

**Report to** Planning Applications Committee

**Item**

11 October 2018

**Report of** Head of planning services

**Subject** Application no 18/00973/F - Union Building 51 - 59 Rose Lane, Norwich

**4(a)**

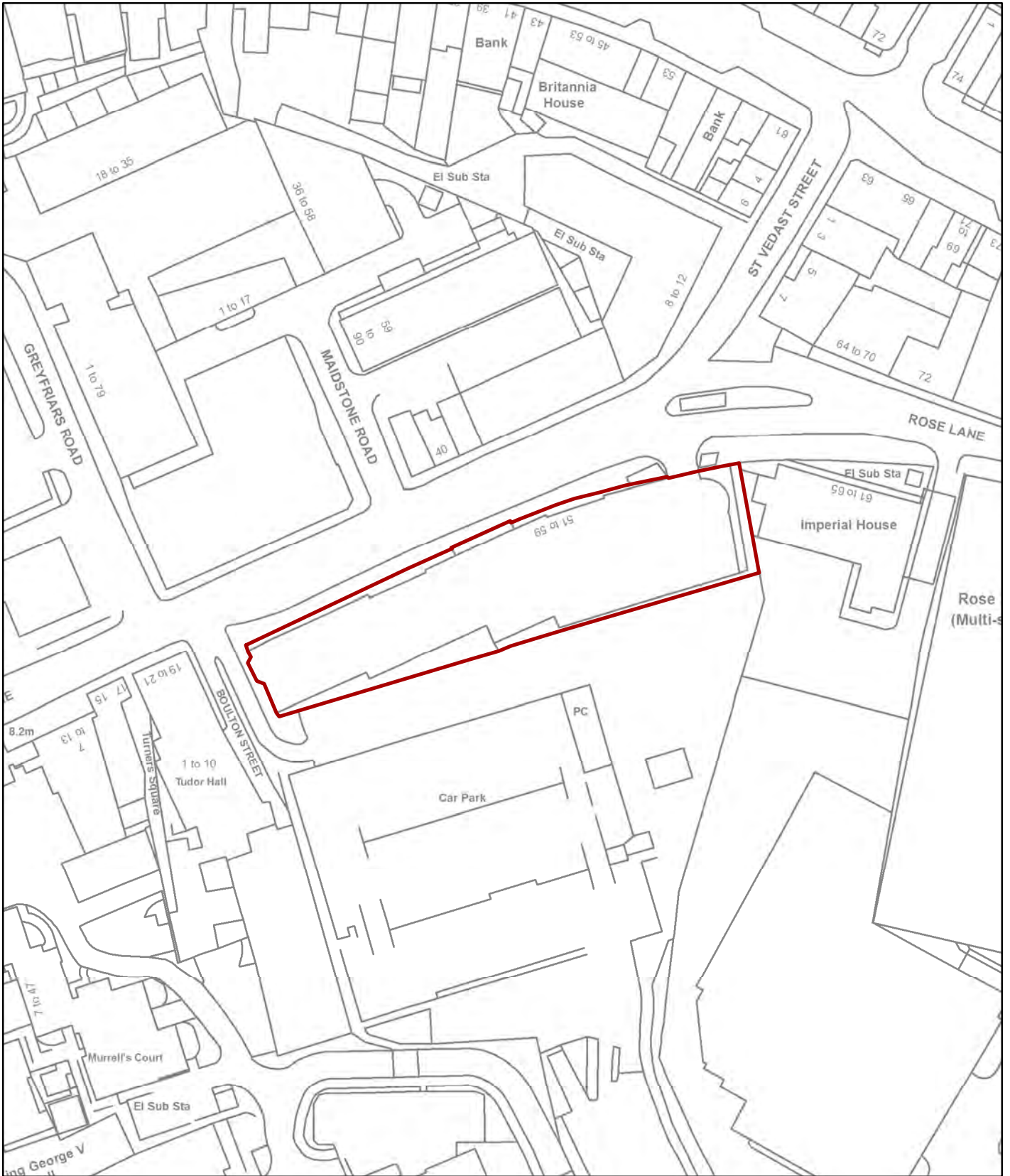
**Reason for referral** Objections

---

<b>Ward</b>	Thorpe Hamlet
<b>Case officer</b>	Lara Emerson - <a href="mailto:laraemerson@norwich.gov.uk">laraemerson@norwich.gov.uk</a>

<b>Development proposal</b>		
Alterations and change of use of rooftop terrace west to restaurant (Class A3).		
<b>Representations</b>		
Object	Comment	Support
4	0	0

<b>Main issues</b>	<b>Key considerations</b>
1. Amenity	Noise, overlooking.
2. Design & heritage	Appearance, impact on heritage assets.
<b>Expiry date</b>	15 October 2018 (extended from 23 August 2018)
<b>Recommendation</b>	Approve



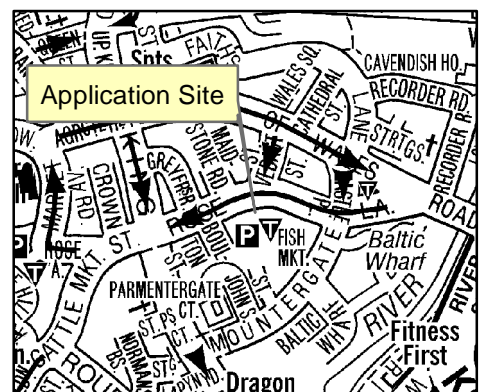
© Crown Copyright and database right 2018. Ordnance Survey 100019747.

Planning Application No 18/00973/F  
 Rooftop Gardens Union Building  
 Site Address Rose Lane  
 Scale 1:1,000



**NORWICH**  
City Council

PLANNING SERVICES



## The site, surroundings & constraints

1. The site is a large office block known as the Union Building. The top floor has consent for use as a public restaurant and the eastern roof top has consent for use as a dining area in association with this.
2. The site is within the City Centre Conservation Area and lies adjacent to the Grade II Listed Tudor Hall. The site is within the office development priority area.
3. There are a number of residential uses nearby.

## Relevant planning history

Ref	Proposal	Decision	Date
4/1989/1157	Erection of additional floor on existing office building together with new pitched roofs to create 1483 sq.m. of offices.	Refused	07/12/1989
4/1990/0860	Installation of window cleaning equipment.	Approved	14/01/1991
4/1991/0624	Installation of additional windows.	Approved	06/02/1992
4/1992/0091	Installation of fire exit at side of building.	Approved	11/03/1992
4/1995/0946	Installation of satellite dish on roof of building.	Approved	04/01/1996
4/1995/0273	Installation of one 1m. diameter satellite dish.	Approved	05/05/1995
09/00100/F	Replacement of air conditioning system including refit of safety rail around the perimeter of the roof.	Approved	23/04/2009
15/00748/F	Alterations to main entrance, relocation of staff canteen to level 6, change of use of existing canteen to staff carparking area, conversion of office space on level 1 to staff gym and children's nursery.	Approved	10/08/2015
16/00129/F	Change of use of top floor to restaurant (Class A3).	Approved	12/04/2016
16/00532/F	Use of roof terrace for dining area in association with restaurant and erection of acoustic screen.	Approved	01/06/2016
16/01330/D	Details of Condition 6: acoustic screen of previous permission 16/00532/F.	Approved	05/10/2016
16/01343/F	Construction of awning over roof top restaurant area.	Approved	07/11/2016
16/01594/VC	Variation of Condition 4 (16/00129/F) to prevent opening of the premises between 00:00 and 06:59 to 01:30 and 06:59 on any day.	Refused	06/12/2016
18/00967/F	Construction of a structure over the fire escape stair at level 7 (Retrospective).	Pending consideration	
18/00972/F	Construction of awning (Retrospective).	Approved	26/09/2018

## The proposal

4. The proposal is for the change of use of the western roof terrace to additional dining space (use class A3). Associated alterations include the erection of an acoustic barrier and installation of a door between the internal and external areas.

## Representations

5. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 4 letters of representation have been received citing the issues as summarised in the table below. All representations are available to view in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Issues raised	Response
Overlooking	See main issue 1 which relates to amenity.
Noise	See main issue 1 which relates to amenity.
Additional traffic	See paragraph 18

## Consultation responses

6. Consultation responses are summarised below. The full responses are available to view at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

## Design and conservation

7. This is not an application that I intend to provide conservation and design officer comments on because it does not appear on the basis of the application description to require our specialist conservation and design expertise. This should not be interpreted as a judgement about the acceptability or otherwise of the proposal.

## Environmental protection

8. Noise impact assessment requested & subsequently received. Satisfied that the noise impact assessment adequately assesses the noise situation and identified mitigation measures which are required to be carried out to prevent the proposals having an unacceptable impact on the amenity of neighbours.

*NB: a subsequent report has established that these mitigation measures have now been implemented.*

# Assessment of planning considerations

## Relevant development plan policies

9. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan 2014 (JCS)**
  - JCS2 Promoting good design
  - JCS5 The economy
  - JCS6 Access and transportation
  - JCS8 Culture, leisure and entertainment
  
10. **Norwich Development Management Policies Local Plan adopted Dec 2014 (DM Plan)**
  - DM1 Achieving and delivering sustainable development
  - DM2 Ensuring satisfactory living and working conditions
  - DM3 Delivering high quality design
  - DM9 Safeguarding Norwich's heritage
  - DM11 Protecting against environmental hazards
  - DM16 Supporting the needs of business
  - DM18 Promoting and supporting centres
  - DM23 Supporting and managing the evening and late night economy
  - DM28 Encouraging sustainable travel

## Other material considerations

11. **Relevant sections of the National Planning Policy Framework 2018 (NPPF)**
  - NPPF Section 6 - Building a strong, competitive economy
  - NPPF Section 8 - Promoting healthy and safe communities
  - NPPF Section 12 - Achieving well-designed places
  - NPPF Section 16 - Conserving and enhancing the historic environment

## Case Assessment

12. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant development plan policies are detailed above. Material considerations include policies in the National Planning Framework (NPPF), the Council's standing duties, other policy documents and guidance detailed above and any other matters referred to specifically in the assessment below. The following paragraphs provide an assessment of the main planning issues in this case against relevant policies and material considerations.

### Main issue 1: Amenity

13. Key policies – JCS2, DM3, NPPF section 12.
  
14. The main issue with the terrace is the potential disturbance to the dwellings nearby. A submitted noise impact assessment has determined that the clear acoustic barrier adequately protects against excessive disturbance. The barrier, which is installed on all sides of the terrace, was initially incorrectly installed with large gaps

allowing noise to escape. Following negotiations, these gaps have now been sealed and a subsequent report from a noise consultant confirms that there will be no adverse impact on nearby neighbours. Hours of opening will be restricted to 7am-midnight in accordance with the other recent consents, and no changes to the amplification equipment or acoustic barriers will be permitted without express consent.

15. The increase in activity may lead to some overlooking to the new flats on Rose Lane to the north and the flats on Boulton Street to the west. However, since the terrace is set at a distance of at least 17m from any of these properties, this raises no particular privacy issues.

## **Main issue 2: Design & heritage**

16. Key policies – DM9, NPPF sections 12 & 16.
17. The acoustic barrier and the terrace's dining furniture are visible from a number of views, including from the top of Rose Lane near Market Avenue. The acoustic barrier is clear which reduces its visual impact and the frameless approach has been successful on the east terrace. The proposal causes no harm to the significance of any nearby heritage assets including the listed building and character of the wider conservation area.

## **Other matters**

18. The following matters have been assessed and considered satisfactory and in accordance with relevant development plan policies, subject to appropriate conditions and mitigation: transport (the measures agreed via application 16/00129/F are sufficient for this small increase in capacity).

## **Equalities and diversity issues**

19. There are no significant equality or diversity issues.

## **Local finance considerations**

20. Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are defined as a government grant or the Community Infrastructure Levy. Whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision on the potential for the development to raise money for a local authority. In this case local finance considerations are not considered to be material to the case.

## **Conclusion**

21. The development is in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.

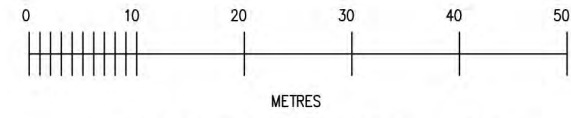
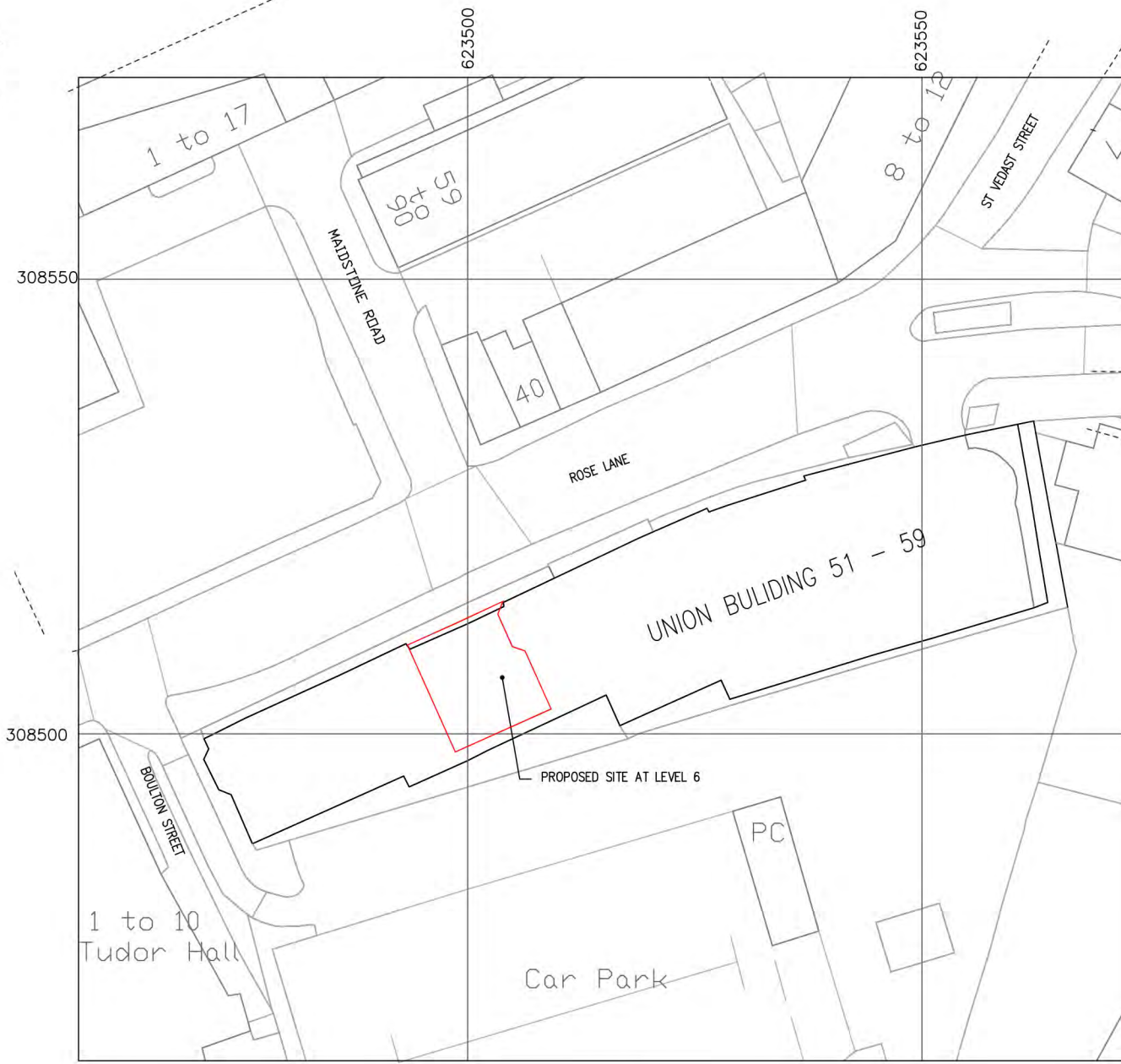
## **Recommendation**

To approve application no. 18/00973/F - Union Building 51 - 59 Rose Lane Norwich and grant planning permission subject to the following conditions:

1. In accordance with plans;
2. Only to be open between 7am-midnight;
3. Acoustic barrier and amplification equipment as set out within the noise impact assessment to be retained in perpetuity and not to be modified without express consent;
4. No plant to be installed without consent.



NORTH



LICENSED ORDNANCE SURVEY PARTNER NUMBER 100053143

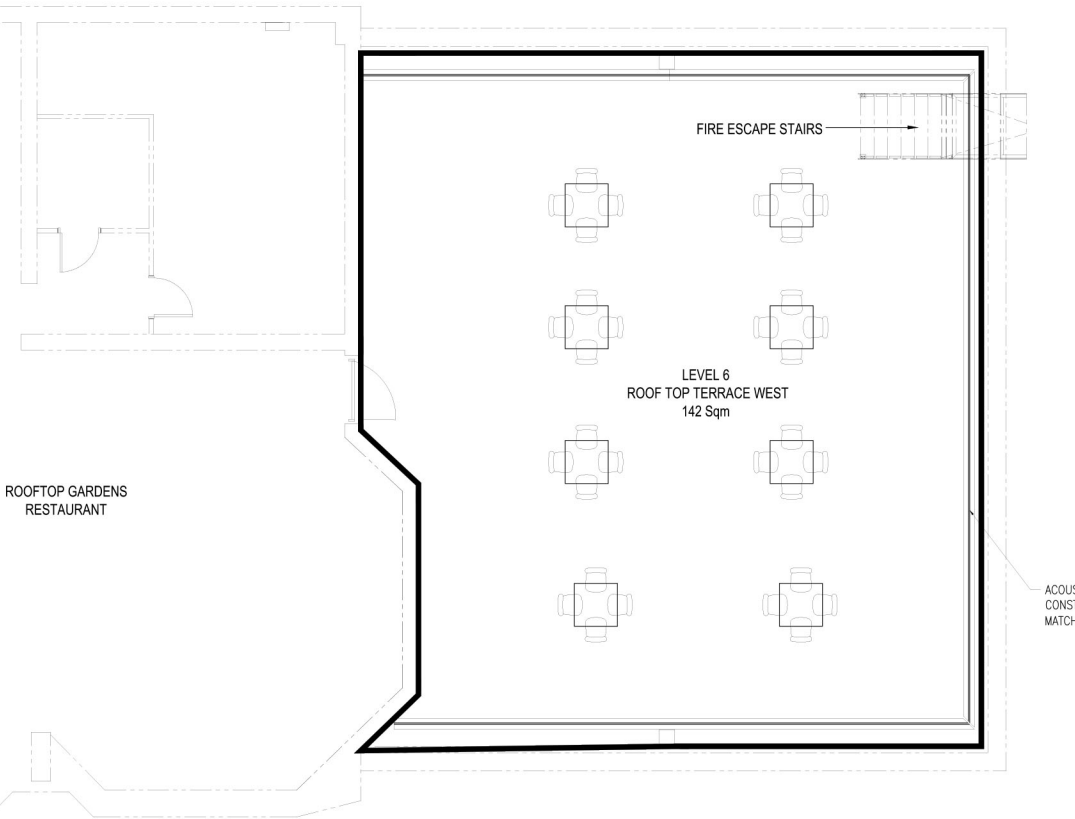
**SITE PLAN**  
 SCALE 1:500

A1	ISSUED FOR PLANNING	27.06.18	DF						
REV	DESCRIPTION	DATE	DRAWN BY	CHKD BY	APRVD BY	ENG. APRVD	CLIENT APRVD		
PROJECT TITLE ROOFTOP GARDENS, UNION BUILDING, NORWICH, NR1 1BY									
CLIENT	-	W/O No. RT01	DRAWING SIZE A3	SCALE 1:500					
				UNION BUILDING 51-59 ROSE LANE, NORWICH, NORFOLK NR1 1BY TEL: 01603 273623					
DRAWING TITLE SITE PLAN									
DRAWING NUMBER	RT01-S-10		SHEET No. 001	REVISION A1					



THIS DRAWING IS THE PROPERTY OF ENVISION CAD LIMITED.  
 NO INFORMATION CONTAINED HEREIN SHALL BE REPRODUCED OR USED IN ANY WAY WITHOUT  
 WRITTEN PERMISSION FROM ENVISION CAD LTD. ANY PERSONS IN POSSESSION OF  
 THIS DOCUMENT ACKNOWLEDGES BEING BOUND BY THE OBLIGATION TO TREAT IT AS CONFIDENTIAL.  
 THIS DOCUMENT HAS BEEN PRODUCED ON AUTOCAD AND MUST NOT BE MANUALLY ALTERED.

NOTES:  
 1. ALL DIMENSIONS ARE APPROXIMATE AND IN MILLIMETRES O.N.O

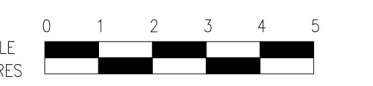


FIRE ESCAPE STAIRS

LEVEL 6  
 ROOF TOP TERRACE WEST  
 142 Sqm

ROOFTOP GARDENS  
 RESTAURANT

ACOUSTIC SCREEN AROUND TERRACE  
 CONSTRUCTED OF TOUGHENED / LAMINATED GLASS  
 MATCHING WHAT WAS DONE ON THE EAST TERRACE



PLAN ON PROPOSED ROOFTOP TERRACE WEST

A1	ISSUED FOR PLANNING	26.06.18	DF						
REV	DESCRIPTION	DATE	DRAWN BY	CHKD BY	APRVD BY	ENG. APRVD	CLIENT APRVD		
PROJECT TITLE ROOFTOP GARDENS, UNION BUILDING, NORWICH, NR1 1BY									
CLIENT	GC ROOFTOP LTD	W/O No.	RT01	CAD FILE No.		SCALE	A1@1:50		
				<small>ENVISION CAD          UNION BUILDING          51-59 ROSE LANE,          NORWICH, NORFOLK          NR1 1BY          TEL: 01603 273623</small>					
DRAWING TITLE ROOFTOP TERRACE WEST PROPOSED PLAN									
DRAWING NUMBER RT01-P-10									
SHEET No. 001									
REVISION A1									