

Item No 02:-

18/04432/FUL

**Tops Nursery
Broadway Road
Mickleton
Chipping Campden
Gloucestershire
GL55 6PT**

Item No 02:-**Erection of a single storey log cabin to provide a barber shop at Tops Nursery
Broadway Road Mickleton Gloucestershire GL66 6PT**

Full Application 18/04432/FUL	
Applicant:	Mr David Stowe
Agent:	Alscot Architecture Design & Planning
Case Officer:	Martin Perks
Ward Member(s):	Councillor Lynden Stowe Councillor Mark Annett
Committee Date:	9th January 2019
RECOMMENDATION:	PERMIT

Main Issues:

- (a) Impact on the Economic Vitality and Viability of Mickleton and the Surrounding Area
- (b) Design and Impact on the Character and Appearance of the Area
- (c) Parking and Access

Reasons for Referral:

The applicant is a close relative of a District Councillor.

1. Site Description:

This application relates to an established garden centre/nursery business located to the south west of the village of Mickleton. The garden centre/nursery is located approximately 120m outside Mickleton Development Boundary as designated in the Cotswold District Local Plan 2011-2031. The application site is located within the garden centre/nursery site and is located approximately 150m from the aforementioned development boundary.

The application site is located outside the Cotswolds Area of Outstanding Natural Beauty (AONB). The boundary of the AONB is located approximately 50m to the south east of the proposed building.

The proposed building is situated between existing garden centre buildings and is set back approximately 45m from the B4632 which lies to the south east of the application site. A garden centre building and a detached dwelling (Arbour House) lie between the application site and the aforementioned highway.

2. Relevant Planning History:

CD.2288/E Continued use of existing building for the sale of fresh produce Refused 1980

CD.2288/F Continued use of existing building as a printing shop Granted 1982

14/04048/OUT Erection of a single dwelling (Outline application) Granted 2014

14/04379/OUT Erection of a single dwelling (Outline application) Granted 2014

15/02137/FUL Construction of 1 new 4 bedroom detached dwelling Granted 2015

15/02143/FUL Erection of 1no. 2 bedroom dwelling Granted 2015

15/02269/FUL Proposed replacement of three chimney flues on greenhouse boiler installation with two chimney flues Granted 2015

15/04549/FUL Proposed Tea Room ancillary to Nursery Granted 2015

16/04422/FUL Erection of a bungalow. Granted 2016

16/04926/TELEC Notification under Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2, Part 16 for the erection of a 21m lattice mast, associated antennas, dishes and radio equipment cabinets within a fenced compound. Prior Approval Not Required 2017

18/03317/FUL Removal of Condition 5 (restriction of cooking to a microwave) of permission 15/04549/FUL - Proposed Tea Room ancillary to Nursery. Granted 2018

3. Planning Policies:

NPPF National Planning Policy Framework

- _EC1 Employment Development
- _EC3 All types of Employment-generating Uses
- _EC5 Rural Diversification
- _EC7 Retail
- _EC8 MainTown Centre Uses
- _EC9 Retail Impact Assessments
- _INF4 Highway Safety
- _INF5 Parking Provision
- _EN2 Design of Built & Natural Environment

4. Observations of Consultees:

None

5. View of Town/Parish Council:

'The Parish Council objects in principle to what appears to be the continued piecemeal development of this site for a variety of purposes without consideration for the Cotswold District Plan or the consequences on the site itself. Of immediate concern is the poor quality of car parking provision, which is not marked out, is subject to extensive ponding after rain, and is shared with the equal indistinct area for the parking and manoeuvring of large vehicles associated with the main use of the site. This and any further permission should be subject to a condition requiring that the use does not commence until the car parking and service vehicle parking and manoeuvring areas have been surfaced, marked out, and made available for use in accordance and schedule of works which has been first approved by the LPA. Question 13 of the application stated N/A - are there no provisions for toilet facilities, how do they intend to remedy this.'

6. Other Representations:

None

7. Applicant's Supporting Information:

None

8. Officer's Assessment:

Proposed Development

The applicant is seeking to erect a single storey detached building within the existing garden centre/nursery site. The proposed cabin will measure approximately 4.2m wide by 4.5m deep by 3.6m high. The external walls of the proposed building will be clad in timber and the roof will be covered with blue slate. The proposed building will be located between existing horticultural buildings. It will lie approximately 35m to the north east of the garden centre tea room.

The building is intended to be used as a barber shop. Such uses fall into the A1 (retail) Use Class. It will be run by the daughter of the owner of Tops Nursery. The proposed opening hours will be:

9-6 Monday to Friday

9-5 Saturday

10-3 Sunday

There will be a maximum of 2 people served at any one time.

(a) Economic Development in a Rural Area

This application relates to economic development located outside a settlement. The following Local Plan policies are considered relevant to the proposal:

Local Plan Policy EC1 Employment Development states:

'Employment Development will be permitted where it:

- a. supports the creation of high quality jobs in professional, technical and knowledge-based sectors and seeks to support economic opportunities which capitalise on the strength of existing academic and training institutions and research organisations;
 - b. maintains and enhances the vitality of the rural economy;
 - c. enables opportunities for more sustainable working practices, including home-working;
 - d. supports and improves the vitality and viability of Primary, Key, District and Local Centres;
- or
- e. supports sustainable tourism in ways that enables the District to attract higher numbers of longer-stay visitors.'

Local Plan Policy EC3 Proposals for All Types of Employment-Generating Uses states:

'2. Outside Development Boundaries, and outside established employment sites, proposals for small-scale employment development appropriate to the rural area will be permitted where they:

- a. do not entail residential use as anything other than ancillary to the business; and
- b. are justified by a business case, demonstrating that the business is viable; or
- c. facilitate the retention or growth of a local employment opportunity.'

Local Plan Policy EC5 Rural Diversification states:

'Development that relates to the diversification of an existing farm, agricultural estate, or other land based rural business will be permitted provided that:

- a. The proposal will not cause conflict with the existing farming operation including severance or disruption to the agricultural holding that would prejudice its continued viable operation;
- b. Existing buildings are reused wherever possible; and

c. The scale and design of the development contributes positively to the character and appearance of the area.'

Criterion 2 of Policy EC7 Retail states that small local shops and services in settlements such as Mickleton will be permitted 'if they would enhance a settlement's viability and help to meet the needs of, and are conveniently accessible to, the local community'.

In addition to the above, it is noted that A1 uses such as barber shops fall within the definition of a Main Town Centre Use as set out in Annex 2 of the National Planning Policy Framework (NPPF). Criterion 7 of Local Plan Policy EC8 Main Town Centre Uses is considered to be applicable to this application. It states:

'7. When considering proposals for main town centre uses beyond the identified Centre boundaries, (in edge of centre or out of centre locations), proposals will be permitted that are:

- a. accessible and well connected to the Centre by public transport, walking and cycling;
- b. contribute to the quality, attractiveness and character of the settlement and the street frontage within which the site is located;
- c. maintain or improve, where possible, the health and wellbeing of the District's residents through increased choice and quality of shopping, leisure, recreation, arts, cultural and community facilities; and
- d. except where the proposal is in conformity with an allocation for main town centre uses elsewhere in the Plan, comply with the sequential test, by demonstrating that there are no sequentially preferable sites or premises to accommodate the proposed development, taking into account the need for flexibility in the scale and format of proposals.'

Local Plan Policy EC9 Retail Impact Assessments states that proposals for retail development with a net increase in floorspace of 100sq metres or more should be accompanied by a Retail Impact Assessment (RIA). In the case of this application, the proposed development has a floor area of approximately 19 sq metres and therefore falls below the 100 sq metre threshold. An RIA is therefore not required.

In terms of national planning policy and guidance, the following guidance is considered relevant:

Paragraph 8 of the National Planning Policy Framework (NPPF) states that the 'planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives)'. The three objectives are economic (helping build a strong, responsive and competitive economy), social (supporting strong, vibrant and healthy communities) and environmental (protecting and enhancing the natural, built and historic environment).

Paragraph 9 of the NPPF goes on to state that planning decisions 'should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area'.

Paragraph 83 of the NPPF states:

'Planning policies and decisions should enable:

- a) The sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
- b) The development and diversification of agricultural and other land-based rural businesses;
- c) Sustainable rural tourism and leisure developments which respect the character of the countryside; and

d) The retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.'

Paragraph 86 of the NPPF states:

'Local Planning Authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations, and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.'

Paragraph 87 of the NPPF states:

'When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored'.

Paragraph 90 of the NPPF states:

'Where an application fails to satisfy the sequential test or is likely to have a significant adverse impact on one or more of the considerations in paragraph 89, it should be refused.'

The proposed development constitutes new economic development in a rural area. It will generate income for the local economy and provide employment space for a barber. The proposed use will also provide a service for the local population. It is considered that the proposed use will benefit the local economy and add to the vitality of the area. The proposed building is modest in size and will not require the removal of any substantial horticultural buildings or materially affect the operation of the existing garden centre/nursery business. The proposed building will be located in an area of the garden centre that is already accessible to the public. It is considered that the proposed use will not have an adverse impact on the operation or viability of the existing horticultural business. It is considered that the proposal accords with Local Plan Policies EC1, EC3 and EC5 as well as the aspirations of paragraph 83 of the NPPF which supports the sustainable growth and expansion of all types of rural business.

Notwithstanding the above, it is also of note that the proposed development will result in the creation of an A1 retail use in an out of centre location. National and local planning policy and guidance seek to direct such development to town centre or edge of town centre sites prior to supporting A1 development in out of centre locations. In the case of this proposal, the site is located outside, but in close proximity to, the village of Mickleton. Mickleton is identified as a Principal Settlement in the Local Plan. However, the aforementioned plan does not designate an area within the settlement as a Town, Key, District or Local Centre as is the case with larger Principal Settlements in the District. Paragraph 9.8.1 of the Local Plan states that 'Town, Key, District and Local Centre Boundaries should be taken to mean 'town centre' in terms of the NPPF definition'. The NPPF does not therefore afford the centre of Mickleton the same policy protection as a designated town centre. Notwithstanding this, the village does host a post office, convenience store, butchers, hotel and two public houses. It therefore contains a number of facilities that contribute to the vitality and viability of the village. The proposed barber shop is considered not to represent a use that would compete directly, or indirectly, with the aforementioned uses. Moreover, it is of note that criterion 2 of Policy EC7 offers support for services in settlements such as Mickleton where they would enhance the settlement's viability and help to meet the needs of, and are conveniently accessible to, the local community. Whilst the site is located outside Mickleton Development Boundary, it is located in close proximity to it and is conveniently accessible to the local community. In addition, there is no evidence of vacant retail premises in the village that could accommodate the proposed use as an alternative to the present site. A Public Right of Way (HMN12) also extends through the garden centre and provides a safe pedestrian route from the site to the centre of the village. The village is within

reasonable walking and cycling distance of the site. It is considered that the site is reasonably well connected to the village by means other than the private motor car. The proposal will also provide a service which is not currently available in the village. In this respect, it will provide increased choice for local residents. It is considered that the proposal will assist the vitality and viability of the village of Mickleton in accordance with the aspirations of Policy EC7.

The nearest designated 'Town Centre' to the application site is the Key Centre in the centre of Chipping Campden which is located approximately 4km from the application site. In light of the modest size of the proposed development, the distance of the site from the aforementioned Key Centre and its proximity to the village of Mickleton it is considered that the proposal will not have a significant adverse impact on the vitality or viability of the aforementioned centre. It is also considered that a sequential test in respect of Chipping Campden Key Centre is not reasonably required by virtue of the distance of the site from the Key Centre.

In order to ensure that the proposed development is not utilised as an unrestricted A1 retail space such as a shop in the future, it is recommended that a condition is attached limiting its use to that of a barber shop, or for horticultural purposes ancillary to the use of Tops Nursery.

Overall, it is considered that the proposed development will benefit the local economy. It is also considered that it will not have an adverse impact on the vitality and viability of the local economy including on the centre of Chipping Campden or the village of Mickleton. The proposal is considered to accord with Local Plan Policies EC1, EC3, EC5, EC7 and EC8 and paragraphs 83, 86, 87 and 89 of the NPPF.

(b) Design and Impact on the Character and Appearance of the Area

The proposed building has a relatively plain and simple form. Its timber construction also means that it has a relatively lightweight appearance which is considered appropriate given the horticultural nature of the buildings adjacent to it. A mixture of glass, timber and metal clad buildings lie in the vicinity of the site. The single storey nature of the proposed building also means that it is similar to, or lower in height than, existing buildings. The proposed building will be situated between existing buildings and will not be readily visible from public view. An existing horticultural building and a bungalow lie between the site and the B4632 to the south east. The proposed building will not be readily visible from the aforementioned highway. Due to the modest size of the proposed building and its location amongst existing garden centre buildings, it is considered that the proposal will not have an adverse impact on the character or appearance of the area or the setting of the Cotswolds Area of Outstanding Natural Beauty.

It is considered that the proposal accords with Local Plan Policy EN2.

(c) Parking and Access

Visitors to the proposed barber shop will utilise the existing garden centre/nursery car park to the south west of the proposed building. In light of the very limited size of the proposed development, it is considered that the existing car park has sufficient space to cater for the traffic arising from the proposed use and existing garden centre visitors. The comments of Mickleton Parish Council are noted. However, it is considered that the proposed development is not of a size or scale that justifies the re-surfacing or formal laying out of the car park. The site access is also of sufficient width, and has adequate visibility, to safely accommodate additional vehicle movements arising from the proposed business. The proposal is considered to accord with Local Plan Policies INF4 and INF5.

Other Matters

In response to the comments of Mickleton Parish Council, there are WC facilities available within the garden centre site that can be utilised by staff and customers using the barber shop.

9. Conclusion:

Overall, it is considered that the proposed development will benefit the local economy and will not have an adverse impact on the vitality and viability of the village of Mickleton or surrounding area. The proposal is also considered not to have an adverse impact on the character or appearance of the area or to have a detrimental impact on highway safety. It is therefore recommended that the application is permitted.

10. Proposed conditions:

The development shall be started by 3 years from the date of this decision notice.

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.

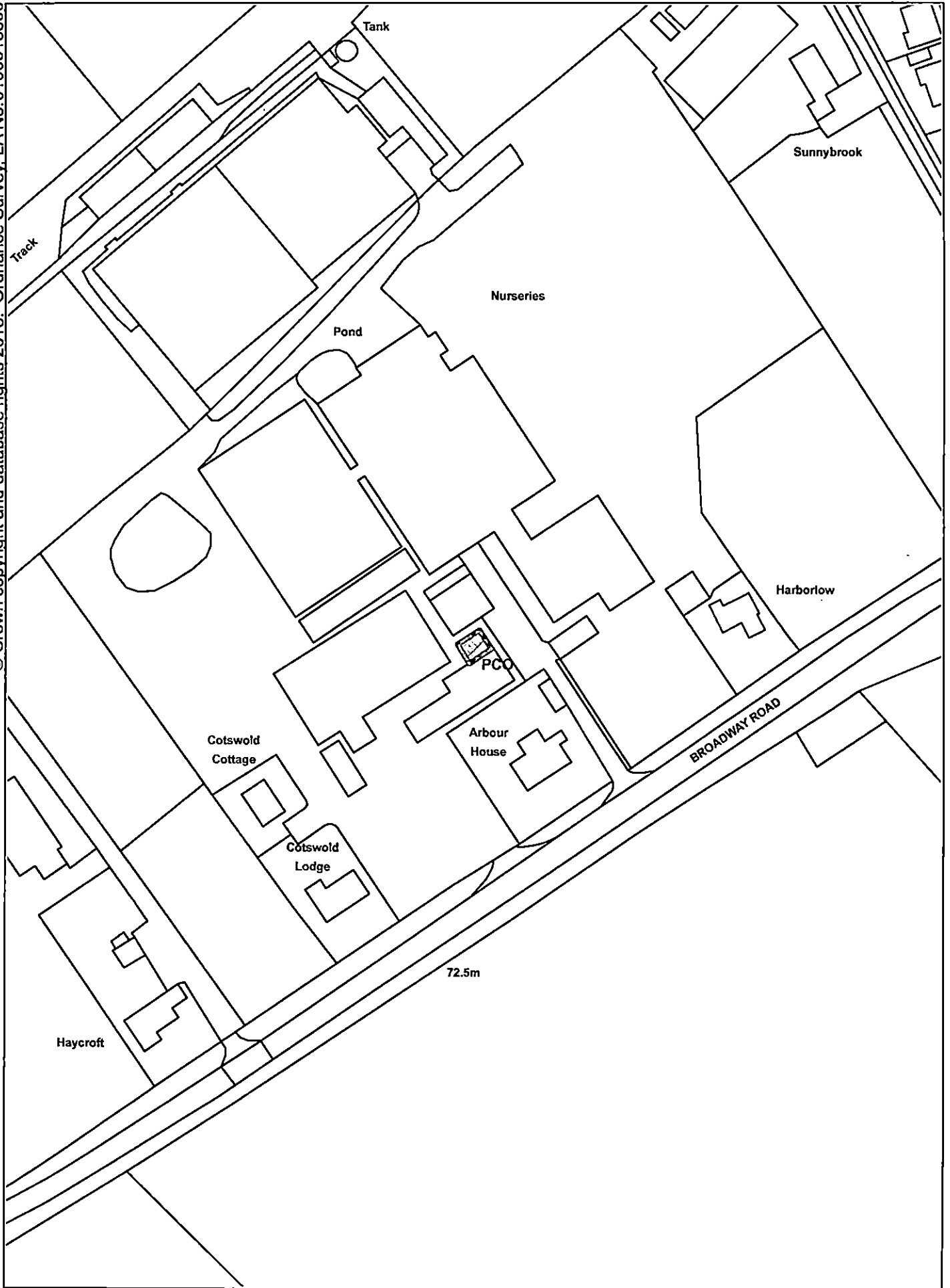
The development hereby approved shall be carried out in accordance with the following drawing number(s): P01, P02

Reason: For purposes of clarity and for the avoidance of doubt, in accordance with the National Planning Policy Framework.

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 or the Town and Country Planning (General Permitted Development) (England) Order 2015, or any other statutory instrument amending or replacing the aforementioned Orders, the building hereby approved shall not be used other than for the purposes of a barbers shop or for horticultural purposes in connection with Tops Nursery, Mickleton.

Reason: In order to enable the Council to retain a degree of control of the proposed development as an unrestricted A1 retail use could have implications for the vitality and viability of retail premises within the village of Mickleton.

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COTSWOLD
DISTRICT COUNCIL

TOPS NURSERY BROADWAY ROAD MICKLETON

Organisation: Cotswold District Council

Department:

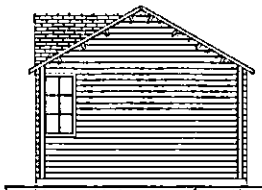
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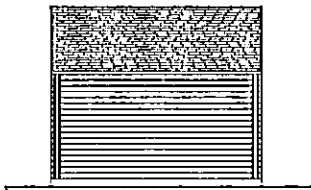




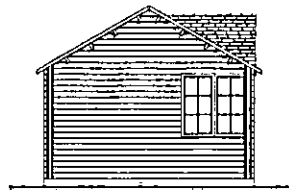
SOUTH WEST ELEVATION 1:50



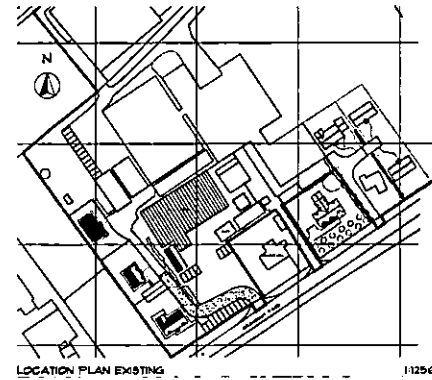
SOUTH EAST ELEVATION 1:50



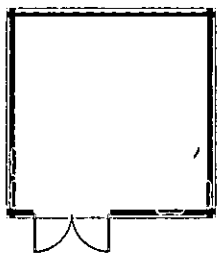
NORTH EAST ELEVATION 1:50



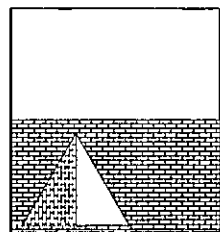
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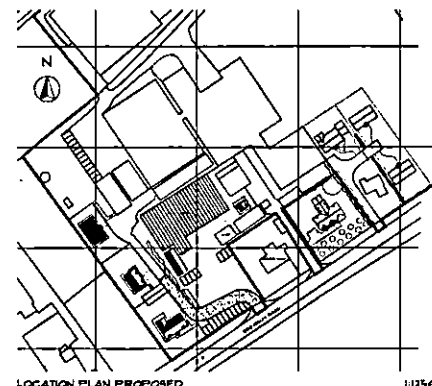
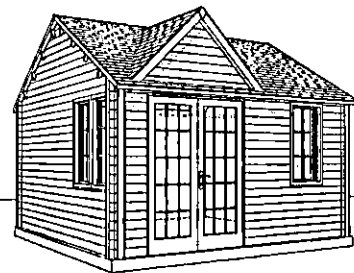
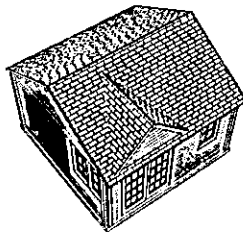
LOCATION PLAN EXISTING 1:1250



GROUND FLOOR 1:50



ROOF PLAN 1:50



LOCATION PLAN PROPOSED 1:1250



ALSCOT ARCHITECTURE	
SPACE PLACE	
1000 WEST 10TH AVENUE SUITE 200 DENVER, CO 80202	
CLIENT	MIR D STONE
PROJECT TITLE	NEW LOG CABIN
SITE ADDRESS	TOP'S PLANTS BROADWAY ROAD MCKEYTON GLSB 6PT
DRAWING SCALE	PAPER SIZE
1/8" = 1'-0"	A1
DRAWN BY	DATE
WTT	OCTOBER 2010
DRAWING NO.	REVISION
P01	
DRAWING TITLE	
PROPOSED PLANS & ELEVATIONS	

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