

Report to Planning applications committee

Item

12 May 2016

Report of Head of planning services

Subject Application no 16/00300/U - 20 Elm Hill, Norwich,
NR3 1HG

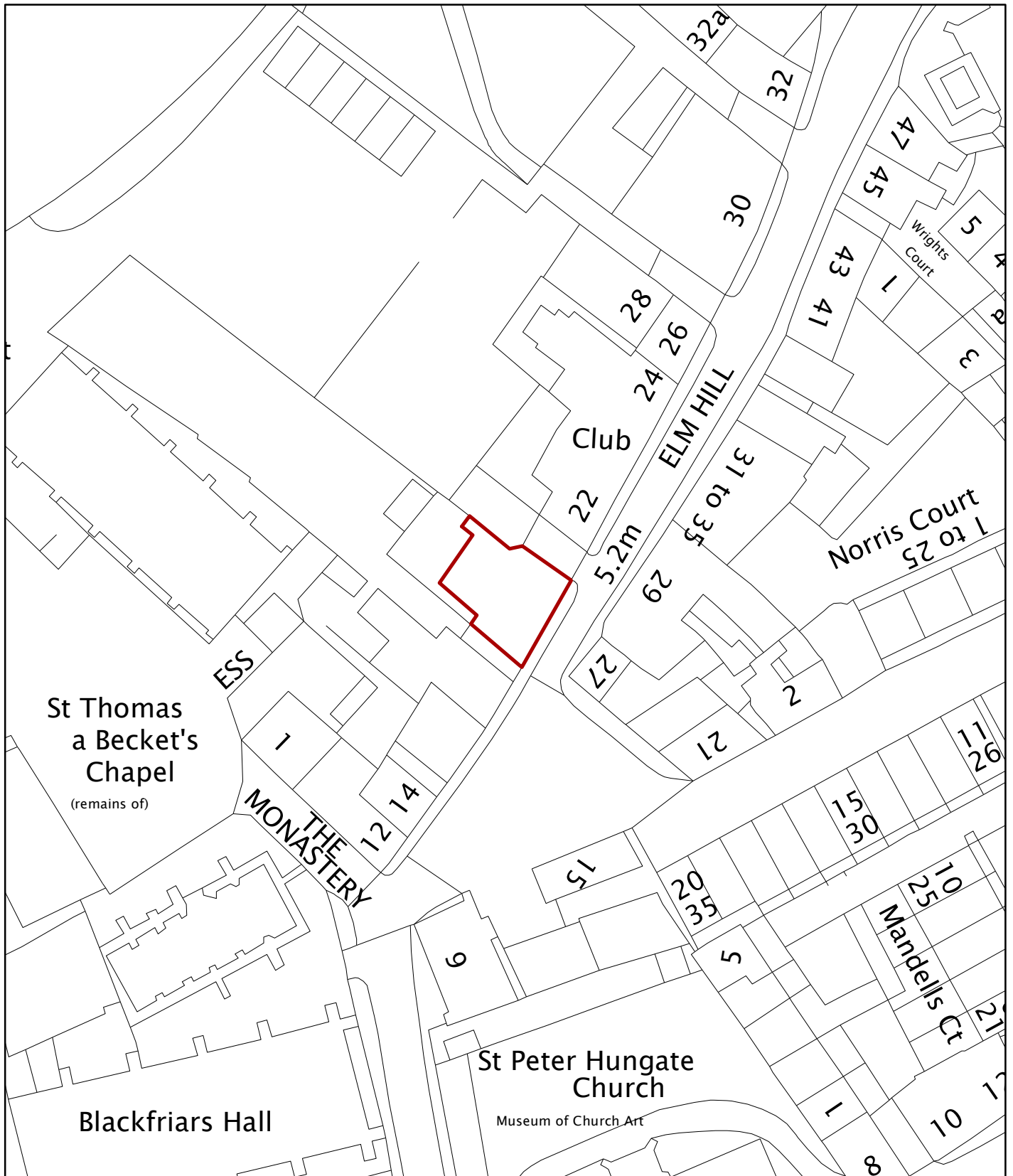
Reason for referral Objections / Called in by an elected member

4(f)

Ward:	Thorpe Hamlet
Case officer	Caroline Dodden - carolinedodden@norwich.gov.uk

Development proposal		
Change of use of ground floor unit to residential (Class C3) in association with upper floor.		
Representations		
Object	Comment	Support
3	0	0

Main issues	Key considerations
1 Principle of development	<ul style="list-style-type: none">• Loss of the ground floor retail shop• Impact on the vitality and viability of Elm Hill
2 Heritage	<ul style="list-style-type: none">• Visual impact on character and appearance of the conservation area• treatment of shop front and its impact on the listed building and conservation area.
3 Amenity	<ul style="list-style-type: none">• Suitability of use of ground floor in association with existing residential upper floors.
Expiry date	19 May 2016
Recommendation	Approve



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Planning Application No 16/00300/U

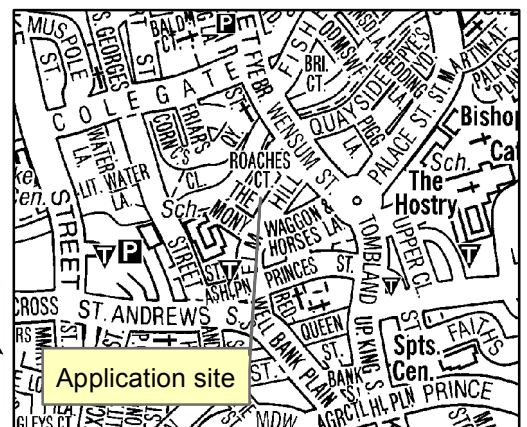
Site Address 20 Elm Hill

Scale 1:500



NORWICH
City Council

PLANNING SERVICES



The site and surroundings

1. The application relates to a listed two storey 17th Century property with large front gables in the roofspace, located on the west side of Elm Hill within the city centre. The site forms part of a unique historic street of mixed commercial and residential uses, all of which are listed buildings. As such, it is a popular tourist/ visitor destination in Norwich.
2. The adjoining premises to the south at no.18 Elm Hill is a retail unit. To the north is a historic carriage archway, which forms part of the building that is occupied by the Strangers Club at no. 22-24 Elm Hill. Opposite, no's 27 and 29 Elm Hill are both retail premises.
3. The front section of the ground floor of No. 20 Elm Hill has an authorised retail use, although it is understood that it has been vacant for approximately 10 years. It is organised as a single retail space at the front with an ancillary kitchen to the rear. The first and second floors are currently in use as one residential unit. There is also a rear private garden within the curtilage of the site, which has not been included within the red line of the application.
4. The retail space benefits from a double frontage to the street, created in the 1800s, which provides large windows either side of a recessed entrance door. For about the last seven years the shop windows have been sectioned off from the internal space by full-height screens at the rear of the display areas. Artwork has been displayed in this way since this time, but the pieces cannot be bought from the premises. The screens prevent views into the ground floor space.

Constraints

5. No. 20 Elm Hill is a grade II listed building, described as follows:
Former use not known, now shop. C17 with C18 additions to rear. Rendered first-floor timber frame; pantile roof. 2 storeys and attic. 5 first-floor windows. C19 shop front. C17 mullioned and transomed windows with side-hung lights. 2 gabled dormers with 3-light casements. End stack. In the C18 cellar are the remains of C15 pointed barrel vaults.
6. The site falls within the city centre conservation area and forms part of the Elm Hill and Maddermarket character area within the city centre conservation area appraisal, within which, Elm Hill is identified as being of very high importance.
7. The building falls within an identified secondary retail area (SR04 – Elm Hill/ Wensum Street), an area of main archaeological interest, the city centre leisure area and an area identified for increased parking.

Relevant planning history

8. Planning permission was granted in May 1970 to convert the upper floors of the premises to residential.
9. It is understood that since 1993, the ground floor has been closed to the public, apart from a four year period (in the early 2000's) when the ground floor was used as a 'by appointment' art gallery.

10. A rear porch and dormers were granted in July 1996, at which time interior alterations to cover-over the historic interior features were also given consent (4/1996/0403). It is believed these were undertaken as part of the interior design for use as retail.
11. The 2006 listed building consent shown in the table below granted consent to reverse these works to allow the historic wood panelling and staircase to be revealed by removal of the modern partition and chipboard cladding.
12. The 2009 application, to change the use of the ground floor shop to residential (listed in the table below) was the subject of an appeal, which was dismissed in November 2010.
13. A Planning Enforcement Notice was issued in December 2011, which took effect in January 2012, to require the cessation of the ground floor and basement of the property for residential purposes (Class C3). The conditions of the Notice were successfully appealed in January 2012, but the Notice itself remains in force.

Ref	Proposal	Decision	Date
05/01015/L	Removal of existing studwork to re-open staircase on ground floor in association with change of use of ground floor from retail (A1) to residential to allow conversion of whole premises to single dwelling house (C3).	Refused	09/12/2005
05/01016/U	Change of use of ground floor from retail (A1) to residential to allow conversion of whole premises to single dwelling house (C3).	Refused	09/12/2005
06/00525/L	Internal alterations comprising removal of modern partition and cladding to expose wood panelling, installation of gas fuelled stove and associated flue and reduction of height of existing modern window display boards.	Approved	18/07/2006
09/00774/U	Change of use of ground floor from shop (Class A1) to residential (Class C3).	Refused	25/11/2009

The proposal

14. To change the use of the ground floor of the building to residential use to be used in association with the existing residential upper floors.

Representations

15. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. Two letters of representation from local businesses and one letter from Councillor Grahame have been received citing the issues as summarised in the table below. All representations are available to view in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Issues raised	Response
Allowing a change of use to residential would set a precedent and have a long term negative impact on the current businesses in Elm Hill who work hard to enhance the reputation of the city.	Paragraphs 31 - 36
The ground floor is a desirable commercial property, which could be easily let if advertised and marketed correctly.	Paragraphs 31 - 36
Due to its prominent position and large shopfront, the property provides an important focal point for potential customers to be drawn down Elm Hill.	Paragraph 35
The change of use would not add to housing supply and would be detrimental to the character of the area as a mixed use, unique tourist attraction.	Paragraphs 27 – 36, 42 and 43
The pictures in the window would be gone, which provide a reminder that this is a shopping street.	Paragraphs 38 and 39

Assessment of planning considerations

Relevant development plan policies

16. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
- JCS8 Culture, leisure and entertainment
 - JCS11 Norwich city centre
 - JCS19 The hierarchy of centres
 - JCS20 Implementation
17. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
- DM2 Ensuring satisfactory living and working conditions
 - DM3 Delivering high quality design

- DM9 Safeguarding Norwich's heritage
- DM12 Ensuring well-planned housing development
- DM13 Conversion of existing buildings to residential
- DM20 Protecting and supporting city centre shopping

Other material considerations

18. Relevant sections of the National Planning Policy Framework March 2012 (NPPF):

- NPPF2 Ensuring the vitality of town centres
- NPPF12 Conserving and enhancing the historic environment

19. Supplementary Planning Documents (SPD)

- Main town centre uses and retail frontages SPD, adopted December 2014

Case Assessment

20. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant development plan policies are detailed above. Material considerations include policies in the National Planning Framework (NPPF), the Councils standing duties, other policy documents and guidance detailed above and any other matters referred to specifically in the assessment below. The following paragraphs provide an assessment of the main planning issues in this case against relevant policies and material considerations.

Background

21. The Planning Inspectors 2010 report summarises the issues as follows:

- *'The unjustified loss of a street level shop use, which is part of the history and development of this historic building, neither preserves nor enhances the character or appearance of the Conservation Area; has a harmful impact on the vitality and viability of Elm Hill and the surrounding area as an important shopping area; and diminishes the attraction of the area for visitors.'*

22. The Inspector clearly states that the vitality and viability of the area is inextricably linked with the attraction of the area for visitors and the preservation and enhancement of the character and appearance of the conservation area and that it is a combination of all these elements that defines the nature, quality and importance of this historic area.
23. A matter that the Inspector was not persuaded on was whether the availability of the shop premises had been actively promoted in the market via a reasoned and robust marketing campaign for an appropriate means of tenure and at an agreed market rate to pragmatically attract a retail business use.
24. Since the 2009 application was refused in 2009 and dismissed at appeal in 2010, the planning policy context has changed with the adoption of the JCS in 2011, publication of the NPPF in March 2012 and the adoption of the DM Plan in December 2014.

25. The JCS identifies Elm Hill, along with Tombland, as a specialist shopping area and policy DM20 continues to recognise Elm Hill's focus on speciality retailing appealing to tourists and visitors. As such, protecting the vitality and viability the function of this location continues to be a key policy objective.

Main issue 1: Principle of development

26. Key policies – JCS11, DM20
27. The property falls within an identified secondary shopping area under policy DM20. The character and historic built form of Elm Hill means that shops and commercial premises are interspersed with private houses, resulting in a discontinuous and fragmented frontage at ground floor level. For this reason policy DM20 does not define a specific retail frontage in this area, which means that many of the more restrictive clauses within DM20 do not apply. As such, Elm Hill does not have a particular percentage threshold of retail frontage which is expected to remain in A1 retail use.
28. The Main town centre uses and retail frontages SPD explains that Elm Hill has been a traditional centre for antique and craft shops and galleries and that the aim is to maintain focus on speciality retailing appealing to tourists and visitors and to avoid concentrations of non-retail uses at ground floor level, which would result in continuous runs of inactive frontage. In so doing, it advises that decisions on planning applications should resist the loss of shops on street frontages to provide visual continuity and contribute to the overall attractiveness and vitality of the area.
29. The SPD also states that proposals for change of use of ground floor premises to residential use should be considered on a case by case basis and that they should be accepted where consistent with policies DM2, DM12 and DM13, in particular. It continues that in Elm Hill, such a change of use would generally only be accepted where it results in a heritage asset is being bought back into beneficial use, where it has been demonstrated that those benefits could not be delivered by retaining a retail use.
30. The Applicants (and previous owners) have carried out extensive restoration to this grade II listed building over many years. In more recent times this has included the uncovering of wood panelling on the ground floor and there is no doubt that the careful refurbishment of the property has enhanced the character of the conservation area and in turn the attraction of the area to visitors.
31. Based on the Inspectors comments, within the 2009 appeal decision, and following advice from a Senior Planning Officer as to the specific requirements of a suitable marketing strategy, the ground floor of the premises was marketed to let as a retail shop for 9 months from 19 December 2014 to 21 September 2015.
32. The property was marketed via an advertising board in the shop window, two adverts in the Eastern Daily Press and the details appeared on one local and one national website and were mailed to interested parties and other agents.
33. Twenty-five enquiries were received during this period, with six viewing the property. None wished to take up the premises and feedback included comments

such as insufficient space or storage and difficulty of providing the necessary facilities due to the historic nature of the building.

34. Having investigated the recent planning history of Elm Hill over the last ten years or so there does not appear to be a significant history of applications proposing to change the use of the retail floorspace to residential use. In addition, a recent survey carried out by a Planning Policy Officer shows that the street's commercial properties have a low vacancy rate (4%), which suggests that the street draws sufficient footfall to attract retailers and is performing its retail function in an effective manner. It could also be argued that the survey demonstrates that the lack of a retail use at No.20 Elm Hill over the past 10 years does not appear to have set a precedent nor has it had a significant impact on the viability and vitality of the wider shopping area.
35. The building is not viewed prominently in the streetscene when walking along Elm Hill from the north or south, but it is more prominent when viewed across the square from Waggon and Horses Lane. There are retail units to the south at no. 18 and opposite the site, at no's 27 and 29 Elm Hill. The Strangers Club property at no. 22-24 Elm Hill, to the north, has an inactive frontage. Nevertheless, it is considered that the proposal would not cause a continuous run of inactive frontage within this section of the street or cause the loss of footfall to this important speciality shopping group because of its position within the group and the location of other retail units close by.
36. Given the above, it is considered that the marketing evidence submitted adds more weight to the consideration of the proposed change of use to residential.

Main issue 2: Heritage

37. Key policies and NPPF paragraphs – DM9, NPPF paragraphs 128-141.
38. For at least 10 years, the Applicants have displayed works of art from galleries within Elm Hill and Tombland in the two shop windows of No.20 Elm Hill. Full length perforated screens hang behind the display areas. Whilst it is clear that the shop itself is not open to the public, it is considered that the artwork provides valuable interest to visitors and could clearly encourage people to visit an associated gallery or exhibition in the vicinity. It is interesting to note that a photograph taken by George Plunkett in 1936 shows the shopfront partially screened with curtains and displaying paintings where the ground and first floor of the premises appears to be in use as an art/antiques shop.
39. It is considered very important to retain the visual connection of the property's two display areas within the streetscene, particularly due to the size of the windows and the important inter-relationship between the historic character and retail function of the street. As such, if members are minded to approve the application, a condition would be attached to require the shop windows to be used to display items, such as artwork, on a permanent basis. The condition would also ensure that the displays are changed at least four times a year.
40. Given the above and that the proposal does not seek to change the appearance of this grade II listed building, it is considered that the proposed change of use would secure the long-term preservation of this property.

Main issue 3: Residential amenity

41. Key policies and NPPF paragraphs – DM2, DM12, DM13 and NPPF paragraphs 9 and 17.
42. Under the proposal the ground floor of the property would become part of the existing residential use on the upper floors of the building. The existing perforated screens do appear to let some daylight from the two shop window areas and given that the proposed front reception room would be an additional living space, rather than the only living area, it is considered to be acceptable in terms of residential amenity. The rear kitchen area associated with the retail space would become the property's kitchen, which it's understood, is where the kitchen was positioned prior to 1993.
43. Overall, the living environment created by the proposed conversion to residential living space would be of an acceptable standard, in accordance with DM2, DM12 and DM13.

Equalities and diversity issues

44. There are no significant equality or diversity issues.

Local finance considerations

45. Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are defined as a government grant or the Community Infrastructure Levy.
46. Whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision on the potential for the development to raise money for a local authority.
47. In this case local finance considerations are not considered to be material to the case.

Conclusion

48. It is considered that the same overall level of harm exists for this proposal as did in the 2010 appeal case. However, what is new as part of this proposal is the marketing evidence submitted and the proposed condition to ensure that the shop windows continue to be used to display items on a permanent basis.
49. Although finely balanced, it is considered that the combination of these two additional elements provide enough weight to the application to make a recommendation to grant planning permission as set out below.

Recommendation

To

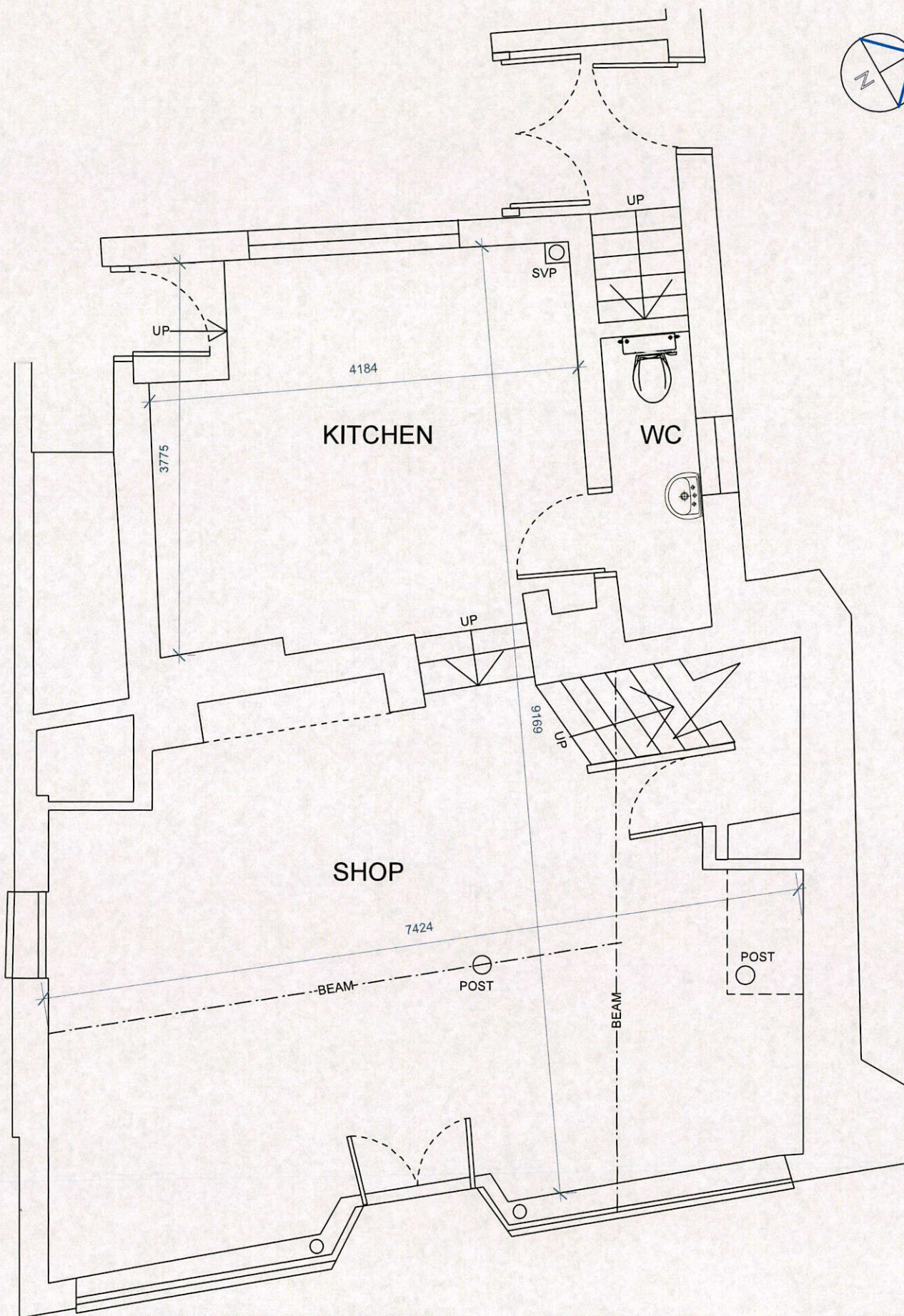
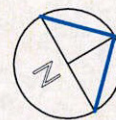
(1) approve application no. 16/00300/U - 20 Elm Hill Norwich NR3 1HG and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Use of two shop front windows for display space.

(2) subject to the granting of planning permission, agree the removal of the Enforcement Notice, which took effect on 13 January 2012.

Article 35(2) statement

The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations, following negotiations with the applicant the application has been approved subject to appropriate conditions and for the reasons outlined in the officer report.



EXISTING GROUND FLOOR PLAN

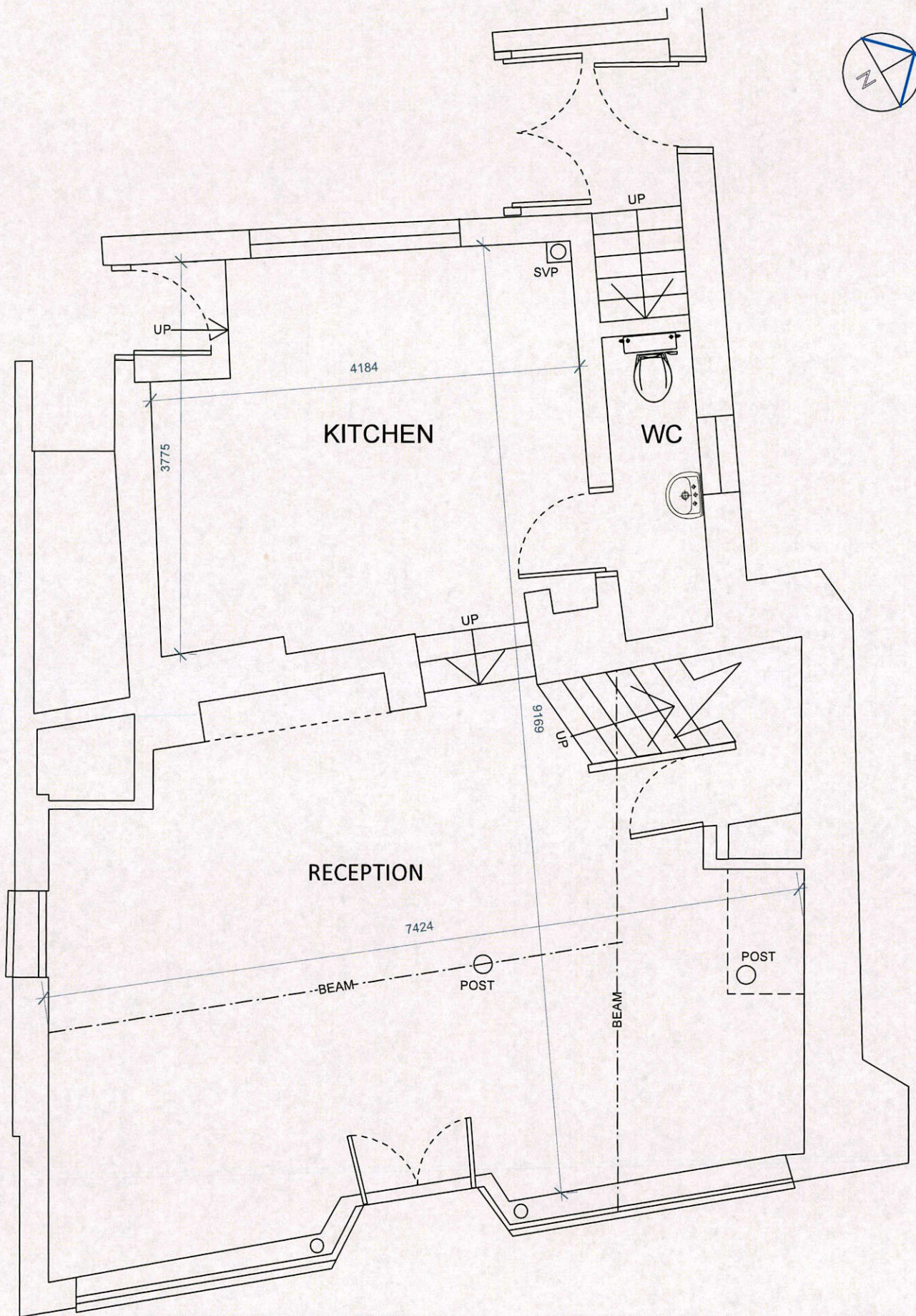
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20 ELM HILL, NORWICH, NR3 1HG

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PROPOSED GROUND FLOOR PLAN

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NOV15

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