



PLANNING APPLICATIONS COMMITTEE

9.00 a.m. – 3.45 p.m.

30 July 2009

Present: Councillors Bradford (Chair)(not on site visit), Llewellyn (Vice-Chair), George (to end of item 11), Jago (not on site visit), S Little, Lubbock and Wiltshire (not on site visit)

Apologies: Councillors Banham, Driver, Lay and Stephenson

1. SITE VISIT – SCHOOL OF MUSIC, SUFFOLK ROAD, UNIVERSITY OF EAST ANGLIA

The Committee undertook a site visit in respect of Application No 09/00250/F – School of Music, Suffolk Road, University of East Anglia.

2. PUBLIC QUESTION

Application Nos 08/01287/F and 08/01241/L – 1-3 Timberhill

Mr Philip Cutter asked the following question:-

'This question is regarding retrospective planning permission (08/01287/F) and listed building consent (08/01241/L) for 1-3, TimberHill, Norwich.

I do not know whether the security mode on this CCTV system is being activated at all times. The minutes of the planning applications committee meeting of 19 February said 'use of a hood and use of the security setting on the camera software should be sufficient to preserve the privacy of the residents in the private apartment above the public house'. A physical hood placed over the camera, as suggested, as well as the security setting, would adequately discharge the condition placed upon this application and confirm the privacy of the residents in the pub. The suggested use was 'that the reason for the camera was to deter vandalism of the premises'.

Would the Committee therefore investigate whether the condition imposed, is being met sufficiently?'

The Planning Team Leader (Development) responded on behalf of the Committee as follows:-

'Retrospective planning permission (08/01287/F) and listed building consent (08/01241/L) were granted for a single dome camera to be attached by a wall bracket to the corner of 1-3 Timberhill, Norwich. The applications were considered at the Planning Applications Committee on 19 February 2009. Although I was not present at the meeting I gather the main concern related to the possibility of loss of privacy to the first floor windows of the Gardener's Arms (Murderer's) Public House which are used as a domestic flat.

The minutes of the Planning Applications Committee meeting refer to the potential installation of a physical hood to prevent pictures being taken by the camera (in the direction of the first floor of 1-3 Timberhill) and the use of security settings on the software relating to the operation of the camera which might have the same effect. However although members discussed these two options there was no 'proposal' that the condition in the report be changed so the condition on the planning permission is 'details of the method of reducing the horizontal views from the camera to adjacent buildings shall be submitted to the local planning authority and agreed in writing'. This was therefore repeated on the planning permission which was issued on 20 February 2009.

Following a reminder from the Enforcement Officer the applicant submitted the information (09/00391/D) to attempt to satisfy the condition on 14 May 2009. This was duly registered and assessed against the wording of the above condition. It was felt that the information submitted (which explained how the settings on the software would satisfy the condition) was sufficient to satisfy the condition and the details were duly signed off on 28 May 2009.

The Council's Planning Enforcement Officer will investigate on behalf of Committee whether the condition imposed is being met sufficiently and report back'.

In addition the Chair pointed out that the equipment was licensed under the Data Protection Act 1998 and members of the public had recourse to seek enforcement or advice from the Information Commissioner's Office. Details of how to access this would be provided to Mr Cutter.

3. DECLARATIONS OF INTEREST

Councillor George declared a personal interest in item 13 below - Application No 09/00406/F – 126 – 140 King Street (however in the event he had left the meeting before this item was considered) and pre-determination and a personal and prejudicial interest in item 11 below - Application No 09/00471/F – 47 Caddow Road because he was supporting the applicant, a constituent of Bowthorpe Ward.

Councillor Llewellyn declared a personal and prejudicial interest in item 14 below - Application No 09/00442/U – Savills (L & P) Ltd, 8-10 Upper King Street because of his employment at the Norwich Buddhist Centre.

4. MINUTES

RESOLVED to agree the accuracy of the minutes of the meeting held on 2 July 2009.

5. APPLICATION 09/00250/F – SCHOOL OF MUSIC, SUFFOLK ROAD, UNIVERSITY OF EAST ANGLIA

The Senior Planner (Development) presented the report with the aid of slides and plans and answered questions. He referred to letters received from the Yare Valley Society and the Twentieth Century Society which had been distributed to members of the Committee in advance of the meeting.

The Chair pointed out that he had not been on the site visit but had undertaken an independent visit to the site.

Councillor Read, Ward Councillor for Wensum Ward, and a lecturer at the University of East Anglia, said that he supported the cessation of the temporary car park which was a 'scar on the landscape'.

During discussion Councillor Lubbock spoke in support of the design and that the continuance of the line from the Music School building in matching materials would provide a 'pleasing' view from the River Valley. Councillor Little expressed concern about the encroachment on to the River Valley but considered that the advantages outweighed concerns of setting a precedent for further encroachment.

RESOLVED with 6 members voting in favour (Councillors Bradford, Jago, Llewellyn, Little, Lubbock and George) and 1 member abstaining (Councillor Wiltshire, having not attended the site visit) to approve Application No 09/00250/F – School of Music, Suffolk Road, University of East Anglia and to grant planning permission subject to:-

(1) the following conditions:-

1. Commencement.
2. Details of external materials; joinery; footway.
3. Details of landscaping.
4. Landscape maintenance.
5. Tree protection.
6. Retention of tree protection.

(Reason for approval: The proposal would result in an appropriate and satisfactory form of development that would further enhance educational facilities at the University of East Anglia. The size, location and extent of the extension will not have a significant impact on this part of the river valley or nearby listed buildings. The proposal will also provide an improvement to the landscape setting of this area. Subject to the imposition of conditions the proposal would comply with PPS1, Supplement to PPS1 and PPS9, policy ENV7 of the adopted East of England Plan, saved policies HBE12, HBE19, HBE 9, NE1, NE9 and EMP20 of the City of Norwich Replacement Local Plan Adopted Version, November 2004.)

(2) authorising enforcement action including prosecution if necessary, under The Town and Country Planning Act 1990 (as amended), to secure by 31 December, 2009:-

- (a) the cessation of the use of the adjacent land to the east as a car park and haul road;
- (b) the restoration of the land to grassed open space.

6. APPLICATION NO 09/00124/H – BAYER CROPSCIENCE LTD, SWEET BRIAR ROAD

The Head of Planning and Regeneration Services presented the report with the aid of slides and plans. Since the publication of the report there had been 4 further representations received and were summarised as follows:-

- resident who was concerned about contact with the company and exacerbation of problems such as odours and the effect on health;
- Hellesdon resident concerned about potential leaks and that a gas leak could potentially cause damage to the whole population of the city;
- resident concerned about the effect of toxic chemicals on the Hellesdon Road Conservation Area and that the company's good safety record was not an indicator of what could happen; also concern about the danger of chemical leakage into the River Wensum and the effect that this could have on aquatic life;
- Councillor Makoff, apologising for a late representation, but expressing concern that the Environment Agency had not provided a detailed risk assessment of the two substances that were of danger to the environment and had not been subject to the risk assessments of the Health and Safety Executive (HSE).

The Head of Planning and Regeneration then explained the role of the Local Planning Authority in its capacity as the Hazardous Substance Authority, was to make a balanced judgement of the risks, advised by the HSE and the Environment Agency, and that this application did not significantly increase the risks and was considered acceptable. The designation of Hellesdon Conservation Area had been made in the knowledge that there was a chemical plant in the vicinity.

A representative of the HSE then explained the role of the HSE and the methodology used to assess the risks to human life from the substances. He explained the calculation of the risks and that the risks from this application were very low. He likened the risk on the site boundary as being similar to that of being struck by lightning. The risks had been added to the existing site risks and there was no measurable increase. If the reduction in the amount of ammonia is taken into account then there is an overall reduction in risk.

Councillor Read then addressed the Committee and highlighted his objections to the proposal, which included real local concern about the plant and a perception of risk to health; there needed to be a full independent risk assessment and that it was not sufficient to take the word of HSE; the increase in risk had been reduced by taking into account processes no longer taking place but the actual amount of new material increased the risk. He also pointed out that residents were forced to go inside and close windows because of smells emanating from the plant but the company did not take responsibility for them. Councillor Makoff then said that the risk assessment from the HSE was only for 5 of the 7 substances and that without the comments from the Environment Agency on risk assessment of the other 2 substances, which were of danger to the environment, or information on the risks associated with the manufacture of THISA, the Committee was not in a position to make a decision.

The Managing Director of Bayer CropScience Ltd (the applicant) then addressed the Committee and explained that there had been a chemical plant on the site for 50 years and the company maintained an 'open-door' policy to members of the public who could be invited to look around the site or partake in the 2 community forums held each year; the company had a record of safety 'second to none in the industry' but was not complacent; all complaints were investigated and appropriate action taken. He also explained that 4 of the company's products had been phased out and explained that the production of THISA needed to be produced within a small timeframe and was important for the business.

Discussion ensued in which members considered the issues raised by the speakers and the Head of Planning and Regeneration responded to questions. Members were advised that it might be necessary if detailed responses were required to exclude the public from the meeting. Councillor Little said that the Committee should not rely on the evidence of government agencies and that he considered independent advice should be arranged before the application could be determined. Members were advised that an application for a wider range of materials had been received in February 2009. However it was not possible to complete the application before the production of THISA was due to commence this summer and therefore the application had been amended and related to just the materials required for this product. A decision had been made not to bring the application to Committee on 2 July 2009 in order to obtain further information from HSE and the Environment Agency, which had now been received and was included in the report. There was likely to be a further application reviewing the consent for the entire site in due course.

Councillor Lubbock said that she had confidence with the advice provided by the statutory agencies and that the production of this new chemical did not increase the existing risk. She referred to the regular newsletter provided by the company and asked why members of the public did not report any concerns through the 24 hour telephone number so that incidents could be dealt with.

In response to a question the representative from the HSE explained the levels of harm and the measurement of risks and confirmed that there was a very low level of risk on the site boundary from this application. The Head of Planning and Regeneration referred to the information provided by the Environment Agency as set out in the report and said that he was satisfied with the technical advice provided.

Councillor Little proposed and Councillor Llewellyn seconded that determination of the application should be deferred because there was insufficient information from the Environment Agency concerning the chemical being made for members to make a balanced judgement.

RESOLVED with 3 members voting in favour (Councillors Jago, Little and Llewellyn) and 4 members voting against (Councillors Bradford, Lubbock, George and Wiltshire) the amendment to defer the determination of Application No 09/00124/H – Bayer CropScience Ltd, Sweet Briar Road on the grounds of insufficient information was lost.

The Chair then moved the recommendations contained in the report:-

RESOLVED with 4 members voting in favour (Councillors Bradford, Lubbock, George and Wiltshire), 2 members voting against (Councillors Jago and Llewellyn) and 1 member abstaining (Councillor Little) to approve Application No 09/00124/H –

Bayer CropScience Ltd, Sweet Briar Road, and grant hazardous substances consent subject to the following conditions:-

1. The Hazardous Substance(s) shall not be kept or used other than in accordance with the application particulars provided in Form 1, nor outside the area(s) marked for storage of the substance(s) on the plan which formed part of the application.
2. Storage of substances in fixed vessels is limited to those storages as indicated in Table C of the application form and as shown on Drawing No. 22416, provided with the application.

Informatives:

The applicants are advised that the following matters will need to be addressed with respect of the separate regulatory regime administered by the Environment Agency:

1. Any facilities, above ground, for the storage of oils, fuels or chemicals shall be provided with adequate, durable secondary containment to prevent the escape of pollutants. The bunded area shall be designed, constructed and maintained in order that it can contain a capacity not less than 110% of the total volume of all tanks or drums contained therein.
2. All filling points, vents, gauges, and sight glasses should be bunded. Any tank overflow pipe outlets shall be directed into the bund. Associated pipework should be located above ground and protected from accidental damage.
3. There shall be no gravity or automatic discharge arrangement for bund contents. Contaminated bund contents shall not be discharged to any watercourse, land or soakaway. The installation must, where relevant, comply with the Control of Pollution (Oil Storage) (England) Regulations 2001 and the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations 1991 and as amended 1997.
4. Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters
5. Only clean, uncontaminated surface water should be discharged to any soakaway, watercourse or surface water sewer.

(Reason for Approval: Taking into account PPS 1, PPS 9, PPS 23 and Annex 1 to PPS 23, East of England Plan policy ENV7 and the City of Norwich Replacement Local Plan 2004 saved policies EP3, EP5 and EMP7 and all other material considerations, it is considered that, the small increase in residual risk to health and the environment that would result from the approval of the application, taking into account the existing and proposed future use of the site, together with the existing and proposed land uses around the site, is a tolerable one and that the presence of the hazardous substances as proposed is an appropriate land use of the application site.)

7. APPLICATION NO 09/00354/O – TEMPUS WORKS, 2A LADYSMITH ROAD

The Planner (Development) presented the report with the aid of slides and plans and answered questions on the proposed parking arrangements.

RESOLVED with 6 members voting in favour (Councillors Bradford, Jago, Llewellyn, Lubbock, George and Wiltshire) and 1 member abstaining (Councillor Little) to

approve Application No 09/00354/O – Tempus Works, 2a Ladysmith Road and grant planning permission subject to the following conditions:-

1. Commencement within 3 years.
2. Reserved matters to be submitted.
3. Details to be agreed before occupation.
4. Landscaping scheme to be submitted.
5. Maintenance of landscaping.
6. Materials to be agreed.
7. Walls and fences to be agreed.
8. Cycle and bin storage to be agreed.
9. Indicative scheme only.

(Reasons for approval:- The decision is made with regard to Policies HOU13, HBE12, TRA6, TRA7, TRA8 and EP22 of the City of Norwich Replacement Local Plan Adopted Version, November 2004, and all material considerations. The replacement of the existing house with two dwellings would have minimal impact on the existing residential amenities of the neighbourhood because of their positioning and location, and will not be adverse to the character of the area as a whole.)

8. APPLICATION NO 09/00418/F – GARAGES ADJACENT 1-30 DOLPHIN GROVE

The Senior Planner (Development) presented the report with the aid of slides and plans and answered questions together with another Senior Planner (Development). The recommendation was to approve the application but members were advised that this should include any additional contributions being required from the sale of the land for education and library provision (equivalent to a Section 106 obligation, as described in the report to Committee) and the permission should be subject to additional conditions relating to fire hydrant provision and arboricultural supervision for works to the trees.

The proprietor of the Caravan sales business adjacent to the site in addressing the Committee spoke in support of the proposal to remove the empty garages but aired concerns over the security of the boundary. The business had been subject to anti-social behaviour and the provision of more flats and boundary wall treatment would alleviate this.

A resident of Nelson Street addressed the Committee and outlined his objections to the design which he considered should be more traditional and in keeping with the Victorian terraces in Nelson Street. A photograph showing an example of new build terraces in Nelson Street was circulated.

The applicant then responded and said that the proposed development and the removal of the empty garages would reduce crime. The remaining garage roofs would be replaced in the future. The applicant would meet with the owner of the Caravan sales business and the site owner to discuss the boundary treatment in conjunction with the planning officers. The design of the 3 houses on Nelson Street was in the context of the preservation of the 3 Lime trees on the street which meant that the buildings were set back from the Victorian terraces. Consideration could be made to removing the weather boards.

The Senior Planner then responded to the issues raised and said that the boundary fence would be dealt with under condition 22 as set out in the report (condition 23 of the resolution below). The design of the 3 houses was to give a contemporary feel to the site and to avoid an end gable fronting the corner of Dolphin Grove.

Discussion ensued in which members considered the design and the car parking arrangements. Councillor Lubbock expressed disappointment that a contemporary design had been selected over a traditional design as used in the other new buildings in Nelson Street. Members were advised of the site constraints which meant that the new houses would be set back from the road behind the 6 Lime trees and that it was on the corner of Dolphin Grove. The use of porches in the design reflected those that have been added to terrace houses in the street as did the use of cross-paned windows. Members were also advised that it was not possible to determine the application in part, i.e., just the flats and not the houses. The highest level of sustainable homes had been achieved by the overall design of the scheme.

RESOLVED to approve Application No 09/00418/F – Garages Adjacent 1-30 Dolphin Grove subject to the following conditions:-

1. Standard time limit

Prior to demolition:

2. Site investigation works;
3. Any mitigation measures or further works shall be implemented prior to commencement of development, in accordance with an agreed scheme;
4. Survey of garages to be agreed;
5. Garage replacement or refurbishment plan to be agreed;
6. Finalised Arboricultural Impact Assessment to be agreed;
7. All elements of demolition and construction should be in full compliance with the approved AIA;
8. Prior to demolition, a pre-development arboricultural site meeting needed;
9. Demolition and construction management plan to be agreed;
10. An auditable system of arboricultural supervision is to be agreed between the developer's arboriculturalist and the Council's Tree Protection Officer.

Prior to commencement of development:

11. Engineering specification for footpaths in root protection areas, to be agreed;
12. Detailed landscape planting scheme to demonstrate enhanced biomass;
13. Plans to details methods to re-instate footways as necessary;
14. Details of external lighting, including security lighting, to be agreed;
15. Details of facing materials and appearance detailing to be agreed in writing, to include:
 - (a) windows;
 - (b) doors;
 - (c) cladding and/or rendering;
 - (d) brickwork materials;
 - (e) rainwater goods;
 - (f) roofing eaves and verge detailing;
 - (g) canopy or porch details for flats and terrace houses;
 - (h) all roofing materials;

- (i) materials, appearance and positioning of photovoltaic tiles and solar thermal panels;
 - (j) details of all walls and fences, to show improved security.
16. Details of car parking, access and hard surfacing materials;
17. Prior to development a site meeting between the Council's Tree Protection Officer and the developer's site agent and consulting arborist is needed;

Prior to first occupation:

18. Requirement to reinstate double-yellow lines across existing entrances;
19. Open space management plan to be agreed;
20. On-site tree management plan to be agreed;
21. All bin stores to be provided and ready for use;
22. All cycle stores to be provided and ready for use;
23. Landscaping to be provided in accordance with an agreed plan, to include following details:
- (a) semi-private space at the rear of the block;
 - (b) surface materials;
 - (c) fencing, railings and enclosure details;
 - (d) hard landscaping details;
 - (e) details of improved surface permeability and soakaways;
 - (f) footpath routing and open space layout;
 - (g) planting around the site, to include proposals for planting along the frontage to the open space / footpath area;
24. Protection of new planting for next five years and replacement if necessary;
25. Car parking management plan, to include allocated spaces for residents.
26. Fire hydrants to be provided in accordance with a scheme to be approved by the Council in consultation with the Norfolk Fire Service

(Reasons for approval: The recommendation has been made with regard to the provisions of the development plan, including policies ENV7, ENG1, H1, H2, NR1 and WM6 of the adopted East of England Plan (May 2008), saved policies EP16, EP18, EP20, EP22, HBE3, HBE12, HOU6, HOU13, NE9, SR7, TRA5, TRA6, TRA7, TRA8, TRA11 and TRA14, national guidance PPS1 and Supplement to PPS1, PPS3 and PPG13, and all other material considerations.

On balance the scheme is not considered to cause a detrimental impact to the neighbouring residential area and the scheme is considered acceptable. The development proposes additional housing in a mix and range of styles that will improve housing supply for the City, through redevelopment of a brownfield site in a sustainable and accessible location that is considered acceptable for residential development. Subject to the satisfactory completion of the above conditions, the development will provide a high standard of design that is appropriate to this part of the City and which will enhance the surrounding area, providing sufficient on-site facilities and amenity and making provision for necessary community facilities in the local area.)

9. APPLICATION NO 09/00397/F – 54 CUNNINGHAM ROAD

The Planner (Development) presented the report with the aid of slides and plans.

The neighbour addressed the Committee and outlined her objections to the conservatory which included the following: the top opening windows invaded privacy and needed to be obscure glazed to prevent overlooking; it would not be possible to clean the windows because of the proximity to the fence and concerns about the maintenance of the fence; concerns about the pipework; other letters of support were from neighbours who could not see the conservatory from their houses; the fact that the application was retrospective had meant that comments could not be made before the construction of the conservatory.

A neighbour then spoke in support of the applicant who had improved the appearance of his house and garden.

The applicant then addressed the Committee and explained that he had not been aware that planning permission had been required. The pipe work was 10 feet away from the house. He agreed to use obscure glass in the windows and the fence could be taken down to repair/maintain it. He asked to retain the top opening windows so that the windows could be cleaned but would undertake to keep them closed at other times.

Discussion ensued in which members were advised that the pipe work was not a planning issue. Members considered that the condition relating to the windows was a good compromise and would secure the privacy for future occupants of the neighbouring property.

RESOLVED to approve Application No 09/00397/F – 54 Cunningham Road subject to the following condition:

1. Within one month obscure glaze and fix east windows.

(Reason for approval: The decision to grant planning permission has been taken having regard to saved policies EP22 and HBE12 of the City of Norwich Replacement Local Plan Adopted Version November 2004 and all material planning considerations. The conservatory is not considered to be detrimental to the visual or residential amenities of the neighbourhood.)

10. APPLICATION NO 09/00431/U – 5 ST JOHN MADDERMARKET

The Planner (Development) presented the report with the aid of slides and plans.

RESOLVED to approve Application No 09/00431/U – 5 St John Maddermarket subject to the following condition:-

1. Standard time limit.

(Reasons for approval: The proposed change of use to an Art Gallery and retail unit on the ground floor and Tattoo Studio on the first floor is not considered to have an adverse impact on the vitality or viability of the secondary retail area and is considered to be compatible with surrounding uses. The proposed change of use is therefore considered to be in accordance with Planning Policy Statement 6, policies SS6, E5 and NR1 of the East of England Plan (May 2008) and saved policy SHO11 of the City of Norwich Replacement Local Plan, Adopted Version (November 2004).)

11. APPLICATION NO 09/00471/F – 47 CADDOW ROAD

(Councillor George, having declared pre-determination and a personal and prejudicial interest, stood down from the Committee for this item and took no part in the determination of the application.)

The Planner (Development) presented the report with the aid of slides and plans.

Councillor George spoke in support of the application and said that the extension was within the curtilage of the building; the neighbours had written in support and the only objection had been from the Norwich Society. He asked members not to refuse the application but to support the applicant and assist a local business.

(Councillor George then left the meeting.)

The applicant then explained that the extension of the property would enable the family to remain in the property and extend its business; would be of the highest standards and not detrimental to the neighbouring property.

Discussion ensued in which it was pointed out that the extension of the business would require separate planning permission. Councillor Lubbock suggested that if the extension went ahead very little of the garden space would remain.

Councillor Wiltshire referred to the letters of support from the neighbours and said that he too supported the application and would vote against its refusal.

RESOLVED with 5 members voting in favour (Councillors Bradford, Jago, Llewellyn, Little and Lubbock) and 1 member against (Councillor Wiltshire) to refuse Application No 09/00471/F – 47 Caddow Road for the following reason:-

The prominent extension because of its size and scale on a restricted plot and in a prominent location would represent overdevelopment, unbalancing the pair of houses particularly when seen from the south west, to the detriment of the visual and residential amenities of the area. The extension would therefore be contrary to policy HBE12 of the City of Norwich Replacement Local Plan Adopted Version November 2004.

(The meeting adjourned at 2.15 p.m. and reconvened at 2.50 p.m. Attendance was as listed above with the exception of Councillor George who was not available for the later session and left the meeting.)

12. APPLICATION NO 09/00456/F – 34 COLEGATE

The Planner (Development) presented the report with the aid of slides and plans and answered questions. Copies of the daylight survey and the plans showing the elevations were circulated at the meeting.

RESOLVED to approve Application No 09/00456/F – 34 Colegate and grant planning permission, subject to the following conditions:

1. Standard time limit
2. Details of:
 - (a) Roofing materials (to include the eaves, verges and roofing material);

- (b) Rainwater goods;
 - (c) External joinery, to include the hardwood folding sliding doors, all new windows doors;
 - (d) Brise soleil;
 - (e) Parapet railings;
 - (f) Render finish;
 - (g) Solar/photo voltaic panels;
 - (h) Air heat source pump;
 - (i) New parapet wall;
- 3. Details of cycle storage for 3 no. cycles.
 - 4. Obscure glazing to be used on communal stairs and bathroom windows facing St Georges Street.

(Reasons for approval: The development hereby permitted is considered to have a positive impact upon the street scene and wider conservation area. The proposed design reflects the design of the existing building and emphasises the horizontal appearance of the building. Extensive energy efficiency measures have been proposed within the development which is considered to further enhance the positive attributes of this proposal. Therefore the proposals are considered to be in accordance with PPS1, PPS1 Annex and PPS3, policies SS1 and ENV7 of the East of England Plan (May 2008) and saved policies HBE8, HBE12, HBE13, EP18, EP19, EP22, TRA6 and TRA7 of the City of Norwich Replacement Local Plan (Adopted Version November 2004).)

13. APPLICATION NO 09/00406/F – 126 – 140 KING STREET

The Senior Planner (Development) presented the report with the aid of slides and plans and answered members' questions on the design and the objection raised by the Waterfront that residential use was not compatible with business.

RESOLVED to approve Application No 09/00406/F – 126 – 140 King Street and grant planning permission subject to:-

- (1) the completion of a S106 agreement by 18 August 2009 to include the provision of contributions to child play space and transportation and the following conditions:
 - 1. Standard time limit.
 - 2. Samples of bricks, mortar, render colour, roof materials.
 - 3. Details of external joinery and dormer windows.
 - 4. Rainwater goods to be cast iron or cast aluminium.
 - 5. Details for the provision of 10% of the sites energy from decentralised and renewable or low carbon sources.
 - 6. Submission of a scheme for the provision and implementation of water, energy and resource efficiency measures;
 - 7. Contamination Investigations;
 - 8. Cycle storage and bin storage to be provided prior to first occupation;
 - 9. Hard and Soft landscaping scheme;
 - 10. Upkeep and maintenance of landscaped areas;
 - 11. Obscure glazing to the second bedroom windows on the northern elevation at first and second floor level;
 - 12. Obscure glazing to the window on the eastern elevation of the outbuilding;
 - 13. Archaeological Evaluation.

- (2) where the S106 is not completed prior to 18 August 2009, approve planning permission subject to the conditions listed above and the following additional condition:

The development hereby permitted shall not commence until an agreement under section 106 of the Town and Country Planning Act 1990 has been completed securing provision of those matters required to be secured by way of section 106 agreement in the report to committee dated 30 July 2009 and which is substantially in the form of the document annexed to this planning permission unless otherwise agreed with the Local Planning Authority in writing.

(Reason for approval:- The recommendation has been made with regard to the provisions of the development plan, so far as material to the application including policies ENV7, ENG1 and WM6 of the adopted East of England Plan Regional Spatial Strategy, saved policies NE9, HBE3, HBE8, HBE12, EP1, EP16, EP18, EP22, HOU6, HOU13, HOU15, SHO3, CC11, SR7, TRA5, TRA6, TRA7, TRA8 and TRA11 of the adopted City of Norwich Replacement Local Plan, PPS1, Supplement to PPS1, PPS3, PPG13, PPG15 and PPS22.

Having considered all of the above and other material planning considerations it is considered that subject to the conditions listed and the contents of the S106 agreement that the proposals are an appropriate redevelopment of a central brownfield site in a sustainable manor which would enhance the surrounding Conservation Area.)

14. APPLICATION NO 09/00442/U – SAVILLS (L & P) LTD, 8-10 UPPER KING STREET

(Councillor Llewellyn, having declared a personal and prejudicial interest, stood down from the Committee and took no part in the determination of this application.)

The Senior Planner (Development) presented the report with the aid of slides and plans. He explained that an aerial view of the site was unavailable because of copyright.

Councillor Llewellyn said that he worked at the Buddhist Centre and it was important that approval was subject to a condition relating to sound insulation to prevent noise pollution.

(Councillor Llewellyn then left the meeting at this point.)

RESOLVED to approve Application No 09/00442/U – Savills (L & P) Ltd, 8-10 Upper King Street and grant planning permission, subject to the following conditions:-

1. Standard time limit;
2. Details of the maximum noise levels from any loudspeaker forming part of an amplified sound system to be agreed prior to installation;
3. Details of a scheme of sound insulation measures between the restaurant and the approved residential at first floor level;
4. Details of the kitchen extraction system to be submitted prior to installation.

(Reasons for approval: The recommendation has been made with regard to saved policies AEC1, EP10 and EP22 of the adopted City of Norwich Replacement Local Plan, PPS1, PPS6 PPG24 and other material considerations. The proposed restaurant is considered to be located in an appropriate location within the City Centre Leisure Area and subject to the conditions listed the proposal is not considered to have a detrimental impact by virtue of noise.)

(Councillor Llewellyn was readmitted to the meeting.)

15. APPLICATION NO 09/00407/U – RED ROOFS, FIFERS LANE

The Planning Enforcement Officer presented the report with the aid of slides and plans.

RESOLVED to approve Application No 09/00407/U – Red Roofs, Fifers Lane and grant planning permission subject to the following condition:-

1. Restriction on area of car park to be used and only one employee.

(Reason for approval:- The decision to grant planning permission has been taken having regard to Saved Local Plan Policies EMP1, EMP4 and EP22 of the City of Norwich Replacement Local Plan Adopted Version 2004 and to all material planning considerations. The retrospective change of use by means of the extent of the use and its location on Fifers Lane would not have a detrimental impact on highway safety, the amenity of surrounding residents or on the Airport Industrial Estate as a whole.)

16. 28 MAGDALEN ROAD – ENFORCEMENT

The Planning Enforcement Officer presented the report with the aid of a site plan. The building should be returned to residential use allowing a compliance period of 6 months to allow the occupants employed at the premises to find alternative accommodation.

RESOLVED to authorise enforcement action including prosecution if necessary under The Town and Country Planning Act 1990 (as amended) to secure:-

1. The cessation of the use as a Physiotherapy Clinic.
2. The restoration of the property to it's authorised use as a dwelling house.

17. PRINCE OF WALES ROAD (APPLICATION NOS 09/00194/U – 77 PRINCE OF WALES ROAD AND 08/00980/U – 58 PRINCE OF WALES ROAD)

(The Chair agreed to take this as an urgent item.)

Councillor Lubbock referred to a letter received from the Chair of the Hackney Carriage Association concerned that members of the Committee had made their decision based on misinformation.

The Head of Planning and Regeneration said that he had responded to the Hackney Carriage Association and that a copy of the letter could be circulated. The application had been granted and was not invalid.

RESOLVED to circulate a copy of the Head of Planning and Regeneration's response to the Hackney Carriage Association.

**18. PERFORMANCE OF THE DEVELOPMENT MANAGEMENT SERVICE,
APRIL – JUNE 2009 AND MEMBER TRAINING PLAN**

The Head of Planning and Regeneration presented the report and drew members' attention to the level of planning activity and the fact that fee income was below budget projections. He also referred to the Planning Inspector's decision to uphold the appeal of the change of use of a retail unit to a hot food takeaway at 88 Colman Road. Members were advised that the officers' recommendation to approve the application had been based on incorrect survey data and this had come to light when preparing the appeal. The Inspector had taken account of this but still upheld the appeal.

Discussion ensued on the member training plan (which was circulated at the meeting). The Head of Planning and Regeneration pointed out that attendance at training sessions was low and asked members to consider whether the timing of sessions or the subjects were a barrier to engagement. The Chair said that the sessions needed to be interesting, with practical examples, so that members wanted to attend. Members considered that whole day sessions were difficult for them to attend but the pre-meetings worked well and subjects could be delivered in 'bite-sized' chunks and carried over to another session if necessary. Members also considered that sessions should be interactive and that where it was only for information it might be easier for members to be given the document to read in their own time.

Councillor Llewellyn suggested that there should not be too many training sessions but it would be useful to have a session on subjects such as affordable housing. The Head of Planning and Regeneration said that the Supplementary Planning Document on Affordable Housing was being prepared and the Committee could be briefed on that.

Members also discussed the date for the tour of sites which would be held in October and provide an opportunity for the Committee to view developments in the city.

RESOLVED to note the report and to ask members to contact the Head of Planning and Regeneration Services with suggestions for future training needs.

CHAIR