



## MINUTES

### PLANNING APPLICATIONS COMMITTEE

**10.00 a.m. – 12 .30 p.m.**

**17 December 2009**

Present: Councillor Bradford (Chair), Councillor Llewellyn (Vice-Chair),  
Banham, Driver, George, Jago, Lay, Little (S), Lubbock and Read  
Apologies: Councillor Wiltshire

#### **1. HEReward COOKE**

The Chair referred to the sudden death of former councillor Hereward Cooke and said he had been an active member of this committee and 'proud of this city'. The Chair then led the committee in a minute's silence.

#### **2. MINUTES**

**RESOLVED** to agree the accuracy of the minutes of the meeting held on 3 December 2009.

#### **3. APPLICATION NO 09/01104/F LAND ADJACENT TO 14 OLD LAUNDRY COURT, NORWICH**

In response to a question from the Chair, members of the committee confirmed that they were satisfied that the committee did not need to undertake a site visit before determining this application. Councillors Little and Read said that they had visited the site individually and other members concurred that the site was easily understood.

The Senior Planner (Development) presented the report with the aid of slides and plans. A number of representations had been received after the printing of the report. The Health and Safety Executive (HSE) had no objections to the development and required no conditions. A response had been received from Norfolk Landscape Archaeology, who did not object to the current proposal provided an archaeological investigation was carried out prior to development. A letter had been received from a neighbour whose objections included concerns about car parking, drainage and landscaping. Councillor Ramsay had written asking for a site visit and querying whether there should be an element of affordable housing provided on the site. The Senior Planner explained that the site of the current application was for 6 houses and was a separate site from the adjoining development and did not meet the criteria for providing affordable housing, nor could the requirement to provide affordable

housing be applied retrospectively. Charles Clarke MP had also raised concerns relating to the planning history, affordable housing being applied for the larger site, adoption of the highway, parking provision and potential dwellings being used for houses in multiple occupation (HMOs) as in the existing development.

The Senior Planner then drew attention to a number of amendments to the report as follows:-

- with regard to the history of the site, all previous planning consents on the site have expired;
- Relevant National Planning Policies – insert PPG16 – Archaeology;
- Paragraph 13, the density of the site is 102 dwellings/ha similar to the adjacent Old Laundry Court scheme but this could be misleading as the adjacent area contains communal bin store, landscaping, and access roads, for the site;
- Paragraph 15, the County Council standard for un-adopted highways recommends a maximum of 8 (not 5) dwellings;
- Paragraph 23, with regard to cycle storage, the lockable cycle unit provides for 3 of the houses (not 4);
- Paragraph 42, the addition of the archaeology conditions (as discussed above).

A resident, whose house would be adjacent to the new development, addressed the committee with his concerns about overlooking of his property and two other premises and car parking. (Plans showing views from windows of the new development to nos 15 and 16 Old Laundry Court were circulated.) A representative of Old Laundry Court Owners' Association then addressed the committee on behalf of his 25 members and circulated figures showing the variance of the area and density of former consent and this application. The scheme was considered to be an overdevelopment and too dense, had problems of car parking and it was suggested that the applicant returned to the consent made in 2004/2005, based on 4 houses with integral garages.

The applicant then responded and said that the majority of the residents in Old Laundry Court were unaffected by the proposals and that it would not be detrimental to the 3 houses adjoining the site. The problem of parking was exacerbated by the existing owners letting the houses as HMOs. He said that the previous application was for 6 dwellings, comprising 4 apartments and 2 houses. The current application was for 6 2-bed townhouses and redressed the issue of only larger 3-5 bed houses being available on the site, and would be affordable to first time buyers.

The Senior Planner then referred to the report and addressed the issues raised above and by committee members.

During discussion members considered the issue of overlooking and noted that there was a condition requiring the stairwell windows to have obscure glazing. Members also agreed that there should be a condition on lighting and water saving. Members noted that no conditions were needed to satisfy the HSE, and confirmed that the archaeology condition could be added.

**RESOLVED** to approve Application No. 09/01104/F and grant planning permission,

subject to the following conditions:

1. Standard time limit;
2. The development shall be built in accordance with the plans as approved;

(Prior to commencement of development)

3. Site contamination investigation studies and further works;
4. Archaeological investigation to be carried out;
5. Flood proofing measures shall be agreed and provided prior to occupation;
6. Materials to be approved for:
  - o Roofing and external wall materials and rainwater goods
  - o Windows and doors and porch canopies
  - o Light and water savings
7. Bin and bike store materials and design for both communal facility and individual dwellings;
8. Construction methods, phasing and access arrangements;
9. Noise insulation standards for windows and doors in south elevation of Block B fronting Heigham Street;
10. Foul sewage and surface water disposal strategies to be agreed in consultation with Environment Agency and Anglian Water;

(Prior to first occupation)

11. Boundary walls and all fences or other enclosures details and provision;
12. Provision of bike & bin stores;
13. Details of, and provision of, access, car parking and their allocated spaces;
14. Landscaping plan and hard and soft landscaping materials, including surfacing;
15. Landscaping maintenance and ongoing replacement;

(General)

16. Obscure glazing and top-opening only windows to be provided in eastern elevations of both Blocks A and B;
17. Garages shall only be used for the parking of cars;
18. In the event of there being damage caused to landscaping, existing boundary walls or shared access drive during the construction period, all repairs shall be carried out and reinstated with materials to match the existing with 6 months of completion.
19. Development shall be constructed with a minimum finished floor level of 5.05m AODN.
20. No part of any dwelling shall be altered or enlarged without prior consent.

(Reasons for approval: The recommendation has been made with regard to the provisions of the development plan, so far as material to the application including policies SS1, H1, ENV7, WM6 and NR1 of the adopted East of England Plan (May 2008), 'saved' policies NE1, NE9, HOU1, HOU5, HOU13, HBE3, HBE12, HBE19, EP3, EP16, EP17, EP18, EP20, EP22, TRA5, TRA6, TRA7 and TRA8 of the adopted City of Norwich Replacement Local Plan (November 2004), PPS1, PPS3, PPG13, PPG16, PPG24 and relevant Supplementary Planning Guidance.

Having considered all of the above and other material planning considerations this is considered an appropriate use of a brownfield site with development at an appropriate density. Subject to conditions imposed to enhance the amenity of future occupants and protect the amenity of adjacent existing residential development, the scheme is

considered to provide an acceptable layout and a quality of design consistent with the appearance of the local environment.)

**4. APPLICATION NO 09/01105/U AND 09/01107/L - 8 REDWELL STREET, NORWICH, NR2 4SN**

The Senior Planner (Development) presented the report with the aid of slides and plans. A further representation had been received from the Norwich Society which strongly objected to the application for change of use as it considered it to be an inappropriate use of this listed building in a conservation area in a key corner site, with problems for traffic from delivery vehicles; no suitable outside smoking area; narrow pathways for overspill customers; and concerns about fire safety. The building comprised a large proportion of timber walls and a drinking establishment and was not considered to be an appropriate use. He proposed that the hours of use should be limited from 11.00 a.m. to midnight, which was consistent with similar premises in the area bearing in mind the surrounding residential area. The Senior Planner, together with the Planning Development Manager and the Planning Solicitor answered questions.

A representative of the Norwich Society then addressed the committee with objections to the change of use, which included concerns about the noise, signage and the view of the premises from Bank Plain.

Four residents of the area then addressed the Committee with their concerns about the change of use of the building from retail which included concern about noise and that the building could not be adequately insulated; disturbance late at night; lack of facilities for smokers who would congregate on the narrow pathway in Redwell Street; and exacerbation of existing anti-social behaviour caused by drinkers in the area. Residents considered that another drinking establishment was not acceptable and detrimental to the amenity of their residences.

Councillor Offord, Ward Councillor for Thorpe Hamlet Ward, said that there were 12 drinking establishments in the area with 26 residential dwellings in close proximity. He considered that although drainage and the management of customers outside the premises were not material planning considerations, the committee had a social responsibility to consider the well-being of the residents. There was no provision for smokers and concern about anti-social behaviour.

The applicant then addressed the committee and said that the drinking establishments in the area were popular and showed that this was what people wanted. The street was busy in the day time and between 7.00 p.m. and 2.00 a.m. there were a number of pedestrians using it. The building had been empty for 3 years and needed investment to restore it sensitively. The premises would be aimed at the 25 and over market.

During discussion members sought clarification on the arrangements for disabled people and were advised that a temporary access ramp and disabled toilets would be provided. It was pointed out that there had been no disability access when used the premises were used for retail. Members expressed concern about the lack of outside smoking facilities and were advised that the applicant, if the change of use application was successful, was in negotiations for an adjacent site for this use. Members were also advised that the premises were in a leisure area rather than a

designated retail area. Members noted that an acoustic or noise assessment had not been conducted.

Discussion ensued in which members expressed concern about the adverse affect the change of use could have to residents and the conservation area; the scale of the establishment being too great for the premises, with use over 3 floors; concerns about the impact to traffic and other road users from customers spilling on to the pavement and noise; and the lack of smoking facilities for customers.

Councillor Lubbock moved and Councillor Lay seconded that the application for change of use was refused on the grounds of the adverse effect on the character of the conservation area; the lack of smoking facilities and impact on the highway; adverse affect on local amenity; servicing and access to the premises; and lack of a noise assessment.

**RESOLVED** with 8 members voting in favour (Councillors Lubbock, Lay, Banham, Read, Llewellyn, Jago, George, Little), 1 member voting against (Councillor Driver) and 1 member abstaining (Councillor Bradford) to refuse Application No 09/011105/U for the reasons stated above and ask the Head of Planning to provide the reasons for refusal in policy terms.

(Reasons for refusal of Planning Application No 09/011105/U – 8 Redwell Street, as follows:-

#### 1. Impact on Character of Conservation Area

The proposal would cause a detrimental impact to the character of this part of the City Centre Conservation Area, changing its nature away from an area of predominantly residential, office and community uses, with minimal activity during the evenings, to a character involving a use that would generate large numbers of visitors to and from the site and associated activity on the street during the evening and the night. As such the proposal is considered to be contrary to national guidance PPG15, policy ENV6 of the East of England Plan (May 2008), and 'saved' policy HBE8 of the adopted City of Norwich Replacement Local Plan (November 2004).

#### 2. Lack of smoking shelter - amenity

The lack of a smoking shelter or any provision for smokers within the application site will lead to patrons needing to smoke outside the site and cause a detrimental impact to the amenity of local residents, community and commercial premises, through the associated noise, smoke and litter. As such the scheme is contrary to policies SS1 and ENV7 of the East of England Plan (May 2008), and 'saved' policies EP22 and HBE12 of the adopted City of Norwich Replacement Local Plan (November 2004).

#### 3. Lack of smoking shelter - highway safety

The lack of a smoking shelter or any provision for smokers within the application site will give rise to patrons smoking on the public highway adjacent to the site. The public highway surrounding the application site is made up of narrow footways. Taken together, it is considered that the proposal will compromise highway safety and lead to a danger to pedestrians, including local residents or patrons of the public

house, and as such the scheme is contrary to policies SS1 and ENV7 of the East of England Plan (May 2008), and 'saved' policies TRA3, TRA5, TRA14, TRA24, HBE12 and EP22 of the adopted City of Norwich Replacement Local Plan (November 2004).

#### 4. Harm to amenity and fear of crime

By virtue of the noise and increased activity at the site, and likely increased smoke, litter and disturbance from, in, or around the site, and as a result of the scale and intensity of the proposed use, the development would give rise to an unacceptable detrimental affect on the amenity of the surrounding area. It would also cause harm to the level of amenity currently available to the residential, community and commercial uses in the immediate area of the application site and would result in an increased fear of crime and disorder amongst local residents and pedestrians in the area. As such the scheme is contrary to national policy PPS1, policies SS1 and ENV7 of the East of England Plan (May 2008), and 'saved' policies EP22 and HBE12 of the adopted City of Norwich Replacement Local Plan (November 2004).

#### 5. Servicing, access and highways safety

The proposal, given the scale and intensity of the use of the premises over three floors, does not include adequate servicing, refuse storage, or access arrangements. The absence of an immediately available servicing bay connected to the premises, and the inadequate refuse provision and disposal strategy, and the inadequate disabled access proposals would all result in unsatisfactory vehicular or pedestrian access to the site and obstruction to the public highway, and would subsequently be detrimental to highways safety. As such the scheme is contrary to national policy PPS1, policies SS1, ENV7 and WM6 of the East of England Plan (May 2008), and 'saved' policies TRA3, TRA5, TRA8, TRA14, TRA24, HBE12, HBE19, and HOU5 of the adopted City of Norwich Replacement Local Plan (November 2004).

#### 6. Lack of a noise assessment.

Given the lack of an acoustic assessment in relation to the potential for noise break-out from the premises, it is considered that insufficient information has been submitted to enable the Local Planning Authority to make a reasoned assessment of the proposal. In addition, any mitigation measures needed to address the possible noise impacts could create an adverse impact on both the character of the Conservation Area or the historic fabric of the Listed Building. As such the scheme is considered to be contrary to national guidance PPG15 and PPG24, policies SS1, ENV6 and ENV7 of the East of England Plan (May 2008), and 'saved' policies EP22, HBE8 and HBE9 of the adopted City of Norwich Replacement Local Plan (November 2004).

The Chair moved the recommendations in the report in relation to Application No 09/01107/L.

**RESOLVED** with 8 members voting in favour (Councillors Lubbock, Banham, Read, Llewellyn, Jago, George, Little, Driver) and 2 members abstaining (Councillors Bradford and Lay) to approve Application No 09/01107/L – 8 Redwell Street and grant listed building consent subject to the following conditions:-

1. Standard time limit;
2. The development shall be built in accordance with the plans as approved;

3. Details of fire escape, including joinery and materials prior to commencement;
4. Details of litter bins / cigarette butt containers to be agreed;
5. Noise insulation measures and installation methods to be agreed;
6. Bars, seating, partition walls, interior cladding, joinery, and fixing details all to be agreed;
7. New doors details for the new first floor single door and the ground floor front door hanging shall be agreed, to include joinery and fixings;
8. Any further works proposed or arising as necessary to be notified to and where necessary approved by the LPA.

(Reasons for approval: The recommendation has been made with regard to the provisions of the development plan, so far as material to the application including policies ENV6 and ENV7 of the adopted East of England Plan (May 2008), 'saved' policies HBE8, HBE9 and HBE12 of the adopted City of Norwich Replacement Local Plan (November 2004), PPS1 and PPG15.

Having considered all of the above and other material planning considerations the alterations proposed are considered acceptable within a historic Listed Building premises within the City Centre Conservation Area. Subject to conditions imposed to control the final external designs and internal installations and alterations, the scheme is considered appropriate to secure the ongoing preservation of a historic Listed Building and avoid any detrimental impact on the Listed Building.)

NB. The following informative will be added to any permission to remind the developers that:

- (1) Any installation of flues, plant, machinery, ventilation units or other infrastructure, including any means to provide hot food at the premises will all be subject to needing prior approval through separate specific planning permission and/or Listed Building Consent.

CHAIR