

GLOUCESTER CITY COUNCIL - DEVELOPMENT CONTROL

Committee:	Planning
Date:	
Address/Location:	Unit 5, 151 Bristol Road, Gloucester, GL1 5SY
Application No:	18/01338/COU
Ward:	Moreland
Expiry Date:	12.06.2019
Applicant:	TR's Barber Shop
Proposal:	Retrospective Change of use from B8 to A1 (Barber Shop)
Report by:	Mark Fisher
Appendices:	Site Location plan

SITE DESCRIPTION AND PROPOSAL

- 1.0 The application site is located on the northern side of Cecil Road, and to the east of the junction with Bristol Road. The application site comprises a narrow pebble-dash commercial unit set to the rear of No. 151 Bristol Road, a car audio shop, and to the left of a car repair garage when viewed from the road. Directly opposite the site is the end elevation to a car hire centre contributing to the commercial character of this part of the street.
- 1.1 The character of the remainder of the street to the east is of attractive, traditional Victorian dwellings.
- 1.3 The application seeks retrospective planning permission for the change of use of the building to a barber shop (Use Class A1).

2.0 RELEVANT PLANNING HISTORY

- 2.1 There is no relevant planning history to the site.

RELEVANT PLANNING POLICIES

- 3.0 The following planning guidance and policies are relevant to the consideration of this application:
- 3.1 **National guidance**
- National Planning Policy Framework (NPPF) and Planning Practice Guidance
- 3.2 **Development Plan - Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted 11 December 2017)**
Relevant policies from the JCS (Main Modifications) include:

SD1 – Employment – Except retail development

SD4 – Design requirements
SD14 – Health and environmental quality
INF1 –Transport network
INF2 – Flood risk management

3.4 **City of Gloucester Local Plan (Adopted 14 September 1983)**

The statutory Development Plan for Gloucester includes the partially saved 1983 City of Gloucester Local Plan. Paragraph 213 of the NPPF states that due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The majority of the policies in the 1983 Local Plan are out-of-date and superseded by later planning policy including the NPPF and the Joint Core Strategy. None of the saved policies are relevant to the consideration of this application.

3.5 **Emerging Development Plan Gloucester City Plan**

The Gloucester City Plan (“City Plan”) will deliver the JCS at the local level and provide policies addressing local issues and opportunities in the City. The Draft Gloucester City Plan 2017 takes forward the results of previous consultations and was subject to consultation January and February 2017. As the Plan is at an early stage, it is considered that it carries limited weight in accordance with paragraph 48 of the NPPF.

3.6 **Other Planning Policy Documents Gloucester Local Plan, Second Stage Deposit 2002**

Regard is also had to the 2002 Revised Deposit Draft Local Plan. This has been subjected to two comprehensive periods of public and stakeholder consultation and adopted by the Council for development control purposes. The following “day-to-day” development management policies, which are not of a strategic nature and broadly accord with the policies contained in the NPPF, should be given some weight:

BE.4 – Protecting Employment Land

- 3.7 All policies can be viewed at the relevant website address:- national policies:
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>
Gloucester City policies:
<http://www.gloucester.gov.uk/resident/planning-and-building-control/planning-policy/Pages/current-planning-policy.aspx>

CONSULTATIONS

- 4.0 **Highway Authority**
No objection, subject to conditions.
- 4.1 **City Centre Improvement Officer (Environmental Protection)**
No objection, subject to conditions.
- 4.2 **Local Plan/Policy**
No objection
- 4.3 **Drainage Officer**
No objection, subject to conditions.
- 4.4 **Gloucestershire Police**
No comments received.

PUBLICITY AND REPRESENTATIONS

- 5.0 Neighbouring properties were notified and a site notice was published.
- 5.1 7 letters of objection and a petition (with 58 signatures) against the application were received, raising the following issues:
- Anti-social behaviour associated with the premises disturbs and frightens many residents
 - Parking issues – vehicles have been parking on double yellow lines
 - There are already issues with existing business at the end of the road and on Bristol Road – this will become worse if the three flats are built on the opposite side of Cecil Road
 - Supply of alcohol on the premises
 - Littering
 - Overdevelopment in a quiet residential area
- 5.2 A joint letter of objection from the Ward Councillors (Councillors Stephens, Hampson and Pullen) has been received reiterating the above issues.
- 5.3 The full content of all correspondence on this application can be viewed on:
<http://www.gloucester.gov.uk/resident/planning-and-building-control/Pages/public-access.aspx>

OFFICER OPINION

Legislative background

- 6.0 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Local Planning Authority to determine planning applications in accordance with the Development Plan, unless material considerations indicate otherwise.
- 6.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) states that in dealing with a planning application, the Local Planning Authority should have regard to the following:
- a) the provisions of the development plan, so far as material to the application;
 - b) any local finance considerations, so far as material to the application; and
 - c) any other material considerations.
- 6.2 The development plan consists of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) and the partially saved 1983 City of Gloucester Local Plan. However, as outlined earlier, the 1983 Local Plan is considered to be out-of-date.
- 6.3 It is considered that the main issues with regards to this application are as follows:
- Principle of the change of use from B8 (Business) to A1 (Retail)
 - Design and layout
 - Traffic and transport
 - Residential amenity
 - Drainage and flood risk

Principle of the change of use from B8 (Business) to A1 (Retail)

- 6.4 Section 7 of the NPPF (2019) prescribes that planning policies and decisions should support town and city centres, to promote their vitality and viability and steer main town centre uses towards city centres, edge of centre locations and/or district centres. Policy BE.4 (Protecting Employment Land) of the Gloucester Local Plan Second Stage Deposit 2002, is a locally specific policy that has not been superseded by the JCS policies and as publicly published in June 2008, should also be given (albeit limited) weight when determining planning applications. Policy BE.4 seeks to prevent new development that involves the loss of employment land unless the land has limited potential for employment, and the developer is able to demonstrate that an alternative use, or mix of uses, offers greater potential benefit to the community.
- 6.5 There is no specific planning history relating to this particular part of the wider employment site. The agent has advised that the application site has been leased by the owners to a number of companies for a variety of uses over the last 40 years. The uses have included furniture repairs, vacuum storage and repairs, tyre storage, furniture storage, a plastering supplies business and the most recent use being the barbers shop (the subject of the current application). From this history it is assumed that the authorised use of the site is for B8 use (storage and distribution).
- 6.6 The agent has advised that, over the years, there have been periods where the Unit in question has been vacant primarily due to the fact that it is located on the first floor and the access arrangements are not ideal for large bulky goods. Although the applicant has not provided marketing information to support this, due to the small-scale nature of the unit, access arrangements to the upper floor unit and the fact that there is minimal scope for modification to improve access, it is considered that the unit would have limited potential for future employment use.
- 6.7 Further, the use of the unit as a barber shop would see its continued beneficial use. It would also continue to support employment (due to its size, the numbers of employees in its capacity as a barber shop would be likely to exceed the numbers of employees if it were to remain in B8 use). It is understood the business is one of benefit to the wider community that is well utilised. With regards to the NPPF, due to its small-scale nature, the proposed change of use would not adversely impact upon the city centre and would not adversely affect its vitality and viability. In light of this there is no objection to the loss of the employment use of this small site.

Design and Layout

- 6.8 The NPPF states that new residential developments should be of high-quality design, create attractive places to live, and respond to local character integrating into the local environment. Policy SD4 sets out requirements for high quality design.
- 6.9 The application proposes no changes to the external appearance of the building and as such, would be in accordance with policy SD4. Though a sign has been erected on the building to advertise the business, this is controlled under the advertisement regulations and is not part of the consideration of the current application.

Traffic and transport

- 6.10 The NPPF requires that development proposals provide for safe and suitable access for all and that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Policy INF1 of the JCS requires safe and accessible connections to the transport network.

6.11 The application property is within a sustainable location with good access to public transport links and to the highways network. Unrestricted on-street parking is available within the immediate vicinity. The Local Highways Authority has raised no objection to the proposal, subject to a condition requiring the applicant to make provision for secure cycle/motorcycle storage. However, given the nature of the proposals and the sustainable location of the premises it is not considered necessary or reasonable to impose such a condition on a small retail premises such as this. The proposals are therefore considered acceptable in this respect and would not result in severe impacts on the highway network.

Residential amenity

6.12 Paragraph 17 of the NPPF provides that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. This is reflected in Policy SD14 of the JCS which requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants.

6.13 Local residents have raised concerns over various forms of anti-social behaviour (ASB) allegedly carried out by customers of the business. Planning is however concerned with the use of land rather than the characteristics of individual occupiers or their clientele. Whilst issues such as ASB, and fear of it, can be material planning considerations, this would only be where the ASB arises from the use of the land. ASB does not inherently arise from barber shops and the issues raised are not intrinsically linked or normally associated with the principle of the use of the premises as a barber shop.

6.14 It is understood that the reported issues have been referred to Project Solace, who investigate and address anti-social behavior within the City, and to the Local Authority's Licensing department regarding the provision of alcohol. Any issues will be considered under the relevant legislation.

6.15 Relevant conditions to address disposal of commercial waste and noise have been recommended by the City Centre Improvement Officer and are detailed below. Furthermore, the hours of use are recommended to be restricted to the existing opening hours as advertised. These are set out in condition 2 below and are considered reasonable in the context of this location.

6.16 In light of the above it is considered that the use of the property as a barber shop would have an acceptable impact on nearby properties.

Drainage and flood risk

6.17 The NPPF requires that development is directed to the areas at lowest risk of flooding, that new development should take the opportunities to reduce the causes or impacts of flooding, should not increase flood risk elsewhere and take account of climate change. Policy INF2 of the JCS reflects the NPPF, applying a risk based sequential approach, requiring new development to contribute to a reduction in flood risk and requiring the use of sustainable drainage systems.

6.18 The development site lies wholly within flood zone 2 and so a flood risk assessment would normally be required. However, as the barber shop is on the first floor, there is no risk of flooding to the actual premises and, as confirmed by the Local Authority's Drainage Officer, the sequential and exception tests do not need to be addressed. Further, flood resilience/flood resistance measures would not be required and, since the application is change of use only, there are no issues in terms of surface water management or mitigation for loss in flood plain storage. Accordingly, a pragmatic approach can be taken, and it will be possible to address the requirement for a Flood Evacuation Management Plan (FEMP) by way of condition.

6.19 **Conclusion**

This application has been considered in the context of the policies and guidance referred to above. The proposal is consistent with those policies and guidance in terms of design, materials, highway safety implications, impact upon the amenity of any neighbours and the local area and the principle of the change of use; the proposal is acceptable and accordingly it is recommended that planning permission be granted.

7.0 **RECOMMENDATION OF THE CITY GROWTH AND DELIVERY MANAGER**

7.1 That planning permission is GRANTED subject to the following conditions;

Condition 1:

The development hereby permitted shall be used for a barber shop and for no other purpose (including any other purpose in Class A1 of the schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason:

The Local Planning Authority wish to control the specific use of the land/premises, in the interest of local amenity in accordance with policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017).

Condition 2:

The use hereby permitted shall only operate between the hours of 10:00hrs to 19:00hrs on Tuesdays and Wednesdays, 11:00hrs to 20:30hrs on Thursdays, 10:00hrs to 19:30hrs on Fridays and 10:00hrs to 17:00hrs on Saturdays.

Reason: In the interests of the amenities of existing residential property in the locality in accordance with policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017).

Condition 3:

Within 1 month date of this decision a Flood Evacuation Management Plan (FEMP) must be submitted in writing to the Local Planning Authority for approval. The details submitted shall include (but not be limited to) proposals for flood warnings and emergency access/egress. The plan shall be implemented in accordance with the approved details and thereafter maintained for the lifetime of the use hereby permitted.

Reason:

To ensure that the development remains safe for its users over the lifetime of the development in accordance with the NPPF and policy INF2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017).

Condition 4:

Within 1-month of the date of this decision a scheme for the provision of refuse storage and disposal shall be submitted in writing to the Local Planning Authority for approval. The approved scheme shall be implemented in accordance with the approved details and thereafter maintained for the lifetime of the use hereby permitted.

Reason:

To ensure commercial controlled waste is stored and disposed of for as long as the use exists.

Condition 5:

Noise generated on premises from amplified sound (live/recorded music) and associated sources shall not be audible in noise sensitive premises at any time.

Reason:

In the interests of the amenities of existing residential property in the locality in accordance with policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017).

Person to Contact: Mark Fisher (01452 396738)

Planning Application: | 18/01338/COU

Address: | Unit 5, 151 Bristol Road,
Gloucester, GL1 5SY

Committee Date: |