

## Report for Resolution

**Report to** Planning Applications Committee  
**Date** 19 May 2011  
**Report of** Head of Planning Services  
**Subject** 11/00283/F & 11/00284/L 9 -11 Upper King Street Norwich  
NR3 1RB

**Item**  
**7(2)**

### SUMMARY

<b>Description 11/00283/F:</b>	Change of use from offices (Use Class B1) to drinking establishment (Use Class A4) and minor external alterations to create new front entrance and rear smoking terraces.
<b>Description 11/00284/L:</b>	Creation of new front entrance, partial demolition of rear elevation, and internal alterations to facilitate conversion of premises from office to drinking establishment.
<b>Reason for consideration at Committee:</b>	Objection
<b>Recommendation 11/00283/F:</b>	Approve subject to conditions
<b>Recommendation 11/00284/L:</b>	Approve subject to conditions
<b>Ward:</b>	Thorpe Hamlet
<b>Contact Officer:</b>	Mark Brown Senior Planning Officer 01603 212505
<b>Date of validation 11/00283/F:</b>	16 February 2011
<b>Date of validation 11/00283/F:</b>	15 February 2011
<b>Applicant:</b>	Mr Paul Alcock
<b>Agent:</b>	McArthur Tring Architects LLP

### INTRODUCTION

#### The Site

##### Location and Content

1. The site is located to the eastern side of Upper King Street. The property is located within the late night activity zone, the city centre leisure area, the city centre conservation area and the area of main archaeological interest.
2. The properties along with the adjacent property number 13 Upper King Street are Grade II listed buildings. The list description details the following: *'Former houses now offices Early C19. White brick and slate roof 3 storeys. 8 bays plus single-storey bay. Doors to Nos. 9 and 13 with plain surrounds and rectangular fanlights Centre door with eared and moulded surround with Key-stone. Sash windows with glazing bars and rubbed brick flat arches. Casement window with segmental arch in*

*single-storey bay Paired modillion cornices*'. The building is on the County buildings at risk register the building being identified as category 'C' (slow decay no solution agreed) due to the length of time it has been vacant and due to damp problems (risk categories range from 'A' to 'F', 'A' being the highest risk).

3. The building can be described in two main parts, the frontage to Upper King Street which is contemporary with 13 Upper King Street and the second, the rear range which runs perpendicular to the frontage. Stylistically the building appears to date from the early C19, it has a typical façade for a building of this period with strong symmetry in the fenestration, well proportioned window openings and refined detailing. Both front and rear ranges have similar detailing although there is evidence that the rear range could be slightly earlier.
4. To the south is 13 Upper King Street, beyond which is number 17 Norfolk Club, an C18 building, and the access to 15 Upper King Street a C20 office building located to the rear of the site with no frontage to Upper King Street. To the north is a C20 infill office block which wraps around and extends to the rear of the application premises. On the western side of Upper King Street are a number of properties dating from the late C19 early C20 with commercial A2 (financial and professional services) uses at ground floor with associated B1 offices above. 8-10 Upper King Street opposite the site has consent for a change of use from A2 to restaurant on the ground floor with four residential apartments above.

## **Planning History**

5. The former houses have been used for much of the C20 as mixed use A2 (financial and professional services)/B1 (Business) offices. The properties have most recently been used as an estate agents with associated offices at upper floors. The property has been vacant since 2008.
6. 4/1995/0997 & 4/1995/1019 – Listed building consent and planning permission granted for internal alterations, structural repairs and erection of first floor rear extension to 9 Upper King Street (unimplemented).
7. 4/1990/0720 & 4/1990/0714 - Listed building consent and planning permission granted for the erection of first and second floor extensions at the rear of the building, associated internal alterations and minor alterations to the front elevation (unimplemented – this sought to replace the existing latter extensions at first and second floor level to the rear northeast corner of the site).
8. 4/78/1032 – Listed building consent granted for alterations to internal partitions and creation of new internal door opening.

## **Equality and Diversity Issues**

9. There are not considered to be any significant equality or diversity issues. Disabled access is provided to the ground floor which provides access to a bar and drinking area as well as a disabled toilet. Access is not provided to upper levels however given the constraints of the building and its listed status it is not considered that provision of a lift would be appropriate or reasonable.

## **The Proposal**

10. The proposal is for the change of use of the building to an A4 drinking

establishment with associated alterations to the listed building, the main alterations are detailed below:

- Enlargement and creation of new internal openings;
- Removal of the existing stairs and insertion of a new staircase;
- Installation of a new food hoist from the cellar to the second floor kitchen;
- Provision of disabled toilet at ground floor;
- Installation of a new bars at ground and first floor levels;
- Enlarging the southernmost ground floor window to create a new fire exit door;
- Insertion of new entrance lobbies and doors;
- Insertion of floor hatch and hoist to access the cellar area from the ground floor;
- Insertion of toilets at first and second floor level;
- Installation of a commercial kitchen at second floor level along with staff rooms and office;
- Alterations to the later rear first floor extensions to the northeast corner to create an external terrace with bi-fold doors opening out from the first floor;
- Alterations to the later rear second floor extensions to the northeast corner to remove the roof and northern wall to create a further external terrace at second floor level.

The proposals also seek extraction from the kitchen and secondary glazing to the front (west) elevation for the purposes of noise mitigation although limited details of these works have been submitted at this stage. This is discussed further below.

## **Representations Received**

11. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. No neighbour letters have been received. Objections from the Norwich Society and Friends of Elm Hill are detailed within the consultations section below.

## **Consultation Responses**

12. **Norwich Society** – The building should be viewed as a whole together with the adjacent property to the right; they are a ‘single build’. Another door upsets the rhythm of the façade of this decent, solid late Georgian gentleman’s residence. Three doors spilling out onto a narrow pavement is not a good idea, especially with very little back access. We are disappointed to see that drinking establishments are moving up from Prince of Wales Road into Tombland/Cathedral precincts.

13. **Friends of Elm Hill** – objection for the following reasons:

- a. Impact on the character and appearance of City Centre Conservation area – Upper King Street is located within the tourism priority area as defined in local policy TVA4. Queen Street, which adjoins Upper King Street, has four large late night drinking establishments that have had a detrimental impact on the character and appearance of the area. There is now no retail offering in the street. The detritus from late night drinking has a negative impact on the visitor route from the Castle to the Cathedral.

Our understanding is that the recent proposed Norwich Local Development Framework Development management policies document (Policy DM 23) has stated the Cathedral Quarter area, which includes Tombland, Queen Street and Upper Kind Street, is no longer within the designated Late Night Activity zone

and businesses, including drinking establishments, will therefore be required to close by 12 midnight.

The creation of a new drinking establishment therefore runs contrary to the new proposed Policy.

- b. Impact on the amenities of local residents and the community – 9-11 Upper King Street is a listed building in a Conservation area and in the immediate adjoining streets there are six large late night drinking establishments all of which contravene the current local Policy AEC1 that states this area is NOT in the late night activity zone.

The Human Rights Act 1998 ensures residents have a right to enjoy peace and quiet at night and another drinking establishment in the area will only add to the noise and disturbance.

The area around Tombland contains many residencies. The City Centre Partnership advises us that 6000 new dwellings have been built in the city since 2001, some close to Tombland and Kind Street. Norwich plans to build 3,000 additional homes in the City Centre.

The current continued expansion of the Night Time economy into the City Centre is in conflict with the plan to increase city centre living.

- c. Impact on Planning Appeal APPIG2625IAIII/2145533/NWF – Planning Application number 10/01250/F 8 Redwell Street Norwich – change of use from retail to drinking establishment has been refused and is currently under appeal to the Planning Inspectorate.

To permit change of use to Drinking Establishment for a building at the other end of Queen Street, in Upper King Street, runs contrary to the Council's previous refusal at 8 Redwell Street and would undermine the Council's defence of the current appeal.

Conclusion – It is agreed that the return to use of the building is to be welcomed and in our view a change of use to a restaurant would be appropriate and complement the existing restaurants in the immediate area. However, planning law takes precedence over the Licensing Act and the Licensing Act 2003 carries a "presumption to grant" a license. In our opinion it is important that under Planning Law the application for change of use to drinking establishment is refused for the reasons outlined above.

- 14. **Norfolk Constabulary** – On the exterior of the building, care should be taken so that there is no conflict between smokers on the upper terrace and persons using the lower terrace. A grille or similar screen should prevent objects such as lit cigarettes etc between thrown between the two locations.

The interior of the premises accessed by public should be monitored by CCTV, leaving no blind spots. The system should be monitored by staff and it should be capable of producing images for evidential purposes.

The layout of the premises appears suitable for it's intended use.

In seeking to police areas of the City Centre which cater for the late night economy

in an efficient and effective manner i.e. the Late Night Activity Zone as defined by saved policy AEC1 of the City of Norwich Replacement Local Plan (Adopted Version November 2004), Norfolk Constabulary has to take into account the size of the patrol area and recent history with regard to public disorder, which may include crime figures relating to the night time economy.

Norwich City Council, under Section 17 of the Crime and Disorder Act, 1998, has a duty to minimise the potential for crime, disorder and public nuisance in their area. With specific regard to Planning, this duty should be carried out in accordance with the key principles of local and national planning policies.

Given the above requirements, Norfolk Constabulary request that planning permissions for late night uses be restricted by conditions so that premises are not permitted to open past 0400 hrs on any day given the constraints of the Police cover in the Late Night Activity Zone with the additional police resources dedicated to the Late Night Activity Zone finishing at 0500 hrs.

Additionally Norfolk Constabulary requests that no premises outside the Late Night Activity Zone should be permitted to be open past 1200 hrs midnight, unless it can be clearly demonstrated that there would be no detrimental impact on the living conditions of nearby residents or that there is no potential threat of crime and disorder to the public.

**15. Planning Policy** – Subject to suitable conditions the proposed change of use to a drinking establishment is acceptable in principle in this location and broadly in accordance with the objectives of the Joint Core Strategy to promote the evening economy and broaden the range of leisure and hospitality uses in the city centre. The conversion and external alterations are appropriate and will not have a harmful impact either on the building itself or on this part of the city centre conservation area. The proposal should ensure the continued beneficial use of this Grade II Listed Building and extend its useful life whilst protecting its historic character and significance as a designated heritage asset. The loss of the office use can be justified on the basis that there is proven lack of demand for office accommodation and a demonstrable surplus of small business premises in central Norwich. Retention and/or upgrading for office purposes is unlikely to be a viable option given the constraints of the historic layout. Consequently City of Norwich Replacement Local Plan policy EMP3 and the objectives of Joint Core Strategy policies 5 and 11 re the protection of office space and promotion of office employment are unlikely to be compromised by a grant of permission here.

**16. Design and Conservation** – The building has been described and analysed in historic building reports by F.N Davey dated feb 2011, Robert Smith dated Sept 2010, and historic use report by Blanchard. From the street the appearance of building stylistically appears to date from the early C19. It has a typical façade of the period with strong symmetry in the fenestration, well proportioned window openings and refined detailing. There is however evidence that the rear range could be slightly earlier. I would disagree with Smith's notion that the façade dates from the late C19, however internally the building has undergone significant alterations in the late C19 when the building was remodelled for office accommodation. Although the building has been significantly altered internally a number of significant features survive from the phases of alteration. The staircase in the left hand bay is an original domestic early C19 stair, however the central stair dates from the late C19. Numerous fireplaces remain, mostly from the late C19 office use, as does

significant internal office shelf fittings and a safe on the second floor in the rear range.

The building is currently on the buildings at risk register and therefore a new use for the building is welcomed. The building has most recently been used for offices, however with the building being empty for a long period it has to be questioned whether office use is now the most appropriate and viable long term use of the building. In many cases (including several examples in Norwich) office buildings of this period have been returned to residential use, however this building lacks any curtilage space for amenity, fronts directly onto a busy street (the principal north-south bus route) and is within the late night activity zone. It is therefore unlikely to lead to a good quality residential conversion scheme, and is also not well suited to conversion to affordable housing etc. The building's location within the late night activity zone would suggest that the building has the potential to have a bar use, and I would consider this would be a viable use. The question is whether the change of use will require alterations that significantly harm the architectural and historic significance of the building in terms of alterations.

The application will be considered in relation to firstly the external alterations and then the internals. With regard to the external elevation the proposal seeks to enlarge the window opening into a door for the right hand bay to create a fire exit. It is considered that although the opening will be directly into a former room adjacent to the fireplace, externally the change of opening will not significantly harm the building as it will fit within the opening and be symmetrically balanced with the windows above and the existing opening to the left. The treatment of the door will also remain very simple so that it will be clearly read as a secondary entrance, with the central main door retained as the focal point of the building. The other external alterations will be to access the terrace. Although there is one new opening in the original rear wall, these will be in an area not viewable from public locations and will have relatively little impact on the overall character of the listed building.

More significant alterations are proposed internally in order to create a more open plan room arrangement. It is important to note that the original pre1840 plan form has almost been totally lost, and therefore there is very little in the way of remaining evidence that allows for the interpretation of the original pre1840 domestic layout. The most significant alteration is the removal of the existing central staircase and insertion of a new stair. However the existing staircase is a later C19 stair, and although of some significance as a later alteration, it is not one of the original pre-1840 characteristics that contributes to the building being listed. The stairs presents a particular awkward arrangement in terms of being 'back to front', rising from the rear of the building with a lobby area to the front. In order for the building to be converted into a bar a more open plan arrangement is required for access. Following negotiations the stairs has been reworked so it rises up from in front of the entrance. Apart from the new stair the other significant alterations involve removal of internal walls and part of the original external wall at ground and first floor level in the NE corner. The alterations within the basement (and service hatch) are relatively minor interventions. The walls to be removed in the rear wing are thin partitions and not original. It is unclear how old the walls are to either side of the central stairs, however they have been modified in order to insert the stair at a later date. Parts of the wall to the right of the existing stair, which is likely to be the more original wall, are going to be retained throughout the building. Although the removal of some of the original rear wall will be lost, a sufficient amount of the wall is being retained so that the original line of the wall can be easily interpreted at a future

date.

In terms of fixtures and fittings there are no original decorative fittings such as cornicing etc so various bar fittings will not be an issue. Following my suggestion it is good to see the shelving in the rear wing retained as a feature. Several fire place surrounds dating from throughout the C19 remain in situ. These have been retained in the new scheme in most cases and are to become features of the new bar. The exception is the late C19 cast iron surround within the second floor toilet area that will be boxed in, and the other later C19 fireplace at the rear (in the new kitchen area) relocated to the empty fire place position on the ground floor.

There are likely to be various further amendments with regard to sound insulation. I have no objection to sympathetic use of secondary glazing units on windows which are an acceptable form of noise reduction. With regard to the doors it would be interesting to compare this development with the entrance facilities at 'The Dog House' on St Georges Street that is directly adjacent to a block of flats.

Conditions should be applied that we are made aware of any further removal of historic fabric not already covered in the plans. Also a condition for historic building reports to be placed on the Historic Environment Record.

In conclusion I consider that although the conversion to a bar will require some alterations to the fabric of the building, overall the change of use will have relatively little impact on the historic and architectural significance of the building and will improve long term viable use. Although the central stair is of some significance it is not original and not pre 1840; its loss is a necessary requirement of the new use and would benefit the long term viable use of the building. Key historic fixtures and fittings, such as the safe, office shelves and fire place surrounds, are being retained as features and will aid future interpretation. In my opinion the proposed scheme meets the tests of PPS5 para 9.4 and there are no objections from a building conservation point of view.

- 17. Environmental Health** – I have looked at the above application and have some concerns regarding noise affecting the surrounding properties. In particular those adjoining commercial properties and those with residential permission on the opposite side of Upper King Street, although I do not believe that this residential permission has been taken up yet.

The sources of noise are likely to be the playing of amplified music and noise from any extract/ventilation/air conditioning equipment associated with the use.

In relation to the adjoining commercial properties, the application generally indicates that music noise levels from the premises during the day are likely to be low and at night when they are higher the commercial premises will not be occupied. This may not necessarily be the case as the premises may wish to provide entertainment during the day and also the offices may wish to work outside normal office hours.

The theoretical calculations in the noise impact assessment indicate that even if this situation were reversed, there will only be a small impact on the adjoining premises. These calculations though are theoretical, and do not take into account any structural anomalies within the building or music noise levels above those used in the calculations. In this respect maximum noise levels will need to be set and

limited.

Similarly in relation to the nearby residential properties, the theoretical calculations indicate that nuisance is unlikely. This again relies on a set maximum music noise level inside the building and theoretical assumptions about the effectiveness of the façade of the building in preventing noise escaping.

In this respect, of particular importance is the acoustic performance of the windows and doors on the front façade. The noise report from Sound Solutions has made recommendations regarding the possibilities for secondary double glazing and these should be investigated by the applicant to ensure that the maximum sound reduction can be achieved.

With regard to the main entrance doors I note that these have been designed with an extra set of lobby doors inside each entrance. Two of the 3 entrance doors enter directly onto the entertainment area on the ground floor so it will be imperative for both the inner and outer doors to be closed whilst entertainment is provided, in order to ensure that there are not blasts of music escaping as persons enter/leave as would be the case if only one set of doors is closed. It is my experience that, particularly in these older buildings where the external solid wood doors are to be retained, that licensees prefer to keep the outer doors open with just the inner doors closed, in order to make it plain that the premises are open. If this is the case here and the outer doors cannot be closed, then significant musical entertainment may not be suitable for this building, particularly into the early hours of the morning as this application proposes. [An amendment has been made to the plans to resolve this issue subject to conditions. This involves providing an inner lobby to the central doorway with two sets of new doors. This proposal would retain the existing outer doors which can be left open when the premises are in use, with two further sets of doors to contain noise outbreak. The other two front doors at either side of the premises would be fire exits only.]

Towards the rear of the building there is less concern, but careful attention should still be paid to the secondary glazing on the windows. Also careful design of the musical sound system should be applied in the internal area adjacent to the first floor garden/smoking terrace. The plan shows fully opening/folding doors which are likely to be left open or in very frequent use when the premises is in use, to allow smokers in/out. There is less concern regarding this issue with the smoking terrace on the second floor as this is not adjacent to the main entertainment area.

If permission is granted for this application then consideration should be given to imposing the following conditions:-

1. There shall be no use of the premises for the development hereby permitted until a scheme for installing internal sound proofing measures has been submitted to and agreed in writing by the Local Planning Authority. The proposals shall be sufficient to secure a reduction in the level of noise emanating from the premises, such that noise levels from the application premises shall not exceed NR 30 over the full frequency range, as measured at a position 1 metre outside any noise sensitive premises, and shall not exceed NR 20 over the full frequency range as measured inside any adjoining noise sensitive premises.
2. Before first use of the premises, the sound insulation measures shall be



provided in accordance with the agreed details and methodology, and shall be retained thereafter for the duration of this planning permission, in accordance with the approved details.

3. No amplified music shall be played in the premises unless through the agreed permanently installed amplification system, and no alteration of this system may take place without prior written authority from the Local Planning Authority.
  4. Before commencement of the use hereby permitted, full details of the amplification system to be permanently installed and used at the site shall be submitted to and agreed in writing by the Local Planning Authority.
  5. Before commencement of the use hereby permitted, details of the maximum noise levels, expressed in dB LAeq(5 mins), measured at a point 2 metres from every loudspeaker forming part of the amplification system, shall be first submitted to and approved in writing by the Local Planning Authority. Thereafter the permitted maximum noise levels agreed as part of this planning condition shall not be exceeded at any time.
  6. Before commencement of the use hereby permitted, a management scheme detailing measures to be put in place to ensure that the amplification system cannot be adjusted beyond the maximum permitted noise levels (as agreed above), shall be submitted to and approved in writing by the Local Planning Authority, and shall only be operated in accordance with the agreed details thereafter.
  7. No amplified music shall be played in any outside areas of the application site, at any time.
  8. Before the installation and first use of any fume extraction and ventilation systems at the site, details of their positioning, specification and use of noise reduction silencers to be provided as part of the system shall be first submitted to and approved in writing by the Local Planning Authority, and shall thereafter be installed and retained in full accordance with the agreed details.
  9. The installation of any plant or machinery on the premises shall be in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority for the reduction, where necessary, of the level of noise and vibration emanating from the premises.
18. **Transport** – The premises is centrally located in the city centre which affords it excellent access to public transport services and is within a short walking distance of Norwich rail station. As a drinking establishment which would be part of the evening and weekend economy it is well located for taxi ranks nearby on Tombland and private hire offices on Prince of Wales Road.

Outside the premises a bus stop clearway is in operation at any time, this means that no other vehicles may stop there at any time. If loading and unloading is required this must be done on adjacent sections of Upper King Street outside of peak hours which are Mon-Sat 7.30am-9.30am and 4.30pm-6.30pm any such day (not being Christmas day). These restrictions should be robust enough to protect through traffic at peak hours whilst allowing flexibility for loading and unloading nearby for these premises at other times. We would not require any changes to be

made to waiting or loading restrictions.

There are future plans for changes to traffic management of Upper King Street as part of the Norwich Area Transportation Strategy which may make this road access only for buses, taxis and essential loading/unloading. No details of these proposals are yet available and would be subject to future consultation.

This premises would not be eligible for business on street parking permits.

As detailed, the exit/entrance doors must not open outwards onto the pavement so as to injure pedestrians, but the interior doors should open in the predominant direction of travel which in this case would be outwards. This contradictory requirement appears to have been resolved.

Refuse collection is the responsibility of the business, bins should not be left on the pavement. Refuse vehicles must not stop in the bus stop clearway.

Cycle parking: this would be adequately catered for at stands on Tombland.

The development would not require a transport contribution or a travel plan, however the pilot Taxi Marshalling scheme which serves Tombland is a worthy scheme to support if the businesses wished to contribute towards its running costs.

In summary: these premises are a sustainable location for a business which is well located for all modes of transport, including bus, rail, taxi and private hire. Servicing for drays and trucks on Upper King Street is achievable off peak.

No objections on transportation grounds. No transport contribution or travel plan required

Informatives to be added to any consent:

- 1) 9 – 11 Upper King Street is not eligible for on street parking permits
- 2) Vehicles must observe waiting and loading restrictions in force on Upper King Street. Refuse collection is only achievable off peak where permitted. If there are essential building operations exemptions apply, contact Transportation department at Norwich City Council for details.
- 3) Upper King Street future traffic management: as part of the Norwich Area Transportation Strategy city centre traffic and access may be subject to change to promote public transport and local environmental improvement.
- 4) Taxi marshall scheme: this scheme currently operates on the Tombland taxi rank on Fridays and Saturday evenings which aims to safely despatch passengers to reduce crime and disorder.

## **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

PPG13 – Transport  
PPG24 – Planning and Noise

**Written Ministerial Statement: 23 March 2011: Planning for Growth**

Support of enterprise and sustainable development.

**Relevant Strategic Regional Planning Policies**

Policies of the adopted East of England Plan 2008

NR1 – Norwich Key Centre for Development and Change

ENV6 – The Historic Environment

ENV7 – Quality in the built environment

**Local Development Framework**

Policies of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2011

Policy 1 – Addressing climate change

Policy 2 – Promoting good design

Policy 5 – The Economy

Policy 6 – Access and Transportation

Policy 11 – Norwich City Centre

**Relevant Local Plan Policies**

Saved policies of the adopted City of Norwich Replacement Local Plan 2004

HBE8 – Development in Conservation Areas

HBE9 – Development affecting Listed Buildings

HBE12 – Design

HBE19 – Design for Safety and Security

EP10 – Noise protection between different uses

EP18 – Energy efficiency

EP22 – Residential amenity

EMP3 – Protection of land and premises for small businesses

AEC1 – Late Night Activity Zone

TRA7 – Cycle Parking

TRA8 – Servicing

**Supplementary Planning Documents and Guidance**

Norwich City Centre Conservation Area Appraisal 2007

**Principle Policy Considerations**

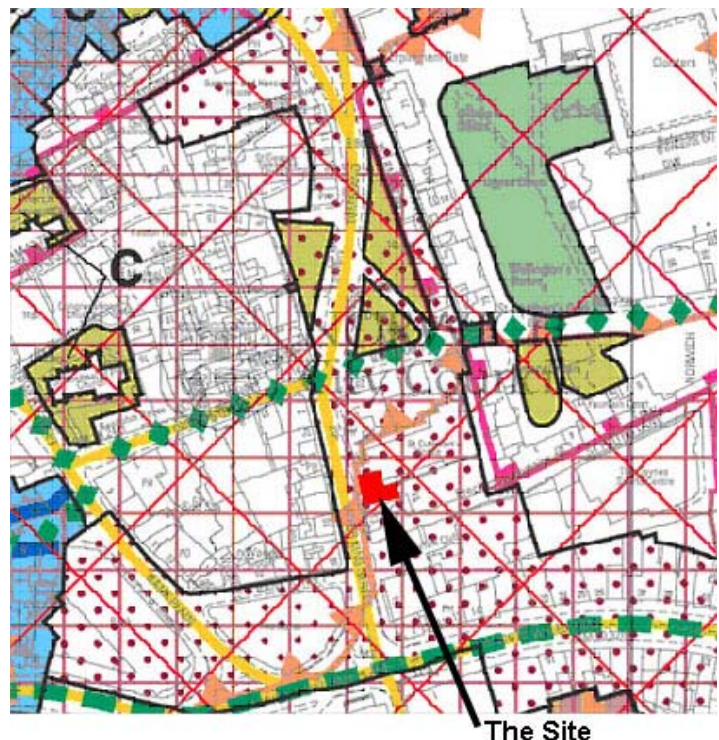
19. There are two key issues to address in terms of the principle of the development, the first is the loss of office space and the second the acceptability of an A4 use in this location.

20. Dealing with the first, local plan policy EMP3 is relevant. The proposals result in the loss of 473sqm of office accommodation within the City centre. The priority for the Joint Core Strategy is to promote and retain sites to enable development for high grade, high specification office space in this part of the city centre and to resist the loss of suitable premises which might offer the opportunity for conversion or upgrading. Whilst it is desirable to retain good quality office accommodation within the City centre, in this case the building is in a relatively poor state, has been vacant for over 3 years and requires significant capital expenditure to bring it up to a reasonable standard. Also, given the buildings listed status and internal layout it does not lend itself towards the needs of modern flexible work space. There is currently a significant supply of vacant office space within the City Centre which

better meets the needs of office users including grade A accommodation, refurbished accommodation and older purpose built office accommodation which can be more readily adapted. Given the above it is considered that the loss of the office space is acceptable and an alternative use would provide better prospects for investment in and the long term use of the Listed Building.

21. The proposed A4 use is considered to be acceptable in this location in principle. The site is located within the late night activity zone as defined under saved local plan policy AEC1 and the local plan proposals map. Policy AEC1 details that within the late night activity zone, late night activities are acceptable subject to detailed assessment in each case, such an assessment is provided within the sections below.

22. Both the Norwich Society and the Friends of Elm Hill have raised concern over the proposals in this location suggesting that they would lead to an expansion of the late night activity area. This is not the case, the site is located within the late night activity area as defined within the local plan and as illustrated by the local plan proposals map extract inserted below which indicates the site the surrounding late activity zone indicated by the following:-



23. The potential for amending the late night activity zone via the development management policies development plan document has been raised. The boundaries of the late night activity zone will be reviewed under new development management policies. proposed policies currently suggest that the Tombland and Upper King Street area would no longer be within the late night activity zone. However this plan is currently at an early stage and requires further consultation and examination. The development management policies development plan document is not considered to be at a stage where any weight can be given to its policies.
24. The Friends of Elm Hill have also raised concern over the implications for a recent refusal for A4 use at 8 Redwell Street. However, the circumstances in the Redwell Street case varied significantly. The property at Redwell Street is located outside the late night activity zone (it is not within the above plan located off the page to the left - west) and the character of the immediate area (which is more residential in mix with commercial and evening uses as opposed to late night), varies from that of Upper King Street. Unlike Redwell Street, Upper King Street is already

characterised by a mix of commercial, evening and late night uses.

25. In summary, the proposed use is considered to be acceptable in principle subject to the considerations discussed further below and it is in accordance with local plan policies EMP3 and AEC1, joint core strategy policies 5 and 11 and the objectives of PPS4 to promote economic development.

### **Amenity**

26. The main implication to assess in terms of amenity is the impact of noise to adjacent properties. Currently there are no residential properties in the immediate vicinity however there is approval for the upper floors of 8-10 Upper King Street to be converted to residential. This consent has not yet been implemented. The consent at 8-10 Upper King Street is subject to a condition for a scheme of measures to mitigate against noise from the late night activity zone. These potential residential properties represent the most sensitive use in the area during the evening and night. The site is surrounded by office accommodation to the north, east and south which would be sensitive to the impact of noise predominately during the day.
27. A noise assessment has been submitted with the application which provides noise surveys, assessment and mitigation measures. This concludes that subject to a number of mitigation measures the impact of noise to adjacent properties would not be unacceptable (based on BS8233 and World Health Organisation guidance). The mitigation measures are as follows:
- The main entrance (central) is installed with an inner lobby with two sets of internal self closing double doors to prevent the escape of noise;
  - The other front doors to be fire exits only;
  - All doors to be fitted with acoustic door seals and thresholds;
  - The existing windows at the front (west) and side (south) of the property not to be opened when the property is in use. Provision of secondary glazing to all windows on the west and south elevations.
  - Mechanical ventilation to be provided with a scheme for noise attenuation for the ventilation system.
  - Design of a sound system to limit noise outbreak.
28. Two external smoking terraces are proposed to the rear of the property. These terraces are almost entirely surrounded by walls of the application premises or blank walls of the adjacent office buildings. There is a small 300mm section which is not enclosed at first floor level which is recommended within the noise assessment to be enclosed via a close boarded fence. No sound system or other amplification system should be provided to the external areas.
29. Extraction is proposed from the Kitchen at second floor level via an extraction flue through the roof attached to the northern side of the chimney in this location. The Chimney would screen the flue from public view to the south and southwest. In terms of amenity a scheme for noise attenuation and fume mitigation should form a condition of any consent to mitigate any impact to adjacent offices.
30. On the basis of the above and subject to appropriate conditions to ensure the provision of the necessary noise mitigation measures, it is not considered that there would be any appreciable impact on noise sensitive premises.

## **Crime and Disorder**

31. The police architectural liaison officer has commented on the application and the comments are provided in the representations sections above. In particular this seeks an hours of use restriction of 4:00am due to the provision of dedicated police resources on Friday and Saturday evenings which finish at 5:00am on the Saturday and Sunday mornings. During other days of the week it is recommended that the hours be restricted to 12 midnight.
32. Internal CCTV is also recommended and can form a condition of any consent.

## **Design and implications for the listed building**

33. The listed building is currently on the buildings at risk register and therefore a new use and investment in the building is welcomed. A number of alterations are proposed to the building and these are discussed further below.
34. With regard to the external elevations the proposal seeks to enlarge the window opening into a door for the right hand bay to create a fire exit. It is considered that although the opening will be directly into a former room adjacent to the fireplace, externally the change of opening will not significantly harm the building or group of buildings 9-13 as it will be fit within the opening, will retain the existing rhythm of the buildings and will be symmetrically balanced with the windows above and to the left. The treatment of the door will also remain very simple so that it will be clearly read as a secondary entrance, with the central main door retained as the focal point of the building, although further large scale drawings of the new door and door frame should be conditioned along with details of the colour finish. Subject to these conditions it is not considered that the proposed door would harm the significance of the listed building or its appearance within the wider conservation area.
35. The other external alterations will be to access the terrace. Although there is one new opening in the original rear wall, these will be in an area not viewable from public locations and will have relatively little impact on the overall character of the listed building.
36. Secondary double glazing is required to provide necessary noise mitigation as are internal door lobbies. Limited details of this have been provided at this stage. Whilst provision of secondary glazing and the door lobbies are considered to be acceptable in principle it is considered necessary to condition further large scale details to ensure a solution which is acceptable in terms of the implications for the listed building.
37. More significant alterations are proposed internally in order to create a more open plan room arrangement. It is important to note that the original pre1840 plan form has almost been totally lost, and therefore there is very little in the way of remaining evidence that allows for the interpretation of the original pre1840 domestic layout. The most significant alteration is the removal of the existing central staircase and insertion of a new stair. However the existing staircase is a later C19 stair, and although of some significance as a later alteration, it is not one of the original pre-1840 characteristics that contributes to the building being listed. The stairs presents a particularly awkward arrangement in terms of being 'back to front', rising from the rear of the building with a lobby area to the front. In order for the building to be converted into a bar a more open plan arrangement is required for access. Following negotiations the stairs has been reworked so it rises up from in front of the entrance. Apart from the new stair the other significant alterations involve

removal of internal walls and part of the original external wall at ground and first floor level in the northeast corner. The alterations within the basement (and service hatch) are relatively minor interventions. The walls to be removed in the rear wing are thin partitions and not original. It is unclear how old the walls are to either side of the central stairs, however they have been modified in order to insert the stair at a later date. Parts of the wall to the right of the existing stair, which is likely to be the more original wall, are going to be retained throughout the building. Although the removal of some of the original rear wall will be lost, a sufficient amount of the wall is being retained so that the original line of the wall can be easily interpreted at a future date.

38. In terms of fixtures and fittings there are no original decorative fittings such as cornicing etc so various bar fittings will not be an issue. Following negotiation the shelving in the rear wing has been retained as a feature. Several fire place surrounds dating from throughout the C19 remain in situ. These have been retained in the new scheme in most cases and are to become features of the new bar. The exception is the late C19 cast iron surround within the second floor toilet area which will be boxed in, and the other later C19 fireplace at the rear (in the new kitchen area) relocated to the empty fire place position on the ground floor.
39. Although the conversion to a bar will require some alterations to the fabric of the building, overall the change of use will have relatively little impact on the historic and architectural significance of the building and will improve long term viable use. Although the central stair is of some significance it is not original and not pre 1840; its loss is a necessary requirement of the new use and would benefit the long term viable use of the building. Key historic fixtures and fittings, such as the safe, office shelves and fire place surrounds, are being retained as features and will aid future interpretation. The proposed scheme is therefore considered to be appropriate in the context of PPS5, local and regional conservation policy and the City Centre Conservation Area appraisal.

### **Servicing and Cycle Parking**

40. In terms of access the site is extremely well catered for the proposed use. Bus, train and taxi services are easily accessible. The property has no ground floor external space associated with it for the provision of cycle storage and as such provision of cycle parking is not feasible, however there are existing cycle parking facilities available nearby in Tombland.
41. Servicing can be undertaken from the street during off peak hours. The basement will provide for storage and refuse storage with a hoist and hatch to the ground floor to allow for servicing from the front of the premises.

### **Conclusions**

42. The application premises have been vacant for a number of years and the listed building is on the buildings at risk register. Given the state of the building, its unsuitability for modern flexible office space and the supply of other better quality vacant office space within the City Centre, the loss of office use is considered to be acceptable. The proposed use is acceptable in the late night activity zone and will provide for the long term viable use of the listed building. Although the conversion to a bar will require some alterations to the fabric of the building, overall the change of use will have relatively little impact on the historic and architectural significance

of the building. Subject to conditions it is not considered that the proposals would have a significant detrimental impact on the amenity of neighbouring residential or commercial premises. The recommendation is therefore to approved subject to conditions.

## **RECOMMENDATIONS**

To approve:-

- (1) Application No (11/00283/F 9 -11 Upper King Street Norwich) and grant planning permission, subject to the following conditions:-
  1. Standard time limit;
  2. In full accordance with the submitted plans;
  3. The inner door lobbies to be provided prior to first use and retained in perpetuity. The doors shall not be left open (other than for servicing when the building is not open to customers) and shall be fitted with self closing doors;
  4. The ground floor doors indicated as fire exits only, shall only be used as fire exits and shall not be left open (other than for servicing when the building is not open customers);
  5. All doors to be fitted with acoustic door seals and thresholds prior to first use;
  6. The existing windows at the front (west) and side (south) of the property not to be opened when the property is in use. A scheme to be submitted and agreed for the provision of secondary glazing to all windows on the west and south elevations prior to first use and retained in perpetuity;
  7. A scheme for mechanical ventilation to be submitted and agreed along with a scheme of noise attenuation measures for the ventilation system. The ventilation system to be provided prior to first use and retained in perpetuity;
  8. Provision of a timber close boarded fence to the 'gap' in the external terrace at first floor level prior to first use and retained in perpetuity;
  9. Full details of the sound/amplification system to be submitted and agreed. The system shall be designed to limit the level of noise emanating from the premises, such that noise levels from the application premises shall not exceed NR30 over the full frequency range, as measured at a position 1 metre outside any noise sensitive premises, and shall not exceed NR20 over the full frequency range as measured inside any adjoining noise sensitive premises. Where further internal sound proofing is required to meet these levels, full details shall be submitted. The scheme shall include details of all equipment and speakers along with details of the maximum noise levels, expressed in dB LAeq(5 mins), measured at a point 2 metres from every loudspeaker forming part of the amplification system. The sound system and any sound proofing measures shall be put in place prior to first use and thereafter the permitted maximum noise levels agreed shall not be exceeded at any time.
  10. No amplified music to be provided to the external terraces.
  11. No amplified music shall be played in the premises unless through the agreed permanently installed amplification system, and no alteration of this system may take place without prior written authority from the Local Planning Authority.
  12. Submission and agreement of a management scheme detailing measures to be put in place to ensure that the amplification system cannot be adjusted beyond the maximum permitted noise levels.
  13. The installation of any plant or machinery to be in accordance with a scheme to be submitted and agreed for the reduction, where necessary, of the level of noise and vibration emanating from the premises.
  14. Full details for the provision of the kitchen extraction system and associated flu to



be submitted and agreed to include details of the specification, noise attenuation measures and fume reduction measures.

15. Premises shall not be open to customers between the hours of 4:00 and 08:00 on Saturday and Sunday mornings and shall not be open to customers between the hours of 00:00 and 08:00 Monday to Friday;
16. A scheme for the provision and operation of internal CCTV to be submitted and agreed. To include the location, size and specification of all cameras, details of the coverage, details of the length of time records are kept for. The CCTV to be provided in full working order in accordance with the details and operated whenever open to customers.

Informative notes:

1. 9 – 11 Upper King Street is not eligible for on street parking permits
2. Vehicles must observe waiting and loading restrictions in force on Upper King Street. Refuse collection is only achievable off peak where permitted. If there are essential building operations exemptions apply, contact Transportation department at Norwich City Council for details.
3. As part of the Norwich Area Transportation Strategy city centre traffic and access may be subject to change to promote public transport and local environmental improvement.
4. A taxi marshall scheme currently operates on the Tombland taxi rank on Fridays and Saturday evenings which aims to safely despatch passengers to reduce crime and disorder.

(Reasons for approval: The decision has been made with particular regard to PPS1, PPS4, PPS5, PPG13, PPG24 policies NR1, ENV6 and ENV7 of the adopted East of England Plan, policies 1, 2, 5, 6 and 11 of the adopted Joint Core Strategy and saved policies HBE8, HBE9, HBE12, HBE19, EP10, EP18, EP22, EMP3, AEC1, TRA7 and TRA8 of the adopted City of Norwich Replacement Local Plan.

The application premises have been vacant for a number of years and the listed building is on the buildings at risk register. Given the state of the building, its unsuitability for modern flexible office space and the supply of other better quality vacant office space within the City Centre, the loss of office use is considered to be acceptable. The proposed use is acceptable in the late night activity zone and will provide for the long term viable use of the listed building. Although the conversion to a bar will require some alterations to the fabric of the building, overall the change of use will have relatively little impact on the historic and architectural significance of the building. Subject to conditions it is not considered that the proposals would have a significant detrimental impact on the amenity of neighbouring residential or commercial premises.)

- (2) Application No (11/00284/L 9 -11 Upper King Street Norwich) and grant listed building consent, subject to the following conditions:

1. Standard time limit;
2. In full accordance with the submitted plans;
3. Fixtures and fittings indicated to be retained to be retained and the fire place to be relocated to be relocated prior to first use and subsequently retained in perpetuity;
4. The following details to be submitted and agreed:
  - a. Large scale details of the new front door and door frame including elevations and sections and details of the finish and colour;

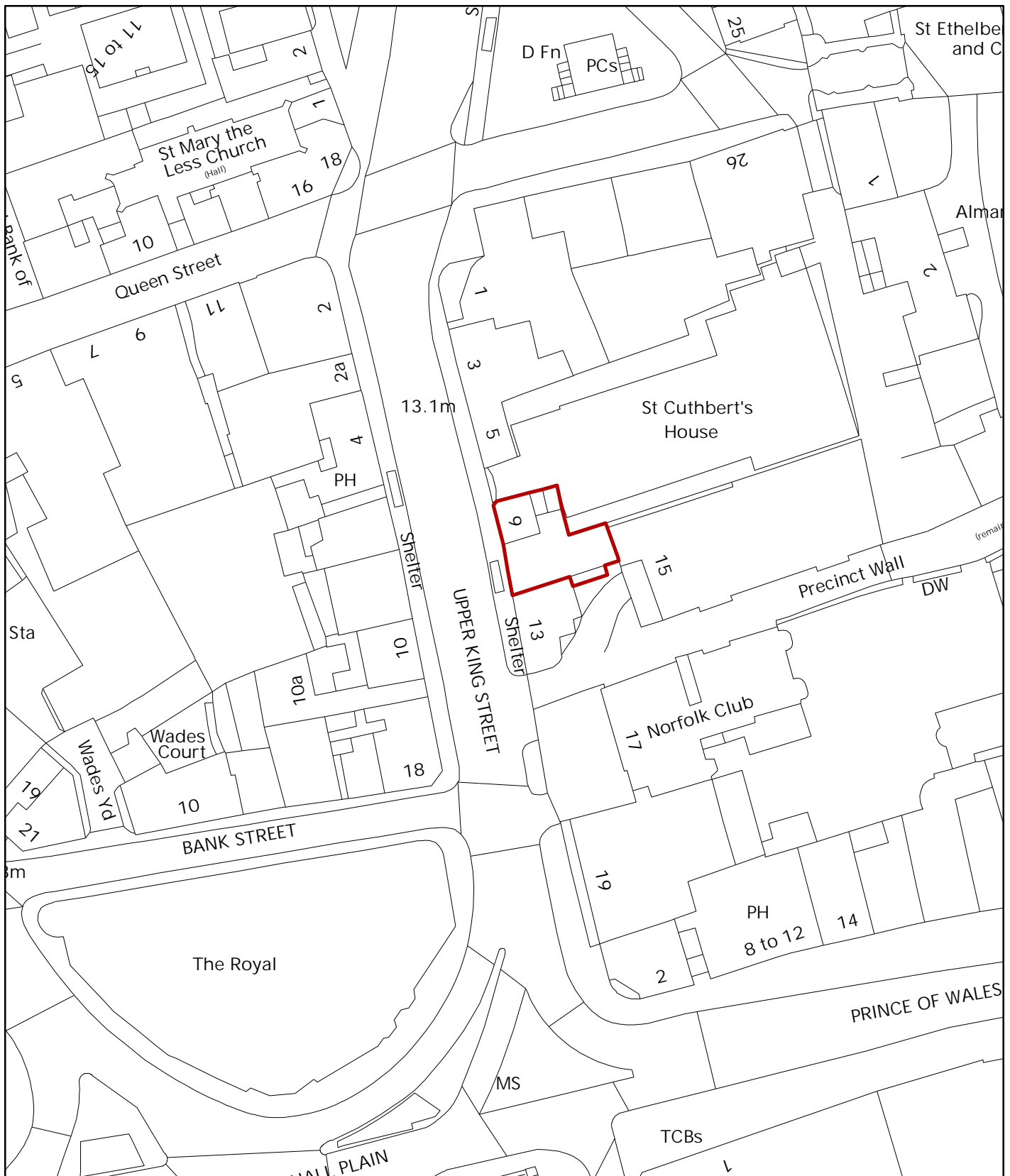
- b. Large scale details of secondary glazing including elevations and sections and details of the finish and colour;
- c. Large scale details of the door lobbies including elevations and sections and details of the finish and colour.
- 5. Any damage to the fabric of the Listed Building resulting from the works shall be made good in materials to match those existing within three months of completion of the works.
- 6. Prior to the removal of the staircase a full photographic record of the staircase shall be undertaken and submitted along with the three historic building reports submitted with the application to the Norfolk Historic Environment Service for inclusion on the Norfolk Historic Environment Record.

Informative notes:

- 1. Any further alterations or works which are not specifically covered by this consent may require further listed building consent.

(Reasons for approval: The decision has been made with particular regard to PPS5, policies ENV6 and ENV7 of the adopted East of England Plan, policy 2 of the adopted Joint Core Strategy and saved policy HBE9 of the adopted City of Norwich Replacement Local Plan.

Although the conversion to a bar will require some alterations to the fabric of the building, overall the change of use will have relatively little impact on the historic and architectural significance of the building and will improve long term viable use. Subject to the conditions imposed the scheme is therefore considered to be appropriate in the context of PPS5, local and regional conservation policy and the City Centre Conservation Area appraisal.)



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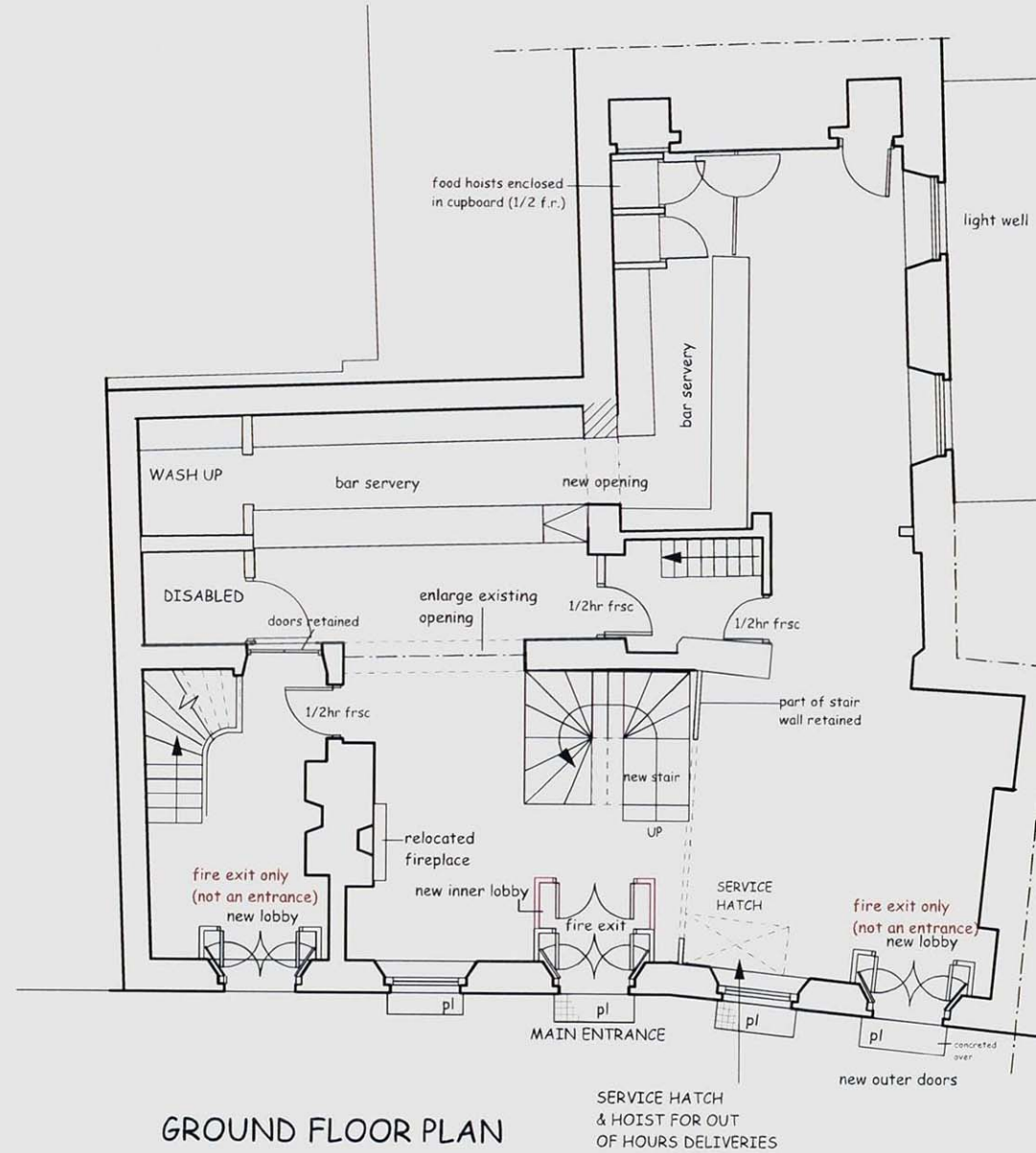
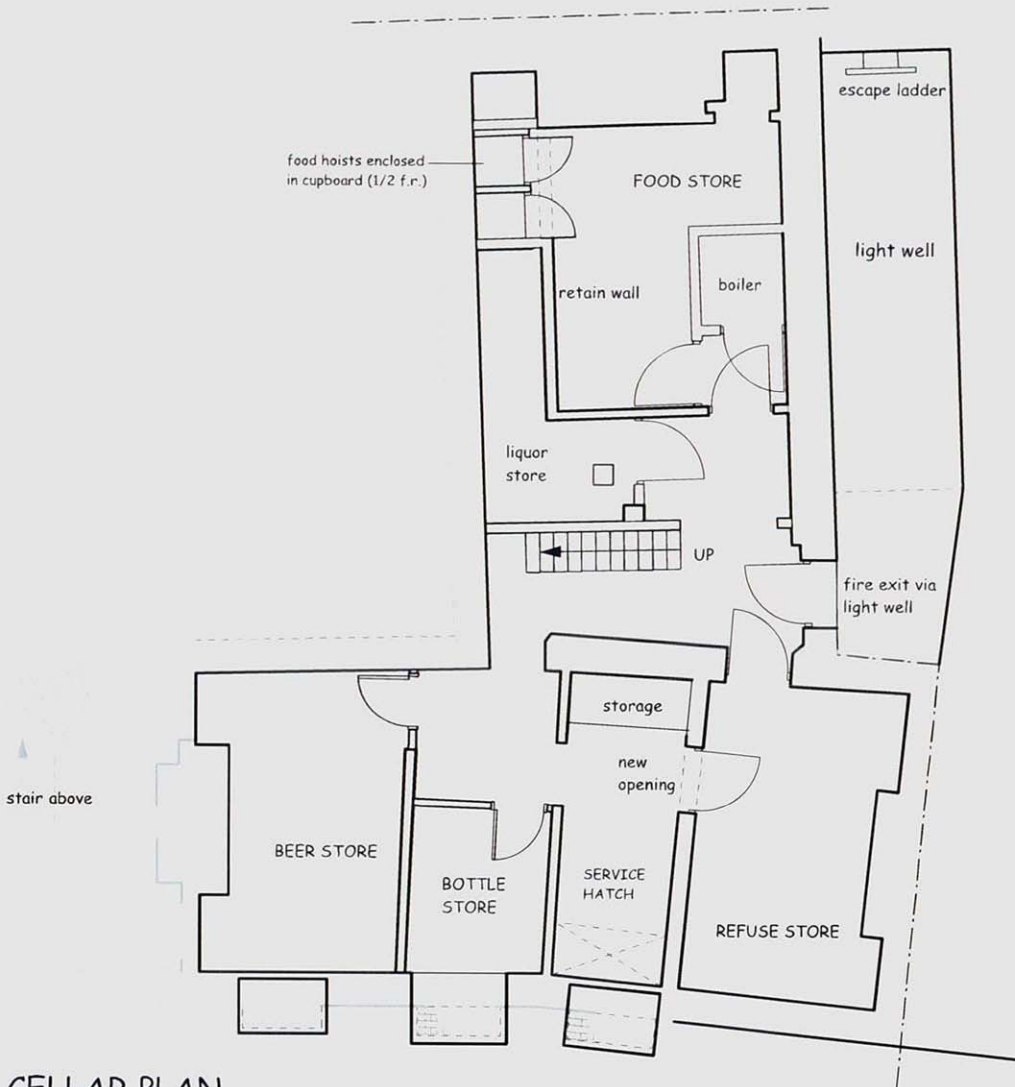
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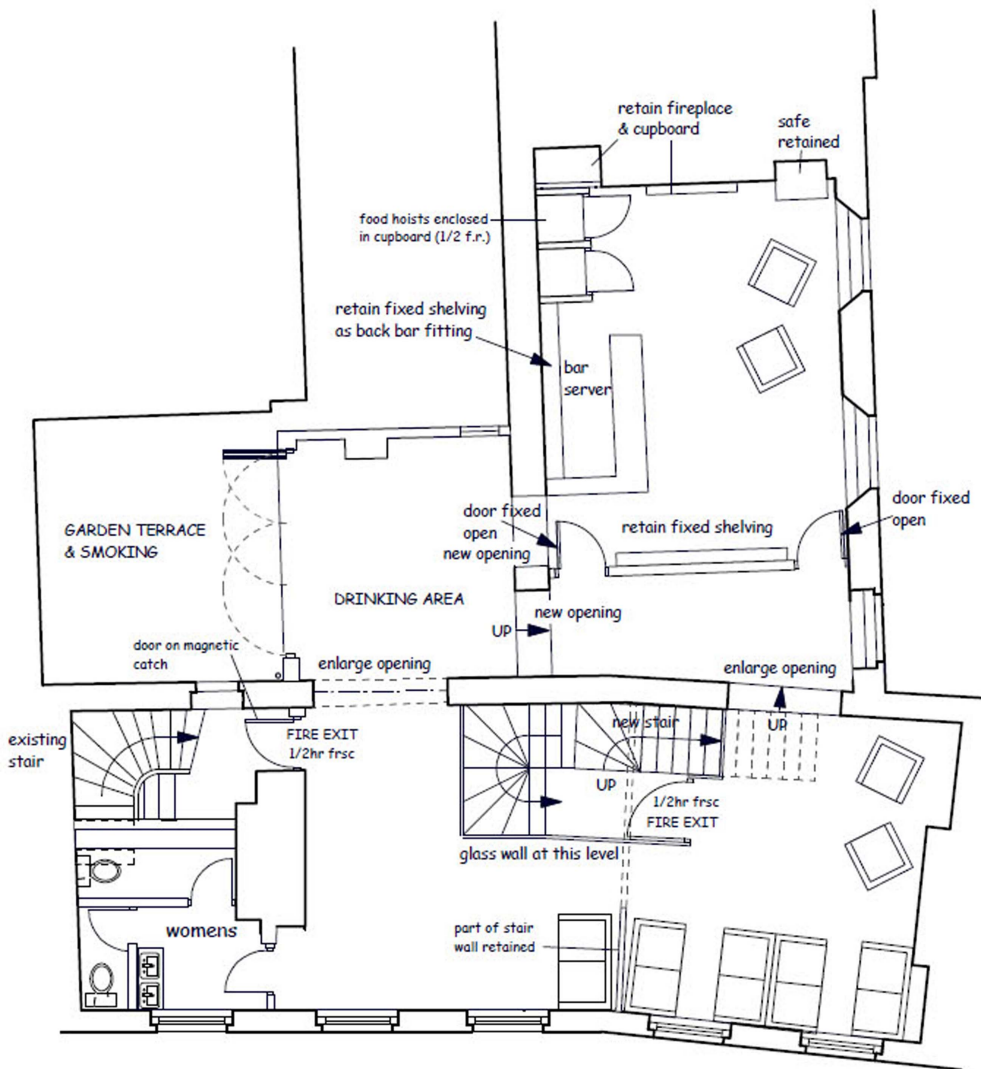


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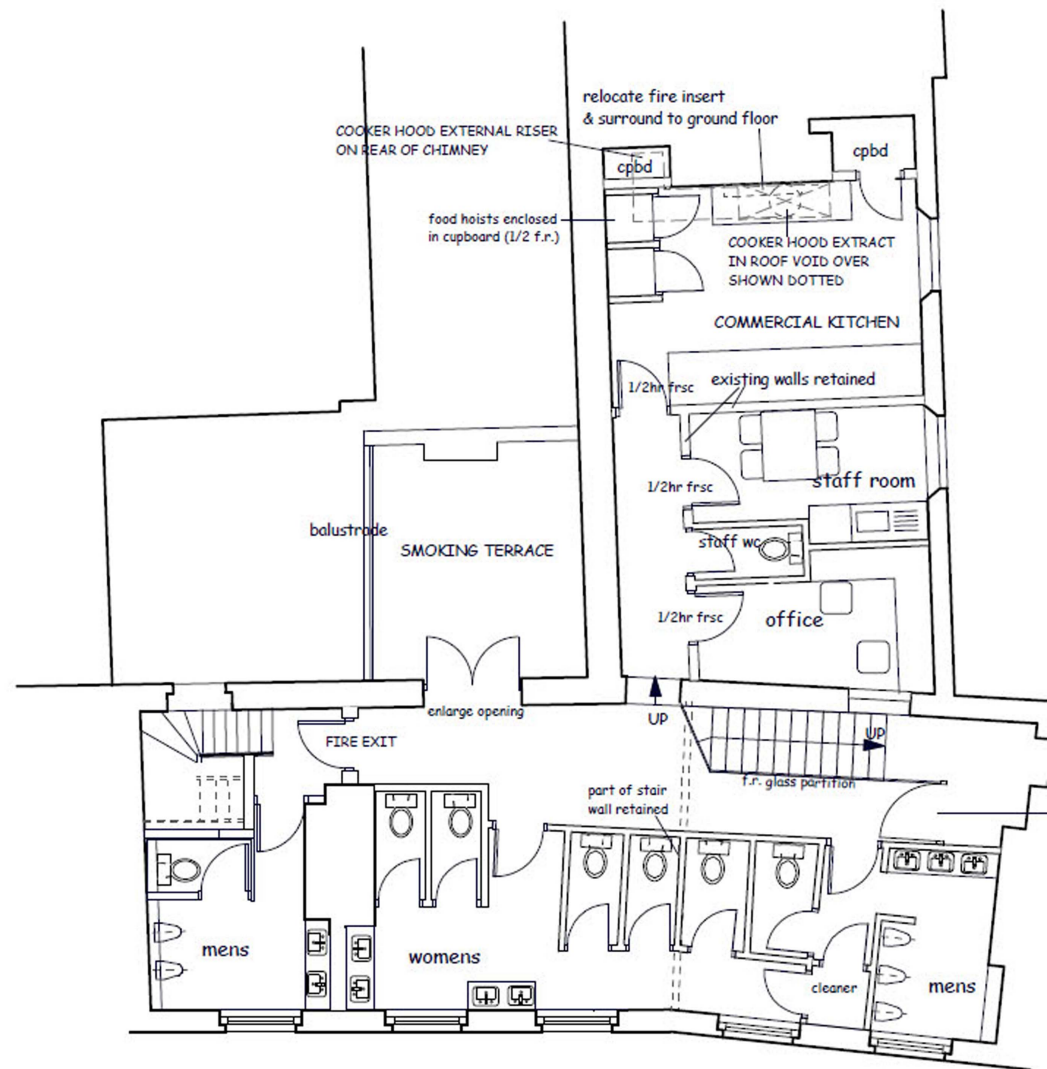
**PLANNING SERVICES**







FIRST FLOOR



SECOND FLOOR



FRONT ELEVATION -: AS EXISTING



FRONT ELEVATION -: AS PROPOSED