

Report to Planning applications committee

Item

12 July 2018

Report of Head of planning services

Subject Application no 18/00672/VC - Notcutts Garden Centre,
Daniels Road, Norwich, NR4 6QP

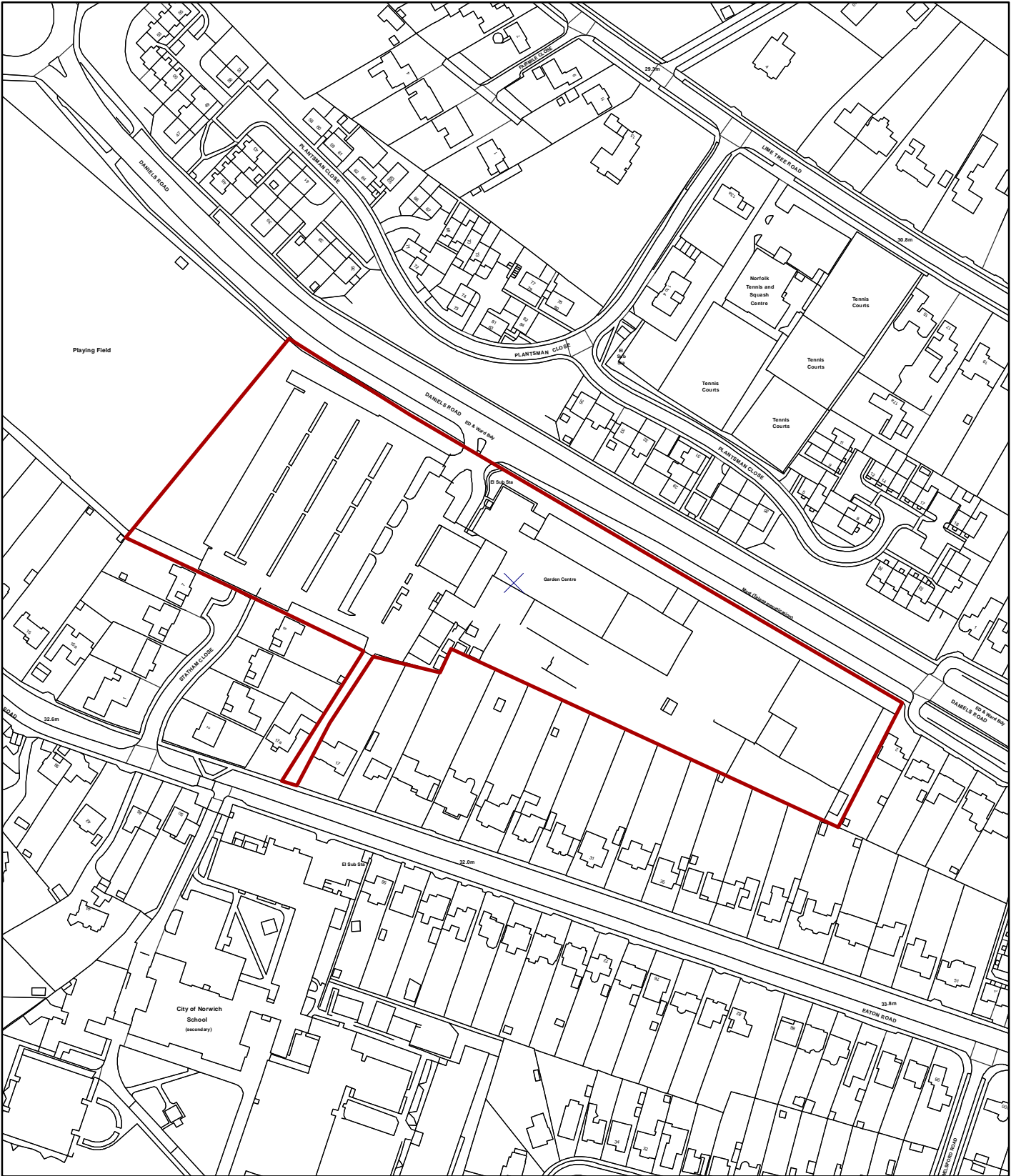
4(b)

**Reason
for referral** Objection

Ward:	Eaton
Case officer	Maria Hammond - mariahammond@norwich.gov.uk

Development proposal		
Variation of Condition 1(g) of planning permission 12/01656/VC from 'Within the area hatched blue on Dwg. No. GNR005.41.1406 rev A for the sale of plants, goods and equipment related to the main use of the site as a garden centre, and/or the sale of convenience food products only.' to 'Within the area hatched blue on Dwg. No. GNR005.41.1406 rev C for the sale of plants, goods and equipment related to the main uses of the site as a garden centre, and/or the sale of convenience food products, and for use as an upholsterers, including retail sales area and associated workshop'.		
Representations		
Object	Comment	Support
2	1	

Main issues	Key considerations
1 Principle of development	Acceptability of expanded retail use
2 Transport	Additional traffic generation
3 Amenity	Impact on neighbouring residential properties
Expiry date	2 August 2018
Recommendation	Approve

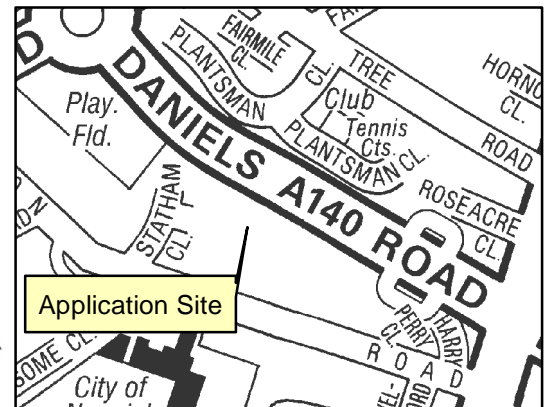


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Planning application no: 18/00672/VC
 Site Address: Nottcuts Garden Centre
 Scale: 1:2,500



NORWICH
 City Council



The site and surroundings

1. The application site is the large Notcutts garden centre retail site on Daniels Road, between the Newmarket Road and Ipswich Road junctions, south of the city centre.
2. Notcutts is an established garden centre, whose retail offer has developed and expanded over the years to now include a range of complementary goods which can vary across the seasons. The range of goods that can be sold in different areas of the site is covered by a planning condition (condition 1 of planning permission 12/01656/VC). Permissions on the site have evolved over the years and the current condition is the result of careful negotiation to maintain an appropriate balance between garden centre and other goods appropriate to the out of centre location, whilst diversifying the income stream and enhancing the customer experience to ensure the long term viability of the core garden centre activities.
3. The application concerns one part of a single storey detached building that is situated at the south of the site, adjacent to and accessed directly from the car park serving the garden centre. In accordance with the existing planning permission, it last operated as a farm shop selling food and drink (for consumption off the premises) and has been vacant since late 2017.
4. Residential properties exist to the immediate south of the site on Statham Close and Eaton Road.

Constraints

5. The site is not within any defined centre.

The proposal

6. It is proposed to vary the planning condition which identifies the permitted uses across different parts of the site in accordance with a corresponding plan (condition 1 of permission 12/01656/VC). The proposed variation relates only to the unit formerly occupied by the farm shop and seeks to add upholstery to the goods permitted to be sold from it. The unit measures 90 square metres and, in the short term at least, a workshop would occupy part of the space to provide a furniture re-upholstery service on site. The longer term intention is for the unit to be solely a retail showroom with services undertaken off-site.
7. The proposed wording of the condition is:

'Within the area hatched blue on Dwg. No. GNR005.41.1406 rev C for the sale of plants, goods and equipment related to the main uses of the site as a garden centre, and/or the sale of convenience food products, and for use as an upholsterers, including retail sales area and associated workshop.'

The proposed additional wording is underlined.
8. The existing garden centre access and car park would be utilised and it is proposed to use hand tools only.

Relevant planning history

9. As noted above, there is an extensive planning history at this site. The key applications relevant to this proposal and which manage the sale of goods from the site are listed below.

Ref	Proposal	Decision	Date
4/2002/0871	Redevelopment to provide extended garden centre retail area.	APPR	11/02/2003
12/01656/VC	Variation of condition 6 - the sale of certain goods within specified areas of planning permission 4/2002/0871 'Redevelopment to provide extended garden centre retail area'.	APPR	22/03/2013
12/01657/VC	Variation of condition 1 - restriction on the types of goods sold of planning permission 07/00414/VC 'Variation of condition 3 of planning permission 05/00673/F for replacement building and modified entrance/car park, to allow office/storage space to be used for garden centre retail use'.	APPR	28/01/2013

Representations

10. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. Three 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
Creeping commercialisation of this out of town site and establishment of precedent for further expansion in future.	See main issue 1.
No need for convenience food retail.	This is permitted by the existing permission and the proposal would not alter this.
Each expansion in the past has had a negative impact on neighbouring residents.	See main issue 3.
As a neighbour, expect some form of development to keep pace with growing needs.	Noted.

Consultation responses

11. 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.

Highways (local)

12. No objection on highway grounds. The scale of the proposed change of use is minor compared to the overall retail activity on the site.

Assessment of planning considerations

Relevant development plan policies

13. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
 - JCS5 The economy
 - JCS19 The hierarchy of centres
14. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
 - DM1 Achieving and delivering sustainable development
 - DM2 Ensuring satisfactory living and working conditions
 - DM18 Promoting and supporting centres
 - DM30 Access and highway safety
 - DM31 Car parking and servicing

Other material considerations

15. **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

Case Assessment

16. 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: Principle of development

17. Key policies and NPPF paragraphs – DM18, NPPF paragraphs 23-27.
18. The application proposes expanding the range of goods that can be sold from part of this site which is in an out of centre location. In accordance with the sequential approach of the NPPF and Joint Core Strategy hierarchy of centres, retail uses should be directed to the city centre in the first instance and then other defined centres. Out of centre sites should only be considered if suitable sites in centres are not available and preference should be given to accessible sites that are well connected with the city centre.
19. Given that the application concerns a relatively small unit within a substantial, established site and proposes expanding the range of goods that can already be sold, the sequential test should be applied proportionately when assessing the principle of the proposal.
20. A Sequential Test has been submitted in accordance with Policy DM18 and the NPPF. This identifies a catchment area and considers the suitability of available sites within it for the proposed use. The catchment area excludes the whole of the city centre on the basis that the upholstery business requires parking in close proximity for delivery and collection of furniture, which is often heavy or in large quantities, by both staff and customers and city centre sites are unlikely to provide this. The proposal represents an expansion of the business which has an existing site at Europa Way that would be retained. Good connectivity by road between this and any new site is said to be crucial for the movement of staff and stock between sites. A catchment area south of the city centre has been defined on this basis and, given the scale and nature of the proposal, is not considered unreasonable.
21. Within this catchment, five available units in defined centres/employment sites have been identified but discounted as not suitable for the upholstery business. Other sites immediately outside the city centre have been identified and would be sequentially preferable to the application site, however they are currently in office use or unsuitable in size. The NPPF advises that sites must be suitable and available and the operational and amenity reasons presented for these available sites not being suitable are not considered unreasonable.
22. Given that the objective of the sequential test is to protect the vitality and viability of town centres and that this small scale unit is already in a restricted retail use and within an established garden centre site in an accessible location, it is considered that the sequential test has been adequately undertaken and the proposal would not significantly harm the city centre or other defined centres.
23. Furthermore, it is said to be operationally unfeasible for Notcutts to use the unit for garden centre sales and it has been marketed for a reasonable period and not attracted a new occupant for a use in accordance with the existing condition. Whilst an upholstery service and goods may not be directly associated with other garden centre goods, the unit represents approximately 1% of the site's retail area and would therefore be subsidiary and not detract from the main offer.
24. The addition of upholstery services and goods to the existing condition is therefore considered acceptable in principle.

Main issue 2: Transport

25. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF paragraphs 17 and 39.
26. Unlike other areas selling complementary goods at the site, this unit is accessed directly from the car park, and not through the garden centre. Given the scale of the unit and likely level of custom, it is not considered it would attract any significant additional traffic either in combination with or independent of garden centre visits; indeed this use may generate fewer visits than the farm shop which previously occupied the unit. There is no objection on highway grounds and the proposal is acceptable in this respect.

Main issue 3: Amenity

27. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.

The application proposes the upholsterers would only use hand tools, however in the interests of managing the impacts of any additional noise, odour or vibrations from any plant or machinery used by this or other future occupiers, a condition requiring agreement of any such equipment is considered necessary. Whilst it is appreciated that neighbouring residents are concerned about this proposal and potential future expansions of uses at the site, subject to this condition, it is not considered that the proposed use would result in any additional unacceptable impacts on the amenity of neighbouring occupiers. The proposed wording of the use condition would maintain a narrow range of non-garden centre uses across the site and any future proposals to vary or expand this would be considered on their own merits.

Compliance with other relevant development plan policies

28. 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, as existing
Car parking provision	DM31	Yes, as existing
Refuse Storage/servicing	DM31	Yes, as existing

Equalities and diversity issues

29. There are no significant equality or diversity issues.

Local finance considerations

30. 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.

31. 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.
32. In this case local finance considerations are not considered to be material to the case.

Conclusion

33. The application proposes varying an existing condition of a permission which restricts the range of goods that can be sold from a small unit within a large out of centre garden centre. The proposed variation would allow an upholstery business to occupy the unit for a workshop and sales area. Whilst it would be sequentially preferable for an additional non-garden centre retail use to be sited within the city or other defined centre, given the scale of the proposal and operational needs of the business it is accepted there are no suitable available units in more appropriate locations and that the vitality and viability of existing centres would not be significantly harmed by the proposal.
34. It is considered the proposal would support the expansion of a local business and continued operation of the wider garden centre site without generating any significant additional traffic or unacceptable impacts on amenity.
35. The development is therefore 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

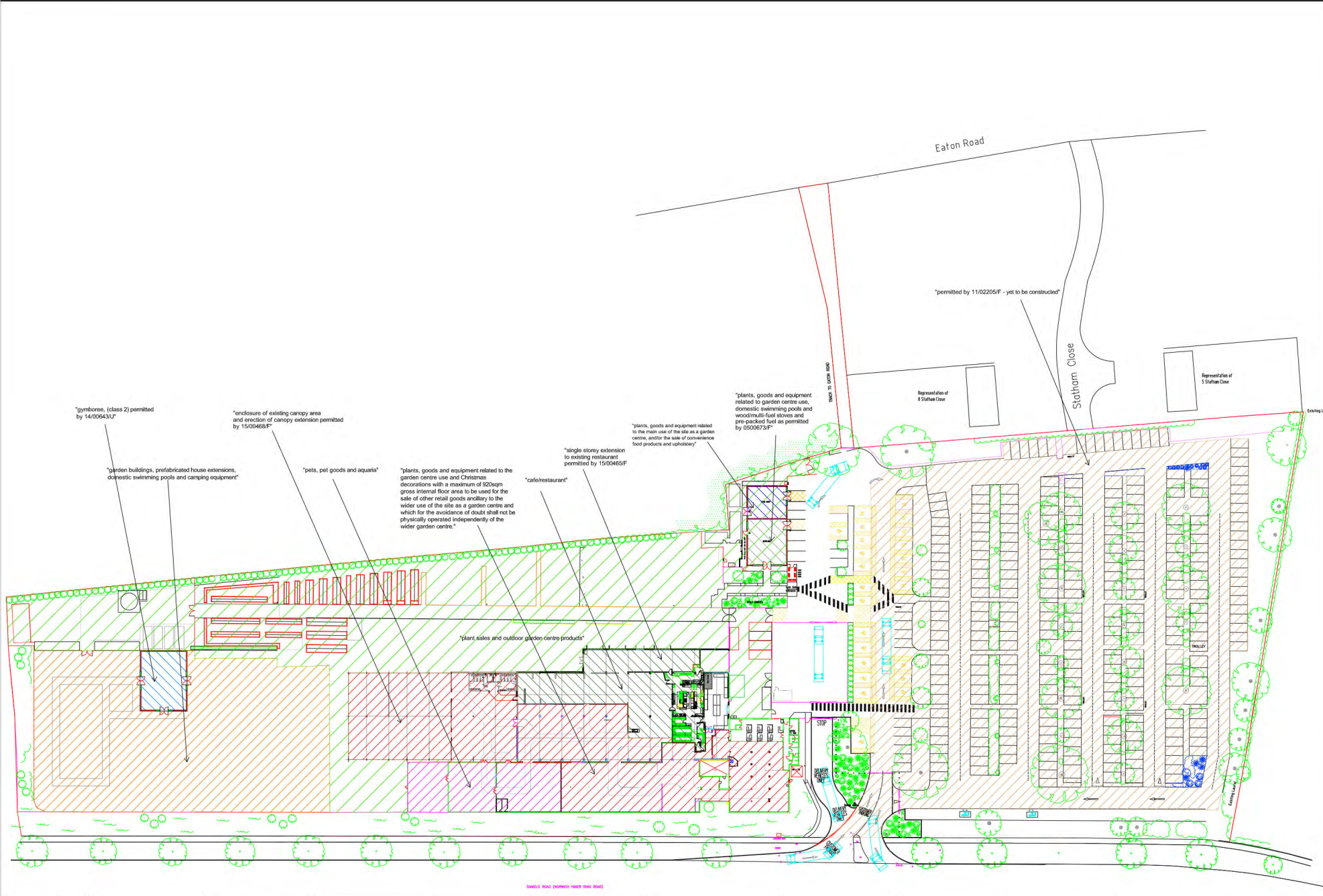
To approve application no. 18/00672/VC - Notcutts Garden Centre Daniels Road Norwich NR4 6QP and grant planning permission subject to the following conditions:

1. Restate existing use condition 1 A) to F) as existing, with G) varied as proposed:
'Within the area hatched blue on Dwg. No. GNR005.41.1406 rev C for the sale of plants, goods and equipment related to the main uses of the site as a garden centre, and/or the sale of convenience food products, and for use as an upholsterers, including retail sales area and associated workshop'.
2. Hand tools only, unless details of plant and machinery first agreed in writing with the Local Planning Authority

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 recommended approval of the

application subject to appropriate conditions and for the reasons outlined in the officer report above.



GENERAL

1. THE DRAWING IS TO BE READ IN CONJUNCTION WITH ALL OTHER ENGINEERS AND ARCHITECTS DRAWINGS AND THE SPECIFICATION.
2. ALL WORK IS TO BE TO THE SATISFACTION OF NOTCUTTS LTD AND THE LOCAL AUTHORITY BUILDING CONTROL.
3. ALL EXISTING DETAILS AND DIMENSIONS REFERRED TO IN THIS DRAWING ARE FOR GUIDANCE ONLY AND ARE TO BE CHECKED ON SITE BY THE CONTRACTOR AND VARIATIONS ARE TO BE RECORDED AND REPORTED TO NOTCUTTS LTD IMMEDIATELY.
4. THE CONTRACTOR IS RESPONSIBLE FOR AND MUST TAKE ALL NECESSARY PRECAUTIONS TO ENSURE THE STABILITY OF THE EXISTING STRUCTURES AND THE WORKING OF ALL SERVICES DURING CONSTRUCTION.
5. ALL WORKMANSHIP AND MATERIALS ARE TO BE TO CURRENT BRITISH STANDARDS.
6. DO NOT SCALE THE DRAWING. ALL DIMENSIONS ARE IN MILLIMETRES AND ANY CONFLICTANCES ARE TO BE REPORTED TO NOTCUTTS IMMEDIATELY.
7. ALL SERVICES ARE TO BE LOCATED AND PROTECTED AS NECESSARY BY THE CONTRACTOR PRIOR TO THE COMMENCEMENT OF THE WORKS.

KEY

	"Plants, goods and equipment related to the garden centre use and Christmas decorations with a maximum of 920sqm gross internal floor area to be used for the sale of other retail goods ancillary to the wider use of the site as a garden centre and which for the avoidance of doubt shall not be physically operated independently of the wider garden centre."
	"pets, pet goods and aquaria"
	"Plants, goods and equipment related to the main use of the site as a garden centre, and/or the sale of convenience food products and upholstery."
	"plants, goods and equipment related to garden centre use, domestic swimming pools and woodburning fuel stoves and pre-packed fuel as permitted by 05/00873/F"
	"permitted by 11/02205/F"
	"garden building, prefabricated house extensions, domestic swimming pools and camping equipment"
	"plant sales and outdoor garden centre products"
	"cafe/restaurant"
	"gymboree (Class D2) permitted by 14/00873/U"

Rev.	Date	By	Amendment

Notcutts
Helping gardeners since 1837

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Garden Centre
 Notcutts Garden centre
 Daniels Road
 Norwich
 Norfolk
 NR4 6QP

Drawing Title
 Garden Centre Usage

Scale	Drawn	Date
A1@1:500	Betts	April 18
Dwg Number	Rev.	C
GNR0005-41-1406	C	

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