

ITEM:		RECOMMENDATION:	APPROVAL
REF NO:	3PL/2018/0688/F	CASE OFFICER	Mark Springthorpe
LOCATION:	DEREHAM Ex Splitz/Auroura Borealis Nightclub 37B Quebec Street Dereham	APPNTYPE:	Full
APPLICANT:	R J Crane & Co. Limited 37a Quebec Street Dereham	POLICY:	In Settlemnt Bndry
AGENT:	Sketcher Partnership Ltd First House Quebec Street	ALLOCATION:	N
PROPOSAL:	Change of use of night club to provide 4no flats; Associated external alterations - including: demolition of external staircases and ground floor front extension; installation of additional windows (AMENDED DESCRIPTION)	CONS AREA:	Y
		LB GRADE:	Adjacent Grade 2
		TPO:	N

REASON FOR COMMITTEE CONSIDERATION

The application has been called in to Planning Committee at the request of Cllr H.Clarke

KEY ISSUES

Principle
Character & Appearance
Amenity
Access

Other Matters:
Land Contamination
Drainage & Flood Risk
Bin & Cycle Storage

DESCRIPTION OF DEVELOPMENT

The development description has been amended during the course of the application. The final scheme proposes the change of use of the former night club to provide 4no flats (2no 1-bed, 2-person units and 2no 2-bed, 4-person units). The scheme incorporates refuse and cycle storage and associated internal and external alterations, including:

- demolition of 2no existing external staircases and single storey front extension
- replacement of door with window in east (front) elevation at ground floor level
- installation of new door in side elevation accessing east (front) courtyard at ground floor level
- installation of 4no windows in the north (side) elevation at ground floor level
- replacement of door with window, installation of 1no additional casement to existing window in the north

(side) elevation at first floor level

-installation of 3no windows in the south (side) elevation at ground floor level (removal of 2no doors)

-replacement of existing door with new window in the south (side) elevation at first floor level

-installation of 3no windows in the west (rear) elevation at ground floor level (removal of existing door)

-installation of 2no additional windows in the west (rear) elevation at first floor level

SITE AND LOCATION

The site constitutes the rear part of a former burgage plot on the western side of Quebec Street, accessed through a carriage arch and set back from the highway around a small courtyard. A secondary access is also available through the neighbouring courtyard to the south side.

The original vernacular building dates from the early C19th and is in three parts, comprising two storeys under a pitched, pantile roofs. To the rear, a large and unsympathetic C20th flat roof single storey extension has been constructed which covers most of the curtilage - save for around 1m on all sides.

As the premises is set back from the commercial units fronting onto Quebec Street, the surrounding properties are residential in nature - private dwellings (Nos 27, 39 & 41 to the south and north) and retirement housing (the York Place development to the rear and north side). They range in date and architectural details however, retain a relative consistency - being two storeys, of brick construction and featuring pitched, tiled roofs.

A change in the level of the land from east to west results in the existing building appearing more prominent - in particular from the rear.

The site does not provide any amenity space or car parking. However, it is situated within the designated Town Centre and Primary Shopping Frontage. The site also falls within the Dereham Conservation Area, whilst the buildings either side of the arch to the fore (Nos 37 & 39), facing onto Quebec Street are Grade II Listed.

EIA REQUIRED

No.

RELEVANT SITE HISTORY

None

POLICY CONSIDERATIONS

The following policies of the adopted Breckland Core Strategy and Development Control Policies and the adopted Site Specific Policies and Proposals Document, including the Proposals Maps, have been taken into consideration in the determination of this application. The provisions of the National Planning Policy Framework and National Planning Policy Guidance have also been taken into account, where appropriate

CP.01	Housing
CP.04	Infrastructure
CP.09	Pollution and Waste

CP.10	Natural Environment
CP.11	Protection and Enhancement of the Landscape
CP.13	Accessibility
DC.01	Protection of Amenity
DC.02	Principles of New Housing
DC.12	Trees and Landscape
DC.16	Design
DC.17	Historic Environment
DC.19	Parking Provision
LBC	Planning(Listed Building & Conservation Areas) Act 1990
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
SS1	Spatial Strategy
TH24	Walking and Cycling

OBLIGATIONS/CIL

CONSULTATIONS

DEREHAM T C

PC support the principle of the change of use however, OBJECT on the grounds of over-development, fire safety and space and quality of the proposed flats

NORFOLK COUNTY COUNCIL HIGHWAYS

No objection

HISTORIC BUILDINGS CONSULTANT

No objection

HOUSING ENABLING OFFICER

No requirement for Affordable Housing identified

PRINCIPAL PLANNER MINERAL & WASTE POLICY No Comments Received

REPRESENTATIONS

5no objections were received in response to the initial consultation on the basis of the following:

- Overshadowing and loss of privacy to Nos 27 & 41c
- Damage to boundary treatment and blocking of access to No 27
- Increased noise and disturbance
- No right of access (to rear entrance) over car park at No 33

- Over-development/Density of occupation in confined space with lack of parking and external space for occupiers

Following the revisions to the scheme, 2no objections were received in response to the second consultation, on the basis of the following:

- Damage to boundary treatment and blocking of access to No 27
- Loss of privacy to No 27
- Increased noise and disturbance

ASSESSMENT NOTES

1.0 Principle

1.1 This scheme proposes the change of use of a former night club to provide residential units. Although situated within the designated Town Centre and Primary Shopping Frontage, the sui generis night club use is not a type protected by the provisions of Policy DC9 of the adopted Breckland Core Strategy & Development Control Policies DPD (2009), or considered a 'key service' with regard to Policy DC18.

1.2 Beyond that, the proposed introduction of a residential use is considered to support the vitality of the Town Centre and represents an opportunity to bring forward the site for redevelopment which would - in-principle - improve the environment. As such, it is considered to meet the expectations of Policy DC9 and - with regard to its contribution to the Borough housing stock - be consistent with the Spatial Strategy set out under Policy SS1.

1.3 On that basis, no in-principle objection is raised to the loss of the nightclub and the introduction of a residential use.

2.0 Character & Appearance

2.1 The proposed residential occupation would be commensurate with the broader character of this part of the Town Centre, whilst the density of the proposal in-principle and the provision of 1 & 2-bed units would be consistent with the provisions of Policy DC2(a).

2.2 Together with the proposed change of use, the application incorporates a number of external alterations, including: the demolition of the existing external staircases and the replacement and installation of a number of doors and windows to all elevations.

2.3 In terms purely of appearance, this would benefit the host property by helping to articulate what are presently largely blank elevations resulting from its former use, whilst the points of access are considered to be congruent with the host property and its surroundings.

2.4 The proposal also incorporates the demolition of an existing single storey front extension within the courtyard. It is considered that the curved facade and painted stone finish is unsympathetic to the host property. As such, the LPA do not object to its demolition and consider the proposed 1.8m wall with a rendered finish to match the existing building - creating an enclosure to provide bin storage and protect the privacy of Flat 4 - to be acceptable.

2.4 The Historic Buildings Officer has considered the proposal and has not raised an objection. On the basis of that and the above appraisal, the LPA consider the proposed use and external alterations to be

appropriate with regard to the character and appearance of the host property and Conservation Area and consistent with the expectations of Policy DC16 & DC17.

3.0 Amenity

3.1 As a result of the revisions, the officer is satisfied that the initial concerns on density have been overcome.

3.2 The final layout/stacking provides for adequate Gross Internal Area (GIA) - with regard to the Nationally Described Space Standard and prevents competing uses from being juxtaposed between units. The reduction in the intensity of occupation (from 8no units to 4) would further ameliorate the impact on neighbouring properties.

3.3 Where access to Units 2 & 3 would require passage in front of the ground floor south side window of other Flat 4, obscure glazing is proposed. Obscure glazing is also proposed at first floor level on the north elevation and for the westernmost two windows on the south elevation which directly overlook No 27 Quebec St to safeguard the privacy of neighbouring occupiers.

3.4 All the units are - to some extent - dual aspect and provide an acceptable ratio of glazed area to GIA and depth of the corresponding rooms.

3.5 The scheme proposes private amenity space for Flats 1 & 2 at ground floor level in the shape of enclosed terraces of 35 & 25sqm respectively (not including the access to the west and south side of Flat 2). Although principally to secure privacy, a small private enclosure is also proposed to the front at ground floor level for Flat 4, extending to c9sqm. Only the 1-bed unit Flat 3 would have no private outside space. However - as a result of the access and layout constraints - this unit provides considerably in excess of the required GIA, which is considered to in some way mitigate that shortfall. Furthermore, the LPA acknowledge that the site is within a constrained town centre location.

3.6 Representations have been made to the effect that - as a result of the current sound-proofing afforded to the former night club use - the proposed new residential use would give rise to unacceptable noise and disturbance. The LPA have been presented with no evidence either to confirm or deny the relative impact between the two uses however, it is considered that any activity arising from the proposed new use would be commensurate with the broadly residential character of the area to the rear of Quebec Street. It is not considered that the scale of occupation would render any resultant noise unacceptable.

3.7 In light of the above, the proposed development as revised is considered to meet the expectations of Policy DC1.

4.0 Access

4.1 As a result of the constrained Town Centre location, the proposal can provide no off-street parking and is proposed as car free. On the basis of its location and close proximity to public transport and other amenities - together with the combination of smaller 1/2-bed units - the Local Highway Authority have not objected.

4.2 Following revisions to the scheme, the proposal now incorporates a minimum of 4no cycle spaces - one per dwelling, in accordance with Appendix D of the Development Plan.

4.3 On the basis of the above, the development is therefore considered to satisfy the requirements of Policy DC19.

5.0 Other Matters:

5.1 Bin & Cycle Storage

Cycle storage has been provided at a ratio of 1 space per dwelling, consistent with the expectations of Appendix D of the Core Strategy & Development Control Policies DPD. Flat 1 will have a screened space in the access way which serves only that unit, whilst Flat 4 will accommodate a space within their lobby. On the other side of the building, Flats 2 & 3 will benefit from a secure enclosure adjacent to the point of access which serves those two units. Details of the enclosures and mechanisms for securing bikes will be reserved by condition.

5.2 Bin storage has also been proposed - with separate bins for household waste and recycling for each unit. Flat 1 will have a screened space in the access way which serves only that unit, whilst Flat 4 will accommodate both bins within a new enclosure to the front. Flats 2 & 3 will benefit from a screened enclosure on the approach to the point of access which serves those two units. Bin sizes, capacity and siting is therefore considered to be adequate with regard to the expectations of the Breckland: Guidance for charging for the provision of wheeled bins and the design of bin storage facilities.

5.3 In addition to the concerns over privacy (as discussed in Section 3.3 above) and noise/disturbance (as discussed in Section 3.6), concerns were also raised in the consultation with respect to:

- The potential for unauthorised car parking and the blocking of access to No 27
- Damage to the boundary treatment of No 27 from the use of the proposed bin store

5.4 However, these are civil issues not relevant to the planning application and subject to separate enforcement in the event that any trespass or damage should arise. As such, they cannot be given weight in arriving at the decision subject to this application.

5.5 Other concerns raised in the initial consultation - in respect of overshadowing, over-development and lack of amenity space - are considered to have been overcome by way of the subsequent elimination of any proposed extensions and the significant reduction in the number of units.

6.0 Conclusions/ Planning Balance

6.1 The proposed change of use is considered to be acceptable in principle with regard to the loss of a non-protected use and the introduction of residential accommodation in a sustainable location within the settlement boundary.

6.2 The domesticating effect of the external alterations is also considered to be sympathetic to the host property and Conservation Area, whilst the revised layout and use of obscure glazing will safeguard amenity for future and neighbouring occupiers.

6.3 On that basis, the proposal is therefore recommended for APPROVAL subject to conditions.

CONDITIONS

1

Full Permission Time Limit (3 years)

The development must be begun not later than the expiration of THREE YEARS beginning with the date of this permission.

Reason for Condition:

As required by section 91 of the Town and Country Planning Act 1990.

2 In accordance with submitted plans NEW 2017

The development must be carried out in strict accordance with the application form, and approved documents and drawings as set out in the table at the end of this notice.

Reason for condition:-

To ensure the satisfactory development of the site.

3 External materials and samples to be approved

Prior to works above slab level, details and samples of all external materials to be used in the finishing of any external alterations shall be submitted to and approved in writing by the Local Planning Authority, and this condition shall apply notwithstanding any indication as to these matters which have been given in the current application. Only such agreed materials shall be used in connection with this approval.

Reason for condition:-

To ensure the satisfactory appearance of the development, in accordance with Policy DC1 and DC16 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

This condition will require to be discharged

4 Hardlandscaping - details and completion

Prior to the occupation of the development hereby permitted details of any new hard landscaping - including fencing and boundary treatments - shall be submitted to and approved in writing by the Local Planning Authority. Such approved works shall be completed in all respects before the occupation of the development hereby permitted and thereafter retained.

Reason for condition:-

To ensure the satisfactory appearance of the development, in accordance with Policy DC1 and DC16 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

This condition will require to be discharged

5 Window details to be agreed

Prior to works to any windows or doors, the following details shall be submitted to and approved in writing by the Local Planning Authority:- elevations of new/replacement doors and windows at a scale of no less than 1:20 and timber profiles of a scale no less than 1:5.

Reason for condition:-

In the interests of safeguarding the visual character of the building and Conservation Area.

This condition will require to be discharged

6 Obscure glass

The ground floor south side window to Flat 4, 2no first floor south side windows serving the lounge and kitchen of Flat 4 and the first floor north side window serving the kitchen of Flat 3 shall be fitted with obscure glass with a degree of obscurity equivalent to Pilkington Level 5 and shall be hung in such a way as to prevent overlooking of neighbouring dwellings.

Notwithstanding internal re-use or re-configuration, the windows in those positions shall be permanently maintained in that form.

Reason for condition:-

To help safeguard the privacy and amenity of the occupiers of the adjacent properties. This condition is imposed in accordance with Policy DC1 of the Breckland Adopted Core Strategy.

7

Contaminated Land - Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with details to be agreed in writing with the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority.

Reason for condition:-

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This condition is imposed in accordance with CP9 of the Breckland Adopted Core Strategy.