

Planning Applications Committee: 14th November 2019
Updates to reports

Application: 19/00617/F

Address: 6-7 The Arches, Bracondale

Item no: 4(a)

Pages: 21-38

Additional consultation response from Environmental Protection

The main issue with the acoustic report in practical terms was the acoustic limit at the boundary.

This in acoustic terms is not an issue, however the playing of music in the venue will encourage persons to talk more loudly than the present boundary level, this will change with the installation of the new roller door but it is not possible to quantify the likelihood of the door resolving the issue completely.

I would support the following conditions as appropriate

- Restriction of hours to 12:00-23:00 Friday and Saturday and 12:00-20:00 Sunday.
- Restriction of use of beer garden to 12:00-21:00 Friday and Saturday and 12:00-20:00 Sunday.
- Installation of a replacement roller shutter door to improve its acoustic attenuation, and requirement for it to be shut during the operation of the Tap Room.
- Installation of fences along the eastern boundary to protect residential neighbours from noise.
- Installation of fences around the beer garden and between the beer garden and the eastern boundary to contain noise and to prevent customers spilling into the rest of the site.
- Management plan including staff training and erection of signs.

The following condition is probably unreasonably restrictive;

- Complete restriction of all amplified sound on the site.

It may be acceptable to play amplified music but I would suggest that this is conditioned so that a limiter connected to a microphone is used and that people noise is therefore factored in the actual noise level. It may be that this type of system is not appropriate for the use if a music based venue is wanted. From speaking to the venue they are aware that this type of venue is not appropriate in this position.

Officer response:

Support for most of the recommended conditions is noted. The restriction on all amplified sound is considered to pass the 6 tests for planning conditions (necessary; relevant to planning; relevant to the development to be permitted; enforceable; precise; and reasonable in all other respects), especially since any amplified sound

would encourage louder noise from people. Given the noise nuisance that has been well reported by neighbours during the taproom's operation, it is considered necessary to apply a strict and easily enforceable condition regarding amplified sound.

Correction

Following the ward boundary changes earlier this year, the site is no longer in the Thorpe Hamlet ward as stated within the table at the top of the first page of the report. The site is now within the Lakenham ward.

Amendment to conditions 2, 3, 4 & 5

It is proposed that the wording of conditions 2, 3, 4 & 5 is amended to read:

"Within 2 months of the date of this permission...shall be submitted to ~~and approved~~ for approval by the council as Local Planning Authority"

This makes it clear that the details must be submitted to the council within 2 months, rather than the details must be approved by the council within 2 months.

Speech from Cllr Patrick Manning

I am one of the three ward councillors for Lakenham. Since ward boundaries were revised earlier this year, Trowse Milgate and nearby properties have become part of Lakenham ward; formerly, as members will know, they were in Thorpe Hamlet.

I am unfortunately unable to attend today's meeting but have asked that this statement be read out on my behalf. I make this statement having visited the brewery, several of our residents' neighbouring homes and the site generally. I have made those visits over numerous date in recent months, including during the taproom's hours of operation.

Whilst Redwell's application has been revised since its first submission I share the view of neighbouring residents that the application ought still to be refused. I do so because the application still seeks permission to conduct a level of taproom trade which is substantially in excess of a truly ancillary use of the premises and which is simply not suitable for the brewery's location. As anyone visiting the site will quickly appreciate, the brewery is bordered on all sides bar one by residential properties. Not only are they in extremely close proximity to the brewery – in some cases a matter of feet – but all are well within earshot of any levels of noise being produced on-site. Its only commercial neighbours are separated by the Norwich-to-London railway line.

I have seen a number of audio-visual recordings made by residents which demonstrate the levels of disturbance they have suffered. The brewery's reported agreement not to play amplified sound from now on should mean that residents may escape some of the worst examples of disturbance they have experienced to date, but that agreement still overlooks the fact that even without amplified music or voices the general level of noise disturbance produced by large numbers of drinkers, especially at night, can still be grossly intrusive. For many, the experience is quite literally like sharing floorspace with the taproom itself, if not having it in their own back gardens .

As the residents appreciate much of the disturbance is not directly the fault of the brewery itself but the inevitable consequence of having large numbers of drinkers in a confined residential area. So, as Redwell has not been able to control and probably still could not exert sufficient control over its clientele, the determining factor for this application should in my view be recognition that the level of trade now reached puts excessive strain on the previously peaceful amenity enjoyed by its neighbouring residents. It should not be the task of this council to negotiate a level of trade with the brewery if on balance that trade will still harm that peaceful amenity. The residential properties all pre-date and were lived in long before Redwell's arrival.

Our residents have endured long months of disturbance already. If this application succeeds, that disturbance risks being replaced by stresses of a different sort because if they are to protect their own interests, they will be required to monitor the site with a view to "policing" any conditions set by today's committee.

I say all of this whilst giving Redwell credit for making the taproom a success. It has become a go-to venue but is simply in the wrong place and its future ought not be guaranteed at the expense of its neighbours. I also bear in mind that the brewery has already kitted out and advertised its new 'dining room' complete with re-sited pizza oven chimney. Doing so before this application has been determined rather takes the planning process for granted, and residents should not have to live in hope that that the planning process's rules won't be similarly tested in future.

I therefore believe that this application should be rejected.

If members are minded to approve it despite the evidence heard today, then I ask that strong consideration be given to a shortening of the trading hours mentioned in the application, a reduction of time periods allowed for compliance with the conditions proposed for the roller shutter and sound-reducing fences, and the strict imposition of sanctions for any failure of compliance.

Additional representations

Officers have received additional correspondence from 3 neighbours and a councillor (all of whom had originally objected to the application). The comments and responses (which have also been sent directly to these individuals) are summarised below.

Comments	Response
The Old Coach House and the Trowse House Bungalow are not labelled on the site plan. The plan identifies a scrap yard which hasn't been there for 23 years.	There is no requirement to label every piece of land or dwelling. It is understood that the lawful use of the land labelled as 'scrap yard' is still as a scrap yard.
Paragraph 39 states that dwellings are separated from the site by only 2-3m. The wall of Trowse House Cottages immediately abuts the boundary of the site.	Noted. Both Trowse House Cottages and The Old Coach House have walls immediately abutting the application site.

<p>The upgrading of the shutter is part of the proposal, and this will remain shut throughout the open times of the Taproom. However, surely some details and specifications should be part of the conditions. Will the new shutter be an effective sound block?</p>	<p>Condition 2 relates to the roller shutter. This condition states “The details shall accord with the recommendations contained within the approved Noise Impact Assessment ref 12178/1.”.</p>
<p>What does ‘Background noise levels’ mean?</p>	<p>Section 4.2 of the applicant’s noise report relates to background noise levels.</p>
<p>Can a Provisional Condition be included to improve the sound attenuation of the fabric of the building skins, should the sound attenuating measures of the proposal prove to be ineffective? At the moment the walls are single skin blockwork, and I assume the roof insulation is just thermal.</p>	<p>The acoustic report (and our own Environmental Protection officer) consider the roller shutter door to be the weakest part of the building fabric for acoustic attenuation. The recommended conditions are based on professional judgements and there shouldn’t be a need to build in a backstop condition requiring sound proofing of the whole building, especially if there is a restriction on amplified noise.</p>
<p>The occupants of Trowse House Cottages have a right of way from our back gate to the other side of the ‘open’ arch. At present there is an 8’ fence and gate, and when the 8’ gate is locked our way is denied. Can there be a condition requiring the brewery to give the residents of Trowse House Cottages a key which will allow our passage?</p>	<p>Rights of way are civil matters to be dealt with between landowners, but it is understood that the brewery does indeed intend to provide a gate here.</p>
<p>The coloured site plan shows cycle racks and bin stores under the ‘open’ arch. This arch acts as a soundbox and the noise of drunken cyclists unlocking their bikes and chatting, laughing and shouting has been a great disturbance to us in Trowse House Cottages at the end of an evening session.</p>	<p>The bicycle storage arrangements are to be agreed via Condition 5.</p>
<p>I am concerned that some un-amplified music can be very loud.</p>	<p>Noted. Acoustic music would be allowable if this application were to be approved with the recommended conditions.</p>
<p>Is the 2 month timeframe for conditions 2, 3, 4 and 5 a little generous?</p>	<p>The 2 month timeframe is considered reasonable, especially since specialist information will need to be gathered and submitted for some of these conditions. A shorter time frame would not be considered to pass the “reasonableness” test for planning conditions.</p>

<p>What's the sanction for Redwell failing to get a new shutter and/or fence approved in the time allowed? If, say, they put forward models we don't find suitable, can we close them down re. A3/A4 uses on the 2 month deadline?</p>	<p>Conditions 2, 3, 4 & 5 require the applicant to submit details within 2 months. If further information is required or negotiations need to take place, we would work with the applicant to make this happen and we would seek to determine any such application as quickly as possible. We would not take enforcement action during the consideration of such details. If negotiations are lengthy or unproductive, the council would have the ability to refuse such an application.</p>
<p>Does proposed condition #8 mean no music can be played in any circumstances? What about staff having a radio on on days the brewery is closed to the public i.e. does it apply around the clock, not just in the times customers will be there? It's not said to be restricted to times of A3/A4 use.</p>	<p>Condition 8 restricts the use of loudspeaker, amplifier, relay or other audio equipment at any time.</p>
<p>What will be the planning policy for bank holidays? Will the Taproom Pub be able to open on 4-consecutive days?</p>	<p>The taproom will not be able to open on bank holidays.</p>
<p>Does a closing time of 23:00 mean all customers must leave by that time? Currently, the licensing agreement means customers leave after 23:00, but alcohol sales stop at 23:00.</p>	<p>The condition stipulates that the premises shall not be open to the public past 11pm on Fridays or Saturday, so we would expect customers to have left by this time.</p>
<p>What happens if the conditions do not prove effective in controlling the disruption? I know that you have said that you can enforce the conditions with a Breach notice but what if Redwell have complied (eg fitted a new roller shutter) and they don't work? eg the shutter is not effective - or they produce a Management plan and notices but customers ignore them? Can you explain exactly what we would have to do in the case of say, noise of people coming and going between the main brewery building and the beer garden? And intermittent leakage of noise from the building such as shouts or loud cheers?</p>	<p>We consider that the recommended conditions would successfully protect neighbours from excessive noise and disturbance. If the conditions are complied with, and there are no other breaches of planning control, there would be no reason to undertake enforcement action.</p>

If the Change of Use is approved, can it be reversed, say for example if they decide it is not worth continuing?	If the application is approved and lawfully implemented, the lawful use of the site would become mixed B2, A3 and A4. Any other use or mix of uses would require another application for change of use.
Can you clarify TENs and events - are these allowed at any time?	The operator of the site would need to comply with all of the planning conditions at all times.

Application: 19/00971/F
Address: Land north of Windmill Road
Item no: 4(b)
Pages: 39-62

The agent has requested that the development is phased.

An additional condition to those listed in the report is therefore recommended requiring agreement of a phasing plan.

Application: 19/01009/F
Address: East Anglian Air Ambulance Hangar, 14 Gambling Close
Item no: 4(c)
Pages: 63-86

Subsequent to the publication of the report, the applicants have requested that the condition requiring the noise mitigation strategy to be implemented applies to the hours of 23:00 to 06:00, rather than to 07:00.

This is on the basis that the airport can operate flights via the terminal between 06:00 and 23:00 and that the EAAA need to be able to get from their base to patients in the quickest times possible.

Environmental Protection have considered this and commented:
The statistical probability of there being a flight at this particular time is low. Having worked the math (assuming 400 flights pa. over the 8 hour night time period) this is approximately 50 occasions per annum in this one hour period, so once per week. Obviously this hour may also have greater demand increasing this figure. This can however also be further mitigated with the fact that certain directions of travel of the aircraft will affect a particular route so no single property will be affected on every occasion at this time.

In addition other air operations (airport currently operates from 06:00) and the rise in background noise levels at this time of day will lower the impact on residents. (lower difference from background noise level)

This use is required as other users of the main runway may be impacted, slowing the release of the AA while the runway is cleared or confirmed held in a safe place, this may cause slight but significant delays bearing in mind the potential importance of the flight.

I would also suggest that the hour 06:00-07:00 is the least likely for persons to have sleep disturbed within the night time period (23:00-07:00) especially towards the end of that hour.

I would therefore support this application for the use of the existing flight arrangements from 06:00 – 23:00.

The impact on local residents will need to be balanced with the need for speed of reaction for these urgent flights.

Therefore the use of this permission at this time shall be conditioned to allow use for emergency flights only.

The condition recommended in the report is therefore proposed to be amended to:

No use of the building between 23:00 and 06:00 other than in accordance with the Noise Mitigation Strategy and details of flights from EAAA database to be provided to LPA on request for monitoring and enforcement purposes.

An additional representation has also been received:

Living near to the N&NUH there has been a notable increase in helicopter activity over the last couples of years, often at low altitude (<200 m) and with multiple buzzing loops (up to 6 times) before landing. I'm largely fine with this during daytime and evening, though the irregular nature and unsighted sound source makes me anxious. Adding several hundred more overnight flights per year (averaging one per night) with activity between 23:30 and 07:00 (a time when sirens are already restricted by law) will disrupt my light sleep and likely that of the residents of 1,500 new homes being built in the vicinity, as well as hospital patients. I would like to see sufficient evidence presented for medical benefit compared to existing overnight rapid-response emergency vehicles before 24-hour operation is considered.

Officer response:

The EAAA serves Norfolk, Suffolk, Cambridgeshire and Bedfordshire. Therefore not all flights taking off from the Norwich base would travel to the NNUH. In any case, the planning application to be determined proposes development of the hangar to facilitate night flights. The operation of night flights does not in itself require planning permission and planning cannot control the destination of those flights.

Application: 18/01552/F

Address: Car Park Rear of Premier Travel Inn, Duke Street

Item no: 4(e)

Pages: 99 - 162

1. The Purpose Built Student Accommodation in Norwich: Evidence and best practice advice note was endorsed at Cabinet on 13 November 2019.
2. A further letter of representation has been received, raising an objection. Issues have been raised that have already been raised in other representations. However one new issue has been raised;
 - Students aren't paying council tax and cannot contribute to the city

Officer response to the new issues;

- It is noted that there are council tax exemptions for some students but this is not considered to be directly relevant to the assessment of the application. Furthermore students are considered to contribute to the city in other ways, including economically.
3. An additional representation from residents has been submitted and copied to Councillors presenting a summary of issues raised by residents. These are all addressed within the body of the report,
 4. Typo noted in para 223. The site falls within Flood Zone 2.
 5. An additional condition is recommended;
 - Details of the artwork on the eastern gable end to be submitted and agreed.

Application: 19/01012/F

Address: 40 Fishergate, Norwich, NR3 1SE

Item no: 4(d)

Pages: 87 - 98

The published version of this report featured a mistake at paragraph 11. Where the report reads 'After meeting DATE with the surgery', the mistake should be amended to read 'After meeting with the surgery on the 22 May 2019,'.

The recommendations outlined at the end of the previously published version of this report state '4) installed within certain timeframe (six weeks)'. This should read 'ten weeks', in line with the final point of the report.

Application: 19/01374/F

Address: 185 Drayton Road, Norwich, NR1 3DT

Item no: 4(f)

Pages: 163 - 174

Additional representations

Officers have received an additional letter of representation from a neighbour expressing support for the proposed change of use. Their comments are as follows;

As there are already two takeaways in operation and will be three again soon I think that any noise or fumes from a new establishment will be negligible. Parking has been an issue in this area for the past twenty years I've lived here and a new cafe is not going to make a huge amount of difference as I would expect it to have more of an appeal to foot traffic. I would much prefer to see any business in this space, keeping the community alive, bringing in business than an empty shell of a shop.