

**Report to** Planning Applications Committee

**Item**

11 November 2021

**Report of** Head of Planning and Regulatory Services

**Subject** Application no 21/00821/F, Surface Car Park, Rose Lane

**Reason**

Objection

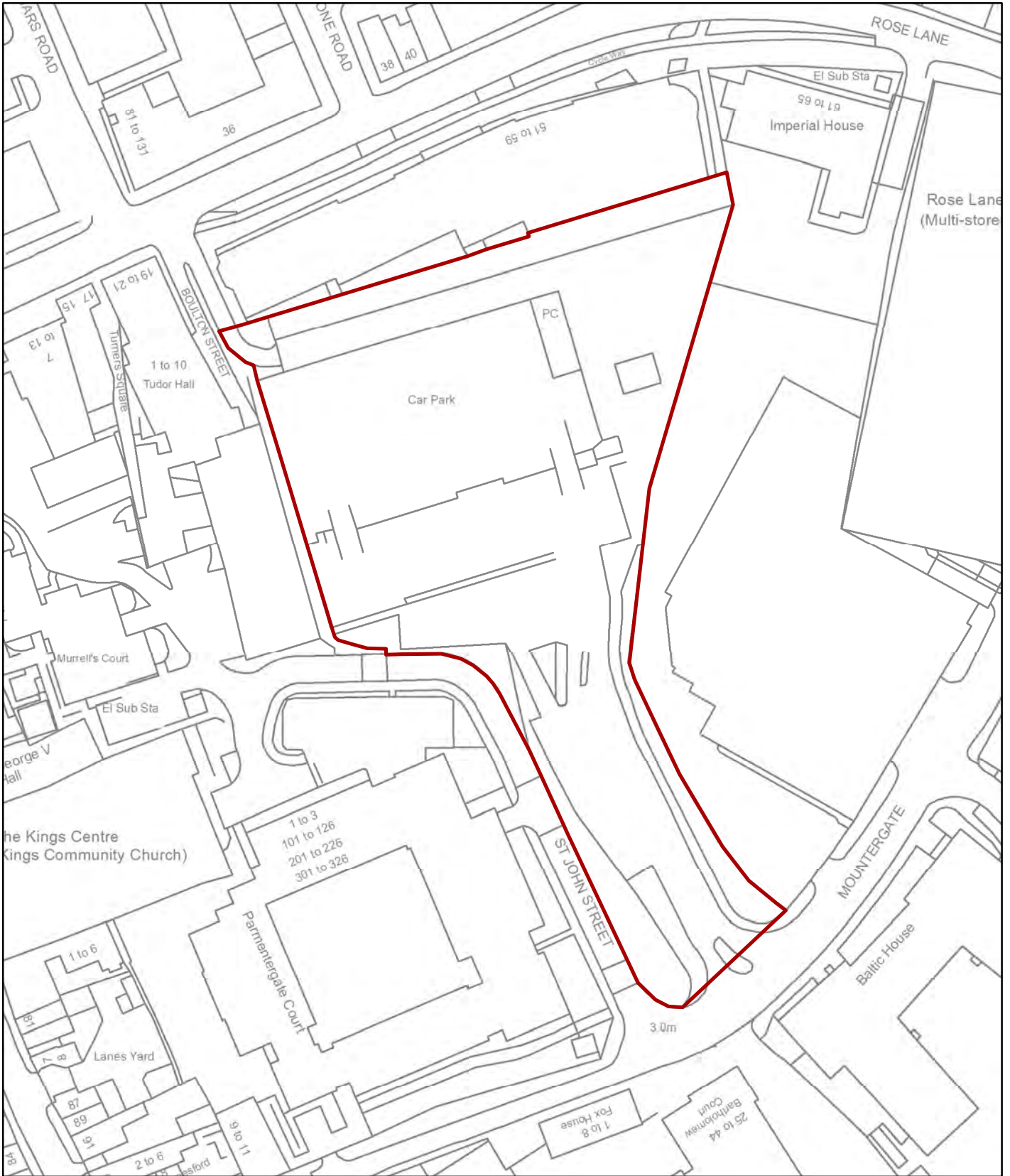
**for referral**

**4(b)**

<b>Ward</b>	Thorpe Hamlet
<b>Case officer</b>	Robert Webb <a href="mailto:robertwebb@norwich.gov.uk">robertwebb@norwich.gov.uk</a>
<b>Applicant</b>	Mr Gregg, TP3 Ltd

<b>Development proposal</b>		
Temporary entertainment and leisure venue comprising enclosed auditorium space.		
<b>Representations</b>		
Object	Comment	Support
44	0	5
Comments on revised plans (removal of external rides, market stalls and beer garden with amendment to site area)		
Object	Comment	Support
8	0	3

<b>Main issues</b>	<b>Key considerations</b>
1. Principle of development	Principle of eating/drinking venue, consideration of site allocation policy, principle of temporary use
2. Design	Consideration of layout, scale, massing, appearance
3. Heritage	Consideration of impact on Conservation Area and nearby listed building
4. Amenity	Consideration of impacts from noise, overlooking, overshadowing, overbearing, loss of privacy
5. Transport	Accessibility, vehicle access, highway safety, vehicle parking and servicing, cycle parking
6. Energy and water efficiency	The provision of energy efficiency measures
7. Flood risk	The impact of the proposal on flood risk
8. Trees	The impact of the proposal on trees
9. Biodiversity	Ecological impacts
10. Archaeology	Impacts on the main area of archaeological interest
<b>Expiry date</b>	10 September 2021
<b>Recommendation</b>	Approval



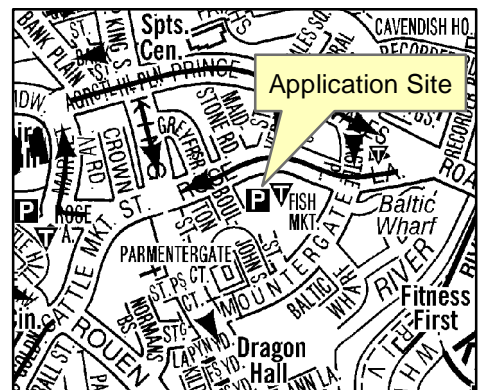
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Planning Application No 21/00821/F  
 Site Address Surface Car Park Rose Lane

Scale 1:1,000



**NORWICH**  
**City Council**  
 PLANNING SERVICES



## The site and surroundings

1. The site is a disused surface level car park, previously the site of a multi-storey car park which was demolished in the early 2000's. It is situated between Rose Lane and Mountergate. To the north of the site is the Union building which comprises offices and a rooftop bar/restaurant.
2. To the north-east is Imperial House, a former office building that has been converted into residential apartments. To the east is Rose Lane multi-storey Car Park and a further surface car park and building occupied by a motor trade company. To the south is a large residential block of flats known as Parmentergate Court, with further properties within Murrell's Court and Tudor Hall to the west. Also to the west is a public footpath which leads from Boulton Street to St. John's Street, and a community garden, which is currently not open to the public.
3. The site itself is almost entirely surfaced with hardstanding. The area where the proposed building would be located comprises a raised concrete platform accessed via two ramps. There is a disused toilet block next to this. The site is currently enclosed by temporary hoardings.

## Constraints

4. City Centre Conservation Area – King Street Character Area

Grade II listed Tudor Hall adjacent to the site

Site allocation CC4

Regeneration area

City Centre leisure area

Area of main archaeological interest

Office development priority area

## Relevant planning history

5. The records held by the city council show the following planning history for the site.

Ref	Proposal	Decision	Date
4/2002/1280	Demolition of car park to ground level.	APPR	13/03/2003
21/00821/F	Temporary entertainment and leisure venue comprising enclosed auditorium space.	PCO	

## The proposal

6. A temporary planning permission for 9 months is sought for a 300 seater indoor eating and drinking venue, comprising a number of food stalls, large screen and performance stage. In terms of planning use class, the use is sui generis. The

auditorium would be constructed of painted profiled steel sheets and shipping containers. It would have a pitched roof with a ridge height of 11.3m and an eaves height of 7.8m. The building would be 48m long and 21m wide. The shipping containers would be situated around the perimeter of the building, accommodating a number of food vendors which would be accessed internally. Ancillary development would include bin stores, cycle storage, and an entrance tunnel from Boulton Street.

7. The main public access would be from Rose Lane/Boulton Street, with servicing and deliveries taking place from the Mountergate access. There would be no public access from Mountergate. An existing disused toilet block immediately adjacent to the auditorium would be refurbished and used as toilet facilities. Cycle storage would be provided within the site, and a bin store located to the rear.
8. The proposal has been amended during the application process to omit the outside activities including fairground rides, market stalls and beer gardens. The red line site area was also amended to omit the adjacent public footpath and community garden.

## Representations

9. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 5 letters of support and 44 letters of objection were received commenting on the original plans. The application was subsequently readvertised based on the amended plans and a further 3 letters of support (one new respondent) and 8 letters of objection (from the same respondents as before) were received. The issues raised are summarised in the table below. All representations are available to view in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Issues raised	Response
<b>Comments in objection to the proposal (original plans):</b>	
Concern about noise nuisance	See main issue 4
Concern about increased anti-social behaviour and crime	See main issue 4
Concern about late night opening	See main issue 4
Concern about people loitering at Boulton Street entrance	See main issue 4
Concern about overlooking of flat and garden	See main issue 4
Out of character for the residential area and conservation area	See main issues 2 and 3
Concern about increase in traffic	See main issue 5
Concern about impact on vulnerable people	See main issue 4
Concern about impact from external lighting	See main issue 4
The proposal is outside of the late night activity zone	See main issue 1
Proposed access and egress would lead to an unacceptable level of funnelling and queueing of people	See main issue 4
A sequential test should have been applied to the location	See main issue 1

<b>Issues raised</b>	<b>Response</b>
There is a lack of assessment regarding the impact on Tudor Hall, a listed building	See main issue 3
Significant details are missing, such as the details of acoustic barriers and the building fabric	See main issue 2
Proposal is contrary to site allocation policy CC4 of the Local Plan	See main issue 1
Concerns about using the nearby Rooftop Gardens as a baseline within the noise report	See main issue 4
The assessment within the noise report is inadequate and not fit for purpose	See main issue 4
There are alternative locations available such as the OPEN venue and St. Mary's works	See main issue 1
Lack of assessment of comings and goings to the venue	See main issue 4
Concern about cumulative effect with other bars such as Rooftop Gardens, Last Pub Standing, Queen of Icen.	See main issue 4
Concern about increased litter and food waste	See main issue 4
Concerned about heritage impacts of the proposal	See main issue 3
Concern about use of adjacent alleyway and further problems here.	See main issue 4
Concern about creating a precedent of entertainment venues in this area	See main issue 4
Concern about deliveries clashing with school drop off time (Charles Darwin School)	See main issue 5
<b>Comments in support of the proposal (original plans):</b>	
Pleased to see something happening with this site as it will hopefully deter anti-social behaviour. Sensitivity to nearby residents is required, earlier closing times would help with this.	See main issue 4
Support the proposal, will add to the vibrancy of the city, well located for public transport. Will be good as a place to eat and drink and increased facilities.	See main issue 1
Support the proposal to redevelop the site, will bring much needed investment to the area, increased footfall, will enable the use of a derelict site.	See main issue 1
Proposal will attract tourism, enhance our reputation locally and nationally, bring economic benefits and jobs.	See main issue 1

Issues raised	Response
Norwich needs to allow such facilities to be built to enable the economy to recover, and for the city centre to expand. It will increase the appeal to young families.	See main issue 1
<b>Comments in objection to the proposal (revised plans)</b>	
The area is not suitable for any type of entertainment venue	See main issue 1
Concerns about noise nuisance, litter and antisocial behaviour.	See main issue 4
Increased congestion	See main issue 5
Wish to see better long term planning for this site which contributes to and enhances the local community	See main issue 1
Even with the changes there are still concerns about noise and how people arriving and leaving the venue will be controlled.	See main issue 4
Remain concerned about flow of people from Riverside to this venue via East Street at Baltic Wharf and impact this will have.	See main issue 4
<b>Comments in support of the proposal (revised plans)</b>	
Consider that residents concerns about noise and will be dealt with by enclosing the venue. Need to ensure Norwich remains a vibrant city with attractions and employment for all ages.	See main issue 1 and 4
Proposal will bring people to Norwich, offer more jobs and benefit the local area.	See main issue 1

**Thorpe Hamlet Ward Councillor Haynes, comments on original plans:**

Object to the proposal. Concerns about noise and disturbance, including from people who have been drinking existing the site late at night. Concerns about conflicts with deliveries and movements to Charles Darwin Primary School. The area is predominantly residential, concern about creating a precedent of entertainment venues in this area. Conflict with local plan site allocation policy.

**Thorpe Hamlet Ward Councillor Price, comments on original plans:**

Object to the proposal. Concerns regarding noise including from fairground rides and auditorium on residents living in close proximity, this is anticipated to be of a extreme level. Query whether the application has been brought before the licencing committee for application of conditions? Potential for crime and anti-social behaviour, including from effects of alcohol on people leaving the venue. Increased light pollution, conflict with local plan site allocation policy. Potential conflict with Charles Darwin Primary School causing traffic issues.

## Consultation responses

10. 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.

## Environmental protection

11. Comments on original plans: Further information sought on the construction of the auditorium, and further information required noise from external activities. Other clarifications sought regarding the submitted noise assessment.
12. Comments on revised plans and noise assessment: Conditional permission recommended. The following conditions are required:
  - Opening hours restricted to no later than 23.00 hours.
  - Noise management plan
  - Anti-vibration mountings details
  - Sound insulation of plant and machinery
  - Restrictions on amplified noise outside the building
  - Restriction on use of amplified sound equipment
  - Requirement for installation of mechanical ventilation for noise attenuation purposes
  - Requirement for inner lobby for noise attenuation purposes
  - Restriction on use of fire exits
  - Installation of noise limiter
  - Ventilation and extraction details
  - External lighting details

## Norfolk County Council - Highways

13. In principle no objection with regard to highway and transport matters. Such a use is well suited to a city centre location which is highly accessible on foot to bus and rail services. The proposed business will not be entitled to parking permits and there are extensive waiting restrictions around the site, so there should not be detriment to the locality with regard to parking issues. There are loading bays for taxi drop off/pick up on Rose Lane, although there is some risk of vehicles waiting outside Tudor Hall. To promote sustainable transport choices a Travel Information Plan is recommended.
14. I note from objections that this conflicts with the start of the school day at the Charles Darwin School nearby. This is noted, however the recent traffic management changes at the Rose Lane/Mountergate junction have removed traffic signals and traffic is now free flowing and has reduced congestion, I therefore am not concerned about this service traffic.
15. Some concerns about the pedestrian access on Boulton Street, due to the change in levels and existing bollards – the applicant should consider this further.
16. Historic highway exists within the site that we do not have stopping up information for. Accordingly, a Section 257 stopping up order will be required using the Town and Country Planning Act to regularise this. Conditions recommended regarding cycle

parking, construction worker parking, travel information plan and improvement works to the access.

### **Norfolk Police (Architectural Liaison)**

17. Comments made on original plans: The proposal has the potential for noise and anti-social behaviour later in the evening and will almost certainly have a resource implication for local policing. Concern about use of adjacent passageway as an access point and lack of toilet facilities. Recommendations made regarding security measures, boundary treatments, cycle parking and lighting. Recommendations also made regarding counter-terrorism measures.
18. Comments on revised plans: Previous comments requesting additional information on what access is intended around the communal gardens and adjacent passageway have not been clarified. Hence there is still concern for potential anti-social behaviour late in the evening as the venue approaches closing time with a large number of people under the influence of alcohol spilling out into a predominantly residential area and will almost certainly have a resource implication for local policing.

### **Counter Terrorism Security Advisor**

19. The applicant should produce a Counter Terrorism Response plan to ensure an adequate response to a terrorist attack. The applicant may wish to consider an alarm and tannoy system which can be utilised during a bomb evacuation or marauding terrorist attack (MTA). Best practice would be for different alarm tones to be used for fire evacuation and different counter terrorist scenarios. The applicant should also ensure that there are adequate escape routes in the event of an MTA. The applicant should also consider how to control access between public and staff only entrances.

### **Tree protection officer**

20. No objections from an arboricultural perspective subject to conditions.

### **Assessment of planning considerations**

#### **Relevant development plan policies**

21. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
  - JCS1 Addressing climate change and protecting environmental assets
  - JCS2 Promoting good design
  - JCS3 Energy and water
  - JCS5 The economy
  - JCS6 Access and transportation
  - JCS8 Culture, leisure and entertainment
  - JCS11 Norwich city centre
22. **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
- DM4 Providing for renewable and low carbon energy
- DM5 Planning effectively for flood resilience
- DM6 Protecting and enhancing the natural environment
- DM7 Trees and development
- DM9 Safeguarding Norwich's heritage
- DM11 Protecting against environmental hazards
- DM16 Supporting the needs of business
- DM17 Supporting small business
- DM18 Promoting and supporting centres
- DM23 Supporting and managing the evening and late night economy
- DM28 Encouraging sustainable travel
- DM30 Access and highway safety
- DM31 Car parking and servicing

**23. Norwich Site Allocations Plan and Site Specific Policies Local Plan adopted December 2014 (SA Plan)**

- Policy CC4 Land at Rose Lane and Mountergate

**Other material considerations**

**24. Relevant sections of the National Planning Policy Framework July 2021 (NPPF):**

- NPPF2 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
- NPPF14 Meeting the challenge of climate change, flooding and coastal change
- NPPF15 Conserving and enhancing the natural environment
- NPPF16 Conserving and enhancing the historic environment

**Case Assessment**

25. 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 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**

26. Key policies and NPPF paragraphs – DM1, DM23, CC4, JCS1, JCS5, JCS11, NPPF sections 2 and 7.
27. When considering development proposals for this site, the starting point is the site allocation policy CC4, which allocates the land for a mixed-use development that should be office-led; integrated with residential uses; and including other uses such as food/drink, small scale retail and non-late-night leisure uses (which the policy states should not dominate the development). Other requirements of the policy are that some replacement car parking should be provided as well as public realm and open space enhancements. Development should respect the setting of nearby listed buildings and enhance the townscape.
28. The site allocation is being carried forward through policy CC4a of the submission version of the Greater Norwich Local Plan (GNLP), with a slight amendment to the wording of the allocation. Under the proposed allocation, the land would be allocated for mixed-use development to include high quality office space, managed workspace and live-work units, and up to 50 homes. However, given the relatively early stage of the GNLP, relatively little weight should be attached to it.
29. Whilst the provision of a food and drink/leisure offer is sought through both the existing and the emerging Development Plan policies, the application proposal is of a larger scale than that envisaged within either. It is of a size that would make it difficult to achieve the office-led scheme with substantial residential alongside. In this respect it conflicts with the site allocation policies.
30. However, regard should be had to the fact the scheme is being promoted as in interim and temporary use. The whole of the allocation site is in different ownership, but the majority of the land is owned by Norwich City Council. Information submitted as part of the preparation of the GNLP shows that the Council as landowner considers there will be some difficulty in bringing the land ownerships together and as a result it is envisaged that the development of the entire site is not likely to come forward in the short term, but could be delivered within the plan period up to 2038. This means that there is an opportunity for an interim use of the site until such time as the main site allocation can be delivered. There are potential benefits to be derived from providing an active use of currently vacant land, both in terms of regeneration objectives, economic benefits and potentially helping to deter crime and anti-social behaviour that might otherwise take place on vacant land.
31. Policy 5 of the Joint Core Strategy (JCS) states that Tourism, leisure environmental and cultural industries will be promoted. Policy 11 of the JCS states that the role of Norwich city centre will be promoted by “expanding the use of the city centre to all, in particular the early evening economy and extending leisure and hospitality uses across the city centre, with late night activities focussed in identified areas. The site is within the City Centre Leisure area where under policy DM23, hospitality uses which include restaurants and drinking establishments which do not routinely open beyond midnight are acceptable in principle.
32. The proposal is in keeping with this requirement and therefore falls within the category of development considered suitable for this location. For the avoidance of doubt, the proposal is not a late night activity (one which is open beyond midnight)

and therefore does not need to be located within the late night activity zone, nor is it necessary to carry out a sequential test regarding the location.

33. On the basis of these considerations, the proposal is considered acceptable in principle, providing it is conditioned to be on a temporary basis, to enable the site allocation requirements to ultimately be delivered when possible.

### **Main issue 2: Design**

34. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 124-132.
35. The proposed building would be a large warehouse type structure surrounded by shipping containers. The ridge height is 11.3m, eaves height is 7.8m and the building would be 48m long and 21m wide. It would be somewhat 'industrial' in terms of its appearance and materials and it is not a form of construction that would normally be deemed acceptable within a Conservation Area. However, regard should be paid to the temporary nature of the building, being one which is designed to be easy to assemble and disassemble in the future.
36. The application site is currently a large disused surface car park covered in hardstanding, surrounded by hoardings, mid/late-20<sup>th</sup> century office buildings (some of which have been converted to residential) and some industrial uses. The development would not be particularly prominent when viewed from key routes nearby such as Rose Lane and Mountergate. This is mainly because of the height of some of the surrounding buildings which are taller, with the Union building being approximately 20m high at it's highest point; Parmenter Gate Court is a five storey building with pitched roof and Rose Lane multi-storey car park has a maximum height of about 15m. The design and visual impact are further considered in the context of the heritage considerations identified within section 3 below.
37. The layout is acceptable, with a defined public entrance from Boulton Street, and a separate delivery/service access from Mountergate. Sufficient space is allocated within the site for bin and cycle storage. A condition is recommended to control final material colour and finishes, together with details of any new boundary treatments.

### **Main issue 3: Heritage**

38. Key policies and NPPF paragraphs – JCS2, DM9, NPPF paragraphs 184-202.
39. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 place a statutory duty on the local authority to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. Case law (specifically *Barnwell Manor Wind Energy Ltd v East Northamptonshire DC* [2014]) has held that this means that considerable importance and weight must be given to the desirability of preserving the setting of listed buildings and conservation areas when carrying out the balancing exercise.
40. The site is within the King Street character area of the City Centre Conservation Area. It is identified as a negative feature within the Conservation Area Character Appraisal. The site has 'backland' characteristics being to the rear of surrounding development. It is dominated by concrete hardstanding and surrounded by less positive buildings such as the office buildings on Rose Lane which date from the

mid-20<sup>th</sup> Century, and the industrial building to the east. These factors mean it is of a relatively low sensitivity to new development compared to other parts of the Conservation Area. Despite this, the proposal would cause some harm to the character of the Conservation Area due to its scale and industrial appearance.

41. The development would affect the setting of the nearby Grade II listed Tudor Hall, due to the close proximity of the proposed building. The impact is partly mitigated due to the building being set back from the Tudor Hall, and therefore not having a significant impact on the principal elevation on Rose Lane. However due to its scale, appearance, and close proximity, some harm would be caused to the setting of the listed building.
42. The harm identified above is categorised as 'less than substantial' in the context of paragraph 202 of the NPPF. In accordance with the requirements of that paragraph, the harm should be weighed against the public benefits of the proposal. The benefits include opportunities for small businesses to occupy one of approximately 40 new food/drink stalls, the creation of jobs, and providing an active use on a site which is currently vacant. The proposal is of a scale which is likely to encourage people to visit Norwich and may have spin-off benefits for other hospitality business in the area due to increased footfall.
43. Overall, on the basis that the development would be for a temporary period and is not intended to be permanent, the benefits of the proposal are considered to outweigh the harm to heritage assets.

#### **Main issue 4: Amenity**

44. Key policies and NPPF paragraphs – DM2, DM11, DM23, NPPF paragraph 130.
45. Policy DM2 of the Local Plan sets out that development will be permitted where it would not result in an unacceptable impact on the amenity of the area or the living or working conditions of neighbouring occupants. In addition, policy DM23, which deals with leisure uses, sets out that proposals should not give rise to unacceptable amenity and environmental impacts which could not be overcome by the imposition of conditions.
46. The application has resulted in a significant number of objections from residents, with concerns particularly focussing on the potential noise impacts of the proposal together with concerns around crime and anti-social behaviour that may be associated with the proposal.
47. On the issue of noise, Council officers had concerns about the original proposal, which contained several outdoor fairground rides, outdoor market stalls and a beer garden. These elements had the potential to cause significant noise nuisance to the surrounding area. As a result, discussions took place with the applicant, and it was agreed that all external activities would be removed from the proposal. In addition, a revised noise impact assessment was requested.
48. The Environmental Protection Officer has considered the revised proposal and noise assessment and has recommended that permission could be granted subject to a robust set of conditions which would control the noise and associated impacts. Conditions requiring details of amplified equipment and to control their noise output are recommended, the installation of mechanical ventilation and an inner lobby for

noise attenuation, the installation of a noise limiter, and the submission of a noise management plan are recommended. Conditions preventing the use of audio equipment outside of the building and restricting hours of operation are also recommended.

49. Regarding crime and anti-social behaviour, it is noted that Norfolk Police have some concerns about the use of the adjacent alleyway between Boulton Street and St. John's Street, whilst residents make reference to existing problems in the area, and there is a fear the proposal will compound these. Firstly, it is considered that having an active use and occupancy of the site will assist in deterring some of the issues around trespass and anti-social behaviour that currently occur. Furthermore, it is considered that measures can be taken to help manage the operation of the site in a way that minimises the likelihood of antisocial behaviour occurring.
50. One such measure is to require a management plan to be drawn up and implemented. This should include details about how customers entering and leaving the venue will be managed and how areas of concern such as the alleyway would be monitored by security staff. Ideally, long queues of people waiting to enter the venue should be avoided and the management plan will be expected to set out how this will be controlled. A further measure which is recommended is to control opening hours so that the venue does not operate as a late-night use. In discussion with the applicant, the agreed opening hours proposed are between 12.00 and 22.30 Sunday to Wednesday, and between 12.00 and 23.00 on Thursday, Friday and Saturday. A condition is recommended to ensure this is adhered to.
51. Concerns around impacts from external lighting can be dealt with through conditioning the details of any scheme. It is not anticipated harm would arise through overlooking from the proposal, as there are no windows, and the building would be surrounded by a security fence. It is not anticipated that harm through overshadowing or loss of privacy would occur. The concerns about impacts from people making their way to and from the venue through nearby residential areas are partly mitigated by the earlier closing times proposed.
52. It is considered that the full set of conditions which are recommended will ensure that the impacts of the development will be acceptable. However, should problems arise, there will be an opportunity to review the operation and the effectiveness of noise/disturbance measures after 12 months because a further permission would be required for continued use beyond this time period.

### **Main issue 5: Transport**

53. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF section 9.
54. The site is located within a sustainable location within walking distance of the railway station, bus services and the nearby Rose Lane multi-storey car park. It is also within walking distance of other leisure and hospitality areas of the city which are nearby. The Transport Officer has raised no objections to the proposal, subject to conditions.
55. Concerns have been raised that the proposal would cause increased traffic congestion however this is not anticipated to occur, partly because it is considered likely that many customers would arrive on foot, by cycle or public transport. Notwithstanding this, the Transport Officer has pointed out that there are substantial

waiting restrictions on the surrounding road network, and there is a loading bay close to the site entrance which could be used for taxi drop off/pick up purposes if required.

56. The vehicle access from Mountergate is suitable for deliveries and servicing, which is anticipated to take place between the hours of 07.30-11.00.
57. The Highways Authority points to the existence of historic highway rights on the site and has provided mapping showing where these are. From this mapping, the highway rights do not relate to any routes that cross the site and the land that they relate to could not have been used for highway purposes for some considerable time because of the car park that used to occupy the site. Given the historic nature of these rights and the intervening use as a multi-storey car park plus the temporary nature of the permission that is being sought, there is no need to require them to be removed to facilitate the development.

#### **Main issue 6: Energy and water efficiency**

58. Key policies and NPPF paragraphs –DM1, JCS3, NPPF sections 2 and 14.
59. The application states that they intend to use enhanced sustainability measures. This includes specifying materials that can be reused when they are no longer required. They have also stated an intention to use technologies such as heat recovery, low velocity ductwork, LED lighting, and the use of air source heat pumps.

#### **Main issue 7: Flood risk**

60. Key policies and NPPF paragraphs – JCS1, DM5, NPPF section 14.
61. The area where the building is proposed is within Flood Zone 1 and therefore is at the lowest level of flood risk. The proposal would not lead to an increase in impermeable surfacing on the site. It is therefore not anticipated that harm would occur in relation to flood risk.

#### **Main issue 8: Trees**

62. Key policies and NPPF paragraphs – JCS1, DM7, NPPF section 15.
63. All existing trees on site would be retained, and the Councils Tree Protection Officer raises no objection to the proposal.

#### **Main issue 9: Biodiversity**

64. Key policies and NPPF paragraphs – JCS1, DM6, NPPF section 15.
65. The site is predominantly hard surfaced and of relatively low ecological value. There are however several mature trees within the site. It is the intention to protect and retain these as part of the development. The applicant has also expressed an intention to assist where possible with any projects to bring the adjacent community garden back into use. Given the temporary nature of the proposal and the likelihood of a further redevelopment in the future, it is not considered necessary to seek further ecological measures.

## **Main issue 10: Archaeology**

66. The site is within an area of main archaeological interest; however, the proposal is for a modular building built on top of the existing site without the need for excavation, therefore no archaeological investigation or works are required.

### **Other matters**

67. The advice of the Counter Terrorism Security Advisor (CTSA) has been provided. The Rose Lane/Boulton Street entrance is seen as preferable to the Mountergate one due to it being less vulnerable to vehicle attacks, as a sharp turn would be necessary. Nonetheless, the CTSA has advised that vehicle security barriers may be necessary at the Rose Lane entrance. A condition is recommended to establish what provision is required and ensure it is provided.

### **Equalities and diversity issues**

68. There are no equality or diversity issues.

### **S106 Obligations**

69. There are no S106 obligations.

### **Local finance considerations**

70. 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**

71. The proposal for a large scale eating and drinking venue accommodating up to 300 people would provide benefits to the local economy and contribute to the vibrancy and vitality of the hospitality offer within the city centre. It would also be of assistance in providing an interim use on an area of vacant land, prior to the long-term permanent redevelopment of the site in accordance with local plan policy CC4. This could play a role in discouraging anti-social behaviour from the area in the meantime. The site is within the city centre leisure area and therefore the principle of the location is acceptable.
72. Some harm would be caused to designated heritage assets, including the Conservation Area and Grade II listed Tudor Hall due to the design and appearance of the proposed building. However, regard is had to the current negative appearance of the site, the fact it would be generally well screened by taller buildings from many views and also the temporary nature of the proposal. Given these considerations, it is considered that the benefits of the proposal would outweigh the less than substantial harm in this instance.

73. It is recognised that the development has the potential to cause amenity impacts from noise caused by comings and goings and also from the venue itself. This has resulted in significant amendment to the application with the removal of all external activities. In addition, concerns have been raised about impacts from people leaving the venue after consuming alcohol. To deal with this, a number of conditions are recommended to strictly control noise and keep it within acceptable limits, as well as ensuring the venue is managed carefully to minimise impacts from people arriving and leaving. Furthermore, planning permission would be required for continued operation beyond the first 12 months and there would be an opportunity to review the impacts of the proposal at this time.
74. On this basis, the application is recommended for approval, subject to conditions including that the permission expires after 12 months and all related buildings and structures are removed from the site at that time. Whilst the application was for 9 months, a 12 month/1 year period of time is considered appropriate in terms of further review and a reasonable time frame for the consent.

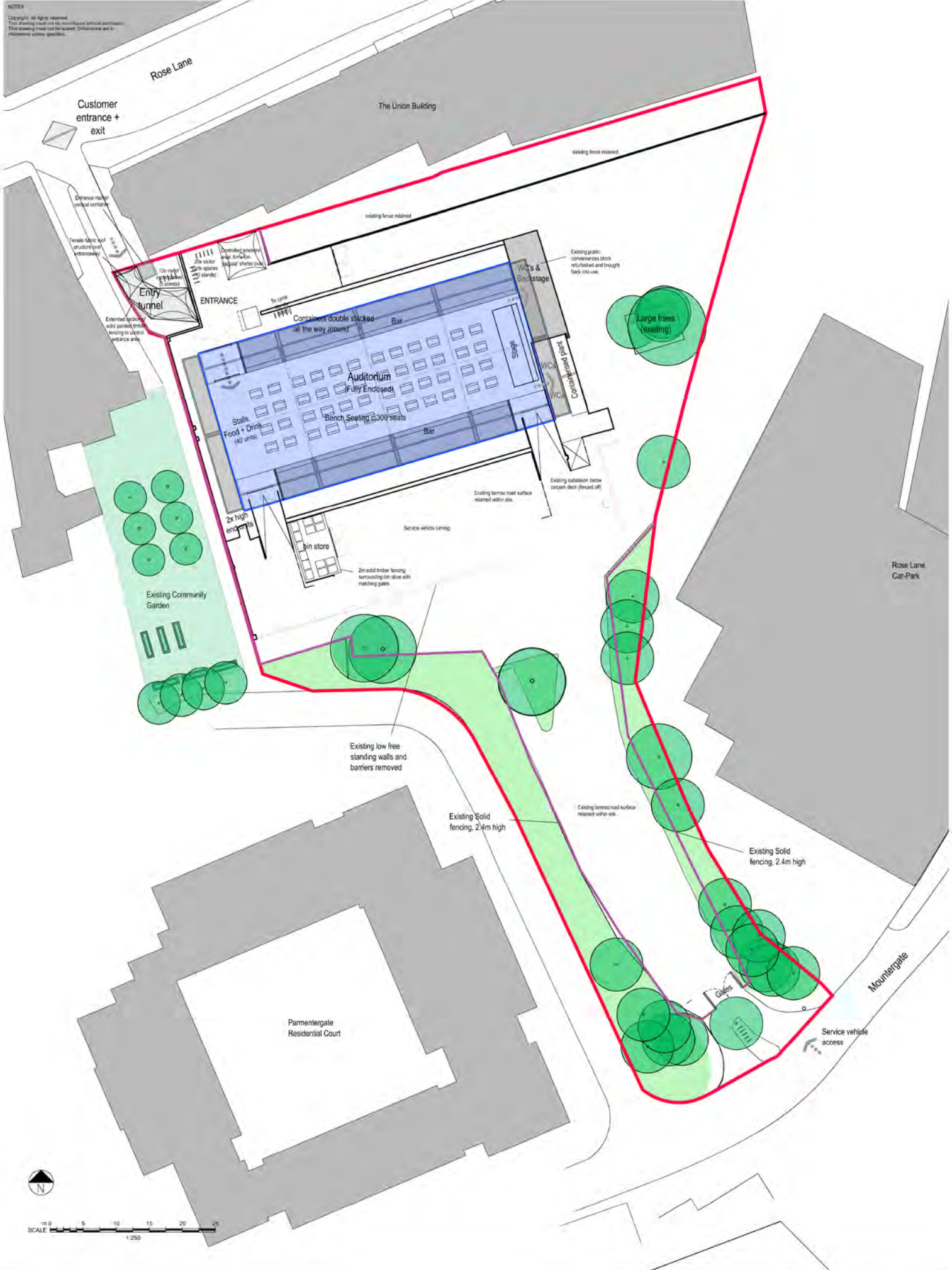
### **Recommendation**

To approve application 21/00821/F and grant temporary planning permission subject to the following conditions:

1. In accordance with plans;
2. Permission to expire after 12 months of use commencing, the use to cease and all related buildings and structures to be removed.
3. External materials and boundary treatments to be approved
4. Opening hours restricted to between 12.00-22.30 Sunday-Wednesday and 12.00—23.00 Thursday-Saturday.
5. Prior to the first occupation a noise and venue management plan to include anti-terrorist measures shall be submitted
6. Anti-vibration mountings details
7. Sound insulation of plant and machinery
8. Restrictions on amplified noise outside the building
9. Restriction on use of amplified sound equipment
10. Requirement for installation of mechanical ventilation for noise attenuation purposes
11. Requirement for inner lobby for noise attenuation purposes
12. Restriction on use of fire exits
13. Installation of noise limiter
14. Ventilation and extraction details
15. External lighting details
16. All activities associated with the use to be carried outside inside the building, no leisure or hospitality use to take place outside.
17. Car parking and cycle parking details to be approved and to be provided prior to first use
18. Scheme for provision for on site parking for construction workers to be approved
19. Travel information plan to be approved
20. Arboricultural supervision
21. Details of arboricultural works to facilitate development
22. Works in accordance with arboricultural report.
23. Details of anti-terrorist barriers to be provided and implemented prior to first use (if required).

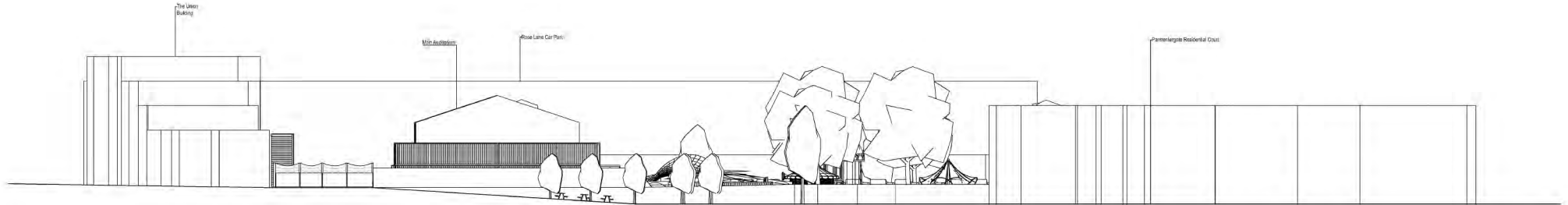


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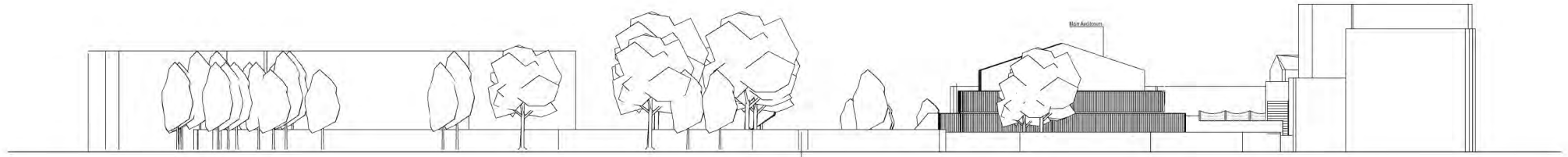


PH 02 10 21	Outdoor Seating, Service, Access, Entry, Exit	ERA	09
PH 02 02 21	Condition: New	ERA	09
MR	DATE	REVISIONS	BY

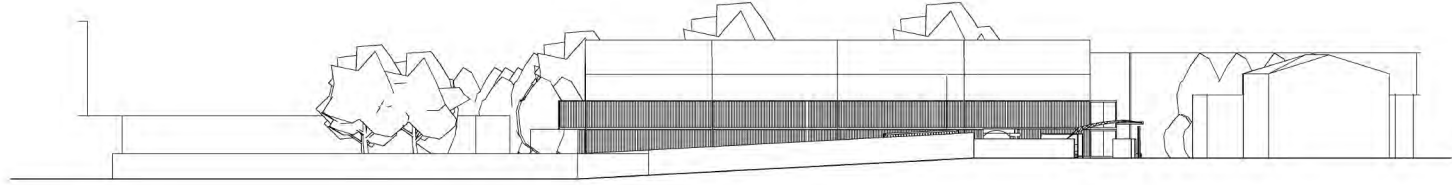
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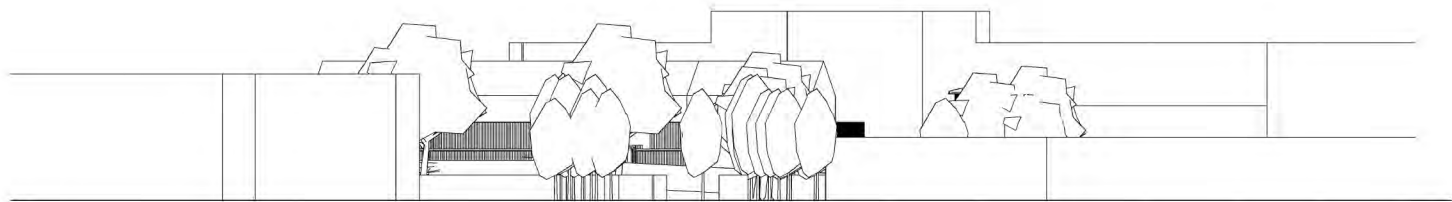
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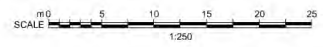
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NORTH ELEVATION

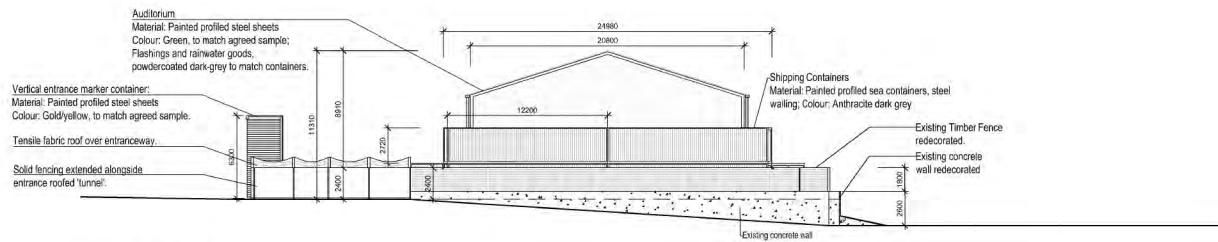


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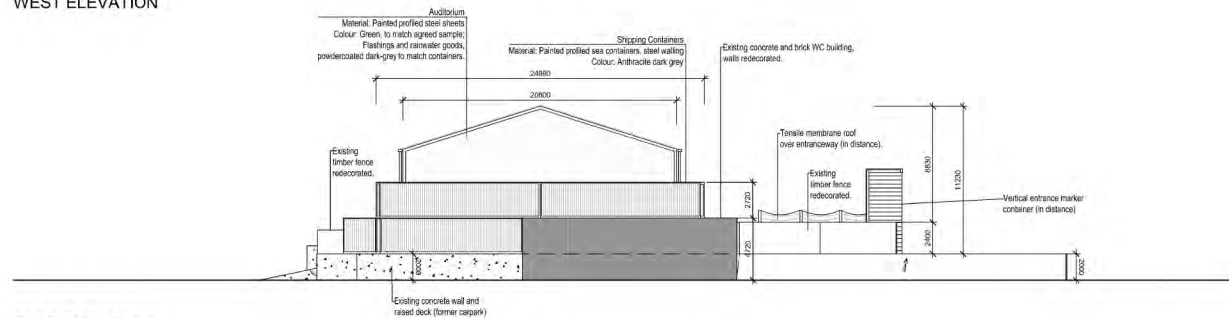


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P03	16/12/21	Revised for client meeting	DLA	BP
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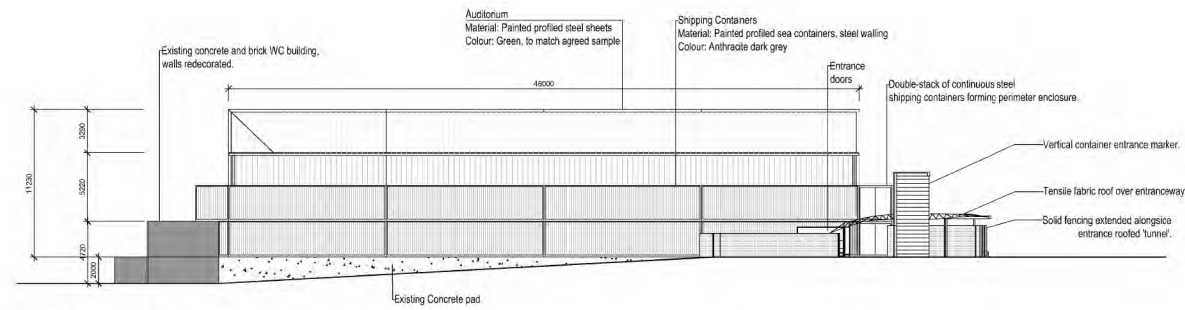




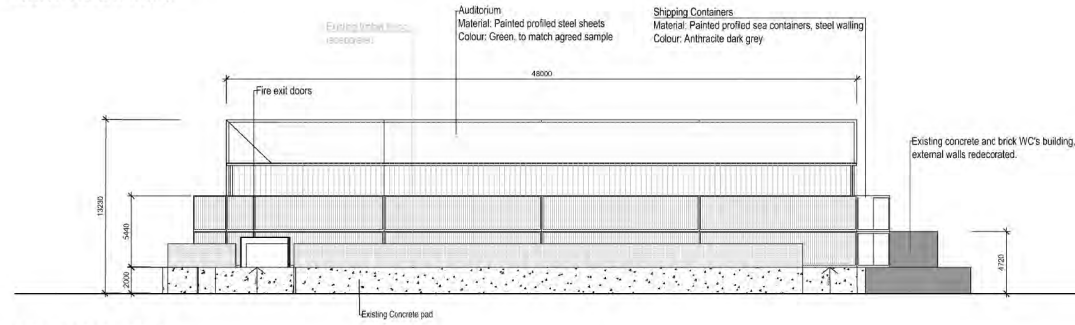
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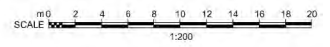
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NORTH ELEVATION



SOUTH ELEVATION



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