



PLANNING APPLICATIONS COMMITTEE

10.40am to 1.00pm

30 June 2011

Present: Councillors Bradford (chair), Gee (vice chair), Ackroyd (not present at site visit), Banham, Gayton, Haynes, Kendrick, Little, Lubbock and Offord

Apologies: Councillors George and Sands (S),

1. SITE VISIT – NEW VEHICULAR ACCESS TO EATON PARK – APPLICATION NO 11/00244/F

Members of the committee undertook a site visit in respect of application no 11/00244/F – new vehicular access to Eaton Park.

2. DECLARATIONS OF INTEREST

Councillor Ackroyd said that she had a pre-determined view in respect of application no 11/00244/F – new vehicular access to Eaton Park and that she would speak on the proposal and then withdraw for the remainder of the item.

3. MINUTES

RESOLVED to agree the accuracy of the minutes of the meeting held on 9 June 2011.

4. APPLICATION NO APPLICATION NO 11/00244/F MODEL BOAT CLUB, PAVILION, EATON PARK, SOUTH PARK AVENUE, NORWICH

(Councillor Ackroyd had declared that she had a predetermined view with regard to this item.)

The team leader (development) presented the report with the aid of slides and plans. She also referred to the supplementary report of late additions to reports that was circulated at the meeting and said that two further letters of representation had been received.

A local resident and Councillor Ackroyd, in her capacity as an Eaton ward councillor, addressed the committee outlining their objections to the scheme, which included concerns about the access being visible to drivers; lack of information about the number of disabled members of the boat club who would park on the grassed area; that the proposal set a precedent for other users; that the park served residents from

across the city; and that parking within the park was a hazard to users of the park. (Photographs, provided by a resident were displayed at the meeting.)

(Councillor Ackroyd left the meeting at this point.)

The chairman of the Eaton Park Model Boat Club spoke in support of the application and explained that the club would manage the arrangement and that it would only be used on Saturdays, Sundays and when there was an event on the boating lake and that it would improve access to the park for the emergency services. (Copies of the plans and an artist's impression of the new gate were displayed at the meeting.)

Discussion ensued in which the planning team leader and representatives of the Model Boat Club answered questions on the management arrangements for the gate, the current arrangements for access and membership of the club (105 members, with 8 members who had a disability).

Councillor Lubbock expressed sympathy with the Model Boat Club users but considered that there was insufficient evidence of a conflict with users of the skateboard park to justify the expenditure of £3,000 and the introduction of cars and subsequent loss of green space for a system that worked. There was a lot of concern from local residents about the impact this proposal would have on road safety and for users of the park, particularly dog walkers. (Photographs were displayed showing the parking on South Park Avenue.)

Discussion ensued in which some members noted that the boating lake was an important facility and integral to the design of the park and its use should be supported. Members considered the management arrangements and it was suggested that these should incorporate a left turn only egress from the park into South Park Avenue. Members were also advised that the prevention of parking on grassed verges, where there was a double yellow line, was a matter of enforcement and the requirement of an extension of existing double yellow lines could not be a condition of the planning permission but investigation could be requested and added to a decision as an informative. Councillor Haynes said that members on the site visit had tested the visibility from the proposed access and that the bus stop did not need to be moved as drivers would wait until a bus left the bus stop before pulling out. The planning team leader explained that the cell web construction for the grassed parking area was designed to be low visibility and that any signage or delineation of the area would be intrusive. The management agreement would ensure the management of parking on the agreed area.

RESOLVED, with 8 members voting in favour (Councillors Bradford, Gee, Banham, Gayton, Haynes, Kendrick, Little and Offord) and 1 member voting against (Councillor Lubbock) to application No 11/00244/F Model Boat Club Pavilion Eaton Park South Park Avenue Norwich and grant planning permission, subject to the following conditions:

1. Commencement within 3 years;
2. In accordance with drawings listed;
3. Details of gates/posts colour;
4. Detail of Arboricultural site monitoring;
5. Compliance with AIA;

6. Retention of tree protection;
7. Landscaping;
8. Landscape maintenance;
9. Control on use of access and parking within area which includes restricting use of the access for dropping off only, except for people with disabilities, use by emergency vehicles for access, use only on Saturdays and Sundays and club event days, and use in accordance with the details of a management scheme to be submitted and agreed, which shall be agreed, which shall incorporate the requirement that egress is restricted to a left hand turn into South Park Avenue.

(Reasons for approval: The proposal would result in an appropriate and satisfactory form of development that would further enhance use of recreational and outdoor facilities within the historic park. The siting of the gates and surface treatments would create an acceptable relationship to its surroundings and the scheme would maintain the value of the area as a recreational resource; its character and the appearance of the overall park setting; and significance of the heritage asset. Safe access and use should be achievable subject to the imposition of conditions. As such, the proposal would comply with PPS1, PPS5 and PPG17; policies ENV3, ENV6 and ENV7 of the east of England Plan 2008; policies 1, 2 and 7 of the Joint Core Strategy 2011; and policies EP22, HBE9, HBE12, NE1, NE8, NE9, SR3, SR8, SR12 and SR14 of the City of Norwich Replacement Local Plan Adopted Version, November 2004 and to all other material considerations.)

An informative as requested by members of committee requesting investigation of a traffic regulation order for double yellow lines adjacent to the new gateway.

(Councillor Ackroyd was readmitted to the meeting.)

5. APPLICATION NO 11/00151/U – FLAT ABOVE 15 PRINCE OF WALES ROAD, NORWICH, NR1 1BD

The planner (development) presented the report with the aid of plans and slides. She also referred to the supplementary report of late additions to reports that was circulated at the meeting and said that one further representation had been received from a local resident. The maximum noise levels would be agreed with the applicant as part of condition 9.

A local resident addressed the committee and outlined his objections to the scheme pointing out that the applicant's noise assessment had taken place at noon when background noise was lower than in the evening; that the premises was causing noise pollution and the insulation works were insufficient; concern about enforcement of conditions and that noise disturbance was detrimental to the amenity of his residence.

The planner and the environmental health officer responded to the issues raised by referring to the report and pointed out that the maximum recommended noise level was 87dB in room 4, although actual maximum noise levels would be conditioned to be agreed, mitigation measures had been taken with adequate sound insulation and the revisions to the plans showing use of room 1 being restricted to an office (also

controlled by condition), and that the application for this flat should be considered separately from complaints about the use on the lower floors of the premises.

Considerable discussion ensued in which members expressed concern about the fact that the application was retrospective; over intensity of the change of use and concern about fire safety; the need to use noise limiters on amplified equipment to ensure that noise levels was kept below 87dB or a lower level agreed acceptable with the applicant and whether this could be enforced effectively. Councillor Little expressed concern that the council had no control over the appearance of the insulation which covered the windows at the rear. Councillor Offord referred to the comments from the residents and expressed concern about the cumulative impact of the change of use on the area which had already had other licensed premises in the area.

RESOLVED with 3 members voting in favour (Councillors Bradford, Kendrick and Little), 2 members voting against (Councillors Lubbock and Offord), and 5 members abstaining (Councillors Gayton, Banham, Ackroyd, Haynes and Gee) to approve Application No 11/00151/U Flat Above 15 Prince of Wales Road, Norwich, NR1 1BC and grant planning permission, subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
2. The development hereby approved shall be carried out in accordance with the plans and details as specified on this decision notice.
3. The premises which form the subject of this permission and outlined in red on the approved location plan [plan reference 333/01] 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 01:00am and 08:00am on any day.
4. No use of the premises as a karaoke bar establishment shall take place until a scheme for the provision and operation of internal CCTV has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include:
 - (a) the size and specification of all cameras;
 - (b) the location of all cameras;
 - (c) the combined coverage of all cameras;
 - (d) the method of recording;
 - (e) the times of operation of the cameras (including recording);
 - (f) the length of time records will be kept for.
5. The CCTV system shall to be provided in full working order and in accordance with the agreed details prior to the first use of the premises as a drinking establishment and shall be retained in full working order thereafter.
6. There shall be no music and/or karaoke entertainment taking place at any time in the room marked as "office" on plan reference 333/04 Revision A.
7. The sound insulation measures as detailed in the Noise Impact Assessment [LA/1131/02R/ML] received 24th March 2011, at paragraphs 5.1 to 5.3 inclusive, and as confirmed to be carried out in the additional Noise Impact Assessment [LA/1131/03R/ML] received 8th June 2011 shall be installed and retained in perpetuity so as to secure a reduction in the level of noise

emanating from the premises, such that noise levels from the application premises shall not exceed NR30 over the full frequency range, as measured at a point 1 metre outside any noise sensitive premises, and shall not exceed NR20 over the full frequency range as measured inside any adjoining noise sensitive premises.

8. Before the first use of the premises hereby permitted, full details of the amplification system to be permanently installed and used at the site shall be submitted to and agreed in writing with the Local Planning Authority. This system shall thereafter be retained in perpetuity and no alteration of this system may take place without the prior written approval of the Local Planning Authority.
9. No amplified music shall be played in the premises unless through the agreed permanently installed amplification system.
10. Before the first use of the premises as a karaoke bar hereby permitted, details of the maximum noise levels expressed in dB LAeq(5mins), measured at a point 2 meters from every loudspeaker forming part of the amplification system in each of the karaoke/entertainment rooms shall be first submitted to and approved in writing by the Local Planning Authority. Thereafter the permitted maximum noise levels agreed as part of this planning condition shall not be exceeded at any time.
11. Before the first use of the premises as a karaoke bar hereby permitted, a management scheme detailing measures to be put in place to ensure that the amplification system cannot be adjusted beyond the maximum permitted noise levels as agreed by condition 9 of this permission, shall be submitted to and agreed in writing by the Local Planning Authority, and shall only be operated in accordance with the agreed details thereafter.
12. Prior to the installation and first use of any fume extraction and ventilation equipment at the site, details of their positioning, specification and use of noise reduction silencers to be provided as part of the system shall be first submitted to and approved in writing by the Local Planning Authority, and shall thereafter be installed and retained in perpetuity in full accordance with the agreed details.
13. The installation of any plant or machinery on the premises shall be in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority for the reduction, where necessary, of the level of noise and vibration emanating from the premises.
14. No amplified or acoustic music shall be played within any outside areas of the application site as outlined in red on the Site Location Plan on plan number 333/01 dated September 2010.
15. The outside area to the rear of the premises the subject of this permission shall not be open to, or used by, the public or customers other than for use in the case of an emergency, for example, in case of fire.
16. All internal doors between the karaoke rooms and access stairs will be acoustic doors and shall be fitted with self-closing devices that shall be in operation at all times when music is played within the application premises.
17. No noise or vibration emitting devices shall be fitted to the wall adjoining 17 and/or 13 Prince of Wales Road.
18. Before the first use of the premises as a karaoke bar, full details of how services have been fitted throughout the property shall be submitted to and approved in writing with the Local Planning Authority. The details shall specify how intrusions through the ceilings, wall and floors have been minimised,

such as by avoiding holes being cut into the plasterboard, and instead using flush mounted electrical sockets and fittings and light fittings. The services shall then be installed in full accordance with the agreed details and retained in perpetuity. If any new services are required full details shall be first submitted to and approved in writing by the Local Planning Authority.

19. Prior to the commencement of the use hereby permitted, full details of the refuse storage areas and a servicing statement outlining how collections will be made shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be constructed in full accordance with the agreed details and retained as such in perpetuity.
20. No trade deliveries or collections, including trade waste, will take place between the hours of 19:00hrs and 07:00hrs Monday to Saturday. There will be no trade deliveries or collections, including trade waste on Sundays or Bank Holidays.

(Reasons for approval (as revised by the head of planning subsequent to the committee meeting): The decision has been made with particular regard to PPS1, PPS4, PPS5, PPG13, PPG24, policies NR1, ENV6, and ENV7 of the Adopted East of England Plan (May 2008), policies 1, 2, 5, 6 and 11 of the Adopted Joint Core Strategy for Broadland, Norwich and South Norfolk (March 2011) and saved policies HBE8, HBE12, EP10, EP22, AEC1, and TRA8 of the City of Norwich Replacement Local Plan (Adopted Version November 2004). The proposed use is considered acceptable in the Late Night Activity Zone. Subject to compliance with the conditions imposed here, it is not considered that the proposals would have a significant detrimental impact on the amenity of neighbouring residential or commercial properties.)

6. APPLICATION NO 11/00860/T PROPOSED TELECOMMUNICATIONS MAST OPPOSITE 161B BOWERS AVENUE, NORWICH

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

County Councillor Edwards, divisional ward councillor for Mile Cross Road, spoke on behalf of local residents who opposed the proposal on the grounds of the visual impact of the mast and that residents considered that the mast was not necessary. He asked that the committee undertook a site visit before determining the application.

The planning team leader referred to the report and said that government guidance PPG8 Telecommunications advised that the need for a telecommunications mast was not for planning authorities to determine. The applicant had looked at all suitable locations.

Discussion ensued in which some members concurred that the mast was visually intrusive in the proposed locations. Members noted that there was a moratorium on new telecommunications masts being placed on council properties which restricted where masts could be placed in areas where the majority of buildings were council owned. The planning team leader referred to the report and displayed plans to demonstrate the height of the proposed mast. The impact of the mast would be mitigated in that it would be partially hidden by trees.

Councillor Gayton moved and Councillor Banham seconded that the application for a telecommunications mast was refused on the grounds of its visual intrusion in a prominent public area. Councillor Lubbock said that she considered there were insufficient reasons to refuse this application and, that as many people in the area did not have landlines, it would deprive them of being able to use the mobile phone operator of their choice or receive good reception.

RESOLVED with 5 members voting in favour of refusal (Councillors Gayton, Banham, Gee, Little and Offord), 2 members voting against refusal (Councillors Kendrick and Lubbock), and 2 members abstaining (Councillors Bradford and Ackroyd) to refuse Application No 11/00860/T proposed telecommunications Mast Opposite 161b Bowers Avenue, Norwich and to ask the head of planning services to draft the reasons for refusal on visible intrusion in a highly visible public area in policy terms.

(Reasons for refusal subsequently provided by the head of planning services: The height and siting of the proposal would have an unacceptable and unduly prominent visual impact, as it would result in a significant visual intrusion in a highly visible public area within the streetscene, to the detriment of local amenities and the character of the area and contrary to saved policy HBE20 of the City of Norwich Replacement Local Plan 2004 and policy 2 of the adopted Joint Core Strategy 2011.)

CHAIR