

Planning Applications Committee: 13 May 2021

Updates to reports

Application: 21/00381/U
Address: Eaton Vale Activity Centre, Church Lane
Item no: 4(a)
Pages: 13 - 27

Additional item of correspondence received from a person who made representation on the application:

Correspondence from the Chair of the Yare Valley Society as follows - I am glad you are sure you can place conditions on the granting of the application for change of land use to restrict the land to use only as a nursery, and to ensure that should the nursery cease to operate, the temporary structures associated with the nursery are removed.

In the light of this, there is nothing extra that I wish to add beyond what has been stated in the original YVS objection to the application, and so I will not be making further representations to the planning committee on Thursday.

Application: 21/00373/U
Address: St Marys Works Car Park
Item no: 4(b)
Pages: 29 - 38

Amendment to report:

It should have been made clear within paragraph 9 that the reason the application has been referred to committee is because the application was called in by Councillor Osborn. The application is an 'other' application and therefore the number of objections alone would not trigger referral to Planning Applications Committee as per the scheme of delegation.

Additional information received:

Full details of cycle parking have been received, specifying secure storage for 30 bikes within the site. The details are considered acceptable and therefore it is recommended that condition 4 is amended to require the cycle storage to be installed within 3 months of the date of the permission.

Additional representations:

3 no. additional letters of objection from neighbours have been received citing the same issues previously raised such as noise and litter.

2 no. additional letters of support from neighbours have been received citing the benefits to the economy and praising the considerate operation of the market.

Additional statement from applicant's agent:

An additional statement has been submitted by the applicant's agent, attached to this updates report at Appendix 1.

Licensing Notice of Determination:

The Licensing Notice of Determination has been attached at Appendix 2 for your reference. It should be noted that this document is dated 25th November 2020 and a number of operational changes have been introduced as a result.

Statements which are to be read out by officers to committee members are attached at Appendix 3

Our Ref: 1898

Members of the Planning Committee
Norwich City Council
City Hall
St Peters Street
Norwich
NR2 1NH

11th May 2021

Dear Sir or Madam,

Application Reference: 21/00373/U.

Temporary planning application to retain the use of the car park for use as an outdoor events venue/food market at the Junkyard Market, St. Mary's Works, Duke Street, Norwich, NR3 1QA.

This letter is in relation to the above planning application which is due to be considered by you and your colleagues on the 13th of May 2021. You will have seen that there have been a series of objections made against the application and we want to highlight the issues that we hope you will agree are most important to consider when you debate our clients' planning application this Thursday. We consider the following points are important to consider -

Three days a week for twelve months only - The scheme seeks only temporary permission for use of part of the car park at St. Mary's Works, for three days a week, as an outdoor events venue/food market. Your officer's report acknowledges that it is located on underutilised land has been of little value in recent years as the wider re-development project earmarked for the site is yet to come forward.

Best Location - Our clients' venue is identified as a 'leisure and hospitality' venue by your officers and is operated in the most sensitive manner possible to ensure that any impacts on the area are properly managed at all times. The site is contained by buildings on all sides and there is ample space to accommodate and manage activities within the site.

Positive Contribution to the economy – There has been a number of similar markets set-up by our clients across the Country which have all received positive feedback and are viewed as an opportunity to bolster commercial activity in the areas in which they operate; their value should not be underestimated in terms of the contribution made to the vitality and viability of town and city centres, particularly in context of the current global pandemic.

The availability of high-quality and well-run outdoor markets, such as the Junkyard Market, also act as a stimulus for the wider hospitality sector in areas where they operate as they attract people into the area and provide 'spin off' business for other operators in the surrounding area.

In the case of Norwich, the Junkyard has provided a much needed outdoor venue that showcases local food vendors, acts as a boost to local traders all along the supply chain and supports local businesses and charities. Attached at Appendix 2 are letters from St Martins Housing Trust charity and the owner of Ronaldo Ices both of whom have benefitted from the operation of the Junkyard. Their letters provide a valuable indication of the contribution the Junkyard has made to businesses and charities alike in Norwich.

Despite the benefits the Junkyard brings, we are aware that concerns have been expressed. Issues relating to noise and anti-social behaviour are actively addressed to minimise and prevent re-occurrences.

The concerns raised by the limited number of objectors who have commented on the application are treated very seriously by our clients and you will see in the photographs (attached) and information submitted with the application that all reasonable steps are taken to manage the venue and its customers as they arrive and leave the Junkyard.

Marshalling activities – The Junkyard has a team of marshals that operate within the venue, at the entrance of the site and in Duke Street to control and manage customers as they arrive and leave for their sessions. Their responsibilities can be summarised as follows:

- The marshals control the queuing system.
- They manage taxi drop-offs and pick ups.
- They prevent drinks being removed from the venue.
- They control noise from customers in the vicinity of the site.
- They pick up litter up and down Duke Street and the surrounding area.

They are the ‘face’ of the venue and act as ambassadors for the Junkyard being polite but firm in managing customers and the wider public.

The marshals manage taxi drop-offs at the site entrance and allow vehicles to enter the site, drop off and turn round without causing disruption on Duke Street.

Part of the marshals’ role is to enforce the Junkyard Market’s clear and compliant social distancing strategy. The Flow of Movement Plan shown in Appendix 3, Fig. 1, shows the one way route and double queuing – all designed to contain customers on site and adhere to social distancing rules.

The marshals enforce the strict Junkyard policy of prohibiting customers from leaving the site with any drinks purchased from the Market. There are no glass beer or cider bottles sold on site and no alcohol is served on site in cans. Any staff or customers wanting to leave the site with any drink containers are asked to dispose of these using the bins provided on-site, such as that shown in Appendix 1, Fig. 5.

On this basis, any glass bottles found in the surrounding area have not been sold or supplied by the Junkyard Market. Irrespective of this, as an act of good faith any glass bottles that are found in the surrounding area are cleaned up by Junkyard Marshals, even though they are not supplied at the venue.

At the end of the final Session of the night, marshals conduct an extensive clean-up operation which is registered in a dedicated log book to record the quantities of litter collected on each occasion. The

clean-up includes land by the entrance to the site and the length of Duke Street ending at the Golden Star pub at the junction with Colegate.

Our clients have stated that although this operation is already extensive, they are willing to extend the perimeters of their clean-up operation to address claims that litter associated with the Junkyard Market is being found on streets in the surrounding area of the site.

Marshals are instructed to manage the levels of noise and disturbance generated from customers approaching and leaving the Junkyard Market. The log book is kept for this purpose also and can lead to prohibitive steps being taken, as necessary against any difficult customers.

Finally, issues have been raised about other alleged anti-social behaviour. There is no evidence that the issues identified are associated with customers of the Junkyard Market. The area is home to a number of other venues. Nevertheless, if identified, evidence of such anti-social behaviour would be remedied by the now well established, marshalling system details of which have been provided to officers and described in this letter for your ease of reference.

Overall, we hope you will agree that the Junkyard Market operates successfully as a popular and well-managed event that provides a range of benefits to the socio-economic vitality of the City. Our clients are very willing to work with the Council to ensure that remains the case and we hope that in considering this scheme, you will see that the wider benefits of the Junkyard more than outweigh the minor issues identified by a very limited number of people.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J. Sherman', is written over a light blue rectangular background.

Director of Planning
One Planning Consultants

Appendix 1: Pictures taken Friday 23rd April 2021



Figure 1: Polite Notice on display as customers enter and exit the Junkyard Market.



Figure 2: Junkyard Market Marshal located by the entrance to the site.



Figure 3: Polite Notice on display as customers enter and exit the site.



Figure 4: Notice stating House Rules as customers and staff enter the Junkyard Market from Duke Street.



Figure 5: Polite Notice on display as customers and staff exit the Junkyard Market onto Duke Street. Refuse bin for customers to deposit drinks before leaving the Junkyard site.



Figure 6: Queues formed to enter the Junkyard Market.

Appendix 2: Letters from St Martins Housing Trust and Ronaldo Ices



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E: enquiries@stmartinshousing.org.uk
W: www.stmartinshousing.org.uk
Registered No. 2390375 Charity No. 802013

10th May 2021

Dear Sir/Madam

I would like to show my support for the planning application for the Junkyard Market. The Junkyard Market have been very supportive of St Martins and the work that we do. They have really understood the need to support people less fortunate than the people who use the Junkyard and they have also considered the best way to do this (e.g. support the specialist services of a local charity rather than donate to people individually).

I have also heard from colleagues who have used the restaurant how thoughtful they are in terms of the local area and how well they have worked within Covid restrictions.

If you have any questions about our support please do not hesitate to let me know.


Dr Jan Sheldon

Chief Executive

St Martins

Tel: 01603 667706

M: 07951 725779

A: 35 Bishopgate, Norwich, NR1 4AA



"As the country emerged from the first 2020 lock down & things started to re-open we were approached by some lads with a crazy idea to turn a local disused car park into a street food hub.

The entrepreneurial spirit & enthusiasm of their team idea immediately appealed to us but little did we realise how successful the project would be.

Not only has the Junk yard team helped us & many other traders re coup some of our losses & safe guard jobs after the pandemic affected year but they have raised over £10,000 for local charity & brought some life to an otherwise forgotten part of town.

2021 is here & covid is still with us but thanks to the Junk yards responsible way operating they can still open & so us & our fellow traders can still benefit, making up for in part a complete lack of public events.

We hope this will be the case throughout the summer & beyond.

*Chris Edye
Director
Ronaldo Ices Ltd"*

Appendix 3: Flow of Movement Plan, including on-site bicycle provision

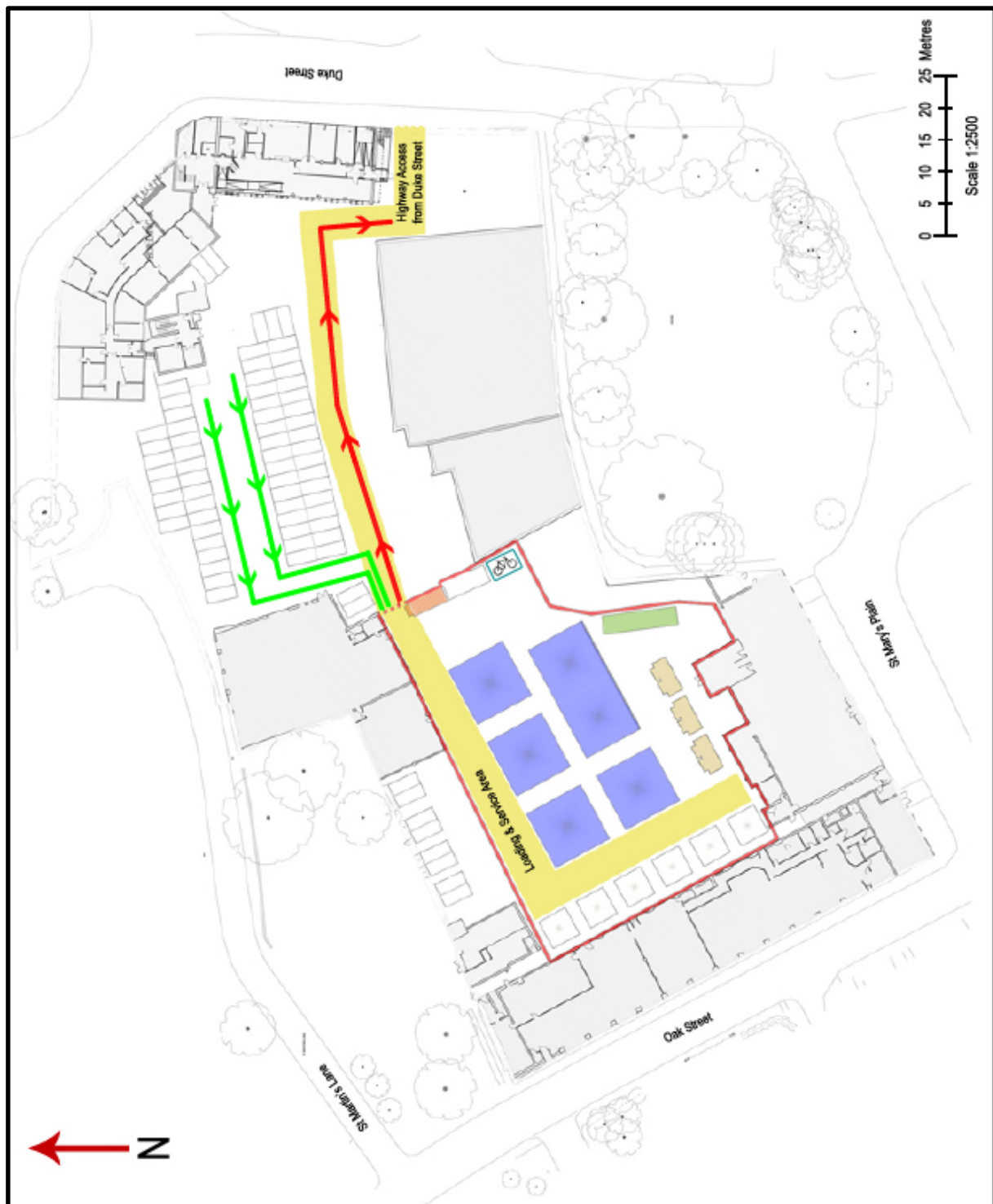


Figure 1: Flow of Movement Plan including on-site bicycle provision. (Green: dedicated entry. Red: dedicated exit)



Notice of Determination

Date of Hearing: 2 November 2020

Licence Type: Application for a Premises Licence

Name of Applicant: After Dark Promotions Ltd, company no. 11881533

Postal Address of Premises: Junkyard Market, St Marys Works Car Park,
St Marys Plain, Norwich.

Licensing Sub-Committee members present:

Councillors Stutely (Chair), Huntley and Youssef.

Other Persons Present:

Rachel Bennett, Licensing Advisor, NCC
Gavin Tempest, Licensing Consultant, for the applicant company
Michael Femi-Ola, Managing Director of the applicant company
Alex Russell-Davis, member of the public
Cllr Martin Schmierer
Rob Mack – applicant's DPS
Sandra Olive, member of the public
Toby Westgarth, Norwich Market Traders.
David Lowens, solicitor, Norfolk County Council (nplaw).

Further papers in addition to those on the agenda, from the applicant company, had been circulated before the meeting.

There were no apologies for absence, and no declarations of interest were made.

Summary notes of hearing:

The Chair explained the procedure for this remotely held committee and those taking part were introduced.

Rachel Bennett presented the report, noting the application was for the supply of alcohol for consumption on the premises only, for the hours 12:00 to 22:00. Reference was made to the conditions proposed by the police, contained in the agenda, which had been agreed by the applicant company.

Gavin Tempest, Michael Femi-Ola and Rob Mack addressed committee. Mr Femi-Ola mentioned the company's licensing experience at the Norfolk Showground. The photographs recently provided were referred to, to give councillors a realistic view of the use of the site.

Mr Femi-Ola mentioned that the premises had been running under TEN's without anti-social behaviour taking place. The premises were risk assessed.

Mr Tempest mentioned the crime figures which had been recently provided, which covered all but one of the weekends when the premises had been open. There had been no increase in reported crime or anti-social behaviour whilst the Junkyard had been in operation. It was felt that the conditions proposed would ensure compliance with the four licensing objectives.

Mr Russell-Davis, a resident of Muspole Street, mentioned that the presentation by Mr Tempest did not match his experience. He had been complaining of the level of noise since August 16th and requesting an enhanced level of signage. He had been told that signage had been actioned when it had not been and had needed to involve his local councillor. The level of noise from patrons departing the site is a major issue, together with littering and public urination. He felt that the premises management were failing to properly and safely manage queues due to insufficient staff and a lack of social distancing markers outside the site. He had seen alcohol and food taken off the site.

Ms Sandra Olive mentioned that she had lived in the area for seven years and was suffering anti-social behaviour from the patrons of the Junkyard. Milk had been stolen, she had needed to clear up beer cans and persons had been loitering outside her premises using the courtyard as a pub garden. She had not objected whilst events were going on over the summer, thinking this was a temporary use only. She worked in a hospital, was very aware of covid risks and felt that the business was creating a feeling of insecurity in her own property.

Michael Femi-Ola responded, noting that Mr Russell-Davis' correspondence was not sent to the company thus introducing a delay. Mr Femi-Ola mentioned that many signs had been produced, including some to attempt to manage the queueing system. Customers were warned not to take away alcohol via warnings over the public address system and marshalls were present on the door when persons were leaving the site to try to ensure that persons were not taking alcohol off site. Bins were available for the discarding of food and alcohol before leaving the site. The premises did not sell cans of beer. Problems may have arisen from the patrons of other premises in the city centre. He felt that it was practically impossible to carry drink as sold in the Junkyard off site.

Mr Femi-Ola responded to a question on future plans to control queueing, mentioning that the applicant company was investigating the placing of staggered queues inside the site with staff tasked with ensuring covid safe distancing. It was also intended to have taxis collect and drop off customers within the site.

Ms Olive noted that previously to the Junkyard operating disturbance was never an issue and wondered whether customers were taking drinks into the venue. The

business had a measurable impact on her and she was still concerned after hearing from the applicant.

Mr Westgarth mentioned his concerns over the lack of published capacity figures and he noted that the area where internal queues would be marshalled would have persons occupying a car parking area. He questioned whether ID was checked in advance or after drinks were served, believed there needed to be appropriate conditions regarding SIA staff and wondered whether the premises would be allowed live music.

Rob Mack noted that the business operated Challenge 25, that persons who looked below that age were checked on entry and provided with a wristband to confirm that they were of legal age to order alcohol and that whilst there was digital ordering there was a further age check by staff on delivery of ordered drinks to the table. The business was primarily food based and the majority of clientele were aged in their 30's. He confirmed the business had an incident book. Approximately 250 members of the public had been challenged.

Councillor Schmierer mentioned that local residents had indicated to him problems regarding anti-social behaviour, street drinking and public nuisance. He felt more could be done to mitigate problems, for example via CCTV. There was fallout after the close at 10pm going on to 11pm. Mancroft ward suffered from high levels of public order offences.

Cllr Schmierer noted the expectation in the licensing policy that applicants would address the four licensing objectives in their application and demonstrate how they would be good neighbours. He'd been told of nuisance from food smells and wondered whether enough had been done regarding persons leaving the site.

Mr Tempest mentioned that the site was limited in capacity, due to table occupation numbers and social distancing and there should not be concern regarding a great increase in capacity. CCTV was not felt appropriate, the business used table service and was a family event. Persons monitoring queues could carry out this role without straying into conflict resolution and did not need to be SIA qualified. The business had not added to crime and disorder problems in the area.

Regarding smell nuisance Mr Femi-Ola mentioned that a lot of the cooking took place elsewhere and he struggled to see how odour issues were a strong concern. The smell of food within the site was not significant.

Mr Tempest mentioned that a Fire Risk Assessment had been carried out and that the car park was in the same ownership as the premises. There simply was not the space to go to a capacity of 5000.

Mr Femi-Ola felt the maximum capacity to be between 450 and 550 persons. He felt that the maximum leaving at one time was likely to be between 50 and 100 persons and that the premises would provide covid marshals to ensure social distancing.

Cllr Huntley asked about control of anti-social behaviour.

Mr R Mack noted the signage on the exits, and that the PA system could be used to encourage patrons to use the on-site facilities before leaving. It was intended to have the taxi rank within the site, as previously mentioned.

Cllr Youssef noted that in respect of the queueing system she had visited in the last week of September. No social distancing was taking place, the staff looking after the queue did not patrol the queue and were not enforcing social distancing requirements. Mr Femi-Ola noted these concerns and the premises would look to ensure that staff had clear roles regarding what was expected from them and further training.

Mr Russell-Davis mentioned his concern about the hours applied for and wished to see a discussion about reducing the hours. Cllr Schmierer wondered whether it was appropriate to grant the licence for all the days applied for and was concerned that there had been insufficient answers given regarding noise and odours.

Mr Tempest summed up the case for the applicant company and noted the lack of representations from responsible authorities, that in respect of litter the applicant was happy to carry out a litter pick, that staff would be on hand to ensure patrons left in a safe manner and that there would be expanded notices placed requiring persons to leave in a safe manner.

In response to a request from the Chair as to what additional matters had been offered by the applicant company during the committee hearing it was agreed that the following matters had been offered:

1. The queue of patrons wishing to enter the site would be staggered and placed so far as possible within the site
2. There would be a taxi collection and drop off point within the site.
3. No cans containing alcohol would be sold on site.
4. A litter pick will be carried out at the close of business to gather litter within the vicinity of the site.

Committee then considered matters in private session.

The Committee's decision:

The application was approved.

An additional condition was imposed:

Staff will be provided in sufficient numbers and with the responsibility to ensure that: 1. social distancing of persons waiting in the queue is maintained, both internal and external to the site; 2. Alcohol is not taken from the premises; and 3. Customers leaving the premises do not loiter in the immediate vicinity of the premises causing noise nuisance to local residents.

The Norfolk Constabulary condition relating to a written risk assessment was amended to insert after the first sentence "The recommendations of this risk assessment in respect of SIA security staff will be followed".

The Committee's reasons:

In coming to their decision, the committee had had due regard to the statutory guidance under Section 182 of the Licensing Act 2003 and the council's own statement of licensing policy. Committee has not taken account of matters which were not relevant to the licensing objectives.

Committee noted that the application covered on-sales only.

Councillors gave weight to the lack of representations from the Norfolk Constabulary and the environmental protection team, relevant regarding expected compliance with the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance.

Evidence regarding odour nuisance was limited and committee finds that any such nuisance as may exist is more appropriately dealt with under the Environmental Protection Act 1990.

Noting the evidence heard from attendees and the matters recorded on the representations received it is clear that there are problems of antisocial behaviour and nuisance arising in the area in which these premises are located, which concern local residents and which a resident noted as arising since the premises was open and trading. Comments regarding cans, not sold at the premises, does indicate that not all matters complained of are likely to have arisen from the patrons of these premises but it is more likely than not that some behaviour causing nuisance does involve patrons of the Junkyard.

The committee is obliged to take account of s182 statutory guidance, and notes that the behaviour of individuals once outside the control of the premises licence holder is a matter for personal responsibility of the individual concerned. It would not be reasonable to expect the premises licence holder to control behaviour taking place outside the immediate vicinity of the premises and thus outside their control.

The committee finds that the conditions as presented by the applicant and as imposed are appropriate to promote the licensing objectives and deal with antisocial behaviour and public safety so far as the matters are within the control of the applicant and to a reasonable extent. Age controls are sufficiently thorough.

Committee notes the existence of the review procedure and that all licenses can be subject to review where evidence is presented that justifies it.

Right of a Party to appeal against the determination of the Authority

Rights of appeal are set out in Schedule 5 of the Licensing Act 2003 and reference should be made to that schedule but in summary applicants and any person who has submitted a relevant representation, who is aggrieved by the decision, or the imposition of any term, condition or restriction, have a right of appeal to the Magistrates' Court within 21 days of the date on which they are notified of the decision. Any such appeal should be raised directly with the Magistrates Court.

Signed

A handwritten signature in black ink, appearing to be 'Stutely', written in a cursive style.

Cllr Stutely, Chair, Norwich City Council Licensing Sub-Committee.

Dated this 25 day of November 2020

Appendix 3 – Statements from members of the public to be read out by officers at Planning Applications Committee

Statement 1

'We, as residents of Duke Street, strongly oppose the application made regarding St Marys Works Car Park. We have seen an increase in antisocial behaviour since Junkyard market has started. This has gotten even worse with the recent reopening. This includes multiple occasions of increased noise late at night, public urination on the side of our house and frequent annoyances such as the repeated pressing of our doorbell. It makes us feel unsafe in our own home to have large groups of drunk people congregating outside of our front door.

We have repeatedly expressed these concerns to the organisers of Junkyard, who appear to have a complete disregard for the wellbeing of local residents. As NHS shift workers, who often need to have quiet time in the evening, constant disruptions are having a significant negative impact on our lives. We appreciate the effort the organisers made to have good face with the community at Christmas by offering contact details of security, however it was disappointing to see that our calls often went unanswered and problems would just reappear the next night. The efforts made to build a relationship with residents has appeared to be nothing more than a PR stunt. We have no faith that these problems will improve should this planning application be granted. '

Statement 2

Dear committee members

My apologies for being unable to attend at this time.

I have lived on Duke Street for just over one year and it was a wonderful part of Norwich. As described in the Agenda, this is not "City Centre". I would feel all committee members need not be explained the concept of central. Duke street is pushing towards the environs and people have lived here in peace and harmony for some time; the Baptist Church opposite my apartment doing great work for many people also. To keep this as brief as possible I have listed points below and my comments based on

Environmental Protection point
11 and music noise.

If this has been considered adequate, why have I stood on the street corner at 11pm listening to music from across the road with the residents of the cottages there not being able to sleep?

12 Social Distancing

Would the applicants be able, or anyone be able, to provide evidence that the pandemic is now under control and we will be in a situation to avoid this within the

next 12 months? If they are unable to, then this is a mute point on behalf of the planner and should be disregarded entirely that spacing of people will not be an issue.

Main issue 2: Amenity

27 Noise from the site.

As the majority of the issues are from people leaving the site this is yet another irrelevant point in regards to consideration. Though I would like to know how the planning officer has evidence that my second floor flat blocks out noise with my old style wooden sash windows? Guess work and assumptions perhaps.

29 Noise, disturbance & litter from leaving customers

I have a 300 pound Yamaha Soundbar for my TV and I am unable to even hear my TV above screeching drunk young women and loud mouth men who seem to have zero respect for the neighborhood they are going home through. I stood and watched a marshal last week who was directly opposite my flat and while event goes leaving were passing him shouting and acting as you would expect a child's playgroup to, he found the pavement more interesting to look at and he did absolutely zero to ask them to please keep the noise to a minimum. I can assure you, that at some point, the people of this street will no longer tolerate this and will take matters into their own hands unless this noise is reduced a great deal by responsible marshals. Only this Sunday, around 10.45pm somebody found it amusing to keep ringing my doorbell, that yes, I was asked by my partner to not go down to confront them and cause more issues. Is this what I pay my council tax for? To be harassed in my own home?

I have a few remaining comments and statement.

Could the applicants explain why if the venue closes at 10pm, that people are still walking from it at almost 11pm. I am happy to provide evidence of this as a follow up.

Is the committee aware of another venue run by these organizers having issues, I believe in Ipswich, because they were allowing drunken people to dance on tables?

Why are the organizers being even considered responsible when they have acted selling food and alcohol illegally for one day over their limit already? What was done about this? What if I stood outside selling alcohol to the passersby as they left. Would I be ignored also by enforcement?

Duke Street is an historic, beautiful, and vital part of this city. It is not Prince of Wales Road, of which is clearly apparent the results of policies that did not work. As councilors you are asked by us, the voter, to do your best by us. Be it your community or not. To protect your city and those that do not have the luxury to live in the country or nice new soundproof apartments. We do not all choose where we live. My partner and I were thrown out of a wonderful bungalow with our three dogs by my partner's very own mother for nothing but her greed, and luckily, a wonderful lady had a flat free she owned and helped us. We had 1 week to move. So we had no choice to live here. Because of this market she is even allowed us to move to another

vacating house soon near the train station because my mental health is suffering, and again I can obtain my medical records to prove this. So my reasons for this are not my own anymore as I will be living elsewhere in the future, but for people like the gentleman who walked up to me two weeks ago to say what was going on who lived opposite the market who recorded the fight but was afraid to do anything with his video or believed there was no point. I am writing this for them and for what is right. Not money grabbing pretending to care about the community rich event companies.

It is your responsibility to protect the citizens of this city. Their physical and mental health being paramount and I do not see this happening at all. I have zero doubt in my mind that this will be approved though I have done everything I was able to at this time. There will be people in the room today who know this is not right and I would thank them all for standing up and doing the right thing on behalf of myself and my partner, and my landlady and the others who have approached me who seem too afraid to come forward themselves or feel, as I suspect, that it will be pointless.

Thank you kindly for your time in hearing my statement.