



## PLANNING APPLICATIONS COMMITTEE

9.30 a.m. – 5.10 p.m.

18 March 2010

Present: Councillor Bradford (Chair), Councillor Llewellyn (Vice-Chair), Banham, Driver, George, Jago, Lay, Little (S), Lubbock, Read (not on site visit) and Wiltshire

### 1. SITE VISIT – APPLICATION NO 09/00679/F - NORWICH AIRPORT

The committee undertook a site visit in respect of Application No 09/00679/F - Norwich Airport, Amsterdam Way, Norwich, NR6 6JA.

### 2. DECLARATIONS OF INTEREST

Councillors Driver and Little declared a personal interest in respect of Application No 09/00679/F - Norwich Airport Amsterdam Way, Norwich, NR6 6JA as representatives of the City Council on the Norwich members of the Norwich Airport Joint Consultative Committee. Councillor Driver also declared that he was a member of the Norwich Airport Joint Advisory Committee and had been present during a presentation on the application on 11 March 2010 but had left the room prior to the discussion and the determination of the item.

### 3. MINUTES

**RESOLVED** to approve the minutes of the meeting held on 25 February 2010.

### 4. APPLICATION NO 09/00679/F - NORWICH AIRPORT, AMSTERDAM WAY, NORWICH, NR6 6JA

(Councillors Driver and Little had declared a personal interest in this item.)

The Head of Planning Services introduced the report and said that the Council had been working with the airport to bring this application before the Committee. He acknowledged that the Council had failed to take prompt action against the airport for the use of the unauthorised site for engine testing and apologised for this failing. There was an established use for the airport to test engines on an authorised site which was no longer suitable for operational reasons. The proposed relocation gave an opportunity to add conditions to the planning permission to mitigate adverse impacts of development and address the concerns of local residents. Officers had negotiated further revisions to the conditions with the applicants. (A supplementary

report was circulated at the meeting which listed the revised conditions.) The airport and KLM UK Engineering had confirmed that they would be able to operate within the conditions proposed. The application would bring economic benefits to the airport. The principle of the proposed development was considered supportable and refusal of the application might be difficult to defend at appeal.

The Planning Development Team Leader then presented the report with the aid of slides and plans. She pointed out that as aircraft to be tested did not generate as much noise as given in the table of worst case noise levels (table, paragraph 28 of the report) 10 decibels should be subtracted from each figure. All members of the committee had received a letter from KLM UK. Referring to the representations set out in the report, she pointed out that 5 parish councils had been consulted and a number of local residents had commented. A further 5 letters had been received since the report had been written, one of which was a further representation from a local resident and another was an email from Keith Simpson, MP. The issues raised included noise, emissions and the importance of the proposal to the local economy and were addressed in the report. Members were advised that the Norwich Airport Consultative Committee had written to support the application and that Broadland District Council's Planning Committee had supported the application subject to conditions.

The Enforcement Officer (Environmental Health) demonstrated what the various differentials of decibels would sound like from different locations and answered questions. The Planning Development Team Leader then summarised the main points in the report and the revised conditions which had been circulated at the meeting.

Objectors to the proposals resident in Horsham St Faiths, Quaker Cottages, Quaker Farm and Lingwood, and a local businessperson then addressed the committee outlining their concerns relating to noise and vibration, the modelling used for the noise assessment and calling for a purpose built engine testing facility to be provided.

The Chair of the Norwich Airport Consultative Committee then addressed the committee in support of the application that it would ensure the retention of KLM UK but also that the needs of local residents should be addressed and undertaking to monitor that the airport complied with the conditions.

A representatives of Spixworth Parish Council expressed concern about noise and lack of amenity and that the airport was monitored to ensure compliance with the conditions. The representative of Newton and Horsham St Faiths Parish Council considered that the modelling had not been conducted in the most vulnerable areas; the reduction of noise from engine testing in Horsham St Faiths from the relocation of the engine testing facility to the proposed site was not significant; that the proposed facility should be the standard of the one at Stansted Airport rather than increasing bund height; and that a site visit without experiencing an engine being tested was a waste of time.

The Chair of Broadland District Council's Planning Committee also addressed the committee in support of the application subject to the imposition of more stringent conditions than the revised conditions proposed by the City Council's officers.

A representative of KLM UK addressed the committee in support of the application and confirmed that the company would comply with the conditions but that any further restrictions would compromise the viability of the business, resulting in the loss of 450 jobs to the local economy.

The applicant then addressed the committee outlining the importance to the viability of the airport in providing an engine testing facility and retaining the business of KLM UK which was vital to the future of the airport. Both the airport and KLM UK had agreed to the revised conditions proposed by the City Council. However KLM UK could not operate from Norwich Airport if tighter controls were applied.

The Head of Planning Services, the Planning Team Leader and the Enforcement Officer then answered members' questions. Members were advised that it had not been possible to organise the site visit to coincide with engine testing and that it was not possible for the operators to give more than 2-3 days notice. The arrangements for giving notice of engine testing was subject to further discussion with the airport but it was envisaged that this would be by text alerts or advertised on the airport's website. The condition stipulating the time that the facility could be used was similar to the restrictions on late flights and would be incorporated into the airport's operating framework. Members were advised that as the proposal would lead to a greater level of adverse impact on some residents than that associated with the authorised site on the eastern apron it was legitimate to consider the acceptability of the impact and the seek to control it via appropriate conditions. The current authorised site could be used at any time between 6.00 a.m. and 11.00 p.m. and considerable tighter restrictions were proposed on the proposed site.

During discussion members referred to the objectors' experiences of the noise from engine testing and considered that there needed to be further monitoring from locations around the airport of the noise generated from engine testing on the unauthorised site before coming to a decision. Some members also considered that it would be beneficial if they could attend whilst the monitoring was being conducted so that they could experience the level of noise generated from the engine testing. Councillor Wiltshire moved and Councillor Jago seconded that determination of the application should be deferred to allow for the Council's Environmental Health Enforcement Officer to conduct noise assessment of engine testing from the unauthorised site and to notify members of the committee when this will be taking place to enable them to attend.

**RESOLVED** with 7 members voting in favour (Councillors Bradford, Lay, Banham, Wiltshire, Lubbock, Llewellyn and Jago) and 4 members against (Councillors George, Little, Read and Driver) to defer determination of Application No Application no 09/00679/F - Norwich Airport, Amsterdam Way, Norwich, NR6 6JA to allow for monitoring of the noise generated from engine testing on the unauthorised site at locations in the residential areas around the airport and to invite members of the committee to attend whilst this is being conducted.

(The committee then adjourned for lunch and reconvened at 3.10 p.m.)

**5. APPLICATION NO 10/00133/F - 6 LANSDOWNE ROAD, NORWICH, NR6 6NF**

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

**RESOLVED** to approve Application No 10/00133/F - 6 Lansdowne Road, Norwich, NR6 6NF) and grant planning permission, subject to the following conditions:-

1. Time limit;
2. Development in accordance with plans;
3. Erection of acoustic fence prior to first use of the site;
4. Compliance with a management plan to be submitted detailing the phasing of buses, the one way system and the management of this system;
5. Details of any ventilation and/or extraction equipment;
6. Details, including plans indicating the height and design of the lighting and cctv columns;
7. Details, number and appearance of the cycle parking.

(Reasons for approval: The decision has been made with particular regard to policies E2, E3, T13 and NR1 of the adopted East of England Plan, saved policies EMP2, EMP5, EP5, EP22 and TRA16 of the adopted City of Norwich Replacement Local Plan, PPS1, PPS4, PPG13, PPG24 and other material planning considerations.

The proposals provide for essential depot facilities which are critical to the efficient operation of the City's public transport system. The site is allocated general employment land and it is considered that the proposed use of the site is consistent with the objectives of economic and employment policy. Following consultation with Broadland District Council and Norwich City Council Environmental Health Services it is considered that subject to appropriate conditions the proposals would not have a significant detrimental impact on the amenities of nearby residents.)

**6. APPLICATION NO 10/00142/F - 62 ABINGER WAY, NORWICH, NR4 6LJ**

The Planner (Development) presented the application with the aid of slides and plans. Since the report had been written there had been two additional letters from neighbours who had written previously.

One of the neighbours objecting to the proposal and on behalf of the other neighbouring properties then addressed the committee which whilst not unsympathetic to the applicant's needs asked for a compromise to reduce the overall size and height of the development. (Copies of the neighbour's comments were circulated at the meeting.)

Discussion ensued in which members noted that to address the issues raised by the neighbours a new application would be required to reduce the size and height of the extension and move it further to the east without compromising the mature oak tree. Members expressed sympathy for the applicant but were concerned about the impact on the visual amenity of the neighbouring properties.

Councillor George moved and Councillor Lubbock seconded that the application be refused because the size and height of the extension was overbearing to the neighbouring properties resulting in loss of visual amenity.

**RESOLVED** with 10 members voting in favour (Councillors Bradford, Lay, Banham, Wiltshire, Lubbock, Llewellyn, Little, Read and Jago) and one member voting against (Councillor Driver) to refuse Application No 10/00142/F, 62 Abinger Way, Norwich, NR4 6LJ for the following reasons:-

‘The extension as proposed is unacceptable as it would have an overbearing effect on the neighbouring properties to the west because of its height, size and scale and would lead to a loss of outlook for the neighbouring residents and would therefore be detrimental to their visual and residential amenities, contrary to saved policies HBE12 and EP22 of the City of Norwich Replacement Local Plan 2004.’

**7. APPLICATION NO 09/01567/F - MARKS AND SPENCER, RAMPANT HORSE STREET, NORWICH, NR2 1QR**

The Planning Team Leader (Inner Area) presented the report with the aid of slides and plans and pointed out where the issues raised by English Heritage had been addressed in the report and answered members’ questions.

During discussion members referred to the applicant’s commitment to being carbon neutral by 2012 and that the energy efficiency measures that could be proposed as part of the scheme, given the relative size of the extension, were limited. Members welcomed the green wall and the fact that the unattractive buildings to the side would be clad over rather than demolished and rebuilt.

In response to a question, the agent said that the level of sustainability was significant for the size of the extension and also the location of the building in a city centre. The materials used would be from a sustainable source. The applicant had gone as far as it could. . The company would be looking at upgrading its whole portfolio by 2012 and would improve all its stores. The extension had to use the existing energy source and was as sustainable as could be achieved. The living wall and the fact that there was no car parking associated with the development went towards the overall sustainability of the proposed development.

**RESOLVED** to approve Application No 09/01567/F - Marks and Spencer, Rampant Horse Street, Norwich, NR2 1QR subject to an additional condition relating to the need to comply with policy ENG1 of the East of England Plan in respect of the additional retail floorspace and the following:-

- (1) the completion of a satisfactory S106 agreement by 31<sup>st</sup> March 2010 to include the provision of contributions to transportation;
- (2) to the following conditions and informatives:-

Conditions:

1. Standard time limit;

2. Submission of samples of external materials;
3. Travel Plan;
4. Details of plant and machinery;
5. Prior submission of details of the following: a) Roof top plant b) Additional/replacement external lighting along Barwells Court;
6. Maintenance of planting in Living Wall including planting plan;
7. Archaeology;
8. A scheme to provide bollards in the highway near Malthouse Road;
9. Scheme to be constructed in accordance with approved drawings.

Informatives:

1. Asbestos survey prior to site clearance;
2. Material cleared following results of site investigation;
3. Dust prevention during demolition/construction;
4. Mitigation of construction site noise.

(Reasons for approval: The decision has been made with regard to the provisions of national policies PPS1, PPS4, PPG13, PPG15 and PPG16, policies SS6, ENG1, ENV6 and ENV7 of the East of England Plan (adopted May 2008) and saved policies HBE8, HBE12, EP18, EP19, SHO3, SHO7, SHO9, TRA8, TRA11 and TRA12 of the adopted City of Norwich Replacement Local Plan, and other material planning considerations.

It is considered that subject to the conditions listed and the contents of the Section 106 the demolition and redevelopment of the site is acceptable in that it will provide additional retail floorspace in a sustainable location within the heart of the primary retail area of the City centre thus improving the retail 'offer'; the building will enhance the character of the City Centre Conservation Area and improve the townscape of the area; it will also improve the character of Malthouse Road as a semi-pedestrian link from Rampant Horse Street to the Chapelfield Shopping Centre and the setting of the grade I listed St Stephens Church. )

- (3) where a satisfactory S106 agreement is not completed prior to 31 March 2010 that delegated authority be given to the Head of Planning Services to refuse planning permission for Application No 09/01567/F.

(Councillor Bradford left the meeting after the end of this item. Councillor Llewellyn the Vice-Chair was in the Chair from this point of the meeting.)

## **8. APPLICATION NO 09/01533/F - 19 ASH GROVE, NORWICH, NR3 4BE**

(Councillor Read left the meeting during this item and was not part of the determination of the application.)

The Planner (Development) presented the report with the aid of slides and plans. A further letter of objection had been received from each of the neighbours objecting to the scheme. These related to concerns about overlooking of the neighbouring properties. She pointed out that the windows referred to in paragraph 12 of the

report was a bedroom and not the kitchen. The Tree Protection Officer had no objection to the proposal.

**RESOLVED** to approve Application No 09/01533/F - 19 Ash Grove, Norwich, NR3 4BE and approve planning permission subject to the following conditions:-

1. Statutory time limit – 3 years;
2. Roof materials to match;
3. Bricks to be agreed;
4. In accordance with submitted drawings.

(Reason for approval: The decision is made with regard to policy HBE12 and EP22 of the City of Norwich Replacement Local Plan Adopted Version November 2004 and all material considerations. The extension is considered to be acceptable in terms of its height, size and scale, and design and because of its high quality materials will not have an adverse impact on the character of the building.)

**9. APPLICATION NO 09/01585/F - 375 UNTHANK ROAD, NORWICH, NR4 7QG**

The Planner (Development) presented the report.

**RESOLVED** to approve Application No 09/01585/F – 375 Unthank Road, Norwich, NR4 7QS and grant planning permission, subject to the following conditions:-

1. 3 years commencement;
2. Materials to match;
3. In accordance with submitted plans;
4. Position of cooker vent to be agreed before commencement.

(Reasons for approval: The decision is made with regard to policies HBE8, HBE12 and EP22 of the City of Norwich Replacement Local Plan Adopted Version November 2004 and all material considerations. The design of the scheme and the materials to be used are in keeping with the existing house and will not have any detrimental impact on the visual or residential amenities of the neighbouring properties, nor on the area as a whole, and will preserve and enhance the character of the Unthank Conservation Area.)

**10. APPLICATION NO 10/00251/F- ROMANY BEER HOUSE, 131 COLMAN ROAD, NORWICH, NR4 7HA**

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

Councillor Bremner, Ward Councillor for University Ward, addressed the committee with his concerns about the service road being used as a rat-run, its width and commenting on the traffic information being helpful. Councillor Stephenson, Ward Councillor for Nelson Ward, commented on behalf of a resident unable to attend the committee and said that she was concerned about the viability of the shopping centre. There were already two convenience stores and there were also vacant stores. Also the disabled parking bays had been moved away from the entrance to

the proposed store. The resident of the neighbouring property then addressed the committee outlining his objections to the proposed development which included; concerns about the safety of his children and the safety of his property from cars using the service road; not being able to park on the service road, and concern about the viability of the store as there were other convenience stores and supermarkets within the vicinity.

The applicant responded to the comments made, referred to the comments of the Principal Planner (Transport) and pointed out that the service road would be improved by removing the hedge. The proposed store was within the policy guidelines for a district shopping centre. The service road was public highway and no one had the right to park on it and children should not play there.

Discussion ensued during which the Senior Planner answered questions on the report. Some members welcomed the development as being of benefit to the local community and that there would be parking on the car park for customers of the other businesses located in the shopping centre.

**RESOLVED** with 7 members voting in favour (Councillors Jago, Lay, Banham, George, Wiltshire, Lubbock and Driver) and 2 members abstaining (Councillors Llewellyn and Little) to approve Application No 10/00251/F - Romany Beer House, 131 Colman Road, Norwich, NR4 7HA and to grant planning permission subject to the following conditions:-

1. Standard time limit;
2. The loading restrictions and highway lining on Colman Road to provide a right turn to be completed within 18 months of the first occupation of the development unless the prior written agreement of the Local Authority has been received advising that the works are not required;
3. Provision of site access, parking and servicing areas;
4. Provision of cycle parking;
5. Details of any plant or machinery to be installed on site to be provided;
6. Hours of opening restricted to 06:00 and 23:00;
7. Hours of servicing restricted to 07:00 and 19:00 (excepting morning newspaper deliveries);
8. Details to ensure the security of the car park during and outside opening hours, including details of lighting, security cameras and methods for preventing access to the car park;
9. Exact details including samples of bricks and tiles to be submitted;
10. Development to be carried out in full accordance with the submitted pre-development tree survey and arboricultural method statement;
11. Details of replacement tree planting to be submitted;

(Reasons for approval: The decision has been made with particular regard to policies ENV7, T4, T6, T8 and WM6 of the adopted East of England Plan, saved policy T2 of the adopted Norfolk Structure Plan, saved policies NE9, HBE12, HBE19, EP22, SHO2, SHO3, SHO12, SHO14, TRA3, TRA5, TRA6, TRA7, TRA8 and TRA10 of the adopted City of Norwich Replacement Local Plan, PPS1, PPS4, PPS9, PPG13 and other material planning considerations.



The site is located within the Colman Road Local Centre and is considered to be of an appropriate scale for the centres position in the retail hierarchy. The site is located on the major road network and subject to conditions relating to the laying out of the site, loading restrictions and highway lining the proposals are considered acceptable in terms of access and servicing.

The design of the building is considered to be in keeping with the area and would not have a detrimental impact on the sites surroundings subject to exact details of materials. In terms of amenity the site is in close proximity to a number of residential properties, conditions are recommended which relate to the hours of opening, hours of servicing, the installation of plant and machinery on the site and the security of the car parking areas, these are considered to satisfactorily mitigate any impact the proposals may have on neighbour amenity.

Finally, the site is currently occupied by a number of trees, of primary importance is the London Plane street tree. The arboricultural method statement submitted with the application allows for the satisfactory protection of the tree during construction and compliance with this is conditioned.)

(Councillors Driver (on other Council business) and George left the meeting at this point.)

#### **11. APPLICATION NO APPLICATION 09/01546/F - 13 ST STEPHENS ROAD, NORWICH, NR1 3SP**

The Planner (Development) presented the report with the aid of slides and plans and answered members' questions.

**RESOLVED** To approve Application No 09/01546/F, 13 St Stephens Road and grant planning permission, subject to the following conditions:-

1. Standard time limit.
2. Opening hours restriction: premises open to the public only between the hours of 11am and 10pm (1100 hours-2200 hours) on any day.
3. No takeaway hot food sales from the premises at any time.
4. Prior to the installation of the extract and ventilation system, details of noise limiters to be included in the system shall to be agreed.
5. Prior to commencement of use, a refuse and servicing statement shall be submitted and approved detailing the arrangements for on-site refuse storage, servicing, deliveries and waste collection/disposal times.
6. Prior to commencement of use, details to be submitted of a regular schedule of maintenance for the fume extraction/filtration system.
7. Development to be carried out in accordance with submitted plans.

(Reasons for approval: The decision to approve this application and grant planning permission has been made having regard to national policy as set out in Planning Policy Statement 1 (PPS1), Planning Policy Statement 4 (PPS4) and Planning Policy Guidance Note 15 (PPG15); policies SS6, ENV6, ENV7 and WM6 of the East of England Plan (adopted May 2008) and saved policies HBE8, HBE12, EP10, EP22, SHO22, TRA6, TRA7 and TRA8 of the City of Norwich Replacement Local Plan (adopted November 2004). The proposed restaurant is considered to be an

acceptable and appropriate supporting service in this commercial frontage which is on the fringe of the City Centre for planning purposes and which has convenient pedestrian access to the main focus of commercial and retail activity within the primary shopping core only 50m away. The proposal is considered unlikely to harm the overall vitality, viability or retail function of this part of the centre or undermine the City Council's retail strategy as a whole. Off-street parking is available in the vicinity and appropriate provision has been made for fume extraction and ventilation. Subject to conditions preventing takeaway food sales, appropriate restrictions on opening hours, refuse management and the other conditions listed, the proposal would not have a detrimental impact on the appearance of the street frontage or on the character and historic interest of this part of the Newmarket Road Conservation Area, nor result in any significant loss of amenity or outlook for neighbouring residents and commercial occupiers in St Stephens Road by reason of noise or smell nuisance or visual amenity.)

## **12. DELEGATIONS OF POWERS FROM PLANNING APPLICATIONS COMMITTEE**

**RESOLVED** to defer consideration of this item to the next meeting of the committee.

## **13. CODE OF CONDUCT**

**RESOLVED** to defer consideration of this item to the next meeting of the committee.

CHAIR