

Report for Resolution

Report to Planning Applications Committee
Date 2nd December 2010
Report of Head of Planning Services
Subject 10/01288/F: 64 - 68 Rose Lane, Norwich, NR1 1PT

Item
5 (1)

SUMMARY

Description:	Removal of roller shutter door to Rose Lane elevation. Replaced with fire escape doors and brick infill panels. Development of new link walkway and bricking up of courtyard elevation window between the existing bar (Essence on Prince of Wales Road) and these premises. Change of use from warehouse/storage (Class B8) on the ground floor and offices (Class B1) on the first floor to a nightclub (sui-generis).	
Reason for consideration at Committee:	Objections	
Recommendation:	Approve	
Ward:	Thorpe Hamlet	
Contact Officer:	Mr Rob Parkinson	Senior Planning Officer (Development) 01603 212765
Valid date:	6th August 2010	
Applicant:	Mrs Michelle Williams	
Agent:	Mr Anthony Doughty	

INTRODUCTION

The Site

Location and Context

1. The site is located on Rose Lane, east of St Vedast Street. The site is a 2.5-storey brick building, with set-back parapetted roof, with vehicular and pedestrian access fronting the street. It is currently vacant but was most recently used for warehouse and storage at ground floor (189 sq.m.), and before that for vehicle servicing, with offices at first floor above (182 sq.m.). The building lies at the rear of, and adjoins, a number of premises between 63 and 73 Prince of Wales Road.
2. This is a mixed-use area within the City Centre. To the west, the adjacent property on the corner of Rose Lane / St Vedast Street is an occupied 6-storey office building. This is opposite the Travelodge hotel on St Vedast Street. Further west along Rose Lane are a number of new residential units built recently as part of the Greyfriars Road / Maidstone Road development, and the vacant ex-car park site. There are other existing offices on St Vedast Street and opposite the site, at 61-65 Rose Lane.
3. To the east, the adjacent property (70-72 Rose Lane) is a two-storey building with pitched

roof, currently in use as an Islamic cultural centre and mosque, which includes on-site caretaker residential accommodation permitted to be used in association with the Islamic centre. Further east are a number of premises used as part of bars and nightclub premises, and the Railway Mission Hall, all currently fronting Prince of Wales Road, including a group of three locally-listed buildings. Mixed use development is expected in the future on the corner of Rose Lane / Mountergate (UK Fire Premises), which is anticipated to include residential, office, leisure, bars, restaurant and takeaway uses (Local Plan policies CC9 and HOU9), although no related planning applications have been received nor permissions granted as yet.

4. The Essence bar at the rear of the site is within the applicant's ownership. This is a bar (A4 use class) with planning permission at both ground and first floor level, and is accessed via an entrance on 63-65 Prince of Wales Road, extending to include premises at 1-3 St Vedast Street; the only access currently on St Vedast Street is for staff and servicing.
5. The application premises back onto a fully enclosed external courtyard area used by the Essence bar which has access from a back door at first floor level. The courtyard also adjoins and is overlooked with windows to both the Islamic centre's residential accommodation to the east and residential use above the hairdressers at 73 Prince of Wales Road to the north. The courtyard is enclosed by the 3-storey high eastern wall of the Pulse bar at 75 Prince of Wales Road. A ground floor link currently exists from the rear fire escape door of the application site to the courtyard, and consequently from there to the stairs to the Essence bar.

Constraints

6. The premises falls within the City Centre Leisure Area defined by Local Plan policy AEC1, and is close to the defined Late Night Activity Zone (also policy AEC1) which encompasses all premises from the top of Prince of Wales Road as far as, and including, down to St Vedast Street (See plan in Appendix B). The new Travelodge hotel actually lies within the Late Night Activity Zone. The application site building is neither statutorily nor locally listed, but is in the City Centre Conservation Area.

Planning History

09/01330/U - Change of use from warehouse/storage (Class B8) on ground floor and offices (Class B1) on first floor to drinking establishment (Class A4). This application, for the principle of the change of use only, was **Refused** by Planning Applications Committee following its consideration of the application on 25th February 2010. The Minutes of the previous report to Committee are appended to this report at Appendix A.

7. At that time and in the absence of a noise survey, Members considered the application to contain insufficient evidence that it will not cause detrimental impact to the area through its noise generation, and, further, considered it impossible to make an adequate assessment of the scheme without there being any details of remediation measures necessary.
8. The current proposal goes further than the previous application by seeking permission for the principle of the change of use to provide a nightclub premises attached to the existing Essence bar, by - as a consequence of having undertaken an acoustic report - proposing external alterations to demonstrate how the change would work in practice. The application aims to address the concerns of the previous refusal by identifying how the scheme can reduce its potential impacts from noise felt by residents and premises in the

vicinity.

The Proposal

9. This new application seeks to change the use of both floors of the premises from its current warehouse and office uses into a nightclub (sui generis use class). It is intended to operate the application site as an extension to the Essence bar premises. The new nightclub floor area would be 371 sq.m. Public access into the premises is intended to be via the main 'Essence' bar entrance off Prince of Wales Road.
10. The external works are proposed to block some of the sound from the premises by infilling or bricking-up existing windows and doors at the rear elevation (to the enclosed courtyard) of the premises and providing a covered walkway to the Essence bar at the rear. The new link walkway is proposed at first floor level, and would be a timber-framed enclosed structure with sound-reducing doors at both the nightclub and Essence bar access points to minimise noise leakage. This walkway would provide access to the courtyard garden for both parts of the enlarged building via the existing steps.
11. The existing roller shutter and pedestrian doors on Rose Lane are also proposed to be removed and the openings bricked-up with smaller fire exit doors provided in their place. These new fire exit doors would not be used for public access. The existing first floor windows fronting Rose Lane would be retained but would be blacked-out from the inside by the addition of an acoustic wall along the length of the interior, with black-film finishing. Signage would be removed from this elevation to avoid drawing attention to the use along Rose Lane. Servicing and refuse / recycling would continue from the existing Essence bar's St Vedast Street access.

Representations Received

12. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 4 letters of representation and a petition from the users of the adjoining Islamic Centre have been received, citing the issues summarised in the table below, which shows a breakdown of concerns raised as well as references to relevant responses.
13. The Council has a statutory duty to pay due regard to the potential impact on equality of opportunity between different racial groups, and good relations between different groups during its decision making process. Issues raised by the Islamic Centre next to the proposed development have been carefully considered, and the potential negative impacts on community cohesion and perceptions of safety have been taken into account.

Issues Raised	Response
The increase in patron numbers at the site would be intolerable for the surrounding environment and residential neighbours due to increased footfall.	See paragraphs 18-29.
Rose Lane and surrounding streets are not in the Late Night Activities Zone but are still subjected to the activities of people and noise in the area, which will increase under this proposal, to the detriment of residential amenity. Maidstone Road, for example, has a significant residential presence which might be more susceptible to the effects of late night behaviour and noise if nightclub activities were introduced into Rose Lane.	See paragraphs 18-25.
Police presence in the area is not a daily response and does	See paragraph 17.

not include patrols in Rose Lane.	
The Travelodge hotel may be subject to nuisance from the street as people leave the club, which may deter tourism.	See paragraphs 39-41.
The proposal could cause adverse impacts from noise and smoke pollution from the nightclub on the wellbeing and safety of users and the activities at the adjoining Islamic Centre/Mosque (72 Rose Lane), whose day for main service attendance is Friday, and include night-time prayers, and which already experiences some anti-social behaviour.	See paragraphs 26-33.
The Islamic Centre also includes the residential premises of a caretaker who might be particularly affected by noise, smoke and any threatening presence from users of the nightclub.	
The Rose Lane pavement is too narrow, and the street too heavily trafficked, for safe exit in the event of an emergency.	See paragraphs 39-41.
A more aesthetic treatment of the Rose Lane elevation would be an improvement to this alteration; simply bricking in the shutter doors and windows seems an abandonment of any respect for the building and future clubbers. Rose Lane has been improved considerably in recent years with some decent housing and an apart-hotel within a few yards. Similar care should be taken when expanding drinking establishments.	See paragraphs 34-36.

Consultation Responses

14. **Environmental Health, Pollution Control:** (28.09.10, updated 26.10.10 and 28.10.10)

Concerns were originally expressed that noise from the premises could cause nuisance to nearby residents. The application's acoustic report appears to address some of the issues with regard to noise insulation requirements but there were a number of aspects which required further confirmation, namely:

- Impact assessment, or insulation proposals for, the party wall to the offices.
- Sound insulation proposals for the northern elevation facing the courtyard.
- Insulation was not originally proposed along the full length of the party wall shared with the Islamic Centre residence, and insulation may be needed within the stairwell.
- Conditions were suggested for noise mitigation works and amplified sound restrictions.

However, the above issues have been resolved in principle following clarification of the acoustic survey and agreement for the methodology for installation of sound and vibration mitigation measures within the premises, which have been detailed in revised plans and a strategy has been agreed with the applicant to ensure adequate noise insulation measures are put in place as part of refurbishing the premises. This information from the acoustic consultants adequately addresses the initial concerns and the revised proposals include some further sound insulation to be included which was not included in original drawings.

However, even if the works are completed in full and as agreed, the original suggested conditions would still be necessary to ensure the amenity of the surrounding premises is adequately protected and arrangements are adhered with thereafter. Using such conditions will provide the ability to set maximum noise levels etc., and appropriate control can still be achieved in the event of the insulation not being well fitted or the existing building structure not being as resilient as assumed by the acoustic consultant.

15. **Fire Officer:** Due to concerns that there may be issues with escape from the upper floor in fire emergency events, we request that Building Control first confirm if they are adequate.
16. **Building Control services officer:** The proposals will allow adequate means of escape provided that certain designs of fire escape, doors and staircases are used. Subject to final liaison with the Fire Officer, the eventual numbers of patrons may need to be reduced (dependent on number of technical reasons), but both floors will be able to be used in conjunction with the existing bar, so long as a premises management plan is in place to include control of number of patrons, inclusion of fire alarm systems, and emergency management strategies. Additional capacity may be between 440 and 600 people.
17. **Norfolk Police Authority, Architectural Liaison:** There is concern that retrospective efforts may be made to convert or use the Rose Lane fire exits as the main entrance, which could conflict with the layout of the streets as pavements are narrow and people may be vulnerable to passing traffic. Policing methods were designed around the majority of night time demand being on Prince of Wales Road. Smoking congregation should not be allowed on Rose Lane and instead should use the inner courtyard. Providing that access to the building is from Prince of Wales Road only, there are no objections in principle.

However, it should also be noted that the policing model for Prince of Wales Road is based not only on geographical guidelines but also on licensing closing times; this is generally understood to mean 0400 hours. Any extension to these hours would impact on the resources available to plan service delivery. It is requested that planning permissions for late night uses be restricted by conditions so that premises are not permitted to open past 0400 hrs on any day. This is because the dedicated Police cover resources provided for the Late Night Activity Zone are withdrawn by 0500 hrs causing police staffing levels to be much reduced, and the potential for crime and disorder may increase if premises are open beyond 0400 hrs.

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

Relevant National Planning Policies

PPS1 - Delivering Sustainable Development
PPS4 - Planning for Sustainable Economic Growth
PPS5 - Planning for the Historic Environment
PPG24 - Planning and Noise

Relevant Local Plan Policies

City of Norwich Replacement Local Plan 2004

EMP3 – Protection of small business units and land reserved for their development
HBE8 - Development in Conservation Areas
HBE12 – High quality of design
AEC1 - Major arts and entertainment facilities
EP10 – Noise protection between different uses
EP22 - Residential amenity
TRA5 – Approach to design for vehicle movement and special needs
TRA8 - Servicing

Supplementary Planning Documents and Guidance

City Centre Conservation Area Appraisal

Principle of Development

Policy Considerations

18. Nationally, PPS4 defines a nightclub use as being appropriate to a city-centre location and does not require justification for its proposed addition to the city centre. PPS5 states new development should preserve and enhance the character and appearance of historic environments.
19. National policy guidance PPG24 sets out general principles for potentially noisy proposals in locations close to noise-sensitive receptors. It states that, where possible, development should not be allowed to cause an unacceptable degree of disturbance in terms of both its noise level and the character of noise emissions, suggesting conditions are used to minimise intrusion and the effects of any intensification of noisy activities.
20. The City of Norwich Replacement Local Plan (RLP) policy AEC1 sets out criteria for the acceptance of major arts and entertainment facilities, and defines the Late Night Activity Zone within and around Prince of Wales Road, within which late night uses are normally accepted. Gradually by virtue of permissions issued in recent years the informal Late Night Activity Zone has extended south of St Vedast Street (eg. Mercy nightclub on Prince of Wales Road) and incorporating the rear of premises along Prince of Wales Road which in their former uses were originally accessed via Rose Lane (such as the Pulse and Media nightclubs).
21. Policy EP22 seeks to ensure a high standard of amenity for nearby residential occupiers. In relation to design considerations, policy HBE8 seeks to promote appropriate development in conservation areas whilst policy HBE12 seeks a high quality of design and materials in all new development.
22. RLP policy EMP3 aims to avoid the loss of small business units and offices. The applicant has not shown the continued use of the site for employment to be unviable and, as such, the proposal would ordinarily be contrary to the principles of this policy. However, the first floor offices have been vacant for some time and the premises are gutted, so although its location would have made it desirable for protection had it been in active office use, or at least been in useable condition, it is considered that in this instance the proposal can be a justifiable exception to policy. There are no policies to specifically protect warehousing and the ground floor warehouse is not considered a favourable activity because if it were recommenced it could prove awkward to service in traffic terms and could conflict with access along the Rose Lane bus corridor outside. Also the current warehouse use would be only a small employment generator.
23. It should be noted that RLP policies CC9 and EMP16 envisage development of the Mountergate area, opposite, to include uses generally compatible with the nightclub use at this site (for example offices). Also, the emerging Joint Core Strategy (Policy 11) identifies Rose Lane as a major focus for future commercial development, to promote more offices.
24. Overall, given the limited employment opportunity available at the site, the principle of conversion to a nightclub use is considered acceptable and appropriate to the area, being as it is characterised by a lively mix of daytime city centre offices and bars and restaurants active into the evening and at night. Although the premises are situated just outside the

Local Plan's defined Late Night Activity Zone, the west side of St Vedast Street is actually within the Zone, whilst the area of Prince of Wales Road at the rear of this site (which includes the Essence bar) is effectively an informal extension of the Zone as a result of the many current uses allowed there for the same type of activity as currently proposed.

25. Given the desire to restrict the access point from Rose Lane, and the aim of not allowing any further expansion of the effects of development away from the Late Night Activities Zone, should the proposal be accepted, it is considered necessary to impose conditions on any permission to prevent the premises from being operated with an access from Rose Lane. Further to conditions being applied to prevent the general use of doors onto Rose Lane, it is proposed to apply conditions such as to restrict the operation of the premises to ensure it is only used in connection with the Essence bar or other premises on Prince of Wales Road.

Impact on Living Conditions

Noise and Disturbance

26. The application premises faces onto a courtyard which is also overlooked by first floor residential premises (to northeast, no. 73 Prince of Wales Road), but which has the benefit of recently-installed double glazing. The residential flat within the Islamic Centre at number 72 Prince of Wales Road also overlooks the courtyard and adjoins the premises on the eastern boundary via a party wall. The Islamic Centre itself has hours-of-use restrictions to allow community use only between 8am and midnight (permission ref 4/2001/0009/U). The residential unit is only allowed to be used in association with the meeting hall, and not as an independent dwelling (permission ref 4/2001/0572/F). The site also adjoins (to the west) the Citizens Advice Bureau offices at 5-7 St Vedast Street, which has no hours of use restrictions.
27. The noise report may not have initially addressed all the likely issues (such as not assessing the western party wall or the northern wall to the courtyard) but it has been revised to address the shortcomings and has made a number of recommendations to provide a high standard of interior sound insulation. Works proposed involve: blocking off an internal staircase along the eastern party wall to act as an acoustic void; providing insulated plaster walling around all the interior walls; providing sound proof doors; installing a new acoustic ceiling to the first floor; providing sound insulation walling across first floor windows; enclosing the walkway link; and installing sound insulation to existing steelwork to minimise vibration transmission. Should the proposal be accepted, conditions are proposed to require construction to follow the recommendations set out in the acoustic report and the updated methodology as agreed in correspondence between the applicant and Environmental Health.
28. The adjoining Islamic Centre is used in the evening and at night for community activity and prayer, and includes residential accommodation at the rear (north) of the building, which shares a party wall with rooms of the proposed nightclub. Noise insulation to the party wall is proposed along its length, and a noise void created to further minimise transmission. Additional conditions to restrict amplified noise emissions and specify the amplification systems and acoustic doors will further minimise noise effects.
29. Works to the northern/rear elevation, to block up windows and doors and apply noise insulation and enclose the link to the Essence bar will further minimise noise emission to the courtyard and consequently as felt by residents of the flat. The adjoining offices, hotel and other dwellings in the area should not be affected once the sound insulation measures are provided in accordance with the plans and proposed conditions. Details of any future

extract, ventilation, plant and machinery can all be agreed beforehand by condition.

The External Courtyard Area

30. The courtyard garden has not been included within the site of this application, but the use of the space has been accepted by being permitted within the Essence bar permission. Use of the space will increase, and with it possible noise and smoke level increases, but the impacts of doing so are difficult to determine. Noise will be minimised by the works to brick-up and insulate the entire rear wall and enclose the link walkway and use insulated and self-closing doors. Whilst PPG24 (para 16) states that “authorities should not use the opportunity presented by an application for minor development to impose conditions on an existing development which already enjoys planning permission”, it is considered appropriate given the possible increased intensity of use at the courtyard, to impose an additional condition that prevents amplified sound being played in the courtyard. In addition, there may be existing restrictions put in place by Fire Regulations standards, although overall it is felt more appropriate for the Licensing process to determine the levels and intensity of the use, either as part of any new license requirement or as part of any review of the license undertaken in the future.

Hours of Opening

31. Planning permission for the Essence bar has previously been granted to remove its opening hour restriction conditions and allow the Essence bar to operate throughout the night/morning (application no. 09/00189/VC & 09/00437/U). However, it is still considered necessary to impose opening hour restrictions on the nightclub element because of the additional volume of patrons brought into the area by this proposal. Such a measure is considered appropriate as to leave the scheme with unrestricted hours could prove a burden on policing resources in the Late Night Activity Zone. It is therefore proposed to require the nightclub premises to close at 0400 hrs to coincide with the presence of the Police’s dedicated resources in the area. .
32. The Norfolk Constabulary support this position and confirm that dedicated police patrols are removed from the area by 0500 hours, which reduces their ability to maintain a full presence in the area if all-night licensed premises are permitted to be open longer.

Overlooking

33. There would be no overlooking of any premises as a result of this development, as existing openings are either removed or blocked up by internal acoustic walls (Rose Lane).

Design

Form and Impact on the Conservation Area

34. It is proposed to make a number of alterations to both the Rose Lane elevation (south-west) and the elevation facing the courtyard and the Essence bar (north-east). The three existing metal roller doors at ground floor level fronting Rose Lane are proposed to be removed and replaced with two pairs of double-door fire escape doors of roughly half the height. The remaining voids would be bricked up with conditions requiring agreement of brick samples and mortar types. In addition a small ground floor window would be removed and bricked-up and the existing single door to the eastern end would be retained but fixed shut to prevent access or any form of exit. These measures are considered a significant improvement and will enhance the appearance of the Conservation Area.
35. At first floor level facing Rose Lane however, the existing windows are proposed to be retained, but with a sound insulation wall provided to their interior, with the black film finish over the windows. This is considered a suitable solution (even within the Conservation

Area) given the interior is to be used for customer toilets and the alternative of using obscure glazing would not adequately minimise late night light emissions from the building.

36. Alterations to the rear / north elevation are not visible to the Conservation Area. The two existing doors at ground floor level and six large windows would all be removed and bricked-up to match the surrounding brickwork. Rainwater pipes would also be removed. A new set of double-doors are also proposed at first floor level to access the proposed covered walkway connection to the Essence bar and would not be visible.
37. The proposed covered walkway is raised, at first floor level from the rear elevation to the rear, south-west elevation of the Essence bar, replacing an existing narrow and convoluted route. The walkway provides access to the Essence bar alone, which already has access to the courtyard, beer garden / smoking area. The enclosed designs propose cedar-clad boarding exterior with plasterboard insulated interior for soundproofing.
38. Overall, the setting and appearance of the Conservation Area would be improved by the changes proposed to the building's Rose Lane elevation to remove the unsightly steel roller-shutter doors and signage. There is minimal impact on the character of the area given that activity would be either internal or focussed on Prince of Wales Road, and the nature of the change of use is acceptable within the City Centre Leisure Area.

Transport and Access

Pedestrian Access and Safety

39. Given that multiple bar/nightclub uses within premises to the east along Rose Lane have been found acceptable and are established, it could be argued that a precedent has been set to allow this use in the immediate area. However, permissions for these uses have been conditional on any access to Rose Lane being prevented for general use by patrons as principle entrances exist from Prince of Wales Road. It is considered reasonable and appropriate in this instance that a permission ensures all doors on the Rose Lane street frontage are only used as emergency exits. With entry and exit access restricted to Prince of Wales Road, patron and public safety will not generally be vulnerable to traffic along Rose Lane.
40. Rose Lane as an emergency exit point is considered acceptable as the pavements are wide enough for congregation, even if passers-by need to use the pavement. Separate Building Control and Fire Safety Regulations will determine the numbers of patrons able to use the premises, whilst separate highways licensing consent would be needed for any doors intended to open outwards onto the highway.
41. As a consequence of preventing any entry from Rose Lane, access and safety of users of the Islamic Centre should not be compromised.

Environmental Issues

Waste Management and Servicing

42. The servicing and refuse collection would continue to operate from St Vedast Street. The increased volume of refuse should be managed along the same lines as currently.

Plant

43. In the interests of protecting residential amenity and ensuring appropriate design in the conservation area, conditions will be used to require prior approval of any plant, machinery, ventilation and fume extraction systems, to control emissions and positioning.

Lighting and CCTV

44. This would be covered by existing provisions along Prince of Wales Road.

Conclusions

45. The proposal will result in the loss of a small amount of unusable employment floorspace, the loss of which can be accepted on balance. Although the site's location is just outside the Late Night Activity Area, the premises are within a part of the City Centre Leisure Area which has been extended in character and function so as to be considered in the same manner as the Late Night Activity Area. As such the proposal is considered to be consistent with the character, and the use is appropriate to, this part of the city centre. The exterior alterations proposed to the building are considered appropriate as a means to improve the building's performance in noise pollution prevention and to minimise adverse impacts to the amenity of neighbouring residential and commercial premises, and to enhance the appearance of the Conservation Area.
46. Subject to the conditions imposed on the planning permission, notably to ensure the site operates only as a part of the existing bar on Prince of Wales Road and does not include access or egress on Rose Lane (except in the case of emergency), and that the nightclub premises is required to be closed by 0400 hrs, the safety of patrons at the site will be ensured, the possible impact on businesses, residents and visitors to the area will be minimal, and future regeneration of the area will not be compromised,.

RECOMMENDATIONS

To approve Application No 10/01288/F (64 - 68 Rose Lane, Norwich, NR1 1PT) and grant planning permission, subject to the following conditions:-

1. Standard time limit;
2. Development in accordance with the approved plans and details;
3. There shall be no use of the premises for the development hereby permitted until the external works as detailed in the approved plans have been provided and made ready and operation for first use;
4. There shall be no use of the premises for the development hereby permitted until a scheme for internal sound proofing measures has been submitted and agreed (using as a minimum the proposals as detailed in the approved plans and in the recommendations of the acoustic report and approved correspondence) and the measures have been provided in accordance with the agreed methodology sufficient to restrict noise to a certain level measured at a specific point from the site;
5. Opening hours restriction – premises shall not be open to the public between the hours of 0400 hrs and 0700 hrs on any day.
6. The doors to and from Rose Lane shall only be used for fire exit purposes and shall not be used in any way or at any time for entry or exit other than in an emergency situation;
7. The premises shall only be accessed by the general public and patrons from existing premises fronting Prince of Wales Road, and servicing access shall only be from Prince of Wales Road or St Vedast Street;
8. No hot food shall be served from the premises for consumption off-site;
9. Prior to commencement of use, details and samples of all new brick and mortar types to be agreed;
10. Prior to first use, details of all new doors to be agreed;
11. Prior to first use, details of amplification system to be agreed;
12. Prior to first use, maximum noise levels shall agreed;

13. Prior to first use, a management scheme shall be agreed to ensure the maximum noise limits can not be exceeded at any time;
14. All acoustic doors specified as type 'D' and 'E' on the approved drawings shall be fitted with self closing devices that shall be in operation at all times when music is played within the application premises;
15. No amplified music shall be played in the courtyard within the applicant's control;
16. Details of extract and ventilation systems shall be provided prior to the first installation;
17. Details of plant and machinery shall be provided prior to their first installation.

Informative advisory notes:

1. Notification of the Council's ability to still exercise its duties to investigate complaints of noise nuisance and enact its powers under the Environmental Protection Act 1990 and require further action to abate or prevent the occurrence or reoccurrence of any statutory nuisance, despite the proposed noise mitigation works within this application.
2. Standard construction practices statement.
3. The applicant is advised that any new advertisements proposed for display on the premises would be subject to obtaining Advertisement Consent. Adverts proposed to the rear of the building are likely to be considered unacceptable as they may encourage people to enter the premises via this route and not via the main entrance fronting Prince of Wales Road.

(Reasons for approval:

The decision has been made with regard to national policy and the provisions of the local development plan, and all material considerations, and are considered to be in accordance with PPS4, PPS5, PPG24 and saved policies AEC1, HBE8, HBE12, EP10 and EP22 of the City of Norwich Replacement Local Plan (Adopted Version November 2004). Notwithstanding the loss of the derelict and vacant employment premises at the site, the change of use hereby permitted is located in the City Centre Leisure Area and adjacent to the extended Late Night Activity Zone, where uses of this kind are considered acceptable. Subject to the conditions imposed as part of this planning permission, the use will only operate in conjunction with the existing premises already operating within the extended Late Night Activity Zone and will minimise disruption and alteration to the immediate Rose Lane area. By virtue of the proposed designs, noise reduction measures and suggested conditions, the proposals are not considered to cause a detrimental impact on the street scene or neighbouring residential, business or visitor amenity, and will enhance the setting of the Conservation Area.

Appendix A.

Extracts from Minutes of the Planning Applications Committee

25th February 2010.

1. APPLICATION NO 09/01330/U – 64-68 ROSE LANE, NORWICH, NR1 1PT

(Councillor Read left the meeting during this item and was not present during the determination of this item.)

The Senior Planner (Development) presented the report with the aid of slides and plans. A further representation, in the form of a petition, had been received from the East Anglia Bangladeshi Society appealing for the committee to consider its objections to the proposal relating to congestion; lack of security for people attending the centre; and concern about noise. As a response to these objections conditions 2, 6 and 7 had been expanded and two informatives added. (The revised conditions and informatives are appended to these minutes.)

A representative of the Islamic Centre attended the meeting and outlined their objections to the proposal which included: concerns about public safety and potential for increased violence and anti-social behaviour and pointing out that some of the Centre's members were children, women and vulnerable people; noise pollution and the effect that this would have on the use of the adjacent Centre as a residence and a place of worship and that the Centre was used for prayer late at night during Ramadan.

A representative on behalf of a nightclub situated in Prince of Wales Road then addressed the Committee with objections to the proposal which included: concern that the proposal would double the current footprint of the club and that this would compromise safety in an emergency situation and that the smoking area did not have the capacity to cope with increased patronage; that Rose Lane would become the primary route for access/egress of the club and that it was not in the late night economy area and therefore would put additional strain on policing resources. He also pointed out that there were proposals to pedestrianise Prince of Wales Road and Rose Lane would therefore become a busier road, strengthening concerns about using it to access the club.

The Senior Planner then addressed the concerns raised above and pointed out that the floor plans were only illustrative of what was proposed and that the application of conditions would prevent the use of Rose Lane as the main entrance for the club. He pointed out that there was a precedence of another club extending in Prince of Wales Road. Fire restrictions determined the capacity of the building and smoking area. The pathway was considered adequate for fire escape purposes.

In response to questions, the Senior Planner said that the Islamic Centre had permission for use as a community centre between the hours of 8.00 a.m. and midnight and residential use. Members then asked further questions about the mitigation of noise. Concern was expressed by members that an acoustic survey had not been conducted prior to the application being made. The Senior Planner and Planning Development Manager responded by stating that the issue and proposed approach had been considered in consultation with Environmental Health colleagues

and agreed to be reasonable, practicable and necessary. Members were reminded that the applicant could be required to undertake extensive acoustic surveying, and any necessary mitigation works could be required to be installed, prior to the commencement of the proposed use. In light of the sensitivity of the adjacent premises, members instead took the view that they should be able to first understand both the implications of granting approval and the likelihood of any necessary mitigation works being effective enough to prevent an unreasonable impact on neighbouring properties.

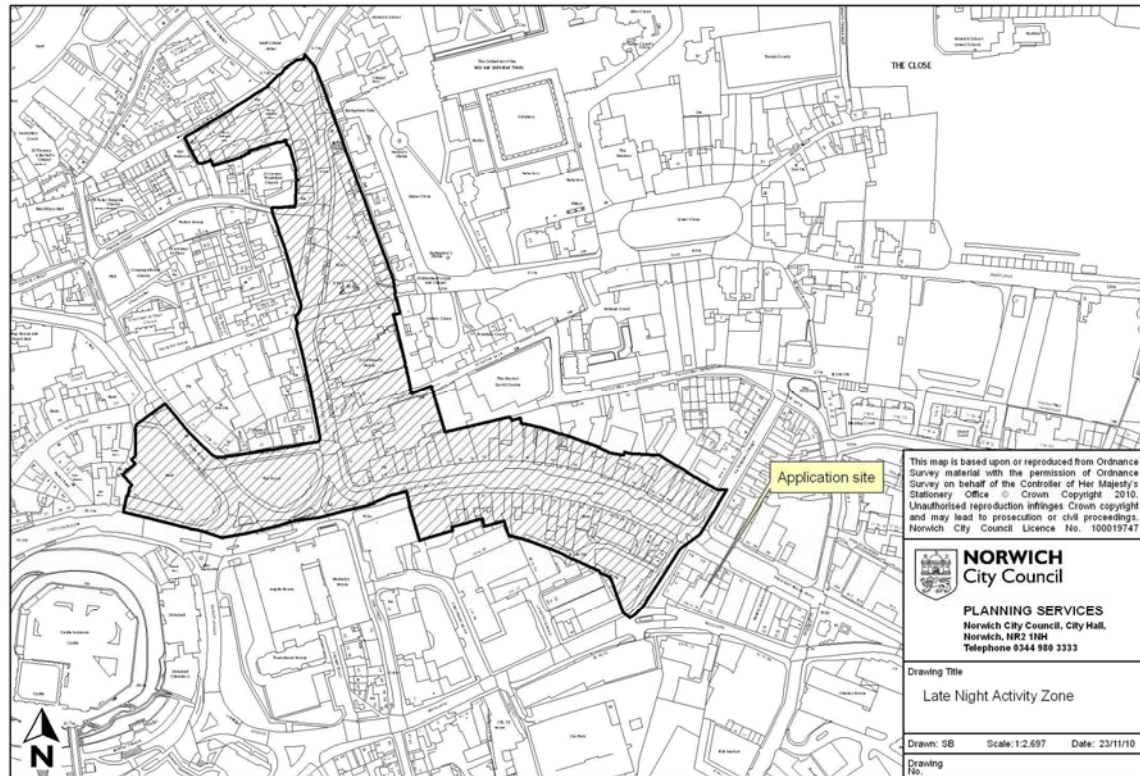
Councillor Wiltshire moved and Councillor Little seconded that the planning application be refused on the grounds that members had insufficient information to make a decision because an acoustic survey had not been carried out and therefore it was not possible to determine the consequential impact of the proposed development on the amenity of the neighbouring properties.

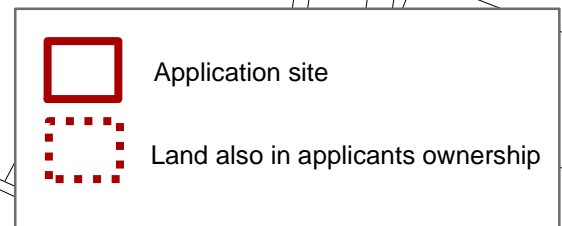
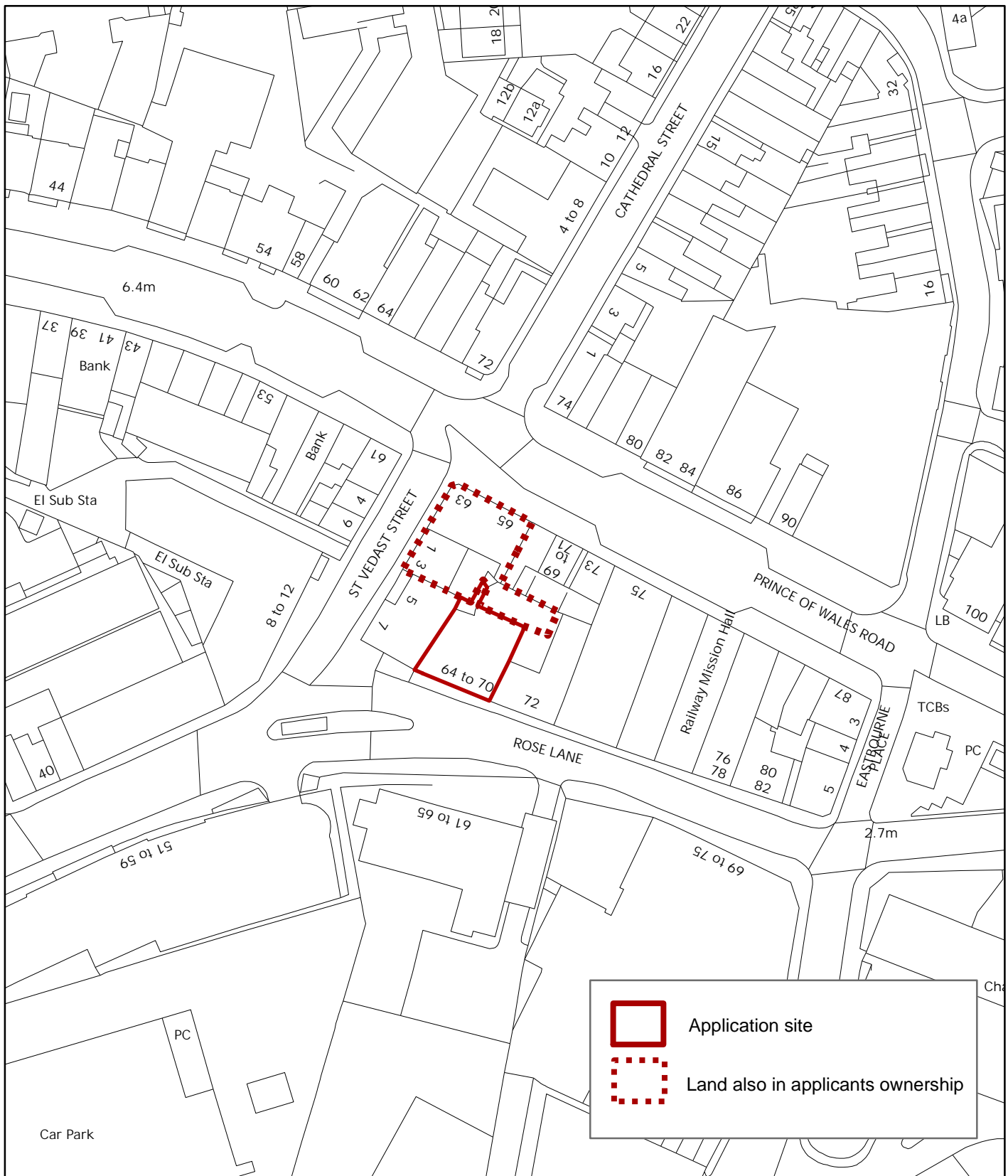
RESOLVED to refuse Application No 09/01330/U – 64-68 Rose Lane, Norwich, NR1 1PT for the reasons stated above and to ask the Head of Planning Services to provide reasons for refusal in policy terms.

(Reasons for refusal: The proposed use could be a significant noise generator in a location adjacent to noise sensitive use receptors. However, the application does not include an acoustic survey incorporating any noise or vibration survey information and analysis, nor details of any remediation measures necessary to ameliorate any harmful effects. As such there is insufficient information available to enable proper consideration and assessment of the proposal, in terms of both the potential impacts on, or harm to, the amenities of adjoining occupiers, and in terms of the adequacy of proposed on-site mitigation measures to prevent such potential impacts. As a consequence the proposal is contrary to national guidance PPG24 Planning and Noise, and saved policy EP22 of the City of Norwich Replacement Local Plan (Adopted Version November 2004).)

Appendix B.

A map of the Late Night Activity Zone





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Planning Application No - 10/01288/F
 Site Address - 64 - 68 Rose Lane
 Scale - 1:1,000



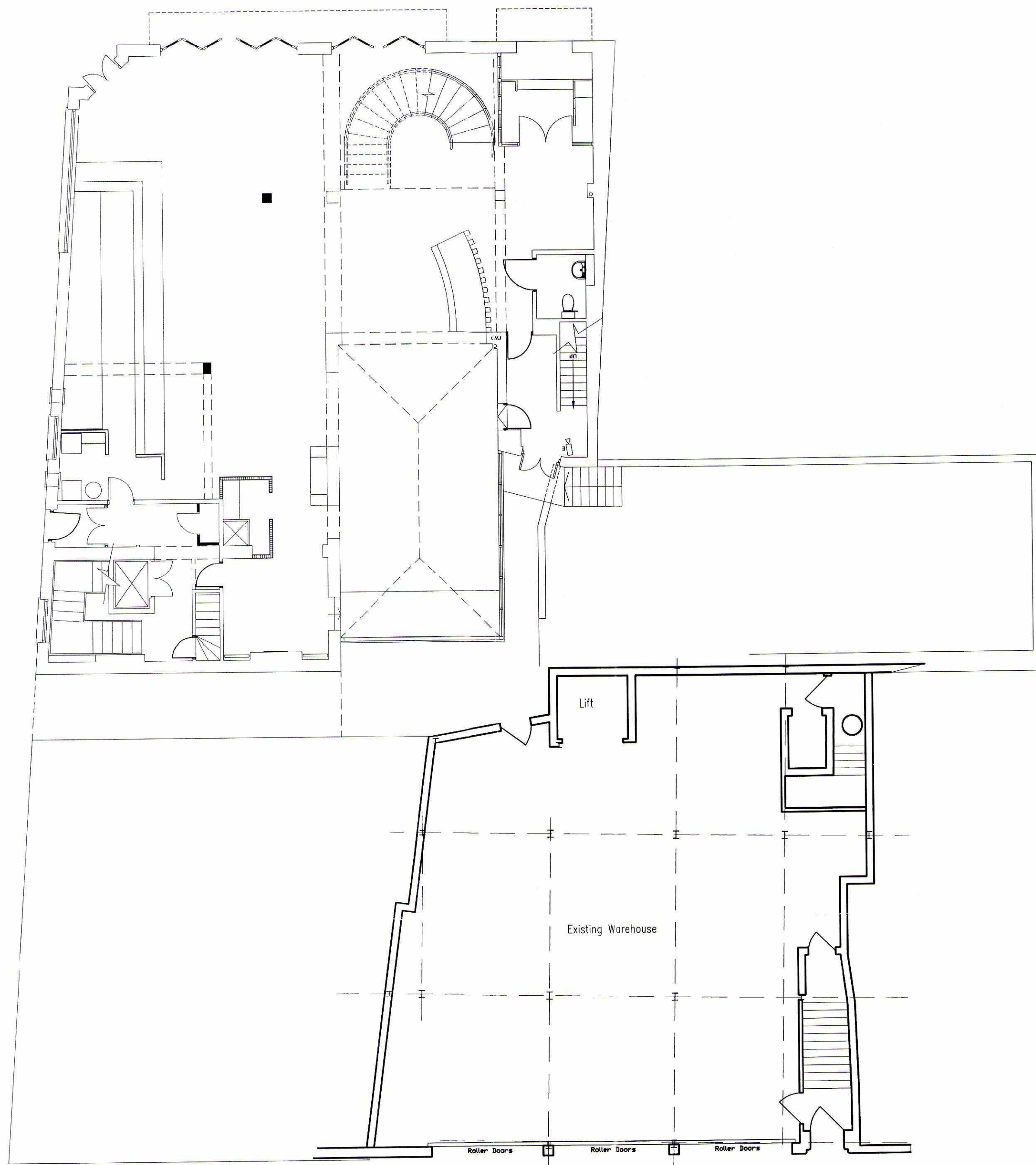
NORWICH
 City Council

PLANNING SERVICES

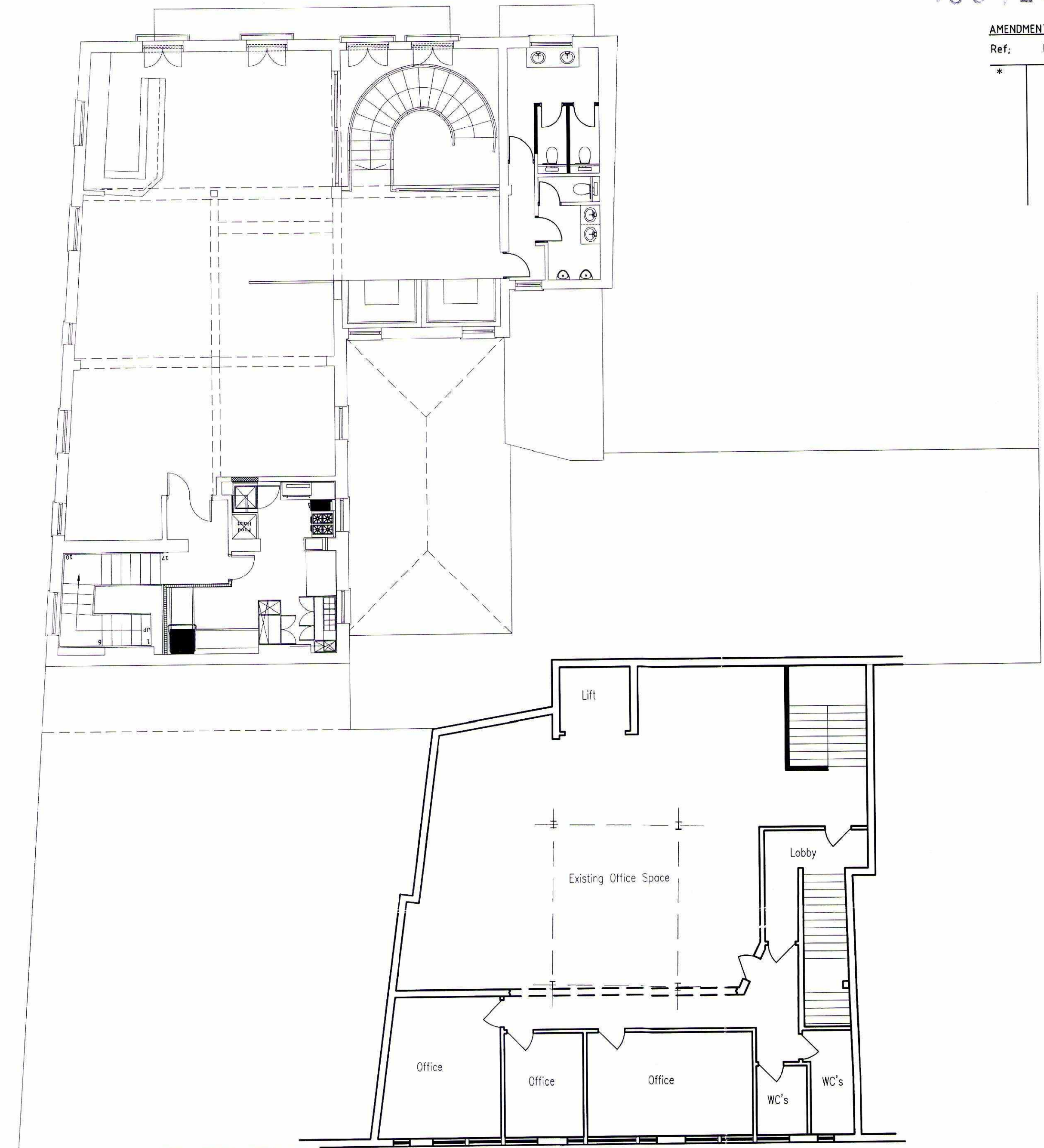


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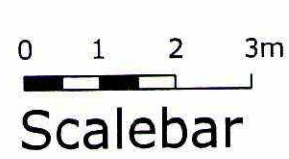
AMENDMENTS:			
Ref;	By;	Date	Description;
*			



Ground Floor Plan
Scale 1:100



First Floor Plan
Scale 1:100



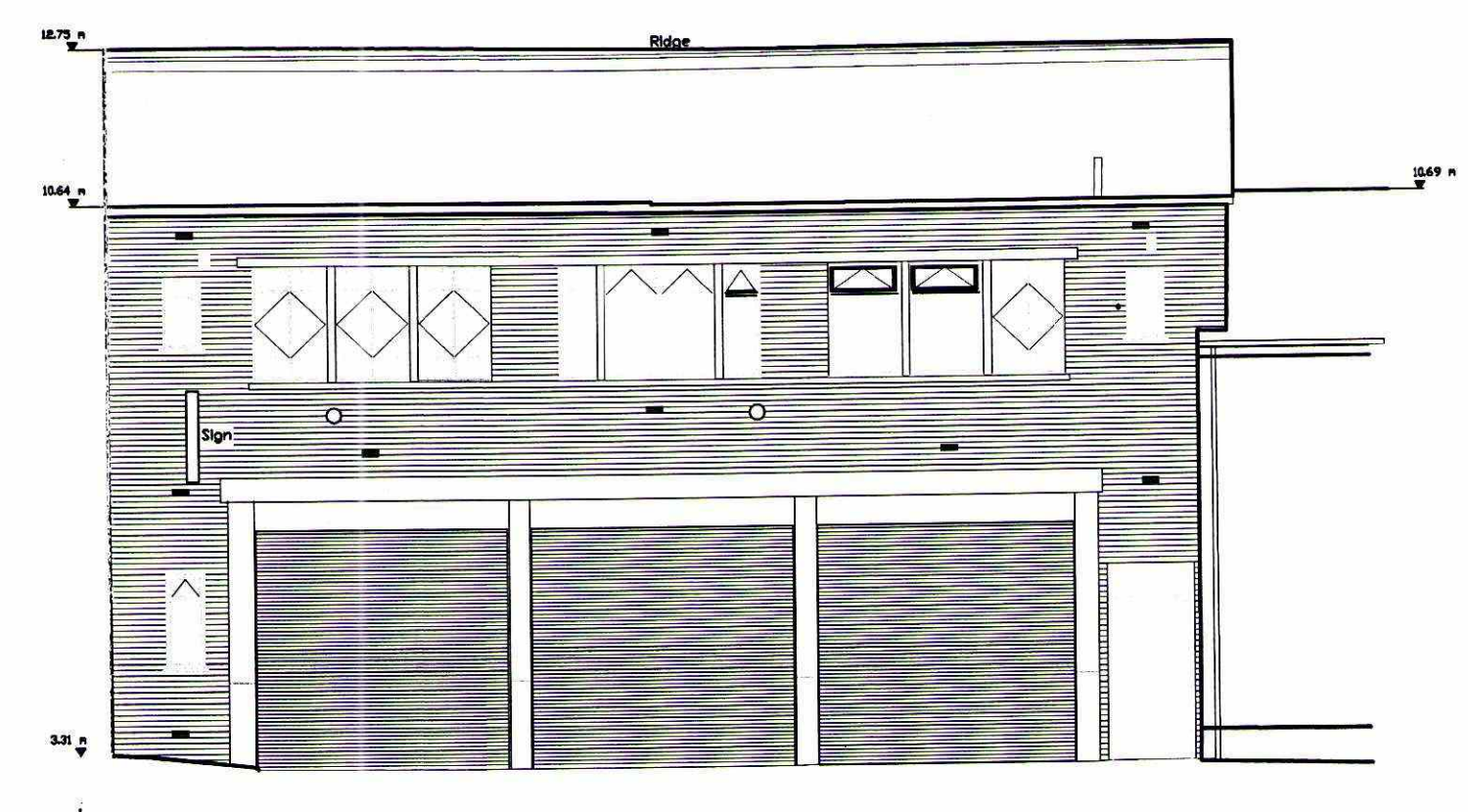
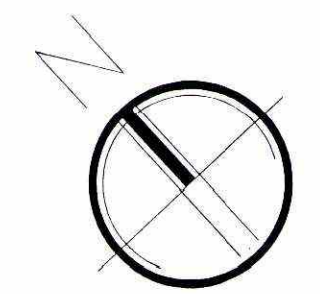
CORPORATE REG. AREA
05 AUG 2010
POST ROOM

HARRISON DESIGN CO

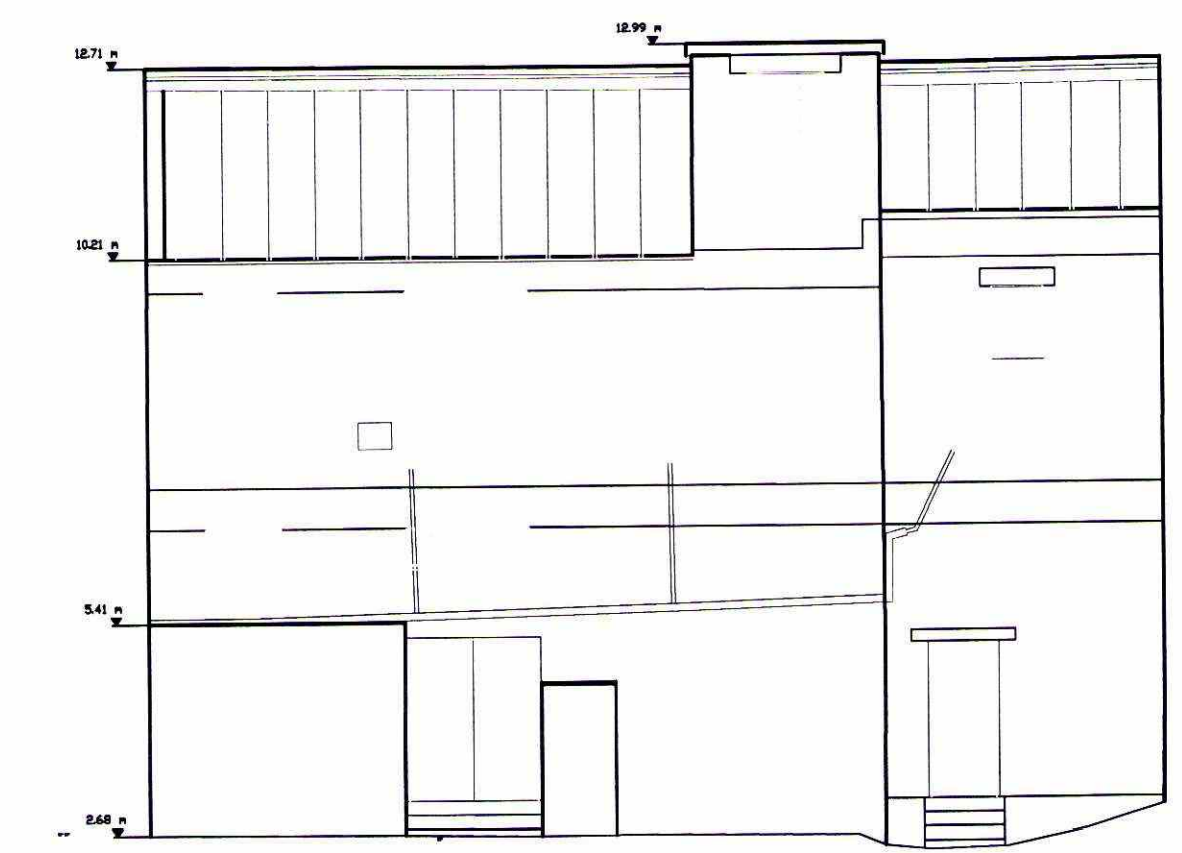
15 Coleshill St, Sutton Coldfield, Birmingham B72 1SD
Telephone 0121-321 3030 Fax 0121-321 3035
e-mail : technical@harrisondesign.co.uk

CLIENT	Anglia Restaurants		
PROJECT	Essence 2 Rose Lane, Norwich		
DRG TITLE	Plans & Elevations Existing		
SCALE (@ A1)	1:100	DRN BY	AD
DATE	03.08.10	DRG NO	P-110

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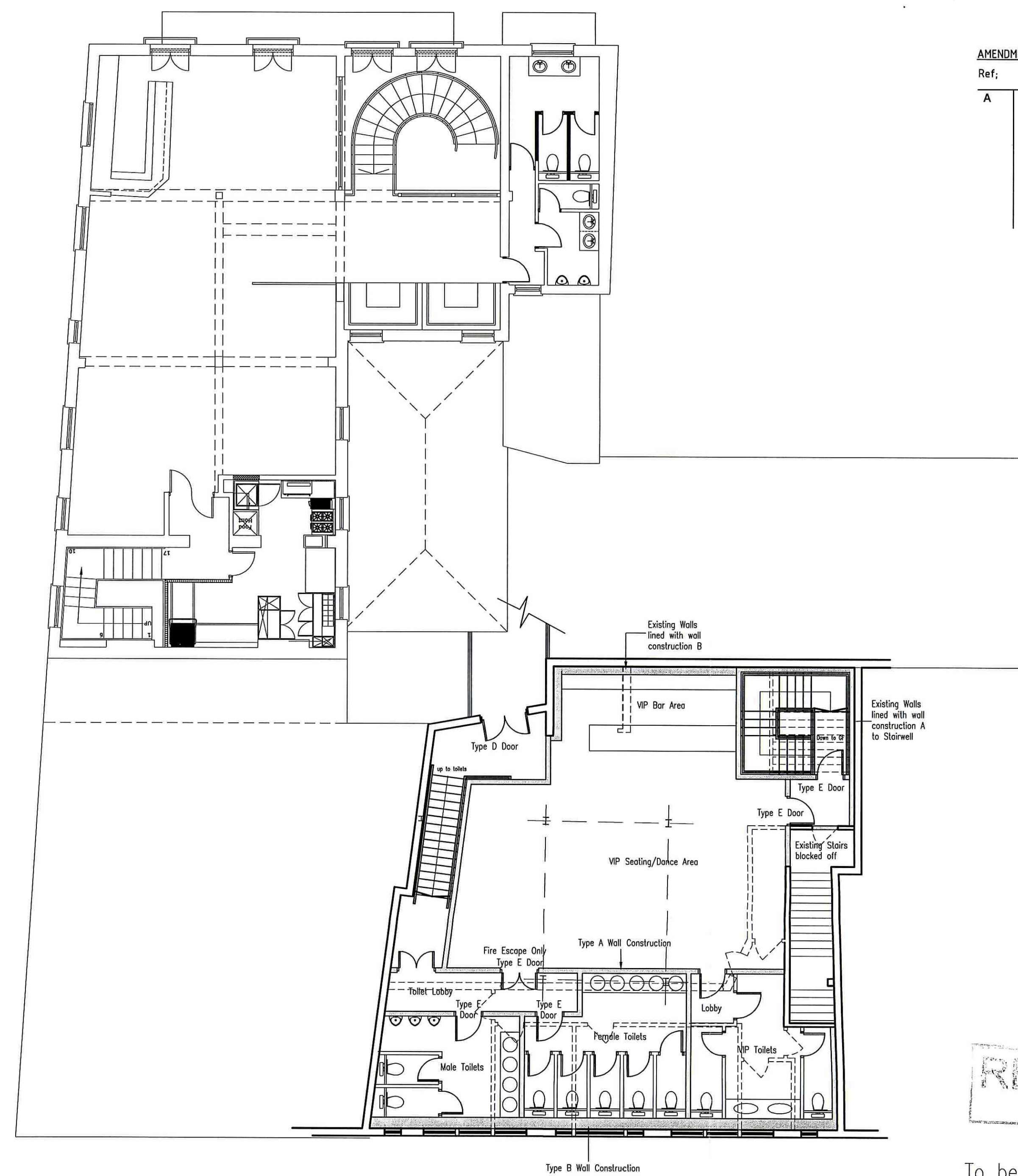
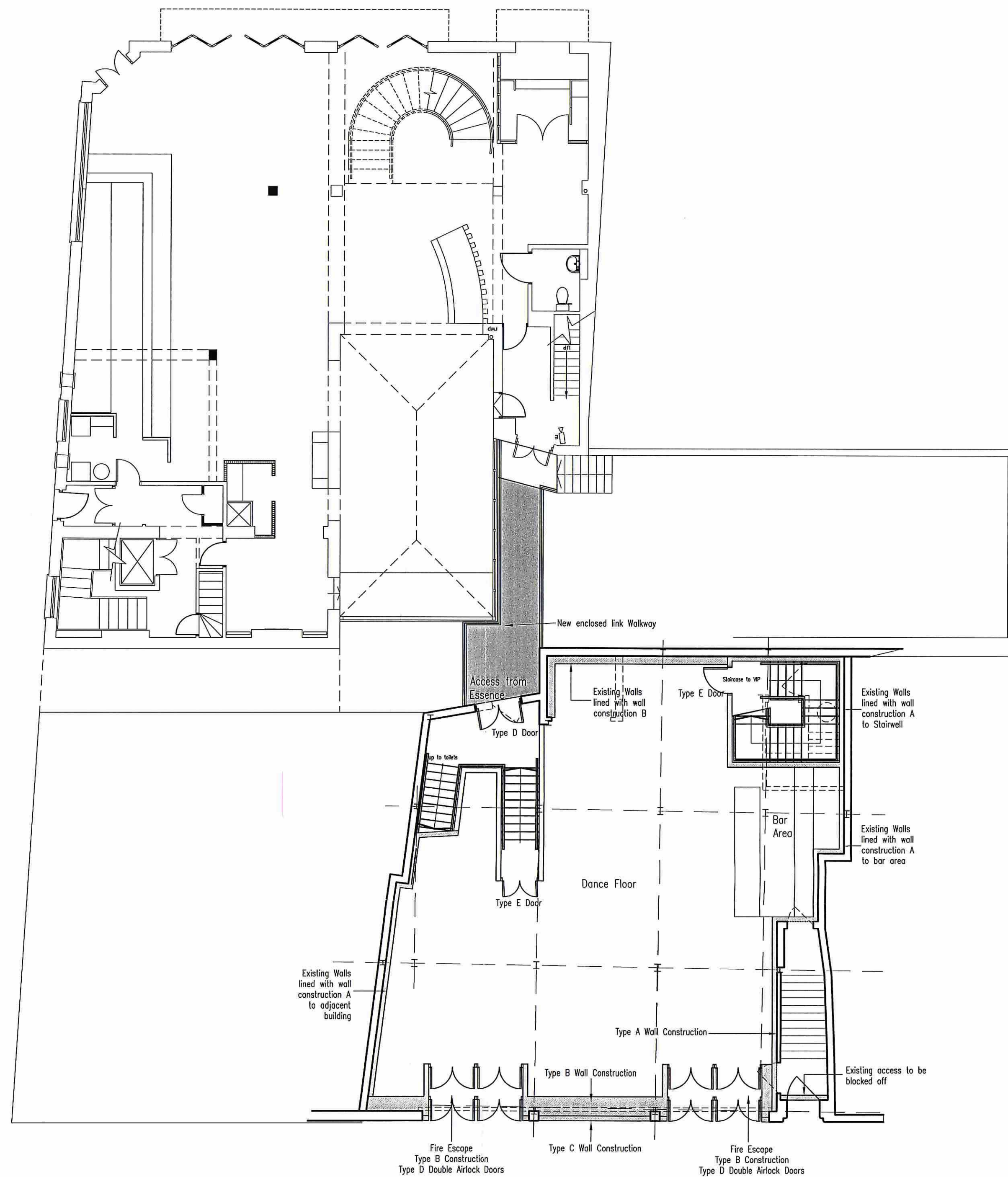
Front Elevation (Rose lane)
Scale 1:100



Rear Courtyard Elevation
Scale 1:100

AMENDMENTS:

Ref;	By;	Date	Description;
A	AD	25.10.10	Additional acoustic notes added to north east and west walls, notes on elevations to include removal of all existing signage and to allow for black film to FF windows



REVISED

Organisational Development
27 OCT 2010
Postscript

To be read in conjunction with DWG 1870-112 and also Acoustic Report completed by H&H Acoustic Division

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e-mail : technical@harrisonsdesign.co.uk

CLIENT

Anglia Restaurants

PROJECT

Essence 2
Rose Lane, Norwich

DRG TITLE

Plans & Elevations
Proposed

SCALE (@ A1)

1:100

DATE

03.08.10

DRN BY

AD

JOB NO

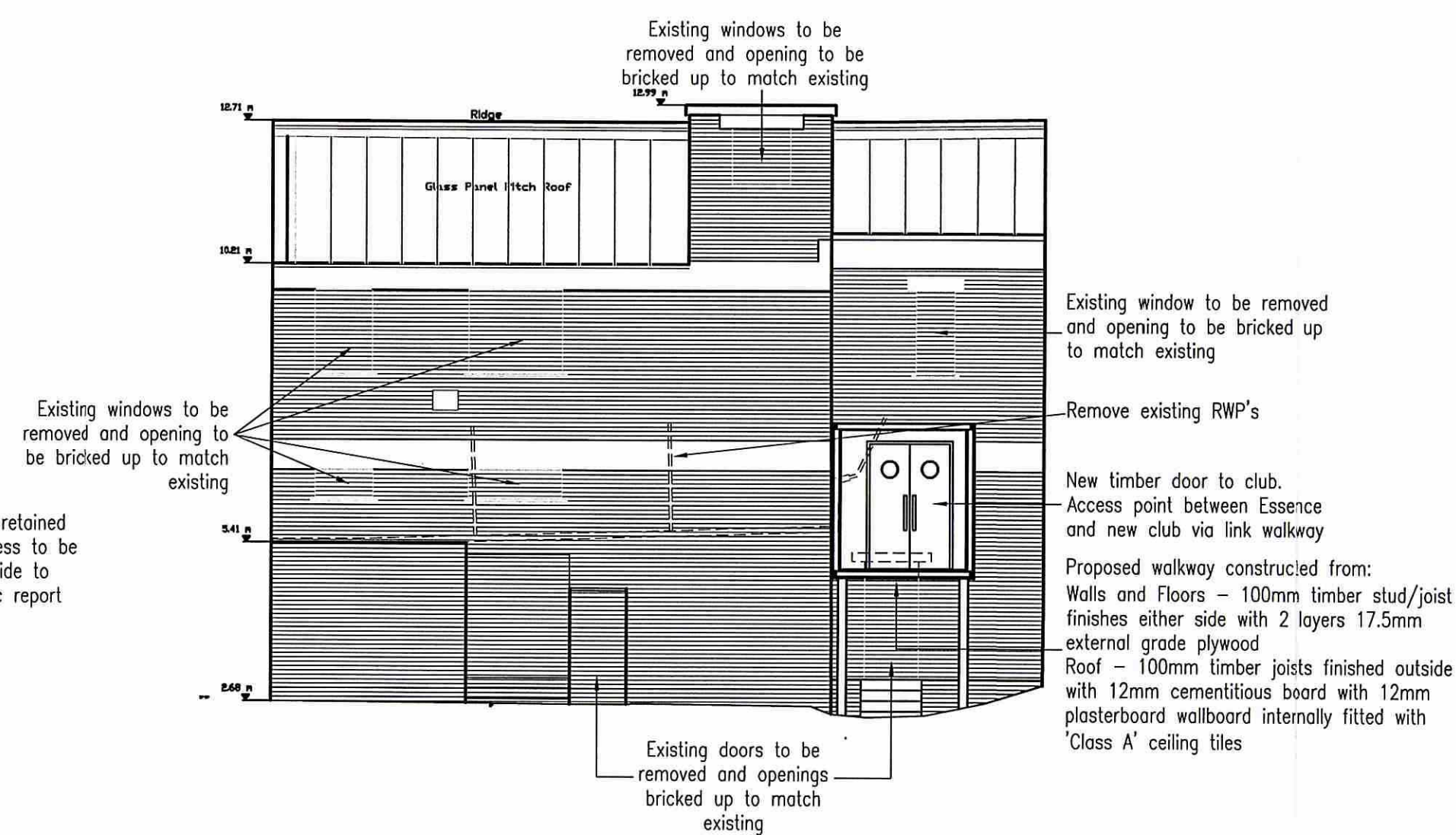
1870

DRG NO

P-111-A

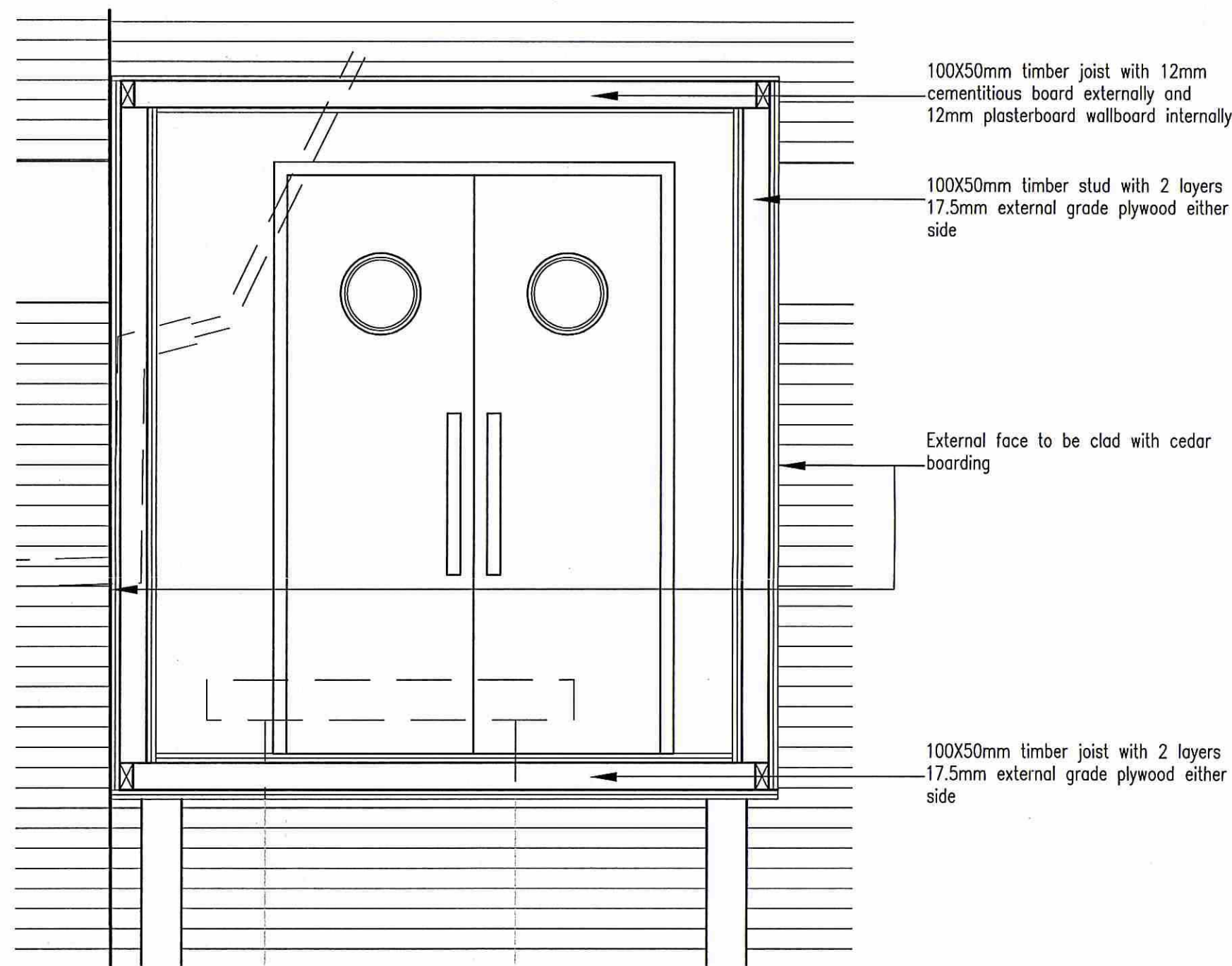
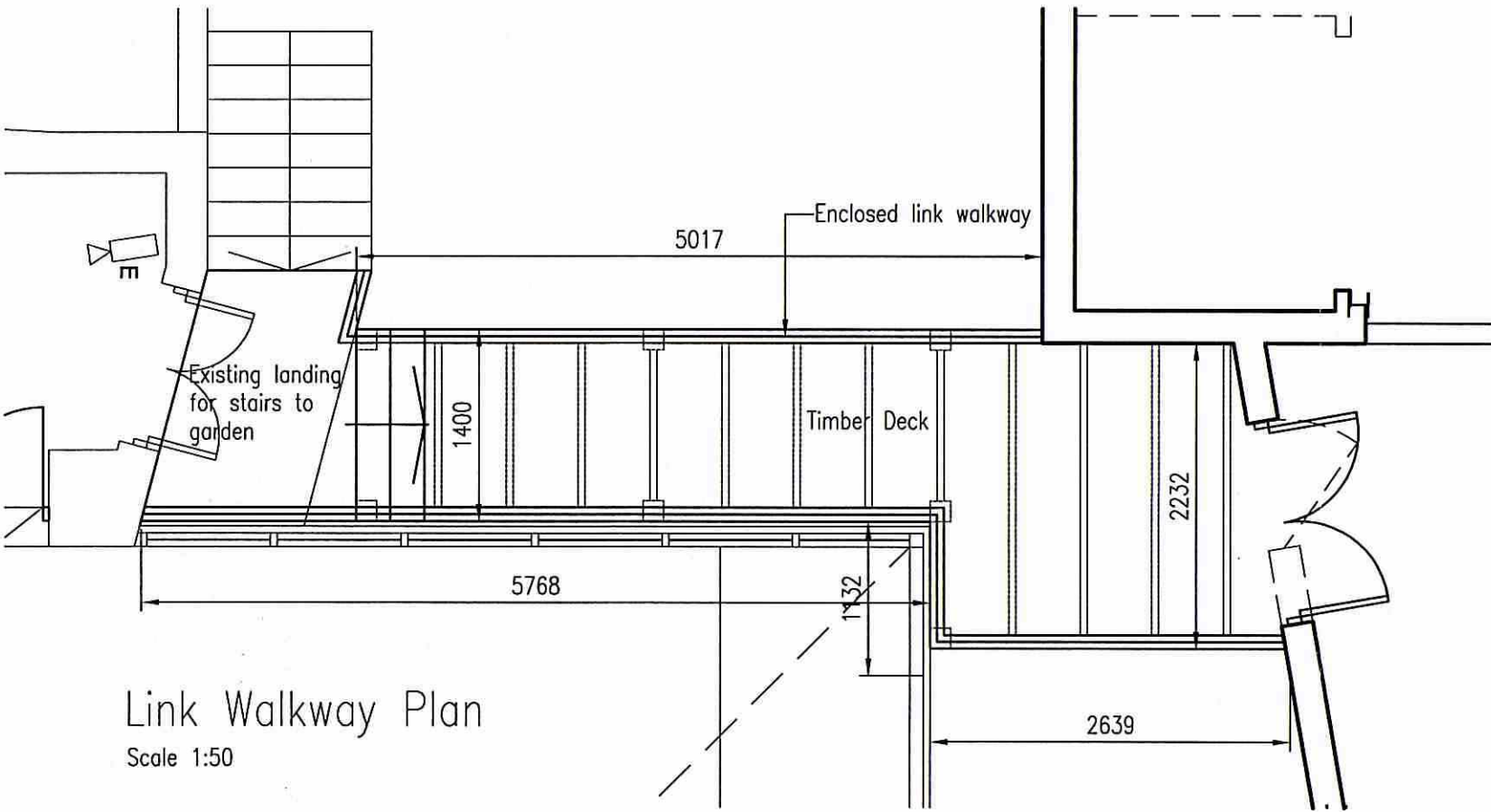
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0 1 2 3m
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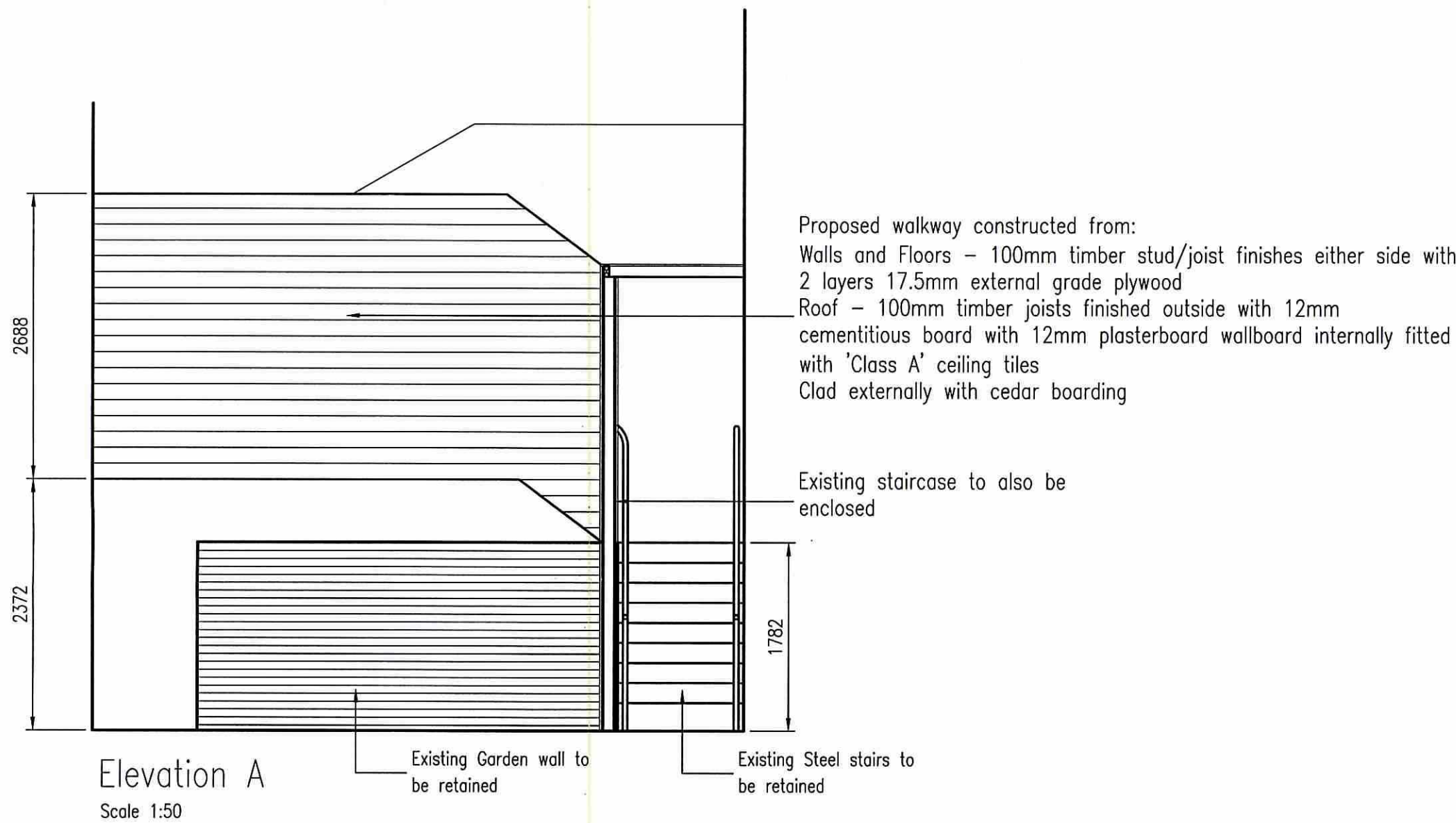


AMENDMENTS:

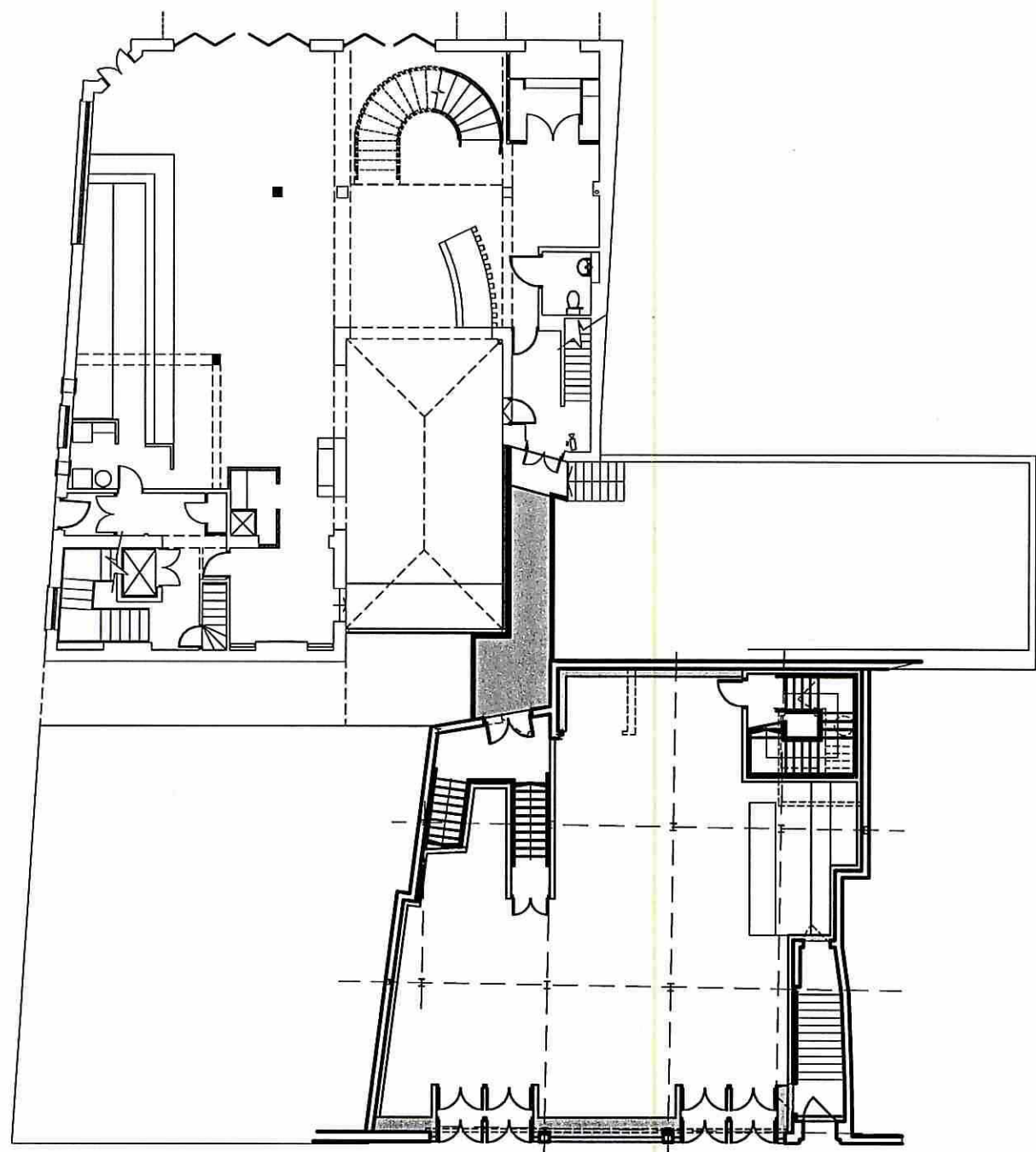
Ref;	By;	Date	Description;
A	AD	21.10.10	Link walkway amended to match Acoustic report specification



Section Thru Link walkway
Scale 1:20



Elevation A
Scale 1:50



Key Plan
NTS

REVISED

27 OCT 2010
Post Room

To be read in conjunction with DWG 1870-111 and also Acoustic Report completed by H&H Acoustic Division

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CLIENT

Anglia Restaurants

PROJECT

Essence 2
Rose Lane, Norwich

DRG TITLE

Link Walkway
Proposed

SCALE
(@ A1)

As Shown

DATE

03.08.10

DRN BY

AD

JOB NO

1870

DRG NO

P-112-A

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