



PLANNING APPLICATIONS COMMITTEE

11am to 2.40pm

19 July 2012

Present: Councillors Bradford (chair), Sands (M) (vice chair), Ackroyd, Gee (to the middle of item 9), Howard, Kendrick, Lay, Little, Neale, Rogers, Sands (S) (to end of item 7) and Stonard

1. DECLARATIONS OF INTEREST

Councillor Sands (S) referred to the motion approved at council on 17 July 2012 regarding the Wensum River Parkway Project and asked for clarification on whether this could constitute pre-determination of item 9, 12/01120/VC Land and buildings on the north east side of King Street, Norwich, particularly given that the comments from the Thorpe Hamlet Ward councillors as part of the planning consultation were reflected in the wording of the motion.

The head of planning services and the planning solicitor advised that the council resolution was essentially about the principle of access to the river and the planning application was subject to the regulatory process and should be determined with reference to all the material planning considerations. Therefore no member of the committee could be considered to have pre-determined the application because of the resolution made at council to support the Wensum River Parkway Project and therefore all members of the committee could determine the application. Members were advised that they should approach the planning application with an open mind.

No members declared a pre-determined view in this application.

2. MINUTES

RESOLVED to approve the accuracy of the minutes of the meeting held on 21 June 2012, subject to the following amendment in respect of item 1, declaration of interests, correcting the reference to 39 Elm Hill.

3. APPLICATION NO 12/00961/F CAR PARK AT 5-11 CATHEDRAL STREET, NORWICH

RESOLVED to defer consideration of this planning application to the next meeting of the committee, at the request of the applicant.

**4. APPLICATION NO 12/00276/F WESTLEGATE HOUSE 14 - 18
WESTLEGATE, 20 WESTLEGATE; CAR PARK REAR OF 14 - 18
WESTLEGATE AND LION AND CASTLE YARD, TIMBERHILL NORWICH;
12/00277/L 20 WESTLEGATE, NORWICH, NR1 3LR12/00319/C FORMER
CLUB BUILDING, AND PART INTERNAL CAR PARK STRUCTURE REAR
OF 14 - 18 WESTLEGATE, NORWICH**

The head of planning services presented the report and referred to the minutes of the planning applications committee held on 17 and 31 May 2012, and answered members' questions. The committee had approved applications nos 12/00276/F, 12/00277/L and 12/00319/C on 17 May, subject to the signing of a S106 agreement by 30 June 2012. This had not been achieved despite the best efforts of the applicants and officers but was nearing completion. Members were advised that for robustness only members present at the meeting on 17 May should vote on this item.

RESOLVED with 4 members voting in favour (Councillors Bradford, Gee, Kendrick and Little) and 8 members abstaining (Councillors Sands (M), Ackroyd, Howard, Lay, Neale, Rogers, Sands (S) and Stonard because they were not present at the committee meeting held on 17 May 2012) to:

- (1) approve application no12/00276/F, subject to the conditions and legal agreement ;
- (2) delegate authority to the head of planning services to approve applications 12/00277/L and 12/00319/C, subject to the conditions as outlined in the previous report as approved by members on the 17 May 2012 (and clarified on 31 May 2012.)

**5. APPLICATION NO 11/01862/F ST THOMAS MORE CATHOLIC JUNIOR
SCHOOL, JESSOPP ROAD, NORWICH NR2 3QB**

The planner (development) presented the report with the aid of plans and slides, and together with the principal planner (transport), answered members' questions.

During discussion members were advised that it would be unreasonable to require the applicants to address the wider problem of parking on the grass verges in this area. Members were also advised that bollards on grass verges created an obstacle which made cutting grass more difficult. The school was progressing well with its travel plan and by 2015 would have reduced the demand for parking considerably.

RESOLVED to approve application no 11/01862/F St Thomas More Catholic Junior School, Jessopp Road, Norwich and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Details
 - (a) external facing materials;
 - (b) fencing around new access ramp;
 - (c) material and colour of new railings along Jessopp Road;
 - (d) permeable hard surfacing;

4. In accordance with AIA;
5. Pre-construction site meeting;
6. Additional Tree Protection Plan and Arboricultural Method Statement;
7. Scheme of replacement tree and vegetation planting to be agreed.

(Reasons for approval:

1. The decision is made with regard to policies NE8, HBE8, EP17, HBE12, EP22 and TRA6 of the City of Norwich Replacement Local Plan, the adopted Joint Core Strategy March 2011 and all material considerations.
2. The design of the alterations and extensions are in keeping with the scale and form of the existing school and that the proposal is unlikely to have an adverse impact either on the amenity of the immediate neighbours or the wider area due to the distance of the proposed development to the nearest residential dwellings.
3. Replacement tree planting on site will mitigate against the loss of the existing lower grade trees and shrubs whilst enhancing the biodiversity value of the site.
4. Proposed parking on site is acceptable in this instance due to the efforts made to reduce parking demand and for the avoidance of parking on public highways of staff and visitors to the school.)

Informative:

1. Protected species licence;
2. Tree protection barriers;
3. Travel plan welcomed, as will be future work to reduce parking demand for staff, pupils and visitors

6. APPLICATION NO 12/00887/F 133 COLMAN ROAD, NORWICH, NR4 7HA

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

RESOLVED to approve application no 12/00887/F, 133 Colman Road, Norwich, NR4 7HA and grant planning permission subject to the following conditions:

1. Standard time limit.
2. In accordance with plans.
3. Hours of use to be agreed.
4. Hours of deliveries/servicing to be agreed.
5. Sound proofing between floors.
6. Use of anti-vibration mountings.
7. Specification of flue.
8. Maintenance schedule for flue.
9. Further plant or machinery to be agreed.
10. Any amplified noise or amplified sound equipment to be agreed in advance.
11. Any external lighting to be agreed in advance.
12. Details of refuse storage area, screening and surface treatment, and provided prior to first use.
13. Details of colour of flue and ductwork.

(Reason for approval: The decision is made with regard to policies HBE12, EP10, EP22, SHO22, TRA6, TRA7 and TRA8 of the City of Norwich Replacement Local Plan, the adopted Joint Core Strategy March 2011 and all material considerations.

The takeaway will provide a suitable use within the local centre which has good transport connections and is in an accessible location for the surrounding residential area. Whilst the design and overall appearance of the extraction flue to the rear is visually prominent, the takeaway would provide jobs for a small business and the height of the flue ensures no odour pollution to adjoining residential units. As such on balance with the use of appropriate conditions the proposed development is unlikely to have an adverse impact on the amenities of either the immediate neighbours or the wider area.)

7. APPLICATION NO 12/01099/F 327 EARLHAM ROAD, NORWICH, NR2 3RQ

The planner (development) presented the report with the aid of plans and slides, and referred to the supplementary report containing updates to reports which was circulated at the meeting, relating to an additional letter received from the adjoining neighbour at 329 Earlham Road, which emphasised issues raised previously in response to the application.

Representatives of each of the adjoining properties addressed the committee and outlined their objections to the proposal, which included loss of outlook; sunlight and amenity. They requested that the officer undertook a site visit so as to view the site from their properties.

The applicant then addressed the committee and explained that the accommodation in the house was limited and that the comments from the neighbours had been taken into account.

The planner confirmed that she had visited the site and had stood close to the boundary of 329 where she had obtained a good sense of the difference in ground levels. She referred to the report and explained that the proposal was reasonable and that under permitted development rights the applicant could install a 2m fence if it was not adjacent to a highway, and that the single storey extension was 3.7m at the top of the pitched roof and then sloped down which was considered acceptable.

Discussion ensued on the potential loss of light that the proposal could have on the neighbouring properties. Members were referred to the report and advised that a requirement for a light survey would be unjustified in this instance.

During discussion Councillor Sands (S) said that she considered that the impact of the second storey extension would be detrimental to the neighbouring property at 329. Councillor Rogers said that he considered that the proposal was also detrimental to the amenity of the residents at 325. Councillor Sands (S) moved and Councillor Stonard seconded that the planning application be refused on the grounds of loss of sunlight and amenity to the residents at 325 and loss of light to the residents of 329 and amenity.

RESOLVED, on the chair's casting vote, with 6 members' voting against refusal (Councillors Bradford, Sands (M), Kendrick, Neale, Little and Gee) and 6 members voting in favour of refusal (Councillors Ackroyd, Lay, Howard, Rogers, Sands (S) and Stonard) the proposal to refuse the application on the grounds of loss of light and amenity to the residential properties at 325 and 329 Earlham Road was rejected.

The chair then moved the recommendations as set out in the report.

RESOLVED, on the chair's casting vote, with 6 members' voting in favour (Councillors Bradford, Sands (M), Kendrick, Neale, Little and Gee) and 6 members voting against (Councillors Ackroyd, Lay, Howard, Rogers, Sands (S) and Stonard) to approve application no 12/01099/F, 327 Earlham Road, Norwich, NR2 3RQ, and grant planning permission, subject to the following conditions:

1. Standard time limit.
2. In accordance with plans.
3. Materials to match those on existing dwelling.

(Reason for approval: The decision is made with regard to policies HBE12 and EP22 of the City of Norwich Replacement Local Plan Adopted Version November 2004, the adopted Joint Core Strategy March 2011 and all material considerations. The extensions are of good design and whilst large in scale the reduced ridge height to that of the existing dwelling and the recessed building line back from the forward building line of the existing dwelling lead to the extensions being of acceptable scale and form and in-keeping with the character of the existing dwelling and form of development in the surrounding area. The extensions would not have a significant adverse impact on outlook or sunlight to neighbouring properties by virtue of the small extent of the rear extension and the reduced ridge height compared to that of the main dwelling.)

(The committee adjourned for a short break. Councillor Sands (S) left the meeting at this point. The meeting reconvened with all members present as listed above with the exception of Councillor Sands (S).)

8. APPLICATION NO 12/00471/F & 12/00472/L EARLHAM HALL, EARLHAM ROAD, NORWICH NR4 7TJ

The planner (development) presented the report with the aid of plans and slides. Members were advised that only the listed building consent needed to be referred to the Secretary of State but not the full planning application. The applications were both recommended for approval, subject to a response from the Secretary of State. Members also noted that the reference to "paragraph 42" in paragraph 15 should be amended to "paragraph 43".

The planner and the planning development manager answered members' questions and explained that it was necessary to provide access for emergency vehicles. During discussion members were advised that a decision from the Secretary of State should take about 8 weeks. The Secretary of State could call a public inquiry if necessary.

RESOLVED to:

- (1) approve application no 12/00471/F Earlham Hall, Earlham Road, Norwich, NR4 7TJ, and subject to the following conditions:
 1. Standard time limit
 2. In accordance with plans
 3. Fencing panel to enable vehicle access only be removed for emergency access and planned refurbishment works of building and grounds (agreed in writing in

- advance with Council).
- 4. In accordance with AIA
- 5. Additional Tree Protection Plan and Arboricultural Method Statement.
- 6. Details of:
 - (a) Materials of metal railings and gate
 - (b) Siting, location and materials of bollards around access way
 - (c) Track matting specification

(Reason for approval: The decision is made with regard to policies NE3, NE8, HBE8 and HBE12 of the City of Norwich Replacement Local Plan, the adopted Joint Core Strategy March 2011 and all material considerations. The proposed access way would improve accessibility for fire services to the south elevation and improve pedestrian access around the hall and its setting. The sense of enclosure in the north courtyard would still be retained through the use of metal fencing and gates in a style similar to that previously used at the Hall.

- (2) refer the listed building planning consent no 12/00472/L Earlham Hall, Earlham Road, Norwich, NR4 7TJ, to the Secretary of State with a resolution to grant consent subject to the following conditions:
 - 1. Standard time limit
 - 2. In accordance with plans
 - 3. Vehicle access gate to be kept shut and locked and access way to only be used for emergency access and planned refurbishment works of building and grounds (agreed in writing in advance with Council). Pedestrian gates to be unlocked at all times.
 - 4. Details of:
 - (a) Materials of metal railings and gate;
 - (b) Siting, location and materials of bollards around access way;
 - (c) Track matting specification.

(Reason for approval: The decision is made with regard to policies NE3, NE8, HBE8 and HBE9 of the City of Norwich Replacement Local Plan, the adopted Joint Core Strategy March 2011 and all material considerations. The proposed access way would improve accessibility for fire services to the south elevation and improve pedestrian access around the hall and its setting. The sense of enclosure in the north courtyard would still be retained through the use of metal fencing and gates in a style similar to that previously used at the Hall.)

9. APPLICATION NO 12/01120/VC LAND AND BUILDINGS ON THE NORTH EAST SIDE OF KING STREET, NORWICH

(Councillor Gee left the meeting during this item and did not take part in the determination of this item.)

The planning development manager presented the report with the aid of slides and plans. He referred to the supplementary report of updates to reports which was circulated at the meeting and contained details of two further letters of objection.

A member of the public spoke in support of the application to remove condition 9 and said that he considered that the mooring was unnecessary.

Discussion ensued in which the planning development manager answered members' questions. A member commented on the Broads Authority's strong objection to the loss of the moorings. Members considered that S106 agreement was legally binding and concern was expressed that the application to vary it would deny members of the public access to the river at the two points of access on this site. Discussion ensued in which members considered the concerns about anti-social behaviour in this area and how this should be addressed. Members considered that better lighting under the bridge would allow safer public access and that this could be included in the S106 agreement. There was also support for the retention of the moorings to encourage better use of the river and access to it. Members were advised that the S106 agreement was unlikely to include angling rights on this part of the river.

The chair moved and Councillor Little seconded that the committee should refuse the application and not vary the S106 agreement in relation to the provision of public access to the river or the removal of condition 9 in relation to the moorings from the planning permission as being harmful to river navigation. Members also moved that enforcement action should be taken if necessary to ensure that public access was available and to remove the gates that have been installed.

RESOLVED to:

- (1) refuse application no12/01120/VC for the deletion of condition 9 (relating to the provision of moorings) of planning permission 04/00274/F for land and buildings on the north east side of King Street, Norwich because it is harmful to river navigation and is contrary to policy and to ask the head of planning services to provide reasons for refusal in policy terms;
- (2) not agree to the variation of the S 106 agreement to remove the requirements for the provision of the public access areas as it would be contrary to policy and is harmful to the aim of providing access to the river bank, and to ask the head of planning services to provide reasons for refusal in policy terms;
- (2) authorise enforcement action and to undertake direct action and legal proceedings, including prosecution if necessary.

(Reasons for refusal in policy terms as subsequently provided by the head of planning services:

1. The loss of the proposed moorings would be contrary to saved policy TVA3 of the adopted City of Norwich Replacement Local Plan 2004 which requires access by river craft to development sites and promotes access to the river for visitors and other users and policy 18 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2011 which promotes the recreational value and navigational use of the river on sites in close proximity to the Broads.
2. The variation of the S106 agreement to remove the requirements for the provision of the public access areas as it would conflict with Policies TVA3 and SR11 of the City of Norwich Replacement Local Plan (2004) and be harmful to the aim of providing access to the river bank.)

10. APPLICATION NO 12/01010/F LAND ADJACENT TO AND EAST OF 19 TO 27 CATTON VIEW COURT, NORWICH

The planning team leader (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 Environmental Protection had responded to the consultation and did not object to the proposal provided that it was subject to the imposition of conditions relating to contamination. This had been included in the recommendations.

Councillor Stonard, as ward councillor for Catton Grove, referred to the Planning Inspector's report on the appeal for the previous application on this site and said it was disappointing that this application could not be refused on parking grounds and considered that it would exacerbate the existing parking problems in this area. Councillor Kendrick, also a ward councillor for Catton Grove, said that he considered the appeal decision was flawed and that information that residents had not parked on the site was incorrect.

RESOLVED with 8 members voting in favour (Councillors Bradford, Sands (M), Ackroyd, Lay, Howard, Little, Neale and Rogers) and 2 members voting against (Councillors Kendrick and Stonard) to approve application no 12/01010/F Land adjacent to and east of 19 to 27 Catton View Court, Norwich and grant planning permission, subject to the following conditions:-

1. Standard time limit;
2. Development in accordance with details submitted;
3. Provision of access parking and turning areas prior to first occupation;
4. Provision of cycle storage and refuse storage areas in accordance with details to be agreed prior to first occupation;
5. Compliance with the arboricultural implications assessment;
6. Details of bricks and tiles to be used;
7. Soft and hard landscaping details;
8. Contamination conditions as required by Environmental Health;
9. Development to achieve code for sustainable homes level 4 for water efficiency.

(Reasons for approval: The decision has been made with particular regard to policies ENV7 and WM6 of the adopted East of England Plan Regional Spatial Strategy 2008, policies 1, 2, 3, 4 and 20 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2011, saved policies NE9, HBE12, EP18, EP22, HOU13, TRA5, TRA6, TRA7 and TRA8 of the adopted City of Norwich Replacement Local Plan 2004, the National Planning Policy Framework and other material considerations.

The proposals provide for the redevelopment of an existing brownfield garage site. The site has good connections to nearby services and is considered to be an appropriate location for new residential development. The loss of garaging would not exacerbate problems with on-street parking and congestion and would not have an adverse impact on the living conditions of future occupiers. Car parking provision is in line with maximum parking standards. Cycle parking and refuse storage is now considered to be acceptable following revisions to provide separate storage for each

property. The layout and design of the proposals are considered to be acceptable given site constraints and subject to conditions. It is not considered that there are any significant detrimental impacts to the amenities of adjacent properties. The proposals are therefore considered to be acceptable subject to the conditions imposed.)

11. APPLICATION NO 12/00799/F 156A NEWMARKET ROAD, NORWICH, NR4 6SE

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

RESOLVED with 9 members voting in favour (Councillors Bradford, Sands (M), Ackroyd, Kendrick, Lay, Little, Neale, Rogers and Stonard) and 1 member abstaining (Councillor Howard) to approve application no 12/00799/F 156A Newmarket Road and grant planning permission, subject to the following conditions:

1. Standard time limits (3 years)
2. In accordance with details submitted
3. Submission of external materials details for approval

(Reasons for approval: The decision has been made with particular regard to Statements 7 and 12 of the National Planning Policy Framework, March 2012, Policies ENV6 and ENV7 of the adopted East of England Regional Spatial Strategy 2008, Policy 2 of the Joint Core Strategy for Broadland, Norwich and South Norfolk, March 2011 and Saved Local Plan Policies, HBE8, HBE12 and EP22 of the City of Norwich Replacement Local Plan, Adopted Version November 2004 and to all material considerations. The proposed single storey extensions would be of an acceptable scale and design and would not be significantly detrimental to the residential amenities of the neighbouring properties.)

12. APPLICATION NO 12/00730/F AND 12/00731/L 34 - 35 GENTLEMAN'S WALK, NORWICH, NR2 1NA

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

In response to a question, the planning team leader advised members that the applicant had chosen a muted version of the company's corporate colours and that the premises was not in a visually prominent location.

RESOLVED with 9 members voting in favour (Councillors Bradford, Sands (M), Ackroyd, Kendrick, Lay, Little, Neale, Rogers and Stonard) and 1 member voting against (Councillor Howard) to approve:

- (1) application no. 12/00730/F, 34-35 Gentleman's Walk and grant planning permission, subject to the following conditions:
 1. Standard time limit.
 2. In accordance with plans.
 3. Air conditioning unit grill to be in accordance with submitted plan.

(Reasons for approval (application no 2/00730/F): The proposed shopfront alterations, air conditioning unit and satellite dish are considered to be acceptable by virtue of their design, positioning and size and will not harm the significance of the listed building, the setting of the neighbouring grade I listed building or the character of the conservation area. Furthermore the proposal will not impact upon the living conditions of neighbouring residents. Therefore the proposals is considered to be in accordance with the objectives of the National Planning Policy Framework, policies 1, 2 and 11 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (Adopted March 2011) and saved policies EP22, HBE8, HBE9 and HBE12 of the City of Norwich Replacement Local Plan (Adopted Version).)

(2) application no 12/00731/L, 34-35 Gentleman's Walk and grant listed building consent, subject to the following matters being conditioned:

1. Standard time limit.
2. In accordance with plans.
3. Air conditioning unit grill to be in accordance with submitted plan.

(Reasons for approval (application no 12/00731/L): The proposed internal alternations, shopfront, signage, air conditioning units and satellite dish are considered to be acceptable by virtue of their design, positioning and size and will not harm the significance of the listed building. Therefore the proposals is considered to be in accordance with the objectives of the National Planning Policy Framework, policies 1 and 2 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (Adopted March 2011) and saved policies HBE9 and HBE12 of the City of Norwich Replacement Local Plan (Adopted Version).)

13. APPLICATION NO 12/01135/F 375 UNTHANK ROAD, NORWICH

The planner (development) presented the report with the aid of plans and slides. She pointed out that there had been no letters of objection and that the supplementary report of updates to reports contained the comments of the Norwich Society that the extension would make this "quite a large house".

RESOLVED with 9 members voting in favour (Councillors Bradford, Sands (M), Ackroyd, Howard, Kendrick, Lay, Little, Neale and Stonard) and 1 member abstaining (Councillor Rogers) to approve application no 12/01135/F 375 Unthank Road, Norwich, and grant planning permission subject to the following conditions:

1. Standard time limit.
2. In accordance with plans.
3. Materials to match those on existing dwelling.

(Reason for approval: The decision is made with regard to policies HBE8, HBE12 and EP22 of the City of Norwich Replacement Local Plan, the adopted Joint Core Strategy March 2011 and all material considerations. The design of the alterations and extensions are in keeping with the property and that the proposal will not have an adverse impact either on the amenity of the immediate neighbours or the wider area due to the massing of the extensions being within the existing building shadow, the orientation of the extensions at sufficient distance to the neighbouring dwellings and through the installation of windows on elevations already containing several windows.)

14. ENFORCEMENT CASE 12/00049/EXTEN/ENF - 64 – 66 WESTWICK STREET, NORWICH

The planning development manager presented the report with the aid of slides and plans and together with the environmental enforcement officer answered members' questions.

During discussion members considered that a suburban conservatory was out of place in this riverside location and unsuitable for office accommodation.

RESOLVED to authorise enforcement action to secure the removal of the unauthorised conservatory including the removal of any associated structure constructed including brickwork/blockwork and to undertake direct action and legal proceedings, including prosecution if necessary.

15. PERFORMANCE OF THE DEVELOPMENT MANAGEMENT SERVICE, APRIL TO JUNE 2012 (QUARTER 1 2012 TO 2013)

RESOLVED to defer consideration of this report to the next meeting of the committee.

16. PERFORMANCE OF THE DEVELOPMENT MANAGEMENT SERVICE: APPEALS 1 APRIL 2012 TO 30 JUNE 2012 (QUARTER 1 2012 TO 2013)

RESOLVED to defer consideration of this report to the next meeting of the committee.

CHAIR