

Report to Planning Applications Committee

Item

12 May 2022

Report of Head of Planning and Regulatory Services

Subject Application no 21/01753/F 7-9 Queen Street, Norwich
NR2 4SG

4d

**Reason
for referral** Objections

Ward	Thorpe Hamlet
Case officer	Danni Howard - 01603 989423 - dannihoward@norwich.gov.uk
Applicant	Revolution Bars Group

Development proposal		
Installation of pergola, replacement of decking and conversion of existing outbuilding to bar. Erection of awnings to front elevation.		
Representations		
Object	Comment	Support
6	0	0

Main issues	Key considerations
1	Design & Heritage
2	Amenity
Expiry date	13 April 2022 (extended from 28 January 2022)
Recommendation	Approve

The site and surroundings

1. The site is located on the south side of Queen Street and is currently occupied by *Revolucion de Cuba*, a bar and restaurant which has been in an established use for many years. The pedestrianised street hosts a variety of uses, including bars and estate agents with a mix of decorative historic frontages. Queen Street is not open to through traffic but is used regularly by delivery and service vehicles.
2. The subject property is described in the local list description as follows: *Early C20. 3 storeys, stone. Parapet. String course. 12 pilasters. Ashlared ground floor. 7 sashes. 2 pedimented entrances.* The site frontage is of a different era to its locally listed neighbours, which feature taller, ornate red brick frontages. Overall the street has a historic character with each property offering its own architectural character and merits.
3. There is an enclosed garden to the rear of the site, which is established as a beer garden and smoking area, featuring tables and chairs under existing parasols and cabins sited in the rear area of the garden. Amplified music is played in the garden through external speakers. An external mobile bar adjacent the existing outbuilding has been in ancillary use for many years.
4. Several mature trees are located within the garden however they are obscured from view of the public realm by the buildings surrounding the site.

Constraints

5. City Centre Conservation Area, Locally Listed Building, City Centre Leisure Area, Area of Main Archaeological Interest.

Relevant planning history

6. The records held by the city council show the following planning history for the site.

Ref	Proposal	Decision	Date
4/1998/0013	Conversion of property from offices to restaurant/wine bar and bedsit including erection of conservatory extension at rear (revised on 20/9/01 to vary condition 4 and include conditions 17, 18 and 19).	APCON	20/08/1998
07/00672/VC	Variation of condition 4 planning permission 4/1998/0013/F from 'the rear garden shall only be used as a sitting out area associated with the restaurant/winebar between 17:30 and 20:30 on Monday to Friday and between 12:00 and 20:30 on Saturday and Sunday' to 'the rear garden shall only be used as a sitting out area associated with the restaurant/wine bar between 10:00 and 00:00 on any day'.	APPR	11/07/2007

Ref	Proposal	Decision	Date
11/01541/A	Retrospective Display of: 1) 1 No. externally illuminated hanging sign 2) 1 No. internally illuminated entrance sign And Display of; 3) 1 No. internally illuminated lightbox sign.	APPR	21/10/2011
19/00900/TCA	T1 - Acacia: Cut back from buildings to give 1.5m clearance.	NTPOS	06/08/2019
22/00175/TCA	Bay (T1): dismantle the south stem, leaving the front stem; Acacia (T2): remove the lower branch on the southeast side and; Mulberry (T3): reduce the lower extended branch on the east side by approx. 2m in length.	NTPOS	23/02/2022

The proposal

7. Installation of 6no. fixed arm awnings to the glazing on the front elevation. They will each be 1.1m wide and 0.7m in length, extending 0.5m from the glazing and 2.5m above ground level.
8. Removal of existing timber decking in rear garden and installation of new composite decking and new ramped access with low level lights to illuminate ramp.
9. Installation of new pergola on decked area covering 7sqm.
10. Alterations to existing ground floor of outbuilding and installation of awning on western elevation to facilitate internal conversion of ground floor from W/C to bar.
11. The proposal was originally submitted as: *Demolition of existing conservatory, erection of replacement conservatory with pergola and conversion of existing outbuilding to bar with customer toilets on first floor, accessed by new external staircase. Erection of awnings to front elevation.* The scheme was revised to remove the replacement conservatory and the addition of first-floor toilets and an external staircase to the existing outbuilding from the proposal. The scheme involved the removal and pruning of some of the mature trees within the rear beer garden. Permanent planters had also been proposed to the front of the site, however these were removed from the scheme following highways comments.

Representations

12. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. Six letters of representation have been received citing the issues as summarised in the table below.
13. All representations submitted were received during the consultation of the original proposal as described in paragraph 11. A re-consultation was undertaken for the revised scheme and no further representations were received.

Issues raised	Response
Increased noise disturbance as a result of the external staircase and new toilets to first floor of outbuilding.	The staircase and first floor toilets have been removed from the proposal.
Conversion the outbuild to an external bar will exacerbate existing noise issues.	See main issue 2 – amenity.
Loss of privacy to offices adjacent the garden by patrons using the external staircase.	The external staircase servicing the outbuilding has been removed from the proposal.

Consultation responses

14. Consultation responses are summarised below the full responses are available to view at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Environmental protection

15. No significant change to the local noise environment will occur due to these changes.
16. Further comments were added following submission of additional information regarding the existing external speakers and proposer limiters:
17. I have looked at this documentation and it does indicate a level of control in this area which allows local residents (who are mainly involved in the night-time economy) lower noise after 1am and nearby office uses reduced noise impacts from daytime noise as the outside speakers are set to not play any music between 01:00 and 17:00.

Highways (local)

18. Comments had no objection in principle to the proposed works to the rear, nor to the proposed awnings. However an objection was raised to the 'faux palm trees' proposed on Queen Street and a request that they were removed from the plans. The applicant has since removed the obstruction as per the consultee's request.
19. It was noted in the comments that this business has a number of objects placed on the highway without authorisation from planning or highways, and these in principle are wilful obstructions that are a nuisance to highway users requested that the applicant removes that extant seats and planters from Queen Street as these are obstructive and are showing signs of deterioration.

20. An informative note regarding the height of the awnings was suggested to be attached to any consent.

Tree protection officer

21. No objections from an arboricultural perspective. Condition TR7 (works on site in accordance with arboricultural reports) would be useful.

Assessment of planning considerations

Relevant development plan policies

22. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
- JCS2 Promoting good design
 - JCS5 The economy
23. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
- DM1 Achieving and delivering sustainable development
 - DM2 Ensuring satisfactory living and working conditions
 - DM3 Delivering high quality design
 - DM7 Trees and development
 - DM9 Safeguarding Norwich's heritage

Other material considerations

24. **Relevant sections of the National Planning Policy Framework July 2021 (NPPF):**
- NPPF2 Achieving sustainable development
 - NPPF4 Decision-making
 - NPPF12 Achieving well-designed places
 - NPPF15 Conserving and enhancing the natural environment
 - NPPF16 Conserving and enhancing the historic environment

Case Assessment

25. 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.

Main issue 1: Design & Heritage

26. Key policies and NPPF paragraphs – JCS2, DM3, DM9, NPPF paragraphs 126-136 & 189-208.
27. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 place a statutory duty on the local authority to have special regard to the

desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. Case law (specifically *Barnwell Manor Wind Energy Ltd v East Northamptonshire DC* [2014]) has held that this means that considerable importance and weight must be given to the desirability of preserving the setting of listed buildings and conservation areas when carrying out the balancing exercise.

28. The awnings to the front of the property are scaled so as not to dominate the frontage and will not harm the locally listed significance of the frontage. The symmetry of the frontage is maintained by the even width and spacing of the awnings on either side of the main entrance way and their length mimics the layout of the existing window panes. The top decorative panels of the ground floor windows and delivery door will be obscured by the awnings when viewed from the front however these are not original features of the building and the proposal is not considered to cause a level of harm to the conservation area that would warrant refusal of the application.
29. The decking, pergola and bar conversion to the rear of the property are of an appropriate scale and design for the context of the site and will not be visible from the public realm. The development taking place to the rear of the site will not disrupt or distract from the areas of significance defined in the local listing of the subject and neighbouring properties. As the development rear of the site is not visible from the public realm it does not significantly contribute to the conservation area and will not cause any notable impact.

Main issue 2: Amenity

30. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 8 and 129.
31. The proposals will cause no harm to neighbouring amenity by virtue of overshadowing, loss of privacy or loss of outlook.
32. Concerns were raised in all representations received regarding the potential for existing noise disturbances experienced in offices adjacent the rear garden, at nos. 6 and 8-10 Upper King Street, being exacerbated by the conversion of the outbuilding to an external bar.
33. The rear garden has historically been in use ancillary to the internal areas of the building and the proposed conversion is an ancillary use that is not considered to intensify the established use of the site and does not require planning permission, however the external works to facilitate the conversion do. The nature of the use of the site as a drinking establishment indicates that the garden space is unlikely to be busy or generate significantly higher noise levels during regular business hours as a result of the proposed conversion. However, the applicant has submitted details of noise limiters which would mute the external speakers until 5pm, and then restrict the level of noise thereafter. This is intended to protect office workers from high levels of noise during working hours. Further, application 07/00672/VC restricts the use of the beer garden to 10am-midnight on all days which further protects any nearby residents from noise during the night.

Compliance with other relevant development plan policies

34. A number of development plan policies include key targets for matters such as parking provision and energy efficiency. The table below indicates the outcome of the officer assessment in relation to these matters.

Requirement	Relevant policy	Compliance
Cycle storage	DM31	The bar is established and there is no reason to request additional storage as part of these works.
Refuse storage/servicing	DM31	The bar is established and there is no reason to request additional refuse storage/servicing as part of these works.

Other matters

35. The proposal in its original form resulted in a loss of 2no. Category B and 2no. Category C trees that were to be replaced with smaller root balled trees. The revised scheme no longer includes the removal of any existing trees. Protective measures for the existing trees have been demonstrated in an arboricultural method statement and the tree officer has confirmed that no harm will be caused as a result of the proposals or the development process subject to a compliance condition.
36. Highways comments included concerns that existing furniture placed on the highway in front of the building would gain tacit consent with this application. The existing furniture is not shown on plans and is not included in the assessment. As the furniture is on the highway its removal would be under the authority of highways legislation rather than planning. An informative is recommended to ensure the awning is kept at a minimum of 1.98m above the pavement.

Assessment of Impacts under the Conservation of Habitats & Species Regulations 2017 (as amended)

Site Affected: (a) Broads SAC/Broadland Ramsar

Potential effect: (a) Increased nitrogen and phosphorus loading
(b) Increased phosphorous loading

37. The application represents a 'proposal or project' under the above regulations. Before deciding whether approval can be granted, the Council as a competent authority must determine whether or not the proposal is likely, either on its own or in combination with other projects, to have any likely significant effects upon the Broads SAC, and if so, whether or not those effects can be mitigated against.
38. The Council's assessment is set out below and is based on advice contained in the letter from Natural England to LPA Chief Executives and Heads of Planning dated 16th March 2022.

(a) Broads SAC/Broadland Ramsar

- (i) Does the plan or project create a source of water pollution or have an impact on water quality (e.g. alters dilution)? and

- (ii) Is the plan or project within the hydrological catchment of a habitats site which includes interest features that are sensitive to the water quality impacts from the plan or project?

Answer: NO

The proposal neither results in an increase in overnight accommodation in the catchment area of the SAC (and consequently would not result in an increase in nutrients flowing into the SAC) nor in additional pollution to surface water as a result of processes forming part of the proposal.

Conclusion: The proposal will not, either alone or in combination with other proposals have likely significant effects on a protected area. It is not necessary to carry out an assessment under the Habitats regs.

Equalities and diversity issues

39. There are no notable equality or diversity issues. The new decking to the rear will provide a ramp access which will make the garden area more accessible for patrons with mobility issues and wheelchair users.

S106 Obligations

40. Not applicable.

Local finance considerations

41. 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. 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. In this case local finance considerations are not considered to be material to the case.

Conclusion

42. The works to the existing bar are minimal and have been designed to limit impact on design, neighbouring amenity and existing trees. The proposed works are considered to be acceptable. The development is in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.

Recommendation

To approve application 21/01753/F at 7-9 Queen Street, Norwich NR2 4SG and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;

3. External speakers installed in the rear garden area shall be equipped with noise limiters as submitted;
4. TR7 – works on site in accordance with Arboricultural Impact Assessment/ Arboricultural Method Statement/Tree Protection Plan.

Informative:

1. Awning to remain a minimum of 1.98m above the ground.