

Planning Applications Committee

19 June 2008

Agenda Number:	C1
Section/Area:	INNER
Ward:	MANCROFT
Officer:	Anne Napier
Valid Date:	28th June 2007
Application Number:	07/00613/F
Site Address :	2 - 8 All Saints Green Norwich Norfolk NR1 3NA
Proposal:	Turning existing rear flat roof into roof garden and smoking area, including the provision of decking at first floor level to cover existing ground floor bin storage area, the extension of existing fire escape to provide fire escape for roof garden, and alteration to building to provide access onto roof garden from first floor of premises (Revised proposal).
Applicant:	Elizabeth Cottingham
Agent:	TBD:Design

THE SITE

The application property is located on All Saints Green close to its junction with Westlegate and opposite John Lewis department store and All Saints Church, a Grade I Listed building. The site is within the City Centre Conservation Area and is within a terrace of mainly commercial premises (although some residential accommodation exists at first floor level) with a row of independent shops at

ground floor level and a large office building to the rear. The site itself is situated to the rear of the premises at first floor level and almost entirely contained by existing buildings. It would not be visible from the street but would be seen from some of the neighbouring buildings, numbers 10-12 of which are grade II Listed. The premises is a two-storey building with a bar area and customer facilities on both floors.

RELEVANT PLANNING HISTORY

4/2002/0553 - Use of first floor to restaurant/licensed premises and replacement of first floor windows. (APPR - 24/06/2002)

It is understood that the premises has been effectively operating as a nightclub for some time and the premises have a licence which enables opening until 3am Thursday – Saturday and until 2am on other days. Although no planning permission for this change of use from a public house has been obtained, no complaints regarding this use have been received from a planning perspective and it is suggested that the matter of the use of the premises is dealt with separately from the current proposal (via the submission of a separate application).

THE PROPOSAL

The property is situated within a heavily urbanised part of the city and the site itself has very limited external space. The limited land that did historically exist to the rear of the premises has largely been utilised to provide single storey extensions to the building previously. The application seeks to provide an outdoor smoking area at first floor level that would comply with the recently introduced smoking legislation, reduce the problems that have been occurring since the introduction of that legislation, which has resulted in people standing to the front of the premises on the highway to smoke, and provide a secure and monitored roof terrace seating area for the premises.

The rear of the premises currently contains two single storey flat roof extensions to the ground floor and is largely surrounded and contained by existing buildings. It is proposed to construct a roof terrace area over the existing single storey flat roofs that would be accessed through the first floor of the premises. In order to do this certain internal alterations would be required to the premises and the existing fire escape provision extended to the proposed roof terrace. The roof terrace would be formed from an independent steel framed structure that would not be attached to either the surrounding boundary walls or the existing flat roofs, creating an area for seating that would, in part, bridge over the current gap between the two flat roof single storey extensions. Careful consideration has been given to the design of the structure (which has involved the specialism of a structural engineer) to ensure that it would have no structural impact on any neighbouring premises. The use of fire retardant flooring tiles is also proposed, together with other detailed measures such as oxygen starving ashtrays and

regular monitoring by staff, CCTV cameras and security staff.

The original proposal involved the installation of a bar to the roof terrace. Following concerns expressed about the possibilities of increased noise and disturbance to neighbouring properties, this element has now been removed. The current revised proposals propose no use of the premises before 6pm, the introduction of eight tables within the area and two 'jumbrellas'. The total floor area of the roof terrace would be some 50 square metres and it would have a maximum capacity for 60 people, which equates to the number of customers that currently stand to the front of the site on the highway to smoke. It is proposed to raise an existing fence to the one elevation not enclosed by boundary walls from 1200mm to 2400mm to screen the proposal, reduce noise impact and prevent users of the roof terrace from falling off.

CONSULTATIONS

Advertised on site, in the press and neighbours notified:

A further letter of support for the proposal has been received from the Central Norwich Citizens' Forum as a result of the publicity for the revised application proposals.

Six representations were received in respect of the original proposals, comprising five letters of support (three from neighbouring businesses, one from a local resident and one from the Central Norwich Citizens' Forum) and one letter of objection (from the landowner of neighbouring buildings with both commercial and residential usage).

The objection raised concerns on the grounds of health and safety, increased risk of fire, an increased risk to the security of adjacent premises and possible increase in the level of noise and disturbance experienced by local residents.

The comments received in support of the proposal suggest that the development would overcome the problems currently experienced by customers of the premises being required to leave the premises and smoke on the highway to the front. This causes problems of noise, disturbance, anti-social behaviour, litter and graffiti. The creation of an area that would form part of the licensed premises, be under supervision, control and management by the licensee and would prevent the use of the highway at the site frontage and alleyway to the side, would be a positive benefit to local amenities, reduce the noise and disturbance currently experienced, increase the security and safety of local residents and other business premises, enhance the safety of customers for the premises and would be a positive move for the community.

Environmental Health:

Concerns were raised in respect of the original proposal in terms of potential increase in noise and disturbance. These concerns have been overcome with the revised proposals which remove the outside bar, increase the height of the

boundary fence and introduce a lobby to the first floor area to reduce noise breakout from the premises. A condition concerning external lighting is recommended.

PLANNING CONSIDERATIONS

Relevant Saved Local Plan Policies:

- EP22 - High standard of amenity for residential occupiers
- HBE19 - Design for safety and security including minimising crime
- HBE8 - Development in Conservation Areas
- HBE9 - Listed buildings and development affecting them

Due to the location and characteristics of the site and the development proposed, the proposal is considered unlikely neither to result in any material detriment to the setting of nearby Listed buildings nor to have an adverse impact on the character or appearance of the Conservation Area.

Whilst the concerns expressed in terms of the potential increase in noise and disturbance for local residents are considered valid, it is further considered that the amendments made to the scheme are likely to sufficiently reduce these impacts to such an extent that the proposal is unlikely to be detrimental to the living conditions of neighbours. In addition, it is recognised that the present arrangements for smokers at the premises are not ideal and result in problems to local amenities and the development proposed is considered likely to result in these being significantly reduced. Due to the proposed hours of use of the roof terrace outside normal business hours, the impact of the development on local businesses is considered likely to be minimal.

The structure is understood to have been designed with the involvement of the Fire Service, using fire resistant materials where possible, and is understood to meet the fire precaution standards in relation to Building Control.

Given the surveillance proposed of the area as part of the operation of the premises and the existence of CCTV coverage of this area, the proposal is not considered likely to result in a detriment to the safety or security of surrounding premises. The likely consequent reduction in the use by customers of the nearby alleyway (which provides a rear access to some premises) as a result of the provision of a roof terrace area is considered likely to provide a benefit in this regard.

Therefore, for the reasons outlined above, the proposal is considered acceptable and to meet the terms of the relevant policies and is recommended for approval.

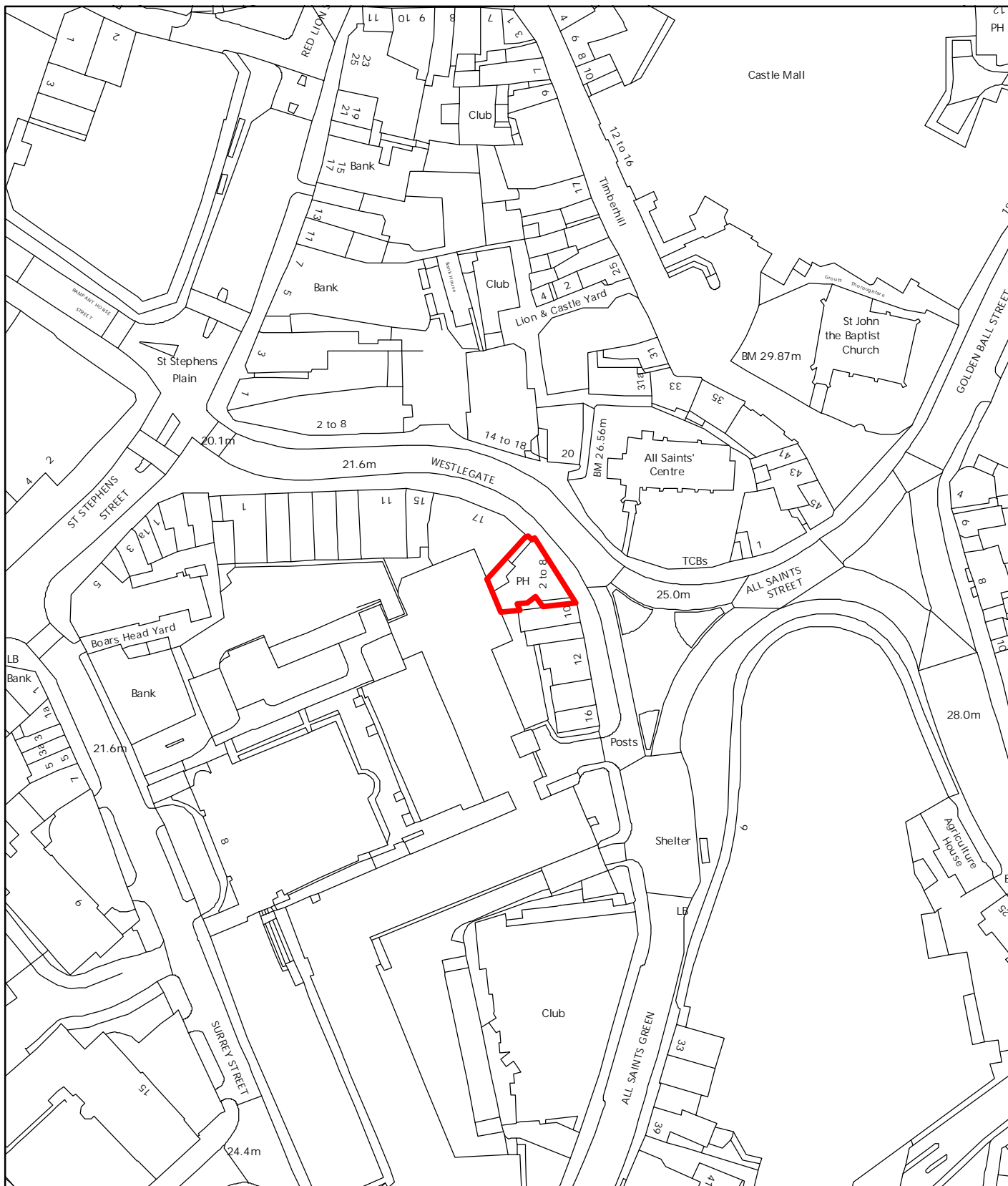
RECOMMENDATIONS

APPROVE PLANNING PERMISSION subject to the following conditions:

1. Standard time limit (3 years)
2. Details of external lighting to be agreed
3. No use of the external seating area before 6pm
4. No use of the external seating area to take place prior to the completion of the internal alterations specified in relation to access and the creation of a first floor lobby and in relation to the alterations to the fire escape shown.

Reason for Approval:

1. By virtue of its location and design, the proposal is considered unlikely to have an adverse impact on the setting of nearby Listed buildings or the character or appearance of the Conservation Area. Due to the details of the scheme, the development is considered unlikely to cause detriment to the living conditions of local residents or to local amenities as a result of an increase in noise and disturbance. The provision of the facility and the design of the proposal are also considered unlikely to lead to an increase in risk in safety or security for surrounding land users or customers and it is understood that the proposal has been designed to minimise the risk of fire.
2. The development is therefore considered to meet the relevant criteria of saved policies EP22, HBE19, HBE8 and HBE9 of the City of Norwich Replacement Local Plan 2004 and all material considerations.



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 Scale - 1:1250



NORWICH
City Council

DIRECTORATE OF REGENERATION
 AND DEVELOPMENT

