



**Planning applications committee**

**09:45 to 14:25**

**14 November 2019**

Present: Councillors Driver (chair), Button (to end of item 6 below), Grahame (substitute for Councillor Bogelein); Neale, Oliver (substitute for Councillor Maxwell), Peek, Ryan, Sands (M), Sarmezey, Stutely and Utton

Apologies: Councillors Maxwell (vice chair), Bogelein, Huntley, Lubbock

(The supplementary report of updates to reports was circulated at the meeting and members took a few minutes to read the report before the commencement of the meeting.)

**1. Declarations of Interest**

Councillor Driver declared an other interest in item 3 (below), Application no 19/00617/F - 6 - 7 The Arches, Bracondale, Norwich NR1 2EF, because he was a member of CAMRA.

**2. Minutes**

**RESOLVED** to approve the accuracy of the minutes of the meeting held on 10 October 2019, subject to item 3, Application no 19/00933/F and 19/01014/L - 5 Recorder Road, Norwich, NR1 1NR - amending the third sentence from the end of the second paragraph by deleting "purchase" and replacing with "rent" so that the sentence reads:

"A member of the church addressed the committee and said that the church had tried to rent the premises and that the proposed use would be detrimental to the church community's religious observances."

**3. Application no 19/00617/F - 6 - 7 The Arches, Bracondale, Norwich NR1 2EF**

(Councillor Driver declared an interest in this item.)

The planner 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 contained an additional consultation response from environmental protection; correction to report relating to change in ward boundaries; and, additional representations from Councillor Manning and three residents, with the officer response.

At the request of local residents objecting to the proposal, the committee officer read out the statement from Councillor Manning, Lakenham ward councillor.

Seven speakers addressed the committee outlining their concerns and objections to the proposal. Two of the speakers also acted as proxies for residents unable to attend the committee meeting. Several of the speakers also spoke on behalf of their adjacent neighbours. One speaker was a planning consultant experienced in highways safety. The issues raised by the speakers included: concerns about the impact of noise on their residential amenity from customers of the brewery drinking outside and using its other facilities; antisocial behaviour from customers and lack of awareness of the proximity of residential properties; the residents suffered from intrusive noise from Friday through to Sunday, which spoiled the enjoyment of their gardens and required windows to be kept closed in summer; children were living adjacent to the brewery and that the late hours and noise kept children awake; there was noise from people leaving and being dropped off by taxi at the premises; that there were road safety concerns about the poor visibility at the junction and that cars would back up onto the roundabout; concern that the conditions to mitigate noise and parking issues would not be enforceable and would be reliant on reports from residents; concerns that the brewery was in a semi-rural location, of mixed use light industrial and residential and that the area was suitable for a retail enterprise, selling food and drink; the warehouse did not have soft furnishings or floor coverings and therefore reflected noise; there was an existing high wall that did not prevent noise and questioning the effectiveness of the conditions to mitigate noise disturbance; that amplified music exacerbated the problem of noise; that it was a cohesive neighbourhood and residents were pleased with the success of the brewery but that its commercial need to expand the Taproom facilities was in opposition to that of residents. Events had been planned and there was a presumption that neighbours would instigate noise enforcement. Residents had expressed their concerns at a licence review of the premises.

The agent, addressed the committee on behalf of the applicant, and explained that the commercial activity on the site was a small craft brewery that had been bought out of receivership and employed 10 full time and 11 casual staff. The taproom activities comprised 30 per cent of the brewery's income stream. The applicant had worked with the council to mitigate the unintended consequences of this facility and held open meetings with residents. The proposal would ensure that customers were inside the building after 9:00 pm (21:00). Most customers did not drive to the brewery. She referred to the additional comments from environmental protection regarding music and said that the roller shutter door would contain the noise. There was inconsiderate parking on the access drive way during the day.

The planner referred to the reports and responded to the issues raised. She explained that whilst environment protection considered the condition to not allow amplified music or loud speakers on the premises was too strict, but said that this condition needed to be precise and enforceable, and that people tended to speak louder with background music. She also clarified that the proposed hours of operation on Fridays and Saturdays for the beer garden was until 9:00 pm and inside until 11:00 pm. The roller shutter door would significantly reduce noise escaping from the building.

The planner, and the area development manager (inner), referred to the reports and answered members' questions. Members were advised that there was a separate door for customers to enter the warehouse and that the roller shutter door was not kept open. Members were also advised that the use of loud speakers would not be permitted as residents had been disturbed by noise from quiz nights, attended by

100-200 people. The committee was also advised that the discharge of conditions would address the measures recommended in the acoustic report. The planner clarified to members that no amplified music would be permitted on the site. Members also were advised of the extent of licensing and planning legislation in terms of restricting hours of operations and that in planning terms, an ancillary use was assessed by its impact rather than percentage of the turnover. Members were also advised that conditions needed to be relevant to the application and that an application for change of use did not create a biodiversity deficit and therefore no biodiversity measures were required. A member suggested that planting could provide a barrier to noise.

Discussion ensued on the regulation of the taproom facilities, the use of the beer garden and the management plan required of the applicants, which would cover customers leaving the premises quietly. Members were advised of the options available to the committee in terms of the next course of action if the application was refused or the committee sought to vary the hours of operation, and that the applicant could appeal the committee's decision. Members were also referred to the comments from highways set out in paragraph 22 had been revised following the removal of the car parking and that the discharge of conditions would mitigate concerns.

The chair moved and Councillor Button seconded the recommendations in the report as amended in the supplementary report.

Discussion ensued in which members considered that this was a vibrant business that made a significant contribution to the local economy whilst considering the impact on the residents. A member suggested that the hours of operation should be reduced to 21:00 on Fridays and Saturdays. Other members considered that they were not satisfied with the acoustic mitigation and suggesting that further consideration of the application should be deferred for further information on noise mitigation measures. During discussion the chair mentioned that there had been a public house in the vicinity and that the conditions addressed concerns which could be enforced.

Councillor Stutely, chair of licensing committee, said that the premises was also subject to licensing regulations and that residents could request a review if there was a problem.

Councillor Ryan moved and Councillor Utton seconded that the hours of operation be reduced from 11:00 pm (23:00) to 9:00 pm (21:00) on a Friday and Saturday evening and from 8:00 pm (20:00) to 5:00 pm (17:00) on a Sunday. On being put to the vote with 5 members voting in favour (Councillors Grahame, Neale, Ryan, Sarmezey and Utton), 3 members voting against (Councillors Driver, Oliver and Peek) and 3 members abstaining (Councillors Button, Sands and Stutely), it was resolved to amend the hours of operation. Members were advised that condition 11 (as set out in the report) was therefore no longer required. Members were also advised that the requirements for any temporary barriers to be closed during times of operation should be added to the recommended conditions.

Discussion ensued in which Councillor Sands said that he could not support the application because he was concerned about noise mitigation measures.

The chair moved the recommendations as amended above to the vote, and it was:

**RESOLVED**, with 8 members voting in favour (Councillors Driver, Button, Grahame, Oliver, Peek, Ryan, Stutely and Utton) and 3 members voting against (Councillors Neale, Sarmezey and Sands) to approve application no. 19/00617/F - 6 – 7, The Arches, Bracondale, Norwich, NR1 2EF and grant planning permission subject to the following conditions:

1. The development hereby approved shall be carried out in accordance with the application forms, plans, drawings and details as specified below:
  - (a) Fencing Plan Ref SK5 Received 20/09/2019
  - (b) Noise Impact Assessment Ref 12178/1 Dated 23/09/2019 Received 25/09/19;
  - (c) Travel Information Plan Dated August 2019 Received 15/08/2019
2. Within 2 months of the date of this permission, full details of a replacement roller shutter door shall be submitted for approval by the council as Local Planning Authority. The details shall accord with the recommendations contained within the approved Noise Impact Assessment ref 12178/1. Within 1 month of the approval of such details, the replacement roller shutter door shall be installed as agreed, and it shall be retained as such thereafter.
3. Within 2 months of the date of this permission, full details of the fences to be erected along the eastern boundary of the site and full details of the fence, gate and other means of enclosure around the beer garden as depicted by a dashed line, a pink line and a blue line on Fencing Plan SK5 shall be submitted for approval by the council as Local Planning Authority. The details shall include material, height, location, density and product specification and in the instance of any temporary barriers, proposed times of use. Within 1 month of the approval of such details, they shall be installed as agreed, and they shall be retained as such thereafter.
4. Within 2 months of the date of this permission, a Management Plan shall be submitted for approval by the council as Local Planning Authority. The Management Plan shall include details of signage to be erected within the site and staff training requirements. Within 1 month of the approval of such details, the Management Plan shall be implemented as agreed.
5. Within 2 months of the date of this permission, full details of secure bicycle parking shall be submitted for approval for approval in writing by the council as Local Planning Authority. The approved details shall thereafter be installed within 1 month and shall be retained and maintained in this condition thereafter.
6. Within 2 months of the date of this permission, the approved Travel Information Plan shall be implemented as agreed.
7. Within 2 months of the date of this permission, a Traffic Regulation Order for waiting restrictions on the site's access track shall be promoted to Norfolk County Council.
8. No loudspeaker, amplifier, relay or other audio equipment shall be installed or used on the site which is the subject of this permission, either inside or outside the building.
9. The roller shutter door shall be kept closed at all times during the operation of A3 and A4 uses from the premises. Any other external doors to the building and any gates to the beer garden shall be kept closed at all times except for the purpose of access and egress.

10. Premises which form the subject of this permission shall not be open to the public as customers for A3 or A4 purposes except for between the hours of 12:00 and 21:00 on Fridays and Saturdays and between 12:00 and 17:00 on Sundays.

#### Informative

Further information about the promotion of Traffic Regulation Orders can be found on Norfolk County Council's website (<https://www.norfolk.gov.uk/roads-and-transport/roads/traffic-orders-notice-and-restrictions/traffic-regulation-orders>)

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

#### **4. Application no 19/00971/F - Land North Side of Windmill Road, Norwich**

The planner presented the report with plans and slides. She referred to the supplementary report of updates to the report which was circulated at the meeting and said that an additional condition was recommended requiring agreement of a phasing plan.

During discussion the planner answered members' questions. She explained that the affordable housing had already been delivered on the adjacent site. The additional condition would control the phasing of the development. The standard time limit for the commencement of development was 3 years but members could agree a shorter time limit. The previous consent had expired because the applicant could not commence within the standard time limit due to negotiations with a third party. In response to questions, members were advised of the layout and access to the site; that further investigation was required to ensure there was no contamination on the site and that there were gaps in fencing to ensure that small mammals, lizards and grass snakes could move within the site.

The chair moved and Councillor Button seconded the recommendations in the report.

Councillor Stutely moved and Councillor Button seconded that the time limit was set at 1 year and on being put to the vote it was resolved unanimously.

The chair moved the recommendations as amended, and it was:

**RESOLVED**, unanimously, to approve application no. 19/00971/F - Land North Side of Windmill Road, Norwich and grant planning permission subject to the following conditions:

1. Time limit for commencement of development within 1 year;
2. In accordance with plans;
3. Materials
4. Landscape scheme, including details of crossing over Windmill Road
5. Cycle storage details to be agreed
6. Bins stores to be provided prior to occupation
7. Scheme to deal with risks associated with contamination of the site
8. Previously unidentified contamination

9. Imported material
10. Biodiversity mitigation and enhancement programme
11. Bird Nesting Season
12. Small mammal access
13. Construction method statement
14. Details of solar panels
15. Drainage strategy – implementation and management
16. Works to be carried out in accordance with submitted Arboricultural Impact Assessment, Tree Protection Plan and Arboricultural Method Statement
17. Arboricultural Supervision
18. Phasing plan to be agreed.

**5. Application no 19/01009/F - East Anglian Air Ambulance Hangar, 14 Gambling Close, Norwich, NR6 6EG**

The planner presented the report with the aid of plans and slides. She also referred to the supplementary report which summarised the applicant's request that the condition requiring the noise mitigation strategy to be implemented applied to the hours of 23:00 to 06:00, and a summary of an additional representation and the officer response.

In reply to a member's question, the planner confirmed that the noise impact strategy addressed the issue of ground pre-flight checks and taxiing from outside the hangar to the departure point. Members noted that there would be approximately one flight a night.

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

During discussion members expressed some sympathy for the residents of adjacent streets but said that in terms of wider public interest and taking into account that the air ambulance service served the counties of Norfolk, Suffolk and Cambridgeshire, the application was acceptable. A member thanked the planner for the clarity of her presentation in particular the explanation of the parking provision being more generous because of employees working unsociable hours.

**RESOLVED**, unanimously, to approve application no. 19/01009/F - East Anglian Air Ambulance Hangar 14 Gambling Close, Norwich, NR6 6EG and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Materials to be agreed;
4. Ecological mitigation measures;
5. Landscaping to include tree protection and biodiversity enhancement planting;
6. Drainage strategy to demonstrate there is no unacceptable risk to controlled waters;
7. Drainage strategy implemented prior to occupation and maintenance thereafter;
8. Energy efficiency – air source heat pump details;
9. Water efficiency;
10. Travel information plan;

11. Details of bin and cycle stores;
12. Parking and servicing to be provided prior to occupation;
13. Scheme to deal with the risks associated with contamination;
14. Contamination not previously identified;
15. Imported soil;
16. No use of the building between 23:00 and 06:00 other than in accordance with the Noise Mitigation Strategy and details of flights from EAAA database to be provided to LPA on request for monitoring and enforcement purposes.
17. No use as a passenger terminal.

## **6. Application no 18/01552/F - Car Park Rear of Premier Travel Inn Duke Street Norwich**

The area development manager (inner) presented the report with the aid of plans and slides.

Ten residents, including one proxy speaking on behalf of a resident, and Councillor Schmierer, Mancroft ward councillor, addressed the committee and outlined their objections to the proposal. This included: the proposal was contrary to local development management policies and the council's Purpose Built Student Accommodation guidance; that it did not address the reasons for refusal which were upheld at appeal by the Planning Inspectorate; the revised footprint and height of the building did not address the canyoning effect along the river and would create a wind tunnel; the development would blight views of historic buildings in the conservation area; the proposed development was detrimental to the amenity of residents of Duke's Palace Wharf because of overshadowing and loss of light, outlook and privacy; that statutory consultees, including the Broads Authority, had expressed concern about the scheme and that the Norwich Society had not commented on the revised application; the scheme would lead to an overconcentration or ghettoising of student accommodation in a small area; the site had one of the few natural riverbanks in the city centre and was the habitat of otters, swans, bats and other wildlife which should be protected from the development; concerns that the proposal would destroy biodiversity on the site and was contrary to policy; and that there was overwhelming opposition from local residents to the proposal.

The agent spoke in support of the application and said that the applicants had sought to overcome the reasons for the refusal of the last application and had met with the Jane Austen College and Norwich Society to discuss the proposal. She referred to the reduced footprint and height, and the design of the building; management arrangements for the building and riverside walk; daylight/sunlight analysis; that there were no objections from Historic England or other statutory consultees; and that there were providers interested in operating the student accommodation on the site.

The area development manager (inner) referred to the supplementary report of updates to reports, which was circulated at the meeting containing confirmation that cabinet had approved the practice advice note on purpose built student accommodation; summarising one further and one additional representation; amending a typographical error in paragraph 223 to correct the reference to the site being in Flood Zone 2, and recommending an additional condition relating to the details of the artwork on the eastern gable. He then referred to the main report and commented on the reasons for refusal for the previous application and that members

at the time had not considered that this site was inappropriate for student accommodation. The reduced footprint reduced the canyon effect along the river between Duke's Palace Wharf and the proposed building. This proposal had the same impact on the biodiversity as the previous application. He pointed out that the guidance note on purpose built student accommodation suggested that larger student accommodation blocks were more viable in terms of management but this did not mean that smaller blocks would not be considered. The applicant had said that there were operators interested in this scheme.

The area development manager (inner) then referred to the report and answered members' questions on the arrangements for the riverside walk, the height of the proposed building; confirmation that no windows from the proposed building would overlook the play area of the Jane Austen Academy and that artwork was proposed to break up the expanse of brickwork. Members were also advised that the accommodation complied with space standards and that ground floor communal areas were accessible for wheelchair users.

The chair moved and Councillor Button seconded the recommendations as set out in the report and amended in the supplementary report.

Discussion ensued. Some members speaking in support of the application listed the benefits of purpose built student accommodation in reducing pressure on private sector rented properties in wards surrounding the University of East Anglia and that students were important to the economy of the city. The location of this site in the city centre was near the Norwich University of the Arts and it was considered that some students would prefer living in the city centre. A member suggested that the development would improve the appearance of Duke Street and its height was similar to Mary Chapman Court. Members also commented that the concerns about the student accommodation overlooking the school play area had been addressed. The design of the building addressed the concerns about the canyoning effect and in terms of overlooking, there was a large distance between the proposed building and Dukes Palace Wharf. Other members considered that it was a finely balanced application. One member expressed concern about the cumulative impact of Mary Chapman Court and this new development of student accommodation in a small area. Other members expressed concern about the loss of light and that the impact on residential amenity for residents at Dukes Palace Wharf was unacceptable. A member suggested that the footprint was over large for the site and did not address the concerns of the previous application. Other members were concerned about the impact on biodiversity on the site.

**RESOLVED**, on the chair's casting vote, with 5 members voting in favour (Councillors Driver, Button, Peek, Ryan and Utton) and 5 members voting (Councillors Graham, Neale, Oliver, Sands and Stutely) and 1 member abstaining (Councillor Sarmezey) to approve application no. 17/01078/F - Car Park rear of Premier Travel Inn, Duke Street, Norwich and grant planning permission and subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Details of materials including glazing;
4. Drainage details;
5. Compliance with submitted energy statement;

6. Submission and compliance with a construction management plan;
7. Submission of landscaping details;
8. Submission of ecological mitigation details including details of location of bat and nest boxes;
9. Details of external lighting;
10. Archaeological assessment;
11. Reporting of contamination;
12. Imported material (topsoil)
13. No pilling or similar without EA consent
14. Used Water Sewerage Network (AW)
15. Compliance with flood risk assessment re: floor levels etc.;
16. Completion and retention of car parking, cycle parking, motorcycle parking and refuse storage in accordance with approved plans;
17. Compliance with submitted noise attenuation report;
18. Submission of details for off-site highway improvement works to Duke Street Toucan crossing and completion of said works;
19. Submission of details of street trees; and
20. Submission of management arrangements for the building;
21. Submission of arrangements for start and end of term (Travel Information Plan).
22. Riverside Walk
23. Repaving and raising kerb height (Prior to occupation);
24. Details of the artwork on the eastern gable end to be submitted and agreed.

(Councillor Button left the meeting at this point.)

## **7. Application no 19/01012/F - 40 Fishergate, Norwich, NR3 1SE**

The area manager development (inner) presented the report with the aid of plans and slides. He referred to the supplementary report of updates to reports, which was circulated at the meeting and contained a correction to paragraph 11, insertion of date, 22 May 2019) and amending condition 4, in the recommendations, to 10 weeks.

During discussion the area manager development (inner) referred to the report and answered members' questions about the noise mitigation of the air cooling system and that the cladding would reduce the effect of the sound. He explained that the unit was in an urban environment and that planting had not been considered necessary.

The chair moved and Councillor Neale seconded the recommendations as set out in the report and as amended above.

**RESOLVED**, unanimously, to approve application no. 19/01012/F - 40 Fishergate Norwich, NR3 1SE and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Restriction of hours of use;
4. Installed within certain timeframe (10 weeks)
5. Require noise levels are attained.

## **8. Application no 19/01374/NF3 - 185 Drayton Road, Norwich, NR3 2PG**

The planner presented the report with the aid of plans and slides. He referred to the supplementary report of updates to reports which was circulated at the meeting and contained a summary of an additional representation in support of the proposal.

During discussion the planner referred to the report and answered members' questions. He explained that the retail unit was council owned and that there was a council flat above the premises. He also explained that the purpose of the change of use was to improve the marketing of the property and that although it was proposed to change the use class to A3 the use could revert down to A1 if necessary. Members were reassured that the premises was in a conservation area and that the frontage would not be altered except for the use of toughened glass to comply with current safety standards.

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

**RESOLVED**, unanimously, to approve application no. 19/01374/NF3 - 185 Drayton Road Norwich NR3 2PG and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. No installation of extraction equipment / ventilation unless details are first agreed.

## **9. Performance of the development management service; progress on appeals against planning decisions and updates on planning enforcement cases.**

A member thanked the officers for the performance report. He said that whilst Sentinel House had been allowed at appeal, all other appeals had been dismissed by the Planning Inspectorate, which demonstrated the robustness of decisions on planning applications by the committee or delegated to officers.

**RESOLVED** to note the report.

## **10. Date of next meeting**

**RESOLVED**, that due to the Parliamentary elections on 12 December 2019, to reschedule the next meeting of the committee to 14:00 on Thursday, 19 December 2019.

CHAIR