



## PLANNING APPLICATIONS COMMITTEE

11.15am to 12.40pm

7 November 2013

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

### 1. DECLARATION OF INTERESTS

None

### 2. MINUTES

**RESOLVED** to approve the minutes of the meeting held on 10 October 2013.

### 3. APPLICATION NO 13/01341/VC SAINSBURY'S 1 BRAZEN GATE, NORWICH, NR1 3RB

The planner (development) presented the report with the aid of plans and slides. He said that the application was recommended for approval and that there were a number of conditions which mitigated the concerns raised by members of the public, including an agreement with the applicant for a more suitable route out of the site.

A resident of Langham Place addressed the committee, outlining his concerns about the application, which included: concerns about noise from vehicles, opening the metal gates and the use of trollies; and that there should be no deliveries late at night or before 7am and that he was concerned that the two deliveries would not be at specific times and therefore difficult to monitor. He added that he was speaking on behalf of other residents, many of them older people.

A representative of the Town Close Labour Community Team addressed the committee and said that the majority of residents were opposed to this application. The proposal would have a negative affect on residents in the area and would not increase employment opportunities. Residents' complaints about noise had not been addressed by the applicant and there would be more opportunity for the applicant to create a nuisance to its neighbours by permitting deliveries during the night. He pointed out that there were reports that bottles had been collected for recycling from the supermarket's car park before 7am which was not considerate to neighbouring residents.

The town planning officer for Sainsbury's explained that the application was for two additional deliveries to a side entrance throughout the night. He undertook to raise residents' concerns about noise, especially from the early morning bottle collection, with the store manager. The company had experience of other stores and would take steps to minimise disruption to neighbouring residents; including the use of smaller vehicles and not loading empty crates on to the vehicles.

The environmental protection officer said that since 2005, the council had received only four complaints from members of the public about noise on the site but there had been no further evidence to support a breach of conditions by the applicant. The complainants had been asked to keep a record of the date and time of when noise occurred. No reports had been submitted and the council could not investigate or take out action without this information. The chair suggested that the environmental protection officer provided his contact details to the two speakers. The environmental protection officer then commented on the noise impact assessment and said that he did not have any issues with the application being approved, subject to vehicles using the same route to access and egress the site at night and that the conditions were managed effectively.

During discussion the planner, environmental protection officer and the planning development manager, referred to the report and answered members' questions. Members were advised that the original planning conditions of the earlier permission would be re-imposed if this application was approved, and that additional conditions should be reasonable and relevant to the new application. The supermarket managers should be informed if members of staff were not operating within agreed procedures. Members were advised of the powers that the council had to enforce a breach of planning conditions and that excessive noise on the site could be dealt with under separate legislation. In response to a question, the planner said that he had taken into consideration the outcome of planning applications from supermarkets for night deliveries in residential areas.

Discussion ensued in which some members continued to express concerns about the impact of the night deliveries on local residents. Some members considered that the proposal was positive in that the number of deliveries during the day to the service bay could be reduced. Councillor Little moved and Councillor Grahame seconded an amendment to refuse the application because of the disturbance to residents, which was withdrawn on receipt of advice that it would be not be defensible as there were measures in place to mitigate any nuisance to residents. Members did consider that the application should be granted for a period of time to monitor its impact on residents and twelve months was suggested as a reasonable period. Councillor Sands said that she was opposed to the grant of a temporary planning permission because she considered that a year was too long a period for a trial if the measures to reduce noise and disturbance were later found to be insufficient.

The chair then moved and Councillor Ackroyd seconded that planning permission be granted for a twelve month period.

**RESOLVED**, with 10 members voting in favour (Councillors Bradford , Gayton, Ackroyd, Blunt, Brociek-Coulton, Button, Jackson, Little, Neale and Storie) and 2 members voting against (Councillors Grahame and Sands) to approve application

no 13/01341/VC Sainsbury's, 1 Brazen Gate Norwich, NR1 3RB and grant planning permission for a twelve month period, subject to the following conditions:

1. No goods of any description shall be sold or offered or displayed for sale outside the buildings the subject of this permission unless otherwise agreed in writing by the Council as local planning authority.
2. The pedestrian access ways within the site (which for the avoidance of doubt shall include any new or re-routed pedestrian access ways approved under permission reference 10/01637/F granted on 5th November 2010 and shown on drawing no. CHQ.10.9230-PL06 Revision A referred to in that permission) shall be kept free of all goods, articles, structures and vehicles of any description, other than those expressly approved under planning permission reference 4870466/F granted on 6th May 1988 or authorised by virtue of subsequently approved details or subsequent planning permissions pertaining to the site and premises the subject of this permission.
3. No materials, goods or refuse shall be kept, deposited or stored in the open on the site the subject of this permission other than (a) within the designated areas set aside for the storage and compaction of commercial waste within the service and delivery yard accessed from Brazen Gate and; (b) within the designated and signed customer waste recycling banks within the store car park (which for the avoidance of doubt shall include the relocated recycling banks approved by virtue of permission ref. 10/01637/F granted on 5th November 2010 and shown on drawing no. CHQ.10.9230-PL06 Revision A referred to in that permission).
4. There shall be no deliveries or servicing to the premises the subject of this permission before 7am (0700 hours) or after 10pm (2200 hours) on any day save for up to two deliveries at the north-east entrance point to the store.
5. Any deliveries between the hours of 22:00 hours and 07:00 hours as allowed by condition 4 shall be subject to the following restrictions:
  - (a) Compliance with a tracking diagram that shows detail of the route delivery vehicles will take when entering and leaving the site as well as the area where goods will be delivered shall be submitted to and agreed by the local planning authority and operated in accordance with the approved details.
  - (b) Audible reversing alarms shall be turned off on any delivery vehicles upon entering the site the subject of this permission and shall not be switched on again until delivery vehicles have departed.
  - (c) Only fixed axle vehicles shall be used for deliveries.
  - (d) Refrigeration units on delivery vehicles shall be switched off upon entering the site and shall not be switched on again until delivery vehicles have departed.
  - (e) There shall be no return of salvage or assets to delivery vehicles.
6. Deliveries between 22:00 hours and 07:00 hours shall take place in full accordance with the Delivery Management Plan as included as Appendix C of the approved Noise Assessment (received 19.08.2013).

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 at the earlier application and pre-application stages the application has been approved subject to appropriate conditions and for the reasons outlined within the committee report for the application.

#### **4. APPLICATION NO 13/01442/VC SITE OF PROPOSED RESIDENTIAL CARE HOME IVY ROAD, NORWICH, NORFOLK**

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

**RESOLVED**, unanimously, to approve application No 13/01442/VC site of proposed residential care home Ivy Road Norwich and grant planning permission, subject to the following conditions:-

1. Commencement of development
2. Development in accordance with drawings and details listed
3. Details of sample materials; external lighting; joinery (windows and doors)
4. Details of access road, site links, car parking, cycle storage, bin stores
5. Parking and service areas available before use commences
6. Details of Travel Plan
7. Details of landscaping, biodiversity enhancements, planting, boundary treatment, walls and fences and site treatment works. Landscape maintenance
8. Details tree works and protection
9. Implementation of tree works and protection
10. Areas to be undisturbed within tree protection areas
11. Details, installation and maintenance to ensure that at least 10% of its energy requirement is achieved through decentralised and renewable or low-carbon sources
12. Details of water efficiency measures
13. Submission of contamination verification plan
14. Cessation of site works if further contamination found
15. Control of imported topsoil
16. Details of plant and machinery
17. Details of fume and flue
18. Provision of fire hydrant
19. Restriction on use to care home only

#### **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 at the earlier application and pre-application stages the application has been approved subject to appropriate conditions and for the reasons outlined within the committee report for the application.

#### Informatives

1. Historic Environment Service advise that there are possible flint and chalk workings in this area.
2. Work to have regard to wildlife and bird breeding season (1 March – 31 August)
3. Considerate constructors' scheme (to avoid noise and disturbance)
4. Vehicle crossovers for site access road will be expected to meet the Highway Authority's specification and to be constructed at the applicant's cost.

#### **5. APPLICATION NO 13/01610/F GARAGES ADJACENT TO 86 ROSARY ROAD, NORWICH**

The senior planner (development) presented the report with the aid of plans and slides. Members were advised that the layout of one of the plans was different to the one published with the agenda for the meeting and showed a minimal change to the plans which had been reconfigured to allow rear access to the adjacent commercial property. In response to a members' question the senior planner said that all five of the people renting garages on this site had been offered an alternative in the locality.

**RESOLVED**, unanimously, to approve application 13/01610/F Garage site, at Rosary Road and grant planning permission, subject to the following conditions:-

1. Commencement of development within 3 years from the date of approval;
2. Development to be in accordance with drawings and details
3. Details of facing and roofing materials; joinery; boundary treatments, walls and fences; external lighting;
4. Details of hard and soft landscaping, planting, biodiversity enhancements.
5. Details and provision of car parking
6. Details and provision of cycle parking
7. Implementation of sustainability measure/energy efficiency measures as outlined in Design and Access Statement
8. Site contamination conditions
9. Control on imported materials

#### 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 committee report.

#### **6. ENFORCEMENT CASE 13/00068/EXTEN/ENF – HEIGHAM NEWS 268 HEIGHAM STREET, NORWICH, NR2 4LZ**

The planning enforcement officer presented the report with the aid of plans and slides.

Discussion ensued in which members commented on the premises owner's need for storage and that the shipping container was a cheaper solution than a brick extension. Members also considered that a shed could be an alternative or planting could hide the container from view. The planning enforcement officer said that

during the notice period the owner could consider submitting a planning application for additional storage.

**RESOLVED** to authorise enforcement action up to and including prosecution and direct action in order to secure the removal of the unauthorised development (shipping container on land).

CHAIR