

Report for Resolution

Report to Planning applications committee
Date 21 June 2012
Report of Head of planning services
Subject 12/00011/F 36 Exchange Street Norwich NR2 1AX

Item
5(5)

SUMMARY

Description:	Retrospective change of use of basement, ground and first floors of premises from shop (Class A1) to a mix of uses including delicatessen, cafe and wine bar, with addition of extract vent on rear elevation (Retrospective).
Reason for consideration at Committee:	Objection
Recommendation:	Approve
Ward:	Mancroft
Contact Officer:	Mrs Joy Brown 01603 212542
Valid Date:	12 April 2012
Applicant:	Mr Daniel Swift Gibbs
Agent:	Mr Daniel Swift Gibbs

INTRODUCTION

The Site

Location and Context

1. The site is located on the western side of Exchange Street near the junction with St Andrew's Street. The premises is a mid terrace unit in a small row of shops. There is a passageway to the rear of the premises which provides access to St Andrew's Street.
2. The premise is grade II listed and is situated within the City Centre Conservation Area. The property which is three storey and has three bays dates from the mid 19th century. The shopfront was installed at a later date but has good carved woodwork.
3. The site is situated within the secondary retail area but is not within the defined retail frontage. The previous use of the premises was as a day spa which would be considered Sui Generis although it would appear that the lawful use of the premises is A1 retail.

Planning History

4/1998/0527 - Installation of non-illuminated fascia sign (APCON - 03/08/1998)

4/1998/0526 - Change of use from opticians (Class A1) to dental practice (Class D1). (APCON - 03/08/1998)

09/00468/F - Change of use from dentist surgery (Class D1) to creche/day nursery (Class D1) and Internal and external alterations including removal and replacement of stud partitions; new front door in place of window opening; new steps and low retaining wall. (WITHDN - 24/07/2009)

09/01148/L - External and internal alterations to include amendments to steps and installation of new low wall and railings; removal of stud partitions in the main building; installation of new stud partitions to upper floors. (APPR - 18/01/2010)

12/00218/L - Removal of timber stud partition wall on first floor; blocking up of first floor doorway to shower room with timber stud partition and painted plasterboard to match adjacent wall; construction of timber stud partition wall in basement; removal of a door at ground floor level; provision of a fume extract vent on the rear elevation. (APPR - 04/04/2012)

12/00664/L - Retrospective application for the replacement of existing plastic fascia signage with installation of hand painted fascia signage. (APPR - 23/05/2012)

4.

Equality and Diversity Issues

There are no significant equality or diversity issues. There is no lift access to allow disabled access to the basement or upper floors (as at present) but this is not practicable in a property of this size.

The Proposal

5. The proposal is for a change of use of the premises from A1 to a café, delicatessen and wine bar (Class A3) on ground floor level and at basement level with the first floor space being used as an art gallery and exhibition space (Class D1). The proposal is for the change of use of the premises with the only external alterations being the installation of an extract flue on the rear elevation and the provision of bins within the rear alleyway.
6. An application for listed building consent has already been approved for internal alteration, the provision of a fume extract vent on the rear elevation and the replacement of existing plastic fascia signage with hand painted fascia signage.
7. The change of use has already been implemented although it is understood that the extract flue has not yet been installed.
8. During the process of accessing the application, revisions have been received which are for the repositioning of the flue and bin storage area.

Representations Received

9. Originally submitted proposal Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. Nine letters of representation

were received citing the issues as summarised in the table below.

Revised proposal Following revisions to the positioning of the bin storage area and the extract vent an additional period of consultation was undertaken. No additional letters have been received.

10.

Issues Raised to original proposal	Response
The proposed extract vent is directed at the residential properties on Rumsey Wells Place which have windows overlooking the alleyway. Due to the smell of food during the day and evening, it will not be possible to open the windows. An alternative position should be found.	See paragraphs 19 and 20
The bin storage should be on the other side of the alleyway so it is not against the wall of Rumsey Wells Place residential flats.	See paragraph 23
There is concern regarding the hours of opening of the premises until 23:00.	See paragraph 18
It should be conditioned that people can not use the alleyway for smoking.	The application does not include a smoking area within the alleyway.
There are already enough food and drink premises in the vicinity.	See paragraphs 14 - 17
The business has already opened and retrospective applications should be strictly dealt with.	It is noted within the report that the application is retrospective.

Consultation Responses

11. Local Highway Officer – No objection in principle. See <http://planning.norwich.gov.uk/online-applications/applicationDetails.do?activeTab=externalDocuments&keyVal=LX9XPG LX0J300>
12. Environmental Health Pollution Enforcement – No objection subject to conditions. See <http://planning.norwich.gov.uk/online-applications/applicationDetails.do?activeTab=externalDocuments&keyVal=LX9XPG LX0J300>

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

National Planning Policy Framework:

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

Statement 2 – Ensuring the vitality of town centres

Statement 7 – Requiring good design

Statement 11 – Conserving and enhancing the natural environment

Statement 12 - Conserving and enhancing the historic environment

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

Policy 1: Addressing climate change and protecting environmental assets

Policy 11: Norwich City Centre

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

EP10: Noise protection between different uses

EP22: High standard of amenity for residential occupiers

HBE8: Development in Conservation Area

HBE9: Listed buildings and development affecting them

HBE12: Design

SHO11: Frontage policy for secondary retail area

SHO22: Food and drink uses

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

TRA7: Cycle parking standards

TRA8: Servicing provision

Supplementary Planning Documents and Guidance

Norwich City Centre Conservation Area Appraisal

Principle of Development

Policy Considerations

13. There are several issues for consideration in determining this application.

Primarily, the acceptability of the proposed A3 use at ground floor and basement level and D1 use at first floor level in the secondary retail area, the impact that the proposal will have upon the fabric of the listed building, servicing implications, the installation of plant, machinery and extract ventilation that will be required as a result of the change of use and the impact upon the living conditions of neighbouring residents.

Principle

14. 36 Exchange Street is situated within the secondary retail area although Exchange Street does not have a defined retail frontage. As such policy SHO11 of the City of Norwich Replacement Local Plan is of particular importance. This policy sets out that changes to uses in classes other than A1 will be permitted in the Secondary Retail Areas where they do not have a harmful impact on the vitality or viability of the area and on the individual street. The second part of the policy also states that the beneficial use of upper floors will be permitted where they are compatible with surrounding uses.

15. In this instance it is considered that the use of the premises as a delicatessen, café and wine bar at ground floor level will not have a harmful impact on the vitality and viability of the area and the use of the upper floors for an art gallery and exhibition space will be a complementary use and of benefit to this part of the city centre.

16. Furthermore, Policy 11 of the Adopted JCS seeks to promote hospitality uses in the city centre and the National Planning Policy Framework seeks to provide customer choice and a diverse retail offer.

17. The use of this premise as an A3 café, delicatessen and wine bar in principle is considered to be in accordance with saved policy SHO11, the objectives of the National Planning Policy Framework and the Joint Core Strategy, as it is considered that the proposal will add to the vitality and viability of the street scene and wider Conservation Area.

Noise, disturbance and odour and impact upon neighbouring residents

18. The site is in close proximity to residential properties at the rear (Rumsey Wells Place) and above at 2nd floor level and as such consideration needs to be given to the impact that the proposal will have upon the living conditions of neighbouring residents. The applicant has applied to open the business from 08.00 to 23.00. Although the site is in close proximity to residential, it is within a city centre location and is situated within the city centre leisure area. It is not considered unreasonable for a café or restaurant to open until 11pm within a city centre location and no objection has been received from Norwich City Council's environmental health officer in relation to the proposed opening hours. Notwithstanding the above, due to there being a residential property situated directly above the application site, a condition should be attached to any permission restricting the level of acoustic or amplified music as noise is likely to be transmitted easily to the residence above. Furthermore a condition should be attached to any permission restricting the hours of opening until 11pm to ensure that the premises is not open beyond this time.

19. The applicant has applied to install a domestic style flue to the rear of the property and concern was raised by both residents of Rumsey Wells Place and Norwich City Council's environmental health officer that the original positioning of the vent would discharge straight out directly towards the residential flats into a fairly narrow 'canyon' between the rear of 36 Exchange Street and Rumsey Wells Place. Depending on the wind strength and direction this may mean that any odour may not adequately disperse. As a result there were 9 letters of representation submitted.

20. The applicant has repositioned the flue to as far south as possible on the building and this is considered to be a far better position as it will now discharge into a more open area and not directed at the residential building opposite. This should allow adequate dispersal given the limited nature of the food preparation involved. There have been no further objections received as a result of this amendment being re-advertised. The revised position of the flue is considered to be acceptable. A condition should be attached to any permission requiring the extract ventilation system to be installed in accordance with the submitted details and that no other flue or fume extraction shall be installed unless this is agreed by the Council. This should ensure that the proposal does not give rise to unacceptable environmental effect or unacceptable impacts upon the fabric of the listed building.

21. Provided the conditions referred to above are attached to any future permission, it is not considered that the proposal will give rise to unacceptable environmental effects or an unacceptable impact upon neighbouring residents.

Servicing and cycle storage

22. Cycle parking is available nearby for customers at St Andrews Car Park and staff cycles can be accommodated in the basement area. This is acceptable given the sustainable location of the premise and satisfies the local plan requirements (policy TRA7).

23. It was originally proposed to store bins on the western side of the alleyway against the wall of Rumsey Wells Place however this has been amended to the eastern side of the alleyway so it is against the wall of 36 Exchange Street. This will have less of an impact upon the living conditions of neighbouring residents. Bin collection will be by a commercial provider. Given the constraints of the site, the bin storage arrangement area acceptable.
24. With regards to servicing it should be noted that loading at any time is prohibited on the western side of Exchange Street, however it is permitted on the other side at off peak times (No Loading or Unloading Monday to Saturday 7:30am – 9:30 am and 4:30 pm to 6:30pm). An informative should be added to any permission notifying the applicant that this is the case.
25. The site would not be eligible for on street parking permits; however season and contract parking is available for nearby city council car parks if required.

Impact upon listed building and conservation area

26. The application is for the change of use of the premises with the only external alterations being the installation of a vent on the rear elevation. The rear elevation is not the principal elevation and has already got a number of external interventions. The rear of the property is not easily viewable within the city centre conservation area and as such the proposed change of use and provision of extract vent will result in minimal harm to the heritage asset.

Conclusions

27. The retrospective application for the change of use to a delicatessen, café and wine bar at ground floor level and an art gallery and exhibition space at first floor level will not have a detrimental impact upon the vitality and viability of Exchange Street or the area. Therefore the proposals are considered to be in accordance with the objectives of the National Planning Policy Framework, policy 11 of the Adopted Joint Core Strategy for Broadland, Norwich and South Norfolk (March 2011) and saved policy SHO11 of the City of Norwich Replacement Local Plan (Adopted Version November 2004).
28. Subject to conditions regarding plant and machinery, flue extraction, hours of opening, hours of delivery and the provision of amplified and acoustic music, it is not considered that the proposal will have a detrimental impact on the amenity of adjacent uses, the special interest of the grade II listed building or on the character of the Conservation Area. Therefore the proposals are considered to be in accordance with the objectives of the National Planning Policy Framework and saved policies HBE8, HBE9 and EP22 of The City of Norwich Replacement Local Plan (Adopted Version November 2004).

RECOMMENDATIONS

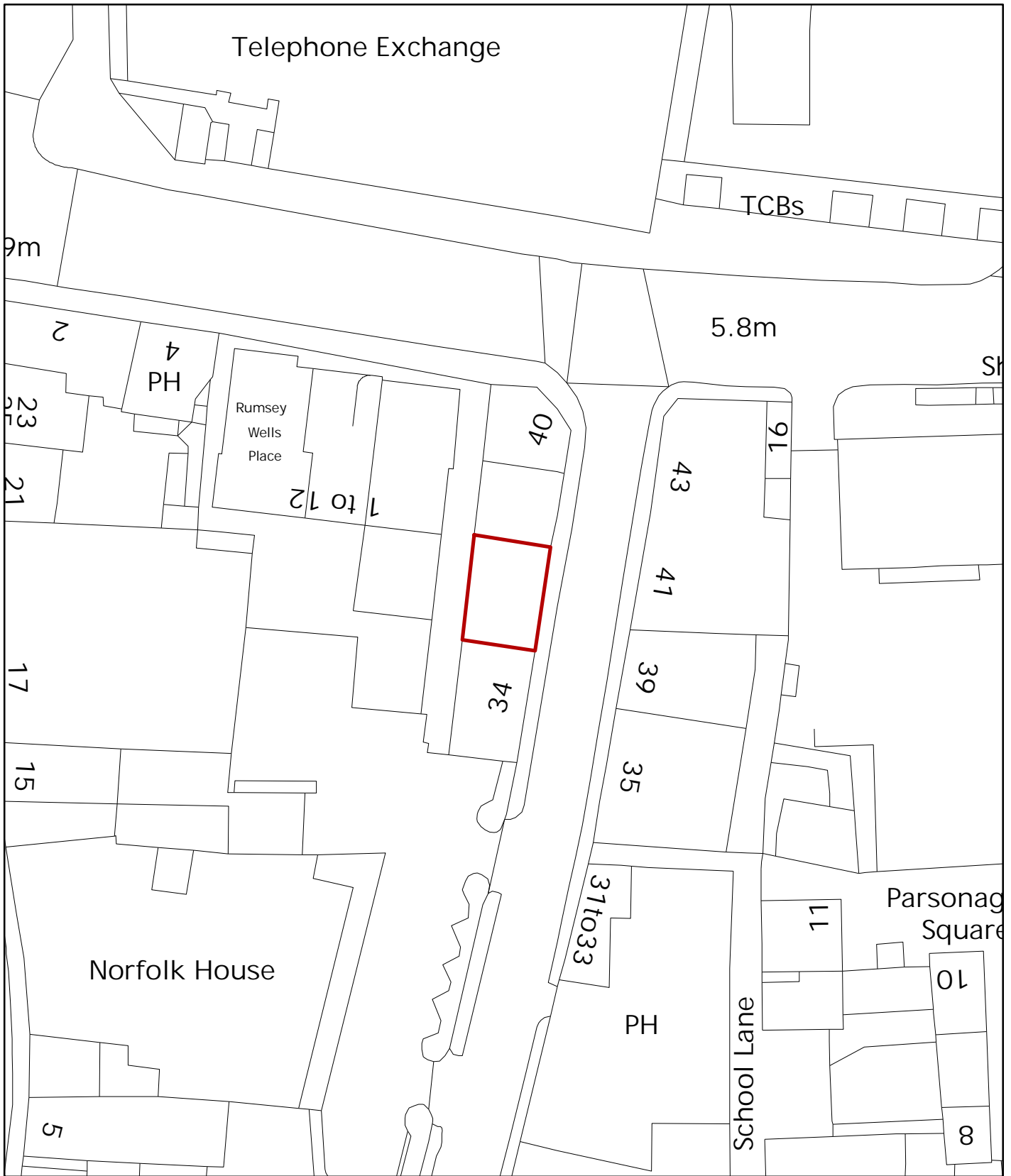
To approve Application No 12/00011/F, 36 Exchange Street and grant planning permission, subject to the following conditions:-

- 1) Standard time limit
- 2) In accordance with plans

- 3) Fixed plant or machinery to be agreed
- 4) Extract ventilation or fume extraction system in accordance with details.
- 5) The premises shall not be open between the hours of 23:00 and 08:00 on any day.
- 6) No deliveries or collections between the hours of 19:00 and 07:00 Monday to Saturday. No deliveries on Sunday.
- 7) No acoustic or amplified sound unless levels agreed

Informative:

Loading prohibited on western side of Exchange Street. Loading may only take place during off peak hours on the eastern side of the street. See on street sign for details.
Not eligible for parking permits



© Crown Copyright and database right 2012. Ordnance Survey 100019747.

Planning Application No 12/00011/F
 Site Address 36 Exchange Street
 Scale 1:500

