



Planning applications committee

09:40 to 12:35

13 October 2022

Present: Councillors Driver (chair), Sands (M) (vice chair), Champion, Davis, Grahame, Lubbock, Peek, Sands (S), Stutely, Thomas (Vi), and Young

Apologies: Councillors Bogelein (other council business) and Thomas (Va)

1. Declarations of interests

Councillor Driver declared an other interest in item 3 (below), Application no 22/00634/U St Marys Works, Duke Street as a member of the Campaign for Real Ale (CAMRA).

Councillor Stutely declared an other interest in item 3 (below), Application no 22/00634/U St Marys Works, Duke Street, as chair of the licensing committee he had served on licensing subcommittees where applications from this applicant had been determined. He did not have a predetermined view on this application.

Councillors Stutely and Davis, ward members for Town Close Ward, confirmed that they did not have a predetermined view in item 5(below), Application nos 22/00701/F - 37 Brian Avenue, Norwich, NR1 2PH, and had not been involved in the case.

2. Minutes

RESOLVED to approve the accuracy of the minutes of the meetings held on:

- (a) 8 September 2022;
- (b) 29 September 2022.

3. Application no 22/00634/U St Marys Works, Duke Street, Norwich

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

The planner (case officer) presented the report with the aid of plans and slides. She also referred to the supplementary report of updates to reports which was circulated at the meeting and available on the council's website. The supplementary report contained an additional condition to the officer recommendation in the main report relating to opening times to safeguard the amenity of the surrounding area. The applicant had advised officers that it did not intend to open seven days a week but

had requested the hours of opening to allow flexibility for temporary events. The report also contained summaries of a further objection which had later been withdrawn because the noise mentioned in the statement was from another venue, and a statement of support. Members were advised that this application was for a meanwhile use until the site came forward for redevelopment and this was preferable to the site being unused.

During discussion, the planner, together with the environmental protection officer and the area development manager, answered members' questions. This included an explanation that cleaning time would be in addition to the opening hours and had been taken into consideration in the proposal. The marquee structures were fixed to the ground but were not permanent, which meant that the site could be cleared for development at the end of the three years of the permission. Members were also advised that the operators had changed their amplified sound system with a better distribution across the site that did not require such high volume. Environmental protection officers had given assurance that the noise was barely audible and was an acceptable level at nearby residential properties.

Members were also assured that there was a consistent level of staffing to manage customers leaving the premises and that there was a site management strategy for vendors to set up. There was no car parking provided for customers. The adjacent existing car park access had room for two vehicles and was considered acceptable by the Highways Authority. There had been one objection to the proposal because of visitors parking in a controlled parking zone which could be enforced. The site was accessible and within easy access of visitor parking spaces in St Marys Plain and the city council operated carparks in St Crispins Road, St Augustines Road and Duke Street. Members were advised that food hygiene was considered under separate regulations. An informative would be attached to the planning consent to advise the applicant to consult the council.

In reply to member's question about antisocial behaviour, the planner and environmental protection officer, explained the measures taken by the applicant in response to residents' concerns. This included provision of more toilets and litter patrols, and better management of people leaving the site. Members were advised that the management of the site had greatly improved since the venue had opened during Covid restrictions, when very few other venues had been available at the time and that there were no longer the queues that it originally had.

Members were also advised that an assessment had been made of the use of this site in relation to Nutrient Neutrality.

The chair moved and the vice chair seconded the recommendations set out in the report, with the additional condition relating to opening hours.

During discussion, Councillor Sands (M) moved, and Councillor Grahame seconded that the opening hours on a Sunday evening should be restricted to 22:00 so that residents were not disturbed on a Sunday evening and could get ready for the working week. Members noted that the licence for the premises was to 22:00, however it was pointed out that irrespective of the licensing permission, in planning terms licensing could not extend beyond the approved opening hours set out in the planning permission. The environmental protection officer said that the request for 22:30 on a Sunday was to allow for extended opening for temporary events and

bank holiday weekends. On being put to the vote, with 4 members voting in favour (Councillors Sands (M), Sands (S), Grahame and Thomas (Vi)), 4 members voting against (Councillors Driver, Peek, Lubbock and Davis) and 3 members abstaining from voting (Councillors Champion, Young and Stutely), the amendment was lost on the chair's casting vote.

During discussion members noted that the management of the premises had improved and that the lack of members of the public objecting to the proposed extension of planning permission present at the committee was testament to this. A member considered that the opening of the venue during the day would provide a place to eat for visitors to exhibitions at the Shoe Factory and other premises around St Marys Works. Another member said that she had previously opposed this development, but this application was acceptable and that it would be subject to regulation by licensing. Concessions had been made and it was a good temporary use of the site until development came forward in 3 years' time.

RESOLVED, unanimously, to approve application 22/00634/U St Marys Works, Duke Street, Norwich and grant planning permission subject to the following conditions:

1. Three year temporary time limit and cessation of use and clearance of all structures at end of permission;
2. In accordance with plans;
3. Flood response plan to submitted within three months for agreement;
4. Compliance with Site Management Strategy;
5. Compliance with scheme for litter management;
6. Compliance with travel information plan;
7. Retention of cycle parking;
8. Retention, alteration or replacement of four identified structures within identified maximum parameters (largest to be no more than 4.8m high, 15m wide and 18m deep) for duration of permission, unless otherwise agreed.
9. The premises which form the subject of this permission shall not be open to the public, trading, or have members of the public, as customers or guests, on the premises except between the hours of 12:00 – 22:30 Sunday to Wednesday, and 12:00 – 23:00 Thursday to Saturday and Bank Holidays

Informative Notes:

1. The applicant is advised to contact the council for advice on food hygiene and safety.
2. The applicant is reminded to secure compliance with health, safety and other regulations required for the operation of an event venue and food market.

4. Application nos 22/00498/L and 22/00497/F Police Station, Bethel Street

The planner (case officer) presented the report with the aid of plans and slides. She referred to the supplementary report of updates to reports which had been circulated at the meeting and available on the council's website. The report contained a summary of an additional consultation response, from Historic England, and a further representation by residents who had previously commented on the proposal, received following the publication of the agenda papers, and an assessment of the proposal in relation to Nutrient Neutrality.

During discussion the planner and the area development manager answered members' questions. Members were advised that the council leased the car park area to the police and that there were long term plans for redevelopment at the rear of City Hall. Several members expressed their frustration that the refurbishment did not seek to improve the thermal efficiency of the building or include measures such as rainwater harvesting and a sedum roof. Members were advised that the proposal was acceptable for a Grade II* listed building and therefore officers had not considered it appropriate to insist on a sedum roof on the rear extension. Members were advised there was no requirement for biodiversity net gain on this site. Members were advised that it was necessary to consider the application that was before them.

Discussion ensued on the balance of the proposed refurbishment and the harm to the listed building. Members were concerned that the loss of heritage assets in the former Chief Constable's room were necessary for the function of the building as a police station. The planner explained that refurbishment was necessary to ensure that the building continued to function as a police station. The applicant had required changes to the Chief Constable's room and officers had negotiated to minimise the loss of heritage features. The area development manager said that listing a building did not prevent any changes ever being made to a building. The proposals were to modernise the building so that it could continue to be used as a police station and would retain its use in the city centre. There would be less than substantial harm to the fabric of the building, and it would still be possible to read the history of the building. The conservation and design officers and Historic England were satisfied with the proposals.

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

Discussion ensued in which a member spoke in favour of this proposal and said that he looked forward to the wider redevelopment of the rear of City Hall. Another member spoke in favour but expressed his regret at the loss of heritage features, and that the applicant could have considered a large extension to the side of the building as an alternative solution. One member took the pragmatic approach that the refurbishment would improve the working conditions for the police officers and office staff.

Other members said that they could not fully support the proposal because it did not improve the thermal and environmental efficiency of the building. A member said that he was disappointed that a sedum roof and water capture had not been included in the proposal. Another member pointed out that the council leased the building and acknowledged that it needed to be refurbished but that she was disappointed that it was not ambitious enough to bring it up to twenty first century standards. She commented on the loss of heritage assets and expressed concern that the police might consider the building was not fit for purpose in a few years' time.

RESOLVED, with 6 members voting in favour (Councillors Driver, Sands (M), Sands (S), Stutely, Thomas (Vi) and Peek) and 5 members abstaining from voting (Councillors Champion, Young, Grahame, Lubbock and Davis) to approve applications 22/00498/L and 22/00497/F at the Police Station, Bethel Street and grant listed building consent and planning permission subject to the following conditions:

22/00497/F

1. Standard time limit;
2. In accordance with plans;
3. External materials
4. Submission parking/ cycle/ bin storage details
5. Submission dog kennel details
6. External lighting details
7. Type of plant as submitted
8. Anti-vibration mountings
9. Wash bay hours of operation

Informatives

1. Construction working hours

22/00498/L

1. Standard time limit
2. In accordance with the plans
3. Details;
 - (a) Safe
 - (b) Main entrance lettering detail
 - (c) Main entrance new light
 - (d) Existing internal door at ground floor serving the former store
 - (e) Refurbishment of steel windows
 - (f) Stone cleaning and repairs
 - (g) Cladding/screening for the proposed plant above which sits above the parapet
 - (h) PV panels
 - (i) Cells
4. External finishes
5. Any damage made good.

Informatives

1. Any other works may need further consent
2. Some conditions need to be discharged prior to works
3. Retain original historic fabric
4. Asbestos

(The committee adjourned for a short break at this point and reconvened with all members listed above as present.)

5. Application nos 22/00701/F - 37 Brian Avenue, Norwich, NR1 2PH

The planner (case officer) presented the report with the aid of plans and slides. He asked members to approve the application subject to an amendment to the recommended condition 3, to require obscure glazing to first floor landing window and non-opening to a level 1.7m above ground floor level to prevent overlooking of the neighbouring dwelling.

The adjacent neighbour to the north of no 37 addressed the committee with her concerns that this proposal would be detrimental to the amenity of her property due

to loss of sunlight and privacy. She was concerned that the wall of the two storey building and its close proximity to her house would prevent light to her landing and hallway and bathroom, requiring an electric light to be on during the day. She requested that the committee undertook a site visit before determining this application.

Councillor Oliver, Town Close ward councillor, addressed the committee on behalf of the residents to the south of no 37, who were unable to attend the committee. Their objections to the proposal included: that its height and scale were too cramped for the site; that the proposal would be higher than the adjacent properties; the proposal did not reference the character of the surrounding properties in its design, that it would be detrimental to their amenity from overlooking and loss of privacy and concerns about disturbance during construction. Councillor Oliver then addressed the committee on behalf of other residents in Brian Avenue and said that there was general concern from all neighbours about the effect that this proposal would have on the street. She pointed out that the bungalow at no 37 was an unusual site shaped like a “wedge” and already maximised the use of the space on the site. Houses in Brian Avenue were not widely set apart but were not cramped. The roof of the two storey building at no 37 would be visible. The large dormer window was out of keeping with other smaller dormers in the street. She also expressed concern that this development would encroach on garden space and was contrary to the local development plan.

The applicant said that the proposals had been amended three times in response to comments from the neighbours and that there had been no intention to upset them. The character of the 1930s bungalow would be maintained by the retention of the bay window, clay tiled roof and white rendering. The property had been neglected and the proposal was to extend it for their family’s use. The height of the proposed building was broadly similar to the adjacent properties with two storeys and a loft conversion. There would be no loss of garden as there was concrete at the rear of the property. It would not be closer to no 35 than at present. The applicants had tried to minimise the impact on the adjacent properties in terms of sunlight and had agreed to the proposal for the first floor window to be non-opening and obscure glazed. The proposals would improve the energy efficiency of the building and updated the 1930s property into a multi-generational family home.

The planner responded to issues raised by the speakers and confirmed that there was hard standing to the rear of the property and that there would be no significant loss of green garden space from this development.

The planner, together with the area development manager, referred to the report and answered members’ questions. This included a question whether members should take into consideration the disability of a neighbour in determining the planning application, commenting that the loss of light to the hall area could be hazardous for someone with poor sight. Members were advised that the application was acceptable and that the objection from a neighbouring resident on the grounds of disability did not justify refusal. It was noted that the plans were for white rendered walls which would maximise the reflection of light. The committee was also advised that houses in Brian Avenue were varied and that no 37 was an “outlier” in that it was situated in the bend in the road and slightly higher than the adjacent properties. The proposal was of a similar form and character of the other houses in the street. Members were also advised that whilst the dormer window was large with significant

gaps between the eaves, there were other dormer windows in the street, and that dormer windows could be installed without planning permission. Landscaping details had not been required as part of the proposal. The applicant could re-lay the patio without planning permission.

The chair moved and the vice chair moved the recommendations as set out in the report and as amended by the planner.

Discussion ensued.

Members minded to vote in favour considered that the proposal would add symmetry to the streetscape and was in character with the surrounding area. A member pointed out that concerns that no 37 was too close to no 35 were unfounded as the plans showed a path and garage between the two properties. The garden of no 37 was overlooked by the neighbouring properties.

Councillor Stutely, Town Close ward councillor, explained that he considered that the application was finely balanced. He expressed concern about the impact of the proposal on the street scene and that it was unsuitable for its location, with little external space around the sides of the building. He suggested that the proposal could be improved by a hipped roof and a smaller dormer window. Another member commented that whilst this was finely balanced, he welcomed the energy efficiency improvements to the property.

RESOLVED, with 9 members voting in favour (Councillors Driver, Sands (M), Sands (S), Graham, Champion, Young, Thomas (Vi), Peek and Lubbock), 1 member voting against (Councillor Stutely) and 1 member abstaining from voting (Councillor Davis) approve application no. 22/00701/F - 37 Brian Avenue Norwich NR1 2PH and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Obscure glazing to first floor landing window and non-opening to a level 1.7m above ground floor level to prevent overlooking of the neighbouring dwelling.

CHAIR