

Item No	Application No. and Parish	8/13 week date	Proposal, Location and Applicant
(2)	13/01832/FUL Mortimer Parish Council	24 th October 2013	Change of use from retail A1 shop/office to mixed use of retail and sui generis (dog grooming). 37 King Street, Mortimer Common, Berkshire, RG7 3RS. Mr and Mrs Antony Morris.

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

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=13/01832/FUL>

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

Ward Members: Councillor Geoff Mayes
Councillor Mollie Lock

Reason for Committee determination: Letters of representation - 12 letters of objection received, and 131 letters of support.

Committee Site Visit: 30th October 2013

Contact Officer Details

Name: Andy Heron
Job Title: Planning Officer
Tel No: (01635) 519111
Email: aheron@westberks.gov.uk

1. PLANNING HISTORY

- 90/49051/CERTP** Certificate of lawfulness for an existing use as a retail shop and offices with flat above – open storage – storage for 10 vehicles plus open storage and sale of liquid petroleum gas – vehicle workshop (with inspection pit). 4 bed attached cottage. Refused, 23rd January 1997.
- 97/51090/CERTP** Certificate of lawful use for an existing use as retail shop/offices with flat above, open storage – storage for 10 vehicles plus open storage and sale of Liquid petroleum gas, vehicle workshop (with inspection pit), and 4 bed attached cottage. Approved, 3rd February 1998.
- 11/01917/FUL** Change of use from office to B2. Refused 2nd September 2011.
- 13/01911/FUL** Retrospective change of use from a workshop for the maintenance of motor vehicles owned and/or operated by the lawful occupiers of the site only to a sui generis use to provide servicing and maintenance to vehicles owned by the public. Withdrawn 1st October 2013.
- 13/01891/ADV** Non illuminated fascia sign. Approved 24th October 2013.

2. PUBLICITY

Original Site Notice Expired: 20th October 2013
Neighbour Notification Expired: 26th September 2013

3. CONSULTATIONS AND REPRESENTATIONS

3.1 Consultations

Mortimer Parish Council: No objections. The Parish Council raise no objections to this application but would like to see the planning status for the whole site defined.

Highways: According to the application form the net tradable area of A1 space is 21.6 sqm as per existing, with a further 9.88 sqm lost which is part of the retail element but not tradable area.

Given the A1 use is existing, I would raise no objections to this element of the proposal.

8.32 sqm B1a and 26.25 sqm B8 use are to be lost, with 2.2 sqm B8 retained, and an additional 44.45 sqm floor area for the proposed dog grooming business.

The information below clarifies that dogs will be left at the site by appointment, and collected after the grooming has been undertaken. There would not therefore be a high number of customer vehicles

waiting at the site for prolonged periods. It would simply be for drop off and collection. This enables staggered customer movements.

It is probable that the number of trips to the site will increase as a result of this element of the application. There is the possibility of increased movements at peak periods if dog owners drop their dogs off at the start of the day, on their way to work for example, and collect them on the way home. I am unsure how likely this is, or whether owners will arrive at the site at their allotted appointment time. As the proposal is for the existing business to be relocated from Burghfield, any movements would not be completely new movements onto the highway network.

There is some on-street car parking that occurs in front of the building on King Street. In respect of the allocated parking to the rear of the site I would request that one space be staff parking as identified, but that the remaining two parking spaces are kept free for customers of the dog grooming business and that they be signed as such.

In terms of the car parking, I believe it would be difficult to refuse this proposal on these grounds. Some on-street car parking does occur in this location and it would be difficult to state that this application would result in a situation that would be to the detriment of highway safety and the free-flow of traffic, particularly as customers would be dropping off and collecting only, rather than staying at the site for a prolonged period. In addition, customers should arrive at varying times throughout the day. Both of these aspects will reduce the demand for parking at one given time.

Taking all of the above into consideration, I would raise no highway objections to this application.

Environmental Health: No objections.

3.2 Representations

Total: 143 Object: 12 Support: 131

Summary of comments:

- Letters of support: Supporting comments: improvement to the local economy, requirement for dog grooming business and supplies in the local area, reduction in traffic.
- Letters of objection: Objection concerns: Noise implications, parking implications, pollution, harm to neighbouring amenity, overdevelopment.

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)
 - 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
 - ADPP6: The East Kennet Valley
 - CS9: Location and Type of Business Development
 - 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
 - OVS6: Noise Pollution
 - SHOP5: The Encouragement of Local and Village Shops
- 4.5 In addition, the following locally adopted policy document is relevant to this application:
- Stratfield Mortimer Village Design Statement (November 2007)

5. DESCRIPTION OF DEVELOPMENT

- 5.1 The site is a vacant property situated in King Street in Mortimer. The surrounding area is predominantly residential; it is located within the settlement boundary of Mortimer. Although vacant the permitted use for the property is A1 retail use. The application proposal seeks planning consent for the change of use from A1 retail use to sui generis use for a dog grooming parlour with ancillary A1 retail use to sell dog supplies such as food, toys, and clothing. The applicant currently operates in Burghfield and wishes to relocate their business to Mortimer.
- 5.2 The planning application does not propose to change the external appearance of the property; internal alterations are the only physical change as a result of this planning application with the exception of parking safety signs and markings for customers and staff. The A1 retail use will cover an area of 21.6 square meters; access will be via the existing northern front entrance. The sui generis dog grooming use will cover an area of 44.5 square metres with a separate access via the existing front entrance. 3 car parking bays are located to the rear yard for customers and staff. Vehicular access will be via the existing gateway to the north of the site. Parking signs are proposed to be erected to inform customers of the parking to the rear.

- 5.3 Within the yard to the rear of no. 37 King Street is a vehicle car mechanics business, and a car washing business, along with an area used for material storage. These uses do not currently benefit from planning permission. It is important to note that a retrospective planning application was under consideration with regards to the car mechanics business however this has now been withdrawn pending submission of a further planning application.
- 5.4 The business proposes to employ two full time members of staff and one part time member of staff. The business is intended to operate 8:30 am until 6:00pm Monday to Saturday.
- 5.5 The number of dogs attended to at one time would be between 1-7. The dog grooming business will operate via an appointment system only. The dogs would enter via the rear entrance and be washed and dried. After a dog has been groomed it will be moved to the front area of the building and held in a dog cage ready for collection by their owner. The owners will then collect their dog via the front entrance. It is expected that the average number of dogs groomed per day will be 7.

6. APPRAISAL

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

- Principle of the development
- The impact on the character and appearance of the area
- The impact upon neighbouring amenity
- Traffic implications
- The presumption in favour of sustainable development

6.1 Principle of the development

- 6.1.1 The site is located within Mortimer which is designated as a rural service centre in the district settlement hierarchy contained within planning policy ADPP1 of the West Berkshire Core Strategy 2006 - 2026. This states that the area benefits from a range of services and reasonable public transport provision.
- 6.1.2 Policy CS9 of the Core Strategy seeks to manage the scale, type and intensification of business development. A range of types and sizes of employment sites and premises will be encouraged throughout the district to meet the needs of the local economy. The Council promotes the intensification, redevelopment and upgrade of existing, vacant and derelict employment sites and premises for business development providing proposals are in keeping with the surrounding environment, do not conflict with existing uses and promote sustainable transport.
- 6.1.3 The site is located within a defined settlement boundary. It is therefore concluded that there is a presumption in favour of development within this location. It is considered that the development complies with the criteria contained within policy CS14 of the Core Strategy. The development proposes minimal alterations; however, these alterations show an acceptable level of design.
- 6.1.4 Policy SHOP5 of the West Berkshire Local Plan Saved Policies 2007 encourages proposals for the provision and retention of local shops within existing residential areas.

- 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 Character and appearance

- 6.2.1 The site is situated within a predominantly residential area within Mortimer. King Street is a long straight road with Victorian low density housing of mixed design set back from the highway. Three new dwellings are located directly to the north of the site.
- 6.2.2 There are few changes proposed to the appearance of the building and the surrounding site. The only changes proposed concern signs for parking to instruct customers of the formal parking to the rear of the site, and the proposed vehicle parking bays. The rear of the site is hard surfaced, although no car parking is currently marked out.
- 6.2.3 The site has historically served as a business serving the community; it is therefore not considered to create a harmful impact upon the character and appearance of the surrounding area.
- 6.2.4 For the reasons explained above the development is considered to preserve the character and appearance of the surrounding area in accordance with the guidance within the NPPF and Policies CS14 and CS19 of the Core Strategy, July 2012.

6.3 Impact upon neighbouring amenity

Loss of sunlight and daylight

- 6.3.1 As explained above the proposed development does not involve any proposed external changes. A loss in sunlight and daylight to the amenity of neighbouring occupants would not occur in this instance.

Overbearing

- 6.3.5 The application concerns a material change of use with no proposed external changes other than signage for parking to inform customers of the parking to the rear.
- 6.3.6 An overbearing impact towards neighbouring amenity will not be created in this instance.

Loss in privacy

- 6.3.7 A loss in privacy is not considered to occur. No additional openings are proposed whilst the customer parking is located to the rear service yard away from neighbouring occupants.
- 6.3.8 A loss in privacy will not occur as a result of the proposed development.

Noise

- 6.3.7 Neighbouring residents have raised concerns with regards to the impact of noise arising from the development. The applicants have responded to local concerns stating that dogs will be accommodated and treated inside the building as soon as they arrive. No dogs will be kept outside and doors will be shut for safety with air conditioning used to cool the dogs and staff.
- 6.3.8 The Council's Environmental Health Service have been consulted with regards to noise impact, raising no objections to the proposal. It is not considered to result in a harmful impact with respect to noise.

Pollution

- 6.3.9 The applicants have confirmed that washing water will be removed from the premises via the existing sewage system. Waste will be removed each night. The Council's Environmental Health Service have reviewed the proposal raising no concerns.
- 6.3.10 The development will not give rise to an unacceptable pollution of the environment. Measures are proposed to minimise the adverse impact on the environment and loss in amenity. It has been demonstrated that adequate storage and disposal of waste will be ensured, whilst any potential pollution impacts will be contained internally. A condition will be recommended for the hours of use to operate 08:30 – 18:00 Monday to Saturday to reduce any potential impact towards neighbouring amenity.
- 6.3.11 It is considered that pollution will not be created by the proposed use. The proposal accords with planning policy OVS5 of the West Berkshire Local Plan Saved Policies 2007, and neighbouring amenity will therefore be preserved.
- 6.3.12 In view of the above the proposed development is not considered to create a detrimental impact towards neighbouring amenity. The proposal accords with planning policy CS14 of the West Berkshire Core Strategy 2006 – 2026 July 2012, OVS5 and OVS6 of the West Berkshire Local Plan Saved Policies 2007, and the advice contained within the NPPF.

6.4 Traffic implications

- 6.4.1 Concern has been by a number of objections with regards to the traffic implications and possible congestion occurring as a result of customers parking on King Street.
- 6.4.2 The application proposes a total of three formal parking bays to be located in the rear service yard. Two car parking spaces are intended for use by customers with one for staff. The parking area will be accessed from the north of the site via the existing gate that will be kept open during business hours via King Street. Customers will be informed of the parking via signage. A 300mm x 300mm sign will be located on the front of the shop to the left hand side of the main entrance door, stating; 'customer parking at rear'. To the rear additional signage will be located on the rear wall of the building for each parking space. The rear signs will measure 200mm x 200mm stating, 'dog grooming customer's park at their own risk'. All signs will be designed with a white background with black lettering. Additional plans have

been included within the planning application (reference: parking signs received 14th October 2013).

- 6.4.3 The applicants have forwarded a letter to the Local Planning Authority to confirm that permission has been obtained from the owner Mr Jewell for the gates to remain open during business hours. This letter was received on 21st October 2013. The applicants have also confirmed that they will have a key to open and lock the access gates, along with the occupant of the flat above who benefits from one parking space to the rear. Confirmation has also been received from the applicants stating that the adjoining cottage to the south has two car parking spaces on its driveway.
- 6.4.4 It is important to note that the applicants have stated that two 'customer parking bays' will be located to the front of the property on the pavement directly to the west of the building. It is stated that these will be used as drop off points for customers depositing and collecting their dogs. This area is outside of the site boundary, the Council's Highway Service have been unable to assess the impact of parking within this area stating that the three car parking bays to the rear are adequate for the proposed business.
- 6.4.5 The Council's Highway service have been consulted with regards to the proposed development raising no objections subject to a condition to erect the parking signage and to maintain the customer parking to the rear. 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 at a site that has historically been used as a retail unit. Planning policy ADPP1 states that Mortimer benefits from a range of services and reasonable public transport provision. It is therefore considered that the three parking spaces provided are acceptable to meet the needs of the development in this location.

6.5 Sustainable Development

- 6.5.1 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. To achieve this the LPA have worked proactively with the applicants to find solutions which means the proposal can be approved.
- 6.5.2 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 a dog grooming and retail business will improve the local economy by bringing a currently vacant property back into use. The environmental considerations have been assessed in terms of the impact on the character and appearance of the area and for the reasons given above are considered acceptable. Social considerations overlap those of environmental whilst offering an additional service to local pet owners. As these have been found acceptable the development is 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 strong reasons to support the development proposed it is considered to be acceptable and a conditional approval is justifiable for the following reasons;
- 7.2 The proposal will not unduly harm the character and appearance of the surrounding area, nor the neighbouring amenity. It is recommended that the application be approved.
- 7.3 This decision has been considered using the relevant policies related to the proposal. These are; ADPP1, ADPP6, CS9, CS13, CS14, and CS19 of The West Berkshire Core Strategy 2006 - 2026, Policy OVS5, OVS6, and SHOP5 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007, and the National Planning Policy Framework.

8. FULL RECOMMENDATION

DELEGATE to the Head of Planning & Countryside to **GRANT PLANNING PERMISSION** subject to the schedule of conditions (Section 8.1).

8.1 Schedule of conditions

1. **Full planning permission time limit**

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004); to enable the Local Planning Authority to review the desirability of the development should it not be started within a reasonable time.

2. **Standard approved plans**

The development hereby permitted shall be carried out in accordance with drawing numbers 30722-18, 130717-2A, 130717-4A received on 12th August and 29th August, and amended plans drawing number Parking signs, and 0118-933-2319 received 14th October 2013, and 21st October 2013.

Reason: For the avoidance of doubt and in the interest of proper planning.

3. **Parking**

The use hereby approved shall not commence until the signage has been erected in accordance with the approved details. The spaces must thereafter be kept available for customer parking at all times.

Reason: To ensure the parking is kept available for customer parking at all times in order to reduce the occurrence of roadside parking which would adversely affect road safety and the flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS13 of the West Berkshire Core Strategy 2006-2026 and Policy TRANS1 of the West Berkshire

4. **Hours of use**

The dog grooming and retail business shall not operate outside the following hours:

8:30am to 6:00pm Mondays to Saturdays;
nor at any time on Sundays or Bank Holidays.

Reason: To safeguard the living conditions of adjacent occupiers in accordance with Policy CS14 of the West Berkshire Core Strategy 2006-2026.

Informatives:

1. **Decision to grant permission**

The decision to grant planning permission has been taken because the development is in accordance with the development plan and would not have a detrimental impact on the character and appearance of the area or the residential amenities of the occupants of the adjacent dwellings. This informative is only intended as a summary of the reason for the grant of planning permission. For further details on the decision please see the application report which is available from the Planning Service or the Council website.

2. **Sustainable**

This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has worked proactively with the applicant to secure and accept what is considered to be a development which improves the economic, social and environmental conditions of the area.