



Planning applications committee

9:30 to 13:30

8 September 2022

Present: Councillors Driver (chair), Sands (M) (vice chair), Bogelein, Champion, Davis, Grahame, Lubbock, Peek, Sands (S), Stutely and Young

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

1. Declarations of interests

Councillor Sands declared an other interest in item 3 (below), Application no 22/00610/F Land at Mousehold Lane, Norwich, NR7 8HA, as Chair of Mousehold Heath Conservators.

Councillor Bogelein declared an other interest in item 4 (below), Application no 22/00728/F, Angel Road Infant School, Angel Road - Siting of two modular classroom buildings and creation of seating area, because a close relative attended a school run by the same Trust.

Councillor Lubbock declared a pre-determined view in items 5 (below), Application no 22/00506/F, 301 Unthank Road, Norwich, NR4 7QA and 6 (below), Application no 22/00801/F - 406 Unthank Road, Norwich, NR4 7QH, as she had objected to the applications. In accordance with the procedures, Councillor Lubbock would speak on the items and then leave the room and not take part in the committee's determination of the applications.

Councillor Young declared a pecuniary interest in item 7 (below), Proposal for Extraordinary Meeting of committee and site visit - Application nos 22/00570/F & 22/00571/L - University of East Anglia because the university is her employer.

2. Minutes

RESOLVED to approve the accuracy of the minutes of the meeting held on 11 August 2022.

3. Application no 22/00610/F Land at Mousehold Lane, Norwich, NR7 8HA

(Councillor Sands had declared an interest in this item.)

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

During discussion, the planner together with the area development manager and the planning team leader, referred to the report and answered members' questions. This included an explanation of the sequential tests that the applicant had submitted and public health concerns (as set out in Main Issue 1 of the report). The operator had two city centre restaurants and was seeking to expand in the northwest of the city, on the outer ring road. The drive-thru restaurant was an integral part of the sequential test and, in accordance with case law, was a material consideration that could not be disaggregated from consideration of the application. Members sought confirmation of the location of all schools in the vicinity and were referred to paragraph 79 of the report. There was no policy to support objection to the proposal on public health grounds. Public health had been consulted but had not responded. A member commented that this did not signify agreement.

A member sought confirmation of the landscaping elements that the applicant had not agreed which included decluttering the site of ancillary development and more robust planting on the boundary of the site. Members also considered that the lighting should be sensitive to nocturnal wildlife, particularly bats.

A member expressed concern that the play area was adjacent to the cars in line for the drive-thru and considered that children would be subject to particulates from vehicle fumes. The committee was advised that the capacity of the restaurant was for 76 covers and that the number of children using the play area would be proportionate.

Members were advised that highways had raised no objections to this proposal. A member argued that the application was not fully compliant with planning policy DM1 as a drive-thru promoted the use of a private vehicle. The planner explained that DM1 was an overarching policy for all developments with an objective to reduce travel by private car. The application of DM18 directs main town centre uses to defined centres. The location and the application of the sequential test must be considered. The proposal would at its busiest (Saturday lunchtime) was estimated to create 49 additional trips to those already on the road network. Members were also reminded that the drive-thru element of the application could not be disaggregated from the application.

A member pointed out that there was no assessment of air quality in the report and expressed concern for children using the play area and people living in the residential properties in the area. Members were advised that there was a condition to manage anti-social behaviour. Customers could be encouraged to turn off engines when idling through signage and enforced by staff in accordance with the management plan. Boundary treatments would also address this. Members were advised that policy DM11 only required air quality assessments for areas included in an air management plan and therefore an assessment was not required for this application.

In reply to a member's question, the area development manager referred to the section of the report under Main Issue 3 – Amenity which addressed the issue of concerns that the proposal would have a cumulative impact on residential amenity. In reply to a question, the planner explained that a detailed litter management plan would be required as a planning condition to protect Mousehold Heath and a wider

area than it was company policy. The area development manager suggested that it could also include the car parks on Gurney Road. A breach of the litter management plan would be subject to planning enforcement.

The area development manager confirmed that the assessment by environmental protection officers on the impact of this proposal in terms of litter, noise and lighting was across the wider area and the city council's boundary. Sprowston Town Council and Broadland District Council had been included in the consultation. A member referred to the comments of Sprowston Town Council objecting to the 24/7 opening hours and suggested that in mitigation to residents' concerns about noise that the opening hours were restricted to close between 22:30 and 06:00. Members were advised that the assessment considered background noise, as set out in paragraph 118 of the report, and that there were no unacceptable impacts from this proposal. Members could however consider a condition to restrict opening hours.

In reply to a question, the planner said the officers were satisfied with the landscaping plan but it would be possible to enhance the plan. Members were advised that the play area was included in the description of the application and was therefore required.

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

Discussion ensued in which members reiterated their concerns raised during questions in relation to the need for amber lighting for wildlife and that the application was not fully compliant with DM1 in relation to the promotion of car use. A member said that the cumulative impact of this proposal on air quality, noise, light pollution created an unacceptable harm. Another member said that mitigation by reducing open hours would make it more acceptable for residents. However, she considered that there was a proliferation of fast-food takeaways on the ring road already.

During discussion on opening hours, members considered that the ring road was less busy at night. Members considered that 22:30 was too early and compromised by suggesting the closure of the restaurant between 23:00 to 06:00, which was standard. It was noted that under policy DM23 the definition of late-night use was midnight. Councillor Lubbock moved and Councillor Bogelein seconded the amendment to restrict the hours of operation to between 06:00 and 23:00 and with 8 members voting in favour (Councillors Lubbock, Bogelein, Sands (M), Champion, Davis, Young, Grahame and Sands (S)), 1 member voting against (Councillor Peek) and 1 member abstaining (Councillor Stutely, as chair of licensing, so as not to predetermine any future licensing application), it was approved.

The area development manager advised members that condition 28 could be amended to ensure that external lighting was suitable for all wildlife. Councillor Sands (M) moved, and Councillor Peek seconded the proposal to ensure that LED lighting was amber or the most suitable for wildlife, and on being put to the vote was approved unanimously.

Discussion then ensued on the landscaping condition. The area development manager advised the committee that it was flexible and subject to negotiation. The application description referenced the play frame and so it would need to be included in whatever form the landscaping took. It might be possible to swap the cycle store,

which was to the north and the play area around. A member pointed out that the play area needed to be visual from the restaurant so that people could see their children and therefore this was unacceptable. Councillor Bogelein moved, and Councillor Grahame seconded that the landscaping plan be enhanced and the layout amended. During discussion members noted that there would be an antisocial management plan which would include encouraging customers to turn off their engines. Members considered that ecological mitigation to permit small mammals to cross the site safely should be included in condition 4. A member said he considered that the design was essentially flawed with the vehicles at the drive-thru next to the seating and play area. Members also considered that the cycle store was unsafe as young adults would cut across the car park. Members were advised that there were defined pedestrian routes across the site and that the speed of traffic in the car park would be low. The committee moved to the vote and with 10 members voting in favour (Councillors Driver, Bogelein, Champion, Lubbock, Stutely, Davis, Peek, Young, Grahame, and Sands (S)) and 1 member abstaining (Councillor Sands (M)), the amended conditions were relating to landscaping and ecology were approved.

In response to a question from Councillor Stutely, the area development manager suggested that rather than be proscriptive on areas to be litter picked, officers would consult with local members to ensure that specific areas were not omitted. The committee concurred with this suggestion, unanimously.

The chair put the recommendations as moved previously, and with the amendments and conditions as approved above, and on being put to the vote by 5 members voting in favour (Councillors Driver, Sands (M), Lubbock, Peek, and Sands (S)) and 6 members voting against (Councillors Bogelein, Champion, Davis, Stutely, Young and Grahame) the motion was lost, and the planning application not determined.

Members then discussed the reasons for refusal. Councillor Bogelein reiterated her concerns about the application not being fully compliant with DM1, in that it promoted the use of private car travel, rather than non-car use; that there was a density of fast food outlets which was detrimental to public health and wellbeing, and in proximity to schools where students were not required to stay on site. Members also considered that there was an issue with the design of the site as the play area and seating area were in the wrong location adjacent to the lane to the drive-thru and there were no alternative acceptable locations on the site to relocate the play area that was not dangerous for children. Councillor Bogelein then moved that the application be refused on these grounds, seconded by Councillor Champion. Councillor Stutely who added that the application was not in accordance with NPPF8 for the protection of health and safety in relation to the play area, and asked officers to provide the exact wording. On the advice of the area development manager that movers and seconders of motions would be consulted if the applicant appealed, it was agreed that Councillor Stutely would second the motion. On being put to the vote it was:

RESOLVED, with 6 members voting in favour (Councillors Bogelein, Stutely, Champion, Davis, Young and Grahame) and 5 members voting against (Councillors Driver, Sands (M), Lubbock, Peek, and Sands (S)) to refuse Application no 22/00610/F Land at Mousehold Lane, Norwich, NR7 8HA, on the grounds minuted above relating to compliance with policy DM1 in relation to promotion of private car use rather than non-car use and not promoting public health

and wellbeing, and on design grounds, and ask the head of planning and regulatory services to provide the reasons for refusal in planning terms.

(Reasons for refusal as subsequently provided by the head of planning and regulatory services:

1. The proposed development, by virtue of the drive-thru facility, car park in excess of maximum standards and provision of fast food, does not minimise the overall need to travel or reduce dependency on the private car and would fail to maximise opportunities for improved health and well-being. This is contrary to the sustainability objectives of Policy DM1 of the adopted Development Management Policies Local Plan (2014) and paragraph 92(c) of the National Planning Policy Framework (2021).
2. The location of the playframe proposed within the development would be exposed to the emissions of vehicles moving through or stationary and idling within the adjacent drive-thru lane. This fails to create a healthy and safe space and support healthy lifestyles, contrary to Policy DM1 of the adopted Development Management Policies Local Plan (2014) and paragraph 92(c) of the National Planning Policy Framework (2021.)

4. Application no 22/00728/F, Angel Road Infant School, Angel Road - Siting of two modular classroom buildings and creation of seating area

(Councillor Bogelein declared an interest in this item.)

The planner (case officer) referred members to the supplementary report of updates to report which was circulated at the meeting (and available on the council's website). This report detailed amendments to conditions 6 and 1 as set out in the main report. Members were advised that Councillor Brociek-Coulton, councillor for Sewell ward, had advised officers that her objections had now been addressed. The committee was also advised of a new application for temporary permission for a unit which had previously been granted temporary consent which had lapsed in 2017.

The planner then presented the report with the aid of plans and slides. The closure of the junior school was not an issue as the applicant was seeking temporary, retrospective planning consent for two modular classroom buildings and not a permanent solution.

During discussion, the planner together with the area development manager and the planning team leader, referred to the report and answered members' questions. This included questions on the proposal for temporary consent and the planning status of the other modular buildings on the site. Members were advised that the applicant had originally applied for 10 years temporary permission. Officers had suggested 5 years. A further planning application would be needed to extend this, the proposal would not lead to permanent change of use, and any breaches were subject to enforcement. In reply to concerns that the vehicular entrance to the site would be congested, members were advised that there were other accesses on the site. Members commented on how the modular classrooms could be evacuated in a fire, noting that this was an issue for building control. A member sought reassurance that the expansion of the school on this site would not result in increased traffic. The planner advised members that this had not been raised as an issue by Highways and referred members to paragraph 59 of the main report, which stated that two

travel plans had been submitted by the applicant and further details of cycle storage would be conditioned. Members were also informed that officers had advised 5 years for the temporary consent to enable the applicants to obtain funding for a permanent solution. Regarding pupil numbers, it was also noted that St Clements Hill Primary Academy had taken some of the pupils from the closed Angel Road Junior School.

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

Discussion ensued in which members commented on the closure of the junior school due to its condition. The use of modular classrooms and loss of part of the playing field was not ideal but provided a temporary solution. Another member referred to the lack of planning that had led to the Trust to resort to modular classrooms and said that she hoped that it would find a long-term solution.

Councillor Champion, councillor for Sewell Ward, spoke in support of the application and commended the school staff for seeking a permanent solution.

RESOLVED, unanimously, to approve application 22/00728/F at Angel Road Infant School and grant planning permission subject to the following conditions:

1. Temporary permission for 5 years.
2. In accordance with plans;
3. SUDS details; - Can you give me this in full for the minutes please-
4. Arboricultural supervision;
5. Submission parking/ cycle/ bin storage details;
6. Provision of fire hydrant, within 12 months of the consent being issued.

5. Application no 22/00506/F, 301 Unthank Road, Norwich, NR4 7QA

(Councillor Lubbock had declared a predetermined view and did not take part in the determination of this item.)

The planner (case officer) presented the report with plans and slides. She also referred to the supplementary report of updates to reports which was circulated at the meeting and available on the council's website. The report contained a correction to the numbering of the headings of the main issues and summarised three letters of objection to the revised plans, including one from a consultant acting on behalf of the neighbours, and the officer response. The area development manager presented the section of the supplementary report which responded to the representation, made on behalf of the adjacent neighbours. He confirmed that the normal practice of reporting comments received during the consultation period after the agenda papers had been published had been adhered to and that there had been sufficient time to assess the revised application against these comments.

A resident of Unthank Road, living adjacent to the application site, addressed the committee. He read out a statement on behalf of his wife setting out their concerns that the consultation on the revised plans had concluded on 28 August 2022, that representations had not been published on the council's website and calling on members to defer consideration of the application to a future meeting to allow sufficient assessment of comments. The resident also summarised their objections

to the proposal, which included their concerns that it would have a detrimental impact on their residential amenity and the conservation area, as set out in the main report and supplementary report. There was a two-storey extension at no 297 Unthank Road, but this was approved 15 years ago and under different planning policies, and therefore should not set a precedent. The extension would overlook their main living area, and, in mitigation, it was asked that obscure glazing was used.

Councillor Lubbock, Eaton ward councillor, addressed the committee on behalf of the residents of 303 Unthank Road, who would be most affected by the proposed extension. The house at 301 Unthank Road was locally listed and in a conservation area. She acknowledged that the plans had been revised to remove the second storey from the side return. However, the window from the rear extension would overlook the neighbours' garden and the windows in the side extension overlooked the living room, kitchen and breakfast room and should be obscure glazing. The area of the building to be rendered had been reduced but it was out of keeping with the locally listed building and character of the conservation area. Red brick was preferable. She also commented on the deadline for comments on the revised scheme and said that the council had a duty of care to ensure that an assessment of all comments was made to take recommendations forward to committee.

The applicant addressed the committee in support of the application. He explained that the proposed extension was for family use and to accommodate the needs of a visually impaired resident. The proposal had been scaled back and at the ground floor was like extensions adjacent to the house. He commented on the 60 ft garden which had been neglected and confirmed that the proposals would not be detrimental to the ecology, with no trees being removed and saplings planted. The applicants had worked with the case officer and modified the application.

(Councillor Lubbock left the room at this point.)

The area development manager explained that personal details were removed from representations when published and apologised that this had not been made clear to interested parties when submitting comments. He explained that applications were considered individually on a case-by-case basis and that the two-storey extension at 297 did not set a precedent.

The planner, area development manager and planning team leader, referred to the report and answered members' questions. This included questions on the windows to the extension. Members were advised that the two-storey extension to the rear was acceptable in the conservation area as it could not be viewed from the highway. The committee had noted that although there was planning consent for an extension at no 299, the assessment for this application had been made on the current situation. It was also noted that officers considered that the application was acceptable on its merits and that the disability of one of the residents did not need specific consideration.

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

Discussion ensued in which members commented that this application was finely balanced but considered that overall, it was acceptable. Members were concerned that the neighbours would be overlooked. It was noted that the window on the upper

storey would look out over the garden. Members considered that the upper part of the windows on the side extension should be obscure glazed to protect the neighbours' privacy, noting that the view from the windows was obscured by the boundary treatment to a height of 1.7m. Members were advised that the kitchen in the proposed extension would have bifold doors and therefore daylight would be adequate with the use of obscure glazing at the top of the side windows. Councillor Stutely moved, and Councillor Driver seconded that an additional condition be attached to the planning permission to require the side windows, above 1.7m from ground level, to be obscure glazed, with clear glaze at the bottom of each window, and on being put to the vote was approved unanimously.

The chair moved the committee to the vote on the recommendations as amended.

RESOLVED, with 9 members voting in favour (Councillors Driver, Sands (M), Bogelein, Champion, Stutely, Peek, Young, Grahame and Sands (S)) and 1 member abstaining from voting (Councillor Davis), to approve application 22/00506/F 301 Unthank Road, Norwich NR4 7QA and grant planning permission, subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Works in accordance with AIA;
4. Details of surface water drainage.
5. Side extension windows to be obscure glazed, 1.7m above ground level, and clear glaze at the bottom.

Informatives:

1. IN9 Site Clearance and Wildlife
2. IN27 Protected Species

(Councillor Lubbock was readmitted to the committee at this point.)

6. Application no 22/00801/F - 406 Unthank Road, Norwich, NR4 7QH

(Councillor Lubbock had declared a predetermined view and did not take part in the determination of this item.)

The planner (case officer) 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 available on the council's website, which contained a correction to the report to confirm that one letter of representation and one from the ward councillor had been received.

Councillor Lubbock, Eaton ward councillor, addressed the committee to explain that her reason for calling in the application was that a sizeable development in a garden should be brought to members' attention and determination by the committee.

(Councillor Lubbock left the meeting at this point.)

Discussion ensued in which the planner and area development manager referred to the report and answered members' questions. Members were advised that the

proposed outbuilding was for ancillary use to the residential property and that this use could include Airbnb. Members also noted that access for construction materials would be via Judges Walk, but there was also access by the side of the house from Unthank Road.

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

During discussion, a member welcomed the removal of the “unsightly garage” which would improve the appearance on Judges Walk. Members took into consideration the mitigation that the applicant had agreed in response to objections from neighbouring residents. This included the use of a green roof which would address and limit the impact of the proposed building on the outlook from the house in Judges Walk that backed on to the site.

RESOLVED, unanimously, to approve application no. 22/00801/F - 406 Unthank Road Norwich Norfolk NR4 7QH and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Details of green roof.
4. Ancillary accommodation;
5. In accordance with AIA;
6. Arboricultural supervision
7. Windows to be fixed shut and retained thereafter.

Informatives:

1. Site clearance and wildlife;
2. Protected species.

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

**7. Proposal for Extraordinary Meeting of committee and site visit -
Application nos 22/00570/F & 22/00571/L - University of East Anglia**

(Councillor Young, having declared an interest in this item, left the meeting.)

RESOLVED to hold an extraordinary meeting of the committee on Thursday, 29 September 2022 at 11:00 am to determine application nos 22/00570/F & 22/00571/L for refurbishment and repair of building 3, Teaching Wall, Norfolk Road, University of East Anglia; and a site visit at 9:30 am prior to the committee meeting.

CHAIR