

Report to Planning applications committee
13 August 2020

Report of Area development manager

Subject Application nos 19/01488/F & 19/01487/L – Strangers Club, 22-24 Elm Hill, Norwich NR3 1HG

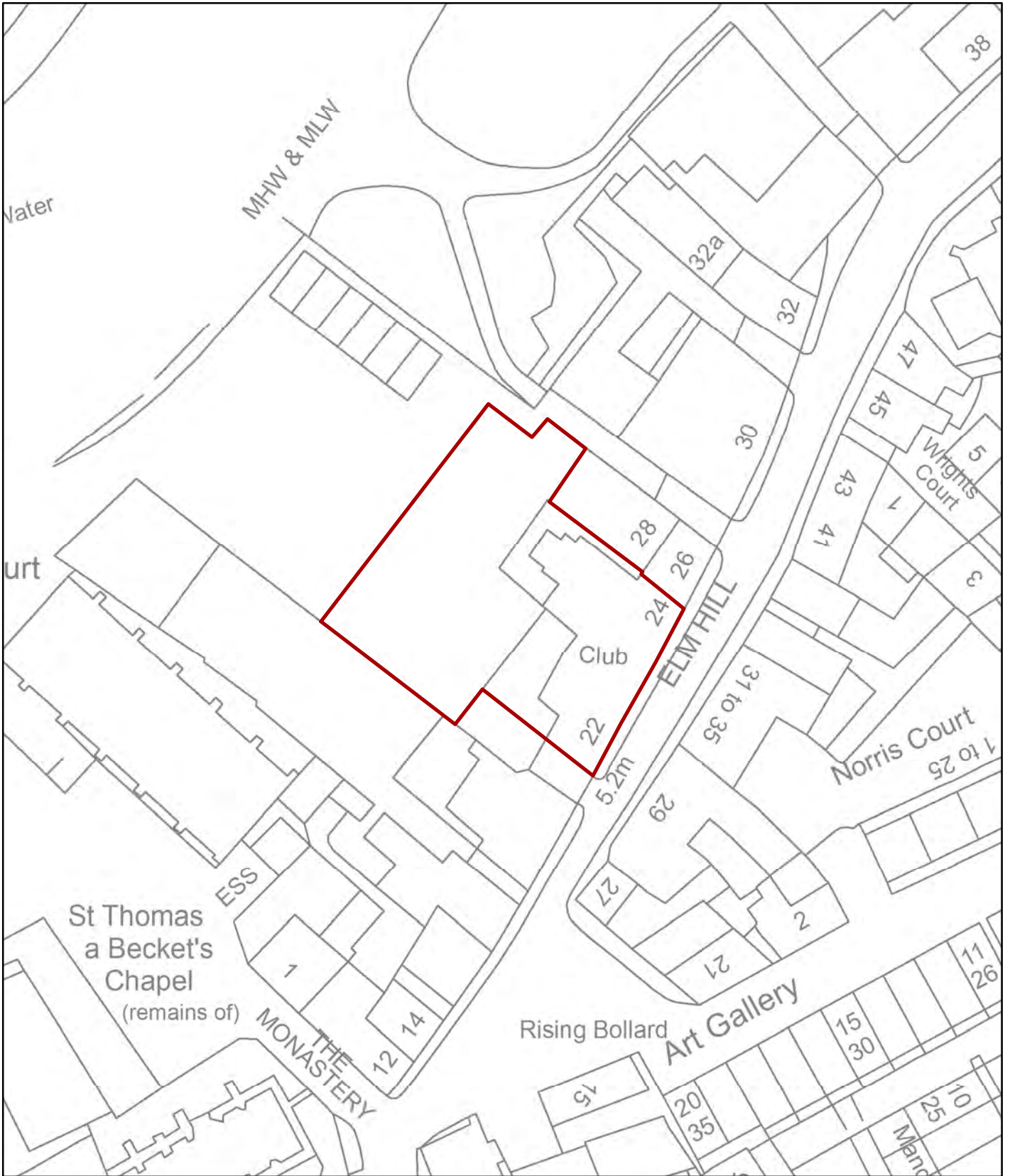
Reason for referral At the discretion of the area development manager

4(e)

Ward	Thorpe Hamlet
Case officer	Lara Emerson - laraemerson@norwich.gov.uk

Development proposal		
Kitchen extract (revised proposal).		
Representations		
1 st consultation		
Object	Comment	Support
1	0	0
2 nd consultation		
Object	Comment	Support
5	0	0

Main issues	Key considerations
1. Heritage	<ul style="list-style-type: none"> - Insertion of hole in listed building, and whether this insertion pre-dates the requirement for listed building consent. - Impact of proposals on character of host building. - Impact of extraction on adjacent listed building. - Maintenance access to both buildings.
2. Amenity	<ul style="list-style-type: none"> - Impact of odour and noise to nearby properties.
Expiry date	21 February 2020 (extended from 16 December 2019)
Recommendation	Approve



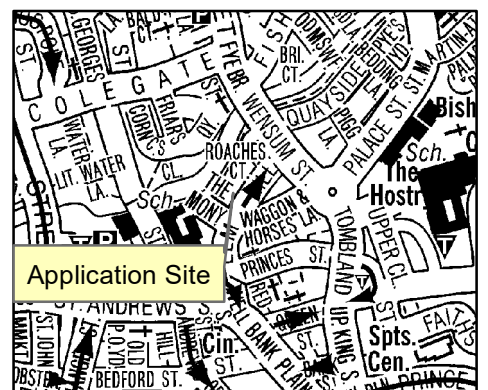
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Planning Application No 19/01487/F & 19/01488/L
Site Address Strangers Club
22-24 Elm Hill
Scale 1:500



NORWICH
City Council

PLANNING SERVICES



The site, surroundings and constraints

1. 22-24 Elm Hill, known as the Strangers Club, is a Grade II* listed building sitting on the north side of Elm Hill within the Elm Hill and Maddermarket character area of the City Centre Conservation Area. The building is used as a private members club which includes a restaurant and kitchen. To the rear of the building is a public car park.
2. There are multiple heritage assets within the setting, most notably the Grade II* listed 26-30 Elm Hill which is immediately adjacent to the proposed area of development. 26-30 Elm Hill is vacant and on the Buildings at Risk register. Both the application site and 26-30 Elm Hill are in the ownership of the city council.
3. The two buildings (22-24 and 26-30 Elm Hill) are attached, but their rear ranges are separated by a narrow gap (ranging from 650-700mm). It is within this gap that an existing extraction system is located.
4. The list description is as follows:

TG 2308 NW ELM HILL (north-west side) 16/309 26.2.54 Nos. 22 and 24 (Strangers Club) GV II Former use not known, now club. C16 and later. Timber frame. Ground floor rendered; exposed close studding with herringbone red-brick infill at first floor. Pantiled roof. Brick chimney (rebuilt). 2 storeys with cellar to right. First-floor jetty. 6 first-floor windows. Left carriage entrance to Crown Alley has finely carved bressummer also bearing merchant's mark and arms of the Mercers Company. 2 identical Tudor-style doors with ribs and iron studs in moulded surrounds, flank two large windows which have moulded mullions and transoms (heavily restored) of 6 and 10 leaded lights respectively. The larger window is reputed to have been re-set from the first floor. 2 smaller diamond - lattice C20 casements to right and left and others on first floor. Projecting C16 timber-framed wing to rear has gable-end brick chimney, 2-centred arch and a mullioned and transomed casement. The interior has moulded beams and a fireplace introduced from elsewhere.*

Relevant planning history

Reference	Description	Decision	Date
19/00546/L	Internal alterations to mid and first floors.	Approved	10/07/2019

The proposal

5. The club's kitchen, located within the building's rear range, has an existing extraction system exiting on its eastern wall, facing into the narrow (0.7m) gap between the subject property and the adjacent property (26-30 Elm Hill). According to the applicant, an extraction system was first installed in this location in 1965, and the system has been upgraded a number of times since. It appears as though the extracted air has been leaving deposits of grease on the wall of the adjacent property due to the proximity of the two buildings.
6. In order to resolve this issue, the applicant has explored a number of extraction options. Initially, a proposal was submitted which involved installing a long duct which would direct extracted air from the existing hole to the back of the building. The duct would have crossed an existing window and would be visible from the

rear. The council raised concerns with the applicant about the heritage impact of such a scheme and revised plans have now been submitted. The revised scheme which is now under consideration is for an improvement to the existing system by installing an additional mesh filter within the system and a baffle on the outside. The internal filter would remove particles from the extracted air, and the baffle would act as a surface for the extracted air to condensate on. The existing fan casing is located approximately 4.5m from the rear face of the building and measures approximately 550mm wide and high and projects approximately 240mm into the gap between the buildings. The proposed baffle would add an additional 100mm projection into the gap between the two buildings, making the total projection approximately half of the available distance. The casing is approximately 1.5m from ground to underside. The hole through which the extraction system exits the building measures approximately 490mm by 490mm.

7. The existing system does not benefit from listed building consent or planning permission so the first matter to determine is what aspects of the works require consent(s). According to the applicant, an extraction system was first installed in this location in 1965, and the system has been upgraded a number of times since, most recently in 1996. The city council has no evidence to challenge this timeline of events.

Listed building consent

8. It does not appear that the hole through which the extraction system exits the building has been altered since it was first inserted in 1965. It can therefore be concluded that any works which affect the significance of the building, as a result of the installation in 1965, would not be subject to the system of listed building control introduced by the Town and Country Planning Act 1968, its subsequent amendments, or the Planning (Listed Building and Conservation Areas) Act 1990. There is no time limit for the local planning authority to take enforcement action against unauthorised works to listed buildings, so while the hole itself is immune from enforcement action, anything which was installed after 1968 (i.e. the current extraction system) is unauthorised in listed building terms. The proposed modifications to the existing system also require listed building consent.

Planning permission

9. Paragraph 171B of the Town & Country Planning Act 1990 states that enforcement action cannot be taken against breaches of planning control after a period of 4 years has passed. Since the existing extraction system appears to have been in place for more than 4 years (since 1996, according to the applicant), it is immune from planning enforcement action. The proposed installation of a baffle filter affects the external size and appearance of the system, so this element of the proposal requires planning permission.

Representations

10. The application has been advertised on site and in the press, and adjacent and neighbouring properties have been notified in writing. 1 letter of representation from

the Norwich Preservation Trust was received during the original consultation period citing the issues as summarised in the table below.

Issues raised	Officer Response
The proposed extension to the existing unauthorised flue extract would fail to resolve the noise, odour and moisture damage currently being caused to 26-30 Elm Hill.	See Main Issue 1: Heritage and Main Issue 2: Amenity.
The proposed extension to the existing unauthorised flue would make future access to repair the west wall of 26-30 Elm Hill impossible.	See Main Issue 1: Heritage.

11. Following a period of negotiation between the case officer, consultees and the applicant, and the submission of a revised extraction scheme, a second neighbour consultation was undertaken. 5 letters of representation were received during this second consultation period which raised largely the same issues as those summarised above, plus the additional matter below. One of these objections was from the Norwich Society, and one was from the Council for British Archaeology. The Preservation Trust also objected again.

Issues raised	Officer Response
The addition of a baffle will reduce the fire risk but this is dependent upon regular maintenance and cleaning.	A maintenance schedule and compliance with it can be secured by condition.
The application should be refused because of the negative precedent that approval would set.	Each case is assessed on its own merits.
The application lacks clear & convincing justification.	See Main Issue 1: Heritage.

Consultation responses

12. 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

13. 22-24 Elm Hill, known as the Strangers Club, is a Grade II* listed building in the Elm Hill and Maddermarket character area. There are multiple heritage assets within the setting, notably 28 Elm Hill which is immediately adjacent to the proposed area of development.
14. Both the building and character area contribute to the historic character of Norwich. In-line with national and local policy, great weight should be given to the conservation of a heritage asset and any potential for harm should be outweighed by public benefit, which may include securing optimal viable use.
15. When considering this application, it is necessary to consider how the proposal will affect the special character of the host listed building, how it will affect the character of the immediate setting (which is a conservation area) and how it will affect any heritage assets within its setting.

16. It is important to note that the proposal relates to an existing system. The proposal seeks to regularise the existing arrangement, with the addition of further internal filtration, designed to limit potentially harmful deposits within the vented air, and a removable baffle/cowl designed to dissipate the vented air away from the adjacent building.
17. The applicant has stated an extraction system has been in this location since 1965. They also state improvements to the system were made at the behest of Norwich City Council environmental protection officers in 1994, with further improvements made in 1996. It does not appear that any of these works benefit from planning permission and/or listed building consent, where required.
18. It should be noted that any works which affect the significance of the building, as a result of an installation in 1965, would not be subject to the system of listed building control introduced by the Town and Country Planning Act 1968, its subsequent amendments, or the Planning (Listed Building and Conservation Areas) Act 1990.
19. To be clear, any harm to the special character of the building as a result of works undertaken prior to the 1968 Act having come into force, will be considered in a manner relevant to the scope of this proposal. Said harm will not be considered as a direct result of this proposal.
20. The proposed system involves utilising a hole through the side elevation of the projecting rear range, which the applicant has indicated was undertaken historically. Alternative solutions were investigated during the application process, with the intent of venting in a more 'open' location. However, these alternative solutions involved significant ducting either through or around the building, both of which would result in additional harm to the host building and the wider setting, than that proposed.
21. The use of the hole through which the extraction currently vents limits further harm to the fabric of the host listed building, as a result of this proposal. The use of the existing hole to vent into the space between the two buildings results in no impact upon the aesthetic of the wider setting.
22. The distance between the projecting rear range and the adjacent building is approximately 700mm at its widest. The existing fan casing measures approximately 550mm wide and high, with a depth of approximately 240mm. The proposed baffle/cowl will add an additional 100mm projection into the gap between the two buildings, making the total projection approximately half of the available distance. The casing is approximately 1.5m from ground to underside.
23. There is concern that the proposed system causes an obstruction within a limited space, which will affect the ease with which repair and maintenance of both the host building and the adjacent building can be undertaken. The applicant has demonstrated they have attempted to minimise the obstruction by specifying a removable cowl, in order to facilitate access between the buildings, both for their benefit and that of the adjacent building.
24. It should be noted that the confined space between the two buildings is historic and not uncommon to historic buildings in developed urban areas. Access to the area is limited by the dimensions of the space alone and likely requires specialist or bespoke solutions in order to do so safely.

25. Based on the information submitted, access between the buildings as a result of the proposal will result in further marginal limitation. However, as it is likely necessary to use bespoke designed solutions to fully access this space, it is not felt that the additional limitation as a result of the proposal is prohibitive.
26. Comments relating to the implications for fire safety have been offered during consultation, suggesting that any build-up of 'fatty/greasy' deposits would result in an increased risk to the building and its neighbours. Comments have also been offered suggesting that the build-up of deposits is directly harmful to the fabric of the adjacent building.
27. The applicant has submitted an engineer's report stating that '*little to no grease is present within the canopy plenum and/or airborne during extraction*' It further states '*The addition of mesh filters as secondary filters shall improve the filtration further*' The introduction of the additional cowl is designed to direct the vented air away from the adjacent building.
28. Colleagues in Norwich City Council's environmental protection team have indicated they are satisfied the proposed system reduces the airborne grease particles to an acceptable level, due to the additional filter and would dissipate in an acceptable manner due to the baffle.
29. Based on the information available, physical impact upon the adjacent listed building by the proposed system would appear to be negligible and possibly less likely than physical impact upon the host building itself.
30. Harm to the host listed building as a result of the works required by this application is minimal. There is little to no harm to the setting and the adjacent listed building as a result of the works proposed by this application.
31. The established use of the building is a viable use and the proposed extraction system is necessary for the continuation of this use. Other potential solutions for either this use, or other uses, will likely involve further harm. Thus, the proposal will enable continued optimal viable use of the building.
32. Based on the information submitted, harm caused by the proposal is outweighed by the associated public benefit, thus there are no clear heritage reasons why the application should be refused.

Historic England

33. The new scheme proposes installing additional filtration internally and a removable baffle over the existing fan casing externally as an alternative to long flue about which we had concerns. The applicants have submitted a report by Create Consulting Engineers on the effectiveness of this additional plant. This suggests 80% of the grease, oil and fatty material drawn from the kitchen (the build-up of which is clearly evident on the wall of numbers 26-30) would be removed from the expelled air. The environmental protection officer at the city council confirmed this and suggested that the additional baffle plate would also stop any remaining material being deposited directly onto the building opposite.
34. This is a very welcome development. However, it must be said that the addition of the external baffle would increase the amount of plant projecting into the narrow space between the buildings. However, this would only be by a further 100mm and

the new baffle will be removable for regular maintenance and the fan casing could be demounted on occasion to allow access. As the new baffle would be, like the existing fan, some 1.5 metres above ground level access for inspection would be no less practical.

35. Visually the additional 100mm of equipment will be an increase on the existing fan, but this is perhaps preferable to mounting flues or extraction equipment on the rear of the building as previously proposed. In addition, using the existing hole in the wall is preferable to creating new routes, such as through the rear chimney breast.
36. The National Planning Policy Framework (NPPF) states that the purpose of the planning system is to achieve sustainable development and that protection and enhancement of the historic environment is an overarching objective in this (paragraphs 7 and 8). The significance of listed buildings can be harmed or lost by alteration to them or development in their setting. The NPPF states that clear and convincing justification should be made for any such harm and that 'great weight' should be given to the conservation of listed buildings irrespective of the level of harm caused (paragraphs 193 and 194).
37. We have considered the new information in terms of the above policy. The proposed external addition to the existing plant at numbers 22-24 Elm Hill would increase its visibility and impede access between the listed building and the adjacent numbers 26-30. These are certainly negative aspects of the scheme but the significant reduction in material expelled from the kitchen caused by the additional filters and baffle is a major improvement on the current situation. Given this, the ability of the external plant to be demounted and the avoidance of both further physical damage and greater visual impact we would not, on balance, object to the revised application.
38. Historic England has no objection to the application on heritage grounds. We consider that the application meets the requirements of the NPPF, in particular paragraph numbers 7, 8, 193, 194 and 196.

Environmental Protection

39. The additional mesh filter would be expected to reduce fats/oils and grease (FOG) emitted from the system by 80%. Vapour will also be reduced but I am not aware of any calculation of the reduction. Odour is usually due to the suspension of FOG in the airstream so this will also significantly reduce.
40. The baffle plate will stop the direct deposit of FOG on the building opposite, the baffle is in cool air providing a condensation and contact surface that is not present at this time, further reducing airborne FOG/vapour.
41. This together with a major reduction in the FOG in the airstream will significantly reduce the impact on the nearby brickwork.
42. From a visit undertaken while the system was working there is no statutory nuisance occurring and noise/odour was not an issue at that time. I have checked

our records and NCC have not received any noise or odour complaints about the premises.

43. In my experience the fire officer will not be concerned over the amount of FOG build up as witnessed in the system at present (in the photograph of the extract exit) it is for a fire officer to make that judgment however.
44. The system is not the best solution for this extract system, but as the perfect extract would be a system with an exit at least 1 metre above eaves height fitted with an accelerator cowl resulting in a exit velocity >2m p/s . This would require major works to the building and the resultant flue would not be the preferred option on a listed building.

Norfolk Fire Service

45. I have visited the premises and I can I confirm that I have no observations to make regarding this matter.

Assessment of planning considerations

Relevant development plan policies

46. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
 - JCS2 Promoting good design
47. **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
 - DM11 Protecting against environmental hazards

Other material considerations

48. **Relevant sections of the National Planning Policy Framework February 2019 (NPPF):**
 - Section 12 Achieving well-designed places
 - Section 16 Conserving and enhancing the historic environment

Case Assessment

49. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant development plan policies are detailed above. Material considerations include policies in the National Planning Policy Framework (NPPF), the council's standing duties, other policy documents and guidance detailed above and any other matters referred to specifically in the assessment below. The following paragraphs provide an assessment of the main planning issues in this case against relevant policies and material considerations.

Main issue 1: Heritage

50. Key policies and NPPF paragraphs – JCS2, DM3, DM9, NPPF sections 12 and 16.
51. Paragraphs 7-12, above, set out which elements of the proposal require consent. Importantly, it has been explained that the hole itself does not require listed building consent and is immune from planning enforcement and its presence is therefore accepted as authorised. With an authorised hole in place, the council's conservation officer considers that using this hole is the least harmful way to provide extraction to the kitchen, as long as the issues of damage to the adjacent building can be managed. Given the proximity to the adjacent building, the extraction system is also very well screened from public view and has a limited visual impact on the character and appearance of the building, the surrounding conservation area, or of the setting of any of the nearby heritage assets.
52. Historically, it appears that the extraction system has been depositing grease on the brickwork of the opposite wall (26-30 Elm Hill). 26-30 is a Grade II* listed building which is on Historic England's Heritage at Risk register. The purpose of this application is to resolve this issue and its associated visual impacts, along with any fire risk or amenity issues. According to the applicant's kitchen ventilation consultant (Create Consulting Engineers) and the council's environmental protection officer, the proposed modifications to the system (additional internal mesh filter and external baffle filter) should reduce grease by around 80%. The environmental protection officer considers that this "will significantly reduce the impact on the nearby brickwork." The Norfolk Fire Service have visited the site and do not raise any concerns regarding fire risk. It is therefore concluded that with the upgrades proposed, the brickwork of the host building and adjacent building will be protected.
53. Due to the narrow gap between the buildings (varying between 650-700mm), maintenance access to both buildings is severely restricted. There is concern that the proposed system causes an obstruction within a limited space, which will affect the ease with which repair and maintenance of both the host building and the adjacent building can be undertaken. While the proposed baffle will extend a further 100mm into the gap, the applicant has demonstrated they have attempted to minimise the obstruction by specifying a removable cowl, in order to facilitate access between the buildings and maintenance of the system itself. It should be noted that the confined space between the two buildings is historic and not uncommon to historic buildings in developed urban areas. Access to the area is limited by the dimensions of the space alone and likely requires specialist or bespoke solutions in order to do so safely regardless of the existing extraction system or the proposed upgrades. Based on the information submitted, access between the buildings as a result of the proposal will result in further marginal limitation. However, as it is likely necessary to use bespoke designed solutions to fully access this space, it is not felt that the additional limitation as a result of the proposal is prohibitive.
54. Overall, it is considered that the existing extraction system, accompanied by the proposed upgrades, would cause less than substantial harm to the listed building. This less than substantial harm must be accompanied by clear and convincing justification and must also be outweighed by public benefit. As set out by the council's conservation officer, there is little to no harm to the setting and the adjacent listed building as a result of the works proposed by this application.

55. The established use of the building is a viable use and the proposed extraction system is necessary for the continuation of this use. Other potential solutions for either this use, or other uses, will likely involve further harm. Thus, the proposal will enable continued optimal viable use of the building and is the best available solution in this case. The scheme is therefore accompanied by clear and convincing justification.
56. Based on the information submitted, harm caused by the proposal is outweighed by the associated public benefit, thus there are no clear heritage reasons why the application should be refused.

Main issue 2: Amenity

57. Key policies and NPPF paragraphs – DM2, DM11.

Impact of odour and noise to nearby properties.

58. The council's environmental protection officer has visited the site and has confirmed that during their visit the current system was not causing a statutory nuisance, either in terms of noise or odour. According to records, the council has not received any complaints about noise or odour during the 55 years that an extraction system has been located here.
59. The proposed modifications to the system will not make any difference to the noise generated, but will significantly reduce the particles of fat suspended within the extracted air. Overall, the impact on amenity of nearby occupants is considered acceptable at present and is expected to improve as a result of the proposals.

Equalities and diversity issues

60. There are no significant equality or diversity issues.

Local finance considerations

61. Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are defined as a government grant or the Community Infrastructure Levy. Whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision on the potential for the development to raise money for a local authority. In this case local finance considerations are not considered to be material to the case.

Conclusion

62. 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

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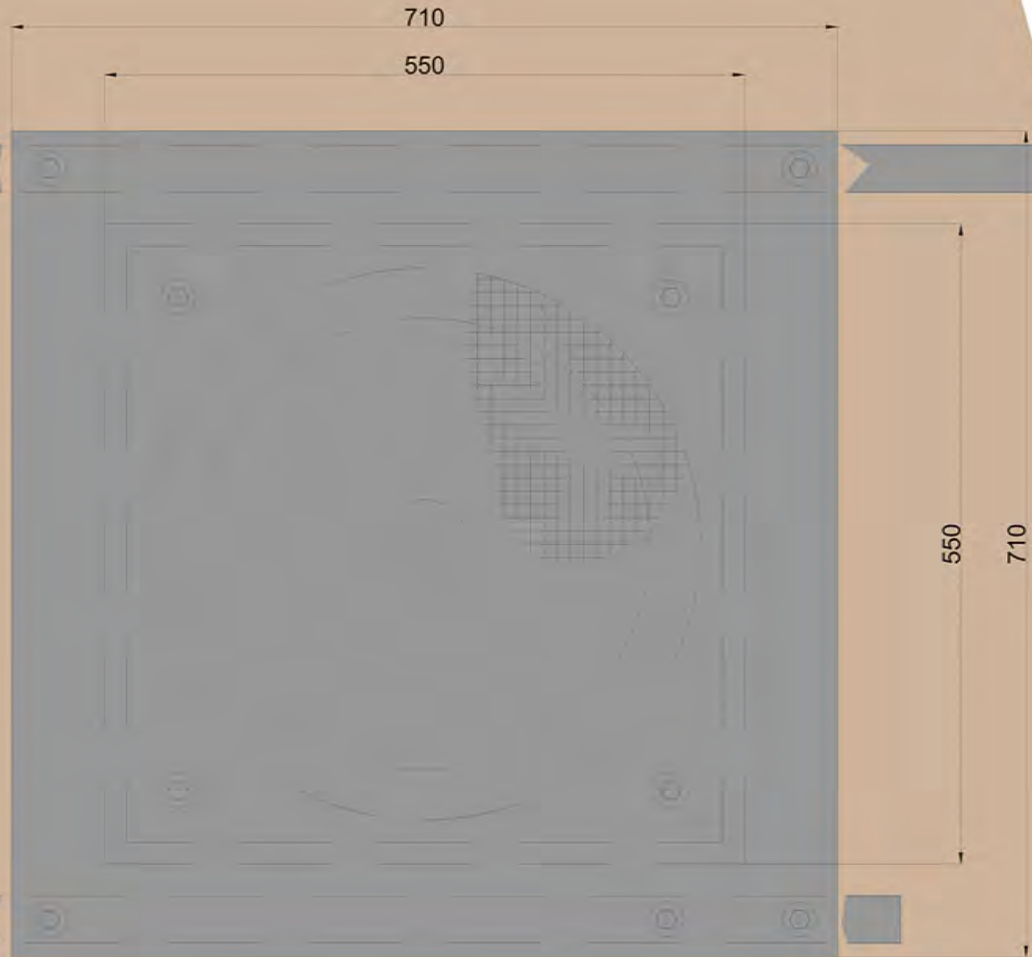
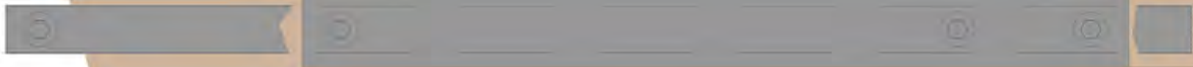
- (1) approve application no. 19/01487/F – Strangers Club, 22-24 Elm Hill, Norwich, NR3 1HG and grant planning permission subject to the following conditions:
 1. Standard time limit;
 2. In accordance with plans;
 3. Submission of a maintenance regime and maintenance in accordance with approved regime.

- (2) approve application no. 19/01488/L – Strangers Club 22-24 Elm Hill Norwich NR3 1HG and grant listed building consent subject to the following conditions:
 1. Standard time limit;
 2. In accordance with plans.

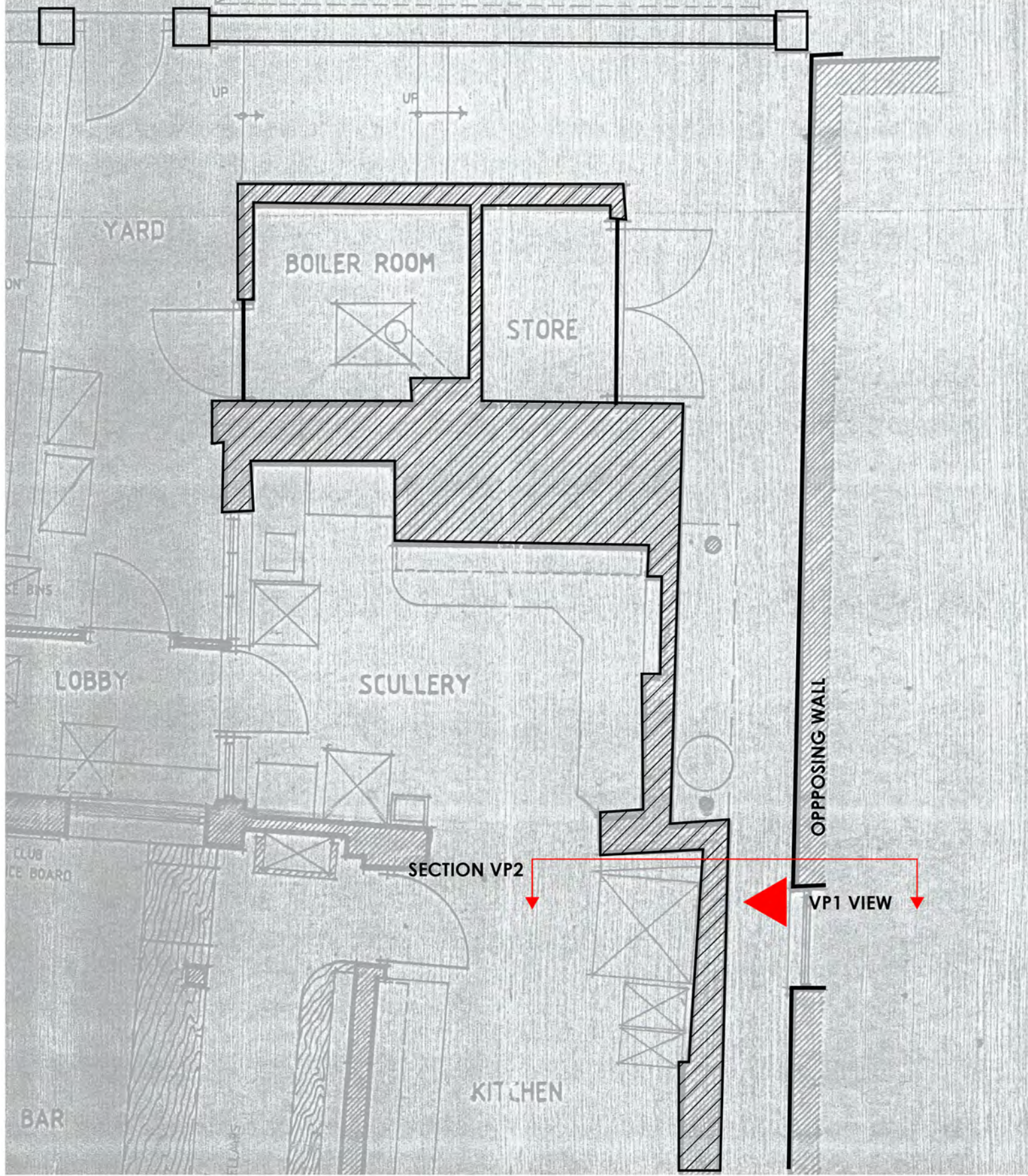
UNISTRUT CHANNEL SECTIONS
FIXED TO BUILDING AT SUITABLE
LOCATIONS TBA WITH
CONSERVATION OFFICER.



PROPOSED PLATE MOUNTED
ON THREADED ROD AND
UNISTRUT CHANNEL SECTIONS
FIXED BACK TO BUILDING AT
SUITABLE LOCATIONS TBA. VIA
DROP IN THREADED WALL
ANCHORS.



**VP1 - FRONT VIEW OF PROPOSED PLATE
COWL WITH EXISTING FAN AND CASING
BEHIND**



VP3 - GENERAL LAYOUT OF PROPOSED WORKS

VP1 - EXISTING VIEW BETWEEN BUILDINGS FROM CLUB COURTYARD

