



## PLANNING APPLICATIONS COMMITTEE

10.00 a.m.- 2.15 p.m.

26 August 2010

Present: Councillors Bradford (Chair), Banham, Collishaw, Driver, Little, Lubbock and Offord

Apologies: Councillors Read and Wiltshire

### 1. DECLARATIONS OF INTEREST

Councillor Offord declared a pre-determined view on item 4, Application Nos 10/01250/F and 10/01251/L 8 Redwell Street, Norwich.

### 2. MINUTES

**RESOLVED** to approve the accuracy of the minutes of the meeting held on 29 July 2010, subject to the following amendment: item 1, Minutes, deleting '22' and replacing with '1', to read as follows:-

'**RESOLVED** to approve the accuracy of the minutes of the meeting held on 1 July 2010.'

### 3. APPLICATION NOS 10/01158/VC AND 10/01159/VC STRETTON SCHOOL 1 ALBEMARLE ROAD NORWICH NR2 2DF

(Councillor Driver was not present for parts of this item and did not take part in the determination of the application.)

The Planner (Development) presented the report with the aid of slides and plans, and referred to comments received from Councillor Jeraj, Ward Councillor for Town Close Ward, relating to the traffic issues. The removal of the conditions and the continued use of the premises at 1 Albermarle Road as a school, in the event of Mrs Y Barnett's discontinuation of residence at West Lodge, was considered not to have any impact on traffic issues which already existed or introduced any additional highway safety issues or instances of illegal parking. The application was for the continued use of the site rather than an extension and therefore would not result in any increased traffic impacts. The officers' recommendation was to approve the application.

A resident then addressed the committee on behalf of the residents of Albemarle Road and Mount Pleasant and outlined their objections which included: concerns about traffic congestion and access issues; that the location was not suitable for a school; and suggesting that a Section 106 agreement was used instead of planning conditions. A resident of the Cedars Sheltered Housing Scheme also referred to the problems of parking caused by traffic to the schools; the inappropriateness of a school in a conservation and residential area and concerns that about the future acquisition of the school by a third party. Councillor Jeraj referred to the concerns of the residents on traffic issues, the need for an adequate travel plan and the implementation of any physical adjustments.

The Planner, the Planning Development Manager and the Solicitor (Planning) responded to the issues raised by referring to the report. The new conditions were sufficient to ensure that the usage of the two sites continued to be linked. Planning conditions could be enforced and there was no need to use a S106 agreement.

Discussion ensued in which members asked questions about the history of the site. Members were advised that this planning application was for continued use of the sites and was not an extension and therefore it would be difficult to impose a requirement for a travel plan as it was not considered relevant to the application. Councillor Lubbock said that local residents' concerns about traffic had been considered by the Norwich Highways Agency Committee and had not been resolved. She considered that there had been a missed opportunity to request a travel plan when the planning application for an extension to the school had been determined in 2009. Councillor Collishaw said that the school should develop a joint travel plan with the Norwich High School for Girls. Councillor Little expressed concern about traffic congestion impeding access to the sheltered housing scheme. Members noted that there were issues of parking around schools across the city.

In response to a question, the Solicitor (Planning) advised that the proposed condition 2 relating to the occupation of West Lodge was precise and referred to 'persons (and their family) having a close connection with the adjoining nursery school by virtue of employment by the school, or as owner of the school, or Mrs Y Barnett.' Any changes to the use of West Lodge would be subject to further consent. This application related to the occupancy of the site and therefore a condition to restrict the number of pupils at the school was not considered to be relevant and would be difficult to enforce.

The Planning Development Manager suggested that if members were minded an informative could be attached to the decision notice requesting that the school undertook to develop a travel plan.

The Chair moved the officers' recommendations to approve the applications, subject to conditions, as set out in the report.

**RESOLVED**, with 2 members voting in favour of approval (Councillors Bradford and Collishaw), 3 members voting against (Councillors Banham, Lubbock and Little) and 2 abstentions (Councillors Offord and Driver, who had not been present for the entire item) to refuse Application Nos 10/01158/VC and 10/01159/VC Stretton School 1 Albemarle Road Norwich NR2 2DF, contrary to officer's advice for the reasons stated below and to ask the Head of Planning Services to provide reasons for refusal in policy terms:

1. That the application is detrimental to residential amenity in a conservation area.
2. Concerns about highway safety arising from traffic congestion and parking and emergency access to the Cedars Sheltered Housing Scheme.
3. The applicants lack of a travel plan.

(Reasons subsequently provided by the Head of Planning Services:-

1. The proposal would result in the continued use of the premises at 1 Albemarle Road as a nursery school and is considered to be contrary to saved policy EP22 of the City of Norwich Replacement Local Plan (Adopted Version November 2004) in that it would result in a detrimental impact on residential amenity in terms of noise arising from the use of the premises and continued unacceptable levels of traffic congestion in the immediate vicinity. The use of the site as a nursery school is also considered to be out of character with the predominantly residential nature of the area and wider Conservation Area and therefore the proposals are considered to be contrary to saved policy HBE8 of the City of Norwich Replacement Local Plan (Adopted Version November 2004).
  2. The continued traffic congestion problems resulting from high traffic volumes which in turn results in illegal parking of vehicles visiting the school at peak times are considered to harm highway safety and are therefore contrary to saved policies TRA5 and TRA14 of the City of Norwich Replacement Local Plan (Adopted Version November 2004)
  3. The proposal is contrary to saved policy TRA8 of the City of Norwich Replacement Local Plan (Adopted Version November 2004) as there is inadequate servicing provision for the drop off and collection of children from the school.
  4. The proposal is contrary to saved policy TRA12 of the City of Norwich Replacement Local Plan (Adopted Version November 2004) as no Travel Plan was submitted with the application to satisfy the requirement for the applicant to demonstrate how the proposals could cater for the transport demands of the development.)
- 4. APPLICATION NOS 10/01250/F & 10/01251/L 8 REDWELL STREET, NORWICH, NR2 4SN**

(Councillor Offord had declared that he had a pre-determined view of this application and did not take part in the decision making.)

The Senior Planner (Development) presented the report with the aid of slides and plans. He referred to the objections received from the Chair of the Central Norwich Citizen's Forum, who was unable to attend the meeting. A further representation had been received from a neighbour objecting to the proposed change of use on the grounds of increased noise and disturbance and that there was no justification for the building to be used as a public house. The Norwich Society had submitted a representation objecting to the application and a summary was circulated at the meeting. Members were advised that the licensing of tables and chairs (and by association any area of highway designated for specific patron use) on the highway was outside the remit of this committee. It was therefore proposed that condition 14

should be deleted from the recommendations. The Senior Planner referred to the extract from the minutes of the meeting held on 17 December 2009 and the report and said that not all of the committee's reasons for refusal had been satisfied and suggested that members needed to carefully consider what changes in circumstances had occurred since the decision on the previous application for change of use on this site.

Five local residents addressed the committee and outlined their objections to the proposed change of use. These included: concerns about noise and disturbance, particularly in that the building could not be adapted to minimise noise and that windows would be opened for ventilation, and there were already a number of licensed premises in the area; the premises were in a conservation area and would have a detrimental effect on the Church of St Michael at Plea; there was no provision for smoking within the boundaries of the premises and that the pavement would be obstructed; CCTV cameras would not deter anti-social behaviour; refuse bins would not be emptied at weekends and would be unsightly to tourists; that the use of the premises as a licensed bar would be detrimental to the amenity of the residences within the vicinity. The proprietor and resident of a retail shop in Elm Hill said that the use of 8 Redwell Street as a shop had encouraged tourists and shoppers into Elm Hill. Councillor Offord, Ward Councillor for Thorpe Hamlet Ward, concurred with the points made by the residents and said that the junction of St Andrews Street and Redwell Street was a busy road and not suitable for people congregating to smoke and was near a number of offices; and also that he considered that the applicant had not addressed the committee's 6 reasons for refusal of the previous application. (Councillor Offord left the meeting at this point.)

The agent said that the applicant had taken account of the members concerns regarding the previous application and that these could be dealt with by condition. He pointed out that the application was within the Council's designated leisure area and was for a drinking establishment with background music. Other issues, such as opening hours and numbers permitted on the premises, would be dealt with by the Council's Licensing Committee. The premises was currently empty and this proposal would bring it into use again.

The Chair then gave permission for the applicant's acoustic consultant to address the committee. The consultant said that a noise assessment had been carried out on 26 May 2010 and the matter had been subsequently discussed with an Environmental Health enforcement officer. The building was single glazed. The basis of his recommendation was that a limiting device be fitted to any sound equipment used on the premises.

Members were advised that the Fire Service determined the maximum number of people in the building and that the premises was not in a defined retail area and that the proposed change of use was suitable for a designated leisure area where a mixture of uses was encouraged.

Discussion ensued in which members considered the management of the potential customers of the premises. Members were advised that CCTV could be a condition of the planning permission but that this would act as a deterrent rather than manage behaviour and that security staff were limited to the boundaries of the premises. Councillor Little said that the proposal was an overdevelopment and that residents could not be expected to put up with the noise and disturbance. There were no plans for ventilation of the premises and a smoking area had not been provided. The

committee's reasons for refusing the previous application had not been addressed. Other members concurred and considered that the building and location were not right for a licensed premises and that a restaurant or café would be a more suitable use.

Members then considered the reasons for the refusal of the previous application and agreed minor textual changes. It was suggested that reason 4 be amended to include reference to the other licensed premises already close to the area. A noise assessment had been conducted and it was necessary to amend reason 6 and note that it may be impracticable for the occupier of the building to control noise because of the constraints of the building and if sound systems were limited, the volume would be so low it may be impracticable for a public bar to operate.

Councillor Little moved and Councillor Banham seconded that the application be refused for substantially the same reasons for refusal as given for the previous application as amended above.

**RESOLVED** with 3 members voting in favour of refusal (Councillors Bradford, Lubbock and Little), 1 member against (Councillor Driver) and 1 member abstaining (Councillor Coillishaw) to refuse Application Nos 10/01250/F 8 Redwell Street, Norwich, NR2 4SN for the following reasons:-

1. Impact on Character of Conservation Area

The proposal would cause a detrimental impact to the character of this part of the City Centre Conservation Area, changing its nature away from an area of predominantly residential, office and community uses, with minimal activity during the evenings, to a character involving a use that would generate large numbers of visitors to and from the site and associated activity on the street during the evening and the night. As such the proposal is considered to be contrary to national policy PPS5 and saved policy HBE8 of the adopted City of Norwich Replacement Local Plan (November 2004).

2. Lack of smoking shelter - amenity

The lack of a smoking shelter or any provision for smokers within the application site will lead to patrons needing to smoke outside the site and cause a detrimental impact to the amenity of local residents, community and commercial premises, through the associated noise, smoke and litter. As such the scheme is contrary to saved policies EP22 and HBE12 of the adopted City of Norwich Replacement Local Plan (November 2004).

3. Lack of smoking shelter - highway safety

The lack of a smoking shelter or any provision for smokers within the application site will give rise to patrons smoking on the public highway adjacent to the site. The public highway surrounding the application site is made up of narrow footways. Taken together, it is considered that the proposal will compromise highway safety and lead to a danger to pedestrians, including both local residents and patrons of the public house, and as such the scheme is contrary to saved policies TRA3, TRA5, TRA14, TRA24, HBE12 and EP22 of the adopted City of Norwich Replacement Local Plan (November 2004).

#### 4. Harm to amenity and fear of crime

By virtue of the noise and increased activity at the site, and likely increased smoke, litter and disturbance from, in, or around the site, and as a result of the scale and intensity of the proposed use, the development would give rise to an unacceptable detrimental affect on the amenity of the surrounding area, the effects of which would be to link the premises to other areas where there is a concentration of night time uses. The proposal would also cause harm to the level of amenity currently available to the residential, community and commercial uses in the immediate area of the application site, and would result in an increased fear of crime and disorder amongst local residents and pedestrians in the area. As such the scheme is contrary to national policy PPS1 and saved policies EP22, HBE12 and HBE19 of the adopted City of Norwich Replacement Local Plan (November 2004).

#### 5. Servicing, access and highways safety

The proposal, given the scale and intensity of the use of the premises over three floors, does not include adequate servicing, refuse storage, or access arrangements. The absence of an immediately available servicing bay connected to the premises, and the inadequate refuse provision and disposal strategy, and the inadequate disabled access proposals would all result in unsatisfactory vehicular or pedestrian access to the site and obstruction to the public highway, and would subsequently be detrimental to highways safety. As such the scheme is contrary to national policy PPS1 and saved policies TRA3, TRA5, TRA8, TRA14, TRA24, HBE12 and HBE19 of the adopted City of Norwich Replacement Local Plan (November 2004).

#### 6. Lack of an adequate noise assessment.

Given the lack of an adequate acoustic assessment in relation to the potential for noise break-out from the premises, it is considered that insufficient information has been submitted to enable the Local Planning Authority to make a reasoned assessment of the proposal. In addition, any mitigation measures needed to address the possible noise impacts could create an adverse impact on both the character of the Conservation Area or the historic fabric of the Listed Building, or, by virtue of the restrictions imposed by the nature and structure of the Listed Building, such measures may prove to be impractical or unreasonable for being implemented by the occupier such to prevent detrimental impact to neighbouring premises. As such the scheme is considered to be contrary to national policy PPS5 and PPG24 and saved policies EP22, HBE8 and HBE9 of the adopted City of Norwich Replacement Local Plan (November 2004).

- (2) with 4 members voting in favour (Councillors Bradford, Lubbock, Little and Driver) and 1 member abstaining (Councillor Collishaw) to approve Application No 10/01251/L, 8 Redwell Street, Norwich, NR2 4SN and grant listed building consent, subject to the following conditions:

1. Standard time limit;
2. The development shall be built in accordance with the plans as approved;
3. Details of fire escape, including joinery and materials prior to commencement;

4. Details of refuse and disabled access ramp to be agreed and installed before use;
5. Details of litter bins / cigarette butt containers to be agreed;
6. Noise insulation measures and installation methods to be agreed and installed prior to first use;
7. Bars, seating, partition walls, interior cladding, joinery, and fixing details all to be agreed;
8. New doors details for the new first floor single door and the ground floor front door hanging shall be agreed, to include joinery and fixings;
9. Any further works proposed or arising as necessary to be notified to and where necessary approved by the LPA;
10. Details of CCTV positioning and installation to be agreed prior to first use.

(Reasons for approval: The recommendation has been made with regard to the provisions of the development plan, so far as material to the application, including saved policies HBE8, HBE9 and HBE12 of the adopted City of Norwich Replacement Local Plan (November 2004), and national policies PPS1 and PPS5, and all other material planning considerations. The alterations proposed are considered acceptable within a historic Listed Building premises within the City Centre Conservation Area. Subject to conditions imposed to control the final external designs and internal installations and alterations, the scheme is considered appropriate to secure the ongoing preservation of a historic Listed Building and avoid any detrimental impact on the Listed Building.)

(Councillor Offord was readmitted to the meeting at this point.)

**5. APPLICATION NO 10/01175/F, THE CANARY, 107 WATLING ROAD, NORWICH, NR7 9TG**

The Planning Development Manager presented the report with the aid of slides and plans and explained that the proposal had been amended from the previous application to increase the dwellings by one so that the total was 25 which met the minimum threshold for affordable housing, but all the dwellings would be affordable housing for rent by a housing association. Members were advised that the S106 had not been signed to date. A letter from the brewery was circulated which explained that the public house was not a viable business and could no longer be retained. Objections had been received from the Campaign for Real Ale (CAMRA). The comments of the Norwich Society were circulated at the meeting and related to the loss of a public house and the poor design of the scheme.

The representative for CAMRA then addressed the committee and outlined the organisation's objections to the proposal to demolish the public house as it was considered to be the centre of the estate and there were no other public house that were easily accessible for pedestrians from the estate. Members of the public had not appreciated that their objections to the previous application were not kept on file and transferred to the current application for the site.

The Planning Development Manager pointed out that the original report had been appended to the report and that it contained reference to the comments received from members of the public. He advised members that the pub was no longer a viable business concern and that affordable housing was to be welcomed.

Discussion ensued in which members regretted the loss of a community public house. Members also commented on the fact that it was no longer financially viable and welcomed the proposal to provide affordable housing.

The Chair gave permission for the agent to speak on behalf of the applicant. The agent referred to the statement from the applicant that had been circulated and said that had it been viable the company would not have considered closure. The company had engaged with the local community, ward councillors and the pub manager. The disposal of the site was conditional on planning permission and would then be developed by a registered social landlord. If this application were to be successful the company was committed to support the public house up to the end of the year.

Councillor Lubbock asked if there could be some commemoration of the Canary Public House on the site.

Councillor Banham moved and Councillor Driver seconded that the application be refused for the same reasons that it had been refused on 10 June 2010.

**RESOLVED** with 3 members voting in favour of refusal (Councillors Banham, Driver and Little) and 4 members voting against (Councillors Bradford, Collishaw, Lubbock and Offord) the proposal to refuse the application was lost.

The Chair then moved the recommendations in the report with the added condition to ask the developers to commemorate the existence of the Canary Public House on the site.

**RESOLVED** with 4 members voting in favour (Councillors Bradford, Collishaw, Lubbock and Offord) and 3 members voting against (Councillors Banham, Driver and Little) to approve Application No 10/01175/F, The Canary 107 Watling Road, Norwich, NR7 9TG and grant planning permission, subject to:

- (1) the completion of a satisfactory S106 agreement by 6 October 2010 to include the provision of affordable housing, contributions to the library service, child play space, transportation and street trees and subject to the following conditions:
  1. Standard time limit;
  2. Built in accordance with approved plans;
  3. Details of fascias, verges, windows, doors, bricks, tiles and render finish;
  4. Landscaping details, hard and soft landscaping and boundary treatments;
  5. Compliance with the arboricultural implications assessment, method statement, tree protection plan and submission of further arboricultural method statements for air spade evacuation, root pruning and foundation details;
  6. Provision of the bin store prior to first occupation;
  7. Archaeological evaluation prior to commencement;
  8. Contamination intrusive investigation prior to commencement.
  9. Include artefacts to commemorate the Canary Public House on the site.

(Reasons for approval: The development has been considered with particular regard to saved policies NE3, NE4, NE9, HBE4, HBE12, HBE19, EP1, EP16, EP18, EP22, SHO21, HOU4, HOU6, HOU13, SR7, TRA5, TRA6, TRA7, TRA8,



TRA10 and TRA11 of the adopted City of Norwich Replacement Local Plan and the objectives of PPS1, PPS3, PPS4, PPS9, PPG13 and PPG16.

It is considered that the public house is currently providing an important community facility, however having weighed up the relevant planning policy surrounding the loss of the public house and redevelopment for housing, on balance it is not considered that proposals could be resisted and that the proposals are acceptable in principle. The design layout is considered acceptable with a good relationship between public and private realm. Access, parking and servicing arrangements are considered to be acceptable as are the amenity standards for existing and proposed dwellings. Subject to the conditions listed the proposals are considered to be acceptable in terms of their implications for trees, energy efficiency, contamination and archaeology and will provide for needed housing development in this part of the City.))

- (2) if a satisfactory S106 agreement is not completed prior to 6 October 2010 that delegated authority be given to the Head of Planning Services to refuse planning permission for Application No (10/01175/F, The Canary 107 Watling Road, Norwich, NR7 9TG) the following reason:

In the absence of a legal agreement or undertaking relating to the provision of affordable housing, library service, children's play space, street trees and transportation contributions the proposal is contrary to saved policies NE4, SR7, TRA11, HOU4 and HOU6 of the adopted City of Norwich Replacement Local Plan.

(The committee adjourned for a short break at this point and then reconvened.)

**6. APPLICATION NOS 10/01036/F: FIRE STATION, BETHEL STREET, NORWICH NR2 1NW AND 10/01037/L: FIRE STATION, BETHEL STREET, NORWICH NR2 1NW**

(Councillor Offord was absent for part of this item and did not take part in the voting.)

The Senior Planner (Development) presented the report and referred to the plans reproduced on the agenda. He referred to the recommendations as set out in the report and advised members that condition 5 could be removed as there was no need to restrict D1 uses. There was also no need for condition 12 as it was a listed building and the internal features would be covered by that and the glazed screen would be covered by the condition related to joinery details. It was also proposed to remove condition 24 as it replicated condition 33 relating to plant and machinery.

Discussion ensued in which members asked questions about the use of the ground floor. Members were advised that the D1 use was optional and that the use could be either A1, A2, B1 or D1 and changed within 10 years from the permissions.

A representative of NPS addressed the committee at the Chair's invitation and said that it was expected to sell the site with planning permission at the end of the year.

**RESOLVED** to approve Application No 10/01036/F at Fire Station, Bethel Street, Norwich NR2 1NW, and either:

- (1) grant Planning Permission, subject to the completion of a satisfactory S106 agreement by 1 September 2010, to include the provision of contributions to sustainable transport improvements in the city centre, and off-site play equipment, and subject to the following matters being covered by conditions:

1. Standard time limit;
2. Development to be in accordance with approved plans;
3. Confirmation of B1 uses within specified areas;
4. Confirmation of A1, A2, B1 and D1 uses permitted within specified areas;

Pre-Commencement approval of:

5. Details of the design of the Bethel Street footpath reinstatement works;
6. Site investigation and any necessary contamination measures (Env. Agency #1);
7. Contamination remediation strategy verification report (Env Agency #2);
8. Contamination precautionary measures (Env Agency #3);
9. Scheme to show maximum use of water efficiency measures;
10. Archaeological investigation works to be agreed and undertaken;
11. Details of obscure glazing or privacy screening to bathrooms as appropriate;
12. Details of external features to be retained to be agreed;
13. Details of door to east elevation bin store access;
14. Details of all noise insulation and sound proofing measures (including those between non-residential and residential uses) and fire proofing measures;
15. Details and position of the soil vent pipes, services, flues and other forms of mains supply infrastructure;
16. Details of all garage doors, whether proposed for removal or replacement;
17. Details of joinery of all windows and doors;
18. Details of mild steel gates at entrance to courtyard, including glazed screening;
19. Details of position, content and fixing and provision of a plaque feature for visitor information and heritage interpretation;
20. Solar panel details and positioning, installation and maintenance to be agreed, and to be installed prior to first occupation of the development;
21. Details of materials proposed for the cycle store at the northern end of the western elevation;
22. Details of location, position and appearance of any plant and machinery.

Prior to First Occupation / First Use

23. Footpath reinstatement works shall be undertaken and completed;
24. All external works and all internal walls and floors between all the non-residential and residential uses shall be completed prior to first residential occupation;
25. Details of all cycle storage to be agreed, including design, access points, quantity and arrangements for storage, and security measures, shall all be agreed, and all cycle stores shall be provided and available for first use;
26. Refuse stores shall be provided and available for first use;
27. Final details of landscaping scheme to be agreed;

28. All hard landscaping to be provided within 3 months of first residential occupation and maintained thereafter;
29. All soft landscaping to be provided within 6 months of first residential occupation and maintained thereafter.

General

30. No works to the building until Listed Building Consent has been granted (which would include all conditions having been discharged);
31. Prior approval of any plant and machinery proposed, to include details of location, positioning, installation, specification, noise, appearance and maintenance.

(Reasons for approval: The recommendation is made following consideration of national and local development plan policy and all material planning considerations. The proposed conversion and alterations will provide for a mixed use development of residential and appropriate city-centre non-residential uses in a sustainable location and which will complement the surrounding Cultural and Civic Area and nearby retail area, whilst enhancing the vitality and activity of this part of the city centre. The alterations are made as part of a high quality design that will enhance the character of the Conservation Area, improve the landscape setting and appearance of the Listed Building, and ensure the designated heritage asset remains in active viable use. Subject to conditions and requirements of the legal agreement the scheme will provide an acceptable mix of uses and high standard of residential amenity, improvements to the public realm and lasting preservation of the Listed Building sufficient to outweigh the impact caused by the necessary alterations to its interior. As such the development is considered to comply with national policy PPS1, PPS3, PPS4 PPS5 PPG13 and PPS23, and saved policies NE9, HBE3, HBE7, HBE8, HBE9, HBE12, HBE19, EP1, EP10, EP16, EP17, EP18, EP22, TVA1, TVA4, TVA8, AEC1, AEC3, EMP1, EMP16, SHO3, HOU1, HOU2, HOU5, HOU6, HOU13, HOU15, HOU18, TRA3, TRA5, TRA6, TRA7, TRA8, TRA9, TRA10, TRA11, TRA14, TRA24, TRA26 and CC3 of the City of Norwich Replacement Local Plan (Adopted Version November 2004).

(Informative: 1. Construction hours and methods.)

- (2) where a satisfactory S106 agreement is not completed prior to 1 September 2010, that delegated authority be given to the Head of Planning and Services to refuse planning permission for Application No 10/01036/F at Fire Station, Bethel Street, Norwich NR2 1NW, for the following reason:

In the absence of a legal agreement or undertaking relating to the provision of off-site children's play provision, and sustainable transport improvement contributions the proposal is contrary to saved policies SR7, TRA11 and HOU6 of the adopted City of Norwich Replacement Local Plan (November 2004)

**RESOLVED** to approve Application No 10/01037/L at Fire Station, Bethel Street, Norwich NR2 1NW, and grant Listed Building Consent, subject to the following conditions:

1. Standard time limit;
2. Development to be in accordance with approved plans;
3. Details of internal features to be retained to be agreed;

4. Details of any new glazed screen on the inside of the existing garage doors to be agreed;
5. Details of new mezzanine floor and its fixings at the west end of the engine hall.
6. Details of all noise insulation and sound proofing measures (including those between non-residential and residential uses) and fire proofing measures.

(Reasons for approval: The recommendation is made following consideration of national and local development plan policy and all material planning considerations. The alterations are made as part of a high quality design that will enhance the character of the Conservation Area, improve the landscape setting and appearance of the Listed Building, and ensure the designated heritage asset remains in active viable use, and subject to the conditions will provide a high standard of design and improvements to the public realm to allow lasting preservation and enhancement of the Listed Building sufficient to outweigh the impact caused by the necessary alterations to its interior, and as such is considered to comply with national policy PPS1 and PPS5 and saved policies HBE8, HBE9 and HBE12 of the City of Norwich Replacement Local Plan (Adopted Version November 2004).

## **7. APPLICATION NO 10/01307/NF3 FARMERS MARKET GENTLEMANS WALK NORWICH**

The Planning Development Manager presented the report.

The Chairman of the Norwich Market Traders' Association addressed the committee and outlined the Association's objections to the proposal as set out in the report. He suggested that the traders could sell their produce on Norwich Market and should rent vacant stalls rather than be permitted to have stalls on Gentleman's Walk.

During discussion Councillor Lubbock cautioned against frustrating small businesses and said that the stalls were required by local farmers on an adhoc basis when they had produce to sell, was on a Sunday when other stalls were closed and the Farmers' Market added to the vitality of the city. It was also noted that the other visiting markets used Gentleman's Walk. Members were advised that competition issues should not be taken into account and that the Farmers Market was different trade to that on Norwich Market, with small producers hiring a stall to sell surplus produce and its stalls on Norwich Market were not rented out by the day.

Councillor Offord referred to the temporary arrangement where the Farmers' Market had use of Gentleman's Walk on the first and third Sunday of the month and said that to extend this to every Sunday was a significant change. The Chair moved and Councillor Banham seconded that consideration of this application be deferred to enable further information to be provided to the committee in relation to the Farmers' Market, the type of stalls, the rent and the impact of granting planning permission to the Farmers Market on Norwich Market.

**RESOLVED**, on the Chair's casting vote with 3 members voting in favour (Councillors Bradford, Banham and Collishaw), 3 members voting against (Councillors Lubbock, Little and Offord) and 1 member abstaining (Councillor Driver) to defer further consideration of Application No 10/01307/NF3 Farmers' Market Gentleman's Walk, Norwich, to the next meeting of the committee.

**8. APPLICATION NO 10/01081/U AEW DELFORD SYSTEMS LTD 4 - 6  
MASON ROAD NORWICH NR6 6RF**

The Planning Development Manager presented the report and suggested minor textual changes to condition 6.

Discussion ensued on the proposed conditions. Councillor Lubbock said that she considered that the conditions were too onerous for an 18 month period and said that she had supported a three year period at the last meeting.

**RESOLVED**, with 3 members voting in favour (Councillors Bradford, Offord and Collishaw) and 4 members abstaining (Councillors Driver, Banham, Offord and Little), notwithstanding the previous recommendation of refusal, to approve the application following the resolution reached at the meeting of the Committee on 29 July 2010 in respect of Application No 10/01081/U at 4-6 Mason Road, Norwich to grant planning permission, subject to no new issues being raised prior to the expiry of the publicity period (1 September 2010) required in connection with the advertisement of the application as a departure from the development plan and subject to the following conditions:-

1. The use hereby permitted shall be discontinued not later than 28 February 2012 and the building shall revert to its former use as a light industrial unit (as approved under application App. No. 4890011/CU) within one month of this date.
2. Within 4 months of the date of this permission cycle parking in relation to the hereby approved temporary use, shall be installed in accordance with details to be first approved by the Council as Local Planning Authority. The cycle parking shall be retained as such thereafter and only removed on cessation of the temporary use.
3. Within 1 month of the date of this permission actions specified in paragraph 1.14 of the Energy Efficiency Statement dated June 2010 shall be undertaken and thereafter maintained for the duration of this permission.
4. The premises the subject of this permission shall not be used for church services or other events before 08.00 hours or after 20:00 hours on Sundays or before 08.00 hours or after 22.00 hours on any other day.
5. Prior to the installation of any amplified sound equipment in the application premises, details of the maximum noise levels expressed in dB LAeq (5 minute) as measured at the site boundaries shall be first submitted to and approved in writing by the Local Planning Authority. Thereafter the permitted maximum noise levels at the site boundaries arising from any loudspeaker forming part of the amplification system shall not be exceeded at any time.
6. Before the use of the café area hereby permitted begins a scheme for the installation of equipment to control the emission of fumes and smell from the premises shall be submitted to, and approved in writing by, the local planning authority and the approved scheme shall also be implemented prior to first use of the premises. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions.

Reasons:-

1. This permission is only accepted in order to accommodate the special circumstances of the applicant. The use is only appropriate on a temporary basis

as its location does not readily promote easy access for those within the Family Life Church's core community (or within a nearby local centre) without a car and would result in the loss of employment land contrary to saved policies AEC2 and EMP5.

2. To ensure provision of suitable cycle parking within the site in accordance with the Council's approved parking standards and to improve travel choices in the interests of community access in accordance with saved policies TRA7, AEC2 and HBE19 of the City of Norwich Replacement Local Plan, Adopted Version (November 2004).
3. In the interests of environmental efficiency and to accord with saved policy EP18 of the City of Norwich Replacement Local Plan, Adopted Version (November 2004)
4. In the interests of residential amenity and to accord with saved policy EP22 of the City of Norwich Replacement Local Plan, Adopted Version (November 2004).
5. In the interests of residential amenity and to accord with saved policy EP22 of the City of Norwich Replacement Local Plan, Adopted Version (November 2004).
6. To protect the visual amenity of the area and to prevent nuisance arising from the discharge of fumes in accordance with saved policies HBE12 and EP22 of the City of Norwich Replacement Local Plan, Adopted Version (November 2004).

(Reasons for Approval: The decision to approve this application and grant temporary planning permission has been made having regard to the provisions of Planning Policy Statements 1 and 4 and Planning Policy Guidance Notes 13, 18 and 24. It also has had regard to saved policies HBE12, HBE19, EMP5, EMP19, AEC2, EP22, TRA6, TRA7, TRA8, TRA12 and EP18 of the City of Norwich Replacement Local Plan (adopted November 2004). Subject to the conditions listed, the scheme as approved will provide for a temporary location for the Norwich Family Life Church whilst preventing it from becoming a permanent non-conforming use within this designated employment area. The temporary use will assist the Church in continuing to meet community needs whilst bringing forward an appropriate permanent solution to their building needs which would be related to its core community thus making it more accessible to that community and users of the Church. With the conditions suggested the amenity of residents in the vicinity should also be protected from evening and night time activity. The additional requirement for secure cycle parking will also assist in making the site available to non car users.)

Note: The notice applies to the following drawings:

Location Plan – 4038 dated 01.05.2010

Site Plan – 4038 50 dated 01.05.2010

Existing Floor Plan – 4038 51 dated 01.05.2010

Proposed Floor Plans & Elevations – 4038 52 dated 01.05.2010

#### Informative

Without prejudice to any future decision that Norwich City Council may make, the Norwich Family Life Church is strongly advised to seek an appropriate permanent base for Church activities as soon as possible. The Church is advised that it can frequently take lengthy periods to secure planning and other regulatory consents needed before commencing construction. The extent of progress made in securing a permanent base for the Church will be a material planning consideration taken into account should any planning application be submitted seeking an extension to this temporary consent.)

**9. APPLICATION NO 10/01039/RM 2 BOND STREET NORWICH NR2 3TS**

The Planning Development Manager presented the report with the aid of slides and plans.

**RESOLVED** to approve Application No 10/01039/F 2 Bond Street, Norwich and grant planning permission, subject to the following conditions:-

1. Boundary treatment.
2. Landscape implementation and maintenance.
3. Tree protection.
4. Provision of car parking/cycle and bin storage areas.
5. Details of materials.
6. In accordance with submitted plans.

(Reasons for approval: The decision to grant planning permission has been taken having regard to PPS1, PPS3, PPS9 and PPS13 and to saved Local Plan Policies EP16, EP18, EP20, EP22, HBE12, HBE19, HOU13, NE9, TRA5, TRA6, TRA7 and TRA8 of the City of Norwich Replacement Local Plan Adopted Version 2004 and to all material planning considerations. The details of the scheme meet the criteria of the above policies and will result in an appropriate housing layout, with acceptable parking, servicing and amenity space which would provide dwellings of a good design and acceptable living conditions for future residents without having a detrimental effect on the amenities of existing residents neighbouring the site or on the retention of trees on and adjoining the site.)

**10. APPLICATION NO 10/01325/F NORTH LODGE 51 BOWTHORPE ROAD NORWICH NR2 3TW**

The Planning Development Manager presented the report with the aid of slides and plans.

**RESOLVED** to approve Application No 10/01325/F and grant planning permission, subject to the following conditions:-

1. Standard time limit (3 years)
2. In accordance with the submitted plans and details
3. Construction works to take place and completed outside of the main bat maternity period (May-August inclusive) and in accordance with the recommendations contained within the submitted Bat Roosting Assessment
4. No development to take place until an addendum/corrigendum of the AIA has been produced to show a revised RPA (& resulting implications) and an AMS for any proposed works within the RPA produced to the council's approval
5. All development to be in compliance with the amended AIA and 'approved' AMS
6. No development to take place until details of the manufacturer, type and colour of the following external materials, together with a sample, has been submitted to and approved in writing by the local planning authority: red brick, white brick; natural roof slate; stone window dressing.
7. No development to take place until precise details of the proposed windows, including section details at a scale of 1:20 and the precise materials

proposed, have been submitted to and agreed in writing with the local planning authority.

(Reasons for approval: The principle of the proposed extension is considered acceptable. It is considered that the design details of the scheme meet the criteria of HBE12. Furthermore, the proposal would not result in a detrimental impact in terms of loss of amenity to neighbouring properties and as such can be considered to meet the criteria of saved policy EP22. Saved policy NE9 considers the protection of the trees on site and, subject to conditions, it is considered that the mature tree to the site frontage would not be adversely affected by the proposal either post construction or during the build process. In addition to these matters, in terms of policy SR8 the proposal is considered to have no adverse impact on the historic park and garden or its setting and, subject to condition, the proposed bat mitigation measures will ensure no adverse impact on any bat population on the site. Consequently, the proposal is considered to be in line with PPS1, PPS5, PPS9 and the development plan policies referred to above and all other material planning considerations.)

**11. TREE PRESERVATION ORDER 2010, THE CITY OF NORWICH COUNCIL NUMBER 437, ADDRESS: LAND AT BYFIELD COURT AND PRESS LANE, NORWICH**

The Tree Protection Officer presented the report with the aid of slides and plans and pointed out that a tree preservation order did not preclude arboricultural works.

**RESOLVED** to confirm Tree Preservation Order 2010, The City of Norwich Council Number 437 Address: Land at Byfield Court and Press Lane, Norwich.

**12. PERFORMANCE OF THE DEVELOPMENT MANAGEMENT SERVICE, APRIL-JUNE, 2010 (QUARTER 1, 2010-11)**

The Planning Development Manager presented the report and answered members' questions.

**RESOLVED** to note the report.

**13. PERFORMANCE OF THE DEVELOPMENT MANAGEMENT SERVICE: APPEALS: 1ST APRIL 2010 TO 30TH JUNE 2010 (QUARTER 1: 2010/2011)**

The Planning Development Manager presented the report and answered members' questions.

During discussion members noted that as the majority of cases that went appeal were officers' decision but this reflected the fact that 91% of applications were determined under delegated powers and 9% by the committee.

**RESOLVED** to note the report.



**14. SITE VISIT – DIBDEN ROAD/EARLHAM ROAD**

**RESOLVED** to undertake a site visit at 9.15 a.m. on 16 September 2010, to the former garage site at Dibden Road and the St Edmund's Society hostel in Earlham Road and commence the committee meeting at the later time of 10.30 a.m.

CHAIR