



NORWICH
City Council

Planning applications committee

Date: Thursday, 23 April 2020

Time: 10:00

Venue: Join Zoom Meeting : <https://zoom.us/j/94384420370>
Meeting ID: 943 8442 0370

Committee members:

Councillors:

Driver (chair)
Maxwell (vice chair)
Bogelein
Button
Huntley
Lubbock
Neale
Ryan
Peek
Sands (M)
Sarmezey
Stutely

1 vacancy (Green Party group)

For further information please contact:

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Agenda

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- 1 Apologies**
To receive apologies for absence
- 2 Declarations of interest**
(Please note that it is the responsibility of individual members to declare an interest prior to the item if they arrive late for the meeting)
- 3 Minutes**
To agree the accuracy of the minutes of the meeting held on 12 March 2020 and 30 March 2020
Minutes planning application committee held on 12 March 2020 3 - 8
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- 4 Temporary review of the scheme of delegation** 11 - 18

Purpose - This report proposes to amend temporarily the committee's current scheme of delegated powers that enable certain applications to be determined at officer level without referral to committee, in response to the current government advice on public gathering in light of the coronavirus and to the redeployment of staff required to deliver the council's response to the pandemic.

Date of publication: **Wednesday, 15 April 2020**



Planning applications committee

09:30 to 11:30

12 March 2020

Present: Councillors Maxwell (vice chair, in the chair), Ackroyd, Bogelein, Button (from item 3), Neale, Oliver (substitute for Councillor Huntley), Peek, Ryan, Sands (M), Sarmezey, Stutely and Utton

Apologies: Councillors Huntley and Lubbock

1. Declarations of Interest

Councillor Bogelein declared a pecuniary interest in item 3 (below), Application no 19/01427/F – Main Car Park University Drive, University of East Anglia, Norwich, because she was employed by the university.

2. Minutes

RESOLVED to approve the accuracy of the minutes of the meeting held on 13 February 2020.

3. Application no 19/01427/F - Main Car Park University Drive, University of East Anglia, Norwich

(Councillor Bogelein having declared an interest left the meeting at this point and did not participate in the determination of this planning application.)

(Councillor Button was admitted to the meeting at this point.)

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

During discussion, the senior planner, together with the area development manager (outer) referred to the report and answered members' questions. Members of the committee, who represented the wards surrounding the university, expressed concern about the loss of 243 parking spaces and the potential displacement of parking on neighbouring residential streets. In response to a suggestion that the applicant should contribute S106 funding for a controlled parking zone, the senior planner explained that the applicants were not required to make a S106 contribution and pointed out that controlled parking zones were not always popular with residents. Members were also advised that the proposed development was for educational use and was not subject to community infrastructure levy payments either. Members also sought information on the energy efficiency of the building and

were advised that whilst not carbon zero, its energy efficiency exceeded policy requirement and complied with Passivhaus principles. In reply to a question, the senior planner confirmed that the fuel used for the combined heat and power (CHP) units was gas and the proposal included infrastructure to connect the two units. In reply to a question, the senior planner explained that the partial closure of Cow Drive was for infrastructure works but would eventually be part of the proposals for improved cycle links. The senior planner said that there were plans to improve bus links with the Research Park and the hospital. The university was encouraging a modal shift away from private car use. The senior planner also explained that the car park was a destination car park and that the provision of an electric charging point complied with policy requirements as it was not residential. He also explained where the parking spaces for disabled people were located and that there were free to access electric charging points available in the Earlham Hall car park. The senior planner, in response to concerns about student accommodation, referred to the report and explained that there would no net increase in the floorspace of the university in the short term.

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

Discussion ensued in which members considered the planning application. Several members commented on their concern about the adequacy of the travel plan to mitigate the loss of the 243 parking spaces and that it would exacerbate on street parking in residential streets surrounding the university from staff and students. They suggested that the council should consider controlled parking zones around the university. A member said that he was concerned about the impact of the new building on the surrounding heritage Grade II buildings but considered that the building was an important part of the university's wider development plans. Other members praised the high standard of the proposed building and that it would enhance the surrounding buildings. Members also welcomed the use of green space and improved biodiversity. On balance members considered that the scheme and its contribution to the sustainability of the university and wider benefits to the local economy outweighed other concerns. The chair said that he considered that this was an excellent scheme and that the university would continue to progress its travel plan.

Councillor Neale said that he could not support the application because he considered that whilst this scheme improved the biodiversity of the site, he considered that the applicant could be more ambitious in the current climate and environment emergency and should submit a carbon neutral scheme.

RESOLVED, with 11 members voting in favour (Councillors Driver, Maxwell, Ackroyd, Button, Peek, Ryan, Sands, Sarmezey, Stutely, Utton and Oliver) and 1 member voting against (Councillor Neale), to approve application no. 19/01427/F - Main Car Park University Drive University of East Anglia Norwich and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Details materials, rainwater goods, joinery, solar shading, cctv, soffits/cappings, external louvers, manifestations etc.;
4. Timing of road delivery;

5. Timing of demolition / removal of porters lodge;
6. Details of phasing programme for occupation of the building and decant of phases of the Lasdun Wall;
7. Construction Management Statement and site set up for phases of work;
8. Details main car park layout, pay locations and infrastructure, entrance and exit points; hard landscaping / surface design e.g. roadways, pathways, cycle lane, traffic calming measures, taxi drop off area;
9. Details of Cow Drive works / new connection; removal of chicane barriers;
10. Detail bus stops / shelters; Public transport information system; DDA level access;
11. Timing of replacement cycle provision for on-site loss;
12. Details of bike dock; on-site cycle parking; bins and servicing areas;
13. Details of removal and re-use of bus shelter on University Drive;
14. Link to UEA travel plan;
15. Details of progress update for movement strategy report and findings;
16. Details of landscaping scheme for Founders Green;
17. Details landscaping scheme (including tree specification, surface water capture for landscape area irrigation, ecology enhancements on/off-site e.g. nesting boxes, soft and hard landscaping, furniture, Cow Drive and Violet Grove edge works, treatment of felled tree materials etc.);
18. Details of mitigation Programme as Green Infrastructure Strategy including scope of activities / works, planting, management and implementation programme;
19. Details of mitigation strategy for *Brachyopa bicolor*;
20. Clearance outside of Bird Nesting Season unless supervised;
21. Details of external Lighting (including scheme for Cow Drive luminance level control / reduction);
22. Detail of measures against hostile vehicle attack;
23. Details of archaeological site assessment;
24. Arb meeting and site monitoring;
25. AMS – tree removal; pruning; no dig construction and hard surface design; root pruning; site set up and compound; temporary setback areas;
26. Details of location of services and methodology for installation if within RPA's;
27. In accord with AIA etc.;
28. Restriction of activities within root protection areas;
29. Details of low zero carbon technologies and connections to campus CHP / DHS;
30. Details of water conservation measures;
31. Details of surface water strategy / scheme;
32. No hard surfaces shall be laid out unless in accordance with surface water strategy;
33. Stop works and details of remediation if unknown contamination is found;
34. Details of plant and machinery;
35. Details of fume and flue extraction;

Informatives

1. Unexploded ordnance;
2. Comments of Anglian Water In relation to AW assets affected by development; wastewater treatment; used water network; surface water disposal; and design development to avoid flooding downstream;

3. Comments of Norfolk Constabulary;
4. Comments of LLFA;
5. Norfolk HES to specify extent of the Written Scheme of Investigation for archaeology;
6. Environmental protection/mitigation measures
7. Site clearance and consideration of wildlife;
8. Protected species;
9. Considerate constructor;
10. Removal of asbestos;
11. Notification of timing of works to avoid impacts on highway network.

(The committee adjourned at this point for a short break. Councillor Bogelein was readmitted to the meeting when the committee reconvened with all members present as listed above.)

4. Application no 19/01778/F – 15 Ipswich Grove, Norwich, NR2 2LU

The planner presented the report with the aid of plans and slides. She pointed out that the application had been amended in response to objections from neighbours concerned about overlooking, and referred to the supplementary report of updates to reports which was circulated at the meeting, relating to a side window and the officer report.

The planner then referred to the report and answered members' questions and confirmed that it had not been necessary for the applicant to provide a sun or daylight assessment.

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

During discussion members noted the distance from the application site and houses to the rear of the property and considered that if concerned the neighbours could consider the use of shrubs to provide screening. Members also queried whether the applicant should have been required to remove the Juliette balcony but were reminded that the application before them did not include it.

RESOLVED, unanimously, to approve application no. 19/01778/F – 15 Ipswich Grove Norwich NR2 2LU and grant planning permission subject to the following conditions:

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

5. Application no 19/01201/F - 401 Unthank Road, Norwich, NR4 7QG

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

During discussion the planner referred to the report and answered members' questions. He explained that the proposal was to provide better ventilation to the unit and that environment protection would require further work from the applicant to mitigate an increase in the current level of noise. Members noted the residents of

Eden House Close's concerns about the louvres matching and the location of the houses in the close in relation to the application site.

RESOLVED, unanimously, to approve application no. 19/01201/F - 401 Unthank Road Norwich NR4 7QG and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Post-installation noise impact assessment and mitigation where necessary.

CHAIR

Planning applications committee

09:30 to 10:00

30 March 2020

Present: Councillors Driver (chair), Huntley, Neale, Ryan and Wright
(substitute for Councillor Lubbock)

Apologies: Councillor Lubbock

(This meeting was comprised of a pre-agreed politically balanced quorum and was held by teleconferencing from the Westwick Room, City Hall.)

1. Declarations of interest

There were none.

2. Temporary proposed revised scheme of delegation

The area development manager (outer) presented the report. During his presentation he explained that the proposed changes to the current scheme of delegation were intended to be temporary and would be reviewed when it was possible to hold a virtual or physical planning applications committee. He also pointed out that officers would use their discretion and where an application was contentious and needed robust determination would delay a decision until such time as a committee meeting could be convened.

During discussion the area development managers referred to the report and answered members' questions. Members were advised that applicants had the right of appeal if a planning application was not determined within the timescale and therefore, potentially contentious planning applications would be determined by the Planning Inspectorate. In response to a member's question about the necessity of changing the delegations immediately rather than waiting, the area development managers explained that the government supported the continuance of planning services in the interest of the economy and there were a number of pending applications that would have been referred to committee that needed to be determined. There was a high risk that the delay in determining these planning applications would result in appeals to the Planning Inspectorate and therefore removing the council's ability to determine the application and creating an additional burden on the council's resources.

Discussion ensued on the emerging secondary legislation to hold council meetings remotely and the council's technological ability to do this at present. Several

members considered that the proposed temporary amendment to the committee delegations was an appropriate measure in the light of the current pandemic.

During discussion a member queried the proposed delegation to the area development managers in consultation with the chair and vice chair, because he considered that it would not be objective and that the full committee or a quorum should be consulted. This then led to further discussion about applications where the committee had overturned the officer recommendation and a further application was expected. In these circumstances where the new applications were of a similar description and size, officers would not determine it under delegated powers. Councillor Neale moved and the chair seconded that an additional clause be added under (1) approval of major planning applications, to ensure that contentious applications which overturned officer recommendations were not made by the area development managers in consultation with the chair and/or vice chair. The chair pointed out that he supported the recommendation that such applications were not made under delegated powers and that they should be deferred until a committee could be convened. Councillor Ryan said that he would vote against the amendment because this was a pandemic and the intention of the proposal was to provide a service and not to short change democracy. On being put to the vote the amendment was carried by 4 members voting in favour (Councillors Neale, Driver, Huntley and Wright) and 1 member voting against (Councillor Ryan).

The chair then moved the recommendations as set out in the report and as amended above, seconded by Councillor Huntley.

RESOLVED, with 4 members voting in favour (Councillors Driver, Huntley, Ryan and Wright) and 1 member abstaining from voting (Councillor Neale), to approve for use with immediate effect the changes to the scheme of delegation as set out in the "Proposal" section of the report and at Appendix B, subject to the following additional clause inserted at 1(c) and excluded from delegation to the area development managers in consultation with the chair or vice chair, as follows:

- 1(c) the application is a resubmission of a proposal involving development of the same character or description and on the same site where the officer recommendation to committee on an earlier application was overturned by the planning applications committee.

CHAIR

Report to	Planning applications committee	Item 4
	23 April 2020	
Report of	Director of place	
Subject	Temporary proposed review of the scheme of delegation	

Purpose

This report proposes to amend, temporarily, the committee's current scheme of delegated powers that enable certain applications to be determined at officer level without referral to committee, in response to the current government advice on public gathering in light of the coronavirus and to the redeployment of staff required to deliver the council's response to the pandemic.

Recommendation

To approve for use with immediate effect the changes to the scheme of delegation as set out in the 'Proposal' section of this report and at Appendix B.

Corporate and service priorities

The report helps to meet the corporate priorities of great neighbourhoods, housing and environment, people living well and inclusive economy.

Financial implications

There are no direct financial implications arising from this report. However, if the recommendation is accepted it will minimise the resource needed to take legally robust planning decisions and thus free up an element of resource for redeployment to other priorities.

Ward/s: All wards

Cabinet member: Councillor Stonard, cabinet member for sustainable and inclusive growth

Contact officers

Graham Nelson, Director of Place	01603 212530
David Parkin, Area Development Manager	01603 212505
Mark Brown, Area Development Manager	01603 212542

Background documents - None

Report

Background

1. In October 2019, the committee approved the current scheme of delegation that enables decisions to be determined at officer level without referral to committee, this is reproduced at Appendix A. That scheme of delegation allowed for applications for planning permission to be approved and for tree preservation orders to be confirmed by officers unless certain criteria are met. The criteria relate mainly to the number of objections received.
2. In response to the unprecedented situation that the country faces with the spread of the coronavirus, the planning applications committee met (via teleconference) on 30 March to consider a temporary amendment to the scheme of delegation. The amendment proposed that all decisions that would otherwise have been made at committee should, instead, be referred to the chair, or in the absence of the chair, to the vice-chair of the planning applications committee. The chair or vice-chair would then be able to decide whether to allow officer's to determine under the new delegated powers or whether a committee meeting was necessary to determine the application.
3. On 30 March 2020, the committee approved the revised scheme of delegation by a majority vote, with an amendment to cover resubmissions of schemes on a site where the officer recommendation was over-turned by the committee. The proposed and current scheme of delegation (as of 30 March 2020) is set out at Appendix B, with the amendment at A.(5).
4. The revised scheme of delegation was in response to government measures that continue to aim to delay the spread of the disease by, in part, limiting contact between individuals. The earlier scheme of delegation allowed for members of the public to attend any planning applications committee held, which runs contrary to that advice and places members of the public, committee members and council officers at risk.
5. On 4 April 2020, the "Local Authorities and Police and Crime Panels (Coronavirus)(Flexibility of Local Authority and Police and Crime Panel Meetings((England and Wales) Regulations 2020 came into effect. These regulations set out specific and robust guidelines to allow councils to set up remote meetings using various technology, including conference calls and video conferences.
6. The committee meeting held on 30 March 2020 meeting was not carried out under the above regulations. On the advice of the monitoring officer, the planning applications committee is being asked to consider the amendments to the scheme of delegation in an environment that accords with the 2020 regulations in order to avoid the risk of any challenges to decisions made under the amended scheme.

Proposal

7. Notwithstanding the introduction of the 2020 regulations, the proposal before the members remains the same as that previously agreed on 30 March, i.e. to amend the scheme as set out in Appendix B and allow the use of wider delegated powers.

8. The government has made clear in messages from the Chief Planning Officer to Chief Executives that it is important to keep the decision making process going through this time of international crisis so as to minimise, as far as is possible, the impact upon the economy. However, the council is also responsible for implementing many of the aspects of the response to the COVID19 crisis, including but not limited to, delivering food parcels to vulnerable people, housing the homeless and processing emergency grants to businesses. Delivering the COVID19 response has meant that some planning officers and colleagues who support the planning process (administrative officers and internal consultees) as well as those who support the committee process have been re-deployed to other tasks.
9. Consequently, arranging virtual planning committee meetings would place an increased strain on staff resources, diverting them away from the normal workings of the planning system and, more importantly at the moment, from assisting with the Council's COVID19 response efforts. It is for this reason, as well as to avoid the risks to the public, councillors and staff of having to hold physical meetings, that the scheme of delegation outlined at Appendix B is the favoured way forward through the current situation.
10. It is proposed that this modification is temporary, officers will review the ability to amend this on a monthly basis or earlier if and when lockdown restrictions are lifted by government. When it is possible to hold a physical meeting the scheme of delegation will be the first item on the agenda and any items that would have been reported under the former scheme of delegation will be scheduled for that meeting.

APPENDIX A – Current scheme of delegation

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

All applications will be determined by the area development managers with the exception of the following:

(1) approval of major^[1] 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^[2] 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 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 area development managers 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

^[1] 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.

^[2] the opposite of major as defined above.

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 area development managers 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 area development managers

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

All decisions will be made by the area development managers 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 area development managers

F. Other

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

APPENDIX B – Revised scheme of delegation

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

All applications will be determined by the area development managers with the exception of the following:

(1) approval of major^[1] 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;

(b) the proposal would represent a serious departure from the development plan; or

(2) approval of non-major^[2] 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 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 is considered by the chair of the Planning Applications Committee.

(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.

(5) approval of major^[1] planning applications if the application is a resubmission of a proposal involving development of the same character or description and on the same site where the officer recommendation to committee on an earlier application was overturned by the planning applications committee.

^[1] 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.

^[2] the opposite of major as defined above.

^[1] 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.

Where any of (1)-(4) above applies, the decision must be subject to consultation with the chair or if unavailable the vice chair of the planning applications committee, unless it is not possible for such consultation to take place due to the coronavirus epidemic. If the chair / vice chair are in agreement with the officer recommendation, or if they are unable to be consulted, the application may be determined by the area development managers.

B. Prior notifications

All applications will be determined by the area development managers with the exception of the following:

- (1) In the case of telecoms cabinets, masts or antennae under Part 16 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 area development managers decision must be subject to consultation with the chair or 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. Unless it is not possible for such consultation to take place due to the coronavirus epidemic

C. Planning enforcement

All decisions will be made by the area development managers

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

All decisions will be made by the area development managers 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.

If (1) applies, the decision to confirm the order must be made in consultation with the chair or if unavailable the vice chair of the planning applications committee, unless it is not possible for such consultation to take place due to the coronavirus epidemic. If the chair and vice chair are in agreement with the officer recommendation, or if they are unable to be consulted, the order may be confirmed by the area development managers.

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

All decisions will be made by the area development managers.

