



Planning applications committee

10:00 to 12:15

13 May 2021

Present: Councillors Driver (chair), Maxwell (vice chair), Bogelein, Button, Lubbock, Peek, Sands (M), and Stutely

Apologies: Councillor Huntley

1. Introduction

The chair introduced Sarah Ashurst, head of planning and regulatory services, to the committee.

The head of planning and regulatory services said that from 7 May 2021, councils were required to hold meetings in person or use delegated powers and explained the arrangements in place to ensure the health and well-being of all those in attendance. This had taken some time to arrange due to the elections and the loss of a high court appeal to continue hold virtual meetings, which had delayed the notification of the change in committee procedures to members of the public who had made representations on the applications under consideration at this committee. Lessons had been learned, but she was satisfied that the views of members of the public would be adequately represented at this committee.

2. Declarations of interests

Councillor Bogelein declared a pre-determined view in item 3 (below), Application no 21/00373/U – St Marys Works, as a ward councillor for Mancroft ward, as she had been prepared to act as a proxy for residents opposing the application.

3. Minutes

RESOLVED to approve the accuracy of the minutes of the meeting held on 8 April 2021.

4. Application no 21/00373/U – St Marys Works

(Councillor Bogelein had declared a pre-determined view in this item. She therefore stepped down from the committee and did not participate in the determination of this application.)

The area development manager presented the report with the aid of plans and slides. This was a retrospective planning application for a change of use. He also referred to the supplementary report of updates to reports, which was circulated at the meeting, and available on the council's website. This report explained that Councillor Osborn had called in the application which as an "other" did not have the number of objections for referral to committee and could have been determined under delegated powers. The report also proposed that condition 4 be amended to require cycle storage be installed within 3 months of the date of the permission. The report also summarised a further three letters of objection and two letters of support, and included appendices comprising a statement from the agents, which had been sent to members of the committee, and the licensing subcommittee's notice of determination, dated 25 November 2020, which had been referred to in the main report.

The planning team leader presented the two statements on behalf of residents of Duke Street (attached to the supplementary report of updates to reports) objecting to the application because of their concerns about noise and antisocial behaviour, including urination, from people attending the venue. A further statement was read out on behalf of a resident of Muspole Street, objecting to the Junkyard Market's location as being unsuitable and too large; and, that the venue's marshals did not address the "noise, disruption and public urination" from people leaving the Junkyard Market and that the area would require a police presence equal to that on Prince of Wales Road.

At the chair's discretion, a resident of Indigo Yard, who had not given notice but had made representations during the planning consultation, addressed the committee. She likened the Junkyard Market to a neighbour having a backyard barbecue for three days, every weekend for six weeks. The traffic to the Junkyard Market led to congestion making it difficult for residents to access the Yards.

Councillor Osborn, Mancroft ward councillor, explained the reasons for calling in the application in that he considered the application was contrary to the council's development management policies DM2, DM23 and DM16. He expressed concern about the noise from the venue and the impact that it had on residents; that it was in the wrong location; and would be better placed nearer other hospitality venues in the Lanes and Norwich Market which he considered would be beneficial to other businesses.

Councillor Schmierer, Mancroft ward councillor, also considered that the application was contrary to DM2, because of the level of artificial light and cooking odours from the Junkyard Market affected residential amenity. He considered that the application was contrary to DM11; the steps to mitigate noise were insufficient and the application should be refused. This hospitality venue was in the wrong location and did not follow the council's priority order for such developments and was detrimental to other hospitality businesses in the city centre and contrary to DM23. The application changed the nature of the local area and had a negative impact on residential amenity.

The agent and licensing consultant addressed the committee on behalf of the applicant. The hospitality industry had been severely affected by government closures due to Covid. The Junkyard Market strengthened the city as a business and cultural hub and provided a safe venue for families and friends to enjoy

hospitality; brought into use an underused piece of land; provided employment for 50 staff and traders and supported the local supply chain. The licensing consultant referred to the operation and management of the venue and said that tables were pre-booked with a table service only. Toilets were available for use and people had ample opportunity to use them before leaving the venue. There had been no incidents reported to the police that were attributable to the operation of this venue.

(Councillor Bogelein left the meeting at this point.)

The area development manager responded to the issues raised by the speakers. The site was in the city centre and there were no policies to protect Norwich Market from this use of the site or any other businesses. DM16 sought to protect the supply of land for businesses and this application was for temporary change of use for a 12 month period only.

During discussion, the area development manager referred to the report and answered members' questions. In reply to a question from Councillor Stutely, chair of licensing committee, the area development manager explained that whilst hours of operation could be covered by licensing regulations, in this case the limitation of the hours of operation of the venue reduced the impact on the wider area. The committee could exercise its powers to reduce the hours of operation further. Members noted that fighting and public urination were criminal acts and there had been no reports of incidents to the police or environmental protection officers attributable to this venue. The committee noted that the authority of the marshals was limited to the site and that a dispersal strategy would be very difficult to enforce. The committee sought details of when the venue had been open to the public and following consultation with the applicant, the planning team leader confirmed that venue had been open for three days a week from the grant of the licence in November 2020 to the Christmas lockdown. The head of planning and regulatory services confirmed that the applicants had made enquiries about a temporary events notice and the rival markets policy in August 2020, and in October 2020 had made an application for a premises licence and registration as a food business. In December 2020 the applicant worked with the Covid team and the police to address complaints about Covid security at the Junkyard Market and these were monitored until the lockdown. The Junkyard Market reopened on 16 April on Fridays, Saturdays and Sundays. There have been no further complaints regarding Covid security or food hygiene. There was one complaint on 27 April 2021 which was considered to be noise from surrounding streets rather than the premises itself.

The chair moved and the vice chair seconded the recommendations as set out in the report with the additional recommendation to amend condition 4 to require cycle storage to be installed within 3 months of the date of the grant of permission.

Discussion ensued in which a member said that he supported pop up markets on Gentleman's Walk but considered that St Marys Works was not a suitable venue and the Junkyard Market should be closer to the city centre. Another member said that it would be unfair to refuse this application as a precedent had been set by allowing restaurants and public houses to serve customers in the street elsewhere in the city. Residents in nearby St Benedicts Street had experienced antisocial behaviour. It would need to be monitored carefully.

Councillor Stutely moved and Councillor Peek seconded that the site should close at 10 pm (22:00). During discussion members noted that this would mean that customers would need to complete eating at 21:30 and leave the site by 22:00. Councillor Sands suggested that the hours should be reduced further to 20:00 on a Friday and Saturday and 19:00 on a Sunday, given that stores shut at 16:00 on Sundays. This was not supported by other members. On being moved to the vote, with 5 members voting in favour (Councillors Stutely, Peek, Lubbock, Button and Maxwell) and two members abstaining (Councillors Driver and Sands) the amendment to close the site at 22:00 was agreed and became part of the substantive motion.

During discussion, the committee also considered whether it was feasible to reduce the temporary consent to six months but concluded that under licensing regulations a request could be made to review of the premises licence by the licensing committee, which could effectively shut down the venue if necessary. Members also advised members of the public and ward councillors to report criminal antisocial behaviour to the police. A member welcomed the applicant's assurance that the scheme to manage litter would be implemented sooner than the required three months and suggested that two weeks would be preferable.

Members minded to vote against the application commented that they had taken into consideration the comments from the objectors and ward councillors, and considered that the wider impacts of the change of use, noise, antisocial behaviour and parking and transport, were unfair on residents in the area. One member considered that the hours of operation were too liberal to mitigate the change of use on this site.

RESOLVED, on the chair's casting vote, with 3 members voting in favour (Councillors Driver, Maxwell and Button), and 3 members voting against (Councillors Sands, Lubbock and Peek) and 1 member abstaining (Councillor Stutely) 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 – 16:00-22:00 Friday, 12:00-22:00 Saturday, 12:00-22:00 Sunday;
4. Cycle storage to be agreed and installed within 3 months of the date of the grant of permission 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.

(The committee adjourned for a short break at this point. Councillor Bogelein was readmitted to the meeting and the committee reconvened with all members present, as listed above.)

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

The area development manager presented the report with the aid of plans and slides. The application was for a retrospective change of use to a nursery. The area development manager referred to the supplementary report of updates to reports, which was circulated at the meeting and available on the council's website and comprised a summary of further comments from the Yare Valley Society. The proposal was for a broad class use E and it was proposed that this would be limited to use by the applicant as a nursery only.

Councillor Lubbock explained that she did not have a pre-determined interest. A resident had referred to her in their written objection but for clarification the committee should note that her advice comprised information about the planning application and how to comment on it provided in her capacity as a ward councillor.

During discussion, the area development manager referred to the report and answered questions on the access to the site and confirmed that there had been no reports of traffic incidents from the Highways Authority on the access road. The nursery had been in operation since 2018 and the retrospective application had been made by the school. The nursery use was only on a small part of the application site. The area development manager sought confirmation from the applicant that there would be no more than 35 children on site at any one time and that the staffing ratio of up to 10 staff depended on the age and needs of the children there. There were no proposals to expand the nursery school. The philosophy of the nursery appealed to a wide catchment area. In reply to a member's question, the committee was advised that it would be unreasonable to require the applicant to upgrade the path from the car park to the nursery to the standard required by the Highways Authority. The fencing around the nursery did not require planning permission and was predominantly timber in a wooded area.

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

A member commented on the lack of information on the travel plan. The nursery had a wider appeal and potentially the parents of 35 children would be accessing the site at the same times each day. This would have an adverse impact on highway safety. There was no space for two vehicles to pass on the access lane and many walkers used the route to access Eaton Common and the circular walk from Keswick Mill to Cringleford and back.

At the discretion of the chair, the applicant addressed the committee. She explained that the coaches reported parking in the area were visitors to the activity centre and not to the nursery, where arrivals and departures were staggered between 9:00 and 17:30. The travel plan would encourage the use of sustainable transport. There was a bus stop 10 minutes away and car sharing, which had not been possible during the pandemic, would be encouraged. There had been an increase in applications to the nursery but spaces were limited and a waiting list in operation, with 35 children leaving the school and the September 2021 intake would only be 29. She explained the philosophy of the education offered; that the nursery had good Ofsted reports; and, that 50 per cent of the staff were qualified primary school teachers. The fencing could be improved by planting and the use of feather board.

Discussion ensued in which members welcomed the philosophy of this nursery and the concept of a forest school, with some reservations expressed about the lack of a transport plan and road safety. A member pointed out that large events, such as fireworks, had been held at the activity centre without any issues. Members commented that the fencing could be improved aesthetically and the pathway from the car park improved.

RESOLVED with 7 members voting in favour (Councillors Driver, Maxwell, Peek, Bogelein, Stutely, Sands and Button) and 1 member abstaining (Councillor Lubbock) 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.

CHAIR