Planning applications committee Report to Item

11 October 2018

Report of Head of planning services

Application no 18/00639/F and 18/00640/L- 45 - 51 London Street, Norwich, NR2 1HX Subject

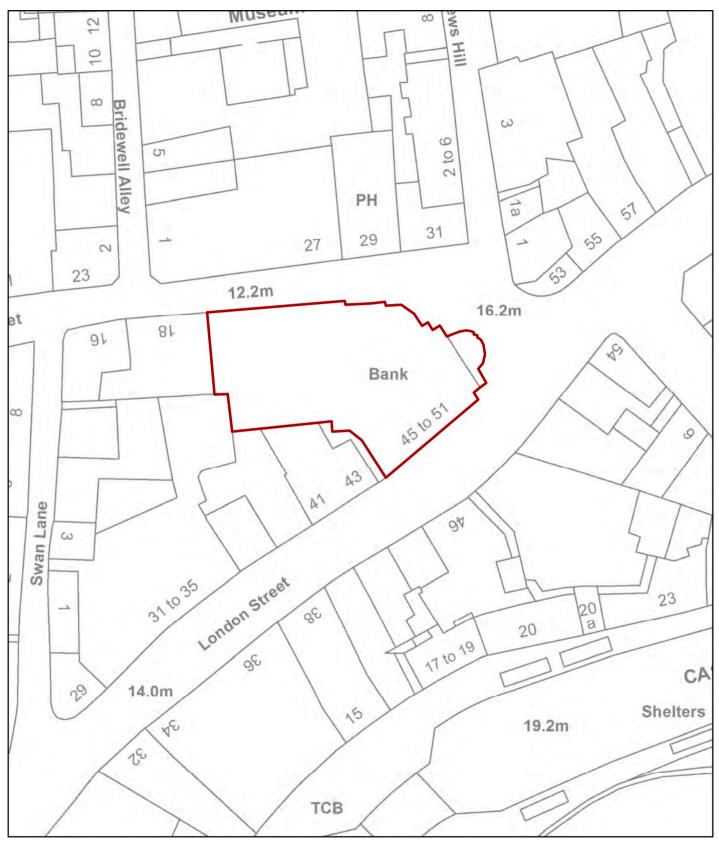
Reason Objections

for referral

Ward:	Mancroft	
Case officer	Katherine Brumpton -katherinebrumpton@norwich.gov.uk	

Development proposal			
Change of use from bank (Class A2) to restaurant/bar (Class A3) and			
installation of ventilation system.			
Representations			
Object	Comment	Support	
3	0	0	

Main issues	Key considerations
1	Principle of proposed use
2	Design and Heritage
3	Amenity
Expiry date	25 June 2018
Recommendation	Approve

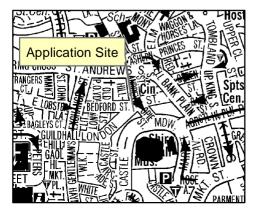


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Planning Application No 18/00639/F & 18/00640/L Site Address 45 - 51 London Street 1:500







# The site and surroundings

- 1. The site is triangular in shape and sits on the corner of London Street and Bedford Street and consists of a Grade II listed building dating from 1924. It appears to have been built for National Westminster Bank and was in continual use by them until October 2017 when it was vacated. It is currently empty. A later 20<sup>th</sup> century extension is located along Bedford Street. The ground floor is in retail use and is in separate ownership.
- 2. The site levels fall to the west, especially the north west, which results in the basement having windows to the north elevation only, facing Bedford Street.
- 3. The building covers 3 floors, to include a basement. The principal elevation is to the east and is accessed via semi-circular steps set between 4 columns. The building has neo- classical detailing and is finished in stone. A clock tower sits in the middle of east elevation. A large banking hall is served by a large doomed cupola.
- 4. The area is in a mixed use, with retail and food and drink uses (restaurants, cafes and public houses) all being common.

# **Constraints**

- 5. City Centre Conservation Area.
- 6. The building subject to this application is Grade II Listed Building, and it borders several other Grade II properties to the west and south. There are also other Grade II and locally listed buildings within the immediate area.
- 7. Area of Main Archaeological Interest.
- 8. Primary Retail Area and Defined Retail Frontage.
- 9. City Centre Leisure Area.

# Relevant planning history

10.

Ref	Proposal	Decision	Date
4/1998/0371	Conversion of banking offices at rear to form retail unit (Class A1) including new	APCON	24/07/1998
	pedestrian entrance and relocation of service till		
06/00502/L	Installation of air conditioning system including external condenser unit.	APPR	01/08/2006
09/00119/F	Removal of redundant air handling plant and replacement with new. Installation of edge protection handrail.	APPR	06/04/2009

Ref	Proposal	Decision	Date
09/00120/L	Removal of redundant air handling plant and replacement with new. Installation of edge protection handrail.	APPR	06/04/2009
11/01509/L	Alterations to banking hall including removal of non original partition and 2 No. tellers and formation of new transaction wall.	APPR	14/10/2011
17/00536/F	Removal of 2 No. ATMs and associated works. Replacement with stone wall.	APPR	16/05/2017
17/00537/L	Removal of 2 No. ATMs and associated works. Replacement with stone wall.	APPR	16/05/2017
17/00541/L	Removal of external signage.	APPR	05/06/2017
17/00697/L	Removal of internally hung memorial plaque from 45-51 London Street.	APPR	24/07/2017

# The proposal

- 11. To convert the building site into a restaurant and bar. No extensions are proposed however several alterations are required in order to facilitate the conversion. Access to the basement, ground and second floor would be available to the public.
- 12. Externally a ramp is proposed in order to provide access for wheelchair users. New extract ventilation and chiller units are proposed which would be located on the roof of the 20<sup>th</sup> century section. Repairs will be carried out where necessary.
- 13. Internally the modern furniture and partitions will be removed, as will some stud walls. Small sections of stud partitioning will be installed in the ground floor and basement to create an accessible WC and further WCs accordingly. A bar would be installed within the former banking hall. A commercial kitchen would be located within the 20<sup>th</sup> century section on the first floor.
- 14. The proposal has been re-advertised and re-consulted on following the submission of the scheme to include a ramp. Revised plans were received to include a revised location plan. This period finishes on 10 October 2018; members will be updated at Committee on any additional comments or representations received.
- 15. Any advertisements are to be covered under a separate application.
- 16. An application to stop up the Highway to enable the erection of the access ramp has now been submitted to the National Transport Casework (NTC) team. The documents are available to view until 15<sup>th</sup> November 2018 at Norwich City Council.

# **Summary information**

Proposal	Key facts	
Operation		
Opening hours	07:00 to 23:00 on any day and trade deliveries and collections between 07:00 and 19:00 Monday to Saturday only.	
Ancillary plant and equipment	New extract ventilation and chiller units	

# Representations

17. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 3 letters of representation have been received citing the issues as summarised in the table below. All representations are available to view in full at <a href="http://planning.norwich.gov.uk/online-applications/">http://planning.norwich.gov.uk/online-applications/</a> by entering the application number.

Issues raised	Response
Overall strategy of London Street should be considered before coming to a decision on this application. A retail study was produced in 2014 for BID which highlighted the need for a strategy to be put in place if there is a wish to maintain the retail occupation of the street. The number of units in a food and bar use may start to undermine the critical mass of retail.	See main issue 1.
Introducing another late night establishment will increase the anti-social behaviour already experienced within the area (including vomit, broken glass and damage to premises).	See main issue 3.
The Lanes is characterised by independent businesses and this proposal would allow another chain to move in.	This is not a material planning consideration, consent would run with the land and is not for a specific operator.
The building is a landmark and a beautiful building. It is shocking that such a poorly rated establishment would be allowed in by the council.	This is not a material planning matter.

Issues raised	Response	
Introducing another business with direct competition with many existing businesses can only lead to more business closures.	This is not a material planning matter.	
Outside seating is welcomed but must be sited to ensure that people with mobility/visual impairments can negotiate successfully.	The application does not include outside seating.	
Bringing the building back into use is a positive, and this scheme appears to be acceptable.	No comment.	
Provision of a changing places toilet would be welcomed.	This has been raised with the agent but unfortunately there is not the room given the constraints of the listed building. However a wheelchair accessible ground floor WC is proposed (with baby changing facilities) and an ambulant user WC located in the basement.	

# **Consultation responses**

18. Consultation responses are summarised below the full responses are available to view at <a href="http://planning.norwich.gov.uk/online-applications/">http://planning.norwich.gov.uk/online-applications/</a> by entering the application number.

# **Design and conservation**

- 19. Following discussions and the submission of amended plans the proposal is considered acceptable, with the imposition of suitable conditions.
- 20. The proposal is generally considered to represent a sympathetic scheme, and conditions can be added to finalise some details such as floor coverings.
- 21. The ramp will cause less than substantial harm to the building, but I am satisfied that on this occasion the public benefits outweigh the harm in accordance with the requirements set out in the NPPF, notably access for wheelchair users.
- 22. Final comments to be verbally updated to members at committee.

#### **Environmental protection**

- 23. The extract system provides an appropriate solution for noise and odour issues.
- 24. The use of the premises mainly for restaurant use is appropriate up to 23:00, the use of the premises past this time should be supported by a noise impact assessment that identifies and quantifies any issues from entertainment and customer noise and its impact on local residential uses. Such an assessment has not been submitted therefore a condition is recommended which restricts the

opening hours to 07:00 and 23:00 on any day. In addition a condition should be added to restrict trade deliveries and collections between 07:00 and 19:00 Monday to Saturday.

# Highways (local)

- 25. A construction management plan will be essential, to include consideration of skips, hoardings, contractor traffic, demolition traffic etc. Early discussions with the street works team will be important.
- 26. A restaurant will also generate vehicular traffic associated with food, waste and potentially home deliveries. Careful consideration will need to be made to waste management on the site and how it would be serviced on-street
- 27. There is no provision for staff or customer cycle parking. I appreciate that space within the building or on-street may not be available for cycle parking in this instance.
- 28. No objection to the installation of a ramp, subject to the successful application of a stopping up notice of the highway.

# **Assessment of planning considerations**

## Relevant development plan policies

- 29. Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)
  - JCS2 Promoting good design
  - JCS5 The economy
  - JCS6 Access and transportation
  - JCS7 Supporting communities
  - JCS8 Culture, leisure and entertainment
  - JCS11 Norwich city centre

# 30. 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
- DM7 Trees and development
- DM9 Safeguarding Norwich's heritage
- DM11 Protecting against environmental hazards
- DM16 Supporting the needs of business
- DM18 Promoting and supporting centres
- DM20 Protecting and supporting city centre shopping
- DM23 Supporting and managing the evening and late night economy
- DM28 Encouraging sustainable travel
- DM30 Access and highway safety
- DM31 Car parking and servicing

#### Other material considerations

- 31. Relevant sections of the National Planning Policy Framework March 2018 (NPPF):
  - NPPF1 Achieving sustainable development
  - NPPF4 Decision-making
  - NPPF6 Building a strong, competitive economy
  - NPPF7 Ensuring the vitality of town centres
  - NPPF8 Promoting healthy and safe communities
  - NPPF9 Promoting sustainable transport
  - NPPF11 Making effective use of land
  - NPPF12 Achieving well-designed places
  - NPPF16 Conserving and enhancing the historic environment
- 32. Supplementary Planning Documents (SPD)
  - Main town centre uses and retail frontages SPD adopted December 2014

#### **Case Assessment**

33. 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 polices are detailed above. Material considerations include policies in the National Planning 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

- 34. Key policies and NPPF paragraphs DM1, DM18, DM20, DM23, NPPF sections 6 and 7.
- 35. The building is currently unused but up until October 2017 was used as a bank, the proposal would convert the whole building to a restaurant/bar.
- 36. The site falls within a Primary Retail Area, Defined Retail Frontage and City Centre Leisure Area.
- 37. Policy DM18 states that within Primary Retail Areas and Defined Retail Frontages main town centre uses such as restaurants are permitted where; their scale is appropriate and the proposal does not conflict with the overall sustainable development criteria (set out in DM1) and (where appropriate) policies DM20 and 21 are complied with. Policy DM20 requires a change of use to restaurant to only be permitted where there would be no harmful impact upon the vitality and viability of the area and individual streets, and where it would not result in the proportion of A1 retail uses at ground level falling below an indicative level.
- 38. The main town centre uses and retail frontages SPD expands policy DM20 further, providing assessments of the frontage zones and guidance on appropriate uses beyond retail. The site falls within The Lanes East zone. The SPD encourages an indicative minimum of 70% retail for the defined retail frontage, with further expansion of cafes and restaurants particularly in London Street and Bedford Street

- to be supported. Concentrations of non-retail uses which would result in continuous runs of inactive ground floor frontage should be discouraged.
- 39. The submitted Design and Access Statement states that the restaurant would be open during the day and have an active frontage. As above the immediate neighbours are largely retail, with both immediately adjacent neighbours on London Street and Bedford Street in active retail use. Whilst the level of activity during the day may be reduced from its previous use as a bank, the proposal would not result in the loss of an active frontage. The proposal is therefore considered to comply with the SPD as it would not result in a continuous run of inactive frontage, it is a supported use within this zone, and no loss of retail would occur.
- 40. Compliance with DM18 is also considered to be achieved. Located within the city centre the scale of the proposal is considered acceptable, and it would not conflict with the overall sustainable development set out in DM1.

# 41. Main issue 2: Design and Heritage

- 42. Key policies and NPPF paragraphs JCS2, DM3, DM9 and NPPF sections 12 and 16.
- 43. Discussions with the agent have led to amended plans being submitted, which are considered to represent a more sympathetic conversion. However the amended plans do include the introduction of an external ramp, which is discussed below.
- 44. Discussions have been had regarding the repairs and finish schedule, however details are to be conditioned. The proposed works largely include retaining and repairing rather than replacing or removing.

#### **Basement**

- 45. The layout of this floor is largely unchanged. Some modern partitions are removed and a reconfiguration of the WCs proposed. Otherwise the main space is to be a private dining room, with ancillary rooms to be used for storage. All existing security doors, grilles and freestanding safes are to be retained in situ.
- 46. The fire escape leading onto Bedford Street is to have its existing original steel and timber security doors and frame labelled, and photographed for record purposes, then carefully removed and stored elsewhere on site. Due to their weight and construction, they cannot function as fire escape doors. New timber fire escape doors would be installed, with the leaf and frame to match the existing.

## **Ground Floor**

- 47. The existing modern teller counters, reception desk and furniture would all be removed from the banking hall. The stud walls within the modern section on this floor would largely be removed to create a large dining area across both the original building and modern extension. The rooms along the side of the banking hall would be used as a snug, DDA compliant WC, lobby and ancillary rooms such as a glass wash area.
- 48. The proposed ramp would be sited to the south of the main entrance and run alongside the building. Two additional semi-circular stone steps would be installed to allow for a level access. Whilst the ramp would be a permanent addition the

submitted design would allow the existing stone steps to remain in situ below. Details would be conditioned.

#### First Floor

- 49. Most of the original building at this height is a void.
- 50. A commercial kitchen would be installed within the extension on the first floor; this includes the introduction of ducts and vents which are discussed more below. Stud walls will be altered too, however given the age of this section of the building this raises no concerns.

#### Second Floor/Roof

- 51. The original building comprises a section of flat roof around the lantern serving the banking hall, a large meeting room and associated kitchen and WC. The proposal would use the meeting room as another private dining area and utilise the facilities with some minor amendments.
- 52. The proposed vents and ducts would be sited on the flat roof of the extension. The design has been amended to reduce their visual impact. The main vertical flue would run alongside a wall and would not be significantly higher than the existing flues. It would be finished in a matt colour to reduce its visibility.

#### Conclusion

- 53. Whilst harm has been identified from the proposal, from the installation of a ramp, this harm is considered to be less than substantial. Paragraph 196 of the NPPF advises that where such harm is identified it should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Despite lengthy discussions and investigations there is considered to be no other practical or desirable way of obtaining disabled access to the building. Regardless of the proposed use, disabled access would always be desirable. As such in this case it is considered that the public benefits outweigh the harm as disabled access helps provide the building with a viable long term use.
- 54. The other elements of the scheme are considered to represent a development which is sympathetic to the heritage asset and would serve to preserve the building.

# Main issue 3: Amenity

- 55. Key policies and NPPF paragraphs DM2, DM11, and NPPF section 12.
- 56. The area is mixed in use with retail, restaurants/cafes, public houses, university classrooms, a church, a cinema and several dwellings being found within The Lanes East. Residential uses are normally, if not exclusively, flats above other uses.
- 57. No extensions or additional windows are proposed. The change to the impact upon neighbour's amenity would arise from the change of use, and potentially the introduction of new extract ventilation and chiller units. No noise impact assessment has been submitted.

- 58. Given the locality the proposed use is considered to be consistent with the character of the area; there is a public house on the opposite side of Bedford Street and a late night bar further down Bedford Street. With a suitable condition restricting the opening times the impact is considered acceptable.
- 59. The vents and chiller units are considered to have an acceptable impact upon neighbours.
- 60. The amenity of users of the development is considered acceptable.

# Compliance with other relevant development plan policies

61. A number of development plan policies include key targets for matters such as parking provision and energy efficiency. The table below indicates the outcome of the officer assessment in relation to these matters.

Requirement	Relevant policy	Compliance
Cycle storage	DM31	No – however given the central location and space restrictions preventing any provision the lack of provision is considered acceptable in this case.
Refuse Storage/servicing	DM31	Yes subject to condition

#### Other matters

- 62. The following matters have been assessed and considered satisfactory and in accordance with relevant development plan policies, subject to appropriate conditions and mitigation.
- 63. A whitebeam tree is located to the front of the building (east). This is a street tree and is owned by Norwich City Council. The proposed ramp and works to the steps are not anticipated to impact the tree, including its Root Protection Area (RPA). However details of the ramp are to be conditioned. Should there be any impact this can be addressed when the condition is discharged.

# **Equalities and diversity issues**

- 64. There are significant equality issues. The provision of an access ramp to the front of the building will result in less than substantial harm. This has been discussed further within the Design and Heritage section above.
- 65. Use of the existing life shafts for DDA compliant access has been explored, but they are unfortunately too small and there is no feasible way to enlarge either lift.

#### **Local finance considerations**

66. 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.
- 67. 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.
- 68. In this case local finance considerations are not considered to be material to the case.

# Conclusion

- 69. The proposed use is considered to be appropriate and acceptable. The alterations required to the listed building are also considered to be acceptable, once the public benefits are weighed against the less than substantial harm identified.
- 70. Therefore with appropriate conditions the development is considered to be 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

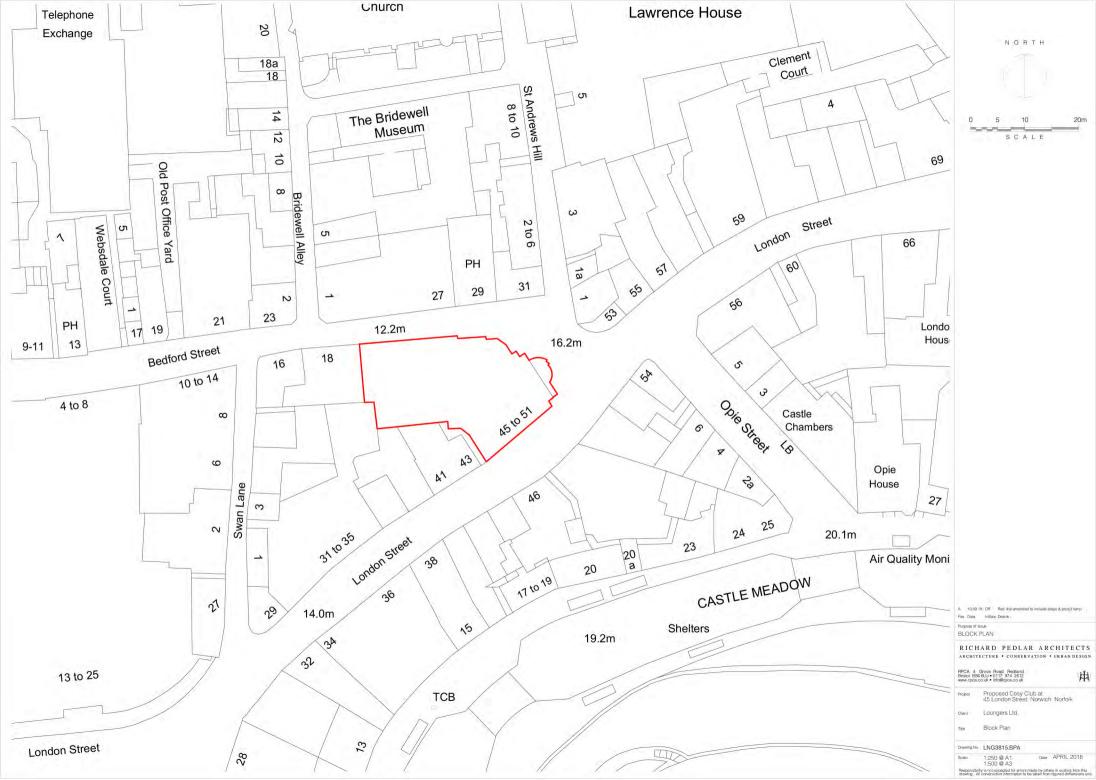
- (1) To approve application no. 18/00639/F 45 51 London Street Norwich NR2 1HX and grant planning permission subject to the following conditions:
  - 1. Standard time limit;
  - 2. In accordance with plans;
  - 3. Heritage Interpretation;
  - 4. Not open to public;
  - 5. Restricted delivery hours;
  - 6. Submission waste disposal details;
  - 7. Construction method statement.

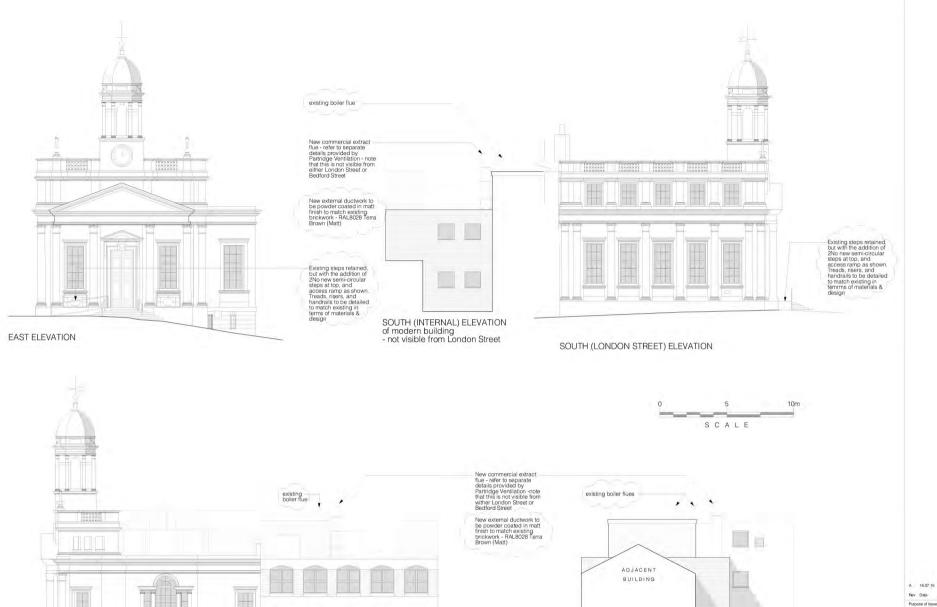
#### and

- (2) To approve application no. 18/00640/L 45 51 London Street Norwich NR2 1HX and grant planning permission subject to the following conditions:
  - 1. Standard time limit;
  - 2. In accordance with plans:
  - 3. Details to be submitted;
  - 4. Requirement for schedule and specification of repairs;

# Article 31(1)(cc) statement

The local planning authority in making its decision has had due regard to paragraph 38 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations and has approved the application subject to appropriate conditions and for the reasons outlined in the officer report.





Existing steel/timber security doors retained and held open internally. New timber escape doors installed to match existing

NORTH (BEDFORD STREET) ELEVATION

A 16,07.18 DR amendments where bulbbled

Rev Date Initials Details

SCHEME DESIGN

RICHARD PEDLAR ARCHITECTS

RPCA 4 Grove Road Redland Bristol BS6 6UJ • 0117 974 2612

> Cosy Club at 45 London Street Norwich Norfolk NR2 1HU

Norwich Norloik NH2

clent Loungers Ltd

WEST(INTERNAL) ELEVATION

of modern building

Proposed Elevations

Drawing No. LNG3815.104A

1:100 @A1 Date Mar 2018

1:200 @ A3



PHOTO OF ORIGINAL BANKING HALL

looking west towards new extension - note lack of partitions perpendicular to west wall and in north west corner of banking hall



FABRIC KEY

Original Fabric (assumed)

Later/less important fabric of some heritage value

Modern Fabric

B 14.06.18 DR Colours and notes amended following further on-site inspection

A 30.05.18 SF Colour key of tiller desk amended Rev Date Initials Details

Purpose of Issue

SLIBVEY

RICHARD PEDLAR ARCHITECTS

14

Cosy Club at 45 London Street Norwich Norfolk NR2 1HX

Loungers Ltd

Existing Basement & Ground Floor Plans

Drawing No. LNG3815.01B

1:100 @A1 1:200 @ A3

Date Mar 2018





FABRIC KEY

Original Fabric (assumed)

Later fabric of some heritage value

Modern Fabric

D 30.08.2018 SF Partition retained to SE of banking hall C 16.07.2018 DR amends where bubbled

B 14.06.2018 DR amends where bubbled

A 29.05.2018 SF WCs to basement amended to match exist fathric description. Works to taller counters amended. Lift works amended. Netes add retaining existing security doors and safes, ex. floor and wall finithers, whee

Purpose of Issue

SCHEME DESIGN

RICHARD PEDLAR ARCHITECTS ARCHITECTURE . CONSERVATION . URBAN DESIGN

Cosy Club at 45 London Street Norwich Norfolk NR2 1HU

44

Loungers Ltd

Proposed Plans

Drawing No. LNG3815.101D

Date Mar 2018

1:200 @ A3





Original Fabric (assumed) Later fabric of some heritage value

N

Modern Fabric

Purpose of Issue SURVEY

RICHARD PEDLAR ARCHITECTS
ARCHITECTURE · CONSERVATION · URBAN DESIGN

Cosy Club at 45 London Street Norwich Norfolk NR2 1HX

Loungers Ltd

Existing Plans

Drawing No. LNG3815.02-

1:100 @A1 1:200 @ A3 Date Mar 2018



FABRIC KEY

Original Fabric (assumed) Later fabric of some heritage value

Modern Fabric

D 16.07.2018 DR ventilation layout revised to internalise some of the mechanical equipment

1

C 03.07.2018 DR amends to kitchen to include plant room

B 14.06.2018 DR amends to second floor layout to retain as existing
A 29.06.2018 SF Floor finish to PD Room indicated

Rev Date Initials Details

Purpose of Issue

SCHEME DESIGN

RICHARD PEDLAR ARCHITECTS ARCHITECTURE . CONSERVATION . URBAN DESIGN

Cosy Club at 45 London Street Norwich Norfolk NR2 1HU

Loungers Ltd

Proposed Plans

Drawing No. LNG3815.102D

1:100 @A1 1:200 @ A3 Date Mar 2018

Responsibility is not accepted for errors m drawing. All construction information to be