

Report to Planning applications committee
Date 7 August 2014
Report of Head of planning services
Subject 14/00673/U Notcutts Garden Centre Daniels Road Norwich
NR4 6QP

Item
4(3)

SUMMARY

Description:	Change of use from retail (Class A1) to a pre-school activity centre (Class D2).
Reason for consideration at Committee:	Objections
Recommendation:	Approve
Ward:	Eaton
Contact Officer:	Mrs Caroline Dodden
Valid Date:	17th May 2014
Applicant:	Ms E McDonald, Notcutts Ltd.
Agent:	Mr Simon Henry, Bidwells

INTRODUCTION

The Site

Location and Context

1. Notcutts garden centre is situated on the southwest side of Daniels Road, which is part of the Outer Ring Road. Residential properties surround the site to the southeast, southwest and northeast (on the opposite side of Daniels Road). A playing field bounds the garden centre to the northwest.
2. The garden centre comprises of a series of buildings, covered and open sales areas and an associated car park.
3. The application relates to a detached building situated in the southeast part of the site. The unit was granted planning consent in January 2008 for the retail sale of camping equipment alongside an extension to an existing external camping display area.
4. The building has a rectangular footprint with a dual pitched roof, a brick plinth and metal clad walls and roof. The former external space associated with the camping business does not form part of the application site.

Planning History

4/2002/0871- Redevelopment to provide extended garden centre retail area. Approved February 2003.

07/01270/F - Extension to camping equipment display area and erection of a camping equipment display unit. Approved January 2008.

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'. Approved 22 March 2013.

Equality and Diversity Issues

There are no significant equality or diversity issues.

The Proposal

5. The application seeks to change the use of the former camping equipment retail unit (Class A1) to a pre-school activity centre offering gym, music, art and educational sessions (Class D1).

Representations Received

6. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. Five letters of representation have been received citing the issues as summarised in the table below.

7.

Issues Raised	Response
Concerned about the implications for this largely residential area if some other D2 uses were to be taken up by Nottcutts or any subsequent owner of this site. Please consider limiting the application to a 'Personal Permission' so that it could be used only for 'Gymboree' purposes and that if vacated, it should revert back to A1 use.	Paragraph 27
No objection to the use of the building by Gymboree for pre-school children and accompanying parent as we note they will not be using the outside space and access to the property will be via the existing carpark and walkways through Notcutts.	Paragraph 20 -25
The roads in the area ie. Ipswich Road, Newmarket Road, Daniels Road and Mile End Road are already heavily congested at school arrival and leaving times. An additional school will only serve to exacerbate the peak traffic time problems	Paragraphs 18, 19, 22 and 23
Loss of privacy/overlooking and noise disturbance	Paragraphs 20 and 21

Consultation Responses

8. **Local Highway Authority:** The proposal can be accommodated within the wider site without causing detriment to the traffic operation of the outer ring road due to the

extant vehicle access to the garden centre and its car park. It is also acknowledged that there are good bus services and it is walkable and cyclable within the locality.

9. Access by foot is unclear and existing cycle parking is limited and not covered. In addition, a travel information plan should be utilised to help staff and visitors to make informed travel choices.
10. **Environmental Protection:** As the proposal would not involve the use of the external space associated with the former camping equipment business, it is considered that there would not be a significant impact in terms of noise disturbance to nearby residents.

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 5 – The economy
- Policy 7 – Supporting communities
- Policy 12 – Remainder of Norwich area
- Policy 19 – The hierarchy of centres

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

- EP22 - High standard of amenity for residential occupiers
- EMP1 - Small scale business development
- TRA6 – Maximum parking standards
- TRA7 - Cycle parking standards
- TRA8 - Servicing provision

Development Management Policies Development Management Document – April 2013

- DM1 Achieving and delivering sustainable development
- DM2 Ensuring satisfactory living and working conditions
- DM17 Supporting small business
- DM18 Promoting and supporting centres
- DM30 Access and highway safety
- DM31 Car parking and servicing

Other Material Considerations

Written Ministerial Statement: Planning for Growth March 2011

Procedural Matters Relating to the Development Plan and the NPPF

11. 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.

Principle of Development

Policy Considerations

12. The proposed pre-school activity centre (Class D2) is classed as a main town centre use within the NPPF, where a sequential test guides main town centre uses towards town centre locations first, then, if no town centre locations are available, to edge of centre locations, and, if neither town centre locations nor edge of centre locations are available, to out of town centre locations, with preference for accessible sites which are well connected to the town centre.
13. Policy 19 of the Joint Core Strategy sets out the hierarchy of centres for town centre uses with Norwich city centre being first down to local centres being fourth in the hierarchy.
14. Emerging Policy DM18 states that proposals for main town centre uses, which are not within a defined centre, will be permitted where the proposal doesn't conflict with the overall aims of sustainable development, where equal weight is placed and that it can be justified by a sequential site assessment.
15. The garden centre site does not fall within a defined retail centre, but its operation is classed as restricted retail use. The sequential test submitted generally centres on the southwest sector of the city due to the large number of primary schools, nurseries and pre-schools in the area and its proximity to the city centre and a large number of residential areas.
16. The search revealed that premises available within the sector would not be suitable for the proposed use for a number of reasons including high cost, lack of accessibility and lack of facilities.
17. Although a sequential test should not technically be restricted to one particular sector of the city, it is recognised that the parameters of the search were set in order to maximise accessibility to its focussed customer base.

Proposed business operation

18. The Gymboree franchise is a pre-school children's activity centre that runs gym, art, music and educational sessions. The proposed activity centre would be open Monday to Saturday 09:30am to 5:00pm, where seven individual 45 minute lessons would be run with a 15 minute change over time between classes. On Sundays, the centre would be open from 10.30am to 4.00pm, for three classes and up to two pre-booked birthday parties.
19. Each class or birthday party would have a capacity of 15 children, where a parent stays with the child for the duration of the session.

Impact on Residential Amenity

Noise and Disturbance

20. The existing building is situated in the southeast part of the site, approximately 20 metres from the southern boundary of the garden centre and over 30 metres from the eastern boundary. The activities would take place within the building and as such, it is considered that there would not be a significant increase in noise disturbance that could

be attributed to the proposed use, over and above the wider noise from the general garden centre activities.

Overlooking and loss of privacy

21. The southern and eastern boundaries are reasonably well screened by hedging and other landscaping. Taking account of the distances and screening to the boundaries and the limited number of windows within the unit, it is considered that there would be little impact in terms of overlooking or loss of privacy to adjoining residents' houses or gardens from this existing commercial unit.

Transport and Access

Accessibility

22. It is considered that the traffic created by the proposal can be accommodated within the larger garden centre site and would not have a detrimental impact on the traffic operation of the outer ring road due to the existing access to the garden centre and its car park. Pedestrian pathways are clearly demarcated within the car park and although access to the site is through the external part of the garden centre, it is level and is easily accessible.
23. There are good bus services in the locality and the site is within a catchment where people could walk or cycle.
24. Although existing cycle parking is limited within the Notcutts site, it is considered that the requirement to provide additional cycle parking for the unit would be difficult to achieve because the application does not include any specific associated external space where cycle stands or a store could be provided.
25. It is proposed to attach a condition requiring the submission of a travel information plan in order that staff and visitors would have the ability to make informed travel choices.

Conclusions

26. Given the requirements of the operator and the information provided within the sequential test, it is considered that the proposed change of use from a former camping equipment retail unit (Class A1) to a pre-school activity centre offering gym, music, art and educational sessions (Class D1) is acceptable.
27. It would not be appropriate for many other D2 uses, particularly more intensive uses, to operate from the premises. Consequently, if members are minded to approve the application, it is proposed to attach a condition limiting the use to a pre-school children's' activity centre only. However a personal permission would not be justified as the particular identity of the applicant is of little planning relevance, the key issue being the type of use proposed.

RECOMMENDATION

To approve Application No 14/0000673/U at Notcutts Garden Centre, Daniel Road and grant planning permission, subject to the following conditions:-

1. Commencement of development within three years
2. The development approved shall be in accordance with the approved drawings, plans and details
3. Notwithstanding the provisions of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order, with or without modification), the premises, the subject of this permission,

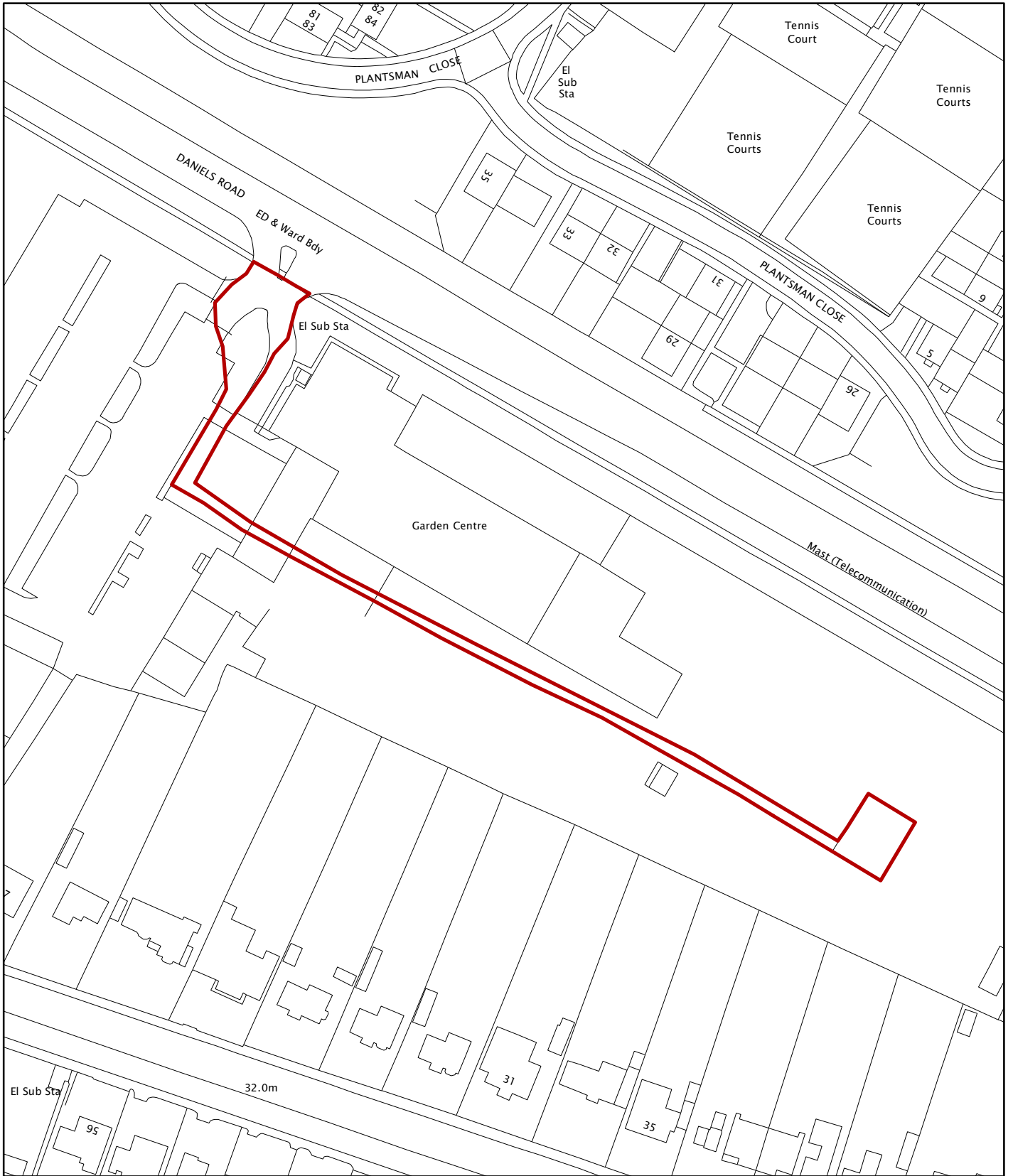
shall only be used as a pre-school children's activity centre (D2 use class) and for no other purposes including any other purpose in Class D2 of the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).

4. No use of the premises as a pre-school children's activity centre shall take place until:
 - (a) a Travel Information Plan has been prepared and submitted to and agreed in writing with the local planning authority. The Travel Information Plan shall:
 - (i) make provision for travel information to be publicised to staff and existing and potential future visitors to the site; and
 - (ii) specify the different methods to be used for publicity and the frequency of review; and
 - (b) the travel information has been made available in accordance with the Plan as agreed and, once made available, shall be maintained thereafter in accordance with the agreed review details.

This information shall include details of the public transport routes and services available within half a mile walking distance of the site, cycle parking provision and facilities for cyclists on site and any other measures which would support and encourage access to the site by means other than the private car.

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, following negotiations with the applicant and subsequent amendments the application has been approved subject to appropriate conditions and for the reasons outlined in the officer report



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Planning Application No 14/00673/F

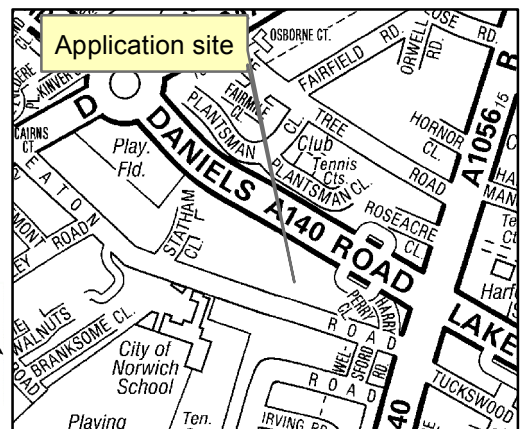
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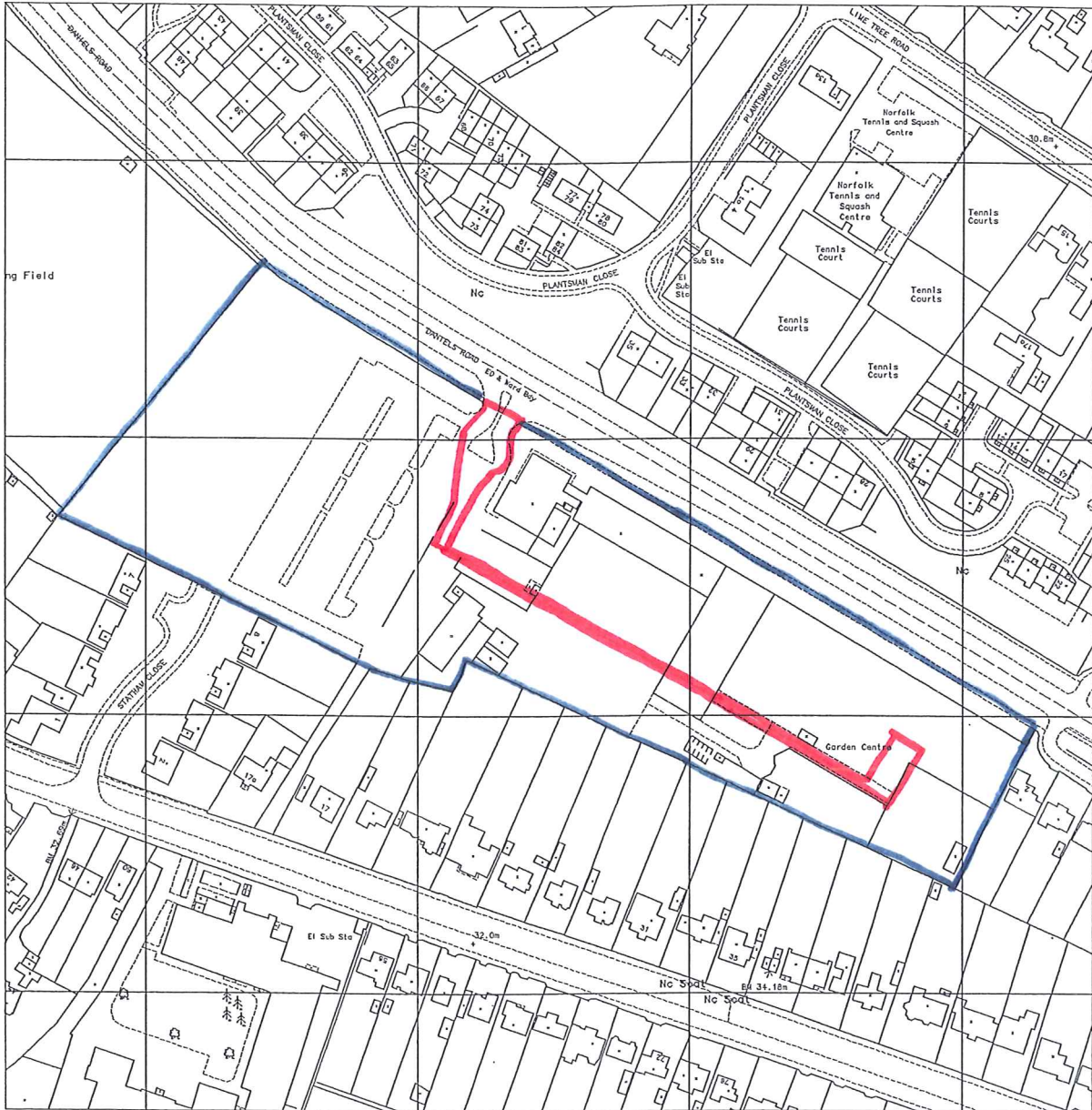
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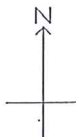
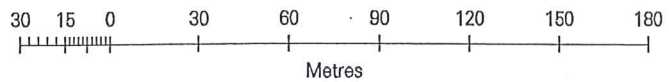




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Centre Coordinates: 621948 306857

National Grid sheet reference at centre of this Siteplan: TG2106NE

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NOTCUTTS NURSERIES LTD
DANIELS ROAD
NORWICH NR4 6QP