

## Report for Resolution

**Report to** Planning Applications Committee  
10 September 2009

**Report of** Head of Planning and Regeneration Services

**Subject** 09/00634/F Land Adjacent To 73 Oak Street Norwich

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Item  
**5(8)**

### SUMMARY

<b>Description:</b>	Use of adjoining land as a beer garden (Class A4) in association with the White Lion public house; installation of new external doorway, erection of smoking shelter and new boundary fence.	
<b>Reason for consideration at Committee:</b>	Objection	
<b>Recommendation:</b>	Approved	
<b>Ward:</b>	Mancroft	
<b>Contact Officer:</b>	Miss Sarah Platt	Planning Officer
<b>Date of receipt:</b>		
<b>Applicant:</b>	Mr Philip Law	
<b>Agent:</b>	Mr Philip Law	

### INTRODUCTION

#### The Site

##### Location and Content

1. The application site is located to the West of Oak Street adjacent to the White Lion Pub which is locally listed. To the North is the Inner Ring Road (St Crispins Road). To the East is a commercial premises, to the South are residential properties and to the rear is Silkfields Sheltered Housing.
2. The area of land in question is currently overgrown and derelict. It has been over run by cotoneaster and rowan trees. The land rises by approximately 3ft (90cm) towards the rear of the site. There is no boundary fence to this area, merely the fencing which surrounds the electricity sub-station adjacent.

##### Planning History

3. There was a previous application made earlier this year (09/00500/F) for the use of the land as a beer garden, however, this was withdrawn following a site visit when the additional works were discussed and the applicant was advised that these works would also require permission. This new application includes all external works to the premises as well as the change of use to the land.

##### Constraints

4. The application site is located within an Area of Main Archaeological interest and

the City Centre Conservation Area. The site is within the Northern Riverside character area of the Norwich City Centre Conservation Area Appraisal. It is also located within Flood Zone 2 (1 in 1000 year probability).

## **The Proposal**

5. The proposal is for several elements. There is a change of use of the land for use as a beer garden (Class A4) in association with the White Lion Public House. In order to facilitate this several other works have to be carried out.
6. The land is to be levelled out to reduce the slope to the rear. The land currently lies above the damp proof course of the public house and it is proposed to reduce the land level by 3ft (90cm) approximately so that it is level with the land at the front of the site.
7. A boundary fence of 2 metres will be erected. However, it is proposed to make the fencing as tall as the building eaves line at the rear in order to reduce noise impact on Silkfields Sheltered Housing.
8. A new access door is to be installed in the side wall of the public house to facilitate access to the beer garden. This access will be level in order to facilitate disabled access also.
9. A smoking shelter is proposed to be erected. In order to comply with new regulations the shelter has to be 50% open. It is proposed that the West elevation facing the rear, i.e. facing Silkfields is to be kept boarded/enclosed and the east elevation facing the road is to be open.

## **Representations Received**

10. 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. 1 letter of support has been received citing the positive contributions this development would make to the area.

Issues Raised	Response
Noise disturbance	See paragraphs 17, 18 and 19
Smell disturbance	See paragraphs 17, 18 and 19
Parking	See paragraphs 20 and 21

## **Consultation Responses**

11. Environmental Health – The proposed smoking shelter meets the regulation requirements. No objections.
12. Tree Officer – There are no significant Arboricultural implications. No objections.

# **ASSESSMENT OF PLANNING CONSIDERATIONS**

## **Relevant Planning Policies**

### **Relevant National Planning Policies**

PPS1 – Delivering Sustainable Development

PPS1 Annex – Planning & Climate Change

PPS25 – Development and Flood Risk

### **Relevant Strategic Regional Planning Policies (Adopted East of England Plan (May 2008))**

ENV7 – Quality in the Built Environment

### **Relevant Local Plan Policies (Adopted City of Norwich Replacement Local Plan (November 2004))**

HBE3 – Area of Main Archaeological Interest

HBE8 – Development within a Conservation Area

HBE12 – High Quality of Design

EP22 – High Standard of Residential Amenity

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

City Centre Conservation Area Appraisal

## **Principle of Development**

### **Policy Considerations**

13. There is no specific policy relating to the change of use of this land as it is not an allocated site within the Replacement Local Plan, nor is it situated within a primary or secondary retail area. In light of this and the current nature of the site it is considered that the use of this land as a beer garden in association with the public house is acceptable.
14. Policy HBE3 states that development in an area of main archaeological interest will only be permitted if the proposal is supported by an appropriate archaeological assessment. It is not considered that this development will require such an assessment. The works to level the site will only be removing 90cm of top soil and no foundations are required for the shelter other than a flagstone base which will sit on top of the land. No excavation works of any significance are to occur. The proposals are therefore considered to be in accordance with saved policy HBE3.
15. Saved policy HBE8 states that development within a Conservation Area should conserve and retain the features which contribute to the area's character and the design and form of new development should respect and be sympathetic to the character of the area's development. The City Centre Conservation Area Appraisal

states that the Northern Riverside Area, in which the application site sits, is an area of significance. The application site is located in an area marked as “neutral” but which sits along a positive vista looking towards the city. The White Lion Public House is a locally listed building. The area of land for consideration does little to enhance the street scene as it is overrun with vegetation and has become a dumping ground for litter. The proposals will tidy up this area and bring it into constructive use and the close boarded fencing is considered to improve the street scene. The proposals, including the new external door in the building, are considered acceptable in terms of design as well and therefore are in accordance with saved policies HBE8 and HBE12, and policy ENV7 of the East of England Plan.

16. Policy EP22 states that a high standard of residential amenity will be sought for existing and potential residential amenity on all development including alterations or extensions to existing buildings. It is considered that the proposals will not harm the residential amenity of the occupants of Silkfields Sheltered Housing as the nearest residential amenity. The nearest residential unit is 12 metres away approximately. A tall fence will be erected to the rear of the site and the enclosed side of the shelter will face this direction also. It is therefore considered that the proposals are acceptable.

## **Impact on Living Conditions**

### **Noise and Disturbance**

17. One objection has been received with regards to the potential for this proposal to cause noise and smell disturbance. As above in the policy assessment, it is considered that every effort has been made to negate any issues of noise or smell disturbance which may arise. The fencing to the rear will be made as tall as possible, but certainly to eaves height of the building in order to enclose noise as far as possible. The open side of the smoking shelter will face the East of the site (the road) and the elevation facing the rear will be close boarded. The applicant is willing to display signs asking patrons to respect the residents of Silkfields Sheltered Housing when using the beer garden. It is considered prudent in this case to add a condition that the beer garden shall not be used after the hours of 10:30pm, and not before 11:00am in line with the public house’s opening hours, and that there is a condition to prevent the use of the beer garden for any source of amplified or acoustic sound.
18. There will be a small amount of smell disturbance as this area is to be used as a smoking area, but again, with the design and positioning of the smoking shelter these concerns are considered to have been mitigated as far as possible.

## **Transport and Access**

### **Car Parking**

19. The area immediately to the front of the area of land for consideration under this application and the area of land in front of the electricity sub-station are sometimes used by members of the public for parking. These areas are not designated parking areas. The erection of the fencing around the application site will solve the issue of cars parking illegally on this area of land. The illegally parked cars in front of the electricity sub-station are on the highway and therefore are a matter of enforcement

for the Police.

20. The public house does not have any allocated parking spaces and as such it is reasonable to expect patrons to organise their own parking in public or on-street parking bays. The parking spaces in the Silkfields Sheltered Housing car park are private and for residents and visitors only. Although not a planning matter, occurrences of patrons of the public house parking in these spaces would need to be dealt with by the Neighbourhood Warden.

## **Environmental Issues**

### **Flood Risk**

21. The application site is within Flood Zone 2 (medium probability flood risk) and is considered to be a “more vulnerable” use of the land. However, the application is accompanied by a Flood Risk Assessment which stipulates that the surface of the proposed beer garden is to remain permeable and that increased flood risk is unlikely to occur elsewhere as a result of this development. It is considered that a condition for a flood evacuation plan will be sufficient to ensure that this area is managed correctly in the event of a flood.

## **Trees and Landscaping**

### **Loss of Trees or Impact on Trees**

22. There are no Arboricultural implications of the removal of the overgrown trees, bushes and vegetation on site. The existing Cotoneaster and Rowan trees on site are immature and have no Arboricultural value. The trees on adjacent land to the North will not be affected by these proposals.

## **Conclusions**

23. In conclusion, it is considered that the proposals meet the policy criteria in relation to residential amenity and other issues identified within the assessment. Every effort has been made in terms of design to mitigate any potential issues as far as possible. With the use of conditions placed on the application to mitigate any concerns, it is considered that this application is acceptable.

## **RECOMMENDATIONS**

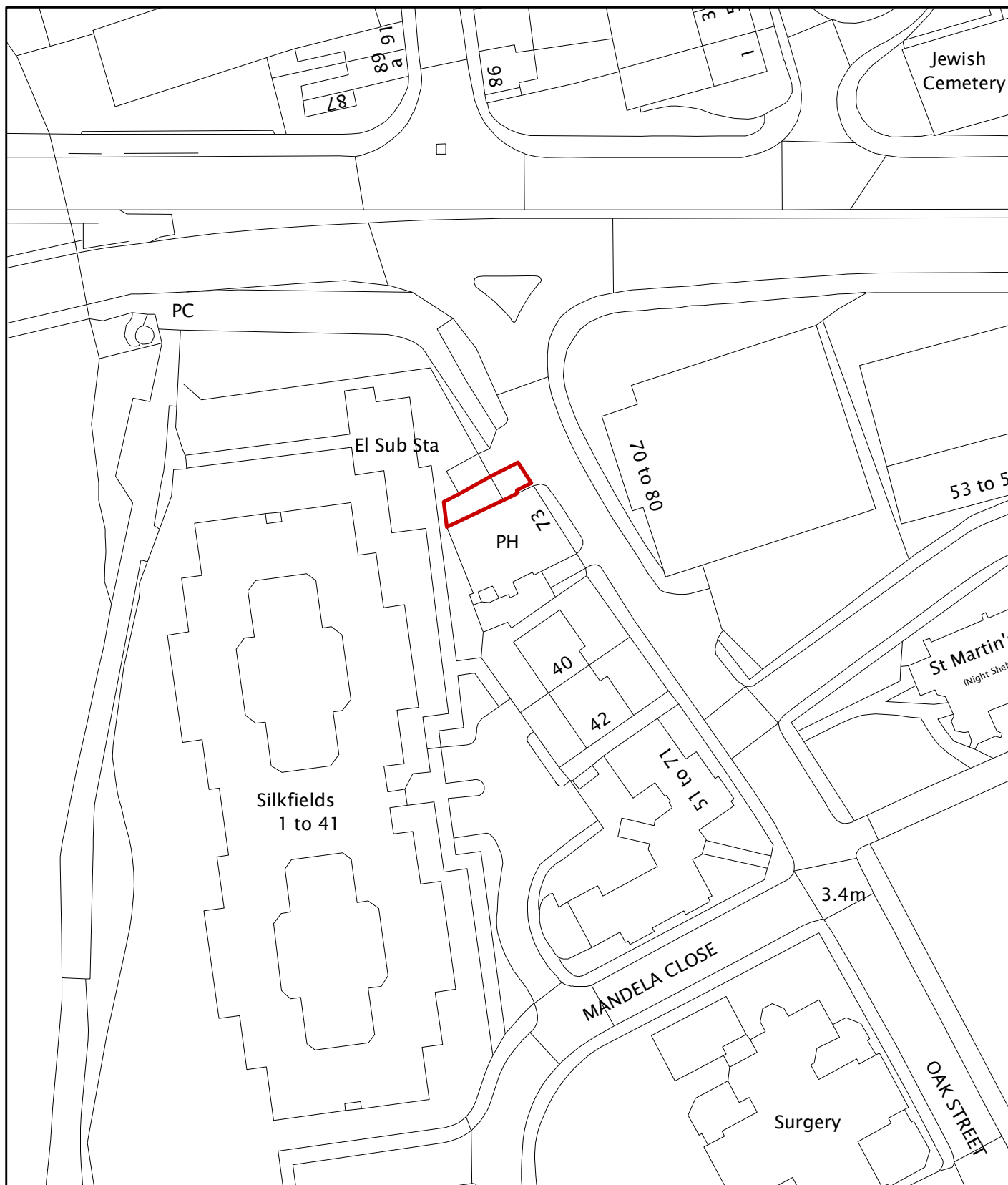
Recommended to approve 09/00634/F – Land adjacent to 73 Oak Street and grant planning permission, subject to the following conditions:-

- 1) Standard time limit;
- 2) Standard drawings condition
- 3) Development will be in accordance with the submitted and approved drawings;
- 4) The smoking shelter shall not be erected prior to the ground levelling works being completed;
- 5) Before the use commences the fence on the West elevation will be treated to improve resistance to the transmission of sound;
- 6) There will be no amplified or acoustic music in the beer garden at any time;
- 7) Hours of use will be restricted to not before 11:00hrs and not after 22:30hrs.
- 8) Prior to the first use, a flood evacuation plan shall be submitted and agreed.

9) Details of: a) fencing, including stain colour.

### **Reasons for Approval**

The development hereby permitted is not considered to have a detrimental impact on residential amenity, the street scene or wider conservation area. Every effort has been made to achieve a high quality design which will bring a derelict area of land into constructive use. The proposals are considered to be in accordance with PPS1, PPS1 Annex and PPS25, policy ENV7 of the East of England Plan (May 2008) and saved policies HBE3, HBE8, HBE12 and EP22 of the City of Norwich Replacement Local Plan (Adopted Version November 2004).



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Planning Application No - 09/00634/F

Site Address - Land adjacent to 73 Oak Street, Norwich

Scale - 1:750



**NORWICH**  
City Council

DIRECTORATE OF REGENERATION  
AND DEVELOPMENT

