



PLANNING APPLICATIONS COMMITTEE

10.00 a.m. - 11.50 a.m.

2 December 2010

Present: Councillors Bradford (Chair), Collishaw, Gee, Lay, Little, Lubbock and Offord

Apologies: Councillors Banham, Read and Wright (J)

1. MINUTES

RESOLVED to agree the accuracy of the minutes of the meeting held on 11 November 2010.

2. APPLICATION NO. 10/01288/F - 64 - 68 ROSE LANE, NORWICH, NR1 1PT

The Chair said that he had agreed to accept the late requests to speak on this application from Councillor Grahame, ward councillor for Thorpe Hamlet ward and a representative of the Islamic Centre which adjoined the application site.

The senior planner (development) presented the report with the aid of slides and plans. He circulated additional representations received from the chair of the Central Norwich Citizens Forum.

Councillor Grahame, ward councillor for Thorpe Hamlet ward, addressed the committee and referred to the concerns expressed by users of the neighbouring Islamic Centre concerning the potential increase in footfall in the area during the period of opening for the proposed nightclub premises, the potential additional usage of smoking area and the levels of noise vibration which were already experienced from the existing nightclubs in the area. She considered that the proposals would have a detrimental impact on the wellbeing of the users of the Islamic Centre, particularly in view of the high level of activity in the existing late night activity zone.

Mohammed Choudhury then addressed the committee on behalf of the users of the Islamic Centre. He recognised that the proposals would result in the creation of new jobs and have a favourable impact on the local economy, but said that there were a considerable number of similar premises already operating in the locality. He also referred to the incidences of violent crime within the late night activity zone and the levels of noise emanating from adjoining premises which was already affecting the prayer meetings held within the Islamic Centre. He considered that the proposals would have a detrimental impact on children and elderly people who used the Islamic

Centre premises and referred to the location of the living accommodation within the centre which adjoined the development site.

Arthur Williams, the applicant, then addressed the committee and referred to the officer's report in which reference was made to the measures that would be taken to limit noise emanating from the premises. He said that there would be no egress from the premises onto Rose Lane during the hours of operation and considered that there would be no increase in the numbers of people within the smoking area. He referred to the considerable numbers of people who queued outside the existing premises on Prince of Wales Road who would be able to be accommodated within the new nightclub.

The senior planner (development) said that the issue of vibration had been examined within an acoustic survey and could be addressed through conditions to limit noise through vibration dampening. He confirmed that the environmental health officers had stated that these measures would enable noise to be kept within acceptable limits. He said that the existing noise levels emanated from the Pulse Night Club located close to the Islamic Centre premises. Exits onto Rose Lane would only be allowed in emergency situations and the Highways planners had indicated that the pavement adjoining the premises was adequate to accommodate the numbers of people anticipated within the area.

During discussion, members asked whether the council would consider changing its policy on the extent of the late night activity zone in the future. The senior planner (development) referred to the number of similar premises in the area and that their use was appropriate considering that the character of the area had changed in recent years. Any proposals to extend the late night activity zone to the lower end of Prince of Wales Road, and constricting it in other locations, would not be in force until mid 2011 at the earliest following decisions made by the Local development framework working party and the Council.

In response to a question from Councillor Grahame, ward councillor for Thorpe Hamlet ward, the senior planner (development) said that police resourcing within the locality ceased at 5.00 a.m. and the proposed premises would be required to close between 4.00 a.m. and 7.00 a.m. accordingly. Councillor Gee then asked how the opening hours would be enforced. The solicitor said that the council would rely on the police to report any breach of the opening hours conditions. He also referred to changes to the council's standing duties included within item 5b of the agenda, and in particular, the implications of the Equality Act 2010. These amendments were required to be considered by members prior to the determination of the application. In response to a question from Councillor Collishaw, the solicitor said although some premises were granted a 24 hour drinking licence, the licensing legislation did not override planning conditions.

Councillor Offord then referred to the number of residential properties within the locality and the potential for increased footfall which would have a negative impact on the wellbeing of local residents. The senior planner (development) said that the residential accommodation within the Islamic Centre was required to be used by caretakers and that the noise limitation measures proposed within the report would be adequate to take account of the impact on neighbouring residential properties. In response to a question from Councillor Gee, the senior planner (development) said

that the premises management plan was a condition of the premises licence and that the police had indicated that they would be able to deal with the potential increase in footfall resulting from the proposal. The planning development manager, commented that the extension to the late night activity zone and a potential for increased footfall would be considered as a strategic matter by the Local Development Framework Working Party and was not a specific consideration for this committee.

Councillor Lubbock commented that approval of this application could be considered as premature in the light of any proposed extension to the late night activity zone and the need to consult residents on any changes to policy. She suggested that the application could be refused as it was located outside the recognised late night activity zone, the proposed fire exit doors did not enhance the appearance of the area, the likely exacerbation of problems resulting from the potential increase in footfall and the effect on the amenity of residents in the area. The planning regeneration manager referred to the reasons for refusal of the previous application on noise grounds and considered that it would not be appropriate to refuse the current application for other reasons which had not been quoted in the original refusal. He said that the application should be determined in the light of the council's current policies. The senior planner (development) said that the proposals for the premises would provide considerable improvements and enhance the conservation area.

During further discussion, Councillor Little questioned whether the introduction of the Equality Act would require the council to take into account the protection of places of worship. The solicitor said that the council had duties similar to those under the Equality Act 2010 when it determined the previous application and spoke regarding the intended conditions to control noise from these premises..

Councillor Lubbock said that, should the committee be minded to approve the application, that the police should be requested to inspect the premises on a regular basis to ensure that the opening hours limits were not breached.

The chair considered that, in planning terms, there were insufficient reasons to refuse the application and referred to the planning officer's report which had detailed the various measures taken to address the concerns expressed by objectors.

RESOLVED, with 4 members voting in favour (Councillors Bradford, Collishaw, Little and Lubbock), 2 members voting against (Councillors Lay and Offord) and 1 member abstaining (Councillor Gee) to approve application no. 10/01288/F subject to the following conditions:-

1. standard time limit;
2. development in accordance with the approved plans and details;
3. there shall be no use of the premises for the development hereby permitted until the external works as detailed in the approved plans have been provided and made ready and operation for first use;
4. (a) There shall be no use of the premises for the development hereby permitted until a scheme for installing internal sound proofing measures has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall use as a minimum the proposals as detailed in the approved plans and in the

recommendations of the acoustic report and approved correspondence, and the proposals shall be sufficient to secure a reduction in the level of noise emanating from the premises, such that noise levels from the application premises shall not exceed NR 30 over the full frequency range, as measured at a position 1 metre outside any noise sensitive premises, and shall not exceed NR 20 over the full frequency range as measured inside any adjoining noise sensitive premises.

- (b) Prior to the first use of the premises, the sound insulation measures shall be provided in accordance with the agreed details and methodology, and shall be retained in perpetuity thereafter for the duration of this planning permission, in accordance with the approved details.
- 5. opening hours restriction – premises shall not be open to the public between the hours of 0400 hrs and 0700 hrs on any day;
- 6. the doors to and from Rose Lane shall only be used for fire exit purposes and shall not be used in any way or at any time for entry or exit other than in an emergency situation;
- 7. the premises shall only be accessed by the general public and patrons from existing premises fronting Prince of Wales Road, and servicing access shall only be from Prince of Wales Road or St Vedast Street;
- 8. no hot food shall be served from the premises for consumption off-site;
- 9. prior to commencement of use, details and samples of all new brick and mortar types to be agreed;
- 10. prior to first use, details of all new doors to be agreed;
- 11. Prior to the commencement of the use hereby permitted, full details of the amplification system to be permanently installed and used at the site shall be submitted to and agreed in writing by the Local Planning Authority. No amplified music shall be played in the premises unless through the agreed permanently installed amplification system, and no alteration of this system may take place without prior written authority from the Local Planning Authority.
- 12. Prior to the commencement of the use hereby permitted, details of the maximum noise levels, expressed in dB LAeq(5 mins), measured at a point 2 metres from every loudspeaker forming part of the amplification system, shall be first submitted to and approved in writing by the Local Planning Authority. Thereafter the permitted maximum noise levels agreed as part of this planning condition shall not be exceeded at any time.
- 13. Prior to the commencement of the use hereby permitted, a management scheme detailing measures to be put in place to ensure that the amplification system cannot be adjusted beyond the maximum permitted noise levels (as agreed under condition 12 of this planning permission), shall be submitted to and approved in writing by the Local Planning authority, and shall only be operated in accordance with the agreed details thereafter.
- 14. all acoustic doors specified as type 'D' and 'E' on the approved drawings shall be fitted with self closing devices that shall be in operation at all times when music is played within the application premises;

15. no amplified music shall be played in the courtyard within the applicant's control;
16. details of extract and ventilation systems shall be provided prior to the first installation;
17. The installation of any plant or machinery on the premises shall be in accordance with a scheme approved by the Council for the reduction, where necessary, of the level of noise and vibration emanating from the premises.

Informative advisory notes:

1. Notification of the Council's ability to still exercise its duties to investigate complaints of noise nuisance and enact its powers under the Environmental Protection Act 1990 and require further action to abate or prevent the occurrence or reoccurrence of any statutory nuisance, despite the proposed noise mitigation works within this application.

2. Standard construction practices statement.

3. The applicant is advised that any new advertisements proposed for display on the premises would be subject to obtaining Advertisement Consent. Adverts proposed to the rear of the building are likely to be considered unacceptable as they may encourage people to enter the premises via this route and not via the main entrance fronting Prince of Wales Road.

(Reasons for approval:

The decision has been made with regard to national policy and the provisions of the local development plan, and all material considerations, and are considered to be in accordance with PPS4, PPS5, PPG24 and saved policies AEC1, HBE8, HBE12, EP10 and EP22 of the City of Norwich Replacement Local Plan (Adopted Version November 2004). Notwithstanding the loss of the derelict and vacant employment premises at the site, the change of use hereby permitted is located in the City Centre Leisure Area and adjacent to the extended Late Night Activity Zone, where uses of this kind are considered acceptable. Subject to the conditions imposed as part of this planning permission, the use will only operate in conjunction with the existing premises already operating within the extended Late Night Activity Zone and will minimise disruption and alteration to the immediate Rose Lane area. By virtue of the proposed designs, noise reduction measures and suggested conditions, the proposals are not considered to cause a detrimental impact on the street scene or neighbouring residential, business or visitor amenity, and will enhance the setting of the Conservation Area).

3. APPLICATION NO. 10/01876/F - LAND ADJACENT TO 120 SOUTHWELL ROAD, NORWICH

The senior planner (development) presented the report with the aid of slides plans and referred to the late additional representations which were circulated. He said that paragraph 6 of the report should read “2 two bedroom dwellings”.

Karen Mobbs then addressed the committee. She referred to the traffic conditions on Southwell Road and the considerable incidents of illegal parking. She considered that the proposals would have a negative impact on road safety on Southwell Road. She also referred to the considerable number of flats to let within the city and that the proposed design of the properties was not in keeping with the locality and did not enhance the area.

Edward Grimbrere then addressed the committee and referred to parking problems which he considered would be caused by the proposed development. He said that, although 4 parking spaces were provided within the proposals, there were no additional resident parking spaces along Southwell Road and there was likely to be problems in parking space provision after 6.30 pm in the evening when the parking restrictions did not apply. He referred to the safety risks resulting from the positioning of the parking bays and in particular, the limited view of vehicles exiting the premises onto Southwell Road.

(Councillor Lay left the meeting at this point and took no further part in the discussion or the determination of the application).

The applicant, John Weston, then addressed the committee and referred to his work with the development and landscape planners on the proposals for the site. He considered that the proposals provided high quality apartments close to the city centre and that the design would enhance the area. The senior planner (development) referred to the comments on highway safety included within the report and said that the provision of 4 parking spaces, plus 1 car free premises was in accordance with the council's planning policies. He also referred to the provision of additional cycle storage. He recognised that the level of amenity space was finely balanced, but was adequate within the revised proposal. He considered that the position of the parking bay and the provisions for access were not unusual in similar properties in this part of the city.

During discussion, Councillor Gee suggested that it would be appropriate for the development to be “car free” which would result in an increase in the level of amenity space. The senior planner (development) said that this would result in a significant alteration to the current proposals and that it would, therefore, not be appropriate to include such conditions.

Councillor Lubbock considered that car usage was a more important consideration and that the proposed parking spaces were appropriate to properties of the type proposed in the application which existed in similar areas of the city.

The chair considered that the proposals provided improvements which would enhance the locality.

RESOLVED, with 3 members voting in favour, (Councillors Bradford, Collishaw and Lubbock), 2 members voting against, (Councillors Gee and Little), and 1 member abstaining (Councillor Offord) to approve application no. 10/01876/F subject to the following conditions:-

1. standard time limit;
2. development in accordance with the submitted plans;
3. compliance with the arboricultural implications assessment including replacement planting and methods for tree protection and a no dig pathway construction along the northeast boundary;
4. provision of the cycle stores, parking areas and refuse storage areas prior to first occupation;
5. submission of landscaping details for the external amenity areas including hard and soft landscaping and future management and maintenance and provision of those areas prior to first occupation;
6. details of bricks and tiles to be used in the development;
7. development to cease pending details to deal with contamination should previously unidentified contamination be identified during the course of development.

(Reasons for approval: The decision has been made with particular regard to PPS1, PPS3, PPG13, policies ENV7, T8 and WM6 of the adopted East of England Plan and saved policies NE9, HBE12, HBE19, EP1, EP18, EP22, HOU13, HOU18, TRA5, TRA6, TRA7, TRA8 and TRA9 of the adopted City of Norwich Replacement Local Plan. The proposals are an intense development for a fairly confined site, however having considered relevant policy and other material considerations it is considered that the proposals meet development plan policy objectives. The site is in an extremely well connected sustainable location. The provision of housing developments on windfall sites such as this is consistent with both local policy and PPS3. Parking, cycle and refuse storage areas have been provided in line with local policy requirements. External amenity areas are of limited size, however subject to conditions requiring further details are considered to be of sufficient quality and size. It is not considered that there are any significant implications for neighbour amenity neither is it considered that the proposals would have any significant highway safety implication which could justify refusal of the proposals. Subject to conditions ensuring compliance with the submitted arboricultural implications assessment the proposals would not have any significant arboricultural implications. The proposals are therefore considered to be acceptable.)

CHAIR