

CASE OFFICER DELEGATED REPORT

PLANNING OFFICER: Helen Donnelly

APPLICATION NO: 17/05200/FUL

PROPOSAL: Proposed change of use from A1 (food retail) to veterinary surgery (D1)

LOCATION: 8A - 8B Sopwith Road
Upper Rissington
Gloucestershire
GL54 2NL

RECOMMENDATION: PERMIT

Main Issues:

- (a) Principle of Change of Use
- (b) Car Parking and Highway Safety

1. Site Description:

The application site lies within Upper Rissington, in the part of the settlement that was formally a military (air force) base. The site lies within the Cotswold Area of Outstanding Natural Beauty.

The site comprises a two storey building that was formally a convenience store but is currently vacant.

2. Relevant Planning History:

CD.1580/3/S. Change of use from residential to village store (130m²) with living accommodation (92m²) above incorporating car parking areas and soft and hard landscaping. Permitted 17.07.1998.

CD.1580/4/J. Single storey extensions to approved shop. Permitted 19.10.1998

3. Planning Policies:

NPPF National Planning Policy Framework
LPR05 Pollution and Safety
LPR25 Vitality & Viability of Settlements
LPR38 Accessibility to & within New Developop
LPR39 Parking Provision

4. Observations of Consultees:

County Highways Officer: No objection.

5. View of Town/Parish Council:

The Parish Council supports this proposal in principle, provided that parking is controlled effectively.

On-site parking provision should be planned to be sufficient to support the business as it grows.

The parking on roads outside the property is also a concern. When the building was used as a shop, customer vehicles parking on Sopwith Road often caused problems with access to Farman Crescent. This problem would be more acute now because of an increased bus service on this route.

The Parish Council would also like the planning authority to consider whether no waiting restrictions could be used to control nearby on-street parking, in order to maintain access.

6. Other Representations:

None received.

7. Applicant's Supporting Information:

Transport Assessment

8. Officer's Assessment:

- (a) Principle of Change of Use
- (b) Car Parking and Highways Safety

Policy Considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that 'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.' The starting point for the determination of an application would therefore be the current development plan for the District which is the Cotswold District Local Plan 2001-2011.

The Cotswold District Local Plan 2001-2011 was adopted in April 2006. For the purpose of this report it will be referred to as the adopted Local Plan. In January 2009, a number of policies were saved by the Secretary of State until the emerging Local Plan is adopted. The weight that can be applied to these policies is dependent upon their degree of consistency with the National Planning Policy Framework (NPPF) i.e. the closer the policy in question accords with the NPPF, the greater the weight that may be given to it (paragraph 215 of the NPPF).

The application site is located outside a Development Boundary as designated in the Cotswold District Local Plan 2001-2011. Development in such locations is therefore subject to Policy 19 (Development Outside Development Boundaries) of the aforementioned plan. Policy 19 can be supportive of 'development appropriate to a rural area' outside Development Boundaries subject to a number of criteria. The policy has very little weight in respect of new build housing but still carries some weight in respect of rural developments. The Notes for Guidance accompanying Policy 19 also advises that 'development appropriate

to a rural area' can include 'many types of development covered by other policies in the Plan'.

Policy 5 (Pollution and Safety Hazards): The policy states that development that would result in an unacceptable risk to public health or safety, the environment, general amenity or existing land use will not be permitted and conditions will be used to minimise pollution and levels of harm arising from a development.

Policy 25 (Vitality and Viability of Settlements). The application site does not lie within a commercial centre as identified by the Local Plan. The policy advises that proposals for commercial development within villages will be permitted if they are appropriate in terms of use size and scale; they would enhance the settlement's viability and meet the needs of the community and are easily and conveniently accessible. In respect of the loss of an A1 use, the policy advises that this will only be acceptable where the loss would not harm the vitality and viability of the settlement, where it can be demonstrated that the existing use is not viable or there are satisfactory alternative facilities in the settlement.

Other relevant Local Plan Policies are Policy 38 (Accessibility to and within New Development) and Policy 39 (Car Parking).

The Emerging Local Plan

The adopted Local Plan will be superseded by a new Local Plan, referred to in this report as the emerging Local Plan. At the time of writing this advice note, the Local Plan Examination hearings have been completed and the Inspector's modification letter has been received. A number of main modifications to the policies of the emerging Local Plan will be subject to a six week public consultation period which commenced in February 2018. The emerging Local Plan is a material consideration in the determination of planning applications and when considering pre-application enquiries and given the progress of the emerging Local Plan, they can be afforded some weight as a material consideration.

Policy EN15 (Pollution, Contaminated Land and Hazardous Substances): The policy advises that development will be permitted provided that it will not result in unacceptable risk to public health or safety, the environment or unacceptable levels of pollution. Development will only be permitted on land that is contaminated or suspected of being contaminated if there would be no unacceptable risk to future occupants, and if the appropriate investigations and necessary remedial works have been undertaken.

Policy INF2 (Social and Community Infrastructure) advises that development that would result in the loss of a local community facility will be permitted provided that there is no local demand for the facility or replacement facilities are provided. The guidance notes to the policy state that where it is proposed that a commercial facility would be lost, an application should be accompanied by evidence that the facility is no longer viable in its extant use.

Policy INF5 (Parking Provision) requires development to accord with standards and guidance set out within the Local Plan

NPPF

The NPPF has, at its core, a presumption in favour of sustainable development and this is described in paragraph 14 as the "Golden Thread" that runs through the document. There are three dimensions to sustainable development, set out within paragraph 7, these being economic, social and environmental. The NPPF states that development should, where possible, seek joint and simultaneous gains in all three dimensions of sustainability. The National Planning Policy Framework must be read as a whole but the relevant to the consideration of the application are:

Paragraph 17, sets out the core roles for planning. These include taking in account "... the different roles and character of different areas...recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it"

Chapter 3-'Supporting a Prosperous Rural Economy' supports sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside.

Change of Use

The application seeks to change the use of the building to a veterinary practice, a D1 use. The details with the application state that there would be 5 full time employees and 1 part time employee and that opening hours would be 8-7 every day including bank holidays.

A parameter plan submitted with application 12/03810/REM showed the site as "community land use" D1 & D2 uses with the open space on the land to the rear retained as such. The parameter plan was approved under that application but there were no other conditions or obligations relating to the application site.

The operator of the convenience store moved to new premises as approved under application 12/03812/REM.

A community centre was approved under application 12/03896REM at Smith Barry Drive and a primary school was approved under application 12/03895/REM at Mitchell Way.

There is no objection to the proposed change of use as has been demonstrated above, community uses have been approved elsewhere within Upper Rissington and the residents are served by the relocated convenience store. The proposed use would be appropriate within this location.

There is no objection to the principle of a change of use.

Car Parking and Highways

The building is currently served by 8 informal car parking spaces.

The Parish Council raised concerns regarding car parking and the applicant arranged for car parking survey to be undertaken and the applicant submitted a transport impact assessment. This was issued on 27th March with a 14 day consultation period. Comments were not received from the Paris Council or the County Highways Officer.

The County Highways Officer had requested the following:

- The vehicular and non-vehicular trip generations for the extant (A1) and proposed (D1) use classes are required;
- Justification for the proposed level of parking provision and the parking provision should be calculated in accordance with the methodology set out by Paragraph 39 of the NPPF;
- The level of parking provision provided should be sufficient for the expected type and number of vehicles and must not result in any indiscriminate parking occurring upon the highway which may affect the free flow of other road users;
- Provision should be made for vulnerable users with dedicated disabled parking spaces to be located close to any pedestrian accesses to the buildings. These spaces should also comply with the minimum recommended dimensions of 3.6m wide and 4.8m long with an aisle width of 6.0m to facilitate ease of access). The car parking spaces should be tracked with an estate car measuring 1715mm x 4223mm in length; and

- A more detailed plan of the internal car parking layout etc.

The assessment showed that there would be a net reduction of 21 and 18 two way trips in the AM and the PM peak hours. This is considered to be a significant reduction from the previous A1 use which could have generated 26 AM and 30 PM peak hour trips according to the Technical Note submitted by the applicant. This indicates a significant reduction in trips that could occur under the A1 use. These trips have been derived from the industry standard TRICS trip rate database and the County Highways Officer undertook his own TRICS analysis and determine a different trip rate value to that stated in the applicant's Technical Note. This analysis gave different figures for the reduction in trips in the peak hours and two way trips compared with the extant A1 food store use, however there was still a reduction in the trip numbers and therefore the proposed development is considered to be acceptable.

In respect of car parking, there are 8 informal spaces. There is also unrestricted parking in the surrounding area. The impact assessment has identified that the peak demand for parking would be between 12 and 4pm when a maximum of 3 spaces would be required. Again this is a reduction on the demand that is associated with an A1 use and is during a time when many local residents who park on the streets would be at work. A plan has been submitted detailing the layout of the car parking formalising 8 car parking spaces (1 disabled) and 3 motorcycle spaces. The emerging local plan requires 0.15 motorcycle spaces per employee but does not set out car parking standards for D1 uses. At an existing employment premises 2% of the total car park capacity (or one space whichever is the greater) needs to be allocated for disabled drivers.

The County Highways Officer has undertaken his own analysis which has determined a parking demand of 5.5 (6) vehicles. There is sufficient provision to accommodate for the peak parking demand within the proposed layout. The proposal generates less vehicle movements and has a smaller parking demand reducing the likelihood and volume of on-street parking.

The access may not allow two-way working; however there is sufficient inter-visibility for approaching vehicles to give way without causing significant delay to other road users. The access affords acceptable levels of junction visibility commensurate with the sign posted speed limit of 30mph. The Access is therefore acceptable for the proposed development

The Parish Council suggested a no waiting restriction on the neighbouring roads. As the County Highways Officer considers that the parking provision is suitable for the likely demand, it would be unreasonable, as per Paragraph 204/206 of the NPPF to seek a scheme of parking

control/restrictions from this development, particularly as it will have a significantly reduced impact upon the Highway compared to the extant use.

Other

The closest residential properties are No.6 and No.8 Sopwith Road which are 37m and 39m from the application site. At this distance, the occupants would not experience an unacceptable level of disturbance.

The applicant is seeking opening hours of 08:00-19:00 7 days a week. The previous A1 use had no restrictions.

9. Conclusion:

The proposed change of use from A1 to D1 would not have a harmful impact in terms of noise and disturbance and it has been demonstrated that there would be adequate and

appropriate levels of car parking to serve the development. The change of use would not compromise highway safety. The application is considered to accord with the NPPF and the aforementioned local plan policies.