

**Report to** Planning applications committee  
**Date** 6 December 2012  
**Report of** Head of planning services  
**Subject** 12/01735/U 95 Upper St Giles Street Norwich NR2 1AB

**Item**  
**6(7)**

## SUMMARY

<b>Description:</b>	Change of use from hairdressers (Class A1) to photographic Studio and display window with restroom/bedroom at rear (Class sui generis).
<b>Reason for consideration at Committee:</b>	Objection
<b>Recommendation:</b>	Approve
<b>Ward:</b>	Mancroft
<b>Contact Officer:</b>	Mr Kian Saedi Planner 01603 212524
<b>Valid Date:</b>	2nd October 2012
<b>Applicant:</b>	A J Pics
<b>Agent:</b>	Mr J Moulton

## INTRODUCTION

### The Site

#### Location and Context

1. The site is located on the north side of Upper St Giles Street within the City Centre Conservation Area. The application site itself forms the ground floor of a three-storey, Grade II listed building. The main entrance to the site is provided from Upper St Giles Street although access is also provided from the rear yard/car parking area.

#### Constraints

2. The site is located within the City Centre Conservation Area and within a Secondary Retail Area. The application building is Grade II listed although the applicant does not propose to alter the original fabric of the building in any way.

#### Planning History

Various applications including conversion of upper floors to three flats.

**07/00331/U** - Change of use from retail (A1) to Cafe (A3). (Refused - 12/06/2007)

### Equality and Diversity Issues

There are no significant equality or diversity issues. Double doors and level access are provided from the Upper St Giles entrance, which allow wheelchair access to the site.

## The Proposal

3. The applicant proposes to change the use of the hairdressers at ground floor (Class A1) to a photographic studio and display window with a restroom/bedroom at the rear (Sui Generis). [It should be noted that it is not proposed that the premises is used as a photographic shop, which would fall in Class A1 and which would not require planning permission for change of use]. The upper floor residential uses will remain unchanged.

## Representations Received

4. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. Three letters of representation have been received citing the issues as summarised in the table below.

5.

Issues Raised	Response
Concern that the premises will be used to provide an additional serviced/hotel room in association with the flats above. Concern that if this is the case then the commercial aspect of the building could be lost and that this could set a precedent for further residential conversions.	Paragraphs 9 & 11
Will the photographic studio operate as a day-to-day business, enriching the street's diversity or will it just be a front display window, closed to the public but enabling residential conversion to the rear?	Paragraphs 9-11
The conversion would spoil the retail character of the street.	Paragraphs 7 & 9-11
Allowing a bedroom may allow it to be used as cheap hotel accommodation.	Paragraphs 9 & 11
The purported lack of retail demand on the street is disputed	Paragraph 8

## Consultation Responses

6. No objections to the proposal have been raised on transportation grounds and Environmental Health have recommended that the use of the restroom/bedroom must be by the proprietor/staff only and that residential accommodation will not form part of the consent.

# **ASSESSMENT OF PLANNING CONSIDERATIONS**

## **Relevant Planning Policies**

### **National Planning Policy Framework:**

- Section 1 – Building a strong, competitive economy
- Section 11 – Conserving and enhancing the natural environment
- Section 12 - Conserving and enhancing the historic environment

### **Relevant policies of the adopted East of England Plan Regional Spatial Strategy 2008**

- ENV6 - The Historic Environment
- ENV7 - Quality in the Built Environment

### **Relevant policies of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2011**

- Policy 2 – Promoting good design
- Policy 5 – The economy
- Policy 11 – Norwich City Centre

### **Relevant saved policies of the adopted City of Norwich Replacement Local Plan 2004**

- HBE8 - Development in Conservation Areas
- HBE9 – Development affecting Listed Buildings
- HBE12 - High quality of design in new developments
- SHO11 – Changes of use in retail frontages in Secondary and Large District Centres
- EMP1 - Small scale business development
- TRA6 - Parking standards - maxima
- TRA7 - Cycle parking standards
- TRA8 - Servicing provision

### **Supplementary Planning Documents and Guidance**

- City Centre Conservation Area Appraisal (September 2007)

## **Principle of Development**

### **Policy Considerations**

7. Saved policy SHO11 requires that within the Upper St Giles Secondary Retail Area, uses in classes other than retail (Class A1) will be permitted where they would not have a harmful impact upon the vitality and viability of the street and where the defined retail frontage would not fall below 70%. The non-retail frontage of the area is currently at 34.5% and the conversion of the premises to a Photographic Studio would further increase the non-retail frontage to 40%. If this proposal were to be implemented therefore, the proportion of retail use would fall below the 70% threshold. This being the case the policy asks if the proposal would be harmful to the vitality and viability of the street.

### **Vitality and Viability**

8. The applicant has stated that the unit has stood vacant since February 2011 with marketing interest only received for non-retail uses including a tanning studio, beautician and café. The applicant has also made reference to a previous application to change the unit from retail to a café (Class A3) (07/00331/U), which

was refused planning permission on the grounds that the scheme breached the 30% non-retail retail threshold and the café use would have a detrimental impact upon the residential amenity of flats located above the shop.

9. The applicant proposes to convert the premises to a photographic studio and restroom/bedroom associated with the commercial use to be located at the rear. The opening hours of the premises would vary but the applicant is proposing opening times of 09:00-22:00 (Monday-Saturday) and 10:00-16:00 on Sundays to provide the proprietor of the studio a greater degree of working flexibility. The shop windows will be used to display photographs on sale to the public and in this sense the potential retail interest provided by a shop frontage would not be lost. The unit has been vacant for nine months and it is considered that permitting the photographic studio will benefit the vitality of the site in terms of creating a potentially attractive window frontage and an increased customer footfall to the site. A certain element of retail would be retained through sale of photographs and in this respect the use would be compatible with surrounding uses along the street. The restroom/bedroom at the rear of the site would not be available as residential accommodation and would only be available for occasional use by staff/proprietor. There would be a need for any planning permission to be strictly conditioned to ensure that the premises is not used as a new dwelling unit (as it is unsuitable for this use) and that a shop window display is installed and permanently retained in order to protect the retail character of the area.
10. On balance it is considered that the loss of the retail unit, which has been vacant for nine months, is offset by the benefits highlighted above and through the imposition of conditions. The sale of photographs will retain some of the retail function of the site and will help contribute to a provision of a diversity of uses across the City Centre area in accordance with policy 11 of the JCS and saved policy SHO11 of the Local Plan.
11. It is important to stress that the granting of planning permission would not allow the rear restroom/bedroom to be used as a separate unit of residential accommodation and that the use of the restroom/bedroom would only be by the proprietor/staff.
12. The proposal is also considered to accord with the criteria as set out in saved policy EMP1 of the Local Plan insofar as the conversion will not result in any adverse environmental impact or harm to the residential amenity of the surrounding area, the development is not over-intensive, the site is accessible to non-car users and the access/servicing arrangements are considered satisfactory.

## **Impact on Living Conditions**

13. Residential uses operate both above and adjacent to the site, but the use of the premises as a photographic studio will involve no activities that would result in harm to the residential amenity of neighbouring properties.
14. It is considered necessary to attach conditions relating to containing noise from any fume/flue outlet and any plant machinery that may be used in the studio in order to protect the general amenities of neighbouring properties.

## **Design**

15. No internal or external alterations are proposed that would alter the original fabric of the listed building. The retail unit is currently vacant, which has had the effect of

creating an inactive frontage at the detriment of the character of the Conservation Area. The conversion of the premises to a photographic studio would allow for the re-establishment of a shop window display and increase customer footfall to the site. In turn, an attractive window display would improve the appearance of the application building itself and enhance the character of the wider Conservation Area.

## **Transport and Access**

16. Five parking spaces already exist in the rear yard of the site, one of which will be available for the proprietor of the photographic studio. The applicant has indicated that an area exists in the rear yard large enough to accommodate 3 bicycles, but that they have no control over this area of land. The land ownership arrangement has thus removed any opportunity for installing a permanent secure and covered cycle parking structure. A cycle stand exists on Upper St Giles Street directly opposite the site, which can accommodate secure parking for two bicycles and this is considered sufficient to serve the photographic studio and to satisfy the requirements of saved policy TRA7 of the Local Plan.
17. A wheelie bin will be stored in the rear yard and collection will be arranged through a commercial waste operator. The rear yard connects to a public road allowing collection vehicles access to the site with adequate turning space available in the car park to allow access and egress in a forward gear. This will satisfy saved policy TRA8 of the Local Plan.

## **Conclusions**

18. The proposal would result in the non-retail frontage of the Secondary Retail Area extending further beyond the 30% threshold to 40%. The retail function of the site will continue through the sale of photographs, and planning consent will be conditioned to require the installation of a shop window display. In this sense the proposal will avoid any harm to the vitality and viability of the area and also help support the needs of a new business. The installation of a shop window display will also enhance both the appearance of the application building at ground floor level and the character of the wider Conservation Area. The restroom/bedroom at the rear of the site is only to be used by the proprietor/staff on an occasional basis and this can be controlled with the use of planning conditions. Subject to conditions therefore, the proposal is considered acceptable and in accordance with the objectives of Sections 1, 11 and 12 of the National Planning Policy Framework (March 2012), Policies ENV6 and ENV7 of the East of England Plan (2008), Policies 2, 5 and 11 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (2011), saved policies HBE8, HBE9, HBE12, SHO11, EMP1, TRA6, TRA7 and TRA8 of the City of Norwich Replacement Local Plan (2004) and all other material considerations.

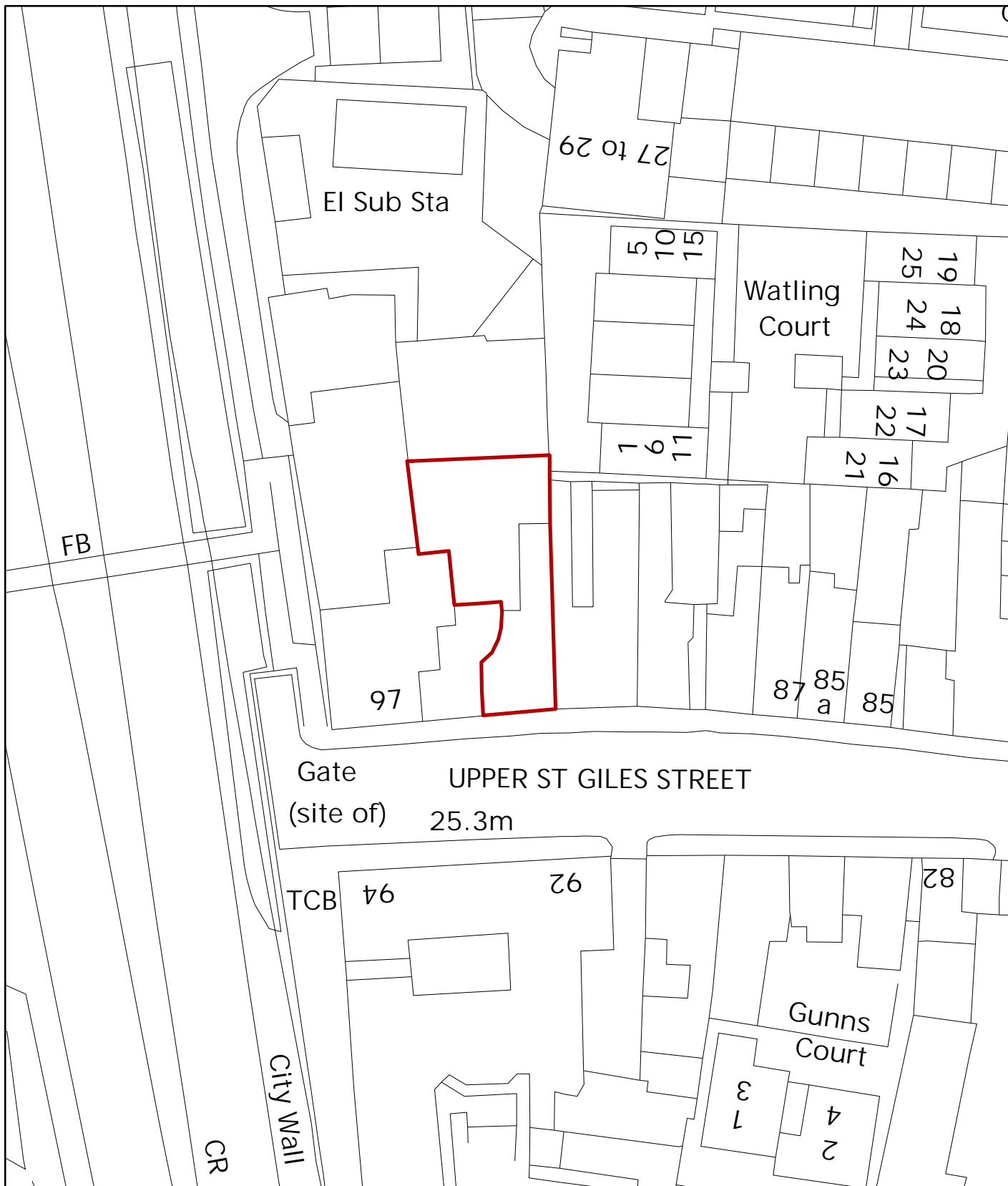
## RECOMMENDATIONS

To approve application no 12/01735/U 95 Upper St Giles Street, Norwich, NR2 1AB, subject to the following conditions:

- 1) STLC 3 years
- 2) Development in accordance with plans
- 3) The premises which form the subject of this permission and outlined in red on the approved location plan [received 28<sup>th</sup> September 2012] shall not be open to the public, trading, or have members of the public, as customers or guests, on the premises between the hours of 09:00hrs and 22:00hrs (Monday to Saturday) and 09:00hrs and 18:00hrs on Sundays.
- 4) The rest room/bedroom as indicated on drawing no. [951/2A] shall only be available for use by the proprietor/staff. At no time shall the rest room/bedroom be occupied or leased as a dwelling.
- 5) A shop window display (to include examples of photography produced by the operator of the photographic studio) shall be installed and permanently retained at the ground floor windows fronting Upper St Giles Street in accordance with a scheme to be first submitted to and approved by the Local Planning Authority.
- 6) No plant or machinery shall be installed or erected on the site unless in accordance with a scheme for the reduction, where necessary, of the level of noise and vibration emanating from the premises that has been first submitted to and approved in writing by the Local Planning Authority. Once installed, any such plant or machinery shall be retained as such thereafter.
- 7) No extract ventilation or fume extraction system shall be installed or erected on the site unless in accordance with a detailed scheme that has been submitted to and approved in writing by the local planning authority. The detailed scheme shall include the position of ventilation, fume or flue outlet points and the type of filtration or other fume treatment to be installed and used in the premises in pursuance of this permission, together with a schedule of maintenance.

Informative:

- 1) The applicant is advised that any internal/external alterations to the original fabric of the building included within the site of the planning permission hereby granted will require Listed Building Consent.



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Planning Application No 12/01735/U

Site Address 95 Upper St Giles Street

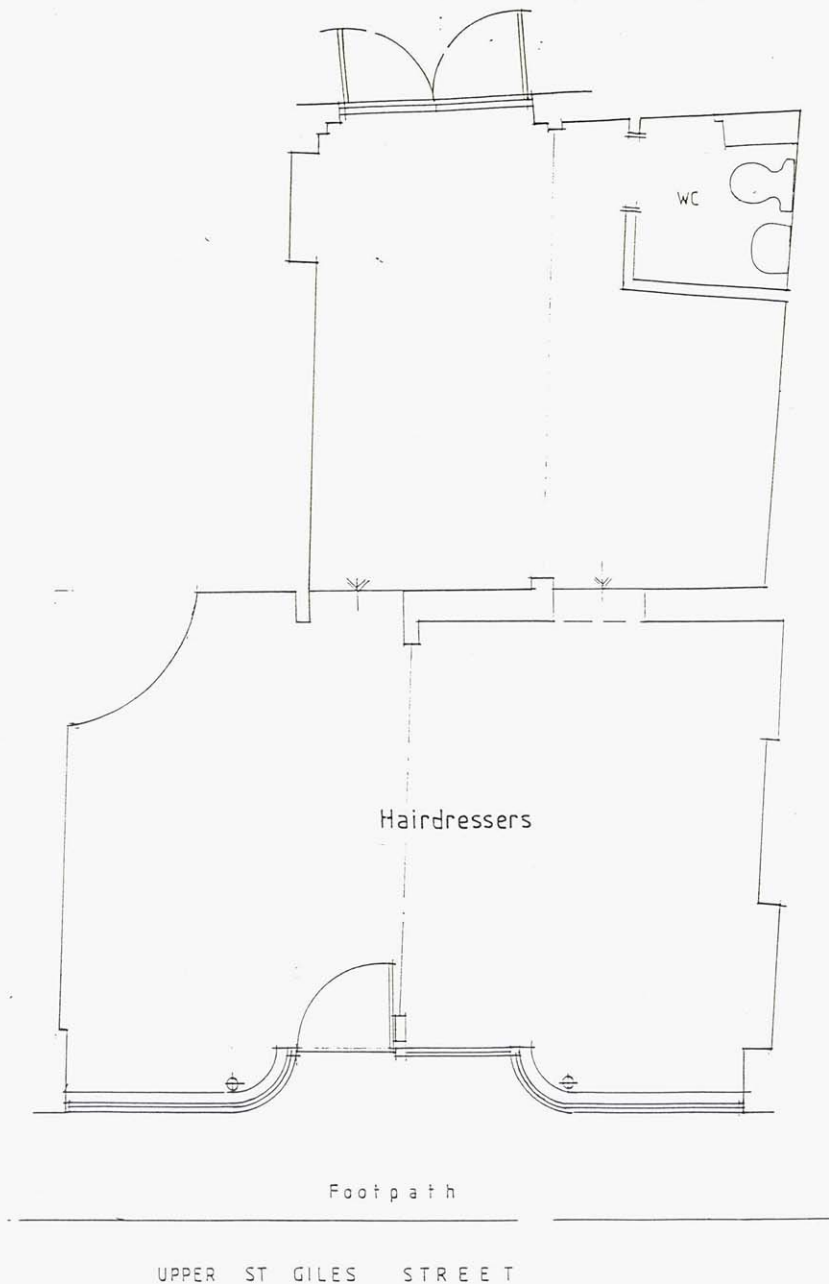
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**NORWICH**  
City Council

PLANNING SERVICES





Block Plan (1:500)

Organisational Development  
28 SEP 2012  
Planning Reception

Revision A: WC/basin added to wc compartment

20 September 2012

*Do not scale from this drawing. Check all dimensions on site. Not to be reissued or copied without consent of JWM Design.*



**JWM Design**

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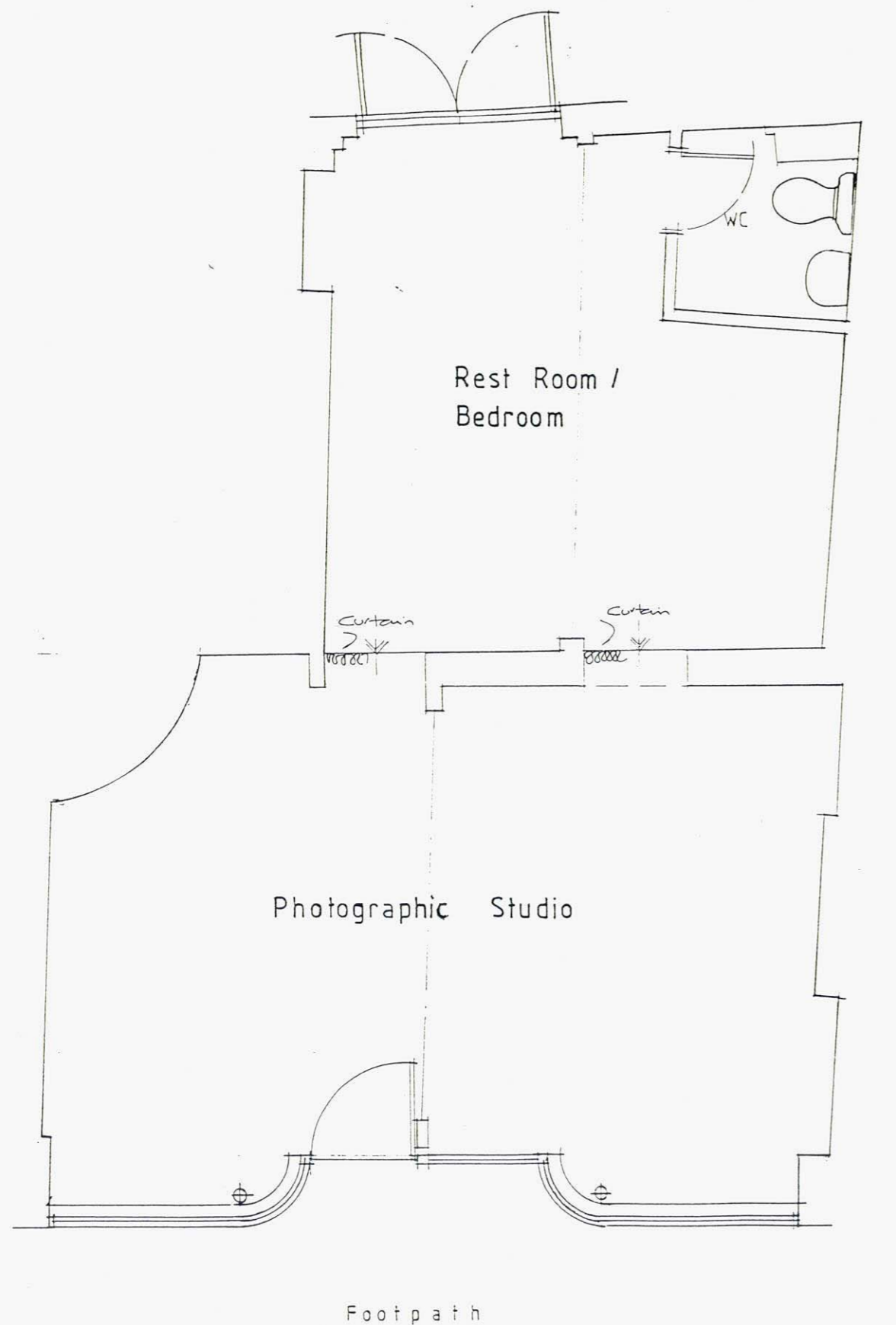
**Proposed Change of Use from Hairdressers Salon to Photographic Studio, 95 Upper St Giles Street, Norwich for A J Pics.**

**Plans as Existing :**

Scale: 1:50 & 1:500

Date: August 2012

Drawing No: 951/1A



UPPER ST GILES STREET



Organisational Development  
28 SEP 2012  
Planning Reception

Revision A: Shower omitted and Bedroom referred as Rest Room/Bedroom.  
Block Plan enlarged to 1:250 scale and parking/bin details added

20 September 2012

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**Plans as Proposed :**

Scale: 1:50 & 1:250

Date: August 2012

Drawing No: 951/2A