



**MINUTES**

**PLANNING APPLICATIONS COMMITTEE**

**10.00 a.m. – 2.20 p.m.**

**14 October 2010**

Present: Councillors Bradford (Chair) to item 9, Banham, Blower, Collishaw to item 7, Driver, Gee, Lay, Little to item 10, Lubbock to item 6, Offord, Read and J Wright to item 7

**1. APPOINTMENT OF VICE CHAIR**

**RESOLVED** to appoint Councillor Read as Vice Chair for the ensuing civic year.

**2. DECLARATIONS OF INTEREST**

Councillor Read declared a personal interest in respect of application no 09/01443/H Bayer Crop Science Ltd, Sweetbriar Road, Norwich, NR6 5AP as he would be addressing committee on this item. Councillors Banham and Lay also declared an interest in respect of the Workshop Café Bar, 53 Earlham Road, Norwich, NR2 3AD, because they were members of licensing committee which had determined this item on 13 October 2010.

**3. MINUTES**

**RESOLVED** to approve the accuracy of the minutes of the meeting held on 16 September 2010.

**4. APPLICATION NO 09/01443/H BAYER CROPSCIENCE LTD,  
SWEETBRIAR ROAD, NORWICH, NR6 5AP**

(Councillor Read having previously declared an interest took no part in the decision making process).

The planning team leader presented the report with the aid of slides and plans. She explained this was the first time since the site was granted permission to operate that members had had an opportunity to assess the totality of risk for the site as a whole. This application, if approved, would bring tighter controls and the level of risk associated with the site would decrease due to the proposed alterations to the use and storage of hazardous substances on the site compared to that currently covered by consent. The site was regularly visited and routinely monitored by the Health and

was that the reduction in risks would be so significant that there were no reasons, on safety grounds, to refuse the application.

Councillor Makoff said there was an issue with odours from the site and she was concerned about granting a new set of substances when the issue of odour still remained. She considered the location of the site being so near to residential and recreational areas that risks were very real along with contamination to the ground and water and asked members to consider if the risks were worth taking. Councillor Read said this was a historic opportunity for the committee to consider this application now that this site was in an extremely built up area and so different to what it was in 1955. Members should consider whether, if being built now, would they consider it as an appropriate location for the site. He considered the decrease in risk was on paper only, this was not a decision to be put off and not up to the HSE to decide whether the risks were acceptable or not.

The site manager addressed the committee and referred to Councillor Makoff and Read's comments. He said actions had been taken to improve the odour issue and improvements would be made to the effluent over the next two years. Every step was being taken to make improvements. Rejection of this application would result in significant job loss and would impact on the community.

Discussion ensued during which the planning team leader answered questions from members. She said that the factory was required to have a major accident plan and, although some quantities of generic categories of substances were included within the current application, all substances on site were named within the environmental permit and the major accident plan and those authorities who needed to be aware of what was kept on the site would be. Waste disposal from the site and methods of delivery to and from the site were something the Environment Agency looked at in detail as part of the environmental permit for the site.

**RESOLVED**, with 10 members voting in favour (Councillors Bradford, Little, Banham, Lay, Lubbock, J Wright, Blower, Collishaw, Driver and Gee) and 1 member voting against (Councillor Offord) to approve application no 09/01443/H - Bayer Cropscience Ltd, Sweetbriar Road, Norwich, NR6 5AP and

1) grant hazardous substance consent subject to the following conditions:

- (1) the consent not to come into effect until
  - (a) all the substances listed in table a attached to the letter of understanding are removed from the site; and
  - (b) all the substances listed in table b attached to the letter of understanding are reduced in quantity and to a level no greater than that which appears in table b;
- (2) until such time as the existing consents ref. 4HS9204/H, 4/1999/0915/H, 4/2000/0193/H and 09/00124/H are revoked, the site shall be operated in strict accordance with the submitted letter of undertaking;
- (3) the hazardous substance(s) shall not be kept or used other than in accordance with the application particulars provided in form 1, not

outside the area(s) marked for storage of the substance(s) on the plan which formed part of the application;

- (4) no more than three full moveable containers of bromine to be present on site at the same time;
- (5) the following limits to apply to tanker deliveries of the following dangerous substances:

Substance	Max delivery weight (tonnes)	No deliveries per 12mth period
Bromine	24	180
Heptanoyl chloride	No limit	96
Octanoyl chloride	No limit	192
Sodium cyanide	26.5	180
Thionyl chloride	No limit	36

- 2) to prepare and serve revocation orders for the existing hazardous substances consents at the site and, following the expiry of the statutory period following notification, to forward the orders to the Secretary of State with a request that they be confirmed.

(Reasons for approval:

1. The continued use of the site as a chemical plant is clearly supported in the development plan. Development on and around the site is carefully assessed and controlled taking this existing use into account. There are not considered to be any current or future development proposals around the site which would indicate that the proposal is unacceptable. The current application would significantly reduce the risks associated with this use. The HSE have advised that 'there are no reasons, on safety grounds, for refusing the application for consent'. In assessing the merits of the application, considerable weight has been attached to the current development plan policies supporting the continued use of the site and the clear advice from the HSE on this application.

2. The EA have confirmed that they consider the risk assessment undertaken acceptable and the current proposals would be in accordance with the permit on the site, with one exception for a substance not currently used on site. None of the other consultees have objected to or advised against the application. Considerable weight has also been attached to the views of the EA and the other consultation responses in assessing the application.

3. The proposed alteration to the substances consented to be stored and used on the site is not considered likely to have any detrimental effect on local amenities or the surrounding environment in terms of the day-to-day operation and

management of the site and it is recognised that the control and enforcement of this aspect of the use is managed as part of the Environmental Permit. Although only limited weight has been attached to these considerations, they support the conclusions reached that the residual risks associated with the presence of hazardous substances, either to persons or to the environment, are tolerable in the context of existing and potential uses of neighbouring land.

4. Subject to conditions covering the storage of moveable containers of bromine, limits to tanker deliveries and preventing the use of overlapping consents until the existing consents can be formally revoked, the application is therefore considered to be acceptable and to meet the criteria of PPS1, PPS9, PPS23 and saved policies EP3, EP5, EMP7 and NE7 of the City of Norwich Replacement Local Plan 2004 and all other material considerations.)

**5. APPLICATION NO 10/01208/F BAPTIST CHURCH, SILVER ROAD, NR3 4TE**

The senior planner (development) presented the report with the aid of slides and plans and said there was no provision for parking on this site although street parking was available in the area albeit very tight in that particular area. New developments inside the controlled parking zone (CPZ) would not be entitled to permit parking. There was a review of permit parking ongoing and the transportation department were aware of the proposal. There were provisions for six Sheffield style hoops for secure cycle storage within the communal lower ground floor. Members asked officers to make potential residents aware of the car free parking and the CPZ. . The officer advised members that the financial contribution for children's play space was actually more than that originally quoted in the report due to a misunderstanding in the number of child bed spaces proposed.

**RESOLVED** unanimously to approve the application no 10/01208/F and grant planning permission subject to -

- (1) the completion of a satisfactory S106 agreement by 20 October 2010 to include the provision of contributions to child play space and local sustainable transportation contributions, and subject to the following conditions:
  - (a) standard time limit;
  - (b) development to be carried out in accordance with the approved drawings;
  - (c) samples of materials;
  - (d) prior to approval of the following details:
    - (i) joinery details for new doors and windows (including roof lights and door to the new bin and bike store);
    - (ii) alterations to the window sills and new tile creasing at the new floor level;

- (iii) how the new lower ground bin and cycle store is to be integrated into the existing ramp structure on west elevation;
  - (iv) details of the proposed front railings and gates;
  - (v) details of any ventilation required to the new bin store;
  - (vi) details of the position of new kitchen and bathroom flues/extracts;
- (e) prior to approval of the details of, and maintenance schedules for, the photovoltaic panels, which shall be installed and made available for use prior to first occupation, and maintained thereafter;
- (f) energy efficiency measures shall be installed as described in the energy efficiency report and retained thereafter;
- (g) prior approval of details of retention or relocation of the stone date plaque on the north elevation;
- (h) re-use of the existing western entrance door on the north elevation in the new location;
- (i) details of landscaping scheme to be agreed, and provided, prior to first occupation;
- (j) maintenance of landscaping;
- (k) prior to first occupation the communal cycle and refuse storage facilities to be available for use and permanently retained;
- (l) details of any future fume extraction systems to be agreed prior to installation.

(Reasons for approval:

The proposed conversion will provide an appropriate and acceptable quality of residential development design which enables the continued preservation, protection and active use of a landmark historic building significant to the character of the surrounding area. The high density of the scheme and the lack of any on-site car parking are considered, on balance, to be acceptable given the preference to preserve the fabric and character of the church building and the site's location in a sustainable and highly accessible part of the city close to local services and the city centre. The loss of part of a community facility is mitigated by the ability to retain community activities within a large part of the building, and the absence of any meaningful on-site communal amenity space is offset by the site's close proximity and safe and easy access to open space and children's play and recreation facilities.

Subject to the conditions and the completion of a satisfactory legal agreement, the scheme will avoid adverse impacts on neighbouring residential premises and will be able to provide sufficient improvements to local sustainable transport and play provision. As such the development is considered acceptable and in accordance with national policies PPS1, PPS3, PPS13 and PPG24, and saved policies EP1, EP16, EP18, EP22, AEC3, HBE12, HBE19, HOU6, HOU15, HOU18, SR7, NE9,

TRA9, TRA7, TRA8 and TRA11 of the adopted City of Norwich Replacement Local Plan (November 2004).

- (2) Where a satisfactory S106 agreement is not completed prior to 20 October 2010 that delegated authority be given to the head of planning services to refuse planning permission for application no 10/01208/F for the following reason:

In the absence of a legal agreement or undertaking relating to the provision of children's play and transportation contributions the proposal is contrary to saved policies SR7, TRA11 and HOU6 of the adopted City of Norwich Replacement Local Plan.

**6. APPLICATION NO 10/01107/RM NORWICH CITY FOOTBALL CLUB, CARROW ROAD, NORWICH, NR1 1JE**

(Councillor Blower declared a personal interest in this item because he was a Norwich City football club share holder. He did not take part in the decision making process.)

The senior planner (development) presented the report with the aid of slides and plans and referred to the concerns from Britvic and Unilever that complaints raised from residents of the new flats could lead to restrictions at their factory. However, they had since withdrawn their objections following assurance of sound proofing and suitable ventilation. Officers advised members that another objection had been received concerning the proximity of the building footprint to the undeveloped land to the east which could reduce its future development potential, although officers consider this to be only a marginal difference and something which development on the adjoining site should take into account. Also concerns were raised to the re-design of the inlet into the river which could lead to the loss of wildlife habitat. The applicant addressed the committee and said in reply to member's concerns that the affordable housing would start at the same time as the other housing and considered that to be an improvement over previous schemes. He considered wildlife had been taken into account through the landscape design. Discussion ensued around design quality and construction techniques, cycling provision, affordable housing provision, landscaping, the riverside walk, wildlife habitat, renewable energy and energy efficiency, flood risk, play facilities and car parking and traffic generation.

Councillor Read moved and Councillor Collishaw seconded the application be refused for the reasons of flood risk, excessive traffic, lack of affordable housing and visual character.

**RESOLVED**, with 2 members voting in favour of refusal (Councillor Collishaw and Read) and 6 members voting against (Councillor Bradford, Little, Banham, J Wright and Driver) and 3 members abstaining (Councillors Lay, Offord and Gee)

The chair then proposed that the vote be taken on the recommendations of the report.

**RESOLVED**, with 6 members voting in favour and 2 members voting against (Councillor Collishaw and Read) and 3 members abstaining (Councillors Lay, Offord

and Gee) to approve application no 10/01107/RM Norwich City Football Club, Carrow Road, Norwich, NR1 1JE –

- (1) to approve application 10/01107/RM at Norwich City Football Club, Carrow Road, Norwich, NR1 1JE, and GRANT PLANNING PERMISSION subject to the satisfactory completion of a Section 106 Agreement by 14<sup>th</sup> December 2010, to include affordable housing provision, sustainable transport measures and library contributions as appropriate, and subject to the following conditions:

- (a) standard time limit;
- (b) development to be in accordance with the approved plans;

**Prior to commencement**

- (c) phasing plan to be agreed, to include construction of Block C / 54-unit Affordable Housing block first, and its subsequent completion being closely linked to provision of selected private / open-market dwelling blocks;
- (d) (a) site contamination investigations and re-appraisal and report submission, and (b) remediation measures should be implemented as recommended, (c) any unidentified contamination shall be treated accordingly, (d) a validation report should be submitted and verified on completion of the development;
- (e) air quality study to be provided and approved.
- (f) details of how car park areas below residential blocks will be fitted with ventilation units to ensure dispersal of fumes, unless demonstrated that adequate natural ventilation will be provided;
- (g) landscape strategy to be finalised and approved, and to include details of: all surface treatments and hard and soft landscape materials; inlet design, access, swale, and pontoon facilities; moorings; roof-top garden/amenity areas; screening to the car parks; sculptural lawns along the riverbank; floating habitat or planting boxes; Riverside Walk; maintenance schedules; materials palette; planting specifications; facade treatments; apartment amenity space planting and boundary treatments; and gabion designs;
- (h) archaeology – site investigation and full evaluation, mitigation and recording;
- (i) car club parking bay site location to be arranged and agreed;
- (j) details of secure and covered cycle stores for residents and visitor cycle stores to be agreed;
- (k) design and details of acoustic glazing to units facing the factory to be agreed;
- (l) design and details of acoustic balustrades to units facing the factory to be agreed sufficient to reduce noise to acceptable levels if sitting on balconies;
- (m) details of providing adequate ventilation to the units facing Carrow Works to be agreed, sufficient to allow windows and doors to be closed to reduce exposure to noise whilst still allowing adequate ventilation to the interior;

- (n) details and samples of facing material, colour and appearance to be agreed;
- (o) development to incorporate the energy efficiency measures set out in the energy efficiency study;
- (p) methods of on-site renewable energy shall be designed and agreed;
- (q) treatment of the area between blocks 5 and 6;
- (r) landscaping and surface water flooding dispersal, attenuation and infiltration strategy to be agreed and development implemented according to the details;
- (s) details of groundwater protection scheme to be agreed for surface treatments, to include oil interceptors for example;
- (t) details of any external lighting to be agreed prior to installation;
- (u) the development shall have a finished floor level of at least 5.80m AOD;
- (v) details of flood proofing measures and their provision and implementation, shall be agreed, and such measures shall be provided prior to occupation;
- (w) a basement car park flood risk management scheme shall be agreed for situations where 1 in 1000 year flood events may occur;
- (x) details of a safe exit route shall be agreed, which shall ensure it avoids adversely affecting the flood regime, and which shall land outside the 1 in 100 year floodplain. The route must be provided prior to first occupation;
- (y) a scheme to provide a raised flood defence measures shall be submitted and agreed, and the defences provided prior to first occupation;
- (z) scheme for surface water drainage and its implementation and future management and maintenance shall be agreed. The scheme shall be installed prior to first occupation;

**Prior to first occupation**

- (aa) car club parking bay to be provided, marked out and available for use;
- (bb) travel Plan to be implemented and carried forward, including provision of the car club car;
- (cc) the acoustic glazing, acoustic balustrades and means of ventilation agreed by conditions 11, 12, 13 to be installed and made available for use;
- (dd) refuse stores to be provided and available for use;
- (ee) cycle stores to be provided, marked out and available for use;
- (ff) car parking areas to be provided, marked out made available for use;
- (gg) flood Warning and Evacuation Plan to be agreed and implemented, which shall detail safety of the inhabitants and the basement car parks up to a 1 in 1000-year flood event, and which shall include means to include use of the pre-evacuation early weather warning scheme.

Informative advisory notes:

1 – Noise mitigation measures.

2 – Need for separate Flood Defence Consent.



3 – Construction practices recommendations.

**Reasons for Recommendation:**

The recommendation is made having regard to national and development plan policy and all material considerations. The development is proposed in a suitable sustainable and highly accessible location for such a high density scheme, further enhanced through proposed measures within the Travel Plan. The proposals provide a high quality design that is appropriate to the position in the city and the prominent location on the river, without causing detrimental impact to the setting of the nearby Conservation Area. With suitable facilities in the area and improved accessibility and recreation around the river location, the scheme will include a high standard of amenity for future occupants, and conditions can be used to provide adequate mitigation of noise and other environmental effects. Subject to the satisfactory completion of conditions, and fulfilment of the planning obligations, the proposal is considered suitable to be approved. As such the development is considered to comply with PPS1, PPS3, PPS4, PPS5, PPG13, PPS23, PPG24 and PPS25 and saved policy T2 of the Norfolk Structure Plan (Adopted 1999), and saved policies NE4, NE9, HBE7, HBE8, HBE12, HBE 14, HBE19, EP1, EP5, EP6, EP10, EP16, EP17, EP18, EP22, EMP15, HOU4, HOU5, HOU6, HOU12, HOU18, SR4, SR7, SR11, SR12, TRA3, TRA5, TRA6, TRA7, TRA8, TRA9, TRA11, TRA12, TRA14, TRA15, TRA16, TRA18, TRA24, and CC14 of the adopted City of Norwich Replacement Local Plan (November 2004).

(2) In the event that completion of a satisfactory Section 106 Agreement is not achieved by 24<sup>th</sup> December 2010, to include affordable housing provision, sustainable transport measures and library contributions as appropriate, to delegate authority to the Head of Planning Services to refuse application 10/01107/RM at Norwich City Football Club, Carrow Road, Norwich, NR1 1JE, for the following reason:

In the absence of a legal agreement or undertaking relating to the provision of affordable housing, sustainable transport measures and library contributions the proposal is contrary to saved policies HOU4, TRA11 and HOU6 of the adopted City of Norwich Replacement Local Plan (November 2004).

**7. APPLICATION NO 10/01634/F – 61 ABINGER WAY, NORWICH, NR4 6LJ**

The planning team leader presented the report with the aids of slides and plans and said that the current proposal was a significant improvement to the previous proposal. The applicant addressed the committee and said they had tried to address the concerns of the objectors and at the same time provide a safe, healthy environment for a severely disabled person.

**RESOLVED**, unanimously to approve application no 10/01634/F – 62 Abinger Way, Norwich, and grant planning permission, subject to the following conditions:-

- (1) commencement within three years;
- (2) materials to match;
- (3) in accordance with approved drawings;
- (4) protection of root protection areas for overhanging tree and boundary hedge during construction.

(Reason for approval:

The decision is made with regard to PPS1 and saved policies HBE12 and EP22 of the City of Norwich Replacement Local Plan Adopted Version November 2004 and all material considerations. The extension will be of good design and high quality materials that are in keeping with the existing design of the dwelling and the character of the area. In addition, the extension will not have an unacceptable impact on the neighbouring properties because of the orientation of the dwellings and the size and scale of the single storey extension being proposed.)

**8. APPLICATION 10/01123/F – JAMES 1ST, 29 DRAYTON ROAD, NORWICH, NR3 2DQ**

The planning team leader presented the report with the aid of slides and plans. She said that the application had stated that the ongoing use of this building as a pub was not viable. The proposal was rebuild part of the building, but to retain a significant part of the original pub building and the traditional entrance, to convert it to provide two 4 bed homes and two 1 bed flats and build a new 3 bed home at the back of the site. The planning team leader referred to the comments made by the Norwich Society and said that the proposal reflected the character of the original building and each property had garden space.

**RESOLVED**, with 5 members voting in favour (Councillors Bradford, Little, Banham, Lay and Blower) and 4 members abstaining (Councillors Offord, Read, Driver and Gee) to approve application no 10/01123/F and grant planning permissions subject to the following conditions:

- (1) commencement of development within three years;
- (2) in accordance with the submitted plans and details;
- (3) submission of details or samples of materials prior to commencement;
- (4) provision of car parking in accordance with drawing no 09/08/04 rev.c prior to occupation;
- (5) details of cycle storage and bin storage submitted, provided prior to first occupation and permanently retained;
- (6) details of surfacing materials and boundary treatments submitted and agreed prior to commencement;
- (7) removal of permitted development rights for the alteration of windows in the east elevation of the existing building or their replacement (unless on a like-for-like basis);

Informative:

1. Construction working – hours of operation.

(Reasons for approval:

The decision has been made with particular regard to Saved Local Plan Policies SHO21, HOU13, HOU15, HBE12, EP22, TRA6 and TRA7 of the City of Norwich Replacement Local Plan and the objectives of PPS1 and PPS3. The proposal is considered to be an acceptable conversion and new build scheme, which would not see the loss of the last public house in the local area, would provide acceptable living conditions for the future residents and would not be detrimental to the residential amenities of the neighbouring residential occupiers.)

**9. APPLICATION NO 10/01606/F – 105 TRAFFORD ROAD, NORWICH, NR1 2QT**

(Councillor Read took the Chair)

The Planner (Development) presented the report with the aid of slides and plans and referred to the letters of representation received by neighbouring occupiers. Councillor Jeraj represented the immediate neighbour who had raised concerns concerning the proximity of the extension to their garage and fence, their access to maintain this and their refusal to allow materials or workmen on their land, and issues with water and drainage and overlooking. The planner said the applicant had assured him that it would be possible to build the extension without going onto neighbouring land and (as noted in the report) the issues concerning rights of access for maintenance were matters of civil law not planning law. Conditions were proposed which provided for obscure glazing to the small windows in the extension (including an ensuite bathroom) which overlooked the neighbouring property

**RESOLVED**, with 5 members voting in favour (Councillors Little, Blower, Read, Driver and Gee), 1 voting against (Councillor Lay) and 2 members abstaining (Councillors Banham and Offord) to approve application no 10/01606/F – 105 Trafford Road, Norwich, NR1 2QT and grant planning permission subject to the following conditions:

- (1) standard time limit;
- (2) window specification to be agreed;
- (3) roofing and facing materials and render colour to front elevation to match existing;
- (4) obscure glazing to the en-suite and southwest facing box room window;
- (5) development in accordance with submitted plans.

(Reason for approval:

The decision to approve this application and grant planning permission has been made having regard to Planning Policy Statement 1 (PPS1) and its Climate Change Supplement, and saved policies HBE12, EP20 and EP22 of the City of Norwich Replacement Local Plan (adopted November 2004). Subject to the conditions listed, the development is considered acceptable and accords with the provisions of the adopted development plan. It is appropriately designed for its setting and would not have a significantly harmful impact on the street scene in Trafford Road or the wider residential area. The extension would maintain adequate visual separation between neighbouring properties and would not result in a significantly harmful impact on the living conditions of neighbours through visual impact, loss of outlook, overlooking or overshadowing.)

**10. APPLICATION NO 10/01590/VC – WORKSHOP CAFÉ BAR, 53 EARLHAM ROAD, NORWICH, NR2 3AD**

(Councillors Banham and Lay, having previously declared an interest, left the room.)

The Planner (Development), presented the report with the aid of slides and plans and referred to the licensing committee which had agreed the Workshop could increase the number of tables outside and serve alcohol until 10.30pm, April to

September. He said that the Workshop was different from other bars in the vicinity and was supported by lots of groups, and that this bar did not bear much comparison to other bars and pubs in the city. Notwithstanding this: any extension in hours would apply in the long term irrespective of who ran the premises and there was no guarantee that the same atmosphere that exists now would continue indefinitely, this could impact on those living nearby when a period of quiet enjoyment might be expected. The agent suggested a trial period for six months which was a very modest extension of time to the forecourt which would have no adverse impact.

Councillor Driver said he could not support the trial period of six months as he considered if there were any problems with the licence it would be brought to the attention of the licensing committee and addressed that way. Councillor Gee said whilst the impact on the amenity of the neighbouring residents was important, there was a great deal of support for the proposal. Officers pointed out that members could not determine planning applications of this kind on the expectation that licensing powers could be relied on to address any subsequent problems, since licensing and planning considerations were separate and distinct.

Councillor Little reminded members that the refusal of proposals for the intensification of the use of these premises had been taken to appeal and defended on two separate occasions and it was not often that members had the luxury of two previous Inspectors' rulings to guide them. He said that whilst he was not able to attend for the decision, he would be minded not to accept the proposed variation.

(Councillor Little left the room at this point).

**RESOLVED**, with 4 members (Councillors Read, Offord, Blower and Gee) voting in support and 1 member abstaining (Councillor Driver) to approve application no 10/01590/VC – Workshop Café Bar, 53 Earlham Road, Norwich, NR2 3AD for a six month period 1 April 2011 to 30 September 2011 until 10.30pm.

(It should be noted that in accordance with the subsequent advice of the Planning Solicitor, the planning permission had been issued with the variation of condition applied for amended in line with the committee resolution, and the other relevant conditions attached to the original permission ref 4900088/F (as granted in March 1990 and varied on appeal in November 1990) reimposed, as follows:

Conditions:

1. (former condition 2): The operation of any takeaway food service conducted on the premises shall be limited to the hours of 0900 (9am) to 2000 (8pm) on weekdays.
2. (former condition 4): The use hereby authorised shall be limited to the hours of 9am (0900 hours) to 11pm (2300 hours) on each day of the week.
3. (former condition 5): Notwithstanding Condition 2 above, the forecourt shall not be used as part of the restaurant after 8pm (2000 hours) on any day of the week, excepting that this condition shall permit the use of the forecourt as part of the restaurant until 10.30pm (2230 hours) for a temporary period from 1st April 2011 to 30th September 2011 inclusive.

4. (former condition 6): The extract ventilation and fume extraction system and sound insulation measures shall be retained in accordance with the details approved under Application No. 4890260/D on 20th March 1989.
5. (former condition 7): The installation of any further plant or machinery on the premises shall be in accordance with a scheme approved by the Council for the reduction, where necessary, of the level of noise and vibration emanating from the premises.

**Reasons:**

1. To protect the living conditions of adjacent and neighbouring residential occupiers and to comply with saved policies SHO22 and EP22 of the City of Norwich Replacement Local Plan (adopted November 2004).
2. To protect the living conditions of adjacent and neighbouring residential occupiers and to comply with saved policies EMP2 and EP22 of the City of Norwich Replacement Local Plan (adopted November 2004).
3. To allow the Council a period in which to gauge the impact on adjoining and nearby residential occupiers of any additional noise and disturbance arising from the temporary extended use of the forecourt area by restaurant customers during the summer months, to enable a reassessment of the position once the six month trial period is up, and to prevent any potential longer term detrimental impact on residential amenity and the living conditions of neighbours, thereby complying with the provisions of saved policies EMP2 and EP22 of the City of Norwich Replacement Local Plan (adopted November 2004).
4. To protect the living conditions of adjacent and neighbouring residential occupiers and thereby to comply with saved policy EP22 of the City of Norwich Replacement Local Plan (adopted November 2004).
5. To protect the living conditions of adjacent and neighbouring residential occupiers and protect them from excessive mechanical noise, and thereby to comply with saved policies EP10 and EP22 of the City of Norwich Replacement Local Plan (adopted November 2004).

**Reasons for Approval:**

The decision to approve this variation of condition application (as amended to allow for the extended hours of operation of the forecourt for an initial six-month period) 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), Planning Policy Statement 5 (PPS5), Planning Policy Guidance Note 24 and saved policies EMP2 and EP22 of the City of Norwich Replacement Local Plan (adopted November 2004). The variation as amended will allow the Council a period in which to gauge the impact on adjoining and nearby residential occupiers and the character and amenity of the area of any additional noise and disturbance arising from the temporary extended use of the forecourt, and to reassess the position once the initial trial period is up. This course of action will allow the local planning authority to anticipate and prevent any potential longer term detrimental impact on residential

amenity and the living conditions of neighbours arising from the more intensive use of the premises, thus complying with the provisions of the adopted development plan and with all other material considerations.

**11. APPLICATION NO 10/10294/F SITE AT THE REAR OF 67-69 MAGDALEN STREET, NORWICH, NR3 1AA**

The planning officer presented the report with the aid of slides and plans and referred to the design layout. This would provide 10 flats with associated parking in the ground floor basement which included the retention of the existing brick wall on the southern boundary. The visual appearance would be enhanced in this unattractive area and provide much needed housing.

Councillor Driver made reference to the size of the flats and Councillor Lay expressed disappointment that the proposal had no affordable housing.

**RESOLVED**, unanimously to approve subject to –

- (1) the completion of a satisfactory S106 agreement by 10<sup>th</sup> November 2010 to include the provision of contributions to transportation and subject to the following conditions and informative notes:

Conditions:

- (a) standard time limit;
- (b) in accordance with the drawings and details as submitted;
- (c) implementation of a programme of archaeological mitigatory work in accordance with a written scheme of investigation;
- (d) submission of the following details:
  - (i) external elevation treatments including bricks, timber cladding and render;
  - (ii) verge and eaves detailing;
  - (iii) rainwater goods;
  - (iv) dormer design;
  - (v) external joinery including all new doors and windows;
  - (vi) roof tiles;
  - (vii) solar panels;
  - (viii) balcony balustrades;
  - (ix) car park entrance gates, and;
  - (x) any repairs or works to the existing brick/flint wall on the Southern boundary of the site.
- (e) provision of refuse and cycle stores prior to first occupation.

**REFUSE** Planning Permission:

- (2) where a satisfactory S106 agreement is not completed prior to 10<sup>th</sup> November 2010 that delegated authority be given to the Head of Planning Services to refuse planning permission for Application No (10/01294/F, Site to the rear of 67-69 Magdalen Street, Norwich, NR3 1AA) for the following reason:

- (a) in the absence of a legal agreement or undertaking relating to the provision of a transportation contribution the proposal is contrary to saved policies TRA11 of the adopted City of Norwich Replacement Local Plan.

CHAIR