

**Planning applications committee****09:30 to 11:40****12 October 2017**

Present: Councillors Driver (chair), Maxwell (vice chair), Button, Carlo, Henderson, Jackson, Lubbock (substitute for Councillor Wright), Malik, Peek, Sands (M) and Woollard

Apologies: Councillors Bradford and Wright

**1. Declarations of interest**

Councillor Lubbock declared a predetermined interest in item 3 (below), Enforcement case no 3. Enforcement Case – 5 Nutfield Close, Norwich, NR4 6PF, because she had previously spoken against the application to subdivide the dwelling and as ward councillor for Eaton on behalf of residents of the neighbouring properties.

**2. Minutes**

**RESOLVED** to agree the accuracy of the minutes of the meeting held on 14 September 2017.

**3. Enforcement Case – 5 Nutfield Close, Norwich, NR4 6PF**

(Councillor Lubbock, having declared a predetermined view in this application, addressed the committee and then left the meeting during the committee's determination of the application.)

The area development manager (outer area) presented the report with the aid of plans and slides. At its meeting on 10 August 2017, the committee had deferred consideration of the retrospective planning application for further discussion with the applicant and agent. The application had subsequently been withdrawn. The report was seeking to cease the use of the three newly created flats and revert back to a single dwelling.

Councillor Lubbock, local member for Eaton Ward, addressed the committee on behalf of local residents. The property had been subdivided into four with three rental properties and the primary concern was the impact that this would have on the residents of the small cul-de-sac, particularly from on street parking restricting the space for vehicles to turn round. She also said that the subdivision was contrary to policy DM2; the rental units were below national space standards and lacked amenity space and asked the committee to support enforcement action.

The agent spoke on behalf of the property owner who had owned the property since 2012. She explained the owner had been under the impression that the extension

could be built under permitted development rights and had been originally intended for a family member and her carer but due to a change in circumstances was no longer required for that use. She referred to the planning history and said that the owner had made small changes to the layout with external doors and kitchenettes to provide three rental units for professional people. Two of the rental units were currently let with the third empty pending the decision of the committee. A further planning proposal was being drawn up and the owner requested that if this application and the owner asked for enforcement action to be put on hold for two months to enable the planning process to be carried out.

(Councillor Lubbock left the meeting at this point.)

The area development manager (outer area) referred to the report and answered members' questions. He said that the extension was acceptable for a single dwelling but the subdivision into four separate units was not and would be to not receive planning consent. Members were advised that there did not appear to be room for negotiation with the owner and therefore enforcement action was being sought. The area development manager explained the enforcement process and that any enforcement notice would take at least 28 days to come into effect. However in fairness to the tenants he suggested a three month compliance period.

During discussion members spoke in support of enforcement action and the cessation of the rental use. A member said that the reconfiguration would not preclude the subdivision of the property into two dwellings at a future date. The committee discussed the period for taking enforcement action and expressed their dissatisfaction with the owner's disregard to the planning process. The area development manager (outer area) asked members to leave this to officers' discretion, subject to further discussion with the property owner and agent.

**RESOLVED**, unanimously, to authorise enforcement action up to and including prosecution in order to:

- (1) secure the cessation of the use of the three newly created flats;
- (2) secure the removal of the additional kitchen facilities which facilitate their use;
- (3) secure the removal of the three new external access doors to the side elevations;
- (4) secure the opening up of the internal doorways so that all rooms are accessible internally within the dwelling.

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

#### **4. Application no 17/01184/F - 2 Brereton Close, Norwich, NR5 8LX**

The planner presented the report with plans and slides. She referred to the supplementary update of reports which was circulated at the meeting and contained a summary of the consultation response from the tree protection officer, confirming that there would be no impact on the trees and highlighting the need for sufficient car parking to protect grass verges.

During discussion the planner referred to the report and answered members' questions and explained that this proposal addressed concerns about the previous application for a two storey extension. Members commented that there could be more people staying in the property than the seven occupants if partners were taken into account. Members noted that the rooms were of generous size and that there was adequate communal shared living space and kitchen.

Councillor Sands, local member for Bowthorpe ward, said that he was minded to vote against this proposal because he did not consider neighbouring residents' concerns had been addressed and that the change of use would exacerbate parking and access. The area development manager (inner area) referred to the planning history of this site listed in the report and said that traffic issues had not been a reason for refusal for the previous application. Councillor Button, local member for Bowthorpe ward, said that the implementation of a controlled parking zone could be considered for this area.

**RESOLVED**, with 10 members voting in favour (Councillors Driver, Maxwell, Button, Carlo, Henderson, Jackson, Lubbock, Malik, Peek and Woollard) and 1 member voting against (Councillor Sands) to approve application no. 17/01184/F - 2 Brereton Close, Norwich, NR5 8LX and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Bin and bike storage details to be agreed and provided prior to occupation;
4. Bat boxes to be erected;
5. Materials to match;
6. No more than 7 occupants.

#### **5. Application no 17/00361/U - 60 St Faiths Lane, Norwich, NR1 1NN**

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

During discussion, the planner together with the area development manager (inner area) answered members' questions. Residents would be encouraged at night to use the entrance through the archway from Prince of Wales Road rather than Cathedral Street. Members sought reassurance that it would be well lit but noted that the archway was not within the boundary of the application. There would be a combination gate to prevent non-residents entering the courtyard. A member referred to the S106 payment and suggested that high-spec apartments would increase the profit margin and viability of the site. The planner said that viability was based on the land value therefore increasing the specification would increase development costs and could reduce the profit margin. Members expressed concern about that the size of the units and noted that there were additional storage rooms for the five apartments below the space standard and some of the larger units. The internal layout had been discussed with the applicant and this had resulted in the merging of smaller flats to create the duplex flats but options were constrained as the proposal is for a conversion rather than a new build. The merging of some of the smaller units would have resulted in units which would be of sufficient size for three bedroom apartments. This would not be encouraged due to the site's location and

lack of outside amenity which makes it unsuitable for family accommodation. Members also expressed concern about the location of residential accommodation adjacent to the late night zone and noted the informative to ensure that noise mitigation was undertaken. Members also sought reassurance about fire safety and noted the location of fire exits. The planner referred to one of the informatives which reiterates to the applicant that an application to building control would be required for the change of use and fire safety would be considered under this. Members were advised that the current arrangements for refuse collection by private contractors would continue.

A member commented on the management of the building and that it was disappointing that the applicant had not installed the solar panels as required in the previous planning application.

Discussion ensued in which Councillor Jackson said that he could not support the application because it was contrary to policy in relation to the amenity of future residents with five of the units being below the national space standard, location and outside amenity space, with only 20 cycle storage spaces. The area development manager (inner area) and the planner referred to the report and commented that the national space standards were guidance. The decision had been made to not require policy compliance levels of cycle storage in order to maximise the use of the available outside amenity space but additional space could be secured through condition. Another member said she did not consider that an additional cycle stand was an issue as residents could either hire bikes or purchase fold up bikes.

Councillor Henderson queried the need for 41 units at this location and expressed concern about the space standard.

Councillor Sands expressed concern that applications were still coming forward with proposals for units that did not meet the minimum national space standards.

**RESOLVED**, with 8 members voting in favour (Councillors Driver, Maxwell, Button, Carlo, Lubbock, Malik, Peek and Woollard), 2 members voting against (Councillors Henderson and Jackson) and 1 member abstaining (Councillor Sands) to approve application no. 17/00361/U - 60 St Faiths Lane, Norwich, NR1 1NN and grant planning permission subject to the completion of a satisfactory legal agreement to include provision of affordable housing and subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Details of bin store and bike store to be agreed and provided prior to occupation.
4. Bin collection in accordance with approved refuse and servicing statement. Arrangement to continue in perpetuity unless otherwise agreed in writing.
5. Restricted hours of bin collection.
6. No occupation until alterations to boundary treatment have been carried out, combination lock installed, doors upgraded, new lighting installed in accordance with site plan.
7. Details of windows.
8. Details of mechanical ventilation.
9. Details of scheme to achieve 10% renewable.
10. Sign relating to rear entrance to be installed prior to occupation.

Informative:

1. The applicant should be made aware that an application to building control should be submitted for the change from an aparthotel to residential and all requirements of the building regulations should be met.
2. This property is in a situation with significant background noise arising from nearby uses. Norwich City Council has therefore included measures designed to control noise in the planning permission for this property. These requirements are to provide approved acoustic glazing and passive/forced acoustic ventilation and other noise mitigation measures. The use of these will be taken into account by Norwich City Council when investigating any complaint of noise nuisance from an occupier of these dwellings.
3. No parking permits.
4. Permission is subject to s106 agreement.

#### 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.

(The committee adjourned for a short break at this point and reconvened with all members present as listed above.)

#### **6. Application no 17/01242/F - Hewett School (Academy), Cecil Road, Norwich, NR1 2PL**

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

The senior planner referred to the report and answered members' questions. The sports hall would be for the use of the Hewett Academy and other Inspirational Trust academies in Norwich though primarily the Jane Austen Academy. Members commented that they regretted that the sports hall would not be available for public use but noted the residents' concerns and the conditions to mitigate the impact on the amenity of residents of adjacent dwellings. It was noted that additional planting would improve the biodiversity of the area.

During discussion members commented on the situation where free schools could be situated in unsuitable locations without access to open space and therefore creating the need to bus students to sports facilities. The chair cautioned that this was not material to the consideration of the planning application.

**RESOLVED**, unanimously, to approve application no. 17/01242/F - Hewett School, Cecil Road, Norwich, NR1 2PL and grant planning permission subject to the following conditions:

1. Standard time limit;
2. Development to be carried out in accordance with plans;
3. External materials (including samples where necessary) to be submitted to the local planning authority for approval;

4. Construction/demolition plan;
5. Landscaping including details of new planting and additional screening along the north boundary of the application site;
6. Details of all external lighting including location and position within the site, height and levels of illumination proposed.
7. Opening hours restricted to the following:  
Mon – Fri 07.30 to 21:00  
Saturdays 08:00 to 16:00.  
No opening on Sundays or Bank Holidays
8. Compliance with the recommendations set out within the preliminary ecological assessment attached as Appendix 3 to the planning statement
9. Details of mechanical ventilation;
10. Energy scheme demonstrating that at least 10% of the scheme's energy will be generated from renewable energy sources;
11. Water efficiency.

Informative:

1. The developer is advised that any asbestos encountered on the site, either as part of the existing buildings or as fill material, should be handled and disposed of as per current Government guidelines and regulations.
2. An application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent can be made to the public sewer. Anglian Water recommends that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of such facilities could result in pollution of the local watercourse and may constitute an offence. Anglian Water also recommends the installation of a properly maintained fat traps on all catering establishments. Failure to do so may result in this and other properties suffering blocked drains, sewage flooding and consequential environmental and amenity impact and may also constitute an offence under section 111 of the Water Industry Act 1991.”
3. You are advised that the council expects the following measures to be taken during any building operations to control noise, pollution and parking:
  - (a) Work that is audible beyond the site boundary shall only be carried out between 7.30am and 5.30pm Monday to Friday, between 7.30am and 1.00pm Saturday and not at all on Sundays or Bank Holidays.
  - (b) The quietest available items of plant and machinery shall be used on site. Where equipment such as generators is necessary, they should be enclosed to reduce noise levels, if applicable.
  - (c) Deliveries shall only be received within the hours detailed in (a) above.
  - (d) Adequate steps shall be taken to prevent dust-causing nuisance beyond the site boundary. Such steps include the use of hoses to damp down stockpiles of materials, which are likely to generate airborne dust, to damp down during stone/slab cutting; and the use of bowsers and wheel washes;
  - (e) There shall be no burning on site;

- (f) Only minimal security lighting shall be used outside the hours stated above; and
  - (g) Building materials and machinery shall not be stored on the highway and contractors' vehicles shall be parked with care so as to not cause an obstruction or block visibility on the highway.
4. Any divergence from these recommendations should be referred to the council's environmental protection team (or highways team for matters which may affect highway safety) for approval.
  5. The council also recommends membership of a scheme, such as the Considerate Constructors Scheme.

#### Article 35(2)(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.

### **7. Enforcement Case – 142 Dereham Road, Norwich, NR2 3AB**

The planner presented the report with the aid of plans and slides. The owner of the site had ceased trading from the food van from 1 October 2017 but the van was still standing on the front car park of the premises.

During discussion, the planner and the area development manager (inner area) referred to the report and answered members' questions. She explained that there was a proposal for the premises to be a Caribbean food store and café. It was possible that the food van had been a pilot for this. The van would need to be removed before the store could start trading. Colleagues in licensing were not aware of any other locations suitable for this food van. It was in a residential area and complaints had been received from residents. The area development manager (outer area) referred to planning case law and said that a parked vehicle was treated as a fixed structure and subject to planning regulations.

Councillors Malik and Carlo considered that the proposal to cease trading and remove the food van was "heavy handed" and that provided health and safety was not an issue, they considered that it could trade. Another member pointed out that the owner could operate from the shop but the use of the food van on the frontage of the shop constituted change of use and was inappropriate in that location. The committee discussed the need to remove the van from the premises indicating that some flexibility should be given depending on the change of use of the shop itself. The area development manager (outer area) asked members to leave this to officers' discretion, subject to the outcome of the current change of use application for the shop.

**RESOLVED**, with 9 members voting in favour (Councillors Driver, Maxwell, Button, Henderson, Jackson, Lubbock, Sands, Peek and Woollard), 1 member voting

against (Councillor Malik) and 1 member abstaining (Councillor Carlo) to authorise enforcement action to secure the cessation of trading and removal of the food van from the premises (142 Dereham Road, Norwich, NR2 3AB), including the taking of direct action which may result in referring the matter for prosecution if necessary.

CHAIR