

Report for Resolution

Report to Planning Applications Committee
17 December 2009

Report of Head of Planning Services

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

Item
6(2)

SUMMARY

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

INTRODUCTION

The Site

Location and Context

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

can lead to both Tombland or Princes Street.

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

Site Constraints

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

Relevant Planning History

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

The Proposal

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

Representations Received

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

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

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

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

courtyard;

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

Consultation Responses

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

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

Relevant National Planning Policies

PPS1: Delivering Sustainable Development

PPS6: Planning for Town Centres

PPG15: Planning and the Historic Environment

PPG24: Planning and Noise

Relevant East of England Plan (May 2008) Policies

ENV6 – The Historic Environment

ENV7 – Quality in the Built Environment

WM6 – Waste Management in Development

Relevant Saved City of Norwich Replacement Local Plan Policies

HBE8 – Development in Conservation Areas

HBE9 – Development affecting Listed Buildings

HBE12 – High quality of design

HBE19 – Design for safety and security including minimise crime

EP22 – Residential amenity

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

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

TRA5 – Approach to design for vehicle movement and special needs

TRA7 – Cycle parking standards

TRA8 – Servicing provision

Issues to be Assessed

The effects on retailing

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

The need for another public house

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

Amenity and noise

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

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

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

Odours and extraction, plant and ventilation

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

Smoking provision

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

Crime and disorder

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

Refuse and servicing

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

Access and highway safety

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

Disabled access

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

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

Affect on Conservation Area

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

Affect on Listed Building

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

Conclusions

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

RECOMMENDATIONS

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

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

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

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

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

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

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

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

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

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

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