



**Planning applications committee**

**09:30 to 11:40**

**9 March 2023**

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

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

**1. Declarations of interests**

Councillor Lubbock declared a pre-determined view in item 5 (below), Application no 23/00075/F – 36 Norvic Drive, Norwich NR4 7NN, as ward councillor in support of local residents objecting to the proposal and having called in the application for determination by the committee.

**2. Minutes**

**RESOLVED** to approve the accuracy of the minutes of the meetings held on 9 February 2023.

**3. Application no 22/00385/U – 308 Bowthorpe Road, Norwich, NR5 8AB**

The planner (case officer) presented the report with the aid of plans and slides. The comments of the county council's transportation officer were attached to the report. The transportation officer had recommended that 'H' bar was painted to the existing dropped kerb, to ensure that access to the site was not blocked.

A resident of Fieldview addressed the committee, outlining his objections to the proposed change of use, which included: concern about the overdevelopment of the site into retail units and residential accommodation; concerns about traffic and safety of pedestrians, particularly disabled people (a person on a disability scooter had narrowly avoided an accident in the vicinity); and exacerbation of residents' concerns about parking and access.

The planner then answered questions from members of the committee. This included clarification on the reasons for the proposal to paint an 'H' bar to ensure that the exit/egress to the parking at the front of the retail units was not impeded and to deter drivers from exiting into Fieldview. A member suggested that the location of the cycle parking and litter bin could be used to "block" vehicular access via Fieldview. The committee was assured of the conditions to the planning application and that these details were subject to further discussion and agreement with the

council as local planning authority. Members were also advised that in relation to pedestrian safety, the pavements were wide in this vicinity and therefore obstruction from parked vehicles was not such an issue as in terraced streets of the city. Members were also advised that there had been a shop on this site since the early 20<sup>th</sup> century and that the proposal for a change of use was not significantly different from the existing consent.

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

A member commented on his concern about “significant highways issues” relating to pedestrian safety that could not be addressed through this application, other than the mitigation of painting an ‘H’ bar, and therefore he considered that he could not vote on this application. Other members asked that it was recorded that the committee could not address concerns about pedestrian safety through this application for a change of use and were frustrated about the incremental development of the site and therefore the lack of opportunity to control the access/egress to the parking at the front through the planning process. A member suggested that highways issues should be raised with the county councillor for the ward. The committee also noted that county councillors had a budget for small traffic improvements and that there was potential for this to be used for bollards or additional yellow lines to prevent vehicles crossing the pavement.

In reply to a member’s suggestion that the use of business be restricted to 10 pm (22:00), another member considered that this was “too punitive”. No other members spoke in support of this proposal.

During discussion a member pointed out that the application for a change of use was to ensure that a thriving business continued to be sustainable. The majority of the takeaway’s customers were likely to be on foot or bicycle. There was an opportunity to position the cycle parking and litter bin to block vehicles to prevent vehicles crossing the pavement to access the car park.

**RESOLVED**, with 3 members voting in favour (Councillors Driver, Sands (M), and Carlo), 1 member voting against (Councillor Sands (S)) and 7 members abstaining from voting (Councillors Champion, Grahame, Davis, Peek, Lubbock, Stutely and Young) to approve application no. 2/00385/U – 308 Bowthorpe Road Norwich NR5 8AB and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Hours of use of business restricted to between 11am and 11pm;
4. In accordance with ventilation and extraction details;
5. Provision of a litter bin;
6. Provision of cycle parking;
7. Painting of an ‘H’ bar to existing drop kerb.

**4. Application no 22/01500/NF3 - Homage to Sir Thomas Browne Statue, Hay Hill and Elm Hill Gardens, Norwich**

The area development manager presented the report with the aid of plans and slides. During the presentation, he referred to the supplementary report of updates

to reports, which was circulated at the meeting, and contained clarification regarding the councillor call in and a summary of a further representation and submission of a 16 page document, produced at the time of the installation of the “homage” sculpture at Hay Hill, and the officer response.

The area development manager read out a statement received from a representative of the Norfolk Contemporary Art Society (NCAS) (a full copy of the statement is available with the agenda papers on the council’s website), which included: a request for further details of the arrangements for secure storage of the Homage sculpture and transportation; suggestion that a 6 month time limit is imposed for the relocation of the sculpture; indication that NCAS’s interest in “actively contributing” to the discussions on the relocation of the sculptures and heritage interpretation on Hay Hill and the new location to connect the sculptures with the statue of Sir Thomas Browne.

A representative of the Sir Thomas Browne Society, and former council officer who had project managed the sculptures in the first place, addressed the committee explaining that the sculptures had been commissioned as one artwork with a direct relationship to the statue of Sir Thomas Browne, intended to provide a “salon” on Hay Hill where people could sit in the vicinity of his home (where Pret A Manger was now situated) and buried in the churchyard (St Peter Mancroft). At the time that the work was installed the council did not have the £20,000 intended to interpret the artwork. She would like to see Hay Hill improved but objected to the removal of the sculpture suggesting that it was incorporated into the new design. She also asked that a condition of the planning application was to provide £20,000 to provide interpretation so that the value of Sir Thomas Brown to the city and Hay Hill could be understood and the artwork commemorated. (During the presentation, images from the submitted document were displayed to the committee.)

The design, conservation and landscape manager spoke on behalf of the applicant (Norwich City Council), explaining that it was necessary for the sculpture to be relocated from Hay Hill for the project to improve Hay Hill to go ahead, which would make the space work better and comply with the Equality Act 2010. He referred to the public consultation and support for the proposals, and stressed that, in order to access funding, the application needed to be determined as soon as possible. He assured members that a suitable location would be found for the sculpture.

The area development officer addressed the committee and commented on issues raised during the above representations. There were conditions in place to ensure the safe storage of the sculpture until a suitable location could be found to relocate it. The proposal to relocate to Elm Hill Gardens had been removed from the application. Members were advised that there was a condition in place for heritage interpretation, but the committee could not ask for £20,000 to be ringfenced for it. There was ongoing consultation on potential sites to relocate the sculpture. It would require planning permission and would be brought back to the committee for determination. Members were also advised that if the committee was to refuse the application, the council as applicant had the same right of appeal as any other applicant.

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

A member expressed her dissatisfaction with the application suggesting that further seating and improved lighting to address antisocial behaviour could be added without removing the sculpture. She also considered that: redevelopment according to funding becoming available was unsustainable; the interpretation should have been provided at the time of installation; the previous water feature had been subject to vandalism; there were public spaces for events at the Forum, Chapelfield Gardens and Castle Green; and that the committee was being asked to determine the application without the knowledge of where the sculpture was going to go. Another member also said that he could not vote on this application because of the uncertainty surrounding the length of time that the sculpture would be in storage and that an alternative site had not yet been identified for its relocation.

In reply, the area development manager commented that the council owned the sculpture and therefore had the ultimate say as to its relocation. A member suggested it was important to ensure that this modern art was relocated to a suitable location where the public could enjoy it. Members concurred that the council should work with NCAS and the Sir Thomas Browne Society to agree a suitable location.

During discussion some members welcomed the proposal and considered that the area of Hay Hill needed remodelling and upgrading to make it a more user-friendly and accessible space for the people of Norwich. Members also welcomed the opportunity to improve biodiversity on the site.

A member said that the views of Sir Thomas Browne on witchcraft had influenced the Salem Witch Trials and it was important for history that such facts were not omitted in the heritage interpretation. Another member considered that many people did not understand the sculpture and that it had never been interpreted properly, and therefore this was an opportunity to do so.

**RESOLVED** with 9 members voting in favour (Councillors Driver, Sands (M), Carlo, Champion, Grahame, Davis, Sands (S), Peek and Young), 1 member voting against (Councillor Lubbock) and 1 member abstaining from voting (Councillor Stutely) to approve application no. 22/01500/NF3 - Homage to Sir Thomas Browne Statue, Hay Hill, Norwich and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Details of future storage of the sculpture
4. Details of Heritage Interpretation
5. Tree protection in accord with AIA
6. Details of arboricultural supervision within root protection areas

**5. Application no 23/00075/F – 36 Norvic Drive, Norwich NR4 7NN**

(Councillor Lubbock had declared a predetermined view in this item and therefore did not take part in the determination of the application. Councillor Lubbock sat in the public gallery from the start of this item.)

The area development manager presented the report with the aid of plans and slides.

Councillor Lubbock, as ward councillor (Eaton Ward), spoke on behalf of the neighbours each side of no 36 Norvic Drive and outlined their objections to the proposed extension. This included concern about loss of light and that the application would become a house in multiple occupation (HMO) leading to issues of noise, unkempt gardens and parking, and would change the character of the area resulting in loss of community.

The adjacent neighbour addressed the committee with her objections to the proposals. These included concerns that the extension at no 36 would have a significant impact on her home; that the additional bathrooms and relocation of the kitchen would result in damp, penetrating party walls, and increase pressure on the shared sewer; that there would be an increase in parking in the street and this could prevent emergency vehicles accessing Norvic Drive; concerns about noise and that the extension encroached into the garden space of no 36.

(Councillor Lubbock left the meeting at this point.)

The area development manager, together with assistance from the planner (case officer), answered members' questions. He explained that this was an extension to a domestic property, with one additional bedroom. When assessing the impact on the sewage system it was the number of bedrooms that were assessed, ie, the number of people that could be accommodated in the dwelling, rather than the number of toilets in the property. Members were advised that planning consent was not required for internal changes to houses such as the relocation of the kitchen and bathroom. The committee noted the issues relating to the house being converted from C3 use to a small C4 HMO as set out in paragraph 46 of the report. Further planning consent and an additional bedroom would be required if it were to become a large HMO for 6 people or more.

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

During discussion some members expressed their concern about the potential for this extension to be converted from a family home into an HMO, and the issues that this would have on the area, including parking and noise. One member considered that the increased number of bathrooms/ensuites would impact on Nutrient Neutrality. Another member regretted the loss of the garden space and the effect that this would have on biodiversity. The area development manager said that the proposal just exceeded the size allowed under permitted development rights because it comprised a side and rear extension that wrapped round the building. Under permitted development rights the council would have no control.

A member cautioned the committee from assuming that the intention of the applicant was to create a small HMO and that families with several teenagers would welcome additional bathrooms. It did not exceed the floor space for permitted development and no biodiversity was being lost. He considered that it was important to prevent greenfield development and encourage more people to live in the city by extending existing housing to suit their needs.

**RESOLVED**, with 6 members voting in favour (Councillors Driver, Sands (M), Carlo, Champion, Peek and Stutely), 1 member voting against (Councillor Sands (S)) and 3 members abstaining from voting (Councillors Grahame, Davis and Young) to

approve application 23/00075/F - 36 Norvic Drive, Norwich, NR4 7NN and grant planning permission subject to the following conditions:

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

CHAIR