

Report to Planning Applications Committee
Date 8 November 2012
Report of Head of planning services
Subject 12/01348/F 102 Prince of Wales Road Norwich NR1 1NY

Item
5(2)

SUMMARY

Description:	Change of use of ground floor of building from offices (Class B1a) to shop (Class A1), financial and professional services (Class A2) and restaurant and café (Class A3).
Reason for consideration at Committee:	Objection
Recommendation:	Approve
Ward:	Thorpe Hamlet
Contact Officer:	Mrs Joy Brown 01603 212542
Valid Date:	9th August 2012
Applicant:	Mr Stewart Cass
Agent:	Lanpro Services

INTRODUCTION

The Site

Location, Context and Constraints

1. The site is situated on the northern side of Prince of Wales Road and is to the east of St Faiths Lane. It is a five storey office premises which dates from around the 1980s. There is a rear access to the premises from Stuart Gardens which is a cul-de-sac off St Faiths Lane.
2. The surrounding area is mixed in terms of its uses. Directly to the west of the site is Alan Boswell Insurance Group offices, to the east is Kwik fit garage, to the north are residential properties on Stuart Gardens and St Faiths Lane and on Prince of Wales Road there is a mix of offices, retail units, restaurants and bars.
3. The site is situated within the City Centre Conservation Area, the Area of Main Archaeological Interest and the City Centre Leisure Area. It is outside of the Late Night Activity Zone, as identified within the Local Plan, and is also outside of the proposed Late Night Activity Zone which is set out within the emerging Development Management Development Plan Document.

Planning History

4/2001/0229 - Installation of gate and railings at front entrance. (APPR - 26/04/2001)

08/01247/FT –

- 1) Installation of a 2m high GRP extension to rooftop plant room, painted to match existing structure.
- 2) 3 No. new equipment cabinets and 2 No. telecommunication antennas will be located within the new enclosure.
- 3) Installation of a third antenna to be sited at the north east (rear) corner of the roof.
- 4) Erection of new access platform and ladder. (APPR - 16/03/2009)

11/00086/FT - Installation of GRP shroud containing 4 No. 3G antennas sited on 2 No. pole mounts on roof to the front of the building, with 2 No. 3G antennas on 1 freestanding frame to the rear of the roof with 2 No. equipment cabinets and all ancillary development. (APPR - 12/05/2011)

Equality and Diversity Issues

4. There are no significant equality or diversity issues. The proposal provides level access to the ground floor and the existing lift to the upper floors is to be retained.

The Proposal

5. The application seeks the change of use of the ground floor of the building from office accommodation (Use Class B1a) to either retail (Use Class A1), financial and professional services (Use Class A2) or a restaurant and café (Use Class A3). The proposal as submitted also included a drinking establishments (Use Class A4); however this has now been removed from the application following concerns raised with the applicant regarding the impact from noise. Should the application be approved and one of the three uses is implemented, the implemented use would become the lawful use of the ground floor of the premises. A further application would be necessary to change the use of the premises to one of the other uses if this was not a permitted change under the Town and Country Planning Act (Use Class Order) 1995 (as amended).
6. The application also seeks alterations to the front elevation with the proposed installation of a new shop front and alterations to the existing entrance. Minor alterations are also proposed to the rear elevation. The positioning of a flue has been shown on the plans which may be necessary should the site be used as a restaurant or café.
7. Servicing and refuse collection will be carried out via the rear entrance onto Stuart Gardens. The proposal includes the provision of secured and covered cycle storage for members of staff but does not include any provision for car parking.

Representations Received

Application as originally submitted (Change of use to A1, A2, A3 or A4)

8. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 18 letters of representation have been received citing the

issues as summarised in the table below.

9.

Issues Raised	Response
Object to drinking establishment due to noise and disturbance, the proximity to residential and office use and anti-social behaviour. The existing bars affect the quality of life of residents and the value of properties in the area.	The change of use to a drinking establishment no longer forms part of the application.
The area should be regenerated back to a day time economy	See paragraphs 15-17
A shop or office presents the best option for the interest of residents of Stuart Gardens and the neighbouring office.	See paragraphs 15-17
A restaurant could potentially impact upon residents of Stuart Gardens and the neighbouring office due to the smell of food cooking. No extract fan systems, air conditioning units, storage or waste or public access should be allowed on the rear elevation of the premises and no flue or ventilation equipment should be allowed to be installed without the Council's approval.	See paragraphs 23-25
Alan Boswell, owners of 100 Prince of Wales Road, has right of way over the area to the rear of the site. This right of way could be affected by the application.	See paragraph 33
An A3 use has the potential to create noise which could affect the neighbouring offices. If A3 use is permitted no tables or chairs should be allowed on the pavement in front of the premises and sound proofing measures should be installed.	See paragraphs 20-23
An A3 use has the potential to have a negative impact upon the area and the neighbouring business due to an excessive number of people being under the influence of alcohol.	See paragraphs 17, 20-22
An A3 use could impact upon the neighbouring business due to increase in litter in the area.	There is no permitted change from A3 (restaurant and café) to A5 (hot food takeaway).
The external signage and appearance should be controlled.	See paragraphs 26-29

Revised application (Change of use to A1, A2 or A3 only)

10. Advertised on site. Adjacent and neighbouring properties have been notified in writing. No letters of representation have been received to date. The period for comments does not expire until the 7th November and as such any comments received will be reported verbally.

Consultation Responses

11. Local Highway Officer – No objection in principle. There are parking restrictions to the front of the premises and servicing should therefore be carried out to the rear. The bin store arrangements are acceptable but there is a significant variation in the refuse requirements of the range of uses proposed. Cycle parking for 6 stands is desirable.
12. Environmental Health (Pollution Enforcement) – The Noise Assessment is not satisfactory for an A4 use. A number of conditions should be attached to any future permission regarding the installation of amplified sound equipment, hours of opening, the removal of permitted development rights to residential above, plant and machinery, mechanical ventilation, fume extraction, the opening of the fire escape doors and hours of deliveries and collections.
13. Norfolk Constabulary – The building is located outside the Late Night Activity Zone and in close proximity to residential. No premises outside the LNAZ should be permitted to open beyond midnight, unless it can clearly be 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.

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 7 – Requiring good design

Statement 10 – Meeting the challenge of climate change, flooding and coastal change

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 2 – Promoting good design

Policy 3 – Energy and water

Policy 5 – The economy

Policy 11 – Norwich City Centre

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

HBE8: Development in Conservation Areas
HBE12: Design
EP10: Noise protection between different uses
EP22: High standard of amenity for residential occupiers
EMP3: Loss of small business units
SHO3: Criteria for assessment of retail proposals
SHO9: Criteria applicable to City Centre retail schemes
SHO22: Food and drink uses in centres
TRA7: Cycle parking standards
TRA8: Servicing

Principle of Development

14. There are several issues for consideration in determining this application. Primarily, the acceptability of the proposed A1, A2 and A3 uses at ground floor level, the loss of office accommodation within a city centre location, servicing implications, the impact upon the living conditions of neighbouring residents and adjacent businesses and the impact that the proposed external alterations will have upon the streetscene and conservation area.

Principle of A1 and A2 use

15. 102 Prince of Wales Road is situated within the City Centre Leisure Area, but it is not within the Late Night Activity Zone or a defined retail zone. Policy 11 of the Joint Core Strategy, the National Planning Policy Framework and policies SHO3 and SHO9 of the Replacement Local Plan are of particular importance. Policy 11 of the Joint Core Strategy seeks to focus retail, leisure and office developments within the city centre, the National Planning Policy Framework seeks to support the viability and vitality of the city centre and the Local Plan sets out that retail development will only be permitted where it is of a scale consistent to the centre's position within the hierarchy and that a sequential approach to the suitability of sites shall apply.
16. As the site is situated within the city centre, it is considered to be a sequentially preferable location. The ground floor is currently in use as office accommodation and it is considered that an A1 use at ground floor has the potential to increase the vitality and viability of this part of Prince of Wales Road during the day and as such is acceptable in principle. Similarly an A2 use would also be complementary to existing uses on Prince of Wales and is therefore considered acceptable in principle.

Principle of A3 use

17. With regards to an A3 use, in addition to the Joint Core Strategy and the National Planning Policy Framework, saved policy SHO22 of the Replacement Local Plan is also of particular relevance. This sets out that uses within the food and drink class will be permitted within retail areas and the Leisure Area, subject to it satisfying the criteria set out within policies SHO10, SHO11, SHO15 and HOU16. SHO10, SHO11 and SHO15 all relate to defined retail areas and policy HOU16 relates to the change of use of dwellings to other uses. As such these policies are not applicable in this instance and the principle of the change of use to a restaurant and café is

acceptable. The main issues for consideration in assessing a proposed A3 use in this location is therefore the impact that it will have upon neighbouring residents and businesses and servicing implications. These issues are discussed in a later section of the report.

Loss of office accommodation

18. The proposal if permitted would result in the loss of office accommodation at ground floor level within the city centre. Policy EMP3 of the Local Plan seeks to retain small business units and the loss of such units will only be permitted where it can be demonstrated that there is no evidence of demand for the units. As part of the application, the applicant has provided a supporting statement from Arnolds Keys who have marketed the premises since February 2012. To date there has only been six enquires and none of these have led to an offer on the premises as it was not considered suitable to meet the needs of the prospective businesses. It is also noted within the supporting information that there are a number of other vacant offices within very close proximity to the site.
19. As the proposal only involves the loss of office accommodation at ground floor level and the other four floors will remain as office accommodation in this instance it is not considered that the loss of office accommodation will have a detriment impact on the overall availability of office space within Norwich City Centre.

Impact on neighbouring residents and businesses

Noise and disturbance

20. The site is in relatively close proximity to residential properties on St Faiths Lane and Stuart Gardens and is adjacent to office accommodation. Office accommodation will also be retained at the upper floors of 102 Prince of Wales Road. As such consideration needs to be given to the impact that the proposal will have upon neighbouring residents and businesses.
21. Within the application form, the applicant has indicated that the proposed open hours are unknown although through discussions with the applicant it is understood that they are seeking to opening until midnight during the week and until 1am at weekends. Both the Norfolk Constabulary and Norwich City Council's Environmental Health Officer have commented that given the site is outside of the Late Night Activity Zone, the hours of opening should be restricted until 12 midnight. Given that the site is within close proximity to residential it is considered that the proposal could have a detrimental impact upon the living conditions of nearby residents and to minimise this it is considered necessary to restrict the opening hours until midnight on every day of the week. It is also necessary to condition hours of servicing to protect the living conditions of neighbours on St Faiths Lane and Stuart Gardens. The application does not include the provision of chairs and tables on the pavement to the front of the premises.
22. Furthermore, due to there being residential properties within relatively close proximity to the application site, a condition should be attached to any permission restricting the level of amplified music as if the level of sound from music is not adequately controlled this could result in a detrimental impact upon neighbouring

properties and businesses. It is not considered necessary to condition any further sound insulation for an A3 use as the existing sound insulation performance of the building shell at ground floor level is considered to be reasonably robust and therefore the internally generated noise can be adequately contained and controlled.

23. The applicant has not applied to install any plant or machinery or mechanical ventilation systems as part of the application. A condition should be attached to any permission requiring that no plant or machinery or mechanical ventilation systems flue shall be installed unless this is agreed by the Council. This should ensure that the proposal does not give rise to unacceptable environmental effects taking into consideration noise and to ensure that the proposal will not have a detrimental impact upon the conservation area.

Odour

24. The use of the premises as a restaurant or café has the potential to impact upon neighbouring residents and business due to the smell of cooking. The applicant has provided details of the possible location of a flue should this be required. This will be routed internally through the upper floor plates of the building to emerge at roof level. Due to the height of the building, it is considered that this will allow for adequate dispersion without impacting upon the residential properties to the rear or the nearby businesses and will not have a significant visual impact upon the conservation area. Notwithstanding the detail provided regarding the location of a flue, a condition should be attached to any permission requiring that no flue extract ventilation or fume extraction system shall be installed or erected on the site unless in accordance with a detailed scheme to ensure that the specifications, detailed location and maintenance are acceptable to ensure that the proposal does not give rise to any unacceptable environmental effects.
25. 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.

Design and impact upon conservation area

26. The proposal involves external alterations to the front and rear elevations. The building is situated within the Prince of Wales Character Area of the city centre conservation area, which is considered to be significant. The building itself is identified as being 'neutral' in terms of neither contributing positively or negatively to the character and appearance of the conservation area. The building appears to date from c1980's and its front elevation appears unaltered. It is a 'solid' building of brick with a feature vertical projecting curved brown glazed stair tower to the right hand side. Windows at first, second and third floor level have typically 'sash window' proportions. At ground floor the windows are symmetrically balanced with the windows above, but consist of two narrow central lights and two wider side lights, with round blue brick segmental arch detailing.
27. The proposal as submitted was considered unacceptable as the proposed shopfront had no connection to the fenestration above and would sit uneasily below a band of bricks below the first floor windows. The applicant submitted further

details with regard to how they foresee the design of the shopfront, which in conservation terms is the critical aspect of the design, having most impact on the character and appearance of the city centre conservation area. Rather than being designed with applied boards to frame the glazed units (which from the elevation drawings would have been very simple and utilitarian), existing brickwork will remain exposed to form a border around the shopfront with a simple applied fascia board. Following discussions the framing of the glazing and the position of the door/access has also been amended so that it lines up with the lines of fenestration above.

28. Although the shopfront does not exactly line up symmetrically with the fenestration above, the overall frontage of the building is not symmetrical, but asymmetrical, with large vertical glazed features to the right hand side, so a symmetrical balance is not critical. The new shopfront will therefore appear harmonious with the existing elevation and the proposal will not have a detrimental impact on the character and appearance of the conservation area. It is however considered necessary to condition the detail of the shopfront to ensure that the proposal is of good design. Provision is made for a fascia sign, which is acceptable in principle, the detail of which would be subject to Advertisement Consent at a later date.
29. The proposed alterations to the rear are considered acceptable as they will not have a significant impact upon the character and appearance of the conservation area.

Transport and servicing

Transport assessment and car parking

30. The premises is situated within the city centre and benefits from good public transport links. No on site car parking is provided and there are public car parks in close proximity to the site at Mountergate and Riverside. The site would not be entitled to parking permits and an informative should be attached to any future permission notifying the applicant that this is the case. No transport contribution is required.

Servicing and bin storage

31. The frontage of the premises has a high level of restriction with no parking being permitted on the footpath, no waiting at any time and no loading during the morning and evening peak hours. As such all servicing should be carried out from Stuart Gardens or St Faiths Lane.
32. It is proposed to have a bin store to the rear of the ground floor, the collection of which will take place from Stuart Gardens. This is acceptable in terms of transportation matters and although there is a significant variation in the refuse requirements of the range of uses proposed, it is considered that the size of the bin store proposed is likely to be sufficient for either an A1, A2 or A3 use. A condition should be attached to any future permission, conditioning the hours of servicing.
33. It is not considered that the proposal is likely to impact upon the right of way to neighbouring business at the rear. Initially cycle stands were proposed within the

shared access area; however these have since been removed as there was concern that these could obstruct servicing to 102 Prince of Wales Road and the neighbouring premises.

Cycle storage

34. The local plan requires that a premises of this size should provide six cycle parking spaces. An internal cycle store has been proposed, access to which is from Stuart Garden. This will provide cycle storage provision for members of staff. The proposal as submitted did also include the provision of external cycle stands within the shared rear servicing access; however these have since been removed from the proposal due to concerns that it would obstruct vehicular access for both this premises and neighbouring properties which could compromise servicing arrangements. Due to the sustainable location and the adequacy of existing on street cycle parking provision it is considered that it is not necessary in this instance to require the application to enter into a s106 agreement to provide a financial contribution for additional off site cycle parking provision for customers.

Environmental Issues

Flood risk

35. The site is situated within Flood Zone 2. Buildings used for shops, financial professional and other services and restaurants and cafes are considered a less vulnerable use. As set out within the National Planning Policy Framework, less vulnerable uses are appropriate within flood zone 2. As the application for change of use the sequential and exceptions test do not apply.

Energy efficiency

36. The proposal is for the change of use of the ground floor only which is approximately 400 square metres. As such as set out in policy 3 of the Joint Core Strategy, it is not necessary that the proposed provides decentralised and renewable or low carbon energy.

Water conservation

37. Policy 3 of the Joint Core Strategy sets out that all development should seek to maximise water efficiency. As such a condition should be attached to any future permission requiring details of water conservation measures prior to development taking place to maximise water conservation.

Conclusions

38. The proposed change of use from office accommodation at ground floor level to retail, financial and professional services or a restaurant and café is acceptable in principle due to the site's central location. The loss of office accommodation will not have a detriment impact on the overall availability of office space within Norwich City Centre and an A1, A2 or A3 use has the potential to enhance the vitality and viability of this section of Prince of Wales Road.

39. The proposed servicing, bin storage and cycle storage arrangements are satisfactory and the proposal will not have a detrimental impact on the character and appearance of the conservation area. 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 and nearby residents.
40. The proposal is therefore considered to be in accordance with the objectives of the National Planning Policy Framework, policies 2, 3, 5 and 11 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk March 2011, saved policies HBE8, HBE12, EP10, EP22, EMP3, SHO3, SHO9, SHO22, TRA7 and TRA8 of the adopted City of Norwich Replacement Local Plan November 2004 and all material considerations.

RECOMMENDATIONS

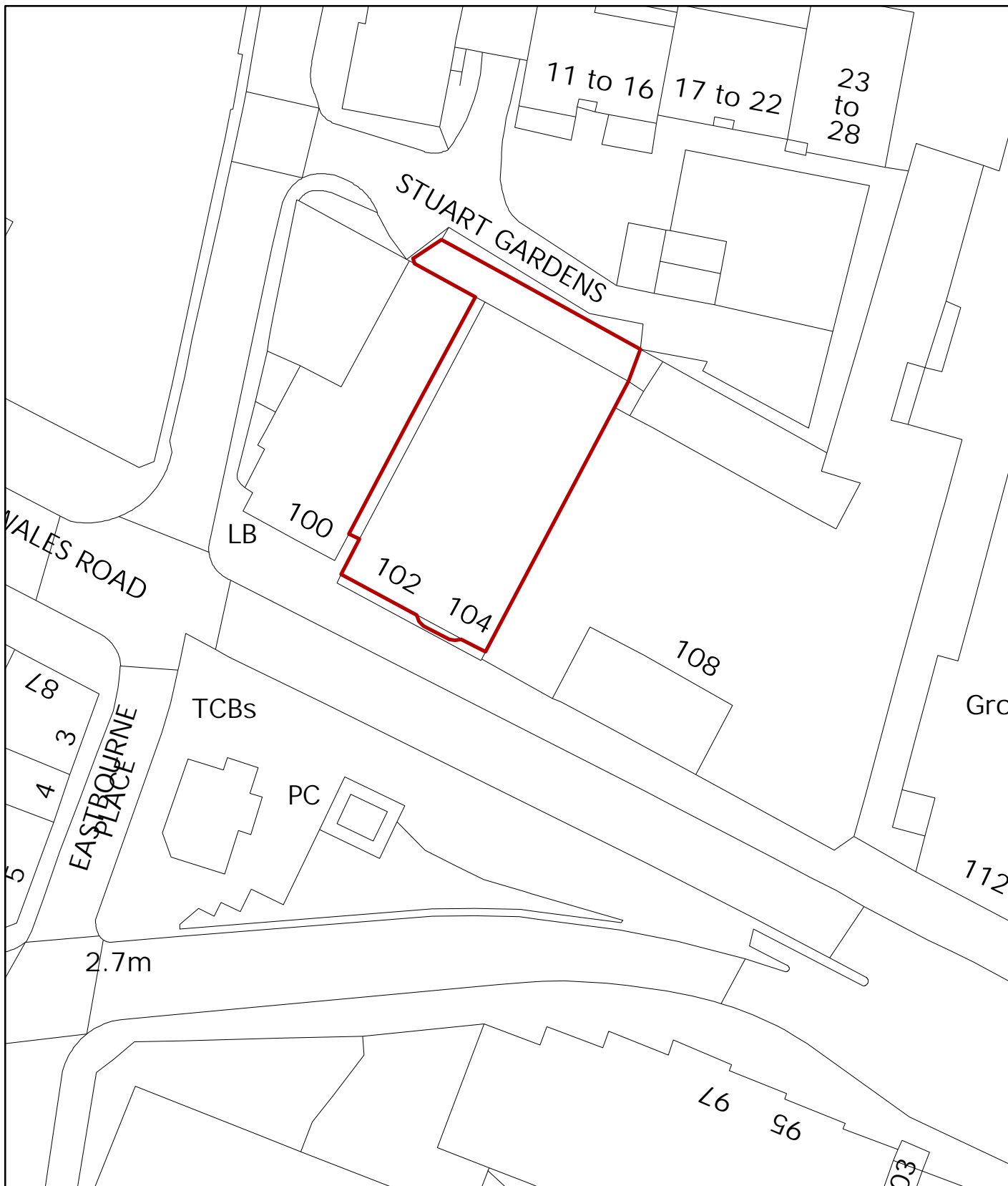
To approve application no 12/01348/F 102 Prince of Wales Road and grant planning permission for the change of use to A1, A2 or A3 subject to the following conditions:

1. Standard 3 year time limit;
2. Development to be carried out in accordance with the approved plans;
3. Details of shopfront
4. Provision of refuse storage prior to first use;
5. Provision of cycle storage prior to first use;
6. Water efficiency
7. Details of amplified sound equipment
8. Premises not to be open to public between 00.01 to 08.00 on any day.
9. No trade deliveries or collection before 07.00 or after 19.00 on any day
10. Fire exit doors marked on plan CAS001/0223 – 01a shall only be used for exiting the premises in an emergency. Servicing shall be carried out via the doors marked 'service'
11. The external area at the rear of the site as shown on plan CAS001/0223 – 01a shall not be used by customers, staff, guests of the premises, or other members of the public, with the exception of exit in the case of emergency, or for servicing.
12. Removal of permitted development rights of upper floors to residential
13. No plant or machinery unless in accordance with an approved scheme
14. No extract ventilation or fume extraction system unless in accordance with an approved scheme.
15. The use of the premises as a restaurant/café shall not take place until a mechanical ventilation system has been installed in accordance with a scheme first to be submitted to and agreed by the council.

Informative: Premises not eligible for business permits.

(Reasons for approval: The decision has been made with particular regard to the National Planning Policy Framework, policies 2, 3, 5 and 11 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk March 2011, saved policies HBE8, HBE12, EP10, EP22, EMP3, SHO3, SHO9, SHO22, TRA7 and TRA8 of the adopted City of Norwich Replacement Local Plan November 2004 and all material considerations. The loss of office accommodation at ground floor level and the proposed A1, A2 or A3 is considered acceptable in this city centre location. The servicing and cycle parking arrangements are considered satisfactory and the proposed changes to the front and rear elevation will not have a detrimental impact on

the character and appearance of the conservation area. Subject to compliance with the conditions imposed, it is not considered that the proposals would have a significant detrimental impact on the amenity of neighbouring residential or commercial properties.)



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Planning Application No 12/01348/F

Site Address 102 Prince of Wales Road

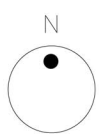
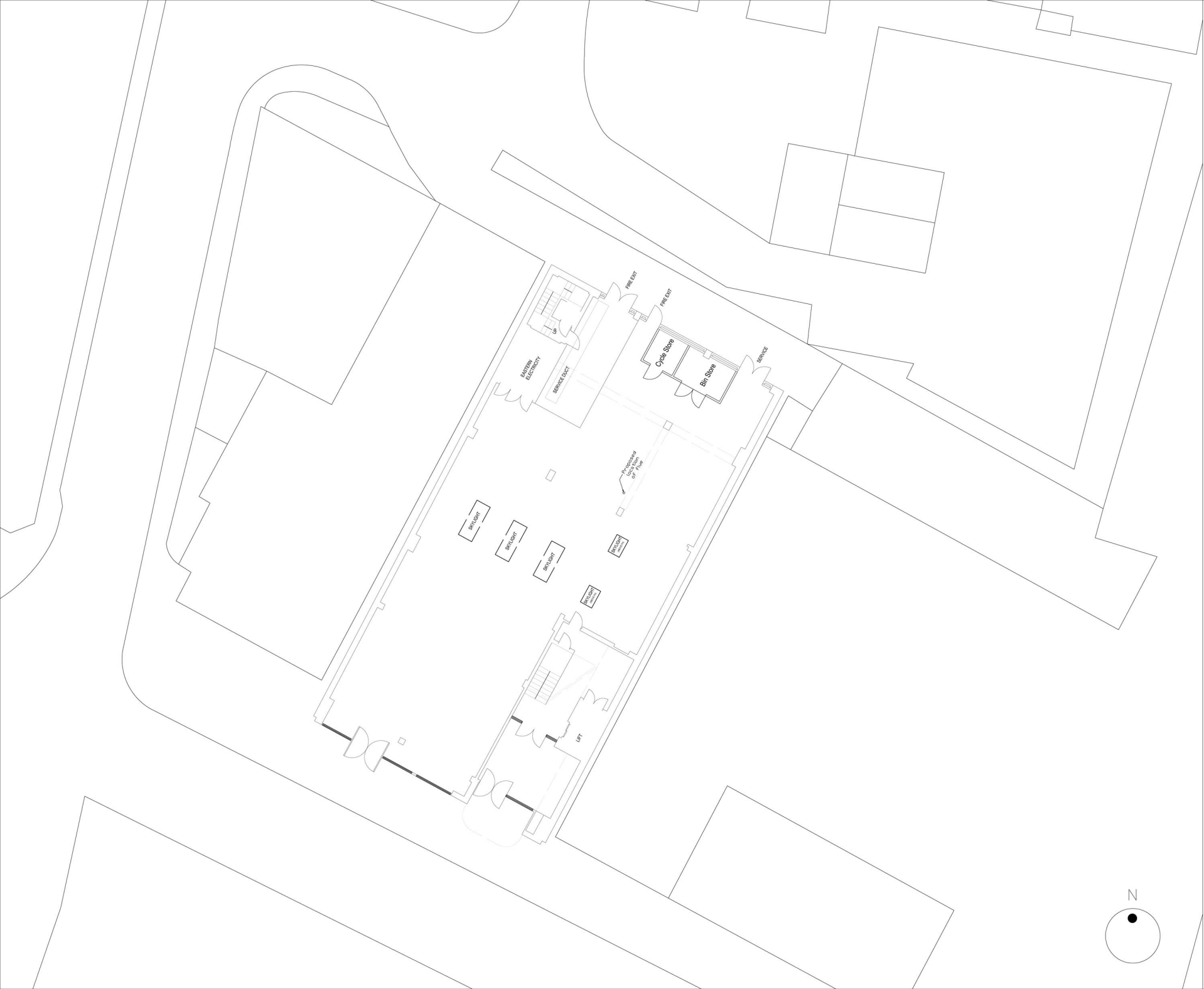
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NORWICH
City Council

PLANNING SERVICES





PROJECT TITLE
Change of use application
102 Prince of Wales Road

PROJECT Number
CAS001/0223

DRAWING TITLE
Ground Floor and Site Plan

DRAWING NUMBER
CAS001/0223 - 01a

SCALE
1/100 (A1)

DATE
19/10/12

DRAWN BY
M. Stewart

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PROPOSED FRONT ELEVATION

PROJECT TITLE
Change of use application
102 Prince of Wales Road

PROJECT Number
CAS001/0223

DRAWING TITLE
Proposed Front Elevation

DRAWING NUMBER
CAS001/0223 - 06

SCALE
1/50 (A1)

DATE
19/10/12

DRAWN BY
M. Stewart

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