



PLANNING APPLICATIONS COMMITTEE

10am to 3.30pm

6 December 2012

Present: Councillors Bradford (chair), Sands (M) (vice chair), Ackroyd, Blunt, Gee, Howard, Kendrick (to the end of item 16 below), Little, Neale, Sands (S) (to the end of item 13 below), Storie and Stonard

1. SITE VISIT – APPLICATION NO 12/01759/F REAR OF 126/128 WATERLOO ROAD, NORWICH, NR3 3HZ

The following members of the committee undertook the site visit in respect of application no 12/01759/f rear of 126/128 Waterloo Road, Norwich, NR3 3HZ: Councillors Sands (M) (vice chair and acting chair for the site visit), Ackroyd, Blunt, Sands (S) and Storie.

2. DECLARATION OF INTERESTS

Councillor Howard declared a pre-determined view in item 613 Lower Goat Lane as she had requested that the application be considered by the committee and intended to speak in support of the applicant.

Councillor Stonard declared a non-pecuniary interest in item 6 10 Ivy Road as he was a member of the board of an organisation which had premises in the vicinity.

(Councillor Gee also declared a prejudicial interest at the start of item xx below St Benedict's' because he had advised a ward councillor on this application.)

3. MINUTES

RESOLVED to approve the minutes of the meeting held on 8 November 2012.

4. NATIONAL PLANNING POLICY FRAMEWORK - PROCEDURAL CHANGE FOR LOCAL PLANNING AUTHORITIES

The head of planning services advised members that as from 1 December 2012 all local planning authorities were required to state on every decision notice that it had "worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application" as required by Article 31(1)(cc) of the Town and Country Planning (Development

Management Procedure) (England) Order 2010. Therefore when determining all of the applications on the agenda for this meeting members were advised that a statement on the engagement with the applicant would be on each relevant decision notice. Members were also advised that all relevant future decision notices would include such a statement

RESOLVED to note.

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

RESOLVED to note that application no 12/01819/F 27 Magdalen Street, Norwich, NR3 1LE had been withdrawn pending further consultation on significant changes to the plans and therefore will be deferred to a future meeting of the committee.

6. APPLICATION NO 12/01759/F REAR OF 126/128 WATERLOO ROAD, NORWICH, NR3 3HZ

The planner (development) referred to his presentation at the last meeting of the committee and presented the report with the aid of plans and slides.

RESOLVED with 10 members voting in favour (Councillors Bradford, Sands (M), Ackroyd, Blunt, Howard, Kendrick, Little, Neale, Storie and Stonard); 1 member voting against (Councillor Sands (S)) and 1 member abstaining (Councillor Gee) to approve application no 12/00759/F at 126/128 Waterloo Road for the following reasons, subject to the following conditions:

1. Time limit.
2. In accordance with the plans.
3. Details of parking and turning area surfacing, landscaping, shingle access path construction and planting along north boundary.
4. In accordance with the approved AMS.
5. Submission of a supplementary AMS for the construction of the new footpath.
6. Access gate to be inwards opening.
7. Obscure glazing condition (roof lights on south elevation).
8. Provision of cycle and refuse storage prior to first occupation.

(Reasons for approval: The principle of siting a dwelling in this accessible location is considered to be acceptable ensuring the efficient use of land with its occupants having easy access to key services and facilities with sustainable transport alternatives available.

The design and scale of the dwelling in the context of this setting, together with the mitigatory boundary planting to the north will introduce a feature which is not a significant deviation from the residential character evident in the area and not result in significant loss of residential amenity to nearby properties in particular no.124b to the north.

The vehicle movements and associated impacts such as vehicle fumes are not considered to be a significant deviation from the existing built environment. Similarly, the access/egress and parking arrangements for the proposal and the existing two dwellings (and recently approved flat) have been confirmed as

acceptable by the Highway authority, so there are no reasonable grounds to believe that any significant highway safety concerns will result. Further improvements to parking/turning area can be confirmed by condition.

The protection of the mature trees and their associated character and wildlife value both within and outside the site can be assured by implementation of the Arboricultural Method Statement (AMS) and a supplementary AMS to ensure the new path does not adversely impact on the root zone of nearby trees.

The proposal is therefore compliant with statements 7 (inc para 17) and 11 of the National Planning Policy Framework 2012, policies 1, 2, 3 and 4 of the Joint Core Strategy for Norwich Broadland and South Norfolk 2011 and saved policies HBE12, EP22, NE3, NE9, TRA5, TRA6, TRA7 and TRA8 of the City of Norwich Replacement Local Plan 2004.)

7. APPLICATION NO 12/02003/F FORMER BALLY SHOE FACTORY LTD HALL ROAD, NORWICH, NR4 6DP

In response to a member's question, the head of planning services and the solicitor (nplaw) confirmed that the applicant's submission of the application was entirely appropriate and that the rebuttal of the committee's previous reasons for refusal was a material consideration in the determination of this application as part of the planning history of the site.

The head of planning services presented the report with the aid of plans and slides. He referred to the supplementary report of updates to reports, which was circulated at the meeting, and said that two further representations had been received since the publication of the agenda. He also advised members that a petition of 560 signatures in support of the supermarket had been received.

County Councillor Whitaker (Lakenham division) spoke in support of the application and referred to the petition which she presented on behalf of a member of the public and said that the signatures had been collected in the local post office and a convenience store. Councillor Driver (Lakenham ward) then addressed the committee in support of the application and outlined the benefits to the local community which included the supermarket, creation of jobs in retail, employment units and during the construction of the development and the community centre.

A representative of the supermarket then spoke on behalf of the applicant and explained that the company would seek to recruit local people to the 300 jobs that would be created; had the support of the local community and that the start up units, gym and community centre were also part of the application. The supermarket was one of the largest retailers in the UK and had a good record of involvement in community groups.

Discussion ensued in which the head of planning services referred to the report and answered members' questions. Members were advised that the site was a district centre and that a retail impact assessment had been conducted. The applicant was in discussion with the council's local neighbourhood services about the proposed community centre but there was no obligation on the council.

During discussion members commented on the application. Some members expressed concern that the application did not include housing; that the creation of jobs in retail and the employment units could mean that other jobs were displaced elsewhere in the city and that jobs created would be in low paid; that the proposed community centre would be detrimental to the viability of existing facilities; that as a consequence of this development the district centre would compete with the city centre as a retail centre and that the proposal was not sustainable and against planning policy. Other members considered that the development of this brownfield site was welcomed by the local community and would bring benefits in the form of jobs and access to a supermarket, which would have a symbiotic affect on existing businesses and stimulate new businesses.

RESOLVED with 7 members voting in favour (Councillors Bradford, Sands (M), Ackroyd, Kendrick, Sands (S), Storie and Stonard) and 5 members voting against (Councillors Blunt, Gee, Howard, Little and Neale) to approve application no 12/02003/F Former Bally Shoe Factory Ltd, Hall Road, Norwich, NR4 6DP and grant planning permission, subject to:

- (1) the completion of a satisfactory S106 agreement to include the provision of a transport contribution of £915,800 minus deductibles, the provision of a travel plan bond and monitoring charge, clauses for the delivery of a community centre on the site, clauses for the delivery of community use of the D2 sports building and subject to the following conditions:
 1. Standard time limit;
 2. Development undertaken in accordance with approved plans and documents;
 3. Phasing conditions to require the retail units, pub/restaurant, sports/D2 building, community centre and 3 of the four employment units to be complete prior to trading from the superstore.
 4. Provision to allow an alternative timetable for construction of the pub/restaurant subject to agreement including details of interim landscaping;
 5. No subdivision of superstore;
 6. Comparison retail not to be accessed separately to the convenience foodstore or run independently;
 7. Net floorspace within the ASDA store not to exceed 3,406sqm net (excluding the first floor cafe) and comparison floorspace to be limited to 1,124sqm net;
 8. Café to be provided at first floor level of the ASDA store;
 9. Details of the glazing to café be agreed;
 10. Removal of permitted development rights for the insertion of a mezzanine floor within the ASDA store;
 11. 'Retail units' to be A1, A2, A3 or A5 only, shall not be combined to form less than 4 units in total, at least 1 retained in A1 use and no more than 2 of each of A2, A3 or A5;
 12. Community centre only to be used as a community centre;
 13. Details of the ongoing management and maintenance of the community centre to be agreed;
 14. The D2 'gymnasium' restricted to a D2 sports use;
 15. Removal of permitted development rights at the restaurant/pub to change to A2;

16. No use of the public house between 00:01 and 06:59 on any day;
17. No use of the any hot food takeaway at the upper level of the retail units beyond 23:00 on any day (until 07:00 on the following day);
18. Business units only to be used for B1 or B8 use only;
19. Submission of landscaping details for each phase, including all hard and soft treatments, also including lighting plans, the provision of offsite landscaping on highway land and interim landscaping for parts of the site not developed under phase 1 to be agreed. Landscaping to be maintained and any new trees/shrubs lost to be replaced;
20. Compliance with the submitted arboricultural statement and submission of further method statements to be agreed;
21. No works to take place within root protection areas of trees;
22. Arboriculturist competent and experienced in both above and below ground arboriculture to undertake tree works;
23. No new services in root protection areas of trees;
24. Agree details of materials including samples where necessary;
25. Agree details and provision of heritage interpretation;
26. Agree details and provision of bat and bird boxes;
27. Provision of access, parking, refuse, cycle parking and servicing areas;
28. Agreement of a construction traffic management plan and access route;
29. Provision of construction vehicle wheel cleaning facilities;
30. Provision of off-site highway improvement works;
31. Agree details of the interim travel plan;
32. Agree a full travel plan following occupation;
33. Details of any plant or machinery including details of noise mitigation;
34. Details of dust suppression;
35. Unloading of vehicles shall only take place directly to/from the designated delivery docking bay and delivery docking bay and associated rubber buffers shall be maintained in a good state of repair at all times to prevent egress of noise.
36. Delivery vehicle engines and refrigeration units fitted to delivery vehicles shall be switched off at all times when on site and stationary;
37. Contamination conditions for a scheme to deal with contamination to be agreed;
38. Verification of contamination;
39. Development to cease if contamination not previously identified is found;
40. Agree a scheme for pollution control for the discharge of water to soakaways;
41. Scheme in accordance with the FRA for the provision, implementation and management of surface water drainage to be agreed;
42. Scheme for water, energy and resource efficiency measures to be submitted in accordance with the energy efficiency statement and details of the provision of 10% of the sites energy from decentralised and renewable or low carbon sources.

(Reasons for approval: The decision has been made with particular regard to policies SS1, T14, ENV7, ENG1, WM6 and NR1 of the adopted East of England Plan 2008, policies 1, 2, 3, 5, 6, 7, 8, 19 and 20 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2011, saved policies NE3,

NE4, NE8, NE9, HBE12, EP16, EP17, EP18, EP20, EP22, EMP4.3, EMP6.1, SHO1, SHO2, SHO3, SHO12, SHO13, AEC1, AEC2, SR6, SR13, TVA8, TRA3, TRA5, TRA6, TRA7, TRA8, TRA10, TRA11, TRA12 and TRA18 of the adopted City of Norwich Replacement Local Plan 2004, the National Planning Policy Framework and other material considerations.

The proposals provide for the redevelopment of the site to provide a convenience superstore (5,796sqm gross), retail units (1,075sqm gross), a community centre (422sqm gross), a pub/restaurant (590sqm gross), a D2 building (1,110sqm gross) and business units (1,100sqm gross). The site is allocated for a district centre although with a far smaller anchor convenience store than that proposed.

Whilst in retail planning terms a convenience store of the size proposed can be said to be of an appropriate scale for the district centre level of the retail hierarchy it is considered that the size of the superstore also needs to relate to the size of the centre proposed as a whole. In this regard the level of floorspace within the superstore is considered to be disproportionately large when compared to the amount of other town centre uses. It is considered that what is proposed must constitute a 'district centre' and not a superstore with a small number of ancillary units.

Coupled with the concerns raised above relating to the scale of the store in comparison to the rest of the proposed town centre uses is the layout of the store and intensity of the development. The centre of the site is occupied by a surface car park located below the level of Hall Road with the main entrance to the superstore located at this lower level fronting onto the car park. This broad approach to the layout has a number of implications. Firstly the surface car parking takes up a significant proportion of the site and this coupled with the scale of the superstore limits the extent of the site available for other development or main town centre uses. Secondly, an entire group of trees, that were protected by a tree preservation order, is proposed for removal to make way for surface level car parking and partly for the D2 building and thirdly no entrance to the superstore is provided directly onto Hall Road and alternatively the entrance is located at a lower level fronting onto a car park. It is considered that this approach fails to favour sustainable transport modes of access to the site.

For the above reasons it is not considered that the proposals optimise the potential of the site to accommodate development in line with the objectives of the NPPF. A more innovative solution could in officers' opinion feasibly and viably provide for a greater degree of development on the site whilst responding better to site constraints such as trees.

Having said the above, it is considered that for the form of development in question (i.e. a superstore with a small number of ancillary units arranged around a surface car park) the proposals have generally, with the exception of certain tree constraints, been designed well. The car park is well screened from the surrounding area and the appearance and elevation treatment is considered to be high quality within the context of a suburban location such as this.

Against the context of the above, the decision needs to be balanced against a number of economic and community benefits which would be delivered by the proposals. Bringing forward development which brings about economic growth is

a key strand of the NPPF. The proposals will clearly have the benefit of redeveloping a brownfield site which has now been out of viable economic use for a considerable amount of time.

In addition to the main town centre uses the proposals also include B1/B8 units which are fairly flexible in their design allowing for a range of sizes of units and can provide for start up units. Delivering a supply of adequate and affordable units such as this will assist a number of priorities of the Greater Norwich Economic Strategy and is in line with policy 5 of the JCS to meet the needs of small, medium and start-up businesses through new employment sites. It is considered that a reasonable amount of weight can be given to the provision of these as part of the development particularly given that three smaller units will be provided speculatively towards the beginning of the development.

In terms of job creation the submissions detail that the store will provide a variety of part and full time jobs at a range of levels. Up to 300 full time equivalent employment positions are estimated to be provided within the store and it is estimated that a further 125 jobs could be created over the rest of the development. In this case it is considered that a significant amount of weight can be given to this in balancing the merits of the application.

The proposals provide for a community centre as part of the scheme which is intended to serve the local community. This is consistent with policy AEC2 which seeks the provision of such uses within district centres to ensure easy access for all residents. It is considered that significant weight can be given to the community benefits of delivering such a centre at an early stage of the development and putting mechanisms in places for the centres management to allow use by local community groups.

Community benefits are also proposed as part of the provision of the D2 sports building on the site via provision of the building or parts of it for use by local schools/colleges and local social/community/sports groups. This is consistent with policy SR6 which seeks dual use of such facilities by the local community. It is considered that a reasonable level of weight can be given to the community benefits of securing such provision.

This is a finely balanced decision and on balance it is considered that the economic and community benefits delivered by the proposal outweigh the shortfalls of the proposals.

There are a number of other issues and considerations which have been taken into account in determining the application and where there is an impact, it is considered that these can be overcome via conditions on any approval or via a S106 agreement.)

8. APPLICATION NO 12/02070/VC: 8 REDWELL STREET, NORWICH, NR2 4SN

The senior planner (development) presented the report with the aid of plans and slides, and referred to the supplementary updates to reports for consideration which was circulated at the meeting and contained a summary and an officer response to a further letter of representation and further submissions from the applicant.

A local resident spoke in support of the proposed revised conditions and, referring to a blocked sewer in the street, asked for enforcement action to be taken against unauthorised work.

The applicant then addressed the committee and explained the improvements made to conserve the building and outlined his concerns about condition 3 regarding the design of the bins for smokers. He said that the drains were owned by the utility company and its responsibility.

Discussion ensued in which the senior planner, referred to the report, and together with the planning development manager and the solicitor, and responded to the issues raised by the speakers and members' questions. The senior planner said that he would notify building control about the problems with the drains and advised members that the conditions listed in the report would be retained in principle but by necessity would be amended to account for the meetings' discussions and slight alterations before final issue.

RESOLVED, unanimously, to:

- (1) approve application no 12/02070/VC at 8 Redwell Street, Norwich, NR2 4SN, and grant planning permission, subject to the following conditions:-
 1. The drinking establishment (A4 Use Class) hereby permitted shall be carried out in accordance with the following plans: Site Layout Plan 09/38/10 received 30 June 2010, Detail Design Plan 09/38/10 received 30 June 2010; and Refuse / Servicing Statement 09/38/03 dated December 2009. This includes a restriction that bar activities shall take place only at basement, ground and first floor levels.
 2. The premises shall not be open to the public, trading, nor have members of the public as customers or guests on the premises outside the following times: 11:00 hours to 00:00 hours (midnight) on any day.
 3. The entrance doors opening to Redwell Street shall be fitted with automatic door closers which shall be operational whenever the premises are open to the public, trading, or have members of the public, as customers or guests. The doors shall not be left open other than in the case of an emergency.
 4. The door to St Andrew's Hill, indicated as "fire exit only" on drawing number 09/38/10 shall only be used as a fire exist or for servicing when the premises are not open to the public, trading, or have members of the public, as customers or guests. The doors shall not be used for any other purpose.
 5. Within 28 days of the date of this permission, details of litter bins or cigarette butt containers to be installed on the exterior of the premises shall be submitted to the Local Planning Authority, and shall be installed in accordance with the approved details within 14 days of the date of written approval by the Local Planning Authority.

6. The only amplified music system that shall be used at the premises will be the system whose details are approved under application 12/02045/D, and music from this system shall be played at ground floor level only. This system will be retained until details of an alternative permanent amplification system or details of how the approved amplification system will be extended into other floors have been submitted to and approved in writing by the Local Planning Authority. The amplification system shall be installed in accordance with the approved details and thereafter the agreed permitted maximum noise levels shall not be exceeded at any time. No amplified music shall be played in the premises other than through the approved system(s).
7. Amplified music shall only be played above the levels allowed by use of the amplified sound system approved within application 12/02045/D. There shall be no amplified music played above such levels until such time as a scheme for protecting the nearest residential unit on Princes Street from all sources of noise has first been submitted to and approved in writing by the local planning authority. The scheme shall include details of predicted noise levels from all sources, including if windows are opened, transmission levels having regard to the structure of the building, and methods of insulation/ventilation where appropriate. All works which form part of the scheme shall be implemented and completed and made ready for operation in accordance with the approved details before any amplified music is played above the established limits of the approved amplified music system.
8. Before the use commences within the basement and/or first floor, and before any amplified music system is installed or acoustic music played at the second floor, a scheme for protecting the nearest residential unit on Princes Street from noise shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of predicted noise levels from all sources, including if windows are opened, transmission levels having regard to the structure of the building, and methods of insulation/ventilation where appropriate. All works which form part of the scheme shall be implemented and completed as approved before the use commences in the relevant floor of the premises.
9. (a) Within 28 days of the date of this permission, details of all external plant, machinery, kitchen extraction system or associated flues already installed at the site, and details of the proposed means of attenuation measures to limit noise, external fixings to include anti-vibration mountings and fume reduction measures, shall be submitted to the Local Planning Authority, and shall be installed with acoustic mitigation measures in accordance with the approved details within 14 days of the date of written approval by the Local Planning Authority.

(b) No external plant, machinery, kitchen extraction system or associated flues shall be installed until a scheme for the provision of such equipment, including details of attenuation measures to limit noise, external fittings to include anti-vibration mountings and fume reduction measures, has been submitted to and approved in writing by

the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.

(Reasons for approval: The recommendation is made with regard to the provisions of the National Planning Policy Framework, the local development plan and all material considerations and is considered to comply with policies ENV6, ENV7 and WM6 of the East of England Plan (2008), policies 2, 5, 7, 8 and 11 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk (2011), and saved policies HBE8, HBE9, HBE12, EP10, EP22, SHO22, AEC1, TRA5, TRA7 and TRA8 of the adopted City of Norwich Replacement Local Plan (2004). The proposals to remove conditions is not considered acceptable outright, but there are considered to be ways in which the existing conditions can be varied in a more effective manner to ensure satisfactory operations of the premises which retain sufficient control in the interests of protecting local amenity. As such the variation of condition can be approved subject to new conditions, and a new permission therefore granted to secure ongoing satisfactory use of the premises appropriate to its location, which provides ongoing compatible use and restoration of a listed building and which will avoid significant detrimental impact to the amenities of the local area.)

- (2) authorise enforcement action in relation to the various forms of breach of conditions and unauthorised listed building amendments as described in the above report, to secure compliance with conditions and the taking of legal proceedings, including prosecution if necessary.

9. APPLICATION NO 12/01923/F: 224 UNTHANK ROAD, NORWICH, NR2 2AH

The senior planner (development) presented the report with the aid of plans and slides, and referred to the supplementary updates to reports for consideration which was circulated at the meeting and contained a summary and an officer response to a further representations comprising three letters of support and three letters of objection that had been received following the publication of the agenda. Members were advised that to address the neighbours' concerns and an additional consultation response from environmental health officers, it was proposed to amend condition 9 to require a contamination investigation of the whole site and to specifically require disabled parking space provision under the terms of condition 15.

A local resident addressed the committee and explained his concerns about parking in Beechcroft and that it was unrealistic to expect people to visit the gallery or café without using cars.

The applicant spoke in support of the application and explained how the gallery and the café would operate and that artworks would not be sold from the site, and that he had experience of a similar enterprise in South London, which did not provide any car parking at all.

Discussion ensued in which the senior planner, together with the planning development manager, referred to the report and considered the neighbours' amenity implications from the proposed extended kitchen in respect of the late representation from a neighbour. The senior planner explained that the reason that

the report had been written before the end of the consultation was to determine the application at this meeting because there was a gap of six weeks before the next meeting.

RESOLVED, unanimously, to approve application no 12/01923/F: 224 Unthank Road, Norwich, NR2 2AH, and grant planning permission, subject to the following conditions:-

1. Standard time limit;
2. Development to be in accordance with plans and elevations;

Prior to commencement of works on rear block

3. No development until the roof design and the west elevation designs and skylight / glazing options have been submitted and approved;
4. Materials all to be agreed including materials, joinery, rainwater goods;
5. Details of boundary treatments, to include assessment and options for reinstatement of boundary wall, and tree protection measures as appropriate dependent on design, and installation prior to occupation.

Prior to occupation of rear block

6. Sound insulation / noise protection measures to be agreed for between the different uses (walls and ceilings) within the rear block and installed as approved;
7. Obscure glazing to be provided to 3no. WC windows in rear and side elevations of front block and retained thereafter;
8. Water efficiency scheme for dwelling (to be at least Code Level 4);
9. Rear of site shall be investigated for contamination and treated accordingly through contamination mitigation;
10. Any further contamination found shall be treated accordingly;
11. All imported soils onto the site shall be certified as having been properly treated;
12. Landscaping scheme for rear garden to be approved;
13. Details of cycle stores and refuse stores to be approved and installed thereafter.

Prior to commencement of works on front block

14. Materials all to be agreed, including materials, joinery, rainwater goods;
15. Layout of car parking and entire curtilage and external areas around the site to be agreed prior to commencement and provision of a disabled parking space;
16. Details of all hard surfacing and construction proposals thereof, to include tree protection and sustainable drainage proposals.

Prior to first use of front block / gallery / café

17. Fume and flue extraction system and plant and machinery - precise location, types of machinery, design, specifications, noise attenuation

- measures, plant enclosures, ventilation systems, and schedules of maintenance details to be agreed;
18. Water efficiency details to be agreed and installed for all commercial uses;
 19. Details of cycle stores and refuse stores to be approved and installed thereafter.

General conditions

20. Hours of use of the café and gallery to be restricted to 08:00 – 21:00 Monday-Saturday and 08:00 – 18:00 Sundays and Bank Holidays.
21. No use of the artist studios outside 07:00 – 21:00 on any day and 08:00 – 18:00 Sundays and Bank Holidays;
22. No permanent amplified sound system to be installed in any of the non-residential premises without prior approval of the system, and installation only in accordance with approved details.
23. Installation of any plant or machinery on the premises shall be subject to approval of noise and vibration protection measures.

(Reasons for approval: The proposed reuse of the vacant buildings is supported, and the café, gallery and studios will provide additional and accessible facilities for use by the community and will support the vitality and vibrancy of the nearby local centre. The proposed dwelling will be afforded with sufficient amenity and proximity to local services to be a sustainable location with high levels of accessibility. The changes to the building as proposed, and to be agreed through conditions, will avoid detrimental impact on neighbouring amenity, will ensure continued protection of trees, will optimise the car parking and site layout arrangements to make the most of the space and ensure adequate car parking, encourage cycle use and improve accessibility for all, and will enhance both the setting of the adjacent locally listed buildings and the overall setting of the surrounding conservation area.

The recommendation is made with regard to national planning policy, the local development plan and all material considerations, and is considered suitable to approve in accordance with the National Planning Policy Framework, policies T8, T14, ENV6, ENV7, WAT1 and WM6 of the East of England Plan (2008), policies 1, 2, 4, 5, 6, 8, 12, 19 and 20 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk (2011), and saved policies NE1, NE3, NE9, HBE8, HBE12, EP1, EP16, EP22, EMP1, HOU15, TRA5, TRA6, TRA7 and TRA8 of the adopted City of Norwich Replacement Local Plan (2004).)

10. APPLICATION NO 12/01873/F MAYBANK, 8 POPLAR AVENUE, NORWICH, NR4 7LB

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

RESOLVED, unanimously, to approve application no 12/01873/F at 8 Poplar Avenue, Norwich, and grant planning permission, subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Maintenance in accordance with manufacturer guidelines.

(Reasons for approval: The decision is made with regard to policies NE8 and EP22 of the City of Norwich Replacement Local Plan Adopted Version November 2004, the adopted Joint Core Strategy March 2011 and all material considerations. The mini treatment plant would improve the existing sewage disposal from 8 Poplar Avenue and will not have a significant adverse impact on the amenities of the immediate neighbours or the wider area, by virtue of the fact the plant would lead to minimal odours with waste water dispersing into the existing large rear garden adequately.)

Informative:

To discharge treated sewage effluent into surface water or to ground may require an Environmental Permit from the Environment Agency. In some cases you may be able to register an exemption. The granting of planning permission does not guarantee the granting of a permit under the Environmental Permitting Regulations 2010. A permit will be granted where the risk to the environment is acceptable.

11. APPLICATION NO 12/01735/U 95 UPPER ST GILES STREET, NORWICH, NR2 1AB

The planning development manager introduced the report and said that a further representation was summarised in the supplementary report of updates to reports which had been circulated at the meeting. The planner (development) presented the report with the aid of plans and slides.

During discussion members expressed concern about the use of the back room as a bedroom and that the premises was not suitable for a dwelling. The planning development manager suggested that the condition could be modified to ensure that the room was not used for overnight accommodation.

RESOLVED with 11 members voting in favour (Councillors Bradford, Sands (S), Ackroyd, Blunt, Gee, Little, Kendrick, Neale, Sands (S), Storie and Stonard) and 1 member abstaining (Councillor Howard) to approve application no 12/01735/U 95 Upper St Giles Street, Norwich, NR2 1AB, subject to the following conditions:

1. Standard Time Limit (3 years).
2. Development in accordance with plans.
3. The premises which form the subject of this permission and outlined in red on the approved location plan [received 28 September 2012] shall not be open to the public, trading, or have members of the public, as customers or guests, on the premises between the hours of 09:00hrs and 22:00hrs (Monday to Saturday) and 09:00hrs and 18:00hrs on Sundays.
4. The rest room/bedroom as indicated on drawing no. [951/2A] shall only be available for use by the proprietor/staff. At no time shall the rest room/bedroom be occupied or leased as a dwelling.
5. A shop window display (to include examples of photography produced by the operator of the photographic studio) shall be installed and permanently retained at the ground floor windows fronting Upper St

Giles Street in accordance with a scheme to be first submitted to and approved by the Local Planning Authority.

6. No plant or machinery shall be installed or erected on the site unless in accordance with a scheme for the reduction, where necessary, of the level of noise and vibration emanating from the premises that has been first submitted to and approved in writing by the Local Planning Authority. Once installed, any such plant or machinery shall be retained as such thereafter.
7. No extract ventilation or fume extraction system shall be installed or erected on the site unless in accordance with a detailed scheme that has been submitted to and approved in writing by the local planning authority. The detailed scheme shall include the position of ventilation, fume or flue outlet points and the type of filtration or other fume treatment to be installed and used in the premises in pursuance of this permission, together with a schedule of maintenance.
8. There shall be no use of the premises for any purposes (including overnight stay) after 23:00hrs and before 07:00hrs on any day.

Informative:

1. The applicant is advised that any internal/external alterations to the original fabric of the building included within the site of the planning permission hereby granted will require Listed Building Consent.

12. APPLICATION NO 12/01783/F NORWICH LOWER SCHOOL, BISHOPGATE, NORWICH, NR1 4AA

The senior planner (development) presented the report with the aid of plans. She explained that due to child protection issues she had been unable to obtain slides to display to the committee.

A member of the public addressed the committee and said that it was important that the design complemented the conservation area and expressed concern that the school was expanding incrementally each year and adding modern buildings in an adhoc way. This proposal would encroach on to the school playing field. The school should work with the Dean of Chapter and convert the former coach house and garages.

The school bursar spoke as an applicant and said that the Dean of Chapter supported the proposal. He explained that the application was to provide science laboratories for the lower school.

The senior planner (development) said that the proposal would not make a significant impact. In response to members' suggestion that the item be deferred the applicant provided an illustrated pamphlet which was displayed to the committee and showed the current building and how it would look after construction. During discussion members considered that the proposed extension was sympathetic to its surroundings and that it would benefit the teaching of science and technology at the school.

RESOLVED unanimously to approve application no 12/01783/F, Norwich Lower School, and grant planning permission, subject to the following conditions:

1. Standard Time Limit;
2. In accordance with details submitted
3. Works on site in accordance with submitted AIA
4. Detailed specification including section drawings and details of construction methodology for fire escape footpath on northern boundary
5. Matching Materials
6. Archaeology – Written Scheme of Investigation (WSI)
7. Archaeology – Compliance with WSI
8. Archaeology – No occupation or use until investigation completed
9. Archaeology – Stop work if unidentified features revealed
10. Travel Information Plan required
11. Relocation of existing cycle parking provision and provision of new cycle parking prior to any works on site.
12. Compliance with submitted Floor Risk Assessment recommendations.

(Reasons for approval: The proposed extension is considered to be acceptable by virtue of its scale, form, design, height and layout. There is not considered to be any detrimental impact on the character of the existing building, wider Conservation Area or on the setting of surrounding Listed Buildings as a result of these proposals. Subject to compliance with the conditions imposed on this decision the proposals are considered to provide for sufficient cycle parking, and appropriate mitigation measures as the works will affect trees and there is the potential for archaeological finds. Therefore the proposals are considered to be in accordance with the NPPF, policies SS1, T14, ENV6 and ENV7 of the East of England Plan Regional Spatial Strategy 2008, policies 1, 2, 6 and 20 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2011 and saved local plan policies NE3, NE9, HBE2, HBE3, HBE8, HBE9, HBE12, EP22, TRA6, TRA7, TRA8 and TRA12 of the adopted City of Norwich Replacement Local Plan 2004.))

Informatives:

1. Secured by Design principles as outlined in the comments of Norfolk Police should be incorporated where possible.
2. Construction Working Hours
3. Archaeological Brief and Heritage Environment Record requirements.

**13. APPLICATION NO 12/01911/F 42 - 44 ST BENEDICT'S STREET,
NORWICH, NR2 4AQ**

(Councillor Gee declared an interest in this item as he had advised a ward councillor and liaised with a planning officer. He left the meeting at this point.)

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

RESOLVED unanimously to approve application number 12/01911/F 42-44 St Benedict's Street, Norwich, and grant planning permission, subject to the following conditions:

1. Standard time limit;
2. In accordance with details submitted;
3. Submission of external materials details for approval
 - (a) walls (bricks (including mortar mix and bond type), render and weatherboarding) and;
 - (b) roof;
4. Prior approval of details:
 - (c) New windows;
 - (d) New doors;
 - (e) External Staircase, to include details of balustrade, materials, tread and riser depths;
 - (f) Juliette balconies (scale drawing 1:20)
5. External Lighting Strategy
6. Details of landscaping to be submitted, implemented, managed and maintained;
7. Water Conservation – New Housing
8. Submission of cycle / bin storage details
9. Provision of servicing
10. Provision of cycle parking
11. Obscured glazing provision
12. Archaeology – Written Scheme of Investigation (WSI)
13. Archaeology – Demolition/development in accordance with WSI
14. Archaeology – No occupation until site investigation and post investigation assessment completed.
15. Archaeology – Stop work if unidentified features revealed.

(Reasons for approval: The principle of redevelopment of this site is supported by national and local policy and previous approvals for similar schemes. The proposals would result in an acceptable form of development, in a highly sustainable location with adequate amenity provision. Any marginal adverse impact on residential amenity of neighbouring residential dwellings will be outweighed by the benefits of the proposals. Subject to compliance with the conditions of this decision the scheme is considered to offer improved amenity provision for occupiers of adjacent dwellings, a reduction in the potential for crime in the wider area, appropriate access, and adequate servicing arrangements and cycle storage provision. The proposals are therefore considered to be in accordance with the NPPF, policies SS1, ENV6, EN7, WM6 and WAT1 of the East of England Plan Regional Spatial Strategy 2008, policies 2, 3, 4, 6 and 20 of the Joint Core Strategy for Broadland, Norwich and South Norfolk 2011 and saved policies NE9, HBE3, HBE8, HBE12, EP18, EP22, HOU13, TRA7, and TRA8 of the adopted City of Norwich Replacement Local Plan 2004 and all material considerations.

The proposals offer a more acceptable form of development to those already granted consent and partially implemented on site. The application seeks to re-balance the separation distances between this development and development on adjoining sites to establish more acceptable levels of amenity provision for the wider area. On balance, the scheme proposed is considered to be clearly preferable to the full implementation of the extant permission on the site and are therefore considered to

be in accordance with the NPPF, policy EN7, of the East of England Plan Regional Spatial Strategy 2008, policy 2 of the Joint Core Strategy for Broadland, Norwich and South Norfolk 2011 and saved policy EP22 of the adopted City of Norwich Replacement Local Plan 2004 and all material considerations.)

Informatives

1. Car free housing / parking permits
2. Bins to be purchased by the applicant
3. Re-naming or re-numbering queries
4. Landscape Management Plan
5. Landscape Schedule of Maintenance Operations
6. Construction Working Hours
7. Archaeological Brief and Norfolk Historic Environment Record (If needed if arch conditions needed).

(Councillor Gee was readmitted to the meeting. Councillor Sands (S) left the meeting at this point.)

14. APPLICATION NO 12/01594/F SITE OF PROPOSED RESIDENTIAL CARE HOME IVY ROAD NORWICH NORFOLK 12/01594/F SITE OF PROPOSED RESIDENTIAL CARE HOME IVY ROAD NORWICH NORFOLK

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

RESOLVED unanimously to approve application no 12/01594/F site of proposed residential care home Ivy Road Norwich and grant planning permission, subject to the following conditions:

1. Commencement of development within three years
2. Development in accordance with drawings and details listed
3. Details of sample materials; external lighting; joinery (windows and doors)
4. Details of access road, site links, car parking, cycle storage, bin stores
5. Parking and service areas available before use commences
6. Details of Travel Plan
7. Details of landscaping, biodiversity enhancements, planting, boundary treatment, walls and fences and site treatment works. Landscape maintenance
8. Details tree works and protection
9. Implementation of tree works and protection
10. Areas to be undisturbed within tree protection areas
11. Details, installation and maintenance to ensure that at least 10% of its energy requirement is achieved through decentralised and renewable or low-carbon sources
12. Details of water efficiency measures
13. Submission of contamination verification plan
14. Cessation of site works if further contamination found
15. Control of imported topsoil
16. Details of plant and machinery
17. Details of fume and flue

18. Provision of fire hydrant
19. Restriction on use to care home only

(Reasons for approval: The proposal should help contribute toward the need for new elderly and dementia care provision in Norwich as identified in policy 7 of the Joint Core Strategy. It has been shown that the development, subject to conditions, is an acceptable use on this site. The proposed development also accords with other policy and material considerations which arise from this nature of development and with changes in policy since the previous grant of permission first in 2007, 2009 and 2011.

The development would relate well to and builds on the ongoing regeneration and character of the surrounding area. The proposed scheme is considered acceptable and would represent an appropriate form of redevelopment for the site, which would not have a detrimental impact on the living conditions of neighbouring residents and would result in an acceptable form, design, layout of development, access and appropriate landscape space that would be in keeping with the surrounding character of the area.

The proposals are therefore considered to meet the relevant criteria of the National Planning Policy Framework, policies ENG1, ENV3, ENV7 and WM6 of the East of England Plan, policies 1, 2, 3, 5, 6, 7 and 9 of the Joint Core Strategy March 2011 and saved policies EP16, EP18, EP20, EP22, HBE12, HOU11, HOU19, NE8, NE9, SR12, TRA6, TRA7, TRA8 and TRA12 of the City of Norwich Replacement Local Plan, Adopted Version, November 2004 and to all other material considerations.)

Informatives

1. Historic Environment Service advice that there were possible flint and chalk workings in this area.
2. Work to have regard to wildlife and bird breeding season (1 March – 31 August)
3. Considerate constructors scheme (to avoid noise and disturbance)
4. Vehicle crossovers for site access road will be expected to meet the Highway Authority's specification and to be constructed at the applicant's cost

15. APPLICATION NO 12/02046/O ENTERPRISE GARAGE, STARLING ROAD, NORWICH, NR3 3EB

The senior planner (development) presented the report with the aid of plans and slides and referred to the supplementary report of updates to reports which had been circulated at the meeting and summarised a further representation from a neighbour who had wished to attend and address the committee. The senior planner said that the neighbour had not been able to attend due to work commitments. He proposed an additional condition which would stipulate that no building work should commence until the details of the boundary treatments had been agreed and that the wall would not be below 2.5m in height.

RESOLVED, unanimously, to approve application no 12/02046/O Enterprise Garage Starling Road Norwich and grant outline planning permission, subject to:

- (1) the completion of a satisfactory S106 agreement to include the provision of contributions to sustainable transportation improvements and street trees and for the suitable provision of affordable housing, and the following conditions:-
1. Commencement of development Outline permission 3 years and 2 years from date of permission
 2. Reserved Matters to relate to appearance, scale and landscaping,
 3. Planting and site treatment works.
 4. Landscape maintenance.
 5. Details of Facing and Roofing Materials; external lighting; biodiversity enhancements.
 6. Details of Boundary treatments, walls and fences (to be agreed before construction commences, east boundary to be minimum 2.5 metres high).
 7. Details of car parking, cycle storage, bin stores, access road.
 8. Provision and maintenance of renewable energy sources.
 9. Water efficiency measures.
 10. Details presence absence survey prior to demolition.
 11. Noise protection measures.
 12. Site contamination investigation and assessment.
 13. Submission of contamination verification plan.
 14. Cessation of site works if further contamination found.
 15. Control on imported materials.
 16. Archaeology – investigation.
 17. Archaeology – evaluation.
 18. Archaeology – mitigation.
 19. Archaeology – stop works if unexpected items found.
 20. Removal of permitted development rights.
 21. Development to be in accordance with approved drawings.

(Reasons for approval: The development of 14 dwellings would contribute to the overall delivery of housing in Norwich and as considered against the Joint Core Strategy Policy 4, would provide for a 30% provision towards affordable housing (4 no. affordable units in total) which would contribute specifically to the promotion of affordable housing in Norwich. The proposed development, subject to conditions, would be well integrated with the surrounding development in form and layout and would make good use of this brown field site. The scheme provides adequate parking and servicing space with ease of access to future residents. The individual layout of blocks has regard to amenity issues in the area for existing residents and subject to conditions should limit amenity impacts for future residents of the scheme. The scheme as laid out also allows sufficient space for further landscape and biodiversity enhancement to improve the amenity of the area. The scheme also provides for appropriate contributions to meet tree planting and transportation improvements in the area.

The decision has been made with particular regard to the National Planning Policy Framework, policies ENV7, ENG1, H2, T14 and WM6 of the East of England Plan 2008; policies 1, 2, 3, 4, 5, 6, 9 and 20 of the Joint Core Strategy (March 2011); and saved policies EP1, EP18, EP20, EP22, EMP3, HBE3, HBE12, HOU1, HOU13, HOU18, NE4, NE9, TRA5, TRA6, TRA7, TRA8 and TRA11 of the City of Norwich Local Plan (Adopted Version 2004) and to all material planning considerations.)

Informative:

1. Considerate construction and timing to prevent nuisance;
 2. An asbestos survey should be carried out;
 3. Materials removed from site should be classified and disposed of at suitable licensed facilities;
 4. Site clearance to have due regard to minimising the impact on wildlife
 5. Advise that new flats will not be eligible for permits within the CPZ
- (2) where a satisfactory S106 agreement is not completed prior to 19 January 2013 that delegated authority be given to the Head of Planning Services to refuse planning permission for Application No 12/02046/O Enterprise Garage Starling Road Norwich for the following reasons:

In the absence of a suitable legal agreement or undertaking relating to the provision of street trees and transportation contributions the proposal is contrary to saved policies NE4, TRA11 and HOU6 of the adopted City of Norwich Replacement Local Plan (November 2004) and policy 20 of the Joint Core Strategy.

Policy 4 of the Adopted Joint Core Strategy for Broadland, Norwich and South Norfolk (March 2011) seeks the target provision of 30% affordable housing on sites of 10 to 15 dwellings in line with the most up to date housing market assessment. No affordable housing provision has been provided for within the scheme, nor has it been demonstrated that the provision of affordable housing would render the scheme unviable and therefore in the absence of a legal agreement relating to the provision of affordable housing the proposal is considered to be contrary to policies 4 and 20 of the Adopted Joint Core Strategy for Broadland, Norwich and South Norfolk (March 2011) and would undermine the objectives of the National Planning Policy Framework to deliver housing need in affordable housing in sustainable locations.

16. APPLICATION NO 12/01977/L 28 LOWER GOAT LANE, NORWICH, NR2 1EL

(Councillor Howard having declared a pre-determined view spoke on the item but left the meeting during the committee's discussion and determination of the application.)

The conservation and design officer presented the report with the aid of plans and slides. He advised members that English Heritage supported the recommendation to refuse this application for listed building consent. Two further representations had been received since the publication of the report comprising a letter from a member of the public, who was in support of the applicants and their business operations, and further information had been received from the applicant in support of the application. This included slides showing existing fire and disabled access and references to the opposite corner property where a stair well had been taken out. The conservation and design officer said that the stairwell in the other property had not been the original. A petition of 86 signatures had also been received in support of the applicant and the business.

Councillor Howard then outlined her support of the applicant and reasons for approving the application which included references to other listed buildings being refurbished for business use, such as City Hall; that the applicants were conscientious and wanted to ensure that the premises were safe and the viability of the long standing family business was preserved; that the work was required so that the applicant could fit a new cooking range; and that the petition demonstrated the support of 900 members of the public.

(Councillor Howard left the meeting at this point.)

The agent then spoke on behalf of the applicants and explained that the business would be unviable if the application was not approved and that there was no easy means of escape if a fire broke out in the cooking area. The applicants had been ill advised previously from another surveyor and as a result had purchased a large cooking range.

During discussion the conservation and design officer and solicitor answered questions and pointed out that pre-application discussion with the applicant could have worked through the issues relating to fire safety and disabled access. Listed building consent should be considered by still being able to read the plan form of the building, preserving the historic fabric. However just taking into account precedents and the individual circumstances of the applicants by itself did not provide sufficient justification to give consent. Members noted that there was a delicate balance between the retention of the historic fabric of the building and the need to ensure that the building was used and that there was adequate fire safety and disabled access.

Members commended the conservation and design officer for defending the conservation of the grade listed II building but considered that on balance the application should be approved, considering that the plan form of the building could still be read, and that the proposals would improve safe egress from the building in case of fire, working conditions and access for disabled people. Councillor Kendrick moved and Councillor Gee seconded that the committee approved the application for listed building consent subject to the conditions presented to the committee.

RESOLVED unanimously to approve application no 12/01977/L 28 Lower Goat Lane, Norwich, NR2 1EL subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby approved shall be carried out in accordance with the application forms, plans, drawings and details as specified in this decision.
3. No works shall take place on the site in pursuance of this consent until the following details have submitted to and agreed in writing with the local planning authority:
 - (a) details of any external means of extraction from kitchen/toilets including external outlets;
 - (b) details of any fire prevention measures to existing doors;
 - (c) details of all internal or external joinery at a scale of not less than 1:20 and horizontal/frame sections at not less than 1:2;

- (d) details of structural framing to create new doorway between corner room and stairwell lobby.

The development shall be carried out in accordance with the detail as approved.

- 4. Any other damage caused to the building by the works hereby approved shall be made good in accordance with a scheme first submitted to and agreed in writing by the local planning authority and the making good in accordance with the scheme as agreed shall take place within 3 months of the approval of the scheme.

(Councillor Howard was readmitted to the meeting at this point. Councillor Kendrick left the meeting (on other council business).)

17. APPLICATION NO 12/01640/F NOTCUTTS GARDEN CENTRE. DANIELS ROAD, NORWICH, NR4 6QP

The planner (development) presented the report with the aid of plans and slides and referred to a further representation which was summarised in the report of updates to reports that had been circulated at the meeting.

RESOLVED unanimously to approve application no 12/01640/F Notcutts Garden Centre, Daniels Road and grant planning permission, subject to the following conditions:-

- 1. Time limit;
- 2. In accordance with the plans;
- 3. Fish van - noise condition;
- 4. Fish van - days and hours of operation (max two days per week - to allow for any potential changes to specific days).

(Reasons for approval:

The formalisation of the loading storage area including the regularisation of the porta-cabins and the fish van will contribute to the continued viability of the garden centre. The scale and design of the three components in the context of the large site and existing screening are sympathetic to the appearance of the area. Any noise or odours associated with the development (particularly the fish van) can be controlled by condition or separate legislation ensuring that no significant loss of residential amenity of the properties to the south will result. There is sufficient on site parking to compensate for the loss of 13 spaces as a result of the formalisation of the loading storage area to the centre, providing an enhanced / safer pedestrian experience for the customers.

The development is therefore compliant with statements 1, 4 and 7 of the National Planning Policy Framework 2012, policies 2, 5 and 6 of the Joint Core Strategy for Broadland, Norwich and South Norfolk 2011, and policies HBE12, EP10, EP22, TRA5, TRA6, TRA7 and TRA8 of the City of Norwich Replacement Local Plan 2004.)

18. TREE PRESERVATION ORDER NO 456: CONFIRMATION

The landscape architect presented the report with the aid of plans and slides.

Two residents of the Walnuts spoke in support of the tree preservation order and the maintenance of the trees, which provided an attractive amenity for the residents and the city as a whole.

RESOLVED unanimously to confirm Tree Preservation Order[TPO], 2012. City of Norwich Number 456; The Walnuts, Branksome Road, Norwich, NR4 6SR, with modifications.

(This ended the formal business of the meeting at 3.30pm.)

19. NORWICH AIRPORT – PRE-APPLICATION BRIEFING

The following members attended an informal pre-application briefing on proposals for Norwich International Airport Ltd: Councillors Bradford, Sands (M), Ackroyd, Blunt, Gee, Howard, Little, Neale, Storie and Stonard, and Broadland District Council members: Councillors Balcombe, Courtier and Leggett.

(The briefing ended at 3.45pm)

CHAIR