



PLANNING APPLICATIONS COMMITTEE

1.00 p.m. – 2.20 p.m.

25 February 2010

Present: Councillor Bradford (Chair), Councillor Llewellyn (Vice-Chair), George, Jago, Lay, Little (S), Lubbock, Read (left the meeting during item 3 below) and Wiltshire

Apologies: Councillors Banham and Driver

1. DECLARATIONS OF INTERESTS

Councillor Lubbock declared a personal interest in item 3, Application No 09/01330/U – 64-68 Rose Lane, as one of the objectors had been a former Liberal Democrat group City Councillor.

2. MINUTES

RESOLVED to agree the accuracy of the minutes of the meeting held on 4 February 2010.

(Councillor Lay was admitted to the meeting at this point.)

3. APPLICATION NO 09/01330/U – 64-68 ROSE LANE, NORWICH, NR1 1PT

(Councillor Read left the meeting during this item and was not present during the determination of this item.)

The Senior Planner (Development) presented the report with the aid of slides and plans. A further representation, in the form of a petition, had been received from the East Anglia Bangladeshi Society appealing for the committee to consider its objections to the proposal relating to congestion; lack of security for people attending the centre; and concern about noise. As a response to these objections conditions 2, 6 and 7 had been expanded and two informatives added. (The revised conditions and informatives are appended to these minutes.)

A representative of the Islamic Centre attended the meeting and outlined their objections to the proposal which included: concerns about public safety and potential for increased violence and anti-social behaviour and pointing out that some of the Centre's members were children, women and vulnerable people; noise pollution and

the effect that this would have on the use of the adjacent Centre as a residence and a place of worship and that the Centre was used for prayer late at night during Ramadan.

A representative on behalf of a nightclub situated in Prince of Wales Road then addressed the Committee with objections to the proposal which included: concern that the proposal would double the current footprint of the club and that this would compromise safety in an emergency situation and that the smoking area did not have the capacity to cope with increased patronage; that Rose Lane would become the primary route for access/egress of the club and that it was not in the late night economy area and therefore would put additional strain on policing resources. He also pointed out that there were proposals to pedestrianise Prince of Wales Road and Rose Lane would therefore become a busier road, strengthening concerns about using it to access the club.

The Senior Planner then addressed the concerns raised above and pointed out that the floor plans were only illustrative of what was proposed and that the application of conditions would prevent the use of Rose Lane as the main entrance for the club. He pointed out that there was a precedence of another club extending in Prince of Wales Road. Fire restrictions determined the capacity of the building and smoking area. The pathway was considered adequate for fire escape purposes.

In response to questions, the Senior Planner said that the Islamic Centre had permission for use as a community centre between the hours of 8.00 a.m. and midnight and residential use. Members then asked further questions about the mitigation of noise. Concern was expressed by members that an acoustic survey had not been conducted prior to the application being made. The Senior Planner and Planning Development Manager responded by stating that the issue and proposed approach had been considered in consultation with Environmental Health colleagues and agreed to be reasonable, practicable and necessary. Members were reminded that the applicant could be required to undertake extensive acoustic surveying, and any necessary mitigation works could be required to be installed, prior to the commencement of the proposed use. In light of the sensitivity of the adjacent premises, members instead took the view that they should be able to first understand both the implications of granting approval and the likelihood of any necessary mitigation works being effective enough to prevent an unreasonable impact on neighbouring properties.

Councillor Wiltshire moved and Councillor Little seconded that the planning application be refused on the grounds that members had insufficient information to make a decision because an acoustic survey had not been carried out and therefore it was not possible to determine the consequential impact of the proposed development on the amenity of the neighbouring properties.

RESOLVED to refuse Application No 09/01330/U – 64-68 Rose Lane, Norwich, NR1 1PT for the reasons stated above and to ask the Head of Planning Services to provide reasons for refusal in policy terms.

(Reasons for refusal: The proposed use could be a significant noise generator in a location adjacent to noise sensitive use receptors. However, the application does not include an acoustic survey incorporating any noise or vibration survey

information and analysis, nor details of any remediation measures necessary to ameliorate any harmful effects. As such there is insufficient information available to enable proper consideration and assessment of the proposal, in terms of both the potential impacts on, or harm to, the amenities of adjoining occupiers, and in terms of the adequacy of proposed on-site mitigation measures to prevent such potential impacts. As a consequence the proposal is contrary to national guidance PPG24 Planning and Noise, and saved policy EP22 of the City of Norwich Replacement Local Plan (Adopted Version November 2004).)

4. SITE VISIT – NORWICH INTERNATIONAL AIRPORT LTD

(The Chair agreed to take this as an urgent item because of the need to make a decision on whether to conduct a site visit to the airport before the committee next met.)

The Head of Planning Services said that an application had been received for planning permission to relocate the engine testing facility at the airport. The Norwich Airport Joint Advisory Committee at its meeting on 11 February 2010 had considered the proposals and recommended that members of the Planning Applications Committee undertook a site visit before determining the application.

RESOLVED to undertake a site visit of Norwich International Airport on Thursday, 18 March 2010.at 9.30 a.m. and to hold the Committee meeting at the later time of 11.30 a.m. that day.

CHAIR

APPENDIX

**Application No 09/01330/U - 64-68 Rose Lane
Proposed Conditions: Revised**

1. Standard time limit

2. There shall be no use of the application premises (with the exception of the external courtyard) until the existing double-doors at the rear of the warehouse facing onto the courtyard/smoking area at the rear shall be removed and the space blocked up in a material to match the surroundings and made unavailable for use, and subsequent to these measures shall be fitted with sound insulation to a standard to be agreed in advance with the Council.

In the event that the doors should need to be retained for fire escape purposes in accordance with Building Regulations, there shall be no use of the premises (with the exception of the external courtyard) until alternative methods of noise insulation have been installed in accordance with details to be agreed in advance in writing with the Council as Local Planning Authority. The measures shall be maintained in accordance with the details so approved unless otherwise agreed in writing by the Council.

3. The doors to and from Rose Lane shall only be used for fire exit purposes and shall not be used in any way or at any time for entry or exit other than in an emergency situation.

4. The application premises shall only be accessed by the general public and patrons from existing premises fronting Prince of Wales Road, and servicing access shall only be from Prince of Wales Road or St Vedast Street.

5. No hot food shall be served from the application premises for consumption off-site.

6. There shall be no use of the application premises (with the exception of the external courtyard) until an acoustic survey and assessment has been undertaken and submitted to and approved by the Council as Local Planning Authority, the content of which shall include an assessment of the intended future noise levels and the possible noise and vibration transmission and noise leakage arising from the permitted use and its likely impact on adjoining premises. The survey shall detail the measures necessary to prevent noise transmission and vibration above a level to be agreed in advance in writing with the Council as Local Planning Authority.

Further, there shall be no use of the application premises (with the exception of the external courtyard) until the survey has been received by the Council and all noise insulation and vibration damping measures have been installed to the internal elevations of all the exterior walls, and to the roof and windows where appropriate, sufficient to reduce noise and vibration impacts to a level to be agreed in advance in writing with the Council as Local Planning Authority, and in accordance with a method statement also to be agreed in advance in writing by the Council as Local Planning Authority.

The measures shall be installed in accordance with the approved details and shall be maintained as such unless agreed first otherwise in writing by the Council.

7. Subsequent to the requirements of Condition 6 of this planning permission, and prior to the commencement of the use hereby permitted (with the exception of use of the external courtyard), details of the maximum noise levels from any loudspeaker expressed in dB LAeq (5 minute) measured at a point 2 metres from any loudspeaker forming part of any amplification system shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the permitted maximum noise levels shall not be exceeded at any time.

8. Prior to the installation of any kitchen, cooking, food preparation or refrigeration facilities in the application premises, details of the necessary extract and ventilation systems shall be provided and approved in writing by the Council as Local Planning Authority, and shall be retained thereafter in accordance with the details so approved.

9. Prior to the installation of any plant and machinery at the application premises, details of their position, use and likely noise and vibration emissions shall be provided and approved in writing by the Council as Local Planning Authority, and shall be retained thereafter in accordance with the details so approved.

New Informatives: not included in the Committee Report

1. The applicant and developer are advised that in the absence of any suggested noise levels or acoustic survey of the premises submitted with the application, the Council has been unable to suggest the possible level of noise and vibration emissions from the premises that might be considered acceptable once the use commences, nor the works necessary to fulfil the pre-commencement conditions applied above. The applicant and developer are therefore advised that whilst the cost of the works may be significant, there nevertheless remains a possibility that no amount of noise or vibration emissions will be permissible from the premises.

2. The applicant and developer are advised that the provision of noise insulation and/or vibration damping as required by the pre-commencement conditions, does not prevent the Council exercising its duties under the Environmental Protection Act 1990 to investigate complaints of statutory nuisance and to take the necessary action to abate or prevent the occurrence or reoccurrence of any statutory nuisance including statutory noise nuisance.