



PLANNING APPLICATIONS COMMITTEE

11am to 3.20pm

17 January 2013

Present: Councillors Sands (M) (vice chair in the chair), Ackroyd, Button, Blunt, Gihawi (as substitute for Councillor Bradford), Gee (to the end of item 7), Howard, Kendrick, Little (from item 6 to the end of item 7), Neale, Stonard and Storie.

Apologies: Councillor Bradford

1. FREE SCHOOL (FORMER FIRE STATION), BETHEL STREET, NORWICH – PRE-APPLICATION BRIEFING

Immediately before the start of the meeting, the following members of the committee attended the informal pre-application briefing on proposals for a free school, Bethel Street: Councillors Sands (M) (in the chair), Ackroyd, Button, Blunt, Gihawi (as substitute for Councillor Bradford), Gee (for part), Howard, Kendrick, Neale, Stonard and Storie. Councillors Bremner and Waters also attended.

2. DECLARATION OF INTERESTS

Councillor Storie declared a predetermined view in item 5 (below), application no 12/01943/F, garages rear of 67 Wilberforce Road as in her capacity of ward councillor she had discussed the issue with local residents.

Councillor Ackroyd declared a non-prejudicial interest in that she was acquainted with a member of the public and been contacted by him in respect of item 6 (below), application no 12/01715/F Branford Arms 3 Branford Road, Norwich, NR3 4QD.

3. MINUTES

RESOLVED to approve the minutes of the meeting held on 6 December 2012, subject to the following amendments:

- (1) recording that Councillor Howard was readmitted to the meeting at the end of item 17, application no 12/01640/F Notcutts Garden Centre and was not present whilst the item was being determined;
- (2) correcting typographical errors in relation to:

- (a) item 2, declarations of interests, replacing “xx” with “13;
- (b) item 11, application no 12/01735/U 95 Upper St Giles Street, resolution, list of members voting in favour, replacing one of the references to Councillor “Sands (S)” with Councillor “Sands (M)”.

4. REVOCATION OF EAST OF ENGLAND PLAN AND ARTICLE 31(1)(CC) STATEMENTS

The planning development manager presented the report and answered questions.

RESOLVED to:

- (1) note the report and the changes implemented by the government;
- (2) in respect of applications previously reported to this committee but where the decision has not yet been issued, delegate to the head of planning to consider the implications:
 - (a) of the revocation of the East of England Plan, and unless there are significant impact on the recommendation and decision made, to make appropriate adjustments to the decision notice to delete all references to the East of England Plan;
 - (b) of article 31(1)(cc) of the Town and Country Planning (Development Management Procedure) Order 2010, and, unless there are significant impact on the recommendation and decision made following consideration make appropriate adjustments to the wording of the decision notice;
- (3) delegate to the head of planning authority to include an appropriately worded statement under article 31(1)(cc) of the Town and Country Planning (Development Management Procedure) Order 2010 on all relevant decision notices.

5. APPLICATION NO 12/01943/F GARAGES REAR OF 67 WILBERFORCE ROAD, NORWICH

(Councillor Storie, having declared a predetermined view, left the meeting for the duration of this item.)

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

Two local residents and County Councillor Wells (Bowthorpe Division) addressed the committee with their concerns about the design of the scheme and overshadowing of existing properties; that the proposed convenience store would not be commercially viable because of its reduced floor size; the size of shop windows and lack of parking; and concerns that the scheme would exacerbate problems with parking on the street.

The agent spoke in support of the proposed development and said that there had been a lot of consultation on the scheme to provide affordable housing. The convenience store had been included in the scheme as a response to the local community. The issue of overlooking existing houses had been minimised by the design of the apartment buildings and the use of frosted glass.

The senior planner referred to the report and responded to the issues raised by the speakers and answered members' questions. During discussion members considered the design of the proposed convenience store and noted that although the floor space was less than the current store there was storage in the basement. Members were advised that although the windows were small, the store would be clearly different in appearance from domestic dwellings by its fascia and the use of advertising in the windows. One member referred to the design of the apartments and said that as people spent considerable time in their kitchens she regretted the use of frosted glass in the windows as it would spoil their outlook. A member said that he considered it difficult to support the application as the loss of amenity to the local community outweighed the provision of affordable housing.

RESOLVED with 7 members voting in favour (Councillors Sands, Ackroyd, Button, Blunt, Howard, Kendrick and Stonard), 2 members voting against (Councillors Gee and Neale) and 1 member abstaining (Councillor Gihawi) to approve application no 12/01943/F garages rear of 67 Wilberforce 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. Non-residential development to be used as A1 shop only;
4. Restriction on shop opening times 7 a.m. to 11 p.m.;
5. Restriction on shop delivery times between 7 a.m. and 11 p.m. only;
6. Details of plant and machinery;
7. Windows facing east to be obscure glazed and fixed openings;
8. Details of facing and roofing materials; joinery; vent systems, external lighting;
9. Details of car parking, cycle storage, bin stores provision;
10. Details access road surface;
11. Details of off site highways works and pedestrian links;
12. Details of landscaping, planting, tree pits; biodiversity enhancements, footpath link to green space, site treatment works, boundary treatments, gates, walls and fences and landscape maintenance;
13. Details of protection of existing planting and arboricultural meetings;
14. Compliance with AIA, AMS and Tree Protection Scheme implemented prior to commencement;
15. Retention of tree protection;
16. Details of provision and maintenance of LZC technologies and renewable energy sources;
17. Details of water efficiency measures;
18. Details of noise protection measures to be installed;
19. Site contamination investigation and assessment;
20. Details contamination verification plan; and
21. Control on any imported materials;

(Reasons for approval: The development of the site for residential dwellings would contribute to the overall delivery of housing in Norwich and as considered against the

Joint Core Strategy Policy 4, would provide for a 100% provision towards affordable housing which would contribute specifically to the promotion of affordable housing in Norwich. It is considered that the commercial site and former parking court is not currently providing an effective use of land and having weighed up the relevant planning policies surrounding the loss of the commercial site and redevelopment for a mix of housing and new shop unit, it is considered that the proposals are acceptable and provide for the regeneration of the area in an acceptable manner. The scheme provides adequate and safe access into the site for future residents. The proposed development, subject to submission of conditions, would be well integrated with the surrounding development in form and layout and would make good use of this urban site. Individual layout of blocks can be achieved with regard to amenity and safety issues in the area for existing and future residents. The site area allows for sufficient space for protection of existing trees around the site and possibilities for further landscape and biodiversity enhancement to improve the amenity of the area. The scheme also provides for appropriate provision to transportation contributions and on-site affordable housing to meet local requirements and to make suitable improvements in the area

The decision has been made with particular regard to the National Planning Policy Framework; policies 1, 2, 3, 4, 5, 6, 9, 12, 19 and 20 of the Joint Core Strategy (March 2011); and saved policies EP1, EP18, EP20, EP22, EMP3, HBE12, HOU6, HOU13, HOU18, NE8, NE9, SHO3, SR3, SR12, TRA5, TRA6, TRA7, TRA8 and TRA11 of the City of Norwich Local Plan (Adopted Version 2004) and to all material planning considerations.

Article 31(1)(cc) Statement

The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations, following negotiations with the applicant and subsequent amendments at the application and pre-application stage the application has been approved subject to suitable land transfer, appropriate conditions and for the reasons outlined above.)

Informatives:

1. Considerate construction and timing to prevent nuisance.
2. An asbestos survey should be carried out.
3. Works within the highway.
4. Site clearance to have due regard to minimising the impact on wildlife.

(Councillor Storie was readmitted to the meeting. Councillor Little was admitted to the meeting at this point.)

6. APPLICATION NO 12/01715/F BRANFORD ARMS 3 BRANFORD ROAD, NORWICH, NR3 4QD

(Councillor Ackroyd had declared a non-prejudicial interest in this item.)

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

During discussion the senior planner referred to the report and answered members' questions. A member expressed concern about the loss of a public house and that the design was not sympathetic to the existing building. Considerable discussion ensued on the viability of schemes and the policy requirement for provision of affordable housing.

RESOLVED with 11 members voting in favour (Councillors Sands, Little, Ackroyd, Button, Blunt, Gee, Kendrick, Neale, Storie, Stonard and Gihawi) and 1 member abstaining (Councillor Howard) to approve application no 12/01715/F Branford Arms, 3 Branford Road Norwich, NR3 4QD and grant planning permission, subject to:

- (1) the completion of a satisfactory S106 agreement by 28 March 2013 to include the provision of contributions to off site affordable housing provision and subject to the following conditions:
 1. Standard time limit;
 2. Development to be carried out in full accordance with the approved plans;
 3. Details of facing and roofing materials; external joinery; lighting; heritage interpretation;
 4. Bin stores and cycle stores to be provided prior to first occupation;
 5. Details of TRO provision for highway works;
 6. Details hard and soft landscaping and maintenance of landscaping;
 7. Prevention of work if unknown contamination found;
 8. Control of imported materials;
 9. Water efficiency to Code 4.

Reasons for approval: The decision has been made with particular regard to the National Planning Policy Framework; policies 1, 2, 3, 4, 5, 6, 12 and 20 of the Joint Core Strategy (March 2011); and saved policies EP22, EMP3, HBE12, SHO21, HOU13, HOU15, HOU18, NE9, TRA5, TRA6, TRA7, TRA8, TRA10 and TVA8 of the City of Norwich Local Plan (Adopted Version 2004) and to all material planning considerations. The proposed scheme responds to the constraints and topography of the site, retains the former public house building and would lead to an attractive development in accordance with local and national policy. The scheme provides adequate parking and servicing arrangements and safe access into the site for future residents. Subject to conditions it is envisaged that the proposed development will achieve an appropriate standard of design and amenity and would be well integrated with the surrounding area.

One of the main considerations in this case has been the viability of the proposals and ability of the scheme to provide for affordable housing. The development of 7 dwellings, considered against the Joint Core Strategy (JCS) Policy 4, would be required to provide 20% affordable housing or 1 no. affordable unit in total, which would contribute to the promotion of affordable housing in Norwich. The scheme represents a good use of land and maximises site density and improves some of the service facilities and access within the area. Given the lack of potential for on site provision of affordable housing, advantages of redevelopment within this area and that the applicant is willing to provide for affordable housing at a level which seeks to provide for off-site provision and to concur with the JCS policy 4 on balance the proposals are acceptable in this case subject to the provisions secured via S106

agreement and the conditions imposed whilst ensuring scheme viability and deliverability within the current economic setting.

Article 31(1)(cc) Statement: The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations, following negotiations with the applicant and subsequent amendments at the application and pre-application stage the application has been approved subject to S106 agreement, appropriate conditions and for the reasons outlined above.)

Informatives:

1. Considerate construction and timing to prevent nuisance.
2. Site clearance to have due regard to minimising the impact on wildlife.
3. Works to public highway.

- (2) where a satisfactory S106 agreement is not completed prior to 29 March 2013 that delegated authority be given to the head of planning services to refuse planning permission for application no 2/01715/F Branford Arms 3 Branford Road Norwich NR3 4QD for the following reason:

Policy 4 of the Adopted Joint Core Strategy for Broadland, Norwich and South Norfolk (March 2011) seeks the target provision of 20% affordable housing on sites of 5 dwellings or more in line with the most up to date housing market assessment. No increase in affordable housing provision has been forthcoming on this site and therefore in the absence of a legal agreement relating to the provision of affordable housing the proposal is considered to be contrary to policy 4 of the Adopted Joint Core Strategy for Broadland, Norwich and South Norfolk (March 2011) and would undermine the objectives of the JCS and NPPF to deliver housing need in affordable housing in sustainable locations.

(Article 31(1)(cc) Statement: The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations. The proposal in question is not considered to be acceptable for the reasons outlined above. The local planning authority has advised the applicant of alternatives and measures under which the development may be acceptable.)

7. APPLICATION NO 12/02041/O 76 ST CLEMENTS HILL NORWICH NR3 4BW

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

Five local residents (one of whom also spoke on behalf of his spouse, who had been unable to remain any longer at the meeting) addressed the committee setting out their objections to the proposed development which included: concerns that it was contrary to policy and that the authority had no policy on development in gardens; that it was detrimental to the conservation area and the amenity of neighbouring properties; concern about traffic safety and access; would be detrimental to security and concerns about the biodiversity of the site and that the comments from the Norwich Society had not been included in the report.

The agent addressed the committee and said that the comments of the planner and the advice of the council's tree protection officer had been incorporated into the proposed single storey dwelling, which would be surrounded by mature gardens.

The planner referred to the report in relation to access and security, and explained that the NPPF (National Planning Policy Framework) required local authorities to set policies to protect garden land if it was considered appropriate, and in the absence of such local policies other aspects of policy would be taken into consideration to determine application such as this. Members were advised that the comments of the Norwich Society had been included in the report but not attributed to it individually.

Discussion ensued in which the planner and the planning development manager referred to the report and answered members' questions. A member referred to motion of full council that the council should consider a policy on garden development and suggested that a biodiversity survey should be carried out on the site. During discussion members considered that as former garden land it was unlikely that a protected species would be found on the site but the council's natural areas officer should provide a biodiversity survey before the site could be developed. A member expressed reservations that the request for a survey could set a precedent and delay development.

Councillor Little moved and Councillor Neale seconded that the committee deferred consideration of the application to a future meeting pending a biodiversity report from the natural areas officer, clarification on the policy considerations and to attribute the comments of the Norwich Society to it.

RESOLVED with 8 members voting in favour (Councillors Sands, Little, Ackroyd, Blunt, Gee, Howard, Kendrick and Neale), 3 members voting against (Councillors Storie, Stonard and Gihawi) and 1 member abstaining (Councillor Button) to defer consideration of application no 12/02041/O 76 St Clements Hill, Norwich, NR3 4BW for a further report to incorporate the comments from the natural areas officer, clarification on the policy considerations and to attribute the comments from the Norwich Society to it.

(The committee adjourned for a short period. The committee reconvened with all other members listed as present with the exceptions of Councillors Gee and Little who had left the meeting at this point.)

8. APPLICATION NO 12/01569/VC 174 - 178 PLUMSTEAD ROAD, NORWICH. NR1 4JZ

The planner (development) presented the report with the aid of plans and slides and referred to a further representation which was set out in the supplementary report of updates to reports for consideration which was circulated at the meeting relating to previous conditions relating to signage. The planner and the planning development manager answered members' questions. Members were advised that delivery vehicles would not be permitted on site outside the hours of 7am to 11pm.

RESOLVED, unanimously, to approve application nos 12/01569/VC at 174-179 Plumstead Road and grant planning permission, subject to the following conditions:-

1. Walls and fences retained as agreed.

2. Car parking, cycle and refuse storage retained as agreed.
3. Pedestrian access through site retained as agreed.
4. Landscaping retained as agreed.
5. Replacement landscaping as required.
6. Ventilation or fume extraction systems agreed as required.
7. No storage of materials on site.
8. No reversing alarms.
9. Vehicle refrigeration units switched off.
10. Vehicle loading and unloading as agreed.
11. Delivery bay shroud retained as agreed.
12. No cages used on site.
13. Servicing and delivery hours 07:00-23:00 Monday to Saturday and 09:00-16:00 Sundays and Bank Holidays.
14. Plant or machinery agreed as required.
15. Retail sales type restriction.
16. Highway improvement works completion.
17. Car park management plan.
18. Traffic directional signs.
19. Travel plan implementation retained as agreed.
20. Refuse storage screening for Heartsease Public House retained as agreed.
21. 10% renewable energy on site retained as agreed.
22. Highway matters implementation.

(Reasons for approval: The decision is made with regard to policy EP22 of the City of Norwich Replacement Local Plan (adopted November 2004), paragraphs 9 and 17 of the National Planning Policy Framework (2012) and all material considerations. The extended hours of delivery and servicing will not have an adverse impact on the amenities of the immediate neighbours or the wider area during day time hours of 07:00 to 23:00, by virtue of the presence of existing noise levels from surrounding roads.)

9. APPLICATION NO 12/02035/F 51 ANGEL ROAD, NORWICH, NR3 3HR

The planner (development) presented the report with the aid of plans and slides. In response to a member's question she confirmed that the use of metal stairs would not present any significant issues relating to noise given the space between this and neighbouring residential dwellings.

RESOLVED, unanimously, to approve application no 12/02035/F, 51 Angel Road and grant planning permission, subject to the following conditions:-

1. Standard time limit
2. In accordance with plans
3. Details to be agreed for:
4. materials and finish of external facing materials including new external staircase
5. cycle and refuse storage provision
6. parking layout
7. Hard and soft landscaping including boundary treatments
8. Water conservation

(Reasons for approval: The decision is made with regard to policies NE9, HBE12, EP17, EP22, EMP3, HOU18, TRA5, TRA6, TRA7 and TRA8 of the City of Norwich Replacement Local Plan Adopted Version November 2004, the adopted Joint Core Strategy March 2011 and all material considerations. The conversion of the building to four flats will not have an adverse impact on the amenities of the immediate neighbours through overlooking by virtue of the distance to the nearest residential dwellings. The proposal is unlikely to have an adverse impact on the highway safety of the surrounding area by virtue of the fact the site contains existing parking provision and through the ability of cars to enter the highway in a forward gear.

Article 31(1)(cc) Statement: The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations and has approved the application subject to appropriate conditions and for the reasons outlined above.)

10. APPLICATION NO 12/01657/VC NOTCUTTS GARDEN CENTRE DANIELS ROAD NORWICH NR4 6QP

The planner (development) presented the report with the aid of plans and slides. He referred to the supplementary report of updates to reports for consideration (which was circulated at the meeting) and advised members that the floor space was not changing but that the condition was to regularise the original permission and ensure that the site retained restricted A1 retail use as a garden centre.

During discussion members noted the proposed screening and relocation of the unauthorised refrigeration units which would mitigate concerns about noise nuisance to neighbours.

RESOLVED unanimously to:

- (1) approve application no 12/01657/VC Notcutts Garden Centre, Daniels Road, and vary condition 1 to become "The retail use shall be for the sale of plants, goods and equipment related to the main use of the site as a garden centre, and/or the sale of convenience food products". All other relevant conditions of previous approval 07/00414/VC will still apply including the following additional conditions:-
 1. In accordance with the plans.
 2. Removal and relocation of the unauthorised refrigeration units within two months.
 3. Relocation of cycle stands within two months.
 4. Restrictive use condition to sale of plants, goods and equipment related to the main use of the site as a garden centre, and/or the sale of convenience food products.
- (2) authorise enforcement action to secure the removal of the unauthorised air handling units should the consent not be implemented or the recommended conditions not be complied with including enforcement notice, stop notice, direct action and prosecution if necessary.

(Reasons for approval: The formalisation of the use of the building to enable the applicant to use it for garden centre products and as a farm shop, although contrary to the sequential approach, is by virtue of its small scale and position relative to the main garden centre area considered broadly compatible with the wider garden centre and acceptable

The design and scale of the refrigeration unit compound is considered to be sympathetic to the appearance of the garden centre and wider area.

The relocated refrigeration units will ensure that no significant noise nuisance to the adjoining residential properties to the south will result. A condition requiring that the currently unauthorised refrigeration units be removed within two months of the date of decision date, will allow the applicant ample time to undertake the works and ensure that the nearby residents are not subjected to any significant additional nuisance over the summer period.

A condition requiring that the relocated cycle stands be operational within two months of the date of any decision will ensure that the site continues to have adequate cycle parking capability.

The development is therefore compliant with statements 1, 4 and 7 of the National Planning Policy Framework 2012, policies 2, 5 and 6 of the Joint Core Strategy for Broadland, Norwich and South Norfolk 2011, and policies HBE12, EP10, EP22, TRA6 and TRA7 of the City of Norwich Replacement Local Plan 2004.)

11. APPLICATION NO 12/02231/F 72 IPSWICH ROAD NORWICH NR4 6QR

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

During discussion the planner referred to the report and answered members' questions.

RESOLVED, unanimously, to approve application no 12/02231/F at 72 Ipswich Road and grant planning permission, subject to the following conditions:-

1. Time limit
2. In accordance with the plans
3. The materials used should be similar to those in the existing property
4. Side window to be obscure glazed and details of the window opening to be submitted and agreed.

(Reasons for approval: The replacement of windows / door removal on the ground floor, rear dormer, removal of the three chimneys and addition of roof lights are permitted development. Similarly, the side dormer is also likely to be permitted development depending on the glazing and opening of the window, these details have nevertheless been conditioned. This will ensure that no overlooking or loss of privacy of the adjoining property (no.70) to north will result.

The front dormer is considered to be of a scale and design which respects the appearance of the dwelling and the visual amenities of the street scene.

The proposal is therefore compliant with statement 7 of the National Planning Policy Framework 2012, policy 2 of the Joint Core Strategy for Broadland, Norwich and South Norfolk 2011 and policies HBE12 and EP22 of the City of Norwich Replacement Local Plan 2004.

Article 31(1)(cc) Statement The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations and has approved the application subject to appropriate conditions and for the reasons outlined above.)

12. APPLICATION NO 12/01819/F 27 MAGDALEN STREET NORWICH NR3 1LE

The planner (development) presented the report with the aid of plans and slides, and referred to the late representation which was summarised in the supplementary report of updates to reports for consideration. He explained that the applicant wished to hold occasional events in the evening and that restricting the opening restriction upon the outdoor seating to 9pm would protect the amenity of the neighbouring properties.

During discussion members considered the use of the premises and expressed concern for the resident of the neighbouring flat with a window opening out on to the proposed outside seating area. Members therefore considered that restricting the use of the outdoor seating to 6pm would protect the amenity of this property and therefore to amend condition 8. There was no provision for customers attending events at the premises to store their cycles and storage in the workshop would be at the discretion of the operators. The applicant had indicated that he would restrict the use of the outdoor seating area to a more acceptable time.

RESOLVED, unanimously, to:

- (1) approve application no 12/01819/F 27 Magdalen Street, Norwich NR3 1LE, subject to no further representations being received by 23 January 2013 that raise new issues not yet considered in the assessment of the application, and to grant planning permission subject to the following conditions: -

1. STLC 3 years
2. The development hereby approved shall be carried out in accordance with the plans and details as specified on this decision notice.
3. No trade deliveries or collections including trade waste or clinical waste, shall take place before 07:00 hours and after 18:00 hours Monday to Saturday. There shall be no trade deliveries or collections including trade waste or clinical waste, on Sundays or Bank or Public Holidays.
4. No use of any plant and/or machinery shall take place on the premises unless and until it has been enclosed with sound insulating/absorbing material and mounted in such a way which will minimise transmission of structure borne sound in accordance with a scheme to be first approved in writing by the local planning authority and once enclosed, it shall be retained as such thereafter.

5. No loudspeaker, amplifier, relay or other audio equipment (including the use of any acoustic or non-acoustic instruments) shall be installed or used outside the building the subject of this permission.
6. That:
 - (i) No installation of any amplified sound equipment shall take place within the application premises until details of the amplification equipment have been submitted to and agreed in writing by the local planning authority.
 - (ii) The amplification system shall be designed to limit the level of noise emanating from the premises, such that the noise levels from the application premises shall not exceed 45dB at 63Hz C.B.F., 40dB at 125Hz C.B.F. and NR30 over the frequency range from 250Hz to 8KHz as measured at a position 1 metre outside any noise sensitive premises and shall not exceed 37 Db AT 63Hz C.B.F., 30dB at 125Hz C.B.F and NR20 over the frequency range from 250Hz to 8KHz as measured inside any adjoining noise sensitive premises. Where further internal sound proofing is required to meet these levels, full details of the proposed sound proofing shall be submitted with the amplification equipment details and shall include details of its specification, location and fixing.
 - (iii) The submitted details shall include:
 - (a) specification for all amplification equipment and speakers;
 - (b) the location of all proposed speakers;
 - (c) the maximum noise levels expressed in dB LAeq (5 mins), measured at a point 2 metres from any loudspeaker forming part of the amplification system; and
 - (d) measures to be put in place to ensure that the amplification system cannot be adjusted beyond the maximum permitted noise levels agreed in (c) above.
 - (iv) No use of the premises as a [specified use e.g. drinking establishment] shall take place until the amplification system and any sound proofing measures as agreed have been installed and thereafter the agreed permitted maximum noise levels shall not be exceeded at any time.
 - (v) No amplified music shall be played in the premises the subject of this permission other than through the permanently installed amplification system as agreed under this condition and no alteration of this system shall take place without the prior written agreement of the local planning authority.
7. No extract ventilation or fume extraction system shall be installed or erected on the site unless in accordance with a detailed scheme that has been submitted to and approved in writing by the local planning authority. The detailed scheme shall include the position of ventilation, fume or flue outlet points and the type of filtration or other fume treatment to be installed and used in the premises in pursuance of this permission, together with a schedule of maintenance. No use of the premises as hereby permitted shall take place until the approved scheme has been installed and is operational and thereafter it shall be retained in full accordance with the approved details and the maintenance of the system, including any flue, shall be carried out in accordance with the scheme as agreed.
8. The premises which form the subject of this permission and outlined in red on the approved location plan (received 11 September 2012) shall not be

open to the public, trading, nor have members of the public, as customers or guests, on the premises between the hours of 23:00 and 07:00 on any day.

9. There shall be no use of the outdoor seating area as illustrated on the approved proposed floor plan (received 28.09.2012) after 18.00 hrs and before 07:00 hrs on any day.

- (2) If representations are received before 23 January 2013, which raise new issues not previously considered in the assessment of the application, to report back to the members of the committee for their consideration.

13. PERFORMANCE OF THE DEVELOPMENT MANAGEMENT SERVICE, OCT – DEC 2012 (QUARTER 3, 2012-13)

The planning development manager presented the report and referred to the supplementary report of updates to reports and said that in relation to table 2, 168 applications had been received in quarter 3 and that the number of applications on hand or pending on 31 December 2012 was 146.

RESOLVED to note the report.

**14. PERFORMANCE OF THE DEVELOPMENT MANAGEMENT SERVICE:
APPEALS: 1 OCTOBER TO 31 DECEMBER 2012
(QUARTER 3 2012-13)**

The planning development manager presented the report. The planning inspectorate's decision on 1A Portersfield Road would be included in the performance report for quarter 4.

RESOLVED to note the contents of the report.

CHAIR