

Report for resolution

Report to Planning Applications Committee
3 March 2011

Report of Planning Development Manager

Subject Response to Planning Inspectorate: Appeal at 8 Redwell Street, Norwich NR2 4SN. (Thorpe Hamlet Ward)

Item
6(1)

Purpose

To report that an appeal has been lodged against the refusal of planning application 10/01250/F concerning a proposed change of use from shop (Use Class A1) to a drinking establishment (Class A4) with external alterations, relating to 8 Redwell Street, Norwich.

Recommendations

That the Statement of Case of Norwich City Council (to be circulated at Planning Applications Committee) be sent to the Planning Inspectorate as the formal view of Norwich City Council, Planning Applications Committee Members.

Financial Consequences

The financial consequences of this report are none. Failure to adequately defend an appeal may result in the award of costs to the appellant.

Strategic Priority and Outcome/Service Priorities

The report helps to meet the strategic priority "Strong and prosperous city – working to improve quality of life for residents, visitors and those who work in the city now and in the future".

Contact Officers

Rob Parkinson, Senior Planning Officer

01603 212765

Background Documents

Planning Application 10/01250/F.

Report

Background

1. The Committee report dated 26th August 2010 and heard at Planning Applications Committee on the same day outlines the Officer recommendation on the planning application (ref. 10/01250/F), which was refused and has now been appealed. The Officer's recommendation was for approval of the proposed change of use of the premises from a retail use (Class A1) to a drinking establishment (Class A4).
2. The appendices as outlined below show the relevant documents.
3. Members will recall they considered the proposal to have made inadequate progress in resolving their previous concerns raised in considering an earlier application (ref. 09/01105/U); this is documented within the appendices. As such, Members requested that the following (summarised) reasons for refusal were applied to application 10/01250/F:
 - Detrimental impact to the character of this part of the Conservation Area;
 - Absence of smoking facilities would cause detrimental impact on amenity of neighbouring residents, community facilities and businesses.
 - Absence of smoking facilities would cause detrimental impact to the safe and free flow of pedestrians around the site.
 - The cumulative impacts of the proposal would cause a detrimental impact to amenity and link the area to other areas of more intense drinking outlets and night time uses, leading to an increased fear of crime and disorder.
 - There was inadequate servicing, refuse and access arrangements.
 - The inadequate acoustic assessment combined with the nature and structure of the listed building make a reasoned assessment of the proposal impossible, and mitigation measures may prove unfeasible.
4. The appellant has chosen to appeal the above reasons for refusal using the Written Representations procedure. Members are advised that a Statement of Case from the Council, and any representations from interested parties, will need to be submitted to the Planning Inspectorate by March 16th.
5. There has been no substantial change in policy since the application was refused, although by the time the appeal is heard the Joint Core Strategy may be adopted, which could give rise to a change in planning circumstance.

Recommendation

6. It is recommended that a Statement of Case be presented to the Inspectorate by March 16th, drawing on the report to planning committee from 26th August, and its predecessor for application 09/01105/U. The proposed conditions presented to Members on 26th August will also be described in greater detail than was proposed initially.

List of Appendices

Appendix 1:

Copy of Committee report dated 26th August 2010 for planning application 10/01250/F, which included (within its own Appendices 1 and 2) the Committee Report from 17th December 2009, for a similar proposal under application 09/01105/U, and associated minutes thereof.

Appendix 2:

Minute of discussions and decision of Planning Applications Committee on the 26th August 2010.

Appendix 3:

Decision Notice application 10/01250/VC.

Appendix 4:

Grounds of appeal of appellant.

Appendix 1: Copy of Committee report dated 26th August 2010.

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Appendix 2: Minutes of Planning Applications Committee 26th August 2010 – discussion and decision.

1. APPLICATION NOS 10/01250/F & 10/01251/L 8 REDWELL STREET, NORWICH, NR2 4SN

(Councillor Offord had declared that he had a pre-determined view of this application and did not take part in the decision making.)

The Senior Planner (Development) presented the report with the aid of slides and plans. He referred to the objections received from the Chair of the Central Norwich Citizen's Forum, who was unable to attend the meeting. A further representation had been received from a neighbour objecting to the proposed change of use on the grounds of increased noise and disturbance and that there was no justification for the building to be used as a public house. The Norwich Society had submitted a representation objecting to the application and a summary was circulated at the meeting. Members were advised that the licensing of tables and chairs (and by association any area of highway designated for specific patron use) on the highway was outside the remit of this committee. It was therefore proposed that condition 14 should be deleted from the recommendations. The Senior Planner referred to the extract from the minutes of the meeting held on 17 December 2009 and the report and said that not all of the committee's reasons for refusal had been satisfied and suggested that members needed to carefully consider what changes in circumstances had occurred since the decision on the previous application for change of use on this site.

Five local residents addressed the committee and outlined their objections to the proposed change of use. These included: concerns about noise and disturbance, particularly in that the building could not be adapted to minimise noise and that windows would be opened for ventilation, and there were already a number of licensed premises in the area; the premises were in a conservation area and would have a detrimental effect on the Church of St Michael at Plea; there was no provision for smoking within the boundaries of the premises and that the pavement would be obstructed; CCTV cameras would not deter anti-social behaviour; refuse bins would not be emptied at weekends and would be unsightly to tourists; that the use of the premises as a licensed bar would be detrimental to the amenity of the residences within the vicinity. The proprietor and resident of a retail shop in Elm Hill said that the use of 8 Redwell Street as a shop had encouraged tourists and shoppers into Elm Hill. Councillor Offord, Ward Councillor for Thorpe Hamlet Ward, concurred with the points made by the residents and said that the junction of St Andrews Street and Redwell Street was a busy road and not suitable for people congregating to smoke and was near a number of offices; and also that he considered that the applicant had not addressed the committee's 6 reasons for refusal of the previous application.

(Councillor Offord left the meeting at this point.)

The agent said that the applicant had taken account of the members concerns regarding the previous application and that these could be dealt with by condition. He pointed out that the application was within the Council's designated leisure area and was for a drinking establishment with background music. Other issues, such as opening hours and numbers permitted on the premises, would be dealt with by the Council's Licensing Committee. The premises was currently empty and this proposal would bring it into use again.

The Chair then gave permission for the applicant's acoustic consultant to address the committee. The consultant said that a noise assessment had been carried out on 26 May 2010 and the matter had been subsequently discussed with an Environmental Health enforcement officer. The building was single glazed. The basis of his recommendation was that a limiting device be fitted to any sound equipment used on the premises.

Members were advised that the Fire Service determined the maximum number of people in the building and that the premises was not in a defined retail area and that the proposed change of use was suitable for a designated leisure area where a mixture of uses was encouraged.

Discussion ensued in which members considered the management of the potential customers of the premises. Members were advised that CCTV could be a condition of the planning permission but that this would act as a deterrent rather than manage behaviour and that security staff were limited to the boundaries of the premises. Councillor Little said that the proposal was an overdevelopment and that residents could not be expected to put up with the noise and disturbance. There were no plans for ventilation of the premises and a smoking area had not been provided. The committee's reasons for refusing the previous application had not been addressed. Other members concurred and considered that the building and location were not right for a licensed premises and that a restaurant or café would be a more suitable use.

Members then considered the reasons for the refusal of the previous application and agreed minor textual changes. It was suggested that reason 4 be amended to include reference to the other licensed premises already close to the area. A noise assessment had been conducted and it was necessary to amend reason 6 and note that it may be impracticable for the occupier of the building to control noise because of the constraints of the building and if sound systems were limited, the volume would be so low it may be impracticable for a public bar to operate.

Councillor Little moved and Councillor Banham seconded that the application be refused for substantially the same reasons for refusal as given for the previous application as amended above.

RESOLVED with 3 members voting in favour of refusal (Councillors Bradford, Lubbock and Little), 1 member against (Councillor Driver) and 1 member abstaining (Councillor Coillishaw) to refuse Application Nos 10/01250/F 8 Redwell Street, Norwich, NR2 4SN for the following reasons:-

1. Impact on Character of Conservation Area

The proposal would cause a detrimental impact to the character of this part of the City Centre Conservation Area, changing its nature away from an area of predominantly residential, office and community uses, with minimal activity during the evenings, to a character involving a use that would generate large numbers of visitors to and from the site and associated activity on the street during the evening and the night. As such the proposal is considered to be contrary to national policy PPS5 and saved policy HBE8 of the adopted City of Norwich Replacement Local Plan (November 2004).

2. Lack of smoking shelter - amenity

The lack of a smoking shelter or any provision for smokers within the application site will lead to patrons needing to smoke outside the site and cause a detrimental impact to the amenity of local residents, community and commercial premises, through the

associated noise, smoke and litter. As such the scheme is contrary to saved policies EP22 and HBE12 of the adopted City of Norwich Replacement Local Plan (November 2004).

3. Lack of smoking shelter - highway safety

The lack of a smoking shelter or any provision for smokers within the application site will give rise to patrons smoking on the public highway adjacent to the site. The public highway surrounding the application site is made up of narrow footways. Taken together, it is considered that the proposal will compromise highway safety and lead to a danger to pedestrians, including both local residents and patrons of the public house, and as such the scheme is contrary to saved policies TRA3, TRA5, TRA14, TRA24, HBE12 and EP22 of the adopted City of Norwich Replacement Local Plan (November 2004).

4. Harm to amenity and fear of crime

By virtue of the noise and increased activity at the site, and likely increased smoke, litter and disturbance from, in, or around the site, and as a result of the scale and intensity of the proposed use, the development would give rise to an unacceptable detrimental affect on the amenity of the surrounding area, the effects of which would be to link the premises to other areas where there is a concentration of night time uses. The proposal would also cause harm to the level of amenity currently available to the residential, community and commercial uses in the immediate area of the application site, and would result in an increased fear of crime and disorder amongst local residents and pedestrians in the area. As such the scheme is contrary to national policy PPS1 and saved policies EP22, HBE12 and HBE19 of the adopted City of Norwich Replacement Local Plan (November 2004).

5. Servicing, access and highways safety

The proposal, given the scale and intensity of the use of the premises over three floors, does not include adequate servicing, refuse storage, or access arrangements. The absence of an immediately available servicing bay connected to the premises, and the inadequate refuse provision and disposal strategy, and the inadequate disabled access proposals would all result in unsatisfactory vehicular or pedestrian access to the site and obstruction to the public highway, and would subsequently be detrimental to highways safety. As such the scheme is contrary to national policy PPS1 and saved policies TRA3, TRA5, TRA8, TRA14, TRA24, HBE12 and HBE19 of the adopted City of Norwich Replacement Local Plan (November 2004).

6. Lack of an adequate noise assessment.

Given the lack of an adequate acoustic assessment in relation to the potential for noise break-out from the premises, it is considered that insufficient information has been submitted to enable the Local Planning Authority to make a reasoned assessment of the proposal. In addition, any mitigation measures needed to address the possible noise impacts could create an adverse impact on both the character of the Conservation Area or the historic fabric of the Listed Building, or, by virtue of the restrictions imposed by the nature and structure of the Listed Building, such measures may prove to be impractical or unreasonable for being implemented by the occupier such to prevent detrimental impact to neighbouring premises. As such the scheme is considered to be contrary to national policy PPS5 and PPG24 and saved policies EP22, HBE8 and HBE9 of the adopted City of Norwich Replacement Local Plan (November 2004).

(2) with 4 members voting in favour (Councillors Bradford, Lubbock, Little and Driver) and 1 member abstaining (Councillor Collishaw) to approve Application No 10/01251/L, 8 Redwell Street, Norwich, NR2 4SN and grant listed building consent, subject to the following conditions:

1. Standard time limit;
2. The development shall be built in accordance with the plans as approved;
3. Details of fire escape, including joinery and materials prior to commencement;
4. Details of refuse and disabled access ramp to be agreed and installed before use;
5. Details of litter bins / cigarette butt containers to be agreed;
6. Noise insulation measures and installation methods to be agreed and installed prior to first use;
7. Bars, seating, partition walls, interior cladding, joinery, and fixing details all to be agreed;
8. New doors details for the new first floor single door and the ground floor front door hanging shall be agreed, to include joinery and fixings;
9. Any further works proposed or arising as necessary to be notified to and where necessary approved by the LPA;
10. Details of CCTV positioning and installation to be agreed prior to first use.

(Reasons for approval: The recommendation has been made with regard to the provisions of the development plan, so far as material to the application, including saved policies HBE8, HBE9 and HBE12 of the adopted City of Norwich Replacement Local Plan (November 2004), and national policies PPS1 and PPS5, and all other material planning considerations. The alterations proposed are considered acceptable within a historic Listed Building premises within the City Centre Conservation Area. Subject to conditions imposed to control the final external designs and internal installations and alterations, the scheme is considered appropriate to secure the ongoing preservation of a historic Listed Building and avoid any detrimental impact on the Listed Building.)

(Councillor Offord was readmitted to the meeting at this point.).

Appendix 3: Decision Notice application 10/01250/F.



NORWICH
City Council

DNPA F

Application submitted by:

A Squared Architects Ltd
93 - 95 King Street
Norwich
NR1 1PW

On behalf of:

Global Binding Engineers Ltd
5 The Old Church
St Matthews Road
Norwich
NR1 1SP

TOWN AND COUNTRY PLANNING ACT 1990
REFUSAL OF PLANNING PERMISSION

Application Number: 10/01250/F

Valid date of application: 1st July 2010

Decision date: 26th August 2010

Location: 8 Redwell Street Norwich NR2 4SN

Proposal: Change of use from shop (Class A1) to drinking establishment (Class A4) with minor external alterations to create new fire exit.

Reasons:

1. The proposal would cause a detrimental impact to the character of this part of the City Centre Conservation Area, changing its nature away from an area of predominantly residential, office and community uses, with minimal activity during the evenings, to a character involving a use that would generate large numbers of visitors to and from the site and associated activity on the street during the evening and the night. As such the proposal is considered to be contrary to national policy PPS5 and saved policy HBE8 of the adopted City of Norwich Replacement Local Plan (November 2004).
2. The lack of a smoking shelter or any provision for smokers within the application site will lead to patrons needing to smoke outside the site and cause a detrimental impact to the amenity of local residents, community and commercial premises, through the associated noise, smoke and litter. As such the scheme is contrary to saved policies EP22 and HBE12 of the adopted City of Norwich Replacement Local Plan (November 2004).
3. The lack of a smoking shelter or any provision for smokers within the application site will give rise to patrons smoking on the public highway adjacent to the site. The public highway surrounding the application site is made up of narrow footways. Taken together, it is considered that the proposal will compromise highway safety and lead to a danger to pedestrians, including both local residents and patrons of the public house, and as such the scheme is

DECISION SENT AUG 26 2010

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NORWICH City Council

contrary to saved policies TRA3, TRA5, TRA14, TRA24, HBE12 and EP22 of the adopted City of Norwich Replacement Local Plan (November 2004).

4. By virtue of the noise and increased activity at the site, and likely increased smoke, litter and disturbance from, in, or around the site, and as a result of the scale and intensity of the proposed use, the development would give rise to an unacceptable detrimental affect on the amenity of the surrounding area, the effects of which would be to link the premises to other areas where there is a concentration of night time uses. The proposal would also cause harm to the level of amenity currently available to the residential, community and commercial uses in the immediate area of the application site, and would result in an increased fear of crime and disorder amongst local residents and pedestrians in the area. As such the scheme is contrary to national policy PPS1 and saved policies EP22, HBE12 and HBE19 of the adopted City of Norwich Replacement Local Plan (November 2004).
5. The proposal, given the scale and intensity of the use of the premises over three floors, does not include adequate servicing, refuse storage, or access arrangements. The absence of an immediately available servicing bay connected to the premises, and the inadequate refuse provision and disposal strategy, and the inadequate disabled access proposals would all result in unsatisfactory vehicular or pedestrian access to the site and obstruction to the public highway, and would subsequently be detrimental to highways safety. As such the scheme is contrary to national policy PPS1 and saved policies TRA3, TRA5, TRA8, TRA14, TRA24, HBE12 and HBE19 of the adopted City of Norwich Replacement Local Plan (November 2004).
6. Given the lack of an adequate acoustic assessment in relation to the potential for noise break-out from the premises, it is considered that insufficient information has been submitted to enable the Local Planning Authority to make a reasoned assessment of the proposal. In addition, any mitigation measures needed to address the possible noise impacts could create an adverse impact on both the character of the Conservation Area or the historic fabric of the Listed Building, or, by virtue of the restrictions imposed by the nature and structure of the Listed Building, such measures may prove to be impractical or unreasonable for being implemented by the occupier such to prevent detrimental impact to neighbouring premises. As such the scheme is considered to be contrary to national policy PPS5 and PPG24 and saved policies EP22, HBE8 and HBE9 of the adopted City of Norwich Replacement Local Plan (November 2004).

Note: This notice applies to the following drawings:

09 38 10 Composite Plans Received 30th June 2010

09 38 03 Other Received 30th June 2010

Note To Accompany Application Received 30th June 2010



NORWICH
City Council

Acoustic Report Received 30th June 2010

Graham Nelson
Head of Planning and Regeneration Services

Appendix 4: Grounds of appeal of appellant.

Note – The full submission from the appellant can be viewed at the Planning Department or via Public Access, by quoting the application number 10/01250/F.



Town Planning & Development Consultants

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Tel: 01993 814580 Fax: 01993 814589
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Head of Planning & Regeneration Services
Norwich City Council
City Hall
NORWICH
NR2 1NH

10/O/191

26 January 2011



Dear Sir/Madam

Planning appeal against the refusal of planning application 10/01250/F
8 Redwell Street, Norwich, NR2 4SN
PINS Ref: APP/G2625/A/11/2145533

I enclose a copy of the appeal form and attached additional documents submitted electronically today via the Planning Portal to the Planning Inspectorate.

The appellant's Statement of Case will follow in due course.

I have not sent you the copies of the original planning application documents, your Authority's acknowledgement letter and your Authority's decision notice, given that you will already have these on your file.

Yours faithfully


Stephen Matthews
Principal Consultant

Enc.

H. GROUNDS OF APPEAL

If you have chosen the written representations procedure, your **FULL** grounds of appeal must be made, otherwise we will return the appeal form.

If you have requested a hearing or an inquiry, you do not have to provide your full grounds of appeal. You can provide only a brief outline of your grounds, but it must be sufficiently detailed and comprehensive enough to enable the LPA to prepare their case.

Refer to our booklet 'Making your planning appeal' for help.

Please continue on a separate sheet if necessary.

Do you intend to submit a planning obligation (a section 106 agreement or a unilateral undertaking) with this appeal? YES ☒ NO

1. The planning application support statement, entitled Note to Accompany Application, prepared by A Squared Architects Ltd, describes the appeal site and its surroundings. The key local planning policies have also been referred to in this document. The planning application, the subject of this appeal, was also accompanied by an Assessment of Potential Noise Impact and Recommendations for Remedial Measures prepared by Big Sky Acoustics dated 14/06/2010. This supplemented the description of the site and elaborated on its proposed use, assessing the noise impact implications of this and making recommendations for remedial measures. These documents, together with the application papers and the correspondence between the appellant's agents and the LPA and their consultees provide the context of information for this proposal that was considered by the LPA. The subsequent Statement of Case will elaborate upon this information and make the appellant's case fully.

2. The appellant argues that the appeal premises are sustainably located within a mixed use area and the proposed change of use of the appeal site to a Class A4 use will provide for an appropriate and beneficial reuse of this vacant listed building which would not result in a detrimental impact upon the character and appearance of this part of the Norwich City Centre Conservation Area. The appellant also argues that the proposed change of use will not result in a detrimental impact on the amenities of local residents, community and commercial premises through noise, smoke and litter. The appellant also argues that the proposed change of use will not result in a compromise of highway safety nor lead to a danger to pedestrians, both local residents and patrons of the public house. The appellant also argues that the proposed change of use will not result in an unacceptable detrimental affect on the amenity of the surrounding area from any increased smoke, litter, and disturbance and will not result in harm to the level of amenity currently available to the residential, community and commercial uses in the immediate area and would not result in an increased fear of crime and disorder amongst local residents and pedestrians in the area. The appellant also argues that the proposed change of use will provide adequate servicing, refuse storage and access arrangements to serve the proposed use and will provide reasonable vehicular and pedestrian access to the site without detriment to highway safety within the reasonable limits and constraints imposed by its city centre location and its listed building status. The appellant also argues that adequate acoustic assessment has been undertaken, and that reasonable liaison and use of standard planning conditions would satisfactorily resolve this issue, without detriment to either the character and appearance of the Conservation Area or the historic fabric of the listed building itself or the amenities of neighbouring premises. These arguments will be elaborated upon in the subsequent appellant's Statement of Case.

3. The appellant also argues that the proposed use of this building will accord with the aspirations of both national and local planning policy, including PPS4 and PPS5. These arguments will be elaborated upon in the subsequent appellant's Statement of Case.

4. The appellant also argues that this planning decision must be made in the light of the evidence presented by the appellant and within the context of the controlling role of other legislation, especially that of the Licensing Authority. These arguments will be elaborated upon in the subsequent appellant's Statement of Case.

Report for Resolution

Report to Planning Applications Committee
26 August, 2010

Report of Head of Planning Services

Subject 10/01250/F & 10/01251/L 8 Redwell Street, Norwich,
NR2 4SN

Item
5(2)

SUMMARY

Description: 10/01250/F: Change of use from shop (Class A1) to drinking establishment (Class A4) with minor external alterations to create new fire exit.

and:

10/01251/L: Alterations to facilitate change of use from retail (Class A1) to drinking establishment (Class A4).

Reason for consideration at Committee:

Objections

Recommendation: Approve

Ward: Thorpe Hamlet

Contact Officer: Mr Rob Parkinson Senior Planning Officer
(Development)

Date of receipt: 30th June 2010

Applicant: Global Binding Engineers Ltd

Agent: Mr Paul Abbott, A Squared Architects Ltd

INTRODUCTION

The Proposal and its recent Planning History

1. These applications are both re-submitted proposals concerning a previous change of use, at the same premises, from retail (use class A1) to drinking establishment (use class A4) [application 09/01105/U], and associated works to the Listed Building [application 09/01107/L]. Both previous applications were considered by Planning Applications Committee on 17th December 2009. A copy of the previous report to committee and extract from the Minutes is appended to this committee report.
2. Members may recall that Officers recommended approval of the two previous schemes, but sufficient concerns remained at the time to lead Members to overturn this recommendation and refuse the application for the change of use (09/01105/U), although the changes proposed were not sufficient to warrant refusal of the Listed Building application. The reasons for refusal for the change of use are discussed within this report, below.

3. The applicant has since sought to address the previous concerns of the Committee, and these measures are discussed in detail below.
4. The applicant proposes opening hours of 11am to 1am on Fri/Sat nights (Sat/Sun mornings) and until midnight on other days and Bank Holidays.
5. Some minor alterations are proposed to the interior to allow easier access and provision of toilets and storage, and a ground-floor level fire exit-only door is proposed on to St Andrews Street. The principal means of access is again proposed from Redwell Street.
6. The application suggests that of the three storeys the 'active' change of use to bar activity is only required for the basement, ground and first floors with the second floor (top storey) reserved for storage. However, the proposal is for change of use of the whole premises, so if necessary, conditions may be used to restrict certain activities within certain parts of the building.

The Site

Location and Context

7. This is a vacant retail premises with basement plus three-stories above, at the corner of Redwell Street and St Andrews Street. It is a Grade II Listed Building.
8. The site is surrounded by a mix of uses, of commercial uses, community uses, residential dwellings (including directly behind the site) and restaurants, cafes and bars in the near area (St Andrews Plain, Tombland and Queen Street).
9. The application's red-line application site boundary has been extended since the previous proposal, so the site now includes the adjoining alley-way to the north, between the site and the neighbouring Chandler House. However, this does not include the external courtyard area at the rear, so the proposed change of use would only apply to the building itself.

Relevant Planning History

10. The shop has been vacant for some years. There was a proposal in 2007, (applications 07/01050/F and 07/01052/L) for a second storey rear extension and change of use to restaurant, but these were withdrawn. Since then, the 2009 change of use application was refused (09/01105/U) although the associated works to the Listed Building were acceptable and so application 09/01107/L was approved by Planning Applications Committee on 17th December 2009.

Constraints

11. The immediate site constraints are its location within the City Centre Conservation Area, and the City Centre Leisure Area (defined in Local Plan saved policy AEC1). The site itself is not actually within either the city centre Primary Retail Area, nor the Secondary Retail Area.

Representations Received

12. These applications have both been advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. Over 30 letters of representation have been received between the two proposals, citing the issues as summarised in the table below. The same kinds of objections were also raised by

over 30 letters of objection, during the course of the 2009 proposals, and are also detailed in the attached previous committee report. The relevant ones are:

Issues Raised	Response
There is no need for a new pub and it could be at the expense of changing the cultural and historic character of the area.	See paragraph 27-28
The shop use should not be lost - it would affect retail in the area.	27-28
Noise disturbance would increase for local residents.	30-34
Highways safety could be compromised for visitors and residents.	36-41
There is no smoking area provided at the site.	18, 31, 36
Crime, disorder, anti-social behaviour and littering will increase.	27-28, 33
Servicing and deliveries will obstruct the highway.	40-41
The premises are not suitable for a pub in terms of its construction.	32, 35
The door to St Andrews Street should not be allowed for access.	Condition.

Consultation Responses

- 13. Environmental Health** (received 16.07.10): There are concerns that noise could cause disturbance from three sources: music noise escaping from the building, including doors; people noise from smokers in the street outside; and possible noise from any plant and machinery suggested outside. Overall, providing that adequate alterations can be made within the constraints of needing to protect the Listed Building, the proposal is acceptable subject to use of stringent conditions, including to: first agree a specification and amplification of sound systems; restrict the sound emissions; agree a management scheme for controlling sound levels; restricting hours of use; and controlling any plant and machinery.
- 14. Norfolk Police Authority Architectural Liaison** (3.8.10): In addition to the concerns expressed in November 2009 (see previous report), the proposed use of the public highway as a smoking area would require monitoring by staff and CCTV as there are obstructions to this at present, and the narrow pavement could lead to pedestrian danger as people step off the path. The building is proposed to be used very intensively, and could lead to anti-social behaviour. CCTV should be installed inside the premises and at entrance and exit doors, and should be visible to staff and visitors as a deterrent and reassurance tool.

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

Relevant National Planning Policies

PPS1: Delivering Sustainable Development
 PPS4: Planning for Sustainable Economic Growth
 PPS5 - Planning for the Historic Environment
 PPG24: Planning and Noise

Relevant Local Plan Policies

HBE8 – Development in Conservation Areas
 HBE9 – Development affecting Listed Buildings

HBE12 – High quality of design
HBE19 – Design for safety and security including minimise crime
EP22 – Residential amenity
SHO22 – Food and drink uses and conditions on hot food takeaways
AEC1 – Major art and entertainment facilities – location and sequential test
TRA5 – Approach to design for vehicle movement and special needs
TRA7 – Cycle parking standards
TRA8 – Servicing provision

Previous reasons for refusal and changes to address them

Previous application 09/01105/U:

15. **Reason for Refusal 1:** “The proposal would cause a detrimental impact to the character of this part of the City Centre Conservation Area, changing its nature away from an area of predominantly residential, office and community uses, with minimal activity during the evenings, to a character involving a use that would generate large numbers of visitors to and from the site and associated activity on the street during the evening and the night.”
16. **Response:** The application has not been able to address these concerns, but the proposal represents an acceptable use for this part of the city centre.
17. **Reason for Refusal 2:** “The lack of a smoking shelter or any provision for smokers within the application site will lead to patrons needing to smoke outside the site and cause a detrimental impact to the amenity of local residents, community and commercial premises, through the associated noise, smoke and litter.”
18. **Response:** The application has not been able to provide a specific smoking shelter within the curtilage of the applicant’s ownership to address this concern. Smoking is proposed to take place on the adjoining public footpath highway, which is not considered by officers to cause a significant detrimental impact on neighbouring amenity, and this is considered a matter for licensing to address through conditions to cover management of the premises.
19. **Reason for Refusal 3:** “The lack of a smoking shelter or any provision for smokers within the application site will give rise to patrons smoking on the public highway adjacent to the site. The public highway surrounding the application site is made up of narrow footways. Taken together, it is considered that the proposal will compromise highway safety and lead to a danger to pedestrians, including local residents or patrons of the public house.”
20. **Response:** The application has not been able to address this concern but the proposed footpath smoking area is not considered by officers to lead to any significant detrimental impact on highway safety.
21. **Reason for Refusal 4:** “By virtue of the noise and increased activity at the site, and likely increased smoke, litter and disturbance from, in, or around the site, and as a result of the scale and intensity of the proposed use, the development would give rise to an unacceptable detrimental affect on the amenity of the surrounding area. It would also cause harm to the level of amenity currently available to the residential, community and commercial uses in the immediate area of the application site and would result in an increased fear of crime and disorder amongst

local residents and pedestrians in the area.”

22. **Response:** The application has not been able to address these concerns specifically, given that they arise from the nature of the use. However, officers consider the use to be appropriate to this part of the city centre and consider that amenity can be protected to an acceptable level through the use of conditions, such as noise mitigation works and installation of CCTV.
23. **Reason for Refusal 5:** “The proposal, given the scale and intensity of the use of the premises over three floors, does not include adequate servicing, refuse storage, or access arrangements. The absence of an immediately available servicing bay connected to the premises, and the inadequate refuse provision and disposal strategy, and the inadequate disabled access proposals would all result in unsatisfactory vehicular or pedestrian access to the site and obstruction to the public highway, and would subsequently be detrimental to highways safety.”
24. **Response:** The scheme has improved the refuse collection proposals and improved disabled access by introducing the alleyway into the site and providing a ramped access to the rear door. The internal refuse store is shown close to the exit and the refuse strategy proposes collections every week day, although not at weekends. Officers consider that conditions could be used to ensure the prompt removal of refuse containers from the highway on every day if necessary.
25. **Reason for Refusal 6:** “Given the lack of an acoustic assessment in relation to the potential for noise break-out from the premises, it is considered that insufficient information has been submitted to enable the Local Planning Authority to make a reasoned assessment of the proposal. In addition, any mitigation measures needed to address the possible noise impacts could create an adverse impact on both the character of the Conservation Area or the historic fabric of the Listed Building.”
26. **Response:** Following receipt of an acoustic survey it is considered possible for necessary noise insulation measures to be provided within the constraints of the building’s fabric and to avoid harm to the appearance of either the building or the surrounding Conservation Area, prior to the commencement of first use.

Principle of Development

Policy Considerations

27. Members are reminded that as the Local Plan has not defined this part of the city centre as a specific retail area for protection, there is no policy objection to the loss of the shop use and the applicant need to justify the loss of the retail unit. However, the nearby streets of Elm Hill and London Street are both within Secondary Retail Areas as defined by Local Plan policy SHO11 and Redwell Street might be used as a through-route to the two by shoppers in the area.
28. Recent national policy (PPS4) does not require the use to be justified in the city centre. There are also no grounds for objecting to the principle of the site’s proposed use as a drinking establishment (use class A4) given that the site remains in the City Centre Leisure Area and such uses are directed towards these locations by local policy (AEC1 and SHO22). Nevertheless, under policy SHO22 the proposal should still account for the potential effects of noise and disturbance upon the occupants of adjoining dwellings, to ensure the location is appropriate.

29. It is still considered appropriate to restrict the opening hours of this site to be consistent with others in the Leisure Area. Accordingly, a condition is proposed for any permission to limit opening hours to between those of 11am and midnight, on any day.

Impact on Living Conditions

Noise and Disturbance

30. A noise survey has been undertaken and has found that acoustic disturbance can be avoided by using reasonable technical sound control measures and management of the premises.
31. People noise from patrons outside the premises or within any smoking area would be more appropriately controlled by the conditions of any operational premises license for the site. This could require management controls to be put in place and applied within best reasonable endeavours of the management, although some allowance has to be made for the fact that this is a public highway. Overall, it is hoped that reasonable planning conditions can be used to control the impacts of the change of use to a level consistent with the site being part of the Leisure Area.
32. The conditions on amplified sound controls and other measures as suggested by Environmental Health (paragraph 13) are enforceable and would not need any sound insulation measures to be added to the building, although the potential for sound leakage would of course be greater. However, it is considered both appropriate and acceptable to require sound insulation to be added to the building; and it is the considered view that such measures could be provided without compromising the integrity of the Listed Building, given the alterations that have already been made. Such measures might include installing sound insulation to walls, or secondary double glazing. These would provide greater resilience to sound leakage to bolster the effectiveness of conditions suggested by Environmental Health, and are proposed as conditions on any approval of planning permission.
33. The use of CCTV can be required by condition, with details of installation, coverage, monitoring and management to be agreed prior to first use. Likewise, cigarette and litter bins can be required by condition as part of any permission.
34. There is a contradiction in the application's submitted information in that the acoustic report suggests mechanical chilling units may be used at the rear of the site, but the application supporting statement maintains no such plant is proposed, and has not been shown on any plans. A condition can be imposed to restrict use of plant and machinery, to allow sound measures etc to be agreed, whilst any external plant would need to be subject of a new, specific planning permission. Should such a proposal arise, acoustic shielding may be possible within its design.

Listed Building and Conservation Area

35. There are no unacceptable impacts proposed to the Listed Building as interventions in the historic fabric are minimal and finer details of noise insulation measures and furniture installation can be required by condition. The use of the site as a pub should ensure the sustainable and continued maintenance of the historic asset, and possibly allow for a more viable range of uses at the site in the future. The use

proposed is also considered to be consistent with the character and appearance of this part of the Conservation Area where such facilities already exist.

Transport and Access

Pedestrian Links and Cycling Parking

36. There are no objections to the proposal on grounds of highway safety. Redwell Street is a low traffic, low speed street and the previous retail use did not present any fundamental highway safety risks to pedestrians. Overspill onto the pavement on Redwell Street may be a concern to some, however the proposed smoking area on St Andrews Street is considered sufficient to mitigate any potential risk. The paved area on St Andrews Street could accommodate a compact roped off smoking area if it leaves at least 2.5 metres pavement width, and subject to separate highways consent and ensuring the fire escape is free from obstruction.
37. Pavement obstruction issues will be reduced if the establishment refrained from use of A-boards, which would need prior consent anyway. Pavements in the city centre are heavily trafficked and the Redwell Street pavement should not be obstructed by bins. The fire exit door should not open outwards onto St Andrews Street to protect highway safety, but will also need to comply with building regulations, so the fire exit door should be recessed, and to do so its design may need to be split into two to reduce the depth of such a recess. The design of the door can be conditioned.
38. The door at present is shown to be inward-opening at the base of a stairwell. A condition is proposed to ensure it is only used as a fire escape, but any need for a recess to allow an outward-opening door has not been shown in the plans as submitted. Accordingly any further changes to the fire escape door, to comply with eventual building regulations control, would need to be subject to separate prior Listed Building consent. Any door proposed to be outward-opening over a highway would also need prior separate highways consent.
39. Cycle parking is considered necessary for visitors and staff, and 3-4 Sheffield-style hoops should be provided near to the premises on the wide pavement on St Andrews Street, to be required by condition and prior agreement with the city council highways officers, to meet the Local Plan standard.

Vehicular Access and Servicing

40. Loading is permitted at any time from Redwell Street and there is also pay and display short-stay parking opposite the building, with larger vehicle deliveries possible through the bollards by arrangement. Servicing is also possible from St Andrews Street out of hours.
41. The refuse arrangements are considered satisfactory but the management of the premises would need to ensure that bins or bags of refuse did not obstruct the narrow pavement and that collection times were minimal to reduce potential congestion on this narrow street. A daily collection can be required by condition.

Conclusions

42. Notwithstanding the concerns over the possible effects on local amenity, the proposed change of use is appropriate to the defined Leisure Area within this part

of the City Centre and will not compromise highways safety providing that adequate provision is made to accommodate and manage smokers. Subject to the conditions applied to minimise any detrimental impacts to the appearance of the building or on the amenity of residents, business and visitors to the area, application 10/01250/F your officers consider it to be acceptable. Subject to the conditions listed, it is your officers view that the development as proposed within application 10/01251/L is considered acceptable for approval and should secure the ongoing preservation of a historic Listed Building.

43. However, members will need to take note of the Committee's previous decisions on these applications and to carefully consider what changes in circumstances have occurred since the previous decision in December last year.

RECOMMENDATIONS

To approve:-

- (1) Application No (10/01250/F, 8 Redwell Street, Norwich, NR2 4SN) and grant planning permission, subject to the following conditions:-

1. Standard time limit;
2. The development shall be built in accordance with the plans as approved;
3. Details of St Andrews Street fire escape prior to commencement of building works;
4. Details of litter bins / cigarette butt containers to be agreed and installed prior to first use;
5. Refuse and disabled access ramp to be permanent addition and details to be agree and facility to be installed prior to first use;
6. Refuse management strategy and details of refuse containers to be agreed;
7. Restricted hours of use (to be 11am to midnight on any day);
8. Noise insulation measures to be provided prior to first use;
9. Specification of amplified sound system to be agreed and only to be played through the agreed permanently-installed system;
10. Sound level limits to be applied;
11. Amplified sound control and management measures thereof to be agreed;
12. Any internal plant and machinery shall be agreed prior to installation (note any external plant and machinery should be subject to separate specific consent);
13. CCTV to be installed and managed prior to use, including coverage, maintenance and management;
14. No use until a smoking area has been provided and clearly demarcated;
15. No use until off-site cycle storage details are agreed and stands are provided;
16. The door to St Andrews Street shall only be used as a fire exit, not as an access.

(Reasons for approval: The recommendation is made with regard to the provisions of the development plan, including saved policies HBE8, HBE9, HBE12, HBE19, EP22, SHO22, AEC1, TRA5, TRA6, TRA7 and TRA8 of the adopted City of Norwich Replacement Local Plan (November 2004), and national policy PPS1, PPS4 and PPS5. Having considered all of the above and other material planning considerations this is considered an acceptable use of a historic Listed Building premises within the City Centre Conservation Area and defined City Centre Leisure Area. Subject to conditions imposed to protect the amenity of adjacent and neighbouring existing residential development, and other non-residential uses and visitors in the area, the scheme is considered to provide an appropriate use for this part of the city centre,

whilst securing the ongoing preservation of a historic Listed Building and providing an acceptable quality of design and adequate means to mitigate any detrimental impact on the surrounding area.)

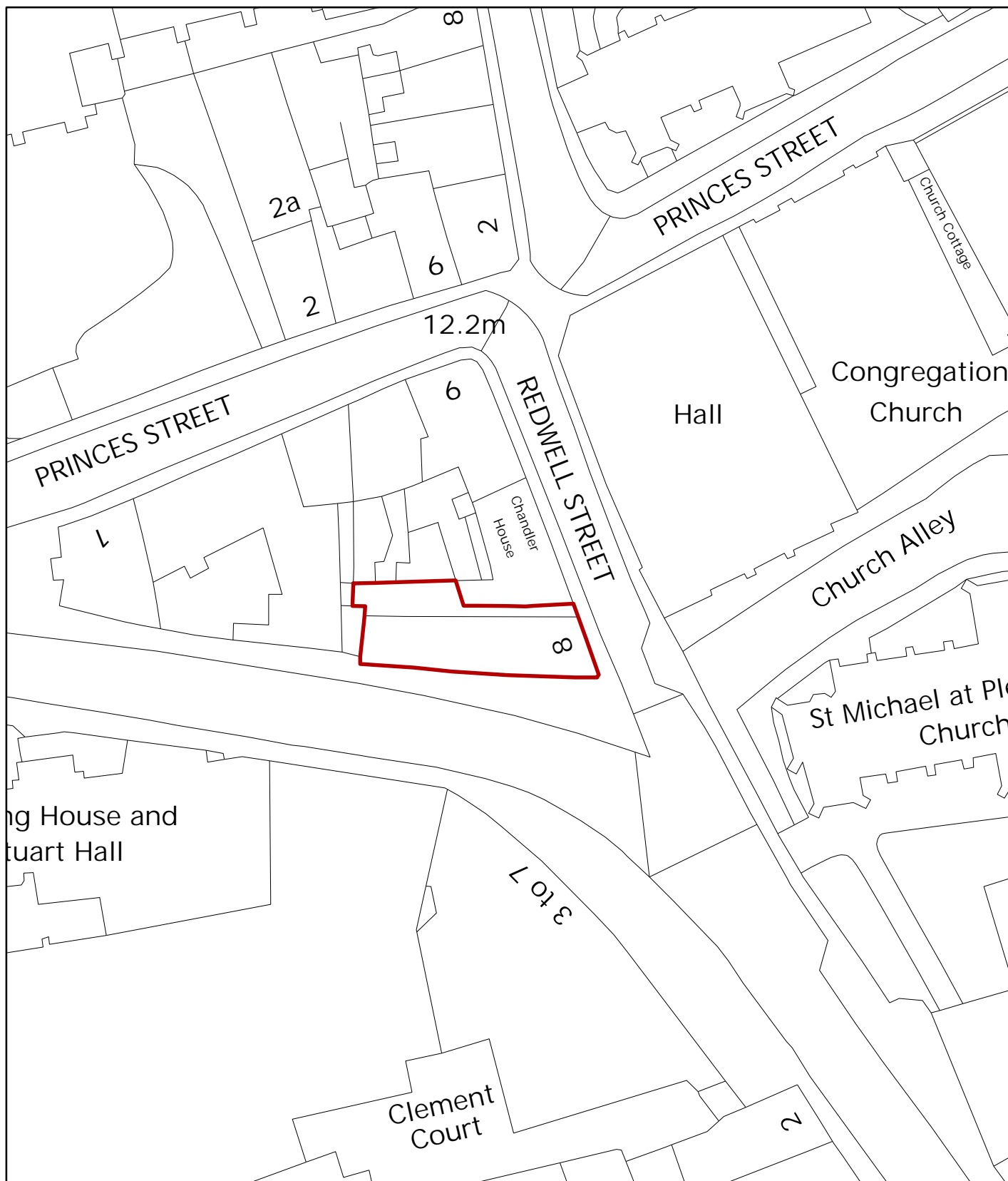
Informative

1. Construction hours and methods of working.

(2) Application No (10/01251/L, 8 Redwell Street, Norwich, NR2 4SN) and grant listed building consent, subject to the following conditions:

1. Standard time limit;
2. The development shall be built in accordance with the plans as approved;
3. Details of fire escape, including joinery and materials prior to commencement;
4. Details of refuse and disabled access ramp to be agreed and installed before use;
5. Details of litter bins / cigarette butt containers to be agreed;
6. Noise insulation measures and installation methods to be agreed and installed prior to first use;
7. Bars, seating, partition walls, interior cladding, joinery, and fixing details all to be agreed;
8. New doors details for the new first floor single door and the ground floor front door hanging shall be agreed, to include joinery and fixings;
9. Any further works proposed or arising as necessary to be notified to and where necessary approved by the LPA;
10. Details of CCTV positioning and installation to be agreed prior to first use.

(Reasons for approval: The recommendation has been made with regard to the provisions of the development plan, so far as material to the application, including saved policies HBE8, HBE9 and HBE12 of the adopted City of Norwich Replacement Local Plan (November 2004), and national policies PPS1 and PPS5, and all other material planning considerations. The alterations proposed are considered acceptable within a historic Listed Building premises within the City Centre Conservation Area. Subject to conditions imposed to control the final external designs and internal installations and alterations, the scheme is considered appropriate to secure the ongoing preservation of a historic Listed Building and avoid any detrimental impact on the Listed Building.)



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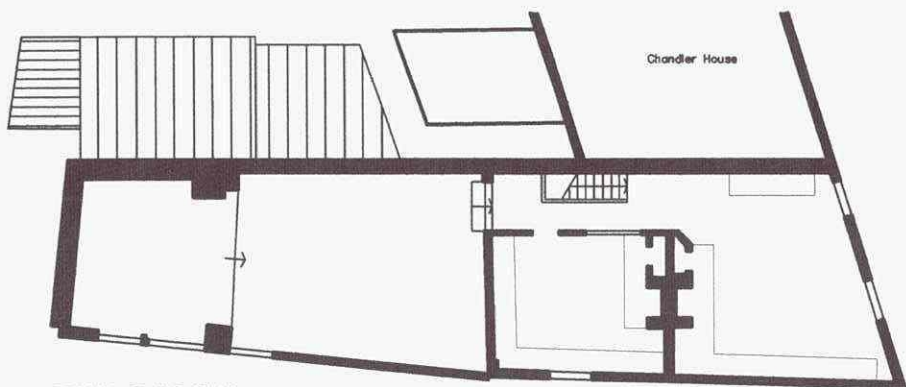
Planning Application No - 10/01250/F and 10/01251/L
Site Address - 8 Redwell Street, Norwich
Scale - 1:500



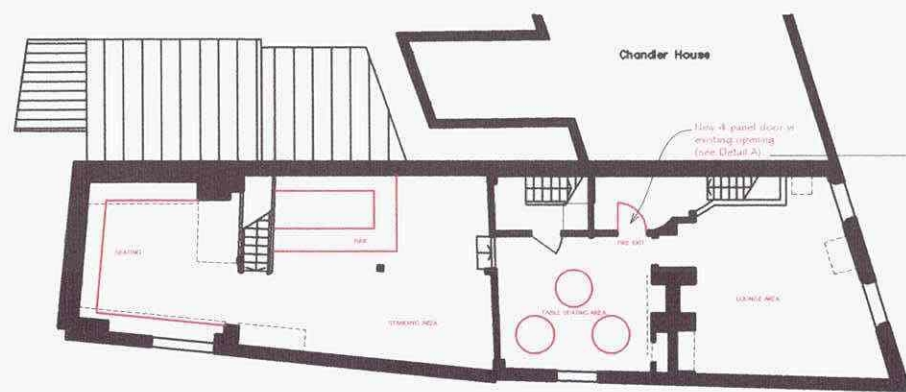
NORWICH
City Council

PLANNING SERVICES

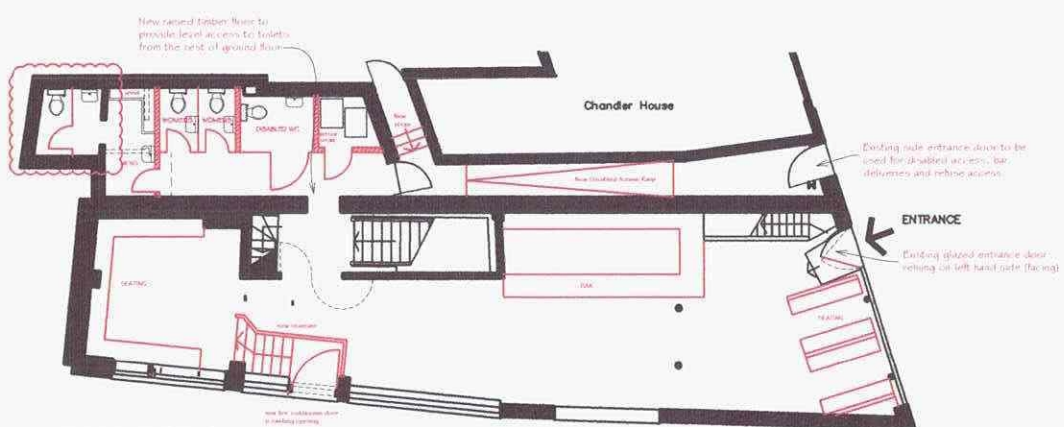




SECOND FLOOR PLAN

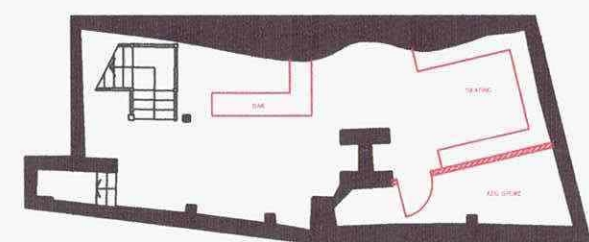


FIRST FLOOR PLAN



GROUND FLOOR PLAN

Scale 1:100



BASEMENT PLAN

Organisational Development
30 JUN 2010
Post Room

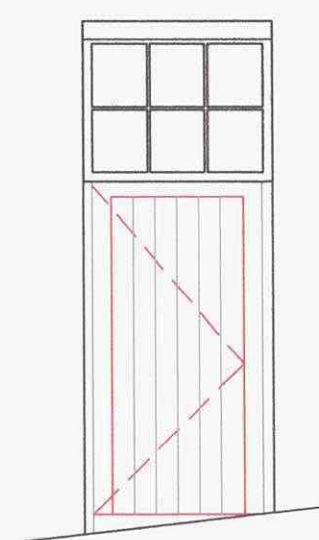
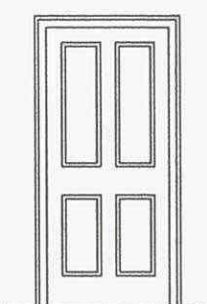


ST ANDREWS STREET ELEVATION



REDWELL STREET ELEVATION

NEW DOOR DETAIL A scale 1:25



NEW DOOR DETAIL B scale 1:25



SITE LAYOUT PLAN
Scale 1:500



Notes

- No Dimensions are to be scaled from this drawing.
- Contractors must verify all figured dimensions at site before commencing any work or making any Shop drawings.
- This drawing is the sole copyright of A Squared Architects Ltd and no part may be reproduced without the written consent of the above.
- Site Location Plans are prepared from the Ordnance Survey Map with the sanction of the Controller of H.M. Stationary Office. Crown Copyright Reserved.

No	Revisions	By	Date



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Client
GLOBAL BINDING ENGINEERS LTD

Job
8 REDWELL STREET
NORWICH - NEW BAR USE

Drawing Title
DETAIL DESIGN PLANS

Scale 1:100 @ A1	Date OCT 09
Drawn By PA	
Drawing No. 09 / 38 / 10	Rev.

3 - JUN 2010

Post Room

1m 0 1 2 3 4 5 6

REFUSE / SERVICING STATEMENT

The existing premises were used until recently as a retail shop. There was no dedicated refuse or waste storage area. Retail use may generate about the equivalent waste of the proposed A4 Bar use, and this drawing illustrates how a specific refuse and waste storage room is planned, which will be able to accommodate sufficient wheeled waste bins for both general waste and recyclable materials. The waste is mostly empty bottles, soft drink cans and cardboard packaging (all recyclable) with general cleaning and sanitary waste (landfill). The refuse store can accommodate up to two 240litre capacity bins which will be emptied daily (Mon - Fri) at agreed times by a private waste disposal company to be engaged by the applicant. The storage room will have tiled walls and floor and have a floor drain to allow regular hygienic cleaning.

Access to the refuse store will be along the existing external corridor accessed from the existing door adjacent to the main entrance door to 8 Redwell St. This access will have the benefit of a ramped approach to the rear door of No 8 allowing easy use of wheeled bins, which will not be left on the street awaiting collection.

240 litre bins,
725mm deep x
580mm wide

Access route for waste bins

REDWELL STREET



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Job

CHANGE OF USE TO A4 (BAR)
8 REDWELL STREET
NORWICH

Drawing Title

REFUSE /SERVICING STATEMENT

Scale

1:100 @ A4

Date

DEC 09

Drawn By

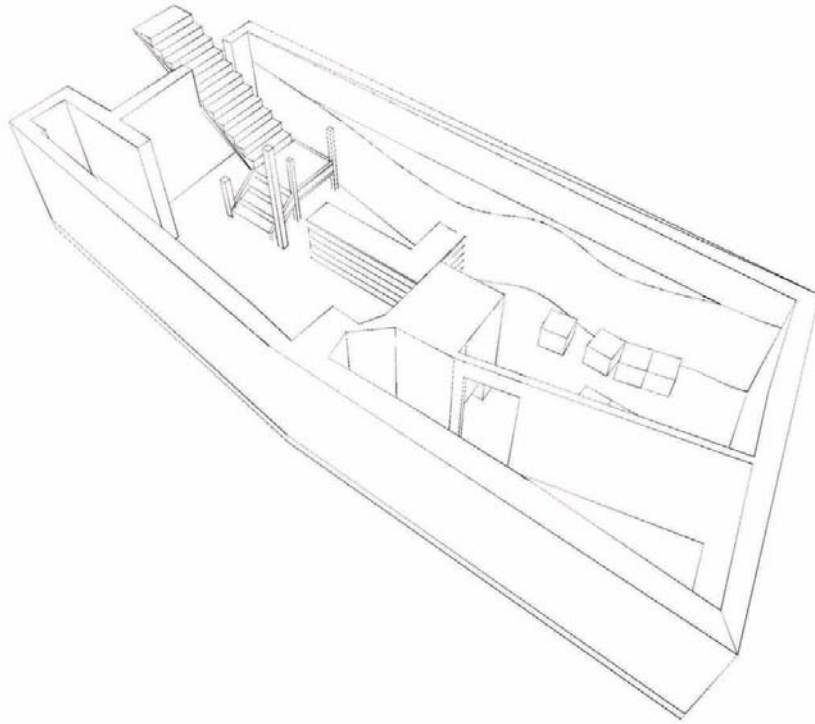
PA

Drawing No

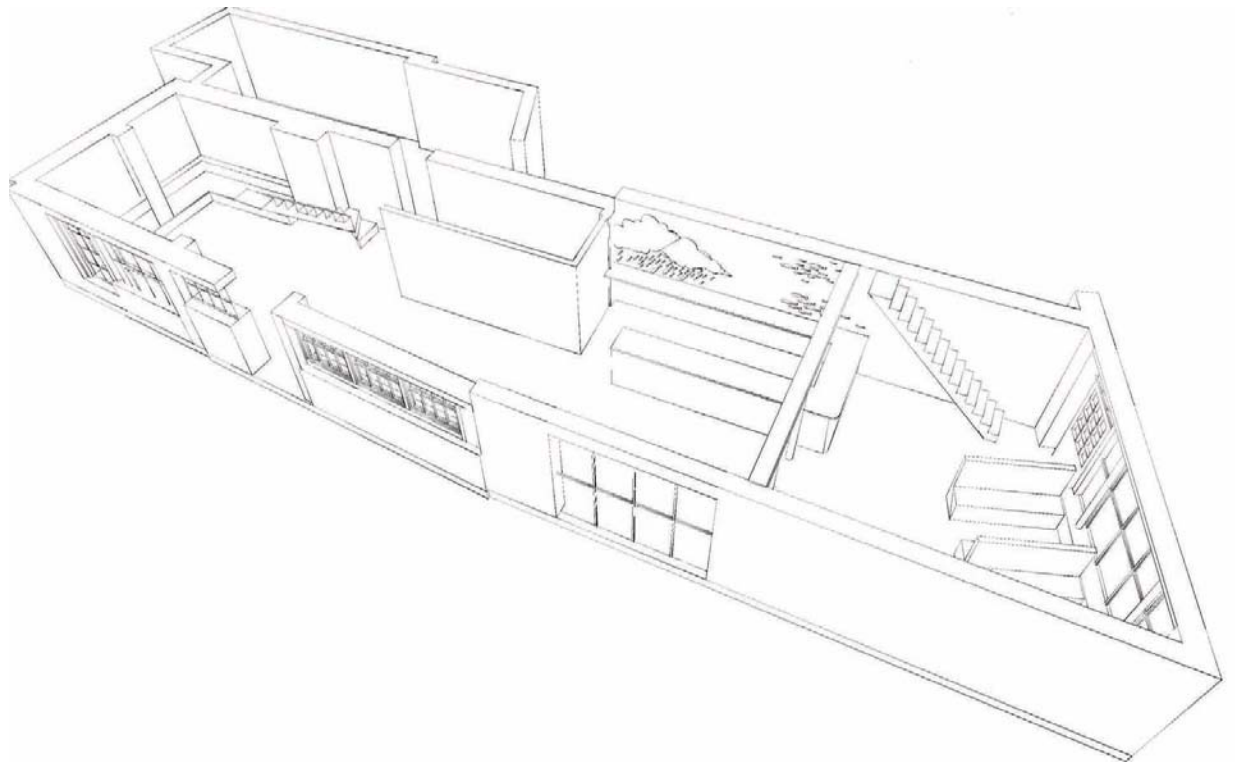
Rev

09 / 38 / 03

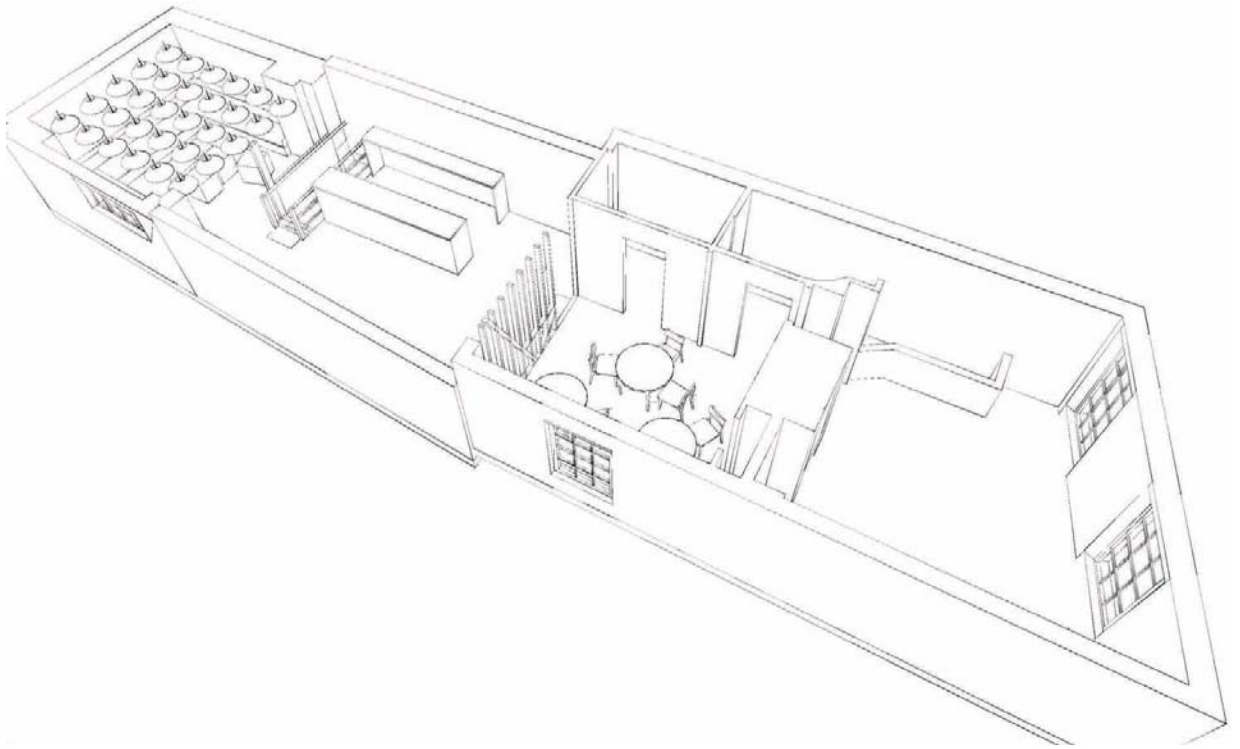
BASEMENT ILLUSTRATION



GROUND FLOOR ILLUSTRATION



FIRST FLOOR ILLUSTRATION



No illustrative plans have been submitted for the second floor, although this has been suggested to be used as storage.

Report for Resolution

Report to Planning Applications Committee
17 December 2009

Report of Head of Planning Services

Subject 09/01105/U and 09/01107/L
8 Redwell Street, Norwich, NR2 4SN

Item
6(2)

SUMMARY

Description:	09/01105/U Change of use from retail (Class A1) to drinking establishment (Class A4); and: 09/01107/L Alterations to facilitate change of use from retail (Class A1) to drinking establishment (Class A4)..	
Reason for consideration at Committee:	Objections	
Recommendation:	Approve subject to conditions	
Ward:	Thorpe Hamlet	
Contact Officer:	Rob Parkinson	Senior Planner Telephone No: 01603 212765
Date of Validation:	5 th November 2009	
Applicant:	Global Binding Engineers Ltd	
Agent:	A Squared Architects Ltd	

INTRODUCTION

The Site

Location and Context

1. The premises are a basement plus three-storey, Grade II Listed Building, sited at the top of Redwell Street on the corner of the junction with St Andrews Street, and is the former Country and Eastern shop. The entrance doors front Redwell Street. The site is surrounded by a mix of uses, of commercial uses, community uses, residential sites and restaurants, cafes and bars.
2. There are offices to the north (along the west side of Redwell Street and Princes Street), and to the south (opposite the site on St Andrews Street). St Michael at Plea church is opposite the site on Redwell Street, as is Boardman House / the United Reform Church Hall, on the eastern corner of Redwell Street and Princes Street. These two buildings are separated by Church Alley, a pedestrian route that

can lead to both Tombland or Princes Street.

3. There are a number of residential sites, including dwellings along Princes Street, including within Mandell Court, within the Elm Hill, Monsatry Court and Waggon and Horses Lane area, and within the St Micheal at Pleas complex, which contains 26 dwellings, car parking and communal gardens. Church Alley leads from Redwell Street through this site, although a lockable gate has been installed to restrict access from or to Redwell Street at certain times. There are also residential premises directly behind the site, in properties that are adjacent to and which overlook the rear of no. 8 Redwell Street.
4. There are already a number of cafes, restaurants and bars in the area, particularly clustered around St Andrews Plain, Tombland and Queen Street. There are also a few outlets within Elm Hill and Princes Street. A land use plan to illustrate the site context can be provided at Planning Committee.
5. The site is within a noticeably historic part of the City Centre Conservation Area, characterised by many Listed Buildings, pedestrianised areas and the churches of St Michael at Pleas, St Andrews Hall and the Peter Hungate Church on Princes Street.

Site Constraints

6. The site is located within the City Centre Conservation Area and is within in an area of Main Archaeological Interest, as defined in Local Plan (2004) saved policy HBE3, and the City Centre Leisure Area (defined in Local Plan saved policy AEC1). The churchyard of St Michael at Pleas, opposite this site, is also defined as Urban Greenspace by saved Local Plan policy SR3.
7. Whilst the site itself does not lie within either the Primary City Centre Retail Area, nor the Secondary City Centre Retail Area, the nearby streets of Elm Hill and London Street are both within Secondary Retail Areas as defined by Local Plan policy SHO11.

Relevant Planning History

8. The premises has been vacant for some years and before that operated most recently as a shop. Application 4/1993/0470 for alterations to the roof and provision of shop window fascia was approved in 1993. In 2007, application 07/01050/F for a second storey rear extension and change of use from retail to restaurant was withdrawn, as was an associated Listed Building application for the internal alterations and additional window (07/01052/L).

The Proposal

9. The two applications considered here are for the principle of the change of use from retail to a drinking establishment / public house and a means of fire escape onto St Andrews Street (application 09/01105/U), alongside a Listed Building consent (09/01107/L) for both the internal alterations and provision of the fire escape.

Representations Received

10. The applications have been advertised on site and in the press, as well as

Appendix A Appended Report

immediate neighbours being informed directly by letter. At the time of writing the report, the Council has received 29 letters of objection to the proposals in 09/01105/U, and 3 letters of objection to the proposals in 09/01107/L. These are from residents, businesses, charities and civic societies such as Central Norwich Citizens' Forum, the Friends of Elm Hill and the Norwich Historic Churches Trust. Further representations will be updated verbally on the day of Committee. The following issues have been raised so far:

Planning Issues	Response
Inappropriate location for a drinking establishment.	See paragraph 14-16
Interpretation of City Centre Leisure Area and Late Night Activity Zone.	See paragraph 15-16
Opening hours.	See para. 19
Detrimental impact to the retailing outlets in the area, including suggestions that the site falls within a defined secondary shopping area and concerns that Elm Hill and St Georges St regeneration would be jeopardised.	See para. 13
Damage to the character and setting of this historic part of Norwich and the Listed Building itself.	See para. 35-40
Disturbance to the peace of the area, and affect on amenity of residents, visitors and employees in the area due to the noise and late night activity.	See para. 17-26
Lack of sound insulation.	See para 17-21
Smells and emissions from any extraction and ventilation activities on site.	See para 22-23
Servicing, deliveries loading and waste collection arrangements.	See para 27-33
Increased traffic congestion from servicing and patrons.	See para 27-33
Danger to pedestrians from traffic and servicing.	See para 27-33
Lack of provision for smokers.	See para. 23
Access for disabled persons.	See para. 34
Refuse and keg storage arrangements.	See para 27-29

Non-material considerations
<ul style="list-style-type: none"> • There is no need for another drinking establishment in the area which appears to be at capacity; • A feeling of increased danger and threat to the safety of local residents and clients and visitors to neighbouring premises, including a shortage of policing presence and concern for lack of management and security proposals in the application; • Concerns for safety of users of the pub; • Alternative occupants for the building should be considered as more appropriate; • The area will be even more affected by littering, urination and defecation, crime, vandalism and social disorder than is already experienced at present; • Trespassing within Church Alley and the churchyard; • Use of the public footpath through St Michael at Pleas; • Overloaded sewers in the area; • Insufficient lavatory provision inside the building; • Rights of access between site and adjacent Chandler House, and use of rear

- courtyard;
- Future signage;
- Fire risk to the wooden structure of the building;
- A restrictive covenant is thought to prevent the use of the building for such purposes.

Consultation Responses

11. Consultation responses have also been received from internal colleagues in Planning Transportation, Environmental Health, and Community Safety departments. These are included as part of the assessment. No objections in principle were raised.

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

Relevant National Planning Policies

PPS1: Delivering Sustainable Development

PPS6: Planning for Town Centres

PPG15: Planning and the Historic Environment

PPG24: Planning and Noise

Relevant East of England Plan (May 2008) Policies

ENV6 – The Historic Environment

ENV7 – Quality in the Built Environment

WM6 – Waste Management in Development

Relevant Saved City of Norwich Replacement Local Plan Policies

HBE8 – Development in Conservation Areas

HBE9 – Development affecting Listed Buildings

HBE12 – High quality of design

HBE19 – Design for safety and security including minimise crime

EP22 – Residential amenity

SHO22 – Food and drink uses and conditions on hot food takeaways

AEC1 – Major art and entertainment facilities – location and sequential test

TRA5 – Approach to design for vehicle movement and special needs

TRA7 – Cycle parking standards

TRA8 – Servicing provision

Issues to be Assessed

The effects on retailing

13. Concern has been raised that losing the retail unit will create a break in the pattern of shopping movements between London St and Elm Hill, resulting in Elm Hill seeming disconnected from main retail areas, and shoppers' foot-fall experienced in the past being reduced. Whilst this is a legitimate concern, the Local Plan has not defined this part of the city centre as a retail area that should be protected. There are no frontage protection policies and nor does the applicant need to justify the loss of the retail unit. The retail vitality and viability of the street does not need to be considered as the proposed loss of retail in a designated secondary retail area would need to be.

The need for another public house

14. National policy PPS6 states that such town centre uses do not need to justify a need for their addition to the city centre. Whilst there are a number of similar outlets in the vicinity, it is not a planning matter to decide if there are too many.
15. In fact, this particular site is within part of the defined City Centre Leisure Area identified by saved Local Plan policy AEC1. Saved Local Plan (2004) policy SHO22 promotes proposals for food and drink class within the Leisure Area. Nevertheless, policy SHO22 also makes clear that the proposal should still take account of the potential effects of noise and disturbance upon the occupants of adjoining dwellings, to ensure the location is appropriate.
16. It should be noted that the Leisure Area designation under policy AEC1 is distinct from that of the Late Night Activities Zone. The policy is intended to assess proposals to minimise any adverse effects. The Leisure Area on the Proposals Map was set out based around the location of existing uses of this kind and sought to exclude areas where such uses would conflict with nearby residential properties. Whilst the Late Night Activities Zone is also defined under this policy, it is that area where activities such as nightclubs and entertainment facilities can be provided without limitation to normal opening hours because further residential development within the area is excluded. As a context, Queens Street is within the Leisure Area, and opening hours here are controlled, but Tombland, Bank Plain and Upper King Street are all within the Late Night Activity Zone. It is entirely appropriate to restrict the opening hours of this site to be consistent with others in the Leisure Area, and this is proposed by condition.

Amenity and noise

17. The premises are a historic, timber framed premises and in some respects is considered frail. Windows are all single glazed and it is to be expected that the premises will be susceptible to sound leakage, which will be exacerbated should windows be opened in warmer weather. Environmental Health colleagues do have serious concerns regarding the potential level of noise that could affect local residents and have suggested noise level limits are applied to any permission.
18. Although the business model proposed by the applicant does not intend to be particularly noise-intensive, planning legislation can have no control over the type of occupancy of the premises within the A4 Use Class definition, and so must consider the future uses of the building. As such the close proximity of residential premises in the area is a concern. Even though the rear wall of the premises is a solid wall without windows or openings, particular concerns exist around a bedroom being approximately 3m from the rear wall of the premises.
19. Noise levels are proposed to be controlled by planning conditions. Environmental Health officers recommend that noise insulation is added to the interior of the building; it is considered appropriate to first require an acoustic survey to be undertaken to inform the type and location of noise insulation methods required (if any) to ensure the noise is kept within specified limits. This is considered to be a reasonable request, with details of internal works and construction able to be controlled as part of any Listed Building consent, in particular to preserve the internal wood panelling features.
20. In order to attempt to mitigate potential noise nuisance, hours of use are

recommended to be controlled by planning condition. The applicant has requested opening hours be permitted for 11am to Midnight on Sundays - Thursdays, and 11am to 1am on Fridays and Saturdays. Whilst it would be reasonable to expect the finalised permitted hours to be consistent with other similar drinking outlets in the neighbouring area, the hours of use should nevertheless take into account residential amenity. Final confirmation of the recommended hours of use will be provided to Planning Committee at the meeting.

21. The application proposes to use the basement, first and second floors for hosting separate bars. Although three separate bars over three floors could make this a substantial venue, the effects arising from the intensity of the use can be controlled by planning conditions on noise, servicing and hours of use. Further, the interior installations and alterations to the Listed Building can be controlled by conditions.

Odours and extraction, plant and ventilation

22. The applicant does not propose to serve hot food on the premises and therefore it is not necessary to install plant and ventilation units. If air conditioning units were needed, or future catering operations were intended to involve installation of flues, plant or extraction systems, or internal alterations, these would first need to be the subject of a separate planning permission and / or Listed Building consents. In addition, Environmental Health legislation can also control noise and nuisance odours.

Smoking provision

23. The application does not at present include details of smoking provision or any smoking shelter on site; a concern raised by Environmental Health and Norfolk Police. However, it is understood the applicant is investigating suitable options nearby. Such a shelter would first be subject to gaining separate planning permission and Listed Building consents.

Crime and disorder

24. Concerns surrounding the potential use of Chapel Walk as a shortcut by customers using the proposed public house are understandable, although late night access through the St Michael at Plea housing area can be prevented by existing lockable gates. Norfolk Police Architectural Liaison considers this an appropriate solution. It is not the remit of this application to consider measures to prevent use of the public route nor the churchyard. There is a private residential access for no. 5 and no. 3 Princes St at the rear of the site, onto St Andrews Street: it is not considered that this will be affected materially by the application. The new door proposed for St Andrews Street will only serve as a fire escape.
25. Concerns over vandalism, crime, abuse and urination around the premises are really matters that fall under the remit of other services such as street cleaning and policing, which planning does not control. Norfolk Police suggested the application should include CCTV provision, but this is not a requirement for planning applications and is not considered necessary.
26. Saved Local Plan policies SHO22 and AEC1 both require the Council to seek contributions from developments within the Leisure Area to enhance public facilities, including litter bins and noise control measures. It is considered appropriate to require provision of on-site litter bins and/or cigarette butt containers, subject to designs being compatible with the Listed Building, with details to be approved by condition.

Refuse and servicing

27. The application proposes to deal with refuse storage by the provision of a refuse store at ground floor level, accessed through the premises or via an adjacent passageway between the site and Chandler House. Rights of access are not a planning concern, but the storage is considered adequate. Vehicular servicing is possible on both Redwell Street and St Andrews Street although peak hour loading restrictions on the highway do apply here. There is also a specific loading bay available at the junction of the two streets.
28. The applicant has submitted a proposed refuse management strategy that addresses some of the issues and which aims to maximise recycling. The refuse store within the premises at ground floor level is able to accommodate up to two 240 litre capacity bins which will be emptied daily (Mon-Fri) at agreed times by a private disposal company. The daily operations could create short-term noise and traffic inconvenience, but it may also prevent bins being left on the highway between collections. Servicing times and a refuse management arrangement can be agreed by planning condition.
29. The access route through the adjacent passage will eventually benefit from a ramped access, either temporarily or to be proposed through future applications. Redwell Street is a one-way street that does not preclude servicing vehicles.

Access and highway safety

30. It is recognised that the route along Redwell Street does negotiate an awkward one-way right-angle bend from St Andrews Plain via Princes Street. There is no parking proposed, but taxis are available at Tombland and Bank Plain. The property has a relatively narrow frontage to Redwell Street and is constrained by a narrow curtilage. There are narrow pavements on both Redwell Street (1.1m) and St Andrews Street.
31. There are concerns about the lack of a vehicle waiting area or smoking area, and possible traffic accidents. These have been raised by both the Community Safety Officer and Norfolk Police Architectural Liaison Officer. However, the Council's Planning Transportation officer does not consider this to be a problem and notes there have been no recent accidents at the junction. Any licensing consent can also seek to control the congregation of patrons on the highway.
32. The proposed fire exit opening onto St Andrews Street seeks to re-instate a previous access door. The design of the door takes account of the effect on the appearance of the listed building. The fire doors are proposed to be made of wood and replicate the existing cover.
33. The fire escape door to St Andrews Street opens inwards to avoid potential pedestrian conflict on the public highway. The final details for joinery and design can be subject to appropriate conditions.

Disabled access

34. The designs have indicated how the premises will be made accessible to disabled persons or wheelchairs. This is particularly important given the sensitivity of the Listed Building and the implications thereof. However, these design changes are proposed to include providing a ramp to a side door within the access passage adjacent to the premises. This falls outside the application red line and at this

stage is considered indicative only. Whilst it is regrettable that the application does not adequately address this issue from the outset, the applicant's proposal to use an interim temporary mobile ramp is considered acceptable. However, it should be noted that the former use as a shop also has no disabled access so the proposal will hopefully improve such provision, but it will clearly not make it worse.

Affect on Conservation Area

35. The site enjoys a prominent location at the brow of the St Andrew's Street hill, and the City Centre Conservation Area Appraisal (September 2007) identifies the St Andrew's Street elevation as contributing to a positive street frontage within the Elm Hill and Maddermarket Character Area. Whilst the use of the premises may alter the character of area through changes to people's patterns of movement or behaviour around the site, there are no changes proposed that will affect the physical character of the Conservation Area.

Affect on Listed Building

36. Other forms of occupancy have been suggested as more preferable means to preserve the listed building, but the proposals are considered an appropriate re-use of the listed building. National policy PPG15 and 'saved' Local Plan policy HBE9 both support proposals that will bring such historic buildings back into viable use, provided the designs are sympathetic to the character of the listed building.
37. The existing building has already been extensively altered internally. The proposed alteration will be relatively 'loose fit' and will not involve significant changes. Internally, existing structure and fixtures of historic interest, such as the fireplaces etc on the 1st floor, will be retained. With regard to the toilet alterations, the existing screen to the toilet, which appears to be of some age as it has pegged joints, is proposed to be retained (as seen in recently amended plans).
38. The fire escape is the only exterior alteration. The fire escape door would reinstate an old opening and will use a timber framed appearance. This is considered acceptable in principle, with finer details to be agreed by condition. As part of installing the fire door, new steps are proposed inside the ground floor. These are considered acceptable and their designs can be conditioned.
39. Aside from the new fire escape access, there are very few internal alterations proposed. A previously removed first floor door will be reinstated and the front door will be re-hung to open inwards from the opposing side to that used currently. The proposed ground floor toilets area will involve removal of some recent partition walls and doors but the main points of interest will be retained and the changes can be resolved by conditions. The floor level is also proposed to be raised to be level with the main room, and this is not considered detrimental to the structural characteristics of the building. The internal fixings, furnishings and all alterations as described will be subject to approval as part of any Listed Building consent.
40. A condition will also be included to require the Local Planning Authority to be informed of any further alterations to the historic fabric that may arise during the course of construction or as additional items once building refurbishment and interior design work begins. Any further substantial alterations to the building itself would first need Listed Building consent. Adverts and signage would also need specific advertisement and/or Listed Building consents.

Conclusions

41. Notwithstanding the concerns over the loss of the retail premises and the possible effects on local amenity, the proposed change of use is appropriate to the defined Leisure Area within this part of the City Centre and will not compromise highways safety. Subject to the conditions applied to minimise any detrimental impacts to the appearance of the building or on the amenity of residents, business and visitors to the area, application 09/01105/U is considered acceptable for approval.
42. The impacts on the appearance and interior of the Listed Building are not considered detrimental and will not cause an adverse effect on the character of the surrounding Conservation Area. Subject to the conditions listed, the development as proposed within application 09/01107/L is considered acceptable for approval and should secure the ongoing preservation of a historic Listed Building.

RECOMMENDATIONS

(1) To **approve** Application No. 09/01105/U and grant planning permission, subject to the following conditions:

1. Standard time limit;
2. The development shall be built in accordance with the plans as approved;
3. Details of fire escape prior to commencement of building works;
4. Details of litter bins / cigarette butt containers to be agreed and installed prior to first use;
5. Refuse management strategy and details of refuse containers to be agreed;
6. Restricted hours of use (to be confirmed at the Planning Committee Meeting);
7. Noise insulation measures to be provided prior to first use;
8. Sound level limits to be applied;
9. Restrictions on amplified sound and doors to be self-closing.

Reasons for Recommendation: The recommendation has been made with regard to the provisions of the development plan, so far as material to the application including policies ENV6, ENV7 and WM6 of the adopted East of England Plan (May 2008), 'saved' policies HBE8, HBE9, HBE12, HBE19, EP22, SHO22, AEC1, TRA5, TRA6, TRA7 and TRA8 of the adopted City of Norwich Replacement Local Plan (November 2004), PPS1, PPS6 and PPG15.

Having considered all of the above and other material planning considerations this is considered an acceptable use of a historic Listed Building premises within the City Centre Conservation Area and defined City Centre Leisure Area. Subject to conditions imposed to protect the amenity of adjacent and neighbouring existing residential development, and other non-residential uses and visitors in the area, the scheme is considered to provide an appropriate use for this part of the city centre, whilst securing the ongoing preservation of a historic Listed Building and providing an acceptable quality of design and adequate means to mitigate any detrimental impact on the surrounding area.

(2) To **approve** Application No. 09/01107/L and grant Listed Building Consent, subject to the following conditions:

1. Standard time limit;
2. The development shall be built in accordance with the plans as approved;
3. Details of fire escape, including joinery and materials prior to commencement;
4. Details of litter bins / cigarette butt containers to be agreed;
5. Noise insulation measures and installation methods to be agreed;
6. Bars, seating, partition walls, interior cladding, joinery, and fixing details all to be agreed;
7. New doors details for the new first floor single door and the ground floor front door hanging shall be agreed, to include joinery and fixings;
8. Any further works proposed or arising as necessary to be notified to and where necessary approved by the LPA.

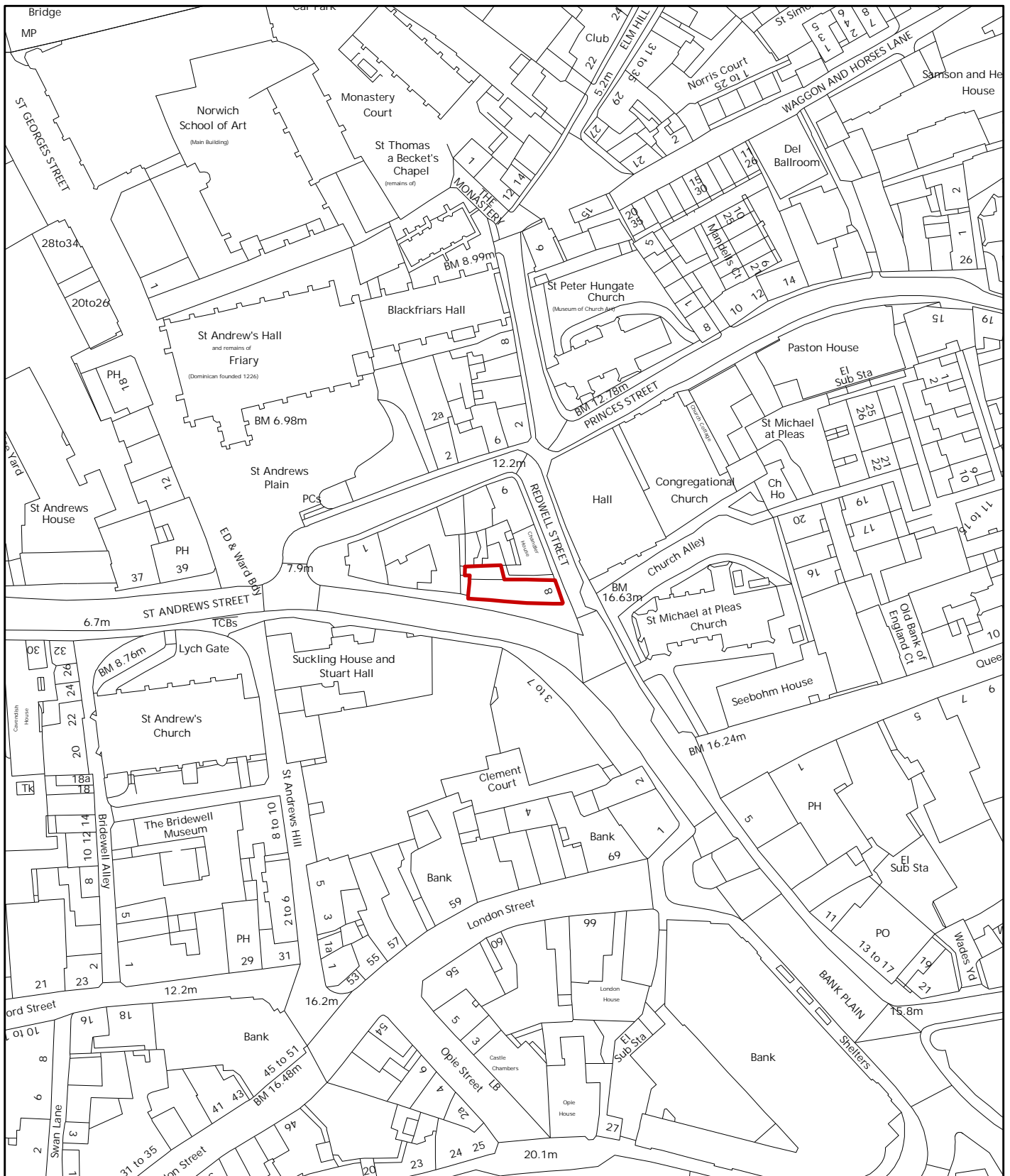
Reasons for Recommendation: The recommendation has been made with regard to the provisions of the development plan, so far as material to the application including policies ENV6 and ENV7 of the adopted East of England Plan (May 2008), 'saved' policies HBE8, HBE9 and HBE12 of the adopted City of Norwich Replacement Local Plan (November 2004), PPS1 and PPG15.

Having considered all of the above and other material planning considerations the alterations proposed are considered acceptable within a historic Listed Building premises within the City Centre Conservation Area. Subject to conditions imposed to control the final external designs and internal installations and alterations, the scheme is considered appropriate to secure the ongoing preservation of a historic Listed Building and avoid any detrimental impact on the Listed Building.

NB. Informatives will be added to any permission to remind the developers that:

(1) Any installation of flues, plant, machinery, ventilation units or other infrastructure, including any means to provide hot food at the premises will all be subject to needing prior approval through separate specific planning permission and/or Listed Building Consent.

(2) The change of use does not apply to any area or site other than that of the premises as proposed within the 'red line'. Accordingly any material change in use of an adjacent site without prior approval could become the subject of planning enforcement proceedings.



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Planning Application No - 09/01105/U and 09/01107/L
 Site Address - 8 Redwell Street
 Scale 1:1250



NORWICH
City Council
 PLANNING SERVICES



**EXTRACT FROM THE MINUTES OF THE PLANNING APPLICATIONS
COMMITTEE HELD ON 17 DECEMBER 2009**

**APPLICATION NO 09/01105/U AND 09/01107/L - 8 REDWELL STREET,
NORWICH, NR2 4SN**

RESOLVED with 8 members voting in favour (Councillors Lubbock, Lay, Banham, Read, Llewellyn, Jago, George, Little), 1 member voting against (Councillor Driver) and 1 member abstaining (Councillor Bradford) to refuse Application No 09/01105/U for the reasons stated above and ask the Head of Planning to provide the reasons for refusal in policy terms.

(Reasons for refusal of Planning Application No 09/01105/U – 8 Redwell Street, as follows:-

1. Impact on Character of Conservation Area

The proposal would cause a detrimental impact to the character of this part of the City Centre Conservation Area, changing its nature away from an area of predominantly residential, office and community uses, with minimal activity during the evenings, to a character involving a use that would generate large numbers of visitors to and from the site and associated activity on the street during the evening and the night. As such the proposal is considered to be contrary to national guidance PPG15, policy ENV6 of the East of England Plan (May 2008), and 'saved' policy HBE8 of the adopted City of Norwich Replacement Local Plan (November 2004).

2. Lack of smoking shelter - amenity

The lack of a smoking shelter or any provision for smokers within the application site will lead to patrons needing to smoke outside the site and cause a detrimental impact to the amenity of local residents, community and commercial premises, through the associated noise, smoke and litter. As such the scheme is contrary to policies SS1 and ENV7 of the East of England Plan (May 2008), and 'saved' policies EP22 and HBE12 of the adopted City of Norwich Replacement Local Plan (November 2004).

3. Lack of smoking shelter - highway safety

The lack of a smoking shelter or any provision for smokers within the application site will give rise to patrons smoking on the public highway adjacent to the site. The public highway surrounding the application site is made up of narrow footways. Taken together, it is considered that the proposal will compromise highway safety and lead to a danger to pedestrians, including local residents or patrons of the public house, and as such the scheme is contrary to policies SS1 and ENV7 of the East of England Plan (May 2008), and 'saved' policies TRA3, TRA5, TRA14, TRA24, HBE12 and EP22 of the adopted City of Norwich Replacement Local Plan (November 2004).

4. Harm to amenity and fear of crime

By virtue of the noise and increased activity at the site, and likely increased smoke, litter and disturbance from, in, or around the site, and as a result of the scale and intensity of the proposed use, the development would give rise to an unacceptable detrimental affect on the amenity of the surrounding area. It would also cause harm to the level of amenity currently available to the residential, community and commercial uses in the immediate area of the application site and would result in an increased fear of crime and disorder amongst local residents and pedestrians in the area. As such the scheme is contrary to national policy PPS1, policies SS1 and ENV7 of the East of England Plan (May 2008), and 'saved' policies EP22 and HBE12 of the adopted City of Norwich Replacement Local Plan (November 2004).

5. Servicing, access and highways safety

The proposal, given the scale and intensity of the use of the premises over three floors, does not include adequate servicing, refuse storage, or access arrangements. The absence of an immediately available servicing bay connected to the premises, and the inadequate refuse provision and disposal strategy, and the inadequate disabled access proposals would all result in unsatisfactory vehicular or pedestrian access to the site and obstruction to the public highway, and would subsequently be detrimental to highways safety. As such the scheme is contrary to national policy PPS1, policies SS1, ENV7 and WM6 of the East of England Plan (May 2008), and 'saved' policies TRA3, TRA5, TRA8, TRA14, TRA24, HBE12, HBE19, and HOU5 of the adopted City of Norwich Replacement Local Plan (November 2004).

6. Lack of a noise assessment.

Given the lack of an acoustic assessment in relation to the potential for noise break-out from the premises, it is considered that insufficient information has been submitted to enable the Local Planning Authority to make a reasoned assessment of the proposal. In addition, any mitigation measures needed to address the possible noise impacts could create an adverse impact on both the character of the Conservation Area or the historic fabric of the Listed Building. As such the scheme is considered to be contrary to national guidance PPG15 and PPG24, policies SS1, ENV6 and ENV7 of the East of England Plan (May 2008), and 'saved' policies EP22, HBE8 and HBE9 of the adopted City of Norwich Replacement Local Plan (November 2004).

The Chair moved the recommendations in the report in relation to Application No 09/01107/L.

RESOLVED with 8 members voting in favour (Councillors Lubbock, Banham, Read, Llewellyn, Jago, George, Little, Driver) and 2 members abstaining (Councillors Bradford and Lay) to approve Application No 09/01107/L – 8 Redwell Street and grant listed building consent subject to the following conditions:-

1. Standard time limit;
2. The development shall be built in accordance with the plans as approved;
3. Details of fire escape, including joinery and materials prior to commencement;
4. Details of litter bins / cigarette butt containers to be agreed;
5. Noise insulation measures and installation methods to be agreed;
6. Bars, seating, partition walls, interior cladding, joinery, and fixing details all to be agreed;

7. New doors details for the new first floor single door and the ground floor front door hanging shall be agreed, to include joinery and fixings;
8. Any further works proposed or arising as necessary to be notified to and where necessary approved by the LPA.

(Reasons for approval: The recommendation has been made with regard to the provisions of the development plan, so far as material to the application including policies ENV6 and ENV7 of the adopted East of England Plan (May 2008), 'saved' policies HBE8, HBE9 and HBE12 of the adopted City of Norwich Replacement Local Plan (November 2004), PPS1 and PPG15.

Having considered all of the above and other material planning considerations the alterations proposed are considered acceptable within a historic Listed Building premises within the City Centre Conservation Area. Subject to conditions imposed to control the final external designs and internal installations and alterations, the scheme is considered appropriate to secure the ongoing preservation of a historic Listed Building and avoid any detrimental impact on the Listed Building.)

NB. The following informative will be added to any permission to remind the developers that:

- (1) Any installation of flues, plant, machinery, ventilation units or other infrastructure, including any means to provide hot food at the premises will all be subject to needing prior approval through separate specific planning permission and/or Listed Building Consent.

Appendix 2: Minutes of Planning Applications Committee 26th August 2010 – discussion and decision.

1. APPLICATION NOS 10/01250/F & 10/01251/L 8 REDWELL STREET, NORWICH, NR2 4SN

(Councillor Offord had declared that he had a pre-determined view of this application and did not take part in the decision making.)

The Senior Planner (Development) presented the report with the aid of slides and plans. He referred to the objections received from the Chair of the Central Norwich Citizen's Forum, who was unable to attend the meeting. A further representation had been received from a neighbour objecting to the proposed change of use on the grounds of increased noise and disturbance and that there was no justification for the building to be used as a public house. The Norwich Society had submitted a representation objecting to the application and a summary was circulated at the meeting. Members were advised that the licensing of tables and chairs (and by association any area of highway designated for specific patron use) on the highway was outside the remit of this committee. It was therefore proposed that condition 14 should be deleted from the recommendations. The Senior Planner referred to the extract from the minutes of the meeting held on 17 December 2009 and the report and said that not all of the committee's reasons for refusal had been satisfied and suggested that members needed to carefully consider what changes in circumstances had occurred since the decision on the previous application for change of use on this site.

Five local residents addressed the committee and outlined their objections to the proposed change of use. These included: concerns about noise and disturbance, particularly in that the building could not be adapted to minimise noise and that windows would be opened for ventilation, and there were already a number of licensed premises in the area; the premises were in a conservation area and would have a detrimental effect on the Church of St Michael at Plea; there was no provision for smoking within the boundaries of the premises and that the pavement would be obstructed; CCTV cameras would not deter anti-social behaviour; refuse bins would not be emptied at weekends and would be unsightly to tourists; that the use of the premises as a licensed bar would be detrimental to the amenity of the residences within the vicinity. The proprietor and resident of a retail shop in Elm Hill said that the use of 8 Redwell Street as a shop had encouraged tourists and shoppers into Elm Hill. Councillor Offord, Ward Councillor for Thorpe Hamlet Ward, concurred with the points made by the residents and said that the junction of St Andrews Street and Redwell Street was a busy road and not suitable for people congregating to smoke and was near a number of offices; and also that he considered that the applicant had not addressed the committee's 6 reasons for refusal of the previous application.

(Councillor Offord left the meeting at this point.)

The agent said that the applicant had taken account of the members concerns regarding the previous application and that these could be dealt with by condition. He pointed out that the application was within the Council's designated leisure area and was for a drinking establishment with background music. Other issues, such as opening hours and numbers permitted on the premises, would be dealt with by the Council's Licensing Committee. The premises was currently empty and this proposal would bring it into use again.

The Chair then gave permission for the applicant's acoustic consultant to address the committee. The consultant said that a noise assessment had been carried out on 26 May 2010 and the matter had been subsequently discussed with an Environmental Health enforcement officer. The building was single glazed. The basis of his recommendation was that a limiting device be fitted to any sound equipment used on the premises.

Members were advised that the Fire Service determined the maximum number of people in the building and that the premises was not in a defined retail area and that the proposed change of use was suitable for a designated leisure area where a mixture of uses was encouraged.

Discussion ensued in which members considered the management of the potential customers of the premises. Members were advised that CCTV could be a condition of the planning permission but that this would act as a deterrent rather than manage behaviour and that security staff were limited to the boundaries of the premises. Councillor Little said that the proposal was an overdevelopment and that residents could not be expected to put up with the noise and disturbance. There were no plans for ventilation of the premises and a smoking area had not been provided. The committee's reasons for refusing the previous application had not been addressed. Other members concurred and considered that the building and location were not right for a licensed premises and that a restaurant or café would be a more suitable use.

Members then considered the reasons for the refusal of the previous application and agreed minor textual changes. It was suggested that reason 4 be amended to include reference to the other licensed premises already close to the area. A noise assessment had been conducted and it was necessary to amend reason 6 and note that it may be impracticable for the occupier of the building to control noise because of the constraints of the building and if sound systems were limited, the volume would be so low it may be impracticable for a public bar to operate.

Councillor Little moved and Councillor Banham seconded that the application be refused for substantially the same reasons for refusal as given for the previous application as amended above.

RESOLVED with 3 members voting in favour of refusal (Councillors Bradford, Lubbock and Little), 1 member against (Councillor Driver) and 1 member abstaining (Councillor Coillishaw) to refuse Application Nos 10/01250/F 8 Redwell Street, Norwich, NR2 4SN for the following reasons:-

1. Impact on Character of Conservation Area

The proposal would cause a detrimental impact to the character of this part of the City Centre Conservation Area, changing its nature away from an area of predominantly residential, office and community uses, with minimal activity during the evenings, to a character involving a use that would generate large numbers of visitors to and from the site and associated activity on the street during the evening and the night. As such the proposal is considered to be contrary to national policy PPS5 and saved policy HBE8 of the adopted City of Norwich Replacement Local Plan (November 2004).

2. Lack of smoking shelter - amenity

The lack of a smoking shelter or any provision for smokers within the application site will lead to patrons needing to smoke outside the site and cause a detrimental impact to the amenity of local residents, community and commercial premises, through the

associated noise, smoke and litter. As such the scheme is contrary to saved policies EP22 and HBE12 of the adopted City of Norwich Replacement Local Plan (November 2004).

3. Lack of smoking shelter - highway safety

The lack of a smoking shelter or any provision for smokers within the application site will give rise to patrons smoking on the public highway adjacent to the site. The public highway surrounding the application site is made up of narrow footways. Taken together, it is considered that the proposal will compromise highway safety and lead to a danger to pedestrians, including both local residents and patrons of the public house, and as such the scheme is contrary to saved policies TRA3, TRA5, TRA14, TRA24, HBE12 and EP22 of the adopted City of Norwich Replacement Local Plan (November 2004).

4. Harm to amenity and fear of crime

By virtue of the noise and increased activity at the site, and likely increased smoke, litter and disturbance from, in, or around the site, and as a result of the scale and intensity of the proposed use, the development would give rise to an unacceptable detrimental affect on the amenity of the surrounding area, the effects of which would be to link the premises to other areas where there is a concentration of night time uses. The proposal would also cause harm to the level of amenity currently available to the residential, community and commercial uses in the immediate area of the application site, and would result in an increased fear of crime and disorder amongst local residents and pedestrians in the area. As such the scheme is contrary to national policy PPS1 and saved policies EP22, HBE12 and HBE19 of the adopted City of Norwich Replacement Local Plan (November 2004).

5. Servicing, access and highways safety

The proposal, given the scale and intensity of the use of the premises over three floors, does not include adequate servicing, refuse storage, or access arrangements. The absence of an immediately available servicing bay connected to the premises, and the inadequate refuse provision and disposal strategy, and the inadequate disabled access proposals would all result in unsatisfactory vehicular or pedestrian access to the site and obstruction to the public highway, and would subsequently be detrimental to highways safety. As such the scheme is contrary to national policy PPS1 and saved policies TRA3, TRA5, TRA8, TRA14, TRA24, HBE12 and HBE19 of the adopted City of Norwich Replacement Local Plan (November 2004).

6. Lack of an adequate noise assessment.

Given the lack of an adequate acoustic assessment in relation to the potential for noise break-out from the premises, it is considered that insufficient information has been submitted to enable the Local Planning Authority to make a reasoned assessment of the proposal. In addition, any mitigation measures needed to address the possible noise impacts could create an adverse impact on both the character of the Conservation Area or the historic fabric of the Listed Building, or, by virtue of the restrictions imposed by the nature and structure of the Listed Building, such measures may prove to be impractical or unreasonable for being implemented by the occupier such to prevent detrimental impact to neighbouring premises. As such the scheme is considered to be contrary to national policy PPS5 and PPG24 and saved policies EP22, HBE8 and HBE9 of the adopted City of Norwich Replacement Local Plan (November 2004).

(2) with 4 members voting in favour (Councillors Bradford, Lubbock, Little and Driver) and 1 member abstaining (Councillor Collishaw) to approve Application No 10/01251/L, 8 Redwell Street, Norwich, NR2 4SN and grant listed building consent, subject to the following conditions:

1. Standard time limit;
2. The development shall be built in accordance with the plans as approved;
3. Details of fire escape, including joinery and materials prior to commencement;
4. Details of refuse and disabled access ramp to be agreed and installed before use;
5. Details of litter bins / cigarette butt containers to be agreed;
6. Noise insulation measures and installation methods to be agreed and installed prior to first use;
7. Bars, seating, partition walls, interior cladding, joinery, and fixing details all to be agreed;
8. New doors details for the new first floor single door and the ground floor front door hanging shall be agreed, to include joinery and fixings;
9. Any further works proposed or arising as necessary to be notified to and where necessary approved by the LPA;
10. Details of CCTV positioning and installation to be agreed prior to first use.

(Reasons for approval: The recommendation has been made with regard to the provisions of the development plan, so far as material to the application, including saved policies HBE8, HBE9 and HBE12 of the adopted City of Norwich Replacement Local Plan (November 2004), and national policies PPS1 and PPS5, and all other material planning considerations. The alterations proposed are considered acceptable within a historic Listed Building premises within the City Centre Conservation Area. Subject to conditions imposed to control the final external designs and internal installations and alterations, the scheme is considered appropriate to secure the ongoing preservation of a historic Listed Building and avoid any detrimental impact on the Listed Building.)

(Councillor Offord was readmitted to the meeting at this point.).

Appendix 3: Decision Notice application 10/01250/F.



NORWICH
City Council

DNPA F

Application submitted by:

A Squared Architects Ltd
93 - 95 King Street
Norwich
NR1 1PW

On behalf of:

Global Binding Engineers Ltd
5 The Old Church
St Matthews Road
Norwich
NR1 1SP

TOWN AND COUNTRY PLANNING ACT 1990
REFUSAL OF PLANNING PERMISSION

Application Number: 10/01250/F

Valid date of application: 1st July 2010

Decision date: 26th August 2010

Location: 8 Redwell Street Norwich NR2 4SN

Proposal: Change of use from shop (Class A1) to drinking establishment (Class A4) with minor external alterations to create new fire exit.

Reasons:

1. The proposal would cause a detrimental impact to the character of this part of the City Centre Conservation Area, changing its nature away from an area of predominantly residential, office and community uses, with minimal activity during the evenings, to a character involving a use that would generate large numbers of visitors to and from the site and associated activity on the street during the evening and the night. As such the proposal is considered to be contrary to national policy PPS5 and saved policy HBE8 of the adopted City of Norwich Replacement Local Plan (November 2004).
2. The lack of a smoking shelter or any provision for smokers within the application site will lead to patrons needing to smoke outside the site and cause a detrimental impact to the amenity of local residents, community and commercial premises, through the associated noise, smoke and litter. As such the scheme is contrary to saved policies EP22 and HBE12 of the adopted City of Norwich Replacement Local Plan (November 2004).
3. The lack of a smoking shelter or any provision for smokers within the application site will give rise to patrons smoking on the public highway adjacent to the site. The public highway surrounding the application site is made up of narrow footways. Taken together, it is considered that the proposal will compromise highway safety and lead to a danger to pedestrians, including both local residents and patrons of the public house, and as such the scheme is

DECISION SENT AUG 26 2010

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contrary to saved policies TRA3, TRA5, TRA14, TRA24, HBE12 and EP22 of the adopted City of Norwich Replacement Local Plan (November 2004).

4. By virtue of the noise and increased activity at the site, and likely increased smoke, litter and disturbance from, in, or around the site, and as a result of the scale and intensity of the proposed use, the development would give rise to an unacceptable detrimental affect on the amenity of the surrounding area, the effects of which would be to link the premises to other areas where there is a concentration of night time uses. The proposal would also cause harm to the level of amenity currently available to the residential, community and commercial uses in the immediate area of the application site, and would result in an increased fear of crime and disorder amongst local residents and pedestrians in the area. As such the scheme is contrary to national policy PPS1 and saved policies EP22, HBE12 and HBE19 of the adopted City of Norwich Replacement Local Plan (November 2004).
5. The proposal, given the scale and intensity of the use of the premises over three floors, does not include adequate servicing, refuse storage, or access arrangements. The absence of an immediately available servicing bay connected to the premises, and the inadequate refuse provision and disposal strategy, and the inadequate disabled access proposals would all result in unsatisfactory vehicular or pedestrian access to the site and obstruction to the public highway, and would subsequently be detrimental to highways safety. As such the scheme is contrary to national policy PPS1 and saved policies TRA3, TRA5, TRA8, TRA14, TRA24, HBE12 and HBE19 of the adopted City of Norwich Replacement Local Plan (November 2004).
6. Given the lack of an adequate acoustic assessment in relation to the potential for noise break-out from the premises, it is considered that insufficient information has been submitted to enable the Local Planning Authority to make a reasoned assessment of the proposal. In addition, any mitigation measures needed to address the possible noise impacts could create an adverse impact on both the character of the Conservation Area or the historic fabric of the Listed Building, or, by virtue of the restrictions imposed by the nature and structure of the Listed Building, such measures may prove to be impractical or unreasonable for being implemented by the occupier such to prevent detrimental impact to neighbouring premises. As such the scheme is considered to be contrary to national policy PPS5 and PPG24 and saved policies EP22, HBE8 and HBE9 of the adopted City of Norwich Replacement Local Plan (November 2004).

Note: This notice applies to the following drawings:

09 38 10 Composite Plans Received 30th June 2010

09 38 03 Other Received 30th June 2010

Note To Accompany Application Received 30th June 2010



NORWICH
City Council

Acoustic Report Received 30th June 2010

Graham Nelson
Head of Planning and Regeneration Services

Appendix 4: Grounds of appeal of appellant.

Note – The full submission from the appellant can be viewed at the Planning Department or via Public Access, by quoting the application number 10/01250/F.



Town Planning & Development Consultants

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Head of Planning & Regeneration Services
Norwich City Council
City Hall
NORWICH
NR2 1NH

10/O/191

26 January 2011



Dear Sir/Madam

Planning appeal against the refusal of planning application 10/01250/F
8 Redwell Street, Norwich, NR2 4SN
PINS Ref: APP/G2625/A/11/2145533

I enclose a copy of the appeal form and attached additional documents submitted electronically today via the Planning Portal to the Planning Inspectorate.

The appellant's Statement of Case will follow in due course.

I have not sent you the copies of the original planning application documents, your Authority's acknowledgement letter and your Authority's decision notice, given that you will already have these on your file.

Yours faithfully


Stephen Matthews
Principal Consultant

Enc.

H. GROUNDS OF APPEAL

If you have chosen the written representations procedure, your **FULL** grounds of appeal must be made, otherwise we will return the appeal form.

If you have requested a hearing or an inquiry, you do not have to provide your full grounds of appeal. You can provide only a brief outline of your grounds, but it must be sufficiently detailed and comprehensive enough to enable the LPA to prepare their case.

Refer to our booklet 'Making your planning appeal' for help.

Please continue on a separate sheet if necessary.

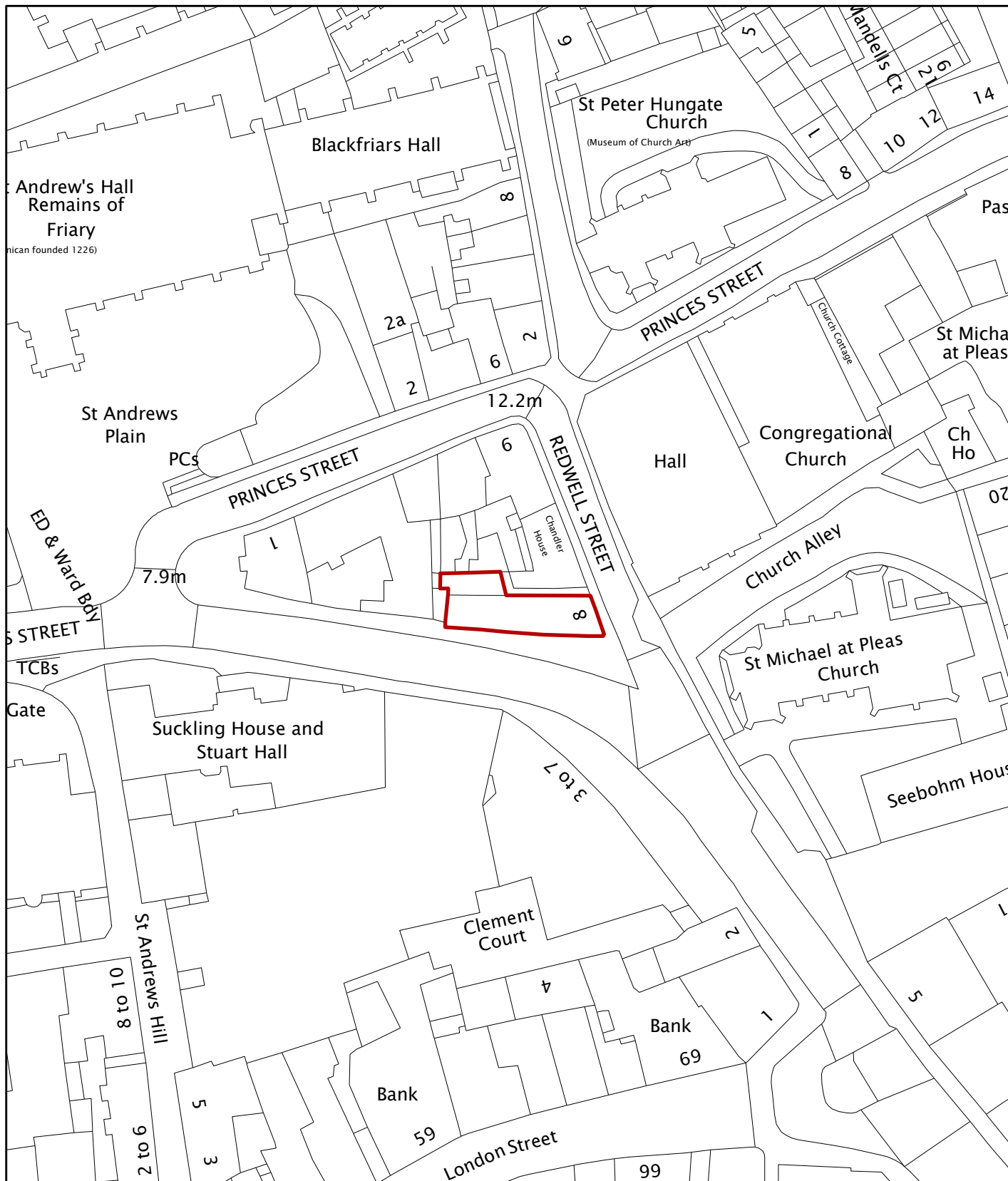
Do you intend to submit a planning obligation (a section 106 agreement or a unilateral undertaking) with this appeal? YES ☒ NO

1. The planning application support statement, entitled Note to Accompany Application, prepared by A Squared Architects Ltd, describes the appeal site and its surroundings. The key local planning policies have also been referred to in this document. The planning application, the subject of this appeal, was also accompanied by an Assessment of Potential Noise Impact and Recommendations for Remedial Measures prepared by Big Sky Acoustics dated 14/06/2010. This supplemented the description of the site and elaborated on its proposed use, assessing the noise impact implications of this and making recommendations for remedial measures. These documents, together with the application papers and the correspondence between the appellant's agents and the LPA and their consultees provide the context of information for this proposal that was considered by the LPA. The subsequent Statement of Case will elaborate upon this information and make the appellant's case fully.

2. The appellant argues that the appeal premises are sustainably located within a mixed use area and the proposed change of use of the appeal site to a Class A4 use will provide for an appropriate and beneficial reuse of this vacant listed building which would not result in a detrimental impact upon the character and appearance of this part of the Norwich City Centre Conservation Area. The appellant also argues that the proposed change of use will not result in a detrimental impact on the amenities of local residents, community and commercial premises through noise, smoke and litter. The appellant also argues that the proposed change of use will not result in a compromise of highway safety nor lead to a danger to pedestrians, both local residents and patrons of the public house. The appellant also argues that the proposed change of use will not result in an unacceptable detrimental affect on the amenity of the surrounding area from any increased smoke, litter, and disturbance and will not result in harm to the level of amenity currently available to the residential, community and commercial uses in the immediate area and would not result in an increased fear of crime and disorder amongst local residents and pedestrians in the area. The appellant also argues that the proposed change of use will provide adequate servicing, refuse storage and access arrangements to serve the proposed use and will provide reasonable vehicular and pedestrian access to the site without detriment to highway safety within the reasonable limits and constraints imposed by its city centre location and its listed building status. The appellant also argues that adequate acoustic assessment has been undertaken, and that reasonable liaison and use of standard planning conditions would satisfactorily resolve this issue, without detriment to either the character and appearance of the Conservation Area or the historic fabric of the listed building itself or the amenities of neighbouring premises. These arguments will be elaborated upon in the subsequent appellant's Statement of Case.

3. The appellant also argues that the proposed use of this building will accord with the aspirations of both national and local planning policy, including PPS4 and PPS5. These arguments will be elaborated upon in the subsequent appellant's Statement of Case.

4. The appellant also argues that this planning decision must be made in the light of the evidence presented by the appellant and within the context of the controlling role of other legislation, especially that of the Licensing Authority. These arguments will be elaborated upon in the subsequent appellant's Statement of Case.



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Planning Application No 10/01250/F
 Site Address 8 Redwell Street, Norwich
 Scale 1:750



NORWICH
City Council

PLANNING SERVICES

