netherwood Green in the purpose and in the recommendation, it should be amended to Site Adjacent to 99-105 Netherwood Green. The plans also have the incorrect reference number on which should be corrected to 23/00843/F.)

(Councillors Peek, having declared an interest, was not present during the consideration of this item.)

(Councillor Price joined the meeting during this item.)

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<sup>1</sup> Minutes approved 11 January 2024 subject to amending this sentence by deleting "Ackroyd and".

The Senior Planner (case officer) presented the report with plans and slides. The application had been deferred from the previous meeting (9 November 2023) because of members' concerns about the access to the bin stores and that one of the first-floor flats would be overshadowed by the Sycamore trees and required extra light to that property. Officers liaised with the applicants and the plans had been revised accordingly. The applicants had taken into consideration the neighbours' concerns about overlooking and therefore had not requested the addition of obscure glass windows to this first storey flat. During the presentation members were referred to the supplementary report of updates to reports, which was circulated at the meeting and contained confirmation that notification of the date of the committee had been corrected and reissued; and two further letters of objection and had been received relating to the use of bollards, and concerns about crime and antisocial behaviour, together with the officer response.

The owner of Martineau Cottage addressed the committee with his objections to the scheme. This included objections to the bollards as the county council had a right of way over the site and gardens of the cottage to maintain the supporting south wall to Martineau Lane; that the design of the modular buildings was contrary to DM3 and did not enhance the character of the neighbourhood which comprised brick and flint buildings; that the garages formed the boundary back wall of the cottage gardens and that the block should not be knocked down completely; concern about access and the positioning of the yellow lines and that the cottage was at a similar distance from the other adjacent houses and therefore concerns about overlooking also applied.

The Managing Director of St Martin's Housing commented on the 8-bed accommodation approved at the previous meeting, and said that there had been objections to the planning application for the Somewhere Safe to Stay Hub in Recorder Road and that it was now an important part of the infrastructure that had helped to buck the national trend by reducing the numbers of people rough sleeping in the city, through the provision of specific support and accommodation. Around 500 people had received support at the hub, and only three complaints had been received about antisocial behaviour, with no one being charged with drug dealing at the hub or in its vicinity. There was antisocial behaviour because some of the residents had poor mental health and the staff worked closely with the police. She also referred to the national housing crisis and the need to provide more social housing, the circumstances that lead to people sleeping rough and the positive impact that the provision of accommodation made to rough sleepers and that it saved lives.

The Senior Planner referred to the report and commented on issues raised by the speakers. The design of the proposal was considered acceptable as it was a small-scale, low-profile development that created a new identity as a later addition to the surrounding buildings in Netherwood Green and Arnold Miller Road and made little impact. The scheme replaced the existing garage buildings. Members were advised that there was a landscaping condition that would include additional planting and greenery to provide additional privacy along the boundary wall. The county council's right of way to Martineau Cottage was a legal matter for the new landowners to agree with Norfolk County Council, and not a material planning matter for consideration at this meeting.

Discussion ensued in which the Senior Planner, together with the Development Manager, answered members' questions. This included information on the function of sun tunnels to defuse light from a domed glass in the roof and did not generate significant heat gain. Members were advised that the construction of modular buildings was much quicker than that of traditional buildings and that the insulation and energy efficiency was policy compliant for a development of under 10 units but enhanced measures could for a development of this size was not supported by policy. Officers explained the location of the bollards and that it was not possible to enforce parking on yellow lines beyond the extent of the highway. The applicants had confirmed that designated parking on this site was not required as there was parking available at the site adjacent to 133 Netherwood Green and they had parking permits. The Senior Planner confirmed that the Trust could operate the bollards.

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

A member said that he considered that the revised scheme did not meet the concerns about the lack of natural light in the living room of the first floor flat. The Senior Planner said that the first floor flat had natural light from the north facing windows, but these were overshadowed by the trees. The sun tunnels would provide additional natural light to the living room but had not been recommended for the bedroom as there was no easy way to block the light. During discussion members considered that an additional condition to secure the details of the sun tunnels was not necessary.

A member commented that she welcomed this car free scheme and the increased garden space.

**RESOLVED**, unanimously, to approve application 23/00843/F Site Adjacent to 99 – 105 Netherwood Green, Norwich, and grant planning permission subject to the completion of a Section 106 legal agreement to secure nutrient neutrality mitigation and GIRAMS contributions and the following conditions and informatives:

1. Standard time limit;
2. In accordance with plans;
3. Materials details
4. Landscaping details including bollards
5. Surface water drainage
6. Ecology measures
7. Cycle storage details
8. Off-site highway works details
9. Contamination – site investigation and remediation
10. Unexpected contamination
11. Imported soil
12. Water efficiency
13. Tree protection

Informatives:

1. Construction working advice
2. Asbestos removal
3. No car parking permits

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

**4. Application no 23/01176/U 7 Bowthorpe Main Centre Wendene, Norwich, NR5 9HA**

**Proposal:** Change of use on the ground floor from a retail unit (Class E) to a hot food takeaway (sui generis) and installation of ventilation and extraction equipment with associated external works.

The Development Management Team Leader presented the report with the aid of plans and slides.

The owner of a food takeaway establishment located in Bowthorpe Main Centre Wendene addressed the committee with his concerns that his business would be at risk because it could not be able to compete with the proposed change of use from retail to a food takeaway operated by a large chain.

The agent addressed the committee on behalf of the applicant. The change of use of the unit from retail to a food takeaway was considered acceptable under policy DM21 and would bring a vacant unit back into use. There was adequate vehicle access and parking available. The unit had previously been used as a newsagent and under this class use, could be used as a café or restaurant without planning permission. The officer recommendation was supported by the Environmental Protection food hygiene team. The extractor duct would be discrete and as most of the food was oven baked there would be minimal impact on residential amenity.

The Development Management Team Leader advised members that business competition was not a material planning matter. In reply to a member's question, she explained that there was no planning policy to address concerns relating to the obesity crisis and proximity of takeaways to each other.

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

During discussion, Councillors Sands (M) and Sands (S) (ward councillors for Bowthorpe Ward) commented on the application. Competition was not a bad thing. Whilst noting the comments about policies relating to restricting the availability of takeaways to prevent obesity, the proximity of similar businesses increased footfall and provided variation which attracted more customers, particularly in an area with a high student population. The change of use would bring an empty unit into use and add vitality to the centre, and could encourage further businesses to fill other vacant units.

**RESOLVED**, with 9 members (Councillors Driver, Prinsley, Sands (M), Sands (S), Calvert, Haynes, Peek, Young and Lubbock) and 2 members abstaining from voting (Councillors Hoechner and Price) to approve application 23/01176/U, 7 Bowthorpe Main Centre, Wendene, Norwich NR5 9HA and grant planning permission subject to the following conditions:

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

3. Opening hours limited to 11:00 till 23:00 daily.
4. Works in accordance with details provided in Annex B document and manufacturers guidance.

**Informatives:**

1. The applicant is reminded that external signage would require a separate advertisement consent.
2. The applicant is reminded that prior to first use of the site the new food business operating will need to register with the Food Standards Agency to be added to Norwich City Council's food hygiene rating scheme.

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

**5. Application no. 23/01166/F 1 Fernhill, Norwich, NR1 4AQ**

**Proposal:** External insulation and replacement render (retrospective).

The Conservation and Design Officer (case officer) presented the report with the aid of plans and slides. She also referred members to the supplementary update of report, which was circulated at the meeting, and contained a summary of the reasons that Councillor Kidman had provided with the call in of this application to the committee.

The applicant addressed the committee in support of the application. She did not agree with the officer assessment that the rendering would harm the Thorpe Ridge Conservation Area, and the report did not refer to the local and national planning policies supporting measures to address climate change or the heritage impact assessment that the applicants had submitted to support the application. The houses in Fernhill were not locally listed and it was misleading to state that the house was a "non-designated heritage asset". If refused the rendering and insulation would be removed and end up in landfill. The 1930s house had been updated by the external insulation and replacement render which had future proofed the house and would benefit the tenants from reduced energy bills. There were houses with similar render in Telegraph Lane East. Neighbours supported the improvements that had been made.

(Councillors Price and Haynes, as councillors for Thorpe Hamlet ward, asked that it was recorded that they were not predetermined. The applicants had sent an email to all three of the ward councillors.)

The Development Manager referred to the report and said that he considered that it was not misleading to consider the house, as part of the group of houses in Fernhill, as a non-designated heritage asset. The conclusion was that there were other measures that could achieve the same benefits that were less harmful to the house as a non-designated heritage asset and the character of the conservation area.

During discussion the Conservation and Design Officer and the Development Manager answered members' questions. This included an explanation that the applicants had submitted the retrospective application during the enforcement process that followed a report of a breach of planning control. If refused the

applicants would be required to restore the property to what was deemed acceptable in planning terms. The costs of the choice of insulation or rendering or the removal and restoration were not material planning considerations.

Members commented on the existing alterations to the properties in Fernhill such as extensions and window replacement and the use of similar rendering in Telegraph Lane East, and pointed out that there was a precedent. Members were advised that the authority had been notified of this breach, unauthorised work in a conservation area, and that it was not justification to approve this application. In this case, the change of render was outside permitted development rights and required planning consent, due to the house being part of a group of non-designated heritage assets and in a conservation area. The independent heritage assessment submitted by the applicant was available on the public access planning portal. Officers did not agree with this assessment. Members were also advised that the use of local listing was now considered anachronistic because the process did not include all buildings worthy of protection or decrease the heritage value of buildings that were not locally listed. The National Planning Policy Framework covered a broad range of buildings under “non-designated heritage assets”. The Conservation and Design Officer pointed out that the render of the other houses in Fernhill were either white or off white.

The chair moved and the vice chair seconded the recommendation to refuse the application as set out in the report.

Discussion ensued in which members commented that there was little visual difference from the choice of smooth render to the original, rough surface render, and considered that a less proscriptive solution to removal could be found. Members also considered that the use of different windows and external doors gave the impression of a lack of cohesion between the houses in the groups. A member expressed sympathy for the applicants not being aware of the need for planning permission and considered that the contractor should have made them aware.

Other members spoke in support of the officer recommendation. The colour of the render was very different from the rest of the group of houses. Another member, whilst welcoming the external insulation, said that the images of the render did not do justice to the difference in texture. This situation was less likely to occur if the council could enforce planning breaches more effectively. The council would not have entertained the applicants’ choice of render if an application had been made before carrying out the work, and the contractors were not to be blamed. A member said that he considered that the render of this house stood out from the other houses and that the back of the house was visible.

During discussion, Councillor Young commented on the need to encourage retrofitting of properties to create affordable warm homes moved, and Councillor Peek seconded, a motion to defer the decision on this application to consider the costs and the impact on reducing energy consumption. The Development Manager said that costs were not material to the planning application and Councillor Young withdrew the motion.

Councillor Sands (M) moved, and Councillor Lubbock seconded, a proposition to retrospectively approve the external insulation and render because on balance the benefits of the external insulation and render outweighed the harm to the character

and appearance of the group of houses and the character and appearance of the conservation area.

Discussion ensued in which members also took into consideration that five households out of the eight houses in Fernhill supported the applicants; and that other properties in the conservation area had similar render without planning permission, which demonstrated that the need for planning consent was not widely understood.

**RESOLVED**, with 8 members voting in favour (Councillors Driver, Prinsley, Sands (M), Haynes, Hoechner, Price, Lubbock, and Young) and 3 members voting against (Councillors Peek, Sands (S) and Calvert) to approve Application no 23/01166/F – 1 Fernhill, Norwich, NR1 4AQ, contrary to officer recommendation, because members considered that the impact to the character and appearance upon the group of four pairs of semi-detached properties of nos. 1-8 Fernhill and harm to the special character and appearance of the Thorpe Ridge Conservation Area is considered to be outweighed by the benefits of providing insulation to the property.

**6. Variation of Condition 3: Opening hours of permission 20/00497/F6  
Aylsham Crescent, Norwich, NR3 2RZ**

**Proposal:** Variation of Condition 3: Opening Hours of permission 20/00497/F

The Conservation and Design Officer (case officer) presented the report with the aid of plans and slides. She referred to the supplementary report of updates to reports which clarified the description of the proposal to a variation of condition 3 (opening hours) and attaching the decision notice that should have been appended to the report.

The Development Management Team Leader read out a statement on behalf of a neighbour who was unable to attend the meeting. In the statement the neighbour referred to the proximity of her home to the premises and issues that they had with the premises owners regarding maintenance of a gate and cooking odour. The neighbours were concerned that extended opening hours would increase the impact of the business on their home, with increased noise disturbance and rubbish in their gardens.

During discussion the Development Manager said that, whilst there had been no formal action taken, there had been long standing issues with the operating hours for this premises. This application set out clear expectations to the current operators of what was acceptable and subject to enforcement. Environmental Protection did not object to the proposed hours of operation.

A member objected to the use of “cumulative impact” as it had a different connotation under licensing regulations. In response to a question, the Conservation and Design Officer explained that members were being asked to agree the opening hours and that the “cumulative impact” referred to the noise and rubbish impact of the business operating for an additional hour a day.

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

During discussion a member said that he supported the officers recommended hours and considered that there was no requirement to purchase dessert to 1am. Another member considered that the suggested hours were a positive recommendation.

**RESOLVED**, with 10 members voting in favour (Councillors Driver, Calvert, Hoechner, Sands (M), Haynes, Price, Peek, Sands (S), Prinsley and Lubbock) and 1 member voting against (Councillor Young) to approve Application 23/01074/VC, 6 Aylsham Crescent, Norwich, NR3 2RZ, subject to the following conditions:

1. In accordance with plans.
2. That opening hours will be restricted to 8am until 11pm on Monday-Saturdays and from 8am until 10pm on Sundays and Bank Holidays.
3. No air conditioning units to be installed without prior consent.
4. Extract ventilation to be agreed within 3 months of the date of this consent.

CHAIR