Report to	Planning applications committee	Item
	14 September 2017	
Report of	Head of planning services	4 / I \
Subject	Application no 17/00986/F - 40 Fishergate, Norwich, NR3 1SE	4(b)
Reason for referral	Objections	

Ward:	Mancroft	
Case officer	Samuel Walker - <u>samuelwalker@norwich.gov.uk</u>	

Development proposal			
Change of use to GP Surgery (Class D1).			
Representations			
Object Comment Support			
5 2			

Main issues	Key considerations
1	Principle of Development
2	Design
3	Heritage
4	Transport
5	Amenity
6	Flood Risk
Expiry date	4 September 2017
Recommendation	Approve



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Scale

1:1,000





PLANNING SERVICES



The site and surroundings

- 1. 40 Fishergate is a two storey former factory on the south elevation of Fishergate and west elevation of Hansard Lane. The South East of the site leads to the river Wensum.
- 2. The site is currently vacant. The subject property is a twentieth century construction, until recently, the property and its curtilage had been left in a very dilapidated state, external alterations were made to improve this site approved under application reference: 16/00875/F which have been completed.
- 3. Adjacent sites to the North East and South West have been developed as residential sites. Grade 1 Listed St Edmunds Church is on the corner of Hansard Lane and Fishergate to the North East. The surrounding area is a mixture of commercial, retail, residential and industrial.

Constraints

- 4. City Centre Conservation Area.
- 5. In the setting of Grade 1 Listed St Edmunds Church
- 6. Environment Agency Floodzone 2 and 3.
- 7. Regeneration area DM5.
- 8. Area of main archaeological interest DM9.
- 9. Area for reduced parking & City centre parking- DM29

Relevant planning history

Ref	Proposal	Decision	Date
05/00651/F	Amendment to planning permission 4/2003/0293/F to provide one addtional social housing unit (31 units in total).	CANCLD	29/07/2005
06/00293/F	Amendment to planning permission 4/2003/0293/F to provide one addtional social housing unit (31 units in total).	APPR	23/05/2006
06/00737/F	Amendment to planning permission 4/2003/0293/F (plot 20) to provide roof terrace and reduction from four bedroom to a three bedroom house.	APPR	08/09/2006
11/00601/C	Demolition of existing building.	FDO	08/03/2013

Ref	Proposal	Decision	Date
11/00602/F	Erection of 9 No. dwellings (1 no. two bedroom house; 6 no. 3 bedroom houses; 1 no. one bedroom maisonette and 1 no. 2 bedroom maisonette) with associated works.	CANCLD	11/05/2011
13/01547/I	Erection of 8 No. dwellings.	PCO	
16/00875/F	External alterations to building.	APPR	04/08/2016
16/01401/D	Details of Condition 3: materials of previous permission 16/00875/F.	APPR	28/10/2016
16/01626/NMA	Amendment to planning permission 16/00875/F - re-instating front entrance/access door to original position, change window frame colour to white and change wall colour to French/light grey.	APPR	29/11/2016

The proposal

10. Change of use to Doctors (GP) Surgery (D1) providing a suitable clinical environment meeting current healthcare regulations. The proposal requires minor changes to the external building envelope

Summary information

Proposal	Key facts	
Scale		
Total floorspace	840m ²	
No. of storeys	Two – as existing	
Max. dimensions	37x17x6.5	
Appearance		
Materials	No change	
Construction	No change	
Energy and resource efficiency measures	N/A	
Operation		

Proposal	Key facts	
Opening hours	Monday to Friday 08.00 – 18.00 Saturday 08.00 – 12.30	
Transport matters		
Vehicular access	Existing via Hansard Lane for staff only – car park secured by bollards.	
No of car parking spaces	12 (Including 2 disability spaces)	
No of cycle parking spaces	10	

Representations

11. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 7 letters of representation 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
Transport – Vehicular access via Hansard Lane, Parking on site, Parking off site, Impact of parking on local residents, State of repair of Hansard Lane, Right of Way over Hansard Lane, Highway safety with increased vehicular, pedestrian and cycle access via Hansard Lane. Parking and access associated with neighbouring St Edmunds Church.	38-44
Amenity – Noise of vehicles accessing via Hansard Lane, noise associated with surgery use, Potential Antisocial behaviour,	45-48

Consultation responses

12. 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.

Design and conservation

13. This is not an application that I intend to provide conservation and design officer comments on because it does not appear on the basis of the application description to require our specialist conservation and design expertise. This should not be interpreted as a judgement about the acceptability or otherwise of the proposal.

Environment Agency

14. No comments received

Highways (local)

- 15. No objection in principle on highway/transportation grounds.
- 16. The site is located within an accessible part of the city centre and has an established vehicle access to the rear car park.
- 17. The property will not be entitled to on street parking permits, and extant waiting restrictions are adequate and do not require amendment.
- 18. The Magdalen Street car park is available nearby, and there is some on street pay and display parking at the other end of Fishergate.
- 19. The premises will offer staff and patients the ability to walk, cycle or get the bus and have a low traffic impact.
- 20. The cycle parking provision is adequate, we would welcome more cycling parking on the Fishergate footway see image below. It may be advisable to have directional sign to the medical centre from Whitefriars. We can advise on the design and specification of this sign.
- 21. The emergency stair onto Hansard Lane appears to be sited upon the highway, and is technically an unauthorised obstruction. The application proposes to replace this stair and it will continue to land on the highway. Ideally this structure would be removed as it could cause a hazard to road users could the emergency exit be provided for in a different way?
- 22. An issue that has not been considered by this application is the future development of the riverside path.
 - 1) Is there scope for the route of the path to be safeguarded across the car park?
 - 2) Can the unsightly garage at the end of Hansard Lane be removed by the applicant and the river edge secured?
 - 3) Is the river edge of the site fit for purpose (structurally) (overgrown vegetation) and agreed as such with relevant authorities

Broads Authority

23.1 write further to the above planning application. I can confirm that the Broads Authority does not wish to raise an objection.

Planning Policy

24. Involved in meetings with applicant and agent to discuss proposals in relation to delivery of Riverside Walk in connection with the River Wensum Strategy.

Assessment of planning considerations

Relevant development plan policies

25. Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)

- JCS1 Addressing climate change and protecting environmental assets
- JCS2 Promoting good design
- JCS6 Access and transportation
- JCS7 Supporting communities
- JCS9 Strategy for growth in the Norwich policy area
- JCS11 Norwich city centre
- JCS12 The remainder of the Norwich urban area including the fringe parishes
- JCS20 Implementation

26. 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
- DM5 Planning effectively for flood resilience
- DM9 Safeguarding Norwich's heritage
- DM16 Supporting the needs of business
- DM17 Supporting small business
- DM18 Promoting and supporting centres
- DM22 Planning for and safeguarding community facilities
- DM29 Managing car parking demand in the city centre
- DM30 Access and highway safety
- DM31 Car parking and servicing
- DM33 Planning obligations and development viability

Other material considerations

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

- NPPF0 Achieving sustainable development
- NPPF1 Building a strong, competitive economy
- NPPF2 Ensuring the vitality of town centres
- NPPF4 Promoting sustainable transport
- NPPF7 Requiring good design
- NPPF8 Promoting healthy communities
- NPPF10 Meeting the challenge of climate change, flooding and coastal change
- NPPF12 Conserving and enhancing the historic environment

Case Assessment

28. 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 polices 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: Principle of development

- 29. Key policies and NPPF paragraphs DM5, DM9, DM22, DM28, DM30. NPPF paragraphs 5, 8 12.
- 30. The proposed Change of Use is outside of a designated centre; however it is in a highly accessible location in close proximity to the city centre, close to public car parks and public transport links.
- 31. The application site has been selected as an appropriate location for the existing Gurney surgery on the corner of Magdalen Street and Cowgate to re-locate in close proximity to its existing premises and to enable a degree of expansion of service provided. The current premises is no longer considered fit for purpose for this use. The recently refurbished premises at 40 Fishergate provides.
- 32. This change of use application provides a suitable opportunity for provision of a crucial link of the Riverside Walk to the North Bank of the River Wensum to be agreed. This site is currently preventing the implementation of this section of Riverside Walk.

Main issue 2: Design

- 33. Key policies and NPPF paragraphs JCS2, DM3, NPPF paragraphs 9, 17, 56 and 60-66.
- 34. The proposed change of use requires small alteration to the external appearance in relation to fire safe windows and frosting of glass. These changes are of minimal impact to the building and are considered suitable to the subject property.

Main issue 3: Heritage

35. Key policies and NPPF paragraphs – DM9, NPPF paragraphs 128-141.

- 36. The proposed change of use requires only small external alterations. These do not impact the conservation area or the setting of neighbouring St Edmunds Church.
- 37. The functional use a doctors surgery are considered to be of lower impact to the conservation area than the previous established use as B8 storage. The B1(a) use was never implemented.

Main issue 4: Transport

- 38. Key policies and NPPF paragraphs JCS6, DM28, DM30, DM31, NPPF paragraphs 17 and 39.
- 39. Concerns have been raised with regards to use of the car park to the rear of the site, this is an existing car park with an established use. This is currently and previously available to use by the occupiers and owners of the site, it has been in recent active use. The car park in this location is not a new proposal under this application.
- 40. The applicants have confirmed that this shall be in use by staff only, the entrance of this car park shall be secured by bollards to prevent unauthorised use. As such the of use of this area is not considered to be an intensification in comparison to similar use if the unit remained as B8 storage or permitted B1a Office Use. The car park is not for use by visiting members of the public or patients. There is no private car parking provision at the current surgery on Magdalen Street.
- 41. The Transport Information Plan submitted in support of this application states "*There is no visitor parking on site and strictly no parking or dropping off on Hansard Lane. The Partnership will erect signage along Hansard Lane to reinforce this.*"
- 42. The site is in a very accessible location, the submitted Transport Information Plan provides information relating to Car Parking, Public Transport and Cycle Parking in close proximity.
- 43. Hansard Lane is partly designated Highway, part privately owned. Norfolk County Council is responsible for the maintenance of the public Highway. There is no intention of this street being re-surfaced with tarmac as has been proposed in representations received; this would not be supported as a replacement road covering in this location within the conservation area.
- 44. The right of way over Hansard Lane is a private civil matter, this is not a material planning consideration.
- 45. Allocation of land to be used as public riverside walk, subject to Section 106 agreement, works successfully towards fulfilling a long term aim to complete this section of riverside walk in accordance with local policy DM28.

Main issue 5: Amenity

- 46. Key policies and NPPF paragraphs DM2, DM11, NPPF paragraphs 9 and 17.
- 47. The applicants have confirmed that there is no Pharmacy to be located on site. The concerns raised with regards to antisocial behaviour related to Pharmacy use are not a consideration relevant to this application.
- 48. The existing garage on Hansard Lane is in the same ownership as the owners of this site, however, this application has been submitted by a third party applicant with tenancy interest in the site. The garage under question falls outside the red line of this application and does not form part of the consideration of this change of use application.

Main issue 6: Flood risk

49. Key policies and NPPF paragraphs – JCS1, DM5, NPPF paragraphs 100 and 103.

50. The flood risk assessment submitted in support of the application recommends a 'Flood Management Plan' is required to address the issues of a 'more vulnerable use' in Floodzone 2. This should be reserved by condition and required prior to first occupation.

Compliance with other relevant development plan policies

51. 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	Yes – Existing cycle parking provision to rear of site for staff use only
Car parking provision	DM31	Yes – Existing for staff use only
Refuse Storage/servicing	DM31	Existing
Energy officiency	JCS 1 & 3	Not applicable
Energy efficiency	DM3	
Water efficiency	JCS 1 & 3	Not applicable
Sustainable urban drainage	DM3/5	Not applicable

Equalities and diversity issues

52. There are no significant equality or diversity issues.

S106 Obligations

53. Subject to section 106 agreement to secure provision of riverside walk across the south of the site at 40 Fishergate, connecting the riverside walk to adjacent sites at St Edmunds Wharf and Old Millers Wharf.

Local finance considerations

54. 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.

- 55. 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.
- 56. In this case local finance considerations are not considered to be material to the case.

Conclusion

57. 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 no. 17/00986/F - 40 Fishergate Norwich NR3 1SE and grant planning permission subject to section 106 agreement to secure provision of riverside walk across the south of the site at 40 Fishergate, connecting the riverside walk to adjacent sites at St Edmunds Wharf and Old Millers Wharf and the following conditions:

- 1. Standard time limit;
- 2. In accordance with plans;
- 3. In accordance with submitted Transport Plan
- 4. Subject to flood management plan prior to first occupation
- 5. Subject to Section 106 to secure riverside walk.





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Scale 1:5

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EAST ELEVATION



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SOUTH ELEVATION



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