

Planning applications committee

Date: Thursday, 13 May 2021

Time: 10:00

Venue: Council Chamber, City Hall (contact committee officer for attendance details) This meeting will also be live streamed on Norwich City Council Meetings YouTube channel.

Committee members:

Councillors:

Driver (chair)
Maxwell (vice chair)
Bogelein
Button
Huntley
Lubbock
Peek*
Sands (M)
Stutely*

(4 vacancies)

For further information please contact:

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* subject to reelection 6 May 2021

Information for members of the public

Members of the public and the media have the right to attend meetings of full council, the cabinet and committees except where confidential information or exempt information is likely to be disclosed, and the meeting is therefore held in private.

For information about attending or speaking at meetings, please contact the committee officer above or refer to the council's website



If you would like this agenda in an alternative format, such as a larger or smaller font, audio or Braille, or in a different language, please contact the committee officer above.

Agenda

Page nos

Apologies

To receive apologies for absence

Declarations of interest

(Please note that it is the responsibility of individual members to declare an interest prior to the item if they arrive late for the meeting)

Minutes

5 - 8

To approve the accuracy of the minutes of the meeting held on 8 April 2021

Planning applications

Please note that members of the public, who have responded to the planning consultations, and applicants and agents wishing to speak at the meeting for item 4 above are required to notify the committee officer by 10:00 on the day before the meeting.

Further information on planning applications can be obtained from the council's website:

<http://planning.norwich.gov.uk/online-applications/>

Please note:

- The formal business of the committee will commence at 10:00;
- There will be procedures in place for members of the committee and public attending the meeting. Please contact the committee officer (jackierodger@norwich.gov.uk) for details. The meeting will also be live streamed.

Summary of applications for consideration

9 - 10

Standing duties

11 - 12

**Application no 21/00381/U - Eaton Vale Activity Centre,
Church Lane, Norwich, NR4 6NN** **13 - 28**

Application no 21/00373/U – St Marys Works **29 - 38**

Date of publication: **Wednesday, 05 May 2021**

Planning applications committee**09:30 to 10:35****8 April 2021**

Present: Councillors Driver (chair), Maxwell (vice chair), Bogelein, Button, Huntley, Lubbock, Neale, Oliver (substitute for Councillor Ryan), Peek, Sands (M), Sarmezey, Stutely

Apologies: Councillor Ryan

1. Declarations of interest

Councillor Huntley asked that it be noted that he worked for the University of East Anglia but had no pecuniary interest in item 6 (below), Application nos 21/00124/F and 21/00125/L – Sainsbury Centre for Visual Arts, University of East Anglia, Earlham Road, Norwich, Norfolk.

Councillor Lubbock declared an interest in item 6 (below), Application nos 21/00124/F and 21/00125/L – Sainsbury Centre for Visual Arts, University of East Anglia, Earlham Road, Norwich, Norfolk, as she was a member of the Sainsbury Centre for Visual Arts.

2. Minutes

RESOLVED to approve the accuracy of the minutes of the meeting held on 11 March 2021.

3. Application no 20/01621/O – 12 Kimberley Street, Norwich, NR2 2RJ

The senior planner development (case officer) presented the report with plans and slides.

During discussion, the senior planner, together with the area development manager, referred to the report and answered members' questions on the proposed conditions as set out in the report and the legal agreement. It was noted that 10 per cent renewable energy would be secured under condition 6 (energy efficiency) in accordance with the relevant policies and the details would be considered as part of the reserved matters planning application. The applicant would be bound by the legal agreement to provide affordable housing (which includes social housing within the definition) and would be subject to further viability assessments if there was no

development on the site or first occupancy of a dwelling on site within agreed timescales. The committee noted that the site was a former timber yard and that it was not possible to assess the level of contamination on site from the information provided by the applicant. The applicant would need to comply with the conditions relating to contamination and convince the authority of any mitigation prior to the development of the site. The committee was also advised that the proposals had been amended to include the retention of no 12 Kimberley Street in response to concerns about its loss as a non-designated heritage asset and its contribution to the street scene and the adjacent conservation area. Members noted that other issues such as dropped kerbs and access would be addressed at the reserved matters stage. The senior planner commented on the impact of the development on traffic and said that many large vehicles accessed the site during business hours and this development was not expected to generate a significant amount of extra traffic. However, members and officers concurred that it was appropriate to add an additional condition to require a construction management plan to this outline planning permission.

The chair moved and the vice chair seconded the recommendations as set out in the report and the additional condition relating to a construction management plan.

During discussion, members welcomed the proposed development and that the affordable housing provision would be policy compliant. Housing was a better use of the site and there was an opportunity for a high quality and energy efficient scheme to be brought forward, such as Goldsmith Street. The retention of no.12 Kimberley Street addressed the objections to the applicant's original application and enhanced the street scene. The committee also noted that this development would not affect the garages, adjacent to the site, which were in use.

RESOLVED, unanimously, to approve application no 20/01621/O – 12 Kimberley Street, Norwich, NR2 2RJ, and grant outline planning permission subject to the satisfactory completion of a legal agreement and subject to the following conditions:

1. Reserved matters application to be submitted within 3 years;
2. In accordance with plans;
3. Contamination - site investigation scheme, site investigation results and detailed risk assessment and verification report;
4. Unexpected contamination;
5. Water efficiency;
6. Energy efficiency;
7. Surface water drainage scheme;
8. No infiltration of surface water drainage into ground without consent from LPA;
9. Restriction on piling and penetrative foundation methods.
10. Construction management plan.

4. Application No 21/00195/F - 115 Unthank Road, Norwich, NR2 2PE

The planner (case officer) presented the report with plans and slides.

During discussion, the planner referred to the presentation and answered members' questions on the two off-street parking spaces that it was proposed to provide at the

rear of the property. The off-street parking would be accessed from Primrose Place and the dropped kerbs would need to be kept clear. There would be no loss of on-street parking, however, because the street was narrow and it was not possible for vehicles to be parked on both sides of the street. Members also noted that the residents of the proposed flats would not be eligible for parking permits.

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

RESOLVED, unanimously, to approve application no. 21/00195/F - 115 Unthank Road, Norwich, NR2 2PE and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Obscure glazing to new bathroom window;
4. Cycle and bin storage to be provided prior to first occupation;
5. Water efficiency.

5. Application nos 21/00124/F and 21/00125/L – Sainsbury Centre for Visual Arts, University of East Anglia, Earlham Road, Norwich, Norfolk

(Councillor Lubbock declared an other interest in this item.)

The area development manager presented the report with plans and slides. He explained that the proposal required both planning permission and listed building consent.

During discussion, the area development manager referred to the report and the presentation and answered members' questions. He confirmed that the application was for temporary permission to install the sculpture and that further applications would need to be made if it was proposed to become a permanent exhibition.

The chair and the vice chair moved the recommendation to approve the applications.

Councillor Neale said that he sympathised with the comments from the Yare Valley Society and that he considered that the sculptures would spoil the panoramic view of the natural area of the Yare Valley.

During discussion, other members of the committee welcomed the opportunity for the work from an internationally renowned artist to be available to residents to view for free, commented on the popularity of sculpture parks and considered that it was an accolade for the city. It was noted that the sculpture would complement the ziggurats and open landscape.

RESOLVED, with 11 members voting in favour (Councillors Driver, Maxwell, Bogelein, Button, Huntley, Lubbock, Oliver, Peek, Sands, Sarmezey and Stutely) and 1 member voting against (Councillor Neale) to:

- (1) approve application no. 21/00124/F - Sainsbury Centre for Visual Arts, University of East Anglia, Earlham Road, Norwich and grant planning permission subject to the following conditions:

1. Temporary for 5 years: On cessation of the art display the works shall be removed and area made good;
 2. In accordance with plans.
- (2) approve application no 21/00125/L– Sainsbury Centre for Visual Arts, University of East Anglia, Earlham Road, Norwich, Norfolk and grant listed building consent.

CHAIR

Summary of planning applications for consideration**ITEM 4****13 May 2021**

Item No.	Application number	Location	Case officer	Proposal	Reason for consideration at committee	Recommendation
4(a)	21/00381/U	Eaton Vale Activity Centre, Church Lane	Sarah Hinchcliffe	Retrospective change of use from outdoor sports or recreation (Use Class F2) to a day nursery (Use Class E).	Objections	Approval
4(b)	21/00373/U	St Marys Works, Duke Street	Lara Emerson	Temporary change of use of the car park for use as an outdoor events venue/food market for a 12 month period only.	Councillor call-in	Approval

STANDING DUTIES

In assessing the merits of the proposals and reaching the recommendation made for each application, due regard has been given to the following duties and in determining the applications the members of the committee will also have due regard to these duties.

Equality Act 2010

It is unlawful to discriminate against, harass or victimise a person when providing a service or when exercising a public function. Prohibited conduct includes direct discrimination, indirect discrimination, harassment and victimisation and discrimination arising from a disability (treating a person unfavourably as a result of their disability, not because of the disability itself).

Direct discrimination occurs where the reason for a person being treated less favourably than another is because of a protected characteristic.

The act notes the protected characteristics of: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The introduction of the general equality duties under this Act in April 2011 requires that the council must in the exercise of its functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by this Act.
- Advance equality of opportunity between people who share a relevant protected characteristic and those who do not.
- Foster good relations between people who share a relevant protected characteristic and those who do not.

The relevant protected characteristics are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

The council must in the exercise of its functions have due regard to the need to eliminate unlawful discrimination against someone due to their marriage or civil partnership status but the other aims of advancing equality and fostering good relations do not apply.

Crime and Disorder Act, 1998 (S17)

- (1) Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its

various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

- (2) This section applies to a local authority, a joint authority, a police authority, a National Park authority and the Broads Authority.

Natural Environment & Rural Communities Act 2006 (S40)

- (1) Every public authority must, on exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.

Planning Act 2008 (S183)

- (1) Every Planning Authority should have regard to the desirability of achieving good design

Human Rights Act 1998 – this incorporates the rights of the European Convention on Human Rights into UK Law

Article 8 – Right to Respect for Private and Family Life

- (1) Everyone has the right to respect for his private and family life, his home and his correspondence.
- (2) There shall be no interference by a public authority with the exercise of his right except such as in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the rights and freedoms of others.
- (3) A local authority is prohibited from acting in a way which is incompatible with any of the human rights described by the European Convention on Human Rights unless legislation makes this unavoidable.
- (4) Article 8 is a qualified right and where interference of the right can be justified there will be no breach of Article 8.

Report to Planning applications committee

Item

13 May 2021

Report of Area Development Manager

Subject Application no 21/00381/U - Eaton Vale Activity Centre,
Church Lane, Norwich, NR4 6NN

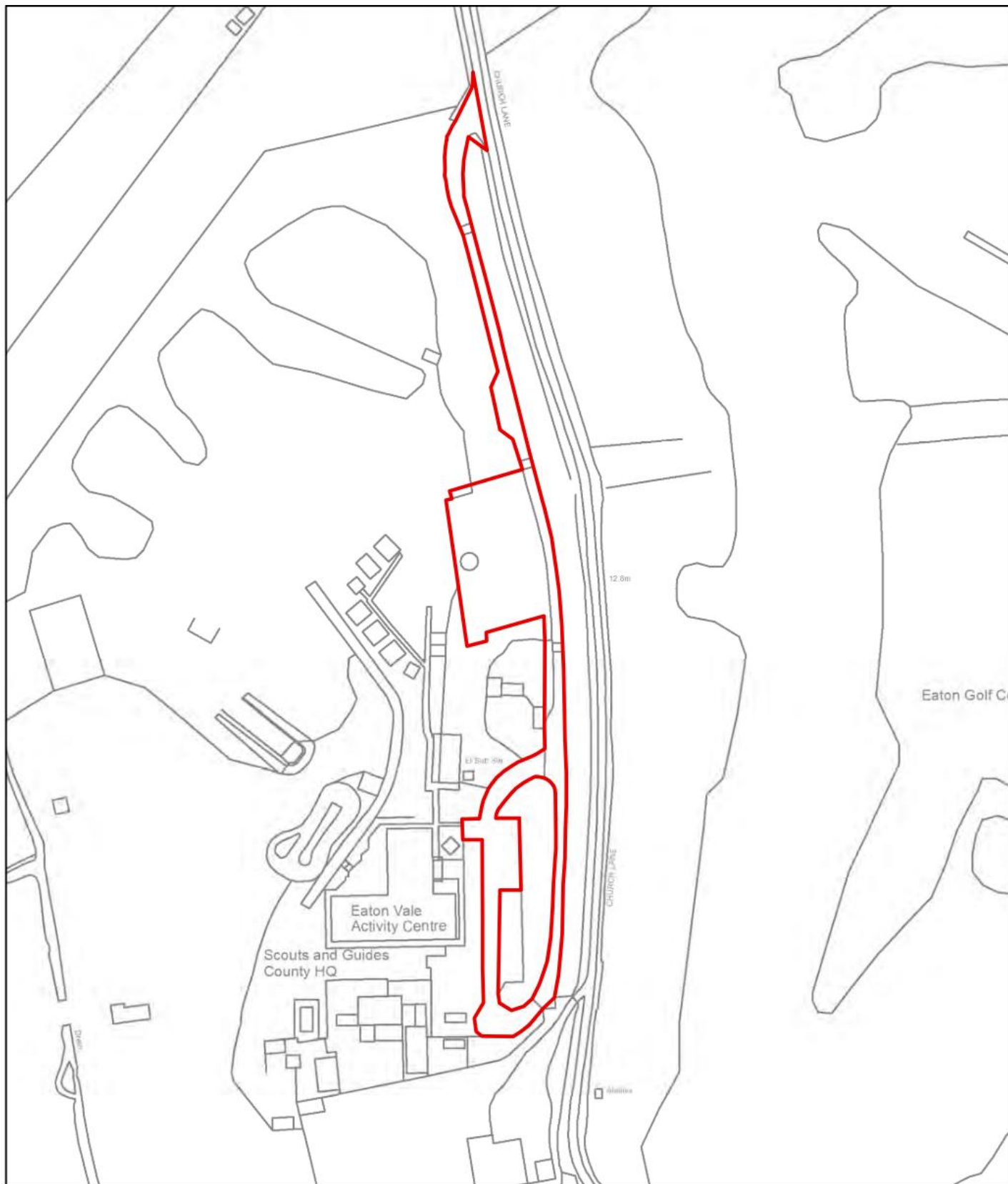
4(a)

**Reason
for referral** Objections

Ward:	Eaton
Case officer	Sarah Hinchcliffe - sarahhinchcliffe@norwich.gov.uk

Development proposal		
Retrospective change of use from outdoor sports or recreation (Use Class F2) to day nursery (Use Class E).		
Representations		
Object	Comment	Support
2	0	0

Main issues	Key considerations
1. Principle of use	Creation of educational facilities, loss of open space.
2. Landscape, trees and open space	Impact on Yare Valley Character Area and designated open space.
3. Transport	Suitability of access to the site by all modes. The narrow nature of Church Lane.
4. Amenity	Noise and disturbance from outdoor activities
Expiry date	12 May 2021 (extended until 19 May)
Recommendation	Approve



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Planning Application No 21/00381/U
 Site Address Eaton Vale Activity Centre,
 Church lane

Scale 1:1,500

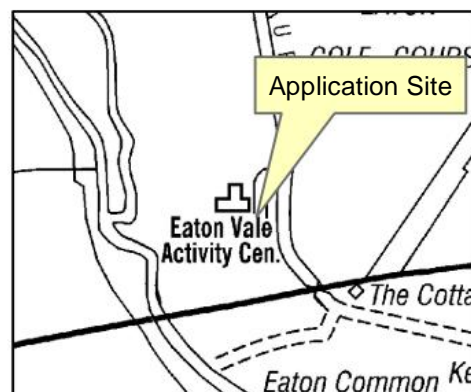


NORWICH
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PLANNING SERVICES



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The site and surroundings

1. The application site is located within the Yare river valley in the ward of Eaton, to the south of the city. The site consists of a 900 square metre compound, site access and 10 spaces within the main car park, within a larger site which comprises a Scout and Guide activity centre with open spaces used for outdoor activities and camping.
2. The area of the site that is subject to this application is enclosed by a mixture of timber and wire mesh fencing 2 metres in height and is located to the north of the main activity centre buildings and adjacent to the vehicle access road.
3. There are a number of mature trees within and surrounding the whole site. The site forms land which slopes down to the river to the south and west of the site. There is a railway line to the south of the site adjacent to the river and Eaton golf course is located to the east.
4. The site is accessed via a short single vehicle width section of Church Lane which extends south from the main section of Church Lane where it meets Marston Lane. Church Lane continues as a green link through to the river along the vehicular/pedestrian track that runs to the east of the site.

Constraints

5. Yare Valley Character Area and Eaton Vale Open Space, natural and semi natural green space designation.

Relevant planning history

6. There is no planning history that is relevant to this application. The site has a number of permissions relating to the use of the site as a Scout headquarters building and activity centre.

The proposal

7. The application is to regularise the use of a small enclosed area of land as a children's day nursery at the existing activity centre at Eaton Vale Activity Centre on Church Lane in Eaton. The day nursery use has reported to have been operating at the site since March 2018.
8. The nursery described as a 'philosophy-led forest school nursery', provides outdoor facilities for children aged between 2 and 8 years old on a full and part time basis. The nursery caters mainly for home educated children and children who experience flexible schooling (where children attend the nursery on some days alongside mainstream schooling on other days). There are currently 56 children on the school roll although there will generally be between 30 and 40 children on site at any one time. Up to 10 staff provide education and supervision, dependent on the number of children present.
9. The proposed use change relates to an approx. 900 square metre fenced area only. Access into the enclosed site (approx. 40 metres x 22 metres) is from a path off the access road to the north. The area contains some small, ancillary, structures

temporary in nature such as a yurt/tepee, open sided shelter, timber platform and small timber sheds.

10. In addition, 10 parking spaces are allocated for use by the nursery in the main activity centre car park, 50 metres to the south.

Representations

11. Due to the nature of the site and its location alongside a well-used route to the river the application was advertised on site. Adjacent and neighbouring properties have been notified in writing. 2 letters of representation have been received citing the issues as summarised in the table below. All representations are available to view in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Issues raised	Response
Church Lane is now a busy traffic route and Fairways School creates a daily traffic jam. A nursery school would only add to the problem.	See main issue 3
Access to the site is narrow and needs to be controlled at busy times and we do not want any road widening. The road is too dangerous with the increase in traffic over the last few years noticeable.	See main issue 3
Perhaps the solution to the narrow section of road may be lights to stop traffic for pedestrians or for visitors to park on Church Lane.	See main issue 3
Outdoor sports and recreation is ideal for the site, but a change to a nursery is inappropriate and does not need to be on this site. If a nursery is needed in Eaton it should be sited in Bluebell Road.	See main issue 1
Change of use to Class E would permit wider activities including retail to industrial which is out of the question for this site.	A planning condition can be used to restrict use. See main issue 1.
Local residents and other regular users of this road have not been consulted.	A site notice was erected at the entrance to the site to make users of the lane aware of the application.

Consultation responses

12. Consultation responses are summarised below the full responses are available to view at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Highways

13. The nursery is located on Church Lane which is an adopted highway, however it is narrow for most of its length being suitable for one way vehicular traffic with no passing places from its junction with Marston Lane to the site entrance, which is approximately 90 metres. There is no footway and any vehicles encountering the site would have to slow or stop to enable pedestrians to pass by, or crawl behind pedestrians at walking pace as the verges are narrow and adjacent hedges do not allow space for pedestrians to get off the carriageway. Church Lane is unlit, so in hours of darkness, especially during winter months would make this a much less attractive walking route. Church Lane is a 30mph road so does not have traffic calming and does not have speed limit signage shown, it is adjacent to a 20mph speed limit restriction on Marston Lane, due to the narrowness of this section of Church Lane towards the site actual traffic speeds were observed as being less than 20mph which is more conducive to pedestrian safety. Bus stops are located nearby on Marston Lane, but there is no footway, pedestrians would be required to walk on the grass verge which is showing signs of wear, so that it becomes mud, there are no resources currently available to construct a footway for this route.
14. Once pedestrians enter the site there is no footway, and so must deal with any vehicular traffic on the site road. It was observed that the grassed verge area is obstructed with various objects that present an obstacle course for pedestrians which would seem to require them to walk on the site road. The site road is unlit, which again poses risks to pedestrians during hours of darkness in winter.
15. Once at the site there is a logical one-way system for vehicles to enter, drop off and depart. The application proposes 1 EV chargepoint which is welcome. Pedestrians accessing the site must use an un-surfaced compacted mud path. This is not considered acceptable in wet months. We would normally ask for an asphalted path or a TROD which is used in more rural settings that uses road planings to provide a drained and more suitable surface for pedestrians.
16. The application makes no specific provision for cycle parking for staff or visitors. This is unacceptable in highway terms as there is inadequate provision for sustainable travel. We would encourage between 5% to 10% of staff and parents attending to have cycle parking, it is understood that some children use push scooters.
17. The applicant has not provided a modal split of how staff or parents with children travel to and from the site, so it is difficult to give more specific advice about what provision should be provided for their needs. However, it would be essential that a Travel Information Plan is provided.
18. I have outlined my concerns and would hope that some of these matters would be addressed by a future application if the site did expand significantly. Namely I would expect to see adequate provision for pedestrian movement within the site and suitable cycle parking, I may also wish to see a footway constructed on Marston

Lane to the bus stop. Consideration should also be given to limiting future growth of the site to mitigate potential unacceptable vehicular traffic generation and conflict on the narrow section of Church Lane.

19. Notwithstanding these concerns given that the use is extant and has not resulted in complaints of severely adverse highway issues my view on balance is that I will not wish to object, subject to the imposition of conditions to secure an electric vehicle charging point and supply and implement a Travel Information Plan.

Landscape

20. The site is currently in use as a nursery and it would appear that the activities on site are not of detriment to the existing trees and green infrastructure.
21. The existing access track and car parking is very informal and in the most part appears to be unsurfaced. The car parking may need to be rationalised and formalised with no dig surfacing to take account of increased use and potential long-term damage to existing tree roots.
22. The existing boundary fencing although functional is not attractive, as fencing is replaced or maintained options more sympathetic with the woodland setting should be encouraged.

South Norfolk Council

23. No comments or views on the retrospective change of use.

Yare Valley Society

24. The Applicant has failed to demonstrate there is a need for a change of use for the Day Nursery to continue to function. Unless the Applicant can demonstrate a need for a change of use to class E, the application should be refused.
25. The Day Nursery is a “Forest School” nursery that has been in operation since early 2018 under land use Class F2. The Yare Valley Society is not aware of any challenge to this arrangement over this period of time. (The only comments received by the Yare Valley Society relate to the Church Lane access to the Nursery, and not to the Nursery as such.) It would seem that there is no reason for the Nursery not to continue to operate under the present land use, and so there is no need for a change of use.
26. Land Use Class E is not appropriate for an area that lies in the Yare Valley Character Area and has the protection of Policy DM6 under the Local Plan
27. Under the new classification of land use introduced in September 2020, Class E covers many uses ranging from “...retail sale of goods ...” to “Industrial processes”. Most importantly, changes of use within the new Class E do not constitute development, and so do not require planning permission, e.g., change of use from Day Nursery to “industrial processes”. Few, if any, of the uses in Class E could be deemed to fit with the requirements of Local Plan Policy DM6. Granting a change of use to Class E would open the way for Planning Applications for developments inappropriate for a site in the Yare Valley Character Area.

28. Unless the change of use can be restricted by enforceable conditions, a change of use to Class E should be refused on the grounds that Class E embraces developments that would be outside of those consistent with Policy DM6.
29. The Nursery is reached by way of a very narrow section of Church Lane which is a popular and frequently used recreational access route for pedestrians to Eaton Common, Marston Marsh, Keswick Mill, and the network of bridleways, paths, and quiet roads beyond. There is little room for cars and other vehicles to pass pedestrians in this section, and there is often a need for pedestrians (if able) to squeeze to one side. The access road is certainly not suitable for anything but occasional vehicular use, and, bearing in mind the rural setting of this entrance to the Yare Valley Character Area, widening of the road is undesirable.
30. To alert drivers to the need to drive considerably over this section, suitable signage should be installed, ideally indicating that "Pedestrians have Priority" or at minimum "Pedestrians in Road Ahead", although the latter does not ideally fit the situation.
31. The present "boundary fence" consists, at least in part, of a makeshift arrangement of what appears to be hessian stretched between wooden posts, presumably to give an element of privacy. It is an unsightly intrusion into the woodland character of the site, and out of place within a Landscape Character Area. Immediate steps should be taken to secure a more sympathetic boundary screening, ideally in plant form guided by professional green landscaping advice.

Assessment of planning considerations

Relevant development plan policies

32. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
 - JCS1 Addressing climate change and protecting environmental assets
 - JCS2 Promoting good design
 - JCS5 The economy
 - JCS6 Access and transportation
 - JCS7 Supporting communities
33. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
 - DM1 Achieving and delivering sustainable development
 - DM2 Ensuring satisfactory living and working conditions
 - DM3 Delivering high quality design
 - DM5 Planning effectively for flood resilience
 - DM6 Protecting and enhancing the natural environment
 - DM7 Trees and development
 - DM8 Planning effectively for open space and recreation
 - DM16 Supporting the needs of business
 - DM17 Supporting small business
 - DM22 Planning for and safeguarding community facilities
 - DM28 Encouraging sustainable travel
 - DM30 Access and highway safety
 - DM31 Car parking and servicing

Other material considerations

34. **Relevant sections of the National Planning Policy Framework February 2019 (NPPF):**
- NPPF2 Achieving sustainable development
 - NPPF6 Building a strong, competitive economy
 - NPPF8 Promoting healthy and safe communities
 - NPPF9 Promoting sustainable transport
 - NPPF12 Achieving well-designed places
 - NPPF 11 Making effective use of land
 - NPPF12 Achieving well designed places
 - NPPF14 Meeting the challenge of climate change, flooding and coastal change
 - NPPF15 Conserving and enhancing the natural environment

Case Assessment

35. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant development plan policies are detailed above. Material considerations include policies in the National Planning Framework (NPPF), the Councils standing duties, other policy documents and guidance detailed above and any other matters referred to specifically in the assessment below. The following paragraphs provide an assessment of the main planning issues in this case against relevant policies and material considerations.

Main issue 1: Principle of development

36. Key policies and NPPF paragraphs – JCS7, DM1, DM8, DM22, NPPF section 8 and 11.
37. The established use of the site is as an activity centre for outdoor sports, recreation and associated residential use by Scouts and Guides. The day nursery use currently operating from the application site is not connected to the Scouts or Guides associations and is unconnected to the main activity centre operators and operations. It therefore constitutes a separate planning unit.
38. Policy 7 of the Joint Core Strategy and policy DM22 of the local plan set out the policies for the provision of educational facilities. Policy DM22 sets out that educational development will be accepted and permitted subject to it meeting a number of criteria. Of relevance to this case are that the proposal would not undermine the objectives for sustainable development set out in policy DM1 and that it would not give rise to significant impacts on the environment, highway safety or traffic arising from locational constraints.
39. A nursery school is not a use which would necessarily command an urban fringe location such as this. The specific type of day nursery provision offered at the site is however based on forest school principles and access to the natural environment for play and learning based on a child's emotional wellbeing and physical needs. The nursery operates from within a clearly defined, enclosed area in an area of existing trees and contained within an expansive wider natural area. On occasion children attending the nursery are taken on supervised walks within the wider activity centre grounds.

40. Policy DM1 supports development that enhances and extends accessible opportunities for education and training and improved health and well-being and promotes mixed, diverse, inclusive and equitable communities by increasing opportunities for social interaction, community cohesion, cultural participation and lifelong learning, which could be achieved through permitting the continued use of the site for day nursery use.
41. This type of day nursery does not require conventional buildings or classrooms. Use of the site by children and with a primary focus on access to the natural environment for play and learning is considered a complementary use to those of the activity centre. The specific type of operation that takes place justifies the location and is acceptable given the very small extent of the 5.5 hectare activity centre site and designated area of open space that has changed to the nursery use. The confined nature of the application site helps to restrict capacity of the nursery to ensure that it remains low key and prevents the use from compromising activities or the function of the wider designated area of natural, semi-natural green space. The lack of large scale buildings also ensures that the 'loss' of open/green space is limited and reversible in the future and should the use cease the fencing and temporary structures could be removed and the area reincorporated into the wider site.
42. The specific operations of the day nursery are considered by officers to justify this quite unique location and it is necessary to restrict the use of this discrete and well defined part of the activity centre site to day nursery use only by planning condition.
43. The benefits that such a facility provides for children, some of which have individual educational needs, should be weighed against the conflict with policy DM8 that results from the associated loss of designated open space, which is considered in more detail in section 2 below.

Main issue 2: Landscaping, trees and open space

44. Key policies and NPPF paragraphs – JCS2, DM1, DM3, DM6, DM7, DM8, NPPF section 11, 12 and 15.
45. The wider Eaton Vale Activity Centre is used for outdoor recreation activities and camping. Existing structures on this expansive rural/urban fringe site include a climbing wall, sheds, cabins and large tents, canoe storage racks and small scale structures associated with activities such as archery, canoeing, climbing, high ropes etc. all located mainly in and amongst the wooded areas of the site.
46. Policy DM6 only permits development for specific purposes within the Yare Valley character area where it would not damage the environmental quality, biodiversity or character of the area. The types of development which could be permitted include facilities ancillary to outdoor sport and recreation or other uses appropriate to the purpose of this policy.
47. The nursery site is a discrete, small area enclosed by high boundary fencing for safeguarding and child security reasons. It is an unfortunate but necessary requirement to enclose this area and separate it from the activities which take place on the rest of the site. The enclosure is however viewed in the context of other enclosures and structures located in close proximity to the main activity centre building and does not otherwise have a significant impact on the more open areas

of the site. The enclosure therefore adequately relates to the character of the surrounding site as an activity centre, and would not be an incongruous feature at the site or to the landscape.

48. Within the enclosed area are small scale, temporary type structures made of timber and canvas, which provide areas for shelter, play and toilet facilities. These structures are low level, low key and mainly obscured from view by the perimeter fencing.
49. The landscape section have commented that it would appear that the activities on site are not of detriment to the existing trees and green infrastructure and no trees are to be removed. However, the existing boundary fencing although functional is not attractive and options more sympathetic with the woodland setting are encouraged as it is replaced or maintained. The Yare Valley Society echo the concerns about the appearance of the fencing.
50. Policy DM1 and DM3 requires proposals to protect and enhance the physical, environmental and heritage assets while safeguarding the special visual qualities of Norwich and respect the character and local distinctiveness of an area. The presence of mature trees and vegetation around the immediate area provide a good level of screening, and provide a natural backdrop to help blend the application site into the landscape when viewed from the wider river valley. The enclosure is however visible from the lane to the east which provides access for members of the public to the river. The fencing itself however does not require planning consent and is viewed in the context of other fencing in the locality which encloses storage compounds associated with the activity centre. The natural character, distinctiveness and visual qualities of the wider landscape is not adversely affected by the proposed development and the proposals comply with policies DM1, DM3, DM6 and DM7.
51. Whilst policy DM8 seeks to protect existing open space of various types the designation acknowledges that much of the site is in private ownership and used as an activity centre and therefore general public access to the site is already not possible. The green link along the eastern edge of the site to the river is still maintained and not directly affected by the proposed development. Given that the extent of loss of urban greenspace is not significant and the proposed use is related to recreation through play and wellbeing of children there is not considered to be an unacceptable loss of urban greenspace under the provisions of policy DM8.

Main issue 3: Transport

52. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF paragraphs 8, 102-111.
53. Due to the specialised offering of the nursery, families may access the facilities at the site from a wider catchment than a conventional nursery school setting. Morning drop off times are between 08:00 and 09:00 with pickups at 12 noon and then between 14:00 and 17:30.
54. The site is located to the south of the Eaton estate accessed via Church Lane, where there is a nearby bus service to the city centre. The bus stop on the north side of Church Lane can be accessed via a continuous footway, whereas the stop on the south side of Church Lane is located within a grass verge area.

55. The site is walkable and cyclable to the adjacent built-up area. It is recognised that to access the site requires vehicles and pedestrians to utilise a short, narrow section of single-track lane with no dedicated footway. This is an approximately 90 metre long, straight section of Church Lane with good forward visibility. The lane is public highway used to access Eaton Vale Activity Centre and the nursery and two residential properties located to the south of the site only. Beyond the Eaton Vale site entrance, the lane changes from a metalled surface to more of an unmade track.
56. Parents accessing the site by car are required to park within the main car park for the activity centre to the south. A short walk is then required along an informal path from the car park alongside the site access road to the fenced nursery enclosure. As the parking provision is within an area shared with the activity centre it is not considered reasonable to request the provision of an electric vehicle charging point as requested by the highway authority.
57. Parents and children accessing the site on foot are required to walk within the carriageway for a short section of Church Lane. At the entrance to the activity centre site they will then walk along the access drive or the grass verge adjacent to it as there is no dedicated footway. The access drive is also of single car width; however it includes passing place provision and speed humps to ensure that vehicle speeds remain low and refuge is provided to allow vehicles and pedestrians to pass as necessary. This is considered an acceptable arrangement for access to the site given the informal, rural setting of the site and the private nature of the road. Although the road is used to access both the nursery and the activity centre the applicant and landowner are in a position to put in place any additional controls they feel necessary to provide advance warning to drivers of the possibility of pedestrians walking within the highway and to supplement existing signage.
58. People accessing the site by bicycle would do so in the same way as car drivers. Access is available to secure cycle parking facilities at the main activity centre in the same location as the car parking provision for the site. The application did not contain specific information on the modal split of how people travel to the site and therefore it is difficult to understand any deficiencies in sustainable access provision or identify additional measures which may be required specific to the use. Therefore, a Travel Information Plan will be required to consider and address any such issues and can be secured by planning condition.
59. The Yare Valley Society and two local residents have questioned the suitability of the access arrangements to the site which can give rise to conflicts with pedestrians. They recognise that it is not possible to make any modifications to Church Lane to provide dedicated pedestrian facilities due to third party landownership and the physically constrained nature of the section of the lane in question. The characteristics of the lane is also part of the rural nature of the setting.
60. On balance, the existing access arrangements are considered suitable for the continued use of the site as a day nursery as the characteristics of the environment and the highway network in this location serves to maintain traffic speeds at a level suitable for the intensity of use of the lane by vehicles. The highway authority have not raised an objection to the use in its current form and the proposals will not have a severely adverse impact on highway safety.

Main issue 4: Amenity

61. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 8, 127 and 180-182.
62. The closest residential properties are located 150 metres to the north and 175 metres to the south. The closest residential garden is located over 100 metres distant. There are large areas of trees, open space and intervening activity centre uses between the application site and any residential properties or their gardens.
63. As the children spend the entirety of their day outside or under light weight canopies there will inevitably be noise associated with children playing and talking. The site is however well enclosed and located well away from residential properties such that the continuation of the use should not give rise to unacceptable impacts on residential amenity.
64. It appears that the nursery has been operating from the site for over three years and there do not appear to have been any complaints raised as a result of operations taking place at the site.
65. Therefore, it is concluded that the scale, form and position of the day nursery use within the wider activity centre site will not result in loss of privacy or disturbance from noise to residential properties or gardens on Church Lane at unacceptable levels and is acceptable in accordance with policy DM2.

Equalities and diversity issues

66. There are no significant equality or diversity issues.

Local finance considerations

67. Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are defined as a government grant or the Community Infrastructure Levy.
68. Whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision on the potential for the development to raise money for a local authority.
69. In this case local finance considerations are not considered to be material to the case.

Conclusion

70. It is considered that the benefits of the proposals outweigh the limited harm. The continued use of the site as a day nursery is considered appropriate for the site and the area, subject to the conditions recommended below. The development is in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.

Recommendation


To approve application no. 21/00381/U - Eaton Vale Activity Centre Church Lane Norwich NR4 6NN and grant planning permission subject to the following conditions:

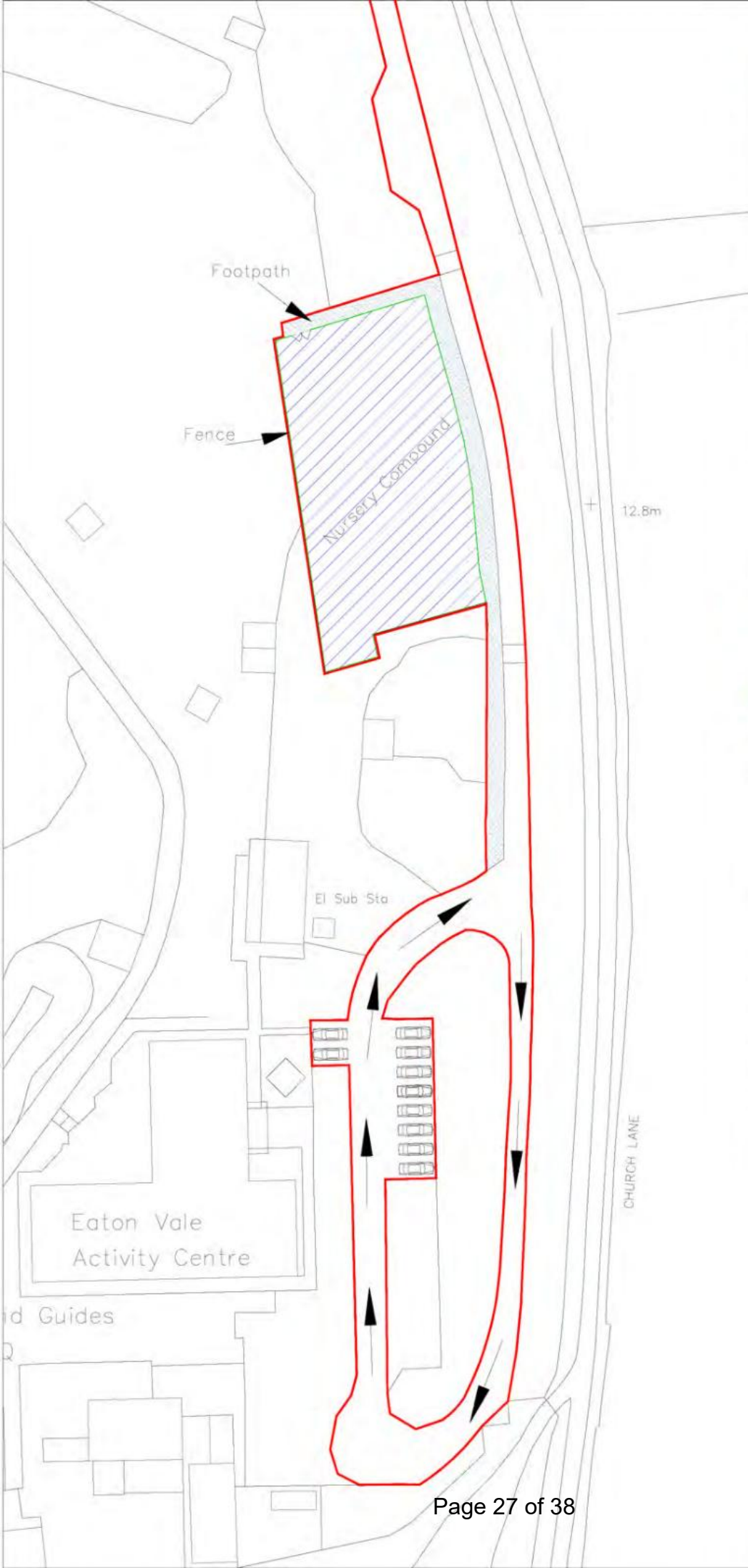
1. In accordance with plans;
2. Use restricted to Class E(f) or sports and recreation directly associated with the activity centre only;
3. Should the use cease, removal of perimeter fencing and structures.
4. Provision of a Travel Information Plan within 3 months of permission being granted.
5. Implementation of a Travel Information Plan in accordance with timescales to be agreed.



N

B	03/21	Amended Design
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Rev.	Date	Description
Ordnance Survey. © Crown Copyright and Database right 2021. Ordnance Survey Licence 100048957		
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Notes on Survey:		
Notes on Sheets: This drawing must not be reissued, loaned or copied without the written consent of Parker Planning Services Ltd. (The originator) All errors, omissions, discrepancies and deviations should be reported to the originator immediately. All dimensions to be checked before site fabrication by the contractor, their sub-contractor or supplier		
<div><div>parker planning services</div></div>		
Norfolk/Suffolk/Essex/Cambridge/ Lincolnshire.		
Project Name: Dandelion Nursery, Eaton Vale Activity Centre, Church Lane, Eaton, Norfolk.		
Drawing Title: Block Plan		
Drawing Number: PPS21-2662-BP1		
Project Number: 2020-2662		
Client: Dandelion Nursery		
Drawn by: KH	Sheet: 1 of 2	
Date: 02/2021	Scale: 1:500 @ A3	
Email: contact@parkerplanningservices.co.uk		



N

B	03/21	Amended Design
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Notes on Survey:		

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Lincolnshire.

Project Name:
Dandelion Nursery, Eaton Vale
Activity Centre, Church Lane, Eaton,
Norfolk

Drawing Title:
Block Plan

Drawing Number: PPS21-2662-BP2

Project Number: 2020-2662

Client: Dandelion Nursery

Drawn by: KH	Sheet: 2 of 2
Date: 02/2021	Scale: 1:500 @ A3

Email: contact@parkerplanningservices.co.uk

Report to Planning Applications Committee

Item

13 May 2021

Report of Area Development Manager

Subject Application no 21/00373/U – St Marys Works

Reason

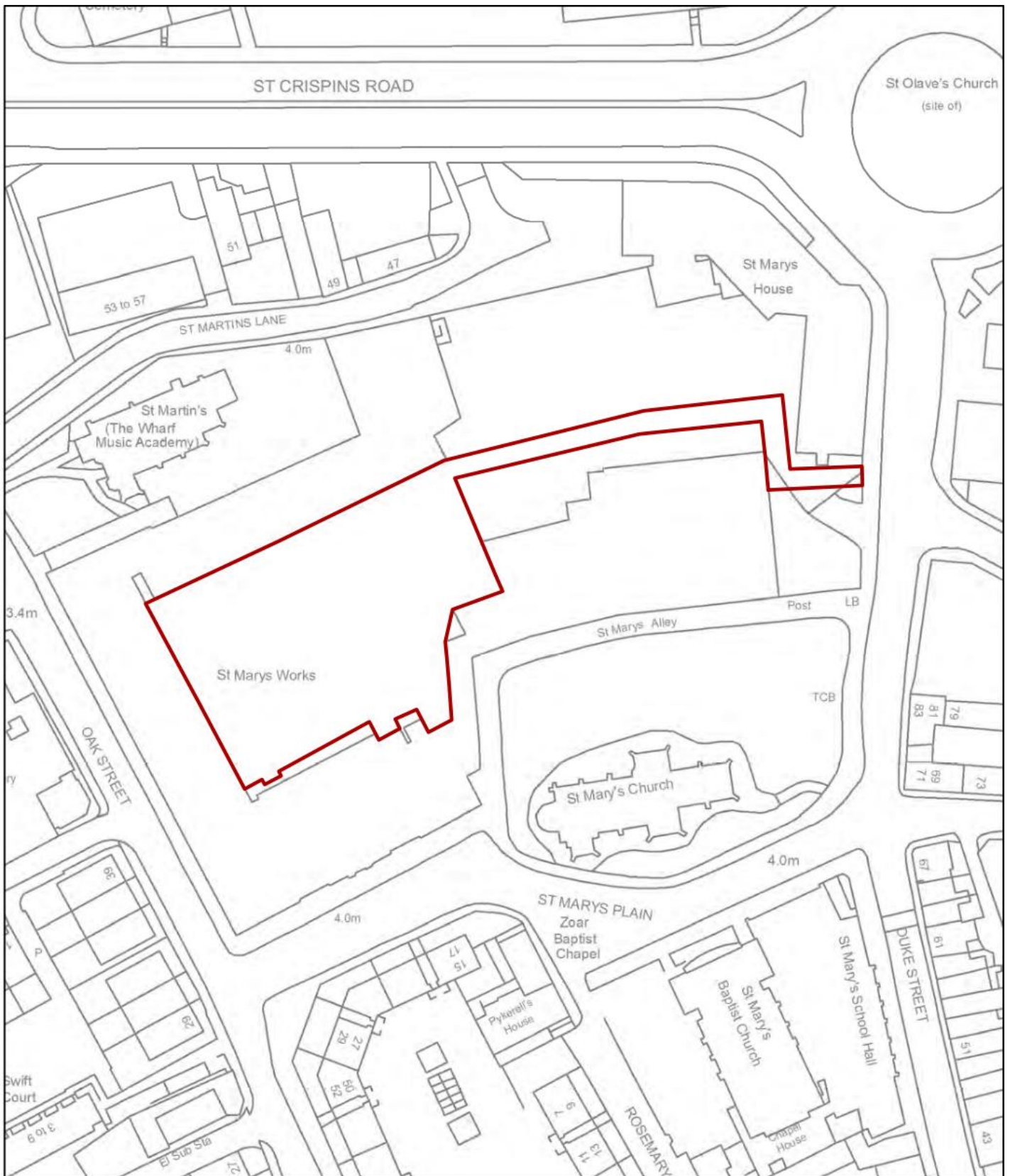
for referral Councillor call in

4(b)

Ward	Mancroft
Case officer	Lara Emerson laraemerson@norwich.gov.uk
Applicant	Afterdark Promotions

Development proposal		
Temporary change of use of the car park for use as an outdoor events venue/food market for a 12 month period only.		
Representations		
Object	Comment	Support
11 individual letters; 1 petition signed by 10 individuals	0	2

Main issues	Key considerations
1. Principle of use	Loss of car park; creation of food & drink use; emerging site allocation.
2. Amenity	Noise from site; noise from customers coming and going; litter; hours of use.
3. Transport	Sustainability of location; cycle parking.
Expiry date	21 May 2021 (extended from 12 May 2021)
Recommendation	Approve



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Planning Application No 12/00373/U
 Site Address St Mary's Works
 Duke Street
 Scale 1:1,000

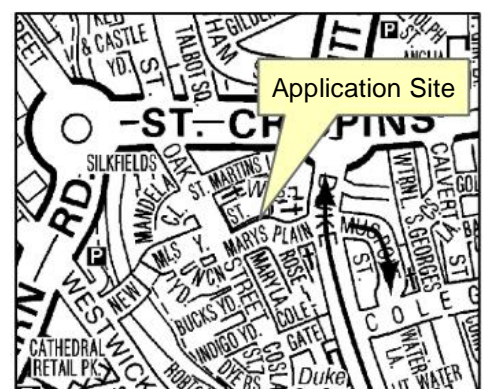


NORWICH
 City Council

PLANNING SERVICES



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The site, surroundings & constraints

1. The application relates to an area of car parking currently associated with the commercial buildings known as St Mary's Works, off Duke Street to the north of the city centre.
2. The area included within the application site is the western-most section of car park, which is enclosed by 2-3 storey buildings to the north, south and west. The buildings are in a variety of commercial uses including gym and office. To the east is the remainder of the car park which stretches from the application site to Duke Street.
3. Beyond the commercial buildings, to the north is St Martins Lane which is occupied by a church, several commercial buildings and several residential dwellings. To the west is Oak Street which is predominantly residential but also includes a pub and a doctors' surgery. To the south is St Mary's Plain, which accommodates two more churches and some residential dwellings. Duke Street is a busy one-way (northbound) traffic route out of the city, and at this point it is populated primarily by residential dwellings except for the offices located on the St Crispin's roundabout (one of which is undergoing conversion to student accommodation).
4. The site is located within the City Centre Conservation Area and the surrounding St Marys Works building is locally listed.

Relevant planning history

5. The records held by the city council show no planning history for the car park specifically. The wider site has been the subject of a number of planning applications relating to a comprehensive mixed-use redevelopment.

The proposal

6. The proposal is for the temporary use of the application site as an events venue and food market for a period of 12 months. The site was used for this purpose last summer, and the use has recently resumed. Under permitted development rights, the use can continue for up to 28 days in any calendar year before planning permission is required.
7. Pedestrian and servicing access to the site is from Duke Street, across the remaining area of car park. The site is occupied by shipping containers (providing toilets, box office and bars) and food stalls around the perimeter, with the centre of the site occupied by tables. All of these structures are temporary and do not amount to development that requires planning permission. The application is therefore purely for the change of use of the land.
8. Hours of operation are:
 - Friday 16:00-22:00
 - Saturday 12:00-22:00
 - Sunday 12:00-22:00

Representations

9. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 2 letters of support have been received highlighting the need for outdoor venues during the pandemic and the support that the use offers to local vendors and charities. 11 letters of objection having been received, along with a petition signed by 10 individuals citing the issues as summarised in the table below.

Issues raised	Response
Noise from customers arriving/leaving	See Main Issue 2: Amenity
Litter in the surrounding streets	See Main Issue 2: Amenity
Potential for traffic generation	See Main Issue 3: Transport
Suspected food poisoning from the event	Not a material planning consideration
Impact on house prices	Not a material planning consideration
Lack of social distancing in queue	Not a material planning consideration
Report of a fight outside the site	Noted.

Consultation responses

10. Consultation responses are summarised below the full responses are available to view at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Environmental protection

11. I have looked at the venues noise management plan and acoustic report along with several visits while operating and can confirm that the premises is able to adequately manage its on-site noise so as not to cause noise issues from the breakout of music noise. The license hasn't tied [the operator] to absolute limits but licensing can be more flexible depending upon the noise level at residential properties.
12. The venue did have a large issue in the last year as covid regulations changed how they operated and the size of their queuing had to greatly grow to allow for social distancing. At this same time pressure for more customer space reduced capacity and resulted in a booking system being introduced.
13. Time slots resulted in several queues per day affecting local residents' ability to use the paths around the premises along with general noise and other disturbance to those living locally and members of the public passing the site. By using more of the car parking area off site queues were reduced while improving [social distancing] measures.
14. I would suggest that the application shall operate an entry and dispersal policy to reduce the impacts for this issue affecting local residents, this will obviously be helped if and when Covid regulations are relaxed further.

Highways

15. Raised a series of questions relating to site access all of which were answered by the applicant to the highway officer's satisfaction. Suggested that some cycle parking should be provided, which the applicant has agreed to.

Norfolk police (architectural liaison)

16. Detailed advice to applicant relating to storage of valuables and counter-terrorism strategies.

Assessment of planning considerations

Relevant development plan policies

17. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
 - JCS5 The economy
 - JCS6 Access and transportation
 - JCS7 Supporting communities
 - JCS8 Culture, leisure and entertainment
 - JCS19 The hierarchy of centres
18. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
 - DM1 Achieving and delivering sustainable development
 - DM2 Ensuring satisfactory living and working conditions
 - DM11 Protecting against environmental hazards
 - DM16 Supporting the needs of business
 - DM17 Supporting small business
 - DM18 Promoting and supporting centres
 - DM23 Supporting and managing the evening and late night economy
 - DM28 Encouraging sustainable travel
 - DM31 Car parking and servicing

Other material considerations

19. **Relevant sections of the National Planning Policy Framework July 2018 (NPPF):**
 - NPPF2 Achieving sustainable development
 - NPPF7 Ensuring the vitality of town centres
 - NPPF8 Promoting healthy and safe communities
 - NPPF9 Promoting sustainable transport
 - NPPF11 Making effective use of land

Case Assessment

20. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant development plan policies are detailed above. Material considerations include policies in the National Planning Policy Framework (NPPF), the council's standing duties, other policy documents and guidance detailed above and any other matters referred to specifically in the assessment below. The following paragraphs provide an assessment of the main planning issues in this case against relevant policies and material considerations.

Main issue 1: Principle of development

21. Key policies and NPPF paragraphs – DM11; DM23.
22. The site is the subject of an allocation policy within the emerging Greater Norwich Local Plan, but this is not a material consideration given the stage of the plan. The site has also been the subject of a planning application for a comprehensive redevelopment scheme in 2018, which is, at the time of writing, still valid but will have expired by the time the committee considers this application. The weight to be attached to the permission is therefore limited. Notwithstanding the weight to be attached to the emerging plan and the history of the site, the grant of a temporary permission for the use as described will not prejudice the site coming forward for development in accordance with the GNLP in the future.
23. As far as the present use of the site is concerned, the area of car park to which the proposal relates is underused and as such the loss of this space is acceptable in principle.
24. For the purposes of the current 2014 local plan, the proposed use is classed as 'leisure and hospitality' rather than a 'late night use' because the opening hours do not extend beyond midnight. Policy DM23 states that leisure and hospitality uses should be directed towards the designated 'City Centre Leisure Area' which covers the very core of the city centre plus areas at Riverside and Anglia Square. In this case the site requirements are quite specific (a large open hard-surfaced area with suitable vehicular access) and the proposed use is temporary, and the site is sustainably located, so it is not considered necessary to apply the sequential test.
25. The proposed temporary use is considered acceptable in principle, and as such the acceptability of the proposals comes down to matters of detail as assessed below.

Main issue 2: Amenity

26. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 8 and 127.

Noise from the site

27. The outdoor market is surrounded by 2-3 storey buildings which offer nearby residents protection from any noise created on the site. It is noted that during the licensing negotiations last year, council colleagues established an appropriate approach to amplified noise. None of the objectors to the application have raised issues about noise from the site itself. This suggests that the noise is being suitably controlled and that the use can be accommodated in this location. It is intended that the noise control is left to licensing colleagues as their enforcement regime is far more suited to such issues and can be operated in a far quicker manner.

Noise & disturbance from queuing customers

28. It is understood that when the market first started operating last year, the queues of customers waiting to enter the venue extended beyond the site boundary and along Duke Street. This attracted complaints from neighbours due to the pavements being taken up by queuing customers and noise from the waiting customers. Since the market operates outside of normal business hours, the remaining car park is relatively empty and as such provides space for the queues to be accommodated without spilling out onto the public highway. City council colleagues worked with the

police and the venue operators to devise a double-queuing system and one-way arrangement which keeps customers within the site boundary whilst still providing enough space for social distancing. It is understood that disturbance from queuing customers has been reduced as a result and will reduce further as and when social distancing requirements are relaxed or removed.

Noise, disturbance & litter from leaving customers

29. Noise, disturbance & litter from customers leaving the site have been the main issues raised by objectors to the scheme. It is recognised that the market can accommodate 315 customers at a time so the temporary use will bring more people into the area than there would usually be in the evening. However, the times of operation (up to 10pm on 3 nights per week) are not unusual for a city centre venue, and indeed would not be unusual for a venue outside of the city centre either. The disturbance caused to neighbours may be worse at present since the market provides a number of slots to customers to ensure the site capacity is not breached. At the end of the slot, the customers on site are asked to vacate to make space for the new session. With many other pubs and restaurants still closed due to the pandemic, some of the leaving customers may hang around the nearby streets in groups rather than moving onto a different venue. This impact is likely to reduce as restrictions are eased.
30. The applicant has demonstrated various ways in which they currently seek to protect residents' amenity. Full details are sought by condition so that these duties are a requirement of the planning consent.
- Marshals and notices at the exits reminding customers to respect neighbours and keep noise to a minimum
 - Refuse bins within the site and at exits
 - Litter picking at the end of each evening along Duke Street from the roundabout to Colegate

Hours of use

31. Considering the application is for a temporary consent, the current hours of operation are considered appropriate for the location (Friday 16:00-22:00; Saturday 12:00-22:00; Sunday 12:00-22:00). In order to protect residents from excessive disturbance as a result of comings and goings in the surrounding area (which falls outside of the licensing regime), a condition is recommended to ensure that the use is limited to these 3 days per week and that customers vacate the site by 22:30.

Main issue 3: Transport

32. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF paragraphs 8, 102-111.
33. The site is sustainably located close to the city centre and local transport routes. A travel information plan has been submitted which is to be used to inform staff training and website information. The travel information plan makes it clear that no car parking is available on the site but that some public car parks are available in the vicinity. Cars or taxis dropping off customers can pull into the site so as not to obstruct traffic on Duke Street.

34. Secure cycle parking for 30 bikes is to be provided within the site, full details of which are to be confirmed via condition (if details have not been submitted prior to the date of committee).

Equalities and diversity issues

35. There are no equality or diversity issues.

Local finance considerations

36. Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are defined as a government grant or the Community Infrastructure Levy. Whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision on the potential for the development to raise money for a local authority. In this case local finance considerations are not considered to be material to the case.

Conclusion

37. The use is considered appropriate for the area on a temporary basis, subject to the conditions recommended below. The development is in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.

Recommendation

To approve application 21/00373/U and grant planning permission subject to the following conditions:

1. Temporary consent for 12 months;
2. In accordance with plans;
3. Customers allowed on site only at the following times – 16:00-22:30 Friday, 12:00-22:30 Saturday, 12:00-22:30 Sunday;
4. Cycle storage to be agreed and installed within 3 months and retained for the life of the permission;
5. Scheme to manage litter to be agreed and implemented within 3 months and operated for the life of the permission. Such a scheme to include details of refuse bins on site, management of litter leaving the site and the frequency and route of a litter pick;
6. Travel information plan to be implemented within 1 month.

