

Item No 01:-

18/03520/FUL

**3 Wychwood Court
Cotswold Business Village
London Road
Moreton-In-Marsh
Gloucestershire
GL56 0JQ**

Item No 01:-

Change of use from office (B1) to veterinary clinic (D1) with office space (B1) at 3 Wychwood Court Cotswold Business Village London Road Moreton-in-Marsh Gloucestershire GL56 0JQ

Full Application 18/03520/FUL	
Applicant:	Hook Norton Veterinary Group LLP
Agent:	Lock Environmental Ltd
Case Officer:	Alison Williams
Ward Member(s):	Councillor Robert Dutton
Committee Date:	12th December 2018
RECOMMENDATION:	REFUSE

Main Issues:

- (a) Principle of development
- (b) Impact on the highway
- (c) Impact on neighbouring uses

Reasons for Referral:

Councillor Dutton has requested that the application be considered by the Planning and Licensing Committee for the following reasons.

"I strongly disagree with the refusal recommendation and wish this item to be referred to committee please at the earliest possible date. We need to do everything we can to support and attract higher-paid employment to Moreton and I regret the delays caused to this application; this is most disappointing. Wychwood Court is ideally placed for this veterinary practice which clearly is perceived to be of significant benefit to the town as evidenced by the supporting letters submitted; this is a material consideration and, in my opinion, far outweighs the narrow technical basis on which you have relied for your refusal decision (which have been explained to me and notwithstanding the Inspectors comments to which you refer). We should not be endangering the prospect of bringing this service to the town. In the Local Plan there is ample employment land available in Moreton to meet all foreseeable B1 needs and thus I reject the argument that, with regards to this application, we need to safeguard this location in Moreton for only B1 use.

I can confirm that I have no conflict of interest I need to declare and had a completely open mind on this application until I received your report. Robert Dutton"

1. Site Description:

3 Wychwood Court is a B1 business unit located within a U shaped building designed for B1 uses within the wider Cotswold Business Village which is an 11 acre site providing offices and light industrial units. The site is surrounded by car parking and the roads serving the business village.

The site is located east of Moreton-in-Marsh on the A44 adjacent to the Cemetery.

2. Relevant Planning History:

N/A

3. Planning Policies:

NPPF National Planning Policy Framework
 _EC3 All types of Employment-generating Uses
 _EN2 Design of Built & Natural Environment
 _INF4 Highway Safety
 _INF5 Parking Provision

4. Observations of Consultees:

Planning Policy Officer - Object to the proposals

Highways Officer - No objection subject to a parking bay being converted to a disabled parking bay

Environmental Health - No objection

5. View of Town/Parish Council:

Moreton in Marsh Town Council - raise no objections subject to the highways recommendation being fulfilled.

6. Other Representations:

To date 33 letters of support for the proposals have been received.

7. Applicant's Supporting Information:

Planning Statement and additional supporting information

8. Officer's Assessment:

Proposals

The application seeks to change the existing B1 unit on the ground floor level from B1 (Office) to D1 (Veterinary Clinic) with the upper 2 floors retained for B1 (Office) use in association with the vets. No external changes would be required to the building itself.

The applicant is Hook Norton Veterinary Group LLP which was founded in 1981. The proposals seek to create a new branch at Moreton in Marsh that would be open Monday to Friday 8am - 6:45pm, Saturday 8am-1pm and would be closed on Sundays and bank holidays. Emergencies would be dealt with through the existing emergency staffing arrangements at Hook Norton Hospital Site.

The business would generate 5 new jobs within the first 2 years. This would consist of 2 reception staff, 1 veterinary nurse, 1 veterinary surgeon and 1 clinic assistant for the evenings. Further employment would likely be provided in future years. In addition the applicant, would, subject to planning be signing up to a 10 year lease of the site.

(a) Principle of development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that 'If 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.' The starting point for the determination of an application is therefore the current development plan for the District which is the Cotswold District Local Plan 2011-2031.

Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making, and this includes any neighbourhood plans that form part of the development plan.

Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Local Planning Authorities may make decisions that depart from the development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Paragraph 80 of the NPPF sets out that 'planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.

The application site is located within the Moreton in Marsh Development Boundary as designated in the Cotswold District Local Plan 2011-2031. The site is considered to be sustainably located and Policy DS1 supports the principle of development within the development boundary. The site is also located with the Established Employment Site 'Cotswold Business Village' which is protected by Policy EC2.

Policy EC2 states that '2. Established and allocated employment sites will be retained for B Class employment uses, unless there is no reasonable prospect of the site being used for employment purposes.

The key aims of the policy is to retained such sites for B class employment development only; not other uses. EC2, clause 2, allows for an exception if there is no reasonable prospect of a site being used for employment purposes though, clearly, substantive evidence would be required to justify such a position.

The Local Plan examination considered the pros and cons of Policy EC2, including objections to the policy wording and its intent. However, the Inspector concluded that safeguarding existing employment sites for B class uses is important for the reasons set out in the following paragraphs of the Local Plan.

'9.2.1 The Employment Land Review (Cotswold Economy Study, PBA 2012) has highlighted that established employment sites, both within and beyond settlements, play a critical role in meeting the District's economic and business needs. Protection of such sites and support for their potential intensification, where appropriate, is critical in ensuring that existing businesses are retained and have the opportunity to grow. This is particularly important as there are few vacant employment sites and premises available to the market.

9.2.2 Viability reports (Hewdons and POS Reports 2014) also demonstrate that the construction costs for new employment development are not redeemed through land values or the rental yields. Therefore it is critical that the best use is made of established employment sites and premises and that they are retained to offer immediate opportunities for businesses to expand and for new business to establish themselves.

9.2.3 Established employment sites are listed in Appendix E of this Plan. The Cotswold Economy Study (Vol. 1, 2012) reviewed existing employment sites in light of the NPPF paragraph 22, establishing which should be safeguarded and those that could be used for alternative uses. The site list has since been amended to reflect employment monitoring information as of 31 March 2016. These sites are considered valuable employment locations and should be safeguarded for that purpose. Sites allocated in the settlement policies of the Local Plan for B Class employment uses are also safeguarded as they are required to enable the delivery of forecast B class job growth over the Plan period.'

Within Moreton in Marsh there is currently provision of veterinary services by Stow Vets who provide 1 hour a day, Monday - Friday at their Old Market Way site within Moreton in Marsh centre.

It is acknowledged that the applicant has an existing and established veterinary business and that other sites currently and previously available for rent have been reviewed within the Moreton in Marsh area for expansion but have been discounted by the applicant. The provision of additional

employment opportunities, the expansion of an existing business and the sustainable location of the site are positive material considerations in the planning balance.

However in the planning balance the criteria of Policy EC2 requires evidence to be provided that there is no reasonable prospect of the site being used for B employment purposes and this has not been provided and as such this weighs significantly against the proposals. The fact that an applicant has failed to find another site that is suitable for a D1 use is no reason, in itself, to overturn the Local Plan, which is the starting point for determining planning applications (para 12 NPPF). As acknowledged by the evidence base supporting the local plan policy (Hewdons and POS Reports 2014) and as set out in para 9.2.2 of the Local Plan the construction costs for new employment development are not redeemed through land values or the rental yields. Para 9.2.3 confirms that sites allocated in the settlement policies of the Local Plan for B Class employment uses are also safeguarded as they are required to enable the delivery of forecast B class job growth over the Plan period.'

As such the principle of a change of use from B1 to D1 in this location is not supported. Also insufficient evidence has been provided to support the loss of the B1 employment site as required by Policy EC2 and the benefits of the proposals are not considered to outweigh the harm from the loss of B1 employment site.

(b) Impact on the highway

The NPPF does not set minimum or maximum parking standards however it sets out at para 105 that local planning authorities should take into account, the accessibility of the development, the type, mix and use of development, the availability of and opportunities for public transport, local car ownership levels; and an overall need to reduce the use of high-emission vehicles.

Local Plan policy INF4 (Highway Safety) supports development that is well integrated with the existing transport network and beyond the application site, avoiding severance resulting from mitigation and severe impact upon the highway network. Developments that create safe and secure layouts and access will be permitted.

Local Plan policy INF5 (Parking Provision) requires development to make provisions for residential vehicle parking where there is clear and compelling evidence that such provision is necessary to manage the local road network.

The site is served by an existing access and road network serving the business park. The proposed use as D1 rather than B1 would be more intensive in terms of vehicular movement, however the impact would not coincide with the road peak hours of 08:00 - 09:00 or 17:00 - 18:00, the proposed development peak hours are 13:00 - 14:00 and 15:00 - 16:00 with a total of 64 two way daily trips as per the TRIC's assessment. The Council's Highway Officer has been consulted on the proposals and raises no objections. They comment that the site is located within an existing business park, with an appropriate access arrangement which can support two way working and providing sufficient levels of junction visibility, furthermore submitted block plan (Un-numbered) displays a parking strategy for the proposed development which has use of 5-10 parking spaces which is considered acceptable. It is recommended that one of the parking bays be re-designed to accommodate a disabled parking bay with dimensions of 3.6m by 6m this can be secured by way of a suitably worded planning condition.

As such the proposals would not result in an adverse impact on the parking or the surrounding highway network subject to a condition requiring the provision of a disabled parking bay being provided.

(c) Impact on neighbouring uses

Paragraph 127 of the NPPF seeks to create places with a high standard of amenity for existing and future users.

The site is located within an existing business park which has a variety of B1 and other B use classes. The units within the Wychwood Court block are in varying uses such as an ironing company, a veterinary products company Minrod and the Moreton Show offices.

The nature of the proposed use would not result in an adverse impact on the neighbouring business units in accordance with Para 127 of the NPPF and EN2 of the Cotswold District Local Plan.

(d) Other

Reference has been made to the delays in determining the application. For clarity the application was received on the 9/10/2018, the consultation period expired on the 1/11/2018, a meeting was then held with the agent and applicant on the 7/11 to discuss the policy conflict and refusal recommendation. Delegated authority to refuse was then sought on the 9/11/2018 which has resulted in the application being considered at the next available planning committee on the 12/12/2018.

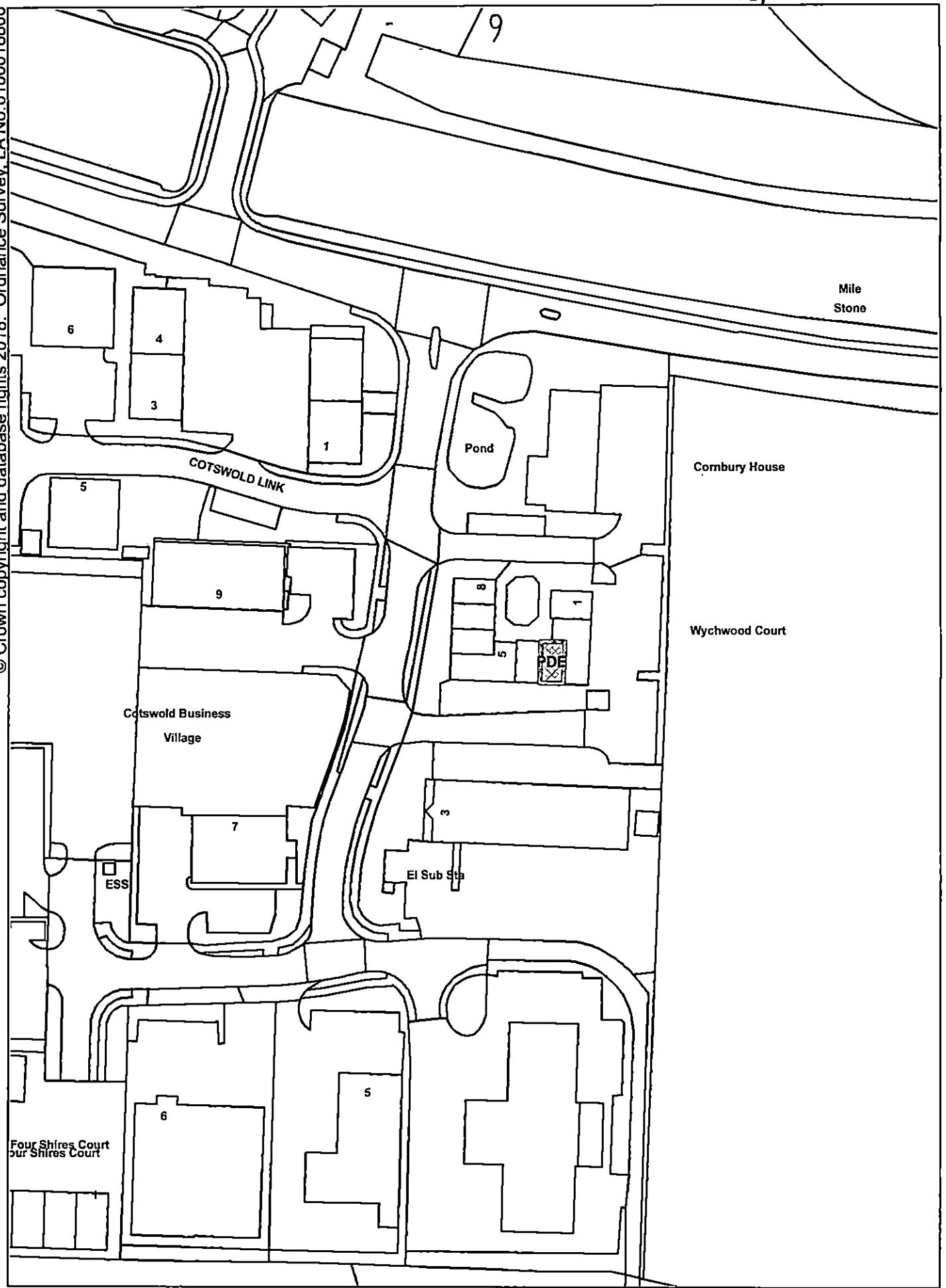
9. Conclusion:

It is acknowledged that the proposed change of use would allow an existing established business to expand and provide a veterinary clinic within Moreton in Marsh which does not currently have a full time veterinary clinic serving it. However the application site is located within an established employment site which is protected to B use classes. Sufficient evidence has not been provided to demonstrate that the unit could not be reasonably used for B employment uses and as such the criteria for exemption of Policy EC2 has not been met. Therefore in accordance with Paragraph 12 of the NPPF where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. It is considered that the material considerations in this particular case are not sufficient to outweigh the departure from the local plan.

10. Reason for Refusal:

The loss of the ground floor B Use class employment space within the Established Employment Eite (EES) at Cotswold Business Village would result in harm to the EES's role in meeting the district's economic and business needs and forecasted B Use Class job growth over the plan period (2011-2031). Sufficient evidence has not been provided to demonstrate that the unit could not be reasonably used for B employment uses and as such the criteria for exemption of Policy EC2 of the Cotswold District Local Plan have not been met. The material planning benefits of the proposals in relation to the expansion of an established business, sustainable location and the resultant employment of the veterinary clinic are not sufficient to outweigh the harm to the overall Economic Strategy of the Local Plan.

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3 WYCHWOOD COURT COTSWOLD BUSINESS VILLAGE

Scale: 1:1250

Organisation: Cotswold District Council

Department:

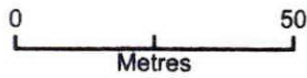
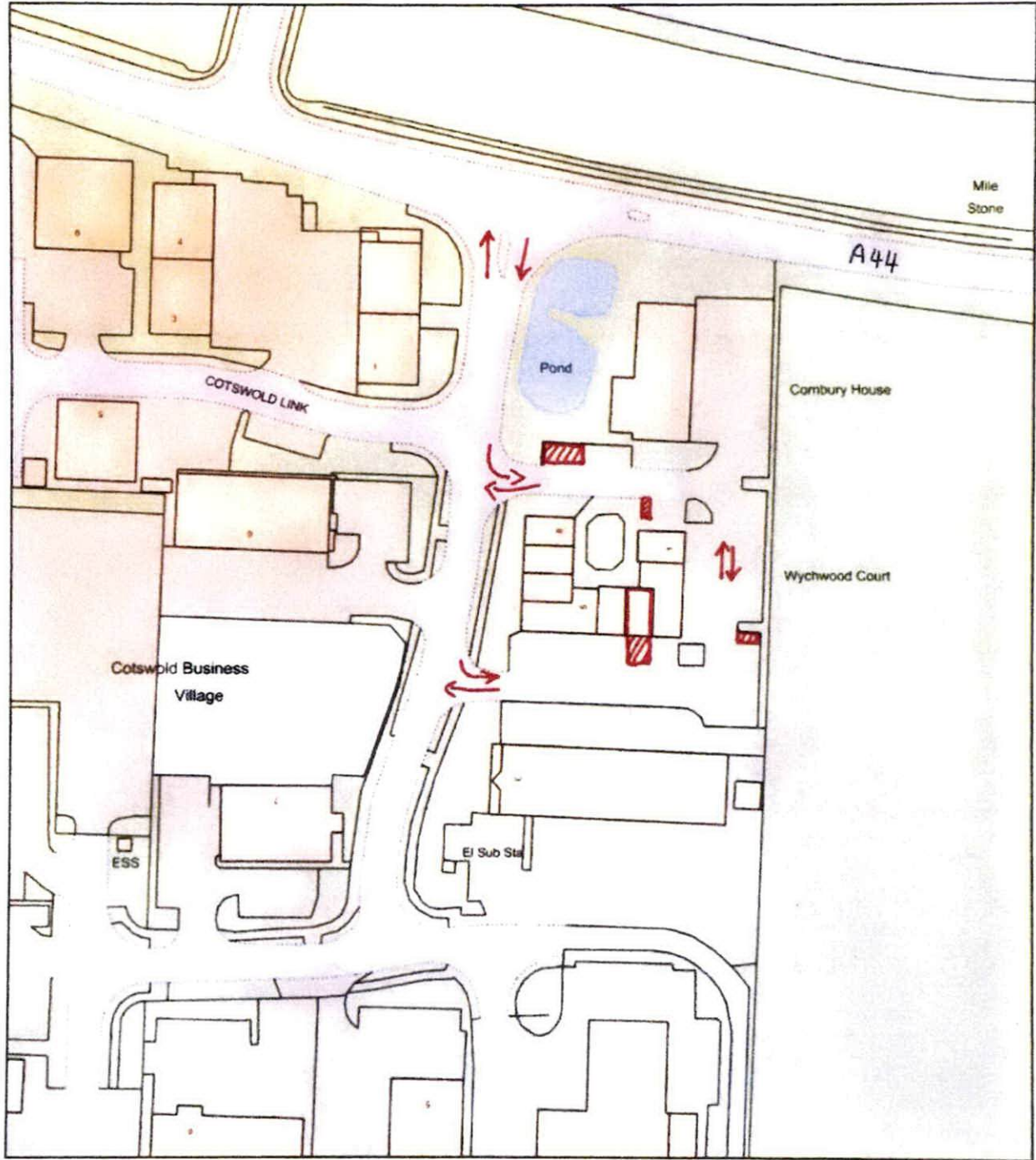
Date: 30/11/2018



COTSWOLD
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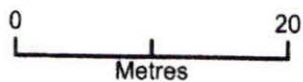
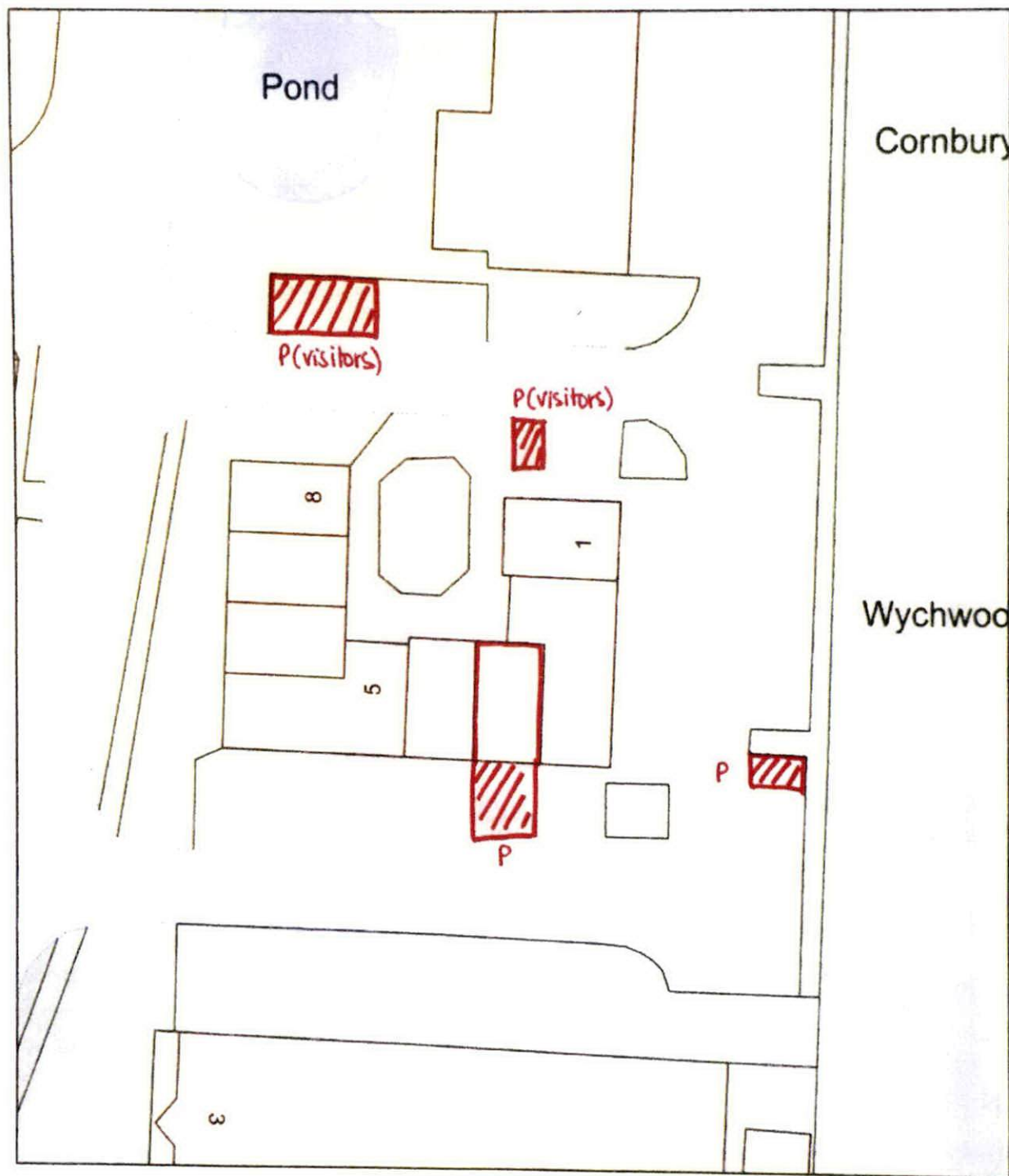


3 Wychwood Court, GL56 0JQ



Plan Produced for: Hook Norton Veterinary Group
Date Produced: 21 Sep 2018
Plan Reference Number: TQRQM18264123756242
Scale: 1:1250 @ A4

3 Wychwood Court, GL56 0JQ



Plan Produced for: Hook Norton Veterinary Group

Date Produced: 17 Sep 2018

Plan Reference Number: TQRQM18260102649912

Scale: 1:500 @ A4

