



PLANNING APPLICATIONS COMMITTEE

10.00 a.m. – 1.30 p.m.

29 July 2010

Present: Councillors Bradford (Chair), Collishaw, Driver, Lubbock (to end of item 4) Offord, Read (to end of item 5) and Wiltshire

Apologies: Councillors Banham and Little

1. MINUTES

RESOLVED to approve the accuracy of the minutes of the meeting held on 22 July 2010.

2. APPLICATION NO 10/01025/F 498 EARLHAM ROAD NORWICH NR4 7HR

(Councillor Driver was admitted to the meeting during this item.)

The Planning Development Manager presented the report with the aid of slides and plans. A revised plan of the floor layout had been received on 14 July 2010 and was circulated at the meeting.

Five residents of Earham Road, including the neighbours of the adjacent property, addressed the committee and outlined their objections to the scheme. These included: concerns about the scale and density of the proposed extension; that a house of multiple occupation (HMO) was unacceptable in a residential area and there were problems relating to noise nuisance from the tenants of the HMO at no 500; concerns about traffic and exacerbation of existing parking problems; and that Planning Services had not applied policy consistency in respect of other planning applications in Earham Road or followed procedures in notifying neighbours or in circulating the revised plan. Councillor Ramsay, Ward Councillor for Nelson Ward, spoke in support of the residents and suggested that potentially there could be 9 cars at no 498; and pointed out that, despite a traffic regulation order being in place, parking on the grass verges continued to be a problem.

At the Chair's discretion a resident of Earham Road, who had not submitted a written response within the consultation period, then addressed the committee. He referred to the development as being a business opportunity for its owners and that Earham Road was becoming a dormitory for the University of East Anglia. This

made family life unsustainable and that the residents of no 500 Earlham Road had made their neighbours lives a misery. The presence of 18 unsupervised young adults had a negative impact on family life and the sustainability of the community itself.

The applicant then addressed the committee and said that he held an HMO licence for the attached property and inspected it regularly. Parking was not an issue as the current tenants only had two cars and that there had only been parking on the verges by visitors and taxis, which was also a problem that other residents experienced. Some of the complaints about the residents had been unreasonable.

The Planning Development Manager referred to the report and responded to the issues raised. The issue of a covenant on the property was a private law matter and not relevant to the planning application. The Council had received complaints about the use of the attached property but there were also 5 other properties in the area rented out to students where no issues had been raised. The plan received on 14 July 2010 had been available on the website and it had been considered that the changes were not sufficient to necessitate a re-consultation. Letters regarding the committee meeting had been sent to interested parties on 20 July 2010.

Discussion ensued in which the Planning Development Manager and the Head of Planning Services answered members' questions. Members were advised that the extension to the adjoining house had been approved under delegated powers. New legislation relating to the classification of HMOs had been introduced in April 2010 and applied to this application for change of use.

During discussion Councillor Read considered that there should be enforcement of the traffic regulation order which prohibited parking on grass verges, that there should be parking on the site and that the applicant should provide secure cycle storage as part of the proposal.

Councillor Wiltshire expressed concern that the extension would be overdevelopment of the site was inappropriate for the character of the area. Councillor Lubbock referred to the adjacent property and said that a precedent had been set and that the University of East Anglia had a robust approach to addressing the problems of unruly students. Councillor Collishaw said that the applicant should ensure that he works with the neighbours to minimise noise and disturbance from his tenants. She also expressed concern that planning applications were not being dealt in a consistent manner. Members also considered that the number of bedrooms should be restricted to 9 bedrooms and that the communal areas should be protected.

Officers advised members that additional conditions could ensure that the communal areas were set out as on the ground floor plan and that there were no more than 9 bedrooms in the property. Condition 4 could be amended to ensure that details of the provision of secure cycle storage were provided prior to the commencement of development. The issues of parking to ensure no parking on the grass verges and to discourage the use of cars in the first place and advise tenants of the parking available on the property could be dealt with by an informative to the applicant.

Councillor Read moved and the Chair seconded that the recommendations be approved subject to the additional conditions and informative as minuted above.

RESOLVED with 3 members voting in favour (Councillors Bradford, Lubbock and Read), 2 members voting against (Councillors Wiltshire and Offord) and 2 members abstaining (Councillor Collishaw and, because he had not been present for the entire item, Councillor Driver) to approve Application No 10/001025/F 498 Earlham Road Norwich and grant planning permission, subject to the following conditions:-

1. Standard time limit.
2. In accordance with the submitted plans and details.
3. The communal areas are to be set out as on the ground floor plan and retained for communal use thereafter and that the number of bedrooms does not exceed 9 in total.
4. Materials to match the existing building.
5. Details of secure cycle storage to be submitted prior to the commencement of the development and refuse and recycling bin and cycle storage to be provided prior to first use of extension and retained thereafter.
6. Details of surfacing materials and boundary treatments for site frontage to be submitted and agreed prior to development.
7. Parking area shown on submitted details to be provided prior to first use of extension and retained thereafter.

Informative:-

The applicant to advise residents and their visitors of the traffic regulation order prohibiting parking on the grass verges of the highway outside the property; encourage the use of bicycles and public transport and of the availability of the parking spaces on the property.

(Reasons for approval: The decision to grant planning permission has been taken having regard to PPS1, Saved Local Plan Policies HOU18, HBE12 and EP22 of the City of Norwich Replacement Local Plan Adopted Version 2004 and to all material planning considerations. It is considered that the design details of the scheme meet the criteria of HBE12 and that the proposal would result in minimal detrimental impact in terms of loss of amenity to neighbouring properties and as such can be considered to meet the criteria of saved policy EP22. Furthermore it is considered that the change of use proposed would not have a detrimental impact on the character of the area and that the proposal is suitable in terms of its size, density and layout in relation to the site and that, subject to conditions, adequate provision can be made for bin and cycle storage. Therefore the proposal is also considered to meet the requirements of HOU18.)

3. APPLICATION NO 10/01119/F LAND NORTH SIDE OF BUCK COURTNEY CRESCENT NORWICH

(Councillor Driver declared a personal interest in this item because he represented the Council on the Norwich Airport Joint Consultative Committee and the Norwich Airport Joint Advisory Committee.)

The Head of Planning Services presented the report with the aid of slides and plans. Broadland District Council had confirmed that it had no objection to the proposal. Members were advised that hours of use for the BAC building had been transposed in condition 7 and should be amended to 'between the hours of 2330 and 0500' and refer to 'take-off or landing' rather than 'take-off and landing'.

Discussion ensued in which the Head of Planning Services responded to members' questions. He explained the rationale for condition 8 which related to the need to control engine testing associated with the proposed use and ensure it was not carried out in inappropriate locations. Members suggested that for clarity condition 8 should be rewritten in the decision notice. Members were advised that lighting associated with the proposal would be relatively low level. The level of energy efficiency that could be achieved given the constraints of an airport site was considered to be reasonable.

Councillor Read welcomed the development of a travel plan and requested that car sharing should be encouraged. He proposed that the building not to be used between the hours of 2200 to 0730, because of its proximity to a residential area. The Head of Planning Services explained that this would not be reasonable as other operators used the western apron to taxi aircraft and it would put the operators from the new building at an unfair disadvantage and was inconsistent with the restrictions on the main terminal building.

RESOLVED with 5 members voting in favour (Councillors Bradford, Lubbock, Wiltshire, Collishaw and Driver), 1 member voting against (Councillor Read) and 1 abstention (Councillor Offord) to approve Application No 10/01119/F at land to the north side of Buck Courtney Crescent and grant planning permission, subject to the following conditions:-

1. Standard time limit (3 years)
2. Development to be carried out in accordance with submitted details
3. Removal of existing demountable units within 6 months of first occupation of the development
4. Access and parking, including within long-stay car park and for cycles, to be provided and made available for use prior to first use of the building
5. Pedestrian routes from the long stay car park as shown on the submitted plans to be provided and made available for use prior to the first use of the building
6. Lighting and surfacing materials to be agreed
7. Hours of use of the building – no use of the BAC building between the hours of 2330 and 0500 and no aircraft to make use of the facilities or associated apron or taxiway to facilitate a take-off or landing between the hours of 2300 and 0600 hours except in a defined emergency, for police and air ambulance flights on emergency priority, for defined reasons of safety, for defined reasons due to a diversion, for the provision of defined essential services to off-shore gas and oil installations and for defined reasons of unavoidable delay.
8. No use until details of the locations and arrangements for the engine testing facilities for all aircraft proposed to make use of the facility have been submitted to and agreed in writing with the local planning authority and any variations to be subject to further agreement

9. All aircraft arriving at the BAC to close down their APU as soon as possible after passengers have disembarked
10. No use of APU by departing aircraft prior to 45 minutes before departure
11. Full details of all aircraft movements between 2300 and 0600, including requests for movements that have been refused, and details of all engine testing carried out on the airfield by aircraft using the BAC, irrespective of the time it occurs, to be reported to the local planning authority on a frequency of no less than once per calendar month
12. Details of any plant and machinery proposed
13. Interim Travel Plan prior to development and Full Travel Plan within one year of first use of the building
14. No use of the building as a passenger terminal for use by members of the general public or in connection with a civil aviation use
15. Use of the building to be limited to use for passenger handling for executive private aviation or off-shore charter flights only or for administrative or support functions directly related to such uses or to the operation of the airport as a whole.
16. Surface water drainage details in accordance with the details as submitted

Informative:

1. Travel Plan generator available
2. Monitoring and review arrangements for travel plans

(Reasons for approval:

1. The proposal would result in the improvement of existing facilities within the airport boundary that would support the continued operation of the airport in accordance with saved policies T.17 of the Norfolk Structure Plan 1999 and EMP16, TRA1 and TRA2 of the City of Norwich Replacement Local Plan 2004.
2. In addition, the proposal is considered unlikely to result in an increase in traffic generation associated with the use and, subject to conditions, would be unlikely to cause detriment to the amenities of nearby residents either by the use of this building or through its associated aircraft activity. The proposal is therefore considered acceptable in relation to saved policies T.2 of the Norfolk Structure Plan 1999 and TRA11, EP8 and EP22 of the City of Norwich Replacement Local Plan 2004.
3. Furthermore, the design, layout, form and energy efficiency of the development is considered appropriate for its context and with regard to safety and security and, subject to conditions, would provide for acceptable means of access, parking and servicing and drainage for the site, in accordance with saved policies HBE12, HBE19, TRA5, TRA6, TRA7, TRA8, TRA12, EP18 and EP16 of the City of Norwich Replacement Local Plan 2004
4. For the above reasons and taking into account all other material considerations, the proposal is considered acceptable.)

4. APPLICATION NO 10/01081/U 4 - 6 MASON ROAD NORWICH NR6 6RF

The Head of Planning Services presented the report with the aid of slides and plans. Two further representations had been received following the publication of the report. The leader of the Oak Grove Chapel had written in support of the applicant and the use of this site until the church could return to its Heartsease Lane site.

Councillor Waters, Ward Councillor for Crome Ward, had submitted the following representation:-

‘As one of the city councillors representing Crome Ward I have been involved from time to time in making representations to this committee about the rebuilding of the Family Life Centre Church that was destroyed by fire in 2006.

The key objective is to get a new church designed and built on the Heartsease site to serve the local community. So far those plans have not come to fruition. There are some compelling planning reasons for turning down the application for the Mason Road site. It still however leaves the Church in a quandary in terms of finding a suitable place of worship while plans are drawn up for a new church on the Heartsease Lane site.

Expediting a permanent solution is essential because the process so far has been extremely time consuming for the Planning Service, the Church and their architects. Whatever the outcome of the planning decision today I hope that a plan can be put together that focuses on the development of the Heartsease Lane site as the key priority because up to now a good deal of energy and resource has had to be focused on short term temporary solutions.’

The agent for the applicant addressed the committee and said that the Church was requesting planning permission for temporary use until it could rebuild a permanent building at its Heartsease Lane site. It had been difficult to find a temporary base for the Church to hold its meetings and base its outreach work. The Church employed 22 people on the Mason Road site and encouraged car sharing and used its minibus to transport people to the site. An alternative use for the industrial unit was unlikely to be found in the current economic climate.

The Head of Planning Services answered questions on the report and the background to this application. He also explained that if the application were refused, the applicant could appeal and enforcement action could take up to a year before it resulted in cessation of the use. If members were minded to grant planning permission for this application they could consider whether this should be temporary and to minimise creating a precedent for other organisations, make it personal to the applicant.

During discussion Councillor Lubbock expressed support for temporary use of the site given the lack of available sites, with personal permission being granted to the applicant, and considered that the benefit derived from the church to the community should not be restricted in these times. Councillor Driver said that the Mason Road site was not in the right location for use as a church and that the applicant should be seeking a permanent solution as the church at Heartsease Lane had burnt down 4 years ago.

Discussion ensued in which members considered the length of temporary permission and the need to encourage the applicant to submit an application for a permanent building at its Heartsease Lane site. As this was contrary to officers advice members considered that the granting of planning permission for a temporary period was because of the lack of availability of suitable alternative sites; to support the

applicant with its outreach community work; and, to ensure its viability to rebuild a permanent purpose building on its site at Heartsease Lane.

Councillor Lubbock moved and Councillor Bradford seconded that planning permission be granted for temporary use for a period of 3 years, personal to the applicant, for the reasons minuted above and that details of conditions be considered at the next meeting of the committee.

RESOLVED with 2 members voting in favour (Councillors Lubbock and Bradford) and 4 members voting against (Councillors Wiltshire, Offord, Read and Driver) and 1 member abstaining (Councillor Collishaw) the motion to grant planning permission for Application No 10/01081/U 4-6 Mason Road, Norwich, for a 3 year period and personal to the applicant was lost.

Councillor Read said that in order to encourage the applicant to progress work on the Heartsease Lane site the term of the temporary permission should be reduced to 18 months and that the permission should not be personal to the applicant. Councillor Read then moved and Councillor Offord seconded that seconded that planning permission be granted for temporary use for a period of 18 months, for the reasons minuted above and that details of conditions be considered at the next meeting of the committee.

RESOLVED, with 5 members voting in favour (Councillors Bradford, Lubbock, Offord, Collishaw and Read) and 2 members voting against (Councillors Wiltshire and Driver) to approve Application No 10/01081/U 4-6 Mason Road, Norwich, and grant planning permission for an 18 month period for the reasons as minuted above but subject to conditions to be determined at the next meeting of the committee.

(Councillor Lubbock left the meeting at this point.)

5. APPLICATION NO 10/00795/F 17 OLD GROVE COURT NORWICH NR3 3NL

The Senior Planner (Development) presented the report with the aid of slides and plans. Anglia Water had responded to consultation and requested a number of informative statements to be appended to any approval. Members were advised that paragraph 6 of the report needed further clarification. The coalition government announced on 9 June 2010 it had revised PPS3 and amended the definition of previously developed (Brownfield) land to remove private residential gardens from this definition. This proposal was for the redevelopment of the whole site and not for subdivision of the garden to provide further re-development. The density and footprint of the proposals were greater, however the proposals were not considered to be inconstant with the character of the area which was missed in terms of plot sizes and densities. The overall layout, scale and massing was considered to be acceptable (as set out in paragraphs 7 and 8).

A resident of the neighbouring property said that he was satisfied with the applicant's response to the issues he had raised, particularly in relation to the trees, and that he was happy to support the application subject to conditions.

The applicant then spoke in support of the application. In response to a question, the applicant said that it had not been possible to incorporate the existing building on the site into the scheme. This was in part due to funding and also the energy efficiency of this building was very low and the new build would be level 3. Materials would be recycled but not on the site.

Councillor Collishaw, as Ward Councillor for Catton Grove, said that she had visited the site and that the site was in need of improvement.

RESOLVED to approve Application No 10/00795/F, 17 Old Grove Court Norwich NR3 3NL and grant planning permission, subject to the following conditions:-

1. Standard time limit;
2. Development to be carried out in accordance with plans, design and access statement and renewable energy statement submitted with the application;
3. Details of materials;
4. Windows on the southern most gable to be obscure glazing;
5. Soft and hard landscaping details, specifically to include detailed proposals for planting along the eastern boundary;
6. Bin and cycle stores to be provided prior to first occupation;
7. Development to be carried out in full accordance with the arboricultural implications assessments and further details to be submitted;
8. A scheme for the mitigation of the transport impact of the development.

Informative:

1. Construction working - hours of operation.
2. The Informative notes as requested by Anglia Water.

(The decision has been made with particular regard to saved policies NE3, NE9, HBE12, HBE19, EP16, EP18, EP22, HOU13, TRA5, TRA6, TRA7, TRA8 and TRA11 of the adopted City of Norwich Replacement Local Plan and the objectives of PPS1, PPS3, PPS9 and PPS13. The proposals are considered to be consistent with the objectives of policy HOU13 and will provide for the efficient use of the site for residential development. It is not considered that the proposals would have a negative impact on the general character of the area, although the proposals would be prominent within certain views from the south and east conditions to ensure attention is given to design details are therefore important. On balance subject to the conditions listed it is not considered that the proposals would have a significant detrimental impact on neighbour amenity. Access and servicing arrangements are considered to be acceptable. The site is occupied by a number of significant trees and the details submitted indicate that the development can be carried out without detriment to those trees, although further details are required via condition.)

(Councillor Read left the meeting at this point.)

6. APPLICATION NO 10/01305/F & 10/01306/L MEMORIAL GARDENS ST PETERS STREET NORWICH

The Senior Planner (Development) presented the report with the aid of plans. Two further representations had been received. Eastern Veterans Advisory and Pensions Committee had confirmed that it had no comments on the proposed minor amendments to the Memorial Gardens Project. The Lutyens Trust considered the amendment to be 'virtually imperceptible' and had no objections to the granting of listed building consent and planning permission to the works specified in these applications. Members were advised that the suggested conditions related to the original planning permission and listed building consent and those that were met could be discharged.

RESOLVED to:-

- (1) delegate the decision for planning permission (application no. 10/01305/F, Memorial Gardens St Peters Street, Norwich) to the Head of Planning Services after consultation with the Chair of Norwich City Council's Planning Applications Committee and recommend that the following conditions form part of any approval:
 1. Standard time limit;
 2. Development to be carried out in accordance with the plans and details submitted with the application.

- (2) delegate the decision for listed building consent (application no. 10/01306/L, Memorial Gardens St Peters Street, Norwich) to the Head of Planning Services after consultation with the Chair of Norwich City Council's Planning Applications Committee. If the Head of Planning Services is minded to approve listed building consent, refer the applications to the Secretary of State for a decision recommending any still necessary of the following conditions to form part of any approval:
 1. Standard time limit;
 2. Works to be carried out in accordance with the plans and details submitted with the application;
 3. Details for the new war memorial flag pole fixings;
 4. Details for the restoration of the war memorial flag poles;
 5. Agreement of on site sample areas for the Clipsham, Portland and York Stone indicating the mortar and pointing methods;
 6. Details of the method for the protection of the Lutyens memorial during remaining construction works;
 7. Cleaning of stone work to be agreed on site and subsequently agreed in writing;
 8. Flambeaux and war memorial cask to be reinstated on site;
 9. Details of the new handrail to the external wall of the gardens to be submitted including elevations, sections and fixings, including the material of the fixings.

7. APPLICATION NO 10/01158/VC AND 10/01159/VC STRETTON SCHOOL

RESOLVED to defer consideration of this item to enable a revised report to be presented to the committee at its next meeting.

CHAIR