



PLANNING APPLICATIONS COMMITTEE

10.00 a.m. – 2.45 p.m.

10 June 2010

Present: Councillors Bradford (Chair), Llewellyn (Vice-Chair), Banham, Collishaw (to end of item 7), Driver (to end of item 8), Jago, Lay, Little (S), Offord, Stephenson and Wiltshire (to end of item 5)

Apologies: Councillor Lubbock

1. APPOINTMENT OF VICE-CHAIR

RESOLVED to appoint Councillor Llewellyn as Vice-Chair for the ensuing civic year.

2. DECLARATIONS OF INTEREST

Councillor Offord declared a personal interest in Application No 10/00741/F: Land between 3 And 7 St Leonards Terrace, Norwich, item 7 below, because of case work as Ward Councillor for Thorpe Hamlet Ward

Councillor Little declared a personal interest in Application Nos 10/00563/F and 10/00565/C, 111 Newmarket Road, Norwich NR2 2HT, item 4 below, because he was a school governor with one of the objectors who was listed to speak.

3. MINUTES

RESOLVED to approve the accuracy of the minutes of the meeting held on 13 May 2010.

4. APPLICATION NO 10/00339/F, THE CANARY 107 WATLING ROAD, NORWICH, NR7 9TG

The Senior Planner (Development) presented the report with the aid of plans and slides. Following the publication of the report, a petition had been received. The petition had asked for local people's opinions and had three options for members of the public to indicate their views. These were:-

- keep as a community public house for local people (11 responses were received indicating this option);

- demolish and replace with new housing (1 response was received indicating this option);
- keep as a public house with housing built on some of the site (1 response was received indicating this option).

Norfolk Constabulary had submitted a revised response which confirmed that the revised design took away its previous concerns about surveillance of the parking areas and giving advice for a certain type of fencing. The application was recommended for approval subject to the completion of a satisfactory S106 agreement by 23 June 2010 and conditions.

Councillor Waters, Ward Councillor for Crome Ward, addressed the committee and said that the current publican had revitalised the public house as a community pub. The petition showed the level of support from the community. A practical option would be to retain the public house and develop the large car park. A proxy for the publican then outlined the objections to the closure of the public house which had become a community resource and referred to the support at a public meeting earlier that week. There were no objections to affordable housing on the site provided the public house was retained.

The applicant then addressed the committee and explained the retention of the public house was not a viable option and was currently being subsidised by the brewery. The development was for 'affordable housing'.

The Senior Planner (Development) then received the petition and said that before the committee meeting only 16 letters of representation had been received in relation to this application. Community support was a relevant planning consideration. The Senior Planner then answered members' questions. He explained that a covenant on the use of the site was irrelevant as part of the planning process and would be another hurdle for the developer to overcome if one existed. Members were advised that the Frere Road community centre was in the vicinity of this site. The Senior Planner and the Solicitor (Planning) explained the requirement for the S106 agreement to be signed before 23 June 2010 so that the application could be determined before its expiry date. The agreement had been drafted with the developer subject to the committee resolution. The site was below the threshold of 25 for affordable housing.

During discussion members considered that the two public houses within walking distance of the Heartsease Estate, The Heartsease Public House and The Cottage, and would require residents to cross busy roads. The public house was in the setting of shops and gave a village feel to the estate.

Councillor Little moved and Councillor Banham seconded that the application should be refused on the grounds of loss of a community facilities and public house within the substantive context of the area, given the limited access to the adjacent facilities and the population density and was therefore approval of this application was contrary to the saved Local Plan Policy SH021.

The applicant pointed out that the brewery was subsidising the public house and that it was no longer viable. The Senior Planner said that refusal of this application might not have the desired effect of keeping the public house open and that a further

application was likely to be received if it should shut. He advised members that the application was recommended for approval.

RESOLVED, with 8 members voting in favour (Councillors Banham, Lay, Jago, Llewellyn, Little, Offord, Driver and Wiltshire) and 2 members abstaining (Councillors Bradford and Collishaw) to refuse planning permission for Application No 10/00339/F, The Canary 107 Watling Road, Norwich, NR7 9TG for the reasons stated above and to ask the Head of Planning Services to provide reasons for refusal in policy terms.

(The Head of Planning Services subsequently provided the following reasons for refusal:-

The Public House provides an important community facility for the Heartsease housing estate, as it is centrally located within estate close to other community facilities and within easy walking distance of the estates substantial population. It is the only remaining public house servicing the substantial population of the Heartsease estate, with alternatives located some distance from parts of the estate. These alternative Public Houses principally serve other populations of Thorpe Hamlet and Thorpe St Andrew and are separated from the Heartsease estate by major transport corridors. The proposals are therefore considered to be contrary to saved policy SHO21 of the adopted City of Norwich Replacement Local Plan.)

5. APPLICATION NO 10/00563/F AND 10/00565/C 111 NEWMARKET ROAD NORWICH NR2 2HT

(Councillor Little had declared a personal interest in this item.)

The Planner (Development) presented the report with the aid of plans and slides. Late representations had been received from two neighbours; and, Councillors Wright, Lubbock and Ramsay, and were summarised as follows:-

- would increased traffic entering and exiting the un-adopted Kinver Close which was not appropriate for increased traffic so close to the roundabout;
- proposal would result in loss of trees;
- possible access from Newmarket Road;
- point out historic nature of the wall proposed for demolition;
- letter challenging statements in Arboricultural report on the categorisation of trees on the site;
- suggestion that landscape report had been prepared to support application rather than accurately record the condition of the trees;
- would directly affect the view from the rear of neighbouring property on Mile End Road affecting house values;
- access from the front of no 111 Newmarket Road would be too close to the bus stop and would be dangerous.

The Planner (Development) also clarified that the Tree Protection Officer concurred with the Arboricultural report and had suggested that the complainant took up concerns regarding the Arboricultural report with the relevant professional body. The

issues raised in the late representations above were addressed in the officer's report to committee. In addition, the applicant had confirmed a willingness to reinstate and resurface the private access road following the completion of the development. The Planner (Development) outlined the main issues within the report and the reasons for the recommendation. The application was for a single dwelling on a large site and was considered to be appropriate both in design and scale for a conservation area, with acceptable access arrangements and impact on neighbouring amenities and the trees on site and appropriate replacement planting.

The Planning Development Manager referred to the Government's announcement of the re-designation of garden land from brownfield to greenfield and the removal of a national minimum density figure for residential development. He also said that this was a low density development considered to be in keeping with the character of the area and therefore the recent announcement was not considered to have significantly altered the assessment of the merits of the case.

Five neighbouring residents who objected to the development then addressed the committee outlining their objections, which included: concerns about the removal of mature trees; the loss of the tree canopy and the validity of the Arboricultural report; that the access from Kinver Close would require the loss of part of the historic wall; part of the site was not within the grounds of 111 Newmarket Road; wear and tear on the service road; that the proposal was inappropriate for a conservation area; and that it was indicative of 'garden grabbing' and some of the policies were no longer valid. One of the objectors also circulated photos of the wall and the site. Councillor Stephenson referred to the need for access to Kinver Close being 5m wide and that this would impact on the historic wall; concerns about the upkeep of the service road; that the issue of density was misleading when considered alongside the government announcement regarding the designation of garden land; and that one house would not solve the issue of housing in the city. She also asked how construction traffic would be dealt with.

The applicant responded and said that the development was not excessive use of garden land. The proposal was low density and both properties would have a large garden which was acceptable within the conservation area.

Discussion ensued in which the Planning Team Leader and the Planning Development Manager answered members' questions. Members were advised that this was a full application with the submitted drawings and plans showing the detailed design of the proposal and, if approved, any change to these details would require a further submission. It was also confirmed that the preferred access/egress from the site was through Kinver Close. The site was considered acceptable for the development of a single dwelling house in a conservation area. Members were also advised of the reasons for the refusal of the previous application for this site in 2008.

Councillor Driver moved and Councillor Wiltshire seconded that the application for planning permission be refused and not to support conservation area consent because the access through Kinver Close was unacceptable as the requirement to create an access of the width proposed would include the loss of part of the historic element of the wall in a conservation area; would increase hazard and wear and tear on an un-adopted and un-made up road; and concerns of traffic safety because of

the increased use of the junction with Mile End Road. Officers advised that refusal based on the access was against the advice of the Council's transportation officers and that English Heritage had no objection to the proposal.

RESOLVED, with 6 members voting in favour of refusal (Councillors Bradford, Lay, Jago, Offord, Driver and Wiltshire), 2 members voting against refusal (Councillors Little and Collishaw) and 2 members abstaining (Councillors Llewellyn and Banham) to refuse planning permission for Application No 10/00563/F 111 Newmarket Road Norwich NR2 2HT and not to support approval of conservation area consent for Application No 10/00565/C 111 Newmarket Road Norwich NR2 2HT for the reasons stated above and to ask the Head of Planning Services to provide reasons for refusal in policy terms and to notify the Secretary of State as appropriate.

(The Head of Planning Services subsequently provided the following reasons for refusal:-

Reason for refusal of planning application ref 10/00563/F:

1. The creation of the access to the width required would involve the loss of part of the historic wall to the detriment of the character and appearance of the Newmarket Road Conservation Area, contrary to PPS5, East of England Plan policy ENV7 and saved policies HBE8 and HOU13 of the City of Norwich Replacement Local Plan 2004.
2. The use of Kinver Close and its junction with Mile End Road would not provide a suitable and appropriate access to the site and would result in detriment to highway safety, contrary to PPG13 and saved policies TRA5 and HOU13 of the City of Norwich Replacement Local Plan 2004.

Reason for the lack of support for the Conservation Area Consent application ref 10/00565/C:

1. The loss of part of the historic wall as proposed would be detrimental to the character and appearance of the Newmarket Road Conservation Area, contrary to PPS5, East of England Plan policy ENV7 and saved policies HBE8 and HOU13 of the City of Norwich Replacement Local Plan 2004.)

(Councillor Wiltshire left the meeting at this point.)

6. APPLICATION NO 10/00515/RM ST MICHAELS CHURCH HALL HELLESDON ROAD NORWICH NR6 5EG

(The report relating to this application which had been considered at the meeting on 13 May 2010 was circulated at the meeting. It had been intended to append this report to the report on the agenda but had been omitted.)

The Planning Team Leader presented the report with the aid of slides and plans.

Two neighbouring residents concerned about the loss of trees to provide screening from the development addressed the committee outlining.

The Planning Team Leader said that a tree protection condition was proposed and that the applicant would be required to provide detail of the boundary treatment.

RESOLVED with 4 members voting in favour (Councillors Bradford, Little, Jago and Llewellyn) and 5 members abstaining (Councillor Banham and Driver; and Councillors Lay, Offord and Collishaw because they had not been present at the previous meeting) to Application No 10/00515/RM, St Michaels Church Hall, Hellesdon Road Norwich NR6 5EG and grant planning permission, subject to the following conditions:-

1. Demolition;
2. Site investigation;
3. Boundary treatment;
4. Landscape Implementation (amended scheme);
5. Tree protection;
6. Provision of car parking/cycle and bin storage areas;
7. In accordance with submitted plans.

(Reasons for approval: The decision to grant planning permission has been taken having regard to PPS1 and PPS3 and East of England Plan policies H1, NR1, ENV 7 and ENG1 and Saved Local Plan Policies AEC3, HOU13, EP22, SR19, NE9, HBE12, EP22, TRA6, and TRA8 of the City of Norwich Replacement Local Plan Adopted Version 2004 and to all material considerations. The design details of the scheme meet the criteria of HBE12 and results in a housing layout of a good design.)

7. APPLICATION NO 10/00741/F: LAND BETWEEN 3 AND 7 ST LEONARDS TERRACE, NORWICH

(Councillor Offord had declared a personal interest in this item.)

The Senior Planner Development presented the report with the aid of plans and slides. Since the publication of the report the Health and Safety Executive had confirmed that it had no objections to the scheme. The applicant had also proposed a new plan for providing screening on the exterior balconies, in response to the proposed condition 5; this was considered acceptable by the Senior Planner who explained that condition 5 as proposed in the report (balcony screen) can be removed now that plans were updated. The following additional conditions were proposed: removal of certain permitted development rights; prior to development details of cycle and refuse storage prior to commencement of the development; and that the building development was in accordance with the application plans.

The owner of an adjacent building then addressed the committee with his concerns about the application which related to the impact of deep piling on the stability of the slope, suggesting that the screening was a minimum of 2m; timescale for work on the pathway; suggesting coppicing of the area, and that the new building should be moved further away from the boundary.

The applicant then addressed the committee and said that the proposal had received the approval of the Design Conservation Officer and that the support of the 7 immediate neighbours. The tree root matrix was important for the slope viability and there would be regular tree management.

The Senior Planner explained that the works to the footpath were outside the site of the curtilage of the planning application but was necessary for the stability of the bank and would be done in conjunction with the County Council. The screening was 1.7m and was considered appropriate.

Discussion ensued in which members noted that the roof material would be made out of non-reflective stainless steel. Members also considered the practicality of the construction and how the development would impact on the roofline.

RESOLVED to approve Application No 10/00741/F: Land between 3 and 7 St Leonards Terrace, Norwich, subject to conditions listed below:

1. Standard time limit.
2. Scheme shall be developed in accordance with the approved plans.
3. Prior to commencement of development a suitable scheme for slope stability to be agreed and measures provided.
4. Prior to commencement of development adequate footpath stabilisation works to be agreed and reinstatement measures to be provided.
5. Prior to commencement, a full archaeological evaluation should be undertaken and result agreed.
6. Precise details and appearance of materials to be agreed, including details of roofing and flues.
7. Site contamination precautionary measures to be used if necessary.
8. Prior to occupation, cycle and refuse store details to be agreed.
9. Landscaping scheme to be agreed and provided prior to occupation, to include plant shield and a landscaping management plan and maintenance schedules.
10. Removal of certain permitted development rights.

(Reasons for approval: The recommendation is made with regard to all national, regional and local development plan policy, and all other material considerations. It is considered that subject to conditions the proposal offers a high quality of design and development of housing in an appropriate and sustainable location that will enhance the surrounding Conservation Area, blend in and preserve the Ancient Woodland and provide an appropriate design given its prominent location on the wooded ridge, whilst creating an enhanced continuation of the adjoining ancient woodland and surrounding informal landscaped character of the area, and as such is in accordance with national policy PPG14, PPS1, PPS3 and PPS5, regional policies ENV6 and ENV7 of the East of England Plan (May 2008), and saved policies NE2, NE9, HBE7, HBE8, HBE12, EP2, EP22, HOU13, TRA7, TRA8 and TRA14 of the adopted City of Norwich Replacement Local Plan (November 2004).)

(Councillor Collishaw left the meeting at this point.)

8. UNAUTHORISED USE OF 4-6 MASON ROAD, NORWICH AND PARKING AREAS ASSOCIATED WITH 5 ADJACENT SITES

The Team Leader Planning presented the report with the aid of slides and plans. Since the publication of the report a valid planning application relating to this site and the associated 5 adjacent sites (as shown on the plan) had been received.

Therefore it was recommended that enforcement action for the unauthorised use should be sought should the planning application be refused.

The agent for the applicant then addressed the committee and explained the position of the church necessitating the unauthorised use of this site. The unauthorised use of the car parking on the sites had ceased as the church was bussing people in from its site at Heartsease.

Discussion ensued. The benefit of outreach work of the church was acknowledged but there was some concern about the unauthorised use of this site and its suitability. Members requested that the new planning application be referred to the committee for determination.

RESOLVED to:-

- (1) authorise enforcement action and the taking of legal proceedings, including prosecution, to secure the cessation of use of 4-6 Mason Road as a church and community facility and the use of land at Mason Road for car parking associated with that use (sites as shown on the site plan attached to the committee report), should the Planning Application No 10/01081/U be refused or withdrawn;
- (2) ask the Head of Planning Services to refer Application No 10/01081/U 4-6 Mason Road, Norwich, to the committee for determination.

(The committee then adjourned for lunch and reconvened at 2.00 p.m. Councillor Driver had left the meeting at this point.)

9. APPLICATION NO 10/00464/F 1 ST JOHNS CLOSE NORWICH NR1 2AD

The Planner (Development) presented the report with the aid of plans and slides. There were no details of screening and it was proposed that this was covered by conditions.

RESOLVED to approve Application No 10/00464/F 1 St Johns Close Norwich NR1 2AD and grant planning permission subject to the following conditions:

1. Standard time limit
2. Roofing and facing materials to match existing extension;
3. Details of landscaping and boundary walls and fences to be agreed;
4. Maintenance of landscaping to be agreed;
5. Development in accordance with submitted plans.

(Reason for approval: The decision to approve this application and grant planning permission has been taken having regard to Planning Policy Statement 1 (PPS1) and its Climate Change Supplement, Planning Policy Statement 4 (PPS4), policies SS6 and ENV7 of the East of England Plan (adopted May 2008) and the following saved policies of the City of Norwich Replacement Local Plan (adopted November 2004): EMP2, SHO3, SHO12, HBE12, HBE19, EP22, TRA6 and TRA8. Subject to the conditions listed, the proposed rear extension is considered to be acceptable. Although representing a substantial addition to the existing retail shop, the extension

would be appropriately designed in the context of the shopping parade, and (as conditioned) would not have a significant effect on the character and appearance of the area nor detrimentally affect the amenity or outlook of adjoining occupiers by reason of noise, visual intrusion or traffic generation. The extension would, in addition, provide appropriately for the expansion of a long-established local business which also serves a small number of other pharmacies in the area, and by retaining storage and distribution facilities and employment on site, would tend to reduce the overall need to travel for customers, suppliers and staff. It would thereby support a valued local community facility in a sustainable and highly accessible location, and would ensure the continued retail vitality and viability of the St Johns Close local shopping centre.)

**10. APPLICATION NO 10/00454/F 23 STAFFORD STREET NORWICH
NR2 3BB**

The Planner presented the report with the aid of slides and plans. Members were advised that the second storey side window had been deleted from the plans and that the materials were brick render and slate.

RESOLVED to approve Application No 10/00454/F – 23 Stafford Street, Norwich and grant planning permission, subject to the following conditions:-

1. Statutory time limit – 3 years;
2. Materials to be agreed;
3. Walls and fences erected before occupation;
4. Parking laid out before occupation;
5. Landscaping within 6 months of occupation;
6. Maintenance of landscaping;
7. Bin and cycling storage to be provided before first occupation and retained.

(Reasons for approval: The decision is made with regard to policies HOU13, HBE12, TRA6 and TRA7 of the City of Norwich Replacement Local Plan Adopted Version November 2004 and all material considerations. The flats will be in keeping with the area because of their design and materials and the provision of suitable amenities, and will not have a detrimental impact on the character of the area as a whole.)

**11. APPLICATION NO 10/00463/F 52 EARLHAM GREEN LANE NORWICH
NR5 8HE**

The Planning Team Leader presented the report and explained that the applicant had confirmed that the proposal was for a family dwelling house. It was suggested that an informative was added to retain the proposed use of this dwelling as a C3 designated family dwelling house and prevent its use as a C4 house in multiple occupation as classified in the regulations introduced in April 2010.

RESOLVED to approve Application No 10/00463/F 52 Earlham Green Lane, Norwich and grant planning permission, subject to the following conditions:-

1. Commencement time limit – 3 years;
2. In accordance with approved drawings;

3. Details of materials, including use of permeable materials for driveway / front garden;
4. Details of boundary fences and walls;
5. Provision of car parking area prior to occupation;
6. Provision of bin and cycle storage prior to occupation.

and an informative relating to the retention of the dwelling as C3 – designated family dwelling use.

(Reasons for approval: The decision is made with regard to policies HBE12, HOU13, EP22 and TRA6 of the City of Norwich Replacement Local Plan Adopted Version November 2004 and all material considerations. The replacement dwelling is considered to be appropriate for the area and its position, height and scale would not have a significant impact on the residential amenities of the area.)

12. ENFORCEMENT ACTION: 21 COLEGATE, NORWICH, NR3 1BN

The Senior Planner (Development) presented the report with the aid of plans and slides. He advised that the notice period be extended to allow for the assessment by the Fire Officer and for a solution to be found without necessitated closing down the function of the premises.

During discussion members considered that the current design of the unauthorised fire escape might be wider for access by disabled people.

RESOLVED, with 6 members voting in favour (Councillors Bradford, Banham, Lay, Jago, Llewellyn and Little) and 1 member abstaining (Councillor Offord) to authorise enforcement action to secure removal of the fire escape staircase and the taking of legal proceedings, including prosecution if necessary.

CHAIR