

Report for Resolution

Report to: Planning Applications Committee

Item

Date: 16 September 2010

6(3)

Report of: Head of Planning Services

Subject: 09/01391/F - 27 Castle Meadow, Norwich, NR1 3DS

09/01392/L - 27 Castle Meadow, Norwich, NR1 3DS

SUMMARY

Description: **09/01391/F** - Retrospective planning application for creation of new terrace and smoking shelter at rear of 27 Castle Meadow for use in association with existing bar (Class A4) at 68 London Street.

09/01392/L - Retrospective Listed Building Consent application for creation of new terrace and smoking shelter at rear of 27 Castle Meadow and alterations to interior to provide toilet facilities and new doors as part of an emergency exit route.

Reason for consideration at Committee: Objections

Recommendation: Approve

Ward: Mancroft

Contact Officer: Mr Rob Parkinson Senior Planning Officer
(Development)

Date of receipt: 27th November 2009

Applicant: Global Binding Engineers

Agent: Mr Paul Abbott, A Squared Architects

INTRODUCTION

The Site

Location and Content

1. The site of the terrace is at the upper level external courtyard at the rear of the existing Havana Bar (formerly Stones Bistro), at 68 London Street, which adjoins the rear of the premises of an office premises at 27 Castle Meadow.
2. Neighbouring uses to the Havana Bar include a hairdressing salon and recruitment agency on London Street, whilst neighbours to 27 Castle Meadow include an office and the 'Closed' facility (part of the Open youth venue).

Planning History

3. The Havana Bar was granted planning permission in June 2008 for the change of use from a restaurant to a drinking establishment, although conditions do allow its late opening until 4am (application ref: 08/00440/U).
4. An external drinking and smoking terrace on its roof was granted planning permission in November 2008 which abutted the (former) rear curtilage of the office at 27 Castle Meadow (application ref: 08/01095/F).
5. In 2009 retrospective permission was granted for a new fire escape serving the first-floor external smoking shelter/roof terrace as was required by Building Regulations (application ref: 09/00123/F).
6. **Application ref: 09/01391/F** - This is a retrospective planning application because the original terrace area had been extended and the new terrace was constructed and had been in use for some weeks prior to original submission of this application, in late November 2009. As further information was required and renewed public consultation became necessary, the current application was only validated on 31st July 2010.
7. **Application ref: 09/01392/L** - As 27 Castle Meadow is a Grade II Listed Building and the terrace and minor internal alterations in that building were also retrospective, the corresponding application for Listed Building Consent has also been received. Although this could be determined through delegated decision making processes, it is considered more appropriate to be determined together with the Full application.

Constraints

8. 27 Castle Meadow is a Grade II Listed Building, and the premises are within the City Centre Conservation Area. The Havana Bar is within the London Street East Secondary Shopping Area, and within the City Centre Leisure Area.

Topography

9. The change in levels at the site means that the external area at the rear of 27 Castle Meadow, at the top of Opie Hill, is actually at second floor level at the rear of the Havana Bar, 68 London Street. Consequently the new terrace actually sits a storey above the neighbouring Closed yard to its east.

The Proposals

10. **Application ref: 09/01391/F** - This is a retrospective planning application for the creation of the new terrace and smoking shelter at the rear of 27 Castle Meadow for use in association with the existing bar (Class A4) at 68 London Street. Inherent in this is the change of use from B1 Use Class (the office building curtilage) to drinking establishment activity (Use Class A4).
11. **Application ref: 09/01392/L** - The Listed Building Consent application considers the merits of the construction, and the impact on the listed building, of the smoking terrace and internal reconfiguration of part of 27 Castle Meadow to provide toilets for the users of the terrace and new doors as part of an emergency exit route from

the terrace to Castle Meadow.

Representations Received

12. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 3 letters of representation have been received (for the change of use and terrace only) citing the issues as summarised in the table below.

Issues Raised	Response
The previously permitted drinking and smoking terrace at 68 London Street has already caused a loss of amenity and caused disturbance to the adjoining hairdressing salon and recruitment company offices, not least from the excesses of its late night activities. The extended terrace has only exacerbated the situation and makes it undesirable for the existing occupants to remain at the premises.	See para 16
The 'Closed' / 'Open' venue has experienced bottles being thrown over the mesh fencing into their premises.	See para 17 -18
The 'Closed' / 'Open' venue's party wall adjoining the terrace continues to be damaged whilst the water from the roof canopy is inadequately disposed of and instead runs down the wall.	See para 20.

Consultation Responses

13. **Environmental Health, Pollution Control:** After initially failing to provide adequate ventilation for a smoking shelter (in accordance with the Health Act 2006 smoking regulations legislation), the scheme has been amended slightly to satisfy these concerns and is acceptable.

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

Relevant National Planning Policies

- PPS1 - Delivering Sustainable Development
- PPS4 – Planning for Sustainable Economic Growth
- PPS5 - Planning for the Historic Environment

Relevant Local Plan Policies

AEC1 – Major art and entertainment facilities – location and sequential test

HBE8 – Development within a Conservation Area

HBE9 – Development affecting Listed Buildings

HBE12 - High quality of design

HBE19 – Design for safety and security including minimising crime

EP22 – Amenity

TRA5 – Design needs to prevent pedestrian movement conflicting with passing traffic

Principle of Development

Policy Considerations

14. The site is an extension of an existing drinking and smoking terrace and as such is acceptable in principle, although it does lead to a more intensive use of the premises which are not located in the Late Night Activity Zone, despite operating to late opening times. The use of a corridor through-route from the terrace through the building onto Castle Meadow is an appropriate way to provide an emergency-exit only solution to this physically-constrained site. It is appropriate to condition the use of the premises to only allow this to function as an emergency exit route, given the desire to avoid extending the late night leisure area to Castle Meadow and the consequent concerns for pedestrian safety were it to become an entrance.
15. The impact on adjoining businesses is an important consideration but there is no loss of office facility involved, merely the change of use of an external area to the office that was otherwise vacant and overgrown. The office premises are continuing in the same type of use, believed to be for the management of the bar. As such the principle of development is acceptable given this is a town centre use.

Impact on Living or Working Conditions

Noise and Disturbance

16. The impacts of the increased activity at the premises will likely be noticeable, and has been felt to some extent already, such as smoke, litter and noise. However, for the most part the terrace is used outside of usual office hours and the likelihood of significantly unacceptable detrimental impacts arising is considered to be marginal, being predominantly a management issue concerning the operation of the site.

Overlooking, Loss of Privacy and Un-neighbourly Behaviour

17. The use adjoining neighbouring business activities may be disconcerting but there is little immediate detrimental impact caused, and for the most part the design has sought to conceal the activity from view through using tall boundary fencing.
18. There is some high-level steel fencing used along the boundary with the 'Closed'/'Open' service yard, but to continue this along the full length of the east elevation would be to compromise the ventilation at the site, and instead a fine-mesh netting is proposed to prevent litter escaping into the service yard. This should be required to be installed within a month of any permission, by condition.

Design

Layout, Impact on Setting of Listed Building

19. The terrace is a wooden-decking area stepped slightly above the original terrace, with perimeter seating and a small serving bar. The extent of the terrace roughly doubles the external drinking / smoking area available to patrons of Havana Bar.
20. The design proposes a white plastic roof covering with steel wire fixings. A rainwater collection and disposal system has been shown in the plans but is not provided to a satisfactory standard to prevent impacts on the neighbouring premise.

Further, if left untreated potential damage from rainwater may lead to the structure of the Listed Building being compromised. A condition is proposed to ensure that a scheme for rainwater goods and disposal is agreed within 1 month of any permission, and installed and made operational within 1 month of those details being agreed.

21. The site is hidden almost entirely from view, being visible only in a glimpse view from the extreme edge of the 'Closed'/'Open' service yard on Castle Meadow, a relatively lightly-trafficked pedestrian route. There is no detrimental effect caused on the character or appearance of the Conservation Area.
22. The effects of the proposal on the Listed Building are considered acceptable, given that the minimal internal alterations to the building concern only recent additions to its structure, and will have little impact on the Special Architectural or Historic Character of the building. Further, the terrace is theoretically able to be removed in the future if the need or desire arose. The rear of the premises has already been altered quite considerably in the past and is not the original rear of the building any more. Whilst timber decking may not be ideal, it is considered preferable to allow some use of the area rather than it remaining redundant.

Conclusions

23. Notwithstanding the impacts already felt by adjoining and neighbouring business premises as a result of the constructed development, the development facilitates a use and character of development appropriate to the location and compatible with the existing and continued use of the building. Subject to the fulfilment of the conditions, the change of use and the design of the scheme will incur minimal detrimental effects on the amenity and continued occupation of adjoining premises, and the retrospective planning permission is therefore considered acceptable.
24. Further, notwithstanding the development having already been completed, the impacts on the Listed Building are considered minimal and the design acceptable in the circumstances and existing character of the site, and as such the application for retrospective Listed Building Consent should be also approved.

RECOMMENDATIONS

- A) To **approve** Application No 09/01391/F at 27 Castle Meadow, Norwich, NR1 3DS, and grant retrospective planning permission, subject to the following conditions:
 - 1 – Development in accordance with approved plans;
 - 2 – Through-route from the terrace to Castle Meadow shall be used for emergency exit purposes only and shall not be used as an entrance to the smoking terrace, which shall remain solely through the premises at 68 London Street.
 - 3 – Within 1 month of the permission, secure and appropriate fine mesh netting shall be fixed along the east elevation as demonstrated in the approved plan ref 08/16/21 Revision G, dated October 2009 and received 3rd August 2010.
 - 4a – Within 1 month of the permission, a scheme for rainwater disposal shall be submitted and agreed.
 - 4b - Within 1 month of the agreement of rainwater disposal scheme, it shall be installed in accordance with the approved details.

Reasons for Approval:

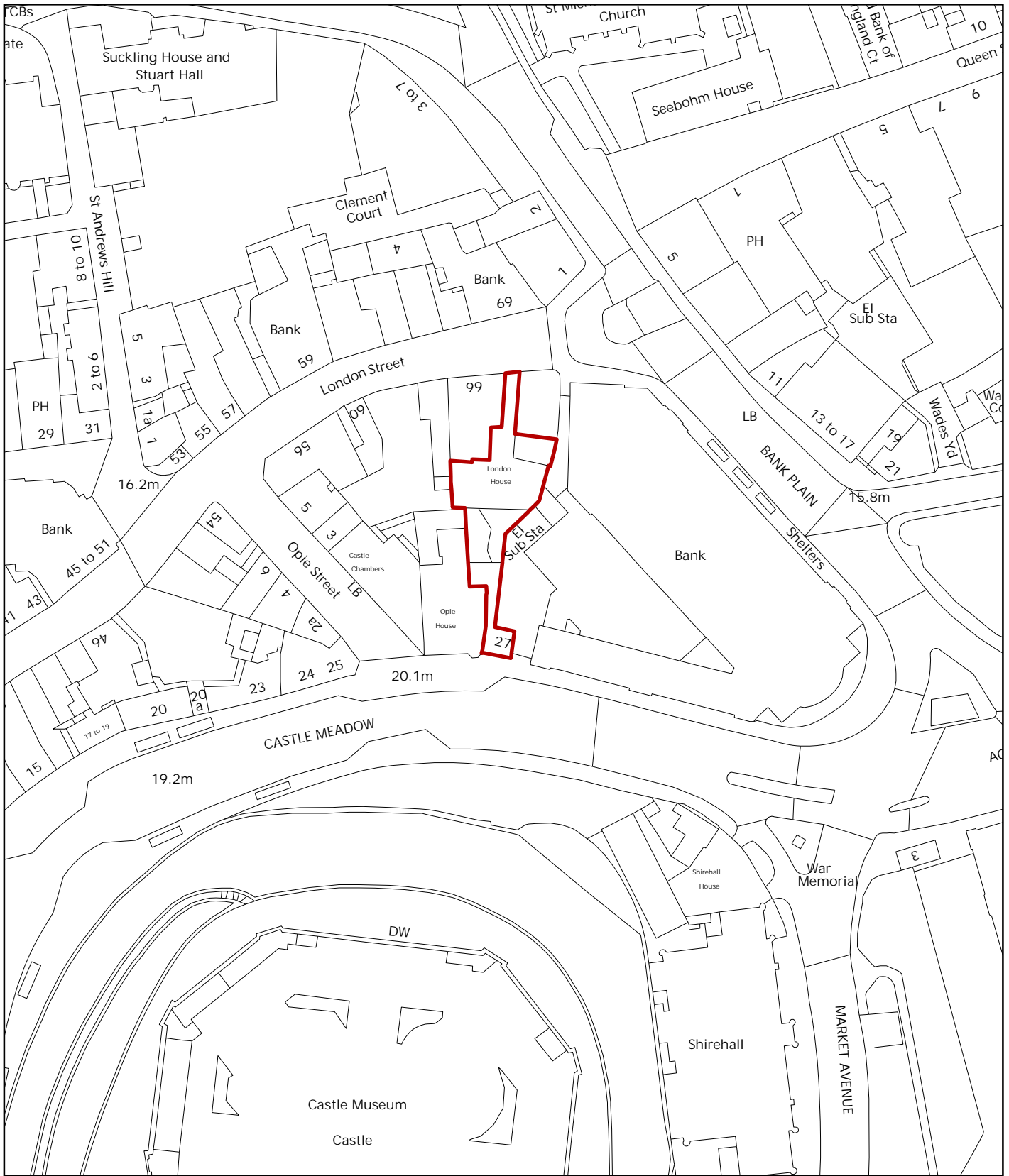
The proposed change of use is within the City Centre Leisure Area and is considered

an acceptable use within this area and the design is such that there will be no detrimental impact on the Listed Building, Conservation Area and nor would there be any significantly detrimental harm to the adjoining business premises, whilst conditions applied will mitigate issues experienced already. Accordingly the development is considered acceptable and in accordance with PPS1 and PPS5 and saved policies HBE8, HBE9, HBE12, HBE19, AEC1, EP22 and TRA5 of the City of Norwich Replacement Local Plan (adopted November 2004).

B) To **approve** Application No 09/01392/L at 27 Castle Meadow, Norwich, NR1 3DS, and grant retrospective Listed Building Consent, subject to the following conditions:
1 – Development in accordance with the approved plans.

Reasons for Approval:

Notwithstanding the development having already been completed, the impacts on the Listed Building are considered minimal and the design acceptable in the circumstances and existing character of the site, and as such the development accords with PPS1 and PPS5 and saved policies HBE8 and HBE19 of the City of Norwich Replacement Local Plan (adopted November 2004).



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Planning Application No - 09/01391/F
Site Address - 27 Castle Meadow
Scale - 1:1,000



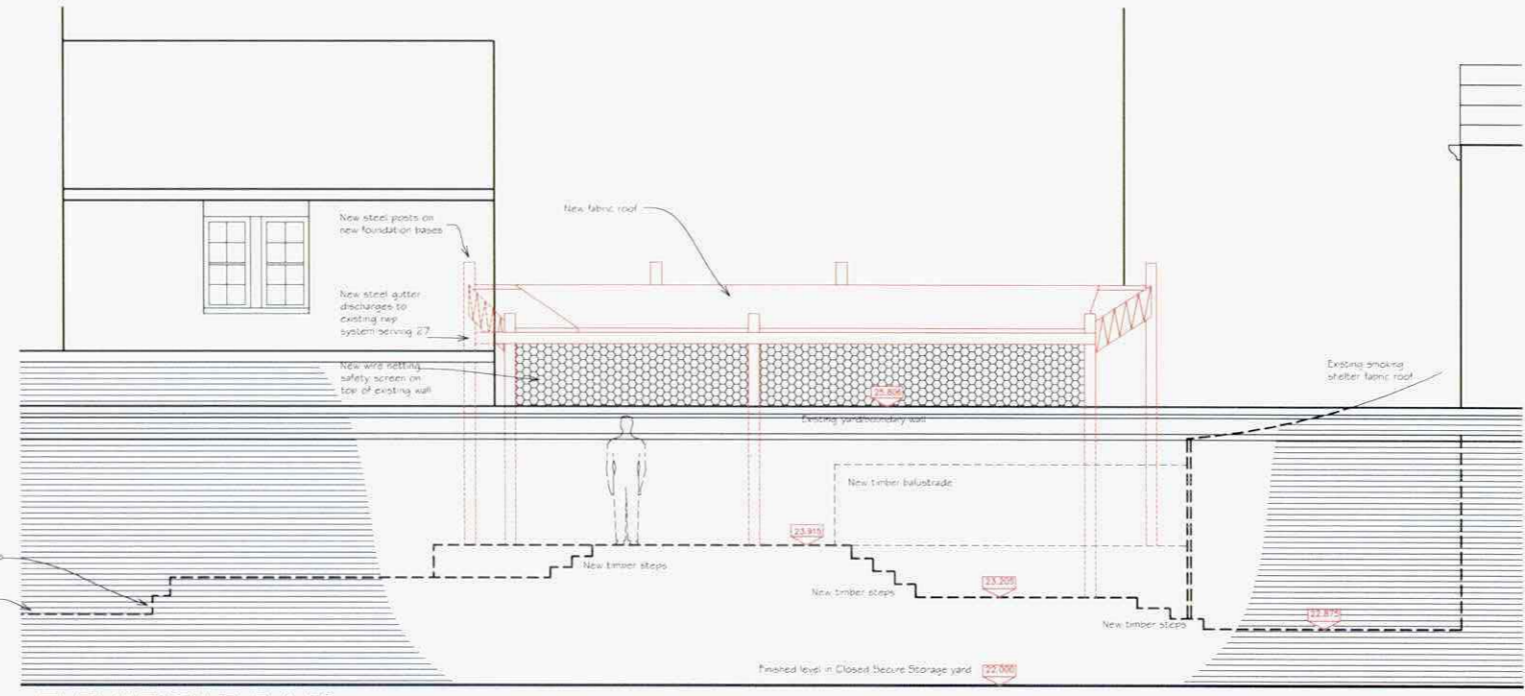
NORWICH
City Council

PLANNING SERVICES

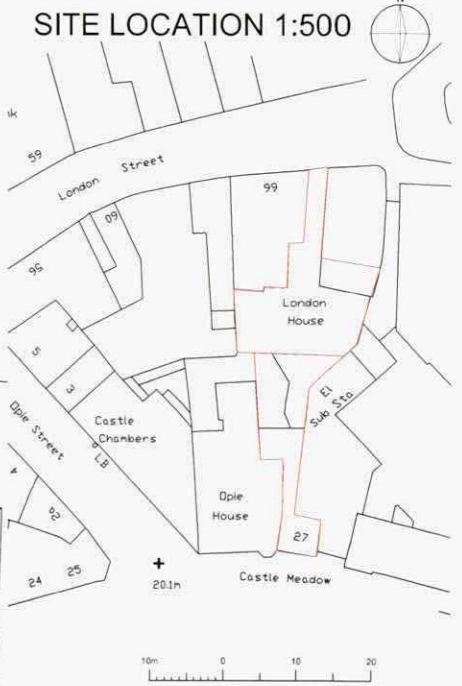


- Notes**
- No Dimensions are to be scaled from this drawing.
 - Contractors must verify all figured dimensions at site before commencing any work or making any Shop drawings.
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 - Site Location Plans are prepared from the Ordnance Survey Map with the sanction of the Controller of H.M. Stationery Office. Crown Copyright Reserved.

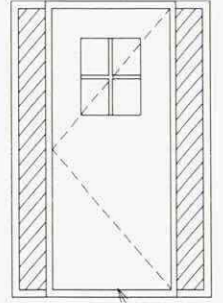
No.	Revisions	By	Date
A	Sections added	PA	Oct 09
B	Steel roof details revised	PA	Nov09
C	Terrace Bar added	PA	Nov09
D	Planning application	PA	Nov09
E	Revised Planning application	PA	Jan10
F	Door details A&B added for Planning application	PA	Jan10
G	Elevation of yard wall from Closed Secure Storage added	PA	July10



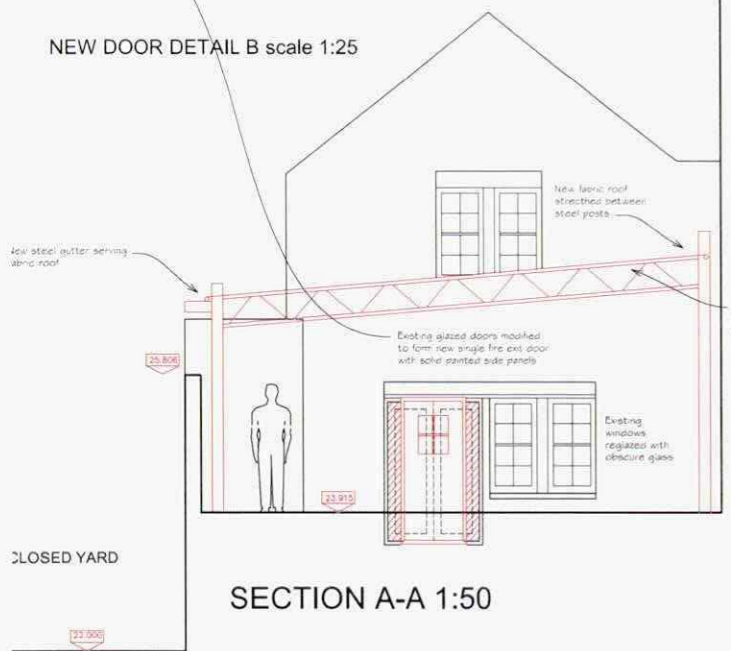
ELEVATION B-B 1:50



SITE LOCATION 1:50

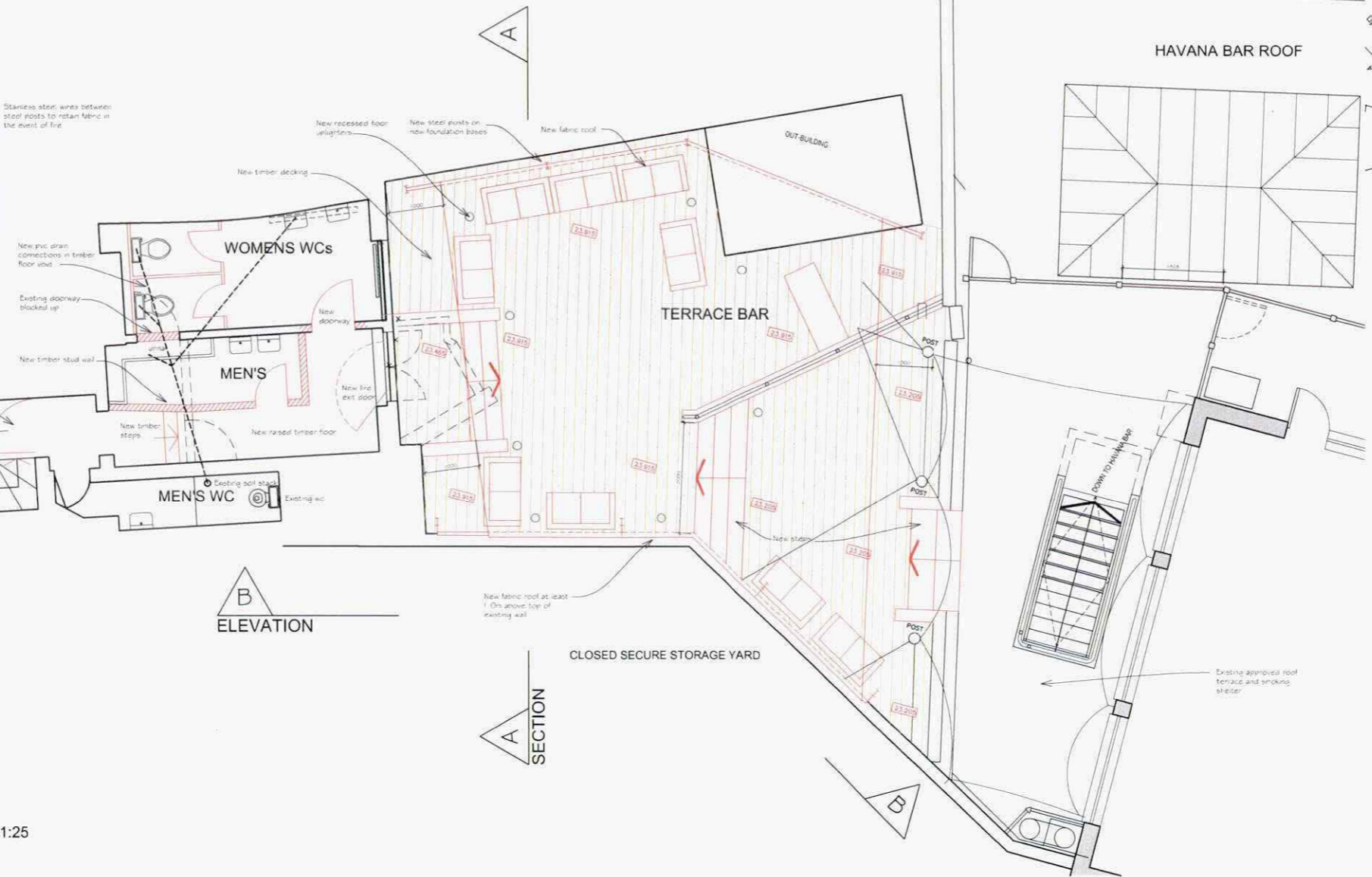


NEW DOOR DETAIL B scale 1:25



SECTION A-A 1:50

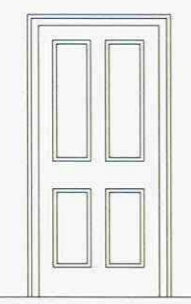
CLOSED YARD



UPPER GROUND LEVEL PLAN 1/50



NEW DOOR DETAIL A scale 1:25



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Client
HAVANA BAR

Job
**REAR YARD & ALTERATION WORKS
 27 CASTLE MEADOW, NORWICH**

Drawing Title
NEW TERRACE DETAILS

Scale
 1:50@A1, 1:100@A3

Date
OCT 09

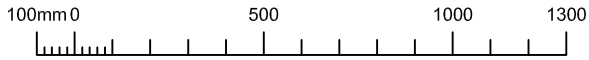
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PA

approx North

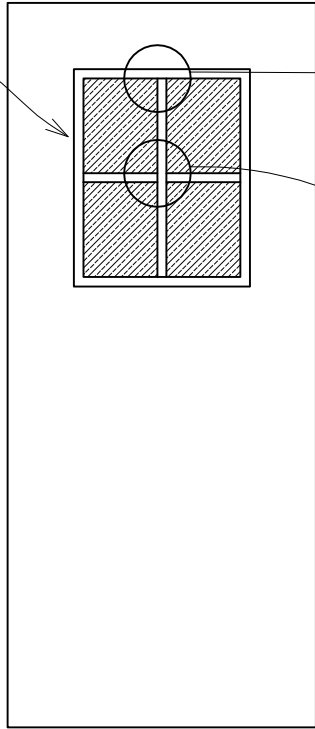
Drawing No. 08 / 16 / 21



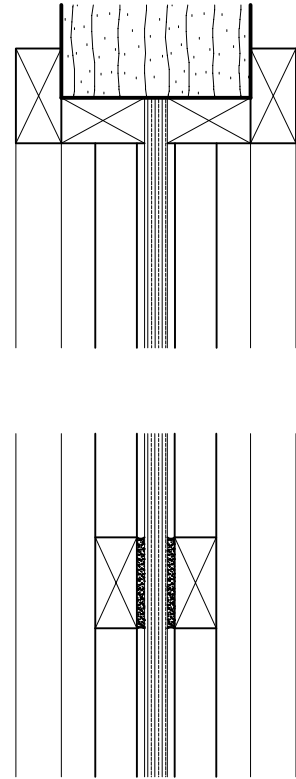
NEW FIRE ESCAPE DOOR GLAZING DETAILS scale 1:20 & 1:5



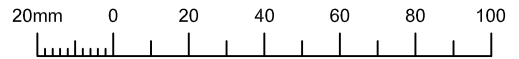
existing glazed vision panel to have new sw glazing bars secured to sw perimeter bead and sealed to glass with silicone mastic



Colour: black paint to match existing

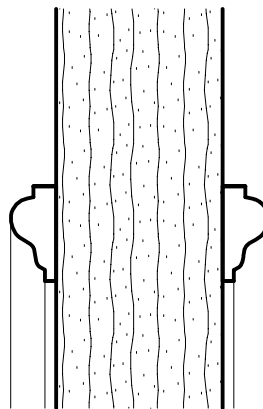
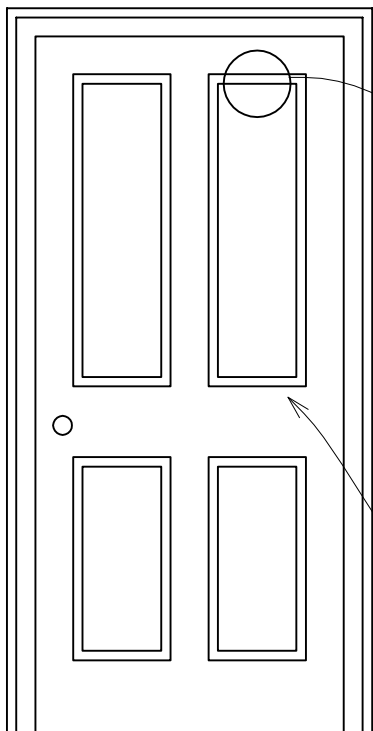


NEW CORRIDOR DOOR DETAILS scale 1:20 & 1:5



Colour: black paint to match existing

existing flush fire door to have planted on sw panel mouldings on both sides to create 4 panel appearance



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REAR YARD & ALTERATION WOR 27 CASTLE MEADOW, NORWICH	
Drawing Title	
JOINERY DETAILS	
Scale	Date
1:20/1:2 @ A4	JULY 10
Drawn By	
PA	
Drawing No.	Rev.
08 / 10 / 10	