

Report for Resolution

Report to Planning Applications Committee
Date 6th December 2012
Report of Head of Planning Services
Subject 12/01640/F Notcutts Garden Centre Daniels Road Norwich
NR4 6QP

Item
6(13)

SUMMARY

Description:	Extension of storage/loading area at front. Retention of 3 No. portable buildings for use ancillary to the garden centre. Occasional siting of a wet fish van.
Reason for consideration at Committee:	Objection
Recommendation:	Approve
Ward:	Eaton
Contact Officer:	Mr John Dougan Planner 01603 212504
Valid Date:	22nd August 2012
Applicant:	Notcutts Garden Centre
Agent:	Laura Townes

INTRODUCTION

The Site

Location and Context

1. Directly to north of the site is Daniels Road, playing fields are located to its west boundary and residential properties to its southern and eastern boundaries.
2. The site is known as the Notcutts Garden Centre comprising a large car park area to its west with the area to the east comprising a series of buildings and open areas such as covered sales areas, outdoor garden product sales areas, camping equipment, sheds, the Farm shop, a loading/storage area to the front entrance, a fish van outside the farm shop and three temporary buildings to the rear of the farm shop.
3. The site is flat with boundary treatment to the southern boundary being a 1.8 metre high close boarded fence, sporadic hedging and occasional trees.

Constraints

4. There are no other specific constraints associated with this site.

Planning History

- **4/2002/0871** - Redevelopment to provide extended garden centre retail area. (APPR - 11/02/2003)
 - **04/00924/F** - Variation to condition 07 of previous planning permission 4/2002/0871/F to retain gravel surface to part of car park. (APPR - 26/11/2004)
 - **05/00673/F** - Demolition of existing Norflame and Sterling Pools buildings and construction of replacement building with additional office/storage space and modified entrance/car park. (APPR - 18/10/2005)
 - **06/01047/F** - Extension of canopy. (APPR - 22/11/2006)
 - **07/00414/VC** - Variation to condition 3 of previous 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 - 07/06/2007)
 - **07/01270/F** - Extension to camping equipment display area and erection of a camping equipment display unit. (APPR - 07/01/2008)
 - **09/00667/F** - Glasshouse extension and new canopy areas. (APPR - 16/09/2009)
 - **11/02205/F** - Surfacing of existing car park. (APPR - 21/06/2012)
 - **12/01655/CLE** - Application for a Lawful Development Certificate for the continued use of part of the premises for the storage of composts, aggregates and fittings/display props (Class Sui Generis). (APPR - 26/10/2012)
 - **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'. **(pending consideration)**
 - **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'. **(pending consideration)**
5. A series of unauthorised buildings and uses were identified throughout the site, and the applicant has submitted various applications to regularise matters. As can be seen in the case history above (last three items) one has been approved and two are pending (and some of the neighbour comments relate to these other applications)

Equality and Diversity Issues

There are no significant equality or diversity issues.

The Proposal

6. Formalising the loading/storage area to the front entrance (formally parking), retention of three porta-cabins and occasional siting of a wet fish van.
7. All of the above are currently in operation and unauthorised.

Representations Received

8. Adjacent and neighbouring properties have been notified in writing. Two letters of representation have been received citing the issues as summarised in the table below.

9.

Issues Raised	Response
The porta-cabins should not be approved as they would reduce the opportunity for relocation of the refrigeration units	The porta-cabins should be assessed on their own planning merits. The merits of the refrigeration units are being assessed as part of a separate application 12/01657/VC.
Excessive noise and smells being emitted from the fish van including discharge of waste water to car park. It should be located away from gardens	See para 20 -25
Excessive noise generated by refrigeration units causing adverse impact on use of rear gardens.	These units form part of a separate application 12/01657/VC.

Cllr Lubbock – Cllr Lubbock was contacted by two members of the public whom have raised concerns about the development. Cllr Lubbock was also updated by the discussions with the case officer and Environmental Health officer.

Consultation Responses

10. Highways Authority - By comparison with the overall site, these proposals are on a very small scale, and I am doubtful that the transport impact of them would even be measurable against the overall movements to and from this site. I have no objection to the rationalisation of the storage area to the front of the site.

I agree that the upgrading of the cycle facilities would be desirable. We currently recommend the use of the Camden style cycle rack. I'm not, however convinced that more stands are needed, and applying the Council's cycle parking standards would require an excessive amount of cycle parking on a site like this (they are really aimed at small scale developments)

11. Environmental Heath – The fish van should not be tipping any waste ice or liquids into surface water drains in the car park it may therefore be appropriate to condition the use so that any waste ice or liquid are either removed from the site or disposed of by on site sewers/toilet facilities. This is to prevent odour and pollution to the local environment. The tipping of ice or other liquids used in the storage and preparation of food down a surface water drain is an offence that can be dealt with under other legislation.

12. Plant associated with fish vans are normally small scale and often rely on a small generator to run the pump. It is not in the interests of the operator to have a loud system but it may be appropriate to condition noise as below:

13. No use of any air handing or electrical generating plant / machinery associated with the fish van shall take place unless than in accordance with a scheme to be first approved in writing by the local planning authority and retained thereafter.

14. Norwich Society – Lack of cycle parking and inadequately specified/positioned existing provision.

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

National Planning Policy Framework:

- Statement 1 – Building a strong and effective economy
- Statement 4 – Promoting sustainable transport
- Statement 7 – Requiring good design

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 2 – Promoting good design
- Policy 5 – The economy
- Policy 6 – Access and transportation

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

- HBE12 – High quality of design, with special attention to height, scale, massing and form of development
- EP10 – Noise protection between different uses
- EP22 – High standard of amenity for residential occupiers
- TRA5 – Approach to design for vehicle movement with special needs
- TRA6 - Parking standards –maxima
- TRA7 – Cycle parking standards
- TRA8 – Servicing provision

Supplementary Planning Documents and Guidance

- None

Other Material Considerations

- The Localism Act 2011 – s143 Local Finance Considerations
- Ministerial statement – Planning for Growth March 2011

Principle of Development

15. The use of the site as a garden centre has been long established. Regularising the components which are ancillary to the main garden centre use is necessary subject to scale/design/location and impact on the amenity of nearby residents.
16. Whilst the fish van is not considered to be directly related to the garden centre use, it is considered to be of a small scale which will not compromise the main garden centre use primarily due to its size and the limited hours of operation only visiting the site two days per week (Weds 0900 – 1530 and Sundays from 1000 – 1500).
17. It is likely that these changes will also contribute to the continued viability of the Notcutts garden centre.

Scale and design

18. The formalisation of the former customer parking area into a storage loading area and improved boundary treatment will result in a layout which will improve the operation of the site and the customer experience when entering and leaving the centre.
19. Both the fish van and the three porta-cabins are quite small in the context of the existing built environment and boundary screening, meaning that they will not adversely impact on the character and appearance of the area.

Impact on Living Conditions

20. The low level porta-cabins and the storage area are located behind an existing boundary fence and trees meaning that they will not look overly out of place when viewed from the south. The porta-cabins are ancillary to the garden centre for the purposes of training and meeting room space meaning that no significant noise is expected. Therefore no significant loss of residential amenity (overshadowing, overlooking, loss of privacy, noise impact or loss of outlook) is expected.
21. The regularising of the unauthorised fish van is considered to be the main issue with a couple of nearby residents to the south expressing concern that it is smelly due to the owner depositing contaminated ice into surface water drains or onto the car park surface. Similar concerns were raised about the level of noise by the van and its close proximity to the southern boundary – the other side being the garden.
22. The applicant confirmed that the fish van is not tipping water or ice into surface water drains but into recently upgraded drains connected to the foul water system adjacent to porta-cabin 3. This drain is also currently used by Notcutts and the farmshop to dispose of waste water. On this point, the Environmental Health team have confirmed that any odour caused by any improper disposal of contaminated ice can be controlled through separate legislation namely – Regulation 852/2004 Annex II Chapter 8 para.8.
23. No supporting information has been provided about any plant used to keep fish stock cold. The Environmental Health team have confirmed that should any plant be required, the noise generated is not likely to be at a level that would result in significant levels of nuisance on the adjoining garden areas to the south. However, they do recommend that should any plant be required, that the council have an opportunity to assess whether or not it would cause a nuisance and if so methods of mitigation employed. This matter can be conditioned in any approval.
24. There may be some noise and smells associated with the fish van but these impacts are not considered to cause any significant harm to the users of the garden to the south. The intensity of the use is also considered to be low due to it only being in operation for two days per week. It is recommended that this be conditioned in any approval.
25. In light of the impacts associated with the fish van either being insignificant or controllable, relocation of the van to a less convenient part of the site is not considered to be a reasonable course of action.

Transport and Access

26. The formalisation of the storage area will mean that approximately 13 car parking spaces will no longer be available to customers. The Highway Authority confirmed that this is not considered to be a problem as the main car parking area and the recently approved formalisation of the overspill area will provide more than enough parking for customers.
27. A representation was made by the Norwich Society that the cycle storage provision for the site was of poor design, location and number. It is agreed that cycling should be promoted wherever possible to encourage staff and customers to reduce the need for the car.
28. A request was made to the applicant to see if they would be willing to improve the cycle

storage provision on the site. Their conclusion was that given that such extra provision was not necessary, they would not incorporate them with in the current proposal. The Highways Authority's comments are in para 9.

Trees and Landscaping

Loss of Trees or Impact on Trees

29. No trees will be affected by this application. Whilst the porta-cabins are within the canopy of nearby trees, the fact that they have already been in place for a number of years and have no foundations will mean that it is likely that no significant impact will result.

Local Finance Considerations

30. Business Rates are payable for commercial buildings and uses.

Equality and Diversity Issues

31. None

Conclusions

- 32. The formalisation of the loading area including the regularisation of the porta-cabins and the fish van will contribute to the continued viability of the garden centre.
- 33. The scale and design of the three components in the context of the large site and existing screening are sympathetic to the appearance of the area
- 34. Any noise or odours associated with the development (particularly the fish van) can be controlled by condition or separate legislation ensuring that no significant loss of residential amenity of the properties to the south will result.
- 35. There is sufficient on site parking to compensate for the loss of 13 spaces as a result of the formalisation of the loading storage area to the centre, providing an enhanced / safer pedestrian experience for customers.

RECOMMENDATIONS

To approve Application No (12/01640/F Notcutts Garden Centre, Daniels Road) and grant planning permission, subject to the following conditions:-

1. Time limit
2. In accordance with the plans
3. Fish van - noise condition
4. Fish van - days and hours of operation (max two days per week - to allow for any potential changes to specific days)

Reasons for approval:

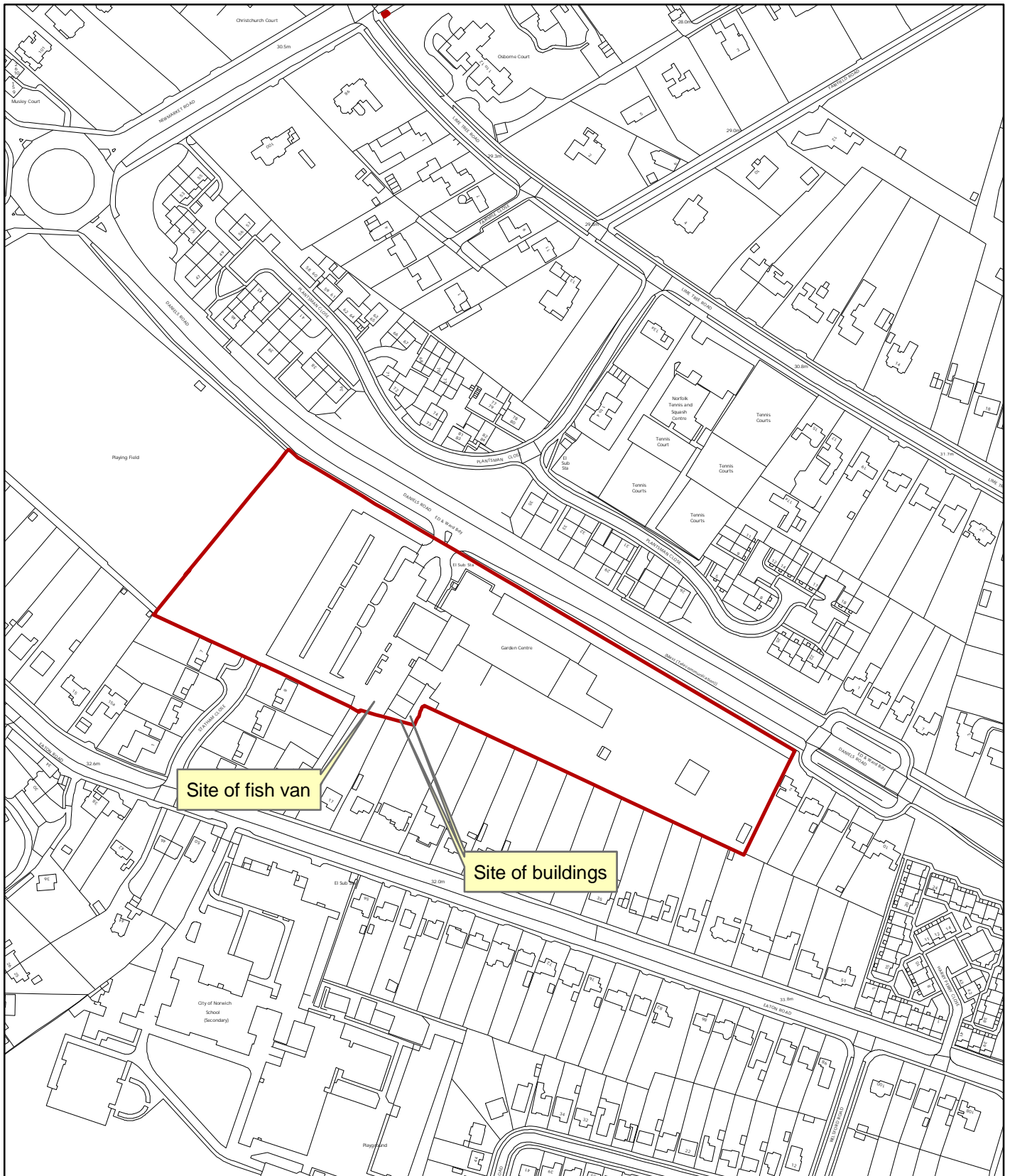
The formalisation of the loading storage area including the regularisation of the porta-cabins and the fish van will contribute to the continued viability of the garden centre.

The scale and design of the three components in the context of the large site and existing screening are sympathetic to the appearance of the area

Any noise or odours associated with the development (particularly the fish van) can be controlled by condition or separate legislation ensuring that no significant loss of residential amenity of the properties to the south will result.

There is sufficient on site parking to compensate for the loss of 13 spaces as a result of the formalisation of the loading storage area to the centre, providing an enhanced / safer pedestrian experience for the customers.

The development is therefore compliant with statements 1, 4 and 7 of the National Planning Policy Framework 2012, policies 2, 5 and 6 of the Joint Core Strategy for Broadland, Norwich and South Norfolk 2011, and policies HBE12, EP10, EP22, TRA5, TRA6, TRA7 and TRA8 of the City of Norwich Replacement Local Plan 2004



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Planning Application No 12/01640/F

Site Address Notcutts Garden Centre Daniels Road

Scale 1:3,000



NORWICH
City Council

PLANNING SERVICES

