



PLANNING APPLICATIONS COMMITTEE

09.15 a.m. - 2.50 p.m.

16 September 2010

Present: Councillors Bradford (Chair), Banham, Collishaw, Driver, Little, Lubbock, Offord, and Read

1. SITE VISIT

Members visited the St Edmunds Society premises at 68 Earlham Road and the site of application number 10/01287/F Garages Dibden Road, Norwich which was to be determined later in the meeting.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTES

RESOLVED to approve the accuracy of the minutes of the meeting held on 26 August 2010 subject to the following amendment:-

Item 8, application number 10/01081/U AEW Delford Systems Limited
4 - 6 Mason Road, Norwich, NR6 6RF, deleting Councillor Offord from
the list of members abstaining.

4. APPLICATION NO. 10/01287/F GARAGES DIBDEN ROAD, NORWICH

The Senior Planner (Development) presented the report with the aid of slides and plans and referred to comments received from Inspector Nigel Richards of Norfolk Constabulary, Councillor Brenda Arthur, Executive Member for Housing and Adult Services, the occupiers of No.77/79, 81 and 64 Earlham Road, and the owner of 23 Crome Road, copies of which were circulated at the meeting. Members also received a petition containing 156 signatures opposing the application.

The Senior Planner (Development) said that ongoing discussions had been held with the developers concerning cycle parking and proposals for a protected site access. Consultation for a controlled parking zone in the area was also due to take place. Environmental Health Officers had not objected to the proposals but had recommended conditions to be included in any planning permission as detailed in the report. The Senior Planner (Development) also confirmed that there was no Section 106 requirement for this type of application. He referred to proposals to withdraw the original "drop-in" centre from the application and suggestions received from Ward councillors that a liaison group be established to improve community links with the management of the supported living unit. The officers' recommendation was to approve the application subject to conditions as outlined.

Councillor Brociek-Coulton, Ward councillor for Sewell Ward, addressed the Committee and referred to local residents' concerns about the lack of consultation concerning the "drop-in" centre and referred to the considerable number of letters of objection which had been submitted. Were the Committee minded to approve the application, she suggested that additional conditions should be added to the planning permission beyond those reported to prevent use of the supported living unit by non residents in the future and the establishment of a liaison group to enable local residents to make representations on how the centre be managed.

Five local residents then addressed the Committee and outlined their objections to the proposals. They referred to the proximity of the proposed unit to local schools and the patchwork pre-school group and the common access roads used by both the children attending these schools and the residents of the proposed unit. They expressed the view that the location of the proposed unit would exacerbate the social problems already existing in the area and have possible effects on community cohesion, the safety of children playing in the neighbourhood and the other community activities. They also expressed concern about the impact on traffic flows within the area of the proposed development and at the lack of information provided by the Council as a result of Freedom of Information requests.

Simon Goodman, owner of properties neighbouring the site of the proposed development then addressed the Committee. He expressed concern about the description of letters of representation within the Committee report and the unsatisfactory response to information requested about the impact on traffic flows as a result of the proposal. He also considered that the development did not comply with Policy HOU19 of the Local Plan regarding residential development.

The agent for the applicant then addressed the Committee and referred to the support received for the design of the unit and the extensive public consultation process which had sought to take into account residents views. These had resulted in adjustments to the application from the scheme originally proposed. The developers had sought to replicate the design of the church, school and other surrounding buildings within the proposals. The provision of CCTV facilities covering a part of Dibden Road would help to prevent criminal activity. The provisions for fencing and planting to the boundaries of the site would help to maintain security and the scheme had been supported by Norfolk Constabulary.

The Chief Executive of the St Edmunds Society then addressed the Committee and referred to the need to locate the supported living unit from its current location on

Earlham Road. The current location was already close to two local schools and there had been no incidents of violence or anti-social behaviour recorded. She referred to the strict controls put on the admissions procedure for residents and the thorough risk assessments which were applied. There was a strict zero tolerance approach to drug use. A significant proportion of residents were drawn from the Norwich area and the Society was supported by local schools in numerous activities in its current location. The Society had no objections to local residents participating in the Trustees Board.

One former and one current resident of the St Edmunds Society unit then spoke in favour of the application and referred to the benefits of the facility in helping young people re-settle into the community. The Senior Planner (Development) responded to the representations and said that residents concerns about the future use of the site and the establishment of a liaison group could be dealt with by condition as set out in the report and the additional condition suggested by the ward councillor. The pedestrian access to the site via Crome Road and Dibden Road and vehicular access on Dibden Road were considered adequate and the scheme had been supported by the Norfolk Constabulary. A Transport Management Plan had been produced by the applicant covering the provisions for access by construction traffic and the proposed parking arrangements had been considered by the Council's Transportation Officer. The proposal occupied a stand alone site and the proposal complies with the requirements of Local Plan policies and assessments of impact on the local area. In response to questions from Councillors Little and Read, the Senior Planner (Development) said that the site had met the requirements for residential development set out in Policy HOU 19 within the Local Plan. In response to a question from Councillor Read concerning the provision of cycle parking, the Senior Planner said that officers were discussing with the developer the provision of cycling facilities, including stores, as part of the conditions for planning permission.

Councillor Collishaw stated that, whilst she supported the aims of the St Edmunds Society, she considered the proposed unit to be in an inappropriate location. She was of the view that the siting of the unit would have a detrimental impact on the safety of children walking to local schools and, in view of the considerable concern expressed by residents, the application should be refused.

Councillor Lubbock said that an important factor in consideration of the application was the proposed additional condition to establish a liaison group which would help build links with the local community. She referred to the St Edmunds Society's current location which was no longer fit for purpose and not DDA compliant. She considered that, in view of the close proximity of the proposed site to the city centre, it was an ideal location for residents of the unit to access to all the facilities they required.

Councillor Banham also expressed support for the St Edmunds Society's need for new premises but recognised the concerns expressed by residents. He considered that the design of the proposals were not in keeping with other buildings in the area. The Senior Planner (Development) commented that the design proposals had been amended to include brickwork within the frontages which would be of similar appearance to other properties and designed to follow other buildings such as the school rather than the factory nearby.

Councillor Little said that, whilst he recognised residents concerns, he did not consider there were reasons to refuse the application on planning grounds and was of the view that the proposals complied with planning policies. Councillor Offord said that, in view of residents views expressed about the possibility of increased anti-social behaviour in the area, the proposed liaison group should be fully involved in ensuring that their concerns were addressed. He also requested further explanation of the proposed CCTV facilities on the site. The Senior Planner (Development) explained the overall CCTV surveillance facilities to be provided which included a number of cameras located at the entrance to the building and their detail was subject to one of the conditions.

The Chair expressed support for the work of the St Edmunds Society and considered that the fears expressed by residents would not be realised. He considered that the proposals would help to improve safety within the local community and, in planning policy terms, the proposals were fully appropriate.

RESOLVED, with 7 members voting in favour, (Councillors Bradford, Banham, Lubbock, Driver, Little, Offord and Read) and 1 member voting against, (Councillor Collishaw) to approve application no. 10/01287/F subject to the following conditions:-

1. standard time limit;
2. development to be carried out in full accordance with the approved plans;
3. details of materials; joinery; lighting; cctv systems; cycle stores;
4. control on use to that applied for only;
5. provision of 24 hour warden cover;
6. bin stores to be provided prior to first occupation;
7. car parking to be provided prior to first occupation;
8. details of TRO provision for highway works;
9. full details hard and soft landscaping to be submitted and to be provided prior to first occupation;
10. maintenance of landscaping;
11. full compliance with the Arboricultural Implications Assessment;
12. details plant and machinery;
13. details fume and flue;
14. details noise protection measures;
15. contamination.
and an additional condition requiring the setting up of a liaison group as suggested during presentations

5. APPLICATION NO. 10/01307/NF3 FARMERS MARKET, GENTLEMAN'S WALK, NORWICH

The Senior Planner (Development) presented the report with the aid of slides and plans and referred to the additional background information to the application which had been provided following its deferment at the previous meeting. He reported that a further letter of objection had been received from the Norwich Market Traders' Association expressing concern regarding hygiene, areas for storage, the number of

empty stalls on the existing provision market, the location of the European Market and the effect of the proposals on competition with existing provision market traders. He commented that hygiene requirements were not an appropriate consideration for this Committee, the provision of storage needed to be confined within the stalls proposed in the application and said that the number of vacant stalls within the existing provision market and the location of the European Market were matters for the management of the markets. The Council's planning policies supported competition among local small businesses. The officer's recommendation was to approve the application subject to the conditions set out in the report.

The Markets Manager then addressed the Committee and answered a number of questions concerning the change from temporary to permanent permission, the increase in the number of Sundays on which the market would be held and the low number of stalls currently occupying the site on Sundays. The Planning Development Manager said that, in planning terms, the officers considered there were no objections to increasing the number of Sundays on which the proposed market was to be held. In response to questions, the Solicitor (Planning) confirmed that the status of the existing provision market within the City Charter was not a planning consideration for this application and that the control of the types of goods to be sold on the Farmers Market would be a consideration for the street trading consent procedure which would follow any grant of planning permission. The Senior Planner (Development) confirmed that officers were not proposing any conditions to restrict the type of goods sold on the Farmers Market and that this was not considered to be a large market defined in Policy SHO 20.

The Chair of the Norwich Market Traders Association then addressed the Committee. He said that his association did not consider the type of goods sold on the current temporary Farmers Market were appropriate and that the temporary licence had not been used to its full potential. He reiterated the view that the existing vacant market stalls on the provision market could be used to accommodate the Farmers Market which would continue to ensure the sustainability of the provision market during a difficult economic climate.

Councillor Read proposed that an informative could be added to the condition to encourage the use of local farmers produce.

Councillor Collishaw said that she would not be supporting the application and expressed concern that there were no representatives of the Farmers Market present to make representations to the Committee. The Planning Development Manager said that the lack of attendance by representatives of the applicant was not a reason to refuse the application. The officer's report provided all the information required in order for members to determine the application.

Councillor Offord then proposed that permission for the Farmers Market should be restricted to the 1st and 3rd Sundays of the month only in order that its use could be monitored with the possibility of additional days being added to the permission in future. The Senior Planner (Development) said that there was not considered to be any reasonable planning justification for such a restriction. If the market was acceptable on the first and third Sunday it would be difficult to argue that it was unacceptable on the second and fourth.

Councillor Little questioned whether the existing vacant market stalls could be used to accommodate the Farmers Market. The Planning Development Manager said that the use of vacant stalls was an administrative matter and would be difficult to facilitate on Sundays when the provision market was not open. Councillor Lubbock said that the viability of the existing provision market was not a matter for this Committee and supported the view that the use of vacant stalls on Sundays was not commercially viable. Councillor Banham expressed concern that only four stalls were used within the current planning permission and supported the view that permission should only be granted for the 1st and 3rd Sundays of the month. The Senior Planner (Development) said that it would not be appropriate to restrict the number of days for the market if it was acceptable on planning grounds, on other days.

Councillor Driver referred to the considerable level of pedestrian congestion on Gentleman's Walk which would occur on certain times of the year should permission be granted for the Farmers Market on Sundays.

Councillor Driver moved and Councillor Bradford seconded that the application be refused for reasons of increased pedestrian congestion and the affect on public safety.

RESOLVED on the casting vote of the Chair, 3 members voting in favour of refusal (Councillors Bradford, Driver and Collishaw), 3 members voting against (Councillors Lubbock, Little, and Read) and 2 members abstaining (Councillors Banham and Offord) to refuse application number 10/01307/NF3 for the following reasons:-

The proposed use is proposed on a busy pedestrianised route through the City Centre forming one of the main retail thoroughfares through the primary retail area. The proposed change of use to allow for up to twelve market stalls on Sundays would obstruct this important pedestrian route causing congestion and having a negative affect on the pedestrian environment, contrary to saved policy TRA14 of the adopted City of Norwich Replacement Local Plan.

(Councillors Lubbock and Read left the meeting at this point).

6. APPLICATION NOS. 09/01391/F AND 09/01392/L - 27 CASTLE MEADOW, NORWICH, NR1 3DS

The Planning Team Leader presented the report with the aid of slides and plans. He said that the objection from the "Open Venue" had been withdrawn in view of amendments to the original application. An objection from an adjacent office premises had also been withdrawn but there continued to be objections from Toni and Guy which were detailed in the report.

The applicant then addressed the Committee and said that considerable efforts had been made to address the objectors' concerns. The incident referred to in the report had occurred within a neighbouring venue and the intention of the proposals were to attempt to improve the use of the outside area within the premises and relieve stress on the existing smoking area. The premises had always maintained a strict management policy and there was no visibility of the yard from any adjacent public area.

Councillor Driver expressed support for the application and added that the proposals were supported by a considerable number of premises in the area.

RESOLVED, with 5 members voting in favour (Councillors Bradford, Banham, Driver, Little and Offord) and 1 member abstaining (Councillor Collishaw) to approve application numbers 09/01391/F and 09/01392/L subject to the following conditions:-

1. development in accordance with approved plans;
2. through-route from the terrace to Castle Meadow shall be used for emergency exit purposes only and shall not be used as an entrance to the smoking terrace, which shall remain solely through the premises at 68 London Street;
3. within 1 month of the permission, secure and appropriate fine mesh netting shall be fixed along the east elevation as demonstrated in the approved plan ref 08/16/21 Revision G, dated October 2009 and received 3rd August 2010;
- 4a. within 1 month of the permission, a scheme for rainwater disposal shall be submitted and agreed;
- 4b. within 1 month of the agreement of rainwater disposal scheme, it shall be installed in accordance with the approved details.

(Councillor Read returned to the meeting at this point)

(The Committee adjourned from 1.15pm to 2.15pm to receive an informal presentation on revised proposals for the Anglia Square Development).

7. APPLICATION NO. 10/01384/F - 15 YORK STREET, NORWICH, NR2 2AN

The Planner (Development) presented the report with the aid of slides and plans and referred to the objection from the neighbouring residents.

Councillor Jeraj, Ward Councillor for Town Close Ward, then addressed the Committee on behalf of the objector and referred, in particular, to the effect on the market value of neighbouring properties and the loss of light which could occur if the proposals were approved. The objector considered that the design of the proposed extension would be out of keeping with the existing terraced properties and could exacerbate the risk of subsidence in the area. The objector had disputed the comments made in Section 9 of the report and, as she had not yet resolved issues with the applicant, she had requested that the application be deferred for further negotiations.

The Senior Planner (Development) said that the issues concerning subsidence in the area had been addressed in the report and it was not considered that these proposals presented any additional risk to neighbouring properties. He also said that market value was not a relevant planning consideration.

Councillor Read said that he shared some of the objector's concerns about the application and stated that, although similarly sized extensions had been approved in other areas, it was not sufficient reason to approve the current proposal. Councillor Driver considered that there were no reasons to refuse the application particularly as similar proposals had been approved in other terraced areas of the city. Councillor

Little expressed concern about the significant loss of light which could be caused by the proposed extension.

Councillor Little moved and Councillor Read seconded that the application be refused for reasons of loss of light to neighbouring properties.

RESOLVED, with 4 members voting in favour of refusal (Councillors Little, Offord, Collishaw and Read) and 3 members voting against (Councillors Bradford, Banham and Driver) to refuse application number 10/1384/F for the following reasons:-

1. The proposed extension would result in the loss of light to main habitable rooms of the adjacent property at 13 York Street. The loss of light would have a significant detrimental affect on the amenity of the adjacent property and as such is considered to be contrary to saved policy EP22 of the City of Norwich Replacement local Plan (Adopted Version November 2004).
2. The proposed extension is considered to have an overbearing impact on the outlook of number 13 York Street by virtue of its scale, height and massing. Therefore the proposals are considered to be contrary to the objectives of PPS1 and saved policy HBE12 of the City of Norwich Replacement local Plan (Adopted Version November 2004).

CHAIR