



PLANNING APPLICATIONS COMMITTEE

10.00 a.m. – 3.10 p.m.

13 May 2010

Present: Councillors Bradford (Chair), Llewellyn (Vice-Chair), Banham, Driver, George, Jago, Lay, Lubbock, Stephenson (substitute for Councillor Little (S)), Read and Wiltshire

Apologies: Councillor Little (S) (Councillor Stephenson substituting)

1. DECLARATIONS OF INTEREST

Councillors Driver and Stephenson declared personal interests in respect of Application No 09/00679/F - Norwich Airport Amsterdam Way, Norwich, NR6 6JA as representatives of the City Council on the Norwich Airport Joint Consultative Committee and the Norwich Airport Joint Advisory Committee.

Councillor Stephenson said that she would not participate in the decision making on this item as she had not been present at the committee meeting on 18 March 2010 when the application had first been considered.

Councillor Lubbock declared a pre-determined view on item 8, Application No 10/00620/F 466 Unthank Road.

2. MINUTES

RESOLVED to approve the accuracy of the minutes of the meeting held on 8 April 2010.

3. APPLICATION NO 09/00679/F NORWICH AIRPORT AMSTERDAM WAY NORWICH NR6 6JA

(Councillor Driver and Stephenson had declared a personal interest in this item. Councillor Stephenson did not take part in the decision making process.)

The Head of Planning Services introduced the report and said that during the period created by the committee by deferring consideration of the application, at its meeting on 18 March 2010, several aspects of the previous report had been reconsidered. The most significant changes were concerning the noise conditions and following legal advice the structure of the proposed conditions have been simplified.

References to the requirement for the cessation of the unauthorised engine testing have been removed to comply with legal advice that the Council should not seek to require anything by condition that could be secured by other means. The Council had enforcement powers that could be used to secure the cessation of the unauthorised use. Legal advice had been sought to ensure clarity on what was and was not material to the application. The advice received was clear that the assessment of the impacts of the proposed site should be done in comparison with the authorised site only. The authorised site had the real possibility of re-use if no alternative site was available and could be regarded as the 'fall-back' option for the airport and was material to the consideration of the current proposal. The unauthorised site did not represent a viable alternative site to the airport; it had no planning permission or established use and therefore could not be considered material to the current proposal. Members were advised to disregard the noise level information from the current site that was given in the previous report.

The Planning Team Leader referred to the representations received since the publication of the report which had been summarised in a supplementary report and circulated at the meeting. These included representations received from the Chamber of Commerce, the Council for the Protection of Rural England, Horsham and Newton St Faith PC and two sets of local residents. The comments made related to the need for the proposal, the economic impact, the impact on local amenities and health and the appropriateness of the proposed conditions, amongst other things. The applicant had also made representations in respect of the noise level limit proposed in recommended condition 20. Members were also advised the applicants' consultants have confirmed that additional manufacturers' data supported the assessment of engine testing noise generation as referred to in their supporting noise report and therefore the figures did not need be modified (paragraphs 28 and 31 of the appended report, Appendix 1). Members were asked to consider whether it was appropriate to restrict the use of the site and, if so, whether the proposed restrictions met the tests required for the conditions. The Planning Team Leader then presented the report and said that the application was recommended for approval subject to one minor correction to condition 5, where the last line should read 'and 11 to 20' rather than '11 to 21'.

Representations were then made by 3 residents and a noise and pollution consultant, speaking on behalf of the residents of Quaker Farm, in which the following issues were raised: whether the engine testing experienced by some members of the committee was valid as it was considered to be unrepresentative, not all members had attended, and that it had not been experienced within people's homes; that the noise from engine testing was unacceptable and that greater weight was being given to commercial interests than to those of the residents and that if the application was approved, judicial review would be sought. A representative of Horsham and Newton St Faith Parish Council then addressed the committee suggesting that temporary planning permission be granted to allow for the noise levels to be assessed and pointing out that the Council had failed to enforce the use of the unauthorised site. A member of the public then referred to his written objection, circulated to all members of the committee, regarding his concerns about more priority being given to the airport's commercial interests than residents and pointing out that issues raised by the topography of the site had not been addressed.

The Chief Executive of Shaping Norfolk's Future then spoke in support of the airport and whilst understanding the concerns of residents pointed out that this should be balanced against ensuring the viability of the airport and the retention of 450 jobs.

A representative of the Norwich International Airport Ltd then addressed the committee in which reference was made to the importance of the engine testing facility to the local economy; that the residents' concerns had been noted and that there would be regular noise monitoring and information on when engine testing would be carried out was now available on KLM UK's website. Condition 20 was considered to be too restrictive and the applicant was likely to pursue a variation of this condition to avoid potential breaches of the upper limit of 78dB.

The Head of Planning Services and the Planning Team Leader then responded to the issues raised above in which reference was made to the fact that independent legal advice supported the robustness of the approach to this application by the officers; that the airport would provide the Council with information on noise monitoring of the facility and that the Council would need to look into a mechanism to publish this; that members had an opportunity to hear engine testing and that a further deferral was not advisable; and referred to the applicant's request for condition 20 to be increased to 84dB which was not acceptable. Members were also advised that the applicant could revert to the authorised site for engine testing but that the current helicopter operation on the site would need to be relocated for health and safety reasons.

Discussion ensued in which the officers responded to members' questions. The grant of a temporary planning permission for the relocation of the engine testing facility was not considered a reasonable option, given the financial outlay required to construct the development as proposed in the application (understood to be around £1,000,000). Members considered that it would help residents if testing was not permitted on Sundays or Bank Holidays and if more notice of testing at other times was made available on the website. The Head of Planning Services said that this had been raised by residents and had been discussed with the applicant and KLM UK, who considered that this would potentially result in unacceptable delays to the maintenance, repair and overhaul process and be harmful to the operation of the facility. The timing of engine testing was unpredictable by the nature of the operation. It would be difficult to condition the use of the facility based on wind conditions as testing could be prevented for several days. Members were advised that there had been no noise monitoring within properties and that this was not considered to be unreasonable. Although permission was subject to commencement within 3 years, the applicant would be required to provide further details of the hard-standing and the timetable of construction within 1 month of the permission being granted.

Discussion then ensued on the authorised site and the fact that the airport was permitted to use it without condition. The Chair praised the officers for the establishment of the proposed site, which would be subject to controls. Councillor Read said that the proposed site maximum was 78dB as opposed to the maximum of 74dB generated from the current permitted site. This difference of 4dB was quite significant to the human ear. He considered that the noise levels could be higher than this given certain weather conditions and was contrary to policy and World Health Organisation guidelines. The threat that the airport would lose business

if this application was not granted was unacceptable. Further measures to mitigate noise pollution could be taken. During discussion other members expressed concern that reversion to the authorised site would affect residents in the Hellesdon area and there would be no opportunity to control the use of the site. Councillor Jago suggested that the committee should be aware of the needs of future residents should further housing be developed in the area.

Councillor Read moved and Councillor Jago seconded that the application be refused because the proposed site would be detrimental to local residents and would be 4dB higher than the authorised site; that mitigation measures and the conditions imposed on the application were insufficient and the application was contrary to policy. The Head of Planning Services said that if members were minded to refuse the application it would be necessary for the grounds of refusal to be clear. Members could be minded to refuse on the grounds that the mitigation measures proposed and the potential to restrict the use of the site by condition were insufficient to outweigh the additional harm that would be caused to residential amenities of local residents by the relocation of the engine testing activity to the proposed site, and consequently, the development as proposed would be detrimental to the residential amenities of the residents of Quaker Farm and Quaker Cottages and contrary to PPG24 and saved policies EP8 and EP22 of the City of Norwich Local Plan 2004. Members were reminded that refusal was contrary to officers' advice which was to approve the application subject to conditions as set out in the report. The amendment was then moved and it was:-

RESOLVED, with 3 members voting in favour of refusal (Councillors Lay, Jago and Read) and 7 members voting against (Councillors Bradford, Lubbock, Banham, Llewellyn, George, Wiltshire and Driver) (Councillor Stephenson abstaining), the amendment to refuse the application was lost.

Councillor Read proposed that approval of the application should be subject to the conditions proposed by Broadland District Council's Planning Committee and that condition 18 should be amended by replacing 30% with an absolute number of 50. Discussion ensued in which some members considered that if the conditions were too restrictive it would be tantamount to a refusal of the application. The Head of Planning Services advised that the committee had considered the conditions proposed by the Planning Committee of Broadland District Council at its meeting on 18 March 2010 and that the applicant had stated that these were too restrictive for viable operation of the facility. He advised that if members were minded to alter the recommended conditions, Broadland District Council's condition 6 should be an informative rather than a condition. Councillor Read moved and Councillor Jago seconded that the application was approved subject to the incorporation of conditions 1 to 5 as recommended by Broadland District Council and an informative (condition 6) and it was:-

RESOLVED, with 3 members voting in favour (Councillors Lay, Jago and Read) and 7 members voting against (Councillors Bradford, Lubbock, Banham, Llewellyn, George, Wiltshire and Driver) (Councillor Stephenson abstaining), the amendment to approve the application subject to the incorporation of the five conditions and one informative recommended by Broadland District Council was lost.

Councillor Llewellyn moved and Councillor Banham seconded that the application be approved subject to reducing the hours of operation on Saturdays, Sundays and Bank Holidays from 10.00 to 16.00. In response to a question, the Head of Planning Services advised that the applicant had the right to appeal the decision if not satisfied with the conditions attached to planning permission being granted.

RESOLVED with 6 members voting in favour of varying the hours of operation to between the hours of 10.00 and 16.00 hours on Saturdays, Sundays and Bank Holidays (Councillors Bradford, Banham, Lay, Jago, Llewellyn and Read) and 4 members voting against this amendment (Councillors Lubbock, George, Wiltshire and Driver (who all supported approval of the application, subject to the recommendations as set out in the report)) and with 1 abstention (Councillor Stephenson because she had not been present at the meeting on 18 March 2010) to approve Application No 09/00679/F Norwich Airport Amsterdam Way Norwich NR6 6JA and grant planning permission, subject to the following conditions:-

1. The development must be begun within three years of the date of this permission.
2. The development hereby approved shall be carried out in accordance with the plans and details as specified on this decision notice.
3. Within 1 month of the date of this permission a scheme specifying the details of the hard-standing and a timetable for the construction and implementation of the engine testing site, including the provision of the bund, shall be submitted in writing to the local planning authority for approval and the development shall be carried out in accordance with the details as approved.
4. No use of the engine testing site shown outlined in red on site location plan ref FIGURE A received on 23 December 2009 attached to this permission hereby approved shall take place until a scheme for the cessation of engine testing, as defined in condition 5 below, at the currently authorised site (as shown on Plan no. AAA attached to planning permission ref. no. 4980733/F and as detailed in condition 9 of permission 05/0697/F) has been submitted to and approved in writing by the local planning authority.
5. High powered engine testing shall be defined as the ground running of fixed wing aircraft which
 - (i) generate noise of more than 67dB on take off; or
 - (ii) which weigh more than 50 TOGW;as categorised in the FAA March 2010 database, or subsequent amendments to that list, where the ground running of the aircraft engine is at 70% of full power or above, with the exception of testing immediately prior to take-off. For the purposes of this permission only, high powered engine testing as so defined shall be considered to define the term 'engine testing' or 'engine tests' for the purposes of conditions 4, 6 and 11 to 20 of this permission hereby granted.
6. Notwithstanding the provisions of Part 18 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any

Order revoking and re-enacting that Order) (with or without modification), on the commencement of the use (in accordance with the details and timetable to be approved in condition 3 above) of the engine testing site shown outlined in red on site location plan ref FIGURE A received on 23 December 2009 attached to this permission hereby approved:

- (i) all ground running of engines or the testing of engines on the ground within the airport site shall be carried out in strict accordance with the Norwich Airport Operating Framework Agreement dated 10 August 2009 (or as amended by a later version of that document submitted to and approved in writing by the local planning authority) and the conditions as specified in this permission; and
 - (ii) all high powered engine testing shall take place from the engine testing site hereby approved and shown outlined in red on site location plan ref FIGURE A received on 23 December 2009 attached to this permission and no other site within the airport shall be used for that purpose; and
 - (iii) details of all engine testing undertaken at the airport shall be recorded and retained in a publicly viewable log in accordance with the requirements of condition 11 below and verifiable details of the power levels used during the tests undertaken (e.g. bona fide copies of service documentation from the operator carrying out the test) shall be made available within a maximum period of seven days to the local planning authority on request at no less than 24 hour's notice.
7. The surface water drainage infiltration system shall be sized to accommodate the surface water volume of 558 cubic metres shown to be generated by the site during the 1 in 100 year (including 30% climate change (micro drainage)) calculations as specified in the submitted Flood Risk Assessment.
8. Notwithstanding the provisions of Part 18 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) (with or without modification), no development shall take place on the development site hereby approved (shown outlined in red on site location plan ref FIGURE A received on 23 December 2009 attached to this permission) until details of the extent and construction of the hard-standing have been submitted to and approved in writing by the local planning authority in accordance with condition 3 above and the construction of the hard-standing shall be carried out in accordance with the approved details and retained as such thereafter.
9. Notwithstanding the provisions of Part 18 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) (with or without modification), no development shall take place on the development site hereby approved (shown outlined in red on site location plan ref FIGURE A received on 23 December 2009 attached to this permission) until details of the external lighting for the engine testing site, including any security lighting and lighting operating schedule, have been submitted to and approved in writing by the

local planning authority and the installation or use of lighting on the site shall be carried out in accordance with the approved details and retained and operated as such thereafter.

10. Notwithstanding the provisions of Part 18 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) (with or without modification), no development shall take place on the development site hereby approved (shown outlined in red on site location plan ref FIGURE A received on 23 December 2009 attached to this permission) until details of any fixed plant and machinery proposed to be installed, erected or used on the site have been submitted to and approved in writing by the local planning authority and the installation, erection and use of all plant and machinery on the site shall be in accordance with the approved details and retained as such thereafter.
11. No use of the engine test site hereby approved (shown outlined in red on site location plan ref FIGURE A received on 23 December 2009 attached to this permission) shall take place until a scheme for the provision of:
 - (i) a publicly viewable log of all high powered engine testing carried out; and
 - (ii) the prior public notification of high powered engine testing proposed to be carried out;has been submitted in writing to the local planning authority for approval. The scheme shall make provision for:
 - (i) 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 maximum engine power levels used during the test; and the wind direction during the test; and
 - (ii) the prior public notification to include details of: the expected date and time of testing, type of aircraft to be tested, anticipated maximum engine power levels during the testing and anticipated duration of the test.Following the approval of the scheme, all engine testing shall take place in accordance with the approved scheme and any variation to the approved scheme shall be subject to further written approval by the local planning authority.
12. The number of engine tests carried out per calendar year shall not exceed 200.
13. The number of engine tests carried out per calendar month shall not exceed 20.
14. No engine testing shall take place outside the hours of 0800-2000 Monday-Friday and 1000-1600 on Saturday and Sunday and public or bank holidays, unless the engine test is required to be carried out in a critical situation, with critical defined in accordance with condition 19 below and with all such occurrences to be made the matter of a report in accordance with condition 11 above

15. In any calendar year no more than 15% of engine test hours, as specified in condition 14 above, shall be carried out between the hours of 1800 - 2000 Monday to Friday.
16. No more than 6 hours of engine testing shall be carried out on any one day.
17. No more than one aircraft shall be tested at any one time.
18. In any calendar year no more than 30% of engine tests shall be carried out at weekends or public or bank holidays.
19. For the purposes of this permission, the above restrictions in conditions 6 and 11 -18 above shall not apply to a 'critical' situation where:
 - (i) the ground running or testing of engines is required urgently and could not have been foreseen; and
 - (ii) is necessary as a matter of public or aircraft safety; and
 - (iii) whereby the delay of the test or ground run of the engines would endanger public safety; or
 - (iv) cause severe and unacceptable logistical disruption to aircraft passengers or the aircraft operator.

In such cases, the testing or ground running of engines in a critical situation out with the restrictions contained in conditions 6 and 11-18 above shall 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 hereby approved (shown outlined in red on site location plan ref FIGURE A received on 23 December 2009 attached to this permission) shall take place until the procedures have been submitted to and approved in writing by the local planning authority. Any subsequent variance to these agreed procedures shall be the subject of further prior agreement. All such critical situations shall be recorded on the publicly viewable log and shall be made the matter of a report in accordance with condition 11 above.

20. In respect of the site at the boundary of the airport with Quaker Lane (Ordnance Survey grid ref. 622970/314362):
 - (i) the noise level from engine testing recorded at the site (grid ref. 622970/314362) shall not exceed 78dB LAeq(10 minutes) as measured during any ten minute period for the duration of the testing when average wind speeds are no more than 5 metres per second; and
 - (ii) prior to the first use of the engine testing site hereby approved (shown outlined in red on site location plan ref FIGURE A received on 23 December 2009 attached to this permission), provision shall be made for the permanent and continual monitoring of the noise levels and wind speed and direction at the point on the boundary of the airport site specified above, in accordance with details which shall have been submitted to and approved in writing by the local planning authority prior to the installation of the monitoring provision; and
 - (iii) no engine testing at the site hereby approved (shown outlined in red on site location plan ref FIGURE A received on 23 December 2009

attached to this permission) shall take place unless and until the monitoring provisions have been installed and provision has been made for the retention of the data resulting from the monitoring for a minimum period of one calendar year in accordance with the scheme to be agreed and these provisions shall be permanently retained in place thereafter; and

- (iv) the data resulting from the monitoring shall be made available within a maximum period of seven days to the local planning authority on request at no less than 24 hours notice.

Informatives:

1. The airport be advised that, without prejudice to the determination of a future application, the level of testing as set out above is considered to be the maximum reasonable level of use of the site taking into account the impact on neighbouring living conditions and that any proposed increase in the level or extent or timing of testing proposed would be expected to make provision for substantial noise mitigation measures.

2. The airport is advised that the requirements of conditions 11, for the provision of a publicly viewable log of engine testing carried out and the prior public notification of proposed testing due to be carried out, should enable the public viewing of that information as easily as possible and should include provision for the information to be accessed electronically as well as in person.

3. The airport is advised that, without prejudice to the ability of the local planning authority to take appropriate enforcement action, the use of the unauthorised site for engine testing is in breach of a condition of a planning permission and it is anticipated that, following the grant of this permission, the use of the unauthorised site shall cease as soon as is practicable and the time table for the implementation of the permission referred to in condition 3 above should reflect this position accordingly.

Reasons for conditions:

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 and Section 51 of the Planning and Compensation Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. In order for the local planning authority to control of the details referred to and the timetable for construction and implementation in the interests of the amenities of the surrounding area and the living conditions of local residents
4. To prevent the concurrent use of more than one high-powered engine testing site from operating at the airport
5. To define the use of the engine testing site hereby approved and for the avoidance of doubt
6. To ensure that the use of high-powered engine testing at the airport takes place from the site hereby approved and in accordance with appropriate controls and restrictions in the interests of the amenities of the surrounding area and the living conditions of local residents
7. To ensure a satisfactory means of surface water drainage is provided for the approved site in the interests of the prevention of flooding and the avoidance of pollution

8. For the avoidance of doubt and to enable the local planning authority to control the details referred to and avoid the potential of a piecemeal development of the engine testing site from occurring
9. For the avoidance of doubt and to enable the local planning authority to control the details referred to and avoid the potential of a piecemeal development of the engine testing site from occurring
10. For the avoidance of doubt and to enable the local planning authority to control the details referred to and avoid the potential of a piecemeal development of the engine testing site from occurring
11. To ensure appropriate monitoring of the use and notification of the testing occurs in the interests of the amenities of the area and the living conditions of local residents.
12. To restrict the level of use of the site hereby approved in the interests of the amenities of the area and the living conditions of local residents.
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19. To restrict the level of use of the site hereby approved in the interests of the amenities of the area and the living conditions of local residents.
20. To ensure appropriate monitoring of the use and to restrict the level of use of the site hereby approved, to prevent the use of the engine testing site for the testing of aircraft which would produce more noise than those aircraft currently tested at the airport, in the interests of the amenities of the area and the living conditions of local residents.

(Reasons for approval: It is considered that the relocation of the engine testing as proposed is acceptable in principle and would be in accordance with the relevant policies regarding the use of the airport. However, it is considered that the relocation of the use will result in a materially detrimental effect on a relatively limited number of residents in comparison with the use of the approved site and that the impact of the use on residential living conditions is such that the extent and frequency of the use should be limited by condition which will be of benefit to all those affected. Subject to the imposition of these conditions, the proposal is considered acceptable in terms of design, transportation, emissions, water quality and drainage, visual impact, the re-use of materials and energy efficiency and therefore is considered to meet the relevant policy requirements of PPS1, PPS23, PPS23 Annex 1, PPG 24 and PPS25, EEP policies E7, ENG 1, T15, H1, NR1, saved RLP policies TRA1, TRA2, EP5, EP8, EP16, EP17, EP20, EP22, EMP2, HBE12 and all material considerations.)

**4. APPLICATION NO 09/01453/F POLICE STATION EARLHAM ROAD
NORWICH NR2 3RH**

The Senior Planner (Development) presented the report with the aid of slides and plans, and pointed out that the 'beech' tree referred to in the report was in fact a birch tree. A further letter of representation had been received from the resident of the neighbouring property requesting that the 6 trees to be retained were felled along with the other trees on the site and pointing out that the mature copper beech tree breached the boundary of his fence. Members were advised that the Tree Protection Officer considered the retention of the trees to be more worthwhile than removing them and replacement planting, and this was covered by condition 10.

In response to a question the applicant explained that there would not be a custody suite at the new police station because of the size of the station and added that there would be a 30 cell block based at the station in Wymondham.

Discussion ensued in which the Senior Planner responded to members' questions. 'Blue light' activity might increase but it was considered that sirens would not be used while vehicles were leaving the station and that there was immediate access to the roundabout. Members also sought reassurance about the level of sustainability from the development and that materials from the demolished building would be reused.

RESOLVED to approve Application No 09/01453/F Earlham Road, Norwich and grant planning permission, subject to the following conditions:-

1. Commencement of development within three years
2. Application drawings
3. Details of sample external materials; lighting; and joinery
4. Details of verge protection and bollards
5. Provision of car parking, cycle storage, bin stores
6. Provision of Boundary treatment, walls and fences
7. Use of public parking spaces
8. Details of Landscaping, planting and site treatment works
9. Landscape maintenance
10. Tree Protection Scheme prior to commencement
11. Retention of scheme for tree protection
12. Plant and machinery
13. Details of fume and flue

(Reasons for approval: The redevelopment of this site to provide for an improved community facility and performance of police operations and estate rationalisation is sufficient to justify the loss of residential accommodation in this instance. The scheme has been designed having regard to residential amenity, landscape features and access arrangements in the area. The development would provide both an architectural and facility focus within the surrounding area and builds on the police presence on site. Site access remains and sufficient facilities are provided for parking and servicing. The proposed scheme, subject to conditions, would therefore represent an acceptable form of redevelopment and the proposals are therefore considered to comply with the relevant criteria of PPS1; PPG13 and PPG24 policies ENV7; NR1; T8 and WM6 East of England Plan 2008 and saved policies AEC3,

EP22; HBE12; HBE19; HOU16; NE3; NE9; TRA5; TRA6; TRA7 and TRA8 of the City of Norwich Replacement Local Plan, Adopted Version, November 2004 and to all other material considerations.)

**5. APPLICATION NO 10/00515/RM ST MICHAELS CHURCH HALL
HELLESDON ROAD NORWICH NR6 5EG**

The Planner (Development) presented the report with the aid of slides and plans and recommended an additional condition regarding pre-planting details and ongoing planting management arrangements to be agreed.

A resident of a neighbouring property addressed the committee and said that whilst she was not opposed to the application she considered that the previous application had been preferable in that it retained the trees which screened her garden from the development. The new proposal had changed the layout around and she and her adjacent neighbour would be looking at a 'brick wall'. Councillor Makoff, Ward Councillor for Wensum Ward, spoke on behalf of the neighbour and said that the original applications had screening to protect the amenity of the houses in Marlpit Lane.

Discussion ensued in which the Planner explained the site had been sold to another developer and that it was proposed to replace some of the trees with a high fence and shrub planting. Members discussed whether it would be possible to retain the trees to form a screen or a partial screen and whether the design of the development, which was closer to the boundary, would allow this.

RESOLVED to defer consideration of Application No 10/00515/RM, St Michaels Church Hall, Hellesdon Road, Norwich, NR6 5EG to enable further details to be obtained from the developer with regard to retention of the trees to provide screening along the boundary of the site with Marlpit Lane.

(The committee then adjourned and reconvened with all members present.)

**6. APPLICATION NO 10/00362/F AND 10/00363/L 69 NEWMARKET ROAD
NORWICH NR2 2HW**

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

A neighbour who was representing another objecting neighbour who was unable to attend the meeting said that their main concern was the loss of privacy from their properties. The applicant had satisfied her that the studio would not become part of the main living quarters.

The applicant then addressed the committee and explained the energy-efficient design of the contemporary new building would enable the sustainable transfer of heat and power to the listed building without damaging the fabric of that building. Photographs of the solar tubes similar to those intended to be used in the development were circulated.

The Planner then responded to members' questions with assistance from the applicant on technical aspects. Members sought reassurance that the studio would

not become a unit of living accommodation separate from the main house. The applicant clarified that the studio space would be for his personal use and not for his architect's business and would provide guest accommodation only for visiting relatives.

RESOLVED:-

- (1) to approve Application No 10/00362/F, 69 Newmarket Road, Norwich, NR2 2HW and grant planning permission, subject to the following conditions:-
 1. Standard time limit.
 2. Submission of details of timber window joinery for proposed replacement windows to main house.
 3. Submission of details of roofing and facing materials for proposed new studio annexe, garage and car port, to include colour specification for render and full design specification for proposed solar panel
 4. Submission of details of garage doors and security gates to car and cycle parking area.
 5. Studio annexe to be occupied solely in association with main house and not to be occupied as a separate unit of residential accommodation
 6. Studio space within annexe to be used only for business purposes limited to a use ancillary to the occupation of the main house and not to be used separately as independent commercial premises.
 7. Development in accordance with submitted plans.

(Reason for Recommendation: The decision to recommend approval has been taken having regard to the provisions of Planning Policy Statement 1 (PPS1), including the Climate Change Supplement; Planning Policy Statement 5 (PPS5); policies ENG1, ENV6 and ENV7 of the East of England Plan (adopted May 2008) and policies HBE8, HBE9, HBE12, HBE19, EP18, EP22 and TRA5 of the City of Norwich Replacement Local Plan (adopted November 2004).

Subject to the conditions listed, the development is considered to be acceptable. It will secure a modern energy efficient development of high quality, incorporating measures to reduce energy consumption and promote sustainable low-carbon living, whilst preserving and enhancing the setting and historic fabric of the Grade II Listed Building and making a positive contribution to the character and appearance of the Newmarket Road Conservation Area,. It will not result in an adverse impact on the amenity or outlook of adjoining residential occupiers by reason of overlooking or overshadowing, nor result in any appreciable harmful impact on traffic or highway safety in the vicinity of the site.)

- (2) to approve application No 10/00363/L and grant listed building consent, subject to the following conditions:
 1. Standard time limit
 2. Any damage to the fabric of the Listed Building resulting from the works to be made good in matching materials
 3. Submission of details of door frame finishes, doors and architrave to proposed new door openings to ground floor reception room

4. Submission of engineers specification of new supporting lintel between kitchen and dining area and details of finishes in the area affected by these works
5. Any new timber skirtings and flooring required consequent on the structural alterations to match existing as closely as practicable
6. Development in accordance with submitted plans.

(Reason for approval:-The decision to recommend approval has been taken having regard to the provisions of Planning Policy Statement 1 (PPS1), including the Climate Change Supplement; Planning Policy Statement 5 (PPS5); policies ENG1, ENV6 and ENV7 of the East of England Plan (adopted May 2008) and policy HBE9 of the City of Norwich Replacement Local Plan (adopted November 2004).

Subject to the conditions listed, the development is considered to be acceptable. It will secure a modern energy efficient development of high quality, incorporating measures to reduce energy consumption and promote sustainable low-carbon living, whilst preserving and enhancing the setting and historic fabric of the Grade II Listed Building and making a positive contribution to the character and appearance of the Newmarket Road Conservation Area,. It will not result in an adverse impact on the amenity or outlook of adjoining residential occupiers by reason of overlooking or overshadowing, nor result in any appreciable harmful impact on traffic or highway safety in the vicinity of the site.)

7. APPLICATION NO 09/01542/F LAND AT THE CORNER OF ST SAVIOURS LANE AND BLACKFRIARS STREET, NORWICH

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

The applicant addressed the committee and said that he did not consider that the use of the site for a car park had a negative impact on the surrounding area.

RESOLVED to:-

- (1) refuse planning permission for Application No. (09/01542/F) for the following reason(s):-
 1. The site is allocated for mixed use redevelopment and it is considered that use of the site as a car park would prejudice the future redevelopment of the site, contrary to saved policy HOU9 A48 of the adopted City of Norwich Replacement Local Plan and policy WW1 of the adopted Northern City Centre Area Action Plan.
 2. The proposed car park would have a negative impact on the character of the surrounding City Centre Conservation Area contrary to saved policy HBE8 of the adopted City of Norwich Replacement Local Plan, policy ENV7 of the adopted East of England Plan and the objectives of PPS5.
- (2) authorise enforcement action to secure the cessation of the unauthorised use and the taking of legal proceedings, including prosecution if necessary.

8. APPLICATION NO 10/00620/F 466 UNTHANK ROAD NORWICH NR4 7QJ

(Councillor Lubbock had declared that she had a pre-determined view of this application and left the room at this point.)

The Planning Team Leader presented the report with the aid of slides and plans. A further letter of representation had been circulated to members from a resident of the neighbouring property concerned about noise and intrusion from the use of the room, which was near the boundary fence; concern about the future division of the site into two residential areas and concern about overlooking from the windows and the platform at the top of the stairway. Members were advised that the application site was within a conservation area and that the conditions required a screen of the platform area at the top of the stairs and that there would be no window in the roof space, to address the issue of potential noise and overlooking arising from the proposal.

The neighbour then addressed the committee and said that the original application had been for storage above the garage and had not been for residential use. He considered that the staircase was out of keeping with a conservation area, and expressed concern about residential use close to his boundary and division of the property into separate residential units.

The applicant then said that he was prepared to screen the top of the stairs and to plant mature trees to provide a screen through to the boundary fence. He understood the neighbours' concerns and would be prepared to better the conditions suggested by the planning officers to minimise the impact on the neighbours.

RESOLVED to approve Application No 10/00620/F 466, Unthank Road, Norwich, NR4 7QJ and grant planning permission, subject to the following conditions:-

1. Standard time limit;
2. In accordance with the submitted plans and details;
3. No windows or other openings to be inserted into the roof of the garage;
4. Screening to the top of staircase.

(Reason for approval: The decision to grant planning permission has been taken having regard to PPS1 and PPS5, East of England Plan policy ENV6 and ENV7 and Saved Local Plan Policies HBE8, HBE12 and EP22 of the City of Norwich Replacement Local Plan Adopted Version 2004 and to all material planning considerations. The principle of this development is considered acceptable. The design details of the scheme meet the criteria of HBE12 and furthermore would not result in a detrimental impact in terms of loss of amenity to neighbouring properties and as such can be considered to meet the criteria of saved policy EP22. Due to the location of the new doorway and external staircase, the proposal minimises the visual impact and retains the character of the Unthank and Christchurch Conservation area meeting the criteria of saved policy HBE8 of the Local Plan.)

9. APPLICATION NO 10/00517/F 21 WAVERLEY ROAD NORWICH NR4 6SG

RESOLVED, having considered the report of the Head of Planning Services, to approve Application No 10/00517/F 21 Waverley Road, Norwich and grant planning permission, subject to the following conditions:-

1. Statutory time limit – 3 years;
2. In accordance with submitted plans;
3. Materials to match the house.

(Reasons for approval: The decision is made with regard to saved policy HBE12 of the City of Norwich Replacement Local Plan Adopted Version November 2004 and all material considerations. The new garage will be of good design and high quality materials in keeping with the character of the area and will have no detrimental impact on the visual or residential amenities of the neighbours of the adjacent properties.)

10. PERFORMANCE OF THE DEVELOPMENT MANAGEMENT SERVICE, JANUARY – MARCH 2010 (QUARTER 4, 2009-10)

The Planning Development Manager presented the report.

RESOLVED to note the report.

11. PERFORMANCE OF THE DEVELOPMENT MANAGEMENT SERVICE: APPEALS: 1ST JANUARY 2010 TO 31ST MARCH 2010 (QUARTER 4)

The Planning Development Manager presented the report.

Councillor Driver suggested that it would be useful for members to look at the cases where an officer's decision had been appealed against at an informal training session.

RESOLVED to note the report.

CHAIR