

Planning Applications Committee
11th June 2009
Section C

Agenda Number:	C2
Section/Area:	Inner
Ward:	Mancroft
Officer:	Sarah Platt
Valid Date:	3rd April 2009
Application No:	09/00240/U
Site Address:	76 St Georges Street Norwich NR3 1AB
Proposal:	Permanent use of existing covered area of courtyard terrace for dining in association with The Last Wine Bar between 11.00am and 4.00pm on Saturdays.
Applicant:	Last Wine Bars Ltd
Agent:	John Utton FRICS

THE SITE

The application site relates to the internal courtyard terrace at Merchants Court, St Georges Street. The building is included on the Council's Locally Listed Buildings List and is within the City Centre Conservation Area and City Centre Leisure Area.

PLANNING HISTORY

Planning permission was refused on 31st July 1997 (4/1997/0485/VC) for the Variation of Condition 9 of planning permission no. 4970144/U to permit the public use of the courtyard terrace between 12 noon and 10pm, Monday to Sunday.

On the 5th March 1998 planning permission was refused (4/1998/0015/U) for the use of courtyard terrace in association with The Last Wine Bar (Class A3).

In 2000, planning permission was granted for the erection of a conservatory over the courtyard terrace but this permission has not been implemented.

A further planning application was refused on the 24th June 2004 (04/00532/F) for use of existing courtyard as dining area in association with the Last Wine Bar between 12noon and 4pm.

On the 25th July 2005 planning permission was approved (05/00540/U) for use of the now covered area of courtyard terrace for dining in association with The Last Wine Bar between 11am - 4pm Monday to Friday only. This permission was granted on a temporary basis for a 12 month period.

In April 2007 a renewal of the previous temporary permission was approved (07/00218/U) for use of the existing covered area of courtyard terrace for dining in association with The Last Wine Bar between 11a.m. - 4 p.m. Monday to Friday only.

On 9th May 2008 approval was granted (08/00196/U) for the permanent use of the existing covered area of courtyard terrace for dining in association with The Last Wine Bar between 11:00am and 4:00pm Monday to Friday and temporary use of the courtyard terrace for dining between 11am and 4pm on Saturdays for a 12 month period only. (APPR - 09/05/2008)

THE PROPOSAL

The proposal is for the permanent use of existing covered area of courtyard terrace for dining in association with The Last Wine Bar between 11.00am and 4.00pm on Saturdays.

CONSULTATIONS

Advertised on site and in the press. Neighbours have been notified in writing.

There was an error on the first round of consultation letters and original site notice. The site notice was amended and displayed again for a further 3 weeks with the correct description. It was also brought to the case officers attention that not all residents whose properties look over the courtyard had been notified, addresses were clarified and all neighbours overlooking the courtyard were notified in writing under a further 3 week consultation period.

4 letters of representation have been received citing the following reasons for objection:

- The use of the courtyard until 4pm would cause disturbance to residents whose properties overlook the courtyard terrace;
- Noise from use of the courtyard by customers and ancillary uses of the restaurant, e.g. emptying of bins.

Environmental Health: No objections.

PLANNING CONSIDERATIONS

Relevant National Policy:

PPG24 – Planning and Noise

Relevant Regional Policy:

ENV7 – Quality in the Built Environment

Relevant Local Plan Policies:

HBE8 – Development within a Conservation Area

EP22 – High Standard of Residential Amenity

AEC1 – Major Art and Entertainment facilities within the City Centre Leisure Area.

SHO9 – Enhancement of the Retail Environment of the City Centre

SHO22 – Food and Drink Uses

Introduction:

The original redevelopment of Merchants Court provided for a mixed use development comprising of shops, offices, restaurants and residential properties. Although over the intervening years the development has evolved from this original concept, Merchants Court remains a City Centre site in mixed commercial and residential use where daytime activity is expected particularly given the public access into the courtyard. Given the close relationship between the restaurant and the residential units, some noise disturbance is therefore always a possibility.

The proposed dining terrace is situated immediately at the rear of the Wine Bar and measures approximately 6.3 m. x 4.8 m. beneath a glazed roof on metal supports.

The use of the covered outside courtyard terrace has been the subject of applications dating back several years. Two temporary permissions were granted for lunchtime dining only, Monday to Friday and one further permission granted for use of the courtyard at lunchtimes Monday to Friday with a temporary 12 month permission for use of the courtyard at lunchtimes on Saturdays and Sundays.

Previous permissions have given permanent consent for use of the terrace Monday to Friday at lunchtimes. Permission was granted on a temporary 12 month basis for use on a Saturday so as to be able to assess the impact on the

surrounding residential amenity. The applicant is seeking to use the courtyard for dining on a Saturday on a permanent basis following a 12 months use of the terrace on a trial basis.

Residential Amenity:

When the previously approved application was considered and following the concerns of local residents regarding noise specifically at weekends, it was considered prudent to temporarily approve (for a 12 month period) the use of the outside courtyard terrace for lunchtime dining with the same hour restrictions (11am to 4pm) and operational restrictions under the previous application 08/00196/U in order that instances of noise disturbance could be reported to Environmental Health. No instances of noise disturbance have been reported in the last 12 months. The use of the terrace on Saturdays should not have any material impact on noise and disturbance involved in the emptying of bins as suggested by objectors.

A number of conditions were imposed on the previous approval. These covered the following points;

- Limiting the courtyard terrace for use by customers of the restaurant;
- Groups will consist of no more than 6 people;
- There will be no setting up of tables before 11am or clearing after 4pm;
- There will be no use by customers before 12 midday or after 4pm;
- The area used shall be confined to the area beneath the covering, and;
- There will be no live or amplified music in the courtyard terrace.

These conditions were imposed under the previous applications for the management of the terrace and the protection of residential amenity and it is considered adequate to impose these again.

Conclusions:

The proposed use of the courtyard terrace for lunchtime dining at weekends is not considered to have a detrimental impact on the wider conservation area or immediate residential amenity. No instances of noise disturbance have been reported to Environmental Health.

RECOMMENDATIONS

Recommended to APPROVE PLANNING PERMISSION subject to the following conditions:

1. The use hereby permitted must be begun within three years of the date of this permission for Saturday dining only.
2. The courtyard terrace shall only be used by customers of the restaurant who are consuming meals and will be restricted to groups of not more than six people;
3. Setting up of the tables on the terrace will not commence before 11 am and the tables will be cleared by 4 pm. Use of the terrace by customers shall not

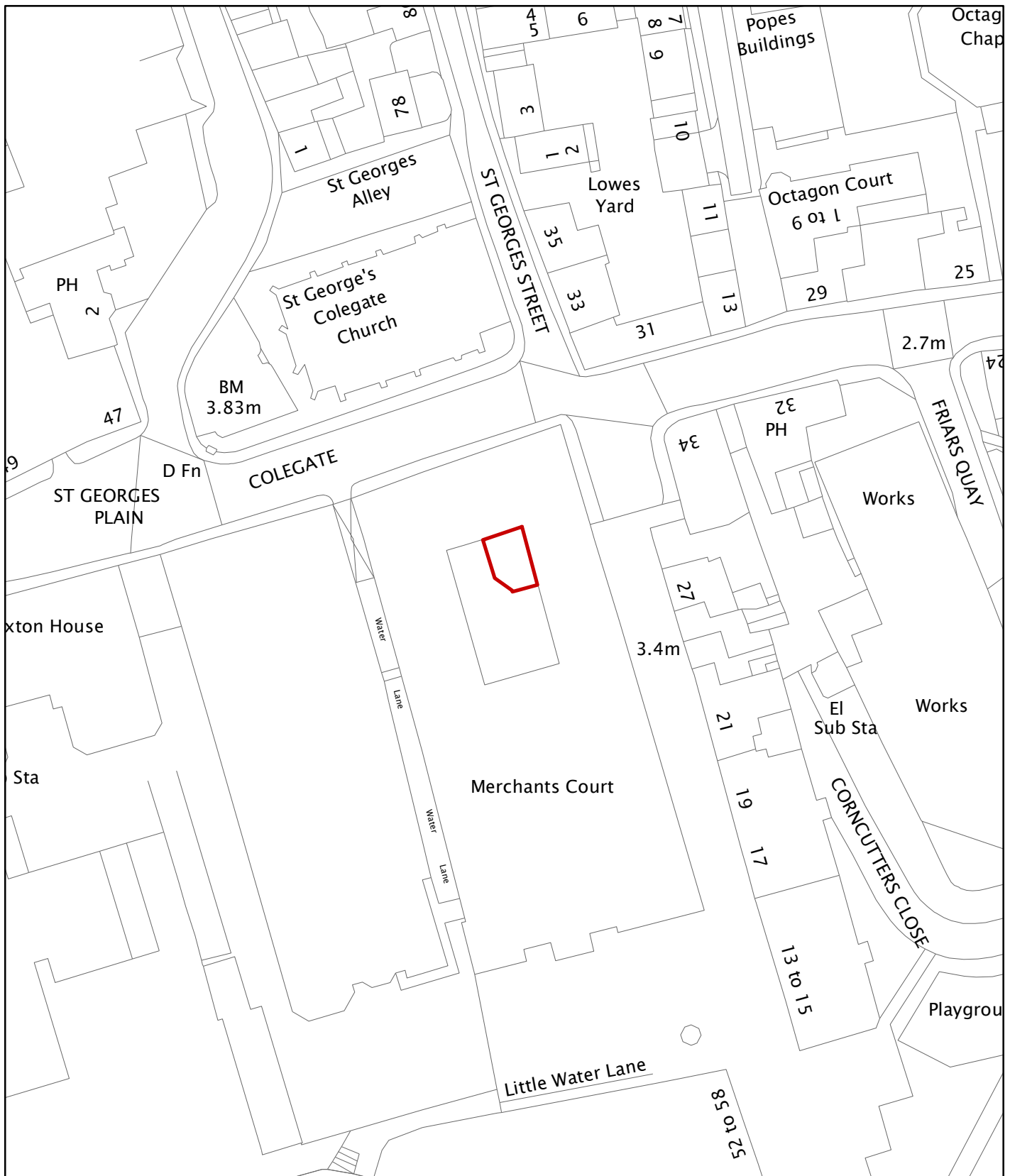
commence before 12 noon and cease at 4 pm with last orders taken before 2.30pm.

4. The outside dining area and the placement of the tables and chairs will be confined to the area beneath the canopy and will be cordoned off and separated from the remainder of the courtyard.

5. There shall be no live or amplified music played in the courtyard.

Reasons for Approval:

The proposed use of the terrace will not have a detrimental impact on residential amenity or the wider conservation area. No instances of noise disturbance have been reported to Environmental Health in the 12 month temporary period granted approval under application 08/00196/U. Therefore the proposals are considered to be in accordance with PPG24, policy ENV7 of the East of England Plan (May 2008) and saved policies HBE8, EP22, AEC1, SHO9 and SHO22 of the City of Norwich Replacement Local Plan (Adopted Version November 2004).



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Site Address - The Last Wine bar, 76 St Georges Street, Norwich

Scale - 1:750



NORWICH
City Council

DIRECTORATE OF REGENERATION
AND DEVELOPMENT

