



Planning applications committee

09:30 to 12:15

14 July 2016

Present: Councillors Herries (chair), Driver, Bradford (from item 3), Button, Carlo, Henderson, Jackson, Malik, Peek, Sands (M) and Woollard

Apologies: Councillor Lubbock

1. Declarations of interest

There were no declarations of interest.

2. Minutes

RESOLVED to agree the accuracy of the minutes of the meeting held on 12 May 2016.

3. Application no 16/00227/F – Flordon House, 195 Unthank Road, Norwich

(Councillor Bradford was admitted to the meeting during this item and therefore was not permitted to vote.)

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

During discussion the planning team leader referred to the report and answered members' questions. This included confirmation that the parking provision for the proposed development met the parking standard for an accessible location. The building had previously been a care home and offices. He also confirmed that there was a large front garden with sufficient space for the bin storage to be placed so that it was not visible from the road. A member suggested that as the application site was within a conservation area there should be a soft landscaping condition to ensure that the bins storage was screened. The planning team leader confirmed that the shrub would be retained and that the block plan indicated a private garden at the front of the property. A landscaping condition could specify the replacement of the shrubs which then protect planting for a period of around five years. The committee concurred with the proposal to add an additional landscaping condition.

A member regretted the loss of another care home in the city.

RESOLVED, with 10 members voting in favour (Councillors Herries, Driver, Button, Carlo, Henderson, Jackson, Malik, Peek, Sands and Woollard) and 1 member abstaining (Councillor Bradford, not having been present for consideration of the whole item), to approve application no. 16/00227/F – Flordon House, 195 Unthank

Road, Norwich, NR2 2PQ and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. All new windows proposed in the third floor of the North Eastern side elevation shall be obscure glazed;
4. Details of refuse, cycle storage and boundary treatments shall be provided and installed prior to occupation and retained as such.
5. Water efficiency
6. Car parking to be provided prior to occupation of the development
7. Landscaping scheme.

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, 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. Application no 16/00410/F – 18 Lindford Drive, Norwich, NR4 6LT

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

At the chair's discretion the resident of 16 Lindford Drive addressed the committee and outlined his objections to the proposal. This included concern that the extension would be too close to the boundary of his property (25 cm in places) and that would result to loss of amenity and open access. He considered that the extension would block light to the landing window of no 16, which lit the stairwell and open plan kitchen on the ground floor, particularly in the morning. He also referred to the applicants having a large outbuilding on the other side of their property which was not shown on the plans.

The applicant addressed the committee and said that the case officer had been very helpful in advising him on the application. He referred to the space between the properties and explained that with there would still be a space of 1 metre between his property and no 16. He referred to the neighbour's landing window and said that because Lindford Drive was on a slope and no 16 was 40 cm higher than no 18 the effect on the light to the window would not be significant. The applicant also explained that the shed had been erected under permitted development rights and would replace the storage lost from the garage.

During discussion the planning team leader referred to the report and answered members' questions. Members noted that the extension would not be unduly prominent given the staggered building line of houses in the area. The extension would not exceed the current footprint of the garage. The extension would be 0.5 to 1 metre from the boundary of no 16 which was the same as the existing boundaries. Members were advised that access to construct the extension from the neighbouring property was not a planning consideration. Members were asked to note that the

properties in Lindford Drive were set back and that this proposal for an extension to the rear of the property was not harmful to the character of the area.

Councillor Sands moved and Councillor Carlo seconded that the committee conducted a site visit because the plans and diagrams did not provide sufficient clarity on which to base a decision, and with 3 members voting in favour (Councillors Carlo, Henderson and Sands) and 8 members voting against (Councillors Herries, Driver, Button, Jackson, Malik, Peek, Woollard and Bradford) the motion was lost.

Discussion ensued on the loss of amenity to no 16. The planning team leader said that the landing window was a side window which was in close proximity to the boundary of the neighbouring house. The purpose of the window was to let light into the stairwell which was not a habitable room. He pointed out that although light from the window reached the kitchen of no 16 there were other light sources for this room and loss of amenity would not be sufficient reason to refuse this application.

Councillor Jackson said that he was concerned about that the proximity of the extension to the neighbouring property but that he was satisfied that the impact on the neighbouring property had been reduced as much as possible and therefore could vote in favour.

RESOLVED, with 10 members voting in favour (Councillors Herries, Driver, Button, Carlo, Henderson, Jackson, Malik, Peek, Woollard and Bradford) and 1 member abstaining (Councillor Sands) to approve application no. 16/00410/F – 18 Lindford Drive, Norwich, NR4 6LT 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, 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.

5. Application nos 16/00276/F and 16/00277/L- 5 Magdalen Street, Norwich – deferred item (see also item 11 below)

The planning team leader (development) (inner area) 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 summarised a further representation received from the nearest resident to the rear of the site reiterating objections to the proposals and concern about the detrimental impact that the change of use to a restaurant and takeaway would have on this quiet residential area.

During discussion the planning team leader referred to the report and answered members' questions. In reply to a question about access to the first floor when the

front stairs were removed, the planning team leader asked for the item to be adjourned to seek clarification on this issue.

RESOLVED to defer consideration of this item to later in the meeting for clarification on the issues raised by members in relation to access to the upper storeys.

6. Application no 16/00479/F - 134 Unthank Road, Norwich NR2 2RS

The planning team leader (development) (inner area) 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 summarised the response from CNC Building Control and recommending changes to condition 5, and summarising a further representation received from a resident to the north of Unthank Road and concerns about loss of light to the semi-basement flat and rear facing bedroom and kitchen/diner and the officer response. He explained that the council's tree officer considered that the tree's roots would not survive the removal of the retaining wall and was considered a "c" category tree.

The committee was then addressed by three local residents who outlined their concerns about the proposal and the impact that it would have on Gloucester Street and the dwellings at 132 Unthank Road, which included the concerns about parking and access; bin storage; that the proposal was overbearing and would overshadow and block light to the neighbouring properties and gardens; damage to trees and biodiversity; and that the sunpath analysis was inaccurate.

The agent, on behalf of the applicant, said that principle of the development had been discussed with planning officers at the pre-application stage and had been revised in response to the consultation responses wherever possible. He explained that the distance from the boundaries and the design were acceptable in this location. Although the council's tree officer recommended the removal of the tree the applicant had commissioned a method statement to retain that allowed the tree to remain.

Discussion ensued in which the planning team leader referred to the report and answered members' questions. He said that the windows of 132 were lower than shown on the plans but the sunpath analysis was sufficiently accurate to make an assessment. Officers considered that the tree would need to be replaced as part of the development. The applicant considered that it could be retained. Building regulations would ensure that there was adequate surface water drainage.

Councillor Bradford moved and Councillor Malik seconded that members of the committee undertook a site visit before the committee could determine this application. Councillor Malik said that given the concerns about the sunpath analysis it was important that members had an opportunity to view the site.

RESOLVED, with 7 members voting in favour (Councillors Carlo, Henderson, Malik, Peek, Sands, Bradford and Woollard) and 4 members voting against (Councillors Herries, Driver, Button and Jackson) to defer consideration of Application no 16/00479/F - 134 Unthank Road, Norwich NR2 2RS, to enable members of the committee to undertake a site visit to 134 Unthank Road to be held at 9:00 before the committee meeting on 11 August 2016.

7. Application no 16/00404/MA - Land north side of Windmill Road, Norwich

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

During discussion the planning team leader referred to the report and answered member's questions. He explained that the use of obscure glazing in a habitable room was not ideal but it was considered acceptable in a bedroom, with a secondary side window where there would be no significant loss of outlook.

A member commented that he considered that the proposed changes to the development were an improvement on the approved scheme.

RESOLVED, unanimously, to approve application no. 14/00847/F - Land North Side of Windmill Road, Norwich and grant planning permission subject to the following conditions:

1. Commencement of development within 3 years from the date of approval;
2. Development to be in accord with drawings and details;
3. Details of facing and roofing materials and external joinery; plot 3 rear windows on upper floors obscure glazing to a specification of not less than the equivalent of classification 5 of Pilkington Glass and details of the parts of the windows and extent to which they can be opened; external lighting;
4. Details of access road surface, car parking, cycle storage, bin stores provision;
5. Details of landscaping, planting, tree pits, biodiversity enhancements, site treatment works, boundary treatments, gates, walls and fences and landscape implementation and maintenance;
6. Archaeology Written Scheme of Investigation in accord with application 16/00308/D;
7. Compliance with AIA, AMS and Tree Protection Scheme implemented prior to commencement;
8. Retention of tree protection;
9. Details of provision and maintenance of LZC technologies and renewable energy sources;
10. Details of water efficiency measures;
11. Details of water drainage strategy and drainage management;
12. Cessation of works if unknown contaminants found; and
13. Control on any imported materials.

Informatives:

1. Considerate construction and timing to prevent nuisance;
2. Materials removed from site should be classified and disposed of at suitable licensed facilities;
3. Site clearance to have due regard to minimising the impact on wildlife.

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, following negotiations with the applicant and subsequent amendments at the pre-application stage the

application has been approved subject to suitable land management, appropriate conditions and for the reasons outlined within the committee report for the application.

**8. Tree Preservation Order [TPO], 2016 City of Norwich Number 496 ;
3 Albemarle Road, Norwich NR2 2DF**

The lead arboricultural officer presented the report with the aid of plans and slides.

A resident of Mount Pleasant explained that she had applied to the council to reduce the crown of the Scots Pine tree as it was in a conservation area and required permission. The roots of the tree were lifting the paving stones and she was concerned about falling branches. Maintenance of the tree would improve its appearance. The tree was not under threat. There was no need for a tree preservation order and the plans, including the modified plans, and showed the inaccurate location of the tree. She would be happy to work with the council's arboricultural officers to agree the best solution of its preservation and maintenance.

The committee noted that there were still inaccuracies in the plans showing the location of the Scots Pine, the subject of the tree preservation order.

The lead arboricultural officer said that he would be happy to work with the applicant and therefore there was no need to confirm or modify the tree preservation order.

RESOLVED, unanimously, not to confirm Tree Preservation Order [TPO], 2016. City of Norwich Number 496 ;3 Albemarle Road, Norwich NR2 2DF, and to ask the lead arboricultural officer to liaise with the applicant.

**9. Tree Preservation Order [TPO], 2016. City of Norwich Number 498; 5
Edenhurst Close, Norwich, NR4 7QT**

The lead arboricultural officer presented the report with the aid of plans and slides.

During discussion the lead arboricultural officer explained that falling debris from the Sycamore tree could be managed without its removal. The tree was valued for its contribution as a habitat for wildlife.

RESOLVED, unanimously, to confirm Tree Preservation Order [TPO], 2016. City of Norwich Number 498; 5 Edenhurst Close, Norwich, NR4 7QT without modifications

10. Application nos 16/00276/F and 16/00277/L- 5 Magdalen Street, Norwich

(The committee had deferred consideration of this item earlier in the meeting. The minute is reproduced below for ease of reference:

The planning team leader (development) (inner area) 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 summarised a further representation received from the nearest resident to the rear of the site reiterating objections to the proposals and concern about the detrimental

impact that the change of use to a restaurant and takeaway would have on this quiet residential area.

During discussion the planning team leader referred to the report and answered members' questions. In reply to a question about access to the first floor when the front stairs were removed, the planning team leader asked for the item to be adjourned to seek clarification on this issue.

RESOLVED to defer consideration of this item to later in the meeting for clarification on the points raised in relation to access to the upper storeys.)

The planning team leader (development) (inner area) reported that he had spoken to the conservation officer and could confirm that the upper storey could be accessed from the rear staircase.

During discussion, the planning team leader then referred to the report and answered members' questions. The committee considered the amenity of the residential dwelling to the rear of the property and noted that the rear car park would be reserved for staff use only. Access to the premises for deliveries would be through Bishopgate and restricted to no later than 19:00. A member pointed out that the takeaway trade would be more than 5% of the business and that this could impact on the residential amenity. The committee noted that the restaurant was in a sustainable location and that its patrons could use nearby car parks or public transport.

The planning team leader confirmed that the ornate ceiling would be retained as part of the listed building planning permission.

As part of the discussion members considered that this application brought a vacant premises into use but did not include any proposals for the use of the first floor. It was hoped that a productive use would come forward at a later stage.

RESOLVED, unanimously, to;

- (1) approve application no. 16/00276/F - 5 Magdalen Street, Norwich and grant planning permission subject to the following conditions:
 1. Standard time limit;
 2. In accordance with plans;
 3. Details of flue/extraction system and maintenance system (including details of fresh air vents to reduce sound leakage);
 4. Details of management of restaurant specifics such as smoking area for public and staff; servicing etc;
 5. No amplified music (including in kitchen) before agreeing a detailed scheme;
 6. Details of parking, cycle parking and refuse storage;
 7. Travel Information Plan;
 8. No customer car parking within site, only staff;
 9. Pedestrian entrance and exit (except in the case of emergency) via Magdalen Street only;

10. Opening restriction between midnight and 0730 on any day (including kitchen and takeaway aspect);
11. Restriction on servicing delivery times between 1900 and 0700 hours on any day.

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, 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.

Informative:

Business not entitled to parking permits

- (2) approve application no. 16/00277/L - 5 Magdalen Street Norwich and grant listed building consent subject to the following conditions:
 1. Standard time limit;
 2. In accordance with plans;
 3. Internal detail on air conditioning system;
 4. Internal detail on new lighting and other fixtures within ceiling;
 5. Detail of internal decoration;
 6. Details of any repairs to existing windows and/or secondary glazing;
 7. Details of noise proofing between floors;
 8. Any damage to be made good within 3 months

Reason for approval:

While the extract system will cause some less than substantial harm to the heritage asset, it affects the less sensitive area at the back. The level of harm, although relatively low, is considered to be outweighed by the public benefits of bringing the heritage back into use. This accords with section 12 the NPPF and NPPF and policy DM9 of the Development Management Policies Local Plan 2014.