NORWICH City Council

MINUTES

**Planning applications committee**

**9:30 to 12:00** **2 October 2014**

Present: Councillors Sands (M) (vice chair in the chair), Ackroyd, Blunt, Boswell, Bradford, Button, Gihawi (substitute for Councillor Gayton), Grahame, Herries, Jackson and Kendrick (substitute for Councillor Woollard) and Neale

Apologies: Councillors Gayton and Woollard

## 1. Pre-application briefing

The committee received a presentation before the commencement of the committee meeting on proposals for the replacement multi-storey car park at Rose Lane, Mountergate. Councillor Stonard, cabinet member for planning and transportation and Councillor Henderson, Thorpe Hamlet ward councillor also attended.

## 2. Declaration of interests

Councillor Herries declared an other interest in item 5 (below) Application no 14/01134/F 1 The Moorings, Norwich, NR3 3AX as a resident of Indigo Yard.

Councillor Bradford declared an other interest in item 7 (below) Earlham Road because the son of the applicant was known to him.

## 3. Minutes

**RESOLVED** to approve the minutes of the meeting held on 4 September 2014 subject to amending the typographical error in the resolution of item 6 Application no 14/00833/F 216 Unthank Road, Norwich, NR2 2AH, deleting "2 members abstaining" and replacing with "2 members voting against" to read as follows:

> "**RESOLVED**, with 7 members voting in favour (Councillors Gayton, Sands, Ackroyd, Button, Henderson, Woollard and Bradford), 2 members voting against (Councillors Boswell and Jackson) and 3 members abstaining (Councillors Blunt, Grahame, and Henderson) to approve application no 14/00833/F 216 Unthank Road, Norwich, NR2 2AH….."

## 4. Application no 14/00683/O 36 Broadhurst Road, Norwich, NR4 6RD

The planner (development) presented the report with the aid of plans and slides. At its meeting in August, the committee had asked officers to go back to the applicant and negotiate an increase to the size of the plot and reduce the footprint of the

building. The slides showed the site from the perspective of 87 Welsford Road and 34 Broadhurst Road. Representations from County Councillor Bearman and a local resident had been received and were summarised in the supplementary report of updates to reports circulated at the meetings.

The resident of 87 Welsford Road addressed the committee in which he reiterated his concern that if the application was approved it would be detrimental to the character of the area and that he considered that the officers had not had a meaningful dialogue with the applicant. He considered that the applicant should move the footprint of the building 2m rather than a ½m to the north of the site. Two other longstanding local residents also addressed the committee and outlined their concern about the development on a garden site and that it was not in keeping with the density of the housing on Eaton Rise and opposing the officer recommendation that the development would not cause significant harm to the area.

Councillor Wright, local member for Eaton ward, spoke on behalf of Eaton Rise residents and said that the body of feeling was that the development was over intense and out of character in the area. He also referred to the comments of the Norwich Society about "garden grab".

The architect spoke in support of the application and explained the personal circumstances of the applicant who wished to build a small house for his own use. The footprint of the dwelling would only occupy 33% of the site. The area was typified by larger family houses and this modern, small house would fill a gap in the market. The client had agreed to extend the development site and had reduced the footprint of the dwelling and included planting along the front to enhance the street scene.

In response to a member's question, the planner explained that under permitted development rights the applicant could construct a large out building or garage on the site without planning consent.

During discussion the planner and the planning team leaders (development) answered member's questions. Members were advised that when considering outline planning permission they also needed to be satisfied that it would be feasible for an acceptable form of development to come forward at reserved matters stage. In reply to a question, the planner explained that the applicant had not chosen to move the new dwelling 2m from the boundary fence.

Discussion ensued in which members considered that the development was "out of kilter" with the area and that it was not possible to keep tweaking the outline planning permission to make it acceptable. Councillor Boswell moved, seconded by Councillor Jackson, that the application should be refused on the grounds that it was contrary to National Planning Policy Framework (NPPF) policies 58 and 64, and following an amendment by Councillor Jackson, was contrary to the council's policies DM3 and DM12 in that the development was too dense and out of keeping with the existing character and function of the area including local distinctiveness and that it would have a detrimental impact on the character of the area. Councillor Bradford spoke against refusal and said that the applicant could develop the site with a building of equal size under permitted development rights. He considered that it was not a "land grab" and was a unique application.

**RESOLVED**, with 7 members voting in favour of refusal (Councillors Sands, Blunt, Ackroyd, Boswell, Jackson, Neale and Grahame) and 5 members voting against refusal (Councillors Button, Gihawi, Herries, Bradford and Kendrick), to refuse application no 14/00683/O 36 Broadhurst Road, Norwich, NR4 6RD on the grounds that it too dense a development on the site and would be detrimental to the character of the area and contrary to NNPF policies 58 and 64, DM3 and DM12, and to ask the head of planning services to provide the reasons for refusal in policy terms.

(Reasons for refusal as provided by the head of planning services:

> The development of a one bedroom dwelling is of a scale and design which would result in a cramped form of development which would relate poorly to the style, layout and density of development in the area. The proposal would therefore have a detrimental impact on the character and local distinctiveness of the area. It is therefore contrary to paragraphs 58 and 64 of the NPPF, policy 2 of the Joint Core Strategy for Broadland, Norwich and South Norfolk 2011, saved policies HOU13 and HBE12 of the City of Norwich Replacement Local Plan 2004 and emerging policies DM3 and DM12 of the emerging Development Management Policies April 2013.)

## 5. Application no 14/01134/F 1 The Moorings, Norwich, NR3 3AX

(Councillor Herries had declared an interest in this item.

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 comprised an additional letter of representation from the residents of 19 Indigo Yard and further information submitted by the applicant.

Three local residents addressed the committee and outlined their objections to the scheme which included concern about it being detrimental to the character of the area, loss of light, proximity and overlooking of properties in Indigo Yard; that the proposed extension was too large a mass and affected the spatial quality of the area and blocked the light to the communal area, and that the council's conservation and design officer had objected to the design. Some residents had not been included in the consultation. The application was finely balanced and the committee was asked to consider conducting a site visit before making its decision.

The applicant addressed the committee and explained that the proposed extension would be viewed through vegetation for most of the year and that the design picked up features in the adjoining buildings, including grey cladding and a balcony. He pointed out that there would be a gap between the adjacent buildings and that building control regulations ensured access by fire and emergency vehicles.

The planner referred to the report and addressed the issues raised by the speakers. There had been a site notice on site and the consultation had been conducted in accordance with the council's procedures. Some residents in Indigo Yard would not have received a letter as their dwellings were outside the consultation area.

During discussion the planner, together with the planning team leader (development) referred to the report and answered members' questions. Members were advised that for most of the year the foliage of the trees would obscure the view. A condition

could be added to ensure that the windows which overlooked the stairwell of the neighbouring property could be obscure glazed. Members expressed concern that they would not be aware of the comments of the conservation and design officer if it had not been for one of the speakers at committee. They were advised that this was procedurally correct and that the report incorporated the comments of the design and conservation officer as appropriate. The final professional officer assessment and recommendation provided to members was outlined in the report of the head of planning. Members considered that the report should contain a summary of the comments and an explanation of the conclusion reached by the head of planning services.

Councillor Bradford moved and Councillor Neale seconded that the committee should defer consideration of the report and undertake a site visit.

**RESOLVED,** with 10 members voting in favour (Councillors Sands, Ackroyd, Blunt, Boswell, Bradford, Button, Grahame, Herries, Jackson and Neale) and 2 members abstaining (Councillor Kendrick and Gihawi) to defer consideration of planning application no 14/01134/F 1 The Moorings, Norwich, NR3 3AX and to undertake a site visit (9:00 on Thursday 6 November 2014)

**6. Applications nos 14/00987/MA and 14/01077/L Land Bounded by Pigg Lane, Palace Street And Bedding Lane Including 1- 2 St Martin At Palace Plain Norwich**

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

**RESOLVED,** unanimously, to approve:

(1) application no 14/00987/MA Land Bounded by Pigg Lane Palace Street and Bedding Lane Including 1- 2 St Martin At Palace Plain and grant planning permission, subject to the following conditions:

1. In accordance with the approved plans;
2. External materials;
3. Details to be agreed (including windows, doors, eaves detail, canopies, details of the glazed link, car park treatment, bin storage details; new extension and louvers);
4. Groundwater contamination mitigation (parts 1 and 2 in accordance with 11/00909/D);
5. Attenuation of any increased public surface water provision;
6. Heritage Interpretation;
7. Cycle Parking and bin storage;
8. Travel Plan;
9. Landscaping, planting, site treatment;
10. Car parking and cycle parking to be provided and available for use prior to first occupation of Bedding Lane office;
11. Plant and machinery details;
12. Fume and flue outlet points details;
13. Details of energy conservation and efficiency measures to be submitted;
14. Details of renewable energy technologies to be used;
15. Archaeology.

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 in the officer report.

(2) application no 14/01077/L 1-2 St Martin at Palace Plain and grant listed building consent, subject to the following conditions:

1. In accordance with the approved plans;
2. Schedule of repairs in accordance with details agreed in 09/00216/D;
3. Listed building protection measures;
4. Works to remove floors or ceilings to be done with agreed structural solution details in 09/00216/D;
5. Schedule of repairs in accordance with details agreed in 09/00216/D;
6. Details of internal partitions and joinery.

**7. Application no 14/00801/O 498 - 500 Earlham Road, Norwich, NR4 7HR**

(Councillor Bradford had declared an other interest in this item.)

The planner (development) presented the report with the aid of plans and slides. He referred to the supplementary report of updates to reports circulated at the meeting which contained an additional recommended condition and supporting text.

Councillor Ryan, local member for University ward, spoke on behalf of the residents of 496 Earlham Road and outlined their objections to the scheme which included concerns about antisocial behaviour and over intensification of student accommodation in the area, impact on the immediate neighbourhood and that the garden size of all the properties would be reduced, that the property could change to from C3 to C4 use without permission and that the downstairs study would be made into a third bedroom .

The applicant spoke in support of the application and explained that the proposed development would not be accessed or visible from Earlham Road; the properties would be accessed from Salter Avenue; and, the gardens would be fenced off separately. The proposal was for affordable houses with the intention that family members would use these to get on to the property ladder.

During discussion the planner referred to the report and answered members' questions. A member pointed out that the proposed development was in keeping with the density of properties on Salter Avenue. Members were advised that the drawings were indicative and would be more detailed at the reserved matters stage.

Discussion ensued on the proposed condition to control change of use from C3 to C4 residential use to prevent the new dwellings being converted into student lets under permitted development rights. Some members considered that this additional condition was unnecessary and would be difficult to enforce. Councillor Gihawi moved and Councillor Bradford seconded that condition 7 was not included as a

condition for planning consent; and with 3 members voting in favour (Councillors Gihawi, Bradford and Herries), 7 members voting against (Councillors Sands, Blunt, Ackroyd, Boswell, Neale, Kendrick and Grahame) and 2 members abstaining (Councillors Button and Jackson) the proposal was lost.

The chair then moved the recommendations to approve the application subject to conditions and with the addition of condition 7, as set out in the supplementary report.

**RESOLVED** unanimously to approve application no 14/00801/O 498 - 500 Earlham Road Norwich NR4 7HR, subject to the following conditions:

1. Standard time limit for outline application.
2. No development until approval of reserved matters including appearance, landscaping, layout, access and scale.
3. Water conservation.
4. No development in pursuance of this permission until a scheme for replacement tree planting and payment of associated costs has been submitted to and agreed with the local planning authority.
5. Details of secure cycling storage, refuse storage and vehicle crossover.
6. Notwithstanding the provisions of Schedule 2, Part 1, Class A 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 part of the dwelling houses hereby permitted shall be enlarged, no garage, porch or garden building erected and no gates, fences, walls or other means of enclosure erected without express grant of permission by the Council as Local Planning Authority.
7. Notwithstanding the provisions of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order, with or without modification), the dwelling houses hereby permitted shall be used for C3 dwelling houses and for no other purpose (including any other purpose in Class C4 of the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Informatives:

1. Refuse and recycling bins to be purchased by applicant with agreement from the council's city wide services department.
2. Any hard standing to be constructed with a permeable material.
3. The development will not be eligible for on street parking permits.
4. Street name and numbering enquiries.
5. Vehicle crossover (dropped kerb and pavement strengthening is required for this development.
6. Construction working hours.
7. Development that affects the highway will require underground utilities searches and road opening and closure noticing (fees payable).
8. This development involves work to the public highway that will require the approval of the Highway Authority. It is an OFFENCE to carry out any works within the Public Highway, which includes a Public Right of Way, without the

permission of the Highway Authority. Please note that it is the applicants' responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the Highway Authority( Agreement with NPS Norwich must be obtained to secure the vehicle accesses.

9. Outline permission only; no permission granted for specific layout or design of development. However , two or more storey at the rear of the dwellings (north facing) is unlikely to be considered an acceptable design as it would raise the potential for overlooking to residents at 498-500 Earlham Road. Further submission of reserved matters required.

## 8. Application no 14/01288/VC Land and Buildings rear of and including 293 - 293A Aylsham Road, Norwich

The senior planner (development) presented the report with the aid of plans and slides and referred to the supplementary report of updates circulated at the meeting.

The applicant addressed the committee at the chair's discretion and explained the reasons for the request for a variation of conditions and concerned that the development would not be viable for the supermarket operator. This development was on a brownfield site, would create jobs and could revert to its previous use as a fuel depot.

Discussion ensued in which the senior planner referred to the report and answered members' questions. Members disputed the applicant's statement that if the current supermarket operator did not go ahead there would not be others to fill the space. Members then discussed 24 hour operation of the proposed supermarket. One member said that the site was run down and in need of development. The former fuel depot would have had deliveries and generated vehicle movements. Another member referred to the fact that people should not be disturbed in the early hours of the morning. The supermarket would be a local amenity and increase footfall to other shops in the district centre. A member said that although 150 jobs would be created he considered that these low paid jobs displaced jobs elsewhere.

The committee noted the measures to mitigate against noise and disturbance from deliveries such as the design of the delivery yard and the distance from the nearest house (85m), and requirements to turn off engines and refrigerated units of stationary vehicles

**RESOLVED** with 10 members voting in favour (Councillors Sands, Blunt, Ackroyd, Boswell, Button, Gihawi, Herries, Jackson. Bradford and Kendrick) and 2 members voting against (Councillors Neale and Grahame) to approve application no 14/01288/VC, 293-293a Aylsham Road and grant planning permission, subject to:

(1) the completion of a satisfactory S106 agreement by 03 December 2014, to include the provision of contributions to street trees provision and maintenance, and a Travel Plan performance bond to the value of £75,000, and subject to the following conditions:

1. **[Variation]** The development hereby permitted shall be begun before 12 June 2017.

2. [Unchanged condition from former permission 13/01928/F] - The development shall be in accordance with the approved details.
3. [Unchanged from 13/01928/F] - Site operations shall accord with the approved Arboricultural Impact Assessment and protective fencing to trees shall be retained.
4. [Unchanged from 13/01928/F] – Site contamination shall accord with the remediation method statement report ref AFH/10.042/OPPCond11/RMS/Rev01 and subsequently updated reports.
5. [Unchanged from 13/01928/F] – There shall be no more than 2,117sq.m. of net retail floorspace, including 423sq.m. or 20% of the net retail floorspace for comparison A1 retail.
6. [Unchanged from 13/01928/F] – No subdivision of the superstore shall take place, and any comparison retail floor space provided shall not be accessed separately to convenience floor space, nor operated by a different retailer, nor operated separately to the convenience space.
7. [Unchanged from 13/01928/F] – No mezzanine floor shall be installed within the superstore without the specific grant of a further permission.
8. **[Variation]** – (a) The development hereby permitted shall not be open to the public, trading, or have members of the public, as customers or guests, on the premises between the hours of 23:01 and 03:59 on Mondays to Saturdays, and 17:01 and 09:59 on Sundays and Public Holidays.
   **[Variation]** – (b) Notwithstanding the requirements of Condition 8(a) above there shall be no collection, relocation or manoeuvring of shopping trollies for purposes other than use by individual shoppers, and no other servicing activities shall take place within the car park of the development hereby permitted, during the hours of 2300-0700 Monday – Saturday, and 1700 – 1000 Sundays and Public Holidays.
9. [Unchanged from 13/01928/F] – There shall be no use of reversing alarms by servicing or delivery vehicles on the site.
10. [Unchanged from 13/01928/F] – Delivery vehicle engines and refrigeration units fitted to delivery / servicing vehicles shall be switched off at all times when on site and stationary.
11. [Unchanged from 13/01928/F] – No use of the superstore hereby permitted shall take place until the delivery and servicing yard and the associated access drive are provided, and thereafter loading and unloading of vehicles serving the superstore shall only take place within the service yard, which shall be accessed only from the designated northern access drive.
12. **[Variation, to delete restrictions on delivery hours]** – With the exception of the delivery of daily newspapers, there shall be no servicing, collections or deliveries to and from the premises from vehicle parked on Aylsham Road or any other public highway.
13. [Unchanged from 13/01928/F] – No use until the approved Travel Plan has been implemented.
14. [Unchanged from 13/01928/F] – Contamination remediation verification plan to be agreed.
15. [Unchanged from 13/01928/F] – Contamination remediation verification report to be agreed.
16. [Unchanged from 13/01928/F] – Long-term contamination monitoring proposals to be agreed.
17. [Unchanged from 13/01928/F] – Risk assessment for groundwater contamination to be agreed.

18. [Unchanged from 13/01928/F] – Contamination reports confirming remediation to be provided.
19. [Unchanged from 13/01928/F] – Long-term monitoring and maintenance plan in respect of groundwater contamination to be agreed and reports submitted subsequent to that.
20. [Unchanged from 13/01928/F] – Ongoing contamination precautions.
21. [Unchanged from 13/01928/F] – Surface water drainage scheme to be agreed.
22. [Unchanged from 13/01928/F] – Detailed landscaping scheme to be agreed.
23. [Unchanged from 13/01928/F] – Ecology strategy to be agreed.
24. [Unchanged from 13/01928/F] – Design materials palette for superstore to be agreed.
25. [Unchanged from 13/01928/F] – Design materials palette for substation to be agreed.
26. [Unchanged from 13/01928/F] – Photovoltaic panels and energy strategy details to be agreed.
27. [Unchanged from 13/01928/F] – Sprinkler system and fire hydrant provision to be agreed.
28. [Unchanged from 13/01928/F] – Revision of existing on-street parking controls to be agreed.
29. [Unchanged from 13/01928/F] – Highway improvement works to be agreed.
30. [Unchanged from 13/01928/F] – Details of possible access route from Aylsham Road to the north of the development site to serve future allocation site R23 to be agreed.
31. [Unchanged from 13/01928/F] – CCTV strategy to be agreed.
32. [Unchanged from 13/01928/F] – Exterior lighting plan to be agreed.
33. [Unchanged from 13/01928/F] – Cycle storage details to be agreed.
34. **[Variation]** – A car parking management plan to be agreed, which shall include free parking irrespective of shoppers' patronage, with a minimum period of free parking to be agreed, and to ensure parking is used only in association with the activities, events and hours of operation of the development and uses of the adjoining district centre.
35. [Unchanged from 13/01928/F] – Restriction on machinery, plant, flue, ventilation installation.

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, including extensive discussions, negotiations and amendments at the pre-application stage, the application has been approved subject to appropriate conditions, fulfilment of the Section 106 legal agreement, and for the reasons outlined in the planning applications committee report.

**I**nformative notes:

1. [Unchanged from 13/01928/F] – Planning obligations.
2. [Unchanged from 13/01928/F] – Community Infrastructure Levy.

3. [Unchanged from 13/01928/F] – Tree protection measures during development.
4. [Unchanged from 13/01928/F] – Sustainable urban drainage system advice.
5. [Unchanged from 13/01928/F] – Norfolk Police Architectural Liaison Officer advice.
6. [Unchanged from 13/01928/F] – Fire hydrant provision advice from the Fire Protection Officer.
7. [Unchanged from 13/01928/F] – Good practice construction advice.

(2) if a satisfactory S106 agreement is not completed prior to 3 December 2014, to delegate authority to the head of planning services to refuse planning permission for Application No 14/01288/VC at Land And Buildings Rear Of And Including 293 - 293A Aylsham Road, for the following reason:

In the absence of a legal agreement or undertaking relating to the provision of street trees and a travel plan bond arrangement, the proposal is unable to provide the necessary street trees to replace those lost as part of the development and to form part of the streetscape landscaping required to make the scheme acceptable, and is unable to ensure the scheme will fulfil its travel plan requirements to ensure the scheme is as sustainable as possible and able to satisfactorily promote travel to the site via non-car means of transport, and as such is contrary to saved policies NE4, NE9, TRA12 and HOU6 of the adopted City of Norwich Replacement Local Plan (2004) and policies 4 and 11 of the adopted Joint Core Strategy (2014).

**9. Application no 14/00892/MA The Happisburgh CBE Building, Norwich City College, 5 Ipswich Road, Norwich NR2 2LJ**

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

During discussion the senior planner referred to the report and answered members' questions. The applicant would be required to submit details of landscaping.

**RESOLVED**, unanimously, to approve application No 14/00892/MA at City College, 5 Ipswich Road, Norwich, and grant planning permission, subject to the following conditions:-

1. The development shall be completed in accordance with the approved plans.
2. Within 3 months of the date of the permission, a scheme for removing the rooftop railings and/or concealing the rooftop railings shall be submitted for the LPA approval, and shall be installed within 3 months thereafter.
3. Within 3 months of the date of permission a landscaping scheme shall be submitted for LPA approval. This shall include landscaping of the former print room space, the northern boundary, the frontage / forecourt, and the Broadland Drive concourse. The details shall be provided within 3 months thereafter.
4. The premises shall be used only as a classroom facility (as original permission).
5. Development shall retain the wheelchair lift for the duration of the building's use.

6. No additional plant or machinery shall be installed without prior consent.

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 their agreement to make subsequent amendments the application has been approved subject to appropriate conditions and for the reasons outlined in the officer report.

**10. Application no 14/01004/F 37 Clarendon Road, Norwich, NR2 2PN**

The planning team leader (development) presented the report with the aid of plans and slides.

**RESOLVED,** unanimously, to approve application no 14/01004/F 37 Clarendon Road and grant planning permission, subject to the following conditions:-

1. Standard time limit
2. In accordance with plans
3. Details of a) timber cladding, render, roof lantern
4. Annex to be occupied only for purposed ancillary to the residential use of dwelling known as 37 Clarendon Road. At no time shall it be sold, leased or occupied independently

Informatives:

The annex would not be entitled to parking permits.

(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 in the officer report.).

**11. Application no 14/01002/F 14 Mill Hill Road, Norwich, NR2 3DP**

The planning team leader (development) presented the report with the aid of plans and slides. He explained that the committee had granted permission at its last meeting. However due to an administrative error the report had not been published on the council's website.

**RESOLVED**, unanimously, to approve application no 14/01002/F at 14 Mill Hill Road, subject to the following conditions:

1. Standard time limit.
2. In accordance with plans.
3. Materials to match existing.

**12. Application no 12/02046/O Enterprise Garage Starling Road, Norwich, NR3 3EB - application under Section 106BA**

The senior planner (development) presented the report with the aid of plans and slides. He explained that the applicant had sent a note earlier that day to say that he was unable to attend at short notice but was content for the committee to progress with consideration of the application to vary the Section 106 agreement.

During discussion the senior planner said that the applicant had not indicated when the development would commence.

**RESOLVED**, unanimously, to refuse application no 12/02046/O Enterprise Garage Starling Road, Norwich, NR3 3EB - application under Section 106BA for the reasons set out within the council's planning applications committee report dated 2 October 2014 which concludes that it has not been demonstrated that the scheme cannot viably provide affordable housing and therefore the planning obligation is to continue to have effect without modification.

## 13. Application no 11/02236/F Land adjacent to Novi Sad Bridge Wherry Road, Norwich

The planning team leader (development) presented the report with the aid of plans and slides.

**RESOLVED** to approve changes to the S106 agreement relating to consent no (11/02236/F Land adjacent to Novi Sad Bridge Wherry Road Norwich) comprising the following:

1. The removal of the overage provisions;
2. The addition of a further social rented affordable unit (totalling six);
3. Either the removal of the affordable housing commuted sum option or the increase of the affordable housing commuted sum, to allow the provision of six units off site.

CHAIR