

**GLOUCESTER CITY COUNCIL**

**COMMITTEE** : **PLANNING**

**DATE** : **7<sup>TH</sup> APRIL 2015**

**ADDRESS/LOCATION** : **24 THE OXBODE, GLOUCESTER.**

**APPLICATION NO. & WARD** : **14/01471/COU  
WESTAGET**

**APPLICANT** : **CORAL RACING LIMITED**

**PROPOSAL** : **PROPOSED CHANGE OF USE FROM  
CLASS A1 (SHOP) TO CLASS A2  
(FINANCIAL & PROFESSIONAL SERVICES)  
TO INCLUDE NEW SHOPFRONT; 2 NO AIR  
CONDITIONING CONDENSER UNITS TO  
REAR ELEVATION; 2 NO. SATELLITE  
DISHES TO FLAT ROOF AT REAR.**

**REPORT BY** **BOB RISTIC**

**NO. OF APPENDICES** : **1 SITE LOCATION PLAN**

**1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 This application is brought before the Planning Committee as it entails a change of use to Class A2(c) and therefore falls outside of the councils scheme of delegated powers.
- 1.2 The application property is located at no.24 The Oxbode, a mid terrace shop unit fronting onto The Oxbode and backing onto New Inn Lane.
- 1.3 The application property is presently vacant and this application seeks planning permission to change the use of the shop unit to a betting office.
- 1.4 The application would also entail the installation of a replacement shop front, the installation of 2 no. roof mounted satellite dishes and 2 no. air conditioning units.

**2.0 RELEVANT PLANNING HISTORY**

- 2.1 The most recent planning history for the site is set out below:

.14/01472/ADV - Illuminated fascia and projecting sign to front elevation - Grant

**3.0 PLANNING POLICIES**

- 3.1 The statutory development plan for Gloucester remains the 1983 City of Gloucester Local Plan. Regard is also had to the policies contained within the 2002 Revised Deposit Draft Local Plan which was subject to two comprehensive periods of public consultation and adopted by the Council for development control purposes. The National Planning Policy Framework has been published and is also a material consideration.
- 3.2 For the purposes of making decisions, the National Planning Policy Framework sets out that, policies in a Local Plan should not be considered out of date where they were adopted prior to the publication of the National Planning Policy Framework. In these circumstances due weight should be given to relevant policies in existing plans according to their degree of consistency with the National Planning Policy Framework.
- 3.3 The NPPF does not alter the requirement for applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

In assessing and determining applications, Authorities should apply the presumption in favour of sustainable development.

For decision-making, this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent, or relevant policies are out of date, granting planning permission unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole; or
  - specific policies in the NPPF indicate development should be restricted.

Authorities should look for solutions rather than problems and decision-takers should seek to approve applications for sustainable development where possible.

- 3.3 The policies within the 2002 Local Plan remain therefore a material consideration where they are consistent with the National Planning Policy Framework.
- 3.4 From the Second Stage Deposit Plan the following policies are relevant:

Policy S.8 – Changes of Use in the Primary Shopping Area  
Policy BE.11 – Shopfronts, Shutters and Signs  
Policy BE.21 – Safeguarding of Amenity  
Policy BE.29 – Development within Conservation Areas

- 3.5 In terms of the emerging Local Plan, the Council has prepared a Joint Core Strategy with Cheltenham and Tewkesbury Councils which was submitted to the Planning Inspectorate on 20th November 2014. Policies in the Submission Joint Core Strategy have been prepared in the context of the NPPF and are a material consideration. The weight to be attached to them is limited by the fact that the Plan has not yet been the subject of independent scrutiny and do not have development plan status. In addition to the Joint Core Strategy, the Council is preparing its Local City Plan which is taking forward the policy framework contained within the City Council's Local Development Framework Documents which reached Preferred Options stage in 2006.
- 3.6 On adoption, the Joint Core Strategy and City Plan will provide a revised planning policy framework for the Council. In the interim period, weight can be attached to relevant policies in the emerging plans according to
- The stage of preparation of the emerging plan
  - The extent to which there are unresolved objections to relevant policies; and
  - The degree of consistency of the relevant policies in the emerging plan to the policies in the National Planning Policy Framework
- 3.7 All policies can be viewed at the relevant website address:- Gloucester Local Plan policies – [www.gloucester.gov.uk/planning](http://www.gloucester.gov.uk/planning); Gloucestershire Structure Plan policies – [www.gloucestershire.gov.uk/index.cfm?articleid=2112](http://www.gloucestershire.gov.uk/index.cfm?articleid=2112) and Department of Community and Local Government planning policies - [www.communities.gov.uk/planningandbuilding/planning/](http://www.communities.gov.uk/planningandbuilding/planning/).

#### **4.0 PUBLICITY AND REPRESENTATIONS**

- 4.1 The occupiers of four neighbouring properties were notified of the application by letter. A site notice and press notice was also posted.
- 4.2 There have been no representations.
- 4.3 Conservation Officer – No objections to the amended plans.
- 4.5 Planning Policy Officer – No objections
- 4.6 The full content of all correspondence on this application can be inspected online via the Councils website at:  
<http://planningdocs.gloucester.gov.uk/default.aspx?custref=14/01471/COU>

#### **5.0 OFFICER OPINION**

- 5.1 The principle considerations in the determination of this application relate to conformity with planning policy and the impact upon the City Centre conservation area.

Planning Policy

- 5.2 The NPPF seeks to provide sustainable development via a development plan led system. It sets out that local planning authorities should recognize town centres as the heart of their communities and pursue policies to support their vitality and viability. They should also promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres.
- 5.3 The application site is not allocated for any particular use in the Second Deposit City of Gloucester Local Plan (2002). The site is however located within the Primary Shopping Area (PSA) and a Conservation Area.
- 5.4 Given the proposal relates to the change of use of a unit from A1 to A2, Policy S.8 'Changes of Use in the Primary Shopping Area' applies. It sets out the criteria for the assessment of such applications, requiring units to have been vacant/marketed for a reasonable period of time, seeks a minimum percentage of A1 units along streets and seeks no more than two non-A1 units adjacent to one another.
- 5.5 Additionally it also allows for changes of use where these criteria are not met, and where it can be demonstrated the proposal would sustain and enhance the vitality and viability of the city centre.
- 5.6 It is noted that until earlier this year there were three vacant properties within the street. The former Jessops Store has only recently been occupied by a recruitment agency after being vacant for a number of years. In addition to the unit subject of this application, the former Jonathan James jewellers store remains vacant.
- 5.7 The applicant has advised that a marketing agent was instructed in May 2012 to promote the site before it was vacated by Oswald Bailey. It has since been apparent that there is little or no interest in the property other than by charity shops seeking short term lets, with the property being briefly occupied by the YMCA shop. The proposal therefore meets the requirement for the property to have been marketed.
- 5.8 A street survey along the southern side of The Oxbode has been undertaken. It demonstrates that, the change of use of this unit from A1 to A2 would not result in less than 70% A1 retail units along this side of the street being used for non-retail purposes, nor would it result in more than two non-A1 uses next to each other and complies with policy S.8.
- 5.9 Accordingly it is considered that the proposed change of use would comply with the relevant policy and would bring back into use a vacant property which would in turn sustain the vitality and viability of the Primary Shopping Area.

#### Impact on Conservation Area

- 5.10 The application also proposes a replacement shop front which would be coloured dark blue. The proposed design has been amended at the request of

the City Conservation Officer and there are no objections to the proposed alteration which would improve the appearance of the building.

- 5.11 The application also proposes two satellite dishes to the main roof of the property and two air conditioning units to the roof of the single storey rear wing.
- 5.12 Considering the sensitive siting of the application property, within the City Centre Conservation area, the siting of the roof mounted Satellite dishes will require further consideration in order to ensure that they are sited as discretely as possible. The final position can be controlled by an appropriately worded condition in order to preserve the character and appearance of the conservation area.
- 5.13 The proposed air conditioning units have been re-designed from being 'wall mounted' directly adjacent to new Inn Lane to being roof mounted. While this has considerably reduced the visual impact the units would still be visible from New Inn Lane and accordingly I consider it reasonable to secure an enclosure to screen the units, by way of a condition.

## 6.0 **CONCLUSIONS**

- 6.1 The application would bring back into use a vacant unit within the primary shopping area and City Centre Conservation Area. It is considered that subject to compliance with conditions the proposal would sustain the vitality and viability of the primary shopping area and preserve the character and appearance of the Conservation Area. Accordingly, the proposal would comply with Policies S.8 BE.21 and TR.31 of the Second Deposit City of Gloucester Local Plan (2002).
- 6.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where 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.
- 6.3 In compiling this recommendation we have given full consideration to all aspects of the Human Rights Act 1998 in relation to the applicant and/or the occupiers of any affected properties. In particular, regard has been had to Article 8 of the ECHR (Right to respect for private and family life, home and correspondence) and the requirement to ensure that any interference with the right in this Article is both in accordance with the law and proportionate. A balance needs to be drawn between the right to develop and use land buildings in accordance with planning permission and the rights under Article 8 of adjacent occupiers. On assessing the issues raised by the application no particular matters, other than those referred to in this report, warrant any different action to that recommended.
- 6.4 Statement of Positive and Proactive Engagement

In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.

## **6.0 RECOMMENDATIONS OF THE HEAD OF PLANNING**

- 6.1 That planning permission is granted with the following conditions to be applied:

### Condition 1

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

### Reason

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

### Condition 2

The development hereby permitted shall be carried out in accordance with the submitted application form, supporting information and approved (amended) drawing nos.COR1746/PLN01C and COR1746/SP01B received by the Local Planning Authority on 11<sup>th</sup> March 2015 as well as any other conditions attached to this permission.

### Reason

To ensure that the development is carried out in accordance with the approved plans and in accordance with policies contained within Second Deposit City of Gloucester Local Plan (2002).

### Condition 3

Notwithstanding the submitted drawings, the precise location of the satellite dishes shall be submitted to and approved in writing by the Local Planning Authority. The dishes shall be installed in accordance with the approved details prior to the commencement of the use hereby permitted and shall be similarly maintained thereafter.

### Reason

The location of the satellite dishes will require further consideration in order to preserve the character and appearance of the City Centre Conservation area and in accordance with policy BE.29 of the Second Deposit City of Gloucester Local Plan (2002).

### Condition 4

Notwithstanding the submitted drawings, details of a means of enclosure to the air conditioning units shall be submitted to and agreed in writing by the Local Planning Authority. The enclosure shall be installed in accordance with

the approved details prior to the commencement of the use hereby permitted and shall be similarly maintained thereafter.

**Reason**

To preserve the character and appearance of the City Centre Conservation Area and in accordance with policy BE.29 of the Second Deposit City of Gloucester Local Plan (2002).

**Note 1**

Your attention is drawn to the requirements of the Building Regulations, which must be obtained as a separate consent to this planning decision. You are advised to contact the Gloucester City Council Building Control Team on 01452 396771 for further information.

Decision: .....

Notes: .....

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Person to contact:   **Bob Ristic**  
                                  **(Tel: 396822)**

14/01471/COU

24 The Oxebode  
Gloucester  
GL1 1SA

Planning Committee 07.04.2015



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