

Report for Resolution

Report to Planning Applications Committee
Date 20 January 2011
Report of Head of Planning Services
Subject 10/01994/U 52 St Benedicts Street Norwich NR2 4AR

Item
6(9)

SUMMARY

Description:	Change of use from shop (Class A1) to restaurant/cafe (Class A3).
Reason for consideration at Committee:	Objection
Recommendation:	Approve with conditions
Ward:	Mancroft
Contact Officer:	Miss Sarah Platt Planning Officer 01603 212500
Date of receipt:	16th November 2010
Applicant:	Ms Susan Waterman
Agent:	Samantha Hunt

INTRODUCTION

The Site

Location and Content

1. The application site is located to the South side of St Benedict's Street. Adjacent and in the immediate locality are retail units and cafes/restaurants and arts venues, often with offices or residential above. The premises fall within the defined retail frontage of the Secondary Retail Area of the City Centre and as such a wider mix of uses is promoted with less emphasis on a predominant retail element. This is a tight urban area with strong building lines and is regarded for its strong architectural features and specific uses of materials. Many independent retailers can be found in this street which adds to the sense of vitality and vibrancy. The frontage also falls onto the strategic cycle network and green links network.
2. Opposite and to the North is St Margaret's Church which is used as an Art and Antiques Centre and has A1 Use class. To the rear are some Council owned flats and access to residential properties located above retail units and café's further down St Benedict's Street to the west. The property is located almost directly opposite St Margaret's Street. There are a number of other café and restaurant uses in the immediate area.

3. The premises is a Locally Listed 18th Century Building which is recognised as having a positive frontage in the City Centre Conservation Area Appraisal.

Constraints

4. The application site is within the City centre Conservation Area - Elm Hill and Maddermarket Character Area and is a Locally Listed Building.

Topography

5. The land surrounding the application site rises to the south up Three King's Lane and falls away to the North on St Margaret's Street. The application site is relatively flat with a slight gradient resulting in the rear of the premises at ground floor level being semi-subterranean at the rear.

Planning History

In 2009 under application reference 09/00604/F permission was granted for the conversion of the existing two storey retail unit into a ground floor shop with a two bedroom residential dwelling at first floor level with a separate access. The application included alteration of the shop front to introduce the separate access to the flat and the installation of a rear roof garden on the flat roof of the ground floor shop unit.

There is no other relevant planning history.

Equality and Diversity Issues

There are no significant equality or diversity issues.

The Proposal

6. The proposal seeks the change of use of the ground floor retail unit (Use Class A1) to a restaurant/café (Use Class A3) orientated around the provision of traditional teas and cakes with a small amount of ancillary retail of tea related products.

Representations Received

7. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 9 letters of representation have been received citing the issues as summarised in the table below.

8.

Issues Raised	Response
There are sufficient cafes/restaurants in the area already and in these trying economic times the introduction of a further café unit may affect existing local businesses.	See paragraphs 17 and 18

Consultation Responses

9. Transportation has no objections to the proposals. Two Informatives are requested to be placed on the decision with regards to the lack of eligibility for on-street parking permits and the existence of an “at any time” loading ban. These will be placed on the decision notice in the event of an approval.
10. Public Protection has no objections to the proposals but have requested three conditions are placed on an approval if granted. These relate to the installation of plant or machinery, further details of any extract ventilation or fume extraction systems and a restriction on the days and hours of trade deliveries to the premises.

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

Relevant National Planning Policies

PPS1 – Delivering Sustainable Development

PPS4 – Sustainable Economic Growth

PPS5 – Planning for the Historic Environment

Relevant Strategic Regional Planning Policies

ENV7 – Quality in the Built Environment

Relevant Local Plan Policies

HBE8 – Development within a Conservation Area

EP10 – Noise protection between uses

EP22 – Residential Amenity

SHO11 – Changes of Use in Defined Retail Frontages in the Secondary Retail Area

Supplementary Planning Documents and Guidance

City Centre Conservation Area Appraisal (September 2007)

Principle of Development

Policy Considerations

11. In addition to National policy (PPS1 and PPS5), saved Local Plan policy HBE8 seeks a high quality of design in new development which respects and complements the character of the Conservation Area.
12. National Policy PPS4: Sustainable Economic Growth states that Local Planning Authorities should adopt a positive approach towards applications for economic development and that all planning applications should be assessed against the following criteria:

- whether the proposal has been planned over the lifetime of the development to limit carbon dioxide emissions, minimise vulnerability and provide resilience to climate change;
 - whether the accessibility of the proposal by choice of a means of transport
 - whether a high quality and inclusive design approach has been taken;
 - the impact on economic and physical regeneration in the area, and;
 - the impact on local employment.
13. Saved policy SHO11 of the Replacement Local Plan states that changes of use other than A1 will only be permitted in the secondary retail area where they would not have a harmful effect on the retail vitality and viability of the area and on the individual street. With direct regard to St Benedict's Street the policy states that the percentage of defined retail frontage will not fall below 40%.
14. Saved Local Plan policy EP10 states that where conversion of existing premises or new development involves the provision of residential above (or below or sharing a party wall with) other uses, a high standard of sound insulation between the uses involved will be required, in order to prevent potential noise nuisance to residents.
15. Saved Local Plan policy EP22 states that a high quality of residential amenity should be achieved in new development, including the avoidance of noise, light, and air pollution and ensuring no loss of privacy or issues of overlooking arise from development proposals.

Retail Implications

16. The percentage of defined retail frontage on St Benedict's Street at the last retail survey in July 2010 was 70.7% so there is a clear capacity (approx. 10.3% of defined frontage) for additional non-retail in this secondary retail area. Further to this a café/restaurant use is considered to be a complementary use which would contribute positively to the vitality and viability of the immediate and wider area.
17. It is not considered prudent to limit the permitted development rights which are afforded with a change of use to A3 (i.e. change of use from A3 to A2) as an A2 use is also considered to be a use which would be complementary in this secondary defined retail area and therefore a condition would be considered unreasonable and would fail to meet the requirements of the 6 tests in Government Circular 11/95 relating to conditions.
18. Therefore the application is considered to be in accordance with the objectives of PPS4 and saved policy SHO11 of the City of Norwich Replacement Local Plan (Adopted Version November 2004).

Impact on Living Conditions

Noise and Disturbance

19. In the interests of protecting residents of nearby residential accommodation and the future occupier of the flat above the ground floor unit, conditions should be placed on the decision, if granted, for further details of any plant or machinery to be installed at the premises, and details of any extract ventilation or fume or flue extraction systems, including the position of ventilation, fume or flue outlet points and the type of filtration or other fume treatment to be installed. A condition should also be added restricting the days and hours of trade deliveries to the ground floor premises.
20. In addition to the above it is considered reasonable to restrict the hours of use of the ground floor unit in order that residential amenity is not disturbed. There are no hours of operation suggested within the application form but based on the applicant's letter of support and the proposed activities of the unit the hours will be restricted to not open before 08:00hrs and not after 22:00hrs on any day.
21. Given the close proximity of residential dwellings, i.e. above the ground floor unit) a condition should also be placed on the decision requiring details of sound insulation to prevent noise disturbance to the residential dwelling above. These details will be required prior to the commencement of the development.

Transport and Access

Transport Assessment

22. The proposed change of use of this unit to A3 is considered acceptable in terms of transport requirements. The premises are considered to be in a highly sustainable location within 5 minutes of the City Centre and with excellent public transport links within easy walking distance. There is provision for cycle parking almost immediately opposite the application site which should also help to encourage travel to the site by alternative means other than car.
23. If accepted an informative should be placed on the decision to advise the applicant that the business premises are not eligible for on-street parking permits and that there is an "at any time" loading restriction immediately outside the unit.

Conclusions

24. The percentage of defined retail frontage on St Benedict's Street at the last retail survey in July 2010 was 70.7% so there is a clear capacity for additional non-retail in this secondary retail area. Further to this a café/restaurant use is considered to be a complementary use which would contribute positively to the vitality and viability of the immediate and wider City Centre Conservation Area. Therefore the application is considered to be in accordance with the objectives of PPS1 and PPS4 and saved policies HBE8 and SHO11 of the City of Norwich Replacement Local Plan (Adopted Version November 2004).
25. Subject to compliance with the conditions attached to the permission, there are not considered to be any arising issues of noise disturbance to adjacent neighbouring residential properties and therefore the proposals are considered to be in accordance with the objectives of saved policies EP10 and EP22 of the City of Norwich Replacement Local Plan (Adopted Version November 2004).

RECOMMENDATIONS

Recommended to APPROVE planning application 10/01994/U and grant planning permission subject to the conditions outlined below:

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
- 2) The development hereby approved shall be carried out in accordance with the plans and details as specified on this decision notice.
- 3) The installation of any plant or machinery on the premises shall be in accordance with a scheme first approved by the Local Planning Authority for the reduction, where necessary, of the level of noise and vibration emanating from the premises.
- 4) Details of any extract ventilation or fume extraction system, including the position of ventilation, fume or flue outlet points and the type of filtration or other fume treatment to be installed and used in the premises in pursuance of this permission, shall first be approved by the Local Planning Authority and installed before the use hereby permitted commences and thereafter retained in full accordance with the approved details.
- 5) The premises the subject of this permission shall not be open to customers before 08:00hrs and after 22:00hrs on any day.
- 6) No trade deliveries or collections, including trade waste, will take place between the hours of 19:00hrs and 07:00hrs Monday to Saturday. There will be no trade deliveries or collections, including trade waste on Sundays or Bank Holidays.
- 7) Prior to the commencement of the use hereby permitted, a scheme of sound insulation measures between the ground and first floor of the building shall be submitted to and agreed in writing by the Local Planning Authority. The scheme as agreed shall be implemented in full prior to the first use of the café/restaurant at ground floor use hereby permitted.

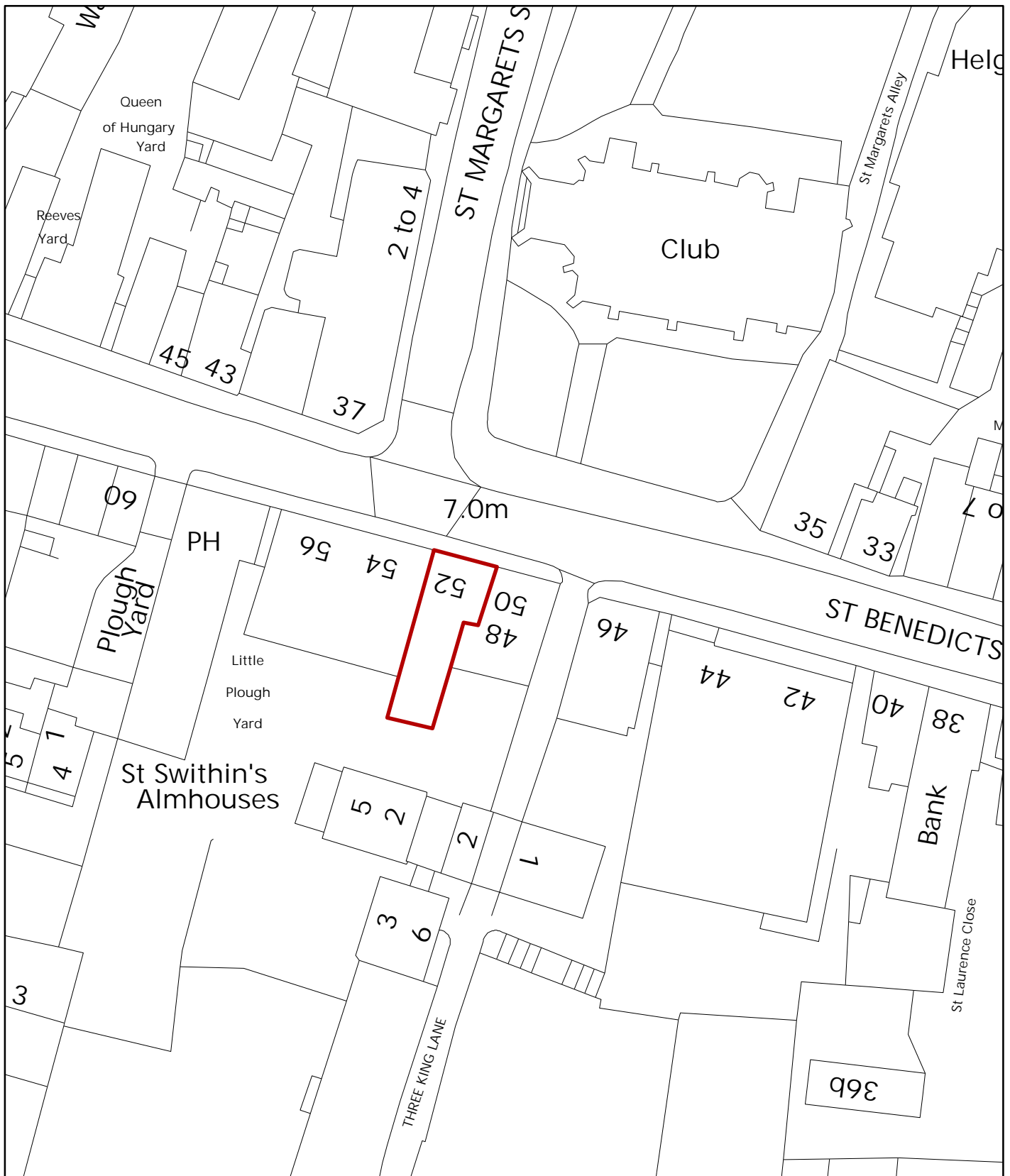
Informatives:

- 1) The applicant is advised that the business premises the subject of this permission is not eligible for on-street parking permits.
- 2) The applicant is advised that part of the frontage of number 52 St Benedict's Street has an "at any time" loading ban. If loading is required, there is no restriction in front of number 50 St Benedict's Street.

Reasons for Approval:

- 1) The percentage of defined retail frontage on St Benedict's Street at the last retail survey in July 2010 was 70.7% so there is a clear capacity for additional non-retail in this secondary retail area. Further to this a café/restaurant use is considered to be a complementary use which would contribute positively to the vitality and viability of the immediate and wider City Centre Conservation Area. Therefore the application is considered to be in accordance with the objectives of PPS1 and PPS4 and saved policies HBE8 and SHO11 of the City of Norwich Replacement Local Plan (Adopted Version November 2004).

- 2) Subject to compliance with the conditions attached to the permission, there are not considered to be any arising issues of noise disturbance to adjacent neighbouring residential properties and therefore the proposals are considered to be in accordance with the objectives of saved policies EP10 and EP22 of the City of Norwich Replacement Local Plan (Adopted Version November 2004).



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Planning Application No - 10/01994/U
 Site Address - 52 St Benedicts Street, Norwich
 Scale - 1:500



NORWICH
 City Council

PLANNING SERVICES



52 ST BENEDICTS ST. NORWICH

NR2 4AR

Organisational Development

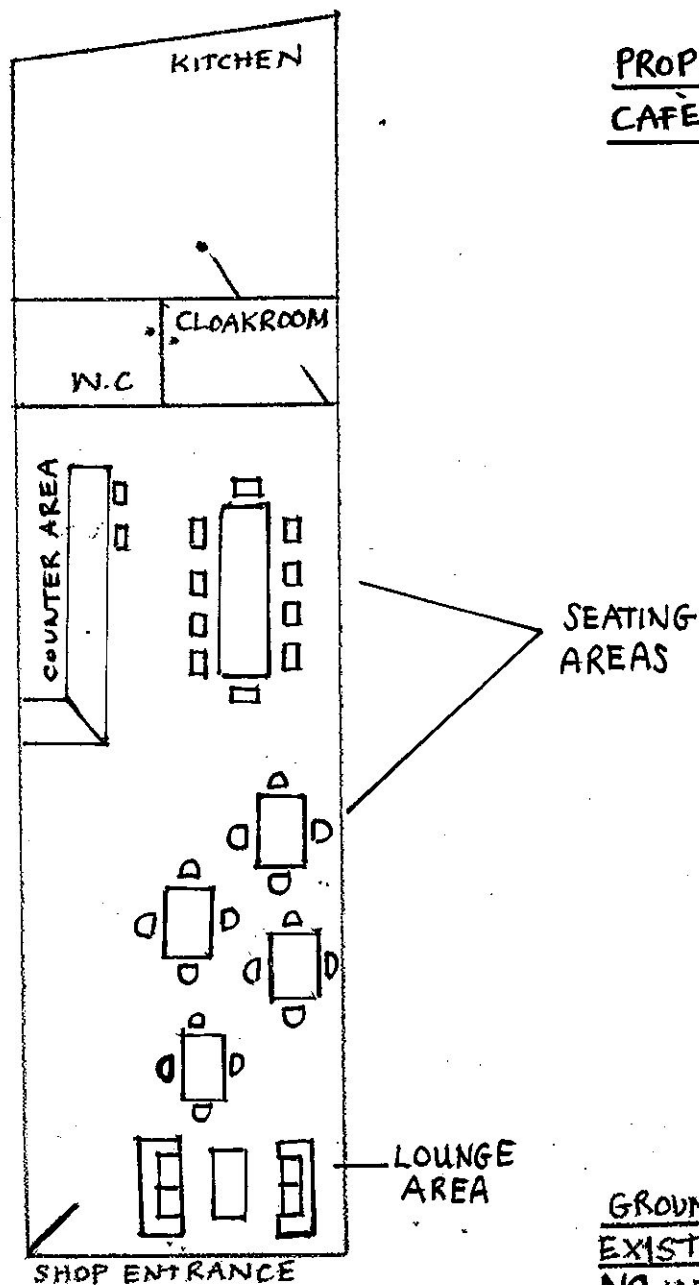
18 NOV 2010

Post Room

RE CHANGE OF USE

PLANNING APPLICATION

PROPOSED LAYOUT OF
CAFE (APPROX)



SCALE 1:100

GROUND FLOOR PLAN OF SHOP
EXISTING AND PROPOSED.
NO INTERNAL/EXTERNAL
CHANGES TO BE MADE

52. ST BENEDICTS ST. NORWICH

NR2 4AR

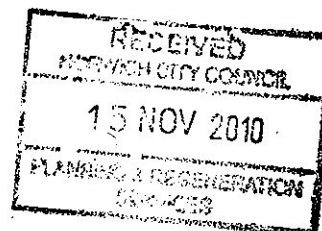
Organisational Development

16 NOV 2010

Post Room



SCALE 1:100

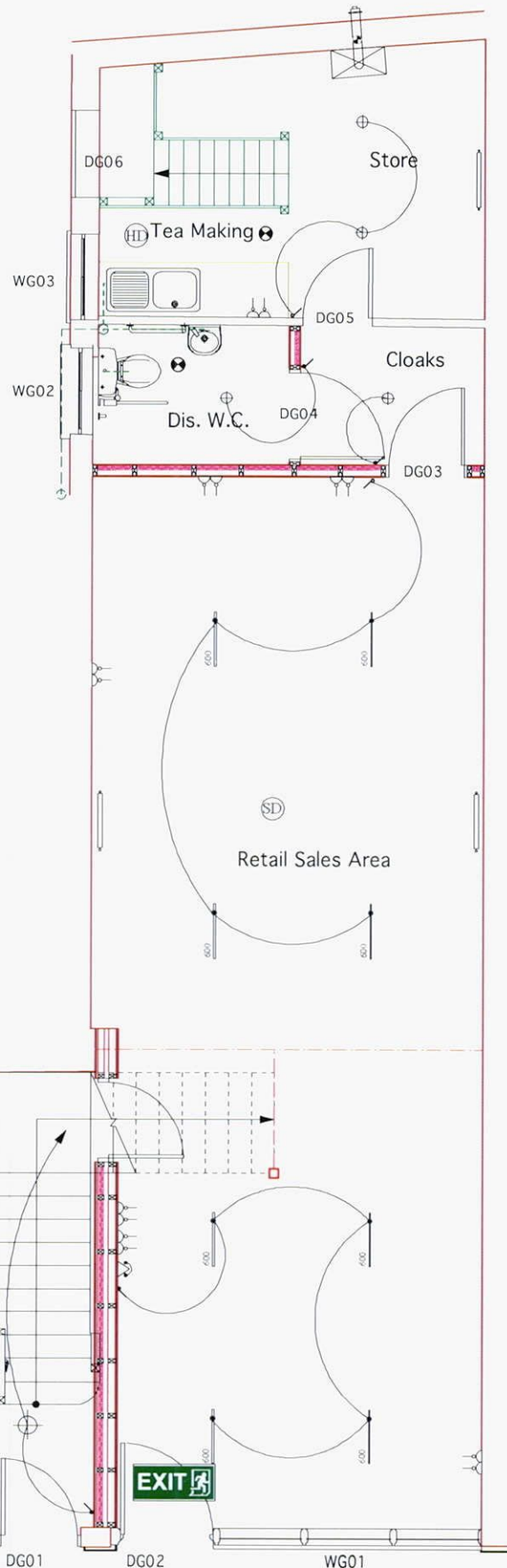


GROUND FLOOR PLAN OF SHOP A
EXISTING AND PROPOSED.
NO INTERNAL/EXTERNAL
CHANGES TO BE MADE

Organisational Development

16 NOV 2010

Post Room



LEGEND

- 1 way switch
- 2 way switch
- Pull Cord Switch
- Pendant Light
- Single skirting level 13a
- Double skirting level 13
- Double worktop level 13
- Single worktop level 13a
- Switched spur 13amp
- Cooker Point & switch
- TV Point
- Telephone Point
- 600 Fluorescent
- 1500 Fluorescent
- 1800 Fluorescent
- External Wall Light
- Shaver Point
- Extractor Fan
- Cooker Hood Extractor
- Red Neon Indicator & sv
- Consumer & MCB Board
- Emergency Light
- Downlighter
- Wall light
- Nurse call
- Nurse call reset
- Magnetic door release



EXISTING AND PROPOSED - NO INTERNAL/EXTERNAL CHANGES

RE: CHANGE OF USE PLANNING APPLICATION - 52, ST. BENEDICTS ST
NORWICH NR2 4AR.