

Report to Planning Applications Committee

Item

13 May 2021

Report of Area Development Manager

Subject Application no 21/00373/U – St Marys Works

Reason

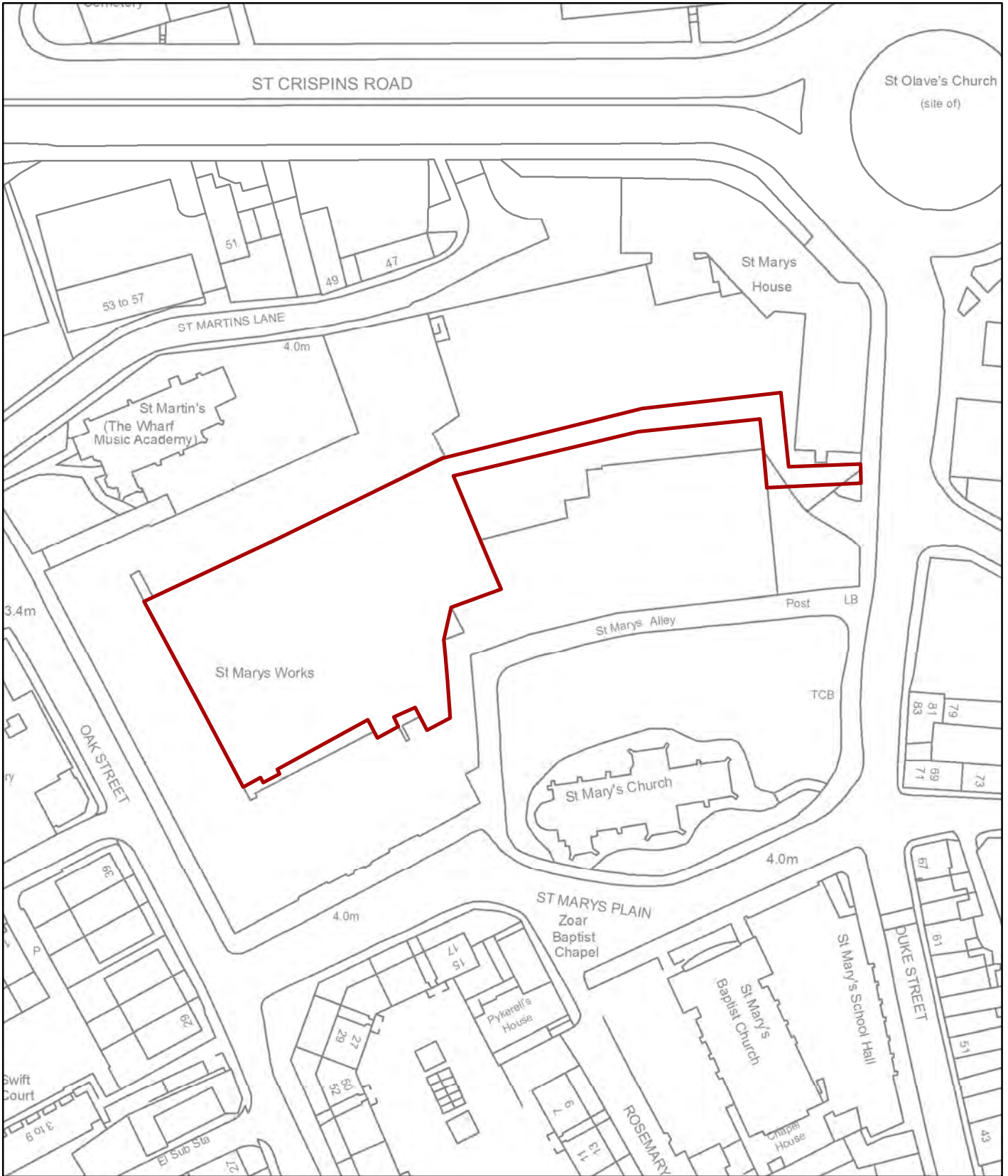
for referral Councillor call in

4(b)

Ward	Mancroft
Case officer	Lara Emerson laraemerson@norwich.gov.uk
Applicant	Afterdark Promotions

Development proposal		
Temporary change of use of the car park for use as an outdoor events venue/food market for a 12 month period only.		
Representations		
Object	Comment	Support
11 individual letters; 1 petition signed by 10 individuals	0	2

Main issues	Key considerations
1. Principle of use	Loss of car park; creation of food & drink use; emerging site allocation.
2. Amenity	Noise from site; noise from customers coming and going; litter; hours of use.
3. Transport	Sustainability of location; cycle parking.
Expiry date	21 May 2021 (extended from 12 May 2021)
Recommendation	Approve

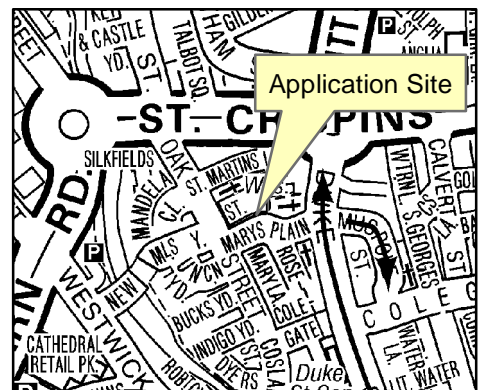


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Planning Application No 12/00373/U
 Site Address St Mary's Works
 Duke Street
 Scale 1:1,000



NORWICH
 City Council
 PLANNING SERVICES



The site, surroundings & constraints

1. The application relates to an area of car parking currently associated with the commercial buildings known as St Mary's Works, off Duke Street to the north of the city centre.
2. The area included within the application site is the western-most section of car park, which is enclosed by 2-3 storey buildings to the north, south and west. The buildings are in a variety of commercial uses including gym and office. To the east is the remainder of the car park which stretches from the application site to Duke Street.
3. Beyond the commercial buildings, to the north is St Martins Lane which is occupied by a church, several commercial buildings and several residential dwellings. To the west is Oak Street which is predominantly residential but also includes a pub and a doctors' surgery. To the south is St Mary's Plain, which accommodates two more churches and some residential dwellings. Duke Street is a busy one-way (northbound) traffic route out of the city, and at this point it is populated primarily by residential dwellings except for the offices located on the St Crispin's roundabout (one of which is undergoing conversion to student accommodation).
4. The site is located within the City Centre Conservation Area and the surrounding St Marys Works building is locally listed.

Relevant planning history

5. The records held by the city council show no planning history for the car park specifically. The wider site has been the subject of a number of planning applications relating to a comprehensive mixed-use redevelopment.

The proposal

6. The proposal is for the temporary use of the application site as an events venue and food market for a period of 12 months. The site was used for this purpose last summer, and the use has recently resumed. Under permitted development rights, the use can continue for up to 28 days in any calendar year before planning permission is required.
7. Pedestrian and servicing access to the site is from Duke Street, across the remaining area of car park. The site is occupied by shipping containers (providing toilets, box office and bars) and food stalls around the perimeter, with the centre of the site occupied by tables. All of these structures are temporary and do not amount to development that requires planning permission. The application is therefore purely for the change of use of the land.
8. Hours of operation are:
 - Friday 16:00-22:00
 - Saturday 12:00-22:00
 - Sunday 12:00-22:00

Representations

9. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 2 letters of support have been received highlighting the need for outdoor venues during the pandemic and the support that the use offers to local vendors and charities. 11 letters of objection having been received, along with a petition signed by 10 individuals citing the issues as summarised in the table below.

Issues raised	Response
Noise from customers arriving/leaving	See Main Issue 2: Amenity
Litter in the surrounding streets	See Main Issue 2: Amenity
Potential for traffic generation	See Main Issue 3: Transport
Suspected food poisoning from the event	Not a material planning consideration
Impact on house prices	Not a material planning consideration
Lack of social distancing in queue	Not a material planning consideration
Report of a fight outside the site	Noted.

Consultation responses

10. 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.

Environmental protection

11. I have looked at the venues noise management plan and acoustic report along with several visits while operating and can confirm that the premises is able to adequately manage its on-site noise so as not to cause noise issues from the breakout of music noise. The license hasn't tied [the operator] to absolute limits but licensing can be more flexible depending upon the noise level at residential properties.
12. The venue did have a large issue in the last year as covid regulations changed how they operated and the size of their queuing had to greatly grow to allow for social distancing. At this same time pressure for more customer space reduced capacity and resulted in a booking system being introduced.
13. Time slots resulted in several queues per day affecting local residents' ability to use the paths around the premises along with general noise and other disturbance to those living locally and members of the public passing the site. By using more of the car parking area off site queues were reduced while improving [social distancing] measures.
14. I would suggest that the application shall operate an entry and dispersal policy to reduce the impacts for this issue affecting local residents, this will obviously be helped if and when Covid regulations are relaxed further.

Highways

15. Raised a series of questions relating to site access all of which were answered by the applicant to the highway officer's satisfaction. Suggested that some cycle parking should be provided, which the applicant has agreed to.

Norfolk police (architectural liaison)

16. Detailed advice to applicant relating to storage of valuables and counter-terrorism strategies.

Assessment of planning considerations

Relevant development plan policies

17. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
 - JCS5 The economy
 - JCS6 Access and transportation
 - JCS7 Supporting communities
 - JCS8 Culture, leisure and entertainment
 - JCS19 The hierarchy of centres
18. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
 - DM1 Achieving and delivering sustainable development
 - DM2 Ensuring satisfactory living and working conditions
 - DM11 Protecting against environmental hazards
 - DM16 Supporting the needs of business
 - DM17 Supporting small business
 - DM18 Promoting and supporting centres
 - DM23 Supporting and managing the evening and late night economy
 - DM28 Encouraging sustainable travel
 - DM31 Car parking and servicing

Other material considerations

19. **Relevant sections of the National Planning Policy Framework July 2018 (NPPF):**
 - NPPF2 Achieving sustainable development
 - NPPF7 Ensuring the vitality of town centres
 - NPPF8 Promoting healthy and safe communities
 - NPPF9 Promoting sustainable transport
 - NPPF11 Making effective use of land

Case Assessment

20. 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 Policy 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: Principle of development

21. Key policies and NPPF paragraphs – DM11; DM23.
22. The site is the subject of an allocation policy within the emerging Greater Norwich Local Plan, but this is not a material consideration given the stage of the plan. The site has also been the subject of a planning application for a comprehensive redevelopment scheme in 2018, which is, at the time of writing, still valid but will have expired by the time the committee considers this application. The weight to be attached to the permission is therefore limited. Notwithstanding the weight to be attached to the emerging plan and the history of the site, the grant of a temporary permission for the use as described will not prejudice the site coming forward for development in accordance with the GNLP in the future.
23. As far as the present use of the site is concerned, the area of car park to which the proposal relates is underused and as such the loss of this space is acceptable in principle.
24. For the purposes of the current 2014 local plan, the proposed use is classed as 'leisure and hospitality' rather than a 'late night use' because the opening hours do not extend beyond midnight. Policy DM23 states that leisure and hospitality uses should be directed towards the designated 'City Centre Leisure Area' which covers the very core of the city centre plus areas at Riverside and Anglia Square. In this case the site requirements are quite specific (a large open hard-surfaced area with suitable vehicular access) and the proposed use is temporary, and the site is sustainably located, so it is not considered necessary to apply the sequential test.
25. The proposed temporary use is considered acceptable in principle, and as such the acceptability of the proposals comes down to matters of detail as assessed below.

Main issue 2: Amenity

26. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 8 and 127.

Noise from the site

27. The outdoor market is surrounded by 2-3 storey buildings which offer nearby residents protection from any noise created on the site. It is noted that during the licensing negotiations last year, council colleagues established an appropriate approach to amplified noise. None of the objectors to the application have raised issues about noise from the site itself. This suggests that the noise is being suitably controlled and that the use can be accommodated in this location. It is intended that the noise control is left to licensing colleagues as their enforcement regime is far more suited to such issues and can be operated in a far quicker manner.

Noise & disturbance from queuing customers

28. It is understood that when the market first started operating last year, the queues of customers waiting to enter the venue extended beyond the site boundary and along Duke Street. This attracted complaints from neighbours due to the pavements being taken up by queuing customers and noise from the waiting customers. Since the market operates outside of normal business hours, the remaining car park is relatively empty and as such provides space for the queues to be accommodated without spilling out onto the public highway. City council colleagues worked with the

police and the venue operators to devise a double-queuing system and one-way arrangement which keeps customers within the site boundary whilst still providing enough space for social distancing. It is understood that disturbance from queuing customers has been reduced as a result and will reduce further as and when social distancing requirements are relaxed or removed.

Noise, disturbance & litter from leaving customers

29. Noise, disturbance & litter from customers leaving the site have been the main issues raised by objectors to the scheme. It is recognised that the market can accommodate 315 customers at a time so the temporary use will bring more people into the area than there would usually be in the evening. However, the times of operation (up to 10pm on 3 nights per week) are not unusual for a city centre venue, and indeed would not be unusual for a venue outside of the city centre either. The disturbance caused to neighbours may be worse at present since the market provides a number of slots to customers to ensure the site capacity is not breached. At the end of the slot, the customers on site are asked to vacate to make space for the new session. With many other pubs and restaurants still closed due to the pandemic, some of the leaving customers may hang around the nearby streets in groups rather than moving onto a different venue. This impact is likely to reduce as restrictions are eased.
30. The applicant has demonstrated various ways in which they currently seek to protect residents' amenity. Full details are sought by condition so that these duties are a requirement of the planning consent.
- Marshals and notices at the exits reminding customers to respect neighbours and keep noise to a minimum
 - Refuse bins within the site and at exits
 - Litter picking at the end of each evening along Duke Street from the roundabout to Colegate

Hours of use

31. Considering the application is for a temporary consent, the current hours of operation are considered appropriate for the location (Friday 16:00-22:00; Saturday 12:00-22:00; Sunday 12:00-22:00). In order to protect residents from excessive disturbance as a result of comings and goings in the surrounding area (which falls outside of the licensing regime), a condition is recommended to ensure that the use is limited to these 3 days per week and that customers vacate the site by 22:30.

Main issue 3: Transport

32. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF paragraphs 8, 102-111.
33. The site is sustainably located close to the city centre and local transport routes. A travel information plan has been submitted which is to be used to inform staff training and website information. The travel information plan makes it clear that no car parking is available on the site but that some public car parks are available in the vicinity. Cars or taxis dropping off customers can pull into the site so as not to obstruct traffic on Duke Street.

34. Secure cycle parking for 30 bikes is to be provided within the site, full details of which are to be confirmed via condition (if details have not been submitted prior to the date of committee).

Equalities and diversity issues

35. There are no equality or diversity issues.

Local finance considerations

36. 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.

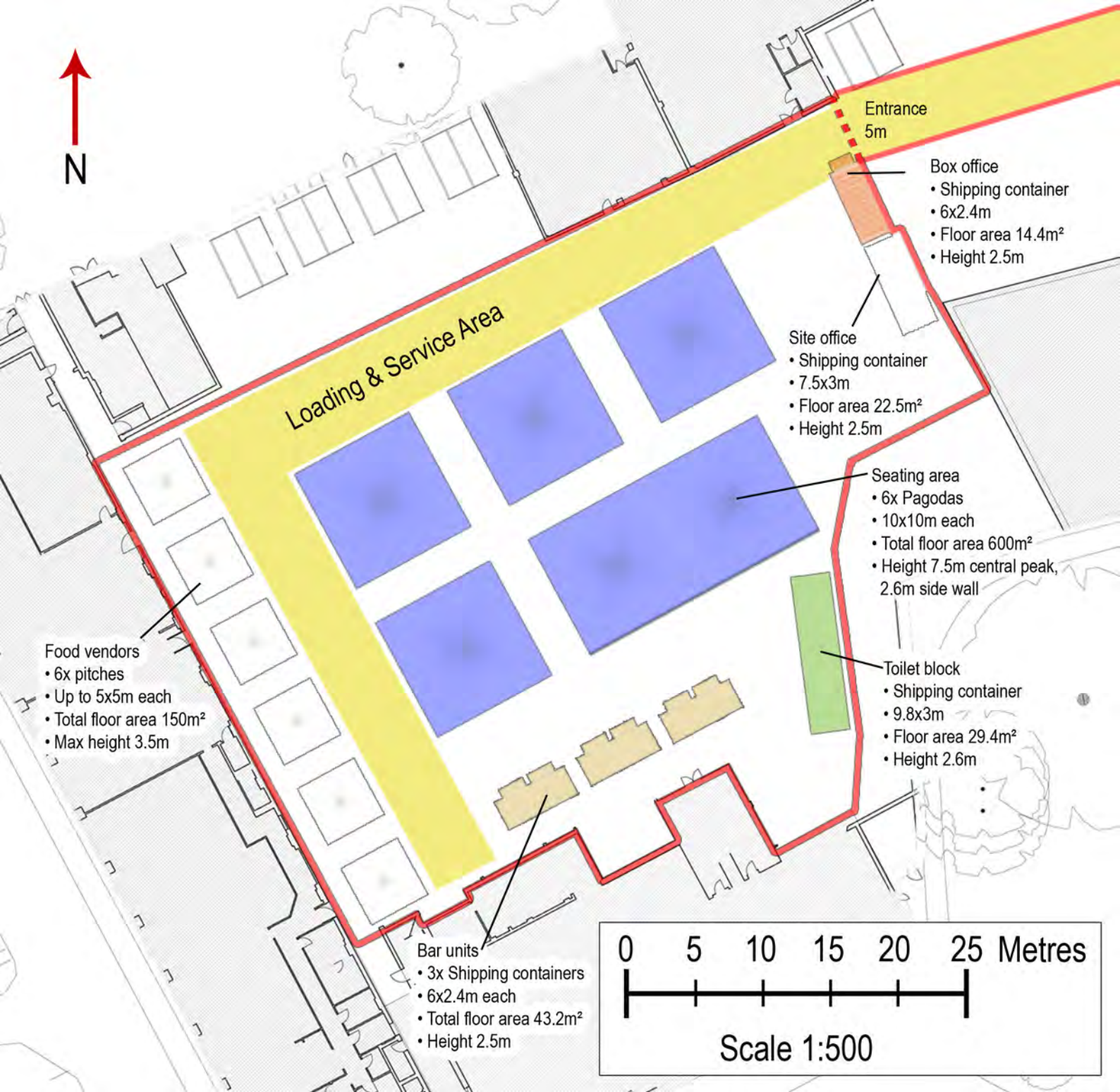
Conclusion

37. The use is considered appropriate for the area on a temporary basis, subject to the conditions recommended below. 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 21/00373/U and grant planning permission subject to the following conditions:

1. Temporary consent for 12 months;
2. In accordance with plans;
3. Customers allowed on site only at the following times – 16:00-22:30 Friday, 12:00-22:30 Saturday, 12:00-22:30 Sunday;
4. Cycle storage to be agreed and installed within 3 months and retained for the life of the permission;
5. Scheme to manage litter to be agreed and implemented within 3 months and operated for the life of the permission. Such a scheme to include details of refuse bins on site, management of litter leaving the site and the frequency and route of a litter pick;
6. Travel information plan to be implemented within 1 month.



Loading & Service Area

- Food vendors
- 6x pitches
- Up to 5x5m each
- Total floor area 150m²
- Max height 3.5m

- Bar units
- 3x Shipping containers
- 6x2.4m each
- Total floor area 43.2m²
- Height 2.5m

Entrance
5m

- Box office
- Shipping container
- 6x2.4m
- Floor area 14.4m²
- Height 2.5m

- Site office
- Shipping container
- 7.5x3m
- Floor area 22.5m²
- Height 2.5m

- Seating area
- 6x Pagodas
- 10x10m each
- Total floor area 600m²
- Height 7.5m central peak, 2.6m side wall

- Toilet block
- Shipping container
- 9.8x3m
- Floor area 29.4m²
- Height 2.6m

