



Planning applications committee

09:30 to 12:55

9 February 2017

Present: Councillors Herries (chair), Driver (vice chair) (from item 4 below), Bradford, Button, Carlo, Henderson, Jackson, Lubbock, Malik, Peek, Sands (M) and Woollard

1. Declarations of interest

Councillor Lubbock declared an interest in item 9 (below), Application no 16/01750/F 418 Unthank Road, as she lives in Unthank Road and could be perceived as having a personal and prejudicial interest. However, she did have a predetermined view and would be speaking on behalf of the neighbours and as such would speak as a member of the public and not take part in the deliberation of the application.

Councillor Lubbock referred to item 8 (below), Application no 16/01780/F 23 Bek Close and asked for it to be recorded that she had advised a resident on the planning application procedures but did not have a pre-determined view.

2. Minutes

RESOLVED to agree the accuracy of the minutes of the meeting held on 12 January 2017¹.

3. Application no 16/01574/O - Land at Lily Terrace, Norwich

The planner (development) presented the report with the aid of plans and slides. She also referred to the supplementary report of updates to reports which was circulated at the meeting proposing additional informatives to be added to the recommendation.

During discussion the planner, together with the planning team leader (inner area) referred to the report and answered members' questions. The committee noted that the application was for outline permission and that internal floor layout and landscaping would be considered at the reserved matters stage. Members also sought reassurance that a four storey property was acceptable at this location and would not have an adverse impact on the long distance views of the wooded ridge.

A member said that she regretted that a green roof had not been incorporated into the design rather than the use of pantiles because she considered that it would add to biodiversity and assist sustainable drainage.

¹ Minutes approved 9 February 2017, were subsequently amended to correct list of members recorded as present by deleting "Lubbock" and inserting "Peek"

Members considered that there should be a directive to ensure that occupiers of this development were aware that they were not eligible for on-street parking permits before taking up residency.

RESOLVED, unanimously, to approve Application no. 16/01574/O - Land at Lily Terrace, Norwich and grant planning permission subject to the following conditions:

1. Standard time limit (TL3);
2. In accordance with plans (AC3);
3. Materials to be agreed (DE2);
4. Details of cycle parking (CP3);
5. Sustainable drainage scheme (FW3);
6. Archaeological written scheme of investigation (AH1);
7. Obscure glazing (DE12);
8. In accordance with Arboricultural Report (TR7);
9. Water efficiency (FW1);

Informatives:

1. Transport - The development will not be eligible for parking permits. Future residents to be informed of this before occupancy.
2. Street naming and numbering.
3. Archaeological brief to be obtained from HES (in19).
4. Considerate Construction Scheme (IN7).
5. Tree protection barriers (IN11).

Article 31(1)(cc) statement

The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations, following negotiations with the applicant and subsequent amendments the application has been approved subject to appropriate conditions and for the reasons outlined in the officer report.

4. Enforcement Case 16/00020/ENF – 66 Whistlefish Court, Norwich, NR5 8QR

The planning team leader (inner area) presented the report with the aid of plans and slides.

RESOLVED, unanimously, to authorise enforcement action to secure the cessation of the unauthorised change of use of the dwelling at 66 Whistlefish Court, Norwich, from a HMO (house in multiple occupation) (Class C4) use to a HMO sui generis use, and authorise enforcement action to secure the cessation of the unauthorised change of use of the former garage for residential (C3) use and return it back to its authorised use as incidental / ancillary use; including the taking of direct action may result in referring the matter for prosecution if necessary.

(Councillor Driver arrived after the start of the above item and therefore did not participate in the voting.)

5. Enforcement Case 16/00020/ENF – 67 Whistlefish Court, Norwich, NR5 8QR

The planning team leader (inner area) presented the report with the aid of plans and slides.

RESOLVED, unanimously, to authorise enforcement action to secure the cessation of the unauthorised change of use of the dwelling at 67 Whistlefish Court, Norwich, from a HMO (house in multiple occupation) (Class C4) use to a HMO sui generis use, and authorise enforcement action to secure the cessation of the unauthorised change of use of the former garage for residential (C3) use and return it back to its authorised use as incidental / ancillary use; including the taking of direct action may result in referring the matter for prosecution if necessary.

6. Application no 16/01625/F - 1 Beckham Place, Edward Street, Norwich NR3 3DZ

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

During discussion the senior planner referred to the report and answered members' questions. This included clarification that the proposal was for three flats and that the two smaller flats did comply with minimum space standards. A member suggested that part of the car park could be landscaped and converted for amenity use. The senior planner explained that the car park and access was required to the A1 business unit, and given the proximity to the park and the size and type of accommodation, there was no overriding need for private amenity space. There were no designated parking spaces for the residents who could use the car park, which was primarily for business use, in the evening.

The senior planner explained that environmental protection officers had been consulted and considered that the mitigation measures were adequate to deal with any concerns about noise from existing businesses or commercial uses impacting on future residents.

Councillor Lubbock commented that she did not think that the proposal was acceptable in that there was no private amenity space for the residents and that the flats would be so close to A1 business and other activities.

The senior planner referred to the supplementary report of updates to reports and asked for an informative to be added with regards to ecology and the requirement to protect bats.

RESOLVED with 11 members voting in favour (Councillors Herries, Driver, Button, Malik, Carlo, Jackson, Henderson, Peek, Sands, Woollard and Bradford) and 1 member voting against (Councillor Lubbock) to approve Application no. 16/01625/F - 1 Beckham Place, Edward Street, Norwich, NR3 3DZ and grant planning permission subject to the following conditions:

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

3. Bin and cycle storage;
4. Materials including windows and doors;
5. Conservation roof lights;
6. Preservation of conservation features i.e. winch;
7. Water;
8. Works to boundary trees;
9. Gates and boundary treatment;
10. Acoustic measures.

Informative

Note relating to ecology and the requirement to protect bats.

Article 35(2) Statement

The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations and has approved the application subject to appropriate conditions and for the reasons outlined in the officer report.

7. Application no 16/01268/F - Merchants Court, St Georges Street, Norwich

The senior planner (development) presented the report with the aid of plans and slides. She referred to the supplementary report of updates to reports, which was circulated at the meeting, and contained revised wording for condition 15.

During discussion the senior planner referred to the report and answered members' questions. This included an explanation of the recent planning history of the site and that the consent for the development in the roof space had expired.

RESOLVED, unanimously, to approve application no. 16/01268/F - Merchants Court St Georges Street Norwich and grant planning permission subject to the following conditions:

1. Standard time limit
2. In accordance with plans
3. Approval of external materials of bricks, tiles, windows and doors
4. Details of internal elevations of the new atrium area and terraces
5. Details of rainwater goods types and locations, ventilation mechanisms and locations for bathrooms and kitchens, conservation rooflights and entrance canopy
6. Arboricultural Implications Assessment/AMS
7. Landscaping – including permeable paving
8. Removal of vegetation outside of bird nesting season
9. Approval and provision of secure cycle storage
10. Details of location, size and appearance of refuse store
11. Archaeology – works to stop if artefacts uncovered
12. Water conservation for new dwellings
13. Flood warning and evacuation plan
14. Additional noise survey to assess appropriate noise attenuation around plant and mechanical ventilation to flats where required

15. Provision for public access across the site from St Georges Street to Water Lane to be retained by removing permitted development rights restricting the erection of gates/enclosures.
16. Relocation of lamp post.

Article 35(2) Statement

The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations and has approved the application subject to appropriate conditions and for the reasons outlined in the officer report.

8. Application no 16/01780/F - 23 Bek Close, Norwich, NR4 7NT

The planner (development) presented the report with plans and slides. She referred to the supplementary report of updates to reports which was circulated at the meeting and contained summaries of further responses from the tree protection officer, fire safety officer and highways.

The neighbour² addressed the committee and outlined his objections to the application which included: concern that dust and debris from construction would be detrimental to his health and suggesting that the applicant provided a boundary fence to help prevent dust from entering his bedroom; that the committee should defer further consideration of this application until the issues relating to the tree protection order have been resolved; and, that the application would increase parking on the road which would impede his and other residents' access to their driveways and emergency vehicles from accessing their properties.. He also pointed out that there was a covenant in place that prohibited parking on the roadway of the close.

The planner commented on the issues raised by the speaker and advised the committee that the issues relating to the tree preservation order was a separate matter that was not connected with this application. The proposal complied with parking standards.

During discussion, the planner, together with both planning team leaders, referred to the report and answered members' questions. Members were advised that it would be unreasonable to require the applicant to provide double yellow lines as part of this application which was essentially a householder-extension and did not give rise to significant parking congestion. The proposal provided for two off-street parking spaces and there was on-street parking provision in the area. Members were advised that the existence of the covenant was not a material planning consideration. A member pointed out that it would have been useful for members to have had the floor plans included in their papers and there were indications that the property would be used as a house in multiple-occupation (HMO) and there were concerns about parking. The committee was advised that although a fence at the front of the property would not be the best solution to prevent the occupiers of 23 Bek Close parking on the pavement and highway. The applicant would be required to submit cycle and bin storage details and in addition the spaces for the off street parking area would be considered. The planner suggested that the applicant should be required to submit details of the parking and that condition 4 should be amended to include this.

² The committee agreed these minutes at its meeting on 9 March 2017, subject to amending item 8, Application no 16/01780/F 23 Bek Close, to include the fact that the neighbour had informed the committee that "he was disabled partly because of his eyesight" and that this was important to him because the whole point of his objections related to his disability and the impact that the development would have on that disability.

Councillor Lubbock said that she considered that it was reasonable for the developer to pay for yellow lines as a consequence of this proposal. She expressed concern about anti-social parking and the impact that this would have on other residents of the Close, many of whom were elderly. She therefore moved that an additional condition requiring the appellant to provide yellow lines should be included. Councillor Carlo seconded the motion. Two members spoke against the proposal pointing out that it was unreasonable and that yellow lines would need to be enforced. It was also noted that other residents might not be in support of yellow lines at the turning point of the cul-de-sac. On being put to the vote with 4 members voting in favour (Councillors Carlo, Henderson, Lubbock and Sands) and 8 members voting against (Councillors Herries, Driver, Button, Malik, Jackson, Peek, Woollard and Bradford) the motion was defeated.

Discussion ensued on the request for a fence between the two properties. A member pointed out that damping down the soil during construction would be more efficient at keeping dust out of the neighbouring property than a fence. Members also noted that the summer house was being retained. The planner said that there was a distance of 15 metres or 45 feet between the proposed extension and the neighbour's property and that there was not sufficient reason to impose a condition on the applicant to install a fence. The applicant would be advised to ensure that construction complied with the Considerate Construction scheme. Councillor Sands said that he was concerned about the neighbour's health and therefore moved that there should be an additional condition requiring the applicant to install a fence between the properties. Councillor Lubbock seconded the motion. On being put to the vote, with 3 members voting in favour (Councillors Sands, Lubbock and Henderson) and 8 members voting against (Councillors Herries, Driver, Button, Malik, Carlo, Peek, Woollard and Bradford) and 1 member abstaining (Councillor Jackson) the motion was defeated.

The chair moved the recommendations as set out in the report with an informative note to advise the appellant that consideration building

RESOLVED, with 8 members voting in favour (Councillors Herries, Driver, Button, Malik, Carlo, Peek, Woollard and Bradford) and 4 members voting against (Councillors Jackson, Henderson, Lubbock and Sands) to approve application no. 16/01780/F - 23 Bek Close, Norwich, NR4 7NT and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Works on site in accordance with AIA and AMS
4. Submission cycle storage, bin storage and car parking details.

Informative:
Considerate Construction Scheme (IN7).

Article 35(2) Statement

The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations and has approved the application subject to appropriate conditions and for the reasons outlined in the officer report.

9. Application no 16/01750/F - 418 Unthank Road, Norwich NR4 7QH

(Councillor Lubbock having declared an interest and a pre-determined view addressed the committee and then left the meeting during the committee's determination of the application.)

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

A neighbour addressed the committee and used slides to illustrate his points. His concerns included: that the roof should be a hipped roof which would have less impact on residential amenity and the conservation area than the proposed dual pitched roof; that there was currently no significant overshadowing from neighbouring properties or the fir tree and that the mass of the proposed gable roof would cause overshadowing to their property, and concerns about the accuracy of the measurements.

Councillor Lubbock addressed the committee and explained that she could see the outbuilding from her first floor but not from her garden, and was therefore speaking on behalf of her neighbours who would have the greatest impact on their garden. She said that it was regretful that the applicant had not discussed the plans with the neighbours so that a compromise could be reached. The pitched roof would be visible and have an adverse impact on the neighbours' amenity space. She pointed out if the application were to be approved there should be a condition to ensure that the outbuilding was not used as a separate dwelling.

(Councillor Lubbock left the meeting at this point.)

During discussion the planner, together with the planning team leader (outer area) referred to the report and commented on the issues raised by the speakers and answered members' questions. The committee noted that the application should be considered on its own merits and that a pitched roof and the proposed use of cladding and pantiles were considered acceptable. The size of the outbuilding and its location, away from the main buildings and patio areas, was also considered acceptable. The applicant had ceased construction when contacted by planning officers and had been very apologetic. A member commented that on balance he considered that the application was acceptable but that it would have been improved by the use of a hipped roof.

During discussion members noted that the use of the outbuilding was ancillary to the main house and would not be used as a separate dwelling without further planning permission. The chair moved and Councillor Woollard seconded that an informative to be added to the planning consent to give reassurance that the applicant was aware that the use of the building was ancillary to the main house, and members of the committee concurred.

RESOLVED, with 9 members voting in favour (Councillors Herries, Driver, Button, Malik, Carlo, Jackson, Peek, Woollard and Bradford), 1 member voting against (Councillor Sands) and 1 member abstaining (Councillor Henderson) to approve application no. 16/01750/F - 418 Unthank Road Norwich NR4 7QH and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. No first floor or mezzanine shall be installed

Informative:

Use of the outbuilding to be ancillary to the main dwelling and cannot be used as a separate dwelling.

Article 35(2) Statement

The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations and has approved the application subject to appropriate conditions and for the reasons outlined in the officer report.

(Councillor Lubbock was readmitted at this point.)

10. Application no 16/01796/F - 20 Swansea Road Norwich NR2 3HU

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

During discussion the planner referred to the report and answered members' questions. Members were advised that the extension was contained within the boundary of the property and would not affect the adjacent alleyway. A green roof could not be justified as the extension would not have a significant impact on the critical drainage area.

RESOLVED, unanimously, to approve application no. 16/01796/F - 20 Swansea Road Norwich NR2 3HU and grant planning permission subject to the following conditions:

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

Article 35(2) Statement

The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations and has approved the application subject to appropriate conditions and for the reasons outlined in the officer report.

11. Application no 16/01720/F - 1 Salter Avenue, Norwich NR4 7LX

The planner (development) presented the report with plans and slides. She also referred to the supplementary report of updates which contained a summary of a late representation received from a neighbour and the officer response. Members were advised that the application was not for a change of use to a house in multiple-occupation.

Discussion ensued in which the planner, together with the planning team leaders, referred to the report and answered members' questions. The committee was advised that the applicant could extend the property to the rear under permitted development rights if this application were to be refused. Members also sought information about the soakaway and were advised that the extension was designed to comply with building regulations. The planner suggested an additional condition requesting further details of surface water disposal.

Councillor Jackson commented that floor plans should be provided with the agenda papers.

RESOLVED with 11 members voting in favour (Councillors Herries, Driver, Button, Malik, Carlo, Henderson, Lubbock, Peek, Sands, Woollard and Bradford), and 1 member abstaining (Councillor Jackson) To approve application no. 16/01720/F - 1 Salter Avenue Norwich NR4 7LX and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans.
3. Details of surface water disposal to be submitted.

Article 35(2) Statement

The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations and has approved the application subject to appropriate conditions and for the reasons outlined in the officer report.

12. Application no 16/01788/F - 36 The Avenues, Norwich, NR2 3QR

The senior planning technical officer presented the report with plans and slides. During the presentation he referred to the objections to the proposed extension and explained that the roof-lights did not require planning permission.

During discussion the senior planning technical officer referred to the report and answered members' questions. Members expressed concern that the property had been vacant for twelve years. The age of the garage pre-dated the use of asbestos as a building material and it was unlikely that any would be found during its demolition. However members asked for an informative to be added to be advise the applicant of the possibility of asbestos and ensuring its safe handling and removal. Members also noted that no details had been provided for the conversion of the roof space to a habitable space.

Councillor Sands said that he was concerned that the extension and development could become a seven bedroomed house in multiple-occupation.

Other members welcomed that the building would be brought back into use.

RESOLVED with 11 members voting in favour (Councillors Herries, Driver, Button, Malik, Carlo, Henderson, Jackson, Lubbock, Peek, Woollard and Bradford), and 1 member abstaining (Councillor Sands) to approve Application no. 16/01788/F - 36 The Avenues Norwich NR2 3QR and grant planning permission subject to the following conditions:

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

Informative:

Caution about possibility of asbestos used in construction of garage and safe disposal of any materials found.

Article 32(5) Statement

The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations and has approved the application subject to appropriate conditions and for the reasons outlined above.

13. Application no 16/01753/F - 60 Denmark Road, Norwich NR3 4JS

The senior planning technical officer presented the report with plans and slides.

RESOLVED, unanimously, to approve application no. 16/01753/F - 60 Denmark Road Norwich NR3 4JS and grant planning permission subject to the following conditions:

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

Article 32(5) Statement

The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations and has approved the application subject to appropriate conditions and for the reasons outlined above.

14. Application no 16/01771/VC - Rouen House, Rouen Road Norwich, NR1 1RB

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

During discussion members commented on the application and noted how the out of hours' service would fit in with the walk in service and the general practitioners' surgery.

Councillor Sands said that he considered that the service would be a “de facto A&E” and that distressed people attending it would not be considerate to the needs of residents

RESOLVED with 11 members voting in favour (Councillors Herries, Driver, Button, Malik, Carlo, Henderson, Jackson, Lubbock, Peek, Woollard and Bradford), and 1 member abstaining (Councillor Sands) to approve Application no. 16/01771/VC - Rouen House, Rouen Road, Norwich, NR1 1RB and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. The ground floor doctor's surgery shall not be open to the public between the hours of 21:00 and 07:00 other than to provide an Out of Hours GP service in association with the NHS 111 non-emergency service or, with the prior approval of the Local Planning Authority, such other service that may replace it;
4. The walk-in-centre on the lower ground floor of the premises shall not be open to the public between the hours of 21:00 and 07:00 on any day;
5. Members of the public visiting the Out of Hours service operating on the ground floor shall access the premises by the Rouen Road entrance only.
6. Submission of a parking management plan for the Out of Hours service:
7. The on and off-site improvements approved under Application 15/00554/D shall be permanently retained as such;
8. The Travel Information Plan approved under Application 15/00554/D shall be made available to staff and visitors to the site and be reviewed annually;
9. The pedestrian and vehicle signage approved and under Application 15/00554/D shall be permanently retained as such;
10. The off-site highway works approved under Application 15/00554/D shall be permanently retained as such;
11. The cycle storage approved under Application 15/00554/D shall be permanently retained as such;
12. Notwithstanding the provisions of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order, with or without modification), the lower ground and ground floors of the premises, the subject of this permission, shall only be used as a walk-in health centre and doctors surgery, including GP out of hours service (Class D1) and for no other purposes including any other purpose in Class D1 of the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).

Informative

The services will not be entitled to business parking permits.

Article 35(2) statement

The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations and has approved the application subject to appropriate conditions and for the reasons outlined in the officer report.

**15. Tree Preservation Order [TPO], 2016. City of Norwich Number 514; 1
The Mustard Mill, Bracondale Millgate, Norwich, NR1 2FB**

The arboricultural officer (TPO) presented the report with the aid of plans and slides.

A resident addressed the committee and outlined his objections to the confirmation of the tree preservation order. He said that he had not been aware that the tree was one of a pair but was concerned that it blocked the view from his property. He also advised the committee that there was a covenant which prevented the residents from planting trees in their gardens and blocking views of the river.

During discussion, the arboricultural officer, referred to the report and answered members' questions. It was considered that the tree had been part of the original landscaping scheme associated with the housing development.

RESOLVED, with 8 members voting in favour (Councillors Herries, Malik, Carlo, Jackson, Henderson, Lubbock, Peek and Sands), 2 members voting against (Councillors Driver and Woollard) and 2 members abstaining (Councillors Button and Bradford) to confirm Tree Preservation Order [TPO], 2016. City of Norwich Number 514; 1 The Mustard Mill, Bracondale Millgate, Norwich, NR1 2FB, without modifications.

CHAIR