



Planning applications committee

09:30 to 13:10

12 January 2017

Present: Councillors Herries (chair), Driver (vice chair), Ackroyd (substitute for Councillor Lubbock), Bradford, Button, Carlo, Henderson, Jackson, Malik, Peek¹ and Sands (M)

Apologies: Councillors Lubbock and Woollard

1. Declarations of interest

Councillors Button and Sands declared an interest in item 8 (below), Application no 16/01615/N3 – Land adjacent to River Yare, Bowthorpe Southern Park because they regularly walked through the parkland area.

Councillor Jackson said that he had discussed item 9 (below), Applications nos 16/00752/F and 16/00753/L - 42 St Giles Street, Norwich NR2 1LW, with residents in his capacity as ward councillor for Mancroft ward but did not have a pre-determined view.

2. Minutes

RESOLVED to agree the accuracy of the minutes of the meeting held on 8 December 2016.

3. Application 16/01499/F – Garages adjacent to 40 Thurling Plain

The senior planner (development) 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 contained a summary of an additional representation and the officer response.

A resident addressed the committee and outlined his objections and concerns about the scheme. This included concern about the council's consultation with the local community and that some people had not received all the correspondence; disappointment that none of the members had visited the site; that construction vehicles would cause access problems, particularly for emergency vehicles: and, that the loss of garages would exacerbate problems with parking in the area.

¹ Minutes approved 9 February 2017. List of members present amended by deleting "Lubbock" and inserting "Peek"

The agent responded on behalf of the applicant and explained that the consultation had been more widespread than usual, local councillors had been involved at each stage and the council had listened to the concerns that had been raised. He said that only ten out of the 32 garages were currently tenanted; some of these were not used for storing cars and there was alternative provision in the vicinity. He confirmed that there would be a construction management strategy in place during the development of the scheme.

During discussion, the senior planner, together with the planning team leader, referred to the report and answered members' questions. The council's housing team had conducted a community consultation a year ago. Members noted that many of the garages were not used for storing cars and the removal of the garages would free up parking spaces on the site. Car parking had been monitored at different times of day and week. Members expressed regret that the dwellings would be below the current minimum space standard. The senior planner explained that at the time the scheme was costed the applicant had been working to the Homes and Communities minimum space standard and this was the reason for the dwellings being marginally below the current minimum space standards. He also explained that the layout of the parking spaces had taken into account the most likely preferences of future residents.

The chair said that although the committee had not had an organised site visit, members could have visited the site individually or had existing knowledge of the site.

Councillor Bradford, local member for Crome ward, said that he could not support the application as he considered that car parking spaces in this area of Heartsease were at maximum use during the evenings and that this development would further exacerbate parking in the area, particularly as part of the accumulative effect of developing other garage sites in the area. Councillor Sands said that he could not support the proposed development as the dwellings would be below the minimum size standard. Councillors Ackroyd and Henderson also expressed regret that the proposed dwellings did not meet the minimum space standard.

RESOLVED, with 7 members voting in favour (Councillors Herries, Driver, Button, Carlo, Jackson, Malik and Peek), 2 members voting against (Councillors Bradford and Sands) and 2 members abstaining (Councillors Ackroyd and Henderson) to approve application 16/01499/F and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Details of facing and roofing materials; windows; joinery; boundary treatments, walls and fences; external lighting;
4. Details of hard and soft landscaping to be submitted;
5. Water efficiency;
6. Contamination risk assessment and report to be submitted;
7. Unknown contamination to be addressed;
8. Control on imported materials;
9. Ecology measures to be agreed and implemented prior to first occupation.
10. Waste collection arrangements to be approved.

Article 35(2) Statement

The local planning authority in making its recommendation 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 is recommended for approval subject to appropriate conditions and for the reasons outlined in the officer report.

4. Application 16/01742/F– Land and garages rear of 2 to 20 Hanover Road

The senior planner (development) 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, containing a correction to the description of the development proposal and summarising the consultation response received from the council's environmental protection officer and seven further representations received objecting to the scheme.

Three residents and Councillor Haynes, Town Close ward councillor, addressed the committee and outlined their objections to the scheme. This included concerns about the legal right of way to a house on Newmarket Road; that the layout of the scheme could be improved by reducing the number of dwellings and concerns about lack of parking spaces and that people would be unable to park near their homes; increased risk of traffic to pedestrians, particularly school children; loss of amenity; that the development was out of keeping with the conservation area and that the vehicular access/egress on to Hanover Road would be too tight. Councillor Haynes asked for a condition to prevent construction vehicles from accessing the site between 8:30 to 9:30; and 15:00 and 16:00 during the week when children would be arriving or departing from school.

The agent responded on behalf of the applicant and explained that tenants of the garages would be given appropriate notice. The area was in a controlled parking zone and had access to the car club. He explained that the council's legal advisers and the registered social landlord were aware of the issues relating to the right of way and that he considered that the deed referred to by the resident related to a footpath rather than vehicular access.

At the discretion of the chair, the agent was permitted a further three minutes to explain the background to the bidding process for the development of the council's garage sites to provide as much affordable housing as possible by a registered social landlord.

Discussion ensued in which the senior planner, together with the transport planner and the planning team leader, referred to the report, and replied to the issues raised above and answered members' questions. Members were advised that the issue of access was not a planning matter but could potentially prevent the development going forward. Considerate constructor practice would be implemented but it would not be practical to restrict construction vehicles to the site. Blue badge parking bays could be provided but this would be less flexible than general use for all residents. There was a range of different categories of permits available.

Councillor Sands, having raised several concerns about the rights of access to the site and the proposed dwellings not meeting the minimum size standard, proposed that consideration of this item should be deferred to address these issues. The motion was not seconded and was not considered further.

Councillor Carlo said that she was minded to oppose this application as Hanover Road was a cul-de-sac where turning round was very difficult, and parking was intense in the area. She suggested moving one of the housing blocks and increasing the number of off-street parking spaces on the site, explaining that she considered the five year housing supply was not such an issue in the city as in Broadland or South Norfolk district council areas. Councillor Henderson said that she was opposed to the application because the proposed dwellings did not meet the minimum space standard.

RESOLVED, with 6 members voting in favour (Councillors Herries, Driver, Button, Malik, Peek and Bradford) and 5 members voting against (Councillors Ackroyd, Carlo, Henderson, Jackson and Sands) to approve application 16/01742/F and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Details of facing and roofing materials; windows; joinery; boundary treatments, walls and fences to be submitted
4. Details of hard and soft landscaping to be submitted
5. Water efficiency
6. Contamination risk assessment and report to be submitted
7. Unknown contamination to be addressed
8. Control on imported materials
9. Windows on first floor side elevations of proposed houses to be obscure glazed.

Article 35(2) Statement

The local planning authority in making its recommendation 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 is recommended for approval subject to appropriate conditions and for the reasons outlined in the officer report.

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

5. Application no 16/01554/F - Grazing Land Swanton Road, Norwich

The senior planner (development) presented the report with the aid of plans and slides. He also referred to the supplementary report of updates to reports, which was circulated at the meeting, and contained a summary of a late representation from the reduction and recycling manager of the Swanton Road Recycling Centre and the officer response.

Discussion ensued in which the senior planner, together with the senior development officer (enabling), referred to the report and answered members' questions. Members sought clarification on the principles of the development for the provision of 13 permanent pitches on the site and noted that Broadland Housing was experienced at managing similar facilities. Members expressed concern that the site was a former landfill site and received reassurance that environment protection officers had not objected to the scheme provided that there was adequate venting and appropriate remediation works in place. Members also noted that the new buildings would provide a comfortable environment for daytime use and would exceed current standards of building regulation.

RESOLVED, unanimously, to approve application no. 16/01554/F - Grazing Land Swanton 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 to be agreed before above slab level works commence of facing and roofing materials; joinery; verges; and external lighting;
4. Details before above slab level works commence of cycle storage; site access / alteration of one way system; turning head; and bin stores provision;
5. Details before above slab level works commence of landscaping including: planting; tree pits; biodiversity enhancements, bird and bat boxes; site treatment works; boundary treatments, including any proposals to separation of private amenity areas, gates, walls and fences; and landscape management and implementation programme and maintenance;
6. Compliance with AIA and AMS and Tree Protection Scheme implemented prior to commencement;
7. Retention of tree protection during construction;
8. Water efficiency measures;
9. Details before above slab level works commence of the surface water drainage system future maintenance and implementation including details before occupation of emergency flood warning - Flood Warnings Direct Service so that site manager can advise the site occupiers of any flood alerts for the area;
10. Details before occupation of contamination verification plan;
11. Cessation of works if unknown contaminants found and submit details of remediation;
12. Details before occupation of testing and/or suitable compliance of all imported material prior to occupation.

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 and application stage the application has been approved subject to appropriate conditions and for the reasons outlined within the committee report for the application.

Informatives

1. Impact on wildlife.

2. Control of invasive species.
3. Highways contacts, street naming and numbering, design note, works within the highway etc.

6. Application no 16/01578/F - 52 Prince of Wales Road, Norwich, NR1 1LL

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

Councillor Grahame, local member for Thorpe Hamlet ward, addressed the committee and outlined the concerns about what the potential impact that the change of use of the premises to a lap dancing venue would have on Prince of Wales Road and the patrons that it would attract.

The agent spoke on behalf of the applicant and explained that a lot of the concerns that had been raised were based on misconceptions. Lap dancing was not part of the sex industry and was well regulated, with performers complying with strict codes of conduct.

During discussion, the senior planner, together with the planning team leader, referred to the report and answered members' questions. She explained the extent that this was a lawful planning use located within the late night activity zone.

During discussion, some members commented that Prince of Wales Road was perceived as a "no go" area for local residents and that the change of use would increase fear of crime. Whilst other members said that they would use this road at night as it is busy and well lit. Councillor Button, as chair of licensing committee, said that lap dancers were well protected and that she knew of women who had coffee in these clubs. Councillor Henderson, Thorpe Hamlet ward councillor, expressed concern that the change of use would exacerbate problems with prostitution and drug use in the Rosary Road area.

RESOLVED with 8 members voting in favour (Councillors Herries, Driver, Ackroyd, Button, Malik, Peek, Sands and Bradford), 2 members voting against (Councillors Carlo and Henderson), and 1 member abstaining (Councillor Jackson) to approve application no. 16/01578/F - 52 Prince Of Wales Road Norwich NR1 1LL and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Cycle storage;
4. Acoustic measures;
5. Amplification/max sound measures;
6. Sound level management;
7. Prevention of inappropriate use of outside areas;
8. Ventilation/extraction;
9. Plant and machinery
10. Deliveries
11. Lighting
12. Opening hours.

7. Application no 16/01215/MA - 115 Newmarket Road Norwich, NR2 2HT

The planning assistant (development) presented the report with the aid of plans and slides. She also referred to the supplementary report of updates to reports which was circulated at the meeting and contained a correction to paragraph 7 of the report and additional text to paragraph 11 and section 23, Main issues 1 Design and Heritage.

A neighbour addressed the committee and explained that both he and another neighbour had been professionals involved in setting up the Newmarket Road Conservation Area. He then referred to the planning history of the site and the objections to this application. He considered that the garage should be reduced in size and moved back from the wall to make room for more planting.

The agent said that the application was to vary conditions of existing planning consent. The council's planning officer and tree officer considered that there was no significant harm to the conservation area and its amenity.

During discussion the planning assistant, together with the planning team leader, referred to the report and answered members' questions. The committee was assured that there was sufficient room between the wall and the garage for two lime trees to grow and be maintained. It was expected that once pollarded the branches would spread out to screen the garage from the road. A breach of condition notice would be issued if the applicant did not comply with the conditions of the planning consent.

Councillor Jackson said that he would propose refusal of the application because the applicant had not had the garage built in accordance with plans and was detrimental to the amenity of the conservation area and had left insufficient room for trees to become established. The proposal was not seconded and therefore did not progress.

RESOLVED, with 9 members voting in favour (Councillors Herries, Driver, Button, Carlo, Henderson, Malik, Peek, Sands and Bradford) and 2 members voting against (Councillors Ackroyd and Jackson) to approve application no. 16/01215/MA - 115 Newmarket Road Norwich NR2 2HT and grant planning permission subject to the following conditions:

(A number of these conditions have been reworded from the original consent as is appropriate under Section 73, Part 3 of the Town and Country Planning Act 1990.)

1. Standard time limit;
2. In accordance with plans;
3. Materials as built are to be retained as such thereafter;
4. Replacement tree planting to be carried out within the next planting season and replacement trees must be provided if any of the trees do not survive within a five year period;
5. Details of the new finials and coping stones to the piers of the front boundary wall should be submitted within a 2 months of the date of the permission and then installed within 6 months of the date of agreeing the details.

Informatives:

1. Any alteration to the existing fences, walls and railings in and around the site would require the prior written consent of the Local Planning Authority.
2. Guttering and downpipes to the garage should ideally be painted metal.
3. The existing timber gate and fence which spans the width of the front garden should be stained to match the colour of the garage doors hereby approved.

8. Application no 16/01615/NF3 - Land adjacent to River Yare, Bowthorpe Southern Park, south of Mardle Street, Norwich

(Councillors Button and Sands had declared an interest in this item.)

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

During discussion, in which members welcomed the proposal, the senior planner explained that one side of the bridge there was a bridle path. The bridge would be constructed to take the weight of a horse in case at some time in the future the bridle path was extended.

RESOLVED, unanimously, to approve application no. 16/01615/NF3 - Land Adjacent to River Yare, Bowthorpe Southern Parr, south of Mardle Street, Norwich and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Details to include final design of bridge (including colour of paint, material for footway and design of gates) and details of the gravel or hoggin path;
4. Landscape details;
5. Details of spillway construction;
6. Construction method statement;
7. Feasibility study and associated scheme for the installation of signage and interpretation at the site to include direction to the bridleway, notification that surrounding land is private and not available for public car parking, and guidance for horse riders adjacent to mounting blocks;
8. Compliance with the mitigation measures and enhancements outlined in section 6.10-6.14 of the ecology assessment to include a pre-works survey to ensure that no disturbance to nesting Kingfishers will occur.
9. Archaeology – no development until a written scheme of investigation has been submitted to and approved by the local authority;
10. Archaeology – no development unless in accordance with the written scheme of investigation;
11. Archaeology – post investigation assessment.

Informatives:

1. The applicant is advised that they will need to apply for temporary traffic orders to close the routes to the public for the duration of the works.
2. The applicant will need a bespoke permit for the footbridge works for '(a) Erecting structures (whether temporary or permanent) in, over or under a 'main river'.
(a) Application forms and further information can be found at:
<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>

- (b) Anyone carrying out these activities without a permit, where one is required, is breaking the law.
3. The applicant is advised to explore opportunities for the handrails to be as open as possible, within the confines of ensuring adequate pedestrian safety, in order to reduce the likelihood of debris causing a blockage during a flood event.

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 and has approved the application subject to appropriate conditions and for the reasons outlined in the officer report.

9. Applications nos 16/00752/F and 16/00753/L - 42 St Giles Street, Norwich NR2 1LW

The planner (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 contained the summary of an additional representation and officer response.

During discussion, the planner referred to the report and answered members' questions. She said that the issue of access was a civil matter between the various parties.

RESOLVED, unanimously, to:

(1) approve application no. 16/00752/F - 42 St Giles Street Norwich NR2 1LW and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Details of external materials, including walls, roof, windows, doors, gutters, downpipes and fascias;
4. Submission of hard and soft landscaping scheme;
5. Submission of details of cycle storage and bin storage;
6. No windows or openings shall be installed at first floor level within the new dwelling or within the eastern elevation of the rear part of the commercial building;
7. The vertical glazing (facing south) for the new glazed extension shall be obscure glazed and permanently retained as such;
8. Water efficiency – residential.

Informative

1. Car free housing/ not eligible for parking permits.
2. Construction working hours.
3. Asbestos.

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.

(2) approve application no. 16/00753/L – 42 St. Giles Street Norwich NR2 1LW and grant listed building consent subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Submission of full photographic survey of the interior of the principal listed building and rear outbuilding;
4. Submission of detailed drawings or samples of materials as appropriate, in respect of the following:
 - (a) All new and/or relocated internal and external service routes (including mechanical and electrical services, drainage and waste and lighting scheme)
 - (b) All new internal floor coverings within the principal listed building and rear outbuilding
 - (c) Detailed design of all new internal doors and architraves
 - (d) Detailed design of new stair to the rear outbuilding
 - (e) Detailed design of landscaping to rear courtyard
 - (f) Material for the new mono-pitched roof addition to rear.
5. All rainwater goods/guttering shall be painted metal and so maintained.
6. All partitions hereby granted consent shall be of lightweight construction and scribed around any existing historic features and shall be so maintained.
7. All existing fabric shall be retained unless notated otherwise on the drawings approved under this consent.
8. The rooflights shall be of a traditional conservation type, flush with the roof and slim framed with a dark matte finish, and so maintained.
9. Sample panels of facing brickwork showing the proposed colour, texture, facebond and pointing shall be provided on site, and approved in writing by the local planning authority before the relevant parts of the approved works are commenced, and the sample panels shall be retained on site until the work is completed in accordance with the panel so approved.
10. All work and work of making good shall be finished to match the existing exterior of the building(s) in respect of materials, colour, texture, profile and, in the case of brickwork, facebond, and shall be so maintained.

Reason for approval: The proposals will not result in harm to the special architectural and historic interest or significance of the listed building. The proposals are therefore considered to be in accordance with the objectives of NPPF, Policy 2 of the Adopted Joint Core Strategy (March 2014) and policies DM1, DM3 and DM9 of the Norwich Development Management Policies Local Plan (December 2014).

**10. Enforcement Case 15/00167/ENF– 55 Cunningham Road, Norwich,
NR5 8HH**

The planning team leader presented the report and explained that the use of the dwelling as a house in multiple occupation was a breach of planning consent.

Members considered that enforcement of this breach of planning consent should send out a strong message to potential landlords.

RESOLVED, unanimously, to authorise enforcement action to secure the cessation of the unauthorised residential (sui generis) use and return the property back to its authorised residential (Class C3/C4) use; including the taking of direct action may result in referring the matter for prosecution if necessary.

**11. Enforcement Case 16/00020/ENF – 66 Whistlefish Court, Norwich,
NR5 8QR**

RESOLVED to withdraw this item from consideration because the site was not specified on the plan.

**12. Enforcement Case 16/00020/ENF – 67 Whistlefish Court, Norwich,
NR5 8QR**

RESOLVED to withdraw this item from consideration because the site was not specified on the plan.

CHAIR