

**Report to** Planning applications committee

**Item**

17 December 2015

**Report of** Head of planning services

**Subject** Application no 15/01575/U – 288 Aylsham Road,  
Norwich, NR3 2RG

**4(F)**

**Reason  
for referral** Objection, conflict with policy

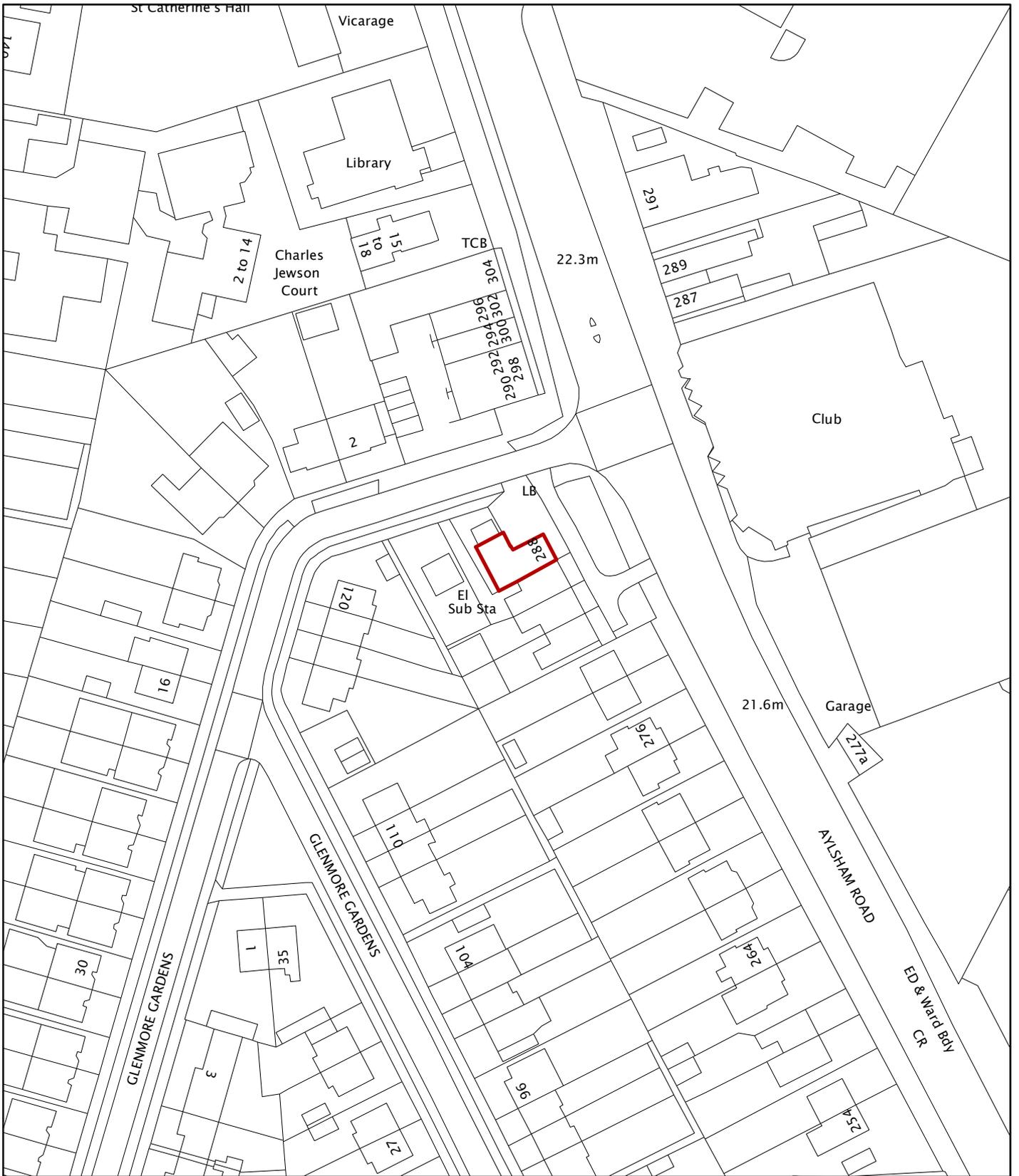
**Applicant** Mr James Lotinga – Kip McGrath Norwich North

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<b>Ward:</b>	Mile Cross
<b>Case officer</b>	Stephen Polley - <a href="mailto:stephenpolley@norwich.gov.uk">stephenpolley@norwich.gov.uk</a>

<b>Development proposal</b>		
Change of use to education centre (class D1).		
<b>Representations</b>		
Object	Comment	Support
2	0	0

<b>Main issues</b>	<b>Key considerations</b>
1 Parking	The impact of the change of use on the provision of car parking spaces within the local retail centre.
2 Retail	The impact of the loss of an A1 retail unit within the local centre
<b>Expiry date</b>	30 December 2015
<b>Recommendation</b>	Approve



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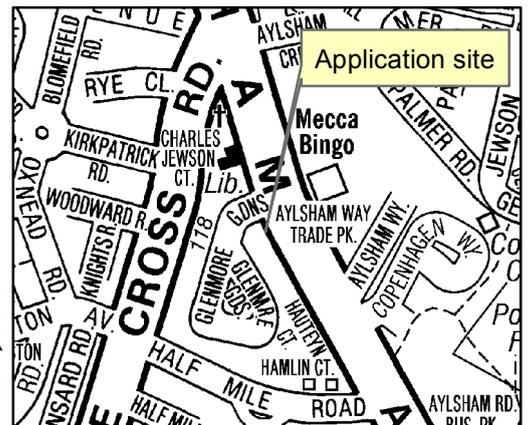
Planning Application No 15/01575/U  
 Site Address 288 Aylsham Road

Scale 1:1,000



**NORWICH**  
 City Council

**PLANNING SERVICES**



## The site and surroundings

1. The site is located on the west side of Aylsham Road to the north-west of the city. The predominant character of the area is a mixture of retail, leisure and residential. The site lies within a designated local retail centre currently arranged as 12 units.
2. The subject property is an end of terrace 2 storey property built as part of a row of 4 shops with living accommodation above. A later retail unit has been added to the north which is set back from the original elevation by approximately 3 metres. The subject property is currently vacant having been last occupied over a year ago.
3. To the front of the property is a parking area accessed directly from Aylsham Road and Glenmore Gardens to the north. The concrete area has space for 11 cars and also provides footways to the entrances of the shops. Directly opposite the site is Mecca Bingo which is not included within the local retail centre designation and further units either side which are included.
4. The site is bordered by the adjoining property no.286 to the south which currently operates as a hairdressers and a newsagent to the north. Behind the property is a small access road serving the residential accommodation above, an electricity sub-station and dwellings on Glenmore Gardens.

## Constraints

- There are no particular constraints.

## Relevant planning history

5. None.

Ref	Proposal	Decision	Date
4/2001/0286	Erection of extension to provide additional shop unit and erection of external stair to provide access to existing flat.	APPR	24/05/2001

## The proposal

6. The proposal is for the change of use of the ground floor of 288 Aylsham Road from an A1 retail unit to a D1 education centre. The volume of floor space is approximately 50m<sup>2</sup>. The property has predominantly been used a retail unit but has been vacant for over a year having previously operated as 'Norfolk Mobility Scooters' and 'Norfolk Yarn'.
7. The unit is proposed to operate as a Kip McGrath education centre which provides tutoring for small numbers of children of primary and secondary school ages in maths and English. Groups of 1-5 students are to be tutored in 2 separate sessions lasting 80 minutes, facilitated by way of an internal partition of the property within the first year of operation. The proposal includes a growth model over a period of 3 years which envisages up to 30 students attending the centre on a daily basis. The

centre will also include a small reception area with 3-4 chairs in which tutors can conduct initial meetings with parents.

8. The hours of opening are to be 15:00 to 19:00 on weekdays and 09:30 to 12:30 on Saturdays. No external changes are proposed to be carried out as part of the proposal.

## Representations

9. Adjacent and neighbouring properties have been notified in writing. 2 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
The loss of an A1 retail unit is contrary to policy DM21 of the development management local plan.	See main issue 1.
The proposed use would result in a loss of car parking spaces for other businesses within the local retail centre.	See main issue 2.
The proposed change of use would harm the financial viability of neighbouring businesses.	This is not a material planning consideration.

## Consultation responses

10. 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.

## Assessment of planning considerations

### Relevant development plan policies

11. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
  - JCS5 The economy
  - JCS6 Access and transportation
  - JCS19 The hierarchy of centres
12. **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
- DM21 Management of uses within district and local centres
- DM30 Access and highway safety

### **Other material considerations**

#### **13. 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
- NPPF7 Requiring good design

### **Case Assessment**

14. 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**

15. Key policies and NPPF paragraphs – DM21, NPPF paragraphs 1.
16. The site is situated within the Aylsham Road/Glenmore Gardens local retail centre as defined by policy DM21 of the development management policies plan. The policy seeks to protect the vitality and viability of locally defined retail centres by preventing the loss of significant amounts of A1 retail floor space. A threshold of 50% A1 retail units has been set within the policy.
17. As part of the assessment of this application it has been determined that there are currently 12 individual units located within the local retail centre. At present, 6 of these units are currently operating or last operated as non-retail units in the form of 3 no. A2 units (Barclays bank, Taxassist Accountants and a vacant unit last operating as an estate agent) and 3 no. hot food takeaways (Jin Gong, Star Grill and The Plaice for Taste).
18. The proposed change of use would therefore be contrary to part (e) of policy DM21 as the proposal would result in 41.6% of the local retail centre remaining in A1 retail use. However in this instance it is considered that other material considerations would outweigh this conflict and the proposals can be considered acceptable. Significant new retail investment in the immediate area is anticipated as a result of the development of an edge of centre site on the opposite side of Aylsham Road to the North (site R21 within the Site Allocations and Site Specific Policies Plan). Planning permission has been granted on part of this site for a large food retail unit of over 3000sqm floorspace, which if implemented would

significantly enhance the retail function of the local centre. In addition the surrounding area is also well served by convenience retail provision in the form of a Lidl supermarket a short distance to the south and Tesco Metro on the opposite side of the street to the east.

19. The proposal site is small in comparison the potential uplift in retail floorspace which is likely to occur. The additional retail floorspace proposed on the nearby site would also allow for increased diversification of other retail and associated uses within the centre, without harm to the vitality and viability of the centre.
20. Also in principle the proposed use can be considered complimentary to the overall function of the local centre. D1 class uses such as community centres, nurseries, and education uses are often located within such locations where they are easily accessible to the surrounding residential community.
21. The proposed use will support the retail centre by bringing this currently vacant unit back into use and contributing to the footfall within the defined retail area. As such the above factors are considered to be sufficient to outweigh any policy conflict with regard to current overall proportion of retail frontages within the centre. Overall the proposal therefore can be considered to contribute to the overall vitality of the local centre and wider area.

## **Main issue 2: Parking**

22. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF paragraphs 17 and 39.
23. Particular concern has been raised by occupiers of neighbouring units that the change of use would cause harm to the current car parking arrangements within the local centre. In particular, the spaces located directly in front of the run of 5 units where 288 Aylsham Road is located. It is considered by neighbouring businesses that the education centre would result in a significant number of car parking spaces being used for prolonged periods of time preventing users of other businesses from using their businesses.
24. The parking area directly in front of no. 288 and neighbouring shops currently has spaces for 11 cars which are intended to be used by members of the public visiting shops and businesses within the local retail centre. It is accepted that the small number of staff (1-3 persons) and parents dropping off and collecting children may utilise the parking spaces during the open hours of the education centre. It is not considered that the current situation will be significantly altered. The hours of operation ensure that there is only limited overlap between the business operating times and typical shopping hours (approximately 2 hours).
25. The intended use as an education centre is also very similar in nature to that of a similarly scaled shop where a small number of staff will be present during opening hours with visitors parking outside or nearby for short periods of time. Therefore, it is considered that the proposed change of use does little to alter the current situation.
26. During busier times when spaces directly in front of the site may be full, it is possible for visitors to the centre to park at other locations within the local retail centre or within the nearby streets. Glenmore Gardens located directly behind the

site is not within a Controlled Parking Zone, helping to ensure that sufficient parking within a short walk of businesses within the local centre is possible at all times. The site is within a sustainable location close to bus services and is easily accessible on foot or by bicycle from the surrounding area.

### **Equalities and diversity issues**

27. There are no significant equality or diversity issues.

### **Local finance considerations**

28. 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.
29. 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.
30. In this case local finance considerations are not considered to be material to the case.

### **Conclusion**

31. The proposal is contrary to policy DM21 of the development management policies plan. However the local centre is likely benefit from significant retail investment in future which would allow greater diversification in use of the existing centre, without harm to the vitality and viability of the centre. The proposed D1 education centre use is of a similar nature to an A1 shop and overall will support the vitality and viability of the local retail centre.
32. The proposal will not noticeably alter the current parking situation and will therefore not cause significant harm to local businesses within the local retail centre.
33. 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. 15/01575/U – 288 Aylsham Road Norwich NR3 2RG and grant planning permission subject to the following conditions:

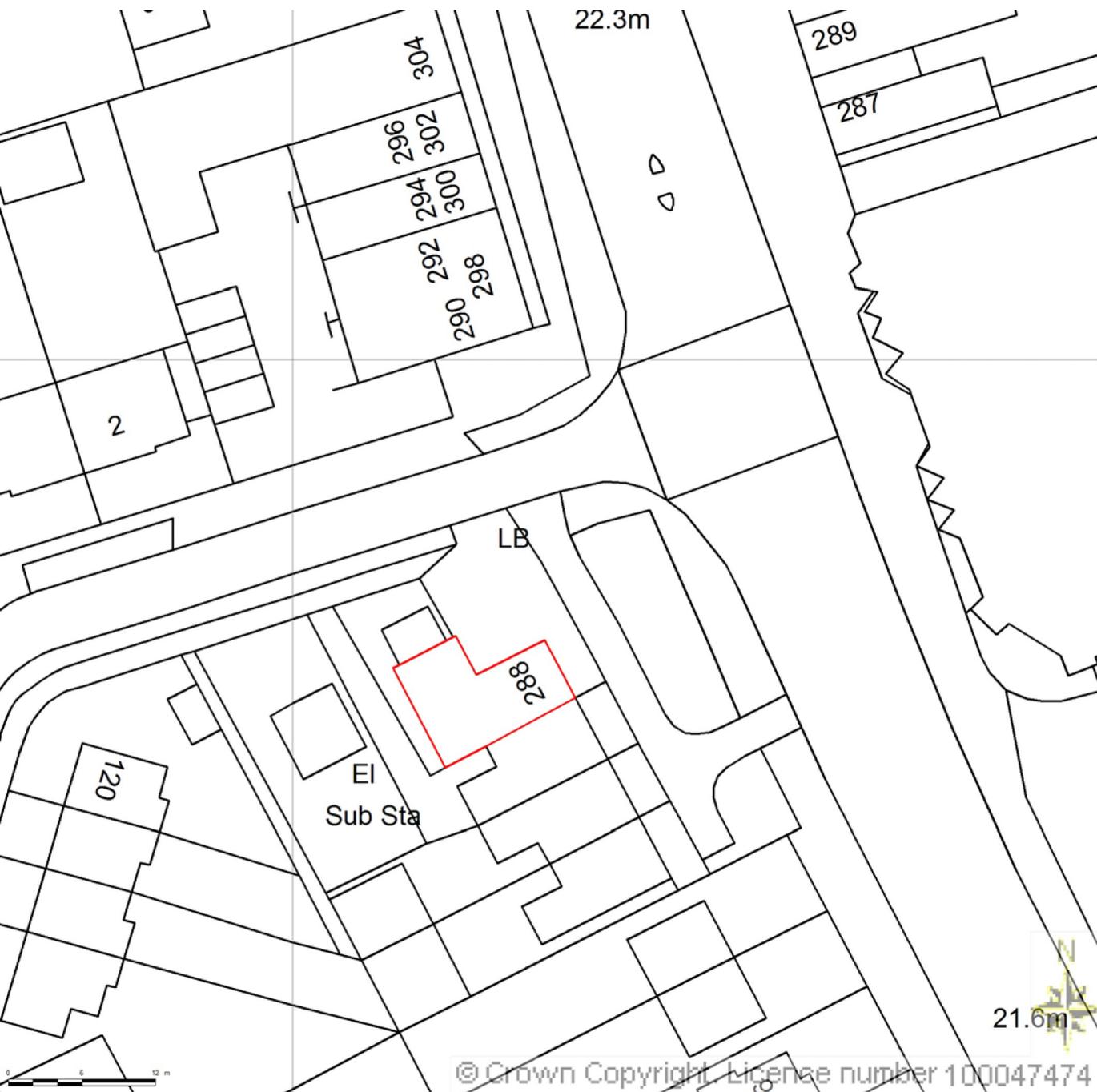
1. Standard time limit;
2. In accordance with plans;

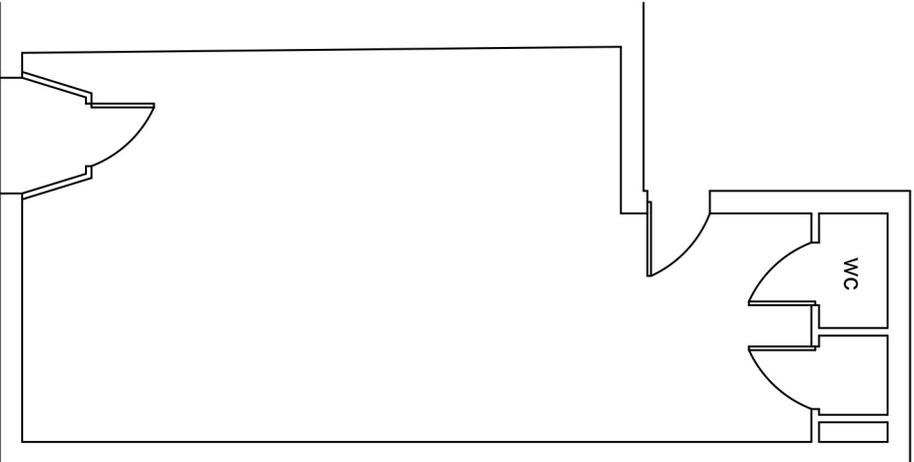
### **Article 35(2) statement**

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 above.

BLOCK/SITE PLAN  
AREA 100m x 100m  
SCALE 1:500 on A4  
CENTRE COORDINATES: 622021, 310784





Ground Floor Plan

**Arnolds Keys**

Client

Mr J Lotinga

Job

288 Aylsham Road  
Norwich

Title

Existing Ground Floor  
Plan

Drawn by

A. Dimesfield

Scale

1:100

Drawing No.

20892/01