

Report for Resolution

Report to Planning Applications Committee
Date 9 February 2012
Report of Head of Planning Services
Subject 11/02225/U Part First Floor and Second Floor 13 - 25
London Street Norwich NR2 1JE

Item
5(1)

SUMMARY

Description:	Change of use from retail (Class A1) to health and fitness (Class D2).
Reason for consideration at Committee:	Objection
Recommendation:	Approve subject to conditions and the signing of a S106 agreement.
Ward:	Mancroft
Contact Officer:	Miss Sarah Platt Planning Officer - Development Management 01603 212500
Valid Date:	23rd December 2011
Applicant:	
Agent:	Mr Matthew Brewer

INTRODUCTION

The Site

Location and Context

1. The site is located on London Street between Little London Street and Swan Lane. The site is currently occupied by a number of retail units at basement, ground and first floor level which front onto London Street (currently occupied by, amongst others, Pilch Jarrolds Sports, Laura Ashley, and Mountain Warehouse). The application unit was previously occupied by Habitat. The retail frontages along London Street are set back behind a colonnade, which is adopted highway, although the land both above and basement below are not in public ownership. A service yard is located at the corner of Bedford Street and Little London Street. The second floor consisted of retail storage above which is a flat roof which is concealed by a fake mansard roof acting as a parapet. The building occupies the full eastern frontage of Little London Street which is currently extremely inactive.
2. The site is located within the primary retail area in the heart of the city and within the City Centre Conservation Area.

Planning History

3. The building currently occupying the site was constructed in the 1980's as a replacement for a department store building which was destroyed by fire.

4. Planning permission was granted under application number **08/00523/F** for the re-division of the existing retail space in the basement, ground and first floors with a change of use of the second floor to residential (10no flats) and construction of an additional space at third floor to provide an additional 10flats. The existing elevations were to be replaced and renewed. This permission is unimplemented to date but remains extant until 30 March 2012.
5. Application **11/01548/U** sought a change of use from retail (Class A1) to a health and fitness club (Class D2) but was refused due to the absence of a signed S106 for a transport contribution for the provision of 17 cycle stands.

Equality and Diversity Issues

There are no significant equality or diversity issues.

The Proposal

6. The application seeks the change of use of part of the first floor and all of the second floor of 13-25 London Street from a retail unit (Use Class A1) to a Health and Fitness Gym (Use Class D2)

Representations Received

7. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 1 letter of representation has been received citing the issues as summarised in the table below.

8.

Issues Raised	Response
The city of Norwich is already vastly oversubscribed in terms of gym provision.	See paragraph 22.
The applicant works on a budget basis and therefore it is highly unlikely that any new jobs would be created.	See paragraph 19.
Given the 24 hour operation, the security of members is questionable.	See paragraph 23.
Given the budget membership fee of the applicant's business model, it is highly likely that the numbers of users would need to be so high that there will be significant increased volume to traffic.	See paragraph 26.

Consultation Responses

9. Conservation & Design – No comments.
10. Environmental Health – Comments as per previously refused application (11/01548/U): The following condition is required: *Before the use commences, the building shall be insulated and all plant or machinery installed in accordance with a scheme approved in writing by the Council for the reduction, where necessary, of the level of noise and vibration emanating from the premises. Once fitted all attenuation shall thereafter be retained in full accordance with the approved details.* This information required will not be difficult to get i.e. (type of machine) will be

installed on (type of mat fitted over type of flooring) and fixed (method of fixing).

11. Transportation – (On the original application (11/01548/U)): No objections. There will be low staff numbers and many customers will already have travelled to the city centre before using this facility. As over 1000sqm a brief transport statement would be helpful but not essential. A Travel Information Plan is required but it is important to consider how the former retail use compares to the proposed use; we consider it to have less transport impact. Therefore no transport contribution is required. However, Appendix 4 of the local plan states that 1 staff cycle space per 100sqm is required (16 spaces, 8 stands) and 1 customer space per 50sqm (32 spaces, 16 stands). There are stands in the vicinity but space is limited so we can be flexible on this number. Extra stands could be accommodated within Castle Street and Little London Street.
12. Transportation - (After a Transport Statement was submitted on the original application): We suggest that the number of cycle stands provided is reduced to 17 (10 for both staff and customers and 7 to replace the existing stands in Little London Street which will need to be removed to make way for additional provision and are not suitable for re-use). We therefore require a sum of £7214 in a S106 agreement (£6559 costs + 10% highways fee).
13. Transportation – (On the current application): No objections. The provision for 17 cycle stands to replace those on Little London Street is welcome. These will be installed by Norwich City Council on behalf of the applicant. Implementation is subject to agreement by Jarrolds department store and underground utilities survey.

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

Relevant National Planning Policies

PPS1 - Delivering Sustainable Development
PPS1 Supplement – Planning for Climate Change
PPS4 – Planning for Sustainable Economic Growth
PPG13 – Parking (January 2011)
PPG17 – Planning for Open Space, Sport and Recreation
PPG24 – Planning and Noise

Relevant policies of the adopted East of England Plan Regional Spatial Strategy 2008

SS6 – City and Town Centres
T14 - Parking
ENV7 - Quality in the Built Environment
WAT1 – Water Efficiency
WM6 - Waste Management in Development
NR1 - Norwich Key Centre for Development and Change
ENG1 – Carbon Dioxide Emissions and Energy Performance

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

Policy 3 – Energy and water
Policy 5 – The economy
Policy 6 – Access and transportation

Policy 7 – Supporting communities
Policy 8 – Culture, leisure and entertainment
Policy 9 – Strategy for growth in the Norwich Policy Area
Policy 11 – Norwich City Centre
Policy 20 - Implementation

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

HBE8 - Development in Conservation Areas
HBE12 - High quality of design in new developments
EP10 – Noise protection between different uses
EP18 - High standard of energy efficiency in new developments
EP22 - High standard of amenity for residential occupiers
SHO10 – Changes of use in retail frontages in the Primary Retail Area
SR13 – Locational considerations for indoor sports facilities
SR14 – Criteria for sports development
TRA7 - Cycle parking standards
TRA8 - Servicing provision
TRA11 – Contributions for transport improvements in the wider area
TRA12 – Travel Plans for employers and organisations in the city

Supplementary Planning Documents and Guidance

Draft National Planning Policy Framework (July 2011)

Written Ministerial Statement: 23 March 2011: Planning for Growth

Support of enterprise and sustainable development.

Principle of Development

Policy Considerations

14. National Policy PPS4: Sustainable economic growth states that Local Planning Authorities should adopt a positive approach towards applications for economic development which promote vital, viable and competitive town centres. The PPS also states that local planning authorities should plan for a strong retail mix emphasising range and quality as well as *'supporting a diverse range of uses which appeal to a wide range of age and social groups, ensuring these are distributed throughout the centre.'* A more flexible approach is taken under this PPS, promoting growth and facilitating competition, albeit recognising the continuing importance of robust, diverse, and vibrant town centres.
15. This position is upheld in the East of England Plan policies SS6 and NR1 with the importance of thriving, vibrant and attractive city centres recognised as being the focus for investment and regeneration and a mix of uses.
16. Further, policies 5, 9 and 11 of the Adopted Joint Core Strategy seek to facilitate job growth, expand the leisure provision in the city centre and enhance the city centres role as the regional centre by expanding the use of the city centre to all, in particular the early evening economy and extending hospitality uses across the city centre with late night uses focused in specific identified areas.
17. The consultation draft of the National Planning Policy Framework (NPPF) was published on 25 July 2011 and refers to the presumption in favour of sustainable development, and the need to support economic growth through the planning system. The recommendation is therefore consistent with its broad aims of promoting sustainable development although little weight should be attached to it

until it is formally adopted.

18. The site is located in a prominent position within the primary retail area of Norwich City Centre and as such saved policy SHO10 applies. This policy seeks to retain at least 85% of defined retail frontages within the primary retail areas in retail use. For the purposes of SHO10 the primary area is subdivided into a number of smaller 'frontage zones' (as defined on the proposals map) and the 85% is calculated with reference to the total length of **ground floor frontage** within the zone concerned. The site falls within the London Street West frontage zone as defined in the adopted City of Norwich Replacement Local Plan and is also within the defined city centre leisure area. It is important to remember that it is only part of the first and the whole of the second floors which are proposed for a use change under this application. The use of the premises as a gym could potentially be regarded as a major traffic generating indoor sports activity for the purposes of saved local plan policy SR13, although in practical terms the number of visitors to a gym would be significantly less than the previous retail uses so there are unlikely to be any implications from addition traffic generation. Any trips are also likely to be linked trips meaning that users will already have travelled to the city centre. The location in the city centre is the most sequentially suitable for this type of use and complies with the locational principles in saved local plan policy SR13 as well as being an appropriate location for such a use in terms of PPS4 and PPG17.
19. An objection has been raised on the basis of the lack of job creation of such a use due to the business model of the operator. It is considered that whilst staffing levels are proposed to be set at a minimum, there will be some job creation as a result of this use occupying a currently vacant unit.

Retail Implications

20. Policy 11 of the Joint Core Strategy (JCS) seeks to enhance the retail function of the primary shopping area of Norwich through its intensification and expansion but also seeks to "*expand the use of the city centre to all, in particular the evening economy and extending leisure and hospitality uses across the city centre*". Policy 8 of the JCS promotes the development of local cultural and leisure activities, including new and improved built facilities.
21. Local plan saved policy SHO10 supports "*the beneficial use of upper floors ... where compatible with surrounding uses*".
22. The loss of such a large amount (1,624 sq metres) of comparison retail floorspace from this part of the centre, when the policy aims are all to expand retail diversity and strengthen the retailing city centre is regrettable, but since the previous use as retail was located above street level (in a less than ideal position) and some element of retail is proposed for retention (at ground and first floor), keeping the small (6m) retail frontage that it has, there would be no significant impact on the retail frontage of London Street and its daytime vitality and viability would be largely unaffected. The issue of over subscription of these types of premises is not a material planning consideration and actually goes against the objective of PPS4 for creating competitive markets.
23. The proposed hours of operation of the gym (24 hour opening) would deliver significant benefits in maintaining footfall in this part of the primary shopping area during the day and also attracting additional activity into the area in the evening (albeit for members only). This will be of benefit to a part of the centre which

currently has relatively few evening economy uses. A gym club use would therefore support the objectives of the Joint Core Strategy policy 11 in enhancing leisure provision and extending the evening economy, as well as supporting JCS policy 7 in promoting healthier lifestyles generally. A condition requiring details of any CCTV to be installed externally at the premises is recommended to be imposed on any permission granted.

24. An enhanced entrance from Little London Street will give this somewhat neglected back street greater prominence and (dependent on how the design is handled) could improve a somewhat drab street scene. An informative could be placed on any favourable decision that this will require planning permission along with any new signage requiring Advertisement Consent.

Impact on Neighbouring Properties

Noise and Disturbance

25. Some information has been submitted with the application detailing noise mitigation measures to be taken during the fit out and occupation of the gym premises. Whilst this goes some way to alleviating concerns that there will be no noise disturbance between the ground and first floor uses further information is required. Environmental Health colleagues have recommended a condition is applied to any permission requiring details of insulation and the method/details of fixing for each type of machinery in order to ensure that there is no noise or vibration pollution to the ground floor premises.

Transport and Access

Transport Assessment

26. An objection to the proposals has been raised on the basis of increased traffic, as the objection contests the forecasted visitor numbers of the applicant. The Transport Planner does not believe that peak hour journeys will be increased over and above existing retail visitors. Given the highly sustainable location in the city centre and the plethora of public transport routes to and from the location, not only to Norwich but the wider area, and taking into consideration that a significant number of trips to the gym are likely to be linked trips by customers who live or work in the city centre, there is not considered to be any detrimental increase in traffic movements as a result of these proposals.

Vehicular Access and Servicing

27. Servicing of the premises is available from London Street and Little London Street with times of availability restricted under Traffic Regulation Orders (as with all premises). This is considered acceptable.

Cycling Parking

28. The applicant has agreed in principle to provide 17 cycle stands within the city centre and to enter into a S106 agreement with the City Council to provide £7214.00 to realise this provision. This permission if approved should be subject to the completion of the S106 agreement for a contribution for the provision of 17 cycle stands amounting to £7214.00, payable upon signing of the agreement.

Travel Plan

29. The applicants have submitted a Transport Statement and Travel Information Plan which meet the criteria of saved local plan policy TRA12 which seeks to identify ways in which the travel implications of the development will be minimised. Whilst

the Travel Plan is limited in its scope it does outline ways in which the transport implications of the development will be mitigated, i.e. information for both staff and customers of sustainable transport methods and enforcement by the manager and a timetable for regular updating. If this application is approved, it is recommended that compliance with and updating of the Travel Information Plan is conditioned.

Environmental Issues

Energy Efficiency and Renewable Energy

30. Policy 3 of the JCS, policies WAT1 and ENG1 of the East of England Plan and saved local plan policy EP18 are all applicable to this application. However, given that it is only part of the site which is undergoing a change of use and not the whole site or indeed a redevelopment and given the site constraints e.g. that the change of use is occurring over a number of floors, it is not considered feasible nor practical in this instance to require energy efficiency measures.

Equality and Diversity Issues

31. There are no significant equality or diversity issues. The proposals will see a new lift put in to allow level access to all floors of the premises ensuring safe level access for all users of the services.

Conclusions

32. Whilst the loss of retail floorspace and shopping function is regrettable, the substantial size and lack of prominence of the application unit makes it problematic to re-let to a single retail user and there are few compelling policy arguments to resist an appropriate alternative uses in this location (given that the main purpose of local plan policies is to maintain and protect active ground floor retail frontages and allow greater diversity of uses on upper floors). On balance the proposed use can be accepted in principle because it would encourage more beneficial activity in the area in the evening (thus supporting Joint Core Strategy objectives for the evening economy), introduce an appropriate and complementary leisure use in a particularly sustainable and accessible location within the central shopping area, and help to promote healthy lifestyles. Therefore the proposals are considered to be in accordance with the objectives of PPS1, PPS4, and PPG17, policies SS6, ENV7 and NR1 of the East of England Plan (May 2008), policies 5, 7 and 11 of the Adopted Joint Core Strategy for Broadland, Norwich and South Norfolk (March 2011) and policies SHO10 and SR13 of the City of Norwich Replacement Local Plan (Adopted Version November 2004).

33. Subject to compliance with conditions of any favourable permission the use of the premises as a gym is not likely to be considered to give rise to any noise or vibration pollution to the ground floor or adjoining premises and as such the proposals may be considered to be in accordance with the objectives of PPG24, and policy EP10 of the City of Norwich Replacement Local Plan (Adopted Version November 2004). In addition, the proposed use and location, together with conditions avoiding detrimental impacts on any existing or future residential amenity in the area therefore would also be seen to comply with Replacement Local Plan policies SR14 and EP22.

34. A S106 agreement completed and signed as part of any permission would ensure that 17 cycle stands would be provided by the applicant in order to promote sustainable methods of transport for its users. This and the suggested Travel

Information Plan provided would ensure that the proposals could be acceptable in transport terms in accordance with the objectives of PPG13, policy 6 of the Adopted Joint Core Strategy for Broadland, Norwich and South Norfolk (March 2011) and saved policies TRA7, TRA11 and TRA12 of the City of Norwich Replacement Local Plan (Adopted Version November 2004).

35. The previously refused application (11/01548/U) was refused on the basis of an absence of a signed S106 agreement only. On the basis that a draft S106 agreement has been agreed, subject to signing, payment of legal fees and payment of the transport contribution, the application before members for consideration is considered acceptable.

RECOMMENDATIONS

To APPROVE application no. 11/02225/U (Part First Floor And Second Floor 13 - 25 London Street Norwich NR2 1JE) and grant planning permission, subject to the completion of a S106 agreement to secure;

- 1) A contribution of £7214.00 towards the provision of 17 cycle stands to be installed by the City Council, and;

Subject to the following conditions:

- 1) Standard time limit;
- 2) In accordance with the drawings and details as submitted and approved;
- 3) Details of insulation and methods of fixing for all plant and machinery, including exercise equipment.
- 4) Gym use only (D2) and no other D2 use unless agreed in writing with the Local Planning Authority;
- 5) Compliance with the Travel Information Plan
- 6) Details of all external CCTV cameras, including;
 - a) the size, and specification of all cameras;
 - b) the location of all cameras;
 - c) the combined coverage of all cameras;
 - d) the method of recording;
 - e) the times of operation of the cameras, including recording; and
 - f) the archive arrangements for recordings.

Informatives:

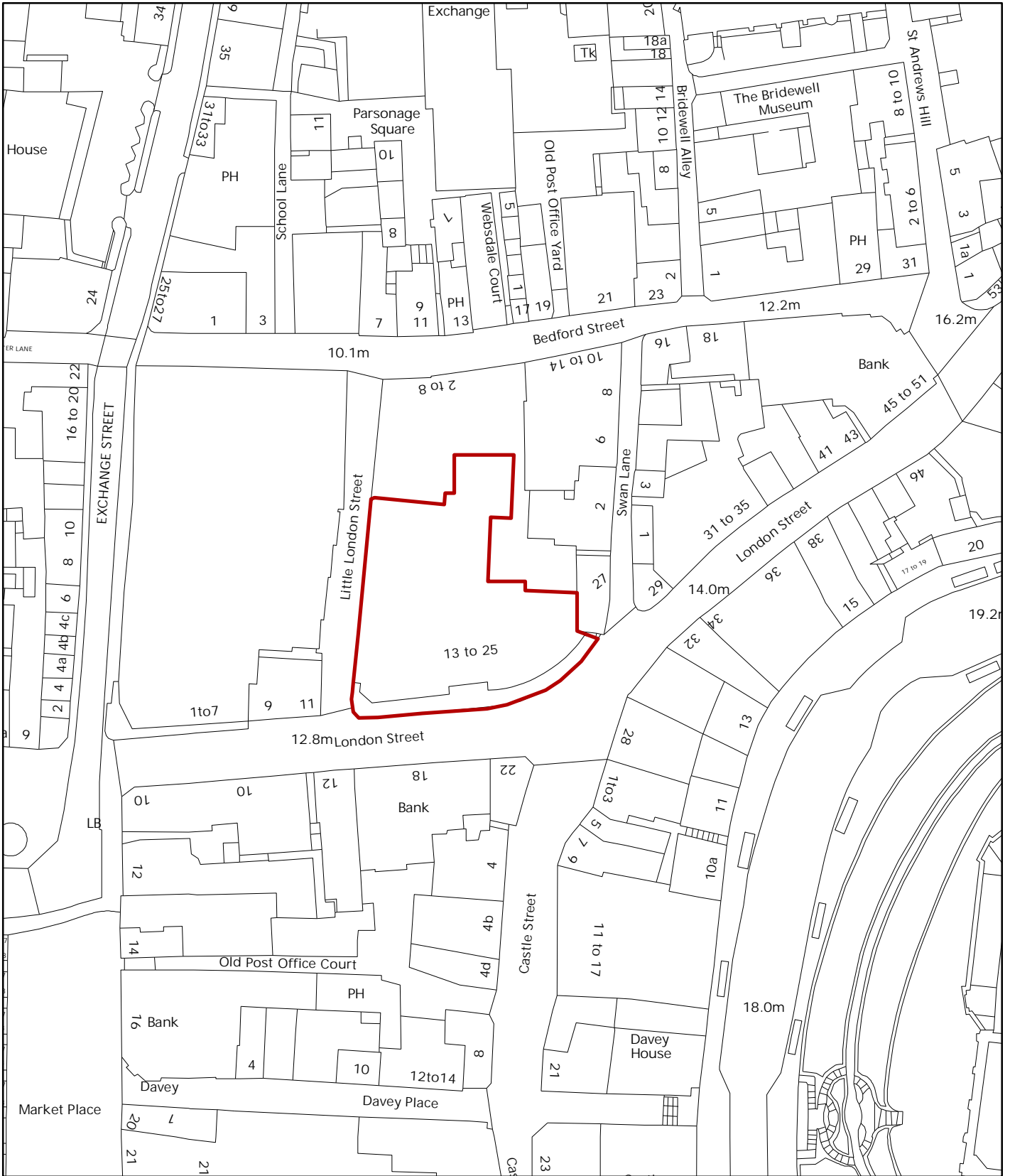
- 1) The applicant is advised that the installation of the cycle stands paid for by the applicant will need to be subject to local consultation and utilities checks.
- 2) The applicant is advised that any external works, for example, the proposed new entrance on Little London street, and any new signage, will require Full Planning Permission and Advertisement Consent respectively.

Reasons for Approval:

- 1) Whilst the loss of retail floorspace and shopping function is regrettable, the substantial size and lack of prominence of the application unit makes it problematic to re-let to a single retail user and there are few compelling policy arguments to resist an appropriate alternative uses in this location (given that the main purpose of local plan policies is to maintain and protect active ground floor retail frontages and allow greater diversity of uses on upper floors). On balance the proposed use can be accepted in principle because it would encourage more beneficial activity in the area in the evening (thus supporting Joint Core Strategy objectives for the evening economy), introduce an appropriate and complementary leisure use in a particularly sustainable

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- 2) Subject to compliance with conditions of any favourable permission the use of the premises as a gym is not likely to be considered to give rise to any noise or vibration pollution to the ground floor or adjoining premises and as such the proposals may be considered to be in accordance with the objectives of PPG24, and policy EP10 of the City of Norwich Replacement Local Plan (Adopted Version November 2004). In addition, the proposed use and location, together with conditions avoiding detrimental impacts on any existing or future residential amenity in the area therefore would be seen to comply with Replacement Local Plan policies SR14 and EP22.
- 3) A S106 agreement signed as part of any permission would ensure that 17 cycle stands would be provided by the applicant in order to promote sustainable methods of transport for its users. This and the suggested Travel Information Plan provided would ensure that the proposals could be acceptable in transport terms in accordance with the objectives of PPG13, policy 6 of the Adopted Joint Core Strategy for Broadland, Norwich and South Norfolk (March 2011) and saved policies TRA7, TRA11 and TRA12 of the City of Norwich Replacement Local Plan (Adopted Version November 2004).



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Planning Application No 11/02225/U

Site Address Part 1st floor and 2nd floor 13-25 London Street

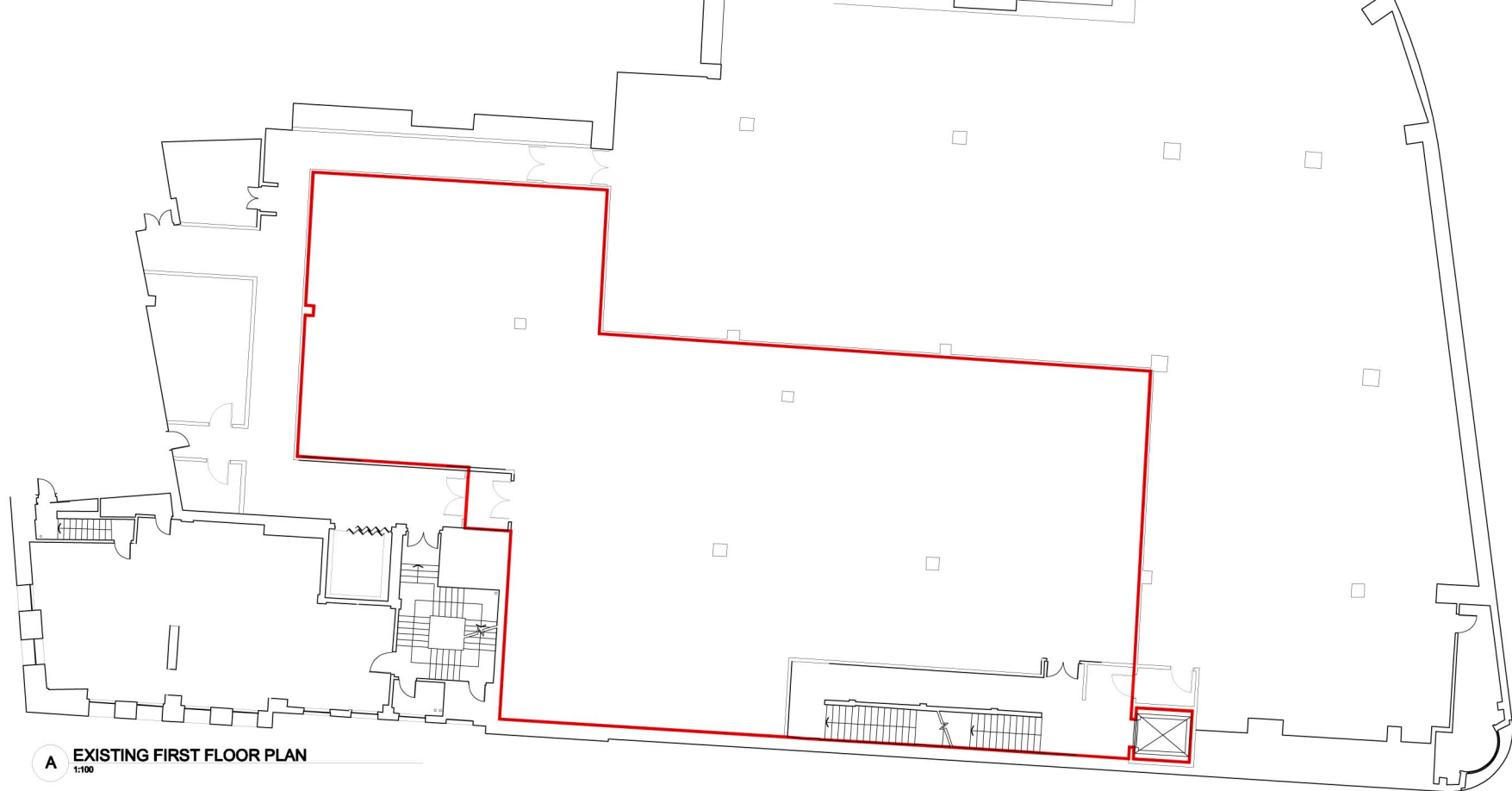
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NORWICH
City Council

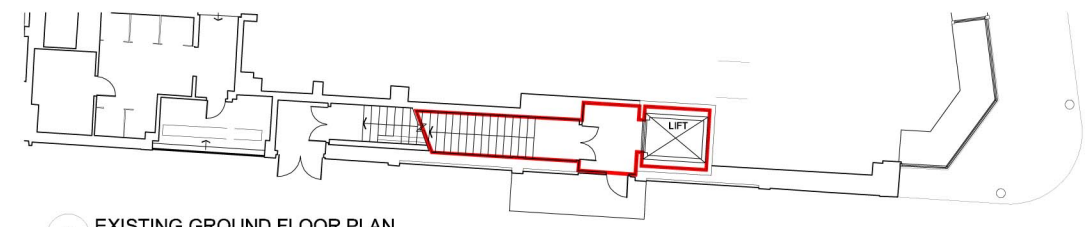
PLANNING SERVICES





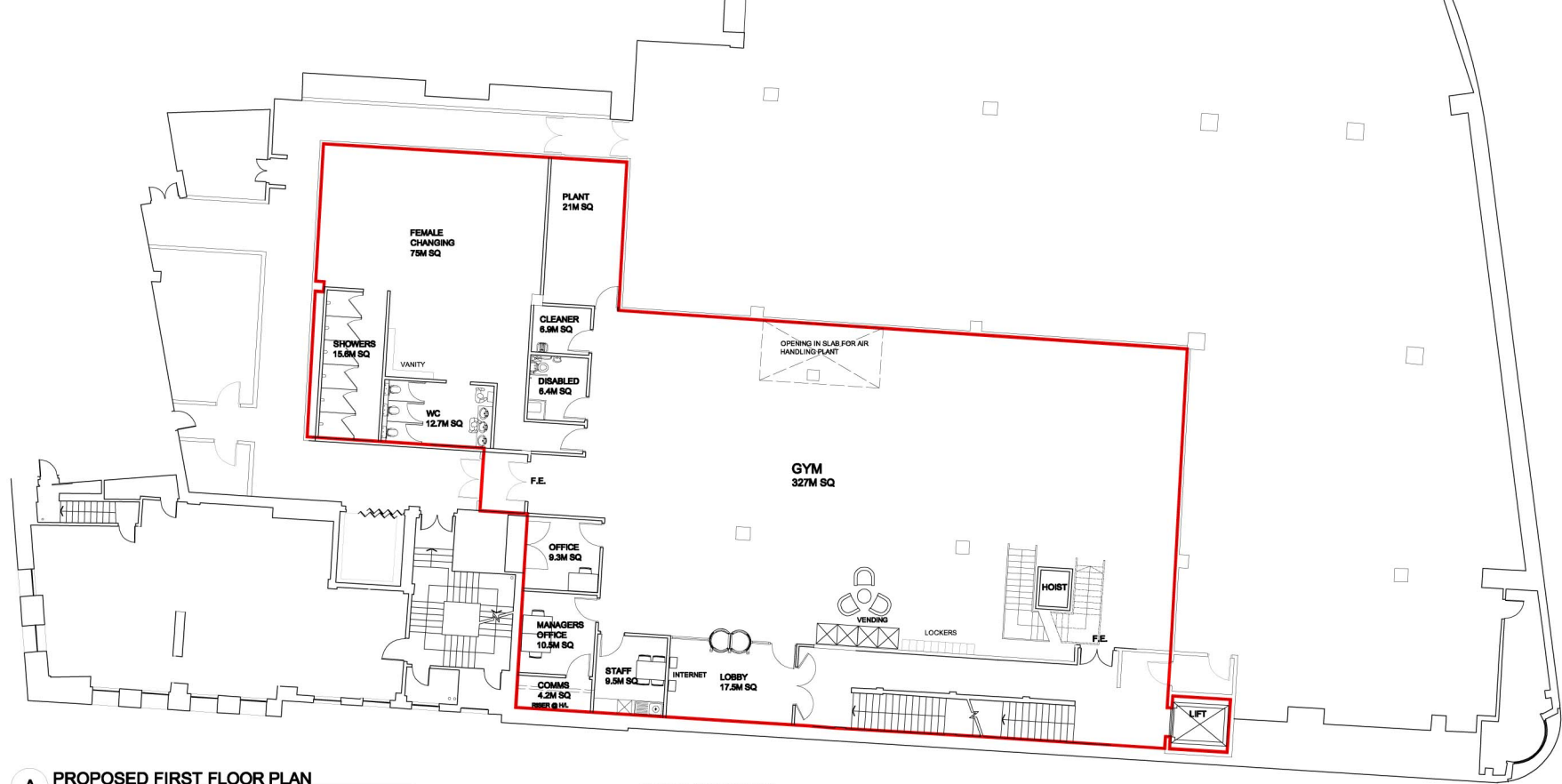
A EXISTING FIRST FLOOR PLAN
1:100

FIRST FLOOR DEMISE
596m² / 6,415ft²



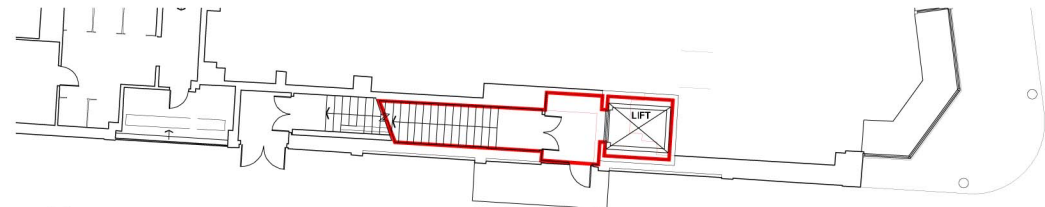
B EXISTING GROUND FLOOR PLAN
1:100

GROUND FLOOR DEMISE
20m² / 215ft²



A PROPOSED FIRST FLOOR PLAN
1:100

FIRST FLOOR DEMISE
596m² / 6,415ft²



B PROPOSED GROUND FLOOR PLAN
1:100

GROUND FLOOR DEMISE
20m² / 215ft²

REVISIONS	
B 10.08.11	GENERAL AMENDMENTS
A 22.07.11	ADMIN ROOMS REPOSITIONED



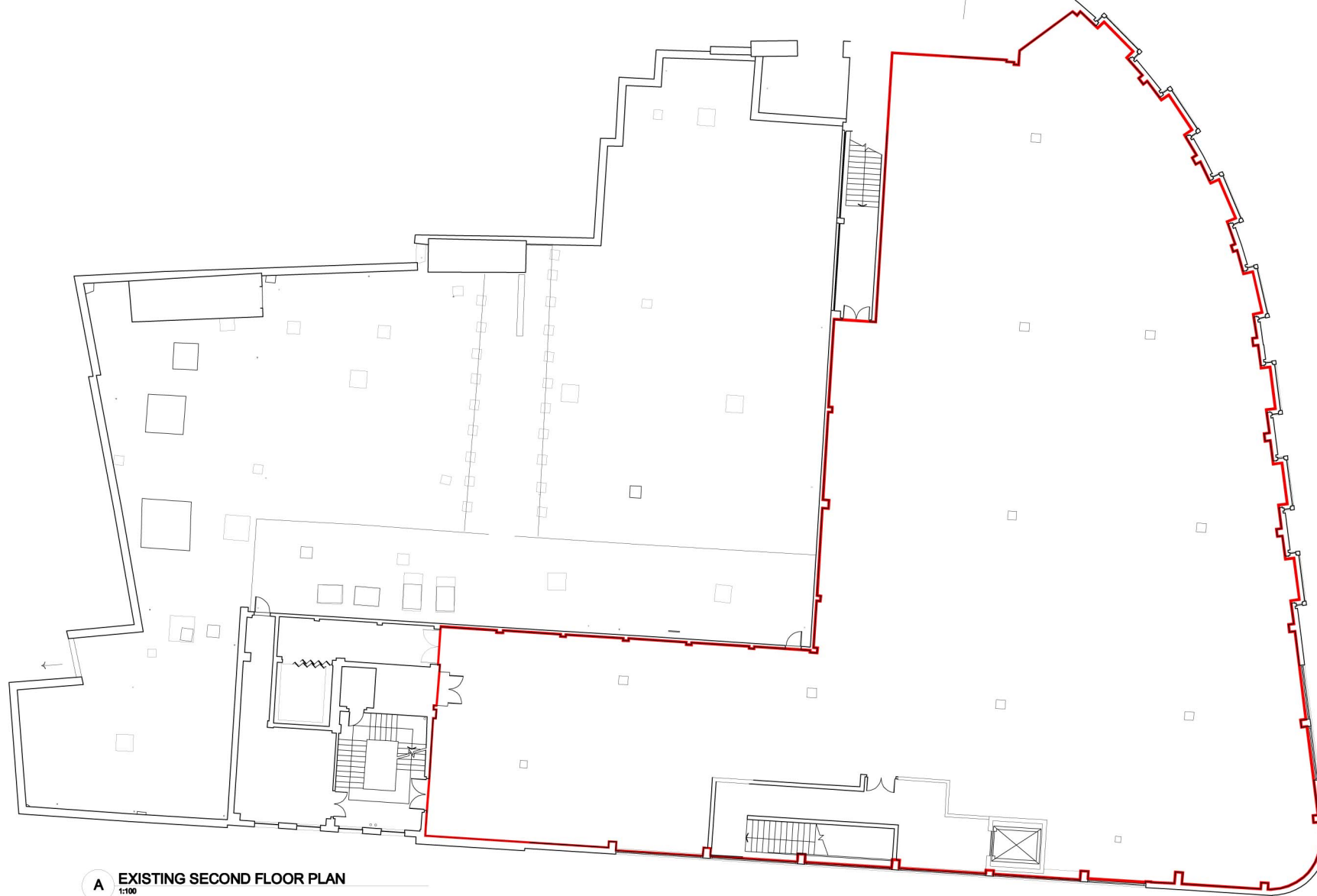
CONCEPT STAGE

Client: THE GYM GROUP	Drawing title: PROPOSED GROUND AND FIRST FLOOR PLANS	Date: AUG 2011	Dwg size: 1:100 @ A1
Project: THE GYM, NORWICH	Drawing No: Z321-04-102	Revision: B	Drawn: CI Approved: ST

PROPOSED GROUND AND FIRST FLOOR OPTION 4

zynk Design
 3rd floor, The Hospital Club
 24 Endell Street
 London
 WC2H 9HQ
 t 020 7193 1430
 e info@zynkdesign.com
 www.zynkdesign.com

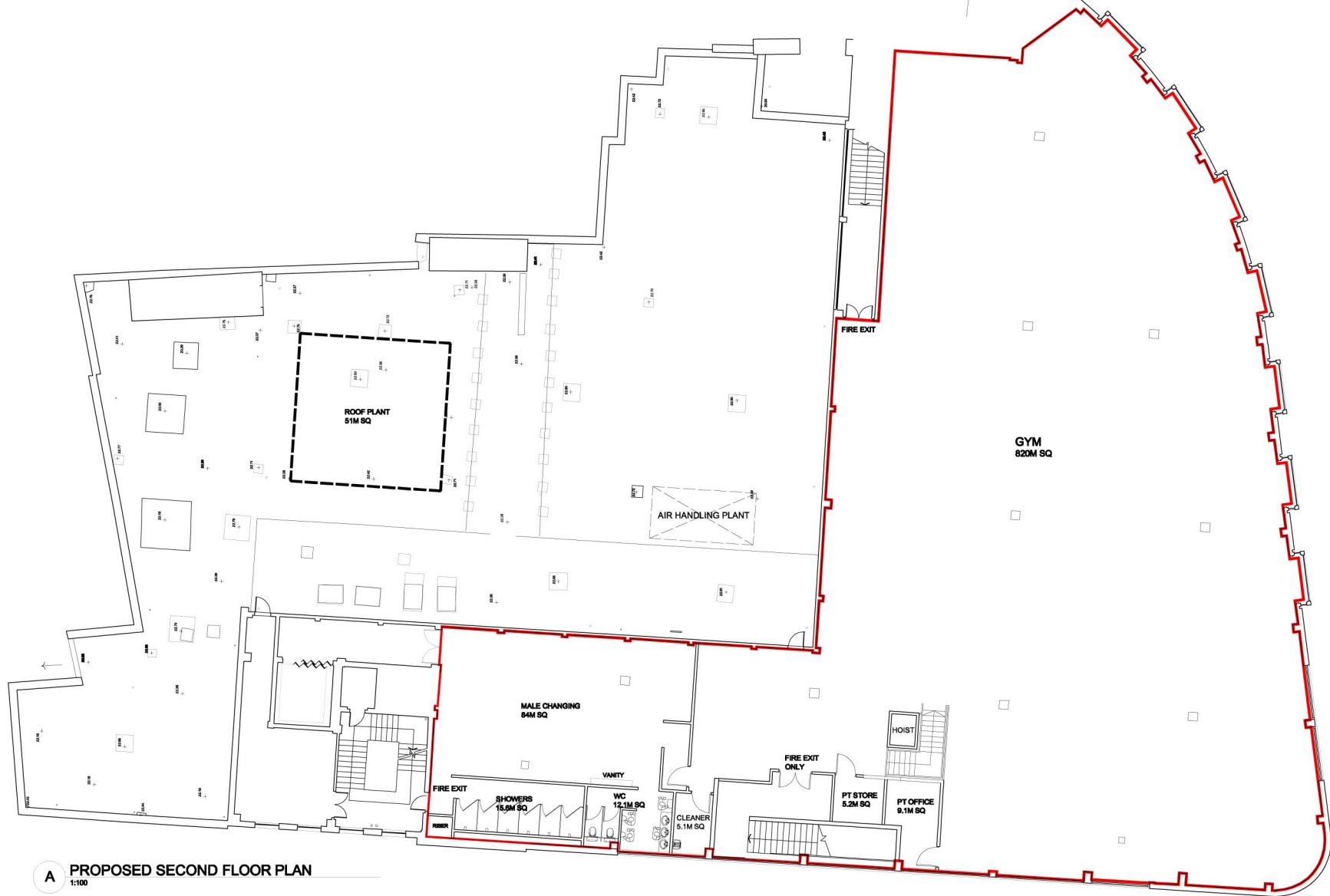




A EXISTING SECOND FLOOR PLAN
1:100

SECOND FLOOR DEMISE
1008m² / 10,850ft²





A PROPOSED SECOND FLOOR PLAN
1:100

SECOND FLOOR DEMISE
1008m² / 10,850R²

REVISIONS	
D 02.08.11	GENERAL AMENDMENTS
C 22.07.11	AIR HANDLING PLANT ADDED

CONCEPT STAGE

Client: THE GYM GROUP	Drawing title: PROPOSED 2ND FLOOR PLAN	Date: AUG 2011	Dwg size: 1:100 @ A1
Project: THE GYM, NORWICH	Drawing No: Z321-04-103	Revision: D	Drawn: CI Approved: ST



zynk Design
3rd floor, The Hospital Club
24 Endell Street
London
WC2H 9HQ
t 020 7193 1430
e info@zynkdesign.com
w www.zynkdesign.com

PROPOSED SECOND FLOOR OPTION 4