



PLANNING APPLICATIONS COMMITTEE

10.00 a.m. – 12.45 p.m.

14 January 2010

Present: Councillor Bradford (Chair), Councillor Llewellyn (Vice-Chair),
Banham, George (until start of item 5), Jago, Little (S), Lubbock,
Read (from item 3) and Wiltshire (until start of item 5)

Apologies: Councillors Driver and Lay

1. DECLARATION OF INTERESTS

Councillor Lubbock declared a pre-determined view on item 4, Application No 09/01394/F, Monastery Court, Elm Hill.

2. MINUTES

RESOLVED to agree the accuracy of the minutes of the meeting held on 17 December 2009.

3. APPLICATION NO 09/01083/U – 73 GROVE ROAD, NORWICH, NR1 3RL

(Councillor Read was admitted to the meeting during this item.)

The Planner (Development) presented the report with the aid of slides and plans, and together with the Solicitor, answered questions.

RESOLVED, with 7 members voting in favour (Councillors Bradford, Little, Banham, Lubbock, Wiltshire, George and Llewellyn) and 2 members abstaining (Councillors Read, not having been present for the whole item, and Jago) to approve Application No 09/01083/U, 73 Grove Road and grant planning permission, subject to the following conditions:-

1. Standard time limit
2. Submission of details of:
 - (a) extract ventilation or fume extraction system;
 - (b) regular schedule of maintenance for the extraction system;

3. Details of the provisions to be made for the storage and collection of waste (to include public litter bins);
4. Opening hours restriction – not open to the public before 7am (0700 hours) on any day and after 11pm (2300 hours) Monday-Thursday and Sunday or after midnight (0000 hours) Friday and Saturday;
5. Development in accordance with submitted plans.

(Reasons for approval:-

1. The decision to recommend approval has been made having regard to national policy as set out in Planning Policy Statement 1 (PPS1) and Planning Policy Statement 6 (PPS6); policies SS6, ENV7 and WM6 of the East of England Plan (adopted May 2008) and saved policies SHO15, SHO22, AEC3, EP22, TRA6 and TRA8 of the City of Norwich Replacement Local Plan (adopted November 2004).

2. The proposed hot food takeaway is considered to be an acceptable and appropriate supporting service for this well-established and well-used local shopping centre and accords with the policies of the adopted development plan. The change of use would not result in the loss of a community use (as defined by saved Replacement Local Plan policy AE3) nor in the loss of a retail use contrary to saved local plan policy SHO15. The proposal would therefore be unlikely to harm the overall vitality, viability or retail function of the local retail centre or undermine the City Council's retail strategy as a whole. Adequate provision has been made for off-street parking and servicing for the takeaway and, subject to the conditions listed, the proposal would not have a detrimental impact on the appearance of the parade or result in any significant loss of amenity or outlook for neighbouring residents and commercial occupiers in Grove Road by reason of noise or smell nuisance or visual amenity.)

4. APPLICATION NO 09/01465/F ROMANY BEER HOUSE 131 COLMAN ROAD NORWICH NR4 7HA

The Senior Planner (Development) presented the report with the aid of slides and plans. Members were advised that following the publication of the report further representations had been received as follows:-

- One of the letters referred to in paragraph 9.1 had been resubmitted under this application and raised additional concerns about: inaccuracies within the submitted planning and retail statement, relating to what shops and facilities were within the local centre and the proximity of other services in nearby local centres; commenting that the area was already well served by local centres and small convenience stores; and that the area was less well served by buses than indicated within the submitted transport statement.
- The letter received from Councillor Bremner referred to in paragraph 9.3 had been resubmitted under this application.
- An additional letter had been received from one of the objectors detailed in paragraph 8, which raised concerns over pedestrian safety on the service road given that there was no footpath.
- Two additional letters of objection have been received from nearby residents raising concern that the proposals would damage the trade of several existing

businesses in the area which offer convenience facilities; the proposed building was out of proportion with adjacent buildings, had no redeeming architectural merit and was out of keeping with existing buildings; the car park access would be blocked off, relying on the adjacent service road; there would be an increase in traffic movements leading to highway safety issues; and the proposal had the potential to cause late night noise particularly if serviced at night.

The issues above were addressed in detail in the committee report. With regard to the concerns about the design of the building, it was proposed that materials would be subject to approval as a condition of approval to ensure that similar materials were used.

The Chair exercised his discretion in allowing the three objectors to address the committee as notice of their intention to speak had not been given.

Councillor Bremner, Ward Councillor for University Ward, reiterated his objections to the development, as set out in the report, and added that this would be a large store (similar in size to that proposed for Unthank Road) which would generate a large amount of traffic and that he was concerned that the service road would become a 'rat-run'.

The neighbour, whose house was adjacent to the site, then outlined his objections to the proposal which included concerns that they sometimes parked on the service road and that this would no longer be possible; concern that the late opening hours of the store would generate noise; concerns about safety as his garden opened directly onto the service road and there was no footpath.

Councillor Ramsay said that he supported the objections of the previous speakers and outlined his concerns which included: concerns about increased vehicular movements generated by the store and the effect that this would have on pedestrian safety; that the store would be serviced by large delivery lorries; and that the store would affect the vitality and viability of other businesses in the shopping parade.

The agent for the application then responded to the issues raised and said that the proposed use for the site was in accordance with national policy guidance for the use of a local centres. The store would be the same size as the recent application approved for the store in Unthank Road. The scale fitted the local policy for this area. The new store would make a significant impact on the viability for the parade. There was an existing car park and the additional spaces would benefit the whole centre not just the new store. The width of the service road would be increased, by widening the road and removing the hedge. The original application had been withdrawn and following extensive discussions with officers at the City and County Councils, the current application had been submitted which addressed the issues. Colman Road was a busy road and the right-turn could be monitored and re-aligned as a condition of the application. There would be service arrangements in place for the store.

Discussion ensued in which the Senior Planner and Solicitor responded to members' questions. Members were advised that the future use of the Romany Public House building was outside this application, as was the details of potential operators of the store. In response to a question, the Senior Planner said that a wildlife survey of the hedgerow had not been carried out but the applicant would be advised of the legislation in relation to protection of certain species via an informative note advising that were such species found work should be halted. Members were advised that a condition of approval could be to require details of the management scheme for the servicing of the store. Such a management scheme could suggest the provision of bollards on the spaces in question to ensure that the parking spaces were empty before receiving a delivery to the store. Delivery would be off-road. In response to a suggestion that one-way use of the service road would improve safety, members were advised that although the applicant had been willing to accept this, the Council's transport planners had advised against this as it may create confusion for users of the car park. Discussion also ensued on the vitality of the centre and it was pointed out that the proposal would encourage more use of the local centre and would not jeopardise other businesses such as the bank, hairdressers and betting shop.

Councillor Read moved and Councillor Little seconded an amendment to refuse the application because of concerns about the practicality of the delivery and servicing arrangements, and the pedestrian safety issues regarding the entrance and egress on to Colman Road from cars and lorries; the impact of the design on the visual amenity of the parade; and concerns about the impact on the vitality and viability of the local centre.

The Senior Planner referred to the report and responded to each of the grounds stated above. He pointed out that concerns relating to servicing arrangements could be subject to a condition for a management scheme. With reference to members concerns over safety the Senior Planner advised that increases in traffic movements from the site would be limited when compared to the existing situation given that the number of parking spaces was only increasing by four, in addition a number of improvements were proposed to the service road. He advised that if members remained concerned about safety then a deferral would allow officers to discuss alternative methods of managing the road such as exploring further a one way option. In relation to design the Senior Planner advised that the site was not in a conservation area and was not considered to be in the principle view of the local centre, but that there was a condition relating to the use of materials. The Senior Planner raised concern over the policy basis for the vitality and viability reason advising that PPS4 would encourage developments such as this, of an appropriate scale within the Local Centre.

Discussion ensued in which the Chair suggested that the committee deferred its decision in order for more details of the transport arrangements to be provided. However, as the amendment had been moved and the mover did not agree to withdraw it the amendment was put to the vote.

RESOLVED, with 5 members voting in favour of refusal (Councillors Little, Banham, Jago, Llewellyn and Read) and 4 members against (Councillors Bradford, Lubbock, George and Wiltshire) to refuse Application No 09/01465/F Romany Beer House 131 Colman Road Norwich NR4 7HA for the reasons stated

above and to ask the Head of Planning to provide reasons for refusal in policy terms.

(Reasons for refusal of Application No 09/01465/F Romany Beer House 131 Colman Road Norwich NR4 7HA

1. It is considered by the Local Planning Authority that adequate provision has not been made for servicing and deliveries to the site. It is considered that the proposed method of servicing would be impractical due to the conflict of service vehicle parking areas with proposed car parking on the site. As such the proposals are considered to be contrary to saved policies TRA8 and SHO12 of the adopted City of Norwich Replacement Local Plan.
2. Colman Road forms part of the major road network and is a busy, congested route through the City. The proposed junction of the widened access road with Colman Road is also located within close proximity to an existing pedestrian crossing. It is considered by the Local Planning Authority that the proposals will result in increased traffic movements at the junction of the access road with Colman Road which would result in a detrimental impact on highway and pedestrian safety. Whilst improvements have been proposed to the junction and access road, it is not considered that these would be sufficient to alleviate the potential highway safety issues and that the widening of the road is likely to further increase its use and therefore the number of traffic movements at what is considered to be a poor access onto the major road network. It is therefore considered that the proposals would fail to provide for safe access and egress to and from the site and would be contrary to policy T8 of the adopted East of England Plan, saved policy T2 of the adopted Norfolk Structure Plan, saved policy SHO12 of the adopted City of Norwich Replacement Local Plan and the objectives of PPG13.
3. It is considered by the Local Planning Authority that the proposed building by virtue of its form and proportions would fail to complement the character and townscape of the area. In particular it is considered that the proposals would have a detrimental impact on views of the local centre from the South along Colman Road. The proposals are therefore considered to be contrary to saved policies HBE12 and SHO12 of the adopted City of Norwich Replacement Local Plan.
4. It is considered by the Local Planning Authority that the scale of the proposed store would fail to be consistent with the Local Centres position in the retail hierarchy and as such the proposals by virtue of their scale would have a negative impact on the vitality and viability of existing retail stores within the Local Centre. The proposals are therefore considered to be contrary to saved policies SHO3 and SHO12 of the adopted City of Norwich Replacement Local Plan.

(Councillors George and Wiltshire left the meeting at this point.)

5. APPLICATION NO 9/01394/F - MONASTERY COURT, ELM HILL NORWICH

(Councillor Lubbock had declared that she had a pre-determined view of this application and did not take part in the decision making.)

The Senior Planner (Development) presented the report with the aid of slides and plans and read out the following letter on behalf of the neighbour of the premises who was unable to attend the meeting:-

'I am concerned regarding the noise level for the complete development of the above site. The garden of No. 18 Elm Hill, from which any noise will be heard was designed by Gertrude Jekyll (Edwardian writer and garden designer) and is open to the public at various times of the year.

The proposed wording "Noise from the substation, hereby permitted, measured as a five minute Leq in octave bands (with a frequency range of 20-20,000HZ) shall not exceed the existing background (L90) noise levels in those octave bands at the window of the nearest habitable room of the nearest residential property" does not cover the garden area - this wording covers the substation only and not the three industrial cooling condensers or any other units that may be added.

The proposed wording (as previously requested to the planners) is "The substation and all other plant together shall not exceed a level of 30 decibels at the nearest boundary and be retained as such in perpetuity."

I hope you look favourably upon my modest request.'

The Senior Planner explained that the use of the measurement of the noise from the sub-station to the nearest window was appropriate for the amenity of the garden and that the proposed condition relating to the decibel level was in some frequencies more onerous than that proposed by the objector.

Councillor Lubbock then spoke on behalf of the objector and said that it was important that the garden could be enjoyed by the owners and members of the public when open without the noise of the sub-station in the background.

(Councillor Lubbock then left the meeting at this point.)

Discussion ensued in which the Senior Planner answered questions and assured members that following construction the sub-station could be monitored by Environmental Health officers should there be neighbour concern that condition 3 (below) was not being complied.

RESOLVED to approve Application No 09/01394/F – Monastery Court, Elm Hill, Norwich, and grant planning permission, subject to the following conditions:-

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted;

2. The development hereby approved shall be carried out in accordance with the plans and details as specified on this decision notice;
3. Noise from the substation, hereby permitted, measured as a five-minute Leq in octave bands (with a frequency range of 20-20,000HZ) shall not exceed the existing background (L90) noise levels in those octave bands at the window of the nearest habitable room of the nearest residential property.
4. No development shall take place within the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

(Reasons for approval: The decision has been made with regard to the provisions of the development plan, so far as material to the application including policies WM6, ENV6 and ENV7 of the adopted East of England Plan (May 2008), saved policies HBE3, HBE8, HBE12 and EP22 of the City of Norwich Replacement Local Plan (November 2004), PPS1, Supplement to PPS1, PPG15, PPG16, PPG24 and other material considerations. It is considered that the proposals are acceptable and subject to the conditions listed the proposals would not have any significant detrimental impact on neighbour amenity, the appearance of the conservation area or the setting of any Listed Building.)

6. APPLICATION NO 09/01297/U THE VALUE CAR CENTRE, BISHOP BRIDGE ROAD NORWICH NR1 4ES

The Senior Planner (Development) presented the report with the aid of slides and plans.

Discussion ensued in which members were reassured that granting permission for this application would not prevent the site being developed for housing in the future.

RESOLVED to approve Application No 09/01297/U The Value Car Centre, Bishop Bridge Road, Norwich, NR1 4ES and grant planning permission, subject to the following conditions:-

1. Development to be carried out in accordance with the submitted plans;
2. Car servicing, mot and repair not to occur outside the hours of 07:00 and 20:00;
3. Provision (laid out and demarcated) and retention of the car transporter area within two months;
4. The access and visibility splays shall be kept clear and maintained free from any obstruction forward of the existing access gate and picket fence.

(Reasons for approval: The decision has been made with particular regard to policies ENV7, T8, E2 and H1 of the adopted East of England Plan, saved policy T2 of the adopted Norfolk Structure Plan, saved policies NE3, NE9, HBE12, EP22, EMP1, HOU12, TRA5, TRA8 and TRA18 of the adopted City of Norwich Replacement Local Plan, PPS1, PPS3, PPS4, PPG13 and other material planning considerations.

Due to major hurdles to the implementation of housing development on the application site which are outside the applicants control it is considered that the granting of an alternative use on the allocated housing site is acceptable in this instance. In terms of transport it has been demonstrated that there is not likely to be any increase in transport movements at the site and slow moving car-caravan combinations have been eliminated, subject to conditions relating to the turning area for car transporters and maintaining the access free of obstruction, the proposals are considered to be acceptable on highways grounds. In terms of neighbour amenity, subject to a condition restricting the hours of servicing and repair the proposals are considered acceptable.)

CHAIR