

Report to Planning applications committee

Item

9 September 2021

Report of Head of Planning and Regulatory Services

Subject Application no 21/00737/F - 24 - 28 Prince of Wales Road, Norwich, NR1 1LG

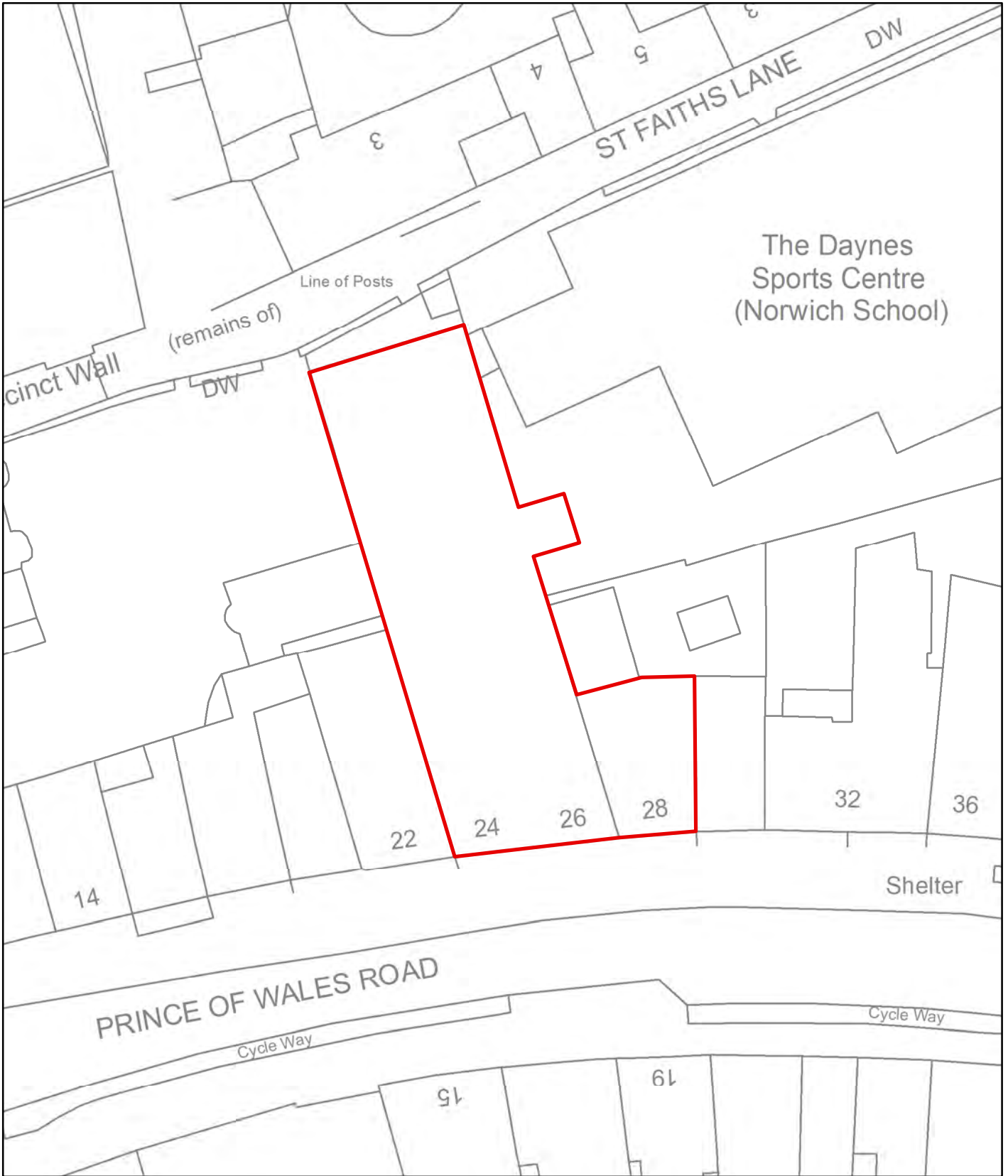
Reason for referral Objection

4(b)

Ward:	Thorpe Hamlet
Case officer	Jacob Revell - 07741 103222 - jacobrevell@norwich.gov.uk

Development proposal		
Removal of part flat roof area over Second Floor to create external terraced area with bar hidden below existing 2nd floor perimeter walls.		
Representations		
Object	Comment	Support
18	0	1

Main issues	Key considerations
1	Principle of Development
2	Design and Heritage
3	Amenity
Expiry date	16 September 2021
Recommendation	Approve with conditions



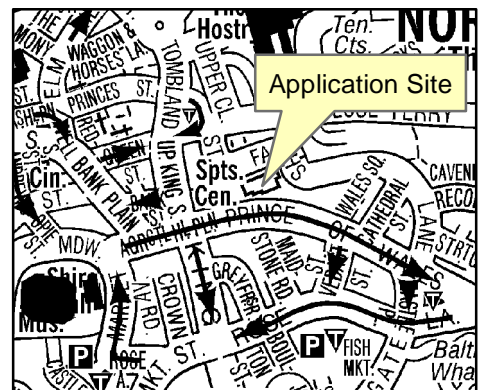
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Planning Application No 21/00737/F
 Site Address 24-28 Prince of Wales Road

Scale 1:500



NORWICH
 City Council
 PLANNING SERVICES



The site and surroundings

1. The application site is located towards the top end of Prince of Wales Road, approximately 400m from the River Wensum at the base of the street and 80m from the junction to Upper King Street. St Faiths Lane is located to the north of the site.
2. The extant use of the property is as a nightclub. Permission to use the property for B1 Business use was granted in 2017 but never implemented, so the nightclub use remains.
3. The site covers three addresses, including a new building at number 28 which was granted permission in 1997. Numbers 24 – 26 are locally listed. The local list description is as follows:

C19. 3 storeys, rendered. Parapet. 3 bay composition with pilasters. Large glazed openings with 5-centred arches above flanking bays, semi-circular headed opening in centre. Later right-hand extension. Modern shopfront.

4. The site is located within the City Centre Conservation Area.
5. The site is located within the Late Night Activity Zone and the City Centre Leisure Area.

Constraints

6. City Centre Conservation Area

Relevant planning history

7. The records held by the City Council show the following planning history for the site.

Ref	Proposal	Decision	Date
17/00837/U	Change of use of part of ground floor, all of first floor and second floor from nightclub (Class D2) to Business (Class B1).	APPR	21/07/2017
21/00910/F	Repainting of existing shopfront, replacement doors and flanking panels.	APPR	19.08.2021
21/00911/A	Display of 1) 1no. internally illuminated projecting sign; 2) Free standing illuminated letters; 3) 2no. internally illuminated poster boxes.	APPR	19.08.2021

The proposal

8. The proposal is for the reconfiguration of the second floor of the property to create an external area to be used in association with the nightclub. The applicant seeks to remove a section of the existing flat roof to create an open-roof area on the second floor of the building.
9. The intention is that club users will be able to use this area of the building for smoking. The applicant intends to provide a bar service and provide seating within this area. Amplified music is proposed on the terrace.
10. There would be an overhang of flat roof over the edges of the terrace, and as such the alterations would not be visible from the street-scene. An internal staircase is proposed, in addition to the complete refurbishment of the property. All external walls of the existing property will be retained – the property will appear the same from external views of the property.
11. The applicant proposes that this space will be usable between 10:00 and 04:30 Monday to Saturday, and between 10:00 and 03:30 on Sunday and bank holidays.

Representations

12. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing.
13. During the first round of consultation, 18 letters of representation were received in opposition to the development. 1 letter of representation was received in support.
14. An additional 2 week re-consultation was carried out following the receipt of the Noise Impact Assessment. At the time of writing, no additional representations have been received as a result of this consultation.
15. The representations received are summarised in the table below.

Issues raised	Response
The noise generated by the proposal will have an unacceptable impact on residents of the Cathedral Close, in addition to residents of Prince of Wales Road, St Faiths Lane, Cathedral Street, Recorder Road and Upper King Street. The existing noise already has a great impact on these residents and this use would exasperate this further.	See main issue 3
Granting this application would set an unwelcome precedent for other nightclubs to do the same within Prince of Wales Road.	See main issue 3

Issues raised	Response
Will lead to additional drug use, public disorder and anti-social behaviour. The proposal contradicts any intention to 'clean up' Prince of Wales Road.	See main issue 3
Night-time venues are increasingly in danger of closing – new venues will support the economy of the city following the pandemic.	See main issue 1

Consultation responses

16. 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

17. No comments received.

Environmental protection

18. The proposal will be acceptable from an Environmental Protection perspective if certain conditions are applied.
19. The acoustic report provided identifies the correct noise indices and uses the best available models. The model relates to beer garden noise (without music) and is therefore not a perfect fit, but no more appropriate model is available.
20. The report identifies LAMax (short term loud events) will be 1db below the WHO guidance for night time sleep disturbance.
21. Environmental Protection would not normally object to this, but due to the uncertainty of the modelling, a degree of uncertainty is introduced.
22. Modifiers or penalties should be applied in these instances. The type of noise in this instance should received a 3 – 6 DB penalty, taking the noise generated beyond the World Health Organisation (WHO) guidelines.
23. Some of this noise may be masked by Prince of Wales Road, but this is unlikely to be the case to the rear of the property. There is some noise here generated by Mantras outside smoking area.
24. Midnight would be an appropriate time to stop the use of amplified music and the sale of alcohol on the terrace, as most nightclubs do not become busy before this time and city centre background noise drops off around this time. The WHO guidelines come into effect at 23:00, but there is a reduced likelihood of issues before 24:00.

25. Conditions should be applied ensuring that no alcohol is sold nor amplified music played on the second floor beyond midnight. A noise limited should be installed on the sound system fitted on the second floor.
26. If these conditions are applied, noise will be controlled to an acceptable level.

Assessment of planning considerations

Relevant development plan policies

27. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
 - JCS2 Promoting good design
 - JCS5 The economy
 - JCS7 Supporting communities
 - JCS8 Culture, leisure and entertainment
28. **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
 - DM18 Promoting and supporting centres
 - DM23 Supporting and managing the evening and late night economy

Other material considerations

29. **Relevant sections of the National Planning Policy Framework March 2021 (NPPF) (as revised):**
 - NPPF7 – Ensuring the vitality of town centres
 - NPPF8 – Promoting healthy and safe communities
 - NPPF12 – Achieving well designed places
 - NPPF16 – Conserving and enhancing the historic environment

Case Assessment

30. 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 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

31. Key policies and NPPF paragraphs – JCS5, JCS8, DM1, DM18, DM23, NPPF7, NPPF12.

32. It should first be noted that this application does not result in the creation of a new nightclub use. The lawful use of the property is for late night entertainment, but the site has been vacant for some time. The planning application relates solely to the creation a new terraced area on the second floor in association with the existing use.
33. DM23 outlines the general acceptability and expectations regarding late night uses within the city centre. Proposals for late night uses are typically only permitted within the Late Night Activity Zone. Policy DM23 states that late night uses will only be appropriate where they 'would not give rise to unacceptable amenity and environmental impacts which could not be overcome by the imposition of conditions'.
34. In this instance, the use is already in place, but the impact of this use could be amplified by the proposed alterations to the fabric and use of this part of the building. Alterations to the building are acceptable in principle, but only where they do not result in adverse design or amenity impacts.

Main issue 2: Design and Heritage

35. Key policies and NPPF paragraphs – JCS2, DM3, DM9, NPPF12.
36. The affected part of the property is locally listed. It is necessary to assess the heritage impact on the individual building in addition to impact on the wider conservation area.
37. DM9 states that the significance of locally identified heritage assets should be retained wherever possible. The affected property was constructed in the late 19th century and has a relatively strong architectural character, with large arched windows dominating the front elevation of the property. The property is flat roofed, with the roof visually obscured behind a parapet.
38. The property has been significantly altered since its construction. The existing flat roof is of modern design and materials and is not considered to have notable architectural merit. The removal of part of this flat roof is not considered to impact upon the significance of the locally identified heritage asset.
39. Indeed, the renewed use of this part of the building will bring a degree of vibrancy to an otherwise vacant part of the building. It is considered that this will have a positive impact on the overall character of the street scene and the wider conservation area.
40. One letter of representation has cited concern that the noise transmissions from the nightclub use may cause damage to the surrounding listed properties. This planning application relates only to the use of the second floor of the property. The anticipated level of noise of this area is not close the level of noise vibration required to cause damage to surrounding buildings.

Main issue 3: Amenity

41. Key policies and NPPF paragraphs – JCS7, DM2, DM11, NPPF8.
42. Most letters of representation received relate to noise concerns in relation to the creation of an open-roof terraced area. It is evident that residents in surrounding

properties already deal with noise issues relating to the late night uses on Prince of Wales Road.

43. The applicant has produced a Noise Impact Assessment (NIA) detailing projected noise levels from the proposed area. They have made this assessment using SoundPLAN 8.2 acoustic software. The applicant has assessed the impact principally to nearby residential properties on Prince of Wales Road. The applicant makes their assessment against desirable levels of environmental noise outlined by the World Health Organisation.
44. The applicant has assessed noise using the 'speaking, raised voices (beer garden)' as the source of noise, combined with amplified music at a level of 70 db. This is then considered against the external facades of the property and the noise sensitive receptors on Prince of Wales Road. The NIA predicts that noise levels within the terrace will fall within the WHO guidelines. The NIA further identifies that LaMAX events (short term loud events such as shouting) will be 1db under the WHO indices for night time sleep disturbance.
45. As noted in their comments above, Environmental Protection have identified issues with the NIA provided relating to the sound modelling source noise and the lack of modifiers applied to the sound modelling. However, they find that the potential for noise disturbance is heightened not by the principle of the development but by the use of the terrace, as higher levels of noise are likely to be generated by the proposed bar external amplified music. Environmental Protection identify from the base data provided by the applicant that unacceptable noise is most likely to occur after midnight, when club uses typically become busy.
46. Environmental Protection have therefore suggested restricting the time that alcohol can be sold on the second floor, reducing the time in which people are likely to stay in the terraced area beyond midnight. In addition, they recommend that no amplified music should be played beyond midnight, reducing the overall noise levels associated with this part of the building. A noise limiter will be installed to ensure that amplified music cannot be played above a certain level. There will be some noise generated after midnight, but this is anticipated to be substantially reduced and more in line with the noise created in other club smoking areas, such as that at Mantra. It is worth noting that the masonry and glass facades to the property will be effective at reducing noise, particularly at lower levels.
47. Some concern has been raised regarding the level of noise generated by opening doors to and from the terrace, letting out the general noise from the nightclub. It should be noted that the doors lead to a covered stairwell which is entirely internal and unlikely to provide substantial noise concerns. To mitigate against this impact further, a condition will be applied requiring that these doors are kept close except for entry and exit.
48. It is noted that many of the concerns have been raised by residents living on parallel streets, particularly St Faiths Lane. The closest residential property to the proposed roof terrace is approximately 50m away (5 St Faiths Lane). Other residential properties are located substantially further away than this. It is considered that this distance, in addition to the mitigation measures outlined above, will ensure that the noise to these properties does not create an unacceptable noise impact.

49. Some residents have expressed concern regarding increased littering, drug use and anti-social behaviour resulting from this development. These issues are associated with the use of night-clubs generally, but it is worth reiterating that the use is already established. It is not anticipated that the proposed development will increase these issues. The applicant argues that reducing the level of smoking outside the club will reduce the level of anti-social behaviour occurring between club-goers on the street and will be easier to control within the premises.
50. Having taken the concerns of the objectors into account alongside the NIA, it is concluded that the amenity impact of the proposal can be successfully mitigated by conditions restricting the sale of alcohol from the terrace, in addition to the use of amplified noise. Neither shall occur beyond midnight. A noise limited to any proposed soundsystem would also be conditioned to limit the impact of any amplified noise prior to this.

Equalities and diversity issues

51. There are no significant equality or diversity issues.

Local finance considerations

52. 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.
53. 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.
54. In this case local finance considerations are not considered to be material to the case.

Conclusion

55. 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.
56. The proposal is of an acceptable design and is considered to have a minimal impact on the overall character of the immediate surroundings.
57. It is considered that the amenity impact of the proposal can be sufficiently controlled by conditions.
58. The proposal subsequently meets the criteria outlined within the relevant policies of the Norwich Development Management Policies Local Plan (2014) and of the National Planning Policy Framework (2021).

Recommendation

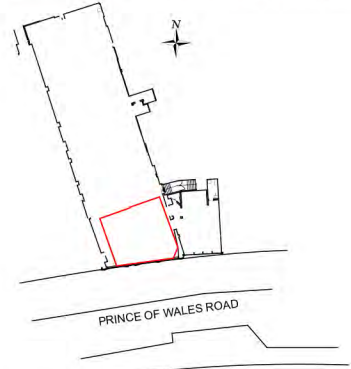
To approve application no. 21/00737/F - 24 - 28 Prince Of Wales Road Norwich NR1 1LG and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. No sale of alcohol on the second floor after midnight;
4. No amplified music on the second floor after midnight;
5. Sound limiter to be applied for amplified music played on the second floor.
6. Terrace doors to be kept closed except for entry and exit.

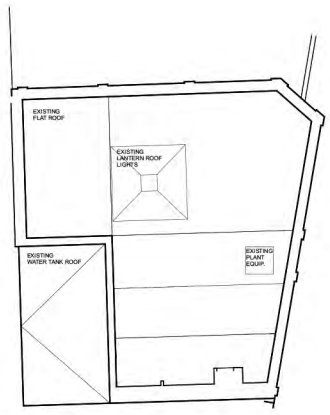
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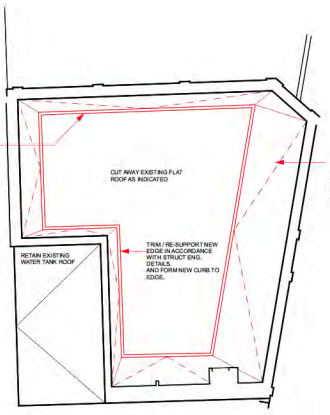
— RED LINE INDICATEDS OUTLINE OF ROOF AREA
 — BLACK LINE INDICATEDS OUTLINE OF WHOLE BUILDING



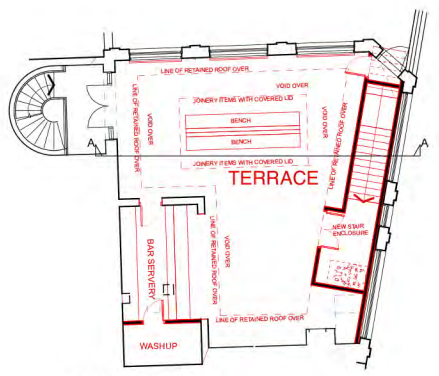
BLOCK PLAN OF BUILDING
 SCALE 1:500@A1



EXISTING ROOF PLAN
 SCALE 1:100@A1



PROPOSED ROOF PLAN
 SCALE 1:100@A1

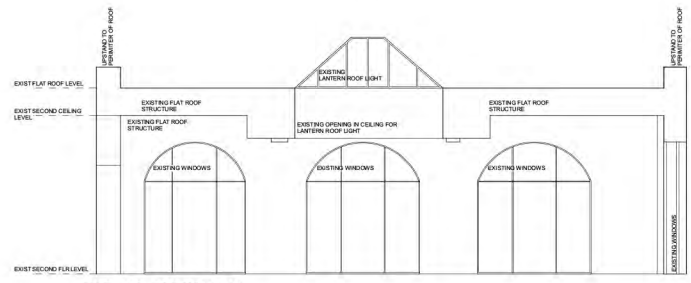


PROPOSED SECOND FLOOR PLAN
 SCALE 1:100@A1



SITE PLAN
 SCALE 1:1250@A1

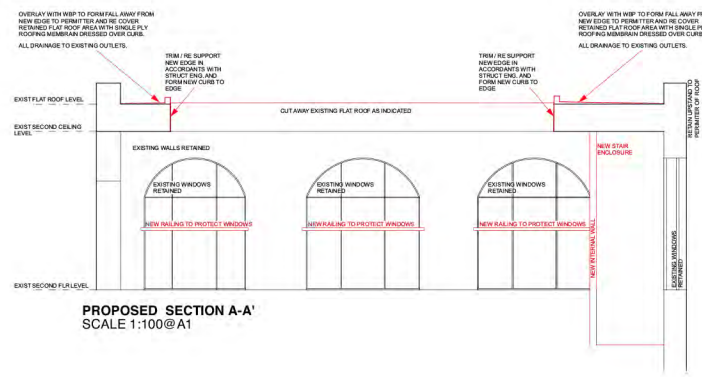
— OUTLINE OF SITE
 — OUTLINE OF LAND UNDER COMMON OWNERSHIP (GROUND FLOOR)



EXISTING SECTION A-A'
 SCALE 1:100@A1



EXISTING PHOTO FROM STREET LEVEL SHOWING LEVEL OF SECOND FLOOR, CEILING AND ROOF
 NO SCALE @A1



PROPOSED SECTION A-A'
 SCALE 1:100@A1

REVISION	DATE	DESCRIPTION
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CLIENT:	Rocom UK
JOB TITLE:	Ex Liquid - Norwich
DRAWING TITLE:	Proposed Roof Works
JOB NO:	2069
DRAWING NO:	P01
SCALE:	A1 - 1:100
REVISION:	DATE: May 2021
DRAWN BY:	SR
CHECKED BY:	SET

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