



PLANNING APPLICATIONS COMMITTEE

11.15am to 12.35pm

5 December 2013

Present: Councillors Bradford (chair), Gayton (vice chair), Ackroyd, Blunt, Brociek-Coulton, Gihawi (substitute for Councillor Button), Grahame, Jackson, Little, Neale, Sands (S) and Storie

Apologies: Councillor Button

1. DECLARATION OF INTERESTS

Councillor Jackson said that he had a predetermined view on item 3, below, application no 13/01636/F Castle Mall, Norwich and that he would speak as a member of the public and then would leave the room so that he took no part in the committee's discussion and determination of the item.

(Councillor Gihawi subsequently declared an interest during item 3, application no 13/01636/F Castle Mall, Norwich because she represented Norfolk County Council on the Norwich Business Improvement District board.)

2. MINUTES

RESOLVED to approve the minutes of the meeting held on 7 November 2013.

3. APPLICATION NO 13/01636/F CASTLE MALL, NORWICH

(Councillor Jackson had declared a predetermined view in this item and was not part of the determination of the application. Councillor Gihawi declared an other interest during the officer's presentation and left the meeting.)

The planner (development) presented the report with the aid of plans, slides and at the request of the applicant, a video clip. She referred to the supplementary report of updates to reports for consideration, which was circulated at the meeting, and comprised a summary of a further representation from the agent for the applicant and two further representations from Castle Mall tenants, and the officer response to the issues raised.

(Councillor Gihawi left the meeting at this point.)

Mr Michael Innes, who had designed Castle Mall, addressed the committee and outlined his concerns about the proposal. He suggested that the building could be

cleaned up and that the use of effective lighting could change the appearance of the Back of the Inns entrance.

A representative of the Norwich Society then addressed the committee and said that the proposed treatment of the façade at the Back of the Inns entrance to Castle Mall did not respect the scale and materials of the Castle Mall entrance on the streetscape. He requested a more subtle approach which could incorporate the use of lighting technology.

Councillor Jackson addressed the committee and outlined his objections to the proposal which included the use of aluminium as not being sustainable, that it was contrary to the national planning policy framework and asked whether the design would encourage more people into the mall.

Three tenants of Castle Mall and the centre manager addressed the committee and spoke in support of application which included comments on the need for investment in the mall to ensure the vitality of the centre and the retention of 850 jobs.

A representative of Infrared then spoke on behalf the applicant and said that the company had a good track record of investing in shopping centres and that it would help the city to retain its status as one of the top ten retail destinations in the UK. Investment would improve the footfall in the centre and encourage more tenants to take up leases in it. The façade was dated. Separate planning applications relating to this proposal were likely to be approved by the authority under delegated powers.

(Councillor Jackson left the meeting at this point.)

During discussion the planner, together with the planning development manager, referred to the reports and answered members' questions. Members noted that there were elements of the application that were acceptable and that the applicants were willing to invest in the mall.

Councillor Gayton moved and Councillor Ackroyd seconded that the consideration of the application should be deferred to enable officers to hold further discussion with the applicants. Discussion ensued on this proposal.

RESOLVED, with 8 members voting in favour (Councillors Bradford, Gayton, Ackroyd, Blunt, Brociek-Coulton, Grahame, Sands (S) and Storie) and 2 voting against (Councillors Little and Neale) to defer further consideration of application no 13/01636/F Castle Mall Norwich to a future meeting of the committee.

(Councillors Gihawi and Jackson were readmitted to the meeting at this point.)

4. APPLICATION NO 13/01609/VC 463 - 503 SPROWSTON ROAD, NORWICH

The planner (development) presented the report with the aid of plans and slides and advised members that the Aldi store had opened last week.

The agent for Aldi said that the company was seeking the deletion of the condition to resurface and provide a pedestrian link between Anthony Drive and Sprowston Road and explained that it had been impossible to persuade the owner of the land to allow

Aldi to undertake this work and was not it was not in the applicant's control. He pointed out that the applicant had provided a new well lit pedestrian route throughout the site.

During discussion the planner referred to the report and advised members that local residents had applied to make the pedestrian link between Anthony Drive and Sprowston Road a public right of way and that it was reasonable to extend the condition whilst this process was being undertaken. Members were advised that the new pedestrian route through the Aldi site was accessible at all times. The ownership of a small strip of land on the pedestrian link between Anthony Drive and Sprowston Road was uncertain. The landowner of part of the link was concerned about liability but an improved surface quality would reduce the potential for accidents. Members were advised that the status of the link as public right of way was outside the committee's remit. The issues of the right of way would take around 18 months for a decision to be made by the county council. It would therefore be a missed opportunity if the applicant was discharged of the obligation before this decision had been made.

Following discussion members considered that they would re-impose the former condition 8 which related to the resurfacing of the pedestrian link between Anthony Drive and Sprowston Road and to re-impose the other conditions, including the section 106 agreement.

RESOLVED, unanimously, to approve application no 13/01609/VC at 463-503 Sprowston Road and grant planning permission, subject to the following conditions:-

1. In accordance with plans:

Approval of details

2. Details for:

- (a) retail store - external materials and gate to vehicular entrance of site to be installed as agreed under application 13/00976/D.
 - (b) residential units – external materials.
3. Use of obscure glazing within high level windows in retail store;
4. The content, materials and fixing of the historic interpretation materials to the north elevation of the store;

Landscaping and trees

5. Landscaping scheme for:
 - (a) retail unit as agreed under 13/00976/D;
 - (b) residential units including permeable hard surfacing, walls and fences for privacy and acoustic screening as required).
6. Pedestrian links through store site provided.

Precise wording of condition 7:

7. The materials to be used for the surface treatment of the access track to the south of the application site and to the north of 461 Sprowston Road shall be submitted to and agreed in writing by the Local Planning Authority, by 28 May 2015. The resurfacing shall be carried out in full

accordance with the agreed details within six months of the details being agreed to provide a pedestrian link from Anthony Drive to Sprowston Road.

8. No removal of trees, shrubs or buildings on site during bird breeding season (March to August inclusive).
9. Arboricultural supervision.
10. No dig methods.
11. Protection of areas.
12. Siting of services.

Car parking, cycle and refuse storage

13. Servicing provision – retail – as agreed under 13/00976/D.
14. Servicing provision – residential to be agreed.
15. Car parking management plan – as agreed under 13/00976/D.

Water and energy efficiency

16. Provision and maintenance of SUDS system – as agreed under 13/00976/D.
17. Water conservation to Code for Sustainable Homes Level 4 for homes – to be agreed.
18. Provision of renewable energy for retail store to 10% - as agreed under 13/00976/D.
19. Provision of renewable energy for residential units to 10% - to be agreed.

Restrictions to protect amenity

20. Hours of store opening, opening of vehicle gate into site and delivery and servicing, outside of which time no delivery or servicing vehicles may enter site 07:00 to 23:00 Mondays to Saturdays and 09:00 to 16:00 Sundays and Bank Holidays
21. Plant and machinery installed – to be agreed
22. Removal of permitted development rights for ventilation and fume extraction for any future plant required at the store after implementation.
23. No storage or materials on site outside of designated areas unless first agreed.
24. No use of reversing alarms on lorries on site.
25. Refrigeration units on delivery vehicles to be switched off.
26. Loading/unloading in designated areas only.
27. Rubber shroud around delivery bay – as agreed under 13/00976/D.
28. No cages to be used on site.

Archaeology and ground contamination

29. Archaeology – stop work if any artefacts found.
30.
 - (a) Retail - watching brief for land contamination – as agreed under 13/00976/D;
 - (b) Residential – watching brief for land contamination
31.
 - (a) Retail - remediation strategy for ground contamination as agreed under 13/00976/D.

- (b) Residential – remediation strategy for ground contamination to be agreed.
- 32. Unidentified contamination found on site
- 33. Agreement of any imported topsoil

Other conditions

- 34. Goods sold limited to 198sq.m. of floorspace for non-convenience goods.
- 35. Travel information plan – as agreed under 13/00976/D.
- 36. Safeguarding of access to site.

Article 31(1) (c) Statement: The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations, following negotiations with the applicant and subsequent amendments the application has been approved subject to appropriate conditions and for the reasons outlined above.)

5. APPLICATION NO 13/01681/F 476 SPROWSTON ROAD, NORWICH, NR3 4DY

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

The committee then heard representations from local traders who expressed concern about competition to existing hot food retailers; that there was no fire emergency exit to the proposed building; that there was nowhere to place the bins; that there was only one toilet on the premises; concern about exacerbation of existing parking problems; and that smell and noise from the change of use of the property would affect the amenity of the resident in the flat above.

During discussion the planner referred to the report and reassured members that the proposed conditions were reasonable and enforceable. The conditions required the applicant to seek prior approval of the detailed plans for bin storage and extractor units. A member expressed concern that two of the speakers had referred to the lack of an emergency exit to the property and was advised that the need for a fire exit would be assessed as part of the building regulations.

Discussion then ensued on the change of use to a café and concern that whilst there was no café element in the shopping centre at present there were other takeaways. Members noted that the applicant had not submitted hours of operation and several members considered that a café would be likely to open earlier than proposed to provide breakfasts. Councillor Jackson moved and Councillor Grahame seconded that the application be approved subject to reducing the hours of operation set out in condition 3 (7am to 9pm) and conditioning that the internal lay out was in accordance with the plans to ensure that servery did not encroach on the space for tables and chairs. A member pointed out that there was a typographical error in condition 3 and that “not” should be deleted.

RESOLVED, with 11 members voting in favour (Councillors Bradford, Gayton, Ackroyd, Blunt, Brociek-Coulton, Gihawi, Grahame, Jackson, Little, Neale and Storie) and 1 member voting against (Councillor Sands (S)) to approve application

no 13/01681/F at 476 Sprowston and grant planning permission, subject to the following conditions, as amended:-

1. Standard time limit.
2. In accordance with the approved plans.
3. The premises shall be open to the public, trading, or have members of the public, as customers or guests, on the premises between the hours of 07:00 hrs and 21:00 hrs [Monday to Sunday].
4. No trade deliveries or collections including trade waste shall take place between the hours of 19:00hrs and 07:00hrs Monday to Saturday. There shall be no trade deliveries or collections including trade waste on Sundays or Bank or Public Holidays.
5. No development shall take place until details of the following on site provisions have been submitted to and agreed in writing by the local planning authority:
 - (a) bin enclosure;
 - (b) a management plan for the storage and collection of operational waste;
 - (c) a management plan for dealing with any litter generated by the takeaway
6. No extraction ventilation system shall be installed or erected on the site unless in accordance with a detailed scheme that has been submitted to and approved in writing by the Local Planning Authority. The detailed scheme shall include the position of all the components of the ventilation system including flue outlet point, canopy, ductwork, extraction fan, use of anti-vibration mountings and the type of filtration to be installed and used in the premises in pursuance of this permission, together with a schedule of maintenance. No use of the premises as hereby permitted shall take place unless the approved scheme has been installed and is operational and thereafter it shall be retained in full accordance with the approved details and the maintenance of the kitchen extraction system shall be carried out in accordance with the scheme as agreed.

6. APPLICATION NO 13/01732/F 57 IPSWICH ROAD, NORWICH, NR4 6LA

The planner (development) presented the report with the aid of plans and slides, which included slides provided by the applicant. The Norwich Society had commented on the application and were strongly opposed to the proposal which was considered to be out of proportion to the existing house and objected to the balcony.

A neighbouring resident addressed the committee and outlined her objections to the proposal which included concern about overdevelopment of the site; that the balcony was unnecessary and would overlook her property; the condition for a screen for the balcony would not be maintained and concern about the impact of the development on traffic and road safety.

The applicant spoke in support of the application. Residential use would have less impact on traffic. The property was to provide the couple with a modest income for their retirement and as they would retain the freehold of the property, they could ensure that the screen on the balcony was retained. The screen would be obscured glass.

The planner referred to the slides provided by the applicant and showed the committee what the view would be from the proposed balcony. He pointed out that the use of the house as a massage or a day spa generated more traffic than residential use. In reply to a question he said that the balcony would provide the residents with an outside space and that the privacy screen was important and should not be removed.

RESOLVED with 9 members voting in favour (Councillors Bradford, Ackroyd, Blunt, Brociek-Coulton, Gihawi, Grahame, Jackson, Little, Neale,), 2 members voting against (Councillors Sands (S) and Storie) and 1 member voting abstaining (Councillor Gayton) approve application no. 13/01732/F 57 Ipswich Road, Norwich, and grant planning permission, subject to the following conditions:-

1. Standard time limit.
2. In accordance with the approved plans.
3. Details relating to the specification of the balcony.
4. Details of water conservation measures.
5. Details of the following on site provisions.
 - a) car and motorcycle parking layout;
 - b) vehicle turning areas;
 - c) covered and secure bicycle storage and parking for residents and visitors to the dwelling; and
 - d) servicing, including waste and recycling bin storage and collection facilities.
 - e) details of materials of paved areas, including manufacturer, product type and colour;
 - e) details of new external lighting;
 - f) details of rotary drying areas.

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.

CHAIR