



PLANNING APPLICATIONS COMMITTEE

10.00 a.m. – 1.05 p.m.

1 July 2010

Present: Councillors Bradford (Chair), Banham, Collishaw, Driver (to end of item 4), Jago, Lay, Little (S), Lubbock, Offord, Stephenson and Wiltshire

Apologies: Councillor Llewellyn (Councillor Stephenson acting as his substitute)

1. DECLARATIONS OF INTEREST

Councillor Offord declared a personal interest in items 3 and 4 below, Applications Nos 10/00481/F and 10/00736/F, Hewett School, Cecil Road, because he was employed by Norfolk County Council.

Councillor Little declared a personal interest in items 3 and 4 below, Applications Nos 10/00481/F and 10/00736/F, Hewett School, Cecil Road, because a close relative had recently graduated from the school and as Chair of the Friends of Lakenham Way.

Councillors Little and Lubbock referred to item 7 below, Application No 10/00459/F - Norwich City College, 5 Ipswich Road, Norwich NR2 2LJ, and said that they had advised residents on the planning process but had not commented on the planning application.

Councillor Little declared a pre-determined view in item no 10/00661/F 31 St Stephens Road Norwich NR1 3SP (previously advertised as 29-31 St Stephens Road) and intended to speak on the item and leave the room during the determination of the application by the committee.

2. MINUTES

RESOLVED to approve the accuracy of the minutes of the meeting held on 10 June 2010, subject to deleting the reference to Councillor Stephenson in the list of those present.

3. APPLICATION NO 10/00481/F: HEWETT SCHOOL, CECIL ROAD, NORWICH NR1 2PL

(Councillors Little and Offord had declared a personal interest in this item.)

The Senior Planner (Development) introduced the report and updated members on issues that had arisen since the report had been printed. He pointed out that part of paragraph 62 of the report had not been printed in full and read out the following:-

‘Summary of sporting policy conclusions

62. Although there is a reluctance to see the loss of urban greenspace in the City it is evident that the facility will fulfil an identified shortage of such facilities in this part of the City, in line with the findings of the latest Open Space and Sporting Needs Assessment, as required by PPG17. The loss of the grass playing field is considered to have been overcome because the scheme will generate benefits to the development of sport through an extensive schools- and community-access benefits package, both as part of this planning application and as part of the separate Section 77 school land disposal procedure. These benefits are considered sufficient to outweigh the loss of both the playing field and the urban greenspace, and the proposal is therefore consistent with the criteria of national policy PPG17 and Local Plan policy SR3.’

(Printed copies of paragraph 62 were circulated at the meeting.)

A response had been received from Sport England which removed its objection to this application and stating that there was sufficient evidence for such a facility to be provided without it being detrimental to other similar facilities in the area. Sport England suggested that the Committee should look at the following options based on the evidence put forward with regard to demand for additional facilities:-

- ‘1. That one, but not both, of these applications are approved, given the evidence to suggest that there is insufficient demand for small-sided soccer to justify both schemes coming forward.
2. That both schemes are approved but the hockey pitches are subject to an additional planning condition which restricts their use by excluding small-sided football facilities.

NB. Sport England has some concerns that such condition could be unduly restrictive should market conditions change in the future, but would consider such a condition if it was deemed to be the best way forward to resolve this issue, given that an application could be made at later date to vary or removed such a condition.

3. That both schemes are deferred pending a further revised assessment which, taking into account the additional two STP’s at Hewett, considers the impact on small-sided soccer in Norwich if both of these schemes were to come forward (based on the STPs being available for small-sided football.)

4. That both applications are approved without restrictive conditions on the basis that they are essentially meeting different needs – Goal Soccer Centre for football, and the full-size STPs for hockey, therefore there is no ‘over-lapping’ or cumulative impact on existing provision in the Norwich area over and above that identified as meeting latent demand within the revised assessment. This would in effect assume that these facilities would be meeting different needs without requiring formalisation through a planning condition.’

(Printed copies of the above text was circulated at the meeting and displayed on the screens during the meeting.)

The Senior Planner said that option 2, to restrict the use of the hockey pitches would effectively satisfy the concerns about exceeding demand for small-sided football pitches. Sport England had suggested that the hours of use for the football pitches were restricted to 2200 hours on weekdays and 2000 hours on Saturdays, Sundays and/or bank holidays, but this was considered to be too onerous as there was not a concern about light.

Members were advised by the Solicitor (Planning) that a S106 agreement to ensure community use of the facilities would give more control than a unilateral undertaking, and there was no reason why there could not be an agreement that was acceptable to the applicant. Members concurred with this advice.

The Senior Planner presented the report with the aid of slides and plans, including plans showing noise and light predictions.

A representative of Residents Against Inappropriate Development (RAID) spoke on behalf of local residents and suggested that the item be deferred to a future meeting to enable members to give due consideration to the response from Sport England, and outlined his objections to the scheme on the grounds of traffic and noise. He pointed out that one of the pitches was currently used for American football. Two local residents then addressed the committee expressing concern about piecemeal development of the site; the commercial aspect and the inappropriateness of a licensed premises being on a school site. Councillor Jeraj as Ward Councillor for Town Close Ward also requested a deferral to look at the evidence provided by Sport England and expressing concern about the loss of a playing field as urban green space and asking for information on the sequential test; and that the car parking would be underused.

The Head Teacher then addressed the committee in support of the application which would benefit the school, was in a deprived area, and the local community. The proposals were supported by the feeder primary schools in the area.

Discussion ensued on the issues raised and members were advised that it would not be necessary to defer consideration of the application to consider the response from Sport England. There was proven demand for the use of the small-sided pitches and the use of the hockey pitches for small-sided football matches could be excluded by condition. Members were also advised of issues relating: to traffic and the size of the car park which was considered acceptable; noise and community use as set out

in the report; and, confirmation that the north-east part of the site was not in use. The use of the pavilion for the selling of alcohol would be subject to licensing regulations, which would control the hours of licensed activities. Members noted that the report was comprehensive. The Senior Planner read out the entire paragraph 57 which had not been printed in full:-

‘57.The applicant has regrettably not conducted a sequential test to support the proposed location. Whilst it may be argued that the School offers some degree of community activity already it is still not a sequentially-ideal location. Bus services are limited in the evening (see para 86), at peak-use periods for the facility, although this might be expected to improve when the nearby Hall Road District Centre is developed more fully. ‘

During discussion some members welcomed the scheme which would benefit the school and the local community. Consideration was given to how the community use of the facilities would operate and ensuring priority being given to the school. Members were advised that the use of the bar in the pavilion was ancillary to the main use. The Enforcement Officer said that the use of amplified music would be best controlled by a licensing application. The provision of sufficient car parking spaces would avoid people using the facilities parking on Lakenham Road and Cecil Road. Members welcomed the landscaping.

RESOLVED with 10 members voting in favour (Councillors Bradford, Lubbock, Banham, Lay, Jago, Stephenson, Offord, Collishaw, Driver and Wiltshire) and 1 member abstaining (Councillor Little) to approve Application No 10/00481/F: Hewett School, Cecil Road, Norwich, NR1 2PL, and grant planning permission, subject to:

- (1) the completion of a satisfactory S106 agreement by 17 September 2010, to include the provision of adequate community use of the development and financial contributions to street trees and sustainable transport improvements, and subject to the following conditions:
 1. Statutory time limit;
 2. Development to be in accordance with plans submitted;
 3. Development to be in accordance with the flood risk assessment May 2010, and shall direct surface run-off to soakaways or permeable paving;
 4. Groundwater protection methods to be agreed and installed;
 5. Any access gates will be subject to details being agreed in advance;
 6. Floodlighting (a) maintenance schedules, and (b) methods for hours of operation;
 7. Car park lighting details to be agreed;
 8. No additional lighting to be provided except for those in the plans;
 9. Landscaping, including boundary treatments, hardstanding, soft landscaping, planting specification and maintenance and management plan;
 10. Materials and appearance of pavilion;
 11. Materials and appearance of fencing;
 12. Trees to be protected and development constructed in accordance with the submitted Arboricultural Implications Assessment;

13. A pre-development site meeting shall be held with the Tree Officer;
14. The pavilion bar shall be used only as an ancillary function to the football centre;
15. Separate hours of use restrictions for the pitches and the pavilion, including bar;
16. Precise details of the access point to be agreed;
17. Car parking and access design and drainage to be agreed, retention
18. Cycle parking stores design to be agreed and facility provided;
19. Travel plan details to be agreed, and monitored;
20. Energy efficiency measures to be implemented and details of the solar panels shall be agreed and implemented;
21. Plant and machinery details to be agreed.

(Reasons for approval: The recommendation is made having had regard to the objectives of national policy and the requirements of the regional and local development plan, and all other material considerations. The development is considered to provide a valuable sporting facility that contributes to enhancing the participation of sport and fulfilling an identified shortage of mini-football pitches in the City in line with identified needs, and will provide a level of community participation and standard of facility sufficient to outweigh the loss of the existing playing fields and enhance the overall development of sport. The loss of urban greenspace at the site is considered acceptable given the enhanced sporting facilities proposed within the scheme, comprehensive landscaping proposals, replacement planting and high standard of design of the pavilion building. Whilst the location is outside the preferred sequential location for such facilities, the site is nevertheless considered adequately accessible and will encourage sustainable transport use as arising from existing and future cycle and walking links and the use of a travel plan. Although the nature of the activity at the site is recognised to cause some impact to the amenity of local residents, this is on balance considered to be an acceptable and minimal impact which can be further mitigated by use of appropriate planning conditions. As such the development is consistent with national guidance PPG17, PPS1, PPS9, PPG13, PPG24 and PPS25, regional policies SS1, T14, ENV3, ENV7 and WM6 of the East of England Plan (May 2008), and saved policies NE4, NE8, NE9, HBE12, HBE19, EP16, EP17, EP18, EP22, SR1, SR3, SR6, SR13, SR14, TRA5, TRA8, TRA11, TRA12 and TRA14 of the adopted City of Norwich Replacement Local Plan (November 2004).

- (2) where a satisfactory S106 agreement is not completed prior to 17 September 2010, that delegated authority be given to the Head of Planning Services to refuse planning permission for Application No. 10/00481/F: Hewett School, Cecil Road, Norwich, NR1 2PL, for the following reason:

In the absence of a satisfactory legal agreement or undertaking relating to the appropriate provision of community use of the facilities, sustainable transportation contributions, and street tree replacement contributions, the proposal is contrary to the objectives of national policy PPG17, and saved policies SR3, SR6, TRA11 and NE4 of the adopted City of Norwich Replacement Local Plan (November 2004).

4. APPLICATION NO 10/00736/F: HEWETT SCHOOL, CECIL ROAD, NORWICH NR1 2PL

(Councillors Little and Offord had declared a personal interest in this item.)

The Senior Planner (Development) presented the report with the aid of slides and plans and said that the Environment Agency fully supported the application and that Sport England did not object to this application subject to the restriction of the hockey pitches.

Discussion ensued in which Councillor Lubbock said that she did not see the need to a condition restricting small-sided football being played on the pitches and other members concurred. Members were also advised that the Environment Agency did not object to the use of flood lights and that the lights would be switched off at 10.30 p.m.

RESOLVED with 8 members voting in favour (Councillors Bradford, Lubbock, Banham . Lay, Jago, Little, Collishaw, Driver and Wiltshire) and 2 members abstaining (Councillors Stephenson and Offord) to approve Application No 10/00736/F: Hewett School, Cecil Road, Norwich, NR1 2PL, and grant planning permission, subject to the following conditions:

1. Statutory time limit;
2. Development in accordance with plans submitted;
3. Pitch construction details shall be agreed, in consultation with Sport England;
4. Noise reduction measures around the pitches shall be agreed and implemented;
5. A Community Use Scheme shall be agreed, to include use, access, management;
6. Flood risk measures being provided;
7. Groundwater protection measures being provided;
8. Highways access details to be agreed;
9. Floodlighting shall be maintained and installed with measures to ensure they are turned off when not in use; details to be agreed, consulted with Sport England;
10. Car park lighting details;
11. Landscaping scheme agreement and implementation – including boundary treatments, hardstanding areas, soft landscaping proposals and planting specifications (including street trees if necessary) and maintenance thereof;
12. Trees protected and development to be in accordance with the Arboricultural Implications Assessment;
13. A pre-development site meeting shall be held with the Tree Officer;
14. Hours of use pitches restricted to 22:30 Mon-Fri, 21:00 Sat, 19:00 Sun;
15. Car parking design and layout, provision, use and retention, including overspill parking details and management thereof;
16. Cycle parking design and provision;
17. Fencing details, materials and appearance to be agreed;
18. Travel plan agreement, implementation and monitoring.

(Reasons for approval: The recommendation is made having had regard to the objectives of national policy and the requirements of the regional and local development plan, and all other material considerations. The development is considered to provide a valuable sporting facility that contributes to enhancing the participation of sport and fulfilling an identified shortage of synthetic turf pitches in the City and hockey club facilities in line with identified needs. Subject to the use of conditions, the development will provide an appropriate level of community participation and standard of facility sufficient to outweigh the loss of the existing playing fields and enhance the overall development of sport. The loss of urban greenspace at the site is considered acceptable given the enhanced sporting facilities proposed within the scheme, opportunities for comprehensive landscaping and replacement planting to enhance biodiversity. Whilst the location is outside the preferred sequential location for such facilities, the site is nevertheless considered adequately accessible and will encourage sustainable transport use as arising from existing and future cycle and walking links and the use of a travel plan. The development is not considered to lead to unacceptable impact on residential amenity, which will be further preserved by use of appropriate planning conditions. As such the development is consistent with national guidance PPG17, PPS1, PPS9, PPG13, PPG24 and PPS25, regional policies SS1, T14, ENV3 and ENV7 of the East of England Plan (May 2008), and saved policies NE4, NE8, NE9, HBE12, HBE19, EP16, EP17, EP22, SR1, SR3, SR6, SR14, TRA5, TRA6, TRA7, TRA8, TRA12 and TRA14 of the adopted City of Norwich Replacement Local Plan (November 2004).

5. APPLICATION NO 10/00661/F 31 ST STEPHENS ROAD NORWICH NR1 3SP (PREVIOUSLY ADVERTISED AS 29-31 ST STEPHENS ROAD)

(Councillor Little having declared a pre-determined view on this item, addressed the committee and left the meeting during the committee's deliberation.)

(Councillor Driver left the room during this item.)

The Planner (Development) presented the report with the aid of slides and plans.

Councillor Little, as Ward Councillor for Town Close Ward, said that he had submitted objections on behalf of residents who wished to remain anonymous and that the proposal would be detrimental to the amenity of the nearby residents, concerns that the night-time economy was moving into a residential area; and that the applicant had not developed a business case for the proposed changed of use.

(Councillor Little withdrew from the meeting at this point.)

The agent explained that this application was not to provide takeaway food and that it was proposed to operate as a café from the 7.00 a.m. to 7.00 p.m. The current use of the premises did not generate enough income to pay the rent. He did not consider that parking was an issue. The room above the shop was used as an office and not for residential use. There was a possibility that the flue could be inserted into the existing chimney.

Councillor Collishaw said that she had sympathy for the applicant because all small businesses were experiencing difficulties in the current economic climate.

Discussion ensued in which members considered whether the use of the flue contained in the existing chimney would be acceptable. Members were advised that it was necessary to look at the application that was before them and that a new application would be required if the flue details were to change.

RESOLVED, with 7 members voting in favour (Councillors Lubbock, Banham, Lay, Jago, Stephenson, Offord and Wiltshire), 1 member voting against (Councillor Bradford) and 1 member abstaining (Councillor Collishaw, on the grounds that there was insufficient information to make a decision) to refuse planning permission for Application No 10/00661/F, 31 St. Stephens Road, NR1 3SP for the following reasons:-

1. The proposal would result in the introduction of a late night food and drink use and the further intensification of late night commercial activity in the area in very close proximity to residential accommodation in St Stephens Road and St Stephens Square. It would therefore result in increased noise and disturbance and loss of amenity and outlook to neighbouring residential occupiers by reason of customers entering, leaving and loitering outside the premises at unsociable hours, and would thereby be contrary to saved policies EP10 and EP22 of the City of Norwich Replacement Local Plan (adopted November 2004).
2. The premises occupy a very restricted site which does not offer any external amenity and circulation space for restaurant customers and fails to provide a positive and attractive setting for the development. The proposal also fails to demonstrate adequate provision has been or can be made for the increased waste storage, waste collection and servicing needs arising from the proposed use. The proposal therefore represents an overintense and unsatisfactory form of development which would be contrary to policies WM6 of the East of England Plan (adopted May 2008) and saved policies TRA5 and TRA8 of the City of Norwich Replacement Local Plan (adopted November 2004).
3. Notwithstanding the site's relative proximity to the City centre, the proposed restaurant would be likely to attract a proportion of car-borne customers from outside the area. In the absence of any parking on site or readily accessible off-site parking provision directly adjacent, the proposal would be likely to result in an increase in sporadic and indiscriminate parking in nearby residential streets leading to further pressure on limited on-street residents' parking and an increase in traffic, vehicle noise and general disturbance to nearby residents. It would therefore fail to provide adequate parking or safe and adequate access to and around the site and would be contrary to saved policy T2 of the Norfolk Structure Plan (adopted October 1999) and saved policies TRA6, TRA8 and EP22 of the City of Norwich Replacement Local Plan (adopted November 2004).
4. In the absence of any meaningful information on the technical capabilities of the proposed fume extraction and ventilation system, the proposal fails to demonstrate that the system would not have an unacceptable impact on immediately adjoining residents in St. Stephens Square and potential future residents on the former Norfolk and Norwich Hospital site adjacent, either by reason of food odour nuisance, mechanical noise, or both. The proposal

therefore fails to maintain a high standard of amenity for residential occupiers in the vicinity, and would therefore be contrary to saved policies EP10 and EP22 of the City of Norwich Replacement Local Plan (adopted November 2004).

(Councillor Little was readmitted to the meeting at this point.)

6. APPLICATION NO 10/00694/F RIVERWAY COURT 4 RECORDER ROAD NORWICH NR1 1BP

The Senior Planner (Development) presented the report with the aid of slides and plans and answered members' questions.

RESOLVED to approve Application Number 10/00694/F Riverway Court 4 Recorder Road Norwich NR1 1BP and grant planning permission subject to the following conditions:-

1. Standard time limit;
2. Development in accordance with submitted plans.

(Reason for recommendation: The decision has been made with particular regard to the provisions of Planning Policy Statement 1 (PPS1) including the Climate Change Supplement (PPS1 Annexe); Planning Policy Statement 5 (PPS5); Safer Places: The Planning System and Crime Prevention policies; ENV6 and ENV7 of the East of England Plan (adopted May 2008) and saved policies HBE8, HBE12 and HBE19 of the City of Norwich Replacement Local Plan (Adopted November 2004). It is considered that the proposed security gates would enhance the security of the site. The design of the gates is in keeping with the area and would preserve the character of the surrounding conservation area. Having considered the implications for residents accessing the site it is not considered that that the proposals would detrimentally affect access which would fundamentally remain the same. Given the limited potential for vehicle movements at the two accesses the gates would not adversely affect the adjacent highway.)

7. APPLICATION NO 10/00459/F - NORWICH CITY COLLEGE, 5 IPSWICH ROAD, NORWICH NR2 2LJ

Councillor Lubbock expressed concern that a resident in Cecil Road had not received notification about this application but had responded because of the street notice. The Head of Planning Services had not responded to the resident to apologise. Councillor Little said that he had received an email regarding this issue but that the Head of Planning Services should ensure that an apology was sent to the individual concerned.

The Senior Planner (Development) presented the report with the aid of slides and plans and answered members' questions.

RESOLVED to approve Application No (10/00459/F - Norwich City College, 5 Ipswich Road, Norwich NR2 2LJ) and grant planning permission, subject to the following conditions:-

1. Standard time limit;
2. Development shall be in accordance with the approved plans;
3. Works shall be in full compliance with the submitted Arboricultural Implications Assessment;
4. Samples and/or precise details of the materials of the wall, railings, piers and copings, and design and materials of the gates shall be agreed prior to commencement;
5. The infilling of the windows of the gatehouse gable elevation shall use materials reclaimed from the gatehouse;
6. Where possible, materials shall be reclaimed from the demolition of the walls and reused in their reconstruction;
7. Prior to commencement of development a landscaping scheme shall be agreed to confirm the replacement planting of trees within the college campus of a suitable standard and quantity to compensate the loss of the lime tree in biomass and variety.

(Reasons for approval: The decision has been taken with regard to national guidance, regional and local development policy, and all material considerations. The development is of a high quality of design that preserves and enhances the setting of the Conservation Area and retains the preservation of a notable historic asset in the form of the gatehouse gable wall. The measures will improve the safety and security of the college site, whilst enhancing pedestrian and cycle access around the site perimeter. It is considered acceptable that the lime tree be removed in the interests of the continued and ongoing maintenance of the replacement wall on Cecil Road. Subject to the use of conditions, the proposal will ensure appropriate replacement planting will enhance the biodiversity and the landscape quality of the college site and secure the use of appropriate materials and designs to enhance the Conservation Area. As such the development is in accordance with national policy PPS1 and PPS5, regional policies ENV6 and ENV7 of the East of England Plan (May 2008), and saved policies HBE8, HBE12, EP20, NE3, NE8 and NE9 of the adopted City of Norwich Replacement Local Plan (November 2004).

CHAIR