

**Report to** Planning Applications Committee  
**Date** 9 January 2014  
**Report of** Head of Planning Services  
**Subject** 13/01218/F 13 - 14 Gentlemans Walk Norwich NR2 1NA

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**Item**  
**4(2)**

## SUMMARY

<b>Description:</b>	Alterations to entrance and elevation to Old Post Office Yard. Change of use of first, second and third floors from offices (Class B1) to restaurant and karaoke bar (Class Sui Generis); including installation of lift.
<b>Reason for consideration at Committee:</b>	Objection
<b>Recommendation:</b>	Approve
<b>Ward:</b>	Mancroft
<b>Contact Officer:</b>	Mrs Caroline Dodden                      Planner 01603 212503
<b>Valid Date:</b>	8th November 2013
<b>Applicant:</b>	Jeeves Investment Ltd Partnership
<b>Agent:</b>	Mr James Lake

## INTRODUCTION

### The Site

#### Location and Context

1. No's 13 – 14 Gentleman's Walk is a four storey property over a basement, where the ground floor and basement are occupied by two retail units. The upper floors are currently vacant.
2. The property fronts on to Gentleman's Walk overlooking Norwich Market to the west. Old Post Office Court runs directly to the south of the property where the neighbouring listed building occupied by Lloyds Bank (to the south) has a small physical link to the premises at the first and upper floors.
3. The property falls within the civic character area of the City Centre Conservation Area, which contains many of the city's public buildings and includes the Market Place, which is identified as a large area of urban space. There are a number of listed (Lloyds Bank and the Walnut Tree Shades Public House) and locally listed buildings (No's 10 and 12 Gentleman's Walk) in close proximity to the property.
4. The property also falls within the City Centre Retail Area and the City Centre Leisure Area, where the elevations facing Gentleman's Walk and Old Post Office Court are identified as defined retail frontage.

## Constraints

5. Access to the premises for servicing is from Old Post Office Court, which is a narrow pedestrian thoroughfare. No vehicles are permitted adjacent to the premises at any time. Vehicles must wait at the Castle Street end of Old Post Office Court or on Gentleman's Walk outside the pedestrianised hours of operation.

## Planning History

The Council's planning records show that the upper floors of the property were granted planning permission to be used by the neighbouring bank with the aid of a link extension in the 1970's, as a restaurant and a restaurant and health club in the 1980's and as offices in the 1990's. It is understood that the upper floors of the premises have been vacant for approximately 15 years.

## Equality and Diversity Issues

There are equality or diversity issues that relate to accessibility. A new lift is proposed to improve accessibility for people with mobility problems to the first, second and third floors of the property. Disabled WC's are proposed on the first and third floors of the building.

## The Proposal

The application seeks a change of use of the first, second and third floors of the property from offices (Class B1) to a restaurant on the first and second floors and a karaoke bar on the third floor (Class Sui Generis). This includes physical alterations to the ground floor and alterations and extensions to the first, second and third floors on the southern elevation facing Old Post Office Court, to create a new entrance, a roof terrace and the installation of a new lift.

## Representations Received

6. Advertised on site and adjacent and neighbouring properties have been notified in writing. Four letters from three commentators have been received. Two making representations and two letters from one commentator supporting the principle but having certain concerns as summarised in the table below.

7.

Issues Raised	Response
Concern that it will restrict access during construction, particularly if Old Post Office Court is blocked off at the Gentleman's Walk end.	Paragraph 34
Request restriction on hours of construction to prevent noise disturbance at unsocial hours.	Paragraph 34
Concern about refuse provision and collection, bearing in mind the proposed capacity of the building and the fact that bins would be left out in Old Post Office Court.	Paragraphs 25 - 27

Consider 4am closing would result in problems for local residents and the need for extra police resources. A licence until midnight is more than adequate in this area.	Paragraphs 35 - 39
It would be good to see the premises used again after being empty for so long.	Paragraph 16
Concern about access to the fire escape. Note that the wide staircases at Norwich Gaming Centre are not part of the proposal in this regard.	Paragraphs 31 and 32

## Consultation Responses

8. **Environmental Health (Pollution Control):** Some concerns regarding the potential impact on the surrounding properties. These concerns fall into 4 main categories, noise from music, noise from plant/machinery, general disturbance caused by the potential volume of customers and the proposed hours of use and odour from restaurant cooking facilities.
9. If permission is granted, this should be conditional on submission of a detailed scheme of attenuation and maximum noise levels, details of any plant/machinery/fume/extract systems to be provided and on operating hours more appropriate for the area within which it is located.
10. **Local Highways Authority:** No objections on transportation grounds subject to a condition that no storage receptacles to be stored on Old Post Office Court or Gentleman's Walk temporarily or permanently. Also informatives should be added regarding vehicles access and waiting, refuse bins, parking permits and a travel information plan.
11. **Norwich Society:** Support the Conservation Officer's comments that the front façade windows on the second and third floors should be replaced to match the first floor. Concerned that problems associated with the night time economy (open until 4.00 am) are spreading into this area of the city if this application were to be approved. No objection to the application solely for a restaurant but have reservations for part use as a karaoke bar as this extends the opening hours beyond that usually expected for a restaurant.
12. **Norfolk Fire and Rescue Service:** No objections provided the proposal meets the necessary requirements of the current Building Regulations 2000 – Approved Document B (volume 1 – 2006 edition, amended 2007).
13. **Norfolk Police:** Object to the planning application as the proposed development is outside the Late Night Activity Zone and the proposed hours of opening are beyond 12:00am 7 days a week.

# **ASSESSMENT OF PLANNING CONSIDERATIONS**

## **Relevant Planning Policies**

### **National Planning Policy Framework:**

Statement 1 – Building a strong, competitive economy  
Statement 2 – Ensuring the vitality of town centres  
Statement 4 – Promoting sustainable transport  
Statement 7 – Requiring good design  
Statement 12 - Conserving and enhancing the historic environment

### **Relevant policies of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2011**

Policy 2 – Promoting good design  
Policy 5 – The economy  
Policy 11 – Norwich City Centre

### **Relevant saved policies of the adopted City of Norwich Replacement Local Plan 2004**

HBE3 – Archaeology assessment in Area of Main Archaeological Interest  
HBE8 - Development in Conservation Areas  
HBE9 – Development affecting Listed Buildings  
HBE12 - High quality of design in new developments  
EP10 – Noise protection between different uses  
EP22 - High standard of amenity for residential occupiers  
SHO10 - Changes of use in retail frontages in the Primary Retail Area  
TRA6 - Parking standards - maxima  
TRA7 - Cycle parking standards  
TRA8 - Servicing provision

### **Supplementary Planning Documents and Guidance**

City Centre Conservation Area Appraisal (September 2007)

### **Development Management Policies Development Plan Document – Presubmission policies (April 2013)**

DM1 Achieving and delivering sustainable development  
DM2\* Ensuring satisfactory living and working conditions  
DM3\* Delivering high quality design  
DM9 Safeguarding Norwich's heritage  
DM18 Promoting and supporting centres  
DM20\* Protecting and supporting city centre shopping  
DM28 Encouraging sustainable travel  
DM31\* Car parking and servicing

### **Emerging DM Policies (submitted for examination):**

The Joint Core Strategy and Replacement Local Plan (RLP) have been adopted since the introduction of the Planning and Compulsory Purchase Act in 2004. With regard to paragraphs 211 and 215-216 of the National Planning Policy Framework (NPPF), both sets of policies have been subjected to a test of compliance with the NPPF. Both the 2011 JCS policies and the 2004 RLP policies above are considered to be

compliant with the NPPF. The Council has now submitted the emerging Local Plan policies for examination and considers most of these to be wholly consistent with the NPPF. Weight must be given to the emerging Local Plan and relevant policies are listed below for context although none change the thrust of the current Local Plan policies discussed in the main body of this report:

\* These policies are currently subject to objections or issues being raised at pre-submission stage. Even where DM policies have been objected to, the objection may concern only one aspect of the policy and significant weight may be applied to that policy depending on what extent the objection relates to this proposal. For clarity, the level of weight that can be attributed to each DM policy has been indicated above.

## **Principle of Development**

### **Policy Considerations**

14. Policy SHO10 of the City of Norwich Local Plan seeks to permit non-retail uses within classes A2 (professional services) and A3 (restaurants and cafes) where there would be no harmful impact on the vitality and viability of the area and where the proportion of Class A1 retail uses (within the measured defined retail frontage) at ground floor level would not fall below 85%. Class A3 uses are permitted in excess of this proportion where they would have a beneficial effect on vitality, viability and appearance of the area.
15. In addition, this policy permits the beneficial use of upper floors of premises, where it is compatible with surrounding uses. Emerging development management policy DM20 follows a similar line and concludes that where necessary, permission will be granted subject to conditions restricting opening hours and/or removing permitted development rights to change to alternative uses in order to protect the amenity of surrounding occupants and the vitality and viability of the area generally.

## **Principle of change of use**

16. The principle of the proposed change of use from offices to a restaurant on the first and second floors and karaoke bar on the third floor accords with Local Plan Policy SHO10 and emerging policy DM20. The current proportion of non-retail frontage within the street is 15%, however, the proposal would not involve the loss of any existing retail use at ground floor level, but instead, would introduce new activity on the upper floors of the building.

## **External alterations and extensions**

17. It is proposed to alter and extend the southern elevation of the building, which looks onto Old Post Office Court and the side of Lloyds Bank. The western elevation fronting Gentleman's Walk would not be altered externally.
18. A new lift and lift shaft are proposed, which would extend from the basement to the third floor. The existing first floor would be extended forward to the line of the ground floor to create an extended stair and lift lobby, on top of which a small external terrace area, approximately 18.5 sq.m., is proposed. This would be accessed from the second floor, which would also be extended to accommodate the new lift and a larger lobby.
19. A new internal waste store would be created on the ground floor, adjacent to the lift. Four existing windows would be blocked up and a new opening provided with

double doors.

20. The proposed entrance would be remodelled to span the ground and first floor levels incorporating elements of glazing and metal panel features. The new external surfaces would be rendered to match the finish of this section of the existing southern elevation of the building.
21. Based on internal and external comments, it has been requested that the second and third floor windows of the Gentleman's Walk frontage be replaced to match the windows below. The Agent has responded that the application proposes the enhancement to the Old Post Office Court elevation, by removing the very visible existing air-conditioning units from the wall and creating an interesting new entrance.
22. Whilst it is agreed that the replacement of the second and third floor windows to the Gentleman's Walk elevation would be an enhancement, this does not form part of the current proposal.

### **Impact on setting of listed buildings and city centre conservation area**

23. The proposed external alterations are limited to the southern side of the building and not the principal western elevation. Although the southern elevation is directly opposite the side of a listed building it is considered that there would not be a significant impact on the setting of the listed building, other listed and locally listed buildings or the wider heritage asset of the city centre conservation area, because the proposal does not encroach beyond its current built form and due to the narrowness of the pedestrian alley, there are very limited public views of this side of the building.
24. It is considered that the alterations would enhance the appearance of the southern elevation of the building. If the proposal was approved, the submission of details of the new windows and doors would form a planning condition.

## **Transport and Access**

### **Servicing and refuse storage**

25. Two 1100 litre bins would be located in the new waste store, which would be accessed directly from Old Post Office Court. Refuse would be collected by commercial collection and as such, the Council, acting as the Highways Authority, does not specify the capacity of commercial storage. It is a matter for the operator and the refuse company to resolve.
26. Access via Old Post Office Court to a refuse vehicle either on Gentleman's Walk or Old Post Office Court is considered acceptable outside pedestrianised hours.
27. Due to the narrowness of Old Post Office Court and its use as a public thoroughfare it is considered that if the proposal is approved, a condition should be attached to ensure that no refuse or storage containers should be left on Old Post Office Court or Gentleman's Walk on either a permanent or temporary basis.

### **Car and Cycle Parking**

28. From a transportation perspective, the proposed use is suitable for a city centre location, as customers could make use of all the existing bus, train and cycling facilities, where linked trips could also be achieved. All city centre car parks and

park and ride services would also be available.

29. Under policy TRA7 the proposal would normally require the provision of cycle parking for customers and staff on the site or in the immediate vicinity. However, this is not possible due to the constrained location of the building. On balance, it is considered that there would be adequate existing cycle parking in the vicinity of the building and in particular on Gentleman's Walk, that would be available during the evening and night-time, when the business is likely to be at its busiest.
30. If the proposal is approved, a condition would be attached to require the submission of a Travel Information Plan.

### **Access (including fire safety)**

31. The proposed use as a restaurant and karaoke bar is suitable for a city centre location and the premises has good pedestrian access arrangements, although the access point from Gentleman's Walk to the property is quite narrow.
32. The Agent has stated that Norfolk Fire and Rescue service has confirmed it's acceptance of the design provided it meets the requirements of 'BS 9999: Code of practice for fire safety in the design, management and use of buildings', which is an alternative approach to Approved Document B of the Building Regulations.
33. A Means of Escape Strategy has been prepared so that the design meets the minimum requirements of the BS 9999:2008 Code of practice (as above), which is an alternative to Approved Document B of the Building Regulations. Therefore, it is understood that the design is acceptable to Norfolk Fire and Rescue Service.
34. If the application is approved it is proposed to attach a condition requiring the submission of a construction and management plan to include details of waste storage and removal, hours of construction and public access arrangements.

## **Impact on living conditions**

### **Noise and disturbance**

35. The property is situated in a mainly daytime retail part of the city centre, where there are a small number of residential and licensed premises in the vicinity. It is located well away from the city centre's Late Night Activity Zone where it would be more acceptable for premises to operate until 02:00 or 04:00, as proposed.
36. As a result of the concerns put forward, the Applicant has stated that they would be prepared to correspond with the licensed opening hours of the nearby Walnut Tree Shades Public House, which are from 10:00am to 02:30am every day. Therefore, the Applicant proposes opening hours of 12:00 midday to 02:00am Monday to Thursday and 12:00 midday to 02:30am Friday to Sunday.
37. It is considered to be inappropriate to compare such premises with regard to opening times, particularly when the size, nature and capacity of the proposed restaurant and karaoke bar is likely to be very different to any nearby Public Houses, many of which have long historic uses as public houses.
38. Norfolk Police requests that no premises outside the Late Night Activity Zone should be permitted to be open beyond midnight, unless it can be clearly demonstrated that there would be no detrimental impact on the living conditions of nearby residents or that there is no potential threat of crime and disorder to the

public.

39. It is considered that the information submitted to support the planning application does not adequately demonstrate or justify the operation of the premises, (which does not fall within the Late Night Activity Zone), beyond midnight. Consequently, if approved it is proposed to attach a condition requiring the property to be closed between 00:01 hours and 07:00 hours on any day.
40. The acoustic report submitted with the application adequately demonstrates that appropriate noise control can be achieved. However, the report refers to the third floor only and consequently, any approval may need to be conditional of the playing of amplified music to be restricted to the third floor until further assessment is undertaken and that a detailed scheme of attenuation including maximum noise levels is submitted and approved.

### **Plant**

41. The acoustic report has assessed the likely impact of the existing plant being moved to the roof and gives some guidance as to the maximum acceptable noise generated by any additional equipment. If permission is granted then this would be conditional on the details of any plant/machinery/fume/extract systems being submitted and approved.

## **Local Finance Considerations**

### **Community Infrastructure Levy (CIL)**

42. The proposal seeks a change of use of approximately 826 sq.m. of existing floor space with the addition of approximately 49 sq.m. new floor space for the restaurant and karaoke bar. The proposal is technically liable for CIL. It is noted that whilst the upper floors of the building have been vacant for many years, the two ground floor retail units, which form part of the property for CIL purposes, have been in use over the last 12 months.
43. In addition, the new floor area does not amount to 100sq.m. or more and so it is confirmed that the proposal, as submitted, would not incur a fee under CIL.

<b>Financial liability</b>	<b>Liable</b>	<b>Amount</b>
Community Infrastructure Levy	Yes	£0
Business Rates	Yes	To be determined

## **Conclusions**

44. Overall, it is considered that the proposed use as a restaurant and karaoke bar would bring beneficial activity back to the upper floors of 13-14 Gentleman's Walk, which would enhance the vitality and vibrancy of this part of the city centre, particularly in the evenings when the area is generally much quieter. By the use of appropriate conditions it is possible to mitigate the concerns regarding potential noise and disturbance in the vicinity.
45. The proposed extensions and alterations are considered to be acceptable and should enhance the physical appearance of the southern elevation of the building without being detrimental to the setting of the nearby listed and locally listed building or the character and appearance of the wider city centre conservation area.



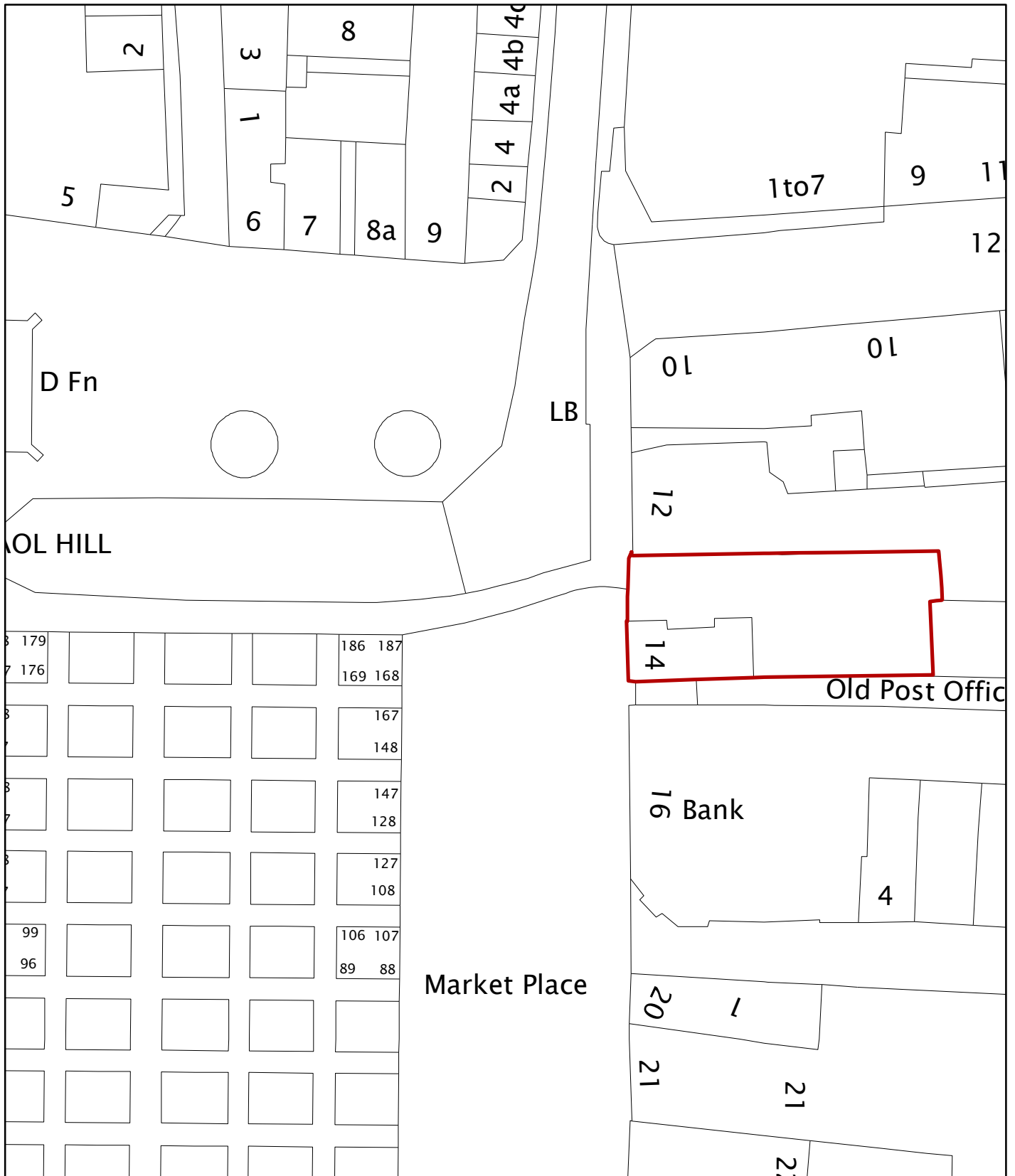
## **RECOMMENDATIONS**

To approve Application No 13/01218/F at 13-14 Gentleman's Walk and grant planning permission, subject to the following conditions:-

1. Standard time limit condition
2. In accordance with the details and drawings submitted with the application
3. Submission of details of all new doors and windows (external and internal)
4. Details of external materials to be submitted
5. Restriction on use of amplified sound equipment
6. Details of any plant/ machinery /fume/ extract systems to be submitted
7. Details of position of air-conditioning or refrigeration plant and maintenance schedule
8. Premises not open to the public between the hours of 00:01 hours and 07:00 hours
9. The storage receptacles associated with the operation approved shall only be left on Old Post Office Court or Gentleman's Walk for collection purposes outside pedestrianised and at no other time
10. Submission of a construction and management plan to include the following:
  - (a) details of how waste will be stored and removed from the site;
  - (b) details of how deliveries will be made to the site;
  - (c) storage of materials;
  - (d) provision of pedestrian routes past the site (if appropriate);
  - (e) hours of construction.

### **Informatives:**

1. No vehicles are permitted adjacent to the premises at any time as Old Post Office Court is a narrow pedestrian thoroughfare. Vehicles must wait at the Castle Street end of Old Post Office Court or on Gentleman's Walk outside pedestrianised hours of operation.
2. Refuse and recycling bins to be purchased by the Applicant prior to occupation.
3. The new floorspace created as part of the proposal although technically liable for Community Infrastructure Levy (CIL) is below the threshold of 100sq.m. for minor developments and will not therefore incur a fee unless before the time planning permission first permits the chargeable development the government amends the threshold.



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Planning Application No 13/01218/F  
 Site Address 13-14 Gentlemans Walk

Scale 1:500



**NORWICH**  
 City Council

PLANNING SERVICES

