

Report to Planning applications committee

Item

14 April 2016

Report of Head of planning services

Subject Application nos 15/01696/F and 15/01697/L - 8 Swan Lane, Norwich, NR2 1HZ

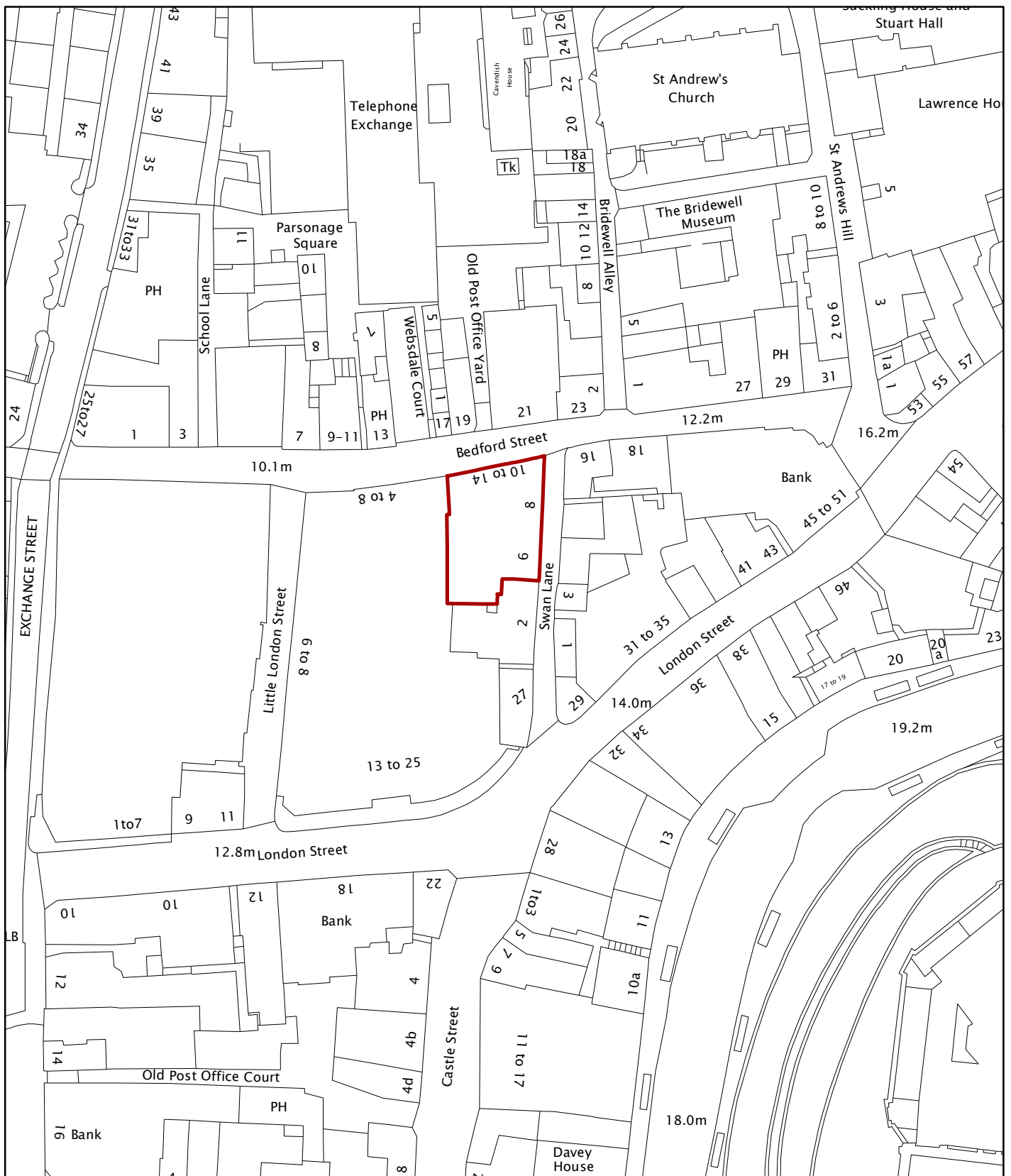
**Reason
for referral** Objections

4(b)

Ward:	Mancroft
Case officer	Samuel Walker - samuelwalker@norwich.gov.uk

Development proposal		
Planning application Change of use of: 1) Basement and Ground Floor from shop (class A1) to restaurant (class A3) including alterations to shopfront and installation of extraction/air conditioning system. 2) First Floor from shop (class A1) to Office (B1) 3) Second Floor to be retained as residential (C3) Listed building application Internal alterations, alterations to shop front and installation of extraction/air conditioning system		
Representations		
Object	Comment	Support
4		

Main issues	Key considerations
1	Principle of development (Loss of retail in a primary retail centre (to A3 use))
2	Amenity (Opening hours/Anti-social behaviour caused by consumption of alcohol)
3	Vehicular traffic associated with refuse storage and collection & deliveries.
4	Design and Heritage – acceptability of alterations to listed building
Expiry date	6 January 2016
Recommendation	Approve



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Planning Application No 15/01696/F & 15/01697/L

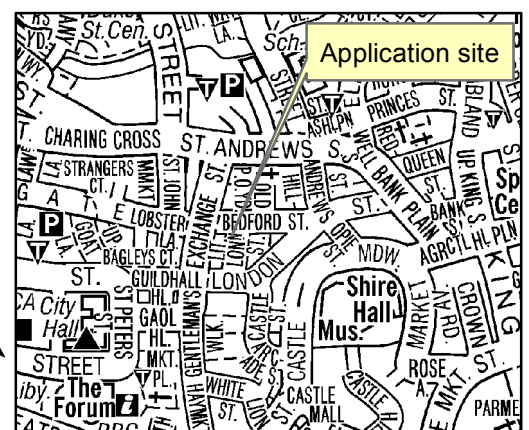
Site Address 8 Swan Lane

Scale 1:1,000



NORWICH
City Council

PLANNING SERVICES



The site and surroundings

1. 8 Swan Lane is on the west side of Swan Lane, on the corner of Bedford Street. It is a large retail unit (formerly occupied by Fabric Warehouse) on three floors (basement, ground and first) and separate residential accommodation on the second floor which is accessible from Bedford Street. The premises are currently vacant on all floors. It has a decorative timber shop front at street level; the upper levels are buff brick work with a tiled frieze and decorative window surrounds and brickworks details. The windows are 4 pane box sashes, all with curved arch heads.
2. It is grade II listed; Shop. Late C19 with C20 alterations to shop front. Brick with ceramic tile detail and slate roof. 3 storeyed corner site with 4 bays to Bedford Street and 5 bays to Swan Lane. The first floor sash windows have semi-circular top sashes and ceramic tile jambs which continue into the string course. The rubbed brick arches each have 3 extended pointed voussoirs with alternating red/grey bricks. Sash windows to second floor with rubbed brick semi-circular arches and raised surrounds. Thin entwined shaft with foliated capital set into corner. The cornice has red and blue brick corbelling alternating with ceramic tiles. Central and end rusticated pilasters with raised blue brick panels. Hipped roof.
3. There are a large number of statutory and locally listed buildings in the vicinity of the subject property.
4. The surrounding area is a mixture of independent retailers, department stores, cafes and bars.
5. Swan Lane is a pedestrianised street, Bedford Street is open to traffic for servicing of units in the vicinity, it is not used as a thoroughfare for vehicular traffic.

Constraints

6. City Centre Conservation Area
7. Grade II Statutory Listed Building

Relevant planning history

8.

Ref	Proposal	Decision	Date
4/2002/0486	Change of use of second floor from retail to residential flat, new entrance doors and entrance ramp replaced by steps.	Approved	22/07/2002

The proposal

The proposal is for the change of use of the basement and ground floor from A1 (Retail) to A3 (Cafes & Restaurants). The first floor is proposed to be a change of use from A1

(Retail) to B1 (Office). The second/third floor is to be retained as residential accommodation.

Summary information

Proposal	Key facts
Appearance	
Materials	To be reserved by condition
Operation	
Opening hours	Restricted to midnight on any day in accordance with Norfolk Constabulary consultation & Planning Policy DM23
Ancillary plant and equipment	Extract, ventilation and air conditioning plant on roof of subject property.

Representations

9. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 3 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
Principle of Development (Loss of retail in a primary retail centre (to A3 use))	Paragraphs 23-28
Amenity – (Opening hours/ Anti-social behaviour caused by consumption of alcohol)	Paragraphs 29-33
Transport (Vehicular traffic associated with refuse storage and collection & deliveries.)	Paragraph 34-36

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.

Design and conservation

11. The principle of changing the use of the building into a restaurant is acceptable in conservation and design terms. The building appears to have received extensive internal works during the last 20 years or so and much of the interior has been changed. This means however that more emphasis should be placed on the historic

areas which are still remaining within the building such as masonry walls, floor boards and any areas of original stair.

12. The revised floorplans for 8 Swan Lane are much improved from the original submission. There will now only be a small section of wall which is to be removed on the ground floor.

The new entrance door will be relocated on the Bedford Street façade. This will be located within a single bay so the architectural rhythm of the frontage will be retained. The revised drawings are satisfactory. The proposed doors and associated joinery are acceptable and won't have a harmful impact on the historic building. Clarification on what shade of colour is proposed for the shopfront is required as well as internal finishes – plaster, exposed brick etc.? A condition should be imposed to clarify this.

Environmental protection

13. No comments.

Highways (local)

14. No objections to this application. Various information is suggested as informative (included in the recommendation).

Norfolk police (architectural liaison)

15. **Hours of opening** - In seeking to police areas of the City Centre, that cater for the late night economy, in an efficient and effective manner Norfolk Constabulary has to take into account the size of the patrol area and recent history with regard to public disorder, which may include crime figures relating to the night time economy. Given these requirements, I request that the Planning Permission for late night use be restricted by conditions so that premises outside *the Late Night Activity Zone* are not permitted to open past 0000hrs (midnight) on any day, unless it can be clearly 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. *Late Night Activity Zone: as defined by Policy DM23 of the Development management policies local plan (Adopted December 2014).*
16. **Recessed Doorways** – Where possible recessed doorways should be avoided as they provide opportunities for crime and anti-social behaviour i.e. graffiti, arson, begging, burglary. Efforts should be made to minimise negative consequences by bringing doors forward, increasing surveillance opportunities, protecting doorways with roller shutters, etc.

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)**
- JCS2 Promoting good design
 - JCS5 The economy
 - JCS8 Culture, leisure and entertainment
 - JCS11 Norwich city centre

18. **Northern City Centre Area Action Plan adopted March 2010 (NCCAAP)**
 - Insert any relevant site specific of area policies
19. **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
 - DM16 Supporting the needs of business
 - DM18 Promoting and supporting centres
 - DM20 Protecting and supporting city centre shopping
 - DM21 Protecting and supporting district and local centres
 - DM23 Supporting and managing the evening and late night economy

Other material considerations

20. **Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**
 - NPPF0 Achieving sustainable development
 - NPPF1 Building a strong, competitive economy
 - NPPF2 Ensuring the vitality of town centres
 - NPPF7 Requiring good design
 - NPPF12 Conserving and enhancing the historic environment
21. **Supplementary Planning Documents (SPD)**
 - Main town centre uses and retail frontages SPD adopted December 2014

Case Assessment

22. 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 Councils 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 (Loss of retail in a primary retail centre (to A3 use))

23. Key policies and NPPF paragraphs - DM20, Main town centre uses and retail frontages SPD.
24. The site falls within the defined retail area PR02 – The Lanes East of the retail frontages SPD (adopted December 2014) seeks to maintain an indicative minimum of 70% of defined retail frontage in A1 retail use. An up to date survey was carried out in respect of this application; the loss of 8 Swan Lane retail frontage A1 would result in a retained retail frontage of 72.6%, this is within the parameters required by the policy.

25. In order to maintain and support the vitality, viability and shopping character of zone **PR02**, decisions on planning applications for new development and change of use will support the further expansion of cafes and restaurants, particularly in London Street and Bedford Street, where this can be achieved without harmful impact on historic character, ease of access for pedestrians or servicing requirements.
26. The SPD also states: support complementary uses in upper floors, including further expansion of visitor accommodation and educational and leisure uses where appropriate and consistent with other local plan policies. The first floor is proposed to be sub-let as B1 office space alternative use.
27. Discourage concentrations of non-retail uses which would result in continuous runs of inactive ground floor frontage – Turtle bay has a very active frontage and is open throughout the day – with lunchtime menus promoted on the website.
28. The revised proposals retain the existing residential accommodation at second floor in accordance with policy DM15.

Main issue 2: Amenity (Opening hours/Anti-social behaviour caused by consumption of alcohol)

29. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
30. The proposed development is not considered to have any impact with regards to overlooking or privacy. It will not cause any overshadowing or loss of light or impacts on outlook. The specifications of ventilation equipment have been reviewed by environmental protection and are considered acceptable – as such odour, vibration and air quality are considered to be acceptable.
31. In relation to noise the proposed use is A3 café/restaurant rather than an A4 drinking establishment or A5 hot food takeaway use. A3 use is considered to be consistent with this part of the City which has an established level of background noise from similar premises and would not normally be expected to create unsatisfactory noise issues. There is no immediately adjacent residential, the nearest residential dwelling is on the third floor of the application premises but separated by second floor office space. As such it is not considered that noise would be a significant issue in this case.
32. In response to Norfolk Constabulary consultation and in accordance with policy DM23, the applicant has agreed to restricting the opening hours to Midnight on any night; as this is outside of the designated late night activity zone.

Main issue 3: Transport

33. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF paragraphs 17 and 39.
34. The proposed development is not considered to have any impacts on the site with regards to transport relative to visiting members of the public. There is existing car parking, cycle parking, public transport links within the city centre which can be made use of. There is no private arrangement or facility associated with this premises or application.

35. Representation has been received from a nearby trader regarding increased vehicular traffic associated with deliveries and refuse collection. This premises is within a commercial part of the city and as discussed above there is no in principal objection to A3 use in this area. This matter has been discussed with highways who have advised that vehicle access to Bedford Street is limited to access for loading. At times Bedford Street can become congested and this may be a nuisance for some traders. However the only way the highway authority can control this nuisance is to restrict access to certain times of day e.g. 10am to 4pm on any day (as is the case on The Walk). This would affect many traders across this area of The Lanes. The highway authority has no specific plans to make such changes, but as part of the Pedalways project the highway authority is looking at loading and access controls in the city centre and could review it then if there was local demand to do so. It is considered that subject to a condition seeking information on refuse storage and collection arrangements the application is acceptable.

Main issue 4: Design & Heritage

36. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 9, 17, 56 and 60-66.
37. Key policies and NPPF paragraphs – DM9, NPPF paragraphs 128-141.
38. The development does not propose significant changes to the exterior of the building. The exterior of the first and second floors are not being altered under these proposals. An additional entrance door is being proposed to the Bedford Street elevation to serve as a fire exit. The door is in proportion with the adjacent entrance doors to the second floor residential.
39. The exterior shop front is to be re-decorated – colours should be reserved by condition.
40. The internal layout and alterations are acceptable in principle, details of materials and finishes to be detailed by condition.
41. The revised proposals have been submitted following discussions and negotiation with the Design and Conservation Officer, they are considered to be acceptable in principle – with details of colours, materials and finishes to be reserved by condition.

Compliance with other relevant development plan policies

42. A number of development plan policies include key targets for matters such as parking provision and energy efficiency. The table below indicates the outcome of the officer assessment in relation to these matters.

Requirement	Relevant policy	Compliance
Refuse Storage/servicing	DM31	No – details subject to condition

Other matters

43. The following matters have been assessed and considered satisfactory and in accordance with relevant development plan policies, subject to appropriate conditions and mitigation:

Equalities and diversity issues

44. There are no significant equality or diversity issues.

Local finance considerations

45. 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.
46. 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.
47. In this case local finance considerations are not considered to be material to the case.

Conclusion

48. 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:

- (1) application no. 15/01696/F - 8 Swan Lane Norwich NR2 1HZ and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Restrictions on hours of use
4. Details of refuse storage and collection.

- (2) application no. 15/01697/L - 8 Swan Lane Norwich NR2 1HZ and grant listed building consent subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Details of colour schemes, internal materials and finishes.

Informative.

1. The local highway authority advises:

- Tables and Chairs License would not be considered for Swan Lane or Bedford Street;
- A boards; the highway authority will not want to see numerous or large A boards in the local area;
- Overhead signs may get hit and additional ones should be avoided.

Article 35(2) Statement

The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations, following negotiations with the applicant and subsequent amendments [at the pre-application stage insert if necessary] the application has been approved subject to appropriate conditions and for the reasons outlined in the officer report.

COVERS:

GROSS INTERNAL AREAS:

GROUND FLOOR
DINING - 174
EASY BAR SEATING - 20
HIGH STOOLS - 16
GF TOTAL INTERNAL - 210

EXTERNAL - TBC

BASEMENT - 3717 SQ FOOT
GROUND FLOOR - 4287 SQ FOOT
FIRST FLOOR - 4072 SQ FOOT
SECOND FLOOR - 4132 SQ FOOT
THIRD FLOOR - 344 SQ FOOT

EXTERNAL - TBC



1 PROPOSED GROUND FLOOR PLAN
1:50@A1/1:100@A3

SWAN LANE

CUSTOMER
ENTRANCE
(LEVEL
ACCESS)

A vertical scale bar with the label '0 METRES' at the top. The bar has three horizontal tick marks below the label, dividing the scale into four equal segments.

Notes

This drawing should not be scaled. The contractor is to verify all dimensions and conditions on site. This drawing is the property of Fusion and they reserve the copyright. It is issued on the understanding that it will not be copied, reproduced or disclosed in whole or in part to any unauthorised party without written permission from Fusion

A	18	12	15	STARCASE AMENDED
B	23	12	15	GENERALLY AMENDED
C	05	01	16	GENERALLY AMENDED
D	28	01	16	GENERALLY LAYOUT AMENDED
E	01	02	16	GENERALLY LAYOUT AMENDED
F	05	02	16	STARCASE AND REBANDING AMENDED
G	08	02	16	FIRE EXIT REMOVED
H	11	02	16	FIRE EXIT ADDED ON DEEPFORD STREET, KITCHEN RAISED, MAIN ENTRANCE DOORS AMENDED

FUSION
design and architecture

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8 SWAN LANE,
NORWICH,
NORFOLK.

Proposed Ground Floor Plan

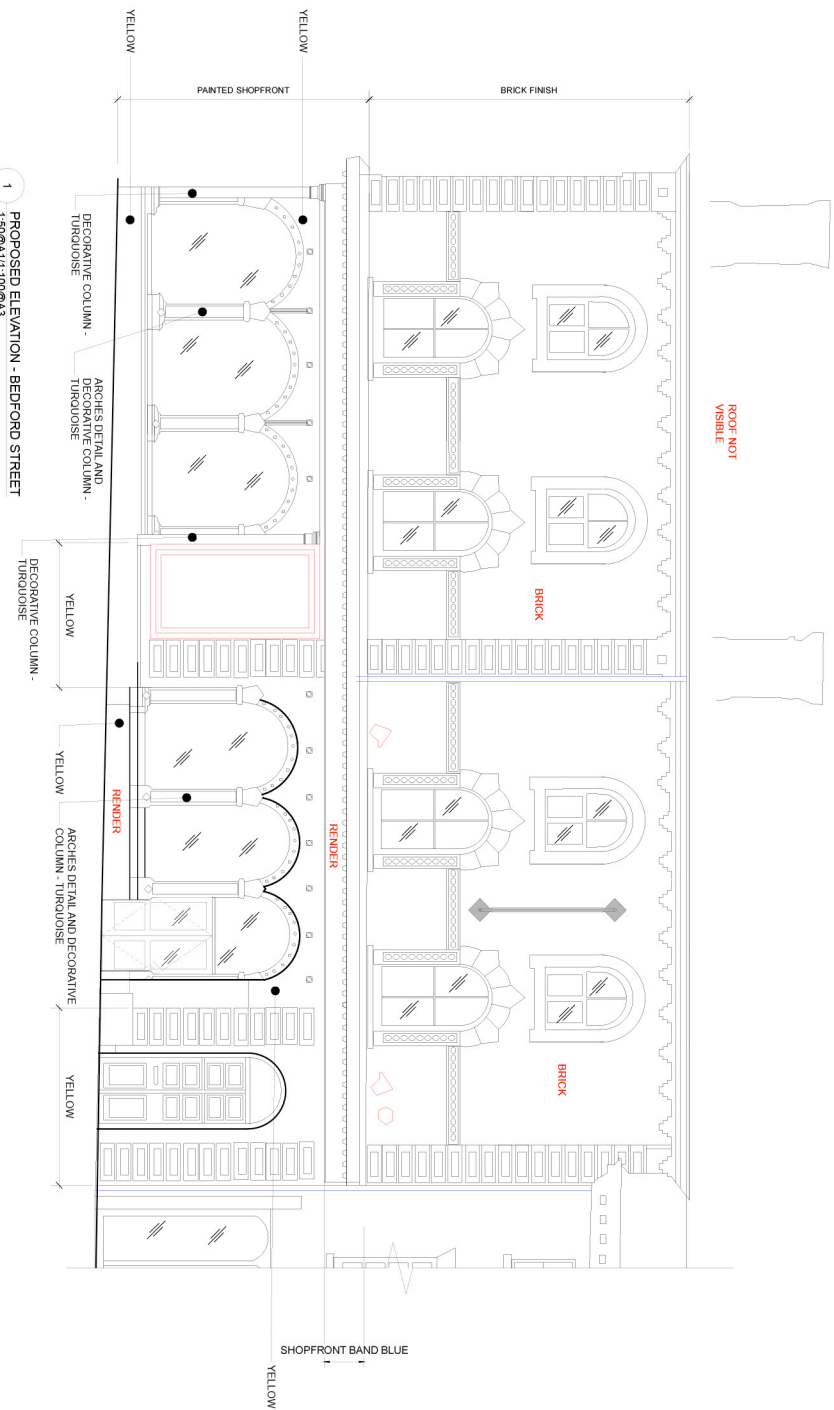
STATUS: **FOR APPROVAL**

Drawn by:	VR	Checked by:	
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Jobbing No:	110-55 / 200_H
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METRES



1 PROPOSED ELEVATION - BEDFORD STREET
1:500@A1/1:100@A3

NOTES

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COLOR CODES -
CROWN PAINTS, NORWICH CITY COUNCIL
BLUE - 48071J
YELLOW - 08091J
TURQUOISE - 12450R

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Job Name
TURTLE BAY
NORWICH

Site Address
8 SWAN LANE,
NORWICH,
NORFOLK,
NR2 1HZ

Project Name
PROPOSED EXTERNAL
ELEVATION - BEDFORD STREET

Scale
1:500@A1/1:100@A3

Client Name
VR

Date
SEPT 2015

Project No
110-55 / 601_C