



## PLANNING APPLICATIONS COMMITTEE

10am to 5.10pm

14 March 2013

Present: Councillors Bradford (chair), Sands (M) (vice chair), Blunt, Button, Howard (to end of item), Kendrick, Little, Neale, Stammers (substitute for Councillor Henderson), Stonard and Storie

Apologies: Councillors Ackroyd (other council business) and Henderson

### 1. COMMITTEE MEMBERSHIP

The chair announced that Councillor Gee had resigned from the council with immediate effect. Councillor Henderson would be taking up the vacancy on this committee.

**RESOLVED** to record the committee's gratitude to Councillor Gee for his contribution to the committee as a member and vice chair.

### 2. DECLARATION OF INTERESTS

Councillor Howard declared a prejudicial interest in item 12, application no 13/00112/F, 32 Spelman Road, Norwich, NR2 3NJ because the applicant was known to her. (Due to the length of the meeting, Councillor Howard had left the meeting before the application was considered and did not take part in the determination of this application.)

### 3. MINUTES

**RESOLVED** to approve the minutes of the meeting held on 14 February 2013.

### 4. APPLICATION NO 12/00703/O THREE SCORE SITE, LAND SOUTH OF CLOVER HILL ROAD, NORWICH

The planning team leader presented the report with the aid of plans and slides, and referred to the supplementary report of updates to reports for consideration, which was circulated at the meeting. The supplementary report contained details of a further representation, together with the officer's response, and noted another representation reiterating an earlier representation and details of amendments to the report.

A member of the public presented a petition on behalf of 38 local residents who supported the proposed development of housing but were opposed to the proposals for the bus lane, which included concerns about overlooking from double decker buses at the end of the gardens of the houses backing on to the bus lane from Swafield Street; and the effect on bus routes to Bowthorpe and concerns that there would be fewer buses to Clover Hill. She proposed that a corner of the field should be used so that buses were further away from the existing houses.

The city growth and development manager then addressed the committee on behalf of the city council as the applicant, and outlined the benefits of the scheme which included the provision of housing in partnership with the Homes and Communities Agency (HCA); would be an exemplar scheme in terms of sustainability; the bus lane would benefit the wider community in Bowthorpe and there would be measures imposed to ensure that concerns about archaeology on the site were addressed.

Discussion ensued in which the planning team leader referred to reports and responded to the issues raised above and answered members' questions. Members were advised that the funding for the housing was not a planning consideration. The committee was advised that a district heating system would not be viable without commercial use but that 10% energy renewal would be achieved wherever possible. In response to a question from a member, the planning team leader explained that the concerns from Natural England in relation to invertebrates had been taken into account in the ecological surveys and a further desk top survey from records had identified further invertebrates in the area, including a section 41 species, five-banded weevil-wasps. The measures of mitigation proposed by the applicant were set out in paragraphs 67 and 68 of the report and also referred to in the supplementary report. During discussion members also considered the arrangements for foul water drainage, biodiversity and green spaces, and approach to be taken to archaeological surveys given the evidence of Saxon remains on the site.

During discussion on the proposed bus lane, Councillor Sands said that he supported the provision of the housing but was concerned about the residents' concerns about the bus lane. He proposed that an alternative route for the bus lane, taking in land from Bowthorpe Hall's park, would mean less ground work and would move the bus lane away from the houses in Swafield Street and preserve the cycle and pedestrian route through the lane and the oak tree; and, would alleviate the residents' concerns. The planning development manager advised that this was outside the boundary of the development site shown on the plan and that members would need to determine the application before them, however an informative note could be added suggesting that the applicant consider a revised proposal for the bus lane which could be considered at the discretion of the applicant.

Councillor Sands then moved and Councillor Storie seconded an amendment to the recommendations to add an informative asking the applicant to consider the relocation of the bus lane and with 8 members voting in favour (Councillors Bradford, Sands, Howard, Blunt, Button, Kendrick, Stonard and Storie) and three members abstaining (Councillors Little, Neale and Stammers) the amendment was carried and became part of the proposed recommendations.

Councillor Little said that he regretted the loss of a greenfield site and noted the biodiversity measures to mitigate this. He suggested that the council should set a high standard and provide high energy efficient housing and require that later phases

achieve zero carbon development by 2016. The planning team leader said that the condition relating to the details for the provision of renewable or low carbon technologies could only reasonably require the implementation of policy 3 of the Joint Core Strategy but under this policy the condition could ensure that sustainable construction and energy efficiency were maximised.

**RESOLVED**, unanimously, to approve application no 12/00703/O Three Score site land south of Clover Hill Road Norwich) and grant planning permission, subject to the completion of a satisfactory S106 agreement to include the provision of affordable housing and contributions to transport, education, library, S106 monitoring and offsite biodiversity and recreation enhancements and subject to the following conditions:

Conditions relating to the accesses and spine road proposed in full:

1. Standard 3 year full time limit for the accesses and spine road;
2. Development in accordance with the plans and details submitted;
3. Arboricultural conditions for details and method statements the for delivery of the main spine road and accesses;
4. Site clearance and tree/hedge removal to take place outside bird nesting season;
5. Details of landscaping treatment of accesses into the site including replanting and boundary treatments;
6. Design, construction and surfacing of bus gate prior to occupation;
7. Design, construction and surfacing of spine road base carriageway;
8. No use of the bus gate until the appropriate traffic regulation orders have been secured and implemented;
9. Details of any lighting of the spine road to be agreed;

Conditions to the whole development:

10. Standard outline time limit for the remainder of the development;
11. Reserved matters to relate to appearance, landscaping, layout and scale;
12. Reserved matters to be in line with the parameters set out within the outline application;
13. Phasing to be agreed prior to commencement but can be varied on agreement;
14. Restrict the use of the commercial floor space to A1 shops, A3 café/restaurants or A5 hot food takeaways only and for at least one unit to be in A1 retail use;
15. Reserved matters submissions for layout and landscaping to include arboricultural implications assessments and updated ecological surveys and reports with full details of mitigation and enhancement measures proposed;
16. Conditions for the provision and phasing of new on site green infrastructure including biodiversity mitigation and enhancement measures and provision of play space;
17. Conditions for the management and maintenance of all green infrastructure on site including annual maintenance plans and management responsibilities.
18. Conditions for the provision of off site green infrastructure to the south of the site including path improvements, landscaping and biodiversity mitigation between the site and the marshes;
19. Design codes for the river valley and conservation area frontage to be provided prior to submission of reserved matters;

20. No occupation of development fronting onto the spine road until it has been widened in accordance with details to be agreed at reserved matter stage;
21. No occupation until the bus gate and spine road has been provided;
22. Provision of a travel plan;
23. No development until details of the design and construction of roads, footways and cycleways have been submitted;
24. No occupation of any dwelling until its access, parking, cycle and bin storage have been provided in accordance with details to be agreed;
25. No occupation until the appropriate traffic regulation orders have been implemented;
26. Provision of two bus shelters within the site;
27. 10% of dwellings on the site to be designed to lifetime homes standard;
28. Contamination conditions;
29. Construction method statement
30. Details of the surface water drainage proposals and for the provision of drainage for each phase of development;
31. Details of the future management and maintenance of the surface water drainage infrastructure;
32. Finished floor levels of all proposed dwellings at least 300mm above the 1:1000 year flood level inclusive of an allowance for climate change;
33. A scheme of further archaeological investigation;
34. No development of any phase until there is sufficient capacity in the foul sewage network to take the flows from the development;
35. A scheme of noise insulation measures to properties which boarder the main spine road;
36. Road traffic speed limits within the site to be no greater than 20mph;
37. Details for the provision of renewable or low carbon technologies on site and for sustainable construction and renewable energy to be maximised;
38. Any ground source heat pumps to be closed loop systems unless otherwise agreed;
39. Details of all external lighting;
40. Provision of fire hydrants.

Informative: Whilst on balance the proposals considered as a whole were considered to be acceptable, Norwich City Council's Planning Applications Committee request that the applicant consider submitting alternative proposals for the bus link from the site onto Bowthorpe Hall Road by repositioning this slightly further to the south adjacent to and maintaining the existing highway and positioned to the south of the Oak trees (T11 and T12 as detailed in the arboricultural implications assessment received on 30 March 2012) thereby maintaining the existing cycle and pedestrian route in its entirety and reducing the amenity implications for neighbouring properties.

(Reasons for approval: The environmental information submitted with the application has been taken into account in the determination of the application and the decision has been made with particular regard to the policies 1, 2, 3, 4, 5, 6, 7, 9, 12, 19 and 20 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2011, policy CS16 of the adopted Norfolk Minerals and Waste Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2011, saved policies NE1, NE2, NE4, NE7, NE8, NE9, HBE4, HBE8, HBE9, HBE12, EP1, EP5, EP16, EP17, EP18, EP20, EP22, SHO3, HOU5, HOU6,

HOU8, SR1, SR2, SR4, SR5, SR7, SR10, SR11, SR12, TRA3, TRA5, TRA6, TRA7, TRA8, TRA10, TRA11, TRA12, TRA14, TRA15 and TRA16 of the adopted City of Norwich Replacement Local Plan 2004, the National Planning Policy Framework and other material considerations.

The proposed development would provide much needed housing in line with the site allocation and would contribute significantly to the identified housing need in Norwich. The biodiversity of the site is considered to be low to medium and the more significant medium quality areas have been largely retained as part of the development. Subject to the implementation of mitigation and enhancement measures which have been conditioned, it is considered that the overall impact on the site would be a minor negative impact. The layout of the site and parameters proposed are considered to take into account the constraints and opportunities of the site, link green infrastructure and provide new open space. The parameters are considered to provide for a high quality design to be agreed at reserved matters stage. The proposals will have a major adverse impact on the landscape of the site itself and would impact on the setting of the Yare Valley marshes. To an extent the visual impact to the Yare Valley and Conservation area can be mitigated through the detailed design and landscaping. The proposals subject to the mitigation proposed are not considered to have any significant transportation impacts. In terms of amenity whilst there will be some implications for neighbouring residents these are not considered to be significant enough to warrant refusal of the application and it is considered that the proposals would provide for a satisfactory level of amenity to future residents of the site. The impact of potential consequential development to the foul drainage and electricity networks has been considered as has the cumulative impact of other former developments in Bowthorpe.

Taking the above matters into account and the environmental information submitted it is considered that on balance given the need to provide housing and subject to conditions and the contents of the S106 agreement the proposals are considered to be acceptable.)

Article 31(1)(cc) Statement:

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

## **5. APPLICATION NO 12/01451/F AND 12/01452/L - SITE AT CORNER OF ST LAWRENCE LANE AND POTTERGATE, NORWICH**

The senior planner (development) presented the report with the aid of plans and slides and referred to the supplementary report, updates to reports for consideration, which was circulated at the meeting, and contained detailed amendments to the relocation of the existing gates to Colman Court to improve access.

Two local residents, living adjacent to the site, addressed the committee and outlined their concerns to the scheme which included the following concerns: that the construction of the development could cause structural damage to the adjacent listed

building and in relation to the flint wall; the boundary treatments and right of way across the site, and the central location of the bins.

The agent then addressed the committee in support of the application and confirmed that the applicant had agreed to the officer's recommendations to mitigate the neighbours' concerns and to ensure that there was no damage to adjacent properties from the development, and was compliant with planning policy.

The senior planner referred to the report and responded to the issues raised by the speakers. Discussion ensued in which the senior planner, together with the planning solicitor (nplaw) and the planning development manager, answered members' questions on the methodology for the piling; preservation of the gable wall of the listed building and how the buildings would be joined. Members were advised that the issue of the right of way was a civil matter between both parties and planning permission should be considered in the context of building control regulations and other legislation, which were outside the remit of this committee.

Councillor Sands expressed concern that there was insufficient detail provided on the retaining wall and construction methods for the new development to allay the concerns of the local residents. He proposed that the consideration be deferred for further information. Councillor Howard seconded this amendment. The senior planner advised the committee that the construction process was regulated by building control regulations and the other concerns could be dealt with by conditions. On being put to the vote the amendment was lost with 9 members voting against (Councillors Bradford, Blunt, Button, Kendrick, Little, Neale, Stammers, Stonard and Storie) and 2 members voting in favour (Councillors Sands and Howard).

**RESOLVED** to approve application no 12/01451/F: Site at corner of St Lawrence Lane and Pottergate, Norwich, and grant planning permission, subject to:

- (1) the completion of a satisfactory S106 agreement on or by 30 April 2013 to include the provision of contributions to children's playspace provision and maintenance, and subject to the following conditions:
  1. Standard time limit – to commence within 3 years;
  2. Development is to be in accordance with the approved plans;
  3. Details of materials and samples:
    - (a) facing walls – brick and render;
    - (b) roofing;
    - (c) solar panels;
    - (d) windows;
    - (e) doors;
    - (f) louvres;
    - (g) rainwater goods, gutters and downpipes;
    - (h) fascias;
    - (i) eaves;
    - (j) precise details of means of level access;
    - (k) details of approval of brick types and colour;
  4. Boundary treatment heights and materials and structural support -  
Construction will not be allowed to commence until a scheme based on surveys has been agreed for boundary treatments and access gates and boundary treatment restoration in the event of damage;

5. Notwithstanding the details shown in plan SLO1 Rev J, the access route to the passageway and gate on north side of House 4 to be recessed back to a position, at its most easterly point, alongside the front wall of House 4;
6. A) No development shall take place/commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
  - (i) The programme and methodology of site investigation and recording
  - (ii) The programme for post investigation assessment
  - (iii) Provision to be made for analysis of the site investigation and recording
  - (iv) Provision to be made for publication and dissemination of the analysis and records of the site investigation
  - (v) Provision to be made for archive deposition of the analysis and records of the site investigation
  - (vi) Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of InvestigationB) No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).  
C) The development shall not be occupied until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 5 (A) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.
7. Notwithstanding the details shown in plan SLO1 Rev J, a landscaping scheme to be agreed, including planting, soft landscaping, hard landscaping and retaining walls, and tree planting methodology specifications and maintenance proposals;
8. Any landscaping that dies etc to be replaced within 5 years;
9. Notwithstanding the details shown in plan SLO1 Rev J, a landscaping scheme for the Colman Court to be agreed, to include cycle parking, car parking, soft landscaping, cycle and pedestrian access to existing dwellings and parking space identification;
10. Footpath restoration scheme to be agreed for its full width and length, to be complementary to the paving styles used along Pottergate, and no occupation until provided.
11. Car park management plan to be agreed, showing that 5no. new spaces shall only be used for residents of the new dwellings and their bonafide guests (1 space per dwelling + 1 visitor), with identification and allocation of remaining spaces around the site;
12. Communal areas management plan to be submitted, to include management of communal land, retention of rights of way, refuse collection and storage areas, and landscaping of the overall Colman Court area.
13. Obscure glazing to be provided to north elevation of House 4;
14. Refuse stores to be approved in design and provided prior to occupation.
15. Removal of Permitted Development rights to enlarge or expand houses.
16. No windows to be enlarged;
17. Security of pedestrian access gates to be agreed, with access maintained in perpetuity for residents of development;

18. Security and access gates for vehicles and pedestrians to be provided at entrance to Colman Court prior to occupation, with security arrangements to be agreed
19. Contamination precautions.
20. Construction hours and deliveries restricted to: Mon-Friday 08:00 – 17:00; Saturdays 09:00 – 14:00 and no works on Sundays or Public Holidays;
21. Dust mitigation and noise minimisation to be agreed;

Informative notes:

1. Construction hours and good practice;
2. Topsoil importing recommendations.

(Reasons for approval: The redevelopment scheme is recommended for approval as it complies with national planning policy and the local development plan. It will provide housing at an accessible and derelict site in a manner that enhances the conservation area and stands apart from the listed building to ensure no loss of significance to the heritage asset. The designs have taken account of the difficult site conditions and ensured that impacts on neighbours will be minimal. Subject to the completion of a legal agreement to secure contributions to enhance local playspace, and subject to planning conditions, the development will also ensure there is no unacceptable loss of residential amenity at neighbouring properties, will protect the value of the listed building, will ensure appropriate survey, evaluation and recording of heritage assets, and will improve the overall function of the Colman Court area through introducing a revised landscaping scheme, car park arrangement and residential and commercial pedestrian and cyclist access. As such, the redevelopment scheme 12/01451/F complies with the objectives of the national planning policy framework, policies 1, 2, 3, 4, 6, 11 and 20 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk (2011), saved policies NE9, HBE3, HBE8, HBE9, HBE12, EP1, EP16, EP17, EP18, EP22, HOU6, HOU13, AEC1, SR7, TRA5, TRA6, TRA7, TRA8, TRA10, TRA14, TRA15 and TRA26 of the adopted City of Norwich Replacement Local Plan (2004) and all other material considerations.

- (2) to approve application no 12/01452/L: Site at corner of St Lawrence Lane and Pottergate, Norwich, and grant listed building consent, subject to the following conditions:

1. Standard time limit – commence within 3 years;
2. Development to be in accordance with approved plans;
3. Prior to commencement approval of adjoining bricks, airbricks and roofing connection.

(Reasons for approval: Listed building consent application 12/01452/L is recommended for approval because the measures proposed will provide adequate ventilation and protection to the exposed gable of the adjacent listed building, and as the redevelopment scheme stands apart from the historic row of terraces by using a contemporary design, the development avoids detracting from the significance of the listed building and preserves its existing appearance and structural assets. As such the development satisfies the objectives of the National Planning Policy Framework and is in compliance with policies 1 and 2 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk (2011) and saved policy HBE9 of the City of Norwich Replacement Local Plan (2004).



- (3) where a satisfactory S106 agreement is not completed prior to 1 May 2013, that delegated authority be given to the head of planning services to refuse planning permission for application no 12/01451/F: Site at corner of St Lawrence Lane and Pottergate, Norwich, for the following reason:

In the absence of a legal agreement or undertaking relating to the provision of local children's playspace facilities provision and maintenance, the proposal is contrary to saved policies HOU6 and SR7 of the adopted City of Norwich Replacement Local Plan (2004) and adopted Supplementary Planning Document Open Space and Play Provision, June 2006.

**6. APPLICATION NO 12/01356/ET AND 12/01357/L FERRY LANE GARAGES THE CLOSE, NORWICH**

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

A local resident and a former school teacher addressed the committee with their objections to the application which included: concerns about traffic movements and pedestrian safety (including residents and pupils at the Norwich School); that the cycle stands would be unsightly and encourage cycling; and objections relating to the soundness of the original application, that it was not compliant with policies and comments on the planning history of this site and, also that as there was an outstanding request for further information to be provided by the council under Freedom of Information Act, the committee was requested to defer consideration of this application and conduct a site visit. Councillor Grahame, Thorpe Hamlet ward, welcomed the proposal to bring the building back into use, but expressed concern about potential loss of garden space and reiterated the residents' concerns about traffic movements.

The Chapter Steward spoke in support of the application. The applicant would conform to the conditions that were subject to planning permission and work closely with the Norwich School to ensure that there was safe traffic management of its pupils in The Close.

The chair, exercising a right of reply, confirmed that he had voted against the application for planning permission for this site in 2007.

Discussion ensued in which the planner referred to the report and responded to the issues raised by the speakers and members' questions. The Close was privately owned land and the use of the gardens was a matter between the leaseholders and Norwich Cathedral.

Councillor Bradford moved and Councillor Sands seconded that the committee deferred consideration of the planning application to enable the committee to conduct a site visit to look at the transport issues. With 9 members voting against (Councillors Blunt, Button, Howard, Kendrick, Little, Neale, Stammers, Stonard and Storie) and two members voting in favour (Councillors Bradford and Sands) the proposal to hold a site visit was declined.

In reply to a question from the chair, the planner advised him that the extension of the time limit for the application would ensure the future maintenance of the building.

**RESOLVED** with 9 members voting in favour (Councillors Blunt, Button, Howard, Kendrick, Little, Neale, Stammers, Stonard and Storie) and 2 members voting against (Councillors Bradford and Sands) to:

- (1) approve planning permission in respect of application 12/01356/ET, Ferry Lane, Garages, The Close, Norwich, subject to:
  - (a) the signing of a deed of variation to link this permission to the original S106 agreement to secure a transport contribution of £15,200 by 31 March 2013;
  - (b) the conditions as outlined below (modified from the original permission to make them more robust):
    1. Standard time limit (3 years).
    2. In accordance with the drawings and details.
    3. Water efficiency.
    4. Further bat survey required if works do not commence within 1 year of the submitted and approved survey P2060.1.0.
    5. Lighting Strategy.
    6. Details of materials to be used in construction of external walls.
    7. Details of materials including windows, roof windows, doors, shutters and frames, louvers, security alarms, new boundary treatments.
    8. The garages shown on plan reference 03.88 10 D shall be used only by residents of The Close and their bona fide guests;
    9. Submission parking/ cycle/ bin storage details.
    10. Landscaping details to be agreed.
    11. Trees - Siting of services.
    12. Trees - Arboricultural site brief.
    13. Trees - Supplementary AMS to be provided.
    14. No external storage of materials.
    15. Details of flood proofing measures.
    16. Archaeology – Written statement of investigation.
    17. Archaeology – works in accordance with WSI.
    18. Archaeology - No occupation until site investigation and post investigation assessment completed.
    19. Archaeology Stop works if unidentified features revealed.
    20. NON-INDUSTRIAL - Details of ventilation and extraction to be submitted.
    21. Maintenance of ventilation and extraction.
    22. Restrictions on amplified noise.

**Informatives:**

1. Any new signage will require Advertisement Consent.
2. Construction working hours.
3. Site clearance and wildlife.

(Reasons for approval: Circumstances have not materially changed since the grant of the original permission. The use of this range of buildings as offices has been accepted in principle and subject to the conditions as outlined below the extension of time period for implementation of the original permission is considered to be acceptable. Therefore the proposals are considered to be in accordance with the objectives of the NPPF, policy 1, 2, 3, 5, 6, 11 and 20 of the Joint Core strategy for

Broadland, Norwich and South Norfolk (March 2011) and saved policies NE2, NE9, HBE2, HBE3, HBE8, HBE9, HBE12, EP22, EMP1, EMP16, TRA5, TRA6, TRA7, TRA8, TRA12 and TRA26 of the City of Norwich Replacement Local Plan (Adopted Version November 2004.)

- (2) to delegate authority to the head of planning to approve or refuse the application if the Deed of Variation is not signed by 31 March 2013.
- (3) approve listed building consent, application no 12/01357/L Ferry Lane Garages, The Close, Norwich subject to the following conditions:
  - 1. Standard time limit (3 years).
  - 2. In accordance with details and drawings as submitted.
  - 3. Details of mechanical ventilation systems and internal ducts and fittings.
  - 4. Details of internal joinery and internal openings/blockings.
  - 5. Schedule of repairs.
  - 6. Making good any damage.

**Informatives:**

Listed building consent – other works

(Reasons for approval: The proposals do not represent any detrimental impact to the Listed Building or wider Conservation Area. Rather the dilapidated building will be repaired and restored and the use proposed will secure the immediate and future maintenance of the building. The alterations proposed do not substantially impact on the character or fabric of the Listed Building but respond sympathetically to its existing character. Therefore the proposals are considered to be in accordance with the objectives of the NPPF, and saved policies HBE8, HBE9 and HBE12 of the City of Norwich Replacement Local Plan (Adopted Version November 2004))

**Article 31(1)(cc) Statement**

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

**7. APPLICATION NO 13/00003/F 102 PRINCE OF WALES ROAD, NORWICH, NR1 1NY**

The planner (development) presented the report with the aid of plans and slides and referred to an additional representation which was outlined in the supplementary report of updates to reports and raised no material planning considerations.

Councillor Grahame, Thorpe Hamlet ward, expressed concern on behalf of local residents who were concerned about existing anti-social behaviour in the area and suggested that this could be exacerbated by student accommodation being placed in the area. She also pointed out that if the accommodation was not suitable for other residents how could it be considered to be suitable for students.

The applicant explained that there was a need for student accommodation in the city centre and that CCTV cameras would be installed to monitor the area. The accommodation would be of a high quality.

The planner responded to the issues raised by referring to the report. Members were advised that this application was for sui generis student accommodation and any further change of use would require a fresh planning application. Members were also advised that the planning application in respect of the ground floor of the building (approved in November 2012) remained.

Councillor Stonard pointed out that although he lived in the area he was not affected by the proposal but had sympathy for the local residents who experienced anti-social into the early hours and pointed out that this was a residential area.

The planner referred to the noise mitigation measures and pointed out that the accommodation was on the upper floors. Anti-social behaviour on St Faiths Road and Cathedral Close were at ground floor level.

**RESOLVED** with 10 members voting in favour (Councillors Bradford, Sands (M) Blunt, Button, Howard, Kendrick, Little, Neale, Stammers and Storie) and 1 member abstaining (Councillor Stonard) to approve application 13/00003/F 102 Prince of Wales Road, Norwich) subject to the following conditions:

1. Standard time limit condition;
2. In accordance with the drawings;
3. Compliance with Noise Impact Assessment ref LA/1244/03bR/ML dated 13 December 2012;
4. Details of plant/and or machinery;
5. Details of fume and flue extraction and ventilation systems;
6. Details of cycle storage including manufacturers specification;
7. Provision of cycle storage and refuse storage prior to first occupation;
8. Details of Flood Evacuation Plan;
9. Details of mirrored transfer to be applied to windows facing the internal courtyard and a schedule of maintenance.
10. Details of solar panels;
11. Lighting and CCTV strategy;
12. Travel Information Plan including Management of new student in-take;
13. Details of Water efficiency measures;
14. All new brickwork to match existing;
15. The rear door accessing the communal area and the rear yard area shall only be used in the case of emergency or for servicing purposes. No pedestrian use for purposes of access or egress at any time. The rear doors as shown on drawing numbers PL10 rev C and PL11 Rev I shall be alarmed.

**Informatives:**

1. Sign up to the Flood Warnings Direct Service.
2. Bins to be purchased by the applicant prior to occupation, in agreement with Norwich City Council city wide services
3. Not eligible for parking permits
4. Advice on Travel Information Plans
5. Street naming and numbering enquiries to be directed to a Norwich City Council officer;

6. This permission is for a Sui generis use as student accommodation. There are no permitted development rights specifically for a change of use to either a residential use or use as a hotel.

(Reasons for approval: It is considered that following the conversion of this vacant office accommodation to student accommodation, sufficient levels of vacant office space will remain across the city and in the immediate locality to cater for future demand, and it is accepted that the costs of bringing the property up to modern day standards and the lack of parking on site are deterring future occupiers. Therefore the loss of the office space is considered acceptable. The site is accessible to local shops, public transport and employment, there is sufficient provision of amenity space and appropriately located bin and cycle stores and with adequate sound proofing between adjacent uses and sufficient noise mitigation measures are proposed to ensure future occupiers are protected from noise pollution from the Late Night Activity Zone. Subject to compliance with conditions, the alterations proposed to the front and rear elevations are considered to be acceptable and will improve the appearance of the building in the street scene and wider Conservation Area and appropriate management of traffic will ensure there is minimal impact on the road network as a result of these proposals. Therefore the proposals are considered to be in accordance with the NPPF, policies 2, 3, 4, 6, and 20 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (March 2011) and saved policies EMP3 , HOU2, AEC1, HOU15, HBE8, HBE12, EP10, EP22, HOU5, TRA7, TRA8 and TRA9 of the City of Norwich Replacement Local Plan (Adopted Version November 2004).

Article 31(1)(cc) Statement:

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

**8. APPLICATION NO 12/00305/ET 150 - 152 MAGDALEN STREET, NORWICH, NR3 1JD**

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

**RESOLVED**, unanimously, to approve application no 12/00305/ET, 150-152 Magdalen Street, Norwich and grant an extension of time to the previous consent 08/01337/F, subject to the following conditions (as per the original consent but re-worded to ensure they are robust, and any newly required conditions) subject to the signing of a S106 by 31 March 2013 or to delegate authority to the head of planning services to approve or refuse the application after this date:

1. Standard time limit condition
2. In accordance with the details and drawings submitted
3. Details of:
  - (a) Rainwater goods, including materials and specification;
  - (b) Bricks, including a sample;
  - (c) Pantiles, including a sample;
  - (d) External Brick Decoration, including a sample;

- (e) Timber cladding, to include details of the colour and finish and a sample;
  - (f) Joinery details of the balconies, including materials and 1:20 scaled drawings;
  - (g) Access gate, to include a specification, details of how access gates would operate and a proposed elevation including details of the key pad; and
  - (h) Velux Rooflights, to include 1:20 scaled drawings and details of the materials.
4. Details of shopfront design
  5. Archaeology - Written Scheme of Investigation (WSI)
  6. Archaeology – Demolition/development in accordance with WSI
  7. Archaeology - No occupation until site investigation and post investigation assessment completed
  8. Archaeology - Stop work if unidentified features revealed
  9. Landscaping
  10. Details of cycle parking and provision prior to first occupation
  11. Any damage to the listed building to be made good
  12. Details of protection measures to the scheduled ancient monument (City Wall)
  13. Details of construction traffic access
  14. Water efficiency
  15. No occupation until proprietary sound insulating ventilators provided on the habitable room windows of the north and east facades. (CU2 amended).

(Reasons for approval: The regeneration of the northern city centre area remains a strong policy objective and is supported by the adopted Northern City Centre Area Action Plan. The development proposals accord with all policy objectives in terms of principle, proposed uses, design and associated infrastructure. It is accepted that the provision of affordable housing on this site renders the development unviable. The developer has agreed to enter into an overage clause in the S106 agreement allowing the council to claw back any lost planning obligations up to an agreed cap. On balance and given the wording of JCS policy 4 which allows for lesser provision of affordable housing where the scheme is found to be unviable, the viability evidence submitted and the above material considerations it is considered that the proposals are acceptable and in accordance with the NPPF, the Northern City centre Area Action plan (March 2010), policies 1, 2, 3, 4, 5, 6 and 20 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (March 2011) and saved policies HBE1, HBE8, HBE9, HBE12, EP22, SHO3, SHO12, HOU2, HOU13, TRA7, TRA8, TRA9 of the City of Norwich Replacement Local Plan (Adopted Version November 2004).

#### Article 31(1)(cc) Statement

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

### **9. APPLICATION NO 12/02426/F 96 THORPE ROAD, NORWICH, NR1 1BA**

The planner (development) presented the report with the aid of plans and slides and advised members that the issues raised by objectors had been considered in the report.

**RESOLVED**, unanimously, to approve application 12/02426/F, 96 Thorpe Road, and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with details submitted;
3. Details of protection against noise of dwellings fronting a road and the whole house ventilation systems to be installed;
4. Details of materials, including;
  - (a) Cladding, to include product name, manufacturers specification, and full details of colour, finish , patternation and a sample (in the correct colour);
  - (b) Balustrade to extended lightwell
  - (c) All new doors and windows;
  - (d) New boundary treatments.
5. Bricks to match existing or match existing finish (painted) and colour;
6. Landscaping details to include surface treatments and planting details.
7. Provision of cycle storage and refuse storage prior to first occupation.

Informatives:

Properties not eligible for parking permits

(Reasons for approval: The proposals for new housing on this site are considered to be acceptable and in accordance with the objectives of the NPPF to promote housing and consider applications positively. The proposals are not considered to result in a detrimental impact on the environment of the wider area and the proposed external alterations and extension are considered to represent good design. Sufficient private amenity space, cycle storage and refuse storage is provided on site and issues of noise for future occupiers from traffic on Thorpe Road can be adequately addressed through the use of mechanical ventilation throughout the whole building. Subject to compliance with conditions the proposals are therefore considered to be in accordance with the objectives of the NPPF, policies 2, 4, 6 and 20 of the Joint Core Strategy for Broadland, Norwich and South Norfolk and saved policies NE9, HBE12, EP10, EP22, HOU18, TRA7, TRA8 and TRA9 of the City of Norwich Replacement Local Plan (Adopted Version November 2004).

Article 31(1)(cc) Statement

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

**10. APPLICATION NO 12/02156/F REAR OF 135 - 137 KING STREET ( THE WATERFRONT ) NORWICH, NR1 1QH**

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

Two local residents addressed the committee and outlined their opposition to the application in relation to the smoking area, boundary treatments preventing access to the river. Councillor Grahame, Thorpe Hamlet ward, said that full council had resolved to support the extension of the riverside walk and that improved access to the river had been an outcome of the consultation on the South City vision.

A representative of the applicant then addressed the committee and said that they would soften the appearance of the fencing with planting. The riverside walk could not continue around the site because of buildings but access to the river could be arranged if the council required it during the day. He suggested that the condition relating to hours of use of the garden area and smoking shelter was incorrect and should be amended. Outside of these times smokers would be required to use the front of the building.

The planner referred to the report and, together with the planning development manager, responded to the issues raised. Discussion ensued in which the planner explained the reasons for the confusion surrounding the submission of the application as to whether it should be the applicant or the agent for the landowner (NPS). Members were advised that at such time as the council required to progress the riverside walk a break clause could be amended. The planner clarified the conditions for the hours of opening of the garden and the smoking area.

During discussion members considered the practicability of accessing the river and whether fishing would be accessible given the fencing. Members also considered the safety issues and were advised that the fence would be 1.8m high. Members also noted that some of the concerns were controlled by licensing regulations.

The applicant had confirmed that access from members of the public to the river bank could be made available in the day. Following discussion there was general consent from the committee to condition this from 07.00 to 18.00 each day.

**RESOLVED**, with 10 members voting in favour (Councillors Bradford, Sands, Blunt, Button, Howard, Kendrick, Little, Stammers, Stonard and Storie) and 1 member voting against (Councillor Neale) to approve application no 12/01256/F The Waterfront, 135-137 King Street, and grant planning permission subject to the following conditions:

1. In accordance with the drawings submitted.
2. The garden area and smoking shelter which form the subject of this permission and outlined in red on the approved location plan ref. 001074219 shall not be open to the public, trading, or have members of the public, as customers or guests, within their respective areas at the following times:
  - (a) Garden Area: Not before 07:00hrs or after 23:00hrs (Sunday to Thursday) and not before 07:00hrs or after 00:00hrs(midnight) (Friday and Saturday), and;
  - (b) Smoking Shelter: Not before 07:00hrs or after 00:00hrs(midnight) (Sunday to Thursday) and not before 07:00hrs or after 04:00hrs the following morning (Friday and Saturday).
3. Members of the public to have access to the garden area from 07.00 hrs to 18.00 hrs on all days.
4. No amplified or acoustic sound in any of the garden areas on any day or at any time.
5. Planting and planting maintenance details to be submitted within 3 months of the date of permission.



Informatives:

The applicant is reminded of condition 33 of Annex 2 and condition 1 of Annex 3 of their premises licence which states that all doors and windows on the premises must be kept closed when amplified music is being played.

(Reasons for approval: Subject to compliance with conditions the use of this area of land is considered to be an enhancement to the visual amenity of the area and the Broads. The land was previously used for industrial purposes and has been derelict for a number of years. However, the works which have been done to this area of land represent a significant improvement and the use of the land in association with the adjacent premise will mean that the future maintenance of this land is secured and the signing of a lease including a break clause will ensure that at any point in the future the City Council can take control of the land and install the riverside walk. Therefore the proposals are considered to be in accordance with the objectives of the NPPF, policies 1, 2, 18 and 20 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (March 2011) and saved policies NE9, HBE2, HBE8, HBE12, EP22 and SR11 of the City of Norwich Replacement Local Plan (Adopted Version November 2004).

Article 31(1)(cc) Statement

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

(The committee adjourned at this point for a short break. The committee reconvened with the exception of Councillor Howard, who had left the meeting at this point.)

**11. APPLICATION NO 13/00049/F 2 CLABON ROAD, NORWICH, NR3 4HF**

The planner (development) presented the report with the aid of plans and slides and referred to the supplementary report of updates to reports which was circulated at the meeting and outlined the details of a further response to the consultation and the officer's response.

Two neighbouring residents addressed the committee with their objections to the proposal which included that the proposal was out of character to the area; was too large for the site and too close to the adjacent property's boundaries with footings encroaching on the neighbouring property; there would be insufficient amenity space and took up garden land; that the position of the street tree was incorrect and concerns about access.

The architect spoke in support of the application and explained that the design of the dwelling would complement the street scene; was not cramped on the site and would be built on an unused part of the garden; had a green roof and there was space for parking and the building was within the red line shown on the plan. He explained that although there had been an error in the positioning of the street tree on the plans this had been corrected and there was a 6m gap for access.

Discussion ensued in which the planner referred to the report and answered members' questions. During discussion a member suggested that the design was

innovative and, although it was within a garden area, it was within an urban area and had no biodiversity implications.

Councillor Kendrick moved and Councillor Stonard seconded that the application should be refused on the grounds that it was overdevelopment of the site and out of character for the area. On being put to the vote with the majority of members voting against (Councillors Sands, Blunt, Little, Neale, Stammers and Storie), two members voting in favour of refusal (Councillors Kendrick and Stonard) and two members abstaining (Councillors Bradford and Button), the proposal to refuse the application was lost.

The chair then moved the recommendations as set out in the report.

**RESOLVED**, with the 6 members voting in favour (Councillors Sands, Blunt, Little, Neale, Stammers and Storie), two members voting against (Councillors Kendrick and Stonard) and two members abstaining (Councillors Bradford and Button) to approve application no 13/00049/F 2 Clabon Road and grant planning permission, subject to the following conditions:-

1. Time limit.
2. In accordance with the plans.
3. In accordance with the AMS.
4. Submission of a supplementary AMS to ensure protection of the street tree..
5. Submissions of details of boundary treatment and planting to north, south and east.
6. Details of a revised access to ensure protection of the street tree.
7. Details of landscaping of the remaining amenity areas of no. 2 Clabon Road;
8. Construction to meet Code for Sustainable Homes Level 4 for water efficiency;
9. Details of cycle storage to be submitted and approved.
10. Provision of wheelchair access to the side in accordance with the submitted plans and for no ramped access to exceed a 1:12 gradient.

Informative:

The responsibility and subsequent liability for safe development of the site next to neighbouring structures rests with the developer and or the landowner. Site investigations may need to be carried out prior to commencement in order to satisfy building regulation requirements. Similarly, the applicant is reminded of the requirements of the Part Wall Act.

(Reasons for approval: Whilst the proposal is different to the uniform style evident on Clabon Road, its low profile sympathetic design will ensure that it will not appear overly cramped or have a significant impact on the visual amenities of the street scene. The footprint of the proposed dwelling is also considered to be proportionate to the size of the site leaving sufficient rear amenity space, parking and circulation within the site. The revised layout will still ensure that the existing dwelling is proportionate to the size of the revised plot of no.2 Clabon Road also leaving sufficient amenity space and parking. The low profile design and scale of the development will ensure that it not result in any significant overlooking, loss of daylight or sunlight of any adjoining properties. It is acknowledged that no. 2 Clabon Road will lose a large proportion of its amenity space and result in much of its private space being located to the front of the property. Such an arrangement is not ideal, but given that the property already had an unconventional L shaped amenity

space the proposed arrangement is considered broadly acceptable. This arrangement can be improved by further planting to enhance the privacy for the occupants. Sufficient provision has been made for parking and safe access within the application site and no. 2 Clabon Road. The health of the street tree can be assured by the adherence to the submitted Arboricultural Method Statement (AMS), a condition requiring a supplementary AMS and revised access arrangement.

Article 31 (1)(cc) Statement

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

**12. APPLICATION NO 13/00112/F, 32 SPELMAN ROAD, NORWICH, NR2 3NJ**

The planner (development) presented the report with the aid of plans and slides and referred to the supplementary report, updates for reports for consideration, which was circulated at the meeting, which included a further representation from a neighbour concerned with the side dormer window.

A proxy spoke on behalf of the neighbour, who had also submitted the further representation, and outlined his concerns about that the extension was inappropriate and concerns about the loss of garden, works to the hedge and trees and that the dormer window would overlook properties in Highland Avenue.

The planner read out a statement on behalf of the applicant (who had had to leave the meeting because of childcare arrangements) and displayed drawings of the proposed extension. During discussion members were advised that the dormer window would be to a bathroom and was obscure glazed glass. Members also considered that the applicant could have used permitted development rights for some of the elements of the proposal.

**RESOLVED** with 9 members voting in favour (Councillors Bradford, Sands, Blunt, Button, Kendrick, Little, Neale, Stonard and Storie) and 1 member abstaining (Councillor Stammers) to approve application no. 13/00112/F at 32 Spelman Road and grant planning permission, subject to the following conditions

1. Time limit.
2. In accordance with the plans.
3. Side dormer shall be obscure glazed and any opening shall be at least 1.7 metres above floor level.
4. Boundary treatment (hedging and fencing) to the south to be submitted for approval.

(Reasons for approval: The scale, design and position of the extensions are considered to be proportionate to the size of the plot, appearance of the dwelling and broadly sympathetic to the visual amenities of the street scene.

It is acknowledged that the adjoining residents to the south will be presented with a series of new additions to the already extended dwelling. Nevertheless, each new component is considered to be subservient to the existing roofscape, with the part

closest to the boundary having a sensitive roof slope relative to the existing boundary treatment. These factors coupled with the fact that there is already a garage in this location will mean that the development will not result in any significant loss of day light, sunlight or be significantly overbearing to the neighbours garden or habitable rooms.

Given the orientation of the development no significant overshadowing will be cast to the gardens or habitable rooms of the properties to the south

The imposition of an obscure glazing condition on the side dormer will safeguard the privacy of the neighbours to the south. Similarly, a boundary treatment condition next to the new side door will also safeguard the amenity of the adjoining properties and help soften the built form of the development.

It is therefore compliant with statement 7 of the National Planning Policy Framework 2012, policy 2 of the Joint Core Strategy for Broadland, Norwich and South Norfolk 2011 and policies HBE12, EP22 and NE3 of the City of Norwich Replacement Local Plan 2004.

**Article 31(1)(cc) Statement**

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

**13. APPLICATION NO 3/00061/U 39, WATLING ROAD, NORWICH, NR7 9TL**

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

A local resident addressed the committee outlining his objections to the proposed change of use which included concerns that there would be an increase in anti-social behaviour arising from people hanging around the takeaway and vermin from the rubbish. Councillor Maxwell, Crome ward councillor, spoke on behalf of local residents in relation to their concerns about fast food establishment and that it would encourage antisocial behaviour, people would eat in their cars and drop litter and that there was a need for a laundrette, particularly the drying facilities for residents in the adjacent flats.

The applicant said that the laundrette had been closed for 3 years previously and that he had tried over a year to make it a viable business. The change of use would ensure that the premises was used and would complement the existing newsagent.

The planner advised the committee that a petition had been received which had been signed by 29 people in support of the application.

Discussion ensued in which members considered the provision of bins and that the council provided litter bins in the area. Licensing regulations would cover other matters.

**RESOLVED** to with 5 members voting in favour (Councillor Blunt, Button, Neale, Stammers and Stonard), 2 members voting against (Councillors Little and Storie) and 3 members voting against (Councillors Sands, Bradford and Kendrick) approve

Application No 13/00061/U at 39 Watling Road and grant planning permission, subject to the following conditions:-

1. Standard time limit.
2. In accordance with plans.
3. Specification and maintenance schedule of flue to be installed.
4. Hours of opening 07:00-23:00 on any day.
5. No parking or use of delivery vehicles on pavements around unit.
6. Refuse bins stored in identified rear store except on collection days.
7. Level access into building.
8. Litter bin to be provided in store.

(Reasons for approval: In determining this application regard has been given to policies HBE12, EP22, SHO22, TRA6, TRA7 and TRA8 of the adopted City of Norwich Replacement Local Plan (November 2004), policies 2, 5, 6 and 19 of the adopted Joint Core Strategy (March 2011) and paragraph 14 and statements 1, 2, 4, 7 and 11 of the National Planning Policy Framework (March 2012). The change of use would provide a service to the surrounding local community, and would not have an adverse impact on the amenity of surrounding residents or the wider area provided the recommended conditions to agree extract flue details, hours of use, use of the highway verge and refuse bins to be stored in the rear store were adhered to. The use would enable sustainable development to promote jobs and employment for a small business.)

**14. APPLICATION NO 12/02361/F, TEMPUS WORKS, 2A LADYSMITH ROAD NORWICH, NR3 4TN**

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

**RESOLVED**, unanimously, to approve application no 1202361/F at Tempus Works, 2A Ladysmith Road and grant planning permission, subject to the following conditions:-

1. Standard time limit
2. In accordance with plans
3. Details of:
  - (a) hard landscaping, including fences, land levels and falls, which should be permeable paving
  - (b) external lighting measures – siting and hours of use
4. Cycle parking and refuse storage provided prior to first occupation and use
5. A maximum number of clients to any given gym session of three
6. Gym to be used in association with dwelling
7. Hours of use 09:00 to 21:00 Mondays to Saturdays and 10:00 to 18:00 Sundays and Bank Holidays
8. West facing windows on west elevation to be fixed shut
9. Amplified music restriction
10. Rear garden only to be used incidental to residential use on site
11. Water resource conservation for residential component
12. Level access into building

(Reasons for approval: In determining this application regard has been given to policies NE9, HBE12, EP16, EP17, EP22, EMP3, HOU15, TRA3, TRA5, TRA6, TRA7 and TRA8 of the adopted City of Norwich Replacement Local Plan (November

2004), policies 1, 2, 3, 4, 6, 9, 12 and 19 of the adopted Joint Core Strategy (March 2011) and paragraph 14 and statements 2, 4, 6, 7, 8, 10 and 11 of the National Planning Policy Framework (March 2012). The change of use would provide a new dwelling and employment opportunity and would not have an adverse impact on the local community by virtue of the presence of an existing commercial use on site, the fixing shut of windows to prevent noise escape and appropriate conditions restricting hours of use, number of clients and the playing of amplified music.)

**15. APPLICATION NOS 12/02017/A 11 - 15 TIMBERHILL, NORWICH, NR1 3JZ AND 12/02210/L 11 - 15 TIMBERHILL, NORWICH, NR1 3JZ**

**RESOLVED**, unanimously, having considered the report of the head of planning services, to approve:-

- (1) application no 12/02017/A and grant advertisement consent, subject to the following conditions:-
  - (a) Conditions 1 – 5: standard conditions;
  - (b) Condition 6: The development hereby approved shall be carried out in accordance with the application forms, plans, drawings and details as specified in this decision.
- (2) application no 12/02210/L and grant listed building consent, subject to the following conditions:
  1. Standard three year time limit
  2. In accordance with the drawings and details as submitted.
  3. Within 3 months of the completion of the works hereby permitted, any damage to the fabric of the Listed Building resulting from the carrying out of the works hereby permitted shall be made good in accordance with details first to be submitted and agreed in writing with the Local Planning Authority.
- (3) If the unauthorised and illegal signage is not removed within 2 months of the date of this consent then authority is given to the head of planning services to prosecute in line with Regulation 30 of the Town and Country Planning (Control of Advertisement) (England) Regulations 2007 as amended.

**16. APPLICATION NO 12/01172/F NORWICH AIRPORT, AMSTERDAM WAY, NORWICH, NR6 6JA**

The head of planning services, together with the council's consultant, presented the report, with the aid of plans and slides. The council had sought legal advice on human rights issues and members were advised that the conditions proposed were not finalised and would be more detailed in the decision notice.

Four local residents addressed the committee and outlined their concerns about the proposed engine testing facility. They questioned the operators need for a quick turnaround and asked that the facility did not operate on Sundays, so that residents could enjoy their homes in peace and plan family events. The residents also

questioned how they would be informed about the 100 days when the facility would not be used and how it would be regulated. The uncertainty of when testing would take place was problematic and made it difficult to plan daily life. They also raised concerns about their human rights and that the environment was blighted.

A resident from Spixworth and employee at KLM spoke in support of the application. He referred to the letter of concern that had been sent to the council and said that he understood that the application for an engine testing facility was less than ideal, but it should be considered in the context that engine testing was infrequent and that it was near a busy road and there was the noise of helicopter and aircraft movements to be considered. He pointed out the importance of the facility for employment and the local economy. A representative of KLM also spoke in support of the application and explained that the facility was vital to the company's operation and that to be competitive and viable its use should be flexible.

A representative of Norwich International Airport Ltd, the applicant, spoke in support of the application.

During discussion the head of planning services, referred to the report, and responded to the issues raised by the speakers and members. He reassured members that the conditions of the planning application were reasonable and could be enforced and of the legal opinion on the human rights issues.

Discussion ensued on the enforcement of the condition relating to the 100 days per annum when testing would not be carried out and consideration was given to the impact on the operation of the airport if the "rest" days were planned for bank holidays and Sunday afternoons. The head of planning services advised the committee that it would have an impact on the operation as although work was project managed some flexibility needed to be retained to test engines at short notice. Therefore it was difficult to predict when the "rest" days would take place. Members then discussed how the condition would be enforced and noted that the airport would be required to keep a log of when the facility was used. The committee then discussed how members of the public could be informed from the website and it was suggested that text alerts to mobile phones would be useful. It was therefore proposed that condition 21 should be delegated to the head of planning services, in consultation with the chair, to review this condition, particularly in relation to text alerts.

**RESOLVED** with 9 members voting in favour (Councillors Bradford, Sands, Button, Blunt, Kendrick, Little, Stammers, Stonard and Storie) and 1 member voting against (Councillor Neale) to approve application no 12/01172/F Norwich Airport Amsterdam Way Norwich NR6 6JA and grant planning permission, subject to delegating authority to approve condition 21 to the head of planning in consultation with the chair and the following conditions:

1. Time limit 3 years.
2. Development to be in accordance with submitted details.
3. Within 4 months of the date of the permission a scheme specifying the details of the hard-standing and a timetable for the construction and implementation of the engine test site, including the provision of the Ground Run Enclosure is

to be submitted and approved by the local planning authority. 4 months is recommended to allow for the period for Judicial Review to lapse.

4. No use of the approved development is to take place until a scheme for the cessation of the use of high powered engine tests elsewhere on the airport has been submitted and approved by the local planning authority.

The condition will also include a definition of a 'high powered engine test' for the purposes of the permission as, the ground running of the aircraft engine where an element of the ground running of the aircraft engine is at high power being 70% of full power or above (with the exception of testing immediately prior to take-off) in combination over a period of time with the aircraft engine at less than 70% of full power. This definition will apply to recommended conditions 5, 21, 22, 23, 25, 26 and 27 below.

5. It is proposed to include a condition that addresses those circumstances where high powered engine tests or high powered engine testing can take place outside of the GRE. On commencement of use of the engine test facility:
  - (i) All 'high powered engine testing' (as defined below) or 'high powered engine tests' (as defined above) to be carried out in accordance with the Norwich Airport Operating Framework August 2012 (or as amended) and the conditions specified in this permission.
  - (ii) all 'high powered engine testing' or 'high powered engine tests' shall take place from the engine test site hereby approved and shown outlined in red on Site Context Plan ref Drawing No. C-0177064-01 received on 15th June 2012 attached to this permission and no other site within the airport shall be used for that purpose unless:
    - An unforeseen engine test is necessary for an aircraft larger than a B737-900 or B757-300.
    - Wind conditions do not allow an engine test to take place within the GRE and failure to test would cause adverse and unacceptable logistical disruption to aircraft and airport operation.
    - The GRE is unavailable and failure to test would cause a risk to public or aircraft safety.
  - (iii) a publicly viewable log of all high powered engine tests to be provided by the airport. Verifiable details of the power levels used during the tests undertaken to be made available within a maximum period of seven days to the local planning authority on request at no less than 24 hours notice.

This condition will also include a definition of 'high powered engine testing' (which is distinct from a 'high powered engine test' as set out at condition 4 above) for the purposes of the permission as, the ground running of the aircraft engine at high power being 70% of full power or above (with the exception of testing immediately prior to take-off). This is particularly relevant to recommended Condition 24 which seeks to restrict the amount of testing at 70% of full power or above to no more than 90 minutes in total in 1 day and no more than 30 minutes in total in 1 hour.

6. Details of surface water drainage scheme.



7. Contamination. Requirement for a preliminary risk assessment, site investigation scheme, remediation strategy and verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete.
8. Prior to occupation of the development a verification report demonstrating completion of the works set out in the approved remediation strategy in condition 9 and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include a "long-term monitoring and maintenance plan" for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
9. Reports on monitoring, maintenance shall be submitted to the local planning authority.
10. If, during development, contamination not previously identified is found no further development to take place (unless otherwise agreed in writing with the local planning authority) until a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.
11. During construction work, all fuels, oils and chemicals will be stored in appropriate containers within bunded compounds.
12. Scheme detailing the provision for on-site parking for construction workers to be approved.
13. Construction Traffic Management Plan required with proposals to control and manage construction traffic to minimise impacts on local roads.
14. Development to comply with the Construction Traffic Management Plan.
15. Wheel cleaning facilities for construction vehicles.
16. Wheel cleaning facilities to be used for the duration of the construction period.
17. Detailed scheme for passing bays for construction traffic on Bullock Hill to be submitted and approved.
18. Passing bays and off-site highway improvement works referred to in condition 17 to be provided prior to commencement of development.
19. Details of lighting to be submitted.
20. Details of fixed plant and machinery to be submitted.
21. Scheme of publicly viewable log of all engine tests (including in critical situations) and for the prior notification of testing and periods when it is anticipated that no engine tests are to be carried out. The log to include details of: the date and time of the start of the test; the aircraft type; the reason for the test; the duration of the test; the engine power levels used during the test; and the wind direction during the test; and the information on prior public notification to be kept up to date. This is to be submitted to and approved by the local planning authority prior to the use of the development.

This condition will also include a definition of 'critical situations' to be:

- (i) ground running consisting of an engine test which is required urgently and could not have been foreseen; and
- (ii) is necessary as a matter of public or aircraft safety.

Engine tests in a critical situation are to be subject to the control and agreement of a Director of Norwich Airport Limited in accordance with an agreed set of procedures. No use of the engine testing site to take place until the procedures have been submitted to and approved in writing. This definition will apply to conditions 22, 23, 24 and 25 below.

- 22. The loudest aircraft that is permitted to be subject to an engine test within the Ground Run Enclosure is to be a 737-400, unless the engine test is required to be carried out in a critical situation.
- 23. No engine tests are to be undertaken outside the hours of 0800-2000 Monday-Saturday and 0900-2000 on Sundays, public and / or bank holidays or at any time on the 25<sup>th</sup> December, unless the test is required to be undertaken in a critical situation.
- 24. The maximum duration of any high powered engine testing (i.e. with no element of low powered testing) is to be as set out below unless a critical situation arises:
  - No more than 30 minutes in total in any 1 hour
  - No more than 90-minutes in total in any 1 day.
- 25. No more than 1 aircraft to be subject to an engine test at any one time within the operational airport, unless in a critical situation.
- 26. No more than 1,300 hours of engine tests (i.e. high powered testing with associated low powered elements as defined above) shall take place in any one year. The time associated with any tests undertaken in a 'critical situation' is also to be included in the 1,300 hours.
- 27. There shall be no engine tests on at least 100 days in any 1 calendar year.
- 28. A yearly external visual maintenance inspection of the Ground Run Enclosure is to be undertaken and reported to the local planning authority providing evidence that the integrity and operation of the structure is being maintained. If degradation of the structure is found to be occurring this must be rectified by Norwich International Airport to the satisfaction of the local planning authority.
- 29. Environmental Management Plan setting out a programme of ecological mitigation during construction and operation to ensure no adverse impact to protected species.
- 30. Materials for the GRE to be approved.

(Reasons for approval: The environmental information submitted with the application has been taken into account in the determination of the application and the decision

has been made with particular regard to the policies 5, 6, 9, 10, 12, 15, and 17 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2011, saved policies TRA1, TRA2, EP5, EP8, EP16, EP17, EP22, EMP2, and HBE12 of the adopted City of Norwich Replacement Local Plan 2004, the National Planning Policy Framework and other material considerations. It is considered that the development as proposed is acceptable in principle and would be in accordance with the relevant policies regarding the use of the airport. It is considered that the development will result in a materially detrimental impact on the living conditions of a relatively limited number of residents and conflict with saved Local Plan policy EP22. This impact is such that the extent and frequency of the use should be limited by conditions which will be of benefit to all those affected. Subject to the imposition of these conditions, and in view of economic benefits associated with the proposed use the proposal is considered acceptable in terms of design, transportation, noise, other emissions, water quality, drainage, visual impact, the re-use of materials, energy efficiency and all other material considerations and is therefore considered to meet the relevant policy requirements of the NPPF and the Development Plan.)

#### Article 31(1)(cc) Statement

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

CHAIR