

Report for Resolution

Report to Planning applications committee
Date 20 October 2011
Report of Head of planning services
Subject 11/01331/U -18 Whiffler Road Norwich NR3 2AZ

Item
5(3)

SUMMARY

Description:	Change of use from Private Hire Taxi Office (Sui Generis) to tattoo studio and art gallery (Sui Generis).
Reason for consideration at Committee:	Contrary to policy
Recommendation:	Approve
Ward:	Mile Cross
Contact Officer:	Mr John Dougan Planner (development) 01603 212504
Valid Date:	26th July 2011
Applicant:	Mr Gary Moxon
Agent:	Mr Gary Moxon

INTRODUCTION

The Site

Location and Context

1. The site is located within the Whiffler Road general employment area. The current approved use for the site is a private taxi hire business with associated parking.
2. The Whiffler Road employment area contains varied uses including car servicing, an electrical wholesaler with trade counter and various industrial activities. Adjacent to the allocated employment area other uses also exist, such as an hotel.
3. The adjoining unit to the north contains varied uses such as vehicle repair and storage.

Constraints

4. The site is allocated as a general employment area in the Replacement Local Plan and policy EMP5 seeks to restrict non-employment uses within the employment area except in specific circumstances.

Planning History

05/00055/U - Change of Use of part of building to Private Hire Taxi Office. (Approved - 16/03/2005)

Equality and Diversity Issues

There are no significant equality or diversity issues.

The Proposal

5. Change of use of vacant taxi hire offices to tattoo studio/art gallery including provision of 10 no. car parking spaces and 2.5 staff. The use would be in operation 10am-6pm (Mon-Fri), 10am-5pm (Sat) and 10am-4pm (Sun and bank holidays).

Representations Received

6. Adjacent and neighbouring properties have been notified in writing. No letters of representation have been received.

Consultation Responses

Environmental health

7. No comments

Transportation

8. No objections – cycle parking provision would be desirable but not a requirement

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

Relevant National Planning Policies

- PPS1 – Sustainable development
- PPS4 – Planning for sustainable economic growth

Relevant policies of the adopted East of England Plan Regional Spatial Strategy 2008

- Policy SS1 – Achieving sustainable development

Relevant policies of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2011

- Policy 5 – The economy

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

- EMP5 – General employment area
- TRA6 – Parking standards
- TRA7 – Cycle parking standards
- SH03 – Sequential test for development

Other material considerations

Written Ministerial Statement: 23 March 2011: Planning for Growth
Draft National Planning Policy Framework July 2011

Principle of Development

Policy Considerations

9. The existing approved use is a taxi office with associated parking. This use was considered to be acceptable because of its small scale and the need for a site which could accommodate vehicle parking. It was considered that it would therefore not affect the overall balance of uses of B1, B2 and B8 in the area.
10. A tattoo studio is a use which is 'sui generis', which means that it is in a class of its own and does not fall within any defined use class of the Town and Country Planning (Use Classes) Order 1987 (as amended). However, in terms of its operation, it is the type of use which is often located within existing centres and attracts customers to the premises and displays similar characteristics to that of a hairdresser, which falls within the A1 use class or medical clinic, which is within the D1 use class. As such, although it is not a retail use, its impacts will be similar and it is considered appropriate to assess the proposal in those terms.
11. The key issue is the proposal's compatibility with policy EMP5 and PPS4/SHO3. EMP5 requires that within areas defined as for general employment, uses in B1, B2 and B8 and other specific uses, such as ancillary or leisure uses will be permitted in certain circumstances.
12. Given that the proposed sui generis use is:-
 - More akin to an A1 use
 - Not an ancillary activity i.e. the unit in question is a separate unit in its own right
 - Not considered to be ancillary to the employment area as it would not provide complementary services (e.g. crèche/nursery) to meet the needs of people employed in the area
 - Not considered to be a leisure use like a gym

It is therefore considered to be contrary to EMP5

13. The proposal is also considered to be contrary to PPS4/SHO3 whereby uses such as this should be located in sustainable locations like town centres and edge of centre locations whereby people are going to be able to access the site by means other than the private car.

14. It was requested that the applicant undertake a sequential assessment to demonstrate why a use such as this could not reasonably be located in a town centre/edge of centre location. The applicant stated that the primary reasons where:
- That there were already 10 studios in the city centre and that none of the other sites were of sufficient size and reasonable rates
 - Tradesmen make up the largest portion of their market and this catchment area is the target market they are aiming to serve
 - They do not want a city centre location with hundreds of people coming to the studio
 - Customers driving to the site and being able to park for a tattoo session is of a major advantage as some sessions can take 6-10 hours
 - The site is well served by buses and is also within easy walking distance of local residential areas

Compatibility with the area

15. Whilst the applicant's reasons for choosing such a location are noted, they are not considered to provide a firm justification as to why, in planning terms, such a proposal could not be located in a city centre or edge of centre location as set out in policy EC15 of PPS4.
16. There are however occasions whereby a use could be approved contrary to policy, if there are material considerations which would justify making an exception to policy. In this case, it is important to assess whether the proposal would cause demonstrable harm to the vitality and viability of existing centres, lead to the loss of employment floorspace or undermine the use of the area for employment activities, or result in an unsustainably located development which would be contrary to the wider policies that seek to achieve a balance between social, economic and environmental considerations.
17. In terms of the scale of the tattoo studio/gallery proposed and whether it would cause harm to the existing balance of B1, B2 and B8 activities of this employment area, it would operate within a modestly sized unit comprising 5 functional rooms and a series of smaller support rooms e.g. toilets, storerooms and office.
18. The main functional rooms comprise a main reception, 2 tattoo rooms and a piercing room from which the public would enter the reception/gallery for a short consultation and make an appointment for a treatment session.
19. Based upon the above there would be 3 key movements associated with this activity:
- Potential customers visiting to book an appointment
 - Members of the public coming to visit the gallery component
 - Customers coming to have treatment within each of the treatment rooms
20. Discussions were undertaken with the applicant regarding concerns over the scale and intensity of the use, size of the unit and number of staff proposed to operate from the premises, as these were considered to be key factors which would determine the scale and intensity of the development and whether or not it was suitable for the employment area.

21. The applicant has confirmed that the proposal was for a tattoo and piercing studio only, the scale of the proposed activity on site is wholly contained within the current application and a maximum of six staff would operate from the site at any one time.
22. Based upon the internal layout of the proposed use, a maximum of six staff is considered to be reasonable.
23. It is unclear how many potential customers will visit. However, based on the building being of a modest size with only 3 treatment rooms and that each session is by appointment - the use is considered to be of a small scale and low intensity which would not adversely impact on the vitality or viability of existing centres nor adversely effect the use of the employment area or be detrimental to the balance of B1, B2 and B8 uses in the general employment area. In addition, given the size of the premises and its current authorised use as a taxi office, together with the proposed employment generation likely to result from the proposal, it is not considered that the proposed use would lead to an unacceptable loss of employment floorspace.

Transport and Access

Vehicular Access and parking

24. Included in the proposal are 10 car parking spaces (4 to the front and 6 to the side of the building). The transportation team's original comments on the 8th September stated that the on site parking provision was sufficient for this use. However, a new drop kerb/vehicle cross over would be required to serve the 4 spaces to the front, together with secure and covered cycle parking i.e. at least 2 Sheffield stands to meet the requirements of policy TRA7.
25. On speaking with the applicant on 15th September he felt that this requirement was unreasonable since the existing 4 no. parking spaces serving the taxi office were already in use and had a partial drop kerb in place. (Note: on examination of the current approved taxi use it is evident that the 4 spaces in question did not actually form part of that original approval). The applicant also felt that having to supply cycle stands was also unreasonable and an added expense.
26. Safe access/egress and cycling provision are of course important components of any functional and accessible site. However, following further discussion with the transportation team on 14th September they concluded that given the existing site characteristics – flexibility could be exercised on this occasion i.e. their requests were desirable rather than 'required'.
27. The applicant's comments relating to the use of the 4 parking spaces and cycle parking provision are noted i.e. that a compromise could include cyclists using the chain fence to lock up their bikes and that the two central spaces being reserved for motorcycles which would not require the same drive on width as a motor vehicle.
28. Given the transportation team have not specified the vehicle cross over and cycle parking provision as a requirement it is considered that the proposed arrangement, whilst not ideal, is acceptable in this instance.

Equality and Diversity Issues

29. None

Conclusions

30. The use is considered to be of a small scale and low intensity which would not adversely impact on the vitality or viability of existing centres nor adversely affect the use of the employment area or be detrimental to the balance of B1, B2 and B8 uses in the general employment area. In addition, given the size of the premises and its current authorised use as a taxi office, together with the proposed employment generation likely to result from the proposal, it is not considered that the proposed use would lead to an unacceptable loss of employment floorspace.

31. Furthermore, although not ideal, taking into account the scale and likely operation of the premises proposed, the car and cycle parking and access arrangements are considered acceptable in this instance.

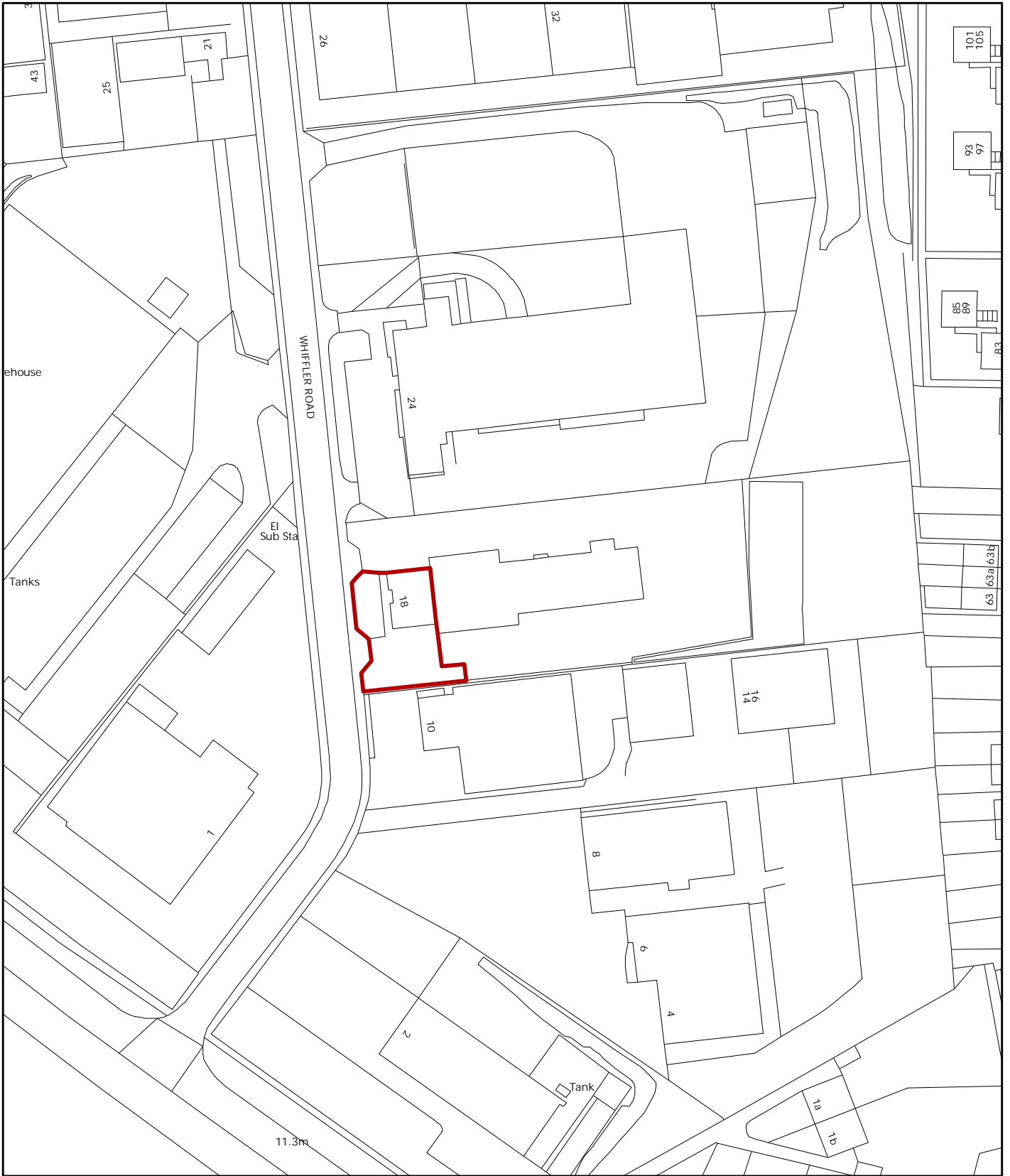
RECOMMENDATION

To approve application no. 11/01331/U and grant planning permission, subject to the following conditions:-

1. Standard time limit (3 years).
2. The development to be carried out in accordance with the submitted plans and details.
3. 3. Restricted hours of use (10am - 6pm Monday to Friday, Saturday and 10am - 5pm and 10am - 4pm Sundays and Bank holidays.
4. Maximum number of people working on the premises at any one time (maximum of 6 people).

(Reasons for approval:

1. The use is considered to be of a small scale and low intensity which would not adversely impact on the vitality or viability of existing centres nor adversely affect the use of the employment area or be detrimental to the balance of B1, B2 and B8 uses in the general employment area. In addition, given the size of the premises and its current authorised use as a taxi office, together with the proposed employment generation likely to result from the proposal, it is not considered that the proposed use would lead to an unacceptable loss of employment floorspace. Furthermore, although not ideal, taking into account the scale and likely operation of the premises proposed, the car and cycle parking and access arrangements are considered acceptable in this instance. Consequently, although the proposal is considered to be contrary to saved policies EMP5, TRA7 and PPS4, in this instance, due to the lack of harm that would result from the specific development proposed, it is considered acceptable.)



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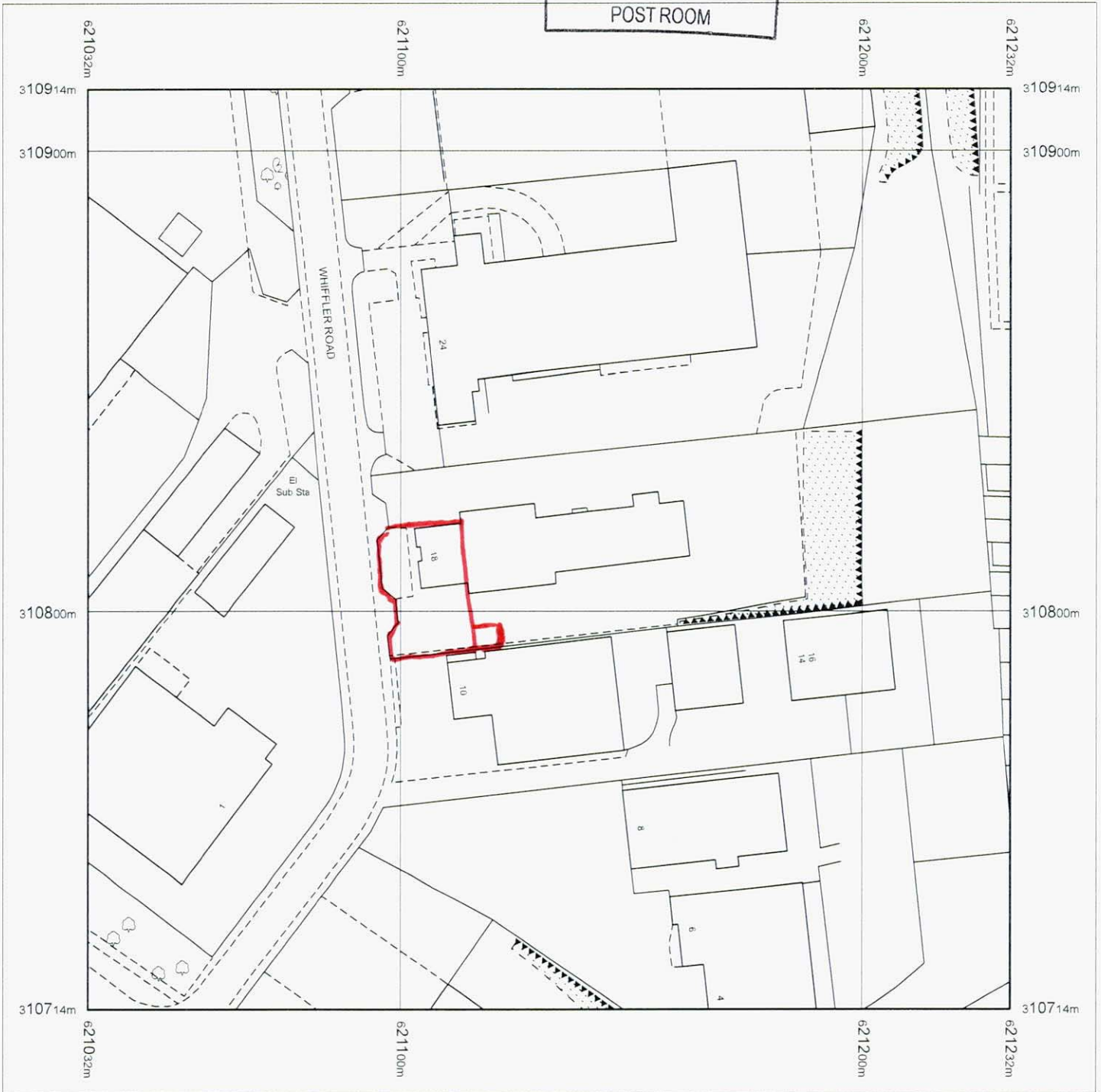
Planning Application No 11/01331/U
Site Address 18 Whiffler Road
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PLANNING SERVICES





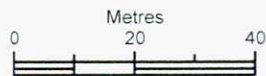
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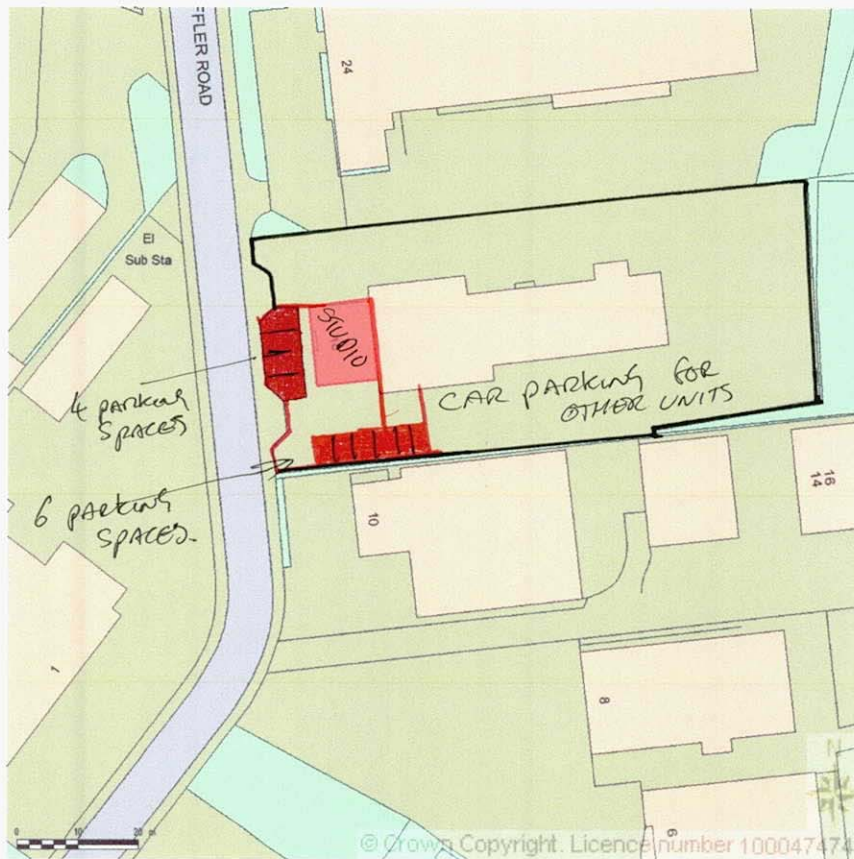
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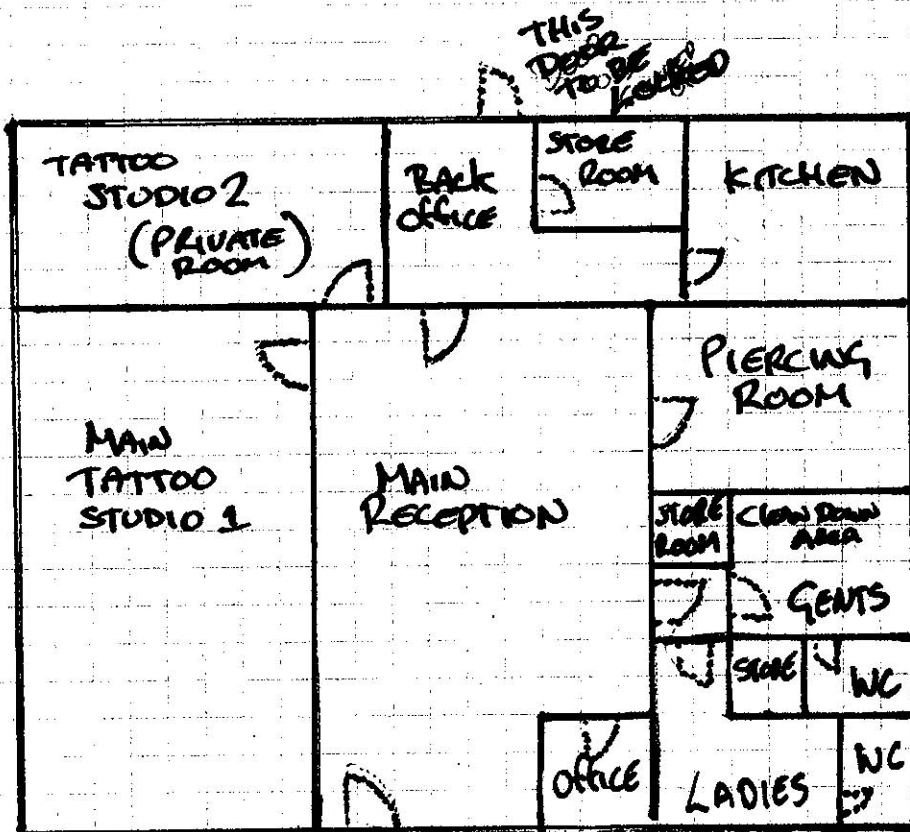
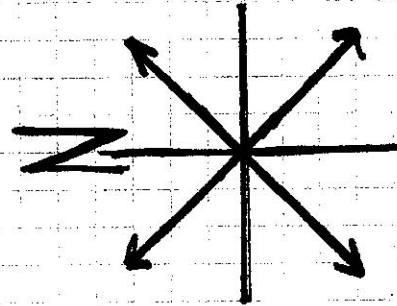
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Organisational Development

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