



**Planning applications committee**

**9:30 to 13:15**

**9 May 2019**

Present: Councillors Driver (chair), Brociek-Coulton (substitute for Councillor Maxwell) (to the end of item 11, below), Button, Peek, Ryan (to the end of item 9, below), Sands (M), Stutely, and Wright

Apologies: Councillors Maxwell (vice chair)

**1. Declarations of Interest**

Councillor Brociek-Coulton, local member for Sewell ward, declared a predetermined view in item 6 (below), Application no 17/01886/F - 36 St Clements Hill, Norwich, NR3 4BN, because she had objected to the proposal. She would speak as a member of the public and then leave the room during the committee's determination of the application.

Councillor Stutely declared an other interest in items 4 and 5 (below), Application no 18/01190/O - The Bungalow, Eaton Chase, Norwich, NR4 7QW and Tree Preservation Order, 2014, because he resided in the area. He also declared an other interest in item 8 (below), Application no 19/00046/F - 30 Irving Road, Norwich, NR4 6RA, in that the property had been formerly owned by a member of his family.

**2. Minutes**

**RESOLVED** to approve the accuracy of the minutes of the meetings held on 11 April 2019.

**3. Application nos 18/01837/F - 117-127 Trinity Street, Norwich, NR2 2BJ and 18/01838/MA - 117 Trinity Street, Norwich, NR2 2BJ**

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

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

During discussion the planner, together with the area development manager (inner) referred to the report and answered members' questions. Members of the committee expressed concern that the development was almost at the stage of completion, yet a number of conditions had not been met. The planner advised members it was unfortunate that the applicant had submitted applications for discharge of conditions, some of which had been refused because of insufficient information, and some partially approved. It was unfortunate that it had reached this stage without the involvement of the council. The committee was being asked to consider both applications as a whole. The council could enforce the conditions

through a breach of condition. Members were advised that the parking permit scheme was covered by separate council policies and therefore could not be a condition of the planning consent. Residents of new builds in controlled parking zones were not eligible to apply for residential parking permits. The informative would advise the developer to ensure that anyone moving into the development was informed of this. In reply to members' questions, the planner explained that the windows to the bedroom and bathroom were larger than the specification on the previous consent and because of the proposal to use obscure glazing and height would reduce concerns about overlooking of the neighbouring property and not impact on the amenity of the occupants.

Discussion ensued in which members considered that there had been a series of miscalculations and the developer should take greater care in future. This put members in a difficult position and more should be done to ensure that conditions were discharged before the development was in its final stages. The area development manager (inner) explained that in accordance with the recommendations of the report, the applicant would have discharged all conditions with the exception of landscaping which would need to be approved prior to first occupation.

In reply to members' concerns, the planner (following a conversation with the agent) said that ventilation of the car park was required to mitigate the risk of fire. The car park was for a maximum of 14 vehicles. She pointed out the position of the flue which was higher than any windows on the development and a distance from the rear gardens of neighbouring properties.

Councillor Stutely said that he considered that the applicant, by not complying with the original planning application, was taking advantage of the committee and therefore he could not support the development in its current form.

**RESOLVED:**

- (1) unanimously, to approve application no. 18/01837/F - 117 Trinity Street Norwich NR2 2BJ and grant planning permission subject to the following conditions:
  1. Standard time limit;
  2. In accordance with plans.
  
- (2) with 7 members voting in favour (Councillors Driver, Wright, Brociek-Coulton, Button, Ryan, Sands, Peek) and 1 member voting against (Councillor Stutely) to approve application no. 18/01838/MA - 117 Trinity Street, Norwich, NR2 2BJ and grant planning permission subject to the following conditions:
  1. Development to be built in accordance with plans;
  2. Landscape scheme to be submitted, agreed and implemented prior to occupation;
  3. SUDS to be installed and maintained as agreed prior to occupation;
  4. Obscure glazing to be installed prior to occupation and retained thereafter;
  5. No occupation until renewable energy scheme fully operational;
  6. No occupation until sound insulation installed;
  7. No occupation until refuse store made available for use;
  8. Replacement tree shown on plan to be planted prior to occupation;

9. No occupation until balcony screens have been installed as shown on plans;
10. No occupation until approved landscape details installed;
11. Bird and bat boxes to be installed as agreed prior to occupation;
12. Water consumption;
13. Cycle storage to be installed as agreed prior to occupation;
14. Car parking to be laid out and managed as agreed;
15. Removal of PD rights;
16. No plant and machinery without express consent.

Informatives:

1. No parking permits;
2. Works to the highway - speak to highways.

**4. Application no 18/01190/O - The Bungalow, Eaton Chase, Norwich, NR4 7QW**

(Councillor Stutely had declared an other interest in this item.)

The area development manager (outer) presented the report with the aid of plans and slides. He explained that if members were minded to approve this application there was a separate report relating to changes to the woodland tree preservation order to itemise trees on the site for consideration at this meeting. He explained that this was an outline application with details of the design and layout to be considered at reserved matters stage.

Councillor Lubbock (Eaton ward councillor), five residents of neighbouring streets, and one resident representing the residents of the sheltered housing scheme at Ryrie Court, addressed the committee with their objections to the outline planning application for this site. Their concerns included: that the access to the site was inappropriate, had poor visibility, and would cause a loss of amenity to the residents of Ryrie Court; that it would result in an increase in traffic and that residents would be disturbed during construction; that it would cause overspill parking on Pettus Road; that the natural habitat, which included rare species, would be affected by the changes to the ecology by the felling of trees; that the development would be overbearing and impact on the amenity of neighbouring properties; that the loss of car parking spaces on the car park would hinder access of emergency vehicles serving the vulnerable residents of the sheltered housing scheme; that the development would affect all the residents of all 36 bungalows in Ryrie Court, not just the 14 that planning services had written to as part of the consultation; that it would affect the residents' access to bus services and mean that those who could not walk far would not be able to access a bus stop; that the access was inadequate for the number of vehicle movements which included doctors, care staff and family visitors; that construction dust would be harmful to residents with health problems; the contention that the site was not brownfield and that the woodland was worthy of protection as natural habitat. Comments were also made that the city council as landlord to the residents of Ryrie Court had and not responded to the planning consultation on its residents' behalf. Councillor Lubbock and another speaker called on the committee to defer consideration to enable the committee to undertake a site visit.

The area development manager (outer) referred to the report and responded to the issues made by the speakers. He explained the access arrangements and that the level of parking provision for the residents of **the new development**<sup>1</sup> was higher than would be expected for a development of its kind, with two spaces for each dwelling and two visitor spaces. The access on to the bend provided good visibility. The details of the construction management plan were set out in paragraph 49 of the report. There would be a minimal increase in traffic from the proposed four houses, with an average of 3 to 4 traffic movements per dwelling each day. A **traffic assessment**<sup>2</sup> was not required for a development of this size.

During discussion the area development manager (outer) and the lead arboricultural officer referred to the report and answered members' questions. They explained that the development and the proposed variation of the tree preservation order (Number 467) were interlinked. There would be no point requesting planting of trees where a new dwelling would be. Although tree replacement would be sought irrespective of the outcome of the planning application. The replacement of the tree preservation order with individually listed trees would protect a large oak tree on the site, which was not currently listed. Members were also advised that the development had been designed to retain the maximum number of trees on the site and on balance the provision of much needed housing should be considered against the mitigation of the loss of trees in accordance with the ecology report. The access through the sheltered housing scheme's car park was a separate issue for the council as landlord.

The committee then considered whether further consideration should be deferred in order to hold a site visit. The committee was advised that officers had not proposed a site visit before presenting the report because the site was visible from the public highway. However, members could consider deferring further consideration of the application for a site visit if they considered that it would inform their decision. The chair moved, seconded by Councillor Wright that the committee should undertake a site visit before determining this application. Two members said that they were minded to refuse the application because it had little merit and was dependent on access to a landlocked site. One of these members said that he considered that a site visit was necessary to confirm this view.

In reply to a question, the lead arboricultural officer said that the tree preservation order had been placed on the site in 2014, when the bungalow had changed ownership, and local residents had been concerned about development on the site.

**RESOLVED**, unanimously, to defer consideration of Application no 18/01190/O - The Bungalow, Eaton Chase, Norwich, NR4 7QW, to enable members of the committee to undertake a site visit prior to the committee meeting on 13 June 2019.

#### **5. Tree Preservation Order [TPO], 2014. City of Norwich Number 467; The Bungalow, Eaton Chase, NR4 7QW**

(Councillor Stutely had declared an other interest in this item.)

The lead arboricultural officer explained that as the proposed variation of the tree preservation order for the site was dependent on proposed development on the site, this item should also be deferred.

**RESOLVED**, unanimously, to defer consideration of Tree Preservation Order [TPO], 2014. City of Norwich Number 467; The Bungalow, Eaton Chase, NR4 7QW.

**6. Application no 17/01886/F - 36 St Clements Hill, Norwich, NR3 4BN**

(Councillor Brociek-Coulton had declared a pre-determined view in this item. She did not take part in the determination of this application.)

The area development manager (outer) presented the report with the aid of plans and slides. He referred to the supplementary report of updates to reports which was circulated at the meeting and contained additional text to be included as a paragraph under the heading Section 3, Amenity and showed the location of no. 60 to the application site as part of the presentation.

A neighbouring resident addressed the committee with his objections to this proposal. These included: concern about loss of bio-diversity and natural habitat, and that it would compromise the corridor used by bats; that the proposal was contrary to DM9 and would have an adverse effect on the conservation area; that it was contrary to DM2 and would result in loss of privacy of no 60 St Clements Hill, and that there had been a number of objections from local residents. Councillor Brociek-Coulton, local member for Sewell Ward, said that the proposal would have an adverse effect on the conservation area and impact on the wildlife and bats' flight corridor. She proposed a site visit and asked that the committee to reject the application for such a development in the Sewell conservation area.

(Councillor Brociek-Coulton then left the meeting at this point.)

Discussion ensued in which the area development manager (outer) referred to the report and answered members' questions and responded to the issues raised by the speakers. He explained that the trees and vegetation on the southern border of the property would be retained and therefore the bat flight corridor would not be affected. External lights would be avoided in this area. The proposed development would have a minimal impact on the conservation area but it was set back from the neighbouring properties. He also referred to the supplementary report which showed the location of no 60 and pointed out that given the distance there would be no significant issues relating to overlooking of that property. Members sought clarification on the height of the new building in relation to the existing bungalow, and noted that there were conditions relating to the use of materials and planting.

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

During discussion members commented on the design of the proposed dwelling and that it was sympathetic to the adjacent buildings and would retain the lynch gate. Members also considered that the subdivision of this large garden was acceptable in that mature trees would be retained and that the natural habitat of the bats would not be affected. A member noted that the applicant would be submitting an ecological survey.

**RESOLVED**, unanimously, to approve application no. 17/01886/F - 36 St Clements Hill, Norwich, NR3 4BN and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Materials;
4. Lighting;
5. In accordance with AIA/AMS;
6. Protection of RPAs;
7. Submission of ecology survey and mitigation measures;
8. SUDS;
9. Bin/bike stores;
10. Landscaping scheme;
11. Construction management plan;
12. Removal of PD rights for extension, curtilage buildings, boundary treatments.

(Councillor Brociek-Coulton was readmitted to the room at this point.)

#### **7. Application no 19/00264/F - 73 Sukey Way, Norwich, NR5 9NZ**

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

During discussion the planner and the area development manager (inner) referred to the report and answered members' questions. This included: an explanation that planning permission was required to change the use of a dwelling house to a large (ie with 6 or more bedrooms) house in multiple occupation (HMO); that there was separate housing legislation to license HMOs; and confirming that some local authorities had taken out Article 4 Directions to control the proportion of HMOs in neighbourhoods.

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

Councillor Sands, Bowthorpe ward councillor, said that in some area of Three Score the percentage of HMOs was 60 per cent of all dwellings, and that there were problems associated with this for the local community. He said that the council did not have the tools to prevent family homes being turned into HMOs and that licensing or an Article 4 Direction were required to control the distribution of HMOs.

**RESOLVED**, unanimously, to approve application no. 19/00264/F - 73 Sukey Way Norwich NR5 9NZ and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Permission is for C3 / C4 dwellinghouse only.

#### **8. Application no 19/00046/F - 30 Irving Road, Norwich, NR4 6RA**

(Councillor Stutely had declared an other interest in this item.)

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

During discussion the planner referred to the report and slides to answer members' questions. He advised members that a sunlight impact assessment had not been required and that his assessment had been based on the vertical sky component. There was a small gap between this property and the neighbouring property and therefore direct sunlight was already limited.

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

During discussion members noted that the property was currently rented and that the indications were that the extension was for it to be a family home. However, its location near to the university and hospital raised concerns that the property could become a large HMO and would cause parking issues. The planner advised members that there was an external parking area for 3 cars and a garage. No application had been received for a change of use to a large HMO.

Councillor Wright said that no two properties in Eaton Chase were the same but the design of this building was "awful" and out of scale, with too many bedrooms for a family house. The chair concurred that the building looked like a "block on a block" but that he liked the green roof element of the design. Councillor Sands said that he could not support this application because of its size and mass and impact on the windows of the adjacent property.

Members were advised that the plans did not do justice to the design in that the external walls to the ground floor would be brick and the first floor rendered.

**RESOLVED** , with 5 members voting in favour (Councillors Brociek-Coulton, Button, Ryan, Peek, Stutely), 2 members voting against (Councillors Wright and Sands) and 1 member abstaining from voting (Councillor Driver (the chair)) to approve application no. 19/00046/F - 30 Irving Road Norwich NR4 6RA and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Obscure glazing to first floor bathroom;
4. Permission is for C3 / C4 dwellinghouse only.

## **9. Application no 19/00135/F - Conifers 9 Upton Close, Norwich, NR4 7PD**

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

In reply to a member's question, the planner said that the proposal improved the appearance of the streetscene by narrowing the gap between this property and the neighbouring property.

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

**RESOLVED**, unanimously, to approve application no. 19/00135/F - Conifers 9 Upton Close, Norwich, NR4 7PD and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Details of external materials.

(Councillor Ryan left the meeting at this point.)

#### **10. Application no 19/00176/F - 22 Milton Close, Norwich, NR1 3HX**

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

During discussion the area development manager (inner) referred to the report and answered members' questions in relation to the extension being at right angles to the adjacent property and the impact that this would have on light. He also referred to the planning history for this site and pointed out that this application had the same physical relationship with the adjacent property established in the extant 2012 planning consent.

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

Councillor Stutely said that he did not support the application because of the impact on the amenity and outlook of the adjacent property.

A member pointed out that the house had originally been a three bedroom house but one of the bedrooms had been changed into a bathroom. He considered that this property would provide more flexibility for a family as a three bedroom house.

**RESOLVED** with 6 members voting in favour (Councillors Driver, Wright, Brociek-Coulton, Button, Sands, and Peek) and 1 member voting against (Councillor Stutely) to approve application 19/00176/F - 22 Milton Close, Norwich, NR1 3HX, and grant planning permission subject to the following conditions:

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

(Councillor Brociek-Coulton left the meeting at this point.)

#### **11. Performance of the development management service; progress on appeals against planning decisions and updates on planning enforcement cases**

The area development manager (outer) presented the report. During the presentation he referred to case reference 18/00003/ENF, land at Holt Road, Norwich, and said that at its meeting in October 2018 the committee had agreed to a number of measures as an alternative to taking full enforcement on the change of use on this site. There had been some compliance to these conditions and the hedge had been planted. However, it had come to the council's notice that there were unauthorised waste materials on the site and the police had received a number of complaints relating to the occupants and use of the site. It was therefore intended to review the situation. Members commented that the applicant had not met the



conditions required by the committee and agreed that it should be reviewed. The committee was also concerned that the site was being used as a waste repository; and, that the animals were not contained within the site and presented a hazard to traffic and airport safety. The area development manager (outer) confirmed that a report would be presented to the next committee setting out recommendations for full enforcement which would take into consideration the individuals' human rights and legal opinion.

The area development manager (inner) updated members on the outcome of a couple of planning appeals as set out in appendix 1 of the report. The planning appeal for listed building consent in relation to Application no 17/01136/L had been allowed. The appeal in relation to application 18/00102/F 9 Normans Buildings had been dismissed.

During discussion, the area development managers referred to the report and answered members' questions in relation to pending planning appeals and recent appeal decisions, as set out in appendix 1 of the report, in relation to Bowthorpe Road Methodist Church and 137 Unthank Road. The shop in Magdalen Road had been repainted. No enforcement action had been taken in relation to the bed and breakfast establishment in Earlham Road as there was no evidence that it was being used as a restaurant.

Discussion ensued in which members expressed their concern that planning enforcement was under-resourced and that this resulted in cases like Trinity Street and the former Burrells shop in Unthank Road, where the local planning authority was intervening at a late stage when the applicant had not complied with planning conditions and the only option to the committee was to approve steps to mitigate the non-compliance. The area development manager (outer) said that best practice in providing planning enforcement was being considered within the resources available. The function was provided by the development control team and planners, with a reduced case load, were given a greater focus on planning enforcement. The committee suggested that consideration should be given to the employment of dedicated planning enforcement officers. Officers said that they would inform the leader of the council, the relevant cabinet member and the head of planning services.

**RESOLVED** to note the report.

CHAIR