



Planning applications committee

10:00 to 12:05

9 September 2021

Present: Councillors Driver (chair), Button (vice chair), Bogelein, Champion, Everett, Grahame, Giles, Lubbock, Maxwell, Peek, Sands (M) and Stutely

Apologies: Councillor Thomas (Va)

1. Declarations of interests

Councillor Driver declared an other interest in item 3 (below) Application no 21/00182/F - 20 Cowgate, Norwich, NR3 1SY, in that he was a member of Campaign for Real Ale (CAMRA) but has had no involvement in this application or the disposal of the site.

Councillors Stutely and Button declared that in relation to item 4 (below) Application no 21/00737/F - 24 - 28 Prince of Wales Road, Norwich, NR1 1LG, they were not predetermined but it should be noted that they had served on the licensing subcommittee (6 August) where a licensing application for the premises had been considered.

2. Minutes

RESOLVED to approve the accuracy of the minutes of the meeting held on 12 August 2021.

3. Application no 21/00182/F - 20 Cowgate, Norwich, NR3 1SY

(Councillor Driver had declared an interest in this item.)

The senior planner (case officer) presented the report with the aid of plans and slides. A supplementary report of updates to reports had been circulated before the meeting and published on the council's website. The head of planning and regulatory services had a declaration of interest in respect of the consultancy submitting this application and therefore the report had been prepared and presented in the name of the executive director of development and city services and not as stated at the top of the report and should be corrected. The supplementary report also contains the

further consultation comments from the council's design and conservation officer who recommended an additional condition to secure heritage interpretation of the public house on this site. The applicant had also submitted revised plans, which were included in the presentation.

(The chair used his discretion to allow the agent to address the committee, as notice had been given that a ward councillor was to speak in objection to the application but who was no longer available to do so.)

The agent spoke in support of the planning application. There had been no viable proposals for community use of the public house in five years or during the six months moratorium period that the site was on the market for sale. The proposal provided much needed one and two bedroomed housing and would reflect the character of the area prior to the First World War. The dwellings exceeded the minimum space standard by 20 per cent and residents would have access to a communal courtyard and bin spaces. The development was car free and complied with local and national planning policies. There had been no objections from the statutory consultees.

The senior planner, together with the planning team leader, referred to the report and the presentation and answered members' questions. Members were advised that the ground floor front doors that opened straight on to the street had an element of pastiche and therefore wider doors for wheelchair access had not been considered. A proportion of the ground floor flats would meet accessibility standards. The committee noted that the public house had been an asset of community value and that the correct process had been followed when the site had been marketed for sale. The Campaign for Real Ale had not put together a bid to purchase the site during the six-month moratorium period. Social registered landlords operated in the area and might be interested in taking on the three affordable units. Members also sought further information about the historic character of the area, which had been bombed during the Second World War, and post war development, including the Roy's supermarket. In reply to a question, the senior planner explained that the applicant would be required to reduce water usage to 110 litres per person per day by using measures such as the installation of water flow regulators fitted to showers, together with a fabric first approach to construction that helped improve energy efficiency. The committee also noted that the disabled parking bays displaced by this development had previously served a medical practice that had since relocated. The applicant would need to look for alternative parking provision for this bay and bear the cost of the associated traffic regulation order. Members were advised that Blue Badge users could park on double yellow lines or park in Magdalen Street carpark where they would get one hour free for each hour purchased.

In reply to a member's question relating to Councillor Osborn's objections regarding overlooking and loss of privacy to the historic cottages opposite the site on Cowgate, the senior planner referred to the presentation slides and said that it was considered acceptable because of the distance (10 metres) and the yards were small and used for bin storage rather than as gardens. The terraces that sat back 24 metres from this development were too far distant to be overlooked from the proposed development. The amenity space for the proposed development would be overshadowed by the Roy's building but this was not unusual in this densely developed area of the city. All the proposed flats were dual aspect.

A member referred to the additional condition proposed by the design and conservation officer and asked how the heritage interpretation would be carried out. The senior planner said that the public house had been modernised over the years and there was very little of heritage merit internally. It was thought that there were windows above the two entrances of the public house with stained glass windows of a tankard which could be used in the new development to commemorate the former use of the site as a public house. Appropriate heritage interpretation would need to be agreed with the applicant and the design and conservation officer.

Members were also advised that there would be no loss of trees on the site.

The chair moved and the vice chair seconded the recommendations, as set out in the report, and the additional condition relating to heritage interpretation, as set out in the supplementary report.

Discussion ensued members in which members commented that the determination of this application was finely balanced.

Councillor Bogelein explained that she would be voting against the application because of the negative impact that the proposed development would have on the streetscene, character of the area and existing residents.

Councillor Lubbock welcomed that the proposal was for a car free development; had three affordable housing units; would block out the negative aspects of the Roy's supermarket building, and would have an active frontage, but was disappointed that the opportunity to lift the area had been missed with a less dense scheme that included soft landscaping and vegetation. She also considered that better water conservation measures should have been included such as grey water collection, to avoid the need to retrofit in the future.

Members regretted the loss of the public house, which had also served as a music venue, but noted that there were other public houses in the near vicinity. A member welcomed the use of the historic building line and that the proposal followed the traditional buildings in the area.

In reply to a member's question, the senior planner explained that the affordable housing element was proportionate to the number of dwellings provided on the site. The number of dwellings had been reduced from 23 to 15 and therefore there had been a reduction in the correspondent number of affordable units. The planning team leader explained that this development was policy compliant and that the vacant building credit applied because of the demolition of the public house.

RESOLVED, with 8 members voting in favour (Councillors Driver, Button, Sands, Giles, Everett, Peek, Maxwell and Stutely), 2 members voting against (Councillors Bogelein and Lubbock) and 2 members abstaining from voting (Councillors Grahame and Champion), to approve application no. 21/00182/F - 20 Cowgate, Norwich, NR3 1SY and grant planning permission subject to the completion of a satisfactory legal agreement to include provision of affordable housing and subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;

3. Materials to be agreed;
4. Landscaping scheme to be agreed;
5. Scheme for on-site foul drainage works to be agreed;
6. Surface water drainage scheme to be agreed;
7. Arboricultural supervision within RPA;
8. Arboricultural works to facilitate development;
9. Works in accordance with submitted tree documents;
10. Archaeological investigations to be agreed;
11. 10% energy requirement measures to be agreed;
12. Water efficiency measures to be agreed;
13. Integrated swift boxes to be installed and made available for use prior to first occupation;
14. Off site highways works (footway reconstruction to Cowgate and Peacock Street, no-entry restriction signage reconfigured, drop crossing for refuse access and reinstatement of parking signage and line as necessary) to be agreed;
15. All highway works to roads and footways to be carried out before final occupation;
16. No overhanging/obstruction of highway land (by gutters/facias/ gates/doors or ground floor windows);
17. Scheme for parking of cycles and storage of bins (including any management arrangements for presenting bins to the edge of the site for collection) to be agreed;
18. Details of on-site construction worker parking to be agreed;
19. Construction traffic management plan (CTMP) including construction traffic access route to be agreed;
20. During construction all traffic to comply with CTMP;
21. Traffic Regulation Order for amending waiting restrictions (to facilitate relocation of disabled parking if feasible) on Cowgate to be promoted;
22. Heritage interpretation on the site to be agreed.

Informatives:

1. Noise nuisance investigations with mitigation in place.
2. Construction working hours
3. Works to public highway require agreement with Norfolk County Council.
4. New dwellings no on-street parking permit entitlement.
5. Extant waiting restrictions and traffic management require further assessment.
6. Protected species awareness.

4. Application no 21/00737/F - 24 - 28 Prince of Wales Road, Norwich, NR1 1LG

(Councillors Stutely and Button declared an interest in this item.)

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

Councillor Price, Thorpe Hamlet ward councillor, spoke on behalf of residents who objected to the proposal and said that it would have a cumulative impact and, in line with government advice, should be taken seriously. He questioned the ability to enforce the conditions to mitigate the noise and the validity of the noise assessment, suggesting that this application would open up a roof and create a new noise

problem to the residents at the rear, in the Cathedral Close and St Faiths Road. Midnight was too late for residents.

The agent addressed the committee and commented on the noise assessment which had been provided by an acoustic expert. Public protection and the planners did not object to the planning application subject to the proposed conditions. The licensing subcommittee had issued conditions. Prince of Wales Road was nearer to the residents at the rear of the property. The acoustician considered that there would be no noise disturbance to the residents at the rear of the property.

During discussion, the planner, the public protection officer and the planning team leader, answered members' questions and referred to the report and presentation. Members noted that the proposed conditions were in line with the licensing subcommittee's conditions and that the premises licence could be subject to review. Members were advised that the discouragement of smoking was outside the scope of this application to provide an outside space where smoking could be permitted.

Members asked questions about the acoustic modelling and were advised that the software used was for a beer garden with a penalty applied due to the anticipated use of the space. It was anticipated that the space would be used in the daytime. Discussion ensued in which the public protection officer explained the reasons for imposing the condition to prevent the use of amplified music on the second floor after midnight and that the effect of this would reduce the Lombard effect, where people raised their voices to compensate loud background noise. In addition, by not selling alcohol after midnight, the number of people using the space would be reduced thus lessening any noise impact, though it was noted that customers could take drinks out to the space after midnight. The use of a sound limiter would ensure that amplified music was not too loud. Members were advised that loud talking could reach 98 decibels and that whilst this could not be controlled the other measures would limit the noise impact. The public protection officer admitted that the noise modelling was not perfect but that with this caveat and the proposed conditions, noise from the premises would be 1 to 2 decibels below the World Health Organisation (WHO) standard at night and before 23:00 well below that level.

The chair moved and the vice chair seconded the recommendations as set out in the report.

During discussion a member pointed out that the committee needed to take into account the impact of the proposed roof top bar on the amenity of local residents and that it was a separate process to the licensing regulations. Several members expressed concern about the impact of noise and emissions from people smoking on residential amenity. Other members considered that the management of the premises would be responsible for the management of this space and ensure compliance with the conditions. The structure of the second floor would have high walls surrounding it and an overhanging roof which would absorb and contain noise. A member commented that the roof top space would be preferable to smoking on the street outside the premises.

Members were advised that environmental protection had assessed the application and with mitigation it would conform with WHO standards.

RESOLVED, with 7 members voting in favour (Councillors Driver, Button, Giles, Peek, Maxwell, Lubbock and Stutely), 4 members voting against (Councillors Bogelein, Sands, Everett and Grahame) and 1 member abstaining (Councillor Champion), to approve application no. 21/00737/F - 24 - 28 Prince of Wales Road Norwich NR1 1LG and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. No sale of alcohol on the second floor after midnight;
4. No amplified music on the second floor after midnight;
5. Sound limiter to be applied for amplified music played on the second floor.
6. Terrace doors to be kept closed except for entry and exit.

CHAIR