

GLOUCESTER CITY COUNCIL

COMMITTEE : **PLANNING**

DATE : **7th APRIL 2015**

ADDRESS/LOCATION : **UNIT 4
GLEVUM SHOPPING CENTRE
GLEVUM WAY
GLOUCESTER**

APPLICATION NO. & WARD : **15/00206/COU
ABBEY**

EXPIRY DATE : **11th APRIL 2015**

APPLICANT : **CORAL RACING LTD**

PROPOSAL : **PROPOSED CHANGE OF USE FROM
CLASS A1 (SHOP) TO CLASS A2
(FINANCIAL & PROFESSIONAL
SERVICES) TO INCLUDE
ALTERATIONS TO SHOP FRONT;
INSTALLATION OF 2 NO. AIR
CONDITIONING CONDENSER UNITS
AND 2 NO. SATELLITE DISHES TO
REAR ELEVATION**

REPORT BY : **FIONA RISTIC**

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

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is located to the south of Morrisons in a parade of five units. Four are currently occupied by Sue Ryder (A1), Ruby Chinese and Indian Spice garden restaurant (A5), Taylors Estate Agent (A2) and Lloyds Pharmacy (A1). The application site is currently vacant and was last used by Diamond Cut hairdressers. The unit has been vacant since January 2015. All the units are part of Glevum Shopping Centre which is within Abbeydale District Centre.
- 1.2 This application is to change the use of the unit at ground floor level from a shop (A1) to Class A2 (Financial and Professional). The application also seeks permission for alterations to the shopfront, together with the installation of two air conditioning condenser units and two satellite dishes to the rear elevation. Although the applicant seeks consent for open A2 at the property the proposed use is a licensed betting office. The unit would be open from 8am to 10pm seven days

per week and would employ 2 full-time and 4 part-time members of staff.

2.0 RELEVANT PLANNING HISTORY

- 2.1 15/00207/ADV-Erection of internally illuminated fascia sign and projecting sign – pending decision

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 (NPPF) has been published and is also a material consideration.

- 3.2 For the purposes of making decisions, the NPPF sets out that policies in a Local Plan should not be considered out of date where they were adopted prior to the publication of the NPPF. In these circumstances due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF.

- 3.3 The policies within the 1983 Local Plan and existing County Structure Plan remain the statutory adopted policies for the City and policies within the 2002 Local Plan are a material consideration where they are consistent with the NPPF.

- 3.4 In terms of the emerging local plan, the Council has prepared a Joint Core Strategy with Cheltenham and Tewkesbury Councils and published its Submission Document 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 does 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.

3.5 RELEVANT DEVELOPMENT PLAN POLICIES:

- BE.21 – Safeguarding of amenity
- TR.31 – Road safety
- FRP.10 – Noise
- BR.6 – Access for all
- BE.11 – Shopfronts, Shutters and Signs
- TR.9 – Parking standards

S.13 – Changes of use in District and Local Centres

- 3.6 All policies can be viewed at the relevant website address:- Gloucester Local Plan policies – www.gloucester.gov.uk/planning; Gloucestershire Structure Plan policies – www.gloucestershire.gov.uk/index.cfm?articleid=2112 and Department of Community and Local Government planning policies - www.communities.gov.uk/planningandbuilding/planning/.

4.0 CONSULTATIONS

- 4.1 *Highways* – Unit 4 Glevum Shopping Centre is adjacent to a Class 4 highway with footways and street lighting and the carriageway is two way working. The area is subject to a speed limit of 30 mph. There are no proposed alterations to the existing access. I can confirm I have researched the recorded accident data and there are no recorded incidents at this location. There is adequate parking at the shopping centre, with no proposed changes. The majority of trips to the establishment will be on foot. Therefore I raise no highway objections to this application
- 4.2 *Environmental Health* -. The main concern is in relation to noise from the air conditioning unit. Recommend approval subject to the following conditions being attached:
- Noise level condition
 - Hours of construction
 - No power tools or machinery at a certain time

5.0 PUBLICITY AND REPRESENTATIONS

- 5.1 A Site Notice was erected and 8 neighbours were notified by letter – no comments have been received.

The plans and comments can be viewed with the attached link <http://planningdocs.gloucester.gov.uk/default.aspx?custref=15/00206/COU>

6.0 OFFICER OPINION

- 6.1 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.
- 6.2 The main issues with this application are retail issues in relation to policy S.13 of the second deposit local plan, highway issues, impact on

the amenity of neighbouring properties and noise issues. I will deal with these issues in turn.

6.3 Highway Issues

The County Highways Engineer has assessed the application and as there is adequate parking at the shopping centre there is no objection to the proposal from the highways engineer.

6.4 Noise

The proposal includes the installation of two air conditioning units at the rear. There is no objection from Environmental Health subject to the imposition of a condition limiting levels associated with the units. They have also recommended a condition on the hours of construction and restrictions on the times using power tools and machinery to safeguard the amenity of residents.

6.5 Impact on neighbouring amenity

The unit is located in a commercial parade with the nearest residential properties being to the rear of the unit separated by a staff car park. Given this separation it is not considered that the change of use would significantly affect the amenity of any residential properties. With the recommended noise conditions from Environmental Health it is not considered that the air conditioning units would harm the amenity of the neighbours. There are a variety of other air conditioning units and satellite dishes on the rear of the shop units facing the car park so they would not appear overly prominent in this commercial context.

6.6 Retail issues

The site is located in the Abbeymead District Centre so the relevant policy is S.13 (Changes of use in District Centres). This has 4 criteria relating to the loss of A1 shops. It states that the conversion will only be permitted where:

1. The proportion of non-retail uses on the ground floor of properties in the centre is below 30% and
2. The proposal would not result in a continuous group of more than two non-retail uses and
3. The property is vacant and the developer is able to demonstrate that the property has been marketed unsuccessfully for a reasonable period of time **or**
4. The developer is able to demonstrate that the proposal would sustain and enhance the vitality and viability of the centre

6.7 Dealing with the criteria in order, if the parade contains 6 units including Morrisons then there are 67% A1 uses. With the conversion of the unit to A2 then it becomes 50% of the units being A 1. Therefore the parade as it currently stands does not meet criteria 1 of being less than 30% non A1. If you look at floor space as opposed to retail unit numbers then 94% of the space is A1 with only 2% being in class A2. This will increase to 4% of the whole if the consent is granted. It can be argued that the dominance of Morrisons ensures the health of this

District Centre despite the proposed change of use and it cannot be looked at in the same way as a parade not containing a large dominant A1 use. The presence of Morrisons ensures that the centre is predominantly A1 use.

- 6.8 In terms of criteria 2, there are currently 2 non A1 uses adjoining each other (Ruby Chinese/Indian Spice Garden (A5) and Taylors Estate Agents (A2). This change of use would lead to three non A1 uses adjoining therefore not meeting this criteria.
- 6.9 In terms of criteria 3 the hairdressers has recently closed so although currently vacant it hasn't been vacant for what we normally term a reasonable period of time and no marketing information has been supplied to support the application. The agent does highlight that previous A1 tenants have struggled to trade successfully in this location.
- 6.10 Despite the above, the policy does have criteria 4 which if proven can carry weight and allow approval of a change of use even if it fails the other criteria. This criteria is that the proposal would sustain and enhance the vitality and viability of the centre. It is argued that the use of the premises as a licenced betting office will generate significant levels of footfall and hence vitality and viability in a centre, benefiting the centre as a whole. The applicant has submitted footfall data from two other comparable centres demonstrating that the footfall from the betting shop was the second highest of the shops listed. They have also submitted an appeal decision which shows that uses within class A2 can attract a high number of users and therefore be beneficial to the vitality and viability of town centres and can result in a number of linked visits to other units in the centre.
- 6.11 It is acknowledged that given the age of the local plan policy consideration must be given to how the policy will evolve for the future City Plan. The policy team have confirmed that future of the policy is likely to be less prescriptive but still protect retail centres. The NPPF (paragraph 23) states that "*local planning authorities should promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres*". It must also be noted that the NPPF states that "*where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless:— any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole*" (paragraph 14)
- 6.12 Conclusion
It is acknowledged that the proposal does not meet all the criteria in policy S.13 of the Second Deposit Local Plan. However it is considered that given the submitted footfall data and appeal decisions it can be argued that the proposal will improve the vitality and viability of the

district centre especially as the unit is currently vacant. Furthermore the footfall for a betting shop is likely to be greater than a hairdresser. It is also argued that given the size and dominance of Morrisons the health of this retail parade will not be affected by a change of use of this unit. With the suggested noise conditions from Environmental Health it is not considered that the proposal would affect the amenity of the neighbouring properties and there are no highway issues raised by the proposal.

6.13 It is therefore recommended that the application is granted.

7.0 RECOMMENDATION OF THE DEVELOPMENT CONTROL MANAGER

7.1 That permission be granted with the following conditions:

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 application form, planning statement, drawing numbers COR1788/SP01 A, COR1788/AS01 A and COR1788 PLN01 rev A received by the Local Planning Authority on 13th February 2015 and 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

Noise associated with plant and machinery incorporated into the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5db below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997. In addition, there should be no significant low frequency tones present.

Reason

To safeguard the amenity of the area in accordance with policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002)

Condition 4

No construction shall take on the premises before 8am on weekdays and 8.30am Saturdays nor after 6pm on weekdays and 1pm on Saturdays, nor at any time on Sundays, Bank or Public Holidays.

Reason

To safeguard the amenity of the area in accordance with policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 5

No power tools or machinery shall be used on the site, other than portable hand tools between 08:00 and 08:30hrs Monday – Friday or between 08:30 and 09:00hrs Saturdays.

Reason

To safeguard the amenity of the area in accordance with policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

National Planning Policy Framework Compliance

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.

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: Fiona Ristic
(Tel: 396716)

15/00206/COU

Unit 4
Glevum Shopping Centre
Glevum Way
Gloucester
GL4 4BL

Planning Committee 07.04.2015

