

Report for Resolution

Report to Planning Applications Committee
Date 3 July 2014
Report of Head of Planning Services
Subject 14/00528/U Castle Mall Norwich

Item
5(1)

SUMMARY

Description:	Change of use from retail (Class A1) to healthcare facility (Class D1) at Unit LS5 (level 2).
Reason for consideration at Committee:	Departure and objections
Recommendation:	Approve
Ward:	Mancroft
Contact Officer:	Mrs Caroline Dodden Planner 01603 212503
Valid Date:	15th April 2014
Applicant:	InfraRedUK Retail Nominee 3 Ltd InfraRed UK Retail Nominee 4 Ltd
Agent:	Miss Amy Jones

INTRODUCTION

The Site

Location and Context

1. The Castle Mall shopping mall was completed in 1993. The scheme redeveloped large parts of the city centre, in particular parts of the historic Timberhill and cattle market.
2. Unit LS5 is situated on Level 2 of Castle Mall. The unit is situated between units occupied by the Post Office and a discount store at St. Johns Place. The unit has a floor space of approximately 1,090 sq.m and has been vacant since 2008. It is understood that a combination of factors has meant the unit has been particularly difficult to let, including the limited retail frontage of this large unit.

Constraints

Castle Mall falls within the City Centre Conservation Area, the City Centre Leisure Area, the Area of Main Archaeological Interest and the Primary Retail Area.

Relevant Planning History

09/00012/U - Change of use from a restaurant (Class A3) to GP-led Health Centre (Class D1) at 115-117 Castle Mall (level 4). Approved at Planning Applications Committee February 2009

14/00528/U - Change of use from retail (Class A1) to healthcare facility (Class D1) at Unit LS5 (level 2). Pending consideration.

Equality and Diversity Issues

There are no significant equality or diversity issues. Access issues are referred to in paras16-20

The Proposal

3. Change of use from retail (class A1) to health care facility (class D1).

Representations Received

4. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. Nine letters of representation have been received, one letter is from the Business Manager of Norwich Practices Limited (NPL), citing the issues as summarised in the table below.

Issues Raised	Response
It will cost the NHS even more money to relocate in to larger premises, with higher rent and service charges and the huge cost of refitting.	Paragraphs 16 - 18
This unit is not as accessible and elderly patients may find it daunting.	Paragraphs 19 - 23
The landlord has not yet offered alternative premises which are suitable for the centre or are deliverable due to the high fit out cost, which the centre does not have and which neither NHS England nor a commercial lender are prepared to provide.	Paragraphs 16 - 18

Letters of support

5. Three letters of support have been received wishing to see the GP surgery and walk-in services retained in the centre of Norwich but believe that the proposed unit would be a better location, offering the additional space that NPL have asked for and allow for the complete refurbishment of level 4 to create a true destination. It is considered to be more accessible to users being closer to primary pedestrian routes within Castle Mall, local bus services, the pharmacy and the main car park. Being on level 2 will also mean less changes of level for the majority of health centre visitors. It should not be a question of the new facilities and jobs or the health centre, but it can and should be both.

Consultation responses

Norwich Society - Concerned about accessibility if the Walk in Health Centre is relocated from its present position off Timber Hill.

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

National Planning Policy Framework:

- Statement 1 – Building a strong, competitive economy
- Statement 2 – Ensuring the vitality of town centres
- Statement 4 – Promoting sustainable transport
- Statement 8 – Promoting healthy communities

Relevant policies of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2014

- Policy 6 – Access and transportation
- Policy 7 – Supporting communities
- Policy 11 – Norwich City Centre
- Policy 19 – The hierarchy of centres

Relevant saved policies of the adopted City of Norwich Replacement Local Plan 2004

- SHO10 - Changes of use in retail frontages in the Primary Retail Area
- AEC2 – Local community facilities in centres
- TRA6 - Parking standards - maxima
- TRA7 - Cycle parking standards
- TRA8 - Servicing provision

Other Material Considerations

Development Management Policies Development Plan Document – (April 2013)

- DM1 Achieving and delivering sustainable development
- DM20 Protecting and supporting city centre shopping
- DM22 Planning for and safeguarding community facilities
- DM28 Encouraging sustainable travel

Written Ministerial Statement: Planning for Growth March 2011

Principle of Development

Procedural Matters Relating to the Development Plan and the NPPF

6. The Joint Core Strategy and Replacement Local Plan (RLP) have been adopted since the introduction of the Planning and Compulsory Purchase Act in 2004. With regard to paragraphs 211 and 215-216 of the National Planning Policy Framework (NPPF), both sets of policies have been subjected to a test of compliance with the NPPF. The 2014 JCS policies are considered compliant, but some of the 2004 RLP policies are considered to be only partially compliant with the NPPF, and as such those particular policies are given lesser weight in the assessment of this application. The Council has also reached submission stage of the emerging new Local Plan policies, and considers most of these to be wholly consistent with the NPPF. Where discrepancies or inconsistent policies relate to this application they are identified and discussed within the report; varying degrees of weight are apportioned as appropriate.

Policy Considerations

7. Paragraph 70 of the NPPF states that planning policies and decisions should plan positively for community facilities and local services and guard against the unnecessary loss of valued facilities and services, particularly where it would reduce the community's ability to meet its day-to-day needs.
8. The site is located within the Primary Retail Area and forms part of a defined retail frontage within which there is a general presumption in favour of retail uses. Saved policy SHO10 deals with changes of use to non-retail uses although only deals with changes to class A2 (financial and professional services) and A3 (restaurants and café's) and does not specifically restrict non-retail uses outside the defined retail frontage area. This policy allows a percentage of non-retail uses in classes A2 and A3 where they would not have a harmful impact on the vitality and viability of the area and where the proportion of retail uses within the measured defined retail frontage should not fall below 85%.
9. Emerging policy DM20 reaffirms this policy approach, but extends the permitted non-retail uses to include uses within classes A4 and A5 and other main town centre uses. Proportions of non-retail uses have not yet been defined for this emerging policy and may be the subject of a future supplementary planning document.
10. The proposed use as a health centre falls within use class D1. As such, it is not a defined main town centre use within the NPPF. The proposal is assessed against saved policy AEC2 of the Local Plan. This policy sets out a sequential approach to the location of facilities in centres where a need exists. In this case the City Centre is considered to be the most sequentially appropriate location for such a use, which services the wider Norwich Area.
11. Emerging Policy DM22 permits new or enhanced public or community facilities where they are located within or adjacent to the city centre or existing and proposed local and district centres. It continues that development resulting in the loss of an existing community facility will only be permitted where an adequate alternative provision exists or will be provided in an equally accessible or more accessible location within 800 metres walking distance.

Loss of retail floorspace

12. The proposal forms part of the applicants on-going process of investment in Castle Mall designed to improve its appearance, increase footfall and reduce the number of vacancies.
13. The proposal would result in the loss of a retail unit, contrary to policy, in that Policy SHO10 and emerging policy DM20 seek to allow changes of use of retail premises to uses within the A2, A3, (and A4 and A5 for policy DM20) use classes.
14. Under Policy SHO10 the current percentage of non-retail uses for this central area shopping group (at July 2013) is 4.2%. The inclusion of unit LS5 as non-retail frontage (with approximately 9 metres of frontage) would increase the non-retail frontage to 5.2%, which falls well within the 15% non-retail policy allowance.

Change of use to health centre

15. Unit LS5 has been identified by the Applicants as an alternative location for the existing Timberhill Health Centre, which is currently located on level 4 at no.115-117 Castle Mall.
16. Unit LS5 has been vacant for a lengthy period and it is not ideally suited to retail use by virtue of the large floor area, irregular shape and short length of shop frontage.

17. Consequently, it is considered that although the proposal would be contrary to policy, it would be acceptable, as it would enable the retention of a valuable community facility in an accessible city centre location.

Accessibility and servicing

18. Although unit LS5 is positioned further in to the Mall complex than the existing location of the health centre, it is considered to be as accessible, particularly as it has the benefit of an easy route from the main mall car park and there are two pedestrian entrances close by at Castle Meadow and Cattle Market Street. Escalators and lifts connect all the floors within the mall. It is considered that a condition should be attached to ensure that the main mall car park remains open during the operational hours of the health centre.
19. Unit LS5 also has access to the shared service facilities, which are accessed from Market Avenue. It is understood that these facilities could also be used by emergency vehicles, such as ambulances.
20. The Travel and Access Statement submitted gives details of the various modes of transport that can be utilised to access Castle Mall. There are a number of regular bus routes that stop in close proximity, there is two dedicated car parks containing over 790 spaces within the mall, there is motorbike parking on Farmers Avenue and several cycle stands located close to the mall, particularly on Castle Meadow.
21. Disabled parking is also provided for within the Mall's own car parks and a Shopmobility scheme is in operation. On street disabled parking spaces are available on Ber Street and All Saints Green.
22. Overall, it is considered that the accessibility of unit LS5 is acceptable for the health centre use.

Conclusions

23. Taking all material considerations in to account, it is considered that unit LS5 on level 2 of Castle Mall is a suitable central position for the relocation of the existing health centre use currently located on level 4 of Castle Mall. Although health centres do not fall within the definition of main town centre uses, it is considered that the relocation of the existing health centre within the Castle Mall shopping centre would be a highly beneficial community facility to retain within the city centre.

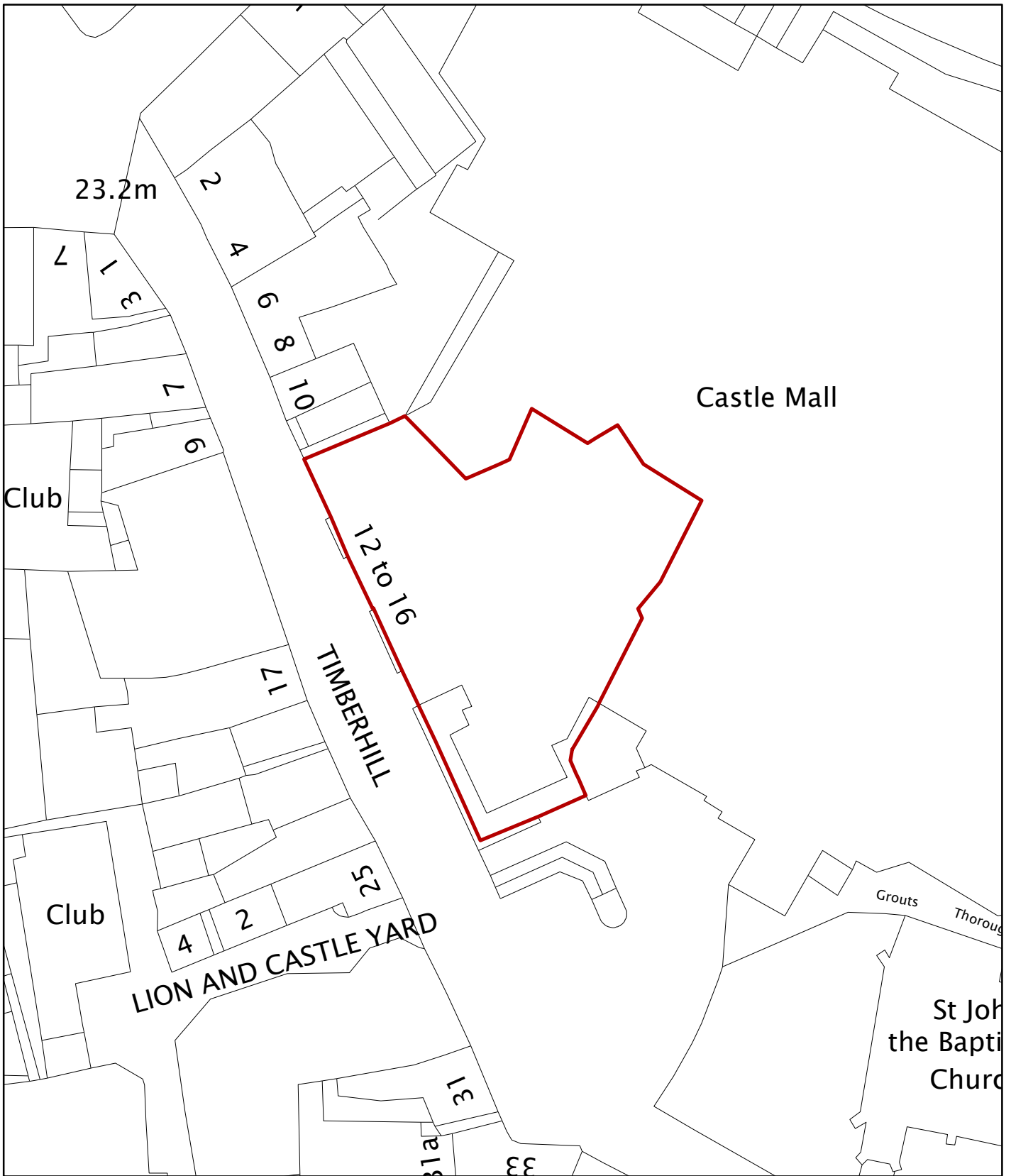
RECOMMENDATIONS

To approve Application No 14/00528/U and grant planning permission, subject to the following conditions:-

1. Commencement of development within three years
2. In accordance with approved plans and details
3. The health centre hereby permitted shall not be open to patients or clients at any time when the main mall car park accessed from Market Avenue is closed.
4. The unit shall only be used as a health centre and for no other use within the D2 use class.
5. Should the health centre vacate the premises, the unit shall revert to retail use (class A1)

Article 31(1)(cc) 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 and has approved the application subject to appropriate conditions and for the reasons outlined in the officer report.



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Planning Application No 14/00528/U
 Site Address Castle Mall Level 2

Scale 1:500



NORWICH
 City Council
 PLANNING SERVICES

