

Item No	Application No. and Parish	8/13 week date	Proposal, Location and Applicant
(1)	14/01669/FUL Pangbourne Parish Council	5 th August 2014 (Extension of time until 19 th September 2014)	Change of use from retail store (A1) to a mixed use class coffee shop (A1/A3 use). 8 Reading Road, Pangbourne, Berkshire, RG8 7LY. Bristol Investments Limited

To view the plans and drawings relating to this application click the following link:

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=14/00220/FULD>

Recommendation Summary: To **DELEGATE** to the Head of Planning and Countryside to **REFUSE PLANNING PERMISSION**

Ward Members: Councillor Bale

Reason for Committee determination: Letters of representation - 18 letters of objection received. (Plus an online petition against the proposal with 216 signatures as of 7th August 2014.)

Committee Site Visit: 10th September 2014

Contact Officer Details

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1. PLANNING HISTORY

- 03/00723/FUL** Change of use of part first floor from office and storage space/ancillary retail to office space (class B1). Approved 24th June 2003.
- 09/02527/FUL** Change of use from first floor ancillary office to stand alone offices (B1a).

2. PUBLICITY

Site Notice Expired: 11th August 2014
Neighbour Notification Expired: 31st July 2014

3. CONSULTATIONS AND REPRESENTATIONS

3.1 Consultations

Pangbourne Parish Council: Object. The Parish Council is concerned at the loss of a class A1 retail outlet.

The saved Policy SHOP 1 states that "the Council will refuse planning applications for the change of use from class A1 retails uses to other purposes, with in the primary shopping frontages of Newbury, Hungerford, Thatcham, Theale and Pangbourne, where it would result in a concentration of non-retails uses, which would be harmful to the vitality of the shopping area."

Highways: This is a town centre location with public car parks. The proposed use includes a restaurant/cafe, for the sale of food/drink for consumption on the premises. No objection subject to condition.

Environmental Health: I am concerned with the proposed A3 use. No external plant is proposed, such as; A/C units, chillers etc. Normally for these types of applications we would recommend full odour control conditions as food odour could occur in the future. Conditions will therefore be required to manage this and prevent odour.

Conservation: I have no objections to the change of use of this building from A1 to A1/A3.

Disabled Access: We require clarification on accessible parking for this location.

Internal circulation looks very restricted. Is there a management plan for wheelchair users to be accommodated without causing a bottle-neck?

Planning Policy: The site is within the primary shopping frontage and town centre commercial area of Pangbourne and within the conservation area.

The key planning policies to be taken into consideration are NPPF, Policy CS11 (Town Centres) and SHOP.1 (non retail uses in primary shopping frontages) and ECON.5 (Town centre commercial areas) of the West Berkshire District Local Plan.

The key planning policy consideration is whether the loss of an A1 retail unit at the site would result in a concentration of non-retail uses and whether this would be harmful to the vitality of the shopping centre.

The site is part of the primary shopping frontage under policy SHOP.1 of the Local Plan. The policy indicates that the Council will refuse planning applications for the change of use from class A1 retail uses, to other purposes within the primary shopping frontage, "where it would result in a concentration of non-retail uses, which would be harmful to the vitality of the shopping centre."

The site is currently occupied by Premier Pets.

The Core Strategy sets out the vitality and viability of the District's town, district and local centres will be protected and enhanced. Pangbourne is defined as a district Centre.

Both the existing and proposed use of the site are main town centre uses, as defined by the NPPF. As the site is in Pangbourne town centre, it is considered to be an appropriate location for either use.

Only considering ground floor units, there are 13 A1 uses and 27 non-A1 uses along Reading Road, within the town centre area. The change of use of this unit from A1 to A1/A3 would reduce the number of A1 units within the primary shopping frontage. There is concern that the loss of retail use that would result from this proposal would lead to a concentration of non-retail uses and this could be harmful to the vitality of the shopping centre.

In Pangbourne's shopping centre there are seven existing A3 (Restaurant/Café) uses, one A4 (Drinking Establishment) and three A5 (Hot food take-away).

The site is also located within the commercial area of Pangbourne and policy ECON.5 of the local plan states that "The Council will permit proposals for business development within the commercial areas." The proposed use is a cafe, and is therefore a business use so would be in line with the policy if it satisfied the criteria listed in the policy. One of the criteria states "it does not unduly prejudice the prime shopping frontage" and this will need to be taken into account when determining the planning application.

3.2 Representations

Total: 18 Object: 18

Summary of comments:

- Too many coffee shops in Pangbourne
- Parking implications
- Reduction in retail space in the primary shopping frontage

4. PLANNING POLICY

4.1 The statutory development plan comprises policies in the West Berkshire Core Strategy 2006 – 2026, July 2012 and those saved policies within the West Berkshire District Local Plan 1991-2006, Saved Policies 2007.

4.2 Other material considerations include government guidance, in particular:

- The National Planning Policy Framework (March 2012) (NPPF)
- The National Planning Policy Guidance (March 2014) (NPPG)
- By Design: urban design in the planning system: towards better practice (DETR/CABE)

4.3 The following policies from the West Berkshire Core Strategy are relevant to this application:

- ADPP1: Spatial Strategy
- ADPP5: North Wessex Downs Area of Outstanding Natural Beauty
- CS11: Hierarchy of Centres
- CS13: Transport
- CS14: Design Principles
- CS19: Historic Environment and Landscape Character

4.4 The following policies from the West Berkshire District Local Plan, Saved Policies 2007 are relevant to this application:

- OVS5: Environmental Nuisance and Pollution Control
- ECON5: Town Centre Commercial Areas
- SHOP1: Non-retail uses in Primary Shopping Frontages
- TRANS1: Meeting the Transport Needs of New Development

4.5 In addition, the following locally adopted policy document is relevant to this application:

- Pangbourne Village Design Statement (November 2005)

5. DESCRIPTION OF DEVELOPMENT

5.1 The site is located at 8 Reading Road which is within Pangbourne Village centre. This area is designated as being a primary shopping frontage, and town centre commercial area. Pangbourne is also within the North Wessex Downs Area of Outstanding Natural Beauty (AONB), whilst the site is within the village conservation area.

- 5.2 The site comprises of a clay pitched roof, and red brick, former Victorian school building, which fronts onto Reading Road. The building is currently in use as a pet shop (A1 retail use). It neighbours other A1 retail units such as a charity shop and organic food outlet. A public car park is situated to the rear of the site. The building has a two storey modern extension to the rear. This appears to be a 1970s addition consisting of a brick base with white painted cladding to the first storey, and a tiled pitched roof with three flat roof dormers.
- 5.3 Planning permission is sought for the change of use from a retail store (A1) to a mixed class use (A1/A3) coffee shop. Minor internal and external works are also proposed some of which will be dealt with via an application for advertisement consent (14/01760/ADV) currently under consideration. The café proposes to use both the front and rear entrance doors for customer access. The business proposes to operate between 6:30 and 18:30 Monday to Saturday, and 8:00 and 18:30 Sundays and Bank Holidays. The business intends to employ 6 full time staff, and 2 part-time staff.

6. APPRAISAL

The main issues for consideration in the determination of this application are:

- Principle of the development
- The impact upon Pangbourne primary shopping frontage
- The impact upon neighbouring amenity
- Traffic implications
- Permitted development
- The presumption in favour of sustainable development

6.1 Principle of the development

- 6.1.1 Planning Policy ADPP1 of the West Berkshire Core Strategy 2006 - 2026 (WBCS) designates Pangbourne as a rural service centre within its district settlement hierarchy. These are areas with a range of services with reasonable public transport provision. The policy seeks to strengthen Pangbourne's role in meeting the needs of its surrounding communities.
- 6.1.2 Planning Policy ADPP6 of the WBCS re-emphasises Policy ADPP1. It sets out the criteria for the principle of development within Pangbourne. Policy ADPP6 permits such development providing it preserves the surrounding environment. It seeks to conserve and enhance the character of the area, ensuring that new development responds positively to the local context.
- 6.1.3 Planning Policy CS11 of the WBCS concerns the district's hierarchy of retail centres. It designates Pangbourne as a district centre. The aim of the policy is to protect and enhance the vitality and viability of the district centre for the surrounding population.
- 6.1.4 The site is located within the Pangbourne settlement boundary where there is a presumption for development providing it fits with the character and appearance of the surrounding area. The principle of development is acceptable providing it does not impact upon Pangbourne's primary shopping frontage.

6.1.5 As such the principle of development is acceptable subject to assessment against the policies within the Core Strategy and the saved policies within the Local Plan.

6.2 The impact upon Pangbourne primary shopping frontage

6.2.1 Planning Policy SHOP1 of the WBLP seeks to protect primary shopping frontages from non retail uses, and promote the vitality of the district's shopping centres. The application site is within the Pangbourne primary shopping frontage.

6.2.2 A primary shopping frontage is where (class A1) retail uses predominate and it is considered necessary to protect them. Policy SHOP1 discourages other uses such as banks, building societies and cafes/restaurants in these areas. Policy SHOP1 states that applications for the change of use from A1 retail uses to other purposes, within these areas should be refused where it would result in the concentration of non-retail uses.

6.2.3 The National Planning Policy Framework (NPPF) follows the aims of Policy SHOP1 in promoting competitive town centres that provide customer choice and a diverse retail offer which reflect the individuality of town centres. It states that applications which have significant adverse impacts upon the vitality of a shopping area should be refused.

6.2.4 The change of use of this unit from A1 to A1/A3 would reduce the number of A1 units within the primary shopping frontage. There is concern that the loss of retail use that would result from this proposal would lead to a concentration of non-retail uses and this could be harmful to the vitality of the shopping centre.

6.2.5 In Pangbourne's shopping centre there are seven existing A3 (Restaurant/Café) uses, one A4 (Drinking Establishment) and three A5 (Hot food take-away). The case officer carried out a ground floor primary shopping frontage use survey when conducting a site visit on 21st July. The survey results show that there are currently 14 A1 retail units, 2 A5 hot food takeaways, and 5 A3 restaurant and cafes operating within the area. This equates to 66.6% A1 retail uses, 9.5% A5 hot food takeaway uses, and 23.8% restaurants and cafes.

6.2.6 The application site is also located within the Pangbourne town centre commercial area. Policy ECON5 permits proposals for business development within this area, providing it does not give rise to transport, parking or infrastructure problems, it does not harm the physical or visual character of the area, the amenities of adjoining land uses, it does not unduly prejudice the primary shopping frontages, and makes provision for a variety and scale of business development appropriate to the nature and character of the area.

6.2.7 The proposed development is considered contrary to SHOP1 in this instance for the reasons described above. The proposal will not give rise to transport or parking problems. The site is located within the village centre within close proximity to public car parks and public transport. The physical or visual character of the area would also be preserved.

6.2.8 In view of the above the proposed development is considered to harm the vitality of the primary shopping frontage and is contrary to the NPPF and SHOP1 of the West Berkshire Local Plan Saved Policies 2007.

6.3 Impact upon neighbouring amenity

- 6.3.1 Planning Policy CS14 of the WBCS is of importance with regard to the potential impact upon neighbouring amenity. Policy CS14 requires new development to make a positive contribution to the quality of life in West Berkshire.
- 6.3.2 The business will not harm neighbouring amenity in terms of an overbearing impact, a loss in privacy, a loss in sunlight, or noise. However, concerns have been raised with regards to odour, Planning Policy OVS5 of the WBDLP Saved Policies is therefore relevant in this instance. These policies are given due weight by the NPPF.

Pollution:

- 6.3.3 Planning Policy OVS5 of the WBDLP concerns environmental nuisance and pollution control. It states that development proposals will only be permitted where they do not give rise to an unacceptable pollution of the environment. In order to minimise the adverse impact on the environment or loss of amenity, proposals should have regard to; the need to ensure the adequate storage and disposal of waste materials, the installation of equipment to minimise the harmful effects of emissions, the hours, days or seasons of operations, and locating potential nuisance or pollution activities onto the least sensitive parts of the site or where the impacts can be best contained by physical or other appropriate measures.
- 6.3.4 Environmental Health have raised concerns with regards to odour pollution. The application fails to include details of external plant to control food odour. The Local Planning Authority (LPA) needs to be satisfied that the change of use will not have significant adverse environmental impacts in the future. The Council's environmental health service have identified that the emissions may harm neighbouring amenity and have therefore advised that conditions are attached to mitigate any potential harm.
- 6.3.5 It is considered that the impact upon neighbouring amenity can be mitigated by conditions, and therefore, the proposal is considered to be acceptable. The proposal accords with planning policy OVS5 of the WBDLP, and neighbouring amenity will therefore be preserved.
- 6.3.6 In view of the above the proposed development is not considered to create a detrimental impact towards neighbouring amenity. The proposal accords with planning policies CS14 of the West Berkshire Core Strategy 2006 – 2026 July 2012, OVS5 of the West Berkshire Local Plan Saved Policies 2007, and the advice contained within the NPPF which seeks to protect neighbour amenity.

6.4 Traffic implications

- 6.4.1 Planning Policy CS13 of the WBCS concerns transport. It emphasises that road safety in West Berkshire is a key consideration for all development. Particular focus should be given to the safety of pedestrians, cyclists, and other vulnerable road users.

- 6.4.2 Policy CS13 states that development generating a transport impact will be required to; reduce the need to travel, improve and promote opportunities for healthy and safe travel, mitigate the impact on the local transport network and the strategic road network and prepare transport assessments to support planning proposals in accordance with national guidance.
- 6.4.3 The NPPF recognises that transport policies have an important role to play in facilitating sustainable development. It states that transport assessments must; ensure safe and suitable access to the site can be achieved for all people, and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. It further states that, development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 6.4.4 Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to accommodate the efficient delivery of goods and supplies, and give priority to pedestrian and cycle movements. Proposed development must have access to high quality public transport facilities, create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, and avoid street clutter.
- 6.4.5 The Council's highways service have been consulted with regard to the proposed development, raising no objections. The proposed development is considered to comply with planning policy CS13 and CS14 of the West Berkshire Core Strategy 2006 – 2026 and TRANS1 of the West Berkshire District Local Plan Saved Policies 2007. The site is located within a rural service centre within an area designated as a town centre commercial area. Planning policy ADPP1 states that Pangbourne benefits from a range of services and reasonable public transport provision. It is therefore considered that the proposed business is situated in an acceptable location to meet the needs of the development in this location.

6.5 Permitted Development

- 6.5.1 It is important to note that the proposed change of use is permissible for a two year temporary period via permitted development rights. These permitted development rights are contained within Part 4 of Schedule 2 Class D of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013.

6.6 Sustainable Development

- 6.6.1 When considering development proposals, the Council is required to take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.
- 6.6.2 The National Planning Policy Framework places a strong emphasis on sustainable development. All planning applications must result in sustainable development with consideration being given to economic, social and environmental sustainability aspects of the proposal. The proposed change of use to mixed class use coffee shop could improve the local economy via the increase in jobs, however the loss of an A1 use will contribute to a trend towards less of retail use which could have a negative economic impact in the long term. The environmental considerations have

been assessed in terms of the impact on the character and appearance of the area, and neighbouring amenity and for the reasons given above are considered acceptable. Harm to the vitality of the shopping area could also have negative social implications in the long term. As these have been found unacceptable the development is not considered to constitute sustainable development.

7. Conclusion

- 7.1 Having taken account of all the relevant policy considerations and the other material considerations referred to above, it is considered that having regard to the clear reasons to object to the proposal the proposed development is unacceptable and should be refused for the reasons set out below.
- 7.2 While it is acknowledged that the change of use will provide further employment to Pangbourne village centre, this needs to be weighed against the impact on the vitality of the town's primary shopping frontage. On balance it is considered that the proposal for the change of use from A1 (retail) to mixed A1/A3 (mixed class use coffee shop) would not comply with Local Plan policy SHOP1 as it would result in a further concentration of non-retail uses in Pangbourne village centre.
- 7.3 Allowing another non A1 use would impact on the availability of A1 retail units, and therefore harm the vitality and viability of the town centre commercial area.
- 7.4 Having taken account all of the relevant policy considerations and the other material considerations referred to above, the proposed development is recommended for refusal for the reason listed below.

8. FULL RECOMMENDATION

DELEGATE to the Head of Planning & Countryside to **REFUSE** planning permission for the following reason:-

8.1 Reason for refusal

1. The proposal for the change of use from A1 (retail) to A1/A3 mixed class use coffee shop would not comply with policy SHOP1 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007 as it would result in a further concentration of non-retail uses in this primary central primary shopping frontage in the part of Pangbourne Town Centre Commercial Area. There has been a decrease in A1 units within the designated primary shopping frontage of Pangbourne over the past few years, allowing a further A3 use would reduce the availability of A1 retail units, and therefore harm the vitality and viability of the primary shopping frontage and the Town Centre.

The proposal is therefore contrary to policy SHOP1 of the West Berkshire District Local Plan Saved Policies 2007 and the guidance on contained in the National Planning Policy Framework.

Informatives:

1. **Plans refused**

This decision to REFUSE the proposed development is based on the following plans: pln/a.01, pln/a.02, pln/a.03, pln/a.04, and pln/a.05 received 30th June 2014.

2. **Sustainable**

In attempting to determine the application in a way that can foster the delivery of sustainable development, the local planning authority has approached this decision in a positive way having regard to Development Plan policies and available guidance to try to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has also been unable to find an acceptable solution to the problems with the development so that the development can be said to improve the economic, social and environmental conditions of the area.